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PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Tuesday, October 9, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou God of might and mercy, we thank Thee for this new day with its opportunities for courageous and noble service, and for this moment of prayer in the day's occupation. As we open our hearts to Thee may we know Thee as truly here as in the house of worship. May the sense of Thy presence be as pervasive in statecraft as in religion. Take our human and finite minds and illuminate them with the light of the divine and the eternal that we may have a wisdom beyond our own. In our daily lives may we validate the faith of our fathers. May the President, the Congress, the diplomats, and all our leaders be sustained by the radiant vision of the ultimate triumph of Thy kingdom.

To Thy name we ascribe all the praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 9, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. SAM NUNN, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. NUNN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 4, 1973, the President had approved and signed the following act:

S. 1636. An act to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes.

REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

The 1972 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD M. NIXON.

THE WHITE HOUSE, *October 9, 1973.*

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia. The message is as follows:

To the Congress of the United States:

I am transmitting herewith the National Capital Housing Authority's fiscal year 1972 report which summarizes the major steps taken during that period to supply public housing for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *October 9, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. NUNN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Labor and Public Welfare.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 8, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 405, S. 2470.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2470, to amend the Consolidated Farm and Rural Development Act.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 3, after the word "section", strike out "309(a)" and insert "309A"; on page 2, line 7, after the word "to", strike out "five times the paid in capital" and insert "twenty times the net assets"; and, in line 12, after the word "made", strike out "by private financial agencies to borrowers in communities of less than fifty thousand population" and insert "for purposes for which loans can be made under this Act"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That subsection (g) of section 309A of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new paragraph as follows:**

"(9) to make loans to a Rural Loan Investment Company (RLIC) the proceeds of which shall be used to purchase loans or participations in loans guaranteed under this Act or guaranteed by an agency of the United States under any other Act if such loans were made for purposes for which loans could have been made under this Act to the borrowers. Loans under this paragraph shall be payable in not more than five years, and shall bear interest at the rate provided in subsection (d) of this section at the time the loan is made and such loans shall not exceed at any one time, to any one RLIC, an amount equal to twenty times the net assets of such RLIC. As used in this paragraph the terms 'Rural Loan Investment Company' and 'RLIC'

means a private profit or nonprofit organization organized solely to purchase, service, sell, or otherwise deal in loans or participations in loans made for purposes for which loans can be made under this Act."

Mr. CURTIS. Mr. President, during the 92d Congress we adopted the Rural Development Act of 1972, which was designed to provide new capital for the development of rural America.

Subsequently, at oversight hearings held March 28, 1973, the Subcommittee on Rural Development was advised that if rural financial institutions are to provide ongoing funds for community development "a secondary market must be provided which would tap the major money centers."

The committee then approved appointment of a Secondary Market Study Group composed of 13 rural bank executives and 13 representatives of institutional lenders and large money center banks. The study group was asked to comment upon the feasibility and desirability of a privately financed and operated organization to provide a secondary market for loans guaranteed under the Rural Development Act and other programs which provide for Federal guarantees of loans made by private financial institutions in rural areas.

All of the rural bankers were very much in favor of a privately financed and operated secondary market vehicle although a number felt that some Government startup capital would be necessary.

The institutional lenders all noted that the success of a secondary market would depend primarily upon the interest rates available on the loans or loan participations being sold by rural lending institutions as compared to other available investment instruments. They generally agreed that it would be difficult to sell individual loans to investors. Therefore, it would be preferable to pool a number of loans and sell debentures backed by such a pool.

The committee subsequently directed the chairman to request the House Interstate and Foreign Commerce Committee to accept a provision of S. 470 to exempt from Securities and Exchange Commission regulation any security representing beneficial ownership in a pool of loans which are guaranteed by any Federal agency. The committee subsequently approved an amendment to S. 1388, Public Law 93–86, exempting from Securities and Exchange Commission regulation any security representing beneficial ownership in a pool of loans guaranteed or insured by Farmers Home Administration.

S. 2470 anticipates that any corporation, partnership, joint venture or other legal business entity desiring to participate would request certification from the Secretary of Agriculture as a Rural Loan Investment Co. Such designation would be automatic upon a determination that the applicant organization was organized solely to purchase, service, sell, or otherwise deal in loans or participations in loans made for the purposes for which loans could have been made under the Consolidated Farm and Rural Development Act.

As the RLIC made commitments to purchase guaranteed loans or loan participations from financial institutions, the Secretary would make advances to the RLIC using the loans or loan participations as collateral. The RLIC could use its own capital to purchase nonguaranteed loans or participations.

Loans to the RLIC would beat the then current rate being paid by the Treasury on marketable obligations of the United States having maturities comparable to the maturity of the loan to the RLIC.

The RLIC could either retain the loans and participations purchased or could pool and sell them to institutional investors and reinvest the proceeds in additional loans .

Mr. President, I hope the Congress will maintain its commitment to the citizens of the nonmetropolitan areas of the country and quickly adopt this legislation and that it will be implemented by the Executive more quickly than has the Rural Revelopment Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY FORCES IN EUROPE AND THE PACIFIC

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a recent article published in the Stars and Stripes which indicates that GI forces in Europe are increasing but that, at the same time, GI forces in the western Pacific and Southeast Asia have been decreasing.

There being no objection, the article was ordered to be printed in the Record, as follows:

GI Force in Europe Increases

(By Marc Huet)

Washington.—American military strength in Europe is now about 319,000, or an increase of about 16,000 over the past year, while it continues to decline in the Pacific area, according to the latest statistics released Tuesday at the Pentagon.

A year ago the strength in Western Europe and related areas stood at 303,000.

In the Western Pacific it dropped from 160,000 a year ago to the mid-1973 figure of 146,000, and in Southeast Asia for the same period it went from 115,000 to 53,000 as a result of the end of the Vietnam war.

Increases in Europe were registered in West Germany, where the bulk of the overseas manpower is located, Italy; Greece; the United Kingdom; with the 6th Fleet in the Mediterranean, and on Guam, the only spot in the Pacific which had an increase.

Here is a breakdown of Army, Navy, Air Force and Marine Corps strength as of June 30, by country, with those of a year ago shown in parentheses:

Europe—Belgium 2,000 (same); Germany, 229,000 (215,000); Iceland 3,000 (same); United Kingdom, 21,000 (22,000); 6th Fleet, 28,000 (25,000) and elsewhere and undisclosed 1,000 (2,000).

Southeast Asia—Thailand, 42,000 (45,000); 7th Fleet, 11,000 (35,000); South Vietnam less than 250 (34,000).

Western Pacific—Japan 19,000 (21,000); Philippines, 16,000 (same); Ryukyu Islands, 38,000 (41,000); South Korea 42,000 (same); Taiwan 9,000 (8,000); Navy afloat, 22,000 (32,000); Guam, 16,000 (11,000).

There are also 2,000 American servicemen stationed in Bermuda, 2,000 in Canada, 3,000 in Cuba, 10,000 in the Panama Canal Zone, 7,000 in Puerto Rico, 18,000 afloat and 9,000 in other undisclosed places. These figures are relatively unchanged from last year. Additionally, the U.S. has less than 1,000 in Australia, Cyprus, Ethiopia, Greenland, Iran and on Midway Island and less than 250 in Antarctica, Bahamas, Brazil, Johnston Island, Leeward Islands, New Zealand, Norway and Saudi Arabia.

THE MIDDLE EAST CONFLICT

Mr. HUGH SCOTT. Mr. President, I am very glad that the Senate yesterday adopted the resolution which makes it clear that the Senate is anxious to support the President and the Secretary of State in the search for peaceful solutions to the tragic Middle East conflict.

It is obvious that my sentiments and the sentiments, I think, of the vast majority of Americans are with the beleaguered Israel forces, that Israel is the victim of unwarranted aggression on one of their high holy days, that the people of Israel are committed to a desperate and vital struggle for their survival, and that the history of their determination and of their abilities would indicate that, outnumbered as they are, the odds for success are with them.

I think it should be said that while our resolution was primarily a call for peace, it in no way would indicate a lack of intense interest and support for the brave, the gallant, and the lone democracy in that area.

I think what is important for all of us to remember at this time—at any time—is that the broadening of such a war would not relieve this disastrous situation but would vastly amplify it. Therefore, this is a time for restraint—for the most careful and considerate restraint—on the part of the great powers. So far as we have the knowledge, restraint is being shown by the Soviet Union, the People's Republic of China, Her Majesty's Government of Great Britain, and the Governments of France and West Germany. I think it most important that all those nations, as well as all the other nations in the United Nations, remember at all times the necessity for avoiding a broadening of the war, even though our sympathies lie clearly with one of the participants.

So I hope we will follow after the ways that lead to peace; that we will remember that a broader passage of arms can only, in the long run, intensify the tragedy of this conflict; and that, I think, we should not have.

Mr. JAVITS. Mr. President, I thank my colleague. I wish to associate myself with his sentiments, and should like to present to him another point on which I would value his opinion.

The policy of the United States, as now stated, is that the parties should repair to the positions they occupied on Saturday last. One never knows the fortunes of war. They might be of critical importance to the Arab States, many of whom like to pretend that the United States is very pro-Israel and very much against them.

Would not the Senator agree with me that the Arab States have a great deal at stake in the policy of the United

States; and with the tide of battle going against them, and the fact that American policy has now been clearly stated, that all parties should repair to the position of last Saturday, no matter who prevails, can be an extremely wise policy and stand by the United States?

Mr. HUGH SCOTT. Mr. President, I certainly do agree with the Senator from New York. We know that at the U.N. and from our contacts here in Washington that that is desirable. We have talked not only with representatives of the Government of Israel, but also with representatives of the Arab States. We have done our best to see that they come to understand the importance of a peaceful and normalizing solution. Therefore, to say that we are sympathetic and supportive of one point does not mean that we do not agree that others may see this matter in another light, but that it is really to the advantage of all that the present conflict should be terminated, and terminated on the basis of a return to the lines of last Saturday.

Mr. JAVITS. I thank my colleague. If I may present one other matter to him, I should like his opinion on it. It is a fact that the United Nations has, on the whole, been considered by many others to have taken a biased view against Israel, punishing it for all the actions it took on the territory of its neighbors. But it has not said a word to the Arab States about the actions they took in harboring terrorists and guerrillas, who have been harmful to the whole world—not just to the combatant parties—in the taking of human life.

I ask the Senator if he does not think we might hope to see that some degree of fairness will be restored to the United Nations itself so that nations will realize that it is not to their interest to encourage by their actions lawlessness in the world, terror in the world, that we may soon see an international agreement against terrorism, which has been impossible so far to obtain; also, that a number of the European countries which have not been sympathetic to a rather fair position in this struggle may take another "think" on it, especially as it is considerably complicated by the energy crisis, and join the United States in the position which our country has taken about seeking negotiations face to face as the only way in which to bring this matter to a conclusion.

Mr. HUGH SCOTT. I hope that will develop, and I agree with the distinguished Senator from New York.

The United Nations Charter establishes it as a peace-keeping force. Therefore, anything done in the United Nations which loses sight of the purpose of the Charter is deplorable. It is not a judicial body but, rather, a forum of opinion, and often, I am afraid, with a cast of bias. But, imperfect as it is, it has its usefulness; and I would hope that the United Nations would realize that impartiality of judgment will accomplish a great deal more than simply a tendency to gang up on a small country.

Mr. JAVITS. I thank the Senator very much.

INMATE FURLOUGHS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 7352 was passed yesterday, together with the third reading of the bill, for the purpose of allowing the distinguished Senator from Nebraska to make some remarks pertinent to his position on this matter. The bill was passed in the Senate yesterday, during the absence, unfortunately, of the distinguished Senator.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7352) to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to reconsider the bill.

Mr. HRUSKA. Mr. President, I appreciate the majority leader's courtesy in affording this opportunity to comment very briefly upon the amendment to H.R. 7352 which was adopted yesterday, and then the entire bill as amended was passed. No information had been given that such amending action would be taken, so this Senator was not on notice that remarks on that amendment would be in order.

The bill, S. 1678, on the furlough of inmates of corrections institutions which I introduced was approved by the Committee on the Judiciary. For parliamentary reasons, however, the House bill H.R. 7352—which is identical in text with S. 1678—was actually approved by the committee and reported to the Senate. It was to that House numbered bill that the amendment was proposed by the majority leader, attaching the substance of the so-called victims of crime bill.

Mr. President, this is about the third time that the Senate will have acted upon the victims of crime bill, which is one of the special objects of concern of the majority leader, as we all know. It is also true, however, that the victims of crime bill has not received any consideration in the other body.

At the time the bill was before this body previously, three members of the Committee on the Judiciary objected to it and opposed its approval. They are the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. THURMOND), and this Senator. It was not for the lack of sympathy for the victims of violent crime that we expressed our opposition. It was for other reasons, and those reasons are expressed in detail in the additional views of Senators ERVIN, THURMOND, and HRUSKA in the report on S. 300, filed on March 22, 1973.

I ask unanimous consent to have printed in the RECORD those additional views, which were signed and filed by the three Senators I have named. They are to be found in the report starting at page 23. By inclusion of these additional views, the record on the subject at hand will be more complete for legislative history as well as for other purposes.

There being no objection, the additional views were ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATORS HRUSKA, ERVIN, AND THURMOND ON S. 300

It is likely the height of naivete to expect that any argument would convince a majority of our colleagues to vote against a legislative proposal so fetchingly captioned the "Victims of Crime Act of 1973." Nonetheless, we welcome this opportunity to put forward the basis of our opposition to the subject bill.

It is not for any lack of sympathy for the victims of violent crime that we oppose enactment of S. 300 at the present time. Rather, it is because we believe that this legislation is largely inapposite to the real problems of victimization and could indeed be counterproductive with respect to the total operations of the nation's criminal justice systems.

Perhaps if consideration of this measure had been more deliberate, we would not find ourselves in this unenviable position. Although the genesis of the notion that the federal government ought to compensate *certain* victims of crime for *certain* financial losses can be traced to a bill introduced by former Senator Ralph W. Yarborough almost eight years ago,[1] only two brief days of hearings have been held in the Senate on the subject to date.[2]

S. 750, the subject in the 92nd Congress, passed the Senate by an overwhelming vote. At that time, only five other members of the Senate joined us in opposing the measure.[3] However, we continue in the belief that the arguments supporting our position are compelling.

BASIC THEORY

Why should government assume the cost of a program to assist those unfortunate enough to have become the victims of violent crime?

We are first told by the proponents of this program that precedent for such action dates back to the Code of Hammurabi (circa 2380 B.C.) and continues undisturbed through various legal systems which have developed during the course of the ensuing 4,000 years.[4] This is interesting, but hardly responsive to the question. Moreover, it should be noted that much of this precedent was based on a questionable premise that denied the existence of free will and called for social responsibility for all crime.[5]

It is elsewhere intimated that such a program is really one of restitution. Thus, through the establishment of a system of criminal fines, subrogation rights and an indemnity fund, the government would be merely acting as a financial clearing house, but the net effect of the program would be that "criminals" as a class would compensate "victims" as a class.[6] However, the Department of Justice reports that total criminal fines imposed by the Federal government in 1971 approximated only $8 million. Since even the proponents of S. 300 readily acknowledge that their program will cost approximately $30 million per year,[7] it is obvious that the net effect of this bill would be government assumption of the substantial portion of associated costs.

Arguments favoring government compensation to the innocent victims of violent crime must properly proceed along one of two defined approaches. First, one can urge that the state is responsible for the maintenance of order and, failing in that responsibility, must compensate the victims of lawlessness and disorder.[8] Alternatively, one can take the premise that criminal violence

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Footnotes at end of article.

is endemic to society, and that the only tolerable way to sustain the resultant financial damage is to share it in common.[9] Compensation, therefore, must be viewed as either a matter of individual right or legislative grace.

The rationale that the state is primarily responsible for violent crimes inflicted upon its citizens has fortunately met with little acceptance even among proponents. Most advocates of victim compensation will therefore agree that primary responsibility for the damages inflicted by crime must ordinarily be assigned to the injuring criminal. One obvious reason behind this conclusion is the fact that if one concludes the State is responsible for losses associated with crime, logic would require that property damage also be included. This judgment, in turn, would raise the cost of such a program to many billions of dollars per year.[10]

Thus, we come to the realization that the underlying theory for this victim compensation program is the same as that which supports every other mode of public assistance—the responsibility to provide for the general welfare.

REFLECTION ON THEORY: RESERVATIONS

What class of individuals would be eligible for the public welfare dollars which would be distributed through these victim compensation programs?

Proponents of S. 300 take great pains to point out that this proposal does not employ a "means" test.[11] The approach of the bill in determining the economic class of persons eligible for compensation is to require a finding of "financial stress" which is defined as:

* * * * *

. . . the undue financial strain experienced by a victim or his surviving dependent or dependents as the result of pecuniary loss from an act, omission, or possession giving rise to a claim under this part, disregarding ownership of—

(A) a residence;

(B) normal household items and personal effects;

(C) an automobile;

(D) such tools as are necessary to maintain gainful employment; and

(E) all other liquid assets not in excess of one year's gross income or $10,000 in value, whichever is less.[12]

* * * * *

Thus, it is anticipated that the so-called average middle class American would be eligible for benefits under this program.[13]

"The upper middle class and the very wealthy of our nation generally would be ineligible for compensation as they would not be able to demonstrate a state of "financial stress" as the result of any violent crime committed against them. The very poor, on the other hand, would also be ineligible, since under the terms of the bill, the requisite "financial stress" must be the *result* of the crime giving rise to the claim.[14] This latter class of individuals would continue to receive any assistance for which they might be eligible through the modality of existing public assistance programs.

The notion of middle class welfare strikes us as an anomaly.

INSURABLE RISKS

Our misgivings with respect to the basic rationale of S. 300 are heightened by the fact that the losses which are covered by the bill are all insurable risks.

Section 450 (16) of S. 300 sets forth the so-called "pecuniary losses" which would be compensable under this legislation. Included are medical expenses, loss of earnings, child care expenses, burial costs and loss of support. All of these potential losses could, of course, be covered by private insurance coverage with life, medical and income protection policies.

It would be wise for the so-called average American citizens who would come within the purview of this proposal to consider whether they want to be taxed for the establishment of a program which would set up yet another Federal bureaucracy to provide coverage that is now available to them in the private sector. It is our belief that Government participation in this area is best kept to a minimum.

ADMINISTRATION

Statistics available from those states which currently have victim compensation programs in operation reveal that inordinate portions of their budgets are expended to cover administrative costs. For example, during the last fiscal year, the State of New York spent approximately 22 percent of its total budget on administrative expenses.[15] During the same period, the corresponding percentage figure for this purpose in Maryland was approximately 25 percent.[16]

In the Federal victim compensation program which would be established by Part A of S. 300, it is likely that the administrative costs would be even higher. Salaries would be far greater than those provided by the states,[17] and it can also be anticipated that a relatively larger staff would be employed.[18]

STATE PRIORITIES

At the present time, the program of the Law Enforcement Assistance Administration may be characterized as a block grant approach to federal assistance for states and units of general local government in the area of criminal justice.

To these Senators, the subject bill is regressive to the extent it moves toward the outdated notion of categorical grants. Moreover, this suggestion comes at a time when the President has just proposed another logical step towards a "New Federalism"—special revenue sharing in the area of law enforcement.

On March 14, Senator Hruska introduced S. 1234 at the request of the Administration.[19] The sum of this bill is a new mechanism placing crime control at the state and local levels of government where results can be best achieved and where it will be most responsive to the needs of the people. The subject bill flies in the face of this newly proposed direction for LEAA and, in this respect, is ill-advised.

FEDERAL VICTIMS

S. 300 would operate on two levels.

Part A would establish a Federal Compensation Program to provide compensation to victims of crime when the act, omission, or possession giving rise to the claim for compensation occurred—

* * * * *

(1) within the "special maritime and territorial jurisdiction of the United States" within the meaning of section 7 of title 18 of the United States Code;

(2) within the District of Columbia; or

(3) within "Indian country" within the meaning of section 1151 of title 18 of the United States Code.[20]

* * * * *

Part B of the bill would function on a second level by providing LEAA funds for similar programs on a State level.[21]

Of the nine States that currently have victim compensation programs in operation, four require as a condition of eligibility, that the offense giving rise to a claim be a crime under State law. Generally, the remaining five States require only that the situs of the crime giving rise to the claim be within the geographic limitations of the jurisdiction.[22]

Under this approach, one can recognize the imminent possibility that in at least four States, a citizen could be injured while assisting a Federal officer in the performance of his law enforcement duties and yet not be eligible for any Federal assistance through the modality of either part A or part B.[23] More importantly, if S. 300 were enacted it would not ensure the availability of compensation to the victims of *Federal* crimes in the future since this would depend upon whether all of the States enacted similar programs.

It would seem to us more appropriate for the Senate to first consider the advisability of providing compensation to the victims of crime which falls within the jurisdictional reach and responsibility of the Federal Government.

COSTS OF COMPENSATION

The proponents of S. 300 urge that the total cost of this program would approximate only $30 million per annum at a full operational level.[24] I believe this figure is totally unrealistic in view of one extremely significant feature in the bill.

Any compensation due to a victim of crime under this plan would be reduced by the proceeds of insurance which are recovered or recoverable by the victim.[25] This provision all but invites insurance companies to amend their existing life, health and income protection policies so as to disclaim coverage in instances where protection would be afforded by S. 300. This course of action would then permit them to reduce premiums and presumably, attract more business.

The same analysis which led to the $30 million total cost figure referred to above, also indicated that the overwhelming majority (perhaps 80%) of our population is currently covered by health insurance. Should insurers amend their policies around S. 300, the total cost of the bill would increase by perhaps as much as 500%, thus requiring as much as $150 million per year in Federal outlays.

Furthermore, we do not believe it would be advisable to attempt to amend S. 300 to preclude this possibility. Such action would have the net effect of punishing those responsible individuals who have attempted to protect themselves and their families from financial disaster by purchasing insurance.

CONCLUSION

For the above-stated reason, we are compelled to vote against S. 300, and urge our colleagues to do likewise.

Roman L. Hruska.
Sam J. Ervin, Jr.
Strom Thurmond.

FOOTNOTES

[1] S. 2155, the "Criminal Injuries Compensation Act", July 17, 1965. 89th Cong. 1st Sess., 111 Cong. Rec. 13997 (1965). Similar bills were also introduced by Senator Yarborough in the 90th and 91st Congresses. S. 646. 90th Cong., 1st Sess. (1967), 113 Cong. Rec. 1491 (1967); S. 9, 91st Cong., 1st Sess. (1969), 115 Cong. Rec. 768 (1969).

[2] See "Victims of Crime", *Hearings* before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary. U.S. Senate (92d Cong., 1st Sess. (1972)). Hereinafter cited as *Hearings*.

[3] The vote on final passage of S. 750 was 60–8. 118 Cong. Rec. S. 15099 (daily edition, September 18, 1972). See also the Report of the Senate Committee on the Judiciary on S. 750 (S. Rept. No. 92–1104, 92d Cong. 2d Sess. (1972), and floor debate on the measure at *Congressional Record*, vol. 118, pt. III, p. 30993–31108.

[4] Secs. 22 to 24 of the Code of Hammurabi referred to in this Report, *supra*, p. 2. See also Childres, "Compensation for Criminally Inflicted Personal Injury," 39 N.Y.U. L. Rev. 444 (1964); Wolfgang, "Victim Compensation in Crimes of Personal Violence," 50 Minn L. Rev. 223 (1965); and additional articles gathered at hearings, p. 535.

[5] Italian positivists such as Farofalo and Ferri had a great influence. Mexico, for example, used their concepts as precedent for Article 2, of the Mexican Code which was enacted in 1929 and established a system of reparations. Childres, *supra* at 449–51.

[6] See section 457 and 458 of part A and section 104 of S. 300.

[7] See hearings, p. 534; and this Report, *supra*, p. 10.

[8] See statement of Senator Walter F. Mondale, *Hearings*, pp. 487–88; and Goldberg, "Equality and Government Action," 39 N.Y.U. L. Rev. 205, 224 (1964).

[9] See statement of Governor Marvin Mandel, *Hearings*, pp. 133–140.

[10] See Report of *The Challenge of Crime in a Free Society* (1967).

[11] See this Report, *supra*, p. 5.

[12] S. 300, Sec. 450(8).

[13] See this Report, *supra*, p. 5.

[14] S. 300, Sec. 454(a). See similar provision in New York's program, *Hearings*, pp. 627 and 644.

[15] Hearings, p. 728.

[16] Hearings, p. 731.

[17] S. 306, sec. 103.

[18] S. 300, sec. 452.

[19] S. 1234, introduced Mar. 14, 1973. See 119 Con. Rec. p. 7714.

[20] S. 300, sec. 456(a).

[21] S. 300, secs. 105–107.

[22] See Federal Crime Compensation Statute: Major Features, Cong. Rec., vol. 118, pt. 24, pp. 30998–31001.

[23] This report at p. 21, *supra*, suggests that such a possibility be eliminated by regulation.

[24] Hearings, pp. 719–48.

[25] S. 300 Secs. 450(15) (c) and (16) and 453 (b).

Mr. HRUSKA. In this way, without repetition at this time of those views, the grounds for opposition to the bill and the grounds for opposing its passage will be found in the RECORD at a proper place.

I again express my appreciation to the majority leader for his courtesy in affording this opportunity for this discussion and the inclusion of additional relevant material.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield me 3 minutes, which I will return to him at the conclusion of his remarks, so that I may yield to the distinguished Senator from North Dakota?

Mr. ALLEN. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I yield to the distinguished Senator from North Dakota.

SURFACE MINING RECLAMATION ACT OF 1973

Mr. BURDICK. Mr. President, yesterday, October 8, the Senate began consideration of a bill which is of monumental importance to the State of North Dakota, the Surface Mining Reclamation Act of 1973.

One of the subjects debated yesterday was an amendment offered by the distinguished Majority Leader, Senator MANSFIELD, which would withdraw from surface and open pit mining operations all federally-owned coal deposits where the surface rights were privately owned. Unfortunately, I was returning to Washington from North Dakota and was detained in Chicago's O'Hare Airport by weather and mechanical failure during debate on this amendment. Had it been possible for me to be on the floor in time to vote on this amendment, I would have voted "yea."

Mr. MANSFIELD. Mr. President, for the RECORD, I want to say that I received a telephone call from the distinguished Senator while he was ground-bound in Chicago. I had intended to say something as to his position on this matter on yesterday. I forgot to do so. I am glad the distinguished Senator is here in person to state his position, and I want the RECORD to show what he would have done had he been here.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 278. An act for the relief of Manuela Benito Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes;

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Revolution, and for other purposes;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe;

H.R. 6628. An act to amend section 101 (b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands; and

H.R. 7976. An act to amend the Act of August 31. 1965, commemorating certain historical events in the State of Kansas.

The above bills were subsequently signed by the Acting President pro tempore (Mr. NUNN).

SENATE JOINT RESOLUTION 161— A PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO THE ASSIGNMENT OF STUDENTS TO PUBLIC SCHOOLS

Mr. ALLEN. Mr. President, last year, during the second half of the 92d Congress, the House of Representatives passed a bill which had as its purpose limiting sharply the power of the Federal district courts to order massed forced busing of schoolchildren. That bill came to the Senate and was considered in the Senate. A majority of the Members of the Senate favored the passage of that bill.

On three separate occasions, an effort was made to cut off the debate that took place with respect to the bill—a filibuster, if you please, mounted by those who opposed the enactment of the bill. While the number favoring the ending of debate increased with each vote taken in the Senate, the necessary two-thirds of the Senators present did not vote in favor of shutting off debate, and the bill was allowed to die.

At the start of this first session of the 93d Congress a number of similar bills were introduced in the Senate, a number of proposed constitutional amendments that had as their objective the ending of forced mass busing of schoolchildren. Those bills have languished in the committees to which they were referred and not one single bill, even though there are more than a dozen pending in the various committees of the Senate, has seen the light of day to the point of being referred back to the Senate for further consideration.

Mr. President, the rules of the Senate are very sound, they are reasonable, they are fair, they are just, and under such circumstances the rules do permit a bill to be introduced and to reach the calendar without being referred to a committee, so that the full Senate then would have the power to decide whether or not it wishes to take up the bill and if it took it up, whether it saw fit to pass the bill.

Mr. President, at the conclusion of my remarks I do plan to offer a Senate joint resolution, submitting a constitutional amendment that would have as its effect the ending of the practice of mass forced busing of schoolchildren ordered by the Federal courts for the purpose of changing the racial balance in our public schools.

Mr. President, I am going to ask unanimous consent that the Senate give immediate consideration to the joint resolution, and I understand that the distinguished Senator from New York (Mr. JAVITS) will object to the immediate consideration. If he does, I will then ask for a first reading and unanimous consent for a second reading. If objection is made to the second reading, the bill will come up on the next legislative day and at that time it will go to second reading, and if objection is made to going further with the bill, it will go on the calendar.

Mr. President, the proposed amendment is very simple. It provides that:

> No public school student shall, because of

his race, creed, or color be assigned to or required to attend a particular school.

This language is designed to protect public school students in every area of the United States from arbitrary assignment to public schools on the basis of race, creed, or color—a fundamental right enjoyed in every civilized nation except the United States.

It is designed to protect parents and children in every region of the Nation from the imposition of massive busing and cross-busing schemes imposed by Federal court judges.

It is designed to prevent the uprooting and transportation of schoolchildren for the purpose of meeting court-imposed racial ratios in public schools.

It is designed to prevent the denial to children of their traditional right to attend neighborhood schools.

It is designed to prevent arbitrary and capricious abuses of power by U.S. district court judges while acting in the role that they have assumed of judicial school boards.

It is designed to put an end to floating and constantly changing school attendance zones established by judicial decrees which result in many children attending eight or nine separate schools in the course of a high school career.

It is designed to protect the health, safety, and welfare of children from judicial decrees which, in the name of equity, subordinate these considerations to arbitrary racial ratio standards.

It is designed to return to the maximum extent possible the control of public schools to the States and communities in which they are located.

In sum and substance, it is designed to get the Federal courts out of the nonjudicial business of supervising the operation, management, and control of local public schools.

Mr. President, the general public is not familiar with the judicial sophistry relied on by Federal court judges to impose their theories upon the people. I think it well for all of us to examine the tortured line of reasoning which has brought us to this sad state of affairs.

After the 1954 Brown decision, classification of students by race for the purpose of assignment of students to public schools became unconstitutional. Then, by judicial decree, such classifications and assignments gradually became not only constitutional but an affirmative duty of school boards because, it was said, previous classifications and assignments by race had resulted in dual school systems.

Thus, the prohibition of the 14th amendment that no State shall deny to any person within its jurisdiction the equal protection of the laws, was converted into a command that white schoolchildren within the jurisdiction of U.S. District Courts be deprived of equal protection of the laws by being denied the right to attend neighborhood and community schools and by being forceably uprooted and transported to distant schools for the purpose of meeting and maintaining racial quotas in the schools.

We insist that it is a perverse and dangerous treatment of the fundamental law of the Constitution to give retroactive application to an interpretation of the "equal protection" clause of the Constitution to correct past social or economic conditions. It is education today—tomorrow it could be income, housing or any objective conceived to be within the Socialist concept of equality. Neither can the means employed by the Court in school cases be justified by necessity. Other means were and remain available to accomplish the objective of the U.S. Supreme Court which, as stated by Chief Justice Burger, is:

> To see that school authorities excluded no pupil of a racial minority from any school, directly or indirectly, on account of race.

Mr. President, it is an absurdity, in my judgment, to contend that racial ratios in schools and massive busing and cross-busing are essential to achieve the stated objective. However, instead of keeping the objective in mind, the U.S. Supreme Court apparently was sold a pot full of sociological hogwash to the effect that "equal protection of the laws" requires the establishment of racial ratios for all schools and school assignments to reflect, as nearly as possible, the racial composition in the community as a whole.

Mr. President, one can readily see the problem of the U.S. Supreme Court if it tried to maintain that the Constitution requires affirmative action to implement a sociological dogma because, as Chief Justice Burger expressed it:

> Absent a constitutional violation there would be no basis for judicially ordered assignment of students on a racial basis.
>
> * * * * *
>
> The task is to correct . . . the condition which offends the Constitution.

Accordingly, the Supreme Court hit upon the idea that the condition to be corrected was "dual" school systems. The trouble is that the term was never defined, nor have local school officials ever been informed as to what is ultimately required to dismantle a dual school system and, thus, what is required to rectify the constitutional violation. Nevertheless, the dual school system has frequently been adverted to in Court opinions. For example, in the Swann opinion, Chief Justice Burger stated:

> The target of the cases from Brown I to the present was the dual school system.
>
> * * * * *
>
> The remedy commanded was to dismantle dual school systems.

The ACTING PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes.

Mr. JAVITS. Mr. President, may I claim my time and yield to the Senator so he may complete his speech?

The ACTING PRESIDENT pro tempore. Under the morning hour, the Senator from Alabama is recognized for 3 minutes.

SENATE JOINT RESOLUTION 161—A PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO THE ASSIGNMENT OF STUDENTS TO PUBLIC SCHOOLS

Mr. ALLEN. Mr. President, I thank the Senator from New York, who has been very kind and cooperative in this matter. I might state that before planning to introduce the joint resolution I conferred with the majority leader to alert him to the fact that I was going to ask unanimous consent for consideration of the joint resolution, so he could advise those who are opposed to this effort to be on hand. I also advised the distinguished Senator from New York (Mr. JAVITS).

Mr. President, it has been under color of dismantling dual school systems that the Court has resorted to reducing children to abstract digits and to be hauled about the countryside to achieve racial balance in the schools as Federal court judges may consider necessary from year to year to dismantle "dual" school systems.

In short, the constitutional prohibition against denial of equal protection of the laws and the judicial objective of seeing that no pupil of a racial minority be excluded from attending a public school on the basis of his race, has been converted into a judicial demand that all schools achieve and maintain a particular racial ratio in the schools of a system, year after year after year. Deviations from the racial ratio is always treated as evidence that a dual school system still exists and is supposed to justify whatever steps a U.S. district court judge may think necessary to overcome such racial imbalance in the schools.

Mr. President, the Court has sought to avoid defending the proposition that the Constitution requires the assignment and busing of children to schools as may be dictated by arbitrary racial ratios. The Court has said:

> The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole.

But then the Court went on to say that deviations from the norm or "racial balance" constituted a starting point in the process of shaping a remedy, rather than an inflexible requirement. Thus, the starting point for assigning and busing children to overcome the racial imbalance in schools.

Mr. President, it is important for all Senators to understand that the U.S. Supreme Court is poised to jump on school systems in all States. The maginot line represented by the artificial de jure-de facto distinctions between types of racial segregation in schools has been breached. Every school system in this Nation will become subject to racial ratio decrees and assignments and transportation of children by race to meet those ratios unless we get behind a constitutional amendment to protect our people from implementation of sociological dogmas imposed upon us by the U.S. Supreme Court.

Mr. President, in order to assure Senators that this proposed amendment would not have the dire consequences which some will predict, let us review the record.

Today, almost 20 years after the Brown decision, there are no dual school systems in the South. In fact, very, very few racially identifiable schools exist anywhere in the South. The preponderance of racially identifiable schools are located not in the South, but in areas outside of the South. No one today can seriously contend that any State in the United States or any school board in the United States deliberately classifies and assigns students to segregate school children by race. The only agency of government in the United States which classifies and assigns students by race is the Federal judiciary.

In doing so they have abandoned their original premises—abandoned law for sociological theories—abandoned traditional principles of equity in favor of absolutes—and abandoned compassion for power—in the process they have done incalculable harm to the institution of the Federal judiciary and to the institution of public school education.

These judges seem to have forgotten that they are exercising equity powers characterized by flexibility to adjust decrees to circumstances existing in separate schools and school systems. Instead, they subordinate considerations of local circumstances, sound educational practices, the safety and welfare of the children, and public support of public school education, to inflexible arbitrary racial ratios.

Mr. President, it is no exaggeration to say that this abominable process has produced the precise opposite effect originally intended—it is producing resegregation of schools and a collapse of public support for our schools on the part of whites and blacks alike by reason of needless hardships imposed by judicial assignments which require massive busing and cross-busing to maintain an imposed racial ratio in the schools.

Mr. President, I shall have more to say on this subject at a later date. In the meantime, I urge Senators to give careful consideration to the urgent necessity to relieve the Federal courts from their ill-conceived, sociological role in public school education.

Mr. President, I introduced a joint resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be read by title.

The assistant legislative clerk read the joint resolution (S.J. Res. 161) by title, as follows:

> A joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of students to public schools.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama for its immediate consideration?

Mr. JAVITS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLEN. Mr. President, I ask unanimous consent to have a second reading of the joint resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JAVITS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard, and the joint resolution will go over to the next legislative day for its second reading.

Mr. ALLEN. Mr. President, a parliamentary inquiry. If objection is made to further consideration of the joint resolution on the next legislative day, will it go to the calendar?

The ACTING PRESIDENT pro tempore. Yes; that is, after it is read the second time.

Mr. ALLEN. I thank the distinguished Presiding Officer.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. JAVITS. Mr. President, does the Senator from Pennsylvania desire to be recognized in the morning hour? I will be glad to yield.

Mr. HUGH SCOTT. No.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. The Senate is conducting morning business under the previous order.

Mr. MANSFIELD. We are in the morning hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JAVITS. Mr. President, I wish to make clear the reasons for my objection to the request of the Senator from Alabama.

I believe that the constitutional amendment route is entirely open to any Member of the Senate, on busing or anything else. That is the genius of our country. I have often argued to wild young radicals that if they persuade enough people, they can change the constitutional structure of this country. There is nothing to stop them, provided they can persuade enough people. So I have no objection to the route being pursued by the Senator, but I believe that a matter so portentous as this should go to a committee for consideration, so I shall, at the appropriate time, under the rules of the Senate, seek to have this proposed constitutional amendment sent to the Judiciary Committee, where it normally goes for consideration, unless the Senate wishes to make disposition of it to another committee or something like that.

In essence, this proposal also poses a very serious problem under the Constitution, because efforts have been made to eliminate busing—I am leaving all the handles on the word—for school desegregation purposes by law.

The right to have a nonsegregated school education in the public schools of America is a constitutional right. It is not a right conferred by law, but by the Constitution, and the courts, therefore, under the Constitution, as independent agents, have the right to determine how that shall be realized, and they have determined that busing is one way in which it can and should be realized.

Therefore, as I agree with the courts in that, I think what the Senate has done—and I would like to repeat that, because it has been so sound to me—has been the soundest way to resolve the controversy. The Senate has had its own control on financing, on how Federal money will be used for that purpose; therefore, in using that method, the Senate, in the very bill, the higher education bill, which contains the current effort to deal with the busing problem, has determined, in its version, that where busing was essential for desegregation of public schools at a given place, where it did not impinge upon the health of the student and where it did not materially and adversely affect the educational opportunity of the student, which included both the school whence he came and the school to which he went, then it would allow all Federal money to be used for busing. I wish to affirm that that seems to be a fair, reasonable, and intelligent course, proceeding in a proper way, because it concerns the proper use of Federal money.

The ACTING PRESIDENT pro tempore. The 3 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from New York.

Mr. STAFFORD. Mr. President, I ask unanimous consent that I may yield 1 minute of my time to the Senator from New York.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator.

Just to finish the thought, I hope very much we will, in the way in which American law has a way of developing—I myself sponsored laws which took many years, like 16 years for the National Arts Endowment, to become law—pursue our own constitutional authority to produce a fair result to provide for an oppressed major minority in our country, which in any other country would be fantastic—and they are among the most patriotic of Americans—if we let the system work for them, and not let the system, as they feel deeply, work against them.

Mr. ALLEN. Mr. President, I call attention to the fact that the amendment proposed merely states that no public school student shall, because of his race, creed, or color, be assigned or required to attend a particular school. This amendment does not, in and of itself, and in exact words, say that no forced mass busing can be used, but it does hit at the assignment by race, and if there is to be no assignment by race, there will then be no need of busing.

I call further attention to the fact that this statement, which is sought to be written into the Constitution, is the very law of the Brown case in 1954, which stated that a State cannot make assignments by race. The Supreme Court changed course 180 degrees and has required that some States, certainly in areas such as Alabama and the South where we have so-called de jure segregation, must take affirmative steps to establish certain racial ratios, and that in carrying out that process, busing is a permissible tool.

If we merely had the law of the Brown case, there would be no need for a constitutional amendment. It is to get the Supreme Court back on course that this amendment is sought to be introduced into the Senate and submitted to the several States.

I yield back the remainder of my time.

ORDER FOR TRANSMISSION TO SECRETARY OF THE SENATE OF THE TRANSCRIPT AND SHORTHAND NOTES OF CLOSED SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the transcript of the proceedings of the closed session of the Senate on September 25, 1973, has been edited and revised and resealed by the chairman of the Armed Services Committee, the transcript and the shorthand notes be transmitted to the Secretary of the Senate for keeping in the vault in his office with other such transcripts and notes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 9, 1973, he presented to the President of the United States the following enrolled bills:

S. 278. An act for the relief of Manuels Bonite Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes; and

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Resolution, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2493. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile (Rept. No. 93–451).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 2463. A bill to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam (Rept. No. 93–453); and

S. 2486. A bill to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake" (Rept. No. 93–454).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

S. 2498. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (Rept. No. 93–352).

By Mr. McCLELLAN, from the Committee on Appropriations, without amendment:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes (Rept. No. 93–455).

EXECUTIVE REPORTS OF COMMITTEES

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the Coast Guard and National Oceanic and Atmospheric Administration which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

David M. Donaldson, and sundry officers, for promotion in the Coast Guard; and

Joseph A. Sowers, and sundry officers, for promotion in the National Oceanic and Atmospheric Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, with the exception of S.J. Res. 161, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOMINICK:

S. 2551. A bill to authorize the disposal of molybdenum from the national stockpile and for other purposes. Referred to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. MONTOYA):

S. 2552. A bill to improve bilingual and bicultural educational opportunities for children of limited English-speaking ability. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. KENNEDY, and Mr. MONTOYA):

S. 2553. A bill to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 2554. A bill for the relief of Hanna Kahsai and Herouy Berhane. Referred to the Committee on the Judiciary.

By Mr. ALLEN:

S.J. Res. 161. A joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of students to public schools. Read the first time.

By Mr. WILLIAMS:

S.J. Res. 162. A joint resolution to authorize the President to proclaim the last Friday in April 1974, as "National Arbor Day." Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. DOLE):

S.J. Res. 163. Joint resolution authorizing the President to proclaim the last full week in March of each year "National Agriculture Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. MONTOYA):

S. 2552. A bill to improve bilingual and bicultural educational opportunities for children of limited English-speaking ability. Referred to the Committee on Labor and Public Welfare.

BILINGUAL EDUCATION REFORM ACT OF 1973

Mr. KENNEDY. Mr. President, I am introducing today legislation to reform and expand bilingual education opportunities for American schoolchildren.

The Bilingual Education Reform Act of 1973, which is cosponsored by the distinguished Senator from California (Mr. CRANSTON) and the distinguished Senator from New Mexico (Mr. MONTOYA), challenges the downgrading of bilingual education programs contained within the past budget proposals of the administration. At the same time, I am pleased to cosponsor a complementary measure in the field of bilingual education being introduced today by the Senator from California (Mr. CRANSTON).

While there are different points of emphasis in the two bills, they together represent a major initiative to place a new Federal priority on bilingual education. We expect early hearings on our proposals and intend to work for early Senate approval.

The 5-year authorization for an expanded bilingual education program of the Bilingual Education Reform Act of 1973 will insure that school districts, teacher training programs, and parents will be able to plan bilingual education programs with the knowledge that Federal support is not an on-again, off-again proposition. We have an obligation to make good on the promise of equal education to all schoolchildren and the bilingual education program is a vital element in achieving that goal.

The bill authorizes $135 million for fiscal year 1974, $150 million for fiscal year 1975, $175 million for fiscal year 1976, $200 million for fiscal year 1977, and $250 million for fiscal year 1978.

Presidential vetoes of appropriations bills containing increases in bilingual education have stunted the program's development in the past.

The Bilingual Education Act of 1967 was designed as the first step in assuring equal educational opportunity to children from bilingual backgrounds, Mexican-American children, Puerto Rican children, Cuban children, Portuguese children, Asian children, and Indian children. Unfortunately the Federal funds to back up that commitment have not been forthcoming. The promise made to these children has not been kept.

For the 5 million schoolchildren whom the Office of Education has estimated have come to school with English-speaking deficiencies, the Federal bilingual education program has been of limited value.

The degree of our failure can be read in the reports of the U.S. Commission on Civil Rights. They found that less than

3 percent of the Mexican-American student population was reached by bilingual education programs. In three States, Arizona, Colorado, and New Mexico, bilingual programs were reaching less than 1 percent of the Chicano student population. While California had more bilingual programs than any other State, it still was reaching less than 2 percent of its Mexican-American students. Similar reports have shown Puerto Rican and other limited-English-speaking children similarly neglected.

For fiscal year 1973, the Office of Education's 217 bilingual education programs serve only 147,000 children. While the Federal effort has stimulated some 11 States to adopt bilingual programs of their own, the vast majority of the States are doing very little in this area. I ask unanimous consent to have printed in the Record at the conclusion of my remarks a report on State legislation on bilingual education prepared by the National Advisory Council on the Education of Disadvantaged Children.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **KENNEDY**. Mr. President, I am pleased that my own State of Massachusetts has been a leader in the Nation in the effort to fulfill its responsibilities in the field of bilingual education. The State's bilingual education law serves as a model; but even in Massachusetts much remains to be done as only a small percentage of children participate in full bilingual programs.

Nationwide, in the area of preschool education, less than 5 percent of the total number of Spanish-speaking children between 3 and 5 years of age are enrolled and even these 40,000 youngsters are not receiving full bilingual programs in most instances.

When one looks at vocational education, the lack of sensitivity to the needs of bilingual young people is mirrored in the almost total failure of the national or State vocational education programs to incorporate bilingual methods or curriculum.

Part of the failure to provide educational services to these children relates to our failure to produce a cadre of experienced and qualified bilingual professionals and paraprofessionals to staff these programs or bilingual educators to produce adequate curricula. The Office of Education has found in a study of 76 of its own programs that some or all of the teachers involved were not adequately prepared to teach in bilingual programs. The U.S. Commission on Civil Rights also estimated the percentage of teachers in Texas involved in bilingual education programs or participating in inservice training for bilingual education to be only 1.2 percent of the total. The other four Southwestern States showed one-half of 1 percent or less of the teachers involved in such bilingual programs.

Despite the authority of the Bilingual Education Act for teacher training and professional development, virtually no title VII funds have been spent for this purpose. This bill presents a strong emphasis on teacher training.

These statistics tell only part of the story. They do not measure the degree of harm done to a child who is forced to sit in classes and listen to teachers he cannot understand or complete assignments from books he cannot read.

The gravity of this situation is perhaps exemplified by the mere fact that in 1970, the Office for Civil Rights of the Department of Health, Education, and Welfare felt compelled to issue a memorandum to school districts declaring that:

> School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills.

The mere fact that the Department of HEW felt it necessary to issue that memorandum—which I ask unanimous consent to have printed in the Record at the conclusion of my remarks—demonstrates the depth of the failure of our educational system for children of limited English-speaking ability.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **KENNEDY**. Mr. President, for all of these reasons, there is a clear and present need to reexamine the adequacy of the education system's response to the needs of bilingual children at all levels, Federal, State, and local.

It is our hope that these bills will initiate that response on the Federal level.

I want to emphasize that the Bilingual Education Reform Act is the result of substantial input and research from the bilingual education community. It incorporates many of their suggestions and recommendations. I particularly would like to recognize the assistance provided by La Raza Association of Spanish Surnamed Americans, who helped bring together persons with substantial expertise in the field of bilingual education to comment on earlier drafts of this legislation.

We anticipate that they and many other educators, parents, and community groups of all ethnic backgrounds will have an opportunity to comment on this legislation during the hearing process.

The bill does the following:

First, it extends the bilingual education act for 5 years with increased authorizations.

Second, it responds to the clear need for creating adequate numbers of trained and competent bilingual educators. It earmarks 35 percent of all appropriations in excess of $35 million for bilingual teacher training programs at junior colleges, community colleges and universities, short-term training institutes for inservice training of teachers and paraprofessionals, and a fellowship program for individuals seeking advanced training in bilingual education.

Third, it provides a special emphasis on junior colleges and community colleges where the vast majority of Spanish-speaking college students are enrolled. Some 70 percent of the Spanish-speaking population enrolled in institutions of higher learning are attending junior and community colleges.

Fourth, the bill enunciates a clear demand for full bilingual programs in which children are taught in the language they learn best in and in which the goal is for all children in the program to achieve bilingual capability. A 6-month study by the General Accounting Office I requested found a wide disparity between the degree of bilingualism present in the current programs. In at least one project, students who were found to learn best in Spanish received only 28 percent of their instruction in academic subjects in Spanish. The vast majority of their classroom time was spent sitting in classes where the subjects were taught in English. This bill will remedy that situation.

Fifth, the bill upgrades the administrative structure for the bilingual education program within the Office of Education by establishing a Bureau of Bilingual Education with the director having the title of deputy commissioner of education.

Sixth, the bill amends the Vocational Education Act to include a requirement for the development of bilingual education vocational programs where the need exists. The bill contains a $40 million authorization for the establishment of this program in each of the next 2 fiscal years.

Seventh, the bill also amends the Adult Education Act and the Library Services and Construction Act to require that bilingual programs are provided where the need exists.

Eighth, the bill provides for the National Institute of Education to earmark 10 percent of its funds for research and experimentation in bilingual education. It also requires that NIE establish a national clearinghouse for the collection, analysis, and dissemination of information concerning bilingual education.

Finally, the bill establishes a 15-member National Advisory Council on Bilingual Education with strong representation from the bilingual community. The Council will have the responsibility to review and evaluate the bilingual education program.

It is our hope that these reforms in the Bilingual Education Act will begin to fulfill the promise of guaranteeing that language and culture no longer will be barriers to full educational opportunities in America, but will become positive values that the educational system protects and supports.

Mr. President, I ask unanimous consent to have the bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Bilingual Education Reform Act of 1973".

AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 2. (a)(1) Section 702 of the Elementary and Secondary Education Act of 1965 is amended by striking out that part of the first sentence thereof which precedes "declares" and inserting in lieu thereof the following:

"Recognizing—

"(1) that there are large numbers of children of limited English-speaking ability;

"(2) that many of such children have a cultural heritage which differs from that of English-speaking persons;

"(3) that the use of a child's language and cultural heritage is the means by which a child learns; and

"(4) that, therefore, large numbers of children of limited English-speaking ability have special educational needs which can be met by the use of bilingual educational methods and techniques; and

"(5) that, in addition, all children benefit through the fullest utilization of multiple language and cultural resources,

Congress hereby declares".

(2)(A) Section 703(a) of such Act is amended by striking out "and" where it appears after "1972," and by inserting before the period at the end thereof a comma and the following: "$135,000,000 for the fiscal year ending June 30, 1974, $150,000,000 for the fiscal year ending June 30, 1975, $175,000,000 for the fiscal year ending June 30, 1976, $200,000,000 for the fiscal year ending June 30, 1977, and $250,000,000 for the fiscal year ending June 30, 1978".

(B) Such section 703(a) is further amended by inserting "(1)" after "(a)" and by adding at the end thereof the following new paragraph:

"(2) In any fiscal year beginning after June 30, 1973, in which the sums appropriated pursuant to paragraph (1) exceed $35,000,000, not less than 35 per centum shall be used for the purposes of section 704(b).".

(3) Section 704 of such Act is amended—

(A) by redesignating clauses (a), (b), and (c), and all references thereto, as clauses (1), (2), and (3), respectively;

(B) by inserting "(a)" immediately after the section designation;

(C) by striking out "through such activities as" and inserting in lieu thereof "through bilingual education programs and related activities, conducted in conjunction with bilingual education programs, as";

(D) by striking out division (1) in clause (3) (as redesignated by this paragraph);

(E) by redesignating divisions (2), (3), (4), (5), (6), (7), and (8) of such clause (3), and all references thereto, as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(F) by adding at the end of such section the following new subsection:

"(b)(1)(A) For the purposes of this section, the term 'bilingual education program' means a full-time program of instruction for children of limited English-speaking ability and for English-speaking children, who desire to participate in such program, in which—

"(i) there is instruction, given both in the native language of the child of limited English-speaking ability and in English, in all courses or subjects of study which are required of a child in preschool, elementary school, or secondary school, as the case may be, by or pursuant to, the law of the State;

"(ii) both the native language of the children of limited English-speaking ability and English are studied, including speaking, reading, and writing;

"(iii) there is study of the history and culture of the nation, territory, or geographical area with which the native language of the children of limited English-speaking ability is associated and of the history and culture of the United States; and

"(iv) the requirements of subparagraph (B) and those established pursuant to division (iv) of such subparagraph are met.

"(B)(i) In all courses or subjects of study in which the speaking and understanding of the English language is not essential to an understanding of the subject matter, such as art, music, and physical education, a bilingual education program shall make provision for the participation of children of limited English-speaking ability in regular classes, and in such courses or subjects of study special attention shall be given to the language and cultural heritage of the children of limited English-speaking ability participating therein.

"(ii) A bilingual education program shall make provision for the voluntary enrollment, on a regular full-time basis, of children whose language is English, in order that they may learn the language and cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In no case may the number of English-speaking children constitute more than 50 per centum of the total number of children participating in a particular bilingual education program.

"(iii) Children enrolled in a bilingual education program shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual education program shall make special provision to insure that each child is provided with instruction which is appropriate for his level of educational attainment.

"(iv) The Commissioner shall, by regulation, establish, with respect to bilingual education programs, minimum requirements regarding pupil/teacher ratios, teacher qualifications and certification, and other factors affecting the quality of instruction offered in such programs.

"(C) For the purposes of this paragraph, the term 'native language', when used with reference to children of limited English-speaking ability, means the language normally used by such children, or the parents of such children, or in the environments in which such children are reared.

"(2)(A) In carrying out the provisions of clause (2) of subsection (a), the Commissioner shall, through arrangements with institutions of higher education including junior colleges and community colleges and with local educational agencies—

"(i) make grants for the establishment, operation, and improvement of training programs for persons preparing to participate in or for persons participating in bilingual education programs;

"(ii) make provisions for the operation of short-term training institutes designed to upgrade the skills of persons participating in bilingual education programs;

"(iii) award fellowships for study leading to an advanced degree for persons planning to pursue a career in bilingual education programs.

"(B) In carrying out the provisions of clause (2) of subsection (a) and clause (iii) of subparagraph (A) of this paragraph, the Commissioner shall, through arrangements with local educational agencies having applications approved to carry out activities described in clause (1) of subsection (a), award not less than 200 fellowships and not more than 500 fellowships during any fiscal year to persons preparing to participate in bilingual education programs carried out by such agencies and described in such applications.

"(C) The Commissioner shall include in the terms of any arrangement described in clauses (i), (ii), and (iii) of subparagraph (A) of this paragraph provisions for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs.".

(4) Sections 703 through 707 of such Act, and all references thereto, are redesignated as sections 711 through 715, respectively, and title VII of such Act is amended by inserting, after section 702, the following:

"Part A—Financial Assistance for Bilin

"Part A—Financial Assistance for Bilingual Education Programs"

(5) Such title VII is amended by striking out "this title" wherever it appears in sections 711 through 715 (as redesignated by paragraph (4)) and inserting in lieu thereof "this part".

(6) Such title VII is further amended by striking out section 708 and inserting in lieu thereof the following:

"Part B—Administration

"Bureau of Bilingual Education

"Sec. 721. (a) There shall be, within the Office of Education, a Bureau of Bilingual Education (hereafter in this part referred to as the 'Bureau') through which the Commissioner shall carry out his functions relating to bilingual and bicultural education.

"(b)(1) The Bureau shall be headed by a Director of Bilingual Education, who shall be accorded the rank of a deputy commissioner of education and who shall be placed in, and compensated at the rate specified for, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) There shall be two additional positions in the Bureau which shall be placed in grade 17 of the General Schedule set forth in section 5332 of such title 5, one of whom shall be designated by the Director of the Bureau to be Deputy Director of the Bureau, who shall act for the Director in the Director's absence or disability.

"(c) The Commissioner shall delegate all of his responsibilities for any program of bilingual or bicultural education to the Director of the Bureau.

"(d) Not later than November 1 of each year the Director of the Bureau shall submit, through the Commissioner, to the Congress a report on the activities of the Bureau, including—

"(1) a review and elevation of the activities carried out by the Bureau during the preceding fiscal year;

"(2) the status of the programs and projects administered by the Bureau during the then current fiscal year; and

"(3) an estimate of the costs of programs and projects administered by the Bureau during the succeeding fiscal year;

"(4) a description of the personnel and information available at the regional offices dealing with bilingual programs within that region.

"Research and Experimental Projects

"Sec. 722. (a)(1) Notwithstanding the second sentence of section 405(b)(1) of the General Education Provisions Act, the Commissioner and the Director of the National Institute of Education are authorized jointly to enter into contracts with public agencies, institutions, and organizations in order to conduct research and experimental projects in the field of bilingual and bicultural education. No contract shall be entered into under this section that is not in accordance with regulations established by the Assistant Secretary of Health, Education, and Welfare for Education which have been agreed to by the Commissioner and the Director of the National Institute of Education.

"(2) Research and experimental projects conducted pursuant to contracts entered into under this section may include, but are not limited to—

"(A) the development of bilingual and bicultural curriculum for preschool, and elementary and secondary education programs;

"(B) the development and distribution of instructional materials and equipment suitable for use in bilingual programs;

"(C) the establishment of a center for bilingual education designed to serve as a national clearinghouse for the collection, analysis, and dissemination of information concerning bilingual education; and

"(D) the analysis of existing testing methods used in monolingual and bilingual programs and the development of improved testing methods to be used in such programs.

"(b) Not to exceed 10 percent of the funds appropriated in any fiscal year for the use of the National Institute of Education, but in no event less than $10,000,000, shall be available to carry out the provisions of this section.

"NATIONAL ADVISORY COUNCIL

"Sec. 723. (a) There shall be a National Advisory Council on Bilingual Education (hereafter in this section referred to as the 'National Council') consisting of 15 members appointed within ninety days after the date of enactment of the Bilingual Education Amendments of 1973, by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service. Members of the National Council shall be appointed as follows—

"(1) eight members from among individuals who are experienced in the educational problems of children with limited English-speaking ability;

"(2) two members from among individuals who are full-time elementary and secondary teachers who are experienced in extensive bilingual training;

"(3) three members from among individuals who are experienced in the training of bilingual teachers;

"(4) two members from among individuals who are experienced in the area of elementary and secondary education.

Members shall be appointed for terms of 3 years, except that (A) in the case of initial members appointed by the President, 5 shall be appointed for a term of 5 years each, 5 shall be appointed for a term of 2 years each, and 5 shall be appointed for a term of 3 years each; and (B) any appointment to fill a vacancy shall be made only for the unexpired portion of the term for which his predecessor was appointed.

"(b) The National Council shall meet at least four times in each year.

"(c) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of children with limited English-speaking ability, including the effectiveness of programs under this title to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation.

"(d) The National Council shall make reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate, and shall make an annual report to the President and the Congress not later than March 31 of each calendar year."

(b) The amendments made by subsection (a) shall be effective with respect to appropriations made after the date of enactment of this Act.

AMENDMENTS TO VOCATIONAL EDUCATION ACT OF 1964

Sec,. 3. (a) (1) Section 102 of such Act is amended by redesignating subsection (c), and all references thereto, as subsection (d), and by adding after subsection (b) thereof the following new subsection:

"(c) There are also authorized to be appropriated $40,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, for the purpose of section 122 (a) (4) (C). Nothing in this subsection shall be construed to affect the availability for such purpose, of appropriations made pursuant to subsection (a)."

(2) Clause (D) of section 104 (a) (1) of the Vocational Education Act of 1964 is amended by inserting before the comma at the end thereof the following: "and of persons who have limited English-speaking ability".

(3) Clause (A) (vii) of section 104 (b) (1) of such Act is amended by inserting before the comma at the end thereof the following: "(including students of limited English-speaking ability)".

(4) (A) Clause (4) of section 122 (a) of such Act is amended by adding at the end thereof the following:

"(C) vocational education for students of limited English-speaking ability;".

(B) Section 122(c) of such Act is amended, in paragraph (3), by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B) At least 10 per centum of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1974, shall be used only for the purpose set forth in paragraph (4) (C) of subsection (a)."

(5) Section 123(a) of such Act is amended by redesignating clauses (17) and (18) thereof, and all references thereto, as clauses (18) and (19), respectively, and by inserting after clause (16) thereof the following new clause:

"(17) provides that grants made from sums appropriated under section 102(c) shall be allocated within the State among local educational agencies serving areas with high concentrations of persons with limited English-speaking ability;".

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1974.

AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 4. (a) Clause (4) of section 6(b) of the Library Services and Construction Act is amended by inserting before the period at the end thereof a comma and the following: "and to programs and projects which serve areas with high concentrations of persons with limited English-speaking ability".

(b) The amendment made by subsection (a) shall be effective on and after June 30, 1974.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 5a. (a) (1) Section 306(a) of the Adult Education Act is amended by striking out the word "and" at the end of clause (8) of such section, by redesignating clause (9), and all references thereto, as clause (10), and by adding after clause (8) the following new clause:

"(9) provide that special emphasis be given to the needs of limited English-speaking persons through the creation of bilingual adult education programs; and".

(2) Section 309(b)(1) of such Act is amended by inserting a comma and the words "including bilingual methods" immediately after the word "methods".

(3) Section 310(b) of such Act is amended by inserting a comma and the words "bilingual education" after the words "adult education".

(b) The amendments made by subsection (a) shall be effective on and after June 30, 1974.

EXHIBIT 1

In an effort to reverse the denial of equal educational opportunity to the non-English speaking population in the nation's schools, the staff of the NACEDC probed the possibilities for alternative funding of bilingual-bicultural education programs. If, for example, the States are funding programs similar to those funded by dollars from Title VII and some title I programs, then the Federal funds would have served as an impetus to get these programs into action at the State and local level. Their deletion at this time from Federal funding would thus not have the result of depriving children who are in need of, and entitled to, such educational programs. If, however, the States and localities have not taken steps to assume financing such programs, the pullout of Federal funds with no foreseeable replacement by the localities would severely limit the achievement of equal educational opportunity for all. There are approximately 5 million* children in the United States out of 51.5 million enrolled in public and non-public schools, who come to school unequipped to receive classes in English due to the fact that their native tongue is not English.

With this goal in mind, the staff has conducted a telephone survey to establish the policy of each State with regard to bilingual-bicultural education for the children in that State who have some language and culture other than English as their basis for communication.

For the most part this information was obtained by telephone from the Office of the Title I Coordinator in each State, or from the knowledgeable persons in the State Offices of Education. The following is a State-by-State description of State treatment of the questions of bilingual-bicultural education in the schools.

Alabama has no legislation or funding for bilingual-bicultural education outside of Title VII.

Alaska just passed legislation in 1972 (The Alaska State Operative School System Act) which appropriated $200,000 for bilingual-bicultural education in the 1972–73 school year. It is to be for any school that has 15 or more bilingual children. There are few guidelines in the law itself, and the State realizes that this is just a beginning, but they are concerned about bilingual-bicultural education and this funding for the 1972–73 school year is a start.

Arizona has no State monies or legislation for the provision of bilingual-bicultural education other than those provided under Title VII of the ESEA of 1965.

Arkansas has no State legislation or funding for the provision of bilingual-bicultural education other than those provided under Title VII of the ESEA of 1965.

California just passed the Bilingual Education Act of 1972 (December, 1972) and have appropriated $5 million for it.

Colorado does not, at present, have legislation for bilingual-bicultural education outside of that supported by the Federal government, but they are introducing a bill in this Congress (between February and March) which includes a statement of the great necessity for passage of such a law. As the bill presently stands it calls for a K–4 program for mandatory establishment of bilingual-bicultural education programs in schools where there are a minimum of 100 students of limited English speaking ability, or 25% of grade levels K–4. It calls for $5 million to be appropriated for the first year, $7.5 million for the second and third years, and $10 million for the fourth and succeeding years. The State, if the Bill is passed, would reimburse local schools for any expenditure above average per pupil expenditure for the State.

Connecticut has two laws giving sanctions which are permissive for bilingual-bicultural education. One authorizes receipt of Title VII funds, and another allows for circumvention of certification for native Spanish teachers. The State does not, however, have any specific bilingual-bicultural legislation or appropriations. The State Act for Disadvantaged Children has an appropriation of $7 million, and some of these funds can be and are used for bilingual-bicultural education is that it is a child's right under the Constitution to a competent teacher to teach him whatever language he speaks. No specific separate funding is set aside for this, but Connecticut does have the resources under general education funds. They pay for competent teachers to teach a child, whatever his learning needs may be.

Delaware has no specific law providing for bilingual-bicultural education. The only funds in the State for this purpose at present come through Federal Funds (Title VII and Title I) and are mostly unsed for migrant programs within the State. There is a law on the books, originated circa 1920, which required that classes must be taught in the English medium, but this law is not presently enforced and teachers may teach in another language if they wish to. At one time the State had its own migrant programs funded by philanthropic donations, etc., but at the present time the primary source of funds for these programs is the Federal Government.

The District of Columbia has no specific legislation for the provision of bilingual-bicultural education, but there is a move on for such education at the local level. The District School system has a Director for Bilingual Education for the D. C. Schools, and there is a direct lobbying effort with the Board of Education for the rights and needs of the Spanish speaking in the district. Whether this will lead to positions and action by the House District Committee or not remains to be seen. The District does partake of Title VII funding, but even without these Federal dollars the District pays for 16 bilingual-bicultural teachers in bilingual programs. They have, also, just hired a full-time person to start coordinating the thrust for bilingual education at the secondary level.

Florida has no specific State Legislation for bilingual-bicultural education, although some monies out of the General Education Fund are used for this purpose if the localities so decide. The successful experiments in Dade County are carried on mainly from Federal Funds (Title VII, ESEA) and from funds from the Dade County School District (Dade County, according to Mr. Stapleton in the Florida State Education Agency, is the biggest and richest county in Florida and it spends a good bit of local funds for these programs. However this has recently come under criticism as a result of the Serrano vs. Priest case in California.)

Georgia has no legislation aimed toward bilingual-bicultural education nor are there any appropriations for this purpose.

Idaho has no specific law relating to bilingual-bicultural education, nor does it fund it. Any school district may have a special program levy for migrant children if they so desire. The education law is permissive, but not mandatory, and it does not specifically use the term bilingual-bicultural.

Illinois does have legislation providing for bilingual-bicultural education (House Bills 1074 and 1078). For fiscal 1972 there was an appropriation of $950,000, and for 1973 $2,300,000 has been budgeted and approved. This 1973 money, however, does not come under any law, but is an in-line cost item on the Superintendent's budget. This is not a Bill in the Legislature, but the budget must be approved by the Illinois State Legislature (and it was approved for 1973). $4.5 million is being proposed for this purpose in 1974 (also as a line item on the Superintendent's budget, and not as a bill.) At present Illinois is funding 20 bilingual centers in Chicago and 23 in down-State Illinois. The State also receives approximately $535,000 from Title VII.

Indiana has no State money going into bilingual-bicultural education, only Federal money. There is no legislation or funding for this purpose.

Iowa has no legislation or funding specifically for bilingual-bicultural education, nor is there any such legislation pending in the Legislature. They do, however, add $35,000 of State funds annually to the State appropriations for special education for the specific purpose of Migrant Education.

Kansas has no State legislation or appropriations for the provision of bilingual-bicultural education in the State. There is a part of another education law that would be permissive for programs such as bilingual-bicultural, but there are no earmarked funds for this purpose. According to Mr. Serrano, at the State Office of Education, Kansas isn't even included under Title VII appropriations, because the percentage of children that have a native language other than English in the State is much lower than the percentage required for eligibility under Title VII. The State does, however, have some bilingual-bicultural staffing under the Title I Migrant Provision.

Kentucky has no law and no provision for State funding that would address itself specifically to bilingual-bicultural education. There appears to be no restrictive legislation, but at present there are not classes being taught in any language other than English. Bicultural education (African history, etc.) is left up to the discretion of the localities. Funds for such projects would come from General Education Funds.

Louisiana does have extensive legislation for bilingual-bicultural education (in French) stating that French can be taught and used as a medium of instruction in the elementary schools. In 20 of 64 counties in Louisiana, French is taught an hour a day with "teaching assistants" from France (these persons are supplemental to existing teachers). Act No. 408, House Bill No. 437 is basically an act to further, preserve, and utilize the French language and culture of Louisiana. Approved July 20, 1968. At first the law had no appropriations, but in 1972 $250,000 was allocated by the legislature with matching funds from the State Education Agency.

(Note, in staff conversation with member of State Education Office there was little mention made of the Spanish speaking population in Louisiana—their legislation is specifically for the French language and the State funding for bilingual-bicultural Spanish education appears to be minimal.) However, Mr. Diaz was worried about ESA funding which replaces ESAP (which expires February, 1973). According to him ESA has a 4% holdout for Foreign language instruction but the Dallas regional office had told him (and other Louisiana education officials) that this money is limited to those groups who have been legally defined as minority groups—and therefore French is not entitled to those funds.)

Maine has had a statute on the books for a few years which is a step in the direction of bilingual-bicultural education. It states that the Commissioner of Education is empowered to work with HEW for concentration of bilingual-bicultural funds (in Maine French is the most frequent second language.) The statute allows bilingual education techniques in preschool through the second grade to enhance learning and earning potential. A recent amendment to this statute has removed the second grade limitation for teaching in the native language. At the secondary level they are trying to get it included in the legislation that highschool courses may also be taught in a foreign language. The present law, however, only allows teaching in a foreign language up through the second grade, and the funds for such programs come out of General Education funds. This permissive legislation was passed about six years ago. In addition the State has considerable Title VII for French education in the Senate.

Maryland does not have any laws for the provisions of bilingual-bicultural education in the State, nor does it have any funds for this purpose. There isn't any law restricting instruction to the English medium, however.

Massachusetts does have bilingual-bicultural legislation (Transitional Bilingual Education Act, Chapter 71A, November, 1971). Among its provisions are: 1. A State Bureau established to administer Program. 2. Local level agency and district with 20 or more in one language classification other than English who cannot perform work in English will be treated in a bilingual-bicultural setting. 3. They define specifically treatment and curriculum for bilingual-bicultural. 4. Act calls for a biennial census. 5. Funding—over and above per capita cost. Floor $250—ceiling $500. 6. Funds come from General Aid to Education. The first year was funded for $1.5 million, second and third years for $2.5 million, and fourth year $4 million. The legislation doesn't require specific allocations because the money is already in the general education funds, only funds for administration are required to be passed by Congress. 7. Parent Involvement is required, and there is a whole new section on certification pertaining to bilingual-bicultural teachers.

Michigan. Last year the Michigan Legislature approved $88,000 to be used out of the State Education Budget for bilingual-bicultural programs. There is no specific bill, just an authorization to the Office of Education to use these $88,000 out of their general funds for bilingual-bicultural education.

Minnesota has no specific law for bilingual-bicultural education although their general education laws are permissive. The last legislature passed a law for bilingual-bicultural teacher training (funded for close to $1 million). The State does have a scholarship program for Indian children, but this is at the post-secondary level.

Mississippi has no law pertaining to bilingual-bicultural education. According to Mrs. Ruth Hubbell in the Office of Governor Bill Waller, "it will probably be far in the future before any such funding will come about." According to Mrs. Hubbell the only foreign language group in Mississippi is the Choctaw Indians, and they are funded under the Bureau of Indian Affairs.

Missouri has no laws providing for bilingual-bicultural education. In the words of Mr. Lloyd Boyd, Asst. Director, Title I, "The State has very few people who do not speak English."

Montana has no legislation in the field of bilingual-bicultural education, although the State Constitution says that Montana is responsible for education of all its citizens. There are bilingual programs conducted but only those which are federally funded. Even here, however, basic courses are taught in English with a Spanish speaker in attendance where necessary.

Nebraska has no provisions at all for bilingual-bicultural education. As a matter of fact, there is still a standing law that no language other than English may be used as the medium of instruction. This law is not enforced, however. Many Title I Migrant programs use Spanish as the medium of instruction.

Nevada has no laws providing for bilingual-bicultural education in effect. There used to be an old law specifying that only English can be used as the medium of instruction in Nevada schools, but that was amended last January to permit such instruction where necessary. There is no other State bilingual-bicultural legislation, however.

New Hampshire has no law specifically making provision for bilingual-bicultural education in the State. Outside of one Title VII project only parochial schools have such programs in French. Up until a short time ago there was a State law that required that English be the only medium of instruction in New Hampshire. This law has now been amended to allow bilingual-bicultural education, but there is no funding earmarked for this purpose. The law allows for experimental programs in bilingual education if the program is approved and sanctioned by the State Board of Education.

New Jersey does not at present have any law specifically providing for bilingual-bicultural education. Some local districts have used Model Cities Funds, some localities like Newark have huge, bilingual programs sponsored out of local funds. As far as legislation is concerned it is obviously permissive, but nothing specific or with appropriations at the State level. There is a group called the Puerto Rican National Defense and Education Fund, (based in New York City) which is pushing for legislation for bilingual-bicultural education which would require it where there is a concentration of children having a language other than English. Their major thrust is through court cases.

New Mexico already has two laws on the books which are permissive for bilingual-bicultural education. House Bill 270 (1970) and Senate Bill 155 (1971). House Bill 270 provides no monies, but is permissive to allow localities to spend education funds as they so desire. Senate Bill 155 authorized bilingual programs for children whose native language is not English. Teachers must have elementary education certificates with a specialization in bilingual-bicultural education. This has $100,000 funding, and this they have nine programs. Both of these bills are permanent statutes. In 1972 there was no money appropriated for Senate Bill 155, but some money for special programs of which $296,000 was spent for bilingual-bicultural programs. Senate Bill 155 could be funded again. Additional legislation is being proposed by Mr. Matt Chacon. NACEDC Staff spoke to Mr. Enrique Pasqual, Director of Bilingual-Bicultural Education in New Mexico, who reports that Mr. Chacon has taken the Massachusetts law verbatim and presented it to the New Mexico Legislature for this new session. (Mr. Pasqual says that after a State survey recently taken, it was found that there are 40.7% Spanish surnamed children in New Mexico, 7.2% Indian children [speaking 8 different Indian languages], and 3% Negro. This comes to a total of 51% minority groups, and 49% white Americans. Mr. Pasqual suggests that the approach in New Mexico should be different, and that bilingual education should be presented in New Mexico schools for *all* children, not just minority classes. 20% of the teachers are Spanish-surnamed, and most of these are bilingual-bicultural. The State needs to take advantage of this good fortune. Mr. Chacon's bill is providing bilingual education only for the "minority" groups. Mr. Pasqual feels it is "much too cumbersome, and tends toward resegregation. It is segregationist in nature, and I am afraid of that."

New York has a law permitting bilingual education for three years. It is now being extended to five, but there are no allocations of funds. Permissive legislation exists. Article 44 of the Laws of New York State are now being amended to give some State Aid (approximately $4 million—which they hope will increase to around $10 million over the next five years). This law has been introduced in the New York Legislature, is in Committee, and according to Mr. Perez, Supervisor of Bilingual Education for the State, has a good chance to be made into law. However, it is not law yet, and even if it does, considering the number of non-English speaking persons in New York Mr. Perez says the allocation is minimal. The State assumes more will be allocated at the local level. The State is also hoping for some changes in the certification requirements, but Mr. Perez did not elaborate on this.

North Carolina has no law providing for bilingual-bicultural education at the State level, nor does it have funding for such a purpose. North Carolina does not even receive Title VII funds because they do not have a concentration of non-English speaking children.

North Dakota has no State law providing for bilingual-bicultural education, although there are a few, very limited Indian programs funded by the State (most of these programs are experimental and developmental.)

Oklahoma has no specific legislation dealing with the provision of bilingual-bicultural education to students in the State. There have been some localities which have done work in the field and have funded bilingual-bicultural education programs. The work of the Federal programs have to an extent influenced the programs taken over by localities. There is no legislation on the books which limits the medium of instruction to English. In summary, there is no specific law providing for bilingual-bicultural education and no funding for that purpose. The law is not restrictive as far as dictating the medium of instruction, but outside of Federal programs, localities have to initiate and fund such programs themselves—there is no State aid.

Ohio has no bilingual-bicultural State law at present, but there is a proposal for such a law in the mill (i.e. a legislative Committee has a draft proposal in very rough form—and it might not even be introduced). NACEDC staff spoke with a Mr. Horn in the State Education Office who sounded very skeptical about the bill's chances for introduction. He said the proposal was being made by two Mexican-American groups, and is based substantially on the Massachusetts law, which in Mr. Horn's words "won't work in Ohio." He didn't comment further.

Oregon in the past Legislature passed a Bill allowing that English as a second language could be taught in any Oregon School. They presently have only one tri-lingual program, a Woodburn School in which classes are taught in Spanish, English and Russian. There are, however, no State appropriations to fund this law and even the Woodburn Program must seek Federal funds.

Pennsylvania has some directives applicable to bilingual programs which have been sent out to the school districts from the office of the State School Administrator. The School Administrator's Memorandum 515, Guidelines for Educational Programs for Children Whose Dominant Language Is Not English, is a very detailed, full statement of what a bilingual child's rights are in Pennsylvania, and how he should be treated to insure him equal opportunity to perform at his maximum level in school. The guidelines make it mandatory to have bilingual programs, using State and local funds for the primary thrust in districts where there is a concentration of students whose native language is not English, and these funds are to be supplemented by other sources, mainly Federal. All districts have to file a bilingual education compliance report forms. (NACEDC staff has a copy of The Guidelines and it makes interesting, informative reading for anyone who is interested.)

Rhode Island, in its general State aid formula provides for payment of one-third of the expense of any bilingual education program that is set up and carried out by a local education agency. Other than this, there is no legislation on the subject other than permissive legislation within the general education laws. There is, however, a move on in the present session of the General Assembly to pass legislation very similar to that which is presently law in Massachusetts.

South Carolina has no State laws or funding for bilingual-bicultural programs.

South Dakota has no legislation or appropriations which provide for bilingual-bicultural education within the State. There is, however, no restrictive legislation and the State does finance programs under Title VII when their programs are approved.

Tennessee does not have any legislation for the provision of bilingual-bicultural education. They do not participate in Title VII. There is no law preventing enactment of bilingual-bicultural education if the localities so choose.

Texas legislation to date only allows bilingual-bicultural education as an option for the schools. There are no appropriated funds. New legislation is to come before the State Congress this year and is to include teacher training, textbooks, etc. The proponents of this legislation hope to have about $2 million allocated for this purpose the first year and larger amounts for the years to follow. Such a law was passed by both houses two years ago, but it ran into trouble with the "Dirty Thirty" and some bank scandal in Dallas. Dr. Gomez, to whom NACEDC staff spoke, is hopeful the law will be enacted this year.

Utah has no legislation or funding for bilingual-bicultural education at the State level.

Vermont has no legislation or appropriations for bilingual-bicultural education, but there isn't any law keeping localities from having such classes if they choose to do so.

Virginia has enacted standards of quality, but whether or not there are funds available to meet these standards is something else. The law is specific on special education, but there is no specific law or funding for bilingual-bicultural education.

Washington has no legislation for bilingual-bicultural education. There is a Chicano group which is presently lobbying for such legislation, but only time will tell if they are successful. In 1967 the education legislation was amended to allow another language to be used wherever it is in the best interest of the child, but there is no specific, funded legislation. Presently their bilingual-bicultural programs are funded by Federal money.

West Virginia has no legislation providing for bilingual-bicultural education, nor any appropriations for this purpose. There are very few bilingual-bicultural children in West Virginia except for the migrant population in the panhandle (according to Mr. Purdy, State Title I Coordinator). However there isn't any legislation that restricts the medium of instruction to English.

Wisconsin does not have specific legislation for the provision of bilingual-bicultural education, but they do have bilingual-bicultural programs which are often funded on the local level. They operate on the basis of meeting special educational needs of children. Their legislation does not restrict instruction to the English medium, and they do receive Title VII funds.

Wyoming has no legislation directed toward any special programs other than provision for foundation of programs for vocational and handicapped education. Wyoming has no large concentration of non-English or bicultural citizens. The State, however, doesn't have any legislation restricting the medium of instruction to English. Wyoming has never received Title VII funds, the applications have always been turned down for one reason or another.

In summary, of the States surveyed only eleven have legislation of any kind concerning bilingual-bicultural education, and of these only Alaska, California, Illinois, Massachusetts, Maine and New Mexico seem to have explicit ideas about the subject. Of the eleven with some legislation only six have funds set aside to make the legislation work. A few other States have indicated either that there is some legislation pending in Congress with regard to providing bilingual-bicultural education or some interest by lobbying groups to the State Congress on the subject. Illinois and Pennsylvania have made provision for bilingual-bicultural education in ways other than legislation, but as a general rule it appears that the majority of the States would lose most of their support for bilingual-bicultural education if these funds were to be withdrawn by the Federal government.

The President firmly stated in his Equal Educational Opportunities Act that denial of equal educational opportunity is an unlawful practice, and in Section 201, Title II (Unlawful Practices) sets forth that "No State shall deny equal educational opportunity to an individual on account of his race, color, or national origin by . . . (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." The Act goes further in Title III (Enforcement) to state that "An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States . . . for or in the name of the United States, may also institute such a civil action on behalf of such an individual." The bill goes further to say that if the Attorney General does institute such a civil action on behalf of the individual then the Federal Government will be liable for the costs of the suit.

The above-quoted legislation is strong evidence that the President considers the right to understand one's teacher one of the inalienable rights if equal educational opportunity is to be achieved, and with this in mind it appears that the withdrawal of Federal funds from the bilingual education programs would serve a great injustice to this ideal.

EXHIBIT 2

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 25, 1970.

MEMORANDUM

To: School Districts With More Than Five Percent National Origin-Minority Group Children.

From: J. Stanley Pottinger, Director, Office for Civil Rights.

Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portuguese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

SUMMARY SHEET

Number of districts presently under review, 27.

Number of districts scheduled to be reviewed during the 1971–72 school year, 10.

Number of districts notified of non-compliance and have negotiated plans, 12.

Number of districts notified of non-compliance and have not yet negotiated plans, 1.

Number of districts notified of non-compliance and will not negotiate or submit plans, 3.

Region I, Boston

Districts Presently Under Review

Boston Public Schools.

Region II, New York

Districts Presently Under Review

Hoboken, New Jersey, Perth Amboy, New Jersey, Buffalo, New York.

Districts Scheduled To Be Reviewed

Passaic, New Jersey (no date set).

Region III, Philadelphia

Districts presently under review

None.

District Scheduled To Be Reviewed

OCR 101 forms are being reviewed in order to select districts to review.

Region IV, Atlanta

Districts Presently Under Review

Aiken, South Carolina (blacks/special education).

Districts Scheduled To Be Reviewed

None.

Region V, Chicago

Districts Presently Under Review

East Chicago, Indiana, Saginaw, Michigan, Shawano, Wisconsin (Native Americans), Ulysses, Kansas, Goodland, Kansas, Garden City, Kansas, Holcomb, Kansas.

Districts Scheduled To Be Reviewed

Defiance, Ohio, Leipsig, Ohio, Findley, Ohio.

Region VI, Dallas

Districts Presently Under Review

Victoria ISD, Texas, El Paso ISD, Texas, Santa Maria ISD, Texas, South San Antonio ISD, Texas, Raymondville ISD, Texas, Hobbs, New Mexico.

Districts Which Received Letters of Noncompliance and Have Negotiated Plans

Ozona ISD, Texas, Bishop ISD, Texas, Lockhart ISD, Texas, Beeville ISD, Texas, San Marcos ISD, Texas, Weslaco ISD, Texas, Los Fresnos ISD, Texas, Sierra Blanca ISD, Texas. Rotan ISD, Texas, Pawnee ISD, Texas, Fort Stockton ISD, Texas, Carney Rural ISD, Texas.

Districts Which Received Letters of Noncompliance and Have Not Negotiated Plans Yet

La Feria ISD, Texas.

Districts Which Received Letters of Noncompliance and Will Not Negotiate or Submit Plans

Uvalde ISD, Texas, Karnes City ISD, Texas, Taft ISD, Texas.

Districts Scheduled to be Reviewed (before end of present school year)

Eagle Pass ISD, Texas, San Benito ISD, Texas, Soccoro ISD, Texas.

Region VIII, Denver:

Districts Presently Under Review

Colorado Springs, Colorado, Fort Lupton, Colorado.

Districts Scheduled to be Reviewed

None.

Region IX, San Francisco:

Districts Presently Under Review

Tempe, Arizona, Tucson, Arizona, Winslow, Arizona, Pomona, California Delano, California, Bakersfield, California, Fresno, California.

Districts Scheduled to be Reviewed

San Bernardino, California (May), Sweetwater Union, California (no date).

Region X, Seattle:

Districts Presently Under Review

None.

Districts Scheduled to be Reviewed

Alaska State School System (preliminary in April-May).

Mr. MONTOYA. Mr. President, the Bilingual Education Act, title VII of the Elementary and Secondary Education Act, has been in operation for 7 years. When we began this effort to assist the States in providing educational equality for children who speak a language other than English, we were embarking on a voyage into the unknown: We knew the need existed, but we did not know its limits or the best way to go about filling that need.

On July 12 of this year I made a statement to this body concerning our effort to correct the serious educational inequalities faced by these minority children—and our failure to do the job so far.

Today I am joining Senator CRANSTON and Senator KENNEDY in proposing amendments to our bilingual education legislation in an attempt to improve and expand on the original legislation. It is time for us to incorporate the knowledge we have gained in the last few years into our national program. It is time to reassess our plans and our problems. It is time to concede our inadequacies and to reaffirm our determination to work toward the goal of the best possible education for every American child.

On July 12 I spoke to you of the 7 million children who are victims of an educational system which is not yet equipped to teach them: Children who speak and think in one language and are asked to learn in another. The original intent of the Bilingual Education Act was to create educational programs which would provide these children with a new way to learn in two languages at once, and would make them truly bilingual. We wanted to give them the opportunity to speak and read and write in two languages: In English, which is the language of the majority, and in their other language—Spanish, or French, or Indian, or Chinese—the language of their heritage, their home, and their community. We wanted to give them fluency in their native language and pride in their heritage, as well as the ability to live and work in a nation whose primary vernacular was English.

Our efforts were not entirely altruistic. We wanted to keep those children in school and to teach them enough so that they could become productive and participating members of our society, instead of becoming the dropouts and welfare recipients of the future. The money we provided for that extra educational effort would not only provide educational equality to those children, it would be an investment in the future well-being of this Nation.

Unfortunately, we have never been able to provide the money which would accomplish a real educational breakthrough for these children. We have only reached 2 percent of those youngsters who need bilingual education with our Federal programs, even in our most successful year. We found we did not have the books, the testing materials, the history texts, the teaching tools to do the job. We did not have teachers ready. There were many States with outmoded laws which made it impossible for the bilingual programs to be used effectively. We found that there was institutional resistance to change in education at every level. We found it hard to explain the educational handicaps of culturally different students to the rest of the taxpaying public.

But the last few years have seen many changes in our understanding of the problems of minority groups. The Civil Rights Commission has done an in-depth study of the education of the Mexican-American children of the Southwest. Puerto Ricans, Spanish-speaking Americans, Cuban refugees, Indian Tribes, and other groups have all organized themselves to provide us with new data and new ideas. The Office of Education and the Department of Labor have brought our statistics up to date.

Educators have made great strides too. They know now that exclusion from your own cultural heritage and history, from your language and community, can be so destructive of the self-confidence of a student that he gradually loses his ability to learn. We know that we can change that, and can provide an educational experience which enriches both the minority child and the English speaking child who is lucky enough to share in a bilingual and bicultural program. In the relatively few places where we have been able to provide model programs, we have made significant progress in cutting the dropout rates and in raising the educational attainment of all children.

The most serious discovery we have made is that we do not have the teachers or even the teacher-training programs to handle the problem nationwide. The tiny teacher-training effort we made through the EPDA under the Higher Education Act has now disappeared entirely—and was never enough to provide the thousands of teachers we would need to make bilingual education really work.

The junior colleges and community colleges, where most of these minority students go to school if they stay in the educational system, are not equipped themselves to teach bilingually, and are not ready to provide teacher-training programs which will lead to a large enough increase in number of teachers. Yet these schools are the ones which most clearly understand the problem and the need because they are closest to the target minorities.

Dr. Charles Lebya, director of project Maestro at California State College in Los Angeles, has recently sent me the preliminary report of a survey done on the bilingual projects funded under title VII. The responses to his questionnaire from directors in 106 of the 217 funded projects present a representative picture and dismaying one for those of us who are concerned about the real future of bilingual education.

In the districts covered there was a need for 35,117 bilingual teachers, but only 9,448 teachers who were actually bilingual. Colleges in the area were only preparing 2,000 bilingual teachers, yet these projects were in areas where 44 percent of the children were bicultural/bilingual children. Obviously, the need for bilingual education is not being met, even in these limited number of specially favored districts.

Even more discouraging, in the schools studied where a bilingual program was actually in operation, only 1,951 of the 2,772 teachers in bilingual programs were actually bilingual themselves. In other words, almost one-third of the teachers who were trying to teach a bilingual program were not able to speak to the children in their own language or were not able to read and write in both languages. And these, Mr. President, are our best programs—the programs selected for Federal funding under current budget limitations.

Language development, ethnic history studied, and new methods of teaching are all high on the list of both preservice and in-service training requirements mentioned by administrators in these programs. Unfortunately, the programs to provide that teacher training do not yet exist in sufficient amount to fill the need.

The amendments we are offering today will begin to provide for the in-depth teacher need more realistically. Provision is made in these amendments for both innovative new programs and for ongoing development of short-term and long-term special training programs. Provision for the development of new books, new testing materials, new visual aids and equipment, and new curriculum plans is important in connection with any teacher-training plans we make. It will be necessary to develop many new ways of doing the things we have done before. Education with only one language and one cultural slant is simpler, and is of course less rewarding than bilingual education. Now that we are able to utilize and understand the multicultural heritage and the multilingual capabilities which are an untapped national resource, we will be better able to expand on the educational offering we make to all children. But we must learn the best ways to use the new resource; like any new field of education, this will require the research and development effort which is provided for in these amendments.

One of the problems faced by any national program of this kind is the great variation in State needs, State requirements, and State capabilities. In recent years several States have rewritten their laws and have developed excellent bilingual State programs, but many States still have no real programs planned. The National Advisory Council on the Education of Disadvantaged Children has recently presented a report to the President and the Congress concerning America's educationally neglected children, and it provides a survey of the various State bilingual/bicultural legislation currently in existence.

I think every Member of Congress should be aware of the problem as it exists in his own State and of the State legislation which addresses that problem. Populations shift so rapidly in these times that States which have historically not had to face bilingual or bicultural education problems are now recognizing new needs and are developing new solutions.

Since each State has a somewhat different concern, and some States are better equipped financially to provide for educational needs than others, it is essential that the Federal program be concerned with the different needs and the different legislative responses, as they develop. The Cuban child in Florida, the Mexican American child in Texas, the Indian child in New Mexico, the chicano child in California, the Eskimo child in Alaska, the Puerto Rican child in New York—all of these children face the same difficulties, but may be helped by slightly different solutions. The flexibility of our programs and our guidelines will be important as we move ahead in finding educational solutions.

In order to properly address all of these facets of the bilingual/bicultural Federal effort, the amendments offered today provide for the creation of a Bureau of Bilingual Education and for a National Advisory Council to assess our needs and to coordinate new ideas. With that provision we will be better able to provide cooperation between the Federal, State, or local programs and to offer needed new tools as rapidly as possible. Cooperation between parent, community and school will be encouraged so that participation by minority groups at the local level will be developed to desirable levels.

Mr. President, this legislation will not provide all that is needed. We are only beginning to understand the desperate situation in which these children have been placed, and we are only beginning to understand the commitment we must make in order to truly provide equality of educational opportunity for them. The legislation proposed today will continue our national effort, and will expand our national program in such a way that imagination and creativity can produce real progress. The changes are essential if we are going to educate our bicultural children. But the future possibilities of these programs are beginning to take shape. It is becoming apparent that bilingual/bicultural education will mean hope for the disadvantaged child who speaks and thinks in a language other than English. If we can develop the programs to fill the needs of these children, we will also be opening new vistas and new doors to all children. The provision in this legislation for participation by English-speaking children means that we want to offer a greater educational opportunity to the average American child. As we develop our own national multicultural resources we will be preparing all children for a better future in a multicultural and multilingual world.

I urge every Senator and every Congressman to examine the bilingual/bicultural needs of his own State and of this Nation—and to support the amendments which are being proposed today.

By Mr. CRANSTON (for himself, Mr. Kennedy, and Mr. Montoya):

S. 2553. A bill to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE BILINGUAL EDUCATION AMENDMENTS ACT OF 1973

Mr. CRANSTON. Mr. President, I introduce for appropriate reference—for myself Mr. Kennedy, and Mr. Montoya—a bill entitled the "Comprehensive Bilingual Education Amendments Act of 1973."

Also today, I am cosponsoring a companion measure on bilingual education introduced by the distinguished Senator from Massachusetts (Mr. Kennedy) in which we are again joined by our colleague from New Mexico (Mr. Montoya.)

The measures are intended to be complementary. Taken together, they provide a broad new scope for our important Federal bilingual efforts.

My bill concentrates on programs at the elementary and secondary levels of education, which I will discuss in detail later in my remarks. Senator Kennedy's measure includes higher education programs, teacher training, and vocational provisions. The measures were developed in tandem, from a wide range of expertise and materials. Of great importance to the development of my own measure were field hearings in California earlier this year which I joined in chairing with the distinguished chairman of the Senate Education Subcommittee (Mr. Pell).

The measures we introduce today have an identical goal: To provide educational programs that regard the bilingual child as advantaged, not disadvantaged; that provide opportunities for the monolingual English-speaking child to encounter the rich resources the bilingual-bicultural child brings to the classroom; and to provide opportunities for parental and community involvement in the building of a sound bilingual-bicultural program available to all children.

INTRODUCTION

Mr. President, our current Federal bilingual education legislation—specifically title VII of the Elementary and Secondary Education Act of 1965—expires in 1974. Since its passage by the Congress in 1967, the program has provided a number of demonstration projects across the country that have evidenced the value of a bilingual-bicultural education for all children, not just those children whose mother tongue may be other than English.

The title VII program has proved its efficacy. It has proved its worth in spite of the perennial lack of sufficient funding. And it has proved its worth to a growing number of bilingual constituencies: In fiscal 1973, for example, $28.1 million was provided under title VII for projects involving the Spanish-speaking; $2.6 million was spent for Eskimo and American Indian bilingual education; $1 million was devoted to children whose dominant language is French; $650,000 went for bilingual programs serving those whose home language is Portuguese, and the balance of the appropriation was broken down into $500,000 for Chinese programs, $189,000 for the bilingual people of Guam, and $75,000 for the Trust Territories.

Still, we by no means met the need. Conservative estimates indicate that there are at least 5 million children in the United States who needed bilingual services. Under the fiscal 1973 expenditure level, only 147,000 were served, leaving an enormous gap between what we are doing and what we need to do.

The introduction of a measure such as we introduce today implies, of course, a certain bias. I believe in bilingual education and the diversity it suggests. I believe in regarding language and cultural differences as advantages to the development of a fully alive and productive human being. And I believe, based on the experience generated through title VII, that it is now time to give the Federal bilingual effort new legislative life, but with a stronger, more definitive focus.

Let us begin with a definition: In simple terms, bilingual education involves the use of two languages, one of which is English, as mediums of instruction. Both languages are used for the same student population—not as an isolated effort, but as a key component of a program embracing the total curriculum.

Rather than an objective in itself, bilingual education is part of a much larger goal: A child with a full understanding of his cultural heritage, in command of that heritage, and with a deep respect for all it implies. A model bilingual program treats the child whose mother tongue is other than English as advantaged, not disadvantaged. And a model bilingual program involves the parent and community—directly, fully, and honestly—in the fabric of the program.

Mr. President, when we talk about bilingual education we are talking about more than a transitory educational mode. We are talking about the lives of children, developed to their full potential in schools that exist for those children, not where children exist for the schools.

I believe that bilingual education can be a great force in fostering educational change in America. For one thing, it challenges the assumption that schools need offer only one curriculum in one language—English—to serve one group of children—Anglos. It sweeps aside the notion that the child must change to meet the needs of the school. And it clearly rejects the idea that the prime objective of the school is to wipe out all differences in style, heritage, and language background, delivering to society—at the end of 12 years—a nicely packaged, well-rehearsed, automatic reciter of majority maxims.

This is the route that schooling in America has travelled historically. I suspect it is also the route to a dull and lifeless society, as more and more we reorient, remodel, or retool children who are culturally and linguistically different, in the determined belief that they are somehow deprived.

It is not a new trend, but rather is a deeply imbedded view of what schools are for and what they should do. One writer has called it the "assimilate or starve" school of educational theory, and it reflects an antiminority tradition in American public education that is only now beginning to change.

In spite of popularly held notions, our schools were not the ladders upon which early 20th century immigrants climbed to instant success, dropping their language and their heritage on the way up. In fact, the public schools have never done much of a job of educating minority children. Minority distrust and avoidance of public schooling is deeply rooted in history.

As Nathan Glazer has pointed out, to most immigrant groups—the Irish, the Italians, the Poles, the Slavs—education was by no means important or highly regarded. On the contrary, families survived by working and pooling individual incomes—mother, father, and children.

UCLA historian Stephan Thernstrom estimates that nearly 20 percent of laboring families' incomes came from the labor of children under the age of 15. Houses were bought, clothes were purchased, and food was provided by keeping children out of school and working.

Most immigrants, in fact, viewed schools with suspicion and hostility. For one thing, as Glazer has pointed out, education "was for a cultural style of life and professions the peasant could never aspire to." Personal and family circumstances were changed by hard work, or luck, but not by spending time in a school.

Unfortunately, this attitude was shared by the schools. What resulted were middle-class schools with middle-class curriculums designed to serve the American middle class—not the minority often lower class, child.

Dr. Leonard Covello, the first Italian-American to become a principal in the New York City schools, describes his school days like this:

> The Italian language was completely ignored in the American schools. . . . We soon got the idea that Italian meant something inferior, and a barrier was erected between children of Italian origin and their parents. This was the accepted process of Americanization. We were becoming Americans by learning how to be ashamed of our parents.

Decades later, Charles Silberman—in

"Crisis in the Classroom"—would describe how schools had perpetuated this cultural annihilation, this time against the Spanish-speaking child:

> In a South Texas school, children are forced to kneel in the playground and beg forgiveness if they are caught talking to each other in Spanish; some teachers require students using the forbidden language to kneel before the entire class.
>
> In a Tucson, Arizona, elementary school classroom, children who answer a question in Spanish are required to come up to the teacher's desk and drop pennies in a bowl—one penny for every Spanish word. "It works," the teacher boasts. "They come from poor families, you know."
>
> In a school in the Rio Grande Valley, teachers appoint students as "Spanish monitors." Their job is to patrol the corridors, writing down the names of any fellow students they hear talking in Spanish.

Even if we could agree that schools are to integrate minorities into the mainstream of society, there is ample evidence to suggest that schools have not done this well, either. We need only look at the tragedy of the Cherokees.

In the 19th century, prior to "termination," the Cherokees had their own highly regarded bilingual school system and bilingual newspaper. Jerry Kobrick, of Harvard's Center for Law and Education, points out that:

> Ninety percent were literate in their own language, and Oklahoma Cherokees had a higher English literacy level than native English-speakers in either Texas or Arkansas. Today, after seventy years of white control, the Cherokee dropout rate in the public schools runs as high as 75 percent. The median number of school years completed by the adult Cherokee is 5.5. Ninety percent of the Cherokee families in Adair County, Oklahoma, are on welfare.

If we need more evidence of just how bankrupt has been our educational treatment of the bilingual child, we need only look a bit further into contemporary statistics:

Fifty percent of Spanish-speaking students in California drop out by the eighth grade; 87 percent of Puerto Ricans over 25 years of age in New York City have not completed high school; the average number of school years completed by the Mexican-American in the Southwest is 7.1 years; and in Boston, over half of the 10,000 Spanish-speaking students are not in school at all. In Chicago the dropout rate is some 60 percent.

So what are we doing about it?

Unfortunately, our educational response to these grim figures has been to apply band-aids when major surgery is required. For bilingual children, our band-aids have included programs in English as a second language (ESL) and remedial reading.

The sole objective of English-as-a-second-language is to make non-English speakers more competent in English. No effort is made to present related cultural material; the precise background of a child is not a consideration. Essentially, ESL is a crash-course in English. It requires no modification of the school curriculum. An estimated 5.5 percent of Mexican-American students in the Southwest receive some kind of ESL instruction, or about twice as many as are in bilingual education programs.

Of all programs dealing with the bilingual child, remedial reading is the most limited in scope. It requires no change in the school curriculum and the least special training of teachers. Using a strictly monolingual approach, remedial reading has been much more accepted in practice than either ESL or bilingual education. The program addresses itself to just one aspect of the language problem, poor reading achievement. By the 12th grade, 63 percent of all Chicano students read at least 6 months below grade level. More than half of the Southwest's schools offer remedial reading courses, yet only 10.7 percent of the region's Mexican-American students are actually enrolled in these classes.

Mr. President, I am not saying that remedial programs are wrong completely. We will always have remedial approaches in education, as long as some children are not achieving commonly agreed-upon goals.

What I am suggesting, Mr. President, is that our present educational goals need careful rethinking. There is evidence that what Americans prize most—that bright spark of initiative and individuality that helps a child achieve—may be smothered in classrooms where children are trained up as identical cogs in society's machinery.

What we need are schools with a passionate regard for the uniqueness of a child, and the inclination to develop and preserve intact the splendid resource that is a child's own background and cultural heritage. That is why I find bilingual-bicultural education approaches to be of such bright promise, concentrating as they do on making the school fit for the child.

Mr. President, the schools themselves are providing some of the greatest impetus away from the historical educational pattern and toward programs that meet the needs of the bilingual child. Where teachers once risked penalties for not teaching in English, the trend is now toward state statutes that require school districts to have a bilingual—or English-As-A-Second-Language — program for any student whose native language is not English.

In the courts, the right of a non-English-speaking child to a meaningful education is embodied in a case to be heard by the U.S. Supreme Court this term. The case involves 1,800 Chinese-speaking students in San Francisco whose parents say their children are being denied an equal educational opportunity. Regardless of what the high court rules, actions by lower courts have already resulted in mandated school programs that have bilingual-bicultural components in as many areas as is practical. Massachusetts has a bilingual program that is mandatory, and California has recently enacted a forward-looking State policy of quality bilingual education to be developed throughout the State.

From these happenings, we in the Congress should sense not only a new direction for education policymaking, but also a new responsibility in legislative planning. With a trend toward schools designed to meet the needs of bilingual-bicultural children, we must bring to bear all the resources we can muster for new programs of teacher training, community planning and parental involvement in school programs, fresh directions for educational research and demonstration, more bilingual moneys to State departments of education for State-based activities, and a Federal administrative structure that puts bilingual programs nearer the top of the educational organization chart.

The bill we introduce today is, I believe, an important step forward.

It builds upon the experience gained in the first, fledgling years of the Federal bilingual effort.

It encourages, in other States, the development of bilingual programs along the lines of those in California, Massachusetts, and one or two other States.

It encourages the bilingual activities of the National Institute of Education.

It sets forth new definitions for what is meant by a "bilingual child" and the programs in which he may participate under the act.

It offers new criteria for the development of an acceptable bilingual program application.

It expands the role of community and parent in program development.

And it establishes, within the U.S. Office of Education, an administrative structure wherein bilingual education activities cannot slip to the bottom of the organization chart, mired in bureaucratic inertia.

SUMMARY OF BILL

Briefly, Mr. President, the proposed "Comprehensive Bilingual Education Amendments Act of 1973" provides the following:

POLICY

Declares it the policy of the United States that bilingual educational methods and techniques shall be encouraged and developed in recognition of the special educational needs of children of "limited English-speaking ability."

AUTHORIZATION/APPROPRIATION

The sum of $135,000,000 is authorized for each fiscal year beginning fiscal year 1974 and ending fiscal year 1977, plus such additional sums as the Congress may determine necessary. Reserves some funds for administration and for census activities and other mandated programs. Earmarks one-third of the amount by which any fiscal year appropriation exceeds $35,000,000, to be used for teacher training and related educational personnel development.

DEFINITIONS/REGULATIONS

More precisely defines the term "children of limited English-speaking ability" as covered under the act. Sets an expanded definition for "program of bilingual education," adding studies in the native language of the child, as well as English, including speaking, reading, and writing; mandates bilingual instruction in each course required of the child; directs the study of the history and culture associated with the child's native language, as well as the history and culture of the United States; allows the participation of bilingual children in regular classes—such as art—where English is not necessary to understanding of the subject matter; provides for the voluntary enrollment of children whose language is English; and provides for individualized instruction.

Also, requires that applications for assistance be developed in open consultation with all constituents of the school, including parents of bilingual children, at public hearings. Directs the Commissioner to establish minimum requirements for bilingual education programs, such as pupil-teacher ratios and teacher qualifications.

GRANT CRITERIA

Provides that funds under the act shall be used for bilingual programs including preschool programs connected with Head Start; planning and technical assistance; training of educational personnel, including paraprofessionals; to encourage and develop higher education programs for bilingual teacher training; and auxiliary community activities in support of a bilingual program.

Provides that grants may be made to local educational agencies, or to institutions of higher education applying jointly with a local educational agency. Applications must be consistent with criteria established by the Commissioner and Commissioner must determine that the best available talents and resources will combine to provide increased educational opportunities for the children to be served. Provision for nonprofit, private school children shall be made. The State educational agency must be notified of the application and given opportunity to comment.

Further, empower the Commissioner to approve a State bilingual program, directed by the State educational agency, if State educational agency meets certain criteria designed to show sound planning and good faith Commissioner may, upon approval of State plan, provide administrative moneys to the State educational agency.

Specify that terms of accepted and funded applications shall constitute a contract between the State educational agency and the Commissioner and shall be specifically enforceable in any U.S. district court.

PARTICIPATION BY NATIVE AMERICANS

Provides that tribal organizations or other nonprofit groups concerned with Indian education, specifically for children in schools on reservations, may be considered to be a local education agency, as defined by the act, and eligible for grants under the act. Permits payments to be made to the Secretary of the Interior for the same purpose.

ADMINISTRATION

Creates, within the U.S. Office of Education, a Division of Bilingual Education headed by a Director to be placed in GS 17 in the Civil Service, leaves organization of the Division up to the Director, and provides two supporting positions, including a Deputy Director.

Provides that Director, in consultation with National Advisory Council on Bilingual Education, shall submit an annual report including a national assessment of bilingual education needs and efforts; a census of bilingual children in the States, and a 5-year plan for extending bilingual programs to all preschool and elementary school children, a plan for the development of educational personnel to work in bilingual programs; cost estimates projected for each fiscal year and how cost is to be borne by government agencies and private organizations and specifies that Commissioner's report shall include a report on activities during the preceding fiscal year, a statement of activities to be carried out during the succeeding fiscal year, and assessment of number of teachers and other education personnel needed in the future, including statement of present teacher training activities.

ADVISORY COUNCIL

Mandates establishment of a National Advisory Council on Bilingual Education—appointed by the Secretary of Health, Education, and Welfare—to include at least three members with general experience in elementary and secondary education; at least two members who are full-time classroom teachers of demonstrated bilingual teaching ability; and at least two members who are experienced in the training of bilingual education teachers. Overall, the council must be composed of persons experienced in the education of bilingual children.

Directs the Council to advise the Commissioner in the preparation of general regulations and in the preparation of specific policy matters arising in the administration of the bilingual program. Empowers the Council, at its option, should a majority of Council members find they are in disagreement with the annual report of the Commissioner, to submit a report of its own.

Permits the Commissioner to appoint advisors and technical experts to assist the Council.

SUPPORTIVE SERVICES, INCLUDING RESEARCH AND DEMONSTRATIONS

Directs the National Institute of Education—NIE—is directed to carry out a program of research in the field of bilingual education. Directs NIE, through its Director and the Commissioner, to contract with public and private educational agencies to develop bilingual program models, design a model State bilingual statute, develop and publish bilingual instructional materials and equipment, and operate a national clearinghouse of information for bilingual education.

Provides an additional authorization of such additional sums as the Congress may determine is necessary to carry out these special activities.

PROGRAMS OF STATE EDUCATIONAL AGENCIES

Authorizes the Commissioner and the Director of Bilingual Education to contract with State educational agencies to develop leadership capabilities in the field of bilingual education, in order that State educational agencies may be of maximum assistance to local educational agencies in providing bilingual educational opportunities.

Mr. President, my measure continues the existing dollar level of authorization for the title VII bilingual education program at $135 million for each fiscal year ending fiscal year 1977. However, it also provides that the Congress may appropriate such additional sums as may be necessary to carry out the purposes of the act in each fiscal year, and adds a special authorization of appropriations for the bilingual activities carried out by the National Institute of Education for programs mandated by the act.

I believe we must recognize, Mr. President, that the actual appropriation for title VII bilingual education in any given fiscal year has never exceeded $35 million. The Senate, however, has consistently approved more for the title VII program, including $60 million in fiscal year 1973, which was reduced to $45 million in conference with the House. However, the bill was vetoed by the President. Just this past week the Senate approved $55 million in the fiscal year 1974 Appropriation Act, now in conference. The bill we introduce, while continuing the existing dollar authorization level, gives the Congress full authority—at its option—to increase the moneys available for purposes of the act.

CONCLUSION

Mr. President, I believe the legislation we have introduced today—the Comprehensive Bilingual Education Amendments Act of 1973—will go a long way toward ending the nightmare of educational neglect that has so long plagued Spanish-speaking and other bilingual children in America. I urge its immediate and careful consideration by the Congress, along with the measure introduced by Senator KENNEDY, in which I have joined.

The futures of millions of children—both majority and minority—depend upon what we do, and how quickly we do it.

By Mr. ALLEN:

S.J. Res. 161. A joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of students to public schools. Read the first time.

(The remarks that Senator ALLEN made when he introduced this joint resolution and the ensuing discussion are printed earlier in the RECORD.

Mr. HUMPHREY (for himself and Mr. DOLE):

S.J. Res. 163. Joint resolution authorizing the President to proclaim the last full week in March of each year "National Agriculture Week." Referred to the Committee on the Judiciary.

NATIONAL AGRICULTURE WEEK

Mr. HUMPHREY. Mr. President, a strong and prosperous agriculture is essential to the well-being of America. Agriculture provides us with the source of life itself—food. Without a sound, wholesome food supply, this country—or any country—cannot hope to progress, or even to survive. Describe to me a country's agricultural development, and I will describe for you that country's cultural and economic achievements.

When we talk about agriculture, exactly what is it that we are talking about? To begin with, we are talking about the biggest industry in the world—an industry with assets totaling $370 billion. That is equal to about three-fifths of the value of capital assets of all corporations in the United States or about half the market value of all corporation stocks on the New York Stock Exchange.

We are talking about an industry that provides one out of every five jobs in private employment in the United States. There are over 4 million farmworkers—including farmers; another 2 million people have jobs providing the supplies farmers use for production; and about 10 million people have jobs storing, transporting, processing, and merchandising the products of farming.

There are in the United States today less than 3 million farms. Out of this comparatively small cornucopia flows a dependable and seemingly endless tide of foodstuffs that more than 200 million Americans and tens of millions of other peoples around the world have, until recently, taken for granted.

Only recently, under the impact of international crop shortfalls, expanding demand, and rising food prices, have many people come to realize that food does not spring full blown in some mysterious manner onto their supermarket shelves. They have become aware that behind their food supply stands a farmer—a very real person with very real hopes and dreams—a businessman with a tremendous capital investment in his business who can drown in his own debts if the weather changes, or insects attack, or the public's eating habits change even slightly.

Farmers may be small in numbers, but they take big strides in the national economy. Farm-operator families spend about $49 billion a year for their production needs. In addition, they have available $19.7 billion of realized net income from farm sources and $19.4 billion from off-farm sources to spend for personal taxes and the same things that city people buy. That's right. The farmer is a consumer as well as a producer. Last year, his taxes alone amounted to about $7 billion. After paying his taxes and business expenses last year, the average farmer had $3,182 of disposable income left compared with $3,847 for nonfarm people.

I realize that many of us in Washington have become so accustomed to working with budget figures in the millions and billions of dollars that we forget how hard it is to relate to such astronomical figures. Just how much is a billion dollars? The best answer I ever heard was that—it is an awful lot of money.

So let us convert these mammoth sums into something manageable and personal—the food in our stomachs and the clothes on our backs. The American farmer and the total agricultural industry, in 1972, made it possible for us to consume 189 pounds of beef, veal, pork, lamb, and mutton—per person; 52 pounds of chicken and turkey; 77 pounds of fresh fruits and 50 pounds of processed fruit and juices; 98 pounds of fresh vegetables and 62 pounds of canned or frozen vegetables; 561 pounds of dairy products; 120 pounds of potatoes and 5 pounds of sweetpotatoes. Furthermore, we can choose from as many as 8,000 different foods when we go to the market—fresh, canned, frozen, concentrated, dehydrated, ready-mixed, read-to-serve, or heat-and-serve.

We used 18 pounds of cotton per person, which is the equivalent of about 20 house dresses or 30 dress shirts. We consumed about 565 pounds of paper per person which required the net annual wood growth from three-fourths acre of commercial forest.

I would be remiss if I did not mention exports despite the current feeling that exports, particularly of feed grains, have contributed to rising domestic food prices. And there is no arguing that fact. Yet agricultural exports are absolutely vital to the health of the national economy and our balance of payments. It is through exporting the products of America's farms that the margin of resources is made available with which to purchase supplies from abroad to meet our critical energy needs.

Roughly one out of every four crop acres harvested is channeled into the commercial export market. This represents a sizable portion of farm income. Any significant reduction would force farmers to cut back production which in turn would increase his unit production costs. In the end, the consumer would have to pay the difference.

Right now 1 hour's work in industry buys 2.3 pounds of round steak compared with 1.8 pounds in 1940; 3.3 pounds of bacon compared with 2.4 pounds in 1940; 12.8 quarts of milk, compared with 5.1 quarts in 1940.

However difficult it may be to accept in terms of today's inflation, the fact still remains that we are better able to buy food today than ever before.

Today, the demands on these men who work the land are as burdensome as any they have ever faced. Their success not only depends on the cost of feed and seed and fertilizer, or on machinery and land, or the wide pendulum of the market, but that success must even depend on the completely uncontrollable forces of nature.

It is not an easy job. Today's farmer produces more for his country than any of his predecessors ever did. And yet he does it on fewer acres, with a shrinking labor force, from a smaller number of farms than this country has ever known.

Mr. President, I ask unanimous consent to have the joint resolution printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 163

Whereas American agriculture has provided the American consumer with the greatest variety and highest quality food available to the citizens of any nation in the world;

Whereas the continued vitality of American agriculture is essential to the expansion of food and fiber production required to meet the growing needs of an ever increasing and more affluent world population;

Whereas this food and fiber production of America's farm is essential in keeping domestic and international supply and demand in balance and thereby combatting inflation;

Whereas the production of our Nation's farms is of singular importance to U.S. exports and the Balance-of-Payments and provides the margin of resources with which to purchase supplies from abroad to meet our critical energy demand;

Whereas the American family farm has been recognized around the world as an extremely efficient unit of production;

Whereas American agriculture, utilizing modern science and technology, has developed superior farming methods leading to increased productivity and improved quality of farm products; and

Whereas it is appropriate to establish one week each year during which citizens can pause and reflect upon the contributions of agriculture to the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the last full week in March of each year "National Agriculture Week" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 1796

At the request of Mr. Mathias, the Senator from Maryland (Mr. Beall), the Senator from Illinois (Mr. Percy), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 1796, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations.

S. 2167

At the request of Mr. Baker, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 2167, a bill to authorize the Secretary of the Interior to conduct research, development, and demonstration projects in the fields of energy sources and technologies.

S. 2275

At the request of Mr. McIntyre the Senator from Georgia (Mr. Nunn) is added as cosponsor of S. 2775, to provide for an extension of certain laws relating to the payment of interest on time and savings deposits and for other reasons.

S. 2322

At the request of Mr. McGovern, the Senator from Rhode Island (Mr. Pastore), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 2322, the Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act of 1973.

S. 2397

At the request of Mr. Robert C. Byrd (for Mr. Church) the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S. 2397, to provide a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974.

Mr. CHURCH. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of S. 2397, to provide a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974:

Mr. Abourezk, Mr. Mondale, Mr. Williams, Mr. Eastland, Mr. Kennedy, Mr. McGovern, Mr. Randolph, Mr. Nelson.

Mr. Bible, Mr. Tunney, Mr. McIntyre, Mr. Metcalf, Mr. Humphrey, Mr. Gravel, Mr. Brooke, Mr. McGee, Mr. Mansfield.

Mr. Moss, Mr. Robert C. Byrd, Mr. Biden, Mr. Hatfield, Mr. Case, Mr. Bayh, Mr. Cannon, Mr. Hughes.

Mr. Jackson, Mr. Stafford, Mr. Chiles, Mr. Gurney, Mr. Magnuson, Mr. Eagleton, Mr. Pastore, Mr. Inouye, Mr. Hartke.

Mr. Muskie, Mr. Burdick, Mr. Schweiker, Mr. Haskell, Mr. Weicker, Mr. Javits, Mr. Hathaway, Mr. Bentsen.

Mr. Hollings, Mr. Mathias, Mr. Fulbright, Mr. Stevenson, Mr. Dole, Mr. Percy, Mr. Huddleston, and Mr. Domenici.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. With the addition of these 50 Senators, this means that 58 Members of the Senate have now cosponsored S. 2397.

This measure, I am pleased to say, has received widespread bipartisan support.

As a result, the Senate Finance Committee adopted the basic thrust of my proposal as an amendment to H.R. 3153, technical amendments to the supplemental security income program.

The need for an earlier and larger social security increase is, in my judgment, especially compelling because inflationary pressures have clearly intensified.

Because of these events, I am hopeful that the Senate will register its overwhelming support for a 7-percent social security increase.

And, once again, I wish to reaffirm my strong intent to do all that I can to insure the prompt enactment of this vital legislation.

S. 2445

At the request of Mr. McIntyre, the Senator from Arkansas (Mr. McClellan) and the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2497

At the request of Mr. Baker, the Senator from Alaska (Mr. Gravel), the Senator from Ohio (Mr. Taft), and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. 2497, a bill to require the Librarian of Congress to establish and maintain a library of television and radio programs, and for other purposes.

S. 2513

At the request of Mr. Ribicoff, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2544

At the request of Mr. Hruska, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor to S. 2544, to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention of Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances.

SENATE CONCURRENT RESOLUTION 52—SUBMISSION OF A CONCURRENT RESOLUTION RELATIVE TO FRIENDSHIP WITH THE REPUBLIC OF CHINA

(Referred to the Committee on Foreign Relations.)

Mr. CURTIS. Mr. President, tomorrow, October 10, the Republic of China marks its 62d birthday. The republic was founded on October 10, 1911, making it the first republic in Asia. From its earliest days under the leadership of Dr. Sun Yat-sen, the Republic of China has had a close and friendly relationship with the United States and the American people. There has been and should continue to be the special relationship between the American people and the Free Chinese.

The Free Chinese have faced adversities throughout the years—the predominance of warlords in the republic's early years, the Japanese invasion beginning in the early 1930's, and the Communist revolution which resulted in the Republic of China's Government being moved to Taiwan. None of these adversities have defeated them. They maintain their desire to survive as a free and independent people and government and as a symbol for their enslaved countrymen on the Chinese mainland.

The Chinese on Taiwan and the other islands continue to prosper and produce at truly astounding rates. Twenty years ago, agriculture accounted for 35.7 percent of their gross national product while industry only accounted for 17.9 percent. In 1972, agriculture accounted for 15.7 percent of the GNP while industry's share had grown to 36.6 percent. From 1953 to 1971 the Free Chinese GNP grew at an average annual rate of 8.7 percent. Although some serious diplomatic setbacks were registered in 1972, their GNP grew by 11.5 percent and the industrial portion of the GNP rose by 26 percent.

Let us take a look at a few more statistics. In the capital of the Republic of China, Taipei, 10 of every 12 homes have television sets. Ten out of 14 homes have refrigerators. Ten out of 13 homes subscribe to one or more newspapers. The Free Chinese have the highest calorie intake in all Asia—including Japan and Communist China.

We in the United States can be proud of the record of our Free Chinese ally. We also can point to Free China as one of the few examples in the developing nations of the world where we gave foreign aid and it had success. In 1965 the United States stopped giving economic aid to the Republic of China. That country is one of the very few who were and remain thankful for such help because they know it helped make possible their heartening growth.

Although we must remember that the Republic of China is a developing country, we must not forget the growing trade role that they play with our country. In 1953 trade between the United States and the Republic of China was only $19 million; in 1960, $123 million; in 1962, $200 million; in 1968, $500 million; and it passed $1 billion in 1970. The Republic of China does enjoy a favorable trade balance with the United States, but it, as few other countries are doing, is attempting to redress that balance by buying more American goods, sending trade missions to the United States, and encouraging sales of American goods in Taiwan through trade displays and other means.

Today, the Republic of China is the 12th largest trading partner of the United States among a total of 145 nations. By 1976 the Republic of China is trying to be our seventh largest. It is interesting to compare the foreign trade totals of the 15 million Free Chinese in Taiwan and those of the 750 to 800 million living under Communist subjection. In 1971 the Republic of China was almost equal to Communist China. In 1972 the Republic of China passed Communist China in trade.

The Free Chinese estimate that their total trade for 1973 will surpass $8 billion which will be almost 50 percent more than that of all of Communist China.

The Free Chinese have prospered because of American help, their own hard work, and giving free enterprise a chance. The United States and the Republic of China are allied together by the Mutual Defense Treaty of 1954, by the Formosa Resolution of the Congress, and by years of friendship and respect between the American people and the Chinese people. Our two countries are tied together many ways. Taiwan and their other islands also play an important strategic role in the security of the whole Pacific area.

It is in the best interests of the United States and our people to do nothing to compromise the survival of these 15 million Free Chinese friends and allies. The Free Chinese only want a chance to continue and to build their country in freedom. They want to serve as a shining example for their enslaved brothers on the Communist mainland and for all peoples that hard work and free enterprise can work. They only ask the United States to do nothing to compromise their continued existence and freedom. They look upon the United States as a friend and example. Let us do nothing to harm their continued independence.

Today I am submitting a resolution in the Senate which supports the Republic of China. Periodic reaffirmation of our commitments is necessary. I urge all my colleagues to join in this sponsorship of this resolution which supports a small, prosperous, and free country's right to survival. I urge the American Government to give every support to the Republic of China in every international organization of which we are a member.

The concurrent resolution is as follows:

Senate Concurrent Resolution 52

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States Government, while engaged in a lessening of tensions with the People's Republic of China, do nothing to compromise the freedom of our friend and ally the Republic of China and its people.

The concurrent resolution, submitted by Mr. Curtis, is cosponsored by Mr. Bennett, Mr. Brock, Mr. Buckley, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Helms, Mr. Huddleston, Mr. McClure, Mr. Packwood, Mr. William L. Scott, Mr. Thurmond, and Mr. Tower.

Mr. THURMOND. Mr. President, I rise in support of the concurrent resolution offered by the distinguished Senator from Nebraska (Mr. Curtis). This resolution will put on record the sense of the Congress that the U.S. Government should do nothing to compromise the survival and freedom of our 15 million free Chinese friends and allies. The free Chinese people only seek a chance to continue to build their country in freedom. They desire no more, and they deserve no less.

Mr. President, we have recently concerned ourselves with the difficult problem of foreign aid to developing countries. Eight years ago we stopped giving such aid to the Republic of China which is now celebrating the 62d anniversary of its founding by Dr. Sun Yatsen.

I wonder how many of my colleagues know that the gross national product of Taiwan has increased 250 percent since American aid ended in 1965? I wonder how many know that less than one-third of the 14,000 square miles of Taiwan are arable and that the 15 million people who live on those 14,000 square miles represent the highest population density of any part of this world?

The Republic of China has been described as the "only one of the world's developing nations to have truly developed," and it is predicted that by 1975, per capita income in Taiwan will exceed $500. This income level is generally viewed by economists as the takeoff point for a modern, industrial nation.

In a recent advertisement in the New York Times, the Republic of China explained its success in these words:

> People come first. Our society was built by, and for the benefit of, our people . . . 15,350,000 individuals. Happily, we have avoided the pitfalls encountered by other developing nations. We placed agricultural modernization ahead of steel mills. Health ahead of "showcase projects." People ahead of machines. We didn't squander U.S. aid on unnecessary and nonproductive projects. We were, in truth, stingy with ourselves. The result has been a society and an economic system that not only works, but is working better every day. Our secret is this: A philosophy and an economic system that recognizes the rights and dignity of the individual. Confucius said it best: "The people come first."

Mr. President, I wish, when the United States embarked on foreign aid, we had shown as much wisdom in its disbursement as the Republic of China showed in its utilization.

The Republic of China is unstinting in expressing its appreciation for the help the United States gave that country in its darkest hour after the retreat from the Communist takeover of the mainland. I think it only proper on this occasion of their 62d birthday to let the leaders of the Republic of China know that America deeply appreciates the remarkable achievements attained in Taiwan. We appreciate the contribution the Republic of China has made to make this a better world through imagination, initiative, and enterprise against tremendous odds. Taiwan has shown us the impossible can still be achieved. This should be the greatest of all incentives to the struggling, developing countries of the world.

Mr. President, I urge all of my colleagues to join in bipartisan sponsorship of the resolution.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. JAVITS, the Senator from Illinois (Mr. STEVENSON) and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of Senate Concurrent Resolution 50, establishing a World Food Conference.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. THURMOND, the Senator from New York (Mr. BUCKLEY), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 51, to express the appreciation of Congress to Vietnam Veterans on Veterans Day 1973.

SENATE RESOLUTION 180—SUBMISSION OF A RESOLUTION DESIGNATING JOHN C. STENNIS DAY

(Considered and agreed to.)

Mr. MANSFIELD (for Mr. EASTLAND), submitted a resolution (S. Res. 180) designating a JOHN C. STENNIS Day.

(The text of the resolution is printed at a later point in the RECORD when submitted by Mr. MANSFIELD and agreed to.)

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 173

At the request of Mr. MCINTYRE, the Senator from Georgia (Mr. NUNN), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. CLARK), and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of Senate Resolution 173, directing the Securities and Exchange Commission to make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the securities markets.

SENATE RESOLUTION 179

Mr. MONTOYA. Mr. President, I ask unanimous consent that my name be added as a cosponsor of Senate Resolution 179, a resolution deploring the outbreak of hostilities in the Middle East.

Once again the world is subjected to a saddening, frightening display of violence in the Middle East. Saddening because it points out the failure of 6 years of diplomacy. Frightening because it raises the always-present possibility that the situation may grow out of control.

While the resolution addresses itself equally to Israel and to her neighbors, urging both sides to stop fighting and to return to the positions they occupied prior to the outbreak of hostilities, it seems reasonably clear that Egypt and Syria must bear the weight of responsibility for this round of fighting.

I commend the President and Secretary of State Kissinger for their handling of the situation thus far. Reports in the press this morning that the United States, the U.S.S.R., and China are cooperating to prevent the spread of fighting are gratifying. What is needed now is a restoration of the status quo ante, and a resumption of the diplomatic efforts, however long and tedious, needed to bring lasting peace to the area.

At the request of Mr. ROBERT C. BYRD (for Mr. NELSON) the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of Senate Resolution 179, supra.

REPEAL OF CERTAIN PROVISIONS OF AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973—AMENDMENT

AMENDMENT NO. 617

(Ordered to be printed and to lie on the table.)

Mr. CLARK submitted an amendment intended to be proposed by him to the bill (S. 2491) to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures, with respect to crops planted in lieu of wheat or feed grains.

MIDWEST AND NORTHEAST RAIL SYSTEM DEVELOPMENT ACT—AMENDMENTS

AMENDMENTS NOS. 618 AND 619

(Ordered to be printed and to lie on the table.)

Mr. MONDALE. Mr. President, I am submitting with Senator HUMPHREY two amendments to S. 2188, the Midwest and Northeast Rail System Development Act.

These amendments are designed to address the critical inadequacy of America's rural transportation system and to prevent the continued decline in rail services to rural communities.

Because of increased domestic and world demand for American farm products, farmers have greatly increased production this year; and the administration has announced its intention to bring an additional 19 million acres under cultivation in 1974. This large-scale expansion of production generates major new demands on our already overburdened rural transportation system—demands for shipment of seed, fertilizer, and equipment, as well as the movement of commodities to market.

At the same time rural transportation needs are rapidly growing; however, thousands of miles of railroad track serving farm communities are threatened with abandonment. Since 1970, the number of abandonment cases brought before the Interstate Commerce Commission has nearly tripled from a rate of about 100 per year in the 1960's to a rate of from 250–300 per year at the present time. In virtually every case that has been decided since 1970, the ICC has granted the railroad's request for a discontinuance of service, resulting in the loss of 7,800 miles of track to rural America.

Incredibly, the Federal agencies and departments, charged with responsibility for decisions that have a profound impact on America's rail transportation system, do not know precisely how rail abandonments have affected rural communities; and they do not know what the impact of future abandonments may be on the Nation's transportation system. In its report on S. 2188, the Senate Commerce Committee revealed:

> Time and again, the Committee has found disturbing the large gaps in basic information about straight-forward questions—gaps shared alike by private and public organizations. For example, despite the decades of experience with economic regulation of the railroads by federal and state agencies, and the huge R&D budgets provided to the D.O.T., including both the Office of the Sec-

retary and the Federal Rail Administration, nobody could answer the simple question, "What has happened in the past to shippers, communities, workers and other affected parties when railroads have been permitted to abandon lines?" And what might happen in the future.

In many cases among communities now threatened with abandonment, alternative means of transportation do not exist, are more expensive and less efficient for shippers, or involve public costs which greatly exceed any private gain that might accrue to a railroad as a result of a discontinuance. In the State of Minnesota, for example, it would cost an estimated $80 million just to provide highways to serve those communities threatened with loss of their railroads. These towns have no alternative to rail service. And aside from the tremendous costs to taxpayers for the construction of new roads to replace rail lines, there would also be extremely high added costs to businesses, which would have to convert their terminals and receiving facilities to accommodate increased reliance on motor carriers.

Our country is facing a fuel shortage, necessitating ever-increasing imports of oil at great cost to our balance of payments and the value of the dollar. Expanded agricultural exports are viewed by economists as the principal hope for offsetting the disastrous trade deficit caused by oil imports. Yet we are at the same time continuing a policy of abandoning essential rural train service, trains which can move each ton of freight from one-fourth to one-seventh the amount of fuel consumed by trucks. Rural communities obviously need good modern roads; nevertheless, available evidence casts serious doubt upon the advisability of Federal policies which consciously result in decreased rail service and inordinate dependence upon highways . . . highways that too often do not exist or are hopelessly inadequate.

Before we proceed full speed ahead on a course which could result in immense costs to our Nation, we ought to examine the impact of continued rural rail abandonments and find out how best to provide an adequate rural transportation system.

The amendments which Senator Humphrey and I offer today are designed to obtain within 1 year the information we need to make a sensible judgment; and they would allow time for congressional action to promote the continuation and improvement of vital rural rail services.

One amendment would create a Rural Rail Transportation Planning Commission. The Commission would conduct a study of the overall transportation needs and capabilities in rural America. In addition the Commission would carry out an in-depth economic and operational study of rail lines, identified by the Governors of the States as presently threatened or likely to be endangered by abandonment. This study would include a calculation of current and projected demand for rail services, a review of available alternative modes of transportation, and an evaluation of the economic, environmental and social costs involved in the substitution of such alternatives, as well as an examination of the revenues and costs of rail service on identified lines. Finally, the Commission would be charged with responsibility for an analysis of the costs and benefits of various methods to continue rail service where a valid need for such service exists and for the submission of its recommendations on those methods which would best enable us to achieve an efficient and fully adequate rural rail transportation system.

In carrying out the Rural Rail Transportation Study, the Commission would cooperate with the Rail Emergency Planning Office, created under S. 2188, in the exchange of information, including data, analyses and findings with particular bearing upon methods to meet the rural rail needs of States included in the Rail Emergency Region.

But while these studies are being conducted to measure the consequences of abandonments and to develop methods to continue service, it would be senseless to proceed with the abandonment of many thousands more miles of track.

The second amendment, which Senator Humphrey and I today propose, would establish a 2-year moratorium on the abandonment of rural freight service to provide time for completion of the study and subsequent legislative action. This moratorium would not apply in a case where a railroad is in reorganization under section 77 of the Bankruptcy Act and where the Court requests the Interstate Commerce Commission to approve an abandonment. However, where no immediate financial threat exists and where States or local communities express opposition to a proposed abandonment, the ICC would be precluded from making a final decision until the study and congressional action can be completed.

The moratorium would simply insure that we have all the facts about the consequences of abandonment before we implement decisions which could seriously jeopardize the economic, environmental, and social interests of rural communities and the Nation as a whole.

I am hopeful that these two crucial amendments will be adopted as part of S. 2188 when that measure reaches the Senate floor.

Mr. President, I ask unanimous consent that the full text of the amendments be printed at this point in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 618

At the end of the bill, insert the following:

CURTAILMENT OR ABANDONMENT OF RURAL RAIL SERVICE OR LINES

Sec. (a) Notwithstanding the provisions of the Interstate Commerce Act, no carrier subject to part I of such Act shall, within the two-year period following the date of enactment of this Act, limit in a significant way freight service to, or abandon all or any portion of a line of a railroad in, any rural area, except in any case where such discontinuance, significant limitation, or abandonment is not opposed, in hearings held by the Interstate Commerce Commission with respect thereto, by any State or local government having jurisdiction over an area receiving such service.

(b) If a railroad is in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) and the Court requests the Commission to approve an abandonment, the Commission may consider the abandonment request under the authority of the Interstate Commerce Act, without regard to the provisions of subsection (a) of this section.

Amendment No. 619

At the end of the bill, insert the following:

RURAL RAIL TRANSPORTATION PLANNING COMMISSION

Sec. (a) Establishment.—There is hereby established and independent commission to be known as the Rural Rail Transportation Commission (hereinafter in this section referred to as the "Commission"). The Commission shall consist of five members who shall be appointed by the President on the following basis:

(1) one, the Chairman, to be selected from a list of not less than three qualified individuals recommended by the Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives and the Chairman of the Committee on Commerce of the Senate;

(2) one, to be selected from a list of not less than three qualified individuals recommended by the Association of American Railroads or its successor, who shall be representative of railway management;

(3) one, to be selected from a list of not less than three qualified individuals recommended by the parent body of the American Federation of Labor and Congress of Industrial Organizations or its successor, who shall be representative of railway labor;

(4) one, to be selected from lists of qualified individuals recommended by organizations representative of significant rural rail shipping interests, including small shippers, consumer organizations, environmental organizations and community organizations; and

(5) one, to be selected from a list of not less than three individuals recommended by the Governors of the States and local community officials, who shall be representative of State and local interests.

(b) Duties.—The Commission shall:

(1) conduct a comprehensive analysis of present and future rail freight transportation needs in rural areas throughout the United States, taking into account increased demand for transportation resulting from expanded production of agricultural and forest products and the national goal of promoting the growth and development of rural America, and in carrying out such analysis, shall consider factors such as—

(A) the nature and volume of traffic now being moved and likely to be moved in the future in rural America by all the various modes of transportation;

(B) existing and projected rural transportation capabilities to handle such traffic, including all modes of transportation;

(C) the extent to which alternative modes of transportation are available to move traffic that is now carried by rail lines identified pursuant to paragraph (2) of this subsection; and

(D) the relative economic, social and environmental costs including energy utilization involved in the substitution of alternative modes of transportation to move traffic that is now carried by rail lines identified pursuant to paragraph (2) of this subsection and in increasing reliance upon alternative modes of transportation to meet projected rural transportation needs;

(2) prepare an information survey and an economic and operational study of all rural freight lines or portions thereof identified by the Governors of the several States as currently threatened or likely to be threatened by abandonment, taking into account—

(A) current and projected demand for rail service along such lines including demand which may not be reflected in current traffic density because of a shortage of rail cars or the poor condition of track and roadbed;

(B) traffic density over identified lines, plant equipment and facilities, and pertinent costs and revenues of such lines;

(C) the extent to which alternative modes of transportation could move traffic that is carried by identified lines;

(D) the relative economic social and environmental costs involved in the use of alternative modes of transportation including energy utilization; and

(E) the economic impact, competitive and otherwise upon local shippers, railroad companies, and rural communities involved in the abandonment of identified lines; and

(3) analyze and make recommendations regarding methods to continue to improve rail freight service to rural communities particularly in cases where such service may otherwise be discontinued and where there is a valid need for such service in order to maintain economic growth and development of affected communities or to prevent adverse economic, social or environmental impacts resulting from the substitution of alternative modes of transportation, and such analysis shall include but not be limited to methods such as—

(A) the provision of low interest loans or loan guarantees to enable local non-profit organization composed of shippers and residents and agencies of State and local governments to continue rail service on abandoned lines or lines to be abandoned;

(B) the provision of low interest loans, loan guarantees, grants or other methods as may be appropriate to improve the availability of railroad rolling stock;

(C) operating assistance to enable rail companies or non-profit private or public organizations to maintain service along rail lines threatened with abandonment;

(D) assistance for the rehabilitation of track and roadbed, or the acquisition or modernization of facilities and equipment required to continue and improve service; and in analyzing such methods the Commission shall consider the relative economic, social and environmental costs and benefits thereof and utilize such findings in making recommendations concerning the methods which would best assist in satisfying the public need for an efficient and fully adequate rural freight transportation system.

(c) Compensation.—Each member of the Commission shall be compensated at the daily equivalent of the annual rate of basic pay of level III of the Executive Schedule for each day he is engaged on the work of the Commission, and shall be entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of title 5, United States Code.

(d) Rules.—The Commission shall adopt rules of procedure to govern its proceedings. Vacancies on the Commission shall not affect the authority of the remaining members to continue with the Commission's activities, and shall be filled in the same manner as the original appointments.

(e) Hearings.—The Commission, or any members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to its study. In connection therewith the Commission is authorized to pay witnesses travel, lodging, and subsistence expenses.

(f) Other Departments and Agencies.—The Commission may acquire directly from the head of any Federal executive department or agency or from the Congress, available information which the Commission deems useful in the discharge of its duties. All Federal executive departments and agencies and the Congress shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law and the Constitution of the United States.

(g) Contract Authority.—The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Delegation Authority.—The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this section.

(i) Staff.—The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service but otherwise in accordance with General Schedule pay rates, appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission.

(j) Experts and Consultants.—The Commission may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates not to exceed $250 a day for qualified experts.

(k) Administrative Assistance.—Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, on a reimbursable basis, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

(l) Reports.—The Commission shall submit to the Congress within 60 days from the date the members take office pursuant to subsection (a) a summary report of its plans for carrying on its duties, within 270 days from such date a preliminary report of its findings and recommendations, and within 360 days from such date a final report of its findings and recommendations.

(m) Consultation.—In carrying out the provisions of this section, the Commission shall consult and cooperate with appropriate State and local agencies, shippers, railroads, organizations representing railroad workers, and other appropriate organizations and groups. The Commission shall also cooperate in the exchange of information regarding its plans, findings and recommendations with the Rail Emergency Planning Office, established under section 4(a) of this Act.

(n) Authorization.—There is authorized to be appropriated for the purposes of this section not to exceed $2,000,000.

(o) Termination.—The Commission shall cease to exist at the end of 30 days following the submission of its final report pursuant to subsection (l).

HOUSING ACT OF 1973—AMENDMENTS

AMENDMENT NO. 620

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON. Mr. President, I am pleased to submit, with my distinguished colleague from New Jersey (Mr. Williams), amendments to S. 2182, the Housing Act of 1973, to assist local housing authorities in providing greater security and safety to tenants.

These amendments require the Secretary of Housing and Urban Development to include security and safety factors in his estimate of the cost of constructing public housing units. Further, the amendments require the Secretary of Housing and Urban Development to take into account the cost of design features that will contribute to the security and safety of tenants within their project and in areas directly adjacent to their project.

A recent book by Oscar Newman entitled, "Defensible Space: Crime Prevention Through Urban Design," documents the influence that architecture and landscaping can have on a public housing tenant's perception of himself and his environment. Mr. Newman's book forcefully argues that design features play a significant role in promoting or detracting from security in public housing projects.

Mr. President, the book "Defensible Space" was reviewed in the New York Times on November 5, 1972. I ask unanimous consent that this review be printed in the Record at this point.

There being no objection, the review was ordered to be printed in the Record, as follows:

Architecture: A Prescription for Disaster

(By Ada Louise Huxtable)

When officials dynamited Pruitt-Igoe Houses in St. Louis this year, they finally blasted the subject of housing design into the public consciousness. It took the violent and necessary act of destruction of part of a public housing project that had become an obscenity of American life to make it clear that we have been doing something awfully wrong.

It wasn't the failure of a dream, although that was bad enough. One of the great American social reforms—safe and sanitary housing in exchange for slums—has obviously gone off the rails. The anguished "why?" that society is asking now has many complex answers. But one of the most basic and important is the physical fact of how American public housing has been planned and designed. Now comes a supremely significant study and book to tell us that we have, with the best intentions, literally built in failure by erecting buildings that are actually designed to exacerbate crime and violence and problems of human behavior, for the near-destruction of a segment of our society and whole sections of our cities.

The book is "Defensible Space," subtitled, "Crime Prevention Through Urban Design," by Oscar Newman, just published by Macmillan. It details the results of a three-year research program called the Project for the Security Design of Urban Residential Areas, directed by Professor Newman, who is also an architect and director of the Institute of Planning and Housing of New York University, where he is an associate professor.

The study deals primarily with the "effects of the physical layout of residential environments on the criminal vulnerability of its inhabitants." It relates the incidence of crime and vandalism to the specific factors that encourage it. In doing so, it indicts much current housing practice. More broadly, and most importantly, it deals with a most controversial subject—how environment affects behavior.

The study, significantly for these times, has been funded not by housing or design sources, but by the U.S. Department of Justice. The method has been statistical analysis and experimental design modification of existing projects to test hypotheses. Housing developments in every major city in the country have been examined, with heavy reliance on the inexhaustibly complete statistics of the New York Housing Authority. Professor Newman points out that New York builds and maintains better, keeps better files, and has a better housing record than any other city. But the findings were the same everywhere, and they are going to shake a lot of people up.

The conclusion—given the same social factors and statistics of color, race, age and income level of residents, family size, condition and problems, number of welfare recipients, etc.—is that much of the difference between housing success and failure is in the design of the buildings and their grounds, and their relationship to the surrounding community.

The final conclusion is that the larger-and-larger cookie cutter formula projects of clustered high-rise buildings on superblocks of open space—usually dictated by land costs and economics—is the guaranteed prescription for disaster. Given the same densities and people crime rate and tenant disaffection drop substantially in smaller, low-rise projects where certain principles of social design have been followed.

Professor Newman defines these principles as territoriality, natural surveillance, and image and milieu.

Territoriality is the division of the residential environment into zones toward which adjacent residents easily adopt proprietary attitudes. Surveillance is achieved through the visual and physical contact of one area with another—by visibility, layout and plan. Image and milieu are concerned with the stock, large-scale housing project located conspicuously in unsympathetic areas, stigmatized by visible design, the criminal's "easy hit."

The real villains, the author says, are project size and tall buildings. Crime and vandalism rates go up with size and height. The only "defensible" space becomes the apartment itself. The blind elevators, the long, anonymous, double-loaded corridors, and the enclosed fire stairs are a noman's land made to order for anti-social activity.

As a test of his thesis, Professor Newman has modified some projects, specifically Clason Point in the Bronx, with the cooperation and encouragement of the New York City Housing Authority. Design changes have already reduced the crime rate to six times lower than formerly, and increased desirable social patterns. Moreover, HUD funds exist up to $1,000 a unit for such modifications for any city that wants to use them. There is no excuse not to do so now.

A lot of us have been indicting the design of housing projects for a long time, but mostly on the grounds of empirical observations of the relationship of design and a more humane environment, and half-formed feelings about the depth and importance of people's responses to the physical ordering of their lives. Professor Newman provides facts and figures, not feelings; this is definitive documentation of human and urban tragedy. Incredibly, similar projects are still going ahead, even as Pruitt-Igoe is dynamited and Philadelphia prepares to close off the top stories of Rosen Houses. Forest Hills, as planned, had almost every dangerous defect on the list.

The irony of all this is that the hard-nosed champions of housing—good men and true if sometimes politically motivated—have consistenly dismissed design as "frills." Their word. No matter how much those of us who believe otherwise have explained or argued we were met with a tolerant dismissal of our attempts to "pretty it up," as this was so woefully misunderstood, and told that the only important thing was to get countable units of desperately needed housing built.

Gentlemen, eat your words. The numbers game, without regard for design, or rather *specifically because of design,* has demonstrably increased tendencies toward crime, violence and social dislocation, compounding problems to the point of no return. And the costs, in terms of money and society, are insupportable.

But the saddest irony of all is that architects, pioneering innovations of impeccable social intent, have been so blindly at fault. To quote the author: "Many of these physical features may have been intentionally provided by the architects as positive contributions to the living environment of intended residents." But the superblock removed the life and surveillance of streets; the open grounds, meant for recreation were unused and invited only the criminal; the off-street entrances and their winding paths meant danger to the resident; the tall buildings hosted countless physical and psychological hazards. Le Corbusier's Ville Radieuse and dreams of the modern movement, R.I.P.

The whole area of architecture and behavioral science is fraught with challenges and uncertainties. It is a field that demands attention and research. Fallacy number one was the modernist idea that an architectural setting or group of buildings of certain design characteristics could give birth to a Utopian socley. "Isomorphism," says Professor Newman, "remains a happy delusion of very few architects and physical planners." Fallacy number two is a pendulum swing that rejects the idea that design can have any effect on behavior. It has now been conclusively demonstrated that while design cannot create behavior, it can to a significant extent modify and control it.

The inevitable conclusion is that the architect's responsibility, in the light of these findings, is now heavier than ever.

Mr. CRANSTON. Mr. President, the Federal Government needs to continue and strengthen its concern for the people who live in public housing. We need to protect, too, the huge dollar investment we have made in public housing projects. Security and safety features and good design can help prevent the destruction to life and property that we have witnessed in many public housing projects. This dual savings is the purpose of the amendments I offer today with Senator WILLIAMS.

AMENDMENT NO. 621

Mr. HUMPHREY. Mr. President, farmers, grainhandlers, forest products manufacturers, and other rural businessmen continue to be seriously hurt by a terribly inefficient system for moving their goods to market. Our Nation's rural transportation system is dangerously inadequate and getting worse each year. When I hear talk of maximizing U.S. agricultural production, I have to seriously wonder how we are going to move what we produce to market.

Rural transportation for many years has been deteriorating into what has now become a serious crisis. As it deteriorates, so does the rural economy which it sustains.

In the past 40 years, more than 46,000 miles of railroad trackage have been abandoned, largely in sparsely populated rural regions. Railroads today are operating with 30,000 fewer locomotives and 840,000 fewer cars than they had during peak years in the 1930's. This loss, according to a recent article in Construction News, "equates to 13 main line railroads, stretching from coast to coast, each located 100 miles apart and each having 2,300 locomotives and 64,000 cars."

Much more attention has been focused on our highway system and intercity transportation needs. These are very important, without question, but balance is essential in meeting all of our Nation's varied transportation requirements. When the United States launched its massive highway rebuilding program in 1956, emphasis was placed on the interstate expressway network and on heavily traveled Federal-aid primary routes. These two systems now carry 50 percent of all automobile and truck traffic, despite there being only 7 percent of total highway mileage. This concentration of resources has resulted in steady deterioration in much of the 36 million miles of roads not included in the two major systems. According to a recent study of rural transportation:

> Most of the 2-million miles of non-federal system rural roads have gone untouched for 30 years or more.

While rural Americans bear the immediate costs of rail abandonments, boxcar shortages, decaying rail beds that make rail service in some areas terribly inefficient, and extremely poor farm-to-market roads, all Americans pay higher prices for food, fiber, and forest products as a result.

If we are serious in our commitment to pursue a more balanced national growth strategy in this country, and in revitalizing our Nation's rural areas and smaller communities as a part of such a strategy, then we must take a closer and more detailed look at the importance of continued rail transportation, and other economically viable alternatives, to their future growth and development.

As we prepare to deal with the restructuring of rail service in the Northwest, we must not fail to take action at the same time to improve the availability and quality of transportation in rural America.

For this reason, my colleague from Minnesota and I have offered today two amendments to S. 2188, the Midwest and Northeast Rail System Development Act. The first amendment will establish a new independent Rural Rail Transportation Planning Commission which would conduct an overall analysis of rural transportation needs and capabilities. The Commission would also undertake an indepth study of rural rail lines threatened with abandonment, and the likely effects social and economic, of such action. The Commission would be required to report its findings and recommendations to Congress within 1 year.

Since it would make no sense to allow thousands of additional miles of trackage to be abandoned while a solution to this problem is being actively sought by Congress, we are also offering an amendment to prevent abandonments during the 1-year period of study and for 1 year thereafter to allow for implementation of recommendations. During this time, however, the ICC would be able to permit abandonments in the case of rail carriers that are in bankruptcy proceedings.

I urge all of my colleagues to join me in support of these important amendments.

We must take action immediately to reverse the decline in our transportation system. If we fail to do so, not only will our rural residents suffer, but the effect of our neglect will be felt in the supermarket checkout counter by every person in America.

I ask unanimous consent that the amendment, in which Senator MONDALE joins me, be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 621

At the end of the bill, insert the following:

CURTAILMENT OR ABANDONMENT OF RURAL RAIL SERVICE OR LINES

SEC. (a) Notwithstanding the provisions of the Interstate Commerce Act, no carrier subject to part I of such Act shall, within the two year period following the date of enactment of this act, limit in a significant way freight service to, or abandon all or any portion of a line of a railroad in, any rural area, except in any case where such discontinuance, significant limitation or abandonment is not opposed, in hearings held by the Interstate Commerce Commission with respect thereto, by any State or local government having jurisdiction over an area receiving such service.

(b) If a railroad which is in reorganization under Section 77 of the Bankruptcy Act (11 U.S.C. 205) files an application for an abandonment certificate, the Commission may consider the application under the provisions of the Interstate Commerce Act, without regard to the provisions of subsection (a) of this section.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 565 TO S. 1724

At the request of Mr. TUNNEY, the Senator from Texas (Mr. TOWER), was added as a cosponsor of amendment No. 565, intended to be submitted by him to S. 1724, to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes.

AMENDMENT NO. 523 TO H.R. 3153

At the request of Mr. FANNIN, the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors to amendment 523 to H.R. 3153 to amend the Social Security Act to make certain technical and conforming changes, and for other purposes.

AMENDMENT NO. 611

At the request of Mr. BAKER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor to amendment No. 611 to S. 425, the Surface Mining Reclamation Act of 1973.

NOTICE OF CHANGES IN BILINGUAL COURTS HEARINGS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery, I wish to announce that hearings for the consideration of S. 1724, the Bilingual Courts Act, scheduled for October 10, in room 2228, have been moved to room 2221. Also, the hearings on the same subject scheduled for October 11 have been postponed to a later, undetermined date.

NOTICE OF HEARING ON PROPOSED 10-YEAR TERM FOR APPOINTMENT OF DIRECTOR OF FBI

Mr. ROBERT C. BYRD (for Mr. EASTLAND). Mr. President, on behalf of the Subcommittee on FBI Oversight, I desire to give notice that the public hearing scheduled for October 11, 1973, has been rescheduled for Tuesday, November 6, 1973, at 10 a.m., in room 2228, Dirksen Office Building, on the bill, S. 2106, to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968, to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation.

The chairman of the subcommittee, Mr. EASTLAND, has designated me to act as chairman for the purpose of conducting this hearing.

ADDITIONAL STATEMENTS

HOLDINGS AND DEVELOPMENT OF FEDERAL COAL LEASES

Mr. MANSFIELD. Mr. President, an interesting analysis of Federal activity in the area of Federal coal leasing has come to my attention. A report on coal leases prepared by Mr. G. Bennethum, natural resource specialist, Bureau of Land Management, provides considerable statistical information. The report was prepared in November 1970, but it is applicable because of the general inactivity on the part of the Federal Government in the area of leasing of coal.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HOLDINGS AND DEVELOPMENT OF FEDERAL COAL LEASES [1]

I. INTRODUCTION

With total energy demand of the country growing at an alarming rate, western U.S. coal resources are becoming increasingly important to this country's continued economic well-being.

Most of the western coal resources are on Federally owned land, much of which is managed by the Bureau of Land Management. As administrator of the largest coal reserves in the country, the Bureau of Land Management, either directly or indirectly, affects the development and utilization of this increasingly important energy resource.

Purpose.—The purpose of this report is to examine the holding and development of Federal coal leases. Specifically this paper will: (1) determine the acreage included within outstanding coal leases and permits issued by the Bureau of Land Management, (2) estimate the recoverable coal reserves contained in these leases, (3) determine the extent of development, and (4) pattern of ownership of the coal leases.

Definitions.—Throughout this report the term "productive lease" is used. Any lease which has produced coal during the 6 month period, April-September 1970 is defined as a productive lease. It is possible that due to strikes, market situations, or acts of God, some operating mines temporarily closed down prior to this measurement period. However, it is believed that such occurrences are relatively few, and would not in any way alter the conclusions of this paper.

A distinction must also be made between the terms "productive status" and "productive lease." The BLM administers all newly issued coal leases until such time as the lessee produces coal or 5 years expires. After 5 years of production, the lease is administered by the United States Geological Survey. Such leases are said to be in a "productive status" whether or not any coal is produced. In this study, leases in a productive status which are not producing coal are considered to be nonproducing leases.

It is important to note that in the following tables the heading "productive acres" does not correspond to those acres actually being mined. The term represents the total acreage included within currently productive leaseholds. The number of acres from which coal is actually produced is far less than this figure.

All coal leases issued by the Bureau of Land Management through November 1970 have been considered in this report. Leases issued subsequent to this date are not included.[2]

II. STATUS OF COAL LEASING ON FEDERAL LANDS

Rate of Coal Leasing.—The curve in figure 1 shows the rate at which Federal coal reserves are being leased. The plotted time series represents the acreage included within the outstanding coal leases at the end of each of the last 30 fiscal years. Only coal leases on public lands are represented.

As of November 1970, there were almost 762,000 acres of Federal land under coal prospecting permit. This is the most acreage the BLM has ever had under such permits. It represents almost a 50 percent increase over the previous fiscal year.

The sudden increase in the acreage under permit is not a random event. From all indications it is apparent that coal prospecting permit actively will likely continue to accelerate at increased rates.

As of March, 1971, there were almost 300 coal prospecting permit applications outstanding, a record level. The number of permit applications is growing monthly.

The reasons for the upsurge of interest in Federal coal reserves are several. First, antipollution statutes in many urban areas are requiring the use of low sulfur coal in electric power plants. Much low sulfur coal exists on Federal land. It is expected that the President's proposed legislation which would tax high sulfur fuels will further enhance the attractiveness of the lower-sulfur western coals.

Second, current and expected increases in the price of oil and gas are prompting many companies to look toward the vast coal reserves of the western U.S. as a primary source of energy. To use these coals, new technologies such as coal gasification, liquification, and solvent refining are being developed.

It is expected that commercial coal gasification will be a reality within the decade. Many potential gasification sites are located on Federal land. Commercial development of such processes will suddenly and substantially increase the value of the publically-owned coal reserves of the western United States.

Under these conditions it is advantageous for an energy supplier or consumer to control as much Federal coal as possible.

Estimation of Leased Reserves.—As of November 1970, there were over 773 thousand acres of public and acquired land under BLM-issued coal leases. The coal reserves contained in these leaseholds are enormous. No official reserve figure is available. However, it is possible to estimate the recoverable coal reserves included within these outstanding leaseholds.

Since estimations of reserves are often controversial it is important to identify the parameters under which such an estimate is made. All of the factors in this estimate are believed to be very conservative resulting in a minimum recoverable reserve figure.

The first step in the estimation process is to determine the average thickness of workable coal beds by state and/or geologic provence. In determining the coal thickness care has been taken to include only minable beds of coal. Where published information was sketchy or not available, experienced geologists and mining engineers in the appropriate states were asked to estimate the average minable thickness of coal for the areas where BLM-issued leases exit. The average coal thickness is then multiplied by its net area of influence and a factor representing coal densities and mining recovery.

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[1] G. Bennethum, Natural Resource Specialist, Branch of Upland Minerals, BLM.

[2] Eight coal leases have been issued since November 1970.

The area of influence is the total acreage of outstanding non-productive coal leases within the area for which the average thickness applies. Since recoverable coal does not underlie all acres under lease and since all the acres under lease will not be mined, a 20% covering factor is applied to the acreage figure to give the net area of influence.

The product of the average workable thickness and the net area of influence is then multiplied by a third factor. Represented in this factor is the tons of coal per acre per foot of thickness. Three different figures were used depending on the type of coal which predominates in the area of influence. These figures with their corresponding coal types are:

Bituminous coal—1,800 tons per acre per foot.

Subbituminous coal—1,770 tons per acre per foot.

Lignite—1,740 tons per acre per foot.

Also. represented in this factor is the average recovery of inplace coal. A very conservative 50% recovery factor is used. Actually, much of the acreage under lease will be mined by stripping methods with recovery factors approaching 90%.

Using this approach the total estimated known recoverable reserves of coal currently under lease is 8.6 billion tons. It must be emphasized that this figure is believed to be an absolute minimum and does not include marginal deposits which could not be mined at present costs and prices.

Without some comparison, the importance of this reserve estimate may not be fully appreciated. If the reserve figure is compared with coal production from public lands its significance becomes more apparent.

In 1970, the USGS reported that total production from public domain and acquired lands was 7,339,775 tons. Thus, coal reserves currently under BLM-issued leases are over 1,100 times greater than coal production from Federal lands.

On a tonnage basis and at current rates of consumption and production, there is sufficient economically recoverable coal currently under Federal lease to supply this Nation's needs for the next 14 years.

Holdings of Federal Coal Prospecting Permits.—One way to acquire a Federal coal lease is through the prospecting permit—preference right lease procedures authorized by the Mineral Leasing Act of 1920.

Prospecting permits are issued to prospective lessees in areas where the extent and workability of coal deposits is uncertain. The permit is good for a period of two years with the right to one, two-year extension. If the permit holder discovers coal and establishes its extent and workability then a preference right lease will be issued for all or part of the lands included in the prospecting permit.

As of November 1970, slightly over 761 thousand acres of public and acquired lands were included within outstanding coal prospecting permits. Table 1 lists the ten largest holders of coal prospecting permits.

TABLE 1

Permittee	Acres	Land office State
1. Page and E. Jenkins	87,017	Colorado, Wyoming.
2. Thomas C. Woodward	84,761	Montana, Colorado, Wyoming.
3. Coal Conversion Corp	46,795	Wyoming.
4. Cayman Corp	43,691	Utah.
5. Kerr McGee Corp	40,250	Colorado.
6. Robert V. Bailey	38,003	Do.
7. Kemmerer Coal Co	36,420	Colorado, Wyoming.
8. Robert Cutherall et al	35,938	New Mexico.
9. Sharon and E. B. Larue et al	30,832	Do.
10. Rosebud Coal Sales Co	25,566	Wyoming

It is interesting to note that few coal producers and consumers appear to be actively engaged in exploring the public lands for coal resources. Only 2 of the largest 10 coal permittees have any appreciable Federal coal reserves under lease. Compare table 1 with table 2.

By far the dominant force in the acquisition of coal prospecting permits is the "lease broker." Of the top 20 coal permit holders, on an acreage basis, only four are actively engaged in the production of coal. It is not the purpose of this report to discuss the pros and cons of coal brokers. Suffice it to say that brokers—not coal producers or users—are the predominant holders of Federal coal prospecting permits.

TABLE 2

Lease	Land office States where leases occur	Total acres directly leased	Productive acres	Percent productive acres
1. Peabody Coal Co	New Mexico, Colorado, Utah, Wyoming	63,218	2,360	3.7
2. Atlantic Richfield	Colorado, Utah, Wyoming	43,502	0	0
3. Garland Coal Co	New Mexico	40,239	4,000	9.9
4. Pacific Power & Light	Oregon, Wyoming, Montana	39,958	2,000	5.0
5. Consolidation Coal Co	New Mexico, Utah, Montana	39,882	0	0
6. Resources Co. et al	Utah	39,352	0	0
7. Kemmerer Coal Co	Colorado, Utah, Wyoming	38,705	1,751	4.5
8. Utah Construction & Mining Co	Utah, Colorado	34,448	0	0
9. Richard D. Bass	Wyoming	20,700	0	0
10. Kerr McGee Corp	New Mexico, Wyoming, Montana	19,778	0	0

Holdings of Federal Coal Leases.—The following table lists the 10 largest acreage holders of BLM-issued coal leases:

As might be expected, the major coal mining and coal consuming companies control the most acreage.

The top acreage holder, Peabody Coal Company directly controls 8.2% of all acres currently under coal lease. Table 3 summarizes the degree of ownership concentration for all public domain and acquired lands.

TABLE 3

Lessee (rank by acres)	*Percent of total acreage controlled*
Largest 1	8.2
Largest 2	13.8
Largest 5	29.3
Largest 10	49.1
Largest 15	59.6

Together the 15 largest acreage holders directly control 460,674 acres or about 60% of the 773,384 acres currently under lease. On a percentage basis these 15 lessees represent only 8% of the total number of coal lessees. Thus 8% of the lessees account for 60% of all acres under lease. In fact, as few as 2% of all lessees control almost 25% of the total acreage under lease.

At the State level there is greater concentration of lease ownership on an absolute basis. The following table summarizes the degree of ownership concentration within the major coal leasing States.

TABLE 4.—LESSEE RANK WITHIN STATE [1]

State	Percent				Total number lessees
	Largest 1	Largest 2	Largest 5	Largest 10	
Colorado	[1]13.3	25.5	50.1	75.3	44
Montana, North Dakota	19.5	37.8	78.2	97.1	20
New Mexico and Oklahoma	15.3	28.6	57.1	91.3	31
Utah	15.0	27.2	58.6	79.4	47
Wyoming	14.8	25.7	51.7	77.1	33
Average	15.3	28.6	59.1	84.0	

[1] Percent of total acreage under lease within State.

Within each of the major coal leasing States the largest lessee controls an average of 15.3% of all acres under Federal coal lease. The corresponding figure for all public and acquired lands is 8.2%, see table 3. The largest 2 lessees control an average of 28.6% of all leased acres within each state. If all states are considered together the largest 2 lessees control only 13.8% of all acres under lease.

D. Development of Federal Coal Leases.—It is apparent that there is little development of Federal coal leases. For all public and acquired lands, 91.5% of the total acreage under coal lease is within nonproductive leaseholds. If all leases issued since 1966 are excluded from construction (on the average 3 to 5 years are required to fully develop a mine) the unproductive lease acreage is still almost 90% of all acres leased through 1965.

The top five acreage holders control almost

226,000 acres of coal leases (table 2). Of this total, only 8,362 acres or 3.6% are within producing leaseholds. The number of acres from which coal is actually being mined is far less.

Of the top 15 acreage holders, only one has more than 10% of its total acreage within producing leaseholds.

Within each coal leasing state there is a similar lack of lease development. Table 5 lists the total acres under lease by State and the degree of lease development.

TABLE 5

State	Acres under coal lease[1]	Nonproductive acres	Percent nonproductive
Alaska	10,355	8,875	85.7
Colorado	122,190	108,591	88.9
Montana and North Dakota	48,101	42,903	89.2
New Mexico and Oklahoma	136,209	120,039	88.2
Oregon and Washington	5,683	5,145	90.5
Utah	262,254	246,146	93.9
Wyoming	188,326	175,851	93.4
Other	264	264	100.0

[1] As of November 1970.

It is clear that development of Federal coal leases is not taking place. Of the 529 Federal coal leases outstanding in Nov. 1970, 91% are not producing a single ton of coal. Almost 708,000 of the 773,000 acres under coal lease are unproductive. Some of the nonproductive leases are over 40 years old and many are over 20 years old.

Table 6 lists the percentage of outstanding coal leases which are now in production. The percentage figure given in the table, is that portion of the currently outstanding leases issued in the time period specified, which are in production.

TABLE 6.—*Percentage of outstanding leases which are currently in production*

[In percent]

1920–30	40.7
1931–40	30.8
1941–50	24.4
1951–60	13.7
1961–70	2.4

The largest portion of the outstanding producing leases were issued between 1920 and 1930. But even for this period almost 60% of the leases still in effect are not currently producing coal. In addition, less than 2½% of all leases issued between 1960 and 1970 are in production.

The volume of coal production from public lands is another indicator of the development of Federal coal leases. Figure 4 is a time series showing coal production from public domain lands for the last 27 years. Coal production from these lands in 1970 was only slightly greater than it was in 1943 which was the first year production statistics were reported by the Bureau of Land Management on a regular basis.

It is interesting to compare the curve in figure 1 page 2 with figure 4. Maximum coal production from public lands occurred in 1945 when more than 10 million tons of coal were produced. In this same year about 75,000 acres of land was under coal lease. At the end of fiscal 1969, the number of acres under lease had increased to over 725,000 acres while coal production decreased to less than 7½ million tons.

Along with fewer producing leases, there is a trend toward an increase in the average size of coal leases. The average coal lease issued in the 1966–70 period contained 2,173 acres. This is 400 percent greater than the average size of a lease issued in the 1940–49 period.

Conclusions.—Summarizing the conclusions of this report:

1. The rate of leasing of Federal coal reserves is growing at increasing rates. Record levels of coal permit and lease activity indicate that this trend will continue as demand for coal reserves on public lands continues to increase and companies attempt to establish strong resource positions.

2. There are currently over 761,000 acres of public and acquired lands included within outstanding coal prospecting permits. Coal "brokers"—not producers—are the predominant holders of Federal coal prospecting permits.

3. There are extremely large undeveloped reserves of recoverable coal within outstanding BLM-issued coal leases. Minimum recoverable reserves are estimated to be over 8 billion tons or more than 1,100 times current yearly coal production from public lands.

4. If all public and acquired lands are considered, there is evidence of some concentration of coal lease ownership with 8% of the lessees accounting for 60% of all acres under lease. As few as 2% of the lessees control 25% of all acres under coal lease. Within coal leasing states there is a greater concentration of lease ownership on an absolute basis.

5. Development of Federal coal leases is not taking place. Approximately 91% of all BLM-issued coal leases and 91.5% of all acres under lease are currently not producing a single ton of coal.

6. Despite tremendous increases in the number of acres under coal lease and the large reserves contained in these leases, coal production from public lands is remaining constant and has actually decreased slightly in 1970. This is occurring at a time when demand for coal is increasing and coal prices are at their highest levels in decades.

With large recoverable coal reserves already under lease and with 91% of all leases undeveloped, it is evident that existing policies and procedures with respect to development of Federally-managed coal resources are inadequate to encourage their development.

SENATOR GRIFFIN ON "MEET THE PRESS" PROGRAM

Mr. HUGH SCOTT. Mr. President, the distinguished assistant minority leader, Mr. Griffin, of Michigan, appeared on NBC's "Meet the Press" last Sunday, October 7. I believe my colleagues will find the transcript most informative and I ask unanimous consent that it be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Meet the Press, Sunday, October 7, 1973

Guest: Senator Robert P. Griffin (R. Mich.), Minority Whip.

Moderator: Lawrence E. Spivak.

Panel: Carl T. Rowan, Chicago Daily News; Jack W. Germond, Gannet News Service; Godfrey Sperling, Christian Science Monitor; and Paul Duke, NBC News.

Mr. Spivak. Our guest today on Meet the Press is Senator Robert P. Griffin of Michigan, Minority Whip of the Senate.

In addition to his leadership position for the Republicans, Senator Griffin is a member of the Foreign Relations Committee and the Commerce Committee. He is a lawyer and served ten years in the House of Representatives before coming to the Senate in 1966.

We will have the first questions now from Paul Duke of NBC News.

Mr. Duke. Senator Griffin, it appears that a new full-scale war may be underway in the Middle East. What do you think the United States should do

Senator Griffin. Well, Mr. Duke, I might say that I talked this morning with Secretary Kissinger to try to be briefed both as to the developments and also as to what the United States might be doing. I think that what Secretary Kissinger has been doing and what he is doing are the right things. He immediately contacted the other governments involved. He has been able, incidentally, to contact and maintain contact with all the governments participating except Syria; has urged that they observe the cease-fire. He is, I am sure, interested in the United Nations taking some steps in this situation which I would think would be particularly appropriate considering the creation and the birth of Israel and the fact that the United Nations has had observers in that part of the world.

I think that our policy for the moment at least ought to be to do everything we can to contain the extent of fighting, the extent of participation, and to do whatever we can outside the United Nations and inside the United Nations to bring a cease-fire about.

Mr. Duke. Does Secretary Kissinger regard this as a serious outbreak? Does he view this as a conflict that could go on for some time or possibly just a limited series of engagements?

Senator Griffin. Well, as you would appreciate, it is hard for me to speak for Secretary Kissinger, but I would read all the signs as there being grave concern that this is not just a minor skirmish; that it may be a long and drawn out affair, and we hope it will not be. There are charges and countercharges about who started it. I don't think it would serve the interests of the United States in trying to be a peace maker at this point to point the finger at either side, at least for the moment. And the United Nations should really get into that business of trying to judge what the situation is.

Mr. Duke. Well, Senator, as you know, the United Nations has been grappling with this problem now for a number of years and has never been able to devise any kind of permanent peace settlement, principally because the super powers, themselves, cannot agree on any formula for the Middle East. What new hope do we have that the UN at this stage can work out a peace settlement?

Senator Griffin. Well, I would have to agree with you, Mr. Duke, that the prospects don't look bright. On the other hand, it is about the only alternative we have got, other than acting unilaterally as we are doing. I think that there may be more hope in the new relationship as far as the Soviet Union is concerned with regard to the Middle East, which of course has changed in recent times

(Announcements.)

Mr. Rowan. Senator Griffin, Vice President Agnew and/or some of his friends have charged that the Justice Department is out to get Mr. Agnew, to refurbish the image of Henry Peterson and other Justice Department officials.

Do you think the Administration is out to sacrifice up the Vice President?

Senator Griffin. Mr. Rowan, I have no way of answering that question. I do know that Mr. Agnew has real reason to be concerned about the leaks and the charges that have emanated from unnamed sources which have, without any question, affected his right to a fair trial. As to who is responsible for that and whether or not it is the Justice Department or someone in the Administration, I think it is going to take a little time to answer that kind of a question.

Mr. Rowan. Senator, one specific point: The Justice Department is arguing in court that the President is immune from indictment or court prosecution but that the Vice President is not.

Do you accept that as a valid distinction?

Senator Griffin. I read the brief filed by the Justice Department. I wouldn't say, Mr. Rowan, that I would pose as an expert to answer that very complicated and very difficult constitutional question without a great deal more research than I have done. I will say, to my surprise, because if you look at the language of the Constitution there seems to be no basis for any distinction—that they did make a pretty good case for a distinction between the President and the Vice President and other civil officers and no one is going to know until the Supreme Court answers the question.

Mr. ROWAN. Senator Barry Goldwater has said that there is not a man in the Senate who couldn't be gotten on charges similar to those levied against the Vice President if somebody wants to make a case about their campaign donations and so forth.

Do you believe that every member of the Senate could be gotten or hauled off to jail if somebody really wanted to go after them?

Senator GRIFFIN. Certainly not. Furthermore, Mr. Rowan, let me say that the charges, as I understand them, at least as they were described in a letter from the District Attorney to Mr. Agnew, which was released, referred to bribe taking, extortion and tax evasion. As President Nixon said, those are very serious charges. What kind of evidence there is to back up and support those charges we don't know except for the stories by leaks that have appeared in the paper.

Mr. SPERLING. Senator Griffin, do you agree with what Senator Fulbright said today, that Israel controls policy in both houses of Congress?

Senator GRIFFIN. No, I do not. I think also it is a very unfortunate statement to be made at this time, and certainly won't help, as the Senate and the Congress tries to play a meaningful and appropriate role in the weeks ahead, considering the problems in the Middle East.

Mr. SPERLING. Well, Senator, you are on the Foreign Relations Committee. Would the Vietnam doves on that committee give equal resistance to our sending troops to help Israel should Israel ask for troops?

Senator GRIFFIN. I don't know, Mr. Sperling. I think that having just recently concluded, after many lives lost and a great deal of dissension within our own country, that unfortunate excursion into Vietnam, I think there would be a great deal of reluctance on the part of the Congress to involve American troops in any kind of a war in the Middle East at the present time. Despite the great sympathy that we have for Israel and the support that we have, when one would provide Israel in terms of indirect support.

Mr. SPERLING. Certainly many Americans must be asking today, and I would like to have you answer the question if you could, is there a chance that we might be sucked into another Vietnam?

Senator GRIFFIN. I don't think so, Mr. Sperling. President Nixon has gotten us out of the war that he inherited by bringing 550,000 troops home, and I know that he is the last one that would want to get us back into a war.

Mr. GERMOND. Senator, I would like to go back to the Agnew matter, again. The Vice President has said that if indicted he will not resign. The President has said that he considers this a matter solely for the Vice President. Do you think that is the case? Do you think he should not resign if he is indicted, or do you think he should resign?

Senator GRIFFIN. Well, Mr. Germond, the Vice President has answered the question, and he is the only one who can answer it, he is the only one who can sign a letter of resignation.

I think that it would be very—let me say this, that in the absence of some solid evidence to replace the vague charges that have appeared and the vague statements that have appeared in the press attributed to unnamed sources, I don't see how anyone who is sincerely interested in civil rights could take issue with the Vice President, unless we just say that the presumption of innocence doesn't mean anything at all.

Now beyond that, I think I ought to say that it is altogether possible that proceedings leading toward possible impeachment could be started in the House of Representatives, even though they haven't up until now, and I think that I would like to caution you, as I try to answer your questions as best I can, that as a member of the Senate, I might be called upon to sit in judgment, and I would be very hesitant to get into too much judgment at the present time because I think I could prejudice Mr. Agnew's case if it came to the Senate, or I could call into question my own ability to be an objective judge.

Mr. GERMOND. There is a question here that has nothing to do with the possibility of your sitting as a judge in the Senate and that is the possibility, however remote, that if the Vice President were indicted or the President died or were disabled we would have succeeding to the Presidency a man under indictment facing criminal charges in Baltimore.

Senator GRIFFIN. That disturbs me very much, Mr Germond, and that is one of the reasons I am disappointed that the House leadership didn't respond to Vice President Agnew's request for an inquiry. I think it would be very unfortunate for the nation to have a Vice President with this kind of cloud over his head for very long.

Now I think the man ought to be vindicated or he ought to be impeached, convicted and removed from office. The quickest and surest way to accomplish one or the other is for the House of Representatives to move as requested.

Mr. GERMOND. You said a moment ago, you suggested that this is still a possibility, despite what Speaker Albert has said. Was that based on some information, do you have some information indicating the House is getting ready to act on this thing?

Senator GRIFFIN. I have no special information. I would think that in the event—and I only say this—in the event that Mr. Agnew would be indicted by the Grand Jury in Baltimore, that surely the House would take another look at it at that point, particularly in view of the statement by the Justice Department that they would wait for a reasonable time to give the House of Representatives an opportunity to move.

Mr. SPIVAK. Senator Griffin, the House and Senate is expected to pass a bill next week which would limit the power of the President to wage war without congressional approval.

In your judgment will the Senate support a presidential veto on that?

Senator GRIFFIN. Well, Mr. Spivak, it would be just a pure guess at the present time, but I would say that the Senate is not likely to sustain the President's veto in view of the votes in the past on that issue. However, it is more likely to be sustained in the House of Representatives.

Let me say that I think that bill is rather mischievous in the way it is drafted. I think it almost gives a President a license to make war for 60 or 90 days without the consent of Congress.

I think that it would mislead the American people and more dangerously would mislead our potential adversaries abroad and might cause miscalculation as to what could happen in the United States if the need to defend ourselves arose.

Let me say that whatever powers the President has to involve the nation in hostilities without a declaration of war he has under the Constitution and the Congress can't change those powers by a simple act of legislation.

Congress does have a very, very potent power, however, and that is the power of the purse. At any time, at any time after President Kennedy sent the first ground troops into combat in Vietnam, Congress could have cut off the funds, as we did in terms of the Cambodian bombing. That is the real power that Congress has and they ought to remember that and not confuse it with this kind of a bill.

Mr. DUKE. Senator, you said some time ago that you felt President Nixon would and should release the pertinent portions of his taped conversations relating to Watergate. Do you still feel that way?

Senator GRIFFIN. Well, Mr. Duke, I prefaced that by saying that it was my view as a lawyer who hasn't practiced law in the last 17 years that he did have a legal right, however not to turn over the tapes. I think that he is standing on sound legal and constitutional grounds, but I thought in terms of his own situation the ability to govern the country, of political considerations, if you will, that he should have turned over the tapes. I am very hopeful, incidentally, that in the future, regardless of how the Supreme Court rules, that he will voluntarily make those tapes available. I say I am hopeful. I have no basis for saying that that will happen.

Mr. DUKE. Should the Supreme Court rule that the President must turn over the tapes and the President then refused to turn over the tapes, would that be grounds for impeachment?

Senator GRIFFIN. Well, Mr. Duke, first of all, I don't think that situation is going to develop. The President has made it clear that he would obey a definitive order by the Supreme Court to turn over the tapes.

Secondly——

Mr. DUKE. Well, there has been some doubt cast on that by the President's lawyers who indicate the President might not turn over the tapes even if he were mandated to do so.

Senator GRIFFIN. Well, I am going to take the President at his word in this situation. I do think we could get into a discussion which we couldn't resolve about what is meant by definitive—that would be the crucial question there. But in any event whether he complies with a court order or whether he is sustained by the court in not being required to turn over the tapes, I am hopeful, and I think with some reason, to believe that at a future date, particularly if he is proven to be right by the Supreme Court, that he would make the tapes available.

Mr. ROWAN. Senator, John Connally, who is a potential GOP presidential contender, says there are times when a President has a right to defy a decision of the Supreme Court. Do you agree with that?

Senator GRIFFIN. Well, Mr. Rowan, I don't agree with that. I don't think there is a—this gets into a very deep and philosophical discussion about the co-equal branches of government and whether or not the Supreme Court dominates the others and so forth. But I do think that the people expect, and I am glad that the President has indicated that he would comply with a definitive order of the Supreme Court.

Mr. ROWAN. Senator, you have got a situation now with two cabinet members or ex-cabinet members under indictment, numerous White House aides or former aides resigning, fired, facing indictment; President and Vice President suspected of various kinds of felonies. Is this going to have a devastating effect upon the Republican party in '74?

Senator GRIFFIN. Well, it isn't going to help, Mr. ROWAN. On the other hand, to be realistic, I think the American voter is a very sophisticated, very knowledgeable group of people. They have followed this Watergate mess on television. They are familiar with those responsible in general and realize that most of the people that we generally refer to as politicians had nothing to do with it. In fact, one of the ironic things is that most of the people who really were involved in Watergate and those kind of adventures were not politicians.

I think that unfortunately the American people are becoming rather discouraged and disgusted, if you will, with not just the Republican party, but politics and government in general and that is a very sad result of the Watergate situation.

I noticed one poll that indicated that identification with the Democratic party had dropped 11 per cent while the people identified with the Republican Party had dropped only 1 per cent indicating that both parties are going to—and I think the incumbents can expect to be damaged and suffer as a result of all this.

Mr. SPERLING. Senator, can the President pull himself out of Watergate and govern effectively again?

Senator GRIFFIN. Yes, Mr. Sperling, I think that he can. I think that to a large extent he already has. I realize that some of the polls that are taken don't indicate that all the approval has bounced back, but in terms of his relations with the Hill, his meetings with the leadership, his meetings with the press, his pressing for his legislation, the fact that his vetoes have been sustained seven out of seven in this session of Congress, all of these things it seems to me point to the fact that President Nixon has survived the Watergate mess and is again at the helm and leading the country effectively.

Mr. SPERLING. How about the post-Watergate period? Will Watergate, in your opinion, usher in a better day in politics in government?

Senator GRIFFIN. I think that is a very good question, Mr. Sperling, because of all the problems that it does create. Perhaps there are more positive things to come out of Watergate than there are disadvantages. I think the interest in the incentives that we have for reforming the campaign financing legislation, I think the fact that President Nixon's Administration is more open, the fact that his Cabinet officers now are running their department, the fact that he has people around him in the White House who understand the Congress, these are just some examples of the way that the fallout from Watergate has actually been helpful.

Mr. SPERLING. * * * see now to end the Watergate period and see to it that we get a new politics in America?

Senator GRIFFIN. Well, actually the things that were done that were crimes in the Watergate thing were crimes under laws that we already had. But nevertheless, surely the least that we can expect will be some real tightening up of the campaign financing law.

The Senate, for example, passed a bill and sent it over to the House to put a limit on individual contributions. In this last election there was no limit at all, as we read in the paper every day, about some of these people who gave such huge amounts. Now under the bill it would be $3,000. And there would be an absolute limit on how much you could spend in a campaign, and there would be other—and the whole thing would be administered and enforced by an independent election commission, rather than by each house of Congress, itself, if we could get our way in that regard. And it has also, of course, moved us closer to considering various proposals for some public financing of campaigns.

Mr. SPIVAK. Gentlemen, we have less than three minutes left.

Mr. GERMOND. Senator, you first made a national reputation in the Senate opposing the nomination of Abe Fortas for Chief Justice on the grounds that he appeared to be involved in conflicts of interest and possible improprieties.

In view of that, do you feel now that if you applied the same standards that you would have opposed Mr. Nixon and Mr. Agnew, in view of what we know about Watergate?

Senator GRIFFIN. No, certainly I would not in either case. The Watergate hearings, it seems to me have, if anything, vindicated President Nixon. There have been some 40 witnesses now to appear and testify, and only one of them, who enjoyed immunity, incidentally, and whose testimony was based on his own assumptions and implications, in any way tried to implicate Mr. Nixon.

As far as Mr. Agnew is concerned, as we have said before on this program, all we have are some charges against him. We don't know what the substance of those charges is. And, incidentally, I am very glad you referred to that fight over the Fortas nomination. I think as we consider the Senate asserting itself as vis-a-vis the Executive Branch of government, I look back to the fight over the nomination of Mr. Fortas for the Supreme Court as the beginning of a new resurgence of real Senate involvement, not only in foreign affairs, but in the selection of justices of the Supreme Court.

Mr. SPIVAK. Senator, do you consider that U.S. vital interests are involved in the Middle East? Whenever a discussion of the Middle East comes up the United States is always brought into this thing. Are vital interests involved in the Middle East?

Senator GRIFFIN. I think without question our vital interests are involved. They are involved insofar as it is a tinder box that can erupt not only into a regional war, but into a world war if we are not careful. It is involved in terms of the people and our past associations with people in that area, and it is involved in terms of the resources that are in that area that we have to look to.

Mr. SPIVAK. Would you be in favor of imposing a settlement in any way on Israel and the Arab nations, if so much is involved?

Mr. SPIVAK. Well, I don't know exactly, Mr. Spivak, how you would impose a settlement. I don't think either of the parties—you could really stop the fighting in that way, and I don't know what organization or what country would be able to do that.

Mr. SPIVAK. I am sorry to interrupt, but our time is up. Thank you, Senator Griffin, for being with us today on Meet the Press.

HOW WEST VIRGINIA IS GETTING PEOPLE OFF WELFARE

Mr. HOLLINGS. Mr. President, few people deny that we in this country have a welfare mess. The trouble is that everyone talks about it, but nobody really does anything. The welfare rolls go on ballooning, more and more dollars are pumped in, and yet the problems compound.

Now, however, the efforts of one State to actually do something are gaining well-deserved national attention. I am referring to West Virginia and its dramatic success in getting people off the welfare roll and onto a payroll. West Virginia leads the Nation in reducing the number of families on welfare. Jobs have been found for many of those able to work. At the same time, the State has been able to increase its aid to those who stand in genuine need.

This is the direction we ought to be following in each of our States. No one denies that there are many millions of people standing in need of assistance. As the West Virginia experience demonstrates, there are many men and women who could be working but are unable to find employment. West Virginia has developed an aggressive program to find jobs for such people and it has been remarkably successful against many difficulties.

What has turned many people against such assistance programs is that there are some who take advantage. While it may not be possible to control this problem 100 percent. West Virginia has developed a strict system of enforcement to minimize the number of welfare cheaters.

Mr. President, the October 1, 1973, issue of U.S. News & World Report carried a fine closeup of what West Virginia is doing. It is an important article, and I call it to the attention of my colleagues. For that reason, Mr. President, I ask unanimous consent that the article—"How a State With Lots of Poor Is Getting People Off Welfare"—be printed in its entirety in the RECORD. I hope it will not be long before other States can match the splendid work West Virginia has been doing in this area.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW A STATE WITH LOTS OF POOR IS GETTING PEOPLE OFF WELFARE

(Find jobs for those who can work, provide decent benefits for those who can't. This is the approach that is getting results in West Virginia.)

CHARLESTON, W. VA.—Welfare has made a dramatic turnabout in this rural, mountainous, traditionally poor State.

Until 1971, West Virginia was typical of most of the nation, with relief rolls climbing regularly—even in times of relative prosperity.

In a recent two-year span however, this State led the nation in reducing the number of families receiving aid to dependent children—the critical problem area in welfare everywhere in the U.S.

Jobs were found for thousands once on public assistance. At the same time, welfare payments and services were increased for those persons who needed help badly.

Federal officials say what is going on here is an example of a trend they hope will catch on across the nation. West Virginia is one of a handful of States leading the way in welfare reform—and the only such State that is mainly rural.

As a result, observers from 47 other States and four foreign countries have come here to see how this reform plan works.

A top official of the Department of Health, Education and Welfare in Washington explains:

"Governors, more and more, are beginning to face up to the problems of welfare, squarely and personally. For a long time, it was thought that nothing much could be done. And the bureaucracy tended to encourage this thought.

"Now, there are some examples—such as West Virginia, California and New York—to show what can be done. Welfare rolls are being cut. Payments to those who are really in need are going up. Better administrative policies are being put into effect. Arch Moore is one of the first Governors to take those steps."

FIRST-TERM MOVES

When West Virginia's Governor Moore began his first term in 1969, what he did was this:

To start with, he reorganized welfare operations to increase efficiency. The initial relief check for a new applicant now comes within a week. Once it took six weeks, or more.

Then he moved to eliminate deadbeats. The rolls are screened regularly. The latest investigation of the more than 18,000 families with dependent children began a few weeks ago.

At the same time, with the help of the Internal Revenue Service, collections from runaway fathers rose from $21,460 in 1969 to $178,632 last year.

Next, a major emphasis was placed on finding jobs for those eligible to work. Five years ago, there were 5,376 fathers on relief. Today, there are 945, with a goal of putting all able-bodied fathers to work by Christmas.

Over all, in the family category, the rolls dropped from 23,518 cases including 95,034 individuals in July, 1971, to 18,713 cases with 72,621 persons in July of this year.

Savings from more efficient operations were used to improve benefits. Where needed, additional money was sought. In November, 1971, grants in the aged, blind and disabled categories were increased from $76 to $123 a month for individuals and from $97 to $156 a month for a couple. Last October, the grant for a family of four was raised from $182 to $217 a month.

"One major goal when I took office was to get a handle on welfare," says Governor Moore. "We wanted to stress finding out who was available for work and getting them on the job. It was hard to sell this new attitude to all the staff and the clients."

As welfare commissioner, the Governor chose Edwin F. Flowers, who is a lawyer, not a welfare professional. He is a long-time friend of the Governor.

"At one point," Governor Moore remembers, "Ed Flowers had me go out and talk to the staff in the field to let them know that this was the Governor's program. We have turned around the thinking of the staff. And I think we have turned around the thinking of the people of the State about welfare."

One symbol of change is the support that the Democratic-controlled legislature is giving the Republican Governor's program. In the past, lawmakers consistently cut money bills for welfare. Now, even though spending still is rising, appropriations pass unchanged.

FULL STATE CONTROL

In reorganizing the system, the Governor eliminated county involvement entirely, giving the State total control of welfare. The entire record-keeping operation is tied into a central computer at the Charleston headquarters.

Fifty-five county food-stamp offices, 55 county welfare offices and nine district offices were consolidated into 27 area offices, with thinly staffed satellite offices remaining in counties where there is no area office.

West Virginia also originated sale of food stamps by mail. A family in a remote area can have the cost of stamps deducted from its relief check and get both by mail.

Few problems were found in the adult categories—the aged, blind and disabled. But in the family areas, the Governor says, "We found we actually were providing benefits to a third generation on welfare, in some cases."

When Mr. Flowers took over, he spent two days a week in the field for several months. He went out with case workers, interviewed clients.

"I learned a lot about the clients and the case workers," he says. "I learned what was right and wrong with the system. I also found out that many decisions we were making in the early days were not getting through to case workers."

In 1970, Mr. Flowers went on a Statewide listening tour. He explains:

"We would announce where the meeting would be held, then I would sit down and spend the evening listening to what citizens, recipients and groups had to say about welfare."

A SPEEDUP

Out of this came the realization that the mails were too slow in dealing with problems and complaints.

"To speed things up," says Mr. Flowers, "we set up connections so they can call us toll free from anywhere in the State. Instead of writing, we try to call back with the answer the same day. I take some of the calls myself."

At first—even as late as last December and January—not all of what West Virginia was doing met with the approval of U.S. officials. It wasn't until Caspar W. Weinberger took over as HEW Secretary last January that solid support came from the federal level.

As long as West Virginia's welfare rolls went up like those in the rest of the nation, Mr. Flowers says, HEW was pleased. He points out:

"It was when our rolls started descending that these same officials grew suspicious and displayed adverse reaction to our efforts. I am pleased that the recent changes which have been made in HEW bring a new consistency of purpose throughout the Department and complement our goal of freeing persons from welfare dependency."

Three years ago, West Virginia tested rules that mothers of school-age children on welfare must register for either work or job training. These regulations were adopted Statewide July 1, 1971. A year later, Congress adopted this policy nationwide.

An effort was made, at one point, to require each family on welfare to file a new application every six months. The courts ruled this illegal, but officials say essentially the same goal is accomplished by rechecking eligibility regularly.

Now, unemployed fathers or mothers with school-age children may be sent first to apply for a job. If they refuse, no welfare will be approved.

On the other hand, if need is urgent, even a satellite office can write an emergency check.

IN THE FIELD

How does this new philosophy work in the field? A visit to the Summersville area office, about 100 miles east of Charleston, shows case workers competing to reduce family assistance rolls.

Summersville serves Nicholas and Webster counties. These are two of the 10 counties in the State where there is not a single unemployed father on relief—this despite the fact that unemployment remains relatively high in the two counties.

"When we get a man applying for welfare, we don't talk about anything but finding him a job," explains Delmas Cogan, head of the job-finding unit. "We talk about his qualifications. We try to get him talking to possible employers, even though we don't have a specific job."

Paul Girod, area director, says:

"We never give him a chance to think about anything else. Even if he doesn't plan to work, we wear him down."

Both men agree that when the word "job" is mentioned, some applicants head out the door, or develop an ailment. But they say this is a relatively small number, that most men and women want to work.

Finding jobs in this rural, mountainous area is a problem, Mr. Cogan admits.

"We get a lot of jobs by going door to door to employers," he says. "We try to get them to come to us, but we recheck periodically. It's hard to get some employers to hire a person on welfare, but we are changing that attitude. In fact, we have been so successful that now some people not eligible for welfare come to us for help in finding a job."

TRANSPORTATION WOES

For both men and women in such rural counties, there is a problem of how to get to work. No public transportation is available in either county.

Some persons have been kept on welfare simply because there is no way to get them to and from work. Others have been relocated closer to jobs, with help from the welfare office. Car pools are arranged, even rides on school buses.

Welfare mothers are harder to place than fathers, in most cases. Many have no work experience. They may need day-care services or care after school for their children.

Wayne Starkey, who works with welfare mothers, tells how this part of the system works:

"We sit down as a team to talk to each mother. We size up their qualifications. We plan what kind of job they might fill. If job training is required, that is part of the plan. We look at other needs, day care and so on."

Most frequently, he says, mothers go to work under a "work experience" setup. While in training, they get their relief check, plus $30 extra for job costs, day care and transportation help, if needed. They get no salary from the employer who trains them. Usually, after this three-month training period, they are hired at regular pay.

Mothers with school-age children must register for such training. Others, with younger children, can volunteer.

"Some welfare mothers are shaken by the idea that they must work," says Mr. Starkey. "One woman cried all day when she was told about it. Next day, when I saw her, she told me, 'I've never worked. I can't work. I don't know how.' Now, she is in work experience, doing well and likely to be hired."

As to the job itself, any work is considered acceptable, so long as it meets existing State and federal standards for wages and working conditions.

Says Commissioner Flowers:

"We take the position that if they are in a job, they are more likely to be promoted into adequate-paying jobs than if they are sitting at home. Taking a low-paying job doesn't mean they have to stay there, although many will. If they are out of a job too long, it gets harder and harder to redevelop the work habits they lost."

IMPROVING SERVICES

For those persons who still qualify, welfare services are improving.

There are foster-care arrangements, a home-repair plan and a new program providing subsidized bus rides where there is public transit, plus more day care, and family planning.

For children, there is an early screening and diagnostic system aimed at the spotting and correction of health problems as promptly as possible.

Also, welfare children get a $30 grant for back-to-school clothes, and another $10 for winter clothing.

To help poor families stretch food budgets, a weekly radio broadcast of nutritional and cooking tips is sponsored. Country-and-Western music on the show is performed by food-stamp users and welfare clients. It is a regular feature on 35 stations in West Virginia, Kentucky and Ohio.

This year, other benefits were added.

"We increased payments for nursing care for the aged and upgraded medical care," says Mr. Flowers. "As a result, many more nursing homes will take welfare cases, and we have almost doubled our medicaid rolls."

The philosophy behind all this, explains the commisisoner, is this:

"We feel that no persons should be on welfare if they are not eligible on the basis of legitimate need, but if that need exists, they should be supported decently."

THE DEEPENING AMERICAN ENERGY CRISIS

Mr. GOLDWATER. Mr. President, in the past few months, I am sure all of us have heard many arguments about the growing energy crisis in the United States and the measures being proposed to come to grips with such an emergency.

And in this connection, I would like to say that I have yet to see a more concise and intelligent appraisal of this problem than one which appeared on September 17 in the Honolulu Star-Bulletin and was written by our former congressional colleague, Mrs. Clare Boothe Luce. As we all remember, Mrs. Luce was an accomplished and successful playwright before she aspired to and became a Member of the U.S. House of Representatives where she served with great distinction. Later, I am sure you will all recall Mrs. Luce served in the diplomatic corps with equal distinction and throughout her life has shared a great respect and concern for the United States of America.

As she points out in her article, "The Deepening American Energy Crisis," oil is the lifeblood of the American economy and Americans "live by, for, and in their automobiles."

Stating that the United States with 210 million people consumes 33 percent of the oil consumed by the world's 3½ billion people, Mrs. Luce poses the question "where does the oil come from?"

From there, Mrs. Luce goes on to explain how much oil is produced in the United States, in Canada, Latin America, and the Arab States. Her analysis is so sharp and penetrating that I believe it would prove valuable if all Members of the Congress were to read the full text of her article. I, therefore, Mr. President, ask unanimous consent that the article by Mrs. Luce be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEEPENING AMERICAN ENERGY CRISIS

(By Clare Boothe Luce)

George Washington, 1782: "If we are wise, let us prepare for the worst."

President Nixon, 1973: "The United States must be in a position that no other nation can cut off our oil."

The United States, with 210 million people, consumes 33 percent of the oil which is being consumed today by the world's 3½ billion people.

Oil is the life-blood of the American economy. Americans live by, for, and in their automobiles.

In 1972, U.S. plants produced 8½ million cars, and one out of four employed Americans were working in the automotive industry, or in automotive-connected businesses or services. There were about 120 million registered cars, buses and trucks in the U.S.A., which American motorists drove 970 billion miles. Americans consume, per capita, 1,100 gallons of oil a year.

Where does the oil come from that keeps the wheels of U.S. industry and its automobiles turning—and which also keeps the U.S. Navy, Air Force and Army mobile?

The U.S. produces about half the petroleum it uses. The rest is imported from foreign countries, principally from Canada, Latin America and the Arab states. But our dependence on foreign oil, especially Middle East oil, is growing.

When the President said that the United States must not be in a position to let other nations cut off "our oil", what he meant to say, of course, was "we must not let the Arab states cut off their oil to us."

So long as we remain friendly with the oil-rich states, and so long as we are able to pay the prices they ask for their oil there is no reason to suppose that they will cut us off.

The real question is, how long will we be able to pay their prices?

We live in a finite world of finite natural resources. All of them are exhaustible. And many, like the mineral fuels, are unrenewable. (It takes Nature 100 million years to produce the barrel of oil which sells today for four dollars.) When oil is removed from the earth and burned up, it cannot be recovered or recycled. It is forever gone. Today, oil is being used up at an exponential rate. It has become the largest commodity in international exchange. As nation after nation industrializes (some, like Japan, with amazing rapidity) and as this irreplaceable, continually diminishing 'black gold' becomes the lifeblood of *their* economies, the inexorable law of supply and demand is causing a steep rise in oil prices. The oil-rich Arab states (it *is* their oil!) may also decide to limit production, since oil in the ground is like money in the bank for future generations of Arabs. This also will create scarcities that will further raise the price of oil.

In 1971, the U.S. bill for foreign petroleum was close to 3½ billion dollars—the largest *single* item in our 45 billion, 600 million dollar bill for imports. In that year, we, ourselves, exported 44 billion dollars worth of goods and commodities. Our unfavorable trade balance then (and since) has been inexorably reflected in the decline of the purchasing power of the dollar abroad, inflation at home, and a growing list of serious shortages of the many vital raw materials we *must* import to keep our industry going.

If we continue to maintain our present rate of oil consumption, and if oil prices increase at their projected rate, our bill for foreign oil will be about 36 billion dollars in 1980. Unless, in the meantime, we have managed to double our own export trade, (which we cannot do and at the same time maintain our present wage scales) we cannot foot that bill. But increasingly unfavorable trade balances will cause a further decline in the dollar, an enormous inflation, and ever-increasing shortages of essential imported materials. And the end of it all will be a collapse of the American economy.

What steps can we take to prevent this catastrophe?

We must continue to seek new sources of oil, at home and abroad. For several decades, American geologists have been fully aware of the developing U.S. energy crisis. But today, almost none are sanguine about finding any vast new *on-shore* oil fields in America. But there may be off-shore oil on our coasts. Environmentalists have fought tooth and nail to prevent their development, for fear of "Santa Barbaras."

American oil is expected to arrive by the 800 mile Trans-Alaskan pipeline from the recently opened North Slope Alaskan range to the Alaskan port of Valdez in from three to seven years. Alaskan oil reserves are estimated to be as large as the reserves of Louisiana, Oklahoma, Kansas and half of Texas combined. However, the flow of North Slope Alaskan oil will be limited by the amount that can be pumped through the 48-inch pipeline. (However deep your water well, you can't water a big thirsty farm with a garden hose.) Alaskan oil will relieve, but it will not solve our growing oil shortage.

We could, obviously, cut our foreign oil bill by domestic cutbacks in the use of oil. U.S. coal resources are plentiful, and coal could be brought back into wide use for heating purposes. But coal is the filthiest of fuels, and any large increase in coal burning would dash much of our hopes for clean city air. As to the cost of a stepped-up coal mining program, this would depend on the unions. Coal mining is also the filthiest and most dangerous of the manual labor jobs.

We can develop new sources of energy. The practical use of wind and sun power are a long way off. But nuclear power is a proven and very powerful energy source. Up to now, the gruesome hazards of nuclear pollution have inhibited the development of nuclear plants. Many would be needed, and the cost is tremendous. Moreover, in the present state of the technology, it takes eight years to build a safe underground nuclear plant. And it is precisely during the next eight or ten years that our energy crisis will begin to evidence its worst effects.

Nuclear energy can be used industrially and probably for mass transit systems. But, like coal, it cannot be used by automobiles—the greatest users—and wasters—of oil.

We could conserve oil by taking trucks, busses and commuter cars off the roads, building up our neglected railroad system, and constructing new urban transport systems.

The automobile industry could conserve oil by making smaller, fewer and better cars. But such automotive cutbacks are not likely to be welcomed by either industry or the labor unions. In the words of Henry Ford II, "Mini-cars means mini-profits". Fewer and better cars could also mean mini-wages, and maxi-unemployment. Anything that adversely affects the automotive economic complex would also hurt advertising. As three-fourths of the profits of the communications media come from advertising, their support for such a program cannot be counted on.

To be sure, the United States could, instead of conserving oil, embark on the deliberate depletion of U.S. oil stockpiles and reserves—which, today, are still substantial. This, however, would simply postpone the oil shortage, and would result, in the end, in our more or less complete dependence on foreign oil. If that time came, the U.S. Navy would put to sea, and the U.S. Air Force would take to the air, only by courtesy of a handful of Arabian sheiks. And U.S. "sovereignty" would also be simply a courtesy title.

In any event, such are the choices open to us.

If the U.S. cannot find new sources of oil at home, if it will not conserve oil, while using coal and developing, full-speed ahead, new sources of energy, if it refuses to make the domestic sacrifices necessary to produce enough (cheap) exports to settle its foreign oil bill—then a depression far greater than the depression of the '30s is inevitable.

Before that were to happen, one other course of action would be possible—the U.S. could go to war for the control of Middle East oil.

To do so would most certainly lead to a military confrontation with the U.S.S.R. Oil is also the life-blood of Russian industry. Russia produces less oil than the U.S.A. Its interest in access to Middle East oil is as vital as our own.

If our leaders do not very soon put their minds to solutions for our oil problem, we will either fall into economic disaster—and political chaos—or we will stumble, unprepared, into war—and possibly a nuclear war—with the U.S.S.R. Our democracy will not survive either outcome.

To be sure, when one considers not only the terrible dangers and miseries the developing energy crisis presents for the American people, but the amount of dedicated, unselfish political leadership it is going to take to solve it, it is really no wonder that so many of our legislators and journalists find it easier to concentrate on Watergate.

NEED FOR SUPERPORT OFF GULF COAST

Mr. ALLEN. Mr. President, with the energy crisis reaching new heights almost every day, there is no question that the economy of the United States will continue to rely on the importation of crude oil into the foreseeable future.

Even before the President's message earlier this year discussing ways to meet and beat the energy crisis, many acknowledgeable leaders in industry and in government were urging development of deepwater superports to provide unloading facilities for the giant oil tankers which are being built, and larger ones now on the drawing boards.

Construction of these superports will be a monumental undertaking but, under the direction of Congress, the U.S. Army Corps of Engineers is already at work preparing a study of deepwater port facilities off the coastal areas of the Gulf of Mexico.

In a joint venture, the States of Alabama and Mississippi have formed the Ameraport Committee to promote location of a superport off the gulf coast near the Alabama-Mississippi boundary. The State of Tennessee has now joined in these efforts to create the Ameraport.

Mr. President, the Port of Mobile is operated by a port authority as an arm of Alabama's State government. Serving the port as an in-house publication is a monthly magazine, "Port of Mobile." In its September 1973, issue, this magazine included a splendid discussion of the Ameraport development. I believe that this article will be enlightening to all who are concerned with the energy crisis, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

SUPERPORT STUDY CONTINUES

Superport!

The very name is enough to quicken the pulse of even the most casual observer. And for those playing the game, the stakes are high indeed.

As the U.S. Army Corps of Engineers prepares its Gulf Coast Deep Water Port Study at the direction of Congress, the impact on the ultimate winner or winners, becomes increasingly clear: an unprecedented boost to the economic development of the entire area.

The need for action is obvious: America is in the throes of the worst energy crisis in its history. The U.S. economy currently relies on crude oil as its major fuel source, and must continue to do so for the foreseeable future. Projections indicate an early peak in domestic exploration and production.

Yet, our demand will continue to accelerate. The importation of crude oil appears to be the answer. Venezuela, currently our chief source of imported crude oil, has indicated that she intends to limit exports to conserve reserves for domestic use. As a result, we must look to the vast oil reserves of North Africa and the Middle East as a new source.

To meet the demand and keep costs at a reasonable level, deepwater ports are a necessity. For instance, present tankers bringing oil to terminals in the U.S. average only about 47,000 tons, and it costs about $13 a ton to transport oil from the Persian Gulf and unload it in the U.S. in these ships.

By contrast, a 250,000-ton tanker could bring in and unload its crude oil at a Gulf Coast superport for about $5.70 a ton. The cost drops to about $5.15 a ton in a giant 500,000-ton supertanker. Currently, two 540,000-deadweight tonnage tankers are under construction, and plans for larger ones are on the drawing boards. So the need for deepwater ports is obvious and immediate.

The absence of deepwater port facilities in the Gulf led Corps engineers to project establishment of a deepwater port in the Bahamas as the base condition for their study. At a hearing held in Mobile by the Corps of Engineers, Mobile District Engineer Col. Harry A. Griffith (who has since been promoted and transferred) read a lengthy statement containing a mass of technical and statistical data on economic, ecological and sociological impacts of the various plans.

Summarizing the results of the engineers' studies, Griffith said, "Projections indicate that there will be a huge increase in crude oil imports through the Gulf Coast in the very near future. Our analysis of transportation costs showed that bringing oil to this region using existing size vessels would cost at least twice as much as bringing it in very large crude oil carriers to the Bahamas and transshipping it to the Gulf Coast in smaller ships, a very clear advantage for the use of very large crude oil carriers."

He further stated, "Regarding port facilities for very large crude oil carriers in the Gulf, bypassing the Bahamas, we found,

"Dredge channels are not economically feasible, and would also have a very adverse environmental effect.

"A port system using artificial islands would be feasible and would have a lesser, more localized, effect on the Gulf in their immediate vicinity.

"Monobuoy systems are the most feasible and have the least effect on the environment. (Monobuoy systems provide for giant oil tankers to discharge oil at a buoy. The oil is conveyed to a central underwater station and then carried by pipeline to huge tanks on shore.)

"A two or three part monobuoy system is more economical than a single or four part system.

"Environmental damage from an off-shore oil spill will be minimal compared to a spill in nearshore or estuarine waters.

"Construction of any of the monobuoy alternatives would have a strongly positive effect on the Gulf Coast region.

"There would be some adverse, short-term social effects, resulting primarily from rapid population growth, but these would be overcome by the long-run economic improvement."

In a subsequent statement issued by Gen. Charles C. Noble, Division Engineer, it was noted that "development of deepwater ports along the Gulf Coast to import foreign crude oil in large quantities is economically feasible."

It stated that of the three facility systems investigated—dredged channels, artificial islands and monobuoys—the monobuoy system is the most economically and environmentally feasible.

While the report made no recommendation with respect to the possible development of deepwater port facilities, it noted that environmental safeguards can and should be an integral part of the planning, design, construction and operation of any monobuoy system.

At the Mobile hearing, Alabama State Senator Lionel W. Noonan, Chairman of the Ameraport Committee formed to promote location of a superport off the coast near the Alabama-Mississippi boundary, announced that Tennessee had joined the efforts of Alabama and Mississippi.

Noonan read a letter from Tennessee Gov. Winfield Dunn, pledging his state's "best effort to achieve the goal of a deepwater terminal in the eastern Gulf of Mexico." Dunn is current Chairman of the Tennessee-Tombigbee Waterway Development Authority.

In his testimony Noonan said, "Our goal is to move forward with our environmental friends in a positive way and to make it possible to return to nature and the people of the state and nation the benefits of the bounty that nature has so generously endowed us with."

The Alabama senator expressed confidence that the hearing would produce "productive and profitable results for all segments of society in Alabama and Mississippi and the United States."

A statement from U.S. Rep. Jack Edwards of Mobile was read, strongly endorsing the location of a superport off the mutual boundaries of Alabama and Mississippi.

Mississippi Gov. Bill Waller also appeared before the hearing to urge location of the superport off the Alabama-Mississippi coast.

He said that the site off Pascagoula, Miss, and Mobile, Ala. "offers the maximum benefits to the nation and this region because of its strategic location . . ."

He said it was near "existing and proposed inland waterways and other transportation modes, developable land areas, available labor market, water supply, environmental advantages, favorable public attitudes and political climate and the great need for economic development of Mississippi and her sister states."

Waller noted that the nation's fuel shortage could not be solved by simply adding a superport "to an existing system which already exceeds practical limits in size." He said it would require new refineries, terminals and transportation facilities.

"We have an opportunity and responsibility to put the new superport and the new energy system . . . where it will do the most good," he said. "The Alabama-Mississippi Gulf Coast is the preferred site.

"It will be strategically located with respect to major Mid-America as well as the intracoastal waterway. It will also be accessible to the major existing petroleum pipelines . . . to the East Coast, closer than Texas or Louisiana to the major Eastern markets. The transportation costs to customers on the East Coast shall be lower."

Waller stated that the Alabama-Mississippi site was environmentally superior to others, protected by offshore islands and with superior bottom conditions. He also pointed out that the area has large parcels of land at attractive prices for development as sites for tank farms, refineries and petrochemical industries.

Manpower is available, he added, and "if training programs are needed, we will provide them."

In a related development some weeks following the Mobile superport hearing, J. W. Flynn, President of the North Atlantic Oil Co. of Westport, Conn., announced that his company was negotiating with the State of Alabama to build a 120,000-barrel-per-day oil refinery at the Theodore Industrial Park south of the Port of Mobile. It was projected that the refinery would cost about $400 million to build.

Flynn said North Atlantic has entered into a partnership with Carbonaptha, a French firm, in the venture. The two companies have organized Odessa Refining Co. for the Soviet technology trading agency Techmasexport, which Flynn said would supply Russian-made equipment for the refinery.

Construction of the proposed refinery is expected to start in late 1974 and be completed before 1976.

While in Mobile to inspect the proposed site, Flynn and associates conferred with Sen. Noonan and Dr. Joe Moeller, Executive Director of the Ameraport committee.

Flynn said that among items discussed in negotiations with the Alabama Development Office and the Ameraport officials were pipeline easements and an environmental impact statement.

The companies involved in the proposed venture plan to originally import crude oil to the site by pipeline, but would require a ship channel within the next four or five years.

Gov. George C. Wallace's office recently filed an application with the U.S. Army Corps of Engineers to dredge a three and one-half mile long ship channel, 250 feet wide and 40 feet deep, from the Mobile Ship Channel to the entrance to the Theodore Barge Canal.

The engineers have had under study for some time a seven and one-half mile diagonal channel running into the proposed Theodore Industrial complex along the general route of the present barge channel. Application for the longer channel was filed by the Alabama State Docks several years ago.

The Corps of Engineers said that both proposed channels would be subjected to environmental, navigation and economic tests on the Mobile Bay hydraulic model at Vicksburg, Miss. Data obtained would be used by the engineers in preparing required environmental impact statements.

North Atlantic Oil Co. last winter imported 12 million barrels of Russian heating oil to relieve an acute shortage in the northeast. Flynn conceived the idea of importing the oil in American vessels that had delivered wheat cargoes to Russia. The proposed Theodore plant is the company's first venture into oil refining.

OPPOSITION TO PROPOSED INCLUSIVE TOUR CHARTER LEGISLATION

Mr. FANNIN. Mr. President, since S. 1739, the inclusive tour charter legislation, will shortly be before the Senate, I have been watching the present controversy over S. 1739, and would like to draw the attention of my colleagues to a speech made by Congressman Esch on October 3. It provides some food for thought as well as a partial list of all the organizations who are opposed to this bill. Frankly, I find it to be an impressive array, particularly since the proponents of this bill seem to be trying to create the impression that the airlines are the only opposing force. It appears a lot of people other than the airlines and their employees are concerned about the impact this legislation would have.

While my mail from Arizona has not been as extensive as that of Congressman Esch, I have been impressed by the fact that I have received well reasoned arguments for opposing S. 1739 from such organizations as the Brotherhood of Railway and Airline Clerks Union and the Air Line Pilots Association as well as many individual constituents who have no financial interest in scheduled airlines.

I would like to submit Congressman Esch's speech for the record, since the list of organizations may be useful reference for us all. You will note that the AFL–CIO, IAM, TWU, and other labor organizations share the airlines' concern.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Congressman Esch's Speech

Mr. Esch. Mr. Speaker, on September 18, I placed in the Record a statement expressing my deep concern with legislation now pending before the Congress which in my view would do great harm to the scheduled airline service which exists in this great Nation.

S. 1739 is now on the Senate Calendar and H.R. 8570 and H.R. 9367 are now pending before the House Interstate and Foreign Commerce Committee. I have been receiving many expressions of opposition to these bills from my constituents. Mr. Speaker, I am astounded by the vitriolic attacks which are being made upon the integrity not only of the scheduled airlines but upon honest citizens who are availing themselves of their constitutional right to express their opinions to their duly elected Members of Congress.

Mr. Speaker, I have received many publications, well-prepared and obviously well-financed, from supplemental airline representatives. I defend their right to express their point of view.

It occurs to me that airline employees who are the most likely to suffer by the passage of this proposed legislation would be the exact people we in Congress would be expecting to hear from. The insinuation is made that no one else opposes these bills except airline employees. This simply is not true; they affect the entire traveling public.

I am inserting herewith a partial list of organizations who oppose this legislation. I do not believe these organizations or their members lack credibility:

Organizations Opposed to ITC Legislation

AFL–CIO.
Brotherhood of Railway, Airline & Steamship Clerks—Air Transport Division.
International Association of Machinists and Aerospace Workers.
Transport Workers Union.
Airline Passengers Association.
Alaska Dept. of Economic Development.
American Society of Travel Agents.
American Automobile Association.
American Trucking Association, Air Freight Motor Carriers Conference.
Arkansas Chamber of Commerce.
Atlanta Chamber of Commerce.
Birmingham (Ala.) Area Chamber of Commerce.
Buffalo Area Chamber of Commerce.
Chamber of Commerce of Clayton County, Ga.
Chamber of Commerce of Greater Augusta, Ga.
Chamber of Commerce of Hawaii.
Chicago Association of Commerce and Industry.
City of Macon, Ga.
City of Oklahoma City.
City of Philadelphia.
Detroit Chamber of Commerce.
Fort Wayne (Ind.) Chamber of Commerce.
Georgia Chamber of Commerce.
Grand Rapids (Mich.) Chamber of Commerce.
Greater Miami Traffic Association.
Greater Minneapolis Chamber of Commerce.
Greater Philadelphia Chamber of Commerce.
Greater Portland (Maine) Chamber of Commerce.
Greater Providence Chamber of Commerce.
Illinois State Chamber of Commerce.
Indiana State Chamber of Commerce.
Jackson, Mississippi, Chamber of Commerce.
Kansas City, Mo., Chamber of Commerce.
Kansas Economic Development Commission.
Lansing (Mich.) Chamber of Commerce.
Los Angeles Chamber of Commerce.
Louisville Chamber of Commerce.
Maine Association of Chamber of Commerce Executives.
Maine State Chamber of Commerce.
Memphis Area Chamber of Commerce.
Michigan State Chamber of Commerce.
National Association of State Aviation Officials.
National Passenger Traffic Association.
New Jersey State Chamber of Commerce.
New York City Chamber of Commerce.
Ohio Chamber of Commerce.
Pittsburgh Chamber of Commerce.
Salt Lake City Chamber of Commerce.
Society of American Florists.
South Bend (Ind.) Chamber of Commerce.
Springfield (Mass.) Chamber of Commerce.
Toledo Chamber of Commerce.
Utah Agencies (Representing City & State Chambers of Commerce).
Warner Robins, Ga., Chamber of Commerce.
Worcester (Mass.) Chamber of Commerce.
American Federation of Labor and Congress of Industrial Organization.
Air Transport Lodge 1736.
Flight Engineers Association.
Air Cargo, Inc.
Air Freight Forwarders, Inc.
Doric Corporation.
Emory Air Freight.
The Express Company (N.Y.).
Fidelity Bank.
Florida Tropical Fish Industries.
Lowe Runkle Company.
Railway Express Company.
International Northwest Aviation Council.
United States Limousine Operators.
Montgomery Airport Authority.
Arizona Department of Aeronautics.
Tucson Airport Authority.
Litle Rock, Arkansas, Airport Commission.
John Burns, Governor Hawaii.
San Francisco Chamber of Commerce.
Illinois Department of Aeronautics.
Illinois Public Airport Association.
Illinois Department of Transportation.
Brunswick, Ga., Chamber of Commerce.
Director of Aviation, Macon, Ga.
Greater Macon (Ga.) Chamber of Commerce.
Indiana Transit Service, Inc.
Maine Publicity Bureau.
Kingsford (Mich.) City Council.
Mississippi Aeronautics Commission.
Mayor of Kansas City, Missouri.
Gallatin Field (Bozeman, Mont.).
Montana Airport Management Association.
Bert Mooney—Silver Bow County Airport.
Manchester, N.H. Chamber of Commerce.
Director, New Jersey Division of Aeronautics.
Mercer County Airport Board (N.J.).
Summit County Board of Commissioners—Ohio Quad City Airport.
Mayor of Akron (Ohio).
Mayor of Canton (Ohio).
Port of Portland, Oregon.
Allegheny County Director of Aviation (Pa.).
Rhode Island Department of Aeronautics.
Columbus (S.C.) Chamber of Commerce.
Greenville-Spartanburg (S.C.) Airport Commission.
Mayor of Charleston (S.C.).
South Carolina Aeronautics Commission.
Governor Richard F. Kneip (S.D.).
Chattanooga (Tenn.) Airport.
Texas Tourist Council.
West Virginia Chamber of Commerce.
Airline Ground Transportation Association.
American Ground Transportation Association.
Griffith Travel Service, Inc.
Larry Diana's Wonderful World of Travel.
Philadelphia National Bank Travel Agency.
National Innkeeping Association.
Decker House of Travel.
Montclair Travel Agency, Inc.
Joyce Gardner Travel Consultant, Fort Lauderdale, Fla.
NOTO Travel Service, New Rochelle, N.Y.
Helft World (Travel Consultants), Vienna, Va.
Leisure Travel (Travel Consultants), Atlanta, Ga.
Embassy Travel Bureau, Inc., Palm Beach, Fla.
Blue Bell Travel Service, Inc., Blue Bell, Pa.
China Travel Bureau, Inc., Akron, Ohio.
National City Bank of Marion, Ohio, Travel Department.
National Air Transportation Conferences, Inc.
Seymour Travel Agency, Bayonne, N.J.
Vermont Transit Company.
A Rhode Island Tourist/Travel Association.
MAST (Midwest Agents Selling Travel).
World Travel Bureau, Inc. (Minnesota).
Rich's Travel Agency (Atlanta, Ga.).

THE ARAB ATTACK ON ISRAEL

Mr. WILLIAMS. Mr. President, the warfare now raging in the Middle East is a tragic blow to hopes that a lasting peace for that part of the world might be within reach. Although a great deal of uncertainty exists concerning events of the past 3 days, and the current state of the fighting, two things at least are clear: first, that the armed forces of Egypt and Syria launched a savage attack across the cease-fire lines; and second, that the fierce fighting which has ensued is exacting a heavy toll in death and destruction.

This Arab aggression, while treacherous in its timing and execution, certainly did not come as a complete surprise. Rather, it is the logical outgrowth of the blind, unyielding, and self-destructive course which has been pursued by some Arab leaders since the State of Israel was born. They have attempted repeatedly to eradicate this tiny nation, attempts which have been decisively turned back by Israelis fiercely determined to defend their homeland.

Mr. President, in the 25 years of its existence, Israel has achieved a modern miracle. Despite the ever-present threat of attack, Israel has developed into a free, strong, and democratic state. She has time and again offered the hand of friendship and peace to her Arab neighbors, only to be answered by violence, demagoguery, or, at best, stony silence.

There can be no doubt that Israel's only objective is to live in peace and harmony with her neighbors. This can be accomplished, and it would certainly be beneficial not only to Israel, but also to the Arab States. Nevertheless, Arab leaders have unswervingly refused to negotiate face to face with Israel, without precondition. Instead, they have continued to talk of war, prepare for war, and now once again, make war.

It has become clearer than ever before that Israel must maintain secure and defensible borders, in order to forestall the threat of armed aggression with which she has had to contend continuously since her beginnings. And, it is also very clear that the United States must redouble its support for Israel, so that she may continue to successfully defend herself.

Mr. President, although the outcome of the latest Mideast warfare is still in doubt, it appears the tide has turned in favor of Israel. The United States, and all freedom-loving nations, must now support Israel's right—indeed her obligation—to take the steps necessary to insure against future attacks. And, we should all pray that out of the current bloodshed will come a new willingness on the part of Arab leaders to at last concede Israel's right to exist, and to finally choose the path of negotiation, rather than war.

ACCOMPLISHMENT OF WORLD PEACE—ADDRESS BY SENATOR FULBRIGHT

Mr. SAXBE. Mr. President, last night in a masterful speech Senator FULBRIGHT set out his views on how world peace could best be accomplished. I believe that all who listened to him were impressed by the deepness and sincerity of his argument. I would like my colleagues and the Nation to have the full text of this speech, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR J. W. FULBRIGHT

PREFACE: THE MIDDLE EAST

One of my principal themes tonight is the need of a world rule of law, in the words of the United Nations Charter, "to save succeeding generations from the scourge of war."

Regardless of the outcome of the current fighting in Sinai and the Golan Heights, Arabs and Israelis alike are catching a glimpse of their destiny in a world without law. It is a destiny of recurrent war, unending tensions, fear and hate, and a crushing burden of arms. For the fourth time in a generation these otherwise gifted and talented peoples have failed of the promise of their own ancient civilizations and plunged into futile hostilities. The failure, however, like the danger, is not theirs alone but that of the entire civilized world, which solemnly committed itself at San Francisco in 1945 "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

It is possible, though hardly likely, that the Arabs and Israelis are content to continue the struggle each in vain hope of some ultimate victory. I cannot believe that really is their wish because of the enormous costs to themselves and the bleakness of the future which continuing struggle will bring. The Arab states, including those which are now conservative, are likely to be radicalized as their grievances fester. Israel, already a garrison state, faces the prospect of mounting terrorism and recurrent war, of a national existence with no semblance of security. However confident they may be of their own military prowess, the Israelis can hardly relish this prospect.

But even if the combatants can accept the prospect of unending struggle, the outside world cannot. As long as there is danger of other nations being drawn in—and that danger is constant—the world cannot stand aside. Like the Balkans in 1914, the Middle East has become the potential flash point of world conflict. In addition, there is the energy problem. Call it what you like—blackmail or ordinary business—the Arab Middle East possesses at least 300 billion of the 500 billion barrels of proven world oil reserves. With no spare productive capacity of its own, the United States—like other industrial nations—is increasingly dependent on Middle Eastern oil, and consequently in need of good relations with the producing countries. These countries, it is well to remember, have no direct quarrel with the United States and have never done anything to harm the United States. Our dependence on their oil is a matter of national interest, no more so perhaps than our emotional bond to Israel, but surely no less so either. These are matters which affect all nations, and because they go beyond the Arab-Israeli conflict itself, the outside world has the right and responsibility to participate in the making of a settlement.

The first requirement is an immediate cease-fire—not a delayed cease-fire which might allow one side or the other to impose "new facts," but an immediate cease-fire ordered by the United Nations Security Council in accordance with its authority, under Chapter VII of the Charter, to "decide what measures shall be taken" to restore peace. Beyond a cease-fire the Security Council ought now, without delay and with full support from the United States, to implement its resolution of Novemver 22, 1967, by permission if possible, by enforcement if necessary in accordance with the terms of the United Nations Charter. That resolution officially supported by the United States through the Robers plan of 1969, calls for the withdrawal of Israeli forces from the occupied territories, but also provides for Israel's survival and security by requiring the "termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area."

Given a will to settle, reasonable variations on the Security Council resolution of November 1967 might be worked out to ensure Israel's security. The Rogers Plan allows of "insubstantial alterations" of territory for the sake of mutual security, and these could include the retention by Israel of some part of the Golan Heights from which the Syrians before 1967 fired down upon civilian communities. In addition, arrangements might be made for the phased restoration of Sinai by Egypt along with a general acknowledgement of Egypt's sovereignty over the region. Israel's right of free access through the Gulf of Aqaba might be secured by the stationing at Sharm el Sheikh of an international force, removable only by the consent of all parties, or alternately by an Israeli leasehold comparable to the special French presence in the German Saar after the First World War.

Jerusalem, because of its profound importance to three great religions, can and should be made an international city and given special status with free access to all. Its sacredness to Chistians and Jews is well-known, but its equal importance to Muslims has not been fully appreciated in the West. It may be recalled that in 1967, by a vote of 99 to 0 in which the United States abstained, the United Nations General Assembly condemned Israel's unilateral annexation of the old city. Its status now cannot be accepted as "non-negotiable."

All these arrangements could be guaranteed by a binding agreement, duly ratified, between Israel, the Arab states and the United Nations. In addition—as I have suggested on several previous occasions—a United Nations guarantee could be supplemented by an identical bilateral treaty between Israel and the United States—not an executive agreement but a treaty consented to by the Senate—under which the United States would guarantee the territory and independence of Israel within its adjusted borders. This supplementary, bilateral arrangement with Israel would obligate the United States to use force if necessary, in accordance with its constitutional processes, to assist Israel against any violation of its borders, which it could not repel itself, but the agreement would also obligate Israel, firmly and unequivocally, never to violate those borders herself.

The conflict in the Middle East is testimony to the bankruptcy of traditional power politics. Had the nations met their responsibilities under the United Nations Charter in 1948 or 1956 or 1967, any or all of these three wars could have been avoided. Now, once again, tragedy brings opportunity. As will be shown in the remarks which follow, I am less than confident of the rational and humane conduct of human affairs. But neither have I given up on that possibility. I perceive in the Middle East a unique opportunity to make the United Nations work as it was intended to work, and by doing so, not only to resolve the conflict between Arabs and Israelis, but also to create a most valuable precedent for the future.

ASPECTS OF THE NATIONAL INTEREST

Perhaps in the abstract sense there is an objective category which can be called the "national interest". Human affairs, however, are not conducted in the abstract, and as one moves from the theoretical to the operational, objectivity diminishes and sentiment rises; ideas give way to ideology, principle to personality, reason to rationalization. As formulated by men of power, the national interest is a subjective and even capricious potpourri, with ingredients of strategic advantage, economic aspiration, national pride, group emotion, and the personal vanity of the leaders themselves. This is not to suggest that the concept of "national interest" is false but that it is elusive and far from self-evident, and when statesmen invoke it, they raise more questions than they answer.

There have been in recent American usage at least three separate conceptions of national interest; the ideological, exemplified by the anti-Communist crusade of the cold war; the geopolitical, which treats international relations as an endless struggle for power as an end in itself; and the legal-institutional, an approach which holds that international affairs, like domestic affairs, must be brought under the regulation of law, an approach which gave rise under American leadership to the League of Nations Covenant and the United Nations Charter. Depending upon which approach you embrace, or deplore, your conception of the national interest will differ from, or conflict with, that of others. My own preference—bias if you like—is toward the legal-institutional. The preference of the Nixon Administration, as I perceive it, has been—at least in the past—strongly geopolitical. Though divergent in concept, these approaches often overlap in practice; I find myself, for instance, in agreement with the Administration on the wisdom of détente with the Soviet Union, but in disagreement on certain underlying concepts of what the national interest is and what it is not.

It is not my intention here to offer a definitive catalogue of the national interests of the United States but rather to comment on certain aspects of the national interest which I believe to be illustrative of its basic character.

I shall comment briefly later on the emergence of China as an influential and innovative nation, in the process of creating an extraordinary experiment in social cooperation within China which may well prove exemplary for much of the third world, and also to express hope that China will play a leading and responsible role in strengthening the United Nations. Nor do I comment here on the seemingly intractable problems of poverty and population growth in the Third World. In all of these the United States has major national interests, but I confine myself here to a discussion of basic concepts of national interest, of the fragile and threatened détente with the Soviet Union, of the need to restore economic health at home, and the continuing significance of the all-but-forgotten promise of the United Nations. Though by no means definitive, these areas seem to me to be both topical and illustrative of the kinds of national policy which are consistent with our national tradition, congenial to our national character, and best conceived, overall, to advance the security and welfare of the American people.

I. CONCEPTS OF POLICY

It has ceased to be useful, if ever it was, to deal with foreign policy as a category distinct from domestic policy. Neither can be rationally conceived or successfully executed except as aspects of national policy. I am thinking not of the policy maker's natural preference for strong domestic support of his foreign policy, but of the more fundamental need of a foreign policy which advances the well-being of our people, does not drain resources unduly, and is compatible with the national character. In the course of history nations have been defeated by foreign enemies at least as often because of internal weaknesses of their societies as because of insufficient armaments. But I would go even beyond the fact of demonstrable interaction between foreign and domestic problems to suggest that a well-conceived foreign policy is not only related to, but necessarily subordinate to, domestic needs and aspirations. In a report of a few years ago the Senate Foreign Relations Committee noted that "Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country."[1] To put the matter simply: our national interest has to do with the kind of society we live in, and only incidentally with the kinds of society other people live in.

It is mistaken to conceive of foreign policy as an adventure even an idealistic adventure. Echoing General de Gaulle's mystical conception of France's role, Secretary Kissinger has suggested twice that "America was not true to itself unless it has a meaning beyond itself"—a "spiritual" meaning, he went on to explain.[2] Dr. Kissinger also endorsed Theodore Roosevelt's entreaty that we "dare mighty things" and "win glorious triumphs". That invocation, the Secretary said, "epitomizes the essence and strength of this nation". I do not know exactly what "mighty things" to be dared the Secretary of State has in mind, but I must say that I find the notion disturbing. It is my impression that Theodore Roosevelt was an impetuous and enthusiastic chauvinist, with imperialistic tendencies.

There may have been a kind of romantic idealism in his outlook, but it is the wrong kind of idealisms, dangerous and obsolete in this nuclear age.

Foreign policy is not an adventure, and our statesmen are not cavaliers but public servants. It is not daring but competence and prudence that are required of them. When they forget that, and take flight with their own soaring rhetoric, they get into trouble, and drag the rest of us with them. I do not agree with Dr. Kissinger that our American experience necessarily has "universal meaning," or that America requires a meaning beyond itself. There is meaning enough in being ourselves, a meaning by no means yet fulfilled, and in letting others find their own meanings.

The primacy of domestic policy has nothing to do with "isolationism"—a concept which has become functionally irrelevant as well as rhetorically polemical. The charge of "neo-isolationism" is an invention of people who confuse internationalism with an intrusive American interventionism, with a quasi-imperialism. Those of us who are called "neo-isolationists" are, I believe, the opposite: internationalists in the classical sense of that term, in the sense in which it was brought into American usage by Woodrow Wilson and Franklin Roosevelt. We believe in international cooperation through international institutions. We would like to try to keep the peace through the United Nations, and we would like to try to assist the poor countries through such institutions as the World Bank. We do not think the United Nations is a failure; we think it has never been tried.

The merit of the administration's foreign policy is that it is rooted in a coherent view of the world; the principal failing of this policy is the particular worldview in which it is rooted. The power politics approach is an improvement on the ideological crusade of the cold war, and the Administration deserves credit for the openings to China and Russia which have alleviated the cold war. But the balance-of-power approach, on which our new relationships with China and Russia are based, is justly criticized as cold and amoral, oriented to process rather than purpose, as if the "game" of nations were nothing but a game, conducted for the sake of the game, not for winning something but just for the sake of winning, for being "Number One." But the ultimate failing of supposedly hard-headed, realistic power politics is that, always in the long-run and often in the short-run as well, the approach turns out to be neither hard-headed nor realistic as a means of keeping the peace. However successful the balance-of-power has been in keeping the peace over certain periods of time, it has always broken down in the end, culminating as in 1914, in general war.

There are many reasons for the inherent instability of power politics. One is the failure to take account of the internal life of nations. In the eighteenth century the kings of Europe were able to alter and adjust the balance-of-power through shifting alliances; even in 1939 the Hitler-Stalin pact shattered the last remaining fragment of European stability. For the most part, however, modern nations gain and lose strength, and with it the ability to upset the international equilibrium, as the result of internal developments. Germany upset the European balance in the late nineteenth century primarily because her economy and industry grew much faster than those of her neighbors, enabling Germany to become militarily preponderant. More recently, France has reclaimed a leading role in Europe despite the loss of empire, more accurately perhaps because of it; the stability of the Fifth Republic and the rapid growth of the French economy since the Algerian war have given France a new weight in international affairs. Conversely, and more pertinently, we have seen the influence and reputation of the United States in world affairs diminished by political scandal and economic dislocations the latter largely the result of extravagant military spending. Confrontations, summits, alliances and spheres-of-influence are surely factors in a nation's position in the world, but they are no longer the major factors; the major factors are internal.

A skillful diplomacy can of course take account of domestic developments, but here we are thrown back upon the cleverness of statesmen—a commodity hardly to be relied upon. And that indeed is the root weakness of the game of nations: it is a despotism without laws, as stable or shaky, just or unjust, as the men momentarily at the top of the heap. In international relations as within our own country order and stability requires institutions; it requires a system that ordinary men can run and incompetent men cannot ruin. Guarantee if you can that the game will be played by a Bismarck or Talleyrand, by a Kissinger or Le Duc Tho, and perhaps I will withdraw my objections. But as long as luminaries give way to lesser lights—and they always do—the objection stands. As Henry Kissinger wrote of Prince Bismarck, "In the hands of others lacking his subtle touch, his methods led to the collapse of the nineteenth century state system. The nemesis of power is that, except in the hands of a master, reliance on it is more likely to produce a contest of arms than of self-restraints."

That brings me to the nub of both my concurrence with, and dissent from, the Nixon-Kissinger foreign policy and the Johnson-Rusk policy. I concur, strongly, in the efforts toward a "structure of peace," but I am concerned with flimsiness of the structure. It is makeshift and fragile, too dependent on agility and cleverness, too delicate to work for dull leaders or withstand incompetent ones. I remain, therefore, a Wilsonian, a seeker still of a world system of laws rather than of men, a believer still in the one great new idea of this century in the field of international relations, the idea of an international organization with permanent processes for the peaceful settlement of international disputes.

Footnotes at end of article.

II. THE STRUCTURE OF DÉTENTE

Reluctant though we may be to relate foreign policy to our own domestic affairs, we seem all too willing at times to apply our foreign policy to other people's domestic affairs. The Jackson amendment to the trade bill pending in Congress would deny most-favored-nation trade treatment to the Soviet Union—which is to say discriminate against its trade with us—unless the Soviet Union eliminates restrictions on emigration by its citizens. On September 17 the Senate, on the initiative of Senator Mondale, adopted a resolution, without referral to a committee and with minimum discussion, asking the President to press the Soviet Government to stop oppressing dissidents and permit its citizens freedom of expression and emigration. Under the Mondale resolution the President is called upon to negotiate nothing less than a revamping of the Soviet system, and the dismantling of a police state apparatus going back half a century under the Communists and a thousand years before that under the tsars. It is a worthy sentiment but a tall order.

Nonintervention in the internal affairs of other countries is one of the cardinal rules of international law and relations, and it is codified in the United Nations Charter. The essential purpose of the rule of nonintervention is to prevent larger countries from bullying smaller ones, and to prevent quarrels arising from gratutitous meddling. There are times when nonintervention seems harsh and immoral, as when an oppressive government is left free to mistreat its own people. At times an exception may be warranted, as when a society disintegrates into barbarism, or when an internal issue becomes a threat to international peace, as that is defined in the United Nations Charter. Much more often than not, however, nonintervention is more likely to advance justice than to detract from it. As we Americans discovered in Vietnam, outsiders are seldom wise enough, just enough, or disinterested enough to advance the morality or welfare of a society not their own. The Russian people have lived under dictatorship throughout their history; it is not for us, at this late date, to try to change that by external pressure, especially at a time when there is a better chance than ever to build a cooperative relationship between the Soviet Union and the United States.

Why indeed should we cooperate with the Soviet Union, a country whose social system is inimical to our own? The answer is simplicity itself: we have to get along with the Russians because, in matters of world peace, we cannot get along without them. The threat of nuclear destruction has become a commonplace, so much so that we tend to dismiss it or forget it. But the fact remains that the leaders of the two nations have the means at their disposal at any time to destroy each other's cities and much or most of each other's populations, and there is nothing—nothing—either side could do to prevent it. American pioneer families helped each other to build cabins and clear the land because the job was too big to do alone—cooperation was a matter of survival. Similarly, the Bedouin Arabs have an ancient etiquette of hospitality—a traveller across the desert cannot be refused food and water, because the host knows that he too may someday journey across the desert. Here too it is a matter of survival—not of affection of friendship or religion or ideology. That is the sum and substance of it: in matters of war and peace Russians and Americans are wanderers in the same desert, and in that desert it is not ideology that counts but food and water—the "food and water" of trade arms control, political cooperation and cultural exchange.

While I sympathize with the plight of the dissidents and minorities in the Soviet Union, I cannot concur in the approach of Mr. Sakharov, the Soviet physicist, who says that there can be no detente without democracy, or the novelist Solzhenytsin, who says that "mankind's sole salvation lies in everyone making everything his business." This asks too much of human nature, assuming that involvement will always be benign rather than aggressive, moral rather than predatory. Were everyone to make everything his business, the result would be war not peace, imperialism not democracy. Men have capricious notions of what is and is not their business; that is why it is usually better for them to mind their own. I do believe that the world can be made better, and that man is capable of aiding its betterment, but I am equally a believer in selectivity of means. Important as it is to know what we hope to achieve, it is equally important to know what we are incapable of achieving; which is to say that humane aspiration must be tempered by realism.

Choosing from among alternatives is, of course, inevitable in politics, even on the part of those who would base detente upon sweeping standards of morality and justice. Why indeed are they so distressed by the denial of civil rights in the Soviet Union, when we have close and amicable relations with—and give material assistance to—a large number of non-Communist dictatorships who mistreat their citizens? Why do we suddenly require measures of democracy in the Soviet Union as the price of our trade? In Chile a freely elected but Marxist government has been overthrown by a book-burning military dictatorship. Do you suppose we will require a return to democracy before resuming trade and investment with the military junta there? If we wish to apply pressure for democracy and human rights, would it not make sense to start with Chile, Brazil or Greece, all of whom are vulnerable and should be responsive to American pressures, and none of whom are as essential partners for the maintenance of world peace as is the Soviet Union? Why start with the Soviet Union, a superpower which can, if it must, live without our trade and investment, and the one country whose cooperation is absolutely essential for building a structure of peace, which I know we all desire?

The adoption of the Jackson amendment requiring continued discrimination against the Soviet trade may not in itself destroy the détente between the Soviet Union and the United States, but it may well derail it. We may recall that in 1960 the U-2 affair shattered the Eisenhower-Khrushchev "spirit of Camp David," and that the Cuban missile crisis precipitated a renewal of the arms race. Khrushchev went on to conclude the partial nuclear test ban treaty with President Kennedy, but his position at home had been irreparably weakened by his failures in attempting to get along with the Americans, and he was displaced in 1964.

General Secretary Brezhnev has now reiterated Khrushchev's request for business-like dealings with the United States. In Moscow last year significant agreements were reached in the field of arms control—especially the ABM treaty—and for cooperation in such fields as space, science and health. Now the Russians are interested primarily in trade and investment, and without being gullible or naive, surely we owe it to ourselves to give openminded consideration to Mr. Brezhnev's assurance to members of Congress: "We came here to consolidate good things, not to quarrel." If Mr. Brezhnev, like Khrushchev, fails in his détente policy because of American pressures on emigration and the treatment of Soviet intellectuals, it is possible that Brezhnev, like Khrushchev, will be discredited at home and displaced by hard-nosed successors who will have little interest in trade, arms control or détente with the United States, or in freedom of thought or emigration for Soviet citizens.

The Soviet Government, it is true, has already yielded a great deal under our pressure: emigration to Israel, which was kept to only 1,000 three years ago, is now being permitted at a rate of over 30,000 a year. But we should not conclude that the Russians will continue indefinitely to yield to American pressure. The adoption of the Jackson amendment might induce the Russians to remove remaining restraints, or it might anger them into clamping the controls back on. If ever there is to be an authentic liberalization in the Soviet Union, it will come about as the result of internal pressures from increasingly assertive professional, managerial and intellectual classes within the Soviet Union.

Like the tsars before them, the Soviet leaders greatly fear Western political ideas, which they consider a threat to their rule. It is understandable, though not admirable, that they should tighten internal controls at the same time that they are seeking closer political and economic ties with the West. They fear our subversion, just as we once feared theirs; specifically they fear that we will try to bring our political ideas into their country along with the trade and investment which they desire. The Jackson amendment reinforces these fears and, in so doing, threatens the political and economic cooperation which both sides need and desire.

I would judge that the most we can do to advance the cause of liberties within the Soviet Union is to help create an international atmosphere of security and cordiality, an atmosphere calculated to diminish rather than aggravate neurotic fears of Western ideas on the part of the Soviet leaders. In practice this would mean a continuation of measures of détente already begun, in trade, investment, cultural exchange, and above all arms control.

While recognizing the futility of war, the superpowers refuse to recognize the resulting futility of the arms race. Instead of pursuing the logic of the ABM treaty and proceeding energetically with the SALT talks, they prepare for future agreements by feverishly accumulating "bargaining chips," which is to say, by arming to the teeth. To cite one recent example: on September 27 the Senate by a narrow margin voted $1.6 billion to allow the Administration to accelerate the development of the Trident ballistic missile submarine. Each single Trident will cost an estimated $1.3 billion, and that does not allow for the Pentagon's inevitable cost-overruns. The decision to accelerate the Trident program was made in the wake of last year's interim agreement so as to give the United States additional "bargaining chips" in the negotiations for a permanent treaty, and despite the fact that our Polaris and Poseidon submarines are virtually invulerable to attack and likely to remain so for the foreseeable future. As Charles Yost has written, "When Congress votes funds for a submarine, it votes not for one but for two, an American and a Soviet."[4] Progress toward arms control—the most important single area of Soviet-American détente—is thus negated by the self-defeating theory of "bargaining chips". If we are to have the "structure of peace" of which President Nixon and Secretary Kissinger speak, it is essential that we terminate this irrational, ruinously costly practice of accelerating the arms race while trying to restrict it.

Until and unless China joins the other great powers in their ill-considered arms race, her significance will consist primarily in the challenge of her society. Visitors to China—experts and amateurs alike—report on the orderliness, purposefulness, cleanliness, and cooperativeness of Chinese society. Perhaps, to some degree, the visitors have been misled by guided tours; perhaps their reports reflect something of the old conde-

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Footnotes at end of article.

scending sentimentalism of Americans toward China. The evidence suggests however, that there is more to the modern Chinese experiment. The evidence suggests that this largest of human communities and oldest of civilizations has moved far to bring health, education, social cohesion and a sense of purpose into the lives of a long-divided, poverty stricken and demoralized population.

The world significance of the Chinese experiment is its potential impact on the third world. China alone of the great powers has a claim to membership in the third world. As an economically less developed nation itself, China has the potentiality of serving as a model for Asian, African, and Latin American nations to whom the experience of economically developed nations like the Soviet Union and the United States may seem out of reach and irrelevant. It seems possible, therefore, that neither of the missile-wielding superpowers will prevail in the competition for influence in the third world, but that the role of an exemplar will fall to China as one of their own. It is in this respect—not as a "power" but as a society—that China commands a position of primacy in our foreign policy and in our national interest, warranting our attention, our friendly interest and our best efforts toward understanding. Dr. Kissinger commented after his visit to China in early 1972, "These people have a sense of purpose. If there is communication, it will be a great challenge to our whole society." That, I believe, was a perceptive observation.

III. THE DOMESTIC SIDE

If détente with the Soviet Union and with China represents the first foreign requirement in the national interest, the first requirement on the domestic side is the restoration of a healthy national economy. The two, as we have seen, are inseparable: extravagant military expenditures strain our economy, and the weakened economy in turn detracts from our foreign policy. The essential corrective is a more restrained American role in world affairs, a reduction in status, so to speak, from "Number One" to something like "first among equals."

On August 15, 1971, the day President Nixon imposed emergency controls on the economy, the United States passed through a symbolic watershed in its foreign policy. Prior to that date we had felt ourselves able to shape our foreign policy solely in terms of what we needed and wished to accomplish in the world. Since that time we have been compelled—or should have been compelled—to recognize that our resources are limited and that we must base our policy decisions not only on what we wish to do but also on what we can afford.

Some cogent statistics illustrate the change. In 1950 the United States produced half of the world's total output of goods and services; by 1970 our share had dropped to 30 percent. In 1950 we produced almost half of the world's steel; today we produce about one-fifth. In 1950 the United States held half of the world's monetary reserves; today we hold less than one-tenth.

The significance of these developments, by no means yet fully appreciated, is that the United States can no longer afford, and no longer can fairly be expected, to sustain the military and political supervision of world affairs which it has exercised for three decades. The role of global colossus came to us by default after World War II when every other major industrial nation in the world was economically devastated. We thereupon undertook extraordinary global—and even extra-global—enterprises, including the Marshall Plan, the rearmament of ourselves and our allies, worldwide military and economic aid programs, two long and costly wars, the extravagantly and incredibly expensive arms race with the Soviet Union, and a superheated race to the moon.

Only recently, with our national economy beginning to crack under the strain, have we been constrained to recognize the necessity of bringing our military and political activities back into harmony with their economic base. For this purpose economic controls are only temporary expedients. They are no substitute for the fiscal and monetary reforms which are essential to curb inflation, stem the dollar outflow, and restore confidence at home and abroad in the American economy and its managers. However many "phases" of control and de-control are superimposed on our national economy, a stable equilibrium can be restored only through some combination of increased revenues and reduced expenditures.

The most promising field by far for reducing expenditures without risk to our national security is in the development of unessential new weapons systems. The Brookings Institution economist Edward R. Fried suggests that savings of $10 billion could be made without appreciably altering current military capabilities by major economies in the use of manpower and by slowing down the developments of such weapons systems as the Trident ballistic missile submarine and the B–1 supersonic bomber, the one designed to supplant the still-functional Polaris, the other to supplant the still quite adequate B–52 bomber.[5] There are, in addition, numerous aid projects, troop deployments, and other foreign operations which, though individually modest in cost, are quite costly in the aggregate and of dubious relevance, in any case, to the national interest.

In practice if not in their declarations, Congress and the Nixon Administration reject the concept of interacting foreign and domestic policies. Congress pays eloquent tribute to the need of economy but votes just about everything the Administration requests for arms procurement.

The Nixon Administration, for its part, pursues détente with the Soviet Union, but at the same time pursues an arms policy which undermines détente and which strains our national economy. The military budget for fiscal year 1974 is still based on outdated cold war assumptions and on the equally outdated assumption of unlimited American resources to prosecute it. Conceived as it seems in isolated compartments, the overall Administration policy is one of pressing the cold war while also trying to end it, of straining the national economy while also trying to revive it.

Karl Marx predicted that the capitalist countries would ultimately collapse under the weight of their own internal contradictions. Our current ambivalence as between détente and cold war, extravagant weapons systems and the needs of the domestic economy, lend more than an iota of credibility to the Marxian prophecy. On the one side Senators and Congressmen sincerely advocate détente; on the other they vote for expensive and unnecessary weapons systems. On the one side the President and Congress take statesmen's advice on the possibilities of international accommodation; on the other side they accept the generals' and admirals' drastic estimates of a possible adversary's capacity and intentions. The effects of these contradictions are self-defeating abroad and debilitating at home.

Lord Salisbury, a British Prime Minister of the late nineteenth century, said to a colleague, "You listen too much to the soldiers . . . you should never trust the experts. If you believe the doctors, nothing is wholesome; if you believe the theologians, nothing is innocent; if you believe the soldiers, nothing is safe."[6] We are in need of an overview, one which will put risks and costs, projects and opportunities, in clarifying perspective.

IV. A CONCEPT OF ORDER

Shortly before he entered government, Dr. Kissinger wrote that "The greatest need of the contemporary international system is an agreed concept of order." I surely do agree that a concept of order is essential to the world and essential to our own national interest. I agree too that the Nixon Administration's foreign policy has had a more well-defined central concept than that of any Administration since Woodrow Wilson's. But as noted before, I believe the Nixon concept to be adequate, reactionary in the historical sense, and profoundly pessimistic; reconciled as it is to struggle for power as something permanent and inevitable, the administration's approach is essentially devoid of hope for progress or betterment in human affairs. Believing as I do that there is hope, however slight, for fundamental change and fundamental improvement in the way nations deal with one another, I retain my faith in the Wilsonian concept of a powerful world peace-keeping organization, not really because I am confident of its coming about or of its success, but because I think it is within the range of human possibility to make a world organization work, and that seems to me worth striving for.

It follows from this conception of the national interest that the United Nations ought to be at the very center of our foreign policy and not at its far periphery. In this connection I was disappointed by the lack of conviction and detail in Secretary Kissinger's recent speech to the United Nations, and by his "unnecessarily modest proposals"—as the New York Times put it—for strengthening the world organization.

The United Nations—despised, neglected and misused—remains nonetheless the greatest potential instrument for dealing with the global problems of our time. When all is said and done—when all the ideologies have been exposited and found wanting, when all the theories of "realpolitik" have been tested and revealed as dangerous romanticisms—one ancient, still untested idea persists: the idea that politics can be put to the service of ordinary human needs; the idea that through world law we can free ourselves from the costly and dangerous burden of international conflict; the idea that through cooperation and man's genius we can alleviate poverty and put our technology to humane and rational purposes. It is the age-old dream of beating swords into plowshares, of changing the rules of the old, discredited game by supplanting the anarchy of nations with an effective international organization.

To begin to achieve these great aims, we must recognize that the principle of absolute sovereignty is obsolete. We must begin to think of the world as a community in which, for certain limited purposes at least, the good of the whole must take precedence over the advantages of the parts. Neither the large countries, including our own, nor the small countries have ever accepted that principle with respect to the United Nations. The large nations, including the United States, have used the United Nations as a minor instrument of their own foreign policies, to be used or—more commonly—ignored according to their convenience.

The United States is only just turning away from a long period of unilateralism, in the course of which we allowed ourselves to believe that we ourselves were the effective successors to an enfeebled United Nations, forced by fate and circumstance to bear the responsibilities of power." In so doing we not only went beyond our own legitimate interests and responsibilities; we discouraged others from accepting their fair share of international responsibility. Unilateralism fed upon itself; having gotten in the habit of acting on our own because others seemed unwilling to act, we then found them more unwilling than ever to accept collective responsibilities. For this reason, and for the even more important reason that long-neglected domestic needs now claim our attention, the United States can make a great contribution to international cooperation by making it clear that the Pax Americana—such as it has been—is now at an end, and that hereafter the United States will act promptly and loyally in concert with other nations in the United Nations but will not act alone.

Even without the immediate cooperation of others there is much the United States could do to breathe life into the United Nations. We could make it national policy to appoint men or women of eminence and power—with the prestige of the late Adlai Stevenson or the late Senator Robert Taft—as our representatives in the United Nations. We could make it national policy to refrain from using our veto in the Security Council.

We could make it known to other great powers that the United Nations is our preferred forum for negotiations on arms control and other crucial issues. And we could take the lead in negotiating those long-neglected agreements called for by Article 43 of the Charter, under which members would "make available to the Security Council . . . armed forces, assistance and facilities" to deal with threats to and breaches of the peace.

We have survived in the nuclear age so far not through any "agreed concept of order" but through crisis displomacy and that frail substitute for a "concept of order" known as the balance of power. At its best the old system was only fairly successful in preventing and limiting war, but in the age of nuclear weapons only one breakdown would result in catastrophe, quite possibly in the destruction of civilized human life in much of the world. Sooner or later the law of averages is going to run out on us.

There is very little in international affairs about which I feel certain but there is one thing of which I am quite certain: the necessity of fundamental change in the way nations conduct their relations with each other. There is nothing in the human environment, as Adlai Stevenson once reminded us, to prevent us from bringing about such fundamental change. The obstacles are within us, in the workings of the human mind. But just as it is the source of many of our troubles, the inventive mind of man is sometimes capable of breaking through barriers of prejudice and ancient attitude. In the field of international affairs, I believe, such a breakthrough was achieved with the formation, first of Covenant of the League of Nations, then of the United Nations Charter. The next breakthrough, urgently awaited, is to make the conception work.

FOOTNOTES

[1] "National Commitments," *Report prepared for Committee on Foreign Relations* (Washington: U.S. Govt. Printing Office), Apr. 16, 1969, page 9.

[2] Confirmation Hearing before Senate Foreign Relations Committee, Sept. 7, 1973; International Platform Assoc., Aug. 2, 1973.

[3] Quoted by James Chace in *A World Elsewhere: The New American Foreign Policy,* (New York, Charles Scribner's Sons, 1973), pp. 33–34.

[4] Yost, Charles, *The Conduct and Misconduct of Foreign Affairs,* (New York: Random House, 1972), p. 101.

[5] Testimony before the Joint Economic Committee, July 31, 1973.

[6] Quoted in Yost, *The Conduct and Misconduct of Foreign Affairs,* page 107.

PRIVATE PENSION REFORM

Mr. NELSON. Mr. President, on September 19, the Senate by a vote of 93 to 0 passed landmark legislation reforming and improving pensions. This bill was the work product of two major Senate committees and was a merger the best features of two lengthy and complex pension bills reported by the two committees.

Pension experts of the Congressional Research Service of the Library of Congress, have prepared an excellent summary of the pension bill. For the benefit of people throughout the country, I ask unanimous consent that this summary by Peter Henle, Raymond Schmitt and Ann Marley, of the Congressional Research Service, be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

1973 Senate Action on Private Pension Reform—A Summary of H.R. 4200 (H.R. 10470)

INTRODUCTION

Comprehensive private pension plan reform legislation passed the Senate September 19, 1973 by the unanimous vote of 93 to 0.

Efforts to enact such legislation originated several years ago. Although committee hearings were held on numerous bills in earlier years and one bill was reported in the closing days of the 92d Congress, this was the first time either House had passed pension reform legislation.

Action in the 93rd Congress leading up to passage of this legislation includes the following major developments. A proposed Retirement Income Security for Employees Act (S. 4) was originally introduced on January 4, 1973, by Mr. Williams, Mr. Javits, and 39 other co-sponsors. The bill was referred to the Senate Committee on Labor and Public Welfare as a matter relating primarily to labor-mangement relations. The bill dealt with the issues of vesting, funding, plan termination insurance, portability, fiduciary standards, reporting, and disclosure. It did not, however, deal with tax-related matters such as individual retirement savings, or changes in retirement deductions for the self-employed. After legislative hearings were held by the Labor Subcommittee on February 15 and 16, the Committee reported out S. 4 on April 18, 1973 (Report No. 93–127).

Meanwhile, other bills concerned with the same subject had been introduced and a number of them had been referred to the Senate Finance Committee since they approached the issues by proposing changes in the Internal Revenue Code. Among these were S. 1179, introduced on March 13, 1973 by Mr. Bentsen and S. 1631 introduced on April 18, 1973 by Mr. Curtis. S. 1179 dealt with the issues of vesting, funding, plan termination insurance and also included provisions for tax deductions for an individual's retirement savings program. S. 1163 dealt with vesting, funding, and tax deduction provisions for both individuals and the self-employed. After legislative hearings were held by the Subcommittee on Private Pension Plans on May 21, 22, 23, June 4, and 12, the Finance Committee reported out S,. 1179, as amended, on August 21, 1973 (Report No. 93–383). As reported, S. 1179 dealt with vesting, funding, plan termination insurance, portability, fiduciary standards, reporting, disclosure, and allowable tax deductions for retirement plans of individuals, the self-employed, and owner-manager corporations.

With two bills covering the same basic subject matter reported out by two committees, leading members of the Senate Labor and Finance Committees initiated a series of discussions to resolve their differences and reach agreement upon a single bill. These efforts proved successful and on September 17, 1973 the substance of the new bill was jointly released by the two committees. The compromise bill (Amendments 496 and 497) was introduced on the floor of the Senate on September 18, 1973 by Mr. Nelson in the nature of a substitute for S. 4, the pending Senate business.

During the course of debate on September 18 and 19, the Senate adopted the following amendments:

Congressional Record page reference September 19, 1973

(1) By 89 yeas to 2 nays, modified Nelson amendment No. 506, to provide that the maximum $75,000 limitation on retirement benefits applicable to proprietary employees shall also apply to all other corporate employees; S16859, S16874.

(2) Hathaway amendment the effect of which would place a ceiling on the amount of money that a partner may transfer for the retirement benefit of a senior partner; S16890.

(3) Modified Buckley amendment No. 504, to permit individuals to deduct annually $1,000 or 15 percent of earned income up to $1,500 for contributions made to a qualified retirement savings plan; S16892.

(4) Modified Taft amendment No. 480, to increase from 5 percent to 7 percent amount of pension fund assets which may be invested in employer securities; S16903.

(5) Huddleston amendment to permit self-employed individuals to contribute total income up to $750 annually to a pension plan; S16904.

(6) Modified Stevenson amendment to allocate three seats on the Advisory Council to persons representative of those receiving benefits under a private pension plan; S16905.

(7) A series of Nelson amendments of a technical and clerical nature; S16905.

Following adoption of these amendments, the text of the amended bill was incorporated in H.R. 4200, a House-passed bill to continue certain servicemen's and former servicemen's survivors annuity benefits.

The following pages summarize the major provisions of H.R. 4200 as passed by the Senate. (Subsequently, on September 24, Mr. Ullman introduced the Senate-passed bill as H.R. 10470.)

PARTICIPATION AND VESTING

No plan may require as a condition of participation a period of service longer than one year or attainment of an age greater than 30 years, whichever occurs later. This provision would become effective after enactment for new plans but for existing plans not until plan years commencing after December 31, 1975.

All private pension plans regardless of their tax qaulification status and regardless of their size are required to comply with the vesting requirement. Plans of federal, state and local governments are also included in years beginning after December 31, 1980.

The vesting requirement calls for the following:

(1) An employee must be vested at all times in the accrued benefits derived from his contributions;

(2) With respect to accrued benefits derived from employer contributions, the employee must be vested in accordance with the following schedule:

Years of service and percent vested in accumulated benefits

0–4	0
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15	100

Under a so-called "look back" rule, once an employee becomes eligible to participate in a pension plan, his years of service before becoming a participant, up to a maximum of 5 years, would be credited toward his required years for minimum vesting.

For current plans, the vesting requirement applies to all accrued benefits including those which accrued before the effective date of the law, but not to any service prior to the establishment of the plan. For new plans and benefits arising from plan amendments, no retroactivity is required. Current plans which provide for 100% vesting after ten years of service may retain this provision.

A "year of service" will be defined under regulations to be issued jointly by the Departments of Labor and Treasury. However, beginning in 1981, the definition would include any year in which the employee worked at least 5 months with at least 80 hours of work each month. A definition of "accrued benefits" is included which in essence calls for benefits to be earned proportionately over years of participation.

Two special provisions are included for so-called "highly mobile" employees such as engineers or scientists. The Secretary of Labor is to develop recommendations for modifying federal procurement regulations to insure that such employees under federal contracts will be protected against forfeiture of their retirement benefits. In addition, the bill modifies the no-discrimination provisions of the current tax law so that an employer may establish a separate plan for highly mobile workers with lower benefits but more liberal vesting than under his plan for other employees. Also with respect to the coverage and antidiscrimination requirements of the current tax laws, collective bargaining employees may be excluded for purposes of applying the coverage test for a qualified plan where there is evidence that the retirement benefits have been the subject of good faith bargaining between the union employees and the employer in the negotiations relating to the most recent contract.

Enforcement of the provisions is the responsibility of both the Labor and Treasury Departments. The Secretary of Labor may proceed in the courts for appropriate remedy in cases of violations of employees' vesting rights. The Secretary of the Treasury may seek injunctive relief against a plan which is maintained in violation of the vesting requirements and may also impose a special excise tax on plans which have caused vesting deficiencies to employees in violation of the vesting standards.

The vesting requirement takes effect after enactment for new plans and for current plans beginning with plan year after December 31, 1975. For federal, state, and local government employee plans,the effective date is the beginning of plan years after December 31, 1980.

For plans for which implementation of the vesting requirement would impose "substantial economic hardship" as determined by the Secretary of Labor, its effective date may be postponed for a period of up to six years.

FUNDING

Coverage generally includes all tax qualified private pension plans. Plans of federal, state and local governments are not included. However, the Secretary of the Treasury is directed to study the adequacy of funding under plans for government employees and make recommendations regarding the advisability of imposing a funding requirement on these plans. The study is to be completed by December 31, 1976.

The funding requirement calls for annual contributions to pension funds in amounts sufficient to 1) equal each year's "current service costs", and 2) amortize "past service costs" in no less than equal payments over no more than 30 years. The funding requirements apply not merely to vested benefits, but to all accrued plan benefits.

Plan amendments which increase past service costs by as much as 5% may be treated as a separate plan for purposes of the funding requirement, and therefore amortized over no more than 30 years. Benefits created by other plan amendments must be amortized over 15 years or the average remaining service life of the covered participants, whichever is shorter.

Experience losses or gains resulting from changes in asset valuation or other developments not forseen in advance must be amortized over 15 years or the average remaining service life of the covered participants, whichever is shorter.

Multi-employer plans as a whole are recognized as more financially secure and are permitted a longer funding period of forty years. Moreover, with respect to any multi-employer plan for which the Secretary of Labor finds that even this requirement would impose "substantial economic hardship" to more than ten percent of the contributing employers, the 40-year period may be extended to as much as 50 years.

Additional hardship provisions are included under which an employer may obtain a waiver for his required annual contribution from the Secretary of the Treasury. Any amounts waived must be amortized over no more than ten years and no more than 5 waivers may be granted an employer in any ten-year period. The plan may not be amended to increase benefits as long as any waived amounts remain unpaid.

The funding requirement will be enforced through the tax laws. Any employer failing to contribute the required amount is subject to an initial 5% excise tax on the funding deficiency which rises to 100% if the deficiency is not corrected within the period allowed by the Internal Revenue Service. For multi-employer plans, the tax would initially be imposed only on delinquent employers.

For new plans, the funding requirement would take effect after enactment. For current plans, the requirement would take effect beginning with plan years after December 31, 1975. For plans for which implementation of the funding requirement would impose "substantial economic hardship", as determined by the Secretary of Labor, the effective date may be postponed for a period of up to six years.

PLAN TERMINATION INSURANCE

A Pension Benefit Guaranty Corporation would be established as a government corporation with in the Department of Labor administered by a three-member Board of Directors, with the Secretary of Labor as Chairman. Other board members would be the Secretaries of Treasury and Commerce. The Corporation would be required to issue by-laws and rules within 180 days after enactment.

A Pension Benefit Guaranty Fund would be established to pay guaranteed benefits as well as the operational and administrative expenses of the Corporation. The Secretary of the Treasury would be the trustees of the fund and would report to the Congress annually on the operation and status of the fund. The Corporation is authorized to borrow up to $100 million from the Secretary of the Treasury.

All tax-qualified plans would be covered under the termination insurance program, with the exception of profit-sharing, stock bonus, money-purchase, federal, state, local government, church and some fraternal plans. The insurance corporation would guarantee within certain specified limits, the payment of all vested ancillary benefits, in the event of a plan termination. No benefits would be guaranteed for a plan in effect less than three years, nor would benefits resulting from any plan amendment be guaranteed until the amendment had been in effect for 3 years. Moreover, the monthly benefits guaranteed to any beneficiary could not exceed the lesser of 50 percent of the participant's average monthly earnings during the participant's highest-paid five years or $750.

The Corporation would be authorized to prescribe insurance premium rates sufficient to fund any guaranteed payments. Separate rate schedules would be maintained for single employer and multi-employer plans. Initially, the premiums (to be collected as a "head" tax) would be $1 for each individual covered by the plan. Congress would have to approve any revised rate schedule.

In advance of any plan termination, the plan administrator would be required to file a notice with the Corporation. If the administrator found that the plan would be unable to pay the benefits guaranteed, he must so notify the Corporation. The Corporation may also institute procedings to terminate a plan whenever it finds that (1) the plan has not met the minimum funding standard, (2) the plan is unable to pay benefits when due (3) the liability of the Corporation may be expected to increase substantially if the plan is not terminated, or (4) other specified events occur, including the loss of qualified or exempt status by the plan or trust, a decrease in pension benefits, or a substantial decrease in active plan participants. The termination proceedings would be under the jurisdiction of the appropriate U.S. District Court.

Employers would have limited liability for any loss of covered benefits resulting from their plan's termination. This liability, which would also extend to successor employers as a result of reorganizations, liquidations, mergers, and consolidations, would be limited to 30 percent of net worth. However, employers (except those remaining in business) would be able to avoid any liability by paying a higher insurance premium to be set by the Corporation. In lieu of such a surcharge, employers could also elect to gain protection against such liability through a private insurance carrier.

As a further protection against possible manipulation by employers to place the burden of any termination on the Corporation, plans would be required to allocate their assets in a specific order of priority: first, to benefits based on employee contributions, second to guaranteed benefits in pay status at least 3 years prior to termination, and third, to all other guaranteed benefits. (If a plan is terminated and the foregoing provisions did not apply to the termination, the same allocation procedures would apply nevertheless.)

Special provisions are included relating to multi-employer plans. Whenever a substantial employer (whose contributions comprise at least 10 percent of the total for two consecutive years) withdraws from a multi-employer plan, he would be required to place in escrow his proportionate share of employer liability or alternatively to post a bond for that amount. If the multi-employer plan did not terminate within five years after withdrawal of the employer, the liability would be abated and any escrow payment refunded or the bond cancelled. If the plan did terminate, the Corporation could include any escrowed payments as plan assets or demand payment of the bond. The above provisions could be waived by the Corporation if an indemnity agreement was in effect among all the other employers of the plan. In the case of a terminating multi-employer plan, each employer's liability would be based upon his proportionate share of the contributions over the preceding five years.

If the withdrawal of a substantial employer from a multi-employer plan causes a significant reduction in the total contributions to the plan, the Corporation may require fund assets to be equitably allocated between those participants working and those no longer working in covered service under the plan. The portion of the plan fund allocable to participants no longer in covered service would be treated as a termination; whereas the portion allocable to participants remaining in covered service would be treated as a new plan.

The insurance program would take effect on enactment but liability of the Corporation for the payment of benefits would not take effect until 1977 (unless the Corporation determines that it has sufficient funds to meet these liabilities earlier).

PORTABILITY

The Pension Benefit Guaranty Corporation which will oversee the plan termination insurance program is also directed to administer a voluntary pension benefit portability program. A special Pension Benefit Portability Fund is established to be administered by the Corporation.

The portability program is designed to facilitate the transfer of vested retirement benefits by individuals changing jobs. Workers who change jobs may have their vested retirement credits transferred to the portability fund. The worker may maintain these credits in the fund or alternatively have the amount in his account transferred to a retirement plan of a new employer. The program will be entirely voluntary requiring the consent of both employers who have established the plans to or from which the pension monies are to be transferred, and the employees who have to request such transfers.

Transfers to and from the central fund are to be on a tax free basis. Income earned by the central fund is also tax free until it is paid out to participants or beneficiaries at retirement.

The Corporation is also authorized to provide technical assistance to pension plan managers and trustees to aid in the development of reciprocity or other portability arrangements between plans in the same industry or area.

In addition, to assist employees in keeping track of any vested retirement credits, each plan (including federal, state and local government plans) is required to report to the Secretary of the Treasury the names of individuals who leave the plan with vested benefits and the amount. A statement setting forth this information would also have to be furnished to the individual. This information would then be maintained by the Social Security Administration. Upon an individual's application for social security retirement benefits, the Social Security Administration is to furnish him with information regarding any vested pension benefits that he may have accumulated during his working career.

FIDUCIARY STANDARDS

Both the Welfare and Pension Plans Disclosure Act and the Internal Revenue Code of 1954 would be amended to include new standards of conduct for fiduciaries who deal with plan assets. In addition, certain types of transactions would be specifically prohibited. In essence, fiduciaries would have to administer the pension plan solely in the interest of participants and beneficiaries.

Under the amendments to both laws, a fiduciary would be prohibited from dealing in his own interest or engaging in a transaction with a party in interest which constitutes a (1) sale or exchange, or leasing, of any property, (2) lending of money or other extension of credit, (3) furnishing of goods, services, or facilities, or (4) transfer to or use of any assets of the trust. The prohibitions woud not apply to any loan to parties in interest who are participants or beneficiaries of the plan if such loans (1) are available to all participants on a nondiscriminatory basis, (2) are not made available to highly compensated employees in an amount greater than that made available to other employees, (3) bear a reasonable rate of interest, and (4) are adequately secured. Similarly, a fiduciary would not be prohibited from receiving any reasonable compensation for services rendered. Several other exemptions would be provided from the list of prohibited transactions.

The Welfare and Pension Plans Disclosure Act would be further amended to require fiduciaries to act as a prudent man would in a like capacity and familiar with such matters. It would also prohibit more than 7 percent of a pension fund to be invested in employer securities. Plans would have to divest themselves of any excess within ten years. This limitation, however, generally would not apply to profit-sharing and stock bonus plans.

Loans and the leasing of property to a party-in-interest under a binding contract in effect on August 21, 1973 would be permitted for ten years if it remains at least as favorable to the trust as an arms-length transaction. The sale, disposition, or acquisition of this property during the ten year period must be for fair market value.

The Secretary of Labor woud have primary responsibility for enforcing rules with respect to fiduciaries. Where fiduciaries breach these standards of conduct, the Secretary of Labor (and participants and beneficiaries of the plan) may bring civil actions to impose liability on the fiduciaries for losses incurred by the plan or profits which they have gained as a result of breach. Civil actions would also be available to enjoin fiduciaries or otherwise remedy a breach of conduct.

The Internal Revenue Service would have primary responsibility for enforcing prohibited transactions with respect to parties-in-interest through an excise tax. The excise tax is at two levels. Initially, parties in interest who participate in a prohibited transaction would be subject to a tax of 5 percent of the amount involved in the transaction per year. A second tax of 100 percent would be imposed if the transaction was not corrected after notice from the Internal Revenue Service that the 5 percent tax was due.

Persons convicted of certain crimes could not serve as an administrator, trustee, or officer of the plan.

All rules governing fiduciary standards except prohibited transactions would be effective on January 1, 1974. The prohibited transaction rules would be effective one year later on January 1, 1975.

REPORTING AND DISCLOSURE

The Welfare and Pension Plans Disclosure Act would also be amended effective January 1, 1974 to require more detailed reporting of financial and plan operations. An annual audit of the fund would be required in accordance with generally accepted standards of auditing. This would include an opinion with respect to the financial information by an independent certified or licensed public accountant.

Financial and operating information would be made available to plan participants and beneficiaries. This would include the furnishing of a summary of the plan's important provisions on enrollment, as well as an up-to-date summary every 3 years written in a manner calculated to be understood by the average participant, as well as a description of the pension benefits available and the circumstances which may result in disqualification or ineligibility. Upon written request, the plan administrator would have to furnish any participant with a statement indicating whether or not he has a nonforfeitable (vested) right to a pension benefit, and the amount of nonforfeitable pension benefits, if any, which have accrued.

The reporting and disclosure requirements apply to all employee benefit plans (regardless of size) although the Secretary of Labor can grant an exemption or provide a variance in the form or manner of reporting or disclosure.

ADMINISTRATION AND MISCELLANEOUS

Coverage under the bill varies with each title but all types of pension plans regardless of tax qualification or size are included under at least one title. Additional provisions would in effect prohibit any private plan not meeting the qualification requirements of the Tax Code.

New authority for both the Internal Revenue Service (IRS) and the Department of Labor (DOL) would result from this bill. Within the IRS a new Office of Employee Plans and Exempt Organizations would be created to enforce the tax law requirements regarding pension plans, charitable foundations, and other tax exempt organizations. To finance the administrative costs for the new office, appropriations are authorized equal to the collections from a new $1 per participant audit-fee-excise tax as well as one-half of the collections from the existing 4% excise tax on the investment income of private foundations.

Additional authority would be granted to the Secretary of Labor to conduct investigations of welfare and pension plans. Any duplication of effort by the Labor and Treasury Departments is to be avoided. The Secretary would also be authorized to develop a comprehensive program of research and analysis regarding the operation of private pension and welfare plans.

Within the Labor Department, an augmented Advisory Council on Employee Welfare and Pension Benefit Plans of twenty-one members would supersede the present Council. Members would be representative of the various interest groups, with six appointed from the general public, and three to represent pension beneficiaries.

The Secretary of Treasury would establish reasonable standards and qualifications for persons performing actuarial services.

All plans would be required to offer a joint and survivor annuity option with respect to any benefit under a qualified retirement plan which is payable as a retirement annuity. The joint and survivor annuity option could not be waived unless the participant affirmatively waives it, within 2 years of normal retirement age, after receiving a written explanation concerning the terms of the annuity. The survivor annuity must be at least half of the amount payable to the participant during the joint lives of the participant and his spouse.

Plans would not be permitted to set a normal retirement age later than age 65. Finally, the pension rights of any employee could not be assigned.

New enforcement procedures and remedies are included affecting both plan administrators and participants. Both employees and employers dissatisfied with IRS rulings on tax qualifications would be permitted to appeal such rulings to the U.S. Tax Court. Employees as well as employers would be allowed to participate in IRS administrative proceedings.

Plans would be required to provide procedures for arbitration to settle disputes involving the application of plan provisions in individual cases. The Secretary of Labor would inform the participants and their beneficiaries of their rights and would be authorized to furnish assistance in obtaining such rights.

The individual employee could not be discharged or disciplined because he has exercised the rights granted him under the new Act or the Welfare and Pension Plans Disclosure Act. Moreover, it would be unlawful for any person to interfere with or prevent an individual's exercising any right under the plan or these two Acts.

The provisions of the Retirement Income Securities for Employees Act and the Welfare and Pension Plans Disclosure Act supersede all State and local laws as they relate to the subject matters regulated by these two Acts (i.e., vesting, funding, insurance, portability, reporting and disclosure, and fiduciary standards). However, this shall not be deemed to prevent any State court from asserting jurisdiction in any action requiring an accounting by a fiduciary or from asserting jurisdiction in any action by a fiduciary requesting instructions from the court or seeking an interpretation of the trust document.

INDIVIDUAL RETIREMENT ACCOUNTS

The bill permits a special tax deduction for amounts set aside for retirement by employees who are not covered under a qualified plan (including an H.R. 10 plan), a government plan, or a tax exempt organization annuity plan. These individuals are allowed to deduct an amount up to the greater of $1,000 (not in excess of earned income), or 15 percent of earned income up to $1,500. The earnings on this amount will be tax free. The amounts set aside plus the earnings become taxable to the individual generally when he receives benefits from the account. The employer of any individual who establishes such a retirement plan is allowed to make tax deductible contributions to the individual retirement account on behalf of the employee if the sum of the employee and employer contributions does not exceed $1,000.

PROPRIETARY EMPLOYEES

In general, deductible contributions to pension plans on behalf of proprietary employees are made subject to a basic annual limitation of 15 percent of earned income, up to a maximum deduction of $7,500. Only the first $100,000 of the proprietary employee's earned income will be taken into consideration in determining the pension contributions for him.[1] Proprietary employees are defined as individuals owning at least two percent of the total combined voting stock of the corporation or two precent of the total value of the stock of the accrued benefits under the plan are for such employees.

Two alternatives to this general rule for deductible contributions are provided for proprietary employees of corporations other than subchapter S corporations. First, in the case of defined benefit plans, deductions may be taken for contributions on behalf of proprietary employees sufficient to fund a pension amounting to 75 percent of the average salary for the high three earnings years, not to exceed $100,000 average earnings. This limitation permits nondiscriminatory plans to provide proprietary employees with pensions up to $75,000 a year. However, the contributions to fund such pensions will have to be made over a period of at least 10 years prior to retirement.

The second alternative to the 15 percent-$7,500 limitation relates to fixed contribution plans. In this case, the fund which an individual could build up by his deductible contributions cannot exceed an amount which would provide a pension equal to 75 percent of the amount the individual received in his highest three years based on compensation of no more than $100,000. The procedures followed in this situation take into account the contributions accumulated in prior years, and provide that contributions made in the current and subsequent years can provide any additional amounts necessary (together with earnings on those amounts at a standard 6 percent interest rate) to bring the pension benefits up to level referred to above.

SELF-EMPLOYED INDIVIDUALS (H.R. 10 PLANS)

A self-employed individual is allowed to take a deduction on his own behalf for contributions to a qualified retirement plan (H.R. 10 plan) equal to an amount which is the greater of $750 (but not in excess of earned income) or 15 percent of earned income up to $7,500.

A limit of $100,000 is provided for the portion of a self-employed individual's earned income which may be taken into account in determining pension contributions or benefits for himself, as in the case of proprietary employees. The deductible contributions made to the pension plan on behalf of any individual partner is allowed to exceed the 15 percent—$7,500 annual limitation, when there are forfeitures under the plan by other partners, provided that the total amounts contributed on behalf of all partners do not exceed the sum of the allowable deductible contributions under these limits for all partners taken as a group and that the amount of benefits that any one partner could receive is limited to $75,000 annually.

SUBCHAPTER S CORPORATIONS

The bill repeals the present tax treatment of qualified pension plans for shareholder-employees of an electing small business corporation. However, subchapter S corporations would remain subject to limitations under the same rules applicable to other corporations. Thus, if more than 25 percent of the benefits under the plan were for individuals who each held at least 2 percent of the stock in the corporation, these stockholders would be considered to be proprietary employees, and would be subject to the 15 percent—$7,500 limitation. But if less than 25 percent of the benefits were for these individuals, these limitations would not apply.

CORPORATION EMPLOYEES

The bill provides that deductions for contributions on behalf of corporate employees to or under a defined benefit plan or a defined contribution plan shall be subject to the same alternative limitations as those on deductions or benefits for proprietary employees—75 percent of the highest 3 years of earnings, not to exceed $100,000 average earnings.

SALARY REDUCTION PLANS

The bill clarifies present tax treatment of 6 percent salary reduction plans. Until recently, the Internal Revenue Service took the position that amounts contributed to a qualified retirement plan on a salary reduction basis were considered to be the employer's contribution rather than that of the employee and therefore were not includible in the employee's gross income. However, the Service issued proposed regulations in December 1972 which would change this treatment to provide that these amounts will be considered to be employee contributions and thus will be taxable income to the employee. The bill would continue to consider these amounts as employer contributions if contributions were made prior to January 1, 1974. Thereafter, such contributions will be treated as employee contributions and will no longer be excludable from the employee's income. Income earned on amounts contributed under a salary reduction plan prior to 1974 will for the future remain tax exempt as also will the earnings on these amounts.

TAXATION OF LUMP-SUM DISTRIBUTIONS

The bill provides a new method of taxing benefits which are distributed or paid in a lump sum from a qualified plan within one year on account of death or separation from service. That portion of the distribution representing pre-1974 value is to be taxed as capital gain. The post-1973 portion of a distribution is to be taxed as ordinary income but with 15-year forwarding averaging. The ordinary income portion will be taxed under a separate tax rate schedule—the tax schedule applicable to single people. To insure that the tax paid by lower income individuals on their lump-sum distributions will generally not be more than under present law, a special minimum distribution allowance is provided under the separate tax rate schedule. The 15-year averaging is also available to proprietary employees. In cases where a person had accrued some of the value of his lump-sum distribution as a rank-and-file employee while accruing another portion as a self-employed individual, five-year averaging is to be used for the entire distribution if the number of years spent by the person as a self-employed individual exceeds 50 percent of the total time he was a participant in the plan. If not, the 15-year averaging rule is to apply.

TESTIMONY OF SENATOR BUCKLEY BEFORE THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. BUCKLEY. Mr. President, I ask unanimous consent that testimony which I presented to members of the Council on Environmental Quality at its regional hearing in Mineola, N.Y. on October 3, be printed in the Record. My remarks address the energy and environmental issues associated with potential oil and gas exploration on the Atlantic Outer Continental Shelf. This is a matter of great concern to the citizens of the State of New York. I believe this comprehensive study of the potential environmental impact of offshore operations should prove indispensable in providing us with a sound scientific basis for determining whether or not to open the Atlantic Outer Continental Shelf, or portions of it to petroleum exploration.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

SENATOR JAMES L. BUCKLEY—TESTIMONY AT HEARINGS OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. Chairman, it is a pleasure to welcome you to New York State. This is a state whose appetitie for oil and gas is matched only by its insistence on the protection of its remaining beaches and wetlands. This is as it should be. We on the East Coast have destroyed, through past thoughtlessness, too many of our coastal resources, and we cannot afford to lose more of them.

The Council on Environmental Quality's study of the potential environmental impact of oil and gas exploration on the Atlantic Outer Continental Shelf is as important as it is timely. It is critically important because we need to develop the fullest knowledge of the environmental effects, both short-range and long, direct and indirect, that could result from petroleum exploration and production off the Atlantic Coast. We also need a thorough, up-to-date appraisal of the state of offshore drilling and production technology and of the state of development and effectiveness of pollution control and clean-up techniques.

This study is timely because it is being conducted well in advance of any decision as to whether or not to open up the Atlantic Outer Continental Shelf for petroleum exploration. Had it been scheduled as part of a tentative decision to proceed with drilling subject only to a favorable finding as to environmental risks, there would have been a widespread suspicion that the current study was being conducted for cosmetic purposes only, and that its conclusions were preordained. Thus *because* it is timely, this inquiry can and ought to proceed in an atmosphere conducive to the systematic accumulation and assessment of all the pertinent facts.

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[1] The $100,000 maximum amount of earned income is designed to prevent a very highly compensated proprietary employee from obtaining the maximum deduction through the use of a low contribution rate. In applying for the nondiscriminatory rules, a proprietary employee with an income of $500,000, for example, could obtain the maximum deduction of $7,500 at a contribution rate of 1.5 percent, while the contributions for the regular employees under the same nondiscriminatory rate of 1.5 percent would provide a very small contribution on their behalf. The $100,000 ceiling on the earned income rate base means that a proprietary employee with more than $100,000 income will have to contribute at a rate of at least 7.5 percent on behalf of his employees if he wishes to take the full $7,500 deduction on his own behalf (because of nondiscrimination requirements).

As you may know, Mr. Chairman, I wrote Secretary of Interior Rogers Morton a year ago urging that this kind of comprehensive investigation be undertaken at the earliest time. I would like to read portions of my letter to Secretary Morton, as they reflect my own views of what it is the CEQ study should seek to accomplish:

"I believe that an early public examination of all the relevant data is of the utmost importance. It will provide coastal communities with concrete reassurances that the government will not in fact proceed with OCS leasings until the potential environmental hazards are fully assessed, and until it can be demonstrated that oil and gas exploration and production presents no danger of irreparable damage to our limited wildlife and recreational resources . . .

"The East Coast public" I continued, "is deeply concerned but it is not obstructionist. The prevailing attitude can be summarized in the following sentence from a recent statement by the Committee on Resource Management which is active on Long Island: 'Our fight is to assure adequate demonstrably effective safeguards before Atlantic Coast offshore oil drilling is permitted.' "

Mr. Chairman, I cannot think of a more succinct description of what should be the overall goal of the CEQ's study; namely, to establish a solid, credible scientific basis for determining whether or not "adequate demonstrably effective" environmental safeguards can in fact be established as a precondition to offshore operations. I believe it is particularly fortunate that the study is being conducted under the auspices of the Council on Environmental Quality with the cooperation of the National Academy of Sciences, for this kind of sponsorship is the best assurance that the conclusions reached will have the widest possible acceptance.

Mr. Chairman, I am a member of the Senate Public Works subcommittee on Air and Water Pollution, as well as of the Senate Committee on National Fuels and Energy Policy. In these capacities, I have listened, quite literally, to hundreds of hours of testimony. From this experience, I have been able to draw three general conclusions:

The first of these is that we in this country do, in fact, face a prolonged shortage of domestically produced energy. These shortages are not artificial. They are not the deliberate creation of oil monopolists. There are no hidden spigots or standby technologies that can be turned on or mobilized within the next few years to fill the growing gap between domestic supply and demand; a gap that will require us to import, by 1975, over half of our oil requirements. By 1980 it is estimated that 66 percent of our total oil needs, or 16.4 million barrels per day, will have to be imported, most of it from the Middle East. There are sound economic and political reasons why we must strive to reduce our dependence on external sources for so critical a percentage of our energy needs. Our country cannot afford staggering annual deficits in its balance of payments caused by the need to import ever-larger quantities of foreign oil. Nor can we allow others to try to dictate our foreign policy by threatening to interrupt vital shipments of crude.

During the next ten to fifteen years, the only way we can materially increase our domestic production of energy is by exploiting our still extensive remaining reserves of traditional fossil fuels. According to the U.S. Geological Survey, a substantial portion of these potential reserves may occur on our Outer Continental Shelves. Thus any comprehensive planning for our energy needs during the next decade or two must take into consideration the potential availability of these resources. This does not mean, I want to emphasize that these offshore resources must in fact be exploited if it is determined that other overriding needs exist, such as the protection of critical coastal areas and the marine environment.

A second conclusion I have drawn from my committee work is that there are few issues so fraught with high emotion as that of opening up the Atlantic Outer Continental Shelf to petroleum exploration. There are those who see offshore drilling as a panacea for this country's energy ills. These individuals simply are unwilling to concede or even listen to any argument as to the absolute need to protect our dwindling wetlands from further destruction. On the other hand, many people living along the Atlantic Coast, understandably fear that part of their badly depleted inventory of beaches and wetlands may be destroyed by accidental spills whatever safeguards are employed. The ultimate decision, however, is far too important to be based on a blind insistance on tapping every available source of energy, and hang the environmental consequences. Nor can it be based on fears, however understandable. The ultimate decision on whether or not to proceed with exploration of the Atlantic OCS will have to be founded on a dispassionate examination of all the relevant facts.

And this brings me to the third conclusion I have reached after hearing hours of testimony. There is simply too little hard information available at the present time on the critical questions involved in the offshore drilling controversy. We do not have a body of up-to-date, objectively assembled knowledge of the critical biological and technical data on which the public can place its confidence. Some entity with the appropriate scientific and engineering credentials has to reconcile often conflicting claims, and reach specific conclusions. This, of course, is your task.

But for you to succeed in your task, it is necessary that you cover fully and exhausively all of the questions that must be answered if we are to realize the national imperative of maximizing the development of our domestic energy resources in a manner consistent with our environmental goals. What is more, you must do so to the public's full satisfaction.

To this end, I would like to suggest to the Council today a series of questions concerning the environmental risks involved in offshore drilling and production in the Atlantic region, that I believe must be answered in any comprehensive study.

(1) What is the nature of the primary and secondary risks posed by oil pollution to marine organisms? To what extent, if any, is damage to the marine environment apt to be of long duration?

(2) To what extent, if any does oil pollution create a hazard to human health? If there is a hazard, is it temporary or apt to be of long distance?

(3) What is the specific effect of oil spills on beaches and on wetlands; and to what extent and under what conditions, if any, might the damage be irreparable?

(4) What areas along the Atlantic Coast, if any, are of such critical importance to the survival of wildlife and marine species as to require protection against the possibility of even temporary contamination by oil spills?

(5) What aspects of offshore drilling, in addition to oil spills, have the potential, if any, for damage to marine organisms?

(6) If adequate information is not currently available with which to answer each of the above questions, what would be required in terms of time, money and effort to develop adequate information?

(7) What are the relative environmental risks posed by offshore production and tankers in delivering a given quantity of petroleum to East Coast consumers?

(8) What are the environmental and safety problems associated with the transportation or pipelining of offshore oil and gas to onshore facilities?

(9) What is the state of present technology to control blow-outs and contain spills?

(10) What is the state of present technology for removing oil from the sea and cleaning contaminated beaches and wetlands?

(11) Taking into consideration all environmental and technological factors, and taking into consideration distance from shore, tides, prevailing winds and current, is it possible to designate areas on the Atlantic Outer Continental Shelf where exploration and production could be allowed to proceed with no risk to recreational areas and wetlands? Is it possible to designate areas in which the risk of damage to the environment is remote, and in no event irreparable?

I know that these questions and many others will be studied by the panels of experts being assembled by the CEQ in cooperation with the National Academy of Sciences. I am confident they will make a thorough examination of primary and secondary environmental effects, and of offshore technology and pollution controls. But as I suggested earlier, it is critically important that the public be satisfied that these studies have in fact been conducted in as thorough and objective a manner as possible. To this end, I strongly urge the Council not to close the books on its investigations or freeze its conclusions until preliminary reports have been made available for public examination and comment.

To my mind, this opportunity for final review will be essential if the public is to be fully satisfied that the conclusions reached, whatever they may be, in fact reflect the considered judgment of persons having the highest competence to assess the evidence. Only then can we be assured of the necessary base of public support for whatever decision is finally made on this most sensitive matter.

Mr. Chairman, I have arrived at no final conclusions as to whether, or under what conditions, petroleum exploration should be allowed to proceed off the New York Coast. As one who may have a voice in influencing policy, I look to this study to provide me with the hard, reliable facts on which to make the necessary judgments.

COEUR D'ALENE HEARINGS ON BARRIERS TO HEALTH CARE FOR OLDER AMERICANS

Mr. CHURCH. Mr. President, an adequate income in retirement has been one of the foremost goals of the Senate Committee on Aging, of which I am chairman.

However, true economic security in retirement can never be a reality until we resolve the mounting health care costs which pose an intolerable drain upon the limited incomes of the elderly.

Despite the valuable protection which medicare affords, the threat of costly and catastrophic illness is all too real for millions of older Americans. In fact, medicare covers only about 42 percent of the elderly's health care expenditures. A major reason is because of crucial gaps in coverage, such as reimbursement for essential out-of-hospital prescription drugs.

To help seek out solutions for closing some of these gaps, the Senate Committee on Aging has initiated a comprehensive inquiry on "Barriers to Health Care for Older Americans." In addition, the committee has searched for answers on a wide range of other relevant issues for the aged, including:

How spiraling health care costs are crippling medicare and medicaid;

Why adequate alternatives to needless institutionalization are not being developed, and why home health care resources are dwindling;

How fragmentation of medical services is intensifying the health care dilemma, especially in inner cities and rural areas; and

How can medicare and medicaid costs be controlled, while assuring equitable treatment for those served by the programs?

As a part of this inquiry, I had the privilege of chairing hearings in Coeur d'Alene, where the committee heard powerful testimony about the impact of the health care crisis for the rural elderly.

An especially effective presentation was made by George McCourt, who is president of an Idaho club affiliated with the National Council of Senior Citizens.

His statement, which has been reported in the latest edition of Senior Citizen News, provides an excellent summary of some of the health care barriers confronting the elderly.

Mr. President, I commend Mr. McCourt's testimony to Members of the Senate, and ask unanimous consent that the article in Senior Citizen News describing his presentation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLONS SEE NEEDS OF IDAHO AGED

COEUR D'ALENE, IDAHO.—As part of its continuing series of hearings on Barriers to Health Care for Older Americans, the Health Subcommittee of the Senate Committee on Aging traveled to Idaho recently to hear from seniors about their health care problems.

Senator Frank Church (D., Idaho), Chairman of the Senate Committee on Aging, presided during this third field trip for the Subcommittee. (Illinois and Maine had also been visited so citizen complaints and suggestions could be received.)

The 300 people who attended the hearings heard Church explain why it is so important for and hear the views of the people.

"I think it is important for the Senate Committee on Aging to get out in the field for first-hand facts. As an example of what can happen when public servants grew remote from the realities of life, I refer you to to the message which accompanied the President's national budget in January.

"The Administration," Church declared, "wanted to raise the co-insurance and deductibles under Medicare, claiming that raising the cost of Medicare would make the elderly more cost conscious and reduce utilization of the program.

"But what worried me more than the specific proposal was the idea behind it . . . that every increase in your Social Security paychecks should always be accompanied by increases in the costs of Medicare. This must reflect a complete lack of understanding of the realities of life for the elderly."

ELDERLY FACE WORRIES

Among the leaders who testified before the Health Subcommittee in Idaho was George McCourt of Coeur d'Alene, President of a club affiliated with the National Council of Senior Citizens.

McCourt told the Subcommittee: "One of the major problems of the elderly is worry—worry about long-term nursing home care, worry about the bookkeeping problems of Medicare co-insurance and overcharges.

There is also the constant fear about aches and pains that develop with old age, especially for those people who live alone and the elderly with no preparation for retirement and with no positive activity to participate in."

McCourt called for legislation allowing for an annual physical checkup under Medicare at no cost to the patient.

McCourt also talked about home health services: "We in Idaho are moving in the right direction in greater use of the home for care of the elderly by an expanded home health service. This will cut the costs imposed upon the elderly who now must pay expensive nursing home care.

"Another factor for better health," the Idaho senior declared, is the opportunity in every community for wholesome recreational activity. The barriers in recreational areas to the elderly are enormous. Often there is no public transportation to recreational areas, and many of the elderly cannot afford private cars. Thus recreational areas are often barred to the older person.

"Inflation is also a worry. What about tomorrow, what will the costs be? This Administration in Washington has done nothing to protect the elderly from inflation. It is now up to Congress to keep the worker and the retiree from being plowed under by big business financial machinery.

"Finally," McCourt explained, "there is the problem of housing for the elderly. Low cost housing projects for the elderly have been stopped by the President, and rumors that we hear about the President's new housing proposals sound to us like they are really meant for the elderly rich . . . but not the elderly poor.

"What we need in housing," he concluded, "are locations close to churches and stores so that the many elderly can walk in safety on errands—so that they will not have to depend upon public transportation or upon their friends with cars."

Following the hearings in Coeur d'Alene, Senator Church announced that, while no definite dates had been set, he expected the Health Subcommittee to continue its hearings on Barriers to Health Care for Older Americans in other States and in Washington.

A LABOR-HEW APPROPRIATIONS BILL THAT THE PRESIDENT COULD SIGN

Mr. PERCY. Mr. President, on Thursday, October 4, when the Senate considered the fiscal year 1974 Labor-HEW appropriations bill, I was, unfortunately, necessarily absent from Washington, D.C. I would, therefore, like to take this opportunity to comment on the bill and congratulate the Appropriations Committee Subcommittee on Labor-HEW, especially its chairman, Senator MAGNUSON, and its ranking Republican, Senator COTTON, for their outstanding accomplishment. For the first time in the history of Labor-HEW appropriation bills, the Senate completed action on the bill in 1 day and at the same figure reported by the committee.

I believe that this unexpected and unprecedented action is indicative of the true spirit of compromise that now exists in the Senate. As in years past, many Senators had wanted to add enlarging amendments to the committee bill. In fact, 152 amendments that would have increased the bill's cost by $4.5 to $5 billion had been proposed. However, my colleagues all restrained themselves commendably and responsibly in the interest of sending the President a Labor-HEW appropriation bill that he could sign.

I firmly believe that the fiscal year 1974 Labor-HEW appropriation bill will be a bill that the President could sign without any fear of busting the budget or contributing to inflation. The Senate version of the bill totals $33.6 billion, an increase of $580 million over the House bill. The final bill, therefore, will be somewhere between $1.2 and $1.8 billion over the President's budget request. Some critics will claim that a $1.2 to $1.8 billion increase is substantial and inflationary. However, it should be pointed out to those critics that the cost of living has gone up by 5.8 percent since the President first proposed his budget request. In order to buy the same amount of services that the administration had requested in January, its budget request must be increased by 5.8 percent or $1.827 billion—almost the exact amount that the Senate has added to the fiscal year 1974 Labor-HEW appropriation bill.

Moreover, the administration has recently indicated that tax receipts for fiscal year 1974 will be $10 billion more than January estimates. Such an increase in expected revenues would make possible upward adjustments in the President's budget without increasing the budgetary deficit.

The President's efforts to curb Federal spending during an inflationary period are commendable. However, fiscal responsibility and spending for domestic needs are not mutually exclusive. I hope fiscal year 1974 will see this country operating on a current Labor-HEW budget, not on outmoded, 2-year-old continuing resolutions.

CHILE

Mr. KENNEDY. Mr. President, the military junta in Chile still has not altered its campaign of repression, nor has it responded fully to the demands of the United Nations and others for strict adherence to the conventions and protocols requiring respect for human rights.

The concern of the Senate was voiced last week with the unanimous adoption of my amendment to the foreign aid bill which urges the President to cut off economic and military assistance, except for humanitarian aid, until the President certifies that human rights are being protected in Chile.

Unfortunately, rather than abide by the spirit of that action, the administration has flouted that spirit by its actions late last week. For the first time since the election of Salvadore Allende as president of Chile 3 years ago, the United States approved an extension of credit under the Commodity Credit Corporation for the purchase of $24 million worth of wheat.

In the Department of Agriculture bulletin accompanying the announcement, the first reason given for the willing extension of credit to Chile was that it would "reestablish the long-term market relationship which U.S. wheat has had in Chile." Apparently, continued denial of human rights, which is described in recent Washington Post editorials, was less important than quickly establishing close commercial relations with the military junta.

The second reason put forward by the administration, the food problems in Chile, may at some point reach the level that humanitarian aid would be justified. But it would be difficult to understand why, when a democratically elected regime was in power that the food problems were not sufficiently important to justify extension of a 3-year $24 million credit but as soon as a military government took control, that situation reached the point of emergency.

I seriously doubt that this action by the United States is in our long-term interest, and I urge the Government to abide by the provisions of the amendment which the Senate adopted unanimously a week ago.

Mr. President, I ask unanimous consent for an editorial in the Washington Post as well as articles concerning the wheat sale, to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1973]

HUMAN RIGHTS IN CHILE

A somber numbers game is being played out in Chile over the total of Chileans killed in and since the coup of Sept. 11. The junta tends to minimize the toll—its latest count is 284 deaths nationwide. Others, without the junta's interest in advertising its popular acceptance and control, have produced much larger figures. One journalist who visited the Santiago morgue on two successive days counted some 270 corpses. A CIA estimate made toward the end of September put the total at 3,000 deaths, of which a third were soldiers. A toll of soldiers on this scale would indicate a measure of popular resistance considerably greater than the junta has conceded so far.

The civilian casualties seem to fall in two categories. First, there are officials and followers of the deposed Allende government. The junta has conceded executing some of these people summarily; additional executions have been reported unofficially. Then, there are nameless workers, supporters of Allende, in the slum districts in Santiago and other cities; pitched battles as well as indiscriminate shooting and bombing by the junta have been reported. Some high Allende aides have been stashed away on a remote island, without trial. For others, military trials have begun.

The junta has been at least partially responsive to human rights appeals from the international community. A mission from the International Committee of the Red Cross is currently in Chile; unfortunately, Red Cross reports must be made privately to the host government, which need not reveal the results. The United Nations High Commission for Refugees has set up some 20 havens for the numerous foreigners who were admitted to the country by President Allende but who are now subject to being designated as "criminals"—a status that would make them ineligible for the junta's safe-conduct guarantees. Some of these foreigners have feared to come out of hiding into the "havens." There are disquieting reports that Brazilian police have arrived in Chile to reclaim some Brazilian refugees.

The State Department reported this week that the American ambassador in Chile had expressed to the junta the United States' concern for the protection of human rights. Otherwise, such concern has been largely muffled by a hands-off position concealing evident satisfaction that the Allende government is out of power. If the administration is to keep in this position on human rights, it could at least ensure that no moves are made in unseemly haste to allow development loans to start flowing again to the new Chilean government; the United States had forced a virtual suspension of such loans in order to put pressure on Chile in negotiations over expropriated American firms.

Of immediate effect, we trust, in letting Santiago know that Americans hold Chile to recognized standards in human rights, are actions in Congress. The Senate, by voice vote with no audible objections, has approved a sense-of-Congress resolution, written by Sen. Edward M. Kennedy (D-Mass.), asking the President to deny economic or military aid until he can certify that Chile is fulfilling its human rights obligations. The House is working on its own resolution, which, while it lacks an aid suspension, makes plain the House's concern. Enough legitimate anxiety has been stirred by reports from Chile to make House action essential now.

[From the Washington Star, Oct. 6, 1973]

CHILEAN WHEAT SALE PLAN ASSAILED BY SENATOR KENNEDY

(By Jeremiah O'Leary)

The U.S. decision to underwrite a $24 million emergency wheat sale to the military government of Chile yesterday was assailed by Senator Edward M. Kennedy, D-Mass., as "an affront to the Senate and all those who respect human rights."

Kennedy reacted sharply to announcement by the Department of Agriculture and the State Department that the administration had guaranteed payment for the purchase of 120,000 metric tons for Chile. Kennedy called attention to the fact that the wheat deal was arranged only two days after the Senate approved his sense-of-Congress resolution urging President Nixon to withhold aid, except for humanitarian assistance, until "human rights are respected in Chile."

Administration sources countered that the wheat deal was approved only because of the humanitarian consideration. Chile, these sources said, has barely enough wheat to last through October and the wheat shipment will arrive just in time to avert total disappearance of bread and wheat products from the strife-torn South American country.

The collision between Kennedy and the administration involves an issue that has long troubled the U.S. in its relations with Latin nations. Diplomatic observers note that it is a moral continuing question whether the citizens of a country should have to suffer privation because the U.S. does not approve of the actions of its government.

Officials recalled the dilemma that faced the late President John F. Kennedy in 1963 when the brutal repressions of the regime of Haitian dictator Francois "Papa Doc" Duvalier impelled the U.S. to cut off aid to the Caribbean nation. The question faced by Sen. Kennedy's brother was whether the 5 million Haitian people should have to suffer because of the sins of Duvalier and his handful of henchmen.

The administration view on the military government of Chile appears to be that the 10 million Chileans should not have to suffer because the actions of the junta are repressive. In other words, the administration viewpoint is that the Commodity Credit Corp. underwrote the Chilean wheat deal for humanitarian reasons, well within the meaning of the Kennedy sense-of-Congress resolution.

The first shipment of wheat, now being loaded at a U.S. port will reach Chile in about two and a half weeks. The total sale of 120,000 metric tons will last Chile only until mid-November. It is known that Chile has orders out for a total of 500,000 tons of wheat, some of it from Australian and New Zealand but that these supplies cannot reach South America before the Chilean granaries empty. All sources agree that Chile's food situation will have eased by February and March when the next harvest occurs.

Kennedy said he was "shocked" by the wheat deal. He called it the "latest symbol of our willingness to embrace a dictatorial regime which came to power in a bloody coup and which continues to conduct summary executions, book burnings, imprisonment of political prisoners and denial of the right to emigrate."

He said he could not believe it is in the long-run interest of the U.S. to support a regime that imprisons elected officials and professors, closes newspapers and is guilty of killing and beating.

Kennedy reportedly is considering holding a meeting of his Senate committee on refugees to hear testimony from persons who have left Chile since the coup.

Senate Gale McGee, D-Wyo, Chairman of the Senate Foreign Relations subcommittee for the Western Hemisphere, also is reportedly planning hearings on the Chilean situation next month.

[From the Washington Post, Oct. 6, 1973]

CHILE GETS U.S. LOAN FOR WHEAT

(By Terri Shaw)

The U.S. government has approved a $24 million credit to the new military government of Chile for the purchase of desperately needed wheat, the Department of Agriculture announced.

The decision brought an immediate, angry response from Sen. Edward M. Kennedy (D-Mass.) who sponsored an amendment to the foreign aid bill approved by the Senate Tuesday urging the administration to withhold aid to the new Chilean government until it receives assurances that human rights will be respected in Chile.

Sen. Kennedy said the line of credit, for the purchase of 120,000 tons of wheat, "is eight times the total commodity credit offered to Chile in the past three years when a democratically elected government was in power." The four-man military junta deposed the leftist government of Salvador Allende in a coup Sept. 11.

During the three years of the Allende government, the United States approved very little economic assistance for Chile, and Santiago even had difficulty obtaining commercial credits.

Laurel C. Meade, general sales manager of the Agriculture Department's Export Marketing Service, said the Allende government did receive a $3.2 million commodity credit for the purchase of corn last year. Meade pointed out that agricultural credits are not "concessional aid," since the loan must be paid back in three years with 10.5 per cent interest.

A few days before the coup, an envoy of the Allende government returned to Chile from a buying trip to the United States and reported that Chile would be in "grave difficulties" if the United States did not approve the credits necessary to Chile to purchase 300,000 tons of wheat.

The purchasing agent, Pedro Bosch, said the extension of credits depended on a "political decision of the White House."

News agencies reported the following developments concerning Chile:

Panama criticized the United States for the seizure Wednesday of a Cuban freighter in the Panama Canal at the request of the Chilean junta.

The action, confirmed by the State Department Thursday, was taken because Chile alleged that another Cuban freighter had fled the Chilean port of Valparaiso carrying a load of sugar that Chile had already paid for. Cuba has said that the freighter was bombed and strafed during the coup.

U.S. sources said the attachment of the vessel does not imply U.S. approval of Chile's claim. The case was referred to a U.S. court in the Canal Zone.

In Chile troops were reported to be conducting a house-to-house search of Santiago for Socialist Party leader Carlos Altamirano, one of the 13 fugitives on the junta's "most wanted" list who are still at large.

The military authorities announced another execution of a suspected leftist, accused of hiding weapons in his home in the far northern city of Arica. A statement said he tried to grab a rifle from one of the soldiers searching his house.

The Associated Press said that 33 executions have been announced by the junta since the coup. Eleven men were executed by firing squads Thursday night at Valdivia, 550 miles south of Santiago, on charges of attacking a police outpost, the report said. Critics of the new government have charged that hundreds of its opponents have been killed while unarmed or in custody.

About 5,000 persons remain in a detention camp set up in Santiago's National Stadium. Gen. Oscar Bonilla, the interior minister, said that 1,525 persons have been released from detention since the coup, 600 are being questioned for a second time and 120 others have been sent to jails, apparently to await trial.

Raul Saez, who was finance minister in the government of Allende's predecessor, President Eduardo Frei, was returning from Venezuela to become the junta's economic adviser, news agencies reported from Santiago.

Legislative leaders of 10 Western European countries sent a joint appeal yesterday to the Chilean government to save the life of Chilean Communist leader Luis Corvalan, who was arrested Sept. 27 and is now facing a military treason trial.

A spokesman for French National Assembly President Edgar Faure, who initiated the appeal, said that Selwyn Lloyd, of the British House of Commons, was the only Parliament speaker of the nine European Economic Community countries not to sign the text.

[From the Washington Post, Oct. 4, 1973]

Refugees in Chile

Our country has a living tradition for offering a haven to victims of social, religious and political upheaval. From the earliest days of our history, Pilgrims, Huguenots, Jews and Catholics were welcomed when persecution in their homelands forced them to emigrate. Hundreds of thousands of political refugees came to our shores after the Revolution of 1848 in Central Europe. More recently, special measures were enacted by the U.S. government for the immigration of large numbers of Hungarians and Cubans.

In the last few months, many leaders of both political parties, in and out of the Congress, have called upon the Soviet Union to allow her citizens freedom to emigrate. Such a call clearly implies an obligation to admit some of these emigres into the United States.

Now in Chile, the democratically elected government has been violently overthrown by the military forces. Large numbers of political refugees from neighboring countries as well as from Chile are in mortal danger.

I call upon the government of the United States, both the President and the Congress, to follow the hallowed tradition symbolized by the Statue of Liberty. We should immediately enact special measures to open our doors to the political refugees in Chile. Not only would we be performing the ultimate humanitarian act of saving lives, but we would also be sending to the peoples of the earth an important signal that one of our most valued traditions still lives.

Jerome Grossman,
Democratic National Committeeman from Massachusetts.
Boston, Mass.

COLUMBUS DAY IN CHICAGO

Mr. PERCY. Mr. President, yesterday the Nation celebrated Columbus Day, commemorating the magnificent achievement of Christopher Columbus. Chicago's observance of Columbus Day included many activities, among them a great parade led by Mayor Daley and Congressman Frank Annunzio which is always considered one of the city's most important annual events.

This year's parade chairman was Rudolph L. Leone. Mr. Leone and his committee chose "America—A Nation of Immigrants" as the theme of the parade. It is a theme which reminds us of Christopher Columbus' historic discovery which made possible the opening up of this great land to the peoples of the world. It is a theme which reminds us of the richnes all our many traditions have brought to America. By observing Columbus Day we have honored the man who discovered this vast and wonderful land, and the people who have contributed so much to its marvelous growth.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention have advanced a number of legal arguments against its ratification. It is significant to note that in a comprehensive review of this treaty by the New York State Bar Association in 1970, its committee on international law concluded that these fears were quite groundless. The conclusion to their report stated:

> It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time. As a matter of policy this Committee is of the view that determination of the usefulness of ratification of the Convention to United States foreign policy interests and relations with other nations of the world at the United Nations be left to the appropriate organs of the Executive Department and the Administration. Both President Truman in 1950 and President Nixon in 1970 have asked that the Genocide Convention be ratified. We find no sound legal objection to such ratification and accordingly urge prompt ratification by the Senate of the United States.

This treaty, Mr. President, is in accord with our best traditions. As a leader of nations in the fight for human rights, we cannot afford to continue to delay ratification. We should act during this Congress.

GROWTH WITH ENVIRONMENTAL QUALITY?

Mr. BELLMON. Mr. President, recently, in Tulsa, Okla., a most innovative and important conference was held. It was called the National Forum on Growth With Environmental Quality?—and the question mark at the end of the title symbolized the basic purpose of the meeting, which was to explore the question of whether this country can have growth and at the same time maintain a quality of life for our citizens.

The forum consisted of 3 days of panel discussion sessions focusing on energy, land use, technology, and people and quality of life. Panelists included conservationists and representatives of the academic community, Government, and industry.

This meeting had special meaning for me, because the idea for it originated from a remark by Russell Train, who came to Oklahoma State University at my invitation to be the commencement speaker in May 1972. In his address Train said:

> Above all, we need a national debate on growth.

The Midcontinent Environmental Center Association, a consortium of educational, industrial, agricultural, and other interests took the idea and ran with it. Working with the Metropolitan Tulsa Chamber of Commerce and with the help of a National Science Foundation grant, the National Forum took shape.

Train, who is now the Administrator of the Environmental Protection Agency, keynoted the meeting on Monday morning, September 24. It was my pleasure to introduce him. At the conclusion of the conference, Jenkin Lloyd Jones, editor and publisher of the Tulsa Tribune, summarized the remarks which had been made during the 3-day meeting by some 35 speakers and panelists.

Mr. President, because this subject is of vital interest to Members of the Senate, I ask unanimous consent that my introductory remarks and a news release covering the summary by Mr. Jones be printed in the Record.

There being no objection, the remarks and release were ordered to be printed in the Record, as follows:

Remarks by Senator Henry Bellmon, Introduction of Hon. Russell E. Train

Sixteen months ago, Russell Train stood on the platform at Oklahoma State University delivering the commencement address to the Class of '72. In that address he raised a question of immense proportions—not just for the graduating seniors who heard him, but for every citizen of this country.

The question is whether we should continue to regard growth of population, growth of the economy and growth in technology and increased use of resources as the Primary Measures of our progress. "Is *more* really *better?*" he asked.

He used the forum to call for a national debate on growth, calling it "a challenge worthy of our vast intellectual and moral resources."

This is one time—perhaps the only one I know of—when a challenge of high purpose was not forgotten as soon as the speech ended. A number of individuals, particularly the leadership of the Midcontinent Environmental Center Association, recognized the validity of the issue Russell Train had raised. They took up the challenge to initiate a national debate on growth. They were soon joined by the Tulsa Chamber of Commerce, the University of Tulsa, the National Science Foundation and many other organizations and private industries. The result is the National Forum which we now begin.

The leaders who have contributed so much in time, talent, financing and plain hard work are due a great deal of appreciation for the splendid program and outstanding lineup of speakers and panelists assembled to hold this national forum on growth.

They have aimed for open, vigorous discussion with no-holds-barred exchanges.

Few meetings which have been 15 months in the planning and formative stage are held in as timely a fashion. Since Russell Train issued his challenge, the nation has faced a myriad of growth-related problems; shortages of fuel, steel, food, fertilizer, and transportation have developed to emphasize that growth is straining our nation's resources.

In my view, it is especially significant that this Forum is being held in Oklahoma. One might expect such an initiative to come from the industrialized East Coast, or from California—areas already plagued by growth problems.

But instead, the impetus is from Oklahoma, a state not yet suffering from any significant growth-related problems; indeed, a state which has a great deal of growth potential still to be realized, a state which still has the major ingredients needed to give its citizens a happy, productive, quality existence.

It also demonstrates the wisdom of the call issued by Russell Train in his OSU commencement address. In the months since that time, the subject of growth has become widespread—not just among environmentalists and not just among citizens of the overpopulated areas of our nation. It is a subject of major concern in the White House and in Congress, and a concern as well for those of us in Oklahoma and other such states whose major growth still lies ahead of us. We have seen elsewhere the results of unmanaged growth, and we don't want to repeat those same mistakes.

As we begin this national debate, it is entirely appropriate to have a keynote address by the man who started the whole thing. Russell Train is one of those unusual men who has served in all three branches of government—first in the legislative branch as Chief Counsel of the House Ways and Means Committee, later in the judicial branch as a Judge of the U.S. Tax Court.

In 1969 he was selected for a major role in the administrative branch as Under Secretary of the Department of Interior. In non-governmental affairs, he founded the African Wildlife Leadership Foundation and was later president of the Conservation Foundation.

When Richard Nixon was elected President, he called upon Russell Train to be the chief advisor on environmental affairs for the incoming administration. And when Congress authorized the establishment of the President's Council on Environmental Quality, it was again Russell Train who was called upon to become Chairman of the Council and chief environmental advisor to the Nation.

His ability and outstanding achievements at CEQ are well known to Congress and throughout the government, as well as to those outside of government who have an interest in environmental quality. His excellent record ultimately led the President just a few weeks ago to nominate Russell Train to become chief enforcer of our Nation's environmental protection laws. And it was just two weeks ago today that the Senate confirmed the nomination and reaffirmed its confidence in Russell Train by a unanimous vote.

It is a genuine pleasure to again welcome to Oklahoma and to introduce for the Keynote Address, my friend and associate, the Administrator of the United States Environmental Protection Agency, the Honorable Russell E. Train.

GROWTH WITH ENVIRONMENTAL QUALITY?

TULSA, OKLA.—Jenkin Lloyd Jones, editor and publisher of The Tulsa Tribune today summarized the National Forum on "Growth with Environmental Quality?" as a "great meeting," which has knocked some of the sharp edges off our preconceptions and smug assumptions of what growth and environmental quality are all about.

He said the meeting which had some 35 top-flight speakers and panelists has likely made more reasonable people of us.

The conference, he said, had "been blessed as the Lord blessed the lightning bug—giving out an astonishing amount of light in a very small space with practically no heat."

Jones capsulized the remarks made here from the beginning speaker, the Hon. Russell E. Train, administrator of the Environmental Protection Agency who spoke Monday, to Chet Huntley, chairman of the board of Big Sky of Montana Inc. Huntley was the last major speaker in the three-day conference which has had some 650 persons attending from 40 states.

Pointing to Train's talk, Jones said it is not a question of should growth be stopped, but one of what direction growth should take.

It is not a matter of more or fewer highways across the nation, but one of deciding which specific highway should be built or not built.

"Societal values can't be offered by fiat from big brother," he said. "They must be widely shared. Abstractions last only until something is done, and then they become hard choices. Everyone is in favor of less traffic until you try to take his car keys away."

Jones stated that "no growth" enthusiasm is simplistic.

"We will have offshore drilling, deep water ports, more power plants, more strip mines and bigger land fills. The trick is to put them in the proper places."

People, said Jones, who buck efforts at sensible ecological action in the belief that that will preserve growth are 100 per cent wrong. He was drawing from Train's talk in the statement and added that the real threat to growth is public desparation brought about by an impossible environment.

Referring to the talk of Dr. Carl Madden, chief economist of the U.S. Chamber of Commerce, Jones said "growth of physical objects is not the same as wealth.

"There are such things as NOODS—negative goods. True wealth is human value, and as output rises, waste and pollution rise faster."

The trick, said Jones, is to bend down the waste and pollution graph while the output graph stays steady or rises. This can be done by more efficient use of energy, he added.

The new enthusiasm and concern for environment may prove to be the most significant development of the century, said Jones. He compared it to the period of the Renaissance.

Jones quoted from Mrs. Joan Flint's talk in which he said U.S. population growth is as 2½ million per year. Mrs. Flint is a member of the President's Commission on Population Growth and the American Future.

Today there are 1.9 million women who are 39 years of age—theoretically past the childbearing age. However, there are 3.9 million girls who are 13 and just beginning the birthgiving age, he pointed out.

While these figures suggest the nation is near the zero population level, the fact is the country faces the possibility of an enormous increase until it can be determined if the 13-year-olds retain the present enthusiasm for lower family size.

Replying to Richard Carpenter, executive secretary, Commission on Natural Resources of the National Academy of Sciences, Jones said "we are still in an early, and naturally confusing era of data-gathering—what do we know, what don't we know, what could we know and what should we know."

Carpenter had said that present anti-pollution laws and environmental regulations sometimes appear to be more rigid than they really are. Congress is already in the process of re-examining the Clean Air Act and others have certain provisions for built-in correctives or mid-course changes.

Jones repeated the statement of Birmingham, Ala., Mayor George G. Seibels Jr., who had said some builders are too close to city hall.

Anti-control people, said Jones, without intending to be, are really antigrowth people, because when a city reaches a certain point of congestion and unpleasantness, it begins to empty.

"The ephemeral, but absolutely essential, matter of civic pride depends on how well the citizens like what they live in," Jones said.

Commenting on the talk of Maynard P. Venema, board chairman, Universal Oil Products Co., Jones said the function of an industrial system is to provide goods which the people think they need and therefore demand.

That America has achieved this better than any other nation while its environmental quality slipped, is not the fault of this aim, but the fact that we have sometimes produced, consumed and discarded less wisely than we should have.

Jules Bergman, American Broadcasting Co.'s science editor said Monday that the nation suffered from a truth famine. The people may not, he said, be getting the truth out of the Atomic Energy Commission about the real impact problems of nuclear power.

Jones said the motor industry has not fully explained either why it is still wedded to internal combustion engines of poor efficiency, and he is convinced the building trades must face the question of why so much of our heat and cooling vanishes because of poor insulation standards.

"The time has come to explore the engineering possibilities of putting waste heat where heat is needed, to develop, in short, a better heat-exchange technology."

Jones called for a breakthrough toward cheaper buildings made largely of plastic, and toward building 100 completely new cities on virgin land.

Repeating the words concerning energy of Dean McGee, chairman of Kerr-McGee Corp., Jones said imported oil may amount to two-thirds of our requirements by 1985. Even if the economic climate makes its profitable for a gigantic new domestic oil search to get underway it will still be years before the impact will be felt.

"Nearly half of our discoverable oil remains to be found, and perhaps 60 per cent of our natural gas.

The theory that we can shift rapidly to solid fuels and still retain environmental quality is doubtful."

Jones declared "we had better go after the oil and gas."

Dr. John J. McKetta, professor chemical engineering, University of Texas, said in a speech that the nation failed to listen to early warnings of the energy problem. Jones, in reply to that, said it is time now to shut down gross polluters along with the absolutely-clean water and air extremists.

Voluntary conservation will not work, said the publisher, as he pointed out that industry, in its own self-interest, is already conserving about five per cent. However, all the propaganda in the world is not going to get the general public to conserve more than another five per cent, he added.

By 1985, this nation could not produce half a billion barrels of shale oil if it started a crash program tomorrow, Jones added.

He echoed the words of Laurence I. Moss, president of the Sierra Club, by saying that energy has been priced too low.

"We should charge energy producers with the full bill for the social and environmental problems which their product have visited upon the public."

Replying to Gene P. Morrell, vice president of the Lone Star Gas Co., Jones said our domestic energy production has been hindered by 64 governmental regulatory agencies, all created when domestic oil and gas was plentiful.

In reference to W. Donham Crawford, president of Edison Electric Institute, Jones noted the prospects of brownouts or worse, continue to grow and new plants are late being built because of court battles.

One thing the industry needs, said Jones, is a one-stop shopping center to gain permission to build.

We won't have much new power if we have to keep waiting for permission from a multitude of regulatory offices, Jones said.

Alluding to the talk of Russell W. Peterson, chairman of the executive committee, Committee for the Third Century, Rockefeller Foundation, Jones said the greatest threat to the world today is population growth. Now standing at 3.9 billion, it is rising two per cent annually.

The United Nations, he said, is going to have to come to terms with population problems in light of the fact that underdeveloped nations with 2.8 billion people are increasing at a rate of 2.6 per cent yearly.

Commenting on a land-use panel at the meeting here, Jones said much land use propanganda is merely a socialist and collectivism effort to lodge the true control of American real estate in the executive department.

Jones feels profits made from selling land should be taxed, not with capital gains benefits, but at full income tax rates.

Turning to conservation, Jones said much of the pressure against growth is based on the assumption of despoliation.

"But growth can mean refinement. It only requires that land be reserved for its best use and that its productivity be maintained or improved."

Jones said the demand for "non-essentials," in today's life style will abate. There will be, he added, more recycling, more land use policies, more international conventions to prevent degradation of the oceans and the atmosphere to protect endangered species.

In the area of energy, Jones said transforming solar energy toward economically feasible electricity requires techniques not yet available, yet solar power is the only power presently conceivable that has no ecological problems.

Jones agreed with Dr. Lester Lees, director of the environmental quality laboratory at the California Institute of Technology, that the country is faced with a time problem as the demand for energy doubles every 15 years.

The energy demands of buildings, Jones pointed out, could be reduced by 30 to 50 per cent by better engineering.

"If we can survive the next 25 years without serious dislocations brought about by the impossibility of maintaining our present energy habits, new technologies are waiting in the wings to make the long-range future much brighter," Jones concluded.

The Forum was in answer to a challenge voiced back in 1972 by EPA Administrator Russell Train, then chairman of the President's Council on Environmental Quality. At that time, he called for a "national debate on growth."

The Forum was sponsored by the Mid-continent Environmental Center Association (MECA), Metropolitan Tulsa Chamber of Commerce, and the National Science Foundation. Joseph H. Williams, president of the Tulsa-based Williams Companies, was general chairman.

MIDDLE EAST CRISIS

Mr. KENNEDY. Mr. President, I stand today to urge a halt to the aggression that broke the cease-fire and the peace in the Middle East.

While all nations must regret the senseless return to violence in the Middle East, the decision by Egypt and Syria to attack on the holiest of all Jewish religious holidays, Yom Kippur, deserves special censure.

There was a growing hope in the world that new initiatives for negotiations between Israel and the Arab countries would take root and that the cease-fire and fragile peace in the Middle East since 1967 would be replaced by a permanent settlement.

That hope was smashed on Saturday when United Nations observers under United Nations Truce Supervision Organization, Commander Maj. Gen. Ensio Siilasvuo reported that Egyptian forces had violated the cease-fire by crossing over the Suez Canal and that Syrian forces simultaneously had moved across the cease-fire lines along their border with Israel.

The announcement of actual violations of the cease-fire culminated days of massing of troops along the Egyptian and Syrian borders, actions which Israel intelligence reported. The Israeli Government consciously decided not to order a preemptive strike.

All nations must share the sense of regret that the restraint demonstrated by the Government of Israel and the efforts of other nations to try and convince Egypt and Syria not to go forward were not successful.

Now we can only urge all nations to end the senseless violence and to adhere once more to the 1970 cease-fire agreement sponsored by the United States.

From that point, one can hopefully begin the difficult task of rekindling the efforts to facilitate negotiations for a permanent settlement in the Middle East.

THE TUSSOCK MOTH

Mr. McCLURE. Mr. President, the October 7 issue of the Washington Post carried a story on a forest pest, the Tussock moth, and the serious damage being done to Northwest forests. In addition to damage cited by the article, this year at least 140,000 acres of forest have sustained damage in northern Idaho.

Congress needs to understand the threat to our forest renewable resources, as the legislative branch may be called upon to debate the subject of alternatives for control of this forest pest. In January 1972, the only known successful chemical, DDT, for use in combating the Tussock moth was declared unavailable, except under emergency conditions, for use in fighting forest and agricultural pests. The U.S. Forest Service recommendation for emergency certification of DDT for control of this Tussock moth outbreak was refused by the Environmental Protection Agency Administrator William Ruckelshaus in late April 1973. Some of the reasoning in the denial for use of DDT was that the outbreak would collapse of its own accord naturally because of a virus attack that builds up in the larvae, according to history of prior outbreaks. The predictions of moth population decline in 1973 were wrong and the serious damage resulting exceeded the most pessimistic predictions. To date, there is no known available, effective, registered chemical control for the Tussock moth. In view of the continuing threat by this pest to our forests, the Environmental Protection Agency must reevaluate its appraisal for emergency use of DDT.

Field crews are now studying the locations and numbers of eggs laid by the Tussock moths this fall which will become the outbreak of 1974. When their reports are in, we must be prepared to decide administratively or through legislation on a course of action that will effectively control this pest.

I urge your careful attention to the attached Washington Post article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOTHS TRIGGER SUPPORT FOR DDT

(By Joe Frazier)

LA GRANDE, OREG.—Public support for use of the banned pesticide DDT is growing stronger here as hundreds of square miles of prime forest fall victim to an infestation of tussock moth.

It's a bread-and-butter issue in this lumber and farming town of 10,000, whose economy is supported by the wood products industry.

"People around here were against stuff like DDT until the moth got their land. Now they don't care what it takes. They want this thing stopped," said John McGhehey, state regional forester for the La Grande area.

The infestation, which turns woodlands rusty brown, is in its second year and timber industry and forest officials say it covers about 600,000 acres in northeast Oregon and southeast Washington. It covered 200,000 acres a year ago. The federal Environment Protection Agency, which banned use of DDT, rejected the U.S. Forest Service's emergency request to use the pesticide against the tussock moth earlier this year.

The service currently is seeking a DDT substitute and researchers say they expect to have test results in several weeks. If a substitute is not found, the service may renew its request to EPA. Agriculture Secretary Earl L. Butz has promised support if no substitute is found.

But La Grande residents wonder if the forest can stand another year of experimenting while the moth goes unchecked.

In grocery stores, in taverns and on the street, people offer a similar argument: "When the trees are all dead and the forest is gone, all the wildlife they're worried about saving will be gone anyway."

Normally a virus appears in the tussock moth population and kills off the infestation in its third year.

But foresters and pest control specialists say that may not happen this time—that there are several infestations in the area, and as one dies off, others may replace it, continuing the destruction.

The moth is native to the western half of North America, and occasionally, when weather conditions and other factors are right, the population explodes.

Entomologists say the explosion follows several years of inconspicuous buildup and usually is first noticed when the trees start to die, in the second year of the three-year cycle.

McGhehey said the infestation was noticed last summer.

"Right now, in the worst of it, there are up to 500 larvae per 1,000 square inches of foliage . . . that's the way we measure it.

"It only takes 100 per 1,000 inches to defoliate a tree, and 20 is considered an infestation."

He said it would take a kill of from 95 to 99 per cent to stop the infestation.

Insecticides and microbials tested resulted in kills ranging from 60 to 90 per cent, McGhehey said.

"That's just not enough. There are too many of them out there."

Kills of 100 per cent have been reported in other infestations where DDT was used.

McGhehey said effects of the infestation would be felt for years even if the moth were stopped immediately.

Logging companies are hurrying to get tussock-killed timber out of the woods and into the mills before it rots and becomes useless.

Mills are crammed with logs and hundreds of board feet remain to be salvaged. White fir, which makes up about 75 per cent of the kill, must be salvaged within a year and a half. The Douglas firs may last four or five years.

"There's going to be an oversupply, then we'll see a shortage. A slump. Mills could close," McGhehey predicted.

Gary Weiher, a production official for Boise-Cascade Corp., the region's largest employer, said the kill of immature timber has been heavy. The trees had been scheduled for harvest in future decades, and cannot be salvaged, he said.

"In about 30 or 40 years—I think that's when the full weight of this thing is going to hit us."

Boise-Cascade is holding off on reforestation programs until it sees what will happen with the moth.

There are other problems, too.

In August lightning started a forest fire in an area deadened and dried by the moth. Drought conditions made forests even more flammable. Flames ripped through 6,000 acres and threatened the town twice before the fire was controlled a week later.

Logging companies say many men refuse to work in tussock kills in late summer or early fall because particles of skin shed by the moths contain a toxin that causes a reaction similar to a bad case of poison oak or poison ivy.

Butz flew over the infested area Aug. 31 and said he would work to get DDT released if it appeared nothing else would end the infestation.

"We shouldn't let a great natural resource like our timber be wasted away because of a completely inflexible rule, he said.

"We're trying to develop some alternate methods of controlling the tussock moth, and with some promise, but we can't wait much longer and see our forest devastated."

Two bills have been introduced in Congress to relax DDT rules for the gypsy moth in the East. Butz predicted a tough fight for the bills, saying they would be seen as anti-environment by many congressmen.

"There should be a margin for judgment in cases like this," he said.

David Graham, who heads insect and disease control in the Pacific Northwest for the U.S. Forest Service, said four insecticides and two biological agents were tested this summer.

So, far, application of the virus that naturally wipes out the moth infestations seems to have produced the best results.

If tests indicate DDT is needed to stop the moth, the Forest Service will reapply to the EPA in December.

If permission is given to use DDT, the insecticide would be sprayed in May or June.

Graham said they would have to have a decision from the EPA by May 1. The need to use the spray would be reverified right before it was scheduled to be applied.

"We want this on a contingency. We'd like to have it sitting on the shelf, so to speak, in case it is needed," Graham said.

He said the Forest Service opposes use of DDT generally, but has to weigh the effects of it against what the moth will do unchecked.

SUCCESSFUL GEOTHERMAL EXPERIMENTS UNDERSCORE NEED FOR ENERGY R. & D. FUNDS

Mr. CHURCH. Mr. President, the Subcommittee on Water and Power of the Committee on Interior and Insular Affairs has held extensive hearings this summer on the problems and prospects for developing geothermal power resources. During the course of these hearings, committee members heard a wide range of testimony touching on every aspect of geothermal energy development.

One form of geothermal energy which the subcommittee believes may hold great promise for future development is energy from hot dry-rock geothermal systems. These systems are found in regions where heat is contained in impermeable rock of low porosity. To develop the resource, it is necessary to drill a hole and fracture the rock by the detonation of an explosive device or by pressure-driven water. Water is then injected into the voids and cracks in the rock where it is heated, and is brought to the surface and used to drive a turbine.

While this technology is still in the research state, the potential energy recoverable from hot dry-rock resources, according to all estimates, is very large. Although the research and development work which remains to be done is impressive, the subcommittee believes, based upon its hearings, that the problems are not insurmountable. There is an immediate need for funding of research projects on systems like hot dry-rock geothermal energy.

Mr. Allen L. Hammond has written an excellent article on this problem entitled "Dry Geothermal Wells: Promising Experimental Results." This article, which appeared in the October 5, 1973, issue of Science, presents the results of a dry-rock research project undertaken by the Los Alamos Scientific Laboratory, an Atomic Energy Commission facility. Mr. Hammond notes that the experiment has shown that granite can be hydrofractured to create a well and that the resultant well is impermeable enough to hold water tightly. These results have important consequences for the future of hot dry-rock geothermal energy resources.

Mr. President, because this article is relevant to several legislative proposals now before the Senate, I would like to share it with my colleagues. I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Science, Oct. 5, 1973]

DRY GEOTHERMAL WELLS: PROMISING EXPERIMENTAL RESULTS

(By Allen L. Hammond)

Assessments of the prospects for geothermal energy have tended to put the highest emphasis on hot water deposits such as those now being used to produce electricity at Cerro Prieto, Mexico. Estimates of the amount of electric power that could be generated in the United States with heat from geothermal wells—132,000 megawatts by 1985 and 395,000 megawatts by the year 2000, according to one widely accepted study[1]—are based primarily on the postulated exploitation of such resources. But the development of known hot brine fields in California's Imperial Valley and elsewhere has been delayed pending granting of leases for drilling on federal lands and the establishment of procedures for environmental review of proposed wells. In the meantime, results from a successful hydrofracturing experiment in crystalline rock and new ideas about how to extract energy from hydrofractured geothermal wells appear to have improved the prospects for tapping deposits of dry, hot rock. Since these dry geothermal deposits are believed to constitute a resource at least ten times as large as deposits permeated by groundwater, the potential for geothermal power may be even greater than the estimates above suggest.

The experiment in question was conducted in a test well drilled 780 m into the rock at one edge of a huge volcanic caldera in the Jemez Mountains of northern New Mexico by researchers from the nearby Los Alamos Scientific Laboratory (LASL), an Atomic Energy Commission facility.

Water was pumped under pressure into a section of the well to open cracks in the rock surrounding the borehole. This hydrofracturing technique is widely used in the petroleum industry to increase the permeability of oil-bearing sedimentary rocks and improve oil recovery, but the technique had not been demonstrated in granite and other crystalline rock formations.

According to M. Smith and D. Brown of LASL, the experiment showed not only that crystalline rocks can be hydraulically fractured, but that modest pressures are required. Water in the test well began penetrating the rock when pressures at the wellhead reached 8 to 12 million newtons per square meter, depending on the character of the rock being fractured. Study of the cores obtained from the well showed that, although the rock ranged in composition from granite to more basic materials such as amphibolite, the pressure at which fracturing began depended primarily on the presence or absence of preexisting cracks in the rock. These cracks were found to be cemented closed with minerals—calcite and silica in the granite, chlorite in the amphibolite—deposited over a long period of time, the researchers believe, by circulating groundwater. Hence rock with an abundance of preexisting cracks was only slightly easier to fracture than intact rock.

Perhaps more important for potential geothermal applications, the cracks leaked very little water. As long as the pressure in the well was maintained within a suitable range, the cracks were held open by fluid pressure alone and did not grow with time, nor did measurable amounts of water escape. This result contrasts that subsurface rock would with predictions by many geologists be highly fractured and hence very permeable, making it impossible to circulate water through the cracks to collect heat and transport it to the surface without continually adding water. The results of the LASL experiment thus suggest that crystalline rock geologic formations, at least in this one area, are readily hydrofractured, yet tight enough to make extraction of geothermal energy feasible.

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[1] Panel on Geothermal Energy Resources, *Assessment of Geothermal Energy Resources* (Department of the Interior, Washington, D.C., 1972).

The LASL team had calculated that cracks should form preferentially in the vertical direction, and they found this to be true when pressures were increased gradually during the hydrofracturing process. They were also able to detect seismic signals from the fracturing process at the surface, a result that the experimenters believe will allow the orientation and extent of the crack away from the well bore to be determined in future experiments. Other facets of the experiment were directed toward measuring the minimum principal stress (that which must be overcome to hold the cracks open) and related mechanical parameters of the rock adjacent to the well.

Planning is now under way for a second experimental well 1.5 to 1.8 km in depth. Cores from this well are to be recovered over its entire depth to provide a continuous section of continental rock for geological and petrographic studies, and measurements of temperature, conductivity, and gases given off by pore fluids are to be made every 9 m. If hydrofracturing experiments also prove successful in this well, the LASL experimenters hope to drill a pair of still deeper wells, the second of which would be directed so as to intersect a large crack hydrofractured in the first, and set up a prototype geothermal power system (Fig. 1). Water circulating down one well, through the crack in the hot rock, and up the other well would carry off heat that could be used to run a power turbine at the surface. Unless the rock fractures further as it cools, making additional hot rock available to the system—a phenomenon that has not been demonstrated—the initial crack must be large enough to supply heat for ten or more years in a practical power system. The LASL team believes that such a crack, extending 1.25 km from the borehole (compared with an estimated 40-m crack in their first experiment), is well within the realm of the hydrofracturing technique, although whether problems will be encountered in scaling up to this size remains to be seen.

The LASL experiment appears to have removed two of the principal concerns over the feasibility of tapping dry geothermal deposits in igneous rocks—it has shown that granite can be hydrofractured and that it is, at least in one region, impermeable enough to hold water tightly. (Even drilling in the granite, the most expensive operation in establishing such a geothermal well, turned out to be not as difficult as had been expected.)

Thinking about the optimum method of recovering heat from the earth is only beginning, however. One concept that could greatly increase the economic life of hot rock geothermal systems (and decrease their cost) is that proposed by B. Rayleigh of the Menlo Park, California, research center of the U.S. Geological Survey. Observing that in many regions the stresses in subsurface rock are reasonably constant over large areas, Rayleigh suggests that geothermal wells be drilled at an angle, in a direction perpendicular to the expected orientation of fractures. Then a series of parallel, vertical cracks could be fractured from a single well, possibly spaced as close as every 30 m. Slant drilling techniques are common in the oil industry, although not yet developed for crystalline rock, and Rayleigh's preliminary cost estimates indicate that such a system could be competitive with existing sources of electricity, even with cracks of relatively modest size. Still other ideas may emerge as more hydrofracturing experiments are performed and the design of geothermal systems moves from the feasibility stage to engineering design.

Assessing the extent of dry geothermal resources and drilling to prove out suspected deposits has also barely begun. Preparations for such assessments are going forward at a site in the vicinity of Marysville, Montana, however, at what may turn out to be the "mother lode" of geothermal deposits, at least in this country. The deposit is an apparent remnant of a geologically recent magma intrusion that very nearly became a volcano and that left what is believed to be billions of dollars worth of heat within 1 or 2 km of the surface. The project, directed by D. Stewart of the Battelle Memorial Institute laboratory in Richland, Washington, and funded by the National Science Foundation, will determine, among other things, whether groundwater is present or whether the deposit is dry.

AGE DISCRIMINATION IN EMPLOYMENT PERSISTS

Mr. WILLIAMS. Mr. President, as chairman of the Committee on Labor and Public Welfare, and former chairman of the Special Committee on Aging, I am, indeed, pleased that the Committee on Aging has just issued a report on improving the age discrimination law.

The report states that only about 50 percent of all workers aged 40 to 64 are protected under the provisions of the Age Discrimination in Employment Act. Furthermore, less than $1.5 million is budgeted for enforcement by the Department of Labor. Only 5 percent of the total staff and expenditures of the wage and hour division are devoted to the enforcement of a law which is complex and nationwide in scope.

Thus, not all older workers are covered by the law, and those that are may not be receiving adequate protection.

The Committee on Labor and Public Welfare included in the Fair Labor Standards Amendments of 1973 provisions which would have extended the coverage of the Age Discrimination Act to Federal, State, and local government employees, and to employers of 20 or more employees instead of the current limit of 25 or more. Also included was an increase in the authorization for enforcement of the act from $3 to $5 million. These amendments were lost in conference.

It is my intention, however, that the amendments to the Age Discrimination Act will be reconsidered and enacted. Job bias for older workers is still a very real and serious problem today and the law should be extended at the earliest date possible.

METRO ACCESSIBILITY TO THE HANDICAPPED

Mr. WILLIAMS. Mr. President, passage of the Architectural Barriers Act in 1968 made it national policy that buildings constructed with Federal funds should be accessible to the physically handicapped.

However, a question later arose concerning whether this act applied to the design and construction of Metro subway stations—in large part because of the unique Federal-State-local relationship under the Washington Metropolitan Area Transit Authority compact.

Amendments to the Architectural Barriers Act, were, however, passed in 1970 and resolved this question by making it clear that the subway stations, surface stations, and other structures of Metro are to be accessible for the handicapped.

Metro officials later informed the Congress that additional funds would be necessary because the original plan made no provision for the cost of special facilities for the handicapped.

Mr. President, I cannot fully condone this action because I believe some responsibility for this oversight rests on the shoulders of Metro officials. I do believe, however, that we must provide funds so that this project will be completed.

Mr. President, the recently enacted Federal Aid Highway Act of 1973 includes a provision of vital importance for the elderly and handicapped.

This measure authorizes $65 million in funding for the construction of elevators to make the Metro system of Washington, D.C., accessible to the handicapped.

I wish to congratulate the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) for his able leadership in the adoption of this vital provision.

The 1973 Highway Act provides the authority to insure that Metro will be accessible to the physically handicapped and others who find it impossible or difficult to use escalators, and as originally passed by the Senate, provided full Federal funding for this provision. However, in conference committee the Federal contribution was trimmed back to 80 percent with 20 percent being shouldered by the surrounding communities in Maryland and Virginia, as well as the District of Columbia.

At this point, I wish to announce my intent to support Senator RANDOLPH in any efforts he may later undertake to provide for full Federal funding for this measure.

To my way of thinking, there are strong reasons for taking this action, which the Senate originally supported when it passed the 1973 Federal-Aid Highway Act. The District of Columbia is a city which receives visitors from all over the United States, and the world. It is, furthermore, the seat of the Federal Government, and as such should lead the way in providing an accessible environment for all people. For these reasons, it seems to me that the added costs resulting from these modifications can be assumed by the Federal Government, instead of local authorities.

In terms of dollars and cents, this would amount to about $13 million, or 20 percent of the $65 million authorization.

Additionally, I urge that a provision be incorporated in the first supplemental appropriations bill for fiscal 1974 to provide for funding to make Metro accessible to the handicapped. If future legislation provides authorization of full Federal funding, I would urge the Appropriations Committee to provide the full $65 million as soon as possible. No funding could be provided in the Department of Transportation appropriations bill for fiscal 1974 because the Appropriations Committee had completed actions on this measure before the Federal-Aid Highway Act became law. Consequently, the supplemental appropriations bill offers the most convenient vehicle for taking timely and effective action to implement the Metro accessibility provision.

It is essential that the Metro should be accessible for all persons.

Quite clearly, if we build a system which is "off limits" for the elderly and handicapped, we are, in effect, denying them an opportunity to participate in our society. And the economic—as well as the psychological—effect can be disastrous for the persons affected and their families.

Finally, I strongly believe that the Metro subway system—because it will be located in our Nation's Capital—should be a model for all transit authorities. There is no doubt in my mind that most transit systems can be accessible for the elderly and handicapped, with only modest increases in costs and no loss of functional utility.

What is needed is a strong sense of commitment. And, perhaps the Metro system can provide the model as well as the energizing force for other communities to emulate.

THE CITY OF HOPE STORY

Mr. MUSKIE. Mr. President, last July 14 it was my great pleasure to address the annual convention of the City of Hope Hospital in Los Angeles about the need for continued strong Federal support for health research.

It was a special pleasure for me to be a guest at this convention because the City of Hope has played a unique and outstanding role in seeking to influence medical science everywhere. Since its establishment 60 years ago as a national nonsectarian pilot medical center, the City of Hope has gained worldwide fame for its unsurpassed facilities for free patient care and its pioneering programs in research and education in the major catastrophic diseases of our era—cancer and leukemia, heart and respiratory afflictions, diabetes, and other maladies of metabolism, disorders of the blood and heredity—as well as for its basic studies in genetics and the neurosciences.

In addition, the City of Hope provides a consultation service at no cost to doctors and hospitals throughout the Nation to help them in the diagnosis and treatment of their patients in these diseases. Many hundreds of original findings and discoveries have emerged from its staff and laboratories in recent years in its efforts to relieve pain, prolong life, and effect cures. As a think tank for other hospitals, the City of Hope has had phenomenal success in improving the quality, quantity, economy, and efficiency of health care delivery systems in our country.

Needless to say, the City of Hope, like all medical research centers and hospitals, has a constant budgetary problem in meeting accelerating needs and expanding its research and services. On top of an annual operating budget of $21.5 million, the City of Hope now requires an additional $10,005,000 for new buildings, programs, facilities, and equipment. The executive director of the City of Hope, Ben Horowitz, discussed the economic realities of carrying out the City of Hope's great mission in his 1973 National Biennial Convention Keynote Address, which was delivered on the same night as my address. I ask unanimous consent that Mr. Horowitz' speech be printed in the Recoord.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Keynote Address of Ben Horowitz

Our gathering tonight inaugurates another Biennial Convention of our nationwide family of auxiliaries. That in itself is a landmark event in our progress. Significance is added to the occasion by the fact that we celebrate the Sixtieth Anniversary of our City of Hope.

In a real sense, we are celebrating more than an anniversary. What has motivated our origin, endeavors, and ideology is a celebration of life—life in all its vigor and beauty for every human being—life in all its fullness for the human race.

Commitment of this lofty purpose will certainly permeate every aspect of our deliberations in these three days . . . the evaluation of our course during the past two years; the approval of programs for the next two years; the absorbing of knowledge and inspiration from every session to strengthen us for the challenges which lie ahead.

We meet at a juncture in history when faith and confidence in the institutions of our land have declined substantially. This definitely encompasses those institutions concerned with medical diagnosis and treatment. Many years ago, authorities issued dire warnings about the crisis in the delivery of health care. Alarm signals were given about deteriorating hospital facilities, the shortage of medical and paramedical personnel, skyrocketing costs, and the depersonalization of care.

Logically, recognition of the desperate urgency of these problems should have enlisted the best and brightest talents in our society to formulate and implement a quick solution. Astoundingly enough this did not occur. It is sad to note that, in the presence of such deplorable conditions, the people of America seem to be in a state of drugged lethargy. There has been a meek acceptance of heaped up indignities, the wiping out of monetary savings, and deficiencies in the quantity and quality of care which can only be characterized as incredible.

In the midst of this dark picture, the program of the City of Hope has been a shining beacon lighting the way to what should be, what can be, in a nation which is the richest and most powerful on the face of the globe.

To document this, I will highlight the unique accomplishments made possible by the dedicated efforts of our auxiliary workers, Medical Center personnel, and organizational staff.

OUR UNIQUE HOSPITAL

Our census records the largest number of patients benefitting from inpatient, outpatient, and home health services dispensed:

On a free basis, as a right and not as a handout.

With protection of their dignity and worth.

By top-level medical specialists.

In a highly personalized manner.

With access to the most modern equipment.

Within the finest facilities.

In an atmosphere of loving kindness and hope.

Nothing and nobody was spared in the single-minded approach to relieve pain and prolong life for victims of crippling and killer diseases. Creative contributions were made to concepts of psychosomatic medicine, total patient care, and family-centered services.

We view with mixed emotions the "patient's bill of rights," recently sent to 7,000 hospitals by the American Hospital Association. It was long overdue, but unfortunately contains only a fraction of what the City of Hope has been practicing for six decades.

OUR UNIQUE CONSULTATION SERVICE

In response to ever-increasing requests, the expertise of our medical staff has been available to private physicians and institutions throughout the country. A panel comprising various disciplines of the Medical Center continues to meet regularly and provide supplemental counsel on diagnosis and therapy for patients with difficult medical conditions.

OUR UNIQUE PILOT MEDICAL CENTER

In the process of making the City of Hope an extraordinary phenomenon on the national and international scene, we carved a role for ourselves as a Pilot Medical Center. Daringly we affirmed, as a primary objective, the constant gathering of superb staff, equipment and facilities to give every encouragement to innovative medical research. Our success is indelibly inscribed not only in the annals of medicine and science everywhere, but on the minds and bodies of people.

During the 1971–73 years, invitations to our doctors, scientists, and other staff, to address conferences in this country and overseas were more numerous than ever before. Leading journals reported their work. Appointments to offices and distinguished awards were bestowed upon them by professional societies. Governmental agencies granted millions of dollars a year to advance their investigations.

Most gratifying of all was the flow of discoveries and findings in clinical and basic research which streamed from our laboratories: 165 in 1971, 192 in 1972, and a new high is expected in 1973.

How abstract are statistics! Translate them into new medical instruments, new diagnostic procedures, new surgical and treatment approaches. Even this does not tell the story. To appreciate it, we must grasp the communication channels between our scientists and their peers in every state and nation. The results mean immediate benefits to patients and the laying of foundations upon which other scientists pyramid their original findings. In the final analysis, the impact is felt by millions of fear-ridden and pain-wracked patients—men, women, and children—who will have the chance to breathe, work, play, love, create, and serve their fellowmen, all because you willed it so.

OUR UNIQUE THINK TANK FOR HOSPITALS

To meet the hospital crisis, the City of Hope accepted the challenge of being a think tank for hospitals. Task forces were assigned to study every phase of hospital functioning, with a mandate to improve the quality, quantity, economy, and efficiency of health care delivery. We can point with pride to the contributions we have made in reducing maintenance costs, alleviating personnel shortages, eliminating medication errors, caring for the non-critically ill in out-patient facilities and at home, assuring safety of patients, bringing the family into the hospital environment, and utilizing pooled computer technology.

OUR UNIQUE AUXILIARY MOVEMENT

From the beginning, sixty years ago, the fate of the City of Hope and supporting auxiliary members were intertwined. This was not a happy accident, but a deliberate design.

A basic people-to-people philosophy was involved in this relationship. The founders were determined to avoid the coldness of an institutional setting. No barrier was to exist between donor and beneficiary. The ever-present refrain was to be: "There, but for the grace of God, go I." This sense of identification would assure a humane spirit of care and an insistence that only the best of care was good enough for those in need.

To reinforce this precious concept, organizational safeguards were incorporated in our Constitution and Bylaws. An elected leadership would be responsible to a democratically-based auxiliary structure, to guarantee the maintaining and enrichment of the ideology of this haven of healing.

The aims of the people in our auxiliary movement broadened in the decades which followed. Our resources, in membership and money, had to be commensurate with our aspirations. The family of auxiliaries burgeoned, spreading from coast to coast.

Since the last Convention, we have chartered 67 new auxiliaries, drawing its membership from every element in the population. We come to this anniversary assembly with 449 auxiliaries, in 185 cities, 25 states and Washington, D.C. We have reached an all-time strength: more than one hundred thousand members and active workers and in excess of a million contributors constitute the lifeline of our National Medical Center.

OUR UNIQUE FUNDRAISING ENDEAVORS

In the last two years, we have waged an all-out fundraising effort. Millions of dollars in one-time gifts had to be replaced. Operating costs of all hospitals had skyrocketed, and the free policy of the City of Hope made it vulnerable. New and expanded programs, approved at the 1971 Convention, had to be funded. New Horizons building plans were awaiting implementation.

It can be definitely stated that our income by the end of our fiscal year on September 30th, will be at least $39,600,000, an increase of about $6,100,000 over the preceding two years.

An historical retrospective is in order. It took 53 years—1913 to 1966—for the City of Hope to raise its first $100,000,000. It took only *seven* years—1966 to 1973—to raise our second $100,000,000.

OUR UNIQUE NEW HORIZONS CAMPAIGN

Our capital funds and equipment drive has been conducted at a time when all hospitals were in financial straits because of soaring operating costs. Launched in 1965, and now scheduled to be completed in 1977, this New Horizons campaign entails an expenditure of $30,630,000. Approximately $10,000,000 have been spent, $10,000,000 in cash and pledges have been raised and will be spent in the next two years, and $10,000,000 must still be raised.

You will be touring the grounds of the Medical Center on Sunday. You will see excavations and photos of the Northwest Hospital, the Sunny and Isadore Familian Children's Hospital, and the Clinical Research Complex, to be erected by the end of 1974. Other buildings are now on the drawing boards.

Remember that construction is only the first step. Thereafter, money must be expended for equipment, staff, programs, and maintenance. All this is part of an ambitious perspective to keep the City of Hope in the forefront of medicine and science.

OUR UNIQUE IDEOLOGY

Our words and deeds emerge from the humanistic ideology to which we are committed. The City of Hope is an instrumentality to express our concern for people; better said, it is a demonstration that we care for every person formed in God's image. We affirm that the intelligence, compassion, and courage of human beings can give life a purpose and each day a meaning.

The members of the City of Hope family are oriented to pursue a basic social creed and action: to combat hate, cynicism and indifference; to encourage love, idealism and involvement.

OUR UNIQUE LEADERSHIP

In our modern society, leadership has all too often taken on a distorted form, reflecting the demands of the mass media. Leaders are supposed to look good for television, the movies, and photographs. Convictions are subordinated to so-called charisma, the surface appearance becomes more significant than inner depth.

The City of Hope refuses to be overwhelmed by such criteria. I hasten to add that without question we have more than our share of good looking people. But, in choosing leaders, we have specifications that are far more valid: adherence to our beliefs, a readiness to give of oneself, a capacity for creativity, and a boldness of direction.

You delegates have exemplified such traits in assuming responsibilities in your auxiliaries. In our national organization, we have sought to match your standards of excellence. Percy Solotoy, as President of the City of Hope, the members of the Board of Directors, our Executive Medical Director, Rachmiel Levine, and so many others, have given outstandingly wise and inspiring management to our affairs. The association of Mannie Fineman on a full-time basis has been of immeasurable value in advancing our cause.

I am grateful to you and to them for fortifying and invigorating me in the day-to-day conduct of our work.

OUR UNIQUE FUTURE

It is good that we have a pride in our past and a determination in the present. Further, preparation for the future has always been an essential characteristic of the City of Hope.

We do so with the optimism and confidence natural to us. However, we must soberly assess the difficulties which confront us and the nation. The deterioration of life in the cities at home and the persistence of war abroad, the violations of trust in high places and the uncertainties of our economy, have spread discouragement and disillusionment. The "orders of the day" are—stand still or retreat.

Health care, too, is under attack. The Federal government is withdrawing funds from a whole series of medical programs. Research projects are shrinking as laboratories shut their doors. Proposals in federal and state legislatures, for meeting the health needs of the nation, are being brushed aside. There is not only neglect of the problems of today but a storing up of troubles for tomorrow in this vital area.

I cannot conceive of a single voice in this room or among our multitude of supporters who would urge the City of Hope to follow the example of the government. We would not just be cutting a budget, we would be cutting off human lives. Statistics may be recited in dollars and cents, but what businessmen call the "bottom line" should be calculated in preventible pain and suffering.

The City of Hope in the coming years must reach out, extend itself as never before, for more members and funds, greater ideas and ideals.

All of us realize that dollars will be crucial in the pursuit of our goals. I have referred to the time span it took to raise the first and the second $100,000,000 by our organization—it took 53 years, then 7 years, and now we must raise $100,000,000 in the next 4 years!

In doing so, we are interested in purpose not bigness. We'll need more dollars to offset inflationary inroads in our budget. We'll need more dollars to take care of more patients, to unlock the mysteries of life, to fill the gaps in American medicine. We'll need more dollars to pilot in humanism as well as health.

This should give meaning to your deliberations at the various sessions. Then, indeed, will our Convention theme—"Hope, Health and Happiness"—be both a description of the past sixty years and a prescription for the next sixty years.

Word must go forth from this Convention that the City of Hope refuses to stand still or retreat. Its clarion call, resounding in our own and other lands, must rekindle courage in the hearts and minds and souls of all people. Our vision must mobilize them to go forward to a better day, a better life, for our own generation . . . and as a heritage to future generations of the family of mankind.

TRIBUTE TO THE LATE THOMAS L. C. VAIL

Mr. ALLEN. Mr. President, one of the greatest tributes that can be paid to a man is the recognition that his nation is all the better for having had the benefit of his counsel and service. Such recognition is most certainly due the late Thomas L. C. Vail, former chief counsel of the Senate Committee on Finance, who died unexpectedly on September 18, 1973.

I was saddened by the passing of this man of tremendous ability who expended his energies and talents in dedication to his Nation throughout his entire professional career.

Tom was a son of Alabama. He was born in Bay Minette and received his elementary and secondary education in the public school systems of Baldwin and Mobile Counties. Following the footsteps of his father, the late Bob Vail who served nearly a decade on the staff of former Congressman George Grant of Alabama, Tom went to work on Capitol Hill as a member of the Joint Committee on Internal Revenue Taxation in 1951, where he remained until 1964. During this time, Tom earned a bachelor of arts degree and a law degree at the George Washington University.

In 1964, Tom joined the professional staff of the Senate Committee on Finance and 2 years later was promoted to the position of chief counsel.

For more than two decades, Tom Vail was directly included in almost every piece of tax and revenue legislation passed by the Congress of the United States. I came to the Senate in 1969 and in that year we passed one of the most comprehensive tax reform bills ever to come before the Congress.

I well recall how helpful Tom Vail was to me in connection with several areas of this legislation which were most exacting and complex in their terms. Because of his insight and understanding of our tax structure, Tom no doubt could have engaged in a lucrative law practice, but he chose to serve his Nation as a valued employee of the U.S. Senate.

Tom Vail made a lasting contribution to our Nation with particular regard to matters of taxation and finance. He leaves a record of which his family and friends can be rightfully proud.

We shall greatly miss Tom Vail and the skills which he gave to us. Mrs. Allen joins me in expressing deepest sympathy to Mrs. Vail and the family.

HEALTH MAINTENANCE ORGANIZATIONS A VIABLE ALTERNATIVE

Mr. KENNEDY. Mr. President, this week, House/Senate conferees will meet for the first of a series of conferences to resolve differences between S. 14, the Health Maintenance Organization and Resources Development Act of 1973, and the House amendment to that bill.

The Senate has voted a program which would, over 3 years, provide $805 million in grants, loans, and loan guarantees, to assist health maintenance organizations in meeting the costs incurred in developing and initiating health maintenance services.

Critics of Federal HMO legislation maintain that health maintenance organizations are unproven, and do not deserve full Federal support until adequate "testing" has been carried out. I believe that this position is erroneous. Health maintenance organizations have operated successfully over extended periods of time, have been successful in reducing the costs of providing comprehensive health services, have increased the ease with which consumers can obtain health services, and deserve substantial Federal support in order to stimulate their development as an alternative to the current expensive, inefficient, and inequitable fee-for-service health care system which exists in this country at the present time.

Mr. President, HMO's are of proven merit, and deserve full endorsement and support by the Federal Government as a competitive alternative to fee-for-service health care.

The HMO offers our best hope for controlling the costs and assuring the quality of health care services.

Mr. President, I ask unanimous consent that the following articles about HMO's be printed in the RECORD. The articles are as follows:

"Seattle's HMO: Taking the Profits Out of Illiness" by Natalie Spingarn, the Washington Post, Sunday, October 7, 1973; an excerpt dealing with HMOs from the article "National Health Care Clouds the Benefit Picture" which appeared in the August 27, 1973 issue of Industry Week; "AMA Blocks Progress in Health Care" by Robert J. Havel, the Plain Dealer, October 1, 1973, and "Setback for Health Care Cause," the Plain Dealer, Tuesday, October 2, 1973.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1973]

SEATTLE'S HMO: TAKING THE PROFITS OUT OF ILLNESS

(By Natalie Davis Spingarn)

SEATTLE.—On a July day three years ago, Leif E. Grefsrud was working by lamplight on his car in the garage of his home 19 miles south of here. Suddenly gasoline began pouring out of the auto.

The 36-year-old Boeing engineer, fearful of fire, crawled out from under the car and pulled out the lamp plug. There was a spark, and the gasoline burst into flames—as did Grefsrud, who ran outside screaming. A neighbor ran to turn a hose on him while Grefsrud rolled in the grass in agony. Seventy-five per cent of his body ended up covered with burns, half of them third degree.

After a few days at a nearby hospital to which he had been rushed, Grefsrud was moved to the hospital of Group Health Cooperative of Puget Sound, where he underwent six months of intensive and extensive care: special nurses round the clock for 2½ months; surgeons performing eight skin grafts, in addition to his regular doctor's treatments; specialists providing physical therapy; laboratory work; drugs; intravenous feedings. After leaving the hospital in December, 1970, moreover, Grefsrud had to return at least half a dozen times for plastic surgery on his fingers, arms and ears.

The normal cost of all this care is estimated by Group Health of Puget Sound at a minimum of $25,000. The cost to Grefsrud: $40 a month at first, $54 a month later. And that included medical coverage for his wife and three children as well.

DIFFERENT ECONOMICS

The reason for the low-cost, high-quality care was Group Health Cooperative of Puget Sound, one of the pace-setters among the nation's growing community of Health Maintenance Organizations, or HMOs. This special breed of health group is sometimes difficult to recognize: Some earn profits, others are nonprofit; some have physicians working in a group, others use doctors with individual practices; and some profit-making ones, which have mushroomed in several states under generous Medicaid laws, could hardly be recognized as the same breed, with a few even having run afoul of the law. But the most distinguishing characteristics of HMOs is that they charge an enrolled population a fixed yearly fee rather than billing members for care each time they are sick.

The result is a switch on the traditional economics of American medicine. HMO doctors do not earn more money by giving more treatment to more patients. Rather, because of their fixed income pool, they are apt to increase the efficiency of medical care, to avoid costly duplication of services, to prevent or minimize the need for expensive hospitalization. As President Nixon put it in 1971: "Like doctors in ancient China, they are paid to keep their patients healthy. For them, economic interests work to reinforce professional interests."

But that statement was made before the administration's desire to foster the spread of HMOs cooled considerably. With the help of some prodding by the American Medical Association, the administration has gone from a 1971 HEW white paper envisioning enough HMOs by 1830 to enroll 90 per cent of the population if it wished to join, to today's weaker support by HEW Secretary Caspar Weinberger for a "time-limited demonstration" approach. Meanwhile, the Senate has passed an HMO bill authorizing $805 million over three years and the House has adopted a more modest version authorizing $240 million stretched over five years. The two versions still must be reconciled at a House-Senate conference expected to start this week.

PROBLEMS OF SUCCESS

A "demonstration" effort, while valid with some programs, is a peculiar approach for HMOs. HMOs are not new. The nonprofit Group Health Cooperative of Puget Sound, founded by 200 Northwestern families with strong labor and co-op ties, for example, is now in its 27th year and it is not the oldest. The nation's 42 HMOs, including the giant Kaiser-Permanente based on the West Coast and HIP in New York, have about 5 million members, and that number climbs to 7 million or 8 million if other HMO-like organizations are included.

At Group Health Cooperative of Puget Sound the problem has not been to demonstrate its value but to cope with its success. The HMO, with 180,000 members at present, had expected Seattle's so-called Boeing recession of the early 1970s to curb its growth, but it didn't; 10,000 people continue to sign up yearly, and Group Health last year had to restrict enrollment.

The majority of enrollees (almost 60 per cent) have joined through industrial, labor and government worker groups under contracts with their employers. The rest sign up on a family basis as "co-op members" who make an initial capital investment and interest-free loan of $200 and have voting privileges. Last year's sign-up restriction closed the rolls to new worker groups; families and new employees of existing group members are still accepted.

Group Health's growth has also resulted in less broad interest in organizational affairs than there was when it was smaller and more tightly knit. One hears rumblings from some members about impersonality and even about a decrease in the quality of care.

SIX HUNDRED DOLLARS A YEAR

HMO advocates have never claimed that HMOs could or should be for everyone. They do have limitations. While Group Health of Puget Sound members pay less than many other HMO enrollees around the country, for example, it still costs the average family of four about $50 a month, or $600 a year, which is not cheap. Thus HMOs generally are not as accessible to the poor as to the middle-income, though the government does "buy in" to HMOs through Medicaid and other programs. At Group Health, nearly 8,000 members are enrolled under contracts covering Model Cities and welfare families and a rural group in southeast King County.

The low-income groups' care costs the government two-thirds of what it pays for others in the same programs, says Dr. Harold F. Newman, director of Group Health. "We save like mad with our program," he adds.

Reaching rural residents is another limitation. HMOs do not aggressively seek patients with special "outreach" workers or transportation systems. Rather, patients must come to their doors. But what Group Health has done here is to increase the number and availability of doors by opening seven satellite medical centers throughout this Puget Sound area.

What those who do belong to Group Health get for their dollar is considerable: as many doctor visits for medical treatment and diagnosis as they wish; pediatric care, including baby checkups and immunizations; X-ray and laboratory services, prescribed medications, eye examinations and emergency care. There are no time or dollar limits on hospital care. There is no charge for ambulance transportation within certain areas, for private room and special-duty nursing ordered by the doctor, for surgery, or physical therapy. If members fall ill or have an accident away from home, Group Health will pay up to $10,000 of their medical costs. They can go 10 times to a psychiatrist—or, more likely, a psychiatric social worker—without charge. After that, a mental health visit costs $5.

There are a variety of health education and mental health groups open to them: The middle-aged can air their problems in "middlescence" group therapy, the very fat in a GOP (Grossly Obese Patients) group. Smokers can learn how to break the habit, and it's hard not to stumble over a young couple in a natural childbirth class.

COUNSELING BY PHONE

Of importance to many mothers, no doubt, is the 24-hour service. On a recent evening at the main diagnostic and treatment center, adjoining Group Health's own 302-bed hospital, two young "nurse consultants" were on the phone steadily.

"Tell me about the rash—what does it look like?" asked Berkeley Lee. "Did your little girl eat strawberries today? Has she been near anyone with chicken pox?"

On the other phone, Virginia Kellmer prescribed treatment for a boy with a severe stomach ache. "It's now 7:20," she said. "I want to hear from you in an hour about how Bobby feels."

If members fall sick at night, there need be no frantic calls answered by an impersonal answering service or a weary voice telling you to come into the office the day after tomorrow. If the "nurse consultant" feels she can't handle the complaint by phone or that it cannot wait until morning, she gets in touch with one of the doctors on duty in the emergency department or with the patient's own doctor, chosen from Group Health's 160 staff physicians.

To be sure, Group Health does not cover every conceivable type of problem. Vitamins, tranquilizers and unusual drugs not in its formulary aren't included, nor are blood or blood derivatives. Most members cannot be treated for illnesses or chronic conditions they had before joining or for pulmonary tuberculosis (which is now covered by the state of Washington).

CONSUMER CONTROL

Owning its own hospital, controlling the hospital's policies, having a voice in its management and relation to outpatient services is clearly a key to how Group Health of Puget Sound keeps its costs down and efficiency up. But not all HMOs, it should be noted, have their own hospitals. Group Health Association of the District of Columbia, for example, is among those which do not.

Another key is the strong consumer control that has been the hallmark of this HMO from the beginning. If the average American mother has a complaint about her child's schooling, she usually can talk to the child's teacher or principal, get active in the PTA, pressure the school board. If she has a complaint about the way a doctor or nurse or hospital treats her child, she has no such recourse; she and her husband have little or nothing to do with the way the local hospital or health clinic or insurance company are run or the amount of money charged.

By contrast, Group Health Cooperative of Puget Sound is run by an 11-member, elected board of trustees. No doctor serves on this board, which meets monthly to study problems and set policies. Trustees are nominated by their respective Group Health geographical district organizations or run at large for staggered three-year terms. The medical staff serves on numerous working committees, chaired by board members. Says Dr. W. A. (Sandy) MacColl, a Group Health pediatrician, "We move together like chimes in the wind. There's a lot of lateral communication between the board committees, the medical staff, and the administration." Director Newman and his staff deliver medical care to enrollees under contract to the board and are responsible to it.

A Women's Caucus currently is demanding that contraceptive drugs and devices and their fitting be covered, and that vasectomies be paid for. Members, especially women, want more health education programs—in nutrition, for example, or in special women's problems like menopause.

COMPLAINT DEPARTMENT

When patients have something to say about care, they can use an ombudsman system set up for the purpose. In their office near the hospital, Virginia Barrows, member relations chief, and her two-woman staff handled 9,000 "patient contacts" last year—or about 6 for every 100 enrollees. Ninety per cent came in by phone, and 60 per cent were informational questions like "How do I choose a family doctor?" or "Would Dr. Goldberg mind if I send him a Christmas present?"

There were 142 compliments, but there were also more than 1,600 complaints (300 about, not from, patients, largely because they missed appointments). Considerable attention was given the 1,300 complaints from patients—whether they were about overcrowded facilities, including the mini-parking lots at the main center, administrative charges and dues, or, more seriously, about the quality of medical care (320). Half of the medical care complaints had to do with arranging appointments; next came complaints about the services or attitudes of non-physicians (82), and, last, complaints about physicians (56).

Such complaints are taken up with medical section and area chiefs. When there are too many complaints against a doctor, they show up in the stiff system of peer review under which the HMO's doctors periodically evaluate each other's performance. Group Health has little trouble recruiting staff, and 1 out of every 6 physicians does not survive a two-year probation period. The physicians' salaries, while perhaps not what they could earn in private practice, are comfortable, starting at a little over $24,000 a year and averaging $40,000, plus a secure package of retirement and other benefits.

Dr. John R. Kernodle, chairman of the AMA's board of trustees, charged in a Wall Street Journal article in August that an "HMO's desire to avoid a deficit may cause it to undertreat and underhospitalize the patient." But both consumer control and the doctors' peer review act as strong checks against such a possibility. The bigger problem in our society is that doctors are tempted to overtreat.

THE NEED FOR CHOICE

It costs several million dollars to launch an HMO. Though some like Group Health Cooperative of Puget Sound have made it on their own, it is unlikely that the HMO system can be significantly expanded without substantial federal encouragement.

The Senate bill containing $805 million over three years would provide grants, contracts and loans to organizations which are developing HMOs or to existing HMOs wishing to expand. The money would go generally to non-profit groups, though for-profits could get loan guarantees to cover some costs, and $100 million would go exclusively to rural HMOs.

The less ambitious House version, with $240 million spread over five years, includes a revolving loan fund to help new or expanded HMOs defray the costs of their first 36 months of operation. No money could go to construction under the House measure, and many features—such as subsidies for the poor and for high-risk groups, and an override of some state laws that make it difficult to organize HMOs—have been deleted from an earlier House version. The bill, however, does contain a significant multiple-choice feature whereby employers covered by the Fair Labor Standards Act would have to offer HMO coverage to workers where it is available.

Only 10 percent of the population, largely on the East and West coasts, now has access to HMOs. Most patients have no real choice about whether they buy medical care from a private practitioner or an HMO. They should at least be given that choice, argues Dr. Newman of Group Health Cooperative of Puget Sound.

[From Industry Week, Aug. 27, 1973]

NATIONAL HEALTH CARE CLOUDS THE BENEFIT PICTURE

There are many innovative approaches to cost-cutting that managers should investigate. One is the use of a Health Maintenance Organization, or HMO, as it's commonly called.

WHAT IS AN HMO?

"There are several kinds of HMOs. We're involved with two that operate as prepaid group practices," explains Wisconsin Blue Cross' Mr. Suycott. Another HMO approach, he adds, uses a foundation approach to medical care. Under it, a group of doctors sets certain fees for similar services and monitor each other to hold down costs.

This approach has proved to be moderately successful, but Mr. Suycott feels the prepaid group system will prove most successful. "Basically, it's a group of doctors who provide one-stop, one-door medicine," he points out.

As he explains it, a group of doctors sets up a clinic providing a broad range of medical services. As a result, there are immediate administrative savings because the central organization (like Blue Cross) handles billing, records, and other nonmedical services.

"Just think of the savings. Every doctor used to have his or her own nurse, receptionist, billing service, and so many other things. The same thing goes for equipment. When we brought our doctors together into one HMO, we had a surplus of 30 examining tables," explains Joseph E. Voyer, senior vice president, Wisconsin Blue Cross.

When patients need services the HMO doesn't offer, they're sent to affiliated hospitals and care facilities.

What about costs? "HMOs don't save that much during the first few years, but they do provide major savings over the long run," Mr. Suycott argues. "At first, you're usually providing broader benefits than most people have had. However, as you continue in the HMO, the heavy emphasis it places on preventive medicine begins to pay off," he adds.

For one thing, people don't put off care. As a result, hospital stays are shortened. "In our private sector business, we had a hospital admission rate of 1.1 days per person per year. In the HMO, at the end of the second year, the rate was 0.6 per person per year—and that's pretty significant when you realize that hospital care accounts for 65% of the health care dollars," the Wisconsin executive observes.

Best estimate of long term savings: 20%. Best advice to managers: find out if HMO coverage is available in your area. If it isn't, follow the lead of several large firms and start your own HMO.

[From the Cleveland Plain Dealer, Oct. 1, 1973]

AMA BLOCKS PROGRESS IN HEALTH CARE

(By Robert J. Havel)

WASHINGTON.—In a little noted battle between the HMO and the AMA, the latter, the American Medical Association, appears to be the victor.

The losers are likely to be millions of Americans who could be provided better health care at costs they could afford through HMOs—health maintenance organizations.

HMOs are a source of heated debate within the medical community. The AMA sees federal support of this group practice of medicine as a step down the road to socialized medicine. Supporters see HMOs as the medical profession's last chance at self-regulation.

In the course of the wrangle over HMOs in the U.S. House, advocates bent to the will of the AMA. So did President Nixon. Two and a half years ago, he was hellbent for building HMOs all over the country. Today, he views them merely as "promising innovations" worthy only of cautious federal experiment.

During that time the AMA's political arm has contributed millions to the re-election of Nixon and to the campaigns of sitting senators and House members.

True, the House has passed a bill in support of HMOs that was hailed as "landmark." It was hardly that, although it is the only health legislation of any importance that will likely emerge from Congress this year.

What it was was a bill to provide meager one-shot federal assistance to the establishment of health maintenance organizations (HMOs'). Even now it faces an uncertain fate. It was a far cry from a similar measure passed by the Senate, which itself was a retreat from the $5-billion proposal approved overwhelmingly by that body a year ago.

The House bill also backtracked from the Commerce Committee's original proposal, so much so that the American Medical Association (AMA) dropped its ferocious and long-standing opposition in the House to HMO legislation.

Health maintenance organizations are prepaid group medical practices in which an enrollee, for a fixed sum, is provided comprehensive care. Ideally, an HMO is one-stop medical care, sort of a medical supermarket that can be operated non-profit or for profit.

It would eliminate a patient's having to go to one end of town for treatment of an earache and to the other end of town for a bellyache.

Group practices have operated successfully in the United States for 40 years. An example is the Kaiser program in Cleveland. About 7 million are enrolled in about 800 such operations.

The staff doctors are paid either a salary or a traditional fee-for-service basis.

HMO proponents, who seem to encompass just about everybody but the AMA, cite many advantages to both doctor and patient. Through better organization of health-care delivery, soaring medical costs could be held down, they contend. Those costs amounted to some $80 billion last year or about $365 for every man, woman and child in the nation.

For the doctor, HMOs relieve him of the business end of medical practice. They afford regular hours, give him set vacations. They can encourage doctors to go into rural or urban areas they normally would shun, because they would be guaranteed an income. They would have an incentive for efficiency, because the more efficient they are the more money they can make and the more extensive the care they can give enrollees.

The enrollee is relieved of the worry of unforeseen medical costs. Most medical costs are covered completely by the prepayment, usually with the exception of such things as eyeglasses and routine dental care, which are offered as optional services.

"Group practice prepayment plans by their very nature enable many physicians to use the same expensive equipment," Jerry Voorhis, head of Group Health Association of America, said in a recent speech. "They have no economic incentive to perform needless operations, and they can organize all resources, human and physical, in an efficient manner.

"(They) have as their main objective to keep people ambulatory and out of the hospital."

(Voorhis, incidentally, was the first politician to fall before Richard M. Nixon. He was a California congressman when Nixon beat him in 1946.)

AMA opposes federal assistance to HMOs because it fears they are a step toward socialized medicine. Sen. William B. Saxbe, R-O., who is an ardent booster of HMOs, sees them as the exact opposite.

"The opposition of most doctors to HMO's is discouraging," Saxbe said. "HMOs are the greatest protection they have against socialized medicine. They are short-sighted in not recognizing the tremendous advantage of HMOs. They permit doctors to control their own practices and incomes. They can bite off as much as they want in HMOs. In socialized medicine it's just the opposite. The states sets the hours and wages."

An AMA spokesman said his organization is "on the side of the House bill."

"We believe in pluralistic medicine," he said. "One way is the HMO. It's all right to experiment with this baby to see if it will work. But we don't want to have a massive infusion of federal money into HMOs."

In today's terms, the $805-million authorized over three years for "this baby" is hardly a massive infusion—unless it is compared with the $240-million for planning and startup in the four-year House bill.

During House discussion, not a bad thing was said about HMOs. Why then did the House take such a timid step?

"Why the timidity? Because a lot of guys get money from the AMA," said Rep. William B. Roy, D-Kan., principal author of the House bill. Roy is an obstetrician turned politician who has been ostracized by the AMA.

Nevertheless, Roy defends the House bill as "landmark" because it is "the first federal commitment to better organization of the health-care delivery system."

"It's not great," he admitted, "but it is a commitment."

He believes that HMOs will provide competition for the traditional method of medical practice, "and then everybody else will do things better."

HMOs got their biggest boost from Nixon himself in 1971, when he oversold them somewhat as the savior of the medical system. Even the most enthusiastic supporters of the concept say Nixon was not realistic in setting as a goal to have HMOs available to 90% of the population by 1980.

The 7 million now enrolled in group practices constitute about 3% of the population. Sen. Edward M. Kennedy, D-Mass., author of the Senate bill, says his measure might double the enrollment, and Dr. Philip Caper, a Kennedy aide, estimates that at the maximum only 20% will ever be members of HMOs.

To realize Nixon's goal, Roy said, would have cost as much as $12 billion. Nixon's commitment to HMOs has faded along with his rhetoric in praise of them. Now he supports the House bill, and the AMA openly takes credit for his change of heart.

In his 1971 health message, Nixon hailed HMOs and outlined a broad plan of assistance and a determination to have HMO contracts preempt "archaic" state laws in 22 states that prohibit or limit group practice of medicine. His enthusiasm was undiminished in his 1972 message, when he called the HMO concept a "central feature of my national health strategy."

The AMA admittedly went to work on Nixon and the House Commerce Committee, nine members of which received AMA campaign contributions last year.

The administration's change of position was dramatic. In 1972, the administration planned to have HMOs available to 90% of the population in 1980. In his State of the Union message to Congress last March 1, what he himself proposed last year, was too costly and beyond what was needed. From its lofty position as a cornerstone on his national health strategy, the HMO had tumbled to a "promising innovation."

Meanwhile, every provision that the AMA found distasteful was stricken from the House bill. The main differences in the House bill from the Senate version are a smaller required benefits package to qualify for federal funds as an HMO, no grants to HMOs for care of the poor or persons with high medical insurance risks, no preemption of state laws, which, in effect, give medical societies veto power over HMOs, and no quality control commission.

Dr. Caper described the House bill as "fairly innocuous."

"The AMA succeeded in getting a bill it could live with," he said, "it's non-sense that we need another demonstration program. The House bill 150% stall as far as I'm concerned."

Like Roy, Caper does not find it desirable to have HMOs the "only option," but he believes, also, that "competition will improve all health care."

Saxbe said the House bill is not sufficient to give HMOs a chance to prove what they can do. He supports grants for the poor and for high medical risks because he believes HMOs should be available "not just to those who can plunk their money down." He also supports preemption of state laws, "because it's necessary to have the program applicable nationwide."

"What makes a state law so sacred?" he asked, citing the Occupational Safety and Health Act, which permits federal standards to override state law. "If they can come in and tell a guy what kind of ladder he can climb on, they can tell the states what kind of health care can be permitted."

Nobody wants to make HMOs the only method of health-care delivery. But if HMOs are so good why can't they go it on their own?

Justin McCarthy of Group Health Association of America thinks HMOs ought to stand on their own feet but they need initial seed money. Restrictive state laws have inhibited the growth of HMOs, he said, while granting the medical profession, under Blue Cross-Blue Shield legislation, "provider monopolies."

McCarthy concedes that state restrictions are not without reason, "because if HMOs are not set up right it's easy to rip people off."

"Without controls, a couple of doctors can get together, get an X-ray machine, set up an HMO and start charging people $50 a month," he said.

"HMOs are designed to meet the needs of the middle-income group of America, McCarthy said. "The poor and the rich get taken care of now."

But they are expensive to start up. McCarthy estimates the cost of a community-wide plan to be as much as $5 million.

"New community group-practice plans must provide new facilities, recruit professional staff and weld them into smoothly working teams, win general public support, achieve rapid enrollment of subscribers and in all probability incur operating losses in their early years." Voorhis said. "If the growth of plans assuming full responsibility for the health of large numbers of people is to take place at the rate hoped for, substantial funding from the federal government would appear to be a necessity."

If anything emerges from the House-Senate conference, it is likely to be a measure closely resembling the House bill.

"I have a strong feeling we will reach agreement rather quickly," Roy said. "And it will be something Nixon will sign."

"There's not enough money in the House bill to give HMOs a fair test," McCarthy said. "And the mechanics for a truly objective evaluation are not there."

[From the Cleveland Plain Dealer, Oct. 2, 1973]

Setback for Health Care Cause

Congress has fumbled an opportunity to pass health care legislation which could be immensely beneficial to vast numbers of Americans. This is a great shame.

The American Medical Association (AMA), following a tradition of resistance to change, has fumbled an opportunity to help improve the availability and delivery of health care service to the public. This is another great shame.

A report this week from Robert J. Havel of The Plain Dealer's Washington Bureau has made those conclusions obvious. Havel traced the progress of legislation to spur growth of health maintenance organizations (HMOs) from a promising start two years ago to a present condition of uncertainty and inadequacy.

An enlarged HMO concept cannot be dismissed simply as a step toward "socialism," as organized medicine alleges. It is a device to encourage group medical practices that enroll subscribers and provide them with comprehensive care for fixed, prepaid sums. No medical professional would be required to join such an organization; no citizen would be denied a right to seek professional advice and service where he pleases.

What is most attractive in the concept is that it might provide a means to deliver health care service more efficiently and less expensively to a greater number of people. President Nixon, who is no advocate of socialism, recognized this in 1971 when he urged a very large HMO program and the considerable funding it would require to get started.

But since then the movement has been backward. The AMA mounted a counter-offensive, Mr. Nixon backed off and Congress weakened legislation to a point of little usefulness. Unfortunately, the House of Representatives' view of the HMO issue now is likely to prevail if House-Senate conferees can agree and if Congress is disposed to take final action.

The House measure is insufficient for a number of reasons. To list a few, it provides too little money, it does not pre-empt laws in many states which prohibit or limit group medical practice, and it does not allow HMO grants for care of the poor. Worst of all, it appears to block effectively a possible way to hold down the soaring price of medical care which is mostly paid by average, middle-income Americans.

The dimension of that problem was measured only yesterday in a report from the Conference Board, a fact-finding organization for business and industry. Health care costs in the United States, now at $394.16 per person, will be $757.02 in 1980, the board found. Such a drastic increase would price even more people out of the medical-care market.

Shame on Congress and the AMA for not being alert to that possibility and for not encouraging an HMO idea which could be very much in the public interest.

ADDRESS BY SENATOR HELMS AT THE SENATE PRAYER BREAKFAST

Mr. THURMOND. Mr. President, members of the Senate prayer breakfast meeting October 3, were privileged to hear some very eloquent and provocative remarks by the junior senator from North Carolina (Mr. HELMS).

The observations made by my good friend regarding individual independence and conscience form the basis of Christian judgment.

Knowing JESSE HELMS as I do, I can truthfully say that his speech is a blueprint for his life.

Mr. President, I ask unanimous consent that Senator HELMS' speech at the Senate prayer breakfast, October 3, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESENTATION BY JESSE HELMS AT THE SENATE PRAYER BREAKFAST OCTOBER 3, 1973

Congressman John Buchanan of Alabama told the story the other day of three soldiers and an Army Chaplain who were huddled together in a cold, muddy trench in France at dawn one rainy morning near the end of the First World War.

A dense fog hung over the landscape, which was quiet as a tomb after a night of intense fighting. The bodies of dead soldiers were strewn over the battlefield—as far as the eye could see. Nothing was moving—or, at least, the four men could see nothing moving.

So they failed to see a German soldier inching his way, prostrate, across the battlefield. Suddenly there was a thud a few feet away from the four men, huddled together in that trench. Three of them froze in horror as they saw a deadly hand grenade just seconds away from exploding, sending them into eternity.

Three of them froze in horror, Congressman Buchanan emphasized, the fourth one did not. Without a moment's hesitation, the fourth man, whose name the Congressman will never know, flung himself across the grenade—just as it exploded.

That man died, the Congressman contemplates, so that the other three might live. And it so happens that one of the three men who survived was the Army Chaplain, who was to return home after the war and ten years later become the father of a little boy, John Buchanan, who was to serve in the Congress of the United States.

The Congressman tells the story with great emphasis, and he adds that there were two who died that he might live. One—in that muddy, cold trench in France 55 years ago. The other—nearly 2,000 years ago on that cross at Calvery.

I don't know about you, but the Congressman's tribute to that gallant man, whose name he will never know, led me into a bit of agonizing self-appraisal.

I have found myself wondering what I would have done, in that split-second. Of one thing I am sure: That man didn't stop to assess the situation in any self-serving way. I'm quite certain that it didn't cross his mind to say, "It's either one of us, or all of us—so I'm gone one way or another." I think that in that flash of time, there was an instant nobility in that man—a moment when he confronted a challenge to do what had to be done if he was to save the lives of his friends. So he did it!

Would Jesse Helms have done it? I hope I would. I even pray that I would.

But that doesn't get me off the hook, because each of us faces lesser challenges every day of our lives.

I remember John Stennis telling us that he asked himself—not if he wanted to live following that ordeal earlier this year, but why.

Senator Stennis will forever be an inspiration to me because in so many ways, he has taught me the value of living. The same is true with so many of the men who gather here each Wednesday morning.

At the risk of embarrassing Harold Hughes, I will say that this man, by his courage and determination, has supplied a light for my own path. He has given a new dimension to my own awareness of what faith can do—or, to put it another way, what a man can do if he can seize the grace that is constantly extended to every one of us.

I had a friend long ago, once a great member of this Senate in which we serve today. His name was Josiah William Bailey. Senator Bailey took a lot of stands which were highly unpopular in his day. Every time he was up for re-election, it was widely forecast that he would be turned out of office.

He never was. He died, a Member of the United States Senate. He won re-election overwhelmingly, not because the people of my state necessarily agreed with all of his votes and positions in the Senate—they certainly did not—but because they knew that Josiah Bailey was a man of principle and wisdom and courage. Events have proved that he was right in his unpopular positions of the 1930's and 1940's, even though he had a difficulty in achieving anything like unanimity of favorable opinion back when he was *taking* those positions.

In early 1937, a newspaper editor in my state published a front-page editorial condemning Senator Bailey for not going along with public opinion. "The strange part about it " said this editor, "is that Senator Bailey would be popular if he would just listen to the people . . ."

Senator Bailey wrote a letter in response to that editorial which to me will always be a classic.

"But what is my duty," Senator Bailey inquired, "when I think the people are sincerely wrong—sincere though they may be. Am I to discard my own beliefs, and instead seek to be popular?"

It was a long, but eloquent response, that Senator Bailey wrote. Let me share a few paragraphs at random with you:

(NOTE: At the suggestion of several who were present at the Prayer Breakfast, I shall include here the entire letter written by Senator Bailey to W. O. Saunders, newspaper editor at Elizabeth City, N.C.—J.H.)

THE HARD WAY

MY DEAR SAUNDERS: This is a strange picture you paint of me—as a man indifferent to the opinions of his fellows.

On the contrary I know of no one who craves agreement with his fellows more than I do—nor do I know one who more highly esteems their applause and good will; no one enjoys going against the tide of public opinion. It is the hard way. And like all men, I would have myself the easy way.

But there are other considerations: I remember one Pontius Pilate. He pleased his crowd—and let them slay their best friend.

He went the easy way. So he held the governorship. I do not admire him, but he was a smart politician.

I remember one Peter—a fisherman, who declared in response to the people who demanded that he agree with them: We ought to please God rather than men. Peter went the hard way. They tell me he lost his life on a cross. But I admire him.

I remember Christopher Columbus, the majority of whose sailors demanded that he turn back, but who nevertheless pressed on. He went the hard way. He was most unpopular with his crew. But he discovered America. His sailors discovered that they were cowards.

I remember Robert E. Lee, who refused the command of the Union Army, and all the rewards of the national gratitude, to do his duty by his state. He went the hard way. There were some who called him a traitor. And there are those to whom he is an inspiration.

I remember Moses who chose to dwell in the tents of the wandering tribes of Israel rather than the palaces of the Pharaohs. He went the hard way. He died in the wilderness, but God gave him a mountain top to die on; and he is still on the mountain.

I remember Him who said to the Pharisees: "Your fathers stone the prophets and you build monuments to them." He knew the hard way. He died on the instrument of the slave's torture. But all men look to Him on the Cross.

None of these were popular men. They, unlike Pilate, went against the tide of public opinion. None of them was ever governor.

I remember Emerson and his great essay on self-reliance, in which he bade every man speak his own thoughts, do his own duty as he sees it, saying that this was the only way to serve one's fellows; that this is the way, one created in the image of God ought to go.

And many others do I remember, with whom I know I am not worthy to be mentioned.

When I was a young fellow and all the way of life was unknown to me, my teachers urged me to have the courage of my convictions. My Sunday School teachers would tell me to "dare to be a Daniel." Do they yet do this? Or do they teach their pupils to have the courage of somebody else's convictions? I thought then that the way of courage of one's convictions was the easy way. Imagine my surprise upon finding it so invariably difficult these forty years as editor and public man.

Should they have taught me to dodge and duck and squirm and hide behind every bush and get through this life like a serpent gets through the grass? Is that the advice you give your young readers? And would you have the high school set up a department of demagoguery and give diplomas for proficiency in sitting on a ten-rail fence and keeping both ears to the ground?

You say I rely upon the past. It was Patrick Henry who said that he had no light to guide him save the light of the past. If you know of any other, tell me what it is and where to find it. That and that inner light which we are told God kindles within one's soul—these only are known to me. But if there is yet another, tell me the way to find it, for I know I need every possible light.

Do you think that I do not know the easy way. Do you think that I could not choose the easy way. Do not think that I do not see around me men who have successfully made a business of holding office, and who all their lives have held office finding the course that pays best in votes and "Going for it baldheaded." They do not have to work. They do not have to contend. All they have to do is to deceive. But I have deliberately chosen not to go that way. I am determined to do the best I can for the people who have trusted me, whether it pleases them at the time or not. I am thinking of their children no less than of them. I may be wrong, but if I do my duty as I see it, I shall at any rate have the satisfaction of a good conscience.

We all admire Henry Clay for saying that he would rather be right than President. Why do we so often tell public men that it is better to be popular than right? Shall we reverse the story and say that Henry Clay was a fool?

And let me say the same duty falls upon newspapers as upon public men. I was made sick at heart recently when a prominent newspaper man said to me, "You know, we newspaper men are merchants. We have to give the people what they want." He was more interested in making money than in doing right. He was selling opinion as a merchant sells cabbage.

Would you have me conduct a poll on questions of public policy, ascertain on which side the most voters are, study the way to get re-elected? Or would you have me study these questions and do my duty? And if I do this, am I to be portrayed as indifferent to opinion, or obedient to duty? Which is the selfish way? Which is the unselfish way? Am I here to serve the people, shall I seek to do the popular thing and get the popular applause and hold on to my office, or shall I seek to do the right? You cannot answer these questions for me. I have answered them within my soul. I shall do my duty.

I know some history; and I know that the most horrible chapters in the history of mankind were written by subservient judges. I know what a struggle it was to establish an independent judiciary; and I know how blessed have been the fruits of the success of that great struggle. I know that I can render no greater service to my generation than by resisting to the utmost every step to impair that independence. And I am determined to render that service. It will justify my existence.

History also teaches me that second thoughts are more to be trusted than first thoughts; that reason is better than impulse; that the long view is better than the view of apparent immediate self-interest; that the best friends of the people are not those who appeal either to their prejudice or emotions, nor who agree with them just to please, nor those who make the loudest professions of interest in them; that one who would serve them must study measures and seek the right; that men engaged in the tasks of life have but little time for study or meditation, and if some one does not study for them, they will learn only at the cost of bitter experience; and that one honest man who will tell the truth is worth ten thousand who are content with them rather than take their criticism or their curses. And history also tells me that in the long run only the men who are willing to pay the price receive the rewards of a grateful posterity, or the satisfaction of duty done.

So if I have made my choice, you must say that I chose the hard way, that I did not choose it because I was a fool, or willfully; that I chose it unselfishly not for my own ease or interest, but for the people who have trusted me and honored me.

Very truly yours,

JOSIAH W. BAILEY.

Several years ago, I was sent a tape recording of a sermon delivered in 1944 by the late Dr. Peter Marshall.

The tape was a sermon delivered by Dr. Marshall at the end of a hectic political season. Let me share a few of his words with you:

"May I suggest to you that America needs prophets today, men—and women too, because more than once in history a woman's voice has stated the issues clearly—who will set before the nation the essential choices. God, give us men!

"A time like this demands strong minds, great hearts, true faith and ready hands. Men whom the lust of office does not kill. Men whom the spoils of office cannot buy; men who possess opinions and the will; men who have honor; men who will not lie. Men who can stand before a demogogue and damn his treacherous flatteries without winking. Tall men, sun-crowned, who live about the fog in public duty, and in private thinking. For while the rabble with their thumb-worn creeds, their large professions and their little deeds mingle in selfish strife, lo, freedom weeps!

"Wrong rules the land and waiting justice sleeps. Love of power and authority have enslaved the hearts of many Americans. The seeds of hate and intolerance have been sown, and will reap a bitter harvest. Our moral standards have been lowered—our national moral standards—and no nation makes progress in a downward direction. The growth of addiction to alcoholic beverages, for example, by women as well as by men, in great numbers, is of great concern to every patriotic American who loves his country and is anxious about her future. Not all of those who are concerned are cranks, blue noses or killjoys. Perhaps it is unfortunate that those who speak for temperance in the newsreels are not particularly photogenic, to begin with. And they are usually posed and quoted in such a way as to provoke derisive laughter in our theatres. The cause of temperance is not advanced, and we who are concerned about it cannot help wondering just what will happen to a country that apparently is no longer aware of the dangers.

"Illustrations could be multiplied, both of the decay of morals and of the activity of evil forces in our midst. The old time evangelists used to stress the tragedy of men and women individually going to hell. We don't hear very much about that nowadays, because they say people don't believe in hell, but I notice they talk a lot about it in their conversations. But today we are living in a time when enough individuals, choosing to go to hell, will pull the nation down to hell with them.

"The choices you make in moral and religious questions determine the way America will go. We badly need a prophet who will have the ear of America, and who will say "If the Lord be God, follow Him!"

LOWER SOCIAL SECURITY TAX FOR POOR

Mr. CHILES. Mr. President, an article appeared in the Washington Post, October 3, 1973, telling of a little-noticed testimony Secretary Weinberger gave last week before the Senate Finance Committee. The article mentioned that President Nixon asked Mr. Weinberger to "come up with some fresh approaches to welfare reform," and then goes on to explain what some of those "fresh ideas" are.

I ask unanimous consent that the text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HEW Suggests Lower Tax on Social Security for Poor

(By Peter Milius)

Health, Education, and Welfare Secretary Caspar W. Weinberger has suggested a lowering of Social Security taxes for the working poor as one possible means of achieving "welfare reform."

The suggestion was made in virtually unnoticed testimony a week ago before the Senate Finance Committee.

President Nixon has asked Weinberger to come up with some fresh approaches to welfare reform. The administration made one reform proposal in 1969. It remained an issue before the Congress for most of Mr. Nixon's first term, but no bill was ever passed.

Weinberger told the Finance Committee last week that the Social Security tax is "a significant payment for low-wage earners." The tax has gone up sharply in recent years—most recently last January—and Weinberger said that this year, for the first time, "more than half the nation's taxpayers will pay more Social Security tax than federal income tax."

The Social Security tax is now the same for all wage-earners—5.85 per cent on the first $12,600 of income.

Critics point out that it takes a larger percentage of a poor man's income than of a rich man's. Some would like to see it made progressive, the rate rising with income as the income tax rates do.

Weinberger's testimony was on a "work bonus" idea before the committee that would also have the effect of lowering net tax burdens on the working poor.

"We see alternative techniques which may be preferable," he said. "In general terms, an alternative might be to reduce or eliminate withholding of the (Social Security) tax for a family with an income below" some agreed-upon level. "As income rises above this level, withholding would gradually phase in."

He was no more specific in his testimony, and aides said yesterday that this was only one of many approaches being explored.

One of the problems in welfare reform is that so many existing federal programs are intended to aid the poor—tax reductions, direct federal payouts, special subsidies for food and housing. Some authorities favor consolidating as many of these as possible into a single program, a kind of merger of the tax and welfare systems. Weinberger's suggestion leans in that direction.

In other developments yesterday:

Congressional tax reformers said they would try to attach a $4 billion tax reform—a tightening of the present minimum income tax—to a bill coming up soon to raise the federal debt ceiling. They have tried this before and failed.

A number of private tax reform organizations said they have tentatively agreed on a single reform package which they will now push in Congress. The package would raise about $10.7 billion a year by closing assorted tax loopholes, and about $6 billion of that would be given back to the taxpayers as tax credits.

The groups include Common Cause, the Tax Action Campaign led by former Sen. Fred R. Harris (D-Okla.), and Ralph Nader's Tax Reform Research Group. Congress is not expected to take up changes in the tax code until next year.

Mr. CHILES. Mr. President, when I first read this article I was reminded of something Emerson wrote in his essay on "Self-Reliance." The great essayist's main point was to encourage his reading audience to trust themselves and their intuition—their ideas and feelings, and follow them through—

> Else tomorrow a stranger will say with masterly good sense precisely what we have thought and felt all the time, and we shall be forced to take with shame our own opinion from another.

After much soul-searching last year I voted against the final passage of H.R. 1.

I knew the Finance Committee had studied various proposals at great length. But I thought the committee had been forced to come out with the welfare reform section too quickly because we were fast approaching the end of the session. In addition, there had been differences of opinion within the committee on different proposals—the President's family assistance plan, Senator RIBICOFF's program giving more guaranteed income than the President's proposal and then there was also Senator LONG's workfare proposal.

I was against the guaranteed income idea because I felt it would kill incentives for people to work whether it was the Nixon or the Ribicoff plan. The workfare concept to me appeared much better, but the committee never was able to work out provisions that fit together and stood up to careful scrutiny.

But above any of these reasons for objection, I felt absolutely compelled to vote against the bill because of what I felt inside—what my instincts told me. As I campaigned in 1970 I found more and more that the guy who really was not represented was the wage earner of this country, the man making $3,000 to $12,000 a year. I met so many people in the low-income brackets who would express their pride to me over and over again in earning a check instead of being on welfare. For them it was a real point of genuine pride that their income, even though it might be small, was earned and not received as a dole or handout.

I began taking a closer look at the facts and figures regarding welfare and found that the increasing numbers of people on welfare were closely paralleled to the increasingly large benefit payments which placed a greater and greater financial burden on the low and the middle income taxpayer. As this person's relative tax burden—including social security payroll taxes as well as income taxes—increases, it is natural that his incentive to work decreases. If he is on the low end of the income scale, the working taxpayer may find that welfare payments are larger than any after-tax income he or his family can bring in. He might then slide over—in fact he is in a sense "encouraged" by the system's structure to slide over to the growing group of nonworking poor who are supported only by welfare checks. His family may fall apart, an alarming trend encouraged by the current welfare system which often makes it unprofitable for families to stay together. And, yet, though more and more people go on welfare, the truly needy—those who do not have the physical or mental abilities to support themselves—receive relatively less, sometimes less than they need to stay alive.

In November 1971, I introduced an alternative to H.R. 1 and the President's family assistance program, my substitute, S. 2872, contained what I thought—and still think are the best features of both plans, the two most important changes my bill proposed were: First, the limitation of social security taxes to the amount of income taxes a person has to pay; second, the elimination of a minimum social security benefit.

My bill provided for, in fact, the very thing Secretary Weinberger so recently suggested—that social security taxes paid by low-income people shall not exceed the amount they pay, as income tax is.

Under this provision, social security taxes would be deducted from an individual's pay just as they are under the present law. However, at the end of the year the individual could qualify for a refund of the credit toward any unpaid income taxes if his social security taxes exceeded the amount paid in income tax.

The way the present system is set up, a man can pay more in his social security taxes than in his income taxes. For example, a man with a wife and two children who earns $3,000 a year pays no Federal income tax, but pays social security taxes of $156 per year. This rises to $181.50 in 1987. This same man could become entitled to a social security benefit of $154.50 a month at age 65, under H.R. 1. However, a man 65 who never worked could qualify for a monthly payment of up to $150 a month under the wefare provisions of H.R. 1 and, in addition, the man who worked to earn the $3,000 a year would find that as the result of having paid social security taxes his retirement income would disqualify him for medicaid and he, unlike the man on welfare, would have to pay the medicare premium—now $5.60 a month—so that he would actually be left with less money in his pocket than the man who had never worked. Clearly this is a system in need of reform.

The second major point in my proposal was the elimination of the social security minimum benefit. I want to emphasize that I am talking about people who would qualify for minimum benefits in the future. I am not suggesting that anyone who gets benefits now should have these benefits reduced. Anyone receiving the minimum benefit would continue to receive it. However, in the future the monthly payment would bear some relationship to the amount paid in social security taxes.

There would be some income test applied for this amount. And this one change would result in a long-range savings of 3 percent of taxable payroll or an average of about $15 billion annually.

As Mr. Weinberger suggests, it is the low- and lower-middle income workingman who bears the heaviest burden for financing social security benefits. My proposal would have increased the social security tax base from $7,800 a year to $10,200 in 1972 rather than the $9,000 that had been scheduled to go into effect in 1972. I felt this would be a step toward relieving the working man of his portion of the social security burden.

When adopted, the maximum tax base of $7,800 a year was fairly close to the median family income. But that income level has increased and I believe the social security tax base should increase with it. No one pays payroll taxes on earnings over $7,800 under the current system, so naturally people with high salaries pay a smaller proportion of their earnings than people with low salaries. I believe those with higher incomes should bear a greater relative share of the burden. Unfortunately, the very people who can least afford to pay end up, under our system, paying a larger portion of their income than any other group to support the social security system and their fair share of the general revenue welfare systems. These are the people we should be encouraging to work, yet their incentive to do so is reduced by a high tax burden which continues to grow.

Mr. President, when the conference report on H.R. 1 came before the Senate I supported it. Those parts of title IV I had objected to earlier, including the President's family assistance plan, the Ribicoff proposal which went even further and the Finance Committee's test plan, were removed.

While I was still not satisfied with the disproportionate cost which would be financed by an increase in payroll taxes and passed on the workingman the conference committee version of the bill had been improved.

I am delighted to learn that President Nixon has directed his Secretary of Health, Education, and Welfare to work on some new suggestions for welfare reform. I am presently engaged in reworking the essential elements of the bill I introduced last year for early introduction and hope that Mr. Weinberger will give these proposals his careful study. Certainly when I introduced S. 2872 the ideas it contained were not "revolutionary," but they were an innovation from the other plans that were discussed and they were never given the consideration I felt they deserved. What matters in the final analysis is not whose proposal is adopted—or who gets the credit for authorship, but rather will the plan work? Does it help alleviate the heavy burden our low- and lower-middle income citizens are carrying?

All agree our welfare system is in dire need of reform. I see great challenge and opportunity in the welfare "crisis" we now experience. Our opportunity is to help those in need and our challenge is to devise an equitable system—to distribute the burden for the help we give through a fairer system.

Many Americans have begun, unfortunately, to doubt the very ability of their Government to cope with complex, difficult problem such as welfare. Their faith and confidence in our Government can and must be restored. Meeting the welfare challenge would be an excellent beginning.

Our goal is clear—to aid the needy and share the burden for that help fairly. I hope the Congress can work with the administration to achieve that goal as quickly as possible.

What Secretary Weinberger has suggested, according to the Washington Post newspaper article, in the words of Emerson, is a suggestion of "masterly good sense." Taking my own bill of last year, I intend to reintroduce its essential elements, to take, "my own opinion from another." But I will disagree with Emerson—there will be no shame in this; only the sincere hope that there will be a spirit of cooperation of efforts this time around—and success in achieving the goals we have all set before us.

LEGISLATORS URGED TO PERSEVERE IN MAINTAINING "POWER OF THE PURSE"

Mr. HUMPHREY. Mr. President, the present confrontation between Congress and the President over the "power of the purse" is of the utmost importance to the continuation of constitutional government as we have known it for two centuries in this Nation.

Recently, I had the privilege of discussing this subject with State legislators from around the country at the annual meeting of the National Legislative Conference. In those remarks, I noted that if the President succeeds in stripping the "power of the purse" from Congress, that power will soon be usurped by executives at every level of government.

Mr. President, I believe that if we are to succeed in this confrontation with the Executive we must persevere. We must defend the constitutional authority of the legislative branch in the Congress, in the press, in the courts, and in our communications with the Executive.

I ask unanimous consent that the full text of my speech to the National Legislative Conference be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY

Today I speak to you as a fellow practitioner in the field of legislation. I lay no claim to being an expert. I am a pragmatist. I hope I am practical. I understand, as I am sure you do, the difficulties that we face in legislative chambers. I have spoken to many of our young people to indicate to them that the art of compromise in legislation does not mean the evolution of progress and I hope that we, as individuals in our respective roles, whatever that role may be, would understand that we have some common goals and common purposes.

Three years ago I spoke to some of you in San Juan and two years ago up in Minneapolis. What I said at these places can be said once again. Government is facing its moment of truth. No man or women in public life is immune from the feeling of disenchantment, discouragement, anger and distrust that seems to be growing in this nation of ours because of developments that are shameful and scandalous.

In addition, we continue to face the same old questions. We must ask ourselves: "Can our political institutions respond to unresolved and continuing problems of the mobile, vast, industrialized, urbanized America?" We cannot turn back the clock. We all know the hard facts of life. Nobody needs to list them. We are plagued with problems that only a few years ago we could ignore: air and water pollution, traffic congestion.

Who would have ever *dreamed* of an energy shortage or a food shortage in America? Problems of social services and law enforcement and welfare and health care education. Every one of these is on the front burner and will continue to be there. The cost of paying for all of this is heightened by a cruel and continuing inflation. And yet we are not dealing with these tremendous problems. And you and I know we are not dealing with them. I doubt that the old approaches are enough and surely turning back and pretending it is all over is not enough; you do not solve the urban crises by proclaiming that it is over.

The purpose of government is to secure the blessings of liberty for ourselves and our posterity. The purpose of government is to establish justice, to ensure domestic tranquility, to provide for the common defense and to promote the general welfare. That is what is written in the Constitution. And what the Constitution says is as important as what it doesn't say. There is nothing in the Constitution that protects government from the people. But there is a lot in the Constitution that protects the people from the government. There is nothing in the Constitution that talks about law and order. There is something in the Constitution that talks about law and justice. There is nothing in the Constitution that talks about law and justice. There is nothing in the Constitution that talks about surveillance or secrecy or executive privilege, but there is and there are words in the Constitution that say "we, the people" not "we, the President, not we, the senator, or we, the governor or legislature" but "we, the people". Those who wrote that Constitution placed emphasis on the duly elected representatives of the people. Whenever there is an executive who disdains the legislative branch, that disdain and contempt flows to the people themselves. There is a doctrine of popular sovereignty in this country; and it needs to be remembered.

But the average citizen isn't acquainted with all the political theories. So when we say "Federalism" to him, he doesn't really quite grasp its meaning. All he knows is that taxes are high and not much happens when he has a complaint. To him, government is politics and politics is government, and all the explanations of national, state and local agencies add up to one thing—more politics and more politicians and more government.

We must ask ourselves how do we, who are supposed to be somewhat knowledgeable, make this system work? Well we can't make it work through confrontation. That makes for headlines. We can't make it work by isolation. We can't pretend that there are neat compartments: over here is the Federal government; over there is the state government; and over there is the local government.

We know that Federalism means, above all, cooperation. It functions best as a partnership between governments. No problems are purely Federal or state or local.

Welfare, once a local problem must now be a Federal concern also because variations in payments create mass movements of people;

Local streets connect with a national high speed road system;

Garbage collection, what could be more local? But it is a national problem because no place can be found to dispose of vast accumulations of solid waste;

Education takes on national importance because a nation is great by the number of intelligent, creative people it possesses.

We have got to find a middle ground. Those who insist that categorical grant programs alone can solve these problems are wrong. And those who believe that only revenue sharing will solve these problems are also wrong.

None of us has exclusive jurisdiction. What we need is both a sense of accommodation to each other, as well as a respect for our respective roles.

But I say that the so-called "New Federalism" has become "Neglected Federalism". And I want to document my case. I supported revenue sharing. I was the co-author of it in the United States Senate. Revenue sharing, indeed, has been a boon to state and local government. But I also know what we legislated. And I know what the President said when he signed it. He proclaimed revenue sharing as new money; over and above all other Federal grants. And that is what we in the Congress intended.

But virtually every state found their budgetary process in this session of the legislature in trouble because #1: revenue sharing was stretched and stretched and stretched to cover everything; and #2: the impoundment procedure exercised by the executive branch of the government started to distort the whole budget picture. Now you can't have any New Federalism by impounding funds duly appropriated by the Congress of the United States. That will not work.

The power of a legislative body is the power of the purse. We are not going to be always wise with it. Presidents aren't very wise. Nor are all governors. We are fallible. But the elected representatives of the people are empowered under Constitutions, states and Federal, with the power of the purse. And we are entitled to make mistakes as well as to have strokes of genius. If we make mistakes, we pay for it at the ballot box.

Further, no President of the United States can take that sentence out of the Constitution which says that he "will faithfully execute the laws of the land"; or interpret the word "execute" to mean "kill".

James Madison, in the *Federalist Papers*, put it this way: "This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

So the central issue is whether our nation will be governed by one man rule or by the Constitutionally-established process of representative government—by laws and not by men. It is a tragic irony that our current Constitutional crisis has been precipitated by the over-reaching of a President who is a self-proclaimed constructionist and an exponent of New Federalism.

My views on impoundment are pretty well known. I happen to believe that it's illegal. It can and does alter, change and terminate programs. It revises public policy. It performs the function of an item veto; a device prohibited by our Constitution. The fact that other Presidents have withheld funds from programs approved by the Congress doesn't make it right.

"Policy impoundment", which has been invented by this Administration, withholds funds not merely to effect savings, not merely to prorate the rate of expenditure over a long period of time, not as directed by Congress, nor as Commander-in-Chief, but because the President or the Office of Management and Budget has decided that programs do not reflect Administration priorities. These are impoundments used to change the law, repeal the law and defeat legislative intent. It's a method for substituting "executive will for legislative purpose.

Housing programs are delayed. Rural housing is cancelled. Rural electrification rates are changed. Maybe the Congress was wrong in maintaining a 2% rate on rural electrification loans but we give a better rate to people overseas. We extend them a ten year grace period. The President didn't impound those overseas funds. But when it came to farmers, he said "that's wrong" and impounded all the funds.

Now, if the law's wrong, there's a way to change it. That is in the legislature. Let me warn this legislative assembly, if Presidents can get by with it, governors will try it. It's a precedent that you cannot afford.

Until last fall when we passed the Impoundment Information Act, we didn't even know how much was impounded. It was neither explained, reported or justified. It was simply done. Impoundment violates the separation of powers. I find myself in agreement with the Associate Justice of the Supreme Court, the former Assistant Attorney General, Mr. Rehnquist. While he was Assistant Attorney General, he responded to the suggestion that the President has a Constitutional power to decline to spend appropriated funds. He said, "We must conclude the existence of such broad power is supported by neither reason nor precedent."

We in Congress also went to the courts. I am happy to report that since January of this year, the District Courts in seven States and the District of Columbia and the Court of Appeals ruled *20 times* against the President in *21* impoundment cases. They said the impoundment was illegal and unconstitutional.

If the President succeeds in stripping the Congress of the power of the purse, it won't be long before that power (which is the power that belongs to the elected representatives of the people) will soon be appropriated by executives at every level.

But what can we do as legislators to prevent this illegal executive infringement on the rights and responsibilities of the legislative branch of government? We must persevere. We must defend the Constitutional authority of the legislative branch in the Congress, in the press, and in our communications with the executive. And that we must defend Congressional power of the purse in the courts.

In the last eight months the Congress has:

Established minimum levels of accomplishment with appropriated funds;

Included mandatory language in more of our appropriation bills;

Passed legislation in both houses establishing impoundment procedures to affirm or reject any fund withholding;

Gone to court to force the President to use the appropriated funds.

It has been said that state governments are an anachronism. Other studies judge the U.S. Congress to be hopelessly out of date. You have all heard the blistering attacks upon legislative bodies. I don't think we ought to get defensive. We should do what needs to be done. Appropriate the funds that are necessary for proper staffing.

Research, information, communications—the openness which the people deserve in legislative assembly. And we need more budget reform and control at the Congressional level; a job of structural reorganization. We have a job of budget preparation and monitoring of programs. I believe that monitoring is not just a General Accounting Office function. I have also been interested in the budgetary process for a long time.

The Office of Management and Budget is now deciding whether or not programs that we authorize should be carried out. We have huge programs for urban centers—not a mayor is consulted. We have programs relating to state planning—not a state planning agency is consulted. I have yet to find a governor who has been called in by the Bureau of the Budget and asked "What do you think is needed in your state?" No, these budgets are prepared in-house by a group of people who live in a kind of an accountant's catacomb.

They get their information from their district offices and the district office information is filtered up through the departments. The filtering process is very good—all humanity is filtered out by the time it gets to the top.

A budget of the Federal level of government of $268 or $270 billion ought not to be prepared just by a Cabinet and the President and an Office of Management and Budget. It ought to have the input of state legislative bodies. It ought to have the input of mayors and governors. It ought to have the input of people who live in these communities: labor movements, Chambers of Commerce, educators.

Our Federal system is uniquely successful in the world. But I must say we need our creative talents as never before to utilize our Federal system. Let me describe some proposals I have been working on. I need your support.

I want to see us establish a Federal-State Legislative Council. This bill, S. 1099, creates a permanent, 24 member, bi-partisan council. The council will explore and research problems common to the legislative process. It will study legislative management, communication between Congress and the respective state legislatures, substantive program evaluation and issues of Federalism. We need to scrutinize the relationship between legislative and administrative bodies, coordination of program administration, Federal preemption, intergovernmental taxation and budgets.

The Council was never more needed than today. Legislative institutions are being tested and challenged. State and Federal legislators must recognize that they share the same future. We, in Congress, must work with state legislators, most recent Federal programs require active state cooperation. Progress on air and water pollution, better education, cities' programs or the problems of rural America—all depend on what state legislatures are willing to do.

We are fellow policy-makers. We are the only direct representatives of the people. We must be in touch with each other. National legislation must be rather broad in principal, but it also must be adapted to fit the state and the community, and here is where you come in with your advice and with your counsel.

Another proposal I'd like to see is a better way to finance public structures. You've got to come now to the Congress every time you want some extra funds for public works. We've got the World Bank, the Inter-American Development Bank, the Asian Development Bank, the Central American Development Bank, the International Development Association, the U.N. Development Fund. We've got something for everybody except ourselves.

We need, for the financing of many of the public works that are vital to the health of our community, a National Domestic Development Bank. I need your help to get it done. Why the average municipal bond in this country is less than 15 years. If we had to build homes with 15 year mortgages, we would be living in teepees or sod huts.

In Sweden and Germany they have a bank such as I am talking about with loan terms of 100 years. Some have terms for 40 and 50 years. That's why they finance new cities. That's why they finance transit systems. That's why their Mark today is good and their Crown and Kroner is good, because they put some sensibility into public financing. The need for new schools and new housing and new communities requires some new methods of public financing. Our country is privately rich but publicly poor. It is poor because capital is not readily available. We have no program to put capital to work in the public sector.

The National Domestic Development Bank will be a new source of capital for public development, particularly by state and local government. It will cushion the hardships of a fluctuating credit market. Its purpose is to assure that programs of broad social benefit get appropriate economic support. State and local governments now must undertake better social planning and protect the environment on their own. They get no encouragement from the national Administration.

The National Domestic Development Bank will offer long-term loans at low rates of interest. The bank's regional offices will offer planning and technical assistance. State and local government people will help operate these regional offices.

We need the same thing for rural development in America. Rural America—and there's rural America in New Jersey and Connecticut and Delaware and Rhode Island, just as there is in Minnesota, Nebraska, North and South Dakota, and Wisconsin—rural America needs attention. We cannot permit it once to be drained of its manpower and twice of its resources. It needs attention.

Another problem which needs our tireless cooperation for solution is the renewal process in our cities. The Housing Act of 1949 created the urban renewal program. During the 24 years since the passage of that Act, we have learned a good deal. It is clear that the program has not accomplished all that we hoped for it. On the other hand, it has done simply wonderful things in many cities. In the Twin Cities of Minneapolis and St. Paul the renewal program has had impressive results.

We, as a nation, still struggle with the problems of how to eliminate slums—build new housing for poor people without creating slums in the future. It is a constant problem. One that will not go away if we ignore it.

I favor a new program which gives much more flexibility and authority to the local people. But I do not favor merely another special revenue sharing grant. We can give more money by merely expanding the general revenue sharing program we already have.

Instead of urban renewal agencies as we know them, we need something better: a working partnership of all levels of government and private investment and entrepreneurs. I would create a system of urban area development corporations. Present urban renewal agencies would become quasi-public corporations. The private sector would be involved across whole urban areas.

The operative power for these urban area development corporations must come from state law. The corporations must have the support of the Federal government interest subsidies, guarantees, tax incentives and technical assistance. But they will only be effective if state legislatures give corporations the powers which are necessary for rehabilitation and redevelopment work. The power to issue bonds, prepare and execute developments plans, exercise powers of eminent domain to buy and sell property, to rebuild neighborhoods. The bulldozer is not the only instrument that's available. We can rebuild as well as tear down and build anew.

Furthermore, it is necessary to have a Presidential representative for every region in this country to coordinate the programs. We send a Presidential representative to NATO, we send a Presidential representative to OECD. We send a Presidential representative as an ambassador to every country to coordinate all of the same agencies that are out in our respective states. But we have no Presidential representative for our people; that is, someone who speaks for the President and has the power of coordination—who can bump heads together and get some answers for people who need answers.

We need regular meetings between the President and the governors. There must be open and frank opportunity to discuss the problems of policy and administration. Presidential luncheons and dinners are no substitute for planned organized work sessions which modern governmental coordination requires.

Local governmental leaders should meet regularly with the Vice President, the Speaker of the House and the Majority and Minority leadership of the House and Senate.

An Office of Balanced National Growth and Development which will embrace all levels of government as well as private enterprises should be created. We're the only modern industrialized nation on the face of the earth without any planning. We're the only country without any system other than the Office of Management and Budget for setting the priorities and goals of this country. Congress must equip itself, too, to work toward national goals that it has written into law.

Finally, states and localities must work far more diligently at putting their own houses in order. This involves a searching re-examination of taxing policies, land use and ownership policies and the organization of agencies and departments, Constitutional reform and modernization.

We must encourage the further development of councils of governments. These councils are a way to preserve local autonomy where that is appropriate, and to maximize the use of common facilities and services.

Each state government should create a new department for community development—the functional equivalent at the state level of the Federal government's Department of Housing and Urban Development.

SEVENTY YEARS OF FLIGHT

Mr. GOLDWATER. Mr. President, Mr. Marquis Childs, the distinguished columnist who rarely leaves his favorite field of politics, has done just that and made a great contribution to aviation. Appearing in the Washington Post of Tuesday, October 9, is his recognition of 70 years of flight. During the course of his writing he discusses the Air and Space Museum that is now well under construction at the Smithsonian and in doing that he has performed a service to those of us who have long been pushing for this building.

Recently I visited with Mr. Michael Collins, who heads up the Air and Space Division of the Smithsonian, and I was thrilled with the progress he is making, as thrilled I believe as people will be when they can walk through this new building and be able to trace for themselves the progress man has made in his efforts to learn more about air and space.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 9, 1973]

SEVENTY YEARS OF FLIGHT

(By Marquis Childs)

As a measure of the fantastic changes that have occurred in this amazing century take a look at the plane that Charles A. Lindbergh flew in the first flight across the Atlantic. The year was 1927, not so long ago that many of us can still remember the excitement when the lone flyer landed at Le Bourget airport in Paris at the end of his 20 hour solo.

There it hangs in the Smithsonian Institution, a single engine plane, looking incredibly small. There, too, is the Wright brothers' plane from Kitty Hawk in 1903, more nearly a manned kite than an aircraft. The record of America's technological progress has gone forward from those two monuments almost without interruption. The doubters, as Lindbergh doubted in 1941 President Roosevelt's claim to be able to manufacture 50,000 war planes, have always been proved wrong.

Consider the record. Three astronauts have just completed 59 days in space in a Skylab. Another crew will go up on Nov. 11 to spend 56 days in the laboratory, although their stay could be longer depending on circumstances. Work is already in progress on a space shuttle to be operational in the 1980s. This will have a continuing function with a projected use of a hundred round trips between earth and the stratosphere. It will be able to stay aloft from seven to 30 days during which earth-orbiting payloads can be launched. The cost sounds stratospheric—$5.1 billion for the space shuttle—yet put alongside the bill for the weapons of annihilation it is not so large.

As for the scientific benefits, perhaps only a few specialists in the space field can give a proper evaluation. But the cynics who spoke derisively of spending billions to put some clown in the sky are wrong on several scores. Landing on the moon was not so much like the justification for climbing Mt. Everest—because it was there—as an exploration comparable to Columbus' discovery of the New World. What is to be gained from that sterile, dead planet? the scoffers ask. The discoverers of that other era were met with the same doubts and derision.

On the aircraft production side, the record is equally impressive. In 1972, 79 per cent of the planes in operation on the world's airlines were made in America. This does not include the Soviet Union and the Peoples Republic of China, but their inclusion would make little difference. China is about to acquire 10 Boeing 707s.

On military aircraft the figure is difficult to come by. It seems likely, however, that the percentage would be about the same as for civilian sales, although in recent years the French have been pushing their planes in the Mideast and in Africa.

American technology in computers and electronics is unrivaled. That is one reason the Soviet Union is so anxious for a trade deal. Unrivaled, too, is productivity on the farms. With about 4 per cent of the population in agriculture the abundance of food and fiber suffices not only for consumers at home but for sales overseas to help correct the trade imbalance and, as has been shown in the past year, to be dissipated in deals costly to the U.S. taxpayer.

The great achievements in production, in discovery and invention, are in painful contrast to the failures in self-government illustrated by the grim mess in Washington. It may not be too much to say that if we find a way out of the morass, the swamp of intrigue, deceit and doubt, it will be thanks to American productivity.

A painful fact of contemporary life is that social and political understanding have fallen so far behind technological change of an order of magnitude like the discovery of the wheel. The hazards of this gap are dramatized by the individual who has his finger on the nuclear button and his social reflexes back in another age. Aspects of the stone age are a leftover in the mind of computerized 20th century man.

The Smithsonian Institution is building a new Air and Space Museum that is to be dedicated on July 4, 1976. The Wright Brothers' planes and Lindbergh's "Spirit of St. Louis" will be central exhibits illustrating how, in a wink of time, change has come. That no one can predict what manner of man will preside over that occasion is a melancholy commentary on the gap between technology and politics.

TRIBUTE TO TOM VAIL

Mr. CRANSTON. Mr. President, with the death of Tom Vail, the Senate has lost one of its most able staff members. As chief counsel to the Senate Finance Committee, he helped to shape some of the most important legislation in the Congress—legislation that has touched the lives of all Americans. He was respected throughout the Congress for his great ability, integrity, and keen mind. All who consulted Tom Vail received thorough and often enthusiastic assistance.

My staff joins me in extending sincere condolences to Mrs. Vail and her family.

A GUIDE TO SHORT TRIPS FOR AUTUMN DAYS

Mr. BEALL. Mr. President, I would like to take this opportunity to bring to the attention of my colleagues just a few of the points of interest which lure the fall traveler to the State of Maryland. Autumn is an especially spectacular season for sightseeing in the "Free State."

I would like to extend an invitation to all of my colleagues in both the House and the Senate, the members of their staff, and all others who read the RECORD to visit Maryland and enjoy the beauty and tranquility of a State that is truly "America in miniature." I might add, Mr. President, that because of its close proximity to the District of Columbia, my colleagues will find that the points of historical or scenic interest are within easy range of the 1-day trips which are so delightful during this time of year.

Mr. President, an article outlining some of Maryland's scenic highlights was published in the Baltimore News American on Sunday, October 7, 1973. I ask unanimous consent that this article entitled "A Guide to Short Trips for Autumn Days," be printed in the RECORD at the conclusion of my remarks.

I would note, Mr. President, that some of the points of interest mentioned in this article lie just outside of the current boundaries of the State of Maryland. For the sake of historical accuracy, I would point out to all of my colleagues that most of these locations were within the boundaries of Maryland as it was originally constituted. During the ensuing centuries, Maryland was reduced in size by nefarious methods which I will not elaborate on at this time. Mr. President, in spite of our reduced size, Maryland has retained a thoroughly delightful lifestyle which I think will enchant all who visit the "Free State" this fall.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the (Baltimore) News American, Oct. 7, 1973]

A GUIDE TO SHORT TRIPS FOR AUTUMN DAYS

(By J. William Joynes)

Summer is over, and so are most vacations for another year. The kids are back in school, the man of the house is again anchored to the business of making ends meet, and the distaff side is clubbing and PTAing.

But now that there's a crispness in the fall air, you have a strong hankering to be up and going somewhere. No wonder! The days are still warm, the evenings and early mornings cool. It's autumn, an invigorating, beautiful time of the year, when Mother Nature becomes a Rembrandt for her colorful outdoor art show.

Within a hundred miles of the city limits there are more than enough interesting places to visit to occupy our weekends until the first snow flies. An hour's drive will bring you to a state park, an historic shrine, a river, an old village, a scenic view worth the trip that perhaps you have never seen framed in the colorful glories of Indian summer.

Here are a few short trips we have enjoyed many times:

WEST

Most of Maryland lies west of Baltimore, and autumn unfolds along U.S. 40 like some mammoth panoramic painting. From the western city limits right up to Garrett, Maryland's largest, highest and most remote county, the next two or three weeks will be at their most colorful season. Garrett is a little far for a one-day trip, but in between are many places of interest and beauty.

New Market. Once merely a bottleneck for growing automobile traffic on U.S. 40, it has become an antique center since it was bypassed with a new road. Favorite Sunday haunt for many shoppers. Surrounding countryside looks westward to the Blue Ridge Mountains.

Sugar Loaf Mountain. For an unsurpassed view of Maryland, make your way up the winding road of this unusual mountain, which sits apart in the southern corner of Frederick County. (Off Md. 28.)

Gambrill, Washington Monument and Gathland. All three State parks offer superb views of the Frederick, Middletown and Hagerstown Valleys, as well as picnic facilities and fireplaces for a fun time.

Antietam Battlefield. Much of this area, despite home encroachments, is still farm land as it was when it was the site of the bloodiest day's battle of the Civil War. Beautiful in the fall. Start a tour at Visitors' Center. (On Md. 65, off U.S. 40 or I-70.)

Cunningham Falls. Down the road from the Presidential Retreat, Camp David, this Maryland park has lots of wooded trails to hike beside a rushing mountain stream and a 40-foot waterfall from which it takes its name. (Four miles west of Thurmont on Md. 77.)

Fort Frederick. Lots of woods and field to roam in this state park around historic 1756 frontier fort, which overlooks the Potomac River on the eastern side of the Alleghanies. (Near Clear Spring on U.S. 40.)

Just across the Potomac River, via several routes, is West Virginia, which is at its loveliest in autumn, especially when the late afternoon sun shines through, the yellow and red leaves on the mountainsides.

Some places worth visiting, if only for the ride going or coming, are Berkeley Springs, Cacapon State Park, Paw Paw and, of course, Harpers Ferry where its "Living History" exhibits will continue through October.

But we cannot mention the glory of autumn time in Maryland, however, without saying something of Garrett County, which has turned this season into a annual festival. With its blue, blue Deep Creek Lake, 2,642 feet above the sea, spread among the hills and valleys of a land with 3,000-foot peaks, it provides the epitome of what we mean when we say it's Autumn Glory Time in Maryland.

SOUTH

George Washington, striding into the hall at Mount Vernon, might have said to Martha, "There's a holiday coming up. What shall we do?" After they discussed the possibilities, they headed for Annapolis. A lot of others have been doing the same for 200 years, and for good reasons.

The capital of Maryland has, besides an air of its own, the oldest State House in continuous use, St. John's College, the Chase-Lloyd, Hammond-Harwood and William Paca houses and, of course, the U.S. Naval Academy, as well as an interesting city dock and market space. Besides, lots goes on in Annapolis during October: Heritage Month, U.S. Sailboat Show, the U.S. Yacht Show and the popular Clam Festival.

A good map will help you find many other interesting places when you head south. Some in Maryland:

St. Mary's City. Landing site of the first settlers and capital of Maryland, 1634–1695, it is at the end of a route through Maryland's tobacco country. Replica of original State House open.

Lundeberg School of Seamanship. The training school for U.S. Merchant Marine has many ships, including President Kennedy's 62-foot racing yawl, open free, the first Sunday of the month, 9 to 5. (Md. 249 off Md. 5, at Piney Point.)

Farmer's Market. Amish farmers in St. Mary's County bring their home-produced products to market in horse-drawn buggies every Wednesday and Saturday, year 'round. (Md. 5 at Charlotte Hall.)

Solomon's Island. Named for a one-time resident, this long-time fishing and boating center is now noted for its Chesapeake Biological Laboratory, which has an aquarium exhibit. Open Monday to Friday, 9–5.

Cove Point Lighthouse. One of the few remaining tower lighthouses anywhere. Coast Guardsmen on duty. (Md. 497 off Md. 2.)

Great Falls. This is a historic as well as one of the most scenic spots in the Old Line State. As long ago as the 1930's, the National Park Service restored 22 miles of the Old Chesapeake and Ohio Canal, where you can take a barge trip in summer and weekends in fall. (Md. 189 from Rockville.)

Fort Washington. Erected after the British burned an earlier fort on this site, this 1808 coastal defense provides a good view of the winding Potomac River from the Maryland side. (16 miles southwest of District of Columbia line on Md. 224.)

Al-Marah Farm. The largest Arabian horse farm in the world, more than 300 of the famous mounts graze over 2,400 acres of a farm within sight of Sugar Loaf Mountain. (In Montgomery County, Md. 109 between Beallsville and Barnesville.)

Red Cross House. Built by Clara Barton from wood salvaged from barracks used after the Johnstown flood of 1884, the interior of this home in Glen Echo resembles a Mississippi River steam boat. Open daily 1 to 5, except Mondays. (Take Glen Echo cutoff from Washington Beltway to Mac Arthur Blvd.)

White's Ferry. The only surviving ferry on the Potomac River, Gen. Jubal Early used this one to escape into Virginia after a Civil War raid on Washington. (South of Frederick, off U.S. 15.)

EAST

Eastward from Baltimore lies the Eastern Shore of Maryland, two counties of Virginia, Delaware and eastern Pennsylvania.

To begin, there is Ocean City, Maryland's oldest and until recently only seaside playground, which in recent years has begun to have its fall and winter devotees as well as summer. Autumn has its own charms along the ocean beaches, whether the wild, uninhabited shores of Assateague Island Seashore National Park, or along the Ocean City stretches where boarded up apartments and hotels cling like barnacles.

But do not overlook these for "short-term" visits:

Elk Neck State Park. Between the Northeast and Elk Rivers at the head of Chesapeake Bay, it's fun to stroll along the beach, and the view down the Bay is superb on a clear autumn day. (10 miles south of Northeast on Md. 272, off U.S. 40 or I-95.)

Hagley Museum. Along Brandywine Creek, this is where Eleuthere Irenee du Pont built his black powder mill in 1802 and established a company town. (An outdoor museum as well as indoor, its walkways are planted in all kinds of trees. (One mile north of Wilmington off Del. 141.)

Winterthur Museum. The former home of Henry Francis du Pont, it contains the largest and richest assemblage of 1640–1840 decorative arts in any private collection. Ten of its more than 100 rooms are open daily except Monday. Gardens alone are worth a visit. (On Del. 52, six miles northwest of Wilmington.)

New Castle. A beautiful preserved old Delaware town with an old State House and a large, central green and market place.

Longwood Gardens. The former estate of Pierre S. duPont, with its acres and acres of flowers and boxwood, pools and fountains, arboretum and a conservatory with flowers from all over the world, is spectacular any time of the year. (Off U.S. 1 near Kenneth Square, Pa.)

Chesapeake City. If you would like to see big freighters from all over the world, it can be done close hand here beside the Chesapeake and Delaware Canal, which shortens the route from Baltimore to Philadelphia by 286 miles. (On U.S. 213.)

Georgetown, Fredericktown. These two communities, which the British raided in 1813, face each other across what many consider the prettiest river in Maryland, the Sassafras. Several good dining spots available, while you watch a veritable yacht show pass by. (On U.S. 213.)

St. Michaels. Besides being an interesting Eastern Shore town surrounded by water, it has become a focal point in recent years for visitors to the Chesapeake Bay Maritime Museum. Open 10 to 4, adults, $1, children 25 cents.

Oxford. This is one terminus of the oldest continuous ferry in the nation, which has made the 15-minute crossing of the Tred Avon River since 1760. Auto and driver $1, passengers 15 cents. Lots of old homes and interesting boat yards.

Blackwater National Wildlife Refuge. Sometimes the Black ducks, blue-winged teals, mallards and Canada geese are so numerous on this "Atlantic Flyway" stop it is difficult to drive along the roads of the 11,200-acre refuge. (Off Md. 16 and 335, 11 miles south of Cambridge.)

NORTH

Drive north 50 miles, take or give a little, and you'll soon notice the barns look different, the farms are different and even some of the people appear differently. You're in America's Rhineland, heart of the Pennsylvania Dutch country.

Lancaster County, reached by U.S. 1 and U.S. 222, is the heart of this land of contrasts—a land of small, well-kept farms and clean, industrious towns; of bustling automobile traffic and horse and buggies, of girls in shorts and halters and "plain people" in bonnets and long dresses.

As we go up and down and around ridges and valleys once roamed by the fierce, warring Susquehannock Indians, the region is delightful at this time of year. Always a treat in Lancaster are the markets, open Tuesday, Fridays and Saturdays, where delicacies hard to find anywhere else are for sale.

Get off the main highway occasionally and you'll also discover, besides the rich, neat-as-a-pin farms, some of Pennsylvania's 200 covered bridges, those quaint, fast-disappearing structures of which no one really knows the origin.

Some other points of interest:

Wheatland, President James Buchanan's charming 19th century mansion in Lancaster, is open from 9 to 5 with a small admission. Three miles north of the city on U.S. 222 is the Landis Valley Museum (open free, daily except Sunday), containing more than 200,000 items used by the Pennsylvania German farmer.

Bird-in-Hand. You may have to share the parking space with a horse and an Amish spring wagon at the local stores, but it is an interesting drive to this little Dutch village that has changed very little over the years. (On Pa. 340 east of Lancaster.)

Lititz. An old Moravian settlement, it is still a pleasant town noted for its pretzels and one company teaches tourists how to be a pretzel twister. (Ten miles north of Lancaster on Pa. 501.)

Strasburg Railroad. The oldest short-line railroad in the country, this one makes a four-mile trip through the scenic Pennsylvania Dutch country from Strasburg to Paradise. Founded in 1832, one of its coaches was used in the M-G-M movie "Raintree County." (On Pa. 741, off U.S. 222, southeast of Lancaster.)

Hershey. Besides tours of the chocolate factory, there is a zoo, museum of clocks, Pennsylvania Dutch and Indian relics and rose garden. (U.S. 422 east of Harrisburg.)

Hanover. The heart of the harness racing world is located here in the Hanover Shoe Farms, the largest standard-bred breeding farm in the world devoted to trotters and pacers. Visitors are free to roam over its 3,500 acres of lush, rolling countryside past yellow barns and miles of yellow fences, the Farms trademark.

Gettysburg, where the fate of the nation was decided in three days of July, 1863. This is one of the best known small towns in the U.S. and the battlefield is a real treat for children. The electric map and Cyclorama are worth indoor visits. (On U.S. 140 from Baltimore.)

Caledonia. One of Pennsylvania's best-known parks, it is a 2,000-acre scenic preserve that has all kinds of picnic and camp facilities. (15 miles west of Gettysburg on U.S. 30.)

Carroll County Farm Museum. There is something special about a farm around harvest time. This 1850 Maryland farm is less than an hour's drive from the city, and you can see a blacksmith at work and women weaving, quilting, candle making and boiling apple butter. Open year 'round, Saturdays and Sundays, 10 to 4 (Md. 32 at Westminster.)

THE LEGACY OF THE 100TH INFANTRY BATTALION

Mr. INOUYE. Mr. President, it was my privilege to attend the 28th annual memorial service honoring the men of the 100th Infantry Battalion who gave their lives in service to our country during World War II.

On that occasion a most thought provoking memorial address was delivered by the Honorable SPARK M. MATSUNAGA. The words of Congressman MATSUNAGA paid tribute to their sacrifice and dwelt on the future as seen by these men. It is clear that our Nation presently falls short of providing the life which they wanted for their families and friends though we have made much progress.

Congressman MATSUNAGA'S words should inspire us to continue the struggle for the ideals and goals for which these men gave their lives.

Mr. President, I ask unanimous consent that the words of Congressman SPARK M. MATSUNAGA to the 28th annual memorial service of the Club One Hundred at the National Memorial Cemetery of the Pacific on September 30, 1973, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE LEGACY OF THE 100TH

(By the Honorable SPARK M. MATSUNAGA)

Mr. Ono, President Taoka, Reverend Clergy, Senator Inouye, Consul General Kora, Senator McClung, General Fielder, General Mooney, General Seiferman, Gold Star Parents and relatives of our fallen comrades, other distinguished guests, members of the Club One Hundred, ladies and gentlemen:

It is with a sense of honor and deep humility that I assume my role as your speaker at this 28th Annual Memorial Service today.

William Blackstone, the great English jurist and legal historian once remarked, "show me the manner in which a Nation or a community cares for its dead, and I will measure exactly the sympathies of its people, their respect for the laws of the land, and their loyalty to high ideals."

If Mr. Blackstone were living today and able to see the meticulous care with which the people of Hawaii have cared for those who are buried here, I am sure he would say that this cemetery measures well our sympathies, our respect for the laws of the land and our loyalty to high ideals.

We are assembled here today in remembrance of our sons, fathers, neighbors and friends who served in the Armed Forces of the United States and who laid down their lives to preserve our American heritage. We honor especially the memory of 100th Infantry Battalion soldiers who are interred here and elsewhere.

These Americans, one and all, to paraphrase the words of Abraham Lincoln, "gave their last full measure of devotion." They paid the highest price of citizenship.

In the quiet of this day, solemn in its meaning and purpose, let us pause for a moment and ask ourselves this one simple question, "What are we doing here today?" "Honor the dead," you say. The next question, then, is, "How do you honor the dead?" "By placing flags and flowers on their graves; by burning incense; by saying a *prayer;* by participating in these Memorial ceremonies," you say.

All well and good, but isn't there more we can do to honor our fallen heroes?

Indeed, there is. All we need to do to realize this is to look about us and face the hard facts:

In this land of affluence 25 million Americans still hover in poverty.

Nearly 4½ million Americans who need work are without jobs.

10 million American children in poverty households go to bed hungry every night.

Serious crimes in America rose to the astronomical total of 5.9 million in 1972, over 800,000 of them being violent crimes.

What these figures do not reveal is the alarming increase over the last decade of apathy, cynicism, and mistrust of government among citizens of all ages, classes, and income levels. Parents are advising their children not to run for elective office—and even to stay away from politics and government service.

As if we were not in deep enough trouble, along came Watergate, and the Senate hearings with its revelations of bugging, spying, illegal campaign contributions, secret funds, and "dirty tricks" employed to discredit candidates to elective office. Compounding these reprehensible activities, grand jury indictments have been, and still are being returned against Government officials even in the highest places, based on such charges as perjury, bribery, criminal conspiracy and obstructing the administration of justice.

It cannot be denied that this is a dismal picture indeed. The question then could well be asked: Is this the America which men of the 100th Battalion and other units fought, and in too many cases gave their lives, to preserve?

The answer is obviously "No!" We fought for a better life in a greater America, just as did Private First Class Yasuo Kawano of Company "D" who told me in effect just before he was killed in the attack on Hill 600 in Italy: "I have a funny feeling that I'm going to be the next to go, but I don't mind because I know that our sacrifices will mean a better life for our folks back home."

To give real meaning to these Memorial Services, then, we must look upon the example of our fallen comrades not as the end of a story, not as a passing episode in American history, but as a continuing inspiration in our own lives today and in the lives of those who will come after us.

In remembering the wartime courage and loyalty of the men of the 100th, both those who are with us today and those who have passed from this life, we must let their example give us the determination and strength to be good citizens and good people in an age when there are all too many discouragements and temptations to divert us from our set course. Even as they engaged the enemy in the heat of battle, the men of the 100th Infantry Battalion knew of America's flaws and injustices. They knew of the Oriental Exclusion Act of 1924, which barred their parents from becoming American citizens. They knew of the detention in America's concentration camps of 110,000 Japanese Americans and their parents for no reason other than that they were of Japanese ancestry. They knew of the discriminatory land ownership laws and employment practices of the various States. Knowing all this they fought and died to preserve the American system and its ideals.

That their faith was not misplaced, is evidenced by the fact that the Oriental Exclusion Act, the Emergency Detention Act, the discriminatory land laws and employment practices have all been repealed or abolished. But the fight for justice and equality is a never-ending one. Eternal vigilance is the price we must pay. In our own community, in our own way, however modest:

We must help our children to appreciate the enduring validity, integrity, and strength of our American political institutions.

We must help them to understand that men may betray the public trust, but they are eventually brought to justice, and our institutions remain strong and viable.

We must support programs designed to help those who live in poverty and despair, and lift them to a level of decency, hope, and self-respect.

We must support both government and private efforts to find or create jobs for all who wish to work.

We must help to see that all American children are assured of sufficient food and proper nutrition and education.

We must help to obliterate the root causes of crime so that we can once again walk the streets of America—unafraid.

We must, each and everyone of us, do our part to advance the cause of good government by participating in political activities, within or without political parties, and helping to elect honest persons to public office.

In these and in many more ways, we can help to achieve those goals for which our comrades gave their last full measure of devotion. As we lend our individual effort toward the achievement of these goals, we must also seek to involve Americans of every race, creed, religious and ethnic background, every level of education and income, to join in our effort to revitalize our established democratic institutions.

Upon us who are the survivors of the wartime 100th Infantry Battalion rests a double responsibility, for we must work not only for ourselves, but also for our muted comrades.

The road will not be easy for us the living; it was not easy for them, the dead.

Our fallen comrades were convinced they were making the supreme sacrifice for their Country at war in order that America would be a greater Nation and a better place in which to live after the peace was won. This is the legacy of the 100th Infantry Battalion. It is a sacred trust we cannot and must not betray.

When Americans everywhere unite to answer their country's call for help to solve our peacetime problems and to strive toward our timeless national ideals, it is then, and only then, that we can say to our fallen comrades of the 100th:

Rest in peace. Your sacrifices—your hopes—your dreams—will be remembered and carried on forever in the finest American tradition.

Thank you very much.

SENATOR WILLIAMS RECEIVES "MAN OF THE YEAR" AWARD FROM SENIOR CITIZENS

Mr. CHURCH. Mr. President, recently our colleague, Senator HARRISON A. WILLIAMS, Jr., the distinguished chairman of the Senate Committee on Labor and Public Welfare, received the "man of the year" award at the Ms. Senior Citizen Pageant in Asbury Park, N.J.

The Senator, as we know, is the former chairman of the Special Committee on Aging and now serves as its ranking majority member and chairman of its Subcommittee on Housing.

I do not think that a more appropriate recipient could have been chosen for the "man of the year" award because he has been in the forefront of every effort to aid America's senior citizens. He was the author of the legislation which created the historic White House Conference on Aging that took place in 1971.

Senator Williams continues to wage the fight to improve the quality of life for the elderly. On the Aging Committee, he is trying to bring about desperately needed new housing programs to improve the physical security of residents in existing housing units.

Mr. President, I know all of us appreciate what the chairman has done for America's senior citizens. The "man of the year" award, added to Chairman Williams' long list of honors, shows that our Nation's senior citizens share our appreciation of his most dedicated efforts.

GIVE ISRAEL THE TOOLS

Mr. CHURCH. Mr. President, in view of the rapid replenishment of weaponry being furnished Egypt and Syria by their Arab neighbors, we must see to it that Israel is promptly supplied with such replacement of equipment as she may need to defend herself.

We should remember that Israel has never called for a single American soldier to engage in battle on her behalf. She asks only for the tools with which to fend off this attack.

PRESIDENT URGED TO MOUNT ENERGY CONSERVATION EFFORT

Mr. HUMPHREY. Mr. President, as supplies of energy become increasingly inadequate to meet ever growing demand in our Nation, we must assure that what we have is used for priority purposes. For this reason I have been a strong advocate of mandatory allocation of our limited energy resources.

However, we must also move aggressively to derive every possible benefit from every unit of energy that is available. An all out effort to reduce, and ultimately eliminate, energy waste is called for.

Recent statements by energy conservation experts in and out of the administration indicate that tremendous waste of energy—25–40 percent of total supply—exists in America today and that some fairly easy steps, if taken, could result in savings that would be adequate to carry us through the winter, regardless of the weather.

For such savings to be realized, however, a major commitment must be made by the President and a public information effort must be undertaken on a priority basis. Therefore, I have written to the President urging him to ask the Director of the Energy Policy Office to compile a practical guide for consumers of energy conservation measures that they might take and to mount an immediate public education effort, via the mass media, on this subject. I have also suggested that the President call an immediate conference of State Governors and other appropriate officials to inform them of what can be done to save energy supplies and how to do it. This effort would be carried out with the cooperation of the National League of Cities, the U.S. Conference of Mayors and other similar groups.

I urge the President to act quickly to implement these recommendations and reduce the tragic waste of our valuable energy resources.

Mr. President, I ask unanimous consent that a copy of my letter to President Nixon be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

U.S. Senate,
Washington, D.C., October 3, 1973.

The President,
The White House,
Washington, D.C.

Dear Mr. President: As you know, a strong conservation effort in the uses of energy is essential to overcome the fuel shortages facing the Nation. Conservation is wholly up to the initiative and good sense of Americans, while expanding future supplies of energy involves foreign governments and business, as well as complex and expensive private and public programs at home. I feel that not enough public emphasis has been placed on conservation.

It has been estimated that 25 to 40 percent of America's current energy consumption is wasted and that 2 or 3 million barrels of oil, about 20% of our daily consumption, could be saved each day by appropriate conservation measures. In fact, a Treasury Department energy consultant found that eight relatively easy, uncostly and quick conservation measures could save at least 2 million barrels of oil a day, about 15% of daily requirements. Another expert in the Office of Energy Policy has stated that at about zero cost, 40% of annual industry energy consumption could be saved.

Last week, the Director of the Office of Oil and Gas testified before a subcommittee of the Joint Economic Committee that "a national determination to conserve fuels could quickly eradicate the potential shortfall of fuel" for the coming winter. Of course, savings of this magnitude would avert the entire heating oil shortage foreseen for the coming winter, under virtually any weather conditions.

Although not everyone will adopt every conservation proposal, we saw during last summer's gasoline shortage that many people will try to save when instructed on how best to do it. In the meantime, many Federal agencies are developing valuable knowledge on methods of fuel conservation for home, work and public institutions, but this information has not been effectively disseminated.

Let me urge you, therefore, to ask the Director of the Energy Policy Office to compile a practical guide on energy conservation for the public and to publicize it via the media. Furthermore, I urge you to call an immediate conference of State Governors and appropriate State officials to inform them of what needs to be done and how to do it. Similar conferences should be conducted subsequently for county and municipal officials. These could be conducted in cooperation with the National League of Cities, the U.S. Conference of Mayors and the National Association of County Officials. Each State, county and community should have a fuel conservation office to formulate government actions to save fuel and to distribute pertinent information to the public.

I am convinced that these steps are needed and will be effective in substantially reducing energy waste in our Nation. I thank you, in advance, for giving them your careful consideration.

Sincerely,
Hubert H. Humphrey.

YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, I commend highly the action of the Senate in passing S. 1871, a bill to amend the Youth Conservation Corps Act of 1972, to expand and make permanent the Youth Conservation Corps.

I am a cosponsor of this legislation, because I strongly support the continued provision of solid work and education opportunities for youth under this vital program.

Sixteen years ago I introduced initial legislation to launch a youth conservation corps program—an effort which I continued in several subsequent Congresses, and which resulted in the establishment of the Job Corps under the Economic Opportunity Act of 1964.

I have been deeply concerned that everything possible be done to expand job and career opportunities for youth, out of my sustained interest in combating the forces of poverty that can cripple young lives. It was for this reason that this year I again worked in opposition to administration cutbacks in funding for the Neighborhood Youth Corps and Job Corps programs.

During committee hearings last July on S. 1871, I submitted a statement to Senator Henry M. Jackson, chairman of the Senate Committee on Interior and Insular Affairs, in which I stated that:

> The opportunity can and must be seized to respond simultaneously to a nationwide concern for the protection of the environment and to the urgent need to provide opportunities for meaningful work in a time of critically high unemployment among American youth.

I believe that by placing the 3-year YCC pilot program on a permanent footing with an annual authorization of $100 million, and jointly administered by the Departments of Agriculture and Interior to provide employment for up to 150,000 young men and women, a major step can now be taken toward achieving these dual objectives.

The present legislation also would establish a new program of Federal assistance for conservation activities on State public lands, where a serious need for resource management has not been adequately met due to limited financing. Moreover, by authorizing the year-round use of Youth Corps facilities in connection with courses offered by educational institutions, the bill rightly places increased emphasis upon environmental studies for youth.

In my statement of July 25, 1973, I noted important accomplishments in Minnesota under the YCC pilot program, both in the improvement of recreational areas and public lands, and in the development of environmental education programs in the schools, using videotapes.

Mr. President, I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JULY 25, 1973.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am submitting this statement in connection with current hearings by the Senate Committee on Interior and Insular Affairs on S. 1871, legislation to expand and make permanent the Youth Conservation Corps. I strongly support this legislation and highly commend your initiative in securing the enactment of the 1970 law for the launching of this vital program, and of the 1972 act for its continuation on a pilot basis.

As a cosponsor of S. 1871, I want to take this opportunity to explain my long-term interest in securing Federal support for programs to provide work experience opportunities for youth in community and area improvement—challenging work that can lead to a better physical and social environment, and in which young people can gain valuable new job skills.

As you know, in 1957 I introduced legislation to create a youth conservation corps, which ultimately led to the establishment of the Job Corps with the enactment of the Economic Opportunity Act eight years later. The Job Corps has achieved excellent results in serving low-income young men and women, aged 14 to 21, who need further training, education, or counselling to secure meaningful employment and to pursue their education. Nevertheless, this program has suffered cutbacks under the present Administration. I am hopeful that the Administration will carry out the intent of my amendment to the latest continuing appropriations legislation, as expressed in the final conference report, that the level of funding for the Job Corps for Fiscal 1974 be continued at $183.4 million.

The extensive first-hand knowledge I gained of young lives crippled by poverty, in the course of my work with governors and mayors while Vice President and chairman of the President's Council on Youth Opportunity, deeply impressed me with the vital necessity for new initiatives by the Federal Government in promoting work experience opportunities for the youth of America. Among such initiatives, which I outlined in testimony before the Senate Subcommittee on Employment, Manpower, and Poverty in April, 1971, and in a statement in the Senate on May 9, 1972, would be a substantial expansion of the Neighborhood Youth Corps programs to include the provision of 250,000 job opportunities for youth to be involved in work at a fair wage in essential projects of community improvement and public services.

These efforts and concerns explain my strong support for the Youth Conservation Corps Act and for the present legislation to significantly expand its programs of demonstrated accomplishment. Impressive results include the fact that last year 3,500 young people accomplished $2.7 million worth of improvements to our natural resources.

Among some 100 camps operated last summer were a pilot training program for about 20 youth at the Sherburne Wildlife Refuge, near St. Cloud, Minnesota, and another program at the Chippewa Forest. The Sherburne project, under careful supervision, has provided these young people with an excellent first-hand education in the basic principles of ecology and conservation. Videotapes of the YCC on the Sherburne Refuge, well known for its deer herds and flocks of Canada geese, have been used in environmental education programs in schools around Minnesota. The enthusiasm of the young people both in performing hard work and enjoying various recreation activities, has also been evident in a rate of applications far in excess of the number that can be accepted. And notable public lands improvements have been achieved under this program, including the construction of a nature trail, a contact station overlooking the refuge, and the clearing of a waterway for canoeing.

The fact remains, however, that so much more could be done by and on behalf of our young people of all socio-economic backgrounds if the Youth Conservation Corps could be substantially expanded and operated on a permanent basis. There is a job that needs to be done, and there is a love and understanding of life and nature that can and should be gained. The opportunity can and must be seized to respond simultaneously to a nationwide concern for the protection of the environment and to the urgent need to provide opportunities for meaningful work in a time of critically high unemployment among American youth.

I would appreciate your incorporating this statement of my views in the hearing record on this important legislation.

Sincerely,

HUBERT H. HUMPHREY.

NATIONAL FUELS AND ENERGY CONSERVATION ACT OF 1973

Mr. DOMENICI. Mr. President, at the outset, let me compliment the Committee on Interior and Insular Affairs for addressing the very serious national problem which we commonly refer to as the "energy crisis." While there are some who might argue with the precision of the word "crisis" to describe the situation, I doubt that there are any among us who would not recognize that we are faced with a very serious and growing problem in connection with our fuel and energy supply.

What particularly fascinates me about this problem is that so much of it is avoidable; that such a large component is pure waste. In an article in the October 3 Washington Post, on page A4, it is speculated that Americans may be wasting some 40 percent of our energy resources. That, of course, is scandalous, but at the same time it gives us reason for optimism that we can do something about it. I request unanimous consent that this article be printed in its entirety in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. I am pleased that S. 2176 addresses itself directly to some of the chief sources of energy waste such as inefficient appliances and construction methods that ignore the principles of energy conservation. I think the idea of using various Government units, such as the Bureau of Standards, General Services Administration, National Science Foundation, and the Federal Housing Administration, to conduct research and to establish minimum standards is a good one. I think the labeling idea to let the public know what it is buying in terms of energy conservation has merit. All of these, as well as other provisions of the bill, are steps in the right direction, but do they go far enough? Is there nothing more we can do?

I think there is a great deal more that we can do and I believe that we can do it at very minimal cost to the Government. In our American system, I believe there is nothing so effective as economic incentives to get something done. And you can go a lot further with them because they are voluntary. Let me cite an example:

Section 9(c) of the bill says that within 5 years of enactment, all vehicles in the Nation will have to conform to certain minimum standards of gasoline consumption. We all recognize that those standards will have to be relatively minimal or else we will be placing our selves in the position of denying Americans their inalienable and cherished right to buy foolishly if they so choose. On the other hand, if we were to establish a set of tax incentives for good energy conservation, there is no telling how much we can accomplish. What kind of incentives? Certain obvious ones immediately come to mind:

Since EPA has just told us that gasoline mileage relates directly to weight and it also seems reasonable to me that an engine of half the size would burn half as much fuel and—as a bonus—omit half as much pollutants, so perhaps we should consider a tax or tax rebate related to engine size.

Since we are told that about half of our air pollution, and more in some urban areas, comes from automotive emissions, imagine what we could do about our air pollution problem if we could substantially reduce the size of our automotive engines—and that is without any further fancy design changes, emission control equipment, or anything else—just reduce engine size.

I think it is noteworthy, Mr. President, that whenever we accomplish a reduction in fuel or energy consumption, we are directly affecting our air and water pollution problem, since most power generation involves a pollutant by-product.

I want to make it clear that the economic incentives I am contemplating need not necessarily take the form of a tax, which some people may regard as a disincentive. Let us consider the problem of housing construction methods that ignore principles of energy conservation. I am told that the difference in cost between a well-insulated house and a poorly insulated one is a matter of only a few hundred dollars. Yet there are many houses being built today with insufficient insulation. Now how do we handle that? I think in this case, we can do it with a positive incentive. Section 7(b) and (c) call for the development of model building codes for various classes of building to promote efficient energy use and for review and revision of minimum property standards for FHA loans.

I think we can do something here similar to what we do with low-cost flood insurance. Just as we require communities to accept certain zoning and building standards in order to be eligible for flood insurance, there is no reason why we cannot ask them to accept higher energy conservation standards to quality for, let us say, a new class of FHA loans with perhaps higher limits or some other economic incentive. I can see builders meticulously conforming to the higher standards to qualify their houses for the loans—thus making the houses easier to sell. I can see potential buyers demanding conformance to the higher standards even if it costs a little more because the new loans make it easier for them to finance their purchase. At the same time, I think the program can be designed to hold the cost to the Government to a very minimal level.

I have mentioned only two examples and two different approaches to providing economic incentives to achieve energy conservation goals, but there are many. Consider, for example, an investment tax credit to businesses that incur costs in the process of adopting energy conservation procedures. Similar tax credits could be offered to existing homeowners who add insulation or convert to fluorescent lighting systems thus reducing their electricity consumption. And certainly we should be able to devise some incentives to encourage the greater use of carpools where possible. I will shortly be introducing legislation for that purpose because I believe there are many opportunities to further the important goal of energy conservation by providing the American public and the American businessman with real economic incentives to do common, ordinary things in a manner calculated to conserve energy.

Our wasteful habits, acquired through generations of energy abundance, require more than education and concern to overcome. Therefore, significant conservation practices will require careful study and consultation by the appropriate units of Federal, State, and local governments and by all citizens. It is a difficult task, but I believe it is certainly an opportunity worth pursuing, particularly in view of the alternatives. I urge my colleagues to concentrate their legislative skills to the development of legislation to facilitate the conservation of energy by means of economic and tax incentives in addition to the fine provisions of S. 2176.

Exhibit 1

[From the Washington Post, Oct. 3, 1973]

Americans Might Be Squandering 40 Percent of Energy Resources

(By Tim O'Brien)

The American energy crisis, experts say, is caused by many things—dwindling domestic supplies, pressure from those who want to breathe clean air, population increases, the insatiable appetites of new machines, political tensions with nations that produce the raw materials of energy.

In the mix, however, one variable remains almost an afterthought: Simple waste. Extravagance. Inefficiency. Squandering. Unnecessary guzzling of what fuel there is.

While it is not fair to say the waste of energy is overlooked—environmentalists have been pointing it out for years—it is true that energy conservation is viewed by most observers as a mere palliative. A drop in the bucket of remedies.

It is virtually impossible to measure with even rough accuracy the amount of fuel wasted in a given year. But that has not kept people from guessing. Sen. Jennings Randolph (D-W. Va.) estimates that the nation is squandering from 30 to 40 per cent of its basic energy resources.

Another estimate puts the waste at 25 per cent a year.

John Muller, a researcher in the Interior Department's Office of Energy Conservation, says that "if this were a dictatorship and we could somehow control how people waste energy, we could save from two to three million barrels of oil a day."

That would be a fifth of the 15 millilon barrels Americans consume each day.

There are anecdotes aplenty to illustrate the wastes. The New York City World Trade Center, for example, uses more energy for its heating, lighting and cooling than is needed for the entire upstate city of Schenectady, with 100,000 residents.

Beyond anecdotes, however, where is little in the way of official data to suggest what the magnitude of the waste is or where fuels are being wasted. The President's new Office of Energy Policy, created to coordinate the nation's response to the crisis, has no comprehensive numbers on the subject. The Office of Energy Conservation, where prime responsibility in the area resides, has only an admittedly tentative set of estimates.

Perhaps the single best index of where and how much fuel is being unnecessarily burned is a recent study conducted by an independent energy consultant for the Treasury Department. The department requested a list of emergency actions that could be quickly taken to reduce significantly fuel consumption.

The study found that through eight relatively easy, uncostly and quick conservation measures, about 2 million barrels of oil a day could be saved.

The eight emergency measures are:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day.

Increasing load factors on commercial aircraft from 50 per cent to 70 per cent—80,000 barrels a day.

Setting home thermostats two degrees lower than average—50,000 barrels a day.

Conservation measures in industry—500,000 barrels a day.

Cease hot water laundering of clothes—300,000 barrels a day.

Mandatory car tune-ups every six months—200,000 barrels a day.

Conservation measures in commercial buildings (fans off at night, air conditioning only during office hours, installation of proper window insulation)—200,000 barrels a day.

Increasing car pools for job commuting from 1.3 to 2.3 persons per car)—200,000 barrels a day.

The figures attached to each of the conservation measures are the lowest estimated savings. In fact, the study found that about 2 million barrels a day could be saved and, possibly, another million barrels a day beyond that.

These eight steps are but the tip of the potential conservation iceberg, according to energy researcher Muller. He keeps a notebook filled with some 250 energy conservation measures, which he says are the "product of just one man's thinking. If five or six of us sat down, we could come up with a much larger list."

In the field of agriculture, he suggests slowing down the speed of tractor engines when they are not running and requiring farmers to adopt reduced tillage farming. In industry, where over 41 per cent of America's energy is consumed, he thinks energy consumption can be reduced by 10 per cent through "improved operating practices and minor changes in plants, involving little or no cost."

Dr. Jack Rafuse, a staffer in the new Office of Energy Policy, considers that estimate conservative. He says energy conservation teams have found that "though almost zero-cost kinds of things, industries can save 40 per cent of their plant fuel without affecting energy output at all."

If the 40 per cent savings could be taken as an industry-wide average and if every industry in the nation were to undertake similar measures, simple mathematics would show an astounding result: About 16 per cent of all the energy expended in America each year could be saved. This is in the industrial sector alone—and at "almost zero-cost."

If one were to list the villains of energy waste, three would probably stand out as most notorious: Automobiles, commercial America and the homes we live in.

Today's standard American car travels between 11 and 12 miles on a gallon of gasoline, not as far as it did 50 years ago. The nation's 1974 model autos average about 4,400 pounds—35 per cent more than the foreign makes tested in a recent Environmental Protection Agency (EPA) study.

Weight, the EPA says, is the single best index of expected miles per gallon, and it is not surprising that foreign makes averaged about six miles per gallon or nearly 37 per cent more than American autos tested by the EPA.

One study, conducted for the U.S. Army Tank-Automotive Command last year, estimated a 30 per cent potential fuel savings through a shift to smaller cars.

Although the law of diminishing returns begins to set in at a certain point, energy watchers say that by requiring tune-ups, imposing 50 or 55 mile-per-hour speed limits, putting fewer horses under the hoods and eliminating gas-eating extras like air conditioners, we could cut gasoline consumption in half.

Aside from these savings, a panel of General Motors, Ford and International Harvester engineers has reported that by requiring radial tires on all autos, fuel consumption could be cut by 10 per cent; by installing engine turbo-chargers it could drop another 10 to 15 per cent.

Conservation hurts most when it hits a person's home. And it is in the home where much of the waste is happening.

Energy specialist Muller estimates, for example, that if we threw away our dishwashers—or were required to wash dishes by hand—we could save 35,000 barrels of fuel a day. If during the summer we were to dry clothes on a line instead of in an automatic dryer, the savings would amount to 130,000 barrels a day.

"The little things," he says, "add up. But the little things hurt most."

A big drop in the conservation bucket, he says, would be to insulate the attics of those existing homes that are without it—Savings of perhaps 250,000 barrels of fuel a day.

The Michigan Consolidate Gas Co., in an effort to promote conservation of natural gas, has offered its customers loans to insulate their homes. The result, said President Hugh C. Daly, could be a savings of six billion cubic feet of gas annually if 200,000 customers sign up. "That's $9 million . . . that our customers won't have to pay," he said.

Other home energy savings in the Muller conservation notebook: Get rid of decorative outside lighting; weather strip and caulk all houses; service inefficient burners and furnaces; promote cold water washing of clothes; shut off furnace pilots in the summer.

"These are things that ought to be done as course," an environmentalist says. "They save money, they save fuel. Americans, unfortunately, are energy hogs."

Aside from hoggishness, however, is the problem of outright inefficiency. Six per cent of electricity produced in the United States in 1970, for example, was used to heat homes, despite the fact that electric heat is half as productive as oil or gas heat. Still, electric heat is a growing trend. About 25 per cent of the 40,000 buildings constructed in 1969 were heated electrically. It is cheap to install, it is clean, it is considered modern and esthetically pleasing—but it is wasteful.

Commercial America, with its glittering neon billboards and lighted shop windows, is a third major waster of now-precious energy. Mueller's notebook lists some 28 methods of conservation that could be applied at low cost to the nation's commerce:

Rescheduling night sporting events for daylight hours; installation of a second set of doors at lobby entrances to help keep out outside air; shutting down 24-hour-a-day electric advertising signs; turning off air-conditioners at 3 p.m.; putting an immediate stop to the construction of glass walled skyscrapers that lose heat nearly as fast as it can be pumped in.

Yet in the end, what is waste and what is "necessary luxury" is the key to conservation. What an energy conservationist sees as waste, housewife with a stack of dishes and a crying baby and a new dishwasher sees as necessity. Until these attitudes change—until the fuel crisis leaves a gash on the American consciousness—the potential savings are likely to remain largely theoretical.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

SURFACE MINING RECLAMATION ACT OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 425, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 425) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment of the Senator from Kentucky.

Mr. COOK. Mr. President, do we have a time limitation?

Mr. METCALF. There is no time limitation. The Senator can have as much time as he wants.

Mr. COOK. It will be my intention to ask for the yeas and nays on the amendment at the appropriate time. I hope that we will be able later to have a sufficient number of Senators present so that we can secure the yeas and nays.

Mr. President, I will send a modification of my amendment to the desk and say to the manager of the bill, the distinguished Senator from Montana, that all the modification would do would be to change it to conform to the technical changes required by the Mansfield amendment. With the inclusion of the Mansfield amendment we had to make verbiage changes, but only as to the location in the bill.

Mr. METCALF. Mr. President, in the course of the discussion on the Mansfield amendment, many of us were concerned about where we had granted permission to go on to public lands. The Mansfield amendment completely withdraws the public lands from any further surface mining. However, does the Senator's amendment as modified apply at all to public lands?

Mr. COOK. It does not.

Mr. METCALF. I thank the Senator very much.

Mr. COOK. Mr. President, I send the modification of my amendment to the desk.

The PRESIDING OFFICER. The clerk will report the modification.

The assistant legislative clerk read as follows:

> On page 134, line 6, insert a period after the word "land" and strike all through line 17.

Mr. METCALF. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH) I ask unanimous consent that Mr. James Harris and Mr. Philip McGance, of the Senate Public Works Committee, be granted the privilege of the floor during the discussion and votes on S. 425.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, if it has not already been granted, I ask unanimous consent that Mr. Joseph O'Leary, of my staff, be extended the privilege of the floor during the debate on S. 425 and the votes thereon.

Mr. METCALF. Mr. President, as the Senator knows, yesterday I asked and was granted unanimous consent that all members of the staff who had the floor privileges on yesterday continue to have the privilege of the floor today.

Mr. COOK. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I call up my amendment No. 616, as amended. This amendment would require that in those instances in which the surface owner is not the owner of the mineral rights that the written consent of or a waiver by the owner or owners of surface lands must be obtained before a permit can be issued for the land to be surface mined.

The bill as it was proposed would provide exceptions to this requirement by permitting the applicant to execute a bond to the United States or the State whichever is applicable, to secure the payment to the surface owners of any damages to the surface estate, crops, or tangible improvements of the surface owner. This bond would be in addition to the performance bond required by the act.

Mr. President, I just do not think it is the American way to give the legal permission to one man to destroy another man's home or other property without proper recourse. While under existing law if an individual owns the mineral rights for coal under a piece of ground, he may strip the land to surface mine the coal, regardless of the value of the land itself.

What concerns me most is that many of these mineral rights were signed away before the technology of surface mining existed. Individuals involved in both sides had no intention of either having their land destroyed or taking part in such destruction. Here we have a good example of the law lagging technology, and I think it is time to correct that discrepancy.

It is not my intention to alter in any way the Mansfield amendment we passed yesterday which would prevent coal surface mining on Federal lands where the United States does not own the surface, but has only the reserved mineral interest. For this reason I request that the final drafting of the bill contain the necessary language to reflect this desired change.

Let me tell the Senate of the situation we have in the eastern part of Kentucky, in fact, all over Kentucky. We may be the only State that utilizes the broad form deed; 100 years ago, when most of these rights were acquired, or 70 or 80 years ago, people moved into the coalfields of the Commonwealth of Kentucky and acquired a broad form deed to surface rights for 75 or 80 cents an acre.

No one knew anything about the present day mining technology. These rights were purchased for deep mining. They purchased them for no other reason. There was not any technology known then to take the surface of the ground down to 2 feet, 5 feet, or 6 feet and uncover a 14-, 15-, or 10-inch vein of coal and take it out. They did not know anything about that at the time.

May I say that in many counties in eastern and western Kentucky these rights are not owned by property owners in the State of Kentucky. They are owned by absentee ownership all over the United States. As a matter of fact, I suspect that many of the people who own the subsurface rights to many thousands of acres of land are people who led the vanguard because they are extremely rich people. They destroyed the land in eastern and western Kentucky. They had this right.

If a miner in eastern Kentucky has acquired 10 or 20 acres of land by virtue of his hard-earned money, after he has acquired that piece of land, all of a sudden he would find one day at the edge of his property three bulldozers and a couple of shovels. Then a group of workmen would tear his fence down and move in and destroy his pasture and his property. Some of his outbuildings would go over the hill and down the side of the mountain. The people were able to do this, because they have a broad form deed, and they have the right to strip the coal regardless of what happens to the surface.

This has been going on for years.

Mr. President, it has been debated many, many times in the legislature of the Commonwealth of Kentucky. The good operators do not worry about a broad form deed. The good operators always in the State of Kentucky deal directly with the owner. They pay him a percentage on a tonnage basis. And they pay him for the damages to his fields and buildings. They do the right thing by the owner and deal with the owner. However, we have a tremendous number of absentee owners. In eastern Kentucky we have 30, 40, or 50 percent of the subsurface rights that do not belong to anyone who has ever been in the State of Kentucky. Those people are not aware of what is going on except that they are aware of their dividend checks. They are aware of the tremendous profit they make off the tons of coal that are brought from under the surface or 10 or 20 feet down.

My amendment would strike this section from the bill and would provide that the mere consent or waiver by a former owner of the surface lands involved is not sufficient to allow someone to come upon the land surface and mine that land.

That is mere equity, Mr. President.

Under the Mansfield amendment, we did better by all of the people who live in the West, all of the people who live in the Powder River area with which the Senator is familiar. We said that the U.S. Government that owns the subsurface rights would give up those rights.

We are not asking for that kind of an exemption because that would be a complete destruction of property rights. We have control of property rights in this body. We could do that. However, all I say is that if the subsurface is gone and the fee to the subsurface is owned by an individual are we really saying under section (b) that he has to, if he refuses to negotiate, post bond with the State or the Federal Government.

This little individual who lives on social security or on a minimum income in the eastern part of the United States has to hire a lawyer and bring an action in the State or the Federal courts to do anything and then try to the best of his ability to receive compensation.

All I am saying is, let them deal at arm's length with the man who owns the subsurface. He never bought that subsurface, in its original purchase, to strip coal. He had no comprehension that he would ever strip coal. He had no comprehension that you could ever take a whole mountainside off and never deep mine for coal. He acquired those rights, whether it be 50, 75, or 100 years ago, because he was going to deep mine the coal. That is what he bought it for. Now, all of a sudden we have come into a new era and a new technology, and the technology in many instances has destroyed a man's home, destroyed his land, destroyed his pasture, and torn down his fences, all without his consent.

If we felt compelled by a vote of 53 to 30 yesterday to protect the farmer in the West, and say that the U.S. Government, in retaining the subsurface, retained it for the purpose of deep mining, then why can we not say the same thing here?

We are not really saying that, though. We are saying that in this instance, if the subsurface is owned by an individual and he wants to strip that coal within all of the qualifications of this bill, let him negotiate with and get a waiver from the owner of the surface. Do not let him summarily destroy his land, and then expect that the individual shall be compelled to file a suit in Federal court or State court so that he can be compensated for his damage. Let them deal at arm's length.

That is the intent of the amendment, Mr. President. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Kentucky for yielding so that I may rise to commend him for the introduction of this amendment, and to associate myself with his most eloquent remarks and his accurate appraisal of the situation as he find it in the Commonwealth of Kentucky, and I expect, in one degree or another, in other parts of the country.

Fortunately, we do not have the broad form deed and that exact situation in my State of Tennessee. We have always had a situation where, in order to surface mine coal, it was essential and necessary to first neogtiate with the surface owner if there was divided ownership, and come to a satisfactory arrangement and accord on how that would be undertaken, if at all.

The situation in Kentucky is very different. It is really a monstrous thing, it seems to me, to permit the owner of the mineral to, in effect, deprive the surface owner of his use and enjoyment of that estate without his consent, without compensation, and in many cases without his prior knowledge.

I really am sorry that the Federal legislature, the Congress, has to deal with this matter. I would hope that rights in property—and this is essentially a matter of rights in property—could be dealt with at the local and State levels and by the courts in the interpretation of the broad form deed; but it has not been, or at least not satisfactorily, in my judgment.

In the absence of that, I think this is the appropriate measure and an appropriate amendment for the Federal Government to establish criteria for the filing of acceptable State plans under this bill. I think it is a good step in the right direction for humanitarian reasons, that it will not diminish our ability and our practical authority to recover coal which we badly need for the energy requirements of this Nation, but it will inject a note of compassion and humanitarian concern into a very difficult and grievous situation.

Mr. President, yesterday I voted against the Mansfield amendment, and I did so in anticipation that this amendment would be adopted, which requires, overall, the consent of the surface owner before the mineral can be stripped.

Mr. METCALF. Mr. President, will the Senator from Tennessee yield at that point?

Mr. BAKER. I am happy to yield.

Mr. METCALF. It seems to me that there is a great deal of difference between the provision where the subsurface owner is the U.S. Government and we, Congress, control the subsurface rights, and a situation where we say that we shall control the rights as between two separate individuals.

We can say that we will dispose of our land in any way we want, and yesterday in the Mansfield amendment we said that we are going to withdraw all that subsurface land that has dual ownership from any surface mining.

This goes a little farther; so it is not the same amendment, and I want us to be very careful that we do not, by the adoption, rejection, or any refusal of this amendment change the position that was taken yesterday, whereby the Congress of the United States would say that when there is this double ownership, we are just not going to surface mine that land.

Mr. BAKER. Mr. President, I entirely agree with the Senator from Montana. This does not vitiate the effect of the Mansfield amendment. It will have no effect whatever on the Mansfield amendment. I prefer this concept to that of the Mansfield amendment, but I lost, and having lost, I do not intend to cry about it. That point is won, and this amendment is not calculated to change that situation.

They are two different situations. In the case of the Mansfield amendment, Congress, hopefully—the Senate at this point—made a value judgment that federally owned mineral and fee surface lands would not be available for surface mining. We owned that land, and decided we were not going to make it available for stripping, regardless of what the surface owner said. The colloquy yesterday indicated that even if the surface owner wanted it stripped, it still could not be stripped under the Mansfield amendment.

I personally would have preferred the Cook approach, which would not remove that coal from possible production by surface mining, but would require the consent of the surface owner. But that battle, as I say, is over, and I lost.

The adoption of the Mansfield amendment is a good step forward, and will not curtail my enthusiasm for what I think the Senate is about to do. But the Cook amendment is necessary. It is necessary for humanitarian reasons. I shall not further prolong the debate, except to say that I shall vote for it for humanitarian reasons, and in behalf of the people in southern and eastern Kentucky, so that we may take cognizance of the fact that a bulldozer cannot push their homes into the valley without their consent or knowledge.

Mr. COOK. I thank the Senator.

I know the Senator from Montana has serious doubts about the constitutionality of this provision, but I say to the Senator what we are doing is saying to the individual that, first of all, he has got to get a permit to strip it in the first place, which may be refused him, and thereby we have diminished his right of ownership, because he owns the subsurface, but if we decide that he cannot logically do it within the framework of this bill, we will deny him the right, a property right that he already has.

Certainly the manager of the bill would not deny that for all the subsurface that is now owned in eastern Kentucky, if in fact we decide, under the terms of this bill, that that area cannot be stripped, we are not denying the owners a right of property, because we are.

Suppose the Mathias amendment passes—I hope it will not—which says that no coal can be strip-mined if it is on a slope of more than 20 degrees. I would point out to the manager of the bill that we would be depriving the owner of the subsurface of a property right in that case, and doing it here on this floor.

May I have the Senator's attention? I just finished saying to the manager of the bill that under this bill there are going to be imposed restrictions by which an individual can and by which an individual cannot strip coal. I do not believe that anyone denies that. We are saying to a subowner who has a lease and a right to the minerals that we have made a determination in this body that if he does not meet the criteria, he cannot mine it. So are we not in fact taking away a property right of his? We certainly are. And as I said a moment ago if the Mathias amendment were to pass, that no one can strip beyond a slope of 20 degrees and we say that is the law of the land, are we not denying a subowner who has held the land for years and years a property right? We certainly are.

So why is there a constitutional question here, when we wish to impose not an abolition of his availability to strip coal, but merely to say that he must deal with, or get a waiver from the surface owner? As a matter of fact, we are protecting his right, because we are giving him the opportunity to negotiate. In 99 percent of the cases, may I say to the manager of the bill that is negotiated in my part of the country. They are paid a royalty on the coal. They are paid a percentage. They are reimbursed.

So the point I am trying to make, in all fairness, is that I am talking about the little people, the woman who goes out and lies down in front of a bulldozer so that she can protect what she bought and paid for.

A small coal operator is not going to be able to post a bond, which will leave only those who can afford to do it, because they have the money and the resources. Such operators will just sit back and say, "If you want to recover on this bond, you file your lawsuit."

Why should we say to a surface owner who owns his land, his field, plants his garden, and raises his cattle, or whatever he can in the mountains, why do we say to him that there is a broad form deed, issued 100 years ago, and which allows the operator to come in right through the field, and if they want to recover damages, to file a suit against the bond.

That is no way to treat an individual. That is no way to do it. May I give you an example, Mr. President, and then I shall be through. Let us suppose in my State there are some Federal lands that have been owned by the Federal Government ad infinitum, that they have owned the subsurface and there is a farmer there and he bought his land. Let us say it is down at Mammoth Cave or in the Daniel Boone National Forest and the Federal Government owns the subsurface. We have taken care of that farmer on the surface. We took care of him yesterday. But right at that fence line the Federal Government's property stops, and right there is a man who owns his farm and the subsurface belongs to an absentee owner in New York, California, Florida, or elsewhere, and 1 day out of a clear blue sky, here comes the bulldozer, here come the shovels, right across his field.

Cannot we, at least, say to that man that we have done the best job we could possibly do under the law to understand the rights of property under the Constitution, and to understand the rights of property under a State constitution? Cannot we require that if he wants it directly under the surface rather than deep mining, even though we know he has the right to deep mine, but if he wants it on the surface, cannot we require him to deal at arm's length with the individual that owns it? That is all this amendment says.

I yield to the floor.

Mr. METCALF. Mr. President, I want to correct the Senator from Kentucky. There is a good deal of land out West that is owned just as the land in Kentucky is, by private individuals, where one private individual owns the surface and another private individual owns the subsurface. I regret that the large coal companies of America—Peabody, Westmoreland, and others—have come up and bought tremendous areas of subsurface rights all over the West and are ready to exercise those rights. I have the same sort of constituents as the Senator from Kentucky has, that is, little old ladies who own a 160-acre homestead and are concerned about someone coming in and mining the coal under that land, cutting the land apart, digging a trench a hundred feet deep, and destroying the entire surface.

I must say, however, to the Senator from Kentucky, that we did look into this and, uniformly over the years, it has been unconstitutional to take away that subsurface right. I am not quite sure, and I know the Senator from Kentucky is not quite sure, and the courts have not delineated the areas where we do take away rights and where we do not take away rights.

I own a lot here on First Street and cannot build a 12-story apartment on it. So, that means that a zoning right has been taken away from me. In the public interest we can say to the people that one cannot build in an industrial complex or in a residential area. So a property right, in effect, has been taken away there.

We had the land use bill recently passed which is quite a complex area and where, as the Senator from Kentucky suggests, it would take away the property rights of an individual or deny certain land uses, just as we are doing in this bill.

We are saying that certain land uses not in the public interest and which cannot be justified, because of the degradation of the area will be prohibited but others will be granted under certain circumstances. I suppose all I could do is shrug my shoulders and say, "Well, we agreed to that amendment of the Senator from Kentucky and let the courts straighten it out."

Mr. COOK. With reference to the property the Senator from Montana owns downtown they cannot come in and use a bulldozer and tear it all up without his permission. They may restrict him building on it, but if they want to do something of that nature, they have to condemn it and pay him.

Mr. METCALF. That is right, because I own the surface and the subsurface.

Mr. COOK. Therefore you no longer have title to it——

Mr. METCALF. But if I own the subsurface, they cannot come in. But out West, for example, in the grazing——

Mr. COOK. How much of the subsurface of a lot is there if they take everything off? What do you own?

Mr. METCALF. I get compensation under this bill. I get compensation under the general law. In the State of Florida, for instance, which is not in your area and not in mine, the phosphate producers can go in and bulldoze the orange groves off and mine for phosphate, and they can mine it because the subsurface right has a prior right. Out West where we have locatable minerals in the grazing homestead if a man owns the rights to uranium, he can come onto the man's land and drill for uranium and if he finds it he can make a location and mine that land and bulldoze the house down and bulldoze the barn down.

Let me point out for the Senator from Kentucky that a long time ago, when the grazing homestead bill was adopted, the Federal Government reserved the mineral rights. No one thought uranium was going to be of any value whatever then, and no one ever knew about the value of uranium at that time. Nevertheless, today, the subsurface owner can use that uranium, or gold, or whatever mineral there, is and take away the surface rights. That is the constant law that has been applied all over the United States and is applied now from Florida to Alaska.

Mr. COOK. May I ask the Senator, what is the law in Montana relative to the rights of subsurface owners?

Mr. METCALF. The subsurface owner can come in and mine—he can come in and exercise all exploratory rights. He can do anything necessary to develop the rights and that is a prior tenement to the rights of the surface owner.

Mr. COOK. In other words, you have the broad form——

Mr. METCALF. He compensates the surface owner for the damage that is done.

Mr. COOK. Is it provided in the State of Montana, for example, that he just post a bond, or does it say in the law that he must deal with the owner relative to compensation? That is all I want to say here.

Mr. METCALF. We want to protect the owner by saying that he has to post the bond. But in the State of Montana—and it probably is so in the State of Kentucky—he does not have to do anything to exercise his subsurface rights. We are trying to get the surface owner a little additional right that he does not have, and we think that in the public interest we can do that. But we do not think we can say to the surface owner: "Look, you can deny the subsurface owner all his rights. You can just say, 'I am going to sit here and I am not going to give you subsurface rights. I am not going to let you exercise any of your rights.'"

Mr. COOK. The Senator knows as well as I do that if (a) is left in—"the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface mining operations on such land"—and (b) is excluded, rather than have a Federal action, if the State refuses to do it, you then have a State court action. You have a State court action in his own circuit court, in his own county, because they are going to bring an action on the subsurface deed; they are going to say they are entitled to compensate him, and they are going to ask a jury to set that compensation. A cause of action is created by (a) if in fact there is a denial.

All I am saying is that he should be given that option, so he can do it in the framework of his own bailiwick and not file a suit in the Franklin Circuit Court, if the bond is posted in the State, or in a Federal district court, if the bond has to be posted with a Federal agency. All I am saying is that we are not denying the owner of the subsurface the right to bring an action. We know he has a property right. If the owner of the surface refuses to negotiate, he obviously has a cause of action; but that cause of action is determined in the circuit court where the individual lives, and this he can handle. The Senator knows as well as I do that that right would prevail—unless we abolish strip mining all over the United States. Certainly, the Senator from Montana would say that Congress has a right to do that.

Mr. METCALF. As the Senator from Kentucky knows, I am trying to support a bill that will permit strip mining in America, under limitations that will provide for restoration and reclamation. I think the Senator from Kentucky agrees with that position.

I have long insisted that people should have a right of action in their local courts. It seems to me that if this bill is passed and the State of Kentucky has an approved plan, one can go into the local court, just as one goes into the local court for any other provision under an approved plan. This is a States' rights bill, but this provides that in the event there is no provision for a local plan approved, one can go into the Federal court. I do not think we can just take away all the surface owners' rights.

I am completely in sympathy with the Senator from Kentucky, and he knows that. He knows that all over America there is a conflict with respect to people who have farmed or lived on land for generations. Suddenly, a mining company comes in and destroys their land, removes their buildings, severs their cattle from their barnyards, and so forth.

As a responsible Member of Congress, I feel that I cannot agree to go as far as the Senator from Kentucky wants to go.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I have the floor.

Mr. PASTORE. I should like to ask a question and make an observation.

Mr. COOK. I yield.

Mr. PASTORE. For the benefit of those who come from States where this is not a problem one way or the other, including my own State, and want some enlightenment to do the right thing in the public interest, the one thing that is perplexing at this moment is the fact that this bill was reported without the Mansfield amendment, and the Mansfield amendment was put in there more or less as a protection of the surface owner as against subsurface rights on the part of the U.S. Government.

Mr. METCALF. On the Federal land?

Mr. PASTORE. Yes. We want to say that in that particular case there shall be no mining—strip mining—of Federal subsurface rights. Does not the Senator from Montana feel at this moment, having done that, that there should be a little something for the person who is not the owner of subsurface land that is owned privately? Does not that leave a hiatus? I realize the constitutional question, but I am talking about public policy.

Mr. METCALF. There are two different propositions. In the first place, if we are the owners of public land, we can say that we will dispose of our land as we choose. Congress is the arbitrator there, so we have said in the Mansfield amendment that insofar as the land belonging to the people of the United States is concerned, we are going to surface mine.

But now we go to the amendment of the Senator from Kentucky, and we say that we are going to take the private subsurface land, and we are going to dispose of it in the same way that we dispose of the public land. We just cannot do that.

Mr. PASTORE. Maybe we cannot do that, but the Senator is not answering my question on all fours. The point is this. I realize that where the Government owns the Federal land, the Government can do anything it pleases. But the fact still remains that that does not protect the surface owner.

Mr. METCALF. When the Federal Government owns the land?

Mr. PASTORE. That is correct. Now we are saying that because the Federal Government owns the land, we will not strip mine or injure the rights of surface holders. But when the subsurface is owned by a private individual, he is left out in the cold.

Mr. METCALF. He is not left out in the cold. He is completely provided for with respect to the damage that has been done to the surface. The law, then, is that in the one case it is our land, and we can say we will do what we want with the surface rights. In the other case, it is the one individual's land, and we say we will give his land away, but the surface owner cannot do that.

Mr. COOK. The Senator from Rhode Island hits the point very much on the head. The surface owner today has, first of all, to sit by if he does not care and they do not come to an agreement. He does not establish the value of his land in a hearing, so that an adequate bond can be posted by the State. Somebody in Frankfort, in Harrisburg, or in Nashville—whatever State capital it is—sets the bond. He sits by while bond is posted. The owner of the land sits by, and if they cannot come to an agreement, the language of the bill provides for:

> The execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the payment of any damages to the surface estate, to the crops, or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permitee or upon the bond in a court of competent jurisdiction.

Mr. PASTORE. What does the Senator's amendment do?

Mr. COOK. My amendment would merely provide that a permit shall include "the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface mining operations on such land."

Mr. PASTORE. What if they do not get consent?

Mr. COOK. Then, he brings an action in his circuit court on his deed to the subsurface and the jury determines his damages ahead of time and not after the fact.

Mr. METCALF. I am not sure he is not putting the owner in a worse position.

Mr. PASTORE. The Senator's point is to go to court and let that poor farmer answer a suit in court?

Mr. COOK. But he is paid in advance, and in most instances——

Mr. PASTORE. Who establishes the price?

Mr. COOK. A jury of his peers.

Mr. PASTORE. How do we get the jury established without going to court?

Mr. COOK. The point is that under the bill it is after the fact, after his land has been destroyed. Maybe he is involved for 2 years, and he is not out of there in 2 years.

Mr. PASTORE. Let me understand this correctly. The Senator's procedure is somewhat like condemnation proceedings. Is that correct?

Mr. COOK. Yes, sir.

Mr. PASTORE. In other words, you have to put up a bond before you start strip mining, and a jury has to establish the fair market value of the surface land.

Mr. COOK. That is correct.

Mr. PASTORE. What is wrong with that?

Mr. COOK. The only point I am making to the Senator from Rhode Island is that under the terms of this bill we are compensating the owner of the land after it has been destroyed.

Mr. PASTORE. The manager of the bill has just said that is exactly what the bill provides.

Mr. COOK. What?

Mr. METCALF. That it is analogous to condemnation proceedings.

Mr. COOK. I wish it were. Under condemnation procedures, a person is entitled to be paid. They have to make a deposit with the court and if he wants to take that money, he can take it. If a person feels that the land is worth more, he may not take it and bring an action. In this instance, the bond is posted with the State or Federal agency and after he is through, the individual can bring a suit and have a determination of damages.

Mr. METCALF. That is exactly the same procedure as in condemnation. You go to the man and he says, "I am not going to sell my land. I am not going to sell my land to let the road go through. I am not going to sell my land to let the electric system go through. I am not going to sell my land to let the powerline go through." You go into court and deposit in the court.

Mr. COOK. What you consider to be the fair market value?

Mr. METCALF. Yes. And who accepts that? Commissioners appointed by the court, not a jury, but commissioners appointed by the court, and they make a fair determination of the fair market value, and it stays there until you take it or go to a jury and get a jury decision.

Mr. COOK. May I say to the Senator that nothing here provides that the landowner can come in and take the amount of bond posted by the State. There is nothing that states that the commissioners establish the value. This states that the bond shall be posted and then he shall negotiate with the permittee or bring an action in court. The Senator is not saying he is entitled to the amount deposited. There is not a bonding company in the United States that would make such a bond, if that is what the Senator says.

All I am saying is this: This is just the reverse of a condemnation. If the Senator wants to write in here condemnation language, I would agree to that; that a determination would be made by three commissioners. They are certified to the master commissioner. It is approved for the amount they consider the land is worth, and the amount is deposited with the court. If the individual wants to take his money, then he can take the money and walk out the door. But that is not what the Senator provides in this situation.

Mr. METCALF. I do not want to put that language anywhere. I do not agree to the position that a commissioner should determine the value. I want the jury to determine the value.

Mr. COOK. Give the man the option. What I am saying is to give the option of taking the money on the front end before the bulldozer pushes his barn and his house over the hill.

What I am saying is that the Senator is saying the only way he can recover is on his bond, not before.

Mr. METCALF. No, we are saying we hope they will negotiate.

Mr. COOK. I would like to negotiate this with the Senator because we may be able to work something out, but the way it is now, the Senator is saying "after the fact." If the Senator wants to provide before the fact——

Mr. METCALF. Will the Senator withdraw his amendment? Maybe we can reach an agreement.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

Mr. PASTORE. Mr. President, will the Senator withhold his request?

Mr. COOK. Mr. President, I withdraw the request.

Mr. DOMENICI. Mr. President, there are a number of specific aspects of this bill that concerns me, and I will discuss them, but more importantly I am most disturbed about what I perceive to be an overall lack of flexibility in this bill and its sharp restrictions on the ability of States to demonstrate initiative, originality, and perhaps ingenuity in dealing with this issue.

I am especially concerned about this because my home State of New Mexico has been in the forefront of the Nation in developing effective, environmentally sound strip mining legislation. Some years ago, we convened a group of environmentalists, mine operators and other interested parties and asked them to develop an appropriate piece of strip mining legislation for us. The result was the New Mexico Coal Surface Mining Act, which since has been praised nationwide and has been hailed as a model for the Nation. I still think that is a pretty good idea.

The problem is that the New Mexico law does not spell out details. In fact, that is part of the genius of the law. Under the act, a seven-member commission composed of the State engineer, the director of the State environmental agency, the director of the bureau of mines and mineral resources, the head of the State game and fish department and three others, develops its own requirements for mining projects on an individual basis. It reviews applications for mining permits, applications which must contain detailed descriptions of proposed reclamation plans, and the commission issues permits accordingly. If the commission feels that land cannot physically or economically be reclaimed, no permit is issued. The commission can even close down mining operations that fail at reclamation.

This law is flexible. For example, it does not bind reclamation to so-called "original contour" as S. 425 seems to do. Suppose we were to strip mine a barren desert. Should we be bound to restoring a barren desert? Under New Mexico law, we could accomplish reclamation with an attractive lake and greenery. Could we do that under section 213 of this bill? I am not sure, and no one has been able to give me an answer.

I am concerned that S. 425 might preempt our fine New Mexico law and possibly the laws of other States as well. Yesterday, when we were discussing section 213, the Senator from Montana (Mr. METCALF) said that the bill contemplates that any State that has a more stringent requirement than is written into this law will have its law apply. But what is meant by more stringent? Is the flexible New Mexico law more stringent? I asked yesterday about the status of the New Mexico law and no one was able to give me an answer.

I am concerned also by section 216 which prohibits strip mining in "areas of critical environmental concern." What is that? The section lists some obvious types of such areas, but it does not limit the prohibition to just those areas. It can be argued that virtually any area is an area of critical environmental concern. This section is too vague.

Mr. President, I think we have a legitimate concern here with regard to States' rights. In the sense I have discussed rights here. Have we taken that question into consideration? Have we offered the States sufficient flexibility to use their own initiative in this matter as New Mexico has done? Are we going to reward New Mexicans for their foresightedness and imagination by striking down the product of that foresightedness? Can we do that in good conscience?

Mr. President, we need some answers. I think that before we move ahead on this bill, we need to get those answers. If they already are in the bill, let someone point them out. If they are not now in the bill, let us put them in. But we need them. Thank you.

ORDER OF BUSINESS

Mr. PASTORE. Mr. President, due to the fact that we are waiting for a compromise to be effected, I would like to take a moment or two and discuss another matter and to make an observation. This has nothing to do with the bill; and there is a slight hiatus in the progress on the bill at this time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

REDSKIN-DALLAS FOOTBALL GAME

Mr. PASTORE. Mr. President, I, together with thousands upon thousands of people within the Metropolitan Washington area last night, had the opportunity of watching the Dallas Cowboys and the Washington Redskins play that fabulous game. I wish to take this opportunity to congratulate the Redskins for a brilliant, brilliant performance.

But at the same time I have an observation to make and this is for the benefit of all the doubting Thomases who are apprehensive of what opening up the television screen might do to professional football when the house is sold out.

I watched very closely for that reason. That stadium was jam packed. As far as I could see, there was not a single seat vacant. Enthusiasm ran high.

I want to say to Mr. Rozelle and to the owners of all the clubs in the National Football League that this law, in all probability, is going to be a boon for them because it is going to open up a brand-new market for them. By opening up that television screen, the advertisers will broaden their spectrum of advertising and for that reason revenues will rise accordingly.

Before we make up our minds as to whether that is a good law or a bad law, let us give this matter a fair test. All of us in the Senate, and I have repeated this many, many times, are not out to injure professional football in any way. We appreciate beyond measure the great entertainment that has been provided to the fans of football in this country by television and the cooperation of the National Football League.

Let us not make any mistake; last night was a fair example that whenever two fine teams meet and there is a sell-out, the "no shows" disappear.

As I have stated before, apparently the scalpers unloaded their tickets last night before that game.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I could not agree more. As the Senator from Rhode Island knows, he and I worked extensively on this matter and managed the bill on the floor of the Senate.

I wish to observe that one of the problems they are going to have to overcome in the front office is this: They have sold tremendous blocks of tickets, blocks of 10, 15, 20, and 25 tickets to this corporation and that corporation, to that office and to this office, and they have not had to worry because they had all the tickets sold in good years and bad years. People in those organizations took their customers.

I have had more invitations to go to Redskin football games, and I have had tickets since that law went into effect, from various organizations and groups. Maybe now they are letting go of some of those tickets, so that people who have been wanting them for 20 years can buy them.

Some of those vacancies come about from people with blocks of tickets, and they end up with six or eight seats the day before the game, and now it is on television.

Mr. PASTORE. Did the Senator say that he saw the game last night?

Mr. COOK. I was there.

Mr. PASTORE. Did the Senator see any empty seats?

Mr. COOK. I did remark to my wife that in the last 30 seconds three people below me got up. I turned to her and said, "There are three empty seats that Pete Rozelle will talk about."

Mr. PASTORE. Were the people buying hot dogs?

Mr. COOK. There were so many people there one could not get to buy those things.

Mr. PASTORE. So let that be a lesson.

SURFACE MINING RECLAMATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 425) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

Mr. FANNIN. Mr. President, I want to say to the distinguished Senator from Kentucky that I certainly sympathize with the people he is talking about. I realize that predicaments exist in some cases, but I do not think we can take this step of changing national policy and saying a subsurface resource should be locked up if the surface owner requires it. I know the distinguished Senator has stated they have actions that they can take, but this is a windfall for the surface owner when he can veto the rights of the subsurface owner.

Mr. COOK. Mr. President, will the Senator yield?

Mr. FANNIN. May I complete my argument? Then I shall be pleased to yield to the Senator from Kentucky. I am vitally concerned about this question from the standpoint of the entire country, and not just one part of the country. We are talking about protecting the surface owner. He is protected by this legislation, by the bonding provisions. If he is damaged, he must be made whole by this bond.

Under this bill, there is a requirement that the land be rehabilitated and be made capable of carrying the load it did before the mining took place. Capability is an issue, as far as that is concerned, and it must be provided. The surface owner, as I say, is protected.

I feel it is unconstitutional to deprive the mineral owner of the rights to his property just because the surface owner says so. What kind of chaos are we going to create in the courts because we have invalidated State laws? This country cannot deny either the owner of minerals his rights, nor the minerals that this Nation needs to keep its lights burning and furnaces going. We are in a critical situation, and I feel at this time we cannot afford to place barriers in the way of developing our natural resources. We are dependent on coal. We will be more dependent on it as time goes on. I feel what is happening in the Middle East brings this problem to the forefront more than ever. We can talk about other sources of energy, but we still have to fall back on our need for development of power from coal.

So I say to the distinguished Senator from Kentucky that, notwithstanding all the arguments he has made for his people—and I certainly commend him for that—I do not feel, in good faith, I could support the amendment, which would be so devastating to this country.

I yield to the Senator now, if he has a question or a statement to make.

Mr. COOK. Mr. President, may I say to the Senator from Arizona that he ought to come and see how devastating it has been to the country the way it has operated. May I also say to him that while we should not give the right to the surface owner to deny the subsurface owner his rights, we give the right to the subsurface owner to deny the surface owner his rights. We dig a trench——

Mr. FANNIN. Does the surface owner purchase or acquire that land with that understanding?

Mr. COOK. May I say that many of these deeds—and I hope I made it clear before—for the subsurface rights and many of the deeds for the surface rights are held in families that have been there for generations. When that deed was given strip mining was not known in the United States or anywhere else in the world. It was to deep mine. Then they received a boon. They found coal 100 feet below the surface. They knew it was there before, but they could not get it. Then they got the equipment to get it. They build shovels big enough to put a high school band in them. They build them so big that five automobiles can be put in them. They come along and take scoops of many, many cubic yards of dirt. All of a sudden, the surface owner found that whereas heretofore he had been protected, everything was being destroyed. He saw fields disappear, that were put back 100 feet, and which would not grow anything but dust.

Mr. FANNIN. If the people of Kentucky desire to have more stringent laws, the bill provides that they can have more stringent laws. I was born in Kentucky. I have been in Kentucky many times. I have visited the areas the Senator is talking about. I certainly agree that we need laws to protect the lands of Kentucky. This is a reclamation law we are talking about. The land cannot be mined unless it can be reclaimed. So the surface owner is protected in the bill. I cannot understand why the Senator is so insistent on applying completely across the country something that may be of only local interest.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. COOK. Yes, but first may I say to the Senator from Arizona that, as long as he has been in the political arena, and I also say to the Senator from Montana and to the Senator from Wyoming that as long as they have been in the political arena, if they are not aware of the broad form deed in their States, the law in their States is the same as any other except mine, and that is that one must get a waiver from the surface owner.

Mr. HANSEN. Mr. President, if the Senator will yield, let me say the concern of the Senator from Montana is not misplaced. It reflects a very great interest and obvious concern on the part of many people to do something about it.

I am happy to report that when the Surface Mining Reclamation Act of 1973 was being considered, provision was made in the bill to deal specifically with the broad form deed. I would like to read from the report of the Committee on Interior and Insular Affairs of the U.S. Senate accompanying S. 425. I turn to page 78 of that report, reading:

> SECTION 511. PROTECTION OF THE SURFACE OWNER
>
> Where the surface owner is not the owner of the mineral estate Section 511 provides the following protection:
>
> (1) The applicant for a surface mining permit must include in his application the written consent of the surface owner or owners to surface mining; or
>
> (2) The applicant must execute a bond or an undertaking to the United States or the State, whichever is applicable, to secure the payment to the surface owner or owners of any damages to the surface estate, crops, or tangible improvements of the surface owner or owners. This bond is in addition to the performance bond required by the Act.
>
> The Committee understands that the damages for which the surface owner would be compensated would include the loss of the use of the surface from the time mining began until reclamation was completed.
>
> This provision is of special importance in those States where broad form deeds, often signed—

As the Senator from Kentucky has pointed out—

> Before the technology of surface mining existed, have been interpreted to give the mineral rights owners complete rights to fully destroy the surface and thus deprive the surface owner of any use of his property. It is based on the rule which has been applied to Federally-owned mineral rights for many years.

I thank the Senator for yielding. I thought he would be pleased to know the committee did indeed consider the plight of land and surface owners in Kentucky and around other parts of the country as well.

Mr. METCALF. Mr. President, will the Senator yield to me?

Mr. COOK. I yield.

Mr. FANNIN. Mr. President, I have the floor.

Mr. METCALF. Will the Senator yield?

Mr. FANNIN. I yield.

Mr. METCALF. During the course of the hearings we heard from witnesses from all over the United States, who told us about the divided rights, the subsurface and surface rights. It is not only a Western problem, it is not only a Kentucky problem; it is a problem in Pennsylvania, it is a problem in Southern States, it is a problem in California. And we really considered it, I say to the Senator from Kentucky, as a national problem.

Mr. COOK. Mr. President, may I say to the Senator from Wyoming that I agree with everything he said. Really my only objection is that unfortunately in this system of ours, on too many occasions somehow or other, the posting of a bond is an easy way to forestall the inevitable. And in the interim period it puts the individual in a terrible position. He really cannot bring his action until the damage has been done.

If he is a farmer who is trying to make a living and if he is growing tobacco or trying to grow corn, he loses all of his income. And in the interim the only recourse he has is to ultimately present that bond.

Mr. President, we have worked out some language with the Senator from Montana. I would like to show this to the Senator from Wyoming and the Senator from Arizona.

I therefore suggest the absence of a quorum so that we may work the matter out.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOK. Mr. President, I offer a substitute for amendment No. 616 as modified.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendments.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with and I will explain them in a few minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The substitute amendment reads as follows:

On page 134, line 11, insert the word "immediate" between the words "the payment."

Line 11, after the word "payment" insert the words "equal to."

Line 12, after the word "estate" insert "which the operation will cause."

Line 15, between "a court" insert the word "local".

Mr. COOK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. COOK. Mr. President, the yeas and nays not having been asked for, I have a right to amend my own amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator has a right to modify his amendment.

Mr. COOK. Mr. President, with the language that, I hope, we have agreed on, the section would read:

(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the operation will cause to the crops, or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a local court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

Mr. METCALF. Mr. President, I think that the amendment that has been offered by the Senator from Kentucky as a result of the debate and dialog has improved the bill and has certainly given a surface owner an opportunity to have immediate restitution for damages incurred.

I not only concur in the amendment, but I also agree with the amendment and applaud the Senator from Kentucky for bringing up this matter and working it out.

Mr. COOK. Mr. President, I thank the Senator from Montana. I also thank the Senator from Wyoming and the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the substitute amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. COOK. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the amendments offered by the Senator from Tennessee (Mr. BAKER).

Mr. METCALF. Mr. President, I ask unanimous consent that prior to proceeding to the consideration of the amendments of the Senator from Tennessee, I may be permitted on behalf of the Senator from Arizona (Mr. FANNIN) and myself to offer two amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I send to the desk two amendments and ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. The amendments will be read.

Mr. METCALF. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

On page 103, line 5, insert the following:

After the colon insert the following:

"*And provided further*, That prior to any designation pursuant to subsection (a)(2)(C), the regulatory authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy and the supply of coal:"

On page 75, line 1, following the period insert the following: If a Federal Program is implemented for a state, Section 216 shall not apply for a period of one year following the date of such implementation.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. METCALF. Mr. President, in the bill, in section 216, there is a provision that provides that certain areas may be designated as areas unsuitable for strip mining. There are certain provisions and certain criteria provided for in the designation of such areas. Some of them are, of course, obvious. We leave out the national parks and national wildlife refuges. Some areas are not so obvious. And one is of environmental concern. Some of the people are very much concerned and very much interested in the bill. These people are bothered by the designation of such areas.

The amendments provide that the matter has to be carefully studied and there has to be a report. There also has to be a study of the various criteria as established for the designation of such an area as an area of environmental concern, whether it is on the State basis or on the Federal basis.

Further, the second amendment provides that any Federal program designating such areas shall be postponed for 1 year. This is offered on behalf of the Senator from Arizona and myself. We worked out an agreement that we feel adjusts to the necessary needs of protecting the environment and at the same time protecting mining activity.

Mr. President, I urge adoption of the amendments.

Mr. FANNIN. Mr. President, I agree with the distinguished Senator from Montana, the manager of the bill. This language is very helpful. As usual, the Senator is desirous of assisting in making it possible for us to go forward with mining, which is so essential to our Nation, and still take care of and protect the environment.

The Senator from Montana should be commended for that. The amendments are helpful in many ways, and I feel that they add to the bill. I support the amendments wholeheartedly.

Mr. HANSEN. Mr. President, I would like to ask my distinguished colleague, the floor manager of the bill, whether this language is correct?

On page 103, line 5, insert the following:

After the colon insert the following:

"*And provided further*, That prior to any designation pursuant to subsection (a)(2)(C), the regulatory authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources to meet the Nation's energy requirements, and (iii) the impact of such designation on the environment, the economy and the supply of coal:"

Mr. METCALF. Mr. President, the words "to meet the Nation's energy requirements" have been deleted.

Mr. HANSEN. I see. So, it would read then, as follows:

On page 103, line 5, insert the following:

After the colon insert the following:

"*And provided further*, That prior to any designation pursuant to subsection (a)(2)(C), the regulatory authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand

> for coal resources, and (iii) the impact of such designation on the environment, the economy and the supply of coal:"

Mr. METCALF. The Senator is correct.

Mr. HANSEN. "And the impact of such designation on the environment, the economy, and the supply of coal."

Mr. METCALF. That is right.

Mr. HANSEN. It is the intent of this amendment, as I understand it, to make certain that we do not callously write off important areas of this country which may be coal-bearing, but at the same time could have an environmental impact if they were to be mined. In other words, what this amendment says is that we will look, not only at the environment, but also at the energy supply in this country, and make certain that we have the whole picture before us.

I think the amendment is well intentioned, and will go a long way toward assuring that we do not forget any of those values that are important to the country. Am I correct in that?

Mr. METCALF. The Senator from Wyoming is, as usual, completely correct. Here we are trying to say that we are not going to permit the State regulatory agency or the Federal Government, whichever is involved, to just arbitrarily go out and say, "This section will be closed." They have to make a study. They have to make a determination, and the criteria, of course, are set out.

The reason we put "to meet the Nation's energy requirements" in, is that some of us felt that as originally proposed, it would be difficult for the State of Wyoming or the State of Montana to make a determination of the Nation's energy resources, but the extent of coal resources in our own area——

Mr. HANSEN. Is measurable.

Mr. METCALF. Yes. But this makes it mandatory that there be an adequate study.

Mr. HANSEN. I thank my colleague. I ask unanimous consent that my name be included as a cosponsor of his amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. I thank the Senator very much.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. METCALF. Do I have the floor? If so, I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding. I, too, am glad to add my name as a cosponsor of this amendment, because I think it does substantially what most of us have been concerned about, in determining what kind of criteria would go into the decision that must be made under subsection (c) that we refer to.

I am constrained only to remark again, as I have several times in the committee and once or twice on the floor, that we have a little confusion apparent in this amendment also, where we talk about the impact of such designation on the environment and the economy, as though they were two separate things. I think we need to reaffirm on every possible instance that when we are talking about the environment, we are talking about the totality of a person's environment, which includes the economy in which he lives. I think the environmental impact statements required under NEPA also require an evaluation of the impact upon the economy, as well as other surroundings.

That is not an objection to the amendment. I just think we need to, whenever we can, stress the fact that the environment is not simply a narrow definition, but a broad definition, and I applaud the efforts to include those factors in this amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that the name of the Senator from Idaho be added as a cosponsor of the amendment. I am proud to have him as a cosponsor, because all during the hearings and discussion of the bill, he has demonstrated a very knowledgeable position on all of these matters, and his cosponsorship is a matter of great pride.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, may we have the question put?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments, en bloc, of the Senator from Montana (Mr. METCALF).

The amendments were agreed to.

Mr. RANDOLPH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent to have it considered at this time?

Mr. RANDOLPH. Yes. I ask unanimous consent to have my amendment considered at this time, notwithstanding the arrangement to recognize the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 135, after line 12, add the following new section:
>
> "SEC. 516. It is the sense of the Congress that the Department of the Interior, the Cost of Living Council, the Office of Preparedness, and the Office of Energy Policy shall take immediate action to increase the supply of fabricated steel available for the manufacture of coal mine roof bolts and roof plates essential to maintaining the operation of coal mines at the level necessary to provide adequate supplies of coal in the immediate future. If necessary, such action shall include granting increases in the price of fabricated steel to a level which will insure the manufacture of sufficient supplies of roof bolts and roof plates."

Mr. RANDOLPH. Mr. President, the coal industry is confronted with a critical shortage of underground coal mine roofing materials—namely, roof bolts and roof bolt plates. Roof bolts are used to strengthen the ceilings and walls of underground coal mines. The bolts are usually made of high strength steel. Roof bolting is the practice of driving long, threaded steel rods into the top of mine passages for roof and wall support.

Steel mills have reduced production of these rods because they are a low-profit item and the mills are concentrating on more profitable items. Thus, the fabricators of roof bolts cannot obtain the necessary supply of rods.

Major suppliers of mine roof bolts and plates in the West Virginia area are Bethlehem Steel Corp.; Union Forge Co. of Pittsburgh; Harmony Industries of Mingo Junction, Ohio; Penn-Birmingham of Scenery Hill, Pa. Harmony Industries' steel quotas have been cut in half for the next 3 months and they are operating at about one-third capacity. Harmony normally produced 800,000 to 900,000 roof bolts a month and could produce four times that amount in terms of demand and capacity if steel were available. Republic Steel has stopped making steel plates. It is my understanding that H. K. Porter, a major supplier in Huntington, W. Va.—supplying bolts and plates to southern West Virginia mines—is going out of business. Penn-Birmingham is in short supply and has placed its major customer, Consolidation Coal Co., on an allocation basis. Pennsylvania-West Virginia Supply Co. of Triadelphia, subsidiary of Valley Camp Coal Co., could shut down its mines any day. Eastern Kentucky coal mines will be hurt with a possibility of 20 percent of the mines in that area being closed.

Even though the major coal companies might not be hurt since they can afford a high price for the bolts and plates and receive their allotment as regular customers from the suppliers, they still might find that the supply is not sufficient to meet their needs. This would especially hurt the independent coal operator.

I wrote to President Nixon calling attention to these facts and the growing shortage of coal mine roof bolts and roof bolt plates. The U.S. Bureau of Mines has confirmed the reports which have been coming to me from the coalfields of West Virginia. It is my belief that this shortage creates a dangerous condition in that it involves possible unsafe working conditions for men in underground mines. It could mean that more and more coal mines will have to cease production. Such cessation of production of coal in underground mines at this time and in the period immediately ahead, when heating oil shortages are additional threats, would further complicate already serious energy supply deficiencies.

In my letter to President Nixon, I urged him to order appropriate agencies in the executive branch to begin prompt corrective actions toward alleviating the roof bolt shortage. I suggested that the White House's energy adviser, the Office of Preparedness, the Cost of Living Council, and the Department of the Interior could work with industry to restore the normal supply.

Mr. President, the appropriate Federal agencies have been provided with copies of my communication to the President of the United States and have been urged by me to develop a coordinated and cooperative effort to resolve this situation which is becoming increasingly critical to the future production of coal. After numerous contacts by my staff with all of the Federal offices that would be involved in the attempt to resolve the shortage of roof bolts and roof bolt plates, I am concerned that the urgency of the situation has not been impressed upon those who need to take affirmative action.

Because of this concern, I am introducing a Sense of the Congress provision as an amendment to the pending measure which stresses the urgency of this problem and directs the appropriate Federal agencies to work together toward a solution. Initially, I felt that it might be possible to insert a cost pass-through provision to help alleviate this shortage. However, after thorough consideration it appears that a cost pass-through would be extremely difficult to formulate and it is not definite that short-term profitability of the materials used in the manufacture of roof bolts and roof bolt plates is the key underlying issue. For this reason, I am proposing a Sense of the Congress provision as opposed to a mandatory cost pass-through amendment.

I hope there can be an agreement by the table managers of the bill on this amendment, and I ask unanimous consent that the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I certainly approve of the amendment. One thrust of the bill is for increased underground mining. This enhances the purposes of the bill.

I am pleased that the Senator from West Virginia, who is so knowledgeable about underground mining and soft-coal mining, is aware of the necessity for putting this amendment into the bill. With the concurrence of the Senator from Arizona, I am prepared to accept the amendment.

Mr. FANNIN. Mr. President, I am very pleased to concur with the distinguished Senator from Montana and the distinguished Senator from West Virginia. I do feel that, from the standpoint of intent, this bill is a reclamation bill; and I would not like the Senate to consider it just a bill to promote underground mining. It is a bill to assist both surface mining and underground mining, the overall mining of coal.

Mr. METCALF. The Senator is correct.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. METCALF. Mr. President, I move to reconsider the votes by which the two previous amendments were agreed to.

The ACTING PRESIDENT pro tempore. It would require unanimous consent to reconsider them both together.

Mr. METCALF. I ask unanimous consent that it be in order to move to reconsider the vote by which the two previous amendments were agreed to.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

Mr. METCALF. I move to reconsider the votes.

Mr. FANNIN. I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee (Mr. BAKER) is recognized to call up an amendment.

AMENDMENT NO. 609

Mr. BAKER. Mr. President, I call up my amendment No. 609, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 96, after line 15, insert the following subsection and renumber the following sections:
>
> "(12) insure the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property: *Provided*, That the regulatory authority may permit the retention after mining of certain access roads where consistent with State and local land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose;".

Mr. BAKER. Mr. President, under the provisions of the bill we have before us, roads used in mining are deemed to be a part of the area of mining operations. Thus the standards for operations and reclamation in the bill would be applicable to roads.

However, there is no specific authority requiring direct control of construction or maintenance of these access roads. If improperly constructed, roads can be a major contributor to erosion, landslides, and siltation. They are an important aspect of mining and should be the subject of careful controls.

This amendment would require such control and would additionally establish authority for the retention of certain access roads. In Appalachia, where most contour operations are found in inaccessible mountainous areas, retention of access roads for postmining inspections and for fire protection is often desirable.

I know firsthand the difficulties we have with improperly constructed roadways in conjunction with strip mining operations. I have seen estimates and heard of estimates which state that the siltation burden on the roads may be a substantial portion of the total siltation burden. The bill in its form as reported by the committee contemplates control of these roads. This is necessary to make sure that initial construction, maintenance, and retention of the roads is clearly considered to be an integral part of the mining operation for reclamation purposes.

I have discussed this amendment with the distinguished manager of the bill and the distinguished ranking Republican Member. I would hope they might agree with me that this would be a useful addition to the bill and that we might adopt the amendment on a voice vote.

Mr. McCLURE. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. McCLURE. I would understand the purpose of the amendment to be to cover the roads which are appurtenanced to or a part of the mining operations, that it would not be the intention of the sponsor of the amendment to extend the control mechanisms under the act to roads which are public roads and not associated directly with mining operations; is that not correct?

Mr. BAKER. That, I believe, would accord fully with my understanding. Let me make one or two limitations on that, though. If, as is sometimes the case, a public road is chosen to be used as an access road to a strip mining operation, the maintenance and retention of that road would be supervised by reclamation techniques; that is, if it is a public road and still used for mining operations it would be.

Mr. McCLURE. If the maintenance operation of a public road became the obligation of the mining owner under local or State regulations that would be correct, right?

Mr. BAKER. That is correct. It would not put any additional burden of responsibility on the part of the Government.

Mr. McCLURE. But if the road were not taken over as part of the mining operation under local operations, then it would not cause that fall over the public road to extend the reclamation and criteria control under this to all such roads that might be traversed.

Mr. BAKER. That is correct. I would point out that the bill itself has applications to mining operations which in no way deal with the responsibility of units of the Government. If for that reason, and no other, it could not affect the roads the Senator describes, only in a case where a public road was taken over by a strip mining operation would it be.

Mr. McCLURE. One of the causes of my concern is the public lands in the West—there is no coal in my State—but nevertheless we have a great deal of public land, part of which is under the control of the Forest Service and part of which is under the control of the Bureau of Land Management. If an operator goes into an area and starts a mining operation in which he would substantially increase the burden on the road, the Forest Service may require of him certain stipulated acts to be taken with respect to construction or maintenance of that road. This amendment would not be intended to supplant or take away from the authority of the Management Agency the right to establish such rules and regulations as they would wish and would not extend that to that situation; is that correct?

Mr. BAKER. That is correct.

Mr. McCLURE. I thank the Senator very much.

Mr. FANNIN. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. FANNIN. I am wondering whether the provision will control or prevent erosion, siltation or pollution of water. Is it not covered in other parts of the bill? I would refer the Senator to page 90, line 24, where there is control of water drains and drainage and on line 26, soil stabilization. I am wondering whether the Senator feels that since this construction and maintenance is a part of the mining operation, the bill would not already fully protect that?

Mr. BAKER. As I said in my initial remarks, the intention of the bill was to do what I hope we will strengthen by this amendment. The only point concerning me, and which I sought to cure by this amendment, is that while the bill does in fact designate the roads which are used as part of a mining operation, there is no specific authority, as I read the bill, requiring direct control of construction and maintenance of the roads. If it is redundant and does no damage and is subject to the interpretation suggested, I think it is important and significant. At the very best, it is not in conflict with either the language or the intent of the bill.

Mr. FANIN. I am sure the Senator will agree that this is the minimum that must be required. Much more can be done. But it does not exclude other actions that would be considered either essential or required. I just question whether the Senator would feel that the present language gives ample protection.

Mr. BAKER. It does not, in my view, make it absolutely certain that the road network should be considered in this way. I reiterate what I said a moment ago, that it could be interpreted two different ways, but the amendment is not in conflict with the interpretation of the bill that the Senator from Arizona recites. But, at the very least, it affects the specific result that I seek. I do not think it does violence to the contention the Senator from Arizona suggests.

Mr. FANNIN. I understood the Senator to say that it does violence to the bill. That is not the intent. I believe I did not quite understand the Senator's last remark.

Mr. BAKER. What I said was that it did not do any violence to the interpretation of the bill.

Mr. FANNIN. I thank the Senator very much.

Mr. BAKER. I do not mean it does violence to the bill. It is a good bill. Like the Senator and other members of the committee, they are to be commended for handling a very thorny issue in a good way. But this tightens up the provision which I know to be of much concern in the mountains of eastern Tennessee and southeastern Kentucky.

Mr. METCALF. Mr. President, we all recognize that access roads may be an important provision for transportation after a certain activity is over. Maybe such roads are useful and that is the purpose of the amendment. Unregulated access roads, improperly graded, roads just graded only for access to the mine and not handled for regular transportation, might cause serious erosion, slides, and other hazards.

I certainly concur with the purpose of the amendment. I think that we went through the bill and tried, as the Senator from Arizona has suggested, to provide for these various proposals.

I am not prepared to resist the amendment at this time, but I want to raise a flag that persaps if the roads are not properly instituted in the first place and properly maintained after the abandonment of the subsurface mining, a serious environmental situation could occur or this may be in conflict with the high wall provision or the contour provision in another part of the bill. But, I am not going to resist the amendment.

Mr. BAKER. I think the bill serves the purpose the Senator from Montana has described. If a road is not properly built, or if it is not properly maintained, then you have a potential environmental hazard that may be as great as the high wall itself.

The only purpose of this amendment is to make sure that the road network is included as an integral part of the mining operation.

Mr. METCALF. And it is understood that they have to be maintained in accordance with environmental protection.

Mr. BAKER. This amendment specifically and categorically so provides.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. McCLURE. Mr. President, I support the amendment. I think it is necessary that the roads be included as a part of the mining operation, as a matter of definition.

I want to point out one thing which we should understand when we do that—that the mining haul roads will be under a much stricter requirement for environmental protection and reclamation than will be any other road built by any other authority in the United States.

Mr. BAKER. The point is well taken. Once again, I draw on my own personal experience. I live in a mountainous area of east Tennessee, where the road network, especially the county road network, is not noted for the premium quality of its construction. They are built in convenient and economical locations, unlike strip mine roads, which are built up the side of a mountain, perhaps 3,000 feet.

Mr. McCLURE. Would not the Senator agree, however, that even in the build ing of the roads to which he refers—and he knows them better than I—they put some of the spoil down the bank?

Mr. BAKER. Strip mine roads?

Mr. McCLURE. No. In the ordinary road building, in building a bank or building up the road, a new surface is created on the side of a mountain which includes some spoil down the bank. In the strip mining roads, we are going to say that they cannot put any spoil down the bank, if the provisions of this bill apply to those haulage roads.

Mr. BAKER. That is right.

Mr. McCLURE. So that the roadbuilding requirement we are making here is much more strict than any county, State, or Federal highway project has to comply with, so far as that aspect is concerned.

Mr. BAKER. That is so. The danger of siltation from the roads is much greater than even with the haphazard construction of public roads, because it simply goes up the side of a hill, and water comes gushing down at a high rate of speed and picks up silt.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 606

Mr. BAKER. Mr. President, I call up my amendment No. 606.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 118, after line 9, insert a new section and renumber following sections accordingly:

SEC. 402. STUDY OF IMPACT OF FEDERAL CONTROL ON CONTOUR SURFACE MINING.—(a) The Chairman of the Council on Environmental Quality is further directed, in conjunction and consultation with the National Academy of Sciences—National Academy of Engineering and such Federal agencies as he shall deem appropriate, to undertake an indepth review of the success and impact of the reclamation and environmental protection standards of this Act as they pertain to contour coal surface mining. The study shall—

(1) assess the impact of contour coal surface mining pursuant to the Act upon water quality;

(2) assess the impact of contour coal surface mining pursuant to the Act upon land value, productivity, and other economic factors in regions where such mining is conducted;

(3) assess the impact of the Act upon and the general development of alternative production techniques, including deep mining, and their relative impact upon the items in (a)(1) and (a)(2).

(b) It shall be the purpose of the study based upon the above data and other available information to evaluate the impact of a ban of all coal contour surface mining upon energy supply, the economy, and the environment.

(c) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than thirty-six months after the date of enactment of this Act.

(d) There are hereby authorized to be appropriated for the purpose of this section $500,000.

Mr. BAKER. Mr. President, this amendment would direct the Chairman of the Council on Environmental Quality to conduct a study of the impact of the Federal Surface Mining Reclamation Act upon coal contour surface mining, to assess the continuing impact of this type of mining upon water quality, land values and productivity, and to assess the development of alternative mining techniques and their relative impact upon the ecology. The purpose of this study would be to evaluate the impact of a ban of contour surface mining of coal and a conversion at some point in the future to other methods of coal production.

What this amendment would do, in effect, would be to put in place a mechanism by which Congress, after a reasonable period of time, would be able to assess the effectiveness of this bill and to consider carefully the alternatives that should be available to us after a reasonable time of experience. It has no legislative impact except to mandate that study, and it leaves the Council with the full range of opportunities and responsibility to report to Congress.

I wish we did this more often—that is, put in place a mechanism that required us to take a look, say, 3 years down the road at what we did and successful or how much of a failure that legislation has been. That is the sole purpose of this study. I think it is important that we now flag what we are going to do for another look at some point in the future.

I understand that this amendment has been discussed with the distinguished manager of the bill. I hope there will be no substantial controversy about it, and if there is not, I am prepared to submit the amendment on a voice vote.

Mr. METCALF. I understand that this amendment provides for a 3-year study.

Mr. BAKER. That is right.

Mr. METCALF. Of a ban on contour surface mining on mountain slopes.

The Senate committee previously considered this matter and had a good deal of discussion and deliberation on it. Before action on this bill is completed, I look forward to several amendments on contours, but certainly this amendment would not conflict with any of those provisions. I think that a continued study, no matter what we do with contours today or what the provision is, is certainly warranted, because we have various geographical areas and climatic conditions in the United States.

I approve of the amendment, and I congratulate the Senator from Tennessee for thinking about it and offering it.

Mr. BAKER. I thank the Senator.

Mr. METCALF. If the Senator from Arizona concurs, I certainly would be glad to vote on the amendment at this time.

Mr. FANNIN. I am very pleased to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 610

Mr. BAKER. Mr. President, I call up my amendment No. 610.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 94, in line 12, after the semicolon insert the following: "*Provided*, That spoil material not required for the reconstruction of the approximate original contour on any site shall be permanently stored at such spoil storage areas as the regulatory authority shall designate and for the purposes of this Act such areas shall be deemed in all respects to be a part of the lands affected by mining operations;".

Mr. BAKER. Mr. President, this amendment is directed to section 213(b) of the bill (S. 425) which is the section specifying criteria for the permanent disposition of spoil material after surface mining. Under the provisions of the bill the management of overburden both during and after operations must insure that no permanent placement of spoil material will be made on outslopes except for certain exceptions in the case of "initial cuts" at new operations in order to establish a working bench. The bulk of the overburden from any operation will be used for restoration of the contour as required in section 204(b) (2) of the bill. But excavated earth expands as it becomes fractured and less dense; so that spoil material will have a volume 20 percent to 40 percent greater than the overburden prior to mining. In many cases the volume of mineral extracted or an increase in the density of the spoil when compacted will diminish this swell and permit permanent storage of the overburden totally on the bench. In most new operations, especially contour mining in Appalachia, however, a portion of the spoil will be excess to reclamation needs. The bill makes no provision for such permanent off-bench storage of spoil material.

If uncontrolled, disposition of spoil material out of the permit area could become a serious hazard to water quality.

This amendment requires that storage of such material be made at areas designated and monitored by the regulatory authority. And additionally that such areas be stabilized and revegetated as required for other lands affected by the mining operation.

By thus requiring the States to integrate this aspect of reclamation into their regulatory program a potentially serious environmental problem will be avoided; and further, the States by designating as storage areas orphaned mines, especially those targeted for reclamation under title III of the act, can utilize this authority to address in some part the problem of abandoned lands reclamation.

Mr. METCALF. Mr. President, I believe that the bill as written and the amendments as agreed to take care of the matter of off-site storage of soil. But if the Senator from Tennessee desires clarification—and certainly his amendment would clarify the position taken—I certainly would agree that it should be clarified. His amendment would strengthen the bill insofar as the situation is concerned and would make clear exactly what the intent is.

Mr. BAKER. I thank the distinguished manager of the bill.

Mr. McCLURE. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BAKER. I yield.

Mr. McCLURE. I note in the Senator's amendment on line 4 it states that the material shall be permanently stored. I wonder if there might be instances where their spoil material would not be permanently stored at the spoil storage area so that perhaps that word should be "may" instead of "shall."

Mr. BAKER. The point is well taken. I think the word "shall" as it appears subsequently on line 5 and line 6 is essential to the meaning.

Mr. McCLURE. I agree to that.

Mr. BAKER. But I think the suggestion of "may" to be substituted for the word "shall" in the fourth line, is a worthy suggestion. I so modify the amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BAKER. I thank the Senator.

The amendment as modified is as follows:

On page 94, in line 12, after the semicolon, insert the following: "*Provided*, That spoil material not required for the reconstruction of the approximate original contour on any site may be permanently stored at such spoil storage areas as the regulatory authortiy shall designate and for the purposes of this Act such areas shall be deemed in all respects to be a part of the lands affected by mining operations;".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee, as modified.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I call up my amendment No. 607, as modified.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 67, after line 23 insert the following new subsection and renumber the following subsections accordingly;

"(c) Such regulations shall not be promulgated as final regulations until the Secretary has first obtained the written concurrence of the Administrator of the Environmental Protection Agency with regard to portions or parts thereof which affect air and water quality.".

On page 72, in line 23, after the word "and" insert the following: "obtained the written concurrence of the Administrator of the Environmental Protection Agency with regard to portions or parts of the State's proposed program which affect air and water quality," and".

Mr. BAKER. Mr. President, this is a modified amendment. It differs in two respects from the printed amendment at the desk. I understand it is acceptable to the manager of the bill and the distinguished minority floor manager of the bill. The amendment has two parts.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc? It has two points.

Mr. BAKER. Mr. President, it is not in two parts in a generic sense that would relate to the Parliamentarian's concern. It deals with the subject matter in two different ways. If that is necessary I will ask that that be done.

The PRESIDING OFFICER. There are two parts of the bill.

Mr. BAKER. I will not make a point of order or appeal the ruling of the Chair. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, this amendment is in two parts. The first part amends section 201—Grant of Authority: Promulgation of Federal Regulations—by inserting a new subsection requiring the written concurrence of the Administrator of the Environmental Protection Agency before the final promulgation of regulations. The second part amends section 204(b)(1) of the bill by requiring the written concurrence of EPA before a State program may be approved.

The bill as reported requires the Secretary of Interior to develop, propose, and promulgate regulations according to the criteria of the act within 6 months after enactment. There is no requirement that the Secretary consult with or obtain the comments of any other Federal agency. The Secretary is required to submit State programs when submitted for the review and comments of the Environmental Protection Agency as well as the Department of Agriculture and "other Federal agencies concerned with or having special expertise pertinent to the proposed State program."

The Environmental Protection Agency is the one Federal agency whose special mission is the protection of the environment. It is charged with the administrative responsibility in our air and water pollution control programs. Indeed, even without specific coordination in this act, the Environmental Protection Agency will find itself closely involved in control of environmental impacts resulting from surface mine drainage.

Since the primary thrust of S. 245 is to establish a regulatory program for the protection of the environment, it would seem logical that the Environmental Protection Agency should be vested with lead responsibility. However, in view of the impact of the bill upon mineral production, land use, and the energy situation, the Department of the Interior is also an appropriate choice. The problem is not one of choosing a lead agency, then, but one of establishing proper coordination between agencies both possessing deep and inherent interests in this program. This is what this amendment would do. And by doing so it would reduce fragmentation of Federal environmental protection programs and facilitate coordination between Federal agencies sharing responsibility for such programs.

I would add to that that when former Senator John Sherman Cooper, of Kentucky, and I introduced S. 3000, in a previous Congress, the Environmental Protection Administration was given authority, because we felt then, as I feel now, that the principles and hazards of coal mining should come within the purview of the Environmental Protection Act. However, in a spirit of conciliation, I fully agree that the bill should vest authority in the Department of the Interior.

Mr. BROCK. Mr. President, I am not in disagreement with the amendment. I think it is constructive. The only thing I would be concerned with is that the Administrator of the Environmental Protection Agency might for some reason delay this matter unconscionably. I wonder what time strictures there are to protect against that sort of situation from occurring.

Mr. BAKER. That is a good point that my distinguished junior colleague has mentioned. It is of deep concern to us that the Secretary of the Interior or the Administrator of EPA might take an unreasonably long time to pass on a State plan under this act or to promulgation regulations, as in the case of EPA, for water quality.

Both the Administrator of EPA and the Secretary of the Interior would have to operate within the same time constraints. That is, for the promulgation of rules and regulations under the Environmental Protection Act the time is limited. There is a statutory limitation on the time EPA can take for the promulgation of water quality standards, and the same would apply in this case.

Mr. BROCK. Under section 204(c) there would be a limitation on the Secretary of the Interior, which I believe is 4 months.

Mr. BAKER. That is correct.

Mr. BROCK. Does that mean 4 months plus the amount of time EPA has?

Mr. BAKER. No; it is my understanding that it is not additional time. The Secretary and EPA would have to act within the same time. The same time constraint would apply both to the Secretary and to the Administrator of EPA.

Mr. BROCK. The Senator does not think it is necessary that we spell out "Secretary or Administrator?"

Mr. BAKER. I am perfectly willing to modify my amendment in that respect, so as to make it clear. I would hope that this colloquy might constitute a legislative history that would make it clear that that is the understanding of the author of the amendment: that the same time constraint would apply to the Administrator of EPA as applies to the Secretary. The time would run concurrently, not consecutively.

Mr. BROCK. I have great confidence in the author of the amendment. I would support the amendment on that premise. I do not know that I would insist upon a modification of the amendment, but I do say that I am supporting the amendment with the qualification that it would not in any sense modify the time frame.

Mr. BAKER. Just as a matter of agreement, I modify my amendment by adding at the end thereof:

Within the time frame described in this section.

Mr. BROCK. I appreciate that.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLURE. Mr. President, I am happy to have this colloquy with the Senator from Tennessee concerning the amendment. There was some doubt as to whether the time frame might apply because of the limitation expressed in section 204(b), which is expressly a limitation upon the Secretary of the Interior.

I think the additional language will make clear what was probably the case, as stated in the Senator's understanding. I wanted to take this time very briefly, however, to agree that, while I completely support the concept of the Administrator of EPA having jurisdiction over water and air quality standards of these plants, and he has it under existing law, and it should not be confused in this law, the Administrator of EPA is not always right, and we are extending a great many veto powers over many different agencies, giving this authority to the Environmental Protection Agency. Sometimes they make mistakes, and sometimes those mistakes cost this country very dearly. I have reference to what everyone in our country is becoming increasingly aware of.

I call attention to a column which appeared in Sunday's Washington Post with reference to the tussock moth infestation in the Northwest forests of this Nation, which threatened to defoliate large sections of our Northwest forests, both public and private and the Environmental Protection Agency turned down a request to use DDT. If we look at the environmental impact statement and how the Agency made the decision, one would have to confess that they made a grievous error, and the result was the loss of hundreds of thousands of acres, and millions and millions of board feet timber have been lost to this country. There will be an opportunity to make a similar decision this coming year, and as we look forward to the possible Agency decision next year, we are hopeful that the Environmental Protection Agency will have a little better view of the damage that might result by failure to make a proper decision, as it failed this year to make a proper decision.

While I do not oppose the amendment—in fact, I support it—I do call attention to the fact that we have embarked on a dangerous precedent when we repose in one agency veto power over other agencies of government. While we are concerned about the environment, and properly so, if one agency, unchecked by the discretions of other agencies, has complete power and it is wrong, the Nation suffers, and the Nation is suffering now, and will be for the next 30 years, from the loss of production of 900,000 acres in the Northwest source, as a result of the action of one agency that was vested with tremendous authority.

I support the amendment, but I hope that somewhere along the line the Environmental Protection Agency will also recognize that some of the other agencies should be consulted because they have some expertise in their fields, and will therefore make reasonable recommendations.

Mr. BAKER. I thank the Senator for his remarks. I could not agree with him more. Unfortunately, the long list of errors and missteps and misjudgments in a bureaucratic regime and in Congress is not all confined to EPA.

One of the reasons we have proceeded in the surface mining of coal is that, I am convinced, serious mistakes were made 10 years ago on a fuels policy and the implementation of that policy by the Federal Government and by the Congress. I think one of the terrible pressures to surface mine coal results directly from that error. I think there are other errors we are all aware of.

That is exactly the reason why I introduced a bill requiring a CEQ study of the total impact of the bill 3 years after its use. It is important to understand we are not infallible. The EPA, the Secretary of the Interior, nobody is infallible, and we are dealing with uncertainties, and we are simply going to do the best we can.

I appreciate the remarks of the Senator.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAKER. I am delighted to yield to the chairman of the Public Works Committee.

Mr. RANDOLPH. I thank the Senator from Tennessee. I regret I did not have the opportunity of listening to the discussion on this particular amendment as much as I should have liked to. I did catch the comment of the able Senator from Idaho (Mr. McCLURE) when he said, I believe, that EPA was not always right. Is that a correct quotation?

Mr. McCLURE. Yes.

Mr. RANDOLPH. I concur in what the Senator said. That is the reason why I have some concern that there be a participation, rather than a mandating, of what is done, because in some instances, a decision that comes from EPA may not be correct.

I call the attention of Senators to Senate Joint Resolution 158. That resolution has been offered in the Senate to set aside the regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended.

My colleague, the ranking minority member on the Public Works Committee, knows the reason why we are working on this legislation. Under the EPA's proposed regulations in connection with reimbursement funds to the States, 24 States would receive no funds out of the $1.9 billion that had been appropriated.

So I only want the RECORD to reflect that there are occasions when we cannot wholly rely upon EPA in carrying out the clear intent of the Congress. In the matter I have just mentioned, it is very clear that under the law EPA proposed an illegal allocation program.

Would my colleague from Tennessee like to comment? Then I will ask about the modification of the language.

Mr. BAKER. Mr. President, I shall be glad to comment. The Chairman has stated that one of our children, the EPA—and after all, EPA is our child—has not always been right. One of our other children, the Secretary of the Interior, has not always been right, either the present one or previous ones. It is difficult to predict just which one of our children is going to be right. So it seems prudent to vest both in EPA and the Secretary of the Interior authority to take a look at that problem and concur in certain aspects of it.

The distinguished Chairman of the Environmental Protection Agency, Dr. Train, and the distinguished Secretary of the Department of the Interior are both good and close friend of mine, and I have great respect for them, and the fact that this amendment would require both of them to consult is not to be considered in any way an act in derogation of their authority or my esteem for them.

I think, when the chairman has had the opportunity to examine the modifying language, he may find that what I have tried to create is a duality of responsibility, not an overlap, and that under those circumstances we have assigned to each agency, in one case to the Department of the Interior, and in the other case to the EPA, a traditional responsibility which we would be fully privileged to monitor as time goes on.

Mr. RANDOLPH. Mr. President, I appreciate the comments just made by the Senator from Tennessee. I try to follow these matters closely. We have other amendments we are working on and modifications of them. I did not realize that there had been a final agreement on modification of the language to give jurisdiction to EPA in the area which it should have expertise—air and water quality. Is that correct?

Mr. BAKER. The Senator is correct.

Mr. RANDOLPH. Mr. President, this is entirely satisfactory. I support the amendment.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the committee.

Mr. President, I have nothing further.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (putting the question).

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for the purpose of offering another amendment.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington so that he may introduce and have considered an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment of the Senator from Washington will be in order at this time.

AMENDMENT NO. 613

Mr. JACKSON. Mr. President, I call up amendment No. 613.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 96, line 21, insert the following:

(c) (1) Each State Program may and each Federal Program shall include procedures pursuant to which the regulatory authority many permit variances for the purposes set for in this subsection.

(2) Where an applicant meets the requirement of subsection (c) (4) and (5), a variance from the requirement to restore to approximate original contour set forth in subsection 213(b) (2) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c) (5) (A) hereof) by removing all of the overburden and creating

a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this subsection.

(3) Where the regulatory authority determines that more usable land would be created and better reclamation would be achieved, a variance granted pursuant to this subsection may also include a variance, if necessary, to permit the transfer of overburden to designated spoil storage areas within the permit area: *Provided*, That such transfer does not disturb areas which, at the end of the surface mining and reclamation operation, would otherwise be undisturbed. Such spoil storage areas—

(A) may not be designated on any area where the base of the spoil storage area has an average slope of more than ten degrees;

(B) shall be prepared in accord with sound engineering and reclamation practices to insure stability;

(C) shall be deemed in all respects to be a part of the lands affected by surface mining operations; and

(D) shall be subject to all of the requirements of this Act.

(4) The regulatory authority may grant a variance for a surface mining operation of the nature described in subsections (c) (2) and (3) where—

(A) the applicant has established that the proposed use of the land as reclaimed pursuant to the variance will be a use—

(i) the need for which is greater than the need for that use which would be served by returning to the approximate original contour; and

(ii) which will serve an equivalent or higher socially beneficial purpose.

(B) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be achieved as specified in the reclamation plan;

(C) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(D) the regulatory authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to reveiw and comment on the proposed use;

(E) a public hearing is held in the locality of the proposed surface mining operation prior to the grant of any permit including a variance; and

(F) all other requirements of this Act will be met.

(5) In granting any variance pursuant to this subsection the regulatory authority shall require that—

(A) for a variance granted pursuant to subsection (c)(2), the toe of the coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the outslopes;

(D) no damage will be done to natural water-courses; and

(E) all other requirements of this Act will be met.

(6) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection 213(c).

Mr. JACKSON. Mr. President, my amendment No. 613 would provide variances under limited and specified circumstances, to the provisions to section 213(b) of S. 425. Subsequent to committee action on this bill, it came to our attention that there was some ambiguity in the bill with regard to the continuation of certain mining techniques. Of particular concern is the practice of mountain-top mining, which creates flat plateaus on mountain tops which were previously precipitiously steep. We are aware that in some instances responsible mining operators have demonstrated that mountain top mining operations can be carried out in a self-contained area with little damage to the surrounding environment, creating in the process, level or gently rolling land that can be used for a number of socially beneficial uses. In particular, we have spoken with such men as the head of Cannelton Coal Co., who conducts a large mountaintop operation in West Virginia. In an area where flat land is scarce, his surface mining and reclamation operation has produced land to be used for housing developments and a local school. It is of utmost importance that such responsible mining operations, if they meet all the requirements of this act, be allowed to continue. If there is any confusion as to whether S. 425 could be construed to prohibit such responsible mining, this amendment is designed to put such concerns to rest. It has never been the intent—direct or indirect—to prohibit responsible surface mining operations, and I do not believe that such is the result. As further evidence of this concern, this amendment specifically provides for the continuation of mountaintop mining within the context of this bill, under specified constraints. We do not want to shut down such operations as those of Cannelton Coal, particularly in the face of an impending energy crisis, and this amendment is designed to prevent such problems.

Mr. President, it was our judgment that this particular problem was covered within the contents of the bill as introduced. However, there has been this question raised. The purpose of this amendment is to clarify and to remove any possible doubt as to the intent of the committee in this regard.

I think that states basically the situation that we are confronted with in this particular instance.

Mr. President, I yield either to the Senator from West Virginia or the Senator from Wisconsin.

Mr. NELSON. Mr. President, I offer an amendment to amendment No. 613. This amendment would strike the language starting on page 2, line 8 through line 24, and lines 1 and 2 on page 3 of the amendment.

Mr. President, I would oppose amendment No. 613, unless certain provisions are deleted.

This amendment has been the subject of lengthy discussions in recent days, involving all points of view on the strip mining issue, from the environmental side to the coal industry side. These discussions have been productive in delineating the points of difference and demonstrating the urgent environmental need and technical and economic justification for strong reclamation standards.

However, agreement was not reached between the opposing sides on language for any amendment. Furthermore, the amendment includes a provision which authorizes a variance for the transfer of overburden to designated spoil storage areas if an exception is granted to a mountaintop mine from the requirement of restoration to approximate original contour.

Certainly the provisions of the amendment are tightly drawn, designed to grant exceptions only where a mountaintop mine is creating flat land which has a potential socially beneficial use after mining and only where firm plans for that use are included in the proposed reclamation plan and reviewed in advance.

However, language in the committee report and the bill itself strongly indicates that provisions of the amendment are duplicative of those already in the bill.

For instance, on page 64, the committee report states that:

> It must be understood a mine operator need not necessarily use the downslope for spoil disposition if, for example, the permit area includes flat land which may be used, if approved by the regulatory authority, as a spoil pit for the spoil from the initial cut.

When a mining operation is being conducted on steep slopes, this bill specifically prohibits the dumping of spoil on the natural downslope below the bench or mining cut. However, as is explained in the committee report language, this does not preclude the disposal of some spoil in another carefully selected area if approved by the regulatory agency in advance as a part of the reclamation plan.

The practice of dumping spoil downslope from a mining cut is one of the most environmentally devastating in strip mining. As described in a recent strip mining report by the President's Council on Environmental Quality:

> The practice increases markedly the potential for landslides and slumping, erosion, highwall collapse or sloughing, chemical pollution, flooding, ground cover and wildlife pattern disruption and generally precludes future uses of mined areas.

It is vitally important that the provision in the Senate bill as now written prohibiting the practice of downslope spoil dumping be retained at its full strength. My concern with this amendment is that in duplicating the provision in the bill which allows for disposal of some spoil on land elsewhere than the downslope in some carefully prescribed cases where it can be stabilized and revegetated, it may invite misinterpretation and encourage some strip mining operators to seek a legislative or administrative variance from the prohibition against dumping spoil on the downslope itself.

Furthermore, it is not clear whether the bill also allows an exception to restoration to approximate original contour where flatland is being created which might provide socially beneficial uses later under environmentally acceptable conditions, which is sometimes the case in mountaintop mining. The committee report indicates an ambiguity on this point.

As indicated in the committee report, the intent of the committee was not to preclude such reclamation options as reservoirs and usable flatland which may be created in mountaintop mining. And there is no doubt that in certain mountainous areas of Appalachia, plateaus created by strip mining on formerly peaked mountaintops may in some instances provide usable flatland away from the flood plain.

However, if this is already permitted by the bill, it again would be undesirable to provide redundant language in any amendment.

In sum, Mr. President, I oppose the amendment as it is now written because although it contains exceptions which are very tightly drawn, these exceptions in one instance are clearly duplicative of the bill and in another instance, may well be duplicative. To adopt such an amendment will only invite misunderstanding and possibly industry efforts to relax or avoid the reasonable reclamation requirements which this legislation seeks to establish.

Mr. President, I think that language is redundant. And if its effect would be to do more than the author sets out as his interpretation of the bill, I would oppose it in any event.

The Senate, of course, is well aware that on page 64 of the committee report it is stated that:

> It must be understood a mine operator need not necessarily use the downslope for spoil disposition if, for example, the permit area includes flat land which may be used, if approved by the regulatory authority, as a spoil pit for the spoil from the initial cut.

I in general would agree and I think everyone recognizes that there are instances where there is mining at the top of a mountain and if the high wall is eliminated and we end up with a flat area on the top of a mountain and if there is a socially valuable use to be put to that land, whether it is pasture or housing or a recreation area, and if the mining operator has given notice and plans in advance that use is his intention and it is approved, then no one objects to using the top of the mountain for that specific purpose.

I would hope that no one would interpret this amendment to mean that there was a wholesale license being authorized here for the clearing of the tops of all mountains for mining operations and dumping the excess spoils at some other point in the valley or elsewhere.

Mr. JACKSON. Mr. President, let me say, as I indicated earlier, that the judgment of the author of this bill was that very frankly he thought this problem was covered in the legislation that has been reported out. I must say that I do not disagree with the interpretation of the Senator from Wisconsin.

It seems to me that on this question of the handling of spoil storage, which is referred to in the report—by the way, the report covers the spoil storage from the initial cut, as I recall the language of the report—the report and the bill together should cover the situation.

The problem that arises is that there has been, in the judgment of the people involved in this type of mining operation, some question as to whether or not they could operate within the language. I felt they could. But this is the purpose of the amendment: to clarify. I must say that the Baker amendment which has just been adopted takes care of the spoil from the other cuts. The report covers the spoil storage from the initial cut; so I think the combination of the two should clarify the matter. I personally would be willing to modify the amendment in accordance with the Nelson amendment.

I ask unanimous consent that my amendment be modified in accordance with the amendment offered by the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, the Senator's amendment will be so modified.

Mr. JACKSON's amendment (No. 613), as modified, is as follows:

> On page 96, line 21, insert the following:
>
> (c) (1) Each State Program may and each Federal Program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in this subsection.
>
> (2) Where an applicant meets the requirements of subsection (c) (4) and (5), a variance from the requirement to restore to approximate original contour set forth in subsection 213(b)(2) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c)(5)(A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this subsection.
>
> (3) The regulatory authority may grant a variance for a surface mining operation of the nature described in subsections (c) (2) and (3) where—
>
> (A) the applicant has established that the proposed use of the land as reclaimed pursuant to the variance will be a use—
>
> (i) the need for which is greater than the need for that use which would be served by returning to the approximate original contour; and
>
> (ii) which will serve an equivalent or higher socially beneficial purpose.
>
> (B) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be achieved as specified in the reclamation plan;
>
> (C) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;
>
> (D) the regulatory authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;
>
> (E) a public hearing is held in the locality of the proposed surface mining operation prior to the grant of any permit including a variance; and
>
> (F) all other requirements of this Act will be met.
>
> (4) In granting any variance pursuant to this subsection the regulatory authority shall require that—
>
> (A) for a variance granted pursuant to subsection (c)(2), the toe of the coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;
>
> (B) the reclaimed area is stable;
>
> (C) the resulting plateau or rolling contour drains inward from the outslopes;
>
> (D) no damage will be done to natural watercourses; and
>
> (E) all other requirements of this Act will be met.
>
> (5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection 213(c).

Mr. DOMENICI. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. DOMENICI. First, I want to say to the distinguished Senator, who had a great deal to do with the drafting of the bill, that even though I have some concern, I commend the Senator and the committee for bringing us this basically excellent bill.

My concern is a follows: As the Senator from Washington knows, in the State of New Mexico and the Four Corners area, surface mined coal is not mined at the mountain tops, but merely up in the hills, rolling, and otherwise.

I am concerned about the text of section 213 as it might apply to the State of New Mexico. The State of New Mexico is a rather sleepy kind of State, but in this area it is away out in front.

Mr. ROBERT C. BYRD. Mr. President, may we have order? I would like to hear what the Senator is saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. I thank the distinguished Senator from West Virginia.

In this area, I might say to the distinguished Senator from Washington, we are away out in front. In fact, we have what has been heralded nationally as a model surface mining act. The way it was created was through a kind of battle between the mining industry and the environmentalists. In this case, they said, "Let us get together and get lawyers," and for 6 months they both had lawyers drawing a bill.

The bill is beautiful in its simplicity and lack of rigidity. It provides for a mandatory commission of seven members appointed by the Governor, with their staff.

Looking at the Four Corners area, at the private land, if someone wanted to mine it, what they would have to do is present to this commission a detailed plan to how they are going about the surface mining, how they are going to reclaim the land, and what its ultimate use will be, as stripped and reclaimed.

My concern at this point is that that law is excellent in its flexibility, because if a plan is submitted that says "from this barren tract of 4 miles square, deserted, with rocks and 10-foot high hills, we are going to produce a beautiful new redevelopment, with a lake and leveled off so that it can really be used by the people of the State." I want to make sure that this bill, without any amendment, would be flexible enough to let New Mexico reclaim that land in a way that would make it more attractive and more beneficial by using the flexibility of its seven-member commission to pass upon uses that are better, but may not return it to exactly its original contour.

I hope the Senator can answer affirmatively that indeed they will be able to do that, that it will be left up to them, and that this law is flexible enough to permit that. If not, I think we are basically doing a great deal of harm by trying to impose, from up here, this concept of "approximate original contour."

I ask the Senator if he can answer that, or discuss it with me.

Mr. JACKSON. Mr. President, it is pretty hard to respond accurately to the special problem that the Senator from New Mexico has raised. The Four Corners situation is, of course, a very large operation in strip mining of coal.

The problem is, as the Senator has stated, what is the approximate restoration of the land to the original contour?

Most of that land was flat, or a large part of it. It does not mean that it has to be restored to that exact original contour. There is some flexibility in the statute. The definition of "approximate original contour," as I understand it, as contained in the bill, has sufficient flexibility to retain, for example, lakes, and permit some variations in the contour. It does not have to be precise.

The end result, however, must be a restoration, I would say, with some naturalness, to the state it was in before. But it does not have to be precise, especially if it relates to a better land use plan. I mean it is conceivable that you could have such rigidity in a contour requirement that you would be shutoff by the insistence that it go back to its precise original form. That is not the intent of the authors of the pending legislation.

What we are trying to do, consistent with what we did in passing the National Land Use Act, which is now pending over in the House of Representatives, is to do something about improving the environment as it relates to the land itself in connection with strip mining, which, heretofore, has not been properly managed and directed by the States.

That is what is behind the pending legislation.

Mr. DOMENICI. Then I take it that the distinguished Senator would say that under the requirements of section 213(b), it is the concern of the Senator from Washington, one of the principal authors of the bill, that those criteria be flexibly applied in the future also, so that such considerations as the ones I have just brought to his attention will be looked at in terms of the minimum requirements under 213(b), with the idea of the regulations being flexible rather than rigid, with the overall idea in mind of not destroying this good Earth that we live on for the purpose of getting coal from under it.

Mr. JACKSON. Well, we do not want to make it so flexible that we have a loophole as big as a truck. We want it flexible enough to achieve the overriding objective, which is to improve the quality of the land. That is what we are really talking about in connection with the pending legislation.

The States, of course, can go beyond the standards that we have set. We have not preempted—and I emphasize this—the rights of the States. There are those who would argue that we ought to have a uniform national policy, and in that connection, we could preempt the rights of States and establish our own standards, which the States could not touch.

We have not done that. We have opted for that option remaining with the States, so that they can make adjustments beyond the minimum threshold provided in this bill.

Mr. DOMENICI. I understand the intention, and I understand the logic that says the States may be more stringent in their application of regulations or standards to get the quality, but I am still concerned as to when a State is more stringent.

For instance, in my example to the distinguished Senator from Washington, if in fact we are changing the contour, because we are cutting down a hill and leveling it and putting in a lake or whether one is more or less stringent than the other.

Mr. JACKSON. I cited a lake as an example. This is something that would improve the quality of the land in that area. I do not meaning a dumping ground where there is a water hole. I am talking about a quality lake, an area where there was no lake before.

Mr. McCLURE. Mr. President, the Senator from New Mexico (Mr. DOMENICI) has raised one of the basic difficulties which we discussed at some length in committee, but I do not believe we really resolved, and that is the question of whether the restoration to original contour is flexible enough to allow a change in use to some other use thought to be appropriate prior to the time the mining was started and approved in the mining reclamation plan. The pending amendment, No. 613, does address itself to that kind of flexibility where it is mountain top removal and where the coal mine processing is the removal of a mountain top. The amendment does, on the third page, give discretion for an approved reclamation plan prior to the beginning of the operation. But as I read this amendment, it does not apply to the general proposition that the Senator from New Mexico (Mr. DOMENICI) has raised, with respect to other situations other than mountain top removal, to which this amendment addresses itself.

I have mentioned a possible solution and it is only one of several. My amendment No. 614, which has not yet been called up but which is pending, specifically, in the last line, refers to the possibility of reclamation for public recreation, for impoundments of water which would in this instance allow a general exception to the restoration to original contour to allow the creation of a lake, for instance, which I think is a desirable purpose—if, indeed, approved by the regulatory agency prior to the time the mining started. But I do not believe the bill as written, nor the pending amendment, will solve the problem of the Senator from New Mexico. If we want to solve it, we must go to further amendments in addition to the one which the Senator from Washington (Mr. JACKSON) has proposed.

Mr. DOMENICI. Mr. President, on the other hand, if we proceed to put in every exception, to allow something like a lake, we will make it more rigid than it is now because, indeed, what does approximate contour mean? It might mean that we can vary the grade and that they are not concerned with what we use it for, or if we, on the other hand, use it for a lake, then every time we get around to the kind of use that does not involve a change in contour, there will be other contentions raised.

I am rather satisfied with the explanation. We will not solve it our first time through, but if the State solves it, then we might find, indeed, that we need some amended legislation to permit diversification.

I will support the amendment in terms of the lake, I say to the Senator from Idaho, but I do not think we can continue to try to come up with myriad substitute uses and list them as exceptions to this provision, because we would have to take 2 or 3 days to find out what everyone might wish.

However, I thank the Senator from Idaho for his concern and his analysis of it, and I also thank the Senator from Washington (Mr. JACKSON) for his responses to my questions.

Mr. JACKSON. Mr. President, might I say that I should have mentioned, in defining the original contour, the definition in the bill does allow a plus or minus of 5 degrees, which may or may not, in a given situation, solve the problem. But I wanted to point out the flexibility there.

Mr. McCLURE. Mr. President, I want to caution the Senate that I think the flexibility for the State to adopt its own plan must also be conditioned by the fact that we have some rigid criteria in the bill. So while the State can adopt a regulatory plan, that is no answer to the question posed by the Senator from New Mexico. This criteria can wipe the ground right out of the ball park, so far as having the flexibility the Senator from New Mexico has raised in his questions is concerned.

Perhaps he understood me to state that my amendment was with relation only to lakes. Not at all. My amendment No. 614 is an amendment which desires to give the very flexibility which the Senator from New Mexico asks and which I do not believe is in the bill now. It should be there. I support fully what he is saying and I would give the State the opportunity to do that, but I am not at all certain it is in the bill now. In fact, I am certain it is not in there now, except within the parameters of the rather rigid standards set forth in this legislation.

Mr. DOMENICI. I thank the distinguished Senator from Idaho very much.

Mr. NELSON. Mr. President, I wonder whether the Senator from Idaho will yield for a question?

Mr. McCLURE. I yield.

Mr. NELSON. Did the Senator give the number of his amendment?

Mr. McCLURE. Amendment No. 614 I will say to the Senator from Wisconsin.

Mr. NELSON. I thank the Senator from Idaho very much.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I should like to address some questions to the able chairman of the Committee on Interior and Insular Affairs, and then I would also like to ask that I have the opportunity, in colloquy, to talk with the able Senator from Wisconsin with reference to the amendment as modified.

Mr. President, first of all, I want to address my remarks to the problems confronting a successful surface mine operation in West Virginia, the Cannelton Coal Co. The head of that company, Mr. Paul Morton, at my request, and in agreement with certain others intensely concerned with this problem, came to Washington on short notice, to show exactly what has happened in his operation. He conducts, in my judgment and that of many others, a model surface mining and reclamation program. Nevertheless, I am sure that there were those who felt, before he came, that he had absolutely no case. I believe the Senator from Wisconsin (Mr. NELSON) would agree that the report he received from his staff members, indicates they were in agreement that this operator had done something they did not understand could exist. I believe that my comment here is factual.

Mr. President, we are talking here today about replacement of land area from the standpoint of returning it not only to its original state if that is desirable, but also returning that mined surface to other uses. There have been mentioned lakes, for example. We have in the State of Virginia instances of large ponds, bodies of water, which have been created where there was surface mining. Had we been held to returning the land to its original contour, the lakes could not have been constructed. This is only one use but it points to the need for not just a little leverage, I say to the Senator from Washington—and especially to the Senator from Wisconsin (Mr. NELSON). We need a flexibility that will take care of a case such as that of the Cannelton Coal Co. As I stated, the president of that company came here almost at the last moment, while weeks and weeks before information on his operations had been presented in Washington, D.C., but made no impression. Then, at the last moment, we asked the opportunity to have him come. Those who followed closely his explanations and looked at the charts and saw the pictures realized that what many people thought could not be done was done. Substantial amounts of land for development had been created through mountain top surface mining. It was done in a manner which did not harm, but rather enhanced the environment.

That is why today I must be very careful with respect to agreeing to an amendment that has been modified, without our having the legislative intent clearly understood.

Mr. President, I have before me a copy of the Dominion-Post of Friday morning, October 5, a newspaper published in Morgantown, W. Va. The caption on the article to which I refer reads: "Once Controversial Land Now Reclaimed."

What is going to be done on this reclaimed land? It is going to become a homesite.

Senator ROBERT C. BYRD and I know West Virginia. We know that ofttimes surface mining can allow for the location of a school, an airport, or for housing—not one, but many homesites.

I speak now for a State that is not the most substantial in its production of surface mined coal, but is still very important in the total production of this coal. I reiterate also that 51 percent of all the coal mined in the United States comes from surface mines, and we must not forget this.

In the State of West Virginia we have a need, I say to the Senator from Washington, for level land. By surface mining, we sometimes are able to create usable land that will be out of the flood plain. We are a State with flash floods, and often tremendous damage is done. It is not advisable nor realistic to return the land exactly as it was when the surface mining took place.

I read from the Dominion-Post article:

> The site of West Virginia's most controversial strip mining operations now is a model of successful reclamation. So much so, that the 42-acre plot on Laurel Run in Preston County may become the "home place" of a West Virginia University staff member and his wife.

I read further:

> "We are very much interested in the land because it is beautiful," one of the prospective buyers said. "We think mining did not detract from this land but beautified it instead."

The article notes also that:

> A handful of newsmen who toured the site yesterday expressed amazement over what they saw.

I said here yesterday, and I repeat today, that I do not condone the desecration of the land. Certainly, the practices of yesteryear were bad in many, many parts of the United States. But what we are attempting to do here—or must attempt to do—is to be reasonable in the type of legislation that comes from this body on the matter of surface mining.

It is my concern—and I hope it is shared by others—that when attempting to cope with this very real problem, we realize that the legislative history made here this afternoon will clearly indicate that what we are attempting to do is to provide the flexibility which is absolutely necessary if surface mine operations are to continue.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STRIP MINE SITE MAY BE HOMESITE

(By Mickey Furfari)

The site of West Virginia's most controversial strip mining operation now is a model of successful reclamation.

So much so, the 42-acre plot on Laurel Run in Preston County soon may become the "home place" of a West Virginia University staff member and his wife.

The prospective buyers, who asked not to be identified, are trying to sell a house thev own in Virginia for capital with which to purchase the land.

They began negotiations with owner Ward Thomas of Bruceton even before operator H. L. Kennedy completed stripping nearly 95,000 tons of "medium sulfur" coal from the Upper Freeport vein last March.

"We're very much interested in the land because it's beautiful," one of the prospective buyers said last night. "Strip mining didn't detract from this land but beautified it instead."

A handful of newsmen who toured the site yesterday expressed amazement over what they saw.

Greening grass and browning oats cover the fairly level contour and trim slopes, putting the nearby Cooper's Rock State Forest trees and adjoining thickets to shame

There still is a major silt pond in the valley below, left there at the owner's request for his cattle. Fish and other life exist therein. The phosphate content averages about seven per cent.

No highwalls were left behind by stripping. In fact, the only one visible from the site is a highwall caused by cutting right-of-way for Appalachian Highway Corridor "E."

The strip site may be seen from Corridor "E," but trees block its view from Rt. 73.

A 30-foot knob was moved during the mining process to fill in the area and prevent exposed highwall. The terrain also was sloped to taper down into the woods on all sides.

Indeed, it offers a beautiful view of the Corridor "E" highway, which should be ready for opening to traffic before the year ends.

Small trees, numerous surface boulders, brush, thickets and weeds were cleared from the 29½ acres disturbed by the stripping. Just two boulders, near the edge of the forest, and scattered rock remnants are visible now.

Virtually all of the oats should reseed, with the grass popping up again next spring.

The small bridge, over which the coal was trucked for barging to Ohio power plants, has been reinforced with steel and the access road leading to the site is better than before.

The seams of coal, five to six feet thick, were found at a depth of 35–50 feet. But the "fill" is 65 feet in some spots.

During the stripping process, under the watchful eyes of federal and state officials, Kennedy's crew stored the topsoil, saved the good earth, kept moving land back and filling as the work progressed.

Heavy material was left at the bottom to form a solid foundation, with the better soil and then the topsoil above. Heavy machinery, some weighing 64 tons, packed the fill continuously.

"There will be very, very little settlement," predicted William M. Gindlesberger, the project superintendent who has been living in a mobile home nearby.

The prospective buyers have visited the land during reclamation and admit "we can't find anything at all bad about it." They say they may even remodel an old house, situated on part of the undisturbed land, and live in it.

"We have four married children," the University staff member's wife explained, "and they are talking about maybe eventually building summer homes up there."

A federal inspector who showed up briefly during yesterday's tour jokingly asked Kennedy, "Where did that big hole go?"

One hundred bushels of oats recently was harvested from the earliest seeding, but most will fall and provide ground cover. Law requires two growing seasons before reclaimed land may be inhabited.

Gindlesberger said he has seen "deer in flocks of 10 and 20" romping over the reclaimed terrain and feeding on the new plant life. Grouse also frequent the area along with other wildlife.

Kennedy, who spends half the year in Pittsburgh and the other half at Deep Creek Park, Md., recalled yesterday that he received a permit for stripping on Feb. 11, 1971.

The Department of Natural Resources and other authorities had thoroughly inspected his plans and given their approval.

Before work could be started, however, University professors, students and others organized an abolition movement and protested the project. Some even marched to the site to storm their disapproval.

"Then we heard on the radio one day that Governor Moore had ordered that the permit be revoked," Kennedy said.

"All of a sudden it was like a church revival. They came four and six abreast. Why, the State Police even had to come out here and direct traffic it was so thick."

Kennedy eventually appealed to the DNR's Board of Review and six days of hearings followed in Kingwood. Finally, on Aug 14, 1971, the board found that the operation would not damage Laurel Run or Cooper's Rock and reinstated the permit.

"Much, much time was lost," Kennedy observed. "And it cost us money. The price of coal dropped during all the hassle, and we didn't come out as well as we might have."

Kennedy said he ran a "good, tight operation" in order not to lose money on the venture.

Now that it's over and reclamation has been carried out so beautifully, Kennedy admitted that "it's most satisfying, naturally." He said he hoped all those who opposed the project would take time to see what can be done.

Kennedy operated three strip mining jobs in Harrison County from 1945–50 and reclaimed the land successfully, he recalled.

"We did leave highwalls, but back-filled, top-soiled and replanted just as we have done here," he said. "The contour here is just about the same as it was when we came in."

He contended that surface mining can and should be done successfully, with beneficial reclamation, "rather than leave the coal where it'll erode away."

Mr. RANDOLPH. Mr. President, this is the type of area, I say to the Senator from Washington and the Senator from Wisconsin, about which I make a case here today. It is a case that is factual in nature. It shows that the original contour in some cases does not result in the best use of the land.

I appreciate the attitude of the Senator from Washington, the chairman of the committee. He has tried very diligently to do what he could in an attempt to work out a reasonable modification of this bill.

The requirement to return the surface mined land to the approximate original contour is a very stringent provision in the bill. We must be very careful, as I have indicated. I and others have attempted to cooperate in working out an amendment as we make this legislative history.

Even though the Senator from Washington has spoken and the Senator from Wisconsin (Mr. NELSON) has spoken, I would like a further discussion as to the modification of the amendment. Does it allow the creation of level land by surface mining and reclamation. This will have much to do with whether I would support the amendment as modified.

At this point, I should note that in addition to our conferences we have had our staff members working together constantly for days. In this regard, I express appreciation to James Harris and Philip McGance of my staff and Philip Cummings of the Public Works Committee staff.

Mr. JACKSON. The answer is "Yes." May I just preface that "yes" by this comment.

For the last 3 days, we have been working on the Cannelton problem. I think that it is the best way to put it. There were those who said there were some questions as to the Cannelton Co., which has been a model, as the Senator has explained, as an operator in handling both a deep mine operation and a surface mine operation.

As I understand the operation, it is one in which they blend the two—that is, the strip mine coal with the deep mine coal. I think this company is a fine example for other operators to follow in connection with their operation over a period of time.

Senator NELSON's staff, my committee staff, and the Senator from West Virginia's staff met and discussed the details of this particular operation in West Virginia. The general consensus of all those who reviewed these matters was that it was a fine operation from the standpoint of what we are trying to do in this bill—that is, to have strip mining that will be environmentally acceptable.

My amendment was drafted for the purpose of trying to make clear that the Cannelton operation was not the kind of operation that was to be prohibited in any manner, shape, or form by this bill. It was the judgment of most of us, I believe, that the amendment was not necessary. However, because of questions relating to possible ambiguities that could be raised later, and realizing that this is an operation involving, I believe, some 600 men——

Mr. RANDOLPH. I ask at this point that we remember that in the deep mining operations of that company, approximately 500 miners are at work, and in the surface mining operation, about 80 miners are employed. It is important for us to realize that the men who work in the deep mines keep their jobs, in large degree, because surface mining is going on at the same time.

Mr. JACKSON. The two are inseparable as an operation, as I understand it, basically because the operation is successful in that it is unique in blending.

Mr. RANDOLPH. This company could not continue deep mining operations were it not for the surface mining.

Mr. JACKSON. Yes. And this is a rather unique economic story that this operation presents. We started from the point that the Cannelton type operation is a model from the standpoint that everything we have been able to ascertain about the operation was covered properly within the bill; that they would not be adversely affected by the bill; but in view of the fact that questions have been raised the sole purpose of my amendment was to clarify any doubt that might have existed with reference to this particular operation.

It is my judgment as author of the amendment, and with the Nelson modification—and may I add with the Baker amendment previously adopted by the Senate, No. 610, dealing with off-site spoils—there is no longer any possible ambiguity with reference to this operation and those situated similarly to the Cannelton Co.

Mr. RANDOLPH. I would like to inquire further. I would like to review the language that the Senator has agreed to as he now asks us for support for the modified amendment.

Mr. JACKSON. The language that was stricken?

Mr. RANDOLPH. Yes. I would like to have a clear understanding as to the language that is being stricken from the amendment offered by the Senator from Washington.

Mr. JACKSON. Yes. It starts on page 2, line 8, and runs to the bottom of page 2 and lines 1 and 2 on page 3; that is the Nelson amendment to the Jackson amendment. That language was stricken on the grounds that it did not change the purpose of my amendment; that the language in my amendment was redundant and not necessary to achieve the objective of the original Jackson amendment.

That is the legislative history and the deletion of section (3) that I have just referred to, the language stricken, does not change the overall intent, objective, purpose of my amendment, which was that people who were operating like the Cannelton Co. to do a good, economic, and environmental job should not be put out of business.

As I said at the outset, the amendment really had its genesis in connection with this particular model of an operation, in connection with their mining, both surface and subsurface, in the State of West Virginia.

Mr. RANDOLPH. I appreciate the Senator's response.

Mr. JACKSON. So there is absolutely no change. This was agreed to on the ground that it was redundant; that it might cause confusion and misunderstanding. It was on that basis that I agreed to the amendment as a perfecting amendment to my amendment.

Mr. RANDOLPH. I would like to inquire of the able Senator, whether he feels there could be mountain top mining where a portion of the coal seam would not be mined because of environmental and economic concerns and the possibility of a better type reclamation? I would like to have his response on that question.

Mr. JACKSON. The amendment states the entire coal seam except the toe, so to speak. If, however, the regulatory authority did not want them to take something out, I do not see anything in the bill or in the amendment that would prohibit that action on the part of the State regulatory agency.

Mr. RANDOLPH. As we review the present language, the phrase "entire coal seam," I inquire further whether the Senator would comment on whether he feels mountain top mining can exist where the entire coal seam would not be mined? I ask this question because the Senator has mentioned as I have "the entire coal seam."

Mr. JACKSON. I could think that the State regulatory authority could handle that. It has to be handled very carefully because otherwise a Pandora's box could be opened on contour mining.

Mr. RANDOLPH. I do not desire this.

Mr. JACKSON. I know the Senator does not. I am trying to be explanatory.

Mr. RANDOLPH. What the Senator has said is sufficient when he speaks of the handling by the State regulatory agency in reference to this matter.

Mr. President, I do not know whether the Senator from Wisconsin (Mr. NELSON) was here. I do not believe he was present when I asked certain questions. It is my desire at this time to ask if he has the same feeling about the colloquy that I had with the Senator from Washington in reference to the responses. I want to be certain myself what is in the amendment as amended.

Mr. NELSON. Mr. President, I listened to the colloquy between the Senator and the distinguished Senator from Washington. I agree with responses made to the questions raised by the Senator. I also agree that in my judgment this language in this amendment is not necessary, as I interpret the purpose to which this specific amendment addresses. But I think it is true that it gives some more specific clarification of the issues raised by the Senator from West Virginia and in that respect I have no objection to the amendment.

Mr. RANDOLPH. I appreciate the response of the Senator from Wisconsin. It does help to explain and make a legislative history here in the Senate on this amendment as modified.

I also wish to commend the Senator from Tennessee (Mr. BAKER) with regard to the discussion of spoil material in the reconstruction of the original contour—material that may—is that correct, may—permanently be stored at such storage areas, if designated by the regulatory authority. Is that correct?

Mr. BAKER. Mr. President, if the Senator will yield, I assume the chairman of the committee is talking about amendment No. 610.

Mr. RANDOLPH. That is correct.

Mr. BAKER. Line 4, the word "shall" was changed to "may" in final form.

Mr. RANDOLPH. I want to stress the word "may."

This is a need for flexibility that the Senator recognizes.

Mr. BAKER. Yes, but I was going to point out that while that does, in fact, create an option, so to speak, the word "shall" is more mandatory in line 5 and line 6 and it remains "shall." They are not changed.

Does that answer the Senator's question?

Mr. RANDOLPH. Yes. I just wanted to be certain with respect to the understanding of the three Senators involved in this matter. This is a very vital bill. It is one in which we must be realistic, realizing also that the environmental concerns are very important and must be considered.

We fully recognize these concerns. But we do want to have a legislative history which indicates that there is flexibility, and the mechanism for such flexibility, when there is a clearly defined case where the coal can be mined and where proper reclamation does not require placing the land as it once was. I am thinking of mountaintop mining. We must have a certain amount of discretion. That is the reason why I am asking these questions. I refer again to the Cannelton operation. I believe, however, that this is not the only area in which flexibility would be desirable. I have stated this before.

I say to Senators who are on the floor that there are instances in which some variations from the portion of the bill dealing with down slope disposal would also be helpful in creating usable level land. I know that my able and diligent colleague from West Virginia (Mr. ROBERT C. BYRD), who is very understanding about this situation in West Virginia, will agree.

One final question. I would ask the Senator from Washington, if I may, this question and then I shall take my seat. Is it the Senator's understanding that spoil can be placed on the downslope below the mining cut if—and I want this clearly understood—it can be shown that it can improve the reclamation process?

Mr. JACKSON. With the Baker amendment, as I understand the Baker amendment, if it is a designated spoil storage area, the answer is yes.

Mr. RANDOLPH. That is certainly agreeable.

Mr. BAKER. If the Senator will yield just for a moment, the Baker amendment that the Senator is referring to is amendment No. 610. That amendment, as modified, reads:

> *Provided*, that spoil material not required for the reconstruction of the approximate original contour on any site may be permanently stored at such spoil storage areas as the regulatory authority shall designate and for the purposes of this Act such areas shall be deemed in all respects to be a part of the lands affected . . .

And so forth.

To be perfectly frank, I do not contemplate, and I do not believe the amendment contemplates, that the designated spoil storage area can be downslope from contour mining, but, rather, envisages a storage area that can be at the head of a hollow. If we are going to start designating storage over the lip of the cut, for example, we may as well quit the whole bill.

Mr. RANDOLPH. I did not have that in mind. I am referring to what we call valley fill. That is the fill we are discussing. Am I correct?

Mr. BAKER. Let me give the Senator from West Virginia an example of a spoil storage area as I understand it and as I mean it to be understood in amendment No. 610. The Tennessee Valley Authority commissioned a demonstration project in Campbell County, Tenn., known as the Long Pit Operation, which is an experimental type operation, similar to but not identical to the two-box cut. The purposes of the demonstration are to derive the costs and to prove the practicability of mining coal and the restoration of the approximate original contour without any overburden over the side. To do that, it was discovered that they had a spoil expansion problem that absolutely precluded putting all the dirt back. So they have chosen certain areas, not over the side of a slope, but at the head of a hollow or at a point on the mountain where they compact and revegetate it. But it does not contemplate simply going systematically around the side of the mountain and disposing of spoil over the lip of the cut. If there is any doubt in anyone's mind—I took this up with the managers of the bill, because their words will constitute the legislative history—if there is any doubt in anyone's mind that this amendment does not contemplate off-site spoilage over the lip of the cut, I will amend my amendment, because I do not contemplate that.

Mr. RANDOLPH. Mr. President, that is understood by the Senator from West Virginia.

Mr. BAKER. Do the managers of the bill so understand it?

Mr. RANDOLPH. I wanted to tell the Senator that it is so understood by me. I am sure the managers of the bill realize that this goes to the very heart of the problem. I am very familiar with the situation at the head of the hollow. The junior Senator from West Virginia (Mr. ROBERT C. BYRD) and I understand that. We know what valley fill is, and we know what a mine cut is. I stress that this "head of hollow" fill or valley fill below the mining cut is essential to the Cannelton operation.

Mr. MCCLURE. Mr. President, I think the Senator from West Virginia (Mr. RANDOLPH) asked a direct question. I think it ought to be precisely answered, just as concisely as it can be. The Senator from Tennessee made a response which I think needs to be understood.

The only place where amendment No. 610 applies is where there is no room to replace all the spoil back on the bench. Then it can be removed and designated as spoil. It might be valley fill. It might not be, but only if it could not be placed on the bench.

Mr. BAKER. That is entirely correct.

AMENDMENT NO. 610

Mr. President, since this is a rather disturbing point, and since this is an interpretation that we have been bandying back and forth, as it were, notwithstanding that amendment No. 610 has been agreed to, and a motion to reconsider has been laid on the table, I ask unanimous consent that I may modify my amendment No. 610 on line 4, after the words "stored at such", add two words: "off site"; so that the language will read:

> That spoil material not required for the reconstruction of the approximate original contour on any site may be permanently stored at such off-site spoil storage.

That would mean it cannot be at the lip of the cut.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, I do not agree to that. Why is the Senator modifying his amendment after it has been adopted? We are talking about an area where some flexibility is needed.

Mr. BAKER. What would happen to amendment No. 610 is that if the spoil cannot be put back in the cut because of the expansion of the overburden material after it has been taken out, the spoil can physically be moved to storage areas, but cannot be left at the lip of the cut to spill over at the lip of the bench. Adding the words "off site" before the word "storage" would clear up any misunderstanding about the interpretation of amendment 610.

Mr. RANDOLPH. I do not feel that the amendment needs to be modified. What does "off site" mean, for example?

Mr. BAKER. "Off site" means taking it off on a truck or a front-end loader and hauling it to some other storage point.

Mr. RANDOLPH. That is what is done with valley fill.

Mr. BAKER. Valley fill would clearly qualify; but one thing I want to guard against is some misunderstanding that might arise that "off site" storage means that one would simply push the overburden over the side of the hill. That must not mean that.

Mr. RANDOLPH. Mr. President, the Senator from West Virginia did not mean that. I said this before. Why is that something that should be done?

Mr. BAKER. Mr. President, I very much hope that the chairman would not object to the unanimous-consent request. It will not add one scintilla to the amendment, but would permit anyone to understand its interpretation.

Mr. RANDOLPH. Mr. President, do I have the Senator's assurance that that is understood?

Mr. BAKER. Mr. President, the Senator has the assurance of the author of the amendment that this in no way means valley fill, according to this amendment.

Mr. RANDOLPH. Mr. President, I withdraw my objection.

The PRESIDING OFFICER (Mr. HELMS). Is there objection to the unanimous-consent request?

Mr. McCLURE. Mr. President, reserving the right to object, and I do not intend to object, I want to make certain that there are no misapprehensions. When the Senator from West Virginia refers to valley fill under amendment No. 610, that would be limited to the single exception that there is not room in the bench to replace the material. It cannot be understood to be in any other circumstances.

Mr. BAKER. That is certainly correct according to the interpretation of the Senator from Tennessee.

Mr. McCLURE. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

AMENDMENT NO. 613

Mr. BAKER. Mr. President, before we proceed to the final disposition of the Jackson amendment as modified, if this is the appropriate time, I have a few questions that I would like to address to the authors of the amendment.

I support the amendment. However, I do so with some reservations because I think that I can see in my crystal ball—which is not notoriously accurate—something which disturbs me from time to time. I see the possibility that this variance in mountaintop mining would include a situation where whole mountaintops are hewn away in order to get the production of 5 or 6 or 7 tons of coal. That is not necessarily bad for a man who grew up in an area where 97 percent of the area is mountain. Some flat land is desirable.

However, it raises two or three questions that I would like to address to the authors of the amendment. What happens, for instance, to the enormous, huge amounts of spoil overburden that will be developed from mountaintop mining?

I note on page 2, paragraph 3, that it provides that where the regulatory authority determines that a variance can be granted in order to permit the transfer of overburden to designated spoil storage areas that there is a proviso which reads:

> *Provided,* That such transfer does not disturb areas which, at the end of the surface mining and reclamation operation, would otherwise be undisturbed.

My question is, Where in the world would it be put?

Mr. JACKSON. My reply to the distinguished Senator from Tennessee is that the language referred to by the Senator has been dropped. That was covered in the Nelson amendment to my amendment. All of the language starting on line 8 of page 2, down to the bottom of page 2, and lines 1 and 2 on page 3 have been deleted. So that is all out.

Mr. BAKER. Very good. My second question is, as I said a moment ago, that there would be an enormous, extraordinary amount of overburden if mountaintop mining is adopted as a possible variance to the bill.

What provision of the bill exists for the temporary containment of siltation and erosion of material that has been handled and doubly handled and finally put back on the top of the mountain in some sort of acceptable condition? With all of that dirt sitting around, it could rain, as it did this year, and it could all end up in the river. What provision is there to protect against that?

Mr. JACKSON. Mr. President, I point out that throughout the mining operations they have to take various steps to protect the quality of the water. It is set out in the criteria that the States are to follow. For example, on page 94 of the bill, line 13—and this runs all through the bill—they set out the things that the permittee must do.

The Senator mentioned water. I would point out that on line 13 it states:

> (7) protect the quality of water and consider the quantity of water in surface and ground water systems both during and after surface mining and reclamation operations by * * *.

Then the bill sets out a whole series of things. I am merely giving this as an explanation in response to the Senator.

Mr. BAKER. I thank the Senator.

Mr. President, I will not prolong this except to ask what I think is one minor question. If the storage at any location of the spoil from mountaintop mining does get away and we wake up one morning and find a heavily silted river, that is pretty good evidence that it was not handled in a satisfactory manner. What happens then?

Mr. JACKSON. The operation could be shut down. And they would have to correct it. The point is that there must be compliance, and the standards here, I think, are reasonable ones.

We are trying to achieve a certain goal. The siltation of a river is a pretty good illustration of the problems that we have to deal with. In this kind of illustration that the Senator has referred to, the sediment can be taken as good evidence, and the operation can be shut down if it is not making a reasonable effort to comply with the standards laid down in the permit.

Mr. BAKER. Then the Department of the Interior can shut down such an operation if there is excessive siltation?

Mr. JACKSON. The Senator is correct. The bill contemplates, of course, that the State undertake this. For example, if the State will not see that the matter is enforced, the Secretary of the Interior then, with the State having failed to act, can intervene. That is found on page 99 of the bill, section 215(b) which reads as follows:

> (b) When, on the basis of Federal inspection, the Secretary determines that any person is in violation of any requirement of this Act or any permit condition required by this Act which violation creates a danger to life, health, or property, or would cause significant harm to the environment, the Secretary or his inspectors may immediately order a cessation of surface mining and reclamation operations or the portion thereof causing or contributing to the violation and provide such person a reasonable time to correct the violation.

Mr. BAKER. Mr. President, I do not want to go further into this matter. However, I think it is vital legislative history. If in the future some State or regulatory authorities try to regulate this Act, I want them to know what the managers of the bill thought about this legislation, because it is important. Does the bill as drawn, and according to the several amendments that have been adopted, contemplate plans for erosion and controls such as entrapment dams, such as the introduction of vegetation by hydraseed or any other method? Does it clearly appear to the manager of the bill and to the distinguished chairman of the committee that in the four corners of the bill we contemplate providing stern methods against soil erosion even after the operation is finished, and not only when the plant is put into effect?

Mr. JACKSON. The first answer would be that the requirement as set forth in the four corners of the bill applied throughout the process from beginning to end, and specifically page 90 of the bill, I refer to the language beginning on line 22 which reads:

> (3) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; . . .

These are the things that they must show.

> A plan for the control—

This is just the very outset—

> of surface water drainage and of water accumulation;

Then it goes on to say:

> a plan where appropriate for back filling, soil stabilization,

and so on.

So the answer to the Senator's question is that it is contemplated from the very beginning, throughout the operation, that such requirements be met.

Mr. BAKER. Is it also contemplated that if their efforts at revegetation fail, or their reclamation plans, or if they do in fact have a slide after their reclamation plan is finished, that there is a continuing responsibility to go back and revegetate and reshape the soil until they no longer have the problem?

Mr. JACKSON. Yes; their plan would have to be implemented and complied with.

Mr. BAKER. Mr. President, the last question I have to put, so that we may look this squarely in the face, is this: Would the distinguished chairman of the committee say certainly that what we are doing is sanctioning mountain top mining to the extent where whole mountains may be stripped down to ground level, and the storage of millions of tons of overburden may be placed in the hollows, creating hundreds of thousands of acres of new flat land, and that if we are going to adopt this variance, which I intend to support, we should do it with our eyes wide open to the fact that whole mountains may disappear from the landscape?

Mr. JACKSON. The answer is, yes, of course, but there have to be very carefully determined conditions precedent to all this, and they are set out, as the Senator knows, on page 3 of the amendment, pointed out in what was subsection (4), but when it is renumbered will be subsection (3).

It runs on over to page 4 of the amendment, so that those 2 pages set the standards that have to be met, and I believe they do provide ample safeguards.

Obviously, in this legislation, we are moving into a whole new area, and there is going to be a lot of trial and error in it. What we want to do is achieve the twin objectives, here, of being able to maintain a mining operation that will be satisfactory from an economic point of view, but also that will be environmentally acceptable.

Mr. BAKER. Mr. President, I conclude by saying I thank the chairman for his information, and also to say that I will support the amendment.

I express grave reservations about the desirability of mountaintop mining as a future major coal removal technique, but to be honest and frank about it, I would prefer that to the scarring of the sides of the mountains and the unreclaimed procedures that have occurred so far.

I will simply say to my colleagues that we will watch this and see what happens. I am unsure what the result will be, but I suppose on balance I will have to see how well or how badly it may work, and I may be back here trying to prohibit it at some future time.

Mr. JACKSON. I say to my good friend from Tennessee that I think he has stated the dilemma very well. There will be a lot of trial and error in this, and we will have to monitor and have an overview of it constantly, to see how it is working and determine whether or not it is a viable legislative proposition.

I must say it is very hard to predict every contingency that could arise in connection with this legislation, but I think we have gone a long way in struggling, over a period of 3 years, with this particular problem of strip mining and surface mining, and I hope we have made a good beginning. I would be the last to claim that this is the answer to everything.

Mr. BAKER. I think we have made an excellent beginning, and the Senator and the entire committee are to be commended.

Mr. JACKSON. We have provided in the bill, of course, for review and ongoing studies, which I think are a must. They are indeed a concurrent part of the legislation itself.

Mr. BAKER. Would the distinguished chairman—and I promise this is the last question—join with me, as an important and significant part of the legislative history of this bill, in saying to the States and to the Federal Government that one of the most important and vital aspects of any plan for removal of coal by surface mining is the control of siltation and erosion that may arise during the operation as well as after?

Mr. JACKSON. The Senator has summarized, I think, the nub of the problem. It is the process that flows from the process of erosion and siltation, the problems related to pollution and all related to erosion, that entire process of water action and everything that goes with it, that I think is one of the major concerns in this entire area.

Mr. BAKER. I thank the Senator.

Mr. JACKSON. Mr. President, I think we can vote on the amendment.

Mr. RANDOLPH. Mr. President, I feel that I want to make just a very brief comment in reference to the concerns expressed by the Senator from Tennessee. I would not want him to feel that those of us who have spoken this afternoon and have attempted to clarify the record are not conscious of the situations to which he has addressed himself.

Certainly, I think, there is no Member of this body who in any wise wants to condone the desecration of the land or improper mining methods for the extraction of surface coal. I cannot think of a Senator who would want to do that, and I am sure the Senator from Tennessee would agree with that statement.

We are attempting here, as I have said on several occasions, to be reasonable in what we do, recognizing that we must have certain flexibility, certain variances, certain opportunities to use the land to a better degree than it was before it was surface mined. I am sure the Senator shares my feeling in reference to that matter.

I agree with the Senator from Washington when he says that we will have to have trial and error. We had to have that, certainly, in connection with the air and water pollution control programs, which the Senator from Tennessee has supported and helped bring to this body. I know he now is studying, with others, certain problems that have arisen from the air and water pollution control programs that we have instituted in this country. Certainly, as he has indicated, he is concerned about the Coal Mine Health and Safety Act, and certain conditions that have arisen from the passage of that act.

So I think it can be said that, across a broad spectrum of legislative endeavors, we cannot expect to do the job completely. It must also be realized that sometimes when attempting to meet adverse conditions, we create a more unfavorable situation. Certainly, the Senator knows that sometimes medication that an individual may take for an illness has the effect of creating other problems of a medical nature. That happens; it is just a fact of life. I only want to emphasize that insofar as this Senator is concerned, he wants a bill which is well reasoned. He wants it as a conservationist. He wants it as an evironmentalist. He wants it as a realist.

We must realize that many persons are concerned about the impact of this bill. They have serious questions. In this regard, I ask unanimous consent that an article from the October 2, 1973, Charleston, W. Va., Gazette containing the comments of Mr. Ben Greene, chief of the West Virginia Department of Natural Resources Reclamation Division be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE SURFACE MINE BILL AIRED BY STATE OFFICER

(By Fanny Selier)

A proposed federal law that would require the elimination of highwalls and the replacement of material to the original contour of the land on strip mines would be asking the impossible in West Virginia, reclamation division chief Ben Greene said Monday.

A proposed law now before the U.S. Senate would make exceptions to replacement of material to the original contour if there wasn't enough overburden.

Greene said currently 25 per cent of the permits issued annually would have land returned to the approximate original contour in West Virginia.

These generally would be in the northern part of the state. In Southern West Virginia, Greene said compliance with such a provision would be reconstructing a 65 degree slope of freshly graded material.

"It's almost impossible to go back to the original contour," Greene said, adding that if this was done on the steep mountains, erosion is likely to occur unless there are diversion ditches or terraces.

The surface mining industry in West Virginia is permitted under West Virginia law to leave a highwall no greater than 30 feet.

With the exception of the highwall and return of land to original contour, Greene said West Virginia already is meeting other provisions of the Senate bill reported out of the Senate Committee on Interior and Insular Affairs.

Greene said some in the industry have interpreted the Senate bill to mean that operators have to use the modified block cut now being used in Pennsylvania. This method replaces material by blocks, and as one block of overburden is removed from the coal seam, the soil and spoil are put into the area just previously mined.

Greene said he doesn't interpret the federal bill as requiring the use of only one method.

"I don't think they should dictate any one system or type of mining," Greene added.

Greene personally prefers the use of a terrace where the slope is steep. Each terrace is 15-feet, and has a gradual slope to a bench. He believes this is "far more stable land," than the steep mountainside without any break in the slope, and he said it's aesthetically more pleasing than the highwall.

Greene said more landowners want to retain the highwall so they can use the flat bench for farming.

However, Greene said he believes the trend is away from the highwall. Because of an administrative policy, Greene said operators have to control the materials when the slope is 50 per cent or greater which requires control throughout the life of the operation.

Mr. RANDOLPH. Mr. President, so I approach this problem with all of these concerns in mind, The amendments that I have offered, three in number, have been adopted without a rollcall. They have been adopted because the Members of this body believed them to be worthwhile amendments, and thus they are included in this bill. That is the reason I take the time this afternoon to try to clarify, as I think we have, the situation as affected by the bill and the replies of the Senator from Washington, the Senator from Wisconsin and certainly my cherished colleague on the Public Works Committee, the Senator from Tennessee.

Mr. HANSEN. Mr. President, I should like to make a few comments with respect to the colloquy that took place between the Senator from Tennessee and the chairman of the committee, the Senator from Washington (Mr. JACKSON) with respect to the time limit that exists in the event reclamation works have failed. I think the Senator from Tennessee asked what might happen if a slide occurred and what would be the result if vegetation failed to establish itself and continue.

I call the attention of the Senate to the committee report, on page 56, under section 210, Performance Bonds where it states:

> This section sets out the requirements for one of the most important aspects of any program to regulate surface mining and reclamation—the performance bond. The requirements of this section will apply to interim permits as well as State and Federal programs.
>
> Subsection (a) provides that once an application is approved a performance bond must be filed before a permit is issued. The amount of bond must be sufficient to assure completion of the reclamation plan if the work had to be performed by a third party at no expense to the public. The regulatory authority sets the amount of the bond on the basis of at least two independent estimates of these costs.

Then further down it states:

> * * * requires that bond liability extend for a period of 5 years after completion of reclamation including revegetation or for 10 years in areas where the average annual rainfall is 26 inches or less. This extension is necessary to assure that the bond will be available if revegetation or other reclamation measures fail after initial accomplishment. The longer time period for liability in arid areas recognizes that permanent reclamation, particularly revegetation, is more difficult and uncertain in such areas. This subsection also permits the deposit of cash and negotiable Government bonds or certificates of deposit in lieu of posting a bond.

I wanted to call that section of the report to the attention of the Senator from Tennessee because there must be no misunderstanding as to the continuing liability of the mine operator or the bonding company after those reclamation efforts are presumed to have been done.

I should also point out that on page 93 of the bill, it states:

> . . . establishment of a stable and self-regenerating vegetative cover (where cover existed prior to mining) which, where advisable, shall be comprised of native vegetation;

As the distinguished Senator from Montana (Mr. METCALF) knows, oftentimes there is very little, if any, vegetative cover in some of the areas that could be mined.

I make these observations in order that it may be clearly understood how far, timewise, the responsibility of the operator and the bonding company extends, in assuring that the reclamation practices that have been put into effect measure up to what might have been expected of them.

Mr. BAKER. Mr. President, there is one question I should like to ask in that connection. Legally speaking, there would be a distinction in the liability and the responsibility of the bond versus the continuing liability and responsibility of the operator. I would postulate that after 6 years in a nonarid region, suddenly we get a big slide or the failure of vegetation. Is there anything in the bill that would prevent a State from requiring the operator to come back and revegetate as distinct from the bonding company?

Mr. HANSEN. I am not aware of any provision in the bill, but the best information we have is that the limitation of liability would not extend beyond the periods that I have mentioned here. I would ask the Senator from Washington (Mr. JACKSON) if he knows if a failure in a reclamation effort such as a slide were to occur after a period of 5 years' time in an area where the rainfall annually exceeded 26 inches, would there be any obligation on the mining company, the operator, to go back and make such efforts as seem to be required to bring the reclamation effort back to where it should have been?

Mr. JACKSON. My understanding of the bill is that the obligation runs for 5 years——

Mr. HANSEN. That was my understanding, too.

Mr. JACKSON [continuing]. And the liability on the bond. That is, the bond required runs for 5 years. I do not think that would prevent private law suits being instituted directly against the firm itself or the company. Of course, State law is applicable. We are not changing State law in any manner, shape, or form. Action would have to be brought pursuant to State law. We do not change State law. I do not know whether the Senator from Tennessee will agree——

Mr. BAKER. Yes, I agree with the distinguished chairman. I started this colloquy by making the observation that there are two liabilities involved, one the liability of the bond and the other the liability of the operator.

Mr. JACKSON. The liability on the bond stems from the provisions in this bill.

Mr. BAKER. Clearly the bond liability would expire in 5 years in my part of the country, but if State law would continue to order the operator responsible under common law nuisance or statutory law, he would still be liable, and we have not abrogated that.

Mr. JACKSON. The statute would start running from the time the damage occurred.

Mr. BAKER. Both the Senator from Wyoming and the Senator from Washington have answered my questions which I interpret that both liabilities expire in 5 years in an nonarid region and 10 years in an arid region.

Mr. HANSEN. That is my general understanding. I would say that this is yet another of many reasons why the junior Senator from Montana (Mr. METCALF) and I have been so insistent that wherever there may be a disparity between State and Federal law, and the impact of State law exceeds the application of Federal law, then State law should govern and control.

There are other instances of concern to us where a reclamation program, or restrictions on where mining might be engaged in, or any number of other situations, could arise and be presented for resolution by the appropriate controlling authority or body. That, we think, argues well to let each State set the parameters, establish limits, and provide minimums that must be complied with in order for an operator to go ahead.

Mr. JACKSON. Mr. President, on a point of clarification on the question raised as I came to the floor, I invite the attention of the Senate to section 210b regarding the bond and this relates to the average annual rainfall——

Mr. HANSEN. What page is that on?

Mr. JACKSON. Page 85, line 16. I want to complete the record. Let me read section b of that section:

(b) Liability under the bond shall be for the duration of the surface mining and reclamation operation and for a period of five years thereafter, except in those areas where the average annual rainfall is 26 inches or less, the period of liability shall extend for ten years, unelss sooner released as hereinafter provided in this Act.

I had not read that section into the record at the time, and there was a colloquy about heavy rainfall.

Mr. HANSEN. I thank the Senator from Washington. I would just observe that I referred to this section just before he entered the Chamber.

Mr. JACKSON. I am sorry.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr HANSEN. Mr. President, I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, in connection with this subject, I think it should be abundantly explained for the record, to remove any possible implication from the prior colloquy that what we were referring to in time limits and the cutoff of liability is under this statute. I believe there was an implication a moment ago that there was an unlimited liability under this statute.

In the later colloquy, it was said that that liability is fixed under State statute and that there are limits to the liability for the reclamation plan fixed in the bonding statute—limits in time as well as extent.

On another question, I wonder if we might address a question on the fourth page of the printed Jackson amendment, line 15, section 5, subsection (c). It reads:

The resulting plateau or rolling contour drains inward from the outslopes.

As I read that, without any explanation or modification, it would mean that in every instance, a lake would be created because there could be no outflow from the top of this plateau. I do not understand that to be the intention of the language, and I wonder whether a modification of the language might be added at the end to say "except at specified points," or some language with that in mind.

Mr. JACKSON. It is not a question of the creation of a lake in every instance. It is a drainage area, and of course you may have water in that area for a while and then the water will disappear.

I did not hear the proposed modification of the Senator.

Mr. McCLURE. I think that if we add at the end of line 16 "except at specified points," it would solve the problem of indicating that the plan can allow a drainage area and that it does not require the impounding of all the water that does fall on that plateau.

Mr. JACKSON. Mr. President, I have no objection to that modification, and I ask unanimous consent that my amendment be so modified, as offered by the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

Will the Senator send his modification to the desk, please?

The modification is as follows:

At end of line 16, p. 4, strike the semicolon, and insert ", except at specified points;".

Mr. HANSEN. I ask the distinguished Senator from Idaho if it was not his conclusion in reading subsection (c) on page 4 of the amendment proposed by the Senator from Washington that the probable intention was that some contour trenches might be prepared around a reclaimed area so as to entrap water, not a lake of water, but to entrap water at regular levels on a downslope, to hold the water in the built-up land and to prevent its ready and rapid runoff downslope. I have seen this done in numerous instances in the West. It does provide water in dry areas particularly, and gives vegetation a better chance of taking root and thriving than would otherwise be the case.

I ask the distinguished Senator from Idaho whether his modification would help accomplish that.

Mr. McCLURE. I say to the Senator from Wyoming that, yes, it would help accomplish that. I think the language is intended to prevent leaving a flat surface upon which all the water would come off as a sheet and gully down over the edge. I believe we all want to avoid that. The purpose of the amendment is to prevent it. But it needs the exception to allow runoffs to occur in some manner at some point, and I think my modification, which the Senator from Washington has accepted, will accomplish both purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington, as modified.

The amendment, as modified, was agreed to.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is to be recognized at this time.

Mr. METCALF. Mr. President, I ask unanimous consent that the Senator from Idaho may be recognized at this time to call up an amendment and that the Senator from Tennessee be recognized subsequent to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 614

Mr. McCLURE. Mr. President, I call up my amendment No. 614.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 126, strike lines 19 through 25 and lines 1-3 on page 127 and insert in lieu thereof the following: "'approximate original contour' means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are necessary or desirable for reclamation or public recration purposes.".

Mr. McCLURE. Mr. President, this amendment is intended to address itself to the very difficult question of the original contour restoration, which is a matter of much concern and has been a matter of much discussion.

The amendment is intended to replace a somewhat rigid formula in the bill which was to some degree touched upon by the amendment of the Senator from Washington, amendment No. 613, in the portion which was stricken at the suggestion of Senator Nelson.

Mr. President, I have discussed this amendment with the managers of the bill on both sides of the aisle. I understand that it is acceptable to them. If that is so, I will not burden the discussion any further.

Mr. JACKSON. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeding to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is to be recognized at this time.

Mr. MATHIAS. Mr. President, in the temporary absence of the Senator from Tennessee, I ask unanimous consent that I may call up an amendment which is at the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator may proceed.

AMENDMENT NO. 612

Mr. MATHIAS. Mr. President, I call up my amendment No. 612.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 96, between lines 21 and 22, insert the following:

(c) Notwithstanding any other provision of this Act, each State program and each Federal program shall include regulations which insure, that on and after the expiration of the twenty-four-month period following the effective date of this Act, no permittee shall remove overburden from slopes greater than twenty degrees from the horizontal, except that the appropriate regulatory authority shall be authorized to waive the provisions of this subsection for the benefit of any permittee, if such authority determines that the failure to so waive would result in an undue hardship to such permittee, but in no event shall any such waiver so granted under this subsection extend beyond the thirty-six-month period following the effective date of this subsection.

Mr. MATHIAS. Mr. President, this amendment to S. 425, the Surface Mining Reclamation Act, would phase out surface mining on steep slopes—for the purposes of my amendment, slopes over 20°. It provides a 1-year extension to surface mining operations supplying coal to customers who are dependent upon its delivery and have not succeeded in negotiating contracts for substitutes. At the same time, I extend my congratulations to the members of the Interior and Insular Affairs Committee and their chairman, Senator JACKSON. In the face of our energy crisis there can be no more difficult but rewarding task than to provide a comprehensive regulatory mechanism for an industry crucial to our future energy needs.

I feel the most important function my amendment can serve is to stimulate thought on what our national energy policy should be. The initial question is whether this Nation will promote surface mining as the major supplier of our coal demand at the expense of the deep mining industry. This in the face of reports which show only 3 percent of our coal reserves are strippable.

We can predict that coal production will continue to shift from the deep mines of the East to the virgin lands of the West. Russell Train, Administrator of the Environmental Protection Agency, has pointed out the problems associated with this shift. In his words:

> The sooner we can make underground mining more economically attractive, more technologically feasible and more socially acceptable as a way of life, a way of employment, the better off we're going to be.

The proponents of surface mining point to its economies but the residents of heavily stripped counties in West Virginia and eastern Kentucky do not benefit by those savings. They pick up the cost in loss of streams and rivers, damage to roads and personal property, and loss of the esthetic values of those mountains and valleys they were once so proud of. The Council on Environmental Quality's excellent study of the economic impact of surface mining indicates that a ton of steam coal delivered to an electric utility from an Appalachian strip mine is only 71 cents cheaper than deep mine coal from the same region. But the social costs do not stop with the visual damage caused by stripping.

The demise of the deep mining industry is proceeding at an ever-increasing pace. Since 1966, nearly 2,400 deep mines have shut down and production has fallen by more than 84 million tons in Appalachia. At the same time, strip mine operations have increased by 700 and production by 59 million tons. In human terms that translates into a loss of 19,000 jobs in the mines. Strip mine employment also decreased as the mammoth machines do more of the work.

When we are dependent upon strip mine coal in the East, what will be the impact when the strippable reserves here are depleted? Will we have a deep mining industry to turn to for the fuel to fire utility boilers? I doubt it and, as a result, the Nation will face a most difficult task in converting back to deep mining.

As demand for coal increases each year and strip mine coal fills a greater proportion of that demand, we hasten the day when the strip coal reserves in the East will become marginal or depleted. This may occur within a decade or two in some of the heavily stripped, Eastern States. By 1983, the strip production in Appalachia could be in excess of 250 million tons per year. At that rate of production, the strip reserves of Appalachia would be mined out by the turn of the century. What then?

The point I am making, Mr. President, is that we do not have an abundance of strippable coal in the East. In my State of Maryland, there are only 27 million tons of coal that can be stripped. That is not one-tenth of last year's national strip production total. According to the Council on Environmental Quality, Alabama has only 15 years of reserves at present production. If the demand increases by the estimated 5 percent annually, Alabama will have mined out its strippable coal by 1980. Will there be some policy in Alabama which will encourage a switch to deep mining? No, because the States are helpless in the absence of a clearly defined Federal policy.

How difficult will it be 20 years from now to make the conversion back to deep mining? Well, for one thing, the strip operations rely upon tremendous detonations to loosen the rock and earth above the coal seam. These blasts fracture the ground beneath the seam of coal and cause gas and water to permeate down into deeper seams. The combination of unstable roof support, seeping gas and water would make it hazardous, if not impossible, to deep mine those seams in the future. Is that coal to be lost to future generations because it cannot be deep mined after the strip mine operators have finished with the ground above?

And what of the work force who will be called upon to work in the deep mines? Will there be an availability of experienced deep miners available when we need them? After years of ripping and gouging the land, polluting streams, rivers and lakes, turning the once beautiful mountains and valleys into waste land, how can we expect the residents of the coal mining regions to stay on, living in such a devastated environment? There will not be any decent housing or indeed land upon which to build houses.

These are not fictional conditions because these problems exist today in some Appalachian States and the continuation of surface mining will only serve to aggravate the problem.

The coal industry looks to the western, low sulfur coal beds to supply eastern markets. It is ironic that coal mined in Montana or Utah should be shipped 1,500 miles and burned in a powerplant on the Ohio River when that plant is sitting atop billions of tons of high quality, low sulfur coal. With the unemployment rate growing in Appalachia, we cannot allow jobs to be eliminated any longer by this type of competition. Every ton of coal that comes east, across the Mississippi River costs the job of miners in the coal fields of Appalachia.

Eighty million tons of coal are produced annually by surface mining on slopes over 20 degrees. That would be lost. Also, several thousand jobs could be affected by my amendment. Those figures are miniscule compared with what may be lost by embracing strip mining. I am more deeply concerned about the danger in our present course of encouraging expansion of surface mining and what effect this might have on fuel supplies 10 years from now. The loss of billions of tons of coal trapped in deep seams by the effects of blasting cannot be regained by reclamation.

A planned phaseout, over a period of 2 years, of all surface mining on slopes in excess of 20 degrees will go a long way toward committing the coal industry to shift from strip mining to deep mining in Appalachia. This stimulus to the deep mine industry will result in safer, more efficient deep mines because it will have eliminated 87 percent of the competition in the Central Appalachian States.

I believe we can regain any production lost through my amendment. An inventory of all deep mines in operation in 1971 was undertaken recently to determine the expansion potential of those mines. The data was supplied by the Bureau of Mines and the computation was undertaken by a private organization. It was determined that 50 percent of those deep mines worked only one shift and 30 percent worked two shifts. In half of the operating mines, machinery sat idle for two shifts and men who desperately need jobs remained home.

The study determined the tons per shift that each mine produced and multiplied this amount by the maximum number of shifts a mine could work during a standard work year. It was found that an additional 120 million tons of coal could be produced from existing mines in Appalachia if those mines had worked three shifts per day. It is assumed that downtime in the mines would increase since the machinery would be used more often, so a 20-percent reduction was factored into the result. But even with the loss in production due to breakdowns, absenteeism, necessary repairs, there still exists a potential for an additional 108 million tons from those Appalachian deep mines. There would also be created an additional 26,000 jobs for deep miners. Capital investment would be minimal or unnecessary, since the expansion is made possible by full production of existing mines, using existing equipment.

The 108 million tons of coal would more than replace the production lost by the 20 degree ban and since this would occur in the same regions, there would not be any regional impacts which could not be offset by the shift to expanded deep mining.

The expansion of the deep mine industry and the addition of miners will also have a positive effect upon the safety in deep mines. Under present conditions, there exists a dangerous competition between deep mine and strip mine operators. In those production areas where the strip mines enjoy the economic advantage, deep mine operators are forced to reduce operating expenses and overhead. This means needed repairs are overlooked and new and safer equipment is not purchased. Giving deep mine operators a secure market will reduce this often tragic competition. It will also bring about greater job security and will encourage miners to remain in the profession for a longer duration.

If Congress and the Executive refuse to establish policy in the energy field our troubles will be compounded many times over. The days when we could dash about, fire bucket in hand, from one conflagration to another, are over. We must decide how much strip mining should be done, where it should be done, and what effect it will have on the other sectors of the energy industry. Twenty years from now when we are in desperate need of coal from the deep mines, those mines may be deserted.

Certainly, no one can responsibly advocate increased deep mining without speaking of the safety, health and environmental problems long associated with the industry. Senator CASE's amendment, which I cosponsor, is the proper approach to overcoming the serious shortcomings of deep mining.

In proposing a phaseout on the steep slopes, I am guided by two concerns. First, that we must care for the deep mining industry. Our Nation relies upon the vitality of that industry. Second, when we talk of coal on the steep slopes, beyond the angle of repose, we refer to a very small part of our resources—possibly the ratio of a billion to a trillion. So we are not dealing with a facet of the energy crisis but with a question of land use. From my experience in the hills of western Maryland, Mr. President, it just is not appropriate to strip mine for coal on the steep slopes.

My concern in raising the question of strip mining on steep slopes goes further than just the question of what happens to the siltation problem when we attempt to strip the slopes which will not hold the earth, because I think that raises a further question, a question that is beyond the four corners of this bill. I think Congress has not yet addressed itself to the overall problem of a Federal energy policy and my amendment points that out. For example, if we were to look everywhere in the country where there are veins of coal and strip them without regard to local conditions and topography, we could probably exhaust all such coal in 20 years. That might be easier and more desirable from a strictly economic point of view than deep mining operations, and as a result deep mining might become a lost art.

I am concerned that a quarter of a century from now we may have to expend a great effort to revive the deep mining industry. If the coal industry understands there are some limits which we must impose as to the kind of topography in which surface mining is going to be tolerable, then we will have encouraged the other methods of extracting coal and this will be of great importance.

We have an important mining industry in western Maryland. Nevertheless, we have paid a heavy price because there has been tremendous environmental damage, particularly when the surface mining has been done on the steep slopes.

I have suggested this amendment to avoid the pitfalls of mining in areas where it is in appropriate, while at the same time pointing to the importance of continuing the technology of deep mining which will supply the energy the country needs. Of course, we cannot talk about deep mining without talking about safety, health, and the environmental problems that are involved. I was happy to join with the Senator from New Jersey (Mr. CASE) in cosponsoring the amendment of which he was the principal sponsor, which will provide for research and development to overcome these problems.

In speaking of a phase out of surface mining on slopes greater than 20 degrees I think we have to have some concept of the quantity of which we are speaking. We are talking about a billion tons as opposed to a trillion tons. In that light I think we see that it is a relatively small burden which will be placed upon the mining industry. Nevertheless, I think that with the acceptance of the Case amendment and the colloquy which has been conducted on the floor by the distinguished Senator from Tennessee (Mr. BAKER) in support of his amendment my thoughts in offering my amendment have been presented to the Senate.

Therefore, I do not intend to ask the Senate to adopt this amendment at this time, but I would hope that the committee will keep in mind the dual questions which are raised by the amendment, the questions of surface mining on very steep slopes and the underlying problem of developing a national energy policy which protects deep mining for the day when strip mine reserves are exhausted.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to commend the distinguished Senator from Maryland for the thoughtful concern that is implicit in the amendment which he has presented at this time.

I would say, as he knows, that there is provision in the bill for a study to be undertaken to seek out better answers to many questions that we now know all too little about. I think, too, that an amendment of this kind, as I suspect he would agree, has applicability determined by the amount of rainfall that there may be in one part of the country as contrasted with another part of the country. A 20-degree slope in an area where there is a rainfall of 36 inches a year is extremely serious. However, where there is a rainfall, as we have in some parts of Wyoming, of 7 inches a year, it does not take on that much importance.

So I think we might expect from the study called for in the bill, and from the latitude that I think should be given to the States in looking at problems in their areas, and by virtue of the contribution the Senator from Maryland has made, to be presented with answers that will be more specific and more responsive to his concerns.

Mr. MATHIAS. I thank the Senator. The Senator expressed the situation very precisely. While I am very tender on this question of siltation, possibly because of the climatic conditions Maryland enjoys, I think the proper time to press for this is after the study is completed.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield to the Senator from Wisconsin.

Mr. NELSON. I commend the Senator from Maryland for raising the issue. I think the real tragedy is that we are in a position where it is necessary to do strip mining at all. If we had established an energy policy which involved appropriate research a quarter of a century ago, at least a quarter of a century ago, as we should have, it probably would be possible today to eliminate all strip mining of all kinds no matter where it is. Strippable coal only represents a relatively small amount of the total available coal in the United States; yet today it is supplying about one-half the total consumption of coal.

I think if one looks at the history of strip mining it will be concluded that on a cost-benefit ratio strip mining has done more economic damage to America than any profits or benefits on the right side of the ledger.

So we have another example of the lack of planning in this country, which has been a nonpartisan dereliction on our part. Anyone who bothered to look at the literature which was available easily a quarter century ago that stated we were headed where we are today, that the world would be short of resources, that we would run into an energy crunch in this country, could have known what would happen. Harrison Brown wrote "The Future of Man" in 1954. Anyone who bothered to look at it would have been advised where we would be in another 20 years from the time the book was written.

I hope we will develop an energy policy and have the necessary research, and that some day we will get away from strip mining, which does damage permanently to America's countryside.

Mr. MATHIAS. I thank the Senator. I think he stated the case correctly. One did not have to be one of the judges or prophets of Israel to read the handwriting on the wall. No longer can we postpone the study that is required.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. FANNIN. Mr. President, I agree wholeheartedly that we have done violence to many acres of land in this Nation of ours. But I think when we make a blanket condemnation of strip mining without taking into consideration the differences in areas of our country, it is not proper. In many areas of the West, we can have more valuable land after strip mining than before. So I cannot agree, though I know the noble goal the Senator has in mind.

Stripping now accounts for more than 50 percent of U.S. production with an investment of almost $2 billion. More than 60 percent of the total coal used by electric utilities came from surface mines in 1971. A recently completed survey by NCA shows that the trend continued in 1972, when the percent of strip coal used by the utilities continued to increase.

Surface mining of coal has had a continuing upward curve in the last decade for a variety of reasons including cost, health, and safety, and a shift in demand requirements. Reversing this trend will be difficult, if not impossible, as the CEQ report concluded.

So I am not in any way disagreeing with what was said has been done in the past in many instances, but I do think we should make sure that the public should not be misled, and I do think, when we use figures like 3 percent, it is a very misleading figure. Using 3 percent as the figure of coal in the United States today that is going to be mined or could be mined by strip mining is wrong. We have to take into consideration that when we mine underground we lose about 50 percent of the coal; and when we mine by surface mining we lose about 10 percent of the coal. This is very important to consider, because if we are talking about the future, I think we should talk about what we can do about reclaiming the land and, in many instances, having better land available than before the mining was started. If we are talking about the Appalachia area, 70 percent of surface production is affected. If we talk about the steep slopes, it would do away with that kind of mining.

Much of the low sulfur coal is now going to eastern utilities and to export, and they would be affected. It would also affect major reserves of readily available high quality, low sulfur coals in the United States.

We are talking about different factors. If we are talking about the amount of coal that may be in the ground, then we should consider the amount of coal that is available in different areas of the Nation. In some places the sites are of great consequence, because the powerplant is practically over the site. That is so in the Four Corners area, where Arizona is involved.

I realize that much must be done in this regard, but I hope that there is not a misimpression of what can result from surface mining, if it is handled properly.

Mr. MATHIAS. Mr. President, I think the Senator has emphasized very strongly that topography, climate and other factors have to be considered. That is one reason why I wanted to defer my amendment until the committee had completed the study contemplated by the bill. I think both Senators will agree with me that overriding all of these questions is the question of the lack of a national energy policy of real force and real creativity which will assure us an energy supply.

Mr. FANNIN. I wholeheartedly agree that we need an overall energy policy, but one of the problems we have now is that the events that have occurred have changed the complete picture. Surely, we did not realize a few years ago that there could be an energy shortage. We did not realize there could be an oil shortage.

Mr. MATHIAS. If we get that policy, many of these subsidiary questions will find their proper location and proper slot.

Mr. FANNIN. I commend the Senator for his desire to go further into this matter and for not offering the amendment at this time. I think he has made it crystal clear that he does not intend to go forward in a haphazard manner; that he wants to proceed with a proper study and thought before any action is taken.

Mr. MATHIAS. The Senator is right, and, Mr. President, at this time I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HANSEN. Mr. President, will the Senator yield for one further observation?

Mr. MATHIAS. If I still have the floor.

Mr. HANSEN. I just wanted to underscore what the distinguished Senator from Arizona has said. It is an easy thing these days to be against steep slope mining, just as it is to be against sin, but the reason I rise now is to observe that the economic facts of life ask us to be more discerning than such a declaration would be.

I say that because in the Powder River Basin—and I note the distinguished senior Senator from Montana is here, as well as the distinguished floor manager of the bill, the junior Senator from Montana—whether we like it or not, we are going to have further exploration and development and exploitation of the coal resources. It is obvious that as we develop surface mining throughout the United States, more and more of it will be done where it can most profitably and successfully be undertaken.

It is because of my realization, and that of the distinguished junior Senator from Montana, of that fact, that we have been insisting that State law ought to be sovereign if it exceeds in its demands for certain reclamation practices what the Federal law may call for.

But I will get back to my original premise, which is that in the West, particularly in the Powder River Basin, with which both my colleagues from Montana are familiar, our coal deposits are not tilted, they do not dip, as so often happens in the Eastern States. They may dip somewhat, but they tend to be 100 percent horizontal. Where there are beds 100 feet or 200 feet or more in thickness with overburden as little as 27 feet in thickness, there is just no way, except by surface mining, to conserve energy, which means taking all of that coal out.

We can ill afford to waste any natural resource, and now we certainly have no reason to even consider wasting an energy resource as important as this coal by saying we are going to try to remove it by other means than surface mining.

That comes about because that is the only practical way the coal can be taken out, and it is the way, through proper handling of the overburden, that we can restore those areas that are mined to assure their continuing productivity and continuing usefulness for all of the many purposes that man may have in mind or may develop in the future.

I wanted to say this because I hope we will keep in perspective the important role that surface mining can, does, and must perform.

Yesterday the distinguished senior Senator from Montana, who knows far more about mining than I ever shall, made some observations about his having worked in the mines and his later experience as a mining engineer. I certainly would not try to second guess him at all as to what we should do, but I do say this: As our resources of energy become more severely restricted because, as the Senator from Maryland has said, of our failure to develop an energy policy, which exacerbated the present dilemma, I think we must agree that surface mining makes good sense where reclamation can properly be done. Where the end product will better serve mankind than it served mankind's needs earlier, it ought not to be restricted.

I think, in a broad sense, that is precisely what the Senator from Maryland has in mind saying, let us take a look at all these techniques. Let us study the problems. He has said, in effect, by having called attention, as his amendment does, to this issue, let us be certain it will be examined very closely, not alone by the Government, not alone by the States, but by industry to make sure that what we do will serve our long time needs.

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the Senator from Tennessee is recognized.

ADDITIONAL COSPONSOR

Mr. BAKER. Mr. President, I ask unanimous consent that the name of the Senator from Maryland (Mr. MATHIAS) be listed as a cosponsor of amendment No. 611 to the pending bill, S. 425.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 605

Mr. BAKER. Mr. President, I call up amendment No. 605.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, is is so ordered.

The amendment reads as follows:

On page 111, line 12, strike the figure "$100,000,000" and insert in lieu thereof the amount "$80,000,000".

On page 117, after line 3, add the following:

"SEC. 304. The Secretary of the Interior and the Secretary of Agriculture are directed to develop regulations and conduct a continuing review of mining regions to identify zones or watersheds where previously mined and unreclaimed coal surface mine operations due to erosion, siltation, or toxic discharge present a hazard to water quality and where due to inaccessibility, low land values, or unduly high reclamation costs timely reclamation under sections 301 and 302 is either economically or physically infeasible.

"SEC. 305. (a) In any zone designated under the review process of section 304 in order to assist States and their political subdivisions, soil and water conservation districts, in developing and carrying out within watershed and subwatershed areas plans for works and measures for the reclamation and rehabilitation of non-Federal lands which have been damaged by surface mining and which are presently in a scarred or unreclaimed condition, the Secretary of Agriculture is authorized, upon the request of States:

"(1) to provide to the States and soil conservation districts technical assistance by the Soil Conservation Service for developing plans for the reclamation and rehabilitation of such lands, which plans may include works and measures such as revegetation, land smoothing, diversions, grade stabilization and gully-control structures, debris basins, bank sloping drainage, access roads for maintenance, and any other works, measures, or practices deemed necessary by the Secretary of Agriculture; and

"(2) to cooperate and enter into agreements with, and to make grants to and provide other aid as the Secretary of Agriculture deems necessary and appropriate in the public interest to effectuate the purposes of carrying out any such plan that has been approved by the Secretary of Agriculture and the Governor of the State, or his designated representative, subject to such conditions as may be prescribed by the Secretary of Agriculture: *Provided*, That the Federal share of the cost of the reclamation and rehabilitation of any such lands included in an approved plan shall not exceed 75 per centum of the estimated total cost thereof.

"(b) The program herein authorized shall apply to the unreclaimed or unrehabilitated lands damaged by surface mining located in States which have heretofore enacted, or shall hereafter enact, legislation requiring reclamation or rehabilitation of lands damaged by surface mining when the Secretary of Agriculture determines that—

"(1) significant public benefits will be derived from the reclamation and rehabilitation of such lands;

"(2) such lands were damaged by surface mining prior to the date of enactment of this Act, sometimes referred to as 'orphan lands'; and

"(3) there does not exist a contractual or other legal requirement for the adequate reclamation or rehabilitation of such lands: *Provided*, That the Secretary of Agriculture may carry out a limited program of reclamation of lands damaged by surface mining for demonstration purposes in those States which do not have laws requiring reclamation or rehabilitation of such lands.

"(c) The Secretary of Agriculture may require as a condition to the furnishing of assistance hereunder to any owner of lands included in an approved plan that such landowner shall:

"(1) enter into an agreement of not to exceed ten years providing for the installation and maintenance of the needed works and measures specified in such plan; and

"(2) install or cause to be installed such needed works and measures in accordance with technical specifications as approved by the Secretary.

"(d) The Secretary of Agriculture is authorized to prescribe such rules and regulations as he deems necessary or desirable to carry out the purposes of this section.

"(e) There is authorized to be appropriated to the Secretary of Agriculture for the purpose of this section $20,000,000 for fiscal year 1975.".

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reclamation of abandoned mines in remote, mountainous coal fields is difficult and costly. The Appalachian Regional Commission has conducted several demonstration projects on such land in the Appalachian region and has experienced costs averaging between $3,000 an $5,000 per acre—ranging up to $8,000 depending upon the degree of regrading attempted. In many instances "restripping" of these areas under the provisions of the act will reduce the serious water quality and soil erosion problems, but often such restripping is not feasible.

S. 425 establishes a revolving fund established by an appropriation of $100,000,000 and such fines and fees as the Secretary may collect. Primarily, however, this fund will depend for sustenance upon receipts from the sale of reclaimed lands by the Secretary. It is unlikely that such a program will be able to affect any substantial amount of the hundreds of thousands of acres of abandoned steep contour mines in Appalachia, since reclamation costs will run in many areas 25 to 30 times the value of the land for resale.

The amendment provides a review mechanism for the Secretaries of Interior and Agriculture to designate zones or watersheds where reclamation under the basic authority of S. 425 is "economically or physically infeasible." In these areas the Secretary of Agriculture is authorized to provide technical assistance and 75 percent grants for watershed treatment to control erosion and to reduce or elimiate siltation. Such an approach will be more adaptable to the steep contour problem since it does not require land acquisition and addresses primarily the offsite water quality problem with only minimal land treatment.

The cost of the program is estimated by SCS to be about $20 million annually. The amendment provides one such authorization—for fiscal year 1975 but holds the line on costs by reducing the revolving fund a like amount.

Mr. President, this amendment is frankly out of despair. I feel that it is highly unlikely that we will spend 25 or 30 times the value of land to reclaim it in many sections in the Appalachian region.

If we cannot reclaim it because of the economic value, then the only thing that I know to do is to reduce the off-site deposit of siltation from acid mine drainage and other factors that insult the environment and affect many areas from strip mining operations, with the killing of fish and the isolation of wildlife is to call on our old friend, the Soil Conservation Service which has an outstanding record in this field and provide them with an opportunity to provide their services and assistance in an area that is badly needed.

Mr. METCALF. Mr. President, if the Senator will yield, I have gone over the Senator's amendment. I must say that in our concern about such provisions as section 213 and the requirement of permission, we probably have not been as concerned with orphaned lands as we need to be. Orphaned land has been in every bill, and orphan land has been part of every bill that I can remember that was ever introduced in the 25 years that I have been a Member of Congress.

I am glad we are making a gesture; $100 million will not even begin to stop it.

As the Senator knows, in a dialog yesterday we pointed out that this provision for the reclamation of land where there are pits and so forth, applied not only to coal, but also to all mining activities.

So it is all over the United States, as far as the reclaiming of abandoned lands is concerned. I am in accord with the amendment offered by the Senator from Tennessee, but I wonder if he would, again, show us why an additional appropriation for $100 million, which is woefully inadequate, and about $20 million in soil conservation, should not be sought.

Mr. BAKER. So far as I am concerned, I could not agree more with the distinguished Senator from Montana; $100 million a year is a drop in the bucket, when it comes to reclamation on orphaned land. I do not believe for an instant that we are going to spend $3,000, $5,000, or $8,000 an acre to restore mining land that was stripped and unrestored years ago. So far as I am concerned, I would be willing to put the whole $100 million into the Soil Conservation Service; $20 million is not enough. It takes the basic $100 million simply to earmark $20 million for use by the Soil Conservation Service.

I do not know how other Senators feel about it, but I feel that the SCS has done a great job, not in this field, but in related fields.

If the manager of the bill wants to spend $500 million——

Mr. METCALF. $100 million to the SCS and $100 million for other reclamation would be only a drop in the bucket. Let us try to follow that approach. I think the Senator is making a good suggestion, but let us see what the SCS can do in some areas and what the Bureau of Reclamation can do with respect to orphaned land in other areas. If we succeed, we will have to appropriate funds to find ways to reclaim thousands and thousands of other acres, because this would be just the beginning.

Mr. BAKER. I entirely agree that it is the best technique to follow that approach.

There is one other thing I should like to call to the attention of the Senator from Montana. The Tennessee Valley Authority has long been interested in the techniques of reclaiming orphaned land. On previous occasions we have presented in the annual appropriation request fairly modest amounts, such as $10 million or $12 million, for experimental or demonstration projects in this respect. I would hope that the distinguished Senator from Montana would agree with me that the demonstration approach to reclamation might be the very best way to spend some of this money. If, in fact, there are other agencies which could submit plans for demonstration techniques, we might consider other aspects in this respect. But I agree with the proposal of an amendment restricted to $20 million for the SCS and plans for other techniques.

Mr. METCALF. Probably this would be an appropriation for a demonstration. I agree to the amendment. I congratulate the Senator from Tennessee for correcting an oversight in the proposed legislation.

Mr. McCLURE. Mr. President, I think the suggestion that the SCS can do some very valuable work is apropos. I wonder sometimes why we move into things like water conservation and environmental control and ignore an agency which has the longest and best experience in the study of these problems. The SCS deals with the problem of water control where it is most effective.

I think we also must have access to existing agencies for ongoing programs. I recollect now that the Bureau of Mines has a small reclamation demonstration program underway, unrelated, as far as I know, to coal mining, and it happens to be in my State. The Bureau of Mines is conducting that demonstration project in conjunction with the University of Idaho to determine what kind of vegetation can be used and what will be used in some mined areas of Idaho. We hope to continue funding the project through the Bureau of Mines in order to keep the demonstration program alive.

I would agree with the Senator that a demonstration program could perhaps more efficiently and effectively use limited funds than to spend small amounts of money over the entire spectrum, with no real accomplishment.

Mr. BAKER. I thank the Senator from Idaho. I think his suggestions are well taken, and I associate myself with his observations.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I commend the distinguished Senator from Tennessee for the amendment he has presented.

Let me say that we have a number of big jobs to do as we contemplate the entire spectrum of mining activity as it has occurred in the past.

From time to time, I have addressed myself on this floor to the problem that subsidence has caused. There are areas in the United States where active subsidence now is causing great damage to cities, to homes, and to people.

I simply make this observation now in order that we not lose sight of what I think has to be a very high priority item as we consider where to spend our first dollars. With all due respect, appreciation, and support for the amendment proposed by the Senator from Tennessee, let me say that I think we must consider ongoing damage that is occurring, and without proper action will become more severe, will involve more people, and will necessitate a far greater outlay of money than would be required if we were to accelerate as quickly as possible with that job.

New techniques that have just existed in recent years have made practicable subsidence correcting efforts that were unthought of not many years ago.

I thank my distinguished colleague.

Mr. BAKER. I thank the distinguished Senator from Wyoming for his additional observations, with which I agree.

Mr. President, I have no further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FANNIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. SMITH of Iowa, Mr. CASEY of Texas, Mr. PATTEN, Mr. OBEY, Mrs. GREEN of Oregon, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mr. CONTE, Mr. ROBINSON of Virginia, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses there, and that Mr. MAHON, Mr. WHITTEN, Mr. PASSMAN, Mr. NATCHER, Mr. FLOOD, Mr. SMITH of Iowa, Mr. CEDERBERG, Mr. RHODES, Mr. MICHEL, and Mr. CONTE were appointed managers on the part of the House at the conference.

SURFACE MINING RECLAMATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 425) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I have an amendment at the desk which I shall not call up at this moment. In lieu of putting in a quorum call in order to notify certain of my colleagues whom I promised to advise before beginning discussion of the next amendment, I am happy to yield to the Senator from Utah, with the understanding that at the conclusion of his remarks I may have the floor again.

Mr. MOSS. Mr. President, I do have an amendment. I shall not take very long. I think it is acceptable to the manager of the bill.

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from Utah for the purpose of offering an amendment, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized.

Mr. MOSS. Mr. President, I send to the desk an amendment which is not printed, but a copy is on each Senator's desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. Moss' amendment is as follows:

At the appropriate place in Section 208 add the following:

"(14) a determination of the hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability. For those mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify:

(A) monitoring sites to record the quantity and quality of surface drainage above and below the mine site as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water aquifers potentially affected by the mining and also directly below the lower most (deepest) coal seam to be mined;

(C) the maintenance of records of well logs and boreholes; and

(D) monitoring sites to record precipitation.

The monitoring, data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity."

At the appropriate place in Section 213, add the following:

"11) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of (A) the quantity and quality of surface and ground water systems, both on and off-site, from adverse effects of the mining and reclamation process, and (B) the rights of present users to such water."

At the appropriate place in Section 213, add a new paragraph (E) as follows: "by restoring recharge capacity of the aquifer at the mine site and protecting alluvial valley floors."

Mr. MOSS. Mr. President, this amendment has to do with the impact on hydrologic settings of surface mining at the mine site and in areas surrounding the mine.

Both surface mining and underground mining can increase the availability of water in some areas by increasing water retention characteristics of the ground surface. In other situations, mining operations decrease the availability of water by intersecting aquifers and discharging this ground water into surface drainage systems.

Much of this water will be lost through evaporation. In such instances downstream users of the surface water might realize a slight increase in water availability, however, the users of ground water aquifers might realize a decrease in their supply. Such changes might be temporary or irreversible. In areas where rainfall is relatively high compared to evaporation, such changes in surface and ground water availability might well be insignificant. However, in semiarid and arid areas, such changes in water availability either in ground or surface water systems might easily have substantial impacts on land use and the economy of the region.

During the surface mining and reclamation process, including the phases of advanced planning and design of the operation, there are a number of very specific activities which must be carried out in order to both determine the impact on the hydrologic balance as well as to correct and minimize such impacts. Specific planning and monitoring requirements have been identified, new paragraph (14), page 81, and paragraph (11), page 92.

Specific adjustments to the mining process and actions to be taken during reclamation are identified in the proposed paragraph (f), "restoring the recharge capacity of the aquifier at the mine site and protecting alluvial valley floors."

In order to assure that both the short- and long-term disruptive impacts of mining on ground water supplies are minimized, it is necessary that reclamation be conducted in such a way so as to maximize the recharge capacity of the mine sites. The design of spoil handling, placement, and grading operations should be done to enhance recharge potential at the site.

For those mining operations, singularly or in combination, which cut across or destroy large aquifiers, mining should be predicated on the ability to replace the aquifier storage and recharge capability by selective spoil material segregation and handling.

Similarly, the alluvial valley floors and stream channels at the mine site must be preserved. The unconsolidated alluvial deposits are highly susceptible to erosion as evidenced by the erosional history of many western valleys. Removal of alluvium from the stream bed of a valley not only lowers the water table but also destroys the protective vegetation cover by draining soil moisture. Rehabilitation of valley floors is a long and expensive process and in the interim these highly productive grazing areas would be removed from use. Present efforts by the Federal Government to rehabilitate such valley floors and have extremely expensive, of long duration and only partially successful.

It should be noted that in a number of existing western coal strip mines, the present practice is to preserve such valley floors and stream channels. For instance, the 30-year mining plan for the Navajo Mine at Farmington, N. Mex.—Four Corners—clearly shows a zone of little or no mining and reduced impact where a tributary cuts across the mining operation.

This provision does not impose new and undue requirements on mining operators. It does, however, make a rule for all operations of present good practices of many operators.

Mr. President, the amendment makes changes in three separate places in the bill. It requires that a determination of the hydrologic consequences be made at the time that the application is made for opening the mine. It calls for monitoring the site and for records to be kept of the hydrologic changes that might come about; and it requires a detailed description of the measures to be taken during the mining and reclamation process.

Finally, the new paragraph provides for restoring the recharge capacity of the aquifer at the mine site and protecting alluvial valley floors.

I ask unanimous consent that the amendments be considered en bloc, since they occur at three separate places in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I strongly urge the adoption of this amendment. The problem of water is of great concern in coal mining, in the West especially. This problem would be taken care of without interfering with State laws, particularly with the State water laws, which are most complex.

The amendment of the Senator from Utah focuses attention on the need to protect our surface water and our ground water. I urge its adoption.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the amendments en bloc of the Senator from Utah (Mr. MOSS).

The amendments were agreed to en bloc.

Mr. MOSS. Mr. President, I move that the vote by which the amendments were agreed to be reconsidered.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee (Mr. BAKER) is now recognized.

Mr. BAKER. Mr. President, I have at the desk Amendment No. 615. Let me say in advance that I do not intend to call it up. However, I want to discuss the amendment in light of and in the context of our consideration of this bill. The Senator from Kentucky (Mr. COOK) desires to enter into a colloquy with me on this subject. I have also indicated to the distinguished chairman of the Commitee on Interior ond Insular Affairs, the ranking member, and other Senators, why feel so strongly on this subject.

These amendments are to the Coal Mine Health and Safety Act of 1969. I will not today call up Amendment No. 615 but I do intend to ask the jurisdictional committees to consider the matters I intend to bring to their attention.

TRIBUTES TO FORMER SENATORS JOHN SHERMAN COOPER OF KENTUCKY AND LEN JORDAN OF IDAHO

Mr. BAKER. Mr. President, while we are waiting for the Senator from Kentucky (Mr. COOK) and others to come into the Chamber, I should like to pay a well-deserved tribute to a man who is not with us now as a Member of the Senate but who cosponsored S. 3000 in previous sessions of Congress, which, I believe, was the first bill to provide a comprehensive set of Federal criteria for strip mining plans throughout the country.

Mr. President, I am sure that former Senator John Sherman Cooper of Kentucky would have joined enthusiastically in our rather lengthy deliberations on a good piece of legislation. I believe that if the Senate passes this bill and the House concurs and it becomes the law of the land, no one will be happier with the outcome than former Senator Cooper who knows the Appalachian region so intimately, his concern for which having been shown so favorably over so many years.

Mr. MOSS. Mr. President, may I add my word of commendation to former Senator John Sherman Cooper of Kentucky who did, indeed, work long, faithfully, and most effectively on this matter of strip mining and surface mining and contributed greatly during the time he served in the Senate. I want to join and be associated with the remarks of the Senator from Tennessee.

May I also add to that the name of former Senator Len Jordan of Idaho, a ranking member of the Minerals, Materials, and Fuels Subcommittee. He worked hard and diligently on the bills that were considered by that subcommittee. He, too, would be delighted to see his handiwork come to fruition along with the excellent work being done by the present members of that committee, the Senator from Montana (Mr. METCALF), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. MCCLURE), and other Senators too numerous to mention.

But I do say that a great deal of effort has been made in a very difficult area. It is so hard to find an appropriate balance between the challenge we have to utilize this resource for energy and, at the same time, preserve our natural habitat and restore it to where it was before we degraded it. This has been a hard piece of legislation to write. A tremendous job has been done by my colleagues especially the distinguished Senator from Tennessee (Mr. BAKER). I thank him for yielding me this time to say these few words.

Mr. BAKER. Mr. President, I could not agree more with the Senator from Utah. Former Senator Len Jordan of Idaho was extraordinarily perceptive in this field. He contributed mightily to the deliberations which have led to the pending bill now being considered by the Senate. It is a very fine piece of legislation. I would add my commendation and congratulations to former Senator Len Jordan of Idaho and former Senator John Sherman Cooper of Kentucky in recognition of their efforts in this respect.

Mr. FANNIN. Mr. President, I should like to commend the Senator from Tennessee and the Senator from Utah for the statements they have made with reference to former Senator John Sherman Cooper of Kentucky, and former Senator Len Jordan of Idaho, who was a member of the Committee on Interior and Insular Affairs and worked diligently on legislation that involved mining and other programs. He was a stalwart in that regard.

Former Senator Cooper was extremely helpful in legislation on matters pertaining to strip mining. He had a great interest, having told me on many occasions of his experiences in Kentucky and how he had been through the mines himself and worked with the miners and had this tremendous interest and dedication to do something about the conditions that existed in his own State and throughout the Appalachian area.

Thus, it is fitting that we pay tribute to these men at this time. I highly commend the Senator from Tennessee (Mr. BAKER) for doing so.

Mr. BAKER. Mr. President, I thank the Senator from Arizona very much.

Mr. President, yesterday I introduced S. 2541, a bill to amend the Federal Coal Mine Health and Safety Act of 1969. This bill is designed to modify certain provisions of the Coal Mine Health and Safety Act which are operating to the detriment of all segments of the deep mining industry.

A pervasive theme during the ongoing consideration of S. 425, the Surface Mine Reclamation bill now before the Senate, has been that while we must insure that irresponsible surface mining does not continue unabated, we must make adequate provision for the recovery of our coal deposits, our most abundant energy resource. Thus, in view of the fact that it has been estimated by the Environmental Protection Agency that 97 percent of our Nation's recoverable coal reserves can be obtained only through deep mining, and because surface mine legislation and reform of Federal regulation of deep mining form a logical connection, I think it incumbent upon Congress to consider the impact which the Federal Coal Mine Health and Safety Act of 1969 has exerted upon the underground mining of coal.

Therefore, I submitted my amendment No. 615, which contains provisions identical to the bill which I introduced yesterday. These provisions can be categorized under four major headings.

First, I propose amendments to provide for improved administrative practices by clarifying the procedures whereby the Bureau of Mines promulgates mandatory health and safety standards for underground coal mines. These amendments will insure that all interested parties will receive adequate notice of proposed standards, hearings, and final regulations. Furthermore, the amendments will assure proper and extensive consultation and consideration of several points of view before improved health and safety standards can become effective. These alterations should eliminate the arbitrary and premature manner in which some standards have been promulgated.

Second, I propose to strike the mandatory civil penalties section 109(a)(1) of the Coal Mine Health and Safety Act, which provision requires the mandatory assessment of civil penalties by the Secretary of Interior against deep mine operations for each and every violation of a health and safety standard. The assessment of substantial fines under the authority vested by this section has developed into regulatory overkill. It should be pointed out that appeals from these fines are limited to the size of the fine and not to the merits of the alleged violation. In short, as administered by the Bureau of Mines, the mandatory assessment of civil fines raises serious due-process questions, imposes economic hardship upon deep mine operators, and imposed by the act. These sanctions include criminal penalties, encompassing imprisonment, and the authority to order closure of the mine.

Third, I propose amendments to effect certain changes in the law relating to operating efficiency and the utilization of certain types of equipment as well as improvements in safety training programs.

Finally, I propose to restore the gassy and nongassy classifications in effect prior to the 1969 act. Those mines located above the water table that have been tested and found free from methane gas would be exempt from having to purchase expensive and unnecessary permissible equipment designed for large gassy mines.

In summation, our brief experience with the administration of the provisions of the Federal Coal Mine Health and Safety Act by the Bureau of Mines indicates the need for Congress to consider clarifying and, in some instances, modifying amendments. Some of the act's provisions are neither workable nor effective, and a few, rather than contributing to safety, arguably have increased the hazards of working in underground coal mines. This is not to say that the act has not been effective, for commendable progress has been made. Similarly, these proposed amendments are not designed to lessen the protection afforded the health and safety of the miners, but are intended to restore economic vigor to the deep mining industry by eliminating statutory and regulatory excesses. Miners, as well as operators, should benefit from the procedural and administrative reforms which I am proposing and from the restoration to profitability of many deep mining operations now rendered marginal under the act.

It is clear that the coal industry must improve its capability to recover underground coal reserves. The elimination of unnecessary and burdensome requirements, while simultaneously not reducing the protection afforded miners, will significantly enhance the productivity of deep mining operations and thereby accrue to the benefit of all concerned.

Mr. President, it seems to me that these remarks with respect to the Coal Mine Health and Safety Act of 1969 are relevant and germane to our debate on the adoption of the surface mine bill, S. 425, which is before the Senate. With the rather rigid and highly desirable restrictions we are placing on surface mining, it is not only inevitable but also desirable, I believe, that the cost differential between surface mining and deep mining will diminish or disappear. If that is the case, we will place greater and greater reliance on underground mining to furnish greater amounts of coal to satisfy the voracious appetite of this country for energy.

If that is so, then at the same time we must consider how the Coal Mine Health and Safety Act of 1969 has functioned. I have many examples in my files of almost ludicrous situations that have developed from possibly misguided, possibly little understood provisions of this act.

I know that many in my State and throughout the coal fields of the country were greatly distressed with the constitutional due process aspects of the authority of a Federal inspector to levy a civil fine, and by an act that provides that you cannot even appeal from the levying of the fine, only as to the amount of the fine. These are only some examples of the problems we have encountered since the enactment of that laudatory bill.

It is not my purpose or desire to emasculate the function of the Coal Mine Health and Safety Act. It is, rather, my purpose today, by introducing the bill which has been referred to the appropriate committee, to reembody it in that bill and in amendment No. 615 to this bill, to call the attention of the Committee on Interior and Insular Affairs to what I believe are the unintended but serious results of that act.

I hope the representatives of the jurisdictional committee who are on the floor may give me some hope, even assurance, that these matters will be taken up in hearings and that careful attention will be given to the grievances which have been brought to my attention.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield.

Mr. JAVITS. Mr. President, I have consulted Senator BAKER. I have enormous respect for his views. As the ranking member of the committee, I shall do everything I can to look very carefully into the situation. He knows that we do not control the hearings—the majority do—but I shall do everything I can, in considering his views and the factual background, to obtain the hearings.

I am a member of the Committee on Labor and Public Welfare, and I assure the Senator that I will see that the utmost regard is given to his presentation of this matter and that it will be given earnest and prompt consideration.

Mr. BAKER. Mr. President, I am deeply grateful to the distinguished ranking member of the committee, for whom I have great respect, not only as a Senator but as a lawyer as well. I know that he fully understands that the spirit of this presentation is for a full, fair, and equitable examination of the consequences of that act, and in no way to eviscerate or decimate the desirability of protecting the health standards of our country.

Mr. JAVITS. Knowing the Senator as I do, I have every confidence in that.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. WILLIAMS. Mr. President, as chairman of the Committee on Labor and Public Welfare, which reported the bill and led the debate on the coal mine health and safety legislation, I assure the Senator that we will be in hearing on proposed mining legislation.

Even though we recognize that this Coal Mine Health and Safety Act, as the

President said when he signed it, was historic in its reach and its importance to coal miners, whenever there are any ideas to improve that breakthrough legislation to bring better conditions of health and safety to miners, we will be there to hear those ideas.

As I indicated to the Senator from Kentucky (Mr. COOK) recently, some of his thoughts on the Coal Mine Health and Safety Act can be heard and will be heard when proposed legislation is before our committee in the hearing process. The proposed legislation deals with bringing health and safety legislation for miners under the responsibility of the Department of Labor. That would be an appropriate time, and I assure the Senator that we will welcome a review of his ideas.

Mr. BAKER. Mr. President, I am very grateful to the distinguished chairman, the Senator from New Jersey, for giving me those assurances. I think it most appropriate and far preferable to consider these matters in committee and not as a floor amendment of rather substantial proportions.

So, on the representations of the chairman and the ranking member of the affected committees, I reiterate my earlier statement that I shall not call up Amendment No. 615. I shall stand ready to present those views to the appropriate committee or committees later in the session or next year.

I yield the floor.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 73, line 1, strike: "four" insert in lieu thereof: "six".

Mr. FANNIN. Mr. President, this is a very simple amendment.

Section 204. "State Authority; State Programs," reads:

(a) A State, to be eligible to receive financial assistance provided for under titles III and V of this Act and to be eligible to assume exclusive jurisdiction, except as provided by section 215 and title III of this Act, over surface mining and reclamation operations on land within such State, shall—

Under section (b), it states:

(b) The Secretary shall not approve any State program submitted by a State pursuant to this section until:

(1) he has solicited the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State Program; and

(2) he has provided an opportunity for a public hearing on the State Program within the State.

Then section (c) states:

The Secretary shall, within—

The present language is "within four calendar months following the submission of any State program." My amendment would just change the word "four" to "six." This would mean that the Secretary shall, within 6 calendar months following the submission of any State program, approve or disapprove such State program or any portion thereof. Then the language would continue as it is in the bill.

I feel that this amendment is essential because insufficient time is provided for the Secretary to obtain the information from the Environmental Protection Agency and to do what is required of him to make his decision. I feel that this is a needed amendment in order that the program can be properly administered.

Mr. METCALF. Mr. President, I concur in the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. METCALF. Mr. President, I have at the desk a series of technical amendments, which I call up, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

(1) Page 95, line, 6. Strike "operator" and insert "operator's".

(2) Page 96, line, 8. Insert after "waters" the following "or sustained combustion".

(3) Page 119, line, 9. Insert after the word "mining": ", including mining systems that will minimize or prevent the continuous polluting discharge of mine drainage following the cessation of mining activities, and".

(4) Page 90 line, 21. Add the following: "and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation."

(5) Page 134, line, 22. Strike "404" and insert "504".

(6) Page 134, line, 2. Strike "applicant" and insert "application".

(7) Page 104, line, 21. Insert after "citizen" "as defined by law and regulation".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. METCALF. Mr. President, I had an amendment in this bill and a provision in the bill for citizen suits. In order to avoid frivolous suits, Senator ALLEN wants any complaint to be made in writing, under oath. I concur with that, and I send to the desk two amendments, which I ask unanimous consent be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 109, Sec. 219(b) (1) (A), 1.14 after "notice" in writing under oath".

On page 110, Sec. 219(b) (2), 1.1 after "notice" insert the following: "in writing under oath".

The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. METCALF. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 425.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I send to the desk an amendment that I offer at this time on behalf of the distinguished Senator from Georgia (Mr. NUNN) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 92, Sec. 213(b) (2), 1.24 after the word "unless" insert the following: "another surface configuration is equally as effective in controlling erosion, siltation and rainwater runoff or".

Mr. METCALF. Mr. President, will the Senator yield so that I may ask for the yeas and nays on final passage while we have a sufficient number of Senators in the Chamber?

Mr. ALLEN. I yield.

Mr. METCALF. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, surface mining of coal is a matter of increasingly urgent environmental concern—and well it should be. Unfortunately, in years past there have been instances in Alabama and elsewhere that clearly demonstrate the need for reasonable and cost-efficient measures to insure that surface mined lands are not abandoned but, rather, are restored to the degree that they can be put to productive use after mining operations have been completed.

I have supported, and will continue to support, legislation to prevent the flagrant degradation of the environment in the interest of surface mining. I have supported, and will continue to support, legislation placing a clear and irrevocable requirement upon surface miners for reasonable reclamation.

At the same time, it should be recognized—especially today when energy shortages are real or threatened in many areas of the Nation—that surface mined coal satisfies a very substantial amount of our overall energy needs. In Alabama, some 11 million tons of coal are surface mined annually. That represents about 4 percent of the State's total production. Without surface mined coal, there is no question that there would be an energy crisis in Alabama, and throughout the Nation. For instance, I am informed that more than 50 percent of the coal used by Alabama Power Co., which serves most of the State with electricity, is supplied from surface mines.

I have a similar statement from the TVA also, which is the greatest user of coal in the entire Nation. If their supply were appreciably reduced, I am advised that a shortage of electricity would result.

I am convinced that legislation can be enacted that will accomplish the twin goals of, first, protecting our environment from short-sighted operations that would leave the land scarred and abandoned and, second, permitting an uninterrupted supply of surface mined coal to help meet our vital and rapidly growing energy requirements.

However, the legislation pending before the U.S. Senate, now to regulate surface mining has been amended to include one provision that I consider unnecessary and unworkable. It is a provision that very conceivably would make surface mining all but impossible in Alabama and many sections of the country. Under this provision, surface mined lands would have to be restored to their approximate original contour, unless it can be shown that there is insufficient overburden for such restoration. The original contour requirement replaced an earlier stipulation that surface mined lands could be restored to a contour other than the original so long as the contour after reclamation was compatible with surrounding terrain and was equally effective in controlling erosion, siltation, and the runoff of water.

The earlier version, I believe, is much to be preferred over the original contour amendment. In the first place, restoring the original contour, in many instances, simply would not be practical and, where it could be done, would represent an unwarranted economic burden on the operator, with the resulting higher cost ultimately borne by the consumer.

The original contour amendment would apply generally in Alabama because coal seams in the State are thin. Consequently, the amount of coal mined seldom would be such that there would be insufficient overburden.

It should be noted that, because coal seams in Alabama are thin, the cost of mining is inherently higher than in other States where the seams are thicker.

The distinguished Senator from Wyoming spoke of seams in his State being 100 or 200 feet thick, whereas in Alabama they are sometimes as little as 18 inches to 2 feet in thickness. Adding the economic burden of restoring land to the original contour inevitably would force some operators out of business, while further increasing the cost of others. And, I repeat, any increases in cost would be passed on to the consuming public.

I favor the earlier provision—and that was the committee version until the final hours before committee action when the original contour amendment was added—that would allow restoration to a contour other than the original so long as the stipulations I mentioned above are included to insure compatibility with surrounding terrain and effective control of erosion, siltation, and runoff of water. I believe such a provision is feasible, would allow limited but necessary flexibility in the reclamation of surface mined lands, and still would fully meet environmental requirements.

As to the amendment itself, it seeks to amend on page 92, section 213(b)(2), line 24, where it states that the regulations would require at a minimum that the permittee backfill, compact, and grade to restore the approximate original contour unless, and then this language inserted:

> another surface configuration is equally as effective in controlling erosion, siltation, and rainwater runoff or

This would be up to the regulatory authority to determine whether the other surface configuration is equally effective in controlling erosion, siltation, and rainwater runoff.

Why freeze in and make absolutely inflexible the requirement that the land be returned to the original contour when the regulatory authority should be given the power to accept another plan if it accomplished the purposes of the act, and that is to be equally effective controlling erosion, siltation, and rainwater runoff? It merely gives the authority in the alternative. What is so essential about returning to the original contour if another method might be equally effective and be at a much smaller cost, rather than to demand and require the return to the original contour?

Section 213(b)(2) requires backfilling, compacting, and grading to achieve approximate original contour with all highwalls, spoil piles, and depressions eliminated.

Control of erosion, sedimentation, landslides, toxic drainage, soil stabilization, and revegetation should be the key objective of reclamation and reclamation must be the key objective of this legislation. These objectives can be handled, oftentimes more effectively, without return to the original contour. For example, the steeper the slope, the greater the erosion and siltation in this natural state. Therefore, the creation of terraces, plateaus, and gently rolling land more effectively control erosion and siltation.

These alternative methods would be barred under the language of the bill as it now stands. Alternative grading plans, including terracing, retention of stable highwalls or spoil banks, and water impoundments should be permitted under the bill, but are not.

It does not give the operator the option to go another route on his own. The alternate method would have to be approved by the regulatory authority. Why not vest in the regulatory authority the power to allow the operator to go a different route if it would accomplish the same purpose? Why freeze in the requirement that he return to the original contour?

Requiring return to the original contour without exception in all mountainous and hilly terrain is not a responsible approach to the objective upon which we all agree. Even though return to the original contour may be appropriate in some cases in many, if not most, instances it would frustrate protection of the environment rather than further reclamation.

For example, in my own State and in most of Appalachia return to the original contour would require the disturbance of a significant amount of otherwise undisturbed terrain in order to eliminate the so-called "highwall" and consequently is probably the most costly requirement imposed without concomitant actual environmental benefit. We all know that the steeper the slope the faster water travels over the surface. As a result, requiring the return to original contour in all cases would frequently result in greater erosion, siltation, and loss of ground water and would return the land to other surface forms. Level land, gently rolling terrain, terraces and plateaus are land forms which permit more effective control of erosion, siltation, and drainage. Allowing the utilization of alternative final land forms would in many cases in Alabama and throughout Appalachia permit land to be put to better use after surface mining than it could have ever experienced prior to the removal of the coal. Such land forms can hold topsoil, are better suited to the support of economically desirable vegetation, and can be more readily stabilized against slumping, landslides, and erosion than by being returned to their original steep contour.

I believe that the concept of returning to the original contour is included in this bill primarily to cope with a visual problem—that is, the highwall. There are alternative methods of coping with the visual impact of highwalls that are less costly and ultimately more effective. Terracing up to the highwall, partial backfilling, stair stepping the highwall itself with vegetation on the steps, sloping the highwall, and combinations of these methods are good examples. Water impoundment is not used too often in the steep mountains, but in more rolling terrain, it eliminates the visible highwall and also serves as a water conservation measure. In the future, new techniques may be perfected and become available. Alternate methods for treating the highwall should be specifically permitted by the legislation while, at the same time, it should not preclude the adoption of any new methods which may be developed.

Mr. President, under the concept of the bill, all of the improved methods that might be developed in years to come would be barred under the language of the bill that we are seeking to amend. It seems to me to be shortsighted not to permit the regulatory authority to have discretion to approve an alternative plan—not require it to approve it, but give it authority to approve it.

Many of the highwalls in Appalachia are quite stable and do not present a slide problem. They, of course, will weather over the years, but this permits natural vegetation. Some of the alternative methods of highwall treatment can also be used to improve stability where necessary.

I am not saying that approximate original contour should never be used. There may be situations that call for such treatment to hide the highwall.

Under the language of the amendment that I am proposing, the power of the regulatory authority to require return to the original contour would not be taken away from it; it would have that authority, but merely would be given the additional power of providing for an alternative method.

However, there are other methods much more effective, to insure stability and to control erosion and sedimentation, in many cases, than going back to the original contour.

The visual effect of highwalls can also be handled with other methods. Original contour should not be the primary requirement or the standard against which all reclamation should be measured. It does not insure good reclamation and could actually be counterproductive.

I hope, Mr. President, that the amendment will be adopted. I have supported the amendments to clarify the bill, to make it more effective, to provide for the protection of the environment; but this amendment is needed in the State of Alabama and in much of Appalachia to prevent the destruction of an industry and the throwing out of work of thousands of coal miners.

I am hopeful that use of an alternative plan, to be approved by the regulatory authority, will be authorized in this legislation in its final form. I hope the amendment will be agreed to.

Mr. NELSON. Mr. President, I shall just comment briefly. The amendment by the distinguished Senator from Alabama would eliminate from the bill the requirement that all highwalls, spoil piles, and depressions be eliminated. That is, in my judgment, the very guts of the most important part of the bill, and if this amendment were adopted, it would destroy what I consider the most significant provision, or one of the two or three most significant provisions, in the measure.

I do not think the distinguished Senator from Alabama should, No. 1, be concerned about the problem of cost. A very careful study was done, at the request of the committee, by the Council on Environmental Quality, and they submitted to the committee a very careful report entitled, "Coal Surface Mining and Reclamation." They made the study and presented the report on April 30, 1973. In that report, based upon the study of the Council on Environmental Quality, they stated:

> Our cost estimates of demonstrated surface mining techniques indicated that in most cases the incremental cost would not be significant.

Incidentally, in that report, the Council recommended, one, to backfill to the original or similarly appropriate contour; two, to prevent the dumping of supplies down the slope except as necessary to the original excavation of earth in new mining operations, and, three, to carry out reclamation as a continuous part of the mining operation.

The elimination of the highwall is supported, after a careful study, by the Council on Environmental Quality. The State of Pennsylvania has had a requirement in its law for the elimination of the highwall since 1964 and more recently, a requirement that restoration, under their regulations, be to the approximate original contour. The government of Pennsylvania supports that requirement in their law and their regulations.

The president of the United Mine Workers supports it. So I do not think the distinguished Senator from Alabama should be concerned or worried about the loss of jobs. I do not think the president of the United Mine Workers would support elimination of the highwalls if he anticipated that result.

Furthermore here is a comment of Mr. Edward Mears, president of a firm in Pennsylvania that mines 1,300,000 tons of Pennsylvania coal in a year. He was quoted in a recent West Virginia newspaper article as saying that he has found it more economical to use the modified block cut practice than his previous practice.

Mac Chutz, president of another company in a recent newspaper article was quoted as saying:

> We have a good law. We are doing a good job and I like it.

In a recent letter, the Governor of Pennsylvania commended the modified block cut method for strip mining as a means of complying with Pennsylvania requirements.

I think it would be a terrific mistake if this amendment were to be agreed to.

HIGHWALLS, SPOIL DISPOSAL, AND CONTOUR

Mr. President, I urge support for the provisions of the strip mining control bill regarding highwalls, downslope spoil disposal, and approximate original contour. These sections of S. 425 were strengthened by amendments which I introduced and the Interior Committee adopted by an 8 to 6 vote.

The first of these key reclamation provisions, contained in section 213(b)(2), requires the elimination of the highwall that is left after the strip mine operator cuts into the side of a hill following a seam of coal in contour mining.

The second key provision, also in the same subsection, would require that the slope be returned to its approximate original contour after the strip mining, with the elimination of spoil piles and depressions. In cases where the operator shows that there is not enough overburden to return the land to its original contour, stipulations are set forth requiring the best reclamation possible in the circumstances.

The third key provision, in section 213(b)(6), would prevent the dumping of spoil material or other strip mining wastes downslope from the mining cut or the narrow bench of land associated with it. An exception is made for spoil from the initial cut, provided the operator demonstrates that the material will not slide and that the other pertinent reclamation requirements of the subsection can still be met.

While there are other reclamation requirements in this bill, the elimination of highwalls and downslope spoil dumping and restoration of the mined area to its approximate original contour are absolutely essential steps in any meaningful attack on strip mining's massive environmental abuse.

As described in a recent report of the President's Council on Environmental Quality, "unsightly highwalls are a hazard to life and property. Highwalls that crumble and erode from weathering ruin drainage patterns and significantly add to water pollution. Material falling off the highwall can retard surface water flow and thereby prolong the contact between water and acid producing materials."

Downslope spoil dumping, the report continued, "increases markedly the potential for landslides and slumping, erosion, highwall collapse or sloughing, chemical pollution, flooding, ground cover, and wildlife pattern disruption and generally precludes future uses of mined areas."

As public awareness of the incredible destruction from these strip mining practices has increased, the pressures for congressional action have grown steadily stronger. In 1965, I introduced one of the first regulatory bills in Congress. The legislation got nowhere. Now, the support for the steps contained in the strengthening amendments I introduced in committee regarding highwalls, slope contour and downslope dumping ranges from environmental groups to the United Mine Workers of America to the strip mining study of the President's Council on Environmental Quality.

In its study, the Council urged reclamation requirements that would bring the strip mined slope back to its original contour and prevent the dumping of spoils down the slope, which would be required under the bill now before us.

In a letter last month supporting the elimination of highwalls and downslope dumping, United Mine Workers President Arnold Miller said—

> There is ample evidence that highwalls can be eliminated in a very high percentage of contour mining locations via the modified block cut method developed in Pennsylvania." He added that, "with the exception of the initial removal of overburden for the first cut . . . , there is no need or justification for continuing the practice of depositing overburden over the bench.

The elimination of these strip mining practices is amply justified not only environmentally but economically and technically.

In its study this year, the Council on Environmental Quality pointed out that reclamation techniques now exist to eliminate highwalls and downslope spoil disposal at significantly less cost than other reclamation practices.

One of the methods to which the study referred was the so-called modified block cut, a concurrent mining and reclamation technique by which a contour mining cut is filled during the stripping operation with the overburden being taken from along the coal seam. In this way, highwalls and downslope spoil dumping are eliminated in a continuous process.

The practice of leaving exposed highwalls after reclamation was outlawed in Pennsylvania in 1964. In large part, the modified block cut process of strip mine reclamation was developed as a means of complying with that law and the regulations under it and is now in use not only in Pennsylvania but in areas of

West Virginia and Kentucky, according to the Council study.

Edward Mears, president of a firm that mines 1.3 million tons of Pennsylvania coal yearly, was quoted in a recent West Virginia newspaper article as saying he has found it is "more economical" to use the modified block cut method than his previous practices. Mac Chutz, president of Allied Fuels Co., was quoted in a recent Pennsylvania article as saying—

> We have a good law. We're doing a good job and I like it.

In a recent letter, Gov. Milton Shapp of Pennsylvania also affirmed the economic viability of decent strip mining reclamation:

> Pennsylvania's coal strippers estimate the reclamation costs to meet our tough standards are only $400 to $500 per acre—less than 1½ percent the cost of the sales price of their coal.

He added—

> I understand from mining engineers that the technology now exists to reclaim all surface mines to approximate original contour without retention of highwalls regardless of the slope of the ground.

Adding further support to the sections in this bill regarding highwalls, downslope dumping and slope contour, Walter Heine, administrator of the Pennsylvania law, said in a recent letter:

> In our view, therefore, Section 213(b) (2) and (6) is reasonable and consistent with respect to Pennsylvania law, since approximate original contour backfilling, which has been part of our law since 1964, is now clearly the prevailing reclamation standard in Pennsylvania.

In a letter to the Interior Committee last month supporting the elimination of highwalls and downslope spoil disposal, Senators SCHWEIKER and SCOTT of Pennsylvania pointed out that their State has not allowed an exposed highwall to remain for over 9 years.

Spelling out the benefits of sound reclamation practices, the Senate Interior Committee report on this legislation notes that the practice of eliminating highwalls and restoring to approximate original contour will eliminate the long useless ribbons of benches which can be as wide as 200 feet and run for miles along steep slopes.

As noted by the report, in addition to Pennsylvania, the States of West Virginia and Ohio have also taken steps to require the elimination or limiting of highwalls.

Regarding restoration of the mined slope to its approximate original contour, the report explains that the steepness of the slope is immaterial to the feasibility of this requirement. In West Virginia, complete back filling of the mining cut is now required on all slopes up to 30 degrees. And as noted earlier, the prevailing reclamation standard in Pennsylvania is now restoration to approximate original contour.

The report also notes that the modified block cut is not the only feasible means of achieving this reclamation standard, pointing out that several surface mines in West Virginia and Tennessee are now reclaiming to approximate original contour using other techniques.

Regarding the dumping of spoil on the downslopes, the report notes that already, most Appalachian States restrict spoil replacement on the downslope and prohibit so-called fill benches on the steepest slopes.

In sum, there is no longer any excuse for delay in putting an end to environmentally destructive strip mining practices and requiring restoration of strip mined lands.

Every week, surface mining for coal disturbs an estimated 1,000 acres. As cited in the Interior Committee report, as of January 1, 1972, there were 4 million acres of land disturbed by surface mining in the United States, of which 1.7 million acres were disturbed by surface mining for coal.

In a recent message to Congress, President Nixon said:

> The damage caused by surface mining, however, can be repaired and the land restored. I believe it is the responsibility of the mining industry to undertake such restorative action and I believe it must be required of them.

The provisions in this legislation for the elimination of highwalls and downslope soil dumping and the restoration of the land to its approximate original contour are reasonable requirements designed to insure that strip mining operators do indeed meet this vital responsibility to protection of the quality of the environment and the interests of the American public.

It must also be noted that when measured against the tremendous potential for further environmental damage by strip mining not only for coal but for other minerals, this legislation should only be considered a beginning step.

Even with reclamation, which is required in this bill, coal stripping on a large scale in the West, the next most likely phase in coal development, threatens a vast, permanent change from the Rocky Mountains across the Great Plains. The sprawling network of strip mines, powerplants and power transmission grids, and coal gasification and liquefaction plants that will probably accompany the exploitation of the giant western coal reserves, will have a massive impact not only on the environment but on the future economy and quality of life of the entire region.

Recently, a study sponsored by the National Academy of Sciences concluded with the warning that even with the best of reclamation efforts, restoration of coal-stripped western lands will frequently be painfully slow, if not impossible process, because of the region's naturally dry climate.

Already, the reckless efforts to reap the treasure of the land without regard to the environmental and human costs have created a national tragedy, the ravaged, coal-stripped hills of Appalachia. We must not allow another region of a once beautiful land to be ravaged.

Coal strip mining's cruel devastation of the land and of the people who live on it is all the more tragic because it is so unnecessary. While coal stripping has sometimes been portrayed as absolutely essential to meeting our energy needs over the long range, in fact, only a relatively small share of the Nation's coal reserves is actually strippable. Most of our coal supply can be tapped only by underground mining methods, simply because of the way it was deposited by nature.

In view of the ratio between strippable and underground coal, the Nation's energy companies would better serve the public's supply needs by directing their attention to finding the most economical, safe, environmentally acceptable means of developing our underground coal reserves. As a step in this direction, the bill before us now directs a special study by the Council on Environmental Quality of more efficient, less damaging mining methods, including underground mining.

Recently, Russell Train, Administrator of the Environmental Protection Agency, cited the urgent need to develop better underground coal mining methods. As quoted in a Washington Post story, Mr. Train said:

> The underground reserves are by all odds the predominant sources that we have. We're going to have to get at this in any event. The sooner we can make underground (mining) more economically attractive, more technologically feasible and more socially acceptable as a way of life, way of employment, the better off we're going to be.

Mr. President, I do not want to conclude this statement without taking note of the leadership of Senator METCALF on this important piece of environmental legislation. The committee action last month ordering this strip mining regulation bill reported was the product of many hours of committee hearings and markup sessions over a period of months and Senator METCALF's persistent efforts in moving the bill along and in offering major strengthening amendments were a real public service.

Mr. SCHWEIKER. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Alabama.

Mr. President, I think this amendment would gut the bill. I think in essence the amendment would undo the good work the committee has done and that this bill will do in its present form.

I was a supporter of the original language which the Senator from Wisconsin (Mr. NELSON) introduced in the committee. I think that was a good amendment in the committee bill. I think that the committee bill corresponds to the present law and present technology in Pennsylvania and the present practice in Pennsylvania.

I think a very interesting statistic is that each acre produces $35,000 worth of coal. Yet it only costs about $500 an acre to restore that land to approximately the original contour.

So, for each $35,000 worth of coal, which is what an acre produces in Pennsylvania, it costs $500 to restore that land to approximately the original contour. That is about 1.5 percent of the total revenue derived from the coal. This is a very small investment to make sure that the land will not be defaced and gutted.

I invite some of the Senators to travel through Pennsylvania and observe some of the holes that have been left from the previous ways in which they mined coal.

The new bill has been on the books for 9 years in Pennsylvania. Yet we produced more coal in the 9 years with the tough bill on the books than the previous 9 years when an easy law was on the books. So all of the points brought out here did not hold up in Pennsylvania.

Interestingly enough, during that 9-year period we have surpassed the West Virginia production of coal. I am not particularly for that. However, it does show that it was no handicap for us to operate under the approximately original contour legislation. And the fact that our coal production exceeded that of West Virginia, despite our tough law, shows that.

Some say that the coal production in West Virginia and Tennessee and Kentucky is not the same as that of Pennsylvania.

We have different contours in the northern and southern part of Pennsylvania. In the southern part of Pennsylvania the area is identical to that of West Virginia and Tennessee. In one county of Pennsylvania, while you could not see the county line, the contour of the land in Pennsylvania is identical to that of West Virginia.

The fact is that the cost of restoring the land to approximately the original contour is 1.5 percent at the present time. It might go up to 2 percent or 2.5 percent. However, is that not an investment we want to make if we want to get coal out of the ground and beautify America at the same time?

I strongly oppose the amendment of the Senator from Alabama. I think that it would gut the bill. I think that the committee bill is an excellent bill. It follows Pennsylvania standards. I hope that we will not turn the clock backwards and retrench, because we can have a good bill and can still mine coal. And that is what the bill does.

Mr. ALLEN. Mr. President, one would think from listening to the distinguished Senator from Pennsylvania that the amendment supplants the provision allowing a return to the original contour. Far from that being true our amendment would allow the original contour to be ordered by the regulatory authority if it so desired. It also allows the regulatory authority to authorize an alternative plan.

The distinguished Senator dislikes the idea of placing confidence in the regulatory authorities. The Senator from Alabama would be glad to leave it up to the regulatory authority, State or Federal, as to whether the original contour would be best for that land and for all concerned, or whether an alternative plan would be better for the land and for all concerned.

The distinguished Senator from Pennsylvania is also assuming that a return to the original contour is best in every case. As a matter of fact, Mr. President, it is not always the best in every case to return to the original contour. An alternative plan might be better for the land and the environment.

In the judgment of the Senator from Alabama, this is clearly an amendment that gives the regulatory authority the flexibility to use the best plan for the benefit of all concerned, for the public, for the environment, for the coal operators, for the miners, and for one and all.

It allows the regulatory authority to specify the particular plan that will be adopted to reclaim the land.

Mr. President, I have a statement by the Tennessee Valley Authority which is the largest user of coal in the entire country. That statement points out the hardships that would be created by the demand for a return to the original contour.

I read that statement:

TVA OBJECTIONS TO S. 425: REQUIREMENT OF RESTORATION TO APPROXIMATE ORIGINAL CONTOUR

> Paragraphs (2) and (6) of section 213(b) of the bill as ordered reported represent the most serious obstacles to continued coal production. Paragraph (2) would require backfilling and grading to the approximate original contour with all highwalls, spoil piles, and depression eliminated if there is a sufficient volume of overburden to do this. Consistent with this requirement, paragraph (6) would generally prohibit placement of spoil on the natural downslope. Since the volume of overburden removed in surface mining in the mountainous Appalachian area is more than enough to fill the cut because of expansion of the overburden material, the effect of these provisions is to require restoration in all cases to the approximate original contour.
>
> Based upon recent studies and a relatively small amount of experimentation, it is apparent that return of the surface mined areas in mountainous Appalachia to the original contour will entail an increase in coal production costs which could be almost present day costs. The economics would make such production infeasible and the end result would be virtual elimination of this source of production. Even in the flatland areas, the cost of surface mining would be substantially increased by the original contour requirement, if applied without exception to the entire mining area.
>
> In its recent report to the Senate Committee on Interior and Insuar Affairs, the Council on Environmental Quality has identified over 100 million tons of surface mined coal produced from the mountain slopes in Appalachia in 1971. This approximates 30 percent of the entire production in the Appalachian region. It is obvious that the elimination of such a substantial proportion of the Appalachian production would seriously damage the economy of the region and would cause a drastic curtailment in the production of power in the eastern part of the United States. To replace this lost surface mine production through an increase in underground production would take many years, possibly as many as 10 to 15. Not only would new mines have to be opened but the necessary equipment to produce the tonnage would have to be manufactured. Legislation reducing coal production would seem most improvident in the face of existing and impending fuel shortages and at a time when power shortages have already occurred and even more serious shortages are threatened.

That is the pending bill without the amendment. I continue to read:

> The effects of such legislation on the TVA power system would be serious and immediate. The basic coal supply for Kingston, Bull Run, and John Sevier Steam Plants is from coal strip mined in eastern Kentucky, Virginia, and northern Tennessee. Elimination of the surface mine production in these areas would reduce TVA's annual coal receipts by about 6.2 million tons. Since TVA burned 37.5 million tons during fiscal year 1973, the loss of 6.2 million tons would mean a reduction of approximately 17 percent, which in turn would mean a 13 percent loss in TVA's power generation. TVA probably could not obtain replacement of all this coal from new underground mines or strip mines in unaffected areas in less than two to three years, even if it were the only utility involved. Since there would be competition by other utilities for new sources of production, complete replacement of the lost production could be expected to take 10 to 15 years.
>
> Moreover, the strong competition for the remaining coal, including new sources, would most certainly drive the price of coal power higher, thus requiring higher rates for the coal-generated electric power. It is noteworthy in this connection that under its most recent invitation for bids on coal with a bid-opening date of August 21, 1973, TVA failed to receive acceptable bids in sufficient quantity to cover its anticipated requirements.

Mr. JACKSON. Mr. President, the committee worked very hard in drafting this bill, and decided to adopt a stringent requirement for restoration after careful consideration of the need and consequences of changing current practices. The proposed amendment would result essentially in "business as usual." It would not provide protection from damages beyond what is presently provided. The purpose of this bill is to provide an improvement over current conditions, and I believe this amendment would substantially weaken if not destroy the bill. This is practically the same amendment which industry proposed to the committee during markup and urged for adoption in our executive sessions, because it would require no change from present practices—it allows retention of "highwalls" and "spoil piles" as well as providing general exceptions to restoration of contour. The committee report has several pages of cogent arguments as to why such practices are unacceptable and must be changed:

> Unstable highwalls are a hazard to life and property. Highwalls that crumble and erode from weathering, ruin drainage patterns and significantly add to water pollution. Material falling off the highway can retard surface water flow.
>
> In both area and contour mining, the retention of highwalls results in the isolation of land—usually land above the mining operation and not otherwise affected by mining. Such isolated land, surrounded by a highwall of 30 to 200 feet, is preempted from any future land use, and is inaccessible to wildlife as well as to man. In heavily surface mined areas, such isolation has caused severe problems not only by precluding use of the land, but also by denying access in case of fire. There have been instances in which forest fires have burned unchecked because the forest was surrounded by highwalls and could not be reached by firefighters.

Retention of high walls isolates land above the minesite and results in useless and unstable land. Spoil piles, if left after mining, result in serious erosion and sliding.

I, for one, must oppose this amendment. We have worked hard to pass a strong bill. Earlier today we voted a compromise that we all hoped would avoid this very problem. Together with the McClure amendment I believe we have thus provided the necessary flexibility. This amendment is contrary to this compromise agreement.

Mr. President, I strongly urge that our colleagues vote this amendment down, because it will really change substantially the whole effort that we have made.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. ALLEN. I understood the Senator to say that this amendment would allow the continuation of the present practices. I believe the Senator overlooks the fact that the legislation that is pending before the Senate, and to which this amendment is sought to be added, would give the regulatory authority a right to require the return to the original contour, which is not now the case.

Mr. JACKSON. States already have that right, and many of them do. We have laid down standards in this bill which will be changed now, by this amendment, and it will undo everything we went through in our long, drawn out executive sessions. We went over this problem over and over again, I must say, for almost 3 months; and I am afraid we will end up right where we started before we had the bill reported.

Mr. ALLEN. I will agree with the Senator that the amendment sought to add the exclusive method of reclaiming the land, but all it does is add an alternate method, with the regulatory authority being the one to decide which plan to pursue.

Mr. BAKER. Mr. President, I shall not detain the Senate long. I strongly oppose this amendment. I think it is an example of marching up the hill and marching back down again. I think it will undo the good work of this committee, and put us back where we were before we started.

I think many States have laws that would be substantially stronger than this bill would be if the amendment were adopted. I think it would leave Appalachia with the prospect of continuing to have those horrible scars marring the sides of her majestic mountains.

I think the essence of this bill is to say to the miners, "If you are going to surface mine at all, you have to pay the price of putting the land back the way you found it."

I think that is the least we can do to relieve the environmental subsidy the poorest part of our country is paying toward the power bill of the rest of the Nation. Appalachia should not have to bear that burden. This bill would eliminate that, and I think the amendment ought to be rejected.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Nevada (Mr. CANNON) is absent attending the funeral of a friend and associate.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 29, nays 62, as follows:

[No. 463 Leg.]

YEAS—29

Allen
Bartlett
Bellmon
Bennett
Byrd, Harry F., Jr.
Byrd, Robert C.
Cotton
Curtis
Domenici
Dominick
Ervin
Fannin
Fulbright
Goldwater
Hansen
Helms
Hollings
Hruska
Huddleston
McClellan
Nunn
Saxbe
Scott, William L.
Sparkman
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—62

Abourezk
Aiken
Baker
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Eagleton
Fong
Gravel
Griffin
Gurney
Hart
Haskell
Hatfield
Hathaway
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—9

Brock
Cannon
Eastland
Hartke
Mondale
Muskie
Packwood
Percy
Stennis

So Mr. ALLEN'S amendment was rejected.

Mr. METCALF. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HANSEN. Mr. President, in voting for final passage of the surface mining bill, I wanted to record my approval of the many commendable provisions and features contained in the bill. Following extensive hearings and debate, the final version reflected an awareness of the problems associated with surface mining, as well as a determination to improve our techniques in meeting our energy requirements through the use of this vitally important fossil fuel. Its importance increases as the customary sources of domestic petroleum reserves become less and foreign sources grow more uncertain and insecure. Through this bill the need for energy can be reconciled with the equally pressing need for preserving our environment.

Nevertheless, I am deeply concerned about some of the actions undertaken by the Senate. The Mansfield amendment, which prohibits surface mining on all lands where the surface is privately owned and title to the mineral estate is retained by the Federal Government, threatens the availability of a significant amount of America's most readily available low sulfur coal. The amendment was hastily agreed to and deserved greater examination than it was afforded.

Whether the variations to the original contour provision will result in closing down significant areas in Appalachia remains to be seen. I can only conclude that the Senior Senator from West Virginia believes that it may be because he sponsored an amendment which would provide relief and assistance to all who might be adversely affected by adhering to the provisions of the bill.

No one would argue against a prohibition of surface mining where satisfactory and acceptable reclamation programs are unattainable. However, it may not be in our best interest or the effective use of our land to require that all land be returned to its original contour. Hopefully, the bill allows enough latitude so that sites can be utilized for hospitals, schools, playgrounds, housing, and other public purposes, where no satisfactory sites existed previously. I would hope that the House of Representatives would take note of what I believe have been serious mistakes made by the Senate.

I am convinced that our country can reduce its national security threatened dependency upon foreign energy supplies by making more extensive and efficient use of coal in the year ahead. We can make this fuel and energy source available by surface mining without doing unacceptable damage to the environment.

Implementation of a forward looking energy policy and enactment of wisely considered surface mining legislation will help promote the general welfare for us and all future Americans.

Mr. FANNIN. Mr. President, I am voting for S. 425 with only one reservation: I fear that the Mansfield amendment, adopted by a vote of 53 to 33 yesterday, will cause untold violence to property rights and to the Nation's ability to extract her most abundant domestic fuel. We have effectively locked the doors of a storehouse full of energy and given away a resource belonging to all the people of this Nation. Such an amendment cannot be allowed to remain, and I pledge myself to work to remove this provision in conference with the House.

Mr. President, I ask unanimous consent to have the following material printed in the RECORD: A letter from the Department of the Interior, Bureau of Land Management, giving information on the Mansfield amendment; and a letter from the U.S. Department of the Interior, Bureau of Mines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

To: Director.
From: Chief, Division of Upland Minerals.
Subject: Mansfield's Amendment to S. 425.

Senator Mansfield's amendment to the "surface mining bill" S. 425 will, without a doubt, adversely affect the environmentally sound development of the important low sulfur coal resources administered by the Bureau of Land Management.

The amendment, Enclosure 1, would withdraw from surface mining for coal, all lands where title to the surface is not in the United States, and title to the mineral estate is.

The effect of this amendment is significant:

1. Because underground mining is not economic, the amendment will in effect preclude or lock-up coal development on over 42.85 million acres of land on which coal has been reserved to the U.S. This is 61 percent of the total of 70.18 million acres of public and acquired lands in the 8 coal leasing States.

Column 2 in Table 1 (Enclosure 2) shows the number of acres of land which have been patented with the mineral retained by the U.S. All of this acreage would be affected by the amendment. Column 3 shows the total public domain and acquired lands in the coal leasing States.

The reserves of recoverable coal directly affected are staggering. In Montana, for example, it represents 55% of the strippable coal acreage, and over 50% of the total strippable coal reserves (tons). In North Dakota over 24% of the strippable coal reserves are directly affected. At present no underground coal mines or coal resources can be economically mined in this area.

2. The amendment will significantly reduce total recoverable coal reserves because: (1) Many coal deposits will not be produced because technical mining conditions will prevent underground mining of the thick coal deposits close to the surface, which are amenable to surface mining, and (2) many isolated tracts (both Federal and private) will not be mined because no company will be able to sink the necessary shafts for underground mining. These resources will be permanently lost. See a typical land ownership pattern in the enclosed ownership map for an illustration of this problem.

3. The amendment will prevent the systematic development of coal reserves because of the complex land ownership patterns. See the land ownership map enclosure which illustrates this problem.

4. The amendment will have adverse environmental effects as it will have the effect of forcing mining in areas where mining should perhaps not occur. It will also force unrealistic coal mining patterns which will preclude sound mined land reclamation (see enclosed land ownership map).

5. The amendment will force increased underground mining of coal which will result in increased human injuries and fatalities in the industry.

6. The amendment will result in higher prices for coal and coal-derived energy products. Strip-mined coal from the Western coal fields cost $1.84 to about $3.00 per ton f.o.b. mine (average in 1971 was $2.60 per ton). This is about one-half or $2.50 less than the national average price for strip-mined coal and about $4.40 below the average price for deep-mined coal.

The amendment will seriously alter the economics of coal gasification adding about 17¢/MMBTU for SNG and increasing plant investment for a 250 MMSCF plant by over 20 million dollars. Many of the potential coal gasification sites would be affected.

TABLE 1.—ACRES AFFECTED BY MANSFIELD AMENDMENT

[In millions]

State	Private surface Federal coal	Federal surface Federal coal
Colorado	5.6	8.3
Montana	10.7	8.1
New Mexico	7.0	13.2
North Dakota	4.8	.07
Oklahoma	.05	.007
South Dakota	1.8	.3
Utah	1.1	22.7
Wyoming	11.8	17.5
Total (42.85/70.18=61 percent)	42.85	70.18

Note: Public domain and acquired lands.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 2, 1973.

To: Assistant Secretary—Energy and Minerals.

From: Director, Bureau of Mines.

Subject: Newspaper article—"Deep-Mined Coal Termed Essential for Clean Energy." Washington Post, September 27, 1973.

The subject enclosed newspaper article by George C. Wilson, who cites Russell E. Train as the source of his coal reserve statistics, is in error on the reporting of the gross figure estimate of our national coal reserve and the percentage of that estimate that is recoverable utilizing surface mining methods.

According to the latest published USGS information contained in their Circular 650, "Energy Resources of the United States," and Professional Paper 820, the total coal resources of the U.S. have been estimated at 3,224 billion tons. However, only about one-half of this quantity, or 1,581 billion tons, has been categorized as an identified resource, which means that there is reasonable assurance that this quantity does in fact exist. The remaining part of the resource estimate is based entirely upon geologic inference and is described by the terms "hypothetical" and "speculative."

Only a portion of the identified coal resource constitutes a *reserve*. The Bureau of Mines' estimate of our coal reserve includes only the measured and indicated categories of selected coalbeds according to their thickness and depth of burial or overburden. Current mining technology and economics of recovery limit mining of bituminous coal and anthracite in beds of less than 28 inches in thickness and at depths greater than 1,000 feet. Subbituminous and lignite coals are generally not mined if the beds are under 60 inches. We recognize that there are exceptions to these established criteria; however, such exceptions are currently of minor importance.

Applying these criteria, the Bureau in a publication, IC 8531, "Strippable Reserves of Bituminous Coal and Lignite in the United States," estimated that approximately 45 billion tons of the 118 billion tons of surface minable coal are currently economically minable. By the same token, of the total 1,581 billion tons, between 400–500 billion tons are estimated to be minable by current underground mining technology. Further, we estimate that mining losses, which account also for inaccessible coals due to natural and manmade restrictions (i.e., coal under rivers and cities, close to gas wells, under faulty roof, and other unforeseen obstacles), are 50 percent. If we consider all of the above factors and the latest available information, it appears that on a conservative basis we have approximately 200 billion short tons of all rank coals that are economically minable by underground methods at the present time. With respect to surface mining, it appears that an additional 45 billion short tons would be available from the gross figure of the estimated 118 billion short tons. This, of course, indicates that over 18 percent of our presently assessed identified resources are recoverable by surface mining methods. Moreover, with respect to feasibility, the greater portions of our western coal reserves are recoverable only by surface mining under existing mining technology. In any event, even assuming that the entire 400–500 billion ton reserve figure constitutes our coal reserves that could be produced from the 1,581 figure, the percentage of the total coal reserve that could be surface-mined, would then be 8-10 percent of our total coal reserves.

Surface mining operations presently account for 289 million tons of coal, or over 48 percent of the current coal production. Further, our records indicate that over 60 percent of the surface-mined coal enters the electric utility fuel market. A marked and immediate curtailment of surface coal mining would result in a severe coal shortage and serve to further worsen our national energy situation. The implication in the enclosed news article that our surface minable reserves are insignificant are grossly misleading and in error.

IMPACT OF AMENDMENT TO S. 425, FORBIDDING COAL SURFACE MINING WHERE THE FEDERAL GOVERNMENT OWNS THE COAL BUT DOES NOT OWN THE SURFACE

Coal provinces and States	Leases number	Surface ownership, private (acres)	Total area leased (acres)	Surface ownership, private (percent)	Total reserves, surface minable under lease (million tons)	Surface minable reserves under private surface ownership (million tons)
Pacific coast:						
Alaska	5	1,073	2,593	41	2	0.8
California	1	0	80	0		
Oregon	3	0	5,403	100		
Washington	2	521	521	100	6	6.0
Subtotal	11	1,594	8,597	19	8	6.8
Percent						85
Rocky Mountain and Northern Great Plains:						
Colorado	112	54,606	122,078	45	236	106.2
Montana	17	34,967	36,232	97	1,120	1,086.4
New Mexico	28	26,198	40,958	64	281	179.8
North Dakota	20	16,436	16,436	100	285	285.0
Utah	195	13,335	266,609	5	200	10.0
Wyoming	92	117,196	199,933	59	7,801	4,602.6
Subtotal	495	262,738	682,246	39	9,923	6,270.0
Percent						63

Coal provinces and States	Leases number	Surface ownership, private (acres)	Total area leased (acres)	Surface ownership, private (percent)	Total reserves, surface minable under lease (million tons)	Surface minable reserves under private surface ownership (million tons)
Eastern and Interior States:						
Alabama	1	200	200	100		
Kentucky	1	0	1,282	0		
Ohio	1	0	144	0		
Oklahoma	53	85,477	86,798	98	6	
Subtotal	56	85,677	88,424	97	6	
Percent						
Grand total	531	350,009	779,267	45	9,937	
Percent						

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MOSS. Mr. President, I ask unanimous consent that a member of my staff, Karl Braithwaite, be permitted on the floor during the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR., obtained the floor.

Mr. METCALF. Mr. President, will the Senator yield to me so that I may yield to the Senator from Alabama for the purpose of answering a question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. METCALF. I yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, I want to propound this question to the manager of the bill.

In the Mansfield amendment which was agreed to yesterday, it is stated, "All coal deposits title to which is in the United States," and so forth. The Tennessee Valley Authority owns coal lands that meet the description given in the Mansfield amendment. The Tennessee Valley Authority is a corporation organized under the laws of the United States. It carries on its own business, borrows money, issues bonds, generates and sells power, and so forth.

Under my interpretation, the Tennessee Valley Authority does not come under the description of "United States." I asked the manager of the bill whether that is his interpretation.

Mr. METCALF. Yes. I say to the Senator from Alabama that the Tennessee Valley Authority is a public corporation and certainly is not the kind of public landowner that Senator MANSFIELD and I were talking about in the Mansfield amendment, such as the Bureau of Land Management, which operates public lands. Certainly, that was never the intention, and I do not think the language of the Mansfield amendment covers subsurface ownership of the Tennessee Valley Authority.

Mr. MANSFIELD. I concur.

Mr. SPARKMAN. I thank both Senators. That was my interpretation, but I did want a clarification in the RECORD.

Mr. METCALF. I talked to Senator BAKER about this. He is from Tennessee and has followed this bill closely all day. I should like to have his opinion on this question.

Mr. BAKER. I thoroughly agree with the distinguished manager of the bill and the Senator from Alabama.

TVA is a federally chartered corporation. Title to land about which the Senator inquires, I believe, is held by the corporation not by the United States of America.

I am certain in my mind that the Mansfield amendment does not apply to mineral that is owned by the TVA, and I do not believe the language of the Mansfield amendment has any application to the TVA situation.

Mr. SPARKMAN. I thank the Senators for that interpretation. I thank the distinguished majority leader, the author of the amendment, who agrees with that interpretation.

RESOLUTION TO DECLARE MONDAY, OCTOBER 15, 1973, JOHN C. STENNIS DAY

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 180) was considered and unanimously agreed to, as follows:

Resolved, That the United States Senate hereby takes note of the national tribute being paid to the Honorable John C. Stennis on Monday, October 15, 1973 and does hereby declare that day to be John C. Stennis Day to celebrate his remarkable and complete recovery from grave wounds inflicted on him in the course of an armed robbery, and to recognize his deep and sincere interest in promoting the education of our young people in the duties of citizenship, in particular through the John C. Stennis Chair of Political Science at Mississippi State University, where future generations of citizens will be trained to participate fully in our democratic form of government at every level.

SURFACE MINING RECLAMATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 425) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

Mr. HARRY F. BYRD, JR. Mr. President, the Senate is considering an important piece of legislation. S. 425 is heralded by its sponsors as providing the means to balance our growing energy needs with the stress these needs place upon our environment.

I agree with this objective. But does the pending legislation accomplish this objective? I think not.

On the contrary, the bill before us would reduce the available supply of a scare and valuable fuel—namely, low-sulfur coal—at a time of very real energy shortage in the United States.

It is essential that we keep in mind the vital role that coal plays in our energy picture. It is not too much to say that unless and until we pass entirely out of the fossil fuel age—and there certainly is no immediate prospect of that—the United States is absolutely dependent on an adequate coal supply.

I think that Robert W. Fri, then Acting Administrator of the Environmental Protection Agency, described our situation very well in a speech in Washington on June 18 of this year.

Mr. Fri said:

> Our oil and natural gas reserves are considerably smaller than coal reserves yet we are burning them at a rate better than three times greater. Obviously, if we accelerate, or even maintain, the rates at which we now consume natural gas and oil, we will substantially deplete these reserves before makink any big switch back to coal. In that event the switch, when it comes, will be much like a balloon payment on a loan—extensive, hurried and costly.

Coal is by far our most plentiful fuel resource. It makes up 88 percent of the proven fuel reserves of the United States.

It is essential that we make wise use of this gerat resource. While no one advocates reckless destruction of the environment, unreasonable restriction on coal production would greatly weaken our effort to achieve self-sufficiency in energy.

We must consider that even with prudent conservation measures, our economy is going to demand increasing amounts of energy each year. And this increasing demand comes at a time when major portions of our fuel supplies are threatened by serious unrest in the Middle East.

At the same time, there is a pressing concern for cleaner air in our metropolitan areas and cleaner air in some of our rural regions—a demand which can be met in part by low-sulfur coal.

Surface mining in Virginia regularly produces 10 million tons of low-sulfur coal annually. If this bill is enacted, that coal will not be available.

I think some aspects of the problems involved in regulation of surface mining, particularly as concerns mountainous regions like the mining area of southwest Virginia, have not been given full consideration to date. I would like now to explore some of these problems.

The committee recognizes in its report—page 34—that a mining and reclamation program for the mountains of Appalachia must necessarily differ from one for the Western areas of our country. Further, it is recognized that many States already have regulatory surface mining and reclamation laws and, while the implication is made that these laws are not adequately enforced, it is not, and it cannot, be said that all State laws are poorly enforced.

Virginia has had a strong surface mining and reclamation law on the books and in full effect since 1966. It was strengthened in 1972 by the general assembly. I believe it is a good law.

The Virginia General Assembly already has recognized the problems associated with surface mining. The legislature moved to correct it by responsible and responsive legislation. And it is working.

There is much coal production in the southwestern areas of my State. Coal production, together with its allied industries, is the major industry and the major source of income for southwest Virginia. Virginia's law has insured environmental responsibility without committing economic suicide.

Mr. President, S. 425 can make no such claims.

This bill, if enacted as presently written, will, I am reliably informed, end surface mining of coal in the rugged mountains of southwest Virginia. The bill requires backfilling to original contours—section 213(b)(2). While this might be possible in some areas, it is not in southwest Virginia. There is even strong evidence that an unbending policy to slope restoration promotes further environmental damage, such as erosion, rather than retarding it. Yet the bill makes no allowance for the submission and approval of alternative plans by the operators.

Likewise, section 213(b)(6), eliminating any deposit of spoil downslope, in effect, eliminates, according to competent sources, surface mining of coal in my State.

There are those who will say "It is quite all right to eliminate surface mining of coal. The jobs which are lost can be replaced by some other occupation, or by deep mining. And surface mined coal only amounts to a small percentage of our total coal reserves."

These statements may apply to some other State, Mr. President. But they do not reflect the effect of this legislation upon Virginia. Virginia has nearly 2,000 persons directly employed by coal surface mining companies. If surface mining were eliminated in Virginia, it would have a profound effect upon related and supporting services and businesses. The immediate effect would be the loss of an estimated 6,000 jobs. The long-term effect, in terms of jobs only remotely related or dependent upon the surface mining of coal, would be several times greater.

In addition, consider this: Virginia's annual coal production exceeds 30 million tons. The surface mining industry produces 10 million tons of low-sulfur coal, or between 25 to 30 percent of Virginia's annual production.

This is coal production which, if eliminated on the surface, cannot be increased through deep-mining techniques. If surface-mined coal is banned, it is lost to our economy.

Just what does this mean to the people caught in the midst of compelling energy shortages? It means that the 70 percent of Virginia's surface-mined coal which has gone to the electric utility companies will be removed from their power supplies. It means that more shortages are likely in the near future. It means that costs will rise.

A few more comments about this bill are in order, Mr. President. It would impose its stringent standards on exploratory operations, as well as actual mining. It makes little sense to subject exploratoy operations to the gamut of regulations intended for the actual mining and reclamation operations. The sizes of the operations are not comparable, nor is the environmental effect.

Lastly, Mr. President, I would like to turn to the reclamation and orphaned land aspects of this bill. First of all, the language of the bill suggests that "abandoned and unreclaimed mined areas" are something quite different than the layman might envision. As used in title III, an abandoned tract of land means one which "has been affected by surface mining operations prior to the enactment of this act and has not been returned to productive or useful purposes." This determination is left, apparently, to the Secretary of Interior or his designee. And the power of condemnation is established for the purpose of acquiring this affected land with a fund initially set at $100 million.

Mr. President, Virginia law already contains an abandoned lands program. There are approximately 15,000 acres to be restored under this program, paid for by revenues from surface mining permit fees, paid by the surface mine operators.

It makes no sense to require the taxpayers throughout this country to pay for reclamation of land in Virginia which the surface mining industry is willingly paying for—and which is being effectively reclaimed without Federal assistance. To subject Virginia's program to federal control or oversight will only serve to stifle State initiative—not strengthen it.

Mr. President, another factor also troubles me. Section 216 provides for designation of lands unsuitable for surface mining. Either the State plan or the Federal plan, if a State plan goes unimplemented, must include a preliminary inventory of any State land unsuitable for surface mining, to be completed within 3 years. If a State's program should fail to be acceptable to Federal authorities, this inventory would be undertaken at the Federal level. The designation of "areas of critical environmental concern" within a State by Federal authorities is a chilling thought—it is tantamount to Federal zoning on State land. The language in this section is strikingly similar to language in S. 268, the recently passed Land Use Policy and Planning Assistance Act of 1973.

To include this language not only invites Federal control over State land—it begs for it. Even if a State program is approved, it remains subject to Federal guidelines, standards and review—controls which are not born of legislative processes, but of bureaucratic decision-making.

This bill has laudable purposes—purposes which I support. But for the reasons I have outlined, I think it fails to accomplish its aim.

Because of the extremes to which it goes and its serious adverse effect on the jobs and economy of southwest Virginia, I must cast my vote against S. 425.

Mr. HELMS. Mr. President, I desire to associate myself with the thoughtful and sensible remarks of my distinguished friend, the Senator from Virginia (Mr. HARRY F. BYRD, JR.). I have been present on this floor for almost all of the debate. In fact, I have presided over this body for much of the time this bill (S. 425) has been under consideration.

I know that the proponents of this bill are sincere in their desire to protect and preserve the environment. I share their desire. But at this critical, crucial time when—at best—many of our citizens are almost certain to suffer as a result of the energy crisis, I agree with my distinguished colleague (Mr. HARRY F. BYRD, JR.) that this legislation at this time contains too great a threat to the welfare of our people.

Accordingly, I shall vote against S. 425.

Mr. DOLE. Mr. President, I wish to express my support for the Surface Mining Reclamation Act and its goals of establishing "an environmentally strong and administratively realistic program" to regulate surface mining of coal in the United States.

In view of the importance which coal holds as we look ahead to meeting the long-term energy requirements of this Nation, it is of critical importance that we develop and implement an effective national policy to guide the development of these huge energy reserves.

Strip mining has become an important social as well as an economic issue. It has produced and can continue to produce significant quantities of coal at highly attractive cost savings, but it has caused, and left unchecked it will continue to cause widespread scenic, economic, and ecological blight in the areas in and near which it is practiced. So in attempting to formulate a responsible policy for regulating this activity, the Congress is faced with the difficult and frequent complex task of finding the middle ground between unrealistic idealism and devasting pragmatism.

We cannot permit blind devotion to the preservation of our country's natural beauty and utility to bring about the paralysis of our economic system through energy shortages. But neither can we sacrifice the values of our natural heritage to a rampant and insensitive drive to fuel the furnaces of industry and economc development.

In the course of debate on this bill we have examined a number of issues—reclamation standards and practices; the proper balance between State and Federal responsibilities; rights of the various property interest owners, to mention but a few—which are of critical importance to the general thrust of this legislation. And I believe the broad interest in the bill and the constructive approach which has characterized consideration of it in the Interior Committee and on the Senate floor, have made it possible to come up with a sound national program.

It is balanced insofar as the competing interests are concerned and in relation to the roles of the Federal and State governments. I believe it deserves support; however, at the same time it will require careful oversight by Congress to explore weaknesses which may develop, disclose lapses in its approach, and provide the opportunity for making improvements as we gain experience with it.

Coming from a State which has experienced significant strip mining, I feel this bill will be of real benefit to Kansas, its coal industry and the people who live in that part of the State where coal is produced. Across the Nation, I believe the bill provides effective guidance for development of our vital coal reserves with a proper regard for the environment in which we and our children must live long after mining activity has ceased.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Nevada (Mr. CANNON) is absent attending the funeral of a friend and associate.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 82, nays 8, as follows:

[No. 464 Leg.]

YEAS—82

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—8

Bartlett
Bellmon
Bennett
Byrd, Harry F., Jr.
Curtis
Helms
Saxbe
Scott, William L.

NOT VOTING—10

Brock
Cannon
Eastland
Hartke
Mondale
Muskie
Packwood
Percy
Stennis
Symington

So the bill (S. 425) was passed, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1973".

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TITLE I—STATEMENT OF FINDINGS AND POLICY

SEC. 101. FINDINGS.—The Congress finds and declares that—

(1) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(2) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(3) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitat, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(4) surface mining and reclamation technology are now developing so that effective and reasonable regulation of coal surface mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to minimize so far as practicable the adverse, social, economic, and environmental effects of such mining operations;

(5) because of the diversity in terrain, cli-

mate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States; and

(6) while there is a need to regulate surface mining operations for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation of such operations.

Sec. 102. Purposes.—It is the long-term goal of Congress to prevent the adverse effect to society and the environment resulting from surface mining operations. Toward that end, it is the purpose of this Act to—

(1) establish a nationwide program in accordance with the policy and objectives of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a);

(2) assure that the rights of surface landowners and persons with a valid legal interest in the land are fully protected from such operations;

(3) assure that coal surface mining operations are not conducted where reclamation as required by this Act is not feasible;

(4) assure that coal surface mining operations are so conducted as to prevent degradation to land and water;

(5) assure that adequate measures are undertaken to reclaim surface areas as contemporaneously as possible with the coal surface mining operations;

(6) assist the States in developing and implementing such a program;

(7) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through the effective control of coal surface mining operations;

(8) encourage the full utilization of coal resources through the development and application of underground extraction technologies;

(9) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals;

(10) strike a balance between protection of the environment and the Nation's need for coal as an essential source of energy; and

(11) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the fields of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in each State.

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATIONS

Sec. 201. Grant of Authority: Promulgation of Federal Regulations.—(a) Not later than six months after the date of enactment of this Act, the Secretary, in accordance with the requirements of this Act, and the procedures set forth in this section, shall publish in the Federal Register regulations covering surface mining and reclamation operations for coal which shall set forth in reasonable detail those actions which a State must take to develop a State program and otherwise meet the requirements of this Act.

(b) Such regulations shall not be published until the Secretary has first published proposed regulations in the Federal Register, afforded interested persons and State and local governments a period of not less than forty-five days after publication to submit written comments and held one or more public hearings on the proposed regulations. The date, time, and place of such hearings shall be set out in the notice of proposed rulemaking. The Secretary shall, after considerations of all comments and relevant matter presented, publish the regulations with such modifications from the proposed regulation as he may deem appropriate.

(c) Such regulations shall not be promulgated as final regulations until the Secretary has first obtained the written concurrence of the Administrator of the Environmental Protection Agency with regard to portions thereof which affect air and water quality within the time specified in section 201(a).

(d) The Administrative Procedure Act shall be applicable to the administration of this Act: *Provided*, That whenever procedures provided for in this Act are in conflict with the Administrative Procedure Act, the provisions of this Act shall prevail.

Sec. 202. Office of Surface Mining, Reclamation, and Enforcement.—(a) There is hereby established in the Department of the Interior of Office of Surface Mining, Reclamation, and Enforcement.

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other employees as may be required. The Director shall have the responsibilities provided for under this Act and such duties and responsibilities as the Secretary of the Interior may assign. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer objectively the provisions of this Act. Employees may be recruited from the United States Geological Survey, the Bureau of Mines, the Bureau of Land Management, and other departments and agencies of the Federal Government which have expertise pertinent to the responsibilities of the Office. No legal authority which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the State grant-in-aid program for the development of State programs for surface mining and reclamation operations provided for in title V of this Act;

(2) administer the grant-in-aid program to the States for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title III of this Act;

(3) administer the grant-in-aid program for the mining, minerals and related environmental research institutes pursuant to title IV of this Act;

(4) administer the surface mining and reclamation research and demonstration project authority provided for in section 604 of this Act;

(5) develop and administer any Federal programs for surface mining and reclamation operations which may be required pursuant to this title and review State programs for surface mining and reclamation operations pursuant to this title;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain a Surface Mining and Reclamation Information and Data Center and make the information maintained at the Data Center available to the public and to Federal, regional, State, and local agencies conducting or concerned with land-use planning and agencies concerned with surface mining and reclamation operations;

(9) assist the States in the development of State programs for surface mining and reclamation operations which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions;

(10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of mining pursuant to section 216; and

(11) monitor all Federal and State research programs dealing with coal extraction and use and recommend research projects designed to (1) improve the feasibility of underground coal mining and (2) develop improved techniques of surface mining and reclamation.

Sec. 203. Surface Mining Operations Not Subject to This Act.—(a) The provisions of this Act shall not apply to any of the following activities:

(1) the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him; and

(2) the extraction of coal for commercial purposes where the surface mining operation affects two acres or less.

Sec. 204. State Authority; State Programs.—(a) A State, to be eligible to receive financial assistance provided for under titles III and V of this Act and to be eligible to assume exclusive jurisdiction, except as provided by section 215 and title III of this Act, over surface mining and reclamation operations on lands within such State, shall—

(1) have appropriate legal authority under State law to regulate surface mining and reclamation operations in accordance with the requirements of this Act;

(2) provide sanctions under State law for violations of State laws, regulations, or conditions of permits concerning surface mining and reclamation operations which meet the requirements of this Act, such sanctions to include civil and criminal penalties, forfeiture of bonds, withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) have available sufficient administrative and technical personnel, adequate interdisciplinary expertise, and sufficient funding to enable the State to regulate surface mining and reclamation operations in accordance with the requirements of this Act;

(4) submit to the Secretary for approval in accordance with the requirements of this Act a State program which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for coal on lands within such State;

(5) include in any State program a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation; and

(6) have established a process for designation of areas as unsuitable for surface mining in accordance with section 216 and is actively conducting a review of potential surface mining areas within its boundaries.

(b) The Secretary shall not approve any State program submitted by a State pursuant to this section until—

(1) he has solicited the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State Program, and obtained the written concurrence of the Administrator of the Environmental Protection Agency with regard to portions or parts of the State's proposed program which affect air and water quality within the time specified in section 204(c); and

(2) he has provided an opportunity for a public hearing on the State Program within the State.

(c) The Secretary shall, within six calendar months following the submission of any State Program, approve or disapprove such State Program or any portion thereof. The Secretary shall approve a State Program if he determines that the State Program meets or exceeds the requirements of this Act.

(d) If the Secretary disapproves any proposed State Program, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State Program.

(e) For the purposes of this section and section 205, the inability of a State to take any action the purpose of which is to prepare, submit or enforce a State Program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles III and V of this Act or in the imposition of a Federal Program. Regulation of the surface mining and reclamation operations covered or to be covered by the State Program subject to the injunction shall be conducted by the State until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of sections 204 and 205 shall again be fully applicable.

SEC. 205. FEDERAL PROGRAMS.—(a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal Program for a State if such State—

(1) fails to submit a State Program covering surface mining and reclamation operations within twelve months of the promulgation of the Federal regulations for such operations;

(2) fails to resubmit an acceptable State Program within sixty days of disapproval of a proposed State Program: *Provided*, That the Secretary shall not implement a Federal Program prior to the expiration of the initial period allowed for submission of a State Program as provided for in clause (1) of this subsection; or

(3) fails to enforce its approved State Program as provided for in this Act.

If State compliance with clause (1) of this subsection requires an act of the State legislature the Secretary may extend the period for submission of a State program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority. If a Federal Program is implemented for a State, section 216 shall not apply for a period of one year following the date of such implementation. In promulgating and implementing a Federal program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.

(c) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Federal program.

(d) (1) If a State submits a proposed State program to the Secretary after a Federal program has been promulgated and implemented pursuant to this section, and if the Secretary approves the State program, the Federal program shall cease to be effective thirty days after such approval. Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine that the requirements of this Act and the approved State program are not violated. If the State regulatory authority determines any permit to have been granted contrary to the requirements of the Act or the approved State program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Act or approved State program.

(2) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program.

(e) Any Federal program shall include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation.

SEC. 206. SURFACE MINING OPERATIONS FOR COAL PENDING STATE COMPLIANCE.—From the date of enactment of this Act until twenty-two months after such date (plus the period of any extension granted under section 205 (a)) no person shall open or develop any new or previously mined and abandoned site for coal surface mining operations on lands within any State, or expand by more than 15 per centum the area of land affected in the preceding twelve months by a coal surface mining operation existing on the date of enactment of this Act unless such person has first obtained an interim permit issued by the appropriate State regulatory authority which may issue such interim permits upon application made by the operator. Such application and permit shall be in accordance with the requirements of this Act.

SEC. 207. PERMITS.—(a) After the expiration of the twenty-two month period (plus the period of any extension granted under section 205(a)) following the date of enactment of this Act, no person shall engage in or carry out on lands within a State any surface mining operations unless such persons has first obtained a permit issued by such State pursuant to an approved State Program or by the Secretary pursuant to a Federal Program, except that a person conducting surface mining operations existing at the date of enactment of this Act may conduct such operations without a permit beyond such period if an application for a permit with respect to such operations has been filed, but the initial administrative decision has not been rendered. It is the sense of Congress that administrative or judicial appeals in connection with permit applications shall be granted the highest priority and preference in all courts and be resolved as expeditiously as possible.

(b) The term of any permit for surface mining and reclamation operations shall not exceed five years if issued pursuant to an approved State program and shall be for five years if issued pursuant to a Federal program. Each permit shall carry with it a right of successive renewals if the permittee has complied with the requirements of the approved State program or a Federal program for the State within which the operations are conducted and has the capability to implement the reclamation plan applicable to the operations covered by the permit. Prior to approving the renewal of any permit the regulatory authority shall review the permit and the surface mining and reclamation operations and may require such new conditions and requirements as are necessary to deal with changing circumstances, a permit shall be renewed by operation of law unless prior to expiration of the permit term the permittee has been given timely notice and a hearing in accordance with the rules and regulations of the regulatory authority and the regulatory authority has found that the requirements for renewal have not been satisfied.

(c) A permit shall terminate if the permittee has not commenced the surface mining and reclamation operations covered by such permit within three years of the issuance of the permit.

SEC. 208. PERMIT APPLICATION REQUIREMENTS: INFORMATION, INSURANCE, AND RECLAMATION PLANS.—(a) Each application for a permit under a State program or Federal program pursuant to the provisions of this Act shall include as a minimum the following information—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of record of the property (surface and mineral) to be mined; (C) the holders of record of any leasehold in the property; (D) any purchaser of record of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

(2) the names and addresses of the owners of record of all surface area within five hundred feet of any part of the permit area;

(3) a statement of any current or previous mining permits in the State held by the applicant and the permit numbers;

(4) if the applicant is a partnership, corporation, association, or other business entity, the following where applicable (A) the name and address of each partner owning 3 per centum or more of the partnership, and (B) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which subsequent to 1960 has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) such maps and topographical information, including the location of all underground mines in the area, as the regulatory authority may require which shall be in sufficient detail to clearly indicate the nature and extent of the overburden to be disturbed, the coal to be mined, and the drainage of the area to be affected;

(7) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of the surface mining and reclamation operations, such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks and may be submitted to the regulating authority after the application is filed;

(8) the anticipated starting date of the proposed operation;

(9) the number of acres of land to be affected by the proposed operation;

(10) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) evidence of the applicant's legal right to enter and commence surface mining operations on the area affected;

(12) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) such other information as the regulatory authority may require; and

(14) a determination of the hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability. For those mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify:

(A) monitoring sites to record the quantity and quality of surface drainage above and below the mine site as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) the maintenance of records of well logs and boreholes; and

(D) monitoring sites to record precipitation.

The monitoring, data collection and analysis required by this paragraph shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity.

(b) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface mining and reclamation operations and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the term of the permit or any renewal, including the length of all reclamation operations.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

SEC. 209. PERMIT APPLICATION APPROVAL PROCEDURES.—(a) The regulatory authority shall notify the applicant for a permit within a period of time established by law or regulation whether the application has been approved or disapproved. If approved, the permit shall be issued after the performance bond or deposit required by section 210 has been filed. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval. A hearing shall be held within thirty days of the request. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) No permit will be issued unless the regulatory authority finds that (1) all the requirements of this Act and the State or Federal Program have been complied with, and (2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal Program can be accomplished under the Reclamation Plan contained in the permit application.

(c) The regulatory authority shall not issue any new surface mining permit or renew or revise any existing surface mining permit of any operator if it finds that the applicant or operator has failed and continues to fail to comply with any of the provisions of any State or Federal Program.

(d) Any person having an interest which is or may be adversely affected by the proposed surface mining and reclamation operations or any Federal, State, or local governmental agency having responsibilities affected by the proposed operations shall have the right to file written objections to any permit application within thirty days after the last publication of the advertisement pursuant to clause 208(a)(7). If written objections are filed, the regulatory authority shall hold a public hearing in the locality of the proposed surface mining and reclamation operations within thirty days of the receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing.

(e) Any person or government agency having an interest which is or may be adversely affected by the proposed surface mining operations, who has participated in the administrative procedures as an applicant, protestant, or objector, and who is adversely affected or aggrieved by the decision of the regulatory authority shall be entitled to judicial review of such decision by a court of competent jurisdiction in accordance with State or Federal law. Where Federal jurisdiction exists it shall be exercised by the United States district court for the district in which the proposed surface mining operation is situated.

SEC. 210. PERFORMANCE BONDS.—(a) After a surface mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, and conditioned upon faithful performance of all the requirements of this Act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface mining and reclamation operations within the initial term of the permit. As succeeding increments of surface mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulator authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority on the basis of at least two independent estimates. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture and in no case shall the bond be less than $10,000.

(b) Liability under the bond shall be for the duration of the surface mining and reclamation operation and for a period of five years thereafter, except in those areas where the average annual rainfall is 26 inches or less, the period of liability shall extend for ten years, unless sooner released as hereinafter provided in this Act. The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The regulatory authority may require a deposit or accept the bond of the applicant itself, when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.

(d) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time to time as affected land acreages are increased or where the cost of future reclamation obviously changes.

SEC. 211. RELEASE OF PERFORMANCE BONDS OR DEPOSITS.—(a) The permittee may file a request with the regulatory authority for the release of all or part of the performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed on five successive days in a newspaper of general circulation in the locality of the surface mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type of reclamation work performed. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act: *Provided, however,* That—

(1) no bond shall be fully released until all reclamation requirements of this Act are fully met, and

(2) an inspection and evaluation of the affected surface mining and reclamation operations is made by the regulatory authority or its authorized representative prior to the release.

(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release. The permittee shall be afforded a reasonable period of time to take such corrective actions.

(d) If requested by any person having an interest which is or may be adversely affected by the failure of the permittee to have complied with the requirements of this Act or by any Federal, State, or local governmental entity, the regulatory authority shall, within 30 days after appropriate public notice, hold a public hearing on the surface mining and reclamation operations covered by a performance bond. Such hearing shall be held after the release of 50 per centum or more and prior to the release of 90 per centum of such bond.

SEC. 212. REVISION AND REVOCATION OF PERMITS.—(a) Once granted a permit may not be revoked unless: (1) the regulatory authority gives the permittee prior notice of violation of the provisions of the permit, the State Program or Federal Program, or this Act and affords a reasonable period of time of not less than fifteen days or more than one year within which to take corrective action; and (2) the regulatory authority determines, after a public hearing, if requested by the permittee, that the permittee remains in violation. The regulatory authority shall issue and furnish the permittee a written decision either affirming or rescinding the revocation and stating the reasons therefor.

(b) (1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal Program can be accomplished under the revised Reclamation Plan. The revision shall be approved or disapproved within a period of time established by the State or Federal Program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided*, That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the Reclamation Plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(c) No transfer, assignment or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

SEC. 213. CRITERIA FOR SURFACE MINING AND RECLAMATION OPERATIONS.—(a) Each Reclamation Plan submitted as part of a permit application pursuant to an approved State program or a Federal program under the provisions of this Act shall include, in the degree of detail necessary to demonstrate that reclamation required by the State or Federal Program can be accomplished, a statement of:

(1) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application and, if the land has a history of previous mining, the uses which preceded any mining;

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(2) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation;

(3) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan where appropriate for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed immediately prior to mining); an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in subsection (b) of this section;

(4) the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(5) the consideration which has been given to developing the Reclamation Plan in a manner consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies;

(6) the consideration which has been given to insuring the maximum practicable recovery of the mineral resource;

(7) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) the consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs;

(9) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit: *Provided*, That any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority; and

(10) the results of test borings which the applicant has made at the area to be covered by the permit, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided*, That information about the mineral shall be withheld by the regulatory authority if the applicant so requests.

(b) Each State Program and each Federal Program shall include regulations which at a minimum require each permittee to—

(1) return all surface areas to a condition which does not present a hazard to public health, safety, or property and is capable of supporting (a) the uses which existed immediately prior to any mining, or if approved by the regulatory authority pursuant to the approval of the permit or any revision thereof, (b) other alternate uses suitable to the locality;

(2) backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials) and grade to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated, unless the operator demonstrates that the overburden is insufficient (giving due consideration to volumetric expansion) to restore the approximate original contour, in which case the backfilling, compacting, and grading required shall be sufficient to cover all acid-forming, saline, and toxic materials, to achieve an angle of repose based upon soil and climate characteristics for the area of land to be affected, and to achieve an environmentally sound condition and a desirable use of the reclaimed area;

(3) stabilize and protect all surface areas affected by the mining and reclamation operations to effectively control erosion and attendant air and water pollution, such stabilization and reclamation to include soil compaction, where advisable, and establishment of a stable and self-regenerating vegetative cover (where cover existed prior to mining) which, where advisable, shall be comprised of native vegetation;

(4) segregate and preserve topsoil unless replaced simultaneously as part of the mining operation and use the best available other soil material from the mining cycle to cover spoil material unless the permit applicant provides evidence in the Reclamation Plan sufficient to satisfy the regulatory authority that another method of soil conservation would be at least equally effective for revegetation purposes;

(5) protect offsite areas from slides or damage occurring during the surface mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(6) insure that when performing surface mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the natural downslope below the bench or mining cut, except that soil or spoil material from the initial cut of earth in a new surface mining operation can be placed on a limited and specified area of the downslope below the initial cut if the permittee demonstrates that such soil or spoil material will not slide and that the other requirements of this subsection can still be met: *Provided*, That spoil material not required for the reconstruction of the approximate original contour on any site may be permanently stored at such offsite spoil storage areas as the regulatory authority shall designate and for the purposes of this Act such area shall be deemed in all respects to be a part of the lands affected by mining operations;

(7) protect the quality of water and consider the quantity of water in surface and ground water systems both during and after surface mining and reclamation operations by:

(A) avoiding acid mine drainage by (i) preventing or retaining drainage from acid producing deposits, or (ii) treating drainage to acceptable standards of acidity and iron content before releasing it to water courses;

(B) conducting surface mining operations so as to minimize to the extent practicable the adverse effects of water runoff from the disturbed area;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells to prevent acid drainage to ground and surface waters;

(D) not removing, interrupting, or destroying surface waters during the mining or reclamation process except that surface waters may be relocated where consistent with the operator's approved reclamation plan;

(E) restoring recharge capacity of the aquifer at the mine site and protecting alluvial valley floors; and

(F) such other actions as the regulatory authority may prescribe;

(8) insure the control of surface operations incident to underground mining for the purpose of protecting the surface area, and providing for the proper sealing of shafts, tunnels, and entryways and the filling of exploratory holes no longer necessary for mining, maximizing to the extent practicable return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations, and, where such wastes are disposed of in other areas, providing for design and construction of water retention facilities so as to assure (a) that the location will not endanger public health and safety should failure occur (b) that construction will be so designed to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under the Act of August 4, 1954, as amended (16 U.S.C. 1001–09), to assure against failure; (c) that leachate will not pollute surface or ground water; and (d) that final contour of the waste accumulation will be compatible with the surrounding terrain;

(9) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion;

(10) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority;

(11) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface mining operations;

(12) insure the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property: *Provided*, That the regulatory authority may permit the retention after mining of certain access roads where consistent with State and local land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose;

(13) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum practicable recovery of the mineral resources; and

(14) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of (A) the quantity and quality of surface and ground water systems, both on and off-site, from adverse effects of the mining and reclamation process, and (B) the rights of present users to such water.

(c) (1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in this subsection.

(2) Where an applicant meets the requirements of subsection (c) (3) and (4), a variance from the requirement to restore to approximate original contour set forth in subsection 213(b) (2) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c)(4)(A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining and capable of supporting postmining uses in accord with the requirements of this subsection.

(3) The regulatory authority may grant a variance for a surface mining operation of the nature described in subsection (c)(2) where—

(A) the applicant has established that the proposed use of the land as reclaimed pursuant to the variance will be a use—

(i) the need for which is greater than the need for that use which would be served by returning to the approximate original contour; and

(ii) which will serve an equivalent or higher socially beneficial purpose.

(B) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be achieved as specified in the reclamation plan;

(C) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(D) the regulatory authority provides the government body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its description, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;

(E) a public hearing is held in the locality of the proposed surface mining operation prior to the grant of any permit including a variance; and

(F) all other requirements of this Act will be met.

(4) In granting any variance pursuant to this subsection the regulatory authority shall require that—

(A) for a variance granted pursuant to subsection (c)(2), the toe of the coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the outslopes except at specified points;

(D) no damage will be done to natural watercourses; and

(E) all other requirements of this Act will be met.

(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection 213(c).

SEC. 214. INSPECTIONS.—(a) The Secretary shall cause to be made such inspections of any surface mining and reclamation operations as are necessary to evaluate the administration of State Programs, or to develop or enforce any Federal Program, and for such purposes authorized representatives of the Secretary shall have a reasonable right of entry to any surface mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any State or Federal Program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of this Act—

(1) the regulatory authority shall require each permittee to (A) establish and maintain appropriate records, (B) make reports, (C) install, use, and maintain any necessary monitoring equipment, and (D) provide such other information relative to surface mining and reclamation operations as the regulatory authority deems reasonable and necessary; and

(2) the authorized representatives of the regulatory authority, upon presentation of appropriate credentials (A) shall have a right of entry to, upon or through any surface mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located and (B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (i) occur on a random basis averaging not less than one inspection per month for the surface mining and reclamation operations covered by each permit; (ii) occur without prior notice to the permittee or his agents or employees and (iii) include the filing of inspection reports adequate to carry out the purposes of this Act. A copy of each inspection report shall be furnished to the permittee and be available for public review. The permittee or his agents or employees shall be given an opportunity to accompany the inspector during the inspection.

(d) Permits issued under State Programs or Federal Programs and the permittees' Reclamation Plans shall be filed on public record with appropriate officials in each county or other appropriate subdivision of the State in which surface mining and reclamation operations under such permits will be conducted.

(e) Each permittee shall conspicuously maintain at the entrances to the surface mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the permit which covers such operations.

(f) Any records, reports, or information obtained under this section by the regulatory authority which are not within the exceptions of the Freedom of Information Act (5 U.S.C. 552) shall be available to the public.

SEC. 215. FEDERAL ENFORCEMENT.—(a) Whenever, on the basis of any information available to him, the Secretary has reason to believe that any person may be in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority in the State in which such alleged violation exists and the State shall proceed under the approved program.

(b) When, on the basis of Federal inspection, the Secretary determines that any person is in violation of any requirement of this Act or any permit condition required by this Act which violation creates a danger to life, health, or property, or would cause significant harm to the environment, the Secretary or his inspectors may immediately order a cessation of surface mining and reclamation operations or the portion thereof causing or contributing to the violation and provide such person a reasonable time to correct the violation. Such person shall be entitled to a hearing concerning such an order of cessation within three days of the issuance of the order. If such person shall fail to obey the order so issued, the Secretary shall immediately institute civil or criminal actions in accordance with this Act.

(c) Whenever the Secretary finds that violations of an approved State Program appear to result from a failure of the State to enforce such State Program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce such State program, the Secretary shall enforce any permit condition required under this Act with respect to any person by issuing an order to comply with such permit condition or by bringing a civil or criminal action, or both, pursuant to this section.

(d) Any order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State regulatory authority in the State in which the violation occurs. Each order shall set forth with reasonable specificity the nature of the violation and the remedial action required, and establish a reasonable time for compliance, taking into account the seriousness of the violation, any irreparable harmful effects upon the environment, and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(e) At the request of the Secretary, the Attorney General may institute a civil action in the district court of the United States for the district in which the affected operation is located for a restraining order or injunction or other appropriate remedy to enforce any order issued pursuant to this section.

(f)(1) If any person shall fail to comply with any Federal program, any provision of this Act, or any permit condition required by this Act, after notice of such failure and expiration of any period allowed for corrective action, such person shall be liable for a civil penalty of not more than $1,000 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty.

(2) Any person who knowingly and willfully violates a Federal program, any provision of this Act, or any permit condition required by this Act, or makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act, or who knowingly and willfully falsifies, tampers with, or knowingly and willfully renders inaccurate any monitoring device or method or record re-

quired to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

(g) Wherever a corporation or other entity violates a Federal program, any provisions of this Act, or any permit condition required by this Act, any director, officer, or agent of such corporation or entity who authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as provided for under subsection (f) of this section.

(h) The remedies prescribed in this section shall be concurrent and cumulative and the exercise of one does not preclude the exercise of the others. Further, the remedies prescribed in this section shall be in addition to any other remedies afforded by this Act or by any other law or regulation.

SEC. 216. DESIGNATION OF LAND AREAS UNSUITABLE FOR SURFACE MINING.—(a)(1) Each State Program or Federal Program shall include a process for review of potential surface mining areas capable of making objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface mining operations. This process shall be integrated as closely as possible with existing land use plans and programs. The initial review shall be completed within three years after implementation of the State or Federal Program.

(2) An area may be designated unsuitable for all or certain types of surface mining operations if——

(A) reclamation pursuant to the requirements of this Act is not physically or economically possible;

(B) surface mining operations in a particular area would be incompatible with existing land use plans and programs; or

(C) the area is an area of critical environmental concern.

Provided, however, That no area shall be designated unsuitable for surface mining operations on which surface mining operations are being conducted on the date of enactment of this Act or under a permit issued pursuant to this Act, or as to which firm plans for and substantial legal and financial commitments in such operations are in existence prior to the date of enactment of this Act: *And provided further,* That prior to any designation pursuant to subsection (a)(2)(C), the regulatory authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy and the supply of coal: *And provided further,* That the designation process shall provide for an appeals process for any interested party as defined by law or regulation concerning the designation of any land as unsuitable for surface mining operations or the termination of such designation when such action is taken other than by Federal or State law.

(3) For purposes of this section the term "area of critical environmental concern" means areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in serious damage to the environment, life or property, or the long term public interest which is of more than local significance. Such areas, subject to State definition of their extent, shall include—

(A) "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems and geological formations; significant wildlife habits; and unique scenic or historic areas;

(B) "Natural hazard lands" where uncontrolled or incompatible development could reasonably endanger life and property, such lands to include flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice, or snow formations, and areas with seismic or volcanic activity;

(C) "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern, such lands to include watershed lands, aquifiers and aquifier recharge areas, significant agricultural and grazing lands, and forest lands; and

(D) such additional areas as the State determines to be critical environmental concern.

Provided, however, That if a State land use plan which designates "areas of critical environmental concern" is in effect, the designation in that plan shall be conclusive for the purposes of this section.

(4) Any interested citizen as defined by law and regulation shall have the right to petition the regulatory authority to have an area designated as unsuitable for surface mining operations, or to have such a designation terminated. Whenever such a petition contains allegations of facts with supporting evidence which would tend to establish the allegations, the regulatory authority shall make a written decision on the petition.

(b) The Secretary is authorized and directed to conduct a review of the Federal lands to determine, pursuant to the criteria set forth in clause (2) and subject to the other provisions of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface mining operations. When the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface mining operations, he shall withdraw such area or he may condition any mineral leasing in a manner so as to limit surface mining operations on such area.

(c) No surface mining operation except those which exist on the date of enactment of this Act shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, and National Recreation Areas designated by Act of Congress;

(2) which will adversely affect any publicly owned park unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park.

SEC. 217. FEDERAL LANDS.—(a) No later than six months after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal Lands Program which shall be applicable to all surface mining and reclamation operations taking place pursuant to any Federal law on any Federal lands: Provided, That except as provided in section 403 the provisions of this Act shall not be applicable to Indian lands. The Federal Lands Program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question. Where Federal lands in a State with an approved State Program are involved, the Federal Lands Program shall, at a minimum, include the requirements of the approved State Program.

(b) The requirements of this Act and the Federal Lands Program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal Lands Program to deal with changing conditions or changed technology, and to require any surface mining and reclamation operations to conform with the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State Program covering a permit or permits for surface mining and reclamation operations on land areas which contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single management unit. To implement a joint Federal State program the Secretary may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding quality of administration of a single permit for surface mining and reclamation operations.

(d) Except as specifically provided in subsection (c) this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface mining and reclamation operations or other activities taking place on the Federal lands.

(e) After the date of enactment of this Act, no person shall open or develop any new or previously mined and abandoned site for coal surface mining operations on Federal lands, and no person shall expand by more than 15 per centum existing coal surface mining operations on Federal lands until the Secretary has promulgated and implemented the Federal Lands Program unless such person has first obtained an interim permit issued by the Secretary who may issue such interim permits from the date of enactment of this Act until twenty-two months after such date upon application made by the operator. Such application and permit shall be in accordance with the requirements of this Act.

SEC. 218. PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS.—Any agency, unit or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface mining operations which are subject to the requirements of this Act shall comply with the provisions of title II of this Act.

SEC. 219. (a) CITIZEN SUITS.—Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on his own behalf—

(1) against any person including—

(A) the United States, and

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution who is alleged to be in violation of the provisions of this Act or the regulation promulgated thereunder, or order issued by the regulatory authority; or

(2) against the Secretary or the appropriate State regulatory authority where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing under oath of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the provisions, regulations, or order, or

(B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act or the regulations thereunder, or the order, but in any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plantiff has given notice in writing under oath of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order or lack of order complained of constitutes an imminent threat to the or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c)(1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under this or any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

SEC. 301. ABANDONED MINE RECLAMATION FUND.—(a) There is hereby created in the Treasury of the United States a Fund to be known as the Abandoned Mine Reclamation Fund.

(b) There is authorized to be appropriated to the Fund initially the sum $80,000,000 and such other sums as the Congress may thereafter authorize to be appropriated.

(c) The following other moneys shall be deposited in the Fund—

(1) moneys derived from the sale, lease, or rental of land reclaimed pursuant to this title;

(2) moneys derived from any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted; and

(3) miscellaneous receipts accruing to the Secretary through the administration of this Act which are not otherwise encumbered.

(d) Moneys in the Fund subject to annual appropriation by the Congress, may be expended by the Secretary for the purposes of this title.

SEC. 302. ACQUISITION AND RECLAMATION OF ABANDONED AND UNRECLAIMED MINED AREAS.—(a) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(b) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected by surface mining operations prior to the enactment of this Act and has not been returned to productive or useful purposes. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in subsection (i). Title to all lands or interests therein acquired shall be taken in the name of the United States, but no deed shall be accepted or purchase price paid until the validity of the title is approved by the Attorney General. The price paid for land under this section shall take into account the unrestored condition of the land.

(c) For the purposes of this title, when the Secretary seeks to acquire an interest in land or mineral rights and cannot negotiate an agreement with the person holding title to such interest he shall request the Attorney General to file a condemnation suit and take such interest or right, following a tender of just compensation as awarded by a jury to such persons: *Provided, however,* That when the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost of magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(d) For the purposes of this title, when the Secretary takes action to acquire an interest in land or mineral rights and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establish title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the Fund.

(e) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to donate such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price.

(f) The Secretary shall prepare specifications for the reclamation of lands acquired under this title. In preparing specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(g) The Secretary shall reclaim the lands acquired under this title in accordance with the specifications prepared therefor pursuant to subsection (f) of this section as moneys become available to the Fund.

(h) Administration of all lands reclaimed under this title shall be in the Secretary until disposed of by him as set forth in this title.

(i) In selecting lands to be acquired pursuant to this title and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority (1) to lands which, in their unreclaimed state, he deems to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety and (2) to lands which he deems suitable for public recreational use. The Secretary shall direct that the latter lands, once acquired, shall be reclaimed and put to use for recreational purposes. Revenue derived from such lands, once reclaimed and put to recreational use, shall be used first to insure proper maintenance of such lands and facilities thereon, and any remaining moneys shall be deposited in the Fund.

(j) Where land reclaimed pursuant to this title is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land pursuant to the provisions of the Surplus Property Act of 1949, as amended.

(k) The Secretary shall hold a public hearing with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired to be reclaimed pursuant to this title are located. The hearing shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of lands once reclaimed.

SEC. 303. FILLING VOIDS AND SEALING TUNNELS.—(a) The Congress declares that voids and open and abandoned tunnels, shafts, and entryways resulting from mining constitute a hazard to the public health and safety. The Secretary, at the request of the Governor of any State, is authorized to fill such voids and seal such abandoned tunnels, shafts, and entryways which the Secretary determines could endanger life and property or constitute a hazard to the public health and safety.

(b) The Secretary may acquire by purchase, donation, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

SEC. 304. CONTINUING REVIEW RELATIVE TO WATER QUALITY.—The Secretary of the Interior and the Secretary of Agriculture are directed to develop regulations and conduct a continuing review of mining regions to identify zones or watersheds where previously mined and unreclaimed coal surface mine operations due to erosion, siltation, or toxic discharge present a hazard to water quality and where due to inaccessibility, low land values, or unduly high reclamation costs timely reclamation under sections 301 and 302 is either economically or physically infeasible.

SEC. 305. AID TO STATES FOR RECLAMATION AND REHABILITATION OF NON-FEDERAL LANDS.—(a) In any zone designated under the review process of section 304 in order to assist States and their political subdivisions, soil and water conservation districts, in developing and carrying out within watershed and subwatershed areas plans for works and measures for the reclamation and rehabilitation of non-Federal lands which have been damaged by surface mining and which are presently in a scarred or unreclaimed condition, the Secretary of Agriculture is authorized, upon the request of States:

(1) to provide to the States and soil conservation districts technical assistance by the Soil Conservation Service for developing plans for the reclamation and rehabilitation of such lands, which plans may include works and measures such as revegetation, land smoothing, diversions, grade stabilization and gully-control structures, debris basins, bank sloping, drainage, access roads for maintenance, and any other works, measures, or practices deemed necessary by the Secretary of Agriculture; and

(2) to cooperate and enter into agreements with, and to make grants to and provide other aid as the Secretary of Agriculture deems necessary and appropriate in the public interest to effectuate the purposes of carrying out any such plan that has been approved by the Secretary of Agriculture and the Governor of the State, or his designated representative, subject to such conditions as may be prescribed by the Secretary of Agriculture: *Provided*, That the Federal share of the cost of the reclamation and rehabilitation of any such lands included in an approved plan shall not exceed 75 per centum of the estimated total cost thereof.

(b) The program herein authorized shall apply to the unreclaimed or unrehabilitated lands damaged by surface mining located in States which have heretofore enacted, or shall hereafter enact, legislation requiring reclamation or rehabilitation of lands damaged by surface mining when the Secretary of Agriculture determines that—

(1) significant public benefits will be derived from the reclamation and rehabilitation of such lands;

(2) such lands were damaged by surface mining prior to the date of enactment of this Act, sometimes referred to as "orphan lands"; and

(3) there does not exist a contractual or other legal requirement for the adequate reclamation or rehabilitation of such lands: *Provided*, That the Secretary of Agriculture may carry out a limited program of reclamation of lands damaged by surface mining for demonstration purposes in those States which do not have laws requiring reclamation or rehabilitation of such lands.

(c) The Secretary of Agriculture may require as a condition to the furnishing of assistance hereunder to any owner of lands included in an approved plan that such landowner shall:

(1) enter into an agreement of not to exceed ten years providing for the installation and maintenance of the needed works and measures specified in such plan; and

(2) install or cause to be installed such needed works and measures in accordance with technical specifications as approved by the Secretary.

(d) The Secretary of Agriculture is authorized to prescribe such rules and regulations as he deems necessary or desirable to carry out the purposes of this section.

(e) There is authorized to be appropriated to the Secretary of Agriculture for the purpose of this section $20,000,000 for fiscal year 1975.

TITLE IV—ESTABLISHMENT OF MINING AND MINERAL RESEARCH CENTERS

SEC. 401. ENVIRONMENTAL RESEARCH INSTITUTE FUNDS.—(a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1974 and each subsequent year thereafter sums adequate to provide $100,000 to each of the several States in the first year, $150,000 in the second year, $200,000 in the third year, and $250,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be the tax-supported school of mines or shall have a college or school of mines, or a tax-supported college or university which has or hereafter establishes an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering field: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct or arrange for the conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics and related environmental research, and to provide for the training of scientists, engineers, and technicians in these fields. Such research, investigations, experiments, and training may include, without being limited to, aspects of the supply and demand for various minerals; conservation and the best use of available supplies of minerals; health and safety in mining; improved methods of mineral extraction and exploration; mineral and mining economics; improved methods of mineral production, extraction, and exploration which will reduce and minimize adverse effects upon the environment; and legal, social, geographic, ecological, national defense, land use, and other considerations to help assure satisfaction of the national needs and requirements, in both the short and long term, for minerals and their products, having due regard to the avoidance of unnecessary and unproductive duplication of research being of the Federal and State governments or other institutes receiving support under this Act.

SEC. 402. GRANTS TO STATE INSTITUTES.—To assure that any institute established under this title is adequately equipped to perform mineral resource research and to train individuals in the mineral resource fields, the Secretary of the Interior is authorized to make grants to each institute to pay up to 75 per centum of the cost of purchasing equipment, facilities, and library materials. No portion of any such grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building. There are hereby authorized to be appropriated not to exceed $5,000,000 annually, to remain available until expended, to carry out the purpose of this section.

SEC. 403. PAYMENT OF FUNDS.—Sums available to the States under the terms of this title shall be paid to their designated institutes at such time and in such amounts during each fiscal year as determined by the Secretary of the Interior, and upon vouchers approved by him. Each institute shall designate an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary of the Interior on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary, and the Comptroller General or any of his duly authorized representatives shall have access, for the purpose of review and audit, to the supportive books, records, and other pertinent documents maintained by the grantee in the administration of any grant under this Act. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by action or contingency be found by the Secretary to have been improperly diminished, lost or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 404. AVAILABILITY OF RESEARCH.—No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exced $1,000,000 in any fiscal year.

SEC. 405. RESPONSIBILITY OF SECRETARY OF INTERIOR.—The Secretary of the Interior is charged with administration of this Act, and shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior and other Federal establishments, and shall act as a central clearinghouse for the results of research conducted by the institutes.

SEC. 406. EXISTING RELATIONSHIPS.—Nothing in this Act shall be construed to impair or modify the relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education or training at any college or university.

SEC. 407. PUERTO RICO INCLUDED WITH STATES.—As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

TITLE V—STUDIES OF SURFACE MINING AND RECLAMATION

SEC. 501. STUDY OF RECLAMATION STANDARDS.—(a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an indepth study of current and developing technology for surface mining and reclamation for other minerals and open pit mining designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of the Act cannot be met by current and developing technology; and

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act; *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section $500,000.

Sec. 502. Study of Impact of Federal Control on Contour Surface Mining.—(a) The Chairman of the Council on Environmental Quality is further directed, in conjunction and consultation with the National Academy of Sciences—National Academy of Engineering and such Federal agencies as he shall deem appropriate, to undertake an indepth review of the success and impact of the reclamation and environmental protection standards of this Act as they pertain to contour coal surface mining. The study shall—

(1) assess the impact of contour coal surface mining pursuant to the Act upon water quality;

(2) assess the impact of contour coal surface mining pursuant to the Act upon land value, productivity, and other economic factor in regions where such mining is conducted;

(3) assess the impact of the Act upon and the general development of alternative production techniques, including deep mining, and their relative impact upon the items in (a) (1) and (a) (2).

(b) It shall be the purpose of the study based upon the above data and other available information to evaluate the impact of a ban of all coal contour surface mining upon energy supply, the economy, and the environment.

(c) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than thirty-six months after the date of enactment of this Act.

(d) There are hereby authorized to be appropriated for the purpose of this section $500,000.

Sec. 503. A Study of Means To Maximize Resource Recovery and Minimize Environmental Impacts in Mining for Coal and Other Minerals.—(a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of technologies for increasing the availability of coal and other minerals through improved efficiencies in mining, processing, and recycling in order to reduce environmental and land use impacts of resource recovery.

(b) The study shall, at a minimum—

(1) examine improved surface mining and reclamation techniques including the development of new techniques for surface mining, new applications of known techniques, and the differential impacts of these mining techniques when practiced in different climates and terrains, when used to recover different types of minerals, and in the context of a range of adjacent and subsequent planned land uses;

(2) examine improved underground mining techniques to increase resource recovery and to minimize surface disturbance, including the application of known techniques to new uses, and the development of new technologies for mining, including mining systems that will minimize or prevent the continuous polluting discharge of mine drainage following the cessation of mining activities, and the disposal of deep mine wastes;

(3) in each instance, describe the duration and reversibility of the anticipated impacts, and discuss ways in which mining and reclamation techniques can be adjusted during and after mining to minimize the impacts described. Possible alternatives to these mining and reclamation techniques, if any, shall also be described;

(4) identify alternative geographic sources and mining technologies for various specific commodities, which make possible resource recovery, with the least environmental impact. The study shall also describe the costs and benefits associated with shifting an industry's supply to such sources or technologies; and

(5) describe the specific measures necessary to fully integrate mining operations and reclamation, both in the short and long term, with land use management plans and programs on the State and Federal levels.

(c) After studying the technologies and impacts set forth in subsection (b) above, the study shall also examine and research the development of new mining technologies, or other technological means of increasing substantially the efficiency of mining, mineral processing, and other resource recovery practices. This study shall also include the best estimate of the authors as to the earliest date expected for industrial application of each new technique discussed and the net costs and benefits of implementation compared to present practices.

(d) The study shall examine, for major commodity classes, a range of alternatives to primary resource extraction, including the potential for recycling, salvage, reprocessing, byproduct recovery, material substitution, etc., the potential for Federal policy actions to encourage such actions, and the impact such practices would have on the need for primary extraction and the reduction of consequent environmental impacts.

(e) For all of the above, the study will assess the likely impact of altering present mining and reclamation practices on the supply and demand of various commodities, on labor and capital requirements for the various mining industries, and for various classes of producers within those industries.

(f) The study, together with specific recommendations for Federal and State policy needs and for action by the mining and mineral processing industries including recommended reclamation standards shall be submitted to the President and to Congress no later than three years from the date of enactment of this Act. Interim reports shall be submitted at the end of the first and second years.

(g) There are hereby authorized to be appropriated for the purposes of this section, $3,000,000.

Sec. 504. Indian Lands Study.—(a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purposes of this Act and recognize the special jurisdictional status of these lands.

(b) In carrying out this study the Secretary shall consult with Indian tribes, and may contract with or grant to Indian tribes, qualified institutions, agencies, organizations, and persons.

(c) The study report shall be submitted to the Congress as soon as possible but not later than January 1, 1975.

TITLE VI—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 601. Definitions.—For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Surface Mining, Reclamation, and Enforcement established pursuant to section 202;

(4) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine or surface operations incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal by contour, strip auger, or other form of mining (but not open pit mining); and the cleaning or other processing or preparation (excluding refining and sheltering), and loading for interstate commerce of coal at or near the mine site. Such activities do not include (i) the extraction of coal in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting or (ii) the extraction of coal incidental to extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of mineral removed; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by coal exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

(6) "surface mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations after the date of enactment of this Act;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands held in trust for or supervised by any Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "State Program" means a program established by a State pursuant to section 204 to regulate surface mining and reclama-

tion operations for coal or for other minerals, whichever is relevant, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(12) "Federal Program" means a program established by the Secretary pursuant to section 205 to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant on lands within a State in accordance with the requirements of this Act;

(13) "Federal Lands Program" means a program established by the Secretary pursuant to section 217 to regulate surface mining and reclamation operations on Federal lands;

(14) "Reclamation Plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface mining operations pursuant to section 213;

(15) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(16) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(17) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(18) "permit" means a permit to conduct surface mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(19) "permit applicant" or "applicant" means a person applying for a permit;

(20) "permittee" means a person holding a permit;

(21) "Fund" means the Abandoned Mine Reclamation Fund established pursuant to section 301;

(22) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(23) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are necessary or desirable for reclamation or public recreation purposes; and

(24) "Open pit mining" means surface mining in which (1) the amount of material removed is large in proportion to the surface area disturbed; (2) mining continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain slope stability or as necessary to accommodate the orderly expansion of the total mining operation; (3) the operations take place on the same relatively limited site for an extended period of time; (4) there is no practicable method to reclaim the land in the manner required by this Act; and (5) there is no practicable alternative method of mining the mineral or ore involved.

Sec. 602. Advisory Committees.—(a) The Secretary shall appoint a National Advisory Committee for purposes of this Act. The Advisory Committee shall consist of not more than seven members and shall have a balanced representation of Federal, State, and local officials, and persons qualified by experience or affiliation to present the viewpoint of operators of surface mining operations, of consumers, and of conservation and other public interest groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of the Advisory Committee.

(b) Members of the Advisory Committee other than employees of Federal, State, and local governments, while performing Advisory Committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

Sec. 603. Grants to the States.—(a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act: *Provided*, That such grants shall not exceed 80 per centum of the total costs incurred during the first year; 70 per centum of the total costs incurred during the second and third years; and 60 per centum each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

Sec. 604. Research and Demonstration Projects.—(a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, and training in carrying out the provisions of this Act. In conducting the activities authorized by this section, the Secretary may enter into contracts with, and make grants to qualified institutions, agencies, organizations, and persons.

(b) The Secretary is authorized to enter into contracts with, and make grants to, the States and their political subdivisions, and other public institutions, agencies, organizations, and persons to carry out demonstration projects involving the reclamation of lands which have been disturbed by surface mining operations. Such demonstration projects may include the use of solid and liquid residues from sewage treatment processes.

(c) There are authorized to be appropriated to the Secretary $5,000,000 annually for the purposes of this section.

Sec. 605. Research and Demonstration Projects on Alternative Coal Mining Technologies.—(a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstration projects, and training relative (1) to the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep coal seams, and such other means of mining as may be recommended in the studies authorized under section 503, and (2) to safety and health in the application of such technologies, methods, and means. In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(b) There are authorized to be appropriated to the Secretary $20,000,000 annually for the purposes of this section.

Sec. 606. Grant Authority for Other Minerals.—The Secretary may, when carrying out his responsibilities under sections 603 and 604 of this Act, grant funds and provide assistance to States who presently have a program or are preparing a program which regulates the surface mining of other minerals (including coal) when he determines such State programs effectively control the adverse environmental and social effects of such mining operations.

Sec. 607. Annual Report.—The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act, among other matters, the Secretary shall include in such report recommendations for additional administrative or legisaltive action as he deems necessary and desirable to accomplish the purposes of this Act.

Sec. 608. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary for administration of this Act and for the purposes of section 603 for the first fiscal year after the enactment of this Act, the sum of $10,000,000 and for each of the next two succeeding fiscal years, the sum of $20,000,000.

Sec. 609. Temporary Suspension.—(a) The President of the United States is hereby authorized to suspend for a period not to exceed ninety days any requirement of this Act concerning surface mining and reclamation operations when he determines it necessary to do so because of (i) a national emergency, (ii) a critical national or regional electrical power shortage, or (iii) a critical national fuels or mineral shortage.

(b) Any action by the President pursuant to subsection (a) shall be based upon findings and recommendations of the Secretary of the Interior, the Chairman of the Council on Environmental Quality, and the Chairman of the Federal Power Commission.

(c) Any action taken by the President pursuant to this section shall be followed by a report to the Congress within five days on the nature of the emergency, the action taken, and any legislative recommendations he may deem necessary.

Sec. 610. Other Federal Laws.—(a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–47), or existing State or Federal law relating to mine health and safety, and air and water quality including, but not limited to.

"(1) the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772; 30 U.S.C. 721–740);

"(2) the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);

"(3) the Federal Water Pollution Control Act (79 Stat. 903), as amended, the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality;

"(4) the Clean Air Act, as amended (79 Stat. 992; 42 U.S.C. 1857); and

"(5) the Solid Waste Disposal Act, as amended (79 Stat. 997; 42 (U.S.C. 3251)."

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

(d) Approval of the State programs, pursuant to 204(b), promulgation of Federal programs, pursuant to 205, and implementation of the Federal lands programs, pursuant to 217, shall constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 611. STATE LAWS.—(a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

SEC. 612. PROTECTION OF THE SURFACE OWNER.—(a) Except as provided in subsection (b) of this section, in those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface mining operations the application for a permit shall include the following:

(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface mining operations on such land, or, in lieu thereof,

(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate, which the operation will cause to the crops, or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a local court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

(b) All coal deposits, title to which is in the United States, in lands with respect to which the United States is not the surface owner thereof are hereby withdrawn from all forms of surface mining operations and open pit mining, except surface operations incident to an underground coal mine.

SEC. 613. PREFERENCE FOR PERSONS ADVERSELY AFFECTED BY THE ACT.—(a) In the award of contracts for the reclamation of abandoned and unreclaimed mined areas pursuant to title III and for research and demonstration projects pursuant to section 604 of this Act the Secretary shall develop regulations which will accord a preference to surface mining operators who can demonstrate that their surface mining operations, despite good-faith efforts to comply with the requirements of this Act, have been adversely affected by the regulation of surface mining and reclamation operations pursuant to this Act.

(b) Contracts awarded pursuant to this section shall require the contractor to afford an employment preference to individuals whose employment has been adversely affected by this Act.

SEC. 614. SEVERABILITY.—If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 615. AUTOMATIC INCREASES IN ALLOWABLE PRICE OF COAL.—Notwithstanding any provision of the Economic Stabilization Act of 1970, as amended, the Cost of Living Council or other appropriate delegate of the President shall grant automatic increases in the allowable price of coal which may be charged to users of coal, which shall reflect on a dollar for dollar basis any increases in the cost of producing coal due in whole or in part to the requirements of this Act.

SEC. 616. AVAILABILITY OF FABRICATED STEEL FOR USE IN COAL MINES.—It is the sense of the Congress that the Department of the Interior, the Cost of Living Council, the Office of Preparedness, and the Office of Energy Policy shall take immediate action to increase the supply of fabricated steel available for the manufacture of coal mine roof bolts and roof plates essential to maintaining the operation of coal mines at the level necessary to provide adequate supplies of coal in the immediate future. If necessary, such action shall include granting increases in the price of fabricated steel to a level which will insure the manufacture of sufficient supplies of roof bolts and roof plates.

SEC. 617. (a) ASSISTANCE TO PERSONS UNEMPLOYED AS A RESULT OF THIS ACT.—The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred and shall be reduced by an amount of private income protection insurance compensation available to such individual for such period of unemployment.

(b) The President is authorized and directed to make grants to States to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by any such unemployment, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the employment loss. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

(c)(1) Whenever the President determines that, as a result of any such employment loss, low-income households are unable to purchase adequate amounts of nutritious food, the President is authorized, under such terms and conditions as it may prescribe to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964, as amended, and to make surplus commodities available.

(2) The President, through the Secretary of Agriculture, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the employment loss on the earning power of the households to which assistance is made available under this section.

(3) Nothing in this subsection shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964, as amended, except as they relate to the availability of food stamps in such an employment loss.

(d) The Secretary of Labor is authorized and directed to provide reemployment assistance services under other laws of the United States to any such individual so unemployed. As one element of such reemployment assistance services, such Secretary shall provide to any such employed individual who is unable to find reemployment in a suitable position within a reasonable distance from home, assistance to reallocate in another area where such employment is available. Such assistance may include reasonable costs of seeking such employment and the cost of moving his family and household to the location of his new employment.

(e)(1) The President, acting through the Small Business Administration, is authorized and directed to make loans (which for purposes of this subsection shall include participations in loans) to aid in financing any project in the United States for the conduct of activities or the acquisition, construction, or alteration of facilities (including machinery and equipment) required by the administration or enforcement of this Act, for applicants both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality (including units of general purpose local government) is directly concerned with problems of economic development in such State or subdivision, and which have been certified by such agency or instrumentality as requiring the loan successfully to remain in operation or at previous levels of employment

(2) Financial assistance under this section shall be on such terms and conditions as the President determines, except that

(A) no loan shall be made unless it is determined that there is reasonable assurance of repayment;

(B) no loan, including renewals or extension thereof, may be made hereunder for a period exceeding thirty years;

(C) loans made shall bear interest at a rate determined by the Secretary of the Treasury but not more than 3 per centum per annum;

(D) loans shall not exceed the aggregate cost to the applicant of acquiring, constructing, or altering the facility or project;

(E) the total of all loans to any single applicant shall not exceed $1,000,000; and

(F) the facility or project has been certified by the regulatory authority as necessary to comply with the requirements of this Act.

(f) Where the loss, curtailment, removal, or closing of any industrial or commercial facility resulting from the administration and enforcement of this Act causes an unusual and abrupt rise in unemployment in any area, community, or neighborhood, the Small Business Administration in the case of a nonagricultural enterprise and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has the potential to be a major source of employment for a substantial period of time in such area, a loan in such amount as may be necessary to enable such enterprise to assist in restoring the economic viability of such area, community, or neighborhood. Loans authorized by this section shall be made without regard to limitations on the size of loans which may be otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(g) The President is authorized to make grants to any local government which, as a result of the administration and enforcement of this Act, has suffered a substantial loss of total revenue (including both real and personal property tax revenue). Grants made under this section may be made for the tax year in which the loss occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all revenues received by the local government during the three-tax-year period immediately preceding the tax year in which such loss occurred and the actual revenue received by the local government for the tax year in which the loss occurred and for each of the two tax years following such loss but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of such loss without reduction, in order to determine the revenues which would have been received by the local government but for such reduction.

(h) Any owner or operator of a surface coal mine, or employee (or former employee) of a surface coal mine, who would otherwise be eligible for assistance under this section, in lieu of such assistance may utilize the preference accorded in section 613 of this Act in receiving contracts or employment in the conduct of reclamation activities authorized by section 302 of this Act.

(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) The Secretary shall report to the Congress on the implementation of this section not later than thirty months after the enactment of this Act, and annually thereafter. The report required by this subsection shall include an estimate of the funds which would be necessary to implement this section in each of the succeeding three years.

(k) The Secretary shall report to the Congress not later than July 1, 1976, on the impact of the administration and enforcement of this Act on owners or operators of firms with gross capital values of less than $500,000, together with a recommendation on a program granting relief to such owners or operators for losses in capital value sustained as a consequence of the administration and enforcement of this Act.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, we have just passed a very complex and complicated piece of legislation. It was my privilege to preside over the hearings and most of the markup—a sort of catalyst. I want to pay tribute especially to the staff of the Interior and Insular Affairs Committee who participated in the legislation. Going through the committee prints, we found time after time that a staff amendment was recommended, was approved, and was clarifying and more definitive than the original legislation.

I want especially to commend Mike Harvey, who was special counsel for the committee, Fred Craft, assistant minority counsel, and Lucille Langlois, of the committee staff.

I want to emphasize that this is a consensus bill. It was a bill that the Senator from Washington (Mr. JACKSON) introduced. It is his basic legislation. He was supported with complete and thorough cooperation at all times—but not with complete acquiescence—by the Senator from Arizona (Mr. FANNIN).

This is not a majority-minority bill or a Democratic-Republican bill; every member of the committee worked and participated in putting this complex and complicated piece of legislation out.

I do not think enough tribute can be paid to the whole group of members of the Senate Committee on Interior and Insular Affairs. They stayed, they participated in the markup, they held a quorum even when the Republicans were sometimes completely outvoted on party line votes. Everyone wanted the legislation. Not enough praise can be given, especially to the minority, for the work they have done in making this piece of legislation an accomplished fact.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in accordance with the requirements of paragraph 1, rule 5 of the Standing Rules of the Senate, that the Senator from Nevada (Mr. CANNON) be granted leave of absence from the Senate today. He is attending the funeral of a close friend and associate at Reno, Nev.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the distinguished Senator from Alabama (Mr. ALLEN) is recognized on tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON WAR POWERS CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on the war powers bill is called up and made the pending business before the Senate, there be a time limitation thereon of 3 hours to be equally divided between the Senator from Missouri (Mr. EAGLETON) and the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON AGRICULTURAL APPROPRIATIONS CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on the agricultural appropriations bill is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours to be equally divided between the Senator from Maine (Mr. MUSKIE) and the Senator from Wyoming (Mr. McGEE). This meets with the approval of the ranking minority member, the Senator from Hawaii (Mr. FONG).

I further ask unanimous consent that there be an option, upon the expiration of that time, of an additional hour to be equally divided in the same way.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON USIA CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the USIA conference report is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour to be equally divided between the distinguished majority leader and the distinguished minority leader or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF AGRICULTURAL APPROPRIATIONS CONFERENCE REPORT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the routine morning business, the Senate proceed to the consideration of the conference report on the agricultural appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON WAR POWERS BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of the conference report on the agricultural appropriations bill tomorrow, the Senate proceed to the consideration of the conference report on the war powers bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY, OCTOBER 11, 1973, AT 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 12 o'clock noon on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 11 a.m. tomorrow.

The Senator from Alabama (Mr. ALLEN) will be recognized for not to exceed 15 minutes, after which there will be routine morning business for a period of not to exceed 15 minutes, with the usual 3-minute limitation on statements therein.

After conclusion of the routine morning business, the conference report on H.R. 8619, the agricultural appropriations bill, will be taken up under a time limitation.

Upon the disposition of the agricultural appropriations conference report, the Senate will take up the conference report on House Joint Resolution 542, the war powers bill, under a time limitation.

Other conference reports, together with any legislative measures cleared for action, may be called up.

Yea-and-nay votes will occur during the day.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 6:44 p.m., the Senate adjourned until tomorrow, Wednesday, October 10, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 9, 1973:

IN THE PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. For permanent promotion:

MEDICAL DIRECTOR

Harry Allen
Samuel Baron
William K. Carlile
Frederick Dykstra
George G. Glenner
Lloyd Guth
Harold E. Hall
Peter V. Hamill
F. Gentry Harris
Stephen J. Herbert
M. Walter Johnson
James C. King
Frank E. Lundin, Jr.
Frank R. Mark
Donald M. Mason
Harry M. Meyer, Jr.
William C. Mohler
Stuart H. Mudd
Lewis E. Patrie
R. Gerald Suskind
Eugene T. van der Smissen

TO BE SENIOR SURGEON

N. Burton Attico
Gerald D. Aurbach
Vincent H. Bono, Jr.
Richard L. Brent
Bertram S. Brown
Willard R. Brown
Paul P. Carbone
John L. Cutler
Delbert H. Dayton, Jr.
Vincent A. Discala
S. Paul Ehrlich, Jr.
W. King Engel
Leland Fairbanks
James P. Fields
Lorenzo Guzman
John H. Hammann
Alfonso H. Holguin
Robert L. Kaiser
Leonard J. Karlin
James H. Kauth
Edward L. Michals
Bayard H. Morrison III
Winsor V. Morrison
John B. Muth
Richard I. Myers
Ernest V. Nau
Milton Z. Nichaman
Stuart C. Nottingham
Michael Ogden
Gerald H. Payne
James K. Penry
H. McDonald Rimple
James A. Rose
Wesley W. Sikkema
Richard A. Smith
Dean F. Tirador
Robert C. Vander Wagen

TO BE SURGEON

James M. Andre
Alberto Arrillaga
Gerald D. Buker
Glyn G. Caldwell
David J. Harris
Allan S. Hild
Charles J. Hudson
Jerry M. Lyle
Frank L. Mitchell
Daniel W. Nebert
William W. Niemeck
Thomas J. Porter
Lee M. Schmidt
Albert T. Snoke

TO BE DENTAL DIRECTOR

John C. Greene
Edward J. McCarten
James J. McMahon
Kenneth T. Strauch
John D. Suomi

TO BE SENIOR DENTAL SURGEON

Stephen J. Garza
Alfred Hamel
James E. Hamner III
Joe T. Hillsman
Herschel S. Horowitz
Phillip K. Humphreys
Samuel Kakehashi
Kenneth C. Lynn
James A. McTaggart
Joseph P. Moffa, Jr.
Dale W. Podshadley
Donald C. Reel
Charles R. Robinson
Charles D. Sneed
George B. Spruce, Jr.
Theodore G. Strenski
Leo Trusewitsch
Daniel F. Whiteside
Robert O. Wolf

TO BE DENTAL SURGEON

John P. Clark
Jerry L. Dickson
Robert P. Fogarty
Stephen Gobel
Gene F. Grewell
Jerry L. Gribble
John H. Nasi
Michael W. Roberts
John P. Short
Harry D. Smole
James B. Sweet
George T. Ward
Steven A. Weiss

TO BE NURSE DIRECTOR

Mary G. Damian
Eileen G. Jones
A. Naomi Kennedy

TO BE SENIOR NURSE OFFICER

Marion N. Keagle
Agnes M. Newell

TO BE NURSE OFFICER

Katherine A. Callaway

TO BE SANITARY ENGINEER DIRECTOR

Frederick A. Flohrschutz, Jr.
Ernest D. Harward
George F. Mallison
Donald W. Marshall
E. Munzer
Francis L. Nelson
Gene B. Welsh

TO BE SENIOR SANITARY ENGINEER

Thomas N. Hushower
Paul A. Kenline
Delbert A. Larson
Leroy G. Martin
John D. Weeks

TO BE SANITARY ENGINEER

Robert L. Bolin, Jr.
William L. Brinck
John D. Clem
Jackie Demarco
Clyde J. Dial
Leslie M. Dunn
Tommie E. Flora
Walter E. Gundaker
Michael E. Jensen
Raymond H. Johnson, Jr.
William F. Johnson
Richard Liberace
Edwin C. Lippy
Troy Marceleno
Billy F. Martin
James C. Meredith
F. Warren Norris, Jr.
Donald T. Oakley
James G. Payne, Jr.
Fred M. Reiff
Claude A. J. Schleyer
Roger T. Shigehara
Chester L. Tate, Jr.
James E. Warren

TO BE SENIOR ASSISTANT SANITARY ENGINEER

Herbert J. Caudill
Ted W. Fowler

TO BE SCIENTIST DIRECTOR

Frank D. Arnold
William J. Beck
Ibrahim J. Hindawi
W. Daniel Sudia
Gerald C. Taylor

TO BE SENIOR SCIENTIST

Richard L. Blanchard
Richard W. Gerhardt
Stanley Glenn
George R. Healy
Billie E. Jones
Fortune V. Mannino
Jerome S. Miller
Peter B. Smith
Conrad E. Yunker

TO BE SCIENTIST

Ashley Foster

TO BE SANITARIAN DIRECTOR

Raymond A. Belknap
William F. Bower
Edison E. Newman
Kenneth L. Pool
Warren V. Powell
George E. Prime

TO BE SENIOR SANITARIAN

Ramon E. Barea
Gerald D. Brooks
John L. Dietemann
Gerald I. Goldschmidt
Harold E. Knight
David S. Reid
J. W. Stacy
Charles S. Stanley
Robert A. Stevens
William F. Sundin
Robert W. Wilson

TO BE SANITARIAN

William S. Clinger
Orin O. Evans
Conrad P. Ferrara
F. Gene Headley
William E. Knestis
Eugene W. Lewis
Jon R. Perry
Donavan C. Shook
Theodore A. Ziegler

TO BE VETERINARY DIRECTOR

John E. Lynn
Richard E. Stanley
James F. Wright

TO BE SENIOR VETERINARY OFFICER

Robert P. Botts
Jose R. Held
Roy F. Kinard, Jr.
Paul D. Lambert
Carl E. Miller
Wellington Moore, Jr.
Carl D. Olsen
Robert K. Sikes
Jerry F. Stara
Raymond D. Zinn

TO BE VETERINARY OFFICERS

James W. Ebert
John G. Orthoefer

TO BE SENIOR PHARMACIST

Edgar N. Duncan
Donald B. Hare

TO BE PHARMACIST

Gordon R. Aird
Emil L. Cekada
Joseph H. Deffenbaugh, Jr.
John T. Gimon
Sydney H. Hamet
Samuel C. Ingraham III
Kent T. Johnson
Jackie L. Knight
Jules M. Meisler
James E. Mills
Richard A. Moss
Andrew J. Passeri, Jr.
William H. Peterson, Jr.
Francis A. Quam
Robert J. Schollard

TO BE SENIOR ASSISTANT PHARMACIST

Tillman H. Hughes
William C. Robinson
Joseph C. Whitaker

TO BE DIETITIAN DIRECTOR

Lois G. Robinson

TO BE SENIOR DIETITIAN

Esther C. Namian
Audrey J. Paulbitski

TO BE DIETITIAN

Barbara H. Dennis

TO BE THERAPIST DIRECTOR

John R. Desimio
Jean M. Gosselin
Howard A. Haak

TO BE SENIOR THERAPIST

John L. Echternach
Norma J. Ewan
Michael J. Oliva
Donald E. Shipley

TO BE THERAPIST

William W. Haley
Donald S. Henderson
Jonathan T. Spry
Leonard A. Stone

TO BE SENIOR ASSISTANT THERAPIST

Robert E. Mansell

TO BE HEALTH SERVICES DIRECTOR

Daniel A. Hunt
Lucia N. Mason
Roberta E. Peay
Clarence F. Szwed
James L. Verber

TO BE SENIOR HEALTH SERVICES OFFICER

Martha G. Barclay
Karst J. Besteman
Lawrence D. Burke
Dwight W. Glenn
Isom H. Herron III
Carol A. Lewis
Joseph K. Owen
Pauline N. Rabaglino
John F. Roatch
Chandler C. Waggoner

TO BE HEALTH SERVICES OFFICER

Harold A. Bond
Joseph A. Brennan, Jr.
William J. Brown
David W. Callagy
James E. Davis
David L. Duncan
Stanley A. Edlavitch
Barbara A. Maxwell
Bert L. Murphy
Edward B. Radden
Elmer G. Renegar, Jr.
Carolyn Rolston
Edwin P. Yarnell

HOUSE OF REPRESENTATIVES—*Tuesday, October 9, 1973*

The House met at 12 o'clock noon.

Rev. Vernon N. Dobson, Union Baptist Church, Baltimore, Md., offered the following prayer:

O God, we take too seriously our problems and too lightly the affliction of others.

In these deliberations, help us to help the helpless, the bruised and burdened, the aged and afflicted, little children who have no lobby and their mothers.

Stab us fiercely with the sense that our votes may be the difference between a person eating or starving, being ignorant or educated; having the opportunity to vote or not to vote.

And should we fail them, never fail to demand that we seek an excellence for which we were made but may never know.

Lest our feet stray from the places our God where we met Thee; lest in our hearts drunk with the wine of the world we forget Thee, shadowed beneath Thy hand, may we forever stand firm.

True to Thee God, our Rock and our Redeemer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on October 4, 1973, the President approved and signed bills of the House of the following titles:

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes;

H.R. 8917. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and

H.J. Res. 753. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate passed without amendment bills of the House of the following titles:

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.A. 1462. An act for the relief of John R. Poe;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe; and

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested. bills of the House of the following titles:

H.R. 1321. An act for the relief of Mrs. Dominga Pettit;

H.R. 5106. An act for the relief of Flora Datiles Tabayo; and

H.R. 8877. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8877) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. EAGLETON, Mr. YOUNG, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BROOKE, Mr. STEVENS, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 278. An act for the relief of Manuela C. Bonito; and

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 795) entitled "An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1141) entitled "An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special gold and silver coins commemorating the Bicentennial of the American Revolution, and for other purposes."

The message also announced that the Senate had passed bills and joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 205. An act for the relief of Jorge Mario Bell;

S. 798. An act to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes;

S. 912. An act for the relief of Mahmood Shareef Suleiman;

S. 1064. An act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification;

S. 1075. An act for the relief of Imre Pallo;

S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia;

S. 1852. An act for the relief of Georgina Henrietta Harris;

S. 1871. An act to amend the Youth Conservation Corps Act of 1972 (Public Law 92–597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes;

S. 2399. An act to amend title 44, United States Code, to provide immunity for the

Government Printing Office, the Public Printer, and other officers and employees of the Office;

S.J. Res. 99. Joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week";

S.J. Res. 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol;

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; and

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document.

The message also announced that Senator HARRY F. BYRD, JR., was appointed as an additional conferee on H.R. 9286, authorizing funds for military procurement for fiscal year 1974, and that Senator HOLLINGS was appointed as an additional conferee on House Joint Resolution 727, making further continuing appropriations for fiscal year 1974 until the sine die adjournment of this session of Congress.

THE REVEREND VERNON N. DOBSON

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, the morning prayer was given by Rev. Vernon N. Dobson, minister of the Union Baptist Church, Baltimore, Md.

The highest tribute that can be given any man is to simply say, "He is a man." Reverend Dobson is a man but more than that, he is an experience in which strength and humility, compassion and pride, belief and commitment are intertwined.

In the city of Baltimore and in the State of Maryland, throughout the years, Vernon Dobson has provided leadership to every movement designed to benefit blacks, the poor, the oppressed, and the exploited. He has recognized that we cannot stand aloof from the political process and out of that recognition and the selfless giving of himself we have gained political victories. I am positive that I also speak for Judge Joseph C. Howard of the Supreme Bench of Baltimore when I say that his election to the court and my election to the House of Representatives would not have been made possible without the guidance and direction of Reverend Dobson. He has sought to introduce the essential moral and ethical religious experience into the body politic of the city of Baltimore and the State of Maryland. This man is reviled in some quarters because of his unyielding advocacy on behalf of blacks, necessitous people, and victims of political, social, and economic exploitation, but in far, far many more quarters he is revered and loved because he gives himself, the whole man, to the cause of a common humanity. He is a man. He is indeed my brother whom I love.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. MAHON, WHITTEN, PASSMAN, NATCHER, FLOOD, SMITH of Iowa, CEDERBERG, RHODES, MICHEL, and CONTE.

SENSE OF THE HOUSE REGARDING MIDDLE EAST HOSTILITIES

Mr. O'NEILL. Mr. Speaker, on behalf of the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD) and myself, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 582

Resolved, That it is the sense of the House that we deplore the outbreak of the tragic hostilities in the Middle East and that we support the use of the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and, further, that the House expresses its hope for a more stable condition leading to peace in that region.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, this resolution, as I understand it—and there are no copies available other than those to be found in the CONGRESSIONAL RECORD of this morning—contains this provision: "and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities."

Has this House ever approved a resolution calling upon Israel's military forces to go back to the lines they occupied prior to the 6-day war?

Mr. O'NEILL. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the distinguished majority leader.

Mr. O'NEILL. Well, actually I really cannot answer that question, because I really do not know, but I do know that this was, as you know, filed in the Senate yesterday and passed that body unanimously, and the gentleman from Michigan and I have offered it.

Mr. GROSS. What the other body does by way of a resolution of this nature is one thing; what we in the House do is another.

Is this resolution subject to amendment?

Mr. O'NEILL. Well, I really cannot answer that, either.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is this resolution subject to amendment?

The SPEAKER. If the unanimous consent request for consideration of the resolution is granted and the previous question is not ordered, it is subject to an amendment being offered.

Mr. GROSS. Mr. Speaker, there is no copy of the resolution available to us other than the resolution as read by the Clerk. None of the Members, other than the leadership, have a copy of it. I have no way of knowing where to offer a written amendment. Adoption of an amendment to strike out the language which I have read would make it acceptable to me, but any resolution containing language that the Arabs go back to the positions they occupied as of the day hostilities started is unacceptable in view of the fact that this House never insisted after the 6-day war, that Israel, which started that warfare, return to its former positions.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. I think that the aim of this resolution and particularly that specific language is to achieve a cease-fire, and the best temporary basis for that is to reestablish the boundaries that existed at the time the hostilities began 3 or 4 days ago. Once that has been achieved, that is, the cease-fire and the reestablishment of those boundaries, then the aim would be to seek the permanent negotiated settlement which everybody has been striving for over a long period of time.

It seems to me, in the light of what I understand General Dayan recently said, for example, that these lines that were in existence prior to the recent outbreak are not necessarily the lines that would end up in the permanent negotiated settlement. Therefore, in order to achieve the cease-fire and end the fighting, this is the only practical way to draw those boundary lines at this time.

I would hope that the gentleman—and I know he is as interested as I am or anyone else is in achieving a cease-fire—will see that this is the most practical way to indicate our intention at the present time.

Mr. GROSS. I do not agree with the gentleman that this resolution in its present form is the only way we can deplore the outbreak of hostilities in the Middle East. Let us now deal with an even hand. If we are going to establish conditions let us say to both sides that they go back to the territories they occupied after the 6 days of previous hostilities in 1967.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I should

like the record to show that by agreeing to the resolution we are really supporting the position that was taken by the President of the United States, and the Secretary of State, Mr. Kissinger, already on this, and that we do not want to set exactly any lines, because all of the lines are still subject to negotiations, and the other lines have been in existence for many, many years. We are merely supporting the President of the United States and the Secretary of State, Mr. Kissinger, in their actions, and with what they are trying to accomplish over the weekend.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the resolution does not state what the position of the United States will be ultimately. The resolution, as it appears in the record, simply urges the parties to go back to the lines they occupied prior to the start of current hostilities, in order that negotiations might begin for an ultimate peace. This does not commit the United States to any position.

Mr. GROSS. It does commit the Members of this House if they vote for the resolution as supporting this kind of a settlement because it says:

> . . . and the return of the parties involved to the lines and positions occupied by them prior to the outbreak of current hostilities, . . .

Mr. YATES. As a temporary step, as a basis for negotiations for a permanent peace.

Mr. GROSS. That is not what the resolution says.

Mr. YATES. But we are making that kind of legislative history in support of the resolution in the dialog between the gentleman from Iowa and myself.

As I understand the purpose of the resolution it is that the parties shall go back to their starting positions, and that then they can start negotiating toward settlement for bringing peace to the Middle East. On the basis of this conversation I believe that that can be read into the resolution.

Mr. GROSS. Let me ask the gentleman a question.

Mr. YATES. The gentleman certainly may ask me a question.

Mr. GROSS. A question to which I did not receive an answer earlier. That is: Did this House ever pass a resolution saying to Israel that it should withdraw its forces to the lines and positions established prior to the 6-day war?

Mr. YATES. I am not sure whether the House has done that. I think the House has passed a resolution in support of the United Nations resolution of May, 1967, but I do not know whether the House has gone beyond that in the way the gentleman interrogates.

Mr. GROSS. I would support this proposal as a sense of the House of Representatives resolution with the language to which I have referred stricken from it. I cannot support the resolution when it in effect directs the Arabs to withdraw from the positions they now occupy rather than the positions they occupied prior to the outbreak of hostilities. I want to deal evenhandedly with both sides in this situation in the Middle East, and there is no way that can be done with the present language in the resolution.

Mr. YATES. Will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that the purpose of the resolution is to have the parties return to the lines they occupied prior to the outbreak of the current hostilities. This would place the Israelis where they were at that time and the Arabs where they were. Any other position would further complicate the picture. This is an even-handed approach.

Mr. GROSS. On one hand, you take no exception, you do not object to Israel taking over territory, you do not protest that, but you do protest in this case the Arabs recapturing their own lands by insisting they go back to the lines they occupied prior to the current hostilities before negotiations can begin.

Let us deal evenhandedly with both sides in this or any other resolution.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, it has been stated in some reports that the Israelis may have crossed over to the other side of the Suez Canal. Would the gentleman not want the Israelis to come back to the east side of the Suez Canal?

Mr. GROSS. Let that be a matter of negotiation.

Mr. WOLFF. That is what we are trying to do.

Mr. GROSS. Let that be a matter of negotiation. Moreover, that is only a report, as the gentleman says; is that not true?

Mr. WOLFF. That is correct.

Mr. YATES. If the gentleman will yield further, I think that that report has been substantiated.

But the point we are trying to make——

Mr. GROSS. I do not know that that is correct. I have seen pictures of the pontoon bridges where the Egyptians crossed the Suez Canal. I have seen photographic evidence of that.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, it seems to me we are in agreement with what the gentleman wants seeking negotiations for peace. This resolution moves in that direction.

Mr. GROSS. Let us just take out this language, and I am sure we can agree. At least, I can. But I am not about to support a resolution that says to the Egyptians in this case that they are to return to the positions they occupied prior to the opening of their hostilities when no such requirement was made upon Israel in their conquest of a very substantial amount of territory after the 6-day war in 1967.

Mr. YATES. Mr. Speaker, the purpose of the resolution is to provide a basis for the parties to start negotiations. Requiring Israel to return to the pre-1967 boundaries is a move away from negotiation and peace. Such a move would place Israel's survival in jeopardy.

Mr. GROSS. Why should we establish the basis for it here? That is up to the principals in their negotiations.

Mr. YATES. I agree with that. That is the reason for directing them to return to the boundary lines. That was the purpose of it, may I say to the gentleman from Iowa. The gentleman's position would do away with any reasons for negotiations. He would grant the Arab position without any discussion or agreement.

Mr. GROSS. I would suggest to the gentleman from Illinois that we try to work out some arrangement whereby this resolution can be amended. I am perfectly willing to go back to it later today if given the opportunity to offer an amendment.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, my position is I should like to follow along and be consistent with what the President of the United States and the Secretary of State are trying to do at the present time.

Mr. GROSS. I am not sure what the President and the Secretary of State are trying to do at the present time. Certainly I do not think we have to be consistent with the other body in approving a bad resolution.

Mr. Speaker, I deplore the fact that fighting has broken out in the Middle East. I hope that hostilities end immediately and peace is promptly established. In those respects I agree with the resolution.

I do not believe it is the business of the Congress of the United States to lay down any of the terms or conditions. I supported the so-called Gulf of Tonkin resolution and I will always regret my vote for it. I do not intend to again make that mistake.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

APPOINTMENT OF CONFEREES ON H.R. 8877, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa, Casey of Texas, Patten, Obey, Mrs. Green of Oregon, Messrs. Mahon, Michel, Shriver, Conte, Robinson of Virginia, and Cederberg.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development, for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FISCAL YEAR 1972 REPORT, NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

To the Congress of the United States:

I am transmitting herewith the National Capital Housing Authority's fiscal year 1972 report which summarizes the major steps taken during that period to supply public housing for the citizens of the District of Columbia.

Richard Nixon.

The White House, *October 9, 1973.*

1972 ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–122)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

To the Congress of the United States:

The 1972 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

Richard Nixon.

The White House, *October 9, 1973.*

THE WAR IN THE MIDDLE EAST

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, once again, we see the Middle East plunged into brutal and unnecessary warfare. Once again, the best efforts of international diplomacy have yielded to unreasoning hatreds, and innocent people go to their deaths for it.

There will be no winner in this latest series of battles between Israel and its enemies, no matter which side is forced to give ground. Death and destruction make losers of us all, just as they do for those persons who will die or be maimed in the actual fighting.

I, of course, support the resolution offered by the gentleman from Massachusetts, our majority leader (Mr. O'Neill) and the resolution offered by Mr. Lehman of Florida. It is the least this Government can do to help Israel repel yet another invasion of its territory.

The hopes and dreams of a better life for all the persons of the Middle East cannot ever be realized until some way is found to maintain a permanent peace in that part of the world.

We must help find a way that will force all political leaders everywhere to realize that aggression is not the way to stability.

I urge President Nixon to do everything within his power, as I know he is doing, to halt this latest outbreak of fighting as quickly as possible. But when that is accomplished, I would hope that in some way the assembled nations of the world could find a way to force the nations of the Middle East to live without constant fighting, and sit down together to work out their differences without ouside interference, which Israel has sought these many years. I do not expect miracles, and there is no way to force people to like what must be done. But it is in the interests of all people everywhere to halt war. Nowhere is it more important than in the Middle East.

ISRAEL ONCE AGAIN IN COMBAT FOR ITS SURVIVAL

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, once again the State of Israel is locked in combat for its survival. It is hard to find words to express our revulsion that the attack against this State occurred on Yom Kippur, the most sacred day in the Jewish calendar.

The U.S. representatives at the United Nations have done well in calling for a cease-fire on the lines of October 4 and I trust that the administration will continue to maintain that position.

But more action is needed. There is evidence that the fight so far has been hard. The Soviet-supplied SAM missiles have been effective against the Israeli planes. It is urgent that the United States should speed delivery to Israel of the planes we have already agreed to supply them with.

I would support the gentleman from Florida (Mr. Lehman) in a resolution he will offer calling for such urgent delivery and for loans of those planes we have contracted to deliver but which have not yet been constructed.

It is important that we maintain the position that direct negotiations between the Arabs and Israelis will represent the solution to the conflict. The proposal offered by the gentleman in the other body, the chairman of the Foreign Relations Committee, is wholly unrealistic and deserves no support.

Mr. Speaker, the following is the text of a telegram which I sent to the President on this urgent matter today:

President Richard M. Nixon,
The White House,
Washington, D.C.:

The despicable attack by Egypt and Syria on Israel requires strong and immediate action by the United States. Your efforts in the United Nations to obtain a cease-fire and a return to the October 4, 1973, lines are commendable, but the present make-up of the Security Council makes effective actions by that body unlikely. The United States must make sure that Israel continues to have sufficient planes, tanks and other military equipment so as to be able to repel the Arab aggression and to defend the security of Israel in the future. To that end I have joined with a number of my colleagues in urging that deliveries of American planes and tanks already contracted for be speeded up. The completed Phantom and Skyhawk jets should be delivered immediately. As for those planes which are contracted for but which have not yet been built the United States should make equivalent planes available on a loan basis from our existing stocks.

Congressman Jonathan B. Bingham.

The GREAT PROTEIN ROBBERY: NO. 5

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, on June 13, I introduced a bill, H.R. 8665, to extend U.S. fisheries jurisdiction to cover coastal species out to 200 miles from our coast, and to cover anadromous species such as salmon throughout their migrations, except in the territorial seas and fishing zones of other nations. This bill was filed simultaneously in the Senate by Senator Warren G. Magnuson of Washington. This legislative action was taken in direct response to a current and urgent crisis—the serious depletion of our marine resources by steadily increasing foreign fishing in the waters off our coasts.

This bill is designed as an interim measure, pending international agreement on expanded fisheries jurisdiction at the upcoming United Nations Law of the Sea Conference. In view of the difficulty of international negotiation, and recognizing that a period of several years will pass after signature of the agreement before it will be ratified and thereby enter into force, I believe it is imperative to establish, in the interim, effective conservation measures to protect and preserve our protein-rich marine resources.

It is important to realize that H.R. 8665 would not extend our territorial sea, nor would it affect merchant trade, navigation, or any other rights that now exist under international law. But it most definitely would allow us to regulate foreign fishing in our coastal waters and preserve our marine resources as an essential source of protein for years to come for all the people of the world. This legislation, in short, would stop the great protein robbery by massive foreign fleets occurring right now off our shores.

BANKING AND CURRENCY COMMITTEE APPROVES AUDIT OF THE FEDERAL RESERVE SYSTEM

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, last Thursday, on a 21-to-8 vote, with 4 voting present, the Banking and Currency Committee reported out a bill calling for a full audit of the Federal Reserve System by the General Acounting Office. This a major step forward in requiring accountability by the Nation's monetary managers.

It has been a longstanding disgrace that this agency, which handles billions of dollars of public moneys annually, has been exempt from the scrutiny of any outside audit for so many years. The members of the committee have made a highly commendable move in protecting the public's right to know in this most vital area of Government operations.

The efforts to gain an audit have been in the face of emotional and, at times, unreasoning, opposition from the banking community and the Federal Reserve Board. They have been able to block it for many years, but at long last we are getting broad support for an audit.

Mr. Speaker, I am hopeful that the House will ratify the committee's action. Approval by the Congress will lift a veil of secrecy that has shrouded the Federal Reserve System for 60 years.

It is nothing short of amazing that this agency has been able to shut out the GAO and maintain this deep secrecy in view of the magnitude of public moneys which it handles.

The 20 bond dealers who handle the Federal Reserve's Open Market Committee operation deal in more than $738 billion in Government securities annually—three times the volume of the New York Stock Exchange and yet we have left all of this unaudited.

THE MILITARY ALL-VOLUNTEER CONCEPT—SIXTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, to continue my 1 minute, I have noticed that Israel has completely mobilized its reserve units, but back here in the United States Fred Hoffman of the Associated Press has filed a story that the Pentagon has started another study on ways and methods to make further cuts in the Reserve and National Guard.

Col. Jake Carlton, of the Reserve Officers Association, in a press release said the cuts in the Army Reserve and the Army Guard could be as much as 48,000 personnel.

There is another study in the Pentagon to eliminate nine Air Guard squadrons and to disband the Naval and Marine Reserve Aviation program. In the Senate there has been talk of legislation to let the Air Guard absorb the Air Reserve.

Mr. Speaker, in my opinion one of the best buys the taxpayers receive is a well trained guardsman and reservist. On the average we pay him for about 63 days of training a year.

Mr. Speaker, we need another study by the Pentagon about as much as I need another hole in my head.

AN ATTACK UPON CONGRESS

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I rise to respond to an attack upon the integrity of the Congress of the United States this past Sunday on "Face the Nation."

To respond to such a ridiculous charge may be thought by many to lend substance to its utter fiction.

But to debase the institution of the Congress of the United States by charging that it is controlled by some "sinister external Zionist force" is to impair the entire Congress' credibility and challenge individual Members patriotism.

At a time when this Nation still suffers the trauma of a recent war and at a time when the institution of the Executive is perched precariously as it is, for one to further weaken public faith in the Congress, the last hope of the people, stands as an act of irresponsibility and wanton disregard for the best interests of this Nation.

PREJUDICE IN THE U.N.

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the United Nations, which seldom takes actions worth noting, is maintaining its reputation for negativity. Outside of voting against U.S. objectives, which it does frequently, it has little that can be called consistent policy.

The U.N. supervises some world organizations which have made creditable accomplishments. They probably could be carried on as well without the topheavy overhead of the U.N. This we should explore. We are hooked on minimum payments of 25 percent to U.N. costs, however exorbitant they may be. Neither the administration nor the leadership in Congress has shown a disposition to cut the amount of these payments. Taking the world organizations such as those on food and children out of the U.N. would be a way to insure savings.

The U.N. now has another opportunity to take a firm stand on bringing peace to the Middle East. Additional platitudes are anticipated but the U.N. is almost certain to take no meaningful steps.

Last week, the delegations of 101 of the U.N.'s 134 member states walked out when South Africa's foreign minister delivered a speech. This rank show of prejudice does little to improve confidence in the U.N. It is simple courtesy to hear out a speaker, even when you do not agree with him. Prejudice in the U.N. is out of place.

Until the U.N. begins to measure up to the responsibilities entrusted to it, where is there justification for refusals to look seriously at its reason for being?

ARAB-ISRAELI CONFLICT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, in the last few days there has occurred an act of aggression of which the whole world cannot fail to take notice, the attacks on the forces of Israel. This war was not of Israel's will or initiative and the peace was shattered on Israel's holiest day, Yom Kippur, the Day of Judgment.

The fact that this was a surprise attack on Israel has been very costly to Israel. In these just 4 days of war, the Israel Embassy has just informed me the was has cost Israel $1 billion. In other words, one-fifth of the entire annual gross national product of Israel has gone down the drain there for 4 days of war.

The Israelis need help. This attack by Egypt and by Syria and by the various other Arab nations that joined with them is not a limited attack. It is obvious that the Arabs seek to gain back all their territorial losses and to destroy Israel if they can.

Syria and Egypt have committed all their forces; all are amassed at the battle line, and the one country which can give Israel help is the United States.

This Congress and the entire American community has no alternative but to give all the help to Israel that it possibly can. The survival of Israel, the spiritual home of 16 million of the world's most gifted people, is now at stake.

ARAB-ISRAELI CONFLICT

(Mr. MEZVINSKY asked and was given permission to address the House for 1 minute, to revise, and extend his remarks and include extraneous matter.)

Mr. MEZVINSKY. Mr. Speaker, I strongly support all efforts to bring an immediate halt to the senseless bloodshed in the Middle East and a return to the 1967 cease-fire lines. I urge the administration to continue its efforts to convince all parties involved of the necessity of face-to-face negotiations. Warfare and propaganda have failed again and again to resolve this dispute. The time for negotiation is long past due.

PIPELINE CONFERENCE COMMITTEE

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, progress is gradual on the pipeline conference committee. There are differences of vast amounts between the House and Senate versions of the bill. There are nongermane amendments in the Senate version, many of which have merit and which the House conferees will want to give serious consideration to.

On protecting the environment, the House version of the bill is much better, both as general legislation and as it affects the oil-gas pipelines of the country and also the trans-Alaska pipeline.

In open committee hearing before the Committee on Interior and Insular Affairs, and in extended free debate here on the House floor, we made our position on environmental protection superior to that which was passed by the Senate.

The recent communication from the Department of the Interior in reply to Senate inquiries on the trans-Alaska pipeline would result in watering down the House version to protect the environment.

I believe the House conferees, in upholding the House position, should hold strongly on these environmental points.

ISRAELI-ARAB WAR: A NEW TRAGEDY

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, I support and urge the speedy adoption by the House of the O'Neill-Ford resolution introduced today deploring the tragic outbreak of hostilities in the Middle East and calling for an immediate cease-fire and a return of Arab and Israeli forces to the position they occupied before the Arab nations' surprise attack began on Saturday.

This shocking aggression came on the Jewish peoples' most sacred day, Yom Kippur, the Day of Atonement. This is a day when the people of Israel were in prayer and fast, and vulnerable to attack and temporary loss of ground.

While we pray for a quick end to the fighting and mourn over the loss of so many lives, we once again must admire the courage, strength and determination of the Israeli people as they unite to defend their tiny nation's right to exist within secure and defensible borders. I am also proud of the response among thousands of New Yorkers as they unhestitatingly give their blood, their financial and moral support to the embattled Israelis.

In the midst of uncertainty about the outcome of this renewed warfare, it is clear that the longer the fighting goes on, the more difficult it will be to contain the battles and the more remote the hope of reaching a reasonable solution and a genuine turn toward a lasting peace.

The initial contacts between President Nixon and Soviet leader Leonid Brezhnev and their statements looking toward containment of the fighting have been somewhat reassuring. In the spirit of détente, the Soviet Union should join the United States in supporting a return to the cease-fire lines that had kept the Middle East in a state of relative stability since the 1967 war.

Once peace is restored, the United Nations, the United States and the other major powers must use all the diplomatic means at hands to obtain direct negotiations between the Arab nations and Israel to work out an enduring political settlement for the Middle East.

In the meantime, it is also urgent that our Government continue to fulfill its commitments to the Government of Israel and I therefore join in cosponsoring a bill today by Representative LEHMAN calling for an acceleration of shipment of aircraft which we have contracted to send to Israel. This is especially necessary now because of the reported loss of Israeli aircraft due to the Egyptian and Syrian aggression.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 581

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, and all points of order against sections 202, 204, 713, 722, and 731 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the text of the bill H.R. 10597 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10693 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute (H.R. 10693) is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10692 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. At the conclusion of the consideration of H.R. 9682 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9682, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1435, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9682 as passed by the House.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 501]

Alexander
Anderson, Ill.
Andrews, N.C.
Ashbrook
Badillo
Biaggi
Brooks
Brotzman
Brown, Ohio
Buchanan
Carter
Casey, Tex.
Chisholm
Clark
Collier
Collins, Ill.
Conyers
Coughlin
Crane
Cronin
Davis, Wis.
Denholm
Dorn
Eckhardt
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flynt
Foley
Ford, William D.
Frelinghuysen
Frey
Gettys
Goldwater
Griffiths
Guyer
Hanna
Heckler, Mass.
Heinz
Holifield
Hudnut
Jarman
Lent
Lott
McEwen
Madigan
Mailliard
Mezvinsky
Mills, Ark.
Minshall, Ohio
Moorhead, Pa.
Moss
Murphy, N.Y.
Reid
Riegle
Rooney, N.Y.
Sandman
Sisk
Treen
Wilson, Bob
Wydler
Wylie

The SPEAKER. On this rollcall 370 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SHATTERED PEACE IN THE MIDDLE EAST

(Mr. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, peace in the Middle East was once again shattered as Syrian and Egyptian troops launched an attack on Israel this past weekend on Yom Kippur, the most holy of the Jewish holy days.

The New York Times pointedly opened its editorial, "Suicidal Course" this morning with these words:

> By deluding themselves once again into military adventurism as a cure for political frustration, the leaders of Egypt and Syria seem to have succeeded only in placing themselves and their peoples—as well as peoples in many lands . . . in great peril. They risk emerging from the conflict they sparked in a posture far worse than before.
>
> Every single hour's delay in terminating the combat brings not only more human tragedy to Arabs and Israelis alike; it could push any political resolution of the 25-year confrontation ever deeper into a troubled future.

Egypt and Syria have flagrantly violated the cease-fire. Their aggression is in direct contrast to the restraint repeatedly shown by Israel in the face of months of military buildup by her Arab neighbors. Israel has responded to attack. She seeks only to protect her people from this latest Arab onslaught.

The road to peace, Mr. Speaker, is not the path of armed conflict; nor will peace be achieved by more death and destruction. Peace in the Middle East now, as over the past 25 years, can only be achieved by negotiation between the nations directly involved. Israel has repeatedly demonstrated restraint under great military pressure from the Arab world. She has repeatedly demonstrated her willingness to negotiate directly with her Arab neighbors so as to lessen tensions. If we are to have the possibility of lasting peace in the Middle East. Such negotiations are now imperative.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, this rule which was reported from the Committee on Rules last week provides for an open rule with 4 hours of general debate on this bill, the so-called home rule bill, H.R. 9682. It waives points of order routinely and necessarily against sections 202, 204, 713, 722, and 731 of the bill for failure to comply with the provisions of clause 4, rule XXI, which have to do with appropriations language not being in order in such a bill. It provides that it shall be in order to consider without the intervention of any point of order the text of three substitutes which may be offered as amendments. No. 1, the so-called Broyhill substitute, is H.R. 10597. The second, the so-called Green-Nelsen substitute, is H.R. 10693, and the third, the so-called Nelsen-Green substitute, is H.R. 10692.

The rule also provides for getting the bill to conference by substituting under the Senate number the language of the House-passed bill. It occurs to me that it might be helpful if I tried to outline what I understand to be the actual parliamentary situation in addition to the more or less technical situation provided for by the rule.

I am well aware that this may not stand up, but when the rule came out, I felt very strongly that given the circumstances that existed, the bill should not be considered under the rule, but I have called it up, and I am supporting this rule because of the developments which have taken place since.

When it came out the provision requiring that it be read by section seemed to me an ideal vehicle for obstructionism. I have had some opportunity to observe bills handled under a section-by-section reading and under a reading by title and I felt very strongly that it was preferable for anything as controversial as the committee reported bill to be read in the more orderly fashion of by title rather than by section.

Since that time, since my very strong objections to that rule were stated, a number of developments have taken place, and without in any way suggesting that the Broyhill substitute and the Green-Nelsen substitute are not in order and need not be taken seriously, I would suggest that at the moment the situation apparently is one in which the committee bill is solely a vehicle for the consideration of two substitutes. The first is the substitute to be offered by the gentleman from Minnesota (Mr. Nelsen) and the other is the substitute to be offered by the chairman of the committee, the gentleman from Michigan (Mr. Diggs) with the support of a majority of the Committee on the District of Columbia. I would like to insert in the Record first the statement which appeared in the Record on yesterday by the gentleman from Michigan (Mr. Diggs) describing the changes from the committee bill of his new bill and also a "Dear Colleague" letter of October 9 signed by a significant number of the members of the Committee on the District of Columbia, including the distinguished chairman of the Committee on the District of Columbia, describing the differences between the original bill and the substitute to be offered by the gentleman from Michigan (Mr. Diggs).

Mr. Speaker, I ask unanimous consent to insert certain relevant material in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[From the Congressional Record, Oct. 8, 1973]

STATEMENT BY HON. CHARLES C. DIGGS, JR.

Mr. Speaker, because of the unusual parliamentary situation, the original committee sponsors will offer an amendment in the nature of a substitute during the floor debate on H.R. 9682, the self-government bill for the District of Columbia.

The substitute contains six important changes which were made after numerous conversations and sessions with Members of Congress and other interested officials and citizens. These changes clarify the intent of H.R. 9682 and accommodate major reservations expressed since the bill was ordered reported last July.

Other than these changes, the committee substitute follows the committee bill, H.R. 9682.

The changes made by the substitute are as follows: First, budgetary process—no change in the congressional appropriation role; second, change election for Mayor and City Council from partisan to nonpartisan; third, authorization of power for the President over the local police in an emergency; fourth, further Federal oversight re the City Council; 30-day layover for effective date of legislative actions of the City Council; Presidential authority to sustain veto by the Mayor.

Fifth. Judiciary: Continued Senate confirmation of judges; automatic reappointment for judges rated "well qualified" or "exceptionally well qualified" by the tenure commission; and

Sixth. Reservation of congressional authority; additional limitations on City Council; Prohibit Council from changing functions or duties of District of Columbia U.S. attorney and District of Columbia U.S. marshal; prohibit changes in statutes under titles 22, 23, 24 of District of Columbia Code—the Criminal Code.

. It is agreed by the committee members who have carefully fashioned this bill after months of hearings and weeks of markup sessions that the bill will now carefully balance the local interest and Federal interest in the Nation's Capital. I trust the House will agree and give approval to this bill for an effective new government for Washington, D.C.

U.S. House of Representatives,
Washington, D.C., October 9, 1973.

Dear Colleague: Because of the unusual parliamentary situation regarding H.R. 9682, the Self-Determination bill for the District of Columbia, the undersigned Members of the D.C. Committee will offer an amendment in the nature of a substitute during the Floor debate.

The Committee substitute contains six important changes which were made after numerous conversations and sessions with Members of Congress and other interested parties. These changes clarify the intent of H.R. 9682 and accommodate major reservations expressed since the bill was reported out.

They are as follows:

1. Budgetary process. Return to the Existing Line Item Congressional Appropriation Role.

2. Change Election for Mayor and City Council from Partisan to Non-Partisan.

3. Authorize the President in an Emergency to Take Control of D.C. Police Force.

4. *Further* Federal Oversight re City Council:

(a) Require a 30-day Lay-Over for Effective Date of Legislative Actions of the City Council.

(b) Give the President Authority to Sustain the Veto by the Mayor When Overridden by the City Council.

5. Judiciary:

(a) Require Senate Confirmation of Judges.

(b) Provide for Automatic Reappointment for "Exceptionally Well Qualified" and "Well Qualified" judges as determined by the Commission on Judicial Disabilities and Tenure.

6. Reservation of Congressional Authority—*Additional* Limitations on Council:

(a) City Council Prohibited from Changing Functions or Duties of U.S. Attorney and U.S. Marshal in D.C.

(b) City Council is prohibited from making changes in Statutes Under Titles 22, 23 and 24, of the D.C. Code—the Criminal Code.

Other than these changes, the committee substitute follows the committee bill, H.R. 9682.

For further information the undersigned, their staffs and the staff of the House District Committee welcome your inquiries.

Sincerely,

Charles C. Diggs, Donald M. Fraser, Thomas M. Rees, Brock Adams, Walter E. Fauntroy, Romano L. Mazzoli, James J. Howard.

Les Aspin, John Breckinridge, Fortney H. (Pete) Stark, Gilbert Gude, Charles B. Rangel, Henry P. Smith, III, James R. Mann, Stewart B. McKinney.

I hope that this matter is going to be considered in an orderly fashion. I hope that the real contest which exists will lend itself to orderly consideration, and it is basically for this reason that I have described that I support the passage of this rule. Under other circumstances I might have opposed it, but I have the impression, and I hope it is a valid impression, that this is going to be considered in an objective, orderly and serious fashion. It is a terribly serious issue and it deserves orderly consideration, and I hope that is what it is going to get under this proceeding and with these developments. I hope the Members will take the time to take a look prior to the debate on the amendments at the changes that have been made and the choices that are presented.

Mr. Speaker, I think this rule should be adopted.

I reserve the balance of my time.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to get this straight in my mind. The bill H.R. 9682, which is the committee bill, the gentleman has observed is merely a vehicle. Is that the gentleman's observation?

Mr. BOLLING. Mr. Speaker, my observation is that from a parliamentary point of view it is the way in which the matter comes before the House. The committee bill is really not a bill which is at issue because the chairman of the committee and a majority of the committee have accepted very substantial changes which are contained in a substitute which will be offered by the chairman of the committee, and that as I understand it is where the real contest will come, between the so-called Nelsen proposal and the substitute bill to be offered by the gentleman from Michigan (Mr. DIGGS).

Mr. KETCHUM. If the gentleman will yield further, is the substitute offered by the gentleman from Michigan, the chairman of the committee, in this document I hold called the committee print?

Mr. BOLLING. I would anticipate that it is. I have not looked at that particular document, but there is a committee print.

The material that I propose to insert details the changes which I presume are contained in that committee print.

Mr. KETCHUM. Would then a committee print be the result of activity of a meeting of that committee to agree that a committee print be made?

Mr. BOLLING. I do not believe that that necessarily is so. There are a great many committee prints that are the product of an order by the chairman that there be a committee print.

Mr. KETCHUM. Would it be normal that the chairman of that committee would notify the members of that committee that such activity was taking place?

Mr. BOLLING. The gentleman now speaking is certainly not in a position to comment on that, because of the fact that he does not have any detailed knowledge of the rules of the Committee on the District of Columbia, the manner in which the Committee on the District of Columbia operates, and the point the gentleman is trying to get at. I am just simply not competent to answer that question.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might say that if anybody in this House knows which bill he is for on home rule right now, I would like to have him raise his hand, because we now have a committee bill, a committee print, through substitutes made in order by the Rules Committee and everybody has an amendment.

When this legislation was before the Committee on Rules, we did look into it very intensively for 3 days. I might say, Mr. Speaker, since I have been on the Rules Committee, I do not believe we have ever heard a bill where there was such a divergence of opinion among committee members as to what was in the bill reported to the Committee on Rules. Yet, we were supposed to act responsibly on it and report a measure back to the House for action.

In interrogating the chairman of the committee, he revealed that he had several amendments to the bill notwithstanding the fact that his committee was supposed to have spent 6 months preparing it for House consideration. Other committee members have amendments they are going to offer. Now we find after the Committee on Rules has acted on this legislation, H.R. 9682, the bill reported by the committee after some 6 months consideration, the District Committee has suddenly come up with another bill they call a committee print.

I was quite taken aback by the colloquy which just preceded me.

Is it true, Mr. Speaker, that not one Member of the minority was notified that the committee was going to have a meeting to report out a new committee bill. If so, it is a violation of the committee's own rules.

Under the rules of the Committee on the District of Columbia, this so-called closed meeting had to be voted on by the members of the committee. So how can they possibly present a committee print to this House without violating the rules of the House?

Mr. Speaker, I do not think that we do this House proud by following a procedure such as has taken place during the committee consideration of this bill.

In the last week we have been advised after the fact, if you please, of various clandestine meetings which have taken place behind closed doors on this bill.

I am astounded—I am astounded that the people's House—and this is the people's House—would undertake to consider legislation affecting the Federal city of these United States under such circumstances. I deplore such behind the scenes activity.

Mr. Speaker, I think that the best thing that we could do for the honor of this House, to do justice to this so-called home rule bill, is to send the bill back to the committee, let it open up its doors to the public, let the proponents and opponents appear to testify, and then let it decide what is best for the people of the United States and for the people of the District of Columbia.

The committee members do not know what is in this committee print. The Members of the House do not know. I dare say not more than one or two or possibly three Members of the House have read this so-called committee print which I now have in my hand. It was not made available to any one until today.

Is this the way to legislate? I believe not.

Mr. Speaker, I call attention to the fact that Members who appeared before our committee testifying on various sections of this bill ought to have time in which to prepare themselves. I was astounded when I interrogated a member of the committee who indicated he had spent most of his time on the bonding section of this bill. I have reference now to H.R. 9682. He apparently did not know the Federal payment will be first obligated to the payment of any bonds which may eventually be levied under the authority contained in this legislation.

I call attention, Mr. Speaker, to page 74 of the bill considered in the Rules Committee, H.R. 9682. The language starts at the bottom of page 74:

> To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

Mr. Speaker, I picked up the committee print to find out whether that language was contained in this new bill that the committee wishes the House of Representatives to consider today. I would like to quote from page 72 of this so-called committee print, the same language:

> To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

This means that the Federal payment, we are going to be voting here in the House of Representatives year after year, would first become obligated to make up any deficit in the sinking fund to be used to pay bonds before being used for any other purpose. The so-called bonding authorities did not know this provision existed.

I wonder who wrote this bill?

Mr. Speaker, this legislation deserves a good, hard look by the Members of this House, because it is important legislation. We are dealing with our Federal City. This is the city of all the people of these United States. It does not belong to the District of Columbia Committee or to the people who happen to reside here. This city belongs to the people of the United States, and let us not forget it. It is the Capital for all the people.

Mr. Speaker, there are so many things needing clarification in this bill, so many things in need of light, that the Rules Committee granted the 4 hours of debate rather than the requested 2 hours.

Mr. Speaker, we have made in order three different substitutes.

We are going to read this bill section by section. There was even objection to doing that. The proponents wanted to read the bill by title only. Certainly the Members have a right to know what is in this bill. To acquaint them with its contents, since it is apparent we will have to write this legislation on the floor, the bill must be read section by section.

After this House finishes its work, we will be asked to vote on conference report, Mr. Speaker. I am forced to ask, has the conference report already been agreed on?

I do not know if a story which appeared in the Washington Post, Tuesday, October 9, can be believed. The story quotes the chairman of this committee.

It reads as follows:

> Diggs said he and Senate District Committee Chairman Sen. Thomas Eagleton (D. Mo.) "have an understanding of the product we will consider once it gets to conference.

If a home rule measure passes the House, difference between that bill and the Senate-passed measure will have to be worked out in a conference between the two Houses of Congress. The Senate bill would give the City Government substantially more authority than the new amended version of the House bill.

Further quoting from the article, it reads as follows:

"When it gets to conference, we will be fighting for the strongest bill we can get," said Diggs.

Now, that is pretty clear. What happens to this clandestine committee print now before this House when it gets into conference? Are we now wasting our time considering it?

Mr. Speaker, let me just point out a couple of things in conclusion. There is a provision in this bill, H.R. 9682, which would grant unlimited reprograming authority to the District of Columbia over all funds, including those previously appropriated and unobligated. No requirement is included in the bill for prior congressional notification, approval, or consultation.

The provision that would grant this unprecedented authority is contained in section 449, and it reads as follows:

The Mayor, with the approval of a majority of the Council, may provide for (a) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (b) the allocation to new items of funds appropriated for contingent expenditure.

Mr. Speaker, we know that departments of the Federal Government do not have such authority as would be granted under this language, and I must admit, not having had the time since I came on the floor to read this new committee print, that I do not know whether this authority is contained in it or not. Hopefully, this authority is not in that committee print and will not be in any legislation that might pass this House.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I did not arrive here until after the first remarks were made concerning the rule under which we are operating.

Do I understand that the committee print now is to be the bill that is to be considered under the 5-minute rule.

Mr. LATTA. Mr. Speaker, in answer to the question asked by the gentlewoman, we have not amended the rule, we have not had another meeting of the Committee on Rules, and the only way they can offer it is as an amendment.

Mrs. GREEN of Oregon. An amendment to another bill?

Mr. LATTA. An amendment to H.R. 9682.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield further?

Mr. LATTA. Certainly.

Mrs. GREEN of Oregon. Mr. Speaker, may I say to my colleagues that I shared the concern of the gentleman who is in the well when I read the morning paper and the quotation attributed to the chairman of the committee that had already discussed the conference product with Senator EAGLETON. Before the Members of the House have even had a chance to debate the bill, before we have even had a chance to cast any votes on the bill or any amendment, before we have had any chance to make any decision, there has apparently been an agreement about what the conference product will be.

I suggest to the House that from my experience of serving on conference committees, I have seen how substitutes that have been adopted by overwhelming majorities in the House were just simply washed down the drain, and all of the action, 3 or 4 or 5 days in House debate and votes, has been done away with.

It seems to me that there is no more important change in the rules of the House than that those Members who sincerely—actively support a substitute bill which is successful shall be the majority of the conferees.

I say that knowing full well that there must be compromise between the other body and the House. However, when the majority of the conferees are opposed to the action taken by the House and it is given away in the conference with the Senate, we might just as well save ourselves today and tomorrow and whatever other time is taken in debate.

I seriously suggest to the House, not just with respect to this bill but with respect to all bills, that we immediately petition the Speaker of the House and the minority leader—more than half of the Members of the House—so the majority of the conferees of the House will be those who actively and sincerely supported the substitute bill, whatever it is, that was adopted in the House, until such time as an official rule can be adopted that would require this under the rules of the House.

It seems to me if over half the Members of the House would sign such a petition, all Members would somehow to be protected when we go to conference and not have decisions made before we even have a chance to vote.

I thank the gentleman.

Mr. LATTA. Mr. Speaker, I thank the gentlewoman.

Let me say that the gentlewoman was before the Committee on Rules and convinced this Member that we should seriously consider a Federal enclave as provided in her bill.

We should protect the Federal property. The gentlewoman's bill would protect that property without involving any private property. Under the provisions of H.R. 9682, in case of a riot, I would fear for the city as the President would not have the authority to mobilize the police force of this city as he may see fit.

I understand that they have taken some corrective measures in this area in the committee print, but once again I have not previously been shown a copy of it and therefore cannot comment on it.

There are so many things in this legislation which need explanation and full discussion: I am firmly convinced the only way Members can become knowledgeable on this very important piece of legislation is to send it back to the committee and let committee hold public hearings.

Mr. Speaker, I reserve the balance of my time and I now yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, the bill that this rule makes in order is the most far-reaching, complicated, and confusing bill that this House has had the opportunity to consider for a long time.

It will change the constitutional structure of the Nation's Capital, it will erode the Federal interest therein, and it will invade the rights of 209 million people insofar as their interest in this Nation's Capital is concerned, merely to turn over the rule and the control of this city to 750,000 people.

There are 132 pages in this bill, and I submitted to the Committee on Rules that it was not understood by the sponsors of the legislation, who caused letters to be sent to the various congressional districts by the League of Women Voters and by Common Cause and many other organizations telling the Members of this body to support this bill if they favor self-government.

These people did not even understand what was in the legislation.

Now we are told that an attempt will be made to rewrite the bill on the floor of the House, after it was subjected to 6 months of so-called thorough consideration by the Committee on the District of Columbia.

The gentleman from Ohio (Mr. LATTA) referred to yesterday's drafting session as a clandestine meeting. It was certainly not a meeting of the House Committee on the District of Columbia. I am a member of the minority of that committee, and I did not receive a notice of any meeting. The ranking minority member on the committee, the gentleman from Minnesota (Mr. NELSEN) did not receive a notice. But I understand that this clandestine meeting was attended by some people from downtown who were up here telling the sponsors of this latest version of the bill what to put in the substitute measure. So we will be called upon to take this substitute, this clandestine committee bill, as a substitute.

I say it is a confusing piece of legislation.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, the gentleman referred to a meeting, and I would ask the gentleman from Virginia whether the press was excluded?

The press was excluded from the meeting where they were drafting the new bill but was attended by people from downtown who were not members of the committee.

Mr. BROYHILL of Virginia. The press was excluded. But they did include people from downtown who were not Members of the Congress or of the committee.

I say to the Members that this is a confusing substitute being brought forth at the last minute by the sponsors of the original committee bill, which was supposedly used as a yardstick to measure whether we as Members of the Congress were supporting self-government for the people of the District of Columbia.

I say to the Members that this is an act of intellectual dishonesty and of arrogance. We even had one Member of the body ask the chairman of the National Democratic Committee to threaten the seats of various Members of this body if they did not vote to pass the original bill, lock, stock, and barrel.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. If the gentleman will permit me to conclude my statement I will then yield to the gentleman from Minnesota.

Mr. Speaker, I submit that there are many alternatives available if we are sincerely interested in self-government, or a voice in the management of their affairs for the people of the District of Columbia. There are many alternatives that would protect the Federal interests, and that is what most of us are concerned with.

So we are considering right now making three alternatives in order. They are offered sincerely, and each one of those alternatives does protect the Federal interest and will provide a maximum voice for the people in the District of Columbia, consistent with that interest.

Mr. ADAMS. Mr. Speaker, would the gentleman yield on the rule, and on the gentleman's particular amendment for a question?

Mr. BROYHILL of Virginia. I will be glad to yield to the gentleman from Washington when I have finished my statement.

The main objection of the supporters of the committee bill to these alternative measures is that they will deny the people of the District of Columbia control and rule of the Nation's Capital. But these alternatives do provide a proper voice for the people of this city. If we are sincere and want to provide that voice and at the same time protect the Federal interest in this Federal City, then I suggest we choose one of those alternatives that will be offered later in the course of our consideration of this bill.

So far as my part in these proceedings is concerned, I will not vote for any bill that will deny to the people I represent, and all other American citizens, their right of control and voice in the management of our Nation's Capital.

Now, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I just want to make the record very, very clear that the reason the supporters of the original bill met to discuss some changes was because the rule that came out of the Committee on Rules forced us to move to a substitute because changes we desired to make could not have been made in the main committee bill. I am sure the gentleman from Virginia is enough of a parliamentarian to understand that.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, would the gentleman from Virginia (Mr. BROYHILL) remain on the floor for a moment so that I might ask the gentleman a question regardng the rule?

Mr. Speaker, one of the problems that we have involving the rule and that caused us to have the meeting was that the rule put in order three substitutes. It is a very unusual rule, and because of the nature of the rules of the House a substitute becomes in order at the beginning of the bill, and therefore the original bill would never be read; the substitute, whichever it might be, would be read.

I notice that the first substitute that is in order is referred to as H.R. 10597, which is the bill of the gentleman from Virginia (Mr. BROYHILL). So that we might know—and I do want the House to consider in an orderly fashion this matter because I think it is very important, as the gentleman from Ohio pointed out—we are trying to work with the rule appropriately. Is the gentleman going to offer his first substitute as provided in the rule? If he will so state to the Members, then the sponsors of the original bill can make a decision as to whether or not to offer a committee substitute to the gentleman's bill or to offer a committee substitute at some other point, either before or after the gentleman's bill.

We are trying to accommodate the House by having the original bill that we spent so many months on, read. I would say to the gentleman, after reading his bill, H.R. 10597, that it is almost identical to the committee bill in many respects. He reserved his rights before the committee, and this Member as the chairman of the subcommittee appreciates that. The other two substitutes that are proposed were never presented to the subcommittee, were never presented to the full committee, and we saw them first when the Committee on Rules met. Therefore, I cannot comment on those, but I do want to comment on the gentleman's substitute and find out if it is going to be presented so that the committee chairman and the other Members who sponsored the original bill can determine whether we want to sponsor a committee substitute on which way is the most appropriate way to proceed so that the House can work its will.

Mr. BROYHILL of Virginia. Is it the gentleman's intent and the chairman's intent to offer a clandestine, watered-down new version of the home rule bill in lieu of this bill which has been studied for 6 months and has so much tremendous support?

Mr. ADAMS. I will state to the gentleman from Virginia—and I will let the chairman speak for himself during general debate as to how he wants to proceed with the matter—that what we need to know first because the rule so provides—I am staying with the rule now rather than the substance; I will be happy to discuss the substance of the bill with all of the House on general debate, and that is what the 4 hours are for—we have the situation that H.R. 9682, which we worked on, will not be read if the gentleman's substitute is offered.

Therefore, our intention is to try to get before this body as closely as possible what the committee worked on with whatever changes are indicated.

The chairman has indicated it publicly, and will indicate in debate that the sponsors of the bill are willing to try to accept, in order to get a good bill before the House, basically H.R. 9682, and the gentleman's bill is basically H.R. 9682. So if he could help us out as to how we are going to present this, we could end up with H.R. 9682 that everyone is familiar with—and debate the gentleman's enclave section and the provisions of the chairman's substitute amendment. The House could work its will on that essential piece of legislation.

Mr. BROYHILL of Virginia. The main objective of the gentleman from Virginia is to offer to the Members of this House a constructive alternative to a bad committee bill. The gentleman has already admitted that they are offering a bad committee bill. I do not know what the gentleman has provided in his watered-down, clandestine bill. I do not think it is necessary for me to reveal my strategy at this moment.

Mr. ADAMS. Then the gentleman from Virginia has no present inclinations?

Mr. BROYHILL of Virginia. The gentleman from Washington is changing his strategy every day or every few minutes, so I do not know what strategy he wants.

Mr. ADAMS. I might state to the committee that again it was made very clear that at all meetings of the subcommittee, the open meetings, everybody was invited to appear before the committee who wanted to appear. All points of view were considered. The basic work product that has come out is H.R. 9682. The Committee on Rules in its wisdom decided to consider a substitute, and, therefore, we are trying to carry out the rule that was given.

The SPEAKER. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BOLLING. I yield 2 minutes to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Do I understand that all members of the House Committee on the District of Columbia were notified of a meeting yesterday or today?

Mr. ADAMS. There has been no meeting of the House Committee on the District of Columbia. The only meeting that has taken place was among the sponsors of H.R. 9682 when there was presented on Thursday a rule that authorized H.R. 10597, H.R. 10692, and H.R. 10693 as substitutes which would be read and considered before H.R. 9682, a committee bill, would not even be read.

Therefore then the sponsors of H.R. 9682 have attempted to decide how this can be presented with whatever changes the sponsors of it might want to make. There has been no meeting of the committee, any more than I do not know whom the gentleman has met with on his bill, and I assume the gentlewoman from Oregon and other people who have sponsored substitutes have met with their cosponsors and have decided how they might want to present their bills under the rule which has been granted.

Mr. BROYHILL of Virginia. But why was it printed as a committee print? Is that to indicate that the committee has acted on this legislation?

Mr. ADAMS. Not in the least. If the gentleman is happier we would be happy to have placed on top of this document the words "the Diggs amendment" or "substitute" or whatever the gentleman might like. This is a committee document. It is an attempt to let the Members of the House know what is going to be done.

Mr. BROYHILL of Virginia. In order for it to be a committee print, would it not have to be authorized by the committee?

Mr. ADAMS. Certainly not. The gentleman could have a committee print created which is not authorized by a committee vote. The only bill out of the committee which has any meaning is the bill authorized by that committee.

Mr. BROYHILL of Virginia. Who authorized this committee print to be printed?

Mr. ADAMS. Certainly the chairman of the committee. If the gentleman wants one of his own printed, I am sure the chairman will authorize the printing of one for him.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I had not intended to take the time of the House during the rule, but there have been so many unfortunate misrepresentations that have been made in the past few minutes that I think it is important to set the record straight before we get into the general debate.

The first thing is to underscore what the gentleman from Washington said. The substitutes that will be before this committee first saw the light of day when the Rules Committee met. They were never presented to the subcommittee, they were never presented to the full committee, and they were never presented after the August recess, and they were never presented until the Rules Committee met, and then for the first time we had unveiled what the opponents were going to offer.

Let me make clear we had asked those who did not agree with the self-determination measure to come forward with their proposals, and we did not see them until the very last minute at the Rules Committee meeting.

The second point: We were forced to a substitute as a strategy, because under the parliamentary situation the main committee bill would never get read under the procedure that is required to be followed. Substitutes will be offered one after another at the beginning of the reading of the committee bill. The main committee bill would remain unamendable. We could not make any accommodations in it while we were considering those substitutes, and that, of course, would put the committee majority at an enormous disadvantage.

Finally it was the supporters of the bill who got together and decided on making six basic modifications. The six modifications are very easily understood. One gives back to the Appropriations Committee its full power and responsibility that it has today, the line item appropriation.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the minority leader.

Mr. GERALD R. FORD. Does that modified language include the authority of the Committee on Appropriations to reprogram, and it does not leave the reprograming in the hands of the city officials?

Mr. FRASER. The answer is that under the explicit terms of this committee substitute the Congress is able to attach whatever conditions it wants to in the appropriation measure. It says that explicitly.

Mr. GERALD R. FORD. Line item in the bill and the right to reprogram during the fiscal year?

Mr. FRASER. They can prohibit reprograming or they can limit it or they can define it in any way they wish.

The second change is to go from partisan elections to nonpartisan elections. This removes most of the problems about any modifications in the Hatch Act in order to permit employees of the Federal Government to run for local office.

The third change says that the President will take charge of the Police Department of the District of Columbia in any emergency.

The fourth change says that any action by the local City Council must lie over for 30 days in case the Congress wants to act to head it off. Another part of the change gives the President of the United States the right to sustain the Mayor's veto if the Mayor is overridden.

This came from the White House as a request and we have put it in the committee substitute.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, on the right of Congress to override, is there any procedure set up in the legislation where we are guaranteed the right to consider prior to the 30 days?

Mr. FRASER. The provision is that there is a 30-day lie-over and in the bill it explicitly makes clear the continuing authority of Congress to override any action that might be taken by the District; an action, I might say, we hope we will not have to exercise.

Mr. GERALD R. FORD. But there is no provision comparable to the ones that we now have on reorganization plans?

Mr. FRASER. There is in the case of changes to the basic charter of the city. If the City Council proposes a change in the basic charter and it is approved by the voters, it still may be vetoed by the House or the Senate within a fixed time period. I think it is 60 days, as I recall. The exact time is 45 days excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session.

The next change requires that appointments of judges be confirmed by the Senate, instead of the City Council, as was in the original committee bill, and provides that any judge that has served his 15-year term, who is found by the Commission on Judicial Disabilities and Tenure to be well qualified is automatically entitled to reappointment.

Then the City Council is prohibited from changing the functions or the duties of the U.S. attorney or the U.S. marshal, and the City Council is prohibited from making any changes in the criminal law applicable to the District. Changes in the three titles are forbidden.

These changes, we think, make the committee substitute very much more acceptable. We hope Members will listen attentively to a further description of it during the general debate.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker and Members of the House, I have been in the process of legislating since 1935. In all that time, I have never seen such a mixed up mess, as far as procedure of handling legislation important to the Nation is concerned.

Yesterday I heard rumors of a meeting going on, and I walked over to the minority office. Outside the door were cameras, all over the place. The press was irate about the fact they had been chased out of the meeting.

I said, "Do not feel bad. I have not been asked, either."

So now we get a print that we are supposed to digest and legislate on. There is criticism that we did not offer our substitute far enough in advance. My substitute was introduced on the 2d of October, and it came as no surprise to any member of the committee.

I told the members of the committee during the hearings that I was going to offer a bill containing many of the recommendations of the Nelsen Commission, and that I also had some ideas about how the City Council ought to be set up, which I would include.

So now we find ourselves faced with this situation. May I say, had my substitute bill been adopted, we would not have had to change anything. We did not disturb the court reform bill of 1970. The normal budget process was left intact. All the way through, each one of the major provisions that are now being patched up would have been taken care of. So I am surprised at the committee, who sat for such a long time with an adequate staff, while I sat over there with only a couple of staff people on our side.

Now we have to come in at the 11th hour with a print that the committee has really never reviewed, that some of us who are on the minority side were never even advised of, and have had to hear of by the rumor mill and what one read in the paper. And sometimes that has been misrepresented, I think, because I notice that one member was said to have agreed, and he told me that he never did.

I have noticed that even the White House has been listed as having agreed, and I do not believe that is true.

I do know about the substitute bill I am offering, however. The gentleman from Florida (Mr. FUQUA) worked with me on the Commission. John Duncan, a former Commissioner, and Don Fletcher, former assistant to the mayor, and Mr. McIntire, from Baltimore, an expert on the subject, worked with us. We put a lengthy report and recommendations together and spent $750,000 of the taxpayers' money, and we sort of gave it little blessing. Our recommendations are partially treated in this home rule bill, but the recommended provisions have been changed in many instances.

I am reminded of the story of the girl who came in to buy the goods for her wedding dress. The clerk asked, "Is it your first or your second wedding?" She said, "It is my first, but what is the difference?" And he said, "At your first wedding, the goods are white and at the second wedding lavender." She said, "Make it white, with just a little touch of lavender."

In this bill we have got a little lavender there, but really the recommendations of the Nelsen commission have been changed a good deal.

I do not quite know what to say. It is regrettable that we could not sit down in committee, when we had extensive changes that went in the direction of the Commission report. Perhaps we could have worked out our differences to the benefit of all concerned.

To legislate this way, in my judgment, is not to have good legislation, when we are dealing with the Nation's Capital, your Nation and mine. I believe it is regrettable indeed.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, two preceding speakers have indicated that they never saw the substitute bills until the day the Rules Committee met.

It is my understanding that the gentleman from Minnesota offered many of the recommendations of the Nelsen Commission during the committee hearings and reserved the right to introduce a substitute bill in the House, and the members of the committee were pretty well aware of the provisions that would be included in that substitute bill.

Also, in terms of a second bill which has to do with retrocession to the State of Maryland, I introduced that bill last year when I was on the D.C. Commission. I know that when I am considering any legislation I look up every single bill that has been offered by any Member of the House, to compare it to the provisions we would be considering in the new bill. So surely the members of the Committee on the District of Columbia had at hand, if they wished to study it, one of the substitute bills the gentleman from Minnesota (Mr. NELSEN) and I are cosponsoring—the so-called retrocession bill which let me repeat is basically the bill I introduced last year when I served on the District of Columbia Committee.

Let me say something else in terms of retrocession. I very much doubt that the Congress this year, or the people, are ready for this. However, in the long run as I see it any action we take today which does not give to the people of the District of Columbia full voting rights, and that means in the Senate and in the House, and does not provide that vote for those national officials who will decide on taxation, we really will not be granting full citizenship. Any bill that falls short of that, whether it is the committee bill or the committee print or the bill the gentleman from Virginia (Mr. BROYHILL) is introducing, or another substitute I am introducing, let no one be fooled, it is not going to settle the problem, for we are going to be faced with the same demands for the franchise next year or the year after. There may be other alternatives—but it seems to me Congress must look at statehood or retrocession—preserving forever the Federal City, federally controlled.

The most ardent supporters of home rule in the District of Columbia have said that the committee bill is cryptocolonialism at best. There was a person on TV a couple of Sundays ago, I am told representing Common Cause, who said, "This does not provide what we want, but we will take it at this time and then we will come back."

The Members of the House ought to realize that they are only making a temporary decision today—or tomorrow. Common Cause advocates and League of Women Voters representatives and NAACP and many of today's House advocates of the committee bill will be back for the full franchise.

Obviously, we have not had an opportunity to look at the committee print which, by the way did not see the light of day until this morning.

If we listen carefully, we would be led to believe that the only reason why this committee print was being introduced was because of the parliamentary situation. I am not persuaded that is quite the case, because I understand there are several substantive changes that were brought about because of the substitute bill that has been offered.

There are several flaws in the committee bill and the new committee point—as I understand that document.

Let me—at this time, discuss only one major deficiency—and that is the absence of a provision for a Federal enclave. In the bill which the gentleman from Minnesota (Mr. NELSEN) and I support, we have drawn a line around the White House, the Kennedy Center, all the Federal Agency and Department buildings, the U.S. Capitol, the building which we are in today, and all of the House Office Buildings as well as all of the Senate Office Buildings; we say this will be the Federal enclave and the President of the United States will appoint a Director of National Capital Services. The authority of this Presidentially appointed Director will extend over police protection, fire protection, sanitation, and control of—access to all streets and roads in this Federal City—the city that belongs to my constituents in Oregon—yours in New York or Iowa or Minnesota or in any other State of the Union.

Mr. Speaker, I have not yet had one person answer the question. Why does the proposed city government, an elected Mayor and the City Council as proposed in the committee bill insist upon control over the U.S. Capitol Building and the House Office Buildings and the Senate Office Buildings? I believe this is extremely critical.

Now, if I may, I will refer to legislation in 1967. Many of you were here then and remember when I introduced an amendment to the legislation concerning the war on poverty, a very controversial debate. The amendment provided that the community action programs should be under the direction of the elected officials in the various cities across the country, that the elected officials were the ones who ought to have the responsibility.

Mr. Speaker, who opposed that, on the basis that we could not trust City Hall, that he would be creating a Tammany Hall—that there was hardly anything worse than City Hall bosses? The Washington Post, the New York Times, the League of Women Voters, and the NAACP, and some of the House Members who are the strongest supporters of the committee home rule bill today made common cause in an effort to defeat that amendment on the ground that we cannot trust City Hall—citizens could not obtain their rights by going to locally elected officials.

Then, Mr. Speaker, may I ask this question: If we are going to have an elected city government here, why do the former opponents of all city halls across the country decide that in this city government we will have complete trust in not only the administration of all Federal programs and all local programs—but we will put complete trust in it to have jurisdiction over this Capital and all Federal buildings.

Why?—why if city halls in New York, Detroit, Portland, Los Angeles, Sioux City—Memphis—et cetera—are so bad—why do these same people now believe that this City Hall in Washington, D.C., is going to be so great—we should give them authority over the U.S. Capitol and the House Office Buildings and the Senate Office Buildings and the White House and the other exclusively Federal buildings? This is a question which I believe we must face.

Do you—as a Representative elected in Michigan or Massachusetts or Washington or Kentucky, want the newly elected local mayor and city council and their appointed chief of police, to have the final say—the finale responsibility on the following:

Police control and protection over all Federal buildings, including the Capitol—the Senate and House? Fire protection and control over the Federal Enclave.

Complete reliance on local—District of Columbia—retail delivery of water services to Enclave.

Reliance on local D.C. sanitation—trash, et cetera services—except those contracted for by GSA for Federal buildings and those provided by the Park Service—to Enclave.

Local D.C. health regulations extend to all restaurants, et cetera, in Federal buildings in Enclave.

Local D.C. Criminal Code—crimes,

criminal procedure, and prisoners and their treatment—apply to criminal offenses—except certain U.S. offenses—that occur in Enclave.

Local D.C. control over highways and streets in Enclave.

Local control over subway operations within Enclave.

Local control over motor vehicles, traffic regulations.

Presidential Inaugural ceremonies—preservation of public order during period controlled by D.C.

Utilities—electric, gas—regulation for Enclave under local D.C. control.

District of Columbia may issue permits to construct conduit—electric—systems through or under surfaces of Enclave.

District of Columbia Metropolitan Police will have jurisdiction over subway facilities in Enclave.

The SPEAKER. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. LATTA. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman very much.

It seems to me that this is one of the biggest flaws in the committee bill; I congratulate the chairman of the committee and those who met yesterday to try to meet some of the very serious objections which have been raised. There are other powers given to the locally elected Mayor—that no other Mayor in the United States has; I want to discuss them later.

But for now—the Federal control over the Federal City is most critical. As I said before the Committee on Rules, it does not seem to me that a person who happens, by accident many times or by choice, to live 3 or 5 miles away from the Capitol building should try to insist that he must have a greater voice—greater control over the Government buildings, over the Capitol, or the White House, the House and Senate Office Buildings, than an individual who happens to live 3,000 miles away, as my constituents do, or 300 miles away or 30 miles away.

Why is it that the people who live 3 or 5 miles away, on one side of the Potomac River only, should have a greater voice than anybody else? Why is this, for them, a requirement for home rule?

This Capital belongs to all of the people of the United States. To all our constituents, to 20 million of them who come here every year, this is their Capital. They are concerned about how it is governed, they are concerned about how it is managed, and they are not willing to relinquish that to a locally elected government in which they have no voice. Unless I can be persuaded that there is a good reason why people who live 5 miles away should have control over this situation, with their elected Mayor, his appointed Chief of Police, then I simply cannot vote for the bill, because I believe it does a disservice to the constituents of my district who consider this their Capital and believe as did President Taft when he said:

> Washington intended this to be a Federal city, and it is a Federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets and begins to feel that "this is my city; I own a part of this Capital, and I envy for the time being those who are able to spend their time here." I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the result vindicates the foresight of the fathers . . . it was intended to have the representatives of all the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the representative of that nation.

Mr. BOLLING. Mr. Speaker, I have one speaker left and I do not propose to be in the situation of losing the last word in this case.

The SPEAKER. The gentleman who sponsored the bill may desire to close the debate.

Does the gentleman from Ohio wish to yield any further time?

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I cannot say all I want to say in 2 minutes, but I would like and will use those 2 minutes to talk about the general idea of so-called home rule and my opposition to it.

I come from Indiana and represent 475,000 Hoosiers. We seem to feel that the Capital City belongs to us. It belongs to all the people of America.

There has been a lot of discussion today as to whether we are dealing with the committee print or the chairman's print or some other print, but I would like to remind all of the Members of Congress who have their own constituencies that this city was established by congressional action and it is the Capital City.

Yes, there is a lot of talk about the Federal interest and the local interest, but I beg to tell you that the Federal interest must be the only legitimate interest in our Capital City. Of course, in practice there will be some difference of opinion, but this is our Capital City.

I cannot for the life of me see any reason why we should at this time under the pressures of the proponents of the so-called home rule bills, whoever they are, consider shrinking the National City and why we should shrink it down to an enclave or turn the control of the city over to the local people who have chosen to come here to make the big money that people make working for this U.S. Government.

Of course, there are a few people who were born here, but how many people originally came to this city other than to work in the Capital City or to supply goods and services to the U.S. Government?

Mr. Speaker, trying to stay within my time limitation, I certainly want to make it abundantly clear again that I think we are dealing with a proposition that we have no right to deal with other than through a constitutional amendment.

This is the capital of the greatest country in the world, I suggest that we defeat this rule and forget the whole matter.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I opened the debate by saying that I supported the rule because I thought there would be a reasonable and objective consideration of the matter. It is already quite clear that there will not be this type of consideration, but I still support the rule, because at this point I think the House owes it to itself to deal with the matter.

There are a great many things that have been said that reveal a great sadness as to the way in which this matter is being considered, that is, there are a few people who know a very great deal about the bill and the subject who have very violent opinions on it. That is their perfect right, but it leaves the rest of the Members in an extraordinarily awkward situation, because they have to take on faith somebody else's view.

There are just straight absolute disagreements as to fact, and I hope it will be possible during the consideration of the bill to look at the matter objectively. It is terribly and critically important, and it involves the rights of a large number, hundreds of thousands of people here in the District of Columbia. It involves the United States and its seat of government. It involves the rights of all the people of the United States.

I very much hope that the debate which takes place in the 4 hours and under the 5-minute rule will attempt to put the matter a little bit back into objectivity.

I have been here for 25 years and have had some involvement in debate on this subject and others, and I find this beginning pretty shocking. It seems to me we deserve more objectivity and we deserve less absolute assurance on the part of each person who speaks that he has all wisdom and all virtue.

I hope we will accord to the membership of the House some opportunity to make a reasonable decision which will then be carried out all the way through to the end of the legislative process.

The chairman of this committee has tried to compromise this matter in the committee, and since it left the committee. I am not the least bit interested in finding fault with anybody, I am interested in seeing that this rule is adopted so that we can proceed to the orderly consideration of a matter that deserves our best judgment, and not our worst prejudices.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 50, not voting 38, as follows:

[Roll No. 502]

YEAS—346

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Gunter
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NAYS—50

Bauman
Bevill
Blackburn
Burleson, Tex.
Camp
Cederberg
Clawson, Del
Collins, Tex.
Conlan
Devine
Dickinson
Dingell
Fisher
Goodling
Gross
Haley
Hébert
Hogan
Holt
Hosmer
Huber
Hutchinson
Jarman
Ketchum
Landgrebe
Landrum
Latta
Martin, Nebr.
Mathis, Ga.
Moorhead, Calif.
Parris
Patman
Pike
Powell, Ohio
Quillen
Rarick
Roberts
Rousselot
Runnels
Ruth
Scherle
Sikes
Snyder
Spence
Steed
Symms
Taylor, Mo.
Waggonner
Wyman
Zion

NOT VOTING—38

Alexander
Anderson, Ill.
Ashbrook
Brown, Ohio
Buchanan
Carter
Casey, Tex.
Collier
Conyers
Coughlin
Crane
Cronin
Denholm
Dorn
Eshleman
Evans, Colo.
Evins, Tenn.
Flynt
Ford, William D.
Frey
Froehlich
Griffiths
Guyer
Hanna
Hudnut
Lent
McEwen
Mailliard
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Price, Tex.
Rooney, N.Y.
Sandman
Stokes
Wilson, Bob
Wydler
Wylie

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Hanna with Mr. Crane.
Mr. Denholm with Mr. Buchanan.
Mrs. Griffiths with Mr. Stokes.
Mr. Flynt with Mr. Carter.
Mr. Murphy of New York with Mr. Collier.
Mr. Mills of Arkansas with Mr. Brown of Ohio.
Mr. Conyers with Mr. Alexander.
Mr. Casey of Texas with Mr. Ashbrook.
Mr. Dorn with Mr. Coughlin.
Mr. Evans of Colorado with Mr. Anderson of Illinois.
Mr. William D. Ford with Mr. Cronin.
Mr. Eshleman with Mr. Frey.
Mr. Mailliard with Mr. Froehlich.
Mr. Sandman with Mr. Guyer.
Mr. Wydler with Mr. Hudnut.
Mr. Lent with Mr. Wylie.
Mr. Minshall of Ohio with Mr. McEwen.
Mr. Bob Wilson with Mr. Price of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DIGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682), to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Diggs).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682), with Mr. Bolling in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. Diggs) will be recognized for 2 hours, and the gentleman from Minnesota (Mr. Nelsen) will be recognized for 2 hours.

The Chair now recognizes the gentleman from Michigan (Mr. Diggs).

Mr. DIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the Constitution first became the supreme law of the land, almost two centuries ago, the world has changed tremendously. The timelessness and flexibility of that document has proved time and again that that evolution has been incorporated into the basic framework of the government.

The enunciated ideals of the Founding Fathers have been brought to the concrete by the consistent legislative efforts to achieve full citizenship for more and more Americans. The expansion of these ideals has widened the scope of citizens' rights of participation from the narrow confines of the 18th century to include women, those 18 to 21 years of age, racial minorities, and the poor.

Rights of self-government have time and time again been proved to apply to all citizens; all, that is, except the people of the District of Columbia.

To put the debate today in perspective, it should be noted that the people of the District of Columbia are the only American citizens who have had the right of self-government taken away from them by the Congress.

James Madison wrote, in Federalist Paper No. 43, that the residents of the Nation's Capital "Will have their voice in the election of the government in which the authority is exercised over them, and a municipal legislature for local purposes derived from their own suffrages will of course be allowed them."

This was clearly the intent of our Founding Fathers. So at its founding in 1802 the city was set free from State pressure and was constituted with a government of an appointed mayor and a 12-member city council elected by the people of the city.

Through the years the structure of the local government was changed several times but the rights of self-government were not taken away until 1874 when a Presidential appointee—and I underscore that; a Presidential appointee—mishandled the city's finances and cases of graft were uncovered in the local government. So the continuity of the democratic tradition was ruptured and local government control was assumed totally by the Congress.

During the past 20 years there has been a locally inspired effort to revive and restore local self-government of the District, which has been associated in by people outside of the District all across this country.

Now, on the 11th of August 1967, a new plan for reorganizing the government of the District of Columbia became law, known as Reorganization Plan No. 3. The 1967 plan abolished the existing three-man Board of Commissioners of the District and created in its place a single commissioner and a city council, all appointed by the President. The plan added no new functions or powers to the District of Columbia government not already granted, nor did it alter the relationships between the District government and the Congress.

So today the members of the Committee on the District of Columbia come before the House with a new proposal which we believe offers the people of the District of Columbia an opportunity in exercising their rights once more and yet with adequate safeguards for the Federal interest component.

This Chamber will hear many expressions on this whole matter. Many questions will be raised and many arguments proposed. But many of these arguments will echo those heard in this Chamber a quarter of a century ago when in 1948 the issue was debated, and in 1965 when it again came to the floor.

When one reads these debates it is interesting to see that the same doubts, the same uncertainties, the same reservations were expressed then as will undoubtedly be voiced during the debate which ensues, and some of which has already been expressed on the floor.

These arguments include those of the constitutionality of a congressional grant of self-determination, the concept that Congress supports the city budget, the reorganization of the local government without transfer of responsibility, the lack of efficiency of a local government, the complexity of the bill, and the concept that the District of Columbia is a Federal city and thus belongs to all of the people of the United States.

Each of these arguments, in my view, is fallacious and is mostly used as a rationale for really denying the full citizenship to the residents of the city.

Mr. Chairman, first, the questions of constitutionality could be summed up by discussing the Supreme Court case of the District of Columbia against Thompson in 1953. The Supreme Court in that case ruled as follows:

> On the issue of home rule, however, Congress may grant self-government to the District of Columbia to the same extent as it may do in the case of territories.

Mr. Chairman, I might add that that decision was a unanimous one, indicating that there was no dispute in the highest court of the land about the constitutionality of any congressional grant of self-determination to the District. The rights granted to the District in the present proposal in no way conflict with the Constitution of the United States in principle or in practice. It is, rather, one more step in the continuing expansion of the rights of American citizenship.

Now, the concept often implied in arguments against self-determination that the Congress or the Federal Government supports the district in revenues or city financing is another matter. The residents of the city, I might remind the Members, pay income taxes and local property taxes and sales taxes and any number of special fees and assessments common to other jurisdictions throughout the country. In fact, the revenues of the district make up some 80 percent of the district budget, the Federal payment resulting in the remaining part of the moneys necessary to run the city of Washington.

Mr. Chairman, it has been argued that reorganization must come first without self-government. But reorganization of the District government without recognition of the people's rights is little more than the reshuffling of a stacked deck by the dealer. The cards may be in a different order, but those in the game have no more chance of winning than before.

In our present situation the stakes involved go to the very heart of the American system of government. The question is one of fundamental rights, the rights of citizens to elect their own local officials and run the affairs of their community themselves.

Arguments have been raised concerning the lack of efficiency of a local government. It is, in fact, more wasteful and inefficient for the Congress to act as the local legislature of the city, deciding local matters as to whether kite flying should be allowed in the city or what the laundry tax should be. These matters have required the time and the attention of the Congress and have required that some 28 legislative steps be taken, just as in the case of the most vital national bills.

Certainly local self-government could not fail to be more efficient than this, in terms of efficient allocation of a national legislator's time.

And in a city with the highest percentage of college graduates of any jurisdiction in the country, can we really believe that the people have no capacity for efficient self-government?

On the question of complexity, I argue that this bill is not incomprehensible. It is only complex to the extent that it deals with a complex question: How do we undo the wrongs that have been perpetuated against the citizens of the District in denying them the rights of citizenship?

How to undo wrongs that have been perpetuated against citizens of the District in denying them the rights of citizenship.

Finally, there have been arguments that the District of Columbia is a Federal city and thus belongs to all of the people of the United States. If one were to carry that argument to its logical conclusion, one would state that many of the buildings here belong to all of the people in the District or people in the country to dispose of as they wish. The present administration has argued to the contrary, however, and when there were demonstrators in several Federal buildings the administrations claimed that the buildings and agencies belonged to them.

Others have stated similar contradicting arguments during related incidents of demonstrations.

Mr. Chairman, I might add in response to the apprehensions of the gentlewoman from Oregon, if she will look on page 94 of the committee print and its comparable section in the draft committee print, I call her attention to the provision that says:

> (b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

Mr. FRASER. Will the gentleman yield at that point?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to say what the chairman of the committee said deserves to be underscored. The argument is made in the House—and this was made during the debate—that there was danger of somebody controlling the Federal enclave. That is really sheer fiction. The Capitol Grounds, the Washington Monument, and the Mall are all run by the Department of the Interior. The Federal executive branch runs the White House. We run the Capitol. This idea that there is some hazard to the control of these Federal properties is a pure fiction which has no foundation in fact of any kind.

As I understand it, some people say that we ought to seal that off and put in our own traffic control lights and contract for fire department service and ask the police department to come in on ordinary routine crash matters and have a contract with them.

As far as the property is concerned, it is already under the control of the Federal Government and various executive branch agencies.

This is just one of the tactics of fear that we will hear for the next 4 hours. I hope and I know that this House is more sensible than to be thrown off balance by such arguments as this.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. Chairman, the members of the House Committee on the District of Columbia have given this bill much time and energy and enthusiasm for more than 6 months in order to bring a sound and reasonable bill before the House for its consideration. This bill is not an overnight effort. The statistics with regard to how this product came before the House are impressive indeed.

The committee considered more than 12 bills presented to it involving all kinds of self-determination concepts. Hearings and markup sessions were held beginning last February 8 and went on until the 31st of July. Almost half of those days were devoted to hearings on recommendations of the Nelson Commission on questions of economy and efficiency and good government. In total some 17 individuals and 35 organizations presented oral testimony. This included not only local citizens and citizen organizations and representatives of local agencies and local political parties and the District government but others concerned with the Federal interest. All individuals and organizations requesting to testify or to present written testimony were given the opportunity to do so.

The Subcommittee on Government Operations under the able leadership of the gentleman from Washington (BROCK ADAMS) on its own initiative met with and secured the recommendations of political scientists and urban specialists and experienced public officials and others.

Extensive research was conducted on the governments of other cities, including comparison with 17 American cities with comparable size to Washington, D.C., along with the relationship between the State capitals and their local governments, plus other national capitals.

Then after the bill was reported out of the subcommittee, 42 more amendments were made by the full committee during the markup sessions.

So as a consequence of this exhaustive research and in-depth work this bill was reported out of the full committee by the overwhelming vote of 20 yeas and 4 nays. This is a very, very significant statistic, perhaps the most impressive of all since it represents not only a bipartisan agreement, but support for the first time from Members from all sections of the country, from the Deep South, from border States, from the Midwest, from the Northeast, from the Northwest, and from the Far West, so that this is a product which we can truly say is a national concensus.

But the history of this measure does not stop here. Since July 31 during and following the recess, I have personally held numerous meetings with many Members of the House and the other body plus the White House, to solicit views on all aspects of this bill to further clarify the intent of the committee. These conferences have been frank, they have been open, and they have been helpful. I deeply appreciate the advice and counsel that has been provided. I have listened, and I have to the extent of my ability attempted to incorporate all reasonable or constructive ideas.

Other members of the Committee on the District of Columbia have also been working the same route, and we have pooled our information and have carefully weighed the suggestions. As a result of these discussions and our own thorough reanalysis of every section of this bill, we have prepared a substitute which retains all of the basic provisions of H.R. 9682, but with six easily understood changes.

So, in sum, this bill, H.R. 9682, as amended by our proposed substitute, is a product of many minds and many hours, and on balance, in my view, the best of an available and passable measure.

Mr. Chairman, this is an historic day for the Nation's Capital, and I would ask each Member to consider seriously the relationship between the Congress and the people of the District of Columbia. Our Nation's Capital is a reservoir of the most unused, underused and misused local human resources from the international community to representatives of national organizations, to the transit day-time community and to the proud 800,000-some people who call Washington, D.C. their home. We have some of the world's most talented people in this community, and it certainly is not fair to suggest that a locally elected government is going to be one which is short of the kind of standards that prevail in our own local communities. The partnerships that are demanded to insure progress in this city must be built on mutual trust and respect with permanent and yet flexible alliances among all of the elements of the community. And any alliance is impossible when one element of the community, the creative leadership of the local community, is stifled and ridiculed as not being quite good enough to exercise their right to govern themselves. The Members of this body recognize that no freedom is real and no emancipation is enduring which does not provide the power to protect one's rights.

Without even the limited power this bill gives to the citizens of the District, the growth and development of all elements of this unique community will stagnate. In my view, the Congress and the people of the District of Columbia and the people who cross its boundaries daily must recognize their common interests.

Bridges across the Potomac must be augmented by bridges of understanding and cooperation. The life of the city and the life of the suburbs are intermingled, and this House chamber is bound to the same soil as the generations of citizens who live in its shadows, unable to participate in democracy. It is for that reason and based upon that intermingling concept that the notion of an enclave, walled city, a fortress as it were, around the Capitol Grounds is repugnant to me. There is no geographic line that can separate this Nation's Capital from the rest of this community.

For all of these reasons, Mr. Chairman, I think that the bill should be supported.

Mr. Chairman, I should like to yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, as you know, article I, section 8, clause 17 of the Constitution provides that Congress shall exercise exclusive legislation in all cases whatsoever over the District of Columbia.

In order to comply with the provision of the Constitution delegation of home rule to the residents of the District must be given with the express reservation that the Congress may at any time revoke or modify the delegation in whole or in part, and, further, that the Congress may take such action as in its wisdom it deems desirable with respect to any municipal action taken by the people or the government of the District. Congress must retain full residual and ultimate legislative jurisdiction over the District in conformity with the constitutional mandate.

As Members of Congress we have no right to ignore the provision of the Constitution concerning the District of Columbia and powers and duties granted which are in conflict with the provision of the Constitution would be held unconstitutional by the Supreme Court. Any bill which grants additional rights and responsibilities to the people of the District in dealing with the municipal problems must protect the Federal interest and preserve the constitutional authority of the Congress over the Nation's Capital. In order to accomplish this purpose, such legislation must reserve the right of Congress to legislate for the District at any time and on any subject and to retain in the Congress the appropriations power over the District of Columbia Budget, Federal payment, and all reprograming requests along with the right of the House or the Senate to veto legislative acts by the District government which are in conflict with the constitutional provision.

Mr. Chairman, I may know as much about the operation of the District government as any Member of Congress. I have served as a member of the Committee on Appropriations for 19 years and during this period of time have served on three subcommittees on the Committee on Appropriations with one of the subcommittees being the Subcommittee on District of Columbia Budget. I am chairman of the District of Columbia Budget Subcommittee and have served in this capacity since 1961.

I have never voted against any legislation which complies with the constitutional provision concerning the operation of the District of Columbia. I supported all of the legislation and the proposals which brought about the right of the District of Columbia residents to vote for President and Vice President; to elect a nonvoting delegate; reorganize the court system; approved the change in 1967 from the commissioner type government to the government organization in operation at this time, and a number of other proposals which granted additional rights and duties to the residents of our Nation's Capital. All of these proposals, in my opinion, Mr. Chairman, meet the provisions of the Constitution and were steps in the right direction.

Our Nation's Capital like a number of other large cities is faced with major problems which become more serious each year. We now have some 748,000 people in the city of Washington, and the census for 1970 showed that we had 756,510 people in our Nation's Capital. Middle class black and white families are rapidly leaving the city of Washington. Crime is a serious problem here and welfare and education are two additional problems which certainly become more serious each year. As chairman of the District of Columbia Budget Subcommitee, and as a member of this subcommittee for 19 years, I have made every effort to see that adequate funds were appropriated for the operation of our Nation's Capital. The year that I was elected to the Committee on Appropriations and was placed on the Subcommittee on the District of Columbia Budget the total budget for our Nation's Capital amounted to $139,578,760. The Federal payment was $20 million. The budget for fiscal year 1974 under which the District of Columbia is now operating approves the expenditure of a total of $1,199,498,000. This includes a Federal payment of $187,450,000. In 1961 when I became chairman of the subcommittee the District of Columbia budget totaled $223,086,004. The Federal payment was $25 million. In 1970 the budget for the District of Columbia was $641,111,821 and the Federal payment was $116,166,000. The amounts requested over the years have with few exceptions been granted in full. Reductions have been in the main small, and in many instances were volunteered by the city officials at the time they appeared before our subcommittee.

In addition to the $187,450,000 Federal payment, the District of Columbia will receive $57,400,000 in revenue sharing funds. Capital outlay consists of money borrowed from the Federal Treasury and this amount for fiscal year 1974 totaled $138,178,000. In addition, Federal grants amounted to $232,784,100. That portion of the District of Columbia budget for fiscal year received from the Federal Government totals $615,812,100.

With only some 748,000 people in the District the total employment of 38,747 of course is more than adequate.

Mr. Chairman, we have made every move possible to see that adequate funds are appropriated for the public school system here in our Nation's Capital. Our children must be taught to read and write and to obtain a good education. We have now a pupil-teacher ratio in our elementary schools of 25.2, which is one of the best in the country. Since 1961 we have constructed 3,228 new classrooms at a total cost of $303,337,463. The total number of projects is 118 and the number of projects, along with the number of classrooms and total amount expended is one of the highest in our country and the amount expended per capita is probably the highest in this country. Our total per capita expenditure for education in our Nation's Capital for fiscal year 1974 is $1,358. This is one of the highest in the Nation. The national average is a little over $700. For public schools we will have a total of $165,896,300 for fiscal year 1974. In addition to this amount the public school system will receive $28,561,600 in Federal grants. For human resources we recommended and Congress approved a total of $218,443,000 for fiscal year 1974. For public assistance we recommended and Congress approved total expenditures of $99,067,500. The local amount totals $52,372,200 and the Federal expenditures total $46,695,300. We now have 118,000 people on public assistance in the District of Columbia, and it is estimated that during the present fiscal year of 1974 this number will go to 120,000 people. This is about 1 out of every 7 in our Nation's Capital. This is a serious problem in Washington and one that our committee has attempted to help the District of Columbia officials solve for many years.

The city of Washington now has control over two city colleges—the Federal City College and the Washington Technical Institute. Mr. Chairman, I voted for the legislation which provides for the operation of these two colleges, but I still have serious doubts as to whether or not our Nation's Capital can operate and fund these two colleges. We have had serious problems with one and notwithstanding the fact that we have had four classes graduate; this college has never been accredited.

Crime is a serious problem in our Nation's Capital and every year for the last 19 years we have appropriated every dollar requested which will fund and place into operation an adequate police force. During the testimony before the committee this year the chief of police stated that Congress had given him every dollar that he had requested for this purpose. We now have 5,100 police officers and this number is one of the highest per capita in the country and the amount expended for the operation of our Metropolitan Police Department of $110,669,000 is the highest per capita of any city comparable in size in this country. Some 18 million people come to visit our Nation's Capital each year and certainly these people should be permitted to visit Washington and be fully protected. I recall, Mr. Chairman, in 1968 when we had disorders here in our city, the number of visitors dropped below 14 million. The per capita salary budget for the Metropolitan Police Department is 66.28 percent. This is the highest in the country in cities comparable in size to our Nation's Capital.

Mr. Chairman, in order to comply with the provision of the Constitution concerning the operation of our Nation's Capital, Congress must reserve the right to legislate for the District at any time on any subject and to retain in the Congress the appropriations power over the District of Columbia budget, Federal payment, and all reprograming requests along with the right of the House or the Senate to veto legislative acts by the District government which are in conflict with the Constitutional provision. The bill submitted by the distinguished gentleman from Michigan (Mr. DIGGS) the chairman of the Committee on District of Columbia, complies with the constitutional provision concerning the operation of our Nation's Capital, and the chairman has assured me that the bill to be presented to the President of the United States for his signature carries out all of the provisions that I have just mentioned.

Mr. Chairman, I support the bill presented to the House by the chairman of the District of Columbia Committee today, and respectfully request the committee to approve this legislation.

Mr. DIGGS. Mr. Chairman, I yield to the gentleman from Washington (Mr. ADAMS) such time as he may consume.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to state quickly to the committee what will be proposed in the committee substitute, which is basically the bill that the subcommittee and the committee worked on for so many days.

The committee spent over 15 days in hearings in the subcommittee and 12 days in markup. I think every Member of the majority or minority side will agree that every opportunity was given for the presentation of every viewpoint, and certainly every amendment that everyone wanted to present was both considered and voted up or down.

The same was true in 3 days of hearings in the full committee, which the chairman called to be certain that any groups that had not been heard before the subcommittee had additional time, and there were an additional 8 days of markup.

The purpose for which I address the committee today is, first, to state that for many years I have labored in the vineyard of the District of Columbia and in this House to try to have the Congress of the United States, if it were going to exercise full jurisdiction over every jot and title of operation in the District, to at least do it well.

I have found, and I know those Members who have been a part of the sessions have found, that those who are often most violent in saying there should not be locally elected officials are the same people who we find the most difficult to bring to the floor and to consider individual measures as to how the District of Columbia should work. Certainly our history of the past few years has indicated that we need input from locally elected officials.

I appreciate very much the remarks the chairman of the full committee on this subject and the remarks of the chairman of the Subcommittee on Appropriations of the Appropriations Committee (Mr. NATCHER) that this bill meets every constitutional test and its sole purpose is to provide locally elected government for the local officials of this area. It is hard for me—very hard, to know why anyone opposes that concept.

Every person in this Congress is elected. Every person comes from a jurisdiction with officials who are elected. The whole fabric of the United States is based on the election of officials and those elected officials being responsible to the electorate for their acts.

This is the Federal City with both Federal and local interests. The gentleman from Minnesota (Mr. NELSEN) and I have spent years working on the problems of the Federal interest and of the local interest and trying to mate those two concepts. That is what this bill does. The Congress and the local officials in this area are going to be involved in a partnership of running this city from now until whatever date, if ever, the people of the United States amend the Constitution of the United States. And we understand that.

But when we appoint from the Federal Government local officials and then talk with them, we are talking to ourselves No matter how fine those officials may be, we violate the whole concept that we all believe in, that in a democracy the people elect their own officials.

So that is what we have done with this bill.

In its structure it starts at the very beginning by establishing those two principles, that the Federal Government shall be involved in the affairs of the District in providing for the Federal interest and that a local government shall be elected and that local government shall deal with local problems.

The second title of the bill incorporates almost in total the Nelsen recommendations as they were presented to the committee.

I want to make this very clear and I know the gentleman from Minnesota and the members of the minority will support me in this. At every point in our hearings we asked for every Nelsen recommendation that was drafted. When some were not ready we waited for those. We have incorporated in this bill everything that was ready. There were certain ones that were not ready; for example, a personnel system. We understand that should be examined also, but it was very complicated and in the time period we had we were unable to have that drafted.

The Subcommittee on Government Operations will consider additional parts of the Nelsen recommendations as they are ready.

I want to emphasize that title II of the original bill and title II of the committee substitute provide for the transfer of agencies as recommended by the Nelsen commission. It tries to correct fragmentation. It carries out the suggestions of creation of independent agencies such as the Armory Board, the Public Service Commission and others.

So this bill is basically a mating of the Nelsen commission recommendations and the fundamental and simple concept that there should be an elected government for the District of Columbia.

We were also very careful, and we patterned this on what is done in nearly every city of the United States, to create a city charter, so that the people could examine how their government would function and vote it up or down. So title III creates the fact that there will be a charter, and this charter will be approved or disapproved by the local people.

Title IV sets up the various branches of the government; legislative, executive, judicial. Again, it is patterned on every government in the United States at the local level.

We brought in every expert we felt could contribute. We examined the structure of other cities, and I can say that we have created a charter for examination by the Members that is valid, honest, and is comparable to those of their cities.

In title IV we recognized the fact that the Congress had reorganized the judiciary only recently, and, therefore, we left the judiciary where it is, with the exception of creating and strengthening, on the recommendations of the bar associations of the United States, a commission created from lawyers in the area to recommend appointments and to recommend reappointment of the judges.

Now in the committee substitute we have agreed that they can be reappointed if they are found by a commission of their peers to be well qualified.

Mr. Chairman, the judiciary has been left where it is, and no matter what the Members may hear in this debate, I will state to them, and I will answer every Member who wants to argue any point about it, that the judiciary has been left as it is. The only thing that is changed is that there would be an appointment on recommendation of this commission by the executive of the District of Columbia, the Mayor, and confirmed by the Senate. Removal is also accomplished by a tenure commission based on the Missouri plan.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, just so I will understand the statement on that point, does the gentleman's statement mean that the appointing power will now be in the Mayor rather than the President of the United States?

Mr. ADAMS. The gentleman is correct.

Mr. DENNIS. That is a rather fundamental change which I think the gentleman slightly passed by perhaps.

Mr. ADAMS. I did not intend to. That was my next point which I was going to make with regard to the judiciary, and that is that the appointing power has been changed but in a very limited fashion. We did not feel that we could use the Missouri plan, which is a Tenure Commission, and have it recommending to the President of the United States, so we had it recommending to the local executive authority, with confirmation of that appointment by the Senate.

This is a means of trying to make the judicial appointment and removal system the best we know how to make it, from the experience that has occurred in the United States.

We considered recommendations of life appointments, we considered recommendations of electing the judges, and this was the best that we could devise.

Finally, Mr. Chairman, on the borrowing authority, we have established a borrowing authority similar to that of every other city in the United States. It has a limitation on it in terms of the total amount that can be borrowed, based upon the revenues of the city, and it requires voter approval for general obligation bonds. If each of the Members will examine our local cities, we will find this is patterned upon what our people do.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I just wanted to emphasize the gentleman's point concerning the Mayor's appointment of judges.

As I understand it, the Mayor is confined to choosing from a list that is prepared by the Judicial Nomination Commission, a majority of the members of which are appointed either by the President or the Speaker of the House or the President of the Senate?

Mr. ADAMS. The gentleman is correct.

Mr. FRASER. Those three officials appoint five of the nine, with the local bar appointing two more, and the Mayor appointing two, and that is from the list that that Judicial Nomination Commission submits to the Mayor, from which the Mayor must choose, and then it goes to the Senate for ratification or confirmation?

Mr. ADAMS. The gentleman is correct. I was reserving for later my statement on that, because I thought there might be questions on the exact composition. The gentleman from Minnesota is absolutely correct.

That was worked out with the gentleman from Kentucky (Mr. BRECKENRIDGE) and many other Members who were working very hard on it to assure that this was done as precisely as possible and with the best possible input.

Mr. Chairman, I wish next to turn briefly to the fact that we followed the Nelsen recommendation on creating independent agencies.

These independent agencies are part of the Government but function like the independent agencies in your hometown. The Board of Elections is an independent agency, and so is the Zoning Commission, the Public Service Commission, the Armory Board, and the Board of Education.

I think, also, Mr. Chairman, we should discuss the reservation of congressional authority. We have proposed in the committee substitute, as indicated by the gentleman from Kentucky and as was basically in the original bill, the fact that there will be a layover period of time for the effectiveness of any local action.

The Congress has the power to legislate on anything. The Constitution so states and we have so recognized. This appears in title VI of the bill. The council has broad authority, but in title VI we limited certain specific items such as imposing a tax on the property of the United States, lending the public credit for any private undertaking, repealing any act of the Congress which concerns the functions or property of the United States not limited or restricted in its application exclusively to the District, to changing title XI of the District of Columbia Code regarding the jurisdiction of the courts.

We have said also that there should not be a change in the criminal statutes. The reason for that is that there is proposed before the Committee on the District of Columbia at the present time a commission to review the criminal code. There will be hearings on that, so that for the present time we know where we are with it and can move on that subject without bringing it into this bill, which basically provides a structure of locally elected government.

Finally, Mr. Chairman, we would like to present to the committee the fact that the appropriation process stated by the gentleman from Kentucky has been left as it is. This is a complicated subject and is one I know the Congress in future days will want to consider. The chairman of the Subcommittee on Appropriations has often talked with us about it, and

I am sure there will be further conversations as to whether the system is working under the bill we have proposed and how it is working and what changes, if any, should be made. We have taken that issue from this bill, so that there is purely presented to this committee, without any extraneous issues, the fact as to whether or not you believe in a locally elected government. Everybody says they do; so, if they do, when this bill comes up for a vote, the Members will have their chance to vote for it.

Mr. Chairman, I omitted one thing. I see the gentleman from California on his feet. He is interested in partisan versus nonpartisan elections. Because of the implications of the changes in the Hatch Act and the great worry of some Members about that provision, we have provided in the committee substitute for nonpartisan elections of the Mayor and of the City Council.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yielded to the gentleman from California.

Mr. BELL. I want to commend the gentleman for his very excellent statement and the comments he made. I certainly do concur in the conclusion on nonpartisan elections. I think it is a very correct decision and action, because this is the way it is done in local elections in California, Oregon, and other States. It is a step in the right direction and is for the good of the legislation.

Mr. DENNIS. Will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. DENNIS. For a point of information, I would ask the gentleman when the council passes a bill under your measure and you have a 30-day layover, what are the prerogatives of Congress during that 30-day period of time with respect to the legislative situation?

Mr. ADAMS. If it is a charter amendment, and that has to be also approved by the people, either House can veto it. If it is a statutory amendment then the Congress simply can pass a bill, a statute, saying that local law shall have no effect. Congress is not limited to doing it within 30 days, but if it is greatly upset about it then it has 30 days so that the local law would never go into effect.

Mr. DENNIS. But it would take an act of the Congress and it could not be vetoed by the action of either House?

Mr. ADAMS. That is correct, on general legislation. We have maintained the constitutional power intact.

Mr. DENNIS. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, in reference to the Hatch Act dealing with the election of the President and Vice President, which are partisan offices, are there any provisions in this bill that deal with the activities of the employees of the District of Columbia that are enjoying civil service and that are now under the Hatch Act, will they be permitted to just promiscuously get involved in partisan politics?

Mr. ADAMS. We have left the Hatch Act provisions alone in going to the nonpartisan election provision.

Mr. NELSEN. I thank the gentleman.

Mr. DIGGS. Mr. Chairman, I reserve the balance of my time.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, the consideration of this bill is perhaps one of the most important considerations that this House will ever have as it deals with the government of this Nation's Capital.

On the home rule question, which is basically I guess what we are talking about, we find in the Congress—and this is traditional—three different groups. We have those who are totally opposed to any kind of consideration. We have those who would go too far in the other direction so that those who may live distant miles away really lose their voice. And we have those who are sort of in the middle, who recognize that this city now has a population of 750,000 people or less, and circumstances have changed as far as municipal affairs are concerned, and the well-being of this city.

I have been one of those who has supported constantly, over a period of years, a movement towards more local involvement and more, shall we say, harnessing of the local manpower in the interest of the District of Columbia, but at the same time always trying to preserve the dominance of our national city, because this is our national city.

Coming from my farm in Minnesota, my parents were immigrants, and one of the greatest thrills of my life is to see the Capitol illuminated at night. It is my Capitol, and it is the Capitol of those who live here, but it is not theirs alone, it belongs to every citizen of this country.

I remember representing our U.S. Government and going over to the funeral of the King of Denmark, the home country of my dad and mother, and to see that big plane, the United States of America painted on its side and the flag—It was a great thrill. But I can see from arguments here where some of my colleagues overlook the fact that this is a Federal city. They want to give the residents a total voice and still my voice. I can also look back and see that many in the House have overlooked the fact that there are local problems. So I have been one of those who have constantly been moving in the direction of trying to give more authority and more jobs to the people who live here in the District of Columbia, feeling that involvement is good.

I supported, as the gentleman from Kentucky (Mr. NATCHER), did, provision for local residents to vote in the election of President and Vice President, giving the people a chance to vote here.

One of the other steps we took years ago was the elected school board, feeling this function was principally local, and the local school board should be elected by the people. But to my surprise, when I proposed that they be given authority to tax to raise money for the schools during hearings on home rule, they did not want that authority. They did not want it. Then came a nonvoting delegate of the District of Columbia. It was my maneuver that made it possible for this bill to pass. I wanted to give the District of Columbia a vote in the Congress of the United States, but I did not want to give my voice away.

We may go on, then, and talk about the Administrative Procedures Act, which is another thing we did to give residents a legal voice in what goes on in their government and one of the things that is often overlooked. Few people even know about it. Another thing I sponsored was a bill that gives to the District of Columbia the advantage of land-grant moneys as did other cities of the United States. That was my bill. Our purpose was to give the money to the Washington Technical Institute, because that fits the category of the land-grant moneys.

What happened? The Federal City College grabbed half of it and charged an administrative fee besides, and the Washington Technical Institute had to wait a year to get their money. I proposed legislation that would give them the money, and I was charged as being irresponsible by the nonvoting delegate in the press. But I was right then and I am right now in my "home rule" bill.

Sitting on the committee—and I have been there for quite a few years—it seems as though many of us have to serve on the District of Columbia Committee for awhile when we come to Congress. I have never been able to get off. I have asked to be relieved of the responsibility several times, but it seems that I have been fairly successful in trying to work out compromises.

I felt kind of bad when in our committee time after time and time after time they would criticize the city government for spending too much. Yet there was never any move made to try to figure out how we could make it a better city with improved government and services. So I came up with this idea of the Little Hoover Commission, which has later been named the Nelsen Commission, and we spent $750,000.

We had on this commission some experts on government and fine men who knew the District. We had Tom Fletcher, the assistant to the mayor; JOHN DUNCAN, the former Commissioner; and Don FUQUA who was chairman of one of the subcommittees. I must say when I started to add the score, I guess I was the only Republican. However, we were all interested in a common goal, and that was the well-being of our Nation's Capital.

We came up with recommendations all across the board trying to improve the city, trying to make it a better city with recommendations for improved organization and services that have now been accepted by the majority in their committee print. However many of the Nelson Commission recommendations have been altered, as I pointed out. There is a little lavender in quite a few of them, but any way we did do a job. I think the committee report will be a good handbook to look at, looking to the future, and I am sure that many of our recommendations will later follow.

Right from the beginning it was my endeavor to keep the Commission report separate and the home-rule issue separate. It was my feeling that one might damage the possibility of the other. I was unsuccessful in that venture. The committee voted me down. Anyway many of the recommendations are incorporated but in an unsatisfactory way. I am rather pleased now to see a trend in the committee where every time I turn around they amend the bill to get it closer to the Nelsen-Green bill—H.R. 10692.

I will not say that I think I dealt with a stacked committee.

But I also want to say that the committee now begins to recognize that some of the recommendations I made and some of the recommendations made by the Commission are valid and should be adopted. They are moving in that direction every time they rewrite the committee bill H.R. 9682.

So what did we do in our Commission report? We did what everybody says they are doing now. We tried to separate the parochial interests from the national interests, transfer to the local people things that are local, keeping always in mind that the Federal City is a predominant thing. I want to say to those who live here in the District of Columbia, whether they are black or white, their concern should be the same as mine. It is their Federal city first, and the local problems would be handled by separate municipal authority in the Nelsen-Green bill.

So we transferred to the local city government in our bill H.R. 10962, the Redevelopment Land Agency which will be under city control, the National Capital Housing will be under city control, and the Manpower Administration will be under city control, and the Municipal Planning Office will be under city control. The comprehensive plan for the District is established by the National Capital Planning to protect the Federal interest. So we did make those transfers that we are talking about.

What happened in the committee? When the bill was considered I was over at the hearing, and a pro home rule group came in and objected to the provisions of the bill on planning. Then some modifications occurred to accommodate them on planning. Not enough but some.

Next the judges came in, and again a change was made. May I say that the Court Reform Act is a good act and I had a great deal to do with it when it passed the House. The judges pointed out the backlog has been reduced by virtue of the approach in that legislation. Now I think we are amending that District of Columbia Court Reform Act in this bill. Even in the new and latest rewrite of the committee bill, the judges will be appointed by the Mayor to be confirmed by the Senate in the committee rewrite. The Senate does not want to give the President a voice in the appointment of judges but they want it over there. That is in the Senate bill and I think they are wrong.

Now then we may go to the budget. Again if we are to determine what the Federal payment ought to be, we need to examine what the expenditures have been in the District and how they compare with other cities. I am pleased to note that there has been a movement toward changing it so that the Congress will be in control of appropriations.

But before I forget about it I mentioned some of the things that I have done relative to the interest of this city. For years we have had people going to the schoolhouses and having their pictures taken pointing to an old textbook to show their interest in education—and that was the end of it. But we will find the Washington Technical Institute was my bill. The Federal City College was my bill. I was out for the commencement of the WTI and there were 400 graduates. There were 87 percent who had a job the day they graduated. Believe me, they are not critical of my interest in the District of Columbia.

But then comes the consideration of the home rule legislation. So we have some very busy people down here who are telephoning all over the country, and here we have the document by Common Cause. They say that the chief opponent is the senior Republican on the committee, ANCHER NELSEN, of Minnesota. They say I am the chief opponent of home rule—and yet I have given the District more home rule than any other member of the committee. So the Common Cause publication goes on to say that the opposition is based on racism. There was not a single one of those graduates at the WTI who felt I was a racist, because for the first time those graduates had an opportunity of going to a good school and learning a craft and getting a job and becoming successful in their own community and having earning power and pride and having their families live here and making a contribution.

So now when we come down the stretch, we then get a committee print to replace a committee bill H.R. 9682 which a week ago all the sponsors were saying was a great bill.

As I pointed out, I came by the committee yesterday and as I came by, the cameras were outside—there are always cameras around—and inside there was a committee meeting, not of committee members; there were about 40 or 50 people from downtown. You might as well have a meeting at Hogates, as far as discussing the affairs of our committee report.

No one in the minority was not advised of it. I still have not read the committee print report. I only know what I have been told today. I still say there are many things that are wrong with the committee bill and we will point them out to you tomorrow. However I should compliment those who met, in that they are now becoming aware of the fact that what I proposed in the first place in H.R. 10962 was sound and salable. I urge them to join me in voting for H.R. 10962.

When I deal in legislative processes, I always look for the attainable goal, for a course I can follow, for one that I can reach; so under the bill that Mrs. GREEN and I have introduced, we took the Nelsen Commission report and took out of it many of the important things that we placed in the committee bill. We left it exactly the way these experts wrote it.

We then put in an elected city council. Then we found this business, if we elect a mayor, the mayor appoints the chief of police. Now, the President appoints the mayor and the mayor then appoints the chief of police, which leaves the line of authority all the way to the President, where it ought to be, and traditionally in the District of Columbia that has always been it.

Now, there is some accommodation for emergency conditions. I am wondering if the President is going to have to declare an emergency to get up to deliver the inaugural address.

I do not know just how the mechanics of this work out, but I want to say this, that if I have been criticized for coming in with a substitute that was introduced October 2, the committee then should be subject to a very, very severe criticism, because they come in today with no bill, just a committee print and we do not know what is in the 129-page substitute.

I endorse the principle of "home rule" for the District of Columbia.

I am committed to full citizenship rights for all U.S. citizens consistent with the Constitution.

I have a record of solid achievement as the ranking minority member of the House District Committee in expanding the rights of self-government for District citizens and their representation in the Congress:

First. I was one of those who pushed for and succeeded in obtaining rights for citizens of the District of Columbia to vote in Presidential elections.

Second. I was one of the authors of the bill that provided the District of Columbia with an elected school board.

Third. I was the author and helped assure the passage of the bill that provided for the nonvoting delegate for the District of Columbia—the first such delegate for the District in approximately 100 years.

In addition to the above, I was one of those who supported the adoption of an Administrative Procedures Act for the District of Columbia that insured that residents had an opportunity to be heard before administrative agencies of the District of Columbia government.

I was the author of the provisions of the bill providing for the Washington Technical Institute, which has been in my opinion one of the most successful institutions created in the District of Columbia in the last 50 years.

I introduced the bill that permitted the establishment of a commission to study the efficiency in the District of Columbia government, and after its creation, I served as Chairman of that Commission. We spent $750,000 and considerable time and effort in putting that report together. It is a good report—one that has been endorsed by Government officials, Members of Congress, residents of the District, District government officials, and citizens' groups throughout the city.

Commencing in January of this year, I strongly urged the members of the House District Committee that rather than get the Nelsen Commission's recommendations mixed up with the issue of "home rule," that we keep them separate.

They were kept separate when the Commission study was being conducted so as not to interfere with the issue of "home rule," if it were brought up before the Congress. It seemed to me only fair and in the interest of the city and its residents and the country as a whole that if in the Congress we could address the issue of "home rule" independent of the issue of good government, which the Nelsen Commission addresses. However, my advice, which I gave freely out since January, was largely ignored. Time after time I implored those seeking "home rule" in the District of Columbia, as well as those of us who are Members of Congress and involved in this matter, please not to get these issues intertwined so that perhaps both might be dealt a death blow.

My advice, unfortunately, has been largely ignored. We have a bill report out by the House District Committee, H.R. 9682, which has the Nelsen Commission recommendations and "home rule" intertwined within it. I tried in the full committee to separate them, but I did not have sufficient votes to do so. I tried in the committee to urge its membership to limit the provisions of "home rule" to attainable goals and there again, I was unsuccessful.

I think we have seen the past few days the controversial provisions contained in this bill have surfaced in the Rules Committee and in the entire House. Unless my judgment is amiss, the grasp of H.R. 9682 is beyond the reach or accomplishment of its proponents. Unfortunately, in this 132-page bill bristling with controversy, it goes well beyond attainable goals that this House would endorse.

I indicated before the full committee on more than one occasion that I would introduce an alternative for the House of Representatives to act upon, an alternative which placed the recommendations of the Commission which I headed in a form in which, in my opinion, the Commission intended they be implemented. I favored including in such provisions the addressing of the issue of representation of the local interest fulfilled in a way that would not do damage to the Federal interest, because this Nation's Capital belongs to all of us. It is your Nation's Capital, and it is my Nation's Capital. It is your constituent's Nation's Capital, and it is my constituent's Nation's Capital.

My alternative bill protects the Federal interest in the District of Columbia in many ways, but the principal way is that it provides for an appointed Commissioner, as is the case today. It is important that the police power, and I do not mean by this just policemen and police protection, but the police power generally as that term is contained in the Constitution, rests with the Federal Government, either the Congress or the President.

It is true that the District of Columbia is written into several bills enacted by this Congress to give them the benefits thereof by saying that all the States shall participate in this or that program and also the District of Columbia. Now it seems to me that as long as the Commissioner is appointed by the President, the fact that we provide these additional benefits to the District of Columbia, which is basically a city, gives them advantages which they may therein ultimately have, but since we in the Congress act as a State legislature and as long as the Commissioner by and large acts as the President's delegate to serve as its Governor for many purposes, then I think the constitutional provision giving the Congress exclusive legislative authority, placing the Federal interest in the District above that of the local parochial interest where there is potential or actual conflict is resolved in favor of the Federal interest.

I had occasion recently to introduce into the RECORD one of the finest speeches on the issue of "home rule" that I have ever read. It is President Taft's address given in the District of Columbia some 64 years ago. In it, he addresses an issue which the proponents of "home rule" are using today to try to frighten Members of Congress into voting for something that goes beyond what their commonsense tells them is right in the circumstances. They are being told that a vote against "home rule" is racist. They are being told that a vote against "home rule" is a vote against the principle upon which this Nation was founded.

First I am going to address the issue of what the principles of our Founding Fathers were as President Taft saw them. He said:

> I have gotten over being frightened by being told that I am forgetting the principles of the fathers. The principles of the fathers are maintained by those who maintain them with reason, and according to the fitness of the thing, and not by those who are constantly shaking them before the mass of the voters when they have no application.

President Taft also said that one does not apply principles, even that of self-government, to illogical and absurd ends and states, as I quote below, that the application of the principle of self-government in the Constitution that was to apply in other parts of the country was limited as it was to apply in the District of Columbia.

> This was taken out of the application of the principle of self-government in the very Constitution that was intended to put that in force in every other part of the country, and it was done because it was intended to have the representatives of all the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the representative of that nation.

Now let me turn to the charge of racism that was made. The Common Cause, which is an organization headed by Mr. John Gardner, who served as Secretary of Health, Education, and Welfare, under President Lyndon Johnson, has circulated a newsletter suggesting an unspoken reason of those opposing "home rule" is racism, and that those opposing it are distrustful of the largely black electorate in Washington.

This is a very cruel and unsupportable charge when applied to every Member of the Congress. I resent this, as I am sure, many of you resent it. It is a strange and unusual and curious charge coming from Mr. Gardner, who claims to be 99 $^{44}/_{100}$ percent Rinso white. I am willing to place my record on the line with Mr. Gardner's any time and any place.

If my record of previous laws passed in recent years with respect to the District of Columbia, the work I have done for this community, some of which I have set forth above, does not withstand the most minute scrutiny—I would be very surprised.

I am greatly disappointed and disgusted that any organization purporting to be responsible should choose to follow such a low political role in quest of a legislative objective.

Let us pursue this further for a moment. Now Delegate WALTER FAUNTROY, who occupies a seat which my bill provided for in 1970, recently was quoted in the press as having "threatened a black voters campaign against white Congressmen who vote against a home rule bill for the District."

As I understand it, the Coalition for Self-Determination, on which Mr. FAUNTROY serves and which I understand either Mr. Gardner serves or whose program he has endorsed, is housed largely in the offices of Common Cause. Common Cause has offered the Coalition for Self-Determination office space, telephone services, and so forth, all this according to the reporters who have called me advising me that Self-Determination had been calling people in my district telling me that I must support H.R. 9682, even though in my opinion it is a bad, unacceptable bill.

Mrs. GREEN of Oregon and I addressed a letter to our colleagues in the House explaining in some detail the problems we had with the committee bill, H.R. 9682, and how our proposed alternative, H.R. 10692, we believe improves on the committee bill. Surely it protects the Federal interest. It insures, as the Constitution provides, that—

> The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District . . . the seat of the Government of the United States.

On the other hand, H.R. 9682 creates a city-State, virtually all State legislative, executive, and judicial authority transferred to the local "home rule" government. I know that my home State of Minnesota, where I served in the legislature for a number of years, did not delegate the type of authority we are delegating here in the committee bill to the city of St. Paul, which serves as the capital of the State of Minnesota. I seriously doubt whether any State legislature in any of the 50 States of these United States would delegate to the capital of their State the authority similar to that which the committee bill would delgate to the District of Columbia where the Congress serves as the State legislature pursuant to the Constitution.

I can fairly well guarantee you that the mayor of St. Paul, Minn., does not appoint the circut judges in the city of St. Paul, nor does he appoint any of the supreme court justices in the State of Minnesota. Yet, the committee bill would provide that the elected mayor of Washington would appoint 43 circuit judges and 9 judges—the equivalent of justices of the supreme court of Minnesota.

Now, if there is any Congressman in the Chamber today who would provide this kind of authority to the mayor of the capital of his State, I wish he would come down at this time and tell me about it so that we can insert that in the RECORD at this point.

Again I would like to inquire whether any Member of this Chamber believes that his State legislature would grant the type of legislative authority, general in nature—such as that employed by a State, to the city council in his State capital. Having served in the State Legislature of Minnesota, I doubt very much whether the Legislature of Minnesota would be willing to do that. Yet, this is what the committee bill would have you do for the District of Columbia City Council—the elected City Council—which they provide for in this bill. That Council and the elected mayor could pass, with three exceptions, legislation which would become law immediately—no veto authority in the Congress or President—immediately, and the only way we could undo what the local government had done if we disagreed with it would be to to pass an act and have it signed by the President to overcome what the local government had done. Even then, the local enactment would be in effect until it could be changed.

I do not say this to frighten or scare you—I only say it because I do not think it makes good sense—I do not think it is constitutional, and I think it does what President Taft suggested—it carries the principle of self-government to a rather illogical and absurd result.

I am quite ready to admit, together with President Taft, that there are defects in the system of government in which the Congress is bound to look after the government of the District of Columbia. But I submit, as I did, that the judgment of history vindicates the foresight of our forefathers in establishing the District of Columbia as the seat of the Federal Government, and providing that at the seat of the Federal Government the Federal Government's interests would always be protected. The committee bill does not protect that Federal interest, and the fact that it is now being recognized in the newspapers and on the media is evidence that the bill just plain goes too far.

I think you should listen attentively to the other alternatives which have been proposed and have been aired in the Rules Committee. However, I do not know that the Congress at this point is willing or ready to address the permanent solution to the problem which exists here—or whether they ever will or not, I am not sure, and I think it is good that the citizens of the District of Columbia and the people of this country—all of our constituents back in our congressional districts—understand the problem here at the seat of the Government.

I strongly urge institutions such as the League of Women Voters to be more objective in their analysis of the issue of "home rule," as well as the bills that are presented. It does no good to deal in gross terms with the issue of "home rule" with constituents anywhere from 50 to 3,000 miles from the District of Columbia, when we are dealing with a 132-page controversial bill on "home rule."

I have talked to people in my district, as well as other districts, and asked them if they would like the capital of their State to have the same authority as the committee bill would give to the local government here and almost without exception, the answer was "no." So, I would ask people and organizations to be reasonable when they discuss this issue—not to pursue principles to their extremes and to absurd results.

I have been successful by and large, I believe, in the legislation that I have been interested in for the District of Columbia. I trust that it has been good for the District—certainly it was intended to be in their interest. Yet, at the same time, I serve on the House District Committee because I feel that it is an obligation which I owe my constitutents who also have an interest in their Nation's Capital. During the campaigns back home, when this issue was raised, I told them that. Right now, there are approximately 20 million visitors coming to this Capital every year, whch means that within 10 years or so, hopefully every person in this country has an opportunity to come here and see their Capital and enjoy some of the special benefits of our monuments, our cultural centers, and, yes, of even meeting their Congressman and seeing them here on the floor. I want the interests of those 200-odd million out there protected in their Nation's Capital, just as well as I want to see the local interest addressed.

My bill, H.R. 10692, does this. I urge you to support it and vote for it. It contains many of my Nelsen Commission recommendations; it provides for an elected council, and it permits other improvement in the local government that will mean good government for the residents and protection for the Federal interest for those 200-odd million people who also have an interest here.

At this point I wish to insert in the RECORD the article published by Common Cause:

GET BEHIND DRIVE FOR D.C. HOME RULE

It is a basic tenet of a democratic system that citizens should elect their public officials. It is the only way to hold officials responsible to the public. Yet in the District of Columbia—better known as Washington, D.C., the national symbol of representative government—local citizens do not have home rule.

They play no part in choosing the officials who have ultimate control of city affairs—the 535 members of Congress. Congressmen set the taxes and the budget, and generally act as the legislative council for the city. The President of the United States appoints the mayor and city council members for Washington.

The U.S. Senate recently passed a D.C. home rule bill for the eighth time in 14 years. The vote was 69 to 17. A similar bill has never passed the House of Representatives, largely because the committee chairman in charge of D.C. affairs was, until this year, a South Carolina Congressman adamantly opposed to D.C. home rule.

This year the chief opponent is the senior Republican on the Committee, Ancher Nelsen (Minn.). All the same, there is a good chance of D.C. home rule passing if the 435 members of the House are prodded by their constituents at home.

A vote by the House is expected around Sept. 24. The House Committee on the District of Columbia, under Chairman Charles Diggs (Mich.), is now finishing work on a home rule bill and is expected to strongly recommend, for the first time, self-government by D.C. citizens.

We urge Common Cause members to write to their Representative before Sept. 24 and urge passage of the D.C. home rule bill, HR 9056. The address is: House of Representatives, Washington, D.C. 20515.

Ask for support of provisions for an elected mayor and city council with full legislative and fiscal authority over local affairs.

There are two principal arguments made against D.C. self-government, and one unspoken one.

Some Congressmen stress Washington's uniqueness as the Federal Capital and argue that D.C. self-government might damage federal rights in the city. These are highly exaggerated fears. The House and Senate home rule bills exempt federal property from the city's jurisdiction and authorize Congressional review—and veto, if necessary—of acts passed by the elected city council.

Other Congressman support the local Statehood Party's efforts to make the District of Columbia the 51st state. Home-rule advocates, fighting an uphill battle to win House approval of an elected city government, say statehood hopes are like pie in the sky. They describe long-time Congressional opponents of home rule who now endorse statehood—Rep. Joel Broyhill of Virginia is a prominent example—as wolves in sheep's clothing.

The unspoken argument against home rule is based on distrust of a largely black electorate. The fine performances in office by Mayor Walter Washington, the appointee of the last two Presidents, and Walter Fauntroy, the elected, non-voting D.C. Delegate to the House, both of whom are black, would dispel such opposition if it were not based on racism. That is an unpleasant truth, but one that has been largely responsible for House inaction on D.C. self-government in the past.

Common Cause has been working steadily for D.C. home rule since 1970. We lobby as part of Self-Determination for D.C., a coalition of 51 national and 60 local organizations. Richard Clark, of Common Cause's legislative staff, is chairman of Self-Determination's national board. Among leading participants in the Coalition are the United Church of Christ and United Presbyterian Church, the League of Women Voters, NAACP, NEA, United Auto Workers and several other unions.

As House action nears, volunteers have flooded into our offices to help make the home rule drive a success. Many more would be welcome. Call Dick Clark.

At this point I wish to insert in the RECORD a comparison of H.R. 9682 as reported by the committee and my bill, H.R. 10692, cosponsored by Mrs. GREEN of Oregon:

COMPARISON OF HOME RULE BILLS

D.C. COMMITTEE BILL H.R. 9682	NELSEN-GREEN BILL H.R. 10692
Executive	*Executive*
Mayor is elected in a partisan election for 4 years.	Mayor continues to be appointed by President as provided by Reorganization Plan No. 3 of 1967.
Council	*Council*
Council members (8 from wards and 5 at large) are elected in partisan elections for term of 4 years.	Council members (8) are elected in nonpartisan elections—one from each ward.
Judiciary	*Judiciary*
Judges of Superior Court (43) and D.C. Court of Appeals (9) (Art. I, U.S. Constitutional Courts) to be appointed by elected Mayor for 15 year term from a list submitted by D.C. Judicial Nomination Commission. Mayor need not reappoint sitting judge found exceptionally well qualified by Commission.	No change in 1970 D.C. Court Reform Act providing for nomination and appointment of judges—President appoints, Senate confirms.
Executive authority	*Executive authority*
Elected Mayor has near total appointive authority over heads of District departments and agencies and members of certain boards (except Judicial Commissions where it is partial), including police and fire chiefs. Also broad appointive authority to National Capital Planning Commission.	Appointed Mayor continues to have certain appointive authority (in many cases upon the advice of the President, inasmuch as many officers perform functions which offset the Federal interest or carry out the equivalent of state functions).
Legislative	*Legislative*
Congressional control, "ultimate legislative control" (i.e., veto), occurs only after the fact—and really involves "repeal" of a law that has gone into effect immediately after Mayor signs the act, except in three instances. Final Congressional "repeal" by both Senate and House could take one day or one year. (In case of local bond issues—up to 14% of District revenues—what happens if Congress does repeal but not before 6 months after the bonds are sold?) On the other hand, the Council may amend, repeal or supersede prior Acts of Congress except in certain areas such as taxation of property of U.S.	Congress retains present Constitutional authority "exercise exclusive Legislation in all Cases whatsoever, over such District . . ." Delegates broad municipal (not State) legislative authority to local government (i.e., set unlimited rates—up or down—on income, sale and user taxes) subject to Congressional (40 legislative days) and Presidential (10 days) veto before taking effect.
Federal payment	*Federal payment*
Unlimited lump sum unallocated Federal Payment authorized for 4 years.	Establishes procedure for recommending changes in existing $190 million annual authorization.
Appropriations	*Appropriations*
(1) Mayor prepares budget on assumption that expenditures shall not exceed revenues. Council reviews budget. (2) Budget and request for Federal Payment forwarded to Office Management and Budget for *comment* (on Federal Payment request only) and forwarding to Congress. (3) Congress may examine budget but may appropriate only a lump sum unallocated Federal Payment. Congress may not establish line-item control over any item in D.C. budget. (4) Complete line-item appropriation control delegated to City Council.	Legislatively implements Nelsen Commission recommendations retaining and strengthening existing budget and appropriation process. Congress retains line-item *control* over entire D.C. budget.
Reprogram authority	*Reprogram authority*
D.C. Council given unlimited reprogram authority. Mayor (without even Council approval) can reprogram up to $25,000 in funds with no limitation on the number of such $25,000 transfers.	No such transfer (reprograming authority).
Election laws	*Election laws*
Partisan elections. Provides exemptions to Hatch Act for employees in the Federal competitive or excepted service (including most D.C. employees). Authorizes District Government to set up own personnel system.	Non-partisan elections. Continues personnel system as it is in the District.
Board of Education	*Board of Education*
Provides near autonomy to D.C. Board of Education in that it prepares and executes its own budget. Bill permits Board to establish its own operational control over accounting, procurement, building maintenance and management, personnel system, and its own control over the school system's capital improvements programs. Does not give Board authority to raise its own taxes.	No change in current procedures and authority.
Planning	*Planning*
Two Comprehensive Plans (one for Federal establishment and projects and one for local government), minimum of 4 out of 12 members appointed by local officials to Federal agency, delay not finality in planning.	One Comprehensive Plan (Federal), appointments to Federal agency to reflect Federal interest, local government assured two members, finality of decision assured.
Monumental area	*Monumental area*
Under jurisdiction of locally elected government (except for some existing, but limited, authority in Capitol and U.S. Park Police).	Presidentially appointed Director of National Capital Service who will have responsibility for a consolidated (Capitol Police, U.S. Park Police and Executive Protective Service) police force, fire protection, etc., in Monumental city and abutting Federal property.

Also, at this point in the RECORD I wish to insert the dissenting views we prepared when H.R. 9682 was reported out by the committee:

DISSENTING VIEWS

INTRODUCTION

The principle of home rule and the transfer of some measure of self-government for the citizens of the District of Columbia are goals which are endorsed by the undersigned provided that there is adequate protection of the Federal interest.

However, H.R. 9682 addresses the issue of home rule in a manner that would be so detrimental to the Federal interest, best expressed in the specific Constitutional provision (Article I, Section 3, Clause 17) which reserves to the Congress the authority to "exercise exclusive" legislative control over the District, that it cannot be supported.

The problems entailed in providing some measure of self-government or home rule to the District of Columbia have invariably involved the question of how the Federal interest could be protected, while at the same time the local interest would be assured. This is evident from a review of the House debate when home rule legislation was last considered in 1965.

Since 1801, when the Federal government moved to the District of Columbia, the Congress has wrestled with the problem of local and national elected representation. In some instances, the Congress has in fact granted some measure of self-government to one or another of the local governments (two county and three city at one time) making up the District of Columbia. Since 1874 when Congress established a Commissioner form of government for the District of Columbia, repealing the Act of 1871 that provided for a partially elected legislative assembly, the

Congress has continued to wrestle with this problem.

There has been progress in recent years:

In 1961, Article XXIII amended the Constitution so as to permit residents of the District for the first time to vote for the President and Vice President.

In 1968, Congress passed legislation providing for a locally elected school board.

In 1970, Congress provided for the Office of Non-Voting Delegate from the District, which provides representation in the House of Representatives (including membership on the House District Committee).

Congress obviously considered that the public school system was one functional area that could be delegated to the administration of locally elected officials. It is true that there is some interest in insuring that those individuals who are part of the international community, i.e., foreign embassies, chanceries, etc., in the District of Columbia, have adequate facilities and educational opportunities in the local public school system. However, by and large, it was considered that the interest there was predominantly local and could properly be delegated by Congress to be administered by a locally elected school board with that board setting local policy.

However, the other functions performed in the District of Columbia, be they items of police protection, public works, transportation, planning, courts or criminal prosecution, are less susceptible to this division of Federal and local interests; and, accordingly, whenever questions have arisen on the expansion of authority of the local government and an attempt has been made to separate out the local interest, it was found inevitably that the Federal and local interests in most areas were inextricably interwoven.

Our forefathers, the founders of this nation, in their wisdom established the District of Columbia and indicated clearly that the Federal interest in this District of Columbia must always be the dominant interest. H.R. 9682 virtually puts the Federal government back where it was when it was located in Philadelphia with a local interest predominant, and with the opportunities for confrontation between the local government and the Federal government also back where they were before the District of Columbia was created.

Thus, what we see is not a balanced home rule concept in H.R. 9682, not an adherence to the Constitutional provision that the Congress shall have exclusive legislative authority in the District, but an abdication of Congressional authority over the District of Columbia and an elevation of "home rule" to the point where it exceeds that of any city in the United States. Many of those who testified in support of home rule and who support H.R. 9682 call what would be created by this bill a "city-state," a concept nowhere to be found in the Constitution.

There is no question but what our founding fathers established the Federal government as supreme in the District of Columbia and excluded state government interference by providing for the cession of property from Virginia and Maryland to the District of Columbia so that the Federal government would be supreme in this area. It flies in the face of the Constitutional provisions, i.e., making the Federal government the state legislature of the District of Columbia, to transfer virtually all authority, as is true in H.R. 9682, to the local government. Heretofore, when there was a transfer of local authority to governmental entities within the District of Columbia, those entities were constituted as either local municipal governments or county governments, or else their legislative authority was severely restricted in the delegation of authority by Congress as it was in 1871.

The breadth and sweep of the extreme degree of delegation of authority to the local government in H.R. 9682 substantially infringes on the Federal interest, if it does not indeed constitute an unconstitutional delegation of authority.

SOME MAJOR OBJECTIONS TO H.R. 9682

In their analysis of H.R. 9682, the undersigned have found that their principal points of objection to the bill, all of which are developed in some detail later in these views, fall into two major categories:

I. Endangered Federal interests

The Federal interests in the Nation's Capital would be endangered by certain provisions of this bill, which if put into effect would also eliminate the traditional and constructive Federal and local partnership which has always existed in the District of Columbia. They are as follows:

Transfer of authority over the Metropolitan Police Force to local control;

Elimination of Congressional appropriation control over D.C. spending—which includes a substantial amount of the Nation's taxpayers' money;

Elimination of Presidential appointment of judges in District of Columbia courts;

Exemption to the Hatch Act, which could serve as a precedent and lead to a return of the "spoils system" in government service;

Delegation of such broad legislative authority as to be unconstitutional or permit excessive "experimental" local legislation.

II. Endangered and altered Nelsen Commission recommendations

The undersigned deplore the inclusion of many of the recommendations of the Nelsen Commission, which were developed through long, careful, and costly deliberations, as part of this bill whose principal thrust, home rule for the District of Columbia, is highly controversial. This combination certainly places the legislative implementation of these recommended improvements to the District of Columbia government in jeopardy. In addition, many of the recommendations, or elements thereof, have been altered, in varying degrees, by the authors of this bill to suit their purposes.

The following is a subject matter identification of such endangered and altered Nelsen Commission recommendations, or elements thereof, which are discussed in greater detail later on in these views:

Establishment of RLA as an instrumentality of the District Government.

Establishment of NCHA as an agency of the District Government.

Transfer of certain NCPC functions to District Government.

Authority of City Council.

Compensation for members of City Council.

Establishment of independent District Government personnel system.

Appointment of City Administrator.

Scope of District Government municipal planning.

Form of annual budget presentation.

Congressional appropriations procedure for total District Government budget.

Content of multi-year operating plan.

Content of multi-year capital improvement plan.

Establishment of standards for accounting system.

Penalties for exceeding apportionments.

Relaxation of reprograming authorities.

Method of financing capital improvement program.

Protection of Federal interest in comprehensive plan for the District of Columbia.

Extent of autonomy granted Board of Education in budget preparation process.

Extent of authority granted Board of Education in budget execution process.

Elements to be considered in developing intercity expenditure and revenue comparisons for use in proposing level of annual Federal Payment.

Authorization and appropriation process for Federal Payment.

INEFFECTIVE RESERVATION AND EXCESSIVE DELEGATION OF CONGRESSIONAL AUTHORITY

H.R. 9682 is a curious, and somewhat ambiguous, mixture of broad grant of legislative authority to the Council and an apparent attempt to limit the reservation of the legislative authority of Congress.

It is *dangerously* long and excessive in its grant of legislative authority and short on reserving to Congress "ultimate legislative authority," which is not defined, as opposed to restating the language in the Constitution reserving legislative authority to Congress.

The authority of Congress over the District of Columbia is simply and succinctly stated in the Constitution, Article I, Section 8, Clause 17, and any attempts to depart therefrom should receive the most detailed examination possible:

"The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States . . ."

The judgment that there are serious problems that would result from the delegation of legislative authority contained in H.R. 9682 is borne out by the discussion below.

Some background on earlier delegations of authority in the district

There being considerable doubt as to what is intended to be created by H.R. 9682 and what powers can constitutionally be granted under the circumstances, it may be helpful to the Members of the House to review to some extent what has historically and legislatively been done before in the establishment of local governments, especially in light of the "exclusive Legislation" provision that appears in the Constitution.

The historical background of the "exclusive Legislation" clause has been researched by the Library of Congress wherein it is concluded that ". . . nowhere in the published discussion surrounding the drafting and ratification of the Constitution, with the exception of Federalist Paper Number 43 [the research paper of the Library of Congress states that "the authorship of this paper is attributed to James Madison. In its discussion of the exclusive legislation clause of the Constitution, this paper defends the 'indispensible necessity of complete authority at the seat of government' and also contains an oft-quoted phrase, whose interpretation varies, concerning the right of residents of the territory to be ceded for the Federal district to elect a local government."] are the perceived or presumed political rights of the residents of the Federal district ever mentioned." (See Appendix A, *The District of Columbia "Exclusive Legislation" Clause of the U.S. Constitution, The Historical Background: 1783–1789,* The Library of Congress, July 3, 1973.)

Congress has been legislating on the organization and legal authority of local government in the District of Columbia since 1801, after it had formally finalized the movement of the Federal Government to the permanent seat of government.

It can be generally said that there was a layering or hierarchy of local government in the District of Columbia in the early 1800's. There were in the portions of the District ceded by Virginia and Maryland the following local governments:

Former Maryland portion—
The County of Washington;
The City of Georgetown, and
The City of Washington.
Former Virginia portion—
The County of Alexandria, and
The City of Alexandria.

By and large, the cities had municipal charters and the counties were administered by magistrates, appointed by the President, who acted as Boards of Commissioners. In its sphere of authority, the County of Washington was authorized, for example, to recover certain general county expenses from the cities of Washington and Georgetown. The cities of Washington and Georgetown had certain elected officials, but the authority they exercised was totally municipal (ordinance-making). The Federal Government was at the top of the hierarchy of governments in the District of Columbia exercising substantial legislative, executive and judicial control.

Of course, in 1846, the Virginia portion of the District of Columbia was retroceded to the state of Virginia.

The principal earlier enactment relied upon by those who claim that broad legislative authority may be granted by Congress to a local government is the Act of February 21, 1871 (16 Stat. 419). (See Appendix B, an excerpt from a research paper, *"A Statutory History of Local Government in the District of Columbia 1801–1878,* the Library of Congress, July 23, 1973.)

The act provided for a variety of appointed officials and a lower "house of delegates" within the legislative which was to be an elective body. The breakdown was as follows:

Executive—

Office of Governor—appointed by President.

Office of Secretary—appointed by President.

Board of Public Works—appointed by President.

Board of Health—appointed by President.

Register of Wills and Recorder of Deeds—appointed by President.

Board of Police—appointed by President.

Legislative—

Council (11 members)—appointed by President.

House of Delegates (22 members)—elected.

Judiciary—

Municipal judges—appointed by President.

The legislative powers reserved to Congress or otherwise limited in the act of February 21, 1871, were extensive, as illustrated by the following single provision.) (See Appendix B):

The act provided that: . . . the legislative assembly shall not pass special laws in any of the following cases, that is to say: For granting divorces; regulating the practice in courts of justice; regulating the jurisdiction or duties of justices of the peace, police magistrates, or constables; providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors; remitting fine, penalties, or forefeitures; the sale or mortgage of real estate belonging to minors or others under disability; changing the law of descent; increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatsoever. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

And that: . . . the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

And additionally that: . . . the said legislative assembly shall not have power to pass any ex post facto law, nor law impairing the obligation of contracts, nor to tax the property of the United States, nor to tax the lands or other property of non-residents higher than the lands or other property of residents; nor shall lands or other property in said district be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on every hundred dollars of the cash value thereof; but special taxes may be levied in particular sections, wards, or districts for their particular local improvements; nor shall said territorial government have power to borrow money or issue stock or bonds for any object whatsoever, unless specially authorized by an act of the legislative assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof, but said debt in no case to exceed five per centum of the assessed value of the property of said District, unless authorized by a vote of the people. . . .

And finally the act stipulated that "no expenditure shall be made by the said legislative assembly of funds appropriated by Congress, for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects."

On the other hand, the legislative powers granted to the local government in the 1871 enactment read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.

"SEC. 18. *And be it further enacted,* That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted."

The question as to what authority could be delegated by Congress to the local government under the 1871 enactment was considered by the Supreme Court in *District of Columbia* v. *Thompson,* 346 U.S. 303 (1953). In that case, criminal informations were filed in a criminal case charging the defendant with violating the Acts of the Legislative Assembly of the District of Columbia of June 20, 1972, and June 26, 1973. The informations were quashed on the grounds that the enactments had been repealed by the Organic Act of 1878.

While it is a labored decision rife with dicta, the Court upheld the survival and validity of the aforementioned Acts, ruling that "these anti-discrimination laws governing restaurants in the District are 'police regulations' and acts 'relating to municipal affairs' ". The reasoning, dicta, and conclusions of the Court in reaching its decision indicate that, at least as respects the delegation of authority as stated in the 1871 *territorial* enactment, care should be taken to insure that Congress does not wind up delegating greater legislative authority to the local District Government than is reasonable or violative of the Federal interest. Because if the language in the Supreme Court decision were to be held by some future decision to apply to "general legislative enactments" of a locally elected legislature, great mischief could result.

Curious mixture but broad delegation of legislative authority

Section 717(a) of H.R. 9682 establishes the "status of the District" by directing that it "shall remain and continue a body corporate" as provided in the Organic Act of 1878, which establishes the District Government as a body corporate:

"The District of Columbia shall remain and continue a body corporate, as provided in Section 2 of the Revised Statutes relating to the District (D.C. Code, Sec. 1–102). Said Corporation shall continue to be charged with all the *duties, obligations, responsibilities, and liabilities,* and to be vested with all of the *powers, rights, privileges, immunities and assets* respectively, imposed upon and vested in said Corporation or the Commissioner." (Emphasis supplied.)

Section 2 of the Revised Statutes as contained in Section 1–102 of the D. C. Code indicates what duties, etc., are charged to and what powers, etc., are visited in that body corporate that would continue:

"The District is created a government by the name of the 'District of Columbia,' by which name it is constituted a body-corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and *exercise all other powers of a municipal corporation* not inconsistent with the Constitution and laws of the United States and the provisions of this Code." (R.S. D.C., 2; June 11, 1878, 20 Stat. 102, ch. 180, 1.) (Emphasis supplied.)

However, H.R. 9682 in Section 302 would then expand considerably on the legislative power delegated to the District by paraphrasing the grant of legislative authority given to the Legislative Assembly in 1871. It is undoubtedly intended by Section 302 to expand the legislative authority given the District to that of a state and limit it only by the provisions of Article I, Section 10, of the Constitution.

It is thus not clear exactly what H.R. 9682 would do in the grant of legislative authority. In Section 717(a), it would appear to grant relatively unlimited municipal authority to the District. Section 302 would appear to grant legislative authority enjoyed by states.

Is what H.R. 9682 creates a "City-State" as the sponsors suggested in Committee, but upon which the bill is silent except by inference? What authority does the Congress have to create a City-State?

Certainly, H.R. 9682 goes well beyond the earlier home rule enactment of 1871. The 1871 enactment created a territorial government, with territorial governments as they have been and are established today (see Title 48, U.S. Code). Many of the Federal interest protections which were contained in the Act of 1871 (nearly all principal executive, and all judicial, appointive power was in the President, (see discussion earlier), especially the delegation of legislative authority as it was *constrained* and circumscribed in that Act, do not appear in H.R. 9682.

Except for the limitation on the Council as it relates to Title 11 of the D.C. Code, the limitations on the Council that would be imposed by Section 602 are by and large those which are imposed on states.

Thus, H.R. 9682 would delegate the full range of legislative authority from Congress to the local government. The District would be able freely to "experiment" with legislation, in such areas as social welfare, that the Congress would refuse to enact, or that could damage the spirit as well as the substance of the Federal interests.

In such instances where the local Council would go beyond the bounds that Congress desires, Congress would be left with its "ultimate" power to set it aside (Section 102). If the District re-enacted the same legislation, there would ensue a "legislative dance" between the District and the Congress that could presumably only be terminated by the Congress specifically forbidding the Council to pass any act on such subject again.

H.R. 9682, rather than restricting the legislative authority of the Council, might be said to commit the Congress to engage in this "experimental" legislative process, the results of which no one could predict.

Assuming *arguendo* that the *Thompson* case permits the Congress to grant the type of broad general legislative authority contained in H.R. 9682 without infringement of the Constitution, Article I, Section 8, Clause 17, the Federal interest in the District of Columbia would be subject to relatively the same dangers that it was before the Constitution was adopted.

As noted below in part from an address given by President William Howard Taft at a banquet in his honor on May 8, 1909, it is pointed out that the demands to protect the Federal interest in the Nation's Capital are reasonable, and the caution against its being controlled by a parochial spirit that could damage it are sound:

"Washington intended this to be a federal city, and it is a federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets and begins to feel that 'This is my city; I own a part of this Capital, and I envy for the time being those who are able to spend their time here.' I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the result vindicates the foresight of the fathers.

"Now, I am opposed to the franchise in the District; I am opposed, and not because I yield to anyone in my support and belief in the principles of self-government; but principles are applicable generally, and then, unless you make exceptions to the application of those principles, you will find that they will carry you to very illogical and absurd results. This was taken out of the application of the principle of self-government in the very Constitution that was intended to put that in force in every other part of the country, and it was done because it was intended to have the representatives of all of the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the nation, and this as the Representative of that nation."

NO RESERVATION OF AUTHORITY OVER LOCAL LEGISLATION, LOCAL POLICE POWER, ETC., TO THE PRESIDENT

It is entirely appropriate that the acts of a subordinate legislative body to which Congress has delegated power to enact provisions for the government of the District of Columbia should also submit its enactments to the President for his approval. Such a provision (reserving power to the Executive) would be consistent with the purpose and intent of Article I, Section 7, Clause 17, of the Constitution reserving to the Congress the authority to exercise "exclusive Legislation" for the District of Columbia. The President in Article I, Section 7, Clause 2, of the Constitution has veto authority over all bills passed by the House and the Senate. Under H.R. 9682 the local government would be able to pass acts that could, for instance, limit the authority of the local police or the Mayor to provide full and cooperative police protection in emergency demonstrations in the city unless recompensed at a rate deemed inappropriate to the President, and yet the latter would be powerless to prevent such an enactment from becoming law. Moreover, while H.R. 9682 reserves some "ultimate authority" to Congress over legislation and attempts to provide special oversight procedure for the Congress to nullify acts of the local government amending the charter, the President is effectively cut out from such review. The President, on the other hand, has veto power over enactments of the local legislatures for Guam, 48 U.S.C. 1423i.

In addition, the President's control over the Metropolitan Police Department, indirectly through the appointment of the Commissioner, is terminated by H.R. 9682. Other significant curtailment of Presidential authority includes the termination of his appointment power of local judges and the reduction in appointment power as to membership on the National Capital Planning Commission, a Federal agency.

The principal area where the President has some authority left is in the review of the budget performed by the Office of Management and Budget; however, it should be noted that his authority is limited to "comments" (Section 502) on the D.C. budget only as it relates to the Federal payment.

Because the Federal-local interests are inextricably intertwined in this Nation's Capital, the absence of any Presidential appointive authority in the executive and legislative branches of the local government and the lack of any control over the local government by the President constitute a clear and present danger that the Federal interest would be damaged when the local authority is not used or is misused.

THE DANGER IN THE NATIONAL GOVERNMENT'S DEPENDENCE UPON LOCAL GOVERNMENT FOR PROTECTION

On June 21, 1783, from 80 to 250 troops gathered around Independence Hall in Philadelphia where the Continental Congress was in session. The established government of the State of Pennsylvania refused protection to the Continental Congress on the grounds that "the Militia of Philadelphia would probably not be willing to take arms before their resentments should be provoked by some actual outrage; that it would hazard the authority of Government to make the attempt, and that it would be necessary to let the soldiers come to the city, if the officers who had gone out to meet them could not stop them." This dangerous prospect of a national government being dependent upon a local government for protection was obviously one of the procuring forces that resulted in the adoption of Article I, Section 8, Clause 17, of the Constitution providing that the Congress shall "exercise exclusive legislation in all Cases whatsoever over such District" of Columbia. (See Appendix A attached to these Views for a more detailed discussion.)

It, therefore, should be of major concern that H.R. 9682 places *local control over the police power in the District* (the District of Columbia Metropolitan Police Department).

Since the President would no longer appoint the D.C. Commissioner, this measure of control over the appointment of the Chief of the Metropolitan Police Force would shift from the Federal government to the local government should H.R. 9682 be enacted into law.

The following information provided by the Congressional Research Service of the Library of Congress indicates that the Metropolitan Police Department was established and has been maintained with substantial Federal control since 1861:

Congress establishes the Metropolitan Police Department of the District of Columbia

Congress by an act of August 6, 1861 (12 Stat. 320) provided that ". . . the Corporations of Washington and Georgetown, and the county of Washington, outside of the limits of said corporations, are hereby constituted, for the purposes of this act, into one district, to be called 'The Metropolitan Police District of the District of Columbia'."

The act provided for Federal control of the Metropolitan Police through a board of "five Commissioners of Police, appointed by the President of the United States with the advice and consent of the Senate . . ." Three of the commissioners were to be "appointed from the city of Washington, one from Georgetown and one from the county of Washington at large, for the term of three years, and until their successors are qualified, unless sooner removed by the President."

The act furthermore provided that ". . . it shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said police district, to preserve the public peace, to prevent crime and arrest offenders . . . and to enforce and obey all laws and ordinances of the city councils of the cities of Washington and Georgetown which are properly applicable to police or health, and not inconsistent with the provisions of this act."

The act stipulated that "... the said police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding for the regular service, one hundred and fifty. The said officers hereby created for the said police force shall be severally filled by appointment from the board of police ... and that the qualifications, enumeration, and distribution of duties, mode of trial, and removal from office of each officer of said police force shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto . . ."

Additionally, the act provided that ". . . . the board of police . . . shall promulgate all regulations and orders through the superintendent of police, who shall take the place of the Mayor of the city of Washington or Georgetown, as being head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police . . ."

The act further provided that ". . . the board of police may, also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony or celebration, appoint as many special patrolmen, without pay, from among the citizens as it may deem advisable . . . and that the board of police is hereby invested with all the powers now conferred by law upon the mayors of Washington and Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property, and preserve the public tranquility."

Finally, the act of August 6, 1861 provided that ". . . the board of police . . . shall possess all the power and authority heretofore conferred by law upon the auxiliary guard of the city of Washington, established by an act . . . approved August twenty-three, one thousand eight hundred and forty-two [5 Stat. 511], and all acts in amendment thereto, and said auxiliary guard or watch is hereby abolished; and said board of police shall possess all the power and authority heretofore conferred by law upon the mayor or any other officer or officers of the cities of Washington and Georgetown respectively, as the heads therein of the respective police departments or organizations of those cities . . ."

An act of July 16, 1862 (12 Stat. 578) provided that ". . . the members of the board of police, the superintendent, and secretary, are hereby vested with all the powers conferred by law upon notaries public and justices of the peace in the District of Columbia." In addition, in the act of August 6, 1861 (12 Stat. 320, 324) there was a clause providing that ". . . the board of police shall have power to issue subpoenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations."

An act of July 23, 1866 (14 Stat. 212) amended the acts of 1861 and 1862 to provide that ". . . the chief executive officer of the police shall hereafter be styled major; the present sergeants shall be called lieutenants; the roundsmen called sergeants, and the patrolmen called privates; and that in addition to the officers and employees the commissioners of the metropolitan police, in the District of Columbia, are now authorized by law to appoint, the said commissioners be authorized to appoint one captain, who shall be the inspector of the force, command it in sickness or absence of the major, and perform other such duties as the commissioners may direct . . ." The 1866 act also provided that ". . . it shall be unlawful for any person or persons keeping an ordinary restaurant, saloon, or other place where spirituous liquors are sold within the District of Columbia, to give, sell, or dispose of any intoxicating drinks without a license approved by the board of police . . ."

The Metropolitan Police Board and the Organic Act of 1878

Congress by an act of June 11, 1878 (20 Stat. 102) provided the District of Columbia with a municipal government administered by a three member board of commissioners appointed by the President of the United States with the advice and consent of the Senate. Although often amended and modified somewhat by a congressionally approved Reorganization Plan in 1967, the act of 1878 remains the basic organic act (charter) of the present municipal government of the District of Columbia.

Concerning the Metropolitan Police, the act of June 11, 1878 provided that ". . . the board of metropolitan police . . . shall be abolished and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia . . ." (20 Stat. 107). Therefore, the governing body and appointing authority of the Metropolitan Police remained a presidentially appointed entity—the new Board of Commissioners of the District of Columbia.

Selected actions since 1878 concerning the Metropolitan Police

An act of February 28, 1901 (31 Stat. 819) provided that ". . . the Metropolitan police force shall consist of one major and superintendent, one captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates . . . and others as Congress may from time to time provide."

Pursuant to Reorganization Plan No. 5 of 1952 (66 Stat. 824), effective July 1, 1952, the Metropolitan Police Department was reorganized and the top officer of the Department was designated the "Chief of Police." The Board of Commissioners continued to appoint the newly designated top officer of the Metropolitan Police.

Reorganization Plan No. 3 of 1967 (81 Stat. 948), effective August 11, 1967, provided for abolishing the Board of Commissioners of the District of Columbia and transferring certain powers of the Board to a "Commissioner of the District of Columbia" appointed by the President of the United States with the advice and consent of the Senate. The Commissioner has come to be popularly called the "Mayor," although this referent has no statutory basis. The Commissioner, a presidential appointee, exercises the former authority of the Board of Commissioners to appoint the Chief of Metropolitan Police Department. The President of the United States, therefore, appoints the Commissioner (Mayor) of the District of Columbia who in turn has the authority to appoint the Chief of Police.

The District of Columbia has historically been the scene of potential and actual disorders because it is the Nation's Capital; and these have ranged from the Bonus March in the 1930's to more recent demonstrations in the 1960's and 1970's, in at least one of which there was a threat to prevent the Federal government from opening for business.

As the seat of the Federal government the District of Columbia has tended to become more the focal point and centerpiece of national demonstrations in recent years. Some evidence of this can be obtained from an examination of the following record of District of Columbia National Guard's support of the Metropolitan Police Department since late 1967:

RECORD OF MILITARY SUPPORT TO CIVIL AUTHORITIES BY DISTRICT OF COLUMBIA NATIONAL GUARD

Number and date	Activity	Strength	Duty days
1. Oct. 21–22, 1967	Anti-Vietnam demonstration protest march	1,648	2
Duty days, subtotal for calendar year 1967.			2
2. Apr. 5–16, 1968	Washington, D.C., civil disturbance	1,854	12
3. June 6, 1968	Funeral of the late Senator Robert F. Kennedy	1,390	1
4. June 19, 1968	National Solidarity Day mass march	1,555	1
5. June 23–26, 1968	Support of District of Columbia Metropolitan Police Department during the closing of Resurrection City.	1,582	4
6. Oct. 9, 1968	Shooting incident: Male citizen shot by policeman.[1]	49	1
7. Nov. 2–3, 1968	Shooting incident: Female citizen shot by policeman.[1]	723	2
Duty days, subtotal for calendar year 1968.			21
8. Jan. 18–19, 1969	Preinaugural activities [1]	1,694	2
9. Jan. 20, 1969	Support of District of Columbia Metropolitan Police Department during inauguration.	1,694	1
10. Apr. 4–6, 1969	Support of District of Columbia Metropolitan Police Department and other agencies in preservation of law and order.[1]	1,576	3
11. May 9, 1969	Howard University disorders [1]	835	1
12. Oct. 15, 1969	War moratorium demonstrations [1]	578	1
13. Nov. 14–16, 1969	Moratorium and antiwar demonstrations	2,260	3
Duty days, subtotal for calendar year 1969.			11
14. Apr. 4–5 1970	Victory March [1]	2,329	2
15. May 8–10, 1970	Antiwar protest	1,786	3
16. May 24, 1970	Lorton Reformatory disturbance	8	1
17. July 4, 1970	Honor America Day celebration	1,367	1
18. Oct. 2–4, 1970	Dr. McIntyre March for Victory	1,776	3
Duty days, subtotal for calendar year 1970.			10
19. Apr. 23–25, 1971	National Peace Action Coalition	1,558	3
20. May 2–6, 1971	May Day antiwar demonstration	1,919	5
21. May 8, 1971	Dr. McIntyre March for Victory [1]	904	1
22. Oct. 25–26, 1971	People's Coalition for Peace and Justice	2,145	1
23. May 20–21, 1972	Antiwar activities	1,153	2
24. Jan. 19–20, 1973	Support of inaugural activities	2,344	2

[1] Standby alert status

There is no question but what under H.R. 9682 were those same demonstrations or activities against the Federal government to arise in the future that the Metropolitan Police Department would be under local control. It is important to note that despite the fact that the Metropolitan Police Department had grown to approximately 5100 members by 1971, substantial support was still needed from the National Guard. However, under H.R. 9682, the President *could not respond* to the need for militia support of local government without the express request of the locally elected Mayor. Section 39-603 of the D.C. Code provides that the Commissioner (who is now the President's appointee and has worked closely and cooperatively in these matters) may call on the President for aid in the event of a tumult of disorder and that the President shall order out the D.C. National Guard in support of the civil authorities.

The fact that under H.R. 9682 the Mayor would have to request the militia or National Guard assistance is a matter of grave concern given the historical precedent of Philadelphia and the incidents in recent years where certain state officials delayed in seeking Federal assistance where ultimately it was needed.

It would appear to be no answer that the Congress may ask the President to bring in Federal troops, or that the President may himself order them in, when protection is deemed necessary as was done in 1787 in Philadelphia. However, the answer to this in 1787 was to establish a seat of government in which that problem could be avoided; yet, H.R. 9682 raises the issue once more.

However, the question of the Federal government's dependence on the Metropolitan Police Department goes deeper than just those occasions where demonstrations occur in the Nation's Capital. One has only to read President John Tyler's State of the Union message in 1841 and the House District Committee's response to it to realize that there was concern for crime in the Nation's Capital then as it might affect "Members of Congress, their constituents having business at the seat of Government, Executive officers, the representatives of foreign Powers located here and resident citizens." Certainly this is as true, if not more so, today when the number of visitors per year exceeds 20 million, and the international community is larger than at any time in history.

Moreover, the Metropolitan Police Department and the Commissioner are constantly called upon by the Federal government, and have responded quickly, in providing protection to the President and foreign heads of state (such as Secretary Brezhnev). The cooperation in emergencies or steps that might and perhaps should be taken to prevent or deal with emergencies have always been easily handled heretofore by the Federal and local officials, especially since the local officials have been Federal appointees, who have obviously cooperated to give preeminence to the protection of the Federal interest—especially as it relates to the protection of those who perform the Federal functions at the seat of government.

THE JUDICIARY

Part C of Title I entitled the District Charter, Sections 431, 432, 433, and 434, would (1) vest the judicial power of the District in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia; (2) continue the D.C. Commission on Judicial Disabilities and Tenure with some amendments of the "District of Columbia Court Reform and Criminal Procedures Act of 1970" relating thereto; and (3) create a D.C. Judicial Nomination Commission that would, among other things, take the appointive power from the President (for the courts mentioned in (1) above) for D.C. judges and place it in the Mayor.

Perhaps of primary importance is the fact that the Council under the general grant of legislative authority in Section 302 (presumably limited only by Section 602(a)(4) as to Title 11 of the D.C. Code relating to "Organization and Jurisdiction of the Courts") would be able to alter, amend, repeal, or supersede virtually any law including Titles 22, 23 and 24 of the criminal code.

It is totally unclear from the bill whether, for instance, if Title 22 of the D.C. Code were amended by the Council, the criminal action would thereafter be commenced in the name of the United States (which is now the case for all felonies and misdemeanors carrying a penalty of one year or more) or whether the action would be filed in the name of the District of Columbia. Inasmuch as the prosecution of all felonies and major misdemeanors are currently handled by the United States Attorney for the District of Columbia in the name of the United States (rather than the D.C. Corporation Counsel) this is an important and unresolved question in this bill.

Also of great importance in this area is the fact that police protection of the Federal interest in the Nation's Capital is closely related to the prosecution (currently the United States Attorney) and the judiciary. For instance, in the May Day Anti-War Demonstration of 1971, literally thousands of persons had to be processed through the local courts by the Metropolitan Police and the U.S. Attorney's Office. This demanded the closest kind of cooperation which it would appear Congress would be well to insure continues. Whether a court system largely, if not totally, locally controlled would be responsive to the Federal interest in such instances in the future is open to question.

Certainly, the transfer of authority and control over the local courts from the Federal to the local government would be a significant departure from the past. As noted in the research paper, Appendix C, *A Statutory History of the Judicial System of the District of Columbia*, prepared by the Library of Congress, June 25, 1973, the appointment of local judges and control over the courts and procedures have generally always been under the jurisdiction of the President and Congress.

It is worthy of note that H.R. 9056, the predecessor bill to H.R. 9682, contained provisions that were highly objectionable to the local judiciary and, accordingly, some changes were made. (For instance, Section 602(c) of H.R. 9056 appeared to permit the locally elected Council to reorganize and even change the jurisdiction of the D.C. courts 18 months after it took office.) The Chief Judge of the District of Columbia Court of Appeals continues to express misgivings, of his own and those of the Joint Committee on Judicial Administration, as to existing provisions in H.R. 9682 as appear in a letter dated August 24, 1973:

DISTRICT OF COLUMBIA COURT OF APPEALS,
Washington, D.C., August 24, 1973.
Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I wish to acknowledge and respond to the request in your letter of August 9, 1973, for my comments on the provisions of H.R. 9682 as they relate to the District of Columbia court system.

At the outset I should like to express my appreciation of the continuing interest which both the Chairman and the Committee have shown in obtaining the views of the District of Columbia judiciary concerning in the proposed modifications to the present court system contained in the so-called Home Rule legislation. Indeed, H.R. 9682, as finally reported out, has adopted a number of the suggestions we have previously made both in writing and in oral testimony before the Committee, and we are grateful that we have been able to make a contribution in this regard.

I should be less than candid, however, if I did not state that the Joint Committee on Judicial Administration, established by D.C. Code 11–1701, among others, to make recommendations to the Congress concerning the organization and operation of the local courts in the District, views with considerable concern and disapproval that provisions in H.R. 9682 (Section 433(c)) which vests absolute discretion in the elected Mayor *not* to reappoint any judge even though an independent commission, composed of both lawyers and laymen, has evaluated favorably his prior performance on the bench. It is ironic that H.R. 9682, intended by the Committee to establish a model of government for the federal city, should contain a provision which is so plainly at odds with the trend throughout the United States in favor of merit selection and retention of judges whose competency has been established by citizen commission.

It is the unanimous opinion of the members of the Joint Committee on Judicial Administration that Section 433(c) of H.R. 9682 is inimical to the establishment and maintenance of an independent and effective judiciary for the District of Columbia because it diminishes the opportunity for continuation on the bench of judges of proven competence and discourages the talented lawyer in active practice from considering judicial service. We have so stated to the Chairman in our letter of July 27, 1973, and have transmitted to him a proposed amendment, copies of which I enclose for your review.

For my own part, I also have serious misgivings concerning another provision of H.R. 9682, *viz.*, Section 433(a), which changes the method of appointment of judges followed in the District of Columbia since the beginning of the 19th Century, including the period from 1871 to 1878 when the District had an autonomous territorial form of government with a legislative assembly elected by the voters. During all these years the President has appointed, with the advice and consent of the Senate, judges to the District of Columbia courts of general jurisdiction. Section 433(a) abruptly departs from this practice by vesting the power to appoint the 53 judges who now comprise the District of Columbia Court of Appeals and Superior Court in the Mayor, with the advice and consent of the Council.

If H.R. 9682 were a statehood bill, vesting the power of judicial appointment in the chief executive of the newly established state subject to confirmation by the elected legislature, this provision might be a logical step. But the pending bill does not confer statehood on the District and indeed could not do so without an antecedent Constitutional amendment. The bill expressly reserves ultimate legislative authority in Congress (Section 601), exempts the National Planning Commission and other agencies from control of the local government (Section 602), makes any legislative action of the Council subject to a veto in either house of Congress (Section 604), and authorizes the Comptroller General of the United States to audit the accounts and operations of the District government (Section 736).

Thus, the proposed legislation is much more analogous to the kind of county or municipal charter bills which are enacted from time to time by state legislatures to confer some measure of home rule upon county or city governments. I know of no state, however, which authorizes officials of cities or counties, even those exercising a great degree of autonomy, to appoint judges of appellate courts or trial courts of general (i.e., unlimited) jurisdiction. To the extent that power to fill judicial vacancies has ever been conferred upon mayors of cities, it has been applicable only to petty courts whose functions are limited to the trial of misdemeanors and small claims.

Judges who must, of necessity, decide multitudes of problems concerning the city and its government could be expected to be far less independent in their rulings if they were in essence responsible to the chief executive of that city than if the appointment and removal power were vested in a more remote authority. This consideration and the precedents elsewhere suggest that the appointing power remain with the President, who in this respect could be analogized to the Governor of a State, rather than to be transferred to the Mayor.

It is my judgment that the two provisions in the Judiciary part of H.R. 9682 to which I have addressed myself above are at the heart of maintaining the independent and effective judiciary to which the citizens of this constitutionally unique city are entitled and for which we are all striving. For that reason I have set forth at some length the view of the five judges who are the duly constituted members of the Joint Committee created by Congress to act as spokesman for the courts concerning the critical omission from H.R. 9682 of any mandatory provision for the retention of those judges who are deemed competent by a citizen's commission. I have also stated again my own view that the bill's elimination of the President's traditional power to appoint judges to the District of Columbia courts of general jurisdiction has the unfortunate effect of subjecting these judges to local political influences and subtle pressures when they are called upon to review in the course of their judicial duties, actions of the very municipal authority who will ultimately determine their reappointment.

I am grateful for your continuing interest in these important matters and I hope my letter has been responsive to your request.

Faithfully yours,
GERALD D. REILLY,
Chief Judge, D.C. Court of Appeals.

There are serious questions related to the transfer of the local judiciary to the local government which only years of litigation could resolve were H.R. 9682 to become law.

FEDERAL PAYMENT, BUDGET AND FINANCIAL MANAGEMENT

In the budget and financial management area, H.R. 9682 proposes a financial management system that is unnecessarily complicated, confusing, and contradictory. Even wrapped in the attractive mantle of portions of a few selected Nelson Commission recommendations, it contains little that would inspire the District taxpayer to look with confidence to the long-range financial stability of the Nation's Capital, or the Congress to continue its constructive and fair-share approach toward meeting the District's rapidly increasing financial needs and commitments.

Congressional oversight of the appropriation process is an acknowledgement by the Congress of its obligation to all the Nation's taxpayers, who give a substantial measure of financial support to the operation of the District of Columbia Government. This concept of obligation of Congress was best stated in a recent Senate report (Senate Report No. 91–1122, p. 2):

"To some extent, by the same token, your committee has recognized its obligation to all of the Nation's taxpayers, who give a substantial measure of financial support to the operation of the District of Columbia Government; the logical complement of the appropriation of an annual Federal payment is oversight and reform in the interest of productive economy at least."

Traditionally, Congress has met its obligation to all of the Nation's taxpayers in giving its substantial measure of financial support to the operation of the District of Columbia Government through the Federal Payment by conducting a line-item examination and control of the entire District budget. Under H.R. 9682 this Congressional line-item control would be abolished. About fifty percent of the total annual financial needs of this city, housing the seat of our Federal Government, are financed from the Federal Treasury through the direct Federal Payment, revenue sharing funds and other Federal grants. Yet, H.R. 9682 would reduce the role of Congress in the District's budget process to examining *only* the annual request for the Federal Payment. The Federal Office of Management and Budget would be permitted to submit comments to the Congress on the Mayor's proposed level of the Federal Payment, and the total Congressional budget impact on the District would be limited to a review of *only* that "lump sum unallocated" amount.

As a purely practical matter, the proposal is virtually impossible of achievement. The District budget does not identify the detailed purposes for which the Federal Payment is to be reserved any more than it does for funds expected to be collected from the local sales tax, the real estate tax, or the income tax. One has only to examine the interrelationship of the thousands of items in the total District budget to realize that such an identification would be purely arbitrary or an exercise in futility. Were such a specific deliniation logical, practical, and supportable by accounting records, the basic process of determining the amount of Federal Payment would be relatively simple. Experience shows this not to be the case.

What is contemplated in H.R. 9682 is a system whereby the City Council would (1) approve an annual budget of a specific sum; (2) subtract from that sum the total revenue it believes could be raised from local and grant (mainly Federal) sources (See table below) and (3) then present Congress with a bill for the difference between the two—the Federal Payment. Personnel ceilings would be set and specific programs and capital projects would be "appropriated" *only* by the City Council. The Congress' role would be limited to providing the "lump sum *unallocated*" Federal Payment *without the* normal Congressional examination of the total District budget and the benefits that usually flow from that examination. Congress would also be excluded from any role in approving subsequent reprogramings, this authority being reserved for the Mayor up to amounts of $25,000 or less, and *without limitation* above $25,000 to the City Council.

FEDERAL AID TO THE STATES AND TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 1972 SUMMARY[1]

State	Population[2]	Grand total
Alabama	3,444,165	$677,932,832
Alaska	300,352	185,268,927
Arizona	1,772,432	292,171,721
Arkansas	1,923,295	394,388,315
California	19,953,134	4,093,766,545
Colorado	2,207,259	431,656,591
Connecticut	3,032,217	446,727,929
Delaware	548,104	96,248,106
District of Columbia	756,510	563,693,355
Florida	6,789,443	830,505,686
Georgia	4,589,575	838,681,005
Hawaii	768,561	163,355,434
Idaho	712,567	136,036,111
Illinois	11,113,976	1,760,275,272
Indiana	5,193,669	544,674,726
Iowa	2,825,041	325,075,166
Kansas	2,249,071	297,971,713
Kentucky	3,219,311	598,560,952
Louisiana	3,648,180	727,314,734
Maine	922,043	191,262,787
Maryland	3,922,399	547,387,077
Massachusetts	5,869,170	1,101,058,095
Michigan	8,875,083	1,339,026,501
Minnesota	3,805,069	636,871,147
Mississippi	2,216,912	578,016,112
Missouri	4,677,369	717,899,510
Montana	694,469	181,406,034
Nebraska	1,483,791	203,727,824
Nevada	488,738	94,609,178
New Hampshire	737,681	94,733,522
New Jersey	7,168,154	1,040,730,738
New Mexico	1,016,000	294,841,004
New York	18,190,740	4,402,876,295
North Carolina	5,082,059	736,261,900
North Dakota	617,761	127,007,505
Ohio	10,652,017	1,208,150,946
Oklahoma	2,559,268	$500,668,133
Oregon	2,091,285	439,259,289
Pennsylvania	11,793,910	1,621,144,880
Rhode Island	949,723	178,306,968
South Carolina	2,590,516	407,913,375
South Dakota	665,507	132,168,863
Tennessee	3,924,164	703,618,422
Texas	11,195,730	1,647,956,038
Utah	1,059,278	220,179,039
Vermont	444,732	108,504,501
Virginia	4,648,494	622,860,150
Washington	3,400,169	633,632,781
West Virginia	1,744,237	448,176,141
Wisconsin	4,417,933	524,980,442
Wyoming	332,417	127,427,733
Puerto Rico	2,712,033	469,749,666
Virgin Islands	62,468	64,129,531
Other territories, etc		86,168,481
Adjustments or undistributed to States		103,599,041
Total		35,940,614,779

[1] Source: Department of the Treasury, Fiscal Service, Bureau of Accounts, Division of Government Financial Operations document entitled "Federal Aid to States, Fiscal Year 1972."

[2] Bureau of the Census, Decennial Census, 1970.

Under H.R. 9682 Congress would abdicate its role in the budgetary control process for the Federal City by being limited to the function of making "a lump sum unallocated Federal payment" to the District each year. The traditional Congressional appropriation process whereby problems are uncovered and funds are made available for specific items of expenditure, "the logical complement of the appropriation of an annual Federal payment," would be reserved exclusively to an elected City Council.

The citizens of the District should be concerned whether this removal of Congress from the appropriation process is more or less likely to encourage a fair-share Federal input to the District's financial woes and whether proper priorities would be applied to the many critical fiscal crises facing the District.

A discussion of just two areas—debt service payments for capital projects and retirement funding for policemen and firemen—illustrates some of the staggering costs the District will be facing in the near future. The extent of these and other financial commitments are just beginning to be revealed to the citizens of the District following recommendations made by the Nelsen Commission. As shown in the table below, annual debt service costs for capital projects alone will rise from ***$39,000,000*** in 1974 to ***$162,880,000*** in 1984. These costs do not take into consideration any estimated inflationary considerations and any new projects added after 1979. (See table below taken from ***District of Columbia 1974–79***, Capital Improvement Program, D.C. Government, May, 1974.)

DEBT SERVICE PROJECTIONS BY AGENCY

[In thousands]

	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Public schools	$9,400	$11,300	$16,000	$22,200	$28,800	$31,200	$33,900	$36,800	$39,000	$41,000	$41,000
Library	2,400	2,500	2,800	3,000	3,300	3,500	3,700	3,800	3,900	3,900	3,900
Recreation	400	600	1,000	1,600	2,100	2,700	3,200	3,600	4,000	4,200	4,200
Police	500	600	1,000	1,300	1,600	1,700	1,800	1,800	1,800	1,800	1,800
Fire	200	200	400	700	800	800	800	800	800	800	800
Economic development	0	20	20	60	70	80	80	80	80	80	80
Federal City College	900	900	1,300	2,000	2,700	4,400	6,400	7,500	7,600	7,600	7,600
District of Columbia Teachers College	0	40	60	200	400	400	400	400	400	400	400
Washington Technical Institute	400	600	1,100	3,000	5,200	6,200	7,300	8,300	8,400	8,400	8,400
Human resources	1,700	2,000	2,400	3,000	3,500	3,700	3,900	4,300	4,600	4,700	4,700
Corrections	1,500	1,500	5,300	7,800	9,600	9,900	10,200	10,400	10,500	10,600	10,600
District of Columbia courts	0	0	220	1,000	3,200	4,900	5,000	5,000	5,000	5,000	5,000
General services	600	700	1,400	2,000	2,600	2,900	4,000	4,900	6,300	6,900	7,400
Metro	8,000	12,300	15,500	21,800	26,600	26,700	27,300	27,300	27,300	27,300	27,300
General government	0	600	600	600	600	600	600	600	600	600	600
Highways and traffic	6,400	7,600	8,900	10,800	11,000	11,500	12,600	14,300	15,600	16,200	16,300
Environmental services	7,200	9,000	12,200	15,000	16,000	16,700	17,500	19,300	21,200	22,500	22,800
Total	39,600	50,460	70,200	96,160	118,070	127,880	138,680	149,180	157,080	161,980	162,880

Note: Estimates are based on the fiscal years 1974–78 multi-year plan updated to include projects in the 1974–79 capital improvements program.

An even more serious financial crisis faces the District in the area of retirement costs for policemen and firemen as illustrated by the following facts:

Retirement costs for District policemen and firemen are running at a level equal to about 40% of the active duty payroll. (The retirement costs are, of course, in addition to the costs of the active duty payroll.) Neither the District nor Congress has established a retirement fund for these employees, and all retirement costs are paid out of annual operating expenses. With the District's liberalized early retirement policy coupled with an inordinately high percentage of disability retirements (over 80%), retirement costs are continuing to rise rapidly and will reach a level equivalent to 116% of the active duty payroll in the year 2060. These costs again will be in addition to the active duty payroll itself. In point of fact, the annuitant payroll will exceed the active duty payroll. If a retirement fund were started now, retirement costs could be leveled off at about 61% of the active duty payroll costs, but to do so would require the infusion of about $254 million during the next 18 years. If this is not done, the added costs will total about $2 billion through the year 2060. (See *Issue Analysis: An Aid to Program Decision-Making in Urban Government,* D.C. Government, November, 1972).

This is an example of an issue raised by the Nelsen Commission which is largely, or perhaps totally, undisclosed by H.R. 9682. In this connection, the Comptroller General's suggestion recommending that this problem be addressed in Section 422(3) appears later in a discussion of Section 422.

These foregoing two examples highlight the importance of the traditional fair-share Congressional approach and the desirability of encouraging that approach through a continuing and substantive Congressional involvement in the traditional review of the total District's budget as envisioned by the drafters of the Constitution, Article I, Section 8, Clause 17.

Congress in the past has exerted a most constructive and beneficial influence with respect to the building and operation of this Federal City. Under H.R. 9682, this constructive and beneficial influence would be greatly diminished, if not, in fact, eliminated. Even the role of the Comptroller General, long accepted as a potent force for building effective management techniques and encouraging economy in administrative practices, would be severely circumscribed by this bill, unless as suggested by the Comptroller General the word "may" as contained in Section 736 is read to be equivalent to the word "shall." The Comptroller General's examination of the accounts and operations of the District Government, as now expressly stated in Section 736, would be optional rather than required as is the case presently. H.R. 9682 can be said to eliminate these traditional checks and balances. The extent of attention given the District by the Comptroller General has traditionally been protective of the Federal interest in the Nation's Capital in that he has informed Congress and the President of problems involving the accounts and operations of the District of Columbia government.

The unique Federal interest in our Nation's Capital must be protected and the constructive and beneficial influence of the Congress encouraged by improving the traditional fiscal and financial relationships between the District Government, District citizens, the Congress, the President, the Federal Office of Management and Budget, the Department of the Treasury, and the Comptroller General. This relationship is more likely to promote increased credibility and greater future financial responsibility in all parties involved in the annual budget process than the abrupt change proposed in H.R. 9682.

HATCH ACT EXEMPTIONS

Section 740 of H.R. 9682 would exempt from the provisions of the Hatch Act—which prohibits Federal (including District of Columbia) employees "in the competitive or excepted service" from taking an "active part in political management or in political campaigns (5 U.S.C. S. 7324(a)(2))."—Federal and District employees who qualify as candidates for the Council or Mayor during a primary or general election.

In addition, it would appear that a further exemption of the Hatch Act exists in that Section 733 of H.R. 9682 would permit Federal and District employees to be appointed and serve on a political partisan Board of Elections.

Furthermore, Section 402(d), setting forth the qualifications for holding the office of member of the Council, provides, among other things, that "No person shall hold the office of member of the Council, including the office of Chairman, unless he . . . (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith . . ."

The foregoing provision could lend itself to an interpretation that gives further exemption under the Hatch Act. For instance, if a Council member were to serve in the Federal Government as a consultant and be paid actual expenses, he would under the existing provisions of the Hatch Act be prevented from participating in partisan political activity on the day for which he was so paid. Section 402(d) would appear to grant an exemption for these kinds of employees.

There is little, or no, question but what a provision permitting Federal and District employees to participate in local politically partisan elections (Section 740) or to serve on a locally partisan politically appointed Board of Elections (Section 733), or to serve on the Council (Section 402(d)), while at the same time serving as a consultant to the Federal Government compensated for actual expenses (even though this latter status may be subject to interpretation on a factual case-by-case determination by either the Civil Service Commission or the courts as to whether or not the individual comes within the provisions of the Hatch Act) will to a large extent totally nullify the effect of the Hatch Act prohibiting certain political activity in the District of Columbia.

It is difficult to conceive of an exemption that is more likely to strike a death blow to the Hatch Act than one that offers the protection of the career service to one who is seeking a politically partisan elective office. Whether intended or as a result of oversight, it is highly probable that the foregoing provisions in this bill would have that result.

Proponents of this bill might well see a golden harvest in political contributions from the pockets of Federal and local employees were they able to successfully and indirectly initiate the repeal of the Hatch Act. Exemptions such as those contained in this bill could well open the door to a reversion to the "spoils system" which the Hatch Act was initially enacted to correct.

The Supreme Court decision on June 25, 1973, in *U.S. Civil Service Commission v. Letter Carriers,* ----- U.S. ----- (1973) upholds a constitutional challenge to the Hatch Act and its reasoning is worth calling to the attention of Members of Congress:

> We unhesitatingly reaffirm the *Mitchell* holding that Congress had, and has, the power to prevent Mr. Poole and others like him from holding a party office, working at the polls and acting as party paymaster for other party workers. An Act of Congress going no further would in our view unquestionably be valid. So would it be if, in plain and understandable language, the statute forbade activities such as organizing a political party or club; actively participating in fund-raising activities for a partisan candidate or political party; becoming a partisan candidate for, or campaigning for, an elective public office; actively managing the campaign or a partisan candidate for public office; initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office; or serving as a delegate, alternate, or proxy to a political party convention. Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees.
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> Such decision on our part would no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.
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> In 1966, Congress determined to review the restrictions of the Hatch Act on the partisan political activities of public employees. For this purpose, the Commission on Political Activity of Government Personnel was created. 80 Stat. 868. The Commission reported in 1968, recommending some liberalization of the political activity restrictions on federal employees, but not abandoning the fundamental decision that partisan political activities by government employees must be limited in major respects. 1 Report of Commission on Political Activity of Government Personnel, *supra.*
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> This account of the efforts by the Federal Government to limit partisan political activities by those covered by the Hatch Act should not obscure the equally relevant fact that all 50 States have restricted the political activities of their own employees.
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> Until now, the judgment of Congress, the Executive and the country appears to have been that partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in representative government and employees themselves are to be sufficiently free from improper influences. *E.g.*, 84 Cong. Rec. 9598, 9603; 86 Cong. Rec. 2360, 2621, 2364, 9376. The restrictions so far imposed on federal employees are not aimed at particular parties, groups or points of view, but apply equally to all partisan activities of the type described. They discriminate against no racial, ethnic or religious minorities. Nor do they seek to control political opinions or beliefs, or to interfere with or influence anyone's vote at the polls.
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What was discussed above are express exemptions to the Hatch Act contained in H.R. 9682. There still remains for discussion the question of how the locally elected District government would institute its own local District merit system under its delegated authority to legislate.

H.R. 9682 would (under Section 422) permit the District of Columbia government to enact its own District government merit system or systems once the charter was approved and the local government established. Section 422(3) provides that "The system may provide for continued participation in *all or part* of the Federal Civil Service System . . ." The only apparent guideline in this section in delegating this authority to the Council is that the system should be "at least equal" *in benefits* to legislation now in effect enacted by Congress.

Thus, no doubt the locally elected Council under H.R. 9682 would be permitted to retain all the benefits and advantages that District employees now enjoy under the Federal Civil Service, and it would give total exemption from any restriction over political activities of their own employees, notwithstanding the fact that, as noted by the Supreme Court in *CSC* v. *Letter Carriers, supra*, ". . . that all 50 states have restricted the political activities of their own employees," and the fact that we in the Congress have consistently applied the Hatch Act to District government employees.

AN OPPORTUNITY FOR IMPROVEMENT

Washington, D.C., is located in one of the fastest growing metropolitan areas in the nation. The citizens of this area earn one of the highest per capita incomes in the nation, and through the presence of the Federal Government, enjoy a relatively stable economy. Nevertheless a variety of economic, sociological, and demographic factors have interacted to produce a critical fiscal disparity between the District and its environs to the extent that the District of Columbia itself has been left with the metropolitan area's most costly citizenry in terms of the need for provision of services, public assistance and facilities.

The future offers little basis for optimism:

A substantial suburban population growth is predicted, while the District's population is expected to continue to decline.

An increasing concentration of "high fiscal cost" citizens is expected in the District, reflecting lower income relative to the suburbs, poor housing relative to the suburbs, and a continuing increase in public assistance case loads. (One out of every six District residents is now receiving some form of public assistance.)

A larger growth of per capita taxable resources appears more likely in the suburbs than in the District.

A probable decline in taxable resources for the District can be predicted as the percentage of the District's physical land area available for taxation continues its historic decline through takings by the Federal Government, the District Government, foreign embassies, universities, and other tax exempt entities or organizations.

The District's expenditure demands each year exceed yields from existing revenue sources despite the massive influx of Federal revenue sharing funds. Steep increases in the local property tax and more intensive utilization of nonproperty taxes probably will continue to be required aggravating the exodus of capital and upper income residents to the suburbs.

Congress, carrying out its designated Constitutional role through its legislative and appropriation process, has been the only balance wheel. By exercising its beneficial influence through a fair-share approach toward absorbing the financial impact of the Federal presence, Congress has averted even more chaotic conditions. The drafters of H.R. 9682 now propose to remove the balance wheel at a time when the District is desperately trying to regain population lost to the suburbs—a more inappropriate time could not have been chosen.

What then is appropriate at this time? Congress has a unique opportunity through implementation of the Nelsen Commission Report to continue to insure a fair-share Federal commitment to the Federal City's costs and to enact other recommendations to provide economy, efficiency, and improved services in the transaction of the local government's business.

Nelsen Commission recommendations

Early in 1971, while the Commission was organizing to commence its work, President Richard M. Nixon sent a message to Congress recommending that the Commission's responsibility be broadened to include consideration of expanded self-government and stating that he would submit legislation extending the life of the Commission to prepare a second report on the subject of "expanded self-government for the District of Columbia." Congressional and other advocates of home rule prevailed upon the President at that time to reconsider his proposal, believing such action would jeopardize home-rule legislation then pending before the 92d Congress. The suggested legislation was not submitted.

Those who objected to any expansion of authority of the Nelsen Commission because they considered that it might jeopardize home rule were in error. They are also in error now in jeopardizing the legislative implementation of the Nelsen Commission by entwining them in this unacceptable home rule proposal.

President Nixon is fully justified in his September 10, 1973, message to the Congress, recommending rapid action on the Nelsen Commission's recommendations:

> "The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again. I urge rapid action by the Congress."

Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. HARSHA).

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, there are several provisions in the committee bill, H.R. 9682, which cause me concern, and most of those provisions which do cause me concern still are retained in the committee print; that is, the committee print which was reported out today and which will be offered as a substitute at some time during the pending proceedings.

One area addressed by the pending bill which I cannot support is that related to law enforcement and the administration of justice in the District of Columbia. In particular I am troubled by two aspects of this subject.

First, section C of title IV proposes to grant to the Mayor of Washington the power to nominate judges for the Superior Court and the Court of Appeals, both courts of general and comprehensive jurisdiction. The Mayor is circumscribed in the use of this authority in that his selections first must be approved by the Nominating Commission and then confirmed by the City Council.

For the Mayor to be given such authority would be unique among the cities of the Nation. The mayor of New York or Chicago or Los Angeles, or even of Cleveland in my home State, does not have like power. I can see no justification for making an exception to this general rule for the Mayor of this Capital City.

While I discern no justification for such an exception, I can discern some harm thereby.

In its actions in 1970 restructuring the local courts for the District, Congress took abundant care to see that these judges had total independence to rule as they saw fit under the law on all questions that came before them. The independence built into the present system could be destroyed by putting the local judiciary into a position of dependence—for reappointment and even possibly for adequate funding—on the very same officials they have a legal responsibility to oversee.

I much prefer the present system which provides great distance in the appointive process between the selecting and confirming entities on the one hand and the judges and decisions they have to render on the other. Such a system is working presently in the District of Columbia and I do not feel this is the time or manner to alter a new and effective judicial system constructed with great thought and care by Congress just 3 years ago.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Minnesota.

Mr. FRASER. I do not know whether the gentleman was here earlier when I had a colloquy with the gentleman from Washington, but the power of the Mayor on appointment is limited to a list of nominees to come from a judicial commission, the majority of which are appointed either by the President or the Speaker of the House or the President of the Senate, plus two more members from the local bar, with only two members appointed by the Mayor. So the Mayor does not have an unfettered power of appointment. He has to pick from a list which comes from this Commission, and he must reappoint a judge if the Commission on Judicial Disability and Tenure decides he is qualified.

Mr. HARSHA. That is not in the bill before the committee. It may be in the committee print. Many of us have not had an opportunity to see the committee print.

Even if that is the case, there is no other city in the United States where the Mayor has the right to make appointments to the bench of judges serving on courts of general jurisdiction.

Mr. FRASER. These are not Federal courts; these are local courts.

Mr. HARSHA. I understand that. However, they are still courts of general jurisdiction and appellate courts.

Also, under existing law the Superior Courts of the District of Columbia have the right to pass on rules and regulations of the present City Council, and the District Court of Appeals has that right in the legislation. That is set forth in the bill. So I do not believe the Council in any circumstance should be passing judgment on judges who are ultimately going to pass judgment on some actions of the Council. If there is a provision to remove the verification of the appointment by the Council and let the Senate do it, that certainly is a step in the right direction.

Mr. FRASER. Mr. Chairman, the gentleman is correct. That is what is in the committee bill.

Mr. HARSHA. That does not obviate the problem of the Mayor's making appointments, which I understand is still contained in either bill.

Now, Mr. Chairman, a related matter which is of concern to me is the effect of the pending proposal on the functions and responsibilities of the U.S. Attorney's office in the District vis-a-vis the local Corporation Counsel. The 1970 Court Reform Act provides that the U.S. attorney is the prosecutor for all felonies and serious misdemeanors under the District of Columbia Code. Since the effective date of the act, February 1, 1971, the U.S. Attorney has made substantial progress in making Washington a nationwide model for law enforcement.

For example, the period between arrest and indictment has been dropped from 90 days to a median time of some 30 to 35 days. The number of felony prosecutions has increased from about 2,200 to almost double that.

A model automated information system called "promis," the first in the Nation, has been installed and is being manned by trained expert supervisory prosecutorial personnel.

Mr. Chairman, this type of impressive and constructive progress should not be interrupted or terminated. I am concerned that some of the supporters of H.R. 9682 believe that that bill would interrupt that progress and terminate that service, and those same Members who believe that about the parent bill also have the same reservations about the substitute or the committee print.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. If the gentleman will wait just a minute, I will yield later, because I do wish to engage in a colloquy with him concerning this subject.

Now, I do not have that reservation personally, because my reading of section 602(a)(3) that the Council—

> Shall have no authority—to—enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District.

Convinces me, or that language convinces me that under this bill all present functions undertaken by the U.S. Attorney would remain in that office and could be removed therefrom only by act of Congress.

Mr. Chairman, I will now inquire of the distinguished chairman of the subcommittee if that is his opinion of either H.R. 9682 or of the committee print which is to be offered as a substitute.

It is clear that any act to amend the laws relating to the jurisdiction of the U.S. Attorney for the District of Columbia is an act "which concerns that function—of the United States." The law pertaining to conduct of prosecutions in the District of Columbia is set out in section 23-101 of the District of Columbia Code. Subsections (a) and (b) of that section list those prosecutions which are conducted by the Corporation Counsel in the name of the District of Columbia. Subsection (c) provides that:

> All other criminal prosecutions shall be conducted in the name of the United States by the U.S. Attorney for the District of Columbia or his assistants, except as otherwise provided by law.

Under section 602(a)(3) of H.R. 9682, the Council could not enact legislation affecting the balance of prosecutorial responsibilities between the U.S. Attorney and the Corporation Counsel because it would be altering a "function" of the United States. Such an action is forbidden by the restrictions in section 602.

Mr. Chairman, is that also the judgment or intent of the distinguished chairman the cosponsor of this legislation?

Mr. ADAMS. Mr. Chairman, I would agree with the gentleman in his interpretation.

To make it very clear and to provide a system so that the Members would understand, we have in the proposed substitute, on page 89—and this is section 602(a)(7)—stated the following, and this is a prohibition:

The Council shall have no authority to—

> Enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia.

And it is the intent of that section that the present prosecutive operation remain as it is until the Congress of the United States in its wisdom changes it.

Mr. HARSHA. Now, what page is that on?

Mr. ADAMS. That is in the committee print. That is on page 89. It starts at the bottom of page 89, line 24, and it continues over to the top of page 90, lines 1 through 4.

Mr. HARSHA. Mr. Chairman, I thank the gentleman. Then I am correct in this assumption, that in either bill we are talking about which was reported out of the Committee on the District of Columbia there is no intent whatsoever to change the present jurisdiction of the Attorney General's office or the Justice Department in its prosecutorial efforts in dealing with the courts and crime in the District of Columbia?

Mr. ADAMS. That is correct. Neither bill changes that operation in the District of Columbia.

Mr. HARSHA. I thank the gentleman and certainly appreciate his clarification. That was not the case with the original bill, and I am very happy to see it in here.

Mr. Chairman, that obviates my asking a number of questions relative to that issue.

I would call the attention of the committee to the fact that at the appropriate time I intend to offer an amendment to take the appointment of the judicial branch of the Government away from the Mayor or local politicians and leave it in the hands of the President of the United States.

I think it is imperative, if we are going to have a model government in the city of Washington, that we should move the third branch of the Government, the judicial branch of this Government, as far away from local politics as we can. We have made great strides with the court Reorganization Act, and the judicial system has improved tremendously in the last 2 or 3 years.

Part of the statutory requirements for the reorganization work have recently been implemented. I think it would certainly be a step backward if we failed to continue on with the progress which we have already made.

I have set out in these remarks a few of my concerns with H.R. 9682 and the committee print as reported from the District Committee as they relate to law enforcement in Washington. I would hope that a majority of my colleagues would share these concerns and see to it that the District of Columbia is assured of the continued high quality of its judiciary and its prosecutorial office. We should make certain by our actions on the pending measure that the appointive process for judges for the local courts and the balance of responsibility for prosecution of major offenses in the District of Columbia remain as they are today. The present system works; it produces fair and effective justice for Washington. It should be left alone.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, one of the questions we hear voiced most frequently in any discussion of home rule for the District of Columbia is the Federal interest and the fact that the U.S. Capital belongs to all 200-odd million Americans.

There is nothing about this bill nor the committee action on the bill that obviates any part of the Constitution, which the bill clearly states that that is the fact. In all of the deliberations for home rule there has never been any suggestion that the people of the District of Columbia have any more right to control this Capital or the grounds or the parks or the monuments or 1600 Pennsylvania than all of the rest of the people of this great country.

What we have tried to discuss, I think, and what I must compliment the chairman of the committee for, is having the most open hearings and being the most patient and hard working that I have ever seen in all of my short tenure in this great body.

What we have been concerned with is trying to bring together the national interests with regard to our historic buildings, monuments, and traditions and to see that the God-given right of the citizens of this city is retained so that they can be concerned with their own interests and their own streets and with their own police department.

Every single part of this bill and every deliberation I have sat in on has been aimed at trying to protect the Federal interests while giving the people of the District the right as American citizens to have an interest in how their Government operates, in other words, a compromise between the congressional Federal interest and the interests of 700,000-odd citizens of Washington who have for far too long been powerless to control their destiny.

Very briefly I would like to address the committee on the steps we have taken to try to protect the Federal interest and the Presidential interest in our Capital.

First of, it is inherent in this bill, as it is in the Constitution of the United States, that nothing we do here today will ever remove the constitutional authority of the Congress to legislate with regard to the District of Columbia. Congress may legislate at any time on anything concerning the District and any part of the District. Under this bill, either House of Congress can veto any decisions on modifying the city charter which they find objectionable. In the committee print a 30-day layover for any legislation has been supplied so that the Congress may have 30 days in which to review the legislation and, if necessary, to pass legislation which would override the City Council's action. After the 30-day period the City Council action becomes law. The Congress may at any time, however, legislate to override any action of the City Council.

And as a practical matter we all know, sitting on the Committee on the District of Columbia, that if Congress were so disturbed by the new City Council legislation, that the pressure of a Presidential veto in the long run of the situation would bring it to an end.

The Federal payment has been returned to where it constitutionally belongs, the Congress, with a line item review of where it is to go, and what the budget is to be composed of. The GAO is required to audit all movements of the budget within the District of Columbia. We require a balanced budget within the District of Columbia. We require a debt ceiling, a debt percentage limit within the new government of the District of Columbia.

The court system, so carefully established in this body in the 1970 District of Columbia crime bill, is preserved. The role of the U.S. marshal is preserved. The role of the U.S. attorney is preserved. The Senate has the confirmation power over judges. No planning may be done by the city of District of Columbia, or by the city or State of the District of Columbia, without being referred to a national commission, the National Capital Planning Commission, for possible veto and most certainly for review in all instances.

Have we protected the Presidential interests in the Capital City? First of all, we have given the President——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKINNEY. Mr. Chairman, would the gentleman from Minnesota yield me 4 additional minutes?

Mr. NELSEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, we have given the President the power of appointment to the National Capital Planning Commission. The Secretary of the Interior runs the property under his control. The Department of Defense runs the property under their control. We have given the President three judicial nomination commission appointments. On the Commission on Judicial Power and Tenures we have given him three appointments.

There are further powers that the committee print has given the President, and one of the very important ones is the emergency power over the police of the District, and the ultimate authority to sustain without question the veto of the Mayor of the city if the Council overrides his veto, and the President should happen to agree with that veto.

Mr. Chairman, I would suggest to the Members that the criticism we hear of a last-minute committee print is an invalid criticism, because in every stage of the markup of this bill it has been open for input and it has been open for ideas, and the chairman of the committee and most of the members of the committee have been willing to compromise at any point with what they considered to be the majority will of the Congress.

The only bills that I have never seen before, nor been asked to consult on, were those that suddenly appeared on October 2 of this year, and were before the Committee on Rules along with the committee bill, and were unknowns to all of us until that time.

Every change in the bill that the Members will see in the "Dear Colleague" letter they received today from many of us on the committee, are changes that have been considered by the committee. Testimony has been heard by the committee, and the fact is that the committee did not put those into the bill, because we did not feel they were necessary, and now we feel that for the pragmatic political passage of a home rule bill they are. And I would claim to the Members that they protect our Federal interests, and the Presidential interests in this city without doubt.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McKINNEY. May I have an additional 30 seconds

Mr. NELSEN. Mr. Chairman, I yield 15 additional seconds to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I would just finish by saying to the chairman that we today are very concerned about preindictment, so let us not preindict the citizens of Washington to their right of home rule, let us give them a chance, and this bill is the method to do it.

The CHAIRMAN. The Chair will announce that the gentleman from Michigan has consumed 51 minutes, and the gentleman from Minnesota has consumed 36 minutes.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, at the outset I should like to emphasize two points to establish my credentials as being a friend of the Nation's Capital. The first point I should like to make is that I will yield to no Member insofar as my interest in the welfare of the people living here in the District of Columbia is concerned. I know them by the thousands; I know them as friends and neighbors; I know them as business people, having done business with them.

I have worked continuously for the economic improvement and development of the Nation's Capital because, as was pointed out earlier by the distinguished chairman, the gentleman from Michigan (Mr. DIGGS), we cannot succeed unless the suburbs and the inner city grow together.

I have consistently supported and fought for improvement in the Nation's Capital during the 21 years I have been a Member of this body. I have fought for better conditions for the policemen and firemen, better pay and retirement benefits for the schoolteachers, and for a great many public works projects, including the Metro system.

I fought for and supported the building of the stadium known as the RFK Stadium, the Kennedy Cultural Center, the new Convention Center. I worked hard in support of the crime bill, and a great deal of other major legislation for the benefit of this city. So I somewhat resent any Johnny-come-lately coming up here now and setting some phony standard that one is supposed to comply with in order to prove that he is for the people of the Nation's Capital.

I also wish to state most emphatically that I do not oppose the principle of home rule, of the greatest possible degree of self-government for all the people of this Nation, including the citizens of the District of Columbia. My sole reservation is that in granting such home rule to this city, we in the Congress must assure the safeguarding of the Federal Government's inherent interest in our Nation's Capital.

I submit that my record of 21 years of service as a Member of this body will attest to my desire to provide as great a degree of self-determination to the citizens of the District of Columbia as is consistent with the Federal interest in the seat of our Nation's Government. For example, I was one of the sponsors of the act of 1960 which gave District citizens the right to vote for President and Vice President. In addition, I lent strong support to the legislation which provided for the elected District of Columbia Board of Education, and also to the bill which gave the District its nonvoting Delegate to the U.S. House of Representatives. And furthermore, on two different occasions I testified at length before the House Committee on the Judiciary urging support for a bill which would give the District voting representation in the Congress.

The sponsors of this home rule bill have asked us to buy a pig in a poke, a complicated bill that they now admit is a bad bill and want to rewrite on the floor of the House. Let me say this, Mr. Chairman, that the idea that any Member of this body would threaten to defeat a colleague because he did not rubberstamp this legislation brings the discussion of this subject to a new low and is beneath the dignity of the House of Representatives.

It is quite obvious to me that virtually all of the people who have been loudly and persistently urging the enactment of this bill into law have been doing so on the basis of the emotional appeal of self-government for all people, but with no knowledge whatever of the provisions that H.R. 9682 actually contains.

In the first place, I want to point out that this bill would by no means "restore" the degree of self-government which existed in the District of Columbia from 1871 until 1874. The act of 1871, in fact, established only a very limited degree of self-determination, indeed, to the District, with the retention of strong controls by the Federal Government. That act provided for an elected 22-member house of delegates, and a Governor and an 11-member council, all appointed by the President with the advice and consent of the Senate, as were the members of both the board of health and the board of public works. Thus, the elective powers extended to the citizens were quite limited. Furthermore, the assembly's legislative authority was quite restricted under the law.

By contrast, H.R. 9682 as reported would delegate to a totally elected government of the District of Columbia the most complete authority ever granted to any subsidiary governmental body in the history of this Nation—to the extent that serious question of constitutionality may be involved. Further, this unprecedented grant of local governmental power will remove from the Federal Government all effective control over the inherent Federal interest in the city, which was established for the sole purpose of providing the seat for its operation.

The legislative power of the District would "extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States." This sweeping authority would include the power to amend, repeal, or supersede acts of Congress, in fact, virtually all the present provisions of the District of Columbia Code. Also included would be the power to impose new taxes, except for a commuter tax which is specifically forbidden. A lottery could be enacted into law at once, however, or a parking tax for the purpose of militating against commuters from the suburbs, including those driving into the District to do business with the Federal Government.

As for the pretense that the constitutional authority of the Congress to legislate for the District and to amend or repeal acts of the city council offers any real protection of the Federal interest, I trust that none of my colleagues will be deceived by this fiction.

As we all know, "repeal" legislation is very difficult to enact. Also, most acts of the local City Council would go into effect immediately, so that any nullifying action by the Congress would be tardy at best, as well as being impractical in the normal order of congressional business. Thus, to all intents and purposes, the Congress would be divested of all real power of control over a local governing body whose acts could seriously jeopardize the Federal Government's legitimate interest in many ways.

Further, the President would also lose virtually all of his power over the District as well. For example, he could no longer exercise his traditional and constitutional power of veto over District of Columbia legislation. In this connection, it should be noted that in most territorial legislation, the President may veto territorial acts passed over the veto of the Governor of the territory. Also, under the provisions of this bill, the President would be stripped of his power to appoint the judges of the District of Columbia courts. The transfer of this authority to the Mayor of the city is unprecedented, since in no other city in the United States are judges of any courts of general jurisdiction appointed by officials of the local government. This provision has been severely criticized by the Federal judiciary and the organized bar.

Another most serious deficiency of this bill is the transfer of police power and authority in the city to the local government. The Chief of the Metropolitan Police Department would be appointed by an elected Mayor, rather than by a Presidentially appointed Commissioner as at present.

To appreciate the grave importance of this ill-conceived transfer of authority, we need only recall certain events of the year 1783, when the Congress was meeting in Philadelphia, near the end of the Revolutionary War. A mob of disgruntled soldiers marched upon the Congress, surrounded the meeting hall, and threatened and interrupted the business of the Congress. Appeals by the Congress to the officials of the city of Philadelphia and of the Commonwealth of Pennsylvania brought no assistance whatever. Thus, lacking any power of control over the situation, the Congress was obliged to flee like fugitives to Princeton, N.J., there to reconvene and get on with the business of execution of the Revolutionary War.

This ugly incident was one major reason for the subsequent location of the seat of our National Government here in the District of Columbia, where there could be no Federal dependency upon any local governmental control. And it would be unthinkable, in my opinion, for this Congress to accept today any proposal such as that in H.R. 9682 which would expose the Congress and the entire Federal establishment in the District to that same risk which proved so disastrous in the past.

On the facade of the Federal Archives building here in Washington, there is an inscription which reads:

> The Past is Prologue . . . Study the Past.

Let us by all means be guided in this instance by these words of deepest wisdom.

Some of the major fiscal provisions of H.R. 9682 are also completely incompatible with the Federal interest in the District. First, the President's degree of control over the District of Columbia's budget, through the Office of Management and Budget, would be reduced to merely "commenting" upon the amount of the District's request for its annual Federal payment. Even more serious, however, would be the removal of the traditional oversight by the Congress over the District's budget through the appropriations process. The sponsors of this bill claim glibly that the Congress would retain its power to "review" the District's proposed budget. The truth is, however, that the Congress would no longer be allowed to alter or delete any item whatever in the District's budget as submitted. Rather, the Congress could only appropriate each year a "lump-sum, unallocated Federal payment" to the District of Columbia.

This proposed elimination of all effective Federal control over District of Columbia spending is truly alarming in view of the amount of Federal taxpayers' money involved. For fiscal year 1973, for example, the District's total financial resources available were $1,450,200,000, of which the funding from the Federal Government amounted to $750,800,000, or 51.7 percent.

Furthermore, there is no question whatever that this percentage of Federal involvement may be expected to increase in future years, since the District government shows no disposition to retrench in its spending programs, and the city apparently will not be able to increase its own tax revenues appreciably from their present levels. For example, it is estimated that the city's debt service costs for capital improvements will soar from $39.6 million in 1974 to $162.9 million in 1984, and most of this added burden will unquestionably fall upon the Federal Government.

Under these circumstances, for this Congress to approve this unprecedented "power grab" proposal would be a totally unwarranted dereliction of our responsibility for the expenditure of and accounting for Federal funds.

This bill would also delegate to the council and the Mayor unlimited reprograming authority over all funds, with no requirement for notification of Congress nor for congressional approval of such reprograming. This means that the city government could use funds previously appropriated by the Congress for the construction of a certain building, for example, for some totally different purpose, and even for some project which had previously been denied by the Congress in appropriation legislation. Thus, this provision would actually permit the local government to nullify actions of the Congress in connection with previouslly appropriated funds.

I am seriously concerned also about the matter of proper limitations which should be placed upon borrowing by the District government. This bill provides that general obligation bonds cannot be issued in an amount which would cause the debt service cost thereon to exceed 14 percent of the city's revenues in any fiscal year, which would appear to establish a sound fiscal limit on the city's indebtedness as far as it goes. However, the bill also provides for interim loan authority for the District, by authorizing the Mayor to accept loans from the U.S. Treasury in amounts which may be required to complete capital projects for which construction funds shall have been authorized or appropriated by the Congress prior to the effective date of the city charter, and also to pay the District's share of the cost of the Metro system.

The purpose of this authority, I assume, is to assure the continuation of funding for these projects during the period prior to the effective date of the District's proposed new borrowing authority through the issuance of bonds. In addition, the bill also provides authority for borrowing to meet anticipated appropriations, through the issuance of short-term negotiable notes in a total amount not to exceed 1 percent of the total appropriations for the year. I am disturbed by the fact that the debt service costs involved in these latter authorizations do not appear to be included in the 14-percent formula limitation referred to above.

This could obviously permit the city to incur debt service costs in excess of its ability to pay; and again, should this occur, the Federal taxpayers will certainly be called upon to pay the bill.

I object also to a section of the bill which provides for the division of the District into a number of neighborhood council areas, with an elected advisory neighborhood council in each such area.

These neighborhood councils, according to the bill, are intended to advise the District government regarding matters of public policy, including planning, streets, recreation, social services, health, safety, and sanitation, and also may conduct programs for the welfare of the people in the individual neighborhood council areas. In order to perform these functions, the advisory councils will be authorized to employ staff and to expend public funds for various public purposes. Also, additional powers and duties may be delegated to the neighborhood councils by acts of the city council.

In order to meet the expenses of the operation of these advisory councils, the bill provides for the apportionment among the councils of a sum not less than 1 cent per $100 of the assessed valuation of the taxable real property in the city, from the real property tax revenues; and in addition, the council is empowered to authorize other additional methods of financing as well.

On the basis of the current assessed value of the taxable real property in the District of Columbia, this means that a minimum of some $450,000 will be spent to finance these advisory neighborhood councils, and the actual cost in excess of that figure is entirely unpredictable.

I am opposed to this entire concept, as an unwarranted expenditure of public funds which would inevitably be passed along indirectly to the Nation's taxpayers. I do not believe that these advisory neighborhood councils will provide any benefit to the citizens of the city even remotely commensurate with the cost involved. It is my further opinion that active citizens' associations and federations thereof can and will perform the function of advising the city council of the needs and interests of the people in every section of the city, and thus provide adequately for a productive relationship between the council and the citizens with respect to individual neighborhood problems and needs. This is the role of the citizens' associations and federations which operate at no public expense in other communities throughout the country, and I am convinced that they can be equally effective here in the Nation's Capital.

I also see a danger to the Federal interest in the provisions of this bill relating to the National Capital Planning Commission, which is a Federal entity responsible for planning and development for the Federal Establishment both in the District of Columbia and in the suburban jurisdictions of the metropolitan area.

At present, the NCPC consists of 12 members, two of whom are the District of Columbia Commissioner and Deputy Commissioner. Under the provisions of H.R. 9682, however, the NCPC's membership would include the Mayor and the chairman of the city council, as well as two other members appointed by the Mayor. Thus, the District's representation on this vitally important Commission would be doubled, to consist of 4 out of the 12 members. I feel strongly that this would give the District overrepresentation on an agency whose function relates to the Federal entity in the city, and that this quota would create an even more serious imbalance of District representation on this Commission as it determines the planning and development of the Federal Establishment in the suburban areas of Virginia and Maryland.

Also in connection with planning and the Federal interest, the bill provides that the District of Columbia Zoning Commission may not adopt an amendment to the zoning regulations or map until such amendment has been submitted to the NCPC, and the NCPC has sent to the zoning commission its report and recommendations on the matter. However, the bill does not state that after receiving the NCPC recommendations, the zoning commission must abide by them. Thus, the issue of the NCPC being provided with its rightful authority to protect the integrity of the Federal Establishment in these proposed zoning changes is not met.

This power of the District of Columbia Zoning Commission is the more disturbing in view of the makeup of the zoning commission as provided in this bill. The commission is to consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor with the advice and consent of the Council. Thus, the zoning commission will be dominated by the appointees of the Mayor, and certainly the power of this commission to override objectives of the NCPC to proposed amendments to the city's zoning regulations and maps raises serious doubt as to the protection of the Federal interest in this area.

I see another problem in the provision of this bill which directs the District government to establish its own personnel merit systm not earlier than 1 year nor later than 5 years after the effective date of the District charter. Personnel benefits must be at least equal to those previously provided by congressional legislation, and the District's personnel system may provide for continued participation in all or part of the Federal civil service system.

The bill is silent, however, with respect to responsibility for any portion of the approximately $865 million of unfunded liabilities for the policemen, firemen, and teachers' funds, as well as the undetermined liability for the approximately 26,000 District employees presently covered under the Federal retirement system should the District government elect not to continue to participate in the Federal civil service retirement system.

At present, the ultimate responsibility of the retirement systems for all District of Columbia government employees resides in the Federal Government, since most of them are under the civil service retirement system, and the systems for retired policemen, firemen, and professional employees of the Board of Education were created by acts of Congress. Thus, in spite of the total lack of a retirement fund for policemen and firemen, and the existence of considerable unfunded liability with respect to teachers and the civil service employees of the city, there is an ample element of dependability upon the Federal Government which minimizes the danger of such retirees losing their pensions through lack of reserve funding.

However, should H.R. 9682 be enacted into law, then this stability factor will no longer exist, since the funding for all city retirees will be the sole responsibility of the newly created District of Columbia elected government. Certainly the element of risk in this case will be heightened considerably under these circumstances.

In fairness to all District employees, this bill should contain a requirement to provide separately for a determination to be made regarding the Federal Government's total liability for District employees' retirement credit and the amount of funds which should be paid in this connection to the District by the Federal Government. As a matter of fact, the U.S. Comptroller General recommended exactly this provision as a part of any home rule bill for the District of Columbia.

Another serious problem area in H.R. 9682 involves a provision that a person who is employed in the competitive or excepted service of the United States may run as a party candidate for the office of Mayor or member of the council. Should he be elected, however, such a person would have to resign his government position.

This special exception to the Hatch Act is not permitted in elections anywhere else in the United States. The Hatch Act was designed to protect employees in the competitive or excepted service of the Federal Government and the District of Columbia government from partisan political pressures which could militate seriously against the proper performance of their duties as government employees. I believe this protection to be not only proper but essential, and can see no justification whatever for this exception in the case of candidates for local office in the District of Columbia. A government employee could suffer the same detriment to the performance of his duties as a result of his partisan candidacy in such a campaign for election as by any other form of participation therein, or more so. Furthermore, the same impelling reason for such a candidate not being permitted to retain his Government employment status while serving in public office as an elected partisan candidate applies equally well to his period of candidacy for that office.

I am unalterably opposed to this exemption to the Hatch Act, because it might well serve as a precedent which could lead to a complete breakdown of the Hatch Act and a return to the political "spoils system" which was once rife throughout the government service.

Finally, I object to the provision in H.R. 9682 which would amend the State and Local Assistance Act—Revenue Sharing Act—of 1972, so as to repeal the provision therein that should the District of Columbia enact a commuter tax upon nonresident workers in the city, the amount of revenues derived from such a tax would be deducted from the city's revenue sharing payment for any fiscal year.

I realize that there is a provision in H.R. 9682 which was designed specifically to forbid the District government from enacting such a commuter tax. However, I can see no reasonable objection to retaining the provision in the Revenue Sharing Act referred to above, as an additional assurance against such a levy.

Mr. Chairman, these items I have cited represent in the aggregate an insuperable barrier to any favorable consideration of this bill by a Congress which must be cognizant of its deep, abiding responsibility for the vested and inalienable rights of all the 200 million citizens of the United States to whom this city belongs, as the Capital of their Nation. These citizens look to us, their duly elected representatives in the Congress, to protect those rights and to defend their heritage.

In truth, H.R. 9682 as reported is a veritable hodgepodge of controversial provisions, many of which as I have cited would constitute an outright betrayal of the rightful Federal interest in this city. Furthermore, to attempt to bring this maze of imperfection to any semblance of acceptability by amendment in these proceedings today would be impracticable if not impossible.

Mr. ADAMS. Will the gentleman yield?

Mr. BROYHILL of Virginia. Let me finish my statement and I will be glad to yield. If the gentleman does not agree with me——

Mr. ADAMS. It is just that the gentleman is leaving a point out. I want to ask about his substitute.

Mr. BROYHILL of Virginia. I refuse to yield at this time.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. NELSEN. I yield an additional 5 minutes to the gentleman from Virginia.

Mr. Chairman, many of these bad features of the bill have not been improved in the clandestine, watered down, and ad hoc committee version. But enter in these proceedings, several of us are going to offer constructive alternatives that we talked about during debate on the rule. These constructive alternatives will grant the people of the District of Columbia a voice, a maximum voice in the management of their own affairs; but the most important thing about the substitute alternatives we are going to offer is that they will protect the Federal interests and the interests of all the people. If the people of this Nation knew and understood what was in this bill and what was in the substitute, there would be overwhelming opposition to the committee bill. We would have enthusiastic support for the substitute measures.

Now, let me just read a portion of a letter, Mr. Chairman, that I received from one of my constituents. I think it puts the explanation of the reasons for opposition to this legislation in the proper perspective. I am just going to read the letter in part. It is contained in the report of the home rule bill that the committee reported out back in 1965.

He says in part:

> My basic objections, however, concern what I feel are two much more vital areas.

He is talking about his objections to home rule.

> The first is the question of district revenues.

He goes on to say what it is costing the Federal Government to operate the Nation's Capital, that this financial responsibility cannot be cast aside.

Then he comes to the second objection:

> My second—and primary—objection arises from a conviction that Washington belongs to 160 million people in this Nation, not a mere fraction of them who happen to live within its borders.
>
> When Americans come here, they're not vacationing in just another city. New York and Chicago are more entertaining; Miami and Phoenix are more healthful; Los Angeles is more glamorous.
>
> They come because this is the city that symbolizes the workability and the greatness of representative government. They come because this is the city whose streets have been walked by 36 Presidents. They come because every sidewalk and every building rings with the names of greatness; La Follette, Taft, Calhoun, Clay, Webster, Marshall, Norris, and a hundred others.
>
> Washington visitors come to stand outside the gates of the Executive Mansion—and to wish its occupant well, even though they may have voted against him. And that is why they come: Not to visit a city, but to experience government.
>
> It is a selfish request, to ask that 70 million American families be denied the privilege of governing their city, their Capital.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Minnesota.

Mr. FRASER. I want to ask the gentleman about his statement of a constructive substitute to be offered. There are three authorized. I wonder if the gentleman would enlighten the House as to which of the three he is referring to, or is it a new one altogether?

Mr. BROYHILL of Virginia, Mr. Chairman, that is the second time today that question has been asked.

I do not see any reason why the gentleman from Minnesota, or the gentlewoman from Oregon, or the gentleman from Virginia should reveal to the gentleman from Minnesota what our strategy is as of the moment.

Tomorrow will be another day, and the rule provides that any of our three bills can be offered as substitutes for the committee bill. We may not have decided as yet. I say, "may not have decided."

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Washington.

Mr. ADAMS. The gentleman was quite critical of the committee bill on planning and the establishment of the manner in which the National Capital Planning Commission, the Zoning Commission, and the local planning agency work. In examining the substitute, pages 36 and 37, it appears to me to be identical to the committee bill on pages 14 to 16. In fact, in quickly reading the gentleman's bill over the weekend, H.R. 10597, the first substitute, it looks to me to be almost identical with the original committee bill, except for the enclave.

Mr. BROYHILL of Virginia. The intent of the gentleman from Virginia, other than the establishment of the enclave, was to make my substitute identical to the committee bill with three or four exceptions, such as the preservation of the courts and appointment of judges by the President; and to provide for the L'Enfant area, the old town of Washington, to be under the control of the National Capital Planning Commission insofar as zoning is concerned. I was very careful to provide for that protection in the legislation.

Mr. ADAMS. And that already exists, does it not, in the old legislation?

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The time of the gentleman from Virginia has expired.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I listened with considerable interest to the gentleman from Virginia in his effort to describe the substitute we are proposing as a clandestine bill, a watered-down bill. He seemed to lay great stress on trying to characterize it in somewhat derogatory terms.

I welcome the gentleman's effort. I was always taught, since I have been a young person, that is the tactic someone uses when he does not have very good arguments on the merits.

I would hope the committee would not follow the example of the gentleman from Virginia but rather would focus on the specific changes that are in the committee substitute, rather than attempting to label them with erroneous descriptions which are misleading.

I am almost certain as I stand here that the gentleman from Virginia did not develop his substitute in a large, open meeting to which we were invited, because I know I was not invited when he drafted his substitute. The same may be said of the other two substitutes. I was not invited to the session to discuss those two substitutes. There was no suggestion which I heard that I could have a role in that.

So, when the supporters of the main committee bill get together to work out certain changes they think will improve the chances of the bill, it does not seem to me that action warrants the label attached to it by the gentleman from Virginia, of being done in a clandestine fashion, since it was the same fashion in which the other substitutes were put together.

I should like to deal very briefly with the comments made by the gentleman from Minnesota about the work of his commission.

First I want to acknowledge the very genuine and prolonged service the gentleman has given to the District of Columbia through his work on the District of Columbia Committee. He has been an enormously constructive influence and he has taken an interest in important matters which affect the lives of the people of the District, and I would want to make clear for myself that any disagreement we have today and tomorrow on the merits of a self-determination bill should in no way reflect on the very dedicated service he has rendered, a service which is widely appreciated in the District itself.

Let me say first that we sought in the self-determination bill to do two things. One was to take a careful look at the recommendations of the Nelsen Commission and to incorporate those changes on which we could get substantial agreement. The second was to provide a system of local elections for the positions on the City Council and for the position of Mayor. And that is what we did.

There were extensive hearings held before our committee on the proposals of the Nelsen Commission.

Mr. Chairman, I have an index of the hearings which shows page after page of testimony on the various recommendations of the Nelsen Commission.

It was somewhat of a surprise that in the dissenting views on the final committee bill the dissenters complained that we had incorporated recommendations of the Nelsen Commission. I will quote exactly what the language is in the dissenting views. It says as follows:

> The undersigned deplore the inclusion of many of the recommendations of the Nelsen commission, which were developed through long, careful, and costly deliberations * * *.

The reason the dissenters deplored it was because they did not like the fact that these recommendations went into a bill that is controversial.

The controversial nature of the bill stems from the fact that it gives the voters of the District the right to vote for their councilmen and their Mayor.

I only wish to say on behalf of the committee majority that we agreed that the Nelsen commission recommendations were developed through long, careful, and costly deliberations, and that they deserved to be incorporated in any bill which comes before this committee and before the House.

That is precisely what has taken place. We have incorporated these recommendations transferring the Redevelopment Land Agency to local government, transferring the National Capital Housing Authority to local government, transferring the local planning functions from the National Capital Planning Commission to local government, but leaving with the National Capital Planning Commission the authority and the responsibility to protect the Federal interest, transferring the local functions of the District of Columbia Manpower Administration to local government, and establishing a Municipal Planning Office to perform local comprehensive planning.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Fraser) has expired.

Mr. ADAMS. Mr. Chairman, I yield 30 additional seconds to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I will not take up the time of the committee to go through all the changes we have made in response to the recommendations of the Nelsen commission, but I will simply say we took those which appeared to be sound and on which there was no substantial controversy. I think their inclusion strengthens the bill. I hope that at some point we will win the support of the gentleman from Minnesota (Mr. Nelsen) because we have done such a careful job in bringing in so many of the proposals which he wisely made.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. Gude).

Mr. GUDE. Mr. Chairman, great commendation is due the gentleman from Michigan (Mr. Diggs) for his leadership, as well as the gentleman from Washington (Mr. Adams), who has done so much to make the legislation that is before us possible, as well as the gentleman from Minnesota, who has made a substantial contribution.

Mr. Chairman, I rise in support of the District of Columbia Self-Government and Governmental Reorganization Act. I do so, Mr. Chairman, in the full spirit and tradition of the Republican Party with respect to strong and effective local self-government and suffrage for all.

Nearly 100 years ago, the Republican Party in its platform of 1888, spoke of the "sacred American principle of local self-government." Earlier party platforms declared that the "work of the Republican Party is unfinished" until the truths enunciated in the Declaration of Independence—with specific reference to the derivation of just governmental powers from the consent of the governed—are obeyed.

Throughout the years the Republican Party and its spokesmen have championed the cause of self-determination and strong local government. President Calvin Coolidge expressed this principle most eloquently in 1925 when he stated in an address at Arlington, Va.:

> Our country was conceived in the theory of local self-government—it is the foundation principle of our system of liberty. It makes the largest promise to the freedom and development of the individual. Its preservation is worth all the effort and all the sacrifice it may cost.

By the 1940's, the Republican Party's great traditional drives for local self-government and suffrage for all had become quite specific regarding the city of Washington, stating directly: "We favor self-government for the residents of the Nation's Capital." President Nixon has reaffirmed this principle in his latest State of the Union address to the Congress.

In fact, Mr. Chairman, it is little wonder that the Republican Party has endorsed self-government with such vigor. Ripon, Wis., the site of the founding of the Republican Party, lies in the heart of that part of the United States, including the great States of Minnesota and Wisconsin, which has nurtured the principles of populism and self-determination.

A belief in strong and effective local self-government is not a new idea, Mr. Chairman. A belief in self-determination for the residents of the District of Columbia is not a radical idea. It is an idea whose time has come. It is a goal, the attainment of which we face today. Let us grasp this opportunity to put into practice what we have been professing for years. In so doing, we will not be departing drastically from tradition. In fact, we will be strengthening Republican ideals and, moreover, we will effectuate changes quite similar to those that are already in effect for many local governmental bodies, and which are gaining increasing ground in other parts of the country. Home rule for cities and other local units as granted by State legislatures is a fact and has been an ever-increasing trend.

Arkansas, Missouri, and Illinois are just some of the States which have authorized a form of home rule for local governments in the recent past. And why is this done? Simply to enable these governmental units to more effectively and efficiently address the problems they face on a daily basis to meet the needs of the residents of those localities in the most direct manner. Local bodies must have clear lines of authority: only in this way can they be responsive to the demands of the citizenry for effective planning programing and delivery of services.

And so Mr. Chairman, the status of the District of Columbia as the Nation's Capital is unique. I firmly believe that we have provided adequate protection of the Federal interest in Washington in this self-government legislation. And the broad range of administrative problems facing the District Government is really quite similar to that faced by the other major cities of this country. Arguments for efficiency and strength in local government are certainly no less applicable here.

Let us once and for all grant to the residents of the District of Columbia the same rights as those enjoyed by all other Americans. I urge my colleagues, particularly my Republican colleagues, support of meaningful self-government for Washington by supporting the substitute to be offered by the committee chairman.

Mr. ADAMS. Mr. Chairman, I yield 10 minutes to the gentleman from the District of Columbia (Mr. Fauntroy).

Mr. FAUNTROY. Thank you.

Mr. Chairman, 200 years ago the Founding Fathers of this great Nation of ours assembled in a city appropriately called the City of Brotherly Love, Philadelphia, Pa., to write the Declaration of Independence which was to become the basis for our claim to the right to self-determination as a people.

During the course of their deliberations, they asked a young lawyer from Virginia if he would go out and closet himself to write for their consideration a preamble fit for that Declaration of Independence.

That young man did that, and when he emerged from his room and came to the Chamber he presented a document which was to become indelibly etched in the fabric of the world's great declarations. Wrote he:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are

> Life, Liberty, and the Pursuit of Happiness—that to secure these Rights governments are instituted among men deriving their just powers from the consent of the governed.

That young man, whose name incidentally was Thomas Jefferson, was simply saying that there are some rights that are inalienable, that are God-given, that the kings and Parliaments cannot give, and that therefore they have no moral power to take away. Thomas Jefferson was here addressing himself to a principle as old as the Scriptures and so sound as the Judeo-Christian doctrine of freedom of will.

We come here today on the eve of the 200th anniversary of the founding of history's finest democracy, to ask the Members of this great body to acknowledge what Congress cannot really give and what this Congress has no moral power to take away—the right to self-determination.

We are coming here to ask the Members of this House to right an historic wrong. It is not right that nearly 800,000 people who pay between 75 and 80 percent of the revenues required to run this city should have no voice in determining how that money is expended. That is wrong. It is not right that 800,000 citizens be taxed $900 million in Federal taxes every year, and have not one vote on what the Federal Government does with that money. That is wrong.

It is not right that the people of this city cannot elect their own Mayor and their own city council. That is wrong.

As I say, I urge you my fellow Members of the Congress to right these historic wrongs.

Your Committee on the District of Columbia has given the Members of this Congress an opportunity to begin to right that wrong to do what is right. We have labored long and hard over 9 months with 100 hours of hearings and markup sessions on the subject. They have come up with a bill which balances, I believe, the right of the people of this community to self determination on the one hand, while at the same time more than adequately protecting the Federal interest on the other.

The Members will hear throughout the course of the debate the fact that both H.R. 9682 and the committee substitute protect the Federal interest in seven different ways. I hope that the Members will bear in mind as they consider this bill the fact that under the substitute, as under the original bill, that Congress retains the right to legislate at any time on any matters affecting the District of Columbia. I hope that the Members will bear in mind the fact that under both bills the control of the Federal payment rests squarely in the hands of the Congress of the United States.

I hope that the Members will recognize, as the gentleman from Virginia (Mr. BROYHILL) recognizes, that the veto power is retained in the Congress over any actions which the people of the city might take in amending the charter which is herein set forth.

I hope that the Members will remember that we continue the criminal justice system as it was set up under the District of Columbia Crime Act of 1970. The bill establishes a process for the selection of judges here that insulates the court from pressures from either the legislative or the executive branch of the District government.

Under this bill, the city's planning functions still come under the veto authority of the National Capital Planning Commission, our Federal protection arm. If, moreover, there are Members who fear that there may be any fiscal irresponsibility in the new government, the committee has provided for three audits of the fiscal records and expenditures, of the elected government.

So I ask the Members to examine this bill and make their judgment on the basis of the merits of the issue in light of the principles which we have established in this country. The question of self-government for the people of the District of Columbia has often been clouded by the issue of race. It is true that some few Members unfortunately may be moved to oppose this measure for reasons no more substantive than race prejudice. This an issue of principle that should be debated and decided upon on the basis of the merits of the issue and not on the basis of racial prejudgments. In that regard it is not a Democratic or Republican bill; it is not a black or white bill; it is a people's bill.

I am grateful for the kind of support that I and black elected officials across this Nation have received for this measure. I am grateful that these are Members of this Congress who are not going to be clouded by that old issue.

I think now of a fellow minister of mine who serves in this Congress, who is a Republican, who has looked at the merits of this bill and has announced to his people that he intends to support it because it is right; that he intends to stand with his Governor in his own State of Alabama, Gov. George C. Wallace, who during a visit to this area some years ago affirmed his support of Home Rule for the District of Columbia as a principle closely akin to his position on States rights.

Because of the way in which the rule has been structured, it will in all probability be impossible to secure a direct vote on H.R. 9682 on which for nearly 9 months and through 100 hours of hearings and markup, claimed the attention of the District Committee. Becauss that rule will not permit us to vote directly on it, I urge the Members to support the committee print which our chairman of the District Committee, the Honorable CHARLES C. DIGGS, JR., intends to introduce. I ask the Members to give a vote on the basis of conscience and not a vote on the basis of expediency.

An old Methodist minister on one occasion said that on some issues cowardice asks the question: "Is it safe to take a position?" Vanity asks the question: "Is it popular?" and expediency asked the question: "Is it politic to take a position?" But he said conscience always asked the question: "Is it right?"

I urge the Members to support this bill, not because it is popular or politic or expedient, but because it is right. When the Members support it because it is right, when they give a vote on conscience, they will be giving the people of the District of Columbia a victory. It will not be a victory of blacks over whites or Democrats over Republicans or suburbanites over city dwellers or the young over the old; it will be a victory that transcends all of these distinctions. It will be a victory of right over wrong, of justic over injustice. In that victory we will all shine, black and white together, Democrat and Republican together, Protestant, Catholic, Jew, and gentile together. Together we shall move this Nation one more significant step toward the high grounds of principles that gether, Protestant, Catholic, Jew, and of Columbia, it failed to live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman from Minnesota yield 1 minute to the gentleman from the District of Columbia?

Mr. NELSEN. I yield 1 minute to the gentleman from the District of Columbia.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I heard the gentleman refer to racism, and I regret that he had to bring that into the discussion because I do not think anybody else has looked upon this matter as a racist matter.

Let me ask the gentleman regarding his threat to 50 or 60 of his colleagues that he would work to run a black Independent against them and help to cause their defeat if they failed to support this legislation, would the gentleman call that racism or what "ism"?

Mr. FAUNTROY. I am happy the gentleman has raised that point because the fact is that I have not and did not do what the gentleman just said that I did.

Mr. BROYHILL of Virginia. The paper quoted the gentleman.

Mr. FAUNTROY. No; the paper did not quote me, sir. It is true that I have asked black elected officials of this Nation to write their Congressmen and they have written by the thousands and not one of them threatened any Congressman and not one of them asked the Congressman to do anything racist.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I of course, along with some of the other Democratic Members have heard from many black organizations and black churches and people. I have had the usual letters of support that Hale received from these same organizations and same persons when he was in Congress. The letters have been thoughtful, courteous, and very well presented, asking that we give the people of the District of Columbia the right to vote and to be full American citizens, and in no way has there been any undue pressure.

I might say the League of Women Voters of New Orleans and the League of Women Voters of Jefferson Parish, the two parishes in my district, are fully in support of this measure, as are many other organizations, and they have nothing to do with race or color.

Mr. FAUNTROY. Mr. Chairman, I take this opportunity to say in defense of the distinguished ranking minority member of the District of Columbia Committee that at no point in the course of our discussions have I had any reason to feel that any imputation of racism to him had any basis in fact whatever and I refer specifically to the references the gentleman made in this well just a few moments ago about the suggestion that his opposition to the committee bill was on racist grounds. I want to set the record straight. I do not believe that and I think the majority of the Members of Congress, indeed all the Members of Congress know that not to be the case.

Mr. NELSEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to comment about a statement that was made a moment ago about the dissenting views deploring the inclusion of the Nelsen commission report in the bill. The title of this section in the dissenting views is "Endangered and Altered Nelson Commission Recommendations," and it reads:

> The undersigned deplore the inclusion of many of the recommendations of the Nelsen Commission, which were developed through long, careful, and costly deliberations, as part of this bill whose principal thrust, home rule for the District of Columbia, is highly controversial. This combination certainly places the legislative implementation of these recommended improvements to the District of Columbia government in jeopardy. In addition, many of the recommendations, or elements thereof, have been altered, in varying degrees, by the authors of this bill to suit their purposes.

I want the record to read as it does in the report and not out of context.

Now I thank the Delegate from the District of Columbia for his observations, on the fact that I have not a scintilla of racism.

I neglected to comment on the Common Cause blast that Mr. John Gardner, the "Rinso-white" John Gardner got his linen soiled a little when he started throwing racist allegations against those who may not approve of the bill.

Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Chairman, I want to speak briefly today about the judiciary section which is contained in the committee bill and in the committee substitute, known as the committee print.

In 1970 this Congress approved the District of Columbia Court Reform and Criminal Procedure Act. Great progress has been made under this act, and today, despite an increase in the number of trials and appeals, the calendars of both the trial and appellate courts here in the District of Columbia are reasonably current.

The committee bill and the committee substitute will continue this progress. In my estimation, it will make the judicial system in the District of Columbia a model for the entire Nation in its integrity, its separation from politics and political pressures, its practical guarantees of the ablest judges and its attraction for younger attorneys to devote their professional lives to the judicial function.

In the first place, the committee bill and the committee substitute preserve the present court system of the District of Columbia, the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, with the same jurisdiction as these courts now have under the 1970 act. The judges continue to be appointed for 15-year terms, with a mandatory retirement age of 70. The present sitting judges are grandfathered in.

Further, under the committee bill and the committee substitute, the new District of Columbia Council is specifically prohibited from enacting any legislation or rule relating to the organization and jurisdiction of the District of Columbia courts.

Also, the committee substitute prohibits the city government from changing the District of Columbia Criminal Code and from changing the functions or duties of the U.S. Attorney's Office, which now prosecutes serious crimes in the District of Columbia courts, or of the U.S. Marshals, who now serve in the District of Columbia courts.

While the committee bill provides that the mayor shall appoint the judges of District of Columbia courts, the committee substitute provides that these appointments must be confirmed by the U.S. Senate, which is the present practice.

An innovation in the committee bill, which in my estimation is a great step forward, is the creation of a District of Columbia Judicial Nomination Commission. This is a variation of the Missouri plan for selecting judges and represents the growing trend in the United States toward the selection of able and qualified judges, as insulated from politics and political pressures as possible.

The bill provides that the mayor, in nominating a new judge, subject to Senate confirmation, as I have stated, shall make the nomination from a list of at least three and not more than five candidates recommended to him by the District of Columbia Judicial Nomination Commission, all of which candidates must meet the qualifications for judgeships set forth in the bill.

The District of Columbia Judicial Nomination Commission shall consist of nine members, who must be members of the unified District of Columbia Bar, two to be appointed by the Board of Governors of the unified District of Columbia Bar; two to be appointed by the mayor from lists of not less than three nominees for each such commission position submitted by the council; one to be appointed by the Speaker of the House, one to be appointed by the President of the Senate, and three to be appointed by the President of the United States.

This is, obviously, a broad-based commission with a strong input from the Federal Government. It should go a long way toward insuring a judiciary of the highest caliber in the District of Columbia.

Presently there exists a District of Columbia Commission on Judicial Disabilities and Tenure composed of five members.

The committee bill continues this Commission, but expands its membership to nine to be appointed in the same manner as the District of Columbia Judicial Nomination Commission; that is, two by the board of governors of the unified District of Columbia bar; two by the Mayor from a list of not less than three nominees for each Commission position to be filled, submitted to the Mayor by the Council; one by the Speaker of the House of Representatives; one by the President of the U.S. Senate, and three by the President of the United States.

The functions of this Commission on Tenure remain as they are now, that is, to monitor the performance of the judges of the District of Columbia and to suspend, retire, or remove judges of the District of Columbia courts as provided in the bill—for conviction of a felony, willful misconduct in office, willful and persistent failure to perform judicial duties, medical or physical disability likely to become permanent, et cetera.

The committee substitute, which is the committee print, also provides that the Tenure Commission must evaluate the judicial performance of any judge of the District of Columbia who desires reappointment at the end of his term, and if the Tenure Commission finds that he or she is qualified or well-qualified to continue to serve as a judge of the District of Columbia the Mayor must reappoint such judge.

I shall be happy at this point to yield to the gentleman from Kentucky, Mr. BRECKINRIDGE, if he so desires, since he was chiefly responsible for securing the inclusion of this provision in the committee print.

Does the gentleman from Kentucky desire to have me to yield? If so, I yield.

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Mr. Chairman, I should like at this point to make very brief reference to the history of judicial appointment and retention as it has emerged over the period of the past 60 some years.

Back in 1913 the American Adjudicature Society undertook professionalization of the bar and more particularly the professionalization of the bench and the removal thereof from partisan influences and political considerations to the extent practicable.

In 1937 the American Bar Association adopted as a matter of policy and principle the principles espoused by what has now come to be known as the Missouri Plan.

We have been in continuing consultation with the American Adjudicature Society and through them with the American Bar Association in effecting inclusion of that language in the bill before us in the substitute amendment, which complies with this provision.

I should like to observe, Mr. Chairman, that some of the comments which have been made on the floor today have been made, if I understand them correctly, without reference to the amended form which is presently before the House as a substitute amendment.

The provisions for a merit bar and

bench are simply as follows. It is provided that there shall be either a committee or a commission to consist of professional members, with the constitution of the proposed commission for the nomination of the members of the District of Columbia Bar, as has been described by the gentleman from New York.

A similar but separate membership commission is also provided for, to insure protection. This gives us two of the three legs that insure a professionalization of the bench and the removal of the administration of justice and the enforcement of law from partisan considerations; namely, a nominating commission that appoints on the basis of qualification and second, an appointive authority, be that appointive authority the Governor of a State or, contrary to what was said today, the mayor of a city, as is the case in New York, as is the case in Denver, Colo., as is the case in Kansas City, Mo., as is the case in Atlanta, Ga., and is the case elsewhere. And, lastly, retention on a merit basis.

The exact language, I believe, is important to our consideration today. If I may I will briefly allude to that.

The amendment as drafted provides that in the event the Judicial Tenure Commission determines that a sitting judge who has declared for renomination is exceedingly well qualified or that he is well qualified then and in that event he shall be automatically continued in office for another term. In the event that the Commission finds that judge is qualified as distinguished from being exceedingly well qualified or well qualified then and in that event he may or may not exercise an option to nominate that judge for reconsideration by the U.S. Senate. In the event he does so nominate, the Senate may or may not consent.

The last category is an unqualified finding by the Tenure Commission. In the event that the Tenure Commission determines that a sitting judge is unqualified then and in that event he may not under any circumstances be either renominated or reappointed.

These briefly, Mr. Chairman, are the provisions of the substitute amendment. They bear the endorsement of the American Judicatory Association, and I am authorized to say, of the American Bar Association. They constitute model legislation which can be pointed to throughout the land.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York (Mr. Smith) has expired.

Mr. NELSEN. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. Smith).

Mr. SMITH of New York. Mr. Chairman, I will say that, all in all, I recommend to the Members this judicial section as set forth in the committee substitute. It is forward looking. It brings power of appointment to the mayor but hedges this power with the kind of safeguards which should make the judicial system of the District of Columbia one of the outstanding judicial systems in the Nation.

Mr. Chairman, I urge the Members to support the committee substitute.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Chairman, I rise on this historic occasion in strong support of H.R. 9682, a bill to reorganize the government of the District of Columbia and to provide self-government for the District. I want to salute the diligence and resourcefulness of Chairman Charles Diggs and the whole District committee in developing a home rule bill that balances both the demands of the District of Columbia residents to have the basic civil rights which all of us and our constituents enjoy and the demands to protect the predominant Federal interest in the Nation's Capital.

Mr. Chairman, I also wish to congratulate the gentleman from Kentucky (Mr. Natcher) for the part which I know he has played with the gentleman from Michigan (Mr. Diggs) in putting together an amendment or a compromise which will be offered on the floor tomorrow and with which all of us are so happy and hope will be accepted.

Mr. Chairman, for the first time in 100 years a committee of the House of Representatives has analysed in detail all aspects of local self-government for the District of Columbia and has referred to the full House an omnibus bill.

I am pleased to see the House District Committee has refrained from adopting measures just because they appear popular with one group or popular with another. The committee instead has sought to strike a statesmanlike balance among competing claims and has delivered a bill that I believe this House can pass and should pass.

First, this bill will enable the residents of the Nation's Capital to elect all members of their City Council and their Mayor. Can we do less in the Capital of our Nation?

Second, the bill grants the local government the power to pass local laws and taxes to govern the daily affairs of its citizens.

Third, the bill enables the President or either House of Congress to veto a local Council action if, for some reason, that action appears unwise. And fourth, this bill establishes a District of Columbia Federal payment trust fund with a 4-year authorization for lump-sum annual Federal payments in amounts determined through the congressional appropriations process.

Fifth, the bill enables the Congress to review annually the expenditures of funds by the local government to make sure that sufficient attention is paid to the need of the Federal Government for basic services—adequate police protection, careful traffic control, clean water, easy access for our employees and visitors, suitable protection for foreign dignitaries, and the like.

Sixth, the bill authorizes the local government to plan for its future development and empowers a Federal body, the National Capital Planning Commission, to review local plans for their impact on the Federal Government's functions and interests.

We all know that this bill—or any home rule measure—cannot assure success for the District of Columbia. The bill merely provides a governmental framework of checks and balances between local and national interests. The bill deligates responsibility to local officials for local programs. There cannot be any buck-passing. We in Congress will have ample power to check any local abuses but we will not have to be involved in the day-to-day affairs of this city of 750,000 people.

The bill will not end crime, slums, racial discrimination or unemployment. It will not keep people from making irrational statements or from cheating or stealing. But it will make local officials accountable for their acts both to local citizens and businessmen and to the President and the Congress.

The House District Committee has bent over backward to protect all interests in the Nation's Capital. I, for one, do not see how a better bill would be prepared by any other group of legislators.

Once again, I want to congratulate the chairman of the committee and the chairman of the Subcommittee on Appropriations and all those who have worked with them. The time has come to pass a home rule bill for our Nation's Capital.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. Mann).

Mr. MANN. Mr. Chairman, we have listened today as representatives of both parties have given lipservice to the idea of self-determination, and certainly the American tradition would permit us to do no less.

What are our choices? The alternatives that have been proposed are retrocession, and the chief sponsor acknowledges that that is probably not legally attainable.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 503]

Abzug
Alexander
Anderson, Ill.
Archer
Ashbrook
Barrett
Bingham
Bolling
Brooks
Brown, Ohio
Buchanan
Burton
Carter
Casey, Tex.
Clark
Collier
Conyers
Crane
Cronin
Culver
Davis, Ga.
Denholm
Dennis
Dingell
Dorn
Dulski
Esch
Eshleman
Evins, Tenn.
Fish
Ford,
  Gerald R.
Ford,
  William D.
Frenzel
Frey
Giaimo
Green, Oreg.
Hanna
Hastings
Heinz
Howard
Hudnut
Jarman
Jones, Ala.
Karth
King
Koch
Lent
Mailliard
McEwen
McKinney
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Murphy, N.Y.
Podell
Powell, Ohio
Rarick
Reid
Rooney, N.Y.
Rosenthal
Sandman
Schneebeli
Teague, Calif.
Teague, Tex.
Wilson, Bob
Wydler
Yates

Accordingly the Committee rose; and the Speaker having resumed the chair,

Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9682, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 367 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made, the Chair had recognized the gentleman from South Carolina (Mr. MANN) for 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MANN. Mr. Chairman, as each of us seeks to give self-determination to every citizen in this country, and as in the District of Columbia we attempt to preserve the Federal interest, what are our alternatives?

First, I want to thank the chairman of the committee for the committee print. Too many times have I sat on this floor and heard 129-page amendments and substitutes proposed, without having the benefit of a copy.

It is in the best tradition of the legislative process that a committee charged with the responsibility respond to the reaction to its product by the Members of this House. The committee responded. The sponsors of the bill responded. They responded by working out an amendment which protected the Federal interest in the budgetary process.

Those Members who were here heard Mr. NATCHER of Kentucky, chairman of the Subcommittee on Appropriations for the District of Columbia, throw his support to the bill, because of the protection of the Federal interest in the appropriations process.

As we seek ways to protect the Federal interests, let us see what the alternatives are. Retrocession has been virtually conceded by its chief sponsor to be legally unattainable at this time.

The enclave reference has been made to this bill, the committee print, that it is a clandestine print. If there is anything clandestine going on around here, it is how the enclave would work. As I see the enclave, it says here that the President shall assure, and I quote from the Nelsen-Green bill, H.R. 10692, "that there is provided within the area specified in subsection (a), adequate police and fire protection, maintenance of streets and highways, and sanitation services" end of quote. Not mentioned were utilities, environmental control, planning, zoning, licensing, the interjurisdictional cooperation with Virginia and Maryland, the interjurisdictional cooperation with the District of Columbia government, the dual government.

I agree that the people of the United States have an interest in the District of Columbia; but they also have an interest as taxpayers in not having an unpredictable expense of operating two governments. They also have an interest as taxpayers in seeing that we as Congressmen attend to our job and not be a city council for the District of Columbia.

Somebody recognizes that. The sponsors of all the alternatives have provided, in their bills, that we should transfer the Redevelopment Land Agency, the National Capital Housing Authority, and to some extent, the District of Columbia Manpower Administration, and certain other functions to the District of Columbia, even though they propose an enclave system.

Now, is the Federal interest being protected? Let us see if we can explode a few myths.

The Capitol Police will still be here. The National Guard can still be called out by the President. The Department of the Interior is still going to operate the Mall. The White House is still going to be run by its agencies. The Secret Service can still call upon the Metropolitan Police for any emergency.

As a matter of fact, additional powers are granted in this bill to protect the Federal interests in the police area that are not there now, to give the President the right to declare an emergency and take charge of all the police forces, including the Metropolitan Police.

Let us just read one section and see if it really does not settle this entire issue:

> SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

The Congress of the United States still has its authority. The District of Columbia Committee still exists.

Happily, it will not be concerned with sanitation commissions and with closing alleys and determining whether or not one can fly kites. It will be concerned only with those broader aspects of oversight of the District of Columbia government. That is what the Congress of the United States is for, not to be a city council so long as the Federal interest is protected, and I submit it amply is.

Now, I would like to review with the Members the provisions of the committee bill with reference to the judiciary.

The Court Reform and Criminal Procedure Act of 1970 (P.L. 91-358) established a local court system for the District of Columbia with a local appellate tribunal, the District of Columbia Court of Appeals and a local trial court—the Superior Court of the District of Columbia. The act modernized the District of Columbia court system and during the 3-year, 3-step transitional period which was completed August 1, 1973 jurisdiction over local matters was transferred from the Federal courts to the local court system.

Under H.R. 9682 the judicial power of the District of Columbia is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The jurisdiction of the Superior Court remains as it was established by the Court Reform Act. Jurisdiction over any civil action, at law or in equity, brought in the District of Columbia—with the exception of such jurisdiction as is vested exclusively in a Federal Court—and jurisdiction over any criminal action brought under any law applicable exclusively to the District of Columbia is vested in the Superior Court. The District of Columbia Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, jurisdiction to review orders and decisions of the Mayor, the Council, or any agency of the District.

Few question the improvements made in the judicial machinery of the District of Columbia Court system as a result of the 1970 act. These improvements are left basically undisturbed by H.R. 9682.

The provisions of the Court Reorganization Act on jurisdiction over local matters were designed to assign to the U.S. District Court for the District of Columbia the status of a Federal court like other Federal district courts, with only such additional functions as relate to the national character of the District of Columbia, the seat of the Federal Government. The U.S. Court of Appeals for the District of Columbia is intended to be a Federal circuit court like all other Federal circuit courts, with only such additional functions as the jurisdiction of the district court from which it hears appeals or the national character of the circuit might warrant. The inevitable complement of these concepts consists of a congressional intent first, to create in the new Superior Court of the District of Columbia a local trial bench of general and unlimited jurisdiction, equivalent to a hypothetical State trial court with jurisdiction in the State over all court business, no matter how insignificant or how consequential. Second, the intended creation of purely Federal district and circuit courts has its complement in the assignment to the District of Columbia Court of Appeals the role of "highest court of the District of Columbia."

The Court Reorganization Act varies from the State analogy, however, by granting the President of the United States the same power to nominate and to make recess and other appointments of local judges and giving the U.S. Senate the same powers of advise and consent, which the President and the Senate possess with respect to Federal judges. H.R. 9682, however, would extend the State analogy to the process of the selection and appointment of judges to sit on the local courts while at the same time protecting the Federal interest in the appointment process. The Mayor is authorized to nominate, from nominees suggested by the Judicial Nomination Commission, and appoint with the advice and consent of the Council, all judges of the District of Columbia courts. Appointments are for 15-year terms, subject to mandatory retirement age 70.

The nomination Commission established by section 434 of the bill would consist of nine members who have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and would be appointed as follows:

First, two members appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least 5 successive years preceding their nominations.

Second, two members appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

Third, one member appointed by the Speaker of the House of Representatives.

Fourth, one member appointed by the President of the Senate.

Fifth, three members appointed by the President of the United States.

Appointments to the Commission are staggered 6 year terms.

When a vacancy occurs on a District of Columbia court, the Commission must, within 30 days, submit a list to the Mayor of not less than three or more than five persons for such vacancy. If the vacancy is a result of the expiration of a term, the Commission must submit the list not less than 30 days prior to such expiration date. The Commission is authorized to submit to the Mayor upon his request an additional list of nominees if the Commission is satisfied that the additional list is necessary. However, no more than seven persons shall be recommended to the Mayor with respect to any one vacancy.

In order to be eligible for a nominaton or an appointment as a judge in a District of Columbia court, the nominee must be:

First, a citizen of the United States.

Second, a member of the unified District of Columbia bar for at least 5 years.

Third, a bona fide resident of the District of Columbia for at least 90 days immediately prior to his nomination and continue as a resident of the District of Columbia as long as he serves as such judge.

Fourth, recommended to the Mayor for nomination and appointment by the Nomination Commission, and

Fifth, the nominee must not have served, within a period of 2 years prior to his nomination as a member of the Tenure Commission or the Nomination Commission.

This mechanism for the selection of judges to the local District of Columbia Courts is a form of the so-called Missouri plan which is in operation in a number of jurisdictions and is understood to work well. The Missouri plan is one of the newest and most innovative systems for the selection of judges in that it is a process somewhere between the election of judges, which is done in some States, and the strict appointment of the judges which is done in many other States. Instead a blue-ribbon group of individuals make very tight recommendations to the appointing authority and he must stay within it. The transfer of the authority to appoint local judges from the President to the Mayor, who must appoint from a list provided by the District of Columbia Judicial Nomination Commission could significantly improve the selection process of judges appointed to sit on a local bench. The new machinery would also insure a greater degree of independence from political control by the appointing authority and would avoid the political influences on the judiciary which sometimes results when judges are popularly elected.

The question of course comes up as to whether the Mayor, as a municipal officer of the city of Washington, should nominate judges—judges who will be considering all sorts of questions in which there will be ultimate decisions that might be in conflict with the municipal government. Any analogy with the judicial appointment process operative in other municipalities would not be appropriate inasmuch as the local court system in the District of Columbia is clearly more analogous to a State court structure than to a municipal court structure, a point which has been made in detail earlier.

Therefore the unique governmental organization of the District of Columbia makes the role of the chief executive officer something more than that of "Mayor" as the title is usually applied, especially when that office is juxtapositioned with the judicial structure existing in the District of Columbia. Moreover, the procedure provided for the appointment of local judges to the District of Columbia bench in H.R. 9682 guarantees the independence of the local judiciary and insures that any conflicts with the District government will be resolved without prejudice. All appointed judges must be prepared to render decisions contrary to the interest of the appointing authority, whether they be Federal judges, State judges, or municipal judges, if justice so requires. The District of Columbia judiciary would be no exception. However, the independence of the local judiciary and the mechanism for the selection of judges increases the objectivity and degree of judicial fairness of local judges. Nevertheless, as an extra precaution, the committee substitute now provides that the Mayor's appointment shall be subject to the advice and consent of the Senate.

A momentous contribution of the Court Reorganization Act of 1970 was the establishment of the District of Columbia Commission on Judicial Disabilities and Tenure. The Tenure Commission acts as guardian of the integrity and propriety of the local bench with such basic functions as oversight, persuasion, and formal determination—in connection with the ultimate duties of removal and involuntary retirement. In addition, the Tenure Commission is charged with the responsibility of preparing and submitting to the Mayor a written evaluation of a judge's performance when he is a candidate for reappointment. If the Mayor decides not to renominate he is required to submit a written statement of his reasons for not doing so accompanied by the written evaluation prepared by the Tenure Commission.

Under the committee bill, the new Commission would consist of nine members appointed as follows:

First, two members appointed by the Board of Governors of the United District of Columbia Bar.

Second, two members appointed by the Mayor from lists submitted by the Council.

Third, one member appointed by the Speaker of the House.

Fourth, one member appointed by the President of the Senate.

Fifth, three members appointed by the President of the United States.

In order to be eligible for an appointment to the Tenure Commission, a member must be: first, a citizen of the United States; second, a bona fide resident of the District of Columbia; and third, he must not be a Federal or District of Columbia employee.

The committee bill makes no substantial changes in the judiciary system as established by the 1970 Court Reorganization Act. Subtle refinements have been made consistent with a viable home-rule bill but at the same time independence of the local judiciary and the protection of the Federal interest in the District of Columbia have been adequately insured.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the distinguished chairman of the committee for yielding me this time.

As I said before, I commend the chairman and the other members of the committee who have made substantive changes in the original committee bill. I regret that I have not been able to be here for all the debate, and I do not know whether this particular point has been brought up or not. If it has, please forgive the repetition.

There was a letter which went to many Members of the House last week, over the signature of Bob Strauss. These remarks are addressed to my Democratic colleagues on this side of the aisle. The letter from Bob Strauss went perhaps to many of you who are present.

In that letter of September 28, the impression is given that the Democratic National Committee and the national party support the committee bill. In that letter it says:

> Our Party has endorsed this legislation—

Referring to the discussion which Mr. Strauss had with the gentleman from Michigan and the delegate from the District of Columbia.

I called Mr. Strauss about this, and I said:

> I am well aware of the plank that is in the National Democratic Platform and the pledge of Home Rule and full citizenship rights including representation in both Houses of Congress.

I asked Mr. Strauss to clarify his position. Was he as national chairman implying that he endorsed or that the national committee endorsed a particular bill?

Let me read his answer in a letter to me of October 4.

> Obviously I do not wish to get involved personally nor can I involve the party in controversy with respect to whether or not specific legislation meets or fails to meet the standard as set forth in the platform, or the support of any particular legislation relat-

> ing thereto. It would be presumptuous on my part and an intrusion in an aspect of legislative matters where I have no business involving myself.

So far as our party is concerned, I say to my Democratic colleagues, no position has been taken on any one of the alternative bills that will face us this week.

Earlier today, I discussed my concern about the Federal enclave. Let me say to all my colleagues in the House, both Republicans and Democrats, that I am committed to full citizenship rights, and my record on home rule throughout the years I believe illustrates this. I was actively involved in the fight for Alaskan and Hawaiian statehood.

My concern about this legislation today stems from my membership on the District of Columbia Committee last year, in the last session of the Congress as well as prior interest as far back as the 1950's.

We have heard so much said and have heard Presidents quoted about full citizenship rights for the residents of the District of Columbia. May I ask my colleagues in this House who among you really believes that the election of a mayor, if the committee bill were to be adopted, and the election of city council members provides full citizenship or indeed provides representation for taxation matters?

The major decisions today are not made at the local level, and the heaviest taxation is not a burden as a result of city council action.

The major decisions affecting the lives of all of us and our children are those made at the national level, and Federal income taxes and social security taxes are burdens that all must bear. Unless there is representation in the Congress itself, there is still taxation without representation and there are no full citizenship rights.

So I ask, can we not do away with this farce that the committee bill or indeed H.R. 10692 grants full citizenship? Neither one does.

Let us debate the differences between the bills, and eventually, if full citizenship is to be granted and if indeed we believe that there should be no taxation without representation, then in my judgment in the long haul—and maybe that "long haul" will be a year away or one Congress away—we are again going to be faced with this business labeled "home rule" and the cries of those people who legitimately ask that the residents of the District have their full citizenship rights including the right to vote for Members of Congress.

So, Mr. Chairman, that is the reason one of the bills I introduced along with the gentleman from Minnesota provides for retrocession to Maryland of all of District of Columbia except as Federal enclave. There may be other alternatives, but I suggest that this time I know of only two.

The CHAIRMAN. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. NELSEN. Mr. Chairman, I yield 10 additional minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the gentleman from Minnesota very much. So, Mr. Chairman, I say in the long haul we must do one of two things. We must face up to full citizenship rights and seriously consider retrocession of all of the District of Columbia except a Federal enclave to Maryland, just as we provided retrocession to the State of Virginia of what is now Alexandria County; then the individuals living there would have the right to vote for a Governor, for Representatives in the House, for Representatives in the U.S. Senate; they would have the same citizenship rights as every one of us sitting in this body today. The other alternative, as I see it, is statehood.

So I would contend that whatever we do today and tomorrow is going to result at best in an interim measure, and that we are really not settling anything.

As I said, I talked about the Federal enclave earlier today and that the Federal triangle—now—or under statehood or under retrocession ought to be forever under Federal jurisdiction. The Speaker who just preceded me felt that the Federal enclave was fully protected under the committee bill. I disagree with all the political pressures—the parochial interests—the demands made on a locally elected mayor.

Mr. Chairman, I suggest that the City Council and the Mayor under the committee bill can change many of the provisions that are in that bill just simply by a vote of the mayor and the city council. It is argued that it would come up to the Congress, and the Congress would have a right to veto or repeal that decision, but let me suggest that we have observed political blackmail at work in the last 2 weeks: that if certain Members did not support the committee bill, then they would have certain political problems in their congressional districts. My theory during my entire life has been that one never submits to blackmail the first time, because as soon as one submits to blackmail, he is stuck with further blackmail for as long as he lives.

If the mayor and the City Council should pass a particular piece of legislation and we do not in our hearts approve of it, think of the potential blackmail that we can be faced with next year and in all of the years to come. If we in the Congress do not approve or do not vote to support what the City Council has done, then we are going to be threatened with the same kind of political retribution that Members have been threatened with this last month.

I believe that the people in my district agree with one of our great U.S. Presidents, and I urge the Members to read the complete text of his speech. Because of time limitation, I will only read part of the remarks made by President Taft. He said, very eloquently:

> Washington intended this to be a Federal City, and it is a Federal City, and it tingles down to the feet of every man, whether he comes from Washington State or Los Angeles or Texas, when he comes and walks the city streets and begins to feel that this is my city.
>
> I am part of this capital and I envy for the time being those who are able to spend their time here. I quite admit * * *

President Taft said:

> * * * that there are defects in the Federal Government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgments of history that the result vindicates the foresight of our forefathers.

A little later on in that speech, he said:

> It was intended to have the representatives of all the people in this country control this one city and to prevent its being controlled by the parochial interests, by the parochial opinion that would necessarily govern men who did not look beyond the city to the grandeur of the Nation, and this as a representative of that Nation.

I think those words speak for millions of American people.

Now let us compare the committee bill and the substitute which is offered by the gentleman from Minnesota and myself.

Under the committee bill—and, as I understand it, in the committee print—there would be an elected mayor. Under the substitute bill we would continue to have the mayor appointed by the President.

It seems to me—and perhaps I am wrong and you may not agree with me but it seems to me that there is a fatal flaw in the argument of some who seem to believe that a Presidentialy appointed mayor necessarily is anti-District. Why? I know of no person, no person, who is more pro-District, in my judgment, and more honestly, more genuinely, more fairly representing the real concerns of the residents of the District of Columbia than Walter Washington. I think he is more pro-District and more concerned—and I say this very carefully—I think he as an appointed official is more pro-District and more honestly concerned than any elected official that I know of in the District of Columbia.

The substitute bill, continues the appointed Mayor, and it has an elected council of eight people, one from each ward. This is an attempt by Mr. NELSEN and myself to balance the Federal interest with the local concerns.

May I say, also, that in the Nelsen-Green bill the eight elected city councilmen could outvote the mayor—if a dispute arose and they believed the Mayor wrong.

The committee bill had partisan elections for the Mayor and the Council; I understand although I have not had time to read it, that the committee print changes them to nonpartisan. I must say that I favor nonpartisan elections for city officials and our substitute provides nonpartisan elections.

I come from a congressional district which is very heavily Democratic. If I were to look at it from a partisan view, I suppose I would insist all city officials in Portland, Oreg., be elected on a partisan basis, but I think we get better government by nonpartisan elections.

One of the major differences in the committee bill that compels me to support the substitute is the provision that the elected Mayor under both the committee bill and the committee print appoints, first of all, all of the judges except the Federal judges. The judges he would appoint compares, in my State of Oregon, to the judges of the circuit court and the justices of the Supreme Court of Oregon. If anybody seriously suggested in Oregon that the mayor of my city was to appoint the circuit court judges and the State supreme court justices, they would be laughed out of the place; yet the elected Mayor under the committee bill appoints all of these judges.

Also, the elected Mayor under the committee bill—and I understand under the committee print—appoints the chief of police. This is quite a difference, and to me it is a critical one. Under the substitute bill we have an appointed Mayor appointed by the President and the appointed Mayor then appoints the chief of police. Think—if you will—of those who have been politically active in the District of Columbia—and who have won elective office. Think of the political pressures of their followers. Are you willing to have each and any one of them—if elected Mayor—appoint the chief of police with authority over the Capitol—the House Office Buildings.

I recall a statement that President Johnson made that seems to me to be of great importance. I do not know whether I quote every word correctly.

This was when he was majority leader of the Senate, He said and this may not be word for word—but substantively is accurate:

> Legislation must be considered not in the light of the benefits it would convey if properly administered, but in the wrongs that would be committed if improperly administered.

I beg the Members to consider the vote that they are going to cast tomorrow and to think of this: that legislation must be considered not in the light of the benefits that will be conveyed if properly administered, but the wrongs that would be committed if improperly administered.

Why is this so important? Because the chief of police under the committee bill—and as I understand, under the committee print—would have jurisdiction over what I have referred to as the Federal enclave—that I would like to see eventually as the Federal City forever under the jurisdiction of the Federal Government, forever under the jurisdiction of the 535 Representatives and Senators who are elected from each and every part of the United States.

There is another part of the bill, and I have not had a chance to read the committee print to see if it still remains in there, but as I understand it, we would have neighborhood councils and I believe that these are federally financed. Then these neighborhood councils would organize and have certain rights and privileges. I have no objection to neighborhood participation. I encourage it. I question setting it up by statue and federally financing them.

May I remind my colleagues of the countless problems that we had with the war on poverty. Those members who were here in the mid and late 1960's can remember the debates we had over "maximum feasible participation" where we in effect took away from the elected representatives of the people the rights to make those responsible decisions, and we gave the authority under the statute to neighborhood groups who supposedly were to operate in an advisory role. Because of the very small partcipation—the demagogs took over. Patrick Moynihan wrote a book on the shortcomings of maximum feasible participation. Tom Wolfe wrote the intriguing book "More Moving the Flak Catchers." Read them.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. NELSEN. Mr. Chairman, I yield 3 additional minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. But because such groups could point to their authority in the congressionally passed law, they could be special groups—perhaps very limited in numbers—but loud in voice who could put unlimited pressure upon all of us in the Congress at any time that they felt their particular interests were not being met.

These same neighborhood councils could put that same kind of pressure upon the elected mayor and the elected city councilmen.

I think the provision for federally financed neighborhood councils is a very unwise step.

Mr. Chairman, let me repeat, the legislation ought to be considered on the basis of the wrongs that might be done if not properly administered.

Let me turn to one other matter—and, if I am wrong, and it is not in the new committee print of today—then I would ask the chairman of the committee to correct me. As I understand it major changes to conform to our substitute bill have been made in the appropriations process. Again—at least until the bill comes out of conference—the Congress would have the right to consider appropriations on a line item basis.

It is my understanding that there is still in the committee print a bonding provision up to 14 percent of the city revenue. Is that correct?

Mr. REES. Mr. Chairman, if the gentlewoman will yield, yes. In no year can the amortization costs of all of the bonds exceed 14 percent of the revenue.

Mrs. GREEN of Oregon. I thank the gentleman from California.

Let me express my concern here. In Oregon, every single tax measure is subject to a referral, a vote by the people. We have a 6-percent limitation in Oregon on tax levies. I know that some States have more than 6 percent. I do not know how the committee arrived at the 14 percent. But it seems to me there is a great psychological difference between the way in which a resident of the District of Columbia would go to the polls to consider a tax measure on a bond issue up to 14 percent of the District's revenue, and the way a resident in my State would go to the polls to vote on a similar measure.

When I go to the polls in Oregon, and when my fellow Oregonians go and vote "yes" on a tax measure or a bond issue, they know that no one is going to bail them out. They know that if they vote that tax issue or that bond issue, they are going to have to pay it. I think this is a critical difference, because I believe that the people in the District of Columbia, and with some historical justification, might well go to the polls and vote for these improvements or whatever it might be up to the 14 percent with the thought in the back of their heads that if they were not able to make the payments, Uncle Sam would pick up the tab. That is exactly what would have to happen, because if they were not able to repay it, the Members would be faced with one of two alternatives: that of watching the District of Columbia go broke, go into bankruptcy, or pick up the tab.

I suggest that this is a very, very important issue.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. NELSEN. I yield 1 additional minute to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Let me refer to the year 1871 when there was home rule in the District of Columbia and they had some of the provisions—not nearly as many as in the committee bill, but they had some of these provisions; during those years they ran the District into so much debt that the Congress of the United States rescinded—in the 1870's—the home rule which had been granted and as I understand it—the main reason was because of the amount that the Federal Government had to pay for the debts which the District of Columbia had run up.

In conclusion, I urge the Members to consider all of the alternatives which are available and compare the most recently revised committee bill and the substitutes Mr. NELSEN and I are offering.

Do you want the Federal interest protected? Is there any reason a locally elected Mayor and City Council should insist on control over the Federal triangle, the Capitol—the Federal buildings? Should any mayor—elected or appointed—appoint judges—with the same jurisdiction as circuit court judges or State supreme court judges. These are only some of the issues for tomorrow's votes.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I speak in favor of the form that is before us now. It is entitled "Committee Print" and just came off of the presses today. I think that the committee print is a reasonable compromise, and especially in the area of what the relationship of the Committee on Appropriations and Congress will be to the District of Columbia. Really the relationship, if this legislation is passed, will be the same relationship that Congress now has with the District of Columbia budget, that no money can be spent by the District of Columbia. The appropriation is specifically authorized for that purpose by the Committee on Appropriations in the House and in the Senate.

This was the major compromise over the weekend, so that we have no change at all on budgetary control when we are discussing who will run the budget of the District of Columbia. I cannot say I am overjoyed by this compromise because I felt that much of the money spent by the District of Columbia is raised by the people of the District. They have to pay the taxes. They pay taxes, and if they raise about 65 percent of their budget, still all of this has to go through Congress on a line-item basis. But it was the wisdom in the various sessions we had over the weekend that it would be best that we not change this and that the appropriations process be exactly the same appropriations process that we have now.

There has been a great deal of discussion about bonding indebtedness of the District. Under the proposal before us there are two ways that the District can get bond-type money for capital projects. One is they can do just what they are doing now. They can be authorized by the Committee on Appropriations to borrow from the U.S. Treasury and then amortize that loan from the U.S. Treasury just as they would get money from a bond issue.

The second way is the specific authorization in this bill to allow the City Council to go into either general obligation bonds or revenue bonds. These would be amortized in the same way.

The top limit is 14 percent in that the principal and interest payments of all the total bond issues and the bonds from the Treasury cannot be over 14 percent of the total District budget for any one year. I think this is reasonable.

There is nothing in this bill that says if the District cannot pay on their bond issues that the Federal Government is going to bail them out. The District of Columbia is in the same position as any other city in the United States, whether it be Los Angeles or Cincinnati or Charlotte or wherever it might be, in that a general obligation bond issue is backed by the full faith and credit of any jurisdiction and, therefore, would have the first dip really into the money raised by that jurisdiction.

In this language it is specifically said that neither the Mayor nor the Council shall even come to the budget if that 14-percent figure is broken. I do not think the Appropriations Committee, even if that figure were broken by the Mayor or the City Council, would ever agree to having the 14-percent figure breached unless there was a dire emergency, and then it would be up to the Appropriations Committee to appropriate that money through a Federal payment.

There is one other thing. I do not care how many bond issues are passed by the District of Columbia; what a bond issue does is authorize money that can be spent for a specific purpose, and then, therefore, if money is to be expended from a bond issue that expenditure authorization must be approved by the Appropriations Committee of the House and of the Senate, so we have no runaway bonding in this bill.

I think this is a very solid bill. Much of the language in the bill which deals with the development of a financial program develops the concept of program budgeting and requires that there be a multiyear plan. Much of this language has been worked on for the past several months.

In fact, it was even picked up in several of the substitutes that will be offered tomorrow because I do not think the District has had a sound basis for planning the future and I do not think it has had a sound basis for evaluating present and future programs by using the budget as a really positive tool, not just to figure out where the money is going but also to figure out and evaluate the efficiency of the program.

It is very specific in this charter because it seems much of the reservation in this House has been because of the financial provisions. In the first place the Mayor has the duty to audit all the books of all his departments. In the second place there is created the post of District of Columbia auditor and he is appointed by the president of the council with the approval of the Council of the District of Columbia, and the auditor has the duty and the power to audit all the books of the District of Columbia in behalf of the city council or the legislative branch of the district of Columbia. In the third place at the back of the bill we also have the General Accounting Office audit of the books. All the books shall be made available for the District of Columbia for audit.

I think this is a very solid bill. I think the financial controls are stringent. I think it offers a concept of projection of budget cost, multiyear plans, and program budgeting.

I do know as one member of the committee we have spent 6 months and a great deal of time on this bill. I would ask for an "aye" vote when the committee print comes up for a vote tomorrow.

Mr. DIGGS. Mr. Chairman, I thank the gentleman from California for his valuable contribution, not only that which he has just articulated but also all through the proceedings since February 8, when examination of this matter was begun by our committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky, a member of the committee (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I wish to address myself to those sections of the committee's home rule substitute which lie at the very heart of the issue before us today—the provisions which will allow the citizens of the District of Columbia to elect their local government—a Mayor and a Council—just as the citizens of most of the other communities across our Nation do.

To me, this represents the most basic and fundamental precept of democracy—the right of self-determination.

Summarizing briefly, the committee bill calls for a Mayor and 13 Councilmen, elected to serve 4-year terms. The Council is to consist of one member elected from each of the District's eight wards and five members from the district at large. A Council Chairman is to be chosen from among the five at-large members by majority vote of the full Council. The Council Chairman will serve 1-year terms.

As other speakers have already explained, the unique nature of Washington as our Nation's Capital city dictates that the government of the District of Columbia be shared in large measure with Federal officials—and ample provision has been made to insure that appropriate Federal controls are maintained.

However, I wish to speak today about those aspects of municipal government, the protection of the health, welfare, and safety of the citizens who live and do business in the District, which are essentially local in nature.

I speak as one with some experience in local municipal politics, having mounted a campaign for mayor of my home city of Louisville, Ky., several years ago. While my campaign unfortunately fell a few votes short, the experience of that campaign was invaluable to me. It taught me lessons that serve me well today as a representative of my District in Congress. As a candidate for mayor, I went out into my home community as I never in my life had done before. I appeared before groups, I rang doorbells, and I talked to people on the streets and in the shopping centers.

It was an unparalleled educational experience. I listened carefully to people from all walks of life, from all sectors of the community. I learned about the problems of their everyday existence in the city, I learned of their aspirations, I learned how they felt about a great variety of issues—and why they felt that way.

It was an experience which no appointed official could ever fully appreciate. Whatever imperfections may surface from time to time in the course of our elective politics, I am convinced that the screening and sifting which occurs when candidates submit themselves to the judgment of the electorate is overwhelmingly beneficial.

As I stand today in this Chamber, I wonder how many of my distinguished colleagues—who have passed the test of voter selection—would be here today if we held our jobs by virtue of appointment of some higher authority not directly concerned with the problems and needs of our home districts. How many of us would have the contacts, or connections, or whatever it takes to win appointment? And how free would we be to work our conscience, if we were beholden to an appointive authority?

My colleagues, I believe we, better than most, know in our hearts that there is just no substitute for a system which holds public officials directly responsible to the people they serve. And we know there is no better way to attain such responsiveness than through the process of free and open elections.

Before closing, I would like to briefly comment on the proposed composition of the District Council under the committee's legislation. In Louisville, our entire 12-member board of aldermen is elected at large by citywide vote, although each must live in the ward he is to represent. Frankly, I find that method of election deficient.

The committee bill provides first for direct election of one councilman by the voters in each of the district's eight wards. This should provide spokesmen for viewpoints that may be unique to one neighborhood of one sector of the city. Second, there are to be five at-large councilmen, whose constituency and viewpoint will be the welfare and best interest of the city as a whole. I think this is an excellent two-track approach.

Finally, I would just like to note that several substitutes for H.R. 9682 have been introduced. Some, I think, do violence to the proposition of establishing a responsive, elected local government.

One would have a Presidentially-appointed mayor, who by the simple stroke of his pen could veto the work of the elected council. Another would retrocede the largest part of the District to the State of Maryland without making clear provision as to what sort of government Washingtonians might ultimately expect. These substitutes, Mr. Chairman, do not satisfy my concept of the meaning of such phrases as "self-determination" or "home rule." They should be rejected. The committee substitute is a good bill and should be supported.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, it is an honor for me to add my support to the many and diverse voices calling for passage of H.R. 9682, a bill aimed at effecting a measure of self-determination for the citizens of the District of Columbia.

I believe we can all agree without any reservations whatsoever that nowhere in America should the principles of democracy be more firmly established than in the Nation's Capital. However, democracy is at its weakest in the District of Columbia, for it stands noticeably as a bastion of taxation without representation. By a cruel irony, a nation founded as a haven from tyranny and oppression denies to the citizens of its Capital City the very blessings for which it stands. Incredible but true, it is still accurate to describe the District of Columbia as "America's last colony."

Fresh in my memory is Hawaii's own struggle for self-determination. For far too many years, the Congress decided the destiny of Hawaii while its citizens had little or no voice in their own affairs. Many years of my life were devoted to Hawaii's struggle for statehood, and as I walked the Halls of Congress trying to develop support for Hawaii's cause, I encountered many of the same arguments I now hear advanced against home rule for the District of Columbia. I am no more impressed now than I was then by these same arguments.

I am sure the historians in this House are familiar with No. 43 of the Federalist Papers in which James Madison, one of the principle architects of our Federal Constitution, wrote that the prospective inhabitants of the Federal City "will have had their voice in the election of the government which is to exercise authority over them."

Madison was making clear his stand against any form of colonial status for the District of Columbia.

The citizens of Washington deserve to share in the right of self-government, the birthright of every American citizen. Passage of H.R. 9682 will symbolize our commitment to our heritage and to the cause of freedom, equality and justice for all our citizens.

Today, the citizens of Washington are virtually disenfranchised. They are allowed the "privilege" of paying taxes, but not the right of selecting their own government, or determining how those tax revenues will be spent. They do choose a Delegate to Congress, but he is a nonvoting Delegate. Their right to help shape their own governmental structures is limited to selecting a School Board.

Not since 1874 have these disenfranchised Americans controlled their own affairs. After a century of an intolerable situation, it is imperative that we right this wrong, and pass H.R. 9682.

Home rule is not a partisan issue, nor should it be. It is a goal which has borne the endorsements of Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon. In discussing the principle of self-determination in 1960, the late President Dwight D. Eisenhower said:

> Human beings everywhere, simply as an inalienable right of birth, should have freedom to choose their guiding philosophy, their form of government, their methods of progress.

How appropriate his remarks are for the issue before us here today.

Home rule for the District of Columbia is one of the final chapters in America's long struggle to secure freedom for all its people. I am proud to have been part of Hawaii's struggle for statehood. As a Representative of the youngest State in the Union. I am equally as proud to stand here before you today, urging passage of H.R. 9682. Commitment to our Nation's heritage demands that we finally realize self-determination for the District of Columbia. Let us wipe out the last vestige of colonialism in America.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, the District of Columbia Self-Government and Governmental Reorganization Act, H.R. 9682, will assist the local government to coordinate and rationalize the existing series of overlapping laws governing the planning, zoning, and physical development of the District of Columbia. The bill recognizes the unique character of the District and would protect the three basic functions of the city regarding its physical development. These functions are: first, the seat of government for the Nation; second, the home of 750,000 people and numerous places of business; and third, the center of a region with nearly 3,000,000 people.

The Report of the Commission on the Organization of the District of Columbia government—the Nelsen Commission—identified as a serious obstacle to effective local government the incredible fragmentation and lack of coordination among agencies with planning responsibilities in the District of Columbia. This fragmentation among agencies derives from a series of separate laws governing zoning, planning, urban renewal, and public housing enacted by the Congress to meet immediate problems between 1920 and 1946 and not substantially revised since each law was enacted.

The District has a crazy quilt of agencies—some local, some Federal—that plan land use, roads, schools, parks, monuments, public buildings, renewal and housing projects. The National Capital Planning Commission—NCPC—has the major Federal and District planning role but it cannot affect local planning because it is not a part of the District government.

At the same time, because NCPC is designated as the District's planning agency, the District has no central planning authority of its own. The result is an unplanned municipal government. The resultant fragmentation produces inefficiency and imposes hardship on local citizens and businesses because of inordinate delay in reaching decisions. The lack of a legal planning mandate also creates coordination problems for the District government and between the District government and other agencies.

H.R. 9682 recognizes that a solution to this fragmentation of planning is essential for effective and efficient local government. In this regard, the bill follows the major planning, zoning, and redevelopment organizational recommendations of the Nelsen commission. The bill will: first, strengthen the role of NCPC as the principal planning agency for the Federal Government in the city and in National Capital region as a whole; second, permit the District government to undertake comprehensive physical, social, economic, and transportation planning directed at the needs of the residential and commercial city; and third, permit an on-going system of coordination and "checks and balances" between the Federal and local interests.

Under the bill the function of local planning, that is, planning for the residential and commercial city, would be carried out by a planning staff accountable to the Mayor and City Council. The bill specifically requires that citizens and property owners be consulted in local planning. The bill also directs the District government to consult with adjacent Maryland and Virginia jurisdictions on plans that might affect these areas.

As provided in the bill, the Mayor would propose local physical, social, economic, and land use and other comprehensive plans to the City Council for hearing and action following review by citizens and comment by neighborhood planning councils. Council approved plans would then be referred to the National Capital Planning Commission—NCJC—for review as to the impact of local plans on the interests and functions of the Federal Government.

NCPC would be retained as the principal Federal planning body. Its membership would continue to include representatives of the executive and legislative branches of the Federal Government as well as local citizens and the Mayor and Chairman of the City Council.

The bill requires coordination in Federal and local planning between the District and Federal Governments. In the event that conflicts cannot be resolved, NCPC can veto local plans found to impact adversely on the Federal interest. After adoption, local and Federal plans would be combined into a single comprehensive plan for the National Capital. All local zoning actions must not be inconsistent with this plan.

The bill would retain a five-member District of Columbia Zoning Commission with two Federal members—the Architect of the Capitol and a representative of the Secretary of the Interior—and a five-member Board of Zoning Adjustment—BZA. One member of the BZA would continue to represent the interest of NCPC, and one the interest of the Zoning Commission.

The Zoning Commission and BZA would continue to handle zoning cases and applications and would be required to follow plans approved by the District government and NCPC. This is not the case currently. In fact, the bill insures Federal-local coordination by requiring the Zoning Commission to submit all proposed changes in the zoning regulations and maps for review by NCPC prior to their adoption.

In regard to housing and urban renewal, the bill would transfer the National Capital Housing Authority—NCHA—and the Redevelopment Land Agency—RLA—to the District of Columbia government. These agencies currently operate the public housing and urban renewal programs in the city. While their functions are purely local, these agencies are by statute federal agencies.

Because RLA and NCHA are not District agencies and because the District lacks planning authority, public housing and urban renewal projects are difficult to coordinate with municipal functions such as street cleaning, trash collection, recreation, health services and the like. Those that suffer the most from this fragmentation are the residents of urban renewal areas and public housing projects. Integration of RLA and NCHA into the municipal government can assist the District to administer a coordinated community development and housing program and to use special revenue sharing funds—if enacted by the Congress—in an efficient manner.

Delegation of planning and authority by the Congress to an elected Mayor and City Council is essential to an effective local government. It is inconceivable that local government can operate with a reasonable level of confidence and self reliance without the power to plan land uses. The philosophy of H.R. 9682 is that planning decisionmaking must be responsive to the electorate. The voters will have the right to remove officials whose land-use decisions they oppose. In this respect, there can be no real conflict between the economic development of the city and its citizens since, in the end, the voters control the process. In addition, the bill quite adequately protects the Federal interest in careful local planning. The National Capital Planning Commission, a Federal body, will be able to exercise a veto over unwise local planning decisions that would render less effective any function that is essential to the Federal establishment at the seat of government.

Mr. DIGGS. Mr. Chairman, may I inquire as to how much time we have remaining?

The CHAIRMAN. The gentleman from Michigan has 14½ minutes remaining, and the minority has 37½ minutes remaining.

Mr. DIGGS. Mr. Chairman, I am prepared to yield back the balance of any time I have in excess of 10 minutes so that I may reserve 10 minutes for the final debate tomorrow.

May I ask if this arrangement is satisfactory with the distinguished ranking minority member?

Mr. NELSEN. It is my understanding it is satisfactory on this side. We have 37½ minutes left here, and I have two requests for time on this side.

Mr. DIGGS. Will the gentleman yield back his time?

Mr. NELSEN. Except for that 10 minutes.

I now yield such time as he may use to the distinguished gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. Diggs) and the gentleman from Washington (Mr. Adams) for their efforts which culminate this afternoon in House consideration of home rule for the District of Columbia. In my opinion, the revised measure which the committee will offer tomorrow is a well-balanced plan which fully protects the interests of the citizens of the District as well as those of the Federal Government.

Mr. Chairman, I concur with those who interpret the constitutional delegation of congressional power to "exclusive legislation in all cases whatever, of such District" to mean that there can be no intereference by a State in District affairs, rather than to congressional control over all local functions. In Federalist Paper No. 43, James Madison specifically refers to the possible encroachment by a State in the District's proceedings. Furthermore, he clearly defines the status of those citizens residing within the District. As he wrote:

> They will have had their voice in the election of the government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.

The committee's propsal will return to local residents the control over their own affairs which Madison assured them they would have and which they indeed did possess over 100 years ago. It will do so in a manner which will end the present fragmented government, replacing it with a streamlined structure that will enable it to effectively meet the challenges of administering a large urban area.

Mr. Chairman, I believe it would be helpful to quote the entire clause 17 of article I, section 8 of the Constitution which concerns the District and the text of Madison's commentary on that clause:

Article I, Section 8, Clause 17

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Years, and other needful Buildings.

The Federalist, Number XLIII, by James Madison

The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the general government on the state comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of the government, would be both too great a public pledge to be left in the hands of a single state, and would create so many obstacles to a removal of the government, as still further to abridge its necessary independence. The extent of this federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the state ceding it; as the state will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the state, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the state, in their adoption of the constitution, every imaginable objection seems to be obviated.

The necessity of a like authority over forts, magazines, etc., established by the general government, is not less evident. The public money expended on such places, and the public property deposited in them, require, that they should be exempt from the authority of the particular state. Nor would it be proper for the places on which the security of the entire union may depend, to be in any degree dependent on a particular member of it. All objections and scruples are here also obviated, by requiring the concurrence of the states concerned in every such establishment.

Mr. NELSEN. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to what I believe to be H.R. 9682 and deplore the uncertain conditions under which we are considering this bill.

I have in my hand here, dated September 11, 1973, a copy of H.R. 9682 committed to the Whole House on the State of the Union and ordered to be printed. I also have in my hand a legislative digest that explains the original H.R. 9682. Furthermore I have in my hand a "Dear

Colleague" letter I received from the chairman of the Committee on the District of Columbia this morning talking about six major changes they will make in H.R. 9682.

I have heard within just the last few minutes that the committee print is finally off the press, and yet we are concluding debate without having even seen a full committee print.

Mr. Chairman, we have been told today that things have changed tremendously since our Founding Fathers selected Washington, D.C., as a national capital.

Incidentally, everything we do in this bill may be an exercise in futility because the Constitution definitely states that Congress will exercise exclusive legislation in all cases whatsoever over the District of Columbia. But as things stand today this is our national city, it is our Federal city, and the fact is that this city belongs to all of the citizens of the United States.

All of the Federal buildings constructed here and, yes, a large part of the municipal buildings, have been constructed by tax dollars taken from people all over this country. The tens of thousands of Federal employees here in Washington are paid by tax dollars taken from people all over this country, and these Federal jobs, of course, generate additional jobs.

Furthermore, tens of millions of dollars each and every year go into the annual budget of this, our national city. In grant money we spend per capita on Washington, D.C., our national city, more Federal grant money than on any other city.

A few years ago Congress did permit the Washington School Board directors to be elected by the residents of the District of Columbia. The former elected president of the Washington, D.C., school board, Marion Barry, was a man who had been arrested on numerous occasions, and a man who made a failure of the Pride program right here in Washington, D.C., when we were all looking forward to the Pride program achieving great success.

Rather recently I examined some of the facilities in our Washington, D.C., schools, and I could not really believe what I was looking at, the equipment was so old and the conditions so deplorable. Yet, here in this District of Columbia we are spending per pupil on education as much money as we are spending in some of the finest school districts in this country. I cannot help but ask myself, "where is the money going?"

Tens of thousands of people have been attracted to Washington, D.C., because of the numerous Federal jobs available, and the numerous other opportunities which Federal employees generate, and these people came here knowing that Washington, D.C., is governed by the President and the Congress.

My distinguished colleague from Hawaii said that the same arguments were used against Hawaii becoming a State, that were used today. I do not know of any Federal city in Hawaii. I was happy to see Hawaii become a State. I do not believe that the conditions that apply to Hawaii apply to the District of Columbia.

Furthermore, virtually any other section of our country that had enough space within which to locate the Federal city would be glad to take this Federal city with all of its Federal jobs and all of the tremendously favorable impact on their economy, into that State, and I am certain they would give the Congress and the President the right to govern the Federal city. I am confident that if a Federal city were built elsewhere we would not have such a tremendous drain on the Federal Treasury as we have in Washington, D.C.

I regret the racial overtones that have been introduced into the issue because they do not belong in this issue.

I was born and raised in Pennsylvania, born specifically on Pittsburgh's north side. I am a product of the Philadelphia public school system. Neither Pennsylvania nor the people of Pennsylvania have ever approved of segregation.

The fact remains that home rule for the Federal city of the United States of America is wrong, and I hope the Members of this House will vote against H.R. 9682 in whatever form it finally emerges.

Mr. NELSEN. Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the bill, H.R. 9682.

I oppose the bill for a number of reasons, two of which are directly related to matters affecting the defense of the National Capital area. These are matters of concern to your Committee on Armed Services.

First, under the bill as presented, the National Capital Planning Commission would become a locally controlled agency. The composition of the Commission provides for an even split between officers or appointees of the executive branch and members who would probably be inclined to favor District of Columbia interests. There is a body of opinion, however, which feels that some of the Presidential appointees might be unable to maintain their position with regard to conflicting Federal and local interests.

The National Capital Planning Commission, therefore, could become a means through which the local residents would make final decisions concerning the protection of the Federal interest with regard to defense needs in the Washington area. The National Capital Planning Commission would have virtual veto power over decisions as to what may or may not be built on local military installations.

The extent of this veto power is somewhat in doubt. However, the Armed Services Committee has received expert legal opinion which indicates that such veto power prevails over various authorization and appropriations acts unless specifically prohibited. The legal experts claim that this veto of Public Law by a local agency may even apply in time of war. No local government should be awarded such broad powers over defense matters or over the decisions of the Congress.

Second, the bill provides for an elected mayor for the District of Columbia rather than one appointed by the President.

There can be little doubt that the historically close working relationship between the Mayor and the President who appoints him would be diluted if the Mayor were elected rather than appointed.

The loss of this closeness is particularly significant in regard to the protection of the Federal Government in times of civil disturbance. Under section 39-603 of the District of Columbia Code, the Mayor may ask the President for militia assistance to local police forces by National Guardsmen in times of riot or mob violence. Over the past 6 years, on 24 separate occasions, the Mayor has asked the Commander in Chief for National Guard assistance to local authorities in maintaining the security of the Federal Government. Upon receipt of proper authorization, the Commanding General of the District of Columbia National Guard has then ordered out his forces and the Mayor has given them official local status as special policemen. This procedure has never caused a significant problem because the Mayor, as a Presidential appointee, has not been subjected to the same political pressures which face an elected official.

We have all seen how difficult it is, politically, for an elected official to call out the National Guard. We have seen damage to public and private property exceed that which would have accrued had there been timely decisions to call out the National Guard. The reluctance of a State Governor to take this action is understandable because of the potential political repercussions involved. This reluctance would be magnified many times in terms of the District of Columbia's unique situation, if a mayor were required to make this decision.

Under this bill, the President would have to await a request from a locally elected mayor before he could order out non-federalized National Guardsmen. Of course, the President could still order out a federalized National Guard, or the Congress could ask the President to do so, but there would be an increased reluctance in both branches of the Federal Government if the decision were at variance with the judgment of a locally elected official.

There have been recent disturbances in Washington, one of which was specifically organized to bring the Government to a standstill. Over 80,000 man-days of District of Columbia National Guard support have been required to maintain the peace in the District of Columbia since late 1967. This figure does not include almost 12,000 man-days of additional support by District of Columbia National Guardsmen in a standby alert status. With this experience in mind, I believe it would be unwarranted and unwise to change the relationship between the Mayor and the President and assume the risk of additional damage in and to the Nation's Capital.

Mr. Chairman, I have articulated only two objections to the bill. There are, however, many, many more. I urge my colleagues to defeat H.R. 9682.

Mr. RANGEL. Mr. Chairman, at issue

in this debate is whether or not 800,000 Americans are to have proper representation. This issue goes to the heart of our country's political history. Representation is what the Revolutionary War was all about. The Civil War brought about the full recognition of the black man as a human being and along with that the right to be represented by someone of his own choosing.

In discussing the inhabitants of the proposed Federal District, James Madison, the author of the Constitution, said in Federalist Paper No. 43:

> * * * a municipal legislature for local purposes, derived from their own suffrage, will of course be allowed to them.

He was right; a local government structure was operated by the District citizens for 72 years. But ever since that time the Federal District has been run by Congress and the President through a temporary government structure instituted in 1874.

Since that time the Supreme Court in a unanimous opinion has said:

> * * * Congress may grant self-rule to the District of Columbia.

The Senate has passed eight self-government bills. And Washington, D.C., has become the ninth largest city in the United States.

This means that the Federal District has more people than some States do. Yet Congress, more specifically the House of Representatives, continues to deprive the people of Washington, D.C., of the rights and responsibilities taken for granted by every other citizen of this country. Why will not the House let the Nation's Capital determine its own priorities and solutions to its problems?

Under congressional rule more than half of Washington has become a slum. A city that should be a model to the Nation and the rest of the world is a disgrace. Who is responsible for this? Not the poor black and Hispanic peoples who can do nothing about the higher prices they must pay because they live in a ghetto. Not the appointed officials who have no power to initiate local programs that would reduce the problems of the city. The people who are responsible for this city are right here in this Chamber.

Sometimes I wonder if there are some of my colleagues here who do not care what happens to the rest of this city and its people as long as the Federal enclave and the downtown district are maintained. We are responsible for this city. It does not make sense for us to be responsible for a city that has more people in it than some States do when we have no interests or constituents here. What do we know or care about what happens on 14th Street or in the Shaw area.

Our interests have been our constituents and the operation of the Federal Government, not the people of Washington, D.C. When faced with a conflict of interests between the people of Washington and our constituents back in our home districts it is only normal that we have represented our home districts interests over any others. What business do we have running the city? None. The people of Washington know what is best for themselves—we do not. How can we be responsible for a city that cannot turn us out of office if we do not represent the interests of the people.

That is why the people of the District of Columbia need somebody to represent them and to take up all of their problems. Whatever our good intentions and wishes, it is impractical and unreasonable for us to try and make laws concerning the District of Columbia. Basically all we should be concerned about is the Federal interest and not the interests of the city. There should be some body or structure that can advocate the District's position on matters concerning itself. This present system is denying the reality of American democracy for 800,000 people. I am not asking you to be revolutionary in supporting this bill, I am asking you to adhere to the basic American principles in which we believe and which many of us have fought for throughout the world.

The record of Congress in administering the District of Columbia speaks clearly in favor of self-government. A recent statement by Chief Wilson of the Washington metropolitan police department illustrates my point:

> Few would disagree that crime reductions of the past three years reflect in large measure massive Federal initiatives, both in Presidential leadership and Congressional legislative action. Obviously, it is easy to argue that federal control of local affairs deserves credit for the crime reductions, but to make that agrument, one must also agree that federal control of local affairs shares most of the blame for the 12 years of crime increase.

The main reason for all the opposition to this bill, I think, is that there is a fear shared by many Members of this House that they would not be able to control the population of this city or keep them in their respective places once they were given self-government. There is this fear despite the fact that no law can be made by the City Council that at least one Chamber of Congress could not veto. Congress still would have the ultimate authority.

The budget, the judiciary, and the police control arguments are important but can be easily overcome if the Members of the House want to overcome them. I think the real problem many of those in this Chamber have with this bill is that this House if afraid to give home rule to the Federal District and face the reality of democratic self-government for the presently unrepresented 800,000 people of this city.

The denial of accountable self-government to the people of the District of Columbia is a shameful mockery of every democratic principle this country represents. Let us take the first step to end that mockery today.

Mr. FASCELL. Mr. Chairman, to date, there has been little mention of one key element of support for home rule in the District of Columbia, that of several distinguished Presidents of the United States. Every President, from Dwight D. Eisenhower, through Richard Nixon, has been more than explicit in his support for self-determination of the Nation's Capital.

On January 19, 1959, in his budget message to the Congress, President Eisenhower stated:

> I again recommend that the Congress enact legislation to admit Hawaii into the Union as a State, and to grant home rule to the District of Columbia. It would be unconscionable if either of these actions were delayed any longer.

Home rule for the District has already been delayed 14 years since his message to the Congress.

In transmitting his suggested home rule legislation to the Congress, on July 15, 1961, President Kennedy indicated:

> Restoration of suffrage and the responsibility to the people of the District for dealing with their municipal problems is long overdue. It is time to eliminate the last legal and constitutional anomaly in the United States and to reaffirm our belief in the principle that government should be responsible to the governed.

Restoration of suffrage and the responsibility to govern, to the people of the District of Columbia, is still overdue. The legal and constitutional anomaly, referred to by President Kennedy, is still in existence.

President Lyndon B. Johnson, in his message on home rule, made the following pertinent comments:

> Our Federal, State, and local governments rest on the principle of democratic representation—the people elect those who govern them. We cherish the creed declared by our forefathers:
>
> No taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.
>
> Yet the citizens of the District of Columbia, at the very seat of the Government created by our Constitution, have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights. No major capital in the free world is in a comparable condition of disenfranchisement.

The citizens of the seat of our Government, the residents of our Nation's Capital, still have no vote in the government of their city. Their taxes are not represented.

President Richard M. Nixon, in his 1969, and 1970 messages to the Congress on the Nation's Capital, summed up the spirit of home rule most succinctly:

> The District's citizens should not be expected to pay taxes for a government which they have no part in choosing—or to bear the full burdens of citizenship without the full rights of citizenship (1969)
>
> I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the Nation's Capital. I would remind the Congress that the founding fathers did nothing of the sort. Home rule was taken from the District only after more than seventy years of self-government, and this was done on grounds that were either factually shaky or morally doubtful (1970)

The Congress of the United States continues to deny self-government to the residents of the District of Columbia. Many of the arguments against home rule are, again, either factually shaky, or morally doubtful.

Altogether, close to two hundred hard-fought years have progressed, with continuing battles over the grant of home rule to the District of Columbia. The rationales for not granting home rule have not changed. Those for Congressional granting of self-determination have not changed, except in their urgency.

I urge my colleagues to fully support H.R. 9682, and to at long last return home rule to the citizens of the District of Columbia.

Mr. DELLUMS. Mr. Chairman, one basic undergirding of a democratic society is the belief that each individual must be allowed to develop to his fullest potential. This, we have declared, is an inalienable right—one that must be protected and provided for at all cost. An outgrowth of this concept is the basic philosophical premise of American education. The philosophical thrust involved in this concept led to the phrase "universal education."

A strong adherence to this concept prompted the U.S. Supreme Court to state in Brown against Board of Education:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognignition of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today, it is a principal instrument of awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

In our attempts to pursue this concept and to provide an arena for the educational development of the citizens of the District of Columbia, the pending home rule legislation was developed. Included in this legislation is our intention to grant to the District of Columbia Board of Education flexibility necessary to operate a modern public school system.

The portion of the committee bill concerning education is direct and simple. First, the status quo of the existing 11 member elected Board of Education is maintained. Second, authority is established for the Mayor and Council to determine budget appropriation levels for elementary and secondary education—but neither the Mayor nor the Board can specify how those funds are to be spent. The Board of Education is authorized to develop a detailed budget within the established level for expenditure of funds. In addition, the Superintendent of Schools is authorized to transfer or reallocate up to $25,000 with the approval of the Board—the same transfer authority vested in the Mayor, and with the same dollar limit.

What is being proposed in this bill is simply a proposition to bestow upon the District of Columbia Board of Education grants of authority generally enjoyed by most urban public school systems. Because of complexities involved in the operating of a public school system, changing priorities, arrival of unforseen contingencies, and lately, advent of court decree, it has been and is necessary for the school system to change strategies and redirect resources at a moments notice.

Under present arrangements, the school system—to a large degree—must solicit support of outside sources; namely, the District of Columbia government and the U.S. Congress, before it can take what otherwise would be characterized as timely and reasonable decision.

A recent dilemma expertly illustrates the problem.

Under requirement of the degree in Peter Mills et al. against District of Columbia Board of Education, the school system is required to provide a suitable and appropriate educational placement for every school-age citizen of District of Columbia—regardless of physical, mental, or emotional disability. The court expressly stated that in those instances where the system could not provide the needed services to meet the child's need within the system, the system must pay cost of the child attending outside facilities and institutions. Due to the fact that the system is not fully certain of the population that will be in need of these services—nor the total cost of providing such services, due to the variation in cost at respective institutions—it is virtually impossible for the system to adequately budget for these services.

Recently, 29 students were enrolled in an institution in Virginia. At this point the system had gone beyond its allotment for these services and was unable to enter a valid contract with the school, mainly because it could not establish a date certain when payment could be made.

The problem is not that the system is without funds—instead, it is that it is locked in by reprograming requirements; and reprograming action involving an excess of $25,000 must ultimately receive congressional approval. And the amount involved in this instance, was well over $25,000 and thus required legislative approval. As a result of delay, the institution issued an ultimatum that if payment was not received or that a date certain could be established for payment, then the 29 students would be expelled immediately.

I am sure that most persons would agree that this is equal to an emergency situation, but unfortunately, the school system did not have the necessary control of its resources to enable it to meet this emergency.

Passage of H.R. 9682 will eliminate this problem and many other administrative management problems associated with the operation of a large urban public school system.

This is characteristic of the myriad problems faced daily by the District of Columbia school system due to this lack of control. As a result, what has developed is a system plagued by a lack of morale, one constantly under attack, and often characterized as a "lousy" school system.

One way of eliminating these criticisms and these problems is simply to remove Congress from operation of a local school system. Such a move would not take from Congress any ultimate legislative power that it has over the District of Columbia. Instead, such action would allow those persons elected by the citizenry to perform those tasks for which they were elected; namely, to establish and design educational policy—and to provide for their complete implementation. Once this happened, it would insure that the elected board could deliver effective and efficient educational services to the citizens of the District of Columbia.

In light of the quote above from Brown against Board of Education, which was cited earlier, dealing with the overpowering importance of education in our present-day society, can we do less?

Should we not be about the business exhibiting to District of Columbia citizens that we are concerned about the overall development of education in the District?

This can be best accomplished by getting out of education in the District, thereby removing unnecessary encumbrances to the development of an excellent educational system—one that both the U.S. Congress and the citizens of the District can be proud of.

Mr. DE LUGO. Mr. Chairman, as the Delegate in Congress from the Virgin Islands, I can readily relate to the aspirations of the people of the District of Columbia for greater local autonomy. Likewise, I can perceive the inequity of basing the denial of self-government on historic curiosities which no longer have any validity, if in fact they ever did.

There are obviously unique considerations regarding the interests of the Federal Government which exist in the District of Columbia. However, a careful reading of H.R. 9682 abundantly demonstrates that these considerations are adequately protected. The constitutional authority of the Congress over our National Capital is preserved by provisions which: Reserve the right of Congress to legislate for the District at any time and on any subject; provide for a veto by either branch of Congress over any alterations in the municipal charter; retain in the Congress the appropriations power over the annual Federal payment; authorize audits of the accounts and operations of the District government by the General Accounting Office; and preserve the court system established by the Congress in the 1970 District of Columbia crime bill.

Members of the Congress have often stated that the Nation's Capital should be a model of civic progress to which the other cities of the country may look for inspiration.

Unfortunately, we have not achieved this ideal, but in many instances have provided examples of how not to attempt to solve urban ills. I believe that the responsibility for these failures lies substantially in the fact that the District of Columbia's affairs are managed by those unfamiliar with local problems—who owe their allegiance to constituencies geographically far removed, and who are many times motivated by partisan desires which are wholly alien to the needs of the local population.

Mr. Chairman, in 2 years this great Nation will commemorate the bicentennial of the end of domination by a potentate and legislature who had total control over the destinies of the population, and yet were not responsible to that population. I, therefore, believe there can be no more fitting recognition of this anniversary than to provide the citizens of the District of Columbia now with the same right of self-determination for which our ancestors so valiantly sacrificed their lives and fortunes 200 years ago.

Mr. CLAY. Mr. Chairman, article I, section 8, of the Constitution gives the Congress legislative authority over the District of Columbia, but nowhere in the Constitution is it stated that Congress cannot delegate some of its authority over the District to local residents. Indeed, there is ample precedent in our history to support the constitutionality of such delegation. The history of the 75 years of home rule, in one form or another, for the Nation's Capital has been thoroughly explored by this Congress, as the 1965 debate on this very same issue—home rule—will attest. There have been numerous court tests of this same question—the authority of Congress to delegate some of its authority to District residents—and as recently as this year, July 31, 1973, to be precise, the U.S. Court of Appeals for the District of Columbia said:

> Congress, in legislating for the District, has all the powers of a State legislature, and Congress may delegate to the District government that full legislative authority, subject of course to Constitutional limitations to which all lawmaking is subservient and subject also to the power of Congress to at any time revise, alter, revoke the authority granted.

As I read the bill before us, H.R. 9682 seeks to do just that, grant some of our authority to elected officials of the District with the clear and unequivocable understanding that Congress reserves the right to legislate for the District at any time and on any subject. It seems to me that the issue before us is not whether Congress can delegate some of its authority over the District to local residents, for clearly the answer here is yes; but, rather, will Congress take such action, and I certainly hope that our answer here, too, will be yes. By your vote for H.R. 9682 you do not unconstitutionally surrender the sovereign rights and prerogatives of the Congress to legislate for the District of Columbia; rather, you give—indeed, you restore—to the people of this city, rights which are exercised by our constituents, to have a voice in purely local matters.

Mr. BADILLO. Mr. Chairman, I am pleased to rise in support of H.R. 9682, which seeks to restore a measure of self-government to the District of Columbia and which calls for a number of needed reforms in the present city governmental structure with a view toward achieving greater efficiency. As a co-sponsor of an identical bill, I am delighted the House is finally considering this critical issue and I am hopeful that prompt and favorable action will be taken today.

There is certainly little question but that this legislation is long overdue and that the Congress has waited much too long to grant to the almost 1 million District residents those rights, privileges and responsibilities of self-government which are enjoyed by other American citizens. Legislation calling for a form of self-government for the Nation's Capitol has been pending in the House for some 25 years since President Harry Truman, in a civil rights message to the Congress during the second session of the 80th Congress, urged that the District of Columbia be granted its own elective government. As President John F. Kennedy so aptly noted in his message on the same issue in 1961:

> It is time to eliminate the last legal and constitutional anomaly in the United States and to reaffirm our belief in the principle that government should be responsible to the governed.

For almost 100 years taxes have been assessed in the Capitol city without the consent of its citizens; officials have been appointed without the approval of District residents; and funds have been allocated with little reference to the requirements, desires or aspirations of the populace. Major decisions, which affect every aspect of the daily lives of those who live and work in the District, have been made by persons whose basic concerns and constituencies, for the most part, are far different from those of the District of Columbia. No one can deny the fact that equal rights and full citizenship have been cruelly and unnecessarily denied to District citizens. Surely the present status of the District of Columbia represents a stain on the national image. Affirmative steps must be taken to correct this long-standing injustice and restore to District citizens the basic right of electing the persons who govern them and having meaningful participation in the affairs of the city in which they live.

Some claim that the District is not ready for home rule or that District residents are not equipped to handle self-government. It must be clearly understood that this lack of self-government has done nothing more than seriously exacerbate a large number of the very complex economic and social problems with which Washington is beset. At the present time the city simply does not have the wherewithal or authority to begin to effectively cope with these many and varied urban difficulties—which are not terribly dissimilar from those of the other national metropolitan areas. The absence of its own governmental machinery and responsibility has gravely hampered the District's efforts to come to grips with these problems.

I believe that the legislation before us today not only represents a vital step in granting the right of self-government and self-determination to the District of Columbia but, by incorporating many of the recommendations of the Commission on the Organization of the Government of the District of Columbia, it seeks to streamline and modernize the functioning of the government and is aimed at securing greater efficiency. Further, the committee bill—particularly in light of the agreements made by the distinguished chairman of the District of Columbia Committee over the past several days—amply protects the Federal interest in the Capital City and preserves important congressional prerogatives in the operation of the city government. By retaining ultimate legislative authority and the approval of the city's judiciary among other aspects, there can be no doubt but that Congress stature vis-a-vis District affairs is preserved.

Over the past week or so we have been informed of various alternatives to the committee bill. While I do not question the motivation of the sponsors and supporters of these alternatives, I am afraid that they are generally ill considered and do irreparable damage to the cause of substantive home rule for the District. The measure which was reported out of the District of Columbia Committee, in my view, is a responsible bill which will lead to more efficient and more responsive government in this city and will permit the District's residents to have a voice in selecting those who will lead and govern them and in deciding on those varied aspects of municipal affairs which affect them directly.

Mr. Chairman, the House has been at this point on several occasions in the past yet District of Columbia home rule has failed to become a reality. We have an obligation to act and to affirm for the District residents those rights envisioned for all Americans by this country's founders. District of Columbia residents are American citizens just as are all of our constituents and we cannot in good conscience continue to relegate them to second-class status. We must not allow this opportunity to again slip from our hands and we must act without further delay to restore self-government to the Nation's Capitol.

Mr. NELSEN. Mr. Chairman, except for the 10 minutes that we had agreed upon, I have no further requests for time on our side.

Mr. DIGGS. Mr. Chairman, we have no further requests for time, with the exception of the 10 minutes.

Mr. Chairman, I ask unanimous consent to include in the RECORD at this time the committee print, which I intend to offer as a substitute amendment for the bill H.R. 9682.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment referred to is as follows:

AMENDMENT OFFERED BY MR. DIGGS

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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized

from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

REORGANIZATION

TITLE II—GOVERNMENTAL

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701—5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy; arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704(b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103-5-116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1-1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commissioner shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002(e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1-1004), is amended as follows:

(1) Subsection (a) of such section is

amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1-1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1-1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section refered to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933 specified in subsection (a).

(c) (1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act, subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the duties and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a speical or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practically filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman protempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by acts following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judiciary power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e) (1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Coumbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Coumbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The Mayor shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434 and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of bode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the Mayor, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the Mayor a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the Mayor shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the Mayor may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the Mayor shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia, the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia Courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the Mayor, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the Mayor may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office the Commission's list of nominees shall be submitted to the Mayor not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the Mayor requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the Mayor one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart I—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) The Mayor shall prepare and submit to the Council and to the Congress by January 10 of each year, and make available to the public, a budget for District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated existing or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the report of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs

actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures, and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefily describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"______,
"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment on an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c)(1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdiction in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities, and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes, or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1–03) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the act of March 1, 1920 (D.C. Code, sec. 5–412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5–413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5–414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5–417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice wthin thirty days from the date of submisson to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnsh service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43–201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail) whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title II of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District made to the trust fund. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provision of this Act, no such act, resolution, or rule shall take effect until the end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year;

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(d) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ———, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act (or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, or use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof, and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a nonreimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVLOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government may be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regrading planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

EMERGENCY CONTROL OF POLICE

SEC. 739. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 740. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h) (1) (A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B) (i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at-large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i) (1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j) (1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable to registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education,".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other such office in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of the VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975 if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and part B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

Mr. DIGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members be granted general leave to revise and extend their remarks with respect to the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7645, THE STATE DEPARTMENT AUTHORIZATION

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a conference report on H.R. 7645, State Department Authorization.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93–563)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House and concur therein.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WILLIAM S. MAILLIARD,
VERNON W. THOMSON,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
FRANK CHURCH,
CLAIBORNE PELL,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
J. K. JAVITS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The first Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text. The House agreed to the first Senate amendment with an amendment which was a substitute for both the first Senate amendment and the House bill. The Senate agreed to the House amendment with a second Senate amendment which is a substitute for the House amendment, the first Senate amendment, and the House bill, and the House disagreed to the second Senate amendment.

The committee of conference recommends that the Senate recede from its amendment to the House amendment.

The differences between the House amendment and the second Senate amendment are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

FOREIGN MILITARY BASE AGREEMENTS

The Senate amendment contained a provision prohibiting the obligation or expenditure of funds for implementing certain military base agreements with foreign countries unless approved by concurrent resolution or the Senate gives its advice and consent to such agreements.

The House amendment contained no comparable provision.

The Senate receded. The managers of both the Senate and the House are concerned with the problem sought to be corrected by the Senate provision and strongly support the principle at stake. Both agree to pursue a legislative remedy to the problem in the next session.

ACCESS TO INFORMATION

The Senate amendment included a section to assure access to information from the Department of State for the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives. After the expiration of any 35-day period following a written request by either committee for any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody of the Department, none of the funds available to the Department shall be obligated unless and until the request has been honored. The only exclusion covered communications between the President and any officer or employee of the Department.

The House amendment did not contain a comparable provision.

The Senate receded.

In view of the fact that the original conference agreement, printed in H. Rept. 93-367, encompassed many items of difference between the House and the Senate on H.R. 7645 other than the two provisions which were before this second conference, the text of the joint explanatory statement from the original conference on all other items is reprinted below for informational purposes:

"The following table shows the sums in the House bill, in the Senate amendment, and in the conference agreement.

	House	Senate	Conference agreement
Administration of foreign affairs	$282, 565, 000	$277, 219, 500	$282, 565, 00
International organizations and conferences	211, 279, 000	211, 279, 000	211, 279, 000
International commissions	15, 568, 000	15, 568, 000	15, 568, 000
Educational exchange	59, 800, 000	59, 800, 000	59, 800, 000
Migration and refugee assistance	8, 800, 000	8, 800, 000	8, 800, 000
Salary increases	9, 328, 000	(1)	9, 328, 000
Devaluation adjustment	12, 307, 000	(1)	12, 307, 000
Liaison office in China	1, 165, 000	(1)	1, 165, 000
Security provisions	50, 000, 000		40, 000, 000
Soviet Jewish refugees in Israel	36, 500, 000	36, 500, 000	36, 500, 000
Interparliamentary Union	120, 000		120, 000
International Commission of Control and Supervision		4, 500, 000	4, 500, 000
Mexico-United States Boundary Commissions		105, 000	105, 000
Total	$687, 432, 000	613, 771, 500	682, 037, 000

[1] Sec. 3 of the Senate amendment authorized appropriations for necessary additional or supplementary amounts for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs."

"AUTHORIZATION FOR ADMINISTRATION OF FOREIGN AFFAIRS

"The House bill authorized an appropriation of $282,565,000 for the category 'Administration of Foreign Affairs'.

"The Senate amendment authorized an appropriation of $277,219,500 for this purpose.

"The Senate receded.

"CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

"The House bill provided specific authorizations for three additional or supplemental purposes: (1) for increases in salaries or other employee benefits; (2) for overseas costs resulting from devaluation; and (3) for the establishment of a liaison office in the People's Republic of China.

"The Senate amendment contained language that would permit appropriations for such additional or supplemental amounts as may be necessary to meet salary and employee benefit increases or other nondiscretionary costs.

"The Senate receded.

"PROTECTION OF PERSONNEL AND FACILITIES AGAINST TERRORISM

"The House bill authorized an appropriation of $50,000,000 for the protection of personnel and facilities from threats or acts of terrorism.

"The Senate amendment did not contain a comparable provision.

"The Senate receded with an amendment limiting the authorization to $40,000,000.

"RUSSIAN REFUGEE ASSISTANCE

"The House bill authorized an appropriation of $36,500,000 for fiscal year 1974 for assistance to Israel in the resettlement of Jewish refugees from the Soviet Union.

"The Senate amendment contained an identical sum but did not limit the authorization to the fiscal year 1974.

"The Senate receded.

"AVAILABILITY OF APPROPRIATIONS

"The House bill provided that appropriations made pursuant to sections 101 (a), (b), and (c) of the House bill (relating to authorities, functions, duties, and responsibilities in the conduct of foreign affairs; supplemental items; and protection against acts of terrorism) were authorized to remain available until expended.

"The Senate amendment limited such availability only to appropriations to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs. It did not include supplemental items.

"The Senate receded.

"AUTHORIZATION FOR INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM

"The Senate amendment authorized the appropriation of $4,500,000 for payment of the U.S. share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision, dated January 27, 1973.

"The House bill did not contain a comparable provision.

"The House receded.

"TRANSFER OF APPROPRIATION AUTHORIZATION

"The House bill authorized the transfer of unappropriated authorizations between paragraphs (1) through (5) of section 101(a) of the House bill. Such transfers were not to exceed 10 percent of the amount authorized by each paragraph.

"The Senate amendment had no comparable provision.

"The House receded.

"INTERPARLIAMENTARY UNION

"The House bill contained a provision to increase the authorization for United States participation in the Interparliamentary Union from $102,000 to $120,000.

"The Senate amendment did not contain a comparable provision.

"The Senate receded.

"USE OF FOREIGN CURRENCY FOR CONGRESSIONAL TRAVEL

"The Senate amendment contained a section modifying the restrictions on the use of foreign currencies in connection with travel by Members of Congress and requiring that overseas travel be financed (at a rate not to exceed $75 per day) directly out of funds appropriated to congressional committees for their operating expenses and removed all reporting requirements.

"The House bill contained a similar provision with respect to the amount ($75 per day) of local currencies which may be used for travel and changed the reporting requirement to eliminate publication of reports in the Congressional Record.

"The conferees agreed to an amendment requiring the Department of State to submit a report (during the first 90 days that Congress is in session in each calendar year) to the chairman of each congressional committee showing the amount of foreign currency (and the dollar equivalent thereof) expended during the preceding calendar year by each Member and employee with respect to travel outside the United States. Such reports are required to be available for public inspection in the office of each such committee.

"AMBASSADORS AND MINISTERS

"The House bill contained a provision that an individual nominated by the President as an ambassador or minister, at the time of his nomination, file with the Committee on Foreign Relations and with the Speaker of the House of Representatives a report of contributions made by him and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination. Such report shall be verified by the oath or affirmation of the nominee, taken before any officer authorized to administer oaths. Individuals nominated from the career service or for the personal rank of ambassador or minister in connection with special missions not to exceed 6 months were excluded from the reporting requirement. The term "contribution" has the same meaning as given such term in the Federal Election Campaign Act of 1971.

"The Senate amendment did not contain a comparable provision.

"The Senate receded with an amendment which deleted the exclusion of individuals from the career service or those serving as ambassadors in connection with special missions not to exceed 6 months.

"NO FUNDS FOR NORTH VIETNAM

"The House bill contained a provision prohibiting the use of funds under this act to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

"The Senate amendment contained similar language as part of a provision relating to the involvement of U.S. forces in Indochina, which was agreed to by the conferees.

"The House receded in view of the fact that a similar prohibition is contained in section 15.

"AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

"The Senate amendment contained a provision raising the authorizations for certain projects of the International Boundary and Water Commission, United States and Mexico.

"The House bill contained no comparable provision, but a comparable bill was passed by the House in 1972.

"The House receded.

"USE OF POSTAL SERVICE FOR PASSPORT APPLICATIONS

"The Senate amendment contained a section that extended from June 30, 1973, to June 30, 1974, the authority of the Postal Service to execute passport applications.

"The House bill did not contain a comparable provision since the House had already passed an identical measure in a separate bill.

"The House receded.

"BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENT AND SCIENTIFIC AFFAIRS

"The Senate amendment contained a provision establishing within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs.

"The House bill contained no comparable provision.

"The House receded with an amendment. The effect of the conference agreement is to establish the new bureau; require that it be headed by an additional Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, without reducing the number of Assistant Secretaries now authorized for the Department; and require the Secretary of State to carry out his functions relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs through the new Assistant Secretary.

"AZORES AGREEMENT

"The Senate amendment included a section prohibiting the obligation or expenditure of funds to carry out the agreement signed by the United States with Portugal relating to the use by the United States of military bases in the Azores until such agreement is submitted to the Senate as a treaty.

"The House bill did not contain a comparable provision.

"The Senate receded.

"* * * * *

"RECOMMENDATIONS FOR PROMOTION

"The Senate amendment amended the Foreign Service Act of 1946 as amended to require the Secretary of State to recommend individuals for promotion in accordance with the rank order made by selection boards. In special circumstances the Secretary of State may recommend for promotion a Foreign Service officer who has been recommended for a promotion by a grievance panel.

"The House bill did not contain a comparable provision.

"The House receded with two amendments. The first permits the Secretary of State, in accordance with regulations, in special circumstances to remove the names of an individual from the rank order list to delay the inclusion of an individual until a subsequent list of promotions is transmitted to the President. The second amendment extends to Foreign Service Staff personnel and Foreign Service Reserve officers the right to be recommended for promotion as a result of a grievance board or an equal employment opportunity appeals examiner's recommendation. It also permits the Secretary of State to make retroactive promotions and additional salary increases based upon similar recommendations.

"REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

"The Senate amendment contained a provision requiring reimbursement to the Department of State for the services of certain State Department personnel detailed to other agencies or the White House.

"The House bill contained no comparable provision.

"The House receded with an amendment which exempted from the reimbursement requirement Department of State personnel detailed for 90 days or less.

"* * * * *

"OVERSEAS KINDERGARTEN EDUCATIONAL ALLOWANCES

"The Senate amendment contained a provision authorizing an educational allowance for kindergarten schooling for dependents of Government employees overseas.

"The House bill contained no comparable provision.

"The House receded.

"INVOLVEMENT OF U.S. FORCES IN INDOCHINA

"The Senate amendment contained a provision prohibiting the use of funds to finance the further involvement of U.S. military forces in hostilities in Indochina or to provide assistance of any kind to North Vietnam unless authorized by law.

"The House bill contained no comparable provision concerning further involvement of U.S. military forces in hostilities.

"The House receded with an amendment to make the restriction on U.S. military involvement effective on August 15, 1973. The managers on the part of both in House and the Senate emphasize that in reaching this agreement they in no way condone or endorse any military action the President has taken, or may take, before August 15, 1973, in Indochina. The prohibition against assistance to North Vietnam will still be effective on the date of enactment of this legislation.

"LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

"The Senate amendment contained a provision prohibiting the use of funds under this act for publicity or propaganda purposes in connection with legislation pending before the Congress and for purposes of influencing the outcome of a political election. Similar provisions have been contained in the Department of State appropriations acts.

"The House amendment contained no comparable provision.

"The House receded.

"UNITED STATES MISSION ASSISTANCE TO MEMBERS OF CONGRESS AND STAFF

"The Senate amendment contained a section providing that Members of Congress and congressional employees traveling abroad on official business shall be given access to any part of the premises of the United States diplomatic mission if they have appropriate security clearance and, if possible, provided with office space in the mission. Further, such individuals shall be provided upon request with a copy of any communications with respect to them.

"The House bill did not contain a comparable provision.

"The Senate receded. It was the opinion of the committee of conference, however, that the Department of State should allow visiting Members of Congress and congressional investigatory personnel access to all parts of the premises of U.S. missions if they have adequate security clearances, appropriate working space if possible, and that Members and employees should be allowed to see any communications concerning them.

"FOREIGN SERVICE GRIEVANCES

"The Senate amendment contained a section providing details for the handling of grievances by Foreign Service personnel.

"The House bill had no provision on this subject.

"The Senate receded.

"HOUSING SUPPLEMENT IN NEW YORK

"The Senate amendment contained a provision authorizing the payment of a housing supplement for certain employees assigned to the United States Mission to the United Nations in New York.

"The House bill contained no comparable provision.

"The House receded with an amendment which puts a ceiling of 45 on the number of personnel assigned to the U.S. Mission to the United Nations who can be paid the supplemental allowance and authorizes a similar allowance for U.S. delegates and alternate delegates to the U.N. General Assembly who are not attached to the U.S. Mission.

"MUTUAL RESTRAINT ON MILITARY EXPENDITURES

"The Senate amendment contained a provision expressing the sense of the Congress on mutual restraint by the United States and the Soviet Union on expenditures for military purposes.

"The House bill contained no comparable provision.

"The House receded.

"EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

"The Senate amendment contained a provision modifying a provision of law relating to the expression of individual views by certain executive branch witnesses before congressional committees so as to include all officers and employees rather than only those officers appointed by the President and confirmed by the Senate.

"The House bill contained no comparable provision.

"The House receded."

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WILLIAM S. MAILLIARD,
VERNON W. THOMSON,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
FRANK CHURCH,
CLAIBORNE PELL,
GEORGE D. AIKEN,
CLIFFORD P. CASE,
J. K. JAVITS,
Managers on the Part of the Senate.

ARAB-ISRAELI CONFLICT

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, there can be no doubt in anyone's mind that the current fighting in the Middle East was deliberately begun by Syria and Egypt.

Those nations will never be satisfied until they have destroyed Israel. For them to say, or even to intimate, that they merely want to recover the territory they lost to Israel in 1967, is the worst of lies. They want to see Israel destroyed.

The fighting has been difficult, and will get even harder. Every loss that Israel suffers, in men or materiel, is felt much harder than a similar loss by either Egypt or Syria. Israel is so much smaller, so greatly outnumbered. It is only by dint of her superior military position that she has kept the Arabs at bay even this long. Her strength lies in her constant state of preparedness, in her highly motivated army, and in her air force. The strength of the Israeli air force can be the key to this conflict, the difference between Israel's survival and destruction.

Israel has already lost many Phantoms. The exact numbers are not known but we do know that Israel cannot afford to lose even one plane. That is why we must act as quickly as possible to pass this resolution, so that Israel will be able to continue fighting until Arab aggression is repulsed.

There are planes that Israel has already purchased, which are already her's except for actual delivery. There is now every reason to speed up the delivery of these aircraft.

Any argument about controlling the arms race in the Middle East is made ludicrous by events. All of this Nation's efforts in regulating arms sales and deliveries, in casting about seeking a way out of the deadlock, have been rendered meaningless, by the actions of Egypt and Syria. The United Nations Security Council has refused to deal with the problem, perhaps because that body realizes that the situation has finally gone beyond being a topic of gentlemen's debates.

Earlier Security Council actions did nothing to prevent this outbreak of war. All the Security Council has ever done is to condemn Israel for her efforts to protect herself from attacks by Palestinian terrorists and Arab armies. Another Security Council resolution proposing an impossible solution and calling on both sides to stop hostilities would be worth less than the paper it is printed on. We are indeed fortunate that the United Nations are so far not dealing with the fighting in the Middle East.

The only way that the problems of the Middle East can be resolved is for Israel to win this war unequivocally. For it is only in this way that Arab States, and their minions, the Palestinian terrorists, will learn that true peace is the product of negotiations and political settlements. It is not up to the United Nations, the United States, Russia or any other power to force a settlement on the Middle East. Such a settlement must come out of the Middle Eastern nations themselves. Otherwise it will never work.

And the only way we will see a permanent settlement is, in my opinion, if Israel has a decisive victory in this war. To do so, Israel needs all the support which can be mustered. The Jewish community around the world has already made pledges of millions of dollars. This Congress is not being asked to make any further pledges of support to Israel. The world already knows that Israel has no stronger friend than the United States of America. What we are being asked to do, and what we must do, is to speed up the delivery of jets which have already been sold to Israel.

We want to see the fighting end, but we should also want to see it end permanently. We cannot any longer endure a continued state of tension in the Middle East. I fervently pray that out of this fighting will come a lasting peace, which will be negotiated between Israel and her Arab neighbors. Because of Israel's precarious position and small size, she must never appear weak before her neighbors. Otherwise, it would mean her destruction. That is why Israel must win this war, and that is why we must show our support by passing this resolution immediately.

THE TAX AND LOAN ACCOUNT INTEREST ACT OF 1973

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I am today introducing a bill which would reform the system by which the Government banks a large portion of the taxpayers' money.

Mr. Speaker, at a time when the average citizen is no longer able to buy a home and when small businesses are closing their doors, all because of the unprecedented cost of borrowing money, it will come as a shock to many that the U.S. Treasury is allowing billions of dollars of Government funds to be held by commercial banks all over the country without earning 1 cent of interest for the taxpayers. Many persons will be equally shocked to learn that these same Government funds are providing the banks with the means of earning hundreds of millions of dollars a year of interest, not for the taxpayers, but for the banks.

Not many people know what happens to the social security and income taxes that are withheld from their paychecks or the money they pay to banks for savings bonds or Government securities. Little do they know that they go to commercial banks in the form of interest-free "tax and loan accounts." These funds are held by the banks, interest-free, until they are drawn by the U.S. Treasury to pay the bills of the United States.

The primary purpose of the tax and loan accounts is to minimize the effect of Treasury cash operations on the banking system and money markets, and hence the Nation's economy. They have performed this useful function ever since their creation in 1917. They also serve a secondary purpose of providing compensation to banks for various banking services they perform for the Government. However, the banks, particularly the big banks, have been over-compensated for their services, according to the GAO. The tax and loan accounts have become a Government subsidy to the banking industry at the expense of the American taxpayers.

Virtually all the Nation's commercial banks have tax and loan accounts, and in 1972 these accounts averaged about $5.7 billion. The greatest concentration of tax and loan account funds is in the big banks. According to a staff report of the House Subcommittee on Domestic Finance, the 50 largest banks in the country hold more than one-third of all tax and loan deposits. Eleven branches of foreign banks in the United States also hold substantial tax and loan accounts, amounting to $1.7 billion in 1972.

Although the money in the tax and loan accounts belongs to the U.S. Government, the banks are free to invest it as they choose and reap high rates of interest amounting to millions of dollars. By investing $5.7 billion in 3-month Treasury bills at an average annual interest rate of 6.5 percent, for example, the banking industry would have earned $373 million. At today's interest rates, hovering around 10 percent, it would have earned over half a billion dollars a year.

The actual cost to the banks of handling tax and loan accounts for the Government was recently estimated by the GAO to be about $25 million. The banks also perform other services for the Government for which no current cost data is available, although in 1963 they amounted to a cost of $109 million. These services include issuing savings bonds, paying savings bonds, purchasing Government securities, cashing Government checks, and reporting large or unusual currency transactions.

The value of these services to the Government is considerably less than the actual value of the tax and loan accounts to the banks, according to the GAO. Moreover, these services benefit not only the Government but the banks and their customers as well. Indeed, many banks charge their customers for the same services that the interest-free use of the tax and loan accounts supposedly compensate them for. Some banks will not cash Government checks unless the holder has an account at the bank.

Many of the banking services performed for the Government enable banks to attract additional customers by advertising themselves as "full-service" banks. The extra expense of performing such services for the Government is partially offset by the added income the banks receive from new accounts. Certainly the expense of handling savings bonds purchases on payroll deductions for corporations is more than offset by the income a bank receives for handling such payroll accounting.

Banks also profit from the purchase of Government securities for their customers. Presently, they are allowed to credit certain securities purchases to the Government's tax and loan accounts. This means that even though they are paying the Government for a purchase of securities, the money stays in their vaults and they are free to invest it until the Government withdraws it, usually not for an average of 12 days. The banks do save the Government millions of dollars by underwriting the purchase of securities. But the value of the additional funds in the tax and loan accounts which the banks are free to invest is greater than the benefit to the Government.

In addition to giving the banks the luxury of the interest-free use of the taxpayers' money in return for services rendered the U.S. Treasury is paying some banks additional compensation for operating branch banks at military installations. In 1970, commercial banks were paid nearly $4 million for operating banking facilities at 222 installations in the U.S. and abroad. Chase Manhattan was paid more than $1 million for operating branch banks on military installations overseas in addition to having the interest-free use of the largest tax and loan account balance of any bank in the United States.

The tax and loan accounts might have some justification if the banks were required to participate in lending programs which benefited a majority of the American people. Such is not the case, however. Many prospective home-buyers are having difficulties in finding a bank which will give them a mortgage, even at today's high interest rates. Several students in my district have told me that they are having trouble finding a bank that will give a loan for their education, even if it is guaranteed by the Federal Government.

Small businesses are having difficulties in securing loans from commercial banks as well. In February, 1972, the 50 largest banks in the country held an average tax and loan balance of more than $2 billion. But in that same month, these banks had only 3,306 loans outstanding in conjunction with the Small Business Administration, which represents eight million small businesses throughout the country. These loans, totaling about $150 million, were 90 percent guaranteed by the SBA, virtually eliminating any risk to the banks, and the banks were free to charge whatever interest rates they wanted. Some charged as high as 11 percent.

This is an absurd situation. Commercial banks are collecting the tax money of the American people, investing it and reaping high rates of return, and lending it back to the American people at record-breaking interest rates.

The State of Maryland presently has a similar system of compensating banks for services they perform for the State government by giving them the interest-free use of certain State funds. However, the State has decided to reform its depositary system after discovering that the banks were billing the State anywhere from 1½ cents to 11 cents for cashing a check and being compensated up to 50 percent more than the actual cost of their services. Beginning next July, the State will pay the banks directly for their services, based on a standardized cost schedule, and invest the remaining State funds in interest-bearing accounts.

The bill I am introducing today would make similar changes in the Federal depositary system. My bill, the Tax and Loan Account Interest Act of 1973, would require banks to pay interest on tax and loan accounts at the Federal funds interest rate. The Federal funds interest rate is a fair standard of interest which fluctuates daily according to changes in the money supply. It is the interest rate which financial institutions pay each other for borrowing money overnight in order to meet reserve requirements. As of September 27, this interest rate was 10⅜ percent. Even when paying this interest on the tax and loan accounts, the banks would still be free to invest the taxpayers' funds at even higher rates of return.

Enactment of the Tax and Loan Account Interest Act would necessitate the paying of a reasonable fee to commercial banks for the various important services they provide for the Government. Such a fee should be based on a standardized cost schedule founded on a rational and periodical assessment of what the actual benefit to the Government of certain banking services is. Some distinction needs to be made between the extent to which bank services benefit the Government and the extent to which they benefit the banks and their customers.

The U.S. Treasury has not kept close track of what it is being billed for by the banks in recent years. The most recent cost analysis of expenses incurred by banks for performing services for the Government was done in 1964. The figures the Treasury used then were supplied solely by the banks themselves, and did not distinguish between the benefit of services to the Government on the one hand, and to the banks and their clients on the other.

The Treasury Department is presently conducting a study of the services for which the Government is compensating the banks, and it is expected to be completed later this fall. I am hopeful that the study will recommend that a more rational system of compensation for banks be established and that banks be paid directly for services they perform for the Government. Certainly it is time that we have some more up-to-date figures on what the Government is being billed for and a comprehensive reevaluation of what the Government should be billed for.

It is also time, in my opinion, that the U.S. Government became a little more businesslike—or, if you will, bankerlike—in the arrangements it makes for the handling of the taxpayers' money. It is really incredible that the U.S. Treasury, which is paying astronomical amounts of interest on money borrowed from the banks and others, would allow up to half a billion dollars of potential revenue to be lost because of the mere supposition that it is receiving a compensating value in services rendered by the banks. It would be better for the Government to pay the banks for the fair value of such services even if such payments were comparable to the interest earned on tax and loan accounts. At least, the Government would then know what each of those services was costing and could make a proper accounting of the complete costs of the various programs involved. Only in this way can the Government determine whether the cost of having the banks perform such services is justifiable or whether some other method is preferable.

The GAO has been advocating that the Government collect interest on tax and loan accounts for the past 20 years. The House and Senate Committee which deal with banking affairs have held hearings on the subject in the past, but with no concrete results. The chairman of the Senate Subcommittee on Financial Institutions, Senator McIntyre, has called for additional hearings, and I am hopeful that the House Banking and Currency Committee will also renew its consideration of this matter.

With all due deference to the respective committees with jurisdiction over the banking affairs of the country, I am today introducing the Tax and Loan Account Interest Act with the hope of drawing attention to the need for reforming the present tax and loan account system and gathering support for new hearings on this problem. The following Members join me in this endeavor: Mr. Brown of California, Mrs. Burke of California, Mrs. Collins, Mr. Edwards of California, Mr. Fraser, Mr. Helstoski, Mr. Koch, Mr. Lehman, Mr. Moakley, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, and Mr. Thompson of New Jersey.

AFFIRM U.S. SUPPORT FOR ISRAEL

(Mr. LEHMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEHMAN. Mr. Speaker, on the holiest day of the year for the Jewish people, Yom Kippur—the Day of Judgment, Arab armies from Egypt and Syria crossed the cease-fire lines to begin a new war against Israel.

This war will cause needless death for the Jews in Israel who sought only to live in peace. Death will also come to countless Arab soldiers who should have remained at home to build their own nations as Israel has done, rather than embark on hopeless military adventures.

There is no question that this was a premeditated act of aggression comparable to our own experience at Pearl Harbor. The parallel is even more clearly drawn when we remember that just last week the Arab States were meeting with Secretary Kissinger at the United Nations where they professed their wish for peace while the orders had already been given to prepare for war.

In response to the Arab attack, I urge my fellow Congressmen to join me in insisting that the U.S. Government immediately release to Israel all aircraft, tanks, and other military equipment which have been contracted for but not yet delivered—to balance the enormous amount of aircraft and other equipment which the Soviet Union has supplied to their allies, Syria and Egypt.

A number of my colleagues agree that the United States should seek to affirm American support for Israel at this crucial time. We are today introducing a resolution which calls for the immediate delivery of all U.S. aircraft and other equipment which Israel is scheduled to purchase from the United States under the current United States-Israeli agreement and to loan Israel U.S. aircraft and other equipment if the new planes and equipment are not yet constructed.

The history of the Middle East details the Arabs' use of the Sinai Desert and the Golan Heights to attack Israel.

In 1948 the Egyptian army moved from the Suez Canal, through the Gaza Strip, and into Israel as far as Ashdod. Another Egyptian column moved out of the Sinai Desert, through Beersheva, to the suburbs of Jerusalem. The Syrians attacked from the Golan Heights toward Mishmar Hayarden and Deganya. At a cost of 60,000 casualties, the State of Israel was born as a refuge for the Jewish people.

In the 1950's, the Egyptians organized units of saboteur-infiltrators to attack and kill civilians throughout southern Israel. Syrian-sponsored gangs did the same in the North. These infiltrators caused hundreds of civilian casualties. In addition, the sole southern Israeli port at Eilat was blocked by Egyptian gun batteries at Sharm el-Sheikh, overlooking the narrow Strait of Tiran.

To end the mounting Egyptian raids and to open up the port of Eilat, the Israeli's took control of the Sinai desert in 1956.

Only after solemn U.N. and U.S. guarantees of free Israeli navigation through the Strait of Tiran did Israel agree to withdraw from Sinai.

But in 1967 these solemn guarantees proved worthless. When Nassar massed his forces at the Israeli border 40 miles from Tel Aviv, ordered the U.N. Emergency Force out of the Middle East, and again closed the Strait of Tiran, no outside government or organization moved to affirm the previous pledges. Israel had to defend herself alone.

Throughout the mid-1960's, the Syrian border was in constant danger. Israeli settlements in the Hulah Valley and near the Sea of Galilee were repeatedly shelled by Syrian guns situated along the Golan mountain range. You may remember the news photos of armored Israeli tractors plowing the fields and young children growing up in underground shelters.

In the 1967 war hundreds of Israeli soldiers gave their lives to defend their land. When the fighting had ended, Israel controlled the Golan Heights and the Sinai Desert. Never again would the northern valley settlements be shelled or the southern port blockaded.

This history of Israel illustrates why Israel cannot give up these lands without coming to an understanding with her neighbors. If Israel were to give up these lands first, the shelling and the blockade and the saboteurs would surely come again—since the Arabs still refuse to accept Israel's right to exist.

If, as some would believe, the Arabs do accept Israel's right to exist, then let them recognize Israel. Let them sit down with Israel and negotiate their differences and have the normal relations of neighbors. The Arabs' refusal to recognize Israel means that they continue to believe in Israel's destruction.

A new generation of Arabs will someday emerge who will end the cycle of bloodshed and seek normal relations with Israel. Only then can Israel consider withdrawing from occupied territory.

In her defense against Arab attacks, Israel neither wants nor requires the assistance of American combat troops. Neither does Israel wish the help of the American Navy or Air Force. Israel does not even seek gifts of American military aid. Israel asks only for the right to purchase planes and other equipment that she cannot yet produce herself. The United States sells military equipment to dozens of countries throughout the world and Israel asks only to be numbered among them.

The United States has already agreed to sell Israel additional jet aircraft. While details of the agreement are secret, plane deliveries have been occurring monthly and were scheduled to continue into 1976. There are three reasons why the United States should immediately deliver the remaining planes which have been promised. First, there is the obvious need to replace those aircraft lost in the war. Second, there is the need to maintain the balance of power in the area by matching the Arab aircraft being replaced by the Soviet Union. Third, this action would show that the Congress and the American people support Israel's right to survival.

As a home for the persecuted and as a free democracy, America and Israel have much in common. Let us therefore proudly affirm our support for a nation and a people who are bravely fighting to defend their very existence.

The resolution follows:

H. CON. RES. 335

Expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel

Resolved by the House of Representatives (the Senate concurring), That all aircraft and other equipment constructed for delivery to Israel pursuant to any agreement between the United States and Israel as of the date of the adoption of this resolution shall be immediately delivered to Israel. As soon as possible after the date of the adoption of this resolution, if all of the aircraft and other equipment provided for in any such agreement have not been delivered to Israel pursuant to such agreement or pursuant to the first sentence of this resolution, the United States Government shall deliver to Israel on loan the number of aircraft (of that type) and all other equipment which is so provided for but has not been so delivered.

TRANSPORTATION AND DELIVERY OF MAIL

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, I wish to take this opportunity today to announce my intention to offer an amendment to H.R. 9681, the Emergency Petroleum Allocation Act of 1973, when it comes to the floor.

Presently, section 4(b)(1)(A) reads:

> Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority).

My amendment is very brief and simple. It would insert following the word including—

> The transportation and delivery of mail by the United States Postal Service and including.

My purpose is to make clear in the language of the bill that the transportation and/or delivery of mail is a priority item for allocation of fuel. I would point out to my colleagues that the Interstate and Foreign Commerce Committee report, 93–531, does express on page 18 the intent of the committee to include mail transport and delivery in the category of public services.

May I only add that I am taking this action in light of the current financial difficulties of the U.S. Postal Service. The Post Office can ill-afford to be lacking of fuel for the transport and/or delivery of our mail.

My amendment, on page 12, line 6, reads as follows:

> The transportation and delivery of mail by the United States Postal Service and including before "facilities".

CLEAN PUBLIC WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN), is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, every Member of Congress has a stake in H.R. 10203. I urge my colleagues to support that portion of this measure which covers lines 8 through 23 on page 61 of the measure reported by the Committee on Public Works.

If you drink and use water in the metropolitan area, you have a vital interest in this legislation. All of us in suburban Maryland depend on the supply of clean public water brought to us by the Washington Suburban Sanitary Commission from its Potomac River source.

Our colleagues in the House and the families who live in the Washington metropolitan area—whether it be in Maryland, Virginia, or the District of Columbia, they need and use water from the Potomac River to sustain their existence. All of us have had ample warning over several decades—from the Corps of Engineers, from the Washington Suburban Sanitary Commission, and from other water supply agencies and regional authorities to the effect that the Potomac River must be harnessed to avoid a water supply catastrophe.

The Washington metropolitan area almost experienced a water supply disaster in 1966, when drought conditions reduced the flow of the Potomac River on 1 day to a volume which was exceeded by public water withdrawals on another day. If the two conditions had occurred on the same date, there would have been air—not water—sputtering from the faucets of our homes and offices, the White House, all our agencies, the embassies, schools, hospitals—all would have been without water. The intakes for public water supply along the Potomac River would have been sucking dust, and millions of people would have been without water.

An underlying threat in this situation also is the probability of the loss of fire protection capability. A diminishing water supply means fire hydrants run dry when spigots run dry. What would happen to Washington, if it were visited by fire at a time when the public water system is short of supply? It would be a disaster.

Some might be inclined to say, "This is a local problem, which must be worked out with local money by the local agencies responsible for developing and producing a potable water supply for their service areas." The fact of the matter is, the Corps of Engineers and the local jurisdictions were well on their way toward solving this problem in 1963, when the President of the United States—supported by Members of Congress—abruptly preempted local interests by establishing a Federal Interdepartmental Task Force to erect a grand plan for the Potomac River. This was to be a plan that would provide a solution to control of the Potomac River for reliable water supply and also address other needs—recreation, pollution control, flood control, sediment control—in the Potomac Basin.

When the Federal Government stepped into the act, the involved operating agencies—organizations such as the Washington Suburban Sanitary Commission in suburban Maryland, the Washington Aqueduct-Corps of Engineers in the District of Columbia, and other public water purveyors—had reason to expect prompt decisions and helpful action by the executive and legislative branches of the Federal Government.

My own State of Maryland promptly stepped into line to pledge payment of its full share of allocated costs for the provision of reservoir capacity in the Potomac Basin. The WSSC, my household's supplier of public water, relied on the Federal Government to make good on its promise of progress on a plan to meet water needs in its service area. This WSSC service area includes about 1.2 million people in a 1,000-square-mile, bicounty community.

Regretfully, the Federal Establishment has failed to make good on its promises. Since 1966, there has been constant indecision and inaction with the ordering of study after study—with the burden generally borne by the Corps of Engineers.

Literally, the Washington metropolitan area lives in the shadow of disaster. We face the same threat of a "water crisis" that visited this community in 1966. The only difference between today's situation and our supply status in 1966 is that we are playing "water roulette" with a few hundred thousands more people that were occupying the "Metro" area 7 years ago. For these reasons, I am very pleased to see a beginning step in the development of two Potomac tributary reservoirs—one at Verona and one at Sixes Bridge—included in H.R. 10203. The Corps of Engineers estimates that it takes about 10 to 15 years to bring reservoir projects to "inservice" status—from the cradle of the planning stage to full maturity, but at least with this legislation we will be at a starting point.

Assuming this current measure does pass and timely legislation is approved in the future to bring these facilities online within 10 years, we still are faced with a decade of waiting and hoping that a drought such as the one we experienced in the 1960's will not visit us in the 1970's or early 1980's.

This period of waiting and hoping will be an uncomfortable experience for all of us—and it should weight heavily on the consciences of those who have had a part in delaying the provision of reserve water on the presently reservoirless Potomac River source.

H.R. 10203 also contains a provision for a Potomac estuary study and pilot program—to cost some $6 million—for the purpose of determining the feasibility of using water from this downstream source as a "pumpback" supply for the Washington metropolitan area. I have no quarrel with this innovative approach, but I would hasten to point out that constant cycling of estuary water through the water supply system, through sewage treatment facilities, through the estuary and back to the water supply system promises a probable buildup of natural components—minerals, chemicals, perhaps, even bacteria and viruses—to a point where dilution from reserve, fresh water will be essential.

Even if the estuary proposal does prove feasible—and I personally hope that it does—the Washington metropolitan area still will need the minimum reservoir program proposed by the Corps of Engineers to provide a supplement of fresh water and to maintain a more normal Potomac River flow during drought periods. I see no wisdom in providing a nominal amount—the proposed $1.4 million—to give us a planning and design start on the Verona and Sixes Bridge projects unless the Congress is prepared to carry this minimum program to timely fruition.

In short, this community needs the two proposed dams as soon as possible and it needs other solutions—such as the estuary program—to meet its short- and long-range water supply needs.

My own State of Maryland, which, by the way, "owns" the Potomac River, will be the first to lose out if something is not done to harness this exceptional community resource. For the benefit of all who may not be aware of the full history of this situation, I would like to recite some facts, which will illustrate the unfair position into which the Washington Suburban Sanitary Commission has been jockeyed.

In the 1920's, the Corps of Engineers began its first studies of the Potomac River. These investigations progressed to a point in 1946 when Congress received House Document 622. This was a Corps report recommending the development of 14 Potomac River reservoirs, to be built over a 20-year period. The initial project was to have been a major dam at Riverbend across the mainstream of the Potomac. Subsequent to this initial report, from 1950 forward, various congressional resolutions recommended reviews and updates of the plans. However, the Riverbend proposal was under constant consideration during this period.

When the Washington Suburban Sanitary Commission planned and built its Potomac River filtration plant, which opened in 1961, it had every reason to believe the Riverbend project was still alive and well; and the agency did what any prudent water supply utility would have done. It designed its raw water intake facilities on the river to anticipate the water levels that would prevail after construction of the reservoir facility downstream at Riverbend.

So, what happened? There was more Federal shifting, sifting and delays. In 1963, the Corps of Engineers came up with a new Potomac basin report, recommending the construction of 16 major dams, nine of which were to be completed by 1977. There was still a proposed mainstream dam, but the proposed site was moved from Riverbend upstream to the vicinity of the confluence of Seneca Creek and the Potomac River.

Overnight, the sound investment made by the WSSC in intake facilities to accommodate the previously proposed Riverbend impoundment became a poor investment. Subsequent Corps of Engineers and Federal Task Force proposals have done nothing to restore the full usability of these facilities, and the WSSC has been faced with the problem of modifying and adapting its intake structures to make the best of the "new ballgame" which makes the Commission dependent on the natural flow of the river as it passes Maryland's raw water pickup point.

Since 1967, the WSSC has attempted to obtain Federal permission—through the Corps of Engineers, the Congress, and other involved agencies—to construct a low-level diversion weir across half of the Potomac River at Watkins Island in order to channel sufficient amounts of water to its intake facilities under normal late summer flow conditions. Despite these efforts, including meeting every known Federal requirement including the preparation and submission of detailed information on environmental impact, the WSSC has been frustrated in its attempts to protect the basic water supply interests of its suburban Maryland customers at the point of intake.

As a result, almost every year and as recently as August 1973, when dry weather flows bring a drop in river flows and customer water needs are on the rise, the WSSC loses some of its intake capability. Consequently, WSSC has had to reduce the amount of water which can be pumped to its Potomac plant for processing and delivery to customers in the suburban Maryland community. It was touch-and-go during the late summer of 1973, and it will be touch-and-go in the future until the Washington Suburban Sanitary Commission has the necessary clearances from the Federal Government to do what must be done.

The weir-intake problem is not related to H.R. 10203, but it is a situation for which the Federal Government should take some responsibility. The WSSC acted in good faith when it designed its intake facilities for compatibility with the Riverbend Dam proposal; but, once it realized the signals had been changed, it stood ready to change this design and spend local money to adjust. And, yet, it has been stymied for years waiting for Federal clearances.

During the 1960's and continuing into the 1970's, the Federal Government has been fumbling the ball which it enthusiastically accepted in the 1963 handoff to the Federal Task Force. Only a "token" project—the Bloomington Reservoir—

has been approved and is slowly moving toward development as the first major Potomac Basin impoundment. I call it a token project as far as water supply is concerned, because it is calculated that water discharge from this facility to augment drought flows in the Potomac River would normally take 22 days to move downstream to increase flows available for intake by water suppliers in the Washington metropolitan area. And, with the present intake design problems in suburban Maryland I have previously outlined, there is no guarantee the WSSC could make full and proper use of this augmented flow when it does arrive.

The proposed Verona Dam, which is covered in H.R. 10203 which the House will soon be considering, is some 24 flow days away from the "Metro" area intakes; so, although it will be a help, it presents some of the same "travel-time" problems posed by the Bloomington project.

On the other hand, the Sixes Bridge proposal—also covered in H.R. 10203—is only 7 flow days from the area's intakes and holds promise of providing faster relief from dry weather flows in time of need.

Speaking of need, I would be remiss if I did not call the House's attention to the fact that in recent years, withdrawals from the Potomac River have exceeded the low river flow of record—388 million gallons per day which occurred on September 10, 1966—on at least 19 occasions since 1966.

Here are the flow records which provide us with this alarming picture of actual withdrawals exceeding the 388 million gallons per day low flow: Year 1966, 1 day, June 26, 381 million gallons per day; year 1969, 2 days—June 29, 387 million gallons per day, and July 3, 388 million gallons per day; year 1971, 3 days—June 15, 16, 17 at 402 million gallons per day, 387 and 393 million gallons per day, respectively; year 1972, 5 days, July 21, 22, 23, 24, 26 at 381, 398, 399, 387, and 381 million gallons per day, respectively; and year 1973, 8 days thus far—June 12, August 9, 10, 12, 13, 29, 30, at 406, 419, 396, 385, 387, 396, 395, and 398 million gallons per day, respectively.

This is a picture which shows the increasing demand on a water supply source which has not been modified in any significant way to accommodate the requirements of millions of people in this dynamic National Capital region.

According to a recent and authoritative study of the situation by consultants Black and Veatch, the average daily Potomac River water supply needs of the metropolitan area will reach 364 million gallons per day by 1980, and this translates into a probable peak demand in periods of high customer use, usually in hot, dry weather periods, of 770 million gallons per day. Thus, if the recorded low flow should occur again in 1980 when a peak demand hits, the deficit would be an astounding and disastrous 382 million gallons per day.

There has been a great deal of criticism of the WSSC, as well as the District of Columbia and other involved jurisdictions, for the sewage-handling predicament we face in the Washington metropolitan area. However, we should remember that just a few years ago the Federal Government put a ceiling on the ultimate capacity of the regional Blue Plains plant, which Maryland had been led to believe would be the facility to handle its sewage for the foreseeable future. At the same time, the Federal Government laid on new, revolutionary requirements for the addition of advanced tertiary treatment on all plants along the Potomac River in this region.

In effect, these requirements put pollution control agencies—such as the WSSC—in a terrible bind. They could not really forewarn their constituents that they would have a problem, because they could not anticipate the revolution in sewage-handling. They now are saddled with the time-consuming and costly task of solving the pollution control problem in accordance with Federal directives.

On the other hand, the WSSC and other agencies involved in the water supply problem have been able to anticipate their needs and have repeatedly acquainted the Federal Government and the public with information on what needs to be done to assure the maintenance of a reliable water supply for this National Capital area community. The sewer problem was certainly not all Maryland's or the District of Columbia's fault and the impending crisis situation in Potomac River water supply is definitely not the WSSC's or any other area water supplier's fault.

In fact, Mother Nature gave the Federal Government and the public fair warning in 1966 when she brought a severe drought to this region. For a few months, while the memory of near-disaster lingered in public and political minds, there was interest in moving forward with the reservoir program proposed by the Corps of Engineers and generally endorsed by every major water supplier in the National Capital area. After 1966, timely rains and resultant replenishment of river flows, lulled us into a false sense of security and apparently encouraged procrastination and second thoughts about plans for a Potomac reservoir system. Prompt approval of H.R. 10203 will get us back on course.

While awaiting Federal action, local jurisdictions have been studying ways they can help alleviate the problem through their own initiatives. The WSSC, for example, developed studies of possible alternatives, but the alternatives would be much more expensive in terms of dollar costs and disruption of established community life than the proposed Potomac Basin plan.

Early this year, the major water suppliers in this region—the WSSC, Fairfax County, Va., and the District of Columbia—retained a consultant to review all alternatives to their jurisdiction for cooperative programs designed to increase the reliability of their systems. One means of self-help, investigated by the consultant, was interconnection of the three systems to permit an interchange of supply. Such a program, estimated to cost more than $50 million, probably would be worthwhile from the standpoint of providing mutual assistance in the event of a plant breakdown or some other similar problem. However, it would not be a solution to the regional "water crisis," simply because none of the existing systems has enough reserve water to bail out neighboring jurisdictions when source water diminishes in a period of dry weather.

Through this study, the WSSC, the District, and Fairfax are updating their facts and making a thorough analysis of things they might do to help themselves. But, the basic conclusion must be that, regardless of what programs might be worked out as alternatives or supplements to the Corps of Engineers-Federal program, the corps plan still offers the least costly—in terms of dollars and human disruption—and most effective approach to the water supply problems in the National Capital area.

More than a year ago, the Washington Star published a series of articles which thoroughly described the history and lack of progress toward solution of this community's water supply crisis. It presented a picture of an approaching "Doom's Day," then spigots would run dry and millions of people would experience a thirst that could not be quenched. The reporter who wrote this series won a national award for his attempt to alert and alarm the people of the Washington area. As had happened during the drought of 1966, some citizens and public officials did open their eyes and urge solution of the recited problem. But, the new alertness was not sustained. Water continued to come from the region's spigots, and very little happened.

Now, Mr. Speaker, we have an opportunity and an obligation to face the problem. We cannot allow ourselves to be caught short of water if there is any available opportunity to avoid the crisis and foster progress on a solution to a problem which vitally affects the lives of us personally as well as the lives of our friends and neighbors in suburban Maryland, the District of Columbia, and suburban Virginia. We do not intend to let the Nation's Capital disappear in flames, because water is not available to fight fires.

As a partial atonement for inaction, I view H.R. 10203 as a sign of positive action on the part of Congress. This is an important beginning step toward our living up to the Federal commitment to bring some measure of needed relief. At this very moment, public officials in Maryland, Virginia, and the District of Columbia are working hard on a cooperative and essential plan for allocation of available flows in the Potomac River; and the success of this allocation procedure, no doubt, will hinge on the timely implementation of a reservoir program that will provide enough water to go around for all the people of the area. It is not really feasible to allocate a supply which, at times, may not exist.

If the Congress does not move now to solve this problem, we will deserve the full brunt of blame for a Washington metropolitan area without water if drought conditions produce low natural flows in the reservoirless Potomac River.

I would hope the spigots of this Capitol Building, the White House, and hundreds of thousands of homes and businesses will not have to run dry before the Federal Government gives the area's water suppliers the help they need. We must take this positive step in anticipation of crisis, rather than waiting for the crisis to actually occur.

TRIBUTE TO HONORABLE WILLIAM B. SAXBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I was very sorry to learn that my distinguished colleague and good friend, Senator WILLIAM B. SAXBE, today announced that he will not be a candidate for reelection in 1974.

As the incisive minority leader in the other body, HUGH SCOTT, put it in a comment to a reporter immediately afterwards: "What the Senate needs is more BILL SAXBES, not fewer." I concur entirely with HUGH SCOTT's assessment and wish that the gentleman from Mechanicsburg had decided to give the Buckeye State and the Nation 6 more years of dedicated service. For reasons of his own which he declined to identify this morning, BILL told the reporters that he plans to return to the law and farming in Ohio.

In his one term in the Congress, BILL SAXBE has earned the respect and admiration of colleagues and the public for his candor, humor, and high intelligence. His style has been his hallmark—blunt and to the point—and oriented to the facts of the issue at hand. BILL has been a credit to the State in his pragmatic approach to the problems confronting the Congress and country. To say that he will be missed is an understatement.

I would be remiss, Mr. Speaker, if I did not make mention also of the excellent staff he assembled, an energetic, imaginative group of young people who gave him unstinting devotion in discharging his responsibilities. Because of the frequency of contact between our offices, I came to know many of these staff members personally. Bill Hoiles, administrative assistant, did a superb job in becoming quickly acclimated to the environment of the Senate and did a commendable job in overseeing the functioning of the office and staff. Legislative Assistant Vince Rakestraw has demonstrated consistently his excellent grasp of the legislative process, particularly as it functions in the other body. Mike Gertner, also a legislative assistant, is a bright young man who brought imagination and diligence to his assignments. Special Assistant Duke Portmann functioned in a variety of undertakings with dispatch and thoroughness in behalf of BILL SAXBE. These and the many other good people who comprise the staff of the Senior Senator have served with distinction to the credit of BILL SAXBE.

I wish BILL SAXBE well and respect his decision. I only wish that he had gone the other way and I am sure that this view is shared by the majority of Ohio's citizens.

ON THE VICE PRESIDENT AND CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN), is recognized for 5 minutes.

Mr. TREEN. Mr. Speaker, those who saw reports of Mr. AGNEW's speech in California recently got a good idea of the warm response he elicits from his audience. It was impressive even considering the partisanship of that particular group.

One must ask if there is not a message in his popularity. One must ask if there is not a message in his own reaction and performance. But above all, one must ask if the American system of justice is well served by letting the Vice President be tried in the press before he is indicted or tried by judge and jury. In the harsh light of this vast pretrial publicity, can he now obtain a fair trial in any court in the land?

I do not suggest for a moment that he be shielded from process by virtue of these developments, but I do suggest that we owe it to our constituents, and no less to ourselves, to expedite the resolution of this matter.

We are not dealing with the guilt or innocence of a single man, we are dealing with the vitality of the American system: faith, faith in people, faith in ourselves. Faith rests on our ability to discover and broadcast truth. Faith is shaken not by reality but by rumor—especially in these troubled times.

Expeditious process, either judicial or congressional, is the only way to expose the truth. There are thorny constitutional questions that would have to be resolved before any trial of charges against the Vice President can be made. Moreover, given the normal length of trials and appeals, the final resolution would be years off.

The U.S. House of Representatives has an opportunity to act with dispatch and provide an immediate focus on the truth. It has the opportunity to strengthen the country's faith in its government. It is not the crisis by which we are measured, it is by our response.

We must launch an investigation of the Vice President as he has requested. We must do this—not for him but for America. I hope there is not a person in this House whose partisanship transcends his loyalty to the foundations of good government. I know there is not a Member who is not well served by public faith in representative government.

We must act, and act now.

TOWARD RESOLVING THE MIDDLE EAST CRISIS AND U.S. ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the renewal of armed hostilities within the Middle East is deplorable.

We should view this new belligerence by Arab States with the utmost concern. It perils world aspirations for a lasting peace. It perpetuates the hostile attitudes characterizing the leadership of some of these peoples. It threatens once again the survival of Israel. It jeopardizes the lives of thousands of civilians, both Arab and Jew. It wastes the lives of men in uniform. And it raises at least the possibility of expansion into a global scope.

Reason has given way to emotion once again in man's history.

While its performance has been less than satisfactory in previous conflicts, particularly as they have related to this issue, if there were ever a point in time for the United Nations to exert its influence as a maker of peace, as it is charged by its own charter, then that time is now. Endless debate will produce endless indecision, or—at best—inadequate decision. Hostilities should cease, and a realistic mechanism for the resolution of the underlying causes of these hostilities must be instituted and enforced. Considering the attitude of a majority of the nations which now comprise the General Assembly, I question that body's ability or will to bring about such a cessation of hostilities or of devising such an unbiased mechanism and adhering to its products.

Such an appraisal can lead one to no other conclusion but that the United States must rapidly accelerate its attention to the full development of oil supplies other than those now held, as if for ransom, by some of the Arab nations. This Nation and our allies can no longer rely on the Arabs for oil. To do so is to continue to subject ourselves to international and economic blackmail by them.

This is no hypothesis; it is demonstrable fact. The news broadcasts of this hour speak of the increase of wellhead raw oil costs by the Arab oil-producing States, an increase done obviously to give these nations added leverage on the United States to effectuate a settlement to the present crisis which is more to the liking of the Arab States.

The United States should move immediately to a full inventory of the available fossil fuel supplies, with primary concentration on raw petroleum. Exploration of suspected untapped oil fields should commence. The vast Alaskan North Slope resources must be tapped and moved to areas of use. Technology for oil shale processing must be refined further. I believe we can have both adequate energy and adequate environmental protection at the same time, but we must move forward in these two areas now. To do otherwise is to invite continued abuse at the hands of belligerent Arab nations. To do otherwise is to jeopardize our commitment to Israel.

Mr. Speaker, I have introduced today a resolution of a bipartisan nature, that declares it to be the sense of the House of Representatives that a cease-fire based on the previous positions occupied would best lead to the type of negotiations in which stability can return to the Middle East. At this point I include the resolution:

Resolved, That it is the sense of the House that we deplore the outbreak of the tragic hostilities in the Middle East and that we support the use of the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and, further, that the House expresses its hope for a more stable condition leading to peace in that region.

ADDRESS BY STANLEY NEHMER ON TRADE NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, a few days ago, I sent to each of the members of the Ways and Means Committee a copy of a speech made by Stanley Nehmer, former Deputy Assistant Secretary of Commerce and Director, Bureau of Resources and Trade Assistance. Mr. Nehmer directs our attention to some very valid points about the current trade bill. Since this bill will soon be before this body, I should like to submit Mr. Nehmer's speech for consideration:

THE TRADE BILL AND THE TRADE NEGOTIATIONS: A STATUS REPORT

(Remarks of Stanley Nehmer)

Fifty years of service in promoting American exports is an enviable record which few organizations can match. I add my congratulations to the many which the Overseas Automobile Club and its members have received during this Golden Anniversary Year. I was still in the Executive Branch when Secretary of Commerce Dent extended congratulations to you on behalf of President Nixon.

Our discussion today is very timely. In Washington, the Ways and Means Committee of the House of Representatives is wrestling with the Administration's trade bill, referred to as the Trade Reform Act of 1973. In Tokyo, a three-day Ministerial Meeting of the General Agreement on Tariffs and Trade (GATT) is underway to launch new multilateral trade ngeotiations. The two events are inextricably linked, for trade legislation is necessary to provide the authority for the U.S. to participate in the trade negotiations. Without the participation of the U.S., there will be no negotiations.

My remarks today will attempt to give you a status report on the trade bill and on the trade negotiations.

I

The Ways and Means Committee has been seized with the Administration's trade bill since it began public hearings on May 9, 1973. Fifteen volumes of testimony were heard from 18 Administration witnesses and 342 public witnesses including spokesmen for 62 industries from aluminium to zinc.

Since public hearings were concluded on June 15, the Ways and Means Committee has been engaged in the "markup" of the bill. Original predictions that the bill would be voted on by the House of Representatives before it took its month-long summer recess on August 3, gave way to predictions that it would at least be reported out of Committee by the August 3 recess. That target also proved to be unattainable. The latest predictions by the Committee are that it will complete its work on the bill by the end of September and the House will act on the bill some time in October.

It may be that the Committee will meet its latest target. If so, the odds are that the trade bill will be scaled down from the bill proposed by the Administration. Realistically, however, I would not predict final Congressional passage of the trade bill in 1973.

What has happened to make the progress of the trade bill so much slower than expected, or, at least, predicted?

The most widely-heard view in Washington is that the illness, and resulting frequent absence, of the distinguished Chairman of the Ways and Means Committee, Wilbur Mills, has left the Committee without effective leadership. I believe that this is only part of the reason. A much more fundamental reason lies in the fact that there does not appear to exist a sufficiently strong body of opinion that feels that a trade bill is necessary or urgent while at the same time varying degrees of opposition to the trade bill as proposed by the Administration exist.

II

A large part of the attitude of the American businessman today is summed up in a far-reaching article by Charles Bluhdorn, Chairman of Gulf and Western Industries, in the September 1 issue of *Business Week*. Bluhdorn's article is entitled "A Case for American Nationalism". His thesis is that "in these times of international crisis, the U.S. must first and foremost look out for its own interests." He is sharply critical of Americans for being "spendthrifts at home as well as philanthropists abroad," and of the Nixon Administration for its 1973 economic stabilization programs and its second dollar devaluation which, he says, made wheat cheaper for the Russians and oil more expensive for the U.S. Ultimately, he feels, "the answer to all our present problems is that we must find ways to restore faltering confidence in our economic system, in our government, in our leadership."

It is against this kind of attitude, which my conversations with businessmen indicate is not unique wth Mr. Bluhdorn, that the trade bill is finding tough going.

Let us look at some specifics.

The Administration's trade bill is designed to provide new authority to the Executive Branch to undertake a new round of trade negotiations. The last such negotiations in the Kennedy Round saw U.S. tariff duties reduced an average of 35%.

But many feel, correctly or not, that the U.S. did not receive reciprocity in the Kennedy Round, that tariff concessions granted to the U.S. have been negated by other countries' nontariff barriers, and that the tariff reductions made by the U.S. in the Kennedy Round were a major cause of the trade deficit of recent vintage.

The Administration's trade bill would permit unlimited increases or reductions in tariff rates through negotiated agreements. President Nixon has said "We are going to ask Congress for the right for our negotiators to go up or down. Only by going up can one get them (foreign governments) to go down with some of the restrictions they have." The Ways and Means Committee is reported to have decided to limit increases to 50 percent above statutory rates, but has retained the Administration's request for unlimited authority to reduce tariffs.

This "even-handed" approach to tariff rate adjustments is not meaningful. These adjustments must be in the context of trade negotiations. I have difficulty in seeing situations arise where our trading partners would agree in negotiations that the U.S. may raise tariffs.

The Administration's trade bill would provide the Executive Branch with advance authority to implement agreements to do away with certain non-tariff barriers. There are more than 800 of such restrictions used by countries throughout the world. The Ways and Means Committee is reported to have refused to grant such advance authority to the Administration.

But what about the little-noticed provision in the trade bill that would permit non-tariff barriers to be converted into fixed duties at equivalent or higher levels and then be phased down in five installments? Will this provision be used to remove the import quotas which the U.S. maintains on such agricultural products as raw cotton, wheat and wheat flour, sugar and dairy products, or as a replacement for the limitations on steel exports to the U.S. under the Voluntary Restraint Arrangement?

The Administration's trade bill would provide a less restrictive test than at present for invoking the "escape clause" when industries are seriously injured by imports. President Nixon said in his message to Congress on April 10 that ". . . damaging import surges, whatever their cause, should be a matter of great concern to our people and our government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way."

In my judgment the promise of relief which the Administration holds out for American industries injured or disrupted by imports through its proposed bill is much greater than what can realistically be expected. The Administration's record in dealing with import problems does not instill confidence in the businessman that he can expect prompt or more effective relief under the proposed legislation than he was able to receive under the existing legislation, the Trade Expansion Act of 1962. Changing the name of the basic legislation from "Trade Expansion" to "Trade Reform" does nothing if the insertions do not exist, notwithstanding the rhetoric, to take action when injury occurs or is threatened.

The present legislation on the books since 1962, for example, would permit the Administration to provide relief for the nonrubber footwear industry. Over two and a half years ago, the Tariff Commission submitted to the President a split decision in an "escape clause" case on nonrubber footwear which President Nixon had initiated, the only President to have initiated such an investigation. There has been no action taken on this decision by the President, affirmatively or negatively, since he received the Commission's report. Yet this industry is steadily "going down the drain" because of inaction on its import problem by the Administration.

In the first half of 1973, the penetration of the domestic market by imported nonrubber footwear rose to 41%. It had been 30% in 1970 when the Tariff Commission made its investigation.

Imports in the first half of 1973 rose by 9% largely as a result of burgeoning imports from the developing countries, such as Argentina, Brazil, Mexico, Taiwan, Korea, Greece and Turkey. In the first half of 1972, nonrubber footwear imports from Argentina were only 60,000 pairs. A year later these imports totaled 1,600,000 pairs. Our devaluation actions have not affected imports from the developing countries which have generally devalued with the U.S.

Production of nonrubber footwear fell by 6.4% at a time when American industry in general is enjoying its greatest peacetime boom. It is anticipated that 1973 production will be the lowest in more than 20 years, perhaps as low as 500 million pairs. Accompanying the decline in output has been a closing of factories (almost 200 net closings since 1968) and a substantial loss of capacity (well in excess of 100 million pairs).

Employment fell by 3% in a year, or about 7,000 jobs, reducing the number of people di rectly employed by this industry to less than 200,000.

The industry has petitioned, it has entreated, it has literally begged for relief. It has followed the procedures in the law—not only the "escape clause" but also the countervailing duty statute. In two countervailing duty petitions, it has produced evidence that the governments of Spain, Argentina and Brazil are subsidizing their nonrubber footwear industries. But to date, the domestic industry has received no relief of any kind from the Administration.

It is little wonder that those businessmen familiar with the nonrubber footwear situation, and perhaps with similar problems faced by other industries, are skeptical about the Administration's intentions in providing import relief.

The Administration's trade bill revises some of the countervailing duty provisions. One proposed change would set a time limit of one year when the Secretary of the Treasury must make a determination as to whether a foreign subsidy exists.

But the one-year limit would begin when the matter is presented to him by his staff. The Treasury Department staff has been agonizing over a complaint brought by Magnavox against allegedly subsidized TV sets from Japan since at least May 1972. In the Spanish nonrubber footwear countervailing case filed with Treasury in February 1973, Treasury has yet to announce that it is investigating the complaint.

The Administration's trade bill provides authority to retaliate against unfair trade practices of foreign countries. The President said in his April 10 message that he was asking "for a revision and extension of his authority to raise barriers against countries which unreasonably or unjustifiably restrict U.S. exports. * * * I will consider using it whenever it becomes clear that our trading partners are unwilling to remove unreasonable or unjustifiable restrictions against our exports."

But present legislation permits the imposition of import restrictions as a retaliation against unfair practices on agricultural products. Action limited to withdrawal of tariff concessions is permitted under present legislation for non-agricultural products. The Administration has been concerned over the import quotas on agricultural maintained by Japan which are inconsistent with GATT and over the common agricultural policy of the European Community which has affected our exports. Yet the existing legislation has been invoked only twice in its eleven-year history, both times on agricultural products, but never against Japan's import quotas or the European Community's common agricultural policy. It has never been invoked on non-agricultural products.

There are other provisions in the Administration's trade bill which have evoked concern and opposition. The proposal to extend most-favored-nation treatment to the Soviet Union has generated opposition because of criticism of the Soviet Union's emigration policies. The proposal to permit duty-free entry of industrial products from the developing countries has received opposition from industries which are concerned that these countries with their low labor costs and government programs to assist exports are the ones which create the most disruption in the U.S. market. The AFL-CIO reiterated its opposition to the bill on August 2, 1973 saying that it "provides no specific machinery to regulate the flood of imports. It does not deal at all with the export of U.S. technology and capital to other parts of the world where corporations can maximize profits and minimize costs at the expense of U.S. production and jobs. It does nothing to close the lucrative tax loopholes for American-based multinational corporations which make it more profitable for them to locate and produce abroad."

It is against this background that the trade bill is wending its way through Congress.

III

It has been more than six years since the Kennedy Round was concluded. Since then we have seen many significant developments affecting the world economy: The expansion of the European Community from six to nine member states; the development of trade deficits by the United States; a series of monetary crises leading to two devaluations by this country and revaluations by Germany and Japan; the later's emergence as a world economic power; growing energy crises faced by most industrialized countries; the imposition of an import surcharge by the U.S. in 1971 and of export controls on some basic agricultural commodities in 1973; and substantial increases in the export earnings of the developing countries through their exports of raw materials needed so badly elsewhere in the world.

Underway today in Tokyo is a Ministerial Meeting of GATT attended by some 80 nations. The purpose of this meeting is to launch a new round of multilateral trade negotiations. It is expected that a declaration of principles will emerge from the Tokyo meeting to guide the future GATT trade negotiations.

The so-called Tokyo Declaration will deal with further reductions or elimination of tariffs; the lowering or removal of nontariff trade barriers; the need to assist further the development of the developing nations; the elevation of living standards and welfare of the peoples of the world; the institution of safeguards to deal with situations of market disruption arising out of import competition; and the establishment of a Trade Negotiations Committee as the principal negotiating body for the multilateral trade negotiations.

One issue undoubtedly being debated in Tokyo is the interrelation between trade and monetary matters. The multilateral trade negotiations will be taking place concurrently with negotiations to reform the international monetary system, and the question arises as to the harmonization of the two negotiations. The U.S. has been of the opinion that a successful monetary system depends upon governments adopting measures to reduce trade barriers and liberalize trade. The European Common Market has taken the position that there should be no action on trade until decisions have been reached on monetary matters.

There is no question that the Tokyo Declaration will be agreed to by the conclusion of the conference tomorrow after differences have been papered over. The trade negotiations will be launched. They have already been referred to by some as the Nixon Round. A goal of 1975 for conclusion of the negotiations has been recommended by the GATT Preparatory Committee.

The problems ahead for the U.S. in the multilateral trade negotiations will be many and formidable. The benefits which will accrue to the U.S. will depend to a large extent on the philosophy which the U.S. adopts for these negotiations. We may, perhaps, have a clue in the historic speech made by Henry Kissinger in April 1973 in which he spoke of a new Atlantic Charter establishing a new relationship of harmony and cooperation between the U.S., Canada, Western Europe, and Japan. He said that "it is the responsibility of national leaders to insure that economic negotiations serve larger political purposes. They must recognize that economic rivalry, if carried on without restraint will in the end damage other relationships." In referring to the forthcoming trade negotiations, Kissinger said that "the United States intends to adopt a broad political approach that does justice to our overriding political interest in an open and balanced trading order with both Europe and Japan. * * * We see these (trade) negotiations not as a test of strength, but as a test of joint statesmanship."

These are certainly lofty hopes, innovative and challenging. But for the U.S. to enter comprehensive trade negotiations with an approach which says that international political objectives will transcend economic objectives, can only result in the U.S. again assuming the role of *demandeur*, the role of taking the initiative, of responsibility for a successful outcome, a role which the U.S. has played before in every post-war round of trade negotiations. As commendable as this role might be in terms of international statesmanship, it is also a liability at the negotiating table. The result in the past has been the failure of the U.S. to receive full reciprocity, something which the U.S. was willing to accept because of its desire for foreign policy reasons to see each round of trade negotiations successfully concluded and because of our confidence in our competitive strength and economic well-being.

The time for the U.S. assuming the role of leader in trade negotiations is past. The events of the last half-dozen years should certainly confirm for us today that we are no longer "top dog" in the world economy as we were in the twenty five years after World War II. The United States has displayed considerable initiative in getting the multilateral trade negotiations launched. But if we continue as leader, as *demandeur*, in the months ahead as the negotiations progress, instead of allowing others to play the key role, we will again come out of these negotiations without full reciprocity.

I should add that I am not sanguine that we will let others fill our traditional role. There is concern that no one else cares as much about these negotiations to put itself in the position of leadership that the U.S. occupied in previous trade negotiations. Furthermore, the desire of the Administration before it leaves office to have some major achievements in the international arena along the lines of the initiative of the Kissinger speech can only lead to a revival of the role which the U.S. previously played. Then we are bound to get a reprise of the tunes of yesteryear.

In this atmosphere it is essential that the business community convey its views to the Congress and the Administration on the shape of the trade bill and the course of the trade negotiations. The public hearings of the House Ways and Means Committee, and later of the Senate Finance Committee, are helpful, but not definitive. I am sure that members of these committees and of the two bodies themselves always welcome receiving views on various aspects of the legislation.

When trade negotiations commence it is important that the government negotiators receive advice at the policy and technical levels from industry. There must be a two-way flow of information, a full opportunity to exchange views and to develop a consensus, and a means to draw upon all national sources for information and expertise. The Chamber of Commerce of the United States has recommended a three-tier system to be part of the trade bill which would provide for the flow of information necessary for sound policy decisions, the participation of qualified people; and a mutuality of responsibility and functions. The Chamber's proposals are highly constructive and, if implemented, should go a long way to improving the chances of a successful negotiation for the U.S.

Thus, the weeks and months ahead as Congress shapes the new trade legislation will have much bearing on the shape of the trade negotiations in the months and years ahead. There is a role for new trade legislation and new trade negotiations. Let us hope that what the American people will receive in Washington and in Geneva will strengthen our country and its economy.

TRANSPORTATION FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CHAPPELL) is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, one of the most progressive cities in our Nation, Jacksonville, Fla., has taken another step toward improving the living environment for its citizens. Recognizing the needs of elderly citizens to have good, inexpensive transportation, the city has adopted a reduced fare for riders over 65 years of age.

The Jacksonville Times Union, commenting on fare reduction in an editorial on August 16, stated in part:

> Experience in other cities encourages the belief that the 10-cent bus fare voted by City Council for riders over 65 years of age will not prove as costly in lost revenue as operators of the public transportation system fear.
>
> Similar experiments elsewhere have resulted in a big increase in bus patronage by senior citizens, with the increased volume largely offsetting the cost of the reduced fare. The elderly patrons were paying low fares for space previously largely unoccupied.
>
> City Council unanimously adopted resolutions calling on the Jacksonville Transportation Authority to initiate the plan with the start of the new fiscal year October 1, and voted a $100,000 subsidy to make up any loss.
>
> James Fortuna, Mayor Hans Tanzler's special assistant for older citizens' affairs, described it well as "a real wonderful, humane thing" which at relatively little public expense will free many elderly persons living on extremely modest incomes from heavy restraints on their mobility, or an embarrassing dependence on others.
>
> Many such persons are otherwise able and eager to go downtown shopping, or take part in countless other activities that others take for granted, but are barred from doing so by present fares which could amount to $1 for a round trip if a transfer between routes each way were involved.
>
> The Division of Family Services estimates there are about 39,500 persons over 65 in Duval County, almost one third of whom—12,245—have incomes below the federal poverty level.
>
> Of this group, only 4,645 are receiving public old age assistance.
>
> The difference between a dime and a quarter to these people is a big one.

Mr. Speaker, I wish to commend the city of Jacksonville for being sensitive to the needs of the people of this great city and for taking the kind of action that is truly meaningful to many thousands of our elderly citizens.

FOOD PRICE INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 30 minutes.

Mr. MEZVINSKY. Mr. Speaker, recently, the Department of Agriculture spent $42,000 for a week-long public relations program at a suburban Washington, D.C., shopping center. It was an extravaganza complete with Secretary Butz milking a cow. The objective was to make shoppers more sympathetic to the old Butz line that we consumers have really never had it so good.

The reason we gripe so much about rising food prices, Butz says, is not because we cannot afford good food. Rather, he believes that we are shocked at the supermarket because paying more for food takes away the luxuries—like that second week of vacation—that our large disposable income might otherwise buy.

Apparently, the administration believes that if we are stuffed with expensive public relations we will contently eat our $1.29 per pound hamburger. I do not think many of us are ready to swallow that kind of bunk even when it is iced with the USDA's "cheap food is gone forever" rhetoric.

Of course, there does not seem to be any prospect of cheap food in the immediate future. Despite optimistic Government predictions throughout this year, food price inflation now exceeds post World War II levels. We already pay more than 12 percent more for our food than we did at the beginning of this year and the administration warned us last week to brace our budgets for another 10 percent increase in the coming 6 months.

Food prices are three times more inflationary than other segments of the economy and profits in the food processing and manufacturing industries reportedly increased 22 percent in the first 6 months of this year.

Unlike so much of the numbers mumbo-jumbo spewing from the bureaucracy, these kinds of statistics are easily translated into a language that is perfectly clear at the supermarket check-out.

The important question most of us want answered now is whether, as we are told by the USDA, these inflated food prices are inevitable and here to stay.

We know that the weather adversely affected world food supplies and is partially responsible for higher food prices. Although we may not be able to control "Mother Nature," we must hope that the USDA has learned something about the need to predict shortages and will work to bring domestic food production in line with projected demands. We also must hope that the USDA will not allow the bungling of another wheat deal. Perhaps it will even crack down and staunchly regulate the commodity exchange so we would not see unchecked speculation again driving up the price of soybeans—and thus the cost of meat, bread, milk, and eggs.

Beyond these needed actions, there are other forces at work behind rising food prices that we must control if we are to bring down food prices.

The Monopolies and Commercial Law Subcommittee of our Judiciary Committee recently held lengthy hearings to investigate the effect which monopolistic tendencies in the food industry have on the prices we pay for our food. The hearings made clear that we pay more than we should for our food because of monopoly overcharges.

The Federal Trade Commission estimates that Americans pay at least $2.6 billion more for food annually than we would if we had a competitive food industry. According to the evidence heard during our food price hearings, the food-overcharge price tag probably runs as high as $20 billion, or close to $300 per family per year.

Of course, Secretary Butz and this administration do not mention this when they tell us that the days of "cheap food" are lost in the past. Instead, we are told that our farmers have never had it so good.

Just who are these farmers?

When we talk of the Nation's farmers these days, we have to include giant corporations like Tenneco, Boeing Aircraft, Greyhound, and Standard Oil of California, as well as the family farmers who traditionally have been the backbone of the country.

Many independent family farmers are being squeezed out of the fields as American agriculture and food processing and marketing undergoes a major reorganization, dominated by fewer and fewer ever-growing conglomerates.

Of course, the conglomerate farms do have an edge over the family farmer, but it does not come from greater efficiency. Even the USDA admits that a one- or two-man family farm is a more efficient operation than the oversized, over-administered operations run by conglomerates seeking profits derived from a volume business.

Conglomerates do have advantages over the small family farmer: they can subsidize financial losses in one product line by profits in another; they can receive very favorable credit terms; they can sell through nationwide organizations; and they can afford national advertising on a grand scale.

The pervasiveness of such conglomerates is clearly stated by Tenneco's boast that it controls some of our food "from seedling to supermarket."

As we move along supermarket aisles today we are confronted with a seeming myriad of products. However, if we take a closer look, we see that more and more of our brand name favorites can be traced back to fewer and fewer parent corporations. Corporate mergers have resulted in companies such as R. J. Reynolds, known for Camel and Winston cigarettes, marketing such brands as Hawaiian Punch, Chun King, Vermont Maid, College Inn, and My-T-Fine. It is little wonder that food industry power is becoming more and more concentrated. Who can compete with the clout of the new food industry giants—conglomerates like Aetna Life & Casualty Co., ITT, Occidental Petroleum, and Sears Roebuck?

What has this done to food industry competition? Food quality and food prices are no longer the real competitive tools of the industry. Competition is based increasingly on advertising, and profits reflect how much is spent for TV commercials.

"Gimmick" is the name of the game. The Secretary of Agriculture milks a cow to soothe the consumer who is being inundated with TV ads which urge us to accept absurdities like peach pudding without peaches, tomatoes without vitamin A, and cheese without milk. "Try it, you'll like it" is about the extent of product information offered in today's food advertisements. If we had a truly competitive industry, companies would instead be trying to sell us the best product at the best price.

Not only does extensive advertising add millions of dollars to our food bills, the high cost of advertising creates an expensive barrier to entry into the food industry and therefore limits competition.

The evidence gathered by our subcommittee points toward the need for a vigorous antitrust enforcement in the food industry.

Such action can also be a useful weapon against the price-setting possibilities of raw market power on the commodity exchanges.

The wholesale prices of many of our essential staple foods are set by the prices on the exchanges. The cost of milk, bread, eggs, meat, and poultry which we are now buying reflects the soaring prices of wheat, corn, and soybeans traded on the commodity exchanges.

Witnesses told our subcommittee that skyrocketing prices on the exchanges cannot be attributed solely to the traditional price-setting factors of supply and demand. Instead, there is considerable evidence that rampant speculation by giant grain companies accounted for at least one-half of the baffling rise in soybean futures this past summer. It is believed that five or six grain companies control the vast majority of our marketed soybeans and that two companies control over 50 percent of our wheat exports. Despite such evidence there has been no antitrust investigation of the possible monopolistic power these corporate giants may exercise in setting wholesale prices of important food products.

Another area of consumer gouging in which antitrust action could bring relief is in meat prices on the Eastern seaboard. Our subcommitee was told that criminal elements have used bribes and kickbacks to control meat in New York City markets and push the price up as much as 5 cents per pound by the time the meat reaches the consumer.

One New York City brokerage firm has been reputed to control all of the pork sold in the city, and it is suggested that criminal elements wield such concentrated power and manipulate meat prices in other Eastern and Midwestern cities.

The effect of successfully prosecuting such abuses under our antitrust laws and assessing treble damages can be the key to knocking the criminal element out of the food business. Such action could also set a precedent and open a new arsenal of antitrust weapons to the Government in its fight against all organized crime.

The first step for these antitrust agencies should be to set priority guidelines for looking into highly inflated segments of the economy—like the food industry—in search of antitrust violations. As it is now, the Justice Department seems to operate solely on a "hot tip" basis. One hopeful sign is the recent announcement by Justice of its plans to more closely scrutinize areas of the economy which are most inflationary.

The FTC, which does have the economic resources to at least point out inflated areas of the economy, admits no plans to follow through with investigations of industries they believe have high monopoly overcharges. It was the opinion of several witnesses during our hearings, and the admission of the Justice Department, that our antitrust agencies really lack the capability to prosecute very many major lawsuits. Cases which are brought often take years to conclude and usually end in consent decrees or nolo contendere pleas which circumvent the possible benefits of assessing treble damages.

Of course, as a prerequisite to effective antitrust enforcement in the food industry, we must overcome the problems arising from the fact that we are basically ignorant regarding the state of competition in this sector of our economy.

One of the clearest facts which surfaced at our hearings was that data on profits, performance, investments and advertising expenditures are treated like state secrets because Government agencies are denied such data on a line of business basis.

Thus, for example, the FTC is unable to get economic information on the food subsidiaries of ITT because it cannot distinguish the profits of Hostess Twinkies from those of telephones. And, when supermarkets contend that theirs is a highly competitive industry, they do not provide the figures for regional and local markets that very well might show a level of concentration which is likely to reduce price competition. If our antitrust agencies could obtain this kind of industry data, the chances for more aggressive antitrust enforcement would be greatly enhanced.

What the consumers of this country want is effective action to solve the problem of high food prices. We are all tired of the defensive explanation about supply and demand, our costly affluent tastes, and the good old days.

As this summer's food hearings pointed out, anti-competitive forces, not simply Mother Nature, are responsible for rising food costs. It is time that we seek to solve the problems within our control and give the public some assurance that the prices we pay for food result from a fair and competitive marketplace. I think vigorous antitrust enforcement holds at least partial answer to the food price inflation problem we face today.

COMMENTS ON ISAAC SHKOLNIK, A SOVIET JEW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, over the past few days, a number of my colleagues have taken a minute or more to relate cases of individuals who have been harassed by the Soviet Government because of their religious beliefs. I would like to present another chapter in this continuing tragedy.

Isaac Shkolnik, a citizen of the Ukranian SSR, is a husband, father, and of the Jewish faith. He was arrested in July 1972, after expressing his wishes to emigrate to Israel and has been detained since then. He was originally charged with "slandering the Soviet State" and sentenced to 10 years—later changed to 7 and charged with "industrial espionage."

Since this man has worked only as a laborer, a miner, and a mechanic—all in unskilled or semiskilled capacities—it seems unlikely that he possessed either the training or the opportunity to commit "industrial espionage."

We have a chance in this Congress to create an awareness on the part of the Soviet Union so that people there, whether Christians, Jewish, agnostic, or atheist can live in peace with their respective religious beliefs. We must adopt the full provisions of the Mills-Vanik bill to insure that this semblance of humanity exists.

THREATS TO ISRAEL IN THE MIDDLE EASTERN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, the aggression and violence by Egypt and Syria are a manifest violation of the mandate of the United Nations which has consistently warned all parties in the Middle East that they must proceed toward a stable peace by negotiation and not by violence.

The tragic situation in the Middle East demonstrates once again that the attempts of the U.S.S.R. to infiltrate and dominate this area of the world continue to have their terrifying influence and impact. At the same time the events that began when Israel's neighbor attacked this country on the solemn holiday of Yom Kippur are encouraging evidence that Israel is resourceful, steadfast, relentless, and uniquely determined to protect and preserve its territorial integrity.

On Monday, October 8, 1973, I was privileged to attend and address briefly a very moving and impressive rally by the Boston Committee for Solidarity with Israel. This event, called together within 24 hours, was attended by thousands of people apprehensive about Israel's fate and determined to do all within their power to promote a stable and lasting peace in the Middle East.

Each member of this vast crowd received a copy of the following memo drawn up in collaboration with the Jewish Community Council of Greater Boston by persons completely familiar with every aspect of the many struggles which Israel has waged to secure her boundaries.

Mr. Speaker, I attach herewith this document along with an expression of my hope that a permanent and peaceful settlement in the Middle East may come within the immediate future.

BOSTON SOLIDARITY WITH ISRAEL RALLY, MONDAY, OCTOBER 8, 1973

AN ANALYSIS OF THE CONFLICT

Egypt and Syria have once again chosen to violate a cease fire. Their armed forces crossed the cease fire lines initiating another major war. The battle is still fluid; the outcome uncertain. But surely one must ask why have the Arabs started a war that they are likely to lose?

THE ARAB PLAN

A. Even a small territorial gain would be a victory—if it could be solidified by a UN intervention for the establishment of a new cease fire. If the Egyptians, for example, can retain a bridgehead on the East Bank of the Canal, the two armies will no longer be separated by water, and the pressure for an imposed settlement will have been enhanced. The Arabs' negotiating stance (if they choose to negotiate) would be stronger. Given the well-known UN pro-Arab bias and the "clout" afforded by Arab oil, a cease fire could be called as soon as the Egyptians consolidated any battle gains. They started this war in order to change the meaning and intent of UN Resolution 242. They seek to impose complete withdrawal of Israeli forces without linking it to a freely negotiated settlement and the establishment of secure boundaries. In this way they hope to set the stage for another round of war.

However, if the Israelis successfully counter-attack into Egyptian and Syrian territory, the Arabs count on the UN to bail them out. No cease fire will be passed by the UN Security Council unless and until the Egyptians approve it—no matter what they say in public.

B. The Arab aim is to put an end to the State of Israel. As Nasser freely admitted, even the ostensibly limited objectives of today are stepping stones to a definitive solution tomorrow—the destruction of the State of Israel. At the same time, they are secure in the knowledge that no Israeli victory, however swift and large, can threaten the continued existence of any Arab states. The Arabs, therefore, feel, that given the disposition of international power they have everything to gain by attacking Israel. They place little value on human life and can gamble with impunity since the international community is not disposed to restrain them.

HISTORICAL BACKGROUND

The attack by Egypt and Syria is only the most recent in a long and unremitting series of Arab aggressions against Israel going back to the formation of the State.

1. In November 1947 the United Nations voted to partition Palestine. The Arabs refused to accept the decision and immediately began country-wide assaults on the Jewish community in an attempt to "drive the Jews into the sea." In May of 1948, when the UN recognized the State of Israel, the full brunt of Syrian, Egyptian, Jordanian and Iraqui army units was concentrated on Israel in a concerted attack. The result, contrary to general expectation, was an Arab defeat.

2. In the years that followed, the Arab states refused to recognize the existence of Israel and their responsibilities under the UN Charter. After years of terrorist raids from Egyptian territory and Arab refusal to allow Israel its rightful maritime passage through the Suez Canal and also into the Red Sea via the Straits of Tiran the Israeli forces finally reacted and drove to the Suez Canal in 1956. Israel withdrew her forces, only on the basis of UN and other specific international assurances on the use of the Suez Canal and the Rea Sea, and the establishment of a UN presence in the Sinai and Sharm-el Sheik. Nevertheless, immediately upon the Israeli withdrawal, the Egyptians closed the canal to Israeli shipping. The Arabs continued to deny the right of Israel to exist. Terrorists soon resumed incursions along other frontiers. Moreover, the Arabs chose to maintain a "state of belligerency"—which meant that they claim the right to undertake any and all warlike acts. On the other hand the Arabs argued that Israel must be held to their cease fire obligations and had no right to respond.

3. In 1967, President Nasser of Egypt decided the time was ripe to reverse the verdict of 1956. He unilaterally expelled the UN peacekeeping forces from the Sinai; he closed the Straits of Tiran—thus cutting off Israel's lifeline from Eilat to Africa and the Far East, constituting, under international law, an act of war—and poured enormous quantities of armor and infantry into the Sinai right up to Israel's vulnerable front lines.

In Cairo and the other Arab capitals, as American television viewers will recall, officially-inspired mobs paraded, carrying banners with the skull and cross bones, and called for "Death to the Jews", while government radio stations interspersed martial airs with a call to "drive the Jews into the sea" and similar blood slogans. On June 5, Israel finally replied, destroying Egyptian and Syrian air power, and after Jordan bombarded Jerusalem, Israel responded to that attack.

In 1967, when Israel did not have defensible borders, she lost more men, proportionately, in 6 days of war than the U.S. lost in 10 years in Indo-China.

Israel and the world, hoped and believed, that this victory, so costly to both sides, would finally bring the Arabs to the negotiating table. But backed by the Russians and their allies in the United Nations, the Arabs attempted instead to rewrite history. They tried to convince the world that they were the victims instead of the criminal aggressors. They tried to regain their lost territory by diplomatic pressure, citing Israel's gains after each Arab attack and subsequent defeat, as evidence of Israel's "expansionist" tendencies—like the boy who killed his parents and asked the court for mercy as an orphan.

4. The Egyptians, who in 1967 were saved by the UN cease fire, broke a cease fire again by initiating massive artillery strikes against Israeli forces in what Nasser called "The War of Attrition". The Egyptians felt that they would wear the Israelis down by trading deaths. When the Israelis refused to acquiesce in their assigned role, and, by air srikes, caused great losses to Egyptian forces Egypt accepted a cease fire—this time arranged by the U.S. It was not even a few hours old before the Egyptians boldly used it as a cover for advancing Russian missile launches closer to the Canal in violation to the agreement it had made a few hours before.

5. Now, in October 1973, when they found it politically convenient, they have once again violated the cease fire and initiated hostilities.

CONSEQUENCES

What are the consequences of this Arab aggression likely to be if the Arabs are permitted once more, to escape the responsibilities of their actions?

1. It will make peace harder to achieve. Israel and thoughtful people throughout the world cannot be expected to soon forget this infamous Arab attempt at a Pearl Harbor, which occured on Yom Kippur, the holiest religious holiday in Judaism.

2. It will confirm Israel's conviction that Arab promises and agreements are not to be relied on; that cease fires are merely tactical conveniences to be shed when no longer wanted; and that the only assurance of safety and survival remains—defensible borders.

The Israelis are the survivors and heirs of the pogroms and concentration camps of Europe, and refugees and heirs of refugees from Arab lands. They have suffered and died enough and will not stand by and allow themselves to be decimated once again. They want and need peace more than the Arabs because they can afford war less and are a peaceful people; but the first step for peace must come from the Arabs.

RESOLVED

A true and lasting peace is now, as it has been in the past, the only sensible goal for U.S. policy in the Middle East.

Because we, as Americans and as Jews, are committed to real peace; because we see clearly the dangers, futility and immorality of continued appeasement of the Arabs, because we are tired of violence and bloodshed, and because, as has been seen over the past 25 years a truce is meaningless, an armistice is meaningless, a cease fire is meaningless, we declare our firm and unyielding solidarity with the people of Israel in their insistence upon secure, recognized and defensible borders, to be achieved in a settlement of Middle East problems through free and untrammelled negotiations between the parties directly concerned in the conflict.

Therefore, we call upon:

1. All thoughtful people to condemn and oppose the brutal Egyptian/Syrian aggression.

2. The U.S. to accelerate the flow of arms and economic aid to Israel and, in particular to replace immediately the equipment lost in the current fighting.

3. The President to maintain his long-range policy of the last 3 years, the essence of which is "no imposed solution" to the Middle East conflict.

4. All thoughtful people to recognize that the United Nations has prevented rather than aided the search for peace in the Middle East for 25 years. It has been morally bankrupt in its one-sided pro-Arab resolutions. In its present disposition it has no useful role to play in the resolution of this conflict. We, therefore, urge the U.S. to work for the restoration of the integrity of the UN by acting in accordance with the high ideals on which it was founded—even if we must stand alone.

CONGRESSMAN DANIELS PLEDGES FULL SUPPORT FOR ISRAELIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, like all Americans I am baffled by the events in the Middle East with the obvious contradictions between stories datelined Jerusalem, Damascus, Cairo, and Beirut. Out of this welter of conflicting accounts comes a clear picture of heavy fighting both in the Golan Heights and in Sinai.

Mr. Speaker, ever since its founding in 1948, the United States has supported Israel, the only viable democracy in the troubled Middle East. Today while the armed forces of that nation are locked in mortal combat with two far more numerous foes armed and equipped by the Soviet Union, I stand in this House to pledge once again my continued support for the gallant Israelis.

Israel must not die. With Israel rests a dream of people who long only to live at peace with their neighbors. We cannot permit this dream to be extinguished. We cannot permit democracy to go by default in the Middle East. I pledge to you, Mr. Speaker, and to all Members of this House my full support for the embattled Israelis.

THE PROBLEM OF CONDOMINIUM CONVERSIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today I wrote Secretary of Housing and Urban Development, James Lynn, asking that he look into the problems being created by the rapid conversion of rental units into condominiums.

Serious questions were raised about these developments in a series in the Washington Star-News by Miriam Ottenberg which indicates that many elderly people cannot afford to buy their apartments as condominiums and are being forced out. I am sure that there are a great number of low and moderate income families renting apartments who could not afford to come up with the funds necessary to buy these units and would be forced to move out and seek other shelter which is already in short supply.

Mr. Speaker, while we do not want to restrict the right of these developers to invest their funds, this does present serious problems for hard-working Americans who have budgeted for their later years and who are now being displaced. I have asked the Secretary of HUD to make a report to me concerning this problem and to determine what, if anything, can be done at the Federal level to alleviate the problems associated with the rapid conversion of existing rental units into condominiums.

I place in the RECORD a copy of my letter to Secretary Lynn:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 9, 1973.

Hon. JAMES T. LYNN,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR SECRETARY LYNN: You are undoubtedly acquainted with the series by Miriam Ottenberg which has been running in the Washington Star-News concerning the very serious problems resulting from a rash of conversion of rental units into condominiums in the Washington area. While the Star-News series appears limited to the immediate area, it is reasonable to assume that similar developments are occurring in other major cities.

I was particularly disturbed about reports that elderly people are being displaced and placed under severe economic hardships by these sudden conversions. Many of these older people have saved through years of productive life and have budgeted carefully so that they could provide shelter for themselves. Many of them are in no position to pay out huge sums to buy their apartments and unfortunately credit is very difficult for these people to obtain.

Of course, the problems and the dislocations are not limited to the elderly. There are obviously many younger families and individuals who exist on modest incomes and who cannot afford to meet the financial demands of these conversions. In areas like the District of Columbia, where the vacancy rate is low, these problems are intensified greatly.

Certainly people have a right to invest their money and to handle the investment as they see fit. I am not suggesting that there should not be condominiums constructed or that existing rental units not be converted to condominiums. But I am suggesting that this presents a serious problem as outlined in the current Star-News series and it is something which should concern the Department of Housing and Urban Development which handles our Federal housing programs.

As Secretary of Housing and Urban Development, you are already aware of the difficulties in providing proper shelter for the elderly and others who must exist on low and moderate income and it is not in the public interest to have developments which worsen this situation. Frankly, I do not know what answers could be provided at the Federal level, but I am asking that your Department take a hard look at this situation as described in the Star-News series and report to me what, if anything, can be done to alleviate the problem. I am sure that many of these apartment buildings have been constructed with the aid of Federal insurance and this alone should provide a rationale for your Department looking into the situation.

Sincerely,

WRIGHT PATMAN,
Chairman.

THE HOME RULE BILL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the so-called home rule bill pending before this body is bad legislation. It is bad from several points of view, not the least of which is the fact it likely is unconstitutional.

In very clear language, the Constitution vests in the Congress sole legislative authority over the District. This Congress cannot and should not attempt to circumvent that constitutional edict.

Aside from that is the fact that the bill offered by the District of Columbia Committee gives excessive power and authority to elected officials of Washington. It gives the Mayor and Council complete authority over the budget, even though taxpayers' money from across the Nation goes to pay for the operations of the city. It gives the Mayor authority equal to that of a State Governor in the appointment of judges. It strips the Congress of effective veto power over laws enacted by the city.

In short, Mr. Speaker, the bill runs counter to the Constitution in fact, and counter to commonsense in practice.

Several alternatives are being discussed, one of which would truly give the people of Washington the same status as other citizens of the United States. The Green-Nelsen bill (10693) would create a Federal enclave, thus abiding by the dictate of the Constitution, and it would retrocede the remainder of Washington to the State of Maryland. Under this proposal, the citizens of Washington would be able to vote for a Governor, U.S. Senators, State legislators, and voting Members of Congress in addition to their city officials. The committee bill denies the people these rights.

Also proposed is a compromise bill (10692) authored by Congressman NELSEN and Congresswoman GREEN. This would retain a Federal enclave plus congressional authority over budget and laws. In addition, it would provide an appointive Mayor, and Federal responsibility for the appointment of judges.

If those who speak for the people of Washington truly want to achieve a status equal to all other citizens, they will support the retrocession bill. But I seriously doubt that they want this. From all I have been able to learn, they are demanding equal status on the one hand, and special treatment on the other.

In all fairness and in line with the Constitution, if a new bill is to be passed, the retrocession bill offers most if the Congress is to give to the people of Washington that which they say they want—equal status with every other American.

There are many of us who seriously doubt the need for a new bill on home rule. We feel that a very substantial degree of self-government already has been given to the District of Columbia. The fact remains that Washington is a Federal city. It is supported in the main by taxpayers' money. It belongs to all the people. Unless Washington plans to become self-supporting, and of course it does not, there is no justification for the District to have its cake and eat it too.

COMMODITY FUTURES MARKETS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, the Special Small Business Problems Subcommittee of the Select Committee on Small Business, which I am privileged to chair, has recently been holding hearings on the commodity futures markets. These futures markets have historically provided a place where farmers, and grain marketers and processors could contract to establish a price for their grain and livestock, thus eliminating the risk of tremendous price fluctuations which could cause their bankruptcy.

In recent years, these markets have undergone tremendous changes and have experienced explosive growth. For example, in 1964, futures trading in regulated commodities totaled some $60 billion, but by 1973 had grown to some $268 billion. In addition, there are multibillions of dollars in trading in unregulated commodities such as plywood, sugar, and cocoa.

Due to the immediate impact of these market changes upon the small businessman, whether he is a farmer, handler, processor, or marketer, and because of the ultimate impact upon the consumer in the form of higher food prices, my subcommittee was authorized to undertake a study of futures trading.

During the course of this study, we received expert testimony from farmer marketing co-ops, major grain companies, officials of the principal futures Boards and Exchanges, and from officials of the U.S. Department of Agriculture—Office of the Inspector General and the Commodity Exchange Authority.

All of the witnesses contributed valuable information and suggestions. Throughout their testimony is one common thought—the futures markets have experienced tremendous change, and this change dictates that the market operations must be thoroughly reviewed and modernized to permit the markets to resume their historic role as a source of price protection.

Although the subcommittee is still reviewing the materials presented at these hearings, will be issuing a detailed report with findings and recommendations and holding more hearings, certain major changes are obvious at the outset—some of which can be done by administrative rule by the Commodity Exchange Commission, some of which could be done by the Boards of Trade, and some of which will require congressional action.

Clearly required is the need to create a Securities Exchange Commission-type independent regulatory agency with sufficient stature to attract good personnel and more authority in place of the present CEA.

Many, many years ago, when the futures markets were largely regarded as "private clubs," and the inventory of commodities and financial resources were spread among thousands of local elevators, the CEA, with a minimal staff may have been all that was needed. But today, there are a few very large grain companies who own scores of local elevators and ship worldwide. They deal in millions of bushels or tons and have such economic resources that one or more traders may at times hold the majority of the long positions on the board. Also, some foreign companies are owned or partially owned by foreign governments and have tremendous resources available with which to indirectly affect the commodity markets by buying or selling at a fixed price from a large grain company which in turn hedges the transaction on the commodity markets. Under these circumstances, much more surveillance is necessary to assure freedom from abuses which would have wide repercussions.

The CEA has been criticized for at least the past decade for failing to keep pace with the growth of trading. In the last 10 years, it has only increased its staff by one-third, while trading volume increased some 400 percent.

Obviously, the CEA of today is understaffed and operating without the proper tools to regulate these markets which are running amok and are being dominated by a few giants. For example, in the first part of July, three large traders held 83 percent of the long position in the current soybean futures, that is, three companies controlled 83 percent of the contracts to buy soybeans. This situation, Mr. Speaker, is not unique to soybeans—in an instance this past month, one company held 67 percent of the long positions in the October cotton futures and necessitated the CEA's requesting the New York Cotton Exchange to cease trading.

This degree of control by a few large traders creates a situation for manipulation of the markets because the sellers cannot fulfill their contracts except at exorbitant prices. Creation of a new CEA will facilitate greater surveillance of this type of situation, but none of us should be led to believe that a new, expanded CEA will be a panacea.

In addition, there must be greater review and market surveillance by the individual markets, the major ones being the Chicago Board of Trade and the Chicago Mercantile Exchange, the latter of which, we were pleased to note, is taking greater strides in this direction.

Another immediate change is the need for alternate or multiple delivery points. At the present time, corn can be delivered only to Chicago to fulfill a future contract. More delivery points around the country would go a long way toward preventing "squeeze type" situations such as occurred in July with corn.

In this regard, the subcommittee is very pleased with the new attitude of the Chicago Board of Trade which admitted the need for additional delivery points and the subcommittee hopes they designate new sites very soon for the delivery of all commodities.

There also is the matter of floor traders who not only fill orders for customers but also buy and sell for themselves. Due to the inherent possibility of such a trader's taking advantage of his position and acting favorably to himself at the expense of his customer, such trading must be either prohibited or adequate safeguards developed to insure that the customer is fully protected.

Mr. Speaker, our Small Business Committee possesses some broad overlapping jurisdiction for the purpose of developing and bringing these kind of situations to the attention of other committees. It is imperative that the several legislative committees involved zero in on this matter and give all of us in Congress the benefit of their expertise in developing and recommending the needed legislative changes.

My subcommittee has obtained considerable information on this subject and will certainly cooperate with the legislative committees to insure that the needed changes occur, thereby permitting the futures markets to continue to exist.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRONIN (at the request of Mr. GERALD R. FORD), through October, on account of official business.

Mr. FREY (at the request of Mr. VANIK), for the week of October 9–12, on account of official business in Vienna, Austria and Israel.

Mr. LENT (at the request of Mr. GERALD R. FORD), for October 9 through October 18, on account of official business to attend the International Telecommunications Conference.

Mr. MURPHY of New York (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. HARVEY, for 5 minutes, today.

Mr. HOGAN, for 60 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. TREEN, for 5 minutes, today.

Mr. BLACKBURN, for 60 minutes, on October 16.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. MANN), and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CHAPPELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MEZVINSKY, for 30 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. DOMINICK V. DANIELS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES and Mr. GROSS to revise and extend their remarks during debate on House Resolution 582.

(The following Members (at the request of Mr. KEMP) and to include extraneous material:)

Mr. WYLIE.

Mr. SCHERLE in five instances.

Mr. TREEN in two instances.

Mr. MCCLOSKEY in two instances.

Mr. STEELMAN.

Mr. GILMAN in two instances.

Mr. DERWINSKI in three instances.

Mr. RINALDO in five instances.

Mr. HOGAN in two instances.

Mr. HOSMER in three instances.

Mr. SCHNEEBELI.

Mr. HUBER.

Mr. WYMAN in two instances.

Mr. SMITH of New York.

Mr. RONCALLO of New York in three instances.

Mr. KEMP in two instances.

Mr. CARTER.

Mr. COLLINS of Texas in four instances.

Mr. BAUMAN in two instances.

Mr. WALSH.

Mr. FRENZEL in five instances.

Mr. WIDNALL.

Mr. BROOMFIELD in five instances.

Mr. SARASIN.

Mr. ARCHER.

Mr. DU PONT.

Mr. BROWN of Michigan.

Mr. FROEHLICH in two instances.

Mr. Coughlin.

Mr. Armstrong.

Mr. Ashbrook in three instances.

Mr. Sebelius.

(The following Members (at the request of Mr. Mann) and to include extraneous matter:)

Mr. Rangel in 10 instances.

Mr. Ichord in two instances.

Mr. Brademas in six instances.

Mr. Dingell.

Mr. Rodino.

Mr. Carney of Ohio in two instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Bingham in 10 instances.

Mr. Waldie in six instances.

Mr. Chappell.

Mr. James V. Stanton.

Mr. Edwards of California in three instances.

Mr. Rees in three instances.

Mr. Minish.

Mr. Evins of Tennessee.

Mr. Badillo in two instances.

Mr. Harrington in two instances.

Mr. Hamilton.

Mr. Patten in two instances.

Mr. Stark in 10 instances.

Mr. Mezvinsky.

Mr. Moorhead of Pennsylvania in 10 instances.

Mr. Jones of Alabama.

Mr. Clay.

Mr. Charles H. Wilson of California.

Mr. Studds.

Mr. Rosenthal in five instances.

Mr. Vanik.

Mr. Sarbanes.

SENATE BILLS AND JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills and joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 205. An act for the relief of Jorge Mario Bell; to the Committee on the Judiciary.

S. 798. An act to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes; to the Committee on the Judiciary.

S. 912. An act for the relief of Mahmood Shareef Suleiman; to the Committee on the Judiciary.

S. 1064. An act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification; to the Committee on the Judiciary.

S. 1075. An act for the relief of Imre Pallo; to the Committee on the Judiciary.

S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia; to the Committee on Interstate and Foreign Commerce.

S. 1852. An act for the relief of Georgina Henrietta Harris; to the Committee on the Judiciary.

S. 1871. An act to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps and for other purposes; to the Committee on Education and Labor.

S. 2399. An act to amend title 44, United States Code, to provide immunity for the Government Printing Office, the Public Printer, and other officers and employees of the Office; to the Committee on House Administration.

S.J. Res. 99. Joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week"; to the Committee on the Judiciary.

S.J. Res. 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol; to the Committee on Public Works.

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; to the Committee on House Administration.

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands; and

H.R. 7976. An act to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 278. An act for the relief of Manuela Bonito Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes;

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Revolution, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver and Edith McCarver;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1378. An act for the relief of James E. Bashline;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands; and

H.R. 7976. An act to amend the Act of August 31, 1965, commemorating certain historical events in the State of Kansas.

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 10, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1429. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize certain reimbursements, transportation for dependents, a dislocation allowance, and travel and transportation allowances under certain circumstances, and for other purposes; to the Committee on Armed Services.

1430. A letter from the Senior Vice President and General Counsel, Communications Satellite Corporation, transmitting Comsat's 10th Annual Report, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

1431. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report of the agency for fiscal year 1973; to the Committee on the Judiciary.

1432. A letter from the Attorney General, transmitting a draft of proposed legislation to make level IV of the executive schedule applicable to the U.S. attorney for the Central District of California and to the U.S. attorney for the Northern District of Illinois; to the Committee on Post Office and Civil Service.

1433. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed transfer of NASA lands at Bay St. Louis, Miss., to the State of Mississippi, pursuant to section 207 of the National Aeronautics and Space Act of 1958, as amended by Public Law 93–74; to the Committee on Science and Astronautics.

Received From the Comptroller General

1434. A letter from the Comptroller General of the United States, transmitting that the Forest Service and the Bureau of Land Management should provide for the salvage of more useable dead or damaged trees to help meet timber demand; to the Committee on Government Operations.

1435. A letter from the Comptroller General of the United States, transmitting notice of a delay in submission of a report required by section 5 of the Federal Water Pollution Control Act Amendments of 1972 on a study of research, pilot, and demonstration projects for water pollution prevention and control and an assessment of conflicts between such programs; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 10511. A bill to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements (Rept. No. 93–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 1920. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project" (Rept. No. 93–554). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 10252. A bill to change the name of the Trotters Shoals Dam and Lake, Georgia and South Carolina, to the Richard B. Russell Dam and Lake (Rept. No. 93–555). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 655. A bill to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif. (Rept. No. 93–556). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 974. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake". (Rept. No. 93–557). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9611. A bill to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake. (Rept. No. 93–558). Referred to the House Calendar.

Mr. HAYS: Committee of Conference. Conference report on H.R. 7645. (Rept. No. 93–563). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEATING: Committee on the Judiciary. H.R. 2542. A bill for the relief of Jose Ramon Santa Maria. (Rept. No. 93–548). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 6116. A bill for the relief of Gloria Go. (Rept. No. 93–549). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 7363. A bill for the relief of Rito E. Judilla. (Rept. No. 93–550). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 7364. A bill for the relief of Virna J. Pasicaran. (Rept. No. 93–551). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 7684. A bill for the relief of Nicola Lomuscio. (Rept. No. 93–552). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4172. A bill for the relief of Romeo Lancin; with amendment (Rept. No. 93–559). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H.R. 4445. A bill for the relief of Diana L. Ortiz; with amendment (Rept. No. 93–560). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 5759. A bill for the relief of Morena Stolsmark; with amendment (Rept. No. 93–561). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2634. A bill for the relief of Kevin Patrick Saunders (Rept. No. 93–562). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mrs. Boggs, Mr. Brooks, Mr. Burton, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. O'Neill, and Mr. Whitehurst):

H.R. 10789. A bill to provide for the continued operation of the Public Health Service hospitals which are located in Seattle, Wash., Boston, Mass., San Francisco, Calif., Galveston, Tex., New Orleans, La., Baltimore, Md., Staten Island, N.Y., and Norfolk, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 10790. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. BURGENER:

H.R. 10791. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. EDWARDS of California (for himself and Mr. Wiggins):

H.R. 10792. A bill to establish a uniform law on the subject of bankruptcies; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself and Mr. Hudnut):

H.R. 10793. A bill to revise the Welfare and Pension Plans Disclosure Act and to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contributions to individual or employer retirement plans, by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations, by allowing tax deferral on certain lump-sum distributions from qualified retirement plans, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself and Mr. Andrews of North Carolina):

H.R. 10794. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. HUTCHINSON (for himself and Mr. Railsback):

H.R. 10795. A bill for the general reform and modernization of the patent laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. Rarick, Mr. Foley, Mr. Vigorito, Mr. Symms, Mr. Dellenback, Mr. Derwinski, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hosmer, Mr. Ketchum, Mr. Martin of North Carolina, Mr. Runnels, and Mr. Sebelius):

H.R. 10796. A bill to authorize the Secretary of Agriculture to permit the use of DDT to control and protect against insect infestation on forest and other agricultural lands; to the Committee on Agriculture.

By Mr. McKINNEY:

H.R. 10797. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MONTGOMERY:

H.R. 10798. A bill to provide for the conveyance of retained mineral rights by the United States to private surface landowners who acquired their land from a Federal land bank, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD of California:

H.R. 10799. A bill to amend the Internal Revenue Code of 1954 to permit individuals an itemized deduction for losses incurred in the sale or exchange of certain principal residences; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. Moakley):

H.R. 10800. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the assignment of surplus real property to executive agencies for disposal and for other purposes; to the Committee on Government Operations.

By Mr. OBEY:

H.R. 10801. A bill to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. PATTEN:

H.R. 10802. A bill to consolidate and revise the laws relating to public health, to revise the programs of health services research and development, and to extend the program of assistance for medical libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois:

H.R. 10803. A bill to amend title 10, United States Code, to provide more efficient dental care for the personnel of the Army and Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 10804. A bill to amend title 28 of the United States Code to provide for the investigation and prosecution of disciplinary proceedings against members of the bar of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 10805. A bill to amend title 28, Judiciary and Judicial Procedure, of the United States Code to provide for the membership of courts of appeals sitting en banc; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 10806. A bill to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes; to the Committee on the District of Columbia.

By Mr. TEAGUE of Texas (for himself and Mr. McCormack):

H.R. 10807. A bill to amend the National Aeronautics and Space Act of 1958 to apply the scientific and technological expertise of the National Aeronautics and Space Administration to the solution of domestic problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. UDALL:

H.R. 10808. A bill to revise the boundary of Saguaro National Monument in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK (for himself, Mr. Eckhardt, Mr. Gaydos, Mr. Moorhead of Pennsylvania, Mr. Vander Jagt, Mr. Moss, Mr. Towell of Nevada, Mr. Adams, Mr. Stark, Mr. Mitchell of Maryland, and Mr. Gude):

H.R. 10809. A bill to authorize and direct the Secretary of Commerce to study applications of solar energy, to establish a system of grants for solar energy research, and to establish the Solar Energy Data Bank; to the Committee on Science and Astronautics.

By Mr. VANIK (for himself, Mr. Waldie, Ms. Schroeder, Mr. McDade, Mr. Johnson of Pennsylvania, Mr. Gunter, Mr. Sarbanes, Mr. Fraser, Mr. Keating, Mr. Studds, Mr. Eilberg, Mr. Charles H. Wilson of California, Mrs. Heckler of Massachusetts, Mr. Seiberling, Mr. Yatron, Mr. Won Pat, Mr. Vigorito, Mr. Mayne, Mr. Mazzoli, Mr. Moakley, Mr. Nix, Mr. Roe, Mr. Frenzel, and Mr. Brown of California):

H.R. 10810. A bill to authorize and direct the Secretary of Commerce to study applications of solar energy, to establish a system of grants for solar energy research, and to establish the Solar Energy Data Bank; to the Committee on Science and Astronautics.

By Mr. BERGLAND:

H.R. 10811. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BREAUX (for himself, Mr. Grover, Mr. Cleveland, and Mr. Davis of South Carolina):

H.R. 10812. A bill to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 10813. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. CEDERBERG:

H.R. 10814. A bill to amend the Truth-in-Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. DORN:

H.R. 10815. A bill to amend title 10, United States Code, to authorize special educational services for the dependents of active duty members of the uniformed services; to the Committee on Armed Services.

By Mr. FISH:

H.R. 10816. A bill to accelerate the effective date of the recently enacted increase in social security benefits; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Mitchell of Maryland, Mr. Rees, Mr. Helstoski, Mr. Won Pat, Ms. Chisholm, Mr. Conyers, and Ms. Abzug):

H.R. 10817. A bill to amend the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 10818. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

H.R. 10819. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance, to otherwise improve the educational assistance program, and to establish a Vietnam-Era Veterans' Communication Center for the purposes of improving the effectiveness of Veterans' Administration programs for making veterans aware of benefits and services available to them under the veterans laws; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 10820. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. LEHMAN:

H.R. 10821. A bill to amend the Higher Education Act of 1965 to remove the needs provision for families with income less than $15,000 a year from the student loan subsidy provision of that act; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 10822. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 10823. A bill to amend the Truth-in-Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 10824. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

By Mr. SEIBERLING (for himself, Mr. Brown of California, Mrs. Burke of California, Mrs. Collins of Illinois, Mr. Edwards of California, Mr. Fraser, Mr. Helstoski, Mr. Lehman, Mr. Moakley, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Thompson of New Jersey, and Mr. Koch):

H.R. 10825. A bill, the Tax and Loan Account Interest Act of 1973; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 10826. A bill to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.J. Res. 755. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 17, 1974, as "National Right of Way Week"; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 756. Joint resolution to authorize and request the President to issue anually a proclamation designating the week beginning on the third Sunday of October of each year as "National Drug Abuse Prevention Week"; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 757. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee Public Works.

By Mr. O'NEILL (for himself and Mr. Gerald R. Ford):

H.J. Res. 758. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol; to the Committee on Public Works.

By Mr. VANDER JAGT:

H.J. Res. 759. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WYLIE (for himself, Mr. Stratton, Mr. Hillis, Mr. Runnels, Mr. Bowen, and Mr. Cleveland):

H.J. Res. 760. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 761. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. Rinaldo):

H. Con. Res. 333. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. HUBER (for himself and Ms. Holtzman):

H. Con. Res. 334. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Committee on the Judiciary.

By Mr. LEHMAN:

H. Con. Res. 335. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Cotter, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Gude, Mr. Koch, Mr. Pepper, Mr. Rees, Mr. Rosenthal, Mr. Waldie, and Mr. Wolff):

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mrs. Grasso and Mr. Gunter):

H. Con. Res. 337. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brasco, Mr. Cotter, Mr. Edwards of California, Mr. Fascell, Mr. Fish, Mrs. Grasso, Mr. Green of Pennsylvania, and Mr. Gude):

H. Con. Res. 338. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. Gunter, Mr. Hogan, Mr. Koch, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Rees, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Vanik, Mr. Waldie, and Mr. Wolff):

H. Con. Res. 339. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. BIESTER (for himself and Mr. Pritchard):

H. Res. 583. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. Fascell, Mr. Whalen, Ms. Abzug, Mr. Bingham, Mr. Edwards of California, Mr. Harrington, Mr. Kastenmeier, Mr. McCloskey, Mr. Moakley, Mr. Obey, Mr. Reid, Mr. Rosenthal, Mr. Roybal, Mr. Steiger of Wisconsin, Mr. Waldie, and Mr. Young of Georgia):

H. Res. 584. Resolution concerning protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FROEHLICH (for himself, Mr. Keating, and Mr. Roncallo of New York):

H. Res. 585. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 586. Resolution deploring the outbreak of hostilities in the Middle East; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself and Mr. Rinaldo):

H. Res. 587. Resolution urging a cease-fire in the Middle East; to the Committee on Foreign Affairs.

By Mr. McKAY:

H. Res. 588. Resolution expressing the sense of the House of Representatives with respect to granting the Republic of China membership in the United Nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

311. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the National Guard and other Reserve elements; to the Committee on Armed Services.

312. Also, memorial of the Legislature of the State of California, relative to "buy American" legislation; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD:

H.R. 10828. A bill for the relief of Kiyonao Okami; to the Committee on the Judiciary.

H.R. 10827. A bill for the relief of Kiyonao Okami; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 10829. A bill for the relief of Randall L. Talbot; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

308. By the SPEAKER: Petition of Andres D. Mistica, Santa Cruz, Zambales, Philippines, relative to redress of grievances; to the Committee on Foreign Affairs.

309. Also, petition of the Schenectady County Democratic Committee, Schenectady, N.Y., relative to continuation of the broadcasting of the Watergate hearings; to the Committee on Interstate and Foreign Commerce.

310. Also, petition of Ernest L. Lovato, Albuquerque, N. Mex., relative to Indian representation on the Civil Rights Commission; to the Committee on the Judiciary.

311. Also, petition of C. L. Langness, Fargo, N. Dak., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

312. Also, petition of Mrs. Richard Haller, Ashland, Ky., relative to veterans' pensions; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

SUSAN MARX REPORTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WALDIE. Mr. Speaker, it is always a pleasure to share with this House the accomplishments of a friend and fellow Californian. In this instance it is Mrs. Susan Marx, of Palm Springs, who has proven that the good life is enriched by an inquiring mind and new interests.

Mrs. Marx was a former showgirl in the Ziegfeld Follies. She is a mother and housewife and recently completed 12 terms on her local school board. Now, Mrs. Marx has decided to go back to school as a student on the shipboard international studies program sponsored by Chapman College. In addition to studying oceanography, anthropology, and oriental art, Mrs. Marx will be sending back periodic reports to her local newspaper, the Desert Sun. I am pleased to offer her first article to my colleagues today:

Yet Another Career Is Launched by Mrs. Marx

Mid-Pacific.—I'm up top watching flying fish skim over brilliant blue water like little silver skipping stones, and trying to sort out my impressions of what this ship is all about. They're still in the jelling process but there are many roles to play and many goals to achieve.

The most important one, relationship, the experienced faculty established immediately.

The ship is not just a campus. It's a community of distinguished professors and students, adults form all points of the compass, on a first name basis.

The senior members know they need to compensate for the emotional security left at home with parents so that the younger members may relate to each other casually.

It would be good for parents to see these young people hopefully hanging around the mail boxes and hear them complaining "my mother promised to write me every day."

The faculty does not permit itself to spin off into an isolated academic isolated society. It came on this voyage to provide a unique experience for students.

The ship is beautifully organized for the pleasure and comfort of the student. Classrooms are lounges with classes brought into them, creating a comfortable rapport between prof and student to encourage discussion. String deck chairs are all over the decks for anyones' convenience. No one watches to see they are not moved.

It is very pleasant to see people of all ages engaged in swimming, volleyball, sunning in minuscule covering, reading in shaded areas or working in a library outfitted as if for a luxury cruise.

Each morning there are a few early ones walking or jogging the 10 lap mile, or watching the dawn and the sleepy ones crawl from their sleeping bags after a night under the stars.

There are quite a few teachers on sabbaticals, post grads, and others, like me, who are just getting around to their own education, or bringing it up to date.

Dress is of the beachcomber variety, but for the Captains Dinner the young men and women manage to come out of their tiny lockers beautifully groomed, much to their mutual amusement.

As I write we are approaching Hawaii where, although still in the U.S., we will make our first contact with foreign cultures. We then have nine more days at sea to prepare for the impact of the Orient and the real test of our ability to put aside Western judgements and values, as well as enjoy the many cultures of the Pacific on its own terms.

Everyone is comfortable and at peace.

It's the only way to go.

A REPUBLICAN STATE CHAIRMAN'S MESSAGE TO YOUNG PEOPLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WYMAN. Mr. Speaker, at a recent meeting of the Republican National Committee, David Gosselin, Republican State chairman of New Hampshire, had a message for young people. Mr. Gosselin's words have special significance in this period of mounting cynicism and public distrust of affairs governmental or persons political.

In short the New Hampshire State Republican chairman bid young people in this country to "get in and pitch" as the best way to win the ball game. This is good advice, particularly when one reflects that the principal beneficiary of attempting to build a sound, progressive, and strong country is the generation to whom Mr. Gosselin speaks.

I commend his message to the thoughtful consideration of readers of the Record:

Get in and Pitch

Recently on network television, Gordon Strachan, a former aide to H. R. Haldeman, was asked by a Senator what his advice would be to young people of America concerning a career in politics.

Mr. Strachan replied, "Stay away."

As the youngest State Republican Chairman in the United States, I think it is appropriate that I comment on Mr. Strachan's advice, seen by millions of young people throughout the country.

I think it's the worst advice I have ever heard. Furthermore, I think it is dangerous advice.

If the skillful pilots who fly our airliners decided to stay away, we wouldn't be holding this meeting today.

If the capable chefs and waiters of this hotel decided to stay away, we wouldn't have had lunch today.

If the hard-working law enforcement officers decided to stay away from our city streets, our lives would be in danger.

If the dedicated young doctors stayed away from our nation's hospitals, think how many lives would be lost.

If the highly motivated young teachers stayed away from our nation's schools, what would happen to our children?

If the proud young men and women of our armed forces stayed away, this country would be out of business in 24 hours.

But the most crucial, complex and important activity in our nation today is government. It is the very heart or our existence. It needs all the skill, work, dedication and consideration we can give it. We need more people to continue to work hard to make government function effectively.

If the government doesn't work, then nothing else will work. There will be nothing left to stay away from.

There are too many people today—young and old—who are copping out. By doing so they are getting a free ride at the expense of responsible citizens.

Mr. Strachan's advice to encourage even more copping out, was a disservice to this nation.

There is only one thing better than good government, and that is government in which all the people have a part.

To the young people of America today I would like to say, "Don't stay away—pitch in and help. Your skills, your intelligence, your enthusiasm and hard work, at all levels of government are the best life insurance policies this nation could have."

No institution of any importance was ever built by quitters.

BISHOP W. H. AMOS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mrs. BURKE of California. Mr. Speaker, I want to take a moment to call the attention of Congress to Bishop W. H. Amos of Los Angeles, who has just completed his third quadrennial as the presiding bishop of the California conference of the Ninth Episcopal District, Christian Methodist Episcopal Church, to which he rendered outstanding and unparalleled services.

Bishop Amos' life has been one of service to the church and community, exemplified by his rise from admission on trial at the Jackson Memphis conference in 1935; deacon in 1936, and elder in 1938. He later moved to Detroit, where he served as pastor of St. James Methodist Church for 17 years and was elected as the 32d bishop of the CME Church in 1962.

With the devoted support of his wife Alice, Bishop Amos has provided yeoman service in the field of religion, education, athletics, and community relations. He has received the J. A. Bray and Charles Diggs awards for community services; citations from Los Angeles Mayor Sam Yorty, Mayor Wallace J. S. Johnson of Berkeley, and Mayor John Reading of Oakland. On numerous occasions, he has been honored with the official keys to many of our great American cities.

I had the recent pleasure of attending a dinner in Bishop Amos' honor. It was with great pride that I joined with hundreds of others, including Los Angeles Mayor Tom Bradley, in paying tribute to the work and career of Bishop Amos. We all wish him many more years of fruitful effort.

TRIBUTE TO MR. GEORGE BUGBEE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. JONES of Tennessee. Mr. Speaker, on September 1, 1973, Mr. George Bugbee, longtime sports editor for the Memphis Press-Scimitar, retired and was honored by some 175 sports notables from the mid-South area, at a party at Colonial Country Club in Memphis.

Charles H. Schneider, editor of the Press-Scimitar, said in regard to Mr. Bugbee, that he never knew him to ever write anything out of meaness or malice. This statement in itself is tribute enough to a fine man and a sports writer who always "called them as he saw them." The following article is submitted to pay tribute to George Bugbee, an outstanding sports editor and an outstanding man.

BUGBEE'S WORRIES DISPELLED

(By Bill E. Burk)

George Bugbee said he had serious misgivings when he read about a planned party to honor his retirement as sports editor of The Press-Scimitar.

"I read in the story that they were going to have a cash bar," said Bugbee. "A cash bar is not a magnetic thing. I remember Charles Boyer saying in a movie one time, 'Come wiz me to the Casbah,' and nobody came but one dizzy blonde."

What misgivings the grand old man of Memphis sports may have had were dispelled last night at Colonial Country Club where more than 175 sports notables from the Mid-South gathered to pay homage to a man whose written words have told about people as far apart as the immortal Babe Ruth and virtually unknown (outside of Memphis) Shifty Logan.

"In my 40 years with Scripps-Howard, I have worked with a lot of sports editors," said Charles H. Schneider, editor of The Press-Scimitar. "I once had a sports editor tell me that to be a good one, a man had to have a pretty broad stroke of S.O.B. in him. Well, George Bugbee proves that to be a foul ball, out of play. I never knew George Bugbee to write anything out of malice or meaness. He is basically a wonderful guy."

For the most part, those called on to speak were unaware they were to do so until recognized by James W. (Jimmy) Moore, who served as emcee at the warm, sometimes humorous banquet. So what they said was not prepared—it came from the hearts of men in all fields whose lives were blessed by their association with the man whose career in sports writing has touched five decades in Memphis.

"George Bugbee is the greatest guy I have ever known," said former Ole Miss football coach Johnny Vaught. "We in the coaching business are sometimes a little apprehensive about sports writers; we are a little afraid of being misquoted. I can truthfully say George Bugbee never said anything harmful to low-rate a person, coach or school. He has always been welcome in our home, at our school and on the practice field."

Billy (Spook) Murphy, Memphis State athletic director, hailed Bugbee "for two things you did best, (1) getting Memorial Stadium built, which was a necessity for Memphis State and for the city, and (2) fostering the relations between Memphis State and Ole Miss."

Golfer Cary Middlecoff called Bugbee a "rabid sports fan, the most knowledgeable I've ever known," and added: "You have never used your typewriter to assassinate people by character, and this is most appreciated when you're in the pro game. George Bugbee has done his writing on the highest type of level. He never burned anybody up."

Bert Ferguson, Park Commission board chairman, gave Bugbee a gold pass for free admission to all events at Memorial Stadium.

Groups from Memphis State, Ole Miss, Tennessee, Christian Brothers College, the Danny Thomas Memphis Classic, Memphis Quarterback Club, Liberty Bowl, Alabama, Highland Hundred and Memphis Press-Scimitar were well-represented at the banquet.

Letters and telegrams came from afar, including those from Dr. C. C. Humphreys, Coach Bear Bryant and one of Bugbee's favorite people, Ben Hogan.

Summing up, Bugbee told his admirers: "Retiring was sort of a spur of the moment thing for me. I left home one morning and as I went to the office, a little old lady said to me, 'I just want you to know that I read every one of your columns. I always know the next one is going to be better than the last one.' So when you think about a thing like that, you get to thinking about retirement."

"Ed Ray (Press-Scimitar managing editor) dropped by that day and I told him, 'This is it.'"

Bugbee retired Sept. 1 to become sports editor emeritus of The Press-Scimitar. His columns, for years daily, continue on Saturdays in The P-S.

In retrospect, Bugbee's misgivings about the cash bar proved wrong.

His personality proved more magnetic in drawing friends to what has to rank as his grandest moment in sports.

WALTER KANER: MAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BIAGGI. Mr. Speaker, on October 12, 1973, the Queens County March of Dimes Foundation will be presenting their 1973 "Queens County Man of the Year Award." This year's recipient is the distinguished columnist of the Long Island Press, Walter Kaner.

Walter Kaner is a household word in Queens. His lively and entertaining column has delighted the citizens of Queens County for 20 years. His accurate, and incisive style of reporting have kept many of the major political and civic figures in Queens on their toes, and has made his column one of the most widely read items in all of New York City. I have had the distinct pleasure of being mentioned in his column on several occasions, and remain confident that Walter Kaner will continue to tell it like it is, an enviable quality that more newsmen should be blessed with.

Walter Kaner recently expanded his work in the Press to include his new column, "Kaner's Night Out" which focuses on the major social events happening in the Queens area. Many of the social "bon vivants" of Queens look to "Kaner's Night Out" for their selection of the right places to be.

Yet, despite the immense amount of time it takes to maintain these popular and influential columns, Walter Kaner still remains in the forefront of humanitarian and civic causes in Queens. His particular work on behalf of the March of Dimes has earned him the respect and gratitude of every citizen in Queens.

Yet, if one were to ask Walter Kaner which of his many activities and accomplishments he covets most, he would undoubtedly mention his annual Thanksgiving Day Party given for the homeless, needy, and handicapped children of Queens.

This year's party, the 20th annual affair, will host 750 needy children. Through his unselfish efforts Walter Kaner has now helped over 50,000 children have a better Thanksgiving than they normally would have had.

It is no small wonder that the residents of Queens have chosen to bestow this prestigious award on Walter Kaner. There are few men as richly deserving of the Queens County Man of the Year Award.

It has given me a distinct pleasure to pay tribute to this fine humanitarian and gentleman. In an era when material possessions and the accumulation of wealth are so crucial to some people's happiness, it is good to know that there are still people in the world like Walter Kaner who are happy to share their wealth with others less fortunate.

"PASTOR PETE"

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SCHERLE. Mr. Speaker, America's greatest strength lies in the contributions individual citizens make to their communities. There are many ways to enhance the quality of life for one's neighbors; a few men and women are enterprising enough to convert almost every activity into a form of service.

Last month, the Grand Masonic Lodge of Iowa honored one of the finest members of my constituency by naming him Grand Chaplain of the Lodge. The Reverend Peter Kemper's career, sketched below, is a living example of how much one man can do. "Pastor Pete," as he is universally known, has won the loyal affection of all the people he has ever served. His friends in Iowa, however, take special pride and pleasure in claiming him for their own. We congratulate him on his new post and wish him many more happy years among us.

The article follows:

Reverend Kemper Appointed Grand Chaplain

Joseph Z. Marks, Grand Master of Masons in Iowa, announced the appointment of the Reverend Peter M. Kemper as Grand Chaplain of the Grand Lodge of Iowa. A member of lodges in Maine, Pennsylvania and Harlan, he earned his Bachelor of Arts at Eastern Baptist College in St. Davids, Pennsylvania, was conferred the Bachelor of Divinity and Master of Divinity by Eastern Baptist Theological Seminary at Philadelphia, Pennsylvania.

Reverend Kemper, or "Pastor Pete" as he is known in the community of Harlan, has been Pastor of First Baptist Church in Harlan since 1 January 1970. After being ordained in 1950, he served churches in Buffalo, New York, Philadelphia, Pa., Pittsfield, Maine; Erie, Penna., and St. Paul, Minnesota. While he was pastor in Erie, he also served as Chaplain at the Veterans' Administration Hospital and later held the same post in Minneapolis, as well as serving as hospital chaplain in Erie and St. Paul, and as Prison Chaplain in Philadelphia.

The Kemper family reside in Earlan where Reverend Kemper is a member of the Kiwanis Club, a board and committee member of the United Fund Drive of that community, as well as having served as president and secretary-treasurer of the Shelby County Clergy Association and the Ministers Council, American Baptist Churches, U.S.A. "Pastor Pete" will serve as Grand Chaplain at all sessions of the Grand Lodge of Iowa.

OVERSPENDING OF U.S. ARMY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ASPIN. Mr. Speaker, I have publicly released a General Accounting Office report which accuses the U.S. Army of illegally overspending $104.5 million in 1970. According to the GAO the Army violated the Anti-deficiency Act by spending an extra $104.5 million on personnel, clothing, and special subsistence payments to GI's in Southeast Asia. The Antideficiency law prohibits any overspending by Federal officials. Obviously, Mr. Speaker, the Army has scandalously ignored both the directives of Congress and the administration by overspending millions of dollars. Apparently, the Army spent as much money as it pleased without regard to congressional or administration restrictions.

The overspending took place when the Army underestimated the cost of pay and special allowances including special housing allowances, subsistence and other forms of special pay for officers and enlisted men in the Army during fiscal year 1970. In addition, the Army attempted to improperly juggle the books to avoid $74.7 million of the overspending. The Army attempted to shift spending from 1970 to 1971 even though funds were originally obligated in 1970.

It is interesting to note, Mr. Speaker, that both the Army and the Department of Defense deny GAO's allegation that any overobligation has taken place. According to law, whenever any overspending incident occurs the affected agency must report the violation to the President and Congress. In addition, if any Federal official has willfully overspent he can be fined and imprisoned for two years.

The Army has not reported the violation to either the President or the Congress. The GAO in its report to me said "we recommend that the Secretary of Defense submit a formal report to the President and the Congress as required," by the Antideficiency Act.

I am calling upon Defense Secretary James Schlesinger to obey the law and immediately submit a report on this massive overexpenditure of funds. Top Army and Defense officials should not be immune from the law.

The Army's refusal to report the violation is a sign of the Army's arrogant contempt for fiscal restraints imposed by law. Not only should the Secretary of Defense submit his report, he should determine through a thorough investigation if any of the over-expenditures were willful. If anyone has willfully overspent, they should be prosecuted.

Neither the Congress nor the American people can tolerate the Pentagon spending more money than is appropriated—the Defense budget is big enough without spending more than Congress approves.

MALE CHAUVINISTS DOWN, NOT OUT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DERWINSKI. Mr. Speaker, naturally I realize the momentous legislative challenges that face us this week, but I also recognize the intensity of public interest from time to time in nongovernmental matters or activities.

Recently one of the most fascinating events that captured the attention of the public was the tennis match between Bobby Riggs and Billie Jean King. One of the most objective and penetrating columns on the results of the match I have seen was written by Dennis Mahoney, assistant sports editor of the Star Tribune, Tinley Park, Ill., and I commend this thoughtful article to the attention of the Members:

Male Chauvinists Down, Not Out

(By Dennis Mahoney)

Male chauvinists everywhere, myself included, knew Bobby Riggs was in trouble the moment he took his warmup jacket off last Thursday night.

The biggest sports upset since the Jets did it to the Colts and the biggest choke job since the Cubs' latest flop took place in Houston's mammoth Astrodome, and when Riggs had to get serious in the very first set, that was already a moral victory for Women's Lib.

How could we let a 55-year old man carry the men's banner? Riggs is old enough to be Billie Jean King's father, and that was pretty evident before a large gathering in the Astrodome and the more than 48 million who witnessed the one-sided affair on national television.

Fortunately, I didn't put any money where my mouth was, even though I firmly believed that Riggs would make Ms. King wish she'd never picked up a tennis racket.

Billie Jean King isn't even the best woman player in the world, and don't let anybody tell you different. Margaret Court, whom Riggs decisively trounced last Mother's Day, is the best female, and Chris Evert may be better than both in another year.

Still, I admire Ms. King, even though I thought and still think she was pretty stupid to accept Riggs' challenge. She had everything to lose and nothing to gain, except the $100,000.

Billie Jean played excellent tennis, some of the best I've ever seen. She didn't appear to be flustered at all, contrary to Riggs, the self-described biggest hustler of all time.

Perhaps Riggs should have placed some chairs on the court, one of his favorite ploys, and tried to psyche her out that way. Verbally she was his equal, and there was no doubt about who had choked after the two hour struggle.

Television coverage found the match up against Bonnie and Clyde on another station, and it's hard to figure which was more violent. Riggs probably felt like he had been machine-gunned.

ABC's coverage left a lot to be desired. Frank Gifford was obviously pro-King and made little attempt to hide it, and Humble Howard Cosell was restricted to just playing referee between his sidekicks, Rosemary Casals and Eugene Scott.

Ms. Casals hit it right on the head when she predicted that Ms. King would win in straight sets, and she was certainly one of the winner's most staunch supporters.

At the same time, she wasn't fair to Riggs, and had nothing nice to say about any of the shots he made. Early in the encounter Riggs did play well, but Ms. Casals was so bitter you wouldn't have known if Riggs even liked small children. Rosemary would have lost 6–0, 6–0, 6–0 had she been playing instead of Ms. King.

ABC also blew it with the celebrity bit. The crowd shots were okay because there were a lot of stars there, but who needed to see Robert Stack bellying up to the bar? And they asked tennis "experts" like Jimmy Brown and George Foreman for predictions before the match. George Foreman would probably pick up a tennis ball and eat it if no one told him what it was.

What does the match prove? First let me tell you what it doesn't prove. It doesn't prove women are equal to men, and it doesn't prove the top women players could compete with the top men players. No matter how determined Ms. King was, Arthur Ashe, Marty Riessen, Rod Laver and others would have found her easy pickings.

What it does prove is that top women players can play for big money, and that they can beat 55-year old FORMER men's champions.

And when Billie Jean King is 55 years old, she probably won't be able to beat me.

AMENDMENT TO DISTRICT OF COLUMBIA SELF-GOVERNMENT BILL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. YOUNG of Florida. Mr. Speaker, I intend to offer an amendment to the District of Columbia Self-Government and Governmental Reorganization Act at the appropriate time during House consideration. My amendment would provide a statutory guarantee that all official proceedings of the District of Columbia government are open to public scrutiny.

My home State of Florida, the "Sunshine State," is renowned for its model statute putting into effect "Government in the Sunshine." Florida law provides that all State, county, local, and other official meetings shall be open to the public at all times, and that the minutes of such meetings shall be available to the public. Implementation of this statute has opened up the workings of Government to the public eye and made citizens more aware of how Government affects them.

My amendment contains language which would ensure the same openness of operation and freedom of information with regard to the government of the District of Columbia. I believe the residents of the District, and the American taxpayers who contribute to the District of Columbia government, are entitled to these protections.

The amendment is as follows:

AN AMENDMENT TO THE SUBSTITUTE FOR THE AMENDMENT OFFERED TO H.R. 9682, AS REPORTED, OFFERED BY MR. YOUNG OF FLORIDA

Page 118, insert after line 2:

GOVERNMENT IN THE SUNSHINE

SEC. 741. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost.

TRANS-ALASKA PIPELINE

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. MELCHER. Mr. Speaker, progress of the conference committee on the Alaska pipeline bill has been only gradual, because of the wide differences between the House and Senate bill on the regulations to be placed on all future oil and gas pipelines on public lands, including the trans-Alaskan line.

There are several nongermane amendments in the Senate version of the bill. Many have merit and the House conferees will want to examine them very carefully to determine if we want to bring them back to the House floor for approval.

On the critical issue of protecting the land and the environment, the House version is superior both in the general title that affects all oil and gas pipelines and also in the requirements imposed on the trans-Alaskan pipeline. The House Interior Committee in open session discussed very thoroughly environmental protection issues and, after extended debate here in the House, we adopted tough language to accomplish this purpose. Our House position on environmental protection is superior to the Senate's version of the bill, in my opinion.

A recent communication from the Department of Interior replying to Senate inquiries arising partially out of discussion with Alyeska, the Alaskan pipeline company, resulted in proposed language to the conference that would result in watering down the House position. The House-passed bill would limit the exemption from further litigation under the National Environmental Protection Act to the Secretary of Interior's grant of a right-of-way and to those other Federal agencies that are part of the Secretary's environmental impact statement issued in March of 1972. The Senate bill in this regard and also the proposal of the Department of Interior is broader but I believe we should hold to the House's stronger position on this and other environmental protective issues.

MILTON S. KRONHEIM, SR.: A LIFE OF KINDNESS AND LOVE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. PATTEN. Mr. Speaker, on October 2, 1973, one of Washington, D.C.'s most respected and beloved citizens, Milton S. Kronheim, Sr., reached his 85th birthday. Judging from his amazing physical, mental, and spiritual vigor, he will probably live for at least another 85 years. How many more birthdays he observes depends, of course, on God's will, but I could not help think on October 2 what a wonderful life Milton Kronheim has lived for his first 85 years.

There are many blessings in life, but I personally believe the most precious for a man are good health, a happy marriage, success in his work, and loyal friends. Milton Kronheim is exceptionally fortunate, because he enjoys all of those coveted blessings. God has been kind to him, but he has also been kind to thousands of people in his life, not because of self-gain, but because of love. He is the greatest humanitarian I have ever known, not only advocating brotherhood, but practicing it. He has helped so many people and so many worthy causes, they could never be counted.

I have often wondered what his secret is for the good health and longevity he enjoys. I'm sure the main reason is that he inherited a strong physical constitution that is kept in excellent condition with systematic exercise, but I'm also certain that another important factor is the tremendous good he has done for so many people. That helps keep a person young, for it is in giving—not receiving—that the heart, mind, and soul are nourished and strengthened.

Mr. Speaker, it is really impossible to describe some people. They are so remarkable, no words can really cover them. Milton Kronheim is one such person, distinguished in so many ways: active and dedicated civil leader, highly successful businessman, generous benefactor, friend of several presidents of the United States, and lover of mankind.

I am no poet, so I hope that these words will convey some of the feeling I have—and many others have—for Milton S. Kronheim:

"That best portion of a good man's life,
His little, nameless, unremembered acts,
Of kindness and of love."

Mr. Speaker, that is the story of Milton S. Kronheim, Sr.—A life "of kindness and of love." May God bless him for another 85 years, for he has helped so many people here on Earth.

BUSINESSMEN URGED TO MAKE POSITIVE AND CONSTRUCTIVE ATTITUDE REGARDING CONSUMER AFFAIRS

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. STEELMAN. Mr. Speaker, Edward B. Rust, president of the State Farm Insurance Companies and the U.S. Chamber of Commerce, urged businessmen to take a positive and constructive attitude regarding consumer affairs in a speech delivered in Chicago recently.

I would like to commend Mr. Rust for his attitude and leadership in the business community, especially his emphasis on the alliance of commerce and consumerism. I believe this frank, forward-looking approach will do much to restore consumer confidence in business to the level it once was and should be.

The full text of his remarks follows:

ADDRESS BY EDWARD B. RUST, PRESIDENT, U.S. CHAMBER OF COMMERCE, PRESIDENT, STATE FARM INSURANCE COMPANIES, NATIONAL ASSOCIATION OF LIFE UNDERWRITERS CONVENTION

Someone asked me shortly after I was elected president of the U.S. Chamber, "Well, how does it feel to be *the* spokesman for American business?" I replied that if that's what they elected me to be, they have elected the wrong man.

I don't propose to speak for all of American business, which would be presumptuous, but I *would* like to share with my fellow American businessmen some of the things I have learned and believe in as the result of managing one business for some 27 years.

There is an aspect to this business of insurance that you and I are in that has always intrigued me—and I am talking especially about those personal lines of insurance that protect the individual's life and his most important personal possessions his home and his car. This is a unique business, totally unlike any other I know of, because of the nature of the relationship we have with our customers. We don't sell our customer a product and we don't, at least initially, sell him a service. What we sell him, instead, is a promise to deliver a service at some future time when he needs it. That's all the insurance policy is—it's a contract, setting forth promises that the insurer will fulfill for the insured under certain specified conditions.

It's really asking quite a lot of somebody that he should give us a substantial sum of money in exchange for that list of promises.

You can see from the nature of the insurance company's relationship with its policyholders that the relationship depends upon credibility. The insurance buyer needs very much to believe that those promises will be kept. He, furthermore, needs to have a great deal of faith in his insurance company's financial strength, in the ability of its management to keep the enterprise alive and healthy, at least during the period of the insurance contract, so that the insurance company will be in shape to pay the claims that might arise under that policy in the months and years during which that contract is in force.

I think our democratic society is in a situation that is in some ways analogous to the insurance business. The society holds together because we make promises to each other, as individuals and as private and public institutions. To the extent that we keep those promises to each other, and to the extent that we have faith in the promises of others, the society functions rather well. When we begin to lose faith in each other and in our institutions, the social fabric begins to unravel.

We are all aware of the many problems that beset us today as a people—the energy crisis, environmental pollution, inflation, foreign trade deficits, and so on. It is not to dismiss these problems lightly that I say they are, to a degree, transient. They will pass in time, and others of equal urgency will arise to take their place. But there is another problem that, in my view, transcends all of these others. It is suggested by the phrase "credibility gap," which I suppose is just another way of saying we don't believe each other any more. We don't believe the businessman, we don't believe the political candidate or the office-holder or the government agency or the newspaper or the news broadcaster.

Why?

Why has this essential confidence that we need to have—must have—in our institutions eroded so much in the last few years? This is not supposition on my part. It is measurable erosion, and the measurement has been made by the Louis Harris polling organization. The Harris pollsters sought to gauge public confidence in various public institutions and organizations over a recent five-year period.

At the beginning of that period, of those queried, 55% said they had "a great deal" of respect for major companies. Five years later that figure had been halved to 27%. Moreover, three times as many respondents reported they had "hardly any" respect for major companies as said so five years earlier.

And it was not just business that suffered this damaging decline in the public's esteem. The survey also turned up a steep slide in the public's confidence in the military, scientists, educators, doctors and the press.

These are portentous findings, indeed. How can the society, we must ask, function if this decline continues? Can the trend be reversed?

I don't pretend to have the scientific background that would enable me to analyze for you the complex socio-psychological factors that underlie the declining confidence that more and more Americans seem to have in the many institutions that together make up our society. I can only offer the personal observations of an American businessman.

I would agree with Alexander Hamilton, who once said, "The vast majority of mankind is entirely biased by motive of self-interest." I don't know if Mr. Hamilton found that distressing. I do not. But the real problem arises in defining where our self-interests truly lie.

The answer to that question frequently depends upon how far into the future we are willing to look. If as businessmen we look only at tomorrow's profits, then self-interest will dictate that we act one way. But if our focus instead is one the long-range survival of the business enterprise, then we will act in quite another way.

There seems to be some confusion over the role of business in today's society. There is much talk these days about the social responsibilities of business and the need for involvement in social programs. And perhaps we should be doing more of this. But I personally feel that the first order of business is the competent management of business and that management's first priority should be the quality of the product or service it provides.

Please understand that I'm not suggesting we turn away from our obligations to the environment or from any of our social responsibilities. I am only reminding you that quality of product or service is itself a social responsibility with social implications far beyond profit and loss.

It seems appropriate to emphasize that point here today, at your Public Service Award luncheon. The public service program of the National Association of Life Under writers has, over the years contributed in countless ways to the well-being of America's communities, and it is vitally important that you continue this work in the future. But it is equally important to understand that the way we conduct our business also measures our sense of social responsibility. The professional life underwriter knows that, but elsewhere in the business community "social responsibility" and "public service" are sometimes discussed as if they were separate and remote from day-to-day business activities.

As businessmen, our focus must always be on the quality of the service or product we offer, simply because this is the first expectation people have of us. The manufacturer that landscapes the factory site but hedges the obligations in his product warranty has a misplaced sense of priorities. It's at this basic level that we must begin to rebuild faith in the institution of business. We need to regenerate a dedication to quality, to value and to service.

We need a commitment to excellence first of all in those things in which we are best equipped to excel. The business manager may need instruction in some of the new social roles that are being urged upon him—but he should need no instruction at all in bringing to the marketplace a product or service that meets whatever claims he is willing to make for it.

Above all else, he should know how to do that!

This, I believe, is what Ralph Nader and other consumerists are saying, and I find it hard to disagree with them on that point. You will notice that you rarely find consumerists criticizing a business for its failure to involve itself in social programs on the periphery of that business. Mr. Nader's focus is usually on the first business of business—its products and services. His primary insistence is on products that perform as they are supposed to, on warranties that protect the buyer at least as much as the seller, on services that genuinely serve.

In accepting the Chamber presidency, I expressed my belief that intelligent men of good will abound in all of our institutions, and that it doesn't make sense that we sit in our respective enclaves of business, labor or government and scream imprecations at one another across barriers of misunderstandings. I also said that most of us share a commitment to the welfare of our nation and of its people, and that we differ only in our perceptions of how to meet that commitment, and that as Chamber president I would focus on those things that bind us together rather than on our differences. It is in that spirit that I invite American business to look with fresh eyes at Ralph Nader and the kind of consumerism he represents.

He has been described in some quarters as "an enemy of the system," but if we are willing to look objectively at his activities, I think we are forced to the conclusion that his commitment is to make the system work. I believe that it was inevitable that sooner or later someone like Ralph Nader would arise to focus and articulate the disastisfactions and the frustrations that are widespread among American consumers. And so in him we see not an individual expressing his personal biases, but instead a man who is singularly sensitive to the mood of the public and who is unusually well-equipped to symbolize and express that mood.

Given the wide base of public appeal that

Mr. Nader obviously has, I think it is unrealistic to come to any other conclusion. I think it is imperative that American business look calmly and realistically at what consumerism is and what it is not, as represented by Mr. Nader.

I hope you will understand that, as a businessman, I would hardly be siding with Mr. Nader against business. Rather, I simply insist that he is not *on* "the other side." If we look at the record, I think we will see a clear community of interest that Nader has with American business. The whole point of Nader—so obvious that it is often overlooked—is his single-minded dedication to making the free-enterprise system work as it's supposed to—to make marketplace realities of the very virtues that businessmen ascribe to the system.

It is not his style to mount street demonstrations, but it *is* his style to insist that products live up to their advertising and to buyers' reasonable expectation of them—and when they don't, to go to the regulatory authorities and say, "Look here. Now regulate."

That kind of activity suggests a considerable degree of faith in the system, and contrasts sharply with the revolutionary who would tear it down.

But if you would say that he sometimes exaggerates, that he overdramatizes, that he is shrill, then I would have to agree—at the same time pointing out that this is the traditional way to gain attention in the clamorous and free American marketplace, as we who advertise our products and services should be well aware.

We in business sometimes complain that the public—and our young in particular—don't understand or appreciate the free enterprise system. But I must observe that when business sees consumerism and its spokesmen as enemies of that system, then business is demonstrating its own failure to understand the healthy tensions and competing pressures that must always be present in that system, if it is to survive.

The consumerist does not demand perfection of American business. I believe he perceives it as a human institution, susceptible to error. But he understands the difference between honest mistakes and deliberate deception—a distinction Nader is able to make with considerable force.

This brings me to a matter that I think is part of this problem of credibility—our self-perceptions. We need always to be aware of our humanity, and that awareness should produce enough honest humility within us to admit that we will make mistakes.

It should be part of the manager's overview of his job to *expect* mistakes. When he has that view, then he will also have his organization geared to deal with them efficiently and equitably.

It's an exercise in corporate egotism to pretend or assume that mistakes aren't made—to attempt to present to the public an image of godlike perfection, which no one can rightly expect of himself or of the institution he manages. That kind of attitude shows a lack of faith in the American people's capacity to understand that mistakes will be made and their readiness to forgive those who move promptly to correct them.

I think that these attitudes come about as an indirect result of the "gaintizing" of our business institutions, to borrow a term from the sociologists. The small businessman cannot isolate himself from his customers, no matter how much he might wish to. But it is possible for the managers of big business to remove themselves from the abrasions of the marketplace.

The tendency is to encapsulate oneself in corporate limousines and executive suites and paneled boardrooms—an environment that in the long run will distort management's view of reality. It's entirely human and understandable, I suspect, that most of us seek to make our lives more comfortable, to escape in some measure the harsh realities of human existence.

But I suggest to you that it is an inescapable part of the businessman's job to maintain direct personal touch with the realities of the marketplace. Market research is fine and necessary—but those neat charts and graphs can never give you the feel of product and user that you get from a direct confrontation with an angry or happy customer.

I was in an office conference the other day in Bloomington, Illinois, when a customer of ours in Houston got me on the telephone. He had a problem that I was able to help him with. When our telephone conversation concluded, one of the people in my office commented that an efficiency expert would be appalled that I would interrupt an important meeting to involve myself in the problems of one of our 20 million policyholders. It would strike him as an inefficient use of executive time. My response was—and I deeply believe this—that the day I refuse calls from customers is the day I should resign as head of the companies, because that is the day I will have begun to lose contact with the real world in which we operate.

Share this little fantasy with me—

Suppose every American product has a sticker on it, right up there where everyone could see it—smack in the middle of the car's dashboard, right on the side of the toaster, or in big letters by the dial of the TV set, and it read:

"If this thing doesn't work like we said it would, call our president," followed by his name and telephone number.

It's hard to imagine the impact this would have, but I can tell you a couple of things that would happen. Those consumer complaint statistics that come up in orderly columns from the computers would suddenly come very much alive, bristling with humanity, and in a very short span of time, the corporation president would acquire a very sure sense of reality—as well as an unlisted phone number.

You see, my name is on about 20 million insurance policies. If our service to our insured breaks down—as it sometimes does—or if misunderstandings arise that aren't cleared up elsewhere in the organization, the policyholder will sometimes look at the bottom line of the last page of his insurance contract, see my name and call me. And if he doesn't get me, he gets one of my assistants.

Quite often, he is irate and frustrated and has carefully marshaled the arguments he is sure he will need. But when I listen to his complaint, and if it's clear to me that he has not received what he has a right to expect from us, I apologize to our customer and tell him what I'm going to do to get things back on track for him. At that point, there is often stunned silence on the customer's end of the phone line, and I sometimes have to say "hello" two or three times to awaken him from shock.

Why should candor and a desire to correct error be such a startling experience for an American consumer to encounter in American business?

I have been told that these observations may make of me something of a pariah in the American business community, but I'll take that risk because I have great faith in the reason and good sense of most business leaders and managers.

But just as business must be willing to calmly assess what consumerism is really trying to achieve—must be willing to distinguish between honest criticism and unproductive enmity—so do I believe that it is fair to ask the American consumer to look at business realistically. It is no more sensible for the consumer to expect perfection in everything he buys than it is for business to expect consumer acquiescence to all its shortcomings.

I sense a kind of perfectionist mood in some quarters of the society, an irascible intolerance for error of any kind. This is probably a by-product of our technology and our advertising. Too often, the latter leads people to expect what no product or service can possibly deliver. (I've yet to see the marriage that was saved by changing brands of coffee.)

Our technology presents us with a more subtle problem. We've all hear the nostalgic comment, "They sure don't build them like they used to," and in some instances, this may be true.

But there's another side to that coin. Not too many years ago, the fairly affluent American home could count no more than a half-dozen electrical appliances. Today, an inventory of electrical devices in most American homes would total in the dozens—electric razors, his and hers; electric toothbrushes, mixers, blenders, fry pans and broilers; electric can openers; electric knives.

If the average appliance—when there were only six in the home—operated six years without needing repair, the customer was going to the serviceman on the average of once a year. But if you have three dozen appliances in your home—and many homes would have at least a dozen more—then you are getting something repaired on the average of once every 60 days. In other words, even if the level of quality is the same, your service problems have increased six-fold, which is a pain in the budget and elsewhere.

Inflation, as well, heightens our expectations of products and services; the more you pay for something, the more you demand of it.

I think all of us—businessmen and their customers (and many of us are both)—need to abandon the cliches we too often use in talking and thinking about this thing we call "the system." The businessman sometimes behaves as if he were its sole proprietor, and the customer sometimes expects more of it than it can possibly deliver.

At best, perhaps the system can only be an uneasy partnership, out of which the consumer can expect reasonable satisfaction and out of which the businessman can expect reasonable profits.

I think most reasonable people would settle for that.

And I believe that reasonable people can make it happen just that way.

BUDGET REFORM NEEDED

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BAUMAN. Mr. Speaker, perhaps one of the most important issues facing the Congress of the United States now as in recent years is the problem of inflation. One of the contributing causes of inflation is quite obviously the laborious budgetary process followed by the Congress each year. In recent years this has become almost a scandal with appropriations bills being passed, if at all, long past the deadlines of the beginning of each fiscal year.

My distinguished colleague in the other body, Senator WILLIAM ROTH, has been a consistent champion of budget reforms. I bring to the attention of the House the following editorial which appeared in the

Daily Times of Salisbury, Md., on October 2, 1973, which quite forcefully points out the problem of budget reform and the need for Congress to act:

BUDGET REFORM NEEDED

Delaware's Sen. William Roth is the latest to add to the cry in Congress for budget reform. In a recent speech to the Senate, he decried the shocking news that "Congress had authorized and the executive had spent one hundred billion dollars more than the federal tax system had provided for the treasury in the past four years."

Sen. Roth made a telling point when he added that if nothing is done this year, then the inefficiencies will be perpetuated for yet another budget cycle. The reason is that Congress will then be in the throes of getting itself re-elected. That's a time when spending on partisan points of view is at its worst.

The budget control bill is S. 1641. It would create a congressional office concerned only with budgetary matters and would provide for a master plan of spending and revenues by deciding early in the session on priorities. From it would emerge a total budget, with spending geared to revenue.

Complex a job though it may be, it offers this nation's only hope of arresting the very serious inflationary slide now threatening to carry our money into oblivion.

In that one hundred billion dollars spent in the past four years without revenue to match was the so-called revenue sharing money. It went on the national debt to be paid by our children and our grandchildren. They should have called it debt sharing. That's what it is—more debt.

PUTNAM COUNTY CREATES FIRST FLORIDA BICENTENNIAL PARK

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. CHAPPELL. Mr. Speaker, the spirit of cooperation and dedication on plans for the Nation's Bicentennial Celebration is truly exemplified in the effort of the citizens of Crescent City, Fla., in their creation of Florida's first Bicentennial park.

I attended the dedication of this park and was deeply moved by the obvious devotion of these people to our country. Their willingness to put forth the necessary effort to create the park is very beautifully expressed in the following editorial from the Palatka Daily News:

Putnam County can claim the first Bicentennial Park in Florida—and, perhaps, in the nation. This claim is significant in two ways. One is that the "first" of any series of parks, institutions or activities of a movement can become historically meaningful. Another is that the park dedication can give some impetus to the national Bicentennial observance that has been slow in getting underway.

Here, at Crescent City, small city of beauty and age, the Bicentennial to be celebrated in 1976 has visual recognition. The people of Crescent City and Action '76, Putnam County's Bicentennial committee, have made it evident that they strongly support the observance of this nation's 200th birthday.

What is probably the most significant of all about the park, named for Thomas Dexter is that it follows the American tradition of incorporating individuals and government. Creation of the parks brought together, in a real display of cooperation, white and black residents of the community, local, county, state and national government and the benefactor who supplied the sand to create a beach at Lake Stella and funds. All of this was not pre-planning for a Bicentennial park, but it was the natural course of dreams and plans of the people of Crescent City, which makes the large scale drawing together of individuals, clubs and representatives of government even more meaningful. The beach's dedication as a Bicentennial Park crowned their achievement.

All of Putnam County can share in the pride of Crescent City in having this state's first Bicentennial park. The Florida Bicentennial Commission also is proud.

Mr. Speaker, I hope all my colleagues rejoice with me in this fine achievement by a community that recognizes what can be accomplished when folks who really believe in this Nation work together.

FIRST POLISH IMMIGRANTS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. MOAKLEY. Mr. Speaker, today I wish to join with Mr. DERWINSKI, my colleagues, and Americans of every descent, in commemorating the anniversary of the arrival of the first Polish immigrants to America, and the beginning of an important chapter in American history.

In 1607, the first settlement of colonists in America was founded at Jamestown. Sent by the Virginia Company to develop supplies of lumber and wood products for export to England, the adventurous colonists had little notion of what life in the American wilds would be like. The pioneers bravely faced the challenges of the wilderness, but the difficulties they confronted were nearly too much for them. The colonists leader, John Smith, appealed to the Virginia Company to send skilled workmen to rescue their settlement.

Among those sent as an answer to Smith's appeal were five Polish artisans. Determined to set the colony back on its feet, the artisans started organizing a variety of manufacturing operations. They built a glass furnace, erected a saw mill, and organized the production of soap, pitch, and other necessary articles. With the assistance of their Polish members, the first American pioneers were able to avert the abandonment of Jamestown.

The settlers of Jamestown demonstrated that the American wilderness could be tamed. Their successes encouraged the British to invest heavily in their American colonies. The British seaboard outposts flourished and developed a style of life of their own. When that life style was threatened by the acts of the British Government under George the Tihrd, the Polish people once again offered their assistance.

At the time of its formation, the Continental army was little more than a loose collection of untrained militia. Its commander, Gen. George Washington, sorely needed experienced soldiers to train his men and lead them into battle. Veterans of the Polish struggle for independence came to offer their services to Washington. Among the foremost of these men was Casimir Pulaski.

When he came to America, Pulaski worked furiously to assist Washington in whipping the irregulars into shape. The success of his labors won him a commission as a general in the American Army. General Pulaski's forces fought valiantly in the Revolutionary War, and their efforts contributed greatly to the eventual American victory. Tragically, Pulaski was never able to celebrate that victory: he died during the siege of Savannah.

Soon we will celebrate the 200th anniversary of this Nation's birth. Throughout those 200 years, millions of Americans, of all national, economic, and religious backgrounds, worked together to build a great society. The Polish people, sweating in the mills of Pittsburgh and Chicago, electioneering in the streets of New York and Boston, and pursuing in all parts of our lands the freedom-loving ideals of their past, are an important part of those millions. On the occasion of the anniversary of their arrival in America, they deserve our congratulations and our thanks.

GILMAN SUPPORTS IMMEDIATE CEASE-FIRE IN MIDDLE EAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. GILMAN. Mr. Speaker, I am introducing tomorrow a resolution calling upon Congress to support the President's efforts to end hostilities in the Middle East and bring peace to that area.

For the fourth time in recent years, we are confronted with a tragic outburst of violence in the Middle East. This senseless war has already engulfed all of the Middle East and threatens to involve the rest of the world in a major conflict.

Today's reported bombing of a foreign embassy in Damascus further emphasizes the danger that this volatile situation presents—the danger of this war escalating into a worldwide conflict among major powers.

The history of the Middle East reminds us that this recurrent warfare only aggravates already delicate issues, increasing the likelihood of more violence in the future—prospects all reasonable men find abhorrent.

Accordingly, this resolution calls upon Congress to support the President in his endeavors to bring about a cease-fire and return to the border lines existing prior to the outbreak. This is a laudable approach to this prolonged conflict. It will provide an atmosphere of stability so bady needed if we are ever to see the end of bloodshed in the Middle East.

I urge my colleagues to join with me in setting the stage for a long lasting peace, first through a cessation of hostilities and then by way of a negotiated settlement of the issues.

COLUMBUS DAY CELEBRATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BADILLO. Mr. Speaker, on October 8 the Nation observed Columbus Day in honor of the daring man whom we credit with the discovery of the New World. It is indeed appropriate that we now celebrate this occasion along with other national observances commemorating important events in the history of this country.

For many years the Italian American community was active in trying to have Columbus Day considered a national holiday, and certainly they have every right to be proud of the fact that Christopher Columbus was by birth Italian. But we must not forget that it was the Queen of Spain, Isabela la Católica, who gave Columbus the resources he needed to carry out this great adventure, and that it was primarily due to her interest and foresight that the voyage was ever begun in the first place. It is appropriate, then, that throughout Latin America the practice of observing El Día de Colón has been in effect for as long as one can recall.

This day is also referred to in Latin American countries, and among the Spanish-speaking people of the United States, as El Día de la Raza, which might be roughly translated as "The Day of Our Race." Beyond the outward manifestations given in parades and feasting lies the greater significance of the feeling of brotherhood and the joy of sharing a common origin. Although many races came together to form what we now know as the Spanish-speaking people, we are constantly reminded that it was the Spanish language, in particular, that brought a certain cohesiveness that bound these groups together in a community spirit. Today, with the large Latin community which has sprung up in this country due to periods of heavy immigration from various Latin American countries, the language still causes the Spanish speaking to maintain close ties with the mother country.

It is unfortunate that this occasion, which is a joyful one in so many ways, also causes us to reflect upon the statistics which indicate that the Spanish speaking in the United States still have a long way to go in achieving equality with the average American. While most of us came here expecting a land of great opportunity, many of us have never enjoyed the tremendous resources which set this country apart as a center of power and leadership unparalleled in history.

The present administration, in particular, has been woefully remiss in providing programs to alleviate the poverty that affects large numbers of our people, and they have even acted to eliminate much of the Federal aid that could have helped to remedy our plight. President Nixon has recently made it known that he hopes to better his relations with Congress so that we can begin to work together for the benefit of all Americans. It is my hope that he will especially remember the campaign promises he made to the Spanish speaking community, and that he will be receptive to legislation aimed at creating and funding programs in the areas of bilingual education and bilingual manpower training. After all, Americans have always promoted the belief that education is the key to success, but education which disregards the special needs of the linguistically different child or adult is worthless.

In 1967, the Congress set a new milestone in providing better opportunities for non-English speaking Americans with passage of the Bilingual Education Act. The present administration has crippled this important legislation by failing to fund it at its authorized levels. In fact, Mr. Nixon's budget request for bilingual education for the 1973 fiscal year was less than one-third the $135 million authorization.

I would like to call attention to a bill which I introduced on September 26 of this year, the Bilingual Job Training Act of 1973. This act would authorize the Labor Department to grant assistance to States, local public schools, and nonprofit private organizations to support the establishment and implementation of bilingual job training programs. It would also provide grants for training teachers and developing materials to be used in these programs. Considering that the average median income of Spanish-speaking families is almost $3,000 below that for the rest of the Nation, that one out of every five adults of Spanish-speaking background has completed less than 5 years of formal education, that the jobless rate among the Puerto Rican community in New York City was recently measured at 6.7 percent—as compared with 4 percent for all whites in the city during the same period—it is obvious that a real need for such an act exists.

In closing, I would like to simply encourage my colleagues in the House to keep in mind, as you join in celebrating Columbus Day, that Spanish money made this event possible and that the large Spanish-speaking community now present in this country deserve a little something in return. I believe the answer to all our problems can be found in programs and legislation which promote equal opportunity for an adequate education and proper training.

A REQUEST FOR OFFICIAL LEAVE FOR CONGRESSMAN FREY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. VANIK. Mr. Speaker, I have placed on the Speaker's desk a request for official leave of absence for Mr. Frey, of Florida. During this week, Mr. Frey is in Vienna to see firsthand the problems caused by the closing of the Jewish emigration camps there. He is also visiting Israel, discussing matters relating to Soviet Jewry emigration and other matters of mutual interest with leaders of that nation.

THE FEDERAL BUREAU OF PRISON'S BEHAVIOR MODIFICATION PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RANGEL. Mr. Speaker, I am taking the liberty of placing another article concerning the Federal Bureau of Prison's activities in the area of behavioral modification in the Record. I feel that it is most important that my colleagues be made aware of these activities.

The article follows:

[From the Washington Star-News, Nov. 5, 1972]

The Dangers of "Curing" Inmates

(By Dr. Peter R. Breggin and Phil Stanford)

Without any fanfare, in fact, very quietly for a federal project of such consequence, the U.S. Bureau of Prisons has begun construction near Butner, N.C., on something called the Behavioral Research Center. Work on the new facility, which, it appears, will be a cross between a prison and a human laboratory, began last June. It is scheduled to be ready for operation in early 1974.

A handout from the Bureau of Prisons says the center "will be a unique facility in the Federal correctional system." It will be run by psychiatrists and will experiment with the "treatment and management of various types of offenders." Programs developed at the center will then be adopted at other federal prisons.

In other words, the Behavioral Research Center is not just another expensive penal institution; it represents a new direction for the entire federal program.

The bureau's release describes the advanced technology that will go into the $12.5 million center: "Instead of a traditional institution, the facility will have a more psychologically pleasing character. . . . Rather than guard towers, underground electronic detection systems together with a mobile vehicular patrol will be used for more effective perimeter security. Special windows of special plastic and glass laminate with a built-in alarm will furnish better and more economical security as well as providing a better therapeutic environment."

The principal activity of the center will be the "behavior modification program." Researchers will attempt to devise several different kinds of programs for various "subgroups of offenders." Listed as examples of the subgroups that will be studied are social minorities, alcoholics, violent and passive prisoners. Norman A. Carlson, Director of the Bureau of Prisons, says that Butner will be for the prisoner "who has emotional problems but is nevertheless still legally sane, that he says a group comprises 15 percent of the prison population. Carlson says the inmates at Butner will "not necesarily be volunteers."

The behavior modification program will include about 190 persons, referred from federal will be at Butner for a period of intensive study and treatment in an effort to determine what kind of correctional program is effective with each type of offender. Presumably, they will be kept in the low, white buildings with skylights, labeled in the architect's drawing as "Behavior Modification Units."

There will also be a "mental health program" for about 130 young men, women and adult men. "The obective of (this) research program will be to develop and implement intensive treatment approaches for mentally disturbed patients who constitute a management problem," the release says. "The treatment effort will attempt to stabilize these special cases so they can be returned as quickly as possible to the sending institution to resume their correctional treatment."

Beyond such broad statements of purpose, however, information about the new Behavioral Research Center is hard to get. Dr. Robert B. Levinson, chief psychiatrist for the bureau, was particularly sketchy in his replies. Levinson said he hoped that Butner "would devise more effective ways of programming" the more difficult prisoners. "Some behavior programs are particularly appropriate," he said, although he didn't know what they would be. "Maybe some drugs, too," said Dr. Levinson.

Although the Behavioral Research Center will be new to the federal prison system—and totally unprecedented in its scope—it is not the first of its kind anywhere. There are a few state prisons operated on the same general principles that will be employed at Butner. So at least we have an idea of what to expect.

The worst abuses of prisoners take place in exactly those prisons where psychiatrists have the most influence, such as the California Medical Center at Vacaville and the Patuxent Institution in Maryland. This happens because customary constitutional safeguards, at best flimsy in a prison, are completely shattered under the guise of "treating the patient" rather than "punishing the prisoner." Electroshock, psychosurgery and massive drug dosing are permitted as treatments when they would be clearly "cruel and unusual" if evaluated as punishments.

Similarly, the length of a man's sentence is left to the discretion of a physician rather than to the narrow limits of determined sentencing, a direct evasion of due process and the rule of law under the guise of treatment.

Even in ordinary prisons, psychiatrists provide leverage in inmate control through the use of electroshock and massive drug dosages. Electroshock and massive "tranquilization" produce temporary lobotomies, pacifying the prisoner by blunting his emotions. Phenothiazine drugs like Thorazine, Mellaril, Stelazine and Prolixin also produce a partial paralysis of the nervous system—a virtual chemical straitjacket indistinguishable from severe Parkinson's Disease.

At Vacaville in California prison officials have tried brain surgery, electroshock and an assortment of drug "therapies." In February the Washington Post disclosed that three prisoners had already been operated on. The Post also revealed an exchange of letters showing that the prison was making plans with the University of California Medical Hospitals for an expanded program of psychosurgery on violent inmates. The plans for more psychosurgery have now been halted, at least temporarily. The other programs continue unabated.

One of these programs, found not just in California but in prisons throughout the country, is aversive conditioning. In this "treatment" the prisoner is injected with drugs that cause violent nausea or paralysis of the entire body, during which time he is told that he should improve his behavior. Aversive therapy is what the prison officials in "Clockwork Orange" used when they tried to cure Alex of his violent behavior.

At the Patuxent Institution in Maryland, which is widely considered a model rehabilitative prison, conditions are so bad that the courts recently threatened prison officials, including psychiatrists, with contempt of court if they failed to establish basic procedural and humanitarian reforms.

This combined mental health and prison facility—for prisoners who are legally sane but are judged to suffer from an antisocial behavioral disorder—combines the worst of both worlds. Inmates who may have been sentenced originally to one or two years can be imprisoned indefinitely, at the mercy of a psychiatrist's judgment. Cruel punishments are disguised as treatments.

In one notorious case prisoners were tied down and left in prolonged solitary confinement in totally dark cells. Prison officials explained this away as "negative reinforcement therapy." Even hospital officials can claim only a 10 percent "cure" rate since 1955, and the prisoners themselves have fought in the courts for transfer to ordinary prisons.

In general, inmates in prisons and mental hospitals are aware that most psychiatric "treatment" really aims at pacifying the individual by reducing him to a lower level of awareness and activity.

Jessica Mitford's investigation (for The Atlantic Monthly of March 1971) of the California prisons was entitled, quite aptly, "Kind and Usual Punishments in California."

Miss Mitford was appalled by the mental and physical brutality that took place there under the name of scientific benevolence. Most of the supposed reforms, she found, were actually a matter of redefinition: "Prison/*correctional facility*, prisoner/*inmate*, guard/*correctional officer*, initial lockup/*Retention and Guidance Center*, solitary confinement/*adjustment center*, or better yet, *meditation cell*."

Actually, most of us are used to these euphemisms by now, and no one is really confused. But in the more advanced prison-hospitals the word games become more ingenious. A correctional facility becomes a Medical Facility or an Institution or a hospital, an inmate becomes a patient, a guard becomes a therapist, and solitary confinement is no longer even a meditation cell, but as at Patuxent, negative reinforcement. As Dr. Thomas Szasz has pointed out, the problem is largely a matter of improper definition.

There is currently a bill before the Maryland General Assembly to abolish Patuxent. It has an excellent chance to pass because it has such broad appeal—not only to civil libertarians but to legislators who watch tax dollars. Last fiscal year the operating cost at Patuxent was $9,600 per prisoner, more than twice the per capita cost at the state penitentiary. The results, as demonstrated by the institution's own figures, make Patuxent a poor investment by almost any standard except as a center of employment opportunities for marginal psychiatrists.

There is, of course, one difference between the Behavioral Research Center and Patuxent and Vacaville, and that should be mentioned. Patuxent and Vacaville both have indeterminate sentences and the center doesn't.

In other words, once a person is sent to Patuxent he doesn't get out until the psychiatrists in charge say he is "cured." But even this difference may not be long lasting. Chief Justice Warren Burger has called for a penal system in which "the guilty defendant could be committed by the trial judge to the custody of the government for an indeterminate period for such medical treatment, psychiatric therapy, discipline, and vocational training as would help him and rehabilitate and restore him to a useful life."

It would be something more than ironic if, just as the people of Maryland may be getting rid of Patuxent, the federal government is about to start a similar—but much bigger—program of its own. There are clearly many questions to be answered about what the U.S. Bureau of Prisons is doing down in Butner, N.C.

WILLIAM ELKINS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mrs. BURKE of California. Mr. Speaker, last June an extraordinary event took place in Los Angeles with the election of Tom Bradley as mayor. With his election, a Negro became the head of the Nation's third largest city.

For the past 3 months I have noted with pride and pleasure the caliber of men and women Mayor Bradley has managed to gather around him to administer the affairs of this city of 3 million people. I am especially delighted with the appointment of Mr. William Elkins as executive assistant to Mayor Bradley.

Mr. Elkins has a distinguished record of community service for more than 25 years, serving as chairman of the board of directors of the Henderson Community Center; a member, board of directors of Opportunities Industrialization Center; a member, board of directors, Southern Leadership Conference, and a member of the board of trustees, Second Baptist Church of Los Angeles.

Mr. Elkins has been a Los Angeles County probation officer, then in 1967 he became executive director of the Los Angeles Countywide Teen Post program, a federally funded program serving more than 20,000 socially, culturally, emotionally, and educationally deprived young people in the city and county of Los Angeles.

The program is now staffed by 131 professional workers and supported by a countywide network of teen councils and adult advisory groups. Much of the success of the teen post program is a direct result of Mr. Elkins' inspiration and leadership, which he is now transferring to his new administrative post in our city.

Mr. Elkins has written and developed many formats for drug prevention, student leadership, counseling, and gang activity control.

The city of Los Angeles is indeed fortunate to have a man like William Elkins in such a sensitive and important position.

HOLY DAY OF YOM KIPPUR MARRED BY OUTBREAK OF HOSTILITIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BIAGGI. Mr. Speaker, on Saturday, millions of Jews throughout the world were preparing to observe the solemn Holy Day of Yom Kippur, the Day of Atonement. Yet this highest of holy days was marred by the news that renewed outbreak of hostilities between Israel, Egypt and Syria had commenced plunging the Middle East into full-scale warfare.

It seems there is a touch of tragic irony about the beginnings of major wars in this century. One can think back to a tranquil Sunday afternoon in December 1941, when millions of Americans suddenly found themselves thrown into the clutches of war when the Japanese attacked Pearl Harbor. Now 32 years later, on the occasion of a similarly tranquil, and reflective day, the world finds itself once again shocked and alarmed over the onset of still another war.

Many experts in the field of international relations had predicted that renewed conflicts would occur between the rival factions in the Middle East. Yet they as well as the world were stunned, not only by the timing but the intensity of the battles. By the time that Saturday ended, there was little doubt that it was war in the Middle East.

Where do the prospects for an equitable solution lie? They do not exist in the United Nations, which has shown a continued aversion toward acting responsibly with the questions of the Middle East. Where the solution does lie is with the United States and Russia, working in conjunction with the combatant nations. It is only through honest discussion with a genuine concern for peace, irrespective of who might be right or wrong in this conflict, can the super-powers even hope to attain a durable peace for the Middle East. The establishment of this peace could serve as the first real application of the détente policy between the United States and Russia, which this administration has spent so much time promoting.

It is incumbent upon our two great powers to give the matter of the Middle East immediate attention. The longer the hostilities are allowed to continue, the more difficult it will be to bring these warring factions together. I urge Secretary Kissinger to immediately take steps to begin constructive talks with the Russians aimed at bringing about not only a cease-fire for now, but a lasting period of peace for the benefit of the entire world.

A VOICE FROM THE SMALL FAMILY FARM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SCHERLE. Mr. Speaker, an editorial from Friday, October 4, 1973, Washington Post illustrates the economic crunch small farmers are finding themselves in. Particularly cogent is the argument that Colleen Geisinger makes that agriculture is the backbone of the Nation. I would like to include this comment on the difficulties of farming in today's economy in the RECORD:

A VOICE FROM THE SMALL FAMILY FARM

Even in Iowa we know about The Post and its efforts to bring out the facts of this foul administration's tactics . . . Watergate, grain deals, etc., etc. It seems it takes the newspapers to get the Congress on the ball.

I am a very small cog in American agriculture, and the dealings with the government are more frustrating than the long hours and hard work which make up my life. The government and the big city consumers are pushing agriculture in the hands of big business and speculators in the markets. Small farmers can see that this will not lead to lower prices in the long run. If big business gets the land it will mean high labor costs, and also labor will not have the individual pride in doing a good job of farming. We are a small cattle feeder, about 400–500 which means a 24-hour-a-day job, seven days a week all year long. No vacations because someone else feeding cattle can get them off feed or founder them or not catch the sick ones in time to treat them. Living this life makes us wonder how someone can sit in their big office and speculate in the cattle market and make money we don't even dream of having; buying and selling cattle they don't have and probably not knowing the difference between a steer or heifer. But they control the price of our cattle and our living.

The government recently put a 3 per cent tax on Canada's buying our cattle which we wind up paying in the long run. But they are allowing the shipment of fertilizer out of the country which will make us really pay next year. As far as farmers are concerned the Department of Agriculture is strictly for the administration's propaganda purposes. All year they have forecast record crops; when harvest is here watch the record fall. Just by talking with people traveling through the country and reading of the millions of acres flooded this year, farmers have a much closer estimate than the Agriculture Department.

What I'm getting at is the seemingly forgotten fact that agriculture is the backbone of this nation, whether the government or the city people want to admit it or not. And it's hard to figure out why the government seems to always be working against us and the city people have very low opinions of us, I just wish that something could be done to change this kind of thinking before it's too late and the country finds out that the small family farm was the best way.

COLLEEN GEISINGER.

LINN GROVE, IOWA.

PUBLIC FINANCING FOR SENATE AND HOUSE ELECTIONS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HARRINGTON. Mr. Speaker, I have reintroduced H.R. 10224, a bill to extend public financing to Senate and House elections. The bill is identical to the bill I introduced in the House on September 12, 1973—and the bill introduced in the Senate by Senators EDWARD KENNEDY and HUGH SCOTT on July 31, 1973—with one minor technical change.

The bill which I introduce today provides for a floor of $50,000—rather than $90,000—of campaign funds for major party House candidates. This is to say, a major party candidate for the House of Representatives, under the bill, would be entitled to receive $50,000 or an amount based on the average expenditure per voter in the two preceding elections in the district, whichever is greater.

This minor change was introduced to eliminate any differences between my bill and Representative BIESTER's bill and to prevent the proliferation of bills dealing with the same subject. The figure of $50,000 is only a suggestion, and I expect that a figure agreeable to all can be worked out on the floor or in conference.

The need to reform the financing of our political campaigns remains as great as ever. Minor differences in the amount of money to be alloted to candidates should not stand in the way of the goal of removing the damaging influences of money from our electoral system. I urge each of my colleagues to endorse and cosponsor the proposal made by Senators KENNEDY and SCOTT in the Senate, and Mr. BIESTER and myself in the House. Thank you.

COLUMBUS DAY TRIBUTE

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SARBANES. Mr. Speaker, Columbus Day, the annual celebration that only recently became a national holiday, is an appropriate time for us to pay a twofold tribute: to Christopher Columbus, and to the many Americans of Italian descent who have contributed to the strength and advancement of our Nation.

In today's world of impressive technology, of instant communications and shrinking distances, when the highway known as the Atlantic is crossed by hundreds of ships of commerce, traversed by jets in hours and by spacecraft in a matter of minutes, it takes a leap of imagination to stand where Columbus stood when he embarked on history's most important voyage 481 years ago. As far as men then knew, the ocean to the west of Europe had no end point. Unsailed, uncharted, the ocean was regarded with awe and superstition. To observers on the shore of Palos de la Frontera, it must have seemed the most courageous—and foolhardy—spectacle of their lives when, on that August day in 1492, three tiny ships, like bobbing corks on a vast pond, set sail toward the grey horizon.

Columbus, almost alone, had an idea, and alone he had the determination to prove the idea correct. His determination weathered years of hardship, ridicule, rebuff and disappointment. We like to think of the persevering individual as a distinctly American character, but it was the great Italian explorer who set the precedent.

Yet, we can claim that quality of perseverance as distinctly American with considerable justification. For beyond the shores touched by Columbus lay virgin forests, steep mountains, rivers, vast plains, and deserts. All had to be explored and their resources harnessed so that a new civilization could arise. In that portion of the New World that became the United States of America, the greatest political experiment in history would take place. This was a land for men and women of dreams and determination, spiritual sons and daughters of Columbus. In time they came from every corner of the earth, moving our Nation forward, diversifying and enriching our culture.

The countrymen of Columbus were among the first and most important to aid in this noble undertaking. Giovanni and Sebastiano Caboto—John and Sebastian Cabot—sailed as far north as the mouth of the Saint Lawrence and subsequently traveled southward along the New England coast. Giovanni da Verrazano entered the Bay of New York and came upon Manhattan nearly a century before it was sighted by Henrik Hudson. North and South America were named for Amerigo Vespucci whose explorations of the coasts of both continents provided the detailed information upon which many early maps were based.

In 1539 an Italian friar, Marco da Nizza, led Coronado's expedition beyond the Grand Canyon and into the area that is today the State of Kansas. Enrico Tonti accompanied La Salle on his explorations of the Mississippi, while early in the 18th century Alfonso Tonti assisted in the founding of Detroit, which he subsequently served as Governor.

Italians were not only among the great explorers of the New World, they were also among its earliest settlers. The Italian influence was felt keenly in my own State of Maryland. Within 10 years of the time that 16 skilled Venetian glassworkers established a glass factory in the Jamestown colony, Italian colonists settled in Maryland, attracted by the toleration extended there to Catholics. The tradition of public service and civicmindedness, which today is reflected in the thousands of Federal, State, and local officials who are of Italian descent, began with the appointment of Onorio Razzolini as Armourer and Keeper of the Stores in Maryland. Razzolini came from Venice to Maryland, settling in Annapolis and becoming a naturalized citizen of Maryland in 1732, the year of George Washington's birth.

In Razzolini's footsteps followed several generations of the notable Paca family, of whom the best remembered in American history is William Paca. The great-grandson of a mid-17th century settler in Anne Arundel County, William Paca was among the most prominent and dedicated patriots of the Revolutionary period. He was elected to serve as a delegate from Maryland in the First Continental Congress and again in the Second Continental Congress, and was one of only four Marylanders to sign the Declaration of Independence.

William Paca served Maryland and the Nation with great distinction during those difficult times. He participated in framing the first Maryland Constitution in 1776 and was an early member of the State senate. Subsequently he was appointed chief judge of the Maryland General Court, and following service on the bench he was elected to three terms as Maryland's Governor by the legislature which chose him unanimously to his second and third terms. He was a delegate to the Maryland convention called to ratify the Federal Constitution in April 1788, and spent his last 10 years in the service of the new Federal Government as a district court judge, a position to which he was appointed by President George Washington.

We tend to think of the American political experiment as the brainchild of British political philosophers. Yet an Italian thinker of great influence was Filippo Mazzei, a close friend of Jefferson, Franklin, and Patrick Henry, among others. Mazzei's articles against British tyranny in the colonies helped to shape the attitudes of continental Europe during the crucial years.

Jefferson translated Mazzei's articles into English, and later acknowledged indebtedness for language used in the Declaration of Independence derived from Mazzei:

> All men are by nature created free and independent . . . it is necessary that all men be equal to each other in natural rights.

In nearly 200 years of our Nation's independence, that philosophy enunciated by Mazzei and followed by Jefferson has beckoned men and women of dreams and determination from all over the globe to America's shores. As for the contribution of Italy, there are today almost 5 million first and second generation Italian Americans, and the number of third and fourth generation citizens has yet to be accurately determined. Our Nation, Mr. Speaker, would be a very different place indeed were it not for our citizens of Italian descent. Consider the enormous contributions they have made to our system of free self-government, to American arts, to our music, to the professions, to American labor and industry. There is not a vocation or calling in the United States which has not been strengthened by their energy and dedication.

These extraordinary accomplishments in public life are matched in importance by the private values which our Italian-American communities have sustained. By their own example they have strengthened family ties and underscored those individual qualities of intelligence, courage, and faith without which our Nation would be incalculably poorer. In my own State of Maryland, the public spirit and creativity of our Italian-American citizens is a vital factor in the success and strength of our community.

The poet George Santayana said of Columbus that:

> He found a world but had no chart, save one that faith deciphered in the skies.

Columbus was inspired in his quest by faith, courage, and vision and these precious qualities have been given new expression by Italian Americans with each passing generation. It is only fitting that on the day set aside to honor Columbus we should also honor their achievements, which have enriched our national heritage beyond measure.

LATE HON. J. VAUGHAN GARY

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. BROYHILL of North Carolina. Mr. Speaker, it was with a great deal of sadness that I learned of the death of J. Vaughan Gary, who represented Virginia's Third Congressional District from 1945 to 1965.

I first met Vaughan when I came to Congress in 1963. He was a gracious gentleman who was most helpful to me in countless ways, and I soon learned to value greatly his advice and counsel. He will be sorely missed and I want to extend my deepest sympathy to his family at this time of sorrow.

BUDGET BATTLE, REVISITED

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. KEMP. Mr. Speaker, if the volume of lipservice paid to budget reform by Members of Congress was any indication of sincere commitment to progress in this area, legislation would already have become law. As we all know, however, budget reform legislation is not even ready for floor action.

Despite the fact that Watergate has diverted the attention of many from the issue of budget reform, it remains of utmost importance, particularly to a Congress seeking to reassert itself and rediscover its proper constitutional role and responsibilities.

There is no justifiable reason why budget reform legislation has yet to be considered by this body in its entirety. The U.S. economy demands it. Fiscal responsibility requires it. Congressional reassertion must be based upon it.

David S. Broder addressed himself to the issue of budget reform in a recent column. I found it insightful and worth the perusal of all Members of Congress, particularly the leaders of the majority. Mr. Broder's article follows:

BUDGET BATTLE, REVISITED

(By David S. Broder)

On both sides of Capitol Hill last week, men were struggling with a problem as important in its consequences as any the Congress will face this year. It is the problem of equipping the Congress with a mechanism for handling the federal budget.

Let it be said, at the outset, that it is a terribly difficult task. There is no quick, easy answer to the question of how Congress can evaluate and balance the claims of thousands of ongoing agencies and programs against the needs of the country and the requirements of sound economic policy, in a fashion that protects the rights of 535 individual representatives and senators, and yet permits them to make an intelligent collective judgment.

Nor is this simply a challenging intellectual problem. It is, at heart, a question of power—the power of the purse. The process of negotiating the sharing of that power by those who now enjoy disproportionate influence over money matters in Congress involves exquisitely intricate politics.

But solving the problem is important to the national interest. At present, members of Congress deal piecemeal with the appropriations bill (which controls a declining fraction of federal spending) and never have an opportunity to assess the overall impact of their fiscal decisions. The result has been a history of deficits, a habit of delayed decisions which cause administrative chaos, and, of course, a transfer of real budgetary decision-making power from Congress to an already powerful President.

It was the dramatic evidence of that shift of power, symbolized by Mr. Nixon's bold use of impoundments to halt congressionally-mandated programs, that last winter spurred Congress' sudden interest in reform of the budgetary process. Since then, some 40 to 50 of the ablest members of the House and Senate in both parties have been struggling with the problem. They have not yet resolved their own differences on substantive procedural issues, but they have managed to bring the problem close to the point of decision. The House Rules Committee and the

Senate Government Operations Committee are actively trying to draft legislation for floor consideration.

Yet, the leaders of the budget-reform battle talk with varying degrees of discouragement about the prospects for action this year. Estimates of its chances range from 50–50 downward.

Interestingly, many of the legislators say their cause has been damaged by Watergate. Public attention has been diverted from the Battle of the Budget, which was Topic A in Washington for the first three months of the year, to the more compelling dramas of Nixon, Agnew, Haldeman, Ehrlichman and Mitchell.

At the same time, the weakening of the President's position since March has reduced the pressure on Congress to put its own fiscal house in order. Whatever the constitutionality of those impoundments of last winter, they provided a powerful catalyst for congressional budgetary reform. Now, with many members thinking Mr. Nixon has been cut down to size, there's a natural tendency for Congress to revert to the status quo, which allows members to wangle what they want for their own districts without having to take responsibility for adding up the cost to the country.

Finally, Watergate has interfered with reform of the budget process by diverting the time and energy of certain key members of Congress. For example the Government Operations Committee can meet on the bill only on Mondays and Fridays this month, because its chairman, Sen. Sam Ervin (D-N.C.), must preside at the Watergate hearings Tuesday through Thursday. Keeping enough senators on the premises to make a committee quorum on Monday and Friday is very tough.

In a real sense, then, the budget reform bills may provide the best test of the President's contention that Watergate has diverted Congress from "the people's business." As a generalization, that argument is suspect. But budget reform is an important item of the people's whether Congress will act on it this year.

The Senators and Representatives who have been grappling with the problem have given the effort their dead level best. There has been ample time for consideration of the merits and demerits of various solutions. Now, as the session draws to a close, it is a fair test of the democratic leadership—of Speaker Carl Albert and Sen. Mike Mansfield to see to it that the opportunity for this essential reform is not lost.

EVENT OF POLISH IMMIGRANTS TO THE UNITED STATES

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. PATTEN. Mr. Speaker, I am honored today to rise and speak of the beginnings of Polish immigration to the United States.

Since the earliest days of our Nation's history, Americans of Polish origin have contributed a great deal to this land with their rich cultural, historical, and spiritual heritage.

On September 25, 1608, a small ship carrying six strong and courageous Polish artisans sailed up the James River. They followed Capt. John Smith into the woods of Virginia and settled there. They lent their talents and energies to the task of developing the American continent. Within 3 weeks of their landing they had a roaring fire going under a glass furnace, and had developed the first factory in the English colonies in America.

We are here to commemorate their landing, and to honor the memories of the five men from Poland who planted the first seeds from which has grown the greatest industrial Nation in the world.

These individuals and other men and women of Polish origin contributed their talents and toils to the settlement of the American continent. They set an example for all of us to follow in becoming responsible and contributing citizens of the United States.

MORE ON WATERGATE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DELLUMS. Mr. Speaker, I commend to my colleagues in the Congress the following article by my good friend California State Senator Nick Petris. I find it to be an incisive comment on the state of this administration.

The article follows:

CALIFORNIA LEGISLATURE.

In the current agony over the Watergate scandal, let me raise a question which has not been asked: Why all the solicitude toward Richard Milhous Nixon? Even the most vociferous critics of the gangster tactics emanating from the White House are quick to shield the President.

I remember enough about Mr. Nixon's political methods to balk at absolving him. In fact, it would not surprise me if it did turn out that he not only knew in advance, but that he was one of the architects of the whole disgraceful episode.

Why? Because his "instinct for the jugular" has always been his campaign style. Because the Watergate kind of thing is characteristic of his ethical level. The only philosophy which has been clear and consistent throughout his entire political career is: anything goes. Have we forgotten that this led him to brand Congressman Jerry Voorhis a Communist? Have we forgotten that he used the same shameful tactics on Congressman Helen Gahagan Douglas, distributing her voting record on pink paper, rigged in such a way as to portray her as a communist or fellow traveler?

And what about his betrayal of Governor Earl Warren (who refused to speak to him for years after) in the 1952 Republican convention, when he left the California delegation's special train to fly to Chicago and make his deal with Eisenhower, at a time when Mr. Nixon and every California GOP delegate were pledged to Governor Warren? (Senator Knowland, acting honorably, turned down overtures from the Eisenhower camp because of his commitment).

Have we forgotten that Mr. Nixon called President Harry S. Truman a traitor who "knowingly promoted a Communist spy to high office in the U.S. Government"? Have we forgotten that he called some of Adlai Stevenson's proposals (which he later adopted himself) as "traitorous" in the 1956 campaign and as "rot-gut thinking" in the 1958 congressional elections?

These and many other vicious falsehoods were hurled against great Americans by Mr. Nixon on the way up. He used them, not because he believed them, but because he thought the climate made them acceptable to the people.

So whether or not he actually engineered the Watergate burglaries and the plans to sabotage and destroy the Democratic Party, his hirelings, taking pages from his own career, could easily have decided that the way to make points with the boss is to kick the other fellow in the groin, so they kicked and kicked and kicked.

And then to make it worse, he has masterminded a massive coverup which didn't succeed, thanks to the courage of some reporters from the hated media who kept digging in, in spite of the most incredible pressures and the consistent brazen denials.

For many years people will be asking "Why?" in view of the gigantic lead he enjoyed in the polls from the start. Was the Nixon committee seeking total destruction rather than just victory? Were they carrying out the Nixon vindictiveness against the Democrats in the same way Nixon/Agnew did it against the press to the point where the first Amendment is now in the greatest jeopardy since the Alien & Sedition Laws?

I dread to see it, for the sake of our Country, for the sake of our young people whom we are trying desperately to dissuade from cynicism. But I'm afraid the finger points more and more to Richard M. Nixon.

Herein lies the real tragedy. Both for him and for the American people: that we permitted him to believe that "anything goes" is an honorable philosophy in politics by rewarding him twice with the highest honor in our power.

Now all of us, in a state of shock, recognize that it is not the American way and never was; that we have learned to expect something considerably more honorable and inspiring from our Presidents.

No, the end is not justified by the means. As Camus wrote "There are no ends, there are only means." The trouble is that Mr. Nixon, in his fanatic drive to obtain and keep the Presidency, forgot that this exalted office too is only a means, not an end in itself. It is a means by which a noble person can do something decent and significant for our country, and for the world. Our great Presidents did this by appealing to "the better angles of our nature" as Walter Lippmann put it, not to our sordid and seamy side.

NICHOLAS C. PETRIS,
Senator, 11th District.

EULOGY TO MR. GARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. McCLORY. Mr. Speaker, it is a privilege to join in this final tribute to our former colleague, Congressman J. Vaughan Gary of Virginia's Third District. It was my privilege to serve during my first term in the Congress with this distinguished Christian gentleman and able lawmaker.

Mr. Speaker, in addition to my acquaintanceship with Vaughan Gary, as a Member of this House I recall the years of his retirement when he attended regularly the congressional prayer breakfast meetings weekly in the Capitol. On these occasions, Vaughan Gary was in the habit of bringing flowers to brighten our surroundings grown at his Virginia home where he retired following his distinguished service in the Congress.

Mr. Speaker, there certainly never was a more loving or more beloved Member of this House than Vaughan Gary. He endeared himself to all of his colleagues on both sides of the aisle. His legislative and Christian leadership has enriched the lives of all with whom he came in contact.

Mr. Speaker, I am proud to join my distinguished colleague, the gentleman from Virginia (Mr. SATTERFIELD) in this eulogy. In addition, I wish to express my respect and deep sympathy to his wife, Eunice, and their two children, Vaughan and Carolyn.

LET US GET RID OF THE SEATBELT INTERLOCK

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WYMAN. Mr. Speaker, everywhere I go people are outraged by the requirement that seatbelts in the new 1974 cars have to be tied into the car ignition system so they cannot start their cars unless seat belt and harness are fastened. This is a ridiculous example of bureaucratic extremism made worse by the additional cost imposed on new car buyers and sensors clear across the front seat that require you to buckle up a bag of groceries if it weighs more than 6 pounds.

The current issue of Fortune magazine comments editorially on this unfortunate situation in its October issue, and that comment follows. Meanwhile Congress should act without delay to make such equipment optional with new car purchasers, not mandatory. My bill, H.R. 10277, pending before the House Commerce Committee would do just this.

The editorial follows:

THE BUREAUCRATS BELT US AGAIN

Purchasers of 1974 automobiles are learning that heavy-handed government has managed to insert still one more irritation into daily life. An ignition interlock keeps a 1974 car from starting unless the driver and front passenger have buckled their seat belts. There is plenty of evidence that seat belts reduce injuries and fatalities, but trying to force people to use them is a misguided approach to auto safety, a result of the technocratic tunnel vision that seems to afflict some officials at the National Highway Traffic Safety Administration.

The new ignition interlock is certain to stir up a lot of resentment. While the system is designed to foil amateur tinkering, it can be canceled out by a skilled mechanic, and there will be a lot of canceling. Polls suggest that a great many Americans perceive themselves as pawns pushed around by forces outside their control. The mindless, meddlesome interlock will increase perceptions of the government as an oppressor and antagonist. And the widespread evasion will intensify the already excessive disrespect for law.

The citizen has to pay to be annoyed. At around $50 a car, the interlock will cost buyers of 1974 cars a total of something like $550 million. That's more than double the entire annual budget of the NHTSA. A great many millions more will be paid to mechanics for bypassing the system, and for repairing breakdowns of the complex apparatus.

The government would have done better to impose a $50 safety tax on new automobiles and use the money to fund other, more rational approaches to auto safety. A few possibilities:

1. Identifying and eliminating the serious hazards created by unclear or badly placed road signs, or absence of signs where they are needed. Besides contributing to safety, clear and well-located signs increase amenity and foster positive rather than negative feelings toward government.

2. Developing and testing driving simulators for use in training and licensing drivers. Simulators could be utilized to make driver tests more extensive and demanding, and less costly.

3. Experimenting with sterner penalties against drunken drivers. Drunkenness figures in half of all traffic fatalities in the U.S.

4. Assessing costs and benefits of more thorough vehicle inspections. A broad, nonbureaucratic view suggests the possibility of combining better safety inspections with checkups on pollution-control equipment and engine operation—fostering safer roads, cleaner air, and fuel economy too.

A FULL-COURSE FEAST FOR ONLY A DOLLAR

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ASPIN. Mr. Speaker, while servicemen and civil servants at the Pentagon are paying higher prices for cafeteria-style lunches, Army generals still gorge themselves on a sumptuous three course dinner for only $1.

I am publicly releasing today a copy of a recent menu for the dollar special which included a choice of 8 appetizers, 6 entrees, and at least 17 deserts. It is absolutely ridiculous for ordinary GIs and civil servants at the Pentagon to pay higher prices at the cafeteria, while Army generals can still stuff themselves with a full-course feast for only a dollar.

As many of my colleagues know, the privately owned cafeterias operated at the Pentagon have increased their prices substantially as have House restaurants.

Mr. Speaker, the brass for their $1 lunch can obtain anything from cold French Vichyssoise to a hot fudge snowball sundae. In addition, the generals are offered a Weight Watchers Special for those generals overweight from rich, low-cost meals who want a low-calorie dish still at bargain prices.

Mr. Speaker, I am asking the General Accounting Office to investigate the total cost of running a special general's swank restaurant. A copy for August 28 follows:

SOUP DU JOUR: CREAM OF CELERY

Jellied Consomme Madrilene.
Cold French Vichyssoise.
Chilled Clamato Juice.
Chilled Tomato Juice.
Herring in Cream Sauce.
Herring in Wine Sauce.
Chilled V–8 Juice.

ENTREES

Grilled center cut pork chops w/chilled apple sauce.

Rost leg of lamb—natural sauce—mint jelly.

Beef tacos (Mexican beef, cheese, & lettuce tortilla sandwich) w/tacos sauce.

Chef's omlette (a filling of sliced corned beef, ham, & chopped ripe tomatoes) topped w/marinara sauce.

Baked egg plan maison (fried thin slices of eggplant interspersed w/Italian sausages, mushrooms, ricotta & Mozzerella cheese) tomato sauce.

Chicken salad in gelatin mold w/sliced tomatoes, potato salad—garni.

WEIGHT WATCHERS SPECIAL

Roast leg of lamb—natural sauce—mint jelly (lamb w/natural sauce—227 calories; w/mint jelly 302 calories).

Sliced tomato & chicken salad plate w/white asparagus spears (272 calories).

WEIGHT WATCHERS DESSERT

Casaba melon (65 calories).

DESSERTS

Ice creams

Chocolate, mint chocolate chip, vanilla, and strawberry.

Sundaes

Hot fudge, chocolate syrup, strawberry, butterscotch, chocolate marshmallow; hot fudge snowball, and hot blueberry.

Sherbets

Orange, raspberry, and lime.

Fruits

Grapefruit, baked apple with cream, and melons (in season).

ISRAEL MUST SURVIVE

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RONCALLO of New York. Mr. Speaker, I rise today to express my shock and condemnation at the premeditative attack by Egyptian and Syrian forces upon the State of Israel and call upon my colleagues to give their full support and assistance to the Israeli Government in their hour of need.

The unprovoked dual frontal assault during the Jewish high holiday of Yom Kippur, a day that finds most Israelis fasting and spending the day in prayer, clearly illustrates the intent of the Egyptian and Syrian nations to exploit the peaceful and defenseless stature of the Israeli people on their day of atonement.

Since Israel's birth 25 years ago an atmosphere of friendship and trust has existed between the two democracies. This relationship contrasts sharply with the overt antagonism the Arab States have exhibited toward our country during the same period.

The Arab States now wish for us to abandon our support of Israel pursuant to their pledge to continue their oil exports to our Nation. Succinctly, "Oil diplomacy equals oil blackmail." I doubt that in the history of our civilization has one nation attempted to use so many coercive tactics in the hopes of exterminating another. I find this morally reprehensible.

I have today cosponsored a concurrent resolution, presently being introduced to insure immediate delivery of all planes which were to be delivered at a future date, as per our contract with Israel. In the face of the heavy losses inflicted upon our ally, this is the very least we can do.

I urge all my colleagues to work toward immediate enactment of this resolution. The land of Israel must survive.

McGEORGE SCHOOL OF LAW MODEL COURTROOM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WALDIE. Mr. Speaker, in the light of the many criticisms leveled nationally at the functioning of our judicial system it is always refreshing to take note of innovative steps being taken to improve court procedures.

I would like to call my colleagues' attention to a new courtroom of the future plan inaugurated at the McGeorge School of Law in Sacramento, Calif., this month.

McGeorge is not one of the State's largest law schools in size but certainly among its largest in ideas. The "courtroom of the future" was recently dedicated and I submit the following article from the New York Times of October 7 which outlines its exciting concept through the words of Dean Gordon D. Schaber:

[From the N.Y. Times, Oct. 7, 1973]

LAW SCHOOL OPENS MODEL COURTROOM

SACRAMENTO, Calif., October 6.—A $460,000 "Coutroom of the future" was dedicated here today at the University of the Pacific's McGeorge School of Law.

Gordon D. Schaber, McGeorge's dean, said the experimental courtroom would be aimed at facilitating the presentation of evidence, easing the job of the jury, aiding news coverage, and increasing courtroom security. A variety of electronic devices will be used toward these goals.

The new courtroom will be used both for real trials and for training trial attorneys.

Tom C. Clark, retired United States Supreme Court Justice, presided at a mock trial that highlighted today's ceremony.

The McGeorge courtroom has a circular design that will permit jurors to sit with their backs to the audience. Jurors will also be provided with desks to encourage note-taking and will have nine-inch television screens on their desks for viewing video tapes of testimony.

EVIDENCE SHOWN ON TV

Other innovations include the following:

An evidence pedestal in the center of the courtroom that rises by remote control and upon which evidence is relayed by concealed television cameras to judge, jurors and witnesses.

Facilities for simultaneous verbatim interpretation of the trial for participants who do not speak English.

A security system that locks the courtroom by remote control and screens persons entering and exiting.

A news media room to allow observation behind one-way glass "to reduce interference and increase the view."

A defendant's isolation room permitting audio-visual communication "in the case of unruly or disruptive procedures by the defendant."

DEAN FINDS OBSOLESCENCE

Dean Schaber is highly critical of current courtroom facilities. "The practice of law in most courtrooms today is about as modern as performing surgery in a barber shop," he said recently. "Even courtrooms built in the late 1960's are obsolete and ill-suited for today's cases. They are often poorly lighted, subject to distracting influences, lacking in proper security and offer few improved means of presenting or preserving evidence."

Dean Schaber conceded that the new equipment was costly. But he said that there would be an over-all saving in costs because the new facility would save time.

Dean Schaber said that in researching courtrooms in seven states he had found that many jurors complained of difficulty in understanding instructions the judge gave them before deliberations.

"To overcome this problem our jurors will be able to see the instructions on the television monitor at the same time they are being read by the judge," Dean Schaber said.

It is common in jury trials for jurors to interrupt deliberations to ask for a re-reading of instructions that are often difficult to comprehend.

The courtroom was financed by a law school fund drive, a $50,000 grant from the Fleischmann Foundation in Nevada and a $52,000 grant from the California Council on Criminal Justice. The biggest contribution came from Raymond Burr, the actor who portrays Perry Mason, the trial lawyer, on television. He donated $150,000 of art work to be auctioned off for the school's benefit.

AMERICANS REALLY WORK AT PLAYING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DERWINSKI. Mr. Speaker, the Suburban Life, a publication serving southwest communities in Cook County, Ill., has a feature on its editorial page in which members of its staff submit their personal views.

My attention was directed to the Thursday, September 20, issue in which David Offerdahl of the Suburban Life staff discussed a very intriguing subject—that of the role of sports in American life.

The article follows:

AMERICANS REALLY WORK AT PLAYING

(By David Offerdahl)

Sports has become increasingly important in American life.

Contrary to the opinion of many "experts" in numerous surveys on how lazy and immobile we have become, the fact remains that the sporting goods business is a booming venture and spots for recreation have become almost impossible to secure.

Just as an example, when was the last time that one of the experts tried to find an open tennis court or ball field for a little relaxation?

The game of tennis itself has enjoyed smashing success since it has become a televised event; it has become Americanized.

Another reason for the popularity of tennis is that although it once was regarded as a sissy sport it is now recognized as a sport which parallels the American personality of aggressiveness.

Tennis fulfills the "killer instinct" in Americans, just as participation in all sports promotes the goal of winning.

The public has been trained to fight for its share of the bread in the world, so sports could be considered an outgrowth of the competitive personality.

Every American seeks the thrill of one-upsmanship over the rest. To be the best one is exciting; to be best once again is habit forming.

Some specific examples of how sports affect our lives can really be detected in everyday conversation. An illustration is found in the weekend discussion of how the Cubs, Sox or Bears looked among the Monday morning quarterbacks and head coaches.

We as competitive people want our team to be the best just as much as we want to be the best.

If this is true then Chicagoans are probably ready to have a nervous breakdown every September, February and March; it is then that the Cubs start to fall and the Bulls to die.

Adding to the constant reminder of our struggle to become the best is the constant exposure to the media and our TV sets of success and failure in sports.

It is an important part of the news on every broadcast and every day.

Propaganda also flows into our everyday lives from commercials by famous coaches and competitors of the very teams we worry about every week.

I wonder if the cut Bear players are happy about the new 1974 at the year end clearance?

Whatever the name of the sport is the American public plays the game as it lives, to the fullest.

INTRODUCTION OF THE BANKRUPTCY ACT OF 1973

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EDWARDS of California. Mr. Speaker, today, my colleague, Representative CHARLES WIGGINS, and I are introducing in the House of Representatives the Bankruptcy Act of 1973.

This measure is the product of the Commission on the Bankruptcy Laws of the United States.

Both Mr. WIGGINS and I were privileged to be appointed by our distinguished speaker as Commissioners and have so served for the post 2½ years.

The Commission was created by Public Law 91-354 on July 24, 1970. It was established to study, analyze, evaluate, and recommend changes in the Bankruptcy Act.

The conditions which prompted its creation included: First, the increase in the number of bankruptcies by more than 1,000 per cent in the preceding 20 years; second, a widespread feeling among referees in bankruptcy that problems of administration required substantial improvement in the act; third, the impact on the operation of the act by the vast expansion of credit; and fourth, the limited experience and understanding in the Federal Government and the Nation's commercial community in assessing the operation of the Bankruptcy Act.

The Commission was charged with considering the basic philosophy of bankruptcy, its causes, possible alternatives to the present system of bankruptcy administration, the applicability of advanced management techniques to administering the act, and any other matters it deemed relevant to its assigned mission.

Both Mr. WIGGINS and I would like to commend the entire staff of the Commission, who, under the capable leadership of its Executive Director, Prof. Frank Kennedy, did a most thorough and professional job. We would also like to commend our fellow Commissioners, who were diligent, dedicated, and delightful to work with throughout this huge undertaking.

The Commission's report, which will be published and available in the next several weeks, consists of two principal parts. Part I consists of an analysis and evaluation of the present system of bankruptcy administration in the United States and recommendations for changes to reflect and adequately meet the demands of present technical, financial, and commercial activities. Part II consists of the text of proposed statutory changes to effectuate their recommendations together with explanatory notes.

It should be pointed out that, while Mr. WIGGINS and I served on the Commission and neither of us filed or joined in the filing of separate views, our introduction of this proposed act is to facilitate its legislative consideration and not to indicate our total endorsement of all of its many facets. As a matter of fact, the Commission itself felt that the only way to test the validity of its general conclusions and to reveal possible hidden difficulties or consequences that may be initially overlooked was to perform the arduous task of formulating their recommendations into precise statutory language. However, the Commission recognized and we recognized that this proposed act may need some refinement, clarification, and even change.

It is our intention to give adequate time for all interested groups and individuals to study, analyze, and submit to the subcommittee their comments concerning this major revision.

We presently hope to begin hearings later this year and to start with the Chairman and Executive Director presenting the Commission's report and its position. We would hope in the succeeding months by the technique of study sessions to allow all of the many expert voices to be heard and considered as we move forward with our task.

Those wishing either to supply or secure information, should address their requests to the Subcommittee on Civil Rights and Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

CHILEAN JUNTA UNCOVERS LARGE SCALE REVOLUTION IN PLANNING STAGES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HUBER. Mr. Speaker, while it is indeed regrettable that Dr. Allende's socialist regime was not ousted via the ballot, recent evidence shows that there was very little time left for the opposition to act. In fact, it is questionable that another free election could have been held. Allende was gradually shutting down all the opposition press and extending his control over the news media. Other opposition groups were being progressively cowed by gangs amounting to guerrilla groups, who were seizing farms and factories.

A recent article in the Christian Science Monitor of September 24 details the extent of this revolutionary planning by the left in Chile and I commend it to the attention of my colleagues in order to promote a more balanced picture of this situation:

MILITARY RULERS TELL OF ARMS CACHES ACROSS CHILE

(By James Nelson Goodsell)

SANTIAGO, CHILE.—Chile's new military leaders have been shaken by mushrooming discoveries of an elaborate, well-armed extremist apparatus poised for violent revolution.

Top military officials say they knew that leftist groups were arming themselves for extensive "subversive activity," but not until the military ousted the government of Salvador Allende Gossens Sept 11 did the size and scope of this activity come to light.

Even now, with new disclosures coming daily, the full extent of the extremist apparatus is unclear.

But an extremely high military official here reports that in recent months "Chile had become an arsenal."

Moreover, he says that the extremist apparatus was on the verge of launching a reign of terror in Chile aimed at eliminating the nation's military leaders, opposition politicians, newspapermen, and others, to give the Marxist-leaning Allende government total control of the nation.

PLOT DETAILS REPORTED

According to this source, the plot, details of which were discovered in several places including the presidential palace, was nipped by the military's ouster of the Allende government. Target date for the plot was Sept. 18, seven days after the military coup.

Sept. 18 ironically was also Chile's Independence Day.

The continuous daily discoveries of huge quantities of arms, a network of guerrilla training schools, and the use of public funds to support these activities have obviously amazed and shocked Chile's military.

They say it will take a six-month "hard line" campaign to root out all vestiges of the paramilitary apparatus. They believe they have so far unearthed only about 10 to 15 percent of the arms and ammunition involved.

Just who led the apparatus and organized the guerrilla training is unclear. The military says it has evidence that Dr. Allende's Socialist Party was involved, as was the Movimiento de Izquierda Revolucionaria (MIR), an extreme leftist group which has long called for violent revolution.

ALLENDE INVOLVED?

Some of the discoveries suggest that Dr. Allende himself may also have been deeply involved. Huge caches of arms and ammunition have been found in La Moneda, the now gutted presidential palace in downtown Santiago, and in his various suburban homes.

But even more revealing, say the military here, was the uncovering of a guerrilla training school in Dr. Allende's suburban mansion on Calle Tomas Moro.

A facility capable of training and housing 130 or so students at a time, it also stored a vast quantity of arms not yet fully cataloged.

A second training school was discovered at the luxurious home of Dr. Allende's mistress, El Canaveral, in the Andean foothills above Santiago. It included obstacle courses and dense foliage used for guerrilla training.

The military have located seven other such training schools scattered around the country. One at Nehuentue in Cautin Province in Chile's lake country 500 miles south of Santiago is typical.

TRAINING FACILITY FOUND

There, military officers found an elaborate training facility, a large store of arms including 150 machine guns, 300 antitank mines, a still-to-be-counted supply of grenades, and an impressive store of ammunition.

The discovery of these stores of weapons and ammunition all over the country has been one of the real shocks of the search. The military so far has released no exact total of the arms collected, but the high military source said that the amount uncovered to date would "arm various battalions" with much left over.

Later, he spoke of arming 5,000 men with the weapons.

Most of the weapons are of Russian or Czechoslovakian origin. They came to Chile by air and sea. The military claims that the regular Cubana de Aviacion flights from Havana brought in many of them. Boats and submarines were used for the rest.

HEDGING ON BOATS

Whose boats? The military hedges on this point. But when asked whether the boats might be Russian, the reply is in Spanish "possiblemente," switching then to English: "very probably."

The cost of these weapons runs into the millions, according to the military, although no catalog has yet been made of the total with new weapons being located daily. But the catalog would show pistols, revolvers, rifles, submachine guns, machine guns, bazookas, mortars, mines, grenades, and explosives of various types. The military expects to have precise figures when the full story is released.

The remaining arms are thought to be well distributed around the country. There are also vast quantities of homemade, handmade weapons and explosives. Some of these are of a type used in North Korea, and the military here has located many homes in which these items were being made.

Moreover, the high military source said that Molotov-cocktail bombs were being made "in practically all the factories of the social area"—a reference to factories which had been nationalized by the Allende government.

PUBLIC OFFICES CITED

In addition, he said that dynamite and explosive devices of various sizes and shapes have been found in "practically all public offices," and he mentioned in particular the Banco de Chile, the Ministry of Education, and the Instituto Antartica Chileno. The explosives were located in drawers, in file cabinets, under floors, in safes, and buried in basements of buildings.

While the details are still somewhat vague, the military here believes that those responsible for this private and illegal arms buildup used public funds to acquire the weapons. Transactions of the Banco de Chile, as well as the national treasury, now are being closely scrutinized. Large sums of money apparently disappeared from the ledgers.

The military affirms also that many of those involved in the whole para-military operation were on the public payroll and being paid by public funds.

PAYROLLS COMPARED

For example, the work table of the Ministry of Public Works listed 11,500 employees in 1970. When the Allende government fell two weeks ago, the payroll totaled 41,000 with a majority paid from money destined for construction of bridges, roads, and other works.

At one point in a long interview with the high military leader, he leaned across the desk and said, "What I am telling you are not suppositions, but facts."

The source, a carer officer near retirement like so many of the leaders of this new military government, was obviously shaken by the discoveries. He paused in answer to questions, checked aides for specific details, and was careful about his statistics.

But there was no mistaking his concern over the discoveries and the seriousness of the situation.

"We are carrying out this cleanup operation as if we were at war," he concluded.

IN MEMORIUM: TO THE HONORABLE JULIAN VAUGHAN GARY, A GOOD FRIEND AND OUTSTANDING LEGISLATOR

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. ICHORD. Mr. Speaker, I join with other Members of this body in deeply mourning the passing of J. Vaughan Gary on September 6 of this year. Vaughan Gary was a close personal friend of mine, and his legislative talents of compassion, goodwill, and excellence will long be remembered by all of us, especially the residents of Virginia's Third Congressional District and those of us who knew him in the House.

Vaughan was a vigorous champion for Virginia and the Nation in many areas, but his outstanding crusade lay in the area of fiscal responsibility in governmental programs. During the 20 years—1945–65—that he served Virginia in the House of Representatives, Congressman Gary served as a subcommittee chairman on the House appropriations committee for seven Congresses and throughout proved himself a diligent and constant guardian of the taxpayer's moneys.

Vaughan has now been called for a higher purpose, but his honors will long continue after him. As Cicero stated:

> Nor, in truth, would the honours of illustrious men continue after death, if their own spirits did not make us preserve a longer remembrance of them.

Vaughan was a man and legislator of such spirit, and his presence with us will be sorely missed.

FAITH IN THE PEOPLE TO GOVERN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RANGEL. Mr. Speaker, inherent in the Declaration of Independence is the faith in the people to govern.

Robert S. Strauss, chairman, Democratic National Committee, has voiced the support of the Democratic Party for the home rule bill for the District of Columbia that we are beginning consideration of today.

The statement follows:

STATEMENT OF ROBERT S. STRAUSS, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE

The Democratic Party remains committed to the goal expressed in the 1972 Democratic National Platform of "full home rule for the District of Columbia, including an elected Mayor-City Council government, broad legislative power, control over appointments, automatic Federal payments, and voting representation in both Houses of Congress."

The Democratic Party has always been, and will continue to be, a political party based on the inherent faith of the people to govern. The Democratic Party has always provided the initiative in extending the franchise to ameliorate the worst possible injustice in representative democracy—denying duly qualified citizens the opportunity to participate in the decision-making affairs of their government. We remain committed to this principle today.

The concept of a "Federal City" in no way assumes restricted citizenship for citizens of the Federal jurisdiction. Our Constitution has been amended to account for this anomaly, and thus the citizens of the District of Columbia now participate in the election of the President and Vice President of the United States, as their fellow citizens in the fifty states do. Our system of government assumes a government of separate and coequal branches. Certainly it is illogical to guarantee to the citizens of the District of Columbia participation in the selection of the Executive branch, and deny them any participation in the selection of the Congressional branch of American government. The 23rd Amendment to the Constitution went half way in ameliorating electoral injustice. Is it now not time to go all the way in giving the citizens of the District of Columbia the same rights of citizenship as is enjoyed by all 209 million other Americans?

Isn't it now time to allow the citizens of the District of Columbia to select their own local government, a local government that has meaningful powers to govern in the best interest of its citizens, and reject the paternalistic charade of congressional control over the well being and interests of the District of Columbia? Though not to label the situation colonial, it does come very close to our use of that term. It is unjust for citizens of the United States to be totally controlled by congressional appropriations when they have no ability to influence the will of the Congress. For one of the early tenets of our American system, one of the tenets used most effectively in attempting to secure American independence, was the slogan "no taxation without representation." Yet this is just the situation which we have allowed to fester in the District of Columbia for almost 200 years. We cannot have a free and independent people, governed by rules which they had no power to make, governed by individuals they had no power to elect.

To repeat, the Democratic Party strongly endorses the concept of home rule for the District of Columbia as a means to let the people of the District have the same rights and privileges of citizenship in the United States as all other people in our Nation. The great hope for our Nation is the participation of people in government. Thus, we must remove all barriers to such participation.

CALIFORNIA CHANGES ATTITUDE TOWARD GROWTH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WALDIE. Mr. Speaker, for many years, my State of California has had a reputation in many circles for encouraging growth at any cost. I am sure everyone in this House knows more than one story about the great migration of the last three decades to the Golden State.

It is fortunate, I believe, for the future generations of our State, however, that there is now a noticeable change in the big-growth psychology for California. Most of the people of our fine State now know that the vast environmental wonder that is California will be no more unless a positive program of controlled planning is undertaken.

Mr. Louis S. Simon, area vice president for KPIX television in San Francisco, recently took note of this change of thinking in a pertinent editorial. I call it to my colleagues' attention at this time:

GROWTH OF NO-GROWTH

Last week in another remarkable demonstration by the electorate, a Mayor and two City Councilmen in Corte Madera were removed from office by a recall vote. Why? Because they would not halt construction of a 50 million dollar shopping center. But the real issue in Corte Madera, as in many parts of California, is over just how much more growth and development the people of a community will accept, and apparently the answer is: "not much".

In Santa Barbara, citizens recently blocked construction of a large subdivision sponsored by Standard Oil. Palo Alto voters elected a "slow growth" majority to their City Council. In San Francisco and Los Angeles, citizens have successfully held off construction of important freeways. In San Diego, voters passed an initiative to slow down growth in their communiy and in Livermore and San Jose voters passed measures to stop growth altogether for awhile. Similar things have been happening in one community after another.

The point is that the population explosion is having its long predicted effect. People are trying to put a stop to the turmoil that increasing density brings to their lives. It is not just a Bay Area phenomenon, thought up by a few extremists. It is a movement of average people who are tired of crowded shopping center parking lots, disappearing green space, and double sessions in the schools.

It is time that the developers and the public officials who support them recognize that they are going against the times when they say that ever increasing growth in general is what the nation needs.

LEAGUE OF WOMEN VOTERS SUPPORTS HOME RULE FOR THE DISTRICT OF COLUMBIA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. STUDDS. Mr. Speaker, there is wide support across the United States for allowing the citizens of the District of Columbia to exercise the same rights of self-determination as do citizens of other cities and towns. Because I believe we must allow the citizens of our Nation's Capital to exercise the basic rights of all citizens in a democracy, I am cosponsoring the home rule bill reported by the House Committee on the District of Columbia, and I urge my colleagues to oppose any efforts to weaken or kill the bill.

If we are successful in finally granting the right of self-government to the citizens of Washington, a large amount of the credit will deservedly belong to the members and chapters of the League of Women Voters, who have through their untiring efforts over a long period of time brought national attention to a situation which otherwise might have had little national constituency. I have been in close touch with the many chapters of the league in my congressional district—and I am deeply appreciative of the time and energy and concern they have given to a problem that, to many, seems far from home—but is, in fact, the responsibility of all Americans.

Mr. Speaker, I commend to my colleagues in the House the September 14 statement of Mrs. Lucy Wilson Benson, the president of the League of Women Voters of the United States.

The statement follows:

STATEMENT OF LUCY WILSON BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS

The League of Women Voters of the United States strongly urges the House of Representatives to pass the D.C. Home Rule bill when it comes up for a vote the week of September 24th. We have worked for home rule for thirty-five years. We have provided facts ad nauseam and emphasized the practical and legitimate needs of the District's residents beyond any reasonable or rational doubt. We have knocked on Congressional doors, testified before Congressional committees, organized national letter writing campaigns and parades and recently completed a home rule campaign in communities throughout our fifty states. In short, we have done everything. We are worn out but we are not going to give up.

We think home rule is an idea which has outlived its time. By that I mean, it is an idea which should, by now, be a fact of life.

The bill reported out by the House District Committee on which the House will vote is a moderate and workable compromise. It is acceptable to the League. It should also be acceptable to those who have had questions about home rule in the past. It contains those elements which citizens across the nation would consider basic for self-determination.

The results of the League's five-month national home rule campaign supports this conclusion. Leagues discovered that most people across the country were unaware of the District's status. Once they knew that over 700,000 residents of the Capital are disenfranchised, they responded positively. Leagues were enthusiastic about the amount of citizen support they found in their communities.

We can only conclude, therefore, that the time-worn Congressional argument that constituents don't care about the District does not tell the whole story. Response to the League's campaign reaffirms our conviction that there is a *national* constituency favoring passage of this bill.

Furthermore, reports from Local League members who have talked to Congressmen in their home districts plus League lobbying efforts in Washington indicate that House support is running 2 to 1 in favor of passage. This appears to us to be a growing recognition by Congress as well as of the need for home rule *now*.

Talk of the need to reorganize the District's government and achieve more efficiency before granting home rule is a typical diversionary tactic. Our Constitution requires that our government be for and by all people and that it be effective and accountable. The League agrees with the Constitution wholeheartedly. We can see no reason for the House not to pass this legislation.

Each member comes from a district in which the citizens have a voice in local affairs. Therefore, it seems clear to us that the members of the House should want to give the citizens of the District the same rights of expression they and their constituencies now have.

HIJIMIO ROMO

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mrs. BURKE of California. Mr. Speaker, we have many distinguished labor leaders in our Nation, but I believe that none is more dedicated or devoted to his own union affairs than Hijimio Romo, treasurer of United Rubber Workers, Local 131, AFL–CIO, and outstanding community leader.

He recently received the Catholic Labor Institute's first Thomas Talavera Award of Excellence, in recognition of accomplishments as a loyal trade unionist.

Not only has Mr. Romo exerted exemplary leadership in the Mexican-American community of southern California but, in addition, he has served as a delegate to the Los Angeles County Federation of Labor, AFL–CIO, and holds membership on its COPE, church and civic, civil rights, and education committees.

For more than 15 years he has also given dedicated service to the south central area of Los Angeles as a member and officer of the South Central Area Welfare Planning Council, concerned with social problems in this critical area of the city.

I want to take this opportunity to recognize the outstanding achievements of Hijimio Romo and to wish him many more years of successful community work.

SPEAKER ALBERT, GIANT OF THE CONGRESS

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. JONES of Alabama. Mr. Speaker, your strong defense of the Congress recently has received favorable attention in the Huntsville, Ala., News.

I am pleased to join with the editorial writer in saluting your balanced response about the positive action the Congress is taking to help the country move forward.

Because the editorial will be of interest to our colleagues, I am including it at this point in my remarks:

ALBERT, GIANT OF CONGRESS

House Speaker Carl Albert proved himself the little giant in defense of Congress when he replied to President Nixon's second State of the Union message, two weeks after it was presented to the nation. Both the message and the reply, made in the name of the Democrats, were carried on nationwide radio.

To Mr. Nixon's statement that Congress' performance was disappointing, particularly in regard to 50 measures proposed by the administration, Albert replied that 40 of the 50 priority items were already in the legislative process when the President criticized Congress for inaction. Also, half of them have passed one or both houses of Congress. And he criticized the list for containing "an embarrassing lack of new initiatives."

Going on the offensive, Albert said that it is Congress that has taken the lead in trying to deal with the major problems facing the nation—the economy, health, energy and crime. Parenthetically that was not such a good example of action, as anyone in our four fields knows. Neither branch has had anything in these areas to brag about.

Specifically, Albert said that Congress had granted the President some of the most sweeping powers it could confer but that "Because the President was slow to act, the cost of living is up 8 per cent compared with 3.4 per cent for all of 1972." In all fairness, worldwide shortages and rampant inflation are as much or more to blame for this rise in prices.

Stating that it is Congress that is doing something effective about holding down spending, Albert said that Congress had cut the President's budget requests $20 billion over the past four years, but the President added an incredible $97 billion to the national debt. Albert did not say how much of that national debt accumulation in the four years was due to added spending appropriations by Congress, which impelled the President to impound many billions he refused to spend.

At least Carl Albert has outlined the basis on which the Democrats will pitch their campaign to try to keep control of Congress in the 1974 mid-election.

SCHOENAU MUST STAY OPEN

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RINALDO. Mr. Speaker, a group of terrorists has succeeded in pressuring the Austrian Government into agreeing to close Schoenau, the processing center for Soviet Jews enroute to Israel.

The fact that this band of brigands has the audacity to make such a demand is an outrage to the spirit of international comity. The fact that the Austrian Government has capitulated to this demand is even more outrageous.

For Soviet Jews, the name Schoenau has come to represent a way station for pilgrims enroute to freedom. During Schoenau's 7 years of operation, an estimated 70,000 men, women, and children have stopped there for 12 or 24 hours before continuing their journey to their friends and families in Israel.

This facility, which has become a symbol of Jewish determination to survive despite the heaviest odds, has been supported in toto by the contributions of Jews and other freedom-loving people throughout the world. It has cost the Austrian Government not one mark.

Austria is the first free nation in the West in which Jewish emigres can stop. It is at the end of a tortuous, uncertain 38-hour journey aboard the Chopin Express. The refugees, alone and frightened, are subject to rigorous inspections at every border and checkpoint. Looming ahead of them has been the beacon of freedom symbolized by the Schoenau processing center. There they have been able to take a brief respite from their travels—to be welcomed by their fellow Jews—to see, some for the first time, the Bible, books describing Israel and other information that has been denied to them in the Soviet Union. It is there that they can notify their relatives in Israel that they have pierced the Iron Curtain and that, at last, they are on their way home.

In addition to the humanitarian reasons for keeping Schoenau open, we must let the terrorists of this world know that they cannot exercise the kind of extortionate leverage that can bring governments to their knees. We must draw the line at Schoenau and tell them that they cannot intimidate the world with their outrageous demands backed by an arsenal of machine guns. If they succeed at Schoenau, how can they be prevented from prevailing elsewhere throughout the rest of the free world. If they are able to impose their unconscionable demands there, what is to stop them from marching into a synagogue in Elizabeth, N.J., or Miami, Fla.?

One terrorist spokesman described Schoenau as the best thing that has happened since Munich. Perhaps if men of decency and good will had reacted as they should have to Munich, the course of history would have changed.

We now have the chance to speak out against this basest form of terrorism and international extortion.

The world lost its chances for halting this barbarism at Munich. We should not make the same mistake again at Schoenau.

THE A-10

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RONCALLO of New York. Mr. Speaker, as we all know, the military procurement bill conference started at 2:30 today. One of the items of difference to be resolved in the conference is the fate of the A-10 aircraft. While the House has approved the original requested program for 10 preproduction aircraft and full funding, the Senate has authorized only 6 aircraft, deleted funds for long-lead items, reduced the R.D.T. & E. funds and requested a fly-off against the A-7—a fly-off which the Air Force has agreed to and the second fly-off to which the A-10 has been subjected in the same year. The first, as you may recall, was an exhaustive fly-off competition between the A-10 and the A-9, a fly-off which resulted in selection of the A-10.

What more can be required to assure the delivery of this fine aircraft into our country's inventory? In cost, it has been one of the few major weapon systems which has given every assurance of procuring a fleet of aircraft for the cost laid down at the beginning of the program; it has been developed completely under the "design-to-cost" concept of former Deputy Secretary of Defense Packard, a concept endorsed by this Congress.

In maintainability, the A-10 came in with 5.84 maintenance hours, far lower than any comparable aircraft and 7 hours below the maintenance hours per flight hour required by the Air Force.

Its effectiveness has been attested to not only by numerous officials but by combat veterans of the war in Southeast Asia. Among the quotes, "The A-10 can deliver the same kind of force effectiveness in terms of close air support as the next competitor for about 40 percent of the latter's total cost," said Lt. Gen. Otto Glasser, former USAF Deputy Chief of Staff, Research and Development. And from the Commander, USAF Tactical Air Command in a statement to the Senate Armed Services Committee, "In terms of the Close Air Support mission, other candidates—aircraft—appear as expensive substitutes of limited utility."

In July of this year, the American Legion and the Air Force Association each passed resolutions urging full support to the A-10 program. The Legion statement noted that the airplane was needed "in order that the Air Force may fulfill with the highest degree of effectiveness its mission of providing close air support to our ground forces." And at the Air Force Association convention, Air Force Chief of Staff Gen. George S. Brown stated:

> No flying machine, in operation or on the drawing board, is capable of delivering the close air support the A-10 is able to provide.

In spite of these tributes, however, there still is required a further fly-off, more questions, and more testing. Why can we not proceed with the development of this tried and tested airplane?

UNWANTED CHILDREN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HOGAN. Mr. Speaker, it is estimated that there are as many as 100,000 unwanted Vietnamese children presently living in Vietnamese orphanages. At the same time, there are thousands of childless couples in this country waiting in line for babies to adopt.

Because of this situation, I cosponsored legislation to facilitate the adoption of orphans fathered by American servicemen in Vietnam.

Mr. Speaker, I have received information which lists the proper agencies to contact if one wishes to adopt a Vietnamese orphan and gives the regulations and laws relating to the adoptions. I would like to insert this information into the RECORD for the benefit of all those interested.

ADOPTION INFORMATION—U.S. EMBASSY, SAIGON

Americans interested in adopting children in Vietnam should contact one of the agencies listed on the attached sheet. Each of these agencies has been licensed here to conduct intercountry adoptions. The agencies will provide information concerning the requirements to be met as a potential adoptive parent. Only after these requirements have been met will you be offered a child for potential placement in your home.

Americans resident in Viet Nam should contact either Holt Children's Services, 441 Vo Tanh, Gia Dinh, telephone number PTT 41618, or International Social Services, 51 Mac Dinh Chi, Saigon, telephone number PTT 91693. These two agencies are prepared to assist persons resident here.

Under recent procedural changes promulgated by the Government of Viet Nam all adoptions should be handled by one of the approved agencies. So your first step is to contact an agency for assistance.

You will find attached a summary of the Vietnamese and American regulations governing adoption and immigration of children for adoption. The agencies operating here are also familiar with the Vietnamese laws concerning adoption, United States immigration regulations, and special administrative procedures relating to Vietnamese adoptions. Your agency will be your guide through the entire process.

Many Americans adopting Vietnamese children in the past have found it a time-consuming and frustrating experience. While recent changes in administrative procedures here have made it possible for most children to depart for their adoptive homes in from two to four months of their placement, you will still find patience a necessity. There are many more American families seeking to adopt Vietnamese children than there are Vietnamese children available for adoption. Many children in Vietnamese orphanges are not legally available for adoption and some orphanages are still hestitant about placing children for adoption in a foreign country. By following carefully the instruction of the agency with which you choose to work, you will reduce your own frustration and speed the arrival of the child in the United States.

The following agencies with branches here in Vietnam are active in inter-country adoption work. All are either licensed or in the process of being licensed by the Ministry of Social Welfare of the Republic of Vietnam to handle such adoptions.

Prospective adoptive parents should contact one of the following agencies.

Holt Children's Services of Vietnam, P.O. B. 2880, 1195 City View Street, Eugene, Oregon 97402.

International Social Services, 345 East 46th Street, Room 715, New York, New York 10017.

Half Way House, World Vision, 148 Dong Khanh, Cholon, Vietnam.

Friends of the Children of Vietnam, Inc., 445 South 68th Street, Boulder, Colorado 80303.

Mr. John E. McCarthy, National Office, Immigration-Refugee Service, U.S. Catholic Conference, 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005.

SUMMARY OF REGULATIONS AND LAWS RELATING TO ADOPTIONS

Persons who wish to adopt a Vietnamese child must comply with the laws of the state in which the child will reside, the Vietnamese adoption law, and United States immigration law. In other words, the child must be eligible to leave Vietnam and also to reside in the United States.

United States immigration law defines an orphan as a child, under the age of 14, with no known living parents or only one living parent who cannot support the child. Orphans may qualify for immigration either as adopted children or as children to be adopted in the United States. For an adopted child, the law requires a final adoption decree from a foreign country and that both adopting parents have seen the child prior to the adoption being completed: If a child is to be adopted in the United States, the family must meet the preadoption requirements of the state in which they reside.

Most Vietnamese children leave for the United States prior to the completion of the Vietnamese adoption and enter the United States as "orphans to be adopted" in the United States. For this reason the parents must meet the preadoption requirements of their states of residence. While state laws concerning adoption requirements vary, meeting the preadoption requirements of some states requires considerable time. For this reason we urge that adopting parents meet the state requirements before a child is placed with them. Information concerning the preadoption requirements of various states can be obtained either from the agency with which you choose to work or through your local or state social welfare agency.

A. Vietnamese adoption law

The Vietnamese regulations state that every orphan must be legally adopted in Viet Nam to qualify for a Vietnamese exit visa and passport. Therefore, while the United States does not require that a child be legally adopted abroad, any Vietnamese child must be formally adopted in Vietnam due to the regulations of the local government. Vietnamese adoption procedures generally require six months to complete.

Adoption laws of Vietnam provide that any person who meets the qualifications and can establish that adoption is in the interest of the child may file adoption papers. Some of the basic requirements which the adopting parents must meet are as follows:

1. One of the adopting parents must be over 30 years of age and at least 20 years older than the child to be adopted;
2. The couple must have been married at least ten years and be childless;
3. If the adopting parents are foreign nationals, they must present evidence that the adoption of a foreign child is permissible under the laws of their country;
4. The surviving parent or guardian must agree to the adoption and emigration of the child.

If the adopting parents (or parent) fail to meet all of the requirements for adoption, the law provides that a request for waiver can be submitted to the Office of the Prime Minister, through the Ministry of Justice. In almost all cases, Americans who have requested waivers have had the requests approved.

Adoption by proxy is possible. The adopting parents should appoint a responsible person to act in their behalf. The adopting parents must provide the proxy with a limited power of attorney to sign all documents in connection with the Vietnamese adoption procedures and the United States immigrant visa. (Note: Only the petitioners can sign the I-600 petition, which classified the child as an immediate relative).

B. United States requirements

1. Procedure for Married Couples

Married couples who are planning to adopt a child should file a petition (Form I-600) to classify the child as an immediate relative. An eligible orphan is a child under age 14 who has no surviving parents or, if one parent is living, whose surviving parent is unable to support the child.

The petition should be filed as soon as possible after selection of the child to be adopted. Petition must be submitted to the U.S. Immigration and Naturalization Service.

If the parents are resident in Vietnam they may submit the petition to the U.S. Embassy-Saigon or the U.S. Consulates General in Da Nang, Can Tho, Bien Hoa, or Nha Trang for forwarding to the U.S. Immigration and Naturalization Service. Or petitions may be sent directly to Officer in Charge, U.S. Immigration and Naturalization Service, care of American Consulate General, St. John's Bldg., Room 36, Garden Road, Hong Kong, B.C.C. Persons having access to APO or FPO facilities may address their petitions care of American Consulate General, Box 30, FPO San Francisco 96659.

Full instructions for completing the I-600 petition are attached to the form. Petitions can only be filed for children under age 14. Petitioners may not file more than two petitions for orphan status unless the children involved are brothers and sisters. Only married couples may file petitions, one of whom must be a U.S. citizen.

A second form, I-604 (Report of Overseas Orphan Investigation) must also be submitted. This report will be completed by a Consular officer with the cooperation of the agency with which you are working. Petitions approved by the U.S. Immigration and Naturalization Service for residents of Vietnam will be sent only to the U.S. Embassy-Saigon. The Embassy will then take appropriate action to advise the interested party in Vietnam of the petition's approval and provide information concerning the processing for an immigrant visa if we have not already done so.

2. Procedure for Single Persons or Child not Eligible for Orphan Status

A single person may adopt a child in Vietnam; however, the United States immigration law does not provide a special category for such children for immigrant visas. Single persons planning to adopt a child should register the child as a non-preference immigrant at the U.S. Embassy-Saigon. The immigrant registration can be established on the basis of a notarized affidavit of support, a copy of the release statement signed by the parent or guardian of the child, and a statement from the State Welfare Department or a competent court indicating that the individual meets preadoption requirements of the state of his residence. The affidavit of support should be submitted as soon as possible after the child has been selected. The date it is received at the Embassy establishes the non-preference priority date.

Persons registered as non-preference immigrants are subject to the numerical limitations for immigration. This means that the child may not be issued an immigrant visa until the priority date of the child has been reached and a visa number is available for him.

C. Miscellaneous information

All documents submitted with the I-600 petition which are not in English must be accompanied by an English translation. Similarly, documents submitted to the Vietnamese authorities must be accompanied by Vietnamese translations. All documents must be submitted in the original. If the petitioner wishes to have the original returned he should submit *certified copies* of the documents plus the original. The copies will be compared with the original and the original document returned to the petitioner. Residents in Vietnam may submit the originals and copies to the Consular Section for authentication.

Listed on the following page is a summary of the documents which will be required for the various actions, i.e., petitions, adoption proceedings and visas. This list should be reviewed carefully and an effort should be made to obtain the correct number of copies of each item in order to avoid delay at any step.

Care should be taken that names of the adopting parents and the child on all documents submitted in connection with the Vietnamese adoption be consistent. If for any reason the names of the petitioners vary from the names shown on the birth certificates an explanatory affidavit should be attached. Frequently adoption proceedings are delayed because the names do not correspond and there is a question concerning the true name of the adopting parties.

Members of the Armed Forces who plan to file Form I-600 should submit in addition to the documents listed on the form, a statement showing their periods of service, net in come, allotments, arrests and courts martial (if any). A letter from the appropriate personnel officer or a certified copy of the service record is acceptable.

	Vietnamese adoption	Petition to INS	Vietnamese passport	U.S. immigrant visa
1. Birth certificates of petitioner and spouse (each)	1	2		
2. Birth certificate of child to be adopted	1	2	2	2
3. Marriage certificate of petitioners	1	2		
4. Certificate of good conduct for petitioner	1			
5. Letters of recommendation for adopting family (should be on letterhead stationery, preferably from clergyman, welfare worker, or prominent members of community)	3			
6. Affidavit of support, including evidence of finances	1	2		
(a) Copy of late income tax return	1			
(b) Statement from employer specifying length and nature of employment and salary	1			
(c) Bank account statement	1			
7. Certificate of family status, including names and ages of children of marriage	1			
8. Limited power of attorney (notarized) authorizing lawyer to act for adopting parents	2			
9. Consular letter concerning permission to adopt	1			
10. Form I-600, petition to classify orphan child		1		
(a) G.325A biographic date (P. & S.) (each)		1		
(b) Fingerprint charts (P. & S.) (each)		1		
(c) Proof of U.S. citizenship (birth certificate, naturalization certificate, certificate of citizenship), petitioner or spouse		1		
(d) Statement to readopt in the United States		1		
(e) Statement from service record (military only)		2		
11. Proof of termination of all prior marriages (P. & S.)	1	2		
12. Statement concerning preadoption requirements	2	1		
13. Statement releasing child for adoption	3	2		2
14. Adoption contract		2	3	2
15. Adoption decree		2	3	2
16. Passport photographs		2	5	3
17. Form FS-510, immigrant visa application				2
18. Form FS-398, report of medical examination				2
19. Vietnamese exit visa application			1	
20. Vietnamese passport application			1	

NOTES:

1. Other documents may be required by either the Vietnamese Government or the U.S. Government if considered appropriate.

2. Documents submitted to Vietnamese authorities must be accompanied by Vietnamese translations. Ducuments submitted to the U.S. Government must be accompanied by English translations.

Fees for filing: I-600, U.S. $25; Immigrant visa, U.S. $25; and Vietnamese passport, V.N. $2,500.

Rev. July 6, 1973

IMPERATIVE TO HOLD HEARINGS ON ABORTION

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. FROEHLICH. Mr. Speaker, I am today introducing a resolution, with the cosponsorship of Mr. KEATING of Ohio and Mr. RONCALLO of New York, to create a select committee to study the impact and ramifications of the Supreme Court's decisions on abortion.

I am introducing this resolution because I believe it is imperative for the Congress to hold hearings on the transcendent issues of public policy that flow from the Supreme Court's unprecedented decisions last January.

There is, of course, an appropriate standing committee of the House to review the many bills and resolutions that seek to modify the Court's rulings. However, the Judiciary Committee has demonstrated an obvious disinclination to hold public hearings. In fact, the Subcommittee on Civil Rights and Constitutional Rights formally rejected a motion to conduct hearings on abortion. In addition, there are a number of major issues, including possible charges of misconduct against high Government leaders, that could legitimately absorb the full attention of the Judiciary Committee in the months ahead. For these reasons, it is entirely proper to establish a select committee, so that the vital issues surrounding the Court's abortion decisions may be considered.

One alternative both to action by the Judiciary Committee and to the establishment of a select committee is a discharge petition. At the present time, Mr. HOGAN of Maryland has filed such a petition with respect to his proposed constitutional amendment, House Joint Resolution 261. I applaud Mr. HOGAN for his initiative in this matter. Although I have deep respect for the committee system, I recognize the validity of a discharge petition for situations in which a committee, through its deliberate inaction, is preventing the House from working its will.

At the same time, however, several factors must be kept in mind. First, the Hogan petition is still far from the required number of signatures. Many Members feel as I do, that a discharge petition in this instance should be used as a last resort because the constitutional amendment it would bring to the floor represents only one of several remedial approaches that have been suggested and because debate time and opportunities for amendment may be sharply curtailed. Second, a successful discharge petition will severely limit the careful consideration that may be given to an amendment by the House. Unless adequate groundwork for an amendment is laid, Congress may overlook some of the problems that could develop from the language of the amendment, and it will certainly fail to build the kind of public consensus that is essential for an amendment to be ratified.

My own view has always been that a sary. Congress may and should correct constitutional amendment is not neces- the Court's decision through simple legislation. Mr. DENHOLM of South Dakota has suggested one legislative approach: a bill (H.R. 7752) defining the word "person" to include "any animate combination of viable human cells capable of becoming or being an actual independent living human—singular or plural—entity."

I have suggested another approach in my bill, H.R. 8682. I propose that Congress exercise the power that the Constitution has given us in section 5 of the 14th amendment to limit the scope of that amendment in relation to abortion. my bill provides:

> Nothing in the fourteenth article of amendment to the Constitution of the United States shall be construed to bar any State from exercising power to regulate or prohibit the practice of abortion, except that no State may prohibit an abortion that is necessary to save the life of the pregnant woman.

Of course, many Members are supporting constitutional amendments, of which there are several.

Mr. HOGAN's amendment (H.J. Res. 261) provides, in part:

> Neither the United States nor any State shall deprive any human being from the moment of conception of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws."

Senator BUCKLEY of New York has proposed an amendment (S.J. Res. 119) that reads in part:

> With respect to the right to life, the word 'person', as used in this article and in the fifth and fourteenth articles of amendment to the Constitution of the United States, applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function, or condition of dependency.

Mr. WHITEHURST of Virginia has introduced an amendment (H.J. Res. 427 that reads:

> Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion.

All these proposals deserve consideration. The select committee I have proposed will permit a careful consideration of the pros and cons of all the various approaches that have been suggested.

Let me reiterate the fact that neither a select committee nor a discharge petition would have been considered if the appropriate committee of the House had acted or had expressed a credible intention to act on antiabortion legislation. During a meeting with the chairman of the Subcommittee on Civil Rights and Constitutional Rights, Mr. EDWARDS of California, I was informed that the subcommittee was very busy, was preoccupied with legislation on bankruptcy, and had no present intention to hold hearings at any time during the 93d Congress. The subcommittee voted down a motion to hold hearings on abortion. During my cordial meeting with Mr. EDWARDS, I was frankly unable to discern even the slightest desire to hold hearings, and I have been unable to detect any real encouragement to hold hearings from the Speaker, or from the chairman of the full committee.

The administration cannot act to correct the Supreme Court's decisions. Action must come from the Democratic leadership of the House and Senate, or from the membership of these bodies. We have waited for the leadership, but nothing has happened.

I believe the House wants to act on abortion. The position of the majority has been expressed several times on antiabortion amendments proposed from the floor.

Mr. KEATING, Mr. RONCALLO of New York and I are offering the House a responsible means to secure action.

Now it is time for the Members to step forward.

The resolution follows:

RESOLUTION

Creating a Select Committee to study the impact and ramifications of the Supreme Court decisions on Abortion.

Resolved, That there is hereby created a select committee to be composed of eleven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacany occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete study of the constitutional basis of the January 22, 1973, United States Supreme Court decisions on abortion, the ramifications of such decisions on the power of the several States to enact abortion legislation, and the need for remedial action by Congress on the subject of abortions.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or had adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member. The committee or any subcommittee thereof authorized by the committee to hold hearings shall publish reports of the hearings, and shall have authority to report legislation to the Congress.

The committee shall report to the House within six months of adoption of this resolution the results of its study, together with such recommendation as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

TRIBUTE TO JAMES S. COPLEY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, this is but one voice among the many in the world today mourning the passing of a great journalist, James S. Copley. His untimely death stills the words and deeds and presence among us of an unparalleled American patriot.

The Great Book, the Bible, tells us "As cold waters to a thirsty soul, so is news." Throughout his lifetime Jim Copley's efforts gave the world the lifegiving refreshment of his journalistic skills and vision.

His accomplishments were legion and more than deserving of the highest honors our country and its foremost citizens could bestow.

The tragic loss of Mr. Copley's mother and father at a very early age did not deter this man, who was destined for rearing by the late Col. Ira C. Copley, remembered well as one of our great congressional colleagues.

Jim Copley's newspaper career, launched when he was a young man of 23 years of age, was a far cry from the lofty position he would go on to attain. In those young years his strving to learn the rudiments of publishing knew no bounds, and he insisted not on privilege but rather any lowly task which would add to his knowledge. And as he performed these with determination, his studies of the profession of journalism broadened and strengthened, to mold his future responsibilities.

As in the case of many of his fellow Americans, the entering of the United States into World War II hostilities interrupted his burgeoning career. He served his country bravely throughout the conflict, and maintained his duty to his country when the war was ended. He earned promotions to where he became a captain in the U.S. Navy in 1965, and remained active for the duration of his life in the Navy League.

His devotion to duty in the service of our country was rewarded by appointment to the Copley Press board of directors, and in 1946 he was appointed to the position of vice president of the firm upon return from wartime service.

Mr. Copley's enormous technological knowledge and interests led him to achieve and innovate many firsts in the publishing field which earned his company the respect and accolades of its peers.

But his sense of duty and respect for his country impelled Mr. Copley to pursue the doctrines as put forth by our country's great Bill of Rights. His was a vigorous editorial voice, urging the preservation of constitutional principles, strong defense of our Nation, governmental efficiency, and integrity of elected office. He would sanction only the truth throughout the Copley pages, as told impartially and with unbending thoroughness.

He was a man both dedicated to his principles and his profession and involved with the affairs of his country. His unceasing energies brought him an impressive roster of recognition. He was past president of the Inter-American Press Association; a director of Associated Press; director of the American Newspaper Publishers Association Bureau of Advertising; a member of the board of the American Newspaper Publishers Association; past president of the ANPA Research Institute; member of the American Society of Newspaper Editors; member of the National Press Club, and Sigma Delta Chi.

The Freedoms Foundation at Valley Forge awarded Mr. Copley, his newspapers, and his employees many medals for their contributions to a strong America.

In his own community he was noted and revered for his outstanding leadership, his philanthropy, and his generous charity.

Among his memberships were the San Diego Symphony Orchestra Association, the San Diego Zoological Society, the Boy Scouts of America, and the San Diego Fine Arts Society.

He will long be remembered for his leadership and service as a director in the Copley Center of Scripps Clinic and Research Foundation, which activity helped satisfy a personal interest in health and in medicine. Numerous other hospitals and medical centers have benefited from his contributions, including the Scripps Memorial Hospital of which he served as a director for numerous years. He became a lifetime member of the Aurora, Ill., association which supervises the Copley Memorial Hospital.

His many contributions to his fellow Americans resulted in the title of Mr. San Diego, bestowed upon him in 1958.

Many were the honors he received in recognition of his abilities. The Academy of Achievement presented the Golden Plat Award; he was recipient of the National American Legion Fourth Estate Award; the Order of St. Brigitte was presented by the Americanism Education League; the National Patriotism

Award of the Catholic War Veterans; the Gold Medal of the City of Paris; the Silver Beaver Award of the Boy Scouts of America; the National Service Award of the Navy League of the United States; the Ohio Newspaper Association Award for Distinguished Service to Journalism; and the Order of Commander of the Line of Finland.

Columbia University honored him with the Maria Moors Cabot Award; the Tom Wallace Award from the Inter-American Press Association was given for his longstanding campaign to keep the U.S. public better informed of developments in Latin America, and for assistance in improving Latin American newspaper technology.

He was honored with the U.S. Navy Distinguished Public Service Award, Veterans of Foreign Wars Gold Medal of Merit, Distinguished American Citizens Award from the National Education Program, the Americas Foundation Award, a special Gold Medal Award and Distinguished Service Award from the Military Order of World Wars, the Naval Sea Cadet Corps School of Honor, the Disabled American Veterans President's Award, and two Captive Nations Eisenhower medals.

He was a distinguished member of many societies devoted to the arts and sciences, and was the founding father of many good charitable institutions. His interest in history led to membership in the Aurora Historical Museum, California Historical Society, Sons of American Revolution, Naval Historical Foundation, San Diego Historical Society, and Western History Association. Wide acclaim was given the 11 volumes of history relating to the Southwest which he commissioned, and many treasures of literary composition were the subject of his donations.

The creed of his lifetime, widely quoted and earnestly followed, bespeaks the man:

> The newspaper is a bulwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness.

A strength of that core is missing today from among us. The shadow of the strength will live long after in the hearts and minds of Americans.

LATE HON. J. VAUGHAN GARY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. JOHNSON of California. Mr. Speaker, all of us were saddened to learn of the passing of our former colleague, the Honorable J. Vaughan Gary.

While I did not have an opportunity to serve on a committee with this distinguished gentleman I was privileged to appear before the Appropriations Committee, on which he served, in support of issues of importance to my congressional district, the State of California and the Nation. I was always impressed with his knowledge and expertise, and he was helpful to me on many occasions.

From 1945 until 1965 he served the citizens of the Third Congressional District of Virginia, his State and the Nation in a dedicated, efficient way and all of us owe him a debt of gratitude for his outstanding service in the Congress.

Having known and worked with him was a pleasure and a privilege and all of us have missed him and will continue to miss him in the future.

Mrs. Johnson joins me in extending deepest sympathy to his loved ones.

PRAISE FOR SAN JOSE MODEL CITIES DAY CARE PROGRAM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EDWARDS of California. Mr. Speaker, I feel that when a local program receiving Federal funds does an outstanding job, it should receive the credit it deserves. This is the case with two day care centers in San Jose which have helped 40 percent of their recipients previously on welfare become self-supporting.

I am pleased about the success of these centers, the family day care program and the San Juan Bautista Child Development Center, which are both operated under the auspices of the San Jose model cities program, and I am delighted for the families which have been helped.

The San Jose Mercury deserves special credit for bringing these accomplishments to the attention of their readers in a recent editorial, the text of which follows:

[From the San Jose Mercury, Oct. 5, 1973]

MODEL CITIES CHILD CARE PAYS OFF

San Jose's Model Cities program, which actually is an umbrella covering a whole clutch of disparate activities, has come in for its share of criticism in recent months.

It is only fair, then, that Model Cities should be singled out for praise when any one of its programs achieves its stated goal. Such it appears, is the case of two Model Cities child-care centers.

According to a survey conducted by a City of San Jose evaluation unit, the two centers in question, Family Day Care and San Juan Bautista Child Development Center, are more than doing the job for which they were designed.

The two programs care daily for 183 children ranging in age from infancy to 13 years, they are the offspring of 107 low-income families. More significantly, the day care centers have enabled the parents of these children to go off the welfare rolls entirely or reduce their dependence on public assistance, and that, of course, is what child care is supposed to be about.

According to the city's evaluation team, 40 per cent of the families previously on welfare were able to become self-supporting, while 16 per cent reduced their dependency on welfare and another 12 per cent anticipated being off welfare entirely after completion of school or job-training.

Further, 35 per cent of the families said they enjoyed immediate rises in income as a result of being freed of the burden of child care, while another 42 per cent anticipated income increases after finishing school or training programs.

In view of this record, it is possible only to conclude with the official evaluation that "both child care programs can be considered worthwhile and economically important for low-income families using the services."

WHY GOLDWATER IS SO IRKED AT KENNEDY

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SCHNEEBELI. Mr. Speaker, Godfrey Sperling, Jr. who is the chief of the Washington bureau of the Christian Science Monitor, has an excellent reputation for his objective, impartial, and incisive reporting. Mr. Sperling adds to this reputation with a current report found in the October 6 edition of the Monitor.

The report follows:

WHY GOLDWATER IS SO IRKED AT KENNEDY

(By Godfrey Sperling, Jr.)

WASHINGTON.—Senator Goldwater's real quarrel with Senator Kennedy goes much deeper than his conviction that the Massachusetts Senator is so soiled by Chappaquiddick that he should be the last person to lecture the President on Watergate.

What really irks the Arizona Senator is what he views as a breach of proper senatorial behavior on Mr. Kennedy's part.

He says Senator Kennedy obviously has forgotten that when he was deeply engulfed in his own Chappaquiddick troubles his senatorial colleagues, including Goldwater and the other Republicans, followed a form of senatorial courtesy and refrained from criticizing him. Thus, Senator Goldwater feels that since there was this marked show of restraint from Republican members of the Senate—at a time when it would have been most tempting for Kennedy's GOP critics to have cut him up verbally—it was an act of great discourtesy on Kennedy's part to jump on a Republican President when he, too, was struggling with a problem of morality.

Goldwater is convinced that Kennedy should have learned by now from public reaction that he made a big mistake in criticizing the President on Watergate "simply because he has doubtless found that such criticism renewed discussion of his ill-fated accident on Chappaquiddick Island."

Goldwater, himself, received 600 letters on one single day following one speech in which he took Kennedy to task for criticizing Mr. Nixon on Watergate. These letters came from all around the United States. And Mr. Goldwater says that almost all of them were expressions of strong approval for what he had said.

Furthermore, Senator Goldwater thinks he has done Senator Kennedy a favor as a result of his public assertions that if the Democrats are to capitalize on Watergate, they need a presidential candidate with a "Mr. Clean" image—not someone like Mr. Kennedy who, because of Watergate, "would be a hard product to sell."

Goldwater believes that his confrontation with Kennedy over the Watergate issue—and the strong public reaction it evoked—has served to remind Kennedy that the public memory of Chappaquiddick is still very strong and widespread. And if this reminder helps persuade Kennedy not to run for President—then Goldwater thinks he has done the Massachusetts Senator a real service. As one Goldwater supporter puts it:

"Kennedy should know now that Chappaquiddick is still too heavy a burden for him to be elected president even if he is able to get the nomination. Thus, he now may stay out of the race completely, avoiding the work and grief of a campaign trail that appears to end only in likely defeat."

However, Senator Kennedy is also getting advice from a completely different direction. It is telling him that the only way for him to get beyond Chappaquiddick is to bring this subject out in the open and destroy it.

This advice hails Kennedy's attacks on the President over Watergate including, most recently, his threat that Mr. Nixon would be flirting with impeachment if he defied a Supreme Court order to turn over the tapes.

Further—or so this argument goes—Kennedy might be able to dilute questions about his own morality by taking strong positions on the big constitutional and moral issues of the day.

Otherwise, this thesis holds, Chappaquiddick would be always simmering beneath the surface, always there to trip Kennedy up and keep him from making it to the White House.

There is a third point of view which this reporter subscribes to. It is that whether Senator Kennedy speaks out or remains quiet on moral questions the Chappaquiddick problem is too big for him to overcome.

My own soundings of public opinion have shown that Chappaquiddick cuts deeply into support that was of prime importance in the election of the Senator's brother—among the Roman Catholics. This, alone, might defeat Kennedy in 1976.

True, Mr. Kennedy looks most impressive in the polls that pit him against possible GOP candidates.

But I am convinced that whatever course Kennedy now pursues—whether he continues lambasting the President on Watergate or whether he now desists—the Chappaquiddick question will rise up to haunt him in any presidential campaign he may wage. The Chappaquiddick episode will be reviewed repeatedly in the media. It will become a subject of heated discussion everywhere. And if the voters have someone without a taint of suspicion on moral matters as an alternative candidate, the Massachusetts Senator will lose. With Watergate of recent, vivid memory, the voters—rightly or wrongly—will not be willing to take a chance on Kennedy.

SURVIVAL OF THE STATE OF ISRAEL

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DU PONT. Mr. Speaker, I was stunned and saddened when I learned of the aggression by Egypt and Syria against the people of Israel. The issue is again reduced to its simpliest terms: The survival of the State of Israel.

Mr. Speaker, I am sure the Israelis will again prove they are quite capable of defending themselves. But how much blood will flow? How many lives will be lost? How long will it take? How long will it take for the Arab Nations to realize that peaceful coexistence in the Middle East is not only possible; it is the only answer?

When the fighting ends, Mr. Speaker, we all hope a lasting peace will come quickly to the Middle East. But the only way for peace in the Middle East is for the Arab nations to accept the basic right of the State of Israel to exist.

Tomorrow I will have the opportunity to vote on a resolution of condemnation of the invasion, and calling for an immediate withdrawal of the Arab forces. I trust every Member of the House will vote "aye."

U.S. BALL BEARING INDUSTRY INJURED BY INCREASING IMPORTS

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WALSH. Mr. Speaker, I am sure we all realize the careful attention which must be given to our foreign imports if we are to avoid situations which would have undesirable effects on American industry.

There is one very specialized industry, however, of which you might not be aware, that has suffered greatly from rapidly increasing imports from foreign competitors. The ball bearing manufacturing industry has been under study by the U.S. Tariff Commission, and I think you will be interested in reading some of the Commission's findings which were published in the following report from the Anti-Friction Bearing Manufacturers Association:

TARIFF COMMISSION FINDS VITAL U.S. BALL BEARING INDUSTRY SERIOUSLY INJURED BY RAPIDLY INCREASING IMPORTS AND RECOMMENDS IMMEDIATE RELIEF

UNANIMOUS FINDING

The Tariff Commission unanimously found in its report of July 30, 1973:

"That ball bearings * * * are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry * * *"

THE COMMISSION SAID

"Bearings are essential components of practically every industrial and military device.

"The production of ball bearings requires specialized equipment that is not readily convertible to the manufacture of other products."

"Production facilities in the ball bearing industry are capital intensive and require highly skilled labor."

"Although most domestic producers must manufacture many different types and sizes of bearings for competitive reasons, they seek to manufacture and sell bearings which are adaptable to high production runs with machine changeover and retooling kept to a minimum. Some importers have concentrated on the marketing of a relatively limited number of high-volume sizes."

"The value of imports of ball bearings has increased in each of the last 15 years from $1.5 million (f.o.b. foreign value) in 1958 to $87.8 million in 1972."

"Imports of parts of ball bearings—have likewise increased. The value of imports of parts amounted to $1.4 million in 1969—and $6.6 million in 1972."

"The ratio of imports to apparent consumption increased from 26.3 percent in 1968 to 36.7 percent in 1971; the ratio was 36.2 percent in 1972 * * * excluding captive shipments in 1972 the ratio was 44.9 percent."

". . . bearings from Japan undersold comparable domestic bearings throughout the period (1968–1972) by margins ranging roughly from 15 to 50 percent."

"Moreover, the effect of currency changes during 1971 and 1972 was not appreciably reflected in the prices of imported Japanese bearings . . ."

"The number of production and related workers engaged in the manufacture of the subject products—declined irregularly from 21,405 in 1968 to 17,007 in 1972, or by 21%."

"Net operating profits before taxes for firms accounting for nearly three-fourths of sales by U.S. producers declined from about 13 percent of net sales in 1968 to less than 6 percent in 1971 on their ball bearing operations; the ratio remained at about the 1971 level in 1972 despite a buoyant demand and a sharp increase in production in the latter year. Such a sharp decline in profits, while serious for any industry, is especially significant for a capital intensive industry such as that producing ball bearings. The continuation of the low profit margins, and losses for some firms, over any lengthy period would be of serious consequence."

Briefly stated three tariff commissioners found: "As imports increased rapidly in recent years, the economic condition of the United States industry deteriorated. A number of production facilities shut down. Some were consolidated. Domestic production fell below levels that prevailed in 1968 and 1969. The domestic share of the market declined even though total consumption was expanding. Employment is down substantially. Net operating profit for the industry declined steadily and was reduced to about half the 1969 level which is unacceptable for this capital intensive industry."

THE TARIFF COMMISSION REPORT SHOWS THAT THE TREND CONTINUES INTO 1973

"The quantity and value of (U.S.) producers' shipments in January-April 1973 increased by 18 and 22 percent, respectively, over the corresponding figures for January-April 1972."

"During January-April 1973, imports continued to increase, amounting to $38.8 million, 53 percent higher than the value for the corresponding period of 1972. For the first 4 months, imports amounted to 57.7 million units, compared with 43.0 million units during the corresponding months of 1972."

RECOMMENDED RELIEF

The Tariff Commission unanimously found the domestic ball bearing industry to be seriously injured; the Tariff Commission further recommended remedies to the President; therefore the President should proclaim tariff adjustment necessary to prevent the continuation of serious injury. It should be especially noted that the Commissioners took into account the most recent re-evaluation of the dollar in formulating their recommendations for relief.

A tariff-rate quota based on 1970 import volume would most likely accomplish this statutory objective. If pre-Kennedy round rates were reinstated, this would still enable Japanese suppliers to retain the great bulk of the 30 to 50 percent price advantage they held in the U.S. market in 1968–72. Therefore, the inescapable conclusion is that the statutory rates of duty must be applied to imports above the 1970 levels if the relief proclaimed is to prevent the perpetuation of serious injury to the U.S. ball bearing industry.

Mr. President: The Anti-Friction Bearing Manufacturers Association respectfully submits that the national interest requires a viable ball bearing industry. Your action in proclaiming the recommended tariff rate quota will not only remove a threat to our national security, but also preserve this vital industry.

THE RELF TRAGEDY: BERSERK HUMANISM OR BENEVOLENT GENOCIDE?

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. McCLOSKEY. Mr. Speaker, William Shockley, a Nobel Prize winner and presently a professor at Stanford University, has written an article which raises some questions with respect to the Senate hearing which was held on the Relf girls' sterilizations in Montgomery, Ala. I disagree with the underlying views Dr. Shockley espouses, but in the interest of giving equal time to his controversial and thought-provoking opinions on a matter of current concern to the House, I insert his article at this point in the RECORD:

THE RELF TRAGEDY: BERSERK HUMANISM OF BENEVOLENT GENOCIDE?

Twelve year old Mary Alice Relf, born with a shortened right arm and no hand, mentally-retarded with a speech impediment, and her allegedly also retarded fourteen year old sister Minnie were surgically sterilized by tubal ligation on June 14, 1973 in Montgomery, Alabama. These were the two youngest of seven children of a family that had been on welfare for more than twenty years. The eugenic implications reminded me of my thinking exercise in the form of a voluntary sterilization bonus plan—an exercise that cost me an honorary Sc. D. in England and was branded "benevolent genocide" here. Does "benevolent genocide" properly describe an action that prevents bringing babies into the world with both heredity and environment stacked against them?

Twelve days after the sterilizations, a $1 million damage suit was filed on behalf of these minors. The suit depicted the social agency personnel who arranged the tubal ligation operations as deceitful, inhumane bureaucrats. Furthermore, the suit demanded that these agencies be forced to "do everything humanly and medically possible" to reverse the sterilizations. Does the phrase "beserk humanism" properly describe legal encouragement for bringing babies into the world with both heredity and environment stacked against them?

Berserk humanism and benevolent genocide—phrases so unnerving and emotionally-loaded as to be, for some surprised minds, even unthinkable. But to judge whether either phrase applies or how best to think about the two crises encountered in June by the Relf family does demand responsible, objective, humanistic thought—thought that is not blocked by intellectual fastidiousness. Is it right that the tragedy of the Relfs be nationally publicized and then forgotten? My answer and the purpose of this column is an emphatic "No!" Instead, the tragedy of the Relfs should be made to focus discussion so as to create a climate of realistic humanism—a climate controlled by relevant scientific facts about the biological nature of humanity. Such is the long range aim of this column.

On the day after the suit was filed, Lonnie Relf, the father, told reporters that "for about a year" the girls had been getting shots to keep them from getting pregnant. The suit claimed that when the shots were banned because of health hazards, social workers had obtained Mrs. Relf's consent to sterilization while she understood only that the girls were to be given "some shots." This alleged misunderstanding of the actual situation by Mrs. Relf was a key item in the suit and was given national prominence on July 10, exactly two weeks after the suit was filed, in a hearing in Congress called by Senator Edward Kennedy as chairman of the Senate Health Subcommittee. No witnesses for the social agencies that arranged the sterilizations testified. Washington columnist Judith Randall reported:

"It was Kennedy's original idea to produce as witnesses the two sterilized girls, one of whom is both mentally retarded and congenitally deformed and neither of whom has the wit even now to understand the consequences of the surgery she underwent at the behest of a federally funded agency in Montgomery. The testimony of these girls would surely have generated publicity, but could hardly have assisted Kennedy's health subcommittee in drafting legislation to deal with an issue so legally, morally and ethically complex."

I disagree with Judith Randall's position that it was best that the Relf daughters did not testify—particularly Mary Alice. The tragedy of Mary Alice Relf is one that true—not berserk—humanists are duty bound to try to obviate whenever possible—even if new legislation is needed to do so. Her testimony at the televised hearing might have underlined the need for the objective humanism that this column is intended to encourage. It might have added some grim truths to the erroneous impressions that I heard conveyed by the TV news reports of Senator Kennedy's hearing.

One erroneous impression seemed to support the $1 million suit. What TV viewers observed when the Senator queried the illiterate Mrs. Relf about authorizing the sterilizations was this:

"When did you put an 'X' on a piece of paper?"

"Tha was when I . . . I went down to the hols [not clear]."

"When you went to the hospital?"

"Yeah."

"Do you remember what the . . . the nurse asked you? . . . why you signed the piece of paper?"

"She tol me they were gonna take . . . they were gonna . . . uh . . . uh . . . take some shots."

I shall below cite evidence that this testimony is in error by reporting the first confirmation for public consumption by the nurse herself of how she informed Mrs. Relf about tubal ligation.

The absence of Mary Alice Relf from the TV screens also prevented the viewers from judging for themselves an evaluation expressed by Senator Kennedy when, with hesitation, he complimented Mrs. Relf: "You've got two . . . three . . . wonderful daughters that we met earlier this morning." I shall not speculate whether courtesy to a guest, or political expediency or humanism gone berserk caused the Senator to reconsider what must on first impression have been so obvious and to apply "wonderful" to the tragic status of Mary Alice Relf.

The blanket endorsement of all humans as "wonderful" is the acme of humanism gone berserk. This endorsement appears in surprising places. Specifically, the Faculty of the Department of Genetics at Stanford University accused me of mischief and malice towards "the whole wonderful variety of human beings" when in 1965 I raised questions like those here. Assertion that social problems, for example the battered-child syndrome, cannot be caused by genes and that all humans are "wonderful" is humanism gone so berserk as to threaten our nation's future.

Senator Kennedy's hearing bore on a central issue: Did Mrs. Orelia Dixon's staff of the Family Planning Clinic deceive Mrs. Relf about what she signed or did she knowingly consent to sterilizations? Very convincing evidence that she did understand is the form taken by the dismissal of the suit for $1 million—later $5 million after Attorney Melvin Belli became involved. The order issued on July 31 by U.S. District Judge Robert Varner dismissed the suit "with prejudice", a legal phrase that meant in this instance that the Relfs cannot again bring suit against those defendants covered by this phrase, including in this case Mrs. Orelia Dixon and her superior, Joseph Conklin, the Family Planning Clinic and the Montgomery Community Action Agency that they respectively directed and also the hospital where the operations were performed. The fact that the Relfs' lawyers joined in requesting this form of dismissal implies that they knew they could not win their case.

The implication that the Relfs' lawyers knew that they could not support their allegations against Mrs. Dixon and her nurses becomes even stronger in the light of the publicly expressed attack on Mrs. Dixon's group made at the time the suit was filed by the president of the organization that employed the lawyers, the Southern Poverty Law Center. Then the president of the Center, Georgia legislator Julian Bond, stated: "Sterilization of the retarded had its precedent in Nazi Germany . . ." Actually, there are earlier U.S. procedents. In 1927 Justice Oliver Wendell Holmes in a Supreme Court opinion supporting such sterilization in Virginia wrote: "Three generations of imbeciles are enough."

While in Alabama at the end of August, I followed up a clue and found more evidence that Mrs. Relf did knowingly consent to sterilization of the girls by tubal ligation. My clue was that the day after the suit was filed, Joseph Conklin had said that a notary public "quizzed" the mother about her awareness of what she had signed before he stamped the document. Nothing more had been published about this—indeed the dismissal of the suit had been almost completely overlooked. The notary, I discovered, had been Mr. Reginald Nessmith, then Director of Administration for the Montgomery Community Action Agency. He had been on vacation when the news broke and had since been forgotten by the press.

He told me how he notarized signatures, not in the hospital as Mrs. Relf recalled, but in his office: ". . . as a matter of my personal policy, I also question the individuals rather than just simply witness their signature . . ." He went on to state that he always asked the patient if the nurse had explained to her what she was signing and, in the presence of both, asked the nurse if she did, in fact, explain and then notarized the signature only after he was assured by both that this was the case.

When I questioned the nurse, Mrs. Ware, by telephone, she verified this procedure. I also asked her this:

"You explained to Mrs. Relf where the incisions would be made on the abdomen and how the tubes would be found and cut off so that permanent sterilization would result? Is this an accurate description?"

Mrs. Ware replied "Yes".

Mrs. Orelia Dixon was unwilling to make any comments. All that I heard and read in the local paper's files while in Alabama convinced me that she and her family have been the ones most hurt by humanism gone legally berserk in Montgomery. But that is another story.

The publicity generated by the Relf case has failed to illuminate the central problem. This problem is lack of a scientifically acceptable position on the relative importance of genes and environment in influencing human behavior—precisely the problem that for more than seven years I have thrust at The National Academy of Sciences, the organization created by Abraham Lincoln to be the scientific intellectual conscience of our nation. The Academy has side-stepped the issue.

The Relf hearing by Senator Kennedy as Senate Health Subcommittee Chairman gave me an opportunity—not to testify in person as I had requested—but to submit a statement to him and also to all committee members. My statement included a research report entitled: "American Lysenkoism in The National Academy of Sciences". I also urged the Subcommittee to ask the Academy to act on what I have unsuccessfully moved as a resolution at the last four meetings: To evaluate my research result that there is only one chance in 2,000 of being significantly wrong in asserting for typical Caucasian populations that differences in genes have four times more effect on IQ than do environmental differences.

On 12 September, having received no acknowledgement from Senator Kennedy, I wrote again stating strongly the critical views of this column about the Senator's 10 July hearing and stressing the exoneration of the maligned Montgomery Community Action Agency personnel. I placed a phrase quoted above into contemporary context thus: The phrase "whole wonderful variety of human beings" reveals egalitarian dogmatism bent upon burying genetic aspects of human-quality problems under a cover-up that dwarfs Watergate both in scope and in significance and matches Watergate in self-justification of the cover-uppers. But my chief point was to urge the Subcommittee to support my resolution with the Academy.

If the Senate Health Subcommittee does ask The National Academy of Sciences to evaluate the relative importance of genes versus environment on the important behavioral trait of IQ, it may, at long last, succeed in correcting the failure that Newsweek in 1971 described thus: "The Academy, in short, has failed to confront a hypothesis, which, however tenuous, will go on ticking away, a potential social hydrogen bomb, until it is finally disposed of."

EFFORTS TO SAVE ENDANGERED SPECIES BY LEGISLATION

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mrs. BURKE of California. Mr. Speaker, much has been said and little has been done to fortify present laws designed to protect the 110 domestic species of wildlife which are listed as endangered. I want to add my strong support to the efforts to help save these species.

Examples of a few of the most recently added endangered species are the Santa Barbara song sparrow, the Utah prairie dog, the Northern Rocky Mountain wolf, and the Peregrine falcon. As is the case with the Peregrine falcon, which is among the latest casualties of man's folly, its existence is threatened by the indiscriminate use of DDT, its derivative DDE, and other persistent pesticides. The prairie dog's dilemma is a result of Government poisoning through extermination campaigns which began in 1920 because the Government believed the land which housed prairie dogs was needed for other purposes. But the extinction of the prairie dog affects more than just the single species, it has an impact on other life forms within the same habitat. For example, the demise of the prairie dog will affect the blackfooted ferret, the burrowing owl, as well as others which live and feed in prairie dog towns.

In this day and time when man is bent on destroying the air, the water, and our other natural resources, stronger measures must be enforced to prevent the senseless killing of wildlife. Some believe that endangered species are not worth our concern, but I believe they are an important part of nature's balance. Unlike other environmental resources, like air and water, once an animal is extinct—nothing—can be done to revive its being.

The bills in conference, H.R. 37 and S. 1983, are designed to remedy this problem by extending protection to animals which are listed as endangered by making it a Federal offense to kill or capture such an animal and by allowing States to adopt more restrictive legislation than the Federal laws. This bill would also extend protection to animals which may become endangered as well as protection to those which are now endangered and would permit protection of animals which are in trouble in any significant portion of their range, rather than threatened with worldwide extinction.

I commend both Houses for passage of this legislation and hope that it can be made into public law.

SIXES BRIDGE DAM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BYRON. Mr. Speaker, in the next few days the House will be taking up H.R. 10203, the Water Resources Act of 1973. I have previously indicated my opposition to the inclusion of the phase I funds for the Sixes Bridge Dam in this bill. I would like to amplify some of my reasons for opposing this project in the district I represent.

Early authorization of the Sixes Bridge Dam may not result in the most economic sequence of development of additional water supplies for the Washington metropolitan area. Off-stream sites exist along the Potomac River for the storage of water at far less cost than at Sixes Bridge and require only a fraction of the acreage for construction—less than 1,000 acres. The Corps of Engineers did not investigate or report on such sites in the 1973 interim report.

Sites abound along the Potomac River and its major tributaries where off-stream water storage reservoirs might be constructed at very low cost and with minimum environmental impact. Such an off-stream reservoir would be located in a small low lying valley and stream drainage system close by the main stem of the Potomac or one of its major tributaries. It would be near the river so as to readily divert water from the river or tributary at times of high flow. It would be low lying so as to pump such diversions up to the reservoir. The watershed should be small so that expensive spillway provisions would not be necessary to protect against flood inflows. Measures may be required to limit seepage to acceptable amounts; however, the cost for such a development including the pumping station and power costs appear most economic in comparison with other alternatives considered in the April 1973 Corps of Engineers Interim Report.

These possibilities should be explored as well as a final test of the estuarine pilot plant project in Washington. Dr. Robert K. Davis and Steve H. Hanke of Johns Hopkins University in an article in Water Resources Research state,

> The proposals for large storage systems (on the Potomac), based on a requirements philosophy designed to meet peak demands and distorted by cost-sharing rules, may ignore feasible alternatives. The proposals assume that unlimited water must be supplied at any cost, that peak demands must be met from large storage facilities, and that the cost to the local participant and not the cost of the entire system is what matters.

Their article based on a computer simulation of the Potomac River Basin run under conditions projected for the year 2010 makes interesting reading for anyone concerned with the problems of water supply for the Washington area. They indicate quite clearly that alternate approaches other than large dams could provide adequate storage for most drought periods.

STATEMENT OF HON. DALE MILFORD BEFORE HOUSE SUBCOMMITTEE ON DEFENSE APPROPRIATIONS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. TEAGUE of Texas. Mr. Speaker, my colleague, the Honorable DALE MILFORD, representing the 24th District of Texas, appeared before the Defense Appropriations Subcommittee of the House Appropriations Committee the other day on the subject of the Air Force's A-X program. Congressman MILFORD, himself a pilot with over 6,000 flying hours, 3,000 of them as a combat aviator, has made some very salient points concerning the Air Force's program when viewed in current-day requirements and budgetary problems. Under leave to extend my remarks in the RECORD, I wish to include Congressman MILFORD's statement:

STATEMENT OF THE HONORABLE DALE MILFORD

Mr. Chairman, I appreciate the opportunity of appearing before you and your distinguished committee. I would also like to say that I appreciate the work that each of you must do in bearing the heavy responsibility of formulating a defense program.

In giving testimony today, each of you could accuse me of being parochial. Because, as you probably know, the A–7D's and E's are produced in my district in Texas.

I certainly will not deny that I am very proud of the 13,000 men and women that are involved in constructing not only the great A–7 models, but also a wide variety of other civil and military aircraft components and ground transportation systems.

If there is a single member of this committee that feels parochialism is my motivation, I would invite that person to consider carefully the facts contained in my entire statement. Judge only the facts, as I am sure you will do, and I think you will see that my arguments have merit.

To begin with, I think that I have a background that allows me to evaluate the matter before you with some degree of professionalism. Prior to coming to this Congress in January of 1973, I was a nationally recognized consultant in aviation. My work as an aviation safety consultant brought me into intimate contact with manufacturers of engines, airframes, avionics, and most other aircraft components. In addition, I have over 6,000 hours of flying experience, including over 3,000 hours of military time as an Army aviator.

As a ground forces pilot, I have had considerable personal experience in close air support work. I have personally taken the time to examine carefully the airplanes that your committee is now trying to evaluate. I have also carefully studied, as you probably have, the entire close air support concept. When I say "personal study," I can assure you that this did not stop with reading a few books and reports.

For example, I have taken the A-7 Corsair II out on the bombing range and flown it on actual bombing runs and other simulated firing missions. I have spent several days at Edwards AFB and Fort Hood, Texas, in discussions with those who have flown and evaluated our close air support aircraft. Since any evaluation of close air support must encompass the entire weapons spectrum, I gave careful study to the newest armed helicopter aircraft and tactics. This included actually getting in these airplanes and riding through or piloting through the actual maneuvers.

Finally, I spent two days in Fort Hood observing and studying an actual live combined maneuver (Operation Gallant Hand) where all combat elements were operated together.

With this background and the facts contained in my attached statement, I think you will find that any possible hint of parochialism can be overcome with factual evidence.

With your permission to have my complete statement included in the record, I would like to point out the following facts that my statement justifies:

1. The A-X concept, that of using a low-slow-flying aircraft is outmoded and has been proven ineffective by our experience in Southeast Asia.

2. The low-slow aircraft cannot exist in our present combat environment that contains, among other things, the shoulder-fired Infra-red missiles.

3. The estimated cost figures for procuring the A-10 aircraft are totally unrealistic.

4. The A-10 (a single-purpose airplane) cannot perform a single mission with greater effectiveness than the A-7D (multi-purpose aircraft).

5. The A-7D is a proven aircraft, and all cost factors are known.

6. The relative merits of the two airplanes can be determined by an actual fly-off comparison prior to committing this nation to an expensive experiment in buying an unknown airplane.

Mr. Chairman, I plead with this committee to give extremely careful scrutiny to the A-X concept. I would strongly recommend that no money be spent in procuring production models until the A-10 airplane has proven its ability to do its thing.

I would urge you to look long and hard at the projected cost figures and to realistically compare those costs to the known purchase price of the superior A-7D's.

The remainder of my statement is now offered for inclusion in the record. I will be glad to answer any questions that you or your committee might have.

CONTINUATION OF STATEMENT OF THE HONORABLE DALE MILFORD

GENERAL

Mr. Chairman, in developing a system of logic in which we must responsibly evaluate any weapons system—whether it be a spear or an ICBM—we must ask one very basic question: "Does it kill the target?"

Of necessity—for our own protection—we must ask another ancillary question: "Does it kill the target without getting us killed?"

Some nations will ask only the first question. Thank God, America has always asked both. Therefore, I post both questions as a basic premise in the argument that I am about to present.

My testimony before this committee concerns Close Air Support concepts, tactics and equipment, and a realistic appraisal of the amount of money this nation can afford to commit for national defense.

Due to personal experiences and a certain amount of professional expertise, I have limited my testimony to the field of Close Air Support. Obviously, we can spend an infinite number of dollars and create an infinite number of weapons for an infinite number of special usages. In the interim, we could also bankrupt our government and destroy the way of life we have developed.

I propose to present to this committee a reasonable and rational approach that will keep life as we know it and also protect us from any significant threats. In my presentation, I start with the following assumptions:

1. We have a limited amount of resources that we can allocate to defense.

2. Any weapons system must be judged strictly according to its ability to kill a combat target while maintaining maximum self-survival of its crew at the lowest dollar cost.

Our so-called "Military Industrial Complex" has the ability and expertise to design almost anything that this committee is willing to pay for or order. In that respect, the ideal Close Air Support airplane would be a flying Sherman Tank with the ability to hover. Unfortunately, this weapon would be prohibitively expensive.

Therefore, reason and common sense must prevail when evaluating any weapons system.

INTERSERVICE RIVALRY

I am compelled to mention another factor that is seldom discussed, but none the less, is ever present. That factor is inter-service rivalry. This is very healthy, in one respect, and very expensive in another. The Air Force looks out for Air Force interest. In like manner, the Navy, the Marines, the Army and the Coast Guard, look out for their interests. Just as this committee continually fights for its jurisdiction, so do the services.

One factor definitely present in the debate over the selection of Close Air Support aircraft is a jurisdictional battle between the Army and the Air Force over "who controls Close Air Support aircraft". It started back in my days in Army Aviation when the Army began trying to put machine guns on helicopters and to drop bombs from L-5's. It is still going on today. Furthermore, it is an important factor in recommendations concerning the selection of Close Air Support aircraft.

During the past few years, there has been a slow erosion of Air Force control of combat aircraft, particularly Close Air Support aircraft. The Army's combat helicopters, Dragon ships, and rocket-firing observation planes have grown in number and prominence. Army combat commanders liked them, because they were in the immediate vicinity and the commanders controlled them. They did not have to explain to a non-combatant, located far behind the lines, about a battle situation. They simply had to tell *their* pilots where the target was. Furthermore, the Army pilot was in the outfit, was in daily contact with the situation, and was "ground forces" oriented.

A review of past records of testimony before this committee will reveal that throughout World War II and Korea Army commanders pleaded for Close Air Support aircraft that would be totally dedicated for that sole purpose. Their plea was never answered. Late in the Korean Campaign and afterwards, the Army began to arm its small aircraft and helicopters. I was an active pilot in the Army when this effort began.

ARMY CLOSE AIR SUPPORT DEVELOPMENT

During Viet Nam, the first truly dedicated Close Air Support aircraft evolved, the armed helicopter. It was successful—very successful—and totally dedicated.

Although extremely successful, the armed helicopter was not totally sufficient to provide complete Close Air Support. It does have limitations. Near the end of Viet Nam, Close Air Support became a team effort between the armed helicopter and Air Force fighter-bombers. This was a *proven* system, that worked.

With the success of the armed helicopter, and its obvious threat to the control of Close Air Support aircraft, the Air Force jurisdictional fears were aroused anew. Within this time frame, the A-X aircraft concept was born.

At this point, I would like to make it abundantly clear that I am not partial to either argument concerning the control of Close Air Support Aircraft. I am neither pro-Army nor pro-Air Force. I repeat, my sole concern is to select a weapons system and concept strictly according to their ability to kill a combat target with maximum survivability and minimum dollar cost.

THE A-X CONCEPT

Let us now examine the A-X (A-10) concept. The theory offered is essentially to develop a low-flying slow-speed aircraft, protected with armor, that can loiter around near the FEBA to be called in for Close Air Support missions. The armor protects it from small-arms fire, it carries lots of fuel, and the low-slow flight characteristics allow it to aim carefully. Furthermore, it can take off and land on an unimproved 3,000 foot strip near the FEBA.

This concept would have been great in World War II and Korea. As an Infantry Commander, I used to pray for such an airplane! In our present combat environment, this concept is ridiculous. Even the so-called undeveloped nations possess shoulder-fired infra-red missiles from which this aircraft has absolutely no real defense. In the present low-level combat environment, a slow aircraft would be a sitting duck. Throw in the portable SAM missiles and 30 mm. machine guns and even Nick the Greek would not give your survivability odds.

Major General Edward Fris, Assistant Chief of Staff for Marine Air, testified to the Senate Tactical Air Power Subcommittee in response to a question on how the Marines feel about the A-X, and I quote, "Survivability is our biggest complaint with it. We learned in the Korean War, when we had slower aircraft, that we lost an awful lot of them, and we decided at that time that the only answer was to go to a faster turbojet type aircraft—You have to go down and strafe, you have to go in and lay napalm, and you are going to have a rough time surviving with a slower aircraft in that particular role."

Even an amateur aircraft designer knows that any combat airplane is a compromise of trade-offs. If you carry weight, you must add power in the form of more or larger engines—hence more fuel consumption. When you add armor, you give up payload and/or require more power. If you want loiter and short-field ability, you give up speed, because of wing design.

The most ill-conceived and useless feature of the A-X or A-10 concept is the touted ability of the airplane to take-off and land on a 3,000 foot unimproved strip. One must really have to give up some important trade-off features in order to obtain this capability. As a matter of practicality, this is a useless feature.

The justification for this feature in the A-X concept is to allow it to operate near the battle line. According to the pitch that I have heard, the airplanes will operate just behind the lines. Whoever came up with that hare-brained theory has never been in a battle zone.

To begin, our combat ground forces are highly mechanized. Supply and support vehicles have increased ten-fold from World War II and Korea. Apparently the designer of the A-X concept has never heard of "road priorities". As any combat veteran can tell you, road jams are a fact of life from the FEBA rearward for many miles. It is ridiculous to think that a Corps or Army Commander would allow the long train of service vehicles into his crowded road net to service the 35,000 pound loads necessary for an aircraft that is capable of operation from a safe distance in the rear.

In conclusion, with regards to the A-X concept, it was outmoded long ago. The concept contains many useless features that were traded off for other desirable features that are really useful (speed, increased load, avionics and accurate bomb-navigation systems).

This program has been a matter of intensive review ever since the genesis of the A-X concept back in the mid-60's. As the propeller driven A-1 Skyraider was attrited in Southeast Asia, the Air Force began to seek a close air support airplane. The original concept was to build a low-cost turboprop airplane with similar characteristics to the A-1. By the time contracts were let in 1970 for prototypes of the A-X airplane, however, a switch had been made to a jet powered plane, but with the original A-1 type of characteristics. In the meantime, there was a tremendous buildup in the level of enemy anti-aircraft defenses in Southeast Asia forcing our pilots to bomb at high speeds, using new computer-aided bombing systems to increase bomb-release standoff range. At the same time, the A-X proceeded in development on the old concept of operating low and slow to carry out Close Air Support mission.

OUR LIMITED DEFENSE BUDGET

During the period from now through 1980, the funding requirements for the development and production of three new Air Force aircraft, B-1, F-15, and the A-10, will approach 18 billion dollars. Of this total amount, the Air Force expects to spend $2.2 billion on the A-10. At this time when the Congress is reviewing the defense budget with the purpose of reducing expenditures by cutting non-essential and marginal programs, I feel it my duty to make known to this committee my very serious reservations concerning the need for a new A-10 type close air support aircraft.

Although I am a staunch advocate of modernizing our combat forces, and believe strongly in the role of air power as an instrument of national defense, I do not believe that the benefits to be derived from this program in terms of increased combat potential are commensurate with the funding requirements of the program. In light of the magnitude of the corresponding costs of other aircraft developments, I believe that the country cannot afford the luxury of developing a new aircraft whose capability and flexibility have been purposely limited in order to insure its dedication to the close support mission. At a time when we are contemplating reductions in force structure, it appears to me that we are in need of aircraft which incorporate the highest degree of advance technology so as to provide them with maximum mission flexibility.

HISTORY OF THE A-X FUNDING

The serious reservations I have regarding the A-X concept have been expressed and documented by others many times. For example, Mr. Chairman, you requested Secretary Richardson to hold up the contract award for full scale engineering development of the A-X close support aircraft until further studies could be completed. You also said, and I quote, "Further, I believe that Air Force should carefully study the possible utilization of aircraft presently in the inventory and in production for the close air support role."

The Senate Armed Services Committee strongly recommend that a side-by-side flight evaluation be conducted by the A-X prototype, with existing close air support airplanes, before development and production of the A-X. As you are aware, Mr. Chairman, the Air Force rejected those recommendations and instead signed the contract for engineering development on the winning A-10 prototype.

This year's budget request was for $112.4 million in R&D and $30 million for Long Lead procurement funding to continue the A-10 program. The Senate Armed Services Committee voted, however, to recommend a reduced A-10 program and issued new directions to the Air Force for an A-10 versus A-7D flyoff. I strongly support the Senate position for a slowdown in production go ahead on the A-10 until the close air support issue can be settled by a flyoff between the A-7D and the A-10.

THE A-X VERSUS THE A-7D

In recent months, there has been a considerable amount of debate over the A-10, and whether or not it can be more effective as a close air support aircraft than the A-7D.

Again, I suggest that this rhetorical debate can be resolved in a measurable manner by means of a flyoff between the two aircraft. The only criteria should be: "Which aircraft can most effectively kill the target with the greatest degree of survivability, at the lowest dollar cost."

The old arguments of whether or not the airplane should fly low and slow or high and fast are moot. The gut questions must be: "Can it kill the target? Can it survive? How much does it cost?"

According to cost figures that have been submitted, the A-10 average programmed unit cost will be $3.1 million—based on a procurement of 729 aircraft. This is essentially the same price of A-7D's.

The A-10 has no mission versatility. It is limited strictly to close air support work. On the other hand, the A-7D has a proven record not only in close air support missions, but also in interdiction bombing and strafing, search and rescue, and it serves both the Air Force and Navy from land or ship. We *know* what the A-7D can do. The effectiveness of the A-10 is a total unknown.

As we learned in Southeast Asia, the enemy is capable of providing a very sophisticated, highly effective integrated anti-aircraft defense utilizing both guns and SAMs. A future war in Europe involving Soviet forces will present our ground support aircraft with their greatest threat. Combat experience has shown that the application of tactics, primarily through standoff and suppression of these defenses, offers the best approach to dealing with them. In the absence of standoff and suppression, it is doubtful that any aircraft can survive, especially in the face of a proliferation of advanced STRELLA missiles. Thus, in spite of the vulnerability reducing features of the A-10, the aircraft would probably be forced to operate outside its effective weapons delivery range.

As I pointed out previously, the A-10 program offers no significant cost savings over the A-7D. At the same time, the A-10 has less overall capability because in striving for simplicity and low cost, avionics were held to a minimum. Adding A-7D type avionics would increase A-10 costs by roughly a half-million dollars per airplane. It is my belief that this will have to be done eventually to provide the A-X with sufficient flexibility for the Air Force to use it effectively.

Combat experience of the A-7D refutes any contention of its inadequacy for the close support mission. Between mid-October, 1972, and the end of March 1973, the A-7D's in Southeast Asia flew 6,500 combat sorties with only 2 combat losses. They had less than a one percent mission abort rate, averaged 60 hours per month per airplane or double the peacetime flying rate, and only 16.5 maintenance man hours per flight hour, demonstrated excellent bombing accuracy with FACs reporting average 10 meters miss distances, and had an extremely high secondary explosion rate because of the accurate bombing on supply points.

The tactics used were to bomb at high speeds, up around 450 knots, with bottom-out altitudes above 3,500 feet. This kept them out of range of small arms fire, and the accurate bombing system meant that only one pass usually was necessary to hit the target. When friendly troops were involved, with close air support missions, the tactic used was to make bomb runs parallel to the troop line because errant bombs fall long or short rather than off to the side. The A-7D Wing Commander's overall assessment was that his airplane is the best close support plane in the world at this time.

COST IMPLICATIONS

In reviewing the cost as presented for the A-10 program, several areas of concern emerge. For example, the program had an initial base target price of $1.4 million in 1970 dollars for quantities of 600 aircraft at 20 per month. At that time, the A-X in a production configuration was estimated to have an empty weight of approximately 19,000 lbs. The cost goal calculates to be approximately $73 per pound flyaway. A review of the records reveals that fighter aircraft delivered in 1970 ranged from $90 to $170 per pound flyaway, and attack aircraft delivered in 1970 ranged from $128 to $178 per pound flyaway. Therefore, I find the A-10 baseline less than credible. That is, we have a new attack airplane being proposed at $45-105 less per pound than attack aircraft being delivered. Reversing the cost trend is one thing but meaningless targets defeat their purpose. The lack of credibility in the baseline numbers is borne out by the fact that the RDT&E cost estimated to be required for the A-10 program has grown from $194 million in 1970 dollars to $337 million in then-year dollars. Taking inflation into account, the program growth is still approximately $105 million. The flyaway cost on the airplane has grown from the $1.4 million target in 1970 dollars to a more realistic $2.4 million in then-year dollars. The program has experienced this kind of cost growth and is not even through its development phase.

The $2.4 million flyaway cost assumes a quantity of 729 aircraft which results in the addition of 15 squadrons to the active Air Force inventory, plus 8 squadrons for the ANG and Reserves. In light of today's national priorities, defense budget, and force structure, it is highly unlikely that the country can afford that number of aircraft with a very limited mission capability. Therefore, it is my opinion that the quantity, if procured at all, will be much less than the 729 with the attendant increase in cost due to lesser quantities.

SUMMARY AND RECOMMENDATIONS

In summary, Mr. Chairman, I do not think that the Defense Department has provided sufficient justification for the need of the A-10 aircraft. There is significant evidence to show that the concept of the A-X (A-10) is faulty and ill-conceived.

There is significant evidence to indicate that the projected cost figures of the A-10 are much lower than realism. When realistically compared with the known production costs of the A-7D, the prices of the two airplanes are about the same.

The limited amount of defense funds available makes it mandatory that we purchase the maximum amount of weapons capability for each expenditure. Since the A-7D is a multi-purpose aircraft with a proven close air support record, it would appear to be the best buy.

Mr. Chairman, I would strongly recommend that your committee limit further purchases of the A-10 airplanes until a fly-off evaluation is made between the A-10 and the A-7D.

Thank you very much for allowing me to present this testimony.

FOUL UP BY OSHA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ARCHER. Mr. Speaker, many American businessmen and their employees are now facing grave consequences as the result of the most recent inequity fostered by the Occupational Safety and Health Administration. My feelings once again have been reinforced that this agency has attempted to regulate business without adequate research and without due process for those affected.

I refer in particular today to an emergency OSHA standard, originally published in the Federal Register on May 3, then expanded upon in the Federal Register of July 16, which lists 14 chemicals and chemical compounds, stating that they are cancer producing. A permanent standard is expected to be developed in November. The order covered, among others, methylene-bis-orthochloranile, trademarked MOCA, which according to OSHA, is a known cancer producer.

Certainly, Mr. Speaker, if that is true, there is justification for a standard to protect those who work with the chemical compound MOCA. If it is not true, then a serious wrong is being perpetrated on the American businessman and his employees. It is my belief that this emergency standard is unwarranted, that there is no meritorious evidence justifying this standard, and that the emergency standard for MOCA was arbitrary and without justification.

I have mailed, along with seven of my colleagues, a letter to the General Accounting Office, asking for an investigation of this emergency standard, and recent ones for pesticides, which have been promulgated by OSHA.

I also draw particular attention to a letter from one of my constituents, Don Whitefield. Mr. Whitefield is a respected businessman in the Houston community and I think his comments are of strong merit:

DEAR BILL: I am writing to you concerning the disastrous effect on this company and many others in the urethane industry which could result from the forthcoming permanent standards to be drawn by OSHA in November covering the use of MOCA as set out in the above mentioned regulation. (OSHA Regulations on Carcinogens, Dept. of Labor 29 CFR Parts 1910, 1927.) It is our understanding that restricted public hearings will be held in Washington, September 11, 1973.

We are a small business with a net worth of about $250,000. We have been operating 14 years and average from 5 to 10 employees. We manufacture a variety of products that are especially compounded and designed for a number of major companies including oil-field drilling equipment manufacturers, pipeline equipment manufacturers, valve and pump industries. MOCA is a necessary ingredient to our products.

After receiving the publication of the Temporary Standards by OSHA, signed by John Stender, Assistant Secretary of Labor, on July 9, 1973, I discussed the contents and regulations covering the use of MOCA with my employees, and this is the situation at present:

1. The employees state they will not work under conditions required by regulations as published.

Conclusion—must close plant.

2. Should the employees agree to work under the conditions as set forth in the regulation, the following would occur:

A. Approximately $50,000 investment to comply.

For a small business this could be disastrous.

B. A drastic slowdown in production resulting in increased cost of products.

Considering Item B the net effect would be a doubling in selling price resulting in a loss of customers, who could go overseas to secure reasonably priced products. Results—the closing of a small business and increase in our trade deficit.

3. We have been using the chemical MOCA for 14 years following the precautions suggested by the manufacturer with no apparent health problems.

Consider also the effect of a sign required by the regulation—"Danger—Cancer Producing Agent."

This is like waving a red flag in front of a bull for a hypochondriac. Any ailment being diagnosed as cancer by an unscrupulous doctor and the resulting negative suits would harass the industry by placing us in a hopeless position and be a plaintiff lawyer's dream utopia.

I would ask that you question the Labor Department as to their case histories showing absolute proof of human cancer caused by MOCA. Compare this information with 20 years of controlled testing by DuPont on humans. From what we have read, the obvious conclusion can only be that OSHA has been mislead and has placed the entire urethane industry in jeopardy.

The OSHA Law permits a cabinet agency to write destructive regulations without consulting all interested parties. The ruinous fines and harassment can have a disastrous effect on the small businesses which are the backbone of our country. Besides closing many small operations, the fear of red tape and restrictive controls will kill the desire of many—especially our young people—to start anything new. A hard look at what Congress has done is urged. Time is running out for our free Republic.

I would appreciate your checking into this matter and taking appropriate steps to give our industry relief from this regulation.

Very truly yours,
DONALD D. WHITEFIELD,
Whitefield Plastics Corporation.

ACCELERATE DELIVERY OF PHANTOM AND SKYHAWK PLANES TO ISRAEL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WALDIE. Mr. Speaker, the gentleman from Florida (Mr. LEHMAN), has proposed a resolution seeking acceleration of delivery time to Israel of Phantom and Skyhawk planes already contracted for.

The aircraft proposed for delivery to Israel at this time are duly authorized by this Congress under previous military credit agreements. It was the will of Congress and the administration to grant the State of Israel $500 million in military credits for the sale of jet airplanes with delivery through 1976.

The State of Israel is currently engaging Syrian and Egyptian forces in a struggle it did not wish upon itself. Yet because of incidents in the short and troubled history of this courageous nation it was almost inevitable that such an attack would be forthcoming.

Our agreement with Israel calls for delivery of two airplanes a month under current contracts. I support the resolution's intent that those now under contract should be delivered immediately.

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ARMSTRONG. Mr. Speaker, on Saturday the Washington Post published a guest editorial by our colleague BILL FRENZEL of Minnesota.

This article points out some of the pitfalls of pending legislation which purports to reform the election process. As Mr. FRENZEL notes, there is real danger such legislation will fail in its intended purpose and may well have truly undesirable side-effects.

Since there has been so much emotional, and frequently illogical, comment about campaign financing, Mr. FRENZEL's dispassionate and thought-provoking comments are particularly meaningful. His editorial is a valuable contribution to our consideration of this important issue.

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

(By Bill Frenzel)

The crisis of non-confidence in government, specifically the Watergate mess, has given great thrust to proposals for public financing of federal elections. The popular image of such plans is that they will magically purify elections and relieve elected officials of any and all pressures and taints of "dirty money."

I (and everybody else) warmly embrace the purification of elections, but public financing is neither a magic nor an exclusive means to move us toward better elections.

The same goals we all seek—open, honest and clean elections—can be achieved more easily and effectively by writing responsible rules into a system of private financing.

Before I start spending the taxpayers' money, I want to be assured: (a) the plan will give us the desired result; (b) there is no easier way to get the same result; and (c) it does no harm. I am persuaded that public financing brings no benefits that cannot be otherwise achieved, and, to the contrary, carries serious risks, some known and some as yet unforeseen.

Some of the known risks are:

(1) Under publicly financed systems, challengers will be at the mercy of incumbents. No wonder members of Congress like public financing. It's a self-protection scheme.

Guess who controls the election appropriations? That's right—the incumbents do! Appropriations can always be set low enough to inhibit any strong political contest. Public financing would guarantee equal expenses when studies show that non-incumbents must spend more merely to establish their identity against incumbents. The identity of an incumbent is already strongly established by the advantages of the frank, access to media and general public visibility.

(2) Federal financing schemes prohibit, or restrict, private contributions. This unconstitutionally denies a long-enjoyed right of free speech. To let one person contribute his time and labor to a campaign and not let another person, perhaps handicapped, make his contribution financially, is the rankest kind of discrimination.

(3) Private financing has been one of the traditional ways of determining the popularity and attractiveness of any candidate. In a country where we finance the arts, our charities and much of our education privately, we have naturally supported elections in the same way. Other nations with a history and tradition of publicly-financed elections are simply not comparable.

Many people want to support candidates and parties. Their enthusiasm helps enliven campaigns and increases voter participation.

(4) Public financing would inevitably result in unexciting elections which would cause lower voter turnouts. Candidates would no longer need to have very broad support to set campaign money. We would have scads of candidates. The more candidates per race, the more drab the election and the more the incumbents' chances for victory. Amateur nights are fun, but when minor candidates depress the public interest, the only winner is the incumbent.

(5) All of these disadvantages are achieved at the taxpayers' expense. The beleaguered taxpayer will see his money supporting candidates in whom he had no positive interest or to whom he may object most violently. The taxpayer will stand helpless while dozens of candidates, who would not have enough support to enter a privately financed election, happily use up his hard-earned money. Meanwhile, the incumbents would be inevitably returned to office.

(6) The taxpayers' money will be actually handled by an Elections Commission appointed by the President. No matter how high-minded and impartial it is, one wonders how easily it could deny money to a particular candidate for a "violation" of the law. Giving control of financing to the bureaucracy is giving control of elections to the bureaucracy. Control of elections may never get back into the hands of the people.

(7) Party responsibility would disappear. Candidates could thumb their noses at parties which could no longer raise money either for themselves or for their candidates. Our history of political regionalism and relatively weak parties points to collapse of parties under public financing.

(8) More money would be spent on elections. All the action now is in 50 House races. Over 80 per cent of Congress' campaigns are contested feebly, if at all. But federal money is "free money." Every candidate would use it whether he or she needs it or not.

(9) Public financing would dry up individual contributions for local candidates. They already have the hardest time raising money. Pious supporters of public financing probably don't realize that none of the schemes applies to state and local races.

(10) Taxpayer-financed elections don't fit our federal pluralistic elections system. States vary; districts vary; parties vary; people vary.

Minor party candidates and independents run under different laws and different patterns of tradition in each jurisdiction. They will be encouraged by "free money" to run, but will never be given quite enough to beat the incumbent.

The arguments in favor of federal financing are not without merit. They do, however, have a good deal less merit than the intentions. The proponents always forget to say the same goals can be achieved by writing responsible rules into a system permitting private financing.

We can achieve our goals of clean, open elections, with a reasonable chance for challengers, through improving our election laws. We need a Federal Elections Commission, better enforcement and reasonable spending and individual contribution limits. We can do all this with private financing.

Public financing gives us no extra cleanliness. What it gives are: abdication of individual political responsibility; incumbent protection; drab elections; and, worst of all, transfer of election control from the people to the bureaucrats.

ISRAEL MUST SURVIVE AND REALITY REPLACE FANTASY IN MIDDLE EAST

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. COUGHLIN. Mr. Speaker, the aggression of Egypt and Syria against the State of Israel, initiated on Yom Kippur, plunges the Middle East into its fourth major war in a quarter-century. Israel, in every one of these wars, has fought for its very survival.

As dastardly as was the attack on Pearl Harbor on December 7, 1941, the aggression on the highest of holy days for the Jewish people will achieve its own dubious page in history as one of the darkest of many days for the Middle East particularly and for the world as a whole. Similar to the days before Pearl Harbor, the days before Egypt and Syria struck on the Jewish Day of Atonement conveyed flickers of hope that at long last real progress has been made toward negotiations for lasting peace.

All this was shattered in another explosive chapter of history which will record more death, destruction and agony. While I am convinced Israel will prevail, I find it disturbing that far too many in the world today almost take for granted that Israel will emerge triumphant. This is far too convenient a comfort—a comfort that depends upon a tiny nation of limited resources surrounded by a vast sea of hostile forces intent upon its destruction.

Tragedy within tragedy is evidenced by Israel's decision not to take preemptive action against Egypt and Syria although it appeared an attack was imminent. Israel's recognition of how the world would assess its verdict must have been balanced against the painful knowledge of the greater death and injury awaiting its own defense by choosing that course.

But, this time Israel had the buffer zones of territory that were not there at the start of the 6-day war of 1967. It is terrifying to ponder what might have happened had Israel, consciously or inadvertently, decided on its present posture without these added barriers of land. Obviously, the final resolution of the occupied territories is a complex issue, but the events of the past few days surely show the wisdom of Israel's insistence on secure and defensible borders.

This is a fact of life in the Middle East today. But, unfortunately, the Middle East, as represented by too many governments and officials, exists in a world of fantasy. Until reality replaces fantasy, in the Middle East we will continue to bear witness to the tragedy of war and terrorism.

Israel, with her survival at stake, justly has earned the right to borders which guarantee her adequate and easy defense. The Arab States, for the sake of world peace and humanity, must abandon their pretense of nonrecognition of Israel as a state and agree to direct negotiations. For many years, the realists of the world, myself included, have called upon the Arab States to engage in face-to-face negotiations with Israel. The time to do so is tragically long overdue.

For the United States, the latest war comes as a devastating blow to its sincere efforts to induce all parties to the Middle East controversy to embark on meaningful peace negotiations. While our efforts are to be commended, I think there is no doubt whatsoever as to where our commitment lies.

Israel, the bastion of democracy in the Middle East, merits the active and moral support of the United States. I will not even allude to the political considerations, because they are secondary to the overriding moral issue. Israel must survive. The cause of justice and humanity are served by this.

In the name of détente, we must not abandon our position of supporting freedom and resisting aggression. We must stand for human rights and morality now more than ever. To fail to do so would mean we would forfeit a tradition of almost 200 years—a tradition that remains a beacon to all freedom-loving peoples in the world who suffocate under the darkness of repression.

In the name of the energy crisis, we cannot submit to blackmail by any Arab State. This Nation can eventually resolve the energy crisis, but we cannot recover from any action that surrenders our high purposes to political blackmail.

In the name of evenhandedness, the United States cannot abandon our friendship for allies. We cannot and we shall not desert Israel.

JIM SMITH'S LIFE HONORED BY PEOPLE HE HELPED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. PICKLE. Mr. Speaker, a few months ago, this Nation lost a great public servant, the Honorable James V. Smith.

In both public and private life, the welfare of the people around him was always his top concern. That concern did not go unnoticed.

The board of directors of a rural water supply corporation in the 10th District of Texas knew well the warm heart and helping hand of Jim Smith.

They have wanted to make their own feelings known and have passed a resolution regarding the untimely death of this great friend of the people.

I think it is a most telling sign when people so far away from his Washington office still felt his guidance and cooperating help so strongly to want to do this.

I would like to print their resolution in the RECORD at this time:

RESOLUTION FOR JAMES V. SMITH

Whereas, the Board of Directors of the Aqua Water Corporation has noted with great sorrow the recent and untimely passing of the Honorable James V. Smith, and

Whereas, Mr. Smith has served with distinction in the 90th Congress of the United States as Representative of the Sixth District of Oklahoma, and

Whereas, Mr. Smith for four years served as Administrator of the Farmers Home Administration, and

Whereas, During that time, he supplied the leadership for rural water and public works improvement programs of unprecedented scope, and

Whereas, Mr. Smith's guidance and cooperation were invaluable in initiating the operation of Aqua Water Corporation, and he personally visited the Aqua Water Corporation and turned the first valve and delivered the principal address during the dedication, and

Whereas, His continued support and personal concern assisted in widening the service of Aqua Water Corporation to more than 1,600 people, and

Whereas, Upon his retirement as Administrator last January, the Board of Directors of Aqua Water Corporation joined many others in expressing the opinion that the Honorable James V. Smith had distinguished himself as a capable and dedicated public official of the first order,

Now therefore be it resolved, That the Board of Directors of Aqua Water Corporation does hereby express deep sadness to Mrs. Smith and all members of their family upon the passing of the Honorable James V. Smith and emphasize its deep admiration for Mr. Smith and his many enduring accomplishments, and for 1,600 rural water users we say "thank you, Jim Smith!"

WAR IN THE MIDDLE EAST: IS THERE NO END?

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BADILLO. Mr. Speaker, it becomes clearer by the hour that the Holy Day attack on Israel by the armed forces of Egypt and Syria was totally without provocation and typified the reckless, irresponsible policies President Sadat and other Arab leaders have sought to promote.

The full dimensions of this latest tragic error are even now not really known but it seems obvious that as was the case with the 6-day war of 1967, this latest conflict will do little to further the cause of a just and permanent peace in the troubled Middle East.

On the basis of what we know about the timing and nature of the Arab attack on Israel, it seems perfectly justifiable for Israel to take whatever steps may be militarily necessary to repel the invaders and reestablish her security. At the same time, I concur with the administration's announced goal of helping to "find the means to restore conditions in the area, conditions that would be conducive to a settlement of the longstanding disputes and differences in the Middle East."

How the administration intends to pursue that goal is far from clear, but I would hope that the President, the Secretary of State and our Ambassador to the United Nations all would be vigilant in assuring that this latest Arab aggression is not rewarded in the U.N. or elsewhere in a way that hindered Israel's ability to defend herself. In fact, it has long been my own belief that our best hope in promoting lasting peace in the Middle East lies in discouraging Arab aggression by making Israel invulnerable to the type of attacks that were launched in 1956, 1967 and again last week.

In line with this belief, I have today joined with my friend and colleague from Florida (Mr. LEHMAN) in sponsoring a resolution calling upon the administration to honor immediately existing commitments to supply aircraft to Israel. The establishment and maintenance of Israel's air superiority provides, in my judgment, the best means of bringing the current conflict to a speedy close.

No discussion of the tragic situation in the Middle East should omit the fact that the blame for this latest attack and for the continuing tensions must be shared by the Soviet Union, which has been force-feeding huge quantities of its most modern armaments into the Arab States; by the U.N. for its ready adoption of one-sided condemnations of Israel and for those European nations which have been abetting and encouraging Arab terrorism.

THE WAR OF THE DAY OF JUDGMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ROSENTHAL. Mr. Speaker, the international community must clearly recognize and strongly condemn the recent unprovoked attack by Syria and Egypt against the State of Israel—an act initiated on the most solemn and holy day of the Jewish year. Failure to do so would deal a devastating blow to the international rule of law.

United Nations observers already have confirmed that Syria and Egypt struck first, but the reason for the attack remains unclear.

Some observers believe President Sadat was looking for military gains to bolster Egypt's bargaining position in possible future peace negotiations; others feel he may have given his generals an opportunity to prove they were wrong in calling for military action instead of diplomatic and political solutions.

It is worth noting that this attack came at a time when, according to many observers, Israel was cooperating closely with the United States in developing a peace formula for the Middle East that would be acceptable to all parties.

These efforts have been dealt a serious setback by the aggression of Egypt and Syria.

Those voices in Israel which had begun calling for a more flexible and conciliatory attitude toward the Arabs, especially in terms of territorial concessions, will now be drowned out by the mourning for Israeli casualties and the hardliners will be strengthened. Her terms for settlement will undoubtedly be toughened.

Mr. Speaker, if ever there was an instance of naked aggression, if ever there was a challenge to world order and stability, this act of war by Syria and Egypt is it. If the international rule of law is to prevail, then the United Nations must drastically improve its record of bias and inaction with regard to the Middle East. Its dominant pro-Arab bias has been consistently demonstrated, even to the point of condemning Israel for defending herself against her enemies.

Peace can only come when the Israelis and Arabs agree that their problems cannot be settled on the battlefield or by outsiders but only when they are willing to sit down together and sincerely work for peace.

SKYLAB AND THE SUN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Skylab 1 and 2 will continue, as the data from these flights are analyzed, to provide more and more knowledge directly applicable to the quality of life for people here on Earth. At the same time, Skylab is demonstrating that there are also continuing scientific opportunities such as the recent observation of unusal activity on the surface of the Sun and the upcoming flight of Skylab 3 when a spectacular comet will approach the Earth. The New York Times on September 23 carried an excellent editorial on contributions of Skylab to understanding the Sun, and therefore, I am including this succinct but significant editorial in the RECORD:

SKYLAB AND THE SUN

The Skylab 2 astronauts now hold every possible record for length of time spent outside of earth's atmosphere, and they are in good health and spirits.

Barring some unexpected problems arising from their readjustment to life on earth, Skylab 2's astronauts—along with their predecessors in Skylab 1—have virtually proved the case for man's ability to stay long periods in space with little difficulty. The day when men will travel in space for years on a round trip to Mars is clearly approaching.

It will take a long time before all the medical and scientific data gathered by the Skylab 2 crew can be fully evaluated. But even now it is evident that there will be special value in the astronauts' observations of the sun. These were taken through Skylab's telescopes outside the earth's atmosphere. The astronauts were therefore able to take pictures of the sun free of the distortion earth's atmosphere inevitably imposes on photographs taken from telescopes located on this planet.

The special value of the observations on the sun arises from that body's extraordinary behavior this month. In the normal eleven-year cycle of solar activity, this should be a quiet time on the sun's surface. But for reasons no one understands there has recently been a burst of tremendous activity on the sun. Solar flares have been shooting up tens of thousands of miles from its surface. An unprecedented wealth of data on this startling phenomenon have been gathered by Skylab 2, which should contribute significantly to helping scientists understand the physics and chemistry of the vast celestial body that is the source of almost all the energy available on earth.

THE WAUPACA COUNTY FAIR CENTENNIAL

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. FROEHLICH. Mr. Speaker, during our August recess, I had the opportunity to visit Waupaca County, Wis. and join in the festivities of the Waupaca County Fair. Although the fair has always been a highlight of the summer for many of my constituents, this year's event was particularly rewarding as it marked the 100th Anniversary of the Waupaca County fair. I want to thank the citizens of that area for the wonderful time they showed me and congratulate them on their spirit and enthusiasm which has carried the fair into its second century.

The tradition that the Waupaca County Fair undertook to follow when it began in 1873, is, of course, centuries old. Fairs have served as a means to introduce consumers to new and different products, both agricultural and technical, since Biblical times. They were of immeasurable importance during the Middle Ages and the centuries to follow because they were the primary source of great agricultural inventions and innovation. Fairs continue to provide that special opportunity for farmers, merchants and urban dwellers to socialize, exchange ideas and promote commerce. The Waupaca County Fair has served these traditional purposes well.

The first Waupaca County Fair was held during the late summer of 1873. This fair drew a successful response from the citizens of the area, but the second fair did not and the original sponsors decided to abandon their venture.

However, a number of public-spirited citizens in Waupaca County realized the importance of this event and were determined to make it a success. As a result, they formed the Waupaca County Agricultural Society. The society attempted to involve as many citizens as possible not only in the work of the fair, but in the fun, too. The obvious manner in which to do this was to go directly to the farmers and, consequently, every Grange in Waupaca County joined in and elected members to the agricultural society.

In 1875, the society purchased 12½ acres of land to expand the fairgrounds. A refreshment stand was erected at the cost of $36 and during the following year an exhibition building as constructed to house the growing number and variety of displays.

By the 1920's, the Waupaca County Fair had grown significantly. Even the casual observer of 1873 would have hardly recognized the place 50 years later. A half mile race track, a grandstand with seating for 200 people, exhibition buildings for farm animals, offices and fencing had all been added as the fair grew in importance.

The Waupaca County Fair usually showed a good income, but the agricultural society was always in debt. Needless to say, the depression increased this problem significantly. Finally, in 1941, the decision was made to turn the fairgrounds over to the county administration.

In the summer of 1948, a new concrete grandstand was built in anticipation of Wisconsin's 100th anniversary of statehood and the Waupaca County Fair's diamond jubilee. These two celebrations were combined and the fair was one of the most successful recorded in the area.

During the last 25 years, significant changes have been made to enhance both the success and the appeal of the fair. The 1973 Waupaca County Fair was, of course, the biggest and best to date.

Perhaps, the most rewarding aspect of the fair is the incentive it gives to our young people to develop not only useful and productive projects, but also worthwhile goals and objectives in their lives. Waupaca County young people won 23 ribbons at the Wisconsin State Fair this year. That is a remarkable record by any standard of measurement. Undoubtedly, the Waupaca County Fair has given these youth that valuable experience of striving harder and competing better which makes State fair champions.

The Waupaca County Fair has done a fine job in maintaining its reputation as one of the best county fairs in the State of Wisconsin, but more importantly, it has led a better quality of life for those who participate in it. The fair has indeed fostered and promoted the growth of Waupaca County's dairy and agricultural industries. It has given impetus to the development of better grades of cattle, better dairy products, and better foods for all consumers. It has given farmers and city dwellers the opportunity to keep abreast of the continuing changes and innovations in agriculture and industry.

Most importantly, however, the Waupaca County Fair continues to provide that peculiar combination of fun, excitement, education, and competition that few other public events can match.

Once again, I want to express my thanks and congratulations to the citizens of Waupaca County. I wish them the best in their efforts to make the Waupaca County Fairs of the future even better than those of the past.

REPRESENTATIVE DINGELL HONORS EARLY AMERICAN POLISH SETTLERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DINGELL. Mr. Speaker, it is my pleasure once again to pay honor to those early settlers of the United States who were from Poland and who established a great deal of the American backbone necessary for survival during the early days of this country—backbone that remains an American trademark today.

History tells us that "more than a handful of Polish immigrants" arrived with the first settlers in October 1608, at Jamestown in Virginia. Their tradesmen skills and their fortitude contributed to the success of the early American colony, although the trials and tribulations these people suffered were great. I am sure Americans today are thankful for the perseverance of the early immigrants from Poland and other European nations.

New Polish colonists continued to arrive in the new country and today our U.S. population has approximately 10 million Americans of Polish descent.

The tradition of hard work and the determined efforts the first Polish immigrants brought with them to America is typical of the Polish Americans of today whom I am proud to honor on this, the 365th anniversary of the arrival at Jamestown of the first Polish Americans.

Mr. Speaker, it is most fitting that we recall these early colonists and the contribution they made and their descendants continue to make to the United States as our country prepares to celebrate the 200th anniversary of its birth.

MOORHEAD DECRIES ARAB ATTACKS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with profound sadness that I learned of renewed Arab aggression against Israel over the weekend.

The coordinated assault by the Egyptians and Syrians against Israel territory in the Sinai Desert and the Golan Heights, once again has plunged this critical area of the world into violent combat.

As in any war, regardless of who claims final victory, there will be no victor. Both sides already have suffered many casualties and lost quantities of weapons and materiel.

In light of the conflict, I must seriously question the Arabs' long proclaimed wish for peace.

Our Department of Defense already has refuted the Syrian and Egyptian claim that it was the Israelis who struck first.

As each hour brought more news of attacks and counter-attacks, Arab diplomats at the United Nations and elsewhere insulted the intelligence of all who heard their spurious claims that it was Israel which had started the fighting.

How ludicrous and indeed stupid it was to suggest that a nation of Jews would initiate a major war effort on their most holy religious holiday, Yom Kippur.

I am confident that the President and Secretary Kissinger are seeking all possible avenues to bringing about a cease fire. I know that the Congress will cooperate totally with that effort.

STUDY OF LIFTING CONTROL OF NATURAL GAS PRICE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ASPIN. Mr. Speaker, the staff of the Federal Power Commission has severely criticized a report prepared for the American Petroleum Institute—API—which purports to demonstrate the costs of lifting the controls on natural gas prices.

In its report issued earlier in September, API said that the so-called deregulation of natural gas would cause only "minor" increases in natural gas prices for consumers. The API study estimated that natural gas prices would increase for the average household anywhere from 16 to 32 percent by 1980. But, the FPC staff said in a separate report prepared at my request that the API study is "no evaluation of deregulation as such."

Mr. Speaker, the FPC report rebutting the API study demonstrates once again that the oil industry is engaged in a propaganda blitz designed to shove deregulation down the throats of the American consumers. The API study is as phony as a $3 bill. It is a blatant and flagrant attempt by the big oil companies to mislead the public about the effects of lifting the controls on natural gas prices.

It is becoming increasingly obvious that the big oil companies will use any tactics—deception, phoney economic arguments, distortions, and half-truths—to win approval of natural gas price deregulation. The FPC report clearly demonstrates that the API study is a fraud and a hoax that is designed to convince the American people that natural gas deregulation would involve "minor" price increases. The FPC correctly points out that the study presents no evidence to back up the series of assertions. On the contrary, deregulation of natural gas could easily result in skyrocketing prices that would provide nothing less than windfall profits to giant gas companies.

There are two principal flaws in the API study according to the FPC staff.

First, the API study assumes that the supply of natural gas is totally inelastic, that is, supplies will not go up as prices go up. This contradicts one of the industries basic arguments that increased price will also increase supply.

The study is also flawed by its simplistic calculation of the cost to consumers of natural gas price deregulation. As the FPC points out, a variety of indirect costs which will significantly affect consumers are not included in the API study.

This FPC rebuttal of the API study is additional evidence that deregulation of natural gas is a serious mistake.

The study follows:

FEDERAL POWER COMMISSION,
Washington, D.C., October 3, 1973.

Congressman LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: In response to your request of September 10, 1973, the Staff of the Federal Power Commission has analysed the Foster Associates' report for the American Petroleum Institute entitled "The Impact of Deregulation on Natural Gas Prices." An analysis of that report, prepared by the Commission's Bureau of Natural Gas and Office of Economics, is enclosed herein.

With respect to your request that this Commission "estimate exactly what the effects of deregulation would be", and the "average price per Mcf in 1974, 1975, 1976, and 1980", no such precision is possible. There have been studies prepared indicating supply elasticities ranging from 0.4 to 0.7;* however, such studies represent only estimates of the responsiveness of gas supplies to given price changes. The Commission's National Gas Survey will further examine the interrelationships of price, supply and demand.

Sincerely yours,
JOHN N. NASSIKAS,
Chairman.

FEDERAL POWER COMMISSION STAFF COMMENTS ON "THE IMPACT OF DEREGULATION ON NATURAL GAS PRICES," A REPORT FOR THE AMERICAN PETROLEUM INSTITUTE BY FOSTER ASSOCIATES, INC.

The stated purpose of the API study is to estimate future increases in burner tip prices at various wellhead prices under alternative deregulation assumptions. These assumptions, or cases, are: (1) deregulation of all sales, (2) deregulation of new sales and existing sales in phases over a four-year period, (3) deregulation of new sales and expired contracts (the administration proposal), and (4) deregulation of new sales only. The Study does not attempt to measure the "costs" of continuing existing FPC price ceilings. Rather, it states the broad assumption that in the event of continuation of existing price ceilings, "we may anticipate" further declines in exploration and drilling activity, and a further dwindling of reserve additions with a concomitant worsening of our reserve inventory position. In addition, the Study's authors postulate that a continuing gas supply shortage will increase consumer cost in any event due to the normal replacement of old gas by higher-priced new gas as old contracts expire, because of the purchase of high-priced alternatives to fill the supply gap, and because of higher pipeline costs associated with excess capacity due to curtailed gas supplies.

With regard to the assumption of continuing existing FPC ceiling prices, it should be noted that the FPC has instituted numerous steps in the past several years to increase exploration and development and the dedication of new gas supplies to the interstate market, and to alleviate short-term gas shortage emergencies. Most notable among these steps are Order No. 431 of April 15, 1971, which, among other things, provided for limited-term gas purchase certificates with pregranted abandonment to sellers; notice of proposed rulemaking in Docket No. R-389B, issued on April 11, 1973, which seeks to establish a national new gas rate; and notice of proposed rulemaking in Docket No. R-478, issued on May 23, 1973, which proposes a single uniform rate for flowing gas for all producing areas on a nationwide basis. To the extent that these programs have and will increase wellhead price and supply, the Study's base case of "continuing existing FPC price ceilings" is not appropriate. Therefore, the consumer price impact resulting from the various deregulation alternatives examined in the Study may be overstated because of the price effects of the above-described FPC actions. On the other hand, to the extent that high-priced alternatives to natural gas will be needed in addition to any supplies forthcoming from deregulation, and excess pipeline capacity and some unfilled consumer demands persist, the consumer price impacts are understated.

The methodology used in the Study was to examine a sample of existing gas purchase contracts to obtain pricing and volume data for this segment of gas supply in any given year, and to add in estimated new volumes of gas each year at the various deregulated price levels postulated in the Study. This procedure was modified as necessary to conform to the deregulation alternatives which were examined. Specifically, the Study utilized volume and price data for existing sales based on a detailed analysis of 1,461 contracts in effect as of January 1, 1973, with 1971 sales of at least 2 billion cubic feet, or contracts dated after December 31, 1971, with estimated sales of 2 billion cubic feet. This sample, the Study asserts, represents 70 percent of interstate gas deliveries in 1971. With regard to new supply, the Study made the assumption that annual additions would increase from the present level of about 10 trillion cubic feet (Tcf) to about 19 Tcf in 1975 and 27 Tcf in 1980. It is stated that this estimate was taken from the National Petroleum Council's Case II projection[1] which is predicated on a 3.5 percent per annum increase in the drilling rate and a finding rate 50 percent greater than in the past. About 62 percent of new reserve additions are estimated by the Study to go to the interstate market, and the production rate would be about 7.5 percent of reserves annually. Additionally, old volumes plus new volumes are projected to result in fairly stable production through 1976, and increase thereafter by about 2 percent per annum.

The procedure of analyzing gas purchase contracts for pricing provisions and annual volume levels is the standard approach in a study of this type. The 2 Bcf cut-off volume is reasonable, and the resulting 70 percent volume coverage is good. The FPC has not recently done a study of this type, but will in the next few months be compositing similar data to be submitted by respondents to the Commission's rulemaking proceeding in Docket No. R-478. The projection of new supply is, of course, speculative, and is conspicuous in the instant study since it is the only projection of future supply offered, no matter what deregulated price (45c to 75c) is assigned at the wellhead. In other words, there is no set of supply responses to the range of wellhead prices postulated, the very type of information that is most sought after in this area. In fact, the authors state that "the study did not measure or purport to measure the elasticity of gas supply with respect to price." The level of annual additions forecast is optimistic in view of recent history (10 Tfc per year over the last 5 years). The 27 Tcf level in 1980 exceeds the all-time record of 24.7 Tcf for the lower 48 states in 1956. The proportion of interstate sales (62 percent) is reasonable, but the projected levels of interstate production (Study, Appendix A, Table 5) are below the 1972 level of 14.1 Tcf until 1979, a very pessimistic outlook considering the reserve additions, production, and range of possible wellhead prices that are postulated.

As stated previously the Study makes the assumption that continuation of existing FPC ceiling prices would have its own costs. There is no attempt to measure such costs, an input which would have provided a useful contrast to the deregulation alternatives posed. The authors establish as their basic premise that higher gas prices, other factors unchanged, will induce producers to commit more funds to exploration and to undertake a wider range of exploration prospects. They state that the existence of directionality and the "disparate trends of gas exploration in the decade of the 'fifties and during the 'sixties indicate that supply is responsive to price," but they do not provide a measure of the degree of this responsiveness, i.e., of the elasticity of supply with respect to price.

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*United States Department of the Interior, "Draft Environmental Impact Statement, Proposed Deregulation of Natural Gas Prices" July 17, 1973, Appendix B, p. 29.

[1] National Petroleum Council, *U. S. Energy Outlook*, December, 1972. An examination of the NPC report indicates that the rate of reserve additions used in the API Study corresponds to the most optimistic Case I rather than to Case II. Reserve additions for NPC Case II are 17.3 Tcf in 1975 and 21.8 Tcf in 1980 (NPC Report at page 61, Table 33).

The proposition that supply will respond in a positive way to an increase in price is widely accepted, but the magnitude of the response and the time lag associated with it are issues which are skirted by the use of a single level of projected production. Once having analyzed old contracts and projected this single level of production, the Study merely becomes a mathematical exercise of inserting various wellhead prices in varying mixes of old and new gas, and estimating the effect on the consumer. The authors argue that, at a given wellhead price, should new gas volumes be smaller than projected, the increase in the average price for all gas supplied would be smaller; similarly, a large volume of new gas would result in a higher average price for all gas.

The Study's main conclusions are in the form of increases in the cost of residential gas service under deregulated wellhead prices of 45c, 55c, 65c and 75c/Mcf, and under the four deregulation alternatives postulated. At a 55c market price (the most frequently cited level in the Study), the projected increase in field prices between 1/1/73 and 1/1/80 is 19.04c/Mcf if prices for new sales only were deregulated, and 25.18c/Mcf if all natural gas prices were freed from regulatory controls, either all at once or over a four-year period. Deregulation of new sales and expired contracts, the object of the current administration bill, would result in an increase of 22.95c/Mcf between 1/1/73 and 1/1/80 under the 55-cent market price. (See Appendix A, Table 7–B of the Study). Also at the 55-cent wellhead price, the increase in the average annual gas bill of $155.73 (1972) would be $8.30 as of 1/1/74, amounting to an increase about 5 percent, under immediate deregulation of all sales. By 1977, the increase under this alternative would cumulate to $20.17, and by 1980 to $33.06. Phasing deregulation of existing sales over a 4-year period would reduce the immediate impact from $8.30 to $4.53, but by 1977, the annual increase would be the same as under total deregulation. With only new sales deregulated, the 1/1/74 increase would be $2.10, rising to $12.64 by 1977 and to $25.00 in 1980. (See Appendix A, Table 9–B of the Study.) The authors note with regard to the projected increases that the "baseline," or costs under continued FPC ceilings, increases from 20.48c/Mcf as of 1/1/73 to 23.50c/Mcf as of 1980.

An important point to be noted in the API Study is that it seeks to measure only the residential impact of the various deregulation scenarios examined. Because residential customers purchase only about one-fourth of the total amount of gas delivered to ultimate consumers, the cost estimate, being limited to the impact on residential bills, understates the total additional cost that consumers as a whole will pay. As a result of the operation of market forces (or of rate regulation where the utilities are concerned), it must be assumed that the increased gas prices paid by commercial, industrial, and utility customers will be passed forward in higher selling prices for goods and services generally. In all likelihood, therefore, the direct and indirect dollar impact of the higher costs on consumers will be greater than the direct impact alone. Thus, the section of the study contrasting consumer expenditures for gas service with expenditures for alcoholic beverages, toilet articles, toys, etc., is misleading. By far the largest part of the increased cost of natural gas to the typical family will be hidden in the prices paid for other things.

Other reasons why the cost estimates in the Study probably are understated are: (a) it is assumed that the increases in field prices will be passed through, cent for cent, to ultimate consumers without any mark-up to reflect the higher carrying costs for gas inventories and working capital; (b) no allowance is made for possible price increases for other fuels as demand is diverted from gas to these fuels and also as the restraint of gas prices on the prices of other fuels is relaxed; (c) no allowance is included for possible renegotiation of existing contract prices; and (d) the estimates assume that prices in contracts with area rate clauses will remain at current area ceilings after the ceilings are repealed by legislation.

In summary then, it can be said that the Study does not attempt to predict either the prices that would be negotiated in an unregulated market or the amount of new supply that will be found and developed at a given price level. Thus, the price and cost estimates in the Study are meaningful only in the context of the specific assumptions used for these key variables. Whereas the assumptions on market prices bracket a wide range, the assumption on new gas supplies allows for only one possible pattern which is used for all of the assumed market prices. Moreover, the Study does not examine the economic dislocation that is likely to result from large increases in the price of gas to industrial customers. Those increases will be larger, percentagewise, than those for residential consumers because industrial customers purchase gas at lower prices. Finally, it must be repeated that it is difficult to accept the assumption in the Study that the volume of new gas supplies will be the same irrespective of the level of market prices. If other levels of new gas supply had been considered, it would be shown that the cost would vary over a wide range depending on whether the new gas supplies were smaller or larger than the volumes on which the report's calculations were based.

The criticisms and conclusions contained herein would be substantially the same were this Study directed toward "regulated" prices of 45 to 75 cents/Mcf and the same supply assumptions, with the possible exception that a lower ratio of gas volumes would flow to the interstate market. The Study is, therefore, no evaluation of "deregulation" as such.

ENERGY CRISIS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. CARTER. Mr. Speaker, for several years I have been alarmed by the thought of a possible energy crisis which now has become a reality. The Arab-Israeli conflict may well deprive us of one of our large sources of petroleum and petroleum products.

In our Western States, we have enormous supplies of oil shale which I am told by the National Academy of Science will produce many billions of barrels of oil. It behooves this Congress to immediately launch a supreme effort to exploit this natural resource, 50 percent of which lies on Federal land.

The supply of petroleum is not only necessary for the energy to heat our homes, but also for the defense of our country.

Another manner in which energy may well be produced is through the use of fallow lands in production of grain. It is estimated that if all the land in the United States which is lying fallow were to be planted in grain, from this grain hundreds of millions of barrels of alcohol could be distilled. Again, this is another angle which must be studied.

A crash program on the development of coal gas, gasoline, and distillates from the vast coal deposits in the West deserves immediate action. Such a program should be launched at once.

Methane gas from sewage disposal systems can well be used as a source of energy. It is used at the present time in Formosa without too much expense. Every city in our country could derive an essential portion of its natural gas from its sewage treatment plants.

Of course, environmental safeguards must be observed. But the internal strength of our country is paramount.

The time to act is now.

TRIBUTE TO FIRST POLES TO ARRIVE IN AMERICA

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1973

Mr. BLATNIK. Mr. Speaker, I join my distinguished colleagues in paying highest tribute today to the handful of courageous Poles who landed 365 years ago this week in Jamestown, Va., and to the millions of Americans who carry in their veins and in their consciousness the blood and heritage of Poland.

Minnesota, more than any other State in the Union, knows the meaning of America as a land of promise for the peoples of the world, for our State, and especially the Eighth Congressional District which I have the honor to represent, has given home and opportunity to people from literally every country of Europe.

Poles, Croats, Slovenes, Serbs, Bulgars, and Hungarians, as well as the French, Swedes, Norwegians, English, and Germans, have all put down roots in northeastern Minnesota.

We, more than most States, know the true promise of America as a "melting pot" where people of all nations may freely seek employment and opportunity, working side by side to develop their talents to their fullest.

But we also know, firsthand, the importance of diversity.

Our separate peoples have preserved their unique national traditions, have passed on the meaning and heritage of their origins from generation to generation, and retained great pride in the lands of their fathers.

And so, as northeastern Minnesotans of every extraction join with the Swedes in celebrating John Hancock Day, with the Italian community in special tribute to Columbus, and with the Yugoslavs on All-Slav Day, we also come together with our Polish brothers and sisters to mark the 365th anniversary of the landing of the first Poles on this continent.

As with so many of our minorities, the Polish contribution to the history of America has been little noted over the years, and it is appropriate at this time to remind all Americans of the courageous men of Polish birth, whose skills and expertise contributed to the material wealth and comforts of the Jamestown settlement and, in fact, to the viability of the tiny colony which had been almost decimated by cold and privation during the winter before the Poles arrived.

These first Polish Americans built the first glass furnace in the English colonies. They raised the factories to supply the soap, the pitch, boarding, and other building materials for the hard-pressed colony.

America has, since these early years, adopted millions of Poles. They and their children have made tremendous contributions to the industrial power, the culture and social diversity of this great country. Without the Poles this Nation would be the less; and so it is important, Mr. Speaker, that all Americans join with Polish Americans today, in salute to the first Poles who, along with Americans of other extraction, contributed their talents, skills, and backbreaking labor to the greatness of this country.

YOM KIPPUR

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SARASIN. Mr. Speaker, on Saturday, October 6, while all over the world people of the Jewish faith were observing the highest holy day, Yom Kippur, and while millions of Americans were celebrating the anniversary of the discovery of the New World, news came that the countries of the Middle East were again at war, that the tenuous stability had been shattered.

This set-back to efforts for world peace is extremely serious and demands the immediate attention of all nations, for no one can be immune to these events. To sit in judgment, to take one position over another, is a course we must all avoid. Regardless of personal sentiments, the leaders of all countries must work together to achieve a cessation of hostilities and, most important, to find the common ground that can lead to productive negotiations.

If the leaders of our great nations are to show good faith in the avowed goal of world peace, we all must join in search of the solution to the crisis now before us. We must direct every effort toward the compromises that will be inevitable if peace is to be achieved, and all nations must help to insure that these compromises are not volatile seeds of frustration and bitterness but the solid foundations of peace.

It is my sincere hope that the efforts of the world's leaders, through the forum of the United Nations, will be fruitful, that peace will become a reality, and that history will be able to call this the last war.

ANTI-IMPOUNDMENT: THE HOUSE BILL IS BETTER

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. OWENS. Mr. Speaker, I have just had brought to my attention an article from the Washington Post, written by Arthur Maass, Frank G. Thompson professor of government at Harvard University, relevant to the debate over impoundment legislation currently before the Congress. Though perceptive and thought provoking, it appeared during the August recess, and I am sure not many Members have seen it. I am placing it in the RECORD for the consideration of Members, and commend it to them.

The article follows:

ANTI-IMPOUNDMENT: THE HOUSE BILL IS BETTER

(By Arthur Maass)

In its editorial on anti-impoundment legislation The Post concluded that a bill that passed the Senate was stronger than the House bill in asserting Congress' authority to determine expenditure priorities among competing federal programs. The Post gave two reasons: first, the Senate bill is permanent legislation, while the House bill is effective for only one year; second, the House bill provides that presidential impoundment orders shall be effective unless vetoed by either house within 60 days while the Senate bill provides that impounded funds must be released by the President if Congress does not approve each impoundment within 60 days.

The Post's conclusion that the Senate version is the stronger of the two bills is mistaken. The House form has greater flexibility for both the Executive and Congress, flexibility that is necessary given the complications of short-term authorization and appropriation of funds today.

If the Senate form is followed, it becomes necessary for Congress to define carefully the forms and types of impoundments that are to be exempted from congressional approval. No one wants Congress to have to pass legislation every time the President wants to impound funds because he can accomplish a job more efficiently with less money than was appropriated.

The Senate bill's attempt to meet this problem weakens significantly Congress' power. It provides that all presidential impoundment orders are to be sent to the comptroller general. If he finds that an order is in accordance with the provisions of the anti-deficiency act (that is, presumably, for the purpose of achieving greater efficiency) then this finding of the comptroller general is sufficient to approve the impoundment, and other provisions of the bill become inoperative.

Now, the anti-deficiency act is general and vague, as has been shown by its administrative history. Thus, under the Senate bill, the President will be encouraged to claim that all impoundments are made under the anti-deficiency act, and the final decision on whether or not the President's claim is to be upheld will not be made by Congress, but by the comptroller general. Furthermore, both houses of Congress will have to act on each impoundment order that—in the opinion of the comptroller general—is not covered by the anti-deficiency act, regardless of its importance in terms of public policy and national priorities.

Should such final authority be granted to the comptroller general? And should Congress deny itself the opportunity to focus on what is important and to disregard what is trivial?

In short, the Senate bill is the stronger of the two only in a very formalistic sense, only in terms of abstract categories of statutory instruments. In a realistic sense, if Congress' purpose is to have a genuine say in the ordering of national priorities, then the House bill is the more powerful. It retains legislative power in the Congress and at the same time enables the Congress to focus on important issues and priorities, by selecting the impoundments that should, in their view, be debated in terms of possible veto.

Another Washington newspaper in a recent editorial has opposed all anti-impoundment legislation, holding that it is premature until legislation is perfected to control overall expenditures. But this overlooks the existing situation. Today Congress is passing all sorts of anti-impoundment provisions. Congress has passed authorization bills that require the President or an administrator to spend all of the money appropriated for certain programs. It has passed authorization bills forbidding the President to spend money for one program unless he releases funds that have been impounded for other programs. Congress has passed authorization bills requiring the President to spend not less than fixed amounts on certain programs. There is an amendment to an authorization bill declaring it to be the sense of Congress that all funds for certain programs be free of impoundment. Congress has passed authorization bills providing that any sums appropriated for certain programs remain available for expenditure until they are expended. There have been authorization bills requiring the President to commit or obligate contract authority.

Also today lower federal courts of the nation are issuing orders that cancel impoundments of funds for some (but not all) programs that are challenged before them.

These diffuse actions, each reported by a different legislative committee or district court judge, have created an administrative nightmare. They have not established any discernible order of priorities by the legislature nor have they significantly strengthened Congress vis-a-vis the President. The purpose of general anti-impoundment legislation is to provide a standard procedure for reviewing Executive impoundment of appropriated funds—a procedure that would replace the diffuse ineffective actions of recent months.

ANNIVERSARY OF POLISH SETTLERS IN UNITED STATES

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. MINISH. Mr. Speaker, I am pleased to join so many of my colleagues this month in commemorating the 365th anniversary of the arrival of the first Polish immigrants on what is now U.S. soil.

On October 1, 1608—12 years before the Mayflower landed—Capt. Christopher Newport's ships *Mary* and *Margaret* arrived at Jamestown, Va. Among the passengers was a small, but industrious, group of Poles.

Although few in number, the Polish settlers proved to be among the most valuable members of the hard pressed colony. They brought with them skills which were in desperate need in the faltering new community.

Within 3 weeks of their arrival, the Poles had cleared the forest and begun operating a glass furnace, the very first factory established in the English colonies of the Western Hemisphere. Polish specialists and craftsmen also organized the production of soap, pitch, clapboards, and other building materials thereby contributing greatly to the eventual success of the Jamestown settlement.

As Capt. John Smith, the colony's famed leader, later wrote,

> Adventurers never did know what a day's work was, except the Dutchmen and Poles and some dozen others. For all the rest were poor gentlemen . . . more fit to spoil a commonwealth than either to begin one or to help to maintain one.

The hard work and dedication of these very earliest Polish immigrants has been characteristic of the millions of Polish-Americans who have contributed so very much to every aspect of American life and society.

MOSCOW'S WEAKNESS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. DERWINSKI. Mr. Speaker, my attention was directed recently, rather belatedly, to an editorial in the Polonia, a Polish language weekly published in Chicago, which, in its August 5, 1973, issue, addressed itself to the very interesting subject of Moscow's weakness.

While I am able to read the Polish language, I recognize the need for accuracy in translation and so obtained a translation of the article from the Library of Congress and submit it for the RECORD at this point.

I believe that this article retains its timeliness as we look forward to House deliberation of the Trade Reform Act of 1973.

[Source: Polonia, a Polish Weekly, August 5, 1973, Editorial]

MOSCOW'S WEAKNESS

The London "Economist" published an article about the Soviets, which called forth a response throughout the world. The paper was quoted and commented on because it argued in a convincing way its basis thesis: weakness of the Soviet politics within the new power constellation in the world.

If one assumes that there exist three great [world] powers, the Soviet position shows certain political "peculiarities":

The Soviet Union is the only power which is faced with territorial claims against it (China). Only the Soviet Union must keep huge armies on two fronts at the same time.

Only in the Soviet Union continue to exist fears of possible development of local nationalisms which reach, with their branches, beyond its borders. These fears can be compared with those which existed within the [former] Austrian-Hungarian monarchy.

These are the "peculiarities" of the Soviet situation in the realm of politics.

One should note that Moscow's difficult situation within the "power triangle" is the result of President Nixon's excellent move in his approach to the Chinese problem. Under the conditions of the era of nuclear weapons, this move created a new balance of powers in the world, and we know, e.g. from the experience of the British politics of balance of powers in Europe, that this formula passed well its test from the standpoint of Great Britain's interests.

The Soviets watch with great apprehension Chinese activities in the realm of atomic armament, and the suspicion that Moscow was exploring the possibilities of getting "free hand" in her Asian politics by testing Washington's position, was not a mere speculation. According to press reports, Moscow tried twice to explore what would be the reaction of the United States in case, should the Soviets decide to "preventively" do away with China before the latter could build up a substantial atomic arsenal. And it is not only Washington's negative position, but also Pekin's atomic potentials at the present time which seem to preclude Soviet operational chances. In short, at the time of atomic weapons, no power is free to undertake risky adventures.

The West has found itself in a delicate position of a factor which is able to effectively control Soviet ambitions. It does not seem possible, that after all those acts of détente along the Washington-Moscow line, the American politics would push Soviets toward a desperate Chinese adventure. And surely Moscow does not think that she could, by all her gestures pointing toward détente, gain Washington's neutrality in case of her Chinese venture.

All these elements of the new global situation seem to fully support the basic notion of London's "Economist" that the Soviets are weak in the field of world politics.

COLUMBUS DAY 1973

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BIAGGI. Mr. Speaker, on October 12,1492, a group of hardy pioneers led by the great Genoese navigator and explorer, Christopher Columbus, culminated years of struggle when they landed on an area of the New World, known today as America. Columbus' achievement was prefaced by setbacks and adversities from the outset, yet despite such threats as mutiny, and the hazards of unknown seas, this great explorer persevered to discover our homeland. We in America take this opportunity each October to pay tribute to this man and review the accomplishments of the American nation since 1492.

We have, in so many ways, come a long way since Columbus' day. How remarkable, for example, has been the veritable flood of peoples from all over the world, who have come to America. And how tremendously has our American Nation developed to accommodate these people, and provide them with opportunities to achieve happiness and prosperity. And most importantly is the fact that many of these immigrants have gratefully repaid the American Nation by contributing to its welfare through hard work.

Almost 500 years after Columbus' discovery, the adventurous spirit which propelled him remains an ingrained feature in our American society. The recently completed extraordinary 59 day mission of the Skylab II astronauts is a tribute to the fact that the adventurous spirit, and the quest to explore the mysteries of the unknown remains alive and well in modern day America.

Columbus Day is also when we pay tribute to the Italian-American community. As much as the Italian Americans take particular pride in Columbus' accomplishments, they have by no means rested on his laurels. Rather they have blazed their own paths to prominence in many areas of our modern American society. The Italian ethic of hard work as the means to success has resulted in their having a destined place in our society.

Mr. Speaker, as an Italo American it is a distinct honor to pay tribute to the founder of our great Nation, Christopher Columbus. I am confident that the American Nation will continue to grow in prosperity, and will remain the "land of opportunity" not only for her citizens, but for all the peoples of the world.

THE STEAMBOAT "BERTRAND"

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SCHERLE. Mr. Speaker, one of the greatest archeological finds in the Midwest occurred when the Steamboat *Bertrand* was discovered at De Soto Bend, Iowa, by two Omaha residents, Sam Corbino and Jesse Pursell. The Missouri River steamboat was on its maiden voyage to Montana trading posts when it sank and remained entombed for more than 100 years. I would like to share the following poem by my constituent, Mrs. Gloria A. Martin of Council Bluffs, Iowa. I feel it is a very fitting tribute to the enterprising men who discovered this legend:

THE STEAMBOAT "BERTRAND"

A TRIBUTE TO CORBINO AND PURSELL

(By Gloria A. Martin)

There lay within a sandy tomb, an aged battered boat
    clutching its cargo of a century
    snuggled in memories
    harboring the secret of its own demise.
Though man had searched, no man had found. . . .
    The boat slept on.
A century. . . . Progress (on the rampage),
was uprooting trees,
concreting dreams. . . .
The world turned to take a solemn look.
Man, ignoring the sobbing of the sod,
triumphantly shouted, "Onward with stone!"
    The boat slept on.
Progress continued to topple trees.
But History turned and focused its gaze
on the battered boat . . . and two Omahans
with self-determination and strong hands:
They would find the boat which lay entombed,
and remove the tons of burden from its breast.
    The boat slept on.
"Onward toward De Soto Bend!" . . .
Twilights met twilights, recording all
that happened in between
while labor, sweat, curses, hope and prayer
unearthed the boat whose steam had steamed away.
"Bertrand . . . Bertrand," headlines shouted. . . .
    The boat awoke.

Today, yesterday is preserved for tomorrow,
and the now empty steamboat sleeps again
entombed in water
relieved of all treasures but itself
while history hugs the wealth taken from its hold. . . .
The boat lives on.
And Progress goes on building concrete dreams.
The world, shuddering, turns to take a look
at flowerless fields
at timberless lands
at skyscraper scenes . . .
at that which man calls "Progress." But, behold!
The boat lives on.
Two men . . .
their work-worn hands as empty
as there-buried boat. . . .
"De Soto Bend, the site of the Bertrand."
The discoverers' names . . . written on the wind.
The boat lives on.
Stone buildings, stone interchanges, stone man,
mute, molded by Progress!
. . . The breeze unrolls a scroll, which reads, in part,
"Sam Corbino and Jesse Pursell, discoverers of the Steamboat Bertrand";
the world turns for an admiring look. . . .
The boat lives on.

TRIBUTE PAID TO FRANK W. "BUS" BOYD, JR., SUNDAY

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SEBELIUS. Mr. Speaker, several weeks ago, in the extension of remarks, I called to the attention of my colleagues an article detailing the untiring efforts of McDill "Huck" Boyd and those community leaders in Phillipsburg, Kans., to obtain health care services for rural areas.

I submitted the article in that it summarized the kind of program that could benefit all rural communities that are experiencing rural health care problems.

Last month, the citizens of Mankato, Kans., paid tribute to the memory of the late F. W. "Bus" Boyd, during the dedication ceremonies of the new wing of the Jewell County Hospital. It was through "Bus" Boyd's efforts that the Jewell County Hospital was kept open during a most difficult time.

It is my strong personal conviction that if we are going to find practical and workable answers to our health care problems in rural areas, it will be through the efforts of men like "Huck" Boyd and his late brother, "Bus."

Rural communities today cannot rely exclusively on the Federal Government and expect legislation to "cure" their health care problems. Much of the legislation is urban oriented and involves too much bureaucracy and cost. F. W. Boyd lived with and had first hand knowledge of the problems folks experience in rural areas. More important, he and his brother took it upon themselves to do something about the problems.

The following article, from the Jewell County Record, contains not only the account of the dedication ceremonies recently held in Mankato, but underscores the kind of commitment and dedication citizens in rural areas are making for their communities and in behalf of generations to come. The article follows:

TRIBUTE PAID TO FRANK W. "BUS" BOYD, JR.

Tribute was paid to the memory of the late F. W. "Bus" Boyd, Jr. at a dedication program at the National Guard Armory in Mankato Sunday when the new wing of the Jewell County Hospital was dedicated in his honor.

"The things he stood for are enduring and everlasting," said Rick Harman, long-time friend, who made the dedicatory address. "He loved his family and his community and he had the character, determination and drive to work for the things that were good.

"This nation needs more people who are devoted to a cause, who are willing to participate, who have the will to get things done for the benefit of all."

Harman said that he first met "Bus" on the floor of a state basketball tournament. "He dashed out, grabbed me by the arm, and said 'You're going to K-State.' There was no denying his enthusiasm, his interest in young people, and he worked with them, encouraged them, all of his life."

Cong. Wint Smith, who introduced Harman, said that "Bus was more than a man who wrote checks. He had the ability, the courage and the energy to do the things that needed to be done."

Richard Diamond, who presented the plaque which will be hung in the new wing of the hospital on behalf of the Mankato Endowment Association, paid tribute to Boyd's work in keeping the hospital open during a difficult time. The plaque reads:

"Dedicated to an unusual man who freely gave of his time, energy and money so that this project could become a reality."

A beautiful painting, commissioned by Wint Smith, was unveiled during the program. Two grandsons, Frank Logback of Hill City, and Larry Boyd of Norton, participated.

The painting will also be hung in the hospital with the following inscription:

"In memory of an enthusiast—benefactor in all civic projects—editor, coach, athlete, who more than any other person made this institution possible."

Frank Kissinger, co-chairman of the dedication, read letters from a number of prominent people, including President James McCain, Kansas State University, Ernie Barrett, Athletic Director of K.S.U., Kenneth Heywood, Executive Vice President and Director, K.S.U. Endowment Association, and Roy Freeland, Secretary of Kansas State Board of Agriculture, who praised Boyd's work throughout the years, and expressed regrets that they could not attend the program. Kissinger also introduced Danny Johnson, hospital administrator, who said he had frequently called upon Boyd for counsel, and Johnson in turn, introduced members of the Jewell County Hospital Board who had helped sponsor the program: Mayor Carl Westin, Raymond Joerg, Charles Fogo, and Harold Totten. L. E. Weltmer concluded the program with a tributary benediction.

AMERICAN RIGHT OF WAY ASSOCIATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HOGAN. Mr. Speaker, in 1974, the American Right of Way Association will celebrate its 40th anniversary. This association, which consists of over 10,000 members, represents a highly professional group of people who have contributed greatly to the progress of the Western Hemisphere in establishing territories, have created a new and impor-

This association has been a great asset in informing all interested parties on the needs and problems connected with rights of way. It has been the policy of the association to do everything it can to guarantee that the building of highways, airports, transit systems and so forth will cause the least disruption to human and natural resources.

Each year, Department of Transportation projects displace 70,000 persons, some 50,000 by Federal highway construction alone. Therefore, the importance of the American Right of Way Association plays a great role in informing those people who must be displaced as to the alternatives and advise them of Federal programs available to them for their relocation.

Mr. Speaker, in recognition of the American Right of Way Association, I am today introducing a resolution to declare the week of June 17, 1974, as "National Right of Way Week." I call on my colleagues to join with me in honoring this association and paying it the recognition it so greatly deserves.

OBSERVATIONS OF AN OBSERVER TO THE INTERNATIONAL MONETARY FUND ANNUAL MEETING IN NAIROBI

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. WYLIE. Mr. Speaker, some months ago the International Monetary Fund meeting in Nairobi was billed as the most important meeting since the International Monetary Fund was created at Bretton Woods in 1946. The high expectations came about because it was anticipated that some new world monetary system based on the special drawing rights—SDR's—would be established at the Nairobi meeting. Although there was a general "sense of disappointment" because of the failure to make progress on substantive issues of international monetary reform, the Nairobi meeting may have inured to the benefit of the United States. A year ago when the Nairobi Conference was set up, the U.S. dollar was under heavy attack because of the imbalance in the dollar abroad. Recent economic trends show that the U.S. balance-of-payments position is making positive signs of improvement. This should place the United States in a more favorable position to negotiate reform of the world monetary system, if such reform be needed. The accusation by Europeans that the United States was foot-dragging on the issue of reform is not fair in that there does not exist a clear view of what the details of any reform system would look like. And it is to the credit of Treasury Secretary George P. Shultz that he was not buying a "pig in the poke" for the sake of international monetary reform.

Further, Treasury Secretary George P. Shultz distinguished himself when he opposed linking any new monetary system with underdeveloped country aid through the International Development Association—IDA. A deadline for some international monetary reform plan designed to stabilize the currencies of the 126 member nations was set for July 31, 1974. Probably, some system of international monetary reform is desirable so that the structure of "objectives" of reserve indicators can be employed.

This indicator system would presuppose that some action is necessary by the IMF when the cumulative official balance of payments surpluses or deficits reach a certain point for a member nation. The idea is that pressures on the currencies of a member nation such as the dollar experienced last year could be avoided with a proper arrangement. Seeming to say that all was not lost as far as international monetary reform was concerned, Secretary Shultz said that "deadlines are helpful" and July 31 is not far away.

The issue of aid to developing nations was more at the center of attention during the IMF–IBRD—International Bank Reconstruction and Development—meetings than were issues of monetary rereform. The U.S. position with reference to the Fourth IDA Replenishment and the SDR–IDA link was not popular. Japan and Germany agreed to increase their share to IDA so that the United States share would be reduced from 40 percent to 33⅓ percent.

Secretary Shultz had encouraged members of the Banking and Currency Committee and representatives from the Appropriations and Rules Committees to attend the Nairobi Conference to point up the fact that the issue of replenishment and development aid is in the final analysis a congressional prerogative. During his address to the Conference on Tuesday, Secretary Shultz made specific references to the fact that there were 24 Members of the U.S. House of Representatives and a representative from the U.S. Senate in attendance as evidence of their interest and concern in what went on at the conference and to make it unmistakably clear to other countries that the administration could only "strongly recommend to the Congress" participation in the Fourth Replenishment.

When the conference started, the United States stood alone on the issue of the SDR-aid link. The German representative seemed to support the U.S. position. At least he indicated an understanding of why Secretary Shultz spoke as he did. Canada seemed to be coming around to our way of thinking. Australia was not against our position and although the French Minister of Finance opposed our position on this issue, President Pompidou in an interview after the Nairobi Conference was much more solicitous of the position which Secretary Shultz had taken.

The Nairobi Conference was very educational. It was a great pleasure to be invited and I am glad I attended. The meetings were interesting enough that I attended every session except those on Wednesday when we were invited to visit several projects financed through the World Bank and the International Development Association. News reports coming out of Nairobi mentioned "jolly times at cocktail parties, tennis courts, and wildgame safaris." I do not question such reports because I was not there. There was too much else going on at the conference.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—30

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HARRINGTON. Mr. Speaker, the victims of a handgun murder cannot speak for gun control; but their survivors, friends, and relatives, can.

The six children of Sylvia Roberts are being separated for the first time in their lives because a bullet travels much, much faster than the police. Our country needs immediate gun control legislation to keep such families, whose mother "was really all that we had," together.

I ask permission to include the October 5, 1973 Washington Post article below:

SIX CHILDREN SPLIT UP BY SLAYING OF MOTHER

(By Joseph D. Whitaker)

Sylvia Roberts' six children spent half the day yesterday making their mother's funeral arrangements and the rest of the day deciding where each child must now go to live.

Esther Robinson, Mrs. Roberts' mother, has agreed to keep the three youngest children—Cordelia, 11, Roy, 8, and Zinna, 4; Collette, 18, and Gwendolyn, 15, plan to live with a cousin; Yvonne, 19, is trying to find an apartment of her own.

For the first time in their lives, the six Roberts children, who lived with their mother at 13284 Poener Pl., Herndon, will be split up and scattered over a distance of about 30 miles.

Their 39-year-old mother, who worked as a government clerk, but also received welfare payments, was shot to death late Wednesday night. A former acquaintance, Glenn Roy Kendall, 26, has been charged by Fairfax County police with murder.

The front door to the family's four-bedroom apartment in Herndon's low-income Reflection Lake complex was sealed with a police sticker yesterday barring anyone from entering.

"I still can't believe our mother is dead," said Colette, who was at a neighbor's house telephoning the police when she heard the fatal shot. "She was really all that we had."

"We had a good time together," said Gwendolyn. "My mother used to always give parties for us and we went to dances together. She worked hard to get us the things we needed. She even worked at night to make extra money."

Gwendolyn said she was watching television shortly after 11 p.m. Wednesday when someone began knocking on the front door. "I asked him who it was. He said, 'Glenn Roy Kendall,' " she said, adding that she refused to let him in.

"I went upstairs and Colette and I helped my mother push furniture behind the door, so that he couldn't get in," she continued.

"My mother told us to jump out of the second story window and go call the police," Gwendolyn stated. They did jump.

While the two girls were at a neighbor's home making the call they say they heard a scream and then a shot. "I knew right off that my mother had been shot," said Colette, who said she ran home crying.

Fairfax police say that while they were responding to that telephone call, a second call came in, from a hospital, reporting a shooting.

Kendall, according to police, had put Mrs. Roberts in his car and driven her the 25 miles to the Prince William County Hospital in Manassas. She was dead on arrival.

County police say it takes them some time to respond to the Herndon area.

The children slept Wednesday night at a cousin's home a few doors away. Yesterday, they went from there to their grandmother's home in Centreville, where they worked out funeral arrangements and tried to locate places to stay.

Mrs. Robinson, the children's 60-year-old grandmother, said she will take custody of the three youngest children, if she can make an agreement with the children's father, who became separated from Mrs. Roberts 10 years ago.

On Monday, Mrs. Robinson said, she will begin procedures to have Cordelia and Roy transferred from Herndon Elementary School to Centreville Elementary School. She is not certain where Zinna, who is enrolled at the Vienna Day Care Center, will spend her days.

Colette and Gwendolyn, both students at Herndon High School, will move in with their cousin, who lives a few doors away from the family apartment, so they can continue classes in Herndon.

Yvonne, who dropped out of high school in the 11th grade, plans to get an apartment in Manassas, where she works as a custodian for the IBM Corp.

So when the children leave the funeral at Mt. Olive Baptist Church Sunday afternoon, they will go their separate ways.

ANNOUNCEMENT OF HEARINGS ON HOUSE JOINT RESOLUTION 703 (268)

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary will continue hearings on House Joint Resolution 703 (268), to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts. This hearing will be held on Monday, October 15, 1973, at 10 a.m. in room 2226, Rayburn House Office Building.

Testifying at that time will be Mr. Donald F. McHenry, International Affairs Fellow and Guest Scholar at the Brookings Institution and the Carnegie Endowment for International Peace, and Dr. Howard Schomer, former president of the Chicago Theological Seminary and presently secretary for International Affairs of the United Church Board for World Ministries.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

COLUMBUS DAY 1973 IN NEWARK, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RODINO. Mr. Speaker, on Sunday, October 7, in my hometown of Newark, N.J., I am pleased to say that over 300,000 persons attended and participated in one of the largest and surely the most memorable Columbus Day celebrations in the history of our community. The 3-hour parade along Bloomfield Avenue in the North Ward to the Belleville line was met with such enthusiasm that every man, woman, and child in attendance firmly agreed that the spirit of Columbus has certainly not diminished since Columbus' fleet found port on our shores; the spirit, instead, has grown and been rekindled and has reached a renewed renaissance in all our hearts. Anthony J. Crincoli, the general chairman of the parade, and Ace Alagna, the celebration's executive director, deserve the highest of praise for their unceasing dedication and leadership. The 34 bands, 28 floats, and nearly 100 marching units brought a heightened sense of spirit and joy to all involved and I am sure their creativity and beauty will long remain in our minds.

As the author of the bill which designated Columbus Day as a national holiday to be commemorated by all Americans, Sunday's parade had particular significance to me. And, I want to share with you at this time the thoughts and feelings I expressed at this most special gathering:

STATEMENT BY REPRESENTATIVE PETER W. RODINO

It is a heartwarming pleasure for me to be here—here at home—to participate in the observance of Columbus Day.

We are proud that Columbus Day is now a national holiday, and many of you are well aware of the long and arduous struggle that I led in the Congress to make it so.

But it is at the local level—in the cities and towns of America—that national holidays are best celebrated and become most meaningful.

And this year more than ever we need our Columbus Day celebration.

The courageous admiral from Genoa who made it all possible would certainly wonder what had happened to the new world, if by some miracle he could return here today.

America is a nation divided and troubled. Watergate has shaken our faith in the electoral process, the very foundation of a democratic society.

And the present administration has failed to solve the terrible problems of inflation, unemployment, housing, mass transit, air and water pollution, highway safety, equitable taxation, and a lengthy list of other ills and evils.

Our American dollar, twice devalued, has sunk to a new low abroad; and American prestige is correspondingly low in other countries throughout the world.

In dark times like these it is always difficult to see the picture clearly, to view the situation objectively.

I think it is important to bear in mind that we are still the first and foremost member of the family of nations. In spite of all our problems, and I do not minimize them, America is still the land of opportunity and the world's leading democracy.

These are not Fourth of July cliches. They are common, simple, everyday truths. And this Columbus Day celebration is an appropriate occasion to remind ourselves of them.

There is no other land that holds more promise for more people than our own United States.

During the long and sometimes acrimonious debate in Congress on my bill to make Columbus Day a national holiday, I argued that this, more than any other day, deserved the honor and deference of a national holiday.

In the spirit of Columbus, this would be an ideal day to pay tribute to explorers, scientists, researchers and all others who pressed ahead to discover more about the world in which we live.

And in a nation of immigrants, what better day to honor the contributions of those who came from foreign shores to give their minds and might to make America great! Elevating Columbus Day to a national holiday was overdue recognition of America's indebtedness to the fearless mariner who refused to turn back, who refused to quit, who had the courage to sail ahead through uncharted seas on that unique voyage of discovery.

The man and his deed continue to inspire all men and women who dare to challenge the unknown—in outer space, beneath the sea, in remote lands around the globe, or in the laboratory.

And just for the record, let me say that promoting Columbus Day to a national holiday in no way diminishes its special significance to those of us of Italian lineage.

We feel it in our hearts and in our souls.

And it is our hope that all America will join with us on this occasion to salute that long and growing list of distinguished Italians and Americans of Italian heritage for their continuing efforts to build a better America.

SOVIET BUILDUP IN EUROPE, THE RUSSIAN ANSWER TO DÉTENTE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. RARICK. Mr. Speaker, the report by the U.S. Strategic Institute of Washington that the Soviet Union has stepped up its spending in central Europe as well as increasing the size of its military forces, should bring home to many Americans the fallacy of unilateral détente.

At the time of the Soviet wheat deal, I commented that when we feed the Russians, we release their young men for military service and every Russian released to carry a gun constitutes another threat to international peace. Now we learn that as Congress considers the administration's commitment to the Soviets of most-favored-nation treatment, the Soviets obviously construe our overtures of peace and progress as a sign of weakness. As we talk, they arm, and continue their aggression by subversion and intimidation.

As the administration continues to urge support for NATO, Americans should now understand our role on both sides. We feed the Russian masses to supply manpower to the Soviet armies, who in turn threaten Europe, so we can justify more American boys in NATO to counterbalance the increased Soviet threat that we have subsidized. What a strange paradox of values.

The ones who should be really concerned are the Europeans themselves.

If they are really concerned about the Soviet threat they had better stop expanding their markets and put survival above profits.

By now our European friends should recognize American presence as but a political ploy, providing a false sense of security. The American people are sick and tired of fighting other people's wars. Should the Russians advance, the clamor in America would undoubtedly be to bring our men home and let the Europeans fight their own war. Few Americans want another Vietnam or Korea. Even fewer Americans want a Sovietized world.

Americans should ask: Has Russia earned most-favored-nation status or is she demanding it and our leaders yielding to her pressure?

I included the related newspaper clippings in the RECORD, as follows:

SOVIETS INCREASING STRENGTH IN EUROPE

Spending by the Soviet Union on its military forces in Central Europe has risen by $10 billion in recent years, the first specific public assessment of over-all Soviet reinforcements in the area reports.

The increase in Soviet tank strength has been "spectacular," according to Prof. John Erickson of Edinburgh University, one of Britain's leading authorities on the Soviet military. Also, at least five airborne divisions have been added and tactical air power in Central Europe has been increased by half, he said.

The buildup has come as American public opinion has swung toward cutting U.S. forces in Europe, the Gallup Poll reported. The poll, released today, said that two-thirds of those questioned in its latest national survey had heard about congressional proposals to reduce the number of troops, and nearly 6 out of 10 of those favor the return home of some troops.

The Nixon administration, attempting to block congressional proposals for a unilateral U.S. pullback, argues that it would weaken the effort to negotiate with the Soviets "mutual and balanced force reduction" in Central Europe.

Western intelligence sources surmised that the Soviet buildup was an effort to improve their position in the bargaining.

But Erickson, in "Strategic Review" published by the U.S. Strategic Institute in Washington, wrote that "rather the opposite is the case," that the Soviet military priorities "come first, and it is those which must be fitted into an MBFR context."

In terms of external performance, the Soviet Warsaw treaty organization forces have been provided with greater offensive capabilities with the emphasis on mobility, fire power and the shock effect of this combination.

Soviet tank forces were built up and modernized with "more than 1,000 T62 tanks (moved) into forward positions," with older T54 and T55 models kept in depots, he noted.

The 10 armor and 10 mechanized infantry divisions the Russians keep in East Germany received additional weapons and material for an additional company per regiment.

"The net result has been to give the Soviet first echelon 8,700 tanks in 16 tank and motor-rifle (mechanized) divisions in Central and Eastern Europe," Erickson wrote.

In addition, he said, the nuclear weapons available in the area have increased, Soviet ground forces have acquired a newer long-range missile system, the guns per division have been almost doubled and ammunition and infantry vehicle stocks have been built up.

Airborne forces have been sharply increased to 12 or 13 divisions, a 5-division increase with 9 divisions west of the Urals.

Soviet, Polish, East Germany and Czechoslovak tactical air strength was put at 4,180 planes, while Erickson estimated a force of 2,050 for the North Atlantic Treaty Organization.

"Whatever way the figures are read—whether in terms of money, men or machines—the Soviet investment in its European theater forces has increased steadily over the years, not only after 1968 with the physical intrusion of Soviet troops into Czechoslovakia and the creation of a new group of forces (the central group) but also during recent months."

He noted that only one quarter of the Soviet's 160 available divisions are in the Far East, with "well over one half assigned to the confrontation with NATO."

While the manpower level of the Soviet forces in Europe is leveling off, the "build-up in armament has continued apace," Erickson stated.

ICELANDIC FOLLY

Iceland should be reasoned away from a course that could severely damage its essential ties with the West and leave it a completely helpless outpost in a Russian sea. These are possible results of the present government's prosecution of its "cod war" against Great Britain, and its plan to oust American forces from the key surveillance station at Keflavik.

The British government last week showed commendable patience by pulling its frigates outside Iceland's disputed 50-mile limit to avoid a threatened diplomatic break by Reykjavik. The fishing controversy, in which Iceland has rebuffed British and international efforts to achieve a compromise, is to be discussed in London by Prime Minister Heath and Premier Johannesson. This opportunity for conciliation could be hurt, in the meantime, by further Icelandic harassment of British trawlers.

The future of the Keflavik air base was the subject of an inconclusive visit here by Foreign Minister Agustsson. Under the present agreement, which Iceland reopened last June, our operation could be legally closed down by Christmas Day of 1974. At stake is the present system of monitoring movements of the Soviet Union's Murmansk-based northern fleet, particularly the growing submarine force. Keflavik would be hard or impossible to replace for this purpose, and without this activity of the North Atlantic Treaty Organization, Soviet dominance of the Norwegian Sea would be unquestioned.

In both the cod war and the squeeze on our 3,300-man Keflavik contingent, Iceland's role as a charter member of NATO is jeopardized. NATO has been embarrassingly importuned to take Iceland's part in the fishing dispute, and a rupture between two NATO allies could not help but damage the whole alliance. The unmanning of Keflavik would be a severe blow to NATO operations, even if it did not signal the withdrawal of Iceland from the organization.

Iceland's difficult behavior can be explained in various terms. The country's tininess (population 210,000) and isolation make it distrustful of the bigger Western powers, and foreign troops are unwelcome. Its economic dependence on fishing resources is a powerful stimulant in the cod war, though the need for favorable treatment by the European Economic Community should be a deterrent.

But a decisive factor is the Communist component of the coalition that has ruled since 1971. The Communist fisheries minister, Ludvik Josefsson, has been effective in maneuvering Iceland into anti-NATO positions. It would be unfortunate if Iceland's broader security and economic interests should be sacrificed to the anti-NATO predilections of a minority.

THE SITUATION IN THE MIDDLE EAST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a few remarks on the present situation in the Middle East which I made before the Board of Governors of the Jewish Welfare Foundation in Indianapolis yesterday, October 8, 1973. My comments about the status of the current war in the Middle East reflect the situation as of Monday noon, Washington time.

THE SITUATION IN THE MIDDLE EAST

(By Hon. LEE H. HAMILTON)

War has returned to the Middle East. Peace has suffered a setback. Today's war may continue a few more days. But we must believe in the probability of peace tomorrow in the Middle East.

Our immediate task is to seek an end to hostilities. Our next task is to help give peace a new momentum.

Events on the battlefield are by no means clear, but the following observations can be made:

1. There have been both actual and rumored troop buildups and maneuvers on both sides of the ceasefire lines in recent weeks, and Syria lost several planes in air fights with Israeli planes only two weeks ago.

2. United Nations observers indicate that it was Syrian and Egyptian forces which first crossed the lines on Saturday. This is, perhaps, the first time Arab armies have been able to launch an attack without effective, immediate Israeli preventive action. Israel's ability to contain these attacks without great loss is an indicator of her strength.

3. While motivations are not really known, presumably Syria and Egypt were seeking to gain increased bargaining power in any possible negotiations through the recapture of some portion of the territories occupied by Israel in 1967.

4. In the last few days, Egypt has been able to make several crossings of the Suez Canal. Although most bridges were knocked out by Monday, Egypt maintains a toehold in Bunker areas on the East side of the Canal.

5. Syria has mounted several attacks in the Golan Heights. As of Monday morning, it recaptured and controls the town of Qunatarah, the largest town on the Golan Heights, but located a good distance from the Heights themselves. The Israel air force has been involved more on the Syrian front than the Egyptian front in the first days of fighting.

6. Libya, Morocco, Tunisia and Iraq are expressing desires to participate in the war, but they have so far done little. Moroccan soldiers already stationed in Syria are perhaps fighting and Iraqi air planes already stationed in Egypt may have been used, but they are not significant factors.

7. Jordan, Lebanon and Saudi Arabia have given only verbal support thus far. If hostilities continue for several days, Jordan may be under increasing pressures to join in. We hope Jordan will stay out.

8. Israel reached full mobilization at 4:00 a.m. Washington time this morning (Monday). Its major counter offensive proceeded today. Israel forces have largely contained Egypt and Syria. We expect that its military objectives are limited to the regions occupied by Syria and Egypt the last couple of days. Israel has had some losses of men and materials, and it is in command of the situation.

9. No party right now is enthusiastic for Security Council action to seek an end to hostilities. Israel does not want a ceasefire without the status quo ante, that is, the ceasefire lines existing last week. Egypt and Syria want to try to consolidate holds and limit diplomacy to the friendlier U.N. General Assembly.

10. The United States wants the Security Council to act and we seek a quick end to hostilities.

BACKGROUND TO PRESENT

That is the present situation in broad terms. It might be useful to survey some of the recent peace efforts and what happened to them.

The United States' most important achievement in the Middle East in recent years had been the cease-fire of August 1970 along the Suez Canal between Egypt and Israel. It was shattered Saturday morning, partially because the peace momentum it had provided was never built upon. Important opportunities to build peace were allowed to slip past.

In 1971, two major peace efforts—the Mission of the United Nations Special Representative for the Middle East, Dr. Gunnar Jarring, and the United States peace initiative—were stymied at critical junctures. The timing of these 1971 diplomatic maneuvers simply failed to synchronize with the timing of the parties.

The United States peace initiative failed principally because the United States could not get both Egypt and Israel to agree to proximity talks at the same time: When Egypt appeared willing to enter into such talks, Israel was not interested and when Israel agreed to these talks at the end of 1971, Egypt had lost interest.

It is possible that the United States did not push hard enough at the proper time, but, perhaps also, no timing was opportune.

Dr. Gunnar Jarring's Mission also raised peace hopes in early 1971, only to dash them. Some say he pushed too hard, too quickly. He sought in early 1971 a commitment from both Israel and Egypt to fairly precise guidelines of an eventual agreement as ground rules for further mediating talks between the two parties. Egypt accepted these guidelines, but Israel felt such parameters of a peace agreement with Egypt could be worked out only in negotiations.

Today, these two peace initiatives are dormant, but not dead. Once a cease-fire is again in force, new opportunities for peace should be sought and utilized. All parties should enter negotiations with a will to compromise and a realization that no one can impose a successful peace. Lasting peace can only be achieved by the parties acting in good faith.

Against the background of today's events and the stalemate of the recent past, significant things have happened. Some have occurred in Israel.

Israel's impressive economic expansion in recent years has been matched by her military position. Her thwarting of a major Syrian and Egyptian offensive on Yom Kippur is indicative of Israel's military technology. Despite the large manpower resources in the Arab world, the technological gap between Israelis and Arabs appears to be increasing. Israel is, perhaps, more secure today than at any time since 1948.

Politically, the Israeli Government has the support of the vast majority of its citizenry. In few Democratic countries in the world does the Government enjoy as much popular support for its foreign policy as does the Israeli Government in its stand on the Arab-Israeli issue. This support is likely to be demonstrated in Knesset elections to be held later this month, even though Israelis may differ on the future status of the occupied territories.

This is where the Middle East is in October 1973—peace talks stalled, cease-fire broken, but Israel's position very strong, if not dominant.

NEGATIVE FACTORS

The positive and negative elements of the present situation are identifiable and deserve a brief review.

On the negative side, these factors work against peace:

1. Military confrontations have occurred frequently in recent years and occasionally they have become major battle. [The recent Israeli-Syrian air fight must be seen, in part, as a prelude to the events now occurring in the area.] The current war is a classic example of how local fights (in this case along the Suez Canal and on the Golan Heights) can easily engulf the entire region in war. Few expected hostilities to resume on the present scale.

2. Terrorism. The spectre of Lod Airport, Munich and Khartoum has not faded.

3. Neither side has been willing to compromise enough to get talks started and each side has preconditions in any talks.

Israel's precondition is that border changes must be a subject of negotiation in any peace talks.

The Arabs' precondition is that border changes are not negotiable or a subject matter for peace talks.

4. The intransigence of some Arab states, especially Libya and Iraq, and their opposition to peace talks, are discouraging.

5. Some Israelis have been calling recently for annexation of, or at least, greater Israeli involvement in, and ownership of, the occupied territories: the West Bank, Gaza, Sinai, and the Golan Heights. Such policies, if they become law, could complicate peace talks.

POSITIVE FACTORS

On the plus side, despite the events of the last few days, there are the following factors which are helping build peace:

1. Hope for substantive peace talks is not completely lost despite the current hostilities. Egyptian leaders, involved in the war now, want talks to start . . . that is, their own conception of talks.

2. The role of the Soviet Union, once prominent in Egypt with over 15,000 military advisors, is now diminished and circumscribed by most Arab leaders themselves. During the last few days, our government has had several contacts with Soviet leaders. Whereas in 1967, the Soviet Union may have been promoting confrontation, today it is more cautious.

3. Some Israeli economic policies, especially the open bridges policy in the occupied territories, have created a new and important dialogue between Palestinian Arab and Israeli.

NEW FACTOR

The October 1973 balance sheet for the Middle East must add a new element in the Middle East equation: our growing need for oil from the Persian Gulf.

A thorny linkage between our policy toward the Arab-Israeli conflict and our access to Persian Gulf crude oil was given official sanction by President Nixon in his recent press conference.

King Faisal, a long time friend of the United States, has bluntly warned that if the United States does not become more evenhanded in its Middle East policy, Saudi Arabia will not increase production to help the U.S. meet its fuel needs. Politicians and diplomats may disagree about the seriousness of this warning, but they do not disagree on the close relationship between our efforts to start negotiations on the Arab-Israeli conflict and the oil we receive from the Mid-East.

The importance of the Middle East in meeting our energy needs is apparent:

First: For the near future—perhaps the next two decades—the United States will have to import significant quantities of fuel from the Middle East. Many government estimates suggest that by 1980, we may have to import as much as 50 percent of our fuel needs, with a vast majority of those imports coming from the Persian Gulf, the one area of the world today with surplus production capacity. This situation is not changed by the discoveries either in Alaska or the North Sea.

Second: Close to three-quarters of the free world's proven reserves are in the Middle East, and well over one-half of the Middle East's reserves belong to Persian Gulf littorals. Saudi Arabia's proven reserves alone are almost four times those of the United States.

Third: Today, two-thirds of the oil consumption of Japan and western Europe and one-third of the entire, non-Communist world production of oil comes from North Africa and the Middle East. By 1980, three-fourths of the requirements of Japan and western Europe and roughly 60 percent of the non-Communist world's requirements will come from the Middle East and North Africa, assuming there are a few new discoveries other than the North Sea and Alaska.

OBSERVATIONS ON WORLD ENERGY SITUATION

Based on this importance of Mid-East oil, several observations are warranted:

First: The shift from a buyer's to a seller's market for oil comes at a time of exploding demand in the West for more oil and strident cries from the Arabs for higher prices for, and more ownership in, their national resources.

The U.S.—wealthy and powerful as we are—finds itself in the uncomfortable position of being dependent upon small, independent and potentially unstable states, which have the quantities of oil our gargantuan appetite requires.

Second: A national energy strategy, if developed and implemented promptly, could substantially decrease U.S. dependency on Middle-East oil in the long term, perhaps 10 years from now or toward the end of the 1980's. Despite all the talk, I am not convinced that enough people in the right places are imbued with the required sense of urgency.

Third: By 1975, several states, including, among others, Kuwait, Saudi Arabia and perhaps Iraq, could hold 3 to 4 years of revenue in their national treasuries, giving them the ability to stop or reduce the flow of oil without affecting any domestic programs. The present storage capacity of the United States is almost nil and Europe can store only a 90-day supply.

Fourth: Barring large, new discoveries, several of the major producers in the Middle East will see their production level in about a decade, perhaps leading countries like Algeria, Libya, and Kuwait to limit production now. Venezuela, Indonesia, and Nigeria will probably be in the same situation. Without new discoveries, only Saudi Arabia and Iraq, and perhaps Iran, can, with certainty, increase production after the 1980's.

Fifth: For the United States, the annual costs of the fuel imports in 1980 could be in the order of $70 billion, some of which may flow back to the United States through the purchase of American goods and services. Nonetheless, at a time when the United States is experiencing trade deficits, the prospects of huge additional cash outlays of this magnitude raise potentially serious economic and political problems.

POLICY CONSIDERATIONS

Obviously, then, American policy in the Middle East is profoundly important to all Americans.

Our strategy toward the Middle East should emphasize these features:

First: A peace settlement of the Arab-Israeli conflict is an urgent national interest of the United States. A quick permanent settlement of the Arab-Israeli conflict is probably not likely, but a speedy return to the ceasefire and some movement toward a settlement may be possible. Any settlement can be achieved only by the Arabs and Israelis themselves.

The influence of the U.S. on the parties, and especially Israel, is probably not as great as some believe. The best role for us is to avoid being caught in the middle, and strive to serve as a mediator.

Peace cannot be imposed from the outside, but we must impress upon the parties our deep desire for peace and urge them to start serious negotiations.

Hopefully, we will have another fragile ceasefire. But beyond the end of the current fighting Dr. Kissinger should give the Middle East priority attention and press Egypt, Israel and Jordan, and hopefully Syria, to start peace talks, directly or indirectly, as soon after Israel's Knesset elections as possible.

We have some new players at the State Department: Dr. Kissinger, Ambassador Kenneth Keating in Israel and a new man, as yet undesignated, going to Cairo. With these new faces and with fresh ideas, new departures are possible. If Kissinger can give the Middle East map the attention the Vietnam map got last year, a lot could be accomplished.

The concept of a time-related, phased withdrawal peace plan and the idea of an American guarantee of any agreement are topics which need concerted attention. In such a plan, Israel might, for example, concede the return of all of Sinai to Egyptian sovereignty the moment Egypt signs a formal peace with her. Israel would then proceed to withdraw by stages over a period of years and withdrawal would go hand in hand with a defined progression from formal peace on paper to actual peace based on mutual respect and normal relations. Withdrawal would be contingent upon such a progression defined by the parties.

Second: The development of a coherent national energy strategy is also an urgent national priority. Because of the lead time necessary to develop new energy sources and resources, action today will not meet our needs for another five to ten years.

A vigorous domestic energy strategy will make less difficult our problems in the Middle East. This domestic policy must aim at self sufficiency as a nation as soon as feasible, with a faster search for alternative sources for energy, and expanded efforts in exploration, research, and conservation.

Third: We must pay more attention to the Arab world, specifically to the more moderate Arabs friendly to the United States, especially those in the Persian Gulf. We will invariably disagree with them on many issues, but a new tone in our relations, as President Nixon himself recently exhibited, can demonstrate a concern for the economic development of the Arab world and acknowledge their place in the international economy.

The U.S. should show its continuing concern for the well being of the Palestinians by assistance to those who remain refugees and by remaining open to contacts with their leaders, particularly those on the West Bank.

We must get moving in the Persian Gulf. Our policy at present has a strong military flavor, emphasizing the sale of arms to Iran and Saudi Arabia in particular. Our policy needs to be more comprehensive; no one component will guarantee policy success. Selling sophisticated weaponry, including Phantoms, to Persian Gulf states could have disastrous consequences if we fail to help with the economic and social development of these countries.

Our diplomatic and commercial representation should be beefed up., Economic missions should be sent out to these states to examine thier development and investment needs and their economic plans.

We can also encourage them to speed their own economic development, including diversification of the economy, and we can sell them the technical assistance. American business can join in their efforts at development on commercial terms. We can help them find investment opportunities for the excess cash—the so-called "downstreams investments," like Iran's recent gain of 50% of Ashland Oil's refining and marketing operations in New York. Drawing the Arabs into international trade, monetary reform and councils will make them more responsible. Effective economic policies, combined with attention to some of their political concerns, are our best guarantees that these Arab states will be willing to help us with our energy problems.

Fourth: We must, of course, remain committed to Israel's survival, and her deterrent strength. Her strength in the Middle East in the long term depends as much upon a resolution of the Arab-Israeli conflict as upon her military power.

CONCLUSION

There are, I suppose, few optimists on the Middle East. Nevertheless, I believe, if we keep our wits about us, refuse to analyze the difficulties in overly simplistic terms (the choice, after all, is not really an adequate oil supply or support of Israel), and act prudently, we can vastly reduce our difficulties, avoid making distasteful choices, and meet the challenges presented to American foreign policy in the Middle East.

SALUTE TO TEL AVIV UNIVERSITY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. REES. Mr. Speaker, I am pleased to call attention to a unique two-part program that will take place at the Century Plaza Hotel in Los Angeles, Calif., on Sunday, October 14—a program that will be the focal point of a worldwide celebration of the 10th anniversary of the Tel Aviv University, an institution which already is the largest educator of the college youth of that country.

In a very real sense, Los Angeles will, on that particular day, be "the academic capital of the world," a statement which I feel is not out of place in light of the extraordinary program that has been arranged.

The first part of the celebration will be the Tel Aviv University Decennial Symposium, the theme of which will be "The Present and Future Goals of Science." Participants in this impressive academic gathering will be scientists and scholars of world renown, most of them winners of the Nobel Prize. Indeed, it is expected that there will be more Nobel Laureates, from the United States and abroad, attending this symposium than have ever assembled in one place, at one time, for a single cause. These learned academicians will deliver papers and conduct panel discussions on science, medicine, peace and economics—matters of vital interest to all concerned persons in today's uncertain world.

The importance of this unusual academic event is further underscored by the fact that it is co-sponsored, in cooperation with the Tel Aviv University, by the California Institute of Technology, the University of Southern California at Los Angeles, and the University of Southern California.

Following the day-long symposium, the Tel Aviv University Decennial Festival Dinner will take place. Expected in attendance are distinguished educators, public dignitaries, and leaders of business, industry and community affairs. The dinner will be addressed by His Excellency Simcha Dinitz, Israel's Ambassador to the United States, and by our own congressional colleague, U.S. Senator HENRY M. JACKSON of the State of Washington.

One may wonder why the Tel Aviv University, a virtual newcomer to the society of universities, should command such attention and draw to its decennial celebration men of such high stature in the realm of science.

The reason is quite simple. Tel Aviv University has, in its brief history, advanced so rapidly both in size and reputation because it is "the inevitable university." By this I mean it was created by the urgent need of Israel's most populated metropolitan area for an academic means to feed the intellectual, scientific, and cultural requirements of the Tel Aviv community, which encompasses almost half of the population of Israel.

In the first 10 years of the university's career, student enrollment has expanded from 1,000 to more than 15,000. Its faculty—which includes some of the most respected educators in the world—has grown from 211 to more than 2,400. Its campus, which had but 2 buildings 10 years ago, now has a complex of 38 academic structures, with additional ones presently under construction.

This unique institution of learning, which has been referred to by the Israelis as "the miracle in Tel Aviv," now has 15 faculties and schools, with 50 departments and research institutes. All the major disciplines of the humanities and sciences are covered in the curriculums of Tel Aviv University—from medicine to law, from history to art, from philosophy to business administration, from archaeology to zoology.

In saluting this remarkable institution, I also offer tribute to Victor M. Carter of Los Angeles, a prominent civic and philanthropic leader who serves as both chairman of the international board of governors of the Tel Aviv University and as president of the American Friends of the Tel Aviv University. His guidance and creative leadership have been principal moving forces in advancing this citadel of learning, which exemplifies the very spirit and vision so deservedly attributed to the people of Israel.

A trained mind, for Israel and for all democratic societies, is not a luxury, but a requisite for survival.

REALISM IS A COUNTRY'S BEST FRIEND

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. BRASCO. Mr. Speaker, for the fourth time since 1948, a combination of Arab States, using massive military force, has sought the destruction of Israel. This time a sneak attack, ala Pearl Harbor, was their modus operandi. Waiting until the Jews were at prayer on the Yom Kippur holiday, Syrian and Egyptian forces plunged across frontier lines, hoping to catch Israel unaware.

Fortunately for the Israelis, they had been carefully noting Arab troop buildups in the days immediately preceding the surprise, concentrated attack. It is evident that Israel notified certain countries, apprising them of the situation. Let it be noted prominently that Israel chose to sustain the terrible impact of the Arab sneak attack rather than launch a pre-emptive first strike. As a result, the Arabs were able to take the military initiative, launching their assault at both times and places of their choice.

Let it also be noted that Israel paid a heavy blood toll for her forebearance. Professional military units on her borders sustained the full impact of Syrian and Egyptian thrusts. Israel's casualty list is long and heartrendering. She knew if she attempted to strike at those preparing to strike at her, the world at large, the United Nations and professional Israel haters would have had a field day at her expense. So to prove her point that she would not commit aggression, Israel awaited the punch that inevitably arrived. Never before has there been a better illustration of why Israel needs buffer zones between her major population centers and Arab armed forces. Had she not possessed such zones in Sinai and on the Golan Heights, this sneak attack on Yom Kippur would have allowed the Arabs to kill thousands upon thousands of innocent people. Israeli realism has allowed that nation to emerge intact because of her insistence on secure borders.

Armed to the teeth by the Soviet Union and committed to all-out war, Syria launched a massive armored assault along her border with Israel, concentrating her onslaught on the Golan Heights area. We are informed that upward of a thousand tanks, all made in Russia, were utilized in this sneak attack.

Egypt, also armed fully by Moscow, launched her sneak assault in the Sinai area, flinging her troops across water barriers in their thousands. Beset on both sides by such surprise attacks, Israel at least frustrated the Arab goal of a Pearl Harbor style triumph. Operating on interior lines, calling up reserves, and using her air force as a shield, she blunted initial onslaughts while preparing devastating counterattacks which are even now sweeping Arab invaders from her territory.

Even United Nations observers on the scene had to admit it was not Israel who used her holiest holiday to mount the Pearl Harbor style offensive. Shortly, Israel will once again emerge victorious, for the fourth time since the founding of that state. And once again her enemies will come out of their holes, seeking to take from her diplomatically what she has gained at the price of the lives of so many of her finest young men. That effort must be frustrated.

In 1948, when Israel was founded, the fledgling state agreed to accept and abide by the U.N. partition plan. Scorning such a compromise, the day Israel declared her independence as a nation, the Arabs launched an attack by five separate armies of five different nations upon her. Fighting against astronomical odds, Israel prevailed, earning her nationhood on the battlefield. The survivors of Hitler's ovens had created their own country in spite of consistent efforts by Great Britain to aid the Arabs.

In 1956, surrounded by a hostile Arab world whose emotions were being orchestrated into a hymn of hate by Nasser, Israel once again fought for her existence. France and England, interested only in preserving their financial stake in the Suez Canal, fought with her, only to withdraw their support in the pinch. We put enough American pressure on Israel to make her withdraw, giving Nasser a new lease on political life.

In 1967, Arab nations tried once again to annihilate Israel, using Russian weapons and influence to the utmost. We all know what a devastating defeat the Arabs suffered at the hands of the tiny Jewish State.

Today we witness yet another attempt to snuff her out, again aided and abetted by the Soviet Union. In each situation, the United Nations has slipped further away from reality, fairness, and impartiality, degenerating instead into a pro-Arab forum where Jews can obtain no justice.

Now the United Nations is again seeking to win for the Arabs what they have been denied in battle. By political fraud the so-called international organization is seeking to negotiate a cease-fire in place, which would have the effect of allowing Syrian and Egyptian troops to remain where they are. I do not believe Israel will for one instant tolerate, much less heed the call of that body.

Here is the fact of reality: Dead Israeli soldiers and fliers, perished in defense of their country, foully assailed for the fourth time in less than 30 years. The United Nations has never admitted that the Jews have a grievance. The United Nations has never recognized the vile stain of international Arab terrorism. The United Nations has never admitted, much less tried to do anything about, Russian anti-Semitism. Why, then, should Israel heed even one syllable of the U.N.'s babblings and one-sided efforts?

Here at home we have seen and heard in recent days that Israel is at fault in the so-called energy crisis. Nothing could be further from the truth. A series of critics have come from hiding, all calling upon the United States to do something about the nasty Israeli habit of self-defense. Certain groups devoid of perspective have assailed the Jewish State for persisting in surviving. Some political figures had joined in the battle against her, finding it convenient to call for Israeli withdrawal and concessions in the face of Arab oil blackmail.

Rather than seeking out programs of conservation and exploitation of energy alternatives, these voices called for Israel's retreat through use of U.S. leverage upon her. Fortunately for such pro-Arab critics, they do not have to face the armed forces of their clients and friends.

I shudder to contemplate the thought of the United States being dependent in any way whatsoever on the Arab States. They have proved themselves treacherous and totally cynical. Agreements mean nothing to them. Violence is their only alternative when political solutions are even temporarily frustrated. Future generations of Americans would curse and revile us if we were to allow their futures to be mortgaged to the Arabs over oil. Certainly there is no reason under the sun for the United States to undermine the courageous Israelis for the sake of massive continued profits of a few major oil companies.

On one side are the Arabs, filled with hate and armed by the Russians. Allied with them are the major oil companies, obsessed with extracting even more huge profits from a helpless American consuming public. The United Nations completes the unholy alliance, seeking to justify any Arab atrocity against the Jews. Led by third world nations who hate the United States, who will place its imprimatur on any action, no matter how debased, which will gain ground for the Arabs. France and England, hungry for Arab munitions business and seeking to protect oil investments in the Middle East, will also continue to do the bidding of this power bloc.

Israel depends on the United States for assistance and international support. We must continue to honor our commitment to her. She deserves our help at this critical time. We can and must act to prevent the U.N. from saving the Arabs from the worst consequences of their desperate military adventurism. Even the Russians, digusted by this recent throw of the dice, have said little, anticipating the outcome. Let this country but stand fast and the Israelis will do the rest. They do not need, nor have they ever asked for, American personnel.

Finally, let the apologists here at home for the Arabs, who have villified Israel so viciously in past months, be revealed for what they are. Two categories are discernible. First are the bitter-end enemies of the Jewish State. These are voices condemning Israel as an evil merely because she exists. They speak of evenhandedness, Israeli aggressiveness and the "unfair treatment" accorded the Arabs. Then there is the new type of radical intellectual, dead on campus but thriving in the media, who peddle the anarchist thought which views the Western World as inherently corrupt. Hoping for destruction of all Western institutions so their new order can be constructed on its ruins, they see no wrong in the so-called third world, lumping Arab States with the latter and Israel with the West.

Such spokesmen see only Arab refugees and not Jewish ones. They bemoan Andrei Sakharov but have no feelings for the Jews of Russia. They call for Israeli withdrawal from conquered territories without referring to how Israel came into their possession; by military victory after the Arabs began yet another war in 1967. And in a few weeks, they will undoubtedly commence excusing this latest atrocious attempt to destroy the Jews while they were at prayer. The media featuring their mouthings, which range from calling Israel a Nazi-style state to calling for an end to the tax exemption for the United Jewish Appeal, should at least make them document many of their highly irresponsible charges.

Meanwhile, let us note that Pharoah lives, and that once again he has been brought low by those he sought to destroy on the Lord's Day.

NEWSPAPER WEEK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EILBERG. Mr. Speaker, as our country approaches its 200th anniversary, we can remind ourselves of the great men who formulated the constitutional freedoms we now enjoy.

On June 15, 1776, George Mason, a Virginia statesman who played an important part in the composition of the Declaration of Rights, stated:

> The freedom of the press is one of the great bulwarks of liberty.

Mason, along with many of our Founding Fathers, believed that in order to preserve and maintain a democratic society, we must guarantee our people freedom of the press. We must safeguard this precious liberty for ourselves, our children and our children's children. It is the right of every American citizen to know, through the means of the press, the whole truth, no matter how unpleasant it may be. And, thus, the duty of a news reporter is to print the facts honestly and without restraint.

This week has been designated as "Newspaper Week," to recognize those individuals who have contributed to the American press. For this reason, I enter into the Record an article concerning freedom of the press by Albert Blank of the Philadelphia Evening Bulletin.

The article follows:

Press Freedom: The People's First Line of Defense

(By Albert Blank)

The approach of this nation's 200th anniversary in 1976 reminds us of the foresight of the men who made the concept of a free press a foundation of this free country.

The concept of a free press was laid down before the American revolution by Sir William Blackstone as follows:

"The liberty of the press is indeed essential to the nature of a free state, but this consists in laying no previous restraints upon publication, and not in freedom from censure for criminal matter when published."

The Founding Fathers knew some had a fear of democracy as well as a fear of despotism. The best cure they found that disposed of these fears was guarantee of freedom of speech and freedom of the press which was incorporated into the First Amendment.

James Madison drafted the First Amendment:

"Congress shall make no law abridging the freedom of speech or of the press."

Freedom of the press is guaranteed in order that the people may have sufficient information to participate intelligently as self-governing members in a democratic order.

Thomas Jefferson cautioned us when he said "Our liberty depends on the freedom of the press and that cannot be limited without being lost."

The American press sees itself as not only having a constitutional right to print, it also has a duty to print which means seeking out information that bureaucrats may or may not want to divulge.

In this schizophrenic, nuclear era the spokesmen for sanity should be the calm journalistic voices, but in spite of the unhappiness with our society the press owes the people absolute intellectual honesty.

It must continue to tell them how it is, painful as it may be for them as well as the press. If given the truth the people can be depended upon to meet any national crisis.

The great point is to bring people the truth. Public opinion based on misinformation will put our country into great trouble. The truth can be like a sleeping giant, slow to rouse, but magnificient in its strength. In arriving at the truth the press should not inflame the public purposely, but neither should it lull the public into a false sense of security. Our press is not a tenant of political power and that is why almost nothing goes on in government that is not examined, reexamined, plumbed, analyzed, guessed about, criticized and caricatured by the media. All this affects the American people, as it should. But that doesn't mean that they necessarily accept it as revealed truth.

The virtue of liberty, and the ground on which we may best justify our belief in it, is that it will tolerate errors in order to serve the truth.

The liberty exercised by the press belongs to the people and not the press alone.

The jailing of reporters for refusing to reveal their sources does not mean an end to freedom of the press. The tradition of courageous reporting is done in the knowledge that reporters are willing to suffer for it. Not special legal protection but their ethics and principles have kept them from revealing sources. To each reporter, there is a sacred commandment: never violate a confidence. When he accepts the information for his story and assures his sources anonymity, he is bound by that commandment. To yield would be an act of surrender of a free press.

Consistent with the freedom of the press and the people's right to know, the press should continue with pride to state that it will not reveal its sources, and damn the consequences.

The public's esteem of the press will never decline as long as the press never loses its faith or esteem in itself.

There is no other institution in American life as deliberately open to criticism as the press. It prints columns of attacks upon itself by its opponents as well as its letters to the editors in which it gives the readers views more space than its own opinions. The Philadelphia Bulletin Forum publishes four columns of the readers' views leaving two columns for their own views on its unique editorial page. The Phoenix (Arizona) Republic devoted a full page opposite its editorial page to the views of the readers on a controversial freeway issue.

The sins of a careless doctor, lawyer, or scientist can long remain out of the public eye, but the sins of inept journalism are flaunted before the public instantly, and get instant reaction when they come out in print. The American people owe a debt of gratitude to the soldiers of the press who put their hand in the fire covering the war in Southeast Asia and for the perseverance they employed to make this country aware of its unseemly political behavior.

The newspaper today is more than a mechanical recorder of news. It is becoming a moral and intellectual institution with a creed, a mission, and dedication.

A great deal has been written and said about the importance of a free press. The term has almost become a platitude. Lest we forget, however, many so called platitudes are facts, and this is the case with our free press. Without such an institution, freedom itself would be on its way out of our lives.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the Record each month the Monthly Calendar of the Smithsonian Institution. The October Calendar of Events follows:

October at the Smithsonian

Tuesday, 2.—Exhibition: *Orchids*. Twenty-five paintings of orchids by James F. Walford of Great Britain. Museum of Natural History, through November 30.

Wednesday, 3.—Free film theatre: *The People's Commune*—how China has reached self-sufficiency in agriculture for the 600 million people who work the land; *8 or 9 in the Morning*—post cultural Revolution ideas as applied to education. First program in a seven-film series on China, narrated by Felix Greene for BBC–TV. 12:30 p.m., History and Technology Building auditorium.

Thursday, 4.—Creative screen: The Ceramic Arts. Four films on potters and pottery-making. *Ladi Kwali*—a six-day visit to the Washington-Baltimore area of this internationally renowned Nigerian potter; *The Ceramic Art of the Natzlers*—the work and philosophy of Gertrud and Otto Natzler; *Raku and Three Potters*—a definition of Raku, seen through the eyes of three young potters; *Maria, Potter of San Ildefonso*—a new film of Maria Martinez, famous Pueblo potter now in her 90's. Shown in conjunction with the current exhibition *Form and Fire: Natzler Ceramics 1939–1972*. Program to be repeated Oct. 5, 18, 19. Complete showings at 11 a.m., 12:45 p.m. Special 8 p.m. program Oct. 4 only. The Renwick Gallery.

Free film theatre: *The People's Commune* and *8 or 9 in the Morning*. Repeat. See October 3 for details.

Friday, 5.—Creative screen: The Ceramic Arts. Repeat. See October 4 for details.

Saturday, 6.—Museum lecture: *Smithsonian—Stamp Collector's Mecca*. Speaker: Reidar Norby, Associate Curator, Division of Postal History. 10:30 a.m., Museum of History and Technology auditorium.

Sunday, 7.—Performance: *Nation*, Howard University drummers and dancers, present an afternoon of music, poetry, film and dance. 2 p.m., Anacostia Neighborhood Museum.

Wednesday, 10.—Free film theater: *Self-Reliance*—China's decentralized industry and local small-scale technical enterprises; *The People's Army*—the development of an army that is far more than an army. BBC–TV films narrated by Felix Greene. 12:30 p.m., History and Technology Building auditorium.

American Aviation Historical Society: Monthly meeting and program. 8 p.m., National Air and Space Museum Conference Room. Public is invited.

Thursday, 11.—Free film theatre: *Self-reliance; The People's Army*. Repeat. See October 10 for details.

Oriental art lecture: *The Art of Aqa Riza*. Speaker: Professor Anthony Welch, University of British Columbia. 8:30 p.m., The Freer Gallery of Art. First program in the Freer Gallery's 21st annual series of illustrated lectures. Exhibition galleries open at 6:30 p.m. prior to the lecture.

Friday, 12.—Exhibition: American Glass Now. A nationwide invitational selection of 100 contemporary glass sculptures from more than 60 top glass craftsmen. The exhibition marks the completion of the first decade of the American studio glass movement—designer and craftsman being the same person—and includes the work not only of some of the founders of the movement, such as Dominick Labino and Harvey Littleton, but also the innovative and advanced work of a second generation. The Renwick Gallery, through December 3.

Saturday, 13.—Museum lecture: *Time Capsule 1776: The Continental Gondola "Philadelphia."* Speakers: Dr. Philip K. Lundeberg, Curator and Howard P. Hoffman, Museum Specialist, Division of Naval History. 10:30 a.m., Museum of History and Technology auditorium.

Sunday, 14.—Films: *Chinese Firedrill*, by Will Hindle; *Airplane Glue, I Love You*, Howard Lester; *Take-Off*, Gunvor Nelson; *Cinetude II*, Keith Rodan; *The Insects*, Jimmy Murakomi. 5:30 p.m. Sponsored by the Smithsonian Resident Associates. $.75 members; $1.25 non-members; $1 students. Call 381–5157 for ticket information.

Discussion: *The African Liberation Movement: What Lies Ahead?* Coordinated by Vincent Vera of Antioch College. 3 p.m., Anacostia Neighborhood Museum.

Monday, 15.—Audubon lecture: *Life on an Oceanic Rock*, by Carl Buchheister, President Emeritus of the National Audubon Society. Using color slides, Mr. Buchheister will discuss his three decades of research on the arctic tern, puffin, eider duck, and numerous other native birds, animals and plant life of remote Matinicus Island off the coast of Maine. Co-sponsored by the Audubon Naturalist Society and the Smithsonian Resident Associate Program. 5:30 and 8:30. Baird Auditorium, Natural History Building. $1.50 members; $2.50 nonmembers. Tickets also available for children and for the seven-lecture series. October through April Call 381–5157 for reservation information.

Wednesday, 17.—Lunchbox forum: *Shenandoah* (ZR–1) *Saga*. Informal discussion led by Tom Hook, Federal Aviation Administration. 12 noon, Room 449, Smithsonian Institution "Castle" Building.

Free film theatre: *One Nation, Many Peoples*—the 50 million people living in China who are ethnically not Chinese; *A Great Treasurehouse*—the revolution in Chinese medicine. BBC–TV films narrated by Felix Greene. 12:30 p.m., History and Technology Building auditorium.

Thursday 18.—Creative screen: The Ceramic Arts. Repeat. See October 4 for details.

Free film theatre: *One Nation, Many Peoples; A Great Treasurehouse.* Repeat. See October 17 for details.

Friday 19.—Creative screen: The Ceramic Arts. Repeat, See October 4 for details.

Exhibition: *The Spanish Connection: Prints from NCFA Workshops in Madrid and Barcelona.* Fifty color and black-and-white creations, the fruits of a printmaking workshop that traveled to Spain. Most of the artists were Spanish art professionals experimenting with a new media. Part of the National Collection of Fine Arts' Office of Exhibits Abroad, the workshop also toured fifteen other countries in Europe, Asia and Africa. Creative Printmaking in Action—a graphic done by all 22 participants—is also exhibited. National Collection of Fine Arts, through December 2.

Perception series 6: *Earle Brown* in concert. One of America's leading avant-garde composers and currently Artist-in-Residence, Peabody Conservatory of Music, Baltimore, Md. 8 p.m., Baird Auditorium, Natural History Building. $5.50 general; $5 Resident Associates, $4 students, senior citizens. Call 381–5395 for reservations. Sponsored by the Smithsonian Division of Performing Arts.

Saturday 20.—Music from Marlboro: First program in the ninth annual series of Marlboro music-making. Selections by Boccherini, Brahms and Schumann performed by violinists Pina Carmirelli and Michelle Makarski; violists Philipp Naegele and Nennie Hansen; cellist Peter Rejto, and pianist Lydia Artymiw. 5:30 p.m. $5 general; $4 students. Remaining concerts March 2, April 6, 1974. Series tickets also available. Call 381–5395 for reservations. Sponsored by the Smithsonian Division of Performing Arts.

Museum lecture: *New Images 1839–1973: Reviving Early Photographic Processes.* Speaker: David Haberstich, Assistant Curator, Division of Photography. 10:30 a.m., Museum of History and Technology auditorium.

Stories of Africa: A program of the ceremonies and arts and crafts of Africa, with masks, instruments, songs, and dances. Dayo Adeyemi, a Nigerian student from Howard University, will tell stories of the Yoruba and Ashanti of Nigeria and Ghana. 11 a.m., Museum of African Art. Sponsored by the Smithsonian Resident Associates. $2 members, $3 non-members. Call 381–5157 for reservation information.

Sunday 21.—Jazz heritage concert: *Horace Silver Quintet.* The noted pianist-composer and his quintet inaugurate the second season of jazz concerts sponsored by the Smithsonian Division of Performing Arts. Baird Auditorium, Museum of Natural History. Free Workshop—4:30 p.m.; Concert—8 p.m., $4.50 general; $4 Resident Associates; $3 students and senior citizens. Reservations required for either workshop or concert. Call 381–6526.

Films: Tom DeWitt; *Corridor,* Standish Lawder; *Yin-Yang,* Peter Spoecker; *Watersmith,* Will Hindle; *Grateful Dead,* Robert Nelson. 5:30 p.m. Sponsored by the Smithsonian Resident Associates. $.75 members; $1.25 non-members; $1 students. Call 381–5157 for ticket information.

Monday 22.—Exhibition: *Triumphing over Disability: 200 Years of Rehabilitation Medicine in the United States.* Principles of rehabilitation and methods of treatment are outlined. Related films and lectures will be presented Fridays, 12:30-2 p.m. in the auditorium. Museum of History and Technology.

Tuesday 23.—100th birthday celebration of Dr. William D. Coolidge, eminent leader in radiology who paved the way for medical use of X-ray. Slide-talks and related objects will be shown. Participants: Dr. Dale Trout, colleague and associate of Coolidge; Dr. Lloyd E. Hawes, Professor of Radiology, Georgetown University and Radiology Chief, Harvard Community Health Plan; and Richard Wolfe, Rare Books Librarian, Harvard Medical Library. 2 p.m., History and Technology Building auditorium.

Wednesday 24.—Free film theatre: *Friendship First, Competition Second*—the excellence of Chinese athletes shown from ping-pong to gymnastics. Final film in this BBC–TV series narrated by Felix Greene. 12:30 p.m., History and Technology Building auditorium.

Thursday 25.—Lecture: *Victorian London: Life and Architecture.* Speaker: Jane Fawcett, Organizing Secretary of the Victorian Society in England and founder of the Victorian Society of America. 8 p.m., Sponsored by the Smithsonian Resident Associate Program. $1.50 members; $2.50 non-members. Call 381–5157 for further information.

Free film theatre: *Friendship First, Competition Second.* Repeat. See October 24 for details.

National Capital Shell Club: Monthly meeting and program. Room 43, Natural History Building. 8:15 p.m. Public is welcome. For further information, contact the Smithsonian Division of Mollusks, 381–5604.

Friday 26.—Exhibition: *Robert Loftin Newman (1827–1912).* Some 80 paintings and 25 drawings comprise the first major exhibition on Newman in 31 years. Newman was a painter of small canvases on literary and religious themes, and is considered a wonderful colorist. Many of his paintings are variations of the Mother and Child theme, both religious and secular. The exhibition was organized by Marchal E. Landgren, Visiting Scholar at the National Collection of Fine Arts. Through January 5.

Friday, 26—Bruce Baillie: A retrospective festival. Three-day film festival begins. See box, other side.

Films: *Kevin Is Four*—a four-year-old boy learns to use an artificial arm and leg; *So They May Walk*—the Sister Elizabeth Kenny method of treating polio victims in the 1950's. Sponsored by the Division of Medical Sciences in conjunction with the current exhibition *Triumph Over Disability.* 12:30–2 p.m., Museum of History and Technology auditorium. Other films will be shown each Friday at the same time.

Saturday, 27—Museum lecture: *Uniforms of the U.S. Army—1832–1902.* Speaker: Donald E. Kloster, Assistant Curator, Division of Military History. 10:30 a.m., Museum of History and Technology auditorium.

Sunday, 28—Concert: *Movement Space and Sound in Interaction: A performance,* by the Contemporary Music Forum. Experimental moveable concert of modern chamber music designed to exploit various aspects of space in a large museum. Performed in three areas. Granite Gallery—John Felice's *An American Ceremony,* for unaccompanied clarinet, played by Stephen Bates; Lounge Gallery—Russell Woollens' *Quartet for Clarinet, Flute, Oboe and Bassoon,* performed by Mr. Bates, flutist Al Gifford, oboeist Don Hemer and a bassoonist; Lincoln Gallery—Ulf Grahn's *Percussion and Wind Instrument Piece.* Seating is limited in each area; persons attending are urged to bring cushions for floor seating. Free. 2 p.m. National Collection of Fine Arts.

Tour discussion: *Barney Coleman,* former special assistant to the Assistant Secretary of State, discusses his collection on loan as part of the *Africa: Three Out of Many* exhibit. 2 p.m. Anacostia Neighborhood Museum.

Monday, 29—Lecture discussion: *African Traditional Religions: A Comparative Study,* by Nana Kwabena Brown. 7 p.m. Anacostia Neighborhood Museum.

SERIES EVENTS

[Sponsored by Smithsonian Resident Associates]

Both series and individual tickets are available. Call 381–5157 for further information.

The Women's Movement. Eight distinguished women involved in the movement discuss the psychological effects of discrimination in law, the Equal Rights Amendment, minorities in the movement and other contemporary issues. Oct. 4, Betty Friedan; Oct. 11, Catherine East; Oct. 18, aJn O'Reilly; Oct. 23, Cong. Shirley Chisholm; Oct. 30, Cong. Martha Griffiths. 8 p.m. Series continues into Nov.

Luncheon talks with museum directors. Oct. 17, William R. Tyler, Director, Dumbarton Oaks; Oct. 24, Marvin S. Sadik, Director, National Portrait Gallery. Each program $11.50 members; $12.50 non-members. Buffet and cocktails included. Series extends into November.

Bruce Baillie: A retrospective festival. Oct. 26–28. Three-day festival of the avant garde films of Baillie, with introductions and discussions by the filmmaker. 4 and 8 p.m. each day.

Ballet—Discussion/performance. Led by George Gelles, dance critic, Evening Star-News Oct. 15 Lecture: Ben Stevenson, Director, National Ballet; Oct. 22 Screening: A Dancers World. The dance of Martha Graham. Considered the best film on dance. Oct. 29 Performance: Jan VanDyke, dancer/choreographer performs and discusses her technique. 8 p.m. $12 members, $16 non-members.

Performing arts informal discussions. Oct. 3, Martin Feinstein, Director of Performing Arts, Kennedy Center, and Oliver Smith, Director, American Ballet Theatre. Oct. 17, Otto Preminger, renowned producer and director. Oct. 31, George Abbott, Director of Pajama Game and many other Broadway hits. Series continues into December. $25 members, $30 non-members.

DEMONSTRATIONS

Museum of History and Technology

Steam Engines. Wednesday through Friday, 1–2:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m. 1st floor.

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor.

Printing and Typefounding. Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments, Hall of Musical Instruments, 3rd floor, 1:30 p.m. Mondays and Fridays—keyboard; Wednesdays—lute and guitar; Thursdays—folk.

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1 p.m., 2nd floor. As part of this exhibit, excerpts from musical films are shown continuously as follows:

Sept. 27–Oct. 3: Highlights from Disney films II.
Oct. 4–10: Highlights from MGM Musicals.
Oct. 11–17: Highlights from Disney films I.
Oct. 18–24; MGM Musicals.
Oct. 25–31: Disney films II.

DOMESTIC STUDY TOURS

For further details write Mrs. Kilkenny, Room 106–SI, Smithsonian Institution, Washington, D.C. 20560.

Sea and Shore Laboratory: Oct. 11–18.

Louisiana Plantation Architecture: November 2–8.

Big Cypress Swamp and Everglades National Park: Nov. 11–18.

Hawaii Islands: Jan. 17–31, 1974.

Sturbridge Village, Massachusetts: Jan. 25–27, 1974.

Baja California Whale Observation Cruise: Feb. 4–11, 1974.

PUPPET THEATRE

Arts and Industries Building

Patchwork—an original anthology of children's songs, poems and stories performed by the puppets and people of Allan Stevens and Company. Wednesdays-Fridays, 10:30, 11:30 a.m., Saturdays and Sundays, 11:00 a.m., 12:30 and 2:30 p.m. Admission: $1.25 children or adults; $1 Smithsonian Associates; 75 cents, groups of 25 or more. For reservations call 381–5395. Tickets, as available, will be sold at the time of performance. No holiday performance.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for October:

7th—Exploring Natural History. A talk with Porter Kier, new Director of the National Museum of Natural History; The World of Coral Reefs, described by Smithsonian botanist Raymond Fosberg.

14th—New Perceptions in Music. A conversation with Earle Brown, internationally recognized contemporary composer and conductor.

21st—Hammarskjold, the Man. A look at the late Secretary-General of the United Nations—an "austere and enigmatic man," with Ambassador and Mrs. Rajeshwar Dayal, who were among Hammarskjold's closest associates.

28th—Concert. Judith Norell, harpsichord, and Bruce Brewer, tenor, performing music of Jean-Philippe Rameau and Andre Campra.

EXPERIMENTARIUM

Experimental prototype of the Spacearium that will open in 1976. Demonstration show simulates an Apollo launch, explains the different colors of stars, describes pulsars and shows an imaginary quasar on the edge of the universe. Half-hour demonstrations—Monday through Friday, 4:30 p.m.; Saturday and Sunday, 11 a.m., 12 noon, 1, 2, 3 and 4 p.m. This is a developmental facility and a testing ground for new effects. Shows may be cancelled for revisions or reprogramming. To verify schedule, call 381–6264.

Dial-A-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

HOURS

(Open 7 days a week)

Arts and Industries Building, Freer Gallery of Art, National Collection of Fine Arts, National Air and Space Museum, National Museum of History and Technology, National Museum of Natural History, National Portrait Gallery, The Renwick Gallery, Smithsonian Institution Building—10 a.m.–5:30 p.m.

Anacostia Neighborhood Museum—10 a.m.-6 p.m. Monday through Friday; 1–6 p.m. weekends.

National Zoo Building—9 a.m.–6 p.m. Beginning October 28, 9 a.m.–4:30 p.m.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART X

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ASHBROOK. Mr. Speaker, in my attempt to bring to public attention objections raised in connection with the case of Mr. Helmut Sonnenfeldt, who is now before the Senate Finance Committee for confirmation as Under Secretary of the Treasury, I have been clobbered by some newspapers as employing unfair tactics motivated by unworthy purposes. Here is how the St. Petersburg, Fla. Times characterized my involvement in its editorial "Shades of McCarthy" of August 19, 1973:

SHADES OF MCCARTHY

He calls his crusade to block Helmut Sonnenfeldt from a job as undersecretary of the Treasury a fight for national security. But U.S. Rep. John Ashbrook, R-Ohio, is using McCarthyite tactics and undermining trade policies that make national security more likely.

Ashbrook opposes the President's nomination of Sonnenfeldt, a staff member of the National Security Council, on ideological grounds. The Ohio Republican thinks the U.S. should live in spheres of antagonism against the Soviet Union and China. Sonnenfeldt, on the other hand, assisted foreign affairs adviser Henry Kissinger in opening trade agreements with both nations.

The tactics are some of the dirtiest in the book: A national security investigation to assess Sonnenfeldt's loyalty—long-established through year's of national service.

Vague, groundless and stale, the known charge is that Sonnenfeldt leaked sensitive information to the press while working for the State Department in 1954. Making the charge is an old McCarthy ally, Otto Otepka, who later was fired from the State Department for opening personnel files to members of Congress.

A confessed McCarthy admirer, Ashbrook uses the shabby Otepka charges as an excuse to conduct a full-scale investigation into Sonnenfeldt's entire government service. The chosen vehicle for this witch-hunt: The House Committee on Internal Security.

Laced with innuendo and character assassination, Ashbrook's investigation thrives upon nebulous and vicious charges. As in the case of Ashbrook's mentor, McCarthy, these assaults on the integrity of loyal officials ultimately frustrate and cripple the process of foreign policy. They must not succeed.

In refreshing contrast to the St. Petersburg Times analysis is an account of the case as it appeared in the Washington newsweekly, Human Events, which in its issue of August 25, 1973, took the trouble to take a close look at the matters involved in the Sonnenfeldt issue.

The article follows:

WHY THE HOLDUP ON SONNENFELDT?

Rep. John Ashbrook (R.-Ohio), who challenged President Nixon in the Republican primaries last year, is coming under fire from the liberal community for blocking, temporarily at least, the confirmation of a key architect of *détente* with the Communist superpowers. The man Ashbrook has managed to stop is Helmut Sonnenfeldt, a principal deputy to Dr. Henry Kissinger, the President's chief foreign policy adviser.

The conservative Ohioan, the ranking Republican on Internal Security, is looking into several charges against Sonnenfeldt, including accusations that he grievously violated U.S. security by leaking top secret information to Israeli diplomats.

The White House nominated Sonnenfeldt as under secretary of the Treasury four months ago. Scarcely a household word, as the New York *Times* put it last week, the 46-year-old Sonnenfeldt played a major role in the Administration's opening up of relations with Peking and in reaching a series of new accommodation agreements with the Soviet Union.

In the Treasury spot, Sonnenfeldt would be in a crucial position to help shape the Administration's plans for increasing East-West trade and for establishing a new international monetary system that would include Communist nations.

Sonnenfeldt's *détente* views alone have made him suspect among the remaining Cold Warriors who still sit in the Congress. Since May 15, Kissinger's deputy has been undergoing a grilling by the Senate Finance Committee, which has been holding hearings on his nomination, for his role in the Russian wheat deal.

Sonnenfeldt has admitted to playing a major part in that transaction, in which the U.S. extended the Soviets a half-billion dollars worth of credit, granted them $300 million in subsidies and caused a domestic American food shortage that sent prices skyrocketing.

Sen. Harry Byrd (Ind.-Va.) asked Sonnenfeldt if it was necessary "to let Russians buy our wheat with our money and then pay them with a subsidy for doing it." Sonnenfeldt conceded that this had been the result and replied that, in hindsight, the size of the sale, which caused food shortages in the United States, may have been a mistake. But Sonnenfeldt claimed a lack of expertise on grain prices, grain supplies and their economic impact, a posture which has prompted a number of members of the Senate Finance Committee to wonder whether Sonnenfeldt should be placed in a key Treasury post dealing with East-West trade.

Yet Sonnenfeldt's position on Red trade matters is not all that concerns the senators. What many of them seem even more worried about are the charges that have been aired about Sonnenfeldt before Rep. Richardson Preyer's (D.-N.C.) subcommittee of the House Committee on Internal Security.

Since Sept. 23, 1970, the subcommittee has been conducting an investigation of loyalty and security programs as they apply to federal civilian employes. Sonnenfeldt's case had, in fact, become a matter of concern to the subcommittee, particularly to Rep. Ashbrook, as far back as 1971.

In recent weeks the subcommittee has heard from Otto Otepka, a former State Department employe, in connection with Sonnenfeldt's alleged security violations. Otepka has been working closely with Ashbrook on the Sonnenfeldt case and on security matters in general.

Otepka has a broad background in security. He was employed by the State Department from June 15, 1963, until June 29, 1969. During a substantial portion of that time, he occupied the positions of Chief, Division of Evaluations, Office of Security; and Deputy Director, Office of Security. Between June 30, 1969, and June 30, 1972, Otepka served as a member of the Subversive Activities Control Board. During the Kennedy-Johnson years, he had a battle royal with the department when it substantially relaxed security requirements.

The subcommittee heard Otepka in executive session, primarily to get a picture of the over-all security problems facing government but also to find out some of the particulars in the Sonnenfeldt controversy. Though HUMAN EVENTS does not know what Otepka said behind closed doors, Otepka, in a sworn affidavit which he furnished to Sen. Carl Curtis (R.-Neb.), a member of the Senate Finance Committee, has already revealed part of the picture as he knows it. In his affidavit, Otepka said:

"While in the Department of State, I became aware of an official investigation of Mr. Helmut Sonnenfeldt undertaken by the Office of Security in or about 1955 on the basis of information that Mr. Sonnenfeldt was providing classified data obtained by him through his position in the department's Bureau of Intelligence Research to certain individuals in the public media in violation of the security standards and practices of the Department of State.

"The investigation established the fact that Mr. Sonnenfeldt had furnished information without authority to several members of the press despite specific prohibitions applicable to employes of the Bureau of Intelligence Research that were necessary owing to the sensitivity of that bureau's operations.

"No disciplinary action was taken against Mr. Sonnenfeldt by management, despite the serious nature of his offense, in order to avoid a public issue about the use of electronic surveillance methods by the State Department in corroborating the offenses in question.

"Subsequently, Mr. Sonnenfeldt was reassigned to the Arms Control and Disarmament Agency of the Department of State when he could not be approved under security standards established and enforced by the United States Joint Intelligence Board for access to certain highly sensitive data that was required for his position in the Bureau of Intelligence Research. Mr. Sonnenfeldt was deemed ineligible because of his propensity for leaking classified information and because he was not a native-born citizen.

"During 1960 another investigation was undertaken of Mr. Sonnenfeldt when it was revealed that he was providing classified or otherwise nonpublic information obtained by virtue of his official position to persons outside the Department of State who were opposed to the election of Richard Nixon as President of the United States."

The most explosive information concerning Sonnenfeldt, however, is expected to be told to the subcommittee after the August recess by Stephen A. Koczak, a career U.S. diplomat. Koczak, who also had his disputes with the State Department, is now director of research of the American Federation of Government Employes, the largest union of federal employes in the United States.

Koczak is expected to tell the subcommittee that in 1958 both he and Sonnenfeldt were part of the Bureau of Intelligence Research in the State Department. This branch had access to documents with the highest security classification, including classified information from the Pentagon, the CIA and the National Security Agency. At some point during the year, both Koczak and Sonnenfeldt were invited to the home of an Israeli diplomat.

On this occasion, Koczak was stunned when he overhead Sonnenfeldt divulge to the Israelis in precise detail some of Washington's most closely guarded secrets. Koczak is known to have said that this was the "most serious breach of security I have ever seen in my life." By disclosing what he knew, said Koczak, Sonnenfeldt had compromised the U.S. diplomatic code system and our armed forces.

Koczak reported the security breach to the FBI at the time. When the FBI reported the matter to the State Department so the department would help the Justice Department in possibly prosecuting Sonnenfeldt, the department, according to Otepka, "refused to declassify the documents from which the information was derived, on the ground that a public trial would impair relations with the country involved. This judgment nullified further administrative action."

That, in effect, is the case against Sonnenfeldt. Sonnenfeldt has denied the thrust of the major charges, and Treasury Secretary George Shultz has stressed in a letter to Rep. Ashbrook that Sonnenfeldt has undergone various FBI investigations and that "On April 4, 1973, the White House Personnel Office was advised that the Security Office had no objection to Mr. Sonnenfeldt's nomination from a security standpoint." But Shultz also said there had been no "personnel security investigation made by the Department of the Treasury and the department did not review any other investigation."

So there the Sonnenfeldt case rests for now. Ashbrook is not saying Sonnenfeldt is guilty. He is only saying that grave charges have been leveled by various persons against Sonnenfeldt and that he would like to get to the bottom of them. And unlike the Watergate committee, Ashbrook and the Internal Security Committee are conducting their investigation behind closed doors.

ASHBROOK DEFENDS SELF AGAINST NEW YORK TIMES

Angered, by Rep. John Ashbrook's (R-Ohio) probe of the Sonnenfeldt affair, the New York Times went after the Ohioan with a vengeance last week. In a testy editorial, the Times proclaimed that Watergate "has now permitted a 1973 revival of the Joe McCarthyism of the early 1950s [in the view of the Times, McCarthy was a smear artist]. An Ohio Republican, Rep. John M. Ashbrook, is currently assuming McCarthy's unsavory role, with Mr. Sonnenfeldt as his intended victim. The charge: leaking classified information to the press as long ago as 1954 when Mr. Sonnenfeldt was a State Department researcher."

The fairness of the Times' editorial can be gauged by the fact that it never mentions the far more serious charges leveled against Sonnenfeldt by Otto Otepka, the State Department's former chief of security, and Stephen Koczak, a career diplomat (see article above).

The Times' response brought this lively reply from Ashbrook:

"I am appalled that the New York Times considers the propaganda climate of Watergate so favorable to irresponsible reporting that it has launched a scurrilous attack on me in connection with the House Internal Security Committee's investigation into the Federal Civilian Loyalty-Security Program.

"In its August 16 editorial on 'The Sonnenfeldt Case,' the Times alleges that I have taken advantage of the 'Watergate White House horrors' to produce a '1973 revival of the Joe McCarthyism of the early 1950s.' The editorial distorted the facts which I had supplied previously to David Binder, a New York Times reporter.

"I find especially offensive the editorial comment that a 'Republican, Rep. John M. Ashbrook, is currently assuming McCarthy's unsavory role, with Mr. Sonnenfeldt as his intended victim. The charge: leaking classified information to the press as long ago as 1954 when Mr. Sonnenfeldt was a State Department researcher.'

"This editorial is a typical New York Times orchestration of 'facts' distorted so as to smear congressional investigations of personalities whom the New York Times wishes to protect. Mr. Sonnenfeldt's case became a matter of special concern to me during the Internal Security Committee hearings in 1971, long before his name was submitted by President Nixon to the Senate for confirmation as under secretary of the Treasury. Our committee normally would have finished this investigation months before his nomination. The only reason our investigation was delayed was that the Justice Department was dilatory by more than a year in confirming a critical fact concerning a prime witness in this case:

"Finally, after further inquiry by me, Mr. Ruckelshaus confirmed that the FBI had communicated with a State Department diplomat, Stephen A. Koczak, who was prepared to give testimony under oath that Mr. Sonnenfeldt delivered top secret information, including military planning, to a foreign power.

"Mr. Koczak is now director of research of the American Federation of Government Employes, AFL-CIO, the largest union of federal employes in the United States. Previously he was a Foreign Service Officer for nearly 20 years with the State Department and served in Budapest, Hungary, Tel Aviv, Israel, and Berlin, Germany.

"As director of research of AFGE, he has been one of the prime movers seeking to reform the Foreign Service personnel system to assure that Foreign Service Officers are not dismissed or penalized because of irresponsible allegations, including security and suitability issues, made against them either within the government or by private persons. His testimony before Sen. Fulbright on behalf of the AFGE is considered the most comprehensive statement made to date on this subject.

"Largely because of the fact which I discovered in reviewing State Department personnel practices denying due process to its employes, both conservatives and liberals alike, I introduced a bill as far back as 1968 providing statutory safeguards to Foreign Service personnel assuring that they could defend themselves against allegations and charges by invoking all the guarantees of due process, including confrontation and cross-examination of their adversaries.

"Under these circumstances it is clear that the New York *Times* editorial is mendacious and irresponsible and has ulterior purposes. One of these is to coerce President Nixon to put pressure on the U.S. Senate to rush through the confirmation of Mr. Sonnenfeldt before all the facts, delivered under oath, are written into the record by the House Internal Security Committee.

"Mr. Sonnenfeldt, who is now a Foreign Service Officer on assignment to the National Security Council, obviously would have been one of the main beneficiaries of the legislation which I introduced but which the State Department opposed. I assure the New York *Times* that our hearing on Mr. Sonnenfeldt will be conducted in the spirit that motivated the introduction of my bill.

"In light of these facts, it is ironic that the New York *Times* has selected me as its special target in its efforts to advance Mr. Sonnenfeldt's nomination by accusing me of 'witchhunting.'

"When the New York *Times* published the Pentagon Papers, it claimed it was in the interest of the public's right to know.

"When the New York *Times* demands the release of the President's privileged tapes, it claims that it is in the interest of the public's right to know.

"However, when I ask for pertinent information relevant to the Congress' right to know, the New York *Times* calls it 'witchhunting.'"

B. F. SMITH—"MR. COTTON"

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. JONES of Tennessee. Mr. Speaker, on Friday, September 28, 1973, the Delta Farm Press did a feature article on a man whose contributions to agriculture are well known. B. F. Smith is the executive vice president of the Delta council and has been a friend of mine for many years.

B. F. is almost as well known in Washington as he is in Mississippi. If a legislator needs to know how a particular bill will affect cotton, B. F. Smith is the man to call. He has advised some of the most powerful men in this Nation and always stands ready to share his vast knowledge and experience.

Mr. Speaker, I would like to share this tribute to B. F. Smith with my colleagues:

B. F. SMITH—"MR. COTTON"

Benjamin Franklin Smith, possibly more than any other person, has been performing a type of economic acupuncture on Delta agriculture for more than 25 years.

If the name is not familiar, try B. F. Smith, executive vice-president of Delta Council, headquartered on the grounds of the Delta Branch Experiment Station at Stoneville, Miss.

A colorful cardboard mobile hanging from the ceiling of his office admonishes the visitor to "Think cotton. Wear it. Boost it. Live it."

And let no one say that B. F. Smith doesn't do that, and more.

GREAT POTENTIAL

"This is the greatest area in the United States," he said, "and I sometimes think that the potential in our Delta is so great that we don't fully realize it." Although cotton is of paramount importance, Smith necessarily sees the 18 Delta and part Delta counties served by the council in total terms of agriculture, business, transportation and industry.

Smith was virtually molded for his job. He was Delta born, bred and educated. He grew up in Glendora, Miss., attended high school at Greenwood and Delta Junior College at Moorhead. In 1939, he received his B.S. degree in biological science at Delta State College.

MILITARY SERVICE

About the only times he has left his native state for any lengthy period has been to perform graduate work in school administration at Peabody College in Nashville, Tenn., and spent nearly four years in the military service.

He was in Army and Air Force ordinance and, for a Delta resident, some thirty months in the frigid Aleutian Islands wasn't really to his liking. Coming home with the rank of captain, Smith taught school in Jackson and later served a short stint with the Veterans Administration as a training officer.

He had kept his eye on the workings and growth of Delta Council, which had been formed back in 1935, and when he was approached for the job of assistant manager of the organization in 1947, he jumped at the chance.

UNFORGETTABLE TIME

Smith remembers that first year for its somewhat historic significance. "That year, we were to have President Harry Truman as featured speaker at our Spring annual meeting," he recalled. "Truman couldn't come at the last minute and sent Dean Atchison, at that time under-secretary of state. In his talk, Atchison enunciated the principles of the Marshall Plan as more or less a trial balloon on the audience. Needless to say, there was quite a bit of national publicity coming out of that meeting."

In 1957, Smith became executive vice-president of Delta Council. He has continued to obtain top-flight speakers for which the Council has become famous, including Alan B. Shepard, Jr., Apollo 14 commander; Dr. Wernher von Braun, director of development operations for the Army's Ballistic Missile Agency; Secretary of Agriculture Earl Butz, and a host of governors, congressional leaders and others.

CREDITS PEOPLE

But Smith absolutely refuses to take any credit for the success of Delta Council. "This organization is completely unique," he says. "There's nothing else like it in the country. We're concerned with every phase of the economy. It's an organization symbolized by highly motivated, dedicated people willing to put not only their funds but themselves into the work."

"We try in Delta Council to develop leaders by taking young men and bring them into the framework of the group toward eventual full leadership."

COUNCIL STRUCTURE

And there's plenty for them to do. There are some fifteen groups which Smith calls "action committees" comprising the total structure of Delta Council. They include the agricultural committee, farm policy, livestock, soil conservation, Delta cotton quality improvement committee, flood control, farm labor, water resources, advisory research, educational policy, forestry, ginning improvement, press and radio, women's committee and the highway improvement committee.

"Our progress has not been monumental," Smith contends, "but we like to feel it has been progressive and steady. We like to think, for instance, that Delta Council played a big part in obtaining funds for Mississippi's recent $600 million highway program."

INDUSTRIAL DEVELOPMENT

"We've expanded our industrial development department into a full-time effort," he said, "even though we've been engaged in such a program since 1957. And while there has been no spectacular success in this area, there has been a steady increase in jobs and payrolls."

Current figures show that since 1957 there has been an increase of more than $100 million in payrolls in the 18-county area with an additional 20,000 jobs created.

Smith places flood control near the top of the list of Delta Council activity. "We spend considerable effort in this area," he said. "Flood control and interior drainage is imperative to Delta welfare. And I think that the efforts to secure necessary action have paid big dividends. The flood control committee has provided the framework for intelligent and coordinated action to insure the safety and welfare of an area dependent upon the maintenance and improvement of flood control facilities."

EXPERIMENT STATION

The Delta Branch Experiment Station at Stoneville is placed in high esteem by Smith. "We work consistently to assure that these facilities have the tools and the funds necessary to do the job," he said. "This station is recognized as one of the best in the world and we must continually work at both state and national levels to make certain it remains in that position. It is a vital link in our agricultural economy."

And Smith uses the Experiment Station as a prime example of the interest and cooperative spirit of Delta people in promoting the welfare of the area. "The station was started by farmers, themselves, in 1914 who put up the money to create the research facility," he said.

LEGISLATIVE SUPPORT

When he's asked how much time he spends in Washington, Smith laughs. But one gets the idea that the nation's capital is a second home for him at certain times of the year when there is agricultural or other pertinent legislation pending. He's probably as well known in the offices of many of the major government agencies as a veteran congressman.

Delta Council acts as a clearing house for consideration of agricultural problems concerning the Delta and the Mid-South as a whole. It promotes agricultural programs with a primary objective of protecting the competitive position of the area's agriculture. And it befalls the responsibility of B. F. Smith and current Council leaders to be on hand in Washington to look out for the farmer's interest in these important policy matters. Many of the good clauses of present and past farm legislation can be attributed to the efforts and expertise of B. F. Smith and Delta Council leadership.

ACTIVE JOB

A glance at his daily calendar gives some insight into the frantic pace the Delta Council's chief executive officer must follow. In fact, it is so full and extends into such lengthy hours, he carries it in his coat pocket for instantaneous referral. "About the only thing I regret," he said, "is that I don't get to spend enough hours at the Catfish Point Hunting Club." Smith, like any true Delta native, loves his hunting and fishing. But, then, he somehow makes time for his church work where he has been chairman of the board of the Leland, Miss., Methodist Church, a member of the local Lions Club and member of the inter-alumni council for Delta State College, among other things.

He married his wife, Mary Alice, in 1941 and they're obviously proud of their son, James, who holds a PhD in entomology and is doing environmental entomology research work at the USDA Cotton Research Laboratory at Stoneville and daughter Lelia Elaine who is married and teaches kindergarten in Leland. "It's nice to have the whole family right in town," he admits.

Smith, after more than a quarter century with Delta Council doesn't boast a real philosophy about his work. Rather, he likes to put it into more simple terms:

"People are the reason for the success of Delta Council," he said. "It's a unique community interest. Our Delta is just one big community, tied together with the common interest of agriculture, flood control and all these things. People in the Delta have a long history of cooperating together for a common goal."

"And this area is something special in that people know each other. Distance is no barrier. The young people grow up visiting with one another, from county to county, and all this makes us just one big community."

Smith places three things of paramount importance to the Delta community, in this order:

(1) "Levees," he said. "That's first. Without protection from the Mississippi River, the area would obviously be flooded and relegate us back to swamplands."

(2) "The Delta Branch Experiment Station and the USDA research facilities are second. This station was started by farmers and has been a consistent leader in providing them the technical knowledge that has been of so much importance to the success of our agricultural economy."

(3) "And I would place Delta Council in this top three because it has been Delta Council which has provided the very effective medium through which agricultural, business and professional people can work together to solve common problems."

It would be difficult to measure Delta Council's contributions to the area in dollars, but it has provided a foundation for new economic gains which could not have otherwise been enjoyed.

And although Benjamin Franklin Smith gives credit to the people of the Delta, it is quite obvious that the people of the Delta believe that he has meant something uniquely special for them as helmsman of Delta Council.

COST OF LIVING COUNCIL

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. ICHORD. Mr. Speaker, last week in a letter to the President, I called for the immediate dismissal of Dr. John Dunlop and the necessary restructuring of the Cost of Living Council.

In my letter I stated that, "the Cost of

Living Council, under the leadership of Dr. John Dunlop, has established a program of price controls so ill conceived and ill planned that thousands of independent gas retailers are facing economic ruin and this Nation's capacity to increase its production of food and fiber has already been severely, and I fear, irreparably damaged."

Recently, Mr. Speaker, I received a letter from one of my constituents which not only illustrates the terrible injustice and harm that has befallen America's small businessmen because of the Cost of Living Council's program, but also bears testament that this situation is much more than just an economic question.

At this point I would like to insert the letter in the RECORD:

ROLLA STANDARD SERVICE, INC.,
ROLLA, MO., *September 25, 1973.*

Representative RICHARD ICHORD
House Office Building
Washington, D.C.

GENTLEMEN: On Sept. 20th at 9 a.m. Amoco Oil Company raised my cost on gasoline 9/10¢ per gallon. The law says I cannot raise my pump price. On top of the price rollback which I had to make when Phase IV went into effect, this lack of profit situation has become intolerable.

Someone needs to listen, so I'll be brief.

All of my savings, work and time is invested in my business. I used to be proud of it, but I'm not any more. I feed my family and intend to educate my boys from this business. You people or the President or big government or *someone* is taking this from me, and you don't have the right to do it!

The oil companies are going to get complete control of all the service stations in the country. One more price raise will do it. Is this what you want?

The talk of a "pass-through" price increase is not going to handle the problem. "Big-Brother" government *has* to get its' hands *out* of the economic manipulation of prices, wages, profits, margins, etc., etc., etc. Gentlemen, competition and the law of supply and demand do these things! (I feel like I'm trying to explain something to my little boys which they don't understand and consequently are not listening.)

The President has been granted too much power, and he is being political and irresponsible. It is up to you elected representatives to revoke the economic authority he is using so carelessly.

The sounds you hear around the country are not just fun and games, and neither is the rate of dealer turn-over in the service station business. If you don't believe me, why not try to operate a station yourself and see whether you can make it.

The problem with this is that too many of us will be bankrupt by the time it is being recognized that a mistake has been made. We need help right now!

Yours truly,

REX W. ANDERSON,
President, Rolla Standard Service.

P.S. I think sometimes there is a feeling in Washington that "the people" want to be taken care of by the government or even that "the government needs to take care of the masses." This is also a mistake.

CLEVELAND'S NEIGHBORHOOD NEWS CELEBRATES ITS 50TH ANNIVERSARY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. JAMES V. STANTON. Mr. Speaker, I am very pleased to extend to the Neighborhood News, a weekly newspaper in my district of Cleveland, Ohio, my warmest congratulations upon its 50th anniversary. From the time of its founding in 1923 by Vaclav Psenicka, the Neighborhood News has consistently upheld a high standard of public service which is in the finest tradition of journalism. Carrying on in this tradition are the current publisher of the Neighborhood News, James Psenicka, who is son of the founder; James Masek, its editor, and Ellen Schemmer, its managing editor. I join with the many other loyal readers of this fine newspaper in saluting them and wishing them continued success.

One article in the special anniversary issue of the Neighborhood News recounted the history of the newspaper, and I would now like to insert this article into the RECORD:

[From the Neighborhood News, Sept. 27, 1973]

NEIGHBORHOOD NEWS CELEBRATES HALF CENTURY OF PROGRESS

PAYS TRIBUTE TO FOUNDER VACLAV PSENICKA

Vaclav Psenicka, founder of The Neighborhood News, at the site of the new East 55 St. Bridge which replaced the old wooden bridge built in 1908. He crusaded for many community improvements and was well known for his ability to administer truth in large doses to sometimes unwilling patients. His pen awarded bouquets to the worthy and brickbats to the unworthy during his journalistic career. He was a writer, artist, philosopher, musician and builder.

Born of humble parentage in Kamenec, a small town near Prague in Bohemia, Vaclav Psenicka arrived in Cleveland in 1905 at the age of 19.

He secured a position with the "American," the largest Czech daily newspaper between New York and Chicago.

In 1907, he joined the staff of the "Volnost," another Czech newspaper. In his book, he recalled "the old press was driven by an antique gasoline engine connected to the press by a wide, heavy leather belt. It took time and lots of hard pulling to start the press rolling. Once rolling, it was a thrilling sight. The building trembled, the type cases quivered and the noise was deafening—yet no one paid the least attention to the awesome sight."

Several years later, he returned to the "American" serving in all positions from setting type to editor-in-chief.

After eighteen years of newspaper experience, the dream of starting his own newspaper was to materialize.

On September 26, 1923, The Neighborhood News was born. The first edition was written, composed and printed entirely by himself. The printing alone took ten hours.

Quoting from his book: "I started The Neighborhood News in order to be my own boss, to print the truth no matter who might get hurt and by helping others in business, also help myself. I came from the ranks of common men. In my editorials, I tried to educate these ranks."

The Neighborhood News continued to grow and was the largest weekly newspaper in the southeast Cleveland area.

The great Depression brought hard times to the Broadway-E. 55th area. With no work to be had and lifetime savings gone as banks closed their doors, thousands of people literally starved.

The Neighborhood News weathered this great storm and in 1932, a young attorney, Franklin A. Polk, became its editor. Roy R. Powell was an associate editor. With offices in the Atlas building, the newspaper started once more to grow. Frank E. Lynne and C. Gordon Speers joined the staff and circulation went over the 15,000 mark.

In 1933, offices were moved to the Broadway-E. 58 Market building. C. Gordon Speers became editor. F. A. Pawloski became Polish news editor and in 1936, James J. Masek and John V. Dlouhy, Jr., became "correspondents." Circulation was increased to over 20,000 copies.

The Second World War, like the Depression, had an adverse effect on the Broadway-E. 55 area as consumer goods became scarce. Ration stamps were needed to buy most items that were available.

Through the war years, Mr. Psenicka struggled to keep his newspaper alive. After the war to end all wars was over in 1945, prosperity returned once more to the Broadway-E. 55 area. Captain James J. Masek returned from the Navy to assume editorial duties.

Joining the staff in 1952 as a reporter was James V. Psenicka, son of the publisher. He graduated from Kent State University in 1955 and after a brief tour with the Navy Air Force, he assumed the publisher's duties in 1961.

In 1963, The Neighborhood News started its own composing department, being one of the first weeklies to use larger, more readable type for news stories.

In 1969, Ellen M. Schemmer, a graduate of Ohio University, joined the staff and became managing editor in 1972.

The Neighborhod News is gratified for the confidence shown by its readers and advertisers who have helped to make it the largest independently owned weekly newspaper in the Cleveland area.

ST. JOSEPH'S CHURCH OF NEWTON FALLS, OHIO, CELEBRATES GOLDEN ANNIVERSARY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, October 7, 1973, I had the pleasure of attending the golden anniversary celebration of St. Joseph's Church in Newton Falls, Ohio. At the same time, Father Michael J. Chonko, pastor of St. Joseph's Church, celebrated 30 years as a priest.

A church is a building, a physical shrine, adorned with all the beauty of holiness. But it is also a people, a community of pilgrims, a fellowship of souls, both in this life and in the world to come. It is the mystery of God's presence among men. St. Joseph's Parish is such a church.

It is a privilege to extend my sincere congratulations to the clergy and laity of St. Joseph's Church. I insert excerpts from the parish directory in the RECORD at this time:

ST. JOSEPH'S CHURCH,
Newton Falls, Ohio.

MY DEAR PARISHIONERS: It is indeed an honor for me, as your Pastor, to celebrate my

30 years as a priest along with our Fifty Year Anniversary.

Included in the Parish Directory is an all too brief a history of the spiritual and material growth of St. Joseph's Parish here at Newton Falls, Ohio over these past fifty years. It is impossible to adequately depict the dedicated services, the investment in blood, sweat, tears and moneys of all the many benefactors. We are confident that the satisfaction of a job well done in not only the earthly reward they might have sought, but rather the satisfaction of doing it for the Honor and Glory of God.

In these few pages we have endeavored to show what a Catholic Community united in faith and love can achieve with prayer and Divine help. The people of St. Joseph's Parish are unique in their ability to put aside selfish interest and work together in peace and harmony for the good of all. Perhaps this is due in part to the fact that they pleaded with the Most Reverend Bishop for a parish of "their own" for some years before it became a reality in 1923.

There were many other factors, but regardless of the reasons we at St. Joseph's have from the beginning experienced a sense of community—a true family spirit and a dynamism seldom equalled. It has been a pleasure to work with you.

It is my sincere wish, hope and prayer that these pages will help to preserve the zeal and spirit of togetherness of the past, and inspire newcomers to become involved as active members of St. Joseph's family.

Sincerely in Christ,
Father MICHAEL J. CHONKO.

HISTORY OF ST. JOSEPH'S CHURCH

A history of St. Joseph's Parish must begin with a few observations concerning the area that it now serves. Newton Falls, nine miles southwest of Warren on the Mahoning River, was founded in 1846. Because of its location on the fork of the Mahoning River, the town was an important shipping point on the canal. Also, the inhabitants were most enterprising. By 1880, the town boasted a large woolen factory and a paper mill. . . . From early records it is believed that the faithful Catholics of this area established a mission around the year 1870, but because of the poor business conditions which resulted in widespread unemployment, many of the members of the mission were forced to look elsewhere for their livelihood, and the little mission was abandoned. The few that remained were forced to attend other parishes nearest to their homes. Over half a century passed before a need for the organization of a parish in Newton Falls was again evident. Early services were held in rented quarters until the first church was built in 1923.

The spiritual administration of the Catholic people of Newton Falls were first served by the Reverend Emil Schraider of Warren, Ohio until the Parish was organized. The first Mass was said at the Grange Hall on Arlington Road on July 9, 1922 with 200 members signing the Roll of Honor. Prior to Father Schraider's coming to serve the people, a group of men had a meeting on Scott Street in May 1922 and a second meeting was held June 25, 1922 on Warren Road in the home of John Dvorscak. They elected the first councilmen, namely: Andrew Behun, John Sirotnik, John Dvorscak, August Virostek and Andrew Kazimer. Along with the Councilmen, they elected collectors to visit homes and make collections for the benefit of a new church. These were: Mike Roynak, John Durkos, Joe Hudak, Charles Grambly and Joe Konecska.

In September 1922, the Reverend F. B. Tomanek, a young Slovak priest from Fort William, Canada, was sent to minister to the spiritual needs of the people and to organize a parish, if possible. After a meeting with the Most Reverend Joseph Schrembs, the Bishop of Cleveland, by Father Tomanek and a Committee, the Bishop authorized the establishment of a parish.

On January 17, 1923 a building was rented on Broad Street as a temporary Chapel, and the first Mass was said in this building on January 21, 1923. On February 27th of the same year, the Mission was officially designated as St. Joseph's Parish.

The task of purchasing and selecting property for a permanent structure was immediately undertaken by Father Tomanek, the first pastor. On June 10, 1923, ceremonies of the laying of the Corner Stone for the new Church took place on the corner of Ravenna Road and Quarry Street where the lots had been purchased. Then, on December 24, 1923 the official blessing of the first Church was given, followed by the first Midnight Mass ever to be said in the village.

Final completion of the Church enabled the structure to be solemnly dedicated on Sunday, April 27, 1924 by Bishop Schrembs. At this time and for twenty-eight years thereafter, St. Joseph's Church could be described as a concrete and white-framed structure, oblong in design.

Three other notable accomplishments took place after the completion of the Church proper; namely:

1. On November 4, 1924, fifteen acres of land were purchased and the development of a Catholic cemetery was initiated.

2. In 1925, a parish House for the resident pastor was erected.

3. St. Catherine's Church on the Lake was officially dedicated at Craig Beach, Lake Milton, Ohio on August 22, 1926, as a Mission of St. Joseph's Parish.

Continuous progress was noted, both spiritually and materially, through the years which followed the initial establishment of the basic church facilities.

Religious instructions for children of the parish who were originally taught by lay members of the church, were later supervised by several religious Orders, including Sisters of the Holy Humility of Mary, Warren, Ohio; the Dominican Sisters, Pontiac, Michigan, (they resided in Newton Falls from July 1944 to the summer of 1946); and the Vincentian Sisters of Charity, Bedford, Ohio.

In 1952, St. Joseph's Church was refaced and the basement remodeled to serve as a social hall for parish activities. In addition, permanent improvements were made at the cemetery to adequately take care of the burial needs of all Catholics in the immediate area.

Improvements to the church were made to the fullest extent possible but it was found necessary to further expand the structure to take care of the needs and requirements of a large and growing group of parishioners. This brought about plans for a new and greater St. Joseph's Church which were presented by the Reverend Albert J. Klein, Pastor, the Most Reverend Emmet M. Walsh, Bishop of Youngstown Diocese. After a preliminary consultation, it was decided that the new church would be of stone, would seat approximately 400 people and would be constructed on church property adjacent to the site of the original church. The minimum costs to build such a church was estimated at $150,000.

The building program's fund-raising campaign was begun on May 15, 1955 when an inaugural banquet was held in the Community Center of Newton Falls. On August 15, 1955, groundbreaking ceremonies took place. Then, on September 1, 1956, Bishop Walsh blessed and placed the cornerstone in the new but yet unfinished Church.

Another historical event took place on May 26, 1957, when the Reverend Michael E. Ronik, the first and only boy from St. Joseph's Parish to be ordained to the Priesthood, celebrated his first Mass in the new Church.

On September 15, 1957, the new St. Joseph's Church was finally dedicated to the honor and glory of God in the name of all faithful servants of St. Joseph's Parish, both living and deceased, who cooperated toward this endeavor. The old Church became the C.C.D. Center for instructions of the high school and elementary students.

In September 1966, St. Joseph's and St. Mary's Parishes combined to form the Catholic Elementary School for instructions of our Catholic students from grades one to eight. The school is staffed by Sisters of the Holy Family of Nazareth from Pittsburgh, Pennsylvania.

In the midst were these pastors and assistants who so humbly made their contribution to the history and progress of St. Joseph's Church.

PASTORS

Rev. Francis B. Tomanek: Sept. 1922–Jan. 1927.

Rev. George R. Bobal: Jan. 1927–July 1928.
Rev. John Fecko: July 1928–April 1929.
Rev. John M. Kandrac: April 1929–Sept. 1931.
Rev. John C. Shaefer: Sept. 1931–Oct. 1934.
Rev. John M. Liscinsky: Oct. 1934–1946.
Rev. Albert J. Klein: Nov. 1946–Sept. 1966.
Rev. George M. Franko: Sept. 1966–June 1968.
Rev. Michael J. Chonko: June 1968–to present.

BENEDICTINE ASSISTANTS

Rev. Paul Taracko, O.S.B.
Rev. Method Granchi, O.S.B.
Rev. Basil Hrin, O.S.B.

GOLDEN ANNIVERSARY: 1923–73

BANQUET—CHURCH OF ST. JOSEPH'S PARISH HALL

Sunday, October 7, 1973

Dinner

Invocation—Rev. George M. Franko, Pastor, Holy Name, Youngstown.

Star Spangled Banner—Color Guard Troop.

Introductions—Rev. Albert J. Klein, Toastmaster.

Welcome—William Craig, City Manager, City of Newton Falls.

Remarks—Milton Hanzel, speaking for the parish.

Remarks—Joseph Layshock, Mayor, City of Newton Falls.

Remarks—Charles J. Carney, U.S. Congressman, 19th District.

Main Address—The Most Reverend Bishop James W. Malone, Bishop of the Diocese of Youngstown.

Remarks—Rev. Michael J. Chonko, Pastor, St. Joseph's Church, Newton Falls.

Benediction—Rev. Michael E. Ronik, Pastor, Holy Trinity Church, Struthers.

Johnny Jay Novotny and his orchestra.

MASS OF THANKSGIVING

Celebrant: The Most Reverend Bishop James W. Malone.

Concelebrants: Rev. Michael J. Chonko, Pastor, St. Joseph, Newton Falls, Ohio; Rev. Albert J. Klein, Pastor, St. Ambrose, Garrettsville, Ohio; Rev. George M. Franko, Pastor, Holy Name, Youngstown, Ohio; Rev. Michael Ronik, Pastor, Holy Trinity, Struthers, Ohio; Rev. William Yurko, Pastor, Sts. Cyril and Methodius, Youngstown, Ohio; and Rev. Matthew Bonk, O.S.B., Assist Pastor, St. Benedict, Cleveland.

Offertory Procession: Mrs. Sue Dugic, President, Altar and Rosary Society; Mrs. Carol Sheldon, President, St. Joseph's Ladies Guild; Miss Helen Butkus, C.C.D. Principal; and Frank Lesho, Councilman.

Master of Ceremonies: Reverend David Rhodes, Vice-chancellor, Diocese of Youngstown.

Homily: Reverend Albert J. Klein.

Lectors: Albert Capatch and Joseph Kucek.

Bouquet Presentation: Jacqueline Tabet and Robert Giuliano.

Honor Guard: 4th Degree Knights of Columbus, Bishop James McFadden Chapter.

Music: Congregation and Choir.

Organist: Mrs. Josephine Ronyak.

SENATE—*Wednesday, October 10, 1973*

The Senate met at 11 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, Thou who hast been our dwelling place in all generations and taught us to keep the soul with all diligence for out of it are the issues of life, we pause to nourish our souls in the reality of Thy presence. May we know Thy nearness in hours of work as vividly as in moments of prayer. Equip us for our tasks that we may be physically fit, mentally alert, morally straight, and spiritually strong. In a world of hostility and hate may we remain kind and patient and true. Keep us at peace with Thee and with one another that we may be instruments for peacemaking in our turbulent world.

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 9, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL NOVEMBER 7 TO REPORT S. 2373

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until November 7, 1973, to report S. 2373, the Federal Food Inspection Act of 1973.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar placed on the Secretary's desk will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard and in the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 423 up to and including 428.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISPOSAL OF ALUMINUM FROM THE NATIONAL STOCKPILE

The bill (S. 2413) to authorize the disposal of aluminum from the national stockpile, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately two hundred and seven thousand four hundred and forty short tons of aluminum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. Section 2 of Public Law 89–460 (80 Stat. 212) is repealed.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

The Senate proceeded to consider the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration and for other purposes, which had been reported from the Committee on the Judiciary with amendments, on page 8, line 3, after the word "bicentennial." insert "In preparing the Administration's plans and programs, the Administrator shall give due consideration to any related plans and programs developed by State, local, and private groups, and he may designate special committees with respresentatives from such bodies to plan, develop, and coordinate specific activities."; on page 10, after line 14, strike out:

SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

And, in lieu thereof, insert:

SEC. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $2,475,000 shall be for grants-in-aid pursuant to section 9(a) of this Act.

(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but not later than June 30, 1976.

On page 12, after line 7, strike out:

SEC. 9. The Administrator is authorized to use nonappropriated funds to carry out a program of grants-in-aid in furtherance of the purposes of this Act. Subject to such regulations as he may prescribe, the Administrator may—

(a) make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

And, in lieu thereof, insert:

SEC. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

(1) make equal grants of appropriated funds in each fiscal year of not to exceed $45,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

On page 13, at the beginning of line 10, strike out "(b)" and insert "(3)"; after line 21, insert:

(b) For the purpose of further assisting each of the several States in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section (a) (2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as he may prescribe, the Administrator may make grants to each of the several States to assist such State in developing and supporting bicentennial programs and projects. Such grants may be up to 50 per centum of the total costs of the program or project to be assisted, but in no event shall the aggregate amount received by any such State under this subsection exceed $400,000. No such grant shall be made unless the recipient agrees to match the total value of the grant for such bicentennial program or project.

And, on page 15, after line 22, strike out:

(f) The Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board other than the Administrator.

And, in lieu thereof, insert:

(f) The Administrator shall serve as Chairman of the Board. The Vice Chairman shall be elected by members of the Board from members of the Board.

Mr. HRUSKA. Mr. President, I rise in support H.R. 7446 which was recently reported out of our Senate Judiciary Committee. This bill is designed to establish an independent but temporary American Revolution Bicentennial Administration to replace the present American Revolution Bicentennial Commission.

The Commission was established on July 4, 1966, by Public Law 89-941. That statute authorized the Commission to plan, encourage, develop, and coordinate activities during the Bicentennial era. The Commission was thereby directed to prepare and submit to the President for transmission to the Congress a blueprint for a nationwide Bicentennial plan. This plan was presented to the Congress on July 7, 1970, and was strongly endorsed by the President.

The national plan for our Nation's Bicentennial envisions programs and activities developed by public and private organizations. The framework for this program is the network of State Bicentennial Commissions at work across the Nation. This concept represents a considered judgment that the Federal Government's role is to coordinate and assist the citizens in organizing this event, not to direct or mandate the commemoration for them.

The Commission has received wide acclaim and praise from many quarters for its achievements. However, in the 7 years of its existence, it has also been the subject of considerable disagreement and controversy. Criticism is to be expected because of the very nature and scope of its important work.

On August 1 and 2, 1972, the standing Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary held extensive oversight hearings on the operations and organization of the Bicentennial Commission and the direction in which it was moving. These hearings provided the subcommittee with an excellent opportunity to learn of suggestions for the restructuring of the Bicentennial effort.

Subsequently, the General Accounting Office and the House Judiciary Committee made extensive investigations of the operations and structure of the Commission. The consensus which emerged out of all of these hearings and studies was that a national grassroots commemoration involving all of our citizens and emphasizing the ideals of the Revolution was the proper approach. There was also a general agreement that a new organizational structure was necessary to insure a worthy commemoration in 1976.

Accordingly, the executive branch drafted legislation for this purpose which was introduced in the House on February 1, 1973, as H.R. 3695. The House Judiciary Committee held 2 days of hearings on this proposal on March 14 and 15, 1973. Numerous public and private citizens were given an opportunity to submit their views on this important matter. Following extensive deliberations, the House Judiciary Committee reported out a revised bill, H.R. 7446, which passed the House on June 7, 1973, by a vote of 344 to 14. The House of Representatives is to be commended for its detailed consideration of this important legislation and for the many improvements made to it.

The Senate Subcommittee on Federal Charters, Holidays, and Celebrations held hearings on H.R. 7446 on July 11. My distinguished colleagues, Senator MATHIAS, of Maryland, Senator KENNEDY, of Massachusetts, and Senator NUNN, of Georgia, made valuable suggestions regarding the provisions of this bill. Both Senators MATHIAS and NUNN are presently members of the Commission. Additionally, the subcommittee counseled with Senator BROOKE, of Massachusetts and Senator MONTOYA, of New Mexico, who are also members of the Commission.

These public hearings have provided Congress with an exhaustive background on the activities and progress of the Commission. Many suggestions have been received for improving the Federal Government's mission to aid in preparation for the Bicentennial celebration.

After listening to diverse views and suggestions for the new Bicentennial structure, I am encouraged by the degree of interest shown by so many in this event. I am convinced that the American Revolution Bicentennial Commission has been heading in the right direction and has provided a good foundation on which the full implementation of commemorative activities can now take place.

I now turn to the basic provisions of H.R. 7446.

This bill would establish the American Revolution Bicentennial Administration as an independent establishment for the observance of the Bicentennial. The new administration would assume the functions and responsibilities of the present American Revolution Bicentennial Commission, which would be abolished.

The new administration will be temporary in nature. It would terminate on June 30, 1977. The administration will be headed by a full-time Administrator who would be nominated by the President along with the Deputy Administrator. Both would be confirmed by the Senate.

The policies of the administration would be defined by an 11-member American Revolution Bicentennial Board for the guidance of the Administrator.

Also, a 25 public member Advisory Council would be appointed by the President from a broad segment of our population to advise the Administrator in carrying out his duties. No more than 15 Council members may be from the same political party.

The bill states its basic purposes as being to coordinate, facilitate, and aid in the scheduling of events and projects of State, local, national, and international significance. One of the primary functions of the new administration is the maintenance of a master calendar of events to take place between March 1975 and December 31, 1976.

Section 4 outlines the various functions to be carried out by the Administrator with the specific proviso that the administration shall not operate any programs unless specifically authorized by law.

Section 7 of the bill authorizes annual appropriations not to exceed $10,000,000 per year to the termination date of the administration on June 30, 1977, primarily for the expenses of administration.

Section 9 of the bill continues the authority of the present Commission to use nonappropriated funds to carry out programs of matching grants-in-aid to State bicentennial commissions and nonprofit organizations for their bicentennial projects. Also, section 9, as amended by the Judiciary Committee, would continue the minimal support of $45,000 annually to each State bicentennial commission, and would authorize $20,000,000 in appropriated funds for a new matching grants-in-aid program to the States with a maximum of $400,000 to each State. I will discuss these particular amendments in detail later.

I now turn to the amendments which the Judiciary Committee has made to the House-passed bill.

The committee adopted an amendment directing the Administrator to coordinate activities, to the extent practicable, with those being planned by State, local, and private groups. The committee recognizes that the administration should not hold a monopoly on either ideas or initiative. Therefore, this amendment suggests that cooperation of the American Revolution Bicentennial Administration with other interested groups will help to produce programs that are truly reflective of the expectations of all Americans. This amendment signifies again the importance of community-based programs and local participation in bicentennial activities.

The second amendment establishes a ceiling of $10,000,000 per year to be appropriated to the American Revolution Bicentennial Administration. This sum includes $7,625,000 for the costs of carrying out the purposes of the bill, and $2,475,000 for the $45,000 grants to State bicentennial commissions contained in the third amendment.

Additionally, this amendment would make available from appropriated funds a sum not to exceed $20,000,000 for 50 percent matching grants to assist in developing and supporting bicentennial programs.

The third committee amendment would continue the authority presently available to the American Revolution Bicentennial Commission to make minimal $45,000 annual grants from appropriated funds to support State bicentennial commissions in the area of planning. This amendment would also provide $45,000 to the Bicentennial Commissions of the District of Columbia, the Commonwealth of Puerto Rico and the territories.

The second part of the third amendment would continue the grant program of nonappropriated funds to assist in development and support of State and local bicentennial activities on a 50-percent matching basis. This program was formerly the basic method by which the American Revolution Bicentennial Commission was allowed to distribute money to States, localities, and other nonprofit organizations.

The fourth amendment is technical in nature and merely renumbers particular sections of the bill.

The fifth amendment is designed to implement the new grant program which authorized the appropriation of $20,000,000 of Federal funds. This amendment would authorize the distribution of not to exceed $400,000 in appropriated funds for each State on a 50-percent matching basis. Thus, a total of $20,000,000 would be available through June 30, 1976, for such assistance. Each State would determine its own level of participation in commemorative activities up to the $400,000 maximum. The committee believed this additional Federal assistance was generally consistent with the concept of grassroots participation in the commemoration.

The sixth amendment provides that the administration shall be the Chairman of the Board. H.R. 7446, as passed by the House of Representatives, provides that the Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board, other than the Administrator.

The committee is of the opinion that the House proposal would perpetuate the problems which have hampered the operations of the current Bicentennial Commission and which have led to the proposals to restructure the Commission.

Under the House-passed bill, the Board is authorized to give final approval to grants, and to review, approve, disapprove or ratify basic policy and guidelines, including the budget to be presented by the Administrator in carrying out the purposes of the bill. The result is that the Administrator's authority for carrying out the day-to-day operations of the administration is circumscribed by the authority vested in the Board. Thus, responsibility is split between the Administrator and the Board resulting in confusion over roles and the slowing down of the decisionmaking process.

The committee's amendment requiring the Administrator to be Chairman of the Board will result in a unity of policy making and executive action and will also pinpoint responsibility so that the President, the Congress and the public can determine whether the Administrator is performing adequately.

Furthermore, to relegate the Administrator to a role subservient to the Board with his actions subject to Board review and possible repudiation will make it difficult to attract an outstanding person to assume the position of Administrator.

It is the committee's considered judgment that clear cut and unified lines of authority and responsibility will be established by a requirement that the Administrator be Chairman of the Board. On the other hand, the prerogatives of the Board are maintained and will provide desirable policy guidance while not forestalling prompt and efficient decisionmaking.

At this point I would like to address myself to several points of particular concern.

It appears that certain law enforcement problems may arise out of the Bicentennial Celebration in 1976. In recent hearings, the Senate Appropriations Subcommittee on the State, Commerce, Justice appropiations bill for fiscal year 1974, was advised that approximately 45 million visitors to this city are expected in 1976. Other major cities have been alerted to similar projections.

It is important that planning begin immediately for public safety, law enforcement and criminal justice problems which will be incidental to this major event. This legislation would permit the American Revolution Bicentennial Administration to cooperate with and accept available resources from Federal agencies such as the Law Enforcement Assistance Administration for the planning and coordination of law enforcement efforts related to the bicentennial.

Turning to another point, I am in full agreement with H.R. 7446 as reported by the Judiciary Committee except for the amendment which would authorize $20,000,000 in appropriated funds for matching grants to the States.

In my judgment, Federal financial assistance to nationwide bicentennial projects has been generous. Such assistance is included in appropriations for various Federal agencies such as the Department of the Interior, the National Endowments for the Humanities and the Arts, and the Smithsonian Institution. Additionally, as I previously indicated, the bill would continue existing outright grants to State Bicentennial Commissions annually in the amount of $2,475,000, which, through fiscal year 1977, will result in a grant total of approximately $15,000,000.

In addition to these appropriated amounts, American Revolution Bicentennial Commission and its successor, the American Revolution Bicentennial Administration, is authorized to utilize revenues from the sale of items such as commemorative medals for grant assistance to State and local Bicentennial Commissions. Commission representatives have estimated these revenues in the neighborhood of $15,000,000 through 1976.

Furthermore, the authorization for appropriated matching grants is contrary to the established philosophy of the Commission and its successor Administration not to act as a major funding agency for Bicentennial programs. The amendment runs contrary to such a concept and opens the new Administration to pressures for additional funding.

The proposed infusion of large Federal funding for the Bicentennial may have an adverse side effect. A basic premise of Bicentennial planning is for a grassroots, nationwide commemoration involving all of our people and our many institutions. Additional Federal funding may convince the States, local communities, and the private sector that the commemoration will be funded primarily by the Federal Government and thus dry up these important sources of funding and support for a meaningful Bicentennial by and for the people.

It is my view that additional Federal financial grant support for State Bicentennial projects, if at all justified, should be accomplished through regular Government agencies under their respective programs.

In conclusion, I would like to state that the new Administration proposed in H.R. 7446 is necessary if the Nation is to have a commemoration of its 200th anniversary worthy of the occasion. This legislation will help to provide a structure and sufficient funds to meet the demands placed on the American Revolution Bicentennial Administration in the short time remaining before 1976. Time is running out and cannot be reclaimed. Therefore, I urge favorable consideration of H.R. 7446, as amended.

The commemoration of the Bicentennial can be a great occasion if we all work together. Enactment of this bill will be a big step in getting the necessary job done.

Mr. BROOKE. Mr. President, I am very pleased to speak in support of H.R. 7446, the bill establishing the American Revolution Bicentennial Administration. As a congressional member of the Bicentennial Commission, I have an avid interest in the success of this important legislation.

I would like to commend the Senate Judiciary Committee, particularly the chairman and the ranking minority member, Senators EASTLAND and HRUSKA, for reporting out an excellent bill.

I am especially grateful for the prompt action the Bicentennial bill received in committee. As we all know, precious little time remains before the commencement of Bicentennial activities. In fact, in less than 20 months we will reach the 200th anniversary of the "shot heard around the world."

The passage of H.R. 7446 will go far in correcting many of the shortcomings of our past Bicentennial effort. Up to now the national Bicentennial organization has suffered from inherent structural weaknesses. This lack of concentrated authority has been responsible for its one central failure: It has never been able to produce a coherent, much less stimulating, vision of what the scope and spirit of Bicentennial activities should be.

H.R. 7446 establishes a Bicentennial Administrator to be appointed by the President with the advice and consent of the Senate. This full-time Administrator is given enough power to get things accomplished.

The bill also creates a Bicentennial Board, the policymaking arm of the administration. To insure Congress coordinate and equal role in the planning of the Bicentennial celebration, congressional representatives will be on the Board. In addition, the bill provides congressional oversight responsibility by directing the Board to report at least monthly to the Congress.

When the House passed this measure, I was favorably impressed, especially with its structural reform of the national

Bicentennial organization. However, I was disappointed that the House failed to authorize the appropriation of adequate sums of money to assist the States in their Bicentennial projects.

The Senate Judiciary Committee amendments overcome this deficiency in the House bill. As amended by the committee, the bill provides funding to allow the States the maximum opportunity to prepare properly for the Bicentennial year.

Like the House, the Judiciary Committee thought it unwise to appropriate large sums of money to the States. However, the bill reported out by the Judiciary Committee does authorize reasonable funding. The bill now provides: First, that the Bicentennial Administrator may make equal grants of appropriated funds in each fiscal year of not to exceed $45,000 to State Bicentennial Commissions, and, second, that the Administrator out of appropriated funds may carry out a program of grants-in-aid on a matching basis to the several States up to $400,000 per State. These appropriated sums, along with the grants of nonappropriated funds, will enable the States to carry out meaningful, substantive bicentennial programs.

Again, I congratulate the Judiciary Committee for reporting out so quickly this excellent bill. I strongly recommend that the Senate swiftly pass this important legislation. If we are to experience the type of celebration of our Nation's birth that we all desire, we can afford no more delays.

The committee amendments were agreed to.

Mr. MANSFIELD. Mr. President, I send another amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 13, line 25 after the word "section" insert the numerical "7".

The purpose of the amendment is to correct a typographical error in the bill as printed.

Mr. HRUSKA. Mr. President, this amendment which is submitted is a technical amendment to correct typographical errors in the printing of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISPOSAL OF SILICON CARBIDE FROM THE NATIONAL STOCKPILE

The bill (S. 2493) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of *America in Congress assembled*, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately one hundred and ninety-six thousand five hundred short tons of silicon carbide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile establish pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

DISPOSAL OF ZINC FROM THE NATIONAL STOCKPILE

The bill (S. 2498) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately three hundred fifty seven thousand three hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

JAMES W. TRIMBLE DAM

The bill (S. 2463) to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Beaver Dam in the State of Arkansas shall hereafter be known as James W. Trimble Dam and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of James W. Trimble Dam.

RICHARD B. RUSSELL DAM AND LAKE

The Senate proceeded to consider the bill (S. 2486) to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga., and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake."

Mr. THURMOND. Mr. President, I would like to add my support to this bill introduced by my distinguished colleagues from the State of Georgia. I think it is most fitting that this lake and dam which lie between Georgia and South Carolina should be dedicated to the memory of a man who meant so much to both States.

It has been my privilege to serve with Richard Russell on the Senate Armed Services Committee from 1958 until his death. His leadership in military affairs and his dedication to the welfare of America's servicemen will long be remembered by a grateful nation. Richard Russell believed in America, and most especially in a strong America.

In addition to his leadership in the areas of defense and national security, he stood firm as a champion of constitutional government. His leadership in this area was invaluable through many long and difficult controversies and it left a lasting impression on this country.

Mr. President, South Carolinians felt a special bond with Richard Russell, and it is with great pleasure that I urge prompt acceptance of this resolution in his honor.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a Member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

MANDATE OF THE PEOPLE OF PUERTO RICO

Mr. MANSFIELD. Mr. President, Gov. Rafael Hernandez-Colon of Puerto Rico made a commemorative statement on the 21st anniversary of the promulgation of the Commonwealth. His message to the people of Pureto Rico was one of "good hope." To the United States, it was a message of good will. The Governor spoke with integrity and profundity about the origins, development, and current status of our legal relationship with the Caribbean island. In particular, Governor Hernandez-Colon noted that as the level of self-government in Puerto Rico has grown over the years, so too has the intimacy of the relationship with the United States. Democracy, in short, has yielded not separation but the deepening understanding and the growing mutual acceptance of equals. The two peoples have come a great distance since the days of suspicion and disillusionment at the end of the Spanish-American War and the subsequent period of military government.

Today, the relationship between Puerto Rico and the United States flourishes. People move back and forth freely and in great numbers. Trade goes on in a growing volume; Puerto Rico is now the fourth largest market in the world for U.S. products and the United States leads in taking Puerto Rican goods. Two million Puerto Ricans are domiciled in the United States. Americans flock to the island for business and pleasure, many to become permanent residents.

The principle which the U.S. Congress, by law, and the Puerto Rican people, by ballot, established under the present Constitution, is maximum Puerto Rican self-government in continuing union with the United States. Through successive U.S. administrations, beginning with that of President Truman, that principle has been applied to the practical problems of the relationship and has supported the hopes and aspirations of the Puerto Rican people. Now an ad hoc joint committee has been designated by President Nixon and by Governor Rafael Hernandez-Colon to explore further the application of the principle.

The work of this group will be of great importance to the interests of this Nation and Puerto Rico, and I would expect that it will be so recognized by all concerned. Our able colleagues the Senator from Kentucky (Mr. COOK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from New York (Mr. BUCKLEY) are included in the committee and can be counted on to make major contributions to its endeavors. The Puerto Rico delegation includes not only the able Resident Commissioner of Puerto Rico in the House of Representatives, the distinguished educator, Jaime Benitez, but it is headed by one of the most creative and constructive political leaders of our times. I refer to Luis Munoz-Marin, Puerto Rico's outstanding elder statesman. Munoz-Marin was, one might say, the chief architect, engineer, and construction manager of the Commonwealth concept, and he was the first Governor of Puerto Rico to be elected under that statute.

The work of the United States-Puerto Rico ad hoc group will be followed with great interest in Puerto Rico and in this country, and notably, in the Congress of the United States. Proposals which may be made by the committee could lay the basis for an elaboration of Puerto Rican responsibility for Puerto Rican affairs within the context of continuing association with the United States. If the evolution of the relationship to date is any guide, the work of the ad hoc committee could bring about even closer and mutually beneficial ties between the people of Puerto Rico and the United States than those of the past two decades.

Mr. President, I ask unanimous consent that the statement of Governor Rafael Hernandez-Colon, previously referred to, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MANDATE OF THE PEOPLE OF PUERTO RICO: MAXIMUM SELF-GOVERNMENT WITHIN PERMANENT UNION WITH THE UNITED STATES OF AMERICA

(Address by the Governor of the Commonwealth of Puerto Rico, Hon. Rafael Hernández-Colón, on the occasion of the 21st anniversary of the Commonwealth Constitution, July 25, 1973, San Juan, Puerto Rico)

Today we are celebrating twenty-one years of Commonwealth. These twenty-one years have witnessed remarkable progress in the democratic evolution of Puerto Rico and a consolidation of its constitutional institutions.

With a new awareness of the potential of their free will, our people have exchanged one administration for another without altering their basic democratic principles; they have transmitted political power from the generation which founded our institutions of government to a generation which was in adolescence when these institutions were created.

A new generation of Puerto Ricans has undertaken responsibility for public affairs. This generation is now being tried in the fire of an intense struggle to carry out a wholly integrated development of our community.

Thus, we have arrived at a new beginning. We have inaugurated an Era of Good Hope and we intend to create a new Puerto Rico.

INTEGRAL PROGRESS

We have begun by viewing the problems of our country as a whole. We see them as a whole and we intend to attack them as a whole.

We all know that during the twenty-one years of Commonwealth, Puerto Rico has made dramatic and noteworthy progress. The economic indicators place us among the world's richest nations. However, we are also aware that these indicators, even though economically valid, do not truly express the Puerto Rican reality or the level of satisfaction of our people.

The fact is that we find ourselves in an unusual stage of development—one which is, perhaps, the most critical. It is a stage where, on the one hand, we are confronting problems which accompany a high level of development—problems such as pollution and the breakdown of the environment, social dislocations, and drug addiction. On the other hand, we are still saddled with problems associated with underdevelopment—chronic unemployment, proliferation of slums and extreme poverty.

Our economic progress has not been equitably distributed. There is too much poverty alongside prosperity. Modern communications permit all of us to be aware of our partial prosperity even when not sharing it. This creates expectations, demands, and a sense of urgency in a large part of our community which are hard to satisfy at once.

At the same time, the growing political ability and maturity of the Puerto Ricans have fostered an awareness of the possibilities of participation in public matters. Activism is on the rise in all fields. There is concerted action toward goals in labor, student, community, and political affairs of all sorts. Puerto Rico is no longer a passive country. Instead, it has become activist, with all the related consequences.

Whoever believes that simple, rapid or improvised solutions can be found for the problems growing out of the realities of today's Puerto Rico, is mistaken. He who would offer such solutions, deceives.

The real solutions are complex. They require a complete and integrated knowledge of Puerto Rican realities. They require the sensitivity to be able to grasp what is happening in this country. They require fusing different elements in order to produce satisfactory results. They require, moreover, imagination to conceive them and the will to carry them out. Above all, they require time and effort, for which there is no substitute.

Within our concept of an integral approach to the problems of our society, we have begun a series of reforms and programs directed toward resolving some of these problems in depth.

Tax reform for the purpose of widening our tax base and achieving a fairer distribution of wealth and income is under way. A fundamental revision of our system for providing health services has also been inaugurated. At the same time we are making progress with electoral reform which will provide a maximum of political participation for the people.

We have created new organisms, conceived with imagination and realism, to give new life to our agriculture, our countryside and our small towns. We have legislated powerful instruments to address the frightening inflation from which Puerto Rico is suffering at this moment, along with the rest of the world. We have gathered together at last, in a newly-created Department, the different programs and services for fighting drug addiction, alcoholism, and related disorders.

New perspectives for our industrial development are being opened by a deep-water port project which is being evaluated at this moment. Consideration of this idea has been open and public, with participation of all sectors in this issue. This reflects the high level of participation in basic decisions which we wish to encourage.

We are forging ahead wih reforms, programs and far-reaching projects whose results will be seen later. At the same time, we are also running the day-to-day government, rebuilding its institutions, giving it a sense of purpose and self-respect, confronting and resolving the immediate problems which cannot wait. We are taking care of the most urgent problems without forgetting the more important ones.

Thus, while we are searching for the root of our problems, and also battling on different fronts and on various levels, we have begun an Era of Good Hope. We are keeping an overall view while we push forward in particular areas. We have a lot of ground to cover and in certain areas we haven't even begun. But we hope to generate unified progress for our country, progress which may be evaluated not only in quantitative terms, but also on the basis of its quality, so that as we create new job opportunities, we may assure ourselves that our environment does not deteriorate; so that as we construct new housing and modern communications, we may avoid turning this Island into a huge cement plantation, destroying the beauty which can alone satisfy the spirit; so that as we go on filling the basic material needs of our families we may always preserve the ties and relations of togetherness and mutual consideration which enrich life far more than mere consumer goods.

This is a battle being fought on many fronts at once; on the economic, the social, the political, the cultural, and the spiritual fronts. At one moment, we will be emphasizing one area; at another moment, another. We will always be watchful, however, so that when it comes time to weigh our achievements, we will have gained ground on all fronts with progress as evenly distributed as possible. This is our concept of integral development.

Today being the 25th of July, it is time to talk about our political development.

POLITICAL STATUS

Over four centuries of colonialism—interrupted only by a brief but honorable exception, the Charter of Autonomy granted to us by Spain in 1898—came to an end twenty-one years ago, when on a day like today the Free Associated State (Commonwealth) was established by the people of Puerto Rico in the exercise of their right of self-determination.

Today we honor that occasion as a day of freedom, a day in which the will of our people created a new political relation with the United States and gave to itself the basic instruments of self-government.

From that day on, Puerto Rico has been the ruler of its own destiny, which we have joined by our own will to the destiny of the United States of America, for the purpose of achieving the highest possible levels of civilization, while maintaining liberty, democracy, and respect for human dignity and basic human rights.

The 25th of July which saw for the first time the flag of Puerto Rico flying alongside the American flag marked the end of a consultative process initiated by Puerto Rico before the Congress of the United States through the bill that became P. L. 600 of 1950.

The opening words of this law lay down the philosophic principle which was to guide the whole process of the development of Commonwealth. Congress expressed it thus: ". . . *fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.*"

On this same principle and in the following year, the United Nations granted its recognition to the Commonwealth, expressed in a formal resolution adopted by the General Assembly on the 27th of November of 1953 to the effect that: ". . . *when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination.*"

Thus the Commonwealth was born. Its legitimacy stemmed from the will of the people of Puerto Rico. It was the people who created it in the free exercise of their right to determine for themselves their own political destiny. It was the consent of the people of Puerto Rico which gave legal and moral validity to the new relationship between Puerto Rico and the United States as of July 25, 1952.

Some time later, on February 28, 1955, a high official of the government of the United States addressed a joint session of the Legislative Assembly of Puerto Rico. He expressed himself as follows: *"To me, it seems that Puerto Rico's Commonwealth status is something new in constitutional governments. Something new in this sense: that at one and the same time, Puerto Rico is free, and in spite of the fact, Puerto Rico is associated, a free and associated state. Free because you are, and associated because you want to be."*

In this simple but profound fashion, the essence of the self-determination which gives life to the Commonwealth was grasped by the then Vice-President, now President of the United States of America, Richard Nixon. He likewise grasped the solid and fruitful principles of Commonwealth: liberty and association—liberty to govern our own life and our own destiny in association with the United States in such a way that we may grow, develop, and mature to the limit of our ability as individuals and as a people.

From the moment that Commonwealth was born, it was expected that future changes in the relationship would be made by mutual agreement as part of the very nature of this new relationship.

To this end, the Constitutional Convention approved Resolution 23, expressing that: *"The people of Puerto Rico reserves the right to propose and accept modifications in the terms of its relations with the United States of America in order that these relations may at all times be the expression of the agreement freely entered into between the people of Puerto Rico and the United States of America."*

In the same spirit, the United Nations, in the resolution extending recognition to the Commonwealth, expressed their assurance that: ". . . *in accordance with the spirit of the present Resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American people in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.*"

Time passed, but in spite of the Commonwealth having been founded and having demonstrated itself to be a successful instrument of self-government, the status question continued to be debated in Puerto Rican politics. In the general elections held every four years, the electorate continued to divide itself along the lines of the three possible solutions to the status problem.

Finally, the status question was dealt with in a plebiscite held on July 23, 1967, in order that the people of Puerto Rico might express their preference between Commonwealth (with the capability for development in self-government), Statehood or Independence.

Commonwealth was overwhelmingly ratified by 60.41% of the votes, Statehood receiving 38.9% and Independence less than 1%.

The poor showing in favor of Independence in the plebiscite does not vary greatly from that achieved by its proponents in the general elections. At best, in the last four general elections, they have received some 6% of the votes.

On ratifying the Commonwealth, the people approved a mandate: ". . . *to develop Commonwealth in accordance with its fundamental principles to the maximum of self-government compatible with a common defence, a common market, a common currency and the indissoluble bond of the citizenship of the United States.*"

To implement this mandate, the people imposed upon the Governor of Puerto Rico the obligation of proposing to the President of the United States the joint formation of advisory groups (Ad Hoc Committees) to study the areas for development and to make pertinent recommendations to the President, the Congress, the Governor and the Legislature of Puerto Rico.

Complying with this mandate with great satisfaction, I initiated through the Resident Commissioner the appropriate steps with the White House to set up an Ad Hoc Committee which would be in accordance with the expressed will of our people. Everyone is familiar by now with the message which the President sent to me, indicating his willingness to heed the demand of our people by naming those members which it is his responsibility to appoint to a new Ad Hoc Committee.

What should be the goal of this Committee? Naturally it must be to fulfill the mandate of our people for the development of the Commonwealth. But what are the guidelines which the people have laid down in their mandate? How should the Commonwealth be developed?

In the first place, this growth must proceed in accordance with the basic principles of the Commonwealth itself. These basic principles are:

1—Association by compact freely agreed upon by Puerto Rico and the United States.

2—Puerto Rico should be and should remain united to the United States by means of the association which the people have created.

What is the nature of the relationship established by the people?

It is a permanent union.

How and when was it created?

PERMANENT UNION

Permanent union is the result of an historical process that began with the change of sovereignty in 1898.

It was shaped by the people of Puerto Rico and the people of the United States.

In 1952, the Commonwealth compact gave legitimacy to this union—legal and moral dignity—and strengthened it by basing it on the freely expressed will of the people of Puerto Rico. But the roots of union go much deeper than its constitutional expression.

Beginning with the change of sovereignty in 1898, the slow weaving of more and more extensive relationships between the two peoples went on; bonds were formed which grew closer and tighter with the passing of the years.

Commercial ties were formed which over time have made of Puerto Rico the fourth largest market for American products, and of the United States the largest market for Puerto Rican products.

The economies of both countries were joined at a growing rate in the fields of industry, insurance, agriculture, finance, construction and in practically every kind of economic activity.

Through Operation Bootstrap, American and Puerto Rican businessmen have established heavy, medium and light industries in Puerto Rico, thereby creating hundreds of thousands of job opportunities for Puerto Rican workers. In every town on the island the industries established jointly through this effort by the government of Puerto Rico, the American and Puerto Rican industrialist and the Puerto Rican worker are producing for the local market and, in even greater measure, for the large market of the United States.

Over the years systems have been established and rights have been granted which bind thousands of Puerto Ricans directly to the federal government—social security for example, and veterans rights earned by Puerto Ricans for their honorable part in the various wars fought by the United States.

American citizenship was granted to Puerto Ricans, and in enjoyment of their prerogatives a great number of our fellow-countrymen began to move to the continent. This number has grown to a point where today close to two million Puerto Ricans make their home in the continental United States.

But this Puerto Rican emigration has displayed a special nature. The dream of every Puerto Rican who departs for the United States is to come home one day. This is probably true of all emigrants, but the difference in the case of Puerto Ricans is that because of common citizenship, free movement between Puerto Rico and the United States, and cheap and fast transportation between both countries, the possibility of achieving his dream becomes a reality every day for hundreds of Puerto Ricans.

The Puerto Rican in the United States clings to his identity, an identity whose integrity and development is defended by the Commonwealth. The longing to seek their roots and find their identity surges with astonishing force through the second and third generation of Puerto Ricans living in the United States. I must confess that I saw one of the finest exhibitions of Puerto Rican art that I have ever seen in the Puerto Rican district of Manhattan. I have witnessed with great emotion, in a visit to a Bronx public school, the teaching of Spanish and English to children by teachers brought from Puerto Rico; I saw the school walls hung with our coat of arms and with posters of our great leaders; I heard "La Borinqueña (the Puerto Rican Anthem) sung in their assembly hall.

During recent decades we have witnessed a growing circular movement of Puerto Ricans going to the United States and returning to the Island. To define our people as those who at a given moment may be residing on the Island is therefore totally unreal. The reality is that the Puerto Rican people are in a constant state of flow and movement. Hundreds of those who are here with us today will be leaving tomorrow for the United States. Hundreds of those who are today in the United States will be leaving tomorrow for Puerto Rico. If there exists a truly permanent and unbreakable bond, one which makes unchangeable the union between Puerto Rico and the United States of America, it is that coming and going, that ebb and flow of this great body of our fellow-countrymen between Puerto Rico and the United States.

In the juridical sphere, common citizenship cements the real, living and palpable union. It binds every Puerto Rican, no matter where he lives, to the United States. It is a bond of such strength that the Supreme Court of the United States has determined that Congress itself cannot deprive a Puerto Rican of his American citizenship. American citizenship—bestowing rights, but also imposing upon us responsibilities which we Puerto Ricans have honorably taken up and which we are ready to fulfill at all times.

Beyond all these factors, as the foundation or breeding ground for this permanent union, are the bonds of affection and the deep values which both peoples share. These are the things in which we both believe and in whose defense we are ready to pay any price: our faith in liberty, in the essential equal rights for every human being; respect for the majority will of the people, for the democratic system of government, and for the rule of law over the rule of men. These are the ideals which have nurtured brotherhood between Puerto Rico and the United States. Within a communion of values and principles, we have joined our countries to confront together the destiny of mankind.

Our permanent union is, then, a vital reality forged by history, maintained by the will of the people of Puerto Rico, and consecrated by the Commonwealth.

Upon this permanent union, and through the association by compact, we have built the Commonwealth. We have built it, therefore, upon the foundation of reality, which in its various forms constitutes the firm and fundamental basis for the creation of political formulas in the world.

In projecting the political development of the Commonwealth twenty-one years since its creation, there should be no doubt that our community desires that our political development be fulfilled within the scope of permanent union. This scope is defined and bounded by common defense, common market, common currency and common citizenship between Puerto Rico and the United States.

Within this framework, our people have ordained that we achieve the maximum of self-government. In an attempt to stifle the growth desired by the people, a theory has been developed which holds that any expansion of self-government for the Commonwealth, even within the bonds I have indicated, constitutes a weakening of permanent union. Those who hold this theory do not understand what permanent union is and do not share the desires of the people of Puerto Rico as expressed in their exercise of their right to self-determination.

For them, permanent union is not what we have just explained. For them, it is something else. It is the degree of authority which the federal government exercises over Puerto Rico. According to them, the more authority the federal government has, and the less self-government Puerto Rico has, the more permanent is the union. This is fallacious reasoning: it is rejected by the people of Puerto Rico.

Based on this reasoning, we would have to conclude that the union between Puerto Rico and the United States was most permanent during the time of the military government which was established by the United States in 1898. Following this reasoning, the Foraker Act (1900) which allowed Puerto Rico to elect its House of Representatives weakened the permanent union; it was further weakened, according to this reasoning, by the Jones Act (1917) which gave a Senate to our people; and later by the Elective Governor Act (1948). Still following this same mistaken reasoning, the Commonwealth Constitution (1952) and the compact of association went even further towards weakening the permanence of the union between Puerto Rico and the United States.

Obviously this reasoning is erroneous. What our history demonstrates is precisely the opopsite: as the people of Puerto Rico have acquired greater self-government and greater freedom to direct their own affairs, their union with the United States of America has gained greater strength. The truth is that the union is stronger today than at any other time. History shows that as the years have passed, the ties between Puerto Rico and the United States have been voluntarily growing closer and closer.

To those of our friends who hold such an incorrect notion of the essence of our union, we should recall the words which President Eisenhower spoke on the occasion of the first anniversary of the Commonwealth. This is what President Eisenhower said in his message to the people of Puerto Rico: *"The union which we share will endure because it is founded on freedom. Time may bring changes in its outward forms and expressions, but they shall ever be expressions of the mutual trust and the mutual friendship binding us today and always."*

My fellow-countrymen: I have wished to clarify the idea of permanent union, so that, understanding it as clearly as the people understand and desire it, we can concentrate on the self-determination of Puerto Rico and on the development of Commonwealth without making an issue out of permanent union, because it is not an issue. Starting from the basis that any development must occur within permanent union, let us examine what it is that our people desire.

THE POLITICAL DEVELOPMENT WHICH PUERTO RICO DESIRES

The people want their own Commonwealth government brought to its fullest expression.

The people have again exercised their right to self-determination. The people proposed to the United States that the Commonwealth be carried to the maximum of self-government.

This is the fundamental purpose of the Ad Hoc Committee which I have proposed to the President in fulfillment of the mandate of the people expressed in the plebiscite. Nothing less than this will satisfy the desires of the people of Puerto Rico. Nothing less than this will fulfill the stipulations of our Constitutional Convention and the dispositions of the General Assembly of the United Nations in giving its recognition to the Commonwealth.

In defining how the development of the Commonwealth will achieve a maximum of self-government, the Ad Hoc Committee will be able to address itself to a series of immediate problems which create difficulties within the present relationship, such as the problem of air and maritime freights; the minimum wage problem; the regulation on income allocation for tax purposes by the Internal Revenue Service; the application of the regulations of the federal Environmental Protection Agency to Puerto Rico, as well as other limitations on our self-government. The Committee may also study alternate forms of participation which the people of Puerto Rico ought to consider, together with the Presidential Vote, to determine how they wish to take part in federal affairs, in harmony with Commonwealth status.

All this can and should be examined as a whole, in view of the plebiscite mandate for the development of a maximum of self-government compatible with common defense, common market, common curency, and common citizenship.

This means that the Ad Hoc Committee which we are setting up by common agreement must not be limited to a restricted area. Rather, it must include a group of problems which are interdependent among themselves and with all the rest of the problems of Puerto Rico. Otherwise, we might possibly fall into the error of artificially dividing the indivisible, of separating the inseparable.

With regard to the appointment of those fellow Puerto Ricans who will discharge a patriotic duty by representing their country on the Ad Hoc Committee, I agree with the President's view that the Committee should be broadly representative. I will endeavor to insure that the Puerto Rican members will be representative of Puerto Rico in the broadest and most profound meaning of that term. However, my appointments will be guided by the criteria on commitment to the Commonwealth, established for the naming of such persons by our Supreme Court in interpreting the law under which the plebiscite was held.

Since the beginning of the century, it has become habitual in Puerto Rican political life for certain leaders to try to win in the circles of power in Washington or in the United Nations what they have lost at the polls in Puerto Rico. By circumventing the free voice of our own civic struggles, they wish to impose their own preferences on the will of the people channeled through the democratic process for the growth of the Commonwealth.

Their partisan lobbying will not succeed, simply because the government of the United States, just as the government which I head in Puerto Rico, has a responsibility to the will of the people of Puerto Rico. This will has been repeatedly, overwhelmingly, and democratically expressed at the polls. This conviction has been endorsed by the conduct of President Nixon, as it was in the past by other presidents of whatever political affiliation. This is as it should be, and I am confident it will remain so in the future.

Neither the legitimate interests of the people of Puerto Rico as a people, nor those of the United States in relation to Puerto Rico, can depend upon transitory partisan considerations. Our relations must be conducted between governments and between countries, without consideration of casual party lobbying. This has always been my conviction.

Only because of this can we explain the good news which we are celebrating today. If it were not so, reason, justice, and the moral and political right of Puerto Rico to those powers which will make Puerto Rican life more democratic and more just, would be subordinated to considerations of petty local politics, far removed from the democratic mandate of our people.

Moreover, and very specially, the President of the United States designated to represent him here today a high federal official whose conduct in relation to Puerto Rico is the incarnation of the principle and method of reason and justice which I have just described: our friend, the Attorney General of the United States, Elliot Richardson.

In possibly his last decision as Secretary of Defense before passing to that post which he currently fills, Mr. Richardson did justice to Culebra, to Puerto Rico and to the good name of the United States.

I am very happy today to extend to him the salute and the recognition of our people on the occasion of his celebrating with us the achievement and the potential of Commonwealth.

Next week I will be meeting with other distinguished representatives of the President to define the working agenda of the Committee and to move ahead towards the development of Commonwealth.

AN ERA OF GOOD HOPE IN POLITICAL DEVELOPMENT

Because of all that I have stated, this 25th of July is a date of Good Hope for Puerto Rico: Good Hope for its overall progress; Good Hope for its political development. We rejoice, then, in our Good Hope.

Moreover, on the occasion of the twenty-first birthday of the Commonwealth, we rejoice because we have special reason to celebrate today the undeniable historical fact that the relationship which has grown between Puerto Rico and the United States has great validity in its present form, in spite of the need for improvement. It cannot be doubted that this relationship has made possible the spectacular progress our people have achieved.

We rejoice because when the essential validity of Commonwealth has been put to the test in trying times, it has emerged successful. And today it is reason for special celebration that the President designated as his representative a man like Elliot Richardson who, with courage and determination, made a fundamental decision on a problem which put to the test the essence of our relationship.

We have, therefore, many reasons to be deeply satisfied as we honor Commonwealth Day today. Our creation is not a perfect status. It has many sensitive and delicate areas which must and will be reevaluated.

But it works. It functions well. This, above all, is what we should celebrate today. Those twenty-one years of existence have shown that a country small in population and size can unite with another people great in number and territory without losing its identity, without compromising its dignity, without hampering its right of self-determination. Those twenty-one years have demonstrated that when the life of peoples is ruled by profound ideals of freedom, of democracy, of sincere and mutual respect and a faith in justice, the most serious difficulties can be overcome and the hardest problems resolved; that where democracy and liberty exist, power in the long run is subordinated to justice and to reason; and that on these bases peoples can complement each other and can together seek their mutual happiness and the common progress of mankind.

What all this means for Puerto Rico, for the United States and for the world is masterfully set forth in the words of the Spanish philosopher Julian Marias, whom in conclusion I quote: *"If I am not wrong, Puerto Rico has created, in the reality and doctrine of the Commonwealth, one of the most original and fruitful socio-political formulas of our epoch—possibly the only alternative invented to date capable of overcoming the anachronistic 'nation-colony' dilemma. In an age of feeble political imagination this Puerto Rican creation could easily be overlooked. The possibility is so much the greater because its size keeps Puerto Rico from becoming a sounding board. Who would suspect that in a tiny island in the Caribbean there has been hammered out a concept of universal range and the greatest contemporaneity?"*

With this great potential for distilling from our experience a creative contribution of universal scope for the democratic, peaceful, and brotherly development of other peoples, Puerto Rico faces its rendezvous with destiny.

Mr. HUGH SCOTT. Mr. President, permiteme extender a los pueblos Puertoricanos mis felicidades.

THE SENATE'S SPLENDID RECORD: TRIBUTE TO SENATORS METCALF, MAGNUSON, AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, as the Senate goes into the latter part of this week in its effort to complete the available business for this session of the 93d Congress, a word should be said about the outstanding diligence, cooperation, and consideration exhibited by many Members of this institution. It has been an abundance of such qualities demonstrated by all Members that has made possible the Senate's plan to complete the bulk of its business thus enabling Members to enjoy an abbreviated schedule of business for the 2 weeks ahead to await House action on the remaining significant bills that must be acted upon prior to any adjournment sine die.

While I was personally absent on the Senate's official business last Thursday, the bill then under consideration by the Senate was the appropriations measure for the Departments of Labor, and Health, Education, and Welfare. This enormous funding measure was led through committee and managed on the floor of the Senate by the distinguished Senator from Washington (Mr. MAGNUSON). The responsibility for shepherding this massive funding bill that is required for so many important programs vital to the domestic life of this Nation is a burden and a task that is exceeded by none other in the experience of the Senate. Senator MAGNUSON performed the task with exceeding skill, competence, and ability as he has done for so many years.

Though away when the Senate disposed of this most important item, I did not fail to recognize upon my return to the Senate the special significance of Senator MAGNUSON'S accomplishment with respect to this particular funding measure for fiscal year 1974. In brief, every recommendation of Senator MAGNUSON and of the Appropriations Committee was sustained on the floor of the Senate. The ultimate overall funding figure approved by the Senate was well within the target ceiling for this appropriation bill established earlier this year by the Committee on Appropriations. It is certainly compatible with the priorities established by the Senate when it imposed—on its own—an overall spending ceiling of $268 billion—a ceiling that is under the spending ceiling suggested by the President last January.

I think each Member of the Senate may take great pride in this achievement. Our highest praise, however, is reserved for Senator MAGNUSON for his outstanding diligence and ability, his enormous talents and effective advocacy. The Senate is deeply in his debt.

The Senate is indebted as well to the distinguished Senator from New Hampshire (Mr. COTTON), the ranking minority member on the Appropriations Subcommittee responsible for the Labor-HEW bill. As always, Senator COTTON joined with his extremely capable support and assistance and cooperated to assure this magnificent success.

I would like to turn now to the Senate's action this week in disposing of the so-called strip mine bill. This represented another outstanding achievement—another achievement that has paved the way for the Senate to complete all of its work for this session, save those matters that are still pending before the House of Representatives. For this success our thanks go to my distinguished colleague from Montana, LEE METCALF, who so ably steered through the Committee on Interior and Insular Affairs and through the Senate during the past 2 days a bill that seeks to balance the interests of the coal industry and the need for energy generally with the protection of our environment. This was an enormously difficult task but one which LEE METCALF performed with the same degree of diligence, the same appreciation for all sides of the issue that has characterized his many years of service to this Nation. With this fine achievement also was exhibited the same high degree of cooperation and consideration by all members of this institution that have marked every success that we have gained during this session.

To Senator METCALF for his work on this measure and for his many contributions to this institution we are deeply grateful. We are grateful as well to the able and distinguished Senator from Washington (Mr. JACKSON) for his able and outstanding assistance as the chairman of the Committee on Interior and Insular Affairs. His support and leadership were indispensible to this fine success. The same may be said of Senator HANSEN and Senator FANNIN, the able and distinguished ranking minority members of the committee. Indeed, their support was indispensable.

I would only conclude by saying that I personally am deeply gratified about the performance of the Senate during this session. The recent work of Senator MAGNUSON on the HEW appropriations bill and that of LEE METCALF on the strip-mine measure are in keeping with a record that has not been exceeded in all of my years of service in this institution.

THE MIDDLE EAST WAR

Mr. HUGH SCOTT. Mr. President, the joint leadership of both parties met this morning and were brought up to date on diplomatic and military developments in the Middle East.

I am glad to note that the resolution which the Senate adopted on Monday not only supports what is being done but represents also the general goals of our Government.

I am very pleased that those present indicated their general support of the efforts of the United States toward an early and peaceful solution of the hostilities in the Middle East and a very strong desire, shared by the Executive and the executive department, for the continuation and initiation of diplomatic initiatives; so that we may hope for not only a termination of hostilities and a return to the lines before the outbreak of the current belligerency but also for a permanent peace in the region.

In any event, the United States is conducting itself responsibly, other governments not involved in the hostilities appear to be conducting themselves responsibly, and we are in continuous, daily, and constant contact with any and all governments which have very special interest in what is going on.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for not to exceed 15 minutes.

SENATE JOINT RESOLUTION 161—A PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO THE ASSIGNMENT OF PUPILS TO PUBLIC SCHOOLS

Mr. ALLEN. Mr. President, last year——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The Senator has a joint resolution at the desk which requires second reading today, when we get back into legislative session. My inquiry is this: Is it possible, by unanimous consent, to have the second reading now?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. If the leadership does not mind, I ask unanimous consent that second reading may take place now, if it is agreeable to Senator ALLEN.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER. The Chair lays before the Senate, Senate Joint Resolution 161, which has come over from the previous legislative day.

The clerk will now read it the second time.

The legislative clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed, color, or status be assigned to or required to attend a particular school.

"SEC. 2. Congress shall have the power to enforce this article by appropriate legislation.".

Mr. JAVITS. Mr. President——

Mr. ALLEN. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Under rule XIV, the bill will be placed on the calendar.

The Senator from Alabama may proceed.

Mr. JAVITS. I thank my colleague.

S. 2555—INTRODUCTION OF THE SCHOOL GUIDELINES ACT OF 1973

Mr. ALLEN. Mr. President, in order further to accommodate the distinguished Senator from New York, as he knows, I have a bill that I plan to introduce at this time—I plan to introduce it at the conclusion of my remarks—but I should like to ask unanimous consent for the immediate consideration of the bill, which proposes an enactment of Congress providing for prohibiting forced mass busing of schoolchildren. I ask unanimous consent for the immediate consideration of this bill.

The PRESIDING OFFICER. Will the Senator send the bill to the desk, so that the clerk may report it by title?

The legislative clerk read as follows:

A bill (S. 2555) to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. JAVITS. I object.

Mr. ALLEN. I call for the first reading of the bill, Mr. President.

The PRESIDING OFFICER. It has been read the first time.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Senator will yield for it.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. JAVITS. Does the rule respecting relegation to the calendar after second reading, if there is an objection to immediate consideration, apply to the bill as it did to the joint resolution?

The PRESIDING OFFICER. It is the same.

Mr. JAVITS. If the Senator is willing, might we just have unanimous consent that it go to the calendar?

Mr. ALLEN. I have no objection. As the Senator will recall, I made that proposal to him yesterday with respect to the constitutional amendment.

The PRESIDING OFFICER. With objection, the bill will be considered as having been read the second time and will be placed on the calendar.

Mr. JAVITS. I thank my colleague.

Mr. ALLEN. I wish to make a further inquiry, Mr. President.

The constitutional amendment which was introduced yesterday, now having had the second reading, an objection having been made to further proceedings on the joint resolution, that resolution has now gone to the calendar, and both the joint resolution proposing a constitutional amendment and the bill proposing the enactment of the statute will appear on the calendar tomorrow?

The PRESIDING OFFICER. They are both on the calendar.

Mr. JAVITS. Mr. President, if the Senator will yield further, may I state that when, as, and if either of these measures is called up, I shall—unless someone else does—move to refer each of them, respectively, to the appropriate legislative committee.

Mr. ALLEN. Mr. President, I ask unanimous consent that these parliamentary proceedings not be charged against the time allotted to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, to give a little history of what has taken place on the Senate floor at this time, going back to the last session of Congress, the last half of the 92d Congress, the House of Representatives passed a bill sharply limiting the power of Federal district judges to apply the remedy of forced busing of schoolchildren in implementing desegregation orders. That bill passed the House by a large margin, came to the Senate, and was sent to the Senate calendar; and before the end of the session, the distinguished majority leader called the bill up for consideration by the Senate.

A majority of the Members of the Senate favored the passage of that bill. A filibuster ensued, conducted by Senators, I assume, who favored the busing of schoolchildren. Three efforts were made to cut off debate, each vote resulting in a majority of the Senate voting in favor of cutting off debate and getting on to the consideration of and vote on the bill itself. But the vote fell short of the required two-thirds vote.

Starting with the 93d Congress, soon after it convened, numerous anti-forced-busing bills and numerous proposed constitutional amendments banning forced busing of schoolchildren were introduced in the U.S. Senate. I dare say that more than a dozen such bills were introduced. Although hearings have been held on some of the bills, no one bill has been reported to the Senate for consideration by the Senate.

Yesterday, I introduced a proposed constitutional amendment that would have the effect of preventing the forced busing of schoolchildren. I asked for its immediate consideration, and objection was made; and just a few minutes ago, the bill, under the rules of the Senate, received its second reading. I then objected to the further proceedings on the bill on this legislative day. That automatically put the bill on the calendar—the constitutional amendment.

Today, the distinguished Senator from New York (Mr. JAVITS) asked unanimous consent that, instead of following the same procedure with respect to the bill I have just introduced, this bill go on the calendar for consideration tomorrow.

So, Mr. President, we have two approaches to this problem; one, the constitutional amendment; one, the proposed statute.

It is said that the Senate needs to take a 2-week recess in order that the House can catch up with the Senate. The Senate has gone so far ahead with its schedule it will have to take 2 weeks off so the House can catch up with the Senate. We now have two bills on the calendar that I rather imagine could use up that 2-week period, so I really see no necessity for the Senate taking a 2-week recess if the distinguished majority leader, and I see him entering the Chamber at this time, would merely schedule these bills for action by the Senate. I think it is entirely likely that we could take up the 2 weeks in the consideration of these most important measures.

The bill I introduced this morning would clarify and reaffirm public policy with reference to problems involved in dealing with conditions of segregation in all public schools.

Mr. President, what number was assigned to the bill?

The PRESIDING OFFICER. The bill has not been assigned a number yet.

Mr. ALLEN. I thank the Chair.

In addition, the bill imposes certain limitations on the assignment and transportation of students to public schools and imposes reasonable Supreme Court recognized limits on the discretionary power of Federal judges to formulate segregation decrees. The bill also provides for uniform applicability of desegregation guidelines.

In other words, it is the same old story of trying to get but never quite succeeding in getting the same desegregation rules applied in the North as are applied in the South. As I said, the bill also provides for uniform applicability of desegregation guidelines, criteria, and judicial decrees which relate to desegregation of schools without regard to the origin or cause of the segregation and without regard to the region of the United States which may be affected by such guidelines, criteria, and decrees.

In other words, if segregation exists in the South, and it is wrong, if it exists in the North it is also wrong.

Mr. President, I ask unanimous consent that the bill I have introduced this morning be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, let me point out that every single one of the provisions of this bill has previously been passed by both houses of Congress and signed into law by the President. If that is so, what is the need for another bill? Those provisions will be found in Public Law 92–318—June 23, 1972—referred to as the Emergency School Aid Act. The provisions of the statute have been modified only to the extent necessary to clarify the original intention of Congress in the enactment of the statute and to give general applicability to its provisions as distinguished from specific applicability as would be the case if the provisons were limited to the context of specific education grant programs.

In other words, the Supreme Court held that the safeguards that were set up in past legislation applied only to areas outside of the South and the South got no protection under those provisions of law even though the act very clearly showed it was the intention of Congress that the law applied to segregation in whatever form it existed and whatever its origin and whatever the region in which it existed.

With reference to clarification of congressional intent, the provisions of Public Law 92–318 have been modified in this bill to eliminate ambiguities relating to the legal significance assigned by the U.S. Supreme Court to the term "racial balance," as used in previous statutes. The object is to conform the provisions of this bill to the original intention of Congress, as expressed in Public Law 92–318 and to what the U.S. Supreme Court considers necessary to give the provisions of the bill uniform applicability.

Mr. President, it is worth noting that not one of the provisions of Public Law 92–318 has been declared unconstitutional by any court—nor have any of them been amended or repealed by Congress. The provisions remain in force and effect but some Federal court judges and officials of the Department of Justice refuse to be governed by them.

Mr. President, the root of the problem lies in a Supreme Court decision in the case of Drummond against Acree, decided September 1, 1972, a little over a year ago. In the opinion written by Mr. Justice Powell, it is said that there is nothing in Public Law 92–318 to suggest that Congress intended to use "racial balance" language in a new or broader sense than it was used in the "Civil Rights Act of 1964." The legal effect of this construction of the statute is to perpetuate the de jure—de facto distinctions which the statute had to abolish in order to provide uniform applicability of its provisions. This finding by the Court is grievously in error in my opinion and makes it necessary for Congress to reenact these provisions with only such changes and modifications as are necessary to make the intention of Congress unmistakably clear and provide for uniform applicability to the law as required by the statement of public policy in the act.

Mr. President, it can be demonstrated that the finding by the Court is inconsistent with the public policy upon which the act was based. This policy is set out in title VII of the Emergency School Aid Act in which it is declared that guidelines and criteria for desegregation of schools under provisions of the statute shall apply without regard to the origin or cause of segregation. It is also the declared policy of Congress that guidelines and criteria promulgated pursuant to title VI of the Civil Rights Act of 1964 shall apply uniformly in all sections of the United States without regard to the origin or cause of school segregation, and it is specifically provided by section 806 of the act that section 407(a) of the Civil Rights Act of 1964 shall apply uniformly throughout the United States, thus, effectively abolishing the de jure-de facto distinctions based on considerations of the origin and cause of segregation in schools.

Mr. President, Public Law 92–318 was based on congressional findings which give rise to the statement of public policy and to the separate provisions of the act. Specifically, Congress found that the desegregation process involves the expenditure of funds to which local educational agencies do not have access. Thus, Congress made funds available to enable school authorities to eliminate segregation in schools without regard to the origin or cause of the segregation—which is to say, without regard to whether or not the segregation was found to be de facto or de jure. How, then, can it seriously be contended that Congress did not intend to eliminate the de jure-de facto distinctions in assisting in funding the desegregation process? But more than that, Congress intended, by section 719, to give legal recognition to the validity of neighborhood schools, and, I repeat, without regard to the origin or cause of segregated neighborhood schools.

How the Supreme Court could have made such a ruling is beyond me and I am at a loss to know how Congress could make it more clear than it did in the act, Public Law 92–318. It made it clearer that the de facto-de jure distinctions are abolished when it comes to formulating guidelines and decrees dealing with desegregation.

So up to this point, it can be said without fear of contradiction that Congress acknowledged that to desegregate schools required Federal funding; that funding should be provided without regard to de jure-de facto origins of segregated schools; and that local educational agencies which assign students to schools on the basis of nondiscriminatory geographical attendance areas would not be required to adopt any other method of student assignment. The question is, did Congress intend that these binding provisions of the law be applied in the South? The answer, as stated in the act, is that Congress intended these provisions to apply in all schools and in all regions of the United States without regard to the origin or cause of segregation. But has the law been applied in the South? The answer is that it certainly has not.

So, Congress has the duty to determine why U.S. district court judges and why officials of the Department of Justice refuse to abide by the law. Only they can answer that question, but I can surmise, and I will proceed to do so.

Mr. President, up to now I have discussed only the congressional findings and policy statements in the funding provisions of the act. Title VIII broadens the scope of the act and primarily deals with specific limitations on the assignment and transportation of students which limitations are applicable to all schools and to all regions of the United States without regard to the origin or cause of segregation.

The controlling provision of title VIII is found in section 802(a), which places limitations on the use of appropriated funds for transportation of students. Congress prohibited the use of Federal funds for transportation to overcome "racial imbalance" and to assure geographic uniformity specifically prohibited use of such funds "in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials."

Mr. President, the U.S. Supreme Court maintains that Congress intended to perpetuate geographic de facto segregation by the use of the term "racial imbalance," when the term was used in the context of eliminating geographic distinctions previously associated with the term. The purpose of the act, consistent with public policy stated in the act, was to abolish geographic distinctions based on de facto-de jure distinctions. So, the Court has said, in effect, in trying to abolish de facto-de jure distinctions. Congress really intended to and did in fact perpetuate the distinctions.

So this bill will make it clear, in the judgment of the Senator from Alabama, even to the Supreme Court that the distinction between de jure and de facto segregation is abolished and that the same rules apply throughout the United States, that wherever segregation may exist, whether it be in the North or in the South or in any other section of the country, it is bad throughout the entire country.

In this connection, the U.S. Supreme Court has taken a position that the same racial-balance language as used in section 407(a) of the Civil Rights Act of 1964, is really a prohibition against busing to eliminate de facto segregation in schools located outside of the South. To take such a position is to say that Congress has the power and had the intent and did in fact limit the 14th amendment so as to exclude from its protection segregated school conditions located in areas outside of the South.

It seems to me that, to borrow an observation from Mr. Justice Powell, "If Congress had desired," to perpetuate segregated school conditions in schools outside the South, "it could have used clear and explicit language appropriate to that result."

But let us return to the question of whether or not Congress in enacting Public Law 92-318 did in fact intend to perpetuate geographic de facto distinctions in application of laws relating to segregation in schools. Let us look at section 808. This section declares that section 407(a) of the Civil Rights Act of 1964 shall apply uniformly throughout the United States. More specifically, section 808 sets out the provision of the 1964 Civil Rights Act, upon which the Supreme Court relies for its argument that the term "racial balance" means de facto segregation.

The first part of that section reads in substance as follows:

> No court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school requiring transportation of students from one school to another . . . in order to achieve such racial balance. . . .

Now, remember that the U. S. Supreme Court construed this racial balance language to mean de facto segregation which is identified with a region of the United States. Congress specifically repudiated the regional implications of that language in clear and explicit language appropriate to the stated public policy to provide uniform application of all desegregation laws. Congress has said that the racial balance language:

> . . . shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such pupil school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

Mr. President, I have just read the law as it is written in Public Law 92-318. I am at a loss to know how Congress could make it more clear that the de facto-de jure distinctions are abolished when it comes to formulating guidelines, criteria, and decrees dealing with desegregation. Unless the Sureme Court is prepared to say that the Constitution prohibits Congress from requiring uniform application of desegregation guidelines and criteria in resolving desegregation problems, then the provisions of this bill will withstand all criticisms from a constitutional point of view.

The U.S. Supreme Court must be made to understand that de jure segregation no longer exists in the South—nor are there vestiges of de jure segregation in the South except as Federal judges consider any deviation from racial balance to be a vestige of a dual system. Such segregation as exists in the South is de facto segregation resulting from housing patterns. There is no segregation of Southern schools required by law enforced by law, or maintained by operation of law, rule, or regulation.

Mr. President, it is time to put an end to needless turmoil in our public schools. Let us fulfill our duty and enact this bill.

Mr. President, I would like to say that the Senate rules are logical and reasonable and fair, and when bills have been bottled up in committees for almost 10 months, it is only reasonable and fair that resort be made to the Senate rules in order that those bills can be placed on the calendar and thereby prevent the committees from bottling them up. That is the purpose of the Senator from Alabama with respect to this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

EXHIBIT 1

S. 2555

A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Guidelines Act of 1973".

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW RELATING TO DESEGREGATION

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to this Act or any other Act providing for an applicable educational program shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

(b) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

NEIGHBORHOOD SCHOOLS

SEC. 3. Nothing in this Act or in any other Act providing for an applicable educational program shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

PROHIBITION AGAINST ASSIGNMENT OR TRANSFER OF STUDENTS TO OVERCOME RACIAL IMBALANCE OR TO CARRY OUT A PLAN OF RACIAL DESEGREGATION

SEC. 4. No provision of this Act or any other Act providing for an applicable educational program shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance, or in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request or appropriate officials of the local educational agency involved.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 5. (a) No funds appropriated for the purpose of carrying out any applicable educational program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable educational program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 6. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 7. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407 (a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 8. The proviso of section 407 (a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every district, territory, commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(1) "applicable educational program" means any program subject to the provisions of the General Educational Provisions Act;

(2) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

REPEALER

SEC. 10. Sections 801, 802, 804, 805, and 806 of the Education Amendments of 1972 are repealed.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

TRANSFER OF CERTAIN LAND

A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report concerning NASA's plan to initiate procedures to transfer, through the General Services Administration, to the State of Mississippi 321 acres of land at the NASA Mississippi Test Facility, Bay St. Louis, Miss. (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy transmitting a draft of proposed legislation to authorize certain reimbursements, transportation for dependents, a dislocation allowance, and travel and transportation allowances under certain circumstances, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF THE COMMUNICATIONS SATELLITE CORPORATION

A letter from the Senior Vice President and General Counsel of the Communications Satellite Corporation transmitting, pursuant to law, the tenth annual report of the operations, activities, and accomplishments of the Communications Satellite Corporation (with an accompanying report). Referred to Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce transmitting a draft of proposed legislation entitled "Fire Safety and Education Act of 1973" (which accompanying papers). Referred to the Committee on Commece.

MONTHLY LIST OF GAO REPORTS

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of September 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "More Usable Dead or Damaged Trees Should Be Salvaged To Help Meet Timber Demand" (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

A letter from the chairman of the Administrative Conference of the United States transmitting, pursuant to law, the report of the Administrative Conference of the United States covering the significant activities of the agency for the period July 1, 1972 through June 30, 1973 (with an accompanying reports). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter from the Attorney General of the United States transmitting a draft of proposed legislation to make level IV of the Executive Schedule applicable to the U.S. Attorney for the Central District of California and to the U.S. Attorney for the Northern District of Illinois (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF THE U.S. COMMISSION ON CIVIL RIGHTS

A letter from the Staff Director of the U.S. Commission on Civil Rights transmitting a report entitled "Cairo—Racism at Flood Tide," based on the Commission's hearings in Cairo in November, 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORT BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a report on the National Health Service Corps (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

ADDITIONAL TIME FOR REPORT BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States stating that additional time is required to submit a report on the research, pilot, and demonstration programs related to the prevention and control of water pollution. Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A joint resolution of the Legislature of the State of California. Referred to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION NO. 35

"Relative to the Rural Electrification Administration

"Whereas, The Rural Electrification Administration (REA) has, in the nearly 38 years of its existence, brought low-cost electrical and telephone service to countless millions of people living in rural and sparsely populated regions, and by providing these vital services has furthered the more complete unification of the people of this country by helping to bring the benefits of technology and modern communication to all; and

"Whereas, The success of REA over these many years has been due to the availability of loans at an interest rate of 2 percent for rural electrification and telephone installation; and

"Whereas, The Department of Agriculture has announced that the REA electrical and telephone 2 percent interest loan program is being converted to a program of insured and guaranteed loans at 5 to 7 percent interest; and

"Whereas, This proposed change will increase many times over the charges involved in securing funds for these vital and important projects, and will deny or delay the benefits of electricity and modern communications to some of this country's most disadvantaged people; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate, and the President of the United States to expend, funds enabling REA to continue its program of rural electrification and telephone loans at 2 percent interest; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION NO. 58

"Relative to the National Guard and other reserve elements

"Whereas, The National Guard and other reserve elements are an important facet in national defense and in resolving domestic emergencies; and

"Whereas, To maintain a high degree of efficiency and effectiveness, the National Guard and other reserve elements must retain their skilled and experienced corps of men and women; and

"Whereas, The National Guard and other reserve elements are presently facing a crisis as great numbers of its ranks are failing to reenlist; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to initiate and support legislation to grant a bonus to each National Guardsman or persons of other reserve elements who extends his enlistment for three years; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Refered to the Committee on Banking, Housing and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 2

"Relative to the federally assisted code enforcement program

"Whereas, The Federally Assisted Code Enforcement Program, also known as F.A.C.E., is one of the most successful programs for achieving improvement of declining neighborhoods and older housing; and

"Whereas, The program is coming to a halt in California and elsewhere throughout the nation, because the Department of Housing and Urban Development has failed to request approval for its funding due to lack of support for the program by the Office of Management and Budget; and

"Whereas, The record of F.A.C.E. has been impressive, for more than 496,000 dwelling units throughout the country have been rehabilitated at the very low cost to the taxpayer of less than $700 per unit; and

"Whereas, The Office of Management and Budget has not yet released $70,000,000 appropriated by Congress to support this worthy program during the current fiscal year; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congres of the United States, the Director of the Office of Management and Budget, and the Secretary of Housing and Urban Development to take steps necessary to provide adequate funding for the continuation of the Federally Assisted Code Enforcement Program during the current and succeeeding fiscal years; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Director of the Office of Management and Budget, and to the Secretary of Housing and Urban Development."

A joint resolution of the legislature of the State of California. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 66

"Relative to memorializing Congress to support Federal "Buy American" legislation

"Whereas, The Congress of the United States is currently considering several pieces of legislation which would amend the "Buy American Act" of 1933; and

"Whereas, These proposed amendments, if enacted, would:

"1. Establish a 50-percent preference for domestic goods, when purchases are made by all departments of the federal government.

"2. Redefine a "domestic product," as one having at least 75 percent of the cost of all components of American origin.

"3. Allow all states to have "buy American" legislation or administrative rulings requiring the purchase of domestic materials with public moneys, if they wish.

"4. Require the provisions of the federal "Buy American Act" be made a part of any contract financed in whole or in part by federal loans or grants; and

"Whereas, Such legislation would greatly strengthen many important sectors of the American economy by encouraging increased use of domestic products; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully, memorializes the Members of Congress to enact legislation pending before it amending the "Buy American Act" of 1933; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION NO. 28

Relative to increasing funds provided under the Federal-State partnership program

"Whereas, The Congress appropriates to the National Endowment for the Arts under the Federal-State Partnership Program an equal amount for each state to be used for funding projects and productions in the arts; and

"Whereas, Such allotments are made without regard to the amount of the appropriation by each state for the arts, and without regard to the needs, population or the level of artistic activity in each state; and

"Whereas, It is expected that each state shall receive in Federal-State Partnership Program funds one hundred fifty thousand dollars ($150,000) in the fiscal year 1974; and

"Whereas, For example, California, with a population of 19,953,134 (1970), and Alaska, with a population of 302,173 (1970), will receive the same amount; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Congress to amend the National Foundation on the Arts and Humanities Act of 1965 to provide that funds appropriated to the National Endowment for the Arts under the Federal-State Partnership Program be increased and allotted at least in part on the basis of population, needs and the level of artistic activity in each state, including the amount of appropriation each state makes to its own arts agency; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, to the Chairman of the National Council on the Arts, and to each member of the National Council on the Arts."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs.

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury (Rept. No. 93–457). Considered and passed.

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 3799. A bill to liberalize eligibility for cost-of-living increases in Civil Service retirement annuities (Rept. No. 93–456).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 3180. A bill to clarify the proper use of the franking privilege by Members of Congress, and for other purposes (Rept. No. 93–461).

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with amendments:

S. 1864. A bill to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests in the State of Colorado (Rept. No. 93–459).

By Mr. INOUYE, from the Committee on Commerce, without amendment:

S. 2300. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry (Rept. No. 93–458).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S.J. Res. 158. A joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended (Rept. No. 93-460).

By Mr. THURMOND (for Mr. HARTKE) from the Committee on Veterans' Affairs, without amendment:

S. Con. Res. 51. A concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Day, 1973 (Rept. No. 93-462).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Bessie Boehm Moore, of Arkansas;

Julia Li Wu, of California; and

Daniel William Casey, Sr., of New York, to be members of the National Commission on Libraries and Information Science.

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

Lowell J. Paige, of California, to be an Assistant Director of the National Science Foundation.

Marjorie W. Lynch, of Washington, to be an Associate Director of ACTION.

Howard Jenkins, Jr., of Colorado, to be a member of the National Labor Relations Board.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to response to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 2555. A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes. Ordered to be placed on the calendar.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury. Considered and passed.

By Mr. ROBERT C. BYRD:

S. 2557. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60. Referred to the Committee on Finance.

By Mr. HRUSKA (by request):

S. 2558. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omission of U.S. employees and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 2559. A bill entitled "The Domestic Food Price Impact Statement Act of 1973." Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SAXBE:

S. 2560. A bill for the relief of Ellen Yin-Hsian Niu. Referred to the Committee on the Judiciary.

By Mr. CLARK:

S. 2561. A bill for the relief of Mitsuo Kakutani, his wife Akaiko Kakutani, and their child Kota Kakutani. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 2562. A bill for the relief of Frederick Po-Shing Chu; and

S. 2563. A bill for the relief of Grace Wing-Ping Chu. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2564. A bill entitled "The Claims Adjudication Act of 1973." Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 2555. A bill to provide guidelines for the application of certain provisions of law to the assignment of students in order to carry out a plan of racial desegregation of elementary and secondary schools and to prohibit the involuntary assignment and transportation of students and teachers in order to carry out a plan of racial desegregation, and for other purposes. Ordered placed on the Calendar.

(Senator ALLEN's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD.)

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 2556. An original bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Considered and passed.

(Mr. SPARKMAN's remarks on the introduction of the above bill and the ensuing debate prior to its passage are printed later in the RECORD.)

By Mr. ROBERT C. BYRD:

S. 2557. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60. Referred to the Committee on Finance.

LOWER THE ELIGIBILITY AGE FOR SOCIAL SECURITY PAYMENTS

Mr. ROBERT C. BYRD. Mr. President, today, I am introducing a bill which proposes, what I consider to be, a badly needed and long overdue change in the social security system.

My bill will amend the Social Security Act to provide that monthly insurance benefits, when based upon attainment of retirement age, will be payable in full at the age of 62 and on an actuarially reduced basis at age 60.

Since I was first elected to Congress in 1952, I have consistently worked and voted for legislation designed to provide more realistic social security benefits, and legislation designed to improve and strengthen the structure, administration, and financing of the social security system.

Last fall, I introduced this measure as an amendment to H.R. 1, and it was adopted by the Senate. Unfortunately, the House conferees would not accept the amendment and it, therefore, was not included in the conference-reported bill. While there were many improvements and liberalizations adopted in H.R. 1, as finally enacted, I hope that the need for other improvements, such as would be effectuated by the bill I am introducing today, will now be more clearly recognized by Members in both Houses of Congress so that this legislation might receive expeditious consideration and enactment into law this session.

There are, at present, over 28 million Americans receiving social security benefits. For many of them, these benefits are their only source of income. However, beyond the 28 million citizens who are already drawing social security benefits, there are many other Americans who are being forced out of the labor market, because of the early retirement policies of many businesses and by the forced closing of plants. There are many other individuals who are too ill to work, but who cannot yet meet social security disability regulations. It is this group of citizens that my bill is aimed at assisting. It is important that we also realize that many of these citizens have seen their company-sponsored retirement plans disappear with bankruptcy or merger.

Under the provisions of my bill, which would permit full benefits to be received at age 62 and actuarially reduced benefits to be received at age 60, the Social Security Administration estimates that approximately 3.8 million persons, not eligible for monthly benefits under the present program, would become eligible to claim benefits, thus creating an initial cost of about $1.8 billion.

In West Virginia, approximately 18,000 persons would become eligible for claiming reduced benefits, if the age were lowered from 62 to 60, and the increase in benefits for West Virginians would be approximately $25 million.

This bill, if adopted and enacted into law, will provide benefits for persons who need it now—citizens who have been forced to retire, or who, because of failing health, would like to retire, but who have been unable to do so, because the social security program does not cover them and they are without other means of support. These people have been paying into the program for a long time, and they deserve to be covered by the program now.

By Mr. HRUSKA (by request):

S. 2558. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omission of U.S. employees and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I am pleased to introduce, on behalf of the administration, a bill which would amend title 28 of the United States Code to broaden the liability of the United States in suits based upon acts or omissions of its employees occurring within the scope of their employment, and to provide for an exclusive remedy against the United States in suits based upon these acts or omissions.

When the Federal Tort Claims Act was enacted in 1946, the primary purpose was to put the Federal Government on a par with private employers in situations where employees committed torts within the scope of their employment. Accordingly, the Tort Claims Act states that the United States will be liable for the negligent or wrongful act of its employees "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." Despite this language, various exceptions to Government liability were written into the Federal Tort Claims Act, including those in 28 U.S.C. 2680(h), which presently reads as follows:

> Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

When the Federal Tort Claims Act was first adopted, it was thought that claims based upon these torts could be too easily exaggerated and defense against them by the Government would be too difficult. Experience with the act, however, has indicated that many of these exceptions can be abolished without unduly hampering the operation of the Government or the administration of the Tort Claims Act, and thereby take a significant step toward achieving the act's primary purpose of putting Government on a par with private employers who are liable for the intentional torts of their employees. The bill I am introducing would amend 28 U.S.C. 2680 (h) by limiting the number of exceptions to Government liability in that section, thereby rendering the United States liable for torts of assault, battery, false arrest, false imprisonment, malicious prosecution, and abuse of process committed by its officers and employees within the scope of their employment.

While enlarging the scope of the area in which the citizen may obtain relief from the Government, this bill at the same time would enlarge the scope of protection of Government officials. Under existing law, the liability of the United States is an alternative to and not in lieu of the liability of the employee who committed the tort. Federal employees particularly law enforcement agents, are being sued in their individual capacities in greater numbers for acts performed within the scope of their employment and are, therefore, exposed to personal money judgments. These suits are sometimes for vindictive and harassment purposes. It is reasoned that the intimidating threat of suit against the individual Federal employee has an effect on his job performance through loss of initiative and lowering of morale.

Since passage of the Tort Claims Act, Congress has passed three statutes which protect certain Government employees from suits based upon scope of employment acts of the employees; namely, Government drivers, medical personnel of the Veterans' Administration, and Public Health Service personnel. These statutes provide that the exclusive remedy available to the injured citizen is against the Government employer. It appears to be an inconsistency that some public servants are immune from suit while others remain personally liable for wrongful acts or omissions in the scope of their employment. It is believed that the general principle of immunity of Federal employees is a desirable one and that further piecemeal legislation should be avoided.

The bill I am introducing would accomplish equality of treatment by broadening the present statutory immunity of Government employees from personal liability in tort, and from claims sounding in tort for relief arising under the Constitution or Federal statutes of the United States, to all Federal employees. In so doing, the bill assures the citizen aggrieved or damaged by the employee a reasonable avenue of redress and an assurance, in meritorious claims, of full monetary recompense.

While I am not unalterably wed to each and every provision of this bill, I believe it will serve as an excellent vehicle for the needed reforms of the Federal Tort Claims Act. Therefore, I urge that it receive prompt hearings, upon proper referral, as well as full consideration and debate so that we may enact worthy legislation in this area.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my remarks along with a section-by-section analysis and the Attorney General's letter of transmittal.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1346(b) of Title 28, United States Code is amended by striking the period at the end of the Section and adding the following:

", or where the claims sounding in tort for money damages arise under the Constitution or statutes of the United States, such liability to be determined in accordance with applicable federal law."

SEC. 2. Section 2672 of Title 28, United States Code, is amended by inserting in the first paragraph the following language after the word "occurred" and before the colon: ", or where the claims sounding in tort for money damages arise under the Constitution or statutes of the United States, such liability to be determined in accordance with applicable federal law".

SEC. 3. Section 2674 of title 28, United States Code, is amended by deleting the first paragraph and substituting the following:

"The United States shall be liable in accordance with the provisions of section 1346 (b) of this title, but shall not be liable for interest prior to judgment or for punitive damages: *Provided*, That for claims arising under the Constitution or statutes of the United States, recovery shall be restricted to actual damages and, where appropriate, reasonable compensation for general damages not to exceed $5,000."

SEC. 4. Section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his employment is exclusive of any other civil action or proceeding arising out of or relating to the same subject matter against the employee whose act or omission gave rise to the claim, or against the estate of such employee."

SEC. 5. Section 2679(d) of title 28, United States Code, is amended by inserting in the first sentence the word "office or" between "scope of his" and "employment."

SEC. 6. Section 2679(d) of title 28, United States Code, is amended by deleting the second sentence and substituting the following:

"After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States under the Federal Tort Claims Act. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court: *Provided*, That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States is provided by any other law, the case shall be dismissed, but in that event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation of other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section."

SEC. 7. Section 2680(h) of title 28, United States Code, is amended to read as follows:

"Any claims arising out of libel, slander, misrepresentation, deceit, or interference with contract rights."

SEC. 8. Section 4116 of title 38, United States Code, is repealed, as of the effective date of this Act.

SEC. 9. Section 223 of title II of the Public Health Service Act, 58 Stat. 682, as added by section 4 of the Act of December 31, 1970, 84 Stat. 1870 (42 U.S.C. 233), is redesignated as section 224 and is amended to read as follows:

"Authority of Secretary of designee to hold harmless or provide liability insurance for assigned or detailed employees."

"SEC. 224. The Secretary of Health, Education, and Welfare, the Secertary of Defense and the Administrator of Veterans Affairs, or their designees may, to the extent deemed appropriate, hold harmless or provide liability insurance for any officer or employee of their respective departments or agencies for damage for personal injury, including death or property damage, negligently caused by an officer or employee while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679 (b) of Title 28, for such damage or injury."

SEC. 10. This Act shall become effective on the first day of the third month which begins following the date of its enactment and shall apply to only those claims accruing on or after the effective date.

Section-by-Section Analysis of the Bill To Provide for an Executive Remedy Against the United States in Suits Based Upon Acts or Omission of U.S. Employees and for Other Purposes

Section 1. Section 1 amends Section 1346(b) of Title 28 of the United States Code to extend the exclusive jurisdiction of the United States District Courts to include claims arising under the Constitution and statutes of the United States. Section 1 also provides that the liability of the United States is to be determined in accordance with applicable Federal law. Because the cause of action arises under the Constitution or Federal statute, Federal law must necessarily control; hence, the reference to Federal law in Section 1 is merely declaratory of the decisional law in its present state. The current reference in 28 U.S.C. 1346(b) to the law of the place where the act or omission occurred will continue to apply in routine tort situations which arise under State law.

Section 2. Section 2 amends Section 2672 of Title 28 of the United States Code to provide additionally for the administrative adjustment of claims arising under the Constitution or statutes of the United States and provides that the liability of the United States for such claims shall be determined in accordance with applicable Federal law.

Section 3. Section 3 amends Section 2674 of Title 28 of the United States Code so as to provide a measure of damages for claims arising under the Constitution or statutes of the United States by providing unlimited recovery for actual or liquidated damages sustained, and by permitting where appropriate, additional reasonable compensation for general damages but not to exceed $5,000.

Section 4. Section 4 amends Section 2679(b) of Title 28 of the United States Code to extend the present exclusiveness of the Tort Claims Act remedy to include all government officers and employees. Under existing law, only government motor vehicle operators, and medical, and paramedical personnel of the Veterans Administration and the Public Health Service are personally immune from suit and civil liability for acts performed while in the scope of their Federal employment.

Section 5. Section 5 amends Section 2679(d) of Title 28 of the United States Code by inserting the words "office or" between "scope of his" and "employment" appearing in the first sentence of 2679(d). This amendment is a technical amendment designed to make clear that the scope of the Tort Claims Act remedy extends to officers of the Government as well as employees.

Section 6. Section 2679(d) presently reads in relevant part as follows:

"Upon a certification by the Attorney General that the defendant employee was acting within the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto."

Section 6 amends Section 2679(d) so as to include language designed to make clear that in a suit originally commenced against an officer or employee of the government for which a remedy exists under the Federal Tort Claims Act, the United States may assert and establish such defenses to the suit as would have been available to it had the suit originally been commenced against the United States. Thus, under existing decisional law federal employees injured as an incident of their government employment and who are entitled to the benefits provided by the Federal Employees' Compensation Act, 5 U.S.C. 8101 *et seq.*, are restricted to their compensation rights and may not sue the United States under the Federal Tort Claims Act. Similarly, military personnel who sustain injury as an incident of their military service (by Supreme Court decision, *Feres* v. *United States*, 340 U.S. 135 (1950)), may not use the United States under the Tort Claims Act. Section 6 will assure preservation of these types of defenses as well as other statutory defenses peculiar to the Federal Tort Claims Act.

Section 7. Section 7 amends Section 2680 (h) of Title 28 of the United States Code so as to eliminate the present sovereign immunity of the United States for claims arising out of "assault, battery, false imprisonment, false arrest, malicious prosecution, and abuse of process." By reason of the 2680(h) exception, a citizen's uncertain remedy for these types of specified torts has heretofore been only against the individual whose conduct gave rise to the claim. The bill modifies the scope of the present 28 U.S.C. 2680(h) exception, enlarges the waiver of immunity, and thus provides a Tort Claims Act remedy for the types of torts most frequently arising out of activities by federal law enforcement officers.

Section 8. Section 8 is a technical amendment; it repeals Section 4116 of Title 38 United States Code which presently extends the exclusiveness of the Tort Claims Act remedy to claims arising out of activities by medical and paramedical personnel of the Veterans' Administration. With the enactment of this bill, Section 4116 of Title 38 is no longer necessary and is appropriately repealed.

Section 9. Section 9 is also a technical amendment and would effect the partial repeal of 42 U.S.C. 233 which, like 38 U.S.C. 4116, presently extends the exclusiveness of the Tort Claims Act remedy to include claims based upon activities of Public Health Service medical and paramedical personnel. Section 9 also provides for a retention (as a redesignated Section 224 of Title 42 U.S.C.) of language peculiar to the Public Health Service which presently appears in 42 U.S.C. 233(f).

Section 10. Section 10 assures the prospective application of the provisions of the bill by providing that the Act becomes effective on the first day of the third month following its enactment and applies only to those claims accuring on or after the effective date.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 17, 1973.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend Title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of United States employees, and for other purposes."

This proposal is intended to provide for the immunity of Federal employees from personal liability in tort for acts done in the scope of their employment and immunity from claims sounding in tort for relief arising under the Constitution or federal statutes of the United States. The Federal Tort Claims Act as passed in 1946 did not bar suits against Government employees who committed torts. However, if a civil action is brought against the Government under 28 U.S.C. 1346(b), a judgment in such action constitutes a complete bar to any action against Federal employees for damages for the same act or omission. 28 U.S.C. 2676.

Three statutes were subsequently enacted which barred suit against three particular classes of Federal employees—Government drivers, medical personnel of the Veterans Administration, and Public Health Service personnel. The Government Drivers Act passed in 1961, Public Law 87–258, provides that the remedy by suit against the United States under 28 U.S.C. 1346(b) shall be the exclusive remedy when the damage claimed results from the operation of a motor vehicle by an employee of the Government while acting within the scope of his office or employment. The procedure by which the Drivers Act is invoked is set forth in 28 U.S.C. (b)–(c). The action is usually brought in the State court and is removed to the Federal court upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the accident. Upon removal, the United States is substituted for the employee as defendant and the action proceeds in the manner prescribed for any other tort claim against the United States.

A similar statute was enacted in 1965, Public Law 89–311, 38 U.S.C. 4116, with respect to medical personnel of the Veterans Administration, and in 1970, Public Law 91–623, 42 U.S.C. 233, with respect to Public Health Service personnel. In succeeding sessions of Congress, bills have been introduced proposing the protection of other classes of Federal employees such as FBI agents and the flying personnel of the Federal Aviation Agency.

It is this Department's opinion that the general principle of immunity of Federal employees is a desirable one and that piecemeal legislation should be avoided. Accordingly, this proposed bill would afford equality of treatment by extending the immunity from personal liability in tort, and from claims sounding in tort for relief arising under the Constitution or federal statutes of the United States to all Federal employees.

The proposed bill would amend 28 U.S.C. 1346(b) and 28 U.S.C. 2672 by extending the applicability of these sections to include claims sounding in tort for money damages arising under the Constitution of the United States.

The proposed bill would amend 28 U.S.C. 2679(b) by extending its applicability to all Federal employees acting within the scope of their office or employment. Further provisions of the proposals are intended to make it clear that the previously existing tort remedy against Federal employees, as well as any claims sounding in tort arising under the Constitution or federal statutes of the United States, is now barred and that the exclusive remedy for compensation in these matters is pursuant to the procedures of the Federal Tort Claims Act.

The proposed bill would also amend 28 U.S.C. 2680(h) by limiting the number of exceptions in that Section, thereby rendering the United States liable for torts of assault, battery, false arrest, false imprisonment, malicious prosecution, and abuse of process committed by its officers and employees within the scope of their employment.

The proposed bill would repeal Section 4116 of Title 38, United States Code, and Section 233(a)(b)(c)(d)(e) of Title 42, relating respectively to medical personnel of the Veterans Administration and the Public Health Service, as the proposed bill provides broad coverage for federal employees. Finally, the proposed bill would continue authority in the Secretary of Health, Education and Welfare and would provide authority for the Secretary of Defense and the Administrator of Veterans Affairs to hold harmless or provide liability insurance for medical personnel assigned to foreign countries or detailed to other than a Federal agency or institution, or where circumstances would likely preclude remedies of third persons against the United States described in Section 2679(b) of Title 28.

I recommend the introduction and prompt enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

——— ———,
Attorney General.

By Mr. SCHWEIKER:

S. 2559. A bill entitled "The Domestic Food Price Impact Statement Act of 1973." Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SCHWEIKER. Mr. President, I am introducing today the Domestic Food Price Impact Statement Act of 1973. In addition, I will be introducing this proposal as an amendment to H.R. 10710, the Trade Reform Act, which has been reported to the House of Representatives by the House Ways and Means Committee, as soon as this trade bill is sent over to the Senate.

My amendment requires the publication of a "Domestic Food Price Impact Statement" by the Secretary of Commerce prior to approval of any exports of any American agricultural commodity in excess of 20 percent of the projected crop.

Commodities exporters are presently required to file an Anticipated Export Report with the Department of Commerce at the time each foreign sale is made. Anticipated export reports for the current wheat crop show 778.8 million bushels registered for export, with another 200 million bushels tentatively slated for export by an unidentified party. The Department of Agriculture informs me the latter figure may represent a hedge by speculators, and the actual export may never take place.

But in any case, very nearly 1 billion bushels of our current wheat crop are now slated to be shipped overseas. And what is our total projected wheat crop? About 1.7 billion bushels—which means that more than half of our present wheat crop will leave this country, at a time when our wheat and bread prices are already at an all-time high.

So we have a reporting requirement already, Mr. President. But once the reports are filed, the massive exports which have driven our food prices through the roof continue on schedule. It is a little like having an extensive security system designed solely to report any fire outbreaks to the fire department—but with the understanding that the fire department will keep the reports neatly cataloged for future reference, but will never come put out the fire.

Under the Export Administration Act of 1969, the Department of Commerce may impose export controls, if there is a domestic scarcity, and a national security impact, and an undesirable foreign policy effect. And in fact, export controls occasionally are imposd under this authority, most notably in the case of soybeans, after the price jumped from $3.13 per bushel to over $12 per bushel in less than a year.

But the price of No. 2 wheat recently jumped from $2.64 per bushel to $4.29 per bushel in 2 months; corn oil went from 20 cents per pound to 35 cents per pound in the same period. Yet we still have export reports and exports as usual, but no controls. Mr. President, in this situation I think it is high time we stop being satisfied with reports, and start demanding that the fires be put out.

My bill would prohibit all commodity exports until the Secretary of Commerce has approved each individual export registration statement. Once the approved export registration statements represent 20 percent of the projected crop—or such lower figure as the Secretary of Commerce may set—no further exports can be approved until the Secretary of Commerce has published a "Domestic Food Price Impact Statement." In this statement, the Secretary of Commerce must certify that additional exports will not, first, cause domestic scarcity; second, have direct or indirect adverse impact on U.S. consumer prices; or third, increase U.S. unemployment.

Mr. President, this "Domestic Food Price Impact Statement" will be the counterpart of the environmental impact statement, which has been an effective tool in saving our environment. It will, for the first time, require a high Government official to certify to the American people, before our food goes overseas, that the exports will not take place at the expense of the American consumer. And my amendment requires the updating of this statement each time an additional 10 percent of any crop is registered for export.

I have no objection to feeding the world's poor and hungry populations, and I want America to continue its proud reputation as the world's breadbasket. But I do object to the secret deals, where a handful of speculators enrich themselves at the expense of the American taxpayers. What my amendment does, Mr. President, is force these speculators to put their cards on the table, and empower the Secretary of Commerce to represent the American people in these transactions.

Our skyrocketing food prices need no documentation, and excessive exports are clearly the major contributing factor. In this session of Congress alone, at least 77 bills have been introduced to deal with the food price/export problem. To my knowledge, however, none of these bills makes the Secretary of Commerce directly accountable to the American people to end these exports at the expense of the American consumer. My bill does that, Mr. President, and I hope it will be promptly enacted.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be cited as the "Domestic Food Price Impact Statement Act of 1973."

Sec. 2. Definitions. As used in this title—

(1) the term "Secretary" means the Secretary of Commerce; and

(2) the terms "agricultural commodity" and "commodity" mean any raw agricultural commodity produced in the United States, including flour, meal, and oil derived from any such commodity.

Sec. 3. Registration.

(a) No agricultural commodity may be exported to any foreign country unless (1) the person exporting such commodity has submitted an export registration statement to the Secretary, and (2) the Secretary has approved such statement.

(b) An export registration statement shall be in such form, shall contain such information, and shall be submitted at such times as the Secretary may, by regulation, require for the orderly administration of his functions under this title.

Sec. 4. Export Limitation.

(a) Except as provided in subsection (b), the Secretary may not approve an export registration statement for a quantity of a commodity which, when added to the quantity of such commodity already approved for export during the crop year (for the commodity concerned) in which the export will occur, exceeds 20 per centum (or such lower per centum as may be established under section 5(a)) of the Secretary's estimate of the level of domestic production of that commodity for that crop year.

(b) The limitation contained in subsection (a) shall not apply to any commodity with respect to which the Secretary causes to be published a Domestic Food Price Impact Statement which contains the Secretary's certification that—

(1) the domestic production of such commodity will be sufficient to insure against domestic scarcity;

(2) exports in excess of the limitation will not have any direct or indirect impact on consumer prices in the United States; and

(3) such exports will not result in increased unemployment in the United States.

Sec. 5. Additional Limitations and Requirements.

(a) The Secretary may by regulation establish a limitation lower than 20 per centum for any commodity for the purpose of section 4(a) if he (1) determines such lower limitation to be necessary to insure against domestic scarcity, consumer price inflation, or increased unemployment caused by exports, and (2) causes such determination to be published.

(b) Whenever the level of exports of a commodity covered by export registration statements increases by 10 per centum, and thereafter whenever the level of exports of such commodity increases by any multiple of 10 per centum, of the estimated domestic production of that commodity above the limitation established under section 4(a) or subsection (a) of this section, the Secretary may not approve any additional export registration statement for such commodity unless he first publishes another Domestic Food Price Impact Statement containing the certifications referred to section 4(b) with respect to such increased level of exports.

Sec. 6. Administrative Revision of Estimates or Limitations. The Secretary may revise upward or downward his estimate of domestic production or any limitation established by him if he determines on the basis of new information that the estimate or limitation originally established was erroneous or that such estimate or limitation should be revised for other reasons.

Sec. 7. Consultation. In carrying out his functions under this title, the Secretary shall consult with the Secretary of Agriculture for the purpose of estimating domestic production of and demand for agricultural commodities and with the Secretary of Labor for the purpose of determining possible price and employment effects of various export levels of such commodities.

Sec. 8. Administration. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this title.

Sec. 9. Applicability. This title applies to agricultural commodities planted for harvest in 1974 and subsequent years, except that section 3 of this title does not apply to any quantity of an agricultural commodity exported pursuant to a contract entered into prior to the date of enactment of this title.

By Mr. MAGNUSON (by request):

S. 2564. A bill entitled "The Claims Adjudication Act of 1973." Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, today I am introducing, on request, a bill designed to facilitate the fair and equitable settlement for claims of loss, damage, or injury alleged to have occurred in shipment.

This bill would amend the Interstate Commerce Act in order to give the Commission explicit authority to both adjudicate liability and to determine the amount of loss or damage when a shipper alleges that the carrier caused the loss or damage. As an alternative to this Commission procedure, the bill would give the shipper the option of setting up Commission-approved informal dispute settlement procedures, such as arbitration, which would be used in lieu of Commission adjudication. The bill specifically provides that the right to go to court to settle these matters is preserved to the claimant, and provision is made to include attorney's fees as part of any judgment secured in court. This provision will help provide an incentive to utilize approved arbitration procedures, and is modeled upon procedures specified in the recently passed Magnuson-Moss Warranty Federal Trade Commission Improvements Act.

Mr. President, this bill is another attempt to get at the difficult problems surrounding the lack of any presently available mechanisms for adjudicating loss and damage claims. I have introduced several proposals to deal with this problem, including one upon request of the Interstate Commerce Commission. The Commerce Committee is currently involved in an examination of the problem surrounding this area, and we are attempting to design optimum statutory mechanisms to see that these claims are settled quickly, fairly, and inexpensively. All of these proposals will be considered in hearings on this subject which will be announced sometime within the next several months.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 649

At the request of Mr. Javits, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 649, the Japan-United States Friendship Act.

S. 1769

At the request of Mr. Magnuson, the Senator from Utah (Mr. Moss) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1988

At the request of Mr. Magnuson, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1988, a bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes.

S. 2200

At the request of Mr. Cranston, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 2200, a bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes.

S. 2454

At the request of Mr. Humphrey, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2454, the Emergency Home Financing Act.

S. 2513

At the request of Mr. Ribicoff, the Senator from Nevada (Mr. Bible) and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

SENATE JOINT RESOLUTION 158

At the request of Mr. Randolph, the Senator from Iowa (Mr. Clark) and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of Senate Joint Resolution 158, to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended.

SENATE RESOLUTION 181—SUBMISSION OF A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES TO TESTIFY AND PRODUCE CERTAIN COMMITTEE RECORDS

(Considered and agreed to.)

Mr. ERVIN (for himself and Mr. Baker) submitted a resolution authorizing the chairman of the Senate Select Committee on Presidential Campaign Activities to testify and produce committee records before the United States District Court for the Southern District of New York, pursuant to subpenas issued in a criminal case pending in such court.

(The debate on the above resolution, together with its full text, is printed later in the Record.)

SENATE RESOLUTION 182—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE OF THE SENATE TO CONSIDER A VICE-PRESIDENTIAL NOMINEE

(Referred to the Committee on Rules and Administration.)

Mr. ABOUREZK (for himself, Mr. Mondale, and Mr. Stevenson) submitted the following resolution:

(The subsequent remarks of Senator Abourezk appear later in the Record.)

S. Res. 182

Resolution to establish a temporary select committee of the Senate to consider the character and fitness of any individual or individuals nominated under the Twenty-fifth Amendment to fill the present vacancy in the Office of the Vice Presidential nominee.

Whereas the Twenty-fifth Amendment to the Constitution of the United States provides that, in the event of a vacancy in the Office of the Vice President of the United States, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress;

Whereas the duty of confirming a nominee for the office of Vice President, entrusted by the Twenty-fifth Amendment to the Legislative Branch, is a solemn and important responsibility, involving as it does the second-highest office in the co-equal Executive Branch of our government;

Whereas any nominee for the office of Vice President must be carefully scrutinized as to his or her character and fitness to discharge the duties of that office; and

Whereas there is presently no committee of the Senate properly constituted for the purpose of considering any Vice Presidential nominee: Now, therefore, be it

Resolved, That on account of the vacancy in the office of the Vice President, there is established a temporary select committee of the Senate, to be known as the Select Committee on the Vice Presidency (hereafter referred to as the "select committee").

The select committee shall study and investigate the character and fitness of any individual nominated to fill the present vacancy in the Office of Vice President of the United States.

Sec. 2. The select committee shall consist of seven Members of the Senate, four of whom shall be appointed by the President pro tempore of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President pro tempore of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

Sec. 3. The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceeding.

Sec. 4. (a) The select committee shall take all steps necessary or appropriate to investigate and study the character and fitness of any individual nominated under such Twenty-fifth Amendment for the Office of Vice President of the United States.

(b) Subpenas may be issued by the chairman or by the select committee over the signature of the chairman. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

SEC. 5. To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters it is authorized to investigate and study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, to produce for its consideration or for use as evidence in its investigation and study any materials relating to the committee's investigation and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; and (8) to expend to the extent it determines necessary or appropriate any money made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

SEC. 6. The select committee shall make a report of the results of its investigation and study to the Senate at the earliest practicable date, but not later than thirty days after the date on which any nomination is submitted to the Congress to fill the present vacancy. On the sixtieth day after the date on which the appointment of a Vice President is approved under the Twenty-fifth Amendment, the select committee shall cease to exist.

SEC. 7. The expenses of the select committee under this resolution shall not exceed $1,000,000. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SENATE RESOLUTION 183—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A COMPILATION OF MATERIALS ON THE 25TH AMENDMENT AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. BAYH submitted the following resolution:

S. RES. 183

Resolved, That a compilation entitled "Selected Materials on the Twenty-Fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

SENATE RESOLUTION 184—SUBMISSION OF A RESOLUTION CONCERNING CLERICAL AND OTHER ASSISTANTS TO THE VICE PRESIDENT ON THE PAYROLL ON THE DATE OF HIS RESIGNATION

(Considered and agreed to.)

Mr. CANNON (for himself, Mr. MANSFIELD, Mr. COOK, and Mr. HUGH SCOTT) submitted the following resolution:

Resolved, That the clerical and other assistants to the Vice President on the payroll of the Senate on the date of his resignation, October 10, 1973, shall be continued on such payroll at their respective salaries for a period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: Provided, That any such assistants continued on the payroll, while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

(The discussion of this resolution when it was submitted and agreed to appears later in the RECORD.)

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. JAVITS, the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 50, regarding the World Food Conference.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. TALMADGE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Concurrent Resolution 51, expressing the appreciation of Congress to the Vietnam veterans on Veterans Day, October 22, 1973.

HOUSING ACT OF 1973—AMENDMENTS

AMENDMENT NO. 622

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON. Mr. President, I am pleased to submit, with my distinguished colleague from Indiana (Mr. BIRCH BAYH), an amendment to S. 2182, the Housing Act of 1973, to increase the surety bond guarantee authority of the Small Business Administration from $500,000 to $1,000,000.

On July 14, 1969, Senator BAYH, introduced legislation aimed at opening job and business opportunities for small construction contractors. This legislation which was signed into law by the President on December 31, 1970, is the administrative base for the surety bond guarantee program of the Small Business Administration. This bill though not strictly directed at minority groups has helped bring many small minority contractors into the mainstream of the construction industry.

The benefits of this program are open to any small contractor that is required to have a bond, performance, or payment, in order to obtain a contract. The Small Business Administration guarantees 90 percent of the loss risk to the surety. Thus the surety bond guarantee program is capable of assisting the small contractor in achieving a respectable line of credit, thereby enabling the firm to eventually obtain a bond in the regular market on its own merits.

Presently contracts eligible for Small Business Administration bond guarantee cannot exceed a $500,000 limit. Many small contractors with the capability, but without the needed capital to get bonding would like to do a $600,000 or $750,000 job. The National Association of Minority Contracts has indicated that they constantly get complaints of this nature indicating the need to increase the bonding authority. The problem of bonding for small contractors has been with us for a long time. The growth of the program is dramatic evidence of the extent of the problem and the need for the program. Since 1970, construction cost due to inflation has been increasing on the average of 1.5 percent a month. The average construction contract that previously use to cost $500,000 now costs $750,000. Therefore, the inflationary factor alone can justify an increase in the bond guarantee to $1,000,000.

The surety bond guarantee program has become one of the most successful and fastest growing programs within the Small Business Administration. The Small Business Administration reports they approved 2,316 bond applications in fiscal year 1972 which resulted in 1,339 contracts worth $94.4 million. In fiscal year 1973, they approved 8,657 applications which resulted in 5,597 contracts worth $351.2 million. The loss ratio of the total program is lower then ever anticipated at 1.3 percent of contracts awarded and is expected to decrease. On September 19, 1973, Small Business Administrator Kleepe stated before the House Select Committee on Small Business:

> I think its safe to say that this program has made it possible for small contractors to obtain business that they would otherwise not even had the opportunity to bid on. The

successful bidders under our bond guarantee have averaged 7 percent under the next lowest bidder. Since about half of these jobs involve local, state, and federal government contracts, we are talking about savings to the taxpayer. We predict a volume of $600 million or more in FY 1974. This should mean at least $21 million in direct savings to governmental units across the country.

As of August 1973, there were 92 surety companies participating in this program. On bonds guaranteed by the program companies must give up 10 percent of their gross premiums in return for the 90-percent guarantee of loss. Minority participation in the program has remained consistent around 35 percent during the last 2 years. We must assure that small contractors share in the millions of public dollars and increasingly large amounts of private capital that is committed to rebuilding our cities.

I ask unanimous consent that my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 622

At the end of the bill, add the following:

CHAPTER IV—MISCELLANEOUS

SEC. 401. The Small Business Investment Act of 1958 is amended—

(1) by striking out "$10,000,000" in section 403 and inserting in lieu thereof "$20,000,000"; and

(2) by striking out "$500,000" in section 411 and inserting in lieu thereof "$1,000,000".

AMENDMENT NO. 623

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

PROPERTY IMPROVEMENT LOANS TO FINANCE ENERGY CONSERVATION IMPROVEMENTS

Mr. CRANSTON. Mr. President, we are all concerned with finding solutions to the energy crisis. To date, I have concentrated on developing means of tapping the inexhaustible energy of the sun. In addition, I know many of us are investigating the possibilities of geothermal energy, nuclear fusion, and other future energy sources.

Certainly all of these possible solutions are worthy of further study, but I would ask my colleagues to ponder for a moment whether we should not look closer around us for a solution. While we sit in our homes and office buildings, precious energy in the form of heat is slipping between the windows or oozing through poorly insulated walls out into the atmosphere. Fred S. Dubin, a consulting engineer and planner, estimated in testimony this summer before the House Subcommittee on Energy that—

> Energy conservation through design, using off-the-shelf hardware/systems/methods, can reduce the yearly energy consumption of new buildings by 35 to 50 percent and of existing buildings by 15 to 20 percent. More than half the savings in energy can be accomplished with no appreciable increase in initial costs.

The current issue of the Smithsonian magazine cites a Rand Corp. study which concluded that better insulation in new housing would cut heating and cooling requirements by 40 to 50 percent. This article, entitled "There Are Ways To Help Buildings Conserve Energy," is such a thoughtful exposition on the subject, Mr. President, that I ask unanimous consent that the full text of it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE ARE WAYS TO HELP BUILDINGS CONSERVE ENERGY

(By Jane Stein)

A man—say he is a city official—sits in his office, the late afternoon sun beaming through the glass wall and flooding his desk with light. Electric bulbs burn overhead and cool air whispers from a metal duct as the man worries about fuel shortages, brownouts and the energy crisis. He might do better to contemplate the state of American architecture.

For architecture and the construction industry have a vast influence on energy use. Constructing and operating buildings consumes 7.5 and 50 percent, respectively, of all the electricity produced in the United States. To practice energy conservation in this sector, we do not need to return to caves and candlelight, nor do we need new technologies.

The main problem is that the simple and technologically available ideas for saving energy are meeting tremendous indifference, if not actual resistance. Certainly it is a profound indifference to energy conservation that fosters the construction of buildings such as the 110-story World Trade Center in lower Manhattan with its fantastic array of electrical requirements, the most astounding of which is that the center will require as much electricity per year as the entire city of Schenectady, New York, which is home for 100,000 persons.

How much energy a building needs for heating, cooling and lighting depends upon its site, its shape and the materials used. All of us could learn something about the wise use of natural energy by studying the cave dwellings of Mesa Verde in Colorado. In the winter when the sun is low in the sky, it shines directly on the adobe brick walls which store the heat during the day and release it during the night. In the summer the sun strikes at the horizontal surfaces—the roofs of wood and grasses act as insulation.

Never more than one-quarter of the cave's inner surfaces are lit in summer; only one quarter remains shadowed through the winter day. "Buildings today can be organized in much the same way, generating their form from the way the sun moves," says Ralph Knowles, professor of architecture and urban design at the University of Southern California.

If you design with the sun in mind, you can even put an all-glass building in the desert without paying too much of a penalty in energy costs. In Tempe, Arizona, the striking new municipal building has glass walls, slanted at a 45-degree angle to reduce the amount of solar heat that can enter the building.

In a less dramatic vein, it is axiomatic that the broad surfaces of the common, slablike high-rise building should face north and south. Fred Dubin, a New York engineer, has calculated that a building uses 29 percent less energy for cooling if the broad sides face north and south. Why is it, asks Dubin, that all sides of a building are often treated as if they were the same? Why not have no windows on the west side, and fewer in the corners? His point is simply that energy use must be factored into building design, and that means starting at the beginning.

"From the very outset of the architectural process energy is used wastefully," says Richard Stein (no relation of the author), a New York architect and a leading advocate of energy conservation. "Our basic structural sciences are in reality based more on practical experience than on a scientific analysis of how materials should be used."

For example, according to the National Building Code, the concrete beams for the standard classroom are designed to carry three times as much weight as they are likely to need for normal use. While a safety factor of three might not seem excessive, Stein points out that design computations use a value for the strength of concrete only about one-third of its actual strength, so that there really is a safety factor of at least nine. There are additional safety margins: Concrete gains strength for years after hardening. In cement production alone, modified design standards could result in energy savings of about 20,000 million kilowatt-hours a year—enough to provide the electric power for three million families for a year.

Aluminum is gaining in popularity as a building material. It has a pleasant sheen, upkeep is simple, and it takes less aluminum to make the skin of an office building than it does to use stainless steel. But aluminum is very expensive to make in terms of energy. The energy savings for just one typical high-rise office building—if steel were used instead of aluminum—would be 1.3 million kilowatt-hours.

It is not just a matter of using energy-expensive materials; how a building material is used has much to do with energy waste. Dense concrete can get as cold as a stone. Lightweight concrete, with air bubbles blown into the mixture, acts as insulation.

Since Lever House was built on Manhattan's Park Avenue in 1952, glass-clad buildings have sprung up all across the nation. Most are energy hogs because glass is a notoriously poor insulator. Heat loss could have been cut by half had double-glazing been used (that is two panes of glass hermetically sealed with an air space between them which acts as an insulator). Heat *gain* can be reduced by using the new reflective metallic glass, which substantially blocks solar heat and light.

What is true for an office or apartment building is true for a home. A Rand Corporation study says that better insulation in new housing would cut heating and cooling requirements by 40 to 50 percent. Extra construction costs, the report continues, could be recaptured in four to seven years through reduced fuel and utility bills. Over the last two years the Federal Housing Authority (FHA) revised its insulation standards for single and multifamily housing units, with the stated objective of reducing air pollution and fuel consumption. The FHA standards are merely guidelines to assist appraisers in determining the salable value of a housing unit. Since they are used by appraisers of conventional loan organizations as well as the FHA, they do exert considerable influence on the residential construction industry.

In addition to energy-rich materials and poor insulation, air conditioning and ventilation are extremely important components of wastefulness-through-design. The President's Office of Emergency Preparedness has estimated that, by making fairly simple and obvious changes in the design, 11 percent of the forecasted energy use in 1980 could be saved. Take air conditioning. Richard Stein claims that an average office building is occupied 3,100 hours annually with 500 hours in the temperature range where untreated outdoor air could be used. Simply opening the windows would bring about a 19 percent reduction in the use of energy for handling air—but how many office buildings have windows that can be opened?

Another part of the artificial world which architects have designed for the office worker is perhaps a super-abundance of light. In a high-rise building 54 percent of the electrical energy consumed goes into lighting; in a low building this rises to 62 percent.

Consider the high-rise office buildings twinkling through the night with a full array of lights (p. 35) for the cleaning personnel and handful of late-working executives. Selective lighting—lighting up only those rooms or parts of rooms in which someone is at work—would make a less striking skyline but it would save considerably on lighting. Separate switches could be installed so that lights around the perimeters of glass-walled buildings could be used only when natural light is insufficient. Other electrical savings include lower-voltage lighting in less occupied areas—hallways, storage areas—or more use of fluorescent lighting, which uses one-quarter as much as ordinary filament bulbs. The overall overage lighting levels, many building specialists feel, could be cut in half.

Much extravagant illumination is the fault of lighting standards (used by building codes, boards of education, industries and commercial developers), which have risen sharply and more than doubled in many cases over the past 15 years. Yet there is considerable disagreement as to whether such high illumination at such uniform intensity is necessary or even desirable.

While developing a new building system for school construction in California, architect Ezra Ehrenkrantz sought to develop, among other requirements, low-brightness lighting. Each bidder was required to state the wattage required to perform the job. Bids ranged from 3.3 watts to 6.3 watts per square foot of space to meet the same performance specification. (The system using the least energy, as it turned out, was also the lowest cost.) Ehrenkrantz tallied up some numbers and figured out that a saving in energy for the average California high school of one watt per square foot was equivalent to a teacher's annual salary. "The public," he says, "is not aware of how many teachers are burned up annually with the flick of a switch."

In addition to wasting electricity, lighting producers waste heat which, in most buildings, is then dissipated into the atmosphere. A few architects are now trying to catch this "heat of light" and pass it through conventional ducts and vents to help heat a building.

Making use of wastes, in fact, is the basis of what are now called "total energy systems," in which a building (or a group of buildings) contains its own generating system—usually small gas turbines or fuel cells. Waste heat is not released but reused by converting it into usable heat at little or no additional expenditure of energy. Such systems are costly, however, they require fairly constant demand for waste heat and are still far from perfected.

The resistance to energy-saving stems, in part, from financial institutions. The traditional way of financing buildings is based on first costs—what it actually costs the owner at the time the building is completed. Bank loans are made on the basis of first costs. Low first costs usually mean high energy consumption.

For savings in money and energy, building designs as well as bank loans should be calculated in terms of life costs: what it will cost to build and operate the building over its lifetime. Charles Berg, deputy director of the Engineering Institute for Applied Technology at the National Bureau of Standards, says that "energy conservation methods will obviously come at extra expense, but over the normal expected lifetime of the building, substantial savings in upkeep and energy use could be made."

An example of how these economics can work is seen in the work of Ehrenkrantz. He recently took bids for an air-conditioning system for student housing units, which he based on annual costs over 20 years. He gave the bidders energy requirements based on efficiency factors for the equipment. The cost of additional energy—if the bidders needed it—was to be added to the overall 20-year maintenance costs. The results: better equipment at lower life costs.

The federal government, seeking to break down the first-cost mentality, plans to use life-cost accounting on federal and federally assisted buildings. It is hardly a bandwagon, but interest is catching on. Owens-Corning Fiberglas Corporation has an energy conservation award competition for architects and engineers. Currently, the American Institute of Architects is circulating an exhibition, organized by the design firm of Arnold Saks, showing in photographs "The Architect and the Energy Crisis."

Easy availability of power can no longer be taken for granted and, as energy costs go up, energy conservation will be taken more seriously. Legislators are now predicting that builders will have to inform power companies in detail of their intended energy requirements. Legislation to control the amount of energy per unit of volume may well be with us within a decade. Building codes could be amended to raise insulation standards or to include new provisions for use of glass, ventilation and building orientation to reduce energy requirements. Kilowatt-hours could be taxed, annual kilowatts per building could be rationed.

Such restrictions might inspire architects, engineers and builders to come up with some energy-saving solutions. Energy conservation—if widely practiced—will also stretch our limited resources so that the benefits of enegry will be available to more people.

Mr. CRANSTON. Mr. President, in order to encourage more efficient energy utilization, I am introducing with the cosponsorship of Senator Taft, an amendment to S. 2182, the Housing Act of 1973, which would authorize the Federal Housing Administration to insure property improvement loans for financing additions or improvements to structures in order to conserve energy. The same provision would apply to the installation of solar energy equipment. In order to prevent the abuse of the concept by slipshod materials or untested technical ideas, the amendment directs the Secretary of Housing, Urban and Development, in consultation with the National Bureau of Standards, to prescribe appropriate design standards and performance criteria.

This amendment is, of course, only a small part of the total effort we must make to solve the energy crisis. It will make a contribution toward this effort, however, by enabling individuals to obtain loans for installing energy conserving improvements in their homes.

In the very near future, I plan to introduce a series of bills to provide incentives for energy conservation and the utilization of solar energy. It has been estimated that about 40 percent of all the energy consumed annually in America is for heating, air-conditioning, ventilation, lighting and power systems in buildings. If we can encourage sensible, energy conserving designs for future buildings and similar improvements to existing structures, we will have accomplished a great deal in our efforts to reduce energy consumption and to promote more efficient energy utilization.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record as follows:

AMENDMENT No. 623

On page 29, line 23, after the word "include", insert the following: "energy conserving improvements, the installation of solar energy systems, or".

On page 29, line 23, after the period, insert the following: "As used in this title the terms 'energy conserving improvements' or 'solar energy systems' mean any addition, alteration or improvement to an existing or new structure which is designed to reduce the total energy requirements of that structure, and is in conformity with such criteria and standards as shall be prescribed by the Secretary in consultation with the National Bureau of Standards."

AMENDMENT NO. 624

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

SOLAR ENERGY DEMONSTRATION PROJECTS

Mr. CRANSTON. Mr. President, each day brings new warnings about the dire consequences of our Nation's growing energy crisis. Each day this crisis grows more complex. We manage to struggle through the summer's gasoline shortage, only to learn about the anticipated winter fuel oil shortage. Domestic reserves of petroleum products are being depleted, and foreign supplies are growing more unstable.

There is, however, an energy source presently available—inexhaustible in its supply, yet basically nonpolluting when utilized. This new source is solar energy. the energy from the sun.

Solar power surrounds us. The dawn of each day brings a fresh supply, while the trees and plants and even the oceans around us are solar storehouses, waiting to be tapped. While large-scale utilization of solar energy is still in the future, technology is now available and feasible to tap the sun to heat and cool residential dwellings. I am, therefore, introducing today, together with Senator Taft, an amendment to the Housing Act of 1973 (S. 2182), now being considered by the Banking, Housing and Urban Affairs Committee, which will provide for the establishment of major demonstration projects to test the economic and technological feasibility of solar power as an energy source for the heating and cooling of our Nation's homes.

The idea of tapping the vast energy of the sun is not new. Mr. E. S. Morse received a patent in 1881 on a technique of "warming and ventilating apartments by the sun's rays," (U.S. Patent No. 246,626, September 6, 1881). The Heating and Ventilation Journal reported in July 1950, that an experimental solar house in Dover, Mass., had passed its second successful winter without a fuel bill. Other successful experiments took place, prior to 1960, in Denver, Colo., and Albuquerque, N. Mex. I am proud that one of the most recent and innovative steps in the continuing research and development of solar power has been the Harold Hay house in California, developed in cooperation with California Polytechnic Institute.

These experiments demonstrate clearly that the technology to build a solar-heated house is available now. These houses work. It is primarily the high cost of these homes which has prevented solar energy from being more widely utilized.

Since there is as yet almost no mass production of solar energy equipment, the hardware for these homes must be custom-designed and custom-built. Presently, for example, the price of the collector unit alone for an average single family home is around $2,000.

Another drawback stems from the individualized nature of existing solar-powered houses. Inspired and built as they were by different individuals, some of the houses required extensive, frequent maintenance. Such maintenance is something which an inventor would willingly, perhaps lovingly, perform, but would be at best a tedious chore for the average homeowner.

My amendment, Mr. President, would seek to overcome these obstacles by directing the Secretary of Housing and Urban Development, in collaboration with the National Science Foundation, to undertake demonstration projects throughout the country. I anticipate that the Secretary would divide the Nation into 5 to 10 climatic zones, with at least 2 single-family residences and 10 multifamily units erected in each zone. In this manner, we can get a fair, realistic appraisal of the feasibility of solar-heated and cooled homes. The amendment authorizes the appropriation of $5 million for these purposes.

Given this impetus, I have no doubt that American private enterprise will meet the potential demand. This, in turn, should lead to more standardized hardware, with much lower maintenance requirements.

In addition, my amendment authorizes the Secretary to utilize the contract, loan, or mortgage insurance authority of any federally assisted housing program to further the development of solar-powered homes.

Finally, the Secretary is directed to report to the Congress annually on his efforts. This report should include a discussion of the economic and technical feasibility of the project, and an analysis of any other problems encountered, such as building codes and anticipated new legal questions such as those arising from the construction of neighboring buildings which deprive a dwelling of its sunlight.

Mr. President, no one can seriously claim that solar power is the panacea for the entire energy crisis. We can, however, say that the solution to the energy crisis demands an attack on many fronts. The U.S. Office of Science and Technology estimates that space heating, cooling, domestic hot water, and power in residential and commercial buildings constitutes approximately 29 percent of the total energy consumption in the United States. The technology exists today to utilize solar energy for a considerable portion of that percentage.

This amendment represents only a small, beginning step on the path toward tapping the great resources of the Sun's energy. In the near future, I will be introducing a series of measures designed to provide an across-the-board impetus to the infant solar-energy field. Our Nation's energy situation is critical. As such, it demands a large-scale commitment to the discovery of workable solutions.

Each day's consumption of our dwindling fossil fuel supply makes the search for alternate energy sourecs more vital. No longer can we say that solar power is an interesting concept for the future. With the energy crisis upon us, the future is now.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 624

On page 4, line 10, after "or" insert "operating costs or in".

On page 148, line 17, after "NEEDS" insert "AND TECHNOLOGY".

On page 150, strike out the quotation marks and the period at the end of line 5.

On page 150, after line 5, add the following:

"SPECIAL HOUSING TECHNOLOGY

"SEC. 507. (a) In carrying out activities under section 501, the Secretary may, after consultation with the National Science Foundation, undertake special demonstrations to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing (including demonstrations of new housing design or structure involving the use of solar energy). Demonstrations carried out under this section should involve both single family and multifamily housing located in areas having distinguishable climatic characteristics in urban as well as rural environments. To carry out the purpose of this section the Secretary is authorized—

"(1) to enter into contracts with, to make grants to, and to provide other types of assistance to individuals and entities with special competence and knowledge to contribute to the planning, design, development, and operation of such housing;

"(2) to utilize the contract, loan, or mortgage insurance authority of any Federally assisted housing program in the actual planning, development, and occupancy of such housing; and

"(3) to set aside any development, construction, design, or occupancy requirements for the purpose of any demonstration under this section if he determines that such requirements inhibit such demonstration.

"(b) The Secretary shall include in any demonstration under this section an evaluation of the demonstration to cover the full experience involved in all stages of the demonstration.

"(c) The Secretary shall transmit to the Congress not later than March 15 of each year following a year in which he carries out a demonstration under this section a full report on such demonstration. Such report may include an evaluation of the economic and technological feasibility of the widespread application of solar energy to residential housing.

"(d) There are authorized to be appropriated for demonstrations under this section, in addition to any funds or other authority available under subsection (a)(2), not to exceed $5,000,000 which shall remain available until expended."

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENTS

AMENDMENT NO. 625

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, today I submit an amendment to H.R. 3153 which would provide medicare coverage for out-of-hospital prescription drugs.

This amendment is identical in substance to S. 438, which I introduced on January 18 of this year. It is also similar to proposals which I have made over the past several years.

Mr. President, the Finance Committee is using H.R. 3153 as a vehicle for major social security reforms. I believe the committee—and the Senate as a whole—cannot afford to overlook the one reform which would remove a major burden from the shoulders of the elderly: coverage of out-of-hospital drugs.

I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 625

At the end of the bill, insert the following:

SEC. 6. (a)(1) Section 1861 of the Social Security Act is amended by adding after subsection (z) thereof (as added by section 234(f) of this Act) the following new subsection:

"(z–1) (1) The term 'covered drugs' means those drugs appearing on the list specified in paragraph (2) of this subsection.

"(2)(A) Subject to the provisions of subparagraph (C), the Secretary shall, with the advice of the Expert Committee on Drug Coverage established by section 1868, establish and publish a list of those drugs for which payment may be made subject to the conditions of section 1812(a)(4) under part A of this title. The Secretary shall distribute such list on a current basis to practitioners licensed by law to prescribe and administer drugs or to dispense drugs and shall make such other distribution as in his judgment will promote the purposes of this title. He shall from time to time (but at least once a year) review such list, and shall revise it or issue supplements thereto, as he may find necessary, so as to maintain insofar as practicable currency in the contents thereof and shall publish and distribute such revisions in accordance with the preceding sentence.

"(B) Each drug appearing on the list established under subparagraph (A) shall be designated by its established name and with respect to each such drug, the Secretary may include such other information as he finds necessary to promote the purposes of this subsection and section 1919.

"(C) A drug shall not appear on the list established under subparagraph (A) unless—

"(i) such drug is lawfully available for dispensing or administration to humans; and

"(ii) it is determined by the Secretary, with the advice of the Expert Committee on Drug Coverage, to be useful in the treatment of diabetes, high blood pressure, chronic cardiovascular, respiratory, or kidney diseases or conditions, arthritis, gout, rheumatism, tuberculosis, glaucoma, thyroid disease, or cancer.

"(D) For purposes of this subsection—

"(i) the term 'drug' means a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act); and

"(ii) the term 'established name' shall have the meaning assigned to such term by section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act."

(2) Section 1861(t) of such Act is amended by inserting after "subsection (m)(5)" the following: "or subsection z–1)".

(b) Section 1812(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end and inserting in lieu thereof: "; and"; and

(3) adding at the end the following new paragraph:

"(4) covered drugs furnished to such individual, but not when furnished to him while he is an inpatient in a hospital."

(c) Section 1813 of such Act is amended by adding at the end the following subsection:

"(c) (1) The amount payable for a covered drug furnished an individual shall be reduced by an amount equal to the copayment determined under paragraph (2) or, if less, the charges imposed with respect to such individual for such covered drug, except that, if the customary charges for such covered drug are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed.

"(2) The copayment specified in paragraph (1) shall be $2.00 the first time any particular prescription is filled and $1.00 each time a prescription is refilled."

(d) Title XVIII of the Social Security Act is amended by adding after section 1818 of such Act (as added by section 202 of this Act) the following new subsections:

"PAYMENT FOR COVERED DRUGS; CONDITIONS AND LIMITATIONS ON SUCH PAYMENT

"SEC. 1819. (a) (1) The amount paid to any provider of drugs with respect to covered drugs for which payment may be made under this part shall, subject to the provisions of this section and section 1813(c), be the reasonable drug charge with respect to such drugs.

"(2) (A) The 'reasonable drug charge' for a covered drug shall be the acquisition allowance plus a dispensing allowance.

"(B) The Secretary shall by regulations establish the method or methods for determining the acquisition allowance of a covered drug, giving consideration to the cost to providers of drugs of acquiring the drug by its established name. If the source from which any covered drug is available charges different prices therefor to different classes or types of providers, or if a class of providers may reasonably obtain such drug from only certain types of sources, the Secretary may, in establishing the acquisition allowance, take into account these differences.

"(C) The Secretary shall by regulations establish the methods for determining a dispensing allowance for a covered drug, giving consideration to such factors as cost of overhead, professional services, and a fair profit. He may provide different dispensing allowances for different classes of providers.

"(b) Payment for covered drugs furnished to an individual may be made only to a dispenser of drugs eligible therefor under subsection (c) and only if—

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe; and

"(2) a written prescription, signed by a physician, was filed with such provider of drugs; except that (pursuant to such regulations as the Secretary may prescribe) no payment may be made for a covered drug—

"(3) if it is prescribed in an unusual quantity; or

"(4) if it fails to meet such requirements as to quality and standards of manufacture as the Secretary may prescribe; or

"(5) it fails to meet such specifications as to dosage form as the Secretary may require.

"(c) For purposes of subsection (a), a provider of drugs shall be eligible for payment if—

"(1) he is licensed or authorized pursuant to State law to dispense drugs to humans;

"(2) he agrees to comply with such rules and regulations as the Secretary may issue with respect to—

"(A) submission of bills at such frequency and on such forms as may be prescribed in such rules and regulations;

"(B) availability for audit of his records relating to drugs and prescriptions;

"(C) the maintenance and retention of such records relating to the cost of drugs as may be specified in such rules and regulations;

"(3) he meets such other conditions relating to health and safety as the Secretary may find necessary;

"(4) he agrees not to charge any individual for a drug for which such individual is entitled to have payment made under this part an amount in excess of the customary charge at which such dispenser of drugs sells or offers such drug to the public at the time such drug is furnished to such individual."

(e) Title XVIII of the Social Security Act is further amended by adding after section 1867 of such Act the following new section:

"FORMULARY COMMITTEE

"SEC. 1868. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812(a) (4).

"(4) Publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various qualities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formularly.

"(e) (1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a)(4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities."

(i) The heading of part A of title XVIII of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(j) Section 1811 of such Act (as amended by section 201(a)(2) of this Act) is further amended by inserting after "services" the following: "and the cost of covered drugs".

(k) Section 1814(c) of such Act is amended by—

(1) adding at the end of the heading the following: "or Federal Provider of Drugs";

(2) inserting "(1)" after "(c)"; and

(3) adding at the end the following new paragraph:

"(2) No payment may be made under this part to any Federal provider of drugs (as provided for in section 1819), except a provider of drugs which the Secretary determines is dispensing drugs to the public generally as a community institution or agency; and no such payment may be made to any provider of drugs for any drug which such provider is obligated by a law of, or a contract with, the United States to render at public expense."

(l) Section 1815 of such Act is amended by—

(1) adding at the end of the heading the following: "and Providers of Drugs";

(2) adding after "provider of services with respect to the services furnished by it": "; and each provider of drugs with respect to drugs,";

(3) inserting after "provider of services" the second time it appears "and the provider of drugs, as the case may be,".

(m) Section 1861(r) of such Act (as amended by other provisions of this Act) is further amended by adding at the end thereof the following new sentence: "For purposes of section 1819, such term includes any such doctor only with respect to drugs he is legally authorized to prescribe by the State in which he prescribes such drugs."

(n) Section 1869(c) of such Act is amended by inserting after "provider of services" the following: "or any person dissatisfied with any determination by the Secretary that he is not a provider of drugs eligible for payment under this title,".

(o)(1) Section 1870(a) of such Act is amended by—

(A) inserting ", provider of drugs," after "provider of services"; and

(B) inserting "or drugs" after "items or services".

(2) Section 1870(b) of such Act is amended by—

(A) inserting ", or provider of drugs," after "provider of services" each time it appears;

(B) inserting "or drugs" after "items or services"; and

(C) adding at the end of paragraph (2) the following: "any payment has been made under section 1819 to a provider of drugs for drugs furnished an individual,".

(3) Section 1870(d) of such Act is amended by inserting: ", or provider of drugs," after "provider of services".

(p) The heading of section 226 of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(q) Section 226(b)(1) of such Act (as amended by section 201(b) of this Act) is further amended by—

(1) striking out "(as such terms are defined" and inserting in lieu thereof the following: "and for covered drugs (as such terms are defined"; and

(2) inserting ", and (C) no such payment may be made for covered drugs furnished before July 1, 1972; and" immediately before the semicolon at the end thereof.

(r) Section 21(a) of the Railroad Retirement Act of 1937 is amended by—

(A) striking out "and" which follows "extended care services,"; and

(B) striking out "post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and covered drugs".

(s) Section 21(e) of the Railroad Retirement Act of 1937 is amended by inserting after "services" the first time it appears "(other than covered drugs)".

"MAXIMUM ALLOWANCE COST FOR QUALIFIED DRUGS

"SEC. 1869. (a) For purposes of this part, the term 'maximum allowable cost' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(B) the actual, usual, or customary charge at the price at which it is generally available to establishments dispensing drugs.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c)(1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a fee for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except for subsection (a)(1)(B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and in a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.".

(i) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(j)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1820(b)."

(j) Section 1861(u) of the Social Security Act (as amended by section 227(d)(1) of this Act) is further amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(k) Section 1861(v) of the Social Security Act (as amended by sections 227(c), 223(b), 251(c), and 221(c)(4) of this Act) is further amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(7)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1820 of this Act."

(l) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(Z–1) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(m)(1) The first sentence of section 1866(a)(2)(A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813(a)(4), and (iii)".

(2) The second sentence of section 1866(a)(2)(A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(n) The amendments made by this section shall apply with respect to items and services furnished on and after the 1st day of January 1974.

AMENDMENT NO. 626

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, I introduce an amendment to H.R. 3153 which would have the effect of making the social security system more equitable for the current working generation and improving health benefits for those now eligible for medicare coverage.

The provisions of my amendment are substantially the same as the substance of S. 1838 which I introduced on May 16 of this year.

Section 6 of the amendment—its first section—provides a payroll tax reduction for low-income wage earners. In discussing the work bonus plan which has since been approved by the Senate Finance Committee, Health, Education, and Welfare Secretary Caspar W. Weinberger said:

> In general terms, an alternative might be to reduce or eliminate withholding of the payroll tax for a family with an income below the low-income allowance level. As income rises above this level, withholding would gradually phase in. . . .

The proposal I offer today provides a similar reduction of withholding tax for low-income individuals with a gradual phase-in as income increases. It accomplishes the dual objective of making the social security payroll tax more progressive while eliminating the need for a work bonus plan with its separate benefits check and its welfare connotations.

Section 7 of the amendment provides partial general revenue financing of social security retirement benefits. This is phased in over a period of 9 years, at the end of which general revenues are providing one-fifth of the total benefit payout. This proposal takes some of the burden off the current working generation which is paying an excessive amount in taxes to fund the benefits for those workers who are now retired and who did not pay into the trust fund an adequate sum of money before their retirement. It is also essential if we are to move to any national health insurance plan which involves social security financing. Without partial general revenue financing, the increased payroll tax would be far too onerous for most workers in this Nation.

Section 8 extends hospital insurance benefits under the medicare program to all uninsured individuals who have attained the age of 65.

Section 9 provides automatic coverage under part B of medicare—doctor bills—for anyone eligible for part A—hospital insurance—coverage. The part B medicare premium is eliminated.

Section 10 provides for payments of all medicare benefits from a single trust fund, rather than the dual system now prevailing.

Section 11 provides for the partial general revenue financing of medicare benefits to be phased-in over a period of 4 years at the end of which period general revenues would provide one-third of the total benefit payout.

NONCONSERVING CROP FAILURES—AMENDMENT

AMENDMENT NO. 267

(Ordered to be printed and to lie on the table.)

Mr. CLARK submitted an amendment intended to be proposed by him to the bill (S. 2491) to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures, with respect to crops planted in lieu of wheat or feed grains.

ADDITIONAL STATEMENTS

PUBLIC FINANCING OF FEDERAL ELECTIONS

Mr. HUGH SCOTT. Mr. President, recently there have been a number of articles and editorials in the Pennsylvania newspapers in support of my position on public financing of Federal elections. I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Jeannette (Pa.) News Dispatch Sept. 17, 1973]

THE PENNSYLVANIA STORY: SCOTT, KENNEDY FOR PUBLIC FINANCING

(By Mason Denison)

Harrisburg.—An interesting duo in the United States Senate is urging public financing of federal elections.

Can you believe Pennsylvania's Republican Senator Hugh Scott and Massachusetts' Democratic Senator Ted Kennedy working together?

The Senators have joined forces to promote the concept and tomorrow will appear together before the Senate Rules Committee to sell their idea to their colleagues.

What they want to do is to take "that extra step", Senator Scott says, to encourage the public to take more of an interest in elections. He said that if they have a financial "investment", the public should increase their participation.

The Kennedy-Scott proposal calls for public financing through appropriations for general and special federal elections.

The measure bars the option of private financing for all federal offices in the same election.

It does not include primary elections for obvious fiscal and administrative reasons.

MANDATES PUBLIC FUNDS

It mandates the use of public funds for all election campaigns. Candidates will not have the option of using private monies.

The existing "check-off" would be increased from $1 to $2 or $4 on a joint return. Congress would be authorized to appropriate additional funds if a deficit should occur in the campaign fund.

Adequate spending floors and ceilings are available to candidates of major, minor and new parties.

The plan would go into effect for the 1976 congressional and presidential elections.

The Keystone State Senator has been submitting legislation on campaign election reform for the last two years.

He and Senator Charles Mathias (R-Md.) called for a bipartisan Federal Election Commission. The measure passed the Senate but was eliminated from the bill when the House of Representatives couldn't agree with the concept.

An even stronger Commission bill has been proposed this year by Scott who believes it has a strong chance of surviving the House of Representatives. It is part of the package of election reform legislation already passed by the Senate.

Senators Scott and Kennedy agree that public financing of elections is a bold and dramatic move, but they concede that a bold and dramatic move is what is necesary to change the system.

Washington watchers claim that such a move could well be acceptable now because of scandals (Watergate et al) to help restore the faith of voters in the political system.

Pennsylvania's three-term Senator has characterized the Watergate affair as a sordid adventure by over-zealous amateurs who never ran for public office and therefore lacked a sensitive compassion for competition.

The Virginia-born Scott, who has always felt he could breakfast with the candidate he ran against, said some on campaign staffs, while well-intentioned, possess a tendency to move ahead recklessly unless given solid and careful directions.

When commenting on introducing the public financing measure, he said he believed after more than 40 years as an elected public official, he was "reasonably above suspicion and certainly beyond ambition."

The third highest Republican on the National scene was confident that while the bill will be criticized by some as being too liberal, others will say it is about time.

[From the Philadelphia Inquirer, Sept. 20, 1973]

SECOND THOUGHTS ON ELECTION $$$

Pennsylvania's Sen. Hugh Scott, we would guess, spoke for many of his fellow Americans when he said Tuesday that he had changed his mind about public financing of Federal elections.

"Two years ago," Mr. Scott said in testimony before a Senate committee now considering such legislation, "I was persuaded that disclosure alone would cure the ills, but I misjudged that as much as I misjudged the deviousness of certain individuals who sought to humiliate the law from the day it was enacted."

There are some sticky problems involved in working out public financing, as the hearings now underway demonstrate.

Shall there be only public financing, as Sen. Scott and Sen. Edward Kennedy propose in a bill they have submitted? Or shall there be a mix of public and private financing, as proposed by Pennsylvania's junior senator, Richard Schweiker, and Sen. Walter Mondale in another bill? How far down the line of candidates shall public financing go? How much shall be spent and how shall it be allocated? Who shall qualify for such money? And what about primaries?

There are no simple answers, but the problems are not insuperable.

One thing that is clear, as Sen. Scott said, is that "this nation is now painfully aware of the corrosive power of money in politics." Another is that the extensive reform legislation enacted two years ago has not provided the kind of genuine reform needed to stem that corrosion.

It is encouraging, therefore, to find a majority of the senators now committed to public financing in principle. Translating that principle to workable specifics will not be easy, but it needs to be done—and now. Public financing is definitely an idea whose time has come.

[From the Scranton (Pa.) Times, Sept. 20, 1973]

HOPE REVIVED FOR PUBLIC FUNDED CAMPAIGNS

When the Senate in early August tabled action on a measure to authorize the use of public funds to finance federal election campaigns it appeared that a majority of Senators felt that the public was not yet ready for such a drastic change in its political life. But fortunately, proponents of this much needed reform have not given up.

Pennsylvania's Sen. Hugh Scott came forward at an elections subcommittee hearing the other day to testify that public financing of campaigns is "our last best hope to restore full confidence in public officials and government." The Senate minority leader has joined with Sen. Edward M. Kennedy, D-Mass., and

Sen. Alan Cranston, D-Calif., in a bipartisan effort to gain passage of a public financing campaign law.

There is reason to believe that some form of public financing of campaigns may be adopted this year after all. Besides the agitation by the bipartisan group of senators, Common Cause, the citizens lobby, and some other groups are waging a concerted drive to convince legislators that public financing is an idea whose time has indeed arrived. The campaign reform legislation which passed the Senate six weeks ago does not go far enough. It limits expenditures and contributions and establishes new enforcement machinery. But the problem remains that special interests can still influence the outcome of elections with generous donations, no matter how well disguised from public view.

There are several versions of how public financing of election campaigns can be carried out. Pennsylvania's junior senator, Richard S. Schweiker, is cosponsor of a bill which applies to presidential campaigns only. This measure, in combination with one which would include congressional campaigns as well, offers great promise of freeing politicians of the potentially corruptive influence of big-money contributors and of giving the candidate of modest means a better chance than now prevails of being elected.

Time is a problem, though. Unless action is taken this year or very early in 1974 it will be too late for the reforms to apply to next year's congressional and senatorial elections.

[From the Williamsport (Pa.) Sun-Gazette, Sept. 20, 1973]

To Demonstrate Spending Wisdom

The demonstrated ability to spend other people's money wisely could be a most significant factor if public financing of candidates' election campaigns ever comes about.

The U.S. Senate is considering various plans to use tax funds for electioneering. One of the proposals was the subject of testimony this week before a Senate committee. It was the plan of Sens. Hugh Scott and Edward M. Kennedy.

Among the requirements of the senators' bill is the mandating of the use of public funds for all election campaigns without the option of using private monies. Limits would thus be set on what candidates could receive and spend.

There would be only so many dollars to use. The legislated limits would seem to block any prospect of buying an election.

What an opportunity candidates would have to demonstrate their expertise in getting the best results with the amount of cash at hand. The best results, of course, would be winning the election and that would require better management of funds than opponents could muster.

There is, indeed, much more than ability to handle public money to be considered in picking congressmen and senators. But the requirement is certainly not at the bottom of the list. In fact, in the present debt-ridden state of the national economy, spending wisdom ought to have the highest priority.

[From the Allentown (Pa.) Call Chronicle, Sept. 18, 1973]

Public Vote Financing Gets Scott's Support

WASHINGTON.—Public financing of federal elections today picked up support from 30 senators including Republican leader Hugh Scott, a former critic who today called the proposal "our last best hope" for restoring confidence in government and elected officials.

The senators endorsed the principle of paying for election campaigns with public funds instead of contributions in a statement delivered to a Senate privileges and elections subcommittee opening hearings on the idea.

In prepared testimony, Scott said he joined with Sen. Edward M. Kennedy, D-Mass., in proposing the legislation because "it is our last hope to restore full confidence in public officials and government."

Scott said that only two years ago he believed that merely requiring public disclosure of private contributions and campaign expenditures would be enough to cure wrongdoing.

But, referring to the campaign reporting law which went into effect in April, 1972, Scott said, "I misjudged that as much as I misjudged the deviousness of certain individuals who sought to humiliate the law from the day when it was enacted."

Congress last year provided that taxpayers can divert $1 of their income tax to presidential election campaigns in a checkoff system. The Scott-Kennedy proposal would increase this to $2 and require candidates in presidential, Senate and House campaigns, beginning in 1976, to use public rather than private funds.

It would not apply to primaries. Congress would be authorized to appropriate additional funds if the checkoff did not raise enough.

Sen. Alan Cranston, D-Calif., has a bill to limit an individual's private contributions to a candidate in a federal election to $250.

"Watergate is only the latest demonstration of the long-overdue need to cleanse elections of the corrupting curse of huge private campaign contributions," Cranston said.

[From the Harrisburg (Pa.) Patriot, Sept. 18, 1973]

Public Election-Funding Topic of Senators' Probe

WASHINGTON.—A new drive for public financing of federal election campaigns was launched today at hearings before the Senate Elections subcommittee.

"Watergate is only the latest demonstration of the long-overdue need to cleanse elections of the corrupting curse of huge private campaign contributions," said Sen. Alan Cranston, D-Calif., spokesman for a bipartisan group of senators seeking such legislation.

"The only way to clean up the political process . . . is to provide substantial financial support for elections from public funds," he said.

Republican leader Hugh Scott, of Pennsylvania, in prepared testimony for the subcommittee called public financing "our last best hope to restore full confidence in public officials and government."

The subcommittee's four days of hearings are expected to boost support for public financing of presidential and congressional campaigns, although the passage of such a bill this year is regarded as unlikely.

The Senate, in passing campaign reform legislation six weeks ago limiting expenditures and contributions and establishing new enforcement machinery, tabled 53 to 38 a public-financing proposal by Scott and Sen. Edward M. Kennedy, D-Mass.

Despite the defeat, supporters of the proposal claim there is growing strength for the concept of using tax funds to finance election campaigns.

Cranston, Scott and Kennedy and other senators circulated a letter to their colleagues in advance of this week's hearings listing basic principles they said should govern any system of public financing.

Sen. Hubert H. Humphrey, D-Minn., announced, meanwhile, what he called a major breakthrough in promoting public financing of presidential election campaigns.

He said the Internal Revenue Service has approved his proposal that employers be permitted to include material explaining and promoting the $1 check-off system when they mail wage withholding forms to employers. Under the system, established in 1971, taxpayers may earmark $1 of their income tax for a presidential campaign fund.

Extension of the $1 check-off system to provide Treasury funds for federal general election campaigns is being sought by most advocates of public financing, said Cranston.

[From the Philadelphia Bulletin, Sept. 26, 1973]

Public Campaign Financing

Not too long ago, the concept of public financing of federal elections seemed headed for oblivion. Now, the concept is re-emerging as a key element of election campaign reform.

Thirty-three members of the U.S. Senate have publicly endorsed the principle of public campaign financing and nearly 140 House members have come out in support of a proposed "Clean Elections Act of 1973," sponsored by Representatives John B. Anderson (R-Ill) and Morris K. Udall (D-Ariz). Senate Minority Leader Hugh Scott (R-Pa), a former opponent of the concept, is cosponsoring a bill with Senator Edward Kennedy that would bring about full public financing, calling the move "our last best hope to restore full confidence in public officials and government."

Since investigations of the Watergate crimes began last year, more than enough evidence has been produced to illustrate the need for broadening participation in the election process and reducing the dominant role of wealthy and powerful interests.

Data gathered from the last Presidential election show that of the more than $50 million contributed to the Nixon campaign, $6 million came from 27 individuals, and nine of those contributors gave at least $250,000.

The degree to which money and influence have affected campaigns was outlined recently in a study of the financing of the last congressional elections. The study, released by Common Cause, found that incumbents raised more than twice as much money as their challengers, and, that in all but a few cases, the candidate who spent the most money won the election.

Again, large contributions played a significant role. Of $69.7 million raised by congressional candidates in the general election, more than two-thirds came in contributions of more than $100, the study found.

There is little doubt that steps have to be taken to make campaigns more broadly based. There is doubt, however, that Congress will be able to settle on a given approach to public financing. Five bills are before it now which differ on almost every aspect except the principle of public financing beyond the check-off provision of the 1971 Election Campaign Act.

At issue are questions as to whether primaries and general elections should both be subsidized and whether all declared candidates should receive subsidies.

Neither congressional reformers nor the public should lose sight of the fact that what is sorely needed is more open, competitive elections and that public financing is only a means, not an end in itself.

If it proves difficult to agree on a plan for public financing, further reforms in the present system should still be made.

Whatever size donations are permitted, cash contributions should be restricted to small sums, the names and addresses of all contributors should be listed and total contributions from any single source limited.

THE NATIONAL INTEREST AND MILITARY POWER

Mr. FULBRIGHT. Mr. President, last night at the Pacem in Terris III Conference, former Secretary of Defense Clark Clifford presented a thoughtful and profound statement upon the national interest and military power.

I commend his statement to my colleagues. His reasoning is based upon a wide and thorough knowledge of the subject and all of us should take seriously his advice as to our actions here in the Congress with regard to our Defense Establishment.

I ask unanimous consent to print Mr. Clifford's statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE NATIONAL INTEREST AND MILITARY POWER

(By Clark M. Clifford)

Out of the welter of conflicting views regarding the world today, there is one development upon which we can all agree. That is the profound and far reaching manner in which our world has changed these last few years.

The major thrust of my remarks on this occasion is that, (A) The world has changed; and (B) The United States defense establishment and the defense budget have not. I cannot state the problem more simply. My hope is that I may offer thoughts tonight that will lead to a better understanding of the defense policy that our country needs in today's world.

There exists a gap—an undeniable gap—between a foreign policy that purports to deal with a world of detente, and a defense policy that is mired in the backward looking attitudes of the Cold War.

Like many of you here, and in a sense like the military establishment which we are examining tonight, I am a product of the Cold War. I was with President Truman from 1945 to 1950 and I recall with vividness and pride those dramatic days. But the military forces devised to meet the problems that existed then still exist today. They are enormous, unwieldy, terribly expensive and unnecessary.

Times change, and the challenge of our era is whether we can change with them.

As our tragic intervention in Indo-China draws too slowly to a halt, we look at the world around us and we see a near total transformation. Contrast the world as it appeared immediately after the second World War, and for much of the period up until the middle 1960's, to the world as it appears now. In this contrast we will find the guides for reshaping our defense policies and budgets.

During that earlier era, the Soviet Union seemed intent on threatening the United States, if not directly, then through pressure on other nations whose survival and independence were, and to a great degree remain, vital to our interests. We had no alternative but the firmest common resistance.

For all but the last few years of that period, there appeared to be allied to the strength of the Soviet Union the massive population and immense potential of China.

In that era, the Soviets and their Chinese associates seemed resolved to make the political situation and the economic development of every nation in the world, no matter how small or how obscure, a testing ground for the confrontation of the most ultimate issues of how society and life were to be organized. We responded in kind.

Faced with that situation—an aggressive USSR, Soviet-Chinese solidarity, and a communist effort to be involved in every significant conflict over the future of any nation—those responsible for our nation's policies, including the state of our military forces, felt that the United States had to plan its military forces with the real expectation that they might, at any moment, be called upon to resist militarily, and directly, large-scale aggression in Asia or Europe, and perhaps in both simultaneously.

On the nuclear side, as our atomic monopoly evaporated, the need for constantly increasing stock of even more sophisticated nuclear weapons seemed to grow greater, not less. The first priority was to build a deterrent, proof against the most effective conceivable surprise Soviet attack. The result was the construction of a strategic deterrent force composed of three basic elements—land-based missiles, submarine-based missiles, and bombers—each independently capable of surviving an all-out Soviet attack with sufficient strength for a retaliation that would destroy the Soviet Union as an organized society. In addition, in an effort to extend our nuclear strength to protect our allies, we deployed literally thousands of nuclear weapons throughout the world. These weapons were supposed to compensate for inadequacies in ours and our allies' non-nuclear forces.

This image of the world on which our military forces were premised is scarcely recognizable from the perspective of late 1973.

First, while the profound differences between the social and political systems of the United States and the Soviet Union remain, and while there persist genuine areas of serious international conflict between the U.S. and the USSR, the relationship of the two superpowers simply can no longer be described as one of general and unrelenting confrontation. The past two years have seen two United States-Soviet summits marked by effusive cordiality, by the conclusion of the strategic arms limitation agreement which, whatever its limitations, marks an acceptance by both sides that there is no real defense against nuclear war except mutual vulnerability, and by intense discussion of immensely expanded economic links between the United States and the Soviet Union.

Nor, of course, is this phenomenon of détente with the USSR only a bilateral one. The Ostpolitik has brought with it, if not permanent settlement of the conflicts which divide Europe, at least a renunciation of the use of force. The European security conference and the negotiations on force reductions in Europe are signs of a change in the relationship between the Soviet Union and the nations of Western Europe and may portend more basic settlements in the long run. Such a sign of change and an end to confrontation is the very rapidly expanding Soviet trade with Western Europe and Japan.

Even more dramatic is the change in the relationship between the United States and China. Rigid antagonism on each side has given way to a reopening of communication based on a cautious but, in all probability, irreversible recognition that there are simply not that many profound conflicts between the vital interests of the United States and those of China. As we come to take a more realistic view of China, and, perhaps, also a less omnipotent view of ourselves, we find less and less to fear from that immense nation, faced as it is with profound challenges in its own internal development.

At the same, relations between China and the USSR have so deteriorated as to make the phrase "Sino-Soviet Bloc" but a memory.

And, of course, in planning defense policy, there is the fact that we are involved no longer in the war in Indo-China.

Finally, in a world in which economic issues on the international scene are growing in relative importance, we must recognize that the United States has lost its economic domination of the international scene, even while retaining its vast military strength.

From these profound changes in the international setting, one would expect profound changes in American military policy and military forces. For it is, of course, to serve our international policy that we create military forces, however often it may seem that the relationship is reversed.

To be sure, there has been a certain amount of verbal change in our declaratory policy. But if we turn from declaratory policy to the hard facts of budgets and forces, we find incredibly little change. Measured by its own sound maxim—watch what we do, not what we say—the present Administration's defense policies seem all but oblivious to the great changes taking place in the world around us.

Despite these changes and the much-advertised winding down of American involvement in Viet Nam, we are being asked to spend more, not less, on military force. The Department of Defense budget requested by the President for Fiscal 1974—that is the year we are now in—is $4.1 billion more than we spent in 1973 and that expenditure was, in turn, $3.2 billion more than in 1972. Even taking price changes fully into account, spending on non-Viet Nam military forces will increase by $3.4 billion from 1973 through 1974, if the Administration's proposals are approved by Congress.

This is in sharp contrast to past post-war budgets. Following the second World War, by the year 1947, the defense budget was less than 10 per cent of its wartime high. After Korea, defense spending fell in two years to just 45 percent of its Korean peak in 1952. In the present post-Viet Nam case, there were, to be sure, small reductions from the years of very high levels of combat activity in Viet Nam. But the basic pattern, fixed early in the process of reducing direct combat expenses in Viet Nam, has been to maintain real defense spending at a relatively constant level.

Even this "level budget" policy cannot long continue, unless we change the policies on force size, manpower, and procurement which underlie the present budget. The current budget includes plans to buy weapons and maintain forces whose increase in costs in the rest of this decade can be fairly readily measured.

The estimates of the cost of staying on our present course are staggering. The 1974 budget projects a further $4.6 billion increase in the national defense budget for next year.

The Brookings Institution in its analysis of the 1974 budget offers a longer-term projection. It estimates that maintaining current defense policies will require that we increase the defense budget from the $85 billion requested for Fiscal 1974 to almost $100 billion in Fiscal 1980. And that is without making any allowance for increases in price, which, according to the same analysis, would mean the $100 billion mark would be passed in 1977 and we would have a $114 billion budget in 1980.

Thus, we face a paradox of an increasing budget for military purposes in a world in which all the political signs point to contingencies calling for U.S. military action being less rather than more. This paradox cannot be explained by any restructuring in our forces to meet the new situation. Instead, the $85 billion request of the Administration is to support forces of essentially the same size and type as (though in most cases far more powerful than) those maintained by the United States in the early to middle 1960's, when political conditions were radically different.

To be specific:

Our strategic forces in 1974 will be essentially identical in numbers of vehicles to those of 1964, except for the retirement of some older bombers and the completion of some missiles and submarines under construction in 1964. The effective striking power of those forces has, of course, been multiplied several times in the interim by the introduction of multiple warheads.

Our tactical air forces have remained at only slightly below the 1964 levels, with 2,800 aircraft in all services as against 3,000 in that year. But simply counting aircraft or squadrons ignores the fact that the improvements in the new aircraft which have come into service in the interval have greatly increased the capability of the force as a whole.

Our naval forces continue to be centered around aircraft carriers. Again, although there is a reduction from the 15 attack carriers maintained in 1964 to 13 now, the newer units are more capable than those they replaced. The number of ships in the fleet is substantially reduced, but the force as a whole is much newer and more capable.

Similarly, with ground forces, there has been but a modest reduction from the 1964 figure of 19⅓ divisions to the present 16 divisions with a considerable buildup of firepower and mobility.

Moreover, the missions assigned these forces are essentially the same as those assigned to forces in 1964. The Air Force is designed to conduct deep interdiction of enemy supply routes as part of a prolonged war in Europe or on the Asian continent. The Navy is planned on the assumption it must be ready to fight a sustained antisubmarine effort in the North Atlantic and, with its carrier aircraft, to provide interdiction, air superiority, and ground support for sustained combat ashore. The Army and Marines are to be prepared to sustain a long war in Europe, and, to judge from their deployment and numbers, also to be prepared to fight directly on the Asian continent.

Is it not clear that today we simply do not need all the military forces which we now maintain? As I have suggested, we are maintaining in 1973, in the face of substantially reduced international tensions and substantially consolidated U.S. international objectives, practically as large a force as we did in 1964 when the global confrontation seemed to be much sharper and America's goals much more ambitious. It should be noted that 1964, the last pre-Viet Nam year, marked a post-Korea high.

What kind of forces would the Administration be asking the American people and the economy to support if international relations had remained essentially the same? And what would we be told we required if relations with China and the Soviet Union had worsened?

It must be recognized that, to a degree, our forces and our defense policies are functions of tradition and bureaucratic pressures as well as products of analysis of our interests and the forces we need to protect them. To the degree that this is true, it makes it all the clearer that something is gravely wrong.

For, if we consider our international policy and not bureaucratic politics, our present situation is truly inexplicable.

Why, in the changed world situation which President Nixon has called an era of negotiation, do we still need—and why should the American people be asked to support—the military establishment which was created for an era of confrontation?

After Viet Nam, do we really want the military forces we now maintain to fight a land war in Asia?

With the profound changes in relationships between the two parts of Europe, do we really need an Army, Navy and Air Force structured around a mission of sustaining a long conventional land war in Europe? Incidentally, this question is made all the more pointed by the fact that neither the Soviets nor their allies, nor our own NATO allies, appear to believe sufficiently in the likelihood of such a contingency to design their forces for it. All other forces in Europe appear quite clearly to expect a short, intense conflict, if there is one.

Why, given our recognition of the inadvisability of military intervention in marginal conflicts, do we need a military force with the capability of intervening on a massive scale anywhere in the world with carrier air, land-based tactical air, and ground troops?

We need a fundamental re-examination of our defense policies and the missions for our forces.

There are, of course, substantial savings that can be made simply from greater efficiencies, especially in the use of manpower, in curtailing our military establishment's propensity for overly complex multi-purpose weapons systems, and in avoiding procurement of strategic nuclear weapons which actually diminish our security by decreasing mutual stability. However, to bring our defense budgets into line with our foreign policies and our national interests, we cannot avoid a fundamental re-examination of the missions of our military forces.

What military missions make sense in this decade of the twentieth century?

First, of course, the defense of the United States itself. Indeed, it is a striking measure of how large our defense establishment has become to consider what would be necessary if this were the only mission we now assigned our military forces—as, of course, it was for all but about the last 30 years of our nation's history. Adequate for that mission would be an invulnerable nuclear deterrent and minimum conventional forces, all of which would cost perhaps one-third of our current defense budget.

However, we must recognize that, while there have been important changes in the world, there are still many elements of tension and potential conflicts between the Soviet Union, and to a lesser extent, China on the one hand and, on the other, nations whose independence is a direct and vital national interest of the United States. For this reason, we do indeed need the military forces necessary to support international commitments jointly agreed upon by the Congress and the President as genuinely serving our vital interests.

In strategic forces, we need a secure and stable nuclear deterrent, that is, a force such that any political attacker would recognize that enough U.S. forces would survive and be used after an all-out surprise attack utterly to destroy the society of the attacker.

In planning a new national defense policy that takes account of our national interests as they now exist, we must also recognize that there are limits to what we can afford to spend on defense even in this rich, though currently troubled, economy. A dramatic example of how heavy a burden our people have had to bear for arms is the following. In the last ten years, individual income taxes on all Americans have totaled $790 billion. During that same ten years, spending on defense has totaled $760 billion. That is, virtually the entire revenue of the individual income tax has been devoted to defense spending. As we continue a chronic inflation at home, and as international confidence in the American economy declines, these economic factors assume increased relevance.

Particularly in these days when "national security" is being used to justify things far worse than inflated defense budgets, we must give new thought to what real national security means.

Finally, it seems to me appropriate to establish certain negative goals as well as affirmative ones, that is, to say what we do *not* need our military forces to be able to do. We do *not* need to exceed our potential opponents in every possible category merely to avoid the supposed stigma of not being "number one" in everything. We do *not* need the capability for general intervention everywhere in the world. We do *not* need to buy forces necessary only for contingencies which are not only remote—such as the so-called war at sea or a long conventional war in Europe—but which would never occur without advance warning, far in evidence, by a radical change in the political setting.

With respect to strategic forces as well, negative goals may be as important as affirmative missions. We need, as the President has said, sufficiency; we need *not* be concerned about disparities in crude force levels or destructive power which in Churchill's haunting phrase would only "make the rubble bounce." We must *not* construct systems which,, sometimes in the name of accumulating "bargaining chips," make negotiations on arms control more difficult by creating powerful vested constituencies for the preservation of weapons. Also, we must recognize that for all their terrible destructiveness, the political and military use of nuclear weapons is quite limited, namely the deterrence of their use by others.

The recent Pentagon announcement that the Soviets have now tested MIRV's, the Multiple Independently-targettable Reentry Vehicle, does not change the basic facts of the nuclear stalemate. The only surprise about the Soviet development is that it has taken so long in coming. When I was in the Pentagon, five years ago, it was anticipated that the Soviets would develop, within a couple of years, the capacity to deploy on its missiles multiple warheads that were capable of being aimed separately at different targets. We had, at that time, already tested MIRV's of our own, and we have now deployed them on hundreds of our land-based and submarine-launched ballistic missiles.

We continue to retain a large lead in numbers of warheads. But the Soviet Union has the capability today of destroying our society, without its new MIRVs, even if the United States were to attempt a first strike. No matter how many or how large the missiles that the Soviet Union might equip with multiple warheads, we would still have the ability to retaliate and destroy Soviet society even after an all-out attack.

Accordingly, all that the Soviet MIRV development should mean is that both sides should pursue as a matter of priority the efforts at SALT II to place effective controls on further accumulation of unnecessary, immensely expensive and desperately dangerous nuclear weapons.

These principles, presenting the reasons for our military forces, demonstrate vividly that substantial cuts can be made in the defense budget and in the forces it sustains. Such changes will make our military posture reflect the changes in the world and the changes in our national policies. The changes will leave us with a military force fully adequate for our own defense and for carrying out commitments to our allies, but they will permit us to do so at a cost that our economy and our health, as a society, can far better sustain.

I believe it is a mistake to plan our military expenditures for one year only, on a year to year basis. An area of expense that constitutes over fifty per cent of our total budget deserves better planning than that.

If the Administration's requests for new weapons and for its building and manpower programs were to be granted, it is estimated that the defense budget would continue to increase yearly, to a figure of over $100 billion. I consider this an outrageous burden for our country to carry. Instead of defense expenditures going up each year, they should be coming down.

I do not favor a large cut in one year in the defense budget. I believe it would be better to make smaller reductions but to continue such cuts over a period of years. This plan would have less impact on our domestic economy, upon employment in defense industries and upon the attitude of other countries.

I would like to cut the defense budget in Fiscal 1974 from the proposed figure of $85 billion to $81 billion. Next year, I would favor a further cut to $77 billion. Then, in the following year, Fiscal 1976, cut to $73 billion. From then on, starting with Fiscal 1977, I would stabilize the budget at $69 billion.

This approach would contrast with budgets which could otherwise be expected, under present policies, to be $85 billion for 1974, and to reach more than $93 billion for 1978.

In this period of time, therefore, under the plan I recommend, we would, in round numbers, go from a current budget of $85 billion to $70 billion a year in 1978, instead of going from $85 billion to $95 billion in the same period. Thus, the total savings over the five fiscal years would be an impressive figure of $80 billion. The saving thus effected is computed in current dollars. If one anticipates continuing inflation, the saving would be substantially greater.

There is not sufficient time on an occasion such as this to present in detail each specific cut which I believe ought to be made to accomplish this objective. There has been developed in recent years a number of extremely well-informed critiques of the official proposals, with comprehensive suggestions for bringing specific items in our military forces in line with current realities and policies. However, it is appropriate to indicate some general areas in which changes should be made.

The substantial ground and air forces earmarked for operations in Asia can be greatly cut back or eliminated, since we clearly do not need or want, as a nation, to pursue political policies which would make it necessary to use military force in that way. As a first step, the U.S. division still in Korea should be withdrawn and demobilized.

We should start bringing troops back from Europe now. We can do this without destroying the NATO alliance and, indeed, without compromising the principle, which I fully support, that the highest priority for our conventional forces is the contribution they make to presenting a credible conventional defense in Europe. Indeed, by abandoning the "long war" premise, and configuring our NATO force recognizing that in the unlikely event of a conventional war in Europe, it will be a short one, we could actually have a stronger NATO conventional capability at lower costs and troop levels.

Making the changes to bring our NATO force up to date will not, as is so often claimed, foredoom the negotiations on mutual and balanced force reductions in Europe which are now beginning. Those talks are certain to be long and not unlikely to be ultimately unproductive. Therefore, we must not delay the steps we need to take in our own national interests to preserve "bargaining chips" for them. But, I believe, carefully planned U.S. withdrawals and restructuring of our NATO forces could actually increase the favorable prospects for those negotiations. International arms control negotiations are not fully understood by drawing analogies to poker tables. In fact, unilateral signs of restraint, far from vitiating the prospects of negotiated restraint on the other side may, by indicating seriousness of purpose, actually make the agreements easier to reach.

Similarly, we must not be deluded, in the cause of gathering "bargaining chips" for further rounds of the SALT talks, into buying strategic weapons we do not need and which could actually jeopardize our security by contributing to nuclear instability. If such programs are truly "throw-aways" for bargaining purposes, the Soviet negotiators can be expected to understand that. If, as it seems more likely, they have powerful bureaucratic backers, taking the first step now is likely simply to create a constituency for insisting that the right to build these systems be protected in any future negotiation.

Many of our current weapons programs not only are inordinately complex and expensive, but they represent little, if any, real advance over existing systems which will be adequate for years to come.

I am by no means calling for across-the-board cuts in every category of our military program. Precisely because I believe that forces in being should be sharply cut, I urge the importance of keeping up an active and imaginative research and development program to provide us with the technological base we would need for adjustment to future changes in the international situation. Similarly, if we adopt a military policy which takes better account of the international political situation and which accepts the fact that we cannot afford to hedge heavily against all possible contingencies, it becomes all the more important to have an efficient—and honest—intelligence-gathering system.

In any discussion of American defense policy for the future, it is impossible to ignore problems of more efficient use of manpower. Manpower has been a steadily increasing element in the defense budget. Some 58 percent of the defense dollar now goes for pay and allowances for military personnel.

Consider the following facts: There are more three and four star generals today than at the end of World War II, when the military establishment was four times as large; twenty-five years ago, the Army had seven recruits for each sergeant, today there are more sergeants than recruits; twenty-five years ago, more than half of our officers were below the grade of captain, today two-thirds of our officers are captains or higher. With a total defense establishment of 315,000 men less than in 1948, we now have 26,000 more captains, 21,000 more majors, 15,000 more lieutenant colonels, and 4,000 more colonels.

The most fundamental decision on military manpower made in recent years has been the adoption of the all-volunteer force concept. That some alternative to the inequities and irrationalities of the old draft was needed, few would dispute.

But that the volunteer army is an equitable or a workable solution seems equally doubtful. It is proving extremely expensive, not merely in pay but in accumulated pension obligations for the future. Further, as enlistments fall short of goals in both numbers and quality, one may fairly ask whether a volunteer system is likely to produce the large number of technically talented personnel needed in the increasingly technological military establishment.

Finally, the volunteer army concept rests upon negation of a principle which I believe remains valid even under today's changed conditions—that a free society can properly call on its citizens to perform military service and to have military training. Indeed, an all-volunteer army appears to be a way of institutionalizing the worst feature of the old military draft, that is, concentrating military service and its burdens and risks among citizens with lower incomes.

As we adjust our defense policy to new conditions, I believe we must start now to explore what we will put in the place of the volunteer army system if, as I believe, that system proves itself to be unworkable and unacceptable. In that consideration, the concept of universal national service whereby all young men and women would give a year of service to their country, either in the military or in assigned civilian jobs in the areas of their background and competence, ought, I believe, to receive the highest attention.

In sum, I believe that the changed world calls for a changed defense policy and a changed defense budget. Of course, it will always be said that the uncertainties of any change are so great that only the most trivial adjustments can safely be made. But with the profound changes on the international scene, if we cannot begin now to reduce our defense budget, rather than continuing to increase it, when will we ever be able to do so? Will we have to wait until we really reach a $100 billion defense budget, and even higher, before we take a serious look at where we are and where we are going?

It is argued in many circles that the defense budget must be cut in order to free funds for domestic programs. I would not cast the argument in those terms. For the reasons I have stated, I believe the defense budget should be cut to bring our military policy in line with our foreign policy and international reality. I do not necessarily propose that the funds thus saved would automatically be expended in other parts of the federal budget. Indeed, I suggest that a high national priority now is to get our own given the heavy inflationary pressures in this country, putting a stop to the budget deficits to which defense spending makes so large a contribution. In the years since 1969, the total United States deficit has been $74 billion. Is it any wonder that with these deficits, combined with a serious inflation, there has been a decline in international confidence in the dollar and in the American economy in general? Unnecessary, profligate defense spending and maintenance of unnecessary overseas military establishments has contributed importantly to this loss of confidence in America's financial integrity, both directly and through its contributions to the unacceptable budget deficits of recent years.

Our true national security resides in something more than overblown military forces and hardware. It rests, more basically, on the ability of our society to maintain a sound, productive and growing economy. Today we are deeply troubled by a damaging and unabated inflation, a deterioration in our balance of trade and our balance of payments which, in turn, lead to an increasing lack of confidence in the dollar.

We have the undoubted power to destroy all the countries of the world. But our present inability to control our own economic destiny threatens to deprive us of any genuine influence in world affairs. If we allow this to occur, we will indeed have become, in President Nixon's imagery, a "pitiful, stumbling giant."

In sum, for a defense posture for an era of negotiation, not confrontation, I offer a different concept of the policies and missions our military forces are to perform. The premises on which these proposals are based would maintain fully adequate forces to defend our country and to carry out our basic international commitments.

A study of the rise and fall of great nations discloses that their decline was not due to a reduction in their military strength, but to a loss of confidence of their own people in their government and in the economy. Our most important problems today are internal ones.

We must place the issue of defense policy in its proper perspective, and let us get on with the task of developing once again the moral fibre and economic strength and opportunity that made the United States the hope of the world.

SENATOR HELMS SALUTES ANNIVERSARY OF FOUNDING OF REAL REPUBLIC OF CHINA

Mr. HELMS. Mr. President, can you imagine a situation in which a President of the United States or the chairman of the political party in power would declare that the American people could no longer celebrate Independence Day, July 4, but only the date on which the party in power at the moment took office?

That is precisely the situation in mainland China today as we observe today this "double-ten" anniversary of the founding of the Republic of China on the 10th day of the 10th month in 1911. Dr. Sun Yat-sen proclaimed China to be an independent democracy on October 10, 1911, and the still free Chinese living beyond the reaches of Mao Tse-tung's tyranny cherish this date every autumn. But not so on the mainland where the "national" holiday under the Communists is October 1 because that was the day in 1949 when Mao proclaimed the Red victory in grabbing control of the Chinese people for his revolution.

Peking, of course, pays lip service to Dr. Sun but they are not about to honor him on the anniversary of his great accomplishment in behalf of liberating the Chinese people from centuries of imperial rule. After all, what is Mao Tse-tung if not another despot in the mold of today's Communist imperialism? Only the free Republic of China and the millions of overseas Chinese who revere the "father" of their country Sun Yat-sen, as we revere George Washington, will celebrate this October 10 for the freedom it extended to the people of China. In millions of hearts on the mainland, I suspect, there is sympathy and appreciation for Dr. Sun's accomplishments but if Mao's regime ever hears about it, the individuals responsible for such sentiments will be quickly liquidated, publicly disgraced, or otherwise trampled upon as reactionary.

Therefore, let us in the Senate of these United States give thanks that not only are we permitted to celebrate our own glorious founding on the Fourth of July each year, but that we may also pay our respects to the anniversary of the founding of the Republic of China on October 10 without regard to whether Mao likes it or not.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in 1970 the Committee on Foreign Relations issued a report on the Genocide Convention. In its evaluation of the arguments marshalled by critics of this treaty, the committee concluded that their objections were without merit. Senator Church, the author of the report, emphasized several points that deserve reiteration.

Undoubtedly, the biggest problem that he discovered was the serious misconceptions regarding the scope of the treaty. The critics continually based their objections on areas that were totally untouched by this treaty. He notes that the treaty does not apply to racial slurs or insults, discrimination or the like. Neither does it apply to actions taken in the past. It also has no effect on the rules for war or the Geneva Conventions which protect the rights of prisoners and civilian persons.

The treaty does, however, have a legal and psychological impact. On the one hand, it furthers the development of international law by firmly placing the international community on record as opposing this heinous crime. On the other hand, it reaffirms our traditional support for the protection of human rights. Quite frankly, Mr. President, it has been an acute embarrassment for our diplomatic service to explain our hesitance to sign this treaty. It has confused our friends and delighted our enemies. Prompt ratification would resolve this anomaly.

Mr. President, the views expressed by the committee deserve reexamination and endorsement. I ask unanimous consent that the conclusion of the committee's report be printed in the Record.

There being no objection, the excerpt from the report was ordered to be printed in the Record, as follows:

Conclusions

Genocide has become a word in altogether too common usage. The committee therefore has been careful in this report to narrow its meaning and not to overstate the scope of the convention. We have been concerned largely with describing what it does not do. We find no substantial merit in the arguments against the convention.

Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society. The rhetoric of the opponents, and to a degree the proponents, has obscured what a modest step the convention represents.

Philosophical, moral, and constitutional questions have been raised which go far beyond this modest step and probe man's relationship to his fellow man and the responsibilities of governments to protect the rights of their citizens. These questions appear inherent in the area of human rights treaties and legislation, and it is good that they are raised, because they serve to lift our sights to what is really at issue here, an attempt to curb the excesses of mankind. As our planet becomes more crowded, man's behavior towards his fellows must be governed by standards ever higher and more humane. This treaty seeks to set a higher standard, of international morality and should be judged on that basis.

This higher plane of viewing the convention is suggested in the following statements of our Presidents:

The words of President Truman in submitting the Genocide Convention in 1949 still hold true:

> By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

The words of President Kennedy, in submitting three related human rights treaties, also apply:

> The day-to-day unfolding of events makes it ever clearer that our own welfare is interterrelated with the rights and freedoms assured the peoples of other nations. * * * There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

And finally, the committee concurs with the words of President Nixon:

> I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

The committee, therefore, earnestly recommends to the Senate that, subject to the understandings and declarations, the Senate give its advice and consent to ratification of the Genocide Convention by an overwhelming vote. Respect for the feelings of mankind, expressed by the 76 ratifications to date, should lead to no less.

AGRICULTURE WEEK

Mr. DOLE. Mr. President, yesterday with Senator Humphrey I introduced a joint resolution declaring the last full week of March to be Agriculture Week. This legislation is a tribute to a group of people—few in number—who have done so much to make this country great. Without the farmers, their families and their employees, this country could not possibly feed the millions of people in our urban areas and the millions of hungry people overseas. The men and women of agriculture are deserving of the special recognition which this resolution provides.

The hard-working, fiercely independent, proud American farmers have been steadily decreasing in number over the years. At the same time, however, they have become proportionally even more productive. In the 1950's one farmworker supplied an average of 16 people with food. Now he produces enough for 51 individuals. Output per man-hour on farms is 3.1 times higher than 20 years ago. In manufacturing industries, output per man-hour has increased 1.7 times for the same time period.

For his efforts to improve his farming quality and efficiency, the farmer at least deserves to be understood. In these times when some consumers complain of higher food prices, it is important to understand the difficulties and risks farmers face in trying to raise better and cheaper products.

TOUGH INDIVIDUALS

It takes a special breed to run a farm. In times of disaster when floods have washed away his crops or his fields have dried up in a drought, the farmer has struggled to get back on his feet and start farming again, when men of lesser character might have given up. When the bottom has fallen out of prices, the farmer has kept going when even a small profit would have seemed welcome.

It takes a well-developed toughness to cope with the risks a farmer faces every year. The average farm value is over $102,000. This investment is put on the line with every crop. It takes tractors, trucks, and combines that come with five-figure price tags. Yet in a manner of minutes, a carefully tended crop can go up in smoke or be ruined by hail and wind. But the farmer still must pay his equipment loans. It is no exaggeration that the farmer may be among the greatest gamblers in the world. He has to be tough to take it. Thank God, I say, because we certainly could not do without him.

INCREASED OUTPUT

Americans should not take for granted that they have the best and most reliable food supply in the world. Farmers and ranchers in a single year market about 11 million sheep and lambs, 39 million beef cattle and calves, 88 million hogs, 120 million turkeys, and 3 billion broilers. They also sell 72 billion eggs and 115 billion pounds of milk. Nearly 3.2 million farm people and over 1 million hired workers are involved in producing our vital farm commodities which have a value of about $66 billion annually.

In recent years the farmer has had another vital role due to the worldwide demand for his production. Farm exports reached a record $12.9 billion in fiscal 1973, including well over $4 billion worth of food to foreign consumers.

The sale of U.S. agricultural products abroad is helping to prop up the American dollar, making it possible for Americans to buy the fuel they need from overseas, as well as the radios and cars and cameras they want in their pursuit of a good life. This contribution to the American way of life goes far beyond the supplying of food and fiber to his fellow Americans. The farmer is making a major contribution to our country's balance of trade—at a time when a favorable balance is desperately needed.

CONTRIBUTION TO COUNTRY

Still, the hard-working farmer contributes even more to our society than food, fiber, and a favorable balance of trade. He provides jobs far beyond his fields and feedlots, influencing nearly every aspect of American life.

The total food assembly line—farmer to consumer—is the Nation's biggest business. Employing 13 million people, it accounts for more than one-tenth of the total value of goods and services produced in the United States. One out of every seven workers makes his living on the food assembly line.

Another nearly 2 million people work in industries supplying goods and services farmers need. Farmers spend over $47 billion a year for machines, chemicals, fertilizers, animal feeds, petroleum products, interest on loans, labor, and a wide variety of other goods and services needed for agricultural production.

They spend another $16 billion buying the same kind of things city people buy.

Along America's food assembly line are a million firms which grade, store, process, manufacture, package, and distribute foods. There are 10,000 grain elevators, hundreds of cold-storage warehouses and stockyards, and 23,000 processing firms employing about 1½ million people. Some 300,000 retail foodstores with almost 1½ million workers serve to fill the Nation's grocery needs.

FARMER'S GENIUS

The genius of the American farmer in providing for his fellow Americans and the world in the most efficient way possible is the essence of the American success story. Less-developed countries have a high proportion of their population involved in supplying their basic requirements for food. Because of the U.S. farmer's ability and efficiency, 96 percent of our people have been freed to build the consumer and industrial products that provide today's high standard of living.

The American farmer deserves our respect and understanding. He faces pressures unlike those in any other industry and yet has done a superior job in fulfilling our needs. He deserves a tribute, and "Agriculture Week" is dedicated to this purpose.

Mr. President, I ask unanimous consent to have the joint resolution printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 163

Whereas American agriculture has provided the American consumer with the greatest variety and highest quality food available to the citizens of any nation in the world.

Whereas the continued vitality of American agriculture is essential to the expansion of food and fiber production required to meet the growing needs of an ever increasing and more affluent world population;

Whereas this food and fiber production of America's farm is essential in keeping domestic and international supply and demand in balance and thereby combatting inflation;

Whereas the production of our Nation's farms is of singular importance to U.S. exports and the Balance-of-Payments and provides the margin of resources with which to purchase supplies from abroad to meet our critical energy demand;

Whereas the American family farm has been recognized around the world as an extremely efficient unit of production;

Whereas American agriculture, utilizing modern science and technology, has developed superior farming methods leading to increased productivity and improved quality of farm products; and

Whereas it is appropriate to establish one week each year during which citizens can pause and reflect upon the contributions of agriculture to the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the last full week in March of each year "National Agriculture Week" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

LAND OF PLENTY

Mr. CLARK. Mr. President, ever since the dark days of the 1930's, the Federal Government has restricted our agricultural output. But surpluses continued to grow despite a systematic payment of farm subsidies designed to discourage the production of certain crops at certain times. Times have changed—and quickly. One need only note the roller-coaster ride of the wholesale price index of the past couple of months: the largest increase in 17 years was registered in the month of August, followed in September by the largest decrease in 25 years.

Much of this uncertainty can be directly traced to the failure of the administration's economic policies in general and farm policies in particular. Despite the knowledge of the massive wheat sale to the Soviet Union—and the obvious impact that sale would have on the domestic demand for food products—the administration nevertheless restricted acreage and production for 1972. Then, in an attempt to lower food prices, it reacted by imposing a freeze which was inequitable to consumers and farmers alike and only had caused food shortages.

But the changes reflect far more than just these short-term failures.

Mr. President, today we stand on the brink of a revolutionary era which will have profound implications for years to come. Internal and external structural changes in the agricultural industry are slowly leading to fundamental, long-term shift in agricultural policy which will have an immense impact on our entire economy.

An article in yesterday's Wall Street Journal notes that the Nation's farmers have increased their acreage in production this year by more than 24 million over 1972, and they are expected to plant some 10 to 12 million more next year. This would amount to approximately 343 million acres in production for the 1974 harvest—the most land under cultivation since 1956 and a 12 percent hike over the last 2 years.

This state of affairs will undoubtedly be with us for some time. The world need for food is coming into sharper focus than ever before, for example, while the world's current population stands at 3.7 billion, expected to double by the year 2007, the world's food production has managed to increase by just 1 percent over each of the past 2 years. Population is outstripping food production, and if we are not careful we are going to make a prophet out of Malthus and his prediction of man's demise by starvation.

The farm bill recently passed by the Congress supplies the Secretary of Agriculture with the food-intelligence mechanisms necessary to estimate both domestic and world food demand to implement a sound farm program. I hope the administration will recognize the economic signposts in the future better than in the past and that it understands the significance of this profound shift in agricultural policies dictated by today's needs. Toward that end I would like to draw to the attention of my colleagues a particularly perceptive article in yesterday's Wall Street Journal noting the turnabout in the agriculture picture today and the problems that it raises. I ask unanimous consent that the article be printed in the Record following my remarks.

There being no objection, the article was ordered to be printed in the Record as follows:

Land of Plenty: The Quick Turnaround in Agriculture Picture Brought Joys, Woes

(By John A. Prestbo)

The farm boom came quickly, like a sudden, summer thunderstorm.

Only two year ago, the nagging "farm problem" was how to control the potent productive capacity of U.S. agriculture. The government paid farmers not to plant certain crops, but still surpluses piled up. Food prices were relatively reasonable, but taxpayers were burdened with billions of dollars in subsidy payments, which many farmers depended upon to stay in business.

All that changed quickly in the summer of 1972, when the size of the Soviet Union's massive purchases of U.S. grain became known. With increasing orders from Europe, Japan and other countries, the nation almost overnight found itself with a farm export business big enough to choke its transportation system. Within a year, the U.S. practically ran out of soybeans, so the government limited exports temporarily. Other foodstuffs came into short supply, too, and food prices rose dizzyingly through this past summer. The "farm problem" became how to increase production fast enough to keep up with demand.

Prices have eased a bit lately, but another wave of climbing food costs is predicted for this winter. The whole posture of U.S. agriculture has changed from surplus to scarcity in the most wrenching turnabout in recent memory. The farm boom of the mid-1960s—which also was based in large part on surging overseas demand—didn't stir so much controversy or so forcefully touch the lives of virtually every citizen.

THE IMPACT

Consider the impact the farm boom is having:

The Agriculture Department has switched

from curtailing production to encouraging it. Next year, for the first time in four decades, farmers won't have to set aside any of their land to qualify for government subsidy programs. And with prices far above federal floors, the government is expected to spend "just a few million" dollars on farm subsidy programs in fiscal 1974, an Agriculture Department spokesman says, down from $4 billion to $5 billion in recent years.

Farmers planted about 24 million more acres this year than in 1972, and next year they are expected to plant an additional 10 million to 12 million. That would put about 343 million acres into production for the 1974 harvest, which would be the most land under cultivation in the U.S. since 1956 and a 12% increase in two years.

Partly because of this added acreage, and partly because of the higher prices they are getting for their products, farmers are buying tremendous amounts of new equipment, more fertilizer and other supplies. This has a ripple effect throughout the economy, stretching back to such basic industries as steel, rubber, petroleum and chemicals. County-seat towns, which are the primary trading centers for many farmers, are luxuriating in a buying bonanza brought about by a predicted 22% increase in net farm income this year to a record $24 billion.

Exports of farm products soared 60% to $12.9 billion in the fiscal year ended June 30, and this total could rise to $18 billion in the next few years. That would be a boost for the U.S. trade balance, which already is considerably improved because of the farm boom. Exports help the domestic economy, too. The government figures some 5,000 jobs are created to handle each $100 million of grain exports and about 4,200 jobs for each $100 million of soybeans shipped overseas.

THE TOLL

All this exacts a toll, of course. As farmers watched prices for feed grains and wheat more than double and prices for live cattle rise 55% during the year, consumers faced across-the-market increases at retail—milk up nearly 20 cents a gallon in some cities, bread up as much as 15 cents a loaf, and the average price of beef up about 30 cents a pound.

In all, retail food prices skyrocketed 17.6% from January through August, as measured by the consumer price index. Besides wrecking family budgets, the record boosts spawned two consumer protests—an organized boycott in the spring and, more surprising, a spontaneous spurning of high-priced meat and eggs in late summer.

Unhappy consumers increased their political pressure as fast as prices climbed. President Nixon responded by clamping price ceilings on foods, which in some cases froze prices below the cost of production and processing. Many food-processing companies closed for several weeks, which brought about shortages of some items during the summer. Ceilings were lifted on beef prices Sept. 10, and now food is subject to the same general Phase 4 controls that other products are.

Political pressure is taking other turns, too. Some congressional groups are looking into commodity futures trading to see if excessive speculation helped push food prices higher than they otherwise would have gone. Other Capitol Hill probers are trying to determine if big grain-export firms obtained advance information of the 1972 Russian grain purchases or if they unduly profited from the deals at consumers' expense.

The widest field of inquiry, however, concerns how long the farm boom will last. The mid-1960s boom lasted only a couple of years, and some experts, such as agricultural economist D. Gale Johnson at the University of Chicago, thinks the boom will fizzle in 1975 or 1976 at the latest.

"A highly unusual combination of circumstances contributed to this boom—bad weather in many parts of the world, a falloff in anchovy fishing on the Peruvian coast (which increased world-wide demand for soybean meal to feed livestock) and a couple of dollar devaluations, which made U.S. farm products suddenly quite attractive to countries looking around for food supplies. Eventually these abnormal conditions are going to right themselves, and when they do we can expect to return to a more normal situation of ample supplies and lower prices," he says.

To be sure, the countries that have been bidding up prices for U.S. footstuffs are doing what they can to increase their own production sharply during this coming crop season, which begins shortly in the Southern Hemisphere. If the weather is favorable, the yields from this increased acreage would substantially lessen export demand for U.S. crops. As a result, prices probably would fall and more produce would be available for domestic consumption.

A NEW ERA?

On the other hand, some experts are proclaiming the dawning of a new era of agriculture in which export demand is a strong, stable factor rather than a fluctuating one. "We're on the threshold of the greatest age of agriculture that this country has ever known," says John M. Troman, president of the American National Cattlemen's Association.

There is evidence to support this theory, too. For one thing, the Nixon administration is adopting agriculture as one of its main bargaining points in diplomatic and trade negotiations. As the U.S. presses this strength in its foreign dealings, the new-era proponents argue, exports will increase. They think that Russia, China and other Communist countries could join Japan as steady U.S. farm customers.

Moreover, economist Lester R. Brown, senior fellow of the Overseas Development Council, contends that not all the world's underproduction problems can be cured by a spell of good weather. He cites reports and studies showing that, for instance, the Peruvian anchovies have been overfished and supplies may not return to normal for several years; that sub-Saharan Africa is being so overpopulated with people and cattle that the land is wearing out fast; and that accelerating deforestation in India is increasing the chances of crop-devastating floods, such as occurred this year.

"These situations are undermining the world's food-production capability, and they aren't being taken into account by a lot of economists who make projections," Mr. Brown asserts.

ORVILLE FREEMAN'S VIEWS

Still other experts take a middle position in predicting the course of the farm boom. Orville Freeman, former Secretary of Agriculture and now president of Business International Corp., a consulting firm, suggests this scenario: relatively short supplies and strong prices through 1975, followed by a return to ample production and a rebuilding of surpluses by 1977. But by 1980, he predicts, the trend will again reverse and food shortages will recur world-wide, perhaps in crisis proportions.

Mr. Freeman thinks U.S. farmers will greatly increase their acreage in the next couple of years, which will contribute to the temporary end of the boom. He contends, though, that if current trends continue in increasing world population (the present rate is about 80 million additional people each year) and rising standards of living (an annual 3% to 4% increase in gross national product for many developing countries), global food-production capacity could be strained severely within a decade.

The determining factor in all of these farm-boom forecasts is the weather, of course. World food stocks have been drastically reduced by about 18 months of highly unusual bad weather around the world—too little moisture here, too much there, too cold in some places and too hot in others. The principal exporting countries had only 100 million metric tons of grain on hand at the end of the 1972–73 season this past summer—the lowest grain reserve in 20 years (during which time world grain consumption has increased by 50%). The U.S. Agriculture Department predicts that global reserve stocks will decline 10% further by next summer.

Some grains are in even tighter supply. The International Wheat Council estimates that 59 million to 62 million tons of wheat are available for export this year, while import requirements range from 62 million to 65 million tons—a potential shortage of up to six million tons.

"We could have famine in many parts of the world next year if the weather is bad," Mr. Freeman says. The longer that bad weather lasts, the farther off is the day that U.S. agriculture might re-bury itself in surpluses.

RISING AFFLUENCE

At any rate, U.S. consumers will have to get used to spending a larger share of their disposable income for higher-priced food. The average in the U.S. is about 15% (though low-income families spend a far greater amount) compared with 25% to 30% in Europe. In several years, some experts warn, the U.S. average could climb closer to the European's.

A major reason for this prediction is increasing affluence, particularly overseas, which is accompanied by a growing taste for meat and less of a taste for rice, corn grits and other vegetable foods. This strains world agriculture even more because it takes three times as much agricultural resources to produce 10 grams of protein in the form of poultry meat as it does in the form of wheat flour; for beef and pork, the ratio is seven to one. The effect of this is to reduce potential supplies by lowering productivity while demand increases through population growth.

"If there is a culprit responsible for higher food prices, it isn't the farmer, middleman or supermarket executive," says Mr. Trotman, the cattlemen's group president. "It's the greater buying power of people, not only in the U.S. but all around the world."

Adds a government economist: "There are simply too many consumers in too many countries bidding for better diets to let world farm prices drop back to the levels that prevailed until the past two years."

FOOD FOR PEACE BUILDING THE FRAMEWORK FOR CONTINUED DEVELOPMENT

Mr. HUMPHREY. Mr. President, the concern for adequate supplies of food for peace commodities to meet the needs of the world's hungry and malnourished calls attention to the many other worthy aspects of this highly successful program. While one of the principal concerns of the food for peace program is to meet nutritional needs and assist in times of emergency, an often overlooked factor is the success of the program in its support of economic development efforts in developing nations.

While well-intentioned and articulate expressions of concern for hungry and malnutritioned children in a given country or area of the world are indispensable in calling attention to a critical problem, they do not, of course, assure the means to solve the problem. In such a case, the regular supply of food for peace commodities to a country or region not only does something about the immediate need by putting food in hungry bellies, but also helps to establish the administrative framework a developing country requires to evantually solve its own problems. The dedicated personnel of American Voluntary Agencies working overseas have long recognized that a successful feeding program must include a strong emphasis on such items as nutrition education, knowledge of proper dietary habits, support facilities, and above all, a realization on the part of the recipient country that it must devote its own time and resources to these matters. In many countries, these food for peace program efforts are helping to develop the mechanisms which will be the basis for these countries to respond to their own food and nutrition needs.

Food for peace, as I mentioned, is also an integral part of economic development. While the supply of food to unemployed workers through food for work creates employment, it is just as important to recognize that food for peace projects of this type are often components of larger development efforts, many of which are financed by the recipient countries themselves and are directed at expanding the countries' own ability to feed their people. These commodities are often the added ingredient that permits a country to extend its own resources and provide training to its own people in the vital areas of agricultural transportation, community development, rural development, and family planning.

In another context, the well-deserved publicity given to the food for peace program as an instrument of prompt U.S. assistance to other countries in times of emergency or disaster rarely notes what goes on behind the scenes. Every pound of food that is delivered to the victims of a drought, earthquake or flood depends upon a complex logistic and distribution system. What is especially noteworthy in these instances is not only the effort required to send food to an affected country, but also the special efforts made by local government officials, international organization officials, and U.S. voluntary agency personnel to insure that an effective and lasting system of relief administration is established. Often, one of the most important long-term benefits resulting from an emergency situation is the fact that a system is established within that government for dealing with emergencies in the future. In addition, the experience gained in distributing food in times of emergency has an added training value for the personnel and officials of developing countries who are interested in maintaining sustained feeding programs, such as school feeding or maternal and child health activities.

Mr. President, 20 years of experience with the food for peace program has provided an unprecedented wealth of knowledge that continues to grow and expand in usefulness to all of the world's people.

The program is a basis for extensive nutrition research, a proving ground for new and better U.S. commodities, the source of excellent information regarding food logistics, and the training arena for tens of thousands of developing country administrators.

Thus, the food for peace program does far more than simply send American food overseas. It is a catalyst for action-oriented food and nutrition programs, an important factor in economic development and developmental research, a mainstay of U.S. emergency relief, and an essential element of U.S. voluntarism abroad.

This program is unique in American history.

Therefore, it is a matter of great importance to our Nation and the world that we devote constant attention to the maintenance of the supplies that make this program possible. It is my intention to focus greater attention on the current commodity situation as it affects our food for peace programs. We must insure that adequate food reserves exist in this country and abroad, and in so doing, provide all of the people of the world with freedom from hunger and malnutrition.

BOOMING ECONOMY IN TAIWAN

Mr. DOMINICK. Mr. President, in 1965 the United States ceased direct economic aid to the Republic of China. In 1972, the Republic of China realized a $450 million trade surplus with the United States and the Taiwan Government was our 12th largest trading partner. On this 62d anniversary of the founding of the Republic of China, I would like to congratulate the 15 million people of that country for their extraordinary achievements and their dramatic progress in the face of the international uncertainties of the months since their Government lost its seat in the United Nations.

It is noteworthy that despite the fact that only one major power—the United States—now recognizes the Taiwan Government, the Republic of China has the highest rate of growth in foreign trade of any significant trading nation in the world, according to our own State Department economist in Taiwan.

In addition, the Republic of China is now embarked on its own "Buy American" campaign. In an effort to bring bilateral trade between the United States and the Republic of China more into balance, the Taiwan Government has instituted a program to buy more machinery, vehicles, steel products, et cetera, from us. They have removed restrictions on the import of foreign goods and have just concluded a number of long-term contracts to buy $800 million of American products over the next 3 years.

In my conversations with those who have visited Taiwan in the last year or so, the point that seems to be emphasized more than any other is the zeal and energy exhibited by all of the people—the enthusiasm for what they are doing and where they are going.

Mr. President, it is with a great deal of pride and respect that I offer my congratulations and best wishes to the people of the Republic of China and their government on this 62d anniversary of their founding, and I share the optimism for the future of this great friend and ally. To illustrate the progress being made in Taiwan, I have selected one of many articles and feature stories which have been written in recent months by reporters for all of the major U.S. newspapers and news services. This one, by Tillman Durdin, appeared in the New York Times. I commend it to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 2, 1973]

TAIWAN IS BUOYED BY A BOOMING ECONOMY IN AN UNCERTAIN WORLD

(By Tillman Durdin)

TAIPEI, TAIWAN.—The stable and flourishing domestic situation on Taiwan is in marked contrast with the uncertain international future facing this subtropical island 120 miles off the China coast.

A cheerfulness, even euphoria, bred of a steadily rising standard of living pervades the predominantly youthful population of more than 15 million.

Expanding private and public construction is renovating cities, adding new factories every month and creating an impressive new array of highways, conventional and nuclear power stations, railways, ports and other utilities across the island.

With foreign trade regularly soaring to new heights, the whole economy is expanding by annual leaps of more than 11 per cent.

Despite heavy defense expenditures and a yearly population growth rate of almost 2 per cent, per capita income clims steadily. It has doubled to $400 annually in the last six years and should reach $1,000 in the next five.

POLITICAL TENSIONS REMAIN

Domestic conditions are not without political tensions and sectors of poverty but with Premier Chiang Ching-kuo now in the leadership role formerly exercised by his sick, incapacitated father, President Chiang Kai-shek, the Nationalist Government is today functioning more effectively and is more highly regarded by the people than at any time since it retreated from the China mainland in 1949.

Yet the Government is without membership in the United Nations or any other major international political grouping and is recognized by only one big power, the United States, and 36 countries in Latin America and Africa, slightly more than a quarter of the United Nations members. United States recognition, moreover, is compromised as Washington has exchanged liaison missions with the Peking Government, which now occupies the United Nations seat formerly held by Taipei, and is getting increasing acceptance and prestige around the world.

As long planned by his failing 86-year-old father, Chiang Ching-kuo has, at age 63, inherited his father's political power, which he yields as Premier, a position he assumed a year ago.

CRACKDOWN ON CORRUPTION

It has been a smooth transfer of power. The younger Mr. Chiang who over the years as chief of security, defense minister and deputy premier carefully saw to the appointment of reliable men in key Government, military and party posts, has now taken firm hold of affairs. Younger men have been favored and oldsters who formed a clique around the President eased aside. So far officers of the armed forces have accepted his leadership with good grace despite a 10 per cent cut ordered in the oversized 600,000-man defense forces.

Premier Chiang has improved the structure of the Government, cracked down on corruption, fostered measures facilitating domestic and foreign investment, encouraged private enterprise and given stronger emphasis than before to social welfare.

Many of his new appointees are graduates of American universities. Some have been called from professional posts in the United States. He has also put many Taiwanese into important positions in the Government and the ruling Kuomintang, or Nationalist party, apparently in the belief that the long-range future of Taiwan lies mainly with the majority, native-born Taiwanese, instead of those who came with the Government from the mainland.

He has also raised his standing with the ordinary people by visiting farmers, laborers and office workers and making frequent platform and television appearances. His Government still has secret police underpinnings, but he has considerably softened and liberalized it.

"Economically and in every other way Taiwan has proved its qualifications to be an independent state," said an important Taiwanese, "but we are pawns in a big game. Right now the old man and the young man [President Chiang and his son], Peking and Washington are all against it. So it's best we wait and see."

LIVING STANDARDS RAISED

By raising living standards Taiwan's remarkable economic growth has made a major contribution to defusing social and political dissatisfactions. At the same time the expansion is beginning to give Taiwan, with its big favorable balance of payments and a dollar so strong it was recently revalued upward, real strength in international affairs.

The gross national product this year will be around $8-billion and foreign trade, with exports heavily exceeding imports, will rise, on the basis of 1973 performance so far, by around 50 per cent and total almost as much as the entire G.N.P.

Trade with the United States alone reached $2-billion last year and this year may total $3-billion, with a surplus in Taiwan's favor of $1-billion. Textiles, millions of television sets and other electronic products, footwear, machinery, processed foods, plywood, fishery products, bicycles, sugar, pork and other items are pouring into world markets in ever-increasing volume.

"Taiwan is having the highest rate of growth in foreign trade of any significant trading nation in the world," says William B. Morrell, Jr., economic counselor of the United States Embassy here. "In the next ten years Taiwan will be among the first 15 trading nations and will move to sixth place, with a $6-billion two-way trade, in exchange with the U.S."

WAGES RISING STEADILY

Wages are rising steadily but so far industrious, low-cost labor combined with stable government, a generally high level of education, attractive investment laws and reasonable taxation have sparked the current expansion. Manufacturers are moving from light, labor-intensive to heavy, more technologically advanced, capital-intensive industries. An integrated million-tons-a-year steel mill, more petrochemical plants, enlarged shipbuilding facilities, automobile manufacturing and nuclear power plants are major new ventures already under way.

In its strategy for survival the Government is counting heavily on Taiwan's trade and growing economic potential. Hopes are that through building a social system, an economy and a world trade both big and successful, with foreign investors and entrepreneurs heavily involved, world nations will ultimately uphold Taiwan's right to remain outside Chinese Communist control.

So far, $350-million has already been invested here by major concerns, in electronics and other manufactures, and more is on the way. Americans are the biggest foreign investors in Taiwan, but the Japanese are not far behind and Europeans are becoming increasingly interested.

With armament and equipment being upgraded, the armed forces, despite manpower cuts, remain capable of making a strong defense of Taiwan, sufficient to give the militarily stronger Chinese Communists pause.

With this as the first string in the Nationalist bow and economic power the second, Nationalist leaders continue to regard Taiwan's potential for a separate existence as considerable.

PUBLICATION OF GUIDE FOR CLAIMS BY SMALL CONTRACTORS AGAINST GOVERNMENT

Mr. BIBLE. Mr. President, the subject of claims against the United States for purchases made from private contractors has been one of varying interest before the Congress for many years. Certainly, no segment of our business economy has a greater concern with this than the thousands of small businesses who sell goods and services to their Government every year.

Therefore, as chairman of the Senate Small Business Committee, may I advise my distinguished colleagues about the recent publication by our committee of a document, "A Primer on Government Contract Claims," which may interest your constituencies and your office staff members.

May I commend the dedicated work and interest of the distinguished Senator from Maine (Mr. HATHAWAY), who, as chairman of our Government Procurement Subcommittee, along with subcommittee members, has conducted hearings and investigative work in this area.

It was found that small business contractors would find helpful a brief but fairly comprehensive statement on the intricacies of the various procedures to be followed in this field. Hence this handy reference has been put together by our staff and includes the complete rules of 15 boards of contract appeals.

Small business is very much involved in the Government procurement program. Out of the recent total Federal expenditure of $60.5 billion in 1972, on Government procurement, small business contractors received $12.5 billion. Nevertheless, the small contractors, like their large counterparts, sometimes experience difficulties during the performance of the contract and must request additional moneys for what they believe to be justified causes. Thus knowledge of the claims procedures before the contracting officer, boards of contract appeals, and courts is essential. The importance of a guide in this field is self-evident.

With the recent recommendations of the Commission on Government Procurement, new interest and concern has been focused on claims procedures. The extent of the difficulties of the small contractor in the claims process has been documented and discussed in this publication. Many contractors do not have the time or the money to pursue their rights. And, worse still, they may not know what their rights are. Many times this promotes hostility and despair resulting in small businesses losing interest in contracting opportunities with the Government. This publication should assist small contractors with this problem.

Copies of this committee print may be obtained in the offices of the Senate Small Business Committee, room 424, Russell Senate Office Building.

THE SURFACE MINING RECLAMATION ACT OF 1973

Mr. BARTLETT. Mr. President, my vote yesterday against the Surface Mining Reclamation Act of 1973, S. 425, was one of the toughest votes that I have had to cast, because I fully support regulations that would require land that was surface mined to be fully and completely reclaimed. But the tremendous impact of the Mansfield amendment was not known until just before final passage of the bill.

The Mansfield amendment which I opposed but which passed on the preceeding day would prohibit surface mining on lands where the Federal Government owned the minerals, but did not own the surface. This would arbitrarily eliminate 37 percent of all Federal land where coal is reserved. This could lead to further shortages of energy. Many of the 42.85 million acres which are arbitrarily excluded from surface mining by the Mansfield amendment should be available for mining in an environmentally acceptable way to help prevent a severe crisis in energy supplies. The Federal Government reserved coal rights in these 42.85 million acres to ease shortages during times just as these.

No one would expect this Nation to destroy weapons stockpiled in case of war and likewise coal reserves should not be locked up when they are most needed.

I voted against S. 425 to emphasize the need to take the Mansfield amendment out of this bill. Until the impact of the Mansfield amendment was known, I planned to vote for the bill and I will vote for the bill when it comes out of conference committee unless there is a matter of overriding concern not to do so.

ECONOMIC ARGUMENTS ON SANCTIONS AGAINST RHODESIA

Mr. HUMPHREY. Mr. President, as the Senate nears a vote on S. 1868, legislation which would place us back into compliance with U.N. sanctions against Southern Rhodesia, I would like to respond to the so-called economic arguments presented by those special interests who support the continued violation of sanctions.

On September 6, 1973, the African Affairs Subcommittee of the Senate Foreign Relations Committee held hearings on S. 1868 which has been introduced by myself and 30 cosponsors. During the course of this hearing we heard testimony from representatives of Union Carbide and the stainless steel industry. Spokesmen for both warned that if the United States did not have access to the ferrochromium production capacity of Southern Rhodesia, the domestic stainless steel industry would suffer and American jobs would be lost.

Two years ago, when the Senate first voted to violate the sanctions, these same industries argued in favor of our violation. At that time, they warned of the strategic danger of relying on the Soviet Union for an inordinate supply of chrome ore and of the great economic costs to the domestic ferrochrome industry, including the loss of American jobs if we were to continue the ban on Rhodesian chrome.

What has happened since this Nation lifted the ban on Rhodesian chrome imports? Soviet Russia remains our primary source of chrome ore, accounting for some 53 to 55 percent of our imports. Southern Rhodesia supplies us with less than 5 percent of our chromium imports.

Has the import of Rhodesian chrome saved the U.S. ferrochromium industry? Quite the contrary. In 1973 we find two ferrochromium processing plants closing with the loss of American jobs. The reason: U.S. ferrochrome producers cannot compete with cheap ferrochrome imported from Southern Rhodesia. Thus, we stand on the verge of having our entire ferrochromium industry virtually wiped out because of these cheap imports.

Spokesmen for Union Carbide and the stainless steel industry are no longer concerned about the welfare of the domestic ferrochromium industry. Now, they tell us their industry faces dire consequences should we lose this cheap source of ferrochrome from Southern Rhodesia. Note, we are no longer talking about the raw material—chrome. We are now asked to believe the U.S. stainless steel industry requires cheap Rhodesian ferrochrome in order to produce low-cost stainless steel at prices competitive on the world markets. We are told if this source is cut off, the price of ferrochrome will rise sharply and this price increase will be passed on to the American consumer. We are further told that American jobs will be lost.

However, I would hope my colleagues would examine these arguments with some care in light of the price we have paid for twice falling victim to misrepresentations and distortions of fact from these same special interests.

First, the stainless steel industry claims the price of ferrochrome will increase 20 to 30 percent if cheap Rhodesian ferrochrome could not be imported. This would lead to inflation of the price of domestic stainless steel and would make it noncompetitive with foreign suppliers.

While not denying the possibility of a minimal cost increase in ferrochrome and stainless steel, I submit the price we will pay for our continued violation of the sanctions is much greater.

The spokesmen for the stainless steel industry admit they cannot predict the amount of their claimed price increase, nor can they show that past increases were due to the sanctions.

In addition, the industry's fear for the loss of American jobs is not shared by the United Steelworkers Union. Worse yet, the stainless steel industry has already abandoned our vital domestic ferrochrome industry in favor of increased reliance upon Rhodesian production. It would seem to me that Congress, rather than bowing to pressures from a handful of companies, should seek means of assisting our own industry rather than agreeing to a policy which results in our rushing to export jobs overseas.

Let us look a little closer at the facts. There are cheap sources of ferrochrome available to American stainless steel producers, if this happens to be their primary concern. These sources would compensate in all or part for the loss of the Rhodesian source. Finnish high-carbon ferrochrome is already underselling Rhodesian ferrochrome by 2 cents a pound. South African chrome is only slightly more expensive. Further, Brazil and Turkey are both increasing production of ferrochrome and both share the same advantage of Southern Rhodesia in having an indigenous source of chrome ore. In 1972, Turkey's exports of low-carbon ferrochrome to the United States were 1 cent a pound less than Rhodesia's.

The economic impact of prices as they relate to sanctions has also been seriously exaggerated. Industry spokesmen claimed that as a result of removal of the sanctions, ferrochrome dropped 7 cents a pound in 1972. However, the Commerce Department's publication entitled "Import by Commodity," shows the average drop was only 2 cents a pound. Once again, an attempt at misrepresentation by the industry.

In addition, stainless steel scrap provides a considerable and growing percentage of the chromium content in steel. Its price is not governed by ferrochrome imports from Rhodesia.

Further, new vacuum processes in steel making and ferrochrome production permit the use of lower grade and hence less expensive ferrochrome and chrome ore in stainless steel production. This is a worldwide trend which is responsible for price reductions. Just switching from low-carbon to high-carbon ferrochrome reduces the price by 50 percent, a fact that Union Carbide and the stainless steel industry spokesmen fail to mention.

Admittedly, U.S. stainless steel producers might be forced to pay somewhat higher prices for ferrochrome from third countries and from our own domestic proucers should the Rhodesian source be shut off. However, part of the reason for these price differences can be found in the low wages paid to African laborers in Rhodesia. Union Carbide spokesmen claim that labor accounts for only 10 percent of the production costs at the Union Carbide ferrochrome processing plant in Southern Rhodesia. However, George Watson, executive director of the Ferroalloys Association, points out that labor costs run at least 15 percent in the United States. Therefore, one is not surprised that given the oppressive labor practices and effective bans on strikes and collective bargaining in Southern Rhodesia, that labor is much less of a cost factor in that country.

Next, we are asked to believe that the undefinable increase in the price of one raw material caused by shutting off one source would make the American stainless steel industry noncompetitive. Mr. Jack Sheehan, spokesman for the United Steel Workers, questioned this claim during the hearings by noting:

> In 1969, the United States, together with the Japanese and European steel producers signed the first Voluntary Restraint (quota) agreement. Under this agreement, imports are held to a given percentage. In May of 1971, the new VRA was signed which significantly strengthened the protection for our domestic specialty steel industry. The VRA would prevent any further incursion of imports over the agreed-upon amount despite any price differential resulting from differing sources of chrome ore.

Thus we find the stainless steel industry already protected from our major competitors.

Since 1971, the U.S. dollar has been devalued twice and the currencies of our major competitors in the steel industry have been revalued upward. In fact, the German mark has gone up 48 percent with respect to the dollar and the Japanese yen has increased by 36 percent in the revaluation. The American Metals Week of May 1, 1973, reported that general steel imports continued down in the second quarter of 1973, due to the continued world steel boom and the effect of devaluation on foreign-domestic price differentials. This change in the dollar certainly will have a continuing favorable impact, much greater than a few cents change in the price of ferrochrome.

In addition, our major competitors pay almost as much for their domestic ferrochrome as we do. As domestic sources make up the bulk of their raw materials needs, they will not receive a cost advantage if sanctions were renewed.

Let us now turn to the second part of the industry argument that a new embargo on Rhodesian ferrochrome would lead to serious shortages of ferrochrome at reasonable prices. This argument is based upon three assumptions: First, the domestic ferrochrome industry is declining and cannot be expected to supply steel industry needs; second, the strategic stockpiles are mostly obsolete and could only provide a few years' supply at any rate; and, third, third-country sources of ferrochrome are rapidly drying up or are becoming prohibitively expensive.

It is evident that the stainless steel industry is all too willing to let the domestic ferrochrome industry die because the prices are slightly higher than the cheap Rhodesian ferrochrome. Union Carbide also has a vested interest in access to Rhodesian ferrochrome, since that company already owns a ferrochrome plant in Rhodesia which will allow it to ultimately benefit from their continued ability to sell on the American market.

Stainless steel industry spokesmen say the American ferrochrome industry is doomed because the sources of metallurgical grade chromite are drying up and more and more chromite producing nations are turning to the more profitable ferrochrome production. The stainless steel spokesman claims the costs for power and pollution controls are making U.S. ferrochrome producing firms noncompetitive and American plants are not investing in new high carbon ferrochrome processes since the investment is too risky. Therefore, we are told we should face facts and move our ferrochrome industry overseas to Rhodesian and South Africa.

Airco Industries of Charleston, S.C., our No. 1 ferrochrome producer, does not share this view. Airco has invested in modern, pollution-free plants, has established firm sources of chromite—primarily from Russia—and plans to stay in business. Norris McFarlane, vice president for Airco, has warned in a recent article in American Metals Market, that domestic steel producers should not be so anxious to abandon the domestic ferrochrome industry:

> Consider what would happen, if say, foreign steel producing interests contracted to buy South Africa's total ferrochrome output. For one thing, U.S. stainless steel producers would have to reduce their production rates drastically (for lack of ferrochrome) and stainless steel imports would soar. It would certainly take too long to forestall permanent dislocations in the stainless steel business.

The claim the sources of chromite are drying up has been largely exaggerated. Russia still produces 1.9 million tons annually of which they shipped 370,000 tons to the United States in 1972. This represented 52 percent of our total imports. Russian reserves of metallurgical grade chromite are said to be many times the 26.5 million tons estimated in 1965, according to the U.S. Bureau of Mines.

Turkey is our second largest source of chromite. Stainless steel industry spokesmen claim the Japanese have bought 2.6 million tons of Turkish ore for the next 10 years. In checking this source, we find that figure is actually 1 million tons over the next 11 years. This works out to 91,000 tons a year, or 20 percent of the 600,000 tons produced annually in Turkey. Our Turkish allies are anxious to have our business and still wonder why we have reduced our purchases from them.

Mr. President, the economic questions relating to Rhodesian chrome do not justify a vote against S. 1868.

A major source of chromite for our domestic industry is the strategic stockpile. There are presently 1.5 million tons of metallurgical grade chromite in the stockpile which has been included in the administration's stockpile release legislation. Released over a period of time, this source could provide a steady and cheap supplement to our chromite needs.

As I pointed out yesterday, the modern argon-oxygen process for making stainless steel allows companies to use higher carbon ferrochrome which contains a lower ratio of chrome. The U.S. Bureau of Mines, for example, in 1970 noted that:

> Increasing substitution of the chemical grades of chromite for the metallurgical grade can be expected and will become more and more standard practice as processing technology improves and economics continue favorable.

This process already allows Finland and South Africa to produce ferrochrome using their low cost chemical grade chrome ore which is mixed with the richer grade ore. The United States could do the same by importing chemical grade ore, or tapping the stockpile, and mixing it with higher grade Russian ore.

The U.S. Bureau of Mines is also working with industry on many technological changes which could soon become economical and would result in an increase in our supply of chrome. I am referring to new methods being developed for the retrieval of chrome from industrial wastes, solutions, and sludges. The Bureau of Mines also notes that:

> Computer control of chromium alloy additions in steelmaking could also save additional amounts (of chrome) through more efficient operations and elimination of human errors.

I am sure the stainless steel industry is well aware of this research and technology development. It is apparent we can find ways—ways which are more beneficial to our long-range interest—to increase supplies of chrome while reducing reliance upon foreign sources.

Thus, before we dismiss our small, but important, ferrochrome industry we should consider the effect of its loss on our domestic economy and in turn our total dependence on foreign sources that loss will create. I believe it is perhaps time for a business-Government effort to study feasible means of assisting the domestic ferrochrome industry. It has been done in other advanced industrial nations wanting to assure a dependable domestic supply of ferrochrome.

The stainless steel companies also claim that even if released, the domestic stockpiles of low and high carbon ferrochrome would be of little aid to them. First, they claim the 319,000 tons of low carbon ferrochrome has been marked obsolete by the General Services Administration. However, our check with the Office of Emergency Preparedness in the GSA revealed that as of August 31, 1973, there were 298,750 tons of low carbon ferrochrome, of industrial quality, in the stockpile. I was informed by the GSA that this ferrochrome was not obsolete, but that reduced demand for low carbon ferrochrome might make it more difficult to sell. Nonetheless, one third of the production of ferrochrome in this Nation is in the low carbon form. According to the Ferroalloys Association we will still be using the low carbon form until 1980.

There are also 402,000 tons of high carbon ferrochrome in the stockpile, marked for disposal. The stainless steel industry claims this would meet their needs for only 18 months. No one is suggesting that it should be released all at once, nor that it should replace all domestic production and foreign imports as implied in their argument. A gradual release from the stockpile to minimize the impact on the domestic market would be expected. Sale of 40,000 tons per year for 10 years would provide the stainless steel industry with the equivalent of almost all imports of high carbon ferrochrome in 1972 alone.

The final claim made by the stainless steel industry spokesmen is that our only source of ferrochrome for the foreseeable future will be Southern Rhodesia and South Africa. They claim the inevitable gravitation of ferrochrome production to the source of the ore would mean that third country producers would be in the same position as the United States—without chrome to feed their furnaces. As the Soviet Union has never been a supplier of ferrochrome to the U.S. market, only South Africa and Rhodesia remain.

Once again, the situation has been highly exaggerated. For example, it is possible for third countries such as West Germany, Japan, and Norway to make long-term contracts for chromite which is already occurring. These nations still export large quantities of ferrochrome, although at slightly higher prices than the Rhodesian product. For example, in 1972, Japan, Germany, and Norway exported a total of 108,000 tons of ferrochrome. The United States only used one-fifth of this amount and could certain obtain more to supplement our domestic production.

Another fact is that Rhodesia, South Africa, and Russia are not the only nations with significant indigenous sources of chrome ore. Since 1970, many other countries have been developing ferrochrome industries, from their indigenous chrome deposits, which could supplement our domestic production well into the foreseeable future.

Finland produces 35,000 tons of ferrochrome a year at lower prices than Rhodesia. Turkey is adding 50,000 tons in new annual ferrochrome plant capacity. Brazil is building a plant to process 50,000 tons of chrome ore a year. India is increasing its ferrochromium producing capacity which amounted to 14,700 tons in 1970.

South Africa is rapidly expanding production using new methods to tap enormous reserves of chemical grade ore.

These examples demonstrate that nations other than Rhodesia are not standing still. They provide a viable alternative source of ferrochrome and there is nothing to inhibit U.S. companies to sign contracts with these countries as the Japanese are now doing in Turkey and Brazil.

If the U.S. stainless steel industry is concerned, in the long run, over access to Rhodesian ferrochrome it would be wise for them to consider that one way or the other majority rule will come to that country. Therefore, in order to guarantee a long-term access to Rhodesian ferrochrome, I would suggest that Union Carbide and the stainless steel industries support efforts to return us to compliance with the sanctions. If these corporations continue to antagonize the African majority in Rhodesia, they could find themselves cut out of the market completely when majority rule is achieved. This is perhaps the largest blind spot in their arguments. If we continue with short-sighted policies in order for a handful of U.S. companies to gain short-term benefits, we will pay the price in the long run for bowing once again to industry pressures.

NEED FOR ENERGY CONSERVATION

Mr. MONDALE. Mr. President, two recent articles in the Washington Post have focused new attention on the need for energy conservation and the present wasteful use of our energy resources. These articles, by Tim O'Brien, effectively convey the need for a strengthened effort by the Federal Government to bring order out of the present chaos in the field of energy conservation.

On September 20, I introduced legislation (S. 2462) to help accomplish these ends. This legislation, in which I was pleased to be joined by the distinguished chairman of the Commerce Committee (Mr. Magnuson) and the distinguished chairman of the Interior Committee (Mr. Jackson), would establish a federally funded Energy Conservation Research and Development Corporation. This Corporation, along with State energy conservation councils funded through it, would undertake and disseminate research and development in a variety of fields in the energy conservation area. Its responsibilities would be broad, and its funding would enable it to do the thorough job that is urgently needed in this field.

I commend Mr. O'Brien's recent article on energy conservation, and urge my colleagues to join in the effort to preserve our most precious national resources through the wiser use of energy in all forms.

Mr. President, I ask unanimous consent that the articles from the Washington Post be printed at the conclusion of my remarks in the Record.

There being no objecton, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 3, 1973]

Americans Might Be Squandering 40 Percent of Energy Resources

(By Tim O'Brien)

The American energy crisis, experts say, is caused by many things—dwindling domestic supplies pressure from those who want to breathe clean air, population increases, the insatiable appetites of new machines, political tensions with nations that produce the raw materials of energy.

In the mix, however, one variable remains almost an afterthought; Simple waste. Extravagance. Inefficiency. Squandering. Unnecessary guzzling of what fuel there is.

While it is not fair to say the waste of energy is overlooked—environmentalists have been pointing it out for years—it is true that energy conservation is viewed by most observers as a mere palliative. A drop in the bucket of remedies.

It is virtually impossible to measure with even rough accuracy the amount of fuel wasted in a given year. But that has not kept people from guessing. Sen. Jennings Randolph (D–W. Va.) estimates that the nation is squandering from 30 to 40 per cent of its basic energy resources.

Another estimate puts the waste at 25 per cent a year.

John Muller, a researcher in the Interior Department's Office of Energy Conservation, says that 'if this were a dictatorship and we could somehow control how people waste energy, we could save from two to three million barrels of oil a day." That would be a fifth of the 15 million barrels Americans consume each day.

There are anecdotes aplenty to illustrate the wastes. The New York City World Trade Center, for example, uses more energy for its heating, lighting and cooling than is needed for the entire upstate city of Schenectady, with 100,000 residents.

Beyond anecdotes, however, there is little in the way of official data to suggest what the magnitude of the waste is or where fuels are being wasted. The President's new Office of Energy Policy, created to coordinate the nation's response to the crisis, has no comprehensive numbers on the subject. The Office of Energy Conservation, where prime responsibility in the area resides, has only an admittedly tentative set of estimates.

Perhaps the single best index of where and how much fuel is being unnecessarily burned is a recent study conducted by an independent energy consultant for the Treasury Department. The department requested a list of emergency actions that could be quickly taken to reduce significantly fuel consumption.

The study found that through eight relatively easy, uncostly and quick conservation measures, about 2 million barrels of oil a day could be saved.

The eight emergency measures are:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day.

Increasing load factors on commercial aircraft from 50 per cent to 70 per cent—80,000 barrels a day.

Setting home thermostats two degrees lower than average—50,000 barrels a day.

Conservation measures in industry—500,000 barrels a day.

Cease hot water laundering of clothes—300,000 barrels a day.

Mandatory car tune-ups every six months—200,000 barrels a day.

Conservation measures in commercial buildings (fans off at night, air conditioning only during office hours, installation of proper window insulation)—200,000 barrels a day.

Increasing car pools for job commuting (from 1.3 to 2.3 persons per car)—200,000 barrels a day.

The figures attached to each of the conservation measures are the lowest estimated savings. In fact, the study found that about 2 million barrels a day could be saved and, possibly, another million barrels a day beyond that.

These eight steps are but the tip of the potential conservation iceberg, according to energy researcher Muller. He keeps a notebook filled with some 250 energy conservation measures, which he says are the "product of just one man's thinking. If five or six of us sat down, we could come up with a much larger list."

In the field of agriculture, he suggests slowing down the speed of tractor engines when they are not running and requiring farmers to adopt reduced tillage farming. In industry, where over 41 per cent of America's energy is consumed, he thinks energy consumption can be reduced by 10 per cent through "improved operating practices and minor changes in plants, involving little or no cost."

Dr. Jack Rafuse, a staffer in the new Office of Energy Policy, considers that estimate conservative. He says energy conservation teams have found that "though almost zero-cost kinds of things, industries can save 40 per cent of their plant fuel without affecting energy output at all."

If the 40 per cent savings could be taken as an industry-wide average and if every industry in the nation were to undertake similar measures, simple mathematics would show an astounding result: About 16 per cent of all the energy expended in America each year could be saved. This is in the industrial sector alone—and at "almost zero-cost."

If one were to list the villains of energy waste, three would probably stand out as most notorious: Automobiles, commercial America and the homes we live in.

Today's standard American car travels between 11 and 12 miles on a gallon of gasoline, not as far as it did 50 years ago. The nation's 1974 model autos average about 4,400 pounds—35 per cent more than the foreign makes tested in a recent Environmental Protection Agency (EPA) study.

Weight, the EPA says, is the single best index of expected miles per gallon, and it is not surprising that foreign makes averaged about six miles per gallon or nearly 37 per cent more than American autos tested by the EPA.

One study, conducted for the U.S. Army Tank-Automotive Command last year, estimated a 30 per cent potential fuel savings through a shift to smaller cars.

Although the law of diminishing returns begins to set in at a certain point, energy watchers say that by requiring tune-ups, imposing 50 or 55 mile-per-hour speed limits, putting fewer horses under the hoods and eliminating gas-eating extras like air conditioners, we could cut gasoline consumption in half.

Aside from these savings, a panel of General Motors, Ford and International Harvester engineers has reported that by requiring radial tires on all autos, fuel consumption could be cut by 10 per cent; by installing engine turbo-chargers it could drop another 10 to 15 per cent.

Conservation hurts most when it hits a person's home. And it is in the home where much of the waste is happening.

Energy specialist Muller estimates, for example, that if we threw away our dishwashers—or were required to wash dishes by hand—we could save 35,000 barrels of fuel a day. If during the summer we were to dry clothes on a line instead of in an automatic dryer, the savings would amount to 130,000 barrels a day.

"The little things," he says, "add up. But the little things hurt most."

A big drop in the conservation bucket, he says, would be to insulate the attics of those existing homes that are without it—savings of perhaps 250,000 barrels of fuel a day.

The Michigan Consolidate Gas Co., in an effort to promote conservation of natural gas, has offered its customers loans to insulate their homes. The result, said President Hugh C. Daly, could be a savings of six billion cubic feet of gas annually if 200,000 customers sign up. "That's $9 million . . . that our customers won't have to pay," he said.

Other home energy savings in the Muller conservation notebook: Get rid of decorative outside lighting; weather strip and caulk all houses; service inefficient burners and furnaces; promote cold water washing of clothes; shut off furnace pilots in the summer.

"These are things that ought to be done as course," an environmentalist says. "They save money, they save fuel. Americans, unfortunately, are energy hogs."

Aside from hoggishness, however, is the problem of outright inefficiency. Six per cent of electricity produced in the United States in 1970, for example, was used to heat homes, despite the fact that electric heat is half as productive as oil or gas heat. Still, electric heat is a growing trend. About 25 per cent of the 40,000 buildings constructed in 1969 were heated electrically. It is cheap to install, it is clean, it is considered modern and esthetically pleasing—but it is wasteful.

Commercial America, with its glittering neon billboards and lighted shop windows, is a third major waster of now-precious energy. Muller's notebook lists some 28 methods of conservation that could be applied at low cost to the nation's commerce:

Rescheduling night sporting events for

daylight hours; installation of a second set of doors at lobby entrances to help keep out outside air; shutting down 24-hour-a-day electric advertising signs; turning off air-conditioners at 3 p.m.; putting an immediate stop to the construction of glass walled skyscrapers that lose heat nearly as fast as it can be pumped in.

Yet in the end, what is waste and what is "necessary luxury" is the key to conservation. What an energy conservationist sees as waste, housewife with a stack of dishes and a crying baby and a new dishwasher sees as necessity. Until these attitudes change—until the fuel crisis leaves a gash on the American consciousness—the potential savings are likely to remain largely theoretical.

[From the Washington Post, Oct. 4, 1973]

ENERGY CONSERVATION SPARKED

(By Tim O'Brien)

In Detroit, the United Fun's 44-foot-high torch will burn only two days this year. In California, Gov. Ronald Reagan has ordered heat and air-conditioning turned off in state office buildings on weekends. In the labyrinthian hallways of the Interior Department, about 1 out of 5 light bulbs has been unscrewed.

While Pepco officials are not yet doing their correspondence by candlelight and Henry Ford has not been seen walking to work, it is clear that a widespread—if uncoordinated—effort is under way to conserve the nation's now-precious supplies of energy.

Nerve center for the campaign is the new Office of Energy Conservation, established in the Interior Department last spring on executive order from the President. The office, with a skeleton staff and uncertain authority, has the task of coordinating energy conservation programs scattered throughout the federal establishment.

A staff worker in the new office admits "we are just feeling our way. We are a new institution in a crisis situation. It is not easy."

While the office has generated some preliminary statistics on where economy moves might be made, it has yet to set forth public priorities. It faces tough decisions in the months ahead.

"Conservation is fine in the abstract," the staffer said, "but in the particular it is no fun at all. If we demand engine turbochargers or recommended to outlaw the manufacture of cars over 5,000 pounds, we'll have both car makers and car lovers screaming. If we try to stop the manufacture of any more decorative gas lights used outside homes, we'll offend a lot of home owners who love their pretty lamps."

Further complicating conservation decision-making is President Nixon's emphasis on voluntary, not regulatory economy.

"Energy conservation," he said in an April message to Congress, "is a national necessity, but I believe that it can be undertaken most effectively on a voluntary basis."

Although he warned that compulsory conservation could follow a failure of voluntary economy, it is clear that for the present the premium is on voluntarism.

As a result, a number of the biggest energy-saving steps which require either federal or state legislation are not given much of a chance. These would include outlawing air conditioners in new autos; banning hot water clothes washing or automatic dish washing; forbidding all-night electric advertising displays; taxing energy-eating purchases; reducing speed limits; banning construction of all glass skyscrapers.

President Nixon took the first step away from voluntarism Tuesday when he put controls on bottled gas and promised similar controls in two weeks on heating oil. This is the first time since World War II that fuel rationing has been imposed in the United States.

But the emphasis remains on voluntarism. The President, for example, has set for the nation a goal of 5 per cent saving in energy this year. In the federal government, he wants 7 per cent saved.

With some of the spontaneity that attended the World War II fuel crisis, the call for voluntary economy has created a flurry of action:

Florida state employees have been ordered not to drive state cars faster than 55 miles an hour.

In Pennsylvania, Gov. Milton Shapp has appointed a seven-member Energy Task force to suggest ways of maximizing the state's coal supply without violating environmental standards.

In Seattle, the city utility company says its "kill-a-watt" program, initiated in July, has resulted in a 2 per cent energy cut, and officials are predicting a 10 per cent reduction soon.

In Vermont Gov. Thomas P. Salmon announced last week that state residents would have to cut back energy consumption or face possible state controls.

And in Austin, Tex., the city council has voted to impose a surcharge on about 2,000 major electricity consumers if they fail to cut usage by 30 per cent. The city has cut some street, freeway and public park lighting.

While these and similar steps will doubtless help, they just skim the top of the potential energy savings that are possible. A study undertaken by the Office of Emergency Preparedness, for example, concluded that "energy conservation measures can reduce U.S. energy demand by 1980 by as much as the equivalent of 7.3 million barrels per day of oil—equal to about two-thirds of projected oil imports for that year."

The problem, said Peter Harnik, editor of the conservationist publication, "Environmental Action," is that "everyone's been going at it very helterskelter. If this is a real crisis, then what we need is systematic conservation."

One New York state official described some energy conservation proposals as "about as effective as rearranging deck chairs on the Titanic."

Most officials connected with the federal energy conservation effort freely acknowledge a state of confusion. Dr. Jack Rafuse, of the Office of Energy Policy, said, "People just haven't thought a hell of a lot about this until recently."

Dr. John Gibbons, who has been director of the Office of Energy Conservation for only two weeks, acknowledged that no "formal strategy" has been developed for the fight against fuel waste. He said "very few definitive recommendations" can now be presented to Congress or the President.

Gibbons said yesterday his office has "neither the authority nor the intention" to impose energy restrictions, and that it can at best develop a foundation of information that might lead to legislation.

NATIONAL ASSOCIATION OF CONCERNED VETERANS—TAX STATUS

Mr. HARTKE. Mr. President, it is with particular pleasure that I note the Internal Revenue Service decision granting the National Association of Concerned Veterans status as a tax-exempt organization under legislation passed by Congress last year. As chairman of the Senate Committee on Veterans' Affairs, I am well acquainted with NACV's outstanding work on behalf of the 6 million veterans of the Vietnam war. The current generation of veterans faces unique and difficult readjustment problems, and although some people would like to forget the Vietnam war and those who fought it, NACV has persevered in its efforts to represent these brave Americans in the governmental decisionmaking process. It is most appropriate for this dynamic young organization which has 200 dues-paying clubs in 32 States, to receive the first tax-exemption under new section 501(c)(19) of the Internal Revenue Code, which Congress enacted last year to enable war veterans' organizations to pursue their social welfare objectives by obtaining tax-exempt contributions. As a ranking member of the Finance Committee, which created this new provision, I can say that it was the sense of the Congress that the welfare of our Nation's veterans is a worthy goal in the interest of all Americans. This is certainly true with respect to our newest generation of veterans, and I hope that the favorable action by the IRS will permit NACV to solidify its financial situation and greatly expand the scope and depth of its resources and activities. I trust that NACV will continue its efforts to assist Vietnam veterans and call the Nation's attention to their unique problems.

DEFENSE SPENDING CAN BE REDUCED WITHOUT ENDANGERING NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I was recently interviewed by U.S. News & World Report on the subject of defense spending. My good friend, Senator GOLDWATER, was also interviewed on this important subject.

I believe that the Senate is going to have to make some very tough decisions in the near future concerning the priorities of this Nation at a time of economic uncertainty and spiraling inflation. Soon after the October recess we will be considering the Defense appropriations bill which contains nearly 60 percent of all controllable funds the Congress will approve this year. It is my hope that the Appropriations Committee will significantly reduce the President's budget request for defense spending so that the Congress can stay within the limits of our self-imposed ceiling of $268.7 billion.

Since placing this ceiling on total spending, the Congress has taken steps to increase spending in vital domestic areas where the President had ordered cutbacks. Added to these badly needed increases is the fact that skyrocketing interest rates have added at least $5 billion to the cost of servicing the national debt. This means that the Congress is on a collision course with its own spending ceiling.

It is clear that we have a responsibility to reduce defense spending in a manner that will in no way endanger our national security. I know that we can do this. I know that we can eliminate waste in defense spending.

At stake in our soon to be made decision on the allocation of scarce Federal dollars is the well-being of the American people. It is my belief that we can provide for the needs of our people as well as assuring that we maintain a strong military posture.

Mr. President, I ask unanimous consent that my interview from the U.S. News & World Report be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

"ABLE TO CUT 4 TO 5 BILLION DOLLARS"

INTERVIEW WITH SENATOR HUBERT H. HUMPHREY, DEMOCRAT, OF MINNESOTA

Q. Senator Humphrey, you're on record as proposing cuts in defense spending. Why?

A. There are several reasons: One is because we have concluded hostilities in Indo-China. Another is there appears to be a better working relationship with the Soviet Union. Finally, the defense budget has to be cut if we're going to stay within the Senate's over-all budget ceiling of 268 billion dollars.

Q. How much can be cut?

A. We will most likely be able to cut around 4 to 5 billion dollars. I think we could make greater cuts—up to 7 billion—but I am a political realist and doubt that we will succeed in doing much more than 4 to 5 billion. Others have made estimates of up to 14 billion. I do not agree with that. I do believe in a strong defense.

Q. Where can money be cut?

A. In manpower, for one place. For example, the troop levels would be cut 156,000 under the military-procurement bill the Senate has been considering. Some weapons systems can be reduced in cost. We will also have some reductions due to the closing of overseas bases. There will be a cut in the Military Assistance Special Fund for South Vietnam and Laos. So, between weapons systems, contingency funds and manpower, I think that we can make a sensible, reasonable reduction. Had we voted to slow down construction of the Trident, had we not stepped up procurement of the F–14 [fighter plane], we would have made another 1.4-billion-dollar reduction in this year's budget.

Q. Can money be saved on personnel, other than by cutting troop strength?

A. Yes, by making civilian cuts as well as military. We have 1 civilian employe in the Defense Department for every 2 men in uniform. You cannot justify that. Also, we ought to cut down the number of commissioned officers. We have more officers today for a 2-million-man military establishment than we had for a 12-million-man establishment back in 1945. That just doesn't make any sense.

I expect Secretary Schlesinger [Defense Secretary James R. Schlesinger] to make serious cuts in personnel at overseas bases. I expect him to prune a good deal of civilian manpower. Then, too, I think there are areas where he can reduce costs through earlier retirement of officers.

Q. Is it safe to reduce spending on major weapons systems?

A. It boils down to how much you feel you can afford at any one time. Sometimes a family has to make a choice between whether or not they want to buy a new car or send their daughter to college. You've got a car. It still runs well, gets you to work, takes you on your vacation. But there's a new model. It's a little bigger, horsepower's a little better, maybe doesn't pollute quite as much, has better upholstery, more comfortable, and you'd like to have it. Your old car may very well take a little more maintenance, but you've got to make a choice. You can't afford both.

Now, that's exactly where we are on the defense budget. It doesn't mean that we're going to abandon the automobile. It means that we are going to have to get along with the one we have for a while, if we're going to send the daughter to college.

I'm a supporter of the Trident system—the boat, the missiles and all. But the argument was whether we have the first boat coming off the ways in 1978, or do we have the first boat come off in 1980? It meant 900 million dollars' difference this year, and I favor that saving.

In the meantime, we can and will proceed with modernizing our Polaris and Poseidon submarines, including the installation of the Trident missile system on the Poseidon boat. This gives us an underwater nuclear missile with a range of 4,200 nautical miles.

After all, the boat—whether Poseidon or Trident—is but a launching platform for the missile. It is the missile that counts, and we can put the long-range Trident missile on the Poseidon boat in 1978. That is the deterrence we need for the two-year gap between 1978 and 1980.

Q. How big a factor is waste and inefficiency in defense costs?

A. Look at the record: We documented over 20 billion dollars' worth of weapons systems that we bought and paid for that never flew, moved or shot.

Look at what we did in other Administrations. I'm not talking politics now. Look at the F–111 [swing-wing Air Force fighter]. We spent monumental sums of money making that an operational airplane. Look what happened on the C–5A [Air Force transport]. Take a look at the Cheyenne helicopter. That thing never got off the ground as a weapons system. And one of these big tanks—the MBT–70—on which we spent a half billion dollars never became operational. The military dropped it.

Since it doesn't appear that tomorrow morning the Russians are going to attack, we ought to be using our time building our defense and weapons systematically, in a manner that saves us money, that eliminates as much waste as possible.

I was in Moscow on the day that Neil Armstrong, landed on the moon. I saw what happened in the Soviet Union. They went around muttering to themselves in so many words: "My God, they did it! These crazy Americans—five years behind us in space—they mobilized, they set up an objective, they committed their resources, they did it within a time frame, they brought together the technical ability, the finance, the management, and they did it."

That amazing space-flight success told them something that no weapons system in the world could tell them—namely, that if we have to do it, we can do it. That's why I think we could stretch out Trident and other expensive weapons systems. The Russians know we can build them. If they start dragging their feet in those SALT talks, they know we can and will go ahead.

Q. Would substantial budget cuts diminish U.S. leadership and prestige abroad

A. If we were reckless, I would think so.

For example, I am not for unilateral reductions of our forces in Europe at the time that we have negotiations under way with the Russians on mutual, balanced force reductions. If those troops in Germany are not vital to our defense, they ought to come home. But they are vital: Our defense is strengthened by the NATO Collective Security Treaty.

I don't believe in giving the Russians anything for nothing. If you knock your defense structure to pieces, refuse to modernize it on a systematic basis, cut your manpower to levels beneath your commitments, then you are jeopardizing any possibility of successful negotiations with the Russians.

But we're not doing that. We've got so many nuclear weapons, so many things with which to defend ourselves that they're trying to catch up with us instead of our catching up with them. There is not one responsible person in this Government today that says we're weaker than the Soviet Union. So, given this leadership, we can afford to make some cuts in our defense budget.

Q. Should there be some cutbacks in troops abroad?

A. Yes, sir—particularly in the Pacific area. We have well over 200,000 troops in the Pacific and Asian areas. I don't think we need anywhere near that number. I offered an amendment to cut over 100,000 troops from bases out of the country. It was adopted. We have some 600,000 troops overseas, of which less than half are in Europe.

Q. If we pull out of Europe, can it defend itself?

A. I doubt that. Let me put it another way: I look upon our participation in Europe not only to protect Europeans, but also to protect Americans.

I think it is important to have allies. I'd rather have the first line of defense away from New York City or Minneapolis. That first line is in Western Europe. As long as I can get my friends in Europe to commit their resources to their own defense and ours, I think we're in better shape.

SURFACE MINE RECLAMATION: THE MISSOURI PRECEDENT

Mr. SYMINGTON. Mr. President, in that similar legislation is now in effect in our State, the Surface Mining Reclamation Act, S. 425, passed yesterday by the Senate is of particular interest to Missourians.

The extent of mining in Missouri is limited in comparison with other States; however, all of our coal is extracted by surface mining. In 1972, some 4½ million tons of coal were produced in our State; nearly 94,000 acres of Missouri land require reclamation as a result of the impact of strip mining.

The Missouri legislation, two bills introduced by State Senator William Cason and approved by the State legislature in 1971, has been described as "good basic law" by members of the State department of conservation.

Those bills include several provisions similar to those which the Senate has now approved for the Nation.

The Missouri Land Reclamation Commission requires that surface mine operators obtain permits before initiating activities.

A reclamation plan must be submitted to the Commission for approval before a permit is granted. Presently, some 232 permits covering approximately 3,200 acres are in effect.

The Missouri law also requires that bonds be posted to insure that reclamation is carried out as planned.

Minimum standards have been established including requirements that land must be graded to permit farm machinery to traverse it with ease; toxic materials may not be left exposed; and up to 25 percent of reclaimed land may be altered for use as forest or wildlife area.

While experience may require some revision of the Missouri law, our program has offered some worthwhile guidelines for the Nation.

WORLD NEEDS FOOD RESERVE

Mr. HUMPHREY. Mr. President, for many years I have been convinced of the need for a system of international food reserves. In 1956, I sponsored legislation in the Senate intended to create such a system under the United Nations. Most recently, the Senate passed Foreign Assistance Act included an amendment which I proposed that directs the President to actively lead international efforts to set up a world food reserve system.

Unfortunately, we have not yet taken that major step toward world food security by actually putting such a system in place. The result of our failure to act has been felt by Americans and citizens of other affluent nations in their pocketbooks and the people of the developing countries in the empty pit of their stomachs.

Recent changes in the world food security situation, including the near depletion of our grain reserves and the rapid disappearance of idle U.S. cropland, have made action on this proposal more urgent than ever before.

An article by Lester Brown in today's Wall Street Journal makes a strong case for immediate action to establish a world food reserve. I highly recommend it to all my colleagues. I ask unanimous consent that this article, entitled "The Need for a World Food Reserve," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEED FOR A WORLD FOOD RESERVE

(By Lester R. Brown)

Throughout most of the period since World War II the world has had two major food reserves to draw upon in the event of major crop failures due to drought, flood or crop disease. One was in the form of grain reserves in the principal exporting countries and the other in the form of reserve cropland, virtually all of which was land idled under farm programs in the United States.

World grain reserves are currently at the lowest level in 20 years. But this situation is far more precarious than it sounds, for world population and consumption have increased by nearly half during this period.

Within the United States, roughly 50 million acres out of 350 million acres were idled under farm programs from 1961 through 1972. In recent years, the need to tap the reserve of idled land has occurred with increasing frequency. This first happened during the food crisis years of 1966 and 1967 when world grain reserves were reduced to a dangerously low level by the Indian food crisis. Again in 1971, a small portion of the idled acreage was returned to production as a result of the corn blight threat in the United States. In 1973, in response to growing food scarcities, the U.S. Department of Agriculture permitted most of the idled cropland to come back into production. All acreage restrictions will be removed in 1974.

Projections for the coming year indicate that, even with record crops of wheat and feedgrains in the United States, a good to very good grain harvest in the Soviet Union and the prospects of average or better crops in India and China that world grain reserves will be further depleted between now and the next harvest in late 1974. With reserves depleted and idled cropland fast disappearing, this leaves the world in an extremely vulnerable position.

The extent of global vulnerability is dramatically underlined by examining the degree of global dependence on North America for exportable food supplies. Over the past generation the United States has achieved a unique position as a supplier of food to the rest of the world. Before World War II both Latin America, importantly Argentina, and North America (United States and Canada) were major exporters of grain. During the late '30s, net grain exports from Latin America were substantially above those of North America. Since then, however, the failure of most Latin American governments to make family planning services available and to reform and modernize agriculture have eliminated the net export surplus. With few exceptions Latin American countries are now food importers.

THE STATISTICS

As the accompanying table illustrates, over the past three decades North America, particularly the United States, which accounts for three-fourths of the continent's grain exports, has emerged as the world's breadbasket. Exports of Australia, the only other net exporter of importance, are only a fraction of North America's. The United States not only is the world's major exporter of wheat and feedgrains, it is also now the world's leading exporter of rice. North America today controls a larger share of the world's exportable supplies of grains than the Middle East does of oil.

Exportable supplies of the crucial soybean are even more concentrated than those of grains. Although as late as the 1930s China supplied nearly all the soybeans entering world markets, continuing population growth pressing against a fixed land base during the ensuing decades has gradually absorbed the exportable surplus. As of 1973 China is importing small quantities from the United States. The United States is now the principal supplier, providing over 90% of world soybean exports in the '60s and early '70s. With world demand for high-quality protein surging upward, Brazil—virtually the only other nation capable of producing soybeans for export on a significant scale in the foreseeable future—has rapidly boosted its soybean production and exports. However, the United States is likely to continue supplying three-fourths or more of the world's soybean exports for many years to come.

At a time when dependence of the rest of the world on North American food exports is increasing so dramatically, there is also a growing awareness that this extreme dependence leaves the world with nowhere to turn in the event of adverse crop years in North America. Both the U.S. and Canada are affected by the same climatic cycles.

Considerable evidence has now been accumulated indicating that North America has been subject to recurrent clusters of drought years roughly every 20 years. The cyclical drought phenomenon has now been established as far back as the Civil War when data were first collected on rainfall. The most recent drought, occurring in the early '50s, was rather modest. The preceding one occurring in the early '30s was particularly severe, giving rise to the dust bowl era.

Most meteorologists who have studied the problem will say, without hesitation, that another stretch of drought years in the near future is virtually inevitable. It could very well begin next year. The impact on production will not likely be as severe as during the '30s due to improved soil management and water conservation practices. But even a modest decline in production given the rapid growth in global demand and extreme world dependence on North America's exportable margin of food, would create a very dangerous situation. It would send shock waves throughout the world triggering intense competition for available food supplies.

The probable nature and results of global competition for tight food supplies have been foreshadowed this year. Bangladesh, threatened with famine, pressed with limited success for a diversion of Soviet-purchased grain to help feed its population. India, confronted with an unanticipated need to import several million tons of grain, is finding that the extremely high prices resulting from international bidding for available supplies has put serious constraints on the amount it can buy—even assuming it can find any grain for sale. Like Bangladesh it too is now hoping for a diversion of Soviet grain to help make it to the December rice harvest. In the coming year, it appears likely that massive rice purchases by the increasingly affluent oil-rich nations of the Middle East and North Africa will help drive international rice prices beyond the reach of many poorer African and Asian nations who badly need rice imports.

As prices are driven up, seriously limiting the ability of the poor to buy needed food, sources of concessionary food aid are drying up as well. Since the American food aid program under Public Law 480 is predicated upon the existence of commercial surpluses, aid programs are now being cut severely in this time of commercial scarcity.

When one spends about 80% of one's income on food, as does much of mankind, a doubling in the price of wheat or rice cannot be offset by increased expenditures. It can only drive a substance diet below the subsistence level. Today's wheat prices of $5 per bushel will, of necessity, be reflected in rising death rates in many poor nations in the months ahead.

One reason it is possible for the world's affluent to ignore such tragedies is the changes which have occurred in the way that famine manifests itself. In earlier historical periods, famine was largely a geographic phenomenon. Whole nations or regions, whether Ireland or West Bengal, experienced dramatically high rates of starvation and death. Today, the advancements in national and global distribution and transportation systems have insured that fanfare is more evenly spread among the world's poor rather than concentrated in specific locales. The modern version of famine does not permit the dramatic photographs, such as the ritual of collecting bodies each morning in Calcutta during the Bengal famine of 1942, but it is no less real in the human toll it exacts.

The global food outlook dramatizes the need for an internationally managed world food reserves. Just as the U.S. dollar can no longer serve as the foundation of the international monetary system, so U.S. agriculture may no longer have sufficient excess capacity to ensure reasonable stability in the world food economy.

An adequate world food reserve would be built up in times of relative abundance and drawn down in times of acute scarcity, thereby helping to stabilize prices for both producers and consumers. In effect, the cushion that surplus American agricultural capacity has provided for a generation would be provided at least partially by a world food reserve system. Such a reserve would provide a measure of stability in the world food economy that would be in the self-interest of all nations. The world community of course also has a basic humanitarian interest in ensuring that death rates do not rise among the world's poorest groups, an assurance the affluent nations may be less able to provide in the future if the current system of autonomous, nationally oriented food planning is allowed to continue without modification.

An important first step would be international adoption of the concept of "minimum world food security" proposed in early 1973 by Dr. A. H. Boerma of the UN Food and Agriculture Organization. Under the FAO plan, all governments—exporters and importers—would be asked to hold certain minimum levels of food stocks to meet international emergencies. The governments of participating countries would consult regularly to review the food situation, judge the adequacy of existing stocks, and recommend necessary actions. International agencies such as the World Bank, the International Monetary Fund, and the FAO would help poor countries to establish and maintain the reserve stocks necessary for self-protection against crop failures. World Bank President Robert McNamara has recently pledged the bank's support for the FAO plan. Strong political support from the United States is now necessary if the proposals are to be adopted and implemented.

THE U.S. POSITION

In the face of this year's food crisis and the prospects of added vulnerability in the years to come, the American government has assumed a curious posture of complacency. Secretary of State Kissinger's recent recognition of the world's dangerous food situation in the United Nations was a welcome exception to more frequent Department of Agriculture and State Department views, but remains unlinked with actual governmental policies and actions.

The unprecedented early release of crop forecasts for 1974 by the Department of Agriculture was an apparent effort to assure the world community that no crisis exists, that no extraordinary new measures are necessary. The poor, who can tighten their belts no further, and the wealthier importing nations, who have already witnessed American readiness to cut off exports when supplies get tight, are not consoled by this argument.

Rather than continuing to provide paper assurances to a justly insecure world, the U.S. government might begin thinking of immediate steps to build a more genuine confidence in the future. The U.S. government could give its full political and economic support to the FAO reserve proposals at the crucial FAO conference next month. Given the precariousness of the world food balance at present it might be wise to reduce consumption of meat a few pounds per capita within affluent, overnourished societies such as the United States in order to accumulate some food reserves now to lessen the chaos which will result a year hence if the drought cycle should return to North America next year.

A RISKY BUSINESS

Continued American callousness in the food area will inevitably have repercussions in our relations with the rest of the world in other domains. With large-scale investments abroad and a growing need for outside raw materials, the United States would be wise to build an atmosphere of international cooperation rather than conflict and competition in an area like food, where we hold the key to a more stable and equitable world system. Playing politics with food is risky indeed.

There is also a moral imperative to take action to reduce the impact of the present food scarcity and reduce the likelihood of future disaster. The point was forcefully articulated by Chancellor Willy Brandt of West Germany in his first address before the UN General Assembly: "Morally it makes no difference whether a man is killed in war or is condemned to starve to death by the indifference of others."

THE CHANGING PATTERN OF WORLD GRAIN TRADE

[Millions of metric tons]

Region	1934-38	1948-52	1960	1966	1972[1]
North America	+5	+23	+39	+59	+84
Latin America	+9	+1	0	+5	−4
Western Europe	−24	−22	−25	−27	−27
East Europe and U.S.S.R	+5	---------	0	−4	−27
Africa	+1	0	−2	−7	−5
Asia	+2	−6	−17	−34	−35
Australia	+3	+3	+6	+8	+8

[1] Preliminary.

Note: Plus=annual net exports; minus=annual net imports.

SENATOR FULBRIGHT'S OBSERVATIONS ON THE UNITED NATIONS

Mr. McGEE. Mr. President, on Monday night of this week, the distinguished chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT), delivered a speech outlining his views on world peace and how initiatives in this direction should be carried out.

I was particularly impressed with his forceful and stimulating endorsement of the United Nations as an instrument vital to these undertakings. For this reason, I would like to excerpt a number of his observations which bear on the United Nations and its future effectiveness as a viable force in the international community.

As the distinguished Senator pointed out:

> It follows from this conception of national interest that the United Nations ought to be at the very center of our foreign policy and not at its far periphery.

He further notes:

> There is much the United States could do to breathe life into the United Nations.

Senator FULBRIGHT concluded his address by pointing out:

> There is very little in international affairs about which I feel certain but there is one thing of which I am quite certain; the necessity of fundamental change in the way nations conduct their relations with each other. There is nothing in the human environment, as Adlai Stevenson once reminded us, to prevent us from bringing about such fundamental change. The obstacles are within us in the workings of the human mind. But just as it is the source of many of our troubles, the inventive mind of man is sometimes capable of breaking through barriers of prejudice and ancient attitude. In the field of international affairs, I believe, such a breakthrough was achieved with the formation, first of Covenant of the League of Nations, then of the United Nations Charter. The next breakthrough, urgently awaited, is to make the conception work.

Mr. President, I applaud my distinguished colleague for his forthrightness and farsightedness. I look forward, with enuthsiasm, to working with him and other Members of this body to making the United Nations more effective and efficient, and this Nation's participation in that institution more meaningful and constructive.

Too often, we find ourselves increasingly frustrated and exhausted in seeking solutions to our domestic and international problems. It is for these reasons that I welcomed my distinguished colleague's call for an effective effort on the part of the Congress and the Government of this Nation to bringing the United Nations back into focus of our international efforts and seek meaningful and constructive means of enhancing the organization as an integral part of our foreign policy processes.

As the distinguished senior Senator from Kansas (Mr. PEARSON) and I noted in our report to the Senate Committee on Foreign Relations concerning our service as delegates to the 27th General Assembly of the United Nations last fall:

> The United Nations represents a crucial hope for the future of mankind. Our own national interests depend upon its effectiveness in coming to grips with supranational problems. Our relations with other nations simply cannot be effectively conducted apart from the U.N. It must always play an integral role in U.S. foreign policy.

I am gratified by Senator FULBRIGHT'S remarks and I commend him for his sense of commitment. I urge all my colleagues and the people of this Nation to heed his observations concerning the United Nations and the role that institution must play in the international community.

CALIFORNIANS SPEAK OUT ON INFLATION

Mr. CRANSTON. Mr. President, during the August recess I toured the State to report to the people and conduct an informal California consumer survey.

From the volume of my mail in Washington, it was clear that Californians have been deeply distressed over the state of the economy, inflation, and, especially, high food prices. So I wanted to find out at first hand what inflation was doing to Californians and our economy.

I visited with senior citizens, housewives, labor union members, businessmen, farmers, and consumer groups.

And everywhere I went I sought answers to a number of questions about wage and price controls, the freeze on beef prices and the effects of inflation on the family budgets and their own lives.

The answers I got back would burn the ears of a lot of officeholders in Washington.

People are very, very angry.

And they want something done about high prices, especially food.

Since returning to Washington, I have been involved in a number of efforts to get at the root causes of inflation and to alleviate its effects where possible.

Briefly, the situation, as I see it, is this: First, the Congress has given the administration all of the authority and power it needs to deal with the immediate causes of inflation.

But we have all seen what happened in phase I, phase II, phase III, and now phase IV.

Prices continue up, up, and up. Corporation profits and taxes also go up, but wages, and social security, and pension payments struggle along far behind.

Second, food prices. The Congress enacted a sweeping new farm bill which will make more food available next year. But the immediate outlook is for still higher food prices. The administration sale of grain to Russia last summer and heavy exports to other countries apparently triggered the unbelievable wave of food price inflation we are still suffering from. It may be many months before food prices level off.

Third, if phase IV fails, the Congress is almost certain to move in with its own anti-inflation program or bring an end to controls all together. We must have either a much tougher control program or none. Halfway measures have not worked.

I agree with President Nixon that Federal spending must be kept in hand. I support the budget figure of $268 billion voted by the Senate which is $700 million below the President's target.

Priority for Federal spending cuts should be in military spending overseas. Some $30 billion a year is spent overseas, much of it wasted. Another $10 billion goes for foreign and military aid. The Vietnam war and this huge military spending caused the current inflation. To stop inflation, we must cut extravagant and wasteful military spending.

Fourth, energy. I am very deeply concerned over this "sleeper" in our economy.

Energy prices already are heading up. Worse, there could be serious shortages. This could cause unemployment and crop losses—propane gas, which is in short supply, is needed to dry food crops.

Our economy is utterly dependent on an adequate supply of inexpensive energy. And our environment is involved too. If high sulphur oils are burned smog worsens. Strip mining lays waste the countryside.

Unfortunately, once again the administration has moved too slowly.

The energy crunch is here. It is already taking its toll in higher gasoline prices, higher electrical bills and—soon to come—brownouts and blackouts.

I believe we must embark on a crash energy research and development program.

It will cost many billions of dollars. But there is no alternative. If we do not develop new sources of energy the economy of our Nation will really be in deep trouble.

The immediate outlook is not too bright, I know.

I wish I could be more optimistic, but I cannot. What is needed are not more Pollyanna statements about "turning the corner" on every crisis that comes along but a realistic appraisal of our situation.

Once we face the facts, we will find solutions.

I am going to work with my fellow Senators and California Congressmen towards that end. And I am going to continue to encourage the administration to assess and improve its own programs for ending inflation, finding jobs for everyone and for preserving our environment.

One of the tragic consequences of the administration's failures of phase I–IV is the continuing high rate of unemployment.

For several years we have had between 4 and 5 million Americans constantly unemployed. In California we have had between 400,000 and 500,000 jobless.

There is no excuse for this terrible waste of talent and of lives.

Through the Emergency Employment Act of 1971 we have proved that unemployed men and women can be put to work in State, county, and local governments, performing vital services.

I have received scores of letters from mayors, supervisors, and city managers from all over the State praising the usefulness and productivity of public service workers.

The EEA was limited emergency legislation. What is needed is an expanded and continuing public service employment program such as would be provided by my bill, S. 793, Public Service Employment Act of 1973.

During hearings in San Francisco on public service employment, I took testimony from a former heroin addict who was working with young people with drug problems. This is what he told our committee:

> We have a lot of people who are so-called rehabilitated and have been cleaned for up to two years and they can't find jobs and eventually say, "Well, to hell with it. Why not use it anyway because we can't get jobs."
>
> This may be a bad attitude but when you're hunting and hunting and hunting, and I know, I went through the same thing before I got on with EEA (Emergency Employment Act) . . . I was just completely flatly turned down. So, because of EEA I've been off the streets . . .

We have literally thousands of stories like this about men and women who have been given good jobs. It can save a life. And in the long run it saves society the terrible costs of crime, drug addiction, welfare, and breakdown of families which are the product of unemployment.

That is why I am going to continue to work hard for passage of public service employment programs to create a million jobs as needed in health, public safety, pollution control, housing, and neighborhood and rural improvement.

To really appreciate the terrible injustice of inflation you must spend some time talking with those who suffer the most from this cruel tax—our senior citizens on fixed incomes.

In August I held a hearing of the Senate Subcommittee on Aging to explore alternatives to the institutionalization of older people.

More and more of our elderly are being driven into economic dependency as a result of inflation and other factors.

Institutionalization often follows economic disaster for the elderly.

Here are some facts on what inflation is doing to our senior citizens:

More than 70 cents of every dollar spent by the average elderly citizen must go for food, housing, and medical care.

Social security benefits went up by 20 percent, yet that was still not enough to cover just the increase in the price of food.

Medical costs have soared 145 percent over the past 10 years.

Everyone suffers from inflation—wage earners and businessmen, consumers and farmers, veterans and the unemployed. But the hardships that inflation inflicts on our senior citizens are among the most heart-rending of all.

Our Government must give them special help.

HOUSE WAYS AND MEANS COMMITTEE BETRAYS THE AMERICAN WORKER AND MAKES PRESIDENT NIXON OUR TRADE CZAR

Mr. HARTKE. Mr. President, by a vote of 20 to 5, the Ways and Means Committee approved the Nixon trade package with few alterations. The most immediate victim is the American factory worker who has lost more than a half-million jobs to the rising tide of imports in the decade of the sixties alone. Thousands more are being lost today and the President's trade bill does not attack this problem. Indeed, it perpetuates it.

The Trade Reform Act of 1973 (H.R. 10710), is a sham. How will the increasing flood of imports which steal American jobs be stemmed? According to the bill, it will be sufficient for those affected to establish before the Tariff Commission that imports are a substantial cause of serious injury in order to obtain a Commission finding on the basis of which the President may grant temporary import relief. This law is already on the books and it has not been effective. Too few cases have ever proven imports to be a substantial cause of serious injury. And the imports continue to increase. In the first quarter of this year, they were 22.6 percent higher than in the same period of 1972.

Those sections of the bill which deal with adjustment assistance differ only slightly from the provisions of the Trade Expansion Act of 1962. So few were aided by these measures in the trade bill of 1962, that it was hardly worth the time and expense to write. More money was probably spent on fees to economic and legal experts to formulate these clauses than was ever paid out in benefits.

This formula of adjustment assistance has not helped in the past, how can it be expected to work in the future? The answer is that it was never expected to function properly and that is the very reason it is in the new trade legislation. The pretense to reform is complete. Our working men and women do not want welfare. They want jobs. The dismal trend from unemployment caused by increased imports to unemployment benefits, to welfare is already familiar in this country. Then we all complain about the right and wasteful cost of welfare.

Also left uncorrected in this bill is the subsidy paid by the American taxpayer to large multinational firms who export American capital and technology abroad. There are absolutely no tax provisions in this bill.

At present, our tax laws make an overseas investment more attractive than one in Indiana or in any State. For example, profits earned by a foreign subsidiary of an American firm are not taxed until they are repatriated. To the extent that a firm does pay taxes to a foreign government, these taxes count as a dollar-for-dollar credit against any U.S. tax liability.

Profits made in Indiana—or any other State—are taxed when earned. And taxes paid to the State government can only be taken as a deduction against gross income rather than as a Federal tax credit. These loopholes through which American capital, technology and jobs have poured must be closed. The Hartke-Burke bill will wall them up.

With the Ways and Means Committee decision on this trade bill, the Congress of the United States has abdicated its authority to the executive branch of Government. The powers granted to the President in this bill make him into a trade czar. The Congress, if it passes this bill, would transfer unprecedented authority from the Capitol to the White House. Once this power is in the hands of the President, he will be able to stop any congressional changes in the law with one-third of the Congress plus one. Thus, in trade matters, majority rule would be ended and the powers of impoundment could be extended to the whole field of trade.

How can the Congress even contemplate granting the President even more power on trade when his administration has proven itself inadequate to the task of solving our domestic economic problems. Inflation and interest rates soar. The credibility of price and wage controls has been undermined by the frenetic shifting from phases to freezes and then back again. Internationally, the President is willing to sacrifice our own economic interests on the alter of détente. To be kind, the best that one can say about the Soviet grain deal is that the President cannot even recognize America's legitimate economic interests, let alone defend them.

Congress refused to accept its ultimate warmaking responsibility in the Vietnam and Cambodian conflicts. We had the power and the opportunity to stop the war in Cambodia at the end of the last fiscal year. We caved into the President's request to allow him to bomb with impunity until August 15. The direct blame for the civilians massacred by American bombs rests primarily with the President, but we could have stopped it. We were derelict in our duties. Let us regain our voice and speak out. Let us begin our campaign to recapture our rightful authority in relation to the President's in the field of trade.

I am hopeful that our colleagues in the House of Representatives will recognize the deficiencies of this trade bill and the dangerous new precedents for Presidential power it provides—powers which encroach directly on congressional prerogatives. In this recognition, I believe the House will summon the courage to renounce this bill on the floor.

TRIBUTES TO THE LATE TOM VAIL

Mr. LONG. Mr. President, I have received a number of letters and other communications paying tribute to Tom L. C. Vail, staff director and general counsel of the Senate Finance Committee, who died recently. I ask unanimous consent that these letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY HON. WILBUR D. MILLS, OF ARKANSAS, TUESDAY, OCTOBER 2, 1973

Mr. Speaker, it is with a deep sense of sadness that I join in expressing profound sorrow at the passing from our midst of Tom Vail, the Chief Counsel of the Senate Committee on Finance.

Tom Vail served the United States for over a quarter of a century, principally as a staff member of the Joint Committee on Internal Revenue Taxation and then as Chief Counsel of the Senate Committee on Finance.

In his service to the Congress Tom Vail participated in the drafting of some of the most far-reaching and important economic measures enacted in the history of this country. He was a brilliant and erudite lawyer, and without question, one of the foremost experts in the United States on taxation, tariffs and Social Security legislation.

The Congress and the Nation have suffered a great loss in the untimely passing of this very excellent public servant. Tom Vail was highly esteemed and respected by Members in both Houses of Congress and on both sides of the aisle. We shall miss him greatly, particularly in the conference committees on measures relating to the revenues.

His wife, Nancy, and his four fine children, Tommy, Suzanne, Beverly and John, have our deepest sympathy in this very sad time in their lives.

COMMITTEE ON WAYS AND MEANS,
Washington, D.C., October 2, 1973.

Hon. RUSSELL B. LONG,
U.S. Senate.

DEAR SENATOR LONG: It is my understanding that you have indicated a willingness to receive expressions in the form of letters from close friends and fellow workers of Tom Vail, which you have very graciously offered to put in the *Congressional Record* at some appropriate time.

It is with deep sadness that I write this letter, because we have all suffered a grievous loss in the tragic passing of Tom Vail, who I am proud to claim was a close personal friend as well as a close professional staff colleague. We not only were associated as staff members, but also over the years I had the privilege of knowing Tom and his family and have very fond memories, in particular, of the times when he and his son and my son and I went hunting and fishing together.

As you of course know, in view of the close and intimate association between the Committee on Ways and Means and the Committee on Finance, I had the privilege as Chief Counsel of the Committee on Ways and Means of working about as closely with Tom Vail, who served with such distinction as Chief Counsel of the Senate Committee on Finance, as with any other staff member. Our duties in these capacities brought us together many times in terms of arranging conferences between the House conferees and the Senate conferees and in working out the manner in which presentations would be made to the House and Senate conferees on legislation being resolved in conference, and we worked together in countless other ways in coordinating the staff work of the two committees.

I know of no finer or more courageous person than Tom Vail, and his family can always look with great pride toward his professional accomplishments, and can take solace from the fact that he made, over the years, significant contributions to the public interest while serving as a staff member in the field of taxes, tariffs, and Social Security legislation.

I am grateful for the opportunity to write you this letter. Tom will be sorely missed by his staff colleagues and close friends.

Sincerely yours,

JOHN H. MARTIN, JR.,
Chief Counsel.

FINDLAY, OHIO,
October 1, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: It is difficult for me to believe the sad news of Tom Vail's death which came to me recently.

I learned to know him very well when I served as a member of the Joint Committee on Internal Revenue Taxation. He was a perfect gentleman and completely dedicated to serving the members of Congress in the Committee. His contributions to tax legislation were enormous and were always for the best interests of the Country.

I take this means of writing you as Chairman of the Finance Committee to express my sadness at the loss of a friend and a fine public servant.

With kind regards,
Sincerely,

JACKSON E. BETTS.

WASHINGTON, D.C.,
September 27, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Those of us who knew and served with the late Tom Vail were saddened by the news of his passing. He was truly a dedicated public servant and brought to his difficult duties an experience and expertise that were of tremendous help to those members of the House and Senate with whom he worked. His objective and studied presentation of the intricate matters coming before the Legislature and particularly the conferees on technically difficult legislation was always a great assistance in reaching a fair and judicious conclusion.

We know how much Tom will be missed by those who knew and respected him and we extend to his widow and children our sincere and deep expression of sympathy.

Sincerely yours,

EUGENE J. KEOGH.

WASHINGTON, D.C.,
September 25, 1973.

Hon. RUSSELL B. LONG,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR: The loss I know you feel as a result of the death of Tom Vail, Chief Counsel of the Committee on Finance, is shared by all who had the privilege of knowing him.

He was a truly great servant of the Senate, the Finance Committee and the public interest. He justly merited the admiration and affection of those with whom he worked. An intelligent, honest, fair and professional approach to the many difficult problems within the jurisdiction of the Finance Committee was the hallmark of Tom Vail.

While my association with Tom was generally limited to the conferences between the House of Representatives and the Senate in which we participated, this was sufficient to give me great respect for him.

I want you to know that I feel we have all lost a noble public servant and a wonderfully human and good friend.

Sincerely,

JOHN W. BYRNES,
(Former Member of Congress).

AMERICAN PETROLEUM INSTITUTE,
Washington, D.C., October 2, 1973.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The untimely passing of Thomas L. C. Vail, Esquire, is a tremendous loss to the Nation he served with patriotism and distinction. I have been honored to know Tom personally and be aware of his excellence during and since my tenure in the Congress as he served first on the professional staff of the Joint Committee on Internal Revenue Taxation and then as Chief Counsel of the Senate Committee on Finance.

In a career lasting fewer years than are available to most men, Tom Vail achieved a measure of integrity and accomplishment seldom attained in a full life span. He exemplified the finest qualities in public service and in his chosen profession in the law. He was never too important to be helpful, too hurried to be patient, nor too burdened to be considerate in his relations with other people. His perceptive counsel provided a major contribution to the cause of good government. All of these attributes and achievements will enduringly bring our esteem and affection to the memory of this good American.

To the members of his beloved Family we express our love and appreciation for sharing

Tom Vail with us. America is better because he was once with us.

Sincerely,

Frank N. Ikard.

Biographical Information: Thomas L. C. Vail, Chief Counsel, Senate Committee on Finance

Born: Oct. 14, 1927, at Bay Minette, Ala.

Died: Sept. 18, 1973, cancer, at Northern Virginia Doctors Hospital, Arlington, Virginia.

Married: To Nancy E. Overton of Washington, D.C., 1956; four children, Thomas, Jr., 15; Elizabeth Suzanne, 14; Beverly, 11; and John 9.

Immediate family: Mother, Mary Chew Vail, San Antonio, Tex.; two brothers, Robert B. Vail, Selma, Ala., and William F. Vail Dunedin, Fla., and two sisters, Mary C. Vail, San Antonio, Tex., and Sarah Joiner, Atmore, Ala.

Education. Attended public schools of Baldwin County, Ala.; graduated from Murphy High School, Mobile, Ala.; earned bachelor's degree in economics from George Washington University, Washington, D.C., in 1956, and bachelor of law degree from George Washington University, in 1959.

Admitted to bar: Supreme Court of Appeals of Virginia, U.S. District Court for the District of Columbia, and U.S. Supreme Court.

Professional career: Chief Counsel, Senate Finance Committee, 1966–73. Professional Staff member, Senate Finance Committee, 1964–65. Staff member, Joint Internal Revenue Taxation Committee, U.S. Congress, 1951–64.

Service Record: Served in U.S. Navy from Dec. 27, 1944, to July 17, 1946, honorably discharged as a fireman first-class. He was a member of the U.S. Naval Reserve until Jan. 16, 1952.

FUNERAL ARRANGEMENTS

Body may be viewed at Arlington Funeral Home, 3901 Fairfax Dr., Arlington, Va., on Thurs., Sept. 20, from 9 am to 9 pm.

Services are scheduled for Friday, Sept. 21, at 12:45 p.m., at St. Georges Episcopal Church, N. Nelson St. and Fairfax Drive, Arlington, Va.

Burial will be in Arlington National Cemetery, Section 47, at 1:30 pm.

The family asks that no flowers be sent. Instead, please make contributions to the THOMAS L. C. VAIL MEMORIAL FUND, c/o the Vince Lombardi Cancer Research Center, Georgetown University, Washington, D.C.

Arrangement for the Funeral of Tom Vail

Mr. Vail can be seen at the Arlington Funeral Home (3901 N. Fairfax Drive, Arlington, Virginia), on Thursday anytime from 9:00 a.m. to 9:00 p.m.

Telephone number of Arlington Funeral Home: 522–1441, Mr. Ernie Myers.

Services are set for Friday, September 21, 12:45 p.m. at St. Georges Episcopal Church, N. Nelson Street and Fairfax Drive, Arlington, Virginia.

Procession then follows to the Arlington Cemetery, Section 47, for burial at 1:30 p.m.

Those not with the procession should go to the Guard at the Main Gate: Ask him where the Vail funeral is being held (Section 47). Try to get to the Main Gate by 1:20 p.m.

Contributions may be made to the Vince Lombardi Cancer Research Center, Georgetown University, Washington, D.C., in memory of Thomas L. C. Vail.

U.S. Senate,
Committee on Finance,
September 19, 1973.

Attached is a statement on the death of Tom Vail which has been delivered on the floor of the Senate by Chairman Long.

It is included here solely for purposes of background information.

Floor Statement for Senator Long on Tom Vail

It is with great regret that I take this time to inform my colleagues of the passing last night of Tom Vail, Chief Counsel of the Committee on Finance. Mr. Vail, who was well known to the members of this body, died last night in Northern Virginia Doctors' Hospital at the age of forty-five.

It is no overstatement for me to say that Tom Vail was the most gifted and dedicated public servant I have encountered in my 25 years as a member of the Senate. For a moment I would like to review the many contributions Mr. Vail made to the Finance Committee, to the Congress, and to the Country.

When I assumed the Chairmanship of the Finance Committee, the Committee was virtually without a professional staff. The Committee was relying primarily on external sources for staff support. Mr. Vail, who had joined the Committee staff in 1964, represented the Committee's sole professional staff member. My predecessor as chairman, the late Harry Byrd, Sr., father of the distinguished Senator from Virginia, had named Mr. Vail chief counsel in 1965.

It had long been my view that the Finance Committee should have its own individual professional staff in addition to these other sources of information and assistance. Upon assuming the Chairmanship, I renamed Mr. Vail Chief Counsel and directed him to recruit a non-partisan professional staff to assist the Committee in its work. Mr. Vail was uniquely qualified to undertake this assignment. From 1951 to 1964, he had been a member of the staff of the Joint Committee on Internal Revenue Taxation, a staff with a well deserved reputation for professional competence in the field of taxation.

In the months and years that followed, Mr. Vail recruited such a professional staff. More importantly, he instilled in them a tradition of objectivity and professional excellence which became a valuable asset not only to the Members of the Committee, but to the Senate and to the Congress as a whole.

Tom Vail's great gifts as an administrator, however, are equalled by his many contributions as an individual professional staff member. Over the years, Senators who were Members of our Committee, and Senators who served on other Committees, came to rely on Tom Vail for advice and counsel in the many areas which fall within the Finance Committee's jurisdiction. Whether the subject was trade legislation, or tax policy, or Medicare, or Social Security, or welfare reform, or the Public Debt, or even questions concerning the financing of political campaigns, Tom Vail possessed not only a tremendous reserve of knowledge, but also an extraordinary ability to present policy issues for decision.

Let me give you an example:

In 1965, the Congress established the Medicare and Medicaid programs and directed that they begin operation the following year. As might have been expected in the initiation of such large new programs, problems were encountered in their implementation. At the Committee's request, and under Tom Vail's direction, the Committee staff undertook a year-long comprehensive study of the Medicare and Medicaid programs and prepared a staff report detailing the problems which were being encountered and suggesting alternatives for their solution.

This staff report formed the basis for subsequent legislation to improve the administrative quality, and cost control in the Medicare and Medicaid Programs. Thus, Tom Vail made a large contribution not only to the administration of these programs, but also to the health and well-being of millions of Americans.

Similar examples of Tom Vail's contributions to the legislative process and to public policy can be found in the fields of social security, welfare reform, taxation, trade and the other areas within our Committee jurisdiction. These examples illustrate Tom Vail's competence as a professional staff member and as an administrator with the Committee staff, but also I think his unusual dedication to public service.

Mr. Vail's extraordinary value to the Finance Committee was not only his ability to master the technical details of legislation, but also his ability to present, in an objective manner, the questions to be decided in the context of our country's domestic and foreign policies. It was this unusual ability to take the broader perspective as well as the depth of his technical knowledge that earned Tom Vail the genuine respect of Senators of both parties, of the heads of agencies in the Executive Branch, and of other participants in the legislative process.

More important than his many professional achievements were the personal qualities which Tom Vail brought to his daily dealings with other people. In a word, Mr. Vail elicited the best in others. He was a leader who led through personal example. He was a kind and sensitive man who appreciated that the work of the Committee directly affects the lives of millions of people.

Tom Vail was a man of generous, unselfish nature, a man who personally and professionally enjoyed the respect and admiration of all who knew him. These were qualities which Tom never lost, despite the pain and anxieties brought on by his illness of the past two years.

His loss is mourned not only by the past and present members of the Finance Committee and of the Senate, but also, and most especially I think, by the members of the Committee staff who were privileged to serve under his leadership and to learn from his example. His untimely death tragically curtails a 22 year career as a professional employee of the Congress. His legacy will be an enduring example of what public service can and should be.

Tom Vail also was a man of the highest moral character and his personal and professional integrity never has been questioned.

Mr. President, Tom Vail was a man who exemplified public service, a phrase that is so casually referred to at times here in Washington. He was a man whose recognized talents caused him to be sought after and well recognized throughout private industry. He spurned numerous offers of lucrative, secure positions in the private sector in recent years because he felt so strongly about the contributions he could still make with the Finance Committee and the general welfare of the country.

In addition, Mr. President, Tom Vail was a loving husband and devoted father who used the little spare time he had available to be with his wife Nancy and their four children, and whose idea of a full weekend was being with them and taking a group of boy scouts for an educational and entertaining camping or hiking trip. He had a love of nature as well as a love of people and his loss will be felt not only by those of us here in the Senate but also by his many friends and neighbors and children who knew him so well. It has been said that the greatest legacy a man leaves to his fellow man is that of shining example. Truly Tom Vail leaves that with all of us.

Mrs. Long joins me in expressing our deepest condolences to Mrs. Vail and to their four children.

MATCH-RELATED INJURIES

Mr. MAGNUSON. Mr. President, when Congress created the Consumer Product

Safety Commission, current data indicated that 20 million Americans are injured each year in the home as a result of incidents connected with consumer products. One such product which I have always believed presents an unreasonable risk to consumers is the common everyday match book. This belief has been borne out in statistics recently compiled by the new Commission.

Last week, the Commission released a consumer product hazard index which ranks 366 different consumer products by frequency and severity of injuries as reported through the NEISS system. Matches ranked 29th, inflicting 11,000 injuries. The Commission has noted three hazard patterns: First, failure in use resulting in head fragmentation and sparking or flaring; second, spontaneous ignition; and third, children playing resulting in fabric ignition and vapor ignition.

Mr. President, for almost 2 years now, I have been urging match manufacturers to adopt a series of voluntary standards which would include placing the striker on the back of the match book. I think some progress is now finally being made. The Commission has been working with industry through an ASTM Committee on a voluntary standard to improve the quality and safety characteristics of book matches. But it is also developing data to indicate the need for a comprehensive mandatory Federal standard for matches. I urge the Commission to proceed as expeditiously as possible with this development work.

I ask unanimous consent that an article entitled "Match-Related Injuries are Numerous, Serious" appearing in the Commission's "NEISS News" of September 1973 be printed in the Record in full.

There being no objection, the article was ordered to be printed in the Record, as follows:

Match-Related Injuries Are Numerous, Serious

As a 38-year-old man strikes a match against the striking surface of a matchbook cover, a burning fragment flies off, hitting him in the eye.

A 2-year-old, playing alone in the living room, lights a match and ignites her dress.

An 86-year-old man drops a burning match onto his bed clothing as he attempts to light his pipe.

These descriptions of match-related injuries come from in-depth investigations analyzed by CPSC. Numbers alone makes the problem of match-related injuries serious: the Bureau of Epidemiology estimates that during fiscal year 1973, 10,863 match-related injuries required emergency room treatment in the United States. The problem is compounded by the most frequent diagnosis of the injury—burns. The victims of burns are often left crippled and scarred, both physically and emotionally.

Since July 1, 1972, when the system became fully operational, NEISS has collected more than 400 surveillance reports of match-related injuries. NEISS assigns severity ratings to every reported injury on the basis of diagnosis, both part, and disposition. Severity ratings for matches average among the highest for all consumer products.

The young and the old received the most severe injuries, but most often affected was the age group 15–44. An analysis of the 426 surveillance reports showed further that the majority (95%) of match-related cases were treated and released. Four percent of the reported injuries were hospitalized and one percent treated and transferred. No DOA's were reported. (DOA means dead on arrival.) However, many burn injuries, especially very serious ones, may have been treated in special burn units, which do not report to NEISS.

Burns make up 75% of all reported injuries associated with matches. Of these, 64% are thermal burns, 7% are chemical burns, and 4% are unspecified. The eye is most often affected; it sustains 30% of all reported burns. (Eyes are involved in 46% of the reported injuries; this may not necessarily be the true proportion of relative body part involvement, but in part may reflect the likelihood that people are quicker to seek medical help for eye injuries than for injuries to other parts of the body.) Other areas of the body often sustaining burns are the upper extremities, particularly the hands and fingers, 26%; the area above the neck, excluding the eyes, 7% of all injuries; and the lower extremities, 6%.

Contusions and abrasions account for 10% of match-related injuries. Once again, the eye is most often injured. Foreign bodies contacting the eyes and ears account for 7% of match-related injuries.

Match injuries affect all age groups, but those 15–44 suffer 63% of the reported injuries. Children under 15 are involved in 27% of the reported accidents. Males, victims in 55% of the cases, out-number females, but this is largely accounted for by children under 15, where males in that age group outnumber females by more than 2 to 1. For the 45 and older group, females outnumber males 3 to 2, but in the 15 to 44 age group, the male/female ratio is nearly equal.

In addition to the analysis of the surveillance data, CPSC also analyzed 156 in-depth investigative reports. In-depth investigations are used by the Commission to analyze trends in product-related injuries and to determine the causes of accidents. In the case of match-related injuries, these investigations did not constitute a random sample of match-related injuries. To the contrary, the cases were selected on the basis of several criteria which can selectively bias the data, such as the age of the victim and the severity of injury.

Two distinct accident situations emerge: the first involves deliberate use of matches, and the second, children at play.

Sixty-three cases are in the first group involving deliberate use of matches. Of these, 41 cases involved failure of the match during use, including sparks, fragmentation, and flaring. Three of the victims in the flaring cases reported that the remaining matches in the book stuck to their skins as the matchbook flared. Delay in ignition was reported in two other flaring cases—apparently, the matches ignited as the victims brought the match back to the striking surface to restrike the match. Matches being dropped accounted for 15 of the 63 cases. Typically, clothing ignition resulted. The victims in these cases tended to be 45 or older (11 of the 15 cases).

In the second group of 93 children at play, specific details concerning the accident pattern were not always available. In 55 cases, accidental clothing ignition was apparently the most significant factor in the accident pattern. Of these, 28 involved the ignition of daytime clothes and 27 involved night clothes. Ignition of surroundings, usually bedding or curtains was the most significant factor in 15 cases. Combination of a highly flammable material, such as gasoline or alcohol accounted for 14 cases. Matches intentionally thrown or shot were responsible for 4 cases. The 5 miscellaneous cases represented varying other patterns, including intentional clothing ignition.

Five children under 2 years of age were victims of match-related injuries; however, they were not playing with matches themselves. Among the cases resulting from children playing, 23 were treated and released. Fifty of the children at play were hospitalized; at least four children died after admission; four children were dead on arrival. (The remaining dispositions are either unknown or inapplicable.)

Of the 63 "use" cases, resulting from conscious use of matches, nearly half, or 28, were treated and released. Twenty-three cases were hospitalized, and at least 8 of these 28 expired after admission.

With burn injuries, death often follows after days, weeks, or even months of treatment. Since many of the cases reported as hospitalized were investigated while the victim was still being treated, it is possible that some fatalities occurred subsequent to the investigations reported upon here.

The match problem is clearly multifaceted: not only does it involve the product design and defects in normal use and foreseeable misuse, but it also involves children playing with matches and the use of matches by the elderly.

The problem of children playing with matches requires special consideration; children not only comprise a large portion of those injured by matches; they also generally receive more serious injuries than adults, particularly when clothing ignition is a factor. A child may be attracted to matches by a child attractive cover, by a fascination with fire, by natural curiosity, etc. In reported match-related injuries, the child or children are almost always unattended by an adult. Often a child will seek isolated areas. Typically, the child will strike a match and, frightened by the ignition, or perhaps the ignition of the entire book, will drop it, causing his clothing or surroundings to ignite. It is difficult to determine when match defects, as opposed to the actions of the child, cause an accident, but undoubtedly, defects in construction, performance, and design are significant in some match injuries during play.

Because of their deficiency in strength, dexterity, and judgment, the elderly are likely to drop lighted matches. They are particularly liable to serious injury because of their inability to respond quickly when they drop a match or when fragmentation or sparking occurs. Cases involving flammable fabrics are especially dangerous for the elderly.

A TIME FOR REFORM

Mr. CHURCH. Mr. President, earlier this year, the Senate passed legislation that can only be described as the most comprehensive campaign reform bill in our history.

It is with a good deal of pride on my behalf that one section of this bill contains language I proposed to require Members of Congress—as well as congressional candidates—to make a public disclosure of their income and assets. Senate passage of my amendment represented the first time in history that the Senate has voted such a disclosure provision, and I am hopeful that the House of Representatives will agree and that this measure will be enacted into law.

Since the Senate passage of the campaign reform bill, I have received numerous expressions of support for my amendment. Among others, I was pleased to note the editorial endorsement by the Idaho State Journal in Pocatello, not only of my amendment, but of the legislation as a whole.

The Journal noted that—

> The American political system is unhealthy, with the Watergate revelations giving a glimpse of the extent of the blight.

A little sunshine in the way of campaign reforms would go a long way toward restoring the system to health.

I ask unanimous consent, Mr. President, that the editorial from the Idaho State Journal of August 13, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho State Journal, Aug. 13, 1973]

TIME FOR REFORM

If ever the climate was right for a campaign spending reform law, the time is now before the stink of Watergate and its moneyed abuses subsides.

The Senate has taken a commendable step by passing a reform bill, which will be taken up by the House in September.

The Senate bill would establish a policing board which could take violators into court, and enforceemnt authority which does not presently exist. It also would restrain contributions to a maximum of $25,000 for a man, wife and family in any one year, either to candidates or fund-raising committees. A donor could give $3,000 for a candidate's primary, runoff and general election—a maximum of $9,000 in all for a campaign.

Still another restraint would place campaign ceilings on candidates themselves. They could spend up to 10 cents per voter in their district or state for primary races, and 15 cents per voter in general elections. That means wealthy or heavily-supported candidates themselves. They could spend up to 10 cents per voter in their district or state * * * could not blitz opponents by an expensive advertising campaign.

Also embodied in the Senate bill is a provision outlawing cash contributions of more than $50. Contributions would have to be made by check, which means a record can be kept, and donors would have to list occupation and place of business as well as name and address.

There still would be opportunity for indirect contributions, such as individuals giving their personal time and effort. That strikes us as a good idea, one which would get more personal involvement in politics.

There is still another notable feature in the Senate bill—a proposal to provide up to 10 years in prison and $25,000 in fines for misuse of campaign funds donated to candidates. Embezzlement or conversion to personal use of campaign funds or more than $100 would subject the user to a maximum of 10 years imprisonment and a fine of up to $25,000. If the amount involved is less than $100, the maximum penalty would be a $1,000 fine and one year in prison.

Senator Frank Church of Idaho succeeded in having another important amendment added to the reform bill, one requiring disclosure of all income and assets by members of Congress, as well as Congressional candidates. Although Church and a few others have made voluntary disclosures in the past, this is the first time the Senate has voted for a disclosure provision.

The American political system is unhealthy, with the Watergate revelations giving a glimpse of the extent of the blight. A little sunshine in the way of campaign reforms would go a long way toward restoring the system to health.

NATURAL GAS DEREGULATION

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement the distinguished Senator from Oklahoma (Mr. BARTLETT) made before the Commerce Committee on the subject of natural gas deregulation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BEFORE SENATE COMMERCE COMMITTEE HEARINGS ON NATURAL GAS DEREGULATION

(By Senator DEWEY F. BARTLETT)

The energy shortage is real—not imagined—not a hoax—not a conspiracy—and what's more important, it will get worse before it gets better. The demand for energy in the United States is rapidly out-stripping available supplies.

In this first half of 1973, we imported 34% of our crude oil consumption. Over 60% of the increase in these imports since the first half of 1972 came from the Middle East and Africa.

A shortage of energy was inevitable, and it has been no surprise. Michel T. Halbouty, past president of the American Association of Petroleum Geologists, was one of many who could see the writing on the wall. He said in 1960, "I can safely predict that between now and 1975 we will have an energy crisis in this country. Then people will say 'The industry is to blame, why weren't we told?' Well, I'm telling them now." That was in 1960 and I could recite numerous similar warnings over the years.

Between 1960 and 1970, the use of natural gas almost doubled. While the nation's demand for natural gas was doubling, exploration and development activities were declining sharply because the same artificially low prices that stimulated demand, have also discouraged investments to increase supplies. In 1956 a high of 16,173 exploratory wells were drilled—in 1972 only 7,587 exploratory wells were drilled—less than half the 1956 amount. (Refer to plot of wells drilled and r/p vs years). Also the exploratory geophysical crew activity dropped to half as much in 1970 as it was in 1960.

The suddenness with which the energy gap has occurred can be traced to the natural gas shortage because the lack of sufficient supplies of natural gas has caused a strain on all other available fuels to make up the shortfall. Now it is time we did something about it.

I would like to comment on the remarks made by Senator Stevenson when he introduced S. 2506, on October 1, 1973, then discuss some of the provisions of S. 2506.

Mr. Chairman, you have me confused. You said, and I quote, "I believe in a free market. But there simply is no free market in the nation's gas and oil business."

I beg to differ. There certainly is a free market in the nation's gas business—the intrastate natural gas market. And I might add, that it has been functioning very well. Intrastate free market prices at two to three times the interstate rates have been successful in providing additional new reserves for intrastate use. This is the one bright spot in a dismal picture of domestic natural gas.

Drilling in response to recent increases in intrastate gas prices has been phenomenal. In a period of time when intrastate prices have increased 2.3 times on the average, the number of gas wells drilled increase 15.3 times. Exploration and development activities and the resulting increases in supply are price elastic.

You also said when you introduced S. 2506, "I am not enthusiastic about government regulation, and would not presume to defend the present system for regulation and natural gas prices." But then you proceed to show such enthusiasm and defense for the present system by supporting legislation that would extend government regulation into areas which, under state regulation operate in the free market. Am I right in assuming that you intend to impose a system of regulation, which you say you cannot defend, upon the only remaining free market aspect of natural gas? Yet you say you "believe in a free market"? This seems to me a direct contradiction.

Mr. Chairman, I contend that S. 2506 will do exactly the opposite of what you would intend, i.e. as you have said, "Substantially increase the amount of natural gas available to the consumers . . .", "Save the public billions of dollars . . .", and "Improve the competitive structure of the oil industry . . .".

Extending Federal regulation to intrastate sales of natural gas at the wellhead will only act to decrease the gas available to those consumers. This is the discouraging and undeniable record of the supply of natural gas under FPC regulation. The total amount of natural gas available in the United States would decrease at an even faster rate than it already is. You might be able to increase the amount of gas available in interstate sales by taking away the gas from the intrastate consumer, but there will be no incentive to increase the overall supply of natural gas. Federal regulation of natural gas at the wellhead has stimulated the demand for and at the same time reduced the prices and supplies of oil and coal.

In terms of cost to the consumer in New York City, for example, the price paid to the producer of natural gas is only a small fraction of the total cost he pays. In 1970 figures, a consumer's cost for a thousand cubic feet (MCF) of gas in New York City included $1.41 to the local utility company for distribution charges, 25.1¢ for pipeline transportation charges and 17.1¢ on the average for the natural gas itself. That 17.1¢ is only a little over 9 percent of the total cost of $1.84 per MCF. Even if the price of the natural gas were tripled, the total gas bill increase for a New York City consumer would be only 19 percent. Because of long term contracts, generally of 20 years, the roll-in effect of price increases in a free market today would result in annual increases of no more than 5–10%.

In the long run, rather than saving the public billions of dollars, S. 2506 would force the importation of alternative sources of energy whose costs, such as liquefied natural gas (LNG) and synthetic natural gas (SNG), both at approximately $1.50/MCF—over seven times the current price for interstate gas sold at the wellhead.

The shortage of oil and coal and the slow development of alternative resources of energy can partially be attributed to the fact that artificially low prices for natural gas have caused the clean burning natural gas to displace and restrict alternate fuels in the market place and to generate a reduced rate of drilling for natural gas and oil.

You said, ". . . oil has never been regulated—and it is in short supply." Oil is in short supply because it has been called upon to assume the burden of natural gas shortages. The price of oil has been low because it has been competing with artificially low priced natural gas, and has also been held down, until recently, by the constant increasing of imports of foreign crude under the mandatory quota system. Now as you know, "old" domestic crude is regulated.

The petroleum industry is highly competitive in exploration, development and production of natural gas. Extending federal regulation can only make the industry less competitive. The proof of this is in the last 10 years the number of independents have been reduced in half from approximately 10,000 to 5,000.

S. 2506 was introduced with the unequivocal statement "the four largest producers control 70 percent of the nation's uncommitted reserves of natural gas". This statement is in error.

First of all, the "70 percent" figure is not only inaccurate but even the correct figure

(48 percent) would be misleading because the amount of uncommitted reserves amounts to a very small percent of total proved domestic reserves.

Chairman Nassikas, of the Federal Power Commission, testified before the Senate Subcommittee on Anti-Trust and Monopoly on June 26, 1973, that as of June 30, 1972, uncommitted reserves available for sale in the lower 48 states totaled 3.4 trillion cubic feet. This represents only about 1½ percent of the total domestic proved reserves for the lower 48 states.

The largest four holders of uncommitted reserves controlled only 48 percent, not 70 percent of this small amount of uncommitted reserves. In fact, the largest 8 holders of uncommitted reserves controlled less than 70 percent—68 percent to be exact.

Another point I would like to make, is that the four companies holding the largest amounts of uncommitted reserves are not the four largest producers in terms of annual sales.

Uncommitted reserves, when used as a basis for determining competition, cause an unfortunate but serious misunderstanding. Gas exploration and marketing cannot be meaningfully analyzed at a single point in time because they are on-going activities. After discovery, and prior to commitment, a gas field must be developed to the extent that the pipeline purchaser is assured of a sufficient quantity to justify investment in pipelines and facilities. Uncommitted reserves are similar, therefore, to a manufacturer's inventory of "goods in process". Drawing specific conclusions based only on this data would be analogous to clipping one frame out of a moving picture film and judging the whole film on that basis.

Data submitted by Chairman Nassikas, before the Subcommittee on Anti-Trust and Monopoly, provided for a more reliable basis than uncommitted reserves for drawing conclusions on the competitive structure of the gas producing industry. This data shows that the four largest sellers of gas sell only 25 percent of the total, not 70 percent or even 48 percent. In addition, the percent of total annual new sales by the four largest companies each year (not necessarily the four largest in total sales) has declined from 49.5 percent in 1964–66 to 29.4 percent in 1967–69. This strongly suggests a trend of decreasing market concentration, i.e. more competition for the large gas producers.

It is interesting to compare the concentration of the petroleum industry with a few other manufacturing industries. The 1967 Bureau of Census Report on the concentration of manufacturing industries shows on the basis of value of shipments the petroleum industry is *less* concentrated than many, as the following table shows:

[In Percent]

1967 Bureau of Census study	Percent of total value of shipments	
	4 largest companies	8 largest companies
Petroleum	33	57
Auto	91	98
Raw steel	67	83
Aluminum	(1)	(1)
Rubber tires	70	88
Computers	66	83
Copper	77	98
Aircraft	69	89
Glass	60	75

[1] 1968 had only 6 companies—too concentrated for disclosure

Each year, new producer contracts to sell gas are filed with the FPC. The gas reserves under these contracts, prior to contracting, represent uncommitted reserves. Theoretically, the four largest total sellers have the opportunity to be among the top four new sellers each year in each area. If one observed three areas, the Permian-basin area, the Texas-Gulf Coast area, and the southern Louisiana area, for six years to see the top full rankings and new sales, the four largest total sellers could appear within the top four largest new sellers a total of 72 times. In fact, these four largest total sellers appeared among the four largest new sellers only 16 times out of 72 opportunities.

It has been purported that S. 2506 would "exempt all small producers for regulation, thus concentrating on the 30 largest producers . . ." Even the drafters of this bill apparently are unaware that it provides only qualified exemption for small producers, and would continue to regulate more than a hundred producers. In 1971 there were 105 producers who sold in excess of the 10,000,000 mcf limit set out in the bill in interstate commerce and an unknown additional number of producers sold more than this amount in intrastate commerce. The contention that only 30 producers would be regulated under this bill is false.

S. 2506 was touted to be a "consumer-oriented alternative to the Administration's proposal for deregulation." There is nothing consumer-oriented about S. 2506. It would ultimately lead to diminishing the available supplies of natural gas available for consumer use, which is certainly not in the consumer interest.

Deregulation of natural gas, as proposed by Senator Tower in S. 371, which I cosponsored, would be in the consumers' interest. The free market would allow the price mechanism to provide the incentive for new energy supplies for the consumers without importing high priced energy needlessly.

In short, domestic natural gas is the cheapest alternative available to the consumer, it is the most secure and dependable source of energy and it strengthens, rather than weakens, our country's balance of payments deficit.

IT HAS ALL HAPPENED BEFORE

Mr. CHURCH. Mr. President, now that the Senate Select Committee on Presidential Activities has resumed its investigation and hearings, we can expect to hear more of the now-familiar refrain, "it is nothing new; it has all happened before."

In point of fact, the Watergate scandal has not happened before. Nothing approaching the magnitude of this scandal has ever before so seared the American political system. True, America has faced scandals in the past involving the actions of men motivated by greed and personal wealth. But the truth of Watergate is that it does not involve matters of simple greed; it cuts much deeper. It goes to the efforts of a small band of men to control power and to manipulate the American political process.

In a recent editorial in the Messenger-Index of Emmett, Idaho, Publisher Lewis Hower points out that the real damage from the attitude that "it has all happened before" runs "deeply hidden through the very fabric of American morality. [These attitudes] subtly erode the inner bonds which hold people together in a community of good will."

I ask unanimous consent, Mr. President, that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

It All Has Happened Before

The Senate Watergate hearings will resume next week, and three nearly anonymous astronauts will come home from Skylab after an unprecedented 59 days in space, and this fall Californians probably will adopt by initiative in their constitution Governor Ronald Reagan's deceptive tax scheme.

Ho-hum.

President Nixon himself leads the refrain of "it all has happened before" and "the time has come to turn Watergate over to the courts." Public interest and public concern have been dulled effectively.

Americans don't even know the names of their astronauts any more.

Governor Reagan most probably will be candidate for President in 1976.

Yes, "Watergates" always have happened before, and this one is little different from those of past administrations. As the President pointed out last month, "A political campaign is always a hard, tough contest, and "abuses . . . on both sides" certainly existed.

Governor Reagan's California tax scheme, directed primarily against legal services and other programs for the poor, has great popular appeal in promising to reduce state spending by constitutional limitation, involving a staggering cut of $1.4 billion by 1977.

Reagan, of course, doesn't see this in terms of drastic reductions in education, high tuition fees at community colleges, abolition of senior citizen property tax relief, a broad shift of government expense from state to local entities, and from progressive state income tax to regressive sales and property taxes.

Under the California plan, taxpayers in the $35,000 a year income bracket would save $17,000 in 15 years, on the average, and families in the $8,000 bracket would bear the brunt of the lost state services but still pay about the same income tax.

But it is probably forgotten that with extensive investments and a governor's salary of $49,000, Reagan paid no state income tax at all in 1970. Don't all administrations have Watergates? Don't all politicians take care of their own?

And who in the world are those out of this world astronauts?

It's all been done before! As the President points out.

The real damage from these attitudes runs deeply hidden through the very fabric of American morality. They subtly erode the inner bonds which hold people together in a community of good will.

A primary function of a president should be to lead and to inspire, to draw out the best in men, to nurture noble impulses that lie somewhere in the essence of every heart. He should be upright to the extreme and meticulously honest in every personal involvement.

But with this administration, the only misfortune is in being caught. What's $10 million or so of taxpayer money for personal western White Houses, southern White Houses, and mountain retreats? What's a new fleet of presidential jets so opulent as to be vulgar in their cost?

What's a bigger sales tax on the family groceries if a wealthy California governor can escape income tax?

Who are those forgotten astronauts?

In this day, one takes whatever he can, doesn't he? He screws whomever he can. He learns dirty tricks. He gets. He keeps. He cheats. He lies. He shouldn't get caught, but if he does, he attacks.

That is the deeper message of Watergate and its refrain, "it has all happened before."

COMMODITY SPECULATION

Mr. CRANSTON. Mr. President, a headline on an Associated Press story from Washington and printed in the Los Angeles Times last week read:

U.S. says it can't confirm rumor of huge corn purchase by China.

This was a story about trade rumors that China is purchasing huge amounts of grain in the United States and Canada.

The Department of Agriculture was asked by the AP reporter for information on sales of corn to China and he was told that no information was available and none might be available for several weeks.

The AP story said that, and I quote:

> There is a delay of several weeks in the Government's reporting system for exports, and one official said that the transaction would not show up for some time.

So, once again, we are being told by the Government that in fact it does not know what is happening in one of the most vital areas of our economy—the production, sale, and export of food.

And, once again, it appears that we could have on our hands another grain sale similar to the Russian deal last year that already has cost the U.S. consumer as much as a billion dollars and which in the next 2 or 3 years could cost another $2 or $3 billion.

For it is a shocking fact that our Agriculture and Commerce Departments apparently do not have the ability or the manpower to find out the facts about sales of commodities and report them publicly in time so that the Government or the Congress can take action on those reports when necessary.

One of the problems is in our antiquated system of selling commodities on the big exchange markets principally in Chicago and Kansas City.

For the truth is that these huge trading pits were transformed this past summer and remain today something akin to glorified floating crap games and the stakes are the basic foods which must supply 200 million Americans and millions of our foreign customers.

I am a firm believer in the free market system.

The free markets are the heart of our free enterprise system and the commodity markets in Chicago, New York and other cities can and do perform a vital service in our food marketing system.

But that system apparently no longer operates the way it originally began.

The system broke down completely this year in the wildest and most uncontrolled speculation in wheat, corn, soybeans, and other agricultural products that this Nation has ever seen.

And, clearly, the American consumer is paying for that breakdown in the highest food prices in history.

Not all of the blame for high food prices can be placed on the commodity exchanges. Bad weather all over the world and a huge domestic and foreign demand for food created some of the inflation.

But here in the United States there was no shortage of wheat, corn and soybeans.

And there was no excuse for selling off American wheat to Russia—at low prices subsidized by American taxpayers—in ways that apparently touched off unprecedented speculative trading which saw wheat rise from $1.68 a bushel in July of 1972 when the Russian sale was culminated to more than $5 a bushel this past summer.

This enormous fluctuation in price—and we saw the same kind of wild increases in corn and soybeans—apparently was principally the result of trading in the so-called grain futures on the commodity exchange markets.

I want to emphasize that I strongly support the concept of expanding our agricultural trade into international markets. But the aftermath of the Russian wheat sale brings home the need to insure against the speculative activities that accompanied this historic deal. The news that China is negotiating for a similar massive purchase of grain provides fuel to my argument that this Congress must reform the Commodity Exchange Authority so that it can better regulate the activities of the commodity futures markets.

What we have seen is not a case of farmers in Iowa sitting on top of mountains of wheat driving up the price.

They had not even grown the wheat which was being traded in the Chicago futures market.

And it is not they who will make the huge profits from the speculation but the traders who gambled on contracts that were nothing more than pieces of paper.

Most traders in Chicago would not know a soybean from an artichoke, and they could not care less.

For their code is very simple: buy cheap and sell high. Is it all just a matter of luck, buying cheap and selling dear? If it were, then the gambling in the grain pits might be passed off as innocent fun of rich people playing games with paper money.

But, clearly, more than luck must be involved in some of the trading of $268.3 billion worth of grain futures which is what was sold in fiscal year 1973 on the commodity markets. This, by the way, is $70 billion more than is traded on Wall Street in stocks and bonds.

In buying wheat at $1.63 and $1.65 a bushel the Russians appeared to know more about our markets than the Agriculture Department and the Kansas farmers.

Although the Russian wheat deal was a disaster for American farmers and consumers it is by no means the only example of the problems that have grown up around the commodities markets which the Department of Agriculture's Commodity Exchange Authority and our Commerce Department apparently are unable to handle.

There appears to be strong evidence, for example, that last July, during the frantic trading in corn and soybeans, that some forces were at work in the futures markets which did not represent normal trading activities.

The Commodity Exchange Authority is now investigating that trading activity. The House Small Business Committee also has been looking into the problem. The Senate Agriculture Committee also will be investigating.

Something peculiar was going on, especially in soybeans which saw the futures prices rise in less than a month from $3.50 a bushel to more than $6.80. In July, soybeans on the Chicago Board of Trade went to $11.87 a bushel. The real price of soybeans, what they were being sold for in cash, bore no relationship to the proper transactions which drove up the price on the exchange markets.

It was reported to the House Small Business Committee that one trading company owned 35 percent of the July soybean futures. Later, in July, four trading interests reportedly controlled over 90 percent of the market.

I am not an expert on the commodity markets or the stock exchange but I remember what happened on Wall Street in 1929 when trading in stocks apparently precipitated the worst economic crisis in our history.

After the great crash strong measures were taken through the Securities and Exchange Commission to eliminate practices in selling stocks and bonds which led to that disaster.

I believe we must now do the same thing to prevent a similar disaster on the commodity markets and to take steps to protect both the farmer and the American food consumer from victimization by speculators and wheelers and dealers whether they represent American or foreign interests.

The Commodity Exchange Authority was created for the purpose of maintaining fair and honest trading practices and competitive pricing on commodity exchanges. It is directed to prevent price manipulation and market corners and dissemination of false and misleading crop and market information.

The agency currently is assigned regulation of 20 different exchanges, covering 20 major commodities, in a number of different cities, including Chicago, Kansas City, New York, and Minneapolis.

To carry out its functions it has a staff of only 160 employees. This handful of people must regulate $268 billion in trading. The Securities and Exchange Commission, regulating a market volume of $195 billion for the same period, has a staff of 1,656.

It appears to me that the CEA needs additional staff if it is to do its job. But staff alone is not the complete answer. It needs new authority and independence. And it needs to be backed up by stronger penalties for violation of the law. No regulatory agency can be effective if its power is a slap on the wrist.

For all of these reasons, and others, I am a primary cosponsor of Senator HUBERT HUMPHREY's proposed Commodity Futures Exchange Act of 1973 (S. 2485) which was introduced on September 26 and was referred to the Committee on Agriculture and Forestry.

The bill provides for:

First. A new independent Commodity Exchange Commission, removing the CEA from the Department of Agriculture to give it a separate authority free of political pressures.

This is not a criticism of the present Commodity Exchange Authority in the Agriculture Department. There is no reason to believe the current problems on the exchanges are the result of political meddling. For the fact is, the work of regulating commodity markets simply has grown too complex and large for the CEA as it is presently constituted.

Second. All trading in all futures contracts of all major commodities would be brought under the authority of the new Commodity Exchange Commission.

Third. The Commission would be given injunctive powers to deal with violations of regulations before violations cause major market disruptions.

Investigations after the fact are not going to help farmers or consumers who might be the victims of market manipulations. Preventive measures are needed.

Fourth. Much heavier penalties for violations can be imposed. Currently, fines ranging from $5,000 to $10,000 can be levied. The proposed bill provides fines from $10,000 to $100,000.

Fifth. Under our bill, the commission will have authority to require that boards of trade demonstrate that the commodities they deal with serve an economic purpose. This should reduce scalping and speculation for "dice-game" purposes.

I will not detail all of the provisions of our proposal.

Nor would I say that this bill is the final word on this complex subject.

But I am confident that it is an important beginning on a task that must be undertaken by this Congress.

I am glad to see that the administration also recognizes the need for reform of the CEA.

On Wednesday of last week, October 3, Alex P. Caldwell, the Administrator of the CEA, testified before a House committee that self-policing by the commodity exchanges has not worked and that new legislation to strengthen the CEA is needed.

Many of his suggestions for improving the CEA are incorporated in the bill I am sponsoring with Senator **HUMPHREY**. We will study carefully Mr. Caldwell's other recommendations.

But what is important now is that both the administration and the Congress recognize the need for reform. I hope that, in addition, we are joined by the industry itself in this effort.

Mr. President, I ask unanimous consent that the text of the news articles referred to above be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNITED STATES SAYS IT CANNOT CONFIRM RUMOR OF HUGE CORN PURCHASES BY CHINA

WASHINGTON.—The Agriculture Department said Tuesday it can't confirm trade rumors that the People's Republic of China has bought an additional 120 million bushels of U.S. corn for delivery over the next year.

But Richard E. Bell, deputy assistant secretary for international affairs and commodity programs, said it was possible the sales to China have been made and that the figures have not yet shown up in exporters' reports to the government.

"All I've heard is the trade rumors," Bell told a reporter.

The Nixon Administration has been counting on more plentiful supplies of corn, the most important feed grain to help boost livestock production next winter and put more meat on consumer tables.

The possibility that China has purchased more U.S. corn surfaced in the grain trade this week, along with reports that Canada is negotiating a sale of more wheat to China.

Reports circulated in Montreal that a Canadian Wheat Board negotiating team is in Peking discussing a new wheat sale to China.

A spokesman for the Wheat Board would say only that discussions are underway.

Asked about reports that a new wheat sale could total about two million bushels, the spokesman said the quantity would not be disclosed until negotiations are completed.

Canadian deliveries under the last agreement of sale to China, signed last November, of about 62.7 million bushels are scheduled to be completed by the end of this month.

China resumed buying U.S. grain in 1972, after a lapse of more than 20 years.

According to export reports filed with the Commerce Department, China has bought at least 110 million bushels of wheat and 23.6 million bushels of U.S. corn for delivery in 1973–74.

There is a delay of several weeks in the government's reporting system for exports, and one official said that the transaction would not show up for some time.

On the basis of listings so far, however, corn exports for the marketing year which began Monday add up to more than 1.3 billion bushels, compared with 1.125 billion in the 1972–73 season just ended.

The Agriculture Department's official corn export estimate was 1.05 billion bushels for the year ahead.

Despite a record corn crop this fall of more than 5.7 billion bushels, the large exports on top of domestic feed requirements exceed that.

As a result, even using the department's more conservative export figures, the reserve supply of corn a year from now will be reduced to 725 million bushels from 775 million in the season just ended.

If confirmed, the China corn sale—on top of other commitments—is expected to increase pressure for curbs on U.S commodity exports, an action opposed by Administration farm officials.

Agriculture Secretary Earl L. Butz renewed his opposition to export curbs late Tuesday at a news conference with Japanese reporters.

Butz said the Japanese Minister of Agriculture and Forestry, Yoshio Sakurachi, had expressed vigorous concern over possible U.S. control on farm exports.

"I assured him that no export controls are in prospect, and I agreed that the U.S. export controls in effect on soybeans for a short time this summer had been counterproductive," Butz said.

SELF-REGULATION IS NOT WORKING, CEA SAYS

WASHINGTON.—The head of the government's Commodity Exchange Authority told a House panel Wednesday the nation's self-governing commodities exchanges have not been policing themselves "to our satisfaction."

Authority Administrator Alex P. Caldwell said new Agriculture Department regulations for the exchanges go into effect soon "as a shoring-up operation" to pressure the markets into better enforcement of their own rules as required by law.

Caldwell said in his written statement to a select Small Business Committee subcommittee, that no proven manipulation of the markets has been found and speculation is not responsible for the sharp fluctuations and record high prices this year.

Caldwell said that cash markets, where the commodities are actually traded, led the futures markets, where contracts for future delivery are traded, during the chaotic periods this year that accompanied higher food prices for consumers.

"Grain markets were responding to basic supply and demand conditions and not to speculation in the futures markets," he said.

One exception to that trend occurred late in July when prices moved abnormally, he said. That trading is still under CEA investigation.

His suggestions for strengthening the CEA legislation included:

Bring under the CEA the 20 commodities currently unregulated.

Give CEA the authority to seek injunctions for immediate halts to trading-rule violations and to block the build-up of controlling market positions.

Require boards of trade to prove the contracts traded in their pits "serve an economic purpose in the production and marketing of the commodity."

Give the agriculture secretary power to require rather than ask exchanges to act to promote "orderly trading."

Provide CEA with authority to require multiple delivery points for satisfaction of the contracts. Corn and soybean now must be delivered to Chicago to satisfy contracts, and, critics charge, transportation logjams have allowed speculators to squeeze the market because of this.

Allow the CEA to assess civil money penalties as a middle ground between the present warnings and revocation of licenses.

Prohibit floor traders, also known as scalpers, from trading both for themselves and for customers.

"We firmly believe that effective self-regulation by exchanges under guidelines established by the CEA, plus independent action on our part, are the most effective ways to protect both market participants and the general public," Caldwell said.

BIG COMMODITY TRADERS SEEN THRIVING AT EXPENSE OF PUBLIC

WASHINGTON.—The $200-billion-a-year commodity futures market is costing small traders and the consuming public, which eventually buys the foodstuffs traded there.

The Commodity Exchange Authority (CEA)—the federal agency charged by law with responsibility for regulating the futures markets—has, in part, turned this task over to the professional traders themselves who operate in club-like atmosphere at the various commodity exchanges.

There are strong indications that rigged markets in wheat, eggs and meats have cost the public, the small commodity traders and farmers millions of dollars.

For example, commodity industry officials themselves agree that a recent, suspected manipulation of the egg futures market boosted the price of eggs on supermarket shelves by as much as 10 cents a dozen.

This alleged price rigging of the egg futures market in Chicago continued undetected by the CEA for nearly a year. A former high official of the Chicago Mercantile Exchange estimates that for every price manipulation case prosecuted by the CEA, eight or nine other price riggings are never discovered.

At the same time, there is little evidence that those caught in market manipulations and other serious abuses have received much more than a slap on the wrist.

Seven years ago, following the spectacular Tino DeAngelis salad oil swindle, the General Accounting Office (GAO) conducted a thorough study of the federal government's efforts to regulate the commodity markets, and found them "inadequate."

The congressional watchdog agency issued a set of strongly worded recommendations to the CEA—an Agriculture Department agency—recommendations designed to insure that the public, from the casual trader trying to make a few dollars purchasing commodity futures to the housewife doing her weekly grocery shopping, is adequately protected.

But CEA Administrator Alex C. Caldwell had paid little or no attention to the GAO recommendations. In fact, the level of CEA regulation of the markets has declined during the past seven years, even as the volume of commodity trading has soared from $65 billion in 1965 to more than $200 billion a year.

As a result, the operation of these markets is open to serious abuse, including price manipulations and other collusive and deceptive practices by those who specialize in buying and selling at the commodity exchanges in Chicago, Kansas City, New York and other cities.

The exchanges—where future crops of grain are traded, where young cattle and hogs still on the farm are bought and sold, and where fortunes can be won or lost in an instant—are a complex outgrowth of the need to provide a place for the orderly marketing of farm products.

But there are growing indications that trading in the major commodities has lost all touch with actual supply and demand and instead has become dominated by speculators who have little interest in the products except as pawns in what Rep. Neal Smith (D-Iowa) calls "the biggest legal gambling game in the world."

SOYBEAN BOOM

Recently, for instance, a frenzy of trading on the Chicago Board of Trade saw soybean futures almost double in price, reaching the unheard-of-figure of $6.81 a bushel. Soybeans are a booming commodity, but this record price has risen far above any real reflection of soybean demand, market observers feel.

Walter Goeppinger, president of the National Corn Growers Assn., said of the situation: "Most of the farmers had sold their soybeans for less than $3.50 a bushel. It was the speculators who made money in that market."

Serious problems can arise at the exchanges when a big trader, or a group of traders, attempts to manipulate the price of a commodity by buying large quantities solely to drive prices up, or by large-scale selling to drive prices down.

CEA ACKNOWLEDGEMENT

The CEA itself acknowledged that "if trading on commodity exchanges is not conducted according to equitable rules constantly enforced, unfair practices may distort or depress farm prices, open the way to price manipulations and make it possible for avaricious dealers to corner certain markets and exploit them to their profit."

Yet none of this officially stated concern is reflected in the serene atmosphere of Alex Caldwell's office at CEA headquarters here. Caldwell, 57, who has headed the agency since 1960, contends that the small traders and the public are being adequately safeguarded.

On the one hand, Caldwell frankly admits a lack of manpower to police the rapidly expanding commodity markets. But his report to Congress last year was typical, when he boasted to an appropriations subcommittee that he was operating with 175 employees nationwide, 22 fewer than two years earlier.

At the same time, he was admitting that the CEA workload, customer complaints and evidence of serious violations of the Commodity Exchange Act were rapidly increasing and were "a matter of concern."

TIGHT PURSESTRINGS

"I'm not a great one for spending public funds," he explains. "I'm all for self-policing, as far as it can go." To prove that he believes in letting the big commodity traders regulate themselves, Caldwell says that the CEA last year referred 111 possible violations of federal law to the exchanges themselves for investigation and action.

In its 1965 investigation the GAO charged that CEA was not making a sufficient number of probes of the major commodities to uncover and halt price manipulation attempts. At that time the CEA had never investigated the soybean, soybean oil and soybean meal futures which are three of the biggest commodities traded.

Today, with the commodity market tripled in size, there still has not been an overall investigation to see if soybean trading is being operated honestly because, according to Caldwell, "it would tie up our whole staff for a year."

GAO INVESTIGATION

The GAO report found that in the rare cases where the CEA did conduct market investigations, it discovered abusive trading practices such as cheating of customers by traders, filing of false reports and false and illegal transactions by traders. The GAO auditors decided to conduct their own investigation at one of the major exchanges and during one three-month period turned up 47 cases of "questionable" trading practices.

One of the most serious shortcomings of the CEA, according to the congressional agency, was its failure at that time to evaluate the effect on future prices of "floor trading," where a trader at the commodity exchange is permitted to buy and sell not only for the customers he serves, but for himself as well.

Professional floor traders, because of their specialized knowledge and constant presence in the exchange, "enjoy special advantages" over other people who might want to buy and sell commodities, the GAO said. Floor trading also raises the possibility of serious conflicts of interest, in which a floor trader might obtain more favorable deals for his own account than for those of his customers, the agency noted.

Another problem, the GAO said, is that Caldwell's agency has repeatedly failed to inspect the records of the commodity exchanges to check whether they really exercise their self-policing function by adequately punishing violators within their midst.

Yet today, Caldwell still steadfastly refuses to tackle these problems, saying in an interview that he is doing the best he can with the resources at his command, and dismissing questions such as conflict of interest in floor trading by saying they are "low priority."

EXAMPLES GIVEN

Some illustrations of the close ties between the CEA, representing the public, and the commodity markets controlled by the professional traders:

Allegations that a group of grain traders had rigged the wheat futures market on the Kansas City Board of Trade, in order to drive up the government's subsidy payments to exporters at the time of last year's huge Russian wheat sale, were referred by the CEA to the board itself for action. The board's investigating committees, which are made up of influential board members, decided there was "no basis for complaint."

The commodity exchanges are permitted by the CEA to set their own membership standards (often costly and exclusive), and to adopt their own rules of operation. For years the exchanges have set minimum commission fees to be charged by brokers who buy and sell commodities for customers. Brokers who tried to charge lower fees have been disciplined. Finally, in late 1971 the Justice Department filed an antitrust suit to break up the minimum fee setup. Caldwell, who had never initiated any such action on his own, admitted in a document filed with the court in the still-pending case that the minimum fees are not always related to the brokers' actual costs and that the public would be better off if they were abolished.

Exchange disciplinary committees, to which CEA regularly refers alleged violations, operate free of the most basic elements of due process that a defendant would be given in a court of law.

When the CEA does move against offenders it often—especially in recent years—permits them to continue in business with only a light penalty. In an important case concluded less than a year ago, Cargill Inc., one of the giants of the grain trade, was found guilty of an illegal squeeze of the 1963 wheat futures market in Chicago, which caused prices to rise to artificial levels. It took the CEA eight years to complete its case against Cargill and then it imposed only a meaningless two-year probation rather than a fine or suspension of trading privileges. A Cargill official, testifying before a congressional committee last fall, could not even remember whether the probation was still in force.

Commodity Agency Holds Budget Line

(By Mary Russell)

Washington.—Despite criticism that his agency hasn't enough staff to properly police the booming $200 billion a year commodity futures market, the head of the Commodity Exchange Authority told a House appropriations subcommittee last week he asked for no new staff funds this year.

CEA Administrator Alex C. Caldwell said he was told by the Office of Management and Budget to hold his request for fiscal 1974 to the '73 budget and he did, because "that's the policy." Caldwell said OMB had cut $160,000 out of his nearly $3 million '73 budget request that he would have used to increase his 167-man staff.

Caldwell's failure to press for money brought severe criticism from Rep. William J. Scherle (R–Iowa), "I don't feel in my own mind that the people of this country are adequately protected by your agency," Scherle said.

LIMITS TO GROWTH

Mr. MUSKIE. Mr. President, much has been said and written in recent months about where man is headed if he continues along the current path of unexamined growth. One of the most thoughtful commentaries I have seen on the subject of "Limits to Growth" is the address which the distinguished Senator from Rhode Island (Senator Pell) delivered last week to an Honors Colloquium at the University of Rhode Island.

As a member of the Senate Foreign Relations Subcommittee on Oceans and the International Environment which Senator Pell chairs, I am particularly aware of the Senator from Rhode Island's long-standing concern for the relationship between economic growth and the environment. The address which he delivered in Rhode Island on October 1, is an important contribution to the continuing debate about the consequences of growth for the quality of human life and human society, and I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Lecture by Senator Claiborne Pell

Recently I received a letter from a concerned citizen listing some of the major problems clouding the future of civilized man. The list was a familiar one:

Uncontrolled growth in population,

Limited world resources in terms of food, fiber, and energy,

Limited capacity of the world environment to absorb the wastes and byproducts of affluent, industrialized society.

In concluding, the letter posed a worrisome question: Is our Government formulating any cohesive, comprehensive response to this on-rushing crisis facing mankind?

The question is an important one, and I would like to address myself to it tonight.

I believe that humanity does indeed face critical problems in the coming decades, problems that will have a profound impact on the quality of life here in our country and throughout the world.

Thus far, at least, I have been far more impressed by the enormity of the problems than I have by the ability of our Government or other governments of the world to focus on those problems in a meaningful way.

These long-range problems, however, are beginning to show themselves symptomatically in our national life, in the form of short-term crises. Let me cite a few examples:

FOOD

During the past six months, we Americans have had the shocking and sobering experience of seeing empty meat counters at supermarkets, spotty shortages in certain other foods, and soaring food prices. To a large extent, these problems, I believe, are quite clearly the result of extraordinarily bad economic management by the Executive Branch of our Government. To some extent, however, the food supply problems of the past few months have been a first, gentle reminder of some stark truths:

Man remains, as he has through history, dependent for survival each year on the food he can coax from the earth and wring from the sea in the same year. A convergence of crop failures in a single year can spell disaster for much of mankind. And with population growth pressing closer to world agricultural productive capacity, man becomes increasingly vulnerable.

As we learned this year, it is exceedingly difficult, even if it is determined to be desirable, for one fortunate affluent nation to insulate itself from crop disasters that strike other nations.

The demand for more food, worldwide, will grow as human population grows—and world population at current rates will double in twenty to thirty years.

Never perhaps has all of mankind been fed adequately. The outlook for improvement in the future is not bright.

ENERGY

Similarly, we are now experiencing the first cutting edge of a long-term energy supply problem. We have had the first peacetime shortages of gasoline for our mushrooming population of automobiles, and we face the possibility of the first serious shortages of home heating oil this winter. Once again, these shortages, unparalleled in the recent decades of plenty, are but foreshadowings of great problems to come.

We are in the United States profligate users of energy. With six percent of the world's population, we now account for more than one-third of the annual world energy consumption and almost one-half of the world's pollution. Through the industrial age, affluence and high levels of energy consumption have gone hand in hand.

At current growth levels, we expect that our consumption of energy in the United States might double in a decade.

As a nation we are faced with critical problems of developing new energy sources to meet ever-increasing demand. But we have also the certain knowledge that at some unknown future time, the fossil fuel reserves of the world will be exhausted. Will we by then have developed a new technology of perpetual energy supply?

Even during the current era of fossil fuels, we know that as a nation we must inevitably become more dependent than we would like to be on imported energy.

And what of the rest of the world? The developing nations of the world, with a majority of the world's population, aspire to industrialization and improvement in the material quality of life of their people. As we have noted, economic growth and increasing per capita income are linked to increasing uses of energy.

The known energy resources of the world would face insupportable pressures if by some miracle of economic development, all the peoples of the world consumed energy at the rate that we Americans do.

ENVIRONMENT

At the same time, we have become intensely aware in the past few years that the human environment—the life-sustaining environment that we share with other creatures of the earth—is not unlimited in supply or capacity.

One of the basic elements of the environment is land. Largely because of our affluence and growth, land in many areas of our country has become a scarce commodity—and like all scarce commodities, increasingly expensive. We have found that we can no longer afford to be wasteful or careless in the way we use our limited supply of land. There are only so many miles of beaches, and more and more of our land area is being paved with concrete, sliced into quarter-acre portions for home sites, or dedicated to industrial parks or shopping plazas. In fact 1 percent of our land area is now hardtopped, devoted to the moving, parking, care, and production of automotive vehicles, and in urban areas it is obviously much higher.

On a broader scale we have found that our affluence may in some cases place unsustainable burdens on the atmosphere and on the waters of the world.

The environmental problem, in many ways, underlies the other major problems I have mentioned—food and energy supplies. I say this because efforts to ease or solve the food and energy problems all too frequently are found to be feasible only at an unacceptable cost in terms of environmental damage.

The technology that increases food production requires increased uses of energy—to produce fertilizer, to run tractors, to irrigate. The chemicals and pesticides that boost crop production all too often take a heavy toll in environmental damage.

Tapping new energy sources invariably involves severe environmental problems: surface stripping of oil shale or coal, or extracting oil from beneath the sea.

And, even if the energy sources are successfully tapped, there is serious question about the long-range modification of the climate resulting from prolonged, high-level consumption of fossil fuels.

Without plunging you further into gloom, I hope I have made my point. As fortunate residents of the most affluent and industrialized nation on earth, we have in the past few years begun to feel the pinch of severe, long-term global problems.

If you look at these problems as a whole, you find there is a single thread that runs through them all. The suggestion clearly emerges that there may well be limits to growth, particularly to exponential growth:

Limits to the growth of world population,

Limits to the growth of energy consumption,

Limits to the agricultural production of the world.

To put it another way, continued, endless growth may have complications and consequences for the quality of human life and for human society that are best avoided.

For most of the world, and for our own society in particular, this is a startling, if not revolutionary concept. The idea that growth is good is deeply embedded in our culture, and in Western civilization.

But the concept that growth may indeed have limits is one that is now being given serious study.

One study, in particular, has provoked worldwide interest. That study, appropriately entitled, "Limits to Growth," was commissioned by an organization called the "Club of Rome," conducted by a team of academicians led by Professor Dennis Meadows of MIT, and published in March of last year.

The study has its critics, and certainly has its shortcomings. But, it has succeeded in provoking serious thought about where man is headed if he continues along the current path of unexamined growth.

I commend it highly and hope each of you will have an opportunity to read and critique it.

The Club of Rome, incidentally, is not a very apt or descriptive name for the organization. It is in fact a relatively informal organization, with a membership limited to under 100 persons for practical working reasons. It was formed several years ago, under the leadership of Dr. Aurelio Peccei, by a group of individuals concerned about the destiny of man. I have the honor of being the only elected politician who is a member of the organization.

Let me turn now to the question I posed at the outset. How well is our Government responding in formulating responses to some of the long-range problems confronting mankind?

We have, in fact, made some very good modest beginnings.

We now have an Environmental Policy Act that requires our Government, for the first time, to examine the environmental consequences, in broad terms, of any major governmental action.

In addition, the Senate this year has passed a Land Use Policy Act that, in effect, requires that some conscious decisions be made about the development of land resources in our country, giving consideration to alternate uses and future needs.

We now have a Coastal Zone Management Act that provides incentives for state governments to undertake the same kind of conscious management of our increasingly crowded coastal zones.

And last year the Congress took a major step in authorizing the establishment of an Office of Technology Assessment—an arm of the Congress that will provide objective and expert information on possible side effects and unforeseen impacts of the introduction of new technology.

As an example of the importance of the work of this new Congressional office, we need consider only that the United States Government to a large extent sponsored the growth of the automobile as the predominant transportation technology in the nation, without any serious appreciation of the longer-range social and environmental impacts of that technology.

Each of these recent governmental actions is a significant and helpful step in the right direction.

But I believe more far-reaching action will be required if we are to respond adequately to the challenge. Unfortunately, there are very serious obstacles—political, cultural and institutional.

I have alluded previously to one of the principal barriers. It is the deeply-ingrained belief in growth—economic growth—as one of the principal goals of national policy. Indeed, politically the success of any national administration is most usually measured by the growth of the economy during its term in office. A big Gross National Product is a big step toward a big plurality at the ballot box.

This is quite understandable, for the orthodox economic and political philosophy of society from the start of the industrial revolution has been that economic growth is the essential means of improving the condition of man. It is a philosophy that has indeed served us well, and for evidence of that we need only look at the material well-being of the great masses of people in the industrialized nations of the world.

But, having viewed economic growth as the solution to man's problems, society generally is not likely to accept very readily the view that growth without limits is not a solution, but a problem in itself.

I do think we are becoming aware that indexes such as the Gross National Product do not provide an adequate measure of the quality of life—and that is what we really are concerned about.

As Stewart L. Udall has suggested, we have a need for other quantitative indexes that will measure some other very important aspects of the quality of life: indexes of privacy, of quiet, and of cleanliness. The public, I suspect, is becoming increasingly aware amidst the evidence of daily life—traffic jams, smog warnings, crowded recreational areas—that more is not always better.

If our national, and international policies, are to be guided by considerations other than gross tonnage of products produced, it is, I believe, important that we learn how to produce meaningful measurements of what it all means to the quality of life.

Another serious barrier to coping with serious, long-term problems is that our institutions are geared to the solving of immediate problems in the shortest time possible.

In politics, in government, and in business, the rewards in terms of honor, recognition, and money go to those persons who can apply the quick fix.

In the Federal Government, any administration is compelled by political realities to seek short-range solutions to immediate problems; to promote policies that will produce demonstrable results within a four-year term.

There are at least two problems with this bias toward the short-term policy. First, it may lead to neglect of apparently less-pressing long-term problems. Secondly, the quick fix for a short-term problem may in fact make the long-term problem worse.

For example, a quick fix for the gasoline shortage this past summer would involve government action to require the production and distribution of enough gasoline to meet consumer demand. But that action might well make it even more difficult in the future to focus attention on basic long-term solutions, including development of alternative and more efficient transportation systems, and policies to conserve energy by discouraging profligate burning of irreplaceable oil resources.

The public pressures for immediate solutions to a problem are immense. There are very few public pressures for policies addressed to long-term problems.

I can tell you from my personal experience that anticipating problems of the future, and trying to solve them while they are manageable, is personally satisfying but politically unprofitable.

For example, in the field of disarmament, I labored for several years promoting the idea of a treaty to prohibit the introduction of nuclear weapons onto the seabeds of the world. Such a treaty has now been negotiated and ratified. But this effort met with no great applause, little recognition, and scarcely a mention in the news media.

Indeed, there was some criticism that this treaty was empty of import, because there were no nuclear weapons on the seabeds. I cannot help but think, however, that the world would be a safer place today if a treaty had been negotiated 25 years ago prohibiting the deployment of intercontinental ballistic missiles before they were deployed.

Today, there is governmental and public focus on the SALT talks, where efforts are being made to limit offensive strategic weapons such as the ICBM. But where are the efforts to prevent the development of new kinds of weaponry?

Recently, the Senate adopted my resolution urging the negotiation of a treaty prohibiting the development or use of environmental warfare.

I believe this new technology of warfare poses a very real threat, but because it is a problem of the future, it is not receiving the attention it deserves.

Another example, drawn from my personal experience, is the effort to improve intercity rail passenger service, and to develop new ground transportation technology, as an alternative and a supplement to proliferating interstate highways. It is an effort I began 12 years ago, largely as a one-man campaign in the Senate. Now there is a growing realization that modern high speed rail service, or new forms of high speed ground transportation, make a lot of sense in terms of energy conservation, land use, and efficiency, but we have yet to make the large-scale investments required to provide a balanced transportation system we need.

I am very deeply concerned at the dilemma that confronts us. On one hand, we clearly face long-term problems that will profoundly affect the quality of human life in future decades. On the other hand, our society and our institutions are focused on managing the crises of the moment.

I confess I have no easy solutions to this dilemma.

I do have some suggestions.

Obviously we should continue the efforts we have begun to strengthen the institutional arrangements of our government that deal with long-range planning and policies.

We should re-examine the incentives we have built into our economy and our government that promote greater growth, greater production, and greater consumption. For example, do we still want to encourage electric power consumption by granting lower rates to persons who use more power?

Ultimately, however, the best hope of turning our national attention to the problems of unlimited growth may rest in an old-fashioned virtue—statesmanship.

To cope with these problems, we must have public officials on the national level willing to turn from the politically profitable quick fix to the more difficult task of leadership.

We must have leaders willing to take the political risk involved in telling hard, unpopular truths. And this is why I am sad at seeing the decline in political activism that is so apparent on our campuses today, for it is the campuses of today that should be the spawning ground for our leaders of tomorrow.

We do indeed face serious problems. I believe the problems are manageable—if only we can begin with sufficient vigor to try to manage them.

DESTRUCTION OF CHEMICAL WARFARE AGENTS

Mr. HASKELL. Mr. President, it was with considerable relief that Coloradoans heard the announcement last Wednesday by Secretary of the Army Callaway that the Joint Chiefs of Staff had authorized the destruction of all chemical warfare agents—both obsolete supplies and those still included in the Nation's deterrent stockpile—at Rocky Mountain Arsenal near Denver.

This is action I and other members of the Colorado congressional delegation have sought for some time. There is no question it is the right decision and the only reasonable one. Storage of these deadly materials at the edge of a major metropolitan area and adjacent to busy Stapleton International Airport is unjustifiable.

Secretary Callaway's response to this problem was quick and I congratulate him for it. But I would like to call to the attention of my colleagues the fact that the chemical warfare agents stored at Rocky Mountain Arsenal comprise just a fraction of the national stockpile. Much of the balance lies in neighboring Utah.

I hope this apparent resolution of Denver's immediate problem does not divert the attention of Congress from the real issue: Can we justify the storage of any of these deadly materials anywhere? I suggest, Mr. President, that we cannot. I do not presume to know if the Joint Chiefs of Staff timed their long-awaited decision to achieve this diversion of our attention, but I fear it may nonetheless have that effect.

Just a few hours before Secretary Callaway's announcement, I testified before a House Armed Service Subcommittee during hearings on a bill by Congressman WAYNE OWENS of Utah to restrict shipment of chemical agents within this country. I urged support of the bill and support in conference committee of my own amendment to the military procurement authorization bill calling for an independent study by the National Academy of Sciences to determine the best method of eliminating our entire stockpile of chemical warfare agents. Further, I urged a comprehensive congressional investigation of our chemical warfare agent policies.

By the end of the day—and following Secretary Callaway's announcement—Congressman OWENS' bill had been tabled. But the problem remains.

Mr. President, this Nation has manufactured tons and tons of incredibly toxic substances under the guise of national defense. But I submit that while these chemical warfare agents contribute nothing to our national defense they add immeasurably to the national danger. With our nuclear deterrent, I foresee no situation in which we could conceivably use these agents. Many are so deadly, and the targeting for their use so imprecise, we could not use them without endangering our own troops.

The Defense Establishment clings to these deadly vestiges of another time. No enemy need fear them, but American citizens must worry about where they are stored today and where they may be moved tomorrow. It is time we began taking steps to destroy these chemicals.

Mr. President, I hope that while we congratulate ourselves on getting rid of the chemical warfare agents stored near Denver we do not lose sight of the fact that perhaps nine times that amount remains elsewhere. And it is no more critical to the national defense than the agents which are finally going to be destroyed at Rocky Mountain Arsenal. But it is no less deadly.

ACTION IS NEEDED ON AGE DISCRIMINATION

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has just issued a working paper called "Improving the Age Discrimination Law."

I would like to call the attention of the Congress to this document and to urge that action be taken in the near future on several proposals it describes, including:

An increase in authorization for the Age Discrimination in Employment Act—ADEA—from $3 million to $5 million;

Extension of ADEA coverage to Federal, State, and local government employees;

Extension of coverage to employers with 20 or more employees, instead of the current limit of 25 or more; and

That Congress request the Secretary of Labor to reevaluate the age 65 upper limit for ADEA and that the Secretary report on the status of early involuntary retirement under ADEA.

Tracing the history of the Age Discrimination in Employment Act since its enactment in 1967, the working paper identifies the several major problem areas in implementation.

Mr. President, I believe that the working paper is especially timely and I am pleased that Senator RANDOLPH, as chairman of the Subcommittee on Employment and Retirement Incomes, joined with me in a preface which further describes the significance and need for the report. I ask unanimous consent that the preface be printed in the RECORD at the conclusion of these remarks.

I would also like to thank our ranking minority member, Mr. FONG, and the chairman of the Subcommittee on Employment and Retirement Incomes, Mr. RANDOLPH, for their active interest and comments on this report.

There being no objection, the preface was ordered to be printed in the RECORD, as follows:

PREFACE

An opportunity to strengthen the Age Discrimination in Employment Act exists, and it should be seized in the very near future.

Amendments which would have improved ADEA considerably were offered within recent months and nearly gained enactment.[1]

Passed in the Senate as part of the Fair Labor Standards Amendments of 1973, the ADEA provisions were deleted in conference because of procedural issues.

Another vehicle for advancing such amendments, however, may soon become available.[2]

In anticipation of that likelihood, the Senate Special Committee on Aging is presenting this working paper to provide information that should be helpful in making the case for an improved ADEA.

Moreover, the working paper provides useful perspective on discrimination against those Americans who are denied work opportunities simply because they are regarded as too old.

Why is such an assumption so often made? Simply because so many persons in this Nation—and others—are victims of misinformation or their own prejudices.

They believe, without benefit of facts, that skills or abilities decline after a certain age. They are quick to assume that older employees should be removed "to make way for the young." They fail to understand the vital need for experienced workers and executives in almost any work setting and their contributions to the economy.

Clearly, no employee should remain in a position if he or she cannot meet its demands and the law recognizes this fact.

But equally clearly, no employee should be forced to quit or retire early simply because of reaching a certain age.

Such judgments should be made on the basis of facts, not blanket assumptions.

ADEA was enacted, not only to enforce the law, but to provide the facts that would help change attitudes. Much more remains to be done in the way of education, and improving ADEA generally.

This working paper discusses suggestions for strengthening ADEA, as well as recent court decisions and other developments that make such a summary especially timely.

The Senate Committee on Aging is grateful to the National Council on the Aging for making available the full transcript of a management seminar held earlier this year for intensive examination of ADEA. The committee is also fortunate in that Elizabeth M. Heidbreder, who had worked with NCOA at the time of the seminar, has since joined the committee staff. In preparing this document, she drew from her impressive experience as economist, former staff person at the Social Security Administration, and as editor of a periodical dealing with industrial gerontology.

To anyone not already familiar with the widespread impact of aging throughout our society, this working paper will once again make the point that problems relating to growing older do not necessarily begin at age 65. Each American should be concerned about age discrimination, whether young, middle-aged, or beyond.

FRANK CHURCH,
Chairman, Special Committee on Aging.

JENNINGS RANDOLPH,
Chairman, Subcommittee on Employment and Retirement Incomes.

THE WATERGATE AND A RED HERRING

Mr. ERVIN. Mr. President, by a vote of 77 to 0, the Senate established its bipartisan Select Committee on Presidential Campaign Activities, and authorized and directed it to determine by investigation for legislative purposes the truth in respect to the tragic events known collectively as the Watergate affair.

Notwithstanding this, the Republican National Committee and its journalistic allies are undertaking by fly-blow the Senate Select Committee by charging that three of its seven members, Senator TALMADGE, Senator INOUYE, and myself, sought to prevent a full investigation of allegations made about 9 years ago that Bobby Baker had been guilty of wrongful conduct while serving as an employee of the Senate.

To make their charge appear to be plausible and to make its refutation difficult and tedious, they cite numerous votes cast by Senator TALMADGE, Senator INOUYE, and me in 1964 upon matters relating to Senate Resolution 330, H.R. 11049, Senate Resolution 367, Senate Resolution 338, and Senate Resolution 337.

Although the task is difficult and tedious, I will state what the permanent edition of the CONGRESSIONAL RECORD and and Congressional Quarterly Almanac reveal with respect to all of our votes on all of these matters, and thus demonstrate that the charge against us is fictitious.

At the time of the Bobby Baker investigation, the Senate Rules Committee had a membership of nine Senators, six of them being Democrats and three of them being Republicans.

The investigation of the charges against Bobby Baker was initiated by Senate Resolution 212, which was offered by Senator Williams of Delaware. On October 10, 1963, this resolution, which authorized the investigation of any Senate employee charged with financial misconduct, passed the Senate unanimously by a voice vote.

As Senate Resolution 212 recognized, the Senate Rules Committee was the appropriate Senate committee to investigate the charges against Bobby Baker because it is the administrative committee of the Senate and has supervision over Senate employees.

SENATE RESOLUTION 303

First. On May 14, 1964, Senator Williams of Delaware introduced Senate Resolution 330, which was designed to compel the Senate Rules Committee to investigate the financial affairs of all Members of the U.S. Senate, notwithstanding the fact that no Member of the U.S. Senate had been charged with any improper financial transactions.

Second. Before the Senate took action upon Senate Resolution 330, Senator CURTIS of Nebraska offered an amendment to Senate Resolution 330 to require the Senate Rules Committee to subpena and hear any witness which any three Senators desired to call, even though the other six members of the committee opposed the calling of such witness. Before taking action on Senate Resolution 330, the Senate adopted the Curtis amendment by a vote of 36 yeas to 33 nays. Senator INOUYE and I voted nay. Senator TALMADGE was necessarily absent and did not vote on the Curtis amendment. I voted against the Curtis amendment because it stymied the power of the majority of the committee to control the action of the committee, and compelled the committee to go on a fishing expedition in the absence of evidence indicating that the witness to be called at the instance of any three members of the committee had any knowledge of the matters the committee was authorized to investigate.

Third. After adopting the Curtis amendment, the Senate adopted by a vote of 42 yeas to 33 nays Senator MANSFIELD's motion to table Senate Resolution 330. Senator INOUYE and I voted yea, and Senator TALMADGE was necessarily absent and did not vote on Senate Resolution 330. I voted to table Senate Resolution 330 because I entertained the fundamental conviction that every man, be he a Senator or a private citizen, is entitled to the presumption that he is innocent of wrongdoing, and that it is contrary to the American system to require any man, whether he be a Senator or an individual citizen, to prove his innocence of wrongdoing when no charges of wrongdoing have been made against him by any person.

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[1] The Senate Committee on Labor and Public Welfare included an amendment in S. 1861 (the Fair Labor Standards Amendments of 1973) which would have extended the coverage of ADEA to Federal, State, and local government employees and increased the authorization from $3 million to $5 million. In addition, a floor amendment by Senator Frank Church extended coverage to employers with 20 or more employees, instead of the current limit of 25 or more. These amendments, which were based upon bills introduced by Senator Bentsen (S. 635) and Senator Church (S. 1810), were passed by the Senate but deleted in conference committee because of the House germaneness rule.

[2] Representative John H. Dent, chairman of the General Labor Subcommittee of the House Education and Labor Committee, has indicated his willingness to hold hearings promptly on pending House legislation which parallels the provisions incorporated in S. 1861.

What I have said about the votes relating to Senate Resolution 330 is sustained by the permanent edition of the CONGRESSIONAL RECORD of May 14, 1964, pages 10928, 10931.

H.R. 11049

On July 2, 1964, the Senate had under consideration H.R. 11049, a House-passed bill regulating the salaries of Government employees.

Senator Williams of Delaware offered an amendment to this House-passed bill which was designed to deny retirement benefits to former employees of Congress and the Federal Government who pleaded the privilege against self-incrimination established for the benefit of all Americans by the fifth amendment.

The Senate rejected the amendment proposed by Senator Williams by a vote of 52 nays to 39 yeas. Senator INOUYE and I voted nay on the Williams amendment. Senator TALMADGE was necessarily absent and did not vote.

I voted against the Williams amendment because it was unconstitutional. The Supreme Court has held that no man can be penalized in any way for exercising the privilege granted to all Americans by the fifth amendment or any other provision of the Constitution. Moreover, I do not believe that one can justify taking away from any government employee by a subsequent law retirement benefits earned by him in times past because of an act done by him after his right to the benefits has accrued. Any law which undertakes to do this is in nature an ex post facto law which is totally incompatible with the American system.

What I have said about the vote relating to H.R. 11049 is sustained by the CONGRESSIONAL RECORD for July 2, 1964, page 15837.

SENATE RESOLUTION 367

There were two phases to the Bobby Baker investigation. The first ended on July 8, 1964, when the Senate Rules Committee filed a report stating, in substance, that Bobby Baker had been guilty of many gross improprieties while serving as an employee of the Senate.

The second phase of the Bobby Baker investigation was initiated on September 10, 1964, when the Senate adopted Senate Resolution 367, a resolution offered by Senator MANSFIELD, the Democratic Leader of the Senate. Senator MANSFIELD introduced this resolution as a result of a charge made by Senator Williams of Delaware on September 1, 1964, that Bobby Baker and Matthew H. McCloskey had conspired to illegally contribute $25,000 to the 1960 Democratic campaign while McCloskey was prime contractor for the District of Columbia Stadium. The Mansfield resolution authorized and directed the Senate Rules Committee to reopen its investigation of Bobby Baker's financial activities, and to "give particular emphasis" to matters relating to the District of Columbia Stadium.

Before passage of Senate Resolution 367, the Senate rejected by a vote of 50 nays to 37 yeas, a substitute resolution (S. Res. 368) offered by Senator Williams of Delaware, providing in substance that further investigation of Bobby Baker's affairs should be conducted by the Senate Government Operations Committee rather than by the Senate Rules Committee, and that the Senate Government Operations Committee should broaden the investigation to include activities involving present or former Senators, or officers and employees of the Federal Government in general. Senator INOUYE and I voted "nay" on this substitute resolution. Senator TALMADGE was necessarily absent, and did not vote on it.

I voted against the substitute resolution offered by Senator Williams for several reasons. In the first place, it was strenuously opposed by Senator MCCLELLAN of Arkansas, the chairman of the Senate Government Operations Committee. In the second place, the Senate had before it no evidence justifying the broadening of the investigation which the substitute resolution would have required. In the third place, the adoption of the resolution would have required the Senate Government Operations Committee to cover all of the ground which the Senate Rules Committee had previously covered. In the fourth place, the Senate Government Operations Committee already had as much work as it could attend to, a fact which would have delayed the investigation considerably.

After rejecting the substitute resolution offered by Senator Williams, the Senate also rejected the following amendments:

First. An amendment offered by Senator Williams of Delaware and Senator CASE of New Jersey to Senate Resolution 367, which would have transferred the investigation of the Bobby Baker affair from the Senate Rules Committee, which had been investigating it for many months, to the newly established Senate Select Committee on Standards and Conduct. The Williams-Case amendment was rejected by a vote of 45 nays to 38 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Williams-Case amendment. I did so for two reasons. In the first place, the Senate Select Committee on Standards and Conduct had at that time no members and no staff, and in consequence, the adoption of the Williams-Case amendment would have delayed the investigation for a substantial period of time; and in the second place, the newly established Select Committee when organized would have had to cover the same matters which the Senate Rules Committee had already investigated.

Second. An amendment offered by Senator CURTIS of Nebraska to compel the Rules Committee to subpena and hear any witness designated by any three members of the committee even though the other six members of the committee were not satisfied that the witness knew anything about the matters the committee was authorized to investigate. The Curtis amendment was defeated by a vote of 45 nays to 39 yeas. Senator TALMADGE, Senator INOUYE, and I voted against the Curtis amendment. I voted against it because I believe that the only practical way in which a committee can operate is for the committee's actions to be controlled by a majority of its members, rather than by a minority, and because I believe that the adoption of the amendment would have put the arbitrary power in three of the nine members to stymie the committee and the Senate in its investigation of the Bobby Baker affair.

Third. An amendment offered by Senator Williams of Delaware to extend the investigation to be authorized by Senate Resolution 367 to any other Government building or facility in addition to the District of Columbia stadium. The Senate rejected the Williams amendment by a vote of 48 nays to 38 yeas. Senator TALMADGE, Senator INOUYE, and I voted nay simply because there was no sufficient indication that any illegal acts had occurred in connection with the construction of any other Government building or facility other than the District of Columbia stadium.

Fourth. An amendment offered by Senator Miller of Iowa to Senate Resolution 367 requiring the Senate Rules Committee to call promptly as witnesses in public session certain designated persons. The Senate rejected the Miller amendment by a vote of 47 nays to 31 yeas. Senator TALMADGE, Senator INOUYE, and I voted nay. I voted nay simply because I believed that when it authorizes a committee to conduct an investigation, the Senate ought not to undertake to dictate to the committee the precise manner in which it is to act and what witnesses it is to call.

After rejecting these amendments, the Senate adopted by a voice vote an amendment to Senate Resolution 367 offered by Senator Williams. This amendment which becomes a part of Senate Resolution 367 in its final form authorized and directed the Senate Rules Committee to investigate any charge which might be presented to it that any Senator or former Senator had engaged in any illegal or improper action while serving as a member of the Senate.

I digress to note that no such charge was made against any Senator while the Bobby Baker investigation was in progress.

After adopting the last-named Williams amendment by a voice vote, the Senate passed Senate Resolution 367 as thus amended by a vote of 75 yeas to 3 nays. Senator TALMADGE, Senator INOUYE, and I voted yea. I voted yea because Senate Resolution 367 as amended by the last-named Williams amendment reopened the investigation of the Bobby Baker affair and authorized the Senate Rules Committee to investigate charges of illegal or improper conduct on the part of Senators and former Senators. While I do not believe that Senators or former Senators should be required to appear before a Senate committee to establish their innocence when no charges have been made against them, I do believe that the Senate should investigate through an appropriate Senate committee any charges of illegal or improper conduct which are actually made against them by any person of apparent credibility.

What I have said concerning the votes relating to Senate Resolution 367 is sustained by the permanent edition of the Congressional Record for September 10, 1964, pages 21915, 21925, 21926, 21928, 21938, and 21929, and by the Congressional Quarterly Almanac, volume XX, pages 716, 962–963.

While they may have been inspired by the Bobby Baker scandal, Senate Resolution 337 and Senate Resolution 338 had no direct bearing upon the investigation of his activities. I will discuss these resolutions in inverse order because that is the order in which they were considered by the Senate.

SENATE RESOLUTION 338

Senate Resolution 338, which was recommended by the Rules Committee, was designed to give the Senate Rules Committee jurisdiction to investigate all charges of violations of Senate Rules by Senators or Senate employees and to recommend disciplinary action in respect to Senators or employees found guilty of violating them.

I strongly favored the adoption of Senate Resolution 338 in its original form with the addition made to it by the Williams amendment set out below.

First. Senator Williams of Delaware offered an amendment to Senate Resolution 338 giving the Rules Committee the responsibility as well as the jurisdiction to investigate alleged violations of Senate rules by Senators and Senate employees. The vote on this amendment was 82 yeas and 1 nay. Senator Talmadge, Senator Inouye and I voted for the Williams amendment. (Congressional Quarterly Almanac, volume XX, pages 705, 972.)

Second. Senator Curtis of Nebraska offered an amendment to Senate Resolution 338 to compel the nine member Rules Committee to call and hear any witness any one member wanted it to call and hear. The Senate rejected this amendment by a vote of 51 nays to 34 yeas. Senator Talmadge, Senator Inouye, and I voted against the Curtis amendment. I voted against the Curtis amendment because it would have given one member of the committee the arbitrary power to overrule the other eight members and thus frustrate the work of the committee and the Senate. (Congressional Quarterly Almanac, volume XX, pages 705, 972.)

Third. Senator Javits of New York offered an amendment to Senate Resolution 338 to authorize the Rules Committee to give advisory opinions on questions of ethics arising under Senate rules when requested by Senators or Senate employees. The Senate rejected the Javits amendment by a vote of 48 nays to 37 yeas. Senator Talmadge, Senator Inouye, and I voted nay. I voted nay on the Javits amendment because I believe it is not the proper function of any Senate committee to issue advisory opinions which are not legally binding on the committee or the Senate itself. Moreover, I believe it to be an unwise procedure because such opinions are likely to be based upon a partial ex parte statement of the person seeking the advisory opinion rather than upon a knowledge of all the circumstances relating to the matter. (Congressional Quarterly Almanac, vol. XX, p. 705, 972)

Fourth. Senator Cooper of Kentucky offered a substitute amendment for Senate Resolution 338 which was designed to establish a Permanent Senate Select Committee on Standards and Conduct consisting of three Democratic and three Republican Senators. Under the Cooper amendment, this permanent committee would be authorized to receive and investigate complaints of unethical and illegal conduct by a Senator or a Senate employee, and to recommend disciplinary action, when required, if approved by four of its members. The Senate substituted Senator Cooper's amendment for the original provisions of Senate Resolution 338 by a vote of 50 yeas to 33 nays. Senator Talmadge, Senator Inouye, and I voted nay. (Congressional Quarterly Almanac, vol. XX, p. 705, 972)

While I was entirely in sympathy with Senator Cooper's ultimate objective, I voted nay on his amendment for these reasons:

The establishment of the proposed new committee was unnecessary. Under the original terms of Senate Resolution 338, an existing committee, the Senate Rules Committee, would have been authorized to investigate all charges of violations of Senate rules by Senators or Senate employees, and to recommend to the Senate disciplinary action to be visited upon any Senator or Senate employee who violated them. If any Senator deemed the existing rules of the Senate to be inadequate to insure proper conduct on the part of Senators and Senate employees, he had full liberty to make proposals for additions to them, and the Senate had the power to adopt his proposals if a majority of its members adjudged them to be sound.

As a consequence of my philosophy of government, I think it unwise to multiply laws and regulations by adding to them when existing laws and regulations are sufficient to cope with problems arising out of illegal or unethical conduct. Like all other human beings in our land, Senators and Senate employees are subject to the criminal laws, and can be prosecuted, convicted, and punished for their criminal deeds. Moreover, article I, section 5 of the Constitution had already vested in the Senate ample power to punish illegal or unethical conduct on the part of Senators. The punishment authorized by this constitutional provision even extends to expulsion from Senate membership if two-thirds of the Senators so decree.

Fifth. After the Senate substituted the provisions of the Cooper amendment for the original provisions of Senate Resolution 338, the Senate passed the new Senate Resolution 338 by a vote of 61 yeas to 19 nays. Senator Talmadge, Senator Inouye, and I voted nay. (Congressional Quarterly Almanac, vol. XX, pp. 750, 972.) I voted nay on final passage because I preferred the original provisions of Senate Resolution 338 with by the Williams amendment over the the additional provision added to them provisions of the Cooper substitute. I did this for the reasons I have previously detailed.

SENATE RESOLUTION 337

Senate Resolution 337, which was recommended by the Rules Committee, was designed to amend the Senate rules by requiring each Senator and each Senate employee who earned as much as $10,000 a year to file an annual report with the Secretary of the Senate disclosing his major outside pecuniary business and professional interests, and his connection with any firm which engaged in practice before any governmental instrumentality. Under Senate Resolution 337, the Secretary of the Senate was to publish all disclosures by June 30 each year.

First. Senator Williams of Delaware offered a substitute amendment for Senate Resolution 337, which was designed to eliminate all of its original provisions and to substitute for them the requirement that all Senators and Senate employees who earned as much as $10,000 a year and their wives or husbands to do these things each year: To report to the Senate Select Committee on Standards and Conduct all assets, other than items of personal property valued at not more than $5,000, and to furnish to such committee copies of their income tax returns.

Before it voted on the Williams substitute amendment, the Senate rejected by a vote of 62 nays to 25 yeas a substitute for the Williams amendment offered by Senator Clark of Pennsylvania and Senator Case of New Jersey. The Clark-Case amendment was designed to require each Senator, each spouse of a Senator, and each Senate employee who earned as much as $10,000 a year to disclose annually every asset worth $5,000 or more, every item of income or gift exceeding $100, and every outside business association.

The Senate rejected the Clark-Case amendment by a vote of 62 nays to 25 yeas. Senator Talmadge, Senator Inouye, and I voted against the Clark-Case amendment. After voting on the Clark-Case amendment, the Senate rejected the Williams amendment by a vote of 59 nays to 27 yeas. Senator Talmadge, Senator Inouye, and I voted againts the Williams amendment. (Congressional Quarterly Almanac, volume XX, pages 706, 971–972.)

I voted against the Clark-Case amendment and the Williams amendment for identical reasons. In the first place, I have serious misgivings concerning the philosophy which underlies the increasing demands that all public officers be required to disclose all matters relating to their pecuniary affairs; and in the second place, I was satisfied that it would have been unwise for the Senate to have taken action on this important subject on the spur of the moment on the Senate floor because the subject merited much more study and consideration than the Senate was able to give it under the circumstances then existing.

My misgivings concerning the philosophy underlying the demands for full disclosure of the pecuniary affairs of public officers is that it creates a false standard for judging the validity of their official action. The false standard is this: Official action is to be judged by the hidden motives which may be supposed to have prompted it, and not by the essential merits or demerits of the action itself.

If his official action be sound, a public officer benefits his country, even though his official action may have been inspired by unworthy motives; and if his official action be unsound, a public officer injures his country, even though his public action may have been prompted by motives as pure as the aspirations of the angels. For this reason, I believe that official action should be appraised solely upon its own essential merits or demerits.

After it rejected the Williams amendment to Senate Resolution 337, the Senate adopted by a vote of 48 yeas to 39 nays a motion offered by Senator Dirksen of Illinois, the Republican leader, which recommitted Senate Resolution 337 to the Rules Committee with instructions that the committee report to the Senate his joint resolution, Senate Joint Resolution 187, to establish a Commission on Ethics in the Federal Government to investigate methods of insuring high ethical standards in all branches of the Government.

Senator Talmadge, Senator Inouye, and I voted for the Dirksen motion to recommit. (Congressional Quarterly Almanac, volume XX, pages 706, 972–973). I voted for the Dirksen motion to recommit because I believed that its adoption would insure an adequate study of the subject of ethics in Government.

I digress to note that on March 22, 1968, the Senate adopted by a vote of 67 yeas to 1 nay two new Senate Rules, rule 42 and rule 44, requiring each Senator to make certain reports relating to his income and property to the Secretary of the Senate and the Comptroller General of the United States. Senators Talmadge and Inouye and I were necessarily absent when the Senate voted on these new rules, but had ourselves recorded as favoring them. (See Congressional Quarterly Almanac, volume XXIV, page 13–S).

Senator Talmadge, Senator Inouye, and I strongly supported a full investigation of the alleged misdeeds of Bobby Baker, and voted accordingly.

His alleged misdeeds were fully investigated by the appropriate Senate committee—the Senate Rules Committee—as well as by the Department of Justice. The Senate Rules Committee investigated the alleged misdeeds of Bobby Baker over a period of 16 months, held 45 days of hearings, and heard the testimony of more than 100 witnesses.

As a result of the investigations of the Senate Rules Committee, and the Department of Justice, Bobby Baker was tried, convicted, and sentenced to prison for his misdeeds in the U.S. District Court for the District of Columbia. Furthermore, he actually served the prison sentence.

In addition to supporting the investigation of the alleged misdeeds of Bobby Baker by my votes, I insured that the investigation would be fair and full by persuading my long time friend, Maj. Lennox P. McLendon, of Greensboro, N.C., one of America's ablest and most respected lawyers, to accept the invitation extended to him by the Senate Rules Committee to serve as its counsel until the investigation was completed.

One can but admire the zeal exhibited by the Republican National Committee, and its journalistic allies, in their desperate effort to invent a red herring to drag across the trail which leads to the truth concerning the Watergate affair. One must remember, however, that what happened in the Bobby Baker investigation 9 years ago does not diminish by a job or title the right of Congress and the American people to know the truth in respect to the Watergate affair, or hide from intelligent people for an instant the tragic fact that the Watergate affair was planned, financed, and procured by men chosen by the White House to exercise enormous governmental, political, and financial power in its behalf.

NEW JERSEY VISIT OF JOZSEF CARDINAL MINDSZENTY

Mr. WILLIAMS. Mr. President, on Sunday, September 30, New Jersey was honored by the visit of Jozsef Cardinal Mindszenty, one of the most revered and heroic figures of our times.

Cardinal Mindszenty celebrated the Holy Sacrifice of the Mass and participated in ceremonies at the renovated Roman Catholic Church of St. Ladislaus in New Brunswick, N.J .

Dr. Edward Blaustein, president of Rutgers, the State University of New Jersey, who took part, called the event:

> An extraordinary outpouring of joy and hope for a people who look to the Cardinal for inspiration in their lives.

And, it was truly that.

Cardinal Mindszenty represents something extraordinary to all of us. He is living proof that tyrants can imprison a man's body but they cannot triumph over his mind and soul.

I think his visit also was indicative of the kind of man he is. It is no easy matter for an 81-year-old man—even as robust a man as the Cardinal is—to make the trip from Vienna to this country.

But St. Ladislaus is the center of worship for many Hungarian-Americans, including freedom fighters who freed the Cardinal from prison in 1956. Cardinal Mindszenty showed that he has not forgotten.

Mr. President, the visit of Cardinal Mindszenty was extensively reported in the Star-Ledger of Newark, N.J. In order that this historic visit be made a permanent part of our national record, I ask unanimous consent that it be inserted in the Congressional Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Newark (N.J.) Star-Ledger, Oct. 1, 1973]

Thousands Hail Mindszenty at Church Dedication

(By Barbara Kukla)

Women knelt on the pavement to pray. Men and children stood reverently at attention.

For some 10,000 persons, most of them Hungarian Americans, it was a day never to be forgotten—the first American visit in 27 years of Jozsef Cardinal Mindszenty, the exiled senior bishop of Hungary.

Loudly and clearly, lyrics of ancient Hungarian folk songs rang out on New Brunswick's Somerset Street as the throng cheered the 81-year-old prelate, who had been imprisoned by Communists in his homeland.

As part of a four-day side trip to the United States from Canada, which concludes today, Cardinal Mindszenty had consented to dedicate the newly renovated St. Ladislaus Church on Somerset Street.

Greeted by the strains of the Hungarian national anthem and signs reading "God Brings the Cardinal," the primate was led by processional to a flower-bedecked platform from which he delivered a half-hour talk in Hungarian.

Gesturing vigorously and speaking in a strong, deliberate tone, he urged the faithful to preserve church traditions and customs of the homeland, declaring:

"The clear continuance of the ancient family life is the only way to survival."

Addressing parents, he emphasized the necessity of keeping "the Hungarian language and spirit alive."

He praised the parishioners of St. Ladislaus for renovating their church at a time "when there is a loss of interest" and urged other parishes to follow suit. The New Brunswick parish has a membership of about 800 families.

The Cardinal spoke out vehemently against divorce, birth control and abortion, castigating the Soviet Union and the United States for popularizing these practices.

Citing a declining birth rate in the United States, despite its affluence, he noted: "The Christian spirit seems lost in this country."

A two-minute synopsis of the Cardinal's message was given by the Rev. John Szabo of South Bend, Ind., after which Cardinal Mindszenty circled the church sprinkling water on the edifice while reciting a blessing.

School children formed a ring around the church during the ceremony.

Inside the church, the prelate celebrated Mass with the Rev. Julian Furzer, 58, the pastor, and single handedly served communion to 350 persons.

Seats in the church were reserved for elderly parishioners and dignitaries, including representatives of the Hungarian Protestant clergy and Ukrainian Catholic Church.

Other guests watched on closed-circuit television in the church basement and school. People in the streets listened to a loud speaker system.

For young and old, the cardinal's visit signified an event of great importance.

"His visit is a great honor and joy for the entire community, most particularly for that part of our citizenry with roots in Hungary," said New Brunswick Mayor Patricia Q. Sheehan. "It's a tremendous privilege and thrill for them for he not only is a priest, but a prince of the church."

Groups from all sections of New Jersey and several other states made up the crowd.

Forty members of the Cardinal Mindszenty Society, an organization dedicated to the preservation of Hungarian culture and customs, came by bus from Washington, D.C.

And a priest from Omaha, Neb., timed his two-week vacation to the visit.

"He (Mindszenty) truly is a man of God," said the Rev. John G. O'Rourke of Omaha. "He's a saint, a man who suffered for the faith like no other man."

Among those-accompanying Father Szabo from South Bend was Joseph Szalay, who identified himself as a Freedom Fighter who helped briefly free the cardinal from jail in 1956.

Szalay, who said his father was killed by Communists had brought his mother, wife and three children from South Bend, hoping for a brief reunion with the primate.

Numerous other Freedom Fighters, many

from the St. Ladislaus parish, were in the processional along with the Knights of Columbus, clergy and school children.

Hungarian Boy Scouts and Girl Scouts "in exile" formed a protective line as the cardinal was led to the speakers' platform.

Along the way, he was presented with flowers by four Ukrainian Orthodox children, who wished him "health, happiness and many years of long life."

Not understanding, the children just smiled as he paused to speak to them in Hungarian.

"I'm very proud that the cardinal's visit is so much recognized here in America," said Marika Reszeki, 16, a member of the parish Girl Scout group. "It means so much to us from Hungary that it's important enough to receive such widespread coverage."

Marika said she was born in France soon after her family fled Hungary during the 1956 revolution.

Mrs. Rose Wass, who came to the United States from Hungary in 1913, said she had traveled from Manville to see the cardinal "because he has done so much for the Hungarian Church and has suffered so much."

Cardinal Mindszenty, who has been called "a modern martyr," and once described himself as "a shipwreck of Hungarian liberty," first was imprisoned as a young priest in 1919 for his outspoken opposition to the short-lived Communist takeover of Hungary by Bela Kun. Kun later was executed.

During World War II Mindszenty was jailed again by the Nazis for offering Hungary as a sanctuary for Jews. He was released at the end of the war, but imprisoned again in 1948 as an anti-Communist.

Hungarian Freedom Fighters liberated him for four days in 1956. He sought asylum at the U.S. Embassy in Budapest, where he lived for 15 years after the uprising was crushed.

At the urging of Pope Paul VI, he accepted voluntary exile from Hungary two years ago in return for amnesty and recognition of his rank as cardinal primate—senior bishop—of his homeland. He has since lived in a seminary in Vienna.

The primate will wind up his visit to the United States tomorrow, when he will fly back to Vienna. A press conference and meetings with the clergy are scheduled today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Abourezk). The period for the transaction of morning business having expired, morning business is concluded.

AGRICULTURE, ENVIRONMENT AND CONSUMER PROTECTION APPROPRIATIONS, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. Abourezk). Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 8619.

Mr. McGEE. Mr. President, I submit a report of the committee of conference on H.R. 8619, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8619) making appropriations for the Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of September 20, 1973, at pages 30561–30562.)

The PRESIDING OFFICER. The time for debate on this conference report is limited to 2 hours, to be equally divided between and controlled by the Senator from Maine (Mr. Muskie) and the Senator from Wyoming (Mr. McGee).

Mr. McGEE. Mr. President, I would like to say at the outset that most of the allotted time will be yielded back by agreement of all concerned. In initiating this discussion however, I want to call your attention to one particular section in the report of the conferees which has just been submitted, that portion dealing with the REA. In my judgment, this section has not received the attention to which its significance entitles it. It has to do with the ongoing controversy between the executive branch and the legislative branch in regard to the administration carrying out the clearly expressed will of Congress as reflected in enacted laws.

Congress has groped in many directions for some kind of policy to sustain the role of the legislative branch in this equal operation under the Constitution. In this conference, we had both substantial sums of money and highly significant policy matters under consideration with respect to REA. Chairman McClellan took the lead which resulted in action to resolve these matters in a most satisfactory manner.

I single this item out for mention because the Senator from Arkansas himself is much too modest to mention it, but it carries in its substance a formula that may indeed achieve the balance of legislative-executive responsibility that we have all been seeking over these many months.

In the conference, we agreed to $750 million for insured loans under the REA program, in addition to the guaranteed loan program provided by law, the administration was obviously dragging its feet in implementing these clearly expressed congressional mandates. The Senator from Arkansas (Mr. McClellan) found the key unlocking this situation so that this program can proceed.

His proposed language would have denied the payment of certain salaries within the Department of Agriculture until such time as the REA program was implemented as intended by Congress.

As it turns out, Mr. President, that kind of language was clearly understood and became unnecessary. With the threat of that language, it was possible to negotiate, as the chairman of the full committee did, with the Office of Management and Budget by telephone, and then by letter and to receive assurances from the Director of OMB that there would be every intention of carrying out the intent of Congress. I want the Members of this body and, indeed, all the country to know that this breakthrough and the understanding which resulted is a personal tribute to Chairman McClellan. It is for that reason that I personally wanted to salute the chairman here this morning, and want him to know that all of us in this body, on both sides of the aisle, salute him for this significant achievement.

Senator McClellan, we are deeply in your debt for having initiated this effort and having succeeded so sharply.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. McGEE. I am happy to yield to the chairman of the Appropriations Committee.

Mr. McCLELLAN. I certainly thank the distinguished Senator from Wyoming, though I think he attributes to me an effort and a measure of success that should be jointly shared by all members of the committee. This course was followed after consultation with my colleagues on the Agriculture Appropriations Subcommittee. We decided upon this course, and I simply acted more or less as the intermediary between the committee and the administration, to try to bring about an understanding and to make certan that the express will of Congress was going to be honored and carried out in this particular area of Federal responsibility.

I think we now have that assurance, and I think we can rely upon it, and that this program can go forward without the crippling problems that it has experienced in the past.

So certainly I want to share the honor for whatever we have accomplished with all of my colleagues, particularly those on the Senate side of the conference, because we all worked together.

Mr. McGEE. I assure the Senator from Arkansas that we on the committee are delighted to share the credit, and I dare say that when the news gets out in Hawaii, where the ranking minority member of the subcommittee resides, or in Wyoming, it may read in the news there that we did it single-handedly, but we want it publicly known that it was done single-handedly by the chairman of the full committee, and that we are indeed honored to associate ourselves with his effort. I shall have more to say on this subject in my more detailed remarks.

Mr. FONG. Mr. President, I commend the distinguished chairman of the Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection (Mr. McGee) for the outstanding job he has done on this bill in committee, in the Senate, and in conference. He gave us fine leadership, and we have a very fine conference report before us.

I especially want to thank him for all the courtesy he has extended to me throughout the consideration of this legislation, and I also wish to join him in his commendation of the distinguished chairman of our full Appropriations Committee, the Senator from Arkansas (Mr. McClellan), for his excellent work in the conference.

Mr. President, the bill as reported by the Committee of Conference provides funds for the current 1974 fiscal year for the Department of Agriculture, the Environmental Protection Agency, various consumer programs, and related independent agencies of the executive branch. While the amount of new obligational authority is some $400 million over the budget, it is nonetheless almost $3 billion below the appropriation for fiscal year 1973.

The largest increase over the budget is the amount for the food stamp program. The $300 million increase is necessary because the Agriculture and Consumer Protection Act of 1973, recently enacted by Congress, mandated various increases in eligibility. We have, therefore, provided a total of $2,500,000,000 for food stamps.

Another large increase over the budget is the amount for the special milk program. We have provided a spending level for the special milk program of $97,123,000 which will insure that milk is made available to all schoolchildren. This spending level accounts for $72,123,000 of the amount we are over the budget.

Most of the other increases are to be found in the funds provided for the Environmental Protection Agency. Overall, we have increased the Environmental Protection Agency budget request by $40 million, with most of the increase—$30,300,000—being for abatement and control.

Mr. President, as the chairman will explain the conference report in detail, I shall not take the time of the Senate to cover the same ground.

Mr. President, I believe this is a good bill, and I urge my colleagues to support the conference report.

Mr. McGEE. Mr. President, the conference report and the joint statement on the part of the managers which are available discuss the particulars of this bill and the action taken by the conferees but, in presenting this matter to the Senate, I would like to discuss a few matters in further detail.

This bill, as agreed upon by the conferees, contains new obligational authority in the approximate sum of $9.9 billion. This is more than $2.8 billion less than for fiscal year 1973, but is more than $400 million above the administration's budget estimates for fiscal year 1974. Lest someone jumps to the conclusion that this $400 million represents excessive or irresponsible spending on the part of the Senate committee, I want to point out to my colleagues early in these remarks that this excess is represented primarily by three separate items and if anyone has any doubts as to the merits of any of these items, I would suggest that now is the time for him to speak out.

Being $400 million over the budget estimate, the question of a Presidential veto has been discussed since the conference reached its agreement last month. Personally, I make no apologies for the spending levels provided in this bill. The committee and the conference made every possible effort to hold spending to a bare minimum. As a matter of fact, I feel we may have cut too closely on several items, but this is the price we are prepared to pay to cooperate with the administration in its efforts to combat the inflationary trend which has been running rampant these past several months. While I am not satisfied with some of the concessions we had to make in conference, I do feel that this bill is a responsible one and one which will allow rural America to move forward.

Now, to discuss the three items of increase that I mentioned previously. The major increase is in appropriations for the food stamp program, one of the major single items in this bill. The administration budget, presented to us in January of this year, requested $2.2 billion for the food stamp program. When we considered this item in committee and on the floor in June, we concluded that this figure was unrealistically low and it was increased to $2.5 billion, or $300 million more than the budget estimate. By the time this was considered by the conference committee last month, we were advised on an unofficial but reliable basis that with the increased cost of living, particularly food, the anticipated costs for fiscal year 1974 are now estimated at close to $3 billion—perhaps $2.8 or $2.9 billion. Actually, this should come as no surprise to any of us. The September 22 issue of the Washington Post reports that the cost of food in the Washington area rose 6.3 percent from July to August alone—the steepest rise in 26 years. That same article reports a yearly rise of food in the Washington area at 20 percent. The nationwide increase this past month was even more than for the Washington area—7.4 percent.

With data like this, I am certain that all of us can understand the conservative estimates of the administration in January were completely invalid for September, and even the increased figure of $2.5 billion as contained in the Senate version of the bill and approved by the conferees is wholly inadequate, so if any of you have any thoughts that this $300 million increase over the budget is irresponsible, I can only tell you, "You ain't seen nothing yet." Before this session is over, I think you can expect a supplemental budget estimate of an additional $300 to $400 million and if food costs continue to rise it might well be more than that. Food stamp recipients simply cannot absorb 6–7 percent monthly increases and cannot be expected to do so.

Of course, we have been assured repeatedly by the highest echelons within the Department and the administration that we have seen the last of the sharp rises in food prices and I hope that is the case—but that remains to be seen.

Second, we have a Senate increase which was approved by the conferees of some $72 million for the special school milk program. In terms of the overall increase of $400 million, this represents one of the substantial increases and, again, I most respectfully suggest that if anyone on the floor today is opposed to the special milk program for our schoolchildren, now is the time for him to speak up—to speak out and let his opposition be known.

For some reason or reasons which I am not able to explain to my colleagues, the administration has strongly and consistently opposed this program. They strongly opposed it through the conference and I suspect still strongly oppose it.

As you will recall, this program operated with an appropriation of $97,123,000 for fiscal year 1973, but the administration requested only $25 million for fiscal 1974, and this amount was approved by the House. The Senate, of course, provided the same level as in 1973—$97,123,000. It is most interesting to note that in all of the publicity I have seen coming from the administration in support of the reduced program which has been forced on schools throughout the country this fall, the entire blame has been placed on the Congress—pointing out that the regular appropriation bill has not been passed and the Department has been compelled to operate under the restrictive terms of a continuing resolution. It was not explained to our school officials and others interested that the administration requested the reduced level of $25 million or that it has been actively and aggressively opposing the increased level provided by the Senate. This is a case in which the administration perhaps told the truth as far as they went but, certainly, did not tell the whole truth. Really, I do not blame them for this since I would most certainly find it difficult to explain the justification for taking this school milk from children throughout the country. While we are all for fiscal responsibility and spending restraint, I, for one, am not ready to accept the premise that this additional $72 million which will go directly to schoolchildren in all schools in all parts of the country is more than we can afford. To me, it is not a question of whether we can afford it but rather it is a clear case that we cannot afford not to do it.

In any event, I wish to point specific direction to amendment No. 74 and the language agreed to by the conference committee, concluding with the statement:

> The Conferees wish to make certain that milk is made available to all school children.

That is the unanimous position of the conferees and if that is construed in some quarters as veto bait, inflationary, or fiscal irresponsibility, then so be it.

The other major item of increase is with the Environmental Protection Agency, where we are $40 million over the budget estimate. This is a most troublesome area for, while we are substantially over the budget estimate, there are many who question whether even this increased spending level is adequate to meet the environmental challenges facing the country today. But, here again, we have provided a minimum level of spending consistent with our desire to cooperate in meeting the fiscal crisis facing the Nation. So, we have these three major items:

[In millions]

Food stamps	$300
School milk	77
EPA	40
Total	417

These items represent an amount greater than the net amount the entire bill exceeds the budget estimates.

By way of further explanation, I would point out that for title I programs—agriculture programs—we are well below the budget estimates. For title II—rural development—we are slightly in excess of the estimates and we are substantially over the budget estimates for titles II and IV—environmental programs and consumer protection.

So, this is the story in capsule form. I hope that we can have an impressive vote today in support of the bill as cleared by the conference committee because, while it does not contain all that many of us would like, it is a responsible bill and one which I can recommend and endorse. A strong vote in the Senate would give a clear indication that we support the major items of increase which I have discussed but if anyone here does not support these measures, I think now is the time for him or them to be heard.

While I feel that the Senate conferees did an excellent job of sustaining the Senate position on the bill generally, there were some points on which we were compelled to recede but I can assure you that we did so most reluctantly and only after it was made quite clear that we had no alternative. One of these was amendment No. 62, sponsored by the senior Senator from Washington (Mr. Magnuson), which directed the Administrator of the Environmental Protection Agency to obligate at least $200 million to reimburse those municipalities which constructed waste treatment facilities between 1956–66 without receiving their full Federal share of construction costs.

This amendment had broad support in the Senate, and several Senators contacted me in reference to it but we were faced with a situation in which we simply could not convince the House conferees on the merits of this proposal. I think my colleagues on the conference committee will agree that we would be conferring yet, today, if we had continued to insist on adoption of the Senate amendment. We have several items in this bill, school milk for example, which have not fared well under the continuing resolution and for that reason we felt it imperative that the bill not be subjected to further delay—for that reason, we receded on amendment No. 62.

The same thing holds true for amendment No. 50, the one involving the necessity for EPA to file environmental impact statements. Here, again, this involved lengthy and detailed discussions. It was originally brought up for discussion on Monday, the first day of our conference, and was passed over until Wednesday when we reconvened. In the interim, Senator Fong, the subcommittee's ranking member, and a member of my staff met EPA officials and discussed this matter at length in an effort to have all of the ammunition possible to sustain the Senate's position. At our Wednesday meeting, all of the arguments were made most forcibly—principally by the Senator from Hawaii—but to no avail. From comments made during the official conference, and from some private conversations I have had with members of the House committee, it was apparent that the House Members spoke with one voice on this matter and there was no chance that they would recede and accept the Senate language.

EPA officials told us that the environmental explanations which they have planned to prepare actually would contain most of the information required by environmental impact statements but they did not want to be bound by the requirements of a formal statement. This argument was not persuasive with the House conferees, however, and they were most adamant in sustaining the House position.

We were able to hold the Senate figure of $2,144,000,000 for loans under the rural housing insurance fund, with the provision that not less than $1,200,000,000 shall be available for subsidized interest loans to low-income borrowers. We did have to compromise the items for rural housing for domestic farm labor and mutual and self-help housing but, in each case, the budget estimate and the House allowance was increased.

While these items were not in conference, the bill does contain funds for both the rural environmental assistance program, the old ACP, and the grant program of the Farmers Home Administration for rural water and waste disposal facilities. It also contains funds to implement certain programs authorized by the recently enacted Rural Development Act. The conference also adopted the Senate funds for restoration of the highly successful water bank program which was curtailed by the administration earlier this year.

Mr. President, I think it is appropriate at this point to make a special reference to the action of the conferees on the rural electric and the rural telephone programs. While I fully realize that different people have different views, in my opinion I feel that these programs have done more to revitalize and improve conditions in rural America than any other program. During the 36 years of operations, these programs have made rural America more efficient and more productive. At the same time, they have made life in rural America more acceptable and more pleasant to the American farmer, his wife and his family, but I shall not dwell at length on the merits of these programs as I am certain that most Members of this body share my views.

The REA provisions as reported by the Senate Appropriations Committee, and which survived conference, are realistic and responsible ones which recognize the needs of both the REA and rural America. The Senate increased the electric program insured loan levels from $618 million to $750 million and the telephone program from $140 million to a maximum of $200 million. The conferees agreed to these increased loan levels. In addition to this action, the conferees clarified beyond any doubt that these loan levels were for the insured program only and that the administration was expected to initiate the guaranteed loan program, as provided by law, in addition to the insured program. This action, I believe, is consistent with the clearly demonstrated capital needs of the industry and rural America.

While this point is not covered specifically in the conference report, the conferees also agreed to accept the Senate report language providing for notice to the Appropriations Committees of both Houses of Congress prior to finalizing any guaranteed loan commitments.

Before leaving this point, however, I would be remiss if I did not recognize the monumental contribution made by the chairman of the Senate Appropriations Committee, Senator McClellan. Consistent with his usual practice, the senior Senator from Arkansas acted without fanfare and without all of the publicity that quite often accompanies action of far less significance than the breakthrough which he accomplished in connection with the REA programs contained in the bill now before us. I might add that the publicity was certainly available to him had he chosen to take it but he chose otherwise, so few people are aware of the action he took or the results which he achieved. I want my colleagues to know that I am aware of it and I think they should be.

The Senator from Arkansas is far too modest to claim credit for himself and since I respect his decision in that regard, I shall not go into detail on the background involving the extensive negotiations which were undertaken to resolve this issue. I would, however, direct the specific attention of my colleagues to page 15 of the conference report, from which I quote the following:

> The Congress passed and the President signed on May 11, 1973, P.L. 93–32 following a long dialogue with the Administration which was to be the basis for funding REA programs—from the Rural Electrification and Telephone Revolving Fund to the extent of its assets—and that P.L. 93–32 would be promptly implemented by the REA Administrator. This has not happened. Under P.L. 93–32, the Administrator was both authorized to make insured loans at 5%, and to guarantee non-Federal loans at interest rates to be agreed upon by the borrower and lender. Insured electric loans were to be made available under Congressional mandates that assured a loan program of not less than $618 million nor more than $750 million. The REA's "guarantee" authority was written to facilitate and support the ability of REA borrowers to obtain loans from non-REA lenders at prevailing market interest rates and terms when their borrowing needs are beyond the fund available for REA insured loans.
>
> Now, over four months after the passage of Public Law 93–32, and nine months after the termination of the previous programs on January 1, 1973, the Administration has still not implemented REA's loan "guarantee" program.
>
> To end this delay. and to assure the availability of credit to the REA, an amendment was proposed to the 1974 Agriculture Appropriation Act to implement the loan guarantee program by preventing the payment of certain salaries and expenses for persons associated with that delay. However, the amendment was withheld upon receiving assurances from the Director of the Office of Management and Budget that he would recommend and support implementation of this program.
>
> In addition to these explicit comments and assurances, the Conference wants to make clear that the Office of Management and Budget also provided assurance that insofar as OMB was involved, all additional roadblocks to the implementation and operation

of these REA programs would be removed imminently.

Let me assure you that this language is a direct result of the determined and effective efforts of Chairman McCLELLAN. The assurances he sought and received from the Director of the Office of Management and Budget are most encouraging and heartening and they mean that we will all be going forward on a cooperative basis to satisfy the capital needs of REA and rural America for the benefit of the country as a whole. I am very pleased by this action. I think it is a highly significant breakthrough and I wanted to let it be known that all of us interested in this program are greatly indebted to the chairman (Mr. McCLELLAN) for his untiring and effective efforts toward this end.

Mr. President, before concluding these remarks I would like to express my appreciation to my colleagues who have assisted so greatly during the many deliberations we have had on this bill, particularly during the conference. As the ranking minority member, Senator FONG has been extremely helpful and cooperative. The senior Senator from Nebraska (Mr. HRUSKA) continues to be most helpful and cooperative even though he is no longer the ranking minority member. The ranking minority member of the full committee and a long-time member of this subcommittee, Senator YOUNG, is always available when he is needed and I can assure you he was needed throughout the conference.

On the majority side, we also had great cooperation and assistance from all but I would direct special attention to the Senator from Wisconsin (Mr. PROXMIRE), especially on the school milk and environmental issues. Likewise, the Senator from Georgia (Mr. TALMADGE), our ex officio member from the Committee on Agriculture and Forestry, found time in his extremely busy schedule to attend almost all of the conference. His deep interest in and knowledge of the newly authorized rural development programs proved to be invaluable. I have already made reference to the contributions of our chairman (Mr. McCLELLAN).

Finally, I would like to express my appreciation to the chairman of the House Appropriations Subcommittee, Mr. WHITTEN. As usual, he and his committee did a very thorough job as they considered this complex bill throughout the entire process. Even though we had some 75 numbered amendments which consisted of more than 100 Senate modifications in the bill, we had a most congenial, although a hard fought conference. It is always a pleasure to work with him, his committee and his fine staff.

In all, Mr. President, I think we had a good conference. We can never win them all but I think we made a good showing.

Mr. HUMPHREY. Mr. President, I would first like to commend Senator McGEE and his Senate Appropriations Subcommittee colleagues for the fine job they did on this bill. I particularly want to laud them for sustaining the Senate position with respect to special milk program funds. I also want to personally thank them for their directive to the Economic Research Service of the Department of Agriculture with respect to collecting all available data concerning the conditions and problems that now exist pertaining to our Nation's rural transportation system. I further wish to thank the conferees for the funds provided by them concerning wild rice research.

While I am generally very pleased with the actions taken by the conferees concerning funds for our Nation's rural development programs, I would like to get a clarification from the distinguished Senator from Wyoming (Mr. McGEE) relating to amounts specified in this bill for rural industrialization and rural community facility loans. I would like to know if the amounts specified in this bill for these purposes are limited only to direct or insured loans or do they also apply to "guaranteed" loans made for these purposes?

Mr. McGEE. It is my understanding that the funds provided in this bill for rural industrialization, and rural community facility loans apply only to those made on either a direct or insured basis. They do not apply to those made on a "guaranteed" basis. The conference established no limit on the amount of "guaranteed" loans that could be made for these purposes. The same, of course, applies to loans made by the Rural Electrification Administration. In fact, the conferees in their report on this bill, expressed disappointment with the Rural Electrification Administration's failure to utilize the "guaranteed" loan authority they now have under the law.

Mr. HUMPHREY. I thank the Senator from Wyoming (Mr. McGEE) for this important clarification. It is the hope of those of us who have worked so long and hard in breathing some life into our Nation's rural development efforts that the "guaranteed" loan program for these purposes can proceed unhampered by ceilings or any arbitrary limitations whether imposed by the Congress or the executive. To the extent that private capital can be made available for these important purposes through the "guaranteed" loan provisions of the Rural Development Act of 1972, and the Rural Electrification Act of 1973, every encouragement should be given to do so. To place any type of limit on the amount of loans that can be made on this basis would, in my judgment, be counterproductive to our nationally stated rural development policy goals.

Mr. President, I also wish to call attention to amendment No. 73 as agreed to by the conferees for this bill because of its crucial importance to the national school lunch program. This amendment appropriates $22,110,000 to be spent during this year to provide kitchen equipment for those schools offering school lunches for the first time and need help and for those schools which have been in the program for a long time and need help in replacing this wornout and out- in purchasing refrigerators and stoves moded equipment.

In Public Law 92-433, which was signed into law on September 26, 1972, we instructed the Agriculture Department to survey the Nation's schools as to their need for kitchen equipment. That survey, with several key States not yet reporting, shows an amount in excess of $83 million in equipment needs.

In hearings held recently before the Select Committee on Nutrition and Human Needs, it was brought out that 5 million children in 17,700 schools still do not have the option to participate in the school lunch program.

In partial response to this problem, the Congress appropriated $6 million for kitchen equipment needs during this past summer in the second supplemental appropriation for 1973, which passed on June 30, 1973. Today we are appropriating another $22,110,000 for this fiscal year.

I wish to make clear to the Department of Agriculture that the need for these funds is overwhelming and, in fact, these funds will go only a short distance toward meeting that need. Therefore, if we are to maintain our commitment to reaching all the needy schoolchildren of this country with a nutritious school lunch, it is imperative that all of these funds—both the $6 million appropriated on June 30, 1973, and today's appropriation of 22,110,000—be fully spent during this fiscal year.

Mr. MUSKIE. Mr. President, the bill reported from conference would appropriate $5,000,000 "for the preparation of environmental impact statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law." The ambiguous language of this section requires some clarification, since an unwarranted and improper construction of it could call into question the settled relationship of the National Environmental Policy Act—NEPA—to the regulatory activities of the Environmental Protection Agency—EPA. Therefore, I would first like to ask the Senator from Wyoming whether the conferees intended for this language to change or modify existing substantive law in any way?

Mr. McGEE. The answer, of course, to the question raised by the Senator from Maine is, "No." As we all know, it would not be in order for the Congress to legislate through the vehicle of an appropriations bill. In fact when the House passed this bill on June 15 a point of order was raised on aspects of this item. The House manager, Mr. WHITTEN, struck that part of this provision which was legislation. I can only assume that the remainder to which you refer was not considered legislation in the other body either or it also would have been stricken.

Mr. MUSKIE. In that case, let me outline for the benefit of the Senator my understanding of the existing law governing the application of NEPA to the EPA. I would appreciate knowing whether it corresponds to the view of the law held by the Senate conferees when they agreed to accept this amendment. Under existing statutory and case law, the only instances wherein the EPA is required to prepare environmental impact statements are in connection with the making of waste treatment construction grants and the issuance of discharge permits for new water pollution sources under the Federal Water Pollution Control Act. Section 511(c)(1) and the legislative history of that act clearly state that all of the provisions of NEPA are to apply to those two specific activities. Except for that narrow extension of NEPA's coverage authorized under section 511(c)(1), the Congress has never wavered from the intention expressed in enacting NEPA that the legislative mandates of the environmental improvement agencies—now EPA—were not to be changed in any way by NEPA.

The courts have enforced this legislative intent in dealing with the question of NEPA's application to the EPA's regulatory functions. In several recent Clean Air Act decisions—including Appalachian Power Co. against EPA, Getty Oil Co. against Ruckelshaus, Anaconda Co. against Ruckelshaus, Portland Cement Association against Ruckelshaus, and others—several circuit courts of appeals have held uniformly that the law prohibits the application of NEPA to the EPA's regulatory functions.

Mr. McGEE. In view of the Senator from Maine's knowledge on this complex issue, I would respect his view of the law on this question. In that connection, I would point out that the language of the section which we are discussing provides explicitly that the funds appropriated are to be used only for the preparation of impact statements where such statements are not prohibited by existing law.

Mr. MUSKIE. Am I correct, then, in my understanding that the language of this section should be construed to provide funds for the EPA to prepare environmental impact statements where the Agency is required to do so by existing law?

Mr. McGEE. Yes.

Mr. MUSKIE. I thank the Senator, and I express to him my appreciation for helping to make available the funding necessary to expedite the Agency's environmental regulatory and improvement efforts with which we are all so deeply concerned.

Mr. BAKER. Mr. President, I wish to express my complete endorsement of the statements made by the most able chairman of the Air and Water Pollution Subcommittee of the Committee on Public Works (Mr. MUSKIE), and of the distinguished Senator from Wyoming (Mr. McGEE) who is the Senate manager of the pending conference report. I believe that they have fully and carefully laid out the appropriate interpretation of the language of the conference report which calls "for the preparation of the environmental impact statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law."

Without any intention to prolong further the discussion of this matter, I would like to ask the distinguished Senator from Hawaii (Mr. FONG) whether he concurs with the statements which have been made to the effect that, in adopting this section, the conference committee did not intend to modify existing substantive law and that the intention was solely to provide an appropriation of funds for EPA to prepare impact statements for activities which are now covered by existing law.

Mr. FONG. Yes, I believe it is clear that the conference committee did not intend to modify existing substantive law and that the intention was solely to provide an appropriation of funds for EPA to prepare impact statements for activities which are now covered by existing law.

Mr. President, by way of background on this issue, we must search the House debate on the agricultural environmental and consumer protection appropriations bill (H.R. 8619), the same bill on which we are now considering the conference report.

As originally reported by the House Appropriations Committee, H.R. 8619 contained the following provision:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act, $5,000,000.

Points of order were raised in the House against this provision on the ground it contained legislation in an appropriation bill. Specifically, it was contended that the language "along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act"—meaning the National Environmental Policy Act—was legislation in an appropriation bill. The point of order raised noted that this language imposed a duty on EPA to file an additional statement not presently required by law.

The floor manager of the bill in the House thereupon moved to strike the portion I just quoted and the House concurred.

The language as passed by the House then read:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

When H.R. 8619 came over to the Senate, we changed the language to require "environmental explanations," rather than environmental impact statements as stated in the House version.

The Senate provision in H.R. 8619 read as follows:

> For an amount to provide for the preparation of environmental explanations on all proposed actions by the Environmental Protection Agency, $5,000,000.

As we all know, the rules of both the House and the Senate prohibit legislation in an appropriation bill. Sometimes, however, legislation is enacted in an appropriation bill because no point of order was raised against it. In this instance, a point of order was raised against legislative language in the environmental impact provision of H.R. 8619 when it was before the House.

It is clear, therefore, that in the pending agriculture bill we cannot add to, nor subtract from, the authorizing statutes governing the Environmental Protection Agency.

The House provision which conferees adopted, although different from the Senate provision, cannot add to, nor subtract from, existing law governing the Environmental Protection Agency. The chairman of the House Appropriations Subcommittee which handled H.R. 8619 indicated no intention to legislate in this bill when he moved to strike the language that did constitute legislation in an appropriation bill.

As the Environmental Protection Agency already prepares impact statements on its grant activities and as the Federal Water Pollution Control Amendments of 1972 specifically exempt water related regulatory activities from the impact statement requirement of the National Environmental Policy Act, the provision in the pending measure (H.R. 8619) relates only to the other environmentally protective regulatory activities of EPA, activities for which a substantial body of evidence indicates EPA is excluded from the NEPA impact statement requirements.

The legislative history of the National Environmental Policy Act indicates that Congress intended for environmental regulatory activities to be exempt from the NEPA impact statement requirements.

Further, the Council on Environmental Quality, in their original guidelines implementing NEPA, dated April 23, 1971, provided an exemption from the impact statement process for EPA's environmentally protective regulatory activities.

As I mentioned before, the Federal Water Pollution Control Amendments of 1972 provide a specific exemption from the impact statement requirement of NEPA for water related regulatory activities.

Several recent decisions of the U.S. court of appeals have upheld EPA's position that the impact statement process does not apply to its regulatory activities.

In view of the legislative history of NEPA; in view of the interpretations that have been made by competent bodies that EPA's regulatory activities are excluded from the NEPA impact statement process; in view of the fact that an appropriations bill cannot alter the text of existing law; in view of the fact that the chairman of the House Appropriations Subcommittee, who wrote the language that was in the House version and is retained in the conference version, indicated no intention to legislate in this provision; and in view of the fact that there is no language in H.R. 8619 mandating that the $5,000,000 be spent, as one conferee I hold that EPA is not required to do anything more or less than required by existing law.

If there is a question as to whether or not EPA must file environmental impact statements on its regulatory activities, this should be decided by the Congress in separate authorizing legislation, first considered by the proper committees, and not in an appropriation bill.

We, in Congress, surely do not want to be in the position of tying, through appropriations, the regulatory hands of the very agency we have created to regulate air, water, noise, and other pollution control problems in our country. EPA has already given notice in the Federal Register of its intentions to issue "environmental explanations" on its regulatory activities beginning next January 1. As I noted earlier, it is already issuing environmental impact statements on its grant activities, except where not required by the Water Pollution Control Amendments of 1972.

Mr. McGEE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by the said amendment, insert: $285,925,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by the said amendment, insert: $70,104,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by the said amendment, insert:

Provided, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or invests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by the said amendment, insert:

National Commission on Water Quality

Salaries and Expenses

For an additional amount for the National Commission on Water Quality authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816-904), $10,000,000 to remain available until June 30, 1975: *Provided,* That no part of these funds shall be used to delay existing projects heretofore authorized.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: $1,140,000

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 9, 12, 48, 64, and 69.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that a provision of law which requires that the conference report be printed as a Senate report be waived, since the report is identical to the report of the House of Representatives, which has already been printed in the RECORD as required by the rules of the House.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. McGEE. Mr. President, I would like to point out two printing errors in the printing of the report. On page H8156, the agreed upon amount for amendment No. 29 was $239,051,000, rather than $314,587,000 as shown. On the same page, the agreed upon figure for amendment No. 61 was $46,150,000, rather than $10,000,000 as shown in the RECORD. These corrected amounts which I have indicated are the ones agreed to by the conference and are the ones contained in the official report. These errors occurred during printing or typesetting operations and I did want to call this to the attention of my colleagues so there could be no misunderstanding.

Mr. President, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriation, the 1974 budget request, the House, Senate, and conference committee allowances for fiscal year 1974 be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority enacted to date, fiscal year 1973 (2)	Budget estimates of new budget (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conferees (6)	Increase (+) or decrease (−), Conferee recommendations compared with— 1973 enacted (7)	1974 budget estimate (8)	1974 House bill (9)	1974 Senate bill (10)
TITLE I—AGRICULTURAL PROGRAMS									
Department of Agriculture									
Departmental management									
Office of the Secretary	$11,224,000	$10,933,000	$10,822,000	$10,872,000	$10,822,000	−$402,000	−$111,000		−$50,000
Office of the Inspector General	14,519,000	14,501,000	14,501,000	14,501,000	14,501,000	−18,000			
Transfer from food stamp program	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)				
Total, Office of the Inspector General	(18,769,000)	(18,751,000)	(18,751,000)	(18,751,000)	(18,751,000)	(−18,000)			
Office of the General Counsel	6,779,000	6,666,000	6,666,000	6,666,000	6,666,000	−113,000			
Office of Management Services	4,147,000	4,147,000	4,147,000	4,147,000	4,147,000				
Total, Departmental Management	36,669,000	36,247,000	36,136,000	36,186,000	36,136,000	−533,000	−111,000		−50,000
Science and education programs									
Agricultural Research Service:									
Research	190,892,600	170,790,000	172,790,000	178,946,900	175,938,400	−14,954,200	−5,148,400	+$3,148,400	−3,008,500
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)				
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Scientific activities overseas	10,000,000	10,000,000	5,000,000	10,000,000	5,000,000	−5,000,000	−5,000,000		−5,000,000
Total, Agricultural Research Service	202,892,600	180,790,000	177,790,000	188,946,900	180,938,400	−21,954,200	+148,400	+3,148,400	−8,008,500
Animal and Plant Health Inspection Service	304,899,000	336,171,000	287,171,000	342,871,000	285,925,000	−18,974,000	−50,246,000	−1,246,000	−56,946,000
Cooperative State Research Service	91,438,000	73,700,000	86,700,000	90,121,000	89,880,000	−1,558,000	+16,180,000	+3,180,000	−241,000

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Extension Service	$194,331,000	$196,831,000	$199,573,000	$208,573,000	$204,073,000	+$9,742,000	+$7,242,000	+$4,500,000	−$4,500,000
National Agricultural Library	4,226,750	4,226,750	4,226,750	4,226,750	4,226,750				
Total, Science and Education programs	797,787,350	791,718,750	755,460,750	834,738,650	765,043,150	−32,744,200	−62,675,600	+9,582,400	−69,695,500
Agricultural economics									
Statistical Reporting Service	22,875,200	22,834,200	22,834,200	22,859,200	22,859,200	−16,000	+25,000	+25,000	
Economic Research Service	[1] 15,819,000	[1] 15,505,000	[1] 15,505,000	[1] 15,880,000	[1] 15,780,000	−39,000	+275,000	+275,000	−100,000
Total, Agricultural Economics	38,694,200	38,339,200	38,339,200	38,739,200	38,639,200	−55,000	+300,000	+300,000	−100,000
Marketing services									
Agricultural Marketing service:									
Marketing services	34,648,000	34,865,000	34,528,000	34,865,000	34,865,000	+217,000		+337,000	
Payments to States and possessions	2,500,000	1,600,000	1,600,000	1,600,000	1,600,000	−900,000			
Total, Agricultural Marketing Service	37,148,000	36,465,000	36,128,000	36,465,000	36,465,000	−683,000		+337,000	
Commodity Exchange Authority	2,906,000	2,906,000	3,257,000	3,257,000	3,257,000	+351,000	+351,000		
Packers and Stockyards Administration	4,062,650	4,054,650	4,054,650	4,154,650	4,054,650	−8,000			−100,000
Farmer Cooperative Service	2,055,000	1,955,000	1,955,000	1,955,000	1,955,000	−100,000			
Total, Marketing Service	46,171,650	45,380,650	45,394,650	45,831,650	45,731,650	−440,000	+351,000	+337,000	−100,000
International programs									
Export Marketing Service	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)				
Foreign Agricultural Service	25,971,000	25,805,000	25,805,000	26,000,000	25,805,000	−166,000			−195,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Total, Foreign Agricultural Service	(29,088,000)	(28,922,000)	(28,922,000)	(29,117,000)	(28,922,000)	(−166,000)			(−195,000)
Public Law 480	895,000,000	653,638,000	453,638,000	653,638,000	553,638,000	−341,362,000	−100,000,000	+100,000,000	−100,000,000
Total, International Programs	920,971,000	679,443,000	479,443,000	679,638,000	579,443,000	−341,528,000	−100,000,000	+100,000,000	−100,195,000
Commodity programs									
Agricultural Stabilization and Conservation Service:									
Salaries and expenses	169,235,000	152,000,000	169,235,000	169,235,000	169,235,000		+17,235,000		
Transfer from Commodity Credit Corporation	(78,346,000)	(82,027,000)	(78,346,000)	(78,346,000)	(78,346,000)		(−3,681,000)		
Total, salaries and expenses	(247,581,000)	(234,027,000)	(247,581,000)	(247,581,000)	(247,581,000)		(+13,554,000)		
Sugar Act program	84,500,000	89,500,000	88,500,000	88,500,000	88,500,000	+4,000,000	−1,000,000		
Cropland adjustment program	52,5000,00	51,900,000	51,900,000	51,900,000	5,1900,000	−600,000			
Dairy and beekeeper indemnity programs	3,500,000					−3,500,000			
Total, Agricultural Stabilization and Conservation Service	309,735,000	293,400,000	309,635,000	309,635,000	309,635,000	−100,000	+16,235,000		
Federal Crop Insurance Corporation:									
Administrative and operating expenses	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
Federal Crop Insurance Corporation Fund	(3,654,000)	(3,632,000)	(3,632,000)	(3,632,000)	(3,632,000)	(−22,000)			
Total, Federal Crop Insurance Corporation	(15,654,000)	(15,632,000)	(15,632,000)	(15,632,000)	(15,632,000)	(−22,000)			
Commodity Credit Corporation:									
Reimbursement for net realized losses	3,267,575,000	3,457,409,000	3,301,940,000	3,301,940,000	3,301,940,000	+34,365,000	−155,469,000		
Limitation on administrative expenses	(39,900,000)	(41,800,000)	(39,900,000)	(39,900,000)	(39,900,000)		(−1,900,000)		
Total, Commodity Programs	3,589,310,000	3,762,809,000	3,623,575,000	3,623,575,000	3,623,575,000	+34,265,000	−139,234,000		
Total, title I, agricultural programs	5,429,603,200	5,353,937,600	4,978,348,600	5,258,708,500	5,088,568,000	−341,035,200	−265,369,600	+110,219,400	−170,140,500
TITLE II—RURAL DEVELOPMENT PROGRAMS									
Department of Agriculture									
Rural Development Service	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000	[2] 2,661,000				
Rural development grants and technical assistance		20,000,000	5,000,000	20,000,000	10,000,000	+$10,000,000	−$10,000,000	+$5,000,000	−$10,000,000
Resource conservation and development	26,600,000	8,217,000	17,217,000	17,217,000	17,217,000	−9,383,000	+9,000,000		

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—RURAL DEVELOPMENT PROGRAMS—Continued									
Department of Agriculture—Con.									
Rural Electrification Administration:									
Rural electrification and telephone revolving fund:									
Electric loans	[3] $488,000,000	[4] ($618,000,000)	($618,000,000)	($750,000,000)	($750,000,000)	−$488,000,000	(+$132,000,000)	(+$132,000,000)	
Telephone loans	145,000,000	[4] (140,000,000)	(140,000,000)	(200,000,000)	(200,000,000)	−145,000,000	(+60,000,000)	(+60,000,000)	
Total, loans	633,000,000	(758,000,000)	(758,000,000)	(950,000,000)	(950,000,000)	−633,000,000	(+192,000,000)	(+192,000,000)	
Capitalization of Rural Telephone Bank	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000				
Salaries and expenses	16,720,000	16,720,000	16,720,000	16,720,000	16,720,000				
Total, Rural Electrification Administration	679,720,000	46,720,000	46,720,000	46,720,000	46,720,000	−633,000,000			
Farmers Home Administration:									
Direct loan account:									
Operating loans	(350,000,000)					(−350,000,000)			
Soil conservation loans	(24,000,000)					(24,000,000)			
Total, direct loan account	(374,000,000)					(−374,000,000)			
Rural Housing Insurance Fund:									
Direct loans	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)				
Insured loans	(2,144,000,000)	(1,133,000,000)	(1,500,000,000)	(2,144,000,000)	(2,144,000,000)		(+1,011,000,000)	(+644,000,000)	
Reimbursement for interest and other losses	51,461,000	89,170,000	89,170,000	89,170,000	89,170,000	+37,709,000			
Total, Rural Housing Insurance Fund	(2,205,461,000)	(1,232,170,000)	(1,599,170,000)	(2,243,170,000)	(2,243,170,000)	(+37,709,000)	(+1,011,000,000	(+644,000,000)	
Agricultural Credit Insurance Fund:									
Insured real estate loans	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)				
Insured water and waste disposal loans	(300,000,000)					(−300,000,000)			
Emergency loans	(350,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	(−250,000,000)			
Soil conservation loans		(24,000,000)	(24,000,000)	(24,000,000)	(24,000,000)	(+24,000,000)			
Operating loans		[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	(+350,000,000)			
Reimbursement for interest and other losses	56,762,000	74,554,000	74,554,000	74,554,000	74,554,000	+17,792,000			
Total, Agricultural Credit Insurance Fund	1,076,762,000)	918,554,000)	918,554,000)	(918,554,000)	(918,554,000)	(−158,208,000)			
Rural water and waste disposal grants	92,000,000		30,000,000	30,000,000	30,000,000	−62,000,000	+30,000,000		
Prior year unobligated balances	(58,000,000)		(120,000,000)	(120,000,000)	(120,000,000)	(+62,000,000)	(+120,000,000)		
Total, rural water and waste disposal grants	(150,000,000)		(150,000,000)	(150,000,000)	(150,000,000)		(+150,000,000)		
Rural housing for domestic farm labor	3,750,000		5,000,000	15,000,000	7,500,000	+3,750,000	+7,500,000	+2,500,000	−7,500,000
Mutual and self-help housing	3,000,000	3,000,000	3,000,000	5,000,000	4,000,000	+1,000,000	+1,000,000	+1,000,000	−1,000,000
Rural Development Insurance Fund:									
Water and sewer facility loans		[7] (545,000,000)	(445,000,000)	[7] (545,000,000)	(470,000,000)	(+470,000,000)	(−75,000,000)	(+25,000,000)	(−75,000,000)
Industrial development loans		(200,000,000)	(100,000,000)	(400,000,000)	(200,000,000)	(+200,000,000)		(+100,000,000)	(−200,000,000)
Community facility loans		(7)	(50,000,000)	(7)	(50,000,000)	(+50,000,000)	(+50,000,000)		(+50,000,000)
Total, Rural Development Insurance Fund		(745,000,000)	(595,000,000)	(945,000,000)	(720,000,000)	(+720,000,000)	(−25,000,000)	(+125,000,000)	(−225,000,000)
Payment of participation sales insufficiencies		[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	(+1,476,000)			
Salaries and expenses	116,627,000	112,500,000	112,500,000	112,500,000	112,500,000	−4,127,000			
Transfer from loan accounts	(1,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+2,000,000)			
Total, salaries and expenses	(118,127,000)	(116,000,000)	(116,000,000)	(116,000,000)	(116,000,000)	(−2,127,000)			
Total, Farmers Home Administration	323,600,000	279,224,000	314,224,000	326,224,000	317,724,000	−5,876,000	+38,500,000	+3,500,000	−8,500,000
Farm Credit Administration (limitation on administrative expenses)	(5,545,000)	(5,810,000)	(5,810,000)	(5,810,000)	(5,810,000)	(+265,000)			
Independent agencies									
Total, Title II, rural development programs	1,032,581,000	356,822,000	385,822,000	412,822,000	394,322,000	−638,259,000	+$37,500,000	+$8,500,000	−$18,500,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), Conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—ENVIRONMENTAL PROGRAMS									
Independent Agencies									
Council on Environmental Quality and Office of Environmental Quality	$2,550,000	$2,466,000	$2,466,000	$2,466,000	$2,466,000	−$84,000			
Environmental Protection Agency:									
Agency and regional management	41,960,400	50,800,000	54,475,000	55,375,000	54,675,000	+12,714,600	+3,875,000	+200,000	−700,000
Research and development	185,223,700	148,700,000	146,175,000	178,975,000	157,775,000	−27,448,700	+9,075,000	+11,600,000	−21,200,000
Prior year unobligated balances			(13,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)	(+9,000,000)	(−4,000,000)	
Total, research and development	(185,223,700)	(148,700,000)	(159,175,000)	(187,975,000)	(166,775,000)	(−18,448,700)	(+18,075,000)	(+7,600,000)	(−21,200,000)
Abatement and control	217,222,700	243,100,000	265,400,000	291,800,000	273,400,000	+56,177,300	+30,300,000	+8,000,000	−18,400,000
Prior year unobligated balances			(5,700,000)	(1,700,000)	(3,700,000)	(+3,700,000)	(+3,700,000)	(+2,000,000)	(+2,000,000)
Total, abatement and control	(217,222,700)	(243,100,000)	(271,100,000)	(293,500,000)	(277,100,000)	(+59,877,300)	(+34,000,000)	(+6,000,000)	(−16,400,000)
Enforcement	28,894,200	47,400,000	45,950,000	46,850,000	46,150,000	+17,255,800	−1,250,000	+200,000	−700,000
Construction grants	1,900,000,000					−1,900,000,000			
Liquidation of contract authority		(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+600,000,000)			
Scientific activities overseas	4,000,000	4,000,000	2,000,000	4,000,000	2,000,000	−2,000,000	2,000,000		−2,000,000
Total, Environmental Protection Agency	2,377,301,000	494,000,000	514,000,000	577,000,000	534,000,000	−1,843,301,000	+40,000,000	+20,000,000	43,000,000
National Commission on Materials Policy	1,300,000	91,000				−1,300,000	−91,000		
National Commission on Water Quality	200,000	[9] 14,800,000		10,000,000	10,000,000	+9,800,000	−4,800,000	+10,000,000	
Department of Commerce									
National Industrial Pollution Control Council	330,000	323,000				330,000	−323,000		
Department of housing and urban development									
Grants for basic water and sewer facilities									
Prior year unobligated balances	(500,000,000)		[10] (400,000,000)	[10] (400,000,000)	[10] (400,000,000)	(−100,000,000)	(+400,000,000)		
Total, facilities	(500,000,000)		(400,000,000)	(400,000,000)	(400,000,000)	(−100,000,000)	(+400,000,000)		
Department of the Treasury									
Bureau of Accounts:									
Salaries and expenses		1,188,000	1,188,000	1,188,000	1,188,000	+1,188,000			
Advances to the Environmental Financing Authority fund		[11] (100,000,000)	[11] (100,000,000)	[11] (100,000,000)	[11] (100,000,000)	(+100,000,000)			
Total, Bureau of Accounts		1,188,000	188,000	1,188,000	1,188,000	+1,188,000			
Department of Agriculture									
Soil Conservation Service:									
Conservation operations	163,440,000	153,923,000	160,000,000	168,069,000	160,000,000	−3,440,000	+6,077,000		−8,069,000
River basin surveys and investigations	11,859,000	12,351,000	12,351,000	12,351,000	12,351,000	+492,000			
Watershed planning	7,789,000	7,053,000	7 053,000	12,000,000	10,000,000	+2,211,000	+2,947,000	+2,947,000	−2,000,000
Watershed and flood prevention operations	170,049,500	84,847,000	134,000,000	134,000,000	134,000,000	−36,049,500	+49,153,000		
Great Plains conservation program	18,113,500	18,172,000	18,172,000	18,172,000	18,172,000	+58,500			
Total, Soil Conservation Service	371,251,000	276,346,000	331,576,000	344,592,000	334,523,000	−36,728,000	+58,177,000	+2,947,000	−10,069,000
Agricultural Stabilization and Conservation Service:									
Agricultural Conservation Program (REAP):									
Advance authorization (contract authority)	225,500,000		160,000,000	160,000,000	160,000,000	−65,500,000	+160,000,000		
Liquidation of contract authority	(195,500,000)	($15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(−180,500,000)			
Water Bank Act program	10,000,000		(12)	[12] 10,000,000	[12] 10,000,000		+10,000,000	+$10,000,000	
Emergency conservation measures	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−15,000,000			
Total, Agricultural Stabilization and Conservation Service	260,500,000	10,000,000	170,000,000	180,000,000	180,000,000	−80,500,000	+170,000,000	+10,000,000	
Total, title III, environmental programs	3,013,432,000	799,214,000	1,019,230,000	1,115,246,000	1,062,177,000	−1,951,255,000	+262,963,000	+42,947,000	−$53,069,000

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority enacted to date, fiscal year 1973 (2)	Budget estimates of new budget (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conferees (6)	Increase (+) or decrease (−), Conferee recommendations compared with— 1973 enacted (7)	1974 budget estimate (8)	1974 House bill (9)	1974 Senate bill (10)
TITLE IV—CONSUMER PROGRAMS									
Department of Health, Education, and Welfare									
Office of Consumer Affairs	$1, 100, 500	$1, 200, 000		$1, 200, 000	$1, 140, 000	+$39, 500	−$60, 000	+$1, 140, 000	−$60, 000
Food and Drug Administration:									
Salaries and expenses	156, 195, 000	161, 140, 000	160, 590, 000	160, 590, 000	160, 590, 000	+4, 395, 000	−550, 000		
Product safety transfer	(−11, 300, 000)					(+11, 300, 000)			
Prior year unobligated balances	(9, 547, 000)		(3, 000, 000	(3, 000, 000)	(3, 000, 000)	(−6, 547, 000)	(+3, 000, 000)		
Total, salaries and expenses	(154, 442, 000)	(161, 140, 000)	(163, 590 000)	(163, 590, 000)	(163, 590, 000)	(+9, 148, 000)	(+2, 450, 000)		
Buildings and facilities		5, 000, 000					−5, 000, 000		
Prior year unobligated balances	(3, 900, 000)		(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(+1, 100, 000)	(+5, 000, 000)		
Total, buildings and facilities	(3, 900, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(+1, 100, 000)			
Total, Food and Drug Administration (including prior year unobligated balances)	(158, 342, 000)	(166, 140, 000)	(168, 590, 000)	(168, 590, 000)	(168, 590, 000)	(+10, 248, 000)	(+2, 250, 000)		
General Services Administration									
Consumer Information Center	823, 000	635, 000	635, 000	635, 000	635, 000	−188, 000			
Independent Agencies									
National Commission on Consumer Finance	365, 000					−365, 000			
Consumer Product Safety Commission		30, 900, 000	30, 900, 000	30, 900, 000	30, 900, 000	+30, 900, 000			
Transfers from other agencies	(13, 554, 000)					(−13, 554, 000)			
Total, Consumer Product Safety Commission	(13, 554, 000)	(30, 900, 000)	(30, 900, 000)	(30, 900, 000)	(30, 900, 000)	(+17, 346, 000)			
Federal Trade Commission	30, 474, 000	30, 090, 000	29, 600, 000	32, 090, 000	30, 600, 000	+126, 000	+510, 000	+1, 000, 000	−1, 490, 000
Product safety transfer	(−1, 500, 000)					(+1, 500, 000)			
Total, Federal Trade Commission	(28, 974, 000)	(30, 090, 000)	(29, 600, 000)	(32, 090, 000)	(30, 600, 000)	(+1, 626, 000)	(+510, 000)	(+1, 000, 000)	(−1, 490, 000)
Department of Agriculture									
Food and Nutrition Service:									
Child nutrition programs	477, 296, 000	555, 612, 000	555, 612, 000	567, 612, 000	561, 612, 000	+84, 316, 000	+6, 000, 000	+6, 000, 000	−6, 000, 000
Transfer from sec. 32	(119, 165, 000)	(199, 631, 000)	(199, 631, 000)	(199, 631, 000)	(199, 631, 000)	(+80, 466, 000)			
Total, child nutrition programs	(596, 461, 000)	(755, 243, 000)	(755, 243, 000)	(767, 243, 000)	(761, 243, 000)	(+164, 782, 000)	(+6, 000, 000)	(+6, 000, 000)	(−6, 000, 000)
Special milk program	97, 123, 000	25, 000, 000	25, 000, 000	97, 123, 000	97, 123, 000		+72, 123, 000	+72, 123, 000	
Food stamp program	2, 500, 000, 000	2, 200, 000, 000	2, 200, 000, 000	2, 500, 000, 000	2, 500, 000, 000		+300, 000, 000	+300, 000, 000	
Total, Food and Nutrition Service	3, 074, 419, 000	2, 780, 612, 000	2, 780, 612, 000	3, 164, 735, 000	3, 158, 735, 000	+84, 316, 000	+378, 123, 000	+378, 123, 000	−6, 000, 000
Total, title IV, consumer programs	3, 263, 376, 500	3, 009, 577, 000	3, 002, 337, 000	3, 390, 150, 000	3, 382, 600, 000	+119, 223, 500	+373, 023, 000	+380, 263, 000	−7, 550, 000
RECAPITULATION									
Title I—Agricultural programs	5, 429, 603, 200	5, 353, 937, 600	4, 978, 348, 600	5, 258, 708, 500	5, 088, 568, 000	−341, 035, 200	−265, 369, 600	+110, 219, 400	−170, 140, 500
Title II—Rural development programs	1, 032, 581, 000	356, 822, 000	385, 822, 000	412, 822, 000	394, 522, 000	−638, 259, 000	+37, 500, 000	+8, 500, 000	−18, 500, 000
Title III—Environmental programs	3, 013, 432, 000	[9]799, 214, 000	1, 019, 230, 000	1, 115, 246, 000	1, 062, 177, 000	−1, 951, 255, 000	+262, 963, 000	+42, 947, 000	−53, 069, 000
Title IV—Consumer programs	3, 263, 376, 500	3, 009, 577, 000	3, 002, 337, 000	3, 390, 150, 000	3, 382, 600, 000	+119, 223, 500	+373, 023, 000	+380, 263, 000	−7, 550, 000
Total new budget (obligational) authority	12, 738, 992, 700	9, 519, 550, 600	9, 385, 737, 600	10, 176, 926, 500	9, 927, 667, 000	−2, 811, 325, 700	+408, 116, 400	+541, 929, 400	−249, 259, 500
Consisting of:									
1. Appropriations	11, 878, 492, 700	[9]9, 519, 550, 600	9, 225, 737, 600	10, 016, 926, 500	9, 767, 667, 000	−2, 110, 825, 700	+248, 116, 400	+541, 929, 400	−249, 259, 500
2. Reappropriations	2, 000, 000	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	−2, 000, 000			
3. Contract authorizations	225, 500, 000		160, 000, 000	160, 000, 000	160, 000, 000	−65, 500, 000	+160, 000, 000		
4. Authorizations to spend from debt receipts	633, 000, 000					−633, 000, 000			
5. Direct and insured loan level	(3, 548, 000, 000)	(3, 490, 000, 000)	(3, 707, 000, 000)	(4, 893, 000, 000)	(4, 668, 000, 000)	(+1, 120, 000, 000)	(+1, 178, 000, 000)	(+961, 000, 000)	(−225, 000, 000)

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[1] Reflects transfer of Economic Development Division and $2,261,000 to Rural Development Service.

[2] Reflects transfer of $2,261,000 from Economic Research Service for activities of Economic Development Division.

[3] Excludes $107,000,000 of prior year balances available in 1973.

[4] These amounts included in the Rural Development Insurance Fund.

[5] Department requested definite limitation on loans; committee provided indefinite amount.

[6] Department requested indefinite limitation on loans; committee provided definite limitation.

[7] Total of $545,000,000 available for water, waste disposal, and other community facilities.

[8] Indefinite appropriation.

[9] Includes budget amendment of $13,800,000 not considered by House.

[10] $100,000,000 to be transferred to the Environmental Protection Agency for a storm and combined sewer demonstration program in the Great Lakes area.

[11] In addition, the Secretary of the Treasury is authorized to purchase $200,000,000 of the obligations of the Authority.

[12] Unobligated balance of $11,390,820 available for obligation in 1974.

SCHOOL LUNCH EQUIPMENT

Mr. EAGLETON. Mr. President, amendment No. 73, as agreed to by the conferees on H.R. 8619, Agriculture-Environmental and Consumer Protection appropriations for fiscal 1974, is of crucial importance to the future of the national school lunch program. The amendment appropriates $22,110,000 to be spent during fiscal 1974 to provide school lunch equipment for both those schools across the country that wish to participate in the program for the first time and for those who have been longstanding participants and wish to replace their old equipment.

The great need for these funds has been documented by a Department of Agriculture study, private studies, and hearings before the Senate Select Committee on Nutrition and Human Needs. It is an acknowledged fact that there are still 5 million children attending 17,700 schools who have no opportunity to obtain a nutritious noontime meal from the school lunch program because their schools do not serve lunches.

Public Law 92–433, signed on September 26, 1972, contained a provision directing the Department of Agriculture to survey all the States to determine the amount of nonfood assistance funds required to carry out the congressional mandate as set forth in the National School Lunch and Child Nutrition Acts. That survey, which still lacks data from some important States, shows that schools need a minimum of $83 million in nonfood assistance funds immediately to operate school food programs in the manner and to the extent intended by Congress.

As a partial answer to this need, we appropriated the sum of $6 million on June 29, 1973, in the Second Supplemental Appropriations Act for fiscal 1973 for schools to use during the summer of 1973 to purchase kitchen equipment. That sum has just recently been apportioned among the States. Today we are responding further to this urgent need by appropriating another $22,110,000 for fiscal 1974.

Mr. President, I wish to make certain that the Department of Agriculture does not misread our intention. We expect that all of this money, both the $6 million voted on June 29, 1973, and the $22,110,000 we are voting today, will be fully spent during this fiscal year as a step toward fulfilling the intent of Congress that every needy child in the Nation shall have the opportunity to obtain a free school lunch. Any impoundment of these funds would clearly violate that intent.

Mr. BAYH. Mr. President, I must express regret at the decision of the conferees to cut in half, from $20 million to $10 million, the Senate-passed appropriation for implementation of modern techniques to remove sulfur from the stacks of coal-burning electric generating plants.

I offered the amendment proposing this expenditure during subcommittee markup because of the clear and compelling need to meet our growing energy needs in an environmentally responsible manner. Given the inability of domestic oil resources to meet our energy requirements, and recognizing the desirability and need to hold imports of oil as low as possible, we must turn to our abundant coal resources as a key element in meeting energy demand.

Indeed, in pursuing this course of action the administration has adopted the regrettable posture of seeking to relax air quality standards, rather than taking the constructive approach of finding means of burning coal cleanly.

To those who say we must choose between a spoiled environment or an energy shortage, I say that by using our scientific ability and by committing sufficient Federal resources we can have enough clean energy to meet our requirements. This is why I proposed spending $20 million in fiscal year 1974 in demonstration projects designed to remove sulfur from the stacks of plants using high-sulfur coal such as that which we have in my own State of Indiana.

The sum involved is not very great, but the potential benefit, in terms of moving us closer to the point when we can burn our huge coal supplies cleanly, is immense. There are varying estimates on how long known coal reserves will last, but all of those estimates agree that we have enough coal to last hundreds of years.

Given the combined needs to meet the energy needs of the American people and to keep our air from undergoing further degradation, the only course open to us is to speed research, development, and implementation of modern means of controlling sulfur emissions from coal-fired plants. The decision of the conferees to reduce this appropriation will postpone the day when that goal is realized.

Such action provides an unfortunate measure of support for the irresponsible course of action being sought by the administration. Rather than surrendering the quality of air in order to generate energy, we should rise to the challenge and seek enough clean energy to satisfy the requirements of American consumers and industry.

HOUSE CONCURRENT RESOLUTION 315—CORRECTION OF AN ENGROSSED BILL

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 315.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 315 which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 8619) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, is authorized and directed to make the following change: In lieu of the word "Community" on page 21, line 23, of the House engrossed bill, insert the word "Commodity".

Mr. McGEE. Mr. President, I ask unanimous consent for the immediate consideration of this concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 315) was considered and agreed to.

QUORUM CALL

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 9, 1973, the President had approved and signed the following acts:

S. 464. An act for the relief of Guido Bellanca; and

S. 2075. An act to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource development.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the House to the amendment of the Senate to bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

WAR POWERS RESOLUTION OF 1973—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CLARK). Under the previous order, the Senate will now proceed to the consideration of the conference report on House Joint Resolution 542, which will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there

objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 4, 1973 at pp. 33036–33038.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, without the time being charged against either side for the recess, that the Senate stand in recess until the hour of 12:30 p.m. today.

There being no objection, at 12:06 p.m., the Senate took a recess until 12:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the role.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS RESOLUTION OF 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The PRESIDING OFFICER. The question is on agreeing to the conference report on House Joint Resolution 542. Time for debate on this conference report is limited to 3 hours to be equally divided and controlled by the Senator from Missouri (Mr. EAGLETON) and the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I would like first to say that the two principal Senate sponsors of this legislation were the Senator from New York (Mr. JAVITS) and the Senator from Missouri (Mr. EAGLETON). There were others. However, the principal sponsors took the greatest amount of time and spent a great deal of effort on it.

As far as the House was concerned, Representative ZABLOCKI devoted a great deal of time to this matter. The conference committee had five or six quite long conferences on the matter and devoted a great deal of attention to it. There was a great deal of staff work.

I consider that this is a very good example of a genuine compromise between the views of the House and the Senate. And I think that it is an excellent solution to the different views which developed in the course of this effort.

I feel that this legislation is a follow-on from the commitments resolution passed by the Senate some 4 years ago, I believe. And it is an effort to define the legitimate constitutional responsibilities of the legislative branch and the executive branch in the field of foreign policy, with particular reference to the war powers, which the Constitution really delegates to the Congress.

Mr. President, I will not read all the specifics. I will only call attention to parts of it. The area in particular which aroused the greatest controversy is contained in section 2 (c). I will read that for the RECORD:

> (c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations wehre imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Mr. President, that was the area which caused the greatest amount of concern and difference and finally a compromise. The House did not undertake to specify such specifics especially, except that they recognized that they may introduce our Armed Forces into hostilities.

The matter caused a great deal of soul-searching. There are those who still feel that we should not attempt to state this affirmatively in view of the constitutional decisions that these powers are still in the Congress.

I think it is a reasonable compromise.

In addition to that specification, the other provision, with regard to consultation, is to me the most fundamentally important of all. There are, of course, specific regulations or guidelines for congressional action in case that a contingency does result in the introduction of Armed Forces into hostilities. They are all important, but on principle these two provisions are extremely important.

It has been reported in the press that the President will veto this legislation. That report, however, was made long before we concluded the conference, so it puzzles me why they would be so premature in their judgment about a piece of legislation when they could not possibly have known what the final form of it would be. I reiterate, as I stated on the day we concluded the conference, that I do hope the Executive will take this seriously and will reconsider that decision as it has been reported, and at least study the matter and see if it is not possible, at this late date in the controversy between the legislative and the Executive, to accept this legislation.

I do not believe that in any substantial way at all it encroaches upon the prerogatives of the commander in chief, the President. I think it merely recognizes some of his prerogatives that have been established by tradition. There is a question about some of that being really constitutional, if you are a strict constructionist, but in any case we have recognized it, and I would again urge the President to take a very good look at the final form which has just been reported only a few days ago, on October 4, I believe it was, and see if it is not possible for him to accept it.

Even though the President does reject it, which I sincerely hope he will not, and I urge him not to, I think the document still stands as a very important expression by Congress on this subject of the responsibility of Congress and the Executive in the field of making war. So, as I have said in the course of the debate and the discussions in the conference, I regard it as a very important political instrument for the guidance of future Presidents, whether or not the present President accepts it.

I think it would be a mistake on his part and on the part of the executive branch to reject it and thus emphasize continuing differences of views as to what the proper role of Congress is in this field. So I very much hope he will accept it, but I would not for a moment state that this was a vain exercise, even though he does not, because it will stand for the future, I think, as a most responsible and effective statement of the delineation of the lines of responsibility between the executive and the legislative branches of our Government.

I wish to compliment the staff on both sides. I thought the staff work by both the House and the Senate was excellent. And, of course, above all I commend the patience and the devotion of the Senator from New York (Mr. JAVITS) in bringing this matter to fruition. Senator JAVITS' assistant, Mr. Lakeland, gave this matter practically his full time for a very long time, and brought to it a great deal of knowledge, patience, and industry.

I will say for the record that in the beginning there was a difference between my views on this subject, which I have mentioned—that is, on section 2(c)—about the wisdom of specifying these incidents. I was fearful that in undertaking to specify, we would enlarge rather than contain or restrict the powers of the Executive to engage us in warfare.

I was very worried about that; as a matter of fact I filed, which I rarely do, minority views in the committee report on the Senate bill; but I am bound to say that as a result of a conscientious conference and the willingness of the principal sponsor, Mr. JAVITS, to accept some modification of his views, I believe we have the best possible result. I personally believe, with all deference to the Senator from New York and Representative ZABLOCKI, that the version which we finally adopted is superior to either the House or the Senate bill as originally passed. This is one case in which I really believe the work of the conference is a distinct improvement upon the work of either of the Houses in their initial stages.

There were only two members of the conference, both of them from the House of Representativse, who declined to sign the final report. All the Senate conferees signed it. So I think that speaks well for it.

I hope very much that both Houses, and especially the Senate, will agree to this conference report by an overwhelming endorsement. I do not like to prophesy, but I sincerely hope that the Senate, at least, would be able to override a veto if the President should take that action.

I again say, in closing, that I hope the President will review this matter most carefully and see if he cannot accept it. If he does that, of course, he will give it added prestige and added strength, and I believe that would go far toward reconciling, if I may use that word, the relations between the executive and the legislative, which, as we all know, have become strained by differences growing up as a result of the Vietnam war, so that we may pass on to a period of greater cooperation between the legislative and executive branches, if the President can find it possible to accept the bill.

I think it is a very important bill, and I commend it to the Senate.

Mr. JAVITS. Mr. President, will the Senator yield me 10 minutes? I believe he controls the time.

Mr. FULBRIGHT. I am happy to yield the Senator whatever time he wishes within the limitation of the agreement.

Mr. JAVITS. Mr. President, other Senators wish to speak, and 10 minutes will be adequate for me.

First, let me say that I deeply appreciate the fine words of my chairman as far as my own participation is concerned. I return the compliment; he was a splendid presiding officer in conference. He had profound views of his own, but he subordinated those to defend the Senate bill, and I believe was a decisive factor in the result which was obtained.

I, too, do not wish to omit the tremendous credit which is due to the House conferees, to Representative ZABLOCKI, who was the principal factor in bringing about a House bill and a House agreement, and among his colleagues, especially Representative FASCELL, Representative FRASER, Representative FINDLEY, and Representative BROOMFIELD, and on the Republican side, nor to omit giving credit to the staff. Mr. Lakeland, my own assistant, was very effective, and Mr. Tillman, Senator FULBRIGHT's assistant, who worked under Carl Marcy, our committee's distinguished chief of staff; and on the House side, Jack Sullivan, George Berdis, Lou Gulick, and Everett Bierman, who worked under the direction of Marian Czarnecki, the chief of staff of the House Foreign Affairs Committee.

Mr. President, I agree with Senator FULBRIGHT, that this bill as it has now come back, as a measure of reconciliation, is an excellent vehicle for expressing the congressional will perhaps better than either of the preceding bills.

The House and Senate conferees have, in my judgment, succeeded beyond expectations in synthesizing genuinely strong and viable war powers legislation from the divergent bills passed earlier by the Senate and House respectively. Some had expressed doubt that it would be possible to reconcile the Senate and House bills in conference because of the structural and conceptual differences in the two bills. The pessimists, however, have been proved wrong by the results.

At the end of the conference conferees expressed the view that the best elements of the Senate and House bills had been blended into a new document which stands very much on its own feet. I share that view. Throughout the conference, a sense of historic opportunity and responsibility pervaded. The conferees on both sides asserted throughout their determination to achieve a successful and affirmative result, even on those occasions when progress appeared to be stymied. There is no doubt in my mind that the extraordinary accomplishment of the conferees is a reflection of the national mood and the force of history—which served to shape the work which had been entrusted to the conferees.

In essential terms the conferees were called upon to agree on legislation intended to serve the historic purpose of assuring to the American people that "due process" will be observed with respect to involving our Nation in war. Due process with respect to war is probably the most vital concern and requirement to the American people today, especially in light of the extreme agony inflicted upon our Nation by the Vietnam war—a war respecting which "due process" was conspicuously not observed in the course of committing our Nation to war.

I have been asked whether this is an untimely moment to bring up the conference report in view of the Middle East crisis.

My view is that it is a most timely moment to bring up the conference report and to make every Member search his own conscience in both the House and the Senate, and our President, too.

I thoroughly agree with the Senator from Arkansas (Mr. FULBRIGHT) on that. I cannot believe the President of the United States, with respect to a measure passed by heavy majorities in the House and Senate dealing with the fundamental question of reassurance to the American people on the issue of war or peace, would make an advance decision, before he even saw the text of the bill, that he will veto it. I believe that the President of the United States is a man of the stature to review this in light of the issues before the country and our historic experience.

I say that this is a timely moment precisely because it is a moment of danger. It is well known that I have a very deep sympathy for Israel in her struggle for survival, but I want our country to participate in no conflict. I do not want our country to put its Armed Forces in any imminent danger of a conflict, unless Congress and the President concur.

Mr. President, the time when you prove something is in a moment of crisis precisely like this. So, it is timely—not untimely, that we bring this conference report before Congress.

In the final analysis, that is all this bill does. It simply insures that an affirmative decision, which is of critical importance, can be taken only by the President and the Congress acting together. That does not mean unanimously but it does mean the necessary majorities in both Senate and House.

On April 13, 1972 the Senate passed the War Powers Act for the first time by a vote of 68 to 16; on July 20, the Senate again passed the War Powers Act by a vote of 72 to 18. And, because of the extensive consideration which was given to the War Powers Act, most Senators are familiar with the provisions and mechanisms of the Senate bill. Moreover, the report of the Foreign Relations Committee accompanying S. 440, the War Powers Act, contained an extensive explanation of the bill's provisions. Inasmuch as the conference report represents a blend of the Senate and House measures, and consequently differs in some material respects from the Senate text, I believe it would be useful to explain the provisions of the conference bill in somewhat greater detail than is contained in the joint statement of managers contained in the conference report.

THE AUTHORITY ISSUE

A principal feature of the Senate bill was its delineation of the emergency authority of the Commander in Chief to introduce U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances contained in section 3. In the Senate bill, the "authority" section constituted the main triggering mechanism for the subsequent provisions of the legislation. The House bill contained no "authority" provision comparable to the Senate's section 3. The Senate conferees receded from making the delineation of authority the central triggering mechanism of the legislation in deference to the strong wishes of the House conferees. However, at the insistence of the Senate conferees a strong, clear statement respecting the authority issue has been written into the agreed-upon legislation in section 2(c).

In the compromise legislation, section 2(c) serves the important purpose of stating the parameters of the President's authority as Commander in Chief "to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In this respect, it is an important element in the legislation. As a statement of law, section 2(c) is important as a refutation of excessive and overblown claims of authority argued in recent years by executive branch lawyers for the President. The Senate conferees insisted upon the inclusion of the language of section 2(c) because, to establish the parameters of the authority of Congress, it is essential to delineate the parameters of the President's authority.

In explaining section 2(c) in the joint statement of the managers, the wording reads as follows:

> Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Subsequent sections of the joint resolution are not dependent upon the language of this sub-

section, as was the case with a similar provision of the Senate bill (section 3).

In stating that subsequent sections of the legislation are not "dependent" upon the language of section 2(c), it merely takes note of a fact—unlike the Senate bill, the delineation of authority in section 2(c) is not the triggering mechanism for the subsequent provisions of the bill. There is, however, a very direct and important relationship between the declaration of authority contained in section 2(c) and the other provisions of the conference bill. In effect, section 2(c) declares the President's authority, while the subsequent provisions provide a mechanism for carrying into effect the authority of the Congress; thus, it provides the setting for the "due process" meshing of the authority of the President and the Congress with respect to committing the Nation to war.

CONSULTATION

Section 3, the provisions establishing a statutory requirement of advance consultation as well as continuing consultation with the Congress, is to be read as maximal rather than minimal. The consultation requirement is not discretionary for the President; he is obliged by law to consult before the introduction of forces into hostilities and to continue consultations so long as the troops are engaged. This section does take account of the contingency that there may be instances of such great suddenness in which it is not possible to consult in advance. In such situations the actions of the President would still be governed by the declaration of authority in section 2(c).

It is important to note that, while consultation is a statutorily established requirement in this legislation, the President does not acquire or derive any authority respecting the use of the Armed Forces through the consultation process per se—although "consultation" may lead to a declaration of war or the enactment of specific statutory authorization. In other words, consultation is not a substitute for specific statutory authorization.

Section 3 is rather intended to reestablish the historic, consultative tradition between the executive and the Congress respecting foreign affairs and international security matters, which has generally prevailed throughout our Nation's history. The breakdown in recent years of this consultative tradition has contributed heavily to strains between the executive and the Congress, and in my judgment is an important contributory element in the constitutional crisis now confronting our Nation with respect to the war powers.

REPORTING

In section 4 the legislation establishes comprehensive, mandatory reporting requirements. Section 4(b) makes provision for the Congress to obtain, as a matter of right and by law, "such other information as the Congress may request"—over and above the extensive information which must be provided automatically under the terms of section 4(a). The initial report required of the President is to be submitted within 48 hours of the causal event.

Section 4 constitutes the triggering mechanism for subsequent congressional action to extend or foreshorten the 60-day period. The 60-day clock begins to run from the time the report is due—48 hours after the causal event. Any delay in the submission of the required report would be an infraction of the law and specifically would not extend the 60-day time period.

CONGRESSIONAL ACTION

The termination provisions of section 5 apply only with respect to section 4(a) (1) — "the introduction of U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." Sections 4(a)(2) and 4(a)(3), which concern sensitive peacetime deployments of the Armed Forces, are not covered by the automatic termination provisions of section 5. They are covered by the mandatory reporting requirements of section 4.

Section 5(b) is pivotal language. It provides:

> The President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States.

Section 5(b) also provides that the specified 60-day period can be extended for up to an additional 30 days if "the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of U.S. Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

This tightly drawn language is designed specifically to meet a limited emergency contingency in which U.S. Armed Forces might be trapped or so heavily engaged in hot combat on the 60th day as to make their safe extrication by the 60th day impossible. No one would expect our forces to have to stop defending themselves on the 60th day if the Commander in Chief had not achieved their safe removal by that date.

It is very important to note that the criteria are very specific and restricted; they concern the physical safety of our forces and only pertain "in the course of bringing about a prompt removal of such forces." This certification provision may not be used to pursue any other purpose or policy objective than that of safeguarding the physical safety of the U.S. forces in question.

Section 5(c) provides that the Congress can foreshorten the 60-day time period by concurrent resolution. Use of the concurrent resolution device to foreshorten the time period is restricted to the initial 60-day period provided in section 5(b). It would not apply to any extensions to the 60-day period which Congress may have made by law, or to any time periods established in prior or subsequent specific statutory authorization enacted by the Congress as provided in various sections of the bill. Moreover, the concurrent resolution procedure would not apply to the 30-day period during which the President could certify military necessity respecting the safe removal of forces.

CONGRESSIONAL PRIORITY PROCEDURES

Sections 6 and 7 establish detailed procedures for congressional consideration of legislation proposed to extend—or foreshorten—the 60-day period. While section 6 and section 7 mandate very detailed procedures, it is provided that either body can modify the mandated procedure at any stage by yea and nay vote. This is included to assure full flexibility to the Congress.

INTERPRETATION

Section 8 contains important definitions with respect to various sections of the bill. It consists mainly of language from the Senate bill. It defines "specific statutory authorization" and establishes that no treaty is to be interpreted as being self-executing—that all treaties require implementing legislation to qualify as "specific statutory authorization." Section 8(b), derived directly from the Senate bill, makes it clear that the legislation is not intended to disrupt the NATO command structure. In addition, section 8(c), also taken directly from the Senate bill, explicitly brings the assignment of advisors and irregulars under the provisions of the bill.

This bill represents a critical departure from the past. That is why I have called this legislation an "historic term." Without this bill there has been a fuzzy area. The only means left to the Congress for extricating our Nation from a conflict was the money cutoff. We tried that for 5 long years after sentiment coalesced in the Senate with respect to getting out of Vietnam. We got nowhere with it because there were always so many complications. First, there was the barrier of a Presidential veto. Then such questions as where is the particular money going into a particular war, and what about leaving our men stranded in the field without the means to fight a war? Considerations of that character tended to prevail.

If the only route is the money route, that route is always still available to the Congress whether we pass this bill or not.

The Constitution says nothing whatever about the President's initiating or making any war. A President is Commander in Chief, period. That is all. It is what is read into those words that have caused this doctrine to be erected for over 200 years; that is, in order to have a man known as a "strong" President, he had to carry out a war, otherwise he was not known as a "strong" President. That goes right through our history.

That is the historic thread in our history which we are breaking. We should break with it. It is high time that we did.

The Senator from Arkansas (Mr. FULBRIGHT) has already spoken about what is the principal area of accommodation between House and Senate aside from the very fine additions respecting consultation and reporting to which I have already referred.

But the great point of difference was that the Senate bill added a provision in it which delineated the authority of the President and made it law, that his emergency authority to proceed unilaterally extended only to a national emergency defined as an attack on our forces, an attack upon our territory, or a specially defined endangering of the lives of American citizens abroad.

The House strongly objected to such a delineation, so we took a different approach. In its place we made a declaration of what the Constitution says or means as to the constitutional authority of the President as Commander in Chief to act in an emergency. What is an "emergency" in this context? So we declared what we consider the constitutional situation to be.

Perhaps we may have to struggle with this problem. But in order to put the President on notice as to the parameters of his authority, declare what we consider to be the Presidential powers to be with respect to the definition of a national emergency which would entitle him to introduce our Armed Forces into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

We have made the bill operative upon what we called in the conference performance test—to wit, actually putting the troops into hostilities or imminent danger of hostilities. That is what triggers the bill. The President is required to report to us, when such a step is taken.

Mr. President, the statement of managers on this point is all right, so far as it goes, but it does not go far enough. By declaring what is the President's authority to be under the Constitution, we have the right to determine, when he sends in a report, which he is obligated to do under three broad categories set forth in section 4(a) whether it is a report which comes under the 60-day time limit. This is emphasized by section 8 (d)(2), to which I invite the attention of Senators, which states that nothing in the joint resolution:

> (2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

Those are the operative words: "Which authority he would not have had in the absence of this joint resolution."

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MUSKIE. Principally to emphasize the importance of the point the Senator is making, I should like to put it in another context.

The war powers bill is not viewed by those who have studied it as an attempt to define completely the constitutional division of powers between the President and Congress. It is clear that it cannot admit the President's power to be able continually to assert war-making powers in excess of those to which Members of Congress will agree. Members of Congress will continue to challenge the President's assertion of war powers. What we undertake to do here is to cover cases in which there is disagreement as to whether the President has powers, and cases in which there is no disagreement as to those powers. In either case, the operative authority is the law which Presidents must consult.

Mr. JAVITS. Mr. President, the distinguished Senator from Maine was one of our most esteemed conferees. He made an enormous contribution to the result. I respect that contribution of the Senator and his delineation of what we were doing. I wish to add only this further point, which I was trying to make.

At that stage where the President does report, Congress may very well decide that the report is one covered by section 4(a)(1) of this particular measure, and therefore does trigger the 60-day period, even though he may not think so. That is critical and it connects the provisions of 2(c) with the provisions of section 8(d).

It is true that such a conflict would have a political resolution. But it would differ from the present, in that the President might find it to be a risk in which he would have no legal authority.

Mr. MUSKIE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MUSKIE. I add this point. I think the bill should be known as the Javits-Zablocki bill, and I want to pay that tribute to the outstanding leadership of the distinguished Senator from New York and the distinguished Representative from Wisconsin for working out the conference report.

At the outset of the conference, I was mystified as to whether it would be possible to blend or meld two such seemingly opposite approaches to the war powers issue. Because of the leadership of Senator Javits and Representative Zablocki, that issue was resolved, and I think we have before us a better bill than when we went into conference. So I do pay my most respectful tribute to the Senator for that accomplishment.

Mr. JAVITS. Mr. President, I thank the distinguished Senator very much. Would the Senator desire some further time at this present moment?

Mr. MUSKIE. Yes, I would appreciate that.

Mr. JAVITS. Mr. President, I am ready to yield to the Senator from Maine. How much time does the Senator desire?

Mr. MUSKIE. Mr. President, I will yield to myself 10 minutes.

The war powers resolution represents a powerful reaffirmation of congressional responsibility in the warmaking sphere. It will surely be one of the historic accomplishments of this Congress—and a great accomplishment for the country if this bill prevails over a threatened presidential veto.

Let me say, in addition, that if the bill is vetoed, and even if the veto is sustained, I think the effect on the relationship between Presidential and congressional warmaking powers upon future Presidents and future Congresses will be positive and helpful. I doubt whether this President or future Presidents will actually ignore this expression of congressional sentiment on this issue.

The purpose of the war powers resolution is not to alter the Constitution, as executive branch officials profess to believe, but to restore and fulfill the intent of the Constitution in matters of war and peace. The essential purpose of the resolution is to define—more exactly to reaffirm—the constitutional authority of Congress to decide whether and when our country will go to war. In no sense is this legislation intended to encroach upon or to detract from the authority of the President as Commander in Chief, including his authority to repel attacks upon the United States or its Armed Forces.

It is sometimes contended that declarations of war are obsolete in international practice, and that because they are, the power of Congress to declare war is also obsolete. This argument is spurious. The framers of our Constitution did not confer upon Congress a power to use those magical words "declare war" and no others; the power they conferred upon Congress was to decide whether or not, and under what circumstances, the United States would make war upon another sovereign nation.

Nor is the war power in the slightest degree ambiguous, as advocates of executive latitude profess to believe. The framers of the American Constitution were neither hesitant nor vague in their conferral of the war power upon Congress. The reasoning of the Founding Fathers is a matter of historical record: Dismayed by the arbitrary power of the British Crown to drag the American colonies into unwanted wars, they vested the authority to initiate war in the legislature, transferring that power, as Jefferson put it, "from those who are to spend to those who are to pay." In testimony before the Foreign Relations Committee in support of the Senate bill, Prof. Raoul Berger of the Harvard Law School stated:

> The power to wage war, it may be categorically asserted, was vested by the Constitution in Congress, not the President. If this be so, your bill merely seeks to restore the original design. It cannot be unconstitutional to go back to the Constitution.

The resolution which the Senate and House conferees agreed to has the following basic provisions: First, whenever the President sends troops into combat without a declaration of war, or other specific authorization of Congress, he must notify Congress within 48 hours and must cease the combat activity or deployment within 60 days unless Congress grants approval for continuation by a majority of both Chambers. Second, it also provides that the initial 60-day period can be extended 30 more days if the President certifies to Congress in writing that "unavoidable military necessity respecting the safety of the U.S. Armed Forces" requires the additional time. After that, all activity must cease unless both Houses approve continuation. Third, if Congress wants the combat activities or deployment stopped before the 60 or 90 days are up, it can order the President to cease by concurrent resolution. Such a resolution does not require a Presidential signature and therefore cannot be vetoed.

Mr. President, the war powers resolution is properly regarded as legislation which should not have been necessary, and would not have been necessary, if Congress and the President had remained within their respective constitutional spheres.

Three decades of total war, limited war, and cold war have propelled the American political system far along the road to Executive domination in the conduct of foreign relations. This has been, to some degree, the result of Presidential usurpation. To some degree it has been the result of congressional lassitude and unquestioning support of Presidential leadership. But most of all, it has been the result of war itself, and of these past three decades of constant crisis and disruption.

Mr. President, as matters now stand, the Congress exercises no more than a marginal influence on decisions as to whether the Nation will be committed to war. The purpose of the war powers resolution is to draw the Congress back from the periphery to the center of this most crucial area of decisionmaking. To this end it is neither sufficient nor necessary for Congress to come to the Executive as a suppliant, pleading for and relying upon promises of consultation. Experience has shown that such vague reassurances are readily given but rarely implemented. If Congress is to recover its war power, it will have to do the job for itself—that is a certainty.

The view of the Executive—executives, I might add, of both parties—has been amply demonstrated in the course of the war in Indochina, which was preeminently a Presidential war. For a time, the controversial and unlamented Gulf of Tonkin resolution provided at least a facade of constitutionality for the war. President Johnson himself, however, while maintaining that the Tonkin resolution was a valid authorization, also maintained that he needed no authorization. He expressed this view in a press conference on August 18, 1967, stating that the purpose of the Tonkin resolution had been to allow Congress to "be there on the takeoff" as well as on the "landing," although Mr. Johnson stressed "we did not think the resolution was necessary to do what we did and what we're doing."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 additional minutes.

Mr. MUSKIE. Mr. President, when the Tonkin resolution was finally repealed on January 12, 1971, the repealer went virtually unnoticed—clearly indicating its insignificance. The Nixon administration did not even bother to oppose the repeal of the Tonkin resolution, quite obviously because the President thought himself at liberty to pursue the war without it. The Nixon administration explained that it "has not relied on or referred to the Tonkin Gulf resolution of August 10, 1964, as support for its Vietnam policy."

Throughout the course of the Vietnam war, and especially after the repeal of the Tonkin resolution, the Nixon administration maintained that its authority to wage war in Indochina was based upon its obligation to protect the American troops that had been placed there by the Johnson administration. The general thesis of the Nixon administration was reiterated by Secretary of Defense Laird when he was asked on April 18, 1972, to explain on what authority the President had renewed the heavy bombing of North Vietnam. The Secretary answered:

> It is the protection of the American personnel. You don't need any more authority than that . . . that is sufficient, complete and total.

When our troops were finally withdrawn from Vietnam, and the Tonkin resolution repealed as well, the administration then retreated to new and even swampier ground for the defense of its continuing air war in Cambodia. Its explanations of American participation in that war, now happily ended, could scarcely be dignified as legal arguments—they were more in the nature of evasions and rationalizations.

In the end, advocates of unrestricted Presidential war power are forced back upon the contention that the framers of the Constitution were uncertain and ambiguous about where they wished to vest the authority to initiate war. So Secretary Rogers contended in his presentation to the Senate Foreign Relations Committee on May 14, 1971. So, too, the State Department memorandum of April 30 commends the framers of the Constitution for "leaving considerable flexibility for the future play of political forces."

The view of the Senate and House conferees, as embodied in the conference report before us, is that the Constitution is not at all imprecise in allocating the war powers. We believe the Constitution is quite specific—as the framers intended it to be—in giving Congress the authority to decide on going to war and in giving the President the authority, as Commander in Chief, to respond to an emergency and to command the Armed Forces once a conflict is underway. In short, we believe the Constitution gives Congress the authority to take the Nation into war, whether by formal declaration of war or by other legislative means, and the President the authority to conduct it.

In order to restore this classical constitutional definition of authority, I commend to my colleagues the adoption of this conference report.

Mr. HUMPHREY. Mr. President, will the Senator yield to me about 7 minutes, if he has some time?

Mr. MUSKIE. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, first I wish to commend the distinguished Senator from Maine for his leadership in this important legislation. I think it represents one of the finest legislative accomplishments in my memory, and I have been in this body for many years. I want to also commend the distinguished Senator from New York, who has been the driving force in bringing about what we call the War Powers Act. The conference report represents a sensible, reasonable adjudication or modification of the two bills as passed by the respective Houses, and I hope that it will be overwhelmingly approved here in the Senate.

Many of our colleagues have stated that the Congress possesses the constitutional basis for playing a meaningful and vigorous role in the development of foreign policy.

I believe this, and I believe that the record of the history of this Republic underscores the fact that Congress can and should play a very meaningful role in all matters of foreign policy and national security.

Unfortunately, power granted has not always meant power accepted. In fact, we have all witnessed the steady erosion of congressional power and prerogatives in the field of domestic and foreign policy.

When any President takes powers previously unknown to him—as this and other Presidents have done—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Presidential power has grown at the cost of diminished accountability and public scrutiny of executive branch activities. And it has grown at the cost of respect for and confidence in the constitutional processes of government.

I would not want to have my remarks interpreted as my believing in a weak Presidency. On the contrary, I believe in a strong Presidency, one in which prompt action can be taken, but, above all, in which leadership is exercised not only in governmental affairs but in all matters of private and public concern.

The Presidency is indeed the focal center of power and of interest in this country, and I do not want to see the Office of the Presidency diminished or demeaned in any way in terms of its responsibilities under our Constitution. Indeed, there is a long overdue need of examining the Presidency in light of the conditions in the 20th century, and also the conditions that may very well prevail in the 21st century.

In the field of foreign policymaking, Presidents have been able to base their actions not on legislative authority, but on inherent powers vested in the Presidency.

Since the end of the Second World War a unique combination of events and forces has been responsible for expanding Presidential power in foreign policymaking.

The international climate of cold war, a spiraling arms race, and intermittent regional clashes have provided Presidents with great latitude to conduct foreign policy and mobilize public support.

Strong Presidential personalities have been an important factor in this phenomenon. Strong willed men in the oval office have added to the perception that only the President can act in foreign policy matters and protect the national interest.

Finally, the Congress, lacking staff, expertise, information, and will, has been overwhelmed by the executive juggernaut.

This Congress appropriates, as other Congresses have, millions of dollars for the executive branch for additional personnel, millions of dollars for additional facilities, millions of dollars for information retrieval systems, millions of dollars for research; and treats itself as if it were the international pauper. It is ludicrous.

I am not here to condemn the President for his exercise of power, because we have permitted that. We talk about a permissive society. Congress is woefully guilty of permissiveness with the executive branch that violates the spirit, the language, and the intent of the Constitution.

I have served in the executive branch, and I want to tell you, it is eay to roll this body, because the executive branch comes in with power, comes in with information, is able to mobilize public opinion; and this Congress and other Congresses—I speak of the Congress as an institution—willingly and gladly supplies resources to the executive branch so it can exercise its will. And when it comes to ourselves, we are afraid. We are fearful men. We are afraid to go home and face our constituents. We will not even provide a parking lot. And yet we will provide for the executive branch of Government marble halls. I think we ought to examine ourselves as we examine the executive branch. "Know thyself," somewhere it is written. We prefer to know others.

The result of all of this has had very serious policy implications. The most serious is the almost total abandonment of a tradition of self-discipline and restraint in the use of power.

I am not exaggerating when I say that, with very few exceptions, the power to initiate and wage war has shifted to the executive branch.

The problem of "Presidential war"—the most serious constitutional issue before us today—is not unique to Richard Nixon. But he has gone further than any other Chief Executive in claiming an unlimited right to commit American forces to combat by his own initiative.

The Congress, in a spirit of bipartisanship, stands ready to correct this grave constitutional imbalance.

We have developed and agreed upon legislation which will limit a President's warmaking authority without curbing his role as Commander in Chief and protector of the Nation's security.

In the final version of the war powers legislation before us, the Congress is saying to the President: "We have a right and responsibility to share with the executive branch the awesome decision of committing American forces to combat."

It is unfortunate, even tragic, that a veto cloud now hangs over the War Powers Act. If vetoed, all of the pious words about bipartisanship and shared power will be lost in a Presidential pronouncement reinforcing the concept of unchecked power.

I do not think it is right for the executive branch to hold over Congress a constant club of a veto unless the President gets his way, particularly on this vital issue that is covered in the Constitution of the United States itself, the power to wage war.

If there is one lesson to be learned from more than a decade of war in Asia it is that a democratic society cannot long endure the stresses and strains resulting from the unshared moral and political burden of sending a nation's sons to war.

Mr. President, I strongly support the conference report.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I hope that the conference report will be adopted. And I trust that none of us will shirk from our responsibility on this legislation simply because we have heard by the news grapevine that somehow or other the President may veto it.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from New York. I asked for this time only because I want to make it very clear that the Senator from New Jersey is not only wholeheartedly behind this legislation, but is also enormously grateful for the contribution that the Committee on Foreign Relations made, and most particularly for the contribution made by the Senator from New York (Mr. JAVITS).

This is not the precise bill that the Senator from New York first introduced. It was hammered out in committee at first, and then in conference with the House.

I think the final product is excellent, both in substance and as a symbol of the exercise by this body and by the Congress as a whole of its responsibility. This could not have been done without a combination of the wisdom, tenacity, and great understanding possessed by the Senator from New York as demonstrated all the way through. In mentioning the Senator from New York, I want also to mention his counterpart in the House, Representative ZABLOCKI, who did tremendous work both in the House and in the committee and in the conference in which I was privileged to share.

I commend the Senator from New York and wish him well in all matters, and particularly wish for him a long continuation in the kind of service he has rendered in this instance.

Mr. JAVITS. Mr. President, I am very grateful to my colleague. I can only affirm that without him and the other conferees we would not be here in this posture today.

I thank him as an old friend and colleague.

Mr. EAGLETON. Mr. President, I believe I have an hour and a half in opposition.

The PRESIDING OFFICER. The Senator is correct.

Mr. EAGLETON. I yield 5 minutes to the distinguished Senator from Arizona.

A CONSTITUTIONAL ALTERNATIVE TO WAR POWERS LEGISLATION—IMPROVED PROCEDURES FOR INFORMATION AND CONSULTATION

Mr. GOLDWATER. Mr. President, I rise to speak in opposition to the conference report resolving the differences between the Senate- and House-passed versions of the war powers legislation. I have previously identified for my colleagues the many reasons why I believe this legislation violates the constitutional allotment of war powers devised by the Founding Fathers and why the only legal recourse for those who wish to vest all the warmaking and foreign policy powers with Congress is to start the machinery for changing the Constitution.

Today I wish to address myself to another fundamental reason why the war powers bill should not be passed. To put it simply, the legislation is not necessary.

I might say, Mr. President, with reference to the conference, that I think if the Senate is interested in an effective bill, assuming that legislation is the way to approach the matter, we should pass one. This conference report, Mr. President, I could probably actually vote for, because it gives the President even broader powers than the authors of the original bill thought they were correcting.

The real answer to increasing the role of Congress in this field——

Mr. EAGLETON. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. EAGLETON. Did I correctly hear the Senator say that in some respects he even considered voting for the measure, because this bill as presently drafted gives the President greater powers to wage one-man war than he had before?

Mr. GOLDWATER. I would not vote for it under any circumstances.

Mr. EAGLETON. I commend the Senator.

Mr. GOLDWATER. But I do think that from the conference report, for example, it appears to me that the President is no longer prohibited from initiating original actions. He needs only to report during the first 60 days.

Mr. EAGLETON. The Senator is precisely correct.

Mr. GOLDWATER. This language puts into the law language that is not contained in the Constitution, but only assumed to be there because of the delegation of Commander-in-Chief powers to the President. If I were looking for a reason to change my mind, that would be it.

Mr. EAGLETON. I agree with the Senator completely on that point.

Mr. GOLDWATER. The real answer to increasing the role of Congress in this field lies within the basic scheme designed by the framers who intended that the two political branches of our Government, the executive and legislative, should work in a spirit of cooperation and consultation as much as possible. Criticism and restraint is of course contemplated, but the rigid rules of the war powers bill would, instead of providing for this, curtail the powers of the President beyond safety. Rather than spell out mechanical limitations on Executive power based upon an assumption of perpetual hostility between the two branches, Congress and the Executive should and must be working together to develop improved and more effective procedures for mutual information and consultation on a long range basis.

Mr. President, it has not been widely noted that the Secretary of State, the Legal Adviser of the Department of State, and a number of other officials from the Department have offered time after time to work out with Congress a means for keeping the Congress more informed on a basis of greater consultation. Nor has it been given any notice at all to my knowledge that there is ongoing right now a great deal of give and take, face-to-face meetings between the Executive and the Congress on foreign policy matters. This morning's meeting between the President and congressional leaders on the Middle East situation is just one dimension of this consultation.

Mr. President, I have compiled a table of the many formal appearances by Department of State officials on Capitol Hill, of the voluminous number of direct correspondence which flows between the Department and Congress, and of the even greater number of telephone contacts which the Department has daily with the offices of Congressmen and Senators, and I must say that the overall picture amassed is one of considerable and regular contact between the two branches. For example, there were more than 200 appearances by Department of State officers on Capitol Hill in 1972, including 11 by the Secretary himself. At least 500 legislative reports were provided to congressional committees and over 17,000 letters were sent out by the Department's officers to Members of Congress and committees.

In addition to these formal exchanges, Mr. President, I should mention that officers of the Department of State meet every Wednesday when the Congress is in session with any Members of the House of Representatives who wish to come and hear a briefing and be able to ask questions about various aspects of foreign policy. I am aware that the Secretary of State personally attends some of these Wednesday morning meetings and I think they provide an excellent means for a continuing consultation among Congress and the Executive so that there can be a good mutual understanding and awareness of developing policies. I believe it is fair to say that any Congressman who regularly attends these Wednesday morning meetings acquires over a period of time an enormous amount of information about foreign policy issues. The meetings were, I believe, first organized during the 1960's when the same procedure was offered to the Senate, but for some reason the idea was discouraged from within this body. Periodic briefings are also given to key staffers from all interested congressional offices and many Senate offices are represented at these meetings.

Mr. President, here is an immediately available means for developing closer consultation between Congress and the Executive and not just in terms of crisis situations. Here is an area where I believe Congress should logically be focusing its attention on improving the processes for keeping Congress informed and involved as a participant in the shaping and handling of foreign policy. By working on the practical channels for promoting an atmosphere of cooperation between the branches, I believe we can make the political process of accommodation between the Preisdent and the Congress function smoothly the way our Constitution was designed to work. I would urge the Senate and the Congress to pursue this route for involvement in foreign policy as a substitute for the rigid and constitutionally troublesome restrictions on Presidential action which are contained in the war powers bill.

Mr. President, I ask unanimous consent that a table of direct contacts by the Department of State with Congress be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DIRECT INFORMATIONAL CONTACTS BY DEPARTMENT OF STATE WITH MEMBERS OF CONGRESS, 1972

1. Total appearances by department officers on hill: By secretary, 11. By others, 203.

(Representing over 500 man-hours of time by Secretary and senior officers.)

2. Appearances on authorization bill: By Secretary, 5. By others, 32.

(Separated because representing thoroughgoing review of every aspect of policy.)

3. Legislative reports: Requested, 598. Submitted, 501.

(The remainder were pending either with the Office of Management and Budget or within the Department at year's end.)

4. Congressional correspondence: 17,016 per year, 1,418 per month, 70 per day.

5. Incoming telephone calls: 45,000 per year, 230 per day in session.

6. Official business congressional travel: 361 foreign trips by 636 Members of Congress and Staff.

(Representing first-hand meetings with U.S. overseas representatives and direct study of foreign attitudes and conditions.)

Mr. GOLDWATER. Mr. President, I thank my friend from Missouri for yielding me this time.

Mr. EAGLETON. Mr. President, I thank the distinguished Senator from Arizona.

Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I shall be brief. This is certainly poor timing in terms of considering a limitation on the war powers of the President at a time when the Middle East crisis has developed into a full-fledged war.

It would be unwise at any time because, historically, the President of the United States has been the principal organ through which the United States has formulated and implemented foreign policy.

The President must be, particularly in this day and age, relatively unhampered in the conduct of diplomacy.

Military force, Mr. President, is a tool of diplomacy. The President must be allowed some flexibility in utilizing that tool.

The case is well made by Justice Sutherland in the case of *United States* v. *Curtiss Wright Corporation,* 299 U.S. 304, where he said:

> Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations."
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> It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

Mr. President, those words are as vital and as valid today as they were when Justice Sutherland uttered them in 1936.

I am hopeful that we will defeat the conference report on the war powers bill. Such a serious proscription on the powers of the President, at this time in particular, is unwise, but at any time during the course of a confrontation with another great superpower, it would be potentially disastrous.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. BENTSEN. Mr. President, I thank the Senator from Arkansas for yielding me this time.

Mr. President, I thank the Senator from Missouri for yielding me the floor so that I might make a few remarks on what is certainly an historical moment—Senate consideration of a war powers conference report.

In essence, what this legislation does is to clarify the parameters within which our Nation's foreign policy is formulated and implemented. All of us in this Chamber—indeed the entire country—are perfectly aware of the erosion of the balance of powers within our Government and it is not just the fault of the executive. Congress is also at least partially to blame for we have stood silently by and failed to assume our constitutional obligations. We must reverse this trend; we must work to restore the constitutional role of the Congress in the foreign policymaking process and we must reaffirm the balance between the executive and the legislative branches. The war powers bill is a major step toward achieving those goals.

Yet at the same time it is a bill that allows the President needed flexibility to meet the challenges of the nuclear age. In this day of instant communication and nuclear capability, it is essential that the President have the powers to act in an amergency, to respond to a surprise attack and to defend the United States and its citizens in an emergency situation. This is a burdensome responsibility, the responsibility of war and peace which we as world leaders are forced to assume. The decision to commit our Nation to war is too awesome for one man to assume unto himself. It is too much responsibility and too much power for one man. This is why we have the principle of the separation of powers as the bedrock of our Constitution and our system of government.

This bill does not challenge the President's authority as Commander in Chief nor his constitutional right to conduct a war in the way he sees fit. It does not tie the President's hands for we realize that there are circumstances under which a President may have to commit American troops without explicit congressional approval.

But the Congress would be negligent of its own constitutional responsibilities if it relegated to one man the decision to send our sons to war. We are striving in this bill to repair the erosion of power and to strengthen the prerogatives of the Congress, to restore the balance of powers within the Government and to revive respect for the institution of government. We are trying to create a new balance of trust.

There can be and there will be disagreement between the executive branch and the Congress but there should not be and must not be distrust. We have to insure that responsibility for future foreign policy decisions be shared. Democratic government, after all, "derives its just powers from the consent of the governed." The momentous decisions of war and peace must be made by the people through their elected representatives. And we must show that the Congress is directly responsible and responsive to the electorate; that we are prepared to meet our constitutional obligations in the formulation of policy; that we will not leave vital decisionmaking solely to the executive branch by default.

This bill assumes that the national interest is best defined when the President as well as the Congress reach an understanding as to what the national interest is. National decisions must be shared decisions. The responsibility of Congress in committing our country to war has become a major focus of attention. The American public will not support another undeclared war prosecuted without widespread public support.

We in Congress have to assume the burden of responsibility by squarely facing the difficult questions of foreign policy. We can no longer afford to avoid making difficult decisions. The democratic process is at stake and with it the confidence of the American people in the very institutions of government. The war powers bill is a long overdue step toward strengthening that delicate balance between the executive and legislative branches in the making of our foreign policy.

I urge my colleagues to support the conference report on S. 440.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. BENTSEN. I am delighted to yield to the Senator from New York who has had so much to do with this piece of legislation and I congratulate him on it.

Mr. JAVITS. Mr. President, I wanted to say that the distinguished Senator from Texas is the author of one of the original war powers bills which was tremendously helpful and very constructive in this whole effort we have been making here, and I want to pay my tribute to him.

Mr. BENTSEN. I thank the Senator from New York very much. After all, the Senator from New York has played the major role in this piece of legislation and we are all indebted to him for it.

We in Congress must face up to our responsibility in the foreign policy role. We can no longer afford to avoid difficult decisions. We have to—if I may use the expression—"belly up" to our responsibilities and bite the bullet on these decisions instead of waffling in our position, because the democratic process is at stake and with it the Government of the American people and our institutions of government.

This bill is a long overdue step toward strengthening that delicate balance between the executive and the legislative branches in the making of our foreign policy.

Once again, I urge my colleagues to support the conference report.

Mr. EAGLETON. Mr. President, I yield myself such time as I may consume.

I ask unanimous consent that James Murphy and Brian Atwood have the privilege of the floor during deliberations on the instant matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I rise to oppose the conference report on the War Powers Act. My opposition to this compromise bill is one of the most difficult choices I have had to make as a U.S. Senator. For 3 years, the Senator from New York and I have stood together in advocating legislation which would delineate the respective warmaking powers of Congress and the President. I profoundly regret that today, when Congress seems so close to achieving that goal, I must reluctantly dissent.

I would first like to point out that the war powers bills passed by the House and Senate were not generally compatible. They marched down separate and distinct roads, almost irreconcilable roads. Although both bills embraced the automatic cutoff mechanism—in the Senate bill it was a 30-day period and in the House bill it was a 120-day period—they represented two separate approaches to an extremely complex problem. Therefore, I recognize the extreme difficulty that confronted the conferees in attempting to reach a compromise acceptable to both sides.

Undoubtedly, the most difficult issue to resolve in conference was that of expressing the President's emergency powers in explicit legislative language. The Senate bill, S. 440, carefully enumerated and described the circumstances wherein the President could commit forces in an emergency without specific congressional approval. It mentioned three very specific emergency situations: first, an attack on the United States; second, an attack on American forces legally deployed abroad; and third, the rescue of American nationals traveling abroad on business, and so forth. They were the three emergency situations in which the President was given limited unilateral authority for a 30-day period. That was in the Senate bill.

The House bill, on the other hand, simply required the President to consult and to report when U.S. Forces were committed. In essence, the House bill that went into conference said this: Before you send the forces abroad, call up Senator MANSFIELD, Senator HUGH SCOTT, Speaker ALBERT, and Minority Leader GERALD R. FORD and say, "Gentleman, the boys are going." That is consultation under the House bill.

Today, we have the compromise. The compromise bill attempts to conjoin these divergent approaches in section 2(c), under a section entitled "Purpose and Policy." I will read section 2(c) of "Purpose and Policy":

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Mr. President, that is not bad language. It very significantly, and I think grievously, omits the rescue of American nationals, which has been upheld in court decisions as a constitutional prerogative of the President. So that goes out the window. But, aside from that, it is nice language—but it means nothing. It is in the "Purpose and Policy" section of this bill. It is in essence no more binding than a "whereas" clause in a Kiwanis Club resolution.

So the words in section 2(c) do not mean a thing. To use one of the favorite words of the Senator from New York, they are precatory words; they are meaningless. In effect, the very heart of the Senate bill, S. 440, have been placed in the "whereas" section—the pious pronouncement of nothing.

Then we get down to the "reporting" and "consultation" sections of the conference report. That gets down to where the bill might have some binding effect. They are the operative sections of the bill—consultation and reporting. These are the sections that become law.

Section 2(c), I emphasize, is zero, and I will explain further why it is zero.

Section 3 is consultation; that was in the original Zablocki bill. That is the bill in which the President calls up Messrs. MANSFIELD, HUGH SCOTT, ALBERT, and GERALD R. FORD and tells them the boys are going.

Under section 4, the reporting section, he can keep the forces anywhere in the world for 90 days without Congress doing a thing about it.

The most interesting statement I have heard today on the floor of the Senate came from the Senator from Arizona, in his speech in opposition to this conference report. He said that for a moment he almost thought he was going to support this bill, because it gives the President even more authority than he now has. There could not be two people who disagree more on the warmaking process, vis-a-vis the President and Congress, than the Senator from Arizona and myself. We view it from almost polarized positions. We agree with our votes here today, but for dissimilar reasons. He was inclined to think it gave the President more unilateral warmaking power, and that is why he was almost going to support it, but he did not quite do so.

Mr. President, this is an open-ended, blank check for 90 days of warmaking, anywhere in the world, by the President of the United States. That, frankly and sadly, is what the conferees intended.

When I first read the language, I thought it was an oversight or perhaps it was improvident draftsmanship in the legislative process; but when I read the conference report, it became clear that that is exactly what they intended.

On page 8 the report makes reference to section 2(c). That is the section I read earlier, which has those nice, pious, nonoperative words. This is what the conferees said about section 2(c):

> Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

This is the key sentence and it refers to those sections in the bill that do have the force of law:

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill.

If I were arguing a case to a jury of 12 good men I would probably rest my case on that one sentence. I would rest it very sadly; because, as I said at the outset, 3 years have gone into this bill, 3 devoted years by the distinguished Senator from New York and others, who have tried to fashion some legislative fabric by which we could delineate the constitutional prerogative which is ours—the prerogative to declare war. It is the most sacred power men can have. Hamilton and Madison said that Congress is to have that power. Only the legislative branch can decide when American forces are to be committed to war.

That was the thrust of the Senate bill. It said very clearly: "Mr. President, under the Constitution, you cannot commit forces to war unless you come to us first, except for three circumstances." We spell out those three circumstances in the operative sections of the statute: An attack upon the United States, an attack on troops legally deployed abroad, and the rescue of American nationals imperiled abroad. We circumscribed those three circumstances as narrowly as we could, and even with respect to those the President had to come to us in 30 days or else those expeditions had to be discontinued. That is not the bill before us today.

That is where we find ourselves today, faced with the bill that came from conference.

This legislation was motivated by the most tragic mistake our Nation has made—the Indochina war. More specifically, the invasion of Cambodia in 1970 demonstrated in real-life terms the extent to which the President had usurped the war powers which the Constitution confers on Congress. We were, in short, confronted with a fait accompli. The attempts by Congress to stop that military initiative after the fact figuratively tore this Nation apart.

Today the President continues to claim the inherent power to commit U.S. forces to hostilities whenever he deems it to be in the national interest. The most recent manifestation of this attitude was the President's continued bombing of Cambodia after all American forces had left Indochina last spring. Having claimed inherent powers as Commander in Chief to protect our forces during the process of withdrawal, the administration was forced to find a new legal justification for military action after those forces departed Indochina under the provisions of the Paris Peace Agreement. In the absence of any congressional action to define the limits of Presidential powers in this area, it was a relatively easy task for the administration to point to article II of the Constitution and state that the powers of the Chief Executive were "adequate" to allow him to make the unilateral decision to use military forces for the purpose of enforcing the Paris Agreement.

For 3 years the Senator from New York, the Senator from Mississippi and I have attempted to clarify the respective warmaking powers of Congress and the President within the broad "twilight zone" left by the Founding Fathers. That area of largely undefined authority has become almost totally occupied by Presidential initiative. Our original motivation was to make the President come to Congress before he committed American Forces in other than emergency situations. This principle was expressed most eloquently by Senator JAVITS in testimony before the House Foreign Affairs Committee:

> The obvious course for Congress is to devise ways to bring to bear its extensive, policy-making powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. This is what the War Powers Act seeks to do.

But today we are presented with a bill that departs from that central principle which has heretofore guided Senate action on war powers legislation. The compromise bill represents a near-total abrogation of the Senate position on war powers.

The bill in its present form, therefore, is worse than no bill at all. It fails to address directly the question of just what authority the President has to engage our forces in hostilities without the approval of Congress. It is of questionable constitutionality in that it creates a 60-to-90-day period of Presidentially declared war, in derogation of the war powers conferred by the founders on Congress. And it creates a legal base for the continuing claims of virtually untrammeled Presidential authority to take the Nation to war without a prior congressional declaration.

While the policy statement in section 2(c) of this bill—the policy statement—does represent a "sense of Congress" interpretation of the President's powers, it does not provide an answer to the current impasse between Congress and the President. In fact, its practical effect would be to enshrine, to make permanent by statute, the President's current misuse of power through a procedure which seeks only to limit that misuse rather than to prohibit it altogether.

This point raises the practical dilemma with which I have been faced. It is true that if this legislation passes in its present form, Congress will have a more efficient mechanism for terminating Presidentially initiated American participation in hostilities after they have begun. Assuming that all provisions of the "congressional action" section of this bill are constitutional—that is a bold assumption, in my judgment, but let us assume that—Congress could stop the President by a simple majority vote rather than having to use the power of the purse and being forced to muster a two-thirds majority to override a Persidential veto. But the legal effect of this approach is to delegate congressional decisionmaking power for a period of from 60 to 90 days.

In practical terms, we must recognize the incredible powers of persuasion the President has at his command at all times, and especially during periods of crisis. The Senate bill dealt with this political reality by establishing clear signposts of authority—signposts which could be readily understood by the American people.

But this bill avoids the difficult task of establishing signposts by rendering even the limited definition of Presidential emergency authority contained in section 2(c) legally meaningless. The House bill—the original Zablocki bill—completely avoided any definition of such Presidential authority, and it would appear that the conference report represents a victory—a complete, total, unvarnished victory—for that approach to war powers legislation. Prof. Alexander Bickel of Yale University Law School, a widely recognized authority in this area of constitutional law, was extremely critical of this approach in testimony before the House Foreign Affairs Committee.

> If you don't have anything prefacing a reporting section that says, "Here, this is our view of where your authority ends and where ours begins," you necessarily fall into that pitfall because you assume there is legal authority out there beyond the Constitution.

I must reluctantly conclude that in the absence of an operative and effective definition of Presidential authority the effect of this bill would be to permit the President to nullify Congress' obligation to declare war before we commit forces. Whether or not the mechanism included in this bill to stop the President after the fact is more efficient than present remedies available to us, we cannot delegate our responsibility to authorize offensive war before it begins.

Mr. President, in my judgment, we cannot do it constitutionally, we cannot do it ethically, and we cannot do it morally.

If we fail to delineate the proper limits of power in terms that are readily understandable, then we invite the President to continue to define that power as he sees fit. The President, Congress, the courts, and the American people must understand the legitimate role of the Commander in Chief in the initiation of hostilities. If this legislation does not define that role in legally binding terms, then the practical political reality is that we will never be able to muster the votes necessary to stop a President after the flag has been committed.

Mr. President, I do not know how many hot situations there are going to be around the world. At this time, quite obviously, we know of one in the Mideast that is hot in every sense of that term. Situations have a way of flaring up in the India-Pakistan-Bangladesh area of the world. Indeed, there is a hot situation, in measurable terms, in Northern Ireland. If I had a globe before me, I could probably hop-scotch around the world pointing out places where there is trouble or where, in the foreseeable future, there is reasonable likelihood of trouble.

When I did that, I would turn to the conference report bill and I would see what authority we are giving to the President of the United States with respect to each and every one of these hot spots. Here is the authority we would be giving to him: We would be saying to him, when and if it becomes law—that "Up to 90 days, it is your ball game. Send the ships wherever you want. Send the planes wherever you want. Send the troops wherever you want for up to 90 days. Commit the flag,"—to use the cliche—"Whether it is an emergency or national security situation, fear not. You have 90 days of uncontrolled, unilateral authority."

By the way, says the bill, after 90 days, Congress can get into the act and decide whether to yank the forces out.

Mr. President, think of the first 90 days of the Vietnam war. What would have been the vote of Congress to bring them out? Suppose troops had been committed last year, or 18 months ago, to Bangladesh, and they were there for 90 days, and the President said, "We have got to save them a few days more." What would be the vote of Congress to bring them out after they are there?

That is what it is all about. The question is whether we play in the game—or in the decisionmaking process—before the troops are committed or only after they are committed. And it is all the difference in the world, because before they are gone, before they are in the trenches, before they are in danger, before they are being exposed to risk of death and injury, then perhaps—and I say perhaps—a rational, calm decision conceivably could be made on the floor of Congress. We would at least be given the chance the Founders wanted to give us to avoid a mistake, to avoid a misadventure by a President.

But after it is a fait accompli, Mr. President, after they are there, then the authority of Congress to rescind, 90 days later under this bill, is shallow indeed.

Mr. President, if we consider the Gulf of Tonkin resolution, in August of 1964, to have been the official and legal start of the war in Vietnam, as some do, then it took almost 9 years, from August 1964 to the spring of 1973, to get those troops out. Once that flag was committed, once the forces were there, regardless of how unpopular the war became in the intervening period—and you know, Mr. President, it became awesomely unpopular—regardless of the peace marches and the protests that the war had engendered during that period, that war droned on and droned on and droned on. And Congress was helpless to act.

Finally Congress did take some action. We took action on Cambodia. After the POW's had been returned, after all the troops had been withdrawn, there was still the lingering air war in Cambodia. We finally took action there, but only after it appeared that the flag had been withdrawn. But even then we had to go through the agonizing process of authorizing that war for 45 additional days. Do you remember that, Mr. President? We could not end the war in Cambodia. We had to give the President 45 more days, after 9 years of agonizing experience.

So under this conference bill, after the President, for whatever reason he believes thinks the troops should go in—whether it is an emergency or not is irrelevant, because all he needs is a whim or pretext or an intuitive reaction—in they go, authorized in advance for 90 days, courtesy of the Congress.

There is a tendency today to devise legislation simply as a stopgap for temporarily plugging holes in our governmental system. We seem more comfortable in bemoaning the immediate effects of the abuses of power than in dealing with the fundamental constitutional issues involved.

But if we take that approach in the war powers area, we risk the possibility that the original intent of the Constitution will be compromised. We cannot resolve the imbalance within our system by dealing only with the effects of that imbalance. If we are reluctant to deal with the constitutional issue of prior authority, then we will continue to be confronted in years to come with the prospect of desperately trying to stop misbegotten wars.

War powers legislation that is meaningful has to deal with the fundamental causes of the constitutional impasse that plagued the Nation for the past decade. It must, in my judgment, in the most precise legal language, carefully spell out those powers which adhere to the Executive by reason of his status as Commander in Chief and his obligation to act in emergencies to repel attacks upon the Nation, its forces, and its citizens abroad. For the rest, such legislation must make clear that all remaining decisions involved in taking the Nation to war are reserved to the elected representatives of the people—as the Constitution so says, the Congress.

In conclusion, I am sad to say it is my judgment that the bill reported by the conference committee fails to meet this standard. Moreover, it fails to embody the wisdom that we should have gleaned from our tortuous experience of the Vietnam war. Accordingly, and with profound regret, I urge its rejection by the Senate.

Much better—much, much better—that we begin again to frame an acceptable and workable and effective bill than to enact into law a measure that will come back to haunt us for generations to come.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself, with the consent of the Senator from Arkansas (Mr. FULBRIGHT), 5 minutes.

Mr. President, I have heard the excellent speech of the Senator from Missouri, with a considerable feeling of great sadness. He and I and Senator JOHN STENNIS, whom we all revere, were partners in this effort, and it is a matter of great disappointment to me that the Senator from Missouri (Mr. EAGLETON), in conscience, as any Senator has a right to do, has now decided to vote against this conference report.

I am especially grieved, because I believe that his interpretation of what this means and what it will do with any President is erroneous, because it fails to take into account the various components of the bill as we now ask the Senate to approve it in the conference report.

I would be the first to agree that I preferred the Senate version. I fought for it. My colleagues on the conference committee will testify to that, I am sure. The House was absolutely adamant against what is called an authority test, which is really what the Senator from Missouri wanted and what I wanted and what the Senator from Mississippi (Mr. STENNIS) wanted and what the Senate wanted, having voted 72 to 18 for that bill.

The only bill we could get was one based on a performance test. It is a miracle that we got this bill.

In my judgment the difference between the substantive effect of the Senate bill and the substantive effect of this bill is strictly one of minor degree and not of effective operating force. I would prefer the Senate version. There is no question about it. The Senate does not need an explanation from me on the Senate version. Unfortunately that version could not pass both Houses. Therefore, the Senate does need an explanation from me on the conference report.

There is nothing in the manager's report that makes the legislative history exclusively or which binds the Senate only to those confines. I am just as much a manager and so is the Senator from Arkansas (Mr. FULBRIGHT) and Senators CASE, AIKEN, MUSKIE, MANSFIELD, and SYMINGTON as the managers of the House.

Even they in the joint statement, the House conferees, have not committed themselves against the interpretation I have made. All that they have said is that subsequent sections of the joint resolution are not "dependent" upon the language of subsection (2)(c). In the sense of not being the triggering device, as it was in the Senate bill, this is true. But that is not the way subsection (2)(c) has operative force. It is by no means valueless or inoperative.

If this is a statute, every part means something, whether it is written in subsection (2)(c) or in section 3, as in the Senate bill.

Second, the use of that language in the managers' joint statement was dictated by what I have described as the performance test. However, it is nonetheless a very effective section. And it is effective for three reasons.

First, for what it says. And the critical word which was bitterly fought over in the conference is the word "only." That word is there.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself another 5 minutes.

The sentence in subsection 2(c), which we are now debating, reads:

> The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to . . .

Only pursuant to what? The subsection further states:

> (1) A declaration of war, (2) specific statutory authorization, . . .

Both of which the Senator from Missouri (Mr. EAGLETON) or anyone else will agree to. And the third point is:

> Or (3) a national emergency created by attack upon the United States, its Territories or Possessions, or its Armed Forces.

What the Senator from Missouri (Mr. EAGLETON) is really saying to us is:

> Well, the President can call anything an emergency on that basis.

I hasten to point out that our own section 3 carried the same provision. If this President or any President wants to do so in a given situation, he can say that it was a national emergency created by an attack on the United States. He could still go ahead. So, we have not added anything to that. Under both bills he would be acting outside of the law and outside of the Constitution.

Again I repeat that I would have preferred the statutory bounds on his hands. This is a declaration of the meaning Constitution on this point. It is by no means empty or without import.

Mr. EAGLETON. Mr. President, would the Senator yield?

Mr. JAVITS. Not at this time. I would like to finish and then I will yield or engage in any debate the Senator wishes.

The second point with respect to section 4 is that it will be noted that the preamble to section 4 states:

> In the absence of a declaration of war, . . .

There is nothing there about statutory or any other power. The sole exception is that there be a declaration of war. In the absence of a declaration of war, the President is required to report to us in 48 hours not only if he puts our forces in combat or engages in hostilities, but also respecting certain sensitive peacetime deployments. That is something not covered by the Senate bill. That is covered by clauses 2 and 3 in section 4(a) of the conference bill.

Mr. President, we have the discretion when we get a report as to whether we consider it a report of hostilities under section 4(a)(1) or whether it is a report of peacetime deployment under section 4(a)(2) or 4(a)(3).

Any President who defies this would be in real jeopardy not just because Congress can do this, but because if his actions are actually illegal, then he is challenged in any contract for procurement, he is challenged as to conscription, and he is challenged as to any action taken pursuant to what may be considered to be the war power.

I do not believe that any President is going to fly in the face of that without batting an eye.

So, Mr. President, if anything, it may very well be that this is a stronger statute than the Senate passed.

Third and finally, if the Members of the Senate will turn to section 8(d)—and incidentally it makes one very sad, because the Senator from Missouri (Mr. EAGLETON) was heavily responsible for key elements of section 8 which is now incorporated in this measure—it seeks to negate any inferences that would flow from any treaty or statute. This was the contribution of the Senator from Missouri to this section.

Nonetheless, if we turn to section 8(d) that states as follows:

> (d) nothing in this joint resolution—(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations where an involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

So we expressly negate the fact that the President gets any additional power, which is the whole argument of the Senator from Missouri for this joint resolution.

So, even if everything I have argued about section 2(c) and section 4(a) is wrong, the fact is that we do not give him any more than he had before, and we negate any inference that we do.

It seems to me that, locking the situation in that way, the difference is very narrow. It seems to me that that locks it in just as effectively—almost as effectively; I am not trying to argue that the Senate won 100 percent, but a very high percentage of the purpose has been achieved, enough so that it answers the argument of Senator EAGLETON, with which I do not agree—that this is a very real, active, substantive check upon the President, so that he must, with any kind of practicality, seek the concurrence of Congress in what we prescribe.

When you compare what we gave up in terms of that with what we got, which is an absolute cutoff in terms of the President not having any legal authority, I think we got an enormous percentage of what the Senate was after in the Senate bill, and that therefore the conference report should be approved.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, will the Senator yield, on my time, for a few brief questions?

Mr. JAVITS. Mr. President, I would love to do that, and I will do it, but Senator STENNIS is in the Chamber, and I think we would all like to hear whatever thoughts he wishes to express.

Mr. EAGLETON. I agree completely. I yield the Senator from Mississippi such time as he may require.

Mr. STENNIS. You go ahead.

Mr. EAGLETON. First, Mr. President, let me ask this of the distinguished Senator from New York, who is not only the initial author of S. 440, but manager of the bill on the floor, a conferee, a former attorney general of New York, and a distinguished lawyer: With respect to this word "only" in section (2)(c), he has laid great emphasis on the word "only," the Senator said the Presidential powers are only, pursuant to this section, used to react to emergencies such as an attack upon the United States, its territories, and its possessions.

I take it that the Senator's current position is that under the Constitution the President has no emergency authority with respect to American nationals endangered abroad.

Mr. JAVITS. I said no such thing. I said——

Mr. EAGLETON. The Senator emphasized the word "only."

Mr. JAVITS. I understand. I said "is exercised only." That takes in what we understand the current situation to be and what we are willing to accept is the current situation.

I would tell the Senator this: There was a very long argument about including the concept of rescuing nationals. It was felt that whatever was specified on that score, in order to be conservative in respect of the President's power, would have to be so hedged and qualified that we were better off just not saying it, in view of the fact that it is a rather rare occurrence, and just leaving that open; and that is what we did.

Mr. EAGLETON. Then I take it, from that answer, that the word "only" is interpreted to mean "more or less only"?

Mr. JAVITS. No; only means only, and sometimes in life something is so de minimis in terms of its occurrence or likelihood, and the President can always come to us for authority——

Mr. EAGLETON. Does the Senator mean to say that the rescue of American nationals in danger abroad is de minimis?

Mr. JAVITS. He can always come to us for authority if he is in any doubt.

Mr. EAGLETON. I ask the Senator, as a respected constitutional lawyer, in his view does the President have or does he not have authority to act unilaterally to rescue American nationals in danger abroad who might be found in the midst of rebellion or the threat of war?

Mr. JAVITS. I think the normal practice which has grown up on that is that it does not involve such a utilization of the forces of the United States as to represent a use of forces, appreciably, in hostilities so as to constitute an exercise of the war power or to constitute a commitment of the Nation to war. The Constitutional Convention spoke only of "repelling sudden attacks."

Mr. EAGLETON. With all due respect, Mr. President, I find that incredible. The Dominican Republic—Lyndon B. Johnson's memorable adventure—was that action not predicated on emergency authority to rescue American citizens in Santo Domingo?

Mr. JAVITS. It may have been so predicated, but I do not think it was justified. Any President, so long as the Army, Navy, and Air Force will obey him, can seek to assert authority which may not be justified under constitutional law. We could not help that even if we passed the Senate bill as the conference report. He would still do the same thing.

Mr. EAGLETON. I take it, then, by the great emphasis, that "only" means only, word "only," on which the Senator laid truly, honestly only?

Mr. JAVITS. Yes.

Mr. EAGLETON. All right. Now, with respect to section 2(d), the same section, the Senator realizes and has stated in his remarks that language relating to emergencies was in the operative section of the Senate bill, S. 440. Is that not correct?

Mr. JAVITS. I do not agree with the Senator as to the definition of the "operating section." I think every section of this bill is operative, including the declaration.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. So I cannot accept the fact that the Senator chooses to make his own definition as to what is operative.

Mr. EAGLETON. The Senator realizes, does he not, that it is an established legal doctrine? I have one "hornbook" here—I could quote the Senator a hundred—that a preamble or a policy section is:

> To supply reasons and explanations and not to confer power or determine rights. Hence it cannot be given the effect of enlarging the scope or effect of a statute.

Is that not pretty standard, garden variety legislative law?

Mr. JAVITS. But nonetheless this is a statute, and every word in the statute, in my judgment, has equal effect, no matter what took place at the head of the column; in this case it is "purpose and policy."

Mr. EAGLETON. Did not the conferees on the House side, the Zablocki side, fight very vigorously to keep it out of the operative sections and put it in the purpose and policy sections?

Mr. JAVITS. "The operative sections" is strictly the Senator's definition. What they fought was making the touching-off point for the number of days the question of authority rather than the question of performance, and upon that, as I have stated before, we had to give ground, and we did.

Mr. EAGLETON. I have one other question, and then I shall yield to the distinguished Senator from Mississippi, and then after that I shall have some concluding remarks of my own.

The Senator, in his presentation, said something to this effect—and I want to get it straight—that we are not to pay any attention to the managers' report; is that the gist of it?

Mr. JAVITS. No.

Mr. EAGLETON. The Senator signed the managers' report?

Mr. JAVITS. I signed the report of the conferees. That does include the managers' report. We do not sign, as I understand it, the managers' report per se. The signatures appear at the end of the measure.

Mr. EAGLETON. The signatures appear both at the end of the bill and at the end of the managers' report.

Mr. JAVITS. That is right.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I have been here a long time, and I do not understand that the statement of the managers excludes interpretation beyond or more detailed than that in the statement. I have pointed out that it is unnecessary, and I still repeat that, to challenge the statement of the managers, because it is limited, and I point that out again to the Senator, that it is not dependent upon the language of this section, and it is not.

But that does not mean that this section means nothing, because the triggering mechanism in this case is performance. The triggering mechanism is not authority, as it was in our bill, and to that extent we gave some ground. But what I have pointed out is that, with locking in the report section as we have, we have not given very much. I cannot pretend to the Senator and I do not pretend to the Senator that this is meaningless, what the Senate did as contrasted with what the House did. I do not contend that at all. I much prefer the Senate version. But I am pointing out that we still have an effective bill for the reasons I have stated. The Senator may not choose to support it. That is his privilege. But this is, in my judgment, an effective bill.

Mr. EAGLETON. Let me say to the Senator in response, before I yield to the Senator from Mississippi, that under the Legislative Reorganization Act, the report of the managers is a report of all signing conferees on both sides. The old rules used to be that the managers on one side wrote up how they saw it, and the managers on the other side wrote up how they thought it should be, and their comments ended up in legislative limbo. This is, of course, a joint explanatory statement of the committee of the conference and it reads, "Managers on the part of House and Senate." It does not have facsimile signatures, just the printed signatures by six or seven Members of the Senate, including the name of Senator JAVITS.

Mr. JAVITS. I have no challenge to that whatever. That is why I made the statement I did. I am not trying to disown the report. I accept it. But I point out that the managers' report is entirely consistent with the explanation I have made to the Senate, and I stand by that.

Mr. EAGLETON. With all deference to what the Senator said in his earlier remarks, in which he said that he was going to suggest, as one of the sponsors of the bill, that he was not bound by the managers' report. It was, in my opinion, an attempt to get around this perplexing, vexing, sentence on page 8 which, truthfully, the Senator from New York cannot avoid, cannot escape. It is a millstone around the neck of the bill——

Mr. JAVITS. I am sorry, it may be a millstone to the Senator, but the vote will show how much of a millstone it is to the Senate.

Let me finish, inasmuch as the Senator asked me to yield, by saying that I am not getting around anything, have no intention of doing so, and could not if I would. But I am going beyond what the legislation said, which is what I said. I went beyond that to show how this section ties in with the rest. The Senator's argument and mine cannot dispel that. This says what it says. The law is what counts, unless there is something bad about it. I have done my utmost, because I thought that this statement of the managers was limited—and I am not trying to repudiate it—even if it were made by the House alone, I am not trying to repudiate it—they are entitled to full faith and credit, too, but I went beyond that. That is what I endeavored to prove in the succeeding section of this measure. In addition, I say to the Senator from Missouri, as one of its original sponsors and one of the stalwarts with respect to the bill, let us not miss the forest for the trees. The fact is that never in the history of this country has an effort been made to restrain the war powers in the hands of the President. It may not suit my colleague 100 percent, but it will make history in this country such as has never been made before.

Mr. EAGLETON. Mr. President, I yield myself such time as I may consume.

We are not here to make history. We are here to make law. We are here to make important law, the most important law that can be made by man on this earth; namely, when to go to war—how, why, and when to go to war. We are not here to go home and tuck it under our pillow. The fact is, we have a War Powers Act. It is what it says. That is important, not the title and not even the length of time that has gone into the making of the bill, as long as that has been. That is vital, yes. But what is truly important is how this Nation goes to war and what this bill says, not what the noble intent of the Senator from New York was when he managed the bill on the floor of the Senate, but what this bill says now after it has come back from conference.

Yes, I helped to give birth to the Senate bill three years ago, but the child has been kidnapped. It is no longer the same child that went into the conference. It has come out a different baby—and a dangerous baby, Mr. President. Because this bill does not go one inch in terms of constricting the unilateral war-making of the President of the United States.

Try as he may, and able lawyer that he is, the Senator from New York cannot get around the language of the statute. He cannot get around the fact that the purpose and the political effect of section 2(c) is "nothing." Noble in concept but worthless in execution. He cannot get around the fact that the managers' report of both houses said as much when it said that subsequent sections of the joint resolution are not dependent on the language of section 2(c). The managers went so far as to say, "We want to show you this is not the Senate bill." So they took that out. All we have left—and very little is left—is section 8, which is what the Senator gives me credit for authoring. He can have section 8 back.

He can take it. What we have here today is a 60- to 90-day open-ended blank check which says, "You fight the war for whatever reason, wherever you want to, Mr. President." That is what we are legislating here today.

Mr. President, I am pleased now to yield to the distinguished Senator from Mississippi (Mr. Stennis).

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Missouri very much for yielding me at this time.

Mr. President, first, I want to commend as well as thank the conferees who worked long and laboriously on the two bills, the one from the House and the one from the Senate. They are the same men—some of them are—who worked on this whole subject matter for years and followed it up at every turn and deserve the utmost credit. I commend them highly.

Now, Mr. President, the conference report before us today is an important and historic one. It is a sound piece of legislation in my humble opinion, and I do not hesitate to support it fully.

The Senate and the House each passed a war powers bill in July. The intent of the bills was the same, but there were language differences. Because both houses believed in the importance of a strong, well-written war powers bill, and because of the perseverance of the conferees on both sides, the differences were worked out, resulting in what I consider to be an excellent piece of legislation.

The joint resolution, as reported by the conference committee, clarifies the emergency powers of the President as pertaining to situations wherein there is a national emergency created by an attack upon the United States, its territories or possessions, or its Armed Forces.

Just that fact within itself, Mr. President, is a real contribution to our constitutional history, clearing up at the same time and not unduly restricting, in my humble opinion, the chief executive of the United States. He must have the power to act. He must have the power to act quickly. Someone has to make a judgment on that. I never want to restrict it. It is a matter of restricting, though, the committal of the Nation, its manpower, its worldly goods, and everything else, to an all-out war. Three Congresses have passed on it, to which I object.

The legislation includes provisions urging consultation between the President and the Congress before U.S. Forces are introduced into hostilities, or situations where hostilities appear imminent. This is a particularly important provision because it emphasizes that it is only as a result of both of these branches of the Federal Government working together and accepting their responsibilities that the nation should be committed to war.

The legislation strikes a reasonable compromise between the House position under which the President's emergency authority would automatically be terminated after 120 days, and the Senate position which permitted 30 days. The provision which emerged from conference allows the President 60 days under such an emergency, with an additional 30 days to disengage troops if their safety requires it.

Both bills include priority provisions to insure that Congress would act promptly upon a request from the President to extend his authority during an emergency. A reasonable compromise was reached on these provisions which I believe will assure any observer that Congress would act deliberately but promptly in such situations.

Finally, in several extremely important provisions, the joint resolution defines and interprets existing law to insure that such legislative acts as approval of a treaty or an appropriations bill would not be taken to imply specific statutory authorization for the executive branch unilaterally to involve the nation in war.

Taken together, I believe the conferees did their work well, and I would commend their efforts.

We have come a long way with the war powers issue. Senator Javits, Senator Eagleton, and I introduced war powers legislation in 1970 and 1971. Now in the fall of 1973 we are at the point of agreeing to a war powers conference report, and I again stress my own interest in this vital legislation, and my belief that we must put a law on the books. It is of crucial importance to our country that we never again go to war without the moral sanction of the American people. The Founding Fathers meant it to be that way, and I believe we cannot let it be any other way.

I think we can differ as to language and get into long, important arguments about the meaning of words. But the outstanding achievement of this legislation—assuming no bad language—will be that we put something on the law books, as of 1973, that attempts to spell out the powers and the responsibilities—and I think responsibility is to be emphasized more than power. I refer particularly to the responsibilities of Congress. I hope we never again fail to meet those obligations.

With the Senate and the House both at the point of agreeing to this conference report and sending it to the President, it is a time for solidarity in our support for the war powers measure. I urge agreement to the conference report.

Mr. JAVITS. Mr. President, I yield myself 1 minute, not to engage in the debate that Senator Eagleton is so ably carrying on, but to thank Senator Stennis, who I believe has been decisive in bringing war powers legislation to this point.

He is the chairman of the Committee on Armed Services. He is deeply committed to American security and American defense. He is generally considered conservative in his views on the exercise of the President's power, but he is a deep constitutionalist, according to his own tradition and his illustrious reputation. I cannot testify enough to the impact which his support of this measure has had. I consider it decisive in bringing us to where we are today and to the debt of gratitude which he earns from the country.

Mr. STENNIS. Mr. President, I warmly thank the Senator. I deeply appreciate his remarks. His contribution, day after day and week after week, has been a major part of this fine effort.

Mr. JAVITS. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I should like to add my own commendation to that already expressed for the work of the distinguished senior Senator from New York and the distinguished Senator from Mississippi. It is perfectly obvious that this measure is free of partisanship. It is sponsored by so-called liberals and conservatives, Democrats and Republicans, and by both the House and the Senate.

The legislation in no way is a reflection on the incumbent President, who inherited a major American war and brought it to an end. Had this bill been enacted 10 years ago, President Nixon might not have had the conduct of the Vietnam war thrust upon him, because the United States might not have committed troops to combat.

This bill can actually assure that presidents will not go to war without congressional approval. Since a President cannot effectively prosecute a war without congressional support, this bill would save Presidents from undertaking unpopular wars.

This bill can be a deterrent to ill-considered actions which may involve the Nation in undesirable wars which are of no consequence to our national security. There would be quick congressional accord when a military action is obviously necessary to the Nation's security. The authority of Presidents to respond to instant threats would in no way be impaired.

Mr. President, I ask unanimous consent to have printed in the Record a summary of research I have done in this field to determine the intention of the Founding Fathers in framing the Constitution with respect to war-making powers.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUMMARY OF RESEARCH

Historical precedent adequately supports Congressional authority in war making. There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks.

At the Constitutional Convention, during the debate on war-making powers, James Madison of Virginia and Elbridge Gerry of Massachusetts challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.

The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress was allocated the power to levy taxes for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

When, at the Convention, Pierce Butler of South Carolina had suggested that the war-making power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.

But that is the limit of the Constitution's mandate in regard to war-making powers. Nowhere does the Constitution specify whether, under what circumstances, or by whose decision can the Armed Forces be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and upheld. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:

"In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President."

In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.

The same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power to changing our position from peace to war."

In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster, stated that the initiation of war is a prerogative of Congress. President Monroe wrote:

"The Executive has no right to compromit the nation in any question of war."

Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster states:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

In 1846, when President Polk moved troops into territory disputed between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.

In 1857, Secretary of State Lewis Cass, responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office as follows:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken."

President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:

"The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks."

In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was no interest in returning for a special session.

In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

"The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority. They negate the concept, central to the Constitution, that our government requires a balance of powers within a system of checks and balances.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval. For this reason, more than any other, the question of congressional responsibility for war making has become a major issue in the country. As most of us in Congress well know, the American people are determined that there shall be no future undeclared wars initiated by presidents and prosecuted without wide public support. The people insist that Congress measure up to its constitutional role, and this legislation seeks to do just that—to clarify the Congressional role so that this Congress and future Congresses will do their duty.

Mr. JAVITS. Mr. President, we ran into a very interesting situation. Apparently, before I introduced this bill—I still do not know how many months, but it certainly was before—Senator PERCY was already doing research, with the idea of preparing a resolution on this very subject, and I had no knowledge of it whatever. I state that affirmatively. Had I known it, I certainly would have consulted him and at least sought to join him or have him join me.

I think it is an extraordinary manifestation of our time, one, that he should have been so farsighted at that time and, two, that, with quite characteristic understanding and generosity—with which I have had experience ever since he came to the Senate—when he saw what I was doing, as we sent it around for cosponsorship, and even without talking with me about it, he said:

The job is done. We will just leave it to Senator JAVITS.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. The Senator from Illinois purposely did not mention the dates as to when this research had been done, because in no sense did I want to try to imply that this was anything I had done before anyone else. The gracious comments by the distinguished Senator from New York are very typical of him.

I had submitted a sense of the Senate resolution. When I saw the Stennis-Javits approach as a bill, a piece of legislation, I became an enthusiastic backer and supporter of the pioneering efforts that have been made for this legislation. I hope it will be adopted overwhelmingly and signed by the President of the United States.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I thank the Senator from New York for yielding and wish to express my support for the conference report. In 1970, when this measure was first introduced, I happened to be on the floor of the Senate when the Senator from New York was discussing the concept. At that time, it made a great deal of sense to me, and I asked permission to become cosponsor. At that time, it appeared to be a proper and useful attempt by Congress to cast some light in a very murky and misunderstood constitutional area.

The measure was reintroduced in 1971, in the 92d Congress. However, at that time, as the distinguished Senator from New York knows, I happened to be the chairman of a political party, and the leader of that party, President Nixon, was then engaged in the Vietnamization program; and I felt it the better part of wisdom not to extend my efforts insofar as the War Powers Act was concerned.

I have studied the conference report and believe the concept is still sound; although, there may be some reason for differences, and I can even understand why the measure might be objected to by any President. Nonetheless, I believe—as most Members of Congress have indicated by their votes—that we have a responsibility under the Constitution. Therefore, I support the conference report and commend the Senator from New York and others who have played a primary role in the formulation.

Mr. President, the war powers resolution before the Senate today is a proposal of substantial importance to the Nation. It steps into one of the Constitution's uncharted gray areas and attempts to establish some clear lines of authority, responsibility and direction where now there is only the ambiguity of yesterday's history and the uncertainty of tomorrow's events and circumstances.

The war power is one of the most important aspects of nationhood. It is a country's ability to defend itself and assert its rights in the world. Over the course of history the war power has been abused by some nations, and the right of self defense has undergone a cancerous mutation into a tool of aggression. But as we look back at other nations and the history of wars between them, we see that the abuse of the war power did not usually originate with the nation itself, its people. Rather this abuse grew out of improper allocation or assumption of the ability to use the war power. Sometimes this wrongful use of the war power could be traced to structural deficiencies in the government. In other cases the structure was sound, but individuals or groups within the structure were unwise, subject to error or manifestly evil.

Our country, however, has had the blessing of a sound constitutional framework which has given full opportunity for good to prosper, has given room for error to be discovered and has never permitted evil to be unleashed.

To fully appreciate the importance of this wise and wonderful foundation for our Republic and understand the evolution of the war power's exercise, it would be appropriate to look back over a period of events beginning 196 years ago next month.

DIVISION OF THE WAR POWER

The draftsmen of the Constitution clearly intended to divide the war power between the President and Congress, but just as clearly, did not intend to precisely define that boundary. They rejected the traditional power of kings to commit unwilling nations to war to further the king's international political objectives. At the same time, they recognized the need for quick presidential response to rapidly developing international situations.

The accommodation of these two interests took place in the session of the constitutional convention on Friday, August 17, 1787, when the enumeration of the powers of Congress were submitted to the delegates. A discussion occurred on the draft language empowering Congress "to make war."

As reported by James Madison, Charles Pinckney urged that the warmaking power be confined to the Senate alone, while Pierce Butler urged that the power be vested in the President. James Madison and Elbridge Gerry then jointly moved to substitute the word "declare" for the word "make," leaving to the President the power to repel sudden attacks. John Sherman expressed a preference to "make" as opposed to "declare," because the latter was too narrow a grant of power. However, he expressed the view that the grant of power to Congress to "make" war would nonetheless permit the President to repel attack, although not to commence war. Gerry and George Mason opposed the giving of the power to declare war to the President. Refus King supported the substitution of the word "declare," urging that the word "make" might be understood to mean "conduct" war, which latter was a Presidential function.

With only New Hampshire dissenting, it was agreed that the grant to Congress should be of the power to declare war. Pinckney's motion to strike out the whole clause, and thereby presumably to leave the way open to vest the entire war-making power in the President, was then defeated by a voice vote.

The framers of the Constitution, in making this division of authority between the executive and the legislative branches did not make a detailed allocation of authority between the two branches.

But nearly 200 years of practice has given rise to a number of precedents and usages, although it cannot be confidently said that any sharp line of demarcation exists as a result of this history.

RECOGNITION OF ARMED CONFLICT SHORT OF "WAR"

Before turning to historical practice for the light which it throws upon the proper interpretation of the President's power, let me first dispel any notion that the United States may lawfully engage in armed hostilities with a foreign power only if Congress has declared war. From the earliest days of the Republic, all three branches of the Federal Government have recognized that this is not so, and that not every armed conflict between forces of two sovereigns is "war." This fact affords no final answer to the constitutional question of the division of authority between the President and Congress in exercising the war power, but it does suggest that the effort to find an answer is not advanced by a mechanical application of labels to various fact situations.

Congress, during the so-called undeclared war with France which lasted from 1798 to 1800, authorized by statute limited use of this Nation's Armed Forces against those of France. The fifth Congress, 1 Stat. 578.

In "The Eliza," a case arising out of this "undeclared war," the Supreme Court described differences between war and other armed conflicts as being differences between "solemn war" and "imperfect war":

> If it be declared in form, it is called solemn, and is of the perfect kind: because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war, all the members act under a general authority, and all the rights and consequences of war attach to their condition.
>
> But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities act under special authority and can go no further than to the extent of their commission, "The Eliza," 4 Dall. 37, 40–41.

In that case, a French privateer took possession of an American ship that was later recaptured by Americans who claimed entitlement to payment from the ship's owners. The questions arose in interpretation of two statutes as to what they were entitled to. To answer that question, the court had to decide whether we were at war with France.

While the court termed both forms of military action "war," the distinction which it drew likewise separates the declared wars of the 20th century, such as the two world wars, and the undeclared armed conflicts such as have more recently occurred in Korea and in Southeast Asia. In both of the two world wars, the declarations of war were viewed by the executive branch to authorize complete subjugation of the enemy, and some form of "unconditional surrender" on the part of the enemy was the announced goal of the allied nations. In Korea and Vietnam, on the other hand, the goals have been the far more limited ones of the maintenance of territorial integrity and of the right of self-determination.

As has been pointed out many times, the United States throughout its history has been involved in armed conflicts short of declared war, from the undeclared war with France in 1798–1800 to Vietnam. I will discuss the more significant of these involvements later.

THE PRESIDENT AS COMMANDER IN CHIEF

Because of the nature of the President's power as commander in chief and because of the fact that it is frequently exercised in foreign affairs, there are few judicial precedents dealing with the subject. Such judicial learning as there is on the subject, however, makes it reasonably clear that the designation of the President as commander in chief of the Armed Forces is a substantive grant of power, and not merely a commission which treats him as a supreme commander.

Chief Justice Marshall writing for the Supreme Court in *Little* v. *Barreme*, 2 Cr. 170, concluded that the seizure of a ship on the high seas had not been authorized by an act of Congress. In the course of the opinion, he stated:

> It is by no means clear that the President of the United States, whose high duty it is to "take care that the laws be faithfully executed," and who is commander-in-chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication American vessels which were forfeited by being engaged in this illicit commerce. 2 Cranch at 177.

Justice Grier, speaking for the Supreme Court in its famous decision in the prize cases, likewise viewed the President's designation as commander in chief as being a substantive source of authority on which he might rely in putting down rebellion:

> Whether the President in fulfilling his duties, as Commander in Chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel

> him to accord to them the character of belligerants, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted. He must determine what degree of force the crisis demands. 2 Black 625, 670.

More recently, Justice Jackson, concurring in Youngstown Sheet and Tube Co. against Sawyer, said:

> We should not use this occasion to circumscribe, must less to contract, the lawful role of the President as Commander in Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force. At least when turned against the outside world for the security of our society. 343 U.S. 579, at 645.

The limits of the President's power as Commander in Chief are nowhere defined in the Constitution, except by way of negative implication from the fact that the power to declare war is committed to Congress. However, as a result of numerous occurrences in the history of the Republic, more light has been thrown on the scope of this power.

SCOPE OF POWER AS COMMANDER IN CHIEF

The questions of how far the Chief Executive may go without congressional authorization in committing American military forces to armed conflict, or in deploying them outside of the United States and in conducting armed conflict already authorized by Congress, have arisen repeatedly through the Nation's history. The President has asserted and exercised at least three different varieties of authority under the power as Commander in Chief:

First, authority to commit military forces of the United States to armed conflict, at least in response to enemy attack or to protect the lives of American troops in the field.

Second, authority to deploy U.S. troops throughout the world, both to fulfill U.S. treaty obligations and to protect American interests; and

Third, authority to conduct or carry on armed conflict once it is instituted, by making and carrying out the necessary strategic and tactical decisions in connection with such conflict.

Congress has on some of these occasions acquiesced in the President's action without formal ratification; on others, it has ratified the President's action; and on still others, it has taken no action at all. On several occasions, individual Members of Congress have protested Presidential use of the Armed Forces. At the close of the Mexican War, the House of Representatives went so far as to pass an amendment to a pending resolution, labeling the war as unnecessary and unconstitutional. On final passage, the amendment was deleted. Although the President's actions, to which there was no opportunity for the Congress to effectively object, cannot establish a constitutional precedent in the same manner as it would be established by an authoritative judicial decision, a long continued practice on the part of the President, acquiesced in by the Congress, is itself some evidence of the existence of constitutional authority to support such a practice. *United States* v. *Midwest Oil Co.* 236 U.S. 459. As stated by Justice Frankfurter in his concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343, U.S. 579, 610:

> The Constitution is a framework for Government. Therefore, the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply embedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them.

COMMITMENT OF MILITARY FORCES TO ARMED CONFLICT WITHOUT CONGRESSIONAL AUTHORIZATION

President Jefferson in 1801 sent a small squadron of American naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by the Barbary pirates of Tripoli. In his message to Congress discussing his action, Jefferson took the view that it would require congressional authorization for this squadron to assume an offensive, rather than a defensive, stance.

In May of 1845 President Polk ordered military forces to the coast of Mexico and to the western frontier of Texas—still at that time an independent Republic—in order to prevent an interference by Mexico with the proposed annexation of Texas to the United States. Following annexation, Polk ordered Gen. Zachary Taylor to march from the Nueces River, which Mexico claimed was the southern border of Texas, to the Rio Grande River, which Texas claimed was the southern boundary of Texas. While so engaged, Taylor's forces encountered Mexican troops, and hostilities between the two nations commenced on April 25, 1846. While Polk 2½ weeks later requested a declaration of war from Congress, there had been no prior authorization for Taylor's march south of the Nueces.

In 1854 President Pierce approved the action of a naval officer who bombarded Greytown, Nicaragua, in retaliation against a revolutionary government that refused to make reparation for damage and violence to U.S. citizens.

In April 1861 President Lincoln called for 75,000 volunteers to suppress the rebellion by the Southern States, and proclaimed a blockade of the Confederacy. The Supreme Court in the prize cases, 2 Black 635 (1863), upheld the actions taken by President Lincoln prior to their later ratification by Congress in July 1861, saying:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. 2 Black at 668.

In 1900 President McKinley sent an expedition of 5,000 U.S. troops as a component of an international force during the Boxer Rebellion in China. While Congress recognized the existence of the conflict by providing for combat pay, 31 Stat. 903, it neither declared war nor formally ratified the President's action. A Federal court, however, reiterated the early recognition of limited or undeclared war:

> In the present case, at no time was there any formal declaration of war by the political department of this government against either the Government of China or the "Boxer" element of that Government. A formal declaration of war, however, is unnecessary to constitute a condition of war. *Hamilton* v. *McClaughry,* 136 F. 445, 449 (Cir. Ct. D. Kan. 1905).

Presidents Theodore Roosevelt, Taft, and Wilson on more than one occasion committed American troops abroad to protect American interests. In November 1903, President Roosevelt ordered the U.S. Navy to guard the Panama area and prevent Colombian troops from being landed to suppress the Panamanian insurrection against Colombia. In his annual report to Congress in 1912, President Taft reported sending some 2,000 Marines to Nicaragua—at the request of the President of Nicaragua—and the use of warships and troops in Cuba. He merely advised Congress of these actions without requesting any statutory authorization.

President Wilson on two separate occasions committed American Armed Forces to hostile actions in Mexican territory.

In April 1914, he directed a force of sailors and marines to occupy the city of Vera Cruz during the revolution in that country. The city was seized and occupied for 7 months without congressional authorization. In 1916, Wilson ordered General Pershing and more than 10,000 troops to pursue Pancho Villa into Mexican territory following the latter's raid on Columbus, N. Mex.

The most recent example of Presidential combat use of American Armed Forces without congressional declaration of war, prior to the Vietnam conflict, was President Truman's intervention in the Korean conflict. Following invasion of South Korea by North Koreans on June 25, 1950, and a request for aid by the U.N. Security Council, President Truman ordered U.S. air and sea forces to give South Korean troops cover and support. He ordered the 7th Fleet to guard Formosa. On June 30, the President announced that he had authorized the use of U.S. ground forces in the Korean war following the collapse of the South Korean Army. Ultimately, the number of troops engaged in the Korean conflict reached 250,000, and the conflict lasted more than 3 years. President Truman's action without congressional authorization precipitated the "great debate" in Congress which raged from January to April 1951.

While President Truman relied upon the U.N. Charter, as well as his power as Commander in Chief, his action stands as a precedent for Presidential action in committing U.S. Armed Forces to extensive hostilities without formal declaration of war by Congress.

The U.N. Charter, as a result of its ratification by the Senate, has the status of a treaty, but it does not by virtue of this fact override any provisions of the Constitution. Though treaties made in pursuance of the Constitution may under the supremacy clause override specific constitutional limitations, *Geofroy* v. *Riggs*, 133 U.S. 258; *Reid* v. *Covert*, 351 U.S. 487. If a congressional declaration of war would be required in other circumstances to commit U.S. forces to hostilities similar in extent and nature to those undertaken in Korea, the ratification of the U.N. Charter would not obviate a like requirement in the case of the Korean conflict. While the issue of Presidential power which was the subject of the great debate in Congress was never authoritatively resolved, it is clear that Congress acquiesced in President Truman's intervention in Korea. See Rees, The Limited War—1964; Pusey, The Way We Go to War—1969.

DEPLOYMENT OF U.S. TROOPS THROUGHOUT THE WORLD

In February 1917, President Wilson requested congressional authority to arm American merchant vessels. When that authority failed of passage in Congress as a result of a filibuster or extended debate, Wilson proceeded to arm them without congressional authority, stating that he was relying on his authority as Commander in Chief.

Near the close of the First World War, President Wilson announced a decision to send American troops to Siberia. The troops so sent remained for over a year, their withdrawal beginning in January 1920. There was no congressional authorization of such disposition of troops, and the United States had not declared war on Russia.

In 1941, prior to Pearl Harbor, President Roosevelt utilized his power as Commander in Chief to undertake a series of actions short of war, designed to aid the allied forces in the Second World War. On April 9, 1941, he made an agreement with the Danish minister for the occupation of Greenland by American forces. In May 1941, Roosevelt issued a proclamation declaring unlimited national emergency, and he ordered American naval craft to sink on sight foreign submarines found in the defensive waters of the United States.

In July 1941, the President announced that U.S. forces would occupy Iceland in order to relieve British forces there, and that the Navy would perform convoy duty for supplies being sent to Great Britain under lend-lease. In September 1941, Roosevelt stated that he had given orders to the U.S. Army and Navy to strike first at any German or Italian vessels of war in American "defensive waters"; the following month, he decided to carry 20,000 British troops from Halifax to the Middle East in American transports.

President Truman's decision in 1951 to send four U.S. divisions to Europe in discharge of the Nation's NATO commitment occasioned prolonged debate in Congress over his powers to take such action without congressional approval. Congress ultimately acquiesed in the President's action without actually resolving the question, and all of President Truman's successors have asserted and exercised similar authority.

AUTHORITY TO CONDUCT OR CARRY ON ARMED CONFLICT ONCE IT HAS BEEN LAWFULLY INSTITUTED

It has never been doubted that the President's power as Commander in Chief authorizes him, and him alone, to conduct armed hostilities which have been lawfully instituted. Chief Justice Chase, concurring in ex parte Milligan, 4 Wall. 2, at 139, said:

> Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as Commander in Chief.

In the First World War, it was necessary to decide whether U.S. troops in France would fight as a separate command under General Pershing, or whether U.S. divisions should be incorporated in existing groups or armies commanded by French or British generals. President Wilson and his military advisers decided that U.S. forces would fight as a separate command.

In the Second World War, not only similar military decisions on a global scale were required but also decisions that partook as much of political strategy as they did of military strategy. Should the United States concentrate its military and material resources on either the Atlantic or Pacific fronts to the exclusion of the other, or should it pursue the war on both fronts simultaneously? Where should the reconquest of allied territories in Europe and Africa which had been captured by the Axis Powers begin? What should be the goal of the Allied Powers? Those who lived through the Second World War will recall without difficulty, and without the necessity of consulting works of history, that this sort of decision was reached by the allied commanders in chief, and chief executive officers of the allied nations, without—on the part of the United States—any formal congressional participation. The series of conferences attended by President Roosevelt around the world—at Quebec, Cairo, Casablanca, Tehran, Yalta, and by President Truman at Potsdam, ultimately established the allied goals in fighting the Second World War, including the demand for unconditional surrender on the part of the Axis nations.

Similar strategic and tactical decisions were involved in the undeclared Korean war under President Truman. Questions such as whether U.S. forces should not merely defend South Korean territory, but pursue North Korean forces by invading North Korea, and as to whether American Air Force planes should pursue North Korean and Chinese Communist planes north of the Yalu River, separating Red China from North Korea, were, of course, made by the President as Commander in Chief without any formal congressional participation.

It is clear that the President, under his power as Commander in Chief, is authorized to commit American forces in such a way as to seriously risk hostilities, and also to actually commit them to such hostilities, without prior congressional approval. However, if the contours of the divided war power contemplated by the framers of the Constitution are to remain, constitutional practice must include Presidential resort to Congress in order to obtain its sanction for the conduct of hostilities which reach a certain scale. Constitutional practice also indicates, however, that congressional sanction need not be in the form of a declaration of war.

In the case of the Mexican War, which was brought about, if not initiated, by President Polk, he requested and obtained a declaration of war. Congress, meeting in 1861 pursuant to the call of President Lincoln, ratified all of the actions he had taken on his own initiative, and apparently refrained from declaring war on the Confederate States only because it did not wish to recognize them as a sovereign nation.

However, the fifth Congress authorized President Adams to take certain military action against France without going so far as to declare war. More recently, in connection with President Eisenhower's landing of troops in Lebanon and with the Cuban missile crisis in 1962, Congress has given advance authorization for military action by the President without declaring war (71 Stat. 5; 76 Stat. 697).

The notion that such advance authorization by Congress for military operations constitutes some sort of an invalid delegation of congressional war power simply will not stand analysis. A declaration of war by Congress is, in effect, a blank check to the Executive to conduct military operations to bring about subjugation to the Nation against whom war has been declared. The idea that while Congress may do this, it may not delegate a lesser amount of authority to conduct military operations, as was done in the instances referred to above, is utterly illogical and unsupported by precedent. While cases such as *Schecter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935), hold that Congress in delegating powers to deal with domestic affairs must establish standards for administrative guidance, no such principle obtains in the field of foreign affairs. The Supreme Court in *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, made this distinction clear.

What must be regarded as the high-water mark of executive action without express congressional approval is, of course, the Korean war. Although Congress never expressly sanctioned the President's action in committing U.S. forces by the hundreds of thousands to the Korean conflict, it repeatedly voted authorizations and appropriations to arm and equip the American troops. This is not to say that such appropriations are invariably the equivalent of express congressional approval; the decision as to whether limited hostilities, commenced by the executive, should be sanctioned by Congress may be one quite different from the decision as to whether American troops already committed and engaged in such hostilities shall be equipped and supplied.

CONGRESSIONAL POWER TO RESTRICT THE PRESIDENT

While the President may commit Armed Forces of the United States to hostile conflict without congressional authorization under his constitutional power as Commander in Chief, his authority exercised in conformity with congressional authorization or ratification of his acts is obviously broader than if it stood alone. By the same token, Congress undoubtedly has the power in certain situations to restrict the President's power as Commander in Chief to a narrower scope than it would have had in the absence of legislation. Chief Justice Marshall strongly intimates in his opinion in *Little* v. *Barreme*, 2 Cranch. 1970 (1804), that the executive action directing the seizure of a ship on the high seas would have been valid had not Congress enacted legislation restricting the circumstances under which such a seizure was authorized. Congress, exercising its constitutional authority to "make rules concerning captures on land and water," may thus constrict the President's power to direct the manner of proceeding with such captures.

Congress has similarly sought to restrain the authority of the President in the exercise of its power to "raise and support armies." In the Selective Service and Training Act of 1940, it was provided that:

> Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands (54 Stat. 885).

In the year following enactment of this law, President Roosevelt determined to send U.S. troops, including draftees, to Iceland in order to relieve British troops garrisoned there. He chose to strain geography, rather than the law, and obtained the opinion of what was apparently a minority-view geographer that Iceland was actually in the western hemisphere.

On December 15, 1969, Congress adopted an amendment to the defense appropriations bill H.R. 15090 providing that U.S. forces shall not be dispatched to Laos or Thailand in connection with the Vietnam conflict. It supported this provision offered by the Senator from Idaho as a reasonable exercise of congressional authority.

This is not to say however that every conceivable condition or restriction which Congress may by legislation seek to impose on the use of American military forces would be free of constitutional doubt. Even in the area of domestic affairs where the relationship between Congress and the President is balanced differently than it is in the field of external affairs, virtually every President since Woodrow Wilson has had occasion to object to certain conditions in authorization legislation as being violative of the separation of powers between the executive and the legislative branch. The problem would be compounded should Congress attempt by detailed instructions as to the use of American forces already in the field to supersede the President as Commander in Chief of the Armed Forces. Surely this is the thrust of Chief Justice Chase's concurring opinion in ex parte Milligan, quoted earlier:

> [Congressional power] necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as Commander-in-Chief. 4 Wall. at 139.

THE VIETNAM CONFLICT

The duration of the Vietnam conflict and its requirements in terms of both men and materiel would have raised the most serious sort of constitutional question, had there been no congressional sanction of that conflict. However, as is well known, the conflict formally began following an attack on U.S. naval forces in the Gulf of Tonkin in August, 1964. At that time, President Johnson took direct air action against the North Vietnamese, and he also requested Congress "to join in affirming the national determination that all such attacks will be met" and asked for "a resolution expressing that support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty."

On August 10, 1964, Congress passed the so-called Gulf of Tonkin Resolution. I ask unanimous consent that the text of the resolution, 78 Stat. 384 (1964), be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Southeast Asia Resolution[1]

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. DOLE. Mr. President, in connection with this resolution, Congress noted that whatever the limits of the President's authority acting alone might be, whenever Congress and the President act together, "there can be no doubt" of the constitutional authority.

Since that time, Congress repeatedly adopted legislation recognizing the situation in Southeast Asia, providing the funds to carry out U.S. commitments there, and providing special benefits for troops stationed there. By virtue of these acts, and the Gulf of Tonkin resolution, there was long-standing congressional recognition of a continuing U.S. commitment in Southeast Asia. This recognition and ratification of the President's policies continued even after the Tonkin Gulf resolution was repealed in 1970.

While seeking a negotiated peace and furthering "Vietnamization," President Nixon continued to maintain U.S. troops in the field in South Vietnam. The legality of the maintenance of these troops in South Vietnam, and their use to render assistance to the South Vietnamese troops in repelling aggression from the Vietcong and the North Vietnamese, would have been subject to doubt only if congressional sanction of hostilities commenced on the initiative of the President could be manifested solely by a formal declaration of war. But the numerous historical precedents previously cited militate against such reasoning.

A requirement that congressional approval of presidential action in this field can come only through a declaration of war is not only contrary to historic constitutional usage, but as a practical matter would curtail effective congressional participation in the exercise of the shared war power. If Congress may sanction armed engagement of U.S. forces only by declaring war, the possibility of its retaining a larger degree of control through a more limited approval is foreclosed. While in terms of men and material the Vietnam conflict was one of large scale, the objectives for which the conflict is carried on were by no means as extensive or all-inclusive as would have resulted from a declaration of war by Congress. Conversely, however, there was not the slightest doubt from an examination of the language of the Gulf of Tonkin resolution that Congress expressly authorized extensive military involvement by the United States. To reason that if the caption "declaration of war" had appeared at the top of the resolution that involvement would have been permissible but that the identical language without such a caption did not give effective congressional sanction, would be to treat this most nebulous and ill-defined of all areas of the law as if it were a problem in common law pleading, Mr. Justice Grier, more than a century ago, in the prize cases said.

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[1] Text of Public Law 88–408 [H.J. Res. 1145], 78 Stat. 384, approved Aug. 10, 1964.

Department of State Bulletin, Aug. 24, 1964, pp. 272–274.

This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

If substance prevailed over form in establishing the right of the Federal Government to fight the Civil War in 1861, substance should equally prevail over form in recognizing congressional sanction for the Vietnam conflict by the Gulf of Tonkin resolution, even though it was not in name or by its terms a formal declaration of war.

SEPARATE AND SHARED AUTHORITY

Mr. President, I believe the foregoing discussion indicates that a significant body of practice, precedent and tradition has grown up surrounding the war powers of this country. It shows that the President is charged with real responsibilities in major areas where he and he alone must make decisions and choices. It also shows that the Congress, too, has a proper, legitimate role to play with its own unique and separate authority. There are some clear lines of demarcation and firm divisions of authority.

Of course, the Congress cannot and should not become involved in the tactics and strategy required to carry out national defense policy. And at the same time the President cannot and should not seek to determine that national defense policy solely on his own initiative.

But between these firm and clear areas there is room and a real need for shared decisionmaking and joint leadership. And in my view the war powers resolution before the Senate today is a responsible and necessary attempt to serve the national interest by harmonizing the roles of the legislative and executive branches in the exercise of the war power.

PREVIOUS SUPPORT FOR WAR POWERS ACT

When this measure was first introduced in the 91st Congress in 1970, I joined in sponsoring it. At that time I felt it was a proper and useful attempt by Congress to cast some light in a murky and misunderstood constitutional area. It was re-introduced in the 92d Congress in 1971; however, at that time, we were in the midst of the Vietnamization program, efforts were continuing to reach a negotiated settlement to the Vietnam conflict, and we were still unable to secure information about or the return of our prisoners of war and missing in action.

CONCERN FOR MISCONSTRUCTION OF CONGRESSIONAL ACTION

At that time I felt a genuine concern that an entirely appropriate and useful exercise of the Congress powers in attempting to define the lines of constitutional authority might be misconstrued by the opposite side at the Paris negotiations, and thus endanger the prospects for achieving a negotiated peace and the earliest possible end to the conflict in Southeast Asia. Therefore, I did not re-join my colleagues in sponsoring this legislation.

Happily, the Vietnam war is now behind us. American forces have been withdrawn. Our prisoners are home. The Paris agreements establish our rights to information on the missing, and there is hope that the Vietnamese parties will be able to arrive at a peaceful determination of their future course. Barring further congressional authorization, the bombing in Southeast Asia has been ended.

CONCLUSION

This is a unique moment in our history, and it is an appropriate interval for Congress to assert its authority in a proper, constructive and worthwhile manner.

The war powers resolution will establish a partnership between the Congress and the Presidency in exercising the awesome responsibility of employing this Nation's military might. It should serve to stimulate broader communication between the legislative and executive branches. And in so doing it will serve as a strong unifying influence in a nation which in recent years has too frequently by forces of division, discord and mistrust between the branches of government, between groups and among individuals.

I am pleased to support this legislation and believe its passage will mark a proud and hopeful day in the constitutional history of the United States.

Mr. JAVITS. Mr. President, I yield myself a half minute just to say that Senator Dole was the first original cosponsor of my first war powers bill, for which I am very grateful. His heart has always been with this measure. I understood his inability to join again in 1972, as he has described it. I am very grateful for the fine, generous statement he has just made.

Mr. President, I have no further requests for time, so I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUDDLESTON. Mr. President, as a cosponsor of S. 440, the war powers bill passed earlier this year by the Senate, I support the conference agreement on war powers, House Joint Resolution 542.

I must say at the outset that I prefer S. 440 to the legislation before us. I prefer its specificity on the constitutional powers of the President and I prefer the 30-day limitation on committing U.S. troops to hostilities abroad to the 60 day one. A doubling of the time allowed for an engagement is, I believe, more than a doubling of the likelihood that we could become involved in a situation that is neither desirable nor even intended.

Nevertheless, I appreciate the time and effort which have gone into the development of this resolution, and I find it significant that this is the first major piece of legislation on congressional prerogatives to emerge from conference. For the first time, we have an effort to establish a mechanism by which Congress can exercise powers which it has allowed to atrophy.

And, we have an effort to reassert congressional prerogatives in an all-important area. The war powers are, under the Constitution, shared powers. Both the Congress and the President have responsibilities and authorities in the use of U.S. armed services abroad. History, however, demonstrates that, largely by inaction, Congress has permitted its powers to be assumed to a large extent by the executive.

This legislation represents an attempt by the Congress to establish a mechanism—a means by which it can exercise the powers which the Founding Fathers granted to it and which the people of this Nation expect their representatives to exercise.

Under the conference resolution, the President would be required to report to Congress within 48 hours of committing forces to hostilities abroad in the absence of a declaration of war, and to specify: First, the constitutional and statutory authority under which the action was taken; Second, the circumstances which necessitated the action; and third, the expected scope and duration of the action. Furthermore, troops could be deployed no longer than 60 days unless Congress took action to authorize the continued involvement of the forces, and it could provide for an earlier termination of involvement.

Thus, the war powers legislation represents one method by which we can strengthen our democratic process—one means of bringing the collective judgment of the Congress and the executive branch to bear on the use of our Nation's Armed Forces outside our borders. It represents a means by which we may, hopefully, have decisions resulting from deliberations by two heads in our Government rather than one and from additional input from those elected officials closest to the people. It represents a means by which we may seek to restore a constitutional balance, as well as a balance among the views, opinions, and options.

In the long run, of course, the bill will be only as effective as we in Congress make it. It sets up a mechanism, but the mechanism will work only if we make it work—only if we use it. Thus, this resolution must be viewed as a first step—a first move toward a reassertion by Congress of its constitutional powers regarding the use of U.S. troops abroad.

It is, nevertheless, appropriate that we move on this measure at this time. The original war powers bills were, in effect, the outgrowth of our involvement in Vietnam—a little-understood involvement which continually lost support from the American people, causing not only discontent at home, but asking the young men of our Nation to serve in an untenable situation, risking their lives without the unified backing of their countrymen at home.

We do not want such a situation again, and although the memory of recent experience itself may be a hindrance to new involvement, it is, I believe far better to have a means for assuring against that involvement than to depend upon our recent disillusionment. While we cannot foresee all situations which might occur in the future, we can learn from the experiences of the past and, from those, build a framework which will help avoid in the future the misdirections of the past. That is what House Joint Resolution 542 does and that is why I am supporting it.

Mr. MATHIAS. Mr. President, I intend to vote for the War Powers Act as reported by the conference committee of the House and the Senate. The conferees are to be commended for the bill which is before us today. Senators JAVITS, EAGLETON, and STENNIS have performed a great service to the Nation in their 2-year effort to bring order to the procedures by which the country may go to war should that awful necessity be pressed upon the Nation

Under the Constitution the power to engage U.S. forces is reserved to the Congress. Unfortunately since World War II the practice has grown up by which the United States has been drawn by actions of Executive authority alone into small wars which by process of almost imperceptible accretion has resulted in great wars. As the experience of Vietnam has shown, it has been difficult for the legislature to terminate our involvement once U.S. forces are engaged requiring a two-thirds vote to overcome a Presidential veto.

As a result of this critical constitutional situation, the Senate and the House have been engaged in debate of several years duration concerning procedures on how the United States becomes involved in wars and how it can end involvement in wars.

The war powers bill before us today prescribes ways to prevent the United States from again backing into wars of the kind that have plagued us in the recent past. It is my hope that the experience of the past 20 years will prevent future Vietnams, but no legislative procedure can substitute for vigilance and the courage to act to prevent commitment in situations which could lead to an inextricable involvement. The vigilance I speak of requires far more foresight on the part of the Foreign Relations and Armed Services Committees of both Houses than has been the experience of the past. It will require, in my view, a restructuring of the committees, additional staff and access to better information if proper oversight is to be carried out.

It is my hope in the Senate, Senator FULBRIGHT and Senator STENNIS will make the changes necessary in their committee structures to meet what has become obvious need to improve the quality of the committee's oversight functions.

I have one reservation concerning the war powers bill: Section 5(b) speaks of "unavoidable military necessity." It is my view that introduction of this phrase only repeats an error which has bedevilled the proper functioning of our Government for the past 20 years. What is the essential difference between "unavoidable military necessity respecting the safety of U.S. Armed Forces" and other vagaries connected with powers of the Commander in Chief or the imperatives of national security?

I think it is a mistake to add to the constitutional and legal lexicon yet another grey area. It is true that the conferees have narrowed the circumstances under which the President could call upon the doctrine of "unavoidable military necessity," but I think it is necessary to point out the possible dangers implicit in this new area of Executive unaccountability. By legislation we are creating the license for what has previously been unlicensed.

With this sole reservation, I wish to commend again the conferees and particularly Senator JAVITS, Senator EAGLETON, and Senator STENNIS for the great work that they have done to restore the constitutional restraints that the Founding Fathers placed upon the ability of this Government to take the United States into war.

Mr. TAFT. Mr. President, I have been active for a number of years, both in this body and in the House of Representatives, in support of measures to return the warmaking power to the Congress. I wish now to express my renewed support of the "war powers resolution" as reported by the conference. It is not only a fair compromise between the views of the two Houses of Congress, but also a very satisfying culmination of the efforts of many of my colleagues and myself on this essential question.

The language of the framers of our Constitution was clear on this issue: "The Congress shall have power . . . to declare war." At times in our history it has been argued that this limits congressional authority to instances where a declaration of war is asked for, that the executive can act on its own authority to commit acts of war without a declaration. But the authors of the Constitution have given us strong indications that they would not have agreed with this argument. One common form of undeclared war in the 18th century was the issuance of letters of marque and reprisal. Governments would often issue such letters well before war was declared and sometimes in lieu of a declaration, as a type of limited war. The constitutional authors specifically gave this contemporary limited war power to Congress, along with the power of declaring war.

The events of the last 10 years in Southeast Asia have shown, furthermore, that the question of war powers is more than a legal and constitutional question, more than a question of the perennial struggle for power between the three branches of the Government: It is a question of whether, in times of crisis, our country will be united in the face of its enemies, or in a position to be divided against itself in bitter dispute.

All of us assembled here, and all of those for whom we speak, have felt with pain the conflict, the turmoil, the hate which split this Nation over the Vietnam war. We even saw some of our citizens seemingly as eager for the defeat of their country's Armed Forces by a foreign enemy. We saw the installations of our own military bombed by our own people, and students lying dead on a college campus, shot by the soldiers who had enlisted to defend them. We saw son set against father, brother against brother, with a rancor as great as any we have ever known.

The pain that this division caused was limited to no one group. Modern, conservative, liberal or radical, political or apolitical, soldier, student, artist or housewife, all felt deeply that something was drastically wrong. And all feel deeply now that such a division within our Nation must not occur again.

This is one real meaning of the bill before us today. It is not a question of party, nor of right or left. Through the process prescribed in this bill, we hope to assure that this Nation will not commit its Armed Forces to action on the word of one man, without a popular consensus as expressed by the elected Representatives of the people. This would answer the main concern of many Americans expressed during the Vietnam war. We would help to make certain that once we are involved in hostilities, the Nation will be united in its war efforts—thus insuring that we will not face the internal dissent which so disturbed the Nation in recent years. All parties and all persuasions are served by the clarification of the war power as being reserved to the people, by the assurance that any armed action by this Nation will be the result of open debate, public participation, and a true national consensus. Yet I believe we have still reserved to the Executive the proper and needed authority to act swiftly.

I would like to emphasize here that while this bill is unquestionably a product of the pain of our division over Vietnam, it in no way infers criticism of President Nixon's handling of that crisis. Had this bill been law during the present administration's tenure in office, the policies which our President adopted, and the manner in which he used our Armed Forces to bring about an honorable peace which maintains the freedom of the South Vietnamese people, would have received my full support in Congress.

The resolution, as I consponsored it and as it has emerged from committee does not impinge upon the Executive's necessary power to act decisively in event of an attack upon the territory of the United States or upon its Armed Forces. Nor does it interfere with the President's right to control and direct our Armed Forces, in his capacity of commander in chief, once hostilities have been authorized by the Nation speaking through Congress. The provisions that any long-term involvement of our military forces receive congressional authorization, and that Congress be consulted in every possible instance before troops are committed, can in no way be interpreted as an assault on the President's rightful prerogatives as Chief Executive or as commander in chief.

Constitutionally, we seek merely to return to the balance between the Congress and the Executive intended by the founders of our governmental system. We are attempting to restore the Executive to its role of executor of policy.

We intend no negative reflections upon President Nixon's conduct of the Vietnam conflict; I have supported and continue to support his decisions on that difficult affair.

We advocate that the people be given their proper role in any decision for war or peace, that any commitment of American troops to combat be a product of a genuine national consensus. We state the fact that there is no other way such an action can be taken, without paying the dangerous price of setting Americans against each other in strife and hate. Our argument is not based upon what should be, but on what has happened and what must not be allowed to happen again.

Mr. BROOKE. Mr. President, with a positive vote for the war powers conference report in both the House and the Senate, the Congress will present to the President and the American people a clear and unequivocal statement of its intent to participate in the decision of whether or not to commit American lives and fortunes to the uncertainties of war.

It is unnecessary to itemize the differences that existed in the two versions of the War Powers Act. They are well known to members of this body. The compromise reached in conference is acceptable. The bill, as agreed to in conference, provides the following guidelines for U.S. involvement in armed conflicts:

> The President is barred from waging war for more than 60 days without congressional consent.
>
> The President is allowed to continue hostile actions for as long as 30 more days if such action is an "unavoidable military necessity" to protect U.S. troops in the field.
>
> Congress is authorized to demand a halt to military action at any time through a concurrent resolution. Such a resolution will not be subject to presidential veto.
>
> Congressional understanding of the conditions under which a President might commit U.S. troops to combat is as follows:
>
> A formal declaration of war;
>
> Specific authorization by Congress;
>
> National emergency created by an attack upon the United States, its territories, possessions, or Armed Forces.

These provisions do not tie the President's hands as is so often contended by opponents of war powers legislation. They provide sufficient latitude for the United States to act quickly and judiciously in coping with the dynamic nature of international relations. In fact, I believe that the war powers guidelines, as envisioned in this act, will strengthen a President's hand in dealing with conflict situations by insuring that the Congress and the Executive act in unison in any situation that threatens to involve the United States in a prolonged military engagement. The discord and contentions caused by the Vietnam war are ample proof of the importance of having this type of cohesion in times of actual or imminent war.

I have previously stated in this body that it is unwise to ignore the insights of our Founding Fathers who recognized that great dangers inhere in unitary authority to both declare and wage war. To allow the Executive almost unlimited freedom to determine when and under what conditions U.S. Armed Forces will engage in hostilities would be the very abrogation of the fundamental purposes of the checks and balances in our governmental system. Thomas Jefferson recognized this when he stated:

> We have already given in example one effectual check to the Dog of War by transferring the powers of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

We are also recognizing this fact in passing the pending War Powers Act.

Favorable Senate and House action on this conference report will not represent victory. The President has stated his intent to veto any war powers legislation. Therefore, while we, as proponents of this bill, can take justified satisfaction in its passage through Congress, we must recognize that the most difficult struggle will be to override a veto should it occur. Our attention must be turned to this consideration even while we vote on the pending measure. The ultimate test of congressional intent to assert its rightful place in the decisionmaking process regarding war is not today, but in several weeks time.

Mr. PELL. Mr. President, current headlines sadly remind us that the world has not yet succeeded in rejecting war as an instrument of national policy. I earnestly hope that the day will arrive when war has been rejected once and for all. I solemnly fear for the consequences if this does not happen sooner rather than later and will devote my unremitting efforts to achieving that day.

Meanwhile, we must face up to the possibility of the future exercise of war powers by the U.S. Government. In the debate on this subject in July, I expressed the imperative need for action to redress the balance that over the years has shifted heavily to the executive branch at the expense of the legislative in arriving at decisions to engage the United States in hostilities abroad. I have always felt that much of the tragedy of our involvement in Indochina which have been avoided if the voice of Congress could have been heard louder and clearer in that decisionmaking process. Therefore, I supported passage of the war powers bill in the Senate and welcomed the action in the House, which approved legislation differing only in detail but not in purpose from Senate proposals.

As a result of the splendid efforts of the conferees, these differences have now been harmonized in House Joint Resolution 542. I find the resolution an eminently reasonable, objective piece of legislation deserving of swift passage.

The issues treated in the resolution are national issues going to the very heart of the role of government in an open democratic society. These issues demand unity of action by the Congress and by the President. The latter has indicated he would veto war power legislation as an invasion of his constitutional prerogatives. Such action would be a regrettable failure to achieve sorely needed national unity. Nor would a veto be justified on constitutional grounds.

As the President of the United States, it is assumed that Mr. Nixon is a reasonable man. I challenge a reasonable man to find grounds for claiming that Joint Resolution 542 goes any further than reestablishing the balance between the Congress and the President, called for by the Constitution, in the exercise of the powers to wage war, declared or undeclared. At this moment of bitter warfare in the Middle East, President Nixon can reassure the American people of his qualities as a leader and statesman by signing Joint Resolution 542 into law.

Mr. WILLIAMS. Mr. President, the conference report on House Resolution 542, the war powers resolution, is designed to delineate clearly the powers and responsibilities of the legislative and executive branches of our Government in regard to the commitment of American forces to combat. We are addressing today a subject of literally life or death importance for the members of our military services. In addition, this is an issue that goes to the very heart of our system of government. For, if the elected representatives of the people cannot express their will on this subject, then there is little substance to our claim to be a democratic country.

Since the end of the Second World War, American troops have fought in Korea and Vietnam for a total of almost 11 years without a declaration of war. During this period over 105,000 Americans have died and over 400,000 have been wounded as a result of their activities in the war zone. Hundreds of billions of dollars have been expended; however, during this 11 years Congress has not exercised its constitutional responsibility. Congress has not declared war. Yet, for those 105,000 men and their families there has been war. I do not wish this statement to be misconstrued as an attempt to fix blame on the executive branch of our Government. I am sure these actions were totally in keeping with sincere convictions. What I am saying is that Congress has not acted vigorously to discharge its own responsibilities.

Congress has the opportunity annually to determine the defensive posture for our military forces to meet threats to our national security. But, congressional responsibility in foreign policy should go far beyond decisions on military expenditures. The introduction of American troops into combat is an issue of our paramount national interest, and all Members of Congress should bear the responsibility that the Constitution places upon them to determine when this action is necessary. The debate today addresses what is needed to restore the balance in the constitutional relationship between the two political branches of the Government, so that Congress can make that determination.

The intent of the framers of our Constitution concerning responsibilities for conducting war could not have been more clearly stated. Under article I, section 8 of the Constitution, Congress has the power to declare war and to make all the laws necessary and proper for carrying into execution its own and all other powers vested in the Government of the United States.

This resolution reasserts the principle that the President, as Commander in Chief, can introduce U.S. Armed Forces into hostilities only when there is a declaration of war, a specific statutory authorization, or a national emergency created by an attack upon the United States, its territories, possessions, or Armed Forces. Under the resolution, Congress exercises its constitutional authority to legislate in this area by requiring specific procedures for consulting with and reporting to Congress when U.S. Armed Forces are introduced or are likely to be introduced into hostile situations.

The most important provision of this legislation is one which requires affirmative congressional approval within 60 days after the President's initial report that hostilities exist or are imminent. Without such congressional approval, the President must terminate the use of U.S. Armed Forces in hostilities. In cases of unavoidable military necessity, the President is given the authority to use these forces in hostilities for an additional 30 days.

However, these forces could only be used for this additional time period in the course of bringing about their prompt removal.

When the President is obliged to come to Congress in order to continue the use of American forces, our constitutional system will function as it should. Before a decision is made to continue the involvement of U.S. forces, Congress should be given the opportunity to conduct a serious debate as to precisely whether the American interests at stake justify the use of our military forces. If the Congress is to have any role at all in the formulation of American foreign policy, it must exercise its right to define our national interests, and, most importantly, it must know that its definition of the national interest will be fully observed by the actions of the Executive.

The war powers resolution is designed to leave the President's hands free in those situations that are clearly emergencies. But, when the United States or its troops are not under attack, the President must come to Congress to receive authorization to use American forces. This limitation is one that the framers of our Constitution wisely made a part of our system of checks and balances. They deliberately made it difficult for the United States to enter war, and that difficulty should remain. If there remains some ambiguity concerning the powers of the Executive in this area, the war powers resolution is designed to remove it.

I believe that the war powers resolution is one of the most significant pieces of legislation considered by this Congress. I opened my remarks by noting that the issue at hand was one of life or death for American military men, and one that went to the very heart of our democratic system. I don't believe that I have exaggerated. I feel that the war powers resolution is a serious, well-reasoned attempt to restore the constitutional power of declaring war to Congress. It should be passed, and the executive branch should view it as a measure that will strengthen our constitutional system of government.

Mr. MONTOYA. Mr. President, article I, section 8, clause 11 of the Constitution gives the Congress both the power and the responsibility to declare war.

It has been popular recently to accuse the President of usurping Congress war making powers, and there is some justification for this accusation. Recent Presidents have exceeded the constitutional bounds. But they have done so with the tacit consent of Congress, for we have not been diligent, as we should have been, in insisting that the war making powers stay in Congress, where the Founding Fathers vested them.

We learned slowly through the years of the Vietnam war that we had allowed a situation to develop which demanded correction. That correction is now before us in the form of the compromise version of the war powers bill, and I support it.

In passing it, however, we must not forget recent history and assume that our troubles and responsibilities as Senators end at the moment this vote is announced. We ought to be able to recall only too well the Tonkin Gulf resolution. What Congress intended to do in passing that resolution and what two Presidents interpreted the resolution to mean were two separate realities. So we must assert forcefully today that, in passing this conference report, we are not, in any sense whatsoever, authorizing the President to engage at will in 60-day wars. We are not giving him carte blanche. What we are doing is establishing a means by which the peoples' direct representatives can end wars, can say no to well-intentioned but ill-founded military action by the Executive.

This understanding is vital to a correct interpretation of what we are doing today.

Mr. EAGLETON. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Nebraska (Mr. CURTIS).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 75, nays 20, as follows:

[No. 465 Leg.]

YEAS—75

Aiken
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Fong
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NAYS—20

Abourezk
Allen
Baker
Buckley
Cotton
Dominick
Eagleton
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Hughes
Nelson
Saxbe
Thurmond
Tower

NOT VOTING—5

Bennett
Curtis
Eastland
Hartke
Taft

So the conference report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 2556—AMENDMENT OF SECTION 14(b) OF THE FEDERAL RESERVE ACT, AS AMENDED

Mr. SPARKMAN. Mr. President, I send to the desk a bill and ask unanimous consent for its immediate consideration.

I have cleared this matter with the Democratic and the Republican leadership.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2556) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for eight months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? The Chair hears none, and it is so ordered.

The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

The bill (S. 2556) was passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled. That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "November 1, 1973" and inserting in lieu thereof "July 1, 1974" and by striking out "October 31, 1973" and inserting in lieu thereof "June 30, 1974".

SHODDY SECRECY AND DELAY IN GIVING ADEQUATE AND PROPER INFORMATION ABOUT OUR NUCLEAR WEAPONS POSITION

Mr. SYMINGTON. Mr. President, last April 16, the Military Applications Subcommittee of the Joint Atomic Energy Committee, which subcommittee I chair, held the first of a series of hearings on the military applications of nuclear technology.

The first witness was Maj. Gen. Edward B. Giller, retired, Assistant General Manager for National Security, Atomic Energy Commission.

On May 1, the classified transcript of this hearing with General Giller was sent to the AEC for security review prior to publication. Said transcript was reviewed in an effort to release to the public as much information as possible about the true nuclear strength of the United States; and thereupon it was returned to the committee for printing last June 5.

Final page proofs went to the printer July 3; and the hearing was released to the public July 15.

Two additional hearings on this same subject were held, one in May, the other in June. Neither have yet been released, and this is the story:

On May 22 the subcommittee took testimony from Dr. Carl Walske, then chairman of the military liaison committee to the AEC in the Defense Department. Shortly thereafter Dr. Walske resigned.

The transcript of that hearing was sent to the Defense Department for classification review on June 7, and returned to the committee on June 25.

Nearly everything was deleted by Defense except the names of the witnesses.

Many facts classified by Defense had already been declassified in the Giller testimony. The Walske testimony was returned, and the Defense Department was asked to again review it, so at least as much data as was available in the Giller transcript would also become a matter of public knowledge.

On September 6, Mr. Don Cotter, nominee to replace Dr. Walske, brought the transcript of the Walske hearing to our office to review additional material that had been declassified. At that time Mr. Cotter advised that the Defense Department would consider staff suggestions for further declassification, "clean up" the transcript, and then return it at earliest opportunity.

Over a month from that conversation, and more than 4 months from the date of the original hearing, we have still not received a cleared transcript of the Walske testimony.

On June 29 we received testimony from Gen. Andrew Goodpaster, supreme allied commander, Europe. The transcript of that hearing was sent to Defense for declassification on July 1.

On September 7, more than 2 months after the hearing in question, having heard nothing, we called General Goodpaster requesting said transcript. Three days later General Goodpaster sent me a reply through the National Military Command Center here in Washington.

That telegram apparently was "lost." Apparently also we would never have received it if we had not followed the matter up with the joint committee.

Having done so, we received the general's message stating that he had returned the transcript of his testimony to the Defense Department; and just this morning—more than 3 months after the hearing—the transcript was returned for the first time to the joint committee, but we have not yet had an opportunity to review the declassification, and make requests accordingly about releasing more information in which the people would be interested.

Such deliberate avoidance of giving the facts to the proper joint committee of the Congress is inexcusable; nor is there any reason to continue to withhold properly declassified information on this vital subject from the American people.

Perhaps one of the reasons for this sad state of affairs lies in our conviction that many billions of dollars could be saved, and could have been saved, if the facts about the true nuclear strength of the United States had been a matter of public knowledge.

SENATE RESOLUTION 181—AUTHORIZATION FOR CHAIRMAN OF SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES TO APPEAR AND TESTIFY IN COURT

Mr. ERVIN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

Resolution authorizing the chairman of the Senate Select Committee on Presidential Campaign Activities to testify and produce Committee records before the United States District Court for the Southern District of New York pursuant to Subpoenas issued in a criminal case pending in such court.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. ERVIN. Mr. President, this resolution is offered by the distinguished vice chairman of the committee, the Senator from Tennessee (Mr. BAKER) and myself on behalf of all members of the Senate Select Committee on Presidential Campaign Activities. As chairman of that committee, I have been subpenaed to appear in U.S. District Court for the Southern District of New York in the so-called Vesco matter and to produce certain documents assembled by the select committee and its staff.

All members of the select committee are desirous of cooperating to the fullest possible extent with the administration of justice in this and in all other cases. The purpose of the resolution is to authorize me as chairman of the committee to testify if my personal testimony is sought and also to allow the select committee to produce through me any evidence in its possession which may be relevant to the issues joined in the case in which the subpenas have been issued and to authorize the select committee to seek enlightenment as to which of the records in its possession are relevant to the issues joined in this case, either through attorneys for the defendants or by appropriate motions in U.S. District Court for the Southern District of New York.

Mr. President, I yield to the distinguished Senator from Tennessee at this point.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the committee for yielding to me.

I think the resolution is entirely appropriate. I think it is in order and clearly protects the right of the Congress and of the Senate with respect to the disclosure of information developed by the congressional staff and the committee, while at the same time showing a spirit of cooperation and demonstrating that the committee desires to show whatever type of information is made available to all parties in the litigation.

I am happy to join with the distinguished Senator from North Carolina in sponsorship of the resolution, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution. (Putting the question.)

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION

Whereas, the Senate finds:

1. That a criminal case entitled United States of America vs. John N. Mitchell, Maurice Stans, and others, which is numbered 73 Cr. 439 (LPG) and which involves a campaign contribution for $250,000 allegedly made by Robert Vesco, is pending in the United States District Court for the Southern District of New York;

2. That Senator Sam J. Ervin, Jr., (who is hereafter called Senator Ervin), Chairman of the Senate Select Committee on Presidential Campaign Activities (which is hereafter called the Select Committee), has been served with three subpoenas issued by a deputy clerk of said District Court upon the application of John N. Mitchell and Maurice Stans commanding him to appear before said District Court at Foley Square, Room 906, in the City of New York on October 23, 1973, at 10 o'clock A.M. to testify in the aforesaid criminal case and to bring with him various things allegedly in the possession of the Select Committee, which are described in the several subpoenas;

3. That the things mentioned in the first subpoena are described in it as follows: "All records, tape recordings, notes, memoranda of conversations, interviews or testimony in executive session of the Committee conducted by Committee members, counsel, or staff of John W. Dean, III, which relate in whole or in part, directly or indirectly to the following: (a) The $250,000 contribution from Robert Vesco; (b) That portion of the SEC investigation bearing on the $250,000 contribution; and (c) Dealings with the SEC, Department of Justice, United States Attorney—Southern District of New York."

4. That the things mentioned in the second subpoena are described in it as follows: "All records, tape recordings, notes, memoranda

of conversations, interviews or testimony in executive session of the Committee conducted by Committee members, counsel, or staff of Hugh Sloan which relate in whole or in part, directly or indirectly to the following: (a) The $250,000 contribution from Robert Vesco; (b) That portion of the SEC investigation bearing on the $250,000 contribution; and (c) Dealings with the SEC, Department of Justice, United States Attorney—Southern District of New York."

5. That the things mentioned in the third subpoena are described in it as follows: "All reports, files, records, notes, memoranda, and other tangible evidence of contributions, donations or gifts in excess of $1,000 made to all candidates in the 1972 Presidential Campaign of either the Republican or the Democratic Party, including but not limited to primaries, which specify or relate to the following: (a) The names and addresses of the contributors and recipients; (b) The dates of all such contributions; and (c) The manner of payment of such contributions, whether it be by a check, cash, security or some other form of payment."

6. That Senator Ervin believes it is the duty of all persons to cooperate with the courts in the administration of criminal justice, and for this reason asks the Senate for authority to appear and testify in person on the trial of said criminal case if the defendants, John N. Mitchell and Maurice Stans, so desire, despite the fact that he is not aware of any personal knowledge which would make him a competent witness on the trial;

7. That the Select Committee did not investigate the contribution of $250,000 allegedly made by Robert Vesco or collect any information relating to it because it understood that the defendants, John N. Mitchell and Maurice Stans, were indicted in the pending criminal case on some charge arising out of such contribution, and because it refrains from investigating matters covered by pending indictments;

8. That for this reason, the Select Committee does not have in its custody, control or possession any of the things described in the first and second subpoenas;

9. That the Select Committee is virtually without any original reports, records, or memoranda of any kind relating to campaign contributions but does have in its possession enormous quantities of the following: (a) Copies made by its investigators from original reports, records, and memoranda relating to campaign contributions now in the possession of others; (b) Notes of interviews of numerous persons conducted by committee investigators; and (c) notes made by committee investigators for the purpose of refreshing their recollection in respect to what their oral investigations revealed;

10. That since the third subpoena makes no distinction between the originals and copies of reports, records, and memoranda, the Select Committee believes that it may have in its possession copies of reports, records, and memoranda called for by the third subpoena; but the Select Committee is unable to determine without further enlightenment whether any of these copies of reports, records, or memoranda are relevant to any of the issues joined in the aforesaid criminal case;

11. That all members of the Select Committee believe that it is their duty to cooperate with the courts in their administration of criminal justice, and for this reason they are desirous of having the Select Committee and its Chairman make available to the defendants, John N. Mitchell and Maurice Stans, any of the copies of reports, records, and memoranda in the possession of the Select Committee which are relevant to the issues involved in the aforesaid criminal case;

12. That the Senate believes that the most appropriate method by which such relevancy can be ascertained is by consultation between the Select Committee and counsel for the defendants, John N. Mitchell and Maurice Stans, or by preliminary orders entered by the said District Court upon appropriate motions made by the Select Committee;

13. That all of the members of the Select Committee are desirous that the Senate adopt this resolution: Now, therefore, be it

Resolved, That the Senate hereby authorizes Senator Ervin to make return to the first person before the United States District Court for the Southern District of New York in the aforesaid criminal case in the event the defendants, John N. Mitchell and Maurice Stans, desire him to do so.

Section 2. That the Senate hereby authorizes Senator Ervin to make return to the first and second subpoenas stating that the Select Committee does not have in its possession any of the things described in them;

Section 3. That the Senate hereby authorizes Senator Ervin, as Chairman of the Select Committee to produce before the U.S. District Court for the Southern District of New York on the trial of the aforesaid criminal case the originals or copies of any reports, records, or memoranda mentioned in the third subpoena which may be relevant to the issues involved in the aforesaid criminal case;

Section 4. That the Senate authorizes the Select Committee to ascertain by consultation with counsel for the defendants, John N. Mitchell and Maurice Stans, or by motions in the U.S. District Court for the Southern District of New York the relevancy, if any, to the issues involved in the aforesaid criminal case of any of the things in the possession of the Select Committee which are described in the third subpoena.

PROPOSED SELECT COMMITTEE ON THE CONSIDERATION OF A VICE-PRESIDENTIAL NOMINEE

Mr. ABOUREZK. Mr. President, earlier today I sent to the desk a resolution which would establish a Select Committee on the Consideration of a Vice-Presidential Nominee. I submitted the resolution for the reason that I think the Senate and the Congress ought to carefully consider such a nominee.

This select committee would have a membership of 4 majority members and 3 minority members, and it would be adequately funded and staffed so that a thorough inquiry and investigation can be made of anyone suggested by the President as his nominee for Vice President.

I state that if anyone is interested in cosponsoring the resolution, he is welcome to do so.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, there may be other votes yet today. At the moment I cannot predict what may develop.

Mr. President, I am about to move that the Senate recess for 30 minutes unless a Senator wishes to get recognition.

LEGISLATIVE PROGRAM

Mr. JOHNSTON. Mr. President, I would like to ask the majority whip a question of interpretation on the latest whip notice. Is there any doubt that we will have a recess?

Mr. ROBERT C. BYRD. Mr. President, may I answer in this way. I think that we may have some days in which the Senate will not be in session. But in view of recent events, over which we have no control, I would rather think that we may proceed on a pro forma basis, from time to time recessing for 1 or 2 or 3 days, and not have a 2-week recess, as originally planned. That would be a matter for the majority leader to decide.

Mr. PASTORE. Mr. President, would the Senator yield on that point?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. Mr. President, there is not a Member of the Senate who does not realize the criticality of the moment. We have amended the Constitution almost prophetically to allow the President of the United States to appoint a Vice President. I think that there is not a Member of the Senate who would not be willing to return immediately if a call came from the majority leader and minority leader to assemble to consider the appointment of a Vice President. I do not think there would be any hesitation at all in that regard.

Mr. ROBERT C. BYRD. Mr. President, I agree and I thank the Senator.

Mr. JOHNSTON. Mr. President, I certainly echo that sentiment. However, on the other hand, some of us who have made plans to leave and who would be perfectly willing to cancel them would like to know as best we can whether any trips should be canceled in the judgment of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I think I have answered the question about as well as I can at this time.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. This is a matter of interest to all concerned. Staff personnel will observe the usual decorum.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I realize the situation that Senators are in. However, I think that my previous response is about the best that I can make. That is that I would doubt that the Senate will recess for 2 weeks as was previously anticipated.

I should rather think that this is a matter in which the majority leader will have to speak for himself later. However, it is my judgment that the Senate will recess on a 3-day basis, or more often, so that the Senate can be ready to act on any matters which are of an emergency nature. Without going out for 2 weeks, either body under the Constitution can recess for as much as 3 days without the acquiescence of the other body.

I should think that that would be the way the Senate would want to proceed, under circumstances that have arisen both in this country and abroad.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. FULBRIGHT. Mr. President, I am prepared to take up the USIA conference report. I did not know whether the Senator from West Virginia knew that it was ready.

Mr. ROBERT C. BYRD. Mr. President, I did not realize that the able Senator was ready to proceed.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATIONS ACT OF 1973—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on S. 1317, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1317) to authorize appropriations for the United States Information Agency, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there any objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 1, 1973, at pp. 32067–68.)

Mr. ROBERT C. BYRD. Mr. President, the Senate is in session and business is being transacted. I ask the Chair to preserve order in the galleries and in the Chamber.

The PRESIDING OFFICER. The galleries will be in order. We welcome visitors to the galleries. However, we ask that all in the galleries be quiet so that the Senate can perform its duties.

We ask that Senators having conversations retire to the cloakroom so that we may have order in the Senate.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed in the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am informed that a distinguished Member across the aisle from where I stand intends at the appropriate time to ask for the yeas and nays on the adoption of this conference report. So all Senators should be so alerted.

I suggest the absence of a quorum under the same conditions as prevailed in connection with the last quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to cal the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in conferring on the fiscal year 1974 USIA authorization bill, the House-Senate conferees had five differences to resolve.

The first was a $15 million difference in the "salaries and expenses" category. The House bill contained a $203 million authorization; the Senate bill, a $188 million authorization. The conferees compromised on a figure of $196 million.

The second difference arose in the "special international exhibitions" budget category. The Senate bill contained the full amount requested at the time of Senate action. The House bill granted that amount also, but added an additional $1 million for the Eighth Series of Exhibitions in the U.S.S.R., which were agreed upon by President Nixon and Secretary General Brezhnev in June after the Senate had acted. The Senate conferees were pleased to recede in order to support the funding of this activity.

The third difference was a technical one, and I will not take the Senate's time discussing it.

The fourth difference concerned the standing prohibition against domestic distribution or dissemination of USIA-produced materials. The House bill contained an amendment allowing copies of a USIA film about Little League baseball to be purchased and shown by Little League Baseball, Inc.—for purposes of recruitment but not fundraising. The Senate receded on this amendment, but only with the understanding that the making of exceptions to the domestic-use prohibition would not be favorably received by Senate conferees in the future. It would be only too easy for a few expectations to take on the standing of a precedent, and after that this important prohibition would lose any semblance of meaning.

I might say in this connection that we were influenced—unfavorably I think—by the precedent set by a film about the late President Kennedy. It had great appeal, dealing as it did with the story of the assassinated President, and we allowed its domestic use. But I reiterate that I hope we will not, by the erosion of this prohibition, gradually eliminate it. I think it is very important that the Government not finance internal propaganda and this prohibition is an important legal defense against that happening.

The fifth difference concerned a useful access-to-information amendment which was added in the House. This amendment has the effect of requiring USIA to be responsive to any legitimate request for information by the Foreign Affairs Committee of either House. The Senate conferees were pleased to accept this amendment.

Mr. President, I believe that this was a satisfactory conference and a reasonable reconciliation of the differences between the House and Senate bills, and I hope that the Senate will approve the conference report.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. How much time is allowed on this conference report?

The PRESIDING OFFICER. One hour, 30 minutes to a side.

Mr. FULBRIGHT. And on amendments?

The PRESIDING OFFICER. The Chair is advised that nothing was said about amendments.

Mr. FULBRIGHT. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. FULBRIGHT. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that my staff assistant, Charles Morrison, be given the privilege of the floor during the debate and the vote on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I oppose adoption of the conference report and ask that the Senate defeat it. If the Senate does defeat it, I will then move for a further conference and ask that the conference be instructed not to concur in section 4 of the House version of S. 1317 relating to access to information.

This section of the bill is the same as the section which was recently in the foreign aid legislation. For the same reasons that I opposed the provision in that legislation, I oppose its being incorporated into this legislation authorizing funds for the USIA.

As I said last week, I am very much in sympathy with the objective of the legislation. I think it is important that Congress be given essential information to permit it to legislate intelligently, that it be given the information that it needs to enable it to oversee the operations of the Agency. But I greatly fear that the proposed solution of the problem is much worse or at least as bad as the problem we are trying to correct.

I should like to point out to the Senate that this is a problem being addressed by the Government Operations Committee. We do have a bill before the Government Operations Committee, to attempt to provide a basis that will insure that Congress does obtain the information it is entitled to, but in such a way that we do not create a new monster.

As I said last week in debating on this same provision, this is not a partisan matter. I agree that the current administration has not given us all the information we are entitled to. As I have also pointed out, the same was true in the administration before. As a matter of fact, in my first term on the House side, I spent the better part of those 2 years trying to identify and get basic information on the hundreds of Federal assistance programs that were developed to help the people back home.

At that time, I was told by the people in HEW that this was not public information. As a practical matter, they never gave it to us. So I see this as a problem not of any particular administration but, frankly, a problem of the relationship of Congress, the legislative branch, with the executive branch.

I think it is extremely important we insure that there are means available to us to make certain we do get the information we need to legislate intelligently.

Why am I against this provision? First, it provides that if the Foreign Affairs Committees on either side of Congress request certain information and it is not provided within 35 days, then the funds for that agency are cut off.

That makes no sense to me. I say it makes no sense from two standpoints. First of all, it is a way for a committee to kill a program if it does not like it. If we follow this precedent in other bills, it would mean that any committee not happy with a program could make an unreasonable demand for information, and if the agency refused to give it, the funds would be cut off automatically and the end result would be that innocent people would suffer.

Federal employees who worked for that agency, and who are innocent of any wrongdoing, would have their salaries cut off. I cannot believe that this is the intent of Congress, to make innocent Federal employees suffer the consequences. We might say that we are really denying compensation without due process.

Furthermore, it should be pointed out that these are programs that have been adopted by Congress, not only by a single committee, not by the House alone, not by the Senate alone, but by the Congress

It seems to me unreasonable to give that authority to a single committee, the authority, in effect, really, to cut off or to kill a program.

Second, I would also point out that this is a power that can cut both ways. Not only does a committee have an arbitrary grant of power, but a President, if he so chose, could use this as a new means of impoundment. If he wants to kill a particular program, all he would have to do under this legislation would be to refuse to supply the information and the funds would be cut off.

I do not think that is a power or a way of impoundment that we want to give the President.

The thing that concerns me the most is that when we go back to the 1950's, there were problems with at least one controversial committee demanding information that, according to the New York Times and the Washington Post, practically brought the executive branch to a halt.

The same thing could happen again. A committee could ask for confidential information about employees. It could be alleged that they were Communists, Fascists, or indulging in other wrongdoing. Refusal to provide personnel records would be the basis for cutting off the funds.

This was a matter of grave concern not only to Congress in the 1950's, but also to the media. There were a number of editorials written on the subject.

For example, the New York Times, on March 18, 1954, criticized the Eisenhower administration for acting too late.

I read what the editorial said:

> The President has been late but not too late—in recognizing the deep significance of this issue and in standing up to it while the committee itself has, apparently, swallowed Mr. McCarthy's contention that he and it are entitled to know and pass judgment upon every word, every thought, that transpires within the executive departments.

Mr. President, what I am asking this afternoon is that we reject the House amendment to the USIA legislation which would give this really arbitrary power to a single committee, because I think there is a better way to solve it.

As I mentioned, the Senate Government Operations Committee, under Senator ERVIN, has S. 2432, a bill that is designed to deal with the problem of insuring adequate information all across the executive branch of the Government, not only involved with one or two departments, but with all agencies and all executive branches. It seems to me, as a matter of good sense and good government, that we should use exactly the same approach in dealing with this problem, irrespective of whether it is the Department of Defense, the USIA, the State Department, the OEO, or some other agency.

The chairman of the Committee on Government Operations, Senator ERVIN, joined me in my letter, which we sent to Members of the Senate, asking that the conference report be rejected so that we can, in turn, ask that the Senate ask for further conference meetings to be held, so that we could reject this aspect of the bill.

Mr. President, it is my intent to ask for the yeas and nays on this conference report. If it is rejected, I will then make a motion asking for further conference and that the conferees be instructed not to concur in section 4 of the House version of S. 1317, relating to access to information.

Mr. FULBRIGHT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 22 minutes, and the Senator from Delaware has 19 minutes.

Mr. FULBRIGHT. Mr. President, I hope the Senate will not reject the conference report.

I regret that the Senators have chosen to make an issue of this provision of the conference report. I had thought the Senate had settled this matter once and for all. Several times this year, even stronger provisions than this one have been approved by the Senate; and I thought that it was now clear that there was a strong consensus as to the need for unequivocal access-to-information legislation to insure that executive branch agencies dealing with foreign affairs are responsive to legitimate requests for information by the Congress. Let me remind the Senators of recent Senate votes relating to access-to-information:

First. On June 14 of this year, the Senate passed the State Department authorization bill, containing a Foreign Relations Committee amendment requiring the State Department, USIA, AID, ACDA, ACTION, and OPIC to be responsive within 35 days to legitimate requests for information from any congressional committee or the GAO, lest that agency's funds be cut off. The Senate had the opportunity to express its view on this amendment, because this provision was challenged on the Senate floor. The Senate rejected that challenge by a vote of 51 to 33, thus placing itself on record as being strongly in favor of this sensible access-to-information approach.

Second. Later, on June 26 of this year, the Senate reaffirmed its belief in this approach when it passed the military aid bill, leaving unchallenged a Foreign Relations Committee provision requiring that any executive branch agency administering foreign aid respond within 35 days to a legitimate request for information from any relevant congressional committee or the GAO, lest that agency's funds be cut off. This Senate bill now awaits conference with the House.

Third. Still later, on October 2 of this year, just a few days ago, the Senate passed the economic aid bill, containing the same provision. This bill also awaits conference.

These recent Senate votes, Mr. President, should make it clear that the Senate has had ample opportunity to consider this subject and that it has determined that there is a compelling need for legislation to insure that Congress is no longer the victim of executive branch arrogance in the denial of legitimate requests for information.

The matter now before the Senate is the USIA conference report. It contains an access-to-information provision requiring USIA to be responsive to congressional requests for information. As it happens, this provision is a House amendment, which was not in the USIA bill originally passed by the Senate. But this does not mean that the Senate has not already decided upon this question. It did decide, as I mentioned before, on June 26, when it voted on the access-to-information provision in the State Department authorization bill. That provision—which the Senate approved by a vote of 51 to 33—specifically cited USIA as one of the agencies to which this requirement would apply. I might point out that the Senator from North Carolina voted in favor of that provision. This matter now comes before the Senate again only for technical reasons.

I will describe briefly how this happened. At the time the Senate acted on the USIA authorization bill, the access-to-information question—for all foreign affairs agencies—appeared to have been taken care of by the Senate's amendment to the State Department authorization bill. Later, however, that entire provision was stricken from the State Department bill conference report on a point of order, not relating to the merits, but to its germaneness under the House rules. Because of this, Members of the House sponsored an amendment to the House USIA bill, which had not yet been passed by that body, adding the access-to-information provision to govern requests for information from that agency.

The House passed that amendment, and in the House-Senate conference on the USIA bill which followed, the Senate conferees were pleased to recede on the matter, because the Senate had already shown, by its earlier vote on the State Department bill, that it wanted the access-to-information requirement applied to all foreign affairs agencies, including USIA. Thus, the Senate conferees have returned to the Senate from the conference on USIA with a House amendment which does no more than embody the desire which the Senate expressed overwhelmingly in its June 14 vote—and also, indirectly, by other votes.

In addition, Mr. President, I would point out that the House amendment on access to information to which the Senators are now objecting is actually weaker than the amendment passed by the Senate on June 14. That amendment related to information requests from any congressional committee. The House amendment now in question applies only to requests directed to USIA by either the House Foreign Affairs Committee or the Senate Foreign Relations Committee—after such requests have been approved by a majority committee vote. By no reasonable view is this legislation conducive to irresponsible or unreasonable requests for information. It is the minimum legislation necessary to insure that the House and Senate committees which have jurisdiction over USIA are able to acquire the information necessary to carry out their constitutional responsibilities.

Only last year the Foreign Relations Committee found itself unable to obtain from USIA the so-called Country Plans, which are the very basis upon which USIA activities are designed in each of the countries where USIA operates. I ask unanimous consent to have printed at the end of my prepared remarks the Presidential directive which authorized the USIA Director to deny this reasonable request for information by the committee. In that directive, dated March 15, 1972, the President made the claim that he "has the responsibility not to make available any information and material which would impair the orderly function of the executive branch of Government, since to do so would not be in the public interest." Unfortunately, by this kind of reasoning, the executive branch has denied Congress any and all information it has not wanted Congress to have. The USIA Country Plans were necessary if the committee was to examine thoroughly the planned USIA activities for which the committee was being asked to approve funds. And yet those plans were denied, even after repeated requests, and the committee had no recourse. This, Mr. President, is but one example of the difficulties which this legislation would overcome.

I can sum up very simply, Mr. President: The Senate, by its earlier votes, has indicated its recognition that access-to-information provisions are necessary with regard to the various foreign affairs agencies of the executive branch. Such provisions will facilitate Congress doing the job it is supposed to do, and I hope the Senate will not now change its mind about the need to do that job.

There being no objection, the directive was ordered to be printed in the Record, as follows:

U.S. Information Agency,
Washington, D.C., March 16, 1972.

Hon. J. William Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

Frank Shakespeare.

Memorandum for the Secretary of State, the Director, U.S. Information Agency

The White House,
Washington, D.C., March 15, 1972.

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971, and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

Richard Nixon.

Mr. FULBRIGHT. As I have said, this amendment was put in by the House and accepted by the committee on conference, primarily because the Senate has voted on this subject in the case of the State Department authorization bill and the military and economic assistance bills, which recently passed this body by large majorities. The Senate has already approved, on three separate votes, the principle of access to information.

I submit that the Senator is again raising questions about the role of the Senate—or Congress, if you please—in the legislative process. In the letter which was sent around, there was reference to the President's refusal to provide requested information, "whether this refusal was for sound reasons or not." I do not think there are any sound reasons why the President—when I say "the President," I mean the agency, which is the executive agency—should not supply information, with the sole exceptions which we dealt with in the legislation, by excluding personal Presidential communications. We are not trying to intrude into that very narrow area of executive privilege or into the President's personal communications with his aides. Other than that area, which we have provided for, there is no good reason I can think of why they should deny Congress information that is needed and is relative to our legislative duties.

The suggestion of the Senator from Delaware simply raises a question of no confidence in Congress. This particular provision in the bill is confined to the two committees which have jurisdiction over USIA programs—that is, the House Foreign Affairs Committee and the Senate Foreign Relations Committee. It requires a majority vote of both committees. I cannot, as chairman—nor can any other member—make a request. Whenever there is any doubt about this matter, before a request can be submitted under this provision, there would have to be a majority committee vote.

So I submit that it would be too bad for the Senate, after all that has been said about discharging our legislative duties, to now turn its back on a provision that it approved three times this year and which is designed to do nothing but to give some incentive to the agency to supply information.

I believe that the argument that this is a great hazard to the existence of the agency is without merit. These are executive agencies. The President, himself, has presented these programs to Congress. I cannot imagine the President being so adamant that he would cause this provision to be invoked over some matter of information. If he is against the program and wishes to use this as an excuse to end it, he has other ways, much more normal ways, to do that. All he has to do is to veto the bill, or not propose it in the first place. The Senator raises an imaginary problem, and I do not think there is any substance to it.

With regard to S. 2432, the bill before the Government Operations Committee, I have no objection. I would applaud their passing a good bill, and perhaps they could find a formula better than this. All we need do, in case they do that, is to revise this provision and to amend it to conform with that. There is no fight with the Committee on Government Operations. The fact is that they have not made progress, so far as I know. It is not before the Senate, and I do not know whether it will be 1, 2, or 3 years. It is an extremely busy committee.

I see no reason to put off this matter. We have been trying to develop better cooperation between the executive and the legislative branches for some years. The bill has passed the House. It cannot do any great harm that I can imagine. It is utterly fantastic to believe that the executive is going to stop the operations of the USIA over a request for information from that agency. This Agency does not deal in the kind of sensitive information in which the CIA deals. I think there might be validity to the argument of the Senator if we were dealing with the CIA, and there is always a difference of opinion as to that.

I believe that for the last 10 years, this Government has been absolutely obsessed with the idea of secrecy and the denial of access to information by Congress. I think many of our troubles in this country have arisen from this secrecy and the desire to keep Congress in the dark. It began with the war in Vietnam, and we have had many instances since then. I do not want to drag up the bombing in Cambodia, and so forth. There has been instance after instance in which the Executive has felt justified in denying information or withholding information or deceiving Congress.

I still insist that Congress is an important part of this Government, and I think it would be a backward step if the Senate rejected this conference report on the ground that we do not have a right to information from the agencies and that we do not have a right to provide for an effective sanction that will cause them to be responsive. In fact, they have not been responsive, and it is not just with respect to the Committee on Foreign Relations.

The Senator from North Carolina has stated to me—I have heard him complain in open session, in his own subcommittee—about the executive branch, particularly the Pentagon, denying him information which he desires. So it is not just one committee. It has become endemic throughout the Government.

I hope the Senate will not reject the conference report on grounds which I think are without foundation—that we would abuse this access-to-information provision and that this would cause an impoundment of funds or the dislocation or denial of an entire program. I do not believe that is a realistic prospect at all. If the President wishes to stop a program, he has many other ways to do it.

Mr. President, I am prepared to yield back the remainder of my time if no one else wishes to speak. I do not know what the Senator from Delaware wishes to do. Does he know if the Senator from North Carolina wishes to make a statement?

Mr. ROTH. We do have one or two Senators on the way over to the Chamber.

Mr. FULBRIGHT. Mr. President, I reserve the remainder of my time.

Mr. ROTH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I would like to answer two points made by the distinguished chairman of the Committee on Foreign Relations. While it is true this matter has come before the Senate on other bills, this is the first time this issue has been raised with respect to S. 1317, the USIA authorization act.

I think it is important to note that at this time, as I mentioned earlier, there is a committee that has responsibility for this problem, and that it is, in fact, dealing with it.

I pointed out that I have been joined by the distinguished senior Senator from North Carolina (SAM ERVIN), who is also chairman of the Committee on Government Operations, in asking that the Senate reject this conference report so that we can eliminate what we consider to be a dangerous precedent. I emphasize the words "dangerous precedent."

Mr. President, I have every confidence in Congress, Members of the House and Members of the Senate, but that does not mean that at some future time some aggressive, ambitious Member of this body or the other body might not use the authority in a way that is not sound. It happened in the fifties; there is no reason it cannot happen in the seventies, as well.

There is a great deal of talk going on today about trying to make this a responsible Government. It does not strike me that the Congress is acting responsibly in trying to correct what I agree is a weakness in the executive branch, in that they are not providing us the information we need. But we are not acting responsibly by opening a door that could create problems that already have occurred in the past.

It is absolutely essential that we deal with this problem in a way that we correct the problem of inadequate information from the executive branch; but as a responsible Congress, a responsible Senate, that we use self-restraint or self-discipline in such a manner that someone at some future time might not use this authority in an improper way.

I strongly agree with the Senator who heads the Committee on Government Operations that this is "must" legislation for the current year. I hope it is reported shortly after the recess. In the meantime, I think we are making a serious mistake if we put a committee in a position where it can embarrass members of the executive branch who are acting in good faith or acting in such a manner that innocent people will suffer through loss of income or the benefits of a program adopted by Congress.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. ROTH. I yield.

Mr. FULBRIGHT. With respect to the Senator's statement that Congress will not act responsibly, that a majority will not act responsiby, I do not know why the Senator is entitled to take that attitude. We can always find those who differ with us, but I do not think the Senator is justified in leaving the implication that the majority of the standing committees will not act in good faith.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware may proceed.

Mr. ROTH. I would answer the Senator in this fashion. Obviously I would hope that no committee would act in that way. The distinguished chairman of the Committee on Foreign Relations may be perfectly correct that the majority of his committee would not act in that way.

One of my concerns is that if we adopt this legislation here it could very well serve as a precedent in other legislation.

There are certain programs that are controversial, as I have pointed out. Perhaps a committee would ask for certain information from OEO or AID of a type that is questionable and should not be provided. This would have the effect of cutting off that whole program and denying the intended recipients the benefits which Congress has voted them.

I do not say that the Committee on Foreign Relations will misuse its power, but that is not really the point.

The point is that we should develop responsible legislation to correct the problem.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. ROTH. Mr. President. I yield myself 1 minute more.

It is no answer to say that a committee will not use this power when there are better methods of correcting the problem that will not even make it possible for a committee to misuse its power. This is the responsible way to act and I believe it is what the Nation expects of us.

Mr. FULBRIGHT. This is a very narrow amendment applying only to USIA and the Committee of Foreign Relations and the Foreign Affairs Committee. If the Committee on Government Operations reports a bill, S. 2432, which is an improvement in the procedure I would be delighted to support the bill. In the meantime we need a legal access-to-information provision.

Mr. President, I yield to the Senator from Maryland. How much time does the Senator from Maryland desire?

Mr. MATHIAS. Three minutes.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am somewhat reluctant to enter this debate, but I feel compelled to do so. I have been the author of a provision which has been favorably reported by the Committee on Government Operations which really would have the same effect as the contested provision of the conference report, in that it makes it a statutory obligation of the executive branch or any branch of Government to supply Congress with the necessary information which it requires in order to conduct the public's legislative business.

It seems to me this really should not be a matter of legislative obligation because it is so clear. This information does not belong to USIA, the State Department, or the President. It belongs to the United States of America and the people of the United States of America. The taxpayers are the people who pay for it.

On what basis can it be withheld from Congress? It seems to me it is just that simple.

I am concerned, as is the Senator from Delaware, about the plight of employees who may be the innocent bystanders, who are adversely affected. Perhaps I, together with my colleague from Maryland, have a greater cause to be concerned with these people than anyone else because many of them are our constituents, and I am very tender in their regard; but I cannot believe that Congress would stand by and let the individual suffer under these circumstances.

The difficulty is that I do not see any other way to get around the difficult proposition with which Congress has been faced for all too many years in which the information necessary to legislate intelligently is required and is withheld.

I might be more reluctant to support the conference report if this were a case without precedent, but I would like to ask the distinguished chairman if it is not true that the Foreign Assistance Act of 1961 has nearly the same provision in it.

Mr. FULBRIGHT. It does, except there is an escape clause. Recently, the Senate acted to remove that loophole. The Senate's amendments now await conference on the aid bills.

Mr. MATHIAS. But the precedent is clear?

Mr. FULBRIGHT. Oh, yes. At that time we did not think the escape clause would be abused. There used to be mutual respect between the Legislative and Executive branches.

Mr. MATHIAS. Except in the broad, general sense that the entire payroll of the agency might be jeopardized by an arbitrary refusal to release to the Congress information that was bought and paid for with public moneys, does this militate against any official, any officer, or any employee of the agency as an individual?

The PRESIDING OFFICER (Mr. DOMENICI). The Senator's 3 minutes have expired.

Mr. FULBRIGHT. I yield the Senator 2 minutes.

It is against the agency as a whole, but the Senator knows very well the pressure upon the agency would be such that they would at least come and explain their reasons. I think the Senator has been around here long enough to have some confidence in the majority of a standing committee. One Senator might be arbitrary—for example, the late Senator from Wisconsin, in his actions in the early 1950's. But from that, it is not reasonable to infer that a majority of the committee is going to act so irresponsibly.

Mr. MATHIAS. Again I want to repeat that I am very tender of the financial security of the rank and file employees of any agency, but I would agree with the Senator that a majority of Congress are not going to be blind about that. As a matter of fact, my experience over the years is that we might be softheaded on it, and if they came down here with a good, hard case, perhaps against our interest and the public interest, we might give in too easily.

Mr. FULBRIGHT. It would be very difficult to have the majority of the committee take action of that kind. It would have to be a difficult case, like the case the USIA presented to us. The USIA precipitated it, as far as the Foreign Relations Committee is concerned, in their refusal, on very flimsy grounds. It was an arbitrary refusal in my opinion.

Mr. MATHIAS. It would seem to me worthy of a struggle on the conference report to have the establishment of the principle of the right of Congress to have information bought and paid for with public money.

Mr. FULBRIGHT. That is right.

Mr. MATHIAS. That is more important than the subsidiary issues involved.

Mr. FULBRIGHT. That is right. We adopted it. If an appropriate committee comes in with a better formula, I will be glad to say we will repeal it; but there is nothing now that is effective. I want that understood.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, what is the desire of the Senator from Delaware? Did the Senator wish to have the yeas and nays?

Mr. ROTH. I intend to ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. FULBRIGHT. How much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. FULBRIGHT. On my time.

Mr. President, rather than suggest the absence of a quorum, I now ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, has the Senator completed his statement? I have been asked to request that the yeas and nays be ordered to take place at 5:10 p.m. I really do not know the reasons for it. I have been requested by the majority leader to ask unanimous consent that we vote on this conference report, up or down, at 5:10 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Mr. President, reserving the right to object, will the Senator make it 5:15?

Mr. FULBRIGHT. Mr. President, I amend my request that the Senate vote at 5:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. FULBRIGHT. Mr. President, the yeas and nays have been agreed upon. I am willing to yield back my time if the

Senator does. Does he wish to yield back his time?

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROTH. Take it from my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Delaware has 20 minutes.

The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, reserving the time of the Senator from Delaware—I understand it is about 20 minutes—prior to the vote, and that we proceed to the consideration of the State Department authorization conference report. It is my understanding that is noncontroversial. We receded on the controversial issues. I believe that would be in the interest of time.

Mr. BEALL. Mr. President, reserving the right to object, will the Senator agree to a temporary roll call?

Mr. FULBRIGHT. Surely.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, reserving the right to object to the Senator's unanimous consent request, do I understand under the terms of the request being made that we will resume consideration of the pending business as of 10 minutes to 5?

Mr. FULBRIGHT. Five minutes to 5. That leaves 20 minutes.

Mr. BEALL. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered. The Senate will resume the consideration of the USIA conference report at 4:55 p.m. today.

STATE DEPARTMENT AUTHORIZATION—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on H.R. 7645, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DOMENICI). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 9, 1973, at pages, 33413–15.)

Mr. FULBRIGHT. Mr. President, I do not take any pleasure in presenting this conference report to the Senate. It is, in fact, the second conference agreement on this bill.

Under no circumstances could this agreement be called the product of a "full and free conference" as the traditional language of conference reports states. It represents just the opposite. The real product of the "full and free conference" between the House and the Senate, on which agreement was reached last June 29, fell victim to a far-reaching House rule. Every member of the conference committee signed the original agreement after what I considered to be one of the most satisfactory conferences in which I have participated in many years. Yet that unanimous report was rejected in the House, not on the merits, but on points of order raised against two Senate-initiated provisions on the grounds the sections would not have been germane if offered as amendments on the House floor to the original House bill.

One provision involved a means to insure proper congressional access to information from the foreign affairs agencies and the second required that foreign military base agreements be submitted to the Congress for approval. The Committee on Foreign Relations looked upon both as important elements in its efforts to restore a better balance between the executive and the legislative branches in the making of foreign policy. Both provisions have been given strong support by the Senate. The Senate has endorsed the principle of the military base agreements provision on several occasions in the last 2 years and, on June 14, it rejected an attempt to strike the access to information provision by a vote of 33 to 51. After considerable discussion the conferees on H.R. 7645 reached a reasonable compromise on both provisions which did not detract from the principles at stake.

Under the House rules, if the Chair rules that a Senate amendment in a conference report on a House bill would not be germane if offered to the bill in the House, a motion can be made to strike the offending provision. That is what happened to these two sections, the first time this rule has been applied to reject individual sections of a conference report.

I ask unanimous consent to have printed in the RECORD excerpts from the House debate of September 11 on the original conference report.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM HOUSE DEBATE ON CONFERENCE REPORT ON H.R. 7645

Mr. GERALD R. FORD. . . . if a conference substitute contains language which, if originally offered in the House, would be nongermane under rule XVI, clause 7, a valid point of order lies against the conference report.

* * * * *

It is well established that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill (VIII, 2911).

* * * * *

Thus, it is clear that an amendment including the language of section 13 of the conference report which proposes to amend a statute not amended by the text of H.R. 7645 as reported to the House would be nongermane.

* * * * *

Third. Furthermore, any amendment must be germane to the portion of the bill to which it is offered.

* * * * *

The SPEAKER. The Chair notes that certain agencies made subject to this new provision include some—such as ACTION, the U.S. Information Agency, the Arms Control and Disarmament Agency which are not authorized in this bill. The three agencies just mentioned are authorized funds by other legislation.

The Chair concludes that the conference provision would not have been germane if offered to the House bill and the point of order against section 13 is therefore sustained.

* * * * *

Mr. MAILLIARD. . . . frankly, I am tired of being in conference with the Senate Committee on Foreign Relations with a whole basketful of nongermane amendments being attached. It seems to me, Mr. Speaker, that this is the opportunity to find out whether this new rule that we adopted is going *to* be effective in preventing the Senate from attaching nongermane material to House bills, as they have been doing from time immemorial. I think that is the basic issue we have here.

* * * * *

I do not know of my own knowledge, that the Senate Committee on Foreign Relations now has a request pending in the Department of State for all of the documents involved in producing the negotiating position of the United States in the SALT talks.

* * * * *

My answer to that is that the Foreign Affairs Committee does not need to have unlimited access to all kinds of highly classified information in order to perform our oversight functions adequately.

* * * * *

Mr. FRELINGHUYSEN. . . . we should not be allowed, nor should we seek, a blank check to classified information.

* * * * *

I would hope that the President also would be aware of the danger of this effort to obtain absolute freedom of access to information by certain committees of Congress. I hope he would veto such a proposal if necessary.

* * * * *

This provision would have the result of making the State Department a conduit for all sorts of sensitive information becoming public.

* * * * *

Mr. MCCLORY. . . . I am opposed to any provisions which seem to prefer one group or committee of the Congress over other Members and other committees with respect to access to information affecting our Nation. If there are documents or other material of interest to the Representatives of the people, it seems to me they should be made accessible to all of the Representatives of the people elected to serve in this Congress.

* * * * *

Mr. GERALD R. FORD. . . . Second, we have been plagued over a period of time with nongermane amendments by the other body added to legislation the House has passed.

* * * * *

If we now accept a nongermane amendment, I think we are making a serious error as we try to straighten out the comity between the House on the one hand and the other body on the other hand.

* * * * *

Mr. HAYS. I have talked with the chairman. Members can bet that if we have to go back to the committee we will come right back with one applying to the State Department, and it will be germane, and Members can vote up or down the conference report.

* * * * *

Mr. SIKES. . . . Section 10 of the conference report is not germane to the "fundamental purpose" of H.R. 7645 (VIII, 2911), it amends various Defense Department laws not mentioned in H.R. 7645 as reported to the House—and thus it is "new subject" within the meaning of V, 5825—and finally, the language of section 10 is not germane to any portion of the original H.R. 7645 (VIII, 2927, 2931).

* * * * *

Second, two subjects are not necessarily germane because they are related.

* * * * *

Aside from this general contemporary approach, the germaneness of section 10 is challengeable in the following specific respects:

First. It purports to impose restrictions on funds other than those authorized by the subject conference report.

* * * * *

Second. It extends beyond the fundamental purpose of the original House bill committed to conference (secs. 2911 and 2997, Cannon's Precedents) and a 1966 ruling where. . . .

* * * * *

Third. It seeks to impose restrictions of a permanent nature, yet the legislative object of this conference report is applicable only to a fiscal year.

* * * * *

"If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which cannot be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment cannot be said to be germane."

* * * * *

The SPEAKER. . . . The Chair observes that the conference language prohibits not only the use of funds authorized by the pending act but all funds available to the executive branch which might be used to carry out such agreements.

The prohibition against the use of funds would apply not only to the Department of State and the programs funded in this bill but would also relate to all agreements which might be entered into, whether or not by the Department of State. It would go to the funds authorized in Military Construction Acts and thus to funds authorized by the Committee on Armed Services.

The Chair, therefore, concludes that the amendment would not have been germane if offered to the House bill and the point of order against section 10 of the conference report is, therefore, sustained.

Mr. SIKES. . . . This section would even prohibit without formal congressional approval the dispatch of disaster relief units, not just combat units. The United States has 100 agreements for military facilities in some 40 countries. These agreements are usually technical and administrative covering a wide range of routine things and involving no significant foreign policy consideration.

* * * * *

Mr. HÉBERT. . . . It would affect probably even going on dress parade, which is outside the jurisdiction of this particular commitment. It is a matter of certainly something that almost borders on the ridiculous.

* * * * *

Of course, I do not agree with them, but I think here is a time when the Congress now asserts its authority and expresses its ability and demonstrates its ability and should vote in favor of the opposition advanced by the gentleman from Florida.

Mr. GROSS. . . . I hope that a way can be found to make these amendments or a variation of them germane. In that event I will vote for them.

Mr. FULBRIGHT. The rejection of these two provisions is serious enough of itself. But the significance of what took place goes far beyond the fate of these two sections; it amounts to a rejection of the traditional concept of comity between the branches. If the House can reject individual components of conference reports on grounds that they do not meet the requirements of the House rules, it is no less than an effort to make the Senate comply with the House rules on germaneness, an extraterritorial application of the House rules, if you will.

The issue posed by the House's action is one which requires the attention of the entire Senate. This bill merely happened to be the first victim of the rule. Others will inevitably follow. This is a relatively minor bill and the House's action has attracted little attention. When the ax falls on a Senate amendment of interest to a large number of my colleagues, perhaps the Senate will act to protect its prerogatives. It is a problem which will grow more acute in the month ahead.

Now as to the provisions of the conference agreement. Technically, there were only two items in disagreement, those rejected after the invocation of the House germaneness rule and added again in modified form by the Senate.

As to the access to information provision, a similar requirement has been included in the USIA authorization, limited in its effect to that agency, and, for the foreign aid program, in both the economic and the military aid bills as passed by the Senate. The Senate conferees agreed to drop the provision applying to the State Department in order to give the new Secretary of State a fair chance to cary out his pledge to cooperate with Congress. The committee will review the Department's record on access to information in connection with the work on next year's State Department authorization bill.

The Senate conferees reluctantly agreed to recede on the military base agreements provision also. The House conferees argued that if the provision remained in the bill, the conference report faced certain defeat in the House. The House conferees did, however, pledge to work to find a legislative solution to the problem next session. I will certainly do everything I can to get this principle enacted into law.

I wish to pay my respects to the distinguished Senator from New Jersey (Mr. CASE), because he was the principal sponsor of this provision. It is a very good provision. It is one that tends to restore the Senate to its proper role in this area. I shall certainly do everything I can to cooperate with the Members of the House conference, who also support this provision in the legislation.

We faced a situation—we were endangered by a situation—that if this conference were rejected by the House, we might, on another try, be confronted with a continuing resolution, which is becoming so habitual in this Congress. We did not wish to do anything toward a prolongation of a procedure which completely bypasses all legislative committees. That was a very important consideration, so the Senate receded on these two very important amendments.

Mr. President, if no other Senator wishes to speak on the conference report, I move its adoption.

The PRESIDING OFFICER (Mr. DOMENICI). The question is on agreeing to the conference report.

The report was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that S. 2436, Calendar Order No. 372, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, anounced that the House insists upon its amendment to the bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers of the conference on the part of the House.

PARTICIPATION IN UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6768.

The PRESIDING OFFICER (Mr. DOMENICI) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. MUSKIE, and Mr. CASE conferees on the part of the Senate.

ORDER OF BUSINESS—RECESS UNTIL 5:10 P.M.

Mr. FULBRIGHT. Mr. President, I should like to amend my previous unanimous-consent request by asking unanimous consent that the Senate take a recess until 5:10 p.m., reserving the 5 minutes from 5:10 to 5:15 to the distinguished Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in recess until 5:10 p.m.

At 4:48 p.m. the Senate took a recess until 5:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EAGLETON).

RESOLUTION TO CONTINUE EMPLOYEES OF THE VICE PRESIDENT ON THE PAYROLL OF THE SENATE FOR 30 DAYS

Mr. CANNON. Mr. President, on behalf of myself, Senator COOK, Senator MANSFIELD, and Senator SCOTT, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 184

Resolved, That the clerical and other assistants to the Vice President on the payroll of the Senate on the date of his resignation, October 10, 1973, shall be continued on such payroll at their respective salaries for a period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: *Provided,* That any such assistants continued on the payroll, while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Would the resolution normally be referred to the Committee on Rules and Administration, of which I am chairman?

The PRESIDING OFFICER. That is correct.

Mr. CANNON. Mr. President, I ask unanimous consent that the matter not be referred to the Committee on Rules and Administration and that it be subject to immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, a brief explanation: In light of the unfortunate circumstances that have occurred, this resolution would provide that employees on the Vice President's staff who are paid by the Senate would be continued on the payroll for a period of 30 days, in order that they might be available to help in carrying out the winding up of the affairs of the Vice President in his present office.

This is the same procedure that would be followed if a Senator were to resign—that is, his employees would be kept on the payroll for a period of 30 days in order to wind up his affairs. It is no different from the treatment of a Senator.

I may say, Mr. President, that I have polled the members of the Committee on Rules and Administration, and all are in favor of the resolution and in favor of its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. McCLURE. Mr. President, reserving the right to object—and I shall not object—has this resolution been cleared with the minority leadership?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. The minority leader is a cosponsor.

Mr. McCLURE. I thank the Senator.

I would just comment that I expect that there will be no attempt on the part of anyone to work any kind of mischief in the control of the staff, but it does transfer control from one entity to another, which I think we should be aware of. I assume that there is no intention to exercise any control as a result of the resolution.

Mr. MANSFIELD. Absolutely not. Everything is on the table. If this were not done today, the payroll would be chopped off at the end of business today. What we are according to the former Vice President, who was an officer of this body, the Presiding Officer, is the same treatment that applies to Senators in similar circumstances; that is, resignation.

Mr. McCLURE. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 184) was agreed to.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATIONS ACT OF 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1317) to authorize appropriations for the U.S. Information Agency.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware has the floor until 5:15.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. MANSFIELD. Did the Chair say "until 5:15?"

The PRESIDING OFFICER. The vote is to occur at 5:15.

Mr. MANSFIELD. I ask unanimous consent that the time for the vote be extended to 5:20 because of the time the Senator from Delaware allowed us to dispose of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I oppose the adoption of the conference report, and I am asking that the Senate reject it.

As I explained earlier, if the Senate does reject the conference report, I will then move for further conference and that the conferees be instructed not to concur in section 4 of the House version of S. 1317 relating to access to information.

As I stated earlier, the senior Senator from North Carolina and I agree that legislation is needed to insure adequate information being supplied by the Executive branch to Congress. We feel, however, that the approach in 1317 is the wrong approach, that it sets a dangerous precedent, and for that reason we are asking the Senate to vote "nay" on the conference report, so that we can reject this aspect of the report.

Frankly, I am concerned that the cure is worse than the illness. While I believe we have a right to secure adequate information, it is important that we not put ourselves in such a position that we will make innocent people suffer if for any reason information is not supplied to Congress.

What the conference report provides is that if the USIA did not supply the information within 35 days, its funds would be automatically cut off. I think this is an unconscionable approach, because it means that the beneficiaries of the programs would suffer; and, more importantly, the salaries of the Federal employees in that agency would be cut off.

Senator ERVIN and I are asking that Senators vote "nay" on the conference report. We will then ask that it be referred for further conference, with instructions that it be reported back without this aspect of the report.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Oregon (Mr. PACKWOOD). If he were present and voting he would vote "nay." I have already voted "aye." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. TAFT), and the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

The pair of the Senator from Oregon (Mr. PACKWOOD) has been previously announced.

The result was announced—yeas 62, nays 29, as follows:

[No. 466 Leg.]

YEAS—62

Abourezk
Aiken
Baker
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Dole
Domenici
Dominick
Eagleton
Fong
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NAYS—29

Allen
Bartlett
Beall
Bellmon
Bentsen
Biden
Brock
Buckley
Chiles
Cook
Cotton
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Mansfield
McClure
McGee
Percy
Roth
Scott, Hugh
Scott, William L.
Stafford
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Saxbe, for.

NOT VOTING—8

Bayh
Bennett
Byrd, Harry F., Jr.
Curtis
Eastland
Packwood
Taft
Williams

So the conference report was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SESSIONS DURING NEXT 2 WEEKS

Mr. MANSFIELD. Mr. President, on my own responsibility, but in the hope that the distinguished Republican leader will concur and that the Senate will understand, I wish to announce that, because of developments in recent days, the 2-week recess which the Senate had planned will not occur. There may well be pro forma meetings during that period, and there will be legislation which we can attend to as well, but it is my belief that, because of the situations which have arisen overseas and at home, it is the better part of wisdom to make this announcement at this time. Hopefully, the Senate will understand.

Mr. GRIFFIN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Of course, I do not speak for the minority leader, but I think there is no question that the announcement made by the majority leader would meet with the agreement of the leadership on this side. I think the circumstances that have developed both abroad and at home are much different than earlier when the announcement was made concerning the possibility of a 2-week recess. I think personally that the majority leader is making the right decision.

Mr. MANSFIELD. I thank the distinguished acting Republican leader. I want to apologize personally to any Senator who may be embarrassed because of the change of plans—a change of plans which occurred because of the word given by the majority leader to the Senate as a whole.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1443.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

SEC. 2. The Foreign Assistance Act of 1961 is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961' " and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act' ". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 104. Population Planning and Health.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 105. Education and Human Resource Development.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 106. Selected Development Problems.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 107. Selected Countries and Organizations.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 108. Application of Existing Provisions.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"Sec. 109. Transfer of Funds.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more thatn 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

Sec. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

Sec. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

Sec. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sec. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corportaion, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

Sec. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968.000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

Sec. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.".

(e) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional amounts as may be required from time to time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERNATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semianaual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

SEC. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—COOPERATIVE ECONOMIC EXPANSION

SEC. 495. COOPERATIVE ECONOMIC EXPANSION.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "THAILAND.—" in the section heading and inserting in lieu thereof "THAILAND, LAOS, AND VIETNAM.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract, or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the Service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Section 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (e) immediately after the word "articles", wherever it appears, a comma and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.".

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: *Provided,* That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): *Provided,* That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personenl, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employes; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631(b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disabilty Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Therafter, compulsory contributions will be made with respect to each participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

'(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: *Provided* that no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability: *Provided, however,* That this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b)(1) The President of the United States shall, as soon practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

(2) Any assistance or sales referred to in the preceding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistanct Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible."

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purposes of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(e) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(a) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appaer.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$450,000,000 for the fiscal year 1974"

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expenditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of

any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a) (1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized.

And amend the title so as to read: "An Act to amend the Foreign Assistance Act of 1961, and for other purposes."

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1443 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. CHURCH, Mr. HUMPHREY, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1973

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2335.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

SEC. 2. The Foreign Assistance Act of 1961 is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961'" and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act'". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States leads support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision or the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

SEC. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corporation, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975":

ALLIANCE FOR PROGRESS

SEC. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968,000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.".

(e) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional amounts as may be required from time to time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERNATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

Sec. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"Chapter 10—Cooperative Economic Expansion

"Sec. 495. Cooperative Economic Expansion.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

Sec. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "Thailand.—" in the section heading and inserting in lieu thereof "Thailand, Laos, and Vietnam.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

Sec. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 5—International Military Education and Training

"Sec. 541. Statement of Purpose.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"Sec. 542. General Authority.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract, or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the Service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"Sec. 543. Authorization.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"Sec. 544. Annual Reports.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Secion 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (e) immediately after the word "articles", wherever it appears, a comma, and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.".

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: *Provided,* That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): *Provided,* That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k) (1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631(b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an Officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two, during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: Provided, That no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of section 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability: ***Provided, however,*** **That** this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b)(1) The President of the United States shall, as soon as practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

(2) Any assistance or sales referred to in the preceeding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foriegn policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.".

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purposes of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(c) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(c) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appear.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof $450,000,000 for the fiscal year 1974".

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expeditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundations, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a) (1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized.

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2335; agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Fulbright, Mr. Church, Mr. Humphrey, Mr. Aiken, and Mr. Case conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. Robert C. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the junior Senator from West Virginia on tomorrow, there be a period for the transaction of routine morning business not to exceed 15 minutes with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 2491

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2491, dealing with crop failures, be made the pending business at the conclusion of the routine morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TREASURY-POST OFFICE APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1:30 p.m. tomorrow the distinguished Senator from New Mexico (Mr. Montoya) be recognized to call up the conference report on the Treasury and Post Office appropriation bill (H.R. 9590).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow, the Senate will convene at the hour of 12 noon.

After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. Robert C. Byrd) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

On tomorrow, it is anticipated that the Senate will take up S. 2491, a bill to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains.

Mr. President, it is possible—but not definite—that S. 2013, a bill to amend the act of June 14, 1926 (43 United States Code 869), pertaining to the sale of public lands to States and their political subdivisions, will be called up on tomorrow.

Conference reports, being privileged matters, may be called up at any time. And votes may occur thereon. Other measures cleared for action may also be called up.

In summation, Mr. President, yea-and-nay votes may occur on tomorrow.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:51 p.m. the Senate adjourned until tomorrow, Thursday, October 11, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, October 10, 1973:

Old West Regional Commission

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission, vice Robert L. McCaughey, resigned.

Securities Investor Protection Corporation

Glenn E. Anderson, of North Carolina, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1975. (Reappointment)

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 1973, vice Byron D. Woodside, resigning.

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1976. (Reappointment)

The Judiciary

Walter Jay Skinner, of Massachusetts, to be a United States District Judge for the District of Massachusetts, vice Anthony Julian, retired.

Department of Justice

Thomas Arny Rhoden, of Mississippi, to be United States Marshal for the Southern District of Mississippi for a term of four years, vice Jack T. Stuart, resigned.

U.S. Air Force

The following officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Ernest C. Hardin, Jr., [redacted]FR (major general, Regular Air Force) U.S. Air Force.

In the U.S. Army

The following-named officer for temporary appointment in the Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 3442 and 3447:

To be brigadier general

Col. Leonard F. Stegman, [redacted], U.S. Army.

In the Navy

Reinhardt H. Bodenbender (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

James M. Geeslin, Jr.
Francis A. Mlynarczyk

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Daniel D. Broadhead
Henry Cevallos
Larry D. Cordell
Robert G. Hartmann
James M. Mathers
William D. Miller
William F. Pettit, Jr.
Ronald T. E. Rizzolo
George E. Scordalakes

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Nicholas H. Baxter
Donald C. Brennan
Douglas R. Coombs
Frank J. Criddle
Stephen R. Damm
Terrance S. Drake
Ralph B. Fillmore
Roger A. Freeman, Jr.
James T. Hay
William R. Huffman
James M. Hurst
Steven E. Kammeyer
Bruce K. Lloyd III
Gary E. Penner
Daniel R. Peterson
John W. Sanders
Stephen W. Shewmake
James N. Shreck
Jerry D. Spencer
Scott A. Splinter
Otis V. Thomas, Jr.
Victoria M. Voge
Michael A. Watts
John F. Williams

Gary L. Isley (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Louis W. Klemme
Lynn I. Nilson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subjected to the qualification therefor as provided by law:

James D. Arnold
Richard A. Baker
Robert J. Beaudry
Peter K. Budnikas
James C. Cecil III
Gary W. Coatoam
Steven G. Detsch
Robert M. Dunlap
Paul S. Forsberg
David W. Foulk
Joseph I. Frazier
Marlin E. Gher, Jr.
Daniel P. Golden
Joseph B. Hansen
Stephen R. Hoyem
Wayne L. King
John F. Kriz, Jr.
Glenn A. Kurtz
Charles W. Lander
William E. Larson
Peter G. Lynch
John M. McLaughlin
Ernest W. Meharra
Richard C. Miller
Gordon J. Nolan
John M. Peacock
James R. Ponsler
Kenneth E. Pyle
Paul N. Ross
Theodore Schneider
Floyd T. Sekiya
John J. Simkovich, Jr.
Charles E. Spann
Elwood R. Stultz, Jr.
Martin T. Tyler
Lewis W. Williamson
Robert A. Witherspoon

The following-named U.S. Navy officers to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Randall L. Harrington
Oscar L. Majure, Jr.
Russell Meyer
Michael J. O'Sullivan, Jr.

Owen B. Klapperich, U.S. Navy officer to be a temporary commander in the Chaplain Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

David S. Harrer
Victor C. Heath
Francis C. Johnson
Lawrence A. Jones
Thomas A. MacLean
Roger A. Potter
Harold D. West
Harold A. Westervelt
David C. Ziegler

John H. Leonard, U.S. Navy officer to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Richard J. Blair, EX-LT, USNR to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Frederick E. Janney, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent rear admiral and a temporary rear admiral in the Navy, subject to the qualification therefor as provided by law.

Daniel J. Harrington, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Navy, subject to the qualification therefor as provided by law.

Richard A. Weiss, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

John D. Fauntleroy (civilian college graduate) to be a commander in the Judge Advocate General Corps in the Reserve of the U.S. Navy for temporary service, subject to the qualification therefor as provided by law.

Martin R. Plaut, U.S. Navy officer, to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Robert N. Conrad, U.S. Navy officer, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Berkley Rish, U.S. Navy officer, to be a captain in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

John R. Musser, U.S. Navy officer, to be a commander in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Joseph A. Adamo
Louis J. Alfieri
Charles M. Anderson
Stephen P. Anderson
William C. Asmussen
Roger V. Bartholomew
Phillip G. Batten
Peter A. Bensch
Clyde Berry, Jr.
William F. Best
James W. Bloomer II
William K. Bolinger
Procesco V. Borgueta
James G. Brewer
Alfred N. Briggs II
John A. Brouse, Jr.
Budd C. Brown
John E. Brown, Jr.
Henry M. Caldwell
Robert D. Callier
Wallace R. Cameron, Jr.
Richard C. Chandler
Max C. Chapman
Bill M. Christiansen
Theodore M. Gallo
Alan V. Gary
Jonathan P. Geer
Bennie R. Green
John D. Griffith
James R. Gross
Michael J. Guertin
Orrin "E" Haberman
Daniel P. Haddow
Stephen A. Halsey
Lynn K. Hanna
Edward L. Hardeman
Roy C. Harness
Paul D. Harrison
Robert F. Harrison, Jr.
Douglas R. Hart
Charles R. Hilton
Gary Q. Hopper
Fred A. Clavelli
Bruce N. Coburn
Robert D. Cole
Walter B. Cole
Marlyn N. Collins, Jr.
Michael P. Connors
Edwin R. Cox
Bobby J. Cranor
Alan A. Davis
Richard W. Dean
Paul E. Desilets
James F. Deucher
Kenny I. Dever III
William D. Dilmore, Jr
James R. Dixon
Gerald A. Donato, Jr.
Gary R. Doty
Steven G. Erick
John D. Evanoff II
Dwight H. Everett
Michael F. Farley
David E. Franks
James W. Freeman, Jr.
Donald H. Frisch
Lynn R. Mather
Ronald J. Matoushek
John T. McComb
Michael E. McDonald
Anthony R. McKibben
Richard G. Merten
David D. Molsberry
Glenn D. Myers
Frederick A. Nelson
Randall G. Oliver
Christopher D. Owens
Thomas P. Pannell
John C. Parry
Stephen R. Paulson
John L. Pratt
Frederick L. Rickman
Keith A. Roberts
Chesley B. Robison
Elmore M. Hudgens
William E. Huebner
Gary A. Hughes
Joseph F. Hulsey
Richard M. Hunt
Gary R. Iversen
Andrew E. Jackson
Jan P. Jarvis
Kenneth M. Jenison
Michael E. Jenkins
Robert E. Jenkins
Michael W. Johnson
Warren H. Johnson
*Charlie A. Jones, Jr.
Gary L. Karr
James H. Kendall
Jack A. Kinnaird
Raymond L. Kinsaul, Jr.
Brian E. Koenig
Brady N. Kraft
Joseph Krenzel
Pamala A. Kuhn
William F. Lathers
Conrad A. Laurvick
Gary B. Linton III
Stephen D. Lisse
David L. Londot
Randall K. Maroney

William R. White
Vern F. Wing

Thomas R. Roesch
George F. Rowland
Robert W. Sanders
Clarence W. Schultz
Thomas B. Service
Ronald K. Shirley
Alan M. Sipe
Richard G. Slonim
Calvin T. Stafford
Dale L. Sumner
William D. Sweet
Scott A. Swenson
Robert C. Tannehill
John Thogerson II
Ira F. Thompson, Jr.
Geoffrey L. Travers
William C. Troxell
John A. Turley
James Valdivia, Jr.
William A. Vernier
Oran J. Viator, Jr.
Anthony J. Vinnola, Jr.
David B. Walker
George T. Wasenius
Veron M. Watson
Dale A. Weathers
Steven L. Wesco
Robert C. West

Laurent B. Wood
Terry J. Zeiler

Billy C. Bradford, to be reappointed from the Temporary disability retired list as a permanent chief warrant officer W-2 and a temporary ensign in the Navy, limited duty (electronics) subject to the qualification therefor as provided by law.

Thomas A. Schultz (Naval Reserve Officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 10, 1973:

IN THE COAST GUARD

Coast Guard nominations beginning David M. Donaldson, to be lieutenant (j.g.), and ending Rudolph L. Carpenter, Jr., to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning John G. Cwiek, to be lieutenant, and ending Michael J. Goodwin, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1973.

Coast Guard nominations beginning Peter A. Morrill, to be captain, and ending Daniel B. Charter, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 1973.

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Joseph A. Sowers, to be lieutenant, and ending Thomas G. Russel, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, October 10, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In Him who strengthens me, I am able for anything. Philippians 4: 13 (Mofatt).

O Lord, our God, come richly into our hearts as we bow our heads in this circle of prayer. With Thee is love and when love lives in us we are free from fear and filled with faith. In our minds may there dwell the thoughts of peace for our world, enthusiasm for our country, and good will for Thy children.

Keep open the doors of our spirits to Thee and all of life will be brighter with each step we take into this new day. Sustain us with the light that never fades, the strength that never fails and the wisdom that never falters. Glory be to Thee, O Lord Most High. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 7352. An act to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2470. An act to amend the Consolidated Farm and Rural Development Act.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9590, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1974

Mr. STEED. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on H.R. 9590, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Conference Report (H. Rept. No. 93–570)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 10, 13, 19, 22, 23, 24, 25, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 17, 18, 27, 29, 30, 35, and 45, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,892,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,250,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,375,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,500,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,000,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$96,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,350,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$60,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 14, 15, 16, 20, 21, 26, 31, 32, 33, 34, 37, 38, 40, 43, 44, 46, 47, 48, 49, 50, and 51.

Tom Steed,
Joseph P. Addabbo
(except as to No. 9),
Edward R. Roybal
(except as to No. 9),
Louis Stokes
(except as to No. 9),
Tom Bevill,
George E. Shipley,
John M. Slack,
George Mahon,
Howard W. Robison,
Jack Edwards,
John T. Myers,
Clarence E. Miller,
E. A. Cederberg,
Managers on the Part of the House.

Joseph M. Montoya,
John L. McClellan,
Birch Bayh,
Gale W. McGee,
Henry Bellmon,
Milton R. Young,
Mark O. Hatfield,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—TREASURY DEPARTMENT

Office of the Secretary

Amendment No. 1: Appropriates $17,892,000 for salaries and expenses instead of $17,600,000 as proposed by the House and $18,185,000 as proposed by the Senate.

Bureau of Alcohol, Tobacco and Firearms

Amendment No. 2: Appropriates $72,250,000 for salaries and expenses instead of $71,500,000 as proposed by the House and $73,000,000 as proposed by the Senate.

Bureau of Customs

Amendment No. 3: Appropriates $221,200,000 for salaries and expenses as proposed by the Senate instead of $222,200,000 as proposed by the House.

Bureau of the Mint

Amendment No. 4: Appropriates $23,375,000 for salaries and expenses instead of $23,750,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Internal Revenue Service

Amendment No. 5: Appropriates $531,683,000 for accounts, collection and taxpayer service as proposed by the House instead of $530,000,000 as proposed by the Senate.

Amendment No. 6: Appropriates $620,430,000 for compliance as proposed by the Senate instead of $622,430,000 as proposed by the House.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Disaster relief

Amendment No. 7: Appropriates $400,000,000 as proposed by the Senate instead of $100,000,000 as proposed by the House.

Economic stabilization activities

Amendment No. 8: Appropriates $55,000,000 for salaries and expenses as proposed by the Senate instead of $60,000,000 as proposed by the House.

Office of Management and Budget

Amendment No. 9: Appropriates $18,500-000 for salaries and expenses instead of $16,000,000 as proposed by the House and $19,100,000 as proposed by the Senate.

Office of Telecommunications Policy

Amendment No. 10: Appropriates $2,070,000 for salaries and expenses as proposed by the House instead of $1,500,000 as proposed by the Senate.

Special Action Office for Drug Abuse Prevention

Amendment No. 11: Appropriates $26,000,000 for special fund for drug abuse instead of $21,500,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Special Assistance to the President

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which would appropriate $675,000 to provide special assistance to the President.

Special projects

Amendment No. 13: Deletes language proposed by the Senate which would appropriate $1,000,000 for expenses necessary to provide staff assistance for the President in connection with special projects.

The White House Office

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would authorize the President to pay individuals at such per diem rates as he may specify and for other personal services without regard to the provisions of law regulating the employment and compensation of persons in the government service.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would provide for official entertainment expenses of the President, to be accounted for solely on his certificate.

TITLE IV—INDEPENDENT AGENCIES

Advisory Commission on Intergovernmental Relations

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "and the provisions of Section 7(e) of the Act of August 16, 1973 (Public Law 93-100), $1,036,000." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

Amendment No. 17: Appropriates $240,000 for salaries and expenses as proposed by the Senate instead of $200,000 as proposed by the House.

General Services Administration

Public Buildings Service

The Conferees are aware that the amounts recommended herein may prove insufficient to finance the General Services Administration programs covered by this bill and that a supplemental request may be required.

The Conferees have been advised that in order to comply with the requirements of the Anti-Deficiency Act, R.S. 3679, a deficiency apportionment may have to be made, pending enactment of a supplemental request, and further, that reduction-in-force actions may have to be initiated. It is not now and has never been, the intention that denial of the full amount of the budget estimate requested should result in a reduction in employment.

The Conferees therefore fully expect the Office of Management and Budget to apportion funds to the General Services Administration in such a manner that reduction-in-force actions will not be required pending the submission and action on a supplemental appropriation request. Specifically, the Conferees would not view such an apportionment, accompanied by submission of a supplemental request, as being in violation of R.S. 3679.

Amendment No. 18: Appropriates $480,582,000 for operating expenses as proposed by the Senate instead of $390,582,000 as proposed by the House.

Amendment No. 19: Deletes language proposed by the Senate which would provide $100,000,000 by transfer from the construction appropriation for fiscal year 1973.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter stricken by the Senate, insert the following: "after submission to the House and Senate Committees on Appropriations,". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following: ": Provided further, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 22: Restores language proposed by the House which would provide for the transfer of $82,000,000 from the 1974 appropriation for Public Buildings Service, Operating Expenses, and deletes language proposed by the Senate which would provide for the transfer of $82,000,000 for repair and improvement of public buildings from the appropriation for construction for fiscal year 1973.

Amendment No. 23: Restores language proposed by the House which would appropriate $2,572,000 for construction, public buildings projects, and deletes language proposed by the Senate.

Amendment No. 24: Deletes language proposed by the Senate.

Amendment No. 25: Provides for the reversion to the Treasury of $203,312,000 as proposed by the House instead of $18,740,000 as proposed by the Senate.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended for sites and expenses, public buildings projects.

Expenses, United States court facilities

Amendment No. 27: Appropriates $7,000,000 as proposed by the Senate instead of $7,512,000 as proposed by the House.

Federal Supply Service

Amendment No. 28: Appropriates $96,000,000 for operating expenses instead of $95,000,000 as proposed by the House and $97,000,000 as proposed by the Senate.

National Archives and Records Service

Amendment No. 29: Appropriates $33,230,000 for operating expenses as proposed by the Senate instead of $33,000,000 as proposed by the House.

Amendment No. 30: Provides that $730,000 shall be available for allocations and grants for historical publications as proposed by the Senate instead of $500,000 as proposed by the House.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended in connection with allocations and grants for historical publications.

Property management and disposal service

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading: Provided further, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing that during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language concerning the maintenance and disposal of materials in the national and supplemental stockpiles.

Office of Administrator

Amendment No. 35: Appropriates $3,000,000 for defense mobilization functions of federal agencies as proposed by the Senate instead of $3,370,000 as proposed by the House.

Administrative operations fund

Amendment No. 36: Provides for a limitation on the Administrative Operations Fund of $42,350,000 instead of $40,000,000 as proposed by the House and $44,703,000 as proposed by the Senate.

General Provisions—General Services Administration

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing for a two percent transfer authority between operating expenses appropriations for the General Services Administration.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following: "Sec. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

United States Tax Court

Amendment No. 39: Appropriates $5,760,000 for salaries and expenses as proposed by the House instead of $5,480,000 as proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate insert the following: "*Provided further*, That $1,280,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, required for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)." The managers on the part of the

Senate will move to concur in the amendment of the House to the amendment of the Senate.

Department of Defense

Defense Civil Preparedness Agency

Amendment No. 41: Appropriates $60,000,000 for operation and maintenance instead of $63,500,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 42: Appropriates $22,000,000 for research, shelter survey, and marking instead of $24,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds to remain available until expended.

Department of Health, Education, and Welfare Health Services and Mental Health Administration

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter stricken and inserted by the Senate, insert the following: "$6,000,000, of which $3,000,000 shall be available only for transfer to the General Services Administration for the purpose of disposal of the medical stockpile." The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Commission on the Review of National Policy Toward Gambling

Amendment No. 45: Appropriates $250,000 for salaries and expenses as proposed by the Senate instead of $200,000 as proposed by the House.

TITLE VI—GENERAL PROVISIONS

Departments, agencies, and corporations

Amendments Nos. 46, 47, 48, 49 and 50: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate concerning employment of aliens by the United States Government.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate concerning the employment and authority of guards for government buildings.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 total, to the 1974 budget estimate total, and to the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1973	$5,837,466,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1974	5,373,345,000
House bill, fiscal year 1974	4,844,723,000
Senate bill, fiscal year 1974	5,123,352,000
Conference agreement, fiscal year 1974	5,233,189,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−604,277,000
Budget estimate of new (obligational) authority (as amended), fiscal year 1974	−140,156,000
House bill, fiscal year 1974	+388,466,000
Senate bill, fiscal year 1974	+109,837,000

Tom Steed,
Joseph P. Addabbo
(except as to No. 9),
Edward R. Roybal
(except as to No. 9),
Louis Stokes
(except as to No. 9),
Tom Bevill,
George E. Shipley,
John M. Slack,
George H. Mahon,
Howard W. Robison,
Jack Edwards,
John T. Myers,
Clarence E. Miller,
E. A. Cederberg,
Managers on the Part of the House.
Joseph M. Montoya,
John L. McClellan,
Birch Bayh,
Gale W. McGee,
Henry Bellmon.
Milton R. Young,
Mark O. Hatfield,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection?

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS, APPROPRIATIONS, 1974

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers have until midnight to file a conference report on H.R. 8825, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Conference Report (H. Rept. No. 93-569)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) "making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes," having met, after further, full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 44.

The committee of conference report in disagreement amendment numbered 45.

Edward P. Boland,
Joe L. Evins,
George E. Shipley,
J. Edward Roush,
Robert O. Tiernan,
Bill Chappell,
Robert N. Giaimo,
George Mahon,
Burt L. Talcott,
Joseph M. McDade,
Bill Scherle,
Earl B. Ruth,
E. A. Cederberg,
Managers on the Part of the House.
William Proxmire,
John McClellan,
John O. Pastore,
Birch Bayh,
Lawton Chiles,
Frank E. Moss,
Charles McC. Mathias, Jr.,
Milton R. Young,
Clifford P. Case,
Hiram L. Fong,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report:

TITLE IV—GENERAL PROVISIONS

Amendment No. 44: Deletes language proposed by the Senate to further restrict the purchase, hire, operation and maintenance of passenger motor vehicles for the department and agencies contained in this Act.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to include language to permit the Federal Communications Commission to utilize not to exceed $425,000 of its appropriation for necessary capital improvements, and insert the new section number as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the committee of conference, with comparisons to the fiscal year 1973 amount, to the 1974 budget estimate, and to the House and Senate bills for 1974 follows:

	Amounts
New budget (obligational) authority, fiscal year 1973	$20,884,223,000
Budget estimates of new (obligational) authority, fiscal year 1974	18,617,453,000
House bill, fiscal year 1974	19,070,954,000
Senate bill, fiscal year 1974	19,118,373,063
Conference agreement	19,056,500,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	−1,827,723,000
Budget estimates of new (obligational) authority, fiscal year 1974	+439,047,000
House bill, fiscal year 1974	−14,454,000
Senate bill, fiscal year 1974	−61,873,063

Edward P. Boland,
Joe L. Evins,
George E. Shipley,
J. Edward Roush,
Robert O. Tiernan,

BILL CHAPPELL,
ROBERT N. GIAIMO,
GEORGE MAHON,
BURT L. TALCOTT,
JOSEPH M. MCDADE,
BILL SCHERLE,
EARL B. RUTH,
E. A. CEDERBERG,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOHN L. MCCLELLAN,
JOHN O. PASTORE,
BIRCH BAYH,
LAWTON CHILES,
FRANK E. MOSS,
CHARLES MCC. MATHIAS, JR.,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on House Joint Resolution 727, making further continuing appropriations for the fiscal year 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-566)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) "making further continuing appropriations for the fiscal year 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

SEC. 2. The third proviso of section 101(a) (4) of such joint resolution is amended to read as follows: ": *Provided further*, That the aggregate amounts made available to each State under Title I-A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said Title I-A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973;".

And the Senate agree to the same.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Inserts Senate language with an amendment providing that the aggregate amounts made available to each State under title I-A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said title I-A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973.

The managers agree that this should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The managers are aware that new legislation is currently being developed in the authorizing committees, and urge early appropriate action.

Amendment No. 2: Deletes House language.

Amendment No. 3: Inserts provision, as proposed by the Senate, exempting the Export-Import Bank of the United States from the requirement that the funding rate for activities covered by the foreign assistance appropriation bill shall not exceed one-quarter of the annual rate as provided by the joint resolution.

House Joint Resolution 727 extends the continuing resolution (Public Law 93-52) until the sine die adjournment of this session of Congress. It supersedes House Joint Resolution 753 which temporarily extended the date of Public Law 93-52 from September 30, 1973, to October 11, 1973, pending completion of conference action on House Joint Resolution 727.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

MAKING IN ORDER CONSIDERATION TOMORROW OF CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727, FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow to consider the conference report on House Joint Resolution 727, making further continuing appropriations for the fiscal year 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

A CRITIQUE

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, the code of the Old West—let the bad guy strike first—has again been imposed upon the State of Israel. The passivity of the United Nations in tolerating Arab aggression contrasts sharply with its quick and severe condemnation of any Israeli retaliation however justified. Such an attitude fosters a climate of hatred, engenders a feeling of justification, and led to the unleashing of military force by the Arab States against Israel. Yet, notwithstanding the certain knowledge of Arab buildup along her borders, Israel made no hostile moves. This did not placate Egypt and Syria in their lust for war, and the dead bear testimony and the dying bear witness to the fact that Israel's road to peace has been treacherously undermined.

World opinion should be jolted into positive censure of Egypt and Syria. Let America lead the way.

FIRE PREVENTION WEEK

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, during this National Fire Protection Week, October 7-13, it is a special pleasure to pay tribute to our dedicated and devoted firefighters.

Mr. Speaker, during National Fire Prevention Week we are sponsoring a bill aimed at reducing the death and destruction caused by fires. This bill would provide our local firefighters with improved tools and more training; it would provide more firefighting research and assistance for local fire-prevention and establish a National Fire Academy.

We will continue our efforts in support of another bill we sponsored to provide $50,000 benefits to the widow and dependent children of firemen and law enforcement officials killed in line of duty.

This is one of the most dangerous of all professions—at least 40 out of every 100 firefighters are injured each year. The death rate is shocking.

Fire is a growing national problem. Almost 12,000 Americans die from fire each year—and more than 300,000 are injured. The dollar cost is more than $11 billion.

FIRST ANNUAL CARL ALBERT PRIZE ESTABLISHED AT ST. PETER'S COLLEGE, OXFORD UNIVERSITY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to inform the House of an event which must give pleasure to every Member of this body.

On October 6, 1973, our distinguished Speaker, the Honorable Carl Albert, presented the first annual Carl Albert Prize in ceremonies at St. Peter's College, Oxford University, England, where Mr. Albert studied as a Rhodes Scholar and of which he is an Honorary Fellow.

As one who also had the privilege of studying at Oxford as a Rhodes Scholar, as did our distinguished colleague, the gentleman from Maryland (Mr. Sarbanes) I am particularly pleased to see this recognition of the achievements of our distinguished Speaker by the Oxford College at which he studied.

Mr. Speaker, the Carl Albert Prize, valued at 100 pounds and open to all students regardless of nationality, was awarded to the outstanding senior student at St. Peter's. The prize is patterned after a similar award at the University of Oklahoma.

Mr. Speaker, both the Carl Albert Prize at Oxford and the Carl Albert Award at OU were made possible through gifts of Mr. and Mrs. Julian J. Rothbaum of Tulsa. Mr. Rothbaum is a former president of the University of Oklahoma board of regents and a longtime friend of Speaker Albert.

The award at OU was begun in 1966 and is presented each year to the outstanding senior in the College of Arts and Sciences. Mr. Rothbaum and Sir Alec Cairncross, the headmaster at St. Peter's, began to make final plans for presentation of the Carl Albert Prize after Sir Alec attended the Carl Albert Award ceremonies in Norman in 1972.

At that time Sir Alec said:

> St. Peter's is extremely proud of Mr. Albert's association with the College and is pleased that the Carl Albert Prize will soon become an important part of our academic life.

Dr. Paul Sharp, president of the University of Oklahoma, commented:

> The Carl Albert Prize and the Carl Albert Award unite both Oxford and O.U. in paying tribute to one of the most honored graduates of both institutions.

Mr. Rothbaum, who accompanied the House Speaker to England, said both awards were instituted to "recognize high academic excellence which has been the guiding force in Carl Albert's life."

Mr. Rothbaum said:

> While this great American's political achievements are well documented, not enough is known about his outstanding academic record at every level of his educational career. Hopefully, this award will inspire other young scholars to follow in the Speaker's footsteps.

As many Members of the House know, our distinguished Speaker attended the Flowery Mound rural school—formerly known as Bug Tussle—in Pittsburg County for 8 years. At the end of his first school year his teacher, Mrs. Lottie Ross, remarked:

> Carl Albert is the best student I have had in all my 14 years as a teacher.

Though forced to drop out of school temporarily in the eighth grade, Carl Albert was graduated from McAlester High School as valedictorian of his class with a 4-year grade average of more than 96, the highest ever recorded up to that time. He was also president of his class, president of the student body, a member of the State championship debating team, and winner of a national oratorical contest which gave him a 3-months trip to Europe.

Carl Albert then entered the University of Oklahoma where his accomplishments included: Member of Phi Beta Kappa, Phi Eta Sigma, and the debating team; winner of a national oratorical contest on the Constitution of the United States; president of the student council; award of Dad's Day Cup as the outstanding male student; election by the student body as the best all-around student; and winner of the Rhodes Scholarship.

Mr. Speaker, upon his graduation from the University of Oklahoma in 1931, Dr. William B. Bizzell, the university's president, said:

> Carl Albert is the most brilliant student ever to attend this university.

I might here note, Mr. Speaker, that Carl Albert was graduated from the University of Oxford with honors in two degrees—a bachelor of arts degree in laws and a bachelor of civil laws degree.

NEGOTIATED PERMANENT SETTLEMENT NEEDED IN MIDDLE EAST

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I am very concerned about the situation in the Middle East. When I visited there a year ago, I became convinced that the mental attitude of the parties involved is such that they would fight to the end and the stakes are considered so high that the involvement can go much beyond that geographic area.

The people of Israel are determined to protect their homeland which the United States and others helped to reestablish following World War II; and, therefore, they are not willing to yield the territory gained in 1967 which they feel is necessary as a practical matter to protection of their borders and to their very existence. On the other hand, their neighbors consider it to be their land and many of their people still live there.

The only settlement which will have the necessary support for permanence is one negotiated by the parties and acceptable to the parties themselves. We must do all we can to get the parties involved to negotiate a permanent settlement.

THE CASE OF VALERY KUKUI

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, emigration from the Soviet Union is not free! The protests, arrests, and trials related to Soviet emigration policies continue.

On December 1, 1970, Valery Kukui, a young engineer from Sverdlovsk, and nine additional Sverdlovsk Jews signed an open letter protesting the Leningrad death sentences. Kukui was subjected to harassment, and in March 1971, the Kukui family applied for exit visas to Israel.

Kukui was arrested and in June 1971, was sentenced for 3 years to Novaya Labor Camp. In November 1971, his wife, Ella, visited him and found him ill, and his health has continued to deteriorate.

In March 1973, Ella, who had managed to emigrate to Israel with their daughter wrote that neither she nor his parents had heard from Valery for almost 9 months and that she feared for his life.

Free emigration is a human right which this Congress must affirm by passing the Vanik amendment in full; that is, by denying trade credits and guarantees to the Soviet Union, as well as most-favored nation status, until the Soviet Union allows free emigration.

SCHOENAU PROCESSING

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, today, I am reintroducing a resolution calling upon the President to redouble his efforts to persuade the Austrian Government to reopen the Schoenau processing, and at this point in the Record, I would like to insert the full text of my resolution along with a list of the cosponsors:

Cosponsors

Mr. Gerald R. Ford, Mr. Addabbo, Mr. Bell, Mr. Biaggi, Mr. Brasco, Mr. Cronin, Mr. Drinan, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Flood, Mr. Gilman, Mrs. Heckler of Massachusetts, Mr. Minish, Mr. Moakley, Mr. Podell, Mr. Rees, Mr. Rinaldo, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarbanes, Mr. James V. Stanton, Mr. Symington, Mr. Thone, Mr. Won Pat, Mr. Walsh, Mr. Ryan, and Mr. O'Brien.

H. Con. Res. 341

Whereas in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world; and

Whereas Jews in the Soviet Union are denied the means to sustain their identity inside Russia; and

Whereas thousands of Soviet Jews have chosen to emigrate from the Soviet Union to seek a life free from religious oppression in the State of Israel; and

Whereas the Schoenau center in Austria has for many years played a vital role in the processing and orientation of thousands of Russian emigrants; and

Whereas in response to Arab terrorism the Austrian Government has decided to close the Schoenau center: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) impress upon the Austrian Government the grave concern of the American people that capitulation to terrorists encourages further attempts at blackmail; and

(2) call upon the Austrian Government to allow the processing center at Schoenau to continue to operate; and

(3) utilize formal and informal contacts with foreign officials in an effort to have the order closing the Schoenau facility rescinded; and

(4) urge all governments to take whatever actions are necessary and cooperate with international organizations to permit and facilitate the travel of refugees.

APPOINTMENT OF CONFEREES ON S. 2335, FOREIGN ASSISTANCE ACT OF 1973

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1973".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

Sec. 2. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In the chapter heading, immediately after "Chapter 1—Policy" insert "; Development Assistance Authorizations".

(2) In section 102, relating to statement of policy—

(A) insert "(a)" immediately after Statement of Policy.—"; and

(B) add at the end thereof the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) United States assistance should concentrate in particular on the development of employment-intensive technologies suitable to the less developed countries.

"(3) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

"(4) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those public service institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(5) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(6) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.

"(7) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part shall have the responsibility for coordinating all United States development-related activities. The head of that agency should advise the President on all United States actions affecting the development of the less-developed countries, and should keep the Congress informed on the major aspects of United States interests in the progress of those countries."

(3) At the end thereof, add the following new sections:

"Sec. 103. Food and Nutrition.—In order to alleviate starvation, hunger, and malnutrition, and to provide basic services to poor people, enhancing their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $282,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 104. Population Planning and Health.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $141,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 105. Education and Human Resources Development.—In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purpose of this section, in addition to funds otherwise available for such purposes, $94,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 106. Selected Development Problems.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation, power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $47,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 107. Selected Countries and Organizations.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $28,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 108. Application of Existing Provisions.—Assistance under this chapter shall be furnished in accordance with the provisions of titles I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"Sec. 109. Transfer of Funds.—Notwithstanding section 108 of this Act, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The provisions of sections 610(a) and 614(a) of this Act shall not apply to this chapter.

"Sec. 110. Cost-Sharing and Funding Limits.—(a) No assistance shall be furnished by the United States Government to a country under sections 103–107 of this Act until the country provides assurances to the President, and the President is satisfied, that such country will provide at least 25 per centum of the costs in any fiscal year of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "in-kind" basis.

"(b) No assistance shall be disbursed by the United States Government under sections 103–107 of this Act for a project, for a period exceeding thirty-six consecutive months, with efforts being made before, during, and after such period, to obtain sources of financing within that country and from other foreign countries and multilateral organizations.

"(c) No amounts made available under sections 103–107 of this Act shall be obligated for any follow-on project which links that project with any other project without further congressional authorization.

"Sec. 111. Use of Receipts.—Not more than one-third of the receipts made available under section 203 of this Act may be used for purposes of any one of sections 103–107 of this Act in any fiscal year.

"Sec. 112. Limitation on Grants.—Not more than 50 per centum of the aggregate of the funds appropriated each year under sections 103–107 of this Act shall be used for making grants.

"Sec. 113. Development and Use of Cooperatives.—In order to strengthen the participation of the urban and rural poor in their country's development, not less than $20,000,000 of the funds made available for the purposes of this chapter shall be available during the fiscal years 1974 and 1975 only for assistance in the development of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life.

"SEC. 114. MULTILATERAL APPROACHES TO DEVELOPMENT.—Greater efforts should be made to promote and support sound multilateral approaches to the development of foreign countries. Therefore, the Secretary of State shall undertake consultations with multilateral organizations (including the United Nations) for the purpose of determining (1) how soon and which such multilateral organizations would be able to administer foreign assistance funds transferred to them by the United States Government for programs, projects, and activities for the development of foreign countries, (2) the kinds of such programs, projects, and activities which those organizations are able and will be able to administer, (3) likely methods for the administration of those programs, projects, and activities, and (4) the expectation of increased contributions by other countries to such organizations for those programs, projects, and activities. Not later than six months after the date of enactment of this section, the Secretary shall make a report to the President and the Congress with respect to his consultations, including such recommendations as the Secretary considers appropriate.

"SEC. 115. PROHIBITING POLICE TRAINING.—No part of any appropriation made available to carry out this or any other provision of law shall be used to conduct any police training or related program for a foreign country. This section shall not apply with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States.

"SEC. 116. PROHIBITING USE OF FUNDS FOR ABORTIONS.—None of the funds made available to carry out this part shall be used in any manner, directly or indirectly, to pay for abortions, abortifacients drugs, or devices, the promotion of the practice of abortion, or the support of research designed to develop methods of abortion. The provisions of this section shall not apply to any funds obligated prior to the date of its enactment.

"SEC. 117. INTEGRATING WOMEN INTO NATIONAL ECONOMICS.—Sections 103–107 of this Act shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort."

DEVELOPMENT LOAN FUND

SEC. 3. Section 203 of the Foreign Assistance Act of 1961 is repealed.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 4. Section 214 of the Foreign Assistance Act of 1961 is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) To carry out the purposes of this section there are authorized to be appropriated to the President for the fiscal year 1974, $19,000,000, which amount is authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for fiscal year 1974, $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) On or before the termination of thirty days after the convening of the second regular session of the Ninety-third Congress, the Secretary of State shall submit to the Congress, for consideration in connection with Department of State authorization legislation, such recommendations as he considers desirable for assistance to schools, libraries, and hospital centers for medical education and research, outside the United States, founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States."

HOUSING GUARANTIES

SEC. 5. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$349,900,000".

(2) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

SEC. 6. Section 252(b) of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"(b) There are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975, $900,000 for grants to the National Association of the Partners of the Alliance, Inc."

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 7. Section 292 of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for each of the fiscal years 1972 and 1973, $125,000,000" and inserting in lieu thereof "for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $150,000,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 8. Section 302 of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(1) In subsection (a), relating to authorization, strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof "for each of the fiscal years 1974 and 1975, $127,822,000".

(2) In subsection (b)(2), relating to Indus Basin development grants, strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and in lieu thereof "for use in each of the fiscal years 1974 and 1975, $14,000,000".

CONTINGENCY FUND

SEC. 9. Section 451(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a) There are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975 not to exceed $23,500,000, to provide assistance authorized by this part primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance."

INTERNATIONAL NARCOTICS CONTROL

SEC. 10. Section 482 of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000 for the fiscal year 1973, which amount is" and inserting in lieu thereof "$40,000,000 for the fiscal year 1974, and $30,500,000 for the fiscal year 1975, which amounts are".

PROHIBITIONS AGAINST FURNISHING ASSISTANCE

SEC. 11. The first full paragraph of section 620(e)(1) of the Foreign Assistance Act of 1961 is amended by striking out "no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection." and inserting in lieu thereof "the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress."

EMPLOYMENT OF PERSONNEL

SEC. 12. Section 625 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the agency primarily responsible for administering part I of this Act shall become participants in the Foreign Service Retirement and Disability System:

"(A) persons serving under unlimited appointments in employment subject to subsection (d)(2) of this section as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) a person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, if (i) such person shall have served previously under an unlimited appointment pursuant to such subsection (d)(2) or a comparable provision of predecessor legislation to this Act, and (ii) following service specified in clause (i) of this subparagraph, such person shall have served continuously with such agency or its predecessor agencies only in positions established under the authority of sections 624(a) and 631 (b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any agency of the United States Government, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (A) at the end of the month in which he reaches age seventy, or (B) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty. However, no participant shall be mandatorily retired under this paragraph, while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with section 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of subsection (e) of this section shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended."

ADMINISTRATIVE EXPENSES

SEC. 13. Section 637(a) of the Foreign Assistance Act of 1961, relating to authorizations, is amended by striking out "for the fiscal year 1972, $50,000,000 and for the fiscal year 1973, $50,000,000" and inserting in lieu thereof "for each of the fiscal years 1974 and 1975, $24,000,000".

PEACE CORPS ASSISTANCE

SEC. 14. Section 638 of the Foreign Assistance Act of 1961 is amended by striking out "PEACE CORPS ASSISTANCE" and inserting in lieu thereof "EXCLUSIONS".

COORDINATION

SEC. 15. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him and the Congress with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering part I of this Act, who shall be the Chairman; the Under Secretary for Economic Affairs, Department of State; the Assistant Secretary for International Organization Affairs, Department of State; the Assistant Secretary for International Affairs, Department of the Treasury; the Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; the Assistant Secretary for Domestic and International Business, Department of Commerce; the Deputy Under Secretary for International Affairs, Department of Labor; the President, Export-Import Bank of the United States; the President, Overseas Private Investment Corporation; the Special Representative for Trade Negotiations, Executive Office of the President; and the Executive Director, Council on International Economic Policy.

"(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission, and the President shall keep the Congress advised of his actions under this subsection.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The Chairman of the Development Coordination Committee shall report annually to the President and the Congress, and at such other times as requested by the Congress or any appropriate committee thereof, on United States actions affecting the development of the low-income countries."

LIMITING ASSISTANCE TO PORTUGAL

SEC. 16. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. LIMITATION ON ASSISTANCE TO PORTUGAL.—(a) The Congress declares that it is the policy of the United States that no military or economic assistance furnished by the United States, nor any items of equipment sold by or exported from the United States, shall be used to maintain the present status of the African territories of Portugal.

"(b)(1) The President of the United States shall, as soon as practicable following the date of the enactment of this section make, a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African territories of—

"(A) assistance furnished under the Foreign Assistance Act of 1961, as amended, after the date of the enactment of this section;

"(B) defense articles or services furnished after such date under the Foreign Military Sales Act, as amended;

"(C) agricultural commodities or local currencies furnished after such date under the Agricultural Trade Development and Assistance Act of 1954, as amended, or any other Act; or

"(D) items that have a military application for which validated export licenses are granted after such date for export to Portugal or its territories.

"(2) The President shall include a report similar to that specified in paragraph (1) of this subsection in each year at the time of submitting the budget request for foreign assistance. Such report shall also specify the steps being taken to implement the policy contained in this section.

"(c) All assistance, sales, and licenses referred to in subsection (b) of this section shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance, or item so furnished or exported, after such date, has been used in support of Portugal's military activities in its African territories. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal. The authority contained in section 614 of this Act shall not apply to programs terminated by reason of this section."

POSTWAR RELIEF AND RECONSTRUCTION IN SOUTH VIETNAM, CAMBODIA, AND LAOS

SEC. 17. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V—POSTWAR RELIEF, REHABILITATION, AND RECONSTRUCTION IN SOUTH VIETNAM, CAMBODIA, AND LAOS

"SEC. 801. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for the relief, rehabilitation, and reconstruction of South Vietnam, Cambodia, and Laos, especially humanitarian assistance for refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions relating to those hostilities, and reconstruction assistance for the rebuilding of civilian facilities damaged or destroyed by those hostilities in South Vietnam, Cambodia, and Laos. Assistance for such purposes shall be distributed wherever practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies.

"SEC. 802. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $376,000,000 which amount is authorized to remain available until expended.

"(b) Of the funds appropriated pursuant to subsection (a) of this section for the fiscal year 1974, not less than $10,000,000 shall be available until expended to support humanitarian programs of the Indochina Operations Group of the International Red Cross in South Vietnam, Cambodia, and Laos.

"SEC. 803. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs, which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children, who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in subsection (a) of this section. Of the funds appropriated pursuant to section 802 of this Act for the fiscal year 1974, $7,500,000 shall be available until expended solely to carry out the purposes described in such subsection (a). Not more than 10 per centum of the funds made available to carry out such subsection (a) may be expended for the purposes referred to in clause (2) of such subsection. Assistance to carry out the purposes referred to in such subsection (a) shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States or South Vietnamese voluntary agencies.

"SEC. 804. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 802 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 805. CONSTRUCTION WITH OTHER LAWS.—All references to part I of this Act, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part. The provisions of section 655(c) of this Act shall not apply with respect to funds made available for fiscal year 1974 under part I, this part, and section 637 of this Act."

TERMINATION OF INDOCHINA WAR

"SEC. 18. No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

LIMITATION ON USE OF FUNDS

"SEC. 19. No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are conducted by the forces of the government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act.

WEST AFRICAN FAMINES

"Sec. 20. In regard to the famine in West Africa, the President shall consult with international relief organizations and other experts to find the best way to forestall future famine conditions in West Africa, and he shall report to Congress as soon as possible on solutions to this problem of famine and further propose how any of these solutions may be carried out by multilateral organizations.

POLITICAL PRISONERS

Sec. 21. It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

TERMINATION OF ASSISTANCE IN INDOCHINA

Sec. 22. (a) It is the sense of the Congress that the Agreements on Ending the War and Restoring Peace in Vietnam, and protocols thereto, signed in Paris, France, on January 27, 1973, will be effective only to the extent that the parties to such agreements and protocols carry out the letter as well as the spirit of those agreements and protocols. It is further the sense of Congress that the United States should not furnish economic or military assistance to any such party, or make any sale, credit sale, or guaranty to or on behalf of any such party, unless that party agrees to comply, and does comply, with those agreements and protocols.

(b) This section shall not apply to the provision of food and other humanitarian assistance which is administered and distributed, under international auspices or by United States voluntary agencies, directly to persons and not through any government.

ACCESS TO INFORMATION

Sec. 23. Subsection 634(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394 (c)) is amended—

(1) by striking out "(1)"; and

(2) by striking out all after the phrase "so requested" and inserting in lieu thereof a period and the following: "The provisions of this subsection shall not apply to any communication that is directed by the President to a particular officer or employee of the United States Government or to any communication that is directed by any such officer or employee to the President."

ENTRY OF SOVIET JEWS INTO AUSTRIA

Sec. 24. (a) The Senate finds that the Austrian Government's decision to close the main, if not the only, transit facility for Soviet Jews jeopardizes the fate of Soviet refugees.

(b) It is, therefore, the sense of the Senate that the President should take immediate and determined steps to—

(1) impress upon the Austrian Government the grave concern of the American people;

(2) urge the Austrian Government to revive and continue to permit group travel by Soviet Union emigrants through Austria on their way to freedom and new lives; and

(3) urge all governments to take whatever actions are necessary to permit and facilitate the travel of refugees.

ALBERT SCHWEITZER HOSPITAL

Sec. 25. There is authorized to be appropriated to the President for fiscal year 1974 $1,000,000 to make grants, on such terms and conditions as he may specify, to the Albert Schweitzer Hospital in Gabon.

WORLD FOOD SHORTAGES

Sec. 26. (a) It is the sense of the Congress that the United States should provide full participation in efforts to alleviate current and future food shortages which threaten the world.

(b) The President shall take immediate steps to initiate a high level commission to study and report on the world food situation through 1985 in consultation with relevant international agencies where possible and appropriate. The report should include estimates of world production and utilization, barriers to increase world productivity, the adequacy of transportation and distribution facilities, the known or anticipated world availability of agricultural inputs such as fertilizer, the impact of energy shortages on agricultural production, future sources of protein including sources from the seas, projections of humanitarian food assistance requirements, and the role of national trade policies in facilitating and encouraging the productive capacities of world agriculture.

(c) To provide a minimum level of security for the peoples of the world from suffering hunger and malnutrition the President shall cooperate with the appropriate international agencies such as the Food and Agricultural Organization of the United Nations to establish an international system of strategic food reserves. Such a system of world food reserves should provide for an equitable distribution of the direct and indirect costs between producer and consumer nations.

(d) To bring appropriate attention to the current and potential threat to world security and social welfare the President shall instruct the Special Representative for Trade Negotiations to issue a formal request before the member nations of the General Agreement on Tariffs and Trade to explore means for assuring equitable access by all nations of the world to national markets and basic resources such as mineral and agricultural supplies.

(e) The President shall submit a report to the Congress no later than December 31, 1973, concerning the progress made in implementing the provisions of this section and should forward to the Congress by June 30, 1974, any recommendations he deems advisable for legislation required for United States participation in an international food reserve.

(f) To provide the Secretary of Agriculture the flexibility with which to respond to such emergencies Public Law 480 is amended as follows: The last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking the period and inserting a comma and the following: "unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act.".

(g) In making any assessment which would affect or relate to the level of domestic production the Secretary of Agriculture should include in his estimated overall utilization the expected demands for humanitarian food assistance through such programs as Public Law 480.

ASIAN DEVELOPMENT BANK

Sec. 27. Section 17 of the Asian Development Bank Act (Public Law 92–245, March 10, 1972) is hereby amended by striking out "$60,000,000 for fiscal year 1972, and $40,000,000 for fiscal year 1973", and inserting in lieu thereof "$100,000,000".

GOVERNMENT OF INDIA LOAN SETTLEMENT

Sec. 28. The United States Government may not agree to any settlement with the Government of India with respect to sums owed by that Government to the United States Government on sales and loans made pursuant to law, unless—

(1) that settlement provides for the Government of India paying all of such sums owed; or

(2) Congress, by law, specifically authorizes settlement in an amount which is less than all of such sums owed.

PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

Sec. 29. (a) The Congress declares that—

(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973, requires that "None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States force, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.";

(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vientiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Lao and that government in Vientiane on February 21, 1973, requiring the release of all prisoners "regardless of nationality" captured and held in Laos), and paragraph C of such article 18 provides that, within "15 to 30 days" from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who dies in captivity; and

(4) few of the United States men lost in Laos during the military engagements in Indochina have been returned, and with knowledge about many of these men has yet been fully disclosed, and the North Vietnam ceasefire provisions calling for inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

(b) It is, therefore, the sense of the Congress that—

(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina.

INTERNATIONAL NARCOTICS CONTROL

Sec. 30. Chapter 8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), relating to international narcotics control, is amended—

(1) by inserting in section 481 "(a)" immediately after "International Narcotics Control.—";

(2) by inserting in section 481 "(b)" immediately after the first sentence and before the beginning of the second sentence which reads, "In order to promote";

(3) by striking out of section 481 the fourth

sentence to the end which begins with "The President shall suspend" and inserting in lieu thereof:

"(c) The President (or his delegate) shall cause to be suspended all foreign assistance, tangible or intangible, including but not limited to gifts, loans, credit sales, or guarantees to each country, except as provided in subsection (b) of this section, when such aid is rejected by the Congress in accordance with subsection (b) of section 482 of this Act.";

(4) by striking "Sec. 482.", and inserting in lieu thereof "Sec. 483."; and

(5) by inserting the following:

"Sec. 482. (a) The President shall make an affirmative finding that a country is taking adequate steps, as set forth in subsection (c) of this section, to control the production, distribution, transportation, and manufacture of opium and its derivatives within ninety days of the enactment of this section and each year thereafter, which finding shall be submitted to the Congress the first day of June of each year.

"(b) Within ninety days following the submission of such affirmative findings, the Congress may adopt a concurrent resolution rejecting such findings as to any or all countries, whereupon the President shall immediately suspend all foreign assistance to such country in accordance with section 481 of this chapter.

"(c) The Secretary of State, after coordination and consultation with all other departments or agencies involved with the control of the production, distribution, transportation, and manufacture of opium and its derivatives, shall set forth those measures which constitute a good faith effort to control illicit opium and its derivatives. Such measures may reflect the individuality of a country, but shall include the following:

"(1) the enactment of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(2) the establishment of a viable agency to enforce criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(3) the vigorous enforcement of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(4) the full cooperation of such country with all United States departments or agencies involved in the interdiction of the supply of illicit opium, and its derivatives, into the United States;

"(5) the establishment of border procedures for the interdiction of opium and its derivatives, out of or into such country;

"(6) the destruction of all illicit opium and its derivatives after its evidentiary use has expired; and

"(7) the establishment of detailed procedures for the control of all legal production, transportation, distribution, or manufacture of opium and its derivatives.".

RIGHTS IN CHILE

Sec. 31. It is the sense of the Congress that (1) the President should deny Chile any economic or military assistance, other than humanitarian assistance, until he finds that the Government of Chile is protecting the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should be prepared to provide asylum and resettlement opportunities under appropriate provisions of the Immigration and Nationality Act to a reasonable number of political refugees; (4) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (5) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.

BUREAU OF HUMANITARIAN AND SOCIAL SERVICES

Sec. 32. It is the sense of Congress that the President should establish within the Department of State a Bureau of Humanitarian and Social Services to be headed by an Assistant Secretary of State who is appointed by the President by and with the advice and consent of the Senate. The Bureau of Humanitarian and Social Services should provide continuing guidance and coordination to policies, activities, and programs within the executive branch relating to humanitarian assistance for refugees and victims of natural disasters, migration ad visa affairs, international human rights, liaison with the United Nations and other appropriate international agencies or nongovernmental organizations, and such other humanitarian and social affairs as the Secretary of State may prescribe.

HUMANITARIAN ASSISTANCE IN SOUTH ASIA

Sec. 33. The President is authorized to furnish humanitarian assistance, on such terms and conditions as he may determine, to the United Nations High Commissioner for Refugees (UNHCR) in support of the repatriation and exchange of minority populations between Pakistan and Bangladesh. There is authorized to be used by the President for the purpose of this section $6,000,000 for the fiscal year 1974, out of funds authorized and appropriated to carry out this Act.

AMENDMENT OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Morgan: On page 1, strike all after the enacting clause of the Senate bill S. 2335, and insert in lieu thereof the following:

That this Act may be cited as the "Mutual Development and Cooperation Act of 1973".

CHANGE OF TITLE OF ACT AND NAME OF AGENCY

Sec. 2. The Foreign Assistance Act of 1961 is amended as follows:

(a) In the first section, strike out "this Act may be cited as 'The Foreign Assistance Act of 1961' " and insert in lieu thereof "this Act may be cited as the 'Mutual Development and Cooperation Act' ". The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

Sec. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "Chapter 1—Policy" insert "; Development Assistance Authorizations".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "Statement of Policy.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with those countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development, and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs, and arrangements should be continually sought to provide stability and protection for such private investment.

"(8) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities.".

(c) At the end thereof, add the following new sections:

"Sec. 103. Food and Nutrition.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300.000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development, and export development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of recipient countries or for development programs conducted by private or international organizations. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $50,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to fiscal provisions, is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973 for use for the purposes of this title, for loans under title VI, and for the purposes of section 232" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part VI of this Act".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 5. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended, as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance" insert the word "directly".

(b) In section 214, relating to authorization for American schools and hospitals abroad, strike out subsections (c) and (d) and insert in lieu thereof the following:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President for the fiscal year 1974, $20,000,000, and for the fiscal year 1975, $20,000,000, which amounts are authorized to remain available until expended.

"(d) There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1974, $7,000,000, and for the fiscal year 1975, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

"(e) Amounts appropriated under this section shall not be used to furnish assistance under this section in any fiscal year to more than four institutions in the same country, and not more than one such institution shall be a university and not more than one such institution shall be a hospital.".

HOUSING GUARANTIES

SEC. 6. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$305,000,000".

(b) In section 223(i), relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 235(a)(4), relating to issuing authority of the Overseas Private Investment Corporation, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

(b) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975".

ALLIANCE FOR PROGRESS

SEC. 8. Section 252(b) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization of appropriations, is amended to read as follows:

"(b) There are hereby authorized to be appropriated to the President for the fiscal year 1974, $968,000, and for the fiscal year 1975, $968,000, for grants to the National Association of the Partners of the Alliance, Inc. in accordance with the purposes of this title.".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 9. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 10. Chapter 3 of part I of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended as follows:

(a) At the end of section 301, relating to general authority, add the following new subsection:

"(e)(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

"(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing independent and continuous program of selective examination, review, and evaluation of the program and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

"(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.".

(b) In section 302(a), strike out "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $127,800,000 and for the fiscal year 1975, such sums as may be necessary".

(c) In section 302(b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000,".

(d) Section 302(d) is amended to read as follows:

"(d) Of the funds provided to carry out the provisions of this chapter for each of the fiscal years 1974 and 1975, $18,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund ".

(e) In section 302(e), strike out "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973" and insert in lieu thereof "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975".

CONTINGENCY FUND

SEC. 11. Subsection (a) of section 451 of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out the proviso contained in the first sentence of such subsection and at the end of such subsection add the following: "In addition to the amounts authorized to be appropriated by this subsection, there are authorized to be appropriated such additional time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 12. (a) Section 481 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by inserting "(a)" immediately after "INTERTATIONAL NARCOTICS CONTROL.—" and by adding at the end thereof the following new subsection:

"(b) (1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, per calendar quarter, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, per calendar quarter, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.".

(b) Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "$42,500,000" and all that follows down through the period at the end of such section and inserting in lieu thereof "$50,000,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended.".

COOPERATIVE ECONOMIC EXPANSION

SEC. 13. Part I of the Foreign Assistance Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—COOPERATIVE ECONOMIC EXPANSION

"SEC. 495. COOPERATIVE ECONOMIC EXPANSION.—The President is authorized to use up to $2,000,000 of the funds made available for the purposes of this part in each of the fiscal years 1974 and 1975 to assist friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under section 211, in the procurement of technical assistance from United States public or private agencies or individuals. Assistance under this chapter shall be for the purpose of (1) encouraging development of natural resources of interest to the United States, (2) encouragement of a climate favorable to mutually profitable trade and development, and (3) stimulation of markets for United States exports. Any funds used for purposes of this section may be provided on a loan or grant basis and may be used notwithstanding any other provision of this Act."

MILITARY ASSISTANCE

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$550,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "the fiscal year 1974".

(c) Section 513 is amended—

(1) by striking out "THAILAND.—" in the section heading and inserting in lieu thereof "THAILAND, LAOS, AND VIETNAM.—(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.".

(d) Section 514 is repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $125,000,000 of which not less than $50,000,000 shall be available solely for Israel".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 16. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will—

"(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries;

"(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress; and

"(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract or otherwise, including—

"(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the service Academies) and abroad;

"(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

"(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

"(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—To carry out the purposes of this chapter, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1974. Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year in furtherance of the purposes of this chapter. Each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 503(d), relating to general

authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a), relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510, relating to restrictions on training foreign military students, is repealed.

(4) Section 622, relating to coordination with foreign policy, is amended as follows:

(A) In subsection (b) immediately after the phrase "(including civic action)" insert the words "and military education and training".

(B) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(A) In subsection (a)(4), immediately after the word "military", insert the words "and related civilian".

(B) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b), and (c) immediately after the word "articles", wherever it appears, a comma and the words "military education and training".

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(A) In subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training,".

(B) In subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644, relating to definitions, is amended as follows:

(A) Subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II.'.

(B) There is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicans, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

PROHIBITIONS

SEC. 17. (a) Section 620(e) of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to expropriation, is amended by striking out paragraph (1), by striking out "(2)" at the beginning of paragraph (2), and by striking out "subsection: Provided, That this subparagraph" and inserting in lieu thereof "section (as in effect before the date of the enactment of the Mutual Development and Cooperation Act of 1973): Provided, That this subsection".

(b) Section 620(n) of such chapter, relating to equipment materials or commodities furnished to North Vietnam, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "unless the President finds and reports, within thirty days of such finding, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House that such assistance is in the national interest of the United States. The President's report shall contain assurances that the Government of North Vietnam is cooperating fully in providing for a full accounting of any remaining prisoners of war and all missing in action.".

(c) Section 620 of such chapter is amended by adding at the end thereof the following new subsection:

"(x) No assistance shall be furnished under this or any other Act to any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by the United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other actions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

EMPLOYMENT OF PERSONNEL

SEC. 18. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631 (b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provsions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty: *Provided*, That no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any office or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsection 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.".

REPORTS AND INFORMATION

SEC. 19. (a) Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan, and each contract of guarantee or insurance, theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credt terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability; Provided, however, That this report shall report individually only those loans, contracts, sales, extensions of credit, or other transactions listed above in excess of $1,000,000.

"(g) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

"(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

"(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

"(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

"(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.".

(b) (1) The President of the United States shall, as soon as practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use by Portugal in support of its military activities in its African colonies of—

(A) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of the Mutual Development and Cooperation Act of 1973,

(B) defense articles or services furnished after such date under the Foreign Military Sales Act (whether for cash or by credit, guarantee or any other means), or

(C) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954.

"(2) Any assistance or sales referred to in the preceding paragraph shall be suspended upon the submission to Congress of a report by the President containing his determination that any such assistance or item so furnished after such date has been used in support of Portugal's military activities in its African colonies. Such suspension shall continue until such time as the President submits a report to Congress containing his determination that appropriate corrective action has been taken by the Government of Portugal.

ADMINISTRATIVE EXPENSES

SEC. 20. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972 $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000 and for the fiscal year 1975, $53,100,000".

FAMINE AND DISASTER RELIEF AND AFRICAN SAHEL DEVELOPMENT PROGRAM

SEC. 21. Chapter 2 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 639 and inserting in lieu thereof the following new sections:

"SEC. 639. FAMINE AND DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine.

"SEC. 639A. FAMINE AND DISASTER RELIEF TO THE AFRICAN SAHEL.—(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the Sahelian nations of Africa.

"(b) Notwithstanding any prohibitions or restrictions contained in this or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $30,000,000 to remain available until expended, for use by the President, under such terms and conditions as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken Sahelian nations of Africa.

"SEC. 639B. AFRICAN SAHEL DEVELOPMENT PROGRAM.—The Congress supports the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.".

ADMINISTRATIVE PROVISIONS

SEC. 22. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended by adding at the end thereof the following new sections:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

"(b) The President shall prescribe appropriate procedures to assure coordination among the various departments and agencies of the United States Government having representatives in diplomatic missions abroad.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages and working conditions in the United States.

"SEC. 640C. SHIPPING DIFFERENTIAL.—For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of part VI may be used to make grants to recipients under this part to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.".

MISCELLANEOUS PROVISIONS

SEC. 23. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new sections:

"SEC. 659. ANNUAL NORTH ATLANTIC TREATY MILITARY ORGANIZATION REPORT.—(a) The Secretary of Defense and the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, on or before January 15 of each year a report of—

"(1) the direct, indirect, and unallocated costs to the United States of participation in the North Atlantic Treaty Organization (hereinafter in this section referred to as the 'Organization') for the last fiscal year preceding the fiscal year in which the report is submitted;

"(2) the estimated direct, indirect, and unallocated costs to the United States of participation in the Organization for the fiscal year in which the report is submitted;

"(3) the amounts requested from Congress (or estimated to be requested) for the direct, indirect, and unallocated costs to the United States of participation in the Organization for the first fiscal year following the fiscal year in which the report is submitted;

"(4) the estimated impact of expenditures related to United States participation in the Organization on the United States balance of payments including a detailed description of the offsets to such United States expenditures.

For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such cost and appropriating funds for such cost shall be listed next to such cost in the report.

"(b) For the purposes of this section—

"(1) the term 'direct costs' includes funds the United States contributes directly to any budget of the Organization (including the infrastructure program);

"(2) the term 'indirect costs' includes funds the United States spends to assign and maintain United States civilian employees for the Organization, funds spent for Government research and development attributable to the Organization, contributions to the Organization sponsored organizations, and military assistance furnished under part II of this Act, and sales of defense articles or defense services under the Foreign Military Sales Act, to member nations of the Organization; and

"(3) the term 'unallocated costs' includes (i) funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for the Organization in Europe, the United States, or on the open seas, or to remove such Armed Forces from such commitment, and (ii) funds the United States spends on facilities constructed and maintained for such forces.

"(c) All information contained in any report transmitted under this section shall be public information, except information that the Secretary of Defense or the Secretary of State designates in such report as information required to be kept secret in the interest of the national defense or foreign policy.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 24. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY.—It is the purpose of this part to (1) authorize immediate high-priority humanitarian relief assistance to the people of South Vietnam, Cambodia, and Laos, particularly to refugees, orphans, widows, disabled persons, and other war victims, and (2) to assist the people of those countries to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring the Peace in Vietnam, the cease-fire agreement for Laos, and any cease-fire agreement that may be reached in Cambodia. In this effort United States bilateral assistance should focus on critical problems in those sectors which affect the lives of the majority of the people in Indochina: food, nutrition, health, population planning, education, and human resource development. United States assistance should be carried out to the maximum extent possible through the private sector, particularly those voluntary organizations which already have ties in that region.

"CHAPTER 2.—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

"SEC. 822. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"SEC. 823. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 822 for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 824. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parents, as the case may be, have irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"'(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 822 for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 percent of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies.

"CHAPTER 3.—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. AUTHORITY.—All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

MEANING OF REFERENCES

SEC. 25. All references to the Foreign Assistance Act of 1961 and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development and Cooperation Act and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961 and to the Agency for International Development, respectively.

FOREIGN MILITARY SALES

SEC. 26. The Foreign Military Sales Act is amended as follows:

(a) Add the following new subsection at the end of section 3 of chapter 1, relating to eligibility:

"(c) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on or after the date that the President determines that such country has violated any agreement it has made in accordance with paragraph (2) of subsection (a) of this section or section 505(a) of the Mutual Development and Cooperation Act or any other provision of law requiring similar agreements. The prohibition contained in the preceding sentence shall not apply on or after the date that the President determines that such violation has been corrected and such agreement complied with. Such country shall remain ineligible in accordance with this subsection until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not reoccur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned.".

(b) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(c) In section 24(a) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(d) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appear.

(e) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof $450,000,000 for the fiscal year 1974".

(f) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only".

(g) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b))" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu there of "$150,000,000".

(h) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expenditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24 (b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(j) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, strike out subsection (a) and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

(k) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of dispostion to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

SEC. 27. (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to—

(A) the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

(B) the United States Department of State to be administered by the Mutual Development and Cooperation Agency for purposes of sections 1 and 2 of the Latin American Development Act; and or

(C) subject to the approval of the Department of State, to the United States Treasury for general uses of the Government; and or

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries.

(b) Any transfer of utilization under this may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subparagraph (A) of subsection (a)(1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his designee shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section.

SEC. 28. Notwithstanding any other provision of law, no funds authorized by this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an act of Congress assistance to North Vietnam is specifically authorized.

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

ANNOUNCEMENT BY HOUSE RULES COMMITTEE

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, at today's Rules Committee meeting, it was agreed by the members of the committee that after the House session adjourns next Monday, October 15, no more rules will be accepted by the committee for hearings or consideration during the remainder of the first session of the 93d Congress.

The only possible exception will be concerning some critical legislative bill pertaining to domestic or foreign affairs not now in evidence or foreseen by the House leadership.

It was also the unanimous opinion of the Rules Committee members that this Congress should terminate all business on or before Wednesday, November 21, so the Members can have sufficient time before the Christmas holidays to report on the accomplishments of the first session of the 93d Congress.

CONFERENCE REPORT ON H.R. 7645, DEPARTMENT OF STATE APPROPRIATION AUTHORIZATION

Mr. HAYS. Mr. Speaker, I call up the conference report on the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 9, 1973.)

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The **SPEAKER**. The gentleman from Ohio (Mr. HAYS) is recognized.

Mr. HAYS. Mr. Speaker, the conference report which I have called up is on H.R. 7645, a bill authorizing appropriations for the Department of State for this fiscal year. This bill has shuttled back and forth between the House and Senate. Members will recall that the original conference report was rejected by the House because of two nongermane amendments in the original Senate amendment to the House bill. One of these dealt with foreign military base agreements and the other with access to information by the Congress.

When the House rejected the original conference report, it sent back to the Senate what was a House amendment consisting of the conference report minus the two sections which were held nongermane.

The Senate then sent back to the House an amended version of the House amendment including modified language on the two sections that this body had rejected and asked for another conference. The House agreed.

As a result of this further conference the Senate receded on the two provisions. That is all that is in the conference report that is now before the House.

To sum up this complicated procedure, the original conference report without the two sections that were nongermane is the final product of the efforts of the conferees.

I expect that next year the matters that were in disagreement this year will be presented to the House in a way in which they can be discussed strictly on their merits and not on procedural points.

Mr. Speaker, I urge the House to accept the agreement reached by the conferees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I should like to commend the gentleman from Ohio and the other House conferees for their refusal to accept the nongermane amendments on the part of the other body.

Mr. HAYS. I thank the gentleman.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 504]

Anderson, Ill.
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Calif.
Chisholm
Clark
Collier
Crane
Cronin
Denholm
Edwards, Ala.
Evins, Tenn.
Fraser
Frey
Goldwater
Gray
Hanna
Kyros
Lent
Litton
Lott
Mailliard
Mills, Ark.
Nichols
Perkins
Powell, Ohio
Reid
Sandman
Sikes
Skubitz
Sullivan
Teague, Tex.
Yates

The **SPEAKER**. On this rollcall 400 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9682 and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. DIGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes.

The **SPEAKER.** The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 9682, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee rose on yesterday, the gentleman from Michigan (Mr. Diggs) had 13½ minutes remaining, and the gentleman from Minnesota (Mr. Nelsen) had 24½ minutes remaining. Before the Committee rose, the gentleman from Michigan yielded back 3½ minutes of his time, reserving 10 minutes for himself. The gentleman from Minnesota yielded back 14½ minutes of his time, reserving 10 minutes for himself.

The Chair recognizes the gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, I reserve my time.

The **CHAIRMAN.** The Chair recognizes the gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, I have here in my hand several pages analyzing the committee print. This is the only analysis that I have seen, because time has not permitted adequate attention to a bill that could be so important to the Nation's Capital.

I want to say that as a result of the way we have legislated, blame can be attached to both sides. Our substitute came October 2, this one coming in at the 11½th hour before we moved on the floor, and certainly it could not possibly be considered.

Now, this morning I tried to get the minority Members together with the idea of examining the bill, to see how accommodations could be made—and I think they can be made—that would move in the direction that I think is the wishes of all Members—not all, but many Members.

I want to say that yesterday we found accommodations were made to the budgetary process of the District of Columbia, which I helped to arrange.

More important than that is the matter of the courts, and all the way through this bill I think there are things that should have been attended to and could be attended to, and we could reach arrangement of those differences, if we had a little time.

There is nothing I would welcome more than a replay of what the Chairman and I were involved in a year ago when the bonding process for the transit system was involved and the teachers' pay was involved.

At that time the gentleman from Michigan (Mr. Diggs) came to me and said, "Could we meet?"

And I said, "We can," and we did, and we decided what should be done, and we did it.

There is nothing I would welcome more at this time than that there could have been a recess on this process where we could sit down and review some of these objections that we have on our side and some of the desires that seem to be on the other side.

May I say now that I can almost say "I told you so," because really the committee, the majority now, is buying almost entirely the recommendations that we made, with some exceptions, with a little change added in here and there all the way. I think we could iron it out.

Mr. Chairman, I would now like to yield the remainder of my time to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman from Minnesota very much for yielding me this time.

Last evening and early this morning I had the first opportunity really to go over the committee print and to find out the changes that had been made. I join with my colleague from Minnesota in commending the committee for incorporating several of the recommendations that we have in the substitute bill.

The appropriation line item has been restored to the bill. Certainly, if there are Federal expenditures, then there is a Federal responsibility to see to it that these funds are wisely spent.

The reprograming has been deleted from the bill so that the Mayor and Council could not just reprogram the funds that the Congress has appropriated. Neither could the Mayor reprogram up to $25,000 without even Council approval. They have deleted the council's jurisdiction over the elected school board and put in a provision so that the President has 10 days in which to sustain the Mayor's veto if the Council overrides the Mayor's veto.

Mr. Chairman, if I may, let me go on to some of the parts of the bill that I think this House must very seriously consider.

In the committee bill there is a provision for bonding up to 14 percent. In the original committee bill there was a provision for a referendum so that the people of the District of Columbia could vote on that 14 percent bond issue. The committee print published yesterday has deleted this provision which would give the right to the people of the District of Columbia to approve or disapprove of that bonding provision.

It seems to me when the committee print keeps in the neighborhood councils which is something that we have had so much trouble with in the war on poverty program, and with the maximum feasible participation provision but deletes the provision which provides really meaningful participation by the people on the 14-percent bonding issue, then I think a disservice has been done. I hope that provision for a referendum should be restored.

May I go on to two other things, and the gentleman from Minnesota will discuss the other matters later.

Mr. FRASER. Will the gentlewoman yield?

Mrs. GREEN of Oregon. Very briefly.

Mr. FRASER. The gentlewoman raises a question on the change in the bonding provision. This morning in checking I find the reason for the change is that by restoring the existing financial relations between the Congress and the District, going back as we have now, that that was a part of the change, but there is no provision under current circumstances for referendums. These are controlled by the gentleman who chairs the subcommittee of the Committee on Appropriations which is involved with the District.

Mrs. GREEN of Oregon. I thank the gentleman very much.

I still think, if you are going to have a bonding provision and "participation in democracy," that you ought to have a referendum provision also. It should not be left to one Member—and only one apparently—to dictate his wishes on any bond issue. This is not "home rule."

The next thing concerning me is the appointment of judges by the Mayor of the city. As I said yesterday, I know of no city in the United States where the mayor is allowed to appoint such judges. At the present time the President appoints judges in the District of Columbia. The judges that the elected mayor is given the authority to appoint compare with the circuit court and the State supreme court judges in my State of Oregon. I think we ought to make a change here and we ought to retain the Presidential appointment we have now. Congressman Nelsen will offer that amendment and I urge its support.

I would keep the commission patterned after the Missouri plan for recommendations to the President and he would continue to appoint the judges in the District of Columbia.

There is also a provision that I will discuss later on which I thought yesterday was real, but as I study it I think it is far more imaginary than real. This is the provision which provides for a 30 day wait before a law goes into effect.

Now, may I turn, Mr. Chairman, to one final change that is essential if we are really interested in this bill, and that is what I call the enclave of the Federal service area. I have yet to have one member of the Committee on the District of Columbia or one Member of this House explain to me why they feel that it is necessary to place this Capitol, the House Office Buildings, the Senate Office Buildings, the whole Mall area, the Kennedy Center, the White House, et cetera, under the jurisdiction of an elected Mayor and an elected City Council in the District of Columbia.

I also said yesterday that in the long run if we really are going to give full citizenship rights, which means the right to vote for Members of the House and Members of the Senate, where the major decisions are made affecting people's lives; if we are going to eventually do that then we have to go to Statehood, or retrocession, and in either case, Statehood or retrocession, I do not believe that the Congress would recommend that the Federal enclave, the Federal service area, be included as part of another State. I suggest it would be much more difficult to give the Federal service area to the elected City Council and then take it away than it would to give it to them in the beginning.

So, Mr. Chairman, I propose that there ought to be a provision that we would draw a line around the White House, the Kennedy Center, all the monuments, the Capitol, the Senate Office Buildings and the House Office Buildings in the Federal City, and I would include in that the military establishments, Fort McNair, et cetera; this would be the Federal service area. There would be a Presidentially appointed director of the Federal service area who would have jurisdiction over the police department, fire protection, over sanitation, the streets, the roads and the accesses to them.

I see absolutely no reason why anybody who wants the home rule vote for the residents of the District—and I favor home rule, and I favor full citizenship for all residents of our country—I see no reason why they should ask that they should have control over this Federal area any more than the people of Virginia or the people of Alexandria County who were one time a part of the District of Columbia, should insist that they have jurisdiction over this Federal City.

This Federal City, the Capitol itself, belongs to all of the people of this country. This is a different place than any other place in the United States. And the 20 million visitors who come here each year from every State of the Union consider this as their Capital. I think it should forever be under Federal jurisdiction, and Federal control.

The CHAIRMAN. The time of the gentlewoman has expired.

All time has expired insofar as the gentleman from Minnesota (Mr. NELSEN) is concerned.

Mr. DIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I rise only to correct a misimpression flowing from the discussion of the Federal enclave. The fact of the matter is if you take a map and draw a line around the enclave proposed in the Nelsen bill, what it involves is Federal property now owned and administered by Presidential appointees, the Architect of the Capitol, the head of the General Services Administration, the Department of the Interior, and the Park Service. These are all Presidential appointees who run all of the property, and who control all of the property that is within the so-called Federal enclave. So what is being proposed is to put a fourth or a fifth supernumerary at $30,000 or $40,000 a year to consult with the GSA, the Department of the Interior, the Architect of the Capitol, so that he can ask, "Have you fellows got enough police protection? Have you fellows got enough fire protection? Have you fellows got enough sanitation service? Is your garbage pickup satisfactory?" That is all it amounts to.

This area is already under Federal control, it is under the control of Presidential appointees. To add another Presidential appointee to coordinate the existing Presidential appointees does not strike me as a matter that is earthshaking or a matter that will contribute to the welfare of the Nation's Capital. This business of adding Presidential appointees to coordinate Presidential appointees can go on at length, and there is no evidence that this will improve the administration of this area, this federally owned and federally controlled area around the Mall, and the Federal buildings, and the monuments as we know them today.

So this business about the Federal enclave has been blown up out of all proportion.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I would like to add that this would create the most monstrous planning problems here in the metropolitan area. We already have three jurisdictions involved, and this would make the situation even more difficult with a fourth jurisdiction added.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIGGS. Mr. Chairman, I yield 5 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, first of all may I congratulate the Committee on the District of Columbia for bringing this matter to the floor.

I want to congratulate the distinguished chairman of the committee, the gentleman from Michigan (Mr. DIGGS) and the other members of the committee for the amount of work they have put into this issue which is important to the people of this District, to the Nation, and to the concept of democratic government.

As I say, the gentleman from Michigan has worked very hard, as have the other members of his committee, and the distinguished Delegate from the District of Columbia (Mr. FAUNTROY). The gentleman has tried and will try to the end of the consideration of this matter to accommodate those differences that can be accommodated without destroying the principle of home rule, which I think most of us favor.

Home rule in the District of Columbia is much more than a question whose time has come. It is a question whose time is long overdue.

Mr. Chairman, every President of the United States in my time in this House of Representatives has expressed his endorsement of the principle of home rule for the District of Columbia, and that goes back for more than a quarter of a century.

The right to elected representation is the heartbeat of democracy. Without it, democracy rings dull, lifeless and ineffective.

We have a commitment to a democratic government in this country. We have spent billions around the world. We have spent treasury, and we have spent blood, because we believed in the commitment to democracy. We believe that our system is the best on earth. If we deny the right to representation to those people who live in our capital, how can we insist that others throughout the Nation, yes, and even throughout the world, have a right to it?

Today this House has an opportunity to confer this basic right on citizens of the Nation's Capital. There are no wild-eyed tangents in this bill. It does not ask for utopia. It simply gives the people of this city the right to have some say in the government that most directly affects them on a day-to-day basis.

I believe that the bill as it will be finally approved by the committee will be a good bill with adequate safeguards. The Congress will retain its right to appropriate funds. Congress retains the power to legislate at any time on any matter pertaining to the District of Columbia.

This is a reasonable, well-balanced approach to self-government for the District. It may not go as far as some would like to go; it may go a little further than others would like to go; but let us support the distinguished gentleman who has brought this bill to the House and who is trying to bring to a vote a bill that will accomplish those things which all of us seek to accomplish.

I think the committee and its leadership deserve the support of the House. I supported home rule in 1948. I supported it in 1965. I strongly support it here today. Democracy in the District of Columbia is the business of all of the people of the United States.

Mr. RODINO. Mr. Chairman, I rise in strong support of this legislation which belatedly restores the right of local self-government to the citizens of the District of Columbia.

Although the principle of participatory democracy is fundamental to our system of government, this principle has been completely ignored insofar as the District is concerned. The citizens of our Nation's Capital are required to assume all of the obligations and responsibilities of citizenship; yet they are denied the concomitant privileges and benefits of such citizenship. For example, they have no voting representation in Congress, no right of self-government and consequently little or no control over their own destiny.

The District of Columbia is today the ninth largest city with over three-quarters of a million people; but strangely enough it is one of the few world capitals whose residents do not enjoy the right of self-government or voting representation in the National Legislature.

The present method of governing the District of Columbia which precludes participation in the affairs of local government has frustrated and alienated many citizens of this city. By providing the residents of the Federal City with an opportunity to choose their own municipal leadership, we will extend to these individuals the basic democratic privileges which the citizens of every other city now enjoy. Even our territories and possessions have been granted some form of self-government; yet we have consciously denied the residents of our Nation's Capital a representative local government.

The bill before us today would correct this intolerable situation and I wish to commend the Chairman and members of the District of Columbia Committee for their fortitude in producing this comprehensive and historic legislation. In addition to establishing an elected mayor and city council form of government, this bill makes an earnest effort to implement the major governmental reform recommendations of the Nelson Commission.

Opponents of this legislation have consistently argued that a constitutional amendment is required to provide home rule since article I, section 8, clause 17 of the U.S. Constitution provides that Congress shall "exercise exclusive legislation in all cases whatsoever over such District" of Columbia. In my judgment this position is erroneous when we consider the provisions which are contained in this legislation. Under section 601 of the instant proposal, Congress specifically retains its constitutional authority to legislate, as well as amend or repeal any law or act passed by the 13-member District of Columbia Council. In addition, the bill sets forth several specific prohibitions against the Council's legislative authority, including, taxation of Federal property, taxation of personal income of nonresidents, and building height limits.

Since this bill reserves ultimate legislative authority in the Congress and establishes procedures to allow Congress to nullify acts of the Council, it certainly cannot be considered an abdication of Congress constitutional duties. Further, I sincerely believe that these review procedures, which are a necessary and constitutionally required safeguard, will not lead to congressional interference. In this regard, it is evident that local officials are ably qualified to manage the affairs of this city and consequently, I am confident that the congressional veto will be exercised infrequently.

Mr. Chairman, by asserting Congress' power to retain ultimate legislative authority over the District, this bill has responded to the primary objection of home rule opponents and at the same time it has carried out the intent of our Founding Fathers with respect to the District of Columbia. In Federal Paper No. 43, James Madison clearly described the intent of the framers of the Constitution when he stated:

> The inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.

In addition to the constitutional and philosophical justifications for providing full citizenship rights to the residents of the District, there are many practical reasons for home rule. First of all, it is unthinkable that the Congress of the United States is engaged in the burdensome and time-consuming task of sitting as the City Council for the District of Columbia. This bill will effectively relieve Congress of the task of enacting legislation regulating kite-flying and snow removal, as well as establishing dog licensing fees. Certainly it is not in the best interests of this country, the citizens of my State, or the citizens of the District, that the time of this body is spent considering and debating such trivial and purely local matters.

Secondly, because local government in Washington, D.C., is not directly responsible to the citizenry of that city, the effectiveness of that government has been seriously impeded. I say this with great respect for, admiration of, Mayor Walter Washington and I commend him for the fine job he has done. However, under the existing system he is seriously handicapped in his endeavors. Unlike the mayors of other cities, his subordinates are often appointed by, and responsive to, the White House or some other constituency. Likewise, the Mayor himself is accountable only to the President and although the Mayor bears the primary responsibility for governing the city, he often lacks the appropriate and necessary powers to do so. Truly this undemocratic situation will be eliminated and an efficient government achieved only when those who are responsible for running the city are made directly accountable to the citizens of that city.

Finally, while this bill delegates certain functions and responsibilities to the Mayor and City Council, elected by the citizens of the District, every effort has been made to insure that the Federal interest in the Nation's Capital is protected. As a result of the safeguards, which have been incorporated into this bill, I am convinced that the Federal presence in this city will not be affected and that a constructive and cooperative partnership between the Federal City and the Federal Government will be established.

In my judgment, neither local self-government nor voting representation in Congress from the District will affect in any manner whatsoever the unique status of the District of Columbia as the seat of our Federal Government.

At this point, I wish to emphasize that home rule and voting representation in Congress are distinct and unrelated matters. With regard to the latter issue, my Committee on Judiciary has approved on two occasions a proposed constitutional amendment providing the District with full voting representation in Congress, but this matter has never reached the floor for a vote. If we are to provide full citizenship rights for the residents of Washington, D.C., it is imperative that we enact both of these proposals.

It has been almost 200 years since the birth of this Nation and almost 100 years since the right of self-government was taken away from the citizens of the District of Columbia. As we approach the Bicentennial celebration, no more fitting and proper action could be taken by the Congress than to establish a truly representative local government in our Nation's Capital. Participation by the people in the affairs of government—be it local or national—is the fundamental tenet of every representative form of government. It is past time to adhere to this principle for the inhabitants of our Federal City and I urge my colleagues to approve this historic legislation.

Mr. WALDIE. Mr. Chairman, I am lending my support today to a compromise self-determination bill for the District of Columbia which is now before the House of Representatives.

This legislation is not as strong as I would like it to be. But it reflects the best judgment of the House District of Columbia Committee as to what can best be obtained in the way of home rule at this point in history.

We should not be satisfied with this result, however. The skeleton of home rule for the District of Columbia must be filled out and I intend to support any measure in the future which is in that direction.

For generations, residents of the District of Columbia have been denied the basic rights of citizenship accorded Americans in all of the 50 States and the cities and counties within them.

This bill would allow the election of a mayor and city council for the first time on a nonpartisan basis. For many years these positions have been filled by appointment of the President—a procedure which has been simple but not reflective of the will of the people.

Advocates of home rule in the District of Columbia have done an admirable job in carrying the legislation this far. They can be assured of my support at any point to bring residents of the "last colony" out of the second-class citizenship category.

For too long Congress has turned a deaf ear to the needs of Washington residents desiring to govern their own affairs. This legislation shows that there is now some realization of that neglect.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 9682, the District of Columbia Self-Government and Governmental Reorganization Act.

The people throughout the United States enjoy the constitutional right of local self-government, and it is time this right was extended to the citizens living in the District of Columbia. H.R. 9682, by replacing the present Presidentially appointed government with a locally elected City Council and Mayor, is a needed step in this direction. It was only recently that District of Columbia residents were allowed to vote for President, members of the Board of Education, and a representative in the House of Representatives. The Self-Government Act is the next step in granting basic rights to District of Columbia citizens.

However, I feel that the amendments added to H.R. 9682 on Tuesday are disappointing. It seems to me that the original bill without the amendments adequately protected the Federal interest and preserved the necessary constitutional authority of Congress over the District of Columbia. The new amendments, by retaining Federal control of the city's budget, court system, and criminal laws, would make any elected city government nearly as dependent on Federal authority as the present city government is. Additionally, the amendments would grant the Federal Government effective veto power over any City Council action which would severely hamper the genuine sovereignty that the city needs and deserves.

Despite these reservations, Mr. Chairman, the District of Columbia home rule bill we face today is definitely a step in the right direction and I urge each of my colleagues to join me in its support.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the District of Columbia Self-Government and Governmental Reorganization Act, a measure to extend to residents of the Nation's Capital the elementary justice so long denied them—home rule.

The Congress should be satisfied with nothing less than a genuine and balanced compromise embodying fundamental rights to local self-government and preserving legitimate Federal interest in the seat of our National Government.

This implies elements of governmental reorganization and reform, combined with advancement of self-determination through an elected Mayor and Council. While I greatly prefer the version originally reported by the committee, I recognize the considerations which prompted the offering of the committee substitute. Therefore, I support the committee substitute as offering, among all alternatives before us, the best prospect for enactment of legislation increasing self-determination for the District of Columbia during this session of Congress.

The Congress should get out of the day-to-day operations of the District of Columbia. At a time when so much national business is undone. it is absurd for us to spend our time on the details of this local government.

I fully recognize that no legislation seeking such comprehensive reform is perfect. And I have noted the series of objections raised in the dissenting views in the original committee report. But basically, two themes run through the objections: That the Federal interest would be short-changed, and that the people of the District of Columbia or their capacity for self-government cannot be trusted.

As to the first, I consider that the veto and override powers retained by the Congress, rooted in the ultimate constitutional responsibility for the District, amply protect the Federal interest. What we are considering here is a delegation—not irreversible abandonment—of congressional authority. Therefore, should unexpected circumstances dictate, we would always be able to move to protect vital national interests.

These observations apply to H.R. 9682 as originally reported. But for those who remain concerned about the Federal interest, I note that the amended version goes far to strengthen and clarify the bill further in this respect; too far, in fact, in my judgment.

As to the second, I reject the suggestion that the citizens of any American city should be deemed incapable of self-government. Our traditions of local self-government, cherished by the communities in my own State of New Hampshire, are as old as the Nation. Their spirit was given new recognition as recently as our enactment of revenue sharing, potentially one of the most encouraging and far-reaching pieces of legislation we have enacted in recent years.

We might well question the wisdom of governmental decisions in many cities at many times, including some noted for their self-conscious claims to great sophistication. Yet abuse of a principle can never be a basis for its abandonment. In fact, the bill before us recognizes that congressional governance of this city has been less than an unqualified success. One of the principal tasks yet facing this Congress is reform of our own decisionmaking capability. We may not be satisfied with District of Columbia government reorganization to date. But in view of our own stubborn resistance to real reform, the Congress should be the last to criticize in this department.

Mr. Chairman, I have been discussing home rule for the District of Columbia. But I want to point out that some others would favor statehood. This I would reject for reasons I will not go into here. But there is full justification for giving full local self-government, as enjoyed by citizens elsewhere, to the District of Columbia. I urge colleagues to recognize the merit of this objective and advance its achievement by passage of this measure by a solid margin.

Mr. TIERNAN. Mr. Chairman, in 1874, the congressional delegate from the District of Columbia, Norton P. Chipman, after watching Congress overturn his constituency's self-government, stated:

> I must say that the party in control of Congress . . . has destroyed the only government we had, and has not given us a better one.

H.R. 9682 gives Congress a chance to redress that wrong.

Home rule means simply that the people of the District of Columbia will be allowed to exercise the same rights as any other citizen in the United States. It means nothing more or less than granting to Washingtonians the elementary duties and responsibilities that come to those who govern themselves. Home rule is democracy in action.

There is nothing radical about this bill. It protects the traditional and constitutional prerogatives of Congress in the District. It gives Congress direct control over the annual Federal payment, which will go through the normal appropriation process, and gives Congress a veto power over the actions of the city government. The Federal interest is protected by this bill.

The present District Government is a bureaucratic maze of overlapping jurisdictions, fragmented authorities, and muddled responsibilities. Effective government demands a more rational organization. This bill provides for such an organization, by putting into effect many of the recommendations of the Nelson Commission. The District would assume much more unified control of its planning, personnel, and financial functions, and would greatly improve its administrative capabilities. H.R. 9682 thus resolves any conflict between those who support home rule and those who make effective government more important.

For the first time in nearly 10 years the House is able to vote on self-government for the District of Columbia. Home rule will bring democracy, accountability, and responsiveness; the Nelson Commission recommendations will bring efficient and effective management and organization. Congress at last is able to improve the situation so graphically described by the aforementioned Mr. Chipman:

> There is not, I believe, within the range of christian nations, a spot as badly governed as this District, where Congress has exclusive jurisdiction. Taking the District of Columbia as an example of the wisdom of Congress, this nation would not exist twenty-four hours. . .

I urge my colleagues to vote in favor of H.R. 9682.

Mr. BELL. Mr. Chairman, I support the attempts of the gentleman from Michigan to work out home rule legislation that will be supported by a majority of the Congress. I am particularly pleased to see included in his legislation, a proposal to provide for nonpartisan elections in the District of Columbia. In 1965, when home rule legislation was last debated on the House floor, I offered an amendment to insure nonpartisan elections. That amendment passed and I am optimistic that the nonpartisan provision will be retained in the bill that is finally passed by this Congress.

A unique Federal-local relationship exists in the District of Columbia. This unique relationship will pose extraordinary problems for any municipal government in the District. We are forewarned that such problems exist, and must therefore provide safeguards against their ruining the prospects for successful home rule government in the city of Washington.

In my opinion, the most important safeguard that Congress can provide is nonpartisan election machinery for the new District government. The nonpartisan system has been successfully adopted in cities, large and small, throughout the country. It would be especially effective in dealing with the municipal problems affecting District home rule government.

The nonpartisan election system traces

its origins to my home State of California. During the past 50 years, this system has spread throughout the country as an answer to municipal ills brought on by the evils of local "spoils" politics. The nonpartisan municipal government has served as a model for good government in city halls from coast to coast. It has opened the door to political participation for citizens previously frozen out of community politics by the machine-ridden partisan system.

A nonpartisan election system would obviate the need to establish a double standard under the Hatch Act in order to permit Federal employees living in the District to participate in local politics. While it is true that such a double standard exists in other special areas, there is no justification for needlessly permitting it here in the Nation's Capital, at the very heart of our Federal employee system.

Second, a nonpartisan local election focuses on local issues and not on national party issues.

The elimination of national party considerations from essentially local political problems is the key to the successful operation of nonpartisan municipal governments. For example, just on that point alone, when it comes to matters such as parking meters and sewerage and so forth, there is no Republican-Democratic issue.

Third, under a nonpartisan system the chances of a local political power structure wielding corruptive influence are greatly diminished. Party affiliation becomes unimportant, and with the concentration of Federal governmental operations here in Washington, this takes on even greater meaning.

Fourth, the capable individual candidate comes to the fore in nonpartisan elections. The use of television and other public news media available here in the District would certainly bring out the best people for the right jobs.

National party affiliation in municipal politics is not necessary for the establishment of widespread community participation in local government—as has been proven in communities operating under nonpartisan election procedures.

As an extension of this, if there was a desire to appoint good people to local government offices, which I am sure there would be, such men or women would not be appointed on the basis of party affiliation but would be appointed on the basis of capability.

Again party affiliation becomes unimportant while the candidate becomes all important.

Fifth, the national trend in city government today is for such a nonpartisan system as this bill suggests.

It would seem to me commonsense for Congress to use the successful experience of other cities and provide the best for the city which the world will look to as the ideal in American government.

Mr. Chairman, the problems which will beset a home rule government in the District of Columbia will be complex under the best of conditions. As I have said, Congress must provide safeguards to assure that District home rule is given every chance for success. We want the District of Columbia to serve as a model for the Nation—indeed, for the entire world—in the operation of an efficient, honest municipal government. And we should therefore give the District the benefit of the experience of other communities. To saddle District home rule with a partisan political system, vulnerable to the worst excesses of wardheeler politics and machine rule, is to mock the very purpose and aim of this legislation. Only by establishing a nonpartisan election system—and by also opening the way for full community participation in local government affairs—can we reduce the element of Federal-local conflict in District municipal administration.

I ask that the House give District home rule a real chance to succeed. I ask that we look to the future of the Nation's Capital and its municipal political system. Let us provide the safeguard of nonpartisanship in local elections to guarantee that the city of Washington will enjoy the benefits of enlightened, progressive, and efficient local self-government.

Mrs. MINK. Mr. Chairman, a home rule bill is before the House for the first time in 8 years. I would like to take this opportunity to commend Congressman DIGGS and the District of Columbia Committee for their work in drafting this bill, H.R. 9682, and bringing it before the House. I would like to offer my wholehearted support for this bill.

The question of the relationship between local District self-government and the administration of national affairs has long troubled Congress. Congress has attempted to act as a part time city government with more confusion and frustration than good government resulting.

I believe the present relationship is a severe infringement upon the rights of the people of the District of Columbia as well as a poor means of coping with the problems of a complex Federal-local relationship. The current relationship between the people of the District and Congress has nothing to do with democracy. Seven hundred fifty thousand Americans are disenfranchised here, here at the seat of American Government.

Nothing shames me more than having to legislate for people to whom I am not directly responsible. My position as a legislator implies a proud and deeply responsible relationship with the constituency I serve, with the people who have elected me. Inherent in our political philosophy is the belief that no despot, no matter how benevolent, can govern better than an elected, responsible official. Ours are not philosophical concepts grounded in efficiency and convenience but the realized distinction between human dignity and servitude, between power and self-determination and powerlessness and despair.

Certainly Washington, D.C., is a unique city. It is the seat of our Federal Government and the setting for numerous national monuments and institutions. I think we sometimes forget that it is also the home of 750,000 people. They are proud of their city—not only as the Capital City but also as their home. They have a particular interest in their city's government and the means by which its future is determined.

Yet as presently ruled, theirs is the last voice to be heard, if it is heard at all. I do not wish to belittle the importance of this city as the Capital of our Nation but it is time to restore a proper balance to the relationship of Federal and District needs. It is an ironic and tragic commentary on our political system if the Nation can be governed only after the suspension of rights of 750,000 local residents.

Frankly I cannot envision a more inefficient and troublesome means of resolving the District-Federal dilemma than the current arrangement of direct congressional administration. As it now stands the people of Washington are denied their rights and the political expression of their hopes for their lives and homes while Congress attempts to be both a national legislature and a part time city government. It is an absurd relationship which is frustrating for both the District and Congress.

The day to day administration of this city is the primary concern of its residents; it should also be their primary responsibility. It has been suggested that the only way to insure the rights of the citizens of the District of Columbia is to cede its residential sections back to Maryland. I believe this sort of arrangement would do great violence to the strong, proud, and historically separate identity of the District of Columbia. I believe it is simpler, more efficient and more acceptable to simply grant home rule. This in no way endangers or interrupts the conduct of federal business but it does provide the District with the basic rights of all other American cities, the right to elect a Mayor and a City Council.

By continuing to legislate for the people of the District of Columbia, we violate the very principles that bring us here and give us authority in the name of the people. I urge this body to reaffirm the most basic right of self-government and to return to its principal purpose, the making of Federal legislation. I urge you to give your support to the fullest measure of Home Rule, to the District of Columbia Committee's bill, H.R. 9682.

Mr. DRINAN. Mr. Chairman, I rise in support of the substitute bill for the original committee bill on self-determination for the District of Columbia (H.R. 9682). I believe strongly that self-government has been an empty promise to the residents of the District of Columbia for far too long. It is hypocritical at least, that a country that prides itself on representative democracy should, through its elected Congress, deny self-government to the people of the Nation's Capital.

The committee substitute with which we are presented today is an effort to restore to the citizens of the District of Columbia some measure of self-government and to reorganize the machinery of local government to achieve maximum efficiency.

The original bill has undergone substantial changes in an effort to gain the support of a majority of the Members of the House. The original bill was reported out of the committee on July 31 by a vote of 24 to 4 with 1 Member voting present. The committee bill, a compromise proposal resulting from several months of hearings, extensive markup, and debate in open session, is now presented in an amended version as the Diggs substitute. The amended version provides for some measure of self-government and for the reorganization of the District government in general accordance with the recommendations of the Commission on the Organization of the Government of the District of Columbia—Nelsen Commission.

The major provisions of the amended committee bill, which I support, include an elected mayor and city council, with the delegation from some legislative and fiscal authority over local affairs.

Mr. Chairman, I oppose the other substitute bills offered for the committee bill, including the Nelsen-Green government reorganization proposal, Nelsen-Green retrocession proposal, and the Broyhill Federal enclave proposal. None of these bills are as strong as the Diggs substitute in its coverage of key areas of concern such as the courts and judges, planning and zoning, the Federal payment, police control, congressional oversight of local action, and local representation.

The legislation before us deals with a fundamental right in our democratic society, the right of the people to govern themselves through their elected public officials. The Diggs substitute does not go far enough, but does represent an accommodation of the interest of the Members of the House of Representatives. The Diggs substitute would give the District a significant measure of self-government, including the right of the people to elect their own mayor and council and to assume many of the powers of the municipality. I support this as a first step. For almost 100 years, taxes have been levied on the residents of the Capital City without the consent of its citizens. Officials have been appointed without the approval of the residents of the District of Columbia, and funds have allocated and spent with little reference to the requirements, aspirations, or desires of the populace. There has been no justification for having those decisions which affect the daily lives of all the residents of the District be made by Members of Congress whose basic concerns and constituencies, for the most part, are far different from those of the District of Columbia.

I vote in favor of the home rule bill to restore the equal rights and full citizenship that have been undemocratically and unnecessarily denied to the citizens of the District of Columbia. This legislation is long overdue.

Mr. HOSMER. Mr. Chairman, I am opposed to these measures for a change in the manner in which the District of Columbia is governed for the same reasons that the Founding Fathers providing in our Constitution that a Federal City shall be the site for the whole Nation's Capital.

They had before them the repeated instances in other countries and in other times in history during which the mobocracy of the city in which some nation's government was located exercised undue and detrimental influence because of its hostile or because of its persuasive presence or both. They saw examples of the undisciplined actions of a city's residents derrogating a nation's interests to those of the city. They also saw examples of the disciplined actions of a city's local political forces achieving the same selfish end.

To forestall these subordinations of national interest to local interests in the new American Republic, the Founding Fathers wisely provided that the Capital of the United States should be located away from such influences, isolated and insulated from them to the extent possible.

I know of no change in people or politics or precepts that cause the reasoning of the men who founded our country and made it great to be any less imperative today than it was at the time the Constitution was written.

Therefore, I oppose this legislation and warn that not good, but harm, is likely to ensue should it be enacted.

Mr. RARICK. Mr. Chairman, Washington, D.C., is a Federal City. Is belongs to all the American people. It is their Nation's Capital and the seat of their Congress, their President, and their Supreme Court.

Article 1, section 8 of the Constitution provides "the Congress shall have the power" at clause 17, "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Thus the constitutional mandate is that Congress has the exclusive power to legislate over the Federal City. This is home rule for Washington, D.C., the authority of Congress over its home.

To abdicate our responsibility to the temporary inhabitants of the District of Columbia would not only make a mockery out of our oath to support and defend the Constitution, but would be a surrender of our trusteeship over the Federal City which belongs to all the American people. I do not believe we can amend the Constitution of the United States by an act of Congress.

Nor am I persuaded by the arguments that all of the people of the District want home rule. It may be that a vast overwhelming number, spurred on by emotional promises and one-sided news reporting, have been led to believe that home rule is panacea. When have all the American people ever been in step on any one issue? Especially is this true, if they understand the issues and the alternatives involved. Behind all of the smoke screens of statehood, home rule and colonization lie the same bedrock. What would the inhabitants of the District of Columbia gain from home rule that they do not now receive from an overly tolerant and beneficent Congress?

The pleas of poverty and poor people in the District are belied by the egalitarian test of average per capita income. The average income in the District is $6,265; in the Nation it is $4,492, and in my State of Louisiana $3,543. And certainly it must be remembered that the newspaper editors, the communications media as well as the League of Women Voters will not be running the District should this home rule bill become law. They may feel that their crusade of slogan saturation is persuasive for the good of all, but precedent, logic and experience from other situations should clearly demonstrate that the opinion-making establishment is a small minority which loses control of public reaction when it is out of step with the masses of people. After all, it was the rebellious mob at Philadelphia that convinced the Founding Fathers that the Congress could not meet, deliberate and legislate in a hostile environment. This was the reason a Federal city, controlled completely by Congress, was provided for in the U.S. Constitution.

The very concept of home rule for the District would give the inhabitants of this area unprecedented influence and advantage over the inhabitants of every other State in the United States. In fact, it may even be safe to say that without home rule, they, by close proximity and influence through the news media now enjoy an advantage over citizens of other States which is tantamount to a violation of equal protection of the law.

Legislation which does not have as its basic purpose the betterment of all the American people must be denounced for what it is; that is, special interest legislation. Home rule legislation is not for the enhancement of the American scene or to improve the lot of the American people.

The District of Columbia, our Federal City, the home of our Federal Establishment, is and must be retained as the property of all of the American people. If the Constitution is to be altered or circumvented, let it be by a constitutional amendment approved not only by the Congress of the United States, but as required by the necessary State legislatures so that again we are not accused of giving away a birthright of the American people which belongs to them, not to us or the inhabitants of the District.

I cannot cast my people's vote in violation of the Constitution merely as a matter of appeasement for the emotions of the hour.

Mr. FRASER. Mr. Chairman, the language of sections 431, 432, and 433 of the committee substitute provides for merit selection of judges under the so-called Missouri Plan, long favored by the American Bar Association and the American Judicature Society. The following letter to Chairman DIGGS from John S. Clark, president of the American Judicature Society, illustrates the approval which the professional bar gives to the judicial appointment process in the D C. Self-Determination Act.

AMERICAN JUDICATURE SOCIETY,
Chicago, Ill., October 5, 1973.

Re: H.R. 9682.
Hon. CHARLES C. DIGGS, Jr.,
U.S. Representative,
Washington, D.C.

DEAR CONGRESSMAN DIGGS: I have heard of the constructive suggestions you made and the excellent manner in which you chaired the meeting of the District of Columbia Committee of the House when the above bill was considered.

I am grateful to you for your interest in giving security of tenure to the judges in the District of Columbia.

The American Judicature Society is extremely interested in this bill, and we believe that choosing the judges on the basis of merit selection and giving them proper security of tenure would be a tremendous step in giving better justice to the residents of the District.

Thank you so much for your assistance, and all of us in the American Judicature Society will greatly appreciate your support of this important legislation.

My best wishes and best regards.

Cordially,

JOHN S. CLARK.

Mr. WON PAT. Mr. Chairman, it will come as no surprise to my colleagues in the House that I, as the Delegate to Congress from the Territory of Guam, wholeheartedly support H.R. 9682, a comprehensive Home Rule bill for the District of Columbia.

As the resident of an American territory, which until 5 years ago lacked the right to choose our own highest local officials, my sympathies naturally lie with those in the District of Columbia who ask that they too be granted this basic right of a free and democratic society.

I know that there are many who oppose a greater degree of self-determination for the residents of the District on the grounds that the bill provides insufficient checks to protect the Federal interest.

I cannot see, however, how extending self-government to the District will in any way pose an insurmountable problem to the residents of any State, territory, or to the Federal Government. Nor can I conceive that American citizens, who just happen to reside in the District, are any less capable of governing themselves than are any other citizens.

I remember all too well how, when Congress passed the legislation to give the American citizens of Guam the power to elect their Governor and Lieutenant Governor, a few in Washington feared that action would lead to problems for the Federal Government.

It was said that we were not ready for democracy. And others in the military feared that their rights in Guam would suffer. But, as those of you who know Guam are aware, those arguments have proven to be as specious as they were groundless. Indeed, Guam's relations with the Federal Government have improved. The residents of Guam have not used their increased rights to abuse their status as citizens, nor has the right of the Federal Government in Guam decreased beyond that which it has in any of the States.

As a strong believer in the principles of Jeffersonian democracy, I am confident that the residents of the District of Columbia will prove equally competent to administer their own affairs.

Granting self-determination to the District will not only be a sign of congressional greatness, but will additionally provide a welcome respite to those Members who could better use their time than by legislating kite-flying regulations.

For each of us, time is a most critical issue. We simply do not have the time we each need to become involved in all of the important matters of the day. I concur with many of my colleagues here today that the day of a Congressman is too full to be spent on mundane matters concerning local ordinances for the District of Columbia.

It is interesting to note that a similar attitude was expressed by Congressman PHILLIP BURTON, chairman of the House Territories Subcommittee, about the recurring need to amend the Territorial Organic Acts. Congressman BURTON rightfully regards his time as being too valuable to be expended on deciding purely internal matters for the American territories. And I believe that view certainly holds true for the District of Columbia.

Representative DIGGS, chairman of the District of Columbia Committee, and the members of his committee are to be commended for their diligence and efforts to extend the rights of full citizenship to the residents of this city by favorably reporting out the District of Columbia home rule bill, H.R. 9682.

As the Greek philosopher Mencius said over 2,000 years ago, "The people are the most important element in a nation; the sovereign is the lightest." As the elected Representatives of the most democratic Nation, let us today reaffirm our faith in the principles our Founding Fathers set down by passing on to the District of Columbia the cherished right of self-government.

Mr. EDWARDS of California. Mr. Chairman, H.R. 9682, the bill now before us to establish increased self-government for the citizens of the District of Columbia is long overdue. Since 1874, the residents of the District have not had a real voice in the determination of their local affairs, a right that exists for citizens in every other part of this Nation. At that time, the legislative assembly governing the District was abolished, and virtually complete control over local affairs reverted back to Congress.

In the last 25 years, many bills have been introduced in both houses of Congress to give the District varying degrees of self-government. Unfortunately, most of them were killed somewhere along the line of the legislative process. In 1967, Congress did legislate some major changes in the District's government structure, but District residents still lack true self-government, most particularly locally elected city officials.

In 1969, Congress created a National Commission, under the able chairmanship of our colleague ANCHER NELSEN, to study alternative ways of improving the effectiveness and economy of District of Columbia government. After a painstaking and thorough investigation, the Commission reported back to Congress.

Its finding were most helpful and many of its recommendations are included in the bill we have before us now.

H.R. 9682, as amended for final consideration, is not all that many of us felt was desirable and necessary for truly representative government for the District of Columbia. However, the District Committee, in particular Chairman DIGGS, has labored long and hard to provide us with legislation that not only gives the District of Columbia increased self-government, but which also retains sufficient congressional control to preserve the Federal interest in the Nation's Capital.

The right to elect a Mayor and City Council is certainly a major step forward and preferable to a city run by Presidential appointees. Elected officials, regardless of the extent of their powers, are always more responsive to the public.

Although these officials will not have control over city spending, they will have the power to propose a budget to Congress and to raise and lower taxes. Together with more openness in budgetary proceedings, this will provide greater cooperation between those who are concerned about the city and those who focus on government spending.

In addition, the bill provides new legislative powers for City Hall, places housing and urban renewal programs directly under the Mayor's office, allows the Mayor greater voice in the nomination of local judges, and provides voters the opportunity to amend and vote on the city charter and participate in neighborhood advisory councils.

Most significantly, the passage of H.R. 9682 provides a new opportunity for Members of the House, from all regional, economic, population, and ethnic districts, to join in reaffirming the principle of self-government—the most basic right of a citizen of a democracy. I urge my colleagues to join in support of this legislation.

Mr. MAZZOLI. Mr. Chairman, as a member of the Committee on the District of Columbia, I am proud to have been a part of the very serious and very painstaking effort that has produced the legislation which is before us today—the Home Rule Bill for the District of Columbia.

From the outset, it has been the objective of our committee to write a responsible bill, attuned to the political realities of this Chamber, which could be passed and enacted into law.

It now appears that we have been successful, and that the House today will take the historic step of assuring that the citizens of our Nation's Capital will regain the very basic democratic right of self-determination in their local government—a right that has been denied for the past 100 years.

As historic as the step we take today may be, we must all bear in mind that it is only a first step. The road to House passage of the District of Columbia home rule bill has been, of necessity, a road of compromise. Further steps remain to be taken.

I think that I can fairly speak for every one of my fellow committee members, when I say that none of us are fully satisfied with each and every provision in the bill presented today as our final work product. But I think we all fully appreciate that the compromises that have been made were worked out in good faith with but one objective in mind—the restoration of elected local government in Washington, D.C.

I am confident that the very existence of an elected Mayor and an elected Council will provide the District's citizens the means for articulating and proving their own case for further governmental authority in the future.

With the passage of this bill, the initiative for seeking solutions to local problems will, at long last, lie where it belongs—with elected officials responsible to the voters who are affected by those problems.

No longer will it be the responsibility of Congressmen from distant jurisdictions to respond to local problems which affect them only indirectly.

There will, of course, always be overriding Federal considerations in a Capital City such as this, and there is no question in my mind as to our ability to protect those Federal interests without unduly infringing on the free exercise of self-government in local matters.

Thus, the legislation we are about to pass today represents a landmark step toward an improved, more efficient and more just local government in our Nation's Capital City. It represents a reaffirmation of our belief in fundamental democratic principles. And, in future years, I predict we will see the evolution of a truly harmonious relationship between the caretakers of our Federal Government and a responsibly self-governed local citizenry.

In closing, let me simply say that it has been a great privilege to be associated with Chairman DIGGS, Congressmen ADAMS, FRASER, REES, Delegate FAUNTROY, and all the other Committee members and staff in this historic effort.

The seat and symbol of American democracy—the U.S. Capitol—has been witness today to the birth of a new democracy in the District of Columbia.

Mr. STOKES. Mr. Chairman, I rise to support complete home rule for the District of Columbia.

The District of Columbia is indeed the Last Colony. The Nation's Capital, the capital of democracy, is without democracy. More than taxation without representation has been the rule of political life for the citizens of this city for 99 years. Washingtonians have had to bear economic policy without representation, urban renewal without representation, criminal justice without representation.

There are 753,600 people in the District of Columbia, a larger population than 9 different States; 73 percent of the people are nonwhite. They are burdened with "foreign rule" by 535 citizens of other States, of whom only 4 percent are nonwhite. In terms of full political freedom for its citizens, white and nonwhite alike, the District of Columbia is no better off than Mozambique.

In fact, a citizen of this city may leave home in the morning, drive to work at the State Department or the Pentagon and make decisions affecting the villages of Mozambique, and still have no vote in how his own town is run.

Popular election of a Mayor and City Council will go far toward establishing full participatory democracy in Washington, D.C. Nonpartisan elections will enable thousands of people to engage in the process, who would otherwise be excluded by the Hatch Act. And with the involvement of elected neighborhood advisory councils, the everyday administration of this city may come closer to the grass roots level of control than is true in many big cities in this country.

When the city achieves full control of its own tax revenues, self-government will be a fact. Our experience with Home Rule legislation over the years, however, has shown us how difficult it is to get it all at once. If H.R. 9682 becomes law, it will take a historic giant step toward complete home rule for the District.

I would like for a moment to address the misgivings of some Members about complete home rule for Washington. It has been argued that this city is for all Americans, and should continue to be the special concern of all Americans through their elected Representatives. The Federal buildings, the historic monuments, the malls and parks, some argue, need Federal oversight to insure their proper maintenance and beauty.

But so much concern about the continued grandeur of the Jefferson Memorial and the Washington Monument tends to overlook the glaring fact, that if the citizens of this city are not free to make their hometown a living monument of democracy, all the other monuments are but hypocritical heaps of stone.

I believe Congress should retain an interest in the city budget commensurate with the Federal payment, but no more. Today that comes to about 20 percent of the city income. The Diggs substitute bill retains 100 percent interest in the District of Columbia budget. There is plenty of time to correct this discrepancy, after we take the historic step of granting rudimentary home rule. Experience will show us to what degree continuing congressional veto power over Mayor and Council decisions will help or harm this city. There will be plenty of time to make adjustments in these controls, perhaps to abolish them altogether.

I disagree entirely with the paternalistic argument that the experience of the elected District of Columbia School Board demonstrates that District citizens are not yet ready to govern themselves. This logic, transported back to the 1780's, would have claimed that political chaos in the newly independent colonies demonstrated that they should return to British rule.

The truth is, you cannot learn self-government without exercising self-government. What the experience of the elected school board does show is that a political situation one-tenth free and nine-tenths disenfranchised is inherently unstable. Removing what freedom there is, would achieve only the kind of stability that is total paralysis.

I see a certain political instability continuing in District of Columbia affairs, if home rule comes only a giant step at a time. It is my hope that this instability, this ferment for complete freedom, will hurry us through the next steps. To step backward, however, would only cripple this city more than it has been before.

At a time of rampant inflation, high unemployment, and increasing poverty for the already poor; at a time of environmental and energy crisis, of a new war in the Middle East and a still undying old war in the Far East, Congress simply cannot let itself be crippled by the business of running a city.

I am happy to give my full support to even this small measure of home rule for the District of Columbia. And I hope we will move rapidly to unburden ourselves of municipal cares, and permit the people of Washington to assume the full citizenship which is their birthright as Americans.

Mr. DIGGS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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Sec. 432. Removal, suspension, and involuntary retirement.
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PARLIAMENTARY INQUIRY

Mr. HARSHA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARSHA. Mr. Chairman, is the Clerk reading the original bill or the committee print?

The CHAIRMAN. The Clerk is reading the original bill, H.R. 9682.

Mr. HARSHA. I thank the Chairman.

The CHAIRMAN. The Clerk will continue to read the bill.

The Clerk read as follows:

Sec. 434. District of Columbia Judicial Nomination Commission.

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Sec. 462. Contents of borrowing legislation; referendum on bond issue.

PARLIAMENTARY INQUIRY

Mrs. GREEN of Oregon. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. GREEN of Oregon. Mr. Chairman, it was my understanding that the chairman of the committee yesterday repudiated the committee bill as it was reported out and gave the understanding to the House that they intended to offer as a substitute the committee print. Mr. Chairman, I have an amendment to the committee print at this point in section 462.

If we go by this point at this time and then the committee print is offered later, then I still have the right to offer the amendment to the committee print, is that correct?

The CHAIRMAN (Mr. BOLLING). An amendment to an amendment in the nature of a substitute could be offered at a later time.

Mrs. GREEN of Oregon. Then, it seems to me it would be beneficial to the Members of the House, in order that we can make a valid judgment as to whether the statements which were made yesterday by the distinguished chairman of the committee that they no longer really wished the House to consider the bill as reported out of the committee, but rather they wanted the House to consider the committee print which was made available—I know things change rapidly, but I wonder if the chairman of the committee could yield for a question there, or respond to a question. Have they changed their position?

The CHAIRMAN. The Chair would say that the question of the gentlewoman from Oregon is not a parliamentary inquiry of the Chair.

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Mr. Chairman, if it is the desire of the chairman of the committee to offer a substitute for the present bill, would the Chair state to this Member at what point it is appropriate to do that? It is my understanding that we are reading the table of contents and must start into the first title before that can be offered. Is that correct?

The CHAIRMAN (Mr. BOLLING). The Clerk would have to have read the bill through line 6, page 5, the end of section 101, prior to an amendment in the nature of a substitute being in order.

Mr. ADAMS. I understand, so that what we are doing now is simply reading to the point to which a substitute would be in order?

The CHAIRMAN. That is the understanding of the Chair.

The Clerk will read.

The Clerk read as follows:

Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
Sec. 465. Acts for issuance of bonds.
Sec. 466. Public sale.

Subpart 2—Short-Term Borrowing

Sec. 471. Borrowing to meet appropriations.
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Sec. 473. Notes redeemable prior to maturity.
Sec. 474. Sales of notes.

Subpart 3—Payment of Bonds and Notes

Sec. 481. Special tax.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
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Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and obligations.

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Sec. 771. Effective dates.

Mr. FRASER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the table of contents be considered as read and printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DIGGS: Strike out all after the enacting clause and insert in lieu thereof the following:

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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5–701—5–719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (DC. Code, sec. 5–703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5–703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5–704 (b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422 (12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1–1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commissioner shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments, thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairman of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1–1002(e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1–1004), is amended as follows:

(1) Subsection (a) of such section is amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1–1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentence of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1–1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1–1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1–1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49–49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933 specified in subsection (a).

(c) (1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36–121—36–133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36–123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation with the District consistent with the Constitution of the United States and the provisions of this Act, subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the Duties and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provision of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3) continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District Government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Comission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e) (1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and—

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The Mayor shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the Mayor, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the Mayor a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the Mayor shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the Mayor may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the Mayor shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment

to positions as judges of the District of Columbia Courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the Mayor, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the Mayor may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the Mayor not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the Mayor requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the Mayor one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart I—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) The Mayor shall prepare and submit to the Council and to the Congress by January 10 of each year, and make available to the public, a budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated existing or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planinng agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"______,
"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be stopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000 or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c) (1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTION TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities, and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes, or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1–1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5–412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5–413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec 5–414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5–417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice within thirty days from the date of submission to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code sec. 43–201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies."

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office held by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title 11 of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provision of this Act, no such act, resolution, or rule shall take effect until the end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year:

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(d) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ———, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1-102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government may be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

EMERGENCY CONTROL OF POLICE

SEC. 739. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 740. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h)(1)(A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B)(i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at-large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at-large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i) (1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d) or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, the general election for the office of Mayor and member of the Council shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9), of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education,".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of title VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975, if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and parts B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

Mr. DIGGS (during the reading). Mr. Chairman, since the committee prints are available and since it was printed in the CONGRESSIONAL RECORD of yesterday, October 9, 1973, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. NELSEN. Mr. Chairman, reserving the right to object, may I inquire of the Chairman: It is my understanding that we have prints, but where are they? They are limited in number, and I just gave my copy to Mr. GERALD R. FORD. I would like to have an adequate number of prints to know what we are doing, because frankly, I do not think we do.

Mr. DIGGS. Mr. Chairman, if the gentleman will yield, I can assure him that there are several hundred of these prints that are in the proper place in the Chamber; namely, right back by the pages' desk. Further, as I indicated, it is printed in yesterday's RECORD, reflecting authorization from yesterday's proceedings.

POINT OF ORDER

Mr. BROYHILL of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROYHILL of Virginia. Mr. Chairman, sections 206, 604, 713, 722 731, 502——

The CHAIRMAN (Mr. BOLLING). The gentleman's point of order is premature. We have not obtained unanimous consent to consider the committee print.

Mr. GROSS. Further reserving the right to object, Mr. Chairman, how do we identify the committee print which has been made available to the members with the amendment at the desk? Are they one and the same? How do we identify if this is the committee print which is now being offered?

Mr. DIGGS. The committee print is what is at the desk and is the substitute I am offering at this point.

Mr. GROSS. How do we know, unless the "short title, purposes, and definitions" is read? How do we know these are the same, without suspending operations and going to the desk to try to compare them? There is no identification by number. This is the point I am making. There is no identification as to number, description, or anything else.

Mr. Chairman, I object.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield before he makes the objection?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. May I ask the distinguished chairman of the committee a question?

We have a 129-page committee print which has no number and which has many substantive changes, I am told, from the committee-reported bill. Is there any identification of changes for the benefit of the Members where those changes are between the committee bill and the committee print?

Mr. DIGGS. As the distinguished minority leader knows, the substitute does not have to be numbered.

Mr. GERALD R. FORD. I concede that.

Mr. DIGGS. The explanation of the substitute will be undertaken as soon as I am permitted to begin speaking in support of my substitute.

Mr. GERALD R. FORD. May I say to the distinguished chairman, it would be extremely helpful not only to have the benefit of the gentleman's comments identifying the differences, but some of us might like to study the fine print. In order to do that it would be very, very helpful if we had the list of the paragraph numbers where there is a difference between the committee bill and the committee print, in a 129-page document.

Mr. GROSS. Further reserving the right to object, Mr. Chairman, I again emphasize there is no date on this committee print. There is nothing to identify it.

I have no desire to compel the reading of this entire table of contents, but until there is some assurance that this is the substitute the gentleman is offering I shall have to ask that the Clerk continue to read.

Therefore, I do object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. DIGGS (during the reading). Mr. Chairman, now that the title and the first section of the amendment in the nature of a substitute have been read, I ask unanimous consent that the remainder of it be considered as read, printed at this point in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. NELSEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued to read.

Mr. DIGGS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with, and that the amendment in the nature of a substitute be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. NELSEN. Mr. Chairman, I do not want to be dilatory or try to take up time, but this was such a bewildering process that, really, we do not know what we are doing. My purpose was to obtain a little time to get some information which I understand the minority leader has been promised, but I just want to make the observation that I pleaded for a chance to sit down with the chairman, tried to reach him all forenoon with the idea of trying to work out a few things which I think would solve this problem. I did not get that chance.

Mr. Chairman, I will remove my objection at this time.

The CHAIRMAN. Is there an objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. Diggs) is recognized for 5 minutes.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. Mr. Chairman, I yield to the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, I have asked the gentleman from Michigan to yield at this time so that I might, for the benefit of the ranking minority member and the minority leader, point out specifically in the committee print where the changes have taken place, so that they can focus on these changes and so that we will not have to go through the entire bill.

First, on page 21 of the committee print there is provided the section that was alluded to in the letter of the Chairman and in the materials yesterday. It provides for nonpartisan election for council members as opposed to the partisan election originally provided.

Next, on page 26, there is authorized the language that was set forth in the letter for the President to sustain a veto of the mayor, if that veto is overriden by the council.

That is the second provision which was provided for, and it has been previously explained to the Members in general debate.

Third, on page 28 is the provision within the section for the election of the mayor, providing that it be by nonpartisan election. This conforms to the changes for nonpartisan election of council members.

Next, on page 45 it provides for Senate confirmation of local judges, as opposed to the original bill, which provided for confirmation by the City Council.

The next is on page 46, and provides for automatic reappointment of judges when it is determined by the Tenure Commission that they be—and these are words of art—"exceptionally well-qualified" or "well-qualified." This was the provision that changes the 15-year appointment by allowing at the end of the 15-year appointment for there to be an automatic reappointment if the Commission on Tenure and Disability determines they are "exceptionally well-qualified" or "well-qualified."

Next, on page 88 is the language which is necessary now to authorize an annual Federal payment. The amount authorized—and I stress "authorized"; not appropriated—is an authorization of $250 million.

Next, on page 89 we have the provision which prohibits the Council from changing the powers and duties of the United States Attorney and the United States Marshal for the District. This is to conform with the interpretation I gave to the gentleman from Ohio yesterday, to make it very clear that it is still within the power of the Congress.

The next change is on page 90, which states that it prohibits the Council from changing certain specific titles of the District of Columbia Code. These are the titles of the District of Columbia Code which deal with the District of Columbia criminal laws.

Next, on page 90, all acts of the Council are required to lay over for 30 days before they become effective except in an emergency determined by two-thirds of the Council. This establishes what we indicated before, a period of time so that the Congress can pass an act if the Congress feels the act of the Council has been improper.

Next, on page 116 it provides that the President may control the Metropolitan Police in times of emergency. This is what was requested by the White House, and has been placed in the bill. Now, on page 109 we have the language which provides that the White House can direct also that the Secret Service can request the Metropolitan Police Department for assistance in protecting the Presidency. This we believe is already implied, and I believe it is a part of the present Statutes of the United States. But if there was any question in the mind of anybody, we placed it there.

I have tried to explain what the changes are, and I thank the chairman for yielding to me.

Mr. DIGGS. Mr. Chairman, with those explanations I can assure the members of the committee that the substitute represents the original bill with the inclusion of those accommodations.

AMENDMENTS OFFERED BY MR. HARSHA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. HARSHA. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. Harsha to the amendment in the nature of a substitute offered by Mr. Diggs: Page 45, line 6, strike out "Mayor" and insert in lieu thereof "President".

Page 46, lines 3 and 19 and 24, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Page 47, lines 4 and 8, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Page 51, lines 6, 10, 14, 17, and 20, strike out "Mayor" each time it appears and insert in lieu thereof "President".

Mr. HARSHA. Mr. Chairman, I ask unanimous consent that these amendments may be considered en bloc, inasmuch as they each deal with the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Chairman, all my amendment does is remove the power to appoint judges for the District of Columbia courts from the mayor and place that authority in the President of the United States. It retains all other features of the substitute, that is, the merit appointment; it retains the Judicial Nomination Commission and it retains the confirmation authority of the Senate.

Mr. Chairman, we in this body recall the work and thought that went into the 1970 Court Reform and Criminal Procedure Act. In committee, on the floor, and in conference, Congress took great pains to devise the most effective judicial system we could create. Our actions came about only after extensive hearings to consider the recommendations of the Department of Justice Task Force and the other committees and groups that had studied this problem exhaustively over a number of years.

The result of our deliberations was the creation of an independent, competent judiciary with all the authority necessary to administer the District court systems well and impartially. Since 1970 a number of new judges have been appointed to the reconstituted judiciary; backlogs have been removed and despite an increase in the number of trials and appeals, the work of all local courts is current at the present time. Leaders of both the bench and bar in Washington have often commented on the improvement in our court administration that has taken place in 3 short years. The language of the substitute with my amendment is a further perfection of this judicial system.

Second, judges cannot render justice impartially if they are subject to political pressure, however indirect.

Under part C of title IV, section 433(a) of the pending measure, power to appoint judges would be lodged in the Mayor of the District of Columbia. Because these appointments are for a term of years rather than for life, a judge looking toward reappointment would not want to antagonize the Mayor.

This is particularly crucial because judges of the superior and appeals courts have the power to review certain actions of District officials including the Mayor.

The result of this conjunction of authority may be to unintentionally undermine judicial independence in the District. Judges who know that they must look to local officials for future favor or retribution may be unwilling to take a hard look at some of the decisions made by these same officials.

Any opposition to granting appointment authority to the mayor has sound precedent behind it. No mayor in the United States has the power to appoint judges of general jurisdiction.

May I remind my colleagues that Superior Court judges in the District have all the powers of circuit or general sessions judges in our home States. They are courts of general jurisdiction. Court of appeals judges in the District correspond in their authority to State supreme court judges. Appeal from these courts lies directly to the Supreme Court of the United States—not to any intermediate Federal court.

The pending amendment makes no change and has no effect on the central substantive portions of the Home Rule proposal reported by the District of Columbia Committee. All that is entailed in this amendment is the deletion of the word mayor in section 433—section C of title IV—from the bill and the substitution of the word, President.

The result of this change would be to insure the continued independence of all judges for the local Washington courts.

One hallmark of vigorous and effective government is a judiciary capable of reviewing without bias or fear or favor or retaliation the actions and decisions of the coordinate legislative and executive branches of Government. Such has been true of our Federal system since the days of Chief Justice Marshall. The same is what supporters of home rule seek for our Nation's Capital City.

I urge my colleagues to support the pending amendment and thereby insure for the city the same courageous type of judiciary that has been one of the enduring strengths of this country for almost 200 years.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I had hoped that the delegate from the District of Columbia would be on the floor. I saw him a minute ago, oh, I see he is here.

I have never voted for a home rule bill since I have been in Congress, which goes back 25 years. I opposed it when the District of Columbia was 70 percent white because I thought that the people of the United States who pay a portion of the bill for this place ought to have something to say about it.

I did make a commitment to support the Green substitute, which is not now before us. If it gets before us, I will support it, but if it does not, I intend to support the Diggs substitute, which is presently before the House.

I do not do this because of any letters that have been sent out, and I do not wish to charge the delegate from the District with anything malicious. I do not think his letter was meant to be malicious. If anything, I would characterize it as inept. But I think it did raise the hackles of a number of Members who felt somehow or other they were being threatened. I have talked to the gentleman, and he has assured me he did not mean the letter for publication.

But let me give him the benefit of 30-odd years of political experience: Do not ever put anything on paper that you do not want to be published, because sooner or later somebody will get hold of it.

However, in spite of that and in spite of the fact that I will not submit to intimidation—and I do not feel this was intimidation—I feel that the Diggs substitute as it is presently before the House, with perhaps some amendments that may or may not be adopted, would be a satisfactory law that I could support and still retain, as Mr. NATCHER pointed out, the ultimate control of the financial part, which all of the taxpayers of the United States contribute to, through the representatives of all the taxpayers of the United States.

This is the Nation's Capital, and I do think the taxpayers, who spend a considerable portion of their taxes to support this city, should have some final jurisdiction. I believe this substitute does that, and I believe I can support a bill of this type.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly favor the Harsha amendment. In support of my position I will read to you the pertinent parts of a letter dated September 19, 1973, from the Attorney General, the Honorable Elliot Richardson. This letter reads as follows:

> DEAR CONGRESSMAN FORD: The Department of Justice is concerned that portions of the District of Columbia Home Rule bill (H.R. 9682), scheduled for floor consideration in early October, will seriously hamper the independence and effectiveness of the District of Columbia court system.

Mr. Chairman, I will not read the next two paragraphs, because they are somewhat in duplication of the remarks made by the gentleman from Ohio, but I will read the final two paragraphs in the letter from the Attorney General:

> The Department's concern centers on sections 431 through 434 (Part C of Title IV) of the Committee proposal which would make fundamental changes in the manner in which District judges are selected and confirmed. Granting appointment and reappointment authority to the Mayor would give him power not now held by any municipal chief executive in the nation. In addition, because the District courts have authority to review certain actions of the Mayor and Council, judicial independence in these cases may be unintentionally curtailed when judges know that they look to these same officials for future favor or possible retribution. The thrust of the 1970 Act was the creation of an independent, competent judiciary; the effect of these provisions in H.R. 9682 may be to undo this significant step.
>
> The Department of Justice stands ready to render whatever assistance we can to you in securing favorable floor action to excise these provisions. In this regard please call on me at any time.
>
> Sincerely,
>
> ELLIOT RICHARDSON,
> *Attorney General.*

Mr. Chairman, although this letter was in reference to the committee bill, it is my understanding that the identical provisions are a part of the so-called committee substitute. It is further my understanding that the gentleman from Ohio, in order to remedy the defect of having the Mayor appoint the judges, his amendment provides that in each case where "the Mayor" is in the committee print, his amendment substitutes "the President."

It seems to me that by adopting the amendment of the gentleman from Ohio we achieve the best of all worlds as far as the judiciary are concerned.

I happen to be somewhat sympathetic to the Missouri plan approach in the selection of judges. I do not agree entirely with every provision as the Missouri plan has been presented from time to time, but I think the approach used by the committee has merit. But we improve it substantially and significantly by substituting the President and the Presidential authority for that of the Mayor in the appointment of District judges.

On this basis I strongly urge support for the Harsha amendment.

It seems to me that each one of us from 435 districts each year has a tremendous number of our constituents coming to the Nation's Capital. I believe that our constituents deserve the kind of judges that would be appointed by the President rather than the kind of judges appointed by a mayor.

Therefore, for that reason as well as others, I strongly support the Harsha amendment.

Mr. BRECKINRIDGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to thank the gentleman from Ohio (Mr. HARSHA) for his amendment, because I think it brings this House and the committee much closer together on a fundamental provision in the charter of the District of Columbia than I had previously thought possible. I am afraid that events have, perhaps, overtaken us, and I will, if I may, address myself to the remarks of the immediately previous speaker, the gentleman from Michigan (Mr. FORD), because I wish to correct a misstatement of fact.

The substitute bill before us, the committee print, does not contain the provisions that were to be found in H.R. 9682 insomuch as they relate to the provision for a tenure commission, and they differ in these important respects, if I might point this out. The tenure commission provides for a nine-member body, as distinguished from the five-member body presently provided for by the provisions of the District of Columbia Code, which provides for a five-member Commission, three appointed by the President, one by the District Chief Judge, and one by the Commissioner. H.R. 9682 would provide that

that body shall be appointed, four members by the Mayor, and does, indeed, threaten, I think, the integrity and the impartiality of the judiciary.

However, the bill before us provides for nine members, three of whom shall be appointed by the President of the United States, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed for the first time in the history of the Nation by the Speaker of this House, two of whom shall be appointed by the board of governors of the Unified District Bar, and two of whom shall be appointed from lists of nominees made available to the Mayor by the Council.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BRECKINRIDGE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

Mr. Chairman, I am glad that the gentleman from Kentucky has in greater detail explained the change in this regard in this bill.

I was on the floor of the House when the gentleman from Washington explained the changes between the committee bill and the committee print. As I recall, the gentleman from Washington, I am sure not intentionally, made only one point as a change in this area was that there would have to be Senate confirmation of such District judge. I am not critical of the gentleman from Washington, but it illustrates one very important point that all of us ought to be cognizant of as we go further and further and further in the consideration of the committee print. This committee print was not really available sufficiently in advance to give Members an opportunity to get into an analysis of the fine print. I think we will probably find from time to time that inadvertent omissions will be made in the explanation of the committee bill and the committee print.

Mr. Chairman, I appreciate the gentleman's yielding.

Mr. ADAMS. Mr. Chairman, will the gentleman yield briefly?

Mr. BRECKINRIDGE. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Chairman, I think what the gentleman stated was the change between the presently existing tenure commission in the District of Columbia and what is proposed in the committee substitute and was proposed in the original bill. We have not been shifting between the committee substitute and the original committee bill. He was pointing out what the original tenure commission was that was proposed.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Adams, and by unanimous consent, Mr. Breckinridge was allowed to proceed for 5 additional minutes.)

Mr. BRECKINRIDGE. Mr. Chairman, under the provisions of the bill, and with this commission, five members of whom are appointed by the Federal Establishment, two by the local bar association, we have the additional requirement that each member of this commission, which is identical in its nominating and appointive authority to the nominating commission, shall enjoy all of the qualifications of a member of the judicial branch of the District of Columbia. The effect of this is to establish two blue-panel juries, if you will, one of whom shall seek out and nominate for the appointment by the Mayor or, as the gentleman's amendment would provide, the President of the United States, of those members of the judicial branch of the District of Columbia.

The tenure commission, upon the certification of a sitting judge to the effect that he desires to serve an additional term, would then review his qualifications and would rate that judge as follows: He would be found either exceptionally well-qualified, well-qualified, qualified, or unqualified. In the event that he falls in either of the former two categories, exceptionally well-qualified or well-qualified, he would be automatically reappointed for another 15-year term to the bench, whether that reappointment is made by the President as proposed by the gentleman's amendment, or whether that appointment is made by the Mayor as proposed in the bill before the House for consideration.

In the event he is found qualified, the Mayor may or may not submit his name to the Senate for consent, and in the event that he is not found qualified he may not further occupy the bench.

The only question before us, I might submit, is not whether or not we will have a merit judicial branch in Washington, D.C., because neither the President nor the Mayor have uncircumscribed and untrammeled authority under this bill; they must reappoint those men well qualified and exceptionally well qualified.

If I may read from a telegram received by me this morning on the floor of the House from the Honorable Chesterfield Smith, president of the American Bar Association, the telegram is as follows:

> To: John Breckinridge, Member of Congress.
>
> The principle of merit selection of judges as embodied in Sections 431–434 of H.R. 9682, October 9 Committee print, has had the support of the American Bar Association for 36 years and I urge you and your colleagues to support the bill with this provision in it. Assurance of reappointment of well qualified and exceptionally well qualified judges while requiring reconfirmation of judges rated lower by the Tenure Commission will strengthen and improve the bill and will strengthen and improve the quality of the Judiciary of the District of Columbia by insuring judicial independence of judges while in office and by providing increased inducement to well qualified lawyers to accept judicial appointments. This system is now in use for all or part of the judges in a majority of the states and its acceptance is spreading every year. The principle of executive appointment from a list of nominations prepared by a nominating commission works well under many widely varying systems involving varying types of commissions and varying appointing officers and the principle should be retained regardless of any possible amendments as to details of nominating or appointing mechanism. American Bar Association endorsement has been followed by similar endorsements of many state and local bar associations and the American Judicature Society and other organizations and individual leaders in the court modernization movement. You are urged to extend this important improvement to the District of Columbia through enactment of H.R. 9682 with this feature included.
>
> Chesterfield Smith,
> *President, American Bar Association.*

I have a similar telegram from John S. Clark, president of the American Judicature Society.

Mr. Chairman, the only question is whether or not, under this circumscribed procedure, we have protected the independence of the judicial branch of the Government, and I submit we have, and we should adopt the bill as it is before the House and we should defeat the amendment offered by the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. BRECKINRIDGE. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, would the gentleman admit my amendment is not in any way violative of the principle of Executive appointment that is referred to in the letter from the Governor?

Mr. BRECKINRIDGE. I had not seen the amendment offered by the gentleman from Ohio before today but I was glad to see the gentleman's amendment take the form that it did.

Mr. NELSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio.

Mr. Chairman, I think many in this body will remember the long deliberations that we had dealing with court reform. The Members will recall we were criticized by the White House and by the Department of Justice because of the delay. I worked out at that time a conference with the President and the Justice Department and with me was Tom Abernethy, a good lawyer, a Democrat. He handled the bill largely on this floor. We have objections to the changes that are proposed in the committee bill dealing with the courts and the judicial system on the premise that the bill we passed has hardly been in operation and has been doing a great job. Justice asked that it not be disturbed. The backlog of cases untried has been reduced.

It would seem to me that when we have done something that works, for this body to change it certainly is, in my judgment, a mistake. Now, we dealt the other day with some suggestions to change in the committee bill with a very important part of the proposal, the budget of the United States dealing with the District of Columbia.

Mr. Natcher did an outstanding job, and his committee was supported by this body by a change in the bill, and it was important. But, still more important is the judiciary system of the District of Columbia, a 450 page bill.

Mr. Harsha, Mr. Hogan and others worked on that committee dealing with the Senate, dealing with the House, making adjustments, passing a good court reform bill, one of the best in the United States, and now we want to tamper with it. I want to say of Bill Harsha that we all owe him a lot for what he did during the conference and during the negotiations on the floor. In my judgment, he is a good lawyer and a good legislator and having produced a good product, it would seem to me a mistake at this time to make the changes that are proposed by the committee bill.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I first want to point out, so that it is very clear, because the minority leader asked a question about whether there had been any changes in the Tenure Commission, that on page 49 of both H.R. 9682 and of the committee chairman's substitute the members of the Commission are listed, which starts at page 14, and they are identical.

It is important that I first focus on that Commission, because one of the reasons we selected an executive other than the President, if the Members will look at the persons on that Commission is that they are basically dominated—particularly if the President is of the same party as the majority party in the House and the Senate—by five votes on that Commission or five people that are appointed by the Federal Government. Three of those members of the Commission would be by the President who, under the pending amendment, would be the appointing power. So, we had very much in mind what the gentleman from Ohio mentions in this section, and it was a very sensitive section to deal with. When we started the hearings, there were proposals that came forth to have the judges selected as they are in most States; in my State and I am sure probably in the gentleman's State and most States of the United States where they elect the judges to the local superior court or circuit court, whatever it is called, the trial court of general jurisdiction.

In most States the Governor appoints when there is a vacancy and it is confirmed by the legislature. Well, we were trying to avoid an appointment procedure like that, so we went to the Missouri plan. I am very pleased to see the gentleman from Kentucky, the gentleman from Ohio and the distinguished minority leader agree with me that this is a forward-looking approach to appointing judges because it takes them out of politics. We appoint a Commission, and the Commission then submits to the nominating authority, the Mayor, qualified people. We even went further than that, to say that if a man has done his job and he is well-qualified and if the Tenure Commission so finds, then he is reappointed for another 15-year term.

That was very controversial also, because a number of members of the committee felt that after anyone had served for 15 years on the bench, he should be subject to, if not the electorate, at least the appointing authority. Therefore, what we did was submit him to the Tenure Commission.

The reason we went to the mayoralty power here was that we had either the Presidential power or mayoralty power available, and since we had titled the Commission in favor of Presidential appointees or Federal Government appointees, we went to the local appointive power for local judges.

With the change in the substitute bill that provides for Senate confirmation the District will have a very independent judiciary here. The powers of the local Executive to appoint are extremely limited, much more so than in my State or in other States where the Executive can go out and appoint his best friend, or somebody else's best friend, or make a political appointment. That factor is removed.

I wanted to explain that we held lengthy hearings on this issue. The gentleman from Kentucky spent an enormous amount of time on this. We have contacted the American Bar Association and the American Judicature Society and others in the bar. We believe the committee provision is a good system.

The President will be appointing all the Federal judges in this area, and does so. We have therefore divided the Executive authority here in such a fashion we believe it provides for an independent judiciary, particularly when that is coupled with a 15-year term and automatic reappointment if the man is found by this Commission "well-qualified" or "exceptionally well-qualified." We believe that amply protects it.

I hope the Members will vote down the amendment and will support the committee substitute with the changes that have been made in the bill.

Mr. SMITH of New York. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, I want to speak a little bit in regard to the letter which was read by the gentleman from Michigan (Mr. GERALD R. FORD) from the Attorney General of the United States, dated September 19.

The Attorney General's letter pointed out what a good job had been done by the judicial system in the District under the District of Columbia Court Reform and Criminal Procedure Act which was adopted in 1970. I want to say this is certainly so. We are all proud of this job.

The committee bill and the committee substitute, actually, in my opinion, will not only continue the good job and the progress that has been made by the courts of the District of Columbia, the Superior Court and the District of Columbia Court of Appeals, but will also improve the system, by the adoption, as Mr. ADAMS, the gentleman from Washington, pointed out, of the modified Missouri plan, wherein the Mayor must appoint judges from a list of not less than three nor more than five submitted by the Judicial Nomination Commission.

The Commission, as was pointed out by the gentleman from Washington and the gentleman from Kentucky, is made up of nine members. All must be lawyers. Two must be appointed by the Unified Bar of the District of Columbia, two by the Mayor from lists submitted by the Council, one by the Speaker of the House of Representatives, one by the President of the Senate, and three by the President of the United States.

As the gentleman from Washington pointed out, particularly if the President and the Congress are of the same party, the President, and at least the Federal interest, will have a majority of the members of this Commission.

In addition, the present judges are grandfathered in. If they wish to be reappointed at the expiration of their terms, they would come under the provisions of the committee substitute which require the Mayor to reappoint them if the Commission on Tenure, which again consists of nine members appointed in similar fashion as the Commission on Judicial Nomination, finds that they are "exceptionally well-qualified" or "well-qualified." If the Commission finds that they are "qualified" then the Mayor may reappoint them only with Senate confirmation.

Mr. Chairman, if he finds they are not qualified and have not done the job, the mayor may not reappoint that judge; so that the present judges are grandfathered in.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I will be glad to yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, on the question of whether the present judges are grandfathered in, that is true only if they are found to be well qualified or exceptionally well qualified. Is that correct?

Mr. SMITH of New York. The gentleman is correct.

Mr. HARSHA. Now, the problem comes in an area where an existing judge is retiring or no longer seeking reappointment. Then a vacancy appears. The Mayor may then submit for appointment a man from this list provided by the Tenure Commission, but he also may not.

Mr. SMITH of New York. Excuse me. He must appoint from a list submitted by the Judicial Nominating Commission.

Mr. HARSHA. That is not what the bill says. It says he may submit for appointment a person——

Mr. SMITH of New York. If he is qualified.

Mr. HARSHA. If he is qualified—a person from that list.

Mr. SMITH of New York. If he is qualified, the mayor may reappoint, subject to confirmation by the Senate. If he is not qualified, he may not reappoint.

Mr. HARSHA. I am not talking about the unqualified man. I am talking about a vacancy where there is no existing judge running for re-election or up for appointment. We have a vacancy, then the Tenure Commission creates a list.

Mr. SMITH of New York. Not the Tenure Commission, the Judicial Nomination Commission which is another Commission appointed in the same way.

Mr. HARSHA. I am sorry. I stand corrected. The Judicial Nomination Commission submits a list of prospective judges to the mayor.

Mr. SMITH of New York. The gentleman is correct, a list of not less than three or more than five.

Mr. HARSHA. Whom they have found to be qualified?

Mr. SMITH of New York. The gentleman is correct.

Mr. HARSHA. The Mayor does not have to submit their names. He may choose not to submit the names they submit to him. Then they have to submit others.

Mr. SMITH of New York. They must then submit a further list, and in no case may they submit more than seven names.

Mr. HARSHA. But that is where the rub comes, because he has flexibility in there. There may be somebody he favors in there because of previous associations or past experiences, and that is what we are trying to avoid. Someone he feels may rule favorably on an issue involving the District government.

Mr. SMITH of New York. Mr. Chairman, I would say to the gentleman that this is perfectly so, but the qualifications of any one of the seven, no matter whether the Mayor favors him or does not favor him, are vouched for by an outstanding commission on judicial nominations.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. HARSHA, Mr. SMITH of New York was allowed to proceed for 3 additional minutes.)

Mr. HARSHA. Mr. Chairman, I thank the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, what I wanted to say about the letter from the Attorney General is that I think what we have done or the committee has done has met all the objections of the Attorney General except one.

I think what the committee has done will provide an even better judiciary than we have here now in the District of Columbia, and we have a first-rate one now under the act of 1970 which the gentleman from Ohio did so much to enact.

I would say that the only objection of the Attorney General that we have not met, or bettered, is whether the appointment of District of Columbia judges shall be by the Mayor or by the President.

I think this comes right down to the fundamentals that we are talking about in this whole bill. And that is whether we wish to grant some home rule or whether we do not. I think it is as simple as that. I think we must determine this in our own judgment, because the gentleman's amendment would leave the procedure of nomination just the same as contained in the committee bill with the Judicial Nomination Commission making recommendations to the President instead of the Mayor.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. HARSHA. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I am grateful that the gentleman has yielded.

Unfortunately, I do not have the letter from the Attorney General with me. I gave it to the reporters; but the gentleman from New York has crystallized the issue. Whether you can equate the Mayor, who under the committee bill is elected on the one hand and who represents the people in the District of Columbia—not your constituents, not my constituents—whether you can equate him with the President of the United States, who is elected by all the people from all of our districts, is another question.

It is my view and I believe it is the Attorney General's view that this appointing power ought to be in an office holder who represents all the people and not just 800,000 people in the District of Columbia.

Mr. SMITH of New York. I can understand the gentleman's point of view, but I must say to the gentleman that the courts of the District of Columbia are courts for the District of Columbia and not for all of the people of the United States. The Federal courts which are located here in the District of Columbia are for all of the people. They will continue to be. The judges there will continue to be appointed by the President, of course.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. However, if one of your or one of my constituents—and thousands of them visit the District of Columbia—are apprehended for some alleged criminal violation, are they not tried by judges appointed by the Mayor and not judges appointed by the President?

Mr. SMITH of New York. That is exactly so. And I would say to the gentleman that if one of his constituents comes to my home town and is apprehended there, he is tried by a judge elected by my home town people and not a judge elected by the people of the State of Michigan.

Mr. GERALD R. FORD. If the gentleman will yield further, his home town vis-a-vis my constituents is quite different. We do not contend that we have any constitutional rights as far as the gentleman's home town is concerned. But his constituents and mine have a constitutional right for certain protections in the District of Columbia, and that is a significant difference.

Mr. SMITH of New York. No. I would say to the gentleman that his constituents have a constitutional right to protection in my home town.

Mr. GERALD R. FORD. There is quite a difference in the relationship, I might add.

Mr. SMITH of New York. The gentleman has his own idea, but I do not believe there is.

Mr. DENNIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I merely wish briefly to suggest to the committee, on both sides of the aisle, that this is a good amendment in which to find out whether we really want a good, supportable bill, because in my estimation this is not an amendment which really has anything to do, fundamentally, with the concept of local home rule or popular government for the District of Columbia.

This is an amendment which simply deals with the court system, the courts of general jurisdiction and the court of appeals, and whether we will get a better court system. I think that could be completely separated from the idea as to whether we ought to have an elected council and popular government and home rule and so on.

This is a Federal City. We have a constitutional responsibility here under the Constitution, which we cannot escape and which is recognized by all concerned here, and which we do not have for any other State or locality in the Union. Therefore, I think we have an obligation to create here the very best possible system of justice which we can create regardless of whether we have home rule or not.

The thing that appeals to the bar associations and which appeals to me, also, is the Missouri plan. As has been pointed out by the gentleman from Ohio, you have that either under his amendment or under the committee print. The sole question here—you have that Commission which nominates people in either case—is who has the ultimate appointing power to make the choice from the people whom the Commission nominates; should it be an elected mayor in this Federal city, for which we have a constitutional responsibility, or should it be the President of the United States; and which way are you more likely to get better judges and a better court system? That is the only issue involved in this amendment.

I submit that when you ask the question you answer it. Naturally, I would submit, you want the President of the United States to exercise his constitutional responsibility here in the appointment of these judges, just as he has exercised it for the judges in the Federal territories of one kind or another throughout our history.

Regardless of what one thinks about the original bill or the various substitutes, this is a rather simple, fundamental issue as to how do you get a good court? We do not usually have trial courts and appellate courts appointed by mayors of cities. We have a constitutional obligation here, and it is one we ought to have the President of the United States discharge.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, there has been much said about the letter from the Attorney General as it related to the initial bill we were going to consider. Let me advise my colleague that as late as an hour ago I was in consultation with the Office of the Attorney General, and they still have the same reservations about the committee print and its appointment of judges by the Mayor. And that is based in part on the fact that the District courts have authority to review the actions of the Mayor and the Council, and certain District agencies. In order to remove any question of any impropriety or undue influence it is the opinion of the Attorney General that we ought to remove the power of appointment from the Mayor and place it in the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to observe, with respect to the last statement, that that is a very unusual concern, because the President himself appoints Federal judges, and he is subject to their rulings, we hope. That is a matter that will be determined.

It is also the case in many States that usually a public officeholder makes the appointments. I know of no public officeholder at the State level who is above the law, and not subject to rulings of the courts or by the judiciary, so I do not really consider that a very cogent argument.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. HARSHA. What the gentleman is overlooking is the fact that the Federal judges are appointed for life, not for a particular term, so they do not have to look to the President or anybody else for reappointment.

Mr. FRASER. Except that the judge owes his appointment to the President. And the fact of the matter is that under this bill any judge who has performed his services satisfactorily is automatically reappointed. That is a change that the Judicature Society requested, and which the gentleman from Kentucky (Mr. BRECKINRIDGE) who has worked on this section, thought was a good provision, and is one that is acceptable in this bill. Once the person, who is appointed for 15 years, has served satisfactorily, he will be reappointed. So there is not that kind of a problem that the gentleman has mentioned.

Mr. HARSHA. If there is a question in the argument of the gentleman about the allegiance to the President because he appointed a judge for life, or there is no possible removal except for malfeasance, bad behavior, or inability to serve, then surely the gentleman would have that same reservation where a mayor appoints for a particular term and on whom you would have to depend for reappointment.

Mr. FRASER. That is a common problem, it is not a unique problem here.

Mr. BRECKINRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Kentucky.

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Is it not correct that, regardless of who has the appointing power, that either the President of the United States or the Mayor of the city of Washington are so circumscribed by the mandated law of this body that they shall be limited in their appointing powers to the powers that we have provided for herein; and, that neither the President nor the Mayor may appoint anyone other than as provided herein; and that, therefore, we may not expect the President to in any way elevate or dignify the quality of this bench other than as also herein provided for by the Mayor.

Mr. FRASER. I think the gentleman is exactly right. The nomination commission is dominated by three appointed by the President, plus one by the President of the Senate and one by the Speaker. This is a majority of the nine men. The local bar gets two more appointments. It seems to me they are going to come up with more qualified candidates. That is to their interest. The President has the largest number of appointments, and I do not see any problem at all.

Mr. BRECKINRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Kentucky.

Mr. BRECKINRIDGE. I thank the gentleman for yielding.

Mr. Chairman, I have heard this argument made in a variety of ways. Sometimes I think we mislead ourselves. But will the gentleman agree that in the city of Denver and the county thereof, and the city of Atlanta, Ga., and Kansas City, Mo., and New York City in the State of New York, that the mayor has the appointive power for the appointment of trial judges in those jurisdictions under the Missouri plan, or a part and portion thereof?

Mr. FRASER. Since the gentleman is the former attorney general of the State, I will take his word for the accuracy of those statements.

Mr. BRECKINRIDGE. Mr. Chairman, I think the real point here, if I might say so, is that the law will govern and determine the quality of the bench of the District of Columbia, and not the President of the United States and not the Mayor of the District.

Mr. RAILSBACK. Mr. Chairman, I am pleased to support the pending amendment. The question of a totally independent judiciary for the District of Columbia is not a partisan question, not one for differing points of view between liberals and conservatives; rather, it is an extremely important question that should be of concern to all Members.

As a member of the Judiciary Committee which from time to time examines the operations of the Federal judicial system, I know the necessity for the judicial branch of any government to be free at all times to perform its duty without feeling any threat from outside influences. Numerous times in this Nation's history it has been the third branch, the least visible branch of government—the judiciary—which has solved our most divisive and troublesome national issues. At the present time questions of grave import for the Congress, the administration, and the Nation, are working their way toward the Supreme Court for final disposition. If that body did not feel itself totally free to perform its duty, and if all citizens did not perceive its independence, these questions might not be solvable in any final form by any forum.

Independence of judges other than members of the Supreme Court is only slightly less important. When one examines the statistics for the numbers of judicial dispositions that are never appealed, let alone appealed to the Supreme Court, it becomes clear that all courts, of whatever levels, have vested with them tremendous powers that should be exercised only by men and women totally separated from the other branches of Government.

This is the primary reason that I support this amendment. We must make certain as we work on the committee bill that the structure of government we create for the District of Columbia is the best that we can provide. One key element in this structure should be a judiciary able to discharge its duties fairly and completely. Therefore, I am disturbed by the proposal for the Mayor of the city of Washington to be given unprecedented powers to appoint judges of courts of general jurisdiction. These judges will have authority to examine and rule on certain of the Mayor's actions and those of the City Council.

I would feel no such unease if these were lifetime judicial appointments like those for Federal judges. However, these are for a term of years with the right to be considered for reappointment; it is the potential necessity to maintain good relations with the mayor which lies at the heart of my opposition to this provision in the pending measure. I fear that subtle, unstated and even unknown pressures may cause some judges to favor the mayor's position when the potential for reappointment exists.

It seems far better to me to retain the system approved by Congress in 1970 and lodge the appointing and reappointing authority in an official far removed from the daily administration of the city. By permitting the President to make these nominations I believe we will have taken the best step possible to insure that the District judiciary will be removed from any shackels on its independence and judgment.

I note that the chairman of the committee has suggested modification of the committee bill to permit appointment by the mayor and confirmation by the Senate rather than the city council. I do not believe this answers the central objection that the sponsor of the amendment and others have raised on this point.

The Senate can only act on those names sent to it; it cannot pick and choose as a matter of first impression among eligible candidates for the courts. Therefore, it is the appointing and not the confirming function that should be removed from the city government.

In addition, the Senate is a busy organization that has a record of very careful screening of judicial appointments to the Supreme Court. However, recent history indicates that almost every, in fact all but one, I believe, judiciary appointment below the Supreme Court since 1960 has been confirmed by the other body. This record would indicate that real oversight of judicial appointments will not be as likely to flow from the confirming body as from the appointing authority.

It is for these reasons that I believe that section C of title IV should be deleted from the bill. This amendment would have the effect of continuing present law—the law enacted by this body after much thought and debate only 3 years ago.

The CHAIRMAN pro tempore (Mr. BOLAND). The question is on the amendments offered by the gentleman from Ohio (Mr. HARSHA) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chair announced that the Chair was in doubt.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 186, not voting 20, as follows:

[Roll No. 505]

AYES—228

Abdnor
Alexander
Andrews,
  N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Biaggi
Blackburn
Blatnik

Boggs
Bowen
Bray
Breaux
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Erlenborn
Eshleman
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Froehlich
Fuqua
Gaydos
Gettys
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gunter
Guyer
Haley

Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hays
Hébert
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landrum
Latta
Long, La.
Lott
Lujan
McClory
McCollister
McDade
McEwen
McSpadden
Madigan
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Patman
Pettis
Peyser
Pike
Poage
Powell, Ohio
Price, Tex.
Pritchard

Quie
Quillen
Railsback
Randall
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Ullman
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—186

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Breckinridge
Brinkley
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Chisholm
Clay
Cohen
Collins, Ill.
Conable

Conte
Conyers
Corman
Cotter
Coughlin
Culver
Danielson
Davis, S.C.
Dellenback
Dellums
Dent
Diggs
Donohue
Drinan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Fraser

Frenzel
Fulton
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Gude
Hamilton
Hanley
Hansen, Wash.
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kluczynski
Koch

Landgrebe
Leggett
Lehman
Litton
Long, Md.
McCloskey
McCormack
McFall
McKay
McKinney
Macdonald
Madden
Mahon
Mallary
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix

Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pickle
Podell
Preyer
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk

Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Stark
Steele
Steelman
Stokes
Studds
Symington
Teague, Calif.
Thompson, N.J.
Thornton
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yatron
Young, Alaska
Young, Ga.
Zablocki

NOT VOTING—20

Anderson, Ill.
Brown, Calif.
Brown, Ohio
Buchanan
Clark
Collier
Crane

Cronin
Denholm
Evins, Tenn.
Frey
Hanna
Kyros
Lent

Mailliard
Mills, Ark.
Rose
Sandman
Skubitz
Sullivan

So the amendments to the amendment in the nature of a substitute were agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. NELSEN. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. Boland). The gentleman will state his parliamentary inquiry.

Mr. NELSEN. Mr. Chairman, it is my understanding that the amendment which is at the desk is not in conformity with the committee print which has been submitted to us.

On page 86, line 6, it says here, insert a period after "District" and strike out the remainder of the sentence.

On page 125, line 24, strike out "primary" and insert the words "the general."

On page 125, line 24, strike "elections" and insert "election" and strike "of each political party" on lines 24 and 25.

On page 125, line 25, after "Mayor" insert "and member of the Council."

Now, Mr. Chairman, this demonstrates the point that I made earlier, that I am sure that no one is trying to fool anybody; but if the amendment at the desk has corrections in it—they are made by pencil, I understand—that is, the committee print that we had before us, I am wondering just where are we and how many more changes there are. I would suggest that I do not want to leave the impression that anybody is trying to put anything over on anyone, but this does demonstrate, Mr. Chairman, that really we are crowding this thing. We do not really know where we are going. And I am making the inquiry of the Parliamentarian. Just where do we stand under such a circumstance?

The CHAIRMAN pro tempore. The Chair will state that the amendment which was read by the Clerk is pending and the copy at the desk has certain corrections in it. The Clerk has read that amendment, for the Record.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be glad to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, it is the understanding of the members of the committee that the committee print given to the Members yesterday was the substitute that was going to be offered by the gentleman from Michigan (Mr. Diggs).

Now, as the gentleman stated, it was probably unintentional, but the committee members are left in the dark and in a state of confusion as to what the Sam Hill we are working with.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Earlier this afternoon we dispensed with the reading of the committee prints which we have in hand on the assurance that those committee prints conformed to the amendment that was being read at the desk. Now we find there are substantial changes as between the copies we have and the copy at the desk.

I do not know how Members could be expected to intelligently write amendments to this bill when they do not know what the bill contains that they are amending. This is a sad, sad performance on the part of the Committee of the District of Columbia, that they would bring to the Members of the House a committee print saying to us that this is a true copy and then we find at the Clerk's desk on the Speaker's rostrum an amended version of it.

Mr. NELSEN. Mr. Chairman, I will further add that I insisted on the reading of the bill, feeling that we really were moving too fast and needed a little more time.

I later withdrew my objection to the reading of the bill, only to learn when I removed my objection that we now have a different bill up here than the one we had before us. I feel this is a sad way to legislate.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, it certainly indicates that before very long, if we continue the debate on this bill in the way we have and carry it out, it will be in order and the committee will be ready to adopt a preferential motion to rise and to strike the enacting clause.

Mr. ADAMS. Mr. Chairman, I move to strike the last word.

We have stated to the House in reply to the inquiries of the gentleman from Iowa and the gentleman from Minnesota that the bill that has been distributed on the floor is a bill that is being offered as a substitute; any changes that appear as differences in the two were changes that were made as legislative counsel corrected printing errors in it. It is the same bill. It is in the same form.

I do not know of any substantive change in it other than the ones that we have listed very carefully. If it were necessary to put an "s" on the end of something or a period, that has been done to make the English in it correct. That is all there is.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Iowa.

Mr. GROSS. I call the attention of the gentleman to page 85 of the bill, and I would also call to the attention of the gentleman from Kentucky (Mr. NATCHER) that it deals with the Federal payment.

Let me read from page 86, line 1:

> The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District made to the trust fund.

It is my understanding—and I would appreciate it if the gentleman would have the Clerk read the last four words "made to the trust fund" in the amendment in the nature of a substitute at the Clerk's desk. It is my understanding that the last four words have been stricken in the bill at the desk whereas they remain in the version that has been made available to the Members.

Mr. ADAMS. That is precisely what I explained to the gentleman; namely, that there is in the committee substitute no trust fund any longer, as we indicated to the gentleman from Kentucky. Therefore, it was necessary that legislative counsel strike those words to make the sentence conform. It is precisely what we explained, and it is exactly as it has to be.

Mr. GROSS. But they are not stricken in the committee prints, which are available to the Members and which they are supposed to accept as being a true copy of the committee print.

Mr. ADAMS. The committee print which was delivered—and this Member cannot tell you the moment that each was delivered—was the committee print from which the legislative counsel was required to make whatever grammatical changes were necessary in order to make it conform. That is what has been done; it is the precise way it is always done in offering committee substitutes. That is the way we have presented it to you. There is only in that case a directive to make grammatical changes in order to make the committee substitute read correctly, as was explained to the gentleman from Kentucky yesterday and to the House and as it appears in the bill.

Mr. GROSS. Made to read correctly according to what some committee members think the bill ought to be and not what we are presented with here as an accomplished fact.

Mr. ADAMS. I will say to the gentleman that I made no changes in this at all. Any changes in it are grammatical changes made by legislative counsel, and that is all that has ever been done in any bill.

AMENDMENTS OFFERED BY MR. BROYHILL OF VIRGINIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. BROYHILL of Virginia. Mr. Chairman, I offer several amendments to the amendment in the nature of a substitute and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BROYHILL of Virginia to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 25, line 23, strike out "become law" and insert in lieu thereof "be enacted".

Page 26, line 6, strike out "become law" and insert in lieu thereof "be deemed enacted".

Page 26, line 9, strike out "the act so reenacted" and all that follows through page 26, line 14, and insert in lieu thereof the following:

the disapproval shall be nullified, and the act shall be deemed enacted. Any act of the Council shall become effective only after the expiration of—

(1) the forty-day period (excluding Saturdays, Sundays, holidays, and days in which either House is not in session) immediately following the date such action was enacted or deemed enacted, if during such period neither House of Congress adopts a resolution stating that that House does not approve of such action; and

(2) the ten-day period following such forty-day period, if during such period the President does not veto such action.

The Chairman of the Council shall submit to the Speaker of the House of Representatives, to the President of the Senate, and to the President, a copy of each such action taken by the Council on the day such action is taken. Any resolution introduced in either House of Congress under paragraph (1) shall be deemed a privileged matter. It shall be in order, at any time after the expiration of 30 days after the date of submission of such action, to move that the House resolve itself into the Committee of the Whole for the purpose of considering such resolution. No other business shall be in order during the consideration of such resolution. This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. FRASER. Mr. Chairman, I rise to make a point of order against the amendments, and I reserve the point of order.

The CHAIRMAN pro tempore (Mr. BOLAND). The gentleman from Minnesota reserves a point of order on the amendments offered by the gentleman from Virginia (Mr. BROYHILL) to the amendment in the nature of a substitute offered by Mr. DIGGS.

Mr. BROYHILL of Virginia. Mr. Chairman, as has already been admitted by the sponsors of the committee bill, we have a bad piece of legislation here. They have held this clandestine meeting, and have come forth in the last few hours with a substitute amendment to try to make a silk purse out of a sow's ear. We find that there are a lot of unacceptable provisions in this substitute if, in fact, we understand what the substitute is, because, as has already been pointed out, there is a little different version at the Clerk's desk than that which has been passed out to the Members.

What we are attempting to do here, Mr. Chairman, is to correct some of the objectionable provisions in order to make this bill a more satisfactory and workable piece of legislation, because we do not feel the Members of this House should be called upon to buy a pig in a poke.

The purpose of this amendment is to provide for the Congress and the President a true veto over legislative acts of this proposed city council.

This 30-day, so-called veto power that is provided for in the committee substitute is somewhat of a farce, because we know that theoretically we can legislate an act of Congress to repeal any act of this council. But this delaying of the effective date of the act for 30 days does not serve any useful purpose because, as our colleagues know, it is almost impossible to get an act of Congress passed within a 30-day period, particularly if it is a controversial piece of legislation—and we know that these matters would be controversial. We have doubts as to what types of legislative authority we should grant to this city council to begin with.

We have already agreed that we should limit the council's authority insofar as budgetary control is concerned. We have already agreed that we should limit their authority insofar as the criminal code is concerned. So we have already shown by our prior actions that we question the amount of confidence that we should have in this city council. Yet we have given them authority in this legislation to amend and repeal prior acts of the Congress. In fact, they could even repeal future acts of the Congress.

So what this amendment does is merely to provide a minimum—a minimum—of oversight on the part of the Congress over this elected City Council to whom we have delegated such broad and dangerous legislative authority. It provides that within a 45-day period, any Member of the Congress can introduce a privileged resolution, and by a majority vote of either House of the Congress, that legislative action of the City Council will become null and void. My amendment also provides for an additional period of 10 days during which the President could veto an act of the City Council.

I know that the committee substitute provides for the President to have the authority to sustain a veto of the Mayor, which has been overridden by the Council. But why should not the President have the same authority to veto an action of that City Council that he has to veto an act of the Congress? And that is what this amendment would do. I say that we ought to try it for awhile. It is the minimum authority that we should permit to be delegated to an elected City Council.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

Is it not true that in the provisions of the bill the committee reported that they do have some mechanism for veto by the Congress of the United States, so that it is an accepted fact that this might be a necessary function? What the gentleman's amendment will do is make it a more workable one, because with the time limitation in this bill, the Congress could not even get around to getting a committee in session at times in that length of time to get action, get it reported, and get it out on the floor. It is too cumbersome, and the time limitation is too small.

Mr. BROYHILL of Virginia. The gentleman is absolutely correct. I referred to this 30-day delay. I think it was suggested to our colleagues that we should not give them so much authority, so we will hold them up for 30 days.

As I said before, it is almost impossible to get a bill through both Houses of Congress and signed into law within the 30-day period.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota insist on his point of order?

Mr. FRASER. Mr. Chairman, I withdraw the point of order and seek recognition.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. FRASER. Mr. Chairman, I want to tell the gentleman from Minnesota (Mr. NELSEN) and others, the gentleman from Iowa, that to my knowledge the printed version of the bill was precisely identical to what was at the desk. I knew there were certain oversights in the drafting of the committee print. I ran into them in reading the bill last night. I knew they had to be corrected by technical amendments. It was only after this discussion came up I found that the legislative counsel had penciled them in.

I want to assure the gentleman that the representation I made here was in good faith, and, to the best of my knowledge, they are purely technical amendments to make the bill consistent.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

Mr. Chairman, I certainly under no circumstances whatever suggest that my colleague, the gentleman from Minnesota, would attempt to fool anybody about what is in the bill. However, it does demonstrate again that we are rushing here a little too fast and that we have not had a chance to work out some of these things which I think we could have worked out to a better degree in the interest of what my colleague, the gentleman from Minnesota, would like to have in the bill.

Mr. FRASER. I thank the gentleman. I am sure he will be given a list of those penciled changes and will know precisely what changes they are.

Mr. Chairman, the problem with this amendment is that it reaches a mass of detail in city council legislation which really should not be—at least 99 percent of it—any of our concern. Had this amendment simply been limited to a possible veto by one House or the President, that might have been one matter, but the way this amendment is written, one Member of the House can force this House to take up and debate an issue about increasing a dog license fee from $3 to $4. Under this amendment we are guaranteeing the right of a Member to force the Members of the House and the Members of the Senate to take up their time to review the detailed decisions of the city government that do not belong on the floor of the House.

Mr. Chairman, already in the bill is provision for one House veto when any important change is made, for example, such as to the charter, the basic framework of the District of Columbia. The District under this bill is given the power to amend its charter by a vote of the people, but then it is also subject to a one-House veto over a 45-day period of time, excluding Sundays, holidays, and days the House is not in session. But for us to give into the hands of any Member of this House or Member of the other body the right to take the time of either House about such minor matters as amending the bill to regulate the license of pawnbrokers or increasing fees to maintain outdoor signs or to deal with all of the other trivia that we want to put back in the city council—to give a Member of this House the right to bring this to the floor of the House, I think, is really an absurd suggestion.

What it would mean is that if a citizen of the District did not like something the City Council had done, all he would have to do is run down and get one Member of the Congress to raise the issue and then that Member could force it onto the floor for debate whether the committee was for it or against it. I think this is so patently absurd and ridiculous that it is clear the amendment ought to be voted down.

We have provided a 30-day layover period. If there is something of substance, then the committees can pass a corrective bill. It can be passed by the two Houses and sent to the President. But let us not encourage the District residents to run to the Congress and find just one Member and invoke all this machinery and take up the time of the House and the Senate because someone disagrees with some minor change that may be of interest to that one and nobody else.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, when we enacted the Reorganization Act, we gave the President certain quasi-authority for reorganization, and if any one Member of either House disagrees with that or if his constituent or someone in the District could write to a Congressman, he could exert the same veto action as he could over actions of the City Council.

Mr. FRASER. If the gentleman thinks the reorganization power of the President is analogous to the action that would enable a citizen to challenge the licensing procedures of dogs, then the gentleman has a point, but I think this is absurd and we ought not to take up our time with such things.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia (Mr. BROYHILL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

RECORDED VOTE

Mr. BROYHILL of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 273, not voting 23, as follows:

[Roll No. 506]

AYES—138

Alexander
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Blackburn
Bray
Breaux
Brooks
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Butler
Byron
Camp
Carter
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Duncan
Edwards, Ala.
Fisher
Flynt
Ford, Gerald R.
Froehlich
Goldwater
Goodling
Green, Oreg.
Gross
Haley
Hammerschmidt
Hanrahan
Harsha
Hébert
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kemp
Ketchum
King
Landrum
Latta
Lott
Lujan
Madigan
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Steed
Steelman
Steiger, Ariz.
Stubblefield
Symms
Talcott
Taylor, Mo.
Thomson, Wis.
Thornton
Treen
Waggonner
Walsh
Wampler
White
Whitehurst
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOES—273

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Diggs
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain

Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kuykendall
Landgrebe
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade

McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mahon
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose

Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Symington
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Whitten
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zablocki
Zwach

NOT VOTING—23

Anderson, Ill.
Bevill
Biaggi
Brown, Calif.
Brown, Ohio
Clark
Collier
Crane

Cronin
Denholm
Dent
Evins, Tenn.
Frey
Hanna
Kyros
Lent

Mailliard
Mills, Ark.
Patman
Rooney, N.Y.
Sandman
Sullivan
Williams

So the amendments to the amendment in the nature of a substitute were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON TO THE AMENDMENTS IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon to the Amendment in the nature of a substitute offered by Mr. DIGGS: Page 116, immediately after line 21, insert the following new section and redesignate the subsequent sections, and references thereto, accordingly:

NATIONAL CAPITAL SERVICE AREA

SEC. 741. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north of John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west of Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south of Twelfth Street Southeast to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the Northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River, and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting

such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(d) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

Mrs. GREEN of Oregon. (during the reading) Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

Mr. Chairman, I will attempt to explain the amendment. It deals with the Federal enclave, and it really draws the line.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, this is the amendment that I discussed at some length yesterday. It has nothing in it, may I say to my friends from Maryland, about retroceding any land to Maryland, but it does draw a line around all of the Federal buildings. That means we draw a line around the Capitol, the Senate and House Office Buildings, Union Square, the White House, Kennedy Center, and all of the Federal buildings up and down Independence Avenue.

The amendment itself intends to include all of the Federal land, but it does not include one acre of private land—not one acre. The enclave would also include Fort McNair, Washington Navy Yard, Bolling Air Force Base, the Naval Research Observatory, and others.

It is my firm belief that the U.S. Capital belongs to every American citizen on an equal basis whether that citizen lives in California, Indiana, Oregon, Virginia or Maryland; whether that person lives 3,000 miles away, 300 miles away, or 3 miles away and that those citizens should have an equal voice in how their capital is to be governed.

Let me repeat something that President Taft said which I quoted yesterday. President Taft, I believe in 1901, spoke for the U.S. citizens then and for the American people today when he said of the city—

> It was intended to have the representatives of all the people of the country control this one city and to prevent its being controlled by the parochial spirits that would necessarily govern men who did not look beyond the city to the grandeur of the nation and this as representative of that nation.

Mr. Chairman, the gentleman from Minnesota (Mr. FRASER) a few moments ago indicated that there was no need for such an amendment because they already have Federal jurisdiction. I suggest to my colleagues that they have jurisdiction now under a mayor appointed by the President and a city council appointed by the President.

However, if we are to go to an elected mayor and city council, then I think the changes would be very great. The question I want to ask you is, as a Member of this House representing your constituency, do you want the time to come when the Metropolitan Police Force, responsible to a locally elected mayor and council, shall be the ones who have control over the Federal buildings in this city?

This was intended as a city that would be different from all of the other cities in the country. All of our cities have Federal buildings, of course, but not one of them has a Capitol of the United States located in its area. Our Nation's Capitol should be forever preserved as just that—under Federal control—not local—and belonging equally to those residents 3 miles away or residents in Florida, Alaska, or Iowa.

Under this kind of a Federal City the President would appoint a Director of Federal Area Services who would be responsible for police protection, fire protection, sanitation, the streets, and access roads.

At the present time we have our Capitol Police Force around the Capitol, but that force does not operate in the other Federal buildings. They have no jurisdiction there. It is the Metropolitan Police Force that has jurisdiction there and indeed we have members of the Metropolitan Police Force here at the Capitol and we reimburse the city for their service.

Mr. Chairman, the question is very simple: Do you believe this is a Federal city and that it should forever be governed by Federal authorities? That is the issue.

As I said yesterday, I think the action on the committee bill that is going to be taken today is on an interim basis. Sooner or later we will have to face up to the rights of the people who live in the District of Columbia to full citizenship. That means a vote in the House and the Senate and for Governor. You can accomplish it in either one of two ways: either give Statehood to the District of Columbia or retrocede it to Maryland. It is impossible for me to believe that the Congress in either one of those situations would want this Federal city, the enclave and the Federal buildings, to be a part of the State of Maryland or to be a part of a new State.

I suggest to you, if in the long run we go in either of those directions, it would be far more difficult to take back the Federal area than it would be not to have given it away in the first place.

So, Mr. Chairman, this amendment simply says that we will draw a line around the Federal area and we will have a national director for that area appointed by the President.

Mr. Chairman, I urge the support of this amendment.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we first need to set certain factual matters at rest. Under the committee print that is before the Committee there are two important provisions that the Committee should be aware of. Let me read the first one:

> SEC. 739. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

There is a second section that is found on page 109 of the committee print, and it reads as follows:

> . . . except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

Under that part of the code the Secret Service is required to give protection to the President and to his family and visiting heads of foreign states.

In other words, they can call on the police department under any conceivable circumstances to be at the disposal of the President or of the Secret Service and the Executive Protective Service.

Let me make another observation. When we have an inaugural the people in charge include in the Capitol the Capitol Police, the Secret Service, the Protective Service, and the Army.

The point about these Federal buildings and the Federal area is that they are already under Federal control, and Federal control is exercised by the Department of the Interior through the Park Service including the Mall and the monuments, through the General Services Administration in maintaining the buildings, the regular Federal buildings, and the Architect of the Capitol, who runs the Capitol and the Capitol Grounds. All of these people who are responsible for these Federal grounds and Federal buildings are Presidential appointees. What is proposed here is to say that there is now going to be a service director, and we will add somebody on top of these other Presidential appointees to tell them what to do.

This is a very imprecise amendment in that it talks about certain services inside this area, but omits others. There is no reference to utilities. There is no reference to who is going to control traffic, there is no reference as to who is going to control the Metro under that arrangement, or what happens if a crime occurs inside of this jurisdiction, and all you are really doing is adding to confusion through the imposition of a supergrade employee who would be telling the GSA and the Architect of the Capitol and the Department of the Interior what to do.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I think the gentleman from Minnesota has made an excellent point regarding this amendment concerning the question I would raise as to what this would mean in regard to governing of the Metro, and this would now require four sets of appointees rather than three. I think it points out also the planning difficulties that would be confronted under this amendment.

Mr. FRASER. I think it is fair to say that if some day retrocession is desired by the District, and is retroceded to Maryland, the need to carve out some remaining enclave may develop just to conform to the constitutional requirement that there be a seat of the Federal Government. But we are not proposing that here. What we are talking about is drawing a line and saying there is going to be some $38,000 employee in the White House. He is supposed to work with the other Federal employees to see that everything is running all right. From the amendment he appears to have no power himself to hire a police department or to establish a fire department or to do anything else. The only power he is given is to call the National Guard, and, of course, the President can always do that to protect the Federal interest.

I would really have to say that I think this amendment is kind of a nonstarter. It deals with no substantive problem. It simply adds complications to the bureaucracy, and it will give nothing to the Nation's Capital that it does not already have at the present time.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

I know the gentleman has not had enough time to consider all of the amendments, but I invite his attention to page 3 of the amendment which says:

> Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

So the objections which the gentleman from Minnesota has raised about how to accomplish all of this would be included in the President's report and the legislative action which would follow. The thing that it does assure is that the Capitol, the Senate and the House Office Buildings, shall never be under the elected Mayor, the elected Council and appointed Chief of Police of the city. It seems to me that this is a reasonable sensible plan.

Mr. FRASER. I can only respond to the gentlewoman from Oregon that if she is resting all of her confidence now in some kind of study, that is quite a different matter.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. FRASER. What the gentlewoman is suggesting here is that the Capitol Police that are now under our control be taken out from under our control and be put under somebody in the White House. I do not know that I find this a very attractive idea. There has not been a problem.

We have myraids of special and general police power and forces available. There is nothing in the committee bill that changes this. If anything, it strengthens the hand of the President in requiring that the Metropolitan Police Department be available for any special situation for which he thinks it is necessary, or any time he thinks it is necessary under the circumstances to protect any visiting dignitaries and the President or his family.

This amendment, therefore, really does not do anything for anybody; it simply adds another plush job in the White House.

Mr. GERALD R. FORD. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). It appears there is some very strong support for home rule in the District of Columbia. I can understand that. I have reservations as to certain parts of this bill and some reservations as to the concept generally, but the Congress in this session may approve home rule. I see no reason whatsoever to object to the carving out of a particular part of the geography of the District where it is made crystal-clear that this is the Capital of the United States.

It seems to me that this particular portion of the geography of the District ought to be more clearly defined, and certain powers and authority ought to be included within that enclave. For that reason I strongly hope that the amendment is approved, and I trust that the majority will support it.

Mr. Chairman, I yield back the remainder of my time.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. FRASER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to say in response to the remarks of the gentleman from Michigan that my staff called the Architect of the Capitol to discuss this matter with him.

I do not want to get the Architect of the Capitol into trouble but he said having a Director over the Mall area is awkward interference and would serve no useful purpose in connection with the Federal interest.

Mr. DIGGS. Further, Mr. Chairman, I would just like to ask the minority leader if he does not feel there is adequate protection in the provisions that I referred to last night saying that:

> (b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

Further I would like to ask whether or not the distinguished minority leader does not feel there is adequate protection in one of the restrictions we have on the Council, namely that they cannot enact any act to amend or repeal any act of Congress which concerns the function or property of the United States or which is not restricted in its application exclusively in or to the District of Columbia?

Mr. GERALD R. FORD. May I respond?

Mr. DIGGS. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, assuming that what the gentleman from Michigan (Mr. DIGGS), the distinguished chairman of the committee, has said is completely and totally accurate, is there any harm then in approving the amendment that is on the floor at the present time? If the gentleman is right, and I will assume that he is, is there any harm in proceeding to more clearly delineate it as recommended by the gentlewoman from Oregon?

Mr. DIGGS. Mr. Chairman, I associate myself with the response made by the gentleman from Minnesota; namely, that this would add an unnecessary layer onto the supervision of this particular area, and if the amendment is designed to afford some kind of protection for the Federal Establishment, it is unnecessary because there are other adequate protections the committee has already deliberated upon and conceived of and incorporated in the substitute which is pending.

Mr. NELSEN. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). I think a very important fact exists here which is that there are many of us who want to move in the direction of passing a home rule bill. There are those who have some fear, shall we say, or trepidation about it, but I think any safeguards or any assurance we pass here in this amendment will give people a feeling of, well, this makes it a better bill, so that finally we will pass a bill.

As has been pointed out, if it is unnecessary, this may be true, but then it is not going to do any harm if it passes, and if it does pass then it gives the assurance to some who may have some doubt that there is a little bit of extra coordination in the District of Columbia dealing with the law enforcement protection of the area. It may very well be that the Capitol Police and the Park Police would be better coordinated if we could have somebody organizing it overall. It will do no harm and it will give people assurance, it adds to the possiblity of the passage of a home rule bill, and I hope this amendment will be adopted.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, if I might refer to the section which the chairman of the committee read, that:

> Nothing in this Act shall be construed as vesting in the District government any greater authority—

And so forth—on page 90 of the committee print—and the last lines:

> than was vested in the Commissioner prior to the effective date of title IV of this Act.

At the present time, we have a mayor appointed by the President of the United States and an appointed city council, and they appoint the chief of police. If this act goes into effect, we have an elected mayor; we have an elected city council and we have an appointed chief of police by the elected mayor with the consent of the council, which to me is entirely different than it is at the present time.

So there is considerably more change than what was suggested by the gentleman from Michigan (Mr. Diggs).

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I thought this was supposed to be a question of self-government. If this bill does give self-government to the people of the District of Columbia, there is no reason whatsoever why they should have any more say so or any more control over an area that could be clearly defined as exclusively for the Federal use than the rest of the people in this country. I see no difference, whether provided for in the amendment offered by the gentlewoman from Oregon or otherwise, than the change of Federal control which we have in Arlington County with Fort Myers; with Fort Belvoir in Fairfax County; with Fort Meade in Maryland. Why could we not have the same type of Federal control and Federal say so over the Federal enclave in the District as in these other jurisdictions?

I think the amendment offered by the gentlewoman from Oregon should be adopted. This is the key to this legislation.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I would like to direct a question through the gentleman from Minnesota to the gentlewoman from Oregon.

I understood from my colleague from Minnesota (Mr. Fraser) that this amendment had some possibility of changing control of the Capitol Police. I would simply like to have that clarified and I would like to hear from the gentlewoman from Oregon about the change of control or direction over our Capitol Police.

Mr. NELSEN. Mr. Chairman, I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, that statement is entirely erroneous. The Capitol Police would still be in charge. The President has a year to make recommendations to the Congress about legislative action that should be taken concerning any changes—including coordinating the various police forces. Then, it would be up to this Congress as to whether or not we accepted the President's recommendations, and if the Congress said that it wanted to do away with the Capitol Police, then it would be done away with. But let me emphasize—only then. And I cannot see a majority voting for that. Let me repeat—the amendment I offered does not in any way do away with the Capitol Police. I thank my colleague from California for helping to clarify that.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a few questions to the gentlewoman from Oregon. I have some serious questions about the careful nature of how the lines were drawn. I would like to ask the gentlewoman, first of all, did she say for the record that there is no private property in the Federal enclave?

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, the staff very carefully drove up and down the streets and outlined the area which we describe in the amendment. We believe that there is not one acre of private land in the enclave, but in case there is, on the last page of the amendment, the President is authorized and directed to conduct a survey of the area described in the subsection in order to establish the proper metes and bounds of such area.

The intent is clear, that there should be no private property.

Mr. DELLUMS. Mr. Chairman, I would simply suggest that the lines have been hastily drawn, because I have a map where we drew the lines to the specifications outlined in the amendment. It happens that the land including the Rotunda and immediately adjacent to it is in fact private property and is in fact included in the area.

Second, I would suggest that if the members of the committee would draw a map, they would learn that the GPO is substantially out of the enclave; the GAO office is substantially out of the enclave; the Executive Office Building is substantially out; the Weather Bureau Building is out; the GSA is out; the Department of Transportation is out and the HUD Building also is out.

I would suggest that perhaps a more careful drafting should have been done. Third, I would like to ask the gentlewoman my final question.

If this body adopted the Federal enclave, as the gentlewoman proposes, would this not clarify the conflict between the local interest and the Federal interest? This is the gentlewoman's motivation, to clearly establish the Federal interest in the Capital by carving out a Federal enclave; is that not correct?

Mrs. GREEN of Oregon. The gentleman from California himself has introduced a statehood bill which provides for a Federal enclave.

Mr. DELLUMS. That is correct.

Mrs. GREEN of Oregon. It seems to me if we ever go in the direction the gentleman wants to go, or any other direction to give full citizenship rights, we must have a Federal enclave.

There is a map out in the hall. If we disagree on the lines, in case either one of us is mistaken, the President would order this survey made. There is no intention to include one acre of private land. We believe we drew these lines carefully—not in haste.

Mr. DELLUMS. I thank the gentlewoman.

I would only suggest to the gentlewoman and to the Members of the Committee that if we in fact adopt this Federal enclave to this piece of legislation then we will have for all time separated out and protected the Federal interest, and the rest of the legislation will become totally irrelevant.

I am sure the gentlewoman would have to agree with me that if we establish a Federal enclave in relationship to a home rule bill there would be no reason whatsoever for the Congress to play any further role. The only reason why we have the home rule legislation is to protect the Federal interest. If we carve out the Federal enclave I am sure the gentlewoman could not give me one single reason why the Congress should play any further role in the lives of residents of the District that is clearly local in nature.

I hope the Members will vote down the amendment on the ground that it is totally incompatible with this legislation.

I would certainly join with the gentlewoman at some time in the future, when we could come together to put in a statehood bill, because I do agree that over the long run that is the only real solution to the problem.

To try to tack on to this legislation a Federal enclave which protects the Federal interest in my estimation would mean constitutionally that the Congress would have no legitimate responsibility whatsoever outside of that Federal enclave.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Maryland.

Mr. GUDE. It would seem to me that perhaps this is a subconscious slur, in the amendment, against the restaurants here in the House and the Senate. If we include the Rotunda, subconsciously, I hope the chairman of the House Restaurant Committee will not be offended.

Mr. DELLUMS. I thank the gentleman.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it might be good to turn to page 88 of the committee print, which is the bill we are working on. I refer to title VI, Reservation of Congressional Authority. It says the City Council shall not

> Enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

If individuals are worried about crime in the District, there is another Congressional reservation on page 90, which is number (8) on line 5, which says that the City Council cannot enact any ordinance that affects in any way titles 22 or 24 of the District of Columbia Criminal Code.

So Members will find we have plenty of Federal reservations tied into this bill.

Frankly, I come from a county which has 76 separate cities, and we have enclaves scattered all around, call them counties, island or small cities. If anyone ever wants to drive an administrator crazy, all he has to do is set up some special enclave in the middle of a metropolitan area, because many enclaves do not get along very well, and we find there are separate overlapping police and fire departments, with terrible problems, such as a fire truck stopping at a district line, when there might be a fire only 30 feet away.

I believe this amendment would do nothing but increase the expenditures and double or triple the bureaucracy we already have here governing the District of Columbia. This sets up really a separate layer of government.

We have the legal problem as to whether the Federal enclave really was a part of the District of Columbia.

If it is not a part of the District of Columbia, what do we do with revenue sharing? What do we do with highway aid money? What do we do as to all the various Federal-aid legislation that will be affecting the District of Columbia and other local jurisdictions when here we have a situation of the District of Columbia and a Federal enclave?

I really do think if we read the bill carefully, read the reservation of Federal authority, we can see that we, the Congress, have retained complete authority, as we have now over all the Federal buildings. There is nothing that the Council can do, for example, in abolishing the Capitol Police or in abolishing the Federal Executive Protection Agency or abolishing the Park Police or anything like that.

We have the reality of the Federal enclave now. I see no reason to put in language like this, which frankly could double or triple the city services and really confuse the relationship between the District and the Federal enclave of the U.S. Government.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. REES. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Does the gentleman know what the precedent is for this? At one time there were three enclaves in the District: the city of Georgetown, the city of Washington, and the county of Washington. In fact, at one time there were five, including the county of Alexandria and the city of Alexandria.

So this is nothing unusual, to set forth a carved-out area within the District of Columbia and make a Federal enclave in which the Federal interests will be protected.

Mr. REES. I suspect that the main reason the enclaves were abolished was that it was found out they were unworkable and in order to get a physical workable Federal structure, they abolished the Federal enclaves which we had 100 or 200 years ago.

I think this amendment would be going backward and I believe it would be terribly confusing to any administrator.

Mr. Chairman, I ask for a no vote on the amendment.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened to the debate here, I come down in favor of the amendment offered by the gentlewoman from Oregon, because I think she was pointing out, and I think most Members must agree that the home rule bill we are talking about here is one step toward the right of full citizenship of the citizens of the District of Columbia. If this bill was going to be an end in itself, perhaps we would not need the enclave that the gentlewoman from Oregon is proposing. I say that the people of the District of Columbia ought to have the right to elect U.S. Senators, Representatives, and Governors of the State and so forth.

There is a difference of opinion, undoubtedly, whether we are going to give Statehood eventually to the District of Columbia or else retrocede them to the State of Maryland. That will be decided later. I think this Green amendment is just a step along the way.

I personally have some reservations as to what the committee has agreed to in retaining as much power in the Congress over items in the budget; but they decided to do that.

I imagine we will take another look at that down the road a ways and see whether that was the right decision or not; but it seems to me the Federal enclave does belong to all the people of the country. It may be that we will later on want to expand the Federal enclave in the Green amendment in order to pick up some Federal buildings that are not included here; but we have to establish the enclave to begin with.

Personally, I would like to see us go all the way with the people of the District of Columbia and retrocede to the people of the State of Maryland, so they can elect a Governor and have Senators and Representatives like everyone else does. I do not favor Statehood for the District of Columbia by itself.

I recognize that we will move to Statehood one step at a time; so I think it is important that the amendment of the gentlewoman from Oregon be adopted now. That is why I strongly support it.

Mr. FRASER. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. FRASER. The gentleman said he was worried about the power of financing given to the District.

Mr. QUIE. No. The agreement gives it back to the Congress again. I think both the substitute that the committee offered as the committee print and the Nelsen-Green substitute have gone a little too far in retaining budget power in the Congress but that will be looked at later.

Mr. FRASER. I would just like to assure the gentleman that all the Federal property he is worried about, the Mall, the Capitol, and the White House, are all under Federal control, and there is nothing in this bill to impair that in any way whatsoever. I just want to assure the gentleman of that.

Mr. QUIE. This, it seems to me, is a wise move for us to take to establish the principle of Federal enclave.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I appreciate the comments the gentleman has made, but I would like the gentleman to respond to my argument.

If you have a Federal enclave, what is the legal basis for a home rule bill? It seems to me, if you do have a Federal enclave, you must then take the next step to statehood, because the Federal interest is in the Capitol. If you carve a Federal enclave out, there is no interest in 14th and U Streets, Northeast or Northwest or any other place outside the Federal enclave.

Could the residents of the District not legally challenge the whole deal if it was said that the Federal interest is not taken care of?

Mr. QUIE. I would say that is not true, because the Federal interest is still there in the District of Columbia.

Mr. DELLUMS. In the representatives of this community or the whole Federal enclave?

Mr. QUIE. The whole District of Columbia. You have not gone all the way to divorce the Federal interest in the whole area when you give home rule in this bill. In the case of the court judges in a previous amendment, we retained the Federal interest.

I do agree that this does anticipate eventual statehood. I am in support of that, and if I were not in support of that, I would be opposed to the amendment of the gentlewoman from Oregon.

I do not think the enclave in any way reduces the Federal interest in the District of Columbia. We, the Federal Government, do and should retain the responsibilities of a State in relation to a municipality. It would not reduce the Federal payment for the District of Columbia.

I yield to the gentlewoman from Oregon if she would like to respond.

Mrs. GREEN of Oregon. It seems to me an alternative question should be posed. Why do residents demand control over the Federal enclave? Alexandria County was at one time a part of the District of Columbia and was retroceded to the State of Virginia; they have "home rule." The people in Alexandria County never asked for control over the Federal buildings, the Capitol, the White House. Home rule and the right to vote does not include a demand to then be given control over the Federal area.

I do not understand why the people who are legitimately asking for a vote and home rule in the District should then also try to acquire control over the Capitol building and the House and Senate office buildings, the White House, and all the other Federal buildings. It seems to me it is entirely apart from the question of home rule and a local vote.

Mr. SYMMS. Mr. Chairman, along with many of my colleagues I am concerned above all with the ability of the National Government to function and to serve the interests of all the people of the United States—not just the interests of these citizens who happen to live in the District of Columbia. It goes without saying, Mr. Chairman, that this concern is in no way a reflection upon the patriotism or good citizenship of our countrymen who are residents of the District of Columbia; I would hold the same view if the National Capital were located within the boundaries of the State of Idaho or of any other State.

We live in an age of demonstrations and we can expect more, not fewer, demonstrations in this city in the years ahead. This, of course, is perfectly proper since any citizen has a constitutional right to petition this Congress for the redress of their grievances. At the same time, however, other citizens have an equal right to have their Government continue to function and to protect their right to go about their business unimpeded by others.

What would happen, Mr. Chairman, if there were a large demonstration in this city which effectively blocked the operations of the National Government? Such an event nearly happened in 1971 and has nearly happened on many other occasions in the last 173 years. Suppose, that the City Council of Washington had control over the Metropolitan Police and suppose further that the local government was in sympathy with a particular demonstration. Let us suppose that the majority of people elsewhere in the United States, however, disagreed with the aims of these demonstrators and that their Congressmen also disagreed. Could we have a situation where the representatives of the majority could be blackmailed into enacting a law opposed by that majority? This would make a travesty of representative government.

I believe, that the requirements of representative democracy in a large and Federal republic make it necessary for this Congress to retain control over at least its immediate territory so that it may be guaranteed the ability to function in the best interests of all the people.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. GREEN of Oregon. Mr. Chairman, I know the Chair has announced that the ayes have it, but I am very much concerned about the statement made that when we go to conference agreements have been made. It seems to me it might be advisable to have a recorded vote. So, Mr. Chairman, therefore I do demand a recorded vote for that one reason.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 202, not voting 24, as follows:

[Roll No. 507]

AYES—209

Abdnor
Alexander
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Biaggi
Blackburn
Blatnik
Bowen
Brasco
Bray
Breaux
Brooks
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Duncan
du Pont
Esch
Eshleman
Fisher
Flynt
Fountain
Frelinghuysen
Froehlich
Fuqua
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Gray
Green, Oreg.
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Harsha
Hastings
Hays
Hébert
Henderson
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Ketchum
King
Landrum
Latta
Lujan
McClory
McCollister
McCormack
McSpadden
Madigan
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
O'Hara
Parris
Passman
Pettis
Pickle
Pike
Poage
Podell
Powell, Ohio
Price, Tex.
Quie
Quillen
Randall
Rarick
Regula
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Sikes
Sisk
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wolff
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—202

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biester
Bingham
Boggs
Boland
Brademas
Breckinridge
Brinkley
Brotzman
Brown, Ohio
Buchanan
Burke, Calif.
Burton
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Culver
Danielson
Davis, S.C.
Dellenback
Dellums
Dent
Diggs
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Giaimo
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Hamilton
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Keating
Kluczynski
Koch
Landgrebe
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCloskey
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Mahon
Mallary
Mann
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Waldie
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Yates
Yatron
Young, Ga.
Zablocki

NOT VOTING—24

Anderson, Ill.
Arends
Bolling
Brown, Calif.
Clark
Collier
Crane
Cronin
Denholm
Evins, Tenn.
Ford, Gerald R.
Frey
Hanna
Kuykendall
Kyros
Lent
Lott
Mailliard
Melcher
Mills, Ark.
Riegle
Sandman
Sullivan
Wiggins

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, insert after line 2

GOVERNMENT IN THE SUNSHINE

"SEC. 741. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

"(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost."

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG) for 5 minutes in support of his amendment.

Mr. DIGGS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, the gentleman from Florida has provided us with a copy of his amendment. It is in essence the "Sunshine Amendment" named after the State from which the gentleman comes. We already have a "Sunshine" concept in the bill as it applies to the proceedings of the city council. This extends it to cover other agencies under the proposed locally elected government.

Mr. Chairman, the committee, after

consideration, is fully in agreement with the gentleman and accepts the gentleman's amendment.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I would expect from the gentleman from Florida none but the best, and I would certainly accept his amendment.

Mr. YOUNG of Florida. Mr. Chairman, I thank the distinguished Chairman and ranking minority member, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Young) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Diggs).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to take a few minutes to discuss what I believe to be a very serious matter that has just taken place on this floor. That is the adoption of the amendment placed before us by the gentlewoman from Oregon (Mrs. Green).

I am not a constitutional lawyer, but it would seem to me that the constitutional justification for the District of Columbia is to ostensibly protect the Federal interest of all the American people in their Capital. The justification for a Federal enclave is to apparently protect the Federal interest. The amendment we just adopted offered by the gentlewoman from Oregon establishes the Federal enclave, which she thinks now clearly protects the Federal interest.

The serious constitutional question that is before us now is whether the rest of this bill is in any way relevant. We cannot have both at the same time. We either carve out a Federal enclave which protects the Federal interest and give up power over the local residents outside the Federal enclave, which is clearly not Federal interest, or we have no enclave and maintain the constitutionally appropriate jurisdiction.

We cannot have both of them simultaneously. I would suggest that if this bill passed with the Federal enclave and the rest of the bill which gives line item control over the residents' local budget, which exempts the criminal code and everything else, it would be totally unconstitutional.

If we buy the gentlewoman's amendment, then we have to give up the rest of the bill, because I see no constitutional basis upon which we can continue to legislate on the lives of the people outside the Federal interest.

The Federal enclave clearly gives us protection. Why, then, would we have control over the rest of the budget, which is clearly outside the Federal interest? The reason for putting the Congress in the business of policing the entire District is to protect the Federal interest.

I would suggest that if the bill is passed the way it is and is enacted into law the way it is the residents of the District of Columbia would clearly have a constitutional challenge. The constitutional challenge would come on this basis: Why does the Congress now continue to have control over actions that take place outside of the Federal enclave when in fact they now have clear and total control over what is in fact the Federal interest? That is, the Federal lands, Capitol Hill, the White House, and other Federal establishments.

That is a very serious question. If the parliamentary situation permits we should demand a separate vote on this before final passage. If it passes again, we should either vote it up and vote the rest of the bill down and give the residents of the District total freedom, which is their constitutional right, or vote this amendment out and give them home rule. We cannot have both at the same time.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the distinguished gentleman from Minnesota.

Mr. FRASER. I just want to say to the members of the committee that if the so-called enclave which was adopted did grant the powers the gentleman in the well suggests I would share his concern. I believe if one reads it carefully one will find it does not really do very much at all. It tells somebody in the White House to make sure there is enough fire and police protection, but it does not really do anything. It does not create a separate juridical entity, a separate jurisdiction. It does not deprive the District police from exercising police power in the area.

Under those circumstances I believe it would be a mistake to have that concern about the amendment. I do not believe it is that serious.

Mr. DELLUMS. I respect the gentleman's intellect. I simply disagree with the gentleman. We have backed up enough on this legislation. I do not believe we should back up any more.

AMENDMENT OFFERED BY MR. NELSEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. NELSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Nelsen to the amendment in the nature of a substitute offered by Mr. Diggs: Page 118, immediately after line 2, insert the following:

"CHIEF OF POLICE

"Sec. 741. (a) There is established for the District of Columbia the District of Columbia Board of Police Commissioners (hereafter in this section referred to as the "Board"). The Board shall consist of, ex officio, the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Mayor of the District of Columbia.

"(b) Within 60 days after a vacancy in the office of the Chief of Police of the Metropolitan Police Department, the Board shall submit three nominees for such office to the President. The President shall appoint such Chief of Police from the nominees submitted by the Board, and such Chief of Police shall serve at the pleasure of the Board."

Mr. NELSEN. Mr. Chairman, with the idea in mind that an elected Mayor would certainly be a desirable part of the package, the original bill I put together would call for electing the Council and appointing the Mayor. The reason for the appointment of the Mayor was because of the fact that the Mayor would appoint the Chief of Police, and there are those who seem to feel that the authority for the Chief of Police which is traditional should go from the President on down, so in order to accommodate some fear I had, really, we then devised this idea, which we did in the cancer bill, where a three-man commission became sort of a negotiator between the President and the Congress. In this case if this three-man commission, with the mayor serving on it, makes a recommendation to the President, and the President selects the Chief of Police, we would have a line of authority coming down from the President to the law enforcement facility of the District of Columbia.

So what I was trying to do was to get an elected city council, an elected mayor, but in the interests of the law enforcement facility, it certainly should be under the command of the President of the United States, but through this mechanism there would be input from the mayor. There would also be the overview of the President of the United States.

As has been pointed out in debate here yesterday, with the changeover to an elected mayor we have on the one hand the National Guard involved with the President. We have the need of the Capitol Police on the other hand at times.

It seems to me that there are those who want an elected mayor of this city, as well as those who wish to have an elected city council, and I would endorse those goals; but at the same time I think it has been demonstrated today that we can have attainable goals.

The experience of our own National Capital in years past was a disastrous one, because some of the safeguards that I think we might overlook in the committee bill today. So my attempt today is not to take away from anybody, but on the other hand to try to lay the groundwork so that we may eventually have our elected Mayor, we will have our elected City Council now.

I believe if we have some of these agreements which I tried to negotiate but had no chance, then I think we can pass a bill, which I believe will be in the best interests of the United States of America. I believe this is a sensible thing. When we deal with law enforcement, when we deal with a Federal City with thousands of people, sometimes, in demonstrations, where we need some line of authority going all the way to the top, I believe this is a good amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. As I understand the gentleman's amendment, it would be a Commission that would be composed of the elected Mayor and the head of the FBI and the head of the Selective Service, is that correct?

Mr. NELSEN. The gentlewoman is correct.

Mrs. GREEN of Oregon. But that Commission would make recommendations to the President of the United States.

Mr. NELSEN. The gentlewoman is correct.

Mrs. GREEN of Oregon. And then the President out of these recommendations of the Commission would appoint the Chief of Police for the District of Columbia. Is that right?

Mr. NELSEN. That is exactly right.

Mrs. GREEN of Oregon. This seems to me to make very good sense and all of the interests, the interests of everybody in this area, would be protected.

Mr. Chairman, I fully support the gentleman's amendment.

Mr. NELSEN. I might further add that at one time the approach was made in this manner. There was a Police Board years ago, if we check back in history in the 1860's. This was abolished at one time by an act of Congress when the District was consolidated. The purpose again, as I said before, is to try to work out an accommodation that gives us a Mayor and an elected City Council, and for goodness sakes, that is a big step. Some concessions must be made.

I hope the amendment will be adopted.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment, as one who has had considerable experience in dealing with law enforcement officials, with police chiefs, the FBI, and others, and as a U.S. Attorney, and later as a Member of this body.

You have provided here for a three-person board, one from the FBI, one from the Secret Service, and one from the Mayor, who would then make recommendations to the President. However, the head of the FBI under the new system which we are creating is no longer a permanent person but will be appointed by the President. The head of the Secret Service is under the Treasury Department and is the appointee of the President. The Mayor hopefully in this legislation is going to be elected.

I say "hopefully" because it is very hard for me to understand the comments of the gentleman from Minnesota who preceded me that we can have a Mayor and have an elected Council and then not have those elected officials control the basic functions within the city.

The Mayor presently appoints the Chief of Police. The appointment of the Chief of Police is always an extremely difficult thing in any community; it is something that people watch very closely; it is something which needs to be responsive to the interests of those in the community.

I would say to the gentleman from Minnesota that we have in this Capital at the present time, subject to the control of the President of the United Sates and other Federal officials, the White House Police, the Capitol Police, the Park Police, the Executive Service Police, and others that I have not mentioned, and I have not yet come to the Secret Service and the FBI. They deal with basic Federal functions in the city.

The Executive Protective Service, which we created in this body, goes up and down the streets in front of my house along with the Metropolitan Police and many others. The Federal interest is amply protected here.

We have provided in this bill that the Metropolitan Police can be called up by the President in times of emergency, but under the gentleman's proposal you would have no control by the local people over that person who is in control of the people who deal with their daily lives every day.

This bill has been very difficult. The chairman and many of us tried very hard to accommodate positions of all of the segments of opinion involved not only in the community but in this House.

I know that is impossible. I also know we have to do an honest and right thing in giving democratic government.

I would say to the gentleman his amendment goes very much to the heart of this bill, because with the other amendments we have conceded and with certain of the other amendments that have been adopted you are approaching the point where you simply have a shell. I would hope that the gentleman would not do this and would not go to his colleagues on the floor and use the persuasive powers which he has and which our colleague has who supported the enclave amendment, because you arrive at a point here where you really do not have a functional bill. As I say, if there were not all of these other police forces, I might have a different feeling about it.

The Metropolitan Police force is basically protected by a civil service system and will continue to be so. We will have a merit system; we will have a Chief of Police here who will be able to communicate with the local people, and the President does not need any more appointments.

Mr. McKINNEY. Will the gentleman yield for a question?

Mr. ADAMS. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Will the gentleman also agree the President and the Federal interests have the Army, Navy, Marine Corps, and National Guard to call in emergency.

Mr. ADAMS. That is correct.

Mr. McKINNEY. Would the gentleman agree also that with regard to the problems we have been having in urban centers a police chief has to be one of the strongest and most compatible figures in the community's relationship?

Mr. ADAMS. I think he is probably the most important figure in relating to his own community and in going forward with law enforcement.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will be very brief. I simply think that this amendment, although probably well intentioned, is unnecessary and strikes very deeply at the entire heart of the subject of home rule. I can think of no single amendment that more clearly states, if it were to be passed, that the Congress of the United States does not feel that the people of the District of Columbia are fit to govern themselves. I think they are fit to govern themselves. I think they desire to govern themselves. I think they deserve to have their chief executive appoint their Chief of Police.

Mr. DIGGS. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the distinguished gentleman from Michigan.

Mr. DIGGS. Mr. Chairman, I would ask the gentleman from Connecticut if the gentleman is aware that the President or the White House has asked for this provision? I know that the White House, the President, or his representatives were very much interested in the question of the appointment of the judges. That was on their shopping list at the beginning of our negotiations, and it was on their shopping list at the end of them, but never was there any item in the shopping list from the White House requesting the appointment of the police commissioner for the District of Columbia.

I would like to know if the gentleman from Connecticut is aware of any desire on the part of the President or the administration to have this amendment, or whether or not this is actually just a product of the gentleman from Minnesota, or someone associated with the gentleman?

Mr. McKINNEY. I can be very specific in my answer to the gentleman. To my knowledge, there is no interest in the White House in this amendment whatsoever. The White House had a shopping list, asking for one thing that should be retained in the bill, that I know of, and I am speaking only from my personal experience, and that was that the President have emergency power over the police force of the District of Columbia.

It was the feeling of a great many of us, when the bill was being marked up, that the provision is inherent in the Constitution, and is inherent in the power of the Congress and the President, we have in the new committee print put that in, the actual wording, so we know it is there. But, I am a Republican, and I have talked to the White House, and no one in the White House has ever communicated to me any desire to have this particular aspect of the bill changed.

Mr. DIGGS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. NELSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NELSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 275, not voting 27, as follows:

[Roll No. 508]

AYES—132

Alexander
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Blackburn
Bowen
Bray
Breaux
Brooks
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cochran

Collins, Tex.
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Duncan
Edwards, Ala.
Fisher
Flynt
Forsythe
Froehlich
Fuqua
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Hammerschmidt
Harsha
Hastings
Hébert
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hunt
Hutchinson
Jarman
Johnson, Pa.
Ketchum
King
Kuykendall
Landrum
Latta
Lott
Lujan
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Parris
Passman
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Rhodes
Robinson, Va.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Steiger, Ariz.
Stuckey
Symms
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Towell, Nev.
Treen
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wyatt
Wylie
Wyman
Young, Fla.
Young, S.C.
Young, Tex.
Zion
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Whalen
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wydler
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zablocki
Zwach

NOES—275

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dent
Diggs
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Landgrebe
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie

NOT VOTING—27

Anderson, Ill.
Arends
Bolling
Brown, Calif.
Carey, N.Y.
Clark
Collier
Crane
Cronin
Denholm
Evins, Tenn.
Ford, Gerald R.
Frey
Fulton
Hanna
Hudnut
Ichord
Kyros
Lent
Mailliard
Mills, Ark.
Patman
Pickle
Rodino
Sandman
Sullivan
Wolff

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PARRIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. PARRIS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PARRIS to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 89, line 17, immediately after "1947)" insert ", or impose any tax, assessment, permit, fee, or other charge upon any individual not a resident of the District, in connection with the utilization by such individual of any highway, road, or parking facility (including on-street and off-street facilities) within the District, which is not imposed upon, or which is in excess of the amount imposed upon, a resident of the District".

Mr. PARRIS. Mr. Chairman, the purpose of my amendment is to make it perfectly clear that the District of Columbia shall have no authority whatsoever to impose commuter or parking taxes upon the commuters and visitors to our Nation's Capital, which are not imposed upon, or which are in excess of, amounts levied upon District residents.

Although the language of the committee print does contain certain safeguards against the imposition of a commuter income tax, my amendment will insure that no tax, including onstreet or off-street parking taxes, in connection with the use of District roads, will be levied upon those who work in the District, but live in suburban Virginia and Maryland. The language of this amendment was incorporated into this year's Senate home rule bill through the successful efforts of my distinguished colleague from Virginia, Mr. WILLIAM L. SCOTT, the language is identical to the Senate bill provision and would conform the two bills.

Mr. Chairman, the economic growth and development of the District and that of suburban Virginia and Maryland go hand-in-hand. While the District of Columbia is unique among U.S. metropolitan areas in that it is not physically located within the confines of a given State, it also enjoys the extra dimension of being the seat of the Federal Government. However, as is the case with any other major metropolitan area, the District is the source of employment for a large percentage of those who live in the surrounding areas. In turn, the hundreds of thousands of visitors and commuters who come to Washington daily bolster the District's economic health by spending their earnings at various establishments throughout the city.

It is my firm belief that the economic future of not only the District of Columbia, but in fact, the entire Washington metropolitan area, would be drastically affected by the enactment of any discriminatory tax.

For those at the lower end of the salary scale, whether they are employees of the Federal or District government or of private enterprise, such a tax would constitute a direct and disastrous financial burden, which could only be removed by their seeking employment elsewhere.

Frankly, I find it inconceivable that Congress might permit any loophole in the legislation before it, at this time, which could one day result in discriminatory taxation of visitors and commuters to the Nation's Capital—those same visitors and commuters who through their Federal tax dollars contribute the lion's share of the revenues received by the District of Columbia government.

I urge my colleagues to join with me in supporting this amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. In the committee bill and the amendment, we are already invading the province of the Committee on Ways and Means, by repealing an act that originated in the Committee on Ways and Means which prohibits the District of Columbia from receiving the benefits of revenue sharing to the extent that they would impose a commuter tax on the suburbs. The repeal of that measure is provided for in this bill.

There is another provision that would prevent the newly elected City Council from imposing a commuter tax.

The gentleman's amendment, which he says is similar to that which has already been adopted by the other body, would affect all forms of taxes not imposed on the citizens of the District of Columbia.

The gentleman's amendment not only would protect the residents of the suburbs who commute to the District of Columbia from unfair or discriminatory taxes by the City Council, but would also protect all American citizens, because under the provisions of the act the City Council could propose a tourist tax on all American citizens who come to the District of Columbia with a similar tax not being imposed on the residents of the District of Columbia.

I believe the gentleman has a fair amendment and it should be adopted.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for his comments.

I want to emphasize that the amendment limits the tax to not in excess of any tax imposed by the District government on District residents, so it does not prohibit imposition of taxes or levies of taxes whatever. It simply requires that it cannot be in excess of those already imposed upon District residents.

Mr. Chairman, I would urge the adoption of the amendment.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, there is already a specific prohibition in the bill on page 89 against a commuter tax in the District of Columbia. What this amendment does is to say that, even though this prohibition on the commuter tax is in the bill, they are going further and saying that they cannot charge a tax on automobiles that would be any higher than on automobiles operated by citizens of the District.

My congressional district is in the State of California. My congressional district pays one four hundred thirty-fifths of the Federal payment. What my constituent taxpayers are doing really is paying for the freeloading of those individuals who live in Virginia and in Maryland for the services they receive in the District of Columbia, because we, the Congress of the United States, have prohibited the District of Columbia from levying a tax on commuters.

This district, is a city where most of the people who work here are commuters. I live in Montgomery County. I work here at least 5 days a week. I use the facilities of the District of Columbia. I use the streets of the District of Columbit. I enjoy many of the facilities on weekends, such as the Kennedy Center; but this bill now states that in no way can this individual who is using the District of Columbia practically on a year-round basis pay one nickel of special taxes to the District of Columbia.

So again, what this amendment does and what the language in the bill does is to allow those people who commute, who live here in these surrounding jurisdictions, just as I live in Montgomery County and use the District, to escape paying their share, and we say that 200 million Americans have to pay for the services, but Rees lives in Montgomery County and is getting service and works in the District 5 days a week and brings his family into this District on weekends.

I think this is a lousy precedent. I think it is basically for those who live around here; certainly it is not for the benefit of most of the taxpayers in the United States today, and, of course, as long as this type of thing is in any home rule bill, as long as the people of the District and their duly elected government are not allowed to come up with a decent tax system to fit the needs of the District, we are always going to have the problem of a Federal payment and the people of my congressional district paying for the services of the people of Maryland and Virginia get who commute to the District, either working or for their families' enjoyment on weekends.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Parris) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Diggs).

The question was taken; and on a division (demanded by Mr. Parris) there were—ayes 31, nays 49.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. PARRIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. PARRIS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Parris to the amendment in the nature of a substitute offered by Mr. Diggs: Page 111, strike out lines 8 through 20. And renumber the succeeding sections accordingly.

Mr. PARRIS. Mr. Chairman, section 141(c)(2) of the 1972 State and Local Fiscal Assistance Act, Public Law 92-512, provides that if the District of Columbia should at some time enact a commuter or reciprocal income tax on those who work in the District and live in the Virginia or Maryland suburban area, the District's general revenue sharing allocation would be reduced by an amount equal to the net collections from such a tax. I would like to have that section inserted in the Record at this time:

(2) Reduction in the case of income tax on nonresident individuals.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then the entitlement of the District of Columbia under subtitle A for any entitlement period shall be reduced by an amount equal to the net collections from such tax during such entitlement period attributable to individuals who are not residents of the District of Columbia. The preceding sentence shall not apply if—

(A) the District of Columbia and Maryland enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, and the District of Columbia and Virginia enter into an agreement under which such State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, or

(B) the Congress enacts a law directly imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia.

Because section 602(a)(5) of the committee print, as reported, distinctly prohibits the imposition of "any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District," I find it incongruous to note that a repeal of section 141(c)(2) of the State and Local Fiscal Assistance Act is included in section 735 of the bill—basically constitutes repeal of tax legislation by District of Columbia Committee.

The reduction in general revenue sharing funds for the District which would take place in the event of enactment of a commuter tax was a built-in safeguard of the general revenue sharing plan. It is designed to protect those individuals who daily commute to work in the District from direct or indirect taxation of any part of their personal incomes by the District government. It is my understanding that the addition of the commuter tax prohibition was made at the full committee level, and it is my assumption that through some oversight on the part of the full committee, section 735 was allowed to remain in the reported bill.

Accordingly, I am offering this amendment to make this necessary correction, and I urge my colleagues to support it.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. PARRIS. I am delighted to yield.

Mr. BROYHILL of Virginia. The gentleman talked about a previous amendment. What the gentleman seeks to strike out from the legislation is the repeal of an act that originated in the Committee on Ways and Means. I think this is an invasion of that committee's prerogatives by the Committee on the District of Columbia, and that therefore it should be rejected so it would not be establishing a precedent as writing legislation that falls within the jurisdiction of another committee.

I hope the gentleman's amendment is adopted.

Mr. REES. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, this is almost like shooting a person with a silver bullet and then driving a stake through his heart also.

If the Committee will be patient, I will go over a little bit of the ground that I went through a couple of minutes ago.

On page 89 it says that the Council of the District of Columbia shall not impose any tax on the whole or any portion of the personal income either directly or at the source thereof, of any individual not a resident of the District of Columbia. There it is. That is the law, and that is what it States in this bill.

It States there shall not be a commuter tax, and it is very plain. Until Congress repeals this there shall not be a commuter tax.

Why do we have to knock out other language which deletes a current commuter tax prohibition?

Under the bill before you, if the amendment is approved if the Congress decides there shall not be a commuter tax, the portion will still be taken out of the money that the District is entitled to through revenue sharing.

How many times does the Congress have to act to amend the bill dealing with the District of Columbia? We are already saying that there cannot be a commuter tax, so why do we have to take the language out which has the effect of saying even if the Congress were to say the District could pass a commuter tax, you come in and say even if we give them the power we still take that off their revenue sharing portion.

This is a ridiculous amendment. It causes a great deal of confusion, because it means that if we want to act on it as a Congress, we have to go through two different committees to act on one problem, just to give the District of Columbia government the power to levy a commuter tax. As the bill is now written the District of Columbia cannot have a commuter tax unless we, the Congress of the United States, say they can.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. REES. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I will ask the gentleman in the well if the language in the bill does not contradict itself, because on the one hand it does repeal a previous act of the Congress that does prohibit a commuter tax; or, rather, provides that if a commuter tax were enacted the District of Columbia would lose their proportionate share of the revenue sharing. Now they are asking repeal of that, and at the same time saying that the District of Columbia City Council could not enact a commuter tax. So if you knock the whole section out, you are right back where you started, and you have not done any harm. In the bill in its present form, the District could not levy a commuter tax.

Mr. REES. Let me say to the gentleman that the District can levy a commuter tax if we in the Congress pass a separate act amending this act, allowing the District to levy a commuter tax. But when you strike out on the other amendment which the distinguished gentleman put it in the Committee on Ways and Means, it means that we have to have two bills, one affecting revenue sharing that would go to the Committee on Ways and Means, and the other one going to the Committee on the District of Columbia to accomplish one end, which would be to allow the government of the District of Columbia to levy a commuter tax. So how is there possibly going to be to one act of the Congress, if we ever did take that action, to allow the District of Columbia to pass a commuter tax

Mr. BROYHILL of Virginia. But the way the bill is written, it does prohibit the City Council from enacting a commuter tax.

Mr. REES. It does so specifically, therefore we do not need this amendment here, because this amendment really doubles the confusion that there might be the issue of a commuter tax when right now they cannot vote a commuter tax in the District of Columbia.

Mr. WYDLER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-nine Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 509]

Anderson, Ill.
Blatnik
Bolling
Brown, Calif.
Collier
Collins, Ill.
Conyers
Crane
Cronin
Davis, Ga.
Denholm
Duncan
Evans, Colo.
Evins, Tenn.
Fisher
Frey
Gubser
Hanna
Hébert
Holifield
Hudnut
Karth
Kyros
Landrum
Lent
Mailliard
Martin, Nebr.
Mayne
Mills, Ark.
Murphy, N.Y.
Nelsen
Pickle
Runnels
St Germain
Sandman
Sikes
Sisk
Staggers
Steed
Stephens
Sullivan
Udall

Accordingly the Committee rose; and the Speaker pro tempore, Mr. O'Neill, having assumed the Chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9682, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 392 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the journal.

The Committee resumed its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Parris) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Diggs).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. HOGAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. HOGAN. Mr. Chairman, I offered an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Hogan to the amendment in the nature of a substitute offered by Mr. Diggs: On page 10, lines 21 and 22 strike "National Capital region" and insert "District of Columbia";

On page 11, lines 14 and 15, strike "National Capital region" and insert "District of Columbia";

And on page 16, line 11 strike "National Capital region". and insert "District of Columbia.".

Mr. HOGAN. Mr. Chairman, the effect of this amendment would be to indicate clearly that physical planning for the Federal Government in the entire metropolitan Washington area, which vitally affects the interests of Maryland and Virginia, would not and could not come under the control of the District of Columbia Government.

As the seat of the Government, the Capital City, and as the host to foreign government missions, it is obviously essential for the Federal Government and not the District of Columbia to make policies for planning and development of the national Capital area cooperatively with the local governments in the area.

The bill before us, the amendment offered by the gentleman from Michigan, states that the National Capital Planning Commission is hereby created as "a Federal planning agency for the Federal Government to plan for the Federal establishment in the National Capital region." That region includes Prince Georges and Montgomery Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia, and the cities of Alexandria and Falls Church.

In spite of this fact, under the committee bill the new membership of the National Capital Planning Commission would be overwhelmingly weighed in favor of the District of Columbia, by a possible ratio of 7 to 1, against one person from Maryland and one person from Virginia.

Under this proposal, the members of the Commission would be the Secretary of the Interior, the Secretary of Defense, the Administrator of GSA, the Mayor of Washington, the chairman of the D.C. City Council, and the chairmen of the House and Senate Committees on the District of Columbia or their alternates. Then the bill calls for five citizen members; three to be appointed by the President, only one of whom must be from Maryland and one of whom must be from Virginia; but the other two are appointed by the Mayor of Washington. In other words, possibly seven members of this Commission would be oriented to the interests of the District of Columbia, and yet this Commission would have control over all Federal activities in my district and in those counties I enumerated in Maryland and Virginia.

Since this is supposed to be a Federal planning agency for the region, why should the Mayor and the City Council of the District of Columbia sit on this planning commission any more than the county executive and chairman of the county council from my county and from all the other counties, since our interests are vitally affected?

Mr. Chairman, it is grossly inequitable to give citizens of one jurisdiction special control over important matters which take place in another jurisdiction and which vitally affect the lives and livelihoods of those other citizens.

I wonder how many of our colleagues, Mr. Chairman, would like to have their State's neighboring jurisdictions have responsibility in their States for public developments and projects including the acquisition of land by Federal agencies.

That is precisely what this commission would do in my district and the districts in Maryland and Virginia. The District of Columbia and my home State of Maryland are in competition for Federal facilities and Federal jobs. Giving a 7 to 1 advantage to the District of Columbia is the rawest kind of unfair competition.

I urge my colleagues to support my amendments.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I can see the wisdom of a federally dominated National City Planning Council having an oversight over general planning for the entire Metropolitan area of Washington; and I can see the suburban communities cooperating with the District in such agencies.

Mr. HOGAN. Having Federal agencies, but my point is this would no longer be a Federal agency. It would be a District of Columbia agency.

Mr. BROYHILL of Virginia. That was what I was going to say, because the high point of this bill would be that the NCPC would be dominated by four appointed members representing the District of Columbia. They do not have any interest in planning in the suburban areas of Virginia and Maryland.

They have a parochial interest in the District of Columbia. There would be a constant fight among the various government bodies, and the District-dominated NCPC would not recognize our problems.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with the gentleman's remarks and simply suggest that failure to adopt the amendment would result in the loss of authority and loss of jurisdiction of the local political jurisdictions over their internal activities.

Mr. STARK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, the amendment offered by the gentleman from Maryland will do very little to change what is currently the practice of the National City Planning Council. There are now two local members and 10 Federal members in that council.

Under the proposed change there would be eight Federal members and four local members. As is currently the practice, the National City Planning Council represents the Federal interests and it would, indeed, continue to represent the Federal interest.

The gentleman is incorrect in assuming that his local government body should have or could have any control over Federal projects.

Now, if he is so fortunate as to persuade this body to build a new post office or some other type of pork-barreling legislation to give him some Federal building in his district, it is done with the consent of this entire body. The National City Planning Council would continue to have overview and to plan for the entire Federal interest in or around the District of Columbia.

To limit that Planning Council's ability to plan might very well preclude any Federal installations from moving into these adjoining districts.

I am not sure the gentleman would really like to go home to his constituency and indicate to them that he may have precluded any more Federal installations which would create jobs in his district.

I think that we will find that we are providing, through the Secretary of the Interior, the Secretary of Defense, the head of GSA, the Mayor, the head of the D.C. Council, the chairman of the District Committee of the House of Representatives, and the chairman of the Senate District of Columbia Committee, as well as three Presidential appointments, adequate protection for all of the surrounding regions. It will continue to be the National City Planning Council representing fairly the Federal interest, and there wuld basically be no change.

Mr. GUDE. Will the gentleman yield?

Mr. STARK. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. I know he has spent a great deal of time on this section of the bill. I think it should well be pointed out, as he has done, that, indeed, the Federal interests are broadly represented by Federal officials. The bill is a step forward as far as guaranteeing from jurisdictions outside of the District. At the present time of the 5 Presidential appointees, 4 of them are residents of the District of Columbia, and the fifth is a resident of Seattle, Wash., which is probably rather far removed from these environs.

The present legislation requires that any appointments by the President or the Mayor must be from the District or the environs. Indeed, two of the members appointed by the President must be one a resident of Maryland and one a resident of Virginia. It is an improvement in the present situation.

Mr. STARK. The gentleman is absolutely correct. It does indeed improve the representation of the States of Maryland and Virginia in planning the Federal interest in the District.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Hogan) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Diggs).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered .

The vote was taken by electronic device, and there were—ayes 130, noes 278, not voting 26, as follows:

[Roll No. 510]

AYES—130

Abdnor
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Blatnik
Bray
Broomfield
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Camp
Carter
Chamberlain
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Dennis
Derwinski
Devine
Downing
Duncan
Flynt
Ford, Gerald R.
Forsythe
Froehlich
Gettys
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Hanrahan
Harsha
Hastings
Heckler, Mass.
Hillis
Hinshaw
Hogan
Holt
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kemp
King
Landgrebe
Latta
Lott
Lujan
Maraziti
Mathis, Ga.
Mayne
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Nelsen
Parris
Passman
Pettis
Pike
Poage
Price, Tex.
Quillen
Railsback
Randall
Rarick
Rhodes
Robinson, Va
Rogers
Roncallo, N.Y
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Steed
Steiger, Ariz.
Symms
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Towell, Nev.
Treen
Veysey
Waggonner
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOES—278

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Hosmer
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Ketchum
Kluczynski
Koch
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Podell
Powell, Ohio
Preyer
Price, Ill.
Quie
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Walsh
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NOT VOTING—26

Anderson, Ill.
Ashley
Bolling
Brown, Calif.
Collier
Crane
Cronin
Denholm
Dickinson
Evins, Tenn.
Fisher
Frey
Hanna
Hébert
Hudnut
Kuykendall
Kyros
Landrum
Lent
Mailliard
Michel
Mills, Ark.
Pickle
Pritchard
Sandman
Sullivan

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SYMMS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. SYMMS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SYMMS to the amendment in the nature of a substitute offered by Mr. DIGGS: On page 111, in line 24, strike the word "may" and insert in lieu thereof the word "shall."

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, we have read the amendment. It says that the General Accounting Office shall audit the District of Columbia. The change is made to read "shall." We agree to the amendment and would accept it.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, we will be glad to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. NELSEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. NELSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. NELSEN to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, immediately after line 2, insert the following:

SEC. 741. (a) There is established for the District of Columbia the District of Columbia Board of Police Commissioners (hereafter in this section referred to as the "Board"). The Board shall consist of, ex officio, the Director of the United States Secret Service and the Director of the Federal Bureau of Investigation, together with one person appointed by the Board of Governors of the unified District of Columbia Bar, one person appointed by the Mayor of the District of Columbia, and one person appointed by the Chairman of the District of Columbia Council.

(b) Within 60 days after a vacancy in the office of the Chief of Police of the Metropolitan Police Department, the Board shall submit three nominees for such office to the Mayor. The Mayor shall appoint such Chief of Police from the nominees submitted by the Board, and such Chief of Police shall serve at the pleasure of the Mayor. The Mayor is empowered to appoint an acting Chief of Police until an appointment is made from the nominees.

Mr. NELSEN. Mr. Chairman, I will be very brief. A moment ago, I offered an amendment which turned this around, where the recommendation would go to the President and he would select from that group of nominees a Chief of Police. This turns it around so that this recommending commission would send it on down. On the commission, of course, would be a Federal voice in there, but it is going to the Mayor. He then would appoint.

Some of the items in this amendment were submitted to me by a very dear friend of mine on the Democratic side, so there is some partisanship involved here. However, I did feel that important to the total process would be some input from the top all the way down to the bottom. I would say the mayor would not be interfered with in any way, nor would it discredit his position.

It is true that the other amendment was hastily put together, again an example of moving too fast at this level. I might have given more thought to it, but the time was not there.

Mr. Chairman, I urge the adoption of the amendment.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to understand from the distinguished ranking minority member of the committee just what is his rationale behind wanting to have this kind of insulation with respect to the Police Commissioner or Chief of Police for this community.

I want to know why he feels in view of all of the other protections that we have in this act at every level of government, that the necessity for this extra dimension is actually required.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I would only say this: Traditionally, the Chief of Police has always had a line of administrative, shall we say supervision if we want to use that term, or it would be a line going from the top to the Federal authority to local authority in the District of Columbia. I believe that, again getting back to the argument that this is the Nation's Capital and it does belong to all the people, that with this type of a procedure certainly the mayor has not been interfered with to any extent but it is an opportunity of a voice from the top through these people that are on this commission to get an input.

I would say to the chairman that I do not propose to debate this at any length. He can take it up or down. I think we all understand one another, and I am trying to get a bill to go a long way.

Mr. DIGGS. May I just say in conclusion that with the mayor's appointee and the chairman of the council, being the only local interest on the proposed police commission what the gentleman is really talking about here is a minority control of the local interest with respect to the police opposition, because a member of the unified bar does not necessarily have to be a resident of the District of Columbia. The other two directors, the Director of the Secret Service, and the Director of the FBI, whom one would think have enough responsibility for the general protection of the community at other levels, I just do not see the necessity for this. Here again, is something which reflects a lack of confidence in the local community that in my view puts us in a climate that could completely frustrate the partnership concept between the Federal interest and the local interest, I think is particularly important if we are going to move toward the kind of community all of us desire.

I hope the gentleman's amendment will be turned down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. NELSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIGGS

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the amendment in the nature of a substitute offered by Mr. DIGGS: Page 118, immediately after line 2, insert the following:

DISTRICT OF COLUMBIA DELEGATE TO THE SENATE

SEC. 741. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate. The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, I wish to make a point of order against the amendment, and I reserve a point of order.

The CHAIRMAN. The Chair has recognized the gentleman from Iowa.

Mr. FRASER. But the gentleman has not begun to speak, Mr. Chairman. I reserve a point of order.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order.

Mr. GROSS. Mr. Chairman, it has been a long time since I attempted to do the other body a favor. The Senate has long overlooked a golden opportunity to add to its numbers. I note they are apparently on the way to getting a third Senate office building, and it stands to reason they are going to need more population. Obviously, they cannot fill three buildings with only 100 Senators. Moreover, it seems to me the time has come when the good things of life on the part of the House ought to be shared with Members of the other body.

I am sure all Members of the House understand what this amendment would do. I leave the amendment to their tender mercies and yield back the remainder of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Minnesota insist on his point of order?

Mr. FRASER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRASER. Mr. Chairman, the point of order is based on the fact that the amendment is not germane. The bill deals with self-government for the District of Columbia and allocating certain powers to the District and certain restrictions on the exercise of that authority. The amendment, as I understand it, purports to give representation in the Congress, which is a wholly different subject not embraced in the bill before the Committee.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. Mr. Chairman, with regard to the bill, if I have a correct copy of it, there is some question about whether we know what is in the bill at the desk as developed earlier this afternoon; but if this is a correct reproduction of the offering at the Speaker's rostrum, it includes a good deal of language with regard to elections.

Mr. Chairman, I believe the amendment is germane to the bill.

The CHAIRMAN (Mr. Bolling). The Chair is prepared to rule. The Chair believes that the matter before the committee covers so many different subjects that have to do with the rights of people of the District of Columbia that the amendment is, in fact, germane and overrules the point of order.

The question is on the amendment offered by the gentleman from Iowa (Mr. Gross) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Diggs).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, although it is not customary for a subcommittee member to refer to his own experience and register his own feelings in such a context, it is my belief that the circumstances in this case warrant a strong personal statement. I have served on the District of Columbia Subcommittee on Appropriations for almost 2 years. During that time, I have faithfully attended its hearings and meetings, and I will continue to do so as long as I have this assignment.

It is my understanding that the purpose of this subcommittee is not only to provide funds for the operation of the District of Columbia government, but also to oversee the expenditure of the taxpayers' money. After listening to hundreds of official witnesses over the course of many months, I have come to the inescapable conclusion that the District government serves the interests of neither its own constituents nor the American taxpayers.

This is no condemnation of the subcommittee. My colleagues are enormously industrious and conscientiously interested in assisting the operations of the city government. But this is a well-nigh impossible task without accurate information. We have repeatedly been fed half-truths in a deliberate attempt to circumvent the authority of the subcommittee. Faced with such obstructionist tactics, it is difficult for me to make fair judgments about the budget requests.

Judging from the actions of many District of Columbia officials with whom I have come in contact, the municipal government in this city exists largely to serve itself. My feelings about these minions of mammon can be summed up in one sentence. With few exceptions, they are stealing us blind. They are using this committee as a pitstop, coming in to fuel up, then roaring out in high gear thumbing their noses at us. These "professional" witnesses with their entourage of supporters give us the pleasure of their company and then sweep out in triumph.

Never before in my experience of government have I witnessed such a concerted effort on the part of individuals in positions of responsibility to cover up boondoggles, waste, and mismanagement. Many cases border on outright fraud. The arrogance and duplicity displayed by these witnesses is sickening. Time after time, District of Columbia government officials have appeared before our subcommittee and sanctimoniously assured us that their departments were operating smoothly and experiencing no problems. And time and time again, we learned subsequently from the news media that, on the contrary, mismanagement, waste, and incompetence reign supreme.

For example, when Dr. Cook, president of the District of Columbia Teachers College, testified before our subcommittee, he said in answer to my direct question, that he had no problems to discuss with the subcommittee. Yet at that time Dr. Cook was fully aware of a highly critical report by the General Accounting Office which detailed serious irregularities in his administration of the college.

The recent disclosure of financial mismanagement at Federal City College and the Blackman's Development Center raise equally alarming questions. Officials of the District of Columbia public school system have also been delinquent in their responsibilities—to their own pupils, to the members of the subcommittee and, through us, to the taxpayers of this country. Dr. Scott, the superintendent of schools, was for instance unable even to tell our subcommittee how many schools there are in the District. The subcommittee was also shocked to discover that the District of Columbia operates virtually no facilities and provides little in the way of special programs for handicapped pupils. Children who start out in life burdened by blindness, deafness, dumbness, or mental retardation have a greater need for special education than any other disadvantaged group. Yet District officials made no effort to apprise the subcommittee of the needs of these children in their jurisdiction. We can only conclude that the District of Columbia School Board is indifferent to the needs of these pupils since no independent interest in their problems has been evinced by the board to date.

The superintendent and the members of the school board seem to be more intent on marshalling student opinion to their pet political causes than on pursuing the primary goal of the school system, which is education. School officials have lately been indulging in partisan political demonstrations and instigating student participation to the detriment of their school work. I strongly disapprove of the scandlous role played by one board member in the series of disgraceful incidents which took place recently on Capitol Hill. Led by this gentleman, a band of District of Columbia high school students left their classes, over the strenuous objections of their principal, and marched on Congress to protest the war. So unruly were these adolescent demonstrators that the Speaker of the House took the unprecedented step of closing the visitors' gallery to the public. Later, the students invaded and ransacked the office of Representative Pierre du Pont and stole articles of personal property from his staff. Earlier this year, District of Columbia elementary school pupils were encouraged to take part in a massive outdoor rally protesting the administration's welfare policies.

It is my belief that the District of Columbia schools exist solely for the purpose of educating children. They should never be used as a vehicle for mobilizing uninformed and immature student opinion for partisan political protests. This abuse of authority is all the more reprehensible in view of the schools' neglect of their legitimate responsibilities to handicapped children. Clearly a basic reordering of priorities is needed. School officials must refrain from such inappropriate misuse of their authority in the future and refocus their energies where they are most urgently needed. School bond issues are failing all over the country, yet Congress continues to provide generously for the District of Columbia. Simple gratitude ought to dictate a more responsive attitude on the part of the beneficiaries.

Ironically, the District of Columbia receives more Federal aid than any other State in proportion of the Federal taxes paid by its residents. A study by the Tax Foundation revealed that the District pays only 23 cents in Federal taxes for each dollar of Federal aid. I urge each Member of the House to compare that with what residents of his own State pay in return for the Federal aid dollar.

STATES PAYING MORE IN TAXES TO SUPPORT GRANTS THAN THEY RECEIVE IN AID

[In millions of dollars]

State	Tax burden	Total grants	Difference (distribution)	Tax burden per $1 of aid received
Indiana	695	431	264	1.61
Ohio	1,574	1,016	558	1.55
Connecticut	622	403	219	1.54
Illinois	1,914	1,250	664	1.53
New Jersey	1,260	823	437	1.53
Delaware	99	66	33	1.49
Florida	931	650	281	1.43
Maryland	646	466	180	1.38
Wisconsin	582	422	160	1.38
Michigan	1,344	1,044	300	1.29
Pennsylvania	1,702	1,391	311	1.22
Nebraska	192	162	30	1.19
Iowa	352	302	50	1.17
Nevada	93	82	11	1.14
Massachusetts	940	839	101	1.12
Kansas	288	266	22	1.08
New Hampshire	99	93	6	1.06
Missouri	628	607	21	1.04
Virginia	596	572	24	1.04
Texas	1,431	1,387	44	1.03
Washington	497	488	9	1.02
Total	16,485	12,760	3,725	
Rhode Island	137	138	1	.99
New York	3,232	3,286	54	.98
Minnesota	506	531	25	.95
California	3,270	3,458	188	.95
Arizona	227	243	16	.93
Hawaii	122	133	11	.92
Oregon	279	327	48	.85
North Carolina	544	643	99	.85
Colorado	300	370	70	.81
Georgia	529	697	168	.76
Idaho	78	104	26	.75
Tennessee	425	605	180	.70
Maine	114	164	50	69
South Carolina	247	365	118	.68
Wyoming	44	67	23	.65
Oklahoma	297	458	161	.65
Utah	113	181	68	.63
Kentucky	334	546	212	.61
Louisiana	381	634	253	.60
Vermont	55	96	41	.57
South Dakota	67	116	49	.57
North Dakota	61	113	52	.54
Arkansas	174	320	146	.54
Montana	84	159	75	.53
Alabama	329	644	315	.51
West Virginia	186	405	219	.46
New Mexico	105	245	140	.43
Mississippi	172	522	350	.33
Alaska	50	150	100	.33
District of Columbia	142	609	467	.23
Total	12,604	16,329	−3,725	

Yet this appropriation bill requests more Federal support for the District of Columbia while many national programs are being curtailed because of limited funds. What is needed is not more Federal money but stricter management and control of existing programs and responsible supervision by department heads.

There is no magic money machine here in the Nation's Capital. Each dollar we expend in Federal funds must come from somewhere. There is every indication that, unless we cut Government spending this year, it will be necessary to raise Federal taxes for all Americans drastically next year. Yet we are offering the District of Columbia government, whose track record is among the most dismal in the country, an $11.4 million increase in direct Federal payments. In addition, it is estimated that Federal grants to the District will be raised by another $33.7 million, for a total increase of $45.1 million in fiscal year 1973, a 10-percent hike to recipients whose performance can best be described as atrocious. Overall Federal support for the District of Columbia government will thus approach half a billion dollars—$465.5 million.

The lawmakers of this Nation, who represent people from every part of the country, like to think of this city as a national home for all our citizens. Consequently we have striven diligently to make it a municipal showcase, a model city. Washington, D.C., enjoys almost unlimited access to Federal patronage. We support a municipal payroll of close to 50,000 out of a total population of only 740,000. It seems at times that the entire city is one big Government employment agency. Many municipal employees, however, behave like the proverbial man with a wrench, trying to look busy but in reality doing nothing. There are a great many things to be done in this city, but the present lack of managerial capability virtually insures that they will remain undone. The problems of Washington, D.C., will never be solved by shovel leaners and pencil pushers.

Largely because of the Federal payroll, Washingtonians boast the highest median income of any metropolitan area, $10,500. Four hundred eighty of the District of Columbia's employees earn more than $25,000 a year each. We shower its residents with the most socially enlightened and generous programs, and we provide experts to administer or advise them. Yet by and large the city fails to live up to the hopes invested in it. Despite the fact that the population is declining and the average income rising, the District of Columbia's welfare rolls have swelled by 30,000 a year and Federal support increases annually, as we have seen, with negative results.

There may not be any simple solution to the fiscal problems of the District, but we can certainly begin by insisting that the money we appropriate be spent honestly and intelligently for the purposes for which it was intended. Otherwise we cannot justify this ever increasing drain on the taxpayers' resources.

Unfortunately the examples cited previously merely illustrate a pervasive problem. We have seen only the tip of the scandal-ridden iceberg of inefficiency and misdirected goals which characterize the District of Columbia government. These instances clearly demonstrate, however, that the officials in question are attempting to deprive the public of information to which the public has a right. The taxpayers are entitled to know that the District of Columbia government is administered to a great extent by incompetents and political hacks.

For this reason, I urge the subcommittee to open all its hearings next year to the press, congressional staffs, and public. If we, as Members of Congress must live in a fishbowl, there is no reason why these officials should not be subject to the same public scrutiny. In the meantime, as long as I have this committee responsibility, as long as the taxpayers of this country are footing the bill, and as long as the District of Columbia operates within the jurisdiction of Congress, I will continue to speak out against the failures of the present city government, which can only be described as one big "can of worms."

This critique should not be interpreted as an admission of weakness or inability to deal with the problems enumerated above. Rather it should serve notice that our patience is close to exhaustion. The indifference and hypocrisy displayed before our subcommittee in the past will no longer be tolerated. Unless we see a drastic change in attitude on the part of the guilty officials in the District of Columbia government, I, for one, will not support the annual increase in appropriations for the District of Columbia. As far as I am personally concerned, the budget will be cut off "at the knees" until genuine reforms are instituted. A word to the wise is sufficient.

Substitute amendment offered by Mr. NELSEN for the amendment in the nature of a substitute offered by Mr. DIGGS.

Mr. NELSEN. Mr. Chairman, I offer a substitute amendment for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

The Clerk read as follows:

Substitute amendment offered by Mr. NELSEN for the amendment in the nature of a substitute offered by Mr. DIGGS: Strike out "Table of Contents" and all that follows, and insert in lieu thereof the following:

TITLE I—GOVERNMENTAL REORGANIZATION

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 101. (a) The District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-116) is amended as follows:

(1) Subsection (a) of section 2 of such Act (D.C. Code, sec. 5-104) is amended to read as follows:

"(a) The National Capital Housing Authority (hereafter referred to as the 'Authority') is established as an agency of the District of Columbia government. The Authority shall have all powers necessary and appropriate to carry out the provisions of this Act, including the employment of necessary personnel services; but all plans for replatting or method of condemnation under the provisions of this Act shall be submitted to and receive the written approval of the National Capital Planning Commission and of the Commissioner of the District of Columbia, except that failure of the National Capital Planning Commission or of the Commissioner to formally approve or disapprove in writing within sixty days after a plan has been submitted shall be equivalent to a formal approval, and disapproval shall be accompanied by a written statement giving all reasons for such disapproval; and any plan which involves action by any department, bureau, or agency of the United States or the District of Columbia shall be made after consultation with such department, bureau, or agency."

(2) Subsection (b) of such section 2 is amended to read as follows:

"(b) All condemnation proceedings required to carry out the provisions of this Act shall be conducted in accordance with subchapter 2 of chapter 13 of title 16 of the District of Columbia Code."

(3) Such section 2 is amended by adding at the end thereof the following:

"(d) All functions, powers, and duties formerly vested in, and exercised by, the President under this Act shall be, on and after the enactment of this subsection, vested in and exercised by the Commissioner of the District of Columbia. All employees, properties (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, assets, and liabilities of the Authority are authorized to be transferred to the District of Columbia. No officer or employee shall, by reason of his transfer to the District of Columbia government by this subsection, be deprived of any civil service rights, benefits, and privileges held by him immediately prior to such transfer and all such employees shall be considered continuous employees of the Authority without break in service."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 102. (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") is authorized and directed to establish and administer a public employment service in the District, to promote and develop an employment office for men, women, and juniors who are legally qualified to engage in meaningful occupations, including employment counseling and placement services for handicapped persons, and to maintain a veterans' service to be devoted to securing employment for veterans in the District.

(b) The Commissioner shall submit to the Secretary of Labor a detailed plan for carrying out the provisions of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49–49k). Such plan shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement for such persons. Such plan shall also include provision for cooperation with any board, department, or agency of the District of Columbia which is charged with the administration of any program for vocational rehabilitation of physically handicapped persons.

(c) The Commissioner shall make such reports concerning his operations under this section and expenditures made in carrying out the program authorized by this section as shall be prescribed by the Secretary of Labor.

(d) The Commissioner shall organize an advisory council composed of men and women representing employers and employees in equal numbers, and the public, as is required by section 11 of such Act of June 6, 1933 (29 U.S.C. 49j).

(e) In carrying out the purposes of this section, the Commissioner shall have all necessary powers to cooperate with the Secretary of Labor in the same manner as a State under such Act of June 6, 1933.

(f)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia,".

(2) Section 3(b) of such Act (29 U.S.C. 49(b)) is amended by inserting "the District of Columbia," immediately after "Guam.".

(g) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner.

REDEVELOPMENT LAND AGENCY

SEC. 103. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701–5-737) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5–703(a)) is amended to read as follows:

"SEC. 4. (a) The District of Columbia Redevelopment Land Agency is hereby established as an agency of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereafter referred to as the 'Commissioner'), with advice and consent of the District of Columbia Council (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officials of the District of Columbia government. Each member shall serve for a term of five yers, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an official of the District of Columbia government cease to be such an official, then his term as member shall end on the day he ceases to be such an official. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties in the Agency.

"(b) All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, assets, and liabilities of the agency are authorized to be transferred to the District of Columbia government. No officer or employee shall, by reason of his transfer to the District of Columbia government by this section, be deprived of any civil service rights, benefits, or privileges held by him prior to such transfer and all such employees shall be considered continuous employees of the Agency without break in service."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5–703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5–704(b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

TITLE II—PLANNING

PLANNING

SEC. 201. Sections 1 to 8, inclusive, of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (D.C. Code, secs. 1–1001—1–1008) are amended to read as follows:

"GENERAL PURPOSES, FINDINGS, AND DEFINITIONS

"SECTION 1. (a) It is the purpose of this Act to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the District of Columbia and the appropriate planning agencies of the agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal Government related to such planning. The Congress hereby finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal Establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are development problems of an interstate character, the planning of which require collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of this Act is to enable appropriate agencies to plan for the development of the District of Columbia and the Federal Establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience prosperity, and the general welfare, as well as efficiency and economy in the process of development.

"(b) As used in this Act, (1) 'region' or 'National Capital Region' means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) 'environs' means the territory surrounding the District of Columbia included within the National Capital Region; (3) 'National Capital' means the District of Columbia and territory owned by the United States within the environs; and (4) 'planning agency' means any city, county, bicounty, party county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

"THE NATIONAL CAPITAL PLANNING COMMISSION

"SEC. 2. (a) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created and designated as the central planning agency for the Federal Government to plan the appropriate and orderly development and redevelopment of the National Capital and the conservation of its important natural and historical features.

"(b) The Commission shall be composed of—

"(1) ex officio, the Secretary of Defense, the Secretary of the Interior, the Administrator of the General Services Administration, the Architect of the Capitol, and the Commissioner of the District of Columbia, or their designated representatives; the Chairman of the District of Columbia Council or another member of the Council designated by its Chairman; and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives (either of which chairmen if unable to serve in person may designate another member of his committee to serve as a member of the Commission in his stead); and

"(2) six eminent citizens well qualified and experienced in city or regional planning, appointed by the President, at least two of whom shall be residents of the District of Columbia (including one of such residents who shall be appointed from among not less than three nominees of the Commissioner of the District of Columbia), at least one of whom shall be a resident of the Maryland environs, and at least one of whom shall be a resident of the Virginia environs. The terms of office of appointive members of the Commission shall be so fixed by the President that the term of one such member shall expire on April 30 of each year. Any such member, the expiration of his term notwithstanding, or any appointive member of the Commission in office on the date of enactment of this subsection, shall continue as a member, pending the appointment and qualification of a successor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The appointive members of the Commission shall receive compensation at the rate of $100 for each day such member is engaged in attending a meeting of the Commission and for each day such member is, with the approval of the Chairman of the Commission, otherwise engaged in the business of the Commission.

"(c) The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ an Executive Director and such other technical and administrative personnel as it may deem necessary. The Commission may procure temporary or intermittent services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions to the same extent as is authorized under section 3109(a) of title 5 of the United States Code.

"(d) The Commission shall establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such governments, in order that the National Capital may be developed in accordance with the comprehensive plan. The Commission and the Commissioner shall invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees as they may deem appropriate.

"(e) As hereinatfer more specifically described, it shall be among the principal duties of the Commission to (1) prepare elements of, adopt, and amend a comprehensive plan for the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review Federal and District development programs in order to advise as to conformity with the comprehensive plan; and (3) be the planning representative of the Federal Government for collaboration with regional authorities.

"MUNICIPAL PLANNING

"SEC. 3. (a) The Commissioner of the District of Columbia shall—

"(1) prepare and submit to the Commission for adoption, after approval by the District of Columbia Council, those elements of a comprehensive plan for the National Capital, and amendments thereto, which relate to the development of the District of Columbia, except Federal developments and projects in the District of Columbia, and to District developments and projects in the environs:

"(2) prepare annually for approval by the District of Columbia Council a multi-year program of District of Columbia public works projects; and

"SEC. 4. (a) The Commission shall pre-

"(3) prepare urban renewal plans, and modifications thereto, for adoption by the District of Columbia Council pursuant to sections 6(a) and 12 of the District of Columbia Redevelopment Act of 1945.

"(b) To assist the Commissioner in the performance of the foregoing functions, there is hereby established a Municipal Planning Office, headed by a Director appointed by the Commissioner, which shall serve as the central planning agency for the District of Columbia government within the National Capital region. In addition to the foregoing function, the Municipal Planning Office shall—

"(1) prepare, review, and make recommendations on proposed amendments to the zoning regulations of the District of Columbia and on applications for variances and special exceptions to the zoning regulation;

"(2) compile and periodically publish demographic, social, and economic data for use by Federal and District of Columbia agencies and the general public;

"(3) provide staff planning services to such other agencies as directed by the Commissioner;

"(4) coordinate and review all applications for Federal financial assistance prepared by District of Columbia agencies; and

"(5) coordinate and provide centralized policy guidance for fuctional planning by other agencies of the District of Columbia government.

'COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL

pare those elements of a comprehensive plan for the National Capital, and amendments thereto, relating to the development of the Federal Establishment at the seat of government and the conservation of important natural features of the National Capital. The comprehensive plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs. The Commission and the Commissioner shall agree as to the elements of the comprehensive plan to be prepared by each or to be jointly prepared.

"(b) The comprehensive plan for the National Capital shall contain recommendations for the development of the District of Columbia including, among other things, the general location, arrangement, character, and extent of highways, streets, bridges, viaducts, subways, major thoroughfares, and other facilities for the handling of traffic; parks, parkways, and recreation areas, and the facilities for their development and use; public buildings and structures, including monuments and memorials, public reservations, or property, such as airports, parking areas, institutions, and open spaces; land use, zoning, and the density or distribution of population; public utilities and services for the transportation of people and goods or the supply of community facilities; waterway and waterfront development; redevelopment of obsolescent, blighted, or slum areas; neighborhood areas; projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional planning. The plan may include appropriate maps, plats, charts, tables, and descriptive, interpretive, and analytical matter, economic and social aspects, and trends of urban development, and such functional and sectional plans as the Commission deems necessary or desirable. Recommendations or proposals for Federal and District developments or projects in the environs may include their general location, character, size, and intensity of use. In making its recommendations, the Commission shall at all times give primary consideration to the broad elements of the comprehensive plan which shall include, but not be limited to, generalized plans for land use, major thoroughfares, park, parkway, and recreation system, mass transportation, and community facilities and services.

"(c) The comprehensive plan for the National Capital, or elements thereof and amendments thereto. shall be adopted by the Commission.

"(d) (1) Prior to the adoption of the comprehensive plan or any element thereof, or any subsequent amendment, the Commission shall present such plan, element, or amendment to the appropriate Federal, District of Columbia, and State or local authorities for comment and recommendations. The recommendations by such authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to adoption. The Commission shall periodically provide opportunity, by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and shall in consultation with the Commissioner, establish one or more citizen advisory councils.

"(2) In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission shall act in conjunction and cooperation, and may enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

"TRANSPORTATION PLANS FOR THE DISTRICT OF COLUMBIA

"SEC. 5. (a) As elements of the comprehensive plan, the Commissioner shall prepare and submit to the Commission for adoption, after approval by the District of Columbia Council, the major thoroughfare plan and the mass transportation plan.

"(b) Prior to the adoption of the major thoroughfare plan and the mass transportation plan, the Commission shall consult with the Department of Transportation, the Washington Metropolitan Area Transit Authority, appropriate State agencies and affected local planning agencies and obtain the approval of affected local governing bodies regarding the extension of the thoroughfare and mass transportation systems of the District of Columbia to serve Federal and District developments and projects in the environs.

"PROPOSED FEDERAL AND DISTRICT DEVELOPMENTS AND PROJECTS

"SEC. 6. (a) In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency shall submit to the Commission, in preliminary and successive stages, plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land or the major acquisition in the District of Columbia of space by lease to be paid for in whole or in part from Federal or District funds, for a determination as to conformity with the comprehensive plan prepared and adopted pursuant to section 3, except the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a report to the agency or agencies concerned. No such proposed development or project or commitment for the acquisition of land or lease of space shall be undertaken, if the Commission shall determine, within sixty days from the date of receipt, that it does not conform to the comprehensive plan or would adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital.

"(b) The procedure prescribed in subsection 6(a) shall not apply to projects within the Capitol Grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

"(c) Within the environs, general plans showing the location, character, extent, and intensity of use for proposed Federal and District developments and projects shall be submitted to the Commission for approval, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the local government and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments of projects submitted to the Commission under subsection (a) involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the aforesaid local government and planning agency.

"(d) It is the intent of the foregoing provisions of this section to obtain cooperation and correlation of effort between the various agencies of the Federal and District Governments which are responsible for public developments and projects, including the acquisition of land and of leased space. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal Government in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

"SIX-YEAR PUBLIC WORKS PROGRAM

"SEC. 7. The Commission shall review annually a six-year program of public works projects submitted by each Federal agency and the Commissioner in the first quarter of each fiscal year.

"ZONING AND SUBDIVISION FUNCTIONS

"SEC. 8. (a) No proposed amendment of the zoning regulations and maps shall be adopted by the Zoning Commission of the District of Columbia unless the Commission shall first determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of the government or the conservation of important historical and natural features of the National Capital; or unless the Commission shall adopt a conforming amendment to the comprehensive plan in accordance with sections 3 and 4 of this Act.

"(b) Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the District of Columbia Council prior to adoption for report and recommendations within sixty days.".

AMENDMENTS TO EXISTING LAW

SEC. 202. (a) Sections 11, 12, and 13 of the Act of June 6, 1924 (D.C. Code, secs. 1–1011–1–1013), section 1 of the Act of December 22, 1928 (40 U.S.C. 72a), and sections 1(a) and 4 of the Act of May 29, 1930 (46 Stat. 482), are amended by striking out in each such section "said commission or a majority thereof," "said commision," "the National Capital Planning Commission, established by the Act approved April 30, 1926 (Statutes at Large, vol 44, page 374)", and "the National Capital Park and Planning Commission", and inserting in lieu thereof in each such section "the Secretary of the Interior".

(b) Section 2(a) of the Act of June 12, 1934 (D.C. Code, sec. 5–104(a)), is amended by deleting the words "of the National Capital Planning Commission and", and "of the National Capital Planning Commission or" wherever such words appear.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

SEC. 203. (a) Section 6 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–705), is amended to read as follows:

"SEC. 6. (a) For the exercise of the powers granted to the Agency by this Act for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite:

"(1) Adoption by the District of Columbia Council of the boundaries of the project area.

"(2) Adoption, after a public hearing thereon, by the District of Columbia Council of the redevelopment plan of the project area which shall contain a site and use plan for the redevelopment of the area, including the approximate location and extent of the land uses proposed for and within the area, such as public buildings, streets, and other public works and utilities, housing, recreation, business, industry, schools, public and private open spaces, and other categories of public and private uses. Such plan shall also contain specifications of standards of population density and building intensity. Any such plan may also specify, by means of specification of maximum rentals or other basis, the amount or character or class of any low-rent housing for which the area or part thereof is proposed to be redeveloped.

"(b) Prior to the adoption of such redevelopment plan, the District of Columbia Council shall submit such plan to the Planning Commission for determination as to conformity with the comprehensive plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952, as amended. No such plan shall be adopted by the District of Columbia Council unless the Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan.

"(c) After a project area redevelopment plan shall have been adopted by the District of Columbia Council, it shall forthwith certify such plans to the Agency, whereupon the Agency shall proceed to the exercise of the powers granted to it in this Act for the acquisition and assembly of the real property of the area. Following such certification, no new construction shall be authorized by the Commissioner of the District of Columbia in such area, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy, except in accordance with such plan.".

(a) Section 12 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–711), is amended to read as follows:

"SEC. 12. An approved project area redevelopment plan may be modified at any time or times: *Provided*, That any such modification as it may affect an area or part thereof which has been sold or leased shall not become effective without the consent in writing of the purchaser or lessee thereof: *Provided further*, That such modification may be effected only through adoption by the District of Columbia Council. Prior to such adoption, the District of Columbia Council shall submit such modification to the Planning Commission for determination as to conformity with the comprehensive plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952. No such modification shall be adopted by the District of Columbia Council unless the Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan."

(c) The last proviso in section 1 of the Street Readjustment Act of the District of Columbia (D.C. Code, sec. 7–401) is amended to read as follows: "*And provided further*, That the proposed closing of any street, road, highway, or alley, or any parts thereof, as provided for in this Act, shall be referred to the National Capital Planning Commission for determination as to conformity with the Comprehensive Plan for the National Capital prepared and adopted pursuant to the National Capital Planning Act of 1952. No such closing shall be approved by the District of Columbia Council unless the National Capital Planning Commission shall determine that it conforms to the comprehensive plan or would not adversely affect the Federal Establishment at the seat of government or the conservation of important historical and natural features of the National Capital; or unless the Planning Commission shall adopt a conforming amendment to the comprehensive plan.".

TITLE III—TAXING AUTHORITY, FEES, LICENSING

PART A—TAXING AUTHORITY AND FEES

TAXING AUTHORITY

SEC. 301. (a) For the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year, the taxes specified in subsection (b) at such rates as will, when added to the other revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made. The District of Columbia Council is authorized and directed to ascertain, determine, and fix annually such rates of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed. The District of Columbia Council shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out.

(b) The taxes referred to in subsection (a) are the taxes imposed under—

(1) the District of Columbia Income and Franchise Tax Act of 1947;

(2) the District of Columbia Sales Tax Act;

(3) the District of Columbia Use Tax Act;

(4) the District of Columbia Cigarette Tax Act;

(5) the District of Columbia Alcoholic Beverage Control Act;

(6) paragraphs 5, 6, 7, 9, and 14 through 17 of section 6 of the Act of July 1, 1902 (relating to the tax on financial institutions and public utilities); and

(7) title V of the District of Columbia Revenue Act of 1937.

FEES

SEC. 302. The District of Columbia Council is authorized and empowered to fix, from time to time, in accordance with section 303 of this Act, the fees authorized to be charged by the following Acts or parts of Acts:

(1) Section 2 of this Act entitled "An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia", approved March 3, 1931 (D.C. Code, sec. 1–232).

(2) Sections 571, 586a, 753, and 754 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, secs. 1–514, 29–414, 35–905, and 35–906).

(3) Sections 5 and 6 of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia", approved August 6, 1956 (D.C. Code, secs. 2–2005 and 2–2006.)

(4) Sections 7, 40, and 42 of the Act entitled "An Act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes", approved June 19, 1940 (D.C. Code, secs. 29–807, 29–840, and 29–844).

(5) Section 121 of the District of Columbia Business Corporations Act, approved June 8, 1954 (D.C. Code, sec. 29–936).

(6) Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (D.C. Code, sec. 29–1092).

(7) Section 2 of chapter 2 of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (D.C. Code, sec. 35–402).

(8) Section 13 of title V of the Act entitled "An Act to regulate marine insurance in the District of Columbia, and for other purposes", approved March 4, 1922 (D.C. Code, sec. 35–1113).

(9) Section 41 of chapter II and section 53 of chapter III of the Fire and Casualty Act, approved October 9, 1940 (D.C. Code, secs. 35–1345 and 35–1363).

(10) Section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (D.C. Code, sec. 40–423).

(11) The Act entitled "An Act relating to tax-sales and taxes in the District of Columbia", approved February 6, 1879 (D.C. Code, sec. 47–306).

(12) Section 21 of title II of the District of Columbia Revenue Act of 1939, approved July 26, 1939 (D.C. Code, sec. 47–1521).

(13) Section 4 of article I of title V of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (D.C. Code, sec. 47–1564c).

(14) Paragraphs 14, 15, and 16 of section 6, and paragraph 42 of section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, secs. 47–1706, 47–1707, 47–1708, and 47–2101).

(15) Sections 1 and 4 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (D.C. Code, secs. 47–1801 and 47–1804).

(16) Section 3 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (D.C. Code, sec. 47–1903).

(17) Sections 1 and 3 of the Act entitled "An Act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes", approved June 19, 1878 (D.C. Code, secs. 47–2001, 47–2002, and 47–2003).

(18) Section 2 of the Act entitled "An Act to prevent fraud at public auctions in the District of Columbia", approved September 8, 1916 (D.C. Code, sec. 47–2202).

(19) Section 138 of the District of Columbia Sales Tax Act, approved May 27, 1949 (D.C. Code, sec. 47–2615).

(20) Section 2 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (D.C. Code, sec. 47–3002).

(21) Section 1 of the Act entitled "An Act to authorize associations of employees in the District of Columbia to adopt a device to designate the products of the labor of their members, to punish illegal use of imitation of such device, and for other purposes", approved February 18, 1932 (D.C. Code, sec. 48–401).

FEES; COUNCIL ADJUSTMENT

SEC. 303. The District of Columbia Council may, with respect to each of the fees established by the Acts or parts of Acts listed in section 302 after public hearing, increase or decrease such fees to such amounts as may, in the judgment of the Council, be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of administering each Act or part of Act to which the fee relates.

PART B—LICENSING

DISTRICT COUNCIL AUTHORITY

SEC. 311. The District of Columbia Council (hereinafter "Council") is authorized and empowered to make, from time to time, usual and reasonable regulations which require a license for any occupation, profession, business, trade, or calling, including those occupations, professions, businesses, trades, or callings heretofore regulated by Act of Congress. Such regulations may include, but are not limited to, provisions prescribing qualifications and standards for the licensing of persons to engage in the occupations, professions, businesses, trades, and callings affected by such regulations, establishing classes of such licenses, fixing license fees, prescribing grounds for the suspension or revocation of such licenses, prescribing procedures for the granting, renewal, denial, suspension, or revocation of such licenses, establishing the periods for which such licenses are to be valid, and fixing penalties of a fine not exceeding $300 or imprisonment for not exceeding ninety days, or both, for the violation of such regulations, including, but not limited to any violation of a provision prohibiting a person from falsely holding himself out, in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this part. The Council is further authorized and empowered, if it deems such to be necessary, to make regulations fixing penalties of a fine not exceeding $1,000 or imprisonment for not exceeding three years or both, for a second or any subsequent conviction of any violation of a provision prohibiting a person from falsely holding himself out in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this part.

ENFORCEMENT

SEC. 312. The unlawful practice of the occupations, professions, businesses, trades, and callings as defined by the regulations made pursuant to this part may be enjoined by the Superior Court of the District of Columbia, sitting as a court of equity, on petition by the Commissioner. In any such proceeding, it shall not be necessary to show that any person is individually injured by the act or acts complained of. A temporary restraining order may be issued by the court enjoining such unlawful practice prior to a hearing on the petition if the court determines that such order is necessary to protect the public. If, on the trial, it is shown that the respondent has unlawfully practiced an occupation, business, trade, or calling regulated pursuant to this part, the court shall permanently enjoin him from so practicing or continuing to practice, unless and until he has been duly licensed. The remedy by injunction given hereby is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof. Such cases shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate court, in the same manner and under the same law and regulations as apply to other suits for injunction.

AUTHORITY OF COMMISSIONER

SEC. 313. The Commissioner is authorized, in accordance with regulations issued by the Council under the authority of this part, to issue, deny, suspend, or revoke, for such cause as may be set forth in such regulations, and of the licenses authorized by any such regulations.

PROSECUTIONS

SEC. 314. All prosecutions for violations of any regulations issued by the Council under the authority of this title and all proceedings looking toward the suspension or revocation of licenses or registration and toward the issue of injunctions, under the provisions of this title or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

EFFECT ON PENDING ACTIONS

SEC. 316. Any judicial or administrative proceeding initiated prior to the effective date of this title under any Act or part of an Act specified in section 317, or under regulations made pursuant to any such Acts or part of Act, shall proceed to its conclusion without regard to the provisions of this title or of any regulations made pursuant thereto.

ACTS REPEALED

SEC. 317. The following Acts are repealed on the effective date of the regulations made by the Council relating to the occupation, profession, business, trade, or calling regulated by such Act:

(1) An Act to regulate the practice of the healing art to protect the public health in the District of Columbia, approved February 27, 1929 (D.C. Code, secs. 2–101—2–183).

(2) An Act to amend the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892 (D.C. Code, secs. 2–301—2–331).

(3) An Act to define the term of "registered nurse" and to provide for the registra-

tion of nurses in the District of Columbia, approved February 9, 1907 (D.C. Code, secs. 2-401—2-411).

(4) The District of Columbia Practical Nurses' Licensing Act, approved September 6, 1960 (D.C. Code, secs. 2-421—2-440).

(5) The Physical Therapists Practice Act approved September 22, 1961 (D.C. Code, secs. 2-451—2-472).

(6) An Act to regulate the practice of optometry in the District of Columbia, approved May 28, 1924 (D.C. Code, secs. 2-501—2-522).

(7) An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, approved May 7, 1906 (D.C. Code, secs. 2-601—2-617).

(8) An Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918 (D.C. Code, secs. 2-701—2-719).

(9) An Act to regulate the practice of veterinary medicine in the District of Columbia, approved February 1, 1907 (D.C. Code, secs. 2-801—2-812).

(10) An Act to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes, approved September 16, 1966 (D.C. Code, secs. 2-901—2-931).

(11) An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia, approved December 13, 1924 (D.C. Code, secs. 2-1001—2-1031).

(12) This District of Columbia Barber Act, approved June 7, 1938 (D.C. Code, secs. 2-1101—2-1118).

(13) An Act to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes, approved December 20, 1944 (D.C. Code, secs. 2-1201—2-1226).

(14) An Act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia, approved June 7, 1938 (D.C. Code. secs. 2-1301—2-1328).

(15) An Act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898 (D.C. Code, secs. 2-1401—2-1407).

(16) An Act to regulate steam engineering in the District of Columbia, approved February 28, 1887 (D.C. Code, secs. 2-1501—2-1507).

(17) The Professional Engineers' Regulation Act, approved September 19, 1950 (D.C. Code, secs. 2-1801—2-1818).

(18) An Act to define, regulate, and license real estate brokers, business chance brokers, and real estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real estate transactions; and for other purposes, approved August 25, 1937 (D.C. Code, secs. 45-1401—45-1418).

(19) Paragraph 44A of section 7 of the Act approved July 1, 1902 (D.C. Code, sec. 47-2344a), relating to the licensing of undertakers.

(20) Subsection (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes", approved December 20, 1944 (D.C. Code, sec. 1-244(b)), relating to the bonding of persons, firms, and corporations, other than utility companies, engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilation, air conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current.

(21) An Act to regulate the practice of psychology in the District of Columbia, approved January 8, 1971 (D.C. Code, secs. 2-481—2-498).

VETO OVER CERTAIN COUNCIL ACTION

SEC. 318. Any action of the Council taken under section 301, setting certain tax rates, under section 302, setting certain fees, or under section 311, relating to the licensing of certain businesses and professions, shall be effective only if during until the end of the forty-day period (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) immediately following the date of such action neither House of Congress adopts a resolution stating that that House does not approve of such action; and if during the ten-day period following such forty-day period the President does not veto such action. The Chairman of the Council shall submit to the Speaker of the House of Representatives, to the President of the Senate, and to the President, a copy of each such action taken by the Council on the day such action is taken.

HEARINGS

SEC. 319. Section 6 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1505), relating to public notice and public participation in rulemaking, shall apply to any action of the District of Columbia Council taken under section 301, setting certain tax rates, section 302, setting certain fees, or under section 311, relating to the licensing of certain businesses and professions.

TITLE IV—FEDERAL PAYMENT; DISTRICT BUDGET AND FINANCIAL MANAGEMENT

PART A—FEDERAL PAYMENT

DUTIES OF MAYOR-COMMISSIONER

SEC. 401. (a) It shall be the duty of the Commissioner in preparing an annual budget for the government of the District of Columbia, to develop meaningful intercommunity expenditure and revenue comparisons in conjunction with data supplied by the Federal Government's Division of the Bureau of the Census, and to identify elements of cost and benefits to the District of Columbia which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Commissioner under this subsection shall be made available by the Commissioner, after consultation with the Federal Government's Division of the Bureau of the Census, to the Federal Office of Management and Budget for its use in preparing and submitting to the Congress recommendations concerning the level of the appropriation for the annual Federal payment to the District of Columbia made under section 1 of article 6 of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a). Such Federal payment should operate to encourage efforts on the part of the government of the District of Columbia to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Commissioner, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should consider, among other elements, the following:

(1) Revenues unobtainable because of the relative lack of taxable commercial and industrial property.

(2) Revenues unobtainable because of the relative lack of taxable business income.

(3) Potential revenues that would be realized if the following exemptions from District taxes were eliminated:

(A) nonresident income earned in the District;

(B) other special exemptions from individual income taxes; and

(C) exemptions from sales taxes.

(4) Recurring and nonrecurring costs of unreimbursed services to the Federal Government.

(5) Other expenditure requirements placed on the District by the Federal Government which are unique to the District.

(6) Benefits of Federal grants-in-aid relative to aid given other States and local governments.

(7) Recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government.

(8) Benefits derived through Treasury borrowing.

(9) Higher than average sales tax revenue from tourist trade.

(10) Benefits from museums, parks, libraries, and cultural activities which are financed by the Federal Government or are located in the District because it is the Nation's Capital.

(11) Net costs, if any, after considering other compensation for tax base deficiencies and the direct and indirect taxes paid, of providing services to tax-exempt nonprofit organization and corporate offices doing business only with the Federal Government.

(12) Benefits of a relatively stable economy.

DUTIES OF THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 402. (a) In addition to its other duties regarding the budget of the District of Columbia as specified in section 412, the Federal Office of Management and Budget shall determine and recommend each year to the Congress the amount of the appropriation for the annual Federal payment to the District of Columbia, taking into account the findings and recommendations of the Commissioner under section 401 of this Act. Along with the recommended amount of such appropriation there shall be included such supporting material and justification as are necessary for the Congress to exercise its legislative responsibilities. Each recommendation regarding an annual Federal payment shall be made for the next following year, and shall be submitted to the Congress by the Federal Office of Management and Budget.

(b) If the Commissioner, on the basis of his determinations under section 401, concludes that the authorized amount of the annual Federal payment to the District of Columbia should be increased (using the prior year authorization as a base), he shall make such recommendation through the Federal Office of Management and Budget to the Congress, along with the appropriate supporting material and justification, at least eighteen months before the beginning of the fiscal year for which he is recommending such increase in authorization.

PART B—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

FISCAL YEAR

SEC. 411. The fiscal year of the District of Columbia government shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 412. (a) The Commissioner shall prepare and submit to the Council and to the Congress through the Federal Office of Management and Budget pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 2), and make available to the public, an annual budget for the District of Columbia government which shall include—

(1) a combined program-agency budget for the forthcoming fiscal year to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; to combine program narrative justification material and sup-

porting statistics within the individual agency presentation formats; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated existing or proposed resources;

(2) an annual budget message which shall summarize supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear operating plan for all agencies of the District government as required under section 413;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 414;

(5) reports comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with internal audits reports of the District of Columbia government and the reports of the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenues or budgetary implications, and other similar issues selected by the Commissioner, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The Commissioner from time to time may prepare and submit to the District of Columbia Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Commissioner shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Commissioner shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR OPERATING PLAN

SEC. 413. The Commissioner shall prepare and include in the annual budget a multiyear operating plan for all agencies included in the District budget, for all sources of funding, and for such program categories as are set out in the annual budget. Such plans shall be based on the actual experience of the past two years, on the approved current fiscal year budget, and on estimates for at least the three succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, expanded, or decreased programs and capital project commitments proposed for each of the succeeding three fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) effect of proposed staffing projections and operating requirements on the need for future capital projects;

(6) revenues and funds like to be available from existing revenue sources at current rates or levels;

(7) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(8) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(9) debt servicing cost projections for repayment of Treasury loans for capital projects.

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 414. The Commissioner shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District of Columbia government which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least three fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Municipal Planning Office for the District pursuant to section 3 of the Act of June 6, 1924 (D.C. Code, sec. 1–1003); and

(3) appropriate maps or other graphics.

DISTRICT OF COLUMBIA'S BUDGET

SEC. 415. The District of Columbia courts shall prepare and annually submit to the Commissioner annual estimates of the expenditures and appropriations necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Commissioner to the Council for its action pursuant to section 412 without revision but subject to his recommendations.

CONGRESSIONAL APPROPRIATION PROCESS

SEC. 416. Notwithstanding any other provision of law, unless specifically authorized or directed by the Congress, there shall be no change made in existing laws, regulations, or basic procedures and practices as they relate to the respective roles of the Congress, the President, the Federal Office of Management and Budget, the United States Department of the Treasury, the Comptroller General of the United States, the District of Columbia Council, and the Commissioner in—

(1) the preparation, review, submission, examination, authorization, and appropriation of the total budget for the District of Columbia;

(2) the establishment of line-item limitations, personnel ceilings, and program or project control amounts by the Congress on proposed obligations or expenditures;

(3) the financing of capital projects through the United States Treasury;

(4) the apportionment, obligation, expenditure, reprograming, transfer, or reallocation of appropriated funds; and

(5) the control, supervision, and examination of financial transactions and operations.

TITLE V—THE DISTRICT OF COLUMBIA COUNCIL

PART A—THE COUNCIL

CREATION OF COUNCIL

SEC. 501. (a) There is established in the District of Columbia a District of Columbia Council consisting of eight members, elected one each from the eight election wards established under the District of Columbia Election Act. The Council shall be nonpartisan with members being elected on a nonpartisan basis without regard to their political party affiliation.

(b) The term of office of the members of the Council shall be four years beginning at noon on January 2, except of the members first elected to the Council—

(1) four members as determined by the Board of Elections by lot shall be elected for a term of four years beginning at noon on January 2, 1975; and

(2) four members as determined by the Board of Elections by lot shall be elected for a term of two years beginning at noon on January 2, 1975; and

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

(d) The Chairman and Vice Chairman of the Council shall each be selected by the members of the Council from among their number. The Council may establish and select such other officers and employees as it deems necessary to carry out its functions.

COMPENSATION FOR MEMBERS OF THE COUNCIL

SEC. 502. (a) Each member of the District of Columbia Council established under this title shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be appropriated from time to time by the Congress.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman. The Vice Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $2,500 per annum, payable in equal installments, for each year he serves as Vice Chairman.

POWERS OF THE COUNCIL

SEC. 503. (a) The District of Columbia Council established under section 501 shall have all functions, powers, and duties vested in or transferred to the District of Columbia Council established by Reorganization Plan Numbered 3 of 1967, and vested in the District of Columbia Council by this Act.

(b) The District of Columbia Council established under Reorganization Plan Numbered 3 of 1967 is abolished as of noon January 2, 1975.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 504. (a) No person shall hold office as a member of the Council unless he (1) is a qualified elector, (2) is domiciled in the District and resides in the ward from which he is nominated, (3) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (4) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. Such a member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

Sec. 505. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education," the following: "the members of the District of Columbia Council".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'Council' means the District of Columbia Council established by title V of the District of Columbia Governmental Reorganization Act."

(3) Section 8 of the Act is amended by adding at the end thereof the following new subsection:

"(s) The eight members of the Council, one from each of the eight wards in the District of Columbia, shall be elected by the people of the District of Columbia in the general election. Each candidate in the general election for member of the Council shall be nominated for such office by a nominating petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred qualified electors who are duly registered under section 7 of this Act who reside in the ward from which the candidate seeks election. A nominating petition for a candidate in a general election for member of the Council may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for a member of the Council, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate nominated to be elected to such office from such ward.".

(4) Section 10(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The first general election for members of the Council shall be held on the Tuesday next after the first Monday in November 1974, and thereafter, on the Tuesday next after the first Monday in November of every second calendar year. In any such general election the candidate receiving the highest number of votes shall be declared elected except if no candidate receives at least 40 percent of the total number of votes cast in such election, a runoff election shall be held between the two candidates receiving the two highest number of votes cast in such election. Such runoff shall be held by the Board within two weeks after such general election."

Part B—The Office of the City Administrator

CITY ADMINISTRATOR

Sec. 511. There is established for the District of Columbia the office of City Administrator, who shall be appointed by the Commissioner of the District of Columbia, by and with the advice and consent of the Council and who shall be by education and experience well qualified in city and public administration. The City Administrator shall serve at the pleasure of the Commissioner and shall have those duties of the assistant to the Commissioner specified in Reorganization Plan Numbered 3 of 1967, as shall be set forth in greater detail by order of the Commissioner. The City Administrator shall receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

Part C—National Capital Service Area

ESTABLISHMENT OF THE AREA

Sec. 521. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building. Where such area is bounded by any street, such street and any sidewalk thereof shall be included within such area. Any Federal real property affronting or abutting such area, as of the date of enactment of this Act, shall be deemed to be within such area. Such area shall be more particularly described by Executive order of the President.

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

COMPENSATION OF THE DIRECTOR; STAFF

Sec. 522. The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5315 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

POLICE ASSISTANCE

Sec. 523. Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

PRESIDENTIAL RECOMMENDATIONS

Sec. 524. Within one year after the date of enactment of this Act, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capitol Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

Page 1, strike out all of the table of contents.

Page 4, line 1, strike out "TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS".

Page 4, line 4, strike out "101" and insert in lieu thereof "1".

Page 4, line 8, strike out "102" and insert in lieu thereof "2".

Mr. NELSEN (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment for the amendment in the nature of a substitute be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Chairman, I will be very brief. I think most of the Members have examined the bill that I am speaking about that was introduced on October 2. It is the so-called Green-Nelsen bill. What this bill does is to set up the recommendations of the so-called Nelsen Commission in every case where there are, shall we say, local problems; it shifts some agencies to the city government on the one hand, yet on the other hand it provides the National Planning, Capital Planning, with comprehensive overall review of the District government. It does provide for eight elected members of the Council and the Mayor would be appointed; the Chief of Police would be appointed then by the Mayor.

Now, then, the purpose again gets back to my original amendment, and the reason that the Mayor was appointed was because of the law enforcement facility of the District of Columbia. Feeling, as I found, that so many were concerned about it, that is why the bill was drafted thusly.

I had hoped that I could go along with the bill that provided for an elected Mayor. Perhaps I still will.

I did feel I would offer this substitute to the many supporters of this bill, so they would have a chance to vote it up or down.

I will ask for a recorded vote on the substitute.

Mr. HARRINGTON. Mr. Chairman, I rise to voice my strong opposition to H.R. 10692, the Nelsen substitute to the D.C. Self-Government Act.

The residents of the District of Columbia deserve to be granted the basic right of self-government that we all enjoy. Thus, I support H.R. 9682, the committee bill before us providing for self-government to D.C. citizens. The Nelsen substitute seems to present nothing more than an illusion of self-government. The City Council would be granted little new authority. Congress would continue to possess much of its present legislative and budget functions of the District. Judges would still be appointed by the President, as would the Mayor. I suspect that certain provisions of the substitute in reality mask unwarranted fears and assumptions of bad faith concerning the nature of a popularly elected government in the District of Columbia.

The right of self-government is a basic and long overdue right the residents of the District should enjoy. The Nelsen substitute is an undesirable alternative to H.R. 9682, and I urge my colleagues to join me in opposing it.

Mr. DIGGS. Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, we have had a very helpful exercise here this afternoon. The substitute, which is known as the committee substitute, has made further accommodations reflecting the will of the Committee.

I think that is about the best that anyone can expect at this stage of the proceedings.

I know the distinguished gentleman from Minnesota has some very serious views about this entire matter and that he has exercised his prerogatives with good will. I can appreciate that he, after having put so much thought and energy into his substitute, would want some kind of formalized expression on it, but I believe our product is better and that it incorporates many of the principal things that concern both of us.

For that reason I believe the substitute offered by the gentleman from Minnesota should be voted down.

Mr. NELSEN. Will the chairman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. NELSEN. I feel I would be missing an opportunity if at this time I did not express my gratitude to the chairman and the committee for their courtesy, because we have kept our association on a very friendly basis, sometimes having a difference of opinion but usually trying to reach a goal. I want to thank the chairman for his kind cooperation, because we have sat down several times on this matter and we are now getting down to the home stretch.

I want to say to Mrs. GREEN that I give my very hearty thanks to her for what she has done.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

I shall not take the full 5 minutes. Seldom have I worked with a person of such great integrity as ANCHER NELSEN. His honest, sincere, longstanding interest in good government and home rule for the District of Columbia should win him nothing but praise.

Mr. NELSEN and I were cosponsors of the substitute; obviously I rise in support of that substitute which was made in order by the majority of the members of the Rules Committee.

I must say at the same time, while the committee bill was on a bipartisan basis and the substitute ANCHER NELSEN and I proposed was on a bipartisan basis, most of the changes incorporated originally in our substitute are now in the committee bill, several of them offered, over the weekend, in the new committee print and then amendments offered and approved today.

There are two or three areas where I think the Members of the Congress and the residents of the District will be concerned in years ahead, those being in terms of the appointment of the Chief of Police and the appointment of the Mayor.

Also there is the provision in the committee bill that if the Council and the Mayor take a particular action—unacceptable to the Congress—the committee print says Congress will have 30 days in which to change that action. If an overwhelming number of the Congress disapprove of something done by the Mayor and the City Council, under the committee bill the only procedure available is for such a disagreement to first go to the District of Columbia Committee. They would have to report it out; it would have to be approved by the House, go through the same procedure in the Senate, and signed by the President. I suggest to the Members of this body that it could not be done in 30 days. So that committee print provision is imaginary rather than real.

In summary I say to you I think our substitute bill is preferable and better. I intend to support Congressman Nelsen's motion. May I repeat—He should be given great credit for his leadership—his honest concern about home rule in the District of Columbia while at the same time protecting the Federal interest.

I am grateful to the members of the committee and the others who supported the amendments and the changes that I think vastly improve the original committee bill.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Minnesota (Mr. NELSEN) for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS).

RECORDED VOTE

Mr. NELSEN. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 273, not voting 17, as follows:

[Roll No. 511]

AYES—144

Alexander
Archer
Arends
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Blackburn
Bowen
Bray
Brooks
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Duncan
Edwards, Ala.
Fisher
Flynt
Ford, Gerald R.
Fountain
Froehlich
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Haley
Hammerschmidt
Hanrahan
Harsha
Hastings
Hays
Henderson
Hinshaw
Hogan
Holt
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Ketchum
King
Kuykendall
Landrum
Latta
Lott
Lujan
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Parris
Passman
Pike
Powell, Ohio
Price, Tex.
Quie
Quillen
Randall
Rhodes
Roberts
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Sikes
Snyder
Spence
Steed
Steiger, Ariz.
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Waggonner
Wampler
Ware
Whitehurst
Whitten
Williams
Wilson, Bob
Wyatt
Wydler
Wyman
Young, Fla.
Young, S.C.
Zion
Zwach

NOES—273

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brotzman
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dent
Diggs
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Landgrebe
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Poage
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Whalen
White
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOT VOTING—17

Bolling
Collier
Crane
Denholm
Evins, Tenn.
Frey
Hanna
Hébert
Hudnut
Kyros
Lent
Mailliard
Mills, Ark.
Nedzi
Pickle
Sandman
Sullivan

So the substitute amendment for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. DIGGS. Mr. Chairman, the Nelsen substitute proposal just rejected by the House on a vote of 144 ayes to 273 noes is not a home rule proposal. If enacted, it would have left the U.S. Congress in a role of a "District of Columbia City Council." Such measures as a bill to permit kite flying in the District of Columbia, which passed the 91st Congress, at the request of the Smithsonian Institution would continue to require an act of Congress. The substitute does not even call for a referendum of District residents, as home rule bills traditionally do.

The author makes no pretext. The bill is titled the "District of Columbia Governmental Reorganization Act," and is described as a bill "to implement certain recommendations of the Commission on the organization of the government of the District of Columbia—so-called Nelsen Commission—to reorganize the governmental structure of the government of the District of Columbia, and for other purposes."

Any so-claimed "home rule" features of the Nelsen substitute are relegated to "and for other purposes."

Basically the Nelsen substitute is, as its title states, a bill to implement certain recommendations of the Nelsen Commission. The gentleman from Minnesota (Mr. NELSEN) has stated for some time that he planned to move to strike the Nelsen Commission recommendations from the committee bill and to move to pass them separately.

The attached section-by-section analysis outlines the major and considerable differences in the two proposals—the Nelsen "Governmental Reorganization Act" and the committee substitute "District of Columbia Self-Government and Governmental Reorganization Act."

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

COMMITTEE SUBSTITUTE TO H.R. 9682	NELSEN SUBSTITUTE TO H.R. 10692
Title I—Short Title, Purposes and Definitions	No such provision.
Title II—Governmental Reorganization	*Title I—Governmental Reorganization*
Transfers National Capital Housing Authority to D.C. Government (follows Nelsen Commission recommendations) (Sec. 202).	Transfers National Capital Housing Authority to D.C. Government but requires NCPC (National Capital Planning Commission) approval of all public housing projects (alters Nelsen Commission recommendations) (Sec. 101).
Transfers D.C. Manpower Administration to D.C. Government (follows Nelsen Commission recommendations) (Sec. 204).	Authorizes D.C. Commissioner to operate a public employment service in the District but under Department of Labor supervision. No funds or personnel are transferred to the D.C. Government to operate said program. Authority to administer employee compensation claims are not transferred (completely differs from Nelsen Commission recommendations) (Sec. 102).
Transfers Redevelopment Land Agency to the to D.C. Government—for example, the City Council would adopt urban renewal boundaries and plans (follows Nelsen Commission recommendations) (Sec. 201).	Transfers Redevelopment Land Agency to D.C. Government but does not provide for continuation of small business program authority and requires submission of urban renewal plans to NCPC for approval *or veto* (alters Nelsen Commission recommendations) (Sec. 103).
Transfers local planning functions from the National Capital Planning Commission (NCPC) to the D.C. Government but reserves to NCPC authority to review *and possibly veto* all plans—NCPC vetoes any plan it judges to adversely impact upon the federal interest. Citizens would be involved in the local planning process. NCPC could make recommendations on proposed zoning amendments. All zoning adjustments must conform with the comprehensive plan for the National Capital. Changes NCPC Board to membership of 12, including Mayor and Council Chairman and 2 persons appointed by Mayor (Sec. 203). (Generally follows Nelsen Commission recommendations.)	
	Title II—Planning
	Designates NCPC as the central planning agency for the District of Columbia. D.C. Government would merely prepare elements of the comprehensive plan for approval *or veto* by NCPC. Citizens would not be involved in the local planning process, but could review and comment after plans are developed. Zoning amendments must be approved or vetoed by NCPC. The Commissioner would have no authority to appoint members of the NCPC Board. All appointment authority is reserved to the President. Zoning amendments, together with platting and subdivision amendments must be submitted to NCPC for approval *or veto*. Plans for proposed developments or projects, acquisitions of land or leases, to be paid out of Federal or District funds must be submitted to NCPC for approval *or veto*. The District Government's six-year public works program would be reviewed annually by NCPC. Street and alley closings would be submitted to NCPC for approval *or veto*. Transportation plans would be submitted to NCPC for approval *or veto*. Urban renewal plans and any modifications must be submitted to NCPC for review and approval *or veto*. (Completely differs from Nelsen Commission recommendations) (Sec. 201–203).
Title III—District Charter Preamble, legislative power delegated from Congress to the District of Columbia government and charter amending procedures	No comparable provisions.
Delegates legislative authority to the District Government and provides a charter amendment procedure.	
Title IV—The District Charter	*Title V—The District of Columbia Council*
The Council: establishes a 13-member Council, five elected at-large, eight elected by ward, in non-partisan elections. Vacancies to be filled by special election. Council Chairman elected by the Council from the members at-large (Sec. 401).	The Council: establishes an eight-member Council elected from wards in nonpartisan elections. Vacancies would be filled by the President of the U.S. The Council would elect a Chairman and Vice-Chairman. No provision is made for the disposition of a tied-vote (Sec. 501).
Establishes qualifications for holding office (Sec. 402).	Establishes qualifications for holding office—no differences from H.R. 9682 (Sec. 402).
Provision is made for Council members' compensation and for its periodic review and possible veto (follows Nelsen Commission recommendations) (Sec. 403).	Provision is made for compensation but does not provide for its adjustment (generally follows Nelsen Commission recommendations) (Sec. 502).
Vests the Council with the legislative authority delegated in Title III, together with all authority enjoyed by the current Council under Reorganization Plan No. 3 of 1967. The Council has reorganization powers independent of the Mayor concerning the District government. The Mayor may veto acts of the Council subject to a ⅔ vote override by the Council. (Sec. 404).	Gives the Council the powers enjoyed by the current Council under Reorganization Plan No. 3 of 1967. (Sec. 503).
	Title III—Taxing authority, fees, licensing
	Authorizes the Council to set certain tax rates within the appropriation level established by the Congress (Sec. 301).
	Authorizes the Council to set certain fees established by Acts of Congress in accordance with certain procedures (Sec. 302–2).

SECTION-BY-SECTION ANALYSIS—Continued

COMMITTEE SUBSTITUTE TO H.R. 9682—Continued	NELSEN SUBSTITUTE TO H.R. 10692—Continued
	Authorizes the Council to regulate certain occupations, professions, businesses, trades (Sec. 311). All Council actions under the above sections are subject to both a Presidential veto and a veto by either House of Congress. (Sec. 318).
Enables Council Chairman to act in Mayor's stead when Office of Mayor is vacant (Sec. 411).	No such provision.
Establishes Council procedures for passage of acts and resolutions and requirements for quorum (Sec. 412).	No such provision.
Establishes Council's investigatory powers.	No such provision.
Provides for an elected Mayor (Part B).	No such provision—See Title V, Pt. B.
Provides for appointment of Judges by the Mayor from a list of nominees submitted to the Mayor by a Judicial Nomination Commission of 9 members (five Federally-appointed, two appointed by Mayor, two by D.C. Bar) and continues Commission on Judicial Disabilities and Tenure. Judges' terms are 15 years. Court structure established in 1970 Act is specifically retained and Council is prohibited from changing the D.C. Code regarding organization, administration and jurisdiction of the D.C. Courts. This section of the bill may not be amended by the District Government (Part C).	No such provision.
District budget and financial management (Part D)	*Title IV—Part B: District budget and financial management*
Establishes a July 1 fiscal year (Sec. 441).	Same (Sec. 411).
Requires the Mayor to prepare and submit to the Council *and the Congress* an annual budget consisting of certain specified elements (follows Nelsen Commission recommendations) (Sec. 442).	Same (Sec. 412).
Requires the Mayor to include in annual budget a multi-year plan consisting of certain specified elements (follows Nelsen Commission recommendations) (Sec. 443).	Essentially similar to H.R. 9682 except omits references to bonds and includes effect of proposed staffing requirements on need for future capital projects (follows Nelsen Commission recommendations) (Sec. 413).
Requires Mayor to include in annual budget a multi-year capital improvement plan (follows Nelsen Commission recommendations) (Sec. 444).	Essentially similar but omits reference to bonds (follows Nelsen Commission recommendations) (Sec. 414).
Provides for forwarding of D.C. Courts' budget to Council without revision but subject to Mayor's recommendations (Sec. 445).	Essentially similar (Sec. 415).
Same as Nelsen substitute (Sec. 446).	Provides that no changes shall be made in existing laws governing appropriations process for D.C. Government (Sec. 416).
Requires Mayor to ensure consistency between budget, accounting and personnel control systems (Sec. 447).	No such provision.
Establishes financial duties of the Mayor (Sec. 448).	No such provision.
Establishes accounting supervision and control duties of the Mayor (Sec. 450).	No such provision.
Establishes the general fund and procedures for special funds (Sec. 451).	No such provision.
Governs contracts extending beyond one year (Sec. 452).	No such provision.
Establishes independent D.C. Auditor and auditing procedures (Sec. 455).	No such provision.
Part E—Borrowing.	No such provision.
Part F—Independent Agencies.	
Authorizes the Mayor with the advice and consent of the Council to appoint the members of the Board of Elections, the Public Service Commission and the Armory Board (Sec. 491–93–94).	No such provision.
Reconstitutes the Zoning Commission to provide that three members will be appointed by the Mayor, with the advice and consent of the Council. Provides that zoning changes will be submitted to NCPC for comment and must conform with the comprehensive plan for the national capital. Architect of the Capital and Director of National Park Service continue to serve on Zoning Commission, along with the three appointed members. (Completely differs from Nelsen Commission recommendations) (Sec. 492).	All zoning changes must be submitted to NCPC for approval or veto—no other changes from existing Zoning laws (completely differs from Nelsen Commission recommendations) (Sec. 201).
Authorizes the Mayor and Council to set the annual budget ceiling for the Board of Education with the Board specifying its expenditures (Sec. 495).	No such provision.
Part G—Recall procedure.	No such provision.
Title V—Federal payment	*Title IV, Part A—Federal payment*
Requires that the Mayor develop revenue comparisons in preparation for submission to Council and Federal Office of Management and Budget for use in submitting comments to Congress on the level of the Federal payment. Certain elements are specified for inclusion. Authorizes Mayor to submit request for federal payment to the Council and, after approval, to the President for submission to the Congress. Each request must be received seven months prior to the fiscal year in question. (follows certain Nelsen Commission recommendations) (Sec. 502).	Requires the Commissioner to develop revenue comparisons in preparation of annual budget for submission to Federal Office of Management and Budget for its use in submitting its recommendations on level of federal payment to the Congress. The elements specified for inclusion are similar to those in H.R. 9682 except that additional elements are included. (Follows certain Nelsen Commission recommendations) (Sec. 401).
Authorizes the appropriation of an annual lump sum unallocated federal payment for $250 million for FY 1976 and thereafter (follows certain Nelsen Commission recommendations) (Sec. 503).	No such provision (eliminates one Nelsen Commission recommendation).
No such provision.	Authorizes Federal Office of Management and Budget to determine and recommend to Congress the level of the Federal payment, taking into account the Mayor's findings under above section. If the Commissioner determines that the Federal payment should be increased, he must make the recommendation through the OMB at least 18 months prior to the fiscal year in question. (Sec. 402).
Title VI—Reservation of Federal authority	
Retains Constitutional authority for Congressional ultimate authority; sets limits on the Council, on borrowing and spending and refers to Congressional action on certain District matters.	No such provision.
The Charter, upon enactment, is submitted to District residents in a referendum.	No such provision.
Provides for succession in government, temporary provisions, miscellaneous amendments to D.C. construction and effective dates.	No such provisions except for minor amendment to D.C. Elections Act to provide for election of City Council members.

SECTION-BY-SECTION ANALYSIS—Continued

COMMITTEE SUBSTITUTE TO H.R. 9682—Continued	NELSEN SUBSTITUTE TO H.R. 10692 —Continued
Title IV—Part B: The Mayor Authorizes the Mayor to appoint a City Administrator to serve at his pleasure, to act as his chief administrative officer, and to assist him in performing his functions. (Follows Nelsen Commission recommendations) (Sec. 422(7)).	*Title V—Part B: Office of City Administrator* Establishes the office of City Administrator to be appointed by the Commission by and with the advice and consent of the Council. He would serve at the Commissioner's pleasure and would have those duties of the assistant to the Commissioner specified in the Reorganization Plan No. 3 of 1967 as set forth by the Commission. (Follows Nelsen Commission recommendations) (Sec. 511).
No such provision.	*Title V—Part C: National Capital service area* Establishes the National Capital Service Area to include the principal Federal monuments, White House, Capitol and Federal buildings adjacent to the Mall and the Capitol. Establishes the National Capital Service Director in the office of the President who would ensure, for the President, the provision of adequate police and fire protection, maintenance of streets and highways and sanitation services in the enclave (Sec. 521). Provides for compensation to the Director and authorizes him to fix pay of necessary personnel (Sec. 522). President to make recommendation on consolidation of Federal police services (Sec. 523–24).

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DIGGS), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. O'NEILL, having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, pursuant to House Resolution 581, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LANDGREBE. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LANDGREBE moves to recommit the bill, H.R. 9682, to the Committee on the District of Columbia.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. DIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 343, nays 74, answered "present" 1, not voting 16, as follows:

[Roll No. 512]

YEAS—343

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dent
Derwinski
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zablocki
Zion
Zwach

NAYS—74

Ashbrook
Bauman
Blackburn
Bray
Brooks
Broyhill, Va.
Burleson, Tex.
Camp
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collins, Tex.
Conlan
Daniel, Dan

Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dingell
Fisher
Flynt
Goodling
Gross
Haley
Hébert
Hogan
Holt
Hosmer
Huber
Hutchinson
Jarman
Landgrebe
Landrum
Lott
Mathis, Ga.
Michel
Mizell
Montgomery
Moorhead, Calif.
Parris
Passman
Patman
Pike
Poage
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Sebelius
Sikes
Skubitz
Snyder
Spence
Steed
Steiger, Ariz.
Symms
Taylor, Mo.
Teague, Tex.
Treen
Waggonner
Whitten
Wiggins
Wilson, Bob
Wyman
Young, Fla.
Young, S.C.
Young, Tex.

ANSWERED "PRESENT"—1

McCormack

NOT VOTING—16

Collier
Crane
Denholm
Evins, Tenn.
Frey
Hanna
Hudnut
Kyros
Lent
Mailliard
Mills, Ark.
Nedzi
Pickle
Sandman
Smith, Iowa
Sullivan

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Pickle for, with Mr. Evins of Tennessee against.

Mr. Nedzi for, with Mr. Denholm against.

Mr. Mailliard for, with Mr. Collier against.

Until further notice:

Mr. Hanna with Mr. Crane.

Mr. Kyros with Mr. Frey.

Mrs. Sullivan with Mr. Hudnut.

Mr. Smith of Iowa with Mr. Lent.

Mr. Mills of Arkansas with Mr. Sandman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. O'NEILL). Pursuant to the provisions of House Resolution 581, the Committee on the District of Columbia is discharged from the further consideration of the Senate bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIGGS moves to strike out all after the enacting clause of the Senate bill S. 1435 and insert in lieu thereof the provisions contained in H.R. 9682 as passed by the House, as follows:

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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5–701—5–719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5–703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5–703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5–704(b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422 (12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1–1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commissioner shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition.

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1–1002 (e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1–1004), is amended as follows:

(1) Subsection (a) of such section is amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1–1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1–1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1–1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1–1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49–49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933 specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49(b)(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36–121—36–133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36–123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the governments of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary of the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act, subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401(a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practically filled at the next general election to be held in the District occurring within sixty days of the date on which a specical election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the Duties and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determine, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leaves, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdictions.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal, and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be apppointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in section 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a)(1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of

Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filed by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a writen evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the President shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia Courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c) (1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d) (1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the President requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart I—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) The Mayor shall prepare and submit to the Council and to the Congress by January 10 of each year, and make available to the public, a budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated existing or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATIONS OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"——— ———,

"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedngs shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c)(1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty or exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes, or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1–1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5–412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5–413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such

Act (D.C. Code, sec. 5-414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5-417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice within thirty days from the date of submission to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43-201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Milita, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies."

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1-1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail) whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office held by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title 11 of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the usual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable, because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONGRESSIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5-405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provision of this Act, no such act, resolution, or rule shall take effect until the end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year:

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(e) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the precedent of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

relating to the application of the rules of the Senate or the House of Representatives, as

(j) Appeals from the decisions of the Chair the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ————, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"[ ] For the charter

"[ ] Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provisions of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Supreme Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The costs to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141 (c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raise thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capitol Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39-603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

PRESIDENTIAL RECOMMENDATIONS

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recommendations.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north on John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River, and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

EMERGENCY CONTROL OF POLICE

SEC. 740. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the day of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost.

DELEGATE TO THE SENATE

SEC. 743. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate.

The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h)(1)(A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District of such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B)(i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at-large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at-large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k) (1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, the general election for the office of Mayor and member of the Council shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education,".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of title VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975 if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and parts B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "To reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9682) was laid on the table.

PERSONAL EXPLANATION

Mr. McCORMACK. Mr. Speaker, on rollcall No. 512 that was just taken on final passage of the District of Columbia home rule bill, I find that I am recorded as having voted "present." I must have inadvertently pressed the wrong button when I inserted my card in the electronic device.

I had intended to vote "aye," and I ask that my statement appear in the RECORD following rollcall No. 512.

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS IN SECTION NUMBERS, PUNCTUATION AND CROSS REFERENCES IN ENGROSSMENT OF HOUSE AMENDMENTS TO S. 1435

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to the bill S. 1435 the Clerk be authorized to make technical corrections in section numbers, punctuation, and cross references.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE ON HARSHA AMENDMENT

Mr. KETCHUM. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days in which to revise and extend their remarks relative to the Harsha amendment in the Committee of the Whole today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS APPROPRIATIONS, 1974, AT ANY TIME AFTER TODAY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that it shall be in order to call up for consideration the conference report on H.R. 8525, Department of Housing and Urban Development, space, science, veterans appropriations, 1974, at any time after today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REQUEST TO DISCHARGE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 572

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 572, a resolution of inquiry, and that the resolution be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Objection, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO DISCHARGE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 572

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 572, a resolution of inquiry, and, further, that the resolution be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Mr. Speaker, reserving the right to object, and I shall not object, I have ascertained from the distinguished chairman of the Committee on the Judiciary that this action is taken with his consent, and therefore I do not object, and withdraw my previous objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

"PEOPLE-BE-DAMNED" ECONOMIC POLICY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, the independent bakers of this country are closing their doors at phenomenal rates. The Nixon administration's "people-be-damned" economic policy and the Soviet wheat deal has created a serious shortage in wheat. Other commodities markets are faced with similar disruptions. The President is more concerned with balance-of-trade surpluses and foreign policy objectives than with helping the consumer here at home.

The phase IV continuation of the trickle down theory is the settle at the top theory. Under the controlled monopoly of Nixon, the small businessman gets squeezed out so that the giants of industry can increase their profits. At the present rate, phase V will see an end to Government control and the beginning of monopolistic controls in every industry.

Today, I and 22 of my colleagues from New York State and Pennsylvania will introduce legislation to help assure an adequate supply of domestic commodities before any export licenses are granted.

This legislation will also require the Secretary of Agriculture to do an annual survey of the commodities stocks and to make this report public in advance of the harvest season. Moreover, he will have to set aside a reasonable carryover, which is defined in the bill as 40 percent, to help assure Americans that there will be no shortage of supply for domestic needs.

The bill is particularly needed in the industries dependent on adequate supplies of wheat. We are presently consuming 800 million bushels of wheat from the current crop. Projections of on-hand supplies for the next crop is some 2.1 billion bushels. Unfortunately, export commitments to other nations already total 1.4 billion bushels leaving only 700 million bushels for domestic needs. This shortfall could increase if demand for wheat rose here in this country or if supplies were required for humanitarian need in countries like Bangladesh or in areas like west Africa.

This bill we are introducing will apply to the 1973 crop year for wheat as well as for other grains, beef, poultry, and dairy products. The measure will not eliminate exports; rather it will rearrange priorities so that the domestic market is accommodated first. Then, it will provide for a more orderly distribution to foreign markets by allocating the remaining commodities to all bidders.

The United States will not be alone in this control of exports. Argentina, Australia, and the Common Market have already taken similar measures. Canada, the other major producer of wheat for export, is preparing similar controls. If the U.S. market remains completely open to foreign demand without any consideration of domestic demand, we will experience far greater shortages than anyone has yet contemplated.

Mr. Speaker, I and my colleagues from New York will be seeking the cosponsorship of other Members from other States. This bill affects every American consumer and will even prove beneficial to the farmer. I urge the Banking and Currency Committee to take this measure up immediately. If we are going to avoid extensive crop shortages this year, this measure must be passed before the end of the first session.

PUBLIC CAMPAIGN FINANCING

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 10 minutes.

Mr. BIESTER. Mr. Speaker, Mr. FRASER, Mr. HARRINGTON, and I along with 16 cosponsors are today reintroducing legislation to provide for the public financing of all Federal general elections. The events surrounding Watergate and other campaign misdeeds have triggered many calls for long overdue reforms in the area of campaign and electoral activities, but few would have quite the positive impact of Federal campaign financing.

Watergate has shown a persistence which has surprised many. It has done so not because of any artificial perpetuation but as the result of a deep-seated public revulsion to the many disgraceful and offensive actions—under the catchall word Watergate—which occurred prior to and during the 1972 campaign. Most certainly, the people want Congress to tend to other critical problems of the day, but they do not want this done to the exclusion of meaningful campaign and electoral reform. Congress can go through the motions of responding to Watergate and then turn to business-as-usual, leaving the matter of reform for election-time rhetoric, but as tragic as Watergate is, to ignore the need and opportunity for substantive changes in the way we conduct our elections would in itself be an almost greater tragedy.

Public financing of Federal elections is not a new idea and neither is it a panacea for all that ails the body politic. Most assuredly, however, it will go to the root of those practices and abuses which have come to light as the result of Watergate.

While we will never achieve the full equality goal envisioned in the Supreme Court's one-man-one-vote decision, we can do much more to reach toward that point where one individual's vote carries the same weight at the ballot box—and in legislative chambers and executive offices—as another's. So long as private contributions and special interest money play such a prominent role in campaigns, votes will remain unequal and the balance will continue to be tipped in favor of those with the money to dispense.

The results of a recent Gallup poll reveal that almost two-thirds of the public—with majorities of Democrats, Republicans, and independents—favor the idea of public financing for all Federal candidates, and this support has increased since spring when the question was last asked in a survey.

Our legislation amends the Presidential Election Campaign Fund Act to provide public financing for both Presidential and congressional general elections. Private financing is restricted. Revenues for candidates would come from the dollar check-off provision of the Federal income tax which would be increased from $1 to $2—or $4 on a joint return—and from whatever general revenues may be necessary to make up for deficits.

Presidential and senatorial candidates of a major party—one which received 25 percent or more of the total popular vote cast for the office in the preceding election—would be entitled to receive 15 cents multiplied by the constituency's voting age population. Had this been in effect for the 1972 election the Democratic and Republican Presidential candidates each would have been entitled to approximately $21 million. In comparison, President Nixon is estimated to have raised about $60 million and Senator McGovern, $28 million. Stipulation is made that a Senate candidate of a major party receives at least $175,000. For major party House candidates the entitlement is the greater of $50,000 or an amount based on the average expenditure per voter in the two preceding elections in the district.

A "minor" party is defined as one receiving more than 5 percent but less than 25 percent of the popular vote in the preceding election, and a minor party candidate's entitlement is based proportionately on his party's share of the vote in the preceding election.

It is estimated that public financing will cost about $150 million in Presidential years and $100 million in off-year congressional elections. For a 4-year period, the total is $250 million and broken down on a yearly basis it is slightly over $60 million. The legislation would go into effect in 1976.

Private campaign contributions are not synonymous with "dirty" money, but over the years instances of abuse have generated an air of impropriety and revelations of the role played by money in recent campaigns have done little to dispel such an impression. Favors and favoritism and unethical and illegal campaign practices have been associated with sizeable campaign contributions to the point where the public's confidence in the integrity of its elected officials is rapidly deteriorating.

Money as it is associated with political campaigns carries very negative connotations, and this undermines the honest efforts of those involved in campaigns. The thought of a large contributor or special interest underwriting the costs of a campaign pamphlet, a TV or radio spot or a rally subject the entire effort to doubt. It demands an answer to the question: "What's in it for him?"

Public financing is not an extravagant or unnecessary expenditure of public money. Rather, it is an insurance policy against the degenerating effects of special interest politics. At a cost of less than 30 cents a year per citizen we can take a big step forward toward eliminating the special interest influences which result, directly and indirectly, in increased costs to the consumer for the food he eats, the clothes he buys and a host of other expenses of daily life. So long as private and special interest money pervades the political process, the image of compromised officials will remain in the public mind and continue to eat away at whatever public confidence is left.

It is a sad commentary, in my estimation, that private financial contributions are considered an untouchable fixture of participatory democracy. Our sense of values is skewed if the health of our political and governmental systems is gaged by the numbers of contributors and the amount of money they give. The percentage of voters who actually contribute anything to political campaigns is not high—only between 8 and 12 percent in the presidential election years over the past two decades. If we measure the vitality of citizen involvement in government by the extent to which they reach down into their pockets, we would have to be disappointed, and all the sophisticated and extensive efforts to increase the number of contributors which have been employed in recent elections have not been notably successful. What is more, the bulk of money contributed is in relatively large amounts. Over two-thirds of the $60 million contributed to House and Senate candidates in 1972, for instance, was in amounts of $100 or more.

By allowing private contributions—even with a maximum limit imposed—we are turning our backs on the necessity of confronting influence politics head-on. A candidate for a House seat may spend as little as a few hundred dollars on his campaign or as much as a couple hundred thousand. The Clean Elections Act legislation, coauthored by John Anderson and Mo Udall, has generated widespread support. One of its provisions would impose a $1,000 limit on the amount a private contributor could give a congressional candidate. However, in most House races a $1,000 contribution is a sizable amount.

Although the Anderson-Udall bill represents a positive step toward reducing the size of campaign contributions, it fails to get to the real source of the problem.

Public financing holds the potential of revitalizing the party structure in this country. Political party organizations will still be able to solicit funds and spend money on party-building and election activities. Indeed, our bill could help strengthen the national party organizations and enhance their effectiveness in the political process. Parties could become the focal point of renewed interest and the recipients of some of the financial support which now goes to candidates.

In many respects, writing a check is too easy a way in which to demonstrate one's involvement in the political process. Citizens who are truly concerned about an election's outcome can indicate their commitment to a candidate by volunteering their time and energy in his campaign. The dedication of such supporters is a commodity money cannot buy. Attention to the cultivation and development of the kinds of people-to-people campaigning which can be accomplished by increased citizen participation will have a salutary effect on the political system.

A candidate's popularity is not and should not be equated with the amount of money he can raise. A few large contributors to an "inferior" candidate can more than offset many smaller contributions to a "quality" candidate. The size of a candidate's campaign chest is a poor test of his popularity. His popularity is revealed when the votes are cast on election day, and this is a reflection of his abilities and those of the people committed to his candidacy.

The spending limits specified in the bill are suggestive only. Some observers would consider them too high, others too low. The point is that a reasonable and realistic figure should be determined which is fair and equitable to both incumbents and challengers. Public financing should not work to the advantage of either the incumbent or the challenger. A figure which is too low would likely work to an incumbent's advantage and one too high could be meaningless and simply promote frivolous and unnecessary campaign spending.

Critics of Federal financing claim the plan is an incumbent's dream. It need not be if the figure agreed to is high enough for a challenger to mount a credible campaign and low enough to place a lid on needless spending.

The case cannot be made with any definite assurance that challengers would necessarily be at a disadvantage under public financing. The present system certainly is not geared to benefit or assist the challenger. Despite very significant obstacles, challengers do manage to win, however, and money is not always the deciding factor. In the 1972 election a few were able to win who actually spent less than their incumbent opponents. More would be successful if incumbents had less money to supplement their acknowledged built-in advantages of office. In the past three general elections, 97 percent of incumbent Representatives who stood for reelection have been reelected and 83 percent of incumbent Senators. Public financing has the potential of bringing a greater sense of fair play to what is now an unreasonably discriminatory electoral system.

While it is unrealistic and impossible to place all candidates for a particular office on an undeterminably equal footing, we can do something positive to reduce the glaring advantages created by unlimited money from private sources. We never will equalize the influence every citizen has on the electoral process. By reason of their influence in the community, their influence among friends or their personal involvement in campaign work some individuals will have an impact on an election beyond that of their own vote. These are vitally significant factors and in the best tradition of democratic politics. Money no longer is—if it ever was—and the disadvantages it perpetuates leave unfulfilled the closer approximation of the one-man-one-vote principle.

Federal financing is a dramatic reform and because it is it receives critical evaluation and, from some quarters, vocal and stiff opposition. Watergate will pass, but its causal effects may not. The term Watergate connotes much, and what it brings to mind is a vivid documentation of the kinds of abuses of the campaign and electoral process which go on at all levels of government and which will continue to erode our democratic system until and unless something is done about it. Public financing can help restore much of what has been lost, and I believe this concept deserves our most serious consideration.

U.S. INITIATIVE IN MIDEAST SETTLEMENT MUST SUCCEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BAKER) is recognized for 5 minutes.

Mr. BAKER. Mr. Speaker, in view of the seriousness of the outbreak in the Mideast, I do not want to be guilty of expressing the obvious, but I do feel our Nation has two important obligations:

First. We must do everything possible to confine the fighting to the immediate area involved; and

Second. Use every avenue for bringing about an immediate ceasefire.

As many of my colleagues know, I have been a frequent critic of the United Nations. I am not convinced that it has been an effective force to date for preserving the peace or for achieving settlements between hostile adversaries. Still, I believe that all of the elements are present in the United Nations organization to achieve results in crises of this kind.

I feel the President has acted wisely in taking the initiative by calling on the U.N. to intercede. I hope the Security Council will act on his recommendation to give the present outbreak priority attention. I see this particular settlement as an opportunity for the United Nations to vindicate itself for its past failures.

We must also recognize that the solution of this crisis will be a true test of the climate of the détente between the United States, the Soviet Union, and the People's Republic of China. These major powers are now conferring with each other on a more friendly basis. We have a far better understanding of each other's goals and means of achieving them. If we are to function as responsible members in the family of nations, we must mean what we say about world cooperation and especially about keeping the peace.

We can either work through the United Nations, or outside the organization through direct contacts with the countries involved and the world powers which can have influence on the policies of the combatants. I realize that these approaches are interrelated to a certain extent, but the détente is a new element which was not present in 1967. It could well be the determining factor in the delicate negotiations which will bring the kind of settlement the peace of the world demands.

It has been suggested that the timing of this outbreak was designed to test the effectiveness of our new Secretary of State and American policies under him. If such is the case, then it must be conceded that the Nixon-Kissinger approach has scored well. We have taken the initiative; we are ready to use our power and our influence to stop the war and to pave the road for serious discussions about a lasting settlement.

Mr. Speaker, we can now observe with interest the effectiveness of the peacekeeping machinery of the United Nations. The capability is obviously there if the will is present on the part of the members of the Security Council. We can also look intently at the relaxation of tensions between the United States, Russia, and Red China in the presence of an international interest rather than the selfish interest of the parties involved. We can understand how much genuine progress has been made.

But the watchword is action. There is no time for indecision or deferment.

THE CITY OF WASHINGTON, D.C.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 5 minutes.

Mr. TREEN. Mr. Speaker, there is no question that we in the U.S. Congress want good government for the District of Columbia. We also want the citizens of the District of Columbia to control their local affairs to the fullest extent possible. However, any legislation to provide home rule for the District of Columbia must be within the confinement of our Constitution as envisioned by the Founding Fathers. As President Taft, in a speech, once argued:

> This city (Washington, D.C.) is a home of the government of a nation, and when men who were just as much imbued with the principles of civil liberty as any who have come after, Washington at the head, put into the Constitution the provisions with reference to the government of the District of Columbia, they knew what they were doing, and spoke for a coming possible eighty millions of people, who should insist that the home of the government should be governed by their representatives; and that if there were in that eighty millions of people men who desired to come and share in the grandeur of that capital and live in a city of magnificent beauty as this was and enjoy all the privileges, then they come with their eyes open as to the character of the government that they are to have, and they must know that they must depend not upon the principles ordinarily governing in popular government, but that they must trust, in order to secure their liberty—to get their guaranties—they must trust to the representatives of eighty millions of people selected under that Constitution.

Well, what does in fact the Constitution say about the District of Columbia? Article I, section 8, of the Constitution reads that it is the responsibility of Congress to:

> Exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to excercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be . . .
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

Mr. Speaker, I doubt any one can question the wisdom of the Founding Fathers. It was their intent that our Nation's Capital was to take a unique position in this country; Washington, D.C., was to be a city belonging to each and every one of us. As President Taft stated:

> Washington intended this to be a Federal city, and it is a Federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets, and begins to feel that "this is my city; I own a part of this Capital, and I envy for the time being those who are able to spend their time here." I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the result vindicates the foresight of the fathers.

Like President Taft, I, too, am a nationalist when it comes to the question of home rule for the District of Columbia. And it is because of my position that I am so concerned about the bill on home rule (H.R. 9682) that the House Committee on the District of Columbia has brought before us today.

This legislation goes far beyond what any President, including Johnson and Kennedy, has ever recommended. For example, the legislation provides the mayor of the District with almost total appointive authority over the heads of the District departments and agencies, including police and fire chiefs. This legislation also eliminates Presidential appointment of judges in the District, provides exemption for District residents to the Hatch Act, and delegates such broad legislative authority as to be unconstitutional or permit excessive "experimental" local legislation. It furthermore provides that the Federal payment authorization be an unlimited, unallocated lump sum for 4 years. Since we have had Government, the authority over the purse has been the symbol of sovereignty. Thus in this measure alone I see the abdication of congressional responsibility as prescribed by our Constitution. And let us not forget that about 50 percent of the District of Columbia budget is provided through appropriations of national tax revenue by the Congress—tax money that comes out of the pocket of every American.

I am also concerned about this legislation, because it does not provide for Presidential veto power to protect the Federal interest in the District of Columbia. Again, let me emphasize, such a proposal goes far beyond what any President has ever recommended. Now I know that supporters of this bill argue that Congress can repeal local enactments. But such repeal would require an act of Congress. This means that any such measure would have to pass both the Senate and the House—if it could ever be maneuvered through committee—and then go to the President for signature.

However, this legislation also provides the local government with the authority to amend its charter at any time. Thus the local government could negate congressional acts far more easily than we could pass legislation. In short, the U.S. Congress would have nothing more than token veto power.

Mr. Speaker, we should not take the meaning of the Federal City—the city that belongs to all Americans—lightly, and we certainly can ill-afford to ignore our constitutional responsibilities.

A SALUTE TO THE REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHERLE) is recognized for 5 minutes.

Mr. SCHERLE. Mr. Speaker, today the Republic of China celebrates its 62d anniversary. I would like to join with my colleagues in expressing the sincere hope that this nation will continue to experience democratic freedom and economic success.

Since the province of Taiwan was retroceded by Japan to the Republic of China in 1945, the economic growth of this country has skyrocketed. It has progressed from light industry to sophisticated and heavy industry with remarkable speed and is now a leader in the areas of petrochemicals and shipbuilding.

I recently had the privilege of visiting Taiwan and had a firsthand look at this nation which has entered the era of industrialization with such remarkable results.

The 15½ million residents of Taiwan have not only advanced in the areas of commerce and industry, but their educational system has kept pace as well. Enrollment in institutions of higher education tops 200,000. Their cultural renaissance movement has not only succeeded in preserving the world's oldest continuing culture, but has also brought progress in all of the arts.

Taiwan received our foreign aid for many years and today stands as an excellent example of success in this area. It is now self-dependent and an important sector of the world-trade market.

I hope our friendship and good will with this ally continues for many years to come. The Republic of China is a prime model of the importance of freedom and democracy in our world today.

THE MIDDLE EAST MUST AGREE TO A CEASE-FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 5 mintues.

Mr. MARTIN of North Carolina. Mr. Speaker, today I am joining with other concerned Members of the House in supporting administration efforts to restore peace in the Middle East. It is urgent that the moral influence and response of all countries not a party to the present military conflict be to seek to prevail upon all combatants to agree to a cease-fire, a return to their previous lines, and good faith negotiation of their national claims in conflict.

The recent attack by the nations of Egypt and Syria upon their neighboring nation of Israel not only endangers the future of the people of the Middle East, it threatens the entire world. It focuses attention on the fragility of peace elsewhere and on the tenuous nature of detente among other military powers. The alliances and other international commitments in this sensitive part of the world could quickly expand to a global conflagration in the present struggle.

We cannot now know whether the battle plan of the invading armies is limited to seizing control of lands formerly held by them in the Sinai Peninsula and Golan Heights, respectively. Considering earlier military attacks by them in recent years, the prudent conclusion must be that they seek to destroy and conquer Israel. Should the initial attacks succeeed in their immediate objective the offensive momentum of the invasion would not likely produce, of itself, a halt. The appetite for conquest, denied a few years ago at great embarrassment to the Arab allies, would surely be whetted to the point of seeking to devour all of Israel. Such aggression must not be condoned, and must not succeed.

The passions which motivated the surprise attack will not be quenched by a cease-fire. They will only smoulder as they have in the past. They may well rage until, with some decisive assault, one side or the other is subdued. This unfortunate situation has roots which go deep into recorded history, with the surging back and forth of mighty armies of ancient nations and tribes across the narrow Fertile Crescent. As a consequence of this succession of occupancy, the disputed territory is a vital and coveted part of the heritage of both Arab and Jew, intensified all the more by religious traditions.

While these factors must be understood, they must not prevail over other considerations which favor stability, nonmilitary settlement of disputes and normalization of relationships between nations. Accordingly the House of Representatives needs to express on behalf of all the people of the United States our support and encouragement for those diplomatic endeavors of our President and State Department to influence a termination of warfare among our friends in the Middle East.

MORE ON FOREIGN INVESTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I would like to submit for my colleague's attention the following article from the Cincinnati Post. The article describes in some detail the circumstances that prompted me to introduce, H.R. 8951, the Foreign Investors' Limitation Act:

U.S. FACTORY SCENE GETS FOREIGN ACCENT

(By Robert Dietsch)

WASHINGTON.—The Japanese are coming, the Japanese are coming!

And so are the Swedes, the French and the Germans—all with money in hand and eager to invest it in the United States.

Lured by a "cheaper" dollar and by the greatest consumer market in the world, these foreigners are hunting for sites on which to build factories. They are seeking to turn U.S. sales and marketing toeholds into solid-based American operations.

In 1972, foreign direct investments in the United States rose $708 million, about twice as much as in 1971. At the end of 1972, foreign direct investment here was a record $14.4 billion. Most observers think the rate of increase will be much greater in 1973.

Direct investment by foreign corporations has doubled in the last decade. And there have been these recent developments:

Volvo, the Swedish automaker, said it will build a $100 million production plant near Norfolk, Va.

Volkswagen, the German automaker, and Toyo Kogyo, the Japanese company which makes the rotary-engine Mazda, are considering building plants in this country.

The Michelin Tire Co. of France will build a $200 million plant in the Greenville, S.C., area.

Auburn Steel Industries of Japan is building a steel plant near Auburn, N.Y. It will employ 200 persons and be the first Japanese-owned steel mill in the country.

Kikkoman Shoyu of Japan is producing soy and teriqaji sauce in a new $6 million plant near Walworth, Wis.

Sony Corp. of America, owned by the Sony firm in Japan, is planning to produce TV picture tubes in San Diego. The new plant will be adjacent to the Sony plant which has been assembling color TV sets.

Burda Druck, GmbH, of West Germany has entered a joint agreement with the Meredith Publishing Co. of Des Moines, Iowa, to print the Ladies Home Journal Magazine at Lynchburg, Va.

Eleven Japanese companies and several German firms have built production plants at a new industrial park in Newport Beach, Calif.

The Commerce Department says foreign corporations in years past were primarily interested in setting up trading or sales companies in the United States. But today, the department's experts say, foreigners are increasingly interested in establishing full production facilities. Direct foreign investment in manufacturing grew from $2.8 billion in 1962 to almost $8 billion today.

These reasons figure in the trend:

The dollar has been devalued twice, thus increasing the buying power of foreign currencies in this country. It's becoming cheaper to produce here than export goods from abroad.

The U.S. stock market has been depressed, and foreigners have taken advantage of bargains. For example, the British-American Tobacco Co. bid for the stock of Gimbel Brothers Inc., the department store. The deal was worth $195 million. Nestle Alimentana, a Swiss firm, paid $105 million in cash for the Stauffer Corp., a division of Litton Industries. Litton stock has been depressed, and the company has been eager to sell off some subsidiaries.

Foreign corporations have gone through a wave of mergers in recent years. The resultant companies have enough assets to afford the considerable price of U.S. investments and take the risk that those investments will succeed.

Japanese firms are under pressure from their government to invest and export their huge dollar surpluses built up in recent years.

Wages abroad have been rising rapidly, narrowing the gap between them and American wages.

The United States has been encouraging foreign investments to help the nation's chronic balance of payments deficits. Moreover, by allowing free foreign investment here, the government offsets foreign criticism of heavy American investment overseas.

PENNY POSTCARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, in the 91st and 92d Congress I introduced legislation which would reestablish the penny postcard, and in light of the U.S. Postal Service's recent announcement that they will raise postal rates effective in January of 1974, I am again proposing a bill that would bring back the penny postcard.

I realize that many will say that in these times of rising costs a penny postcard is unthinkable, but I say that it is time to think of the common man. It is one way to provide an avenue of communication for those currently living on a fixed income and for those who are the poorest of the poor in this great land. It is time for the common man's franking privilege.

With the first-class rate going to 10 cents come January of 1974, and with telephone and telegraph rates out of sight for countless numbers, there is nothing left for those financially poor without the 1-cent postcard.

As you know, Congress has given up the responsibility for setting rates, and we no longer have anything to say about the cost of postage, so we will have no answers for our constituents.

Postal service is one of the fundamental services provided by the Government, and there should not be an economic bar to this service. There should always be at least one rate that is available to every citizen, no matter how poor he may be.

I think that it is within the realm of reason to have a Postal Service that is efficient enough to handle postcards for a penny—and, if it cannot do that, then perhaps we should consider subsidizing it. After all, no matter how poor a person is, he could still afford a penny postcard, and this would enable him to stay in touch with his family, friends, and even his Congressmen.

Many probably feel that we should not subsidize postal rates, but I doubt if postcard subsidies would cost as much as has been spent on other largesses—and certainly would provide far greater benefit.

There are those who protest that a penny postcard rate would be snapped up by bulk mailers, and the Postal Service would be swamped and ruined by billions of penny postcards. But this is absurd, because we could write into the rate a provision that a penny postcard should be a personal communication, from one individual to another, and that it is no way available for any commercial use.

After all, that was what the penny postcard was invented for, to serve people who need to tell someone easily, conveniently, reliably, and at a very little cost, that everything is all right, or that everyone is OK, or, in the case of a Congressman, I like the way you represent me in Congress, or I do not like the way you represent me. In any event, it would help to keep people in contact with one another for a very reasonable sum.

Do we need such a service? I say we do, and I would venture to say that from the letters I have received from people across the country when I introduced this bill in the past, many of your constituents feel that we do.

We should bring back the penny postcard—perhaps it would bring us back together.

ISRAEL AGAIN FIGHTS FOR SURVIVAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, I deplore the outbreak of hostilities that occurred this past Saturday in the Middle East. For Egypt and Syria to have undertaken such action on the most sacred day of the Jewish New Year, adds immeasurably to the tragedy. We are informed today that Iraq has joined in the fighting. I find it most difficult to find the words to express my deep feelings over these events.

Mr. Speaker, in the bluntest of terms, the little nation of Israel is once again forced to fight for its very survival.

Yesterday in most of the cities and communities across our Nation people of all faiths and persuasions joined to express their concern. In Philadelphia, 15,000 to 16,000 people gathered in the John F. Kennedy Plaza to display their support for Israel. Unfortunately, I could not be there as I am presiding over the hearings being held by the Housing Subcommittee. I did, however, send a message to be read at the rally by Mr. Benjamin S. Lowenstein, president of the Jewish Community Relations Council of Philadelphia. I ask that the telegram be included at this point in the RECORD.

OCTOBER 9, 1973.

DEAR BEN: While I cannot be with you personally because of the need to be in Washington for legislative business, I trust you will convey my sympathy and support for the Israeli cause at the rally to be held today.

I share the concern for Israel which you here evidence by your presence. Once again the Arab neighbors of Israel display their complete recklessness; their lack of responsibility as members of the world community and disregard for the basic elements of human decency. Since its creation in 1948, Israel has only wanted to live in peace with its neighbors and the community of nations. The Arab nations have not only refused to allow that condition to prevail, they have thwarted all efforts to attain that basic human desire. They have repeatedly relied upon treachery in the hopes of destroying Israel, always to their own disadvantage, defeat and humiliation. Their actions of this past Saturday, on Yom Kippur, the highest of Holy Days for the Members of the Jewish faith, are unconscionable. The indications by other Arab countries to apply oil pressure diplomacy upon the rest of the world to force Israel to back off in its fight for survival, is more than just unrealistic. We here in the United States must fully and loudly express our extreme disapproval and condemnation of the most recent actions of Egypt and Syria.

If the United Nations is to be truly a world voice for decency, it must now voice its disapproval to Egypt and Syria and censure both nations. It is long past time that all of the members of the community of nations recognize the last remaining threat to a world at peace is that of the intransigence of the Arab neighbors of Israel. Sanctions against them should be imposed as an expression of extreme disapproval—so that they will finally realize that direct negotiations must be undertaken in good faith and that the situation of the past 25 years cannot continue.

Congressman BILL BARRETT.

PUBLIC FINANCING OF ASSISTED HOUSING UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, as Members know, our colleagues, Mr. BARRETT and Mr. ASHLEY, recently introduced a most comprehensive and progressive piece of legislation which charts important new directions for Federally-assisted housing programs. The bill, H.R. 10036, the "Housing and Urban Development Act of 1973," represents a truly positive response to the needs of both low- and middle-income families.

I invite your attention to provisions of the bill which authorize a new approach for the public financing of assisted housing projects. If enacted, these provisions would enable us to maximize the impact of each Federal subsidy dollar at a lesser cost to the Federal Treasury than current financing systems allow.

Chapter I of the bill would authorize a program of community development and housing block grants to States and localities. To finance the construction, rehabilitation, modernization, or acquisition of housing which is to receive the benefits of these block grants, three methods are proposed: first, FHA mortgage insurance; second, where the housing is to be publicly owned, Federally-guaranteed tax-exempt obligations, a financing mechanism now used in our low-rent public housing program; and third, where the housing is to be privately owned, Federally-guaranteed taxable obligations of a State or local government agency, combined with interest reduction grants covering 30 percent of the interest payable on the obligations.

This third approach is the one I wish to discuss briefly. A State housing finance agency, for example, would borrow at a taxable rate, say 8 percent; HUD would fully guarantee the principal and interest payable on the obligations, agreeing to pay the bondholders 30 percent of the interest due on the bonds; this would reduce the effective interest rate on the obligations to 5.6 percent; the State agency would lend the funds to a housing sponsor, usually a limited-dividend developer or nonprofit organization, at 5.6 percent; and the city or county government would then use its housing block grant funds to write down actual home-ownership costs or rent levels for housing occupants even further.

The experience of State housing finance agencies over the past few years has shown the advantages of this type of financing technique. Public borrowing allows housing to be financed at rates much lower than prevailing mortgage interest rates, permitting the assisted housing to serve families of lower income than would otherwise be possible with the same subsidy dollar.

A 2½ percent to 3 percent point reduction in interest costs, for example, is translated immediately into a $20 to $30 per month reduction in rents in a typical multifamily project. Furthermore, by issuing the Federally-guaranteed taxable obligations, whose effective rate would be reduced by a 30 percent Federal interest grant, State and local governments can further reduce their borrowing costs to about one-fourth of a percentage point below current tax-exempt rates. As a result, an additional $3 to $4 reduction in monthly rentals is made possible.

These housing program benefits can be achieved, moreover, with an actual gain in income to the U.S. Treasury. Instead of receiving no tax income on tax-exempt issues, the Treasury would collect taxes on interest income from the Federally-guaranteed taxable bond issues of State and local agencies. Such bonds are now held largely by banks, corporations, and individuals of above-average income. A conservative estimate would place these bond holders in marginal income tax benefits of 35 to 40 percent. The taxes collected by the Internal Revenue Service would exceed the 30 percent Federal grant paid to the State or local agency to reduce the effective interest rate on the obligations.

Finally, it should be noted that these provisions of H.R. 10036 are very much in line with the administration's own proposal for taxable municipal bonds. Under that proposal, presented to the Ways and Means Committee early this year, there would also be a 30 percent Federal grant for State or local obligations which are issued as taxable instruments. The advantages of this financing approach cited by the administration would be equally applicable to the financing of housing proposed under section 125 of H.R. 10036: the number of tax-exempt obligations and the interest rates on those remaining would be reduced, thus reducing municipal financing costs; and the Federal interest reduction grants would be more than offset by revenues from the taxation of taxable interest income received by bondholders. In short, section 125 would provide great advantages to States and cities utilizing its provisions, would benefit the recipients of our low- and moderate-income income housing programs, and would net revenues of the Treasury.

I congratulate my colleagues for proposing this excellent approach to providing long-term financing for our assisted housing programs.

Mr. Speaker, I include the following table prepared by Mr. Henry Schechter, senior specialist in housing of the Library of Congress, describing the interest rate assumptions and calculations upon which I have based my remarks:

Interest Rate Assumptions and Calculations Underlying Advantages of Taxable Versus Non-Taxable State Agency Issues

A. TAXABLE VERSUS NON-TAXABLE INTEREST COST

1. Taxable State housing agency taxable issue rate: 7.80.[1]

2. less: 30 percent Federal grant: —2.34.

3. net interest cost on taxable state agency issue: 5.46.

4. Current State housing agency tax-exempt rate: 5.80.[2]

5. Agency saving in taxable with 30% grant over tax-exempt issue: .24.

B. BENEFITS TO U.S. TREASURY

1. Tax revenue on Tax-exempt State bond: 0.

2. Tax revenue on 7.8 percent taxable: 2.73–3.12.[3]

3. less: 30 percent Federal grant on taxable:—2.34–2.34.

4. net gain to Treasury: .39–.88.

C. MORTGAGE VERSUS NET COST OF TAXABLE STATE ISSUE

1. Current mortgage rate (FHA): 8.50.

2. Estimated net rate on Taxable State issue: 5.46.

Difference: 3.04.

AID ISRAEL NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, I have joined as a cosponsor of a measure introduced by my colleague from Florida (Mr. LEHMAN) calling on the United States to immediately ship to Israel all the planes which have already been sold to that valiant little nation now struggling for its very existence.

Today news from the Middle East informs us that the Soviet Union has begun renewed arms shipments to its client states, Egypt and Syria, to replace the materiel which they have lost in the war. Furthermore, reports indicate that the Soviet government has been exerting pressure on heretofore uninvolved Arab states, such as Algeria and Lebanon, to enter the conflict.

News such as this makes it urgent that the United States not waste another moment in debating the propriety of various courses of action in the Middle East. Israel has lost what is, for her, tremendous amounts of manpower and weaponry. The men cannot be replaced. But the weapons can, should, and must be replaced, immediately

The Soviet Union, in her actions in the Middle East, has demonstrated what her true interests are. They are not in detente, despite all manner of fine words to the contrary. Rather the Soviet Union is primarily interested in the destruction of Israel and the consolidation of her power in the Middle East. Such is not the proper attitude for a nation interested in achieving world peace.

The United States would be worse than foolish if we were merely to sit back now and engage in futile diplomatic efforts. Negotiation is all to the good, and is, in my mind, still the only way in which the Middle Eastern conflict can be permanently settled. But what good is negotiation if not done between equals? We must make sure, if we are truly committed to peace in the Middle East, that Israel will be able to negotiate with the Arabs on at least an equal footing. This means that Israel dare not lose the war which the Arabs have forced on her.

The losses that Israel has suffered in the last few days are staggering. Initial reports of casualties say that between 200 and 300 soldiers have died. Were America involved in such a conflict, a comparable casualty figure for us would have resulted in a death toll close to 30,000. The cost in money is equally shocking. Were the war to end tomorrow, Israel would not be able to pay for it until well after the year 2000.

The United States has always supported Israel. To be perfectly honest, we are the only place Israel can look to now for continued support. Israel cannot look to the free nations of Europe, because they are all afraid of taking sides. They are so dependent on Arab oil that, were they to voice the slightest support for Israel, they would face the risk of losing their precious fuel supplies.

Fortunately, the United States is not yet so dependent on oil from the Middle East that we must temporize out of fear. We can and should unequivocally declare our full support for Israel. The best way of doing this right now is to give Israel all the weapons she needs to replace those lost in the fighting.

Not only must we give her the weapons, but we must make sure that what we give to Israel will arrive there. If this means having the Sixth Fleet convoy the shipments from the United States to the docks at Haifa, then so be it. We have a commitment to Israel's survival that must be honored. Honoring such a commitment means taking risks. These are grave risks, but we must face them and accept them. To do less would be to abandon one of our staunchest allies to certain death at the hands of the Arab aggressors.

Russia has already committed itself to delivering weapons to her puppets. Were Russia truly interested in peace in the Middle East, she would instead have forced Egypt and Syria to stop fighting by refusing to resupply them. If the United States does not aid in resupplying Israel, we will be giving tacit approval to Arab aggression, and signing Israel's death warrant at the same time.

The need is urgent. The need is now. I call on the President of the United States to take immediate action, to do whatever is necessary, to protect Israel's existence. Anything less would be failing to honor our commitments.

JUDGE ROBERT W. HEMPHILL HONORED

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, our colleagues in the Congress, House and Senate, were pleased to learn of the great honor recently bestowed upon U.S. District Judge Robert Witherspoon Hemphill. Mr. Speaker, you will recall that Judge Hemphill represented the Fifth South

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[1] About equivalent to yield on a 10 year or longer Federal agency (e.g. FNMA, FHLB) obligation.

[2] On September 1, N.Y. State Housing Finance Agency sold 30–40 year obligations at rates of 5.8–6.2 percent and the Minn. Housing Finance Agency sold 30 year obligations at 5.7 rate.

[3] Assuming average bond holder marginal income-tax brackets of 35–40 percent.

Carolina District here with great dedication, honor, and distinction. Judge Hemphill was elected to the Congress upon the retirement of the illustrious James Prioleau Richards, chairman of the Foreign Affairs Committee and Ambassador at Large. Upon Congressman Hemphill's appointment to the U.S. District Court the Fifth District has been superbly represented by our beloved colleague Tom Gettys. Judge Hemphill is continuing a long family tradition of public service and devotion to the "American dream." His forebearers include Congressman John J. Hemphill, U.S. Senator John Hemphill, who also served as a Chief Justice of the Supreme Court of Texas, 1846–58, and Congressman Robert Witherspoon.

Mr. Speaker, the Association of Trial Lawyers of America recently presented the 1973 Judicial Award of Merit to our former colleague, my dear friend, and one of the Nation's most outstanding judges, the Honorable Robert W. Hemphill, U.S. District Judge for South Carolina. Judge Hemphill was honored in ceremonies at the Federal Court House in Columbia, S.C., with the Honorable Kenneth Baker, president of the South Carolina Trial Lawyers Association, presiding, and with remarks and the presentation by the Honorable G. Ross Anderson, Board of Governors of the Association of Trial Lawyers of America. Distinguished guests included the Honorable Joseph R. Moss, Chief Justice of the Supreme Court of South Carolina.

Mr. Speaker, Judge Hemphill was the recipient of the highly coveted Judicial Award of Merit "in recognition of his herculean efforts in alleviating court congestion and; in recognition of his expert mastery of trial advocacy and procedures, which are the products of wisdom and experience and; in recognition of his innovative and humane decisions which protect the injured, the accused, and the public and; in recognition of his dynamic promotion and leadership of the cause of continuing education."

Mr. Speaker, Judge Robert W. Hemphill was born on May 10, 1915, in Chester, S.C., to John McLure and Helen Witherspoon Hemphill. He attended the public schools of Chester and the University of South Carolina where he received his AB degree in 1936 and his LLB degree in 1938. He is married to the former Isabelle Anderson of Asherton, Tex., and has three children.

While a student at the university, he was an active participant in student affairs. He was president of the senior class, a member of the debating team, president of Omicron Delta Kappa Honorary Leadership Fraternity, a member of the track team, and a member of the Kappa Alpha Social Fraternity and Phi Delta Phi Legal Fraternity. He was also selected to Who's Who in American Colleges and Universities.

He was admitted to the South Carolina Bar in 1938, and was a member of the firm of Hemphill & Hemphill in Chester from 1938 to 1964. Judge Hemphill is a member of the South Carolina and Amercan Bar Associations, the American Law Institute, and the National Lawyers Club.

In 1941, he volunteered for the U.S. Army-Air Force, in which he served as a pilot until 1945. He has been a member of the U.S. Air Force Reserve since 1950.

Judge Hemphill began his career as a public servant in 1947, when he was elected to the South Carolina General Assembly. Later, he was solicitor of the Sixth Judicial Circuit from 1951 to 1956. In 1957, he was elected to the U.S. House of Representatives from the Fifth Congressional District of South Carolina, and served until 1964. While a Congressman, he was on the Post Office and Civil Service Committee and the Interstate and Foreign Commerce Committee. On May 1, 1964, he was appointed U.S. District Judge for the District of South Carolina.

Judge Hemphill is also active in church and civic affairs. He is an officer and Sunday school teacher in the Purity Presbyterian Church of Chester. He is a member of the American Legion, the Moose Lodge, the South Carolina Historical Society, and the South Carolina Wing of the Civil Air Patrol.

He has been described as a "forward looking and creative" judge. Judge Hemphill's opinions are characterized by his scholarly approach to the law and are noted for their persuasiveness and creativity. He is concerned about the crowded court dockets and the resulting slowness of the judicial process and has endeavored to alleviate this problem in his court. He effectively utilizes the pretrial conference to reduce the court time required for trials and conducts his court in such a manner as to promote efficiency. He also is a strong advocate of continuing education for the members of the legal profession.

ARAB-ISRAELI WAR

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, the eyes of the world are now riveted upon the critical situation in the Mideast. The administration's position seems to be merely that "some sort of equilibrium must be maintained." Equilibrium is unsatisfactory. Not only to the United States but all of Israel's allies must immediately resupply the Israeli's with all the modern arms necessary to restore the strategic balance and offset the tactical successes recently acquired by the blatant aggression of Egypt Syria—and now Iraq—started during a holiday. The first priority is to replace aircraft.

Only from a position of power can Israel return to the bargaining table and attempt to solve this highly emotional and controversial situation through negotiations.

Three million Israelis stand alone against 50 million Arabs. The situation is critical. Unlike the six-day war of 1967, which resulted in an Israeli victory, the current action is developing into a protracted war of attrition for which the Soviets have long been preparing the Arab world—and the Soviets allegedly are now resupplying these aggressors by air. The United States must do the same—and more.

First needed are air and ground weapons to stop the attack. Once the penetrations are stabilized, then negotiations may be possible—but lacking that, the pressure may be applied to make bargaining more appealing.

What is the world going to do for Israel? The Sword of Damocles has fallen. The Israeli people knew for days that the attack was coming but were prohibited by the vise of world opinion and pressure from the administration from conducting a preemptive strike which might have turned the tactical tables to their advantage. Instead, they had to stand and take the first blow.

Desert warfare is the toughest fighting conceivable on both men and equipment. Merely to exist in the desert takes much of a man's strength and ingenuity; to fight there takes his every effort, plus those of every friend and ally. The ravages of the Russian-supplied Egyptian and Syrian armies have been severe. Russian ground-to-air missiles—SA-2, SA-3 and SA-6's—and Russian aircraft have taken a heavy toll on Israeli aircraft and men. Russian tanks have done the same.

Under such a ruthless attack on Israel, our country and other allies of Israel have no alternative but to come immediately to the aid of a friend. Losses of aircraft must be resupplied immediately, and consideration should be given to providing all the war material needed to defend against and stop the attack.

IMPROVED DENTAL SERVICES FOR ARMY AND AIR FORCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I am today introducing legislation to im- services in the Army and Air Force. The proposed changes will make the Army Dental Corps and the Air Force Dental prove the administration of the dental Service more efficient which, in turn, will facilitate the provision of high quality dental care to more of our men and women in the uniformed service.

In addition to this major objective, the Army and Air Force dental bill has two other worthwhile purposes, which will also strengthen the dental care programs in the respective services. First of all, the bill will provide legislative guidelines for the Army and Air Force dental services that have been in effect for the Navy Dental Corps since 1945. Public Law 79–284 established an outstanding career service in the Navy, one that has proven effective in providing high quality dental care to Navy personnel worldwide.

Second, but equally important, the Army and Air Force dental bill will bring the career services in the Army and Air Force up-to-date in terms of recruiting and retaining dentists who, without the pressure of the "doctor draft law," will now make career choices based on the professional attractiveness of the services.

The all-volunteer effort to attract and retain a solid career force of individuals has been extended to the health field in two other instances. These efforts include an improved scholarship program tied to a military duty obligation—which is already functioning—and a special pay proposal for health professionals to provide incentive bonus payments calculated to provide an income comparable to civilian private practice. The special pay bill is currently pending in the House and Senate.

The Army and Air Force dental bill does not call for increased pay levels or any direct costs to the Treasury. Instead, the language of the bill would provide management and command changes in the best interest of improving the efficiency and productivity of the dental care programs in the Armed Forces. Many dental practitioners who are involved in the day-to-day treatment of military personnel have appealed to both Army and Air Force health headquarters for needed technical changes in the regulations and law that currently govern the provision of dental care.

In addition, this legislation has the solid endorsement of the Nation's civilian dentists. The American Dental Association, on behalf of its 100,000 members—more than 85 percent of America's practicing dentists—reaffirmed its long-standing policy that the dental programs of the Army and Air Force, like the Navy's, should be under the supervision of dentists. Enactment of the bill would assure that control over dental professional matters and over decisions involving professional activities of dental personnel will be vested in those officers who are directly responsible for the delivery of dental services.

GENERAL SERVICES ADMINISTRATION INTERPRETS SURPLUS DONABLE PROPERTY AMENDMENT TO CRIME CONTROL ACT OF 1973

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, Public Law 93-83, the Law Enforcement Assistance Amendments to the Omnibus Crime Control and Safe Streets Act of 1968, contains an amendment to the Federal Property Act with respect to the donation of surplus personal property. Under the authority of section 203(j) of the Federal Property Act, the Administrator of General Services may, in his discretion, donate surplus personal property to eligible recipients for educational, public health, or civil defense purposes, and for educational activities of special interests to the armed services.

The donable property amendment in Public Law 93-83, is found in section 525 of that act. It was a floor amendment in the Senate. The House Committee on Government Operations, which has legislative jurisdiction over the Federal Property Act, had no opportunity to consider the amendment before the bill was reported out of conference.

The language of section 525 suffers from a serious technical defect. As a result, it does not accomplish its purported purpose of authorizing the Administrator to donate certain surplus personal property to law enforcement assistance grantees. It is another example of a legislative provision hastily enacted without regard to the expertise of the committee having jurisdiction over the subject matter of that provision.

In remarks to the House on August 3, 1973, I called attention to the defective amendment. I pointed out that the operation of the donable property program as well as its legislation are jurisdictional concerns of the Government Operations Committee. I spoke of the ongoing investigation into operations and objectives of the donable property program by our Government Activities Subcommittee under the chairmanship of Congressman Jack Brooks. I made note of the pendency before our committee of 10 different bills that would open up the donation program to a variety of new categories of recipients. These would be in addition to the presently authorized purposes.

I concluded by urging the various committees of the House to give close attention to our committee's jurisdictional interest when amendments to the Federal Property Act are sought in other legislation.

Last month, the Law Enforcement Assistance Administration requested the views of the General Services Administration on whether section 525 of Public Law 93-83 authorized the Administrator to donate surplus property for law enforcement purposes. The General Counsel's office in GSA responded in a letter dated September 24, 1973. It takes the view that, notwithstanding the amendment, the particular provision of the Federal Property Act actually amended by Public Law 93-83—section 203(n)—does not authorize the Administrator of General Services to transfer surplus property to State surplus property agencies for other than those agencies' own administrative needs. The GSA letter further states that the amendment fails to take into consideration that authority to donate under another section—203(j)—is necessary. It adds that no authority to donate for law enforcement assistance purposes can be inferred from the amended section 203(n). I am including a copy of the GSA letter with these remarks.

Mr. Speaker, there is a limited supply of worthwhile surplus property available for the country's schools, hospitals, civil defense units, and special educational activities. Efforts are now in progress, involving Federal agencies, State agencies, and our Government Activities Subcommittee, to increase the efficiency and scope of property screening, allocation, distribution, and control. It is my hope that these efforts will soon bring about accommodation of substantially more donee needs.

In any event, changes in law to add to the number of eligible donee categories must always be considered within the framework of the outlook for property availability, the capacity of Federal and State agencies to manage the program, and the needs of donees in the presently eligible categories.

The General Counsel's letter follows:

General Services
Administration, Office of
General Counsel,
Washington, D.C., September 24, 1973.

Thomas J. Madden, Esq.,
General Counsel, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

Dear Mr. Madden: Your letter of September 5, 1973, requested our views as to whether section 525 of the Crime Control Act authorizes donation by the Administrator of General Services of surplus property for law enforcement purposes.

You stated that it is the position of the Law Enforcement Assistance Administration that such authority was granted pursuant to section 525 of the Crime Control Act, that perhaps a technical deficiency exists, and that such deficiency is ministerial and curable by administrative action.

We have carefully reviewed section 525 of the Crime Control Act which amends section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, the comments of Senator Hruska on the floor of the Senate and the conference report.

We regret to advise that we are compelled to the conclusion that section 525 of the Crime Control Act amending section 203(n) of the Federal Property and Administrative Services Act does not authorize the Administrator of General Services to donate surplus personal property for law enforcement purposes. What is lacking is not merey as you contend, the statutory designation of a party to determine whether the property is usable and necessary, but authority to donate per se. It is section 203(j) that authorizes donations for specific purposes, not section 203(n). Section 203(n) relates to making property available to state surplus property distribution agencies designated in conformity with paragraph 1 of subsection (j). Subsection (j)(1) provides:

"Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate without cost (except for costs of care and handling) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose, any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control of any executive agency which shall have been determined to be surplus property and which shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for any such purpose. In determining whether property is to be donated under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 405 of the National Security Act of 1947, as amended, or any similar fund, and any other property. *No such property shall be transferred for use within any State except to the State agency designated under State law for the purpose of distributing, in conformity with the provisions of this subsection, all property allocated under this subsection for use within such State.*" (Italic supplied.)

Section 203(j)(3) relates to surplus property authorized for donation pursuant to (j)(1), and provides for a determination of usability and necessity for purposes of education or public health to be made by the Secretary of Health, Education and Welfare, who allocates such property on the basis of need and utilization for transfer to a state agency for distribution to eligible donees. The state agencies must, prior to any transfer, furnish certification that such property is usable and needed for educational or public health purposes. Subsection (j)(4), relating to civil defense, contains similar provisions.

The amendment is defective in that it fails to take into consideration that authority to donate under another section, 203(j), is necessary. Thus, its effect is to presuppose authority which does not in fact exist. Section 203(n), prior to its amendment by section 525 of the Crime Control Act, referred to "surplus property which the Administrator may approve for donation for use in any state or purposes of education, public health, or civil defense, or for research for any such purpose, pursuant to subsection (j)(3) or (j)(4). . . ." By inserting the words "law enforcement programs" nothing is accomplished, since the language" which the Administrator may approve for donation pursuant to (j)(3) or (j)(4)" is inconsistent with "law enforcement programs." Section 203(j)(1), with 203(j)(3) and (j)(4), authorizes donations only for educational, public health and civil defense purposes.

The first two sentences of section 203(n) were enacted in 1956; Public Law 87–94, approved July 20, 1961, added the last two sentences to section 203(n).

A review of the legislative history of section 203(n) indicates clearly that it is intended to apply to administrative needs of the state agencies and is not independent authority to donate surplus property for law enforcement purposes. House Report No. 561 indicates that the purpose of section 203(n) was administrative, stating:

"1. Subject to the approval of the Administrator of General Services, it would enable a State agency to obtain the use of donable Federal surplus personal property, under and subject to the terms of a cooperative agreement, for its own administrative needs in carrying out the disposal program, after the Department of Health, Education, and Welfare or the Office of Civil and Defense Mobilization had determined that the desired property is necessary to, or would facilitate, the effective operation of the State agency *in performing its functions* in connection with the surplus property disposal programs. (Italic supplied.)

"The advantages of allowing the State agency to utilize such property are twofold: (a) The use of donable surplus property in lieu of property of the Federal agency that would otherwise be made available to the State agency under present section 203(n) authority lowers the cost of the program to the Federal Government; (b) the use of donable surplus property by the State agency in lieu of property that would otherwise have to be purchased by that agency acts to reduce the charges assessed against the donee institutions by the State agency in order to cover its costs of operation.

"2. The bill would permit legal title to surplus property, the use of which is thus made available to a State agency under a cooperative agreement, to be vested in that agency with the approval of the Administrator of General Services, upon a determination by the Department of Health, Education, and Welfare or the Office of Civil and Defense Mobilization that such action is necessary to, or would facilitate, the effective use of the property. This authorization is directed primarily at expediting the State agency's use of surplus motor vehicles in administering the donation programs; vesting the legal title to the vehicle would best enable the agency to comply with State motor vehicle registration laws.

"Enactment of the proposed amendment to section 203(n) would permit the development of proper procedures and safeguards governing the terms of cooperative agreements and the use of surplus property by the State agencies. It would permit, under appropriate control, the transfer of title to vehicles during the period of their utilization by the State agencies and would remove any possibility of exposing the Federal Government to the risk of tort claims.

"Surplus property donated to State agencies under this amendments is for use only and is not for sale or resale."

Accordingly, it is our view that the clear language of the statute, supported by its legislative history, does not authorize the Administrator of General Services to transfer surplus property under section 203(n) to State agencies for surplus property for other than administrative purposes. Thus, it is not and cannot be considered authority to donate property for a program use such as a law enforcement program.

We have further considered whether, despite the obvious failure to provide statutory language to authorize the donations in question, the legislative history would be sufficient to imply an authority in the Administrator to donate surplus personal property for law enforcement purposes. It is our opinion that the defect in the legislation in this case is of such a nature that such implication would be tantamount to legislation by the Executive, which, of course, would be unauthorized. We have, of course, noted in addition to the views of Senator Hruska, that Congressman Holifield, Chairman, Government Operations Committee, is of the view that section 525 does not authorize a donation for law enforcement purposes.

As we have previously indicated, should you desire, we would be happy to provide whatever assistance you deem appropriate in aiding you in the drafting of legislation that would permit the Administrator of General Services to donate property for purposes of law enforcement programs.

Sincerely,

HERMAN W. BARTH,

(For William E. Casselman II, General Counsel).

SIXTY-SECOND BIRTHDAY OF THE REPUBLIC OF CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, 62 years ago today the Republic of China was founded, and it is appropriate that the Congress today take note of that historic event.

There are few nations in the world with which the people of the United States have closer ties than with the courageous people who now have their center of government on Taiwan.

Through war and peace, these close friends have always supported the principles of freedom which we endorse and have lent their unstinting support to the cause of free enterprise in the world.

Even when the Republic of China faced a most trying time during the illogical debate over membership in the United Nations and the subsequent actions of that body, there was no swerving from their position that friendship with the people of America was an overriding consideration in the formulation of that nation's foreign policy.

American investment in Taiwan is massive. For years there has been an American military presence which has given notice to the world that we expect the sovereignty of the Republic of China to remain inviolate from invasion by the mainland Communists. Americans by the thousands have visited the island nation and have come away amazed at the progress continuing to be made under the adverse conditions imposed upon that government by the world community of nations in recent months.

There are more trying days ahead for the Republic of China. Economic pressures are being applied by some nations to prevent further expansion of Taiwan's trade role in the world. Détente with the Chinese Communists is felt in some quarters to threaten official recognition of Taiwan by the United States. The United States should not under any circumstances take this unwarranted step.

Through all of this, our good friends on Taiwan maintain the dignity, courage, and freedom-thinking attitude which caused them to declare themselves a republic 62 years ago today.

The people of the Republic of China are good world neighbors and good friends. We congratulate them on this day.

THE NAME "CAPE CANAVERAL" HAS BEEN RESTORED

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, most Floridians will welcome the action of the Department of the Interior in restoring the name Cape Canaveral to the present Cape Kennedy. This was done upon the recommendation of the domestic geographic names committee of the Department following public hearings at which I appeared and spoke.

Cape Canaveral has especial historic significance. The name first appeared on Spanish maps over 400 years ago following the discovery and naming of the cape by the Spanish explorer Ponce de Leon. In 1963, following the tragic death of President Kennedy, President Johnson by executive action directed that the name be changed to Cape Kennedy and that the nearby space center be designated the John F. Kennedy Space Center. The space center will continue to bear the Kennedy name, and this action also is supported by the people of my State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYROS (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RINALDO) to revise and extend their remarks and include extraneous material:)

Mr. BIESTER, for 10 minutes, today.

Mr. BAKER, for 5 minutes, today.

Mr. TREEN, for 5 minutes, today.

Mr. SCHERLE, for 5 minutes, today.

Mr. MARTIN of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. Ginn) and to revise and extend their remarks and include extraneous matter:)

Mr. Dent, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Barrett, for 5 minutes, today.

Mr. Lehman, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Reuss, for 10 minutes, today.

Mr. Podell, for 15 minutes, on October 11.

Mr. Van Deerlin, for 30 minutes, on October 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Rinaldo) and to include extraneous material:)

Mr. McKinney.

Mr. Steiger of Wisconsin in two instances.

Mr. Peyser in three instances.

Mr. McCloskey.

Mr. Spence.

Mr. Wyman in two instances.

Mr. Derwinski in three instances.

Mr. Huber.

Mr. Fish.

Mr. Zwach.

Mr. Erlenborn.

Mr. Frenzel in two instances.

Mr. Heinz.

Mr. Veysey in two instances.

Mr. Froehlich in two instances.

(The following Members (at the request of Mr. Ginn) and to include extraneous material:)

Mr. Cotter in 10 instances.

Mr. Bennett.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Mahon in two instances.

Ms. Abzug in 10 instances.

Mr. Davis of Georgia in five instances.

Mrs. Griffiths in two instances.

Mr. Badillo.

Mr. Koch in two instances.

Mr. Waldie in two instances.

Mr. Clark in two instances.

Mr. Harrington in four instances.

Mr. Anderson of California in two instances.

Mr. Dent.

Mr. Studds.

Mr. Vanik in two instances.

Mr. Breckinridge in 10 instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2470. An act to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, October 11, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1436. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on areas designated during calendar year 1972 as having critical health manpower shortages and an estimate of the number to be so designated in calendar year 1973, together with a report on Federal activities in such areas, pursuant to Public Law 92-585; to the Committee on Interstate and Foreign Commerce.

1437. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

Received From the Comptroller General

1438. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during September 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

Received From the President

1439. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 (H. Doc. No. 93-163); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 589. Resolution providing for the consideration of H.R. 10614. A bill to authorize certain construction at military installations, and for other purposes. (Rept. No. 93-564). Referred to the House Calendar.

Mr MADDEN: Committee on Rules. House Resolution 590. Resolution providing for the consideration of H.R. 10203. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes (Rept. No. 93-565). Referred to the House Calendar.

Mr. MAHON: Committee of conference. Conference report on House Joint Resolution 727. (Rept. No. 93-566). Ordered to be printed.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 9450. A bill to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga. (Rept. No. 93-567). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5450. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes; with amendment (Rept. No. 93-568). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee of conference. Conference report on H.R. 8825 (Rept. No. 93-569). Ordered to be printed.

Mr. STEED: Committee of conference. Conference report on H.R. 9590 (Rept. No. 93-570). Ordered to be printed.

Mr. ULLMAN: Committee on Ways and Means. H.R. 10710. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes (Rept. No. 93-571). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 10830. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BIAGGI (for himself, Mr. Wolff, Mr. Delaney, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mrs. Chisholm, Mr. Gilman, Miss Holtzman, Mr. King, Mr. Koch, Mr. Lent, Mr. Murphy of New York, Mr. Peyser, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Stratton, Mr. Walsh, and Mr. Yatron):

H.R. 10831. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself, Mr. Fraser, Mr. Harrington, Mr. Burlison of Missouri, Mrs. Collins of Illinois, Mr. Diggs, Mr. Edwards of California, Mr. Gunter, Mr. Mosher, Mr. O'Hara, and Mr. Rees):

H.R. 10832. A bill to amend the Presidential Election Campaign Funds Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Biester, Ms. Abzug, Mr. Badillo, Mrs. Chisholm, Mr. Conyers, Mr. Helstoski, Mr. Mitchell of Maryland, Mr. Rosenthal, and Mr. Won Pat):

H.R. 10833. A bill to amend the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mr. Mailliard, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Hosmer, Ms. Burke of California, Mr. Taylor of North Carolina, Mr. Steiger of Arizona, Mr. Haley, Mr. Camp, Mr. Udall, Mr. Lujan, Mr. Foley, Mr. Ketchum, Mr. Kastenmeier, Mr. O'Hara, Ms. Mink, Mr. Meeds, Mr. Kazen, Mr. Stephens, Mr. Vigorito, Mr. Melcher, Mr. Roncalio of Wyoming, Mr. Bingham, and Mr. Seiberling):

H.R. 10834. A bill to amend the act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON (for himself, Mr. Mailliard, Mr. Runnels, Mr. Won Pat, Mr. Owens, Mr. de Lugo, and Mr. Jones of Oklahoma):

H.R. 10835. A bill to amend the act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 10836. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide a 1-cent postage rate for postal cards and post cards; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 10837. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mrs. GRASSO (for herself, Mr. Litton, and Mr. Hammerschmidt):

H.R. 10838. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Abdnor, Mr. de Lugo, Mr. Denholm, Mr. Findley, Mr. Froehlich, Ms. Grasso, Mr. Harvey, Mr. Gunter, Mr. Ichord, Mr. Ketchum, Mr. Melcher, Mr. McSpadden, Mr. Nichols, Mr. Roe, Mr. Shipley, and Mr. Steiger of Arizona):

H.R. 10839. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

By Mr. NEDZI (for himself, Mr. Gray, Mr. Brademas, Mr. Gaydos, Mr. Thompson of New Jersey, Mr. Gettys, Mr. Harvey, Mr. Frenzel, and Mr. Froehlich):

H.R. 10840. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; to the Committee on House Administration.

By Mr. PATTEN:

H.R. 10841. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 10842. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL (for himself, Mr. Nix, Mr. Reuss, Mr. Symington, Mr. Vanik, and Mr. Young of Georgia):

H.R. 10843. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. Biaggi, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Ms. Chisholm, Mr. Delaney, Mr. Gilman, Ms. Holtzman, Mr. Koch, Mr. Lent, Mr. Murphy of New York, Mr. Peyser, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Stratton, Mr. Walsh, and Mr. Yatron):

H.R. 10844. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BRINKLEY:

H.R. 10845. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products; to the Committee on Banking and Currency.

By Mr. BYRON:

H.R. 10846. A bill to improve the conduct and regulation of Federal election campaign activities; to the Committee on House Administration.

By Mr. DUNCAN:

H.R. 10847. A bill to raise the amount of the recently enacted cost-of-living increase in social security benefits, and to accelerate the effective date of such increase to January 1974; to the Committee on Ways and Means.

By Mr. HEINZ:

H.R. 10848. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. Koch):

H.R. 10849. A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois:

H.R. 10850. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself and Mr. Thone):

H.R. 10851. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 10852. A bill to establish a working capital fund in the Department of Justice; to the Committee on the Judiciary.

By Mr. CASEY of Texas (for himself, Mr. Archer, Mr. Brooks, Mr. Burleson of Texas, Mr. de la Garza, Mr. Eckhardt, Mr. Fisher, Mr. Gonzalez, Mr. Kazen, Mr. Pickle, Mr. Poage, Mr. Teague of Texas, Mr. White, and Mr. Charlie Wilson of Texas):

H.J. Res. 762. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself, Mr. Adams, Mr. Anderson of California, Mr. Bevill, Mr. Bowen, Mr. Brown of California, Mr. Danielson, Mr. Dellums, Mr. Denholm, Mr. Edwards of California, Mr. Fascell, Mr. Flood, Mr. Ichord, Mr. Ketchum, Mr. Mallary, Mr. Mathias of California, Mr. McCloskey, Mr. Meeds, Mr. Melcher, Mr. Montgomery, and Mr. Morgan):

H.J. Res. 763. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself, Mr. Moss, Mr. Nichols, Mr. Owens, Mr. Pepper, Mr. Pickle, Mr. Roybal, Mr. Saylor, Mr. Seiberling, Mr. Teague of California, Mr. Thone, Mr. Vanik, Mr. Vigorito, Mr. Whitehurst, Mr. Charles H. Wilson of California, and Mr. Yatron):

H.J. Res. 764. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. DENT:

H. Con. Res. 340. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. FISH (for himself, Mr. Addabbo, Mr. Bell, Mr. Biaggi, Mr. Brasco, Mr. Cronin, Mr. Drinan, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Gerald R. Ford, Mr. Gilman, Mrs. Heckler of Massachusetts, Mr. Minish, Mr. Moakley, Mr. Podell, Mr. Rees, Mr. Rinaldo, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarbanes, Mr. James V. Stanton, Mr. Symington, Mr. Thone, and Mr. Won Pat);

H. Con. Res. 341. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr. FISH (for himself, Mr. O'Brien, Mr. Ryan, Mr. Flood, and Mr. Walsh);

H. Con. Res. 342. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr GILMAN (for himself, Mr. Charles Wilson of Texas, Mr. Wolff, Mr. Koch, Mr. Roncallo of New York, Mr. Wydler, Mr. Steelman, Mr. O'Brien, Mr. Young of Alaska, Mr. Guyer, Mr. Mitchell of New York, Mr. Young of Illinois, Mr. Martin of North Carolina, Mr. Peyser, Mr. Ryan, Mr. Whalen, Mr. Fish, Mr. Regula, Mr. Lehman, Mr. Robison of New York, Mr. Ketchum, Mr. Horton, Mr. Burgener, and Mr. Pritchard);

H. Con. Res. 343. Concurrent resolution providing for peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. Annunzio, Mr. Corman, Mr. Dominick V. Daniels; Mr. Eilberg, Mr. Fulton, Mr. Gilman, Mr. Helstoski, Ms. Holtzman, Mr. Lent, Mr. Minish, Mr. Nix, Mr. Roybal, and Mr. Sarbanes):

H. Con. Res. 344. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the Secretary of State be requested to direct the diplomatic efforts of the United States toward limiting participation in the present Middle East conflict; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 346. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

[*Omitted from the Record of Oct. 9, 1973*]

By Mr. O'NEILL:

H. Res. 582. Resolution deploring the outbreak of hostilities in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[*Submitted Oct. 10, 1973*]

By Mr. DAN DANIEL:

H.R. 10853. A bill for the relief of James Vilmer Giles; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 10854. A bill for the relief of Brandywine Main Line Radio, Inc., WXUR, and WXUR–FM, Media, Pa.; to the Committee on the Judiciary.

H.R. 10855. A bill for the relief of the estate of Dr. William A. Rogers; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 10856. A bill for the relief of Blase A. Bonpane; to the Committee on the Judiciary.

H. Res. 591. Resolution referring the bill for the relief of Blase A. Bonpane to the Court of Claims; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

313. BY THE SPEAKER: A memorial of the Legislature of the State of California, relative to the Rural Electrification Administration; to the Committee on Agriculture.

314. Also, memorial of the Legislature of the State of California, relative to the federally assisted code enforcement program; to the Committee on Banking and Currency.

315. Also, memorial of the Legislature of the State of California, relative to increasing funds under the Federal-State partnership program; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

BENJAMIN FRANKLIN WALK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. EILBERG. Mr. Speaker, on Sunday, October 14, the people of Philadelphia will relive the historic day when Benjamin Franklin arrived in our city.

The "Benjamin Franklin Walk" will consist of a free walking tour to the Franklin home, his church and first printing shop, and numerous other sites which bear the mark of Benjamin Franklin.

At this time I enter into the RECORD a statement by the city of Philadelphia describing the events planned for the "Benjamin Franklin Walk":

BENJAMIN FRANKLIN WALK

On a fair Sunday morning in October, 1723, a homeless, hungry young man of 17 landed at colonial Philadelphia's Market Street wharf and walked into American history . . .

At noon on Sunday, October 14, 1973—250 years later—Philadelphia will re-create Benjamin Franklin's historic arrival by boat from the Delaware River and his initial walk up Market Street.

The boat bringing Franklin will dock near Market Street, where a reception committee, composed of representatives of the numerous institutions he founded, will greet him.

The young Franklin, wearing colonial garb, will then lead a free walking tour of the homes, churches, shops and historic buildings which still echo with his presence. Tourists and Philadelphians are invited to take part in this "Ben Franklin Walk," which will begin at Market St. and Delaware Ave.

Re-living that day, a colonial-costumed baker's-boy will be on hand to sell Franklin "three great puffy rolls" and a young woman, also in colonial dress, will portray Deborah Read, Franklin's future wife. According to Franklin's Autobiography, Deborah was standing in the doorway of her father's home at 318 Market Street and saw him walking by that first day in town.

In addition to the guides portraying Benjamin Franklin and Deborah Read, other colonial costumed guides also will lead groups on the walking tour which will include a visit to Franklin Court, the site of Franklin's home when he participated in the writing of the Declaration of Independence. Usually closed to the public because of the current archeological excavation and research being done at the site, Franklin Court will be opened especially for the "Ben Franklin Walk" participants.

The walking tours will also visit Christ Church, where the Franklin family had a pew; the site of Franklin's first printing shop; the First Bank of the United States which contains an exhibit of the artifacts recently discovered at Franklin Court; Carpenters' Hall, where the American Philosophical Society and the Library Company (both founded by Franklin) first met; Library Hall, the replica of the original Library Company building; and Philosophical hall, the seat of the American Philosophical Society, initiated by Franklin in 1743 and which he served as President for more than 20 years.

The walking tour will conclude at Independence Hall, where Franklin served as a member of the Pennsylvania Assembly, as President of the Supreme Executive Council of Pennsylvania, as a member of the Second Continental Congress, and of the Constitutional Convention. Franklin helped draft and signed both the Declaration of Independence in 1776 and the United States Constitution in 1787 . . .

The final note of the commemorative events will take place at 3 p.m., when Mr. and Mrs. Franklin will attend the Super Sunday festivities at Logan Circle. Conveyed by horse-drawn carriage, they will be officially welcomed to Super Sunday on the steps of the Franklin Institute by the President of the Institute and other Super Sunday officials.

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1973

Mr. KEMP. Mr. Speaker, it is generally conceded that the primary positive outgrowth of Watergate will be the reformation of campaign financing, campaign spending, and campaign practices. I hope and expect that will be the case. The lack of an effective campaign contribution monitoring system, the legality of inordinately large campaign contributions which often are the precursors of graft and corruption, and the unethical activities which have taken place in campaigns, all demand that Congress help cleanse the election process as Congressman BILL FRENZEL of Minnesota said recently:

> I (and everybody else) warmly embrace the purification of elections.

How true that is.

However, an awareness of the present problem has prompted some to conclude that the best way to alleviate it would be to develop a system of public campaign financing. The reasoning stems from the misimpression that campaign wrongdoing, impropriety, and illegality is caused by the fact that U.S. campaigns are financed privately. Public financing it is hoped will remedy the condition.

Aside from the fact that such an argument incorporates some questionable reasoning, I do not think the case for cleansing the campaign process within the framework of private financing has been given a thorough airing. Fortunately, my friend and colleague from Minnesota, Mr. BILL FRENZEL, made the case recently. I insert it at this point:

THE CASE FOR PRIVATE FINANCING OF CAMPAIGNS

(By Bill Frenzel)

The crisis of non-confidence in government, specifically the Watergate mess, has given great thrust to proposals for public financing of federal elections. The popular image of such plans is that they will magically purify elections and relieve elected officials of any and all pressures and taints of "dirty money."

I (and everybody else) warmly embrace the purification of elections, but public financing is neither a magic nor an exclusive means to move us toward better elections.

The same goals we all seek—open, honest and clean elections—can be achieved more easily and effectively by writing responsible rules into a system of private financing.

Before I start spending the taxpayers' money, I want to be assured: (a) the plan will give us the desired result; (b) there is no easier way to get the same result; and (c) it does no harm. I am persuaded that public financing brings no benefits that cannot be otherwise achieved, and, to the contrary, carries serious risks, some known and some as yet unforeseen.

Some of the known risks are:

(1) Under publicly-financed systems, challengers will be at the mercy of incumbents. No wonder members of Congress like public financing. It's a self-protection scheme.

Guess who controls the election appropriations? That's right—the incumbents do! Appropriations can always be set low enough to inhibit any strong political contest. Public financing would guarantee equal expenses when studies show that non-incumbents must spend more merely to establish their identity against incumbents. The identity of an incumbent is already strongly established by the advantages of the frank, access to media and general public visibility.

(2) Federal financing schemes prohibit, or restrict, private contributions. This unconstitutionally denies a long-enjoyed right of free speech. To let one person contribute his time and labor to a campaign and not let another person, perhaps handicapped, make his contribution financially, is the rankest kind of discrimination.

(3) Private financing has been one of the traditional ways of determining the popularity and attractiveness of any candidate. In a country where we finance the arts, our charities and much of our education privately, we have naturally supported elections in the same way. Other nations with a history and tradition of publicly-financed elections are simply not comparable.

Many people want to support candidates and parties. Their enthusiasm helps enliven campaigns and increases voter participation.

(4) Public financing would inevitably result in unexciting elections which would cause lower voter turnouts. Candidates would no longer need to have very broad support to get campaign money. We would have scads of candidates. The more candidates per race, the more drab the election and the more the incumbents' chances for victory. Amateur nights are fun, but when minor candidates depress the public interest, the only winner is the incumbent.

(5) All of these disadvantages are achieved at the taxpayers' expense. The beleaguered taxpayer will see his money supporting candidates in whom he had no positive interest

or to whom he may object most violently. The taxpayer will stand helpless while dozens of candidates, who would not have enough support to enter a privately-financed election, happily use up his hard-earned money. Meanwhile, the incumbents would be inevitably returned to office.

(6) The taxpayers' money will be actually handled by an Elections Commission appointed by the President. No matter how high-minded and impartial it is, one wonders how easily it could deny money to a particular candidate for a "violation" of the law. Giving control of financing to the bureaucracy is giving control of elections to the bureaucracy. Control of elections may never get back into the hands of the people.

(7) Party responsibility would disappear. Candidates could thumb their noses at parties which could no longer raise money either for themselves or for their candidates. Our history of political regionalism and relatively weak parties points to collapse of parties under public financing.

(8) More money would be spent on elections. All the action now is in 50 House races. Over 80 per cent of Congress' campaigns are contested feebly, if at all. But federal money is "free money." Every candidate would use it whether he or she needs it or not.

(9) Public financing would dry up individual contributions for local candidates. They already have the hardest time raising money. Pious supporters of public financing probably don't realize that none of the schemes applies to state and local races.

(10) Taxpayer-financed elections don't fit our federal pluralistic elections systems. States vary; districts vary; parties vary; people vary.

Minor party candidates and independents run under different laws and different patterns of tradition in each jurisdiction. They will be encouraged by "free money" to run, but will never be given quite enough to beat the incumbent.

The arguments in favor of federal financing are not without merit. They do, however, have a good deal less merit than the intentions. The proponents always forget to say that the same goals can be achieved by writing responsible rules into a system permitting private financing.

We can achieve our goals of clean, open elections, with a reasonable chance for challengers, through improving our election laws. We need a Federal Elections Commission, better enforcement and reasonable spending and individual contribution limits. We can do all this with private financing.

Public financing gives us no extra cleanliness. What it gives are: abdication of individual political responsibility; incumbent protection; drab elections; and, worst of all, transfer of election control from the people to the bureaucrats.

ARAB AGGRESSION AGAINST ISRAEL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1973

Mr. MOAKLEY. Mr. Speaker, I join with other concerned colleagues in expressing both shock and sorrow at the new Arab attack against Israel. At this very moment Israel is fighting valiantly to defend herself on two borders, with recent Iraqi reinforcements added to those of Syria and Egypt. In the short 25 years of her history, Israel has been forced to fight four wars, of which the latest—a vicious attack on the holiest day of the Jewish year, Yom Kippur—is perhaps the most tragic and the greatest threat to her very existence.

Accordingly, I have this day cosponsored with Congressman William Lehman of Florida a bill calling for the immediate delivery of all planes previously contracted for sale to Israel. These planes are urgently needed by Israel if she is to protect herself against overwhelming odds in this new Middle Eastern war.

I would like to call to the attention of my colleagues and the American people the recent statements by Dr. Arnold Soloway, president of the New England region of the American Zionist Federation. Speaking before a massive rally at Temple Kehillath Israel in Brookline, Mass., Dr. Soloway urged "all thoughtful people to condemn and oppose the brutal Egyptian-Syrian aggression" and called on the United States to accelerate the flow of arms and economic aid to Israel. Further, he urged that President Nixon maintain his long-range policy of a nonimposed solution to the Middle East conflict, asserting that:

> The United States must stand firm for a cease-fire that will allow Israel to negotiate with the Arab countries,for secure and defensible borders.

I am convinced that lasting peace in the Middle East cannot be brought about through Arab aggression. Nor can lasting peace be brought about by an imposed big power settlement. Lasting peace in the Middle East will only be produced through meaningful negotiations between Israel and the Arab States.

FRANCIS JOHNSON NAMED NATION'S TOP BIG BROTHER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. BENNETT. Mr. Speaker, my constituent, Francis Johnson, was recently recognized for his 45 years of assistance to the Big Brother organization by being named the National Big Brother of the Year. He has also made substantial contributions to other groups including the Sunday School at Epperson Memorial Church, the Boy Scouts, the Boys Home of Jacksonville, and Hope Haven Children's Hospital. Although he has given generously and sacrificially of his worldly goods to help others along the way of life, his gift of his time, attention, and energies through the years has been indeed the most unique thing of the wonderful life he has led and continues to lead. The following editorial from the September 27 Jacksonville Journal points out Mr. Johnson's many efforts on behalf of young people:

> #### Lifetime of Service
>
> Selection of Francis Johnson of Jacksonville as National Big Brother of the Year is appropriate recognition of the many years of unselfish service this 83-year-old Jacksonville resident has given in helping the youth of his community.
>
> Johnson has been actively associated with the Big Brother program since 1928—45 years ago—when he first joined it as a volunteer. He has been a member of the board of directors for 39 years.
>
> During that period, he has contributed literally thousands of hours of his time—continuing down to the present, since he still spends an estimated 10 to 20 hours a week helping out at Big Brother headquarters and even sleeping three nights a week at the center to help guard it.
>
> His financial support of the organization also has been generous. Land now occupied by a swimming pool, dormitory, recreation building, offices and a playground was given by Johnson, who also has made cash contributions of more than $75,000.
>
> Johnson is now Big Brother to two fatherless boys and, over the years, has filled that role for more than a dozen others. At one time, he was Big Brother to four boys, all from the same family.
>
> His record of unstinting public service is by no means confined to that performed through Big Brothers, however. Johnson has been a Sunday school teacher at Epperson Memorial Methodist Church for more than 40 years; he has been active with the Boy Scouts for many years and donated 200 acres of land for Scouting activities; he was a member of the board of directors of the Boys Home of Jacksonville for 21 years; and a volunteer at Hope Haven Children's Hospital for more than 29 years.
>
> In announcing the selection of Johnson as recipient of the Big Brother award, Big Brother President Jacob F. Bryan IV, said this: "We know of no man alive . . . who has given more of himself to those around him." Nor do we.

CLEAR ACT OF ARAB AGGRESSION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. FISH. Mr. Speaker, on Yom Kippur, the holiest day of the year for the Jewish people, Egyptian and Syrian forces crossed the cease-fire lines, and launched an all-out attack on Israel. The continued survival of the State of Israel has once again been placed in jeopardy.

This latest attack, a clear act of Arab aggression against Israel, will result in more bloodshed, and the casualty figures that have been released thus far indicate that many Israelis have already given their lives in defense of their country.

Through this action, the Arabs have shown that they are unwilling to rely on the negotiation route to resolve their differences with the Israelis. Indeed, the orders had already been given to prepare for this attack when the Arab States were meeting with Secretary Kissinger at the United Nations last week and expressing their desire for peace.

While reports indicate that Israel has been able to withstand the Arab attack, she has suffered heavy losses in aircraft and other vital equipment. Scores of Israeli planes have been downed and many tanks destroyed at the onset of the conflict. While we do not have exact figures, it is clear that Israeli losses have been substantial.

Therefore, I have cosponsored a resolution calling for the accelerated delivery to Israel of all U.S. aircraft and other equipment which Israel is scheduled to purchase from the United States under the current United States-Israeli agreement, and for a loan to Israel of U.S. aircraft and other equipment if new planes and equipment are not yet constructed.

There are several compelling reasons

for taking this step. Israel has been successful in past conflicts with the Arabs largely because of Israeli supremacy in the air. If we fail to provide Israel with additional aircraft at this time, we would in effect be denying the Israelis their strongest weapon against the Arabs. In addition, as President Nixon has often stated, there is a need to maintain the balance of power in the Middle East. It is essential, therefore, that we match the Arab aircraft that is now being replaced by the Soviet Union.

Since the establishment of the State of Israel in 1948, the Israelis have proven their commitment to a democratic form of government. I strongly feel that the United States must demonstrate our commitment to the continued survival of that democracy.

CONTROL OF CRIME UNDER H.R. 9682

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RANGEL. Mr. Speaker, opponents of the bill presently under consideration, H.R. 9682, have used a wide variety of rationales for their positions, many of them of dubious merit. One such rationale, commonly used by persons against home rule is that home rule will result in a drastic increase in the crime rate for the District.

I would like to discuss three aspects of this argument to demonstrate that they are not meritorious.

First, a letter to Chairman DIGGS, from the Chief of the Washington Metropolitan Police Department, Jerry Wilson, makes several rather pertinent comments about the cancer of crime in Washington. Chief Wilson stated:

> This city has just come down from a peak of crime which was reached after some eleven years of almost constant increases. Few would disagree that crime reductions of the past three years reflect in large measure massive Federal initiatives, both in Presidential leadership and Congressional legislative action. Obviously, it is easy to argue that Federal control of local affairs deserves credit for the crime reductions, *but to make that argument, one must also agree that Federal control of local affairs shares most of the blame for the twelve years of crime increase.* (Emphasis added.)

The Police Chief added the following comments with regard to those persons who have apprehension about local control over the police force:

> Personally, I feel that apprehension over local control of police power in the District is misplaced. My own sense of this community is the overwhelming majority are responsible citizens who want effective law enforcement just as much as residents do in any other city. If the city of Washington is to be treated substantially as a local community, albeit a special one, rather than a federal enclave, then there is no reason to deprive local citizens of control over that fundamental local service, the police force.

Certainly the chief of a police force in a city of 800,000 residents is fully aware of the necessities of making the police force responsive to the needs of the community, including in the Washington case, serving the Federal interest. The police force is however basically a local force, charged with basically local responsibilities.

There are also arguments that the city would not be able to deal effectively with emergency situations. It is clear that the President has the inherent power to request the police force to deal with an emergency situation. It is also certain that the power to call up the National Guard would not be affected by H.R. 9682. The President could, under any circumstances, call up the Guard to protect the Federal interest. I have been assured of this, in a legal opinion, by the commanding general of the District of Columbia National Guard.

The implication, embodied in arguments that crime increases result from home rule, is a particularly serious one. Opponents of self-determination for the District are implying that the local government of the city, specifically the Mayor and City Council, would act in bad faith. That implication is malicious in intent, and has deep racist biases. Opponents would like, but are unable to state, openly, that a black elected official would appoint other officials of poor character, or of poor judgment and are biased in favor of black residents. Their arguments are entirely without factual basis and I personally resent the implication.

In short, arguments that crime would increase under home rule are simply subtle means for denying the full rights of citizenship to the residents of the District of Columbia.

THE DOUBLE 10TH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. SPENCE. Mr. Speaker, the Republic of China marks its 62d birthday on October 10, a day to be celebrated not only by her own citizens and overseas Chinese elsewhere, but also in every Chinese community throughout the United States.

Led by Dr. Sun Yat-sen, young Chinese patriots changed the course of world history 62 years ago. Earlier attempts to overthrow the Ching Dynasty had failed. The uprising which began at Wuchang, a city in central China, on October 10, 1911 was finally successful. In less than 3 months the Manchus were gone and the Republic of China, the first republic in Asia, was born.

In commemoration of the uprising which led to the birth of the Republic, October 10 has since been chosen as the National Day of the Republic of China. As it is the 10th day of the 10th month, it is thus called the Double Tenth.

In San Francisco, Double Tenth brings forth one of the two major annual festivities—Chinese New Year being the other—observed in the Chinatown, attracting as a rule hundreds of thousands of tourists and local residents to watch the famous Chinese dragon dance, and the long parade. Traditionally each year in New York, in addition to celebrations in Chinatown, the mayor proclaims the Double Tenth as a special day in honor of the Republic of China. Since the Chinese Communists seized power on the China mainland, members of the Chinese communities in major American cities have observed the Double Tenth as a significant occasion to rededicate themselves to the spirit of freedom and democracy.

I am delighted today, on the occasion of the Double Tenth anniversary, to add my congratulations to those of my colleagues and to publicly restate my dedication to freedom and democracy and to the continued health and prosperity of the Republic of China. Truly, the entire free world owes to the Chinese people on the Island of Taiwan a great debt of gratitude for their courageous example in defense of freedom and democratic government and the spirit of peace and brotherhood in which they have assumed an increasingly significant place among the family of nations.

MIDDLE EAST SITUATION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. PEYSER. Mr. Speaker, my conversations with the Defense Department this morning have made it unquestionably clear that the Arab nations committed the act of aggression in their launching of the attack against Israel on October 5, 1973.

The very fact that Israel had not mobilized its forces should be clear evidence to the world that Israel was not planning to launch an attack. I understand that the Israeli mobilization is now complete and that the Israelis are now on the offensive.

There is no question in my mind of the ability of Israel to overcome the Arab forces, as long as scales are not tipped by the introduction of additional Soviet equipment, particularly with more surface-to-air missiles. For this reason, I am calling for an immediate and continuing surveillance by the Departments of State and Defense of the Mideast situation, and if we receive reports that would indicate increasing support to the Arab nations by the Soviet Union, I am sure that Congress will immediately respond by authorizing necessary equipment to be dispensed immediately to the Israeli armed forces. Furthermore, I am preparing a resolution to be introduced in the House should evidence of Soviet intervention become clear. I know where the sympathies of the American public lie in this matter and I am equally confident of the ability of the Israeli Government to gain victory against this naked aggression.

INCUMBENTS ARE HARD TO BEAT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. FRENZEL. Mr. Speaker, in April of this year the Library of Congress completed a survey of elections which is available to Members. Of special interest is the following table, the last column of which shows the remarkably high percentage of incumbents who were reelected in general elections.

Some of these incumbents were unseated by other incumbents after redistricting. It is a rare case where a challenger defeats an incumbent.

The table follows:

	Total number ofi ncumbents—				Percentage of incumbents running in general election, elected
	Defeated in primary	Running in general election	Elected in general election	Defeated in general election	
1956:					
House	6	404	389	15	96.29
Senate	0	28	25	3	89.29
1958:					
House	3	393	355	38	90.33
Senate	0	31	20	11	64.52
1960:					
House	6	400	374	26	93.50
Senate	0	29	28	1	96.55
1962:					
House	12	[1] 396	389	22	98.23
Senate	1	34	29	5	85.29
1964:					
House	44	389	344	[2] 45	88.43
Senate	4	32	38	4	87.50
1966:					
House	11	402	362	40	90.05
Senate	3	29	28	1	96.55
1968:					
House	3	401	396	5	98.75
Senate	4	24	20	4	83.33
1970:					
House	7	391	379	12	96.93
Senate	1	29	23	6	79.31
1972:					
House	[3] 13	[4] 380	[4] 367	13	96.58
Senate	2	25	20	5	79.31

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[1] Figure excludes the reelection of the late Representative Clem Miller (D. Calif.). Miller died shortly before the election, yet he was still elected defeating Don H. Clausen (R). Clausen was subsequently elected in a special election Jan. 22, 1963.

[2] Figures include Oliver P. Bolton, formerly of the 11th District in Ohio, who ran at large and was defeated.

[3] Figure does not include the primary defeat of Representative William Conover (R. Pa.) Conover did not become a Member of Congress until after his primary defeat.

[4] These figures include the reelection of Representative Hale Boggs (D. La.) and Representative Nick Begich (D. Alaska), whose airplane disappeared in Alaska Oct. 16, 1972.

	Total number of incumbents—		Percentage of incumbents running in general election, elected 1956–72
	Running in general election 1956–72	Elected in general elections 1956–72	
House	3,551	3,350	94.34
Senate	261	221	84.67

	Total number of incumbents—		Percentage of incumbents running in general election, elected in a presidential election year, 1956–72
	Running in general election in a presidential election year, 1956–72	Elected in general elections in a presidential election year, 1956–72	
House	1,969	1,865	94.72
Senate	138	121	87.68

	Total number of incumbents—		Percentage of incumbents running in general election, elected in a non-presidential election year, 1956–72
	Running in general election in a non-presidential election year, 1956–72	Elected in general elections in a non-presidential election year, 1956–72	
House	1,582	1.485	93.87
Senate	123	100	81.30

ENERGY R. & D. ADVISORY COUNCIL GIVES SHORT NOTICE OF MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. OBEY. Mr. Speaker, the Energy Research and Development Advisory Council of the Energy Policy Office will hold a public meeting at 11:15 a.m. tomorrow in the Old Executive Office Building to discuss matters related to national energy R. & D. policy and programs, but it may be public in name only.

The effective way to turn a public meeting into a private gathering is to give either no notice of it or short notice, and the Energy R. & D. Advisory Council has done the latter. The meeting notice not only appears in today's Federal Register, just 24 hours ahead of time, but asks that members of the public planning to attend RSVP Dr. William McCormick, Executive Secretary of the Advisory Council, "prior to October 11."

I might note that the Federal Advisory Committee Act requires an advisory committee to publish "timely notice" of its meetings, which the Office of Management and Budget has interpreted to mean at least 7 days before the date of a meeting. The OMB guidelines allow for exceptions in emergency situations, which is reasonable, and for shorter advance notice "when 7-days notice is impracticable," which is not reasonable, because it simply provides a cover for sloppy committee management.

On a subject of such vital importance as national energy R. & D. policy, it behooves the Federal Government to comply fully with the advisory committee statute and give ample public notice that a meeting will take place. The fact that this meeting notice is dated October 5 suggests it was hardly "impracticable" for the notice to have been published earlier.

The text of the meeting notice in today's Federal Register follows:

ENERGY POLICY OFFICE: ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

NOTICE OF MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), the Energy Policy Office announces the following public advisory committee meeting.

The Energy Research and Development Advisory Council will hold a meeting on October 11, 1973, in the Old Executive Office Building, Room 248, 17th and Pennsylvania Avenue, Washington, D.C. The meeting will commence at 11:15 a.m. local time and last until 3:30 p.m., except for a one hour break for lunch at 1 p.m. The meeting will be for the purpose of discussing matters related to national energy research and development policy and programs.

The Advisory Council was established by the President on June 29, 1973, and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.

Members of the public will be admitted up to the limits of the capacity of the meeting room. Members of the public who plan to attend the meeting are requested to so inform Dr. William McCormick, Executive Secretary of the Advisory Council prior to October 11, 1973. Dr. McCormick can be contacted in Room 472, Old Executive Office Building, Washington, D.C., or on (202) 456-6575.

WILLIAM T. MCCORMICK, JR.,
Executive Secretary, Energy Research and Department Advisory Council.

OCTOBER 5, 1973.

[FR Doc. 73-21633 Filed 10-9-73; 8:54 am]

IMPOUNDMENT OVERVIEW

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. PICKLE. Mr. Speaker, a recent article by Richard Lyons in the New York Times, gives an excellent overview of the impoundment controversy. Importantly, it mentions a forthcoming study which shows that the impoundments which are the subject of pending legislation in the Congress and which are now being contested in courts across the land, do not help in the fight against inflation. The report indicates that these impoundments not only have had little effect on the consumer price index, they may be costing us as much as 100,000 jobs.

I commend this article to my colleagues and include it in the RECORD at this time:

[From the New York Times, Oct. 7, 1973]

NIXON'S IMPOUNDING OF BILLIONS IN FEDERAL MONEY IS COMPLICATED ISSUE, ABOUNDING IN MISCONCEPTIONS

(By Richard D. Lyons)

WASHINGTON, Oct. 6.—In 1970 the Missouri Highway Commission sought Federal funds due the state from gasoline taxes to help complete Interstate 44 through St. Louis and for other roads. But the money was unavailable because the White House wanted to cut spending and thus put a brake on inflation.

The result of the seemingly mundane squabble was a lawsuit against the Department of Transportation that the highway commission won, a blizzard of similar suits by state and special interest groups against 10 other Federal agencies over the withholding of Federal funds. A major confrontation between the White House and Congress over which controls the purse strings, and the addition of the word "impoundment" to the Federal lexicon.

Viewed by an accountant, the issue might only be that of money—$28-billion worth, or $14.5-billion, or $18-billion or even $21-billion, depending on who is counting and how.

Some Congressmen have pictured the impoundment issue as an embattled Senate and House pitted against the "one-man rule" of President Nixon, as House Speaker Carl Albert put it.

Some constitutional authorities may regard impoundment merely as the interpretation of that section of Article I that states that "no money shall be drawn from the treasury but in consequence of appropriations made by law."

And to some in state government the issue is not only money but also deception, even outright "lying," by some Federal agencies about the amounts of Federal money due their local counterparts.

The impoundment issue is complicated, in part because practices dating back 170 years, to the conflicting wording of even recently enacted legislation, to the lack of a clear decision by the Supreme Court, and to the current struggle between the President and Congress over unrelated matters such as the Watergate tapes.

And the misconceptions about impoundment abound, among them the following:

That the Missouri highway fund case, one of the few to have been decided, was solely the result of Nixon Administration actions. The impoundments actually started during the Johnson Administration.

That Mr. Nixon started the impoundment technique. The ploy was first used by President Thomas Jefferson to defer gunboat construction in 1803 and has gone on for years.

That impoundment is impoundment is impoundment. There are at least four types, only one of which is currently at issue.

That the issue is one of liberals vs. conservatives, or Republicans vs. Democrats. Some conservatives or Republicans have come out against the President's position while some liberal Democrats have thrown in with him.

That impoundment does in fact hold inflation. A University of Florida study to be released next month shows impoundment has had a negligible effect on the Consumer Price Index and further, may be costing 100,000 jobs.

THREAT TO BUDGET

In seeking to curtail spending for water pollution control, education and health programs and highway and housing construction, Mr. Nixon has taken the position that to spend all the funds voted by Congress would be "budget breaking." In addition, he feels that the spending of vast sums would only contribute to rampant inflation.

But the executive impoundment project at the University of Florida's Holland Law Center claims otherwise. Its statistics show that if $8.7-billion in additional Federal funds had been spent during the fiscal year 1973 the effect would have been only one-tenth of a point on the Consumer Price Index.

Dr. Irving Goffman, chairman of the university's department of economics, added that "100,000 is a very reasonable estimate of the number of jobs that might have been created had there not been impoundment."

Perhaps the one point that is not at issue in the controversy is that the amounts of money at stake are undeniably huge. The Office of Management and Budget, the White House group that keeps the books, conceded on Feb. 5 that "budgetary reserves" for the various Federal agencies $8.7-billion, a figure that has been widely quoted as the size of the impoundment nut

This led Senator Robert P. Griffin, Republican of Michigan, to note that $8.7-billion was only 3.5 per cent of the total Federal budget, although previous Administrations had impounded over twice that figure.

The amount went unchallenged—then—but the Democratic Study Group pointed out the next week that the compilation of the Office of Management and Budget "left out the $6-billion of authorized contract authority which the Environmental Protection Agency has been ordered not to allocate to the states."

With the inclusion of the unused $6-billion in water pollution abatement funds, the magic number on impoundment rose—steadily.

"As far as I can tell the amount is between $12-billion and $13-billion," said Representative Brock Adams, Democrat of Washington. Other members of Congress, such as Represenative Paul G. Rogers, Democrat from Florida, detected what they believed to be overlooked impoundment funds in health and medical research programs.

The number then was set at $18-billion by Dr. Louis Fisher, an analyst at the Library of Congress, who said last week that it might have dropped back to $16-billion. Officials of some states that have filed impoundment suits say the figure is $21-billion because of O.M.B. errors.

"The perplexing thing is that everyone may be right because the complexity of the Federal budgetary process allows everyone to do his own arithmetic and come up with his own set of wholly justfiable numbers," said one long-time observer of the Federal numbers game.

Another undeniable fact is that the Nixon Administration has been impounding money, even by O.M.B. figures, at a greater rate than in the past: $53.2-billion during its first five years in office, vs. for example, the Johnson years when $39-billion was impounded.

According to the Democratic Study Group: "Following the Second World War, impoundment was used as a device to cut back defense appropriations no longer required for the war effort. In the following 25 years, impoundments by the executive grew slowly until the Nixon Administration came into office.

"Following the 1972 election the use of impoundment reached crisis level. The President decimated programs for housing, agriculture and water pollution control by refusing to spend funds provided by Congress."

The result during the last year has been the filing of more than lawsuits by at least 18 states and the District of Columbia. Perhaps a dozen other states have joined in the suits as intervenors.

New York City filed a suit in May against the Environmental Protection Agency seeking the allocation among the states of $11-billion in fiscal 1973 and 1974 funds to control water pollution. The United States District Court for the District of Columbia held that the Administration should allot the money. The case has ben appealed by the Justice Department, which has handled the suits for the various Federal agencies.

Irving Jaffe, acting head of the Justice Department's Civil Division, said it was working on about 40 impoundment suits with a staff of six to eight lawyers.

"This is new in law—the relatively novel question on basic issues," he said. "Congressional vs. executive responsibility has come up before but only broadly."

"We anticipate a Supreme Court ruling on this," Mr. Jaffe said, adding that it would help to clear the air because, for example, the issue of exactly what impoundment is not been defined.

Parliamentarians place impoundment in four categories, as follows:

Turning back to the Treasury funds left over after a program has been completed.

The freezing of funds by the President under specific orders of Congress under certain conditions, such as the failure of a school district to desegregate.

The leaving by Congress to the President discretion not to spend funds, customarily used in military appropriations.

The withholding of money, without Congressional authority, for programs that are considered by the President to be incompatible with his own set of budget priorities.

The result of the Congressional verbiage has been the passage of anti-impoundment measures by both chambers, although the House and the Senate versions differ markedly, The two versions would, with Congressional approval, allow impoundment of the type Mr. Nixon has employed, but the conditions vary radically. A House-Senate conference committee is to consider the differences next month.

If the differences are resolved by Congress and the result signed by Mr. Nixon, or vetoed by the President and the veto is overridden by Congress, the result could still the rash of suits.

"The states are in an uproar over impoundment,' said Lyle McLaughlin, assistant chief engineer of the Missouri Highway Commission, which brought the first suit, an action that netted the state $84-million.

A FORGOTTEN DAY IN AMERICAN HISTORY, THE BIRTHDAY OF THE CONSTITUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RARICK. Mr. Speaker, September 17, 1973, marked an important birthday in this Nation's history, yet it passes with little or no fanfare and was buried under the headlines of Watergate, the energy crisis, and inflation. That date was the birthday of the U.S. Constitution.

We are reminded almost daily that "grave constitutional questions" need answering. If Government operated on the basis of that document, rather than Executive order, bureaucratic fiat, congressional rubber stamping, those "grave constitutional questions" would already be answered.

At a time when Government has grown isolated from the average citizen, not only because of its massive bigness but because of its inability to listen to the wishes and desires of the people, we should do more than merely pay lip service to the document that began our tradition of freedom.

A return to the principles of the original Constitution is needed. If we are to disentangle ourselves from the overgrown web of centralized Government, and to regain that highest degree of individual liberty that the writers of the Constitution intended almost 200 years ago, the return must be now.

I insert the following related newsclipping at this point:

[From the Cincinnati Enquirer, Sept. 17, 1928]

(By Ed Wimmer)

WHO ARE—"WE THE PEOPLE"?

"The Constitution will last only so long as the ideals of its architects are dominant."

On September 17, 1787, the Constitutional Congress emerged from five months of secret deliberations, with a document which Gladstone was to describe as "the most wonderful work ever struck off at a given time, by the brain and purpose of man." Later, Abraham Lincoln was to say: "It will ever be no child's play to save the principles of the Constitution, and its framers."

Still later, Calvin Coolidge told Americans: "Our country is entering a socialistic era in which I do not belong. I am leaving public life forever," and, later, Herbert Hoover was to say: "We have builded up an economic autocracy, upon which a political autocracy will rise."

"We the people," the Constitution began, but our youth ask: "Who am I? How can I revere something nobody lives up to?" Yet, Edmund Burke wrote: "The Constitution was written for the world. It is a great and silent compact between the dead, the living and the unborn. . . . Its Divine purposes make it so."

James Madison, architect of the Constitution, warned oncoming generations to "Hold fast to programs, both rational and moral, that have as their central goal a constant diffusion of power." Jefferson, who authored the Declaration, echoed Madison's words when he said to "trust no man with power, but bind him down from mischief with the chains of the Constitution. . . . It is not to the advantage of a Republic that a few should control the many when nature has scattered so much talent through the conditions of men."

Jefferson: "The Constitution must be used to protect the people from swarms of officers who would harass them and eat out their substance."

On July 4, 1976, we will celebrate the Two-hundredth Anniversary of the Declaration as a Republic or as a monopoly-welfare state, and it will be "we the people" who will decide which it shall be.

Those 56 who signed the Declaration, feared undue power more than anything else. So did the 55 who signed the Constitution. They were predominantly decentralists—which both President Eisenhower and General MacArthur advised us all to become if we would save our Liberties.

Yet—we plan a Bicentennial of painted old buildings, political oratory, parades, parks and hoopla, instead of setting goals to end all deficit financing by July 4, 1976; turn our Indian and civil rights problem around; a turn-around of monetary and energy crises, with other such goals as a turn-around of the socialistic dependencies of the federal government, and a turning back to the widespread, independent ownership of farm, home, bank and other enterprise, wherever practical and possible.

On its 1973 Anniversary, the Constitution is in the greatest danger since its birth, for it is now argued that every crisis faced by we the people, by Congress, cannot be solved under its provisions. That "government of the people, by the people, and for the people" has failed—as Hamilton predicted it would, and which Washington feared more than he feared death.

If Jefferson, Madison, Franklin, and Washington were alive today, they would be saying: Decentralize For Liberty—the greatest Frontier that ever challenged the courage and patriotism of a free people. It is a race between the concerned; and the unconcerned; between apathy and purpose, and the stakes are The American Heritage.

MINIMUM WAGE COMPROMISE BILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. FRENZEL. Mr. Speaker, since the House's vote to sustain the Presidential veto of the minimum wage legislation, my colleague from Minnesota (Mr. QUIE) has introduced what appears to be a reasonable compromise bill. The bill offers a fair provision for increasing the minimum wage and includes a provision for a youth differential. In addition, it provides for a continued exemption from overtime for police and fire personnel, as was originally intended by the House. I hope that the House will be able to accept this measure and I would commend to my coleagues the following editorial on the bill which appeared in the Rochester Post-Bulletin of Rochester, Minn.:

QUIE'S COMPROMISE MINIMUM WAGE BILL HAS THE RIGHT IDEA

First District Rep. Albert Quie has co-authored what seems a good compromise to the minimum wage fight between Congress and President Nixon. The minimum wage bill passed by Congress was vetoed by the President earlier this month and the veto was then sustained.

The President wanted to increase the present $1.60 minimum wage to $1.90 immediately and then increase that to $2.30 over a period of three years. His plan included a youth differential.

But Congress didn't like his plan. It passed a bill to hike the minimum wage to $2 in November and then increase it again to $2.20 next July and didn't include a youth differential. President Nixon didn't like that plan and vetoed it as "grossly inflationary."

Nobody is arguing against increasing the minimum wage. However, a 60-cent-an-hour wage increase in less than a year's time (as Congress wanted) would only add more kindling to inflationary fires. It could also have the effect of eliminating jobs for unskilled workers since the minimum wage, increasing too fast, could put companies in a position of no longer being able to afford to hire the unskilled. Instead of hiring workers to do menial tasks, companies probably would go further down the road of automation and let machines do them.

Quie's compromise bill has many good points. It provides a youth differential of 80 per cent of the minimum wage. And that is important to students who are looking for jobs during the summer months. Under his bill (the only one introduced since Nixon's veto) the minimum wage would increase to $2 two months after enactment and then would increase to $2.30 over a three-year period.

Spreading the increase out over a period of years makes good sense. If the increase were to come in less than a year as the vetoed bill proposed, it could have a terrible ripple effect with increases at the bottom leading to larger increases at the next level and then on and up to the end of the line. And 1973's economic atmosphere is hardly the right time to spur a round of wage increases that start big at the bottom and spiral bigger to the top. Quie's bill would spread out a 70-cent-an-hour increase over a three year period and give the economy a chance to absorb it.

We think Quie has the right idea. If the Democratic Congress is as concerned as it says it is about the plight of the unskilled worker, then it will see the merits and the sense of the compromise bill instead of working for legislation that could hurt instead of help the unskilled worker and the economy.

THE GREAT PROTEIN ROBBERY: NO. 6

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. STUDDS. Mr. Speaker, at this very moment there are literally hundreds of foreign fishing vessels operating in this country's coastal waters. Using the most modern equipment and ecologically unsound techniques, these government subsidized fleets are systematically depleting our coastal marine resources and robbing this country and the entire world of an invaluable source of protein.

This is not just a New England problem, nor is awareness of the threat posed by foreign fleets limited to New England fishermen alone. Last August, the Organized Fishermen of Florida, a group of over 1,400 commercial fishermen passed overwhelmingly at their directors meeting a resolution supporting S. 1988. That bill, introduced in the Senate by Senator WARREN G. MAGNUSON, and by identical bill, H.R. 8665, would allow the United States to protect coastal fish out to a total of 200 miles from our shores—and also to protect anadromous species such as salmon—until effective international action is taken.

The Organized Fishermen of Florida recognize that we must control foreign fishing in our coastal waters by passing H.R. 8665 in order to stop the great protein robbery occurring right now off our coasts.

RESOLUTION OF ORGANIZED FISHERMEN OF FLORIDA

Whereas, the Organized Fishermen of Florida are cognizant of the serious depletion of United States fisheries stocks, and

Whereas, other United States fisheries stocks are being threatened by this same encroachment by foreign fishing fleets, and,

Whereas, it is apparent that the various commissions, and committees charged with actions to preserve our fishery resources have been unable to produce satisfactory results,

Now therefore, be it resolved that, by overwhelmingly favorable action, at a quarterly Directors Meeting, of the Organized Fishermen of Florida, on August 25th, 1973, at Tarpon Springs, Florida, we do support S. 1988, a Senate bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry.

Duly recorded in the minutes of the above mentioned meeting this 25th day of August, 1973.

THE MIRACLE OF THE METS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RANGEL. Mr. Speaker, in the midst of a turbulent and historical day, word has come of still another event which in its own way surpasses in wonder the resignation of the Vice President and the long awaited action by the House to provide for the establishment of democracy for the District of Columbia. This event is the winning of the National League pennant by the New York Mets.

The Mets have been responsible for the coining of a new slogan in New York City, "We Believe." Mired in last place as late as mid-August, the Mets rebounded to win the National League East and now have prevailed over the Cincinnati Reds, a team who during the season accomplished 17 more victories than the Mets and who, according to the analysis of baseball experts, has personnel far superior to the Mets.

Yet, today at Shea Stadium, a second miracle of the Mets took place, and tonight New Yorkers will have some good news to celebrate amidst the depressing realities of war, corruption, and the shaking of our fundamental institutions.

We need the miracle of the Mets this year more than in 1969, and as they go into the World Series against the American League champion. I can only wish them continued success, both for their sake and ours.

SUBCOMMITTEE REPORT ON SUPPLEMENTAL SECURITY INCOME PROGRAM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mrs. GRIFFITHS. Mr. Speaker, the Joint Economic Committee's Subcommittee on Fiscal Policy, of which I am chairman, has just released the 10th in a series of staff studies on public welfare programs. This latest study is entitled "The New Supplemental Security Income Program: Impact on Current Benefits and Unresolved Issues." It is a thorough analysis of how the Supplemental Security Income—or SSI—program will work and what its impact on recipients and on other programs will be.

Effective January 1, 1974, the present State-administered public assistance programs for the aged, blind, and disabled will be replaced by SSI, a nationally uniform Federal program run by the Social Security Administration. Some States will supplement SSI benefit levels, which initially will be set at $130 a month for an eligible individual with no other income—$195 for a husband and wife. These amounts will be raised by $10 and $15 respectively in July 1974.

The launching of this new assistance program is a perfect example of how difficult it is to put a good idea into practice when both Congress and the executive branch try to deal with welfare problems in an uncoordinated, piecemeal way. When the House of Representatives passed the welfare reform bill in 1971, we passed a bill which promised comprehensive reform of all welfare categories—needy families, the aged, the blind, the disabled—an easing of the present administrative nightmare, and a better deal for the people with the lowest income. But after 2 years of conferences, Senate rejection of the family assistance plan, amendments in Congress and administrative interpretations at HEW, the new SSI program that emerged is not comprehensive reform—it omits families with children, who constitute 78 percent of current welfare recipients—and it may complicate more than it simplifies administration. Supplemental security income will make a number of the poorest aged, blind, and disabled persons better off, but in doing so will raise further questions about whether the relationship between welfare and social security programs makes sense.

The worst example of how administrative streamlining went awry is the food stamp situation. The SSI legislation called for a "cash out" of stamps to reduce the overall administrative burden and to give recipients more discretion in spending their income. But a recent amendment (P.L. 93-86), which was a genuine attempt to assure that the new system would preserve actual and potential benefits of the old system for the aged, blind, and disabled, will result in an administrative mess that is actually worse than the complexity of the current welfare programs. The amendment provides that recipients of the new SSI Federal income floor—$130 per person, $195 per couple—or of State additions to the floor are eligible for food stamps unless their new cash payments at least equal the total of the State welfare payment and the food stamp bonus that would have been received in December 1973. This sounds good in theory, but the problem is that these benefit comparisons will have to be made on a case-by-case basis, and for all future applicants as well as for the December 1973 caseload. In my judgment this is an impossible provision. It will be an administrative nightmare.

Presently, when an aged person applies for Federal-State old age welfare assistance, the State figures out the cash grant amount, certifies eligibility for medicaid, and, for those who want food stamps, computes their entitlement. This procedure has been made even more complicated under the new SSI program because of the food stamp amendment.

First. The applicant will go to the Social Security Office, where the agency will compute his SSI payment on the basis of uniform national rules.

Second. If the Federal Government also administers the State supplemental welfare payment, Social Security then must compute that payment using State rules which will be different from those that apply to SSI.

Third. Somebody will have to compute what the welfare payment for this person would have been under the still different set of rules which applied to the State's welfare program in December 1973, and the food stamp agency will have to compute what the food stamp bonus would have been under the old State program. The person need never have actually received this hypothetical amount, since this rule will apply to new recipients as well as old.

Fourth. The total of the old welfare payment and the old food stamp bonus will have to be compared with yet another amount: the total of SSI and State supplement amounts.

Fifth. If the new total is less than what would have been paid in cash and food stamps under the old program, the person is eligible to participate in the food stamp program.

Sixth. Finally, the food stamp bonus must be recomputed, this time on the basis of SSI and State supplementary payments—and any other income—using up-to-date food stamp rules.

HEW has proposed a change in the law which will greatly simplify the way in which food stamps are phased out for SSI recipients. This amendment is now pending in the Senate Finance Committee.

This subcommittee staff report should stimulate some serious thinking about the interaction between SSI and social security benefits. Currently, about 7 percent of aged social security beneficiaries also receive cash welfare aid. But, under SSI, this proportion will jump to 20 percent. Conversely, 71 percent of aged SSI recipients will receive social security as well. Furthermore, this group of almost 4 million beneficiaries will be receiving their two monthly checks from the same agency—the Social Security Administration.

This sizable overlap of SSI with social security raises several questions in my mind. First, there is the problem of future social security benefit increases being offset by corresponding reductions in SSI payments, as happened last year under State welfare programs, causing great controversy. Since SSI fails to correct the problem, the controversy can only grow as more and more people see their cost-of-living social security increases disappear into smaller SSI checks. Even if Congress always increases SSI payment levels at the time of each social security increase, there is no guarantee that States will raise supplemental payment levels. If they do not raise them, the social security and SSI increases will simply save the States money by allowing them to reduce the supplemental amounts. But rather than pressure States to keep changing their payment levels, it might make more sense to require that a percentage of retirement benefits be ignored when calculating the SSI and State supplemental payments. This would assure that every SSI beneficiary would always see some gain from a social security increase.

A far greater issue for the long run is the structure of social security itself. It has never been purely a retirement pension because it offers proportionately more in benefits to the small contributors than to those who paid the most into the trust fund. But after SSI becomes effective, some of these welfare-type elements in social security will become increasingly questionable. Take the minimum floor on benefits, for example. The minimum of $84.50 a month is less than the SSI payment level of $130. Thus, if SSI reaches everyone who is eligible, the social security minimum will not help the low-income aged but, instead, will help only low contributors to the trust fund who have incomes too high for SSI, such as the retired civil servant who then works in a private job for a few years and acquires social security coverage. The wage-earner is paying for the ex-bureaucrat's high minimum benefit through the social security payroll tax, a rising burden to middle- and lower-income workers. SSI benefits, which are lowered because of the social security minimum, reduce SSI costs, and thereby substitute payroll taxes for revenue derived from the more progressive income tax.

Any social security beneficiary with income low enough to qualify for SSI will have only $20 a month more in total income than the basic SSI grant of $130. As more and more contributors to the social security trust fund discover how little their years of paying the payroll tax bought them, the roles of SSI and social security will have to be sorted out if the concept of contributory social insurance protection is to be maintained. These problems are very complex, involving how benefits are financed as well as how they are paid out, but they are the questions concerning social security that SSI will force us to consider.

The subcommittee report compares benefits under SSI with the benefits now available from public assistance, food stamps, surplus commodities, public housing, medicare and medicaid. The information on current programs was obtained from a questionnaire the subcommittee sent to 100 local areas across the Nation. A list of these 100 counties and cities follows my remarks. The report includes the data the subcommittee collected for each county.

When you see the variations in availability and amounts of benefits, it is easy to understand why it is so difficult to develop a more uniform, integrated welfare system. SSI is going to enter a world which now provides cash, food, and housing benefits totalling $324 a month to some aged individuals with no private income in Bergen County, N.J., but only $111 in Bolivar County, Miss. Variations in rules and procedures among programs and from place to place further compound the difficulties of welfare reform. We have made some headway by establishing SSI, but I think this report makes clear the need for better coordination among congressional committees and executive agencies in our future efforts at reform.

Copies of the report are available from the subcommittee office.

The list follows:

LIST OF 100 LOCAL AREAS INCLUDED IN SUBCOMMITTEE ON FISCAL POLICY STUDY OF WELFARE BENEFITS

State (or other State-level jurisdiction) and county (or other local jurisdiction)	Pages in subcommittee staff report showing benefits to aged as of:	
	July 1972 (current law)	January 1974 (SSI)
Alabama: Jefferson	94	296
Arizona: Pima	96	297
Arkansas: Saline	98	298
California:		
Alameda	102	300
Contra Costa	116	307
Fresno	118	308
Kern	122	310
Los Angeles	100	299
Orange	112	305
Riverside	120	309
Sacramento	110	304
San Bernardino	114	306
San Diego	104	301
San Francisco	108	303
Santa Clara	106	302
Shasta	126	312
Ventura	124	311
Colorado:		
Denver	128	313
Pueblo	130	314
Connecticut: Hartford	132	315
Delaware: New Castle	134	316
District of Columbia: Washington (city)	136	317
Florida:		
Dade	138	318
Duval	140	319
Orange	142	320
Georgia:		
Burke	148	323
Fulton	144	321
Richmond	146	322
Telfair	150	324
Illinois:		
Cook	152	325
Hancock	156	327
Tazewell	154	326
Indiana: Lake	158	328
Iowa: Taylor	160	329
Kansas: Leavenworth	162	330
Kentucky:		
Calloway	166	332
Letcher	164	331
Louisiana:		
Iberville (parish)	170	343
Orleans (parish)	168	333
Vermillion (parish)	172	335
Maine: Kennebec	174	336
Maryland: Baltimore (city)	176	337
Massachusetts:		
Essex	182	340
Middlesex	180	339
Plymouth	184	341
Suffolk	178	338
Michigan:		
Gogebic	192	345
Monroe	190	344
Washtenaw	188	343
Wayne	186	342
Minnesota:		
Dakota	196	347
Hennepin	194	346
Mississippi:		
Bolivar	198	348
Tippah	200	349
Missouri:		
Pemiscot	204	351
St. Louis (city)	202	350
New Jersey:		
Bergen	212	355
Camden	208	353
Essex	206	352
Hudson	210	354
Morris	214	356
New Mexico: Bernalillo	216	357
New York:		
Albany	228	363
Erie	220	359
Monroe	226	362
Nassau	224	361
New York City	218	358
Rensselaer	230	364
Suffolk	222	360
North Carolina: Haywood	232	365
Ohio:		
Cuyahoga	234	366
Franklin	236	367
Guernsey	240	369
Montgomery	238	368
Oklahoma: Tulsa	242	370
Oregon:		
Lane	246	372
Multnomah	244	371
Pennsylvania:		
Allegheny	250	374
Dauphin	252	375
Lehigh	256	377
Philadelphia	248	373
York	254	376
Puerto Rico:		
Caguas (municipio)	260	379
Ponce (municipio)	258	378
Rhode Island: Providence	262	380
South Carolina: Beaufort	264	381
South Dakota: Shannon	266	382
Tennessee:		
Hamilton	270	384
Shelby	268	383
Texas:		
Bexar	276	387
Dallas	274	386
Hale	280	389
Harris	272	385
San Patricio	278	388
Virginia:		
Dickenson	284	391
Richmond (city)	282	390
Washington:		
King	286	392
Snohomish	288	393
West Virginia: Lincoln	290	394
Wisconsin: Milwaukee	292	395

TO UNIFY THE COUNTRY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. VANIK. Mr. Speaker, the Vice President's resignation provides President Nixon with an opportunity to unify the country and infuse confidence in the Government.

This is the time for a coalition government—a coalition of parties and branches of the Government. The President would be well advised to nominate a legislative leader such as our distinguished Speaker, CARL ALBERT, the distinguished chairman of the Ways and Means Committee, WILBUR MILLS, or the Senate majority leader, MIKE MANSFIELD.

GOOD NEWS ABOUT BILINGUAL EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. BADILLO. Mr. Speaker, in recent years we have talked a lot about bilingual education, a concept which says that special educational provisions should be made in areas of the United States where there are substantial numbers of persons whose native language is not English. The Bilingual Education Act which was passed in 1967 was perhaps the first important step in changing the old standard, but it was not enough in itself to completely remedy the situation. I am happy to report that, according to an article which appeared in a recent edition of the weekly newsletter of the American Association of School Administrators, bilingual education seems at last to be making some real, measurable progress. In addition to Federal legislation, new changes in State laws and success in the courts is improving the picture for non-English-speaking children whose special needs were previously ignored.

I would like to submit the full text of that article, since I believe it contains details of interest to many of my colleagues:

BILINGUAL EDUCATION COMES OF AGE

Bilingual education, seen as recently emerging from the "dark ages," is coming into its own. As few as five years ago more than 20 states—including some with the largest non-English speaking populations—had laws requiring all teaching in public schools to be in English. In seven states, a teacher risked criminal penalties or revocation of his certification for not teaching in English. And prior to 1968, there was no state or federal legislation pertaining to bilingual education. But with the passage of the federal Bilingual Education Act came the recognition that Puerto Ricans, Mexican-Americans, Orientals, American Indians and other foreign-language children were being shortchanged and neglected by the American educational process.

A recent survey shows that 11 states now have legislation dealing with bilingual-bicultural education. Massachusetts has gone further than any state by requiring every district with more than 20 non-English speaking students to provide them with a bilingual education. Five other states—Alaska, California, Illinois, Maine and New Mexico—have what Rep. Herman Badillo, D-N.Y., calls "explicit and substantive" laws on the issue. Others, like Pennsylvania, provide for programs without legislation. That state's guidelines now require districts to have a bilingual or English as a Second Language program for any student whose native language is not English. The survey, conducted by the National Advisory Council on the Education of Disadvantaged Children, also concluded that most states would lose their programs without federal bilingual aid.

The right of a non-English speaking child to a meaningful education has come into national prominence in a case to be heard before the U.S. Supreme Court this term. The court will decide whether non-English speaking children have the constitutional right to special help—such as instruction in English by bilingual teachers—to enable them to learn. The case, *Lau* v. *Nichols*, involves 1,800 Chinese-speaking students in San Francisco. Parents say their children are being denied an equal educational opportunity. Lower courts have said all the district needs to do is provide the same facilities, textbooks and curriculum to these pupils as it provides to others. Edward Steinman, attorney for the parents, says: "Hopefully the decision will not only impose a duty on San Francisco to teach the children English, but will also be broad enough to cover the five million non-English speaking students throughout the country." The Lawyers' Committee for Civil Rights Under Law says the case should help define how the Constitution will be used as a tool to reform educational inequities.

Previous court cases have given bilingual proponents some hope. A federal court has said Texas' past discrimination against Mexican-Americans was unconstitutional, and has ordered the state to provide bilingual-bicultural education. In New Mexico, a federal court has ordered the Portales schools to reassess and enlarge their curricula to take into account the needs of Spanish-surnamed students. And, it has ordered the district to "develop programs with a bicultural outlook in as many areas as practical," including at least 30 minutes of bilingual instruction at the elementary level. Progress has also been made in places like El Paso, Tex., through HEW civil rights investigations (see ED USA, p. 12, 9/11/72), and through court suits against IQ tests given solely in English. Non-English speaking pupils may, in the words of one advocate, be on the verge of receiving the attention they deserve.

BASEBALL AND YOGI BERRA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. DERWINSKI. Mr. Speaker, as World Series fever grows in the country, any review of the baseball season certainly points to Manager Yogi Berra of the New York Mets as being a prime candidate for manager of the year. Therefore, I believe it is appropriate that I insert into the RECORD a column by Rick Friedman, managing editor of the Star-Tribune publications which serve south suburban Cook County, Ill. In his column of Sunday, September 16, Rick presents us with a very human and penetrating analysis of the development of baseball players.

The article follows:

BASEBALL AND YOGI BERRA

(By Rick Friedman)

A few weeks ago in our sports section Yogi Berra, former Yankee catcher and present manager of the New York Mets, had some interesting things to say about organized sports for kids.

Berra claimed leagues for 8–12 year olds were cutting down the caliber of hitters in professional baseball. "Look," Berra contended, "every kid plays every game. That means he bats once a game, or at the most twice. That is a waste of time. If these kids had T-shirts and a cap, went to a vacant lot and chose up sides, they would play all day. They would do their own umpiring and play in the daytime. They would bat maybe 15 times. They would learn baseball. It's too fancy now."

Berra was talking about the vacant lot he and Joe Garagiola played on in St. Louis before the two of them went into professional baseball. His comments sent my own mind spinning back 30 years to another world of kids' ball my own 11-year-old son, who is now in organized kids' sports, will never know.

My mind went back to a time when there wasn't a Little League and park district leagues and uniforms. Back to a time when parks tailor-made for kids were undreamed of. Back to a time when kids played on big, clumpy lots.

Those clumpy lots were a sports paradise unto themselves for us kids.

For me, it started a couple of years before America was pulled into the Second World War. The housing boom had just started but almost every neighborhood had a few empty lots which hadn't been touched by developers.

This was Philadelphia in the year 1939. (For a couple of years after that the lots did start to disappear at an alarming rate as houses went up on them. But with the advent of Pearl Harbor, construction came to a standstill and our personal ballfields were left for the most part intact.)

The lots had holes, stumps, lumps, clumps and bramble patches on them. High grass skirted their sides. We would organize the neighborhood gang each summer and clear the stumps, level off the lumps, dig up the clumps and fill in the smaller holes and ditches. With a borrowed roller from somebody's father, and borrowed picks and shovels from somebody else's father, we carved an infield onto those lots.

Part of each summer was spent working on those makeshift fields until the great day arrived when we could anchor down a mess of lumber for a backstop. Then it was time to get down to some serious baseball playing.

Our biggest problem was with foul balls. At least twice each day a ball would go sailing into the high grass, weeds and bushes growing around the perimeter of our field. Generally, the only ball we had to play with was somewhere in that growth. The game would stop, we would all spread out in a long line, and holding hands, we would walk forward into the grass. No lost ball could hide long against those kinds of odds.

The ball we played with was something else. If the cover started to come aff, and it always did, we used the ball until the string was showing completely. Then, black friction tape went around the ball. A few more games meant more black friction tape and before the summer was over the ball resembled the surface of the playing field—a lumpy rock that was responsible for more split fingers and sprained knuckles than most of our mothers could count in a summer baseball season.

And all the time there was this kid on the sidelines, tossing a genuine major league baseball up and down in the air, having a catch with himself. His father got it for him at Shibe Park and it had the names of all the Philadelphia Athletics on it. He'd never let us use this ball in a game.

This was the most hated kid in the neighborhood.

The bats were also something else. There never seemed to be more than two or three around at any time and if one split near the handle it made the trip to somebody's garage. Nails would be driven through it, the dependable black friction tape would be rolled around the cracked part, and back to the bat pile it went.

The day always came when the one good bat available would break and there was nothing else to do but grab a cracked, taped bat and hit away. A solid connection with the ball and the sting from the bat handle would shoot clear up from the hands to the shoulder.

Berra was right about playing all day. Once school was out for the summer, we got on the field right after noon and played until it was too dark to see the ball or we had to go home for supper. It usually took a damn hard rain to make us quit. But one thing that did break up more ball games early was an argument.

A close play would end up with the kid who owned the only ball or good bat getting huffy and storming off the field with the immortal words: "If I'm called out I'm taking my ball and going home."

As the baseball season got rolling we took on such names as the Seventh Street Tigers or the Mayfair Red Devils and played other neighborhood teams with names like the Pennyback Pirates or Homesburg Marauders. The most original name I recall belonged to a club who played on a lot near a graveyard. They called themselves the Tombstone Athletic club. (To get to their field we had to ride our bikes through the graveyard.)

Then one day the war was over, the building boom was on again and overnight our baseball fields disappeared under two-story houses complete with recreation rooms. Playgrounds sprung up and the Little League moved into Philadelphia.

Kids' sports became organized.

The era of playing baseball on empty lots with taped baseballs and cracked bats was over for good.

Like Yogi Berra, I too, wonder how much of the initiative and desire to play baseball no matter what the odds died with it.

NEWSPAPER WEEK

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Nation this week celebrates Newspaper Week.

We all should take time out and dwell a moment on the meaning to our democracy of a free press and the catastrophe that would befall us as a people if we allowed our precious first amendment rights to be weakened.

> . . . were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate to choose the latter.

I always have found Thomas Jefferson's sledgehammer blow on behalf of a free press an accurate gage of my personal feelings.

I would like to include in the Record at this time an editorial by C. Dale Noah, editor of the Brookline Journal, on what a free press means to him:

NEWSPAPER WEEK

(By C. Dale Noah)

Newspaper Week, October 7–13, will be met with its share of "So-what's?" but for those who like the taste of freedom, it will be a time to pay tribute to one of the most important guardians of free expression.

A newspaper's talents and responsibilities are many: It is a community soapbox, companion and entertainer on lonely evenings, bearer of both good and bad news on the local and international scenes, advertiser of needed goods and services and a governmental watchdog.

Every day the thunder of the nation's presses may be heard throughout the land as a free people let their voices be heard. So it has been for 200 years. Can any other country make the same claim? The answer, of course, is "No," for an alert, articulate press is the dictator's nightmare. It is our salvation.

Perhaps the editors and their staffs may be forgiven if they brag a little during their own special week. The newspaper you hold in your hand is part of a vast, independent information network that is a main pillar in the temple of human freedom as we know it in the United States.

CHROMIUM CRISIS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. CLARK. Mr. Speaker, a series of articles by William H. Wylie have appeared in the Pittsburgh Press recently on the chromium situation and its effect on domestic producers of specialty steel in the United States. I insert these excellent articles in the Record at this point so that my colleagues may have the opportunity to read them.

[From the Pittsburgh Press, Sept. 18, 1973]

MOVE TO BAN RHODESIAN CHROME PERILS JOBS HERE

(By William H. Wylie)

(NOTE.—Few Pittsburghers are aware of the "chromium crisis," yet the outcome could give the local economy a bad jolt. The issue centers around efforts of civil rights interests in Congress to cut off the flow of chromium from Rhodesia to the United States. If the move succeeds, the specialty steel industry would be wounded and thousands of district jobs might go down the drain. This is the first of three articles about the chromium crisis and Pittsburgh's stake in it.)

It's a small world—small enough that thousands of district steel jobs owe their existence to a vital import from the African nation of Rhodesia.

This rare commodity is chromium. Specialty steels—stainless, electrical and tool steels, etc.—cannot be made without it. Ironically, a move is under way in Congress to cut off the specialty steel industry from its Rhodesian chromium supply.

But this effort will be blunted if E. F. Andrews, an Allegheny Ludlum Industries vice president, and other leaders of the specialty steel industry have their way. Recently Andrews carried the fight to the Senate Foreign Relations subcommittee on African Affairs.

His testimony focuses attention to the stainless steel industry's Achilles heel—the shortage of chromium in the U.S. In fact, no other commodity pinpoints the emerging role of the United States as a "have-not" nation more drastically than chromium. None of this precious ore has been mined in this country since 1961 and the national stockpile is dwindling, Andrews said.

In Rhodesia, it's a different story. That nation has 67 per cent of the world's supply of metallurgical grade chromite—the kind used in specialty steels. The rest is scattered among Republic of South Africa, 22 per cent; the Soviet Union and other Communist countries, 6 per cent; Turkey, 2 per cent; the Philippines, 3 per cent, and other nations, about 2 per cent.

On the basis of these figures, one would expect chromium users to beat a path to Rhodesia's door. But there are some complications.

That nation has fallen into the bad graces of the international community because of its racial policies. The situation boiled over in 1967 when the United Nations slapped economic sanctions on Rhodesia, making it off limits to world traders.

The United States and practically all of the U.N. members signed the embargo. With a stroke of the pen, the State Department wiped out the stainless steel industry's best source of chromium.

There were some painful years from 1967 until 1972, Andrews said. Specialty steelmakers dipped into the national stockpile and made a trade deal with Russia.

But chrome and ferrachrome prices soared and foreign steelmakers captured big chunks of the domestic market because they were able to underprice American mills in specialty steel products.

Where did foreign steelmakers get metallurgical chromite?

From Rhodesia, of course. Andrews said the U.N. sanctions gave Americans a cynical lesson. Despite signing the sanctions pact, many nations carried on business as usual with Rhodesia.

As Andrews quaintly puts it, "I learned a long time ago as an Indiana country boy that when you're in a crap game behind the barn and everybody else is using loaded dice you find another game."

Last year the stainless steelmakers got their story across and Congress passed the Byrd amendment which exempts chromium and ferrachrome from the sanctions. But now there's a move led by Sen. Hubert Humphrey, D-Minn., to repeal the exemption.

If the effort succeeds, there would be serious repercussions for stainless steelmakers, Andrews said. The pinch would be much more binding than in the late '60s and early '70s, he added.

"The issue will probably be decided within the next 30 days," Andrews said. If the ball bounces the wrong way, Pittsburgh's economy will suffer, he warned.

[From the Pittsburgh Press, Sept. 19, 1973]

U.S.A. "HAVE-NOT" IN CHROME GAME

(By William H. Wylie)

"The irony will not be humorous to a black steelworker in Pittsburgh who loses his job if the sanctions are reimposed."

That statement was taken from the testimony of E. F. Andrews, an Allegheny Ludlum Industries vice president earlier this month, before the Senate Foreign Relations subcommittee on African Affairs.

Andrews was referring to efforts by Sen. Hubert Humphrey, D–Minn., and other senators to repeal the Byrd Amendment which permits the United States to buy chromium and processed chromium from Rhodesia.

That African nation was shackled with economic sanctions by the United Nations in 1978 as punishment for its racial policies. As a result, Americans specialty steelmakers were prohibited from importing chrome from Rhodesia from 1967 to 1972.

Since that country has 67 per cent of the world's supply of metallurgical chrome, and since chrome is essential for making specialty steels, U.S. Steel, Allegheny Ludlum, Crucible, Cyclops, Armco and other specialty steelmakers were in a bind.

In 1972 Congress passed the Byrd Amendment which exempted chrome from the sanctions because it is the No. 1 strategic material. Since then the chrome squeeze has eased. But now a new attempt to bar chrome imports is under way in the Senate and specialty steelmakers are waging an all-out fight to head it off.

Andrews used the word "irony" advisedly in his testimony. He poses the question: Is an American steelworker willing to give up his job to further the civil rights of a Rhodesian black? In the case of a black American steelworker, this would be ironic indeed.

The steel executive says repeal of the Byrd Amendment constitutes a real threat to Pittsburgh because this area is a center of specialty steelmaking. Cut off the chrome supply and district mills would have to lay off workers, he said.

The problem is really simple. Specialty steel cannot be made without chrome. In fact, stainless steel must contain no less than 10½ per cent chromium to be classified as stainless, Andrews said. Actually most stainless steel is comprised of at least 18 per cent chromium, he added.

Andrews points out that Rhodesia has 67 per cent of the world's metallurgical grade chromium and the United States has none.

During the chromium crunch of '67–'72, the U.S. managed to live off the national stockpile and get ore from Russian which controls about 6 per cent of the world's supply. But the price of chrominum doubled during that period, Andrews said.

He cited a 14-cent-a-pound rise in prices and noted that each penny increase raises the price of finished stainless $8 a ton. A little simple arithmetic reveals that five years of sanctions tacked $112 onto the price of a ton of stainless steel.

During that period, foreign steelmakers, who continued to buy ore from Rhodesia even though they had signed the embargo too, grabbed sizable chunks of the American specialty marked, Andrews said.

"We lost 60 per cent of the market for some of our products," he continued.

If the sanction on chromium imports were reimposed, Andrews believes prices would zoom at least 10 cents a pound. And the pinch would be much tighter this time, he said, predicting that the national stockpile would last less than a year.

Actually, the U.S. hasn't recovered fully from the '67–'72 cutoff, Andrews said. Chromium must be processed into ferrochrome before it can be used by steel mills.

Before 1967, chromium was imported and refined by American companies. But during the "famine," a lot of domestic ferrochrome plants closed, eliminating more than a thousand jobs. Few of these plants have reopened.

Rhodesia took advantage of the U.S. boycott to establish its own refining plants which have since won a place in the world market. Now American businessmen believe Rhodesia would take the next logical step and set up their own specialty steel industry if sanctions were revived.

And that would be bad news in Butler, Vandergrift, Brackenridge, Midland and other district milltowns.

[From the Pittsburgh Press, Sept. 20, 1973]

Chrome Key to Air, Water Cleanup

(By William H. Wylie)

Not all battles for survival are fought in the main arenas of the world.

This is true of a rather quiet but determined effort to ban chromium imports from Rhodesia. The stainless steel industry, which would be the victim of such a ban, is fighting for its life to keep these valuable imports flowing to the United States.

The struggle is being waged in the back halls of the Senate where civil rights interests led by Sen. Hubert Humphrey, D-Minn., want to punish the African nation for its harsh racial policies.

This appraisal of the Capitol Hill conflict comes from E. F. Andrews, an Allegheny Ludlum Industries vice president and spokesman for the Tool and Stainless Steel Industry Committee.

Since production of specialty steel creates employment for 50,000 to 60,000 workers, Americans have a vital stake in the industry's future. This is especially true in several Pittsburgh-area communities where mill jobs keep meat and potatoes on the table.

The Senate battle centers around a movement to repeal the Byrd Amendment which was passed to let us buy Rhodesian chromium. It exempts chromium, a strategic material, from economic sanctions imposed on Rhodesia in 1967. As a signer of the embargo, the U.S. agreed not to trade with the African nation.

Andrews said the stainless steel industry isn't fighting the repealer on moral grounds. "We certainly deplore the racial situation in Rhodesia," he said.

The industry's fight is being waged on economic grounds. Steel men are saying the U.S. can't afford to turn its back on Rhodesian chromium which represents 67 per cent of the world's supply. South Africa has the next largest source—about 22 per cent. The U.S., which has none, turned to Russia, which has about 6 per cent, during the 1967–72 Rhodesian chrome blackout.

Andrews argues that it's inconsistent to put Rhodesia off limits while permitting trade with South Africa whose racial policies are equally distasteful to Americans.

He also noted that most industrial nations have continued trading with Rhodesia any way. "Since imposition of the sanctions, over a hundred cases of evasion have been reported to the United Nations by Great Britain," he said.

"These represent only the tip of the iceberg; sanction-busting continues to occur on a monumental scale," he added. Steel men make these points:

South Africa and Portugal ignored the embargo from the beginning. They were followed by Eastern European nations and parts of the Middle East. Finally, Western Europe and Japan entered the Rhodesian market, doing a big business every year since 1968.

Why all the excitement over chromium? Can't steel men use a substitute?

The answer is "no." Chromium, or ferrochrome as the processed ore is called, represents about 18 per cent of a ton of stainless steel. Nothing else will do.

In their struggle to preserve a supply of chromium, steel men can't understand why they are fighting virtually alone. They look for support of environmentalists, power generation people, transportation interests, food processors, chemical and petroleum firms. Products of all these industries use some specialty steels.

Equipping new cars with catalytic converters will require an additional 50,000 tons of ferrochrome annually, Andrews said. Almost all equipment for cleaning air and water of industrial pollutants contains some specialty steels.

One steel executive said, "We're scared about that 350,000 tons of additional ferrochrome that will be needed in the immediate years ahead. We don't know where it will come from."

Andrews believes the issue over the Byrd Amendment repeal will be decided within 30 days. Nobody has a bigger stake in the outcome than western Pennsylvania.

[From the Pittsburgh Press, Sept. 21, 1973]

USW Fights Steel on Chrome Ban

(By William H. Wylie)

As often happens, union and management are on opposite sides in the battle over banning chromium imports from Rhodesia.

To the casual observer, this may seem surprising in view of the specialty steel industry's argument that cutting off the rare ore from the African nation would jeopardize thousands of American jobs.

But to those who have followed the Rhodesian issue, testimony earlier this month by John J. Sheehan, legislative director of the United Steel Workers (USW) of America, before a Senate Foreign Relations subcommittee contained few, if any, surprises.

Two years ago the union opposed passage of the Byrd Amendment which ended the Rhodesian chrome blackout. And the USW's position hasn't changed, Sheehan said.

The issue erupted in 1967 when the United Nations imposed economic sanctions on Rhodesia. The United States signed the agreement aimed at forcing the Ian Smith government to reform its racial policies.

In 1971, mainly at the insistence of specialty steel companies, Congress exempted chromium from the sanctions.

At that time USW President I. W. Abel was critical. He told Sen. Gale McGee, D-Mont., another opponent of the exemption, that "the price of human dignity should not be measured in terms of the cost of chromite in the United States market."

As Abel suggests, the USW opposes trade with Rhodesia on moral grounds. The union's position also is braced with economic arguments.

In fact, the moral and economic arguments are intertwined in the union's charge that Rhodesia permits "slave labor." The USW alleged that Union Carbide in 1970 paid black workers in the chromium industry $46 to $130 a month compared to $122 to $750 for whites.

The USW appears to make two points. First, Rhodesian pay scales are unfairly keyed to a "double standard". And, second, cheap foreign labor is eliminating American jobs.

Some background on chromium and how it is used is needed to clarify the second point. Steel mills don't buy chromium ore. Instead, they purchase ferrochrome, a crude alloy of chromium and iron.

Over the years, most of the domestically used ferrochrome was produced by American companies and sold to specialty steel makers. But, for various reasons, the ferrochrome industry has fallen on hard times and a lot of ferrochrome is imported from Rhodesia.

"The impact already is very real for some of our members," Sheehan testified.

"Ohio Ferroaloys in Brilliant, Ohio, has already shut down its ferrochromium process, switching instead to silicon process exclusively.

"Foote Mineral is planning on completely closing its Steubenville, Ohio, plant by the end of this year," he said, noting an expected loss of 313 jobs.

Obviously the USW feels that reviving the ban on Rhodesian chrome would give this country's ailing ferrochrome industry a badly needed lift.

The union shrugs off the companies' charge that cutting off Rhodesian chrome would give foreign competitors an advantage and threaten domestic jobs, saying the industry is protected by the voluntary import quotas agreement.

The union denies that while the embargo was in force from 1967–72 it cost some USW members jobs.

Sheehan also contends—although Rhodesia has 67 per cent of the world's chromium—the U.S. can find other sources. He cited Russia, which exports chromium to this country, and the national stockpile.

The USW spokesman concedes sanctions may cost industry and consumers more, but he said, "It is a price we should be willing to pay in order to uphold the integrity of our ideals and the ideals of the United Nations.

NEW VICE PRESIDENT

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. FROEHLICH. Mr. Speaker, in selecting a new Vice President, there is an imperative need to nominate a strong national leader who is fully capable of serving as Vice President or President in the months ahead. In a period of national and international tension, the Vice President must be prepared to assume the heavy burdens of the world's most powerful office without faltering. In a period of political demoralization, the Vice President must be able to rekindle public confidence in our National Government.

Howard Baker, John Connolly, Melvin Laird, Charles Percy, Ronald Reagan, and Nelson Rockefeller are among the major national Republican leaders who are worthy of serious consideration. Under no circumstances should the President, the Congress, or the American people settle for a figurehead or a political eunuch.

In order to secure the confirmation of a strong leader, the Republican Party must unite behind the President's nominee. To achieve this unity, I believe the President should seek the formal advice and participation of Republicans in the Congress, in the governorships and in the National Committee. Only an open process of selection will produce the legitimacy that is necessary to assure support.

I call upon the President and the chairman of the Republican National Committee to convene a meeting of Republican Governors, Senators, Representatives, and officials of the National Committee to assist the President in the nomination of a new Vice President of the United States.

POLISH IMMIGRANTS

SPEECH OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, it is a pleasure to pay tribute to our wonderful Polish-American friends across the Nation as they observe this month the 360th anniversary of the arrival at Jamestown, Va., of the first Polish immigrants in America. For nearly four centuries, our friends and neighbors of Polish descent have been major contributors to our national progress and their first efforts in behalf of the rights of man, are indicative of the strong Polish characteristic of independence and self-reliance. Last May 6, on Polish Constitution Day, I was scheduled to address the large Polish community in Cleveland. At the last minute, laryngitis prevented me from delivering the address, but my oldest son, William E. Minshall III, pinch-hitted for me, and I would like to include the text of that speech as appropriate to this month's observance:

Polish Constitution Day

(Given by Bill Minshall for his father, who had laryngitis:)

It is a tremendous honor to be included in your observance today, commemorating the signing of the Constitution of the Polish Nation.

This great document was signed May 3rd, 1791, two years after the adoption of our own American Constitution. I have been struck by the similarity in purpose of these two noble landmarks in man's quest for liberty.

The Polish Constitution says, in part:

"All power in civil society should be derived from the will of the people, its end object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

We think of our American system, under our Constitution, in those same terms—and so it has been throughout the last two centuries of history in Poland and the United States. The people of our two nations are bound together in their striving to achieve and maintain liberty and justice for all of our citizens.

Only geography has hampered Poland from translating the promise of its Constitution into reality. Since 1791 our Polish friends, though united with us in spirit, have been trapped in the middle of the European struggle for expanded power. Since the end of World War II, freedom-loving Poland has been held fast in Russia's grip. But the Polish people have never—and will never—forget the high purpose of their Constitution: free and open elections, religious tolerance and justice for all under the law.

Poland never has been permitted to realize these goals for any length of time. Lesser people would have long ago despaired, but Polish men and women carry in their souls a love of liberty that tyranny cannot extinguish. This love of liberty, is as bright today as in 1791.

Polish immigrants to American soil have brought this love of freedom with them. Our nation might well have gone the route of a rigid class system had it not been for a band of stalwart Polish immigrants whom Captain John Smith brought to the New World in 1610. Smith brought the Polonians, to Jamestown, Virginia, to work in the first factory in America, the glassworks at Jamestown Colony.

From 1610 to 1619 the Polonians worked in the factory. They were permitted no rights of citizenship, forbidden to own land, and had no guarantees of freedom. Finally they took matters into their own hands and staged the first sit-down strike in American history—not for higher wages or shorter hours, but for human dignity and liberty. John Smith hurriedly summoned the House of Burgesses, which was the legislative body at that time, and urged the House to act in favor of the brave and determined Polonians. As a result, they were given full rights of citizenship, including property rights and the right to participate in elections. The document that gave those early Polish immigrants their freedom is today preserved at the Library of Congress. It is a constant reminder that wherever Polish people are found, their voices will be strong and clear in behalf of human dignity and human rights.

This is but one of the countless, lasting contributions made by Polish-American citizens. Polish-American genius has helped build our cities, create our industry, and enrich our cultural lives. There is not a single facet of our good life in America that Polish American hands have not helped shape.

Sadly we look to the nation of Poland, so rich in its human resources of brave, inventive, artistic, skilled, freedom-loving people, yet so impoverished physically and spiritually by the government that controls them.

It seems as though fate has designed to test the Polish people—their endurance, their courage, and their faith in freedom. Few nations have suffered such continuous ordeals as have been heaped upon Poland. But the dauntless Polish spirit survives—it surmounts all obstacles. We in America, can only hope that under similar circumstances our own determination would be as great. With the vast number of Polish-American citizens in our population, I know it would.

Throughout my father's years in Congress he has worked for enactment of legislation which would work, through peaceful means, for the resolution of the problems of all Captive Nations. I am particularly hopeful that the Congress will take action of my Fathers H. Con. Res. 29, which would authorize our Ambassador to the United Nations to urge that the U.N., insist that the Soviet Union abide by its U.N. membership obligations, concerning colonialism and interference with the sovereignty of other nations, by withdrawing its troops and agents from captive nations, and returning home all political prisoners.

Dad also has introduced in this Congress H. Res. 66 authorizing the President to proclaim May 3rd of each year as "Polish Constitution Day" as a reminder to all citizens of the mutual love of freedom we share with the people of Poland.

I ask for your good will and your support of his efforts. It takes more than one Member of Congress to pass a bill. Others on Capitol Hill must be enlisted to help. Your letters to your Representatives and Senators can help awaken their interest in these measures,

Every step taken in the direction of freedom is an important one, no matter how small. By working together, all of us, who desire liberty and equality for all men, thoughout the world, I am confident that Poland once again will be free—that one day we will have the answer to the old prayer—

"Niech zwyciezy Orzel Bialy!"

"May the White Eagle Triumph!"

DR. BENY J. PRIMM: METHADONE IS NO ANSWER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RANGEL. Mr. Speaker, because of the serious addiction problem in the United States, many people are looking at methadone as the miracle solution to heroin addiction. Regretfully, there are no easy answers to drug abuse, and methadone should not be considered a panacea.

There are many misconceptions about this powerful narcotic substitute, both in terms of its uses and of its dangers. Dr. Beny J. Primm, an authority in the use of methadone as one of many modalities of treatment for addicts has written a perceptive article on the strengths and limitations of methadone. I hope that Dr. Primm's observations will help clear up some of the misunderstanding and confusion about methadone and I am pleased to share it with my colleagues. Dr. Primm's article was published in the Amsterdam News on September 15, 1973, as part of the newspaper's series, "Blacks in America."

The article follows:

Methadone Is No Answer

(By Beny J. Primm, M.D.)

The use of methadone as one modality of treatment for narcotics addiction carries with it very tangible benefits. Probably outstanding among these has been the conceptual transformation of the "junkie" from criminal to patient—and not only because addiction is finally being viewed as a condition requiring medical intervention, but also because methadone enables the addict to stop committing crimes in order to treat the illness himself.

Yet, even assuming that none of this powerful narcotic reaches the illicit market, that no person not previously addicted to heroin becomes addicted to methadone, that the use of methadone does not reinforce drug-taking behavior, that those who receive methadone do not continue to use other drugs in addition, and all of the other potential hazards which are now so often discussed—even neutralizing these possibilities for a moment—there remains, on a more abstract level, a number of liabilities in the actual operation of a methadone program.

ILLS OF SOCIETY

These liabilities are the ills of society. They are founded in racism, ignorance, exploitation and oppression. Their effect is to present nearly insurmountable obstacles to the treatment process. As director of a large ghetto treatment center which uses methadone therapy as one of many treatment modalities.

The Addiction Research and Treatment Corporation is located in the Ft. Greene/Bedford Stuyvesant area of Brooklyn and Harlem in New York City. Created in late 1969 as a program specifically aimed at the hard-core addict in the urban ghetto, ARTC provides a wide range of ancillary services.

These services include psychosocial counseling, complete medical care, psychotherapy, group therapy, vocational training and placement, educational counseling and tutoring, legal assistance and residential treatment as well as short and long-term therapy.

METHADONE NOT A SOLUTION

Our attitude toward methadone, however, has always been that it is an effective catalyst for bringing addicts into treatment and a useful agent for satisfying drug hunger, both physiologically and psychologically, but it is not a solution to the problem. For the most part, the program is run by Blacks.

This situation appears ideal, yet we cannot insulate ourselves from the attitudes of the establishment nor from the psychopathology that is racism. It affects our every response to life within and without the sphere of treatment and, naturally, it affects our patients' response to us.

But, even more crucial to the issue today, is that it severely limits the success of any treatment effort for Black addicts. I have great respect and admiration for the pioneers of methadone treatment. I also believe that the result of methadone treatment has been positive.

Yet, I am faced with the reality that methadone is only buying time for my patients—that ARTC can affect only a small part of their lives. Even if we are able to overcome the patients' lack of self-confidence, the lack of basic skills and the lack of acceptable patterns for dealing with society's demands, we have not altered the environment in which they have developed and in which they must survive.

SOCIETY DOESN'T WANT THEM

Thus, we are placed in the position of attempting to prepare individuals, intellectually and emotionally, to enter a society which really doesn't want them, and even if it accepts them, is not willing to adequately reward their contributions.

What we face daily is a group of patients, mostly products of the ghetto, who have internalized society's negative opinion of them. They have lived in a hostile relationship to white institutions—jails, courts, welfare agencies and schools—which have profoundly influenced their lives.

They have been stigmatized in their own eyes, not only because they are addicts, but also because they are poor, under-educated and often criminals. What they need is not methadone, but the removal of the stigma so that they can develop a sense of worth.

Society—and I'm talking about the white establishment—has made the Black ghetto resident a deviant to begin with. Thus, it is of little consequence, in the eyes of society and in the individual's own mind, that he becomes an addict, a criminal or dependent on welfare.

WHAT OPTIONS ARE THERE?

Can I honestly tell my patient that his life will be more "fulfilling" if he works and studies hard, obeys laws and stops messing with drugs? He may not have learned much in school, but he's not easily fooled. He grew up in the streets and survived.

I know, my staff knows and my patients know that few employers are willing to hire an ex-addict or ex-convict. In addition, many jobs are inaccessible to these individuals by law.

These realities, aside from the psychological implications of other kinds of deprivation, present those of us attempting to treat this group, as well as those in treatment, with a virtual dead-end. Our success must be dependent on others who have, for the most part, remained uninvolved—out of apathy, out of fear, out of prejudice.

DEFECTS IN METHADONE PROGRAMS

Looking beyond my own experience and environment, I see a number of possible defects in other methadone programs as they relate to the Black addict.

The majority of methadone programs are administered by whites, yet, large numbers of those in treatment are Blacks. The very fact that these programs treat both Blacks and whites means that the assessment of needs and the development of therapy is based on some sort of composite addict, part Black and part white.

The problem is that the two "races" have different problems arising from two very different frames of reference. The Black addict knows that most other Blacks spend their lives outside of society's mainstream.

He will not return to society as the white might, but he must attempt to enter a society which is hostile to him for the color of his face and the failure of its institutions. His treatment must begin at a baseline different from that of his white counterpart.

It is a simple fact that most Black addicts need intensive training and psycho-therapy to overcome the damage which occurred before they became addicted. More importantly, if they can be treated successfully, then there must be a place for them in society for them to prove that their new life-style is preferable to the old.

COMMUNITY ACCEPTANCE NEEDED

The answer is not ever-expanding numbers and kinds of addiction treatment facilities because this approach can only lead to ever-growing numbers of patients with nowhere to go. It can only lead to a segregated class of citizens who must be dependent on institutions outside of productive society.

The answer must come from the community acceptance of the rehabilitated addict into its economy. And, if the economy cannot support these individuals, then the community must work to expand its economy through the creation of businesses providing needed products and services.

It is in this area that I see a growing concern among government agencies and it is in this area I believe government as well as private funds will become available.

In order for our treatment efforts to be successful, those with some measure of power, wealth and influence within and outside of the affected communities must demand this course of action, and residents of these communities must support their efforts. This means that communities must begin to accept treatment programs in their midst.

FELLOW CITIZENS AND WORKERS

Community residents must accept ex-addicts as fellow citizens and workers, and finally that communities must work closely with those in the treatment field to insure their mutual understanding and coexistence.

As I see it, this kind of concerted effort, which requires the participation and collaboration of all members of the community, is our only hope for getting addicts out of treatment and into living, and for getting a multitude of harmful drugs out of the hands of our children.

ST. NORBERT COLLEGE'S 75TH ANNIVERSARY

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. FROEHLICH. Mr. Speaker, the most successful experiment in self-government that has ever taken place in the world is almost 200 years old. The success of the United States of America is in a large part due to the outstanding educational institutions and opportunities that exist in this country. In particular, these institutions have kept our citizens acutely aware of the many issues which face our Nation and have provided us all with the skills to evaluate the performance of our Government. Today, I would like to commend one of these institutions, St. Norbert College of De-Pere, Wis., on the occasion of its 75th anniversary.

St. Norbert is scenically located on a 25-acre plot along the west bank of the historic Fox River in DePere, Wis. This is an area rich in history dating back to the famous Indian tribes which inhabited the countryside for centuries before the arrival of Father Claude Allouez in the mid-1600's. The city of DePere, itself, was named for the French Catholic missionaries who settled and evangelized in the Green Bay area. For the past 75 years, St. Norbert College has formed an integral part of this long religious legacy.

St. Norbert College was founded on October 10, 1898 when Abbot Bernard Pennings gave the first latin lesson to Francis Van Dyke. However, the educational tradition that Father Pennings followed is centuries old. St. Norbert College is, in fact, the direct successor to a historic line of European seats of learning established in 1120 A.D. when the Norbertine Order was founded in Premontre, France.

In the years since 1898, St. Norbert has grown from a student body of one to over 1,600 individuals coming from all over the United States, as well as five continents. Today, it is one of the outstanding private institutions of higher learning in the State of Wisconsin. Students are exposed to a variety of courses of instruction which prepare them to capably deal with a multi-faceted world.

In the traditional classroom approach, students are offered subjects of study ranging from business administration and computer science to oriental literature and classical languages. Through innovative programs such as "Education by Objectives," St. Norbert helps the individual to discover his or her own educational goals and the most satisfying means to achieve them. And for those who might find a totally academic life not to their liking, the college allows students to combine occupational experiences with classroom work to create their own course of study.

Part of St. Norbert's success is the added dimension of spiritual guidance that it offers to students. Each individual's spiritual conduct is, of course, a personal matter, but the opportunities for guidance and participation in religious activities are abundant. The religious community on campus offers the students, faculty, and administration an opportunity to practice their religious and moral beliefs as part of their educational experience.

Students are also encouraged to actively participate in the social and administrative aspects of the college. Representatives from the student body sit as full voting members of every collegewide committee. Likewise, students determine the policies which govern their own campus living through the efforts of the Student Life Committee. Further, the Student Government Association offers the students a voice before the boards of administration and trustees. At St. Norbert, students have an important role in policy determination which helps the college respond to student needs and certainly enriches the educational experience.

St. Norbert College represents the type of forward-looking and imaginative educational institution which is vital to our Nation and our people. It is a vibrant institution which has helped to prepare our young people to face the challenges of an everchanging world for 75 years. St. Norbert has not done this through educational rigidity, but through a flexibility which allows individual growth and participation.

I congratulate St. Norbert College on the outstanding job it has done in providing quality liberal arts education to the people of Wisconsin and the United States. I want to commend the students, faculty, and administration for the contributions they have made to the quality of life in northeastern Wisconsin and I wish them the best of luck for an even more promising and resourceful future in education.

FIRST POLISH SETTLERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1973

Mrs. GRASSO. Mr. Speaker, our history books recount the trying times endured by those settlers who came to Jamestown in October 1607 and developed the first permanent English colony in North America. Yet, very few of these books record the contributions of settlers from other European nations to the growth and prosperity of this important settlement.

Among the first non-English settlers in Virginia were a handful of Polish artisans who arrived on October 1, 1608—365 years ago. Unlike the English adventurers, these settlers were expert craftsmen and instructors in the arts of glass making, carpentry, pitch and tar making. Their industry and resourcefulness helped the small settlement weather the hardships of that second year in the New World and won for the Poles the admiration and gratitude of Capt. John Smith, Jamestown's most famous citizen.

The hard work and determination of this small group of Poles prefaced the contributions that so many thousand of their countrymen would make to this country—from Pulaski and Kosciuszko during the American Revolution, to those immigrants' sons and daughters and grandchildren now occupying trusted positions in all segments of our society.

With awareness of the dedication and sacrifices of all those people who journeyed to America in search of a better life, I pay tribute to the first Polish settlers and to succeeding generations of Polish-Americans who have contributed so much to our country.

TRADE REFORM ACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. DERWINSKI. Mr. Speaker, the climactic debate on the Trade Reform Act of 1973 is rapidly approaching. I have been very concerned over the disregard for a number of key issues involving economic relations with the U.S.S.R.

My attention has just been directed to an article in the "Money Manager" by Paul Heffernan, who is a recognized authority on East-West finance and who for 17 years was the bond expert for the New York Times. His very pertinent article directs itself to a very major but largely overlooked section of the pending Trade Reform Act.

The article follows:

Debt Defaults: A Topic Ignored In Soviet-U.S. Trade Debate

(By Paul Heffernan)

Zurich.—From the standpoint of international relationships in a world of government debt contracts, the proposed United States financing of immensely enlarged trade with Russia and a concurrent granting of most-favored-nation trading status to the Soviet Union truly bespeaks a most extraordinary financial excursion into unexplored regions.

Viewed in full context, the rapprochement with Russia on the financial terms agreeable to Washington may outstrip even the grand scope of the Marshall Plan, which was conceived primarily as the gift of financial mercy, one from a nation that was relatively unscathed internally by World War II to its partners and other nations ravaged by the great conflict.

The fresh-money-to-Russia negotiations are coming to a head at the same time that a delayed pile-up of dollars has become such an embarassment to the free world that proposals have been made in realistic and friendly seriousness that the time may be ripe for a reciprocal gesture—a "Marshall Plan in reverse," so to speak. Under such an arrangement, much of today's $70 billion overhang of unusable dollars held abroad could be written off by Marshall Plan beneficiaries by one accounting means or other.

A device of such kind—one brought into being by one of yesterday's postponed days of reckoning—has just been agreed upon by the United States and India to shrink away much of the postwar debt of rupees owing to the United States. This debt is so mountainous that if it were ever paid, the rupees could never be spent without debauching India's economy.

But it is something quite different for the United States, in its present international financial bind, to underwrite credits and to award a prime trading status to a nation, which, by official U.S. certification, has in the past confiscated more than $100 million of property of U.S. nationals without compensation, and, further, has dishonored for more than a half-century billions of dollars of external debt owing to private investors here and abroad.

The annual reports of the British Council of the Corporation of Foreign Bondholders set forth in sorry detail the story of Russia's unequaled contempt for external debt contracts. It is the story of the financing of the building of Russia's railroad system on about $2.5 billion of bonds of more than 40 issues sold in the markets of Europe between 1867 and 1914 and payable in non-Russian money. What the Russians spent, they had: What the investors saved, they lost.

In the light of this contempt for external debt, how can new credits be justified? Must it be that the Man from La Mancha, this time outfitted in red, white and blue, is faring forth once more? Swaying in a Moscow saddle early this month will be Secretary of the Treasury George Shultz, who has conceded that the United States "got burned" in the recent wheat sale to Russia, but who has since pledged that "It will not happen again." Let us pray.

To impart suitable scent to this courting of the most notorious governmental outlaw in international financial history, certain cosmetics of commensurate, distinctiveness must have been contrived in Washington.

First of all was the "executive clemency" proffered under President Nixon's sponsorship. The official state bank—the Export-Import Bank—was quick to get the signal. Its functionaries came up with a triple-A credit rating for the Soviet state. The International Bank for Reconstruction and Development, in which the U.S. government has a multi-million-dollar capital subscription, had nothing to say. Russia is not a member of the World Bank and the World Bank presumably was not consulted about the Russian credits.

Silent, too, were certain major commercial banks whose stockholders were defrauded of millions of dollars in Russia's 1919 confiscation of foreign-owned bank property. On the contrary, many big banks responded to the Washington green light and rushed in to grant private credits to Russia on terms—mostly not fully made public—that could be open to question in respect to conforming with the spirit, if not the letter, of the Johnson Act.

The Johnson Act prohibits the extension of private credits of other than "conventional"—that is, short-term—kind to nations in default of obligations owing to the U.S. government. There has been a flood of public Washington announcements about the settlement (provisional) of Russia's World War II Lend-Lease debt, but not a word about Russia not having paid its $192 million World War I debt to the United States, a debt it refuses to recognize.

The Johnson Act was amended to exempt from its provisions nations joining the World Bank, an institution that Russia has never seen fit to join. Why should it, if the World Bank's policy is to shy away from credits to nations in default of their external obligations and if Russia can get what it wants direct from old Don Quixote himself? Take the wheat deal, for instance.

If the Department of Justice, either on its own or at the prodding of the White House, has ever seen fit to look into the private bank credits being extended to Russia, this must at least be one item that has succeeded in being sheltered from leakage to the press.

It certainly would be a stirring post-Watergate comeuppance if some of the ball-carriers now responding to the Nixon "Executive clemency" signals—and even members of Congress, too—were some day, like recent members of the President's cabinet, summoned before a Federal grand jury to answer questions bearing on "obstruction of justice" to private U.S. citizens whose 50-year-old claims against the Soviet state—now fully accredited—were pushed farther in the deep freeze as part of the Nixon international game plan.

So far, only three voices of influence in the world of international finance have questioned—if only by implication—the prudence of the sudden surge of loans by the Export-Import Bank and by private U.S. commercial banks to Russia under the circumstances now prevailing—circumstances essentially unchanged over 50 years.

One of these voices—that of Eugene R. Black, former executive of the Chase Manhattan Bank and former president of the World Bank—was expressed in generalities, while serving in 1965 on President Johnson's Special Committee on U.S. Trade Relations with East European Countries and the Soviet Union, Mr. Black joined with the other members of the committee in the position that nations in default of external debt and asking new credits should settle their old debts. But Mr. Black—alone—went further and declared that such nations should settle their old debts before being granted new ones.

A second voice was that of Gabriel Hauge, chairman of the Manufacturers Trust Co., who questioned specifically the terms on which Russia is being granted loans by private banks. Mr. Hauge was one of President Eisenhower's economic advisers.

The third voice is that of George D. Woods, former chairman of the First Boston Corp. and another former president of the World Bank. In a statement to the "New York Times," Mr. Woods said:

"The matter of privately held Russian debt is still unresolved. In 1916, U.S. private investors purchased $75 million of Imperial Russian government notes, which have been in default as to both principal and interest since 1919. In addition, there are claims of U.S. citizens against the Soviet Union amounting to about $120 million, which were certified by the Foreign Claims Settlement Commission some years ago.

"In the recent Nixon-Brezhnev communique," Mr. Woods said, "there is a statement of agreement 'that mutually advantageous cooperation and peaceful relations would be strengthened by the creation of a permanent foundation of economic relationships. . . .' "

Finally, the former World Bank president said: "An important building block in such a permanent foundation would be acknowledgment of debts to private U.S. creditors accompanied by an expression of intention by debtor U.S.S.R. to negotiate a settlement of them."

Why have opinions of such high professional authority as those expressed by this trio of bankers of international renown won so little notice or provoked so little thought or so few questions?

The contrast with outcries raised against Russia's charging export fees for emigrants and against Russia's oppression of free speech and a free press—issues which are of direct and legal concern only to Russia's own resident citizens—is truly remarkable.

These protests have prodded Washington into attaching strings to trade favors in behalf of matters concerning Russian—not U.S.—nationals. But no voice is raised in Washington to protest the lasting injustice being done by Russia to citizens of the United States whose property was confiscated by Russia in 1919 or who hold—either through primary subscription, inheritance, or by subsequent market purchase, defaulted bonds of the Russian state.

What can be the reason for the Washing silence about (1) Russia's unpaid World War I debt to the U.S. Government? about (2) The continuing applicability of the Johnson Act to private credits to Russia? and, (3), About the awards made by the U.S. Foreign Claims Commission to American citizens stemming from the confiscation of American property in Russia in 1919 and the repudiation of Russian bonds held by the United States and payable in dollars, in other non-Russian money, and even in Russian rubles?

Probably most people in the United States, if asked about such things, would shrug it all off. Bonds? rubles? the Czar? Why ask me? Even in Wall Street, whose business more than any other is based on the honoring of contracts made over the telephone, there is mostly indifference—indifference stemming from non-involvement rather than from ignorance of the code.

Wall Street and commercial banks have to live mostly in the world of today and tomorrow, and it is easy in their vision for the past to get blurred. The Washington political telescope is sharp enough to note this. Thus, Washington can maintain expedient silence safely about the enormous injustice of Russia's contempt of international debt contracts because no force of prominence is likely to bring the matter up.

Even if "believe-it-or-not Ripley" were to come out and proclaim that a bond issue by the Government predecessor to that of the Soviet Union is just as binding a contract as a U.S. Government bond, the reaction would be one of bemused misapprehension and disbelief.

Yet that's what the Foreign Claims Settlement Commission has ruled repeatedly in fulfilling a Congressionally-directed chore that took years to complete. If the Commission is right in implying that a bond issued by the Czarist government is just as good, legally, as a U.S. government bond, then it follows that a U.S. government bond, legally, is no better than a Russian Czarist bond.

But even for people willing to concede these legalisms, the practical further question persists:

In established practice, has a successor government—or have successor governments—to a state overturned by an unsuccessful war or by a successful revolution assumed responsibility for the external debts of the predecessor government? Anybody in the State Department will answer "Of course" in private conversation or correspondence, but any public affirmation of the duty of statecraft to enforce this elementary precept of international law seems to be enjoined effectively by the "executive privilege."

In historical fact—not mere legal theory—the responsibility of successor governments for the debts of predecessor governments is written today all over the maps of Europe and Latin America.

In Europe, conspicuous instances are the external debts of the extinct Ottoman and Austria-Hungary empires and the debt of pre-World War I Austrian Sudbahn Gesellschaft—all settled by international conventions in 1923. In each instance, the primary debts were taken over first by successor states greater in number. Subsequently, governments of such states—among them Hungary, Poland, Yugslavia, Czechoslovakia and Rumania—were superseded by revolutionary Communist governments.

Nevertheless, the bond payment commitments taken on by the predecessor noncommunist governments were adhered to by all of the communist states mentioned, and, as a result, virtually all of the bonds—some going back into the 19th Century—were paid off by 1972.

It looks as if the Nixon Administration, in its zeal to lure a prodigal son back home to the market economy by the proffer of new goodies, is gambling imprudently in sponsoring executive clemency for the 50-year-old unpaid debts of a rich state that commands one-sixth of the Earth's surface.

If the gamble pays off—that is, if Russia's debts both new and old are in the future serviced in full and on time—well and good. But if the old debts persist in default, the gamble will not be just another Washington miscue, like the wheat deal.

Unwittingly, the Nixon Administration, like the sorcerer's apprentice, may have contrived a financial innovation whose consequences, when emulated sufficiently throughout the debt or world, could wipe out for all time that centuries-old cultural phenomenon known as the government bond contract subscribed willingly by private investors.

SECRECY BREEDS SUSPICION

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. HANRAHAN. Mr. Speaker, as public officials, it is our duty to keep our constituents informed of our activities. Under the Freedom of Information Act, every citizen has the right to know what its Government does. Too often in the past, we have seen the act abused. It is the responsibility of each one of us here in Congress to keep secrecy to a minimum. For our system can only function properly in an open atmosphere.

A recent editorial in the Economist Newspapers, one of the fine publications in the Third Congressional District, serves to illustrate this point:

SECRECY BREEDS SUSPICION

"Secrecy breeds suspicion." How true it is. No matter where or when a cover-up attempt appears—be it Washington or your own block—the public's curiosity is aroused and the assumption is that somewhere in the wood pile someone is guilty of something.

There is a difference, of course, between Washington and your own block. What happens at the home of your next door neighbor is usually something personal that doesn't affect you and is really none of yours or the public's business.

However, when public officials (and we don't only mean the Watergate crew) try to keep a secret from the people that's a different story.

Public officials—men and women who have been selected by the voters to carry out their wishes and run government honestly and openly with the best interests of all in mind—presently stand on a very low rung in public opinion. Polls disclose that most people just don't seem to believe that their elected officials actually do run the affairs of government honestly, openly and with the best interests of all in mind.

Public officials must learn that the truth is not something they may bestow upon their "subjects" at their pleasure. Nor is it something sought after to embarrass officeholders. It is the right of every citizen to know what's going on and for what purpose.

Those in the news media become painfully aware when the cover-up and the dodge are employed. The press has an obligation to present the truth to its readers, let the chips fall where they may. Thus, when the truth is not there for the asking, it must be pursued and incidents like the Watergate affair are born.

On the local level, public officials are usually part-time officeholders, and they sometimes find it hard to realize that they too have an obligation to the general populace. Actually, most of the time a decision made by local government or local officials has more affect on the people than some foreign policy decision made by the President. For this reason local officials may have more of a responsibility to their constituents than national leaders. Considering that many local officials serve without pay and that the salaries of those who are paid are low in comparison to the pay scale for state and national officeholders, this situation is ironic indeed. Nevertheless, it is still true.

All too often smugness and secrecy take the place of openness and honesty. Many people say they would rather have so-and-so in office because they "know where he stands" on an issue even if they don't agree with him, rather than someone who obscures his real feelings on a subject. It appears that this attitude will hold sway more and more in the future as a criterion for selecting public officials, and with good reason.

Old axioms like "secrecy breeds suspicion" don't fade away. They just haunt people again and again. Particularly public officials.

Let me urge each and every public official to set for himself the goal of reducing secrecy at every level of government.

FUEL SHORTAGE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. ASPIN. Mr. Speaker, while much of the Nation braces for a major fuel oil shortage this winter, major petroleum companies are dramatically increasing their exports of fuel oil.

According to statistics developed by the Bureau of the Census of the Department of Commerce, more than 400,000 barrels of fuel oil were exported from the United States during the months of June, July, and August of 1973. During the same period of 1972, only 31,000 barrels of fuel oil were exported. Any export during a shortage is a tremendous disservice to the American consuming public. The continuation of these exports is all part of big oil's public be damned attitude. They simply do not care about alleviating the shortage through export controls.

As some of my colleagues may know, I have introduced legislation which would prohibit petroleum exports during the current shortage. But, President Nixon, according to the Export Control Act of 1969, could stop petroleum exports immediately.

It is interesting to note that in the past summer exports of propane declined from approximately 900,000 barrels in 1972 to 620,000 barrels in 1973. But frankly, Mr. Speaker, we cannot afford any propane exports as long as there is a shortage. One of the inducements to exporting propane is the fact that the average export prices have doubled in the last year from $2.70 per barrel to $5.40 per barrel.

These propane exports are occurring in a time when agricultural demands for propane are particularly high because of the heavy rainfall during September. For instance, in the State of Wisconsin there were 4.5 inches of rainfall this September compared to the normal 2.7 inches.

Mr. Speaker, during a shortage, all petroleum exports should be halted.

ARE JOB SAFETY STANDARDS UNDERSTANDABLE?

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, I was indeed interested to read a speech by Robert D. Moran, Chairman of the Occupational Safety and Health Review Commission, given at the 23d annual meeting of the Southern Production Program, Inc., on October 4, 1973.

Essential to the success of OSHA's program of voluntary compliance is the ability of employers to know exactly what is required of them to comply with the law. I feel Mr. Moran's comments are worthy of consideration by Members of the House. The speech follows:

ARE JOB SAFETY STANDARDS UNDERSTANDABLE

It was only three years ago this month that the job safety and health field began to occupy any significant portion of my attention. For two years prior thereto, I held a supervisory position in the Department of Labor. My only training had been that of an ordinary lawyer. I had neither education nor knowledge nor training in any technical field. Although my responsibilities included overall authority for the Department's rather limited role in job safety enforcement, I was somewhat ashamed to admit that I had considerable difficulty understanding the job safety standards that we were supposed to enforce under the Walsh-Healey Act, the Maritime Safety Act and a few others.

Fortunately, however, this shallowness never proved to be a source of either personal or official embarrassment, for the person immediately and primarily responsible for the job safety aspects of my office was George Guenther who many will remember as the man who later became the first head of OSHA. When it became clear that Congress would enact an omnibus job safety and health law that would overwhelm in importance all the other laws we were then administering, and when I was placed in charge of planning for the implementation of that law, I felt reasonably comfortable with the assignment knowing that George was there to oversee the development and promulgation of the safety standards to be issued under the new law.

We had a lot to do. Hiring people to help run the program. Planning the investigation and compliance strategy. Developing guidelines for State plans. Figuring out a budget and seeking approval thereof. I was up to my neck in these things—for I was sure that they would be the key to the success of the big new program. And yet, I don't think a single day went by during October, November and December of 1970 when I didn't hear George Guenther say "The standards will be the heart of the new law."

I think the reason I wasn't convinced of this was the same as the reason I never said a word when he made that statement: my own inability to comprehend the job safety standards.

Well, I've learned a lot in 3 years. I am still an ordinary lawyer with no technical knowledge but I think I am now smart enough to know that George Guenther was right. Standards *are* the heart of the Occupational Safety and Health Act of 1970.

I've had many occasions over the past 2 and one-half years to examine the make-up of this "heart of the Act" and it is this subject upon which I wish to speak today. In my present capacity as an adjudicator and interpreter of the Act, I've rendered many opinions and given a number of speeches on job safety standards over this period. Those of you who have any familiarity with the views I've expressed on these occasions won't be surprised to hear me say that I don't like many of the standards.

My principal objection is that too many of them don't do what they are supposed to do. Before I get down to specific cases, let me state what I think job safety and health standards are supposed to do. A standard is developed and promulgated because of the existence or potential existence of a condition which is hazardous to the safety or health of workers. The purpose of the standard is to tell employers what they must do to eliminate, reduce or prevent the hazardous condition.

For example, experience has shown that it is hazardous to work as a painter on the Golden Gate Bridge as well as on similar structures. The hazard is that you could easily fall several hundred feet to almost certain death. We know that this hazard could be reduced if a net capable of catching falling workers were strung under the bridge or if we required the painters to wear safety belts hitched in such a manner that a fall from the bridge structure wouldn't mean a plunge into the depths of San Francisco Bay.

Now, writing a safety standard for this is not an insurmountable problem. The hazard to be prevented is falling from the bridge to the Bay below it. The standard should specify what must be done to prevent the fall or to interrupt it before it can cause injury or death.

We therefore can see that there are two rather basic ingredients which I maintain are essential to every valid job safety and health standard: first—identify the hazard, and second—specify what must be done to prevent its occurrence.

If all standards included these two fundamentals in understandable language, I am certain that the number of OSHA inspections which result in citations for alleged violations thereof would be dramatically reduced.

And that, of course, is what everybody wants: more compliance and fewer violations. The purpose of this law cannot be achieved if we rely exclusively upon traditional enforcement techniques where OSHA inspectors find and punish violators and then get them to abate the conditions causing the violation. Even if OSHA tripled its staff, a rather unlikely prospect, they could only inspect 10 percent of America's workplaces and could do so only once a year. This wouldn't go far enough toward achieving the Act's purpose of eliminating injuries and diseases which workers receive from their jobs. Only when every employer complies with every standard during every moment of every working day and makes sure his employees do likewise can this purpose be within reach.

It is gratifying to note that this concept is recognized by the man presently responsible for enforcement of the law. Mr. John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, stated in August that "In our efforts to cooperate with all segments of the private sector, we in the Occupational Safety and Health Administration are stressing voluntary compliance with our standards." From what I've seen, I know Mr. Stender will find a cooperative spirit among the employers of America. They don't want their employees hurt and they don't want to violate the law. The problem is that they are uncertain as to exactly what they are supposed to do in order to comply with the law.

Cooperation is, of course, one of those things—like motherhood—that everyone is for. But cooperation, again like motherhood, takes two, at least to get it started.

While OSHA hopes for voluntary compliance with Federal job safety and health standards, far too many of those standards are, to paraphrase Churchill, "riddles wrapped in mysteries inside enigmas." They don't give the employer even a nebulous suggestion of what it is he should do to protect his employees from whatever-it-is, also left unexplained, which represents a hazard to their safety and health.

For example, what does the following standard tell you to do in order to avoid conditions at your place of employment which are potentially hazardous?

> . . . no contractor or subcontractor . . . shall require any laborer or mechanic . . . to work in surroundings or under any working conditions which are unsanitary, hazardous, or dangerous to his health or safety. (29 CFR 1926.20(a)(1))

These are laudable sentiments, but nowhere does the standard hint at what these unsanitary, hazardous, or dangerous conditions might be. Apparently, that has been left to the employer to guess at, and for OSHA to decree with hindsight if he guesses wrong. With this sort of direction, the most safety-conscious employer in the world could have no idea what to do in order to voluntarily achieve compliance with its requirements. Perhaps, such a standard can be complied with by saying "amen" and hoping for the best. Unfortunately, OSHA issued at least one citation against an employer for his alleged failure to comply with this standard and proposed a $500 penalty. His alleged offense was that his employees were "required to work under an unsupported concrete placing pipeline." Clearly, there isn't an employer in the world who can look at this standard and know that it tells him to keep his employees out from under unsupported concrete placing pipelines.

Fortunately in this particular case, the employer contested the charge and the Review Commission dismissed the case, but unfortunately this standard is still on the books and I wouldn't be the least bit surprised to see OSHA use it again—and to use it in a case which doesn't involve unsupported concrete placing pipelines.

A similar standard places on employers the requirement that they ". . . be responsible for the safe conditions of tools and equipment used by employees, including tools and equipment which may be furnished by employees." (29 CFR 1910.242)

An OSHA attempt to enforce this standard was overturned by the Review Commission with an opinion that included the following:

> Congress did not enact the Occupational Safety and Health Act to create guarantors upon whom to fasten responsibility for illnesses or injuries or deaths. Their purpose was remedial. The Act is a broad scale effort to *prevent* "personal injuries and illnesses arising out of work situations." The first-stated purpose of the Act is to encourage and stimulate *"programs* for providing safe and healthful working conditions. . . ."
>
> We concluded in this decision that the employer could not be found guilty of violating this standard when one of his employees was electrocuted while using a power tool if the standard did not tell the employer what he was supposed to do to avoid the occurrence.

Another standard requires that ". . . in the absense of an infirmary, clinic, or hospital *in near proximity* to the workplace . . . a person shall be adequately trained to render first aid." (29 CFR 1910.151(b))

All right, I think that tells employers to make some provision for emergency medical care for employees, but it sets forth neither the practice required nor the conditions necessary for the implementation of that practice.

What constitutes a person "adequately trained to render first aid?" The standard doesn't answer that or tell whether or not that person is to be an employee or whether, once trained, he should be constantly present at the workplace, nor does it give any indication of what might constitute "adequate" training. It doesn't even really require that this person ever render first aid to an injured employee, just that he be "trained."

What is still more difficult, however, is the fact that this mandate is operative only when the mentioned facilities are not "in near proximity" to the workplace. Exactly what constitutes "in near proximity" is nowhere defined in the regulations.

An employer is left to guess at the practices required of him. Should he maintain a first aid person on his payroll, at his office or at the worksite? Once he knows the answer to this, he must determine if it is necessary, when there is a hospital only two—or perhaps ten miles away. On the other hand, even a half mile may be too far away for emergency treatment if the location of the worksite requires travelling through a crowded urban area to reach the medical facilities. Conversely, a worksite located ten miles from a hospital may not require first aid personnel if the worksite is located on a superhighway that never suffers from congestion. These examples, of course, assume that an employer has a vehicle at his disposal. What conduct is demanded of an employer with no vehicles at the worksite? Does the availability of police, fire department or ambulances then become the major point of consideration? What effect does the growing civilian use of medevac helicopters have on the question of "near proximity?"

Merely to raise these questions, and I'm sure you could add many more, is to suggest the dilemma a vague and ambiguous regulation such as this places upon employers. It does no good for employees, either, when employers can interpret it as loosely as these questions suggest. I submit that if this standard applies to a million employers, there are a million different ways of voluntarily complying with it—and if there are 1,000 OSHA inspectors, 999 of them would find fault with the method any individual employer has chosen to achieve compliance.

What can happen when someone takes steps that he thinks meet the requirements of one of these vague standards was illustrated in a case which was decided by the Commission last August.

The standard prohibits an employee from working "in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation *or other means*. . . ." (29 CFR 1518.400(c)) (emphasis added)

In this case an employee spliced a live electrical power line, a line neither owned nor controlled by his employer, and in performing this job he protected himself from electric shock by placing a piece of plywood on the ground upon which to stand while he made the splice. Even though the means he chose were successful, since he suffered no shock or other ill effects, OSHA charged his employer with a violation of the standard because the splice was allegedly made in a manner inconsistent with the requirements of the safety regulation. This charge, of course, was the result of hindsight. OSHA gave no hint in advance that plywood was not a means of obtaining effective insulation when splicing wire.

It is my view that when a standard simply lists "other means" as an acceptable criterion for meeting its requirements and does not precisely list or limit the "other means" contemplated, OSHA must accept as compliance the method chosen by the employer. If it doesn't do this, it clearly fails to provide the guidance which is essential so that employers can know what it is OSHA expects them "voluntarily" to do. If we don't get more specific, no one will know what will and what won't prevent the existence of the hazard. In addition, the employer is left at the mercy of the inspector whose interpretation of what constitutes "other means" is never known in advance and will, of course, vary from inspector to inspector. In this particular case OSHA, in effect, claimed that this standard means that the guarding shall be by effective insulation or other means as determined in each individual case by the particular OSHA Inspector who happens to investigate the matter. There is no way under the sun an employer can voluntarily comply with a standard which is applied in this manner.

It seems to me that OSHA ought to pay some attention to Judge Cardozo who ruled in a decision issued over 50 years ago that "A prohibition so indefinite as to be unintelligible is not a prohibition by which conduct can be governed. It is not a rule at all; it is merely exhortation and entreaty."

Let me turn now to one of OSHA's favorite standards. It must be one of their favorites for it turns up in so many of our cases. This particular standard is so nebulous that almost anything is covered by its umbra. I apologize for reading it in full, but one has to hear it all to appreciate its all-encompassing richness:

> "Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact." (29 CFR 1910.132(a))

Its vague constituent parts coalesce in a masterpiece of indefiniteness. (I suppose there are some who would substitute "nightmare" for "masterpiece" depending upon whether one is on the side that makes the charge or is charged under it.)

Take "protective equipment," for example. This protean concept, depending on who's defining it, can include everything from sun glasses or flowered parasol as protection from the sun, to a case-hardened steel capsule with contained individual life support system. "Hazards of processes or environment" excludes even less, covering at least everything under the sun. I suppose it could cover the sun, as well, since there are indications that skin cancer may be more prevalent among people, such as farmers, merchant seamen, and muscle-beach lifeguards, who are exposed to its rays for prolonged periods.

What do you think it tells you to do? I have no idea and I don't think OSHA could tell you, either, before an inspection, citation, complaint, hearing, and post-hearing brief.

Let's take a press room as a hypothetical example, and see what a few possibilities are. "Hazards of process or environment" from which employees must be protected "wherever . . . necessary" could include noise, oil mists, ink mists, mechanical presses, perhaps heat, maybe electrical equipment, dust from newsprint, airborne toxic metal particles, the rope or wire used to bind up stacks of newspapers, or anything else that might be the particular favorite of whichever compliance officer is making the inspection.

"Protective equipment" to shield employees from these "hazards" could range, depending on who has the say, through the whole gamut of anyone's imagination, perhaps starting with a hairnet or earmuffs, or gloves, or a surgical mask. Maybe a steel helmet or rubber boots or safety glasses? How about steel-toed shoes, shin guards or rubber apron? The point is: you don't know and I don't know and no one can tell you what that OSHA inspector thinks the term "protective equipment" means until he looks your workplace over and issues the citation.

It is sad but true that the language of this standard does not circumscribe the conduct of the inspector in any way, which may explain why it is such a big favorite with OSHA people.

This standard would be almost funny were it not for the fact that it has been successfully enforced by OSHA, although no one knows what will happen if an aggrieved party exercises his right to appeal an affirmed action under it to the U.S. Court of Appeals. I personally think it is unconstitutionally vague but the Courts are going to have to say so, I think, before OSHA stops using it or decides to make it more specific.

A non-hypothetical application of this particular standard occurred in a case decided by the Commission less than two months ago. An OSHA inspector looked at a freight loading operation at one employer's terminal and made an *ad hoc* and, I think, purely subjective determination, that there was such "a hazard of environment" (boxes of freight that might be dropped and wheels of various kinds of material-handling equipment that could possibly roll over someone's toes) for which "extremities" (feet) required "protective equipment" (he said that meant safety shoes but although there are many different kinds of safety shoes he didn't get more specific). Thus, although "freight" and "wheels," "feet" and "safety shoes" are nowhere mentioned in the standard, OSHA charged that the employer violated its requirements because the employees did not have their feet covered by safety shoes so that their toes wouldn't get hurt if freight was accidentally dropped.

Now you've all heard about the due process clause of the Constitution. It requires that a potential offender have fair warning that the conduct he engages in is a violation of law. To me, the substance of this regulation simply does not afford any advance notice of the conduct which it either requires or prohibits.

To permit the enforcement of so vague a standard is to subject the employer to the unbridled discretion of the OSHA inspectors in the determination of what constitutes compliance. How can an employer voluntarily comply with standards that he could not possibly understand until after he has been cited for a particular *inspector-determined* infraction? And what must he do to satisfy the interpretations of the next inspector? There are many kinds of protective equipment for one's feet. For example, stockings may guard against infections such as athlete's foot and sandals will protect you against picking up cuts on the bottom of the foot, but neither will help your toes if they come in contact with a dropped brick or an immoveable object. One inspector could say that neither stockings nor sandals constitute protective equipment for extremities but that only leather shoes with iron toes meet the requirements of this occupational safety and health standard. The next could specify that only shoes with certain non-skid soles would suffice. Another could say that only shoes purchased from a named manufacturer or retailer could meet the requirements of this standard. I think you can see the danger in this type of standard. The inspector tells you what the hazard of the environment is—then he tells you what protective equipment your employees should have been wearing when he made his inspection.

Before anyone says that it is up to the Review Commission and its Judges to interpret whether any particular charge constitutes a violation of this standard, let me quote from the Supreme Court's 1966 decision in the case of *Giaccio v. Pennsylvania*:

> "It is established that a law fails to meet the requirement of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standard, what is prohibited and what is not in each particular case."

One of the principal evils of vague regulations is that they leave the definition, and therefore the creation of crimes, to the unbridled discretion of cops on the beat or local inspectors or trial-court judges.

I submit that this is one reason why OSHA has been criticized for police state tactics. The generally accepted definition of the term "police state" is a place where the police decide what the law is—and the law may vary from policeman to policeman and from victim to victim. We have always prided ourselves on having a government of laws—not of men. This means the laws must be exact enough so they cannot be improvised or amplified by the police. Until all occupational safety and health standards are thus, employers are likely to be at the mercy of the inspectors and cries of police state will no doubt continue.

But let's not forget the employer's plight for the moment. The purpose of this law is to protect employees. This will be accomplished by providing safe and healthful working conditions for all. Unfortunately, however, such a state of affairs can never be achieved until employers are regulated by job safety standards which set forth meaningful and clearly discernible requirements by which they can guide their conduct; and the full scope of these requirements must be obvious upon a reading of the standard to every ordinary prudent employer.

Presenting employers with the quicksilver of standards such as the ones I've described to you today cannot save a limb and will not save a life. Indeed, such standards may serve to delay improvements in job safety and health conditions, as puzzled employers either await clarification of what is expected of them or think they are presently doing all that such standards require. In the meantime, I'm afraid that any hoped-for trend toward voluntary compliance must also await clarification and revision of the existing requirements.

It is my firm conviction that so long as the heart of the Act—the standards—remain shrouded in ambiguousness, the gains we make in job safety and health will be equally ambiguous.

CONGRATULATIONS TO NAYTHINUEL EVERETT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. STARK. Mr. Speaker, I wish to call the attention of my colleagues to the hard-working dedication of Naythinuel Everett.

He is the kind of person you can never thank enough for the assistance he has given to the people of his community and Democratic candidates he believes in. Nate is active in civil rights activities, consumer protection and community action programs. His long list of memberships and activities include the East Oakland Neighborhood Organization, the East Oakland Credit Union, the Oakland Black Caucus, the CBS and Mule Skinners Democratic Clubs, the Oakland Tenants Union, the Elmhurst Business and Professional Association, OCCUR and the NAACP.

Nate grew up in Choctaw County, Ala., spent some years in Mississippi, New York, and Detroit. He moved to East Oakland in 1959.

As a black man and a workingman, he has a keen sensitivity for the problems which confront hard-pressed minorities in America. He has been a front-runner in the civil rights movement, participating in such affirmative actions as the Birmingham bus boycott and the People's March on Washington, D.C.

I congratulate Naythinuel Everett, who lives in the Eighth Congressional District of California, which I am proud to represent.

GEN. GERALD W. JOHNSON, U.S. AIR FORCE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. WON PAT. Mr. Speaker, Lt. Gen. Gerald W. Johnson, U.S. Air Force, commander of Andersen Air Force Base, Guam, has recently been reassigned to Washington, where he will become the new Inspector General of the Air Force.

During his tour of duty at Andersen, General Johnson earned the respect and friendship of not only his command, but of the civilian population as well—a feat which, in this day of disharmony in the ranks and tension between many civilian and military officials, deserves a special commendation.

As Guam's Delegate to Congress, I have come to know General Johnson personally and I found him to be a man of the highest character and sense of responsibility; a man who knew his duty and how to carry it out; and equally important, a fine officer who understood the importance of maintaining an effective liaison with the civilian community on the island.

I would also like to briefly mention the vital role which General Johnson had in protecting our troops in Southeast Asia. As commander of the Andersen Air Force Base, the general had direct responsibility for maintaining the B-52 bombing missions aimed at destroying Communist forces.

I am certain that General Johnson will bring to his new post the same sense of dedication and hard work that he has always shown in his work. Guam will truly miss such a fine officer, and I congratulate the general on his new appointment while wishing him every success in the future.

The 12th Guam Legislature, in recognition of General Johnson's outstanding accomplishments as commander of the 8th Air Force and his services to Guam, has adopted a resolution commending him. At this point, I would like to insert that Resolution 142 of the 12th Guam Legislature in the RECORD:

THE 12TH GUAM LEGISLATURE: RESOLUTION No. 142

(Relative to commending Lieutenant General Gerald W. Johnson, United States Air Force, for his record of outstanding accomplishments as Commander of the Eighth Air Force and to express the best wishes of the people of Guam upon his departure from the territory to assume new responsibilities in the service of his country)

Be it resolved by the Legislature of the Territory of Guam:

Whereas, Lieutenant General Gerald W. Johnson, Commander of the Eighth Air Force, Strategic Air Command at Andersen Air Force Base, Guam, is leaving the territory to assume new duties as Inspector General of the Air Force in Washington, D.C., and having commanded the base during the two years of its heaviest involvement in air missions over Indo-China, and with its many problems concerning logistics, operations and morale; and

Whereas, one of the highlights of his tenure was the participation of the B-52's in Linebacker II, a mission of unrelenting pressure upon military supply lines and installations in Vietnam, Laos and Cambodia, Linebacker II, having been responsible for bringing the North Vietnamese back to the peace table, at great risk to the safety and lives of American men, and which led ultimately to the long-sought cease fire in that troubled part of the world; and

Whereas, this mighty build-up of the Air Force here on Guam placed a tremendous responsibility on General Johnson who faced problems of overcrowding of planes, equipment and men, requiring various expedients, adjustments and adaptations, all of which taxed Andersen Air Force Base to the outer limits, this tense situation naturally having an effect on the civilian sector of the territory compounding the pressures which hung heavily over General Johnson's administration; and

Whereas, despite the heavy burden of directing the critical activities of the Air Force mission, General Johnson did not lose sight of the Air Force's normal relationship to the overall territorial problems and maintained outstanding public relations with the various segments of the civilian community, this being accomplished in part through the appointment of a Civilian Advisory Council which responded to some of his requests by becoming keenly interested in some of these overlapping problems, serving as gatekeepers of public opinion and taking action in other areas where appropriate; and

Whereas, a portion of the Andersen Air Force Base in the vicinity of Pati Point, was designated as a nature and wildlife preserve, this being a fine gesture in the interest of environmental protection for the people of Guam; and

Whereas, General Johnson has contributed in many ways to the solving of a myriad of minor, local contingencies; this splendid spirit of cooperation and sincere interest in the problems of the people of Guam has won the admiration and friendship of the local people, especially since all are aware of the tremendous responsibility he shouldered as a leader of the B-52 bombing missions in the Indo-China theater; and

Whereas, General Johnson has compiled a remarkable record in the United States Air Force, being a World War II hero and the holder of many decorations and awards, including the Distinguished Service Cross, the Legion of Merit and the French Croix de Guerre, having been shot down over Germany and spending 13 months in a prison camp, and returning to the United States where he held numerous positions of increasing responsibility leading up to his present high-ranking command of the Eighth Air Force at Andersen, and with this background, the people of Guam are certain that he will go on to even higher laurels in his new assignment in the high echelons of the Air Force headquarters in Washington, D.C.; and

Whereas, his careful attention to duty, his quality of human understanding, his desire for good public relations and his concern for total community involvement will insure his future success; now therefore be it

Resolved, that the Twelfth Guam Legislature does hereby on behalf of the people of Guam express to Lieutenant General Gerald W. Johnson, United States Air Force, Commander, Eighth Air Force (SAC), the sincere commendation of all upon the completion of his successful tour of duty as Commanding General of Andersen Air Force Base and does further express best wishes for the success of his assignment with the United States Air Force; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Lieutenant General Gerald W. Johnson, to the Commanding General, Strategic Air Command, to the Chief of Staff, United States Air Force, to the Secretary of the Air Force, to the Secretary of Defense, to Congressman A. B. Won Pat, Guam's Delegate to Congress, and to the Governor of Guam.

NATIONAL CENTER FOR PREVENTION AND CONTROL OF RAPE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. HEINZ. Mr. Speaker, over the past several decades the number of forcible sexual assaults of American females has increased to the point where the fear of rape haunts tens of millions of women. In 1972 alone, 46,430 American women were the victims of forcible rape—one rape every 11 minutes. This, according to FBI statistics, was an 11-percent increase over 1971 and an amazing 70 percent rise over 1967. In the Pittsburgh metropolitan area, part of which I represent, the reported rapes increased by 40 percent in just the 2 years from 1970 to 1972.

These statistics place rape among the most rapidly growing crimes in America today. But these alarming numbers, which indicated that in our 58 largest cities 1 of every 1,000 women can expect to be raped each year, are only the very tip of an enormous iceberg. The fact is that rape is probably the least reported crime in America. Most experts agree that from 50 to 90 percent of all rape cases are unreported. If this is true, then the actual number of rapes in the country last year may have been anywhere between 90,000 and 350,000. If the number of victims is as high as the latter figure, then as incredible as it may seem, it is possible that 1 out of every 300 American females was raped last year—a truly frightening statistic.

Not surprisingly then, the threat of rape is beginning, quietly but conclusively, to shape women's lives. Men, who dominate our political, economic, and legal institutions, may not be able to understand the total degradation suffered by most rape victims. But to millions of American women the explosive increase in this particularly heinous crime has led them to live in constant fear—fear that robs them of their freedom to live where and as they wish. We need only remind ourselves that it has become increasingly risky for a woman to live by herself, to go out alone at night, to work on weekends or at night in an unattended office, to walk the short distance to the bus stop. These are all situations that carry substantially less risk for American males.

But the pervasive burden of fear that millions of women must carry pales in comparison to the plight of the poor victim of rape. While the man who sexually attacks a woman obviously assaults her body, he also assaults her psyche—very likely leaving it deeply and permanently scarred. And as incredible as it seems, the institutions that should assist the rape victim actually continue the assault on the woman's psyche. Listen to what the 1973 report of Prince Georges County, Md. task force to study the treatment of the victims of sexual assault has to say about the fate of the victim after the crime:

> All too often, she is treated at best as an object, a piece of evidence, and made to relive the experience, must face the incredulity of the police, the impersonality of the hospital, and then must defend herself in court. Having been socialized to be passive, she is nevertheless expected to have put up a battle against her attacker. Her previous sexual experience can be used to impute her instability though the defendant's background often cannot be brought up against him. She does not have the benefit of a retained lawyer and sometimes the prosecutor does not have the time or perhaps the insight to prepare her beforehand for the ordeal of the trial. She suffers serious psychological stress afterward, largely due to the guilt and shame imposed by society. She may not recognize a need for professional help or she simply cannot afford it.

The postrape hassle the victim must endure may lead many women to believe that if they are unfortunate enough to be raped, it simply is not worth reporting it to the police. And if she feels that her attacker is not likely to be punished for his crime, she is correct. In 1972, more than 25 percent of the men arrested for forcible rape were never prosecuted and of the 75 percent who were prosecuted nearly half of them were either acquitted or had their cases dismissed. Only one-third of the adult men arrested for rape were actually convicted of the crime.

Mr. Speaker, with this astonishingly low conviction rate, with the number of rapes increasing year by year, it is clear that our Nation's rape laws must be reexamined. These laws are not deterring rapists and they are not protecting women's rights to physical security, to peace of mind and to move about as freely as men. Some studies have already clearly shown the need for a total revision of the procedures in dealing with rape victims. Again let me quote from the Prince Georges task force:

> Police will have to bear more responsibility in their approach to victims as people, instead of just cases. Lawyers and judges will

have to bear more responsibility. But this is not nearly enough. We need responsible people to intervene quickly and efficiently at the proper time. We need this now. We need an adequate follow-up system.

We need a change of attitude on the part of people working with rape victims.

The legislation I propose today will help this Nation move toward a more responsive, more humane system for dealing with rape victims and a more effective law for dealing with the perpetrators of this crime. My proposal would establish within the National Institute of Mental Health "the national center for the prevention and control of rape." This special center would be charged with developing a fuller understanding of the crime of rape, its causes and effects, the impact of the crime and the threat of the crime on the victim, her family, and the entire society, and the present methods of treating the victims and the accused. Moreover, the national center, in cooperation with the Justice Department would study the rape laws themselves and the procedures surrounding the enforcement of those laws, with the goals of determining the reason for the low rate of rape convictions and, then, of drafting a model rape law.

One of the important benefits of this law would be the establishment within NIMH of a central repository of research and information on rape prevention and treatment. Such an information center should go a long way toward assisting State and local officials in realizing the devastating psychological impact of rape on the victim and how law enforcement and health agencies have such a special responsibility in assisting the victim cope with and overcome the massive psychic and emotional scars. Only then can we expect States and communities to develop more effective and more humane, victim-oriented procedures for dealing with the victim of rape.

Mr. Speaker, the time has come for the Congress to act to banish the threat of rape from the everyday life of American women. To do this we must clearly demonstrate the total inadequacy of our current laws and procedures dealing with rape and the victims of that crime. Then we must move one step further toward the development of more effective policies, procedures, and laws concerning sexual assault.

I believe that a national center for rape prevention and control is the first small, but necessary, step in the battle against the criminal sexual abuse of American women. I urge my colleagues in the House to join me in working for this proposal.

SUPPORT FOR FREE CHINA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. ASHBROOK. Mr. Speaker, today is the 62d anniversary of the founding of the Republic of China. The Republic of China on Taiwan and the other islands are enjoying one of the highest standards of living in Asia. Their economy is continuing to grow. The economic progress of the Republic of China is a well-known fact. The Republic of China is one of those few developing countries which received economic assistance from the United States but no longer does so because of no further need for it.

The Republic of China is a steadfast friend and ally of ours in Asia. The Free Chinese serve as an example that friendship with the United States, hard work, and a free enterprise system can lead to a strong country and a prosperous people.

The Free Chinese no longer receive economic assistance from the United States. They want to be able to stand on their own feet. They do ask of the U.S. Government that it does not abandon them to the Communist Chinese. The United States must give more diplomatic support to the cause of the Free Chinese. The interests of the United States are best served by standing by our Free Chinese allies. The preservation of the freedom and security of the United States which should be the cornerstone of American foreign policy can only be served by maintaining our commitments.

At this point, I wish to include an editorial from the Columbus, Ohio, Dispatch of August 6, 1973:

WORTHY TAIWAN GOAL IS TO "BUY AMERICAN"

It boggles the mind when non-Americans take up the slogan "Buy American." But the government of Free China (Taiwan) is doing just that and for a commendable reason.

Despite the fact that the United States has provided Taiwan with a security umbrella ever since the Communists took over the mainland, Free China has refused to consider itself a vassal state of America.

Even though recovery of the mainland continues to be official policy of the Free China government still headed by the venerable Chiang Kai-shek, now 86, Taiwan is not allowing wishful thinking to father its future plans.

Instead, Taiwan is showing emerging nations of the world that the free enterprise system can indeed work and bring even a small nation into world competitive position.

Because of wartime treaties with the U.S. Taiwan has maintained close ties with America, especially in the field of economics and trade. Growth in that area has been spectacular.

In 1962, the two-way figures hit the $200 million level and by 1968 they had more than doubled at one-half billion.

By last year when the figures topped the $3 billion mark, Free China had become America's 12th largest trading partner. In so doing, the 15 million Free Chinese on the island were conducting more foreign trade than the 800 million Chinese on the mainland.

Because Taiwan was selling about $450 million more goods to America than it was importing it is now concentrating on balancing that trade figure.

A 16-member Taiwanese trade mission now is in America with the avowed goal of purchasing $300 million worth of U.S. products. Hence, the "Buy American" slogan voiced by these Asians.

Politics are involved in all this, of course, and they are sensitive. Washington's open door policy to Taiwan's ideological enemy on the mainland cannot be ignored. Recognition of Peking, rather than Taiwan, by some nations as the "official China" has embittered the Chiang regime.

Nevertheless, what is significant is that Free China is depending on the validity of America's basic concept—that human dignity and free enterprise will stay any people and will stand the test of time.

Freedom is alive and well in Taiwan.

MIDDLE EAST

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. PRICE of Illinois. Mr. Speaker, as we meet today the nations of the Middle East are embroiled in a war in which the Arab world has once again turned its armed forces upon the nation of Israel. In the past the United States has stood firm against Arab aggression, never hesitating to give unqualified support to the integrity and survival of Israel.

We should dismiss any suggestion that our domestic petroleum requirements are such that we should compromise our support of Israel. Since the United States must have Arab oil, the theory goes, this country is willing to look the other way while the Arabs carry out unprovoked acts of war.

Mr. Speaker, let us put the world and especially the Arab nations on notice that the United States shall never compromise its support for a free nation against foreign attack. Our need for petroleum shall never become to acute that we can afford to condone threats to the existence of Israel. In balancing the considerations involved, a commitment to lasting freedom for Israel or any other nation far outweighs any temporary domestic fuel shortage. Should we falter in our resolve and ignore Arab misdeeds, honored principles of American foreign policy would be indelibly tarnished.

The United States is currently seeking, through the United Nations and other diplomatic channels, to facilitate an early cease-fire in the Middle East. As this process goes forward let no nation deceive itself with the notion that our standards for peace will be bent by our energy requirements at home. The objective of an unthreatened Israel stands alone, unhampered by such extrinsic and unrelated considerations. We shall not court aggression in hopes of an international marriage and a petroleum dowry.

This latest Middle East crisis behooves us to continue accelerating our research and development efforts for expanding additional resources. As chairman of the Joint Committee on Atomic Energy, I am deeply interested in our civilian nuclear power program. Nuclear power has to be considered as part of the answer to our energy dilemma. Our vast coal reserves must be utilized more efficiently by improving our coal liquefaction and gasification efforts. Clearly, Mr. Speaker, the Middle East conflict underscores the urgency of our task.

RICK RICARDO: 20 YEARS IN BROADCASTING

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. DE LUGO. Mr. Speaker, it is my pleasure to congratulate today, one of my closest friends, and a former colleague from my days in radio, Mr. Rick Ricardo.

This year he celebrates his 20th anniversary in broadcasting—20 years that have witnessed the development of the communications media in the Virgin Islands from the establishment of the first radio station WSTA, to the present variety of networks in the islands. He has seen, as have I, new developments in communications that have brought the Virgin Islands closer to the world, and the world closer to the Virgin Islands. Indeed, he himself, has contributed much to this evolution.

His career began in 1953 with a position as engineer with radio station WSTA, and in the years since, he has branched out to include television in his wide variety of experience. He is today, the director of WVWI radio station in St. Thomas, a station known for its excellent programing.

My colleagues will be interested, I am sure, in reading about some of the curious problems Rick encountered during the early days of radio in the Virgin Islands. There were times when newsmen used to hope the New York Times would arrive before noon so a news program could be written before scheduled broadcast time. There were other times when the teletype machine, which received its signal through the air, would produce incomprehensible messages due to atmospheric interference.

Rick has been a part of the St. Thomas media since its beginnings and has worked his way upward with considerable success. The following article describes some of his experiences:

RICK RICARDO MARKS 20TH YEAR IN BROADCASTING

(By Stanford Joseph)

It was by sheer accident and hard work from that eventful day two decades ago that Rick Ricardo is now celebrating his twentieth year in radio broadcasting.

Now the director of WVWI Radio, Rick, a born St. Thomian, remembers vividly his strides from engineer to newscaster.

BROKE INTO RADIO

Rick first started out on engineering twenty years ago before becoming a broadcaster. He was introduced into the business by William Greer who operated the first radio station in the Virgin Islands—WSTA—at which Rick was engaged in light maintenance of the station.

The station needed someone to fill in on the air one day and Rick was encouraged to sit in and that was how his broadcasting career started—by mere accident.

The vacancy he filled at the time was created by Ron de Lugo who is now Washington Representative for the Virgin Islands. At that time Lee Carle who is now news director at WVWI, was also working at WSTA.

Lee and Rick have worked together, and have been complimented, as a team, over the years by many radio listeners.

WHIPPING NEWS TOGETHER

Rick never took any formal courses in broadcasting, yet he is able to compile news programs in a relatively short time.

Explaining this he said when he first started he had what was called a West Indian accent. He then realized he was not going to get anywhere in the business unless he obtained more education somewhere along the way. So it was by "hard work," about two solid years of hard work, with a tape recorder for many long hours drilling himself in speech, diction, and pronunciation that he became very efficient in broadcasting the news.

MOST IMPORTANT DEVELOPMENT

Without a doubt Rick said one of the nicest persons he ever met in the business of his long career of collecting interviews was the late Nat King Cole. He had the pleasure of interviewing Nat at Mountain Top Hotel here while Nat and his wife, Maria, were visiting the Dudleys.

Maria Cole and Mrs. Gertrude Dudley were students in college together. Nat was appearing in Puerto Rico and they came over to St. Thomas. "I think he was one of the warmest human beings one would ever want to see," Rick thought.

EMBARRASSMENT

At one time or another broadcasters have a way of "stumping" their toes on the air. Although Rick feels he has had more than his share of embarrassment in twenty years, he could not remember from the top of his head any of these circumstances.

TV STINT

Rick was news director for both WBNB radio and television back in 1965 after he left WSTA. He took a sabbatical with ITT for one year. It was in 1970 that he took over the management of WVWI.

MOST IMPORTANT PERSON

There have been numerous developments in radio and communication as a whole over the past few years. Rick explained that when he started out in the business they hoped that the New York Times would come in before 12 o'clock to have the news ready for noon.

Then it was the radio teletype which received news from England via the Latin American Circuit. Whether the news was received at that time depended on the weather condition. If there were atmospheric disturbances most of the news would be garbled, requiring hours to straighten it out for a five-minute newscast.

Around 1966 with the improvement of telephone service here, local stations for the first time were able to utilize the trans-Atlantic cable to receive the Associated Press news the same time as any other radio station in the country. And that was a vast improvement, he pointed out.

But more recently due to improved technology we are able to watch live baseball games, etc. on our local sets. Communication satellites, one of the biggest boons of our times, have enabled the viewer to see as well as hear what's going on in as far away as Japan.

Communication has improved so fantastically that most people take it for granted. Take for instance, contact with man on the moon and in space. These would be viewed with the same casualness as a horse galloping around Sugar Estate track.

FAVORITE SPORT

Most people who listen to WVWI would not bother to ask Rick what's his favorite sport. Lee has told them enough. But one might be surprised that although he pays so much attention to baseball—he's a Yankee fan for over 27 years—Rick's favorite sports are bowling and fishing.

EDUCATION

Mr. Ricardo was schooled in St. Thomas at the Catholic High School where he graduated. He then went on to New York and studied at RCA Institute. While in the service in the U.S. Army Rick took additional courses in political science, extension courses at the University of Massachusetts and also in Europe.

He was already in broadcasting when he entered the army where he took basic training. He worked as an instructor at the Army broadcasting school and was news broadcaster for the network in Europe where they covered the Berlin Crisis, earthquakes and floods in the Middle East and Africa, the Congo Conflict, the Olympics in Brussels, Inaugurations, space coverage and other historic events.

He also reported on outstanding local events such as the Governor's Conference, the Carib Gas disaster, and election coverage. Rick Ricardo, now 37 years old, celebrates his 20th year of authoritative radio broadcasting. All the best from the Daily Post, Rick!

PUBLIC SECTOR UNIONS AND PRIVATE SECTOR UNIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. ASHBROOK. Mr. Speaker, one of the main arguments advanced by supporters of public sector unions is that public employees should be granted rights already possessed by those in the private sector. There are, however, major differences between public and private employees which make it clear that public sector bargaining should not and cannot follow private sector patterns.

Public employers, for example, do not operate on a profit motive. They are governmental agencies created by statute, with legally mandated functions to perform in behalf of the general public. Unlike in the private sector, most governmental agencies are monopolistic. Since they are the only source for the services they provide, Government agencies are not confronted with the restraining hand of competition.

These differences have been noted in court decisions. The Illinois Supreme Court has pointed out that a profit motive exists in the private sector whereas there is no such motive in the public sector. The private sector employer has to consider union demands in terms of the company's profits and losses. He is directly accountable to the stockholders who have invested money in the company and expect a return on their money.

Public employers, however, can meet economic demands either through increasing taxes or shifting priorities within the budget. Pressure to hold down these demands is far less direct, especially given the monopoly characteristics of public services. Whereas economic decisions in the private sector are limited to the company's ability to pay, increased costs in the public sector can be passed along to the entire tax-paying public.

As S. Rayburn Watkins concludes in the position paper entitled "Public Sector Unions: The New 'Private Government' "—

> It is clear that public sector bargaining should not and cannot follow private sector negotiating patterns. Public employee negotiations are part and parcel of the political process with an absence of the economic restraints found in the private sector. The simple transfer of private sector mechanisms is not likely to work well.

SKYLAB SEEKING "HOT SPOTS"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Sentinel Star of Orlando, Fla., in its September 17 edition carried an interesting description of one of the most productive experiments of the Skylab 2 flight. In this particular experiment, the astronauts were searching for geothermal hot spots over northern Mexico. Such data can lead to the development of another source of electricity for general use, such as already has occurred in California and other nations. Because of the significance of this singular experiment, I am including an excerpt from this article in the Record to point out that this is one of many important contributions being made by the Skylab program:

SKYLAB SEEKING "HOT SPOTS" AS POTENTIAL POWER SUPPLY

SPACE CENTER, HOUSTON.—Skylab 2 astronauts conducted a search over northern Mexico Sunday for unknown geothermal "hot spots" which possibly could be developed into sources of electrical power.

In an earth resources photo run, astronauts Alan L. Bean, Jack R. Lousma and Dr. Owen K. Garriott aimed a heat-sensing camera at a strip of Mexico stretching from Guadalajara to Monterrey.

Scientists hope the film will lead to the development of power plants operating on natural steam, a clean, nonpolluting source of electricity.

"We hope to use the data to locate previously unsuspected sources of geothermal energy that could possibly be developed into a clean energy source for electrical power generation," said Von Frierson, a Lockheed scientist working on the project.

Frierson said use of the heat-sensing camera to locate geothermal sources is in the exploration stage of development, but scientists believe it could locate scores of unknown "hot spots" all over the world. The photos taken Sunday were at the request of the Mexican government.

Natural steam is created by heat beneath the earth which boils pools of water. When steam from such sources can force its way to the surface, it creates geysers, such as Old Faithful at Yellowstone National Park.

Frierson said geothermal steam has been tapped in California, Italy and New Zealand to produce electricity, but "there are lots of other sites available."

DIVORCE, CHILD SUPPORT, AND FEDERAL LEGISLATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Ms. ABZUG. Mr. Speaker, on September 25, Betty Blaisdell Berry, adviser to the National Organization for Women's Task Force on Marriage, Family Relations, and Divorce, testified before the Senate Finance Committee on the subject of child support. In her testimony Ms. Berry talked about the problems of noncompliance with support orders, husbands who leave the State where the decree has been granted and underreporting of assets. All of these problems leave women in very precarious positions.

Ms. Berry in her testimony recommended the idea of garnishment of Federal employees who have refused to comply with court orders for child support. I have introduced such legislation (H.R. 9240) with the gentleman from New York (Mr. Koch) and I hope that it will receive favorable consideration.

I insert in the Record at this point Ms. Berry's excellent testimony and commend it to my colleagues:

TESTIMONY BY BETTY BLAISDELL BERRY

INTRODUCTION

Mr. Chairman and members of the Senate Finance Committee, my name is Betty Blaisdell Berry and I am the Adviser to the National Task Force on Marriage, Family Relations and Divorce of the National Organization for Women, having previously served as coordinator of that Task Force for five years. I am also a consultant to the Marriage and Divorce subcommittee of the Council on Women and the Church of the United Presbyterian Church in the U.S.A. I will be speaking for N.O.W. unless I specifically designate a Presbyterian position.

N.O.W. is greatly concerned about the ramifications of divorce and we welcome this opportunity to testify on legislative proposals S. 1842 and S. 2081 which deal with child support and support enforcement—major problems of divorce.

My associate, Elizabeth Spalding, has stated N.O.W.'s concerns and the tremendous need for a data bank in this area. Her printed testimony deals with the bills in detail.

I will underscore N.O.W.'s interest in the principle of establishing a locator system, and the concept of a federal child support fund as described in S. 1842 by describing the support situation in the State of New York. Then I will mention briefly N.O.W.'s interest in the development of new systems for dealing with divorce as it relates to the subject before us today.

Essentially divorce is a new phenomenon in our society and we have not had time to develop the necessary judicial, legal and social institutions to cope with it. The proposed bills are the start of a new approach of treating the very serious problem of support enforcement.

NEW YORK DIVORCE AND SUPPORT SITUATION

N.O.W. has recently undertaken a study of the divorce and support situation in New York State. In 1967 the N.Y. divorce law was liberalized, formerly it was very strict. For the last year under the old law there were 4,000 divorces. There were also 20,000 petitions for support (excluding petitions under the Uniform Support Dependents' Law) disposed of in the Family Courts that year. Five years later there were over 39,000 divorces or 10 times the number of divorces. While there was an increase in the number of petitions for support (8,000) this in no way corresponds to the dramatic increase in the divorce rate. The official report of the Judicial Conference of the State does not break down the petitions into categories beyond saying they constitute the largest single segment of cases in Family Court. The Judicial Conference cites a lack of interest in support figures whereas 29 types of offense are reported for juvenile delinquency alone.

The only other significant official data we found in regard to support petitions was that the amount of money collected by the Family Courts* remained fairly constant over an 8 year period in spite of the change in the divorce law and the increase in divorce cases.

We note also that the number of families receiving aid to dependent children because of marital breakup is two and one-half times what it was five years earlier. In 1971, 32,604 families were receiving aid in N.Y. because of the father's absence from home due to divorce or legal separation, and 80,800 due to separation without a court decree. The numbers of single parent families far outstrip the unwed mother category.

N.O.W. members involved with support problems have found the Family Courts in N.Y. seemingly overwhelmed by the magnitude and complexity of the case load.

In May 1973 the Queens, N.Y. Chapter of N.O.W. undertook a survey of support enforcement. Over 300 women telephoned N.O.W. in response to an announcement and flyer requesting information. They were interviewed and these are some of the findings.

The average amount of time before getting on the court docket was 6 months (the minimum was three). The average case was adjourned 17 times and the average time to go through the court was 2 years. 193 of the women's husbands had moved to other states and were paying nothing on their orders. Of the remaining 107 who were having difficulty with support matters—over 60 contested the husbands' declaration of income—all of these men were self-employed and usually the wife had helped in the business.

FEDERAL EMPLOYEES

Further we urge the end of exemption of Federal employes' salaries from garnishment. This seems to us an unjustified loophole in the obligations of parents to their children.

NEW CONCEPTS

N.O.W. is very interested in new concepts of handling divorce. These are not positions we have voted on but are avenues we are exploring. We are particularly interested in three concepts.

1. We would like to propose the concept of preventive noncompliance. This would involve setting up a system for compulsory payroll deductions or wage executions or garnishment. The principle would be similar to the pay as you go system of internal revenue for income taxes. The mechanism of internal revenue might be considered for this since it reaches the greatest number of persons. A simple beginning might be to start automatic deductions for child support where those obligations exist for Federal employes.

2. The second concept is the extension of social security benefits to dependent children of divorce in the same manner that sur-

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*Figures available only for N.Y.C. which includes five counties.

vivorship benefits are extended to children upon death of the supporting parent. This would utilize an existing family benefits structure.

3. The third concept is revising the social security structure radically to establish the housewife as an insurable class. In other words the dependent spouse would have individual coverage and not so many benefits would be forfeited upon divorce.

At the same time total coverage for dissolution of marriage would be incorporated in the social security system. This would be a new type of social insurance covering divorce and child support. A pilot study was made for N.O.W. which estimated that if every married worker between the age of 20 and 59 in covered employment paid a premium of $28 a year, a benefit of $100 a month for three years could be obtained.

SUMMARY

To sum up we think the huge increase in divorce merits, indeed requires, immediate attention and new solutions to its problems. Marriage should not be the road to becoming a public charge.

We appreciate very much the opportunity of being here.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 31

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. HARRINGTON. Mr. Speaker, in a recent Washington Post article by Hal Willard, some excellent arguments and proposals were set forth advocating gun control.

These proposals were set forth, not by a "liberal legislator," but by an experienced gun user who presently enjoys target shooting as a hobby. Maybe the handgun advocates will listen to him. If not, there is today's handgun death: the murder-suicide of a husband and his ex-wife.

How many more deaths must there be before the antigun control advocates see reason, and agree to immediate handgun restrictions? In the next 3 months, there will be about 3,000 handgun murders. So please do not take your time. We are talking about people's lives.

At this time I would like to include below the articles from the September 20 Washington Post and the September 26 New Jersey Courier-News.

The articles follow:

[From the Washington Post, Sept. 20, 1973]

WHO'S THAT BEHIND THE FORSYTHIA BUSH?

(By Hal Willard)

According to the encyclopedia, shoulderguns were invented in the early 1300s to utilize black powder as a propellant of bullets. Handguns were developed about a century later. The weapons originally were used to fight and hunt.

Modern civilization, of course, has found many other uses for guns. There is target shooting. There are collectors, who display guns all shiny clean in cabinets or on racks. Psychologists say some people—not all by any means—worship guns, drawing from them a sense of power and even of sexual prowess.

Many people use them in armed robberies and/or to murder.

Inexplicably, some of the people who use guns for hunting, target shooting and collecting believe their pleasures will somehow be reduced if government tries to eliminate the use of guns in armed robbery and for murder. They think it will be an infringement upon their freedom if they are required to get a license for their guns as they do for their cars, bicycles and boats. They think it will be an encroachment on their civil rights if they are required to register and qualify themselves when buying a gun, as they have to do when buying a car or an airplane or certain medicines.

Some of them think that the minute the government finds out who owns guns, it will confiscate them so our country can be invaded and conquered by an enemy who could have been defeated if only the hunters and collectors still had their guns and could rush out of the house and stand off the invaders from behind the forsythia bushes.

Some of them who think this way go on television to answer gun-control editorials and write letters to editors maintaining that "guns don't kill people, people kill people." They say that we shouldn't worry about getting the guns; we should worry about getting the guys behind the guns. They say the constitution gives us the right to bear arms.

People who favor gun control point out that there can be no "guy behind the gun" if there is no gun. They say it is easier to rob and kill with a gun than it is with a knife or club, and that if society makes it more difficult for a person to get a gun, society is automatically making it more difficult for that person to rob or kill.

Gun control advocates point out that many homicides are spontaneous and emotion-inspired and that it is more difficult for a hysterical person to murder if the most lethal weapon at hand is a sugar bowl or butcher knife.

They say that while the Constitution allows us to bear arms, it also allows us to require some qualification for possessing arms.

Here is a proposal from a man who has had a fair amount of experience with guns: hunted with a shotgun as a young man, ranked as a sharpshooter in the Army with an M-1 rifle, has owned a handgun and still enjoys target shooting with a .22 rifle occasionally.

The proposal:

Those who want guns to hunt with or for protection would have shoulderguns. They would register the shouldergun and also certify themselves as responsible, competent persons, as is required in obtaining a license to drive an automobile.

It would become illegal to own or manufacture a handgun, on grounds that they are useless except as murder weapons. Collectors could keep them as long as they were spiked or otherwise rendered inoperable. Target-shooters unsatisfied with shoulderguns could use specially-manufactured handguns that fired low-velocity pellets. Collectors and target shooters also would register each weapon and certify themselves.

The purpose of all this, of course, would be to keep easy-to-handle and easy-to-conceal guns away from irresponsible and dangerous people to the extent possible.

I asked the chap who made this proposal what he thought the reaction would be. He said: "Let he who is impervious to bullets fire the first shot."

[From the Courier-News, Sept. 26, 1973]

PLEAS FAIL, HE KILLS EX-WIFE, SELF

CALDWELL.—Twenty-nine-year-old Roland Witter shot his wife to death Tuesday, the day a divorce that would have ended eight years of marriage went into effect. Then he turned the gun on himself and took his own life.

The murder-suicide took place despite pleas from police who surrounded the Witter home here that he lay down his weapon.

According to police in this suburban Essex County community, Witter, apparently despondent over the divorce, killed his wife Pamela, 26, with a .25-caliber pistol and then committed suicide. Their bodies were found on the floor of a bedroom in the stucco home by police who had begged Witter for an hour to give himself up and then rushed the house under cover of tear gas.

Neighbors described Witter as "a very quiet individual and a good neighbor." He and his wife were separated in February and their final divorce decree went into effect Tuesday. They had had no children.

Asst. Essex County Prosecutor Anthony Mautone said that during the separation, Mrs. Witter had been living with her parents in Montclair. She called police early Tuesday saying she wanted to pick up her car, which was parked in Witter's garage.

Officer Robert Murphee, a 17-year-veteran of the Caldwell police department, went with Mrs. Witter and reported later that Witter was extremely friendly. In fact, when Murphee couldn't get Mrs. Witter's car started, Witter provided him with jumper cables and helped get the motor going.

Suddenly, Witter's demeanor changed completely, Murphee said.

"He put his arm around her neck and said, 'I'm going to kill her,'" Murphee said. "He pointed the gun at me and pulled the trigger, but it didn't go off."

Holding his wife as a shield, Witter backed up a set of stairs into the house above, Murphee said, adding that he couldn't use his revolver for fear of hitting Mrs. Witter.

Once inside the house, Witter pulled the shades and Murphee called for help.

Police using bullhorns begged Witter to give up, but they said that when they heard two muffled reports, they fired tear gas through the windows and stormed the building.

The bodies were found beside a bed, and police said a small fire had been started in the mattress but was quickly put out. Autopsies were ordered.

Peter G. Stewart, the 32-year-old mayor of this normally quiet town, described the incident as "a very tragic set of circumstances." "The only consoling thing is that officer Murphee was not a victim," Stewart said. "He came close to meeting his maker today."

TRIBUTE TO JULIAN VAUGHAN GARY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. BROOKS. Mr. Speaker, it was my honor and privilege to serve in this House with a distinguished and able Member from Virginia, the Honorable Julian Vaughan Gary. I valued him as a friend as well as a colleague.

Vaughan was a kind and gracious man. For 20 years he was a hard-working, dedicated Representative who loved this body, the people he represented, and the country he served so well.

The loss of Julian Vaughan Gary is a loss not only to his family and friends, but a loss to the people of Virginia, whom he served for so long, and to the Members of the U.S. Congress.

GEORGE DUKE HUMPHREY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, with the death of Dr. George Duke Humphrey on September 10, 1973, Wyoming lost an outstanding educator. As I have noted in these pages, his services to our State will not be forgotten.

Dr. Humphrey served as well on the National Science Board, the governing body of the National Science Foundation. Because his tenure, from 1950 to 1962, came during the formative years of the Foundation, Dr. Humphrey made an especially important contribution to its development.

On behalf of the National Science Board, I insert for the RECORD their tribute to the late Dr. Humphrey:

GEORGE DUKE HUMPHREY

The National Science Board lost a valued Charter Member and the State of Wyoming lost an outstanding adopted son with the passing of George Duke Humphrey, President Emeritus, The University of Wyoming, on September 10, 1973.

Dr. Humphrey was born in Tippah County, Mississippi, on August 30, 1897. He acquired his undergraduate education in his native state and his graduate education at the University of Chicago and Ohio State University. His career in education spanned an entire lifetime with experience from that of a teacher in a one-room schoolhouse in Tishomingo County, Mississippi, to school principal, system superintendent, state high school supervisor, and finally President of Mississippi State College. In August 1945 he went to Laramie to accept the post of President of The University of Wyoming, where he served with distinction for 20 years. Dr. Humphrey's administration of Wyoming's only four-year institution of higher learning was characterized by the most vigorous single period of growth in the University's 77-year history. Some 13 major campus structures or additions to existing buildings, valued at more than $17,683,000, were erected during his career at very little cost to the taxpayers. Commensurate advances were made in the academic development of the University.

While President of The University of Wyoming, Dr. Humphrey ably represented the citizens of Wyoming in national affairs. He served as a Member of the National Science Board from 1950 to 1962 and was also a consultant for the Departments of Agriculture and Interior. He held a number of important posts in the American Association of Land-Grant Colleges and State Universities, National Association of State Universities, Association of American Colleges, National Commission on Accrediting, and the Freedoms Foundation, among others.

Commenting on his death, Governor Stanley K. Hathaway said: "He has been a great friend of Wyoming. We have lost a great man, and I have lost a beloved friend. During his 20 years as president he unquestionably contributed more to the development of the University of Wyoming than anyone else. In recent years I have continued to seek his help. He served on the Governmental Reorganization Committee and the board of directors of the Department of Economic Planning and Development. He never lost interest in the state, and many have benefitted from his scholarship and desire to make Wyoming a better place for everyone. I shall miss him a great deal."

Dr. William D. Carlson, President of The University of Wyoming, said, "The passing of Dr. G. D. Humphrey marked the end of an era in Wyoming education. His vision and dedication to the University and to the state were unmatched. He was a friend to all—especially of the students—and his wisdom and counsel will be sorely missed in the years ahead."

Dr. Humphrey's retirement tribute in 1964, entitled "A Man to Match our Mountains," stated: "Wyoming is a vast and sometimes lonely land—a land of magnificent mountains and wind-swept plains where grandeur is as common as the sunrise. It is a land of opportunity. Even with the inroads of civilization over the last half of the century, it is still a pioneer country where great men become legends. Such a man is George Duke Humphrey . . ."

The National Science Board joins his many friends in this tribute to its former colleague, George Duke Humphrey.

THE WAR IN THE MIDDLE EAST

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. COTTER. Mr. Speaker, on October 6, the combined armies of Egypt and Syria launched a full scale attack against the tiny nation of Israel. In doing so, they initiated the fourth war in 25 years in this troubled area.

There can be no question who started this war. On Friday, October 5, as the holiest Jewish holiday approached, the Government of Israel contacted the major powers and advised them of the buildup of the Arab armies along the cease-fire lines. Israel urged these nations to do all within their power to prevent an outbreak of hostilities.

On Saturday, while a vast majority of Israelis were praying, fasting and contemplating the meaning of their holy day, Yom Kippur, "Day of Atonement," the armies of Egypt and Syria attacked along the Suez Canal and the Golan Heights. This was a clear violation of the cease-fire of 1970. Initially, the combined forces of these Arab nations scored some advances, but these were thwarted by the mobilization of the Israel defense forces. While these advances were made into what has been occupied buffer zones in the Golan Heights and the Sinai Desert, one can only conjecture as to what might have occurred had not Israel possessed these buffer territories. Surely the security of the nation would have been that much more imperiled. What better evidence is there for Israel's need for safe and secure borders?

With the continuation of hostilities, yesterday I called upon President Nixon to immediately deliver all military equipment hereto promised to Israel and am supporting legislation to insure that this needed equipment is provided. This would particularly involve the immediate delivery of all warplanes, which have already been purchased by Israel, and are scheduled to be delivered in the future. Surely the people of Israel have need for this equipment now while their very existence is threatened.

In addition, I am working to assure that the United States provides the necessary diplomatic assistance which is necessary to end hostilities in the Middle East by securing a negotiated and permanent peace in the Middle East.

TIMBER HARVESTING IN ALASKA

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. REUSS. Mr. Speaker, Peter Harnik has written two excellent articles for Environmental Action on timber cutting in Alaska's national forests. Both articles—"They Can't See the Forest for the Timber" in the August 18, 1973, issue; and "The Biggest Going-Out-of-Business Sale of All Time" in the September 1, 1973, issue—describe his recent trip to Alaska as a guest of the timber harvesting industry and what he saw there:

THEY CAN'T SEE THE FOREST FOR THE TIMBER

(By Peter Harnik)

We've got a sign by the door in our office that says: "There ain't no such thing as a free lunch." Every time a staff member gleefully hangs up the telephone and reveals that he or she has just been asked by one trade association or another "to get together" for a gratuitous meal, we all solemnly intone, *"There ain't no such thing as a free lunch."* Although Environmental Action has no specific policy on accepting "free" gifts, the ominous chant is supposed to sober the lucky recipient of the repast.

So, it was with considerable trepidation that I spoke up after ending a brief phone call in late March. "Phil," I said to my officemate, "you're not going to believe this. The American Forest Institute just invited me to go on their tour for journalists to examine forestry practices first-hand in the South Tongass National Forest. That's in Alaska."

"There ain't no such thing," he said, "as—" as four free lunches, four free dinners, two free breakfasts, four free jet rides and four free hotel rooms. And, what I was late to find out: innumerable miles covered by auto, bus, boat, amphibious plane and helicopters, tours of a pulp company, a sawmill and a logging camp. And plenty of free liquor. "Free," that is.

Of course there was no way I could go on such a trip. I imagined the headlines: Forest Tour Lures Conservationist. Will Eco-Group Endorse Forest Cutting? Environment Action Sells Out.

George Check, vice president of the American Forest Institute, (AFI), explained it succinctly when I was invited. "We feel," he said, "that there is no way that we can adequately explain our position to the press behind desks here in Washington. The only way to see what really goes on in the woods is to get out in the woods. You can talk to the men who do the cutting, who reforest, who measure erosion and sedimentation. You can judge for yourself."

"Are you going?" the staff keep asking me.

"Of course not," I said defensively. "I can't prostitute myself like that. Who else is out there lying in wait? The Petroleum Institute. The Coal Association. The Atomic Industrial Forum. The Highway Users Federation. One slip and it's all over. After all, we're not for sale."

As I buckled my seatbelt on the 747, preparing to take off for Seattle on the first leg of the trip, I reflected on the absurdity of the situation. Here was AFI, an educational organization which does not seek to influence legislation, trying to lobby a lobbying group by flying me 4000 miles away from Washington. Even stranger, Environmental Action has not been known for its emphasis on forest issues—certainly not compared with Friends of the Earth, Sierra Club or the Wilderness Society. Virtually everything I knew about the forest industry I had read in Environmental Action—two "Debunking Madison Avenue" columns by the Sierra Club's Dick Lahn (July 8 and 22, 1972) and an analysis by Sierran Roger Mellem (April 3, 1971). The two of them should probably have been invited, although, as I shall relate, it's just as well they weren't.

The trip across the country, five hours of cloudlessness, was an eye-opener itself. I noted glumly that the forest industry can proudly count itself among only a handful of interests—the housing developers, highway builders, electric utilities and strip miners—whose heavy imprint on the land can be seen from 35,000 feet.

The clearcutting in Montana, Idaho and Washington is ghastly. A woman sitting in front of me kept saying, "What on earth is going on down there? What happened down there?" As far as the eye could see, vast areas, once cloaked with spectacular stands of trees, looked denuded, as if someone had attacked a fur coat with a razor blade. And everywhere logging roads, like strands of spaghetti, wound their way through the scarred mountains and valleys. The woman strolled around the plane and reported to me that the cutting was just as bad in the other direction, too. All the while, our loquacious pilot ignored what our eyes were seeing and told us about Indian massacres, silver mines and birthplaces of famous Americans.

When we arrived in Seattle, I told the AFI representative there that I was much more concerned about forestry practices then than when I had left; another journalist, more objective than I, suggested that the Institute book night flights in the future because of the terrible impression the views had left. The AFI rep replied that what we had seen may not have been clearcutting and, anyway, that we should reserve judgment until we had heard the whole story. "Wait until Alaska," he said.

Alaska is so big that it covers four time zones; it is so remote that its citizens refer to the lower 48 as "the states"; it's so sparsely populated that Ketchikan, with 7000 souls, proudly calls itself the state's third largest city. And everywhere the feeling of pioneerism is in the air; a visitor is soon hit with the 49th State's joke-with-a-message: "Claustrophobia is an Alaskan in Texas."

The first written statement we saw after disembarking from our jet was, "Welcome to Ketchikan International Airport." The second was an auto's bumpersticker: "Sierra Go Home."

An American in Paris, as far as I could tell, has an easier time than a Sierra Clubber in Alaska. Inflation, crime, the weather—everything is blamed on the Sierra Club. Once, when I introduced myself, a man growled, "Environmental Action? Oh, for a minute I thought you were with the Sierra Club."

"Why don't you people clean up your own country before you come up here telling us what to do?" one red-faced lawyer shouted at me at a reception the first night. "You come up here, give the Indians all that free land and money, stop the oil, stop the timber and make us meet air and water pollution standards meant for New York and California. What do you know about Alaska anyway? If you don't live here, don't go telling us how to run this state."

"What is this man's problem?" I later asked one of our hosts. Timber seems to be flowing out of Alaska as fast as it can be cut and Congress was at that very minute handing the state its oil pipeline on a silver platter.

The lawyer's problem, in fact, the problem of all the residents of southeastern Alaska, is that the United States made a policy decision around the turn of the century that the Alaskan wilderness would not be raped and plundered the way the Rocky Mountains and Pacific Coast wildernesses were. In 1907 the Tongass National Forest was established, a 16-million-acre tract that covers nearly every square inch of Alaska from the southeastern tip to the boundary of Glacier Bay National Monument north of Juneau.

The situation is a frustrating one for all concerned. The "pioneers" who travelled thousands of miles to Alaska arrived at Ketchikan, Sitka, Juneau, Petersburg and Wrangell only to find themselves virtually squatters on National Forest land. The conservationists, who look at Alaska as our last chance to handle a wilderness properly, watch the U.S. Forest Service cave in to demands for timber and mineral exploitation on a huge scale. (My principal host, for instance, the Ketchikan Pulp Company, has an 8.25-billion-board-foot contract with the Forest Service through the year 2004.) And the Forest Service, as usual, is caught in the middle with loggers staring in its face and Sierra Club lawyers breathing down its neck.

After the Sierra Club, the Forest Service is probably the south-eastern Alaskans' prime enemy. In fact, after years of hearing the complaints of conservationists that the Forest Service and the timber industry were wedded to each other, I was shocked to hear a logger explain to a newspaperman that "everyone knows that the damn Forest Service is in bed with the Sierra Club." That bed, I thought, is getting pretty crowded.

Watching men clearcut a forest is even more upsetting than I thought it would be. Alaskan trees, primarily Western Red Cedar, Sitka Spruce and Western Hemlock, are not as huge as Oregon's because of the shorter growing season but they are certainly more spectacular than anything I had ever seen in the East. Trees four feet in diameter and 150 feet tall are common, and a walk through a virgin area can only be described as a religious experience. Yet the massive trees and closely linked web of life in such area pose scarcely a problem to the chain saws, bulldozers, logging trucks and steel chains that convert nature's most impressive climax ecosystems into a wasteland of stumps, roots, branches and overturned soil. Occasionally the trees retaliate against their slaughterers by twisting as they fall or kicking backwards or dropping huge dead branches on the tiny men below; while we were there a helicopter rushed out a man who had been hit in the face by his own chain saw. But the usual sounds of clearcutting are gasoline motors punctuated by the crash of giant trees and then a short sickening silence.

"There's no question that a clearcut is an ugly sight for a number of years," admitted Don Finney, vice president of Ketchikan Pulp. "But the forest that grows back is a much healthier one. Where we're getting 35,000 board-feet per acre in this virgin stand, we'll have 80,000 board-feet the second time around."

They can't see the forest for the timber, is how a friend of mine put it.

"There's a lot of dead stuff in here, a lot of sick trees, a lot of bent trees. There's wind damage over there. This tree with the crack in it—see? It should have been cut 40 years ago."

"Why?" I asked.

"Any board made from that'll warp and crack before we get it out of the state. We'll have to use that for pulp."

To listen to them, one would have thought they were doing us a favor by cutting down the virgin forest.

Let me tell you about the time I was almost persuaded.

We had taken a spectacular 20-minute helicopter ride over islands, beaches, ocean, mountains, marvelling at majestic forests that defied comprehension. We had flown over alpine meadows, jagged snow-covered peaks and sparkling streams. Finally the helicopter landed alongside Bear Lake, probably the most beautiful spot I've ever seen. Flowing out of the lake was a 300-foot ribbon-like waterfall. Above it on three sides were rocky peaks. Between were forests and meadows. The unspoken implication of the flight had been: "Look at all this land, all this beauty. Alaska is so big and bountiful, there's room for both the forest industry and preservationists."

We had half an hour to enjoy the scenery and I decided to hike a bit higher. As I fought up the steep slope I thought, "Maybe they are right. Perhaps it is fair to give them some of the lowlands if they leave us all the spots that look like this." Finally I reached the top and looked over to the next valley. Also blessed with a sparkling lake, it could have passed for a double of the valley we were in, with one exception. All its forests had been clearcut.

Don't try to tell a logger about ecology. Without fail he will draw himself up and say, "The forest is my livelihood—you don't think I'm going to do something that will put me out of business, do you? I'm the ultimate environmentalist." From what I saw, "final environmentalist" might be more apt.

Basically, loggers are "ecologists without prejudice." This means that at any given time they are practicing what they call ecologically sound methods of cutting, but they freely admit they might make some changes if the economics of the situation shifts or if the Forest Service requires it (or—and this is not said—if the Sierra Club raises a big enough outcry). Whenever they became "more ecological" they mercilessly criticize their old ways and add them to the general category of "mistakes of the past"—like the disastrous cutting of West Virginia's Monongahela and Montana and Idaho's Bitterroot, and the burning of much of the Pacific Northwest.

Unfortunately, not all of the industry's unecological activities fall into the "past" category. Many are still with us today, although you'll never get a logger to admit it. Two examples:

Several months before the trip I received a press release from my avid correspondents in Boise Cascade Corporation's public relations office. In it they described their pride and joy, a machine that would essentially "eat" all the parts of trees that are unsuitable for lumber. Called a "chipper" in the trade, Boise Cascade's was so advanced it could shred branches, leaves, roots, stumps—everything—and turn the material into something suitable for paper production and God knows what else. The press release stressed the ecological soundness of the breakthrough—no more messy debris lying on the ground, no more burning of slash, and best of all maximum utilization. Innocent that I was, I never imagined that they hadn't used a machine like this in the past, so I was simultaneously impressed and relieved.

Then to Alaska, where, lo and behold, there are vast amounts of debris on the ground after the clearcutters have finished and moved on. Astounded, we asked our guides, "Why do you leave all the branches, leaves and stumps behind? There are tons of usable material here per acre."

Did they respond that it was too expensive to clear away? Not technologically feasible? No—they said, "Ecology!" The material, we were told, is necessary to replenish the nutrients to the soil. Apparently, ecology cuts both ways. (Later, a Forest Service employee told me that the government will soon require the companies to remove more of the slash; the regulation had met with heavy opposition from the industry.)

So much for my first environmental lesson. Here's the second.

Next to preservationists, the industry's most hated foe is fire. For years the loggers have pleaded with people to be careful with matches and campfires to preserve the forests. Then, when conservationists began to decry clearcutting, the industry turned around and explained that it was merely mimicking nature's own methods—forest fires—and providing openings in the woods for wildlife forage and seedling regeneration. That was the "we're-clearcutting-the-forest-to-save-it" routine, and for a while it silenced the opposition.

Soon thereafter, however, scientific studies appeared showing that one of the real benefits of fires is the addition of carbon to the soil—and carbon is certainly not created during clearcutting.

Did this ecological revelation affect the timber companies who were flaunting their environmental purity? Well, yes. They continue to clearcut as usual, but they are now carrying on additional studies with the Forest Service (on U.S. land) to determine if a "controlled burn" can result in higher yields!

One of the highlights of the trip was a side excursion to watch balloon logging, a widely publicized ecological innovation by the industry—and another ecological lesson for me. Balloons, which are being experimented with in Alaska and Oregon, are touted by the industry and the Forest Service as more ecologically sound than traditional methods because the logs are not dragged across the ground by a steel cable but are floated across by a huge helium-filled balloon and dropped in a loading area. It is fascinating to watch the balloon shuttling back and forth across distances as great as 3500 feet, carrying three huge logs every return trip.

We were all frankly entranced by the apparatus and, while we stared skyward open-mouthed, the operator extolled the virtues of the method (which is heavily subsidized by the Forest Service at present). In contrast to what we had seen earlier, balloon logging certainly seemed far superior ecologically, and I began to feel pride for this courageous Alaskan logging company which had suffered under the ridicule of its competitors. Those feelings didn't last long, though.

"So this is really more ecological?" I asked.

"You're damn right," he stated. "Why, the Forest Service would never let this area be logged with conventional methods. This watershed is used for drinking water. Without the balloon these trees would stand forever."

Frankly, although I can't say that I joined the Forest Institute expedition with a completely open mind, I did go to Alaska hoping that I would be pleasantly surprised by the forest practices that I saw. Just as frankly, I wasn't. The word "ecology" has slipped into the loggers' vocabulary like a chain saw into a tree, but the understanding—the basic *respect*—isn't there. Nature in her providence will heal all scars, the Alaskan mentality runs, and when she exacerbates the problem—erosion and wind damage, for instance—she would have done so anyway. "I can take you a hundred miles into the uncut forest and show you erosion" was a statement I heard more than once.

They have no concept of environmentalism, either. In one broad-ranging discussion of environmental problems, my complaint about the unbelievable noise inside the sawmill we toured drew blank stares and then the virile retort, "The men up here can take it." What was I doing changing the subject to *noise* for, anyway? In Alaska, "environment" too often means the great outdoors, being able to fish all by oneself, being able to cut trees all season for $30,000 and then moving on. If the bears are driven away, well, there are plenty of bears. If the air is slowly getting polluted, well, I was told, the salt from the ocean spray also pollutes the air.

Watching Alaska today is watching California 80 or 90 years ago and realizing that we haven't learned a hell of a lot.

THE BIGGEST GOING-OUT-OF-BUSINESS SALE OF ALL TIME

(By Peter Harnik)

I didn't know it at the time, but while I was making last-minute preparations in late June to go on a for-journalists-only tour with the American Forest Institute to view forestry practices in Alaska's Tongass National Forest, Michael Frome was testifying on the very subject of the national forests before the U.S. Senate's Agriculture Committee. As conservation editor of ***Field & Stream*** magazine and as a life-long lover and observer of our nation's forests, Frome is eminently qualified to speak on the subject—and he rarely misses an opportunity to do so. This time, on June 26, he said:

"[Forest Service] Chief [John] McGuire is now presiding over liquidation of the national forests as we know them. His budget has been slashed. Hundreds of employees will have to be dropped. The programs to be hurt most will be non-logging—recreation, wildlife, wilderness and environmental reviews—making the multiple use concept an even more hollow mockery than it has been. The orders from upstairs are plain; streamline the Forest Service apparatus to concentrate on commodity production *now* and let the future care for itself. The scene in forestry is the same as in energy. Call it a crisis if you must, but give the big boys what they want."

In Alaska's Tongass, the largest of the nation's 154 national forests, the "big boys" are certainly getting what they want. They are getting vast quantities of wood that is being cut faster than it can regrow (a violation of federal law) and they are taking it in a manner that precludes any other forest uses for generations or even centuries to come (another legal violation). The forest is being cut despite a woeful—some observers say willful—dearth of environmental safeguards. And worse, the forestry practices continue despite an appalling lack of simple, basic statistical information.

Who is responsible for the sad state of our national forests? In one sense, of course, it is the timber companies who plundered their own lands in the past and, unwilling to face nature's facts of life, have moved on to the "last frontier"—the public's land. It is commonly observed, for instance, that all the controversy over an "environmental plan" for the future of the national forest would shrivel if it weren't for the fact that much of your and my forested areas are slated to be cut down and sold sometime in the future. As the Sierra Club's Dick Lahn put it, "Get the timber boys out of the national forests and the rest of the environmental problems will practically solve themselves."

In another sense, though, the timber companies are not all to blame. Leave a house unlocked long enough and it is certain to be looted. And in this case, the sleeping night watchman is the U.S. Forest Service.

Not that Congress hasn't provided the Forest Service with the tools to secure its legacy against burglary. Among other regulations on the books is the much-publicized Multiple Use-Sustained Yield Act of 1960, a law which very likely has been violated more often than the Internal Revenue Code. Put simply, the law requires that the national forests be managed in such a way that the five major uses—timber, recreation, forage, wildlife and watershed protection—be treated as equals. This is called multiple use. It also mandates that the amount of timber cut not exceed the amount naturally regrown by the uncut portions of forests. This is sustained yield. The concepts are simple enough for a child to understand; only a mad mathematician, however, could have implemented the laws the way the Forest Service has. In fact, with the help of the Sierra Club's brilliant forester, Gordon Robinson, here is one example of the Forest Service's chicanery. Coincidentally, it involves the Tongass.

In 1956, the Alaska Lumber and Pulp Corporation contracted with the Forest Service to harvest 5.25 billion board-feet of timber over a 50-year period from about one-eighth of the forest (a board-foot is a board one foot square and one inch thick). As Robinson testified in April of this year, "The purchasers began logging about 1959, and complained immediately that the amount of timber in the sale area was grossly exaggerated. Complaints continued over the years until finally in 1969 the regional forester appointed a joint survey team to determine how much commercial timber remained in the 50-year allotment . . . They reported that the commercial timber in the remainder of that allotment was overestimated by the stupendous amount of 797 percent."

That is not a typographical error. The area contained only 12.5 percent of the timber the Forest Service had sold. Extrapolating that error factor, Alaska Lumber and Pulp presumably would have to cut down the whole Tongass National Forest to get its contracted 5.25 billion board-feet—but the company would then run right into Ketchikan Pulp Company, further to the south, which is presently cutting its 8.25-billion-board-foot contract (and finding that that too has been overestimated).

Some of this information was revealed to me while I was in Alaska. Understandably, neither Forest Service personnel nor loggers would be eager to admit that they are better at cutting down trees than adding up board-feet—but it certainly makes one wonder if our so-called timber crisis is merely a crisis on paper. And it certainly proves that, in Alaska at least, neither multiple use nor sustained yield is being practiced. Robinson studied a U.S. Plywood Company contract (now tied up in a Sierra Club lawsuit) and determined that the entire contracted area would be cut in 58 years even though the trees require 120 years to replenish themselves.

I learned most of these facts after I returned to Washington since this material is not readily available in Alaska—and, of course, there wasn't enough room in our press packets for *everything*—but a number of us expressed our intuitive uneasiness about the seemingly excessive rate of cutting that we saw. The American Forest Institute (AFI) response to such charges is that 49 billion more cubic feet of timber has been grown than been cut in the last 15 years. Most of that growth, however, is unharvestable, and much of it is taking place in the so-called "Third Forest," the herbicide, pesticide and fertilizer soaked pine monoculture of the southeastern states which numerous ecologists and biologists are warning is an unstable, unecological artificial forest that is wide open to destruction by insects and disease.

"Anyway," I said to AFI Vice President George Cheek, one of our hosts, "you specifically told us at the beginning of the trip that we were to keep in mind that every forest is different, that we couldn't compare Maine with Georgia or Oregon with Alaska. To say that chemically inspired growth 5000 miles from here balances overcutting in the Tongass seems to violate your warning." In addition, it violates Forest Service regulations which do not permit a nationwide balance sheet but require sustained yield on much smaller units known as "working circles."

In answer, an Alaskan logger interjected that that sustained yield arguments were important but not as significant as the massive housing shortage the nation is facing, nor as important as the skyrocketing price of lumber.

He was clearly annoyed at my questions, so I tried to brush the discussion off humorously. "You mean," I said, pointing to a huge clearcut, "you've cut all this wood and there's *still* a shortage?"

"Well, this wood here, of course," came the reply, "this wood all goes to Japan."

Alaska isn't being sold down the river, it's being sold across the ocean. The Japanese are buying everything they can get their hands on, and the Alaskans I met (admittedly not a representative sample) are loving every minute of it. The housing crisis is great propaganda for journalists from New York, Chicago, Los Angeles and Washington, but it's a straw man; the Japanese Yen is what counts in Sitka and Ketchikan.

"This wood is going to *Japan?* I kept asking. The Tongass is going to Japan? Our national forest, *my* national forest is being shipped overseas while the timber interests continue to raise cries of timber shortage?

My outrage apparently is not unique. Cheek obviously faces it frequently, for he calmly replied that the U.S. imports a great deal of lumber from Canada and elsewhere and, were we to shut off the U.S. outflow to Japan, the Japanese would soon take over these other markets. That argument, however, doesn't hold water.

First of all, Canadian export policy is for Canadians, not Americans, to decide upon. If our northern neighbor wants to sell its forest overseas—or to the United States, for that matter—that is its prerogative. I would hope that Canadian environmentalists demand the same safeguards, precautions and protection that we (however unsuccessfully at present) are demanding—but we certainly have enough domestic problems to keep up occupied without making foreigners' decisions for them. And let's not forget that Canada is a foreign nation, not a cold storage unit for U.S. timber and other resources.

Second, there is nothing wrong with exporting surplus materials. What we find with timber, though, is that it is in short supply here and much of what is exported comes directly or indirectly from the national forests, our public land. In the Tongass, it's a direct giveaway; elsewhere, private companies often sell their private lands' timber to Japan and substitute public timber for the domestic market.

Third, don't lose sight of the profit picture—the real reason for the complexity and obscurity that marks the situation. Timber exported to Japan is profitable because the Japanese pay the best prices. National forest timber is profitable because the Forest Service partially subsidizes the operation and reduces costs. Timber imported from Canada and elsewhere is profitable because foreign loggers get paid less than ours do. The forest industry is plundering our own environment, the Japanese consumer and the Canadian worker. Domestic sap and foreign sweat—that's what George Cheek's salary is paid from and that's what financed my free trip. "Free," that is.

Several days after I returned to Washington, I attended a meeting called by the Forest Service to discuss the agency's environmental plans for the future, specifically for the next 10 years. We were a diverse group, half industry representatives and half conservationists, and the Forest Service personnel—including Chief McGuire—played their "gosh-guys-we're-caught - in - the - middle - again" routine to the hilt. The cattlemen want more grazing land. The skiers want more resorts. The motorcyclers want more land for their bikes. The miners want more minerals. The dam builders want more electricity. Homeowners want second and third homes. And of course, don't forget the timber industry. Everything was phrased in terms of "needing" resources and "taking" them from the national forest.

Sadly, the Forest Service doesn't understand its job. Its duty is to protect and oversee the resource that is the national forest system—not divide up the commodities contained in that resource and sell them to the highest bidder. An exhausted copper mine, an overgrazed pasture and a clearcut watershed *are not resources*, and the "resourcefulness," for lack of a better word, of the system as a whole is diminished every time a contract to cart away goods is signed.

But the Forest Service's real problem these days is that it looks upon itself and its much-plundered holdings as the cure-all for the many problems the United States faces. This is due partly to bureaucratic audacity and partly to a gross underestimation of our problems. Just a few more billion board-feet of wood, the logic runs, and we'll have decent housing for all. A couple million more acres of grazing land and there will be steak on every supper table. Another coal mine and brownouts will be a thing of the past.

Notwithstanding Chief McGuire's optimism, these are not temporary aberrations in our economy which we are generously rectifying by opening the forest door to special interests. Though the door keeps opening wider, the problems continue to intensify. Is our society recycling more these days in order to combat the shortage of paper and the wastage of glass and aluminum? No, we're recycling less than we were 20 years ago. Are we preserving and rebuilding old housing to mitigate the wood shortage? No, we're abandoning and tearing down more buildings than ever before. Are we teaching that good nutrition doesn't mean beef twice a day? No, we're demanding more meat all the time. And where do we look to resolve these and other problems? The national forests. The forest *reserves* that were specifically created to be a retreat from the mainstream of the American economy—not its vortex.

The United States is locked into so many wasteful, unecological practices that not even the incredible bountifulness of the national forest system can rescue us if we do not radically mend our ways. My recommendation to John McGuire—and to his close friend, George Cheek—is to look at the forest. Help us mold our society along the ecologically sound model of the forest rather than cutting it down to serve our arrogant society's endless desires.

TOUGH TO CONTROL GRAIN GAMBLERS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. ZWACH. Mr. Speaker, I am gravely concerned over the trading done on commodity futures which sent prices of some products soaring and made hundreds of thousands of dollars for speculators while being of little benefit to the farmers themselves.

My concern in this area is shared by many of our Minnesota editors. An example is an editorial by Gordon Duenow of the St. Cloud Daily Times which I would like to share with my colleagues by inserting it, with your permission, in the RECORD.

Mr. Duenow's editorial says, in part:

> Wild trading on commodity markets in the past year hiked food prices to record levels while proving of little benefit to farmers. For instance, the price of soybeans nearly quadrupled, rising to $12.27 per bushel in July when farmers had little, if any, to sell. Now the price has dropped back to less than $6.50. Wheat still is high although the price of corn has dropped. While few farmers benefited from the high price level in effect before 1973 crops were harvested, gambling on the futures market had a tremendous impact on consumer food prices. The Labor Department reported a 6.2 per cent rise in the wholesale price index, and a 10.8 per cent jump in the retail price index during August. If the trend was to continue, food prices would be almost 75 per cent higher next year than they are now.
>
> Behind the spurt in prices of grain and other commodities were a number of factors. The gamblers went into action following announcement of the massive sale of $1.1 billion worth of grain to the Soviet Union—one-quarter of this country's annual wheat production, plus large quantities of corn, soybeans and feed grains. Worldwide agricultural conditions didn't help any either.
>
> Now with record and near record grain crops being sold by farmers, prices are considerably lower in most instances. We wouldn't be surprised at all to find prices climbing again when the farmers have sold their corn and grain.

REPUBLIC OF CHINA CELEBRATES THE DOUBLE 10TH

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. HUBER. Mr. Speaker, today marks the 62d birthday of the Republic of China. This birthday is traditionally celebrated not only by her own citizens, but by Chinese overseas and in Chinese communities in the United States.

Led by Dr. Sun Yat-sen, the Manchu Empire was overthrown in 1911 and Asia's first republic was born. In commemoration of this uprising and subsequent overthrow, October 10 became the National Day of the Republic of China. As this is the 10th day of the 10th month, it is called the Double Tenth holiday.

Much grief and sorrow have attended the growth of the Republic of China. As a weak and disunited nation, it had to struggle against both the Soviet Union and an aggressive Japan who were vying for supremacy in Asia prior to World War II. Subsequently, China underwent invasion by Japan and later civil war with the Communists. When the last of the Kuomintang Government fled to Taiwan in 1949, nearly everyone was prepared to write off the Republic of China. But this did not happen. Free China prospered and grew to be one of the richest nations in Asia.

Now we have what is in effect a two China policy, but down the road it is said we will have to break diplomatic relations with the Republic of China as a precondition of establishing full diplomatic relations with the People's Republic of China. This would be a mistake in my view. My hope is that we see the Republic of China celebrate many more Double Tenth holidays as a friend and good trading partner of the United States. I wish her well.

U.S. BASIC INDUSTRIES IN BAD SHAPE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. GAYDOS. Mr. Speaker, on several occasions in the past I have taken the floor to discuss a situation I feel undermines the very existence of our Nation as we have known it. I have strongly maintained that when a nation loses the ability to produce for itself, when it must rely on selling the products produced by the labor of other peoples, then that nation is in serious trouble.

I cannot emphasize how concerned I am, therefore, to see the rapid conversion of the United States from the world's greatest productive source into the largest international discount house for foreign-made goods.

Mr. Speaker, similar views were expressed by Charles H. Dyson of the Dyson-Kissner Corp. in an interview conducted by the noted columnist Elliot Janeway. Mr. Janeway observes that America has exceeded Britain in relinquishing her home markets to foreign competition and framing policies which pinch her basic workshop industries. I insert a copy of Mr. Janeway's interview, which appeared October 3 in the Pittsburgh Press, into the Record for the attention and consideration of my colleagues:

[From the Pittsburgh (Pa.) Press, Oct. 3, 1973]

U.S. Basic Industries Termed in Bad Shape

(By Elliot Janeway)

Measuring a country's progress by its ability to graduate from producing goods to enjoying services has become one of the most seductive ideas of our time.

America is by no means alone in having been lured by the theory. Even such a hard-boiled, national-minded industrial country as Sweden is toying with it. But America has outdone even Britain in ceding her unparalleled home market to foreign competition and, moreover, in framing national policies which pinch her basic workshop industries.

Charles H. Dyson is the prototype of an industrialist. Hard-goods manufacturing industries are his stamping ground. His corporate vehicle is the Dyson-Kissner Corp., which owns positions in many public companies. Realism is his forte. Whether times are better or worse, he sees American industry needing no end of money just to stand still running hard.

Janeway. Are you worried about the future of manufacturing in the United States?

Dyson. Yes. The basic industries face a tough time ahead because their current profits are not big enough to provide adequate dividends for their stockholders, as well as the capital needed for new equipment. This is a major problem. I don't know where the investment money for modernization is going to come from without tax support. I do know that a lot of it is needed—beginning now.

Janeway. Since these companies are not earning money they need for the investment they dare not defer, won't they be forced to borrow at today's intolerably high interest rates? The alternative, theoretically, would be to raise equity money, but I doubt they could—even at today's low prices.

Dyson. It's certainly not a very promising climate in which to raise capital or to go into debt.

Janeway. Because of this credit crunch, do you see a slowdown?

Dyson. Right now, I visualize a fall-off in the building industry. It's coming now because there's no mortgage money available.

Janeway. Recently, a major New York commercial bank announced a 10 per cent rate of interest on savings deposits, with only a $1,000 minimum for four- to 10-year money. What effect will this have on the mortgage-making operations of the savings institutions and, therefore, on building?

Dyson. Probably a drastic effect, because a tragic thing has been happening. People who usually put their money in savings accounts are now taking it out and putting it into other areas, where they can get a 7, 8, or 9 per cent return. It's easier to take out savings than to cut living expenses. The end result is no mortgage money. The building industry is going to suffer unless the government makes mortgage money available.

Janeway. How do you think heavy industry generally will fare?

Dyson. Many suppliers of basic industries have inefficient plants and their first reaction will be to try to cut expenses. The closing of those inefficient plants will take place. This won't take place immediately, because everybody's an optimist, and those plants will keep going longer than they should.

Janeway. Do you think there is any chance that the American economic pendulum will swing back to giving priority to the heavy industries?

Dyson. So far the swing has increased capacity utilization, but earnings have lagged behind. I don't think the swing will be greater than that, because once the European or Japanese prosperity starts to taper off, the finished products they produce will be used as a weapon against us.

TRIBUTE TO J. VAUGHAN GARY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. DENT. Mr. Speaker, while saddened by the occasion, I am grateful for the opportunity to join my colleagues in paying tribute to one of our own who is no longer with us, Vaughan Gary.

Vaughan was not only a fine legislator whom I might even refer to as a statesman, but a beautiful human being who I was happy to call my friend.

The harmonious relations which we enjoy today with many of the nations of Europe can be attributed in part to the fine work which Vaughan Gary did while he was a Member of Congress. He was also given a Distinguished Service Award by the Treasury Department for his diligent and productive efforts as chairman of the Appropriations Subcommittee for the Department of the Treasury. This is a singular honor for one of our Members and one for which I have the deepest respect.

I have missed Vaughan since he left Congress. To me he was the very prototype of a real southern gentleman—a pleasure to know and to work with. I extend my very deepest sympathies to his wife and his family. I know that their loss is so much greater than ours.

FOUR STARS FOR ADMIRAL RICKOVER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. HOSMER. Mr. Speaker, recently columnist Bill Anderson of the Chicago Tribune took note of Admiral Rickover's receipt of a new star in the context of a hometown Chicago boy who made good. The informative and complimentary column follows:

Rickover: More Rank and More Work

(By Bill Anderson)

Washington.—The scrawny little boy who used to deliver telegrams in Chicago to earn an education has finally been vindicated in this city that sometimes seems to have more losers than winners.

However, there was an absence of gloating from the winner, Adm. Hyman G. Rickover, when the Senate gave him the fourth star of rank. To one friend he said, "Hell, what difference does it make as long as I do my job? I could do my job as a seaman second class. Nature knows no rank."

And the 73-year-old Rickover also mused, "Rank is like jewelry—the old women are the ones who get the jewelry, and it really is the young ones who should get it."

Those who know Rickover well understand he wasn't joking. For at least 20 years it has been a matter of record that a large number of officials here, not to mention corporate titans, would have liked to have seen Rickover sent out to pasture while he was still a captain.

The Navy actually tried to get rid of Rickover, who happens to have a gross disdain for stupidity.

But thru some rare actions during the 1950s, Congress told the Navy to hold onto Rickover. The brass did, and he went on to become the father of the nuclear navy. At the same time, he blistered a variety of sacred cows, not only in the Navy, but in the world of corporations and education. Nevertheless, altho he was kept on beyond the normal retirement date, he reached only three-star rank.

Events of this last week, however, culminated in the Senate [in three minutes, without objection] voting Rickover his fourth star. It was a tribute led by Sen. Henry M. Jackson [D., Wash.] in specific recognition for Rickover's testimony which proved vital to the successful drive for maximum funds to build a new-type submarine to be called the Trident.

The conventional gossip has had it that "hawk" Rickover had been "leaning" on his many friends in the Congress, applying pressure and even calling in IOUs. That wasn't the approach of Rickover, according to one wavering U.S. senator who had talked to the admiral.

The admiral pointed out that it would be a waste of money [perhaps in the billions] to start a proposed slowdown on the Trident because many assembly lines would have to be shut down and then later restarted. People would also have to be retrained.

Rickover also said, "War is horrible . . . a great human waste. . . . We are also now facing a great global crisis in energy, which is even more reason to do away with war." It would be far, far better, he said, to put national energies into seeking solutions to food and fuel problems than making plans for people to shoot each other.

Since Trident, like the Polaris and Poseidon ballistic missile submarines before them, is designed as a deterrent, Rickover closed his argument: "Senators, my advice is that if you feel Trident will lessen the chances of a war, then you should vote for the measure. If you feel that it won't, then don't."

The argument—backed by Jackson's use of quotations from Rickover to sell Trident during a rare closed session of the Senate—swung the votes of at least five senators. In effect, the pleas were decisive, because the program passed the Senate by only two votes—49 to 47.

To friends, tho, Rickover took an almost modest back seat.

Observers of Rickover noted that the promotion did nothing to slow down his pace of activity. For just a moment, his personal staff thought of breaking his schedule with a small celebration. That, however, is not the style of no-nonsense Rickover. It was back to work, on a 12-hour office day schedule, with notes and writing to do at home that night.

"In World War II, we dug up too many of our resources and just threw them in the ocean," he told us. "Our resources are of a deeper significance than the world has ever faced before . . . far, far deeper than people realize." Then he went back to work.

TWO ADVANCES FOR THE SPINAL CORD INJURED

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. McKINNEY. Mr. Speaker, the care and treatment of the spinal cord injured is of special interest to me and many of our colleagues. It was with great satisfaction that I learned of two advances in this area which signal the beginning of a new era.

Recently, the National Institute of Neurological Diseases and Stroke—NINDS—approved a grant of $3 million to Yale University School of Medicine to study all aspects of spinal cord injury. In line with my own proposal for a network of regional spinal cord centers throughout the nation, this effort will deal comprehensively with the injury from acute care treatment, to training of personnel in the specialty, to coordinating hospital services in the area. The Institute's action is most gratifying to me because it answers a most pressing need and the work will take place in Connecticut under the direction of a most able physician and educator, Dr. William F. Collins, professor and chairman of the Department of Neurology at Yale.

On another front, there is renewed hope that someday we might find a cure for paraplegia and quadriplegia. These varying states of paralysis are caused by injury to the spinal column. Until this time, man has relied solely on surgical and rehabilitative techniques to treat this dysfunction with no real hope of recovering the damaged area. Unlike other cells in the human body, neurons in the spinal column do not reproduce themselves. In the last several years, however, dedicated scientists and doctors have voiced hope that they might find a way of stimulating growth to mend the spinal cord.

The major thrust of this research is being coordinated by NINDS under the direction of Dr. Donald Tower. I would like to commend the initiatives of the Institute in this area. At the same time, I would like to single out my colleague, Congressman OVAL HANSEN, for special praise. It was Congressman HANSEN who first informed Congress of the need for this research and then fought for the necessary appropriations to insure the establishment of a viable program.

Mr. Speaker, like many of my colleagues, I am interested in the field of rehabilitation. This new field of research goes well beyond our expectations for the future. Therefore, I would like to include the following article by Robert G. Dicus which will expand on my brief outline and assist in understanding the meaning of this work.

The article follows:

CNS REGENERATION RESEARCH

(By Robert G. Dicus, B.A.)

Medicine, like most applied sciences, functions from knowledge founded upon certain basic truths or fundamental laws. As medical progress is made and new scientific discoveries shed new light, existing medical concepts should be reviewed and reevaluated. The current status of central nervous system CNS regeneration research will be reviewed in this article, and specific orientation will be made to its application toward a possible cure for spinal cord injury (SCI) and disease, and other CNS problems.

HISTORY OF CNS RESEARCH

One medical hypothesis upon which most health professionals base their therapeutic programs for the SCI patient is the assumption that paraplegia and quadriplegia are permanent, irreversible health conditions. This proposition has been promoted on the premise that CNS degeneration is a permanent and incurable problem. Dorland defines degeneration by the statement: "When there is a chemical change of the tissue itself, it is *true* degeneration."

The SCI and CNS degeneration hypothesis has dictated a paradoxical approach by health professionals in the treatment and care of paraplegics and quadriplegics. Doctors had virtually abandoned all SCI research since a cure, until recently, was considered to be impossible, and had concentrated patient care and therapy in the surgical and rehabilitation areas with emphasis on the patient's residual functional potential. Recent reports of advances in functional neuromuscular stimulation, both with skin surface electrodes and muscle or nerve implants, have perpetuated research efforts in areas other than in a cure for CNS degeneration.

Another artifact of these problems has been the instruction to the patient, usually by the diagnosing physician, that the patient should accept the prognosis and should not spend his efforts and money in the hopeless quest of a miracle cure. This philosophy has been justified by the premise that these CNS patients should be spared the disillusionment of false hope. In their frustration at having no cure to offer, physicians have more often than not instilled in the minds and hearts of such patients a *no hope* indoctrination. The same aura of hopelessness has also been transmitted to the families and health professionals attempting to rehabilitate these patients.

The accumulated frustrations of this feeling of hopelessness, as engendered by the SCI treatment paradox, was recently pointed out in a Journal article entitled, "What Do You Tell a Twenty-Year-Old Quad?" In succeeding months, after the appearance of this provocative poem, two authors addressed separate articles to answering this question, interestingly, neither of their replies dealt with, nor even suggested, the possibility of cure for SCI patients through CNS regeneration research. The CNS degeneration hypothesis is still very dominant in the thinking of health professionals.

NEW DEVELOPMENTS IN CNS RESEARCH

At the present time, no known cure for either paraplegia or quadriplegia exists; however, new scientific evidence is causing a modification of the CNS degeneration hypothesis. This modification indicates that a need no longer exists for us to continue to support, the thinking that paraplegia and quadriplegia are incurable health problems.

What has happened to cause this dramatic shift in our thinking?

Paraplegics and quadriplegics, thankful for the therapeutic approaches that have been taken in their rehabilitation, have not been content to accept the premise that CNS problems are incurable, In January 1970, through the National Paraplegia Foundation (NPF), the hope of all CNS patients for a cure to their problems rose. The NPF invited twenty-two scientists to meet in Florida to consider the application of new technology to the enigma of central nervous system regeneration. The reports and exchanges of information among the scientists dealt with recent research work and discoveries in their particular fields of study, e.g., genetics, neurology, anatomy, immunology, physiology, and molecular biology.

The published conclusions of this remarkable conference follow:

The path of future research seems rather clear. The process of collateral sprouting must be investigated physiologically and biochemically as well as histologically. The process of protein synthesis, transport and degradation in neurons can now be studied biochemically and autoradiographically, and attention needs to be focused on the regulatory mechanisms that determine the relative rates of these processes. Neuronal specificities must be further investigated by biochemical studies in tissue culture. The temporal factors resulting in changes of nerve specificities during embryonic development and perhaps during adult life must be investigated more extensively. Finally, the dynamics of the metabolic or trophic interactions between all cells of the central nervous system, neurons, neuroglia, and vascular elements, must be thoroughly analyzed. There is no guarantee that a concerted attack on these problems will resolve the enigma of regeneration in the mammalian central nervous system, much less result in a cure for paraplegia. But as of today the problem should not be considered insoluble. This noteworthy conclusion was agreed upon by all the conferees.

These areas for future research have been reported and discussed in terms of the present levels of knowledge with particular reference to collateral sprouting, growth of the neuron, neurotrophic interactions, and nerve specificities.

The published research reports appearing in the literature since the NPF conference dealing with CNS regeneration research are an indication of the impact of the conference and the renewed hope for a cure of the SCI problem. Veraa has reported that twenty-two major articles have appeared in the *Journal of Experimental Neurology* along between the date of the conference and his article entitled, "New Hope for a Paraplegia Cure," published in January 1972. Since 1971, nine related articles have appeared in *Science* on the following subjects: a model of the structure of cell membranes, the influence of Golgi apparatus on cell surfaces, a new look at how cell membranes work, the first histochemical evidence of noradrenaline nerve terminals in human cerebral cortices, the metabolism of noradrenaline and adrenaline, the molecular biology of synaptic receptors, the newly discovered fast transport of materials in mammalian nerve fibers, the depression effect of colchicine on synaptic transmission, neurotransmitter function, and quantal mechanism of neurotransmitter release. In addition to the new knowledge contained in these articles, accompanying reports of new research techniques and instrumentation offer even broader vistas for discovery of the solution leading to a cure for CNS degeneration.

The Scientific Advisory Committee of the NPF, which will evaluate and appropriately recognize these research efforts is composed of prominent scientists including Chairman, Dr. W. F. Windle, Denison University, Ohio, Dr. Carmine D. Clemente, chairman of the department of anatomy at the University of California at Los Angeles; Dr. Lloyd Guth, head of trophic nerve function of the National Institute of Neurological Disease and Stroke (NINDS); Dr. Francis O. Schmitt, chairman of the neurosciences research program at Massachusetts Institute of Technology; and Dr. Richard Sidman, professor of neuropathology at Harvard Medical School.

The mobilization of forces at the federal level in support of this revitalized CNS regeneration research effort has been crystallized under the drive and leadership of the Honorable Orval Hansen (D.-ID). In an address before his colleagues in the House of Representatives on July 21, 1971, Hansen reported on the NPF effort and called for additional federal support in the search for a paraplegia cure.

On February 24, 1972, Congressman Hansen again addressed the Congress to report on further developments and to recommend specific steps to be taken. He stated that the first step should be the establishment of a Section on CNS Regeneration Research within NINDS. Following this accomplishment, a second step would be the establishment of a National Trauma Institute "which could not only perform research into regeneration and repair of all types of traumatic injury, but could also establish a tissue bank that could furnish direct assistance to victims of all kinds of disasters."

Moving quickly, Congressman Hansen reported the achievement of the change in name of the NINDS Section on Trophic Neurofunction to the Section on Nerve Regeneration on April 17, 1972. The significance of this change is that it lends credence and validity to the scientific theory underlying nerve regeneration. Further, it establishes the groundwork for additional federal funding and research in the area of CNS regeneration research.

The second annual conference on regeneration in the central nervous system convened in Florida in May 1972. Sir John C. Eccles, Nobel prize winner in medicine, chaired this meeting. The conference highlight was the announcement of the first recipient of the NPF $10,000 research award for outstanding research efforts in this area. The co-recipients of the award were Dr. William F. Windle and Dr. Rodger W. Sperry.

Dr. Windle, a long-time research pioneer in CNS degeneration problems, was honored for his original research in which he demonstrated the possibility for the regeneration of nerve fibers across the severed spinal cord. Dr. Windle's original research on neuronal regeneration in the central nervous system was reported in 1952.

Dr. Sperry, of the California Institute of Technology, was honored for his basic research of factors responsible for functional regeneration in the CNS and concepts of chemical selectivity in the establishment of appropriate nerve connections.

An additional contribution by Dr. Ian McDonald of London was noted by Chairman Eccles. Dr. McDonald reported his research in restoring nerve fiber function where the nerve fiber has failed to conduct impulses even though the fibers have not actually been severed. Also, the findings in this report indicate the possibility of imparting function to new regrowing fibers.

The implications of the successful achievement of the NPF-sponsored renaissance of CNS regeneration research go far beyond the SCI problems. Success in this area could also hold the cure for other CNS patients; e.g., the cerebral palsied, patients with congenital nerve deafness, stroke victims, and the nerve blinded.

CONCLUSION AND SUMMARY

The status of CNS regeneration research and the stimulus of the NPF in the catalytic role of giving a rebirth of hope for a cure for SCI patients has been reviewed. The effect of new knowledge, new techniques, and new effort in this research area have been examined as they relate to old concepts and conditioned thoughts about the insolubility of CNS degeneration problems. Dorland defines regeneration as "the renewal or repair of injured tissue."

While our therapeutic efforts have been directed toward the patient's residual potential, ample scientific evidence supports a modification of the old insoluble CNS degeneration hypothesis. Further, it does not seem contradictory to report to a twenty-year-old quad that a rebirth of scientific research may help to obtain a cure for SCI patients. Although it is true that no demonstrable evidence yet indicates that a cure is imminent, this does not mean that SCI and CNS degeneration health problems are insoluble. There is realistic hope that CNS regeneration research will be the key to unlock the solution to these thorny problems. Also tell a twenty-year-old quad that physicians are but mortal men, and they too yearn for this solution. While this solution is being sought, SCI and CNS patients can help in these ways: 1) support worthy research efforts such as the NPF program, 2) cooperate with those health professionals who would assist us to prevent secondary health complications and to rehabilitate our residual potential, 3) apply energy to help others to help us to help ourselves. Who is more worthy of our help?

Ten years of quadriplegia tell me this is so.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. ERLENBORN. Mr. Speaker, it is basic to our legislative process that we assemble here from all parts of the United States to make regulations by which 210 million people can live together in this country. Of necessity, this means that nobody always gets his way, a fact which is impressed daily on those of us on the Republican side of the aisle.

We of the minority have known for some time that we cannot get the kind of minimum wage bill we want. Hence, in the belief that half a loaf is better than none, we have sought compromise.

The chairman of our General Labor Subcommittee (Mr. DENT) tried in 1972 and again in 1973 to get his whole loaf, and he failed both times. Perhaps it is time for him to come to the understanding which has been visited upon us—that a good compromise is better than an arbitrary minimum wage bill.

The people at the bottom of the wage scale now are making $64 a week in most urban jobs. That is not much. They would like to be making $70 or $75, and I do not blame them.

Our chairman, however, says they cannot get a raise—not until he gets everything he wants. I believe people at the $64 level would like to have the chairman do more legislating and less politicking with their pay scales.

U.N. PROPERTY TAX EXEMPTIONS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. PEYSER. Mr. Speaker, Congressman ED KOCH and I have today introduced a bill to make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions.

On June 26, 1947, an agreement between the United States and the Secretary-General of the United Nations was signed. This agreement entitled the members of the United Nations "the same privileges and immunities as the U.S. Government accords to the diplomatic envoys accredited to it, and the staffs of these envoys." Accordingly, the governments of the States directly affected by the presence of the United Nations chose not to tax property owned by the United Nations or by any of its delegates.

Since 1947, the city of New York and surrounding communities have lost through tax exemptions almost $100 million on properties owned by foreign governments. In Westchester County, N.Y., by its proximity to United Nations headquarters in New York City, where 132 countries have a major consulate, its cities, towns, and villages have been losing thousands of dollars every year because they cannot collect taxes on land and houses owned by foreign governments. The city of Yonkers alone has tax exempt homes occupied by members of the United Nations worth $234,000.

In New York City, there are property tax exemptions on United Nations buildings, lands, missions, consulates, and official residences amounting to about $7 million yearly in lost revenue.

There is no reason why these and other such municipalities affected by the presence of the United Nations should not be reimbursed by the Federal Government. It certainly seems befitting that this lost local tax revenue should be replaced by the Federal Government, since the entire Nation benefits from the reciprocal tax exemptions provided to U.S. diplomatic missions abroad.

At a time when our local governments are hard pressed for revenues for such vital services as police and fire protection, housing, education, and the like, the Federal Government should not add to the burden by permitting local responsibility for tax exemptions on properties owned by the United Nations and its delegates.

Just as the United States has argued ever since the United Nations was founded that one nation should not bear the fiscal responsibility for a world organization, the citizens of Metropolitan New York and other affected areas throughout the country are justified in maintaining that they should not be burdened with a responsibility which should be shared by the entire United States.

I hope the House will take speedy action on this bill to bring relief to our localities. The text of the legislation follows:

H.R. 10849

A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of State or his delegate shall, not less frequently than annually, pay to each State or political subdivision thereof an amount equal to the amount of revenue which he determines that such State or subdivision would derive during the year from real property taxes on exempt United Nations property if such taxes were imposed on such property.

(b) For purposes of this Act, the term "exempt United Nations property" means real property (including residential property) which is exempt from real property taxes imposed by a State or political subdivision by reason of its ownership by the United Nations or by any delegate to, employee of, or other person or organization connected with, the United Nations.

SEC. 2. The first section of this Act shall apply with respect to fiscal years ending after the date of the enactment of this Act.

J. VAUGHAN GARY

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. MORGAN. Mr. Speaker, it is with deep sadness that I have learned of the death of J. Vaughan Gary, whom I came to know as a distinguished colleague and valued friend during his 20 years in Congress.

Vaughan Gary was a true servant of the people, not only of the Third District of Virginia which he so ably represented but also of the Nation at large.

He was a man of diligence and impeccable integrity. He was a man of wisdom and courage. His contributions will be long appreciated.

A lawyer by profession, he joined the Army in World War I, worked as counsel and executive assistant of the Virginia Tax Board in 1919–24, served as a member of the Virginia House of Delegates in 1926–33, and in many civic and humanitarian capacities. By the time he came to the U.S. House of Representatives in 1945 he already had compiled an enviable record of public performance.

As a Member of the House, Vaughan Gary was especially noted for his dedicated efforts for many years on the Appropriations Committee. He held the chairmanship of the Treasury-Post Office Appropriations Subcommittee. He was active in behalf of an effective Coast Guard.

In paying tribute to him, I wish to refer particularly to his important role in the early years of the foreign assistance program. He was a leader in supporting the Marshall plan which helped rebuild the war-shattered nations of West Europe.

I mourn his passing and offer personal condolences to all members of his family.

THE PENSION REFORM BILL, H.R. 4200

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. McCLOSKEY. Mr. Speaker, the impact of the pending pension reform bill, H.R. 4200, on small businessmen cannot be overestimated. For the benefit of my colleagues, I am inserting in the RECORD at this point, the comments on this problem of an individual who is an expert in the administration of pension plans under the existing law, and whose firm serves as an administrator of over 300 such plans. I believe it particularly important that the House note the fact that H.R. 4200 would require six new reports and two additional Treasury returns to be filed each year by every pension plan administrator, no matter how small the plan.

We have reached a point where the complexity of governmental regulations, the numerous variety of governmental taxes and the sheer volume of reports required to be made to the Government are combining to force small businessmen out of business, or in the alternative, to merge with large corporations in order that the high cost of overhead can be met from the larger revenues involved.

At a time when we are desperately seeking productivity, and yet attempting to preserve the viability of small businesses, I think we should give particular attention to simplifying the reporting requirements we impose on small business. There is a point at which the benefits to the Government by precise information are outweighed by the need to relieve individual businessmen and small companies of requirements which make them unable to compete in today's world. We can destroy the free-enterprise system by overregulation as easily as by Government control. In this vein, I feel the following comments of Mr. Lawrence Gilsdorf on H.R. 4200 seem particularly worthy of close attention:

It was purportedly the idea of the Bill to protect the rights of employees under Pension Plans and to set up various rules that would help in getting some fifty million workers covered who are not currently covered by pension plans. During July, 1973 the Senate Finance Committee reported out S1179 which did all of these things plus, added some completely new sections dealing with "closing the tax loop-hole" of Professional Corporations and other closely held corporations that incorporated in order to set up plans to benefit the highly paid shareholder employees. I can't help but believe the Treasury Department had their hand in the drafting of this part of the legislation to a great extent because of the effectiveness with which they virtually closed off the viability of *all* small corporation pension and profit sharing plans. From the Senate Congressional Record, it would appear that there was an absolute Senate mandate that there should not be any discrimination against small businesses and that all businesses should be treated alike.

There are some major problems with the thrust of the Bill as it relates to the small to medium-sized pension or profit sharing plans. The two major problems that I will refer to later in my step-by-step analysis of the Bill are: 1) The Bill attempts to require more reporting requirements that are excessive and burdensome for small to medium plans and 2) the Bill attempts to raise more tax dollars by (a) limiting the maximum benefit that a plan can provide to 75% of salary, with a maximum annual pension of $75,000 and (b) limiting a money purchase pension plan (i.e., a plan which promises a certain contribution every year) to 20%.

The reporting requirements are excessive in that they will be too expensive for a small plan and will inhibit the growth of small plans. I am sure it will be safe to assume that the minimum annual cost to administer a plan today would be $500. If you assume that the typical small plan contributes $10,000 per year to a plan, you can see that the cost is a full 5% of the annual contribution. With the advent of the new IRS forms 4848 and 4849, I believe that it is possible for the Treasury Department to gather all of the information which the Bill legislates that the government should have. I am sure that you can see that the auditing tax of $1 per participant and the re-insurance premium of $1 per participant set forth in the Bill will easily cost 10 times the amount of the tax or premium in preparation time and training time for a 2 or 3 participant plan.

The other major problem is the maximum 75% benefit in a plan and a maximum 20% money purchase pension plan. Please note in Exhibit C, I have set forth a plan providing a benefit of 75% of salary at retirement for forty-six employees ranging from 65 to 20, each with an annual salary of $100,000. Looking to the last column on the right, you can see the annual contribution required to fund that benefit. Since the Bill also provides that there will be a minimum of 10 years funding of the plan, if you look at an employee 65 who will retire at 75, his annual contribution will be $39,000 or 39% of his salary. Since a 75 year-old has less life expectancy than a 65 year-old, you will see that the percentage of salary goes up to 63% for an individual starting a plan at age 55. From there it drops down for young employees. Looking at an employee aged 40, the corporation need put aside only 12.778% of his salary or $12,778 in order to fund a benefit for him of 75% of salary. Obviously, under this provision, most profit sharing plans that have any employees under age 40, would be prohibitive. With an employee aged 20, it is necessary to put aside only $3,295 in order to provide a $75,000 per year pension benefit (or $329.50 if his salary is only $10,000 per year). Obviously, this percentage is ridiculously low. Since in most corporations the "proprietary employees" are older, it would be discriminatory to allow them a larger contribution than the maximum allowed to a younger employee, and therefore the contribution for the "proprietary employee" would have to be drastically reduced. This, needless to say, would cause smaller contributions for everyone and less pension for everyone. As you can see in Exhibit B, 10 out of these 17 companies would be affected by the maximum 75% benefit. I am sure that at least 60% of all small to medium-sized plans would be affected by this provision. It would cause mass termination of plans and severe cutbacks.

The 20% limitation on Money Purchase Pension Plan should be raised to 25% since obviously this was the intent of Congress when it legislated a maximum of 25% contribution under Code Section 404(a)(7) for a corporation that has 2 plans.

Those in the Senate who favored 75% limitation on benefits and 20% on contributions with the stated intent to eliminate tax avoidance for high tax-bracket taxpayers' income taxes. This reasoning is totally fallacious, since these taxpayers are not avoiding income tax, but only *deferring* income tax. With a 75% benefit for a high tax-bracket taxpayer, I think it can be readily seen that his retirement income, which, under the current law would be taxed at ordinary income tax rates if taken in installments, obviously is in a 50% tax bracket. I submit to you that to allow him to *defer* taxes is good for the country and the economy in a number of respects:

(1) The Social Security system is only funded some 5 months in advance. The accrued liability on the part of the government is fantastic in that the Social Security system must pay out billions of dollars in the future for benefits already earned. There would not be enough money to send out Social Security checks 5 months from now should Social Security taxes not be paid today. These deferred taxes from the private pension plans would help to defray this emerging liability of the Social Security system.

(2) Pension funds provide a massive amount of capital for the economy. In the sense that they are not spent on luxuries or current living expenses, they are non-inflationary.

(3) Since it is a requirement that the contributions be non-discriminatory, when a large amount of pension dollars are put aside for higher paid employees, large numbers of pension dollars are also provided for lower paid employees which puts less of a strain on the Social Security system, the Welfare Program, State Disability Insurance Programs and the economy as a whole.

(4) Providing larger pensions, often, is the only way that a small company can attract and hold competent employees. Larger companies have a tremendous advantage in other employee benefit areas and having a good retirement plan is one of the few ways that a small corporation can attract good employees. This is good for the economy, in that it would counter the monopolistic trend of business.

On each section of the Bill I have the following comments:

Section 151: Duties of Plans. The reporting requirements in Section 151 should be deleted entirely. Some reference can be made to existing reports and perhaps adding penalties for not filing existing reports. I particularly object to the last three lines of Section 151(f) wherein we have the classic situation of reporting on reports.

Section 201(a): One Year Waiting Period. Requiring that a one year waiting period be the maximum waiting period for entry into a plan, would be very hard on small corporations. Current regulations allow a waiting period of up to five years. Most corporations would rather have a relatively short vesting schedule, but a longer waiting period. That is typically how small plans are handled now. Requiring a one year waiting period and allowing a longer vesting schedule would not affect the cost to pay a given retirement benefit, however, a shorter waiting period and a longer vesting schedule will cause more employees to come into the plan and take less benefits out of each. This is not good for the employer in that it is costing more in administration costs and it is not good for the employees in that it is one more broken promise. This provision should therefore be amended to 5 years or at an absolute minimum, 3 years.

Section 201(a): Minimum Age 30. Relatively few small plans ever use a provision for minimum age in that they could not satisfy the qualification requirements of Code Section 401(a)(3)(A) and it could also cause dissension among the employees. If the Bill should make this requirement, it would not affect most small plans.

Section 221(a): Vesting. You will note in Exhibit B that only one of the plans would be affected by the vesting provision. The vesting provision would affect very large plans and collectively-bargained plans, and I would defer to the comments of the people who administer those plans.

Section 241(a): Minimum Standards Related to Funding. You will note in Exhibit B that none of the plans are affected by this provision since most small plans cover future service only or usually will write off the past service liability over a 10 year period.

Section 301: Portability. Portability is basically an excellent idea. It will be extremely expensive for a small plan. Note in Section 305(c), we have one more report.

Section 401: Plan Termination Insurance. Basically, I agree with the idea of the Plan Termination Insurance, however, the idea of calculating premiums, the idea of making the company liable for part of the loss, and the idea of calculating further premiums to negate the company's liability are all certainly complex. Perhaps it would be a good idea to have a study on how this is done with government employees that move around to various branches of the government and thereby try to see how effective and how costly it would be for small businesses. Please note in Section 443(b), we have one more report. Please note in Section 462(d), the subordination of debt and what effect this will have on the borrowing capacity of a small corporation when they have a pension plan. Plan assets of small corporations could be substantially larger as a percentage of total financing than the percentage for a large corporation. Please note in Section 465, one more report. Please note in Section 481(c), one more return.

Section 501(a): Disclosure and Fiduciary Standards. I agree that there should be some fiduciary standards established for plans over and above the standards already in existence. However, I strongly object to the special limitations on "Proprietary Employees" contained in Section 511 of 15(c)(1) of the Welfare and Pension Plans Disclosure Act. This provision is extremely discriminatory and since I believe it is the intent of all Congressmen to knock out this provision, it should also be deleted in this Section as well as in 412(c)(1) of the Code.

Section 601: Tax Court Procedure. Once the tax court has made a judgment relative to a certain situation, would it be possible to force the IRS in the future to abide by that ruling in other like situations? Many times we find that even though the tax court has ruled for the taxpayer in a certain situation the Internal Revenue Service will not live by that decision in other like situations.

Section 641: Excise Tax For-Auditing. Please note that this is one more return that the plan must file.

Section 671: Enrollment and Reports of Actuaries. Please note that this is one more report that must be filed.

Section 701: Retirement Savings Limitation on Proprietary Employees Contributions Taxation of Certain Lump Sum Distributions. I agree with the increase in the deduction allowed for HR–10 plans and the allowance of deductions for Individual Retirement Plans. However, I strongly object to the limitations imposed in Section 702(a) regarding retirement plans for "Proprietary Employees". As I mentioned above, I believe that this whole concept should be deleted from the Bill.

Section 703: Taxation of Certain Lump Sum Distributions. The 1969 Tax Reform Act made a mess out of the calculation for lump sum distributions. This simpler form form is far superior.

Section 704: Contributions on Behalf of Self-employed Individuals and Proprietary Employees. If I read this correctly, (a)(4) was amended to read "all Corporate Employees" as per Section 706(f). If that is correct, then all employees are limited to a maximum 75% pension regardless of the type of plan. As I pointed out above, and also, what is obvious from the Study Exhibit C, this would play havoc with virtually all plans that have an employee under age 40 in the plan. If the 75% limitation were imposed it would cause mass termination and curtailments of plans.

Section 706(g): Penalty for Failure to Furnish Information. Please note in Section 6691, one more report required.

Respectfully yours,

TRUST CONSULTANTS, INC.
LAWRENCE J. GILSDORF,
President.

Enclosure.

BENEFIT FORMULA—LEVEL FUNDED—75 PERCENT OF SALARY—LESS 1/10 FOR EACH YEAR UNDER 10—ELIGIBILITY=18,65 W/1 YR—FUND ASSUMPTIONS: 6 PERCENT (TO) CURRENT, ANNUITY RATES, LIFE OCC

Age	Sex	RT	Years service		Monthly salary	Monthly pension	Monthly social security	Total pension	Value at retirement	Total deposit
			Past	Future						
65	M	75	1	10	8,333.33	6,250	269	6,519	5,458.52	39,068.56
64	M	74	1	10	8,333.33	6,250	269	6,519	5,702.56	40,815.24
63	M	73	1	10	8,333.33	6,250	269	6,519	5,941.07	42,522.34
62	M	72	1	10	8,333.33	6,250	288	6,538	6,188.12	44,290.57
61	M	71	1	10	8,333.33	6,250	288	6,538	6,430.04	46,022.08
60	M	70	1	10	8,333.33	6,250	288	6,538	6,677,35	47,792.16
59	M	69	1	10	8,333.33	6,250	288	6,538	6,670,22	47,741.13
58	M	68	1	10	8,333.33	6,250	288	6,538	7,167.43	51,299.84
57	M	67	1	10	8,333.33	6,250	288	6,538	7,414.00	53,064.63
56	M	66	1	10	8,333.33	6,250	309	6,559	7,242.18	51,834.85
55	M	65	1	10	8,333.33	6,250	309	6,559	7,431.63	53,190.81
54	M	65	1	11	8,333.33	6,250	309	6,559	7,431.63	46,828.34
53	M	65	1	12	8,333.33	6,250	309	6,559	7,431.63	41,558.96
62	M	65	1	13	8,333.33	6,250	309	6,559	7,431.63	37,130.18

BENEFIT FORMULA—LEVEL FUNDED—75 PERCENT OF SALARY—LESS 1/10 FOR EACH YEAR UNDER 10—ELIGIBILITY=18,65 W/1 YR—FUND ASSUMPTIONS: 6 PERCENT (TO) CURRENT, ANNUITY RATES, LIFE OCC—Continued

Age	Sex	RT	Years service		Monthly salary	Monthly pension	Monthly social security	Total pension	Value at retirement	Total deposit
			Past	Future						
51	M	65	1	14	8, 333. 33	6, 250	309	6, 559	7, 431. 63	33, 361. 65
50	M	65	1	15	8, 333. 33	6, 250	309	6, 559	7, 431. 63	30, 121. 07
49	M	65	1	16	8, 333. 33	6, 250	309	6, 559	7, 431. 63	27, 309. 24
48	M	65	1	17	8, 333. 33	6, 250	309	6, 559	7, 431. 63	24, 850. 25
47	M	65	1	18	8, 333. 33	6, 250	309	6, 559	7, 431. 63	22, 685. 08
46	M	65	1	19	8, 333. 33	6, 250	331	6, 581	7, 431. 63	20, 767. 10
45	M	65	1	20	8, 333. 33	6, 250	331	6, 581	7, 431. 63	19, 059. 02
44	M	65	1	21	8, 333. 33	6, 250	331	6, 581	7, 431. 63	17, 530. 62
43	M	65	1	22	8, 333. 33	6, 250	331	6, 581	7, 431. 63	16, 157. 18
42	M	65	1	23	8, 333. 33	6, 250	331	6, 581	7, 431. 63	14, 918. 29
41	M	65	1	24	8, 333. 33	6, 250	331	6, 581	7, 431. 63	13, 796. 89
40	M	65	1	25	8, 333. 33	6, 250	331	6, 581	7, 431. 63	12, 778. 70
39	M	65	1	26	8, 333. 33	6, 250	343	6, 593	7, 431. 63	11, 851. 59
38	M	65	1	27	8, 333. 33	6, 250	343	6, 593	7, 431. 63	11, 005. 24
37	M	65	1	28	8, 333. 33	6, 250	343	6, 593	7, 431. 63	10, 230. 80
36	M	65	1	29	8, 333. 33	6, 250	343	6, 593	7, 431. 63	9, 520. 63
35	M	65	1	30	8, 333. 33	6, 250	343	6, 593	7, 431. 63	8, 868. 12
34	M	65	1	31	8, 333. 33	6, 250	355	6, 605	7, 431. 63	8, 267. 49
33	M	65	1	32	8, 333. 33	6, 250	355	6, 605	7, 431. 63	7, 713. 71
32	M	65	1	33	8, 333. 33	6, 250	355	6, 605	7, 431. 63	7, 202. 33
31	M	65	1	34	8, 333. 33	6, 250	355	6, 605	7, 431. 63	6, 729. 43
30	M	65	1	35	8, 333. 33	6, 250	355	6, 605	7, 431. 63	6, 291. 55
29	M	65	1	36	8, 333. 33	6, 250	355	6, 605	7, 431. 63	5, 885. 59
28	M	65	1	37	8, 333. 33	6, 250	355	6, 605	7, 431. 63	5, 508. 82
27	M	65	1	38	8, 333. 33	6, 250	355	6, 605	7, 431. 63	5, 158. 76
26	M	65	1	39	8, 333. 33	6, 250	355	6, 605	7, 431. 63	4, 833. 20
25	M	65	1	40	8, 333. 33	6, 250	355	6, 605	7, 431. 63	4, 530. 16
24	M	65	1	41	8, 333. 33	6, 250	355	6, 605	7, 431. 63	4, 247. 85
23	M	65	1	42	8, 333. 33	6, 250	355	6, 605	7, 431. 63	3, 984. 63
22	M	65	1	43	8, 333. 33	6, 250	355	6, 605	7, 431. 63	3, 739. 03
21	M	65	1	44	8, 333. 33	6, 250	355	6, 605	7, 431. 63	3, 509. 73
20	M	65	1	45	8, 333. 33	6, 250	355	6, 605	7, 431. 63	3, 295. 50

TRIBUTE TO HON. J. VAUGHAN GARY

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. MAHON. Mr. Speaker, one of the truly great Americans with whom I have served in Congress was the late Vaughan Gary of Virginia. I was deeply saddened when I learned of his death.

Because we served together on the Appropriations Committee for nearly 20 years, our paths crossed almost daily. We were intimate friends.

During the time Vaughan was in Congress, he served as a member of the following appropriations subcommittees: State, Justice, Commerce, and Judiciary; the District of Columbia; Legislative; General Governmental Matters; Treasury and Post Office; Mutual Security; and Foreign Aid. During his career in Congress he served as chairman of the latter three subcommittees.

Vaughan Gary was a Virginia gentleman in the finest tradition of the State. He was always kind and considerate, articulate, and firm but never bombastic. He was a scholarly person and truly one of God's noblemen.

He was beloved by members of the committee upon which he served and by his other colleagues and the staff who worked for him.

He wrought well for his State and constituency and for the Nation he loved.

Following his retirement from Congress, I had the privilege of seeing him from time to time. He always maintained the wonderful spirit which had been characteristic of him during his congressional service.

I am deeply pleased to have had the honor of paying tribute to the memory of Vaughan Gary of Virginia.

FORMER HEW SECRETARY COHEN SAYS REVENUE SHARING A HOAX

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. BRADEMAS. Mr. Speaker, one of the principal points of contention between President Nixon and Congress has been the administration's so-called revenue-sharing proposals.

When President Nixon originally proposed in 1969 that the Federal Government turn over substantial amounts of "no-strings" money to States and municipalities, he assured us he was talking about new money and that existing programs would not be reduced.

But, as has so often been the case with this administration, we have learned that "watch what we do, not what we say" is the appropriate rule for judging the veracity of the President's promises in this regard.

During the recent American Bar Association convention here in Washington, former Secretary of Health, Education, and Welfare Wilbur Cohen delivered a brief but devastating analysis of what he referred to as the revenue-sharing "hoax".

Dr. Cohen's comments were right on the mark, and I include his speech at this point in the RECORD:

REVENUE SHARING: A HOAX?

(By Wilbur J. Cohen, dean, School of Education, the University of Michigan)

The position of Secretary of Health, Education, and Welfare is one of the most interesting, significant, important, and challenging positions in our Nation. Last year the total private and public expenditures for health, education, and welfare approximated 25 percent of the total gross national product.

I must admit that I did not leave that office on January 20, 1969 of my own free will. My involuntary retirement was due to forces beyond my control.

I am delighted that Secretary Weinberger and the President have appointed a former Secretary, Arthur Flemming, to a key Presidential position in the Department. With this precedent my hopes for possibly returning to the Department in 1977 are rising with each day of television.

I am one of the former Secretaries of H.E.W. who does not believe the job was or is an unmanageable one. In this connection I join with my Republican colleagues, Secretaries Folsom, Flemming and Richardson who enjoyed their responsibilities—and I might add, they carried them out with distinction.

I should add that the position is so volatile that none of the nine previous Secretaries of H.E.W. has yet served more than three years. I wish Secretary Weinberger well. He has two and one-half years to go to break the record. I think Hank Aaron will get there first.

I began today's discussion by stating some of my biases and prejudices. While I am a Democrat, I was not appointed Secretary of H.E.W. because I was a political figure. I have publicly supported President Nixon's proposal for a Department of Human Resources and for welfare reform, and continue to do so. I have opposed his vetoes of H.E.W. appropriations and legisation and will continue to do so.

AN IRATE CITIZEN SHARES DISAPPOINTMENT WITH REVENUE SHARING

My position today is that of an irate, depressed, and disappointed citizen voicing my indignation against the cruel, mistaken, misguided social policy of the present Administration with respect to its handling of many aspects of health, education, and welfare.

With respect to Federal revenue sharing, I also believe the Administration policy has been one of deception. It was proposed by the Administration as an *additive* source of revenue and instead they have used it as a *substitute* source to save money.

Mayor Kevin B. White of Boston has said: "I'm one who fought for the basic tenets of the New Federalism, in the form of general revenue sharing, for the past three years. I don't know now what I have, except that I have less money in the short run and probably the prospect of less money in the long run."

Governor Jimmy Carter of Georgia has said: "Revenue Sharing has been a cruel hoax. Our state's $36 million in revenue sharing per year, was off-set by $57 million lost in funds when Title IV–A and Title XVI of the Social Security Law was first amended . . . The President's proposed new budget will cut Georgia payments on programs by at least $174 million more."

REVENUE SHARING—DECEPTIVE ADVERTISING

Congressman Charles W. Whalen, a Republican from Ohio, has stated: ". . . It is evident that General Revenue Sharing offers less 'new money' than advertised, and it is categorical commitments. Had I been aware last year that Congress was being 'led down the primrose path', I would have voted against HR 14270."

These are not my words. They are the words of Mayors and Governors.

Federal revenue sharing was adopted by Congress on the recommendation of the present Administration. It was ushered into legislative reality under false pretences and enacted at the wrong time to meet a problem with a shotgun when it required only one or two rifle shots carefully aimed.

I now proceed to the issue of who should call the tune in Federal revenue sharing.

I don't take the position with regard to health, education, and welfare legislation that the State knows best; or the locality knows best; or even that the taxpayer or voter knows best. It depends upon what the problem and the issues are.

I wouldn't turn over the key issues in the national social security or Medicare program to be decided by the States or localities. Nor would I suggest that garbage collection should be handled by the States or the Federal Government. Some functions must be handled by all three levels: such as police and judicial functions.

As secretary of H.E.W., I opposed proposed legislation to turn over to the Federal attorneys and Federal courts key matters of enforcement of alimony and child support of welfare recipents where parents were in different States. On the other hand, I strongly supported Federal legislation to have a single national standard for determination of the status of wife, child, and marriage for eligibility of social security benefits financed by a nationwide Federal tax.

PUBLIC PROBLEMS WILL NOT YIELD TO SIMPLISTIC FORMULA

Let us not, therefore, be lulled into believing that there is a single, simplistic Federal, State or local, a central or local formula for solving all public policy issues, or that local is better than Federal or Federal better than local *per se*.

I submit that what we should look for is an effective partnership between the Federal, State and local levels and the public and private enterprise on health, education, and welfare programs. And that is where the present Administration is most vulnerable. The Federal-State cooperative system of welfare, health, and education is at its lowest status in years. Morale of State Commissioners is at the lowest level since the Department was formed in 1953. Governors, mayor and State officers have lost confidence in the ability, integrity, and wisdom of the present leadership in H.E.W. and OMB.

SPECIAL REVENUE SHARING

The Nixon Administration has submitted four Special Revenue Sharing programs to the Congress. They have two major characteristics: to consolidate existing categories and give the states and/or localities greater discretion in the use of Federal funds.

SOME CONSOLIDATION JUSTIFIED

I favor consolidation of categories of Federal aid wherever desirable and feasible. I strongly supported the proposal enacted in 1972 to substitute one single category of welfare payments for the three separate ones dealing with the aged, the blind, and the disabled. I strongly supported one single legislative enactment, adopted in 1972, for four separate categories of social services. These were rational, desirable, and acceptable consolidations.

But I would be against consolidating the funds for West Point and Annapolis with the Headstart program simply because they both deal with education. I would not recommend putting in the same legislative format the funds for educating the pages in the Senate with the funds for the Smithsonian Institution simply because they both deal with education.

I would not put Federal funds for elementary and secondary education along with higher education in the same structure because they have historically been handled separately in the States and because the public-private constitutional and political issues are different in the two areas.

What I am trying to say is that one has to consider the similarities and differences, the historical background, the tradition, the constitutional, legal, economic and political issues before making a determination as to what level of government shall do what in connection with which Federally financed program and how categories are to be consolidated or related.

MANY DOMESTIC PROGRAMS SHOULD BE KEPT OUT OF POLITICS

I maintain that there are Federally operated programs which are well run when politics is not allowed to enter into the administration of the programs.

The Social Security progam is efficiently and effectively administered. It pays 30 million persons every month. And the administrative cost of handling the cash benefits is only 2.4%—a splendid record.

The National Institutes of Health is an outstanding research agency. It has helped to expand and extend medical research without a taint of politics. And it distributes some $2 billion a year.

The National Science Foundation is Federally operated in an effective and nonpolitical manner.

Probably the most inefficient and discriminatory program in the United States is the administration of the local property tax. Probably the most political of all programs are the local zoning decisions. Probably the most graft-ridden program is the local police in some communities.

But the most basic criticism of both general revenue sharing and special revenue sharing is that they have been used by the present Administration to try and reduce the Federal financial role in improving social programs and to reduce the Federal role in providing aid to minorities, the disadvantaged, and the poor. Yet under Federal revenue sharing localities are using the funds to build tennis courts and golf courses. I don't think that kind of decentralization is what this country needs at this time.

ADMINISTRATION'S ACTION UNDERCUT CONFIDENCE IN ITS LOCAL CONTROL INITIATIVE

How can one have faith and confidence in the purported belief in "decentralization" and "local control" in an Administration which during the past three years:

1. Is withholding money from States and localities which is clearly due them under prior policies.

2. For proposing changes in the regulations dealing with social services which would have restricted State and local options and which the Congress stated was in direct conflict with the intent of Congress.

3. Reversed in the courts for failure to carry out its statutory responsibilities affecting the States in education and welfare.

4. Secretary Richardson was reversed and repudiated by the President in the Secretary's effort to reach a compromise with Senator Ribicoff on the welfare proposal which resulted in the defeat of the welfare revision.

5. A Commissioner of Education has resigned in protest.

6. The Commissioner of Social Security resigned because he couldn't support the cutbacks proposed by the Administration in Medicare.

7. The head of the National Institutes of Health was fired for no public reason.

8. The head physician in the maternal and child health program resigned in protest over the lack of support for these programs.

9. The Deputy Commissioner of Higher Education resigned in disillusionment over the Administration's failure to adequately support the 1972 education legislation.

10. In 1968, I issued regulations, with the approval of the appropriate Committee of the American Bar Association, to give welfare clients the ability to appeal to the courts for judicial review with the cost to be borne by the State agency with the appropriate portion paid by the Federal Government. This Administration has repealed that regulation which was aimed at giving the poorest the same effective opportunity for access to the courts as does every other person.

Is this a record of pride? Is it a record of decentralization? Does it demonstrate that we should have confidence in the wisdom, propriety, ability or social idealism of the present Administration? I say "No."

AMERICA'S IDEALISM NOT SERVED BY REVENUE SHARING

I maintain that revenue sharing—general and special—as proposed by the Nixon Administration, is a hoax, a snare, a delusion which takes us away from dealing with our major social problems. Until we return to redesigning Federal programs to deal with the problems of the inner city, the disadvantaged, the poor, the minorities, and the heavy tax burdens of the poor- and middle-income earners, we will continue to see a frustrated and confused American people. But even more so, the greatness, the vitality, the idealism, the productivity of the American people will not be released and fostered by the policies of revenue sharing under the guise of decentralization, consolidation, or simplification.

A LOOK AT NO-FAULT DIVORCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mrs. GRIFFITHS. Mr. Speaker, Vera Glaser has taken a hard look at our short experience with no-fault divorce. In a series of five articles, she notes its meaning both emotionally and economically to the parties involved. At this time, I would like to insert in the RECORD the first article in this excellent series, which appeared in the Miami Herald, The article follows:

[From the Miami Herald, Sept. 18, 1973]

NO-FAULT DIVORCES: FOR BETTER OR WORSE?

(By Vera Glaser)

(In the past three years, the "no-fault" idea has been written into the divorce codes in 43 states. The method sounds like a simple, honest, recrimination-avoiding approach to ending a marriage. And it often is. But "no-fault" and divorce don't automatically go together any better than love and marriage.

In this five-part series, beginning today, Vera Glaser examines some of the ramifications of "no-fault," including the economic backlash, the growing ease with which child support payments can be sidestepped, and the National Organization for Women's doubts about the new divorce laws.)

WASHINGTON.—New-style "no-fault" divorce is catching on like gangbusters.

It's easier, faster, and usually less bitter to end a marriage that way because neither party has to take the "blame."

Since California pioneered the "no-fault" concept three years ago, all but seven states have included some form of it in their divorce codes.

It's civilized. It's modern. It cuts the emotional finger-pointing and name-calling say marriage counselors, psychiatrists, and some of the 15 million Americans who have experienced divorce.

It's more honest, less demeaning to the courts. No need now for trumped-up tomcatting or perjury, say lawyers and judges.

But the "no-fault" coin has another side.

While mercifully dissolving marriages not made in heaven, and some that have ossified on earth, its "quickie" aspects kill off others that time and effort might have saved.

And while "no-fault" is swift and has an easy sound to it, it hasn't made divorce any less an economic disaster for both parties. In certain types of cases, the absence of fault-finding has left clearly wronged parties lacking even the sort of economic balm they would get if they had been hit by a careless driver.

ECONOMIC BITE

Ex-wives in particular feel the economic bite. Although spectacular divorce settlements among the rich and famous capture headlines, and the belief persists that most ex-husbands are alimony-poor, the dollar pinch hits the average ex-wife harder. With "no-fault" she's even worse off and may be forced onto welfare.

Under "no-fault" a marriage can be dissolved by one or both partners by citing "irreconcilable differences," "incompatibility," or "irremediable breakdown." Some states merely require a separation period.

Charges of adultery, desertion, drunkenness and the like are not necessary.

In some states, the judge may delay the decree for a few months if small children are involved, but rarely is it denied.

Perhaps hardest to take is the knowledge that removing fault also removes a spouse's leverage for a better economic settlement.

John F. is an example. A Californian in his early 40s, he was shaken and close to tears as he poured out his woes to his lawyer.

John's wife, Betty, 13 years his junior, had run off with his best friend, culminating a secret months-long affair. The F's have a four-year-old child.

Do the circumstances lessen John's legal obligation to his family? Not necessarily.

"He'll have to support his wife and child in spite of what she's done," F's attorney said in San Francisco—because of "no-fault."

Under the old law, Betty would have been the "guilty" party. The court would have allowed her child support, but no alimony, and probably less than half of their jointly owned property.

A FLORIDA CASE

In Florida, another "no-fault" state, Leonard S. is divorcing his wife, Helen, after 18 years of what he terms "boredom and lack of communication." They have two teenage children and an income in the $35,000 range.

Early in their marriage Helen worked as a secretary to help Leonard earn his graduate business degree. With the career she helped build now beginning to pay off, she is being "ditched for a younger model," to use her words.

As Helen's lawyer summarizes it, under "no-fault" "the discarded spouse is being treated about the same as if she's run out on him. She'll get some support for the kids and some personal maintenance—maybe six months to a year—to tide her over until she finds a job."

Since Helen and Leonard have not been married 20 years, she can't share his Social Security and Medicare.

She'll reenter a youth-oriented job market with limited earning power, and the ills of middle age are looming.

Law professor Michael Wheeler, author of a forthcoming book on "No-Fault Divorce," doubts it has changed the dynamics of marriage, but says, "It changes the necessity for a man to persuade his wife to give him a divorce. He no longer has to make as many concessions on property and children's custody as he did before."

DIVORCE STATISTICS

As of now, one out of every three U.S. marriages break up. Sixty per cent of them involve children under 18.

"It's frightening," said Virginia Anne Church, a family law specialist in Clearwater, pointing out that the Florida Supreme Court has ruled that a marriage can be "irretrievably broken if one party wants out, even if the other is a "perfect" spouse.

Maryland Gov. Marvin Mandel's much-publicized "walkout" will take longer to reach the divorce court. He has left his wife of 32 years for a younger woman, but unless Mrs. Mandel cooperates, a three-year separation will be required under state law. If Mrs. Mandel agreed the marriage could be dissolved in one year.

However, Maryland has retained some "fault" provisions in its code, and Mrs. Mandel if she wished, could sue her husband now under those provisions for desertion and/or other charges. She probably could demand—and get—a handsomer settlement than the judge would award at the end of three years under "no-fault."

Michigan's "no-fault" law, after about a year in operation was found not always to expedite divorces. Sometimes it re-focused acrimony to child custody and property fights.

ESSENTIALLY UNILATERAL

Divorce lawyer Elizabeth Guhring, who practices in Maryland, Virginia and the District of Columbia criticizes "no-fault" as "essentially unilateral divorce. If one says the marriage is beyond repair, that's it. The other can plead, think, wish and hope. It doesn't matter. That bothers me terribly."

Most of Miss Guhring's clients are men who she says "either outgrow their wives or put up with a lousy wife for 15 years. They want out, and they've reached a point where they can afford to get out."

Among her women clients, she says, a growing number are in the late 50s, married 25 years or more.

Studies show that men have initiated most divorce actions over the years, although wives usually bring the formal charges. The women's movement is beginning to change that trend.

No matter how amicably a couple approaches divorce, bitterness usually develops over child custody and finances.

In most breakups, husband and wife work out their property split, child custody, and support arrangement in a written agreement drawn up with the help of their lawyers.

The judge may approve it routinely, or change it to what he regards as "fairer." If the parties can't agree, as often happens, the judge decides, guided by state law.

Most judges have wide latitude. They are human, fallible, and they sometimes hand down bad decisions.

"The court sits there and plays God," said attorney Harry Fain of Beverly Hills, Calif. "The decisions you get are not so much a question of law, but of character, bias, temperament and personality of who sits in judgement."

AWARDS DWINDLING

In Los Angeles County, Calif., where divorce traffic is among the nation's heaviest, judges and lawyers report that awards to women are dwindling, but they attribute it to women's growing independence, rather than "no-fault."

"There's a recognition that husbands have been getting stuck," said presiding Juvenile Court Judge William P. Hogoboom.

"Women simply have to recognize they can't have it both ways. If they want to be independent, great. But if they want doors opened for them, they must be somewhat subservient to men," he said.

Could some of the marriages be salvaged?

Lawyer Fain thinks five to 10 per cent could be, with proper counseling.

"They come to me saying, 'I don't want a divorce, but I can't do anything about it,'" he said. "Ninety per cent of them can't afford it. It seems to me some should be salvaged."

Fain worries that "we're rubber-stamping divorces on what amounts to a two-minute hearing. The courts have abdictaed their function of trying to maintain whatever tenuous thread there may be in the marriage."

CAPTIVE NATIONS WEEK IN FREE CHINA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. DERWINSKI. Mr. Speaker, for well over a decade the Republic of China has consistently sponsored the most impressive annual observance of Captive Nations Week. The 1973 week was no exception. In fact, it was the most extensive and best yet. Naturally it was directed at the largest captive nation of them all, namely the some 700-million mainland Chinese.

As further encouraging examples of the week's observance, the following should be of keen interest to our Members: first, highlights of Dr. Ku Cheng-kang's address at the Taipei rally in July; second, excerpts from President Chiang Kai-shek's message; and third, the main points in Vice President Yen Chia-kan's address.

The address follows:

ADDRESS BY DR. CHENG-KANG

Vice President Yen, Distinguished Guests, Ladies and Gentlemen: Today in the wake of U.S.-Soviet summit talks and the Conference on Security and Cooperation in Europe, the whole world on the surface is occupied by thick air of cold peace. Behind the Iron Curtain in the East and the West, however, captive people are waging new series of anti-Communist struggles. Examples include the recent escape of 50 Russian workers to Sweden, the quest of freedom by East Germans leading to the destruction of the Wall by angry West Berliners, and the quickened influx of Chinese mainland refugees into the Hongkong-Macao area. There are adequate evidences that the Iron Curtain people are forcibly striking back at the international appeasers who are acting contrary to the flow of time. All these evidences signify a new development in the anti-Communist movement. It is therefore of particularly great timely significance that we people from the Republic of China's various circles are gathered here today to call upon all the freedom-loving people of the world to join forces for stepped-up support to the captive people's struggle for freedom.

The advancement of science is enabling man to conquer the space. On the earth, however, Communist tyranny is still being allowed to keep human beings in servitude. All the Chinese in the free area are deeply aware of the graveness of their responsibility to save the compatriots on the mainland. All the people of the free world must keenly take note of the solemn moral responsibility in restoring the captive people to freedom.

For the whole world to work for an early return of freedom to the enslaved masses, we must positively continue to expose Communist peace plots, break through the dark current of international appeasement, and turn the tide of the world that is now deplorably lost in fear and suspicion. To do these things, we must join all the freedom forces, both behind and outside the Iron Curtain, and make heroic struggles toward a final victory for freedom.

In the Iron Curtain areas, we must call upon the captive people to launch all-out struggles against dictatorial Communist rulers. More specifically speaking, efforts should include the following:

In the political field, overthrow tyranny and establish democratic systems, oppose struggle and liquidation, eliminate class hatred, and fight for individual dignity as well as freedom to enjoy equal human rights.

In the economic field, abolish all systems of enslavement for farmers and workers, assure free management of business and industrial enterprises, and win freedom for the people to work as they want and enjoy what they produce.

In the cultural and educational fields, protect national cultural traits, oppose distortion of historical facts, do away with forcible sending of young people to factories and rural areas, and win freedom of learning, freedom of advancement to higher-level schools, freedom of research activities and freedom to choose occupation.

In the field of thinking and expression of views, lift all forms of control imposed in the name of Communist teaching, throw the door open for the expansion of the domain of thinking, and win for all the people freedom of speech, of publication, of assembly, of association, of the press, of writing and of expression.

In the area of belief, oppose religious persecution and win freedom of religious belief and of preaching.

In matters concerning society, stand firmly against reform through labor, end secret agent terrorism once for all, disband people's communes, and assure people of security and freedom to lead a happy healthy life of their own choice.

In the free world, we should increasingly strengthen the unity of free democratic forces and together provide positive encouragement and effective support to the Iron Curtain people's fight for freedom.

We also must point out that whoever chooses appeasement and compromise in the face of the Communists will cause his own downfall, that wavering and ambiguous attitudes will inevitably lead to loss of foothold altogether, and that individual defeat awaits those who prefer to remain neutral or to mind only their own defense. * * *

We therefore urge all the free nations to strengthen ties of economic cooperation, promote mutual assistance for mutual benefit, quicken the pace of cultural intercourse, and furthermore develop these relations into a united battlefront for the preservation of common security. We also urge the free nations to give further positive spiritual and material support to the people behind the Iron Curtain, develop these people's intellectual faculties, and stimulate the growth of freedom campaigns in all the Communist-occupied areas of the East and the West. A surging tide will then be shaped up to steer man's destiny in the correct direction. Freedom restored to the enslaved people will be a lasting protection for the freedom of the people who are now free.

President Chiang Kai-shek's Message

Support of the captive nations and peoples in their struggle against Communist tyranny and persecution and for freedom demonstrates the moral force of humankind and constitutes the mainstream of the world anti-Communist movement. Universal human freedom can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule.

* * * * *

We believe that the true world peace can be brought into existence only after the triumph of human freedom and that this triumph can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain. I should like to take this opportunity to express my wish for success and victory in our struggle against Communism and enslavement and for freedom and peace.

Address by Vice President Yen Chia-kan

It is a great pleasure for me to have the opportunity to participate in this rally, which climaxes the activities of Captive Nations Week. First, I should like to express my respects to every one of you and my welcome to U.S. Rep. Jack F. Kemp, who has come from afar, and to the diplomats who have been invited to be with us.

Since 1959, the United States has designated the third week of July as Captive Nations Week. These observances will continue until all captive nations have regained their freedom and independence. This is a manifestation of support for the rightful aspirations of the people of the world for freedom and independence. The movement has won universal support in the free world and provided boundless encouragement to people shut behind the Iron Curtain.

In the last two years, the camp of the democracies has been confused by the Russian and Chinese Communist smokescreen of peace offensive and chicanery. The defense alliance of the free world has been shaken. Countries have failed to distinguish right from wrong and have been lured by immediate profit to accord diplomatic recognition to the Chinese Communist regime. Most states did this with trade in mind. Instead of economic gains, recognition has brought them political trepidation. This development has heralded for humankind an era in which the atmosphere of appeasement is pervasive and justice and righteousness are suppressed.

Some of the nations which have made deals with the Peiping regime are not aware of its pervasion and tyranny. Their political leaders lack a sound philosophy and moral courage. They have betrayed the principle of justice they used to espouse by "opening the door to greet the bandit." They must accept the responsibility for tragedy.

Under the buffetings of adverse international tides and in all the turmoils of Asia, the Republic of China has pursued its fundamental and consistent national policy of anti-Communism. Our country has never been discouraged by adversity. It will never change its course or allow itself to be influenced by unfavorable aspects of the objective situation.

The theme of this year's Captive Nations Week activities in support of the enslaved nations' struggle for freedom is "Elimination of Enslavement for Peace." This implies that not only should we seek to restore the right of enslaved people to live free lives but should also terminate the expansion of Communism and thus protect free people from tyranny.

FEDERAL BUREAU OF PRISONS AND BEHAVIOR MODIFICATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1973

Mr. RANGEL. Mr. Speaker, in line with my previous extensions of remarks regarding the Federal Bureau of Prisons involvement in the area of behavior modification, I have taken the liberty of placing another article on this subject in the Congressional Record.

I am sure that my colleagues will find the following article by Mr. Michael Stachell of the Star-News to be most informative.

The article follows:

Reform or Brainwashing?—Research Prison Under Fire

(By Michael Satchell)

The U.S. Bureau of Prisons, acknowledging that the American penal system is in trouble and needs major revamping, has begun construction of the country's first large-scale corrections research center at Butner, N.C.

Scheduled for completion early next year, the $14 million Butner project is the first major attempt to learn better ways of handling incarcerated criminals since 18th century penologists decided that long prison terms and hard labor were the best crime deterrent.

Butner will serve a dual role in the federal prison system with one section providing care and treatment for 140 inmates with severe mental disturbances.

The other half—and the one that is drawing the interest and suspicion of observers on both sides of the jail bars—is the 200-bed behavior modification unit that will, among other things, experiment with various types of offenders such as alcoholic felons, convicts who are members of racial minorities, passive inmates, sexually assaultive prisoners, "high security risks" and the "hard cases" who are virtually unmanageable outside of solitary confinement.

Some observers see Orwellian implications in the Butner concept and in two other penal research programs under way at the maximum-security U.S. penitentiary at Marion, Ill., and the U.S. Medical Center at Springfield, Mo.

The Federal Prisoners Coalition, an inmate organization that disseminates information from behind the walls to Congress and the press, has filed detailed protests with the United Nations on "Project START" at Springfield and the "Asklepieion Society" program at Marion. They fear the programs are aimed at "brainwashing" prisoners.

"START"—an acronym for Special Treatment And Rehabilitative Training—is a behavior modification program for hard core unmanageable inmates. "Asklepieion"—named for the Greek God of medicine—is an inmate self-improvement program based on transactional analysis and Synanon-style group therapy.

Some prisoners and their supporters on the outside express the fear that Butner will become one giant brainwashing factory. Dr. Peter Breggin, a penal critic and staff member of the Washington School of Psychiatry, worried in a recently published article that Butner could become another Vacaville, the

California prison hospital where brain surgery, massive drug doses and other controversial techniques were used on prisoners.

The uneasiness over the Butner project has prompted inquiries by Sen. Edward Brooke, R-Mass., Rep. Ronald Dellums, D-Calif., and the Senate subcommittee on constitutional rights headed by Sen. Sam Ervin, D-N.C.

Dr. Martin Groder, who organized the Asklepieion program and who will head the Butner facility when it is completed, and Dr. Robert B. Levinson, the bureau's mental-health coordinator, describe such fears and criticism as unwarranted.

Both men said that although program planning for Butner is still in its infancy, such controversial techniques are electroshock, massive drug dosage, psychosurgery, sensory deprivation, aversive conditioning and negative reinforcement therapy will have no part in the Butner correctional research.

Psychosurgery—which has been performed at Vacaville—means cutting out a portion of the brain to modify aggressive or other forms of undesirable behavior.

CURED AND MEEK

Sensory deprivation, aversive conditioning and negative reinforcement therapy were the techniques used on Alex in the movie "Clockwork Orange." Alex, who delighted in violence and sexual perversion, was given heavy forced doses of his avocations, along with drugs and other therapy, and emerged from prison "cured" and as meek as a lamb.

Said Groder: "In the research section, we will not use drugs, there will be no psychosurgery—it's obnoxious—and there will be no major aversive training like in 'Clockwork Orange.' We may do minor things with aversive conditioning. There will be no sensory deprivation (keeping inmates in total darkness or utter silence). That's old fashioned."

"As long as I am in charge," he stressed, "the work will be in the frame of a humanistic approach. We're going to avoid the Vacaville-type mistakes."

Butner, which was envisioned in 1961 but not funded by Congress until 1971, will be built close to three universities—Duke, North Carolina State and the University of North Carolina—with the idea of utilizing the academic talent on tap at these schools.

Originally it was called the "Behavioral Research Center" but the name was changed recently to the "Federal Center for Correctional Research." Groder said the change was not in response to the pejorative implications of "behavioral modification" but simply because the original title was not broad enough to encompass the work that will go on.

Groder envisions Butner as a facility where somebody with a good idea for improving some aspect of corrections can test it out under scientific conditions rather than simply implementing it piecemeal in a prison and hoping it will work out somehow.

"As long as we have had institutions," he said in an interview, "there has been no rapid process of taking bright ideas and testing them out. Take parole for example. There was a silly idea that if you promise a criminal that he will be out on the street in a short time, then he will be grateful and behave himself. It hasn't worked.

"We can test whether in fact institutionalizing a person does any good at all. We can use modern psychotherapeutic techniques and try to apply them in a prison setting.

VOLUNTEERS PREFERRED

"Maybe we can demonstrate that two years served in a prison under certain conditions will be sufficient to rehabilitate an offender. We can test out ways of following released prisoners into the community and seeing whether they do better by returning to their home towns, or whether we can transplant them to North Carolina. Here we can do a close follow up of their cases."

Groder, who said he preferred volunteers for the research, did not rule out the possibility that inmates may be placed in the research programs.

One area where Groder clashes with other advocates of penal reform is "community corrections" which is now gaining support among the more liberal groups.

Groder contends that not enough is known yet about rehabilitation to allow legions of felons to return to the community after serving brief prison sentences, and he doubts that the community concept will receive wide public acceptance in the near future.

MORE EFFECTIVE WAYS

"If we can get a top-notch rehabilitation program within an institution," he says, "a prisoner will be better off than wandering around the streets."

Said Levinson, the bureau's mental health chief: "There are always going to be people in institutions even though more may be returned to the community. What are we gonna do with them? The idea of Butner is to determine more effective ways of dealing with the various types of people that will be imprisoned."

The view of Groder and Levinson counters the approach advocated by such groups as the National Council on Crime and Delinquency.

NCCD director Milton Rector emphasizes that the traditional large penal institutions are proven failures in corrections and such programs as Butner only further uproot inmates who should be placed in their own community programs funded by federal money.

Groder and Levinson, who feel the bureau is "dammed if it does and dammed if it doesn't" try new programs, are unhappy with the Federal Prisoners Coalition which has been nipping at the bureau's heels recently over the research programs in Marion and Springfield.

The coalition, in a treatise mailed in July to the United Nations, alleged that the Asklepieion program at Marion is based on techniques used to brainwash American POWs captured by the Chinese and North Koreans during the Korean war.

The document sees a conspiracy by the Bureau of Prisons to introduce brainwashing measures under the guise of accepted psychiatric practices and describes Asklepieion as "selective psychic-genocide."

Groder agrees that there are certain analogies between the program he founded at Marion and some of the techniques used by the Chinese to indoctrinate U.S. POWs. These include such things as removing prisoners to other cellblocks to break emotional ties, segregating natural leaders and punishing those who are uncooperative. But he calls the charges of "brainwashing" ludicrous, a fabrication and an attempt by inmate radicals to create trouble.

Asklepieion, as described by Groder and outside observers who have examined the program at Marion, is a therapeutic community of volunteer inmates who live in a separate section of the prison.

It is a psychological program which seeks, in Groder's words, "to take losers and teach them how to win." The unwritten prison code dictates that a convict does his own time, doesn't owe anyone anything, and that society, here the prison administration, is the enemy.

In Asklepieion, convicts are taught to break the mold and induced to get out of the convict role by using several popular psychiatric techniques. Transactional analysis, set out in the best seller "Games People Play" by Dr. Eric Berne, gives inmates new guidelines for dealing with the pressure cooker living situation in a penitentiary.

Attack-therapy, a group game popularized by Synanon, the California-based drug rehabilitation organization, seeks to strip every facet of dishonesty and pretense.

The program was started three years ago and about 100 inmates have participated in some or all parts of it. The bureau sees it as an amazing success in bringing about major behavior changes among inmates in a penitentiary that is the end of the line in the federal prison system.

The shining example is a convict named Vic Taylor whose long escape record, 61 years of accumulated sentences for armed robberies and hard-core reputation labeled him one of the toughest in Marion.

Taylor, according to the bureau, had never read a book in prison. After joining Asklepieion, he started reading novels, began taking junior college courses inside Marion and last year received an honors degree in American studies from Southern Illinois University. He completed the four year B.A. degree work in 21 months, all inside the penitentiary.

Project START at Springfield, which also has prompted "brainwashing" charges from the Federal Prisoners Coalition, was begun in September. Unlike participants in Asklepieion which is voluntary, the inmates in START are transferred to Springfield from various prisons in the federal system because they are constant troublemakers and unresponsive to any form of discipline.

STEP-UP-SYSTEM

Simply stated, they are admitted to the START section at Springfield and placed in solitary confinement with no privileges. If they keep their cell clean and behave for a week, they move up one step and receive more privileges. By good behavior, they can continue to move up, working in the prison brush factory, earning money and receiving full privileges.

If they break the rules, they move back down the ladder, losing privileges as they go.

"In the past," explained Levinson, "we've been fast with the punishments and slow with the rewards. The inmates in START are not psychotic, but they are the absolute worst in the system. The emphasis in START is rewarding positive behavior. It's a simple behavior modification technique, but it seems to hold promise."

HOUSE OF REPRESENTATIVES—*Thursday, October 11, 1973*

The House met at 12 o'clock noon.

Rev. Billy Zeoli, Gospel Films, Muskegon, Mich., offered the following prayer:

Dear God, we do not come just to pray for a collective body of national leaders, although we do. God, we do not come just to pray for a special blessing upon our Nation, although we pray this. Our dear Father, we come to You to plead for each of these gathered here as individual persons with individual needs.

Only You, dear God, know their personal and private needs.

But, God, there is one need in which we

all join, one great need we all crave after, the need that King Solomon faced and asked for from You. Your word says that if any of us lack wisdom let him ask of God.

Wisdom bathed in trust and truth—wisdom motivated by honesty and fairness. Wisdom that delivers us from a self-righteous demanding from others, a standard of conduct we do not apply to ourselves. Wisdom that teaches us the great lesson that Your Son Jesus Christ not only wants to be our personal Saviour but can help us cope with the issues of life.

Wisdom that allows us to feel more at home with ourselves and our own families and our colleagues, and wisdom that allows Christ to be more and more at home in our hearts. So, God, I do not ask for many things—no, God, not even for two. I ask for just one—one special attribute from You, my God, to each unique individual person in this room. Oh, God, I ask you for one thing for these people, I plead with you for one thing for these people—God, give them wisdom.

In the name of Jesus Christ, my risen Saviour. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 315. Concurrent resolution providing for a correction in the enrollment of the bill H.R. 8619.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7446. An act to establish the American Revolution Bicentennial Administration, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7645) entitled "An act to authorize appropriations for the Department of State, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8619) entitled "An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes."

The message further announced that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 9, 12, 48, 64, 69, to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1317) entitled "An act to authorize appropriations for the U.S. Information Agency."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1443) entitled "An act to authorize the furnishing of defense articles and services to foreign countries and international organizations," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. CHURCH, Mr. HUMPHREY, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6768) entitled "An act to provide for participation by the United States in the United Nations environment program," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. MUSKIE, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2335) entitled "An act to amend the Foreign Assistance Act of 1961, and for other purposes," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. CHURCH, Mr. HUMPHREY, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 425. An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

S. 2413. An act to authorize the disposal of aluminum from the national stockpile and for other purposes;

S. 2463. An act to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga. and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake";

S. 2493. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

S. 2498. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; and

S. 2556. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for eight months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

TRIBUTE TO REV. BILLY ZEOLI

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, it is a great honor and privilege for me to have one of my dear friends and a man of outstanding talent offer the prayer in the House Chamber today. Rev. Billy Zeoli has done most effective missionary work with gospel films throughout the world in some 155 countries, and he has given the same fine message to many thousands of our fellow citizens in America.

For 10 years Reverend Zeoli has made a very special effort in a unique project with professional athletes in baseball and in football. His impact on them, individually and collectively, has been most significant.

Mr. Speaker, I say again it is a great privilege and a very high honor for me to have my friend, Rev. Billy Zeoli, offer the prayer for all of us. He is a dedicated citizen, a great parent with a wonderful family, and a religious leader of tremendous influence.

THE LATE CONGRESSMAN J. VAUGHAN GARY

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALEY. Mr. Speaker, when I came to the House of Representatives in 1953, one of the first men to greet me was the late Congressman J. Vaughan Gary. He extended to me as to other freshmen, not only his hand, in a friendship which continued after his retirement, but also he gave the counsel and advice that a new Member of the Congress found so helpful.

Vaughan Gary was one of the most highly respected Members of the Congress, a man of great honor and integrity. He was an effective legislator and a true statesman. He served his beloved Virgina and our country well. With his passing, Virginia has lost one of her noblest sons and our Nation has lost a true patriot.

I am saddened by his loss. I express to Mrs. Gary and his family my deepest sympathy.

THE CASE OF YURI SOROKO

(Ms. HOLTZMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOLTZMAN. Mr. Speaker, emigration from the Soviet Union is not free.

Yuri Soroko is a 39-year-old civil engineer from Kiev, the Ukraine. The family first applied for emigration visas 2 years ago. The visas were denied on the grounds that Yuri's wife Basya possessed "secret information." Although Basya worked in a plant where secret work was performed, her work was of a nonsensitive nature, and allowed no access to secret information.

The Sorokos have suffered many hardships since they were denied emigration visas.

In January 1972, the KGB—Soviet Secret Police—"visited" the Soroko home and forbade Yuri from attending religious services at the synagogue in Kiev. Yuri disregarded their order and continued to go to the synagogue. For this act he was arrested and jailed for 15 days.

On two subsequent occasions Yuri was arrested and detained: First when he participated in a collective appeal for amnesty for the prisoners of conscience, and the second time at a meeting commemorating the slaughter of the Israeli athletes at Munich.

The Soroko family want to emigrate to Israel. They want their 9-year-old son to grow up in a society where Jewish cultural and religious life flourishes rather than in the Soviet Union where Jewish institutions are rapidly disappearing.

By passing the Mills-Vanik bill, Congress will enable the Sorokos and the growing number of young Soviet Jewish activitists to emigrate and attain the freedom for which they have made great sacrifice.

PRESIDENTIAL NOMINEE FOR VICE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, the pending vote on confirmation of the Presidential nominee for Vice President might be the most important vote ever made by any Member of the present House.

Therefore we ought not to assume that responsibility lightly. May I suggest several principles as we beging consideration of this difficult and important responsibility.

First, there is no crisis demanding immediate confirmation of the President's nominee. At no time in our history have we been more privileged or protected in having as the successor to the President, an individual as able and as qualified as is Speaker CARL ALBERT. Therefore, we need not hastily confirm for fear that succession is imperiled by inadequacy.

Second, the House should in no way defer to the Senate in this matter. I gather from press coverage last night, that the press, if not the Senate, believes only Senators will make the necessary judgments confronting Congress. That is not so and the House should quickly establish procedures to make that point quite clear.

Third, the judgment of the President in selecting people to fill high positions has been demonstrably defective—two former Cabinet members under indictment and a Vice President selected by him resigning because of criminal activity. Further, the President is under a cloud of suspicion involving his knowledge of or participation in Watergate. That suspicion must be removed before his selection can be approved.

The Congress should insist as a condition precedent to approval of his nominee, that the President reveal the contents of the disputed tapes. Only then can Congress and the country be reassured as to the integrity of the President as well as his nominee for Vice President.

OUTRAGEOUS ATTACK

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, I am outraged by the perfidious attack launched by combined Arab armies against the people of the State of Israel. As an American, I cannot remain silent while the valiant citizens of Israel fight to preserve a land which is the bastion of freedom and democracy in the Middle East.

During the last 2 days we have received reports that the Soviet Union has been airlifting supplies and equipment to Egypt and Syria. At a time when the two superpowers were moving toward an era of international cooperation, the spirit of détente has been broken by Russia. It is to be hoped that the U.S.S.R. reverses itself and assists in settling, rather than exacerbating, problems in the Middle East.

An important decision faces America at this moment—in light of the Soviet airlift and the heavy losses of both men and material suffered by Israel. While the United States continues to call for a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, we must do everything possible to guarantee the survival of Israel with secure and defensible borders.

I am urging the President to expedite the supply of material and aircraft which Israel has contracted for and provide her with additional material which she may request, which will offset the losses sustained by the Israelis as a result of this ruthless aggression. If a lasting peace is to be acquired in the Middle East, Israel must be in a position to come to the negotiating table at least as an equal.

APPOINTMENT OF CONFEREES ON S. 1443, MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations, with the House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727, CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on yesterday, I call up the conference report on the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 10, 1973.)

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, the present continuing resolution expires at midnight.

CALL OF THE HOUSE

Ms. ABZUG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 513]

Aspin
Badillo
Brasco
Breckinridge
Brown, Calif.
Buchanan
Burke Calif.
Chisholm
Clark
Clay
Conyers
Crane
Dellenback
Dellums
Diggs
Esch
Evins, Tenn.
Fraser
Frey
Fuqua
Gray
Hanna
Harsha
Heckler, Mass.
Holifield
Lent
Long, Md.
Mailliard
Mills, Ark.
Moorhead, Pa.
Nedzi
O'Hara
Pickle
Podell
Powell, Ohio
Rarick
Regula
Rosenthal
Sandman
Stokes
Stuckey
Sullivan
Teague Tex.
Udall
Wilson, Bob
Wilson, Charles H., Calif.
Yatron

The SPEAKER. On this rollcall 387 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727 CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, we have before us the continuing resolution which would make available funds for certain departments and agencies of Government until the respective appropriations bills are enacted into law or until sine die adjournment.

The present continuing resolution expires at midnight tonight. Members will recall that we passed a continuing resolution on September 25. We sent it over to the other body, and they took certain action. We met in conference and finally agreed on the conference report which is before us now.

OPERATION OF THE CONTINUING RESOLUTION

Mr. Speaker, I think Members are generally aware of the nature of the continuing resolution and the necessity for the measure and therefore I do not believe it is necessary for me to go into it at length again today.

Briefly, the resolution provides for the continuation of programs and activities under the circumstances that obtained on June 30, 1973 based on the status of the respective appropriation bills at that time. This level of funding does not change until the appropriations bill is enacted into law. The sole exception to this rule is the Labor-HEW bill for which there is special provision to take into account Senate action. Under leave to extend I shall insert in the RECORD at this point a statement as to the general principles of the continuing resolution.

The material follows:

LEVELS OF FUNDING PERMITTED UNDER THE RESOLUTION

As has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the Departments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, operations under the resolution are based on the status of each particular bill as of July 1, 1973, the date of passage of Public Law 93–52, is as follows:

1. Where the applicable bill had *passed only one House*, the rate for operations shall not exceed the current rate or the rate permitted by the action of the one House, whichever is lower (Sec. 101(a)(4)). Included in this category are:

Legislative appropriation bill;

Labor-HEW appropriation bill (see item number 2 under the heading "special provisions" outlined below); and

State-Justice-Commerce-Judiciary appropriation bill.

2. Where the applicable bill had *passed both Houses* but had not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project or activity shall be continued under the lesser amounts or the more restrictive authority (Sec. 101(a)(3)). Included in this category are:

Agriculture-Environmental and Consumer Protection appropriation bill; and

HUD-Space-Science-Veterans appropriation bill.

3. Where the applicable bill had *not been passed by either House*, the rate for operations for continuing projects or activities shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority (Sec. 101(b)). Included in this category are:

Treasury-Postal Service-General Government appropriation bill;

Department of Defense appropriation bill;

Foreign Assistance appropriation bill; and

Military Construction appropriation bill.

STATUS OF APPROPRIATION BILLS

Mr. MAHON. We are presently making considerable progress with respect to handling appropriation bills. This is the status of the bills not yet signed by the President:

Legislative and Labor-HEW are in conference with agreement expected shortly.

The Agriculture-Environmental and Consumer Protection conference report has been passed by both Houses but not yet signed by the President.

State-Justice-Commerce-Judiciary is pending conference. Defense, foreign assistance, and military construction are not yet reported and are awaiting legislative authorization.

The Treasury-Postal Service conference was concluded yesterday and the conference report appears in the RECORD today. I expect that it will be considered soon.

In addition to these bills, the second HUD-Space-Science-Veterans' conference report will be before the House for consideration today.

The other regular annual appropriation bills—Public Works, Transportation, D.C., and Interior—have been enacted into law. We have also handled at this session two supplemental bills, two other continuing resolutions and the appropriation measure associated with the Par Value Modification Act.

AMENDMENTS TO THE CONTINUING RESOLUTION

Members will recall that in handling the continuing resolution which passed the House on September 25, I insisted we have no amendments, that this was the kind of vehicle that did not lend itself to general legislative procedures.

Nevertheless the gentleman from Illinois (Mr. FINDLEY) offered an amendment in regard to petroleum marketing. Some of us, a very few of us, opposed the amendment on the grounds that it was unnecessary and that steps were being taken that would make the amendment unnecessary. I opposed all amendments to the resolution because as I stated this was not the vehicle to undertake such legislation. However, I certainly do not support any policies which would discriminate among petroleum marketers in establishing prices for petroleum products. The amendment was adopted. The other body concurred in the amendment, so it was not a subject of conference. The proviso is in the resolution.

In the other body an amendment was offered relating to the Export-Import Bank. The Export-Import Bank, as everyone knows, is engaged in trying to help American industry export American products, the products of American labor and other sources. So the other body added an amendment which exempts the Export-Import Bank of the United States from the requirement that the funding rate for activities covered by the Foreign Assistance Appropriation Bill shall not exceed one quarter of the annual rate as provided by the first continuing resolution. In other words they could exceed for this quarter the rate which would otherwise be available to them. The House thought this was a good proviso and there was no objection to it in conference so it is before us.

The main thing that happened to us in the House when we considered this bill originally was that the Quie amendment was adopted. Many of us opposed it but nevertheless it was adopted. It did not have a State floor with respect to the allocation of funds for elementary and secondary schools. The Quie amendment in the continuing resolution went to the other body and the other body deleted the Quie amendment and inserted their own provision. In the conference agreement which is before us and upon which we will vote shortly we agreed to certain modifications of the House and Senate provisions as they relate to the distribution of ESEA funds.

Let me say that I think most of us understand that $1,810,000,000 is appropriated. That is the top limit that is available for this program for this fiscal year.

So regardless of the way we distribute the money, the same total amount will be available. It is also understood I believe that about $180 million of the total $1,810,000,000 is not being made available to the States and local communities at the present time. We just do not know what the executive branch may do in regard to these spending levels.

Most congressional districts, to some extent, probably gain some and lose some, all depending upon those school districts and the towns and local communities.

This is not a conference report that satisfies completely anybody I know of, and I do not think it would be possible for anyone to write an absolutely satisfactory conference report on this highly complex issue in view of the various differences that exist in school districts and in States and communities throughout the Nation. So here is the agreed-to solution upon which we will vote, and we will have to vote the entire conference report up or we will have to vote it down.

First. No local educational agency will receive less than 90 percent of what it received in fiscal year 1973. No local educational agency, I repeat, will receive less than 90 percent of what it received in fiscal year 1973.

Second. No State—and I am moving from the local community agency now to the State—in the aggregate will receive less than 90 percent of what it received in fiscal year 1972.

Third. No local educational agency can receive more than 115 percent of what it received in fiscal year 1973.

So, this naturally is not going to please everybody. Indeed, there is no way to please everybody within our own districts. There are some elements that are, of course, disquieting to some areas of a Member's district which will be helped, and some school districts in a Member's district which will not fair as well as they might have. But this is the best we can work out at this time.

Mr. Speaker, I would hope that we would be able to agree on the conference report and send it to the other body, and the other body can concur and send it to the President so that the continuing resolution will become operative tomorrow.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, the chairman of the committee has read 90 per centum and 115 per centum and so forth. Are there any present figures which will tell me how much New York State, or any State, will receive or will lose as a result of this conference report vis-a-vis the conference report which was passed by this House so overwhelmingly—not just passed, but overwhelmingly, by a vote of 286 to 94?

Mr. MAHON. We have figures from HEW which undertake to give a breakdown of how these funds would be distributed among the various States. There is some reason to believe that these figures are not absolutely accurate, but they probably are within the ball park.

The figures with respect to New York State are these: If HEW does not release all the funds, if HEW withholds $180 million, which is now the policy, under this conference report New York would get $9 million more than it received in 1973. If all of the funds are allocated including the entire $1,810,000,000, then New York State would get $30 million more under this conference report than it received in 1973. That does not seem too bad.

Mr. ADDABBO. Except that in relation to the bill which passed this House, which affected more than New York, affects adversely by this conference report 20 some States, New York would be receiving close to $90 million and many of the other States who have lost population would get only a share and not a bonus, which they are getting under this conference report.

Mr. MAHON. Well, I must say the Quie amendment was not satisfactory in my opinion to many Members of the House, particularly after they learned of its full effects.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. Mr. Speaker, I will be glad to yield to my friend in just a moment. Under the Quie amendment, New York would have received $33 million more instead of $9 million more as it will get under the pending proposal, so New York will take a loss.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, I do not understand how the gentleman can say that the Quie amendment did not reflect the desires of many people in the House when it passed 286 to 94. The Quie amendment was an amendment which was designed to cure an inequity in the allocations of moneys, which the conference committee has thwarted by not abiding by the will of the House.

Mr. MAHON. The Quie amendment was not the ultimate by way of a solution. It was the best the House could do under the parliamentary situation that existed at that time.

I would like to say with respect to the statement of the gentleman from Connecticut, that under this conference report his State will get $1 million more than it received in 1973, and if all the funds are allocated, it would get $2 million more.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I should like to point out that the Quie amendment did not deal with minimum State allocations; it dealt with minimum allocations to local school districts. So the total the State would receive is not really descriptive of the situation at all.

The Senate had 90 percent for a local minimum, and the Quie amendment had 85 percent. It is only a 5 percent difference we are talking about. It did not deal with the State totals the other gentlemen were talking about.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. CAREY of New York. I thank the gentleman for yielding.

I believe the chairman of the conference and the chairman of the great Committee on Appropriations is faced with a very difficult task He has some figures before him. They have been given to him, evidently, by the Office of Education.

I must warn the distinguished chairman that he, like the rest of us, may be misled by the Office of Education, which is attempting to legislate on the floor of the House in the dark. We do not have those figures.

In all faith, Mr. Chairman, we question those figures, because while they do apply to States and to counties tentatively the best informed people, the educators in those States, have told us that these OE figures are not reliable.

The issue before the body now is, are we going to legislate in the dark on piecemeal figures that have been sent up here by HEW to get its version of this bill across? Why not wait and let them set forth exactly what this new contrived formula will do, so that we can tell our people what we voted on?

That is the issue here. Are we going to vote in the dark today, not knowing what we will get for the children, or are we to have these figures in black and white? That is the issue. The great Committee on Appropriations has never before asked this body to vote in the dark, where the children are concerned. Please do not ask us to do so today.

Mr. MAHON. The fact is that certain figures have been made available to any Member who may have requested the figures or to any committee which may have requested the figures from HEW. These figures have been before various Members.

We worked out in the conference the best solution we could to this problem. The men who are most knowledgeable in the field, who serve on the HEW subcommittees in the House and the Senate, were present for that purpose.

The gentleman from Pennsylvania (Mr. FLOOD) participated in this very heavily and was a dominant force in the conference in connection with this matter. I shall be glad to yield to him for any statement, but first I yield to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I should like to point out, in response to the observations made by the gentleman from New York, that a very diligent effort was made to secure local education figures. They are not available and probably will not be available for several days or weeks. This resolution must be passed before that length of time has passed.

Mr. MAHON. We have to pass the resolution, as the gentleman says.

If the Committee on Education and Labor will bring out legislation settling these matters, that would be desirable. This is a stop-gap measure pending adjournment of the Congress or the enactment of the Labor-HEW appropriation bill. Of course, it may be governed somewhat by what may be done by the Legislative Committee.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FLOOD) the chairman of the subcommittee.

Mr. FLOOD. Mr. Speaker, the distinguished gentleman from Texas has said exactly what the situation is. If ever there was a can of worms, this is it.

We have been in session the past few days on the Labor-HEW appropriation bill. We just left a session of the conference with the Senate. We are going back. We will be there on Monday, to try to get that fantastic Labor-HEW appropriation bill put together, including the education part of it.

I do not want to make a big speech about this thing, but I believe it is necessary to explain briefly the agreement reached between the conferees on the title I provision.

First, Mr. Speaker, I should point out that the provision itself does not affect the total amount authorized for title I under the continuing resolution. It does affect the distribution of the funds to the State and local education agencies.

In considering the extension of the continuing resolution, both the House and the Senate have voted to change the title I provision that was contained in the first continuing resolution. That provision was based upon assuring that no State receive less than the total it received for the fiscal year 1972. But it did not protect the local school districts from receiving less under title I.

Now, we must remember that.

Both the House and the Senate have voted to make that provision apply to local educational agencies.

Now, I want the Members to hear this: The House version provided that no local agency receive less than 85 percent of what it received in 1973. But the State total may be reduced.

Now, watch this. These are the two horns of the problem. The Senate version provides that no local educational agency and no State—that is the both of them—receive less than 90 percent nor more than 110 percent—let me repeat that—nor more than 110 percent of what it got in 1972. Do we understand that?

Let me repeat it. No local agency and no State to receive less than 90 percent nor more than 110 percent of their 1972 amount.

Now, listen to this: This relates to the compromise we reached in the conference. This is tough. As we know, some legislation is the art of compromise. Nobody is going to be happy with it.

Now, Mr. Speaker, here is what we did: We combined the basic features of the House version and the Senate version, of course, and this is what it provides; this is the deal. Now, we have all got big ears, so let us listen to this:

No local agency shall receive less than 90 percent. We went to 90 percent. No local agency will receive less than 90 percent, but not more than 115 percent of its 1973 amount.

Now, we are talking about the State. No State will get less in the aggregate than 90 percent of the amount received in 1972.

Now, Mr. Speaker, of course, there is no doubt about this as it concerns the House and the Senate bill. We have unlimited combinations that could be adopted. If any of the Members have ever been to Las Vegas, they are amateurs compared to what we went through in that room. There were all kinds of combinations.

The SPEAKER. The time of the gentleman from Pennsylvania (Mr. FLOOD) has expired.

Mr. CEDERBERG. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. The one we took seemed to us the most equitable.

Now let me say this—and believe me I mean this, and I think you do, too—speaking for the Committee on Appropriations—and I said this a couple of weeks ago, also—we should not have to deal with this problem in the future. That basic organic law should be updated. For heaven's sake, make them do it so that we do not have to face this thing again. We know that the authorizing committee is working on this title I legislation. We should not have to bear—in a continuing resolution—the responsibility of making up these deficiencies in this present basic law. That is not our job.

Mr. CAREY of New York. Will the gentleman yield to me?

Mr. FLOOD. Of course I do. I have a lot of things to say, but I yield.

Mr. CAREY of New York. A point of information.

The gentleman quite correctly described it as a can of worms, and he is right.

Mr. FLOOD. Yes.

Mr. CAREY of New York. And now with that you are going to have to add spaghetti with or without flavor.

Mr. FLOOD. With or without sauce.

Mr. CAREY of New York. With or without sauce.

Mr. FLOOD. I am on a gall bladder diet. I have a problem.

Mr. CAREY of New York. And one of the arguments is, is it true that whatever we do with this continuing resolution, if we adopt this language, it will be brought over and brought back to us in the Labor-HEW bill?

Mr. FLOOD. That is right, we must include language of some kind in the Labor-HEW bill.

Mr. CAREY of New York. Then, we are voting twice on it.

Mr. FLOOD. The thing is this. It is 1 o'clock and at midnight tonight this thing has to take over. We are in conference now on the regular Labor-HEW bill.

By the way, these tables that you talked about from the Department of Health, Education and Welfare are up here. I am going to ask unanimous consent to insert them following my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. They are HEW estimates on a State-by-State basis dollar for dollar.

The table follows:

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

			Fiscal year 1974		
	Appropriation fiscal year 1972	Fiscal year 1973 operating level	House bill—local educational agency hold harmless at 85 percent of 1973 level	Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level	Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 level
Alabama	40, 257, 134	34, 549, 166	29, 366, 791	36, 231, 421	36, 231, 421
Alaska	2, 054, 974	2, 415, 064	3, 112, 266	2, 260, 471	2, 777, 324
Arizona	8, 648, 415	8, 134, 242	9, 257, 236	9, 513, 256	9, 354, 378
Arkansas	24, 214, 456	20, 963, 618	17, 819, 075	21, 793, 010	21, 793, 010
California	122, 028, 439	111, 618, 375	153, 404, 740	134, 231, 283	128, 361, 130
Colorado	10, 100, 532	10, 237, 378	12, 368, 915	11, 110, 585	11, 772, 985
Connecticut	11, 813, 005	11, 747, 931	16, 324, 230	12, 994, 306	13, 510, 121
Delaware	2, 242, 296	2, 323, 748	2, 749, 533	2, 466, 526	2, 672, 310
Florida	26, 445, 029	24, 111, 072	24, 848, 859	29, 089, 532	27, 727, 733
Georgia	39, 947, 788	40, 573, 812	34, 487, 740	43, 942, 567	36, 516, 431
Hawaii	3, 250, 669	3, 715, 263	4, 704, 115	3, 575, 736	4, 272, 552
Idaho	2, 730, 118	2, 719, 220	2, 778, 090	3, 003, 130	3, 127, 103
Illinois	63, 243, 090	69, 554, 901	85, 026, 804	69, 567, 399	79, 988, 136
Indiana	16, 999, 801	18, 773, 439	18, 959, 995	18, 699, 781	21, 589, 455
Iowa	15, 464, 659	14, 601, 661	12, 411, 412	17, 011, 125	13, 918, 193
Kansas	10, 427, 273	9, 147, 430	8, 991, 779	11, 470, 000	10, 519, 544
Kentucky	37, 131, 906	32, 212, 788	27, 380, 870	35, 180, 193	33, 418, 715
Louisiana	34, 683, 312	31, 322, 489	26, 624, 116	38, 151, 643	33, 117, 401
Maine	5, 607, 754	5, 633, 673	6, 075, 788	6, 168, 529	6, 478, 724
Maryland	19, 423, 141	19, 380, 669	24, 059, 507	21, 365, 455	22, 287, 769
Massachusetts	23, 858, 101	24, 893, 505	32, 812, 419	26, 243, 911	28, 627, 531
Michigan	47, 708, 517	51, 768, 916	61, 617, 453	52, 479, 369	59, 534, 253
Minnesota	21, 120, 043	20, 897, 155	18, 307, 236	23, 232, 047	23, 204, 280
Mississippi	42, 074, 152	35, 922, 629	30, 534, 235	37, 866, 737	37, 866, 737
Missouri	25, 579, 100	23, 367, 302	19, 862, 207	28, 137, 010	24, 352, 345
Montana	3, 013, 338	2, 865, 542	2, 776, 673	3, 314, 672	3, 295, 373
Nebraska	7, 523, 056	7, 187, 530	6, 236, 637	8, 275, 362	7, 905, 410
Nevada	883, 771	923, 899	1, 390, 428	972, 148	1, 062, 484
New Hampshire	1, 908, 409	2, 007, 413	2, 463, 298	2, 099, 250	2, 308, 525
New Jersey	44, 860, 594	44, 232, 287	59, 670, 251	49, 346, 653	50, 867, 130
New Mexico	9, 629, 504	7, 393, 185	8, 229, 186	10, 592, 454	8, 502, 163
New York	193, 459, 929	196, 835, 764	266, 054, 680	212, 805, 922	226, 361, 130
North Carolina	56, 260, 988	51, 556, 663	43, 823, 164	50, 634, 889	50, 634, 889
North Dakota	4, 271, 181	4, 101, 267	3, 486, 077	4, 698, 299	3, 844, 063
Ohio	41, 269, 978	42, 248, 122	48, 388, 037	45, 396, 976	48, 585, 340
Oklahoma	18, 199, 914	16, 649, 246	14, 151, 859	20, 019, 905	17, 243, 236
Oregon	9, 382, 231	8, 421, 321	10, 541, 490	10, 320, 454	9, 684, 519
Pennsylvania	67, 113, 702	64, 998, 125	73, 654, 917	73, 825, 072	74, 747, 844
Rhode Island	5, 189, 238	4, 873, 849	5, 940, 772	5, 708, 162	5, 604, 926
South Carolina	34, 313, 120	29, 853, 231	25, 375, 246	30, 881, 808	30, 881, 808
South Dakota	6, 266, 048	5, 470, 551	4, 649, 968	6, 433, 549	5, 639, 443
Tennessee	36, 288, 395	31, 273, 191	26, 582, 212	32, 659, 556	32, 659, 556
Texas	69, 566, 731	67, 675, 754	57, 524, 391	76, 523, 404	67, 124, 681
Utah	3, 593, 198	3, 894, 921	4, 909, 818	3, 952, 518	4, 479, 159
Vermont	2, 107, 682	2, 093, 957	2, 142, 393	2, 318, 450	2, 408, 051

Footnotes at end of table.

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT—Continued

			Fiscal year 1974		
	Appropriation fiscal year 1972	Fiscal year 1973 operating level	House bill—local educational agency hold harmless at 85 percent of 1973 level	Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level	Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 leve
Virginia	33,803,541	31,522,692	26,794,288	37,183,895	30,423,187
Washington	12,255,022	13,445,639	17,638,391	13,480,524	15.462,485
West Virginia	20,524,496	17,319,813	14,721,841	18,472,046	18,472,046
Wisconsin	16,546,374	17,340,875	18,567,927	18,201,011	19,942,000
Wyoming	1,235,793	1,170,817	1,182,467	1,359,372	1,346,446
District of Columbia	8,187,278	10,096,368	13,301,211	9,006,006	11,610,823

[1] Fiscal year 1972 authorization for Public Law 89-10, Title I, Part A ($2,000 p.a. income level and 50 percent State or National average current expenditure per pupil in average daily attendance) ($3,605,868,234; 50 States and D.C.) reduced to Title I, Part A allotment amount ($1,489,919,683; 50 States and D.C.) with the State Agency amounts established at the fiscal year 1972 authorization amounts, and county LEA grants not less than the State received for LEA grants in fiscal year 1967. Under Public Law 92-184 Supplemental Appropriation Act, fiscal year 1972 LEA grants for 15 States were adjusted to the fiscal year 1971 funding level, with adjustment of administration amounts as necessary.

[2] Amended estimated allotment by State for county local educational agencies as ratably reduced from authorization under provisions of Public Law 93-9 and Public Law 89-10, Title I.

Mr. CEDERBERG. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, this formula is not going to be fully acceptable to everyone, in fact not many at all, and I do hope that when the committee goes back to work out the differences on the appropriation bill it will take into consideration the problem expressed on the floor.

However, I must say, as the gentleman from Pennsylvania did, that this continuing resolution expires at midnight tonight, and we had better have one. I think we had better live with this in the meantime, because I have counted the votes here and I cannot see that there are sufficient votes to overturn it.

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. QUIE. Let me finish my statement and I will yield to the gentlewoman on this matter.

It is my feeling that you should never go back until 1972 to hold harmless, because you have all of the figures from 1973 and 1973 is different from 1972. It is true it is different because of AFDC, but it is different. I think the committee made a mistake to go back to 1972 to hold harmless for the States.

The gentleman from New York (Mr. CAREY) indicated that the table is not accurate. We do not really know what the situation is because the 115 percent affects the local educational agencies. We do not know really how it will affect the States because we do not have the information on the LEA's. It is the best estimate that the Office of Education could come up with, and I believe if we give them enough time, they can carry it all the way through.

What I tried to point out when this subject first came up is that there are school districts that have had a dramatic increase in the number of children on AFDC and from families of less than $2,000 income. There have been others that have had very little increase in AFDC and a dramatic drop in the number of children from families with $2,000 income or less.

So what you have done here is at least to hold LEA harmless at 90 percent of 1973. I think it is kind of high because of the shift in population, but it is what you agreed to.

I know the problems in trying to get figures and information. I do not like the 90 percent hold harmless to 1972 for the States because I think you are going back a year too far since the States which had higher 1972 figures than 1973, are the ones which have lost the most poor children.

Then, lastly, this 115 percent of 1973 limit on LEA's. I do have some mixed emotions because on our committee we are trying to work out a formula, and if the States—using New York, for example—went to $266 million, it may be higher than we would permit New York to go under the formula that we agreed to if the same amount of money was appropriated. That is the dilemma we are faced with. I think the committee on conference did us a good service by putting a limit on it, but we don't know exactly how it will turn out. I think that we will be voting in the dark here. You should have put the limit of 115 percent of 1973 on the States rather than the LEA's. You would have the information on that and permit the adjustments within the States.

My decision is that we had better pass the conference report on the continuing resolution, and then urge that the conference committee on appropriations take another look at this language and not just live with this, because I think there may be some serious mistakes being made. I would urge that we wait long enough for the Office of Education to carry this thing all the way through to the LEA's because, as far as the Members and I are concerned, in the House we are not as much concerned about the whole of the appropriations as we are about what happens to the school districts within our congressional districts. But right now we are voting in the dark.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding, and I want to express my opinion that the various reports and various formulas that have been distributed are not based on facts. We do not have the necessary information to really know what the various local educational agencies will receive.

Mr. QUIE. That is correct.

Mrs. GREEN of Oregon. Also, Mr. Speaker, I am concerned with the statement made by the gentleman from Minnesota. I was involved in other things yesterday, and I could not attend the conference on the Labor-HEW appropriations, but it is my understanding that an agreement was reached between the House and the Senate yesterday on the Labor-HEW appropriation bill for fiscal year 1974 that the action that was taken today on the continuing resolution would be incorporated in the conference report on appropriations for fiscal year 1974. It seems to me that puts a slightly different emphasis on what the gentleman from Minnesota (Mr. QUIE) is saying. And I agree with the gentleman, we ought to know what we are doing, we ought to have the facts and know where we are going, and not just say that whatever we decide today is it, without any real information, becomes effective for 1974. I am to the place where I am about to introduce a resolution to take away the census every 10 years if in 1974 we still use the 1960 figures, and it seems to me that is the trouble with the $2,000 or $3,000 figure.

The SPEAKER. The time of the gentleman has expired.

Mr. CEDERBERG. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I think the gentlewoman from Oregon (Mrs. GREEN) is right. And I am saying to the chairman of the committee that I believe you are making a serious mistake if you have adopted this agreement for the full appropriation bill. I think you have done the best you could under the circumstances here. But I think you must come back with the information that we should have at our disposal. It is not possible to get that by midnight tonight. That will take some time to carry it out to the districts in the States, and find out what happens. Take New York, for example. I think that we need to know what is going to happen with the LEA's. Some had large increases in poor children, and now they are only going to get 115 percent of what they got in 1973.

I am sorry that the authorizing committee does not have its formula worked out. But we have got as tough a problem as you have in working out a formula, and it will take us time. We are working on the matter, but because of a whole lot of other things that are happening in the Government we have not been able to move ahead as we wanted to do, but you have got to use some latitude. The best I think is 85 percent hold harmless of 1973 for the LEA's and 115 percent limit per State compared to 1973.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Speaker, the gentleman from Minnesota (Mr. Quie) and I worked for many years on the Committee on Education and Labor to try and untangle this complex formula. And I can assure you that if this language which is in the continuing resolution is then Siamezed over into the HEW appropriation, that there will be no incentive to unravel that formula, and those who have been long looking for the Neanderthal formula that rewards people for being where they were 15 years ago will have won the battle. You are legislating here on an appropriation bill, there is no doubt, and I believe it is one of the most complex formulas that has ever taken place. No one will deny that we are legislating on an appropriation bill, and you are doing what the Committee on Education and Labor could not do.

The SPEAKER. The time of the gentleman has again expired.

Mr. CEDERBERG. I yield 2 additional minutes to the gentleman from Minnesota (Mr. Quie).

Will the gentleman yield to me?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I have agreed this is not a desirable situation, but I am sure that the gentleman from New York voted for the Quie amendment which was up here, which is what started the legislation on the appropriation.

Mr. QUIE. Could we find out right now if what we are doing here is binding on the appropriation bill?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to direct myself to that question, because I was a member of the conference committee on the continuing resolution. I am not happy with the formula that came out last Tuesday, because we are going to lose some money as result of it; but under the circumstances, this is the best we could get out of that conference.

In a direct answer to the question that the gentlewoman from Oregon presented here, she is absolutely right. They did agree in conference on the HEW appropriation bill to accept this formula for that bill; but that bill is not completed yet.

We are going back Monday at 1 o'clock and I am certainly going to open it up.

The gentlewoman from Oregon is on that committee. I will join her in moving for reconsideration and see if we can come up with something different.

The members of the conference are different from the members on the continuing resolution. We may be able to come up with something different at that time.

Mr. QUIE. Could I ask the chairman of the committee, because I think this is a serious consideration that the Members are going to look at when they vote on this continuing resolution, whether by adopting this we are also indicating support for the same thing in the appropriation bill, because I do not think we should do that.

Mr. MAHON. I think we should cross one bridge at a time and act on this bill and then act as we think best on the regular HEW appropriation bill.

The reason the Appropriations Committee brought back this compromise was because the Quie amendment had been adopted by the House and the Senate had rejected the Quie amendment and adopted another amendment. It was obvious that neither body would accept the other's amendment. Thus a compromise was necessary if we were to have a continuing resolution which would fund the Government past midnight tonight. If neither body had changed the original continuing resolution in this regard, then we would not be in this situation now.

The SPEAKER. The time of the gentleman has expired.

Mr. MAHON. I yield the gentleman 1 additional minute.

Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Texas.

Mr. MAHON. Of course, the problem is with the basic formula and the Education and Labor Committee for not having brought forward new legislation. In desperation we had to do something. When the continuing resolution extension was before the House, we legislated somewhat in the dark, in my judgment, in connection with this matter. So in conference we did everything we could to make the program operate as fairly as is possible for everybody concerned under these very difficult circumstances.

Mr. QUIE. The question is, by voting today are we binding ourselves in for the appropriation bill? Will the chairman go back and reconsider this formula for the appropriation bill?

Mr. MAHON. I will be glad to join in reconsidering it. I would not say we can bind ourselves on that bill. But today we are faced with the problem of the continuing resolution. This is the best we can do in the resolution.

Mr. QUIE. That is what I think we need to know, that the chairman will go back and reconsider it in the appropriation bill.

Mr. MAHON. Does the gentleman think that there is any other alternative than accepting the conference report?

Mr. QUIE. In indicating our support for the appropriation bill, this is not the question. My question was, would the gentleman go back and reconsider, and the gentleman's answer was "Yes," he would go back and reconsider.

The SPEAKER. The time of the gentleman has expired.

Mr. CEDERBERG. Mr. Speaker, I yield 3 minutes to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I do not want to complicate this question any further, but one thing that keeps coming up in talking about the States, the States being held harmless, is that everyone is going to get the same money. The real problem we are continually facing with title I is the fact, where are the kids who need this program, who need this money? The unfortunate thing is this formula that has now come out is that it is not reaching out to where those kids are, and that is the real disturbing thing. I recognize the problems, but we are puting money out where the kids are not, and we are not getting enough money to where the kids are.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Michigan.

Mr. CEDERBERG. This was the gentlewoman from Oregon's amendment, the Green amendment, which the gentleman did not support when we had it up here.

Mr. PEYSER. There were other factors in the gentlewoman's amendment that would have hurt school districts. The one thing we were fighting originally was that the school districts were originally being hurt with no advance notice, who had already done their planning, and we are now trying to fulfill an obligation where they were not going to get their money. What we are really dealing with here is that under this piece of legislation, this takes money away that the Quie amendment put in, that the House voted for, and it takes it away from the areas that have the children.

It just seems to me if we have to accept this as long as it is a temporary move that is what we have to do, but we have got to adjust this formula so that it does reach the kids.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York (Mr. Carey).

Mr. CAREY of New York. Mr. Speaker, I thank the gentleman for yielding. I think the gentleman must be aware that there is a difficult choice before us here. There has been a statement by the distinguished chairman of the Labor-Health Education, and Welfare Subcommittee of the Committee on Appropriations that if we adopt this formula today this is the formula we are going to get in the annual appropriation bill, and that statement was made in the well. The gentleman is a very valuable member of the Labor-HEW Subcommittee which has been working to improve the formula, but is it not true that if we adopt this formula this is exactly what those persons want on the committee who have been trying to keep the money going where the children have long since removed themselves? This does the job they could not do in the daylight.

Mr. PEYSER. This is exactly correct. We have been trying in our committee to move this forward because of the insistence on putting more money into the areas where the children no longer are present.

Mr. CAREY of New York. If we vote down this resolution, is it not true we will not receive one cent less than in the present existing year?

Mr. PEYSER. Yes.

I would like to reserve my time to make my own point on that if I may and ask the chairman a question.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I think the gentleman from New York (Mr. Carey) outside of myself, is probably the best man in the House and I never made any statement in the well that we are binding anybody in this House to anything like that at all. I am amazed. I think the gentleman is an excellent orator but I never said that.

Mr. CEDERBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I will begin by saying I certainly do not appreciate our Appropriations Committee being put in this kind of situation again today. We are not a legislative committee. I will be very frank to admit I supported the amendment offered by the gentlewoman from Oregon (Mrs. GREEN), when this resolution was before the House. When it failed I supported the Quie amendment which was a compromise on my part and then in the conference to get agreement, I had to compromise further. I did not want to. I hated to go that far but there we were between a rock and a hard place. I felt there was no other alternative in view of the urgency of this continuing resolution passing by tonight. This is a holding operation and a poor one at that. I certainly do not like the idea of legislating over an extended period of time by way of this continuing resolution.

We did have a spirited discussion in the conference committee on what to do in the regular bill. It was felt that what we do here we probably ought to do there so that we do not end up with any more variables cranked into an already atrocious formula. This has not been finalized by any stretch of the imagination. There could be a move to reconsider, and then this discussion itself would be helpful when we go back to our conference on the regular bill. We will have to bring to the attention of our counterparts in the other body that this thing just will not fly in the regular bill unless we make some adjustments.

But the point is, as our good chairman has said, we are really again under the gun with a continuing resolution and with a need for doing something today and I had to make the choice of doing what we did or having no reference at all to title I in this continuing resolution.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, we did have a report from the White House that if the HEW bill as it passed the House and the Senate was finally adopted with some variation but no major variation, it would be vetoed, so if that bill was vetoed then what we are doing here today would be very possibly legislating for the next full fiscal year.

Mr. MICHEL. I would surely hope not.

Mr. ADDABBO. But that is a very good possibility.

Mr. MICHEL. It is a possibility.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, of course my friend knows we have been through this four or five times. If the President sees fit to veto this bill, as last year and the year before, we will do as we did then, when we came back with another bill which the President signed. We did it with HEW, and we have done this four times. There is no reason to think if this happened it would be something new.

Mr. MICHEL. Frankly I would say to my friend, the gentleman from New York, there are people downtown, the people who have to administer this thing, who are in total sympathy with what the gentleman has said.

They are in sympathy particularly with what the bigger States would like to have come about, and that is an adjustment to have this assistance for the students, and it is the right thing to do.

Therefore, I think most of us are in general agreement, if we can get the right kind of forum to work it out. The chairman of the Education Committee, (Mr. PERKINS) is here, and I would like to renew my plea that he get his committee to take us off the hook and do what is right.

We have no business legislating on an appropriation bill, much less a continuing resolution. I would hope that even though many Members are perfectly within their rights to raise objections to this thing today, that there would be a majority of the Members who will support the conference report.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I am asking this Chamber to vote down this resolution, and I think I speak for what was a 286 majority in this House on September 25, which said that it was dissatisfied with the formula under which this money has been allocated.

We have been hearing a great deal of language and percentages here. The gentleman from Pennsylvania calls it a can of worms. I would like to put it in terms that maybe the American people can understand, that some of us here can, and that is that under the present formula and under the formula which is being perpetuated in this bill, we are paying States and local educational agencies, paying them educational moneys for children who do not reside in their States; and we are depriving States which have gained in population, which have gained in school enrollments, and their children are not being counted in the formula. Why?

CALL OF THE HOUSE

Mr. ADDABBO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MAHON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 514]

Aspin
Bolling
Breckinridge
Brown, Calif.
Buchanan
Clark
Clay
Conlan
Conyers
Crane
Diggs
Eilberg
Evins, Tenn.
Foley
Fraser
Frey
Fuqua
Gettys
Gray
Hanna
Holifield
Landrum
Lent
Mailliard
Melcher
Mills, Ark.
Nedzi
Nichols
Pickle
Rarick
Riegle
Sandman
Smith, Iowa
Stephens
Sullivan
Teague, Tex.
Udall
Wiggins
Yatron

The SPEAKER. On this rollcall 395 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 727 CONTINUING APPROPRIATIONS, 1974

The Speaker. The gentleman from Connecticut (Mr. GIAIMO) is recognized.

Mr. GIAIMO. Mr. Speaker, as I had begun to say prior to the quorum call, I object to this continuing resolution because of the educational formula which they have worked out. Forget all of the percentages and all of the language that we have heard here today, the fact is that it is an inequitable formula, one using 1960 figures. There have been mass migrations of our population in the United States. States with more children, with increasing numbers of children, are not having those children counted in the formula, and they are not getting reimbursed by the Federal Government for them. Whereas States which have lost children and therefor are not spending money on educating them are being reimbursed for children whom they are not educating. And because this continuing resolution perpetuates the old evil system, if we pass it today I can assure the Members it will be in the labor-HEW bill for this fiscal year, which means it will carry forward to 1975.

It is about time we clearly enunciated that we are tired of this inequitable formula. We did so in the House on September 25 with the Quie amendment where 286 Members of this body, to 94 against, declared that they were fed up with this inequitable formula. And yet our conference committee goes into conference with the other body and then comes back here with what they call a compromise. It is no compromise. It is a charade. It still perpetuates the old evil system. There is no one who can tell you what these States and local educational agencies are going to get under the compromise. But I will tell the Members this: They are going to get less money than they would have received under the Quie amendment which we passed several weeks ago.

The SPEAKER. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield to me some additional time?

Mr. CEDERBERG. I yield 2 additional minutes to the gentleman from Connecticut.

Mr. GIAIMO. I thank the gentleman very kindly.

Mr. Speaker, we have to get this matter clarified. If we do not do it here today—and this is the vehicle before us through which we should do it—we will be stuck for 2 more years.

We know what has been happening here. Year in and year out the Committee on Education and Labor has not come forth with a new formula. Many members of that committee would like to have a new formula. But I can assure the Members that it is going to be a long, cold day in July before the Committee on Education and Labor cures the inequities in the present formula. The only way we are going to do it is to do it now.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Speaker, is it not true that there is a very responsible alternative before this body? It is that if this were to be recommitted, or voted down, that there is a meeting of the conferees on Education and Labor, and they have assured us they are going to look at this, and they can come up with a better proposal, and a fairer law, and we can have the figures before us, and not the continuing resolution that they call a compromise, and is not a compromise.

Mr. GIAIMO. The gentleman from New York is correct. The only remedy that we in the majority have here today is to vote down this continuing resolution. I am informed that the gentleman from California (Mr. Talcott) intends to file a motion to recommit, so that the committee can go back and restudy this, and get the figures and let us know what we will get in all of the States, and in all of the LEA's, and then we can decide this matter intelligently.

If the motion to recommit is submitted, I urge every Member to vote for it, and recommit the continuing resolution.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I agree with everything the gentleman says except what we should do now. As I said last September, these kinds of amendments have no place in a continuing resolution.

If we are going to be responsible, let us pass the continuing resolution. As one Member of the Congress, I am not for the formula.

Mr. GIAIMO. The gentleman supports the resolution even though it hurts the gentleman's State of New Jersey?

Mr. PATTEN. I say we should be responsible and adopt the continuing resolution.

Mr. GIAIMO. I will say to the gentleman from New Jersey that I do not like continuing resolutions either. I think that this Congress should not use them so frequently, but that it should get its appropriation bills passed.

The SPEAKER. The time of the gentleman has again expired.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. Smith) a member of the Subcommittee on Labor and HEW.

Mr. SMITH of Iowa. Mr. Speaker, the real culprit in this thing is the basic authorizing legislation. We hear a lot of talk about putting the money where the children are. The basic authorizing legislation does not put the money where the children from poor families are located.

Let me just use the State of New York, since it has come up here several times, as an example. The population increase for New York between 1960 and 1970 was less than 10 percent; but the increase under the title I formula is 33 percent. Is that putting the money where the children are? Of course, it is not.

We are trying to temporarily deal with a screwball formula. What it does is to put the money where the largest welfare payments are. It excludes many, many of the children of the working poor while including the children of those who receive welfare payments in excess of the earned income of the working poor. The child of a couple which earns $2,100 per year is not included in the formula, but if a couple receives $3,900 per year in welfare payments, they are included under the formula. It is a bad formula.

Faced with this, in the expiring continuing resolution which is in effect as of today, there was a 100-percent hold harmless on a State aggregate basis. In this one there is a minimum of 90 percent set or an aggregate statewide basis. There is a reduction toward the shift which will in many cases occur under a more fair formula.

A 90-percent minimum is set for each school district within the State and also a 115-percent maximum. Districts like the average in New York which have increased in population by only 10 percent, may receive 15 percent rather than just 10 percent but at least there is an attempt to provide some movement without accepting a grossly unfair formula in full.

We must make some compromise on this bill. Perhaps no one will be fully satisfied but we must make a good faith effort to provide as fair a formula as possible under the circumstances on a temporary basis while the final authorizing provision is being developed.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman briefly.

Mr. CAREY of New York. I want to point out in all fairness to New York City, that for the first time in 20 years the number of welfare children in New York City dropped by 16 percent last year.

Mr. SMITH of Iowa. Then that should reduce the distortion in the formula, but the point is this, that there had to be some kind of compromise worked out on this, while the legislative committee is getting some legislation ready. The Quie amendment provided 85 percent minimum for the local school district. We provide 90 percent. The Senate wanted a 110-percent maximum and we are proposing a 115-percent maximum on a State aggregate basis, we provide for a 90-percent minimum.

That means going from the 100-percent minimum in the expiring continuing resolution down to 90 percent on a State aggregate basis I would have preferred to use the additional money appropriated to hold all districts harmless while providing all districts with the increases allocated last month but the Quie amendment in the House and the Senate action both prohibit that approach. Under the circumstances. I say this is the best compromise we could work out.

Mr. Speaker, it is time in this body to start thinking about the national interest. What is good for the Nation? What is fair and what is right? Members should quit securing some table somewhere and quit trying to decide on important vote solely on what is going to happen to some little area that a Member happens to represent. Anyway, with the exception of some few Members—people in the big cities—every Member in this body is going to have some districts that are going to lose and some which will gain.

Under this compromise, the extent of swing will be reduced for those who would lose the most, and take a little off of the largest increases.

I urge support of the committee proposal.

Mr. MAHON. Mr. Speaker, we are about ready to vote on this issue. We are going to be voting not just on educational grants, we are going to be voting on the continuing resolution which contains educational grants and many, many other things.

There will be no separate vote on the item affecting title I–A of the Elementary and Secondary Education Act. The continuing resolution expires tonight, and thus it is essential that it be passed today.

We have worked out the best solution we could in conference. There is no good solution, because the Committee on Education and Labor after months and months and even years has not been able to come up with a formula that it can get adopted that would remedy the situation; so we protected the local communities as best we could and the States as best we could.

So I would hope that we would not vote down the continuing resolution.

Earlier, we talked about the HEW appropriation bill which is now in conference. We will reconsider this whole matter in the conference report on the Labor-HEW bill for this year.

Let me say this to the House. When the Labor-HEW conference report comes to the House, there will be an opportunity for a separate vote on the educational grants, and the House can specifically work its will. I think these statements I have made are the reasons why men such as the gentleman from Illinois (Mr. Michel) says this is the best we can do with the conference report today, and the gentleman from Michigan (Mr. Cederberg), the ranking minority member on the committee, says it is the best we can do today, and the gentleman from Minnesota (Mr. Quie), who offered the amendment and who spoke earlier in this discussion does not like what is going on but admits that under the circumstances we have no reasonable alternative other than to approve the conference report on the continuing resolution today.

Mr. CEDERBERG. Mr. Speaker, I want to concur with what the distinguished chairman of the Appropriations Committee said. Many Members were not here for the complete debate and did not hear the many compelling reasons set forth for passing this continuing resolution today.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, others were not here when the gentleman from Pennsylvania, the chairman of the subcommittee (Mr. Flood) spoke and said we have no reasonable alternative to adopting the continuing resolution conference report.

Mr. CEDERBERG. That is a correct

statement by the chairman and it would be a very serious mistake to send this back to conference.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, is it not a fact, and I would like Members on both sides of the aisle to hear this, that the gentleman from Minnesota (Mr. Quie) who offered the Quie amendment is going to vote to support this continuing resolution conference report?

Mr. CEDERBERG. That is a correct statement.

Mr. HARRINGTON. Mr. Speaker, I rise in support of House Joint Resolution 727, the conference report providing continuing appropriations for fiscal year 1974. I am particularly pleased that the House amended the original appropriations bill on September 25 to protect the independent petroleum dealer from discriminatory pricing regulations promulgated by the Cost of Living Council, and that the House can now give its final consent to that provision today.

Section 3 of the resolution requires that—

> None of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products.

This provision insures that, under phase IV, independent retailers cannot be confronted with less favorable markup periods for their products than retailers owned by the major companies, as was the case prior to September 28. More generally, the provision insures that any future COLC actions regarding the pass-through of product costs, markup periods, and price ceilings must be imposed similarly across the range of petroleum retailers.

This provision may seem rigid, and I suppose some of my colleagues may be concerned that it will not permit the Council to make distinctions between classes of marketers. It seems to me, however, that the provision is a real and needed safeguard for all classes of retailers, including the small independent who can hardly make his voice heard in Washington, in marked contrast to the giant majors. The Congress should take discretionary authority away from the COLC, and require neutral treatment of all marketers by the COLC—this, after all, is the only way in which the administration of wage and price controls can be at all fair and impartial.

Mr. Speaker, I urge my colleagues to support this provision and the resolution of which it is a part. Such action is one of the most effective ways Congress can come to the assistance of the independent petroleum marketer.

Mr. BAIGGI. Mr. Speaker, I rise to speak in opposition to the passage of the House-Senate conference report on House Joint Resolution 727. Under the provisions of the resolution, the city of New York, as well as many other urban areas, are severely harmed and shortchanged on moneys for educational assistance.

The objectionable feature of the resolution is the provision calling for a ceiling in payments to local educational agencies set at 115 percent of the amounts made available in 1973.

This ceiling is a disaster because this year—1974—for the first time, the number of eligible children is calculated on the basis of the 1970 census figures. But the ceiling is tied to the 1973 appropriation, which is based on the 1960 census. As we all know, in the 1960's there was a great migration of poor from the country to the cities. This means there has been a great increase in the number of needy children in New York City and many other urban areas.

To grant 115 percent of last year's appropriation based on census figures of 13 years ago is to come nowhere near this year's need. It is to give moneys to areas where they are not needed, and to shortchange the cities where the real need is. For all we know, it is quite likely that New York City is entitled to 165 percent of last year's allotment.

Thus this provision is unfair to the children and to the schools. They deserve their share under the new census and under the law. We cannot and should not deny it to them.

In sum, Mr. Speaker, this provision would be a disaster. I urge the House to defeat the conference report and instruct the conference committee to report out a provision that contains no ceiling on the amounts of money the local educational agencies may receive. This is only fair while we are using 1960 census figures to take care of 1974 children.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit the conference report on House Joint Resolution 727 to the committee of conference.

The Clerk read as follows:

> Mr. Talcott moves to recommit the conference report on House Joint Resolution 727 to the committee of conference.

Mr. TALCOTT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

RECORDED VOTE

Mr. BELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 225, not voting 27, as follows:

[Roll No. 515]

AYES—182

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Armstrong
Badillo
Bell
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brotzman
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Cohen
Collins, Ill.
Conable
Conlan
Corman
Cotter
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Fish
Ford, William D.
Forsythe
Fraser
Gaydos
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hanley
Hanrahan
Hansen, Wash.
Harrington
Hastings
Hawkins
Heckler, Mass.
Helstoski
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Leggett
Lehman
Litton
McCloskey
McCormack
McEwen
McFall
McKinney
Macdonald
Madden
Mallary
Mathias, Calif.
Mazzoli
Meeds
Metcalfe
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
O'Hara
O'Neill
Owens
Pepper
Pettis
Peyser
Pike
Podell
Price, Ill.
Rangel
Rees
Reid
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Rousselot
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Stokes
Stratton
Studds
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Towell, Nev.
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Walsh
Whalen
Wiggins
Wilson, Charles H., Calif.
Wolff
Wydler
Yates
Young, Alaska
Young, Ga.
Young, Ill.
Zablocki

NOES—225

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Blackburn
Blatnik
Boggs
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Cochran
Collier
Collins, Tex.
Conte
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Froehlich
Fulton
Ginn
Goldwater
Goodling
Gross
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hays
Hébert
Hechler, W. Va.
Heinz
Henderson
Hillis
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McDade
McKay
McSpadden
Madigan
Mahon
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mezvinsky
Michel
Milford
Miller
Minshall, Ohio
Mizell
Mollohan
Montgomery
Morgan
Mosher
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
Parris
Passman
Patman
Patten
Perkins
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.

Rooney, Pa.
Rose
Roush
Roy
Runnels
Ruppe
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Treen
Vander Jagt
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, S.C.
Young, Tex.
Zion
Zwach

NOT VOTING—27

Aspin
Breckinridge
Brown, Calif.
Clay
Conyers
Crane
Evins, Tenn.
Foley
Frey
Fuqua
Gettys
Gray
Gubser
Hanna
Hunt
Lent
Mailliard
Mills, Ark.
Nedzi
Pickle
Rarick
Riegle
Sandman
Stephens
Sullivan
Udall
Yatron

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hanna for, with Mr. Evins of Tennessee against.

Mr. Conyers for, with Mr. Rarick against.

Mr. Brown of California for, with Mr. Gettys against.

Mr. Clay for, with Mr. Breckinridge against.

Mr. Nedzi for, with Mr. Fuqua against.

Mr. Yatron for, with Mr. Mills of Arkansas against.

Until further notice:

Mr. Gray with Mr. Crane.

Mrs. Sullivan with Mr. Frey.

Mr. Stephens with Mr. Hunt.

Mr. Pickle with Mr. Lent.

Mr. Udall with Mr. Riegle.

Mr. Foley with Mr. Aspin.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 309, noes 99, not voting 26, as follows:

[Roll No. 516]

AYES—309

Abdnor
Adams
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
Fulton
Gaydos
Gettys
Ginn
Goldwater
Gonzalez
Goodling
Green, Pa.
Gross
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
King
Kuykendall
Kyros
Landrum
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Melcher
Mezvinsky
Michel
Milford
Miller
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Peyser
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Roush
Roy
Runnels
Ruppe
Ruth
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—99

Abzug
Addabbo
Anderson, Calif.
Annunzio
Badillo
Bell
Biaggi
Bingham
Brademas
Brasco
Burke, Calif.
Burke, Mass.
Carey, N.Y.
Carney, Ohio
Chisholm
Clausen, Don H.
Clawson, Del
Collins, Ill.
Corman
Cotter
Daniels, Dominick V.
Danielson
Delaney
Diggs
Donohue
Drinan
Edwards, Calif.
Ford, William D.
Fraser
Giaimo
Gibbons
Gilman
Grasso
Green, Oreg.
Griffiths
Grover
Gubser
Hanley
Harrington
Hawkins
Helstoski
Holtzman
Karth
Kastenmeier
Ketchum
Kluczynski
Koch
Landgrebe
Leggett
McKinney
Macdonald
Madden
Mallary
Mathias, Calif.
Matsunaga
Meeds
Metcalfe
Minish
Mink
Moakley
Moorhead, Calif.
Moss
Murphy, Ill.
O'Hara
Owens
Pettis
Pike
Price, Ill.
Rangel
Rees
Reid
Rodino
Rosenthal
Rostenkowski
Rousselot
Roybal
Ryan
St Germain
Sarasin
Schroeder
Seiberling
Sisk
Stanton, James V.
Steele
Stokes
Stratton
Studds
Talcott
Teague, Calif.
Tiernan
Van Deerlin
Vanik
Veysey
Waldie
Whalen
Wiggins
Wilson, Charles H., Calif.
Wolff
Yates

NOT VOTING—26

Aspin
Breckinridge
Brown, Calif.
Clay
Conyers
Crane
Evins, Tenn.
Foley
Frey
Fuqua
Gray
Hanna
Hunt
Ichord
Lent
Mailliard
Mills, Ark.
Nedzi
Pickle
Podell
Rarick
Riegle
Sandman
Sullivan
Udall
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Mills of Arkansas for, Mr. Nedzi against.

Mr. Breckinridge for, Mr. Podell against.

Mr. Ichord for, Mr. Riegle against.

Mr. Hunt for, Mr. Mailliard against.

Mr. Evins of Tennessee for, Mr. Clay against.

Mr. Rarick for, Mr. Brown of California against.

Mr. Foley for, Mr. Conyers against.

Mr. Fuqua for, Mr. Hanna against.

Until further notice:

Mr. Yatron with Mr. Aspin.

Mr. Udall with Mr. Frey.

Mr. Pickle with Mr. Crane.

Mr. Gray with Mr. Lent.

Mrs. Sullivan with Mr. Sandman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the joint resolution (H.J. Res. 727), just agreed to and that I may include extraneous and tabular matter with my remarks.

Mr. SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON COMMUNICABLE DISEASE CONTROL ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–164)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

The enclosed report on communicable disease control activities, sent to me by the Secretary of Health, Education, and

Welfare, is forwarded as required under Public Law 92-449.

RICHARD NIXON.

THE WHITE HOUSE, *October 11, 1973.*

FURTHER CONFERENCE REPORT ON H.R. 8825, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. BOLAND. Mr. Speaker, I call up the further conference report on the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 10, 1973.)

Mr. BOLAND. Mr. Speaker, this is a second conference report on the HUD-space-science-veterans appropriation bill for 1974. The first conference report settled all dollar amounts. That report was adopted by the House last August 1 and by the Senate on September 7. However, two amendments were sent back to a further conference.

I am glad to report that we now have a further unanimous report on these remaining two amendments and that the House position is sustained in this conference.

Members will recall that the other body proposed legislation in the form of a general provision to restrict the use of passenger motor vehicles by the department and agencies that are covered in this bill. Based on the record that has been developed to date, it would be discriminatory and unfair to the single department and eight agencies in the bill. If any legislation is needed it should be made applicable to all agencies and departments, and to include both civilian and military personnel.

In early September, at the time the Senate voted to further insist on its proposed language and requested a new conference, the chairman of the Senate Appropriations Committee appointed an ad hoc subcommittee of seven members to initiate an analysis of motor vehicle usage in all departments and agencies. I think this is a proper way to proceed. This ad hoc subcommittee has requested the GAO to make a thorough examination to determine where and what abuses may be occurring. It may well be that existing law needs revision or clarification. It is expected to have a complete report prepared about the first of March next year.

The Senate conferees have now agreed to recede from their disagreement on the amendments Nos. 44 and 45. I do not view this as a victory, but a pause for a more thorough examination. This is a reasonable compromise—a compromise that can be accepted by both the House and Senate without being prejudicial to the work of the ad hoc subcommittee. I welcome any equitable and reasonable proposal for clarification of the law regulating the use of these cars. But whatever action that may eventually be taken should be applied governmentwide—and not just to the one department and eight agencies in this bill.

The other matter, Mr. Speaker, that was taken up in the conference is submitted as a separate motion outside of the conference report. It relates to the construction of the proposed new laboratory for the Federal Communications Commission, which has been approved on two separate occasions by the Congress. With the rapid growth of devices having high interference characteristics such as microwave ovens, electronic garage door controls, medical devices, and ships' radars, this new laboratory is vital if the Commission is to perform the sensitive approval tests required before these and many other devices can be marketed.

Congress has previously provided $600,000 to construct this facility in the 1973 appropriation act. The availability of these funds was extended for the current year in a supplemental when efforts to utilize an existing building fell through and delayed new construction. The lowest of five bids opened in September exceed the present limitation on funds for construction.

To delay this project further would only increase the eventual cost to the Government. The conferees have, therefore, agreed to submit an amendment to increase the limitation on FCC funds that may be used for capital improvements by $300,000, from $125,000 to $425,000.

Mr. Speaker, I urge that the conference report and the motion of the conferees be adopted.

Mr. Speaker, I yield now to the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Speaker, I concur entirely with the gentleman from Massachusetts. The minority members have concurred in the conference report. The Senate has receded in every respect, so I urge adoption of the conference report.

Mr. VANIK. Mr. Speaker, during the consideration by the House of the conference report to H.R. 8825, Appropriations for the Department of Housing and Urban Development, we should take time to recognize the enormous role the Department can play in spearheading energy conservation through improved building design, construction and use.

By 1985 it is estimated that energy consumed for household and commercial purposes will account for 21 percent of this Nation's energy budget. A substantial reduction in fuel requirements could be made if solar energy is used for heating and cooling buildings and for water heating. For example, a 1 percent saving is equivalent to more than 100 million barrels of oil a year. Potentially about one half of the fuel used to heat and cool buildings could be conserved through the use of solar energy.

Recently I wrote to the General Services Administration concerning their efforts in the area of energy conservation generally, and solar energy, specifically. In his response, Administrator Sampson states:

> We believe it vital to promptly construct and operate a limited number of large solar collectors using current technology.

The recent events in the Middle East underline how tenuous our energy situation actually is. We must begin now to implement a wide-ranging, national program to increase the efficiency with which we consume energy.

For the interest of my colleagues, I submit the full text of Mr. Sampson's letter to me:

> GENERAL SERVICES ADMINISTRATION,
> *Washington, D.C., October 9, 1973.*
>
> Hon. CHARLES A. VANIK,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. VANIK: Your recent speech to the House of Representatives relative to the energy problems facing our country was read with great interest. Further, we are pleased to respond to your letter of September 18, 1973, concerning the General Services Administration's activities related to solar energy and energy conservation.
>
> GSA's interest in energy conservation began many years ago. It's good business to minimize fuel and energy costs, even if energy sources were plentiful. The recent energy problems have only served to intensify our efforts and to make those we serve, by providing office space and transportation, more receptive to energy conservation undertakings.
>
> You are already aware of the two GSA Demonstration Projects (Federal Office Building, Saginaw, Michigan, and Federal Office Building, Manchester, New Hampshire) which are planned for early construction. The investigations being made concurrent with these designs will lead to new guidance for more energy efficient buildings. Factors being considered include such things as fenestration, orientation, mass and insulation of the exterior walls, as well as the selection of more efficient heating, airconditioning and lighting systems.
>
> Your speech and letter indicated a special interest in solar energy systems. Both of the GSA Demonstration Projects are being designed to incorporate large solar collector and energy use systems. Funds have been requested for the construction, instrumentation, and evaluation of these collectors from the new energy research and development effort announced by President Nixon on June 29, 1973, for FY '74 and FY '75 thru FY '79.
>
> We believe it vital to promptly construct and operate a limited number of large solar collectors using current technology. The information gained should prove invaluable in the further development of this vital, renewable, nonpolluting energy resource.
>
> The enclosures will provide you with additional information on some of GSA's activities in the energy conservation and solar energy areas. Please advise if you require additional information.
>
> Sincerely,
>
> ARTHUR F. SAMPSON,
> *Administrator.*

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: On page 33, line 5, strike "405" and insert "406".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "405. Notwithstanding any other provision of this act, not to exceed $425,000 of the amount herein made available for the Federal Communications Commission may be used for land and structures.

"SEC. 406."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and motion was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 10614, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1974

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 589 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 589

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10614) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 10614, the Committee on Armed Services shall be discharged from the further consideration of the bill 2408, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10614 as passed by the House.

CALL OF THE HOUSE

Mr. GREEN of Pennsylvania. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MURPHY of Illinois. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 517]

Alexander
Ashley
Aspin
Barrett
Breckinridge
Brown, Calif.
Buchanan
Carey, N.Y.
Chisholm
Clark
Clay
Conyers
Crane
Dickinson
Evins, Tenn.
Fascell
Fountain
Frey
Fuqua
Gray
Hanna
Hébert
Lent
Mailliard
Mathis, Ga.
Mayne
Michel, Ill.
Mills, Ark.
Mosher
Murphy, N.Y.
Nedzi
Patman
Pickle
Railsback
Rarick
Reid
Riegle
Roncallo, N.Y.
Rosenthal
Sandman
Satterfield
Sisk
Steele
Sullivan
Tiernan
Udall
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Wydler
Yatron

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1974

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. MURPHY of Illinois. Mr. Speaker, House Resolution 589 provides for an open rule with 2 hours of general debate on H.R. 10614, a bill to authorize construction of certain military installations.

House Resolution 589 provides that the bill shall be read for amendment by titles instead of by sections, House Resolution 589 also provides that after the passage of H.R. 10614, the Committee on Armed Services shall be discharged from the further consideration of the bill S. 2408, and it shall then be in order in the House to move to strike out all after the enacting clause of S. 2408 and insert in lieu thereof the provisions contained in H.R. 10614 as passed by the House.

H.R. 10614 provides military construction authorization in support of the active military forces and Reserve components for the fiscal year 1974. The bill also includes authorization for military family housing. The total authorization provided for in the bill is $2,715,924,000. The Committee on Armed Services reduced the authorization request $341,286,000, approximately 11.4 percent of the total request.

Mr. Speaker, I urge adoption of House Resolution 589 in order that we may discuss and debate H.R. 10614.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of H.R. 10614, military construction authorization, under an open rule with 2 hours of general debate. It also provides that the bill be read by titles instead of by sections, and makes it in order to insert the House-passed language in the Senate bill (S. 2408).

H.R. 10614 authorizes for appropriation $2,651,227,000 for military construction, which is a reduction of $341,286,000 from the amount requested by the Department of Defense.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on H.R. 10614.

Mr. Speaker, I reserve the balance of my time, and I have no requests for time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PIKE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10614) to authorize certain construction at military installations, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. PIKE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10614, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. PIKE) will be recognized for 1 hour, and the gentleman from Indiana (Mr. BRAY) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I yield myself 10 minutes.

Mr. PIKE. Mr. Chairman, today, we are presenting H.R. 10614, the military construction authorization bill for fiscal year 1974.

The purpose of this bill is to provide military construction authorization and related authority in support of the military departments, and is necessary for enactment before appropriations can be provided to finance these activities of the military departments during fiscal year 1974.

The new authorization request for fiscal year 1974 totals $2,970,790,000. In fiscal year 1973, the Department of Defense requested $2,686,800,000 after reducing the initial construction request for Safeguard facilities which was made possible by the SALT agreements. Actual enactment in fiscal year 1973 totaled $2,549,525,000. The increase requested in fiscal year 1974 over the revised amount requested in fiscal year 1973 is due primarily to additional emphasis on people-related projects such as bachelor and family housing construction, and medical facility replacement and modernization; facilities for the Navy's Trident weapon system, as well as continued emphasis on the Reserve Forces and the pollution abatement program.

The construction proposals contained in the fiscal year 1974 request are located at approximately 300 named installations and there are some 700 separate construction projects.

In view of the emphasis on people-related projects in the fiscal year 1974 request, your Armed Services Committee faced an especially difficult task in effecting substantial reductions. However, every member of your Armed Services Committee was determined that the final committee recommendation should be made on a realistic basis, and recommend only those projects that the committee was fully convinced were essential to our military needs.

After extensive hearings by the subcommittee in 25 sessions, and review of each project requested by the Department of Defense, the committee was successful in searching out those proposals that in our view could be deferred without impairing the operational effectiveness of the armed services. In addition, the committee is convinced that these reductions will in no way jeopardize our national security.

The committee agreed to a new total in the amount of $2,715,934,000 in new authorizations and deficiency authorizations. That amount is for specific projects authorized for construction and is a reduction of $276,589,000. However, the committee reduced the amount authorized for appropriation by an additional $64,697,000, leaving the total amount authorized for appropriation in the fiscal year 1974 at $2,651,227,000. This is a reduction in the total requested authorization in the amount of $341,286,000 or a reduction of 11.4 percent.

I would like to discuss each project in H.R. 10614 with you, but I am afraid I would unnecessarily try the patience of this committee. However, there are many significant items contained in this bill which I do feel that you would be interested in.

In the family housing section of the bill, 11,688 units of new housing were requested, at an average unit cost of $27,500, an increase of $3,500 from last year's average. The committee voted to increase from $24,000 to $28,500 the average unit cost for housing within the United States except Alaska and Hawaii; but limit the number of units to be constructed to 9,000.

Further, the committee voted to authorize 400 units of family housing at the naval complex, Jacksonville, Fla., and 325 units at the naval complex, San Diego, Calif., which units had been previously authorized at installations and facilities now slated for closure or substantial reduction. The Defense Department also requested an increase in the maximum square foot limitations on floor area in military family housing which ranged from 0 to 11 percent.

The committee was not convinced that the proposed new standard would provide any significant improvement to the housing over the existing standard. The small space increase would not provide additional rooms, but would provide minor increases in the size of existing rooms. Accordingly, the committee denied the requested increase in the maximum limitations on floor area.

The committee agreed to increase the cost limitations for permanent barracks and bachelor officer quarters. The committee action would make the new cost limitations $28.50 per square foot for permanent barracks and $30.50 per square foot for bachelor officer quarters. The previous cost limitations were $27 and $29, respectively. A new provision was added by the committee to prohibit the construction of permanent barracks authorized in titles I, II, III, and IV, which would provide for the planned occupancy of fewer than four persons per room for enlisted grades E–4 and below and fewer than two persons per room for enlisted grades E–5, E–6, and E–7. Current designs of the Department of the Army and the Department of the Navy presented to the committee would provide private bath facilities for each three-man room module, while the Department of the Air Force proposal would provide a private bath for each two-man room module. The subcommittee felt that the efforts on the part of the services to provide such accommodations were excessive and were neither necessary nor fiscally prudent.

That, in a nutshell, is our recommendation to the committee. We believe our recommendation to you is a good one, and one all of you can support.

Mr. Chairman, I reserve the balance of my time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. As the gentleman knows, the amended section 608 of the bill on page 46 has language in it that would allow military departments to exchange land with the General Services Administration under the GSA's authority, without going to Congress. I wanted to ask the gentleman several questions in connection with that for the record.

I wondered why the amendment has been added this year.

Mr. PIKE. It was the opinion of the subcommittee, and of the full committee, that by doing so we could cut out a great deal of redtape. The GSA is loaded with real estate which it has gotten from the military but they cannot give any of it back to the military in an exchange proposition for other pieces of property without coming back to the Congress. We did not think that made much sense.

Mr. LONG of Maryland. The GSA has been under considerable criticism, as the gentleman knows; it is far from a faultless agency. This new provision of course puts land exchanges under GSA authority. I wonder if that is very prudent and will be in the best interest of the military department?

Mr. PIKE. Any proposed acquisition by the military over $50,000 under this amendment would be reported by the military department concerned to the Armed Services Committees of both the House and the Senate 30 days in advance, under title 10 of the United States Code. This is under existing law.

Mr. LONG of Maryland. So anything over $50,000 would be under the purview of the Congress?

Mr. PIKE. Yes.

I think it will eliminate redtape and allow them to exchange one chunk of military-owned property for another chunk of military-owned property through GSA much more rapidly than under present provisions.

Let me be complete in my answer. It is not necessary for just property held by the GSA but the property which they acquire by the military.

Mr. LONG of Maryland. So the gentleman believes there are ample safeguards to protect the public interest?

Mr. PIKE. Yes, I do.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I take this opportunity to commend the gentleman and all the members of the subcommittee for the careful manner in which they have gone over this budget request. Military construction is not the most glamorous issue. It is a very diffuse situation and I do think the House owes the gentleman and his whole committee a debt of gratitude for bringing this bill to the floor.

Mr. PIKE. I thank the gentleman very much.

I want to pay my own respect to all the members of the subcommittee who did sit through those hearings, which were just about as interesting as reading an encyclopedia or a dictionary of a foreign language one does not understand. We had 25 separate sessions in going through this bill. It did take a great deal of time. The members were most cooperative. Our staff, under Mr. Shumate, was tremendously effective in helping us.

I do think we have cut this bill substantially, and sometimes on unanimous votes and sometimes on close votes, but we came up with a bill which was reported unanimously by the subcommittee and unanimously by the full committee. I hope it will pass the House in the same way.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I also commend the chairman for the very careful work of the committee. As a matter of fact I think the other body passed this bill through in a very short time. We took a great deal of time in trying to be as fair as we could. I think we have now a very fine bill.

I would like to comment in support of the Army's efforts toward pollution abatement.

The past few years have seen a tremendous effort on the part of the Army to comply with Executive Order 11507 of February 4, 1970, and with local, State and Federal pollution abatement regulations. In fiscal years 1972 and 1973 a total of over $131 million in construction was programed by the Army and approved by Congress in support of this program. In this fiscal year 1974 bill the committee reviewed Army pollution abatement projects, both for air and water, proposed for 27 installations located in 22 States.

This year's program totals over $14 million, down somewhat from the earlier programs which responded to the major requirements known at the time. The fiscal year 1974 program continues the drive toward a cleaner environment and satisfies newly identified requirements derived from increasingly more stringent standards. It also accomplishes projects which were deferred from inclusion in earlier programs for technological reasons.

The future will bring further increased standards and greater technological demands in this fight to cleanse our environment. The Army, and the other services, are making a significant contribution toward winning this battle.

Gentlemen, I solicit your support for this worthy program which is clearly in the national interest. Thank you.

Mr. KING. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire (Mr. WYMAN) who I understand wants to get out of town as quickly as possible to attend a special dinner tonight.

Mr. WYMAN. Mr. Chairman, I appreciate very much the gentleman from New York recognizing me at this time. It so happens our distinguished senior Senator has a 50th anniversary celebration in New Hampshire tonight and I have to go up there tonight along with my colleague, the gentleman from New Hampshire (Mr. CLEVELAND).

I want to make one or two comments about the factual situation that we face here.

At page 22 in the committee's report now before the House, it is indicated that a modification in the crane rail system request for the Portsmouth Naval Shipyard has been denied on the basis that it may be deferred to a future year "without serious impact on the shipyard's operations." Apparently, the committee erroneously concluded that the funds requested for this crane rail system, $2,817,000, constituted an add-on to the original bill. For this reason, the committee denied the funding together with several other projects believed by the committee to be in this category.

The concept of "add-on" relates to items not requested in authorizing legislation being reported by the committee. This item was officially requested by the Navy Department in a letter to the chairman of the Committee on Armed Services, Hon. F. EDWARD HÉBERT, on July 17, 1973. In this letter, the Navy indicated that it would make adjustments within the budget so that no additional appropriations were requested. Specifically, it offered to delete and defer a part of the funds for a hospital replacement in Orlando, Fla., to the extent of $1,331,000, and reductions of Trident support complex and flight test facilities in phase 1, totaling $6,903,000.

In short, what the Navy Department has done in this instance is to request that the money for this crane rail system be authorized to it, with a full offset at its request from other moneys heretofore allocated by it to other purposes.

The crane rail system at Portsmouth is badly needed and fully justified. It meets the requirements of the subcommittee and the full Committee on Armed Services for it is not an add-on and apparently an honest mistake has occurred with regard to this item. In short, it is a substitute.

I quote from the letter of the Navy Department to Chairman HÉBERT on July 17:

> The Department of Defense and the Office of Management and Budget have approved several important revisions to the Navy's Fiscal Year 1974 Military Construction Program. These agencies have granted clearance for the Navy to present the changes to the Armed Services Committees for modification of the Fiscal Year 1974 Military Construction Authorization Bill.
>
> The proposed changes will not increase the amount contained in the President's budget for Military Construction.

Attached to this request was an explanatory sheet, as I have said, indicating where certain items requested in May were to be dropped or reduced to accommodate the increase requested for Portsmouth.

The reason the Navy delayed its request for this substitution was because, of necessity, it had to respond to the base-realinement announcement made by the Secretary of Defense in late April. The bill before the committee was submitted on May 3 and the Navy Department did not have time to assess its particular situation in terms of what materiel and equipment would be made available to installations not affected by the closure order from those scheduled to be closed.

In late 1972, the final modernization report for the Portsmouth Navy Yard pointed to a deficiency that needed urgent attention. This was the fact that the yard badly needed additional new heavy equipment cranes for the performance of work on the waterfront in the repair and overhaul of nuclear submarines. However, the cranes would have to be specially ordered because the rails over which these 56-ton cranes would move—next to the drydock work area—were of the 15-gage width, while most portal cranes of this capacity made today need a 20-gage width. This equipment is very expensive and the lead-time in ordering it is almost a year and a half.

In June, the Navy determined that two large portal cranes could be made available as a result of the closure of the Boston Navy Yard and that the net result would be a saving in the long run; in addition to modernizing a needed weight-lifting service, which is presently only 60 percent of that required in the performance of work at the Portsmouth Yard.

The requested crane rail system would provide an additional rail for an obsolete gage track system serving two of the three drydocks and two of the main berths at the Portsmouth Navy Yard. The additional rail will enable the facility to utilize present 15-gage, 20-ton cranes as well as the additional 20-gage 56-ton cranes scheduled from Boston.

Mr. Chairman, deferral of this needed project will seriously impact on the shipyard operations, because the existing cranes cannot provide required lifting services without costly delays in overhaul and repair of modern nuclear subs. These delays are estimated to cost $400,000 each year and increase overhaul time for each submarine by at least 5 days. Deferral will also complicate removal of the two 56-ton cranes required by Portsmouth from their present Boston location. Provision of the added rail system will obviate the necessity of purchasing two new cranes later on.

I am convinced that the Government will realize a saving by providing the funds now and that to delay will cost the taxpayers substantial additional sums that can be avoided by acceding to this Navy request.

Therefore, Mr. Chairman, as a member of the Defense Appropriations Subcommittee, I respectfully urge my colleagues, after considering these facts and alternatives, to recede in conference to the Senate bill (S. 2408), which contains authorization of these funds for this purpose. The Navy is going to keep the Portsmouth Navy Shipyard. I am advised that its mission is established and consists of the repair, overhaul, and conversion of nuclear submarines. They must eventually modernize the 15-gage track system there and have properly requested this authority as a substitute in order to accommodate the cranes to be transferred to Portsmouth from the closing of the Boston Navy Yard. Unless this work is done and done now, the Portsmouth track system will be unable to accommodate these cranes and they will have to sit unused for an additional year. This is wasteful and unnecessary.

I accordingly respectfully request from my colleagues that they will cover this point in conference since the funds are authorized in the Senate bill.

Mr. Chairman, I would like at this time to inquire of the distinguished gentleman from New York, the ranking minority member of the committee, whether this matter will be attended to in conference.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from New York.

Mr. KING. Mr. Chairman, if I am one of the conferees, I can assure the gentleman that I will do my best to see that it will be taken care of in conference.

Mr. WYMAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, so that the record will be complete in this matter, at this point I include a copy of the Navy request for substitution submitted to Chairman HÉBERT on July 17, together with a specific justification for the project:

DEPARTMENT OF THE NAVY,
Washington, D.C., July 17, 1973.
Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services,
Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Defense and the Office of Management and Budget have approved several important revisions to the Navy's Fiscal Year 1974 Military Construction Program. These agencies have granted clearance for the Navy to present the changes to the Armed Services Committees for modification of the Fiscal Year 1974 Military Construction Authorization Bill.

The proposed changes will not increase the amount contained in the President's budget for Military Construction, Navy.

A listing of the requested changes to the Navy program, the justification for each change, and the legislative language to effect the necessary modifications to the Authorization Bill submitted to the Congress on 3 May 1973 are enclosed.

Favorable consideration of these changes is requested during deliberations on the FY 1974 Military Construction Authorization Bill.

A similar letter has been submitted to the Chairman of the Senate Armed Services Committee

Sincerely yours,
JACK L. BOWERS,
Assistant Secretary of the Navy,
Installations and Logistics.

PROPOSED MODIFICATIONS TO NAVY'S FISCAL YEAR 1974 MILITARY CONSTRUCTION AUTHORIZATION PROGRAM

NEW AUTHORIZATION—TITLE II

[In thousands of dollars]

Installation project	From	To	Change
INSIDE THE UNITED STATES			
First Naval District: Portsmouth Naval Shipyard, Portsmouth, N.H., additional crane rail system	0	2,817	2,817
Sixth Naval District:			
Naval Hospital, Orlando, Fla., hospital replacement	22,312	20,981	(1,331)
Naval Coastal Systems Laboratory, Panama City, Fla., systems development and test facility	2,100	2,300	200
Naval Aerospace Regional Medical Center, Pensacola, Fla., medical/dental support facilities	0	1,084	1,084
Eleventh Naval District: Naval Air Station, Miramar, Calif., applied instruction building	1,123	1,542	419
Twelfth Naval District: Naval Air Station, Moffett Field, Calif., operational trainer building addition	0	430	430
Various locations—inside United States, Trident facilities: Trident support complex and flight test facilities, phase I	125,223	118,320	(6,903)
Net—Title II new authorization changes	150,758	147,474	(3,284)

AMENDMENT TO PRIOR AUTHORIZATION

	Auth. cost	Current working estimate	Change
Fiscal year 1971 authorization law: Naval Weapons Laboratory, Dahlgren, Va.— Sewage treatment system	530	779	249
Fiscal year 1972 authorization law: Naval air station, Meridian, Miss., installation total [1]	3,266	3,859	593
Fiscal year 1973 authorization law: Naval ammunition depot, McAlester, Okla., bomb loading plant modernization	5,946	8,388	2,442
Total amendment changes	9,742	13,026	3,284

[1] An amendment is needed primarily because of the escalation of the bachelor enlisted quarters (BEQ) project. Since there is a more urgent requirement for the BEQ, than the enlisted mens (EM) club it was decided to proceed with the BEQ construction and defer the EM club construction until enactment of the fiscal year 1974 Authorization and Appropriation Laws.

JUSTIFICATION

The Additional Crane Rail System project was included in the Navy's FY 1974 Military Construction Program at $2,817,000. The Senate Armed Services Committee authorized the project in S. 2408 on 13 September 1973. The House Armed Services Committee denied the project on the grounds that it could be deferred to a future year without serious impact on the Shipyard operations. The justification for the project is as follows:

a. The project provides an additional rail for an obsolete gage portal crane track system serving two of the three dry docks and two of the main berths at the Portsmouth Naval Shipyard. The additional rail will enable the Portsmouth Shipyard to utilize two large portal cranes to be made available as the result of the closure of the Boston Naval Shipyard the latter part of Fiscal Year 1974. Existing cranes can also continue to operate on the old track. Deferral of the project will seriously impact on the Portsmouth Shipyard operations because the three existing cranes cannot provide required crane services without costly delays in overhaul and repair of modern submarines. These delays are estimated to cost $400,000 each year and increase overhaul time for a submarine at least five days. Deferral will also complicate removal of the two 56-ton capacity cranes required by Portsmouth from their present Boston location.

b. The Portsmouth Naval Shipyard workload has recently changed from predominantly new construction of modern submarines to overhaul and repair. An engineering study by a commercial firm recommended augumentation of waterfront crane services to provide the additional crane lifts necessary for the overhaul work. Available portal crane service is only 60 percent of that required. The Shipyard Modernization Program completed in 1972 for Portsmouth planned acquisition of two additional cranes designed for the obsolete gage of the present system but of limited lifting capacity because of the gage restriction. Provision of an additional crane rail and utilization of the two cranes available from the Boston Naval Shipyard, due to the realignment of the shore establishment, will provide a more modern system with greater capability and obviate the necessity to purchase new cranes.

Mr. KING. Mr. Chairman, I yield myself such time as I may require.

Mr Chairman, I rise in support of H.R. 10614, the fiscal year 1974 military construction authorization bill. This is a sound bill. I urge its immediate enactment.

At this point, I would like to commend the chairman of the subcommittee, the gentleman from New York (Mr. PIKE) for his vigorous and patriotic leadership in drafting and presenting this bill. The members of the subcommittee also worked diligently and effectively to produce it. They, too, deserve much credit.

Mr. Chairman, this is the second of the major authorization bills that the Armed Services Committee presents to the House each year. Earlier, we presented the weapons procurement authorization bill.

I would like to express my full support of H.R. 10614 because it recognizes twin goals. It provides construction which our committee believes to be necessary, and at the same time it recognizes the President's call for economy and a reduction of defense expenditures whenever possible. I will not take the time of the House to go into extensive detail, because I do not think it is necessary to repeat what most of you have read in our report.

The reductions made by the Armed Services Committee were not based on a judgment that the items were not desirable or important but because the committee felt they could be safely deferred without jeopardizing the security of the Nation or reducing the effectiveness of our military services.

Last year, the net reduction we were able to make was approximately 3 percent. This year, as pointed out by the chairman, we were able to reduce the Department's request by 11.4 percent. I know that there are Members who feel that there are justifiable programs in their districts which deserve to be authorized.

I can only say that, looking at one project alone, I would probably agree with them. However, we are obliged to evaluate each project on its merits relative to other proposed projects. This bill is limited to what we deem essential. We look upon a stable economy as a second line of defense.

Mr. Chairman, there are many other things I could say about this legislation, but I will not take the time of the House to do so now. The committee report fully spells out the programs approved, and we are prepared to answer any questions that the Members may have.

I hope the Members of the House will support this bill unanimously.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. KING. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 10614, the military construction authorization bill for fiscal year 1974. The proposed 100-bed hospital at the U.S. Military Academy at West Point will fill a need that has been recognized for several years. The present facility is inadequate to serve the medical needs of the Academy's large, growing cadet corps.

The new West Point hospital is expected to serve the community at West Point for at least 20 years. If history is any guide, it will probably serve for more than 50 years before being replaced.

There are several major considerations favoring the construction of a new hospital at West Point: The Army's long-range projections for the size of the Academy community; the Surgeon General's estimate of hospital utilization and the Defense Department's allowances for hospital use by retired personnel.

Several alternative plans, including a facility of reduced size and a renovation of the existing facility, have been considered, but it has been reasonably concluded that neither of those alternatives will result in sufficient savings justifying the sacrifice of functional necessities provided by a new hospital. None of the alternatives can provide the modern, efficient health care made possible by a new hospital in a location removed from the congested activities of the central cadet area.

To serve one of the finest military institutions in the world, it makes sense to have a first-rate hospital.

Mr. PIKE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I appreciate this opportunity. I want to congratulate the chairman of the subcommittee and the staff and all the Members for their careful and hard work on this bill, particularly at this time when we are trying to save, if we can, financial burdens on our country. It has been a very determined effort on their part, which has been successful, to keep this bill down to a bare-bones type of presentation.

Mr. Chairman, it is a very real pleasure to address my colleagues on the subject of the military construction bill. The committee on Armed services, under the most learned and able leadership of the distinguished gentleman from Louisiana has produced a sound, well-balanced program for each of our military services. I welcome this opportunity to speak in support of enactment of this military construction authorization bill. I will address my remarks to title II of the bill, the Navy's program, which totals $539.9 million.

The purpose of the naval shore establishment is to provide the required logistic support for our modern naval forces. With today's technological developments resulting in an evolution of new and more efficient naval forces and weapons systems, modern and in many instances complicated and unique shore facilities are required to give the proper support. The Armed Services Committee has the continuing objective of ensuring that naval and Marine Corps units receive the necessary authorization to provide those essential facilities required for the maintenance of a high state of combat readiness. Construction, as authorized in this bill, will provide positive advances in accomplishing this objective.

In order to assure that the shore stations are fully capable of providing needed support, the Navy maintains surveillance of the facilities available and required. As deficiencies are identified, new weapons systems become operative, and as advancements are attained through research, the Navy's military construction managers conduct critical reviews of the competing facilities requirements. By this means, the Navy determines which of the urgent requirements are most urgent. This procedure results in a finely balanced program such as is contained in title II of the bill.

This year the Navy stressed the projects associated with: strategic forces—which is primarily Trident—and all-volunteer force, major weapon systems, pollution abatement, new technology, and training facilities.

STRATEGIC FORCES

The committee approved $118.3 million to initiate construction of a Trident refit complex and facilities for flight testing the Trident missile. The facilities approved this year are vital for meeting the initial operational capability date of late calendar year 1978 for this weapons system which will be the country's seabased deterrent in future years. The Trident facilities support project represents 21 percent of this year's authorized program.

ALL-VOLUNTEER FORCE

Almost 30 percent of the Navy's program this year was assigned to projects that will assist the Navy in achieving an all-volunteer force. These projects are in the categories of bachelor housing, community support facilities—which are clubs, exchanges, commissary stores and recreational facilities—medical facilities and facilities which enable a ship in port to shut down its boiler plant and electrical generation equipment. The latter facilities are identified as cold iron facilities.

For projects associated with an all-volunteer force, approximately 80 percent was requested for bachelor housing and medical facilities. The bachelor housing facilities approved will provide approximately 10,900 bachelor enlisted and 200 bachelor officer spaces. The medical program approved this year of approximately $42 million significantly increases the $28 million average of the last 5 years. This year's program is the start of an active program by the Department of Defense to improve the delivery of health care to service personnel. Cold iron facilities, which represent about 14 percent of the all-volunteer force projects, were requested by the Navy to reduce watch standing requirements when a ship is in port. This will enable the Navy to maximize the amount of time ships' personnel may spend with their families. Other benefits from the cold iron program is in shipboard equipment maintenance and fleet readiness. Community support facilities are only 6 percent of the all-volunteer projects and only 2 percent of the total authorized program. The Navy has requested very few morale, welfare and recreation facilities in the past, but some of these facilities should be authorized each year to provide stimulating leisure activities for Navy personnel.

MAJOR WEAPON SYSTEMS

For major weapons systems, the committee approved only $8 million for projects associated with the F–14 supersonic jet carrier based fighter aircraft, the A–7E attack aircraft, the Mark 48 torpedo, and the airborne mine counter measures weapons system. Although this seems small, it should not be forgotten that $118 million was addressed and approved for Trident under strategic forces weapon systems.

POLLUTION ABATEMENT

This year the committee approved $78.6 million for air and water pollution abatement facilities at naval and Marine Corps installations, with a breakdown between air and water of $27.5 and $51.1 million, respectively. With $204 million authorized for the Navy since fiscal year 1968, the Navy advised that they have been able to achieve substantial compliance with directives concerning the environment. The Navy indicates that pollution abatement efforts must continue strong in succeeding years with attention focused on:

First, facilities that have been deferred pending development of the necessary technology, or deferred pending availability of regional systems to connect to; second, additional facilities for shoreside disposal of sanitary wastes from ships; third, application of forthcoming noise standards to naval facilities; and fourth, facilities needed to meet increasingly stringent local, State, and Federal pollution abatement standards. These new standards are being developed, in large measure, as a response to recent congressional actions such as the Federal Water Pollution Control Act Amendments of 1972, the Clean Air Act Amendments of 1970, and the Noise Control Act of 1972. Each of these acts contained a specific requirement that Federal agencies comply with Federal, State, interstate, and local standards.

NEW TECHNOLOGY

For new technology the committee approved $22 million for research, development, test, and evaluation facilities associated with the antiship cruise missile, communications, manned underwater systems, and coastal region warfare. This excludes $4 million of R.D.T. & E. facilities associated with the Trident missile, since all Trident facilities were previously addressed under strategic forces

TRAINING FACILITIES

The Navy states that trained personnel are the Navy's greatest asset. This being the case, the Navy is taking several positive actions to strengthen, modernize, and vitalize its training programs. One action was the establishment in August 1971, of the Chief of Naval Training with the responsibility of overseeing and managing all training, whether academic or applied, shipboard, aircraft or submarine. Training with a common core curriculum will be consolidated to the degree feasible at one installation.

The committee approved $50 million for training facilities with 89 percent for applied instruction and the balance for academic training facilities.

SUMMARY

The Navy program provides facilities for those areas of greatest need. The projects are required this year to satisfy new and current missions, and to provide facilities to modernize the shore establishment. I recommend that this bill be enacted as reported.

Mr. PIKE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, the committee has worked long and hard, and this bill contains many good things, particularly including the increase in authorization for housing. I appreciate the committee's help for my district. However, I believe I should call attention to the fact that a number of budget-approved items which were sent to the committee after the regular budget submission or were proposed as substitutes by the Department of Defense for items deleted by the Department from the original bill, were not reported favorably by the committee.

Since I am fully knowledgeable on at least one of these projects, I call to the attention of the committee my disappointment in the deletion of medical/dental support facilities requested for the Naval Aerospace and Regional Medical Center in Pensacola for $1,084,000. This project, although small in size and low in cost, is necessary for proper medical attention for naval personnel, particularly at the Naval Communications Training Center. A new naval hospital is under construction at the Naval Air

Station. It was planned to locate all clinical and support facilities for the Pensacola area in this hospital. At the time the new hospital was programed, the projected student load at the Naval Communications Training Center was 1,700. Now it is 4,100 and this is considered its permanent level. Such a large increase requires that medical/dental treatment be provided as quickly as possible to the student population at the training center rather than at the general hospital which is several miles away.

Concurrent with the increase in the student load, a new requirement to establish a family practice residency program at Pensacola was generated. This program will train Navy doctors who will provide vital health care services of the "family doctor" type to naval personnel and their dependents. The Navy has experienced shortages in this type of medical personnel, as has the rest of our society. They have wisely decided to institute programs at several of their medical centers in order to train Navy doctors in family practice. The family practice residency program at Pensacola was temporarily established in a bachelor enlisted quarters building at the existing hospital site. In order for this family practice residency program to perform in an effective manner, following completion of the new hospital, it must be operated in the area of the new naval hospital and receive common ancillary services support; that is, laboratory, radiology, and pharmacy.

With these new requirements, the construction program to support the concept of health care delivery requires a medical/dental treatment directly in the student area at the Training Center. This will permit conversion of the active duty sick-call area of the new hospital to a family practice clinic. Additionally, this project will permit the construction of a regional medical warehouse convenient to the new naval hospital. If this project is deferred, the delivery of health care in the Pensacola area, particularly as it affects active duty students at Corry Field, will diminish and family practice training will be adversely affected.

I am well aware of the problems which confront this committee in its attempts to be selective and to provide authorization only for projects which are seriously needed. This is one of those projects. Which is seriously needed. I feel that the committee made a mistake in leaving it out, and I sincerely urge that the committee, in conference, accept this item which already has been approved by the Senate and is in the Senate bill.

Mr. KING. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I would like to support the recommendations for the increased statutory limitations on average unit costs in the defense family housing program.

To meet the requirements of an all-volunteer force, a force which we of the Congress support wholeheartedly, the services must attract and retain quality personnel. Adequate housing for the serviceman and his family is recognized as an essential element in obtaining that goal. Time and our changing living standards have eroded the adequacy of military housing, even that which we have built in recent years and have yet to build under the fiscal year 1973 authorization.

I solicit your support to provide a program which will, in fact, allow the development of adequate housing for the uniformed services.

In fiscal years 1972 and 1973 the statutory limitation for new construction was $24,000. The services experienced great difficulty in obtaining housing at that figure in fiscal year 1972 and could not, in fact, obtain all the housing authorized for that year. Houses that were built were kept within the statutory limit only by the sacrifice of many items considered standard in modern construction. The fiscal year 1974 program is in more difficulty yet as costs have increased rapidly while the statutory limitation remained the same. Construction costs have continued to rise, more than 20 percent since the fiscal year 1972 legislation was passed. The statutory limit must be increased accordingly to provide for an adequate housing program.

Of equal importance is the necessity of improving existing military quarters to the standards demanded by today's life style. Many of these quarters were built in the early 1950's and have not been improved since. Rising construction costs, again, have impacted on this program to the point that necessary improvements cannot be accomplished under the limitations imposed in previous years which was $10,000. The $15,000 recommended is both reasonable and necessary.

Our goal to develop and maintain an all-volunteer force will be greatly enhanced by this proposal and I encourage your support in this important matter.

Mr. KING. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. BEARD).

Mr. BEARD. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I would like to comment on behalf of the troop housing projects for the Army in the bill before you.

The Army is continuing their very determined efforts to provide modern, adequate housing for their bachelor military personnel. They are proceeding in a well planned, orderly manner. In locating the many projects included in this year's program the Army has assured us that emphasis has again been placed on those troop stations which have the largest deficits in permanent, adequate bachelor housing.

The fiscal year 1974 military construction bill will provide nearly 70,000 spaces for enlisted personnel and over 800 spaces for bachelor officer personnel at permanent installations in the United States. This program is essentially the second major increment of this multi-year program.

The proper housing of our soldiers is a most critical aspect of our support for the Armed Forces. The Army should be commanded for their massive efforts in this regard.

Mr. Chairman, I solicit approval of the housing projects in this bill before us.

Mr. KING. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. O'BRIEN)

Mr. O'BRIEN. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I would like to support the construction of the Army medical facilities included in the bill before you.

There have been major advances throughout the medical field—in equipment, in medicines, in facilities, and in health care delivery techniques—having significant impacts on health servces. Unfortunately, the military services have, for a variety of reasons, lagged somewhat behind in taking advantage of many aspects of these advances. We can ill afford to let such a condition exist for our soldiers and their families.

Particularly deficient are the facilities. For several years many of our military hospitals and clinics have functioned in old World War II temporary type wooden structures. These buildings have long ago outlived their functional adequacy and economical life. Operating from such inadequate facilities places an even greater burden on often undermanned staffs. Many of our more recent hospitals located in permanent structures are inadequate on a space basis. They have an insufficient number of treatment rooms and outpatient clinics, often the pharmacy area is much too small, or the inpatient wards offer little flexibility leading to inefficient utilization.

This year's bill includes a modest start on an accelerated medical facilities improvement program directed by the Secretary of Defense in late 1972. There are four medical projects totaling over $32 million in the bill recommended by your committee. Not reflected in this bill is an extensive planning and design effort now ongoing which will surface in medical projects proposed in later programs.

I am convinced the Army's efforts to improve health care for our soldiers and their families deserves our strongest support. What could be more in the national interest than the well being of our Armed Forces. I solicit your approval of the Army's medical facility projects.

Mr. Chairman, in conclusion, I would like to comment that the Empire State has never been better represented than it is on this subcommittee, with the lion's share of the credit for a well-done job going to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I wish to point out that in this authorization there is an item of $11,996,000 for berthing piers and pier facilities at the San Diego Naval Station in California.

The need for these facilities arises because of the recent shore establishment reorganization and the consequent fleet relocations which have ensued from that reorganization. The entire armada of ships that was, for many years, homeported in the Port of Long Beach, Calif., adjacent to the Long Beach Naval Shipyard, has been moved elsewhere, mostly to San Diego. Some 43 Long Beach ships were involved in this massive shift in home ports. Three of the affected ships are large, very expensive nuclear surface ships: The *Bainbridge*, the *Truxton*, and the *Long Beach*. These nuclear powered ships cost about $1 billion to build and would cost almost $2 billion, possibly even more, to replace.

Now, while home-ported and stationed at the Port of Long Beach, these three important ships are tied up to piers that are easily accessible to the ocean. All a commander has to do is to back down about 100 yards, make a slight left turn, and he heads his ship directly out to sea and to safety from these locations.

In contrast, after these ships are moved to the Port of San Diego, they will be tied up at piers back far inland from the entry buoy in San Diego. Back to where two of these ships will probably be tied up is a distance of 8 miles inland, 8 miles through a narrow, 600-foot channel, in waters that themselves are quite shallow in relation to the kind and depths of waters that one would like to travel in when considering the safety of his ships. If that bridge were ever brought down, those ships would remain immobilized for a great length of time.

The two other nuclear cruisers would go as far as 6 miles back inland in San Diego Bay, also via this same narrow tortuous, shallow, heavily trafficked channel.

There are not only such things as attacks that could bring that bridge down, or otherwise block that channel and actively or constructively destroy those priceless ships, but there are such things as earthquakes, sabotage, civilian disturbances, tidal waves, maritime action, and probably a host of other hazards to which vessels of the sea are always subjected when they leave the sea and come to the vicinity of the shore.

Those hazards can be diminished by many orders of magnitude if these three ships are left at Long Beach rather than moved and landlocked deep in San Diego Bay. They should be left where they are relatively safe, not deliberately sent where they are relatively endangered.

I call to the attention of this body the fact that these unique and extraordinary naval cruisers are the kinds of ships that precisely during World War II became the focus of the entire war.

You remember the dramatic story of the *Graf Spee*, when that pocket battleship escaped from the land-bound harbor of Hamburg, Germany, and swept out across the seas of the world. The entire military focus of the allies necessarily had to be on that single ship until she was tracked down and destroyed.

Here are three ships of an identical character, but even greater power potential so long as they can get to sea. These ships should not be placed in harm's way by being berthed far inside a narrow, dangerous channel. They should be left where they are, where they have a clear chance to quickly flee hazardous circumstances, where they have a chance to flee to the open sea where they can be relatively safer than they are at the land. Then they will be able to perform the functions for which the tremendous investment in them was made to safeguard the safety of the United States.

The expenditures that are to be authorized here for the berthing and the pier utilities at San Diego can be used for other ships than these three specific nuclear ships about which I speak. It would be impossible to devise an amendment that would cover the situation only of these special ships to keep them where they are now. I nevertheless want to point out to this body that I believe a very unwise error is being made by the redeployment of these ships. Perhaps that can be forestalled in some other way, particularly by some wisdom on the part of high naval authorities.

The alleged savings in money to be made by jamming San Diego Harbor full of most of the Pacific Fleet is minuscule compared to the Pearl Harbor-like danger this penurious move poses.

Mr. PIKE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation and want to join in commending the chairman of the subcommittee, the gentleman from New York (Mr. PIKE) for his leadership in this bill.

I have been a member of this subcommittee for some time, but I do not think I have ever seen the committee work as diligently and over as long hours and as carefully, particularly in going over a military construction bill, as it did under the leadership of the gentleman from New York.

Every item was gone over with great care. The deletions that were made in the proposals submitted from the Defense Department were based on sound judgments. It was not just a meat axe approach, taking a percentage cut or something of that kind. These cuts are all based on hard statistics. I think the committee is indebted to the gentleman from New York for his leadership in that regard.

This is a bill that certainly we can live with in the House and in the committee.

We frequently hear reference to travel by Members of Congress as being a waste of time. I might point out that one of the substantial savings in this legislation comes at least in part as a result of the fact that some members of the committee had an opportunity to visit military installations abroad during the spring and noticed that some of the accommodations that were being described to us as outmoded and inconsistent with current standards set by the Defense Department were in many cases more luxurious than those presently available to students in colleges.

This in some cases even includes Ivy League colleges.

So one of the substantial achievements in this legislation is to reduce some of these inflated requirements of the Defense Department for additional space for housing of personnel to bring them more into line with reality, and to save the taxpayers some money. And that, too, was a measure instituted and followed through by the gentleman from New York (Mr. PIKE).

So, Mr. Chairman, I am glad to have been included in this subcommittee. And I think Members will be happy to know that junkets can save the taxpayers money.

Now to consider the bill in more detail:

Mr. Chairman, although I consider all portions of the bill to be of equal importance, I will address my remarks to the Navy program. In particular, I will address my remarks to that portion of the Navy's program that provides facilities for new technology—research, development, test, and evaluaton—R.D.T. & E.—facilities; medical facilities; and pollution abatement.

The Navy requested new authorization of $626.8 million and the committee authorized $539.9 million. With this reduction, the committee had to use considerable judgment in differentiating between the fat and the muscle of the Navy program. Of the $626.8 million requested, the Navy requested approximately $23 million, or 4 percent of its program, for facilities to support the Navy's research, development, test, and evaluation program. A strong R.D.T. & E. program is vital to the readiness and combat effectiveness of tomorrow's Navy which will have fewer weapons and men. This year's program will provide facilities to support R.D.T. & E. associated with antiship cruise missile, communications manned underwater systems, and coastal region warfare. An additional $4 million of R.D.T. & E. facilities are included for supporting timely deployment of the Trident missile.

One of the important R.D.T. & E. facilities approved this year is the project for an integrated electromagnetic test and analysis laboratory at the Naval Research Laboratory, Washington, D.C. Although this is a classified project an unclassified description can be provided to show the importance of providing the facilities needed by the Navy in conducting this research, development, test and evaluation. The proposed facility will enable the Navy to move ahead in the vital area of electronic warfare alternatives for countering the threat to our surface fleet posed by the antiship cruise missile. The Soviets have advanced their hardware development for many types of anti-ship weapon systems such that after being air, surface, or subsurface launched and attaining low level, supersonic cruising speed they can home on surface ship targets. The Navy expects the anti-ship missile threat to grow as the Soviets develop increased capabilities for multiple missile launches against entire task forces and as they install improved guidance and homing systems into the ships and submarines of their fleets.

The integrated electromagnetic test and analysis laboratory project will provide a facility to support research and development in an area offering great potential as a countermeasure—one that provides significant peace and wartime capabilities and which will complement the "hard kill" approach of our defensive systems embodied in the interm close-in weapons systems (CIWS) or the longer range AEGIS system. This facility fosters electronic warfare research and development and will permit the Navy to make the necessary tests and trade-off studies to develop countermeasures which are both highly reliable and cost effective. Simply stated, the technology the Navy is pursuing will allow highly sophisticated electromagnetic "jamming" and "deception" techniques to be employed by individual ships or entire task forces to divert incoming missiles from their intended course, causing the missiles to miss and impact at a safe distance from the target. These techniques will also materially support and increase the effectiveness of the "hard kill" defensive systems.

The development of effective countermeasures for the anti-ship cruise missile is one of the Navy's top priorities. I fully support the committee's action in approving facilities at the Naval Research Laboratory, Washington, which will enable the Navy to move ahead with this research and development.

In the communications area, an electronics development and test laboratory was approved in the amount of $4,518,000 at the Naval Electronics Laboratory Center, San Diego, Calif.

This project will provide facilities needed for effective development and try-before-buy performance testing of electronic guidance control, communications, and surveillance systems for the new guided missile frigate, destroyer, and amphibious assault ships.

In the area of manned underwater systems, the environmental health effects laboratory—second phase—approved at the Naval Research Institute, Bethesda, Md., will provide facilities to experiment with animals at a 3,300-foot depth so that operational human diving depths may be lowered from 1,500 to 2,000 feet and beyond.

At the Navy Coastal Systems Laboratory, Panama City, Fla., an experimental diving facility was approved that will utilize the results of the basic research completed at the environmental health effects laboratory, in testing and evaluating diving schedules, excursion diving, crew training, and underwater salvage operations.

In the coastal region warfare field, a system development and test facility was approved for coastal testing and amphibious operation research at the Navy Coastal Systems Laboratory, Panama City, Fla.

MEDICAL PROGRAM

The medical program approved this year significantly increases the amount authorized in prior fiscal years. This year $42 million was authorized as compared with an average for the past 5 years of $28 million.

There is recognition within the Defense Department of a serious need to upgrade medical facilities so that the delivery of health care will be improved. The quality of medical care has not diminished, just the delivery. The majority of the inefficiencies in the Navy's present health care system stem from the inadequate facilities in which the physicians and dentists are required to practice their profession. Medical facilities that are unsatisfactory from a professional standpoint does very little toward motivating a physician or dentist to make a career of the Navy. In recognition of these problems, the Navy, under the direction of the Department of Defense, will embark next year on a $600 million medical modernization program with a 5-year goal for completing the modernization. Major medical improvement projects approved this year were: a 150-bed nursing unit at the Naval hospital, New Orleans; alterations and modernization of Naval hospitals at Quantico, Va.; Great Lakes, Ill.; Oakland, Calif.; Guantanamo Bay, Cuba; and Guam; and 11 dispensary and/or dental clinic projects.

POLLUTION ABATEMENT

This year the committee approved $78.6 million for pollution abatement for the Navy which will enable the Navy to continue the aggressive program initiated in 1968 to abate air and water pollution at Naval and Marine Corps installations. The Congress has given strong support to Navy requests and authorized through fiscal year 1973, $204 million for pollution abatement facilities. The breakdown between air and water pollution abatement facilities is $53 and $151 million respectively.

For air pollution abatement facilities, $27.5 million was approved for air emissions facilities, pipe insulation working facilities, facilities to control particulate and chemical fume emissions produced in the industrial operation of coating metal surfaces, and facilities to improve boiler plant emission through fuel conversions.

For water pollution abatement, $51.1 million was approved to provide for the construction of pier sewers for collection of sanitary waste from ships in port, facilities for handling fuels and collection, treatment, and disposal of oils and oily waste products from ships and shore installations, municipal sewer connections, improvements to sanitary sewer systems and treatment of industrial waste. Approximately 50 percent of the amount authorized is for the construction of pier sewers for disposal ashore of ship wastes. The construction of pier sewers is scheduled to coincide with the ship alterations.

SUMMARY

I wish to emphasize that in my opinion the Armed Services Committee has developed a soundly conceived, yet austere bill. I recommend that you approve it in its entirety.

Mr. PIKE. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I rise also in support of this legislation. I believe it to be good legislation. I wish also to commend the chairman of the subcommittee, and my colleague with whom I served on this subcommittee, and wish to point out that particular emphasis was placed upon the quality of life of the military man; a lot of attention was given to the place where the man lives, where the man eats, and where the man sleeps. I think that we put priority of the homes of the military service personnel and their barracks, and I believe that we have a fine modernization program under way.

We have new barracks which are being planned for present and future needs which are consistent with the goals of an all-volunteer Army concept, and I think this is good and consistent with the thrust which the Secretary of the Army and the Department of Defense are making.

Also, a matter which has been of some personal interest to me is on the use of lands adjacent to airfields, not only in the Air Force, but at Army installations. And in this regard, Mr. Chairman, I would ask unanimous consent that I may be permitted to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Chairman, I rise to invite your specific attention to a program designed to provide compatible uses of lands adjacent to military airfields which are consistent with essential flying activities. When our military airfields were established years ago, they were located in rural areas in order to protect population centers from the noise of aircraft operations and to minimize the loss of life and property damage in the event of an aircraft accident. Over the years this degree of separation has diminished as our country has experienced great urban expansion and as military installations have provided economic attractions to area development.

As a result, residences, schools, and commercial and public buildings have been constructed immediately adjacent to some of our airfields. The inhabitants soon experienced considerable annoyance from the noise associated with flying operations. This significantly increased as we moved into the jet age. All too frequently members of these communities have sought relief through limitations on or outright termination of military flight operations. Obviously, such actions seriously degrade mission capability and in turn jeopardize the substantial investment that the Federal Government, the taxpayer, has made in these installations.

To prevent this situation from becoming more critical, the Air Force instituted the compatible use zone concept in the military construction program. This concept involves the development of a comprehensive land use plan for the area around an airfield which is significantly affected by aircraft operations. Primary inputs into this plan are the noise impact and accident hazard associated with flying operations. A full range of land uses are permitted within the compatible use zone, with density and use restrictions governed by tolerance to the noise and accident hazards.

For example, this means that residential construction would be acceptable outside the high noise and accident potential areas.

Ideally, comprehensive community planning and zoning is the most economical and appropriate method of achieving this necessary compatibility. This approach has been used quite successfully at several installations and will continue to be the primary method of implementation. After zoning has been pursued to the fullest extent, the Air Force will attempt to secure interests in critical areas within the zone by an exchange for excess or surplus land of equal value. As a last resort, outright purchase of sufficient interest in the most critical areas may be made to assure compatible usage.

Based on this concept, and in furtherance of the effort instituted in the fiscal year 1973 military construction program, incremental implementation is continued in this bill. An authorization involving 78,000 acres at a potential value of $25.9 million was requested. In view of the progress toward zoning at several installations and in anticipation of successful exchanges where necessary. The bill limits the authorization to $18 million. Moreover, only $2 million is being requested in appropriation.

I am pleased to support an authorization that so reasonably approaches a serious problem and I suggest and solicit the support of this body so that the program may move ahead.

Mr. PIKE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman, I take this time in order to both commend my colleague, the gentleman from New York (Mr. PIKE) the chairman of the subcommittee, for bringing forth a bill that realistically addresses itself to those items that are truly necessary to carry on our defense mission, and to ask a specific question. There is an item in the bill on page 7, which would upgrade and improve facilities for the military ocean terminal at Bayonne, N.J. Let me state that we of the New York port area—and the "we" being we from the State of New Jersey and the State of New York—regard our port as one unit. We are engaged in comprehensive planning to provide those who use the port, with the best possible modern facilities, and that includes modern defense transportation facilities.

I would hope, as I read the bill, that local authorities: The city of New York, the State of New York, the State of New Jersey, and the city of Bayonne plus the port authority, would continue to have access to the committee and be able to work with the committee to see that the facilities of the port are utilized to the maximum feasible degree. These authorities also wish particularly to give the Military Sea Lift Command the kind of space it needs for efficient movement. As I read in the bill, Mr. Chairman, I note that the $1.8 million is to convert and upgrade the Bayonne facilities to put them in such shape that they can handle an expanded mission. I would hope this does not mean the committee has reached final determination that all defense activities at the Brooklyn Terminal will cease.

Mr. PIKE. Mr. Chairman, I would say to the gentleman from New York, in response to his inquiry, that, first of all, we are well aware of the gentleman's interest in and the gentleman's dedicated efforts on behalf of the Brooklyn Port and the Army terminals, and the Navy facilities there. The item in this bill, first of all, is essentially a cost overrun item, and it is not a transfer of the facilities from Brooklyn to Bayonne.

They found they could not build the administrative facilities there at the price of $3,245,000 which was authorized, so we have had to raise it from $3,245,000 to $3,603,000, and that is all it is. It is an increased authorization for a previously authorized project.

In response to the gentleman's larger question, I would simply say that while I cannot speak for the committee as a whole, I want to assure the gentleman that I personally will exert every effort that I can to see that Brooklyn gets its fair consideration as a naval port and as an Army terminal.

Mr. CAREY of New York. I thank the gentleman for yielding. I thank him for his comments.

I would advise the chairman I appreciate his offer of cooperation. I shall now state for the record that the city of New York and its ports and terminals commissioner in their economic development organization are working very assiduously to place alternatives before the Defense Department for port facilities upgrading plus a variety of options that will improve shipments in that area. I hope the committee will take a look at these when they are ready and suggest to the Department of Defense that New York should receive adequate consideration.

I thank the gentleman.

Mr. KING. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I should like to ask the distinguished yachtsman and chairman of the subcommittee, the gentleman from New York, a question that is not covered by the power that he has to answer other questions.

I am curious to know, does the first column on page 3 of the report represent the budget figure? In other words, how does the final authorization of the subcommittee compare with the budget?

Mr. PIKE. The gentleman is correct. The first column does represent the budget figure, the request of the Department of Defense for authorization.

Mr. GROSS. And that is the same as the budget?

Mr. PIKE. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. PIKE. And we have very substantially cut it, I would say to the gentleman.

I am glad that I was able to respond to his question without any advance notice or preparation. I am surprised.

Mr. GROSS. I thank the gentleman.

Mr. PIKE. I yield to the gentleman from California such time as he may consume.

Mr. STARK. I thank the gentleman and I should like to ask him a question relative to section 609 of the bill, the provision dealing with the National Capital Planning Commission.

I would ask the gentleman if he was aware of any litigation pending over the Bolling-Anacostia complex at the time this section was considered?

Mr. PIKE. I will not say I was aware of any specific litigation that was pending, but I am not surprised.

Mr. STARK. I mention that because I happen to be a plaintiff in a lawsuit against the Secretary of Defense concerning construction at Bolling-Anacostia.

There would be some question raised as to whether the intention of the committee was to interfere with that litigation.

Mr. PIKE. I would answer the gentleman with a categorical no, because I was not aware of the eixstence of the litigation.

Mr. STARK. I thank the gentleman.

Mr. PIKE. I yield to the Delegate from Guam such time as he may require.

Mr. WON PAT. Mr. Chairman, I rise in support of H.R. 10614, a bill to authorize the construction of needed military facilities at American bases throughout the world.

Included within this measure are approximately $9.5 million in requested projects at the Navy's sizable facilities in Guam. Additionally, both the Navy Department and the U.S. Air Force are asking permission to construct a total of 1,100 new housing units in the territory.

Section 515 of the bill would increase the present housing rental allowance limit from $250 to $290 per month for each family. In view of the rapidly increasing housing costs across the Nation, and particularly in the offshore American areas, passage of this provision will certainly be welcomed by the men and women in uniform.

It is readily apparent from the large amount which the Navy expends annually for construction on Guam that the island is vitally important to this country's defense plans. And we on Guam are proud of our part in helping the military to do its job. Many of our people are employed at the local military bases, and it is estimated that almost 4,000 Guamanians are serving in the Armed Forces.

Despite these facts, however, I regret to state that the U.S. Navy is relentlessly pursuing a course which will certainly destroy the amiable and close relations between the civilian and military communities on Guam unless promptly checked.

The problem concerns land. Shortly after U.S. forces recaptured the island in 1944, a great deal of our limited land area was taken by the military for their activities in the war effort. By 1950, the total of federally owned land amounted to almost 50,000 acres—one-third of the entire island—all of which they insisted was needed for national security.

During the next 25 years America became involved in two major land wars in Asia, both of which resulted in a dramatic rise in the level of military activity in the territory. And, despite the construction of many new facilities, over 11,000 acres of land which the military said was required for "national security" continues to lie unused—abandoned for all practical purposes and off limits to the very people who could make the land productive once again.

To a people living on an island only 30 miles long and 8 miles wide, every acre counts. Guam cannot afford the luxury of having 11,000, 5,000, or even 1,000 acres of our best land idle.

The problem of land shortage has grown more acute in recent years as Guam has begun to develop on a large scale. Our population is soaring, and our tourist industry has grown from a mere 10,000 tourists just 5 years ago to over 130,000 this year. We need space for development: housing, recreational facilities, schools and other public buildings. Our children need parks, and our sick and elderly urgently require new hospitals and nursing facilities. In short, we need to use our limited resources to enable us to develop an economy separate from the vicissitudes of military spending, which is precarious at best.

Needless to say, efforts by the Government of Guam to gain access to the unutilized portions of the federally owned properties have, for the most part, met with failure. Military authorities continue to insist that they need the vast land holdings for national defense purposes—this despite the fact that they have not made use of them for 25 years and through three major conflicts. Moreover, there is a compelling need for the Congress to be apprised of future military plans in the Pacific area if we are to avoid another Vietnam.

Last year, at my request, the President's Property Review Board directed the Department of Defense to conduct a long-range study of its land requirements in the territory. Known as Project Gateway, the study was completed by the Navy about September 1972, and promptly classified on the grounds that it contained additional material relevant to strategic matters.

On March 26, 1973, I wrote to then Secretary of Defense Elliot Richardson, asking that certain portions of Project Gateway be declassified. Naturally, I wanted only those portions relating to Guam and not material pertaining to strategic plans.

On May 3, 1973, Deputy Assistant Secretary of Defense Edward J. Sheridan wrote to me to say, and I quote:

> We have initiated action to provide you and the Governor of Guam, who also requested a copy of Project Gateway, an unclassified version of the study. We hope to be able to provide you with this document within the next few weeks.

Seven months later, Mr. Chairman, the Governor of Guam and I have yet to lay eyes on this elusive study, despite repeated requests.

Mr. Chairman, in 1944 the vast majority of our citizens on Guam did not question the massive landgrab by the military. We appreciated our liberation dearly, although many quietly resented the highhanded manner which some military officials used to obtain over one-third of the island.

Almost 30 years later, however, the patience of the citizens of Guam is running out. I do not believe that it is asking too much of our fellow citizens in the military to be honest and above board with us on the issue.

The people of Guam are not anti-military. Their loyalty to America is unquestioned. We want to preserve Guam's role in America's strategic plans. However, I do not believe that asking the military to also consider the growing needs of a civilian population is prejudicial to the defense interest of our country. A viable civilian community is essential to the military activity and its personnel. Cooperation and understanding between the civilian and military sectors are essential to the orderly development and progress of the territory. An equitable settlement can be worked out to the best interests of all parties concerned if only a few diehard individuals would recognize the just claims of the people of Guam. I pray that this will happen soon, before a complicated issue mushrooms into a bitter and insoluble dispute.

Mr. HARRINGTON. Mr. Chairman, I rise in opposition to the military construction authorization bill for fiscal year 1974. As reported out of the Armed Services Committee, it represents an 11-percent reduction for the original administration request. While I welcome this reduction by the committee, I cannot support a $2.7 billion addition to our already inflated military budget and will therefore vote against the bill.

Our armed services should both reflect and serve the democratic ideals and security interests of our Nation—and only those interests. Such recently discovered abuses of Federal funds as the Defense Department's subsidization of military officers' servants should be reason enough for more intense scrutiny and greater reduction of the present authorization bill for military construction. It seems very clear to me that the military budget can stand a substantial amount of reduction without impairing our national security, and that this is no time to be spending more money on military facilities that we do not need.

The point should also be made that while the Department of Defense proposes to spend $2.7 billion on new construction, Massachusetts and other States suffer because of military installation closings in Boston and elsewhere. The rationale behind such economy measures is not disputed, but the Department's lack of economic assistance to workers, firms, and communities affected by base closings is deeply disturbing. It seems to me that those areas are more appropriate for increased appropriations than are major new construction projects. In short, the priorities, to use a wornout phrase, reflected by the military budget are out of line with our needs, and should be changed.

In conclusion, Mr. Chairman, dictates of economy and social welfare call not only for a larger reduction of military expenditures than is present in the bill, but for a more reasoned and responsible attitude by the Defense Department toward those Americans put out of work by the closing of military facilities.

I urge my colleagues to join me in effecting a partial realinement of our spending priorities by voting against this bill.

Mr. McCLORY. Mr. Chairman, I am sorry to learn that the committee failed to include the sum of $4,760,000 for the Great Lakes Naval Training Center to provide necessary housing for enlisted men at the Navy's training service schools.

According to a bachelor housing survey recently completed by the Navy, there is a shortfall of about 3,000 bunks at the Great Lakes Naval Training Center. On the 24th of July, the Chief of Naval Operations directed that the Electronic Supply Office building be made available for use as a training building. Based on this, the Naval Training Center planned to relocate two schools now housed in temporary quarters: the Operational Specialists School and Basic Electricity and Electronics School. The Naval Training Center has already planned a future project for permanent quarters for these two training schools, but the ESO building—to be vacated by reasons of the transfer of the ESO from Great Lakes to Mechanicsburg, Pa.—will take the place of the construction project avoiding $6 million in military construction costs. The total estimated cost of the proposed project is $8 million. Rehabilitation of the ESO building would be in the vicinity of $2 million.

The ESO building is located approximately 2 miles from the service school area. Effective use of the building requires adjacent living quarters. The Navy's new multimedia, self-paced learning techniques dictate that students have access to the classrooms and laboratories at any time. To provide the optimum in learning environment for the two schools, the Navy proposes to build lesser quarters for about 2,500 personnel. The quarters will be sited adjacent to the ESO building.

The bachelor enlisted quarters project, should have been included in the military construction program for fiscal 1974, to provide 876 of the 2,500 housing accommodations. Use of the ESO building for these two training schools, when it becomes available in December of 1974, will depend on availability of bachelor housing.

Establishment of the two schools make imperative the resiting of the BEQ quarters project to an area adjacent to the ESO building. This would provide quarters concurrent with the availability of the ESO building. Availability of 876 man BEQ quarters in fiscal 1974 would allow the basic electricity and electronics school to occupy the ESO in March of 1975.

There is a genuine need at the Great Lakes Naval Training Center which the Department of the Navy has overlooked, and which the House and Senate Armed Services Committees have failed to meet. It is urgent that funds in the amount of $4,760,000 be added to the military construction program for fiscal 1974 for construction of bachelor enlisted quarters required by the establishment of the two service schools in the ESO building. Failure to do so will require the Navy to bus students from the main part of the naval center at a substantial cost in money, man-hours, and morale. To include the necessary funds at this time in the budget will evidence an awareness on the part of the Congress of the needs of our naval installations and Navy personnel, and result in a savings to the taxpayer. It is my hope that a supplemental appropriation—or other action by the Congress will enable these enlisted quarters to be constructed—promptly.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I rise in support of the continuing efforts of the Armed Services Committee to provide authorizations for the modernization of our defense health facilities; this year marks the beginning of a triservice 5-year program to accelerate this modernization effort, and represents a major step forward in eliminating those inadequate and inefficient facilities in whch many of our health professionals are now required to practice. Modern health facilities increase the efficiency of physicians and dentists by reducing the physical impediments which delay patient care, thereby enabling more patients to be seen. Modern health facilities are also an important factor in attracting and retaining both health professionals and the military personnel using these services.

The Air Force is participating in this triservice effort by devoting an exceptional share of this year's total construction program to health facility modernization projects. Seven of the projects will permit total replacement of inadequate and obsolete medical facilities. One project will provide a composite medical facility capable of delivering hospital-level care to 40 percent of the American servicemen and their families stationed in the United Kingdom, who must now travel several hours by road to get to the nearest military hospital. Other projects will provide for expansion of health facilities which are functionally inadequate and too small for the efficient delivery of health care, although the existing facilities were built in the early 1960's, changes in the practice of the health professions have shifted the emphasis from inpatient care to outpatient care, and a greater demand for health services due to the rising expectations of a more sophisticated health care consumer have created over-crowding and operational nightmares.

We have an obligation to provide the highest caliber of health care consistent with the state-of-the-art of health care. Adequate health facilities are a vital component of health care.

Mr. BAUMAN. Mr. Chairman, the military construction authorization bill, H.R. 10614, presently before the House contains a provision particularly important to those who are assigned to the Aberdeen Proving Ground in Harford County, Md. The bill authorizes the construction of an additional 166 family housing units at Aberdeen, which will help ease a serious housing shortage there. A total of $4,731,000 is authorized for this project. While the housing needs at Aberdeen are actually somewhat higher, and several hundred units more than are provided in this bill could easily be put to immediate use, I know that the construction authorized by this bill will be much appreciated by the servicemen and their families stationed there. Such construction is essential in our overall efforts to mobilize and sustain an effective all-volunteer army.

I appreciate the committee's support of this very necessary housing project and I support the bill.

Mr. TALCOTT. Mr. Chairman, generally I commend the Committee on Armed Services, and especially the subcommittee members who have devoted so much time and attention to this important military construction authorization bill for fiscal year 1974.

The committee has presented an excellent report.

However, one item which was recommended by the administration in the budget proposal was $7,776,000 for enlisted men's barracks at the Hunter Liggett Military Reservation.

Hunter Liggett is the site for our most important research, development and testing activities for the Army. Weapons and tactics are succesfully tested there. The base is large and isolated and encompasses a wide variety of terrain. The climate is excellent—no testing or training days are lost to weather.

The base has easy access to rail, interstate highway, and air transportation.

The base adjoins the large Camp Roberts which is now utilized by the Reserves and National Guard.

The location terrain, climate and natural advantages are second to none in the United States for training and testing.

Enlisted men now stationed at Hunter Liggett are required to exist in bivouac conditions—some in tents with wooden sheathing for floors, no sanitary facilities, no running water.

Living conditions are the worst in the United States.

The inferior, unsanitary, inadequate housing is aggravated by the lack of other community support and recreation facilities. The nearest community is many miles away which makes commuting a great hardship expense and distraction to the mission.

This is one of the most urgent items in the budget and is considered one of the highest priorities of the Army. I regret that the committee deleted this important and urgently needed item by inadvertence.

In spite of this deletion, I intend to vote for the otherwise good bill.

Mr. ST GERMAIN. Mr. Chairman, one of the disappointments for me in today's bill is that no funds are authorized for facilities improvements at the Naval Underwater Systems Center at Newport, R.I. This center has a validated $20 million facilities improvement requirement. On September 17, I urged Chairman PIKE's Subcommittee No. 5 to accelerate construction for the Newport command by adding to this bill a first increment authorization.

The transfer of the entire destroyer-cruiser Atlantic Fleet from Newport involving approximately 39 ships and thousands of military personnel has struck a blow to the economy that may well require a decade for recovery.

Accelerating construction for the NUSC at Newport at this time would be clear evidence of the Navy's desire and that of the Congress for a long-range and meaningful presence at Newport. Aside from the psychological boost this would have, the construction activity generated would, of course, be most helpful as we attempt to cope with the problems of increasing unemployment.

We in Rhode Island are proud of the capabilities and accomplishments of the Naval Underwater Systems Center at Newport. The antisubmarine warfare research, which is carried on at the center, emphasizes fire-control hardware relating to offensive and defensive weaponry, torpedoes, missiles, and launchers oriented toward surface platforms. Advanced engineering research in connection with Trident components is certainly a most significant advanced function now underway at Newport.

I would also like to take this opportunity to commend the staff at the center for something which goes beyond their day-to-day activities in behalf of our country's defense. I am speaking of their interest in applying their highly developed technical knowledge and skills to dealing with our critical urban development problems. It is too seldom recognized how deeply concerned and involved the men and women in uniform and out of uniform, who work for defense programs, are with our domestic problems. The contributions they make to every aspect of our society are too seldom acknowledged.

Recently, staff members from NUSC took part in the third annual Urban Technology Conference in Boston. The conference is important in bringing technology to bear on solving urban problems. I know that we in the Congress who wrestle with the problems of transportation, environmental protection, and urban management, value and appreciate the important role which these skilled technologists can play in solving the troubling and increasingly acute problems we face in our cities. Thus, I want to take note here of the outstanding work being done in this regard by staff members at the Newport NUSC. The following article from the center's newspaper, NUSCope, refers to those efforts and I would like to include it here for the benefit of my colleagues:

Center To Participate in Urban Technology Conference at Boston

NUSC professional staff members will discuss science and technology concepts that may help provide valuable ideas for environmental protection and community service programs development at the third Urban Technology Conference and Technical Display to be held Sept. 25–28 at John B. Hynes Veterans Auditorium, Boston.

The conference seeks to generate improvement in the communication and understanding between those who generate technology and those in the urban sector who require and use it.

As a member of the Department of Defense consortium, NUSC will be participating for the first time in the Technical Exhibit. The Office of Special Programs has designed and developed a special display which will illustrate NUSC's contribution to the urban sector through the Technology Transfer Program.

Five independent topics comprise the theme of the conference:

Balanced transportation for the city.
Effective designs for municipal vehicles.
Energy: Crisis of the 70's.
Protecting the environment.
Urban management.

URBAN DEVELOPMENT

An interdisciplinary panel, chaired by H. Guyford Stever, Director of the National Science Foundation, will discuss urban development with emphasis on the Federal role. Many working groups and technical sessions are scheduled wherein the various interactions between technologists and urban sector "users" will be discussed.

The Urban Technology Display is the activity which perhaps best characterizes the overall purpose of the conference. Gathered in the exhibit hall will be many examples of urban-oriented products and systems as well as graphic illustrations of urban technology programs of the past, present and future.

The exhibit schedule follows: Tuesday, Sept. 25, 5 to 7 p.m., official opening and reception; Wednesday, Sept. 26, 9 a.m. to 5 p.m.; Thursday, Sept. 27, 9 a.m. to 4 p.m.

Joseph D. Antinucci of Bristol head of NUSC's Special Programs Office, in explaining Technology Transfer and the conference, said, "A great deal of time and energy has been spent to present a representative display to the public.

MANY FIRMS

"Many outside firms and government officials will be in attendance. We would like to invite and encourage as many Center employees to attend the exhibit in Boston and witness first hand how technology transfer is being used to resolve many urban problems."

The conference in Boston is being sponsored by the American Institute of Aeronautics, and Astronautics Public Technology Inc., an office of the National Science Foundation.

The NUSC exhibit will display the Center's application of technologies available at its oceanographics and acoustics facilities, and how these techniques may be applied to urban needs.

Included in the exhibit will be NUSC's expertise in the fields of simulation, systems analysis and engineering, and the Center's background in electromagnetics and multispectral photography, the latter an improved technique of film filter processing utilized by NUSC in aerial monitoring of the environment.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the military construction authorization for fiscal year 1974. The bill contains a number of extremely wasteful and unnecessary items that cannot be disguised by the rhetoric of "preserving our national defense."

I think it is absolutely unjustifiable that the administration tell the American taxpayer to make do with less Federal money for housing, health care, and education, while at the same time passing along bloated Department of Defense requests such as these.

Today the citizens of New York lost a minimum of $60 million in education funds as a result of changes in the funding formula for title I of the Elementary and Secondary Education Act. It is inconceivable to me that on the same day we should swallow unquestioningly the $2.7 billion authorization contained in H.R. 10614.

Mr. Chairman, I would like to point out a few of the figures in this bill that deserve the close scrutiny of every Member of Congress.

There are no less than five items in this bill, totaling over $7.4 million, for military construction in Iceland. These items are included in spite of clear indications by the Government of Iceland that it will seek to have the U.S. military installations withdrawn in the near future. The committee in its report acknowledges the likelihood of this eventuality, but explains the authorization is necessary "to allow the executive branch reasonable leeway to negotiate with the Government of Iceland." Such a flimsy justification for authorizing over $7 million must not be allowed to stand when this money can be better spent on domestic reforms for improved social services in this country.

Another wasteful item in the bill is the authorization of over $118 million for various facilities for Trident weapons systems. Included in this figure is an estimated $83 million for a Trident base in Bangor, Wash. The selection of this site has come under severe criticism recently by Herbert Scoville Jr., the former Assistant Director of the Arms Control and Disarmament Agency and Deputy Director of the CIA. Mr. Scoville has pointed out that Pacific bases are especially vulnerable and their use may constitute a grave strategic mistake.

I would also add that the Trident program is a major source of controversy in the Nation today, and it seems imprudent to commence spending on a base for this program which eventually may cost $583 million.

I believe we must maintain a strong military capacity in this country. But much of the money in this bill is devoted to facilities that bear no relation to our military strength. In view of the rampant inflation the desperate need in other areas for Federal tax dollars, this authorization should have been pared to the bone. Unfortunately, this was not done: the bill remains wasteful and bloated, therefore I cannot support it.

Mr. MATSUNAGA. Mr. Chairman, I rise to express my support for H.R. 10614, and to congratulate the distinguished gentleman from New York (Mr. Pike) for his leadership and the excellent manner in which he has acted as floor manager for the bill.

My one regret is that the bill omits a provision permitting a land exchange with the State of Hawaii which the Army had requested. The Senate has approved the provision in its bill, but the House Armed Services Committee declined to include it in the reported bill.

I had originally intended to offer an amendment to restore the omitted provision, which would authorize the Army to convey 57 acres of undeeded land at Fort Ruger, Hawaii, in exchange for housing site and utility development costs at Aliamanu Crater, also in Hawaii. The exchange would enable the Army and Navy to erect about 2,500 units of family housing at Aliamanu, primarily for lower ranking enlisted men.

The need for the housing planned for Aliamanu is critical. Right now, counting units under construction or authorized, the Army lacks almost 4,500 units of family housing in Hawaii. The situation is forcing military families to seek housing in the civilian market, where there is a shortage of about 50,000 units. Because of this housing shortage military families must pay excessively high rentals, and their very presence in the civilian market drives those rents still higher.

If my reading of the committee report is correct, the committee declined to approve the land exchange for two reasons: First, the apparent incomplete planning on the exchange by the Army; and second, a fear that the weather might be too hot for family housing at Aliamanu.

The reservations about the temperature at Aliamanu are, I believe, readily dispensable. The Army recently completed a 4-month study of temperature and winds at Aliamanu and compared those readings with ones taken at nearby Honolulu Airport. The final report of this study was not available to the committee until after it had completed its hearings on the subject. The study shows that Aliamanu is indeed warmer, but by only eight-tenths of 1 degree at the east end of Aliamanu, and by only six-tenths of a degree at the west end. Objections to Aliamanu because of its heat is further negated by the fact that the units will be constructed with central air conditioning.

The other committee reservation, that the exchange has not been completely planned, is understandable. A previous proposed exchange for the Fort Ruger land was rejected by the Secretary of the Army, when the housing site to be received in exchange turned out to be unsuitable for housing because of its excessive slope.

But the site at Aliamanu is a good one, Mr. Chairman. Even before grading, no area of the actual housing site has a slope of as much as 20 percent. This is choice land, which would sell for more than $60 million if developed privately. It is near to Federal installations which employ the personnel who need the housing. Preliminary engineering studies of the site have been completed and ready for some time.

Rather than take the time of the House by offering an amendment to restore the exchange authority, however, I have conferred with the gentleman from New York (Mr. Pike) the chairman of the subcommittee which reported the bill, as well as with the chairman of the full committee, the distinguished gentleman from Louisiana (Mr. Hébert). I have been assured that an accommodation will be sought in conference with the Senate committee on this matter. It was suggested that the Senate version could be agreed to if the Armed Services Committee is vested with the right of final approval of the land exchange. Any lingering doubt about the fairness of the exchange could then be completely eliminated prior to the exchange itself. Because of this assurance from the gentleman from New York, I will not offer the amendment which I had earlier intended to offer. I will instead look forward to a compromise provision to be worked out in conference.

I appreciate the cooperation of the gentleman from New York, the gentleman from Louisiana, and the other members of the Armed Services Committee.

Mr. Chairman, I urge the approval by the House of H.R. 10614.

Mr. DIGGS. Mr. Chairman, today the House is about to vote on H.R. 10614, a bill to authorize certain construction at military installations, and for other purposes. Included within the legislation, section 609(c) provided that further approval of the National Capital Planning Commission was not necessary and that the Secretary of Defense could proceed with any planning development and construction of the Bolling-Anacostia complex. Section 609(b) extends the Rivers rider until January 1, 1980.

Yesterday, during the debate on the District of Columbia self-determination bill, many of my colleagues expressed concern over the protections of the Federal interest through the National Capital Planning Commission. Today, some of the same persons will vote to approve an act which repeals the Planning Commission's authority over the Bolling complex. The Congress will thus initiate an action which could have grave consequences for future protection of the Federal interest in the District of Columbia. As all of my colleagues must realize, the Federal interest is not that of one group or agency, alone, but rather, a composite set of varying needs and demands by many Federal agencies. The role of the National Capital Planning Commission is to reconcile all the needs and demands for space of all the Federal agencies in the National Capital region. The precedent initiated today opens the door to future imposition of demands, on the District by any powerful Federal agency, and implies that should there be conflicts between various agencies, reconciliation would be accomplished by sheer force, rather than by virtue of allocation of actual need. The time could come when this Congress would be unable to find land for expansion simply because another agency used more force in restricting the use of land in the Federal city.

In addition, there is pertinent data I would like to bring to the attention of my colleagues, concerning the Bolling-Anacostia complex, data which clarifies my objections to section 609 of H.R. 10614.

The construction of the complex adds additional costs to be paid by the District of Columbia government without providing benefits in return, a process which is an unfair burden to place on a city 50 percent of whose land is untaxable. The 1973 military (DOD) plans for the Anacostia/Bolling site propose an employment complex, along with a major housing component for the site, and includes:

First, a projected working population of 22,000 persons, the majority of which will not reside on the site;

Second, a 15-year staging process for construction of housing for 1,000 residents on the site—multifamily garden apartments and single-family houses;

Third, a 300-foot easement along the Anacostia River for recreational purposes;

Fourth, a housing density of 10–12 dwelling units per acre with a total of 4,500 barracks, dormitories, and housing units; and

Fifth, provision of Metro access to the site by means of an added spur line.

The plans also recommend that:

First, construction and operation of proposed schools for the families of military personnel to be paid for by the District. The present enrollment in that area is 21,000 pupils, while the capacity is only for 11,000.

Second, sewage treatment and solid waste removal to also be paid for and conducted by the District.

Section 609 essentially voids a prior decision of the National Capital Planning Commission, made on May 20, 1973, to develop only the southern portion of the site, pending determination of the potential use of the northern portion by the District of Columbia.

The plans violate at least four of the Department of Defense policies for the National Capital region. The DOD policies for the region state that:

First, all agencies that do not have a valid requirement for remaining in the region should be relocated. Does the commuting of 15,000 to 20,000 personnel imply that these facilities should remain? Does the construction of housing for 10,000 persons indicate the same?

Second, the NCPC master plan should be supported.

Third, Federal employment should be consistent with community facilities. There is virtually no commercial development in that section of Anacostia, and there are overcrowded facilities, which would have to be rebuilt to serve the project site.

Fourth, promote efficiency in the use of transportation systems. The site plans would require up to 20,000 persons to commute from northern Virginia and Maryland. Existing routes, such as the Southeast Freeway would have to be expanded to meet the traffic needs. Plans originally called for the construction of a Metro spur line, to provide a stop on the site.

The DOD's own survey of community attitudes toward the development of the site indicates that the overwhelming community attitude is for suspending the present uses.

Finally, the construction of this Bolling complex goes directly against the Department of Defense policies to reduce personnel and installations across the country in cities that are dependent on the installations for their employment base. The city of Washington, D. C., has no need for another major installation while some 274 military installations are being reduced in personnel, or totally closed.

Mr. Chairman, although I will vote for this bill because it is inclusive of all U.S. military construction both here and abroad, I urge that somewhere along the legislative route sections 609(a) and (b) should be eliminated.

I would like to insert in the RECORD, the comments of the Metropolitan Washington Housing Association, concerning the Bolling-Anacostia complex and its impact on the natural and urban environment surrounding the site. The criticisms of the association have not been satisfied by further plans for the site. I would also like to insert the following two tables regarding educational facilities in the Bolling School District and proposed land use and benefits to the District.

The material follows:

METROPOLITAN WASHINGTON
PLANNING & HOUSING ASSOCIATION,
Washington, D.C., April 30, 1973.

Mr. CHARLES CONRAD,
National Capital Planning Commission,
Washington, D.C.

DEAR CHARLES: This is in response to your request for comments on the draft Environmental Impact Statement for the modifications to the Comprehensive Plan to conform to the proposed Bolling-Anacostia Base Development Concept. The staff of the Metropolitan Washington Planning and Housing Association (MWPHA) has reviewed the statement and our comments will consider the following areas:

(1) justification of proposed action;

(2) inadequate discussion of adverse environmental impacts; and

(3) further considerations that should be addressed in the final impact statement.

JUSTIFICATION OF ACTION

While the National Capital Planning Commission has stated the modification of the Comprehensive Plan is related to the development of the Bolling-Anacostia tract, it does not adequately explore how such actions will affect the unresolved issues over the future use of the entire site. The Commission has taken the naive position that because it has no authority to implement the proposed Development concept in the Bolling-Anacostia area, its plan modification will not affect the resolution of the issues over the ultimate use of the tract. However, the plan change will represent the official plans for the city and hence will bias any official decision made about the tract. The draft statement failed to explore the implications of NCPC actions if the Commission is bound to approve construction activity by the Department of Defense based upon approved plan changes.

ADVERSE ENVIRONMENTAL IMPACTS

The draft statement has provided additional discussion and information on the impact of the proposed action, but in the case of the river front park and noise impacts, it neglected to address significant points. The statement acknowledges that the main objectives of the park along this area should be for public recreation use. In addition, in a proposal called *The Urban River*, released in December 1972, NCPC stated, 1) there should be continuous public access to the entire water-front, and 2) new pedestrian and bicycle paths should cross barrier thoroughfares to connect inland communities with the rivers. Such connections, as stated in the staff proposal, would be particularly important as a means of providing river access and recreational opportunities for neighborhoods in Capital East and Anacostia.

The draft statement makes the assumption that public access will be guaranteed along the water-front. That assumption, however, may not be justified. First, the base commander is given the discretion to determine whether the base will be open or closed to the general public and if open at what times and under what conditions. There are precedents, as in the case of Fort McNair, where the base commander closed the facility to the general public after it had previously been an open base. Such an action is also possible under the present plans. If the base were closed or in any way limited public use of the river front park it would be inconsistent with the objectives of NCPC. It is inconceivable that a modification to the plan could be made without a written guarantee that would allow the public free access to the park. If NCPC allowed a plan change without such a guarantee, it would be in a position of contradicting itself by allowing a change that could produce what NCPC would consider a situation adversely affecting the general public.

Concerning the impact of noise, the draft statement uses noise measurements for aircraft take offs and landings at Washington National Airport taken in 1966. More recent data showing the noise levels of National Airport operations in 1970 indicate a Noise Exposure Forecast (NEF) level between 30–35 on a significant portion of the Bolling-Anacostia site. Within those noise contours the Department of Housing and Urban Development states that the noise exposure is significantly severe so that unusual and costly building constructions are necessary to ensure some tranquillity indoors, hence building in such an area is normally unacceptable. Within the 30–35 NEF contours the plan modification would allow the construction of numerous housing units, an elementary school for 1200 pupils and a community center for base personnel.

In addition, the noise generated by the Executive Flight Detachment helicopter facility located on a 25 acre site approximately 2,100 feet from the elementary school site was not considered. While it is recognized NCPC recommends the site for the heliport to be temporary, its transfer may not coincide with other development activity and hence its adverse impacts should be considered.

While the traffic generated by the proposed developed was considered in the statement, there was no discussion of their polluting effects caused by a new concentration of automobile use at peak rush hour periods.

FURTHER CONSIDERATION IN THE FINAL STATEMENT

The final environmental impact statement should address the issue of public access to the riverfront park at all times and not assume the base commander will take such a step automatically. Second, the final statement should call for a redesign of the land use patterns because of the effects noise pollution will have on the proposed development. This should be done before the proposed changes to the Comprehensive Plan are made. Otherwise, NCPC will be knowingly approving a plan that allows housing and a school in an area with potentially dangerous noise hazards.

Third, the final statement should discuss in detail the controversial nature of the project and the desire of the city residents to use the land for purposes more appropriate for scarce urban land.

Sincerely,

RALPH D. FERTIG,
Executive Director.

Educational facilities, Bolling School District

In SAC IV, the Bolling School District, there are presently 2 senior high schools, 4 junior high schools, and 19 elementary schools. Only two of the elementary schools are not overcrowded at this time, as evidenced by the following table:

Elementary school	*Overcrowded, percent*
McCogney	83
Patterson	67
Leckie	0
Simon	60
Congress Heights	219
Turner	109
Green	54
Drapee	76
Hendley	112
Birney	45
Moten	83
Nichols	0
Savoy	43
Orr	88
Ketchum	118
Randle	200
Garfield	90
Stanton	54
Beers	6

PROPOSED LAND USE AND BENEFITS TO THE DISTRICT: BOLLING-ANACOSTIA COMPLEX

	Industry	Education	Recreation	Office	Retail	Community facilities	Housing	Cantonment
Proposed land use allocation (acres):								
DOD	74	37	119	114	------------	45	381	142
Percent	8	5	12	12	------------	5	42	16

	New jobs generated	Retail facilities	Recreational space	Community facilities	Educational facilities	Private housing
Benefits to SAC IV—Anacostia: Proposed DOD plan	1,000	0	0	0	0	0

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to H.R. 10614, military construction authorization fiscal year 1974. While I am pleased with the Armed Services Committee's 11-percent reduction in the administration request and feel that we should continue to upgrade the military family housing program to increase the success of the All-Volunteer Army, I cannot support this bill.

Most of the provisions of this legislation should receive much more critical examination before they are authorized. In view of increasing inflation, can we afford to fund new, very specific military facilities that bear no direct relationship to national defense and strength? In view of major cutbacks in programs such as housing, health care, education, and manpower, how can we justify military expansion? In view of the end of the Vietnam war, why are we funding an increased defense budget? In view of the closing of many military bases and the resultant economic depression of surrounding communities, why are we authorizing new military facilities without having first taken care of the depressed areas?

The answers to these questions have not been forthcoming in the debate and discussion of this bill. In fact, I think that we have failed to even address such questions. If Congress is serious about realining priorities, bringing the economy under control and exercising its constitutional oversight function, then we cannot allow such failures. I cannot support the authorization of new military construction which is largely unjustified and which has not been critically examined in the light of larger national concerns.

Mr. KING. I have no further request for time.

Mr. PIKE. I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary pubic works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $897,000.

Fort Devens, Massachusetts, $2,749,000.

Camp Drum, New York, $1,099,000.

Fort Eustis, Virginia, $4,782,000.

Camp A. P. Hill, Virginia, $535,000.

Indiantown Gap Military Reservation, Pennsylvania, $1,657,000.

Fort Knox, Kentucky, $7,305,000.

Fort Lee, Virginia, $18,326,000.

Fort George G. Meade, Maryland, $5,924,000.

Camp Picket, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $21,904,000.

Fort Bragg, North Carolina, $32,400,000.

Fort Campbell, Kentucky, $51,881,000.

Eglin Air Force Base, Valparaiso, Florida, $2,950,000.

Fort Gordon, Georgia, $20,230,000.

Fort Jackson, South Carolina, $2,902,000.

Fort McClellan, Alabama, $19,505,000.

Fort McPherson, Georgia, $1,804,000.

Fort Rucker, Alabama, $3,987,000.

Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.

Fort Benjamin Harrison, Indiana, $3,893,000.

For Hood, Texas, $7,921,000.

Fort Sam Houston, Texas, $11,738,000.

Fort Polk, Louisiana, $29,276,000.

Fort Riley, Kansas, $30,943,000.

Fort Sill, Oklahoma, $9,447,000.

Fort Leonard Wood, Missouri, $44,482,000

(Sixth Army)

Fort Carson, Colorado, $5,651,000.

Fort Lewis, Washington, $8,327,000.

Fort Ord, California, $9,812,000.

Presidio of San Francisco, California, $5,751,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,472,000.

Aeronautical Maintenance Center, Texas, $1,088,000.

Fort Monmouth, New Jersey, $8,401,000.

Tobyhanna Army Depot, Pennsylvania, $411,000.

Natick Laboratories, Massachusetts, $466,000.

Picatinny Arsenal, New Jersey, $255,000.

Pine Bluff Arsenal, Arkansas, $294,000.

Redstone Arsenal, Alabama, $4,971,000.

Sacramento Army Depot, California, $412,000.

White Sands Missile Range, New Mexico, $3,715,000.

Yuma Proving Ground, Arizona, $4,695,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Fort Huachuca, Arizona, $6,539,000.

Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $30,145,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $343,000.

Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $3,060,000.

Fort Richardson, Alaska, $2,140,000.

Fort Wainwright, Alaska, $2,715,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $7,295,00.

Various Locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Various Locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $12,517,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92-545 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$13,161,000" and insert in place thereof "$15,866,000".

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

(b) Public Law 92-545, is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND," in section 101 as follows: "with respect to "Various Locations," strike out "$1,412,000" and insert in place thereof "$1,649,000".

(c) Public Law 92-545 is amended by striking out in clause (1) of section 702 "$441,704,000"; $117,074,000;" and "$558,778,000" and inserting in place thereof "$444,767,000"; "$117,311,000;" and "$562,078,000", respectively.

SEC. 105. (a) Public Law 92-145, as amended, is amended under the heading "OUTSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Germany, Various Locations," strike out "$1,946,000" and insert in place thereof "$2,553,000".

(b) Public Law 92-145, as amended, is amended by striking out in clause (1) of section 702 "$41,374,000" and "$404,500,000" and inserting in place thereof "$41,981,000" and "$405,107,000", respectively.

SEC. 106. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Fort Benning, Georgia," strike out "$2,855,000" and insert in place thereof "$3,383,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000", respectively.

SEC. 107. (a) Public Law 90-110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows:

With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000", respectively.

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. If there are no amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.

Military Ocean Terminal, Bayonne, New Jersey, $1,806,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $180,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington District of Columbia, $4,655,000.

Naval Academy, Annapolis, Maryland, $4,334,000.

National Naval Medical Center, Bethesda, Maryland, $1,546,000.

Naval Medical Research Institute, Bethesda, Maryland, $6,372,000.

Naval Ordnance Station, Indian Head, Maryland, $1,528,000.

Naval Hospital, Quantico, Virginia, $484,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $5,959,000.

Naval Amphibious Base, Little Creek, Virginia, $3,211,000.

Naval Air Station, Norfolk, $2,525,000.

Naval Station, Norfolk, Virginia, $18,183,000.

Navy Public Works Center, Norfolk, Virginia, $567,000.

Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.

Naval Air Station, Oceana, Virginia, $3,386,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.

Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,636,000.

Naval Air Station, Ellyson Field, Florida, $75,000.

Naval Air Station, Jacksonville, Florida, $14,366,000.

Naval Training Center, Orlando, Florida, $6,109,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $3,663,000.

Naval Air Station, Pensacola, Florida, $2,699,000.

Naval Communications Training Center, Pensacola, Florida, $10,690,000.

Naval Air Station, Whiting Field, Florida, $3,568,000.

Naval Home, Gulfport, Mississippi, $9,444,000.

Naval Air Station, Meridian, Mississippi, $4,532,000.

Charleston Naval Shipyard, Charleston, South Carolina, $252,000.

Naval Station, Charleston, South Carolina, $1,498,000.

Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.

Naval Support Activity, New Orleans, Louisiana, $13,880,000.

Naval Air Station, Chase Field, Texas, $2,875,000.

Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $15,148,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $2,946,000.

Long Beach Naval Shipyard, Long Beach, California, $6,808,000.

Naval Hospital, Long Beach, California, $878,000.

Naval Air Station, Miramar, California, $1,873,000.

Naval Air Station, North Island, California, $2,415,000.

Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.

Naval Electronics Laboratory Center, San Diego, California, $3,518,000.

Naval Station, San Diego, California, $11,996,000.

Naval Training Center, San Diego, California, $2,944,000.

Navy Public Works Center, San Diego, California, $2,471,000.

Navy Submarine Support Facility, San Diego, California, $3,920,000.

Naval Weapons Station, Seal Beach, California, $807,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $3,827,000.

Naval Air Station, Lemoore, California, $1,333,000.

Naval Air Station, Moffett Field, California, $2,650,000.

Naval Hospital, Oakland, California, $5,839,000.

Hunters Point Naval Shipyard, San Francisco, California, $250,000.

Mare Island Naval Shipyard, Vallejo, California, $1,874,000.

THIRTEENTH NAVAL DISTRICT

Naval Complex, Adak, Alaska, $2,695,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.

Naval Ammunition Depot, Oahu, Hawaii, $457,000.

Naval Station, Pearl Harbor, Hawaii, $845,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,013,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,863,000.

Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.

Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.

Marine Corps Air Station, New River, North Carolina, $3,245,000.

Fleet Marine Force Atlantic, Norfolk, Virginia, $686,000.

Marine Corps Supply Center, Albany, Georgia, $5,204,000.

Marine Corps Air Station, Beaufort, South Carolina, $126,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.

Marine Corps Air Station, Yuma, Arizona, $7,834,000.

Marine Corps Supply Center, Barstow, California, $3,802,000.

Marine Corps Base, Camp Pendleton, California, $10,920,000.

Marine Corps Air Station, El Toro, California, $747,000.

Marine Corps Recruit Depot, San Diego, California, $3,825,000.

Marine Corps Base, Twentynine Palms, California, $2,992,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, TRIDENT Facilities, United States, $118,320,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,466,000.

Various Locations, Water Pollution Abatement, $51,112,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $1,707,000.

Naval Facility, Grand Turk, The West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $778,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $9,508,000.

Naval Complex, Subic Bay, Republic of the Philippines, $278,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,668,000" and "$248,533,000", respectively.

SEC. 204. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Weapons Laboratory, Dahlgren, Virginia, strike out "$530,000" and insert in place thereof "$779,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$246,955,000" and "$274,093,000" and inserting in place thereof "$247,204,000" and "$274,342,000", respectively.

SEC. 205. (a) Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Station, Norfolk, Virginia, strike out "$19,316,000" and insert in place thereof "$22,716,000".

With respect to Naval Air Station, Meridian, Mississippi, strike out "$3,266,000" and insert in place thereof "$3,859,000".

(b) Public Law 92–145 is amended by striking out in clause (2) of section 702 "$266,068,000" and "$321,843,000" and inserting in place thereof "$270,061,000" and "$325,836,000", respectively.

SEC. 206. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

With respect to Naval Ammunition Depot, McAlester, Oklahoma, strike out "$6,336,000" and insert in place thereof "$8,778,000".

With respect to Naval Air Station, Miramar, California, strike out "$4,372,000" and insert in place thereof "$5,144,000".

(b) Public Law 92–14 is amended by striking out in clause (2) of section 702 "$474,450,000" and "$515,667,000" and inserting in place thereof "$477,664,000" and "$518,881,000", respectively.

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. If there is no amendment to title II, the Clerk will read.

The Clerk read as follows:

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $1,020,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $11,343,000.

Kelly Air Force Base, San Antonio, Texas, $2,306,000.

McClellan Air Force Base, Sacramento, California, $92,000.

Robins Air Force Base, Warner Robins, Georgia, $4,125,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,166,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $12,887,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Satellite Control Facilities, $192,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $20,350,000.

Mather Air Force Base, Sacramento, California, $310,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $347,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various Locations, $1,698,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,639,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,078,000.

Dover Air Force Base, Dover, Delaware, $2,558,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,698,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,200,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base, Great Falls, Montana, $600,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $616,000.

Various Locations, $1,988,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $183,000.

Holloman Air Force Base, Alamogordo, New Mexico, $1,524,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $1,220,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $253,000.

Shaw Air Force Base, Sumter, South Carolina, $306,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $483,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $6,115,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $18,000,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $7,950,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,181,000.

United Kingdom, $9,313,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $927,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLDWIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committee on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 92-145 is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows: Under the subheading "Strategic Air Command" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out "$522,000" and insert in place thereof "$735,000".

(b) Public Law 92-145, is amended by striking out in clause (3) of section 702 "$226,484,000" and "$247,347,000" and inserting in place thereof "$226,697,000" and "$247,560,000", respectively.

SEC. 305. (a) Public Law 92-945 is amended under the heading "OUTSIDE THE UNITED STATES," in section 301 as follows: Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$11,422,000" and insert in place thereof "$18,755,000".

(b) Public Law 92-545 is amended by striking out in clause (3) of section 702 "$32,565,000" and "$284,150,000" and inserting in place thereof "$39,898,000" and "$291,483,000", respectively.

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There being no amendment to title III, the Clerk will read.

The Clerk read as follows:

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $747,000.

Defense General Supply Center, Richmond, Virginia, $250,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to

the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There being no amendment to title IV, the Clerk will read.

The Clerk read as follows:

TITLE V—MILITARY FAMILY HOUSING

Sec. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, six thousand one hundred thirty-five units, $178,208,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installations, Oahu, Hawaii, one thousand units.

Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundred units.

Aberdeen Proving Ground, Maryland, one hundred sixty-six units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

Fort Monroe, Virginia, two hundred units.

(2) The Department of the Navy, four thousand four hundred sixty-six units, $137,666,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Naval Facility, Centerville Beach, California, sixty units.

Naval Complex, San Diego, California, three hundred twenty-five units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Complex, Jacksonville, Florida, four hundred units.

Naval Training Center, Orlando, Florida, three hundred units.

Naval Complex, Oahu, Hawaii, six hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Support Facility, Thurmont, Maryland, six units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, eight hundred units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand eight hundred units, $55,501,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, two hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile home facilities—

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $28,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $45,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not to exceed $38,000 and in no event shall the cost of any unit exceed $45,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

Sec. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

Sec. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 506. (a) Subsection 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"Sec. 610. (a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term "improvement" includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed.".

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in subsection (a) of this section as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Force, Federal Republic of Germany, one unit, $26,500.

Sec. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"Sec. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit.".

Sec. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is further amended to read as follows:

"Sec. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided,* That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further,* That no such agreement shall guarantee the payment of more than 97 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation.".

Sec. 509. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

Sec. 510. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of not more than nine thousand seven hundred and twenty-five family housing units, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $330,901,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principle and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m) an amount not to exceed $826,793,000.

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There being no amendment to title V, the Clerk will read.

The Clerk read as follows:

TITLE VI

GENERAL PROVISIONS

Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, and V shall not exceed—

(1) for title I: A total of $572,963,000.

(2) for title II: A total of $539,933,000.

(3) for title III: A total of $246,656,000.

(4) for title V: Military family housing, $1,157,694,000.

Sec. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total of the amounts authorized for projects in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 605. As of October 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations for facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972. Public Law 92–545 (86 Stat. 1135), and all such authorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said Act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 705(a) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(a) Enlisted women's barracks construction in the amount of $437,000 for Fort Rucker, Alabama, that is contained in title I, section 101, under the heading "Inside the United States" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(b) Airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "Outside the United States" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(c) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "Inside the United States" of the Act of October 27, 1971 (85 Stat. 394, 397).

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0.

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act. *Provided further*, none of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize the construction of permanent barracks providing for the planned occupancy of fewer than four persons per room for enlisted grades E4 and below nor fewer than two persons per room for enlisted grades E5, E6, and E7.

SEC. 607. Section 709 of Public Law 92–145 (85 Stat. 394, 414), as amended, is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code, and section 961 of title 43, United States Code.

SEC. 608. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "annually" in place thereof.

(2) Section 2676 is amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That this limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

(3) Section 2672 is amended to redesignate the existing section as subsection "(a)" and by adding a subsection "(b)" as follows:

"Upon a determination by the Secretary of Defense that deferral of acquisition under this subsection for inclusion in the next Military Construction Authorization Act would be inconsistent with the interest of national defense, and after notifying the Committteee on Armed Services of the Senate and House of Representatives, the Secretary of a military department may acquire, without regard to the limitations in subsection (a) above and under such terms as he deems appropriate, any interest in land required to maintain the operational integrity of a military installation. This authority includes authority to make surveys and acquire such interests in land (including temporary use) by gift, purchase, or otherwise."

(4) The catchline of section 2672 is amended by adding the following at the end thereof: "and for other purposes".

SEC. 609. (a) Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the National Capital Planning Commission and other interested agencies, but without being subject to the approval of the Commission or any other agency, is directed, within available authorizations and appropriations, to proceed with the further planning, development, and construction of the Bolling-Anacostia Complex. The Secretary shall use as a guide to such further planning and development the Bolling-Anacostia Base Development Concept included with the final environmental impact statement filed with the Council on Environmental Quality on July 26, 1973, under the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Section 607(b) of Public Law 89–188, as amended, is amended by deleting the words "January 1, 1975" wherever they appear, and inserting in lieu thereof "January 1, 1980."

SEC. 610. (a) The Secretary of the Army, or his designee, is authorized to convey to the San Antonio Country Club, subject to terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all rights, title, and interest of the United States, except as retained in this section, in and to certain two parcels of land containing, in the aggregate, 2.39 acres, more or less, situated in the county of Bexar, State of Texas, being part of the Fort Sam Houston Military Reservation and more particularly described as follows:

PARCEL NO. 1

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northeast corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes, east, 48.3 feet to boundary marker numbered B–87.

Thence north 15 degrees 11 minutes east, 546.15 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located north 78 degrees 10 minutes west, 298 feet from boundary marker numbered B–81;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club properties for the point of beginning, said point of beginning being located north 68 degrees 59 minutes west, 695 feet from boundary marker numbered B–79;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north 68 degrees 59 minutes west, 300 feet to boundary marker numbered B–78;

Thence north 00 degrees 32 minutes west, 1197.6 feet to boundary marker numbered B–77 for the corner common to said San Antonio Country Club and United States of America properties, situated in the south right-of-way line for Burr Road;

Thence departing from said common line, along the south right-of-way line for said Burr Road, north 89 degrees 58 minutes east, 50 feet to a point;

Thence south 00 degrees 32 minutes east, 1028.08 feet to a point;

Thence south 21 degrees 26 minutes east, 114.79 feet to a point;

Thence south 48 degrees 05 minutes east, 254.90 feet to the point of beginning, containing 1.73 acres, more or less.

PARCEL NO. 2

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker B–87 for the point of beginning;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north, 102.2 feet to boundary marker numbered B–86;

Thence north 07 degrees 15 minutes east, 117.4 feet to boundary marker numbered B–85;

Thence north 12 degrees 30 minutes east, 88.1 feet to boundary marker numbered B–84;

Thence north 07 degrees 10 minutes west, 168.4 feet to boundary marker numbered B–83;

Thence north 51 degrees 05 minutes east, 104.4 feet to boundary marker numbered B–82;

Thence south 78 degrees 10 minutes east, 50 feet to a point;

Thence departing from said common line, south 15 degrees 11 minutes west, 546.15 feet to the point of beginning, containing 0.66 acre, more or less.

(b) In consideration for the conveyance by the United States of America of the property described in paragraph (a), the San Antonio Country Club shall convey to the United States, for incorporation with the Fort Sam Houston Military Reservation, a parcel of land containing 6.47 acres, more or less, being described as follows:

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to the point of beginning, situated in the common line between said San Antonio Country Club and United States of America properties, said point of beginning being located south 78 degrees 10 minutes east, 50 feet from boundary marker numbered B–82;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located south 68 degrees 59 minutes east, 300 feet from boundary marker numbered B–78;

Thence along said common line as follows; south 68 degrees 59 minutes east, 695 feet to boundary marker numbered B–79 for a re-entrant corner for said United States of America property and a northeast corner for said San Antonio Country Club property;

Thence south 44 degrees 07 minutes west, 333.7 feet to boundary marker numbered B–80;

Thence south 42 degrees 04 minutes west, 261 feet to boundary marker numbered B–81 for a re-entrant corner for said United States of America property and a southeast corner for said San Antonio Country Club property;

Thence north 78 degrees 10 minutes west, 298 feet to the point of beginning containing 6.47 acres, more or less.

(c) The legal descriptions in paragraphs (a) and (b) may be modified as agreed upon by the Secretary, or his designee, and the San Antonio Country Club, consistent with any necessary changes which may be disclosed as a result of accurate survey.

(d) The conveyance of property authorized in paragraph (a) of this section shall be subject to the following provisions, conditions, and reservations, which shall be incorporated in the deed of conveyance to be executed by the Secretary of the Army:

(1) Reservation to the United States of rights-of-way for any existing utility lines or access roads.

(2) Provision that the grantee, in accepting the deed, shall agree (1) to relocate fences between its property and the boundary lines of Fort Sam Houston, at no expense to the United States, and (2) to hold the United States harmless from any damage that may result from drainage from the property

conveyed to the United States under paragraph (b).

(e) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the San Antonio Country Club.

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1974".

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There being no amendment to title VI, the Clerk will read.

The Clerk read as follows:

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,900,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $21,458,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. With respect to the preceding authorization contained in section 701 for the Army Reserve, no portion of such authorization or any other prior Army Reserve authorization granted by the Congress may be utilized to construct replacement facilities for Army Reserve units at Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

SEC. 704. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1974".

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There being no amendment to title VII, and there being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10614) to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 589, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. PIKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 28, not voting 47, as follows:

[Roll No. 518]

YEAS—359

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Froehlich
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reid
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NAYS—28

Abzug
Badillo
Burke, Mass.
Burton
Dellums
Drinan
Edwards, Calif.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holtzman
Kastenmeier
Metcalfe
Mitchell, Md.
Moakley
Rangel
Reuss
Rosenthal
Roybal
St Germain
Stark
Stokes
Studds
Thompson, N.J.
Tiernan
Waldie

NOT VOTING—47

Ashbrook
Aspin
Blatnik
Breckinridge
Broomfield
Brown, Calif.
Camp
Chamberlain
Chisholm
Clay
Cleveland
Conable
Conyers
Crane
Davis, Ga.
Evins, Tenn.
Frelinghuysen
Frey
Fuqua
Gettys
Goldwater
Hanna
Hébert
Kuykendall
Lent
McKinney
Mailliard
Maraziti
Martin, N.C.
Mathis, Ga.
Mills, Ark.
Minshall, Ohio
Mollohan
Morgan
Nedzi
Patman
Pickle
Rarick
Riegle
Sandman
Satterfield
Stephens
Sullivan
Udall
Wyman
Yatron
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mrs. Chisholm against.

Mr. Mills of Arkansas for, with Mr. Conyers against.

Mr. Satterfield for, with Mr. Clay against.

Until further notice:

Mrs. Sullivan with Mr. Aspin.

Mr. Gettys with Mr. Brown of California.

Mr. Breckinridge with Mr. Patman.

Mr. Fuqua with Mr. Martin of North Carolina.

Mr. Nedzi with Mr. Crane.

Mr. Morgan with Mr. Lent.

Mr. Yatron with Mr. Frey.

Mr. Rarick with Mr. Conable.
Mr. Zablocki with Mr. Cleveland.
Mr. Davis of Georgia with Mr. Goldwater.
Mr. Evins of Tennessee with Mr. Camp.
Mr. Mollohan with Mr. Frelinghuysen.
Mr. Hanna with Mr. Broomfield.
Mr. Mathis of Georgia with Mr. Kuykendall.
Mr. Udall with Mr. Chamberlain.
Mr. Riegle with Mr. Mailliard.
Mr. Stephens with Mr. Maraziti.
Mr. Pickle with Mr. Minshall of Ohio.
Mr. Ashbrook with Mr. Wyman.
Mr. Blatnik with Mr. McKinney.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provision of House Resolution 589, the Committee on Armed Services is discharged from the further consideration of the bill (S. 2408) to authorize certain construction at military installations, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PIKE

Mr. PIKE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Pike moves to strike out all after the enacting clause of the bill S. 2408 and insert in lieu thereof the provisions of the bill H.R. 10614 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10614) was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON LEGISLATIVE APPROPRIATION BILL FOR FISCAL YEAR 1974

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Conference Report (H. Rept. No. 93–576)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) "making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 36, 37, 40, 41, 42, 44, 46, 52, 53, 54, and 55, and agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), $2,000,000.

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: Omit the matter stricken by said amendment, and delete the matter proposed by said amendment; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 47, 48, and 49.

Bob Casey,
Frank E. Evans,
Robert N. Giaimo,
Edith Green,
John J. Flynt, Jr.,
Edward R. Roybal,
Louis Stokes,
George Mahon,
Louis C. Wyman,
E. A. Cederberg,
John J. Rhodes,
Earl B. Ruth,
Managers on the Part of the House.

Ernest F. Hollings,
John L. McClellan,
Birch Bayh,
Thomas F. Eagleton,
Richard S. Schweiker,
Milton R. Young,
Clifford P. Case,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SENATE

Amendments Nos. 1 through 33: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with the long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 1 through 33.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment relating to clerk-hire allowances of Senators and rates of compensation increased in accordance with the order of the President pro tempore of the Senate of October 4, 1973. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HOUSE OF REPRESENTATIVES

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates the usual gratuity of $42,500 to the widow of a deceased Member.

JOINT ITEMS

Joint Committee on Printing

Amendment No. 36: Appropriates $300,620 for salaries and expenses as proposed by the Senate instead of $295,620 as proposed by the House.

Joint Committee on Inaugural Ceremonies, 1973

Amendment No. 37: Appropriates $10,000 for expenses as proposed by the Senate.

Joint Committee on Congressional Operations

Amendment No. 38: Appropriates $530,000 for salaries and expenses as proposed by the House instead of $619,019 as proposed by the Senate. The managers question the propriety of a study of Senate committee jurisdiction by a joint committee. Should the Senate direct the Joint Committee to undertake such a study a supplemental request can be submitted.

Capitol Police

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate changing the titles of certain police positions detailed to the Capitol Police Board from the Metropolitan Police of the District of Columbia.

Official mail costs

Amendment No. 40: Appropriates $30,500,000 for expenses as proposed by the Senate instead of $26,106,000 as proposed by the House.

Capitol Guide Service

Amendments Nos. 41 and 42: Appropriate $320,225 for salaries and expenses and increase the limitation on employment from 24 to 28 as proposed by the Senate instead of $301,185 as proposed by the House. The managers are agreed that the designation of the additional employees as temporary or permanent shall be at the discretion of the Sergeants at Arms of the respective bodies.

OFFICE OF TECHNOLOGY ASSESSMENT

Amendment No. 43: Appropriates $2,000,000 for salaries and expenses instead of $3,980,000 as proposed by the Senate and deletes restriction on the amount of employee compensation proposed by the Senate.

ARCHITECT OF THE CAPITOL

Capitol buildings and grounds

Amendment No. 44: Appropriates $4,535,000 for Capitol Buildings as proposed by the Senate instead of $4,519,600 as proposed by the House.

Amendments Nos. 45, 50 and 51: The first paragraph of amendment number 45 was inserted in the bill by the House and provided an appropriation of $58,000,000 for extension of the Capitol. The paragraph was deleted by the Senate. The conferees have agreed to delete the language and the appropriation.

Amendment number 45 also provided as proposed by the Senate, language and an appropriation of $18,000,000 for restoration of the West Central Front of the Capitol. The conferees agreed to delete the language and the appropriation on restoration as proposed by the Senate.

Amendment number 50 was proposed by the Senate and would provide an appropriation of $15,000,000 and authority for the construction of an additional House Office

Building. The language and appropriation proposed by the Senate was deleted by the conferees.

Amendment number 51 was proposed by the Senate and provided an appropriation of $300,000 and authority to conduct a master plan for future development of the Capitol grounds and related areas. The proposal of the Senate in this respect was deleted by the conferees.

In deleting these amendments for extension, restoration, an additional House Office Building and comprehensive planning, the conferees realize that full consideration could not be given these amendments at this time in that the House held no hearings on the proposal for an underground building next to the House wing of the Capitol. Lacking this the House conferees were in no position to consider the proposal. Both Houses receded to leave the question open.

Amendment No. 46: Appropriates $1,337,000 for the Capitol grounds as proposed by the Senate instead of $1,087,000 as proposed by the House and provides $250,000 for modifications to and replacement of existing traffic signals and installation of additional traffic signals in the Capital grounds and adjacent street intersections, as proposed by the Senate.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $6,460,200 for the Senate Office Buildings.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the continued availability of the unobligated balance of $174,000 on June 30, 1973 under the heading "Extension of Additional Senate Office Building Site" until expended.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $97,000 for the Senate garage.

LIBRARY OF CONGRESS

Salaries and expenses

Amendment No. 52: Appropriates $39,458,000 as proposed by the Senate instead of $39,213,000 as proposed by the House.

Congressional Research Service

Amendment No. 53: Appropriates $10,927,000 as proposed by the Senate instead of $10,690,000 as proposed by the House.

Books for the blind and physically handicapped

Amendment No. 54: Appropriates $9,805,000 as proposed by the Senate instead of $9,672,500 as proposed by the House.

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents

Amendment No. 55: Appropriates $36,471,000 for salaries and expenses as proposed by the Senate instead of $28,421,000 as proposed by the House.

Conference total—With comparisons

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills for 1974 follows:

New budget (obligational) authority, fiscal year 1973	$610,692,015
Budget estimates of new obligational) authority (as amended), fiscal year 1974	677,150,959
House bill, fiscal year 1974	550,044,940
Senate bill, fiscal year 1974	640,558,952
Conference agreement	[1]$605,189,933
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−5,502,082
Budget estimates of new (obligational) authority (as amended), fiscal year 1974	−71,961,026
House bill, fiscal year 1974	[1] +55,144,993
Senate bill, fiscal year 1974	−35,369,019

[1] Includes $97,744,553 for Senate items not considered by the House, conforming to long practice, funds exclusively for operations and activities of the Senate—including three items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

Bob Casey,
Frank E. Evans,
Robert N. Giaimo,
Edith Green,
John J. Flynt, Jr.,
Edward R. Roybal,
Louis Stokes,
George Mahon,
Louis C. Wyman,
E. A. Cederberg,
John J. Rhodes,
Earl B. Ruth,
Managers on the Part of the House.

Ernest F. Hollings,
John L. McClellan,
Birch Bayh,
Thomas F. Eagleton,
Richard S. Schweiker,
Milton R. Young,
Clifford P. Case,
Managers on the Part of the Senate.

FURTHER LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill), the program for the rest of today, if any, and the schedule for tomorrow.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, I thank the distinguished minority leader for yielding me this time.

The program for today is completed. Tomorrow we will bring up the conference report on House Joint Resolution 542, the war powers resolution.

Then, we will take up the conference report on H.R. 969, the school lunch program, and then H.R. 10203, the Water Resources Development Act under an open rule with 1 hour of debate.

The Members can anticipate a full day's work tomorrow.

Mr. GERALD R. FORD. May I inquire further of the distinguished majority leader if it is the expectation that we will take them up in the order the gentleman has indicated?

Mr. O'NEILL. The gentleman is correct.

MILLS-VANIK AMENDMENT TO TRADE BILL

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on October 9, I circulated a petition and obtained the signatures of more than 50 members of the Democratic Caucus requesting that a specific amendment attached to the petition be made in order to H.R. 10710.

The amendment dealt with the extension of credit to nonmarket countries under trade agreements which might be entered into by the President. Congressman Charles Vanik circulated a petition with a similar amendment. I am happy to announce that an accommodation has been reached with the understanding that the Rules Committee will be requested to make the Mills-Vanik amendment in order. Therefore, I am today withdrawing the petition and directing a letter of withdrawal to the necessary parties.

Mr. Speaker, H.R. 10710 is not the ideal vehicle for the House to fully consider the matter of extension of credit to the Soviet Union, but this is a subject to which the House should address itself. It is my opinion that the House of Representatives on a clear-cut issue as to whether or not credit should be extended to the Soviet Union, the House would vote no at this time. We are presented with a paradoxical situation. On the one hand we maintain a large military machine primarily because of the threat presented by the Soviet Union. On the other hand, we are asked to extend the Soviet Union credit on both consumer and capital goods which aids the Soviet Union in continuing to divert a large share of its gross national product to the production of military weapons.

In fact, the Soviet Union is presently spending twice as much as the United States for defense as a percentage of its gross national product. Therefore, I serve notice that when the Export-Import Bank legislation and other credit legislation comes before the House next year it is my intention to see that the House is given the opportunity to fully work its will on the question of credit to the Soviet Union. The time is long past that the Congress should take advice without question from the Executive in this matter. The egregious and, in my opinion, scandalous errors of the administration in the Russian wheat sale at the expense to the American taxpayer of more than $300 million and untold millions of dollars in increased food costs to the American consumer has shown that the Executive is not so competent that it should be given an absolute free hand to deal with the Soviet Union.

MEDICARE HOSPITAL DEDUCTIBLE GOES UP TO $84

(Mr. OBEY asked and was given permission to address the House for 1 minute and to reivse and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, HEW Secretary Caspar Weinberger announced today that the medicare inpatient hospital deductible will go up to $84 from $72 for spells of illness beginning in 1974—an increase of one-sixth, or 16.6 percent. When medicare began in 1966, the hospital deductible was $40.

I realize that the Secretary of Health, Education, and Welfare has no choice in the matter, since the law requires him to set the dollar amount of the deductible on the basis of the average daily cost of hospital care under the hospital insurance program.

However, the Cost of Living Council does have a choice, and I think it has made the wrong one. Last year, the Council and the Price Commission limited the increase in the deductible to 6 percent. This year, the Council has said go ahead: that the increase "is not inconsistent with the Council's policies and regulations now governing price adjustments in the health industry."

Maybe not, but I submit that the increase is wholly inconsistent with what medicare patients can afford to pay. Confronted with a 9 percent increase in the cost of living so far this year, they now face a 16.6 percent increase in the hospital deductible next year. That just does not make sense.

Here is the text of Secretary Weinberger's announcement in today's Federal Register:

Social Security—Inpatient Hospital Deductible for 1974

Section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395(b)(2)), as amended, requires that the dollar amount for the inpatient hospital deductible, be set on the basis of the average daily cost of hospital care under the hospital insurance program. For purposes of section 1813(a) of the Act, as amended, therefore, the amount shall be $84 in the case of any spell of illness beginning during 1974.

The Social Security Act provides that, for calendar years after 1968, the inpatient hospital deductible shall be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1972) to (2) the current average per diem rate for such services for 1966. The law provides that, if the amount so determined is not an even multiple of $4, it shall be rounded to the nearest multiple of $4. Further, it is provided that the current average per diem rates referred to shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year by hospitals who are qualified to participate in the program, and for whom there is an agreement to do so, for individuals who are entitled to benefits as a result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program.

The data available to make the necessary computations of the current average per diem rates for calendar years 1966 and 1972 are derived from individual inpatient hospital bills that are recorded on a 100-percent basis in the records of the program. These records show, for each bill, the total inpatient days of care, the interim reimbursement amount, and the total interim cost (the sum of interim reimbursement, deductible, and coinsurance).

Each individual bill is assigned both an initial month and a terminal month, as determined from the first day covered by the bill and the last day so covered. Insofar as the initial month and the terminal month fall in the same calendar year, no problems of classification occur.

Two tabulations of interim reimbursements are prepared, one summarizing the bills with each assigned to the year in which the period it covers begins, and the other summarizing the same bills with each assigned to the year in which the period it covers ends. The true value with respect to the interim costs for a given year on an accrual basis should fall between the amount of total costs shown for bills beginning in that year and the amount shown for bills ending in that year.

The average interim per diem rate for inpatient hospital services for calendar year 1966, on the basis described, is $37.92, while the corresponding figure for calendar year 1972 is $79.07. It may be noted that these averages are based on about 30 million days of hospitalization in 1966 and 64 million days of hospitalization in 1972. The ratio of the 1972 rate to the 1966 rate is 2.085.

In order to reflect accurately the change in the average per diem hospital cost under the program, the average interim cost (as shown in the tabulations) must be adjusted for (i) the effect of final cost settlements made with each provider of services after the end of its fiscal year to adjust the reimbursement to the provider from the amount paid during that year on an interim basis to the actual cost of providing covered services to beneficiaries, and for (ii) changes in the benefit structure since the base year, 1966. To the extent that the ratio of final cost to interim cost is different in the current year than it was in 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred. The inclusion of the lifetime reserve days in the current tabulation of the average interim per diem cost when such days were not included in the corresponding tabulation for the base year, 1966, will understate the estimate of the increase in cost that has occurred, because the average cost per day of very long confinements in a hospital is less than the average for all confinements. In order to estimate the increase in average per diem cost that has occurred, a comparison must be based on similar benefits in the two periods (1972 and 1966); thus the effect of lifetime reserve days, must be eliminated from the current year tabulation. Actuarial analysis of the data available indicates that these adjustments do not change the ratio shown above by enough to result in a different deductible for 1974. The values shown in this report do not reflect these adjustments for final cost settlements or lifetime reserve days.

When the ratio of 2.085 is multiplied by $40, it produces an amount of $83.40, which must be rounded to $84. Accordingly, the inpatient hospital deductible for spells of illness beginning during the calendar year 1974 is $84.

The Cost of Living Council has analyzed the increase and has determined that the proposed increase is not inconsistent with the Council's policies and regulations now governing price adjustments in the health industry. This authorization reflects certain interpretative changes in the Cost of Living Council's regulatory policy which have occurred since the October 1972 Price Commission ruling which restricted the increase for calendar year 1973.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated October 5, 1973.

Caspar W. Weinberger,
Secretary.

[FR Doc. 73-21779 Filed 10-10-73; 8:45 am]

AGNEW CASE SHOULD BE FIRST STEP IN CLEARING THE AIR

(Mr. PATMAN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when people are in difficulties—even when the difficulties are of their own making—an expression of compassion is well taken, but this human reaction should not obscure the seriouness of the scandals before the Nation.

Without question, the events which culminated in the resignation and sentencing of Vice President Spiro Agnew are a tragedy for the man and his family.

But the events and the facts alleged by the government in this case are also a tragedy for the American people and for our system of government. The second highest office in the land has been demeaned and confidence in government has been badly shaken. It is the American people who are the victims of these crimes and I have always felt the victims of criminal activity were due the compassion rather than the perpetrators of the illegal acts.

It is highly regrettable that our system did not make these discoveries earlier so that the Nation could be spared the wrenching sight of a Vice President forced out of office. It is regrettable that the President of the United States was not more careful in selecting his running mate and it is regrettable that the press and the law enforcement agencies did not discover these flaws in this highly publicized official at an earlier date. The dogged pursuit of the health records of last year's first Democratic nominee for Vice President and the resulting harsh judgments visited on the party's Presidential nominee are in distinct contrast.

It will do the Nation little good to have the present events swept quietly under a cover of "no contest." Although the criminal side of the case has apparently ended, it is still within the responsibility of the Congress to examine the facts and to let the American people know exactly what has happened to an official in whom they placed their trust.

By the same logic, it is time to stop the cat and mouse game over the remaining records, books, and electronic tapes involved in the Watergate and related cases. The Agnew case points to a need to clear the air quickly and totally and to restore full confidence in our political and governmental processes. The American people want a fresh start and this is possible only with all the facts out in the open.

A cloud still hangs over the President and the administration which must now use its judgment in selecting a new Vice Presidential nominee. I would hope that the presentation of this name to the Congress will be accompanied with a simultaneous release of all documents, tapes, and other materials involved in the remaining scandals.

In this manner we can have a new Vice President and hopefully a new start. Without this full disclosure, the new Vice President, whoever he may be, will enter an unknown situation with the Nation still confused and divided about unexplained and unprecedented political scandals. While the Justice Department has its own special responsibilities, the Congress has a broader responsibility and it should take the lead in providing the fullest disclosure in all of these cases.

CANADIANS GEAR UP FOR FOREIGN INVESTMENT RESTRICTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT), is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, since introucing H.R. 8951, the Foreign Investors' Limitation Act, much of my work has centered around researching the foreign investment policies of other countries. Earlier this year, I briefly reported on the investment policies of Japan. At this point, I should like to briefly discuss the current Canadian trend toward foreign investment control. The recent tender offer by the Canada Development Corp. to Texasgulf, an American corporation operating in Texas, Wyoming, North Carolina, Louisiana, Pennsylvania, Utah, and abroad adequately illustrates the Canadian posture—for complete discussion, please see CONGRESSIONAL RECORD, August 2, 1973, at page 27756—since then, I have come across a number of very informative and interesting articles some of which I would like to share with the Members of the body.

The economic consequences of foreign takeovers can be briefly sketched. A foreign takeover increases the stock of capital if the recipients of the foreign funds reinvest them elsewhere in the country, and can add to the productivity of an enterprise if it is inefficient or its methods outdated. But a takeover adds nothing where a company is efficient, or where the takeover is financed from local sources. This is especially the case if the corporation's assets are undervalued because of inefficient management, conservative accounting, the state of the share market, or the current exchange rate. A takeover in these circumstances means only a further loss of control to foreigners and a commitment to make long-term remittances outside the country. Ross Cranston, in the Harvard International Law Journal, continues on the Canadian situation:

> On May 2, 1971, the Minister of National Revenue, Mr. Gray, made a statement to the House of Commons, indicating that the government planned to take steps to review the foreign acquisition of Canadian firms. At the same time, he tabled a draft bill, the Foreign Takeovers Review Bill, 1972. The general effect of the bill is to set up a review process for foreign corporations seeking to buy out or take over existing Canadian businesses above a specified size, in order to ensure that the purchase will result in significant benefit to Canada. As the Minister put it to the House of Commons:
>
> > In general terms the purpose will be to examine proposals for takeovers of Canadian businesses, to approve those that, on balance, will be of significant benefit to Canada, to negotiate with the proposed acquirer in those cases where he can reasonably be expected to make a greater contribution to Canadian development, and to refuse to allow those takeovers that would not bring significant benefit to Canada.
>
> The Act will apply to a takeover of a Canadian business by other than a Canadian citizen ordinarily resident in Canada, an immigrant who has lived there six years or less, or by firms which they control. In other words, a takeover by a foreign investor of an already foreign controlled firm will be subject to review. Even though the enterprise will still be foreign controlled if a takeover eventuates, the government will at least have had the opportunity of preventing new restriction on the operation of the firm involved, and of negotiating terms more commensurate with Canadian interests.
>
> The scope of the bill is limited in a number of ways. It does not apply to specified enterprises which are wholly, or almost wholly, government owned. Presumably it is felt that the government will not sell these enterprises and, in the unlikely event that it did, would at least operate on the basis of principles similar to those it was applying to review private takeovers. Firms with gross assets less than $250,000 and annual gross revenues less than $3 million are not included. Standing alone, this section would allow an enterprise to be broken up before a proposed takeover, so that its separate parts would fall within the monetary limits. But the bill prevents this by requiring the aggregation of the gross assets and gross revenue of any enterprises associated by means of the interrelationship of management, ownership or financial affairs, unless the government is satisfied that the separate existence of the associated enterprises is not for the purpose of avoiding the provisions. Even then, the monetary limits are somewhat arbitrary, although administrative convenience in the early stages of the legislation might demand that the government not concern itself with the takeover of a very small Canadian enterprise.
>
> As indicated, the review process will apply when a foreign investor proposes to acquire control in a Canadian enterprise. For the purposes of the bill, control is confined to the acquisition of shares in a business or of all or substantially all of its assets. Yet it is well recognized that there are avenues for obtaining control of a corporation other than the two mentioned. With regard to the acquisition of shares, three presumptions exist. First, control is conclusively presumed if a foreign investor holds more than 50 per cent of the voting shares of a corporation. Second, where a foreign investor holds more than five per cent of the voting shares of a corporation, the shares of which are publicly traded, or more than 20 per cent of the shares in any other corporation, there is a rebuttable presumption of control, the burden being on the foreign investor to demonstrate that control has not been acquired. Methods of rebuttal would include the filing of shareholders' lists, the submission of the records of annual meetings, or the presentation of affidavit evidence of the location of control in the company. Third, if a foreign investor holds less than five per cent of the voting shares of a public corporation, or less than 20 percent of the shares in the case of other corporations, control is conclusively presumed not to have occurred for that reason alone.
>
> The third presumption is deficient, because control of a corporation can sometimes be secured by holding a smaller percentage of the shares than the five and 20 per cent figures mentioned. Even if it is accepted that a foreign investor should not have to go through the review process every time he purchases a small number of shares in a Canadian corporation, there seems no justification for the conclusiveness of the presumption. One solution would be to presume control had not occurred for purchases under the limits unless the Minister, in his absolute discretion, decided otherwise. The foreign investor would then be on notice to acquire a shareholding in a Canadian corporation for the purpose of enabling him to control it. Transactions involving dealers in securities, the provision of venture capital, and bonafide loan agreements are now exempted from the provisions of the bill, as a result of government sponsored amendments in committee. It was thought that these transactions did not typically involve the acquisition of control in Canadian enterprises.
>
> The review process is comparatively simple. A non-eligible person proposing to take over a Canadian business enterprise must give notice of that fact and provide certain information required by the regulations to the registrar in charge of foreign takeovers. At the same time, he may also wish to take the initiative in giving written binding undertakings to the government about his intentions. The undertakings would be related to the benefits which would accrue to Canada through the takeover in the way of new research and development in Canada, the expansion of operations, or regarding exports. The Minister of Industry, Trade and Commerce then assesses whether the takeover would significantly benefit Canada. In making this assessment, five factors are to be taken into account: the effect of the acquisition of the level and nature of economic activity in Canada, including employment; the degree and significance of participation by Canadians in the business enterprise and in any industry or industries in Canada of which it forms a part; the effect of the acquisition on productivity, industrial efficiency, technological development, product innovation and product variety in Canada; the effect of the acquisition on competition within any industry or industries in Canada; and the compatibility of the acquisition with national industrial and economic policies, taking into account the industrial and economic policies of any province likely to be significantly affected by the acquisition.
>
> If the Minister concludes that the takeover will result in significant benefit to Canada, he shall recommend to the government that it be allowed to occur. If the government reaches the same conclusion, the takeover will be allowed, and an order in council to that effect will be published. The government must decide within 90 days of the initial notification, for at the end of that period the foreign investor obtains an automatic right to proceed.
>
> Should the Minister conclude on the basis of the information and undertakings given that he is unable to make a favorable recommendation, he is obliged to notify the foreign investor, who then has a right to make further representations or to provide additional undertakings. It is at this point that bargaining between the investor and the government might begin, with negotiations taking the form most suitable to the particular case. The Minister will then decide whether the takeover is of significant benefit to Canada.
>
> A number of criticisms have been made of the review process. The first is that the government has wide discretionary power. This criticism, however, fails to recognize that this is almost inevitable if the process is to work with any degree of flexibility. Then, in assessing whether the takeover will bring significant benefit to Canada, neither the Minister nor the government need take into account the social, political, or cultural implications of the proposed takeover. While these factors are somewhat intangible, they are of great concern to many Canadians, and there seems to be no valid reason for excluding their consideration. Third, no opportunity is given to outside parties to make representations to the government on the proposed takeover. Finally, there are difficulties with the enforcement procedure, should the undertakings given at the time the foreign investor is allowed to proceed not be complied with. Clearly some leeway must be given, for non-compliance may result from factors completely unforeseeable. If necessary, a superior court, on application of the Minister, can order the investor to carry out an undertaking. But this has two weak-

nesses: the Minister alone can take the initiative and, furthermore, no guidance is given to the court as to how it should exercise its discretion.

An additional indication that the Canadians are serious in their pursuit toward more national control of their resources is a recent series of news articles appearing in both the Washington Post and the Canadian Financial Post concerning the restriction of foreign landholding—from companies to individuals—in the province of Ontario.

[From the Washington Post, Sept. 23, 1973]

ONTARIO MAY RESTRICT FOREIGN LANDHOLDERS

(By Eric Malling)

TORONTO, September 27.—Some Ontario legislators want to bar all foreigners—including U.S. companies—from buying land in the province.

The measure would be aimed mainly at American vacationers and the foreign real estate companies that own much of the valuable land in the province's big cities.

The proposal, which was leaked to the Toronto Star yesterday, comes from a special committee of the provincial legislature that is studying all aspects of economic and cultural nationalism in Canada's most populous province.

It will be presented to the legislature in a few weeks, and although the Conservative Party government that has governed Ontario for 30 years is not bound to accept the recommendation, it cannot dismiss it lightly because seven of the 11 legislators on the committee are Conservatives.

OUTSIDE SPECULATORS

The committee has no estimate of how much Ontario land is already owned by foreigners. However, it said that Americans own 90 per cent of the prime homesites in some areas, and foreign investors are buying large tracts of wilderness land for long-term speculative profits.

It said the book value of land foreign companies hold and conduct their business on exceeds $10 billion—and if it were valued at market prices the total would be much higher. Foreign companies own about 60 per cent of Canada's manufacturing industry, which is concentrated in Ontario.

The committee said restrictions on land ownership are "a matter of urgency and priority."

"As a general tenet, the committee considers it desirable that land, the basic natural resource of the province, be owned within Canada rather than abroad," the report said, warning that "availability of land and other real property at reasonable cost is the key element in the future quality of life in the province."

LEASE, NOT BUY

Under the committee proposals, companies would not be able to buy land unless they are at least 75 per cent Canadian-owned. Foreign-dominated companies would be allowed to lease land if this is essential to their business.

Vacationers would be completely blocked—prevented from either buying or leasing. They could, however, rent lots from Canadian owners.

Americans who already own cottages in Canada would not have to give them up, but they could not pass them on to their children; a foreigner inheriting Ontario land would be given three years to sell it to a Canadian.

Although measures to protect the economy from too much foreign influence are generally seen as a federal responsibility, land management is under provincial jurisdiction in Canada.

[From the Canadian Financial Post, Oct. 6, 1973]

ONTARIO UPROAR: "FOREIGNERS CAN'T BE LANDED GENTRY"

(By Richard Starks)

"It's ludicrous, just incomprehensible."

"It boggles the mind."

"It's economic suicide."

Such were the anguished cries of outrage that were swarming around the business community in Ontario last week.

The cause: newspaper leaks of a report from the Economic & Cultural Nationalism Committee to the Ontario government, urging severe restrictions on the amount of land foreigners—both corporations and individuals—may own in the province.

Admittedly, the business community refused (rightly, as it turned out) to accept the validity of the newspaper stories. And it was generally convinced that, as one real-estate spokesman said, "no responsible government could ever adopt (the leaked) proposals." So the outrage didn't really come from the heart.

Nevertheless, there is enough strength in the committee report that, should the Ontario government move toward making the proposals law, some of those confident chuckles of disbelief now emanating from corporate boardrooms could easily rise to hysterical giggles.

The full extent of the committee's report will not be known until its report is published early next week. However, FP has confirmed the accuracy of some of the recommendations that were leaked to the press.

The most far-reaching is the proposal that no foreign corporation or individual should be allowed to purchase land in Ontario. They would only be able to lease.

(The committee defines a foreign corporation as one that is less than 75% Canadian-owned.)

The proposal, if made law, would severely limit many of the expansion plans of foreign companies, which undoubtedly would think twice before building a new plant on leased land where they had no control over costs.

(The foreign company could, perhaps, take a 99-year lease, but that would give it effective ownership. If the Ontario government was really serious about limiting foreign ownership, it could easily prohibit such long-term leases by law.)

Fifty-three of Canada's largest 100 companies are foreign-owned under the committee's definition. And nearly all of them have substantial operations in Ontario. The only way they could expand—if a land purchase were involved—would be to become 75% Canadian owned, a highly improbable event if for no other reason than that Canadians couldn't afford to take them over.

CANADIAN FIRMS

Even such "Canadian" companies as Canadian Pacific Ltd. (40% foreign-owned) and Hudson's Bay Co. (50% foreign-owned) would feel the restriction.

Joint ventures such as Simpsons-Sears Ltd. would also be affected.

Major developers such as Trizec Corp. (60%–65% foreign-owned) could no longer expand freely in the province. The company owns such major Ontario shopping centers as Yorkdale Plaza and has a 65% holding in Scarborough Town Centre.

In fact, says one Toronto real-estate broker, construction in the major urban areas would "grind to a halt" if foreign land purchases were prohibited.

Suppose a Canadian company decides to build an office block, he says. To satisfy the mortgagee, the company must lease about 50% of the building before it starts construction, and to attract tenants into a building that does not yet exist, it must offer low rents.

When the building is finished, the developer will likely sell it, to liquidate the capital he needs to build elsewhere. But since the rents are low, the return on the building will be low—usually too low, the broker says, to attract a Canadian buyer.

FIZZLE OUT?

Non-Canadians, however, are prepared to accept the small return, and will come up with enough money to keep the construction cycle turning over. Without their money (and thus their ownership), the construction boon would rapidly fizzle out.

(It's been argued that restricting foreign ownership would be justified if foreigners were buying up land and holding it off the market to force up prices. But the victims of such a practice would suffer just as much if the speculators were Canadian.)

The ban of foreign land-purchases would also curb apartment and house construction in the province, lowering supply and raising prices.

Richard Costain Ltd. (49% foreign owned), for example, buys land, builds on it, and then sells it back to Canadians. Although the land ultimately ends up in domestic hands, the company (and others like it) would have trouble operating under the ban.

It's not surprising, therefore, that the business community is a little concerned over the committee's recommendations.

What is surprising, however, is the number of business leaders FP contacted who were in favor of some sort of control on land ownership by foreign corporations—but not such stringent controls as the committee suggests.

When it came to individual land ownership, the feeling was almost unanimous that controls are needed.

The committee's proposals here are aimed primarily against foreign (that is, U.S.) ownership of prime vacation land in the province. In some areas of Ontario, the committee found that up to 90% of the recreational land is in the hands of foreigners, most of whom make use of their property for only a few weeks out of the year.

If buying pressure from the U.S. was relieved, land prices would undoubtedly decline allowing more Ontarians to own a piece of their province.

The proposals, of course, are far from being passed into law. And Ontario Premier William Davis has indicated in the past that he would be against sweeping restrictions on land ownership.

However, it should not be forgotten that, in spite of its business-community support, Ontario's Conservative government has led the rest of the country in some foreign-ownership areas—such as its bill requiring Canadians resident in Canada to form the majority on the board of directors of companies incorporated in the province.

And it just might transpire that some stiff anti-foreigner, pro-nationalist legislation is exactly what the government needs to restore its flagging popularity.

In closing, I would hope that any discussion on this matter would be toward a fruitful end. Only an integrated set of policies can successfully and intelligently handle foreign investment. It is my intent to sponsor legislation that will develop rational policies along the lines suggested, being careful to insure both economic growth and national independence.

NOMINATION OF THE NEW VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, we are all saddened by the circumstances which have brought about the resignation of the Vice President. Of necessity, however, we must turn our attention to the matter of whom the President shall nominate to fill the office.

With the great uncertainties that have faced this country in the last several months, I consider it vital that a successor be chosen and approved as quickly as possible. I commend the President for the prompt action he has taken to consult with the leadership of both parties in Congress. In my opinion, such consultation is essential for securing the appointment of an individual who will help restore public confidence in our national leaders and promote the commitment and cooperation of all parts of our Government toward the realization of common goals.

In considering the appointment of a new Vice President, it is my fervent hope that the House and Senate will eschew partisan considerations and urge the nomination of the strongest, most qualified person possible. This country has experienced the tragic loss of incumbent Presidents too often for us to be content with appointing only a "caretaker" to the Vice Presidency. I submit that it is our absolute duty to approve a Vice President who, in an emergency, will be capable of assuming the reins of leadership and securing the aid and support of the Congress and the people.

During the next few weeks we will have the opportunity and responsibility to review the nomination of a new Vice President. Let us thoroughly, but quickly and responsibly discharge this great duty so that the country and the Congress can leave this unfortunate period behind us and proceed with the task of resolving the great national and international issues of the day.

DÉTENTE IMPERILED—NOT BY JACKSON AMENDMENT BUT BY SOVIET INTERVENTION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 20 minutes.

Mr. KEMP. Mr. Speaker, we have heard much over the past 3 years on the viability of a meaningful détente between the United States and the Soviet Union. Détente—the relaxation of strained relations or tensions between nations—was intended to be an immediately available mechanism for the President's much-heralded era of negotiations. It was the cornerstone of many of the President's most significant foreign policy initiatives. It was to form the basis upon which the United States and the Soviet Union would enter into a series of conferences—the European Security Conference, the Mutual Reductions of Forces and Armaments and Associated Measures in Europe Conference, and the second round of strategic arms limitation talks—as well as serving as a device for heightened social, cultural, and scientific exchanges between the nations.

Détente, in the original French, meant "a mechanism which unlocks." It is just that—a mechanism, a procedure, a tactic, a device. Thus, there appeared to be little wrong with a sincere pursuit of détente, provided that such sincerity was manifested by actions, not just words, from both major parties; provided that the American people and their leaders appreciated fully that a relaxation in tensions must be undertaken with our foreign policymakers having their feet squarely upon the ground and in no mood of euphoria; and provided that emphasis upon the mechanism—détente—did not obscure the substantive foreign policy objectives sought by the United States and other free world nations.

The one unanswered question through all of the discussion about détente, and the preliminary and plenary sessions of the conferences arising therefrom, was the willingness of the Soviet Union to match its words with deeds—matching the spirit of détente with its letter.

During the past 6 days, the Soviet Union has been given the opportunity to show to the world its desire to curb tensions among nations, to cooperate in refusing to fuel the hostilities in the Middle East, to cooperate specifically with the United States in arriving at a cease-fire in the Middle East, and to retreat from its manifest policy of anti-Semitism. The Soviet Union has taken none of these approaches.

What the Soviet Union has done became clearer with today's morning newspapers and broadcasts. It has commenced a "major airlift" of supplies, machinery, and other articles of war to both Egypt and Syria, the principal belligerents against Israel in the present conflict. The leads in this morning's papers are clear: "Soviets Airlifting Aid to Arabs," "Soviets Start 'Major Airlift' to Egypt, Syria."

We do not yet know from public sources if the Soviet Union has begun the movement of ground troops within Eastern Europe or the Soviet Socialist Republics in the southwestern Soviet Union. We do know, however, that the Soviet Navy has moved its ships in the Mediterranean to the vicinity of the conflict and has steamed out additional warships through the Straits of Bosporus into the Mediterranean.

The Soviet Union's actions should come, in my opinion, as little surprise. They are fully consistent with their never-renounced intentions to obtain, secure, and hold the oilfields of the Middle East, providing them with oil supplies in quantities fully adequate for their own uses, with sufficient leverage to be able to curtail oil shipments to the Western Powers simultaneously.

Additionally, the seizure of the east bank of the Suez Canal would not only provide the Egyptians with a breakthrough in the Sinai Peninsula, but would also permit a reopening of the canal, an important and major need of the Soviet fleet, within the past few years operating freely within the Mediterranean Sea, to gain easy and rapid access to the Persian Gulf and the Indian Ocean. It is in furtherance of Soviet national interests to obtain these major, strategic advantages at this point in history, while negotiations—from positions of strength—with the United States and the nations of western Europe continue. It is also an additional expression of Soviet opposition to the State of Israel.

Perhaps, the most distressing single aspect of the Soviet action is the way in which it invites, in the understandable and natural course of affairs between nations, a counter and balancing measure from the United States. To preserve a semblance of balanced military capabilities within the Middle East, the United States must resupply Israel. The ultimate tragedy is the needless loss of life—Arab and Jew, soldier and civilian, which will come from these hostilities.

Two days ago, I took the floor of the House to warn that the United States should immediately proceed to the full inventory, exploration, and capturing of all available oil supplies within the United States and its Continental Shelf. In making those remarks, I stated:

> I believe we can have both adequate energy and adequate environmental protection at the same time, but we must move forward in these two areas now. To do otherwise is to invite continued abuse at the hands of the belligerent Arab nations.

I stand in this Well today to stress the immediate necessity of our Nation's foreign policymakers fully appreciating the seriousness of the Soviet airlift, its impact upon détente, and the escalation which is inevitable. To underscore these indices of judgment which must now be brought to bear, I include in the RECORD excerpts from today's Washington Post lead article:

SOVIETS AIRLIFTING AID TO ARABS, UNITED STATES REPORTS

(By Marilyn Berger and Michael Getler)

High-ranking U.S. officials and Israeli military sources said yesterday that the Soviet Union had begun a "major airlift" of supplies to both Egypt and Syria.

The disclosure appeared to open the way for the immediate supply of U.S. equipment to Israel to replace that country's heavy losses sustained during the five days of fighting in the Middle East.

While State Department spokesman Robert J. McCloskey said he could not confirm for the record reports of the Soviet shipments to the Mideast, he said that any "massive airlift . . . would tend to put a new face on the situation." The implication of his remarks was that it would affect the U.S. posture in the Middle East and, beyond that, U.S.-Soviet detente.

McCloskey recalled that Secretary of State Henry A. Kissinger had said in a carefully prepared speech Monday evening that "detente cannot survive irresponsibility in any area, including the Middle East."

It appeared that the United States had already begun responding to the Soviet action. Neither U.S. nor Israeli officials would comment in any way on the military supply situation, but there were indications that equipment was already on its way to Israel.

A Boeing 707 with Israeli markings was seen at Norfolk being loaded with Sidewinder and Sparrow air-to-air missiles, the type used by Israeli Phantom jets. The plane took off immediately after loading. U.S. government sources say it is likely that there will be other arms airlifts to Israel including artillery, shells, bombs and tactical missiles.

At the beginning, the United States had

taken a hands-off attitude, clearly in the expectation that the Israelis would be able to respond to the Arab attack with ease and dispatch. The prolonged battle has created an entirely new situation.

A major reason for wishing to stay outside the battle, beyond the desire to keep the conflict a local one isolated from the major powers, is the continuing threat of a cutoff of Arab oil to the West as an Arab weapon.

Egypt yesterday urged King Faisal of Saudi Arabia to halt oil production at his American-run wells if the United States moved to replace Israel's losses in military equipment. Such a warning reportedly was already sent by Faisal to Washington. President Nixon noted in speaking to scientists yesterday that the United States must become self-sufficient in energy supplies so as not to be dependent on "uncertain sources."

As the Mideast crisis deepened, President Nixon and Kissinger met for 90 minutes with congressional leaders of both parties to brief them. Ten senators and nine congressmen attended the session in the Cabinet Room and gave their support to the administration's efforts to bring an end to the hostilities.

Before going to the White House meeting, Senate Majority Leader Mike Mansfield of Montana told reporters at a breakfast meeting that the United States should avoid any involvement in the war. "I want no more Vietnams," he said.

Speaking before the disclosure of Soviet arms supplies, he also said that the United States should "be guided by what the other side does" so far as equipping the belligerents. "What the other side does, we should do," he said.

Mansfield's assessment, prior to the White House meeting, was that the Soviet Union had been "relatively restrained." He did not address the question after the briefing by the President and Kissinger and said that the question of U.S. arms supplies to Israel had not been discussed "specifically."

At the beginning of the battle, when it appeared that it would be a swift although bloody skirmish, State Department officials suggested that the Soviet Union had shown an interest in preventing a wider war. Reports that the Soviet Union was urging other Arab states to provide the belligerents with "the greatest possible support," and later signs of Soviet arms shipments were causing a re-evaluation.

[Soviet Ambassador to Lebanon Sarvar Azimov met with Lebanese President Suleiman Franjieh Tuesday and Beirut newspapers reported yesterday that the Russian handed Franjieh a message from Soviet Communist Party leader Leonid I. Brezhnev containing pledges of support, including military help, for the Arab states.

[Soviet envoys in all Arab capitals reportedly transmitted copies of the letter, originally addressed to Algerian President Houari Boumedienne.]

Other Soviet moves also were causing concern here. Yesterday Moscow sent reinforcements for its Mediterranean flotilla through the Dardanelles, the 19,000-ton cruiser Sverdlov used for offshore bombardment and two guided-missile destroyers. This was the first reinforcement of the Soviet Mediterranean fleet since the conflict began and came as major elements of the U.S. Sixth Fleet, including the attack aircraft carrier Independence and the helicopter carrier Guadalcanal, plus guided missile frigates and destroyers, were reported "within a few hours steaming time" of the Mideast combat zone.

The U.S. aircraft carrier Franklin D. Roosevelt also left Barcelona, Spain, apparently sailing eastward in the Mediterranean, U.S. defense officials said yesterday.

The Soviet airlifts to Syria and Egypt, which were believed to be coming via Hungary, contained materiel in crates. Informed sources said they assumed that shipments to Syria contained ground-to-air missiles, probably the mobile SA–6 that has been highly effective in bringing down Israeli planes over the Golan Heights, and possibly aircraft. These sources speculated that the Egyptians were receiving antitank and antiaircraft missiles, ammunition and possibly planes.

In Moscow, a Soviet foreign ministry spokesman declined to comment on the reports from Washington of a step-up in arms supplies to the Arabs.

There were indications meanwhile that the United States was already wrestling with the problem of re-supplying F–4 Phantom jets following the loss of what is believed to be more than 60 of the Israeli fleet of 300-plus jet fighters and attack planes. Israeli officials are known to have met at the Pentagon with members of the Defense Department's International Security Assistance office, the section that handles equipment destined for overseas delivery.

Such superpower supply to the belligerents and the almost total disagreement exhibited in the Security Council by the United States and the Soviet Union appear in conflict with the various declarations that came out of the Moscow and Washington summits where both countries pledged to "create conditions which promote the reduction of tensions." McCloskey, at the regular State Department briefing yesterday, declined, however, to make charges or accusations against any country. "That may come," he said, "but I'm not prepared to do it now."

The Post, in that same edition, editorialized, as follows:

A HEAVY CHALLENGE TO DÉTENTE

For the United States, the most sobering revelation to come out of the fourth Arab-Israeli war is that detente—the President's "structure for peace," or at least that part of it which rests upon a Soviet-American detente—may not be nearly as sturdy as its American builders proclaimed it to be. When the war broke out last weekend, the immediate tendency was to take comfort in the fact that neither Moscow nor Washington was involved militarily, and that no unduly harsh Soviet-American political crisis threatened. But as Murrey Marder writes elsewhere on this page today, this is no longer the case.

This is the emerging record:

The Russians unquestionably knew Egypt and Syria were about to attack yet they did not inform the United States as they are obligated to do under the Basic Principles of Relations which were signed in Moscow in 1972 and reaffirmed in Washington last June.

The third "Principle" affirms the special Soviet-American responsibility "to do everything in their power so that conflicts or situations will not arise which would serve to increase international tension." Faced with a choice between honoring this fundamental commitment and letting its clients start a war, Moscow chose war. It violated its solemn obligation to the United States and it did so in a context where the result was immediate, violent and tragic.

Since the war opened, moreover, Moscow has begun a military supply airlift to Syria, if not also to Egypt, and publicly urged other Arab states to give the combatants the "greatest possible support." These actions run directly counter to the specific promise of General Secretary Brezhnev to work for international order, and, indeed, counter to the general promise of detente.

Secretary of State Henry Kissinger said last Monday: "We will react if relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots." He went on to say that "the Soviet Union cannot disregard (these principles) in any area of the world without imperiling its entire relationship with the United States . . . Detente cannot survive irresponsibility in any area, including the Middle East." These statements suggest the administration fully understands the heavy challenge to a relaxation of tension which has been posed by the Kremlin's Mideast policy. For it cannot be easy for a President who is otherwise weakened by a multiplicity of domestic troubles, and has made detente the centerpiece of his presidency, to admit the possibility that that policy may be deeply flawed.

* * * * *

. . . It is cruel to imagine that the hopeful prospect of Soviet-American relations could dissolve as the result of Soviet policy in this crisis. But the stakes cannot be ignored. . . .

These positions were underscored by columnist Joseph Kraft:

UNITED STATES-SOVIET DÉTENTE AND THE MIDEAST

(By Joseph Kraft)

The new outburst of fighting in the Mideast shows the limits of détente between the Big Two. The Russians are willing to cooperate with this country only on an opportunistic basis.

As soon as chances for gain present themselves, Moscow turns a deafish ear to Washington. So this country is justified in holding the Russians to stiff conditions as a price for détente.

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What this behavior shows is that the elements already involved in détente are not enough to restrain the Soviet Union. No doubt General Secretary Leonid Brezhnev would like to develop his country economically with help from the United States in farm produce and technical know-how. Probably he would also like to pare military budgets by arms control agreements putting a lid on the most expensive weapons. But these prospects are not sweet enough or important enough to deter the Soviet leadership from rash actions certain to jeopardize Big Two cooperation and peace in the world.

In these circumstances, the United States needs to hold the Soviet Union more strictly to account. One way to do that lies in the amendment offered by Sen. Henry Jackson to the administration's proposal for granting Russia nondiscriminatory trading terms for most favored nation treaty. The Jackson Amendment provides that "most favored nation" treatment and economic credits, can be granted only if the Soviet Union makes progress in freeing up internal emigration.

For some time it was difficult to organize a position on the Jackson Amendment. The President argued that adding conditions to the deal he had cut with the Russians would put his word in doubt, threaten détente and cause a reversion to the cold war.

But part of that argument is bogus. The Congress has always insisted on playing a major role in trade agreements. Back in 1911 the Congress passed a resolution condemning Russia for harsh treatment of the Jews. The next year, in pursuit of that resolution, President William Howard Taft actually abrogated an ongoing trade treaty with Czarist Russia.

In 1962, President Kennedy wanted to broaden trade rules so that "most favored nation" status could be extended to several East European countries besides Yougoslavia and Poland. The Congress, instead, passed a bill which eliminated Yugoslavia and Poland from "most favored nation" status.

So the President had no right in the first place to make with Russia a binding deal involving trade. Now, on top of the tradition comes the evidence of the irresponsible way the Russians interpret détente.

Accordingly, there can be little doubt about the appropriate American reaction. The Russians are not offering this country the kind of restraint that justifies important economic concessions. Washington ought to raise the price of the détente. The way to do that is to acknowledge our deepest humanitarian standards. It is to go at least part way with Sen. Jackson in insisting that Russia progressively humanize its regime.

Mr. Speaker, if the Soviet Union does indeed want détente—and need détente because of the economic advantages which will accompany a relaxation in tensions—then there is little to lose for the United States to now insist, as an antecedent to any continuation of conferences or agreements pending, that the Soviet Union immediately cease and desist from providing any additional military hardware, technology, or advice to the belligerent Arab nations. This should be a precondition to the relaxation of trade—to even the consideration of preferential treatment by the United States through most-favored nations status or credit extensions, or of reductions in force and arms limitations, or any other major agreement.

U.S. action should be characterized by a determination to use what is now its leverage—the withholding of that which the Soviets want—to effectuate a peace in the Middle East. It is a mechanism which could work, for without Soviet assistance Egypt and Syria cannot long afford this war.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I am today introducing a joint resolution to authorize and request the President to convene a White House Conference on Library and Information Services in 1976.

A similar resolution was recently introduced, Mr. Speaker, by the distinguished minority leader, Mr. GERALD FORD of Michigan, and I welcome this bipartisan support for the concept of such a conference.

I should also note, Mr. Speaker, that the Senate Labor and Public Welfare Committee only yesterday reported a companion measure sponsored by my able and distinguished colleague, the Senator from Rhode Island (Mr. PELL).

Libraries are so familiar to us that we may tend to take their many valuable programs and services for granted. When we seek information or enlightenment or recreation or refreshment of the spirit, we turn to the library to find what we seek. Few of us have any notion of the staffs, equipment, facilities, and procedures that are required to provide us with library services, any more than we are aware of the inner workings of most of the other complex institutions of modern life on which we rely.

MANY TYPES OF LIBRARIES

Mr. Speaker, the Select Subcommittee on Education, which I have the honor to chair, has overseen the development of the Library Services and Construction Act, which has strengthened our public libraries, and the Committee on Education and Labor has fostered the services of school and college and university libraries through provisions of the Elementary and Secondary Education Act, the Higher Education Act and other measures. Members of Congress are also aware of the role of the Library of Congress as a keynote of the structure of library services throughout the Nation and as one of the preeminent national libraries of the world.

I want to point out, Mr. Speaker, that we have such a great variety of libraries because libraries serve a very great range of needs. The public library typically contains several specialized departments to serve its various constituencies—adults, children, businessmen, craftsmen, and technicians—and to provide its various materials—pictures and books, as well as recordings and periodicals.

School and college libraries must meet the needs of both students and teachers while the libraries of the institutions of higher education must also provide the many raw materials of scholarship and research.

There are, in addition, the libraries of hospitals and medical schools, the law libraries to which so many of my colleagues have turned in their time, the libraries of the professional and scientific societies, and the libraries of the larger business firms and trade and industry organizations.

HIGH COST OF LIBRARIES

The point of this enumeration is to emphasize a peculiarity of libraries that has helped to put them in their present predicament. It is this: not everyone uses a library, nor does everyone use the same library throughout a lifetime of learning and work, yet the library must be there—ably staffed and well-stocked—for those who need it, when they need it. And the library cannot await a request before obtaining an item. The law library, for example, must be ready to serve its patrons even when they are not preparing for the bar examination or searching for precedents while drafting a brief.

In economic terms, the library is thus a high-overhead institution. Moreover, it is a public service the costs of which are met through public funds. It is inconceivable that libraries be operated on a fee-for-service basis; for that would be totally inconsistent with the ideals of education as well as sound public policy. Learning is not hoarded for sale in the marketplace, but offered freely to all, especially new generations, by those who possess it—the scholars and teachers who themselves freely received it from those who taught them. Our system of self-government requires an enlightened electorate with free access to information and opinion, and the library is as essential to the processes of self-government as the newspaper, the broadcast, the public speech or the legislative debate.

SOUND LIBRARY ECONOMICS

Aware of their commensurate responsibilities to the public, libraries are economical, even parsimonious, in their operations. They cooperate to keep their costs at a minimum. They borrow and lend their materials among themselves so that almost any user of virtually any library may obtain the book or journal or map or print or tape that he requests. Doubtless we have all made use of this remarkable attribute of libraries at one time or another. The Library of Congress has arranged with hundreds of publishers to print standardized cataloging numbers in their publications so that libraries can put them on their shelves and list them in their catalogs more rapidly and at less expense. Libraries have utilized the developments of advancing technology, too, in order to provide services more economically. They use microphotography to save space, telecommunications to save time, and now computers to save money as well as space and time.

AMERICAN LIBRARY CRISIS

Nevertheless, Mr. Speaker, our libraries are today in crisis. The characteristic commitment of the American people to education remains as firm as ever. Although about 76 percent of our 18-year-olds were graduated from high school in 1971, almost 86 percent will be graduated in 1981. Although 59 percent went on to college in 1971, by 1981 the proportion is expected to be over 67 percent. We have a far more highly educated electorate and labor force than any other large nation, and librarians confirm that the thirst for knowledge is rarely quenched, and that the more formal education a person has, the more informal education he seeks at the library and elsewhere.

So the greater numbers who are using libraries are one factor in the present crisis. Another element is the rising output of the materials that libraries must make available to their users. Every year, more books are published, more scientific journals are issued, more magazines, newspapers, films, and recordings are produced—and in more and more languages. And so there is vastly more material to peruse, and consult, and compare, in addition to the many more people who want to know, and need to know, what has been learned or envisioned and brought to the libraries.

These two factors of rising numbers of users and rising output of materials combine to increase the costs of libraries.

The third factor in the library crisis is primarily political, not economic. It is the question of how the increasing, largely uncontrollable, costs of library services are to be met, that is, by what units or levels of government.

STATE AND PRIVATE ROLE

Like most other public services in this country, libraries were originally almost entirely a responsibility of local government and philanthropy. Libraries were endowed at first by societies of their patrons and later by public-spirited donors, among whom Andrew Carnegie was was unquestionably foremost, but by no means alone. Larger units of government then joined in support of libraries, the States through aid to the public schools and through the development of the public universities as well as of the State libraries themselves.

FEDERAL SUPPORT

Aside from the development and maintenance of the Library of Congress, the National Agricultural Library and the National Library of Medicine, the Federal Government did not support public libraries, school libraries or the libraries of higher education and other institutions until relatively recent times.

The Rural Library Services Act, Mr. Speaker, was enacted in 1956 after a decade of consideration and debate in Congress. In time this statute was broadened to become the present Library Services and Construction Act, which addresses the needs of public libraries. In time, too, through the National Defense Education Act, the Elementary and Secondary Education Act, the Higher Education Act, the Medical Library Assistance Act and other legislation, Congress affirmed a measure of national responsibility for school and college libraries as well as others.

DEBATE OVER FEDERAL ROLE

Mr. Speaker, as in other areas of our national life, such as education, provision of these vital public services for libraries is still preeminently a local and State responsibility. And that is as it should be.

Yet there has been a steadily increasing recognition of the concept that all our citizens, no matter where they happen to live and work, are entitled to public library and other services of a certain level and quality. To stimulate and assure an equitable provision of these services, Congress has been sharing their costs with the States and with local governments.

This trend has been questioned in recent years. Presidential aides, no longer at the White House, have asserted, in substance, that "libraries are traditionally and wholly a local responsibility—why should the Federal Government assist them?" The budgets submitted by the President in the last few years have proposed drastically smaller, and even no, appropriations for major library programs. We have been told that other activities have a higher priority, or alternatively, that revenue sharing is the answer to the problems of libraries and other local services. I would note in passing that libraries received only $12.5 million, or six-tenths of 1 percent, of the first $2 billion received by local governments under the State and Local Fiscal Assistance Act.

A PUBLIC DEBATE

Mr. Speaker, I do not believe that we in Congress should shrink from the challenge that is being presented to the wisdom of Congress in enacting and continuing the legislation that supports the development of libraries. But I believe that people outside Congress should also confront this question more directly. That is the reason I am today introducing a joint resolution calling for a White House Conference on Library and Information Services. The resolution calls for a meeting of a representative group of the citizens who use and pay for libraries, and those who direct and operate them, as well as appropriate public officials. The delegates to this White House Conference should confront the crisis that currently threatens our libraries, shall consider the ways in which the crisis can be surmounted, and should present to public officials their proposals for the continued growth and development of the libraries of the American people.

GROUNDWORK ALREADY LAID

Mr. Speaker, we are fortunate that a great deal has already been done to assure the success of a White House Conference on Libraries. Under provisions of the Library Services and Construction Act, a statewide planning process has been assessing the needs for library services of the people of each State, in their various communities. Each State ranking those needs in terms of relative priority so that they can be met in an equitable and prudent manner.

During this continuing process of planning, each State is considering the needs of all types of libraries including the Nation's State, public, school, and academic libraries, special libraries serving persons in government, commerce and industry, the arts, the armed services, hospitals, prisons, and other institutions.

Many States, Mr. Speaker, are also addressing the provision of library services across political boundaries. In many metropolitan areas, the inner city libraries are heavily patronized by suburban residents who do not pay the municipal taxes that support these libraries. In certain parts of the country, library users cross State lines. These are simply facts of modern life. We cannot escape their implications by asserting that traditional divisions of governmental responsibility must remain unchanged.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

In addition to the State-by-State appraisal of library services that we have required under the LSCA, Congress has also created the National Commission on Libraries and Information Science to review and evaluate the problems and potentialities of libraries from a national perspective. That Commission has been at work, through studies, meetings and hearings, since its appointment by the President in 1971. The joint resolution I propose would have the Commission direct the planning and conduct of the White House Conference on Library and Information Services in 1976 so that there would be no need to establish a costly ad hoc body to do this job. The resolution would also authorize the holding of State-wide conferences in association with the meeting in Washington if these are deemed to be useful, as I believe they would be.

NEED FOR A WHITE HOUSE CONFERENCE

As the National Commission is assuring the careful and coordinated development of library and information services, a White House Conference could assure the broad public understanding and support of its findings and recommendations for the further progress of our libraries. We know that a White House Conference can effectively clarify the national purpose and strengthen the national resolve to press forward.

We have seen the White House Conference on Aging help to formulate public policy initiatives which became the law of the land in the Comprehensive Older Americans Services Amendments, which I had the privilege of sponsoring in the House.

One of the provisions of that legislation, Mr. Speaker, dovetails nicely with the library programs we are discussing today. I refer, of course, to the fact that the Comprehensive Older Americans Services Amendments authorizes older readers' service by means of which libraries may provide house visits to elderly Americans, as well as librarians especially trained in the needs of older people.

I am confident, Mr. Speaker, that the White House Conference on Library and Information Services will be as productive as the White House Conference on Aging.

Finally, Mr. Speaker, I believe that convening a White House Conference in 1976, as the resolution provides, would be appropriate as well as timely. Authorizing the conference now would afford opportunity to prepare for it without haste or waste. The bicentennial year will be a period of reviewing our accomplishments in many aspects of our national life and a time for setting new goals and determining how best to reach them. We shall be asking ourselves what contributions we Americans have made to better lives for our own people and for others, and we shall be considering the extent to which we have succeeded in realizing the ideals and ambitions of our forefathers.

The public library is a great and distinctively American contribution, as is our provision of educational opportunity on a scale as yet not matched by any other large nation. Like many other Members, I have been critical of some of the proposals for marking the Nation's bicentennial observance and have asked that our celebration of this momentous anniversary be thoughtful and worthy of our own high goals, and our great heritage, and not shallow and self-serving.

A White House Conference on Library and Information Services in 1976, Mr. Speaker, would be fully consonant with the serious appraisal of the essence of our past and future that I believe should characterize our bicentennial activities. Franklin and Jefferson would approve, Lincoln and the Roosevelts would agree.

Mr. Speaker, I include the text of the proposed resolution at this point in the RECORD:

Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1976

Whereas access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government; and

Whereas the preservation and dissemination of information and ideas is the primary purpose and function of libraries and information centers; and

Whereas the growth and augmentation of the Nation's libraries and information centers are essential if all Americans are to have reasonable access to adequate services of libraries and information centers; and

Whereas new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically; and

Whereas maximum realization of the potential inherent in the use of advanced technology by libraries and information centers requires cooperation through planning for, and coordination of, the services of libraries and information centers; and

Whereas the National Commission on Libraries and Information Science is developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs; and

Whereas productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries and information centers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services in 1976.

(b) (1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers, in accordance with the policies set forth in the preamble to this joint resolution.

(2) The conference shall be composed of, and bring together—

(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(C) persons with special knowledge of, and special competence with, technology as it may be used for the improvement of library and information services; and

(D) representatives of Federal, state, and local governments, professional and lay people, and other members of the general public.

(c) (1) The conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.

(3) (A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2); and, for that purpose, each Federal department and agency is authorized to provide personnel to the Commission in accordance with section 3341 of title 5, United States Code. For the purposes of such section 3341 and this paragraph, the Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).

(B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution without regard for section 501 of title 44, United States Code.

(6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e) (1) There is hereby established a twenty-eight member advisory committee to the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) two persons designated by the Speaker of the House of Representatives; (C) two persons designated by the President pro tempore of the Senate; and (D) not more than twenty-one persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.

(2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding $100 per diem, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

CHICAGO'S 1973 COLUMBUS DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, for the third time in our Nation's history, Monday, October 8, was celebrated as a national legal holiday honoring the discoverer of America, Christopher Columbus. The parade this year had greater participation than ever before and culminated a weekend of festivities with a gigantic parade on State Street. The theme was "America—A Nation of Immigrants" in honor of those who have immigrated to the United States.

Columbus is remembered as a man who fought against tremendous odds because he wanted to find truth and make it triumph. He is regarded as a great pioneer personifying the spirit of discovery, and embodying the will to overcome insurmountable obstacles. Columbus' fleet may have found its port, but the journey which he began has not yet been completed.

For it was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs, and it was through this voyage that men looked upon this land as a place where all people, regardless of how humble or exalted their origin, could achieve their full potential. And, as we become ever more conscious of the importance of our historic roots in both understanding the founding concepts on which our country stands, and the needs and demands of the present as well as future generations, the importance of Columbus as the father of all immigrants takes on added significance.

The all day Columbus Day celebration began with a Concelebrated Mass at Our Lady of Pompeii Church at 9 a.m. Presiding at the Mass was Most Rev. Michael R. Dempsey, Auxiliary Bishop of Chicago. The concelebrants included Very Rev. Edward M. Pellicore, Rev. Leonard H. Mattei, Rev. Gino Dal Piaz, C.S., Very Rev. Peter Sordi, C.S., Rev. August Feccia, C.S., and Rev. Paul J. Asciolla, C.S., coeditor of Fra Noi. The homily was given by Rev. Msgr. Geno C. Baroni, president of the Center for Urban Ethnic Affairs in Washington, D.C.

Special wreath-laying ceremonies took place at 11 a.m. at the Columbus Statue in Vernon Park, and at 3 p.m., following the parade, the Order of Sons of Italy in America laid a wreath at the Columbus Statue in Grant Park.

The main event of our celebration, Chicago's gigantic Columbus Day parade, began on State Street at 1 p.m. Sixty floats, depicting the theme of the parade, and 73 marching units participated. Women and children wearing authentic native costumes of Italy rode on the floats and Anthony Morizzo portrayed Christopher Columbus. In addition, various school bands, corps of marchers, and a number of drum and bugle corps took part in the parade.

Those leading the parade were Honorable Richard J. Daley, Chicago's Mayor; Honorable Dan Walker, Governor of Illinois; Michael Balzano, National Director of ACTION; the guest of honor, Jack Valenti, president of the Motion Picture Association of America and former top administrative aide to President Lyndon B. Johnson; Mrs. Marilyn Orsucci Weber, Illinois teacher of the year; Piero Nichele, representing the Italian Ambassador; Rudolph Leone, general chairman of the parade committee; John C. Porcelli, grand marshal of the parade; Charles C. Porcelli, president of the Joint Civic Committee of Italian Americans; Anthony Paterno, president emeritus of the joint civic committee; Aloysius A. Mazewski, national president of the Polish National Alliance; and Mitchell Kobelinski, director of the Export-Import Bank. Following them in the line of march were hundreds of political dignitaries, civic leaders, members of the judiciary, businessmen from the community, and labor leaders.

Featured in the parade were 17 surviving flyers of the first mass trans-Atlantic flight from Rome to Chicago in 1933 as part of the Century of Progress Exhibition. Paolo Balbo, son of the leader of that historic 25-plane flight 40 years ago, was with the group.

Sponsor of the Columbus Day parade and other related activities honoring Christopher Columbus was the Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area. Many local groups cooperated with the Joint Civic Committee in this communitywide tribute to Columbus, and Rudolph Leone served as general chairman of the 1973 parade. Both Anthony Sorrentino, consultant, and Dr. Frank Pellegrini, executive director, of the Joint Civic Committee of Italian Americans, helped to coordinate the various activities.

One of the highlights of Chicago's Columbus Day celebration is selection of the queen of the parade. This year, Carol Ann Di Giacomo was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included a free trip to Italy, courtesy of Alitalia Airlines.

Members of the queen's court were Debbie Saracco, Janice A. Moreschi, Caryn Mangialardi, and Mary Elizabeth Boccio.

Judges for the final Columbus Day Queen Contest were Fred Mazzel, chairman, Hon. Philip Romiti, judge of Cook County Circuit Court; Hon. Pasquale A. Sorrentino, judge of Cook County Circuit Court; Hon. Frank M. Siracusa, associate judge of Cook County; Hon. Lawrence DiPrima, Illinois State Representative; John Curielli, president, Youth Division JCCIA; Mrs. Theresa Petrone, and Miss Mary Jane Hayes, writer, producer, and hostess of "It's Worth Knowing" TV program.

The selection of the queen was also accompanied by a "Festa del Moda"—a fashion show in which some 150 participants celebrated Columbus Day in traditional handmade costumes representing the culture native to various areas of the Italian peninsula. Dr. Mary Ellen Batinich, chairman, and her committee can be proud of their contribution to the success and beauty of the Columbus Day extravaganza. Lawrence Spallitta and the float personnel committee members can also be proud of their outstanding contribution to the parade.

The colorful and distinctive costumes, worn by the people who made them by hand, were an enormous contribution to the parade's ethnic flavor and were most appropriate for the occasion.

The Columbus Day parade in Chicago is one of the highlights of the year. Over one-half million people viewed the parade in person and more than 1 million viewed it on television. WGN–TV televised the parade again this year as it has in the past and the sponsors were Anthony Paterno, of the Pacific Wine Co., Dominick Di Matteo, of Dominick's Finer Foods, and Frank Armanetti, of Armanetti Liquor Stores. The parade was narrated by Vince Lloyd, of WGN and Domenick DiFrisco, of Alitalia Airlines.

The massive Columbus Day celebration closed with a reception at the Chateau Royale. Mrs. Serafina Ferrara and Mrs. Jean Abbott were the official hostesses at the reception which was held in honor of all of the officers, subcommittee chairmen, and members who participated in making the 1973 Columbus Day parade the greatest parade ever held in our city. Leaders of the Italo-American organizations from Illinois were present at the reception as well as officials from our State and city governments.

I was honored to participate in this year's Columbus Day parade as honorary parade chairman on this third celebration of Columbus Day as a national legal holiday. The members of the Joint Civic Committee of Italian Americans are to be commended for their dedicated hard work and the imaginative creativity that goes into the planning of a grand event such as the Chicago Columbus Day parade. Our community and our city are proud of these citizens and of the work they have so successfully completed.

Mr. Speaker, the officers, and members of the 1973 Chicago Columbus Day Parade Committee are as follows:

Rudolph Leone, general chairman 1973, Congressman FRANK ANNUNZIO, honorary parade chairman, John C. Porcelli, grand marshal, honorary chairmen, Honorable Richard J. Daley, Dr. Giuseppe Avitabile, Consul General of Italy, executive director, Dr. Frank Pellegrini.

Officers: Charles C. Porcelli, president, Anthony J. Fornelli, 1st vice president, Dr. James F. Greco, 2nd vice president, James E. Coli, 3rd vice president, John C. Porcelli, 4th vice president, Joseph Tolitano, 5th vice president, Joseph DeLetto, treasurer, Ettore Divito, secretary, Achille J. Chiappetta, Sgt.-at-Arms.

Consultant, Anthony Sorrentino, president emeritus, Anthony Paterno, past presidents, Peter R. Scalise, Dr. Mario O. Rubinelli, Victor J. Failla, Anthony Bottalla,

Executive assistants to general chairman, Jack G. High, Armine Van Roon.

Special assistants to general chairman, Emil M. Caliendo, Frank N. Catrambone, Sr., Joseph DeLetto, Marco DeStefano, Anthony J. Fornelli, Marshal Anthony J. Pilas, Judge Philip Romiti, Joseph J. Scilabra, Lawrence Spallitta, Joseph Tolitano, Jerome Zurla.

Past parade chairmen, Congressman FRANK ANNUNZIO, Frank Armanetti, Fred Bartoli, Anthony Bottalla, Martin R. Buccieri, James Coli, Dominick DiMatteo, Victor J. Failla, Nello V. Ferrara, Anthony Paterno, John G. Porcelli, Dr. Mario O. Rubinelli, Anthony Terlato.

Public Officials: Hon. John D'Arco, Co-Chairman, Hon. Frank Belmonte, Co-Chairman, Hon. Elmer Conti, Co-Chairman, Hon. Louis Garippo, Co-Chairman, Hon. Anthony Laurino, Co-Chairman, Hon. Vito Marzullo, Co-Chairman, Hon. Paul Ross, Co-Chairman.

Chaplain: Reverend Armando Pierini, C.S.

Television & Radio Sponsors: Anthony Paterno, Chairman, Frank Armanetti, Dominick DiMatteo.

Finance & Souvenir Book: Joseph DeLetto, Chairman, Frank N. Catrambone, Sr., Co-Chairman, Sam Cerniglia, Co-Chairman, Mrs. Serafina Ferrara, Co-Chairman, Mathew J. Alagna, Mo. Cav. Domenick M. Alberti, Anthony Apa, Mrs. William Boschelli, Sam Canino, Frank Cacciatore, Jr., Charles Carosella, John D'Arco, Jr., Louis Farina, Joseph Fusco, Peter Lavorata, Ralph Massey, Marino Mazzei, Joseph Nicoletti, Louis H. Rago, Michael R. Rosinia, George Salerno, Benny Zucchini.

Program & Arrangements: Hon. Victor A. Arrigo, Chairman, Dominick De Frisco, Co-Chairman, Dr. Joseph H. DiLeonarde, Co-Chairman, Alex Batinich, William Fantozzi, Rosario Lombardo, Dr. Joseph J. Sirchio.

Women's Division, Ann Yelmini, Chairman.

Amerital Unico Club of Chicago, Arcolian Dental Arts Society, Chicago Chapter American Committee on Italian Migration, Circolo Di Lingua e Cultura Italiana, Club Calascibotta Lodge No. 75, IANU*, Columbian Club, DuPage Italian American Civic Committee, Father Louis Pilgramage to the Mother Cabrini Shrines Society* Filippo Mazzei—Post No. 1 (Illinois), Filippo Mazzei Women's Aux. Post No. 1.

SUBCOMMITTEES

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THE VICE-PRESIDENCY AND THE ORDER OF SUCCESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, the American people have been shamefully abused by their elected leaders.

That is the central, overriding fact in the drama surrounding Vice President Agnew's abrupt resignation yesterday and his plea of "no contest" to a criminal charge of income tax evasion.

The President praises the departing Mr. Agnew for his courage and "strong patriotism" and the Attorney General urges "compassion" in explanation of the deal by which the Vice President got off with a fine and a suspended sentence for a crime that would have sent many less influential men or women to prison.

Personally, I do not care whether Mr. Agnew goes to jail or not, though considering that for more than 5 years he sanctimoniously lectured the Nation on "law and order" and the perils of permissiveness it would only be fitting that he should be required to pay the penalty that he so freely recommended for others.

I do care, however, that the issues not be steamed over by the sentiment with which Americans traditionally regard so-called underdogs. I think it is time that we had some compassion for ourselves and the agonizing ordeal to which our country has been subjected and will continue to be subjected because of the criminal acts of the Nixon-Agnew administration.

As Members of Congress, we have a responsibility to state the facts, to call a crook a crook, if that is what he is and no matter what office he has held, and to uphold the good names and reputation of the great majority of elected political leaders who are honest and faithful to their oaths of office.

One of the most deplorable results of this mess would be for the public to accept Mr. Agnew's cynical explanation that he was simply following "the system" when he accepted kickbacks and payoffs from contractors and business firms in Maryland while he was Governor and even, we now find to our horror, while he held the second highest office in the land. Mr. Agnew made a choice he did not have to make. He chose the path of corruption and deceit.

And in the antithesis of patriotic behavior, Mr. Agnew for the past few months has been thrashing about in all directions, falsely proclaiming his innocence, deceiving the public, trying to manipulate the Congress into acting as a shield for him, threatening a constitutional crisis, and initiating a witch hunt against members of the press that could conceivably have resulted in sending to jail reporters whose only "crime" was in reporting the truth. This entire hypocritical performance by Mr. Agnew was directed at saving his own neck and when he had succeeded in doing that, he stepped down.

President Nixon dutifully says that in resigning Mr. Agnew acted out of "concern for the national interest." Whatever Mr. Agnew's motives were, there can be no doubt that the national interest must be paramount—at long last—in what happens next. Since August, Mr. Agnew's plight has had the effect of diverting national attention from the main issue before the American people, and that is the manifold corruption and lawbreaking of the Nixon administration and its subsidiary, the Committee To Reelect the President. The polls show public confidence in President Nixon is at an alltime low.

The charges against Mr. Agnew seem insignificant in comparison with all those misdeeds of which there is substantial evidence directly involving the President. They range from political crimes such as secretly and illegally bombing Cambodia, doing favors for business corporations in exchange for campaign contributions, approving law-breaking espionage and burglary ventures, and covering up the Watergate crime to personal transactions involving mysterious cash contributions from billionaire Howard Hughes to the President's closest friend, Bebe Rebozo, and possible misrepresentation in the President's tax returns.

The Nixon administration has been described by historian Henry Steele Commager and others as the most corrupt in the history of our Nation. It exists in a cloud of suspicion of lawbreaking and violations of the Constitution, a cloud that will persist for months to come.

I have said before that the charges against the President are grave enough to warrant an inquiry by the Judiciary Committee to report whether he has committed impeachment offenses. If concern for the national interest was foremost, the President would be well advised to follow Mr. Agnew's example and resign, allowing the proper process of succession to follow and giving the American people what they deserve—a government that is above suspicion.

Since neither of these events is likely to occur in the next few days, I believe the House should make explicit by resolution that it is unacceptable for a President who is himself liable to impeachment proceedings to name the man or woman who will be the new Vice President, and his possible successor if he should be impeached.

Richard Nixon still has a great deal of explaining to do to the American people in connection with his choice of Spiro Agnew to be his running mate in 1968 and 1972. As far back as 1968 when Mr. Nixon first selected this obscure politician with no discernible qualifications to be Vice President, the New York Times was already carrying articles implicating Mr. Agnew in conflict of interest charges in Maryland. No effort was visible on the President's part to investigate these charges.

One of the recurring rumors in this more recent scandal is that President Nixon was informed in August 1972, before the elections, that Mr. Agnew was facing criminal charges for taking kickbacks from contractors. That is another question to which we deserve an honest answer, but like, so many others it goes unanswered.

In view of Mr. Nixon's proven bad judgment in foisting Spiro Agnew upon the country and in view of his own extremely vulnerable position, I can see no necessity for allowing him to nominate a Vice President. I agree with Henry Steele Commager who said in a television interview this morning that there is no pressing need for a Vice President at all. Aside from presiding over the Senate, and this is scarcely an indispensable function, the Vice President has no duties at all except to stand around waiting to replace the President if he should no longer be able to serve.

Under the process of succession provided for in the 25th amendment we have an elected member of the Government who can succeed to the Presidency, if that should be necessary. Previously, the next in line for the Presidency after the Vice President was the Secretary of State, an appointed official. The 25th amendment changed that to insure that the successor would be an elected official. The Speaker of the House is as well qualified as anyone Mr. Nixon can produce to be in line for the Presidency, and I believe we should leave it at that without involving the Congress in a political struggle over an unnecessary nomination. Let us remember that President Truman governed without a Vice President for almost four years and President Johnson went without one for over a year, and we survived.

The 25th amendment states:

> Whenever there is a vacancy in the office of the Vice President, the President shall

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*Life membership.

nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

However, it does not set forth any timetable under which this has to happen and again I see no necessity for any haste in this matter. If the President feels compelled to nominate a Vice President, then I believe the Congress should insist that he simply formalize the existing succession by nominating the Speaker of the House.

We are in an unprecedented situation and I believe it calls for unprecedented actions by the Congress, if necessary, to protect the interests of the American people.

We are paying the price for Watergate and the misdeeds of the Nixon administration, and it is a price that we should not have to pay nor do we deserve to be in such a terrible dilemma at this time of international crisis.

World peace is threatened and the survival of a tiny and valiant democracy, Israel, is in peril as a result of the surprise attack by Arab nations. We are properly concerned with containing and ending this war and bringing about a speedy cease-fire that will return to the post-1967 status quo. We are concerned with helping Israel to withstand this assault and to bring about conditions that will lead to direct negotiations between Israel and the belligerent Arab nations. We are also concerned with the threatened deterioration of the détente with the Soviet Union as reports mount that the Russians are airlifting military supplies to Egypt and Syria.

There is cause for great alarm about the threat to Israel and world peace, and it is natural that we should hear calls for forgetting the past and lining up behind the President and his policy of seeking a cease-fire.

We need a President at all times, and we certainly need one now more than ever. But I question whether we need Richard Nixon. Certainly, the President has the support of both political parties and a majority of the American people in his efforts to obtain a cease-fire and to guarantee the survival of Israel. This is a policy that we will insist on, no matter who is President. It is unfair, however, to tell us that we have no choice now but to exonerate the President who has committed possibly impeachable offenses. We are in this dilemma solely because of violations of morality and legality committed by the Nixon administration. We must have confidence in the honesty of our Government leaders, and we dare not forego that standard of behavior.

With the Watergate hearings continuing and the legal arguments over the release of the tapes wending their way up to the Supreme Court, we face a prolonged period of national doubt and conflict. The solution is not to participate in another coverup, but to insist on new and honest leadership that will conduct the domestic and international affairs of our Nation in the interests of our people and of world peace.

DO NOT RIDE ALONE—JOIN A CAR POOL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. **TIERNAN**. Mr. Speaker, on Wednesday, October 3, I introduced H.R. 10734, the National Carpool Assistance Act, which would authorize GSA to implement a computerized carpool program on a national scale by offering the services of its computers and personnel to millions of commuters who volunteer to be computer matched. Because the GSA has extensive facilities in all major cities, it has the capacity to bring this Federal program to the local level by involving the commuters in a voluntary and cooperative effort with Government in helping to relieve our energy and pollution problems.

In last Sunday's Parade section of the Washington Post there was an article pointing out the dramatic results of isolated incidents of carpooling. I ask permission to have the full text of this article printed in the RECORD.

DO NOT RIDE ALONE—JOIN A CAR POOL

(By Theodore Irwin)

In Omaha, Neb., employees of an insurance company who come to work in car pools are honored with free breakfasts and tickets to sports events. A mortgage banking firm in Washington, D.C., hands out books of trading stamps to share-a-ride office workers. The number of cars at the parking area of the Burroughs Corp. in Pasadena, Calif., has dropped from 654 to 427, since a computerized share-a-ride system was instituted. In St. Charles, Mo., bumper stickers distributed by a civic group spread the message: "Help Clear the Road, Join a Car Pool."

Throughout the nation, moves to change our one-man, one-car habit have been accelerating, and for good reason. The rush hour traffic crush has reached the saturation level in many cities. Car exhausts, magnified by road congestion, heighten air pollution. Parking lots are crammed. And we face possible shortages of gasoline.

"If only half the drivers now going to work by themselves would join car pools," says Virginia H. Knauer, director of the U.S. Office of Consumer Affairs, "we would have no gasoline or oil shortage."

The idea of car pooling is hardly new. During World War II many Americans enlisted in pools as part of the civilian war effort, to save rubber and gas. But with the war's end, the practice faded. Today, eight out of 10 in the nation's work force travel to work in cars—and 56 percent of them drive solo.

SUBSTANTIAL SAVINGS

Is car pooling worthwhile? A Highway Users Federation study this year found that an average one-way 10-mile commuting trip costs a lone driver $2.64. In a four-passenger car pool, the cost to each rider is only 66 cents.

The savings in parking alone can be substantial in downtown Washington, D.C., for example, parking rates have vaulted to as much as $2.75 a day.

It is also possible to economize on insurance. Generally a person who regularly drives to work pays a 15 to 40 percent higher premium than if his car is used solely for pleasure. Thus, if only one car in a pool is used, premiums can be reduced on those cars left at home.

Other merits are pointed out by a leading authority on car pools, urban transportation planner Lew W. Pratsch of the Federal Highway Administration.

"Car poolers tell us," says Pratsch, "that when they are not at the wheel tensions vanish, and they come to work relaxed. They can read, chat, or just sit back and doze. In a one-car household the car is released for the rest of the family. I hear of other families that have actually given up a second car. Moreover, car pooling evidently promotes more careful driving and more punctual arrivals at work—the influence of peer approval or disapproval."

'A MOBILE SEMINAR'

A car collective can also be a stimulating experience. Attorney Victor Perini of Potomac, Md., travels to Washington with an engineer, another attorney, and a business manager specializing in investments. "We're like a mobile seminar," says Perini. "With our varied expertise we iron out a lot of problems. And since we're homeowners, we also exchange expertise on such matters as planning a garden or fixing a sink."

A car collective can also be a social microcosm, providing some of the amenities associated with a civic association, a church social, or Saturday night poker game. Some stage occasional parties. Unexpected windfalls have occurred. In one Philadelphia group, an engineer saved $2,000 on his income tax after a casual chat with an accountant in the pool. Frank Bryars, an education specialist and inveterate ridesharer, tells of the Washington car pool that salvaged a marriage.

"Every morning," Bryars recalls, "one of our members would complain of the hard time he was having with his wife. The rest of us served literally as marriage counselors—like an encounter group. After a month or so our friend decided against a divorce and has now patched things up with his wife."

SOME DRAWBACKS, TOO

The drawbacks to cooperative driving? Some people fear being stuck with an inflexible schedule, an erratic driver, smokers, or incompatible carmates. In Baltimore, a woman executive resigned from a car pool out of boredom with the incessant jawing of sports fanatics. One disenchanted young bachelor found himself with a band of older men who constantly talked about retirement rather than his favorite subject: women. To some the idea of waiting at a pick-up point or gathering passengers at their scattered homes seems onerous and time-wasting. And there are those who welcome solitary travel to work as a time to think, a rare moment of privacy.

Nevertheless, the trend toward car pooling is growing as private industry and government agencies spur the concept in several ways. They use computers to match people. Some companies reserve preferential parking places for registered cars carrying three or more passengers. In Pasadena, Calif., Operation Oxygen, an environmental group dedicated to clearing the air in Los Angeles by reducing traffic congestion, tells employers how to set up a car pool data-processing system. Major West Coast companies have begun active programs, and seven Los Angeles banks maintain joint computerized car pools.

Honeywell, Inc., has turned to computer printouts of car pool arrangements for its eight plants in eastern Massachusetts. The GEICO insurance company in Chevy Chase, Md. now has 1071 of its employees "pooling it." Typically, Janice McLean rotates driving with two other girls. "Car pooling is really great," she testifies. "I have to battle traffic only one week out of three. And since a parking place is waiting, we can leave home later and still be on time."

"VAN POOLING"

As an extension of car pooling, the 3M Company in St. Paul, Minn., bought six 12-passenger vans and assigned them to workers to form "van pools." Riders pay a monthly fee, based on mileage. Van pool driver-coordinators receive free rides and can use the van during off-duty hours. Thus far at least five riders have sold their second cars. The plan has been so successful that 3M may add 25 more vans.

Government, too, has been getting into the act. Washington is witnessing more car pooling than any other city in the nation, primarily because federal agencies are actively encouraging it. NASA, the Bureau of Standards and, naturally enough, the Federal Highway Administration all rely on computer matching. Connecticut has developed a computer matching service which is offered to any employer in the state. The Minnesota Highway Department has set up a state employees' ride-sharing operation.

Incentives pay off. Toll rates on the San Francisco-Oakland Bay Bridge were adjusted during commuting hours to 50 cents a two-way crossing for an individual driver and $1 a month permit for cars carrying at least three people, with special lanes provided to speed them through. Results: almost twice as many car pools now cross the bridges during rush periods. (There was a secondary result as well: several crafty commuters put like-life dummies in their passenger seats in an ill-fated attempt to take advantage of the reduced rate.)

THE POSSIBILITIES

These are encouraging steps. Yet studies in major metropolitan sectors show that the average auto heading downtown during rush hours still rarely contains more than 1.5 persons. If the occupancy rate were increased to only two persons, one out of five cars would disappear from rush hour traffic.

What can you do about it?

1. Suggest to your employer's personnel department that a car pool system be initiated. Your company can find out how to set one up by writing to the Federal Highway Administration, Washington, D.C. 20590, for its "Car Pool and Bus Pool Matching Guide." Further guidance may be obtained from the Highway Users Federation, 1776 Massachusetts Ave., NW., Washington, D.C. 20036.

TRY THE BULLETIN BOARD

2. On your own initiative, at your office or plant, put up "Share-a-Ride?" index cards—with your name, address and phone number—on bulletin boards. Or ask the editor of the company house organ to start a classified column for ride-sharing.

3. Sound out neighbors and friends. Use community supermarket and library bulletin boards. Indicate your address, destination, time of departure and return.

4. Gather pertinent data on those who respond. Will they share driving or take part only as passengers? Are the pick-up locations and destinations not too far out of your way?

5. Arrange a get-acquainted meeting of the group. Elect a chairman. Work out a mutually acceptable time schedule. Whose car will be used on what day or week? For comfort, the size of cars driven should be specified. Decide on meeting arrangements—whether the driver should collect all passengers at a central point or at each home. Figure out costs, including gas, tolls and parking; when to pay, daily or weekly. Note that cost-sharing is unnecessary when driving is rotated equally. With one person doing all the driving, an expense allowance may be made for wear and tear on the car used.

ARE DIRTY JOKES OK?

6. Agree on rules. Limit the waiting time and eliminate the habitually tardy. If a passenger must skip a ride one day, he must notify the driver ahead of time. Specify interim stops or none at all. There should be a tacit understanding about smoking, turning on the radio and air conditioner, and eating in the car. Is shoptalk or off-color stories (in mixed company) to be permitted?

7. Whether you are a driver or a rider, check with your insurance agent to make certain you are sufficiently covered in case of accident. Most states permit a "guest" clause excluding the driver from liability (except for gross negligence) as long as he or she doesn't derive a profit from passengers.

8. Before firming up a car pool, try it for a week during which you can iron out any possible kinks in the schedule and rules.

THE VICE-PRESIDENTIAL VACANCY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as the country recovers from its initial shock over Vice President Agnew's sudden resignation, the need for an outstanding and nondivisive replacement is widely recognized.

The President and the Congress are confronted with a grave responsibility to select a person who will not only bring distinction to the office of the Vice Presidency, but who will be fully capable of performing the duties of the Presidency if that should be required.

The role of the Congress in this case is not the same as the role of the Senate with regard to Presidential appointments. The 25th amendment says that the President shall "nominate," subject to confirmation by a majority of both Houses; the word "appoint" is not used. Moreover, since the task here is to fill a vacancy in an elective office, the President and the Congress are, in a sense, acting as representatives of the people in selecting a new Vice President.

Neither the Democratic Party and its congressional leaders nor the Republican Party and its leader in the White House should seek to take political advantage of the situation. Obviously this means that the Democratic majorities in the Senate and the House should not insist that the nominee be a Democrat. It also means, in my judgment, that the President should not nominate a person who might be a candidate for the Presidency or the Vice Presidency on the Republican ticket in 1976.

I know that this view is shared, not only by many of my Democratic colleagues, but also by many Republicans who do not want to see the choice of the Republican Convention of 1976 predetermined in any way by the selection of a new Vice President now.

It is reassuring that President Nixon has been consulting national leaders, both in and out of Congress, on this matter. I hope this means that the President will make his choice on a nonpartisan basis and will select a distinguished and capable American who will clearly indicate that he or she will under no circumstances be a candidate for the Presidency or the Vice Presidency in 1976. In this way an unfortunate confrontation with the Congress can be avoided, and a Vice President can be selected who will have wide support.

PERSONAL EXPLANATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I was unavoidably absent from the floor for rollcalls 365, 366, 416, and 432. Had I been present and voting, I would have voted "aye" in each instance.

BUSINESS WEEK POINTS OUT FEDERAL RESERVE'S FLAWS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, at long last, there is broad recognition that the Federal Reserve System is populated by human beings subject to the full range of human frailties.

Business Week, a conservative business publication, points out a number of the Federal Reserve's current problems and shortcomings in an article entitled, "Is the Fed Brewing Another Recession?" Business Week, October 6, 1973.

Mr. Speaker, the Federal Reserve, through the mismanagement of the money supply, has been a major factor in the current inflation and these policies have led to the highest interest rates in the history of the United States. The mistakes of the Federal Reserve have led to three credit crunches in 7 short years and as the Business Week article indicates, these policies are almost certain to bring us a serious recession in the coming months.

These errors in judgment are repeated because the Federal Reserve performs its duties in isolation without regard for national policies or the economic needs of the Nation. While the Congress has never granted independence to this agency, the Federal Reserve operates in total secrecy thumbing its nose at the elected representatives and the people. The result is a sad mish-mash of monetary policymaking which has left our economy in near shambles.

Mr. Speaker, the question is "How long will the Congress tolerate the mistakes of the Federal Reserve System without exercising its constitutional responsibilities in the area of monetary policy?"

I place a copy of the article in the RECORD:

IS THE FED BREWING ANOTHER RECESSION?

The Federal Reserve is embroiled in the most intense controversy in its 59-year history, charged by critics first with bringing on today's inflation by creating too much money and now with threatening to bring on a recession in 1974 by creating too little.

The Fed did push short-term interest rates to record levels during the summer, but it also allowed the nation's money supply (demand deposits and currency in the hands of the public) to grow at an inflationary 7% rate in the year ended June 30. Then the money supply shrank by 1.4% in August and barely grew in September—the sort of restraint that can lead to recession. Two weeks ago, the Fed seemed to be swinging back to ease, and stock prices climbed and interest rates plunged. Yet the Fed insists that its policy has not changed—that it is trying, as it has all year long, to be restrictive without touching off either a credit crunch or a recession.

The Fed's policy moves are so critical because what it did with monetary policy last week, and what it does with policy next week and next month, will have a profound effect on how the U.S. economy behaves next year, and even beyond. The way the Fed handles its unique ability to regulate the flow of money into the financial system always has a profound effect on the U.S. economy. If it gauges the flow just right, the economy will flourish. If it is too lavish, the economy will overheat. If it is too stingy, the economy will wither.

Monetary policy should share the spotlight with two other tools of economic management—fiscal policy and wage-price controls. But the Nixon Administration has eschewed higher taxes this year, and no one knows how well the Phase IV controls program will work. So the burden of managing the economy falls most heavily on monetary policy—and that means on the Fed. True, the Fed has carried that burden more often than not over the past two decades, but it is heavier now than ever before.

So the Fed finds itself squarely at center stage—caught up in a debate not only over how well it is doing its job but over whether it is capable of doing its job. It pits those who argue that the central bank is doing the best it can in a time of awesome, worldwide, demand-pull inflation against those who insist that everything wrong with the U.S. economy today can be traced to a succession of monetary policy decisions tragically botched over the past eight years.

There are few neutrals in the debate, and it is only slightly melodramatic to say that the very future of the Fed as it exists today—fundamentally independent of domination by Congress or the White House—hinges on which side wins. Nor will it be hard to spot the winner. If 1974 brings a slower rate of inflation with no recession, then the Fed will have won. If 1974 brings recession, the Fed will have lost.

On one level, of course, it is just another chapter in the argument between monetarists and Keynesians that has been going on for years. The Fed tries to stabilize the business cycle through constant fiddling with the supply of money in the economy, the cost of that money, and conditions in the money markets. The monetarists, led by Professor Milton Friedman of the University of Chicago, see the Fed's efforts at countercyclical monetary policy as destabilizing. They simply want the Fed to concentrate on keeping the money supply growing at a steady rate.

The gap between the two camps has narrowed a little because the Fed has been paying more attention to the money supply since Arthur F. Burns became its chairman in 1970. But the two camps are still poles apart on such gut questions as these:

Are the economy and the demand for money inherently stable, as the monetarists believe, or inherently volatile, as the Fed believes?

Do short-run fluctuations in the money supply affect the economy? The Fed says "no," and the monetarists say "probably."

Can the Fed control the money supply with absolute precision? The monetarists say "yes," and the Fed says "definitely not."

Under other circumstances, the debate would be carried out in academic journals—quietly and in private. Today, it is being fought out in the open—in the press and even on the floors of Congress. President Nixon and Chairman Burns are close, long-time friends, but unquestionably the debate has been carried to the White House because Treasury Secretary George Shultz, a colleague of Friedman when Shultz was at the University of Chicago, is very much a monetarist.

What has happened, of course, is that something has gone dreadfully wrong with the U.S. economy: The rate of inflation is shockingly high, the cost of short-term money has gone to almost undreamed-of levels, the stock market has been in deep trouble. The search is on for someone to blame, and the Fed stands as the most visible, most logical villain.

NO PUBLIC ADMIRATION

Thus, a recent poll of 415 business economists could produce only 1.4% who rated monetary policy excellent over the past year, compared with 39% who rated it only fair and 41% who rated it poor. And a Federal Reserve economist concedes: "I don't blame the public for being upset. The economy is not in good shape. We were fooled in 1968, we were fooled in 1971, and there is fear that we will be fooled again in 1973."

Meanwhile, Representative Wright Patman (D-Tex.), chairman of the House Banking & Currency Committee, seems to be gathering support in Congress for whittling the Federal Reserve Board down to size. He would subject the Fed to audit by the General Accounting Office, reduce the board membership from seven governors to five while cutting their terms from 14 years to 5, and abolish the policy-setting Open Market Committee, which meets monthly and is made up of the seven governors and the presidents of the 12 regional Federal Reserve banks. There is even growing support for the monetarist-backed proposition that the President set guidelines for money supply growth, with the Fed obliged to operate within those guidelines.

That, sniffs Burns, would turn monetary policy over to "a few boys in the White House cellar, whose sole consideration is what they consider to be good politics." Adds Burns: "The whole genius of monetary policy is its flexibility, and that is precisely what the monetarists want to destroy."

The monetarists, in turn, huff that money supply growth has been too erratic over the last decade, too inflationary in 1972 and early 1973, and that the Fed must gently nudge the growth rate to a lower level or risk still more trouble in 1974. What the monetarists—and a goodly slice of the financial markets—fear is that the Fed is now braking too sharply, and thus threatening a recession in 1974. Should that happen, the Fed would be in calamitous trouble on Capitol Hill.

In other words, the Fed is precisely where it has been so often in the 22 years since it quit simply supporting the government bond market and, under then-Chairman William McChesney Martin, Jr., adopted an activist stance. It is right in the middle. But never before has so much ridden on what the Fed does, both in terms of the future of the economy and in terms of the future of the Fed.

AGAINST A STACKED DECK

Fed policymakers are convinced that they have done well enough so far this year—pricing short-term money sufficiently high that a number of borrowers find it unattractive but without producing a money crunch like those in 1966 or 1969–70. They are convinced that they will come out all right in the end, with the rate of inflation down and with no recession in 1974. But they have been optimistic before and been wrong. It may even be that the Fed is playing against a stacked deck, for there are two glaring weaknesses in monetary policy as it has been applied:

Of all the weapons in the government's arsenal, monetary policy has been asked to carry a disproportionately heavy economic stabilization burden over the past 20 years.

The theory of monetary policy is little understood and the policy itself is viciously unselective in its application.

Burns and Martin both argue that the Fed has carried the heaviest economic stabilization burden because no one else has been willing to carry it, and that is undoubtedly true. Fiscal policy is a frail reed, because Congress is loath to raise taxes and Administrations are loath to ask them to do so. Government spending is influenced by many factors beyond what it will do to the economy. Controls have been tried, discarded, and tried again, and all that has been proven is that controls work well only when they are not needed.

But the Fed is always there—independent from Congress and the White House, the governors appointed rather than elected (and appointed for 14-year terms). A member of the tax-writing House Ways & Means Committee will face reelection six times during the term of a Fed governor, and that alone is reason enough to leave economic stabilization to the Fed. So the Fed has leaned this way and that, raising and lowering its discount rate, fiddling with the level of reserves that banks must hold against deposits, buying and selling securities in the open market to alter the level of reserves in the banking system—all in the name of keeping the economy stable.

The Fed could have refused to take on this burden. It played a wholly passive role in the 1940s. But it turned activist in 1951, finally breaking free from its obligation to support government bond prices, so it could wrestle with the inflation that accompanied the start of the Korean War. It has remained activist ever since—even during periods when passivism might have made more sense.

It was brutally severe in combating "inflation" in the late 1950s, even though the rate of inflation seldom went over 3%. It kept money tight well into the 1957 recession and actually tightened it in 1959 though the rate of unemployment was over 6%.

It turned aggressively easy in mid-1968, literally flooding the economy with money under the impression that ease was needed to offset what it mistakenly assumed would be the depressing effects of the 10% income surtax.

It gamely helped the Treasury finance a gigantic federal budget deficit last year, feeding money into the economy at a prodigious rate so the Treasury could sell its debt without wrecking the financial markets. But all that money simply added fuel to an inflation that was already out of control. One alternative would have been to proclaim the deficit intolerably large and let Congress and the Administration worry about what they were doing to the markets. But Burns asks: "What are we going to do? Let a Treasury issue go sour? Government credit is the foundation of all credit. Let that collapse, and where are we? To ignore Treasury needs would be a measure of complete irresponsibility."

A CHAIN OF MISTAKES

So the Fed has carried this heavy stabilization burden partly because there was no one else to carry it, but also because Martin, and Burns after him, chose to carry it. The question then becomes: How well has the Fed done with its stabilization burden? The answer, unfortunately, is that it has not done well at all. Testifying before Patman's House Banking Committee, monetarist economist A. James Meigs, a vice-president at Argus Research Corp., said last month: "Every major reduction in the rate of [money supply] growth, except the one in 1971, was followed by a recession or a mini-recession." On the other hand, Meigs blamed today's rate of inflation on excessive money creation by the Fed.

The Fed and its allies obviously do not agree. "The experience of the past 10 years," says one Fed official, "shows, I think, that Fed policy has been in the right direction, by and large, even if the degree wasn't always right." But that is like saying: We were on the right road, and the accident would not have happened if we had been going 50 mph instead of 100 mph. Time after time, the Fed has been caught doing 100 mph—or 5 mph—when it should have been doing 50 mph.

In retrospect, it should have tightened credit early in 1965 to deal with the buildup of wartime inflation. It did nothing until early 1966 and then had to make money so tight so quickly that it brought on a credit crunch. Unhappy over that, the Fed poured money into the economy in early 1967 and, while that certainly kept the mini-recession from becoming anything worse, it also helped bring on the furious inflation of the late 1960s and 1970s.

In trying to bring that inflation under control, the Fed in turn gave the country the credit crunch of 1969–70. It plainly was too accommodating last year and early this year, and it may be too restrictive now.

This record would be more tolerable if monetary policy hit every sector of the economy with equal force. But it does not. In reducing the available supply of money, or increasing the cost of money, or some combination of both, the Fed tries to damp economic activity by squeezing people out of the financial markets. It is the nature of these markets that the process hits hardest those with the weakest claims on the money that is available. The housing market is invariably hit first, followed by state and local government (which are often limited in what they can pay to borrow), small business, and the stock market. The Fed's ultimate target may be consumer or capital spending, but consumer loans reward banks handsomely, and big corporate borrowers usually have long, close ties to their banks. Both groups are the last to feel the rigors of tight money, and policy has to be made very tight before either group feels the pinch at all.

To Robert E. Weintraub, a monetarist economics professor from UCLA who now works for Patman's committee, the Fed is merely "irrational," making one goof after another and then seeking others to blame for its errors. A Federal Reserve economist concedes: "The Fed has a tendency to follow a target to the bitter end, and it will hang on long after everybody is shouting 'Let go.'"

WHAT ELSE WORKS BETTER?

Fed policymakers acknowledge the imperfections of countercyclical policy, but they stick to it nonetheless, on the grounds that the economy needs to be nudged this way and that to keep it in balance. Meanwhile, the Fed keeps seeking explanations for why policy does not work better than it does. "Because we don't have perfect wisdom doesn't mean we should abandon countercyclical policy," says Daniel H. Brill, a senior vice-president at Commercial Credit Co. who headed economic research at the Fed under Martin.

One obvious explanation is that in the past decade the Fed has had to deal with a world gone slightly mad: the Vietnam war and all that it did to the economy and society of the U.S., the collapse of the international monetary system, the current worldwide inflation. It has had to grapple with the collapse of the Penn Central, with gigantic budget deficits, and with an Administration that keeps changing its mind about economic policy: first hands-off, followed by the wage-price freeze of Aug. 15, 1971, followed by Phase II, Phase III, and now Phase IV.

It is one of the peculiarities of Administration policy that Burns wears two hats. He is Fed chairman and also chairman of the Committee on Interest & Dividends, which monitors increases in both corporate dividends and the cost of money. As Fed chairman, Burns may have wanted higher interest rates earlier this year. As CID chairman, though, he was obliged to fight increases in the banking system's prime lending rate. Monetarists insist that the rapid rate of money supply growth in 1972 and 1973 was due to these efforts to keep rates down. Burns insists he kept his two jobs "quite separate," and it is possible that if there had been no effort by the CID to control rates, Congress might have frozen them.

This array of problems has been compounded by the nearly impossible job that governments have given to overall economic stabilization policies since World War II. Governments the world over have promised their citizens what is plainly impossible: simultaneous high employment and low inflation. And, having made that promise, most governments have relied on monetary policy to make it come true. Burns has frequently asked for help from fiscal policy-arguing for a controls program long before President Nixon slapped the freeze on in 1971. More recently, he has asked for higher taxes to help control the economy. But the White House has been content to let the Fed do it.

Also, the Fed faces a technical problem, because not all banks belong to the Federal Reserve System and thus are not subject to the same reserve requirements as member banks. In the 1950s, member banks accounted for 87% of all bank deposits. Now the figure is 78%, and slipping. To make monetary policy more potent, the Fed wants Congress to let it set reserve requirements for all banks. States, fearful the Fed will wind up also regulating all banks oppose the idea.

Finally, it is a brutal fact of life that monetary policy, even today, is not clearly understood. The Fed has hundreds of economists, powerful computers, sophisticated models—and it still does not know precisely how its policy moves percolate through to the real world, or how long it takes for a shift in policy to be felt in the economy.

James Pierce is the Fed's top man on econometrics and model-building. He says bluntly: "We really don't know for sure how the economy works. The world is much more complicated than the world of theory—the theories of the monetarists and the Keynesians."

Pierce adds: "The most recent models, for example, show horrendously long lags in any effort to bring a rapid inflation under control through traditional monetary policy—lags far longer than anything we thought possible, lags on the order of four years or more. There are fundamental changes going on in the economy that we don't yet understand. The people who were born in the baby boom of World War II are causing shifts in demand for things such as washing machines, TV sets, automobiles, and housing. We don't know enough yet about their habits to adjust the consumption function in our models. Also, we are pushing interest rates far above what they have been in the past, given similar real economic conditions. Yet our models probably are not good at predicting swings in interest rates. At times our models make me very uneasy."

So the Open Market Committee meets monthly, tries to forecast the economy as best it can, and then decides on the course that monetary policy should take during the ensuing four weeks. Fed watchers can get an inkling of what the OMC has decided by watching what the Fed does with its open market dealings, and where it pushes the key federal funds rate (the rate that banks pay for short-term borrowings from one another). Sometimes the Fed will give a clear indication of policy by raising or lowering the discount rate, or adjusting the level of required reserves. Not until 90 days after each OMC meeting, though, are the minutes of the meetings released to the public.

THE MONETARIST APPROACH

To Friedman and the other monetarists, all this is little short of madness—this constant fiddling with policy in a world that the Fed itself concedes it does not fully understand. If the Fed motto is "When in doubt, do something," the Friedmanians say the Fed ought to do nothing at all. Rather than lean this way and that against the prevailing winds, they say, the Fed should simply pick an appropriate money-supply target and stick to it.

Typically, the monetarists would have the money supply grow by about 4% a year. Actually, most would permit the Fed a range to work within—2% to 6% in most cases, though Vice-President Jerry Jordan of the Federal Reserve Bank of St. Louis (the only monetarist bank in the whole Fed system) prefers a 3%-to-5% range. Basically, though, the rate of money supply growth would approximately match the most desirable rate of real economic growth. Once the rate of money supply growth stabilized, the argument goes, then interest rates would also stabilize, because the monetarists believe that fluctuations in rates are caused by fluctuations in money supply growth.

Indeed, it is a basic tenet of the monetarist creed that high interest rates are not a sign of tight money but rather an indication that the money supply has been growing too rapidly. The point is that rapid money supply growth breeds inflation which, in turn, breeds higher rates. In his testimony to the House Banking Committee, Meigs of Argus Research argued, "The only effective way to attain lower and more stable interest rates is through maintaining lower and more stable rates of growth of the money stock than those of recent years. Under our current institutional arrangements, only the Federal Reserve can do that."

The monetarist assumption is based on the argument that the Fed, by regulating the flow of reserves on which the banking system builds deposits, can control money supply growth with near-perfect precision. Thus, 11 monetarist economists, including Meigs and Professors Allan Meltzer of Carnegie-Mellon University and Karl Brunner of the University of Rochester, met in a "shadow" OMC meeting in New York two weeks ago. Their ultmate decision was that, to avoid both inflation and recession, the Fed should keep the money supply growing at precisely 5.5% over the next six months. Brunner himself believes that the Fed "can control money supply quite closely over a year, pretty well over six months." It can even control it quite closely over a three-month period, he says, "though with some loose ends."

AN ARRAY OF VARIABLES

The beauty of the monetarist approach lies in its stark, pure simplicity. No longer must the Fed worry about where the economy is heading, or about such exogenous variables as what the disappearance of the anchovy from off the coast of South America can do to U.S. food prices (raising them, since anchovies are a source of low-cost feed for cattle).

And the Fed has listened to the monetarists. Under Martin, the central bank paid little attention to the money supply. Guy E. Noyes, a senior vice-president at Morgan Guaranty and, like Brill of Commercial Credit, a Fed research director when Martin was chairman, says. "There is no question Martin was both right and candid when he said, as he did on numerous occasions, 'I don't understand money. I don't pretend to.' What he meant was money in the Friedman sense."

But Burns, who taught Friedman in college, understands money, and the Fed has chairman. Where it once worried about interest rates to the exclusion of most other variables, it now gives considerable weight to the money supply in formulating policy. Says a Fed official: "In making a trade-off been paying more attention to the "monetary aggregates" (the money supply being the best-known aggregate) since he became as to whether to sacrifice interest-rate stability of aggregates-growth stability, or to sacrifice a little of both, the Fed these days gives a higher priority to smoothing out fluctuations in money supply growth."

What the Fed really aims for us is not direct control of the money supply per se but rather control of something called "reserves available to support private nonbank deposits" (RPDs). This is the money supply minus the impact of Treasury additions to and withdrawals from the banking system. It was adopted as a measurement because fluctuations in Treasury balances at the banks can cause the money supply figures to move wildly over the short term—all the more so now that federal revenue-sharing makes the Treasury balances more volatile than ever.

The monetarists quibble over the use of RPDs as a target but, more important, they see the Fed still trying to juggle a host of variables when it ought to be concentrating on only one. That is what Patman believes, and he could hardly argue with Meigs, who testified: "I believe monetary policy would be enormously improved if the President were to set money-supply growth guidelines in his Economic Reports to Congress and require the Federal Reserve to operate within those guidelines."

And that, for the moment at least, is more than the Fed means to do.

For one thing, it probably is unrealistic to lock seven able-bodied, intelligent men in a building for 14 years and expect them to do nothing more than pass on bank merger applications. Even more basic, though, is that accepting the monetarist view requires accepting certain fundamental beliefs about the economy that are not easy to accept: that the economy itself is inherently stable, that as long as interest rates are kept relatively stable the demand for money will remain stable, that short-run changes in the money supply do matter, and that the Fed does have considerable short-run control over the money supply.

THE DEMAND FOR MONEY

Economists have been brawling over those issues for years, and they are no closer to agreement today than when the debate began. Nor is it possible to feed all available data into a computer and conclude, once and for all, which side is right. Fed economist Pierce says that some work has been done on how the steady-aggregate-growth theory would work. The trouble, he says, is "that this country has not been without a central bank since 1914, and it is impossible to wash out the effects of the policies it has followed over the years."

Jordan of the St. Louis Fed can argue: "The economy is inherently stable, and we find no evidence that there is instability in the demand for money." And senior economist Michael Hamburger of the Federal Reserve Bank of New York has studied the experience of 1971 and concluded that, given a stable monetary policy, the demand for money will be stable.

But Professor James Tobin of Yale says, "I just don't see how the Fed can ignore that there are likely to be short-run changes in the demand for money." Nor does the Fed ignore it. In testimony to the Joint Economic Committee of Congress last summer, Chairman Burns spoke of the "volatility in the public's demand for money . . ." Given this volatility, he said, "it has seemed undesirable to control the supply of money rigidly."

Nor does Burns believe that the economy itself is inherently stable. "What the monetarists say, in effect," Burns observes, "is 'Let's forget entirely about the business cycle. When a period of unemployment occurs, let the economy go and hope it will correct itself.' It never has done so in the past, There isn't a shred of evidence the monetarists have ever produced that their *laissez-faire* policies would ever work. History is all against them."

Burns, and others at the Fed, believe that they can do a tolerably good job of controlling money supply growth over a six-month period and that this is all that really matters. The economic effect of an overrun in the money supply, Burns told the JEC, "appears to be quite minor if it is followed by an offsetting undershoot over the next six months." A study done by E. Gerald Corrigan, secretary of the New York Fed, appears to bear Burns' view out.

THE FED'S LAST CHANCE

Monetarists admit they have no absolute proof that short-run swings are important. But they have a gut feeling that they are important. Brunner points out that the period of intense restraint in 1966 lasted barely six months but still led to the slowdown of 1967. In St. Louis, Jordan argues that if the Fed misses its money target for as long as three months, it can expect trouble on two counts:

Its error will start to have an impact on prices, output, and employment.

What has already been done will have a bearing on what is done next, meaning that a three-month overrun may be followed by an extra-sharp reduction in the growth rate over the next three months.

Even Noyes of Morgan Guaranty, who certainly is not monetarist, can argue that "whether it hurts to have six months one way and six months another, it certainly doesn't help."

But no one—not even the monetarists—knows for certain how long it takes a change in the growth rate of money supply to work through to the real world. And that, coupled with the lack of clear-cut proof about the stability or lack of stability in the demand for money, makes it highly unlikely that the Fed will willingly cast countercyclical monetary policy aside. Instead, the Fed will keep juggling the full array of variables—money supply, interest rates, and market conditions. Meanwhile, it will keep looking into how monetary policy affects the economy. (Current research indicates that policy works on the economy through its effect on stock prices.)

But the Fed may lose its freedom of action if the economy slips into recession in 1974. Continued inflation can be blamed on a number of factors, but a recession would be almost entirely the Feds doing. Should that happen, the Fed is going to have to fight hard to keep its independence. True, Patman has not had much luck in getting Congress to go along with his plans for reining in the Fed, but one more policy goof could just about hand the ballgame to the monetarists.

FIFTY YEARS OF THE U.S.S.R. ECONOMY

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, in the Soviet Union this year is supposed to be one of celebration of the founding of the U.S.S.R. 50 years ago. At that time the many non-Russian nations now in this empire-state were supposed to have joined voluntarily with the R.S.F.S.R. in forming this federal union. We know, of course, the facts of imperialist Russian conquest contradict this. But what is noteworthy is how little or virtually no celebrating is done in the U.S.S.R. over this event of union, as against, for example, the 50th celebration of the Bolshevik revolution in Russia proper 6 years ago. What is more, Western organs and scholarship played up the latter, but they are virtually quiet over the relative neglect of Moscow toward the former.

In a significant issue of the Ukrainian Quarterly, devoted to 50 years of the U.S.S.R. Dr. Lev E. Dobriansky of Georgetown University has written a penetrating article on "50 Years of the U.S.S.R. Economy," which by its perspectives goes a long way in explaining why Moscow is playing down this spurious union. The full article appeared in the spring issue of this internationally renowned journal of East European and Asian Affairs, and its excerpted essential contents here should be most illuminating to those evaluating United States-U.S.S.R. relations:

FIFTY YEARS OF THE U.S.S.R. ECONOMY

(By Lev E. Dobriansky)

Reading the addresses of Podgorny, Brezhnev and other Kremlinites on the occasion of the USSR's 50 anniversary, a novice would get the distinct impression that a paradise of nations exists in the Soviet Union and that this was primarily made possible by the economic achievements of what is euphemistically called socialism. Podgorny, the USSR Supreme Soviet Chairman, which is a figurehead position, let it emphatically be known that "After the October revolution, the formation of the first united multinational workers state in the world can rightly be termed one of the greatest landmarks in the history of our country. Having wiped out the exploitation of man by man and ended national inequality and oppression, the proletarian revolution paved the way to the cohesion of liberated people and the unification of Soviet republics, a mighty state union."[1] This one sentence alone surpasses anything Goebbels was capable of if one understands that there is not one country but many in the USSR, that the exploitation of all peoples, Russian and non-Russian alike, justifies even the application of Marx's tenets of workers' exploitation and surplus value creamed off, in this case, by the state as represented by the totalitarian regime in Moscow, and that rather than cohesion and unification, sheer military and secret service coercion and force preserve the superficial union of these republics.

The Brezhnev speech is illuminating for its lingering preconceptions and rhetorical manipulations. For example, the real Russian leader of the USSR makes the point that "Literally within a week after the birth of the Soviet state its famous declaration of the rights of the peoples of Russia put on record these principles of the national policy of the Soviet power: The equality and sovereignty of the peoples of Russia; the right of nations to free self-determination, including secession and the establishment of an independent state; the abolition of all manner of national and national-religious privileges and restrictions; the free development of the national minoriies; the need for a voluntary and honest alliance of the peoples of Russia and their complete mutual trust."[2] This declaration under Lenin has been so often negated by events of Russian imperialist conquest, purges, man-made famines, and cultural and political repressions of all sorts down to the present date that one marvels at the propaganda tenacity of the Kremlin and its persistent beliefs that each generation produces its massive crop of dupes and the naive.

Later in the address the Russian leader begins to wax economic and provides "statistics" for the comrades to consider in order to appreciate his point. He continues, "Since the establishment of the Soviet Union its industrial output has gone up 320-fold." Clearly displaying pretentious "objectivity," Brezhnev then asserts, "Some may say, of course, that any comparison with 1922 is not indicative, because it had been a year of postwar ruin and famine. Indeed, that is so. In that case, let us compare 1972 with the prewar year of 1940, the year by which our country had already surpassed the prerevolutionary level. In that period alone, the Soviet Union's industrial output increased 14-fold."[3] His audience is also told that in this period, real incomes of the population "increased by more than 300 per cent," retail sales increased "by over 600 per cent," the number of doctors "by 370 per cent," and citizens with "a higher, and a complete or incomplete secondary education, by 550 per cent."

Footnotes at end of article.

Almost complete quotes were given here so that the reader might sense with feeling the full context of the propaganda line taken by the Kremlin leaders on this occasion of the 50th anniversary of the USSR. Anyone in the least familiar with "Soviet statistics" would measurably discount the so-called proofs offered by Brezhnev for the type of economic development sustained by the USSR over the past thirty or fifty years. Doubtlessly, progress has been made in many areas of economic activity, but what state or country that has been influenced by the material culture of Western civilization hasn't on a per capita basis experienced similar and, in most cases, better progress? The far more important question is what kind of progress and at what cost? Significantly, little was said by Brezhnev and others about agriculture, housing, the diversity and quality of consumer goods, and the fact that total consumption in the USSR is only about 35 percent that of the U.S. Being a forced and contrived multinational state the USSR hardly qualifies to be called, as many analysts mistakenly do, the second national economic power in the world. But if such comparisons are to be made with this necessary caveat, it won't be long that tiny Japan will properly occupy this position.

Internal analysis of data, both statistical and empirical, issued by Moscow are, of course, indispensable. They are constantly being undertaken by governmental and private agencies. The annual exercise of evaluating growth rates in the vital sectors of the USSR economy is also necessary, as is the quinquennial one of interpreting the economic plan for the period ahead. Yet, for an overall, organic understanding of this particular economy these necessary approaches and fragmentary analysis are by themselves insufficient. On these bases of analysis, it is true, as one incisive analyst puts it, "As you know only too well, experts rarely agree on anything, but, interestingly, wide agreement among U.S. experts exists today—in fact, a virtual unanimity—on the nature, the limitations and the prospects of the Soviet economy."[4]

THE DETERMINATIVE STRUCTURE OF 50 YEARS

Despite transient changes in the evolution of the USSR, involving personalities, the disjunctures of unplanned events, spectaculars such as a flamboyant Khrushchev and the Sputnik, and concessions in the Leninist tradition of more steps forward than backward, a permanent politico-economic structure has existed and is scrupulously preserved to virtually predetermine sectoral investments and outputs on a scale of essential, politically-oriented priorities and also, above all, to safeguard the very existence of the contrived union itself and the power and influence its center in Moscow wields far beyond the borders of the USSR. Absorbed in what are regarded as typical economic activities of investing, consuming, pricing, taxing and so forth, most analysts are either indifferent to these ultimate institutional detriments of the political economy of the USSR or are even unaware of their fundamental influence on the directions and flows of the economic process *in toto*. For both societal understanding and policy determinations the totalistic approach suggested here is mandatory. Regrettably, little has been done in this area, and as a consequence, in the field of global activism, the Russian totalitarians have been able time and time again to pan off the type of politico-economic propaganda indicated by the foregoing quotes.

Before adumbrating this determinative structure of fifty years it would do well for us to gain a few insights into what I have described in other places as a holistic relationism, that is, viewing the economic not just in output-input, price-cost calculus terms but also and simultaneously in those of the historico-political pattern of the USSR which contains the basic sources of motivation, conditioning forces, and determining influences that in varying degree and limited by objective restraints affect economic activity, directions and performance. Thus, for example, if we cling to the erroneous concept of the USSR being a nation such as ours, economic as well as other data assume a different meaning than if the accurate concept of a multinational empire-state held sway. Further, if there is any prime example of political economy in this world, the USSR is unquestionably it. This holistic, relationist type of analysis allows more than any other for realistic assessments of such fundamental questions as the existence of economic imperio-colonialism in the USSR, the possibilities for a free market economy there, technical-scientific pressures for enhanced economic rationality, requisites for an improved standard of living, and prospects of an evolution for more peaceable relations with other states in the world.[5] . . .

The Ukrainian Quarterly

Within the span of an article on the USSR economy in its 50th year, it is, of course, possible only to outline the salient features of its determinative structure. First, reduced to its ultimate determining elements, the politico-economic framework in the USSR is punctuated by a multinational, imperial structure and totalitarian rule. Sufficient reflection on this observation would show that the suffusive influences of course and direction in the economy emanate, in the last analysis, from these two irreducible institutional sources. Given the sway of critical import, all else is directly or remotely reducible to the sway and impact of the two sources. As concerns the multinational, imperial structure, little wonder that with their own distorted version of voluntary federation the Kremlinites hammer away repeatedly on this source, which historically predates the Russian Bolshevik seizure in 1917. Over 20 years ago Secretary of State Dean Acheson summarized eloquently the nature and growth of this structure and, on record, is yet to be matched anywhere.[6] . . .

50 Years of the USSR Economy

With these points in mind, not much imaginative thought is required to see the portents of the recurring Russification moves sponsored by the Moscow center, moves that are almost always portrayed in cultural and political terms. Yet all too often economic reasons and forms are advanced to justify what is in essence a concerted attempt to erode individual republic national consciousness. Stalin practiced this, as did also Khrushchev. And it is significant that at the December, 1972 sessions celebrating the 50th of the USSR, Brezhnev and others saw fit to inject the prospect of altered national boundaries in order to facilitate regional economic development.[7] [8] The idea is an old one, but recently it has been proposed by a planning economist, Prof. Victor V. Kistanov.

To go on to the second institutional basic, equally believed facades of elections, a constitution, legal facilities and procedures, and latitudes for public dissidence, there is the functional reality of totalitarian rule. Exercised generally through the Communist Party of the Soviet Union and subordinate parties in the non-Russian republics, but particularly through the Politburo members of the CPSU. This rule cements the forced union of the various nations in the USSR, secures its own survival through police state methods, and provides the controlling sinews to what has aptly been called a "command economy." Aside from the constitutional pretenses, if multinationality is the essential institutional structure of the USSR, politico-economic totalitarianism, centered in Russian Moscow, is the fundamental institutional instrument of control, coercion and direction. In the light of the cumulative tradition of modern socialist thought and theory, including Marxism, the concept of totalitarianism rather than socialism conforms accurately with the politico-economic realities of the USSR. To give adequate weight to the Party apparatus, it is necessary to stress that its composition consistently and predominantly has been Russian in nationality. The use of the janissariat technique, placing in the upper levels of the apparatus in government many representative non-Russians—as of late, especially Ukrainians—is an old one practiced by the Czars themselves.

Briefly, difficult as it may be for those bred in the environment of democratic institutions to comprehend this, as a totalitarian party the CPSU subordinates all of life to itself, including the state but excluding in great measure the inner consciences of men. In one of the finest expositions of the role of the CPSU, it is shown that with the mass character of the Party and all of its ritualism, in the last analysis no individual person counts for much.[9] From the politico-economic viewpoint, it is this Partyocracy, the spirit of which totally permeates the work of *Khrushchev Remembers*, that provides the cementation, solidity and stability to the totalitarianized politico-economic system in the USSR. The Party is the focal point of the system, which on a descending scale embraces government, industry, agriculture and all other spheres of "Soviet Society." In essence, it is the real and finally determining system through which individual aspirations and ambitions can be best advanced and fulfilled. Most important for our purposes here is that the Party, working through the Politburo and the Council of Ministers, is the decisive source in the determination of All-Union politico-economic priorities, the main allocator of scarce investable resources among the ends and objectives that it, in the last analysis, sets.

In logical compression the ultimate realities outlined so far present us with a state basically marked by economic totalitarianism and imperio-colonialism, the former derived from general political totalitarianism, the latter from the forced, multinational composition of the USSR.[10]

Needless to say, primary resources for this global political play on the part of the Moscow totalitarians are exacted from the captive non-Russian nations in the USSR. A notable feature of the economic-geographical factor is the peculiar pattern of resource distribution which is inextricably related to the first institutional basis of multinationality. In most categories of material resource, half and even more are found in the non-Russian republics. A glance at the familiar agricultural triangle, extending from the Baltic to the Caucasus and across the steppes into Central Asia, shows that most of the area is non-Russian. Petroleum flowing out of the first and second Baku, iron ore in eastern Ukraine, manganese in Georgia and Ukraine, copper supply in Idel-Ural and Kazakhstan, lead and zinc in the broader Turkestan area, silver in the north Caucasus and so forth—these and many other minerals are found in decisive supply in the non-Russian lands.

INHERENT USSR ECONOMIC PROBLEMS

In every real sense the foremost economic problems in the USSR are inherent in the system as shaped by the two basic institutional elements above. No matter how well modeled, logically or mathematically, no economy exists in an institutional void, and the coercive institutions in the USSR weigh heavily on the shape, contours and performance of the economy. Fundamentally, it is because of these institutions that a monumental dilemma faces the CPSU state leadership in its search for socially more efficient

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Footnotes at end of article.

means to advance both its internal and external ends. Significantly, in the multinational triangle of Eastern Europe—the USSR, Yugoslavia, and Czechoslovakia—a striking similarity exists on the score of resolving economic problems by more liberal methods and the accompanying institutional pressures of nationalism.

Five dominant features characterize the USSR economy. The first of these is economic totalitarianism, plainly derived from the institutional basic of the CPSU and political totalitarianism. The "Soviet-type economy" is not consumer-oriented, with fundamental economic decisions flowing from the top downward. The second feature is the economy's distinctive and sharply defined priorities, with arms, space and heavy goods production usually leading the field. Striving in no unmistakable terms for global power dominance, the USSR, with half the economy of the U.S., sustains with equal total expenditure a sophistical quantitative military output and a surpassing research and development.[11] As to heavy goods production, Kosygin let it be known at the 24th CPSU Congress in 1971 that it "has been and remains the foundation of the country's economic might and of the further growth of living standards." Unquestionably, if the foundation were geared to truly serve the objective of rising standards, if people rather than global prowess were of primary concern, if free consumers choice prevailed rather than totalitarian planned direction—in short, if the basic institutional environment were different—the average standard of living would be substantially higher and USSR consumer output would no longer be the object of ridicule among visiting East Europeans themselves.

The third dominant feature of the USSR economy is that, in overall political terms, it is not only a "command economy" but also inherently a "cold war economy." Though today we are prone to minimize the functional importance of the CPSU, the international Communist parties network, and the diplomatic and other instruments of political warfare employed by Moscow and its associates, considerable invested resources are nonetheless applied in this dimension of its global power endeavor, ranging from high-powered propaganda and political warfare schools and operations to military and economic "aid." In overt propaganda alone well over $5 billion are spent annually.

Based on the above features, the fourth one is clearly an unbalanced, underdeveloped economy in the conventional equilibrium sense of proportional economic development. In the period of 1928–60 fixed capital in industry increased 36.9 times, while social capital covering housing, schools, hospitals and the like increased only 4.5 times. The developments of the past decade have not substantially altered this ratio of increase, and the USSR's expanding commitments in Eastern Europe, Cuba, Vietnam, the Mideast and elsewhere will only intensify the pressures on its short capital supply. In short, the economy is not a consumption expenditure one, nor an automotive one, nor a service one by any measure of imagination and observation. It is plainly punctuated by disproportionate progress and sector underdevelopment. However, although the economy is strikingly deficient in social efficiency, it has developed on equally striking technocratic bent that places a premium on technologic efficiency, which is readily observable in space performance, in its drive for military superiority, and in certain areas of capital goods production.[12]

Finally, reflecting further the inherent economic problems predicated ultimately on the two institutional basics, is the fifth dominant feature of the USSR economy, namely its instrumentality of trade. What amounts to a trade sieve, particularly in view of Moscow's penchant for self-sufficiency, is an instrumental device for the acquisition of the best of Western technology, long-term Western credits to facilitate this, and a convenient means to shore up the non-leading links and consumer goods deficiencies. Under the monopoly of the state, in turn dominated by the CPSU, the trade sieve has already been an instrumental part of the strategy to serve the Plan, its top priorities as well as deficiencies, depending on the international climate and the opportunities of advantage in technological development. Clearly, nothing in the fundamental institutional structure of the USSR has changed to warrant the present conjecture that Russian interest in stepped-up trade with the U.S. and others is any indication of a substantial change in Russian behavior. Furthermore, in the long record on this Stalin and Khrushchev were not unmindful of the crucial American economic contribution to USSR's development and growth. It is sufficient to point out here that Moscow has never been primarily interested in our array of consumer goods. It has been consistently interested in our advanced technology, blueprints, and skilled knowhow. To provide the Russian totalitarians with these via trade means plainly to reinforce their coercive rule. Many years ago the writer advocated a poltrade policy, that is economic exchange founded on political concessions, which is not restricted to the issue of Soviet Jewry alone, and currently feels strongly that this is the policy to be pursued with an eye to the multinational construct in the USSR.[13]

After 50 years of existence it should be evident that the economy of the USSR is far from being a human and humane economy. If anything, it remains as the colossal instrument of Soviet Russian imperio-colonialism to secure permanently totalitarian and imperialist power within and also to secure expanding and absolute dominance without. The paramount objective in its calculated exploitation is the economic generation of power, one that is thoroughly politicized for the continued domination of the captive nations both within and without the USSR, and the utlimate goal of world dominance. For these ends the USSR economy does not have to compare favorably with the U.S or any other Free World economy in terms of consumption expenditure and general standard of living. All it has to do within the safeguards of the two institutional basics is to concentrate, as it has for 50 years, on this generation of power, primarily translated into military prowess, world-wide political warfare, and propaganda bluff. Herein rests the grave threat to the U.S. and the Free World, which are fairly easy terrain for political warfare play as the U.S. involvement in Vietnam has well demonstrated. Characteristic of traditional Russian imperialist policy, whether white or red, the basic elements of success are patience, power accumulation, and deceptive diplomacy. The current Red Czars have displayed all three surpassingly, along with an inordinate ability to retreat when problems within mount, but the post-Vietnam period will itself—once again on long historical record—confirm this to our grave disadvantage.

FOOTNOTES

[1] Podgorny Speech Text, Dec. 21, 1972, *Daily Report*, Soviet Union, Foreign Broadcast Information Service, Washington, D.C., p. AA1.

[2] *Ibid.*, p. AA7.

[3] *Ibid.*, p. AA9.

[4] Hans Heymann, Jr., "The Soviet Economy," *The National War College Forum*, Fall, 1972, p. 51.

[5] E.g., *Foreign Policy, Message from the President of the United States*, House Document No. 92–53, 1971, pp. 122–123.

[6] Testimony, *Mutual Security Act*, Hearings, Committee on Foreign Affairs, House of Representatives, 1951.

[7] [8] Theodore Shabad, "Shift In Boundaries of Soviet Republics Is Proposed in Moscow." *The New York Times*, New York, January 3, 1973.

[9] Abdurakhman Avtorkhanov, *The Communist Party Apparatus*, Illinois, 1966.

[10] For detailed descriptions of this nexus, see Y. Boyko and others. *Russian Bolshevism*, Munich, 1960.

[11] See *The Shifting Balance of Military Power*, supplemental statement, Blue Ribbon Defense Panel, 1970.

[12] See George R. Feivel. *The Soviet Quest for Economic Efficiency*, New York, 1967.

[13] Author quoted in Sen. Everett M. Dirksen, "Needed: A Realistic East-West Trade Policy," *Reader's Digest*, June 1969.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rinaldo) to revise and extend their remarks and include extraneous matter:)

Mr. Cohen, for 5 minutes, today.

Mr. Kemp, for 20 minutes, today.

(The following Members (at the request of Ms. Holtzman) to revise and extend their remarks and include extraneous matter:)

Mr. Matsunaga, for 15 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Gunter, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Ms. Abzug, for 5 minutes, today.

Mr. Tiernan, for 5 minutes, today.

Mr. Van Deerlin, for 60 minutes, on October 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Smith of Iowa.

Mr. Patman and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $627.

(The following Members (at the request of Mr. Rinaldo) and to include extraneous matter:)

Mr. Zwach in five instances.

Mr. Steiger of Wisconsin.

Mr. Wyman in two instances.

Mr. Hosmer in three instances.

Mr. Horton.

Mr. Derwinski in three instances.

Mr. Coughlin.

Mr. Broyhill of Virginia in two instances.

Mr. Ashbrook in five instances.

Mr. Symms.

Mr. Shriver.

Mr. Kemp.

(The following Members (at the request of Ms. Holtzman) and to include extraneous matter:)

Mr. Annunzio in six instances.

Mr. Dingell in two instances.

Mr. Seiberling in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Burke of Massachusetts.

Mr. Badillo in five instances.

Mr. Harrington in four instances.

Mrs. Hansen of Washington.

Mr. Dent.
Mr. de Lugo.
Mr. Macdonald.
Mr. Studds.
Mr. Obey in four instances.
Mrs. Griffiths in two instances.
Mr. Brasco in six instances.
Mr. Dorn in two instances.
Mr. Rooney of New York in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 425. An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2413. An act to authorize the disposal of aluminum from the national stockpile and for other purposes; to the Committee on Armed Services.

S. 2463. An act to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam; to the Committee on Public Works.

S. 2493. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 2498. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 2556. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 8 months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1317. An act to authorize appropriations for the United States Information Agency.

ADJOURNMENT

Ms. HOLTZMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Friday, October 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1440. A letter from the President, Overseas Private Investment Corporation, transmitting the annual report of the Corporation for fiscal year 1973, pursuant to section 240A(a) of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2200a(a)]; to the Committee on Foreign Affairs.

1441. A letter from the Assistant Secretary of the Interior, transmitting a report on receipts and expenditures of the Department of the Interior in connection with the administration of the Outer Continental Shelf Lands Act of 1953, covering fiscal year 1973, pursuant to section 15 of the act (43 U.S.C. 1343); to the Committee on the Judiciary.

1442. A letter from the Attorney General, transmitting a draft of proposed legislation to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, report of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10717. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians and for other purposes (Rept. No. 93–572). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 10586. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care (Rept. No. 93–573). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY: Committee of conference. Conference report on H.R. 6691; with amendment (Rept. No. 93–576). Ordered to be printed.

Mr. MADDEN: Committee on Rules. House Resolution 593. Resolution providing for the consideration of H.R. 9681. A bill to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes (Rept. No. 93–574). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 594. Resolution providing for the consideration of H. Res. 582. A resolution deploring the outbreak of hostilities in the Middle East (Rept. No. 93–575). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 10857. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Harrington, Mr. Long of Maryland, and Mr. James V. Stanton):

H.R. 10858. A bill to regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 10859. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania (for himself, Mr. Nix, and Mr. Barrett):

H.R. 10860. A bill to provide for the addition of Colonial Germantown in the city of Philadelphia, State of Pennsylvania, to Independence National Historical Park; to the Committee on Interior and Insular Affairs.

H.R. 10861. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 10862. A bill to amend chapter 2 of title 16 of the United States Code (respecting national forests) to provide a share of timber receipts to States for schools and roads; to the Committee on Agriculture.

By Mr. HARRINGTON (for himself and Mr. Culver):

H.R. 10863. A bill to amend the act to incorporate Little League Baseball to provide that the league shall be open to girls as well as to boys; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 10864. A bill to extend the Head Start program for 1 year; to the Committee on Education and Labor.

H.R. 10865. A bill to provide financial assistance to enable State and local governments to assume responsibilities for community services, and for other purposes to the Committee on Education and Labor.

By Mr. JOHNSON of Pennsylvania:

H.R. 10866. A bill to encourage States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment; to the Committee on Ways and Means.

H.R. 10867. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling waste paper; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 10868. A bill to prohibit different types of foreign assistance to any country which interns or imprisons its citizens for political purposes; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself and Mr. Aspin, Ms. Abzug, Mr. Ashley, Mrs. Chisholm, Mr. Clay, Mrs. Collins of Illinois, Mr. Conte, Mr. Conyers, Mr. Drinan, Mr. Fascell, Mr. Fauntroy, Mr. William D. Ford, Mr. Fraser, Ms. Holtzman, Mr. Mitchell of Maryland, Mr. Nedzi, Mr. Nix, Mr. Rees, Mr. Thompson of New Jersey, Mr. Charles H. Wilson of California, and Mr. Yates):

H.R. 10869. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. LONG of Maryland:

H.R. 10870. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. McKINNEY (for himself, Mr. Frenzel, Mr. Heinz, and Mr. Rinaldo):

H.R. 10871. A bill to amend the Economic Stabilization Act of 1970 to make mandatory the systematic allocation of petroleum products in accordance with the procedures established under that act; to the Committee on Banking and Currency.

By Mr. MATSUNAGA:

H.R. 10872. A bill to provide a minimum level for retirement salaries of certain Federal judges in territories and possessions; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 10873. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. ULLMAN:

H.R. 10874. A bill to provide assistance to the owners of forest land for the reforestation of areas infested by pests; to the Committee on Agriculture.

By Mr. DENT:

H.R. 10875. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 10876. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 10877. A bill to authorize the President to call and conduct a White House Conference on Energy; to the Committee on Interstate and Foreign Commerce.

H.R. 10878. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

H.R. 10879. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

H.R. 10880. A bill to provide for assistance in international drug control through the use of trade policy; to the Committee on Ways and Means.

By. Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 10881. A bill to amend the Federal Aviation Act of 1958 so as to extend the tariff filing period for proposed tariff changes and to provide that the Board cannot suspend a proposed tariff for interstate or overseas air transportation less than 15 days before the time when the tariff would otherwise go into effiect; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK (for himself, Mr. RHODES, Mr. TIERNAN, Mr. DEVINE, Mr. STEIGER of Arizona, Mr. ROUSSELOT, Mr. LONG of Maryland, Mr. KETCHUM, Mr. CONLAN, Mr. TREEN, Mr. HUBER, Mr. THONE, Mr. SYMMS, Mr. RARICK, Mr. MILLER, Mr. ROBINSON of Virginia, and Mr. EDWARDS of Alabama):

H.J. Res. 765. Joint resolution proposing an amendment to the Constitution of United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.J. Res. 766. Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1976; to the Committee on Education and Labor.

By Mr. EDWARDS of Alabama:

H.J. Res. 767. Joint resolution to designate the second week of February of each year as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 768. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. MITCHELL of Maryland):

H. Con. Res. 347. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H. Con. Res. 348. Concurrent resolution expressing the sense of the Congress that in concert with efforts toward a cease-fire and upon the cessation of hostilities in the Middle East, the President and the Secretary of State shall focus the diplomatic efforts of the United States toward effecting direct negotiations among all parties to the conflict; to the Committee on Foreign Affairs.

By Mr. McSPADDEN:

H. Res. 592. Resolution providing for a review by the Board of Engineers for Rivers and Harbors of the report of the Chief of Engineers on the Polecat Creek, Okla.; to the Committee on Public Works.

SENATE—*Thursday, October 11, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Guard and Guide and Judge, look in mercy upon this Nation in its time of anguish and uncertainty. Draw us close to Thee and to one another in humility and in prayer that we may bear one another's burdens and so fulfill the law and the gospel. Spare us from arrogating to ourselves the judgments which belong to God alone, but equip us in mind and soul to bear the responsibilities we cannot assign to others, but must carry in the strength Thou dost impart. As we agonize with the wounds and the surprises of history, so prepare us for the healing interventions which Thou dost give to the people who love Thee and serve Thee.

May the redemptive messages of Mount Sinai and Mount Calvary penetrate the soul of America that the law of grace and love may prevail. O Lord, in Thee do we put our trust now and evermore.

We pray in the name of the Great Redeemer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 10, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE SPECIAL COMMITTEE ON SECRET AND CONFIDENTIAL DOCUMENTS TO HAVE UNTIL MIDNIGHT, OCTOBER 15, 1973, TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, pursuant to Senate Resolution 13 of the 93d Congress, that the special committee to study questions relating to secret and confidential Government documents have until midnight, October 15, 1973, to file its report.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL LABOR RELATIONS BOARD

The second assistant legislative clerk read the nomination of Howard Jenkins, Jr., of Colorado, to be a member of the National Labor Relations Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ACTION

The second assistant legislative clerk read the nomination of Marjorie W. Lynch, of Washington, to be an Associate Director of ACTION.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

RAILROAD RETIREMENT BOARD

The second assistant legislative clerk read the nomination of Wythe D.

Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, the nomination is considered and confirmed.

NATIONAL SCIENCE FOUNDATION

The second assistant legislative clerk read the nomination of Lowell J. Paige, of California, to be an Assistant Director of the National Science Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk read the nominations in the National Commission on Libraries and Information Science, as follows:

Bessie Boehm Moore, of Arkansas, to be a member of the National Commission on Libraries and Information Science.

Julia Li Wu, of California, to be a member of the National Commission on Libraries and Information Science.

Daniel William Casey, Sr., of New York, to be a member of the National Commission on Libraries and Information Science.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of the legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 432, 433, 436, and 437.

The PRESIDING OFFICER. Without objection, it is so ordered.

COST-OF-LIVING INCREASES IN CIVIL SERVICE RETIREMENT

The bill (H.R. 3799), to liberalize eligibility for cost-of-living increases in civil service retirement, was considered, ordered to a third reading, read the third time, and passed.

TRAVEL AGENTS REGISTRATION

The bill (S. 2300) to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended (1) by inserting "TITLE I—INTERNATIONAL TRAVEL; UNITED STATES TRAVEL SERVICE" immediately before the first section thereof; (2) by striking out "this Act" or "This Act" each place where it appears and inserting in lieu thereof "this title" or "This title", respectively; and (3) by adding at the end thereof the following:

"TITLE II—TRAVEL AGENTS REGISTRATION

"SEC. 201. (a) Whereas the travel agency industry is interstate and international in scope; and whereas the travel agency industry has become a significant part of the economy of the United States; and whereas the traveling public is becoming increasingly dependent on travel agents to make travel arrangements, the Congress finds that it is in the public interest to strengthen the travel agency industry and maintain public confidence in travel agents by regulating travel agents.

"(b) The purposes of this title are to protect the convenience, safety, and well-being of persons who patronize travel agencies in the United States by making adequate provisions for the granting of registration certificates to travel agents.

"SEC. 202. This title may be cited as the 'Travel Agents Registration Act of 1973'.

"SEC. 203. As used in this title—

"(1) 'Secretary' means the Secretary of Transportation.

"(2) 'Person' means an individual, partnership, corporation, association, or other form of business enterprise.

"(3) 'Engage in the business of conducting a travel agency' means and refers to holding out by any person, other than—

"(A) a common carrier of passengers regulated by an agency of the Federal Government or an employee of such carrier when engaged in his employer's business;

"(B) the owner or employee of a hotel, motel, inn, or other such establishment offering accommodations to travelers, when making arrangements for accommodations in his own or other such establishment or when making arrangements for local sightseeing tours;

"(C) a person making travel arrangements for his employees; and

"(D) a religious, charitable, educational, or fraternal organization, described in section 501(c) (3) and (8) of the Internal Revenue Code of 1954, and exempt from tax under section 501(a) of that Code, making arrangements for its members for travel which is related to religious, charitable, or educational programs being carried out by such organization if any net proceeds resulting therefrom are used only for the purposes of such organization: *And provided further,* That the travel and lodging reservations or accommodations for travel or tours by such organizations are arranged by a travel agent certified under this title;

to any other person, directly or indirectly, as being able or offering or undertaking by any means or method, whether acting as principal, agent, broker, or otherwise to acquire for a fee, commission, or other valuable consideration, of any sort, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, hotel, or other lodging reservations or accommodations.

"(4) 'Registered travel agent' means any person to whom a registration certificate has been issued pursuant to this title.

"(5) 'Carrier' means a person engaged in the passenger transportation business.

"SEC. 204. (a) On and after January 1, 1974, no person shall, directly or indirectly, engage in the business of conducting a travel agency, as herein defined, without having first received a registration certificate as hereinafter provided.

"(b) On and after such date and after receiving notice from the Secretary that a person is not a registered travel agent a carrier shall not enter into any contract or other arrangement with such person for the provision of travel to others.

"SEC. 205. (a) There is hereby established in the Department of Transportation a Bureau of Travel Agents Registration. The Chief Executive Officer of such Bureau, who shall be appointed by the Secretary, shall be known as the Director of Travel Agents Registration. The Secretary shall carry out his functions under this title through such Director.

"(b) To advise the Director there shall be a Travel Agents Registration Board consisting of eight members appointed by the Secretary of Transportation. Two members thereof shall actively be engaged in the travel agency business; one member thereof shall be a representative of the general public; and four members thereof shall be representatives from the following agencies: the Federal Maritime Commission, the Civil Aeronautics Board, the Insterstate Commerce Commission, and the Department of Transportation. The Director or his duly authorized representative shall be an ex officio member of the Board with one vote. The Board shall meet at least once a year at an appropriate time to be fixed by the Director. It shall be the duty of the Board to advise the Director on all matters related to this title and on such other matters as the Director shall request. The Director shall designate an employee of the Bureau to act as Secretary of the Board.

"(c) The members of the Board, except those employed by the Federal Government, shall be entitled to compensation at a rate not to exceed $100 per day for each meeting or for each day actually spent on the work of the Board. The shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties.

"(d) The Director, with the advice of the Board, shall promulgate such rules and regulations, including, but not limited to, those reasonable and necessary to establish the necessary qualifications for and sound financial practices by registered travel agents and those considered necessary to carry out the purposes of this title.

"SEC. 206. (a) The Secretary shall establish such rules and regulations as may be necessary—

"(1) to provide for applications in such form and containing such information as may be necessary to obtain registration pursuant to this title;

"(2) to require that each applicant make an adequate showing of the necessary qualifications and financial responsibility to engage in the business of conducting a travel agency in order to obtain such registration; and

"(3) to require that such necessary qualifications and financial responsibility be established in accordance with objective criteria prescribed in such rules and regulations.

"(b) No registration certificate pursuant to this act shall be issued to any person who has been convicted in any State, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States, of a felony.

"(c) The Secretary may withhold the issuance of a certificate of registration pursuant to this title upon making a specific determination that the applicant has not made an adequate showing of the necessary qualifications and financial responsibility for the purpose of this title.

"(d) The Secretary may charge such reasonable fees for the issuances of certificates, and renewals thereof, for the purpose of this title as he determines.

"SEC. 207. (a) All registration certificates issued pursuant to this title shall expire on the fourth anniversary of the date of issuance.

"(b) Registration certificates issued pursuant to this title shall not be assignable or transferable.

"(c) A bona fide purchaser or transferee of a travel agency business from the holder, or the legal representative of a deceased holder of a registration certificate issued pursuant to this title may continue to use such registration certificate for a period of not more than ninety days from the date of the sale, transfer, or death of the holder, under such conditions as may be prescribed by the Secretary.

"(d) On or before the date of its expiration, any registration certificate issued pursuant to this title which has not been suspended or revoked may, upon the payment of any renewal fee, be renewed by the Secretary for an additional period of two years upon the filing of an application for such renewal in such form as is prescribed by the Secretary.

"(e) If an application for a registration certificate by a person who is engaged in the business of conducting a travel agency on July 1, 1973, or by any person referred to in subsection (c) of this section, has been filed with the Secretary pursuant to the provisions prescribed herein, the applicant shall be entitled to continue to engage in the travel agency business until action is taken on the application.

"Sec. 208. A registration certificate issued pursuant to this title may be suspended or revoked by the Secretary, and a civil penalty not to exceed $1,000 may be imposed by the Secretary upon a determination after a hearing in the State of the travel agent's principal place of business, that the holder of a registration certificate has engaged in any of the following practices:

"(1) Fraud or bribery in securing a registration certificate issued pursuant to this title.

"(2) The making of any false statement as to a material matter in any application or other statement required by or pursuant to this title.

"(3) Violation of any provision of this title or any code, rule, or regulation adopted hereunder.

"(4) Any fraud or fraudulent practice in the operation and conduct of a travel agency business including, but not limited to, intentionally misleading advertising.

"(5) Activities prohibited by this title leading to conviction of a misdemeanor.

"(6) Activities leading to conviction of a felony.

"(7) Breach of fiduciary duty to a principal.

"Sec. 209. In any case where the Secretary has authority to suspend or revoke a registration certificate issued pursuant to this title or to impose a civil penalty, in lieu thereof he may accept from the holder of the certificate assurance of discontinuance of any act or practice for which the certificate may be suspended or revoked.

"Sec. 210. (a) In a case of actual controversy as to the validity of any order, affirmative or negative, issued by the Secretary under this title, any person disclosing a substantial interest in such order may at any time before the sixtieth day after such order is issued file a petition for judicial review of such order by the court of appeals of the United States for the circuit in which the petitioner resides or has his place of business or the United States Court of Appeals for the District of Columbia Circuit. After the expiration of sixty days, such a petition may be filed only by leave of the court upon the showing of reasonable grounds for failure to file a petition timely.

"(b) A copy of the petition shall upon filing be forthwith transmitted to the Secretary by the clerk of the court and the Secretary shall thereupon certify and file a copy of the record, if any, upon which the order of the Secretary was entered.

"(c) Upon transmittal of the petition, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order, in whole or in part, and if need be to order further proceedings by the Director.

"(d) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. No objection to an order of the Secretary shall be considered by the court, unless such objection shall have been urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so or unless newly discovered facts shall be revealed.

"(e) The judgment decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"Sec. 211. (a) Any person who knowingly and willfully violates any provision of this title or any order, rule, or regulation issued under any such provision, shall, if it is the first such offense, be fined not more than $500 or imprisoned not more than six months, or both, and for any subsequent such offense, shall be fined not more than $2,000 or imprisoned not more than two years, or both. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

"(b) If any person violates any provision of this title, or any rule, regulaton, requirement, or order thereunder, or any term, condition, or limitation of any certificate issued under this title, the Secretary may request the Attorney General to commence an action in the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this title, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this title or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

"(c) Upon the request of the Secretary, any United States Attorney, to whom the Secretary may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this title or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

"Sec. 212. Effective on and after January 1, 1974, no State or subdivision thereof shall adopt or enforce any law regulating, or setting any standards with respect to, the activity of engaging in the business of conducting a travel agency.

"Sec. 213. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"Sec. 214. The provisions of this title shall be in addition to, and not in lieu of, the rules, regulations and orders of any other Federal agency which may by law regulate carriers or Conferences of air or steamship carriers."

APPRECIATION OF CONGRESS TO VIETNAM VETERANS

The concurrent resolution (S. Con. Res. 51) expressing the appreciation of Congress to Vietnam veterans on Veterans Day 1973, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

Whereas October 22, 1973, will mark the first observance of Veterans Day since the cessation of hostilities in Vietnam; and

Whereas more than forty-six thousand Americans lost their lives and more than three hundred thousand were wounded in action in the Vietnam conflict; and

Whereas the Vietnam engagement was the longest war in the history of the United States and was marked with controversy both at home and abroad; and

Whereas the American military man withstood these adverse conditions and served with valor and courage; and

Whereas the loyalty and devotion to duty of the American serviceman was of the highest order and played an important role in making peace negotiations possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its gratitude, and pays its respects, to Vietnam veterans on Veterans Day 1973 for their gallant part in attaining peace in Vietnam and making it possible to observe Veterans Day 1973 in peace.

CONGRESSIONAL FRANKING REFORM

The Senate proceeded to consider the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes which had been reported from the Committee on Post Office and Civil Service with amendments on page 3, line 24, after the word "information", insert "or"; on page 4, line 2, after the word "nonpartisan", strike out "manner;" and insert "manner."; after line 2, insert:

"(4) It is the intent of Congress that mail matter which is frankable by a Member of Congress (in addition to matter otherwise frankable under this subsection) or a Member-elect to Congress includes—

At the beginning of line 7, strike out "(I)" and insert "(A)"; at the beginning of line 18, strike out "(J)" and insert "(B)"; on page 5, at the beginning of line 4, strike out "(4)" and insert "(5)"; at the beginning of line 11, strike out "(5)" and insert "(6)"; in line 24, strike out "or"; on page 6, after line 6, insert:

"(iii) any card expressing holiday greetings from a Member or Member-elect;

In line 12, after the word "public" strike out "office." and insert "office; or"; after line 12, insert:

"(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office; or

"(D) any mass mailing when the same is mailed less than 31 days immediately before the date of any primary or general election (whether regular or special or run off) in which the Member or Member-elect is a candidate for public office. For the purpose of this clause (D), the term 'mass mailing' shall mean newsletters and similar mailings of more than 500 pieces in which the content of the matter mailed is identical. The term shall not, however, include mailings which are in direct response to direct inquiries or requests from whom the matter is mailed.

On page 7, line 3, after the word "the", where it appears the second time, strike out "30th day of June" and insert "1st day of February"; in line 5, after the word "Legislative", strike out "Counsel" and insert "Counsels"; in line 6, after the word "Representatives", insert "and the Senate."; in line 9, after the word "under", strike out "subsection (a) (2) and (3)" and insert "subsection (a) (2), (3), and (4)"; in line 15, after the word "Representatives", insert "or the Senate,"; in line 23, after the word "under", strike out "subsection (a) (4) and (5)" and insert "subsection (a) (5) and (6)"; at the top of page 8, strike out:

"(d) (1) A Member of the House may mail franked mail with a simplified form of address for delivery—

"(A) within that area constituting the congressional district from which he was elected; and

"(B) on and after the date or which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

"(2) A Member elected to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

"(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

"(4) Franked mail mailed with a simplified form of address under this subsection—

"(A) shall be prepared as directed by the Postal Service; and

"(B) may be delivered to—

"(i) each box holder or family on a rural or star route;

"(ii) each post office box holder; and

"(iii) each stop or box on a city carrier route.

"(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

On page 9, after line 11, insert:

"(d) Franked mail may not be mailed with a simplified form of address for delivery.

In line 25, after the word "such", strike out "funds."." and insert "funds."; at the top of page 10, insert:

"(f) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution, to or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.".

After the wording following line 16, insert a new section, as follows:

Sec. 2. Section 3211 of title 39, United States Code, is amended by striking out "the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June" and inserting in lieu thereof "each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of February".

On page 11, at the beginning of line 3, change the section number from "(2)" to "(3)": at the beginning of line 14, change the section number from "3" to "4"; on page 12, at the beginning of line 6, change the section number from "4" to "5"; on page 13, line 22, after the word "complaint", insert "by any person"; on page 14, in line 19, after the word "Commission." strike out "findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law."; in line 25, after the word "a", strike out "serious and willful"; on page 15, in line 11, after the word "franking", strike out "privilege, except judicial review of the decisions of the Commission under this subsection."; and insert "privilege until such time as the Commission has rendered a decision under this subsection."; on page 16, after line 21, insert a new section, as follows:

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

On page 19, at the beginning of line 11, change the section number from "5" to "7"; after line 13, strike out:

"(a) The equivalent amount of postage on, and the equivalent amount of fees and charges in connection with, mail matter sent through the mails—

And in lieu thereof, insert:

"(a) The equivalent of—

"(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

At the beginning of line 20, strike out "(1)" and insert "(A)"; in the same line, after the word "privilege", insert "(other than under section 3219 of this title)"; on page 20, line 1, after the word "Legislative", strike out "Counsel" and insert "Counsels"; in line 2, after the word "Representatives", insert "and the Senate"; at the beginning of line 3, strike out "(2)" and insert "(B)"; in line 4, after the word "title:", insert "and

"(2) those portions of fees to be paid for delivery by the Postal Service of mailgrams and other items transmitted by electronic means and considered as franked mail under section 3219 of this title;";

On page 21, at the beginning of line 6, change the section number from "6" to "8"; at the beginning of line 19, change the section number from "7" to "9"; on page 22, at the beginning of line 3, change the section number from "8" to "10"; after line 10, strike out:

Sec. 9. (a) The House Commission on Congressional Mailing Standards is directed to promptly make a study and evaluation of

the problems relating to and the arguments for and against a policy which would prohibit mass mailings by any Member of, Delegate to, or Resident Commissioner in, the House of Representatives, under section 3210(a) of title 39, United States Code, or mailings with a simplified form of address under section 3210(d) of such title, during a specific period ending on the date of any primary or general election in which a Member, Delegate, or Resident Commissioner is a candidate for any public office. The Commission shall report, not later than January 1, 1974, to the House, or to the Clerk of the House if the House is not in session, the results of its study, together with such recommendations as the Commission considers appropriate, with respect to such mailings in connection with such primary elections in 1974, but in no event shall the report recommend, regardless of the numbers of communications involved—

(1) the prohibition of the deposit of such mail matter in the mail more than thirty days immediately before the date of any primary or general election in which a Member is a candidate for any public office;

(2) the prohibition of the mailing under the frank of replies to inquiries of communications of constituents;

(3) The prohibition of the mailing under the frank of mail matter to colleagues in the Congress or to government officials (whether Federal, State, or local), or the prohibition of the mailing under the frank of news releases; or

(4) the prohibition of the mailing under the frank of nonpartisan voter registration or voting information.

(b) This section shall expire on January 1, 1976, unless extended or continued by Act of Congress.

On page 23, after line 19, insert:

SEC. 11. Section 3218 of title 39, United States Code, is amended by inserting "nonpolitical" immediately before "correspondence".

After line 22, insert:

SEC. 12. (a) Chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3219. MAILGRAMS AND SIMILAR TRANSMITTALS

"Any mailgram or other item transmitted by electronic means by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(3) of this title, if such mailgram or item contains matter of the kind authorized to be sent by that official as franked mail under section 3210(a) of this title.".

(b) The table of sections of such chapter 32 is amended by adding at the end thereof the following:

"3219. Mailgrams and similar transmittals.".

On page 24, after line 14, insert:

SEC. 13. The last sentence of section 1303(d) of the Revenue Act of 1918 (2 U.S.C. 277) is repealed.

At the beginning of line 17, change the section number from "10" to "14"; and, on page 25, at the beginning of line 1, change the section number from "11" to "15".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GOLDEN GAVEL AWARD TO SENATOR JESSE HELMS

Mr. HUGH SCOTT. Mr. President, today at 12:15 the majority leader and I will be present in the formal office of the Vice President of the United States when the Senate pages will present to the distinguished Senator from North Carolina, the Honorable JESSE HELMS, a gavel, which in the past has been known as the "Golden Gavel Award."

This award has been made in the past to a Senator who has served as the Presiding Officer at any session of the Senate for 100 hours.

I am very happy to congratulate Senator HELMS, not only for his service of 100 hours in the chair, which he completed at 3 o'clock on yesterday, but also because he is the first Republican Senator to receive this honor.

Previous recipients of the award have been Senators CHILES, ALLEN, and HOLLINGS.

The pages are also to be congratuated for the part which they have always played in this pleasant and enjoyable ceremony.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HASKELL). The Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I have no desire to use time. If any Senator wishes me to yield some of the time, I shall be glad to yield to him.

Mr. CHILES. Mr. President, will the distinguished Senator yield 5 minutes to me?

Mr. ROBERT C. BYRD. Mr. President, I am happy to yield 5 minutes to the distinguished Senator from Florida.

PROPOSED PROCEDURE ON CONSIDERATION OF A NOMINATION FOR VICE PRESIDENT

Mr. CHILES. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Resolved, That rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"7. Any nomination submitted to Congress by the President under the twenty-fifth article of amendment to the Constitution, to fill a vacancy in the office of Vice President, shall be considered by the Senate and shall not be referred to any committee of the Senate. The consideration of any such nomination shall be a privileged matter."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GRIFFIN. Mr. President, is a unanimous consent pending?

The PRESIDING OFFICER. Yes.

Mr. GRIFFIN. What is the unanimous consent request?

The PRESIDING OFFICER. That the Senate proceed to the immediate consideration of the resolution.

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I shall object. Under rule XXV of the Standing Rules of the Senate, matters affecting the election of the President and the Vice President of the United States come under the jurisdiction of the Committee on Rules and Administration.

I am not at this point saying that I shall oppose the resolution. At this point, I think I am opposed to it, but I am not going so far as to say that I would not give it consideration and study. There is no question but that it has some merit—perhaps considerable merit. After study, it may be the viewpoint of the majority of the Members of this body that they would want to proceed in this fashion. However, I do not believe this is a matter that should be taken up and disposed of by unanimous consent.

As I understand it, the majority leader was not informed, and I certain was not informed, that there was going to be a unanimous consent request to proceed to the immediate consideration of this resolution at this time.

I do think that Mr. CANNON, the chairman of the Committee on Rules and Administration, should be contacted, if he has not already been contacted. He should be given a chance to interpose an objection; and there are members of the Committee on the Judiciary who feel that they should be given some consideration with respect to hearings, if committee hearings are going to be conducted, in connection with a nomination for the office of Vice President.

Yesterday, the distinguished chairman of the Committee on Rules and Administration, Mr. CANNON, asked me to interpose an objection if any unanimous consent request were made which would have the effect of creating a special committee or pursuing a course of action which would have the effect of bypassing the committee he chairs. I am honorbound to make that objection; and I must be frank to say that I would make such an objection in any event, without having assured Mr. CANNON that I would do so in his behalf, because I do think it is a matter that ought to be given some consideration by the leadership and by the chairmen of committees who, under the Standing Rules of the Senate, have the authority and the jurisdiction over subject matters such as this. The resolution should not be considered immediately and without advance notice to all Senators.

I hope the distinguished Senator from

Florida will understand that there is no personal animus toward him in my doing this. I think he is following the dictates of his own conscience. But I have to do this, and I hope he will understand.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGH SCOTT. Mr. President, I think we owe it to the Senate to indicate that discussions have been going on, and will go on this afternoon, regarding the proper procedures. We are trying to arrive at unanimity in this matter.

As the rules are read, it would appear that the Committee on Rules and Administration has jurisdiction. However, members of the Committee on the Judiciary have other suggestions to make. Other Members have suggestions to make.

I will say, speaking as an individual, not as a party leader, that I happen to like the idea of submitting this nomination to the full 100 Senators, each Senator to have an hour to debate it. I think that is the best way to do it. It eliminates a great deal of nitpicking or unfortunate delays and all the rest. But that is not going to be the view of a number of Senators.

I believe the chairman of the Committee on Rules and Administration and ranking members should be here. The chairman of the Committee on the Judiciary is here. The ranking member should be here and others who have indicated to the leadership that they wish to be heard.

There are several alternatives, and I do not think that the leadership can divest itself of the responsibility of trying to decide the method which seems the fairest and most expeditious and which is most likely to be in accord with the wishes of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. ROBERT C. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over, under rule XIV.

Mr. ROBERT C. BYRD. On my own time, Mr. President, I yield to the distinguished majority leader, and I thank the distinguished Republican leader.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Florida did see me today and did tell me that he was going to submit this resolution. He may have told me that he was going to ask for immediate consideration. If he did, I did not hear him; and if he did, I apologize for not hearing him.

I did tell him, though, that he had a perfect right to go ahead and offer this resolution. I pointed out to him that this was one of the proposals I made at the informal meeting of the joint leadership of the Senate on yesterday, with the chairmen and ranking members of the Committee on the Judiciary and the Committee on Rules and Administration, plus several other Senators who were interested.

So I want to state for the record that this one proposal was advanced tentatively on yesterday. Other proposals were advanced. None of them seemed to meet with anything approaching unanimous approval.

Therefore, this afternoon, informal hearings will continue. Hopefully, some tentative agreement can be reached, or at least an agreement of sorts, and it would be the Democratic leader's intention, after this meeting is concluded, to call a Democratic conference sometime tomorrow, which I believe the distinguished Senator from Florida (Mr. CHILES), among others, is interested in convening.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Florida.

Mr. CHILES. I thank the distinguished Senator from West Virginia. I should like to make a parliamentary inquiry.

Mr. ROBERT C. BYRD. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHILES. As I understand, the Senator did yield me 5 minutes so that I would have an opportunity to have something to say on this.

Mr. ROBERT C. BYRD. Yes.

Mr. CHILES. My inquiry is this: What is now the status of the resolution offered by the Senator from Florida, under the rule?

The PRESIDING OFFICER. The unanimous consent request was objected to, and the resolution goes over a legislative day, when it again will be laid before the Senate for further consideration.

Mr. CHILES. The resolution would be laid before the Senate tomorrow?

The PRESIDING OFFICER. If the Senate adjourns tonight, as opposed to recessing, the resolution will come up immediately following morning business tomorrow, before the close of morning business.

Mr. CHILES. I thank the Chair. So the effect of it is that it would be before the Senate tomorrow.

Mr. President, the purpose of submitting the resolution is to provide a process whereby the entire Senate can consider the nomination of the Vice President. The 25th amendment to the Constitution is only 6 years old. It is completely new. The procedure as to how we will handle it is cloudy. There are no definite articles. Certainly, an argument can be made that the Committee on Rules and Administration has jurisdiction, and an argument can be made that other committees have jurisdiction. Rule XXXVIII spells out that the appropriate committees shall be tendered a nomination, unless otherwise ordered. So the Senate could otherwise order now it would consider a nomination.

My concern and reason for making the motion is, with the state in which we find the country today, I think we are all searching to find the best, most qualified person we could find to serve as Vice President of the United States. I think that is a decision which the junior Senator from Florida wants to participate in, and I find every other Senator I talk to wants to participate in, and which Senators feel they have a duty and obligation to participate in.

I know of no place where that could be done better than if the Senate considers the matter; that it be done in open session; that we be able to find out the propensities and thinking of the person who is to be the nominee or ultimately the Vice President.

I feel this is the best method to handle that nomination rather than to send it to any one committee or committees of the Senate because of the import of the matter with which we are dealing. We are not dealing with a Justice of the Supreme Court or one particular appointee. We are dealing with the Vice Presidency and the country is looking to us to find someone in whom they can repose their confidence and in whom we can repose the trust of this office.

I think that obligation is so solemn and binding upon us that we would be much better off if we received ourselves into a Committee of the Senate as a whole and each of us participated.

Many Senators are talking about finding a committee that is representative of the Senate. Some have suggested, as has the Senator from South Dakota, that it should be a select committee that is representative. I know of nothing that could be more representative than the 100 Senators sitting in this body, and I know of no business that could be more important that the Senate could take up now than discussions relative to the nomination. That is the purpose of the Senator from Florida making the resolution and proposing its immediate consideration; so that we could go forward with the discussion of this matter. Objection having been proposed, the matter can go over until tomorrow.

Mr. ROBERT C. BYRD. I have no desire to discuss the merits of the proposal advanced by the distinguished Senator from Florida at this time. As the distinguished majority leader has indicated, there will be ample opportunity for discussion of this whole subject matter and the procedures that will be followed at such time as the nomination is sent to the Senate.

The Senator from Florida has proceeded in a way that is within his right and within the rules of the Senate to get his proposal on the calendar; and he is also correct in saying that the Senate can "otherwise order" the referral to committee in a way other than that which is set forth in rule XXV. The Senate can "otherwise order" such referral by unanimous consent or by majority vote.

My only reason for objecting here is that this is not a resolution that should be taken up and considered by unanimous consent at this time. I am sure the Senator understood when he offered it that it would not get unanimous consent and his purpose was to get it on the calendar.

Mr. CHILES. And to inform all Senators.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield if I have time remaining.

Mr. HUMPHREY. Mr. President, I just came into the Chamber when the distinguished Senator from Florida was completing his remarks. I went to the desk to look at the substance and the language of the resolution. I commend the Senator from Florida.

It is my judgment that because of the unusual circumstances which face us under the 25th amendment, and we would be establishing precedent whatever action we take, the normal procedures of this body and the other body are not sufficient and adequate.

It is my judgment that we should have a joint committee of the House and the Senate that represents broad representation of political philosophies in this body, the two parties, their geographical distribution, to take whatever action is necessary in terms of hearings and testimony relating to the nominee of the President for the office of the Vice President.

There is no reason that we need to go through the traditional processes of each House separately making separate inquiry. It is my judgment we would be better served and that the Nation would be better served by one set of hearings, one inquiry, one investigation so to speak, in the sense of the qualifications and credentials of the nominee.

It will be my intention to propose by appropriate resolution that we establish a joint committee of the House and the Senate for the purpose of considering the nomination of Vice President under the terms and under the language of the 25th amendment to the Constitution; that that joint committee shall undertake whatever hearings are required and make recommendations to the separate bodies of the House and the Senate. This would serve the national interest and place this whole matter of the nomination of a Vice President in the proper stature and context, lifting it out of normal legislative procedures, and putting it on a higher plane of constitutional prerogative. In that way we are fulfilling the provisions of the 25th amendment.

I thank the Senator from West Virginia. This is just a suggestion of mine. I think these suggestions likewise must be given mature and thoughtful consideration of the proper institutions and committees of Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution that I intend to submit.

The resolution is as follows:

SENATE CONCURRENT RESOLUTION 53

Resolved by the Senate (the House of Representatives concurring), That a temporary select joint committee of the Congress is hereby established, to be known as the Select Joint Committee on the Vice Presidency (hereafter referred to as the "Select Joint Committee"), to study and investigate the qualifications of any individual or individuals nominated by the President to fill the present vacancy in the Office of the Vice President, in accordance with provisions of the Twenty-fifth Amendment to the Constitution wherein such nomination is made subject to confirmation by a majority vote of both Houses of Congress.

In recognition of the vital national interest that careful deliberation be given by the respective Houses of Congress to the qualifications of the individual or individuals nominated as Vice President by the President, and that a vacancy in the Office of the Vice President be filled at the earliest practicable date, public hearings by the Select Joint Committee shall be deferred for a period of two weeks following the submission of such nomination by the President, to permit appropriate study and investigation by the Select Joint Committee, and such study, investigation, and hearings shall be completed not later than 30 days following the submission of such nomination by the President. Upon the completion of such study, investigation, and hearings, the Select Joint Committee shall forthwith transmit its recommendations on such nomination by the President, to the respective Houses of Congress for their immediate consideration.

SEC. 2. (a) The Select Joint Committee shall be composed of thirty-three Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the assistant majority and assistant minority leaders of the Senate and the House of Representatives;

(4) the chairman and ranking minority member of the Senate Committee on Rules and Administration;

(5) the chairman and ranking minority member of the House Committee on the Judiciary;

(6) Ten Members of the Senate appointed by the President pro tempore of the Senate, six of whom shall be members of the majority party and four of whom shall be members of the minority party, and reflecting geographical representation similar to standard Federal regions;

(7) Ten Members of the House of Representatives appointed by the Speaker, six of whom shall be members of the majority party and four of whom shall be members of the minority party, and reflecting geographical representation similar to standard Federal regions.

For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Joint Committee shall not be taken into account.

(b) The Select Joint Committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman or upon assignment by the chairman, and discharge such other responsibilities as may be assigned to him by the Select Joint Committee or the chairman. Vacancies in the membership of the Select Joint Committee shall not affect the authority of the remaining members to execute the functions of the Select Joint Committee and shall be filled in the same manner as original appointments to it are made.

(c) A majority of the members of the Select Joint Committee shall constitute a quorum for the transaction of business, but the Select Joint Committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 3. (a) To enable the Select Joint Committee to make the study and investigation authorized and directed by this concurrent resolution, the Senate (the House of Representatives concurring) hereby empowers the Select Joint Committee as an agency of the Congress (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate or House of Representatives; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the Select Joint Committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate and to the House of Representatives any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; and (8) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate and the House of Representatives to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the Select Joint Committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the Select Joint Committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

SEC. 4. On the thirtieth day after the nomination of a Vice President is confirmed by a majority vote of both Houses of Congress, the Select Joint Committee shall cease to exist.

SEC. 5. The minority members of the Select Joint Committee shall have one-third of the professional staff of the Select Joint Committee (including a minority counsel) and such part of the clerical staff as may be adequate.

SEC. 6. The expenses of the Select Joint Committee under this concurrent resolution shall not exceed $500,000. Such expenses shall be paid from the contingent funds of the Senate and the House of Representatives upon vouchers approved by the chairman of the Select Joint Committee.

Mr. ROBERT C. BYRD. I thank the distinguished Senator for his suggestion. He is quite correct; these suggestions should be considered thoroughly and fully, so that the Senate will, through its collective wisdom, approach this very important and vital and historic matter—which, indeed, is going to be a precedent—in a way that would give it that dignity, attention, and mature consideration it deserves.

For the information of Senators, if the Senate adjourns today, the proposal which has been offered by the Senator from Florida (Mr. CHILES) will come up automatically on tomorrow at the close of morning business, and if debated until the hour 2 o'clock, of course, would then go on the calendar.

I think every Senator knows what the objective is of the distinguished Senator from Florida. He seeks to get this matter on the calendar without its being referred to a committee. This is not untoward and it is within the Senator's rights and within the rules.

But tomorrow after the laying down of the measure by the clerk, the measure will automatically go to the calendar at the end of the morning hour—if not disposed of—and it will remain on the calendar, as does any other measure, until called up by motion or by unanimous consent.

Mr. President, may I ask the Chair if I have a correct understanding of the matter?

The PRESIDING OFFICER. If the Senate adjourns this evening the Chair is informed by the Parliamentarian that the resolution would be automatically considered on tomorrow as the Senator has stated.

Mr. ROBERT C. BYRD. And it would go on the calendar automatically?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the resolution would be considered from the end of morning business to the end of the morning hour and thereafter, if not disposed of, would automatically be placed on the Calendar.

Mr. ROBERT C. BYRD. If there is unfinished business, the unfinished business would automatically come down at the expiration of the 2 hours which constitute the morning hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. And at that time the matter would go on the Calendar?

The PRESIDING OFFICER. And at that time the matter would go on the Calendar.

Mr. ROBERT C. BYRD. It could be debated during the 2 hours?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. ROBERT C. BYRD. I am glad the Chair has clarified the matter for the information of all Senators.

Mr. President, my time has expired. I assume morning business will be the next order of business.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN. Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills:

S. 1317. An act to authorize appropriations for the United States Information Agency;

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes.

The above bills were subsequently signed by the President pro tempore.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ENTITLED "ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS"—REPORT OF A COMMITTEE—(S. REPT. NO. 93-463)

Mr. ERVIN, from the Committee on Government Operations, submitted a report entitled "Activities of the Committee on Government Operations," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs:

William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Daniel Parker, of Wisconsin, to be Administrator of the Agency for International Development;

Henry A. Byroade, of Indiana, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Pakistan; and

Stanley R. Resor, of Connecticut, representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, for the rank of Ambassador.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. SYMINGTON. From the Committee on Armed Services, I report favorably the nomination of Lt. Gen. Donavon F. Smith, U.S. Air Force, to be placed on the retired list in that grade; Lt. Gen. Durward L. Crow, U.S. Air Force, to be appointed as senior U.S. Air Force member of Military Staff Committee of United Nations; Maj. Gen. Robert E. Huyser, U.S. Air Force, to be lieutenant general as Deputy Chief of Staff, Plans and Operations, Headquarters, U.S. Air Force; and Maj. Gen. Felix M. Rogers, U.S. Air Force, to be lieutenant general as commander, Air University. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, in addition, there are 5,365 in the Army for promotion to the grade of colonel and below; and in the Navy, 3,500 in the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John William Ackerman, and sundry other officers, for promotion in the Navy and Army.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BURDICK (for himself and Mr. COOK):

S. 2565. A bill to revise and reform title 11 of the United States Code; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2566. A bill to authorize the Atomic Energy Commission to enter into a cooperative agreement with the State of Utah to contain and render harmless uranium mill tailings, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. BURDICK:

S. 2567. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 2568. A bill to extend daylight savings time during the period from the last Sunday in October 1973, through the last Sunday in April 1974. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 2569. A bill establishing an Office of Congressional Legal Counsel. Referred to the Committee on Government Operations.

By Mr. GRIFFIN:

S. 2570. A bill to amend title 28, United States Code (Judiciary and Judicial Procedure), to establish a Labor Court, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent.

STATEMENTS ON INTRODUCED BILLS

By Mr. BURDICK (for himself and Mr. COOK):

S. 2565. A bill to revise and reform title 11 of the United States Code; and for other purposes. Referred to the Committee on the Judiciary.

REFORM OF THE BANKRUPTCY ACT

Mr. BURDICK. Mr. President, today Senator COOK and I are introducing, by request, a bill to revise the bankruptcy laws of the United States.

The bill that is being introduced today is the end product of more than 2 years of work by the Bankruptcy Commission. The Commission conducted 21 working meetings lasting a total of 44 days. It conducted public hearings in Washington, New York, Chicago, and Los Angeles. It received information from private and governmental organizations which were expressly concerned with the bankruptcy system in this country. In addition to these efforts the Commission staff, which numbered some 27 persons, engaged in legal and practical studies supplemented by extensive research conducted by several private contractors.

The Congress of the United States created the Bankruptcy Commission, because the present bankruptcy system has proved archaic and ineffective. Enacted in 1898 and extensively revised in 1938, the present bankruptcy system has received only sporadic attention from the Congress. In fact, despite the staggering increase in bankruptcy filings, 10,000 in 1946 to 20,000 in 1972, a quarter century has passed without major amendment to the Bankruptcy Act. It is not surprising then that serious flaws have developed.

The Bankruptcy Commission felt that to remedy the faults of the present system, a new bankruptcy law establishing a new organization and new procedures was required. The bill being introduced would seek to modernize the administration structure of the bankruptcy courts and, in general, set uniform standards and laws throughout the United States.

While I am not unalterably wed to each and every provision of this bill, I believe it will serve as an excellent vehicle for needed reforms of the Federal bankruptcy law. Therefore I urge that it receive prompt hearings, upon proper referral, as well as full consideration and debate, so that we may enact worthy legislation in this area.

By Mr. MONDALE:

S. 2569. A bill establishing an Office of Congressional Legal Counsel. Referred to the Committee on Government Operations.

Mr. MONDALE. Mr. President, over the past few years we have become acutely aware of the dangers of arbitrary and illegal executive branch actions in thwarting the execution of the laws of the United States. We have witnessed a tremendous upsurge in the use of the courts—both by private citizens and by Members of the Congress—in attempts to force the executive branch to act in accordance with the laws and Constitution of the United States.

The types of illegal executive branch actions which have been tested have been varied, but all have been important. They have ranged from challenges to the continuation of the longest and most divisive war in our history, to the massive impoundment of funds appropriated by the Congress, to the withholding of information under the Freedom of Information Act, to the submitting of nominations for the advice and consent of the Senate.

The bond linking these cases has been the inability to obtain redress of grievances through any means other than the courts. Their common achievement has been a greater awareness of the part of Members of the Congress—and the American people—of the dangers of illegal executive branch actions, and the potential of court challenges as a means of correcting such illegality.

A number of lawsuits stand out in this regard, and are worthy of particular mention for their accomplishments. In some instances, these accomplishments came about through the successful conclusion of the legal action; in others, while the legal action itself was not successful, the awareness of the American people has been heightened.

LAWSUITS AGAINST THE EXECUTIVE BRANCH

IMPOUNDMENT

Early this year, 22 Senators and 5 Representatives filed a brief amici curiae in the case of State Highway Commission of Missouri against Volpe, challenging the legality of the Department of Transportation's withholding of funds for road construction in the State of Missouri. Both the U.S. district court and the U.S. court of appeals have held that the action of the Secretary of Transportation in withholding such funds to control inflation is contrary to law.

This is only one of over two cases which have been decided on various questions dealing with impoundment of congressionally appropriated funds. These cases have dealt with housing funds, with OEO funds, with funds appropriated under the Water Pollution Control Act amendments, with Agriculture Department emergency loan funds, with veterans cost-of-instruction funds, with Indian education funds, with mental health and education and Neighborhood Youth Corps and Library Services funds.

And in virtually every instance the outcome of this litigation has been the same—ruling after ruling that the impoundment of funds appropriated by the Congress was contrary to law.

WAR POWERS

A number of important suits have been filed by members of Congress in attempts to end the war in Indochina.

In 1972, Representative PARREN MITCHELL, joined by 12 other Members of the House of Representatives, filed an action seeking an injunction against prosecution of the war in Indochina, unless the war was authorized by the Congress within 60 days. The case, though unsuccessful, brought the issue of war powers of Congress to the public eye.

This summer, Representative ELIZABETH HOLTZMAN, of New York, filed suit against the bombing of Cambodia in the absence of congressional authorization. This suit, while ultimately not successful in ending the bombing before the congressionally-imposed deadline of August 15, was argued successfully at both the district court and the appeals court level. The wide publicity attendant to this suit brought a new level of public awareness regarding the problem of Presidential prerogatives in the war-powers area.

EXECUTIVE BRANCH NOMINATIONS

In March of this year, I joined Senator WILLIAMS, Senator PELL and Senator HATHAWAY in suing in U.S. District Court for the District of Columbia for the removal of Howard Phillips from the post of Acting Director of the Office of Economic Opportunity. Our suit, filed with the aid of Public Citizens, Inc., sought Mr. Phillips' removal on grounds that his name had not been sent to the Senate for confirmation, and that he was therefore serving illegally in office.

As a result of this and other actions against Mr. Phillips, he was ultimately removed as Acting Director of OEO, and hundreds of millions of dollars in pending applications for OEO grants were disbursed, moneys which Mr. Phillips during his illegal tenure in office had refused to disburse.

CONGRESSIONAL ACCESS TO INFORMATION

A number of actions in the past 2 years have been by Members of Congress attempting to gain access to information, under provisions of the Freedom of Information Act.

In suits brought by Representatives PATSY MINK against the Environmental Protection Agency; by Representative RONALD DELLUMS against the Department of Health, Education, and Welfare; by Representative JOHN ASHBROOK against the Secretary of Defense; and by Representative LES ASPIN against the Department of Defense, Members of Congress have challenged executive branch secrecy on matters ranging from administration of the medicare program to the failure to release the official report on the Mylai massacre of 1968.

Frankly, most of these actions have not been successful in obtaining release of the information sought. They have, however, brought to public attention the problems inherent in Government secrecy, and the possible need for additional legislative action to insure congressional access to information vital to the Nation.

These are merely some of the areas in which Members of Congress have played important roles in challenging arbitrary, illegal and unwarranted executive branch actions.

ABSENCE OF IN-HOUSE COUNSEL

One crucial element has been missing from this effort, however. For although congressional involvement in these types of historic lawsuits has increased dramatically in recent years, we still find ourselves without an inhouse capability in this area. The lawsuits which Members of Congress have brought, or in which they have filed briefs amicus curiae, have all been handled by lawyers not in the employ of Congress.

These attorneys have performed magnificently, and deserve our gratitude. But we in Congress, if we are to truly reassert the prerogatives of the legislative branch, must not be eternally reliant on the good will of resources in the private sector.

NEED FOR CONGRESSIONAL COUNSEL

This year, we have enacted significant legislative measures designed to stop illegality in the executive branch. A war powers bill has been passed by both Houses which, if enacted into law, would bring a momentous reassertion of the equality of branches within American Government in this vital area. Anti-impoundment bills have been passed by both Houses. Again, if enacted into law, this legislation would make clear Congress power in control of moneys appropriated by the legislative branch.

In addition, important proposals have been introduced to broaden the Freedom of Information Act. And legislation now in conference would provide senatorial approval for executive agreements, which the executive branch had been using to bypass the constitutional requirement for Senate ratification of all treaties.

All of these acts, however, if and when they become law, will need enforcement power. Hopefully, this power need never be utilized. But we must be ready to seek enforcement of the new legislation which has been enacted, the older legislation already in place, and Congress inherent powers under the Constitution of the United States.

Mr. President, I firmly believe that only if we have an Office of Congressional Legal Counsel within the Congress will we be able to fully use the potential of the judicial branch in reestablishing an equality of power between the Congress and the Executive.

PROVISIONS OF LEGISLATION

I am therefore introducing legislation today which would help achieve this end by creating an Office of Congressional Legal Counsel.

The major features of this legislation are as follows:

An Office of Congressional Legal Counsel would be established, with the head of the office appointed by the Speaker of the House and President pro tempore of the Senate, from among names submitted by the majority and minority leaders of the House and Senate.

The duties of the Congressional Legal Counsel would include a variety of informational and representational acitvities.

First, he would be required, upon request of either House of Congress, a joint committee, a committee, at least 3 Senators or 12 Representatives, to render a legal opinion on questions arising under the Constitution and laws of the United States. These questions would include whether:

A request for information or inspection of records under the Freedom of Information Act was properly denied by an agency of the U.S. Government;

A nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

An activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the U.S. Government in violation of the law or the Constitution or without any required authorization of law;

Executive privilege exists, and, if so, whether it has been properly asserted; and

Funds appropriated by Congress have been impounded in accordance with law.

Second, he would be required, upon requests from any of the same types of parties above, to advise and cooperate with other private parties bringing civil actions against officers and employees of the executive branch, or any agency or department thereof, regarding their execution of the laws and Constitution.

Third, he would be required, upon a similar request, to intervene or appear as amicus curiae in pending actions in Federal or State courts in which the issue is the constitutionality or interpretation of a law of the United States, or the validity of any official proceeding of or official action taken by either House of Congress, joint committees, committees or members, or any officer or employee of the Congress.

Fourth, upon request, he would be required to represent either House, a joint committee, committee, member of employee of Congress in any legal action pending to which such House, committee or employee is a party, and in which there is placed in issue the validity of any official proceeding of, or official action taken by, such House, committee, member of employee.

Fifth, and most importantly, if the Congressional Legal Counsel has rendered a legal opinion, and if requested by either House, a joint committee, a committee, at least 6 Senators or at least 24 Representatives, he would be required "to bring a civil action, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the U.S. Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion."

The Congressional Legal Counsel, therefore, would be empowered to undertake a wide variety of activity, including representing the Congress and individual Members both as plaintiffs and defendants.

Most importantly, the bill would provide the Congress with an effective legal voice in combating illegal executive branch actions such as impoundment, overly broad claims of Executive privilege, failure to submit nominations to the Senate for confirmation and other similar abuses.

The statute would confer broad standing on the Office of Congressional Counsel in its representational activity, so as to afford the Congress with wide ranging authority in challenging executive branch action in the courts.

Just as the Office of Legislative Counsel has, over the years, aided Members of the House and Senate in developing important legislation, so should an Office of Congressional Legal Counsel aid us in reasserting the power which we need to ensure that this legislative function is carried out by an often balky executive branch.

Mr. President, I ask unanimous consent that the text of this legislation I am introducing be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of this Act—

(1) "Member of Congress" means a Senator, Representative, Delegate, or Resident Commissioner;

(2) "Member of the House of Representatives" includes a Representative, Delegate, or Resident Commissioner;

(3) "State" includes any territory or possession of the United States; and

(4) "Impounding of budget authority" includes

(A) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available;

(B) withholding, delaying, deferring freezing or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated);

(C) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves or otherwise); and

(D) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

Sec. 2. (a) There is established within the Congress the Office of Congressional Legal Counsel, which shall be under the direction and control of the Congressional Legal Counsel. The Congressional Legal Counsel shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the House of Representatives and the Senate. Such appointment shall be made without regard to political affiliation and solely on the basis of his fitness to perform the duties of his office. The Congressional Legal Counsel shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) The Congressional Legal Counsel may appoint and fix the compensation of such Assistant Legal Counsels and other personnel as may be necessary to carry on the work of his office. All such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of their offices.

(c) The Congressional Legal Counsel shall promulgate for his office such rules and regulations as may be necessary to carry out the duties imposed upon him by this Act. He may delegate authority for the performance of any such duty to any officer or employee of the Office of the Congressional Legal Counsel. No person serving as an officer or employee of such office may engage in any other business, vocation, or employment while so serving.

(d) The Congressional Legal Counsel shall cause a seal of office to be made for his office, of such design as the Speaker of the House of Representatives and the President pro tempore of the Senate shall approve, and judicial notice shall be taken thereof.

SEC. 3. (a) It shall be the duty of the Congressional Legal Counsel—

(1) to render, upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least 3 Senators, or 12 members of the House of Representatives, legal opinions upon questions arising under the Constitution and laws of the United States, including but not limited to, whether—

(A) a request for information or inspection of a record or other matter under section 552 of title 5, United States Code was properly denied by an agency of the United States Government;

(B) a nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

(C) an activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the United States Government in violation of the law or the Constitution or without any required authorization of law;

(D) executive privilege exists, and, if so, whether it has been properly asserted; and

(E) a budget authority has been impounded in accordance with law;

(2) upon the request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least 3 Senators, or at least 12 Members of the House of Representatives—

(A) to advise and to consult and cooperate with parties bringing civil actions against officers and employees of the executive branch of the United States Government or any agency or department thereof, with respect to their execution of the laws, and the Constitution of the United States; and

(B) to intervene or appear as amicus curiae on behalf of persons making such request in any action pending in any court of the United States or of a State or political subdivision thereof, in which there is placed in issue the constitutionality or interpretation of any law of the United States, or the validity of any law of the United States, or the validity of any official proceeding of, or official action taken by, either House of Congress, a joint committee of Congress, any committee of either House of Congress, or a Member of Congress, or any officer, employee. office, or agency of the Congress;

(3) to represent, upon request, either House of Congress, a joint committee of Congress, any committee of either House of Congress, a Member of Congress, or any officer, employee, office, or agency of the Congress in any legal action pending in any court of the United States or of a State or political subdivision thereof to which such House, joint committee, committee Member, officer, employee, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or official action taken by, such House, joint committee, committee, Member, officer, employee, office, or agency; and

(4) If an opinion has been rendered in accordance with subparagraph (1) of this section, and upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress at least 6 Senators, or at least 24 Members of the House of Representatives, to bring civil action; without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the United States Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion.

(b) Upon receipt of written notice from the Congressional Legal Counsel to the effect that he has undertaken, pursuant to subsection (a)(3) of this section, to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Congressional Legal Counsel.

SEC. 4. (a) Permission to intervene or to file a brief amicus curiae under section 3(a)(2)(B) of this Act shall be of right, and may be denied by a court only upon an express finding that such intervention or filing is untimely and would significantly delay the pending action.

(b) Where an actual case or controversy exists, persons making requests under section 3(a)(4) of this Act shall have the right to obtain judicial review of the conduct in question without regard to the requirements for standing as set forth in any statutes, rules or other requirement of standing.

(c) For the purpose of all proceedings incident to the trial and review of any action described by subsection (a)(3) of section 3 with respect to which the Congressional Legal Counsel has undertaken to provide representational service, and has so notified the Attorney General, the Congressional Legal Counsel shall have all powers conferred by law upon the Attorney General, any subordinate of the Attorney General, or any United States attorney.

(d) The Congressional Legal Counsel, or any attorney of his office designated by him for that purpose, shall be entitled for the purpose of performing duties imposed upon him pursuant to this Act to enter an appearance in any such proceeding before any court of the United States without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

SEC. 5. All legal opinions rendered by the Congressional Legal Counsel under section 3(a)(1) of this Act shall be published and made available fo public inspection under such rules and regulations as the Congressional Legal Counsel shall promulgate.

SEC. 6. (a) Section 3210 of title 39, United States Code, is amended—

(1) by inserting immediately after "respective terms of office" the following: "the Congressional Legal Counsel,"; and

(2) by inserting immediately before "or Legislative Counsel" the following: "Congressional Legal Counsel,"

(b) Section 3216(a) of such title is amendeded by inserting immediately before "and Legislative Counsel" the following: "Congressional Legal Counsel,".

SEC. 7. There are authorized to be appropriated to the Office of the Congressional Legal Counsel such sums as may be necessary for the performance of the duties of the Congressional Legal Counsel under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Congressional Legal Counsel.

By Mr. GRIFFIN:

S. 2570. A bill to amend title 28, United States Code (Judiciary and Judicial Procedure), to establish a Labor Court, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent.

Mr. GRIFFIN. Mr. President, I introduce a bill and ask unanimous consent that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

S. 482

At the request of Mr. TAFT, the senior Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. MOSS), the junior Senator from Illinois (Mr. STEVENSON), the senior Senator from Illinois (Mr. PERCY), the senior Senator from New Jersey (Mr. CASE), and the junior Senator friom New Mexico (Mr. DOMENICI) were added as cosponsors of S. 482, to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures.

S. 483

At the request of Mr. TAFT, the senior Senator from Utah (Mr. BENNETT), the junior Senator from Utah (Mr. MOSS), the senior Senator from Illinois (Mr. PERCY), the junior Senator from Illinois (Mr. STEVENSON), the senior Senator from New Jersey (Mr. CASE), the junior Senator from Minnesota (Mr. HUMPHREY), the junior Senator from New Mexico (Mr. DOMENICI), and the junior Senator from Iowa (Mr. CLARK) were added as cosponsors to S. 483, to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 1737

Mr. ERVIN. Mr. President, I am pleased to announce that the following Senators have joined in cosponsoring S. 1737, a bill I introduced to put an end to the senseless forced busing of schoolchildren and to prohibit unwarranted Federal interference with the Nation's public school systems: Senator JAMES EASTLAND, of Mississippi; Senator HERMAN TALMADGE, of Georgia; Senator SAM NUNN, of Georgia; and Senator JOHN TOWER, of Texas. Senator JIM ALLEN, of Alabama, and Senator JESSE HELMS, of North Carolina, have previously been added as cosponsors of this legislation.

S. 1844

At the request of Mr. ABOUREZK, the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. JAVITS), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr.

Burdick), the Senator from Iowa (Mr. Clark), the Senator from Colorado (Mr. Dominick), and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of S. 1844, the American Folklife Preservation Act.

S. 2318

At the request of Mr. Ervin, the Senator from Maryland (Mr. Mathias) was added as cosponsor of S. 2318, to enforce the first amendment and fourth amendment to the Constitution, and the constitutional right of privacy by prohibiting any civil or military officer of the United States or the militia of any State from using the Armed Forces of the United States or the militia of any State to exercise surveillance of civilians or to execute the civil laws, and for other purposes.

S. 2446

At the request of Mr. Pastore, the Senator from Rhode Island (Mr. Pell), the Senator from Indiana (Mr. Bayh), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 2446, a private bill for the relief of Charles William Thomas, deceased.

SENATE RESOLUTION 185—SUBMISSION OF A RESOLUTION TO HAVE VICE-PRESIDENTIAL NOMINATIONS CONSIDERED BY THE FULL SENATE

(Ordered to lie over under the rule.)

Mr. CHILES submitted the following resolution:

S. Res. 185

Resolved, That rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"7. Any nomination submitted to Congress by the President under the twenty-fifth article of amendment to the Constitution, to fill a vacancy in the office of Vice President, shall be considered by the Senate and shall not be referred to any committee of the Senate. The consideration of any such nomination shall be a privileged matter."

(The discussion of this resolution appears earlier in the Record.)

ADDITIONAL COSPONSOR OF RESOLUTION

SENATE RESOLUTION 173

At the request of Mr. McIntyre, the Senator from Nevada (Mr. Bible) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the U.S. securities markets.

SENATE CONCURRENT RESOLUTION 53—SUBMISSION OF A CONCURRENT RESOLUTION ESTABLISHING A SELECT JOINT COMMITTEE OF THE CONGRESS ON THE VICE PRESIDENCY

(Referred to the Committee on Rules and Administration.)

Mr. HUMPHREY submitted a concurrent resolution (S. Con. Res. 53) establishing a Select Joint Committee of the Congress on the Vice Presidency to consider the qualifications of any individual or individuals nominated under the 25th amendment to fill the present vacancy in the Office of Vice President.

(The remarks of Senator Humphrey with reference to the above resolution are printed earlier in the Record.)

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. Humphrey, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of Senate Concurrent Resolution 50, expressing the sense of the Congress favoring a world food conference and U.S. participation therein.

ADDITIONAL STATEMENTS

DESTITUTE OF REASON

Mr. HELMS. Mr. President, I commend to the attention of my colleagues an article by Brooks McGirt, published recently in the Charlotte News, the largest evening newspaper in North Carolina. The title of the article is "Loner."

It reports that the Charlotte-Mecklenburg school system is routing one of its buses 22-miles each morning and 22-miles each afternoon to transport one lone student to and from school. This is costing the North Carolina taxpayer more than $3,700 a year.

This situation, while unusual, is not unique. This school system is operating two other buses transporting a total of four students to school and back.

This absurd condition exists because of the dictates of Federal Judge James B. McMillan, who this summer ordered a major modification of this school system's desegregation plan. The court ordered that 600 of the 38,000 children enrolled in the Charlotte-Mecklenburg system be assigned to the West Charlotte High School. The method of selection was completely void of educational merit. The 600 were chosen by lottery.

The court also ordered that none of these students could be reassigned to another school for any reason. When the family of one of the students moved 22-miles away, the court held to its position. Under North Carolina law, a student not residing within walking distance of his or her school must be provided transportation.

This is an enlightening example of the lengths to which the Federal courts have gone under the guise of equal educational opportunities through forced busing. It is totally destitute of reason.

This absurdity would be comic were it not so frightening. The flagrant disregard for the rights of these students and their families is completely foreign to the American concept of freedom. If this type of incomprehensive buffoonery is the so-called law of the land, perhaps as Kipling said, we should relearn the law.

The American people are tired of this sort of intrusion into their lives. They resent the shuffling of their children from one school to another without rhyme or reason. They want an end to the educational uncertainties fostered by inconsistent rulings by the Federal courts as illustrated in the Charlotte News article.

I call the attention of my colleagues to the Public Schools Jurisdiction Act, a bill which I introduced earlier in this session. This bill will return control of the public schools to local authorities. It will remove the Federal courts from continuing jurisdiction and it provides a reasonable means of restoring stability to our public schools. I invite the support of my colleagues in this endeavor.

Mr. President, I ask unanimous consent that Mr. McGirt's article, published in the Charlotte News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

LONER—BILL'S THE ONLY PASSENGER ON SCHOOL BUS NO. 417

(By Brooks McGirt)

The caller to West Charlotte High School wanted to speak to a student: Robert Johnson.

"Oh," said a secretary with instant recognition. "He's Billy McNeilly's bus driver."

And Bill McNeilly is Robert Johnson's passenger—his only passenger.

The one-passenger bus service, which both students say they "don't really mind," is a result of lottery assignments of some 600 white students to West Charlotte this fall.

Shortly before school began Bill's family moved from where it was living when the lottery picked him as a West Charlotte student to Lake Norman and northernmost Mecklenburg County.

The latest desegregation order doesn't permit students who have been assigned to West Charlotte by lottery to transfer—even if they move to another part of town.

And since the school system must provide transportation to students who don't live within walking distance of their school, bus No. 417 was assigned to make the daily trip to Bill's stop off Torrence Church Rd.

"At first it felt kind of funny," said Bill, 17, a junior who didn't attend school for the first two weeks while officials tried to figure out what to do.

"I was kind of worried about West Charlotte at first too, but it didn't turn out that bad," he said.

"I like it pretty good," he said of the "private" bus service.

Bus driver Johnson, who gets up at 5:30 every morning to make the 22-mile run to Lake Norman from his Hidden Valley home, says it isn't that bad a route.

The 17-year-old West Charlotte senior liked his previous route better, one with about 23 passengers. And the fact that most of them were girls didn't hurt one bit.

One wouldn't expect him to miss the racket of a loaded bus. But surprisingly, Robert, who drove buses his sophomore and junior years, says the lack of distraction is distracting.

"It's kind of boring," he said. "There's not anything going on with just one person on the bus.

"He sleeps and I drive," Robert added good-naturedly.

Bill admits he catches 40 more winks during the morning ride; with a whole bus to himself there are plenty of places to stretch out. In the afternoon he could do his homework, but doesn't, he added.

"I don't really mind it," Robert said. "I get paid for it and I've got to go to school anyhow."

Still, he misses all those girls . . .

The situation is not unique this year, school officials say.

Similar situations involving about four students and two buses have also arisen at Harding High, also affected by the court order. "We've had several so far," said schools' Transportation Director J. W. Harrison. "I don't know what to expect in the future."

It's not an ideal solution, he said, but it was all they could do for the present. Meanwhile, officials are looking for other answers.

"There are a lot of possibilities," Harrison said, including perhaps contracting another carrier, private or commercial, for the service.

In the meantime, the crew and passenger of bus No. 417 are expecting the passenger list on their bus to increase—by one.

Another West Charlotte student is expected to move to northern Mecklenburg County, shortly.

PULASKI DAY

Mr. PASTORE. Mr. President, October 11, Pulaski Day, has been designated a holiday in my State in honor of the Polish nobleman and patriot and hero of the American Revolution, Count Casimir Pulaski, who died 194 years ago today fighting for American independence. In 1768, Count Pulaski helped organize Polish patriots to resist and fight against Russia and Austria-Hungary as they dismembered Poland. For years, as commander in chief of Polish forces, he led a campaign of partisan warfare against armies occupying his homeland. Ultimately, he was outlawed, a price was put on his head, his estates were confiscated, and he was forced into exile.

In the summer of 1777, Count Pulaski joined Washington's army as a volunteer soldier and he immediately distinguished himself in the Battle of Brandywine. Four days after the battle, the Congress appointed him a brigadier general in command of the American cavalry. Shortly afterward, while the American army was fighting near Warren's Tavern near Philadelphia, General Pulaski saved the revolutionary forces from being surprised and overwhelmed by the British.

He fought in the Battle of Germantown, Pa., and in the winter of 1777–78, he cooperated with Gen. Anthony Wayne in deploying troops from Valley Forge. In 1778, the Congress authorized General Pulaski to raise a contingent of cavalry and infantry that became famous as Pulaski's Legion. In the Siege of Savannah, he commanded the French and American cavalry. In an assault upon British positions there on October 9, 1779, General Pulaski was mortally wounded.

Tomorrow, the holiday will be officially proclaimed in Rhode Island and I now want to join with our thousands of friends of Polish ancestry in my State in paying tribute to so great a patriot who gave his life in the cause of American freedom.

GEOTHERMAL POWER

Mr. FANNIN. Mr. President, the Committee on Interior and Insular Affairs has held hearings on the development of energy from geothermal sources. During the course of these hearings, it became apparent to many committee members that some assistance was needed to aid the private sector in the development of this valuable resource.

To meet this problem, I was pleased to cosponsor, with Senator BIBLE, S. 2465. This measure would authorize the Secretary of the Interior to guarantee loans for the financing of commercial ventures in geothermal energy and promote coordination among various Federal agencies for geothermal exploration, research and development.

In the August, 1973 issue of Barron's, Mr. David A. Loehwing wrote an excellent article detailing many of the problems private industry has encountered in its attempt to develop geothermal energy. Because this article is of direct legislative interest, I would like to share it with my colleagues.

Mr. President, I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Barron's, Aug. 13, 1973]

"NATURE'S TEAKETTLE"—GEOTHERMAL POWER IS GETTING UP A HEAD OF STEAM

(By David A. Loehwing)

SAN FRANCISCO.—Is business getting you down? Is Phase IV the straw that's about to break your back? Perhaps you're in the wrong line of work. Take a few tips from Dan A. McMillan Jr., president of Thermal Power Co., whose biggest worry at the moment is where to go for a vacation. "If you live in San Francisco," he says, "it's hard to think of anyplace you'd rather be."

As for the everyday vexations that plague most businessmen, Dan McMillan (he is 78 and very wise) has learned to avoid them. For instance, some people fret about demand for their products falling off, but there's none of that around the Thermal shop. Its business is steam, which it takes out of the ground at a place called The Geysers, 85 miles north of here, and sells to the Pacific Gas & Electric Co. to power its turbines. PG&E is anxious to buy every wisp of steam Thermal can find.

DRILLING MORE WELLS

It's the same with supply—just a question of drilling more wells at The Geysers. So far, 114 have been drilled and only two have failed to yield steam. Drilling wells, of course, is hard work, and expensive, but Union Oil Co., a partner in the venture, takes care of all that. Thermal doesn't even own a hard hat.

Price? It's tied to PG&E's other fuel costs and thus is uncontrolled. A built-in escalator in the contract obviates the need for any haggling. Labor relations? Thermal's work force consists of Mr. McMillan and his secretary. She is not unionized.

Income taxes? Thermal pays none. Loss carry-forwards and depletion allowances (although steam reserves may turn out to be inexhaustible) will take care of the firm's tax liability for years to come. Pollution? Geothermal steam is the cleanest power source there is, next to hydroelectric, and eco-freaks criticize PG&E for not using more of it.

The list goes on. Mr. McMillan adds that he has no worries about inventories, his credit risk is non-existent, his advertising budget zilch. He doesn't bother with new styles or updated models and employs no salesmen. His marketing program is strictly come-and-get-it.

AUTOMATIC PROFITS GROWTH

Finally, there's the question of the bottom line. Profits growth at Thermal, Mr. McMillan explains gently, as though his visitor were a stranger in Shangri-La, is automatic. That's all taken care of by the energy crisis. As long as it lasts, it will drive up the price of competing fuels and heighten demand for low-cost geothermal steam. Analysts expect Thermal to net 60 cents per share this year, up from 37 cents in 1972, and to score another 50% gain next year.

Not surprisingly, a good many businessmen, including some harassed souls from the oil industry, are jumping into geothermal steam with both feet. Investors are proving no more cautious, despite a lack of seasoned stock issues which offer a play in the new field. Following a 2-for-1 split on May 9, Thermal shares are now selling at about 20 times this year's projected earnings; other pure geothermal issues are even higher-priced. More stock offerings are being readied for market.

Caution, nonetheless, should be the watchword for investors, as well as for government officials who may be counting on geothermal power to ease the fuel crisis. While there can be no doubt that it is one of the cheapest and most attractive sources of energy available, getting it out of the ground and into the turbines is not always as simple as Dan McMillan makes it seem. Indeed, the most advanced geothermal project in the U.S. outside The Geysers, San Diego Gas & Electric Co.'s pilot plant operation at Niland, Calif., has just been consigned to a back-to-the-drawing-board status.

DEPLETION ALLOWANCES

Moreover, Washington still has not activated the Geothermal Steam Act of 1970, opening up government lands to exploration, and the courts have yet to decide whether steam that comes out of the ground is in fact a mineral resource and can be exploited as such. Also, there are nagging doubts about depletion allowances. As for the technology of locating and proving up geothermal reserves, it's about where the oil industry was at the turn of the century.

Promoters of geothermal stock issues insist that, viewed as an investment opportunity, they are similarly situated. At the moment, The Geysers is the only KGRA (known geothermal resources area) in the U.S. that actually is producing electric power, but there are KGRAs all over the western part of the country. The Department of the Interior has identified 43 of them, and the agency also lists 59 million acres of land which it believes to be potentially valuable. Some authorities are now forecasting that by 1985, as much as 10% of U.S. power generating capacity will be geothermal. That would mean outlays of at least $15 billion for well drilling alone, plus some $40 billion for generating plants.

Such an investment, to be sure, is a drop in the bucket compared to the vast sums utilities are preparing to spend for nuclear power. And from a technological standpoint, geothermal power is infinitely less complicated. It's simply a matter of utilizing the heat from what has been called (by Hy Dee Small, in a new book published by Geothermal Information Services) "nature's teakettle"—the molten rock, or magma, which lies beneath the earth's crust. In a sense, it is atomic power, too, since a well-established theory holds that the magma's heat derives from the decay of radioactive elements at the earth's core.

OLD FAITHFUL

In most parts of the world, the magma lies too deep for its energy to be tapped by known drilling techniques, but in volcanic regions like the Western U.S., it frequently comes closer to the surface through weaknesses in the earth's crust. A geothermal resource occurs where an intrusion of magma heats a deep underground reservoir of water trapped in porous rock above it. Where faults or fissures allow some of the water to escape, there are hot springs and geysers, like Old Faithful in Yellowstone National Park. At The Geysers in northern California, as it happens, there are no geysers, but only fumaroles—outpourings of steam. It was discovered in 1847 by a bear hunter who thought he had advertently stumbled upon the gates of hell. A stream called Sulphur Creek, which runs through the area, giving off a strong odor of brimstone, added to the illusion.

The first use of geothermal steam for production of electric power was in Larderello, Italy, where a plant built in 1904 now produces 380,000 kilowatts. Others are in New Zealand, Japan and Iceland, and one is being built in Mexico. In the 'Twenties, the operators of a resort at The Geysers, which had become famous for its "waters" and mineral baths, set up a small generating plant, powered by two reciprocating steam engines, to meet their own electricity needs.

The possibility of using steam from The Geysers to power utility turbines, as at Larderello, had been debated by engineers for many years, but no one did anything about it until 1955, when Barkman C. McCabe, a Los Angeles stock broker, became interested in the project. He and his life-long friend Dan McMillan, who was also his partner in a Redwood lumbering operation, bought up leases on 5,500 acres in the area and began drilling test wells on the property. After six successful ones were brought in, they talked Pacific Gas & Electric into setting up a pilot generating plant using an old 12,000-kw generator from a dismantled Sacramento street tramway system.

ONLY PURE PLAY

To finance their leasing and drilling programs, McCabe and McMillan first set up Magma Power Co., and later Thermal Power Co., selling stock in both to anyone they could buttonhole in California financial centers. Along with Magma Energy Co., a subsidiary of Magma Power and American Thermal Resources, the two companies still offer investors the only pure plays in geothermal power. McCabe, with headquarters in an old 19th Century house in Los Angeles, heads the two Magma firms, while McMillan runs Thermal from San Francisco.

Meanwhile, Pure Oil Co., which was later merged into Union Oil, had been buying up leaseholds in The Geysers adjacent to the Magma and Thermal holdings. In 1967, a joint venture was formed with 13,000 acres under its control. Union Oil does all the drilling. Costs and profits are shared under a formula whereby the first 200,000 kw of generating capacity belong to Magma and Thermal on a 50–50 basis, the second 200,000 kw is shared equally by all three partners, and the third 200,000 kw belongs entirely to Union. Everything after that is shared equally again.

For a number of technical reasons, progress toward bringing the Geysers field up to its full potential has been agonizingly slow. One difficulty is that even a relatively small change of pressure in a steam well loosens small rocks which shoot out with bullet-like force against the turbine blades. To prevent such damage, wells are first vented into the air for as long as 24 hours, with a shriek which can be heard for miles around. Mr. McCabe is partially deaf as a result of his long association with "those banshees." Mufflers had to be developed to tone them down.

CORROSIVE GASES

Moreover, the steam contains corrosive gases which damaged early machinery. After it passes through the turbines the steam is condensed into water and put through huge cooling towers, whence it is first used to cool the condenser and then reinjected into the ground. Besides ridding the environment of corrosive chemicals, this procedure helps prolong the life of the well.

The most difficult technological hurdle geothermal engineers have encountered, however, was that of proving up the potential of a field. It costs about $14 million to erect a 110,000-kw generating plant, and conservative utility managements do not commit funds of that size unless assured of sufficient steam to run the plant for at least 30 years. Dr. Carel Otte, a geologist who heads Union Oil's geothermal division, says that until recently this meant that all the wells in a field had to be drilled and tested—roughly a five-year effort—before orders would be placed for the generating equipment. Venting tests, during which all 21 wells in one field were allowed to blow off for three weeks, were required to prove their power.

ANNUAL INCREMENTS

What Dr. Otte describes as a major breakthrough came when the management of PG&E decided to accept reserve estimates based on criteria developed in natural gas fields. "We in the petroleum business are familiar with fluid behavior in rocks, and testing the rate and quantity of the fluids that can be withdrawn," says Dr. Otte. "Steam is no different from gas—it is a gas—and it performs according to well-known physical laws. It was the acceptance of the principles of reservoir engineering that provided a breakthrough at The Geysers."

Thanks to this development, electric power output at The Geysers now is rising in 110,000-kw annual increments. Although the first 12,000-kw generator went into operation in 1960, it wasn't until 1971 that the field achieved 192,000 kw with the startup of units five and six. Two more 55-megawatt plants went into operation last year, and within a few weeks, nine and 10 will be cranked up. At that point, The Geysers will surpass Larderello to become the world's largest geothermal field, with capacity of 412,000 kw, or roughly two-thirds the power requirements of San Francisco. PG&E projects 1,300,000 kw by 1980, and geologists are confident the field can produce at least double that wattage.

What makes geothermal steam so attractive, from PG&E's viewpoint, is primarily its low cost. Capital investment at The Geysers runs to only $110 per kw, against an average $176 for conventional fossil fuel plants, $270 for hydroelectric and $250–$500 for nuclear. Operating expenses run to 3.46 mills per kilowatt-hour based upon a current rate of 3.15 mills, the price paid to the Union-Magma-Thermal combine for steam. By way of contrast, PG&E's Humboldt nuclear plant has an operating cost of 4.74 mills per kwh, and its most efficient fossil fuel plants run 20% higher.

Steam or hot water from other geothermal fields is likely to cost a bit more. A Union Oil Co. executive says the price at The Geysers unduly favors the utility because it was set at a time when the promoters, Messrs. McCable, McMillan and others, were seeking desperately to interest PG&E in geothermal steam as an energy source. However, as noted earlier, the price at The Geysers is adjusted upward each year under a complex formula based on PG&E's other fuel costs, and Mr. McMillan figures it will rise to 3.9 mills in 1975. Thereafter, it will increase about 10% per year.

REALIZING A RETURN

In any case, now that The Geysers is getting up a good head of steam, Magma Power Co. and Thermal Power Co. are starting to realize a return on their long, lean years of pioneering work. In 1971, when 192,000 kw were being generated at the field, the two firms were able to split up only $1.4 million. After expenses, that worked out to a loss of $147,000, or 18 cents per share, for Thermal and $217,458, or three cents per share, for Magma. Last year, in contrast, the joint venture received $3.7 million as its share of the proceeds from more than 300,000 kw. Thermal earned $607,000, or 37 cents per share on the 1,647,242 shares now outstanding, while Magma netted $525,728, or seven cents on 8,866,590 shares.

This year, the two companies will benefit from another 110,000 kw of power brought on steam somewhat after mid-year, but they must share the profits with Union. Next year, and presumably through much of 1975, all of the incremental output will accrue to Union's benefit, but Magma and Thermal will profit from higher rates. Neither Mr. McMillan nor Mr. McCabe will hazard a guess as to what this will mean in terms of earnings, but a San Francisco brokerage firm, Henry F. Swift Co., forecasts 60 cents a share for Thermal in the current year and 85 cents in 1974.

OTHERS GET LEASES

Along with not setting a high enough price for their steam, the joint venture partners at The Geysers made another mistake. They failed to obtain leaseholds on all the land in the area. Three other companies have bought up leases and now are in a position to exploit them. They include Signal Oil Co., which has a large tract in Lake County, northeast of The Geysers; Pacific Energy Corp; a subsidiary of Hughes Aircraft, which has 1,120 acres to the southwest; and Geothermal-Kinetics Systems Corp., 57% owned by a Canadian mining firm, United Siscoe Mines, Ltd., which snapped up a 409-acre tract lying between the joint venture's property and that of Pacific Energy.

PG&E recently agreed to build a 135,000-kw plant which will use steam from the Signal Oil holdings. Successful wells also have been drilled on the Pacific Energy property, while drilling will start next week on the Geothermal-Kinetics land.

While The Geysers still is the only geothermal field in the U.S. where electric power actually is being generated, hot spots in the earth's crust throughout the West are being probed, chiefly by the oil companies. Besides Union and Signal, participants in the treasure hunt include Phillips Petroleum, (which is in a combine with Southern California Edison and Southern Pacific to develop geothermal resources on lands owned by Southern California Edison; Gulf, Standard of California and Atlantic Richfield.

Whatever success those companies may enjoy in their exploration, profits from geothermal steam are not likely to have a significant impact on their earnings for the foreseeable future. The equities of a number of smaller concerns however, do provide investors with a chance to move into the new industry on the ground floor—or lower. Some of them are so speculative, in fact, that the level may be magmatic. They include Magma Energy Co., a spinoff from Magma Power and also headed by Mr. McCabe; United Siscoe Mines, which, as noted earlier, holds a 57% interest in Geothermal Kinetics Systems of Phoenix, Ariz.; American Thermal Resources Inc., of Bakersfield, Calif.; and Calvert Exploration Co. of Tulsa, Okla. The latter is listed on the Amex, United Siscoe, in Toronto. In addition, Thermal Exploration Co., a spinoff from Thermal Power, is in registration with an offering of of 1,647,242 shares; American Thermal Resources is selling participations in a $4 million drilling fund.

SEARCH HAZARDS

The story of Magma Energy Co. illustrates some of the hazards of the search for geothermal power. Formed by Mr. McCabe in 1961 to hunt for well sites beyond the confines of The Geysers area, it has concentrated its efforts chiefly upon the Imperial

Valley in Southern California. Irrigated by water from the Colorado River, the former desert is now one of the nation's richest agricultural areas, and it is also the biggest known geothermal resource. It lies above a vast reservoir of water, ranging from 375 to 600 degrees in temperature, which, theoretically, could be brought to the surface, flashed into steam and, by one estimate, generate as much power as 30 Hoover Dams. The power-hungry nearby cities of San Diego and Los Angeles would provide a ready market.

There are two flaws in that scenario. One is the risk of subsidence. The hot water pools lie only 3,000–5,000 feet deep in the sedimentary basin. If the latter is pumped out, geologists say there is a good chance the lands above will sink into the void, with consequent heavy damage to the lettuce, cabbage and cotton fields on the surface. While that difficulty apparently can be overcome (although some geologists have doubts) by injecting the water back into the ground after its heat have been used for generating electricity, there still remains the problem of salinity. Water from the Imperial Valley's underground reservoirs contains up to 30% salt and other corrosive chemicals.

In the mid-'Sixties, Union Oil and Morton Salt Co. both set up plants to extract minerals, notably potash, from the brine, and Morton also installed some electric generating units to use the geothermal steam. Both projects were abandoned, however, because of the corrosion and severe scale formation on any equipment with which the brine came into contact.

Undaunted by the Union Oil and Morton Salt failures, the ever-optimistic Barkman McCabe brought the meager resources of Magma Energy to bear on the Imperial Valley enigma in 1969. It developed and patented what he called the Magmamax Process to extract energy from the superheated brine without running it through the turbines. Essentially, it is a heat exchanger, where the BTUs are transferred to isobutane gas, which, in turn, is used to drive the turbines. In 1971, Mr. McCabe succeeded in convincing San Diego Gas & Electric Co. that the system had enough potential to warrant digging wells in two areas, near Niland and near Heber, on a joint venture basis. Last year the utility let contracts for design of a $3 million pilot-scale power plant.

As things turned out, however, the twin devils of scaling and corrosion that came up with the brine from the torrid Imperial Valley's nether regions were not to be exorcised so easily. They clogged the heat exchanger tubes and even the well casings. In April, SDG&E decided to postpone construction of the power plant until procedures could be developed to cope with them. The effervescent Mr. McCabe has proposed a new plan which calls for injecting a "power fluid"—probably a heavy oil—into the brine.

Meanwhile, Magma Energy may be forced to call upon Magma Power, which still holds 68% of its stock, for additional financing. No report to stockholders for 1972 has been issued, but a Form 10–K filed with the SEC recently shows that the $2.2 million raised in 1969 via a rights offering is pretty well exhausted. Current assets as of last December 31 amounted to $315,047, against current liabilities of $376,253. The firm had long-term debt of $309,654, of which $71,094 comes due annually; that figure compared with gross revenues—chiefly interest—last year of $42,924.

ALWAYS SHORT

"We're always short of money," concedes Mr. McCabe, momentarily solemn before dismissing the subject and launching into a description of plans for geothermal wells in Surprise Valley and a half-dozen other areas where the firm has leases. Magma Energy's stockholders apparently are as unconcerned about its difficulties as Mr. McCabe; the shares have been holding steady in the over-the-counter market at 8 bid, 9 offered. At this price, the company is capitalized at $11.8–$13.3 million.

Almost as loyal are stockholders of American Thermal Resources Inc., which went public over a year ago with an offering of 600,000 shares at $1; but which has yet to drill its first well (and, according to its president, Roy Parodi, may be two years or more away from any profits). Nevertheless, American Thermal shares have been as high as $5 and currently are quoted O-T-C at 3½-3g. The company holds leases on 17,980 acres at Surprise Valley in northern California and on 25,396 acres at Beowawe, Nev.

SALE OF PARTICIPATIONS

As noted, Mr. Parodi hopes to finance his operations through sale of participations in a $4 million drilling fund to investors in income tax brackets of 5% or higher. That program was held up earlier this year when the underwriter, First California Co., owned by President Nixon's former crony, C. Arnholt Smith, was named in a securities fraud case. The issue now has been taken over by another underwriter, and, despite an imposing list of "risk factors" set forth by the prospectus, the Bakersfield promoter expects soon to have money in the till.

Notable among the warnings is a statement casting doubt on the continued availability of the 22% depletion allowance for geothermal wells. From experience at The Geysers and Larderello, some geologists think they may be self-perpetuating energy sources, as ground water seeps down through the caprock to renew underground reservoirs. In the Reich case last year, a federal court held that, subject to further evidence, provisions of the Internal Revenue Code regarding depletion allowances and deductions for intangible drilling costs are applicable to geothermal steam.

Still, the American Thermal prospectus warns: "There can be no assurance, however, that such tax treatment will not be changed in the future by legislation or judicial interpretation."

ON ITS OWN HOOK

Calvert Exploration Co., an oil and gas well drilling firm which has experience in digging geothermal wells for oil companies, is moving cautiously into that business on its own hook. "All this is highly speculative," says H. K. Calvert, vice president. Nevertheless, the firm has bought leases on 100,353 acres in New Mexico, including 2,000 acres in the KGRA known as the Valles Caldera. A caldera is an extinct volcano, and the one in New Mexico is the only KGRA in the U.S., other than The Geysers, that produces dry steam. A subsidiary has been formed to exploit its potential, but Mr. Calvert says extensive geological work will be performed for perhaps as long as nine months or a year "before we put a bit in the ground."

The United Siscoe affiliate, Geothermal Kinetics, has reached a more advanced state, having drilled two successful wells in Arizona, near Phoenix, which now are being tested and evaluated. The firm also has three specialized geothermal drilling rigs of its own which it is preparing to put into operation in Utah and New Mexico.

QUEST IN THE WEST

Geothermal Kinetics apparently is the most active of any of the independents in hunting for new thermal areas. Mr. O'Donnell says he has 24 full-time "land men" scouring the Western states—except California—for properties. He estimates that they have taken out leases on some 100,000 acres and are negotiating for another 550,000. Moreover, the firm has obtained letters of intent from New Mexico and Utah public utilities to buy all the steam or hot water it can produce in the two states. Dowdle Oil Corp. announced recently that it has acquired 9,583 acres of geothermal leases in Oregon and California.

Buying up leases on properties with geothermal potential can be an expensive gamble for independents with meager financial resources. Owners of lands designated as KGRAs in California are demanding as much as $10–$15 an acre, besides the usual 10% royalty on all sales of steam. In other states, $1 an acre is the usual fee, but it may cost the operator as much as $8 or $9 an acre for title searches and other incidental costs.

Moreover, the land rush has barely begun. So far, it has been confined to privately-owned properties, since government-owned lands have not yet been opened up to geothermal prospecting. In California, about 60% of the land is government-owned, and in Nevada, the figure is roughly 85%. Similar proportions prevail in other Western states. Although the Geothermal Steam Act passed by Congress late in 1970 instructed the Department of the Interior to open up government-owned lands to exploration, it has not yet been able to come up with an acceptable environment impact statement, a prerequisite to any leasing of federal property. People in the industry expect another year to pass, at least, before the red tape is cut.

There may be still another hitch. When you come right down to cases, who owns the geothermal rights to a given piece of property? If the steam or hot water is a mineral, the government does, but if it's just water, the property owner has full rights. A case is pending in federal court here in San Francisco to settle that issue.

Whatever the outcome of all the legal wrangling, there is no gainsaying that geothermal energy is fast coming into its own as a natural resource. In some areas it may be used for more than just power generation. The United Nations and the government of Nicaragua, for example, are jointly studying a project to rebuild the ruined city of Managua with geothermal heating and air conditioning, as well as electricity. Like Dan McMillan, the Managuans then will have hardly anything to worry about—only earthquakes.

THE SITUATION IN THE MIDDLE EAST

Mr. TALMADGE. Mr. President, the situation in the Middle East is a critical and serious threat to world peace and the integrity and security of the State of Israel.

Now, we learn that the Soviet Union is airlifting materiel to resupply Arab armaments. This is regrettable action on the part of the Soviet Union, and can only serve to escalate the war and further inflame an already extremely dangerous situation.

I would hope that the Soviet Union would halt the shipment of arms to the Arab nations and, instead of contributing in this way to the continuation of hostilities, would work with the United Nations, the United States, and the other major powers to bring about a cease-fire. Because of our commitment, the United States cannot idly stand by and allow a major shift in the balance of power in the Middle East, which is necessary for not only a cease-fire but also fcr the restoration of permanent stability in that part of the world.

We have in the past assisted Israel by providing her with the means for defense. We will continue to do so as long as it is necessary to maintain a balance of power there and to prevent aggression. With the war that has now been raging for 6 days and because of precipitous Soviet shipments of arms, it becomes even more imperative that the State of Israel be assisted in securing the planes, tanks, and arms she needs.

I do not think it is necessary or desirable for the United States to commit troops. Israel has never asked for American soldiers. I do not think they shall. And, even if they did, I do not think we ought to commit them.

But, we must, nonetheless, remain firm in the resolve that we have demonstrated in the past. Also, we must not allow any threats from other powers, or blackmail by the oil countries, to deter us from our avowed concern and friendship for the people of Israel who are now engaged in this terrible war.

Our paramount concern must be to achieve peace in the Middle East. This war will not solve existing conflicts between these nations any more than the previous wars. The most essential element in the search for peace in the Middle East is for both sides to resolve their differences through direct negotiation. Israel has endeavored to act in good faith. As we reaffirm and strengthen our support for Israel, hopefully the Arab nations will ultimately do the same.

WAR POWERS RESOLUTION

Mr. BUCKLEY. Mr. President, I share with every Member of this body a deep concern over a proper definition of the circumstances under which a President of the United States may commit American forces to hostilities or to situations which might give rise to hostilities. I do not believe that the present bill is the answer nor, I hasten to add, do I have an alternative proposal to make.

My own study of our own past experience, and discussions with historians, suggests that it may be impossible to legislate a neat formulation that can anticipate all the situations that could arise in the future where the security interests of the American people may require a show of strength. I fear that any legislation to delineate the President's power to deploy that is less than perfect may, in some future crisis, prove dangerously inhibiting.

The nature of the consultative process on war powers, could, in some future crisis inhibit a President from taking decisive action in circumstances when it would be in the national interest to do so. A President would be most reluctant to commit U.S. forces to combat without knowing that his actions will have the support of a substantial majority of the Congress and of the American people. If a President were to act without such support, he would be subject to immediate congressional reprisals that could take the form either of impeachment or of a termination of funding to support the operations. These are weapons that have always been at the disposal of the Congress. They have not been enacted before this year, because past Presidents have in fact had the support of the country when they have involved our forces in hostilities without a formal declaration of war.

It should be noted that the existence of war powers legislation would not have precluded our involvement in the Vietnam war. The Tonkin resolution in fact sanctioned that involvement. Moreover, although the war ultimately proved highly controversial and unpopular, during the first few years it had the overwhelming support of both Houses of Congress and of the American public. On the other hand, the very existence of this kind of legislation could encourage Presidential adventurism by seeming to sanctify any Presidential commitment of forces during the 60-day period before congressional action is required to extend American involvement in foreign hostilities.

Finally, I am persuaded by the carefully documented arguments made by the Senator from Arizona (Mr. GOLDWATER) that the President has inherent constitutional authority as Commander in Chief that is far broader than that described in the War Powers Resolution. Section 2(c) of the resolution states that the President may "introduce U.S. forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances—only pursuant to, first, a declaration of war; second, specific statutory authorization; or, third, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces." This incredibly narrow definition belies commonsense and more than 180 years of experience under our Constitution. Its literal application would have precluded any number of deployments of forces which in the past have helped prevent a crisis from being escalated into broad-scale hostilities. We could not have reacted to the invasion of South Korea as we did, or mobilize our Sixth Fleet in the eastern Mediterranean at the time of the 6-day war in 1967, or prevented chaos in Lebanon by landing our troops in the early 1960's, or taken any of a number of other actions that had the effect of securing American lives, property, and interest in areas far beyond our territorial waters and possessions.

The fact that the War Powers Resolution attempts to fill the gap created by legislating standby authority to involve American forces in hostilities anywhere in the globe merely accentuates the error of construction on which the resolution is based; and in the process, it has made it possible for future Presidents to act less responsibly than they have in the past when committing Americans to battle or to conditions where they might become engaged in battle.

SUPREME COURT IMPOUNDMENT DECISION SUPPORTS LOWER COURTS AND CONGRESSIONAL VIEW

Mr. HUMPHREY. Mr. President, yesterday the Supreme Court announced its decision not to conduct a full scale trial over the administration's power to impound funds appropriated by Congress for programs in Georgia and other States. This is one more blow to the administration's impoundment policies and to their strategy for maintaining this power. Now the administration will be forced to carry on its fight over this issue in the lower courts where it belongs.

I have felt all along that the "policy impoundments" carried out by this administration are a blatant usurpation of the constitutional rights and responsibilities of the Congress. It is gratifying to see that most of the lower court decisions have upheld this point of view. In fact, appellate courts have ruled against the administration's position in about 22 of 25 impoundment cases this year.

While we must continue to press our case in the courts, we must not overlook the need for legislative remedies to this illegal extension of Executive power. We should be certain that each spending bill that passes in Congress includes clear anti-impoundment provisions.

The quarterly report on impoundments by the President is due to be presented to Congress by the Office of Management and Budget on October 15. As the sponsor of the amendment which required the OMB to report on impoundment, I am particularly interested in reviewing this information. Current "official" data for impoundments in the 1974 fiscal year is not available. The latest "official" data for what the OMB calls "Budget Reserves" shows that, as of June 30, 1973, impoundments of congressionally appropriated funds totaled $7.7 billion. Of course, this is the "official" figure with impoundment very technically and narrowly defined. It excludes several billion additional dollars that most of us in this Chamber thought we had legally appropriated. If these funds are added to the "official" figures, the total of funds illegally impounded by the President would total over $16 billion. While the figures themselves are staggering, it is much more shocking when we realize that much of the program funds impounded by the administration is largely those which help our Nation's needy, the poor, the sick, the hungry.

Mr. President, I ask unanimous consent that today's Washington Post article on the Supreme Court decision regarding the impoundment case be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH COURT DECLINES IMPOUNDMENT TRIAL

(By John P. MacKenzie)

The Supreme Court, rejecting pleas by the state of Georgia and the Nixon administration, refused yesterday to conduct a full-scale trial over the administration's power to impound funds appropriated for Georgia and other states.

In a brief order the court dealt a strategic setback to the administration, which now must continue to fight impoundment battles in lower courts, where it has lost nearly every case.

The court's refusal to entertain the Georgia case was among 900 actions taken as the justices disposed of cases accumulated during the summer. The court also:

Agreed to review a lower court ruling that it is unconstitutional to try servicemen on the broad charge of bringing discredit on the armed forces.

Agreed to decide whether states can punish placing a peace symbol on the national emblem as defacing a flag.

Called for oral argument later this term on a decision by California's highest court that denial of the vote to convicted felons is a denial of equal protection guaranteed by the Constitution.

Refused to hear one of a series of appeals by former Teamster leader James R. Hoffa from a jury-tampering conviction that disqualifies him from holding union office.

The bid for a Supreme Court trial over impoundment came in a suit by Georgia demanding appropriated funds for highway, education and anti-pollution projects. Georgia invoked the high court's power to hear lawsuits in which states are a party, but the justices adhered to their practice of avoiding such suits where possible.

Both the state and Solicitor General Robert H. Bork conceded that lower courts also had jurisdiction over the controversy. But they said the fight could be settled sooner by bypassing the lower tribunals.

Ten states and New York City, also locked in impoundment litigation, urged the court to ignore the suit and wait for cases to come up in the regular appellate process. They argued that the court might actually slow the development of other cases if it took charge of the entire problem in prolonged procedings here in Washington.

"It cannot be overlooked that the government's interests in an impoundment case are served by any delay," the states argued.

Two federal courts of appeals, one in Washington, D.C., and the other in Philadelphia, have ruled that the "catch-all" military code provision punishing conduct bringing discredit on the armed forces was unconstitutionally vague.

Set for review was the Washington court ruling, which reversed the conviction of Marine Pvt. Mark Avrech for publishing criticism of American involvement in Vietnam. A government petition to review a similar ruling in favor of Dr. Howard B. Levy, an Army captain who was court-martialed for refusing to train Green Beret troops for Vietnam duty, also awaits high court action.

SEX BIAS

The court refused to hear the government's complaint that Robert Hall Clothes, Inc., violates the federal equal pay act by paying women lower wages than men for the same work. The company said it had a basis other than sex for the different treatment—women work primarily in women's clothing, which earns lower profits—and the Labor Department argued unsuccessfully that the reasoning was inadequate. Only Justice William O. Douglas said he wanted to hear the case.

Also ignored was the latest in a series of protests by Connecticut businesswoman Vivian Kellems against federal tax laws that she contends discriminate against unmarried women.

PROPERTY SEIZURES

The court agreed to review a lower court ruling that federal agents could not use the evidence obtained after they confiscated a burglary suspect's clothing for scientific tests.

Also set for argument later this term was a case involving the constitutionality of a Puerto Rico law giving the commonwealth custody of a yacht on which marijuana was found despite the admitted innocence of the boat's owner.

SENATOR DOLE'S REMARKS ON COMMODITY EXCHANGE AT THE AGRICULTURAL ECONOMICS CONFERENCE

Mr. PEARSON. Mr. President, I would like to call the attention of my colleagues to recent remarks by my distinguished fellow Kansan, Senator Bob Dole, who discussed the Commodity Exchange at an Agricultural Economics Conference at Kansas City, Mo.

The subject matter of Senator Dole's remarks—the market system for our farm products—has become the focus of public attention recently. Charges have been made that the market has been manipulated to increase subsidies paid from taxpayer revenues. There have been allegations that speculators have derived windfall profits from the market, to the detriment of farm income.

As such possible shortcomings of the Commodity Exchange system are investigated and possible changes are contemplated, the public and the national leaders should have the best information available. As a major congressional figure in farm legislation for over 13 years, Senator Dole is eminently qualified to discuss the market system for agricultural commodities. Mr. President, the speech on Commodity Exchanges by the distinguished Senator from Kansas is worthy of the attention of all my colleagues.

I ask unanimous consent to have the remarks of Senator Dole printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Hon. Bob Dole

FREE MARKETS IN A FREE SOCIETY

I am especially pleased to be asked to speak at this dinner meeting. As you enjoyed this excellent meal, it occurred to me that my first words should be about the people who made this meal—and this meeting—possible, the American farmers.

It is time that all the American people, particularly in our great metropolitan centers, recognize the contribution that American agriculture has made, not only to this nation, but to all the world as well. Too long, too many of us have taken this miracle of America's agricultural productivity for granted.

For we are in the midst of a great technological revolution in agriculture. It is a revolution that is not only irreversible but is accelerating at jet age speed. The result is a productivity miracle which enables the American consumer not only to have the world's best diet, but also to enjoy the world's most nutritious and varied meals with a smaller percentage of his earned income than any other consumer in the world. The American farmer has made that miracle possible.

MATTER OF EQUITY

We can provide just reward and recognition to our farm people—a numerically and proportionately shrinking group—if we approach the farm problems and related food production matters in a constructive bipartisan spirit. Recently housewives of America have begun to appreciate the fact that this just reward is essential to maintaining production and supplies of food. However, we need to do this because there are so many others in our society who are primarily dependent upon the producers of food and fiber—our basic strength.

At the same time we give recognition to the producers, we must associate this with the miraculously efficient system which free enterprise has developed for the marketing, distribution and processing of food. This is a real tribute to what free men in a free society can do. You men and women here in this room are essential to this process. You should be proud of your accomplishments.

Free commodity markets, too, are basic to our system. For, the more I have studied our complex society, the more I have recognized the importance of maintaining to the maximum feasible extent our free commodity markets—the essential ingredient of a free enterprise system.

PRICE MECHANISM

Commodity markets have been established to meet an economic need. The hopes, fears, beliefs, knowledge and needs pour into these markets. There emerges the most nearly perfect mechanism in the economic world—with adjustments second by second. In a single price—visible to all who would see—there is measured every single factor then existant and communicable.

FUTURES TRADING ASSURES FAIR COMPETITION

There is another, and perhaps more penetrating, part of the story which should not be lost from view. It is that the futures trading system, notwithstanding occasional speculative excesses and imperfections, maintains equitable principles of trade. Futures trading on commodity exchanges developed as a highly effective form of free market trading and competitive pricing because it grew up with, and proved adaptable to, our other free institutions.

An active and well conducted futures market is the nearest approach to perfect competition in price making that the record of economic and commercial development has to offer. Competitive price making in futures markets is the opposite of imperfect competition and monopoly. History teaches us that market trading, fairly and freely conducted, is a standing safeguard against those who—human nature being what it is—would much prefer to seek their advantage in special or monopolistic privileges. The commodity futures system could not have become standard commercial practice in the United States if it had not become associated with the public interest, if it had not proved its capacity—in spite of many trials and errors—to stand as a bulwark against monopolistic forces in marketing.

CONSUMER BENEFIT

The story that must be told—and it must be well understood by the general public—is that equitably-run futures markets contribute to the welfare of the general consumer. They enable the housewife to pay much less for many foodstuffs and other products than could have ever been possible without the creation of the commodity exchanges.

The basic reason for this is that food manufacturers can hedge their risks in the futures markets at very low cost. In the absence of such hedging possibilities the risks would be greater—and their processing margins greater too—in order to reflect the higher risks. Higher consumer prices would certainly result.

ACTIVE MARKETS ARE ESSENTIAL

The proper functioning of this important activity depends upon the high degree of standardization in futures contracts, the heavy concentration of trading on a single floor, the rapid-fire execution of the buying and selling orders, and the continuous stream of price quotations. These services of a modern futures market are made possible only by a network of by-laws, rules and regulations constantly subject to such changes as to make them even more equitable.

By and large such by-laws and regulations are self-imposed under the guidelines of the Commodity Exchange Act. During recent months the considerable attention focused on the Russian grain sale, the price fluctuations of soybeans, the greatly expanded export potential through improved trade relations throughout the world—all these factors and others—was magnified through the actions of the Cost of Living Council. From the resultant polarization of thought on commodity trading, now thoughts of controls through legislation have emerged. Some would do away with futures trading. Others would limit exports. Still others would have the government take over trading of all commodities.

BASIC CONSIDERATIONS

As a focus of my basic thinking affecting possible legislation, I must say that I am impressed by the following basic underlying facts:

1. If futures markets are to serve all segments of society, their terms and trade must be equitable and thereby serve the public interest.

2. The futures markets must be fairly and openly conducted to avoid special economic advantage to either party to the transaction.

3. The forces of supply and demand must be reflected in a changing price system available for all to see and permitting participation in the price making process by anyone with the requisite financial ability.

4. The futures markets must provide a proven system of shifting the risks from producers, handlers and processors to those futures investors who wish to assume them, with the possible attendant profit and losses.

5. A really satisfactory futures market cannot depend solely on hedging transactions. The market needs speculators who are willing to take open positions as well as hedges. The larger the volume of speculative activity, the better the market and the easier it will be for persons involved in trade and investment to hedge at low costs and at market prices that move only gradually and are not significantly affected by even large commercial transactions.

CEA CHANGES CONSIDERED

These considerations should be primary in any proposed changes to the Commodity Exchange Act. In 1922, Congress passed the Grain Futures Act to regulate trading in contracts for future delivery of grain and flaxseed. In 1936, Congress brought trading in cotton, rice, mill feeds, butter, eggs, and Irish potatoes under regulation and called the amended law the "Commodity Exchange Act". The Commodity Exchange Act has been amended thirteen times since then to bring additional commodities under regulation and to strengthen its provisions.

You are aware that one bill has been introduced and several others are being considered presently that would further amend the Commodity Exchange Act. The Senate Committee on Agriculture and Forestry will be holding hearings in this extremely complex area to provide a basis for meaningful change and the strengthening of the capabilities of the CEA in administering the Commodity Exchange Act fairly. These hearings and further considerations of such legislation will be in the national interest. We must recognize that we are dealing in a complex and delicate area.

Those in the futures trading business and those thinking of trading in futures of course need to face the current problems relating to commodity trading. A realistic approach to them is necessary in order to preserve the viability of this efficient economic tool.

The problems as seen by some were stated in an editorial in the Washington Star Saturday:

"There is ample indication that some kinds of speculation, in such exchanges as the Chicago Board of Trade, have little or no relation to the nation's need for orderly marketing mechanisms. The trading floors are infested with 'scalpers' who are not interested in buying or selling actual bushels of corn or soybeans but in making piles of money from the paper action. Brokers juggle huge potential conflicts of interest, without meaningful supervision, as they handle both their customers' orders and their own accounts."

And the editorial seems to further sum up the dominant public perception about commodity exchanges in these words:

"Self-regulation by the self-serving exchanges and their member-brokers is no answer, any more than it was in Wall Street in the 1920s. The toothless and apathetic Commodity Exchange Authority, an arm of the Agriculture Department, is not doing the job, and probably cannot, given its undermanned status. The regulatory function, anyway, is not wisely entrusted to the government department committed to the interests of the agri-business sector."

I don't agree with everything in the editorial. But I cite it because it cites the problem of public attitude at this time. I don't advocate creating another commission to supervise commodities such as we have in the Securities and Exchange Commission. The time has come to put more teeth in the Commodity Exchange Authority—to expand it to all commodities traded in futures contracts, and to assure the public through proper staffing and supervision that the exchanges are and can be self-governing—not self-serving.

As traders or potential traders, you would do well to keep this public attitude in mind. For with commodity exchanges, as with most other public institutions, the trust and confidence of the people it serves is a prerequisite to the institution's success.

CEA SHOULD ASSURE FAIR PLAY

Creating new federal agencies is not the only way to solve a problem. The content of any new legislation should maintain fair play and honest dealing in futures trading. It is of vital importance in maintaining equity in the pricing and marketing of farm products on all commodity exchanges and on all markets.

Against this background, I have the following suggestions for improvement in the futures trading environment:

1. Regulatory jurisdiction of the CEA should be extended to include trading in all contracts for future delivery. Basically, I feel that a problem which might occur in a nonregulated futures market could reflect badly on all other futures markets. The public needs this protection.

2. A Federal Insurance Corporation could be established for commodity accounts. This will give additional public confidence in the commodity futures markets. The bankruptcy or insolvency of a futures commission merchant, while an infrequent occurrence, can jeopardize large sums held for customers by that broker. This proposal would reduce risks of loss to customers.

3. Registration and fitness check authority might be expanded to include all individuals handling commodity customers' accounts. At present, such authority is limited to futures commission merchants and floor brokers.

4. Boards of Trade contracts should provide alternative delivery points under carefully studied and researched provisions, *unless such action is shown to be uneconomic.*

These suggested changes could improve futures markets by assisting in the restoration and expansion of public confidence without impeding the free and open trading that is essential to assuring competitive pricing for the consumer. These suggestions are being studied by my staff and legislative counsel and may be the contents of a bill I shall introduce in the near future.

I wish to assure you that I will study each and every proposal to amend the Commodity Exchange Act. Regulation of futures markets is an extremely complicated area. Any new proposal must receive the closest scrutiny through hearings and research to assure that any change will improve, not impede, the functioning of free commodity markets in the public interest. That must be our objective.

LAND OF PLENTY

Mr. HUMPHREY. Mr. President, the near elimination of America's foot surplus, the sharpest increase in food prices in decades, and the largest foreign purchases of the products of our Nation's farms, have suddenly projected discussion of the complex system of world food production and demand to the front pages of America's newspapers.

It is not too early that we became aware that as incomes increase around the world and population expands, more and richer people will be bidding with us for the food we grow. How we react to this increased competition from abroad will be an important factor in determining America's position and reputation in the world for years to come.

The first in a series of articles on U.S. agriculture in an urban age was published October 9 in the Wall Street Journal. This article, by John A. Prestbo, entitled "Land of Plenty," outlines the differing views of the Nation's experts on future world supply and demand for food. It also deals briefly with some of the underlying reasons for the recent surge in world demand for America's food productions.

While the experts disagree on which years will be good for food production and which will be bad, there is little doubt that the future will bring fluctuations in the ability of food supply to meet demand. For this reason, I believe we must move ahead immediately to create a system of strategic grain reserves for the United States and the world. Such reserves would assure a reasonable supply of and price for food during years of scarcity, and also assure a reasonable return to the farmer for his labors, even in years of excess supply. S. 2005, the "consumer and marketing reserves" proposal which I introduced in the Senate would be an important first step in moving toward world food security.

I ask unanimous consent that the "Land of Plenty" article from the October 9 Wall Street Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

LAND OF PLENTY: THE QUICK TURNAROUND IN AGRICULTURE PICTURE BROUGHT JOYS, WOES

(By John A. Prestbo)

The farm boom came quickly, like a sudden, summer thunderstorm.

Only two years ago, the nagging "farm problem" was how to control the potent productive capacity of U.S. agriculture. The government paid farmers not to plant certain crops, but still surpluses piled up. Food prices were relatively reasonable, but taxpayers were burdened with billions of dollars in subsidy payments, which many farmers depended upon to stay in business.

All that changed quickly in the summer of 1972, when the size of the Soviet Union's massive purchases of U.S. grain became known. With increasing orders from Europe, Japan and other countries, the nation almost overnight found itself with a farm export business big enough to choke its transportation system. Within a year, the U.S. practically ran out of soybeans, so the government limited exports temporarily. Other foodstuffs came into short supply, too, and food prices rose dizzyingly through this past summer. The "farm problem" became how to increase production fast enough to keep up with demand.

Prices have eased a bit lately, but another wave of climbing food costs is predicted for this winter. The whole posture of U.S. agriculture has changed from surplus to scarcity in the most wrenching turnabout in recent memory. The farm boom of the mid-1960s—which also was based in large part on surging overseas demand—didn't stir so much controversy or so forcefully touch the lives of virtually every citizen

THE IMPACT

Consider the impact the farm boom is having:

The Agriculture Department has switched from curtailing production to encouraging it. Next year, for the first time in four decades, farmers won't have to set aside any of their land to qualify for government subsidy programs. And with prices far above federal floors, the government is expected to spend "just a few million" dollars on farm subsidy programs in fiscal 1974, an Agriculture Department spokesman says, down from $4 billion to $5 billion in recent years.

Farmers planted about 24 million more acres this year than in 1972, and next year they are expected to plant an additional 10 million to 12 million. That would put about 343 million acres into production for the 1974 harvest, which would be the most land under cultivation in the U.S. since 1956 and a 12% increase in two years.

Partly because of this added acreage, and partly because of the higher prices they are getting for their products, farmers are buying tremendous amounts of new equipment, more fertilizer and other supplies. This has a ripple effect throughout the economy, stretching back to such basic industries as steel, rubber, petroleum and chemicals. County-seat towns, which are the primary trading centers for many farmers, are luxuriating in a buying bonanza brought about by a predicted 22% increase in net farm income this year to a record $24 billion.

Exports of farm products soared 60% to $12.9 billion in the fiscal year ending June 30, and this total could rise to $18 billion in the next few years. That would be a boost for the U.S. trade balance, which already is considerably improved because of the farm boom. Exports help the domestic economy, too. The government figures some 5,000 jobs are created to handle each $100 million of grain exports and about 4,200 jobs for each $100 million of soybeans shipped overseas.

THE TOLL

All this exacts a total, of course. As farmers watched prices for feed grains and wheat more than double and prices for live cattle rise 55% during the year, consumers faced across-the-market increases at retail—milk up nearly 20 cents a gallon in some cities, bread up as much as 15 cents a loaf, and the average price of beef up about 30 cents a pound.

In all, retail food prices skyrocketed 17.6% from January through August, as measured by the consumer price index. Besides wrecking family budgets, the record boosts spawned two consumer protests—an organized boycott in the spring and, more surprising, a spontaneous spurning of high-priced meat and eggs in late summer.

Unhappy consumers increased their political pressure as fast as prices climbed. President Nixon responded by clamping price ceilings on foods, which in some cases froze prices below the cost of production and processing. Many food-processing companies closed for several weeks, which brought about shortages of some items during the summer. Ceilings were lifted on beef prices Sept. 10, and now food is subject to the same general Phase 4 controls that other products are.

Political pressure is taking other turns, too. Some congressional groups are looking into commodity futures trading to see if excessive speculation helped push food prices higher than they otherwise would have gone. Other Capitol Hill probers are trying to determine if big grain-export firms obtained advance information of the 1972 Russian grain purchases or if they unduly profited from the deals at consumers expense.

The widest field of inquiry, however, concerns how long the farm boom will last. The mid-1960s boom lasted only a couple of years, and some experts, such as agricultural economist D. Gale Johnson at the University of Chicago, think the boom will fizzle in 1975 or 1976 at the latest.

"A highly unusual combination of circumstances contributed to this boom—bad weather in many parts of the world, a falloff in anchovy fishing on the Peruvian coast (which increased world-wide demand for soybean meal to feed livestock) and a couple of dollar devaluations, which made U.S. farm products suddenly quite attractive to countries looking around for food supplies. Eventually these abnormal conditions are going to right themselves, and when they do we can expect to return to a more normal situation of ample supplies and lower prices," he says.

To be sure, the countries that have been bidding up prices for U.S. foodstuffs are doing what they can to increase their own production sharply during this coming crop season, which begins shortly in the Southern Hemisphere. If the weather is favorable, the yields from this increased acreage would substantially lessen export demand for U.S. crops. As a result, prices probably would fall and more produce would be available for domestic consumption.

A NEW ERA?

On the other hand, some experts are proclaiming the dawning of a new era of agriculture in which export demand is a strong, stable factor rather than a fluctuating one. "We're on the threshold of the greatest age of agriculture that this country has ever known," says John M. Trotman, president of the American National Cattlemen's Association.

There is evidence to support this theory, too. For one thing, the Nixon administration is adopting agriculture as one of its main bargaining points in diplomatic and trade negotiations. As the U.S. presses this strength in its foreign dealings, the new-era proponents argue, exports will increase. They think that Russia, China and other Communist countries could join Japan as steady U.S. farm customers.

Moreover, economist Lester R. Brown, senior fellow of the Overseas Development Council, contends that not all the world's underproduction problems can be cured by a spell of good weather. He cites reports and studies showing that, for instance, the Peruvian anchovies have been overfished and supplies may not return to normal for several years; that sub-Saharan Africa is being so overpopulated with people and cattle that the land is wearing out fast; and that acceleratiing deforestation in India is increasing the chance of crop-devastating floods, such as occurred this year.

"These situations are undermining the world's food-production capability, and they aren't being taken into account by a lot of economists who make projections," Mr. Brown asserts.

ORVILLE FREEMAN'S VIEWS

Still other experts take a middle position in predicting the course of the farm boom. Orville Freeman, former Secretary of Agriculture and now president of Business International Corp., a consulting firm, suggests this scenario: relatively short supplies and strong prices through 1975, followed by a return to ample production and a rebuilding of surpluses by 1977. But by 1980, he predicts, the trend will again reverse and food shortages will recur world-wide, perhaps in crisis proportions.

Mr. Freeman thinks U.S. farmers will greatly increase their acreage in the next couple of years, which will contribute to the temporary end of the boom. He contends, though, that if current trends continue in increasing world population (the present rate is about 80 million additional people each year) and rising standards of living (an annual 3% to 4% increase in gross national product for many developing countries), global food-production capacity could be strained severely within a decade.

The determining factor in all of these farm-boom forecasts is the weather, of course. World food stocks have been drastically reduced by about 18 months of highly unusual bad weather around the world—too little moisture here, too much there, too cold in some places and too hot in others. The principal exporting countries had only 100 million metric tons of grain on hand at the end of the 1972–73 season this past summer—the lowest grain reserve in 20 years (during which time world grain consumption has increased by 50%). The U.S. Agriculture Department predicts that global reserve stocks will decline 10% further by next summer.

Some grains are in even tighter supply. The International Wheat Council estimates that 59 million to 62 million tons of wheat are available for export this year, while import requirements range from 62 million to 65 million tons—a potential shortage of up to six million tons.

"We could have famine in many parts of the world next year if the weather is bad," Mr. Freeman says. The longer that bad weather lasts, the farther off is the day that U.S. agriculture might re-bury itself in surpluses.

RISING AFFLUENCE

At any rate, U.S. consumers will have to get used to spending a larger share of their disposable income for higher-priced food. The average in the U.S. is about 15% (though low-income families spend a far greater amount) compared with 25% to 30% in Europe. In several years, some experts warn, the U.S. average could climb closer to the European's.

A major reason for this prediction is increasing affluence, particularly overseas, which is accompanied by a growing taste for meat and less of a taste for rice, corn grits and other vegetable foods. This strains world agriculture even more because it takes three times as much agricultural resources to produce 10 grams of protein in the form of poultry meat as it does in the form of wheat flour; for beef and pork, the ratio is seven to one. The effect of this is to reduce potential supplies by lowering productivity while demand increases through population growth.

"If there is a culprit responsible for higher food prices, it isn't the farmer, middleman or supermarket executive," says Mr. Trotman, the cattlemen's group president. "It's the greater buying power of people, not only in the U.S. but all around the world."

Adds a government economist: "There are simply too many consumers in too many countries bidding for better diets to let world farm prices drop back to the levels that prevailed until the past two years."

TRAGIC EAGLE KILLING IN WYOMING

Mr. HANSEN. Mr. President, the National Cowboy Hall of Fame and Western Heritage Center located in Oklahoma City publishes a magazine entitled "Persimmon Hill."

In the most recent edition of Persimmon Hill is a very fine article by Dean Krakel II. This well-written article is about the tragic eagle killing incident which occurred in my State of Wyoming. More important, it is Mr. Herman Werner's side of the story.

The article has great meaning to me not only because it is about a dear friend of mine, but also because it tells a side to the incident which has received little publicity.

Mr. President, I ask unanimous consent that Mr. Krakel's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

TRAGIC EAGLE KILLING IN WYOMING

(Herman Werner is perhaps the most hated man who ever took part in an environmental hearing. The hearing in the Fall of 1971 was an investigation into reported paid eagle killings, a major federal offense. Werner was charged with paying $15,000 in bounties for the alleged shooting of 360 eagles. Some estimates of the number ranged as high as 770.

(Although the hearings were suspended until a later date, Herman Werner was labeled by the public and press as an eagle killer, a threat to conservation nationally and in his own state, Wyoming. It is the author's belief that Herman Werner is not guilty of these charges.)

To understand the facts surrounding the issue it is necessary to go back to the original hearings, their background and what took place during the hearings.

A Senate subcommittee was just wrapping up its investigation into the poisoning death of twenty-five eagles found in Jackson's Canyon, Wyoming. The eagles had died as the result of heavy concentrations of thallium sulfate, a poison used to key coyotes. The committee's chairman received a call from James O. Vogan, 48 year old helicopter pilot who said, "You ought to see what's buried down in Carbon County." In exchange for immunity from prosecution, Vogan promised to tell all he knew of paid eagle killings in Wyoming. Vogan explained that federal authorities had learned of the killings and that "Somebody was going to get hung to a tree . . . They would have thrown the whole blame on me."

Vogan testified that the flying service he worked for, The Buffalo Flying Service, of Buffalo, Wyoming, had contracted with several Wyoming and Colorado ranchers, predominantly sheepmen, to shoot the coyotes and eagles which prey upon their lambs.

Reading from his daily tally book, the pilot arrived at a figure of 770 gunned-down eagles during the six month period he was employed. While flying for Herman Werner, Wyoming's largest land owner and sheep producer, Vogan stated that gunners in his helicopter used a 12 gauge shotgun to kill over 579 eagles and described "a regular haystack of dead eagles" stacked up on Werner's Bolton Ranch. Vogan also told the committee that he knew of $15,000 Werner had paid to the Buffalo Flying Service for the slaughter. The flying service supposedly received a bounty of about twenty-five dollars for each eagle he downed.

Acting on Vogan's testimony, federal investigators indeed found remains of eagles buried on land leased to Herman Werner. Werner, although never called before the hearing, could only offer in his defense that he knew nothing of the eagle killings and had not hired Vogan to kill eagles. An attorney for the Buffalo Flying Service stated that Vogan had been fired from their employ for wrecking several helicopters and for permitting unauthorized personnel to accompany him and that the flying service had no hand in the killings.

The subcommitttee recommended that Herman Werner be charged with the killing of 360 eagles. The case would come before a Federal Grand Jury in October, 1973.

Before the hearings were over, the nation was in an uproar. The estimated population of golden eagles in the United States was between 12,000 and 15,000 and there were an estimated 2,000 bald eagles. (These figures do not include population figures for the state of Alaska.) More eagles had been killed in Wyoming than were thought to exist in the state!

In the past half century there has been a shocking decline in the bald eagle population due to pesticides, lumbering, and development of the wilderness areas that are so necessary for their survival. In recent years it has been found that the number of bald eagles that can successfully raise young to maturity has dropped, in some areas as much as 50%. This is thought to be due to the pesticide content of the eagles' prey that is passed on to the newborn eaglets. In extreme cases the eggshell is so thin that it breaks at the slightest touch. The golden eagle, while not a victim of pesticides to the degree that the bald is, has been considerably reduced by electrocution from power poles, poisoning, and indiscriminate hunting and shooting. According to Wyoming State Representative John Turner, "The loss of 770 eagles could push the eagle to the horizon of oblivion."

Every major magazine carried the story of the eagle slaughter in Wyoming. It was splashed on the front pages of many newspapers. Wyoming became the scene of a collision course, of heated conflict between citizens, conservationists and stockmen, and the eagle. Cartoons were published depicting a cowman and his son pointing to an eagle. "Son, that's our national bird, shoot every one you see," read the caption. Bumper stickers were printed: "Make lamb our national bird." "Save an eagle, shoot a sheepman," "Welcome to Wyoming; watch out for falling eagles."

Herman Werner was singled out as the killer in the eyes of the public. He was called "a powerful land and sheep baron", "a notorious figure," "a liar," "a man with no conscience for wildlife." Letters poured to his home in Casper. In some of the vicious ones, the senders neglected to sign their names or to include a return address. Crank calls came at all times of the day and night.

In all the publicity that has been devoted to the eagle killings in Wyoming, there has been little written in Herman Werner's behalf. No one has bothered to hear the other side of the story. Few people are even aware that there is another side, but there is, and that is the reason for this article. The author went to Wyoming to talk to Herman Werner. This is his story of the Wyoming eagle killings.

Herman Werner saw him first, and brought the bumping grinding jeep to a halt. Stooping forward the eagle gathered and tensed the powerful muscles in his feathered legs, then he sprang, hopped, and launched himself into the air. A giant pair of wings pushed him skillfully through the air only a few feet above the ground; he was like a fleeting shadow. We watched until the eagle became a tiny dot lost in the billowing white clouds and endless sky.

Starting the jeep back down to lower country, Herman Werner pulled his worn grey hat down to shade a pair of blue eyes that had never missed much of anything in all their eighty years. He spoke slowly, punctuating his talk with sweeps of his arm.

"Grace and I have sat and watched those old eagles just like that many times. Some of them must be twenty or thirty years old, huge birds. It wouldn't be the same without them."

Bumping along, Mr. Werner talked of the 160 buffalo he had just bought and spent three days trying to corral, of the wild horses that ran undisturbed on his Spearhead ranch, of the antelope and elk herds, and of the sage grouse that boomed on the flats of the 55 ranch. He talked of the eagles.

"I think the eagle is the most noble bird on the face of the earth. He's our national symbol, that's why I put those statues of bald eagles on the roof of our house in Casper. That was ten years ago, before all this eagle killing business.

"When talk turns to these eagle killings, everyone looks at me. When I go anywhere, people I don't even know come up to me and say, 'Aren't you the man who shot all those eagles?' I tell them the same thing I'm telling you, I've never shot an eagle and I've never paid for one to be shot. I never really thought of the eagle as a predator as far as livestock is concerned. I love Wyoming and all the wildlife in it. All my life I've been part of this state and the eagles are part of it too.

"At the Bolton ranch there used to be an eagle's nest by the road. Every now and then I'd shoot an old jackrabbit and cut him to feed to those little eagles. The old eagle, she'd flap around quite a bit, but the little ones sure liked that rabbit.

"There aren't too many jackrabbits around anymore; that's part of the problem. A few years ago a person driving around the ranch might see thirty jacks, now I doubt if we could kick up two between here and the house. In the winter a rabbit's hide is worth money and people from the city come out and shoot them by the hundreds. Add poisoning and disease to that and it just about takes care of the eagle's diet.

"Some people still swear up and down that an eagle won't eat anything but fish, dead animals, rabbits and prairie dogs. But an eagle with an empty belly isn't going to be particular. He's going to take whatever he can get.

"Eagles are hatched about lambing time; that's when you should have been here. One evening we counted fifteen eagles sitting in a tree about a hundred yards from our lambing corrals. In the spring of the year like that especially when the ground is still covered like it was this last winter, wild game is hard to come by. Most of those eagles are trying to feed their little ones and themselves, too. There just aren't enough prairie dogs and rabbits to go around anymore.

"I'm not saying that every golden eagle in Wyoming is a sheep killer. Like I said, I never even thought of them as predators. My point is that we've replaced the eagle's natural food with sheep and cattle. He may live his entire life on sheep ranges and never take a lamb, but when lamb becomes easier to hunt than jackrabbits, what is he going to do? Occasionally there may be an eagle that develops a special liking for lamb, but still they'll only kill one lamb at a time. They aren't near as bad as a coyote. A coyote is the real predator when it comes to sheep and it was coyotes that started this whole thing.

"During the winter of 1971, the coyotes were so thick over at the Bolton ranch that the lambs just didn't stand a chance. They're still thick over there and with the hard winter we just had, there just aren't many lambs left. If we hadn't been so busy with the livestock we'd have shot the coyotes ourselves, but we were too busy. I contracted the Buffalo Flying Service, out of Buffalo, Wyoming, to shoot coyotes at fifty dollars apiece. I never made any deal with this pilot Vogan. He took orders from the flying service. Vogan stayed at a bunkhouse at the Bolton ranch and I supplied him with shotgun shells but I sure didn't supply him with enough shells to shoot all those eagles he claims to have shot and the coyotes, too.

"He says there were over 500 eagles shot in the six months he flew around here. He reads his figures from a little book he wrote in. Anyone could get a little book and write down some numbers. Five hundred eagles . . . some have accused me of shooting 800 or so. When you go back to write your article, tell how many eagles you saw up here. You've been all over Wyoming and have seen the ranches, including the ones he didn't hunt on, and I'll bet you haven't seen half that many eagles. Even the 360 that I'm charged with would be a lot of eagles to see. By God, if there were that many eagles on my ranch, we'd be scatting them out of our way. Of course the public will say, 'You shot them all, that's why there aren't any eagles.' There's nothing I can say to that, except tell the truth.

"Vogan used to fly all over the country. He was careless. A lot of my neighbors complained because he'd fly low over their places. He wrecked three helicopters and one time I loaned him $5,000 to put a new engine in one. I also loaned the Buffalo Flying Service money to buy a fertilizing unit for their planes. We planned to use it on the ranches as payment. That accounts for the $15,000 Vogan spoke of. I told him that I wanted the coyotes brought to the ranch every night to be counted. I coundn't be there all the time. With three other ranches and only three men to help, we're scattered pretty thin. There was always a man who stayed at the Bolton, though, and he always made the count.

"One evening I came out to the ranch and there was a pile of eagles stacked up out back. That made me mad as hell and I looked Vogan up that evening. He told me that he was taking up some kids and every now and then he'd let them bust an eagle for fun. Anyway, eagles were predators, too, he said. I told him, 'You leave those eagles alone,' and he walked off.

"Other ranches down in Colorado, I guess, paid him to shoot eagles. It seems foolhardy to me to pay for shooting eagles; it's illegal. Every time a hunter pulled the trigger in Vogan's helicopter, Vogan knew it was a crime. Those are Uncle Sam's birds.

"Evidently the game and fish people had been watching pretty closely and had been observing Vogan and his activities. He must have been pretty jumpy a little while after that, because he came into my office one evening and wanted to know what kind of a stand I had on this eagle deal with him.

"I didn't have any deal with him for any eagles. He said to me that the eagles are predators and I might just as well pay him for them. Vogan figured the eagles ought to be worth about $50 apiece. I said no. He turned around to walk out and then said, 'Well, how about $25?'

" 'No!'

"He almost made it to the door, then turned and asked, 'Well, how about $10.00?'

" 'No!' This time he said that he was going to Washington to report the killings, and if I would side with him we'd throw the whole thing off onto the Buffalo Flying Service. I told him that if he went to Washington and told the truth I'd have nothing to worry about.

"He left, and that was the last I heard from him until the hearings. No one ever contacted me about the killings before the hearings or during . . . No one ever came and said 'Herman, did you hire him to kill those eagles?' Hell, no. I never even got a chance to defend myself. Nobody cares what I think. They made me a common criminal and set Vogan on a pedestal, made him immune from the law and let him hang a doggone good Wyoming citizen.

"There are few people as ecology minded as the ranchman. Every winter we feed deer and antelope on our ranches with our hay. We live with the animals every day. We grow up with them. We see them as they are, a part of the land. I'd hate to live in a land that had no elk, antelope, buffalo, or eagles. I love all of them and there's room and a place for all of us out here."

We stood on a ridgetop as a biting twenty degree wind whipped around us blowing wisps of snow out of old drifts. There were some patches of white that the wind blew no snow from, they were newborn lambs. Dead. The lambs lay scattered about 200 feet apart.

"That's the work of a coyote," Werner said. "They'll usually grab a lamb by the head and then bite into his throat. Mostly they eat the stomach for the milk—that's the way they've done these. It's the coyote who is the real predator of sheep, not the eagle. I've seen where a coyote came in and killed ten, maybe fifteen sheep in a single night and didn't even take a bite of one. Sometimes they seem to kill just to be killing.

"This is the side of the story I wish other people could see. They don't see this; they don't want to. There are plenty of animals killed by the winter around here, enough for coyotes, eagles and any other predator, yet here are these lambs, still warm. A predator, just like you and me, prefers fresh meat to leftovers any time. An eagle will kill one lamb and he'll eat it. I think the rancher can stand that loss for the eagle's sake. He won't slaughter a whole flock and leave them to rot like a coyote will.

"There are probably a thousand dollars' worth of dead lambs on this ridge. As a businessman I can't stand losses like that, yet as ranchers we are supposed to grin and bear it. No city businessman would accept a loss like that, he'd put a stop to it and no one would question his right to do so.

"To someone who sits in his cozy house reading the storybooks and statistics these losses just aren't supposed to happen. Some people say, 'If there weren't any sheep there wouldn't be any coyote problem.' I guess they think the Lord gives them their meat all wrapped up neat in the meat counter. All those clothes that hang on the racks, they don't come out of nowhere ready to wear. These things come with us, the stockman, yet we're the bad guys.

"You know, a lot of people have said to me, 'Herman, why don't you just go to Washington and plead guilty . . . all the cards are against you.' Well, I look at it this way: It's not only me that's on trial, it's the whole livestock industry, our image, and what we stand for. When a person asks me why I just don't plead guilty, I tell them I will not plead guilty to something I didn't do."

The Editors: "Herman Werner was a good neighbor. He wore a big Wyoming hat and a smile to match. Nothing pleased him more than the opportunity to help, be it a stranger's stock truck stalled in a drift, or a doe with a broken leg. He always took the time.

"Herman was a conservationist of the highest type, a product of nature's lessons. He took pride in the large herd of wild mustangs, buffalo, deer and antelope that roamed his large ranches. If he had a motto it was "born free." The Werners traveled the world over in search of big game herds to observe. Nothing thrilled Herman more than did the spectacle of Africa's purple plains teeming with wild life.

"Mr. Werner died August 6, 1973, in Rock Springs, Wyoming, as the result of an auto accident. It was timely that we had sent Dean Krakell II on an assignment to see Mr. and Mrs. Werner to get their side of the eagle controversy first hand. Otherwise, it might not have been written. Herman will be missed by his wife, Grace, by their children, grandchildren, and hundreds of friends throughout the West. He will be missed at the National Cowboy Hall of Fame, where he served as a Trustee, but most of all he will be missed out where the deer and antelope play."

DEPARTMENT OF DEFENSE INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, during the recent floor debate on the fiscal year 1974 military procurement bill, my distinguished colleague, the senior Senator from Wisconsin, withdrew his amendment which, if adopted, would have cut Department of Defense payments for independent research and development (I.R. & D.) by 50 percent.

Senator PROXMIRE withdrew his amendment when I agreed, on behalf of the Armed Services Committee, to request the General Accounting Office to conduct an in-depth comprehensive study of the I.R. & D. program which has cost the Department of Defense between $700 and $750 million annually.

Following that agreement, Senator PROXMIRE's staff and Armed Services Committee staff prepared a group of specific questions which the General Accounting Office will answer in conjunction with their study.

A letter dated October 8, 1973, was addressed to the General Accounting Office transmitting the set of questions and requesting a report by April 1, 1974. This will permit consideration of the report in conjunction with a review of the fiscal year 1975 budget. I ask unanimous consent to print a copy of the letter and attachment in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 8, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: During the Senate debate on the Fiscal Year 1974 Military Procurement bill, Senator William Proxmire introduced an amendment which, if adopted, would have reduced Independent Research and Development (IR&D) and Bid and Proposal (B&P) funds by 50 percent. The amendment was withdrawn by Senator Proxmire pursuant to his agreement with me, as Chairman of the Research and Development Subcommittee, to request GAO to conduct an in-depth investigation of the underlying assumptions and the overall justification of the IR&D program, as well as into the implementation of the current provisions of law and Department of Defense regulations. The discussion of this subject appears on page 31182 of the September 24, 1973 Congressional Record.

The subject of IR&D has been one of continuing interest, and the sustained high level of expenditures is not consistent with the recent trend of Department of Defense purchases from the Procurement and Research, Development, Test and Evaluation appropriations. A primary objective is to establish a better balance between these elements, and to insure that due consideration is given to sound business and accounting practices but consistent with the best interests of the government.

The attached questions reflect the results of a joint review and discussion conducted by Senator Proxmire's staff, Armed Services Committee staff, and representatives of your office. These questions should be answered in conjunction with the review of the IR&D program requested by the Committee letter of October 4, 1973. For the purpose of this study, the term IR&D will be inclusive of B&P.

The review should be comprehensive and result in a report which should provide comments and recommendations for appropriate changes to the language of Section 203, P.L. 91–441. The report should consider the experience gained both before and after enactment of Section 203, and reflect the viewpoint of industry, the Department of Defense, other governmental agencies, and the General Accounting Office. Specific consideration should be given to the recommendations contained in the report of the Commission on Government Procurement and to the comments of the Department of Defense on that report. The report also should include alternative recommendations so that the Committee will have a choice of actions which may be adopted. The report should be submitted by April 1, 1974, so that the Subcommittee may consider it during the review of the Fiscal Year 1975 budget.

Sincerely,
WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.
THOMAS J. MCINTYRE,
Chairman, Research and Development Subcommittee.

ATTACHMENT

1. The DCAA audits of IR&D costs show that the ratio of IR&D costs to defense sales increased from 2.73% in 1946 to 3.83% in 1972. What accounts for this increase? What is the rationale to support a high level of contractor IR&D expenditures even in the face of declining defense sales?

2. Reconcile the apparent inconsistencies in the figures for IR&D expenses from 1968 to 1972 between your April 16, 1973, report, reports by the DCAA, and the figures given by DOD to the Senate Armed Services Committee as printed in the committee report of September 6, 1973.

3. In its report to Congress, the DOD includes an amount for "other technical effort (OTE)" in its IR&D figures. What are the audit substantiated amounts for OTE for the years 1968 to the present? Why are these amounts not included in the DCAA audit report? Do the same rules apply for OTE as for IR&D and Bid and Proposal Costs?

4. The DCAA audit report of IR&D covers only those defense contractors with "an annual auditable volume of costs incurred of $15 million or more and other contractors who, although not meeting the auditable volume criteria, required 4,000 or more manhours of DCAA's direct audit effort per year." What does the term "auditable volume" of costs incurred mean? What is the difference between auditable volume of costs and total defense sales (including both prime contracts and defense subcontracts)? What is your estimate of total IR&D *including* contractors that do not meet the criteria of $15 million of annual auditable costs incurred and 4,000 manhours of defense audit effort?

5. The IR&D figures reported to Congress are based on a DCAA statistical report covering 77 defense contractors. The top 77 defense contractors account for only 69% of defense prime contracts. How much additional IR&D costs are reimbursed by the DOD to divisions, contractors, and subcontractors not covered in the DCAA report?

6. What is the total in-house cost of administering the IR&D program—include the cost of reviewing contractor proposals, DOD negotiation teams, technical review effort, administration of disputes, etc.? What are the comparable costs for AEC?

7. What problems are encountered by DOD and AEC contracting officers and technical or project personnel in evaluating and negotiating IR&D proposals?

8. Does DOD pay contractors' costs for:

a. research and development projects primarily of a promotional nature, such as projects directed toward the development of new business or projects connected with proposals for new business;

b. studies or projects which are undertaken, in whole or in part, for other customers; and

c. projects which represent unwarranted duplication of other research and development work sponsored by the DOD?

Cite examples if any such costs are paid.

9. Do Bid and Proposal costs paid by the DOD include negotiating and promotional costs or the cost of salesmen, representatives or agents who do not provide technical services in connection with bids or proposals?

10. Public Law 91–441, section 203, provides that appropriated funds may not be spent for IR&D unless the Secretary of Defense determines that the IR&D has potential military value. However, it appears that the DOD does not technically review IR&D proposals in cases where it is charged less than $2 million a year. What is your evaluation of the adequacy of the DOD's technical review of such programs? Of the $700 million in IR&D expenses in 1972, how much goes to contractors under the $2 million ceiling? What is the Comptroller General's opinion of the legality of IR&D payments made in the absence of any technical review as to potential military value? Would it be feasible to lower the technical review threshold below $2 million?

11. With respect to IR&D proposals where the DOD is expected to pay in excess of $2 million per year, evaluate the adequacy of the contractors supporting data both with respect to estimated cost and technical justification. Since negotiated advance agreements on IR&D are of necessary sole source negotiations, do contractor submissions comply with the requirements of the Truth-in-Negotiations Act—that is does the contractor have to provide detailed cost or pricing data in support of his estimates and certify as to their accuracy, currentness and completeness? If not, why not?

12. For each of the years 1968 through 1972, identify what specific developments have been made by each of the top 25 defense contractors with respect to amount of IR&D received. For these same top 25 defense contractors identify each IR&D project in excess of $25,000 per year and indicate the potential military benefit rationale used by the DOD in accepting the project. Identify what patent applications have been made and what patents issued during this period to these top 25 contractors as a result of IR&D programs that have been subsidized by the DOD. Identify what income each company received from these patents or from prior patents developed under IR&D and determine whether or not this income has been credited to the DOD in proportion to its financial support of the project.

13. Does the DOD receive detailed technical reports or other technical data regarding technology developed under IR&D programs so that this information is considered in the development of weapons programs?

14. Does the DOD conduct reviews to evaluate the results of IR&D efforts by its contractors? What do such reviews, if any, show?

15. Apparently IR&D amounts are accepted (if under $2 million a year) or negotiated (if over $2 million a year) based primarily on historical rates of expenditures. Moreover, the DOD pays the most IR&D to the largest defense contractors. What safeguards are in effect to offset the competitive advantage this gives large, established firms in relation to new firms trying to enter defense business—and particularly small firms? What safeguards are in effect to prevent defense contractors from exploiting inventions developed primarily at public expense under IR&D in competition with other firms for non-defense business? Should safeguards be established in each of the aforementioned instances if they are not now in effect?

16. Since the DOD accepts IR&D as a general overhead cost and the AEC instead reimburses only IR&D costs, which are shown to be of direct or indirect benefit to specific contracts, and since both agencies are involved extensively in research and development work, what, if any, differences exist in the nature of the work or the circumstances under which it is performed that would justify the continued acceptance of IR&D costs by the DOD?

17. What is the practicability of completely eliminating Department of Defense payments to contractors for IR&D and B&P as allowable costs under Department of Defense contracts?

18. Same as previous question, except establishing a separate program in each of the RDT&E appropriations for IR&D and B&P with an amount of funds to be distributed directly, by contract or grant, to industry. This distribution could be based upon such factors as the experience of negotiating teams, including technical review panels, and the same criteria presently used under the existing procedures.

19. What is the practicability of a combination of the present system, with an established dollar ceiling substantially lower than the $700 million level, and a separate, directly financed program as described under the previous question?

20. What is the practicability of the continuation of the present system but based upon a dollar ceiling which is reduced 10 percent each year with an equal increase in the directly financed program described under question 2 above?

21. What is the practicability as well as the desirability of establishing a separate ceiling for IR&D as distinguished from B&P if the decision is made to establish a total ceiling in law?

22. What is the practicability as well as the desirability of establishing an independent government agency which will be responsible for the IR&D program on a government-wide basis, as opposed to the present separate agency basis?

Mr. McINTYRE. Mr. President, this is a joint letter which bears both my signature as chairman of the Research and Development Subcommittee, and Senator PROXMIRE's signature as chairman of the Subcommittee on Priorities and Economy in Government.

The I.R. & D. issue involves not only the Department of Defense and defense industry, but also other Federal agencies and nondefense industry.

This new look at I.R. & D. may result in revisions to existing legislation that could resolve this matter once and for all in a manner which will be fair and equitable both to Government and industry.

I will continue to work closely with Senator PROXMIRE toward this objective.

Mr. PROXMIRE. Mr. President, I want to join my good friend from New Hampshire, the distinguished chairman of the Research and Development Subcommittee, and express my pleasure and gratitude over the splendid cooperation that has been achieved in the framing of our joint request for a GAO study of the independent research and development program.

As Senator MCINTYRE pointed out, the Defense Department is spending an enormous amount for I.R. & D., between $700 million and $750 million annually. Most of this amount is in addition to the more than $8 billion that is being spent each year in the military research and development program.

GAO has conducted several excellent studies of I.R. & D. during the past few years. But these studies were intended to look only at the procedures employed in the program and more recently into the implementation of statutory requirements enacted by Congress.

The present inquiry has been designed for a far deeper and comprehensive probe into I.R. & D. than has ever been undertaken. Without prejudging the outcome, I think it is fair to say that we are now for the first time questioning the basic assumptions underlying the program.

My own view is that if a Government program—any Government program—cannot be justified on the basis of a hard, thoroughgoing analysis, including a measurement of costs and benefits, the program ought to be completely restructured or terminated. There is a special need to review and justify the larger, more expensive programs, and I consider a $700 million program very large and very expensive.

I congratulate my colleague for the efforts he has devoted thus far scrutinizing I.R. & D. and the military research and development program in general and I want to assure him that I will do everything in my power to make this a successful investigation.

THE DOMESTIC FISHING INDUSTRY

Mr. TOWER. Mr. President, I have recently become a cosponsor of S. 1988, to extend, on an interim basis, the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry.

This legislation has become necessary because the fish and marine life off our coasts are in danger of becoming seriously depleted and extinct; because our stocks are being seriously depleted by foreign fishing; and because international negotiations have so far proved incapable of coming to any kind of agreement.

I would like to quote from a recent issue of the SFI Bulletin, published by the Sport Fishing Institute:

> It has become increasingly evident since the mid-sixties—in spite of virtually heroic efforts by the Ocean Affairs Staff (headed by the very capable Donald McKernan) of the U.S. State Department in negotiating several helpful bilateral fisheries agreements with the USSR, Poland, Japan, and Canada—that growing foreign fishing efforts on the Continental Shelf adjacent to the U.S. cannot be effectively controlled by presently available means. Studies by the National Marine Fisheries Service have also provided substantial evidence both that the stocks of many species of coastal finfish are beoming seriously depleted and that excessive foreign fishing is a major factor.
>
> Long existing multi-national machinery, designed to provide for rational international management of such fisheries in the western North Atlantic, has proven incapable of effective regulatory action. The International Commission for The Northwest Atlantic Fisheries (ICNAF) undertook last year to consider setting equitable catch-quotas for its 15 member nations only after one member (USA) had threatened to withdraw its membership. Even so, when the US moved this year to reduce the catch-quotas, which had proven too lenient, the other members would not agree. Consequently, according to a special report in the New York Times (July 7, 1973), the United States is now once again seriously considering withdrawing its membership from the 24 year old body.

Recently, the San Diego Union had an editorial on the Law of the Sea Conference held in Geneva, Switzerland. I think you will find the following excerpts of interest:

> Few newspapers dwelt at any length, for example, on the recently concluded Law of the Sea Conference in Geneva, Switzerland. Yet there are not many affairs that concern men today which have as many seeds for future conflict.
>
> The 91 nation Geneva conference represented the culmination of three years of intensive study and discussions among smaller groups to resolve the many problems relating to territorial waters, freedom of navigation on the high seas, littoral fishing and mining rights and marine pollution. Together with the United Nations, the conference was to prepare an agenda for a larger 140 nation law of the sea conference next April at Santiago, Chile. Without such an agenda which would specify areas in which consent among nations was possible, the Chile meeting could turn out to be another meaningless debating session.
>
> Unfortunately, the Geneva meeting produced no framework for subsequent discussion. Indeed, discussion consisted largely of a restatement of national claims on the ocean—which range from a territorial limit of more than 400 miles claimed by Canada to proposals for nearly complete anarchy on the high seas as well as the closing of all international passages by maritime Communist China.
>
> These are the ingredients of instability and national confrontation that desperately need a machinery for mediation as well as a yardstick for measuring equities. Neither was established at the Geneva conference. The meeting was so unproductive that some delegates even urged that this fall's UN discussion on international maritime laws as well as the Chile summit meeting next year should both be postponed.

In the past I have not supported measures such as S. 1988. I had thought it better to wait for the outcome of the Law of the Sea—LOS—Conference to be held in Santiago, Chile, in 1974. I had thought that it was better for international relations if the nations worked together instead of taking unilateral action. However, I am not now convinced that there will be an immediate or easy solution to this complex issue. I have been told that it may take as long as 10 years for LOS to come up with an agreement. What do the fishermen in Texas, and the U.S. fishing industry in general, do in the meantime? In 10 years our fishing industry could be ruined.

Consequently, I think an interim measure should be passed—such as S. 1988. This act, which would protect our fish and marine life and extend our contiguous fishery zone to 200 miles, would only be in effect until the LOS reaches agreement. The U.S. fishing industry is in desperate need of assistance and protection until international agreement can be reached. I think that the Interim Fisheries Zone Extension and Management Act of 1973 is an appropriate method of accomplishing this. I urge your support of this needed legislation.

LIFE—A SUCCESS STORY

Mr. HUMPHREY. Mr. President, for years one of the key objectives the Congress has encouraged in our international economic assistance efforts has been the transference of American technology—American "know how", better enabling people of other countries to help themselves.

One area in which this need has been particularly acute is in the field of food processing, and perhaps the greatest success in this area has been achieved through a unique combination of the talents and experience of America's food scientists and technologists, under an initiative of the Agency for International Development's Nutrition Service, directed by Dr. Martin Forman.

Under AID's sponsorship six scientific professional societies joined 5 years ago to establish LIFE—the League for International Food Education. A seventh joined in 1970 and an eighth in 1972. As a result a total membership of 180,000 U.S. food scientists and technologists are now "on call" to answer inquiries, provide technical information, and assist in problem-solving in the developing nations. They are members of the American Chemical Society, the American Institute of Nutrition, the American Oil Chemists' Society, the Institute of Food Technologists, the American Society of Agronomy, the American Association of Cereal Chemists, the American Institute of Chemical Engineers, and the Volunteers for International Technical Assistance, banded together in LIFE under the direction of Dr. Samuel M. Weisberg as executive director. Through this group AID's missions in developing countries have access to the research, brains, and experience of almost every major U.S. private enterprise food processor.

Queries flowing into LIFE from all corners of the world illustrate the need recognized by its founders: to provide a fast-moving, individualized way in which American food scientists and technologists can volunteer in the world's "War on Hunger" and help solve specific problems.

Services provided by LIFE to help developing nations to solve their problems in nutrition and food technology include:

First. Responding to requests with help of volunteers recruited from professional societies.

Second. Maintaining liaison with universities, voluntary agencies, food industry, and government in the United States.

Third. Recruiting personnel for overseas assignments.

Fourth. Maintaining liaison with United Nations, World Bank, and voluntary agencies, universities, governments, and business abroad.

Fifth. Maintaining special information files for food problem solutions.

Sixth. Publishing monthly newsletter, special publications; presenting papers to professional societies.

Seventh. Conducting seminars and workshops on key food problems in the United States and abroad.

The Board of Directors and the officers of the League for International Food Education, in addition to Dr. Weisberg, the executive director, include the following: Albert L. Elder, Ph. D., Volunteers in Technical Assistance, president; S. Jack Rini, American Oil Chemists' Society, vice president; J. Ritchie Cowan, Ph. D., American Society of Agronomy, secretary-treasurer; Wilbur S. Claus, Ph. D., American Association of Cereal Chemists; O. L. Kline, Ph. D., American Institute of Nutrition; Louis Lykken, Ph. D.,[*] American Chemical Society; Arthur N. Prater, Ph. D., Institute of Food Technologists; and Michael R. Sfat, American Institute of Chemical Engineers.

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[*] Deceased June 1973.

LIFE newsletter: Samuel M. Weisberg, Ph. D., editor, and Ann L. Dyer, associate editor.

LIFE, though currently funded partially by AID, is a private, nonprofit voluntary tax-exempt organization and seeks private support worldwide. In view of the liaison it provides in linking government, industry, university, and international personnel, in addition to the specific services it has provided for developing countries, I doubt whether any other AID "investment" has produced so much for so little.

LIFE's monthly newsletter is circulated in 129 nations to an estimated 20,000 readers in the United Nations and worldwide voluntary agencies, in business and research institutes and universities, and to all AID missions. Articles are widely quoted and reprinted in international journals as it has become an important international information resource keeping up to date on worldwide developments in low-cost, nutritious foods. Mr. President, because of the critical importance of this effort during this time of world food shortage, and the contribution this group of American scientists are making to their government's objectives, I ask unanimous consent for insertion in the RECORD at this point the July, August, and September copies of LIFE's newsletters as illustrative of the valuable work being accomplished.

There being no objection, the newsletters were ordered to be printed in the RECORD, as follows:

BAKED GOODS FOR THE DEVELOPING WORLD: A VEHICLE FOR IMPROVING NUTRITION

We last addressed this subject in the September 1969 *Newsletter* with an article entitled "The Staff of Life." Since that date there has been worldwide research and development and some movement toward commercial production. Thus it seems timely to inventory this important area.

With reference to bread products, essentially two approaches are possible (though these are not mutually exclusive). One is to replace a part of the customary wheat flour with a suitable grade of oilseed or legume flour with the primary object of increasing the protein content and protein quality of the bread. The other approach is to fortify the wheat flour with additives which used in minute amounts improve the nutritive properties of the bread. The use of such additives does not require major changes in bakery operations. These food additives do, however, add to the cost of the baked goods and their use must therefore be justified to the baker and to the consumer in relation to the unfortified goods. Such additives are the amino acid lysine, vitamin A, thiamin, riboflavin, niacin, and iron.

In the case where composite flours are used for upgrading nutrition, several percent of defatted oilseed flour or legume flour is generally added, replacing the equivalent amount of wheat flour. In this instance the amino acid lysine is not added, but vitamins and minerals may still be. It is hoped that the oilseed flour or legume can be a native product and be less expensive than the wheat (or no more expensive) which generally has to be imported.

Research and development studies are being conducted in at least 22 countries with baked goods of the types described. Some of these studies have been underway for at least five years. Yet the commercial production of nutritionally improved baked goods in the developing world has so far proceeded very slowly.

One of the very few efforts that has achieved some success is that of the Modern Bakeries, Inc., of India (a government of India enterprise). This enterprise began in 1967 and by 1970 had achieved an annual production of approximately 50 million loaves of fortified bread. Private sector food companies in India such as the Britannia Biscuit Company have also (since 1970) been offering breads of increased protein content and quality. It is of interest that these companies have been replacing in their bread the amino acid lysine (which was for a time donated) by locally produced oilseed flours (peanut and soy).

The Protein Foods Association of India made a survey in 1970 which disclosed that in the urban areas of India 45% of families in the lower income group were consuming bread. In the 1960's, there was a 250% increase in bread consumption. It was estimated that in the first five years of the '70's, there would be a compounded growth rate in bread consumption of 13% per annum. People crowd into the urban areas of developing countries seeking regular employment. For them, baked foods constitute appealing, ready-to-eat "convenience" foods since they do not require time-consuming advance preparation by the homemaker and they taste good and look good. Thus baked goods could indeed become an increasingly important vehicle for improving nutrition in developing countries, if important constraints could be overcome. What are these constraints?

Government regulations in many developing countries require that wheat flour alone be used in breadmaking, or they may permit the addition of only a small percentage of a native crop like cassava which does nothing to improve the protein value of the flour or bread.

The people most in need of better nutrition are often least aware of what this signifies so they need to be motivated to buy improved baked goods. How to do this is still in the realm of study and experimentation. However, the use of the mass media for this purpose shows promise as has been discerned in India.

Defatted oilseed flours of suitable edible quality are frequently not available. There is often a well developed oil extraction industry *but the primary* emphasis is on the oil, and the residual oilcake is of poor quality, sometimes hardly suitable as an animal feed. There have been research and development breakthroughs on how to obtain both good oil and defatted oilseed flours. But these need now to be applied commercially. The technology for producing edible legume flours of suitable quality has been developed but still needs commercial application.

There is need for careful adaptation of the improved ingredients to match the local need for particular baked goods. Here some interesting and unexpected opportunities may appear. For example, the Indian unleavened bread chapatis can stand a wheat replacement of up to 20% by soy flour without impairment of the flavor or structure of the bread. Moreover, since the bake time is very short, when lysine (amino acid) is the fortifier, the loss of lysine upon baking is held to a minimum as compared to conventional leavened bread.

Bakeries in developing countries are generally small and use varied types of equipment, not necessarily resembling that of the developed countries. Therefore any modifications in the customary flour blends they buy are likely to encounter resistance by the baker who is not inclined to risk producing baked goods that may taste or look a little different from his customary product or that may require him to modify his traditional operations. The flour miller in turn likes to produce large quantities of one or two standardized types of flour. He is generally quite resistant to doing anything different or requiring additional processing steps.

One must infer that perhaps the key to the miller and the baker rests with a consumer who is motivated to demand baked goods of improved nutrition. This consumer in turn will need the help of his government in reducing barriers that prevent the flour miller or baker from acceding to his wishes. Once a government has made the basic decision that nutritionally improved baked goods is one of the keys to improving the "human capital" of its country, many helpful steps can be taken to accelerate progress.

In recognition of the constraints needing to be overcome and the importance of this area, the American Association of Cereal Chemists has established a committee in collaboration with the Office of Nutrition/A.I.D. and with L.I.F.E. (AACC/AID/L.I.F.E.). This committee will endeavor to marshal the technical resources of its association membership for accelerating the production of baked goods of improved nutrition in developing countries. The committee is eager to learn of the specific needs and plans in developing countries for providing baked goods of improved nutritive value and the constraints that currently retard their production. It is the intent of the Committee to provide expert technical help to overcome constraints once they are presented in sufficient detail. Please address your requests for assistance to L.I.F.E.

For additional information, a reference list, "Baked Goods for the Developing World—A Vehicle for Improving Nutrition" may be obtained by writing L.I.F.E.

THE NUTRITION FACTOR: ITS ROLE IN NATIONAL DEVELOPMENT

Primarily aimed at developed countries, this book* by Dr. Alan Berg makes an eloquent plea for a major commitment of governments to the eradication of major nutritional deficiencies. They must take actions of broad consequence. If they do so, Dr. Berg believes that as much progress can be made within a reasonable time span as has been the case with the control of malaria and smallpox. The major approaches hitherto made to improving nutrition are realistically evaluated and suggestions for betterment offered.

In a compact span of 210 pages, brilliant analysis is made of the evidence that appropriate programs for improving nutrition can provide durable development benefits far exceeding the cost. The book relates the potential of improved nutrition for rational population control.

In a concluding chapter, a plea is made for comprehensive nutrition planning and analysis. Such planning requires a new discipline of "nutrition programmers" competent to translate the findings of the scientific community into large scale action programs. This book is recommended as a must for university faculties and students, government planners, nutritionists, food technologists, and all those concerned with human welfare, especially in the developing countries.

DR. LOUIS LYKKEN: 1905–73

Dr. Louis Lykken, President of L.I.F.E., died on June 16 at his home in Richmond, California. Dr. Lykken had been the American Chemical Society representative to the

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* *The Nutrition Factor: Its Role in National Development*. By Alan Berg, portions with Robert J. Muscat. 1973, 290 pages; hardback, U.S.$8.95; paperback, U.S.$3.50. Order from Brookings Institution; 1775 Massachusetts Avenue N.W.; Washington, D.C. 20036, U.S.A.

L.I.F.E. Board of Directors since 1968 when L.I.F.E. was established.

Dr. Lykken was a devout religious person. No doubt this was an important factor in sparking his enthusiasm and devotion to the program of the League for International Food Education, an organization whose central purpose is to assist people in developing countries to better feed themselves and thus improve the quality of their lives.

During the last few months of his life, Dr. Lykken was engaged in the vigorous pursuit of funds for the support of L.I.F.E. He also did very much to increase the visibility of L.I.F.E. throughout the world. These efforts were typical of his concern for the betterment of humanity, especially in the developing world.

The Officers, Directors, and staff of L.I.F.E. will sorely miss the enthusiasm, drive and devotion which he so generously gave to this organization.

It can be stated with certainty that Dr. Lykken's family feel that a suitable tribute to his memory might be in the form of a contribution to L.I.F.E.

Textured Vegetable Proteins: Update

I. MARKETING TRENDS

"Textured vegetable proteins" (T.V.P.) was the topic of a L.I.F.E. *Newsletter* article in April 1971. Progress since then warrants an updated review. In the United States we have witnessed rapid commercial development. Worldwide attention (especially in the developing countries) has also been focused on such products. There has rapidly developed an increasing consumer demand for meat products both in the United States and overseas. This has led to shortages and steep price increases. In turn this has accelerated the production and consumer acceptance of meat analogues or extenders made from textured vegetable proteins.

There are currently at least 13 companies in the United States producing and marketing textured vegetable protein meat analogues and extenders. As a result of the steep increases in meat prices, blends of textured vegetable protein with ground meat have been offered by several supermarket chains. The price has been substantially below that of the all meat hamburger. The consumer acceptance of such blends has so far been satisfactory.

A recent marketing trend has been to accept the health aspects of textured vegetable protein foods. One package label in the United States features the complete absence of cholesterol and animal fat in a sausage type breakfast patty. This approach has also been used in Japan.

In 1971 the Food and Nutrition Service of the U.S. Department of Agriculture (in FNS notice 219, 2/22/71) allowed the use of textured vegetable protein under carefully prescribed conditions[1] as an extender for ground or dried meat, poultry, or fish. This permission pertained to the school lunch programs. *The marketing of textured vegetable proteins in the United States received a strong impetus from this government action.* Textured soy protein products are continuing to gain acceptance especially as extenders. It has been estimated that 50 million pounds of extenders will be sold in 1973 in the United States.

II. NUTRITIONAL ASPECTS

The long term nutritional aspects of textured vegetable protein products merit close attention. Meeting protein quality requirements alone will not assure the adequacy of such products. With respect to the school lunch program the USDA has set minimum requirements for T.V.P. ingredients: protein content (50%), magnesium, iron, and the water soluble vitamins; and a maximum allowance for fat content (30%). The protein efficiency ratio (P.E.R.) must not be less than 1.8 on the basis of a P.E.R. for milk casein of 2.5. It is generally indicated that the protein quality of commercial textured vegetable protein products in the USA is at least 80% that of milk casein which is the customary standard for bioassay.

The *total* list of nutrients in animal protein products as well as in vegetable protein products is a very long one and still incomplete. The digestibility and absorption for humans of nutrients from vegetable and animal protein foods is also not completely charted. The absorption of minerals and trace elements, for example, is generally more efficient when they are present in animal products than in vegetable products. Thus it seems prudent to combine both types of protein products whenever practical.

In this connection it should be noted that only a few percent of an excellent animal type protein, such as whey protein isolate or edible grade fish protein concentrate (FPC) should make a valuable nutritional addition to textured vegetable protein with a minimum alteration of the textural properties or flavor.

III. TEXTURAL BENEFITS FROM T.V.P.

There are other quite practical reasons that are paving the way for such "hybrid" products. Frankfurters, link sausage products, and meat patties can be improved in texture and juiciness by means of spun fibre textured vegetable protein as well as by thermoplastic extruded products. Emulsion type meat and poultry loaves of superior textural properties can be produced by the addition of spun fibre vegetable proteins. Poultry and fish loaves made from deboned chicken meat or deboned fish tissue can be made with the aid of substantial percentages (30–50%) of spun fibre vegetable protein. Some of these products represent a recovery of what might otherwise be by-products that are wasted or not usable for satisfying human needs.

IV. DEVELOPING COUNTRIES ARE SHOWING INTEREST

There is an awakening interest in developing countries in textured vegetable proteins. People in such countries want to consume more meat, poultry, pork, or fish products. Animal products, however, are generally scarce and expensive. The potential for satisfying this need by means of vegetable protein foods that simulate animal protein foods is a real one. Research and development with such products is being conducted in many developing countries. Among these are Mexico, Thailand, Uganda, Taiwan, India, Venezuela, and Hong Kong.

At least three consumer tests have been conducted with mothers and children in India using textured vegetable protein prepared in several different ways. In all three cases the consumer acceptance was good.

Similarly acceptance tests with school children in Bangkok were conducted under practical feeding conditions in competition with the customary luncheon foods offered daily. The children showed a distinct preference for the textured vegetable protein foods. These foods were of course flavored with the herbs and spices customarily used with similar foods in Bangkok.

The thermoplastic extrusion process will no doubt be applied first in developing countries because the capital investment in equipment is much less than for fibre spinning and the necessary technology is much simpler. The extruded products can be fitted very well into a great many modes of food preparation because they are initially very bland and can be flavored as desired.

V. FUTURE PROSPECTS

In the United States production and consumer acceptance of textured vegetable proteins is moving forward with much greater speed than had been anticipated two or three years ago. It is also very probable that an accelerated rate of usage will take place in other countries, whether developed or developing. A rapidly increasing world population, the improvement in per capita income, and the nearly universal tendency to purchase more meat products as income improves will continually press on the world meat supply and foster high prices and an insufficient supply. To fill this gap meat-like extenders and analogues are bound to find an important place.

Upon request to L.I.F.E., a reference list, "Textured Vegetable Proteins", will be supplied.

WHOLE FISH PROTEIN CONCENTRATE: NEW FDA RULING

On July 24, 1973, a new regulation (12.1202—whole fish protein concentrate) was established for the above named food additive. Under this regulation packaging of WFPC is no longer limited to one pound units. Subject to a few stipulations it may now be used as a protein supplement in manufactured foods. The WFPC product label must state as a protein supplement intended for regular use by children up to age 8, the amount of WFPC shall not exceed 20 grams per day. When used as a protein supplement in *manufactured* food, the total fluoride content of the *finished foods* shall not exceed 8 parts per million based on the dry weight of the food product.

Additional stipulations concerning the acceptable species of fish that may be used, and labelling requirements should be carefully studied in the complete regulation, Federal Register Volume 38, Number 141, July 24, 1973.

This new regulation will have an important impact on world production of whole fish protein concentrate. It should tend to give substantial encouragement to such production and consumer acceptance.

PUBLICATIONS OF INTEREST

Food Habits: A Selected Annotated Bibliography. This excellent publication by Christine S. Wilson provides abstracts of key literature references covering the period 1928–1972. The major headings are: Cultural and Environmental Factors, Food Selection, Food Ways, Implications. The section on "Implications" will be especially valuable for those working on the malnutrition problems of developing countries. The subheadings are: Food Habits and Nutritional Status; Changes of Food Habits, Spontaneous or Directed; Directing Change; Further Research Needs; and Teaching the Culture of Foods.

Available from: **Society for Nutrition Education; Box 931, Berkeley, California, 94701 U.S.A. US$1.25.**

Some Economic Aspects of the Introduction of Formulated Foods in Developing Countries **(FAO *Nutrition Newsletter,* Vol. 10, No. 4, Oct.-Dec. 1972, pp. 18–27). This paper by Cloes H. Nermank explores the economic consequences of different approaches for introducing formulated protein foods in developing countries. It compares the guiding principles applied by private industry with those of UN assisted government projects. The influence of subsidies and government purchases is analyzed. Suggestions are offered for improving the economic prospects of the UN assisted projects. Finally important guidelines are offered for controlling and evaluating protein food projects. This article deserves the close attention of all who are concerned with the success of** projects in this very difficult area of endeavor.

Available from: **Food and Agriculture Organization, Via delle Terme di Caracalla; 00100 Rome, Italy.**

Development of an Insect-Resistant Cotton Bag **(Technical Bulletin 1463, ARS USDA). This publication describes a treated cotton** bag suitable for storing cereal products such as flour or corn meal. This bag provides excellent protection against infestation by insects for up to nine months. The extent of protection was about equal to that provided by treated multiwall paper bags. The bag treatment was carried out using an emulsion of synergized pyrethrins containing pyrethrins, and piperonyl butoxide as active ingredients. The cotton bags contained a wax paper liner which helped to minimize the migration of piperonyl butoxide from the cotton bag into the cereal product inside the bag. The treated bags must be of 50 lb or more capacity, with waxed paper liners, and are intended for dry food ingredients containing no more than 4% fat. The experimental findings were confirmed by a shipment of 600,000 pounds of cornmeal to the Philippines which was stored for six months. This report should be of considerable value for all those concerned with safe shipment and storage of dry cereal products, especially for overseas use in developing countries.

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[1] The ratio of hydrated vegetable (HVP) product to uncooked meat, poultry or fish shall not exceed 30 parts to 70 parts respectively on the basis of weight, with the moisture content of the HVP at 60 to 65%.

Available from: Superintendent of Documents; U.S. Government Printing Office; Washington, D.C. 20402 U.S.A. US$.40.

IMPROVING NUTRITION IN BRAZIL

This article will describe two efforts by the U.S. Agency for International Development (USAID) to improve nutrition in Brazil by means of applied food technology. It is based largely on information supplied by Marion Frazao of the USAID Mission in Brazil. It is hoped that the concepts presented can also be applied to other developing countries.

Cassava is a major carbohydrate crop of Brazil. It is estimated that some 30 million tons are harvested per annum. While cassava is a poor source of protein, it does offer some important advantages as a carbohydrate food source.

It grows well in very poor soil. It is relatively unattractive to insects and is toxic to rodents. The cassava roots may be stored in the ground for as long as two years. It can be processed for food use with simple primitive equipment. Thus it has long been a major food staple for Brazil.

As in all developing countries, people in Brazil are moving in large numbers to the urban areas. This has fostered increasing production and sale of cassava flour sold as a retail item in food stores. This trend has provided an opportunity for testing out the fortification of cassava flour with a protein supplement.

At first with the encouragement of USAID a soy protein isolate of high protein content was tried as the fortifying ingredient for cassava. However, serious problems developed. The fine granulation of the soy isolate caused it to sift out of the blend when the product was transported to market, thus leading to a consumer product of variable composition. The soy protein isolate also proved low in the essential amino acid methionine. Upon attempting to add synthetic methionine, an unacceptable odor and flavor resulted in the product.

For the above cited reasons as well as the prospect of lowering the cost, it was decided to try soy grits which are not a soy protein isolate but a lower cost soy product resulting from the removal of the oil from dehulled soybeans. It is ground to a coarser mesh than the soy flour of commerce. The soy grits used contain approximately 50% protein. A grind was selected that blends well with the cassava flour when added at a 10% level by weight. The net result is to elevate the protein content of the cassava flour to a total of 6.5–7.0%. At present the soy grits used for the market test are imported but plans have been formulated for in-country production.

Currently a consumer acceptance test of the fortified toasted cassava flour is being conducted by a large commercial company. The product is being offered for two months in a limited area with no change in pricing, packaging, or sales promotion. The object is to see whether the level of consumer acceptance of the regular product is changed. If consumer acceptance does not decrease or if it increased, the intention will be to fortify all the toasted cassava flour made by this company.

Another product that has received the attention and support of USAID in Brazil is a powdered reconstitutable soy milk product suitable as a weaning food for infants over six months of age. This commercial product is a blend of a specially processed soy milk combined with cows milk so as to provide a ratio of 23 grams of soy protein to 10 grams of dairy protein. Tests with infants at a pediatrics hospital have indicated the product is very satisfactory for infants over six months of age.

Milk production in many parts of Brazil is very limited. Eventually this type of product should help fill a major need as a satisfactory weaning food. At present the volume sold is limited and the product price is high but it is hoped that with increasing sales, the price can be lowered so that families of low income can buy this product.

HIGH CAROTENE-CONTAINING PLANT FOODS AND THE PREVENTION OF AVITAMINOSIS A

Dr. Derrick B. Jelliffe, with the assistance of UNICEF, is attempting to collect information on dark green leafy vegetables (DGLV), and the yellow and the orange fruits and vegetables (and red palm oil), with regard to their potential use in the prevention of vitamin A deficiency. Information is needed on the availability, nutritional composition, preparation, use, and cultural attitudes concerning these foods, as well as information on related dietary and nutritional aspects of vitamin A (and the carotenes), and any nutritional programs and studies concerned with eliminating vitamin A deficiency. Available reprints of articles, food composition tables, etc., references to published materials, as well as names of individuals or institutions knowledgeable in the field would be greatly appreciated. Correspondence should be addressed to: Walter P. Price, c/o Derrick B. Jelliffe, School of Public Health, University of California, Los Angeles, California 90024 USA.

PUBLICATIONS OF INTEREST

Tempeh—An Indonesian Fermented Soybean Food (Horticulture 394, April 1973) This publication by Iljas, Peng, and Gould provides an excellent review concerning this important protein food—a staple in the daily Indonesian diet. Some major topics are "Method of Preparation", "Changes in Chemical Composition", "Nutritive Value", "Preservation", "Acceptance and Potential Use". One hundred thirty-four literature references are provided. Tempeh is made by a mold fermentation applied to soybeans which requires only 24 hours. It has a relatively bland but very acceptable flavor, especially when quick fried in hot oil. It should have a fairly universal appeal as a nutritious protein food of good flavor.

Available from: Department of Horticulture; Ohio Agricultural Research and Development Center; Wooster, Ohio USA

Protein and Immune Capacity (Dairy Council Digest 1 (4), 5; 1973). This article reviews a study reported in the Lancet (2:675–677, 1972) which clearly indicates the value of a 25 gram daily supplement of protein from skim milk powder for improving antibody production in children. The control group of children (24) received the customary school diet which provided 8 to 10 grams of supplementary protein. These children showed no visible signs of malnutrition but gave all over antibody response than the 30 children who received the milk protein. This is indicative of the value of a good protein supplement in helping provide resistance to diseases of childhood.

Available from: National Dairy Council; 111 North Canal Street; Chicago, Illinois 60606 USA

Protein Quality and PER: Concepts important to future foods (Food Product Development 5 (4), 39, 42, 66; 1971). This article by Dr. Paul A. LaChance recognizes the growing interest by the consumer in the protein content and especially the protein quality of foods. It presents clearly the various methods for evaluating protein quality and their built-in limitations. In the present light of worldwide shortages and high prices for animal protein foods, the need for evaluating protein quality becomes of major consequence because increasingly plant-type protein foods will be needed to supplement the supply of animal protein foods. Their best use in food formulation will depend on a clear perception of protein quality.

Available from: Arlington Publishing Company; 2 North Riverside Plaza; Chicago, Illinois 60606 USA

Protein: Quality and Quantity Concepts in Foods (Presented at Nutrition Update Conference, November 1972) This paper by Dr. Daniel Rosenfield should be studied in conjunction with the one by Paul LaChance. It compares the results of protein quality assays using several customary assay methods. It then attempts to introduce the concept of "biologically utilizable protein" which emphasizes the quantitative impact of the protein quality of a food. The higher the protein quality, the greater the quantity which is effective or useful as a protein nutrient. A table is presented to show the "true" cost of utilizable protein from various food ingredients when applying the concept of "biologically utilize protein".

Available from: Institute of Food Technologists (Philadelphia Section); 221 North La Salle Street; Chicago, Illinois 60601 USA.

Food Guides—Where Do We Go From Here? (Nutrition Program News, Mar-April 1973) Written by Mary M. Hill, this excellent concise set of food guides with accompanying explanatory notes charts the way in modern terms toward sound nutrition. While it is primarily designed for the United States, the basic concepts will apply anywhere in the world and the many alternatives presented permit application in many countries.

Available from: U.S. Department of Agriculture; Washington, D.C. 20250 USA

Food Quality Assurance (CAJANUS 6 (1), 30–36; 1973) The above titled article by Dr. C. M. Sammy presents with remarkable clarity and insight the problems connected with food quality assurance in a developing country. Dr. Sammy makes clear that food quality in any country is the business of three groups: the manufacturers, the statutory regulating body, and the consumer. He points out that consumer attitudes make the most important contribution towards achieving quality assurance. He concludes that the consuming public will always get the quality of products it deserves because food manufacturers must be responsive to consumer demands. Thus an alert, informed, and motivated consumer is the key to food quality assurance.

Available from: Caribbean Food and Nutrition Institute; Box 140; Mona, Kingston 7, Jamaica

Can Farm Factories Help Fill Our Food Needs in the Year 2000? This challenging brochure describes pioneering food factory farms sealed in plastic and provided with total environmental control. One is located on Sadiyat Island in Abu Dhabi and the other in Puerto Penasco, Mexico. The five acre installation on barren Sadiyat Island supplies 15 varieties of fresh produce to make a major food contribution for 40,000 people. Apparently the cost of producing this produce is quite reasonable. A third installation in Arizona (10 acres) produces nearly 3.5 million pounds of tomatoes per annum—a year's supply for 750,000 Americans. The potential for feeding people in arid developing countries is a great one once the necessary capital investment has been made and the technology fully worked out. The food production attainable with total controlled environment has been demonstrated to be increased manyfold over that possible with outdoor farming.

Available from: Superior Farming Company; 1725 K Street, NW; Room 909; Washington, DC 20006 USA

XI. WORLD'S POULTRY CONGRESS AND EXPOSITION

This quadrennial international meeting will be held in New Orleans, Louisiana, USA, August 11–14, 1974. It was last held in the United States in 1939. The sponsors are looking forward to a large participation by poultry scientists from government, academia, and industry from around the world. They are particularly anxious to encourage participation from those developing nations who at this time do not have an efficient and well organized poultry industry. The theme is "Focus on Feeding Mankind" and it is hoped that through the presentation of the scientific papers and the exhibit of new technology and the communication between scientists at the Congress, there will be a movement in that direction. For any who want additional information, contact the Congress Secretariat at Courtesy Associates, 1629 K Street, NW; Washington, DC 20006 USA.

NATURAL GAS REGULATORY REFORM

Mr. HANSEN. Mr. President, the controversy of Federal regulation of the producer price of natural gas has been going on now for almost 20 years. Since the veto of the last bill to decontrol the price of gas for reasons that had nothing to do with the merits of the legislation, there has been no serious effort by Congress to unburden the Federal Power Commission of the burden imposed upon it by the U.S. Supreme Court in 1954—a burden it did not want and certainly had not contemplated under the Natural Gas Act.

So I commend the chairman of the Senate Commerce Committee and Senator STEVENSON, who is conducting the hearings, for examining the need for legislative reform of natural gas price regulation. At the hearings the distinguished Senator from Kentucky and member of the Commerce Committee made an opening statement that all Members of the Senate should read.

In my opinion the natural gas issue is the key to the quickest possible alleviation of our energy problems and the legislative proposals now before the Commerce Committee should have the highest possible priority.

As the able and knowledgeable Senator from Kentucky said in his statement:

> The tragedy here is that we have seen this problem coming for several years. We proposed legislation, held our hearings and came up with a dry hole.

This time, we had better come up with a producer and the best and quickest way to bring new gas supplies to the interstate market is to remove Federal Power Commission controls from natural gas at the wellhead and let the laws of supply and demand—the true marketplace—provide the incentives to bring those supplies to the market.

An adequate and dependable supply of natural gas is a factor equal in importance to price. The price of gas is irrelevant, if it is not available. I believe all of us should be just as concerned that the consumer has a dependable and adequate supply of gas as we are that he gets it at a fair price.

Personally, I would rather try to explain to a constituent why his gas will cost a few more dollars a year than why he cannot have gas in his new house or why he will be laid off when the plant where he is employed has to shut down during a cold spell.

The junior Senator from New York (Mr. BUCKLEY), who represents one of the larger consumer States, has put the gas supply problem in perspective in a most comprehensive statement he made during the hearings. The able Senator from New York has not been deluded by the so-called consumer advocates who would compound the natural gas and energy shortage by more of the same remedy that has almost killed the patient.

Mr. President, I ask unanimous consent that the statements of the distinguished Senators from Kentucky (Mr. COOK) and New York (Mr. BUCKLEY) before the Commerce Committee be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MARLOW W. COOK

Mr. President, this Nation needs natural gas.

It needs this natural gas now, and it needs it in volumes which are sufficiently large to meet the requirements of the people of this land to heat their homes, cook their food, operate their commercial establishments, and build their industry.

I would hope that throughout these hearings and our subsequent deliberations that we keep this one thought upper most in our minds. We need natural gas.

This shortage of natural gas is not a situation which may happen six months from now, but rather one which is happening today. If anyone in this audience does not believe that this shortage is real, I wish that he could have been in my office last week when 28 members of the community of Somerset, Kentucky, met with me to express their very real concern for the threatened loss of 3,000 jobs in their community which will materialize this fall if more natural gas is not made available now.

The tragedy here is that we have seen this problem coming for several years. We proposed legislation, held our hearings and came up with a dry hole.

When the Natural Gas Act was passed by Congress in 1936, it provided that the regulation imposed thereby would not relate to the production of natural gas for sale in interstate commerce. In 1954, in a five-to-four decision, the Supreme Court ruled otherwise, and since that time an effort has been made by the Federal Power Commission to regulate the wellhead price of natural gas. In spite of the continuing efforts of that Commission to regulate this wellhead price, the experiment has not been successful, and we have certainly had adquate time in nineteen years to see if such regulation would work.

When announcing my co-sponsorship in the 92nd Congress of S. 2467, the so-called sanctity of contract legislation, I questioned the logic of regulating and restricting the gas industry to a greater degree than we have other segments of the energy family. It did not seem reasonable to me then, nor does it seem reasonable to me now, to restrict natural gas from seeking its price in the marketplace in the same manner in which we permit oil or coal to seek their price levels.

Federal regulation of natural gas has resulted in maintaining the price of natural gas at an artificially low level. While the prices of other and less desirable fuels have increased with the price of other commodities, the price of gas has remained low: And, as a result, the demand skyrocketed and it has been used in the past and is being used today for many purposes that could have been satisfied with coal and other fuels. Likewise, the low price has discouraged the exploration for and development of new reserves since the cost of searching for such gas, particularly in offshore areas, has skyrocketed over the past many years.

History may well record that our own greatest contribution to our own energy crisis may have been our creation of this artificial price for natural gas.

If we can believe even our most pessimistic natural resource surveys, well hidden under the surface of our continent as well as our Outer Continental Shelf are significant volumes of potential energy. If this is true, and I believe sincerely that it is true, then it's fair to ask why we don't explore for and produce this valuable natural resource. If I could answer this question with one word that word would be incentive.

The growth and power of this Nation's economy is founded in free enterprise. My son Webb mows a neighbor's lawn because he gets a couple of bucks for it. He's spurred on to find another lawn by the promise of additional dollars. I don't think this enthusiasm would continue if he were prevented from charging his customers enough to make the mowing worth his while. Webb's situation is not unlike the one in which the natural gas industry finds itself today. I believe that we must increase the incentive to explore for and produce more gas.

Others argue that incentive is not the real answer. One thing for certain the issue is highly emotional. Nobody is neutral. Everyone has strong views.

There are those who seem to think the shortage is caused by the oil industry. Others place the whole blame on the Federal Power Commission The truth probably lies somewhere in between.

I also have some firm views. I know, for example, that before the Federal Power Commission began regulating wellhead prices, drilling activity was on the upswing, the industry was finding more gas than the Nation was consuming, and there were adequate supplies for anyone fortunate enough to be close to an interstate pipeline.

Since the Federal Power Commission began setting wellhead prices, drilling has been depressed, we have consumed more gas than we have found and many consumers—including some in my own State—are having their natural gas service cut back.

One point on which most seem to agree is that the natural gas shortage is very genuine, but it is probably more severe than most Americans realize. I am also convinced that many of our other fuel problems—including shortages of propane and heating oil—are directly related to the shortages of natural gas. When people have their natural gas service restricted—which is becoming increasingly prevalent—they turn to propane and then to heating oil, thus causing a domino effect right down the line.

We must come to grips with the natural gas problem. We face the spectre of increasing dependence on foreign supplies and gloomy prospects of fuel shortages at home. We see plans for foreign gas coming into the United States at $1.25/Mcf and more. Yet we seem to be unable to decide whether the well-head rate for natural gas produced right here in our own country should be $.24 or $26/Mcf.

The shame is that even as the nation is threatened to go cold—and I don't think that statement is a bit too strong—people are still trying to find someone to blame.

Regardless of who else must share the blame, much of it belongs right here in Congress. We have too long condoned a regulatory process which just does not work. It must be measured by the record it has made. That record indicates the consumer and the country have not been served adequately.

We must take decisive action to remedy the situation. The dosage must be strong, it must be the right kind, and it must be given quickly. In the case of our total energy problem we are at one minute before midnight.

Mr. Chairman, my operating philosophy is quite simple. When something doesn't work, you don't expand it or extend it. You change it. I think this is what we must do in the case of well-head prices.

That we must increase the well head price of natural gas is to me academic. By how much—and by what means remains a question.

Certainly there should be no argument concerning new gas. It is argued that so called old gas may not be entitled to these increases. I can understand this argument as exploration and production costs have already been provided for. However, it would seem to me that we must arrive at some solution which would permit an increase in old gas to provide the funds required to finance new exploration and new production. This seems to be the most logical way to generate sufficient cash flow to permit producer to provide the gas we need.

There are those who would characterize such action as being anti-consumer. As the ranking minority member of the consumer subcommittee of this committee, I have a particular responsibility to the consumer and I believe that price incentives would be in the consumer's interest. As we deny the consumer the product he needs we reduce his standard of living. As we curtail his industrial expansion we create economic loss. To me the reduction in living standards and the economic loss resultant from such curtailment is anti-consumer.

But it is important to weigh very carefully the impact that these increases will have on the consumer.

In August of this year the foster associates released a study concluding that if the field price of all natural gas *not* under contract immediately rose to 55 cents per thousand cubic feet, the average householder would pay only $8.30 more per year for his supply starting next January 1. This would be an increase of only 5.3 percent on an average yearly bill of $155.73. By 1980, the price increase would amount to $33.06 annually. (The average price of natural gas now sold in interstate commerce is about 21 cents per thousand cubic feet.)

The study shows that price increases to the householder would be gradual and minor for two reasons:

—Most of the gas now being sold is under fixed price contracts, generally for periods of twenty years.

—Only seventeen percent of the consumer"s bill consists of the field price of natural gas. The rest goes to pipe line companies and local distributors.

The study also lists the increases the consumer might expect if the field price went to other assumed levels, either higher or lower than 55 cent per thousand cubic feet.

I am concerned, Mr. Chairman, as you apparently are, as to what happens if well-head prices are deregulated in a time of shortage. I am also concerned that the increased revenues resulting from deregulation are directed back into domestic exploration and development. I plan to study these issues very carefully over the next several days.

But I am primarily concerned that we solve the natural gas shortage. And I think this can best be done by relying more heavily on the forces of the private market system, than by relying on the forces of the regulatory process.

These hearings are extremely important, and I hope as a result of them we can move forward with legislation to solve the gas shortage.

Statement of Senator James L. Buckley

I want to thank the Committee for allowing me a few minutes to discuss with you my views of these important natural gas matters. I represent an energy consuming state with a population of more than eighteen million. In area after area of New York State, natural gas pipeline companies are refusing to connect new homes. This past year, service has been interrupted to long-term industrial customers. Yet geologists tell us we have vast reserves of natural gas remaining to be discovered within the United States.

The focus of Congressional action, therefore, should be to determine why it is that we have shortages amidst this potential plenty. Once we have identified the causes, we can prescribe the proper remedies.

As a participant in the Senate's national fuels and energy study, it has been my privilege to attend a series of hearings and briefings which has served to sharpen my own understanding of the scope and long-term implications of what has come to be called our "energy crisis."

The facts now publicly available ought to speak for themselves. We are faced with a chronic and growing shortage of environmentally compatible domestic fuels which for the next 10 to 15 years will make us uncomfortably dependent on foreign sources in order to meet up to 25 percent and more of our projected energy needs by the year 1985.

It is not my purpose today to discuss the security and economic aspects of the energy crisis, although they are clear enough given the new outbreak of war in the Middle East. Rather, I wish to address myself to an examination of the interests of my constituents as consumers of energy. In recent years, New Yorkers have had more than their share of brownouts and shortages. It is clear that New Yorkers and all other American consumers of energy have an interest in the outcome of the hearings you have commenced today. Their concern is every bit as immediate and every bit as urgent as that of the energy-producing states, some of whose representation you have just heard.

One thing which I hope will emerge from these hearings is a better understanding of where the consumer's interest really lies; for it seems clear from the evidence to date that we are witnessing a classic example of the harm done to the ultimate interests of the consumer by an excessive zeal in attempting to protect him, through government intervention, from the workings of the marketplace.

Perhaps the most objective summary of the U.S. energy problem I have read was published in a recent issue of the very scholarly British Petroleum Press Service. From their vantage point 3,500 miles from our East Coast, this is what the authors had to say:

"Natural gas is in many ways the key to the U.S. energy problem, creating an imbalance because of the interchangeability of fuels in four of the major energy markets and the ease by which they could convert to gas. Its rapid growth over the last twenty years or so has been stimulated by artificially low prices, controlled by the Federal Power Commission on behalf of Congress. This might have been justified at a time when natural gas was virtually a by-product of oil exploration and production but hardly when demand had risen so high that gas was supplying about one-third of the total energy market, second only to oil. The result of low prices has been to discourage exploration for new reserves, which have shrunk to only twelve years' supply at current production rates . . ."

The article concludes that: "Because of apparently unlimited supplies of indigenous fuels, energy in the U.S.A. has always been cheap: indeed, a major factor in the nation's economic growth and prosperity. More recently however it is apparent that energy has been too cheap, leading to a certain degree of waste but more importantly to a lack of incentive in developing new resources to meet the very demand that low prices have created."

Clearly, an important contributor to our present energy crisis was the decision of the Federal Power Commission a decade or so ago to regulate the wellhead price of gas delivered to interstate pipelines. This interference with market forces resulted in a diversion of risk capital from exploration to other investment opportunities, and of newly discovered gas into intrastate uses. At the same time, it created a rapidly expanding market for gas which resulted in the displacement of a substantial part of the market for oil and coal. Oil and coal could not compete with the lower cost of regulated gas. On a B.t.u. basis gas has been selling for about one-half the price of oil, despite its superiority as a fuel. Thus the regulation of the wellhead of gas has not only resulted in the rapid depletion of existing reserves, it has diverted too much of our natural gas away from its best use, and has destroyed the incentive to develop new gas for delivery into interstate pipelines.

This contention is amply supported by the statistics. In 1971, for example, there were 437 exploratory wells completed as gas discoveries in the United States as against 822 such discoveries in 1956, the year the FPC first proposed to control wellhead prices for gas. In 1972, 9.4 trillion cubic feet of gas were added to our national reserves as against 24.7 trillion cubic feet of gas in 1956.

The experience in the Permian Basin after 1965, when the FPC first moved to impose area controls on gas producers, offers a classic example of how FPC policies have served to channel new gas into intrastate markets with a consequent loss to interstate markets. Mr. Chairman, I ask that the table of figures appearing at this point in my prepared statement be incorporated in the printed record of these hearings.

NEW GAS COMMITMENTS IN THE PERMIAN BASIN, 1966–70

Year	Percent committed to intrastate market	Percent committed to interstate market	Total commitments (billion cubic feet)
1966	16.3	83.7	178.0
1967	21.8	78.2	77.2
1968	87.2	12.8	156.1
1969	83.3	16.7	175.8
1970 (6 months)	90.9	9.1	113.4

Source: From FPC data.

What the figures in the table tell us is that while, in 1966, 83.7 percent of new Permian Basin gas was sold to interstate pipelines, by the end of the first 6 months of 1970 the proportion of new gas being committed to interstate as opposed to intrastate markets had been reversed. In the first six months of 1970, 90.9 percent of new Permian Basin gas was being sold to intrastate consumers while only 9.1 percent was connected to interstate pipelines. Interestingly enough, the most dramatic change in the pattern of gas commitment took place in

1968 following a Supreme Court decision affirming the FPC's Permian Basin area rate decision.

In plain English, what all these statistics add up to is that when gas producers compare their increasing costs of exploring for and producing new gas to the regulated price at which they are allowed by the FPC to sell it, they tend to conclude that the possible rewards simply do not justify the investment of risk funds to find new gas for commitment to the interstate market. One does not have to be a Ph. D. in economics to understand why, under existing policy, the domestic oil and gas industry has not been moving mountains for the privilege of providing East Coast consumers with a premium fuel at regulated prices.

Let us examine some of the realities of present and future supply which have resulted from Federal regulation.

Since the FPC began regulating the wellhead price of gas in a widespread basis, we have witnessed a rapid depletion of existing reserves from a 20-year supply in 1963 to less than an 11-year supply in 1971. Since 1968, our Nation has consumed approximately twice as much natural gas as it has discovered and added to present reserves.

According to testimony given at the energy study hearings last January by Chairman John N. Nassikas of the Federal Power Commission, the FPC's Bureau of Natural Gas has projected, on the basis of current rates of discovery: "An annual gas short fall of domestic supply to anticipated demand (that) will range from about 10 (trillion cubic feet) in 1980 to about 18 Tcf in 1990."

We can work to limit demand through intelligent energy conservation measures, but even the most optimistic must agree that we are left with a substantial deficit that will have to be met from five principal supplemental sources of gas. These are, first, pipeline imports—largely from Canada, including Alaskan gas transported by pipeline through Canada; second, liquefied natural gas imports; third, gas derived from coal; fourth, synthetic natural gas derived from liquid hydrocarbons; and fifth, natural gas discovered in the United States above and beyond the rates of discovery projected on the basis of current policy. According to Mr. Nassikas, the first three supplementary sources "could reduce the annual projected gas deficit to about 10 Tfc in 1980 and 18 Tcf by 1990." These deficits, it should be noted, amount to approximately 27 percent of the 1980 demand and 37 percent of the 1990 demand.

This brings us to the question as to which of these supplementary sources offers the consumer the best hope of meeting his projected needs at the lowest cost? Let us examine each in turn; but, first, by way of a bench mark, let us recall the current costs of regulated natural gas. In 1970, the average wellhead price of gas subject to FPC regulation was about 18 cents per Mcf, and it is in the vicinity of 24 cents now. The transported city gate price of that gas at New York City is an average of 60 cents. By the time the gas reaches the individual household, about another $1.20 for distribution costs, and so forth, will have been added. This brings the cost to the housewife to about $1.80 per Mcf.

First. Pipeline imports: the quantity of Canadian gas which will be available for importation into the United States is, of course, highly dependent on Canada's own energy policies and on the rate at which Canada's exportable reserves can be increased. These are not factors over which American policymakers have any direct control. With respect to Alaskan gas, even if huge reserves are discovered on the Arctic Slope, it will take years before a pipeline can be completed from the fields to the border between Canada and "the lower forty-eight"; and because of the enormous projected cost of such a pipeline—between $3 to $5 billion—it is estimated that the cost of delivering pipeline gas from the Alaskan Arctic to the U.S. border would range upwards from 90 cents to $1.40 per Mcf. Thus there is little reason to believe that we can improve on the FPC's admittedly optimistic estimate that by 1985, net pipeline imports could satisfy as much as 4.8 percent of projected demand; and to the extent that these imports consist of Alaskan gas, the price will be substantially higher than the currrent city gate price for U.S. pipeline gas in New York City.

Second. LNG imports: the cost of delivering Algerian LNG to the East Coast has been estimated at from 84 to 91 cents per Mcf. The estimated cost to produce and deliver a thousand cubic feet of gas under the proposals now being explored with the U.S.S.R. range from $1.25 to $1.50 or two to 2½ times the delivered price of domestic gas at New York City.

Third. Gas from coal: based on an application filed with the FPC, the estimated cost of a commercial project to produce gas from coal mined in the four corners region of New Mexico, is $1.21 per Mcf.—a "wellhead" price over twice the delivered price of natural gas at New York City.

Fourth. Synthetic natural gas produced from liquid hydrocarbons: based on applications filed with the FPC, the cost of synthetic gas is estimated to range from $1.10 to $1.80 per Mcf.—two to three times the delivered price of natural gas at New York City.

Fifth. Natural gas discovered in the United States above and beyond current rates of discovery; there is no doubt that the gas is there to be discoveerd. The U.S. Geological Survey estimates that 2,100 trillion cubic feet of natural gas, recoverable under present technology, remain to be discovered within the United States including the Outer Continental Shelves. This represents almost a hundred year supply at the 1971 rate of consumption. Estimates may vary as to how much of this potential may be available at costs comparable to those of alternative fuels, but it is safe to conclude that much domestic gas remains to be discovered if the industry is allowed the incentives to go out and find it.

The question to be asked, therefore, is what action is best designed to stimulate a resumption of large scale exploration for new gas for interstate markets, and what will be the probable effect of this action on the consumer? Only when we have the answers can we make a judgment as to which of the supplemental sources of gas offers the consumer the best prospect for meeting his future demands at a reasonable price.

Economists have concluded that if the wellhead price of new domestic gas is deregulated, domestic exploration and development will experience a substantial surge. The extent to which new gas supplies, free from continued price regulation, would be elastic to price is subject to debate as is any economic assessment of the future. I am nevertheless confident that supply would be responsive to price. This is supported by the experience of price. This position is supported by the experience of states, such as Oklahoma, in which a substantial market has been developed for locally produced gas that can be sold at unregulated prices. Oklahoma is experiencing an exploration boom, but only because any gas discovered can be sold within the state at prices more than twice the amount allowed by the FPC for interstate sales. I am also confident that so long as new gas remains regulated at the wellhead, as it is today, we may expect the supply-demand gap for interstate gas dealers to continue to expand.

For the reasons cited, I believe that our basic near- and intermediate-term efforts to provide gas for American consumers should be centered around stepped-up domestic production. It is the least costly of the alternatives.

These conclusions are supported by the testimony of any witnesses who have appeared at the S. Res. 45 Energy Study hearings. The conclusion is that potential U.S. gas reserves were sufficiently high to warrant stepped up production under economic conditions conducive to development. A growing host of academic economists, and the press also support this thesis. The Washington Post, Fortune, Barron's, the Wall Street Journal, bank studies and other analyses, not to mention the industry's own calculations, all points to the need to stimulate domestic gas production by freeing the wellhead prices of new gas.

Such a policy will serve an additional purpose, and that is to provide a disincentive to waste. It will favor residential and commercial over uses which may be less related to human needs. In other words, some industries now relying on low-cost natural gas will probably switch to other fuels, thereby conserving gas, once the price of natural gas raises to a level at which other fuels such as oil and coal can compete with it.

But even though gas prices would rise under such a policy of deregulation, they would not rise as quickly as they would under a policy which discouraged conventional natural gas production and encouraged the development of the more costly supplemental sources.

Further, even with the freeing-up of new gas at the wellhead, the burden on consumers would not constitute a shock effect. Residential and commercial consumers in particular would be paying perhaps as little as 5 percent a year more for their gas. This is because the higher priced new gas would be rolled-in with the cheaper old gas that consumers are now burning, and which would continue to be produced under existing long-term contracts.

Based on all the facts, Mr. Chairman, I think the conclusion is inescapable that the interests of the energy consuming citizens of this country will best be served by freeing newly discovered gas to find its own level. I believe the evidence compells the conclusion that the most effective single contribution the Congress can make toward relieving near-term energy shortages is to free natural gas sales at the wellhead from government controls.

The bill under consideration, S. 2506 appears to be a step backward in that the effect would be likely to inhibit the development of additional natural gas supplies rather than enhance them. Extending regulation to intrastate sales hardly could be described as helpful when the basic cause of the problem is regulation. Moreover, establishing differing criteria for deciding upon which firm's output is controlled and which are uncontrolled, can only duplicate the confusion we have witnessed in the differential controls over agriculture in the Economic Stabilization program.

We have paid a very high price for our overzealous attempt to protect the consumer against the operations of the marketplace. I hope we will learn from this experience the ancient lesson that the one sure way to create a shortage in a given commodity is to try to hold its price below the level which justifies its production. There are certain economic laws which even the U.S. Congress cannot legislate out of existence.

JAMES H. GAMBLE RETIRES

Mr. JACKSON. Mr. President, on June 30, Mr. James H. Gamble retired from the professional staff of the Senate Committee on Interior and Insular Affairs.

Mr. Gamble, the senior professional member of the staff, had served the committee since the beginning of the 84th Congress. Prior to his appointment to the committee in 1955, he had been legislative assistant to the Honorable Clinton P. Anderson, of New Mexico, during the 82d and 83d Congresses.

Jim's career on the Interior Committee staff is an example of the way the professional staff system was intended to work under the provisions of the Legislative Reorganization Act of 1946. He was appointed to the staff by the late James E. Murray, of Montana, then chairman, at the outset of the 84th Congress. Assigned to the Subcommittee on Indian Affairs, and later given the additional responsibility for the Subcommittee on Territories and Insular Affairs, he served under seven subcommittee chairmen. At all times Jim served members on both sides of the committee table with equal professional skill, willingness, and enthusiasm.

Mr. Gamble is not only well known for his work on the committee, but he has for many years been a member and officer of the Senate Staff Club, as well as an active pilot with the Congressional Flying Club.

Mr. President, at a recent executive session, the Committee on Interior and Insular Affairs adopted a resolution respecting Mr. Gamble's departure. I ask unanimous consent that the resolution and appended letter be printed in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, James H. Gamble did serve as a member of the professional staff of the Senate Committee on Interior and Insular Affairs for more than eighteen years, having been appointed by the late Senator James E. Murray of Montana, then Chairman, at the beginning of the 84th Congress in 1955; and

Whereas, Mr. Gamble did serve under three different full Committee Chairmen and seven Chairmen of the Indian Affairs and Territories and Insular Affairs Subcommittee; and

Whereas, Mr. Gamble's services, both professional and personal, were always equally available to all Senators on the Committee from either party and were rendered with skill, conscientiousness and enthusiasm, in the highest tradition of professionalism in conformance with the intent with the Legislative Reorganization Act of 1946;

Now, therefore, be it resolved, That the Members of the Senate Committee on Interior and Insular Affairs in executive session assembled do hereby concur in and adopt as its own the letter addressed to James H. Gamble by the Chairman, dated September 14, 1973, as the expression of the Committee's high regard for him. A copy of said letter is attached to and made a part of the resolution.

U.S. SENATE,
Washington, D.C., September 14, 1973.

Mr. JAMES H. GAMBLE,
3407 Barger Drive,
Falls Church, Va.

DEAR JIM: On behalf of all the Members and myself, I want to express our sincere appreciation to you for the more than eighteen years of dedicated public service which you rendered to this Committee, the United States Senate, and to the Nation.

All of us who have worked with you through the years and who are familiar with the operations of the Senate are cognizant of the significant role you played in initiating and shaping important legislation affecting the Indian Tribes and the Territorial areas.

The Committee wishes you every success in the years ahead.

With best personal wishes,
Sincerely yours,
HENRY M. JACKSON,
Chairman.

NATIONAL OPPORTUNITIES INDUSTRIALIZATION CENTERS DAY

Mr. ROTH. Mr. President, today has been set aside throughout the United States as National Opportunities Industrialization Centers Day—a day in which we should all pay special tribute to one of the most successful manpower training movements in our history.

The OIC was founded 9 years ago by a group of Philadelphia ministers, led by the Rev. Dr. Leon H. Sullivan. Since its humble beginnings in an old jailhouse in Philadelphia, it has expanded to more than 100 centers throughout the United States, and trained over 120,000 people. As the largest private, nonprofit minority manpower institution in the United States, the centers provide free skills, training, and placement to unemployed, underemployed and disadvantaged men and women.

The Delaware Opportunities Industrialization Center, under the able leadership of Mr. James M. Lightfoot, was selected as the No. 2 OIC in the Nation in 1972. They have been a powerful force in the State of Delaware and many business firms have expressed their gratitude for the contributions which OIC had made to manpower training in the State.

From an economic standpoint, the OIC's have saved taxpayers over $100 million in welfare payments, by providing an opportunity for the poor to earn their way out of poverty. From a humanitarian standpoint, I believe that this organization has been a powerful force in this country. The people who have participated in it have been able to move from the frustration of dependence to the dignity of self-reliance. It is my hope that this great movement, with its roots in the idea that "everybody can be somebody," will have a long and successful future.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in August, 1969 the section of individual rights and responsibilities of the American Bar Association reconsidered the question of U.S. ratification of the Genocide Convention. They concluded that this treaty is a document of human liberty consistent with and in furtherance of the American tradition. They note that our present position is tantamount to saying, "We are against genocide, but we do not want to put it in writing." Thus, by not signing this convention, we only dissipate our influence and supply fuel for those who would like to characterize the United States as a hypocrite.

Former Chief Justice Earl Warren in an address before the National Conference on Continuing Action for Human Rights in 1968 has said:

> We as a nation should have been the first to ratify the Genocide Convention. . . . Instead, we may well be near the last. . .
>
> This sad record and the responsibility for it lie squarely with those who have a parochial outlook on world problems. They have failed to measure the element of change in the world. They have failed to recognize men and their institutions do not stand still in the face of great changes. We are not so uncertain of ourselves and our future that we cannot make our institutions conform to our needs as a progressive people.

Mr. President, it is my belief that we can make the necessary changes to meet new challenges. This has always been a hallmark of the American tradition. Today, it is necessary that this Chamber move quickly to ratify the Genocide Convention so that we may reassure the world community of our continued dedication to the principles of human rights. I urge my colleagues to join me in the effort to obtain ratification during the current Congress.

THE MIDEAST

Mr. MONDALE. Mr. President, newspaper reports indicate that the Soviet Union is presently transporting large tonnages of military aircraft and equipment to Egypt and Syria. These actions not only violate the third principle of the Basic Principles of Relations signed in Moscow in 1972, but they are likely to have the effect of expanding the scope and length of hostilities in the Middle East. These Soviet actions, in fact, represent one of the most grave and serious threats of major power confrontation that we have seen in the past 25 years. They have the further effect, needless to say, of seriously undermining the current détente between the Soviet Union and the United States.

I hope and pray that the administration has taken whatever steps are necessary to insure that Israel is promptly resupplied with any equipment she needs to defend herself against this mammoth replenishment of Arab forces by the Soviets. The United States must honor its long-standing commitment to the existence of Israel by insuring that it has the tools with which to repel this latest act of aggression. Israel must be able to count on American resupply in order to defend herself while sustaining substantial losses of aircraft to Soviet SAM-6 missiles deployed along the Suez in violation of the 1970 cease-fire.

I also urge that the United States give full diplomatic support in the U.N. and all other forums to arrive at at a genuine peace which not only recognizes the existence and independence of the State of Israel, but which also guarantees secure borders that do not reward aggression.

TIMBERING IN U.S. FORESTS WILL CUT RECREATIONAL USE

Mr. TAFT. Mr. President, recently there have been indications that the Forest Service still plans to shift its priorities toward increased timber production and away from recreation and conservation-oriented activities.

As I have said repeatedly, it would be a mistake to compromise wilderness management programs significantly in the name of fulfilling high timber demands, which are now dropping. This would be particularly ill-advised in view of Americans' drastically increasing recreational needs.

While I realize that the Forest Service's budget is a severe constraint, adequate management and reforestation of Federal lands are not the kind of activities that can be cut back for awhile without severe consequences in terms of inadequate conservation. I am pleased to see that the Chief of the Forest Service realizes his programs are "out of balance" and I hope others in the legislative and executive branch will quickly come to that realization.

The present situation emphasizes the need for further congressional land management guidelines which make clear that reasonable efforts to preserve Federal lands for recreational use should not be sacrificed. The Agriculture Committee has such legislation before it; it is my hope that the commitee will act expeditiously.

I ask unanimous consent that an article published in the New York Times on August 17, 1973, entitled "Timbering in U.S. Forests Will Cut Recreational Use," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIMBERING IN U.S. FORESTS WILL CUT RECREATIONAL USE

(By Andrew H. Malcolm)

BIG TIMBER, MONT., August 14.—Forest Service rangers across the country have begun implementing basic new policy directives from Washington that favor increased timber production over recreational uses on the 187 million acres of national forest lands.

The result, beginning within weeks, will be substantially reduced camping, picnicking, boating, swimming, skiing and hiking opportunities while more national forestland is opened for harvesting by timber interests.

"This is quite a traumatic experience for us," said one concerned ranger here in Montana's Gallatin National Forest "What you're talking about is putting up lots of gates on national lands financed by the people you're keeping out."

PRIORITY LISTING

The ranger, George T. Schaller, is one of four men on a special Gallatin Forest Committee now compiling a detailed priority listing of this forest's recreational facilities and those that may be closed.

The reason is primarily a lack of money. The Forest Service, which provides more outdoor recreational opportunities than any other Federal agency, had a budget last year of $561.8-million.

But, in line with President Nixon's economy measures, the services requested budget this fiscal year is $79-million—when recreational use of such lands increases about 5 per cent a year.

According to forest officials, that budget cut in itself would be enough to prompt extensive reductions in some of its recreational forest uses. Last year, the national forests reported 198.1 million visitor days (one person for 12 hours or any other combination for a 12-hour day).

MULTIPLE USES

By law, the Forest Service is required to manage the 155 national forests for sustained yield and balanced multiple uses—recreation, timber production, wildlife management and watershed control.

As part of this policy, each year the Forest Service offers so many billion board feet of timber for bidding by private lumber firms. (One board foot equals one square foot of wood one inch thick.) The nation has an estimated 2,000-billion board feet, half of it in national forests.

This year, the Forest Service proposed offering 10.8 billion board feet for sale, well under the 13.6 billion board feet it grows annually.

But on May 29, Earl L. Butz, Secretary of Agriculture, and John T. Dunlop, director of the Cost of Living Council, ordered that an additional one billion board feet be offered in an effort to hold down inflation and the cost of timber.

ADDITIONAL EXPENSES

Because the Forest Service must survey what additional timber may be cut, appraise it, take bids on it, build access roads to the trees and police the actual cutting and clean-up procedures, an additional $20-million will be spent.

John R. McGuire, chief of the Forest Service, says timber sales eventually bring the Federal Government $4 for every $1 spent on sales. But that money will not arrive until the wood is actually cut—in two to four years. So a supplement appropriation from Congress is one income possibility. And a reduction in other services, such as pest control and recreation, is another.

"The real issue is keeping our multiple-use forest program in balance," Mr. McGuire said in a telephone interview. "Currently, we are stressing timber production over all the others. We are out of balance now."

Mr. McGuire suggested in a directive that each National Forest scrutinize its recreational facilities and weed out those that are uneconomical, that receive limited use for the maintenance expenses required. One guideline suggests closing all picknicking, boating and swimming sites that cost $6 or more per visitor to maintain.

ENDANGERED CAMPGROUND

Another guideline suggests closing campgrounds where the maintenance cost is more than $3 per visitor a day. This places about 12 per cent, or more than 900, of the Forest Service's campgrounds in the endangered category.

But Mr. McGuire's directive left the actual implementation up to the individual forest. So forest officials from the State of Washiington to New England have begun their cutback studies.

Here in the Gallatin National Forest, a sprawling 1.7-million-acre area in southwestern Montana, Lewis E. Hawkes, forest supervisor, formed a special committee to examine recreational facilities.

Committee members know that the timber production here for the fiscal year 1973 was 12.5 million board feet. The current year's planned sales are almost double—23.6 million board feet, primarily for posts, telephone poles, Christmas trees and logs for cabins.

LIST EXPECTED SOON

The committee's work is not easy. As Mr. Schaller put it, "How do you rate a campground against a picnic site?" Within a few weeks, however, the men will have ranked every facility, including tourist information centers, in numerical priority with varyng options.

These include complete closure, closing part of a little-used campground, halting all maintenance work in some facilities requiring campers to carry out all their trash and waste, letting nature's plants reclaim some hiking trails, closing other roads and reducing hunting access.

Even some campgrounds that are maintained may be opened later in the spring and closed earlier in the fall, beginning perhaps next month. Financing of any new recreational facilities is halted.

But looking ahead, Mr. Schaller anticipates extra costs even for closing facilities. These would include gates and signs.

"And don't forget," he added, "we'll have to answer all the irate phone calls and mail from Congressmen and campers."

THE MIDEAST

Mr. TUNNEY. Mr. President, there has been an ominous new development in the Middle East warfare. Israel has charged that the Soviet Union is carrying out an airlift of military equipment to Syria and Egypt. It is obvious that the fighting will not cease if the Arab States are continually resupplied by their Soviet sponsors. Israel cannot fight the Soviet Union along with the Arab States.

It is imperative at this juncture for the U.S. Government to take immediate steps to restore the military balance upset by any Russian shipments. Our commitment to the territorial integrity and survival of the Israeli nation must be upheld, and now is the critical time. I will support any administrative action to meet Israel's request for military hardware at this time. The administration has available authority to make sales of Phantom jets on credit terms, to ease the economic burden on Israel. If the administration needs more authority, I am certain the Congress will act quickly to grant it. In any case, the military credit sale authorization for fiscal year 1974 is still in House-Senate conference, and I am sure the Congress will adjust that figure before final passage to ensure that enough money will be available to sell needed aircraft and ammunition to Israel.

If the Soviets, far from seeking to end this tragic bloodshed, are encouraging more Arab States to enter the war, and are resupplying and supporting their aggression, they are flying in the face of improved relations with the United States.

THE RESIGNATION OF THE VICE PRESIDENT

Mr. MATHIAS. Mr. President, today, our first concern and our first task is the rebuilding of confidence in the Nation and in ourselves. I trust that every American will see his duty to examine his own conscience as together we elevate the standard of integrity in public service.

Spiro Agnew has bowed to the majesty of the law. New faith in the rule of law has been bred. The Nation has proved itself strong in the continuing crises of a disastrous decade.

We have all witnessed a tragedy that is both public and personal. The high drama should not leaven our compassion for the families and friends whose anguish must equal the remorse of the principals.

RETIREMENT OF BERNARD C. HARTUNG FROM SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, on September 15, 1973, Mr. Bernard C. Hartung retired from the professional staff of the Senate Committee on Interior and Insular Affairs.

Mr. Hartung had served the committee since the 91st Congress, having been appointed to the staff in 1970. Assigned to the Subcommittee on Parks and Recreation, he served under the direction of Senator ALAN BIBLE, chairman of that subcommittee. At all times Bernie served members on both sides of the committee table with equal professional skill, willingness, and enthusiasm.

Mr. President, at a recent executive session, the Committee on Interior and Insular Affairs adopted a resolution respecting Mr. Hartung's departure. I ask unanimous consent that the resolution and appended letter be printed in the RECORD.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, Bernard C. Hartung did serve as a member of the professional staff of the Senate Committee on Interior and Insular Affairs for more than three years, having been appointed by Senator Henry M. Jackson, of Washington, Chairman at the beginning of the first session of the 91st Congress in 1970; and

Whereas, Mr. Hartung did serve under the direction of Senator Alan Bible, Chairman of the Subcommittee on Parks and Recreation; and

Whereas, Mr. Hartung's services, both professional and personal, were always equally available to all Senators on the Committee from either party and were rendered with skill, conscientiousness and enthusiasm, in the highest tradition of professionalism in conformance with the intent of the Legislative Reorganization Act of 1946;

Now, therefore, be it resolved, That the Members of the Senate Committee on Interior and Insular Affairs in executive session assembled do hereby concur in and adopt as its own the letter addressed to Bernard C. Hartung by the Chairman, dated September 14, 1973, as the expression of the Committee's high regard for him. A copy of said letter is attached to and made a part of the Resolution.

U.S. SENATE,
Washington, D.C., September 14, 1973.

Mr. BERNARD C. HARTUNG,
Auburn, Calif.

DEAR BERNIE: On behalf of all the Members and myself, I want to express our sincere appreciation to you for the years of dedicated public service which you rendered to this Committee, the United States Senate, and to the Nation.

All of us who have worked with you through the years and who are familiar with the operations of the Senate are cognizant of the significant role you played in initiating and shaping important legislation affecting our National Park System.

The Committee wishes you every success in the years ahead.

With best personal wishes,

Sincerely yours,

HENRY M. JACKSON,
Chairman.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NONCONSERVING CROP FAILURES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2491, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar Order No. 395, a bill (S. 2491) to repeal the provisions of the Agricultural and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains.

The Senate proceeded to consider the bill.

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes.

The motion was agreed to; and at 12:40 p.m. the Senate took a recess for 30 minutes.

The Senate reassembled at 1:10 p.m., when called to order by the Presiding Officer (Mr. HUGHES).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

REPORT ON COMMUNICABLE DISEASE CONTROL ACTIVITIES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

The enclosed report on communicable disease control activities, sent to me by the Secretary of Health, Education, and Welfare, is forwarded as required under Public Law 92-449.

RICHARD NIXON.

THE WHITE HOUSE, *October 11, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations received today, see the end of Senate proceedings.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on the pending measure, there be a time limitation of 30 minutes, to be equally divided between the Senator from Vermont (Mr. AIKEN) and the Senator from Georgia (Mr. TALMADGE); that there be a time limitation on any amendment thereto, debatable motion, or appeal in relation thereto of 30 minutes, to be equally divided in accordance with the usual form, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

What is the pleasure of the Senate?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order providing for consideration of the conference report on appropriations for Treasury and Post Office at this time be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH), my senior colleague, be allowed to proceed on another matter on the calendar, which has been cleared for consideration.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I am told by the staff that Senator JAVITS and Senator BUCKLEY are on the way to the Chamber and that they would like to be here before debate is concluded.

Mr. RANDOLPH. They both promised they would be here by 1:30 p.m.

Mr. GRIFFIN. I understand they are on the way.

Mr. RANDOLPH. We have a committee meeting at 1:30 at which I must preside and I wish to make a brief statement on this bill.

Mr. GRIFFIN. Then, before final passage we could wait for them.

Mr. RANDOLPH. That is understandable, I say to the distinguished Senator.

The PRESIDING OFFICER. Will the majority whip again state his unanimous-consent request. The Chair could not hear.

REIMBURSEMENT FOR SEWAGE TREATMENT FACILITIES CONSTRUCTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration at this time of calendar No. 435, Senate Joint Resolution 158, and that there be a time limitation thereon of not to exceed 15 minutes, to be equally divided between Mr. RANDOLPH and Mr. BUCKLEY.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution will be stated.

The legislative clerk read as follows:

"A joint resolution (S.J. Res. 158) to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended."

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Public Works with an amendment to strike out the preamble and all after the resolving clause and insert:

SECTION 1. Notwithstanding the requirements of subsection (c) of secton 206 of the Federal Water Pollution Control Act, as amended (Public Law 92–500, 86 Stat. 838), applications for assistance under section 206 may be filed with the Administration of the Environmental Protection Agency until December 31, 1973.

SEC. 2. Subsection (e) of section 206 of the Federal Water Pollution Control Act, as amended (Public Law 92–500, 86 Stat. 838), is amended by striking "$2,000,000,000" and inserting in lieu thereof "$2,600,000,000".

SEC. 3. Funds available for reimbursement under Public Law 92–399 (August 22, 1972) shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act, as amended (Public Law 92–500, 86 Stat. 838), pro rata among all projects eligible under subsection (a) of section 206 of the Federal Water Pollution Control Act for which applications have been submitted and approved by the Administrator pursuant to such Act. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each such project for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under section 206(a); and (2) for purposes of determining allocation of sums available under Public Law 92–399, the unpaid balance of reimbursement due such projects shall be computed as of December 31, 1973. Upon completion by the Administrator of his audit and approval of all projects for which an application has been filed under subsection (a) of section 206, the Administrator shall within the limits of appropriated funds, allocate to each such qualified project the amount remaining, if any, of its total entitlement. Amounts allocated to projects which are later determined to be in excess of entitlement shall be available for reallocation, until expended, to other qualified projects under subsection (a) of section 206. In no event, however, shall any payments exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

Mr. RANDOLPH. Mr. President, on September 26 I introduced Senate Joint Resolution 158 in response to actions proposed by the Environmental Protection Agency which were not in compliance with the law, with the clear intent of Congress, as reflected in the earlier action of the Committee on Public Works and the Senate itself in the passage of Public Law 92–500.

This resolution is being considered today in a substantially amended form because of the cooperative attitude of the Environmental Protection Agency's Administrator, Russell E. Train, and his colleagues. There are 42 cosponsors who are joining with me on this resolution. We have given the matter very careful consideration within the Committee on Public Works prior to amending Senate Joint Resolution 158. The agency has been very cooperative and worked with us, as I have indicated.

On Tuesday of this week I was informed by Mr. Train that the Environmental Protection Agency would promulgate new regulations for the distribution of sewage treatment facility reimbursements authorized by section 206 of the Federal Water Pollution Control Act.

These new regulations will supersede those previously published by the Agency and which resulted in the introduction of Senate Joint Resolution 158.

While the issuance of new regulations by the Environmental Protection Agency obviates the original purpose of Senate Joint Resolution 158, some modifications in the reimbursement program are desirable. These are contained in the resolution as amended and as reported without objection from the committee. In fact, there was very complete cooperation.

The resolution, as reported, contains three provisions. Section 1 extends the deadline for filing applications for reimbursement from October 18 to December 31. This is necessary to give States and communities time to resolve uncertainties about which projects are eligible for reimbursement. The possibility the new regulations would be promulgated also has compounded the difficulty many communities face in meeting the October 18 deadline.

Section 2 of the resolution increases funds authorized for the reimbursement program from $2,000,000,000 to $2,600,000,000. The additional authorization would meet the needs of the program and is based on a revised estimate of the number of projects eligible for reimbursement. The higher authorization also assures the States which would have received the bulk of presently available funds that they will, in time, receive the entire amount of their eligible reimbursement.

The final section of the amended resolution authorizes partial payments to be made to eligible recipients pending final processing of all applications by the Environmental Protection Agency.

Mr. President, the reimbursement program is an important part of the Federal Water Pollution Control Act. It was included in this legislation because the Congress recognized an obligation to those communities which built sewage treatment plants between 1966 and 1972 with little or no Federal assistance.

That was the situation, I say to my colleague from the State of New York. Senator BUCKLEY, of course, has expressed his feeling about the equity for a State such as he represents in the Senate, and we recognize that in the amended resolution which is before us.

It is essential that every such community receive its fair share of funds appropriated for the reimbursement program. This would not have taken place under the priority system first proposed by the Environmental Protection Agency. Equitable distribution, however, will be made under the new Agency regulations and these are compatible with the law.

Mr. President, section 206 of the 1972 act also authorizes reimbursement of a 30-percent Federal share for projects constructed between 1956 and 1966. These projects were the pioneers of water pollution abatement, and equity requires that Federal funds also be provided for them, relieving those communities of the heavy financial burden they took upon themselves in advance of any Federal requirement. I want to indicate the continuing interest of the Committee on Public Works in securing funds for reimbursing communities for projects constructed from 1956 to 1966.

Mr. President, I think we have not so much compromised, but have worked together to resolve the problem of a few States and also to bring equity to all States. I trust there will be prompt approval of the pending resolution.

Mr. BUCKLEY was recognized.

The PRESIDING OFFICER. The Senator from New York has the remaining time.

Mr. BUCKLEY. Mr. President, I rise in support of the joint resolution. I wish to thank the chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH) for the enormous spirit of cooperation he demonstrated in ironing out some differences in points of view.

Under all the circumstances, the resolution as it has been amended and presented today should meet the requirements of all concerned.

I would like to say that there was an area of ambiguity which I believe resulted in the original regulations issued by EPA.

This resulted from the fact that the appropriations for reimbursements amounting to $1.9 billion were approved prior to the time that the Federal Water Pollution Control Act Amendments for 1972 became enacted, and in the language in the report accompanying the appropriation, it had been specifically earmarked for reimbursement of those projects where the States and localities had spent money in anticipation of Federal reimbursement.

A more careful study of the law, of the necessary effect of the later statute on the appropriation language, I think convinced everyone in EPA—certainly convinced me—that this original interpretation was in fact erroneous; that the later law overrode, as it were, the original appropriation.

I think, faced with that situation, we did have a real gap that needed to be filled, and this has been done in the resolution by increasing the authorization for appropriations so that over a period of years everyone now entitled by law to reimbursement will in fact be reimbursed when the additional appropriations are approved.

I also want to stress the fact that this resolution makes explicit, as the chairman of the committee has stated, the ability of the EPA to begin making payments as projects are in fact approved, so that communities which have waited years now need not wait much longer.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, may I inquire of the Chair who has time?

The PRESIDING OFFICER. The junior Senator from New York has the remaining 5 minutes of time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BUCKLEY. Mr. President, I yield to my senior colleague.

Mr. JAVITS. Mr. President, first, I would like to express the thanks of my State, joining my colleague (Mr. BUCKLEY), to the Senator from West Virginia (Mr. RANDOLPH) and to my colleague (Mr. BUCKLEY). I have had the privilege of working with the Senator from West Virginia in other connections. I express my thanks to them for having worked this out in a way that is acceptable to my colleague (Mr. BUCKLEY), and therefore I am confident it will be acceptable to our State and to Governor Rockefeller.

Also, I value greatly the redemption of the "good faith promise"—I use those words in quotes—of the United States that if States are activist enough to help themselves, they will not suffer from that fact. We had a bad lesson, which we took a long time getting over in New York, when we financed the great road system called the Thruway, and then found it extremely difficult to get reimbursement, which other States had obtained.

In this particular case the shoe was on the other foot. Our State could have gotten reimbursement, but it would have, in the judgment of the committee, taken an excess amount of funds that were available. Now the State of New York is able to handle its financing so that if it has a feeling the payments will be forthcoming, it is manageable.

I am very appreciative of the assurances given both as to the authorizations being adequate for the purpose and the allocations being fairly made, so that States which have had the foresight will not suffer because of their foresight. This is especially true in this matter, which does not relate to roads which have a fixed locale, though they be used in interstate travel, but relates to the heritage and ecology of our national heritage in terms of water supplies which are available to the whole country.

I am in a lot of things here, but one cannot be in everything in a State as great as my own, so I rise to express my appreciation for the fine service to our State rendered by my colleague (Mr. BUCKLEY) and for the fine service to the Nation, because we want to encourage States to do what New York has done, which is evidenced in the statesmanlike approach to this matter by the Senator from West Virginia (Mr. RANDOLPH) as chairman of the committee.

Mr. RANDOLPH. Mr. President, is there sufficient time for me to ask a question?

The PRESIDING OFFICER. The Senator from New York has 2 minutes remaining.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BUCKLEY. Mr. President, I yield 1½ minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the senior Senator from New York mentions that he is not able to be everywhere, working on every subject. I know of no Member of this body more diligent and, frankly, more skillful in the legislative process than he is in the way he addresses himself to that process in this body. We find that in the Labor and Public Welfare Committee and in other efforts in which we have mutual interests.

I think the able Senator from New York (Mr. BUCKLEY) and the diligent Senator who has just been speaking (Mr. JAVITS) know that we did not try, in reference to the resolution that I introduced, to go by the back door. We wanted to confer on these matters. We talked with the Governor of the State of New York, and we worked closely with the Senator from New York (Mr. BUCKLEY). We have had the cooperation of Russell Train, of the EPA, and the agency realizes that it, frankly, had misjudged.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time may be extended for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, we did not give preference per se to States that, because of certain situations, could not proceed as quickly as a State like New York. While not seeking to do that, we were trying to balance the program so that such funds could be distributed throughout the United States in the areas needed.

I join again the Senators from New York in commending the governmental structure within their State for its initiative and for its continued good faith in workng with us.

Mr. JAVITS. I thank my colleague.

Mr. BUCKLEY. Mr. President, I just want to echo the remarks made by the Senator and express my appreciation for the enormous cooperation and good will we found in the committee, especially on the part of the chairman.

Mr. President, two members of the committee, the Senator from Tennessee (Mr. BAKER) and the Senator from Idaho (Mr. MCCLURE) were unable to be on the floor at this time, but they asked that their two statements be introduced into the RECORD, and I ask unanimous consent that they be published as part of this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

Mr. President, I support passage of S.J. Res. 158. This is an important proposal, one that will assure equitable treatment to all communities in the distribution of reimbursement funds under Section 206 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92–500).

That section authorized the Federal government to pay retroactively 50 percent of the costs on all publicly owned sewage treatment works on which construction was initiated between June 30, 1966, and July 1, 1972. It was the intent of that Act to provide a 50 percent Federal share to all projects, whether or not the project had received any Federal financial assistance or was eligible for a Federal incentive grant at the time construction was initiated. In cases where metropolitan area planning was involved, the share of reimbursement was set at 55 percent. It was the view of the Congress that fairness dictated such reimbursements to communities which had invested heavily of their own funds in the cause of environmental enhancement, or which had committed themselves to expensive projects in anticipation of the future availability of Federal funds before fiscal year 1973. These communities should not be penalized, the Congress said in P.L. 92–500, in comparison to communities now eligible for 75 percent Federal grants for sewage treatment facilities. The law further authorized $2 billion for these 1966–1972 reimbursements.

To assure equitable treatment for all, subsection (d) of Section 206 provided that if available appropriated funds in any year did not match the total call for reimbursements due to all projects, then each qualified project would share all of the available funds on a pro rata basis.

Public Law 92–399 appropriated $1.9 billion for sewage treatment grants during fiscal year 1973. When the Federal Water Pollution Control Act Amendments of 1972 subsequently became law, the authority for new construction of sewage treatment plants was provided on a basis of contract authority. Therefore, the $1.9 billion was made available for section 206 reimbursement since there was no authority for direct grants for new construction.

On June 26 of this year, the Environmental Protection Agency published proposed regulations that had the effect of allocating the appropriated funds to projects through a priority arrangement envisioned by the Agency. These regulations were promulgated in final form on Sept. 26, 1973.

According to figures developed by the Committee on Public Works and EPA, these regulations apparently would not have provided any funds out of the $1.9 billion to projects in 24 States. Projects in another 19 States would apparently have received substantially less than the nearly 80 percent of their total eligible reimbursement which would have been provided by a pro rata distribution.

Subsequent to the introduction of S. J. Res. 158, the Environmental Protection Agency rescinded its regulations. EPA is now proposing new regulations. These regulations appear to conform with the pro-rata approach of section 206 of the Federal Water Pollution Control Act.

Therefore, this resolution has been amended to assure that the reimbursement procedures implement the intent of Congress with regard to equity among all projects eligible for reimbursement.

In May of this year, the Environmental Protection Agency estimated that projects costing $2,461,100,000 were eligible for reimbursement. Since that time the estimate has been refined and now stands at approximately $2.6 billion. The existing authorization of $2 billion was, therefore, inadequate to fulfill the purposes of section 206. This resolution would authorize an additional $600 million so that full reimbursement can be provided.

I should note that this increased authorization is not intended to provide an immediate call on the Federal Treasury. A complete review and determination on all applications will take time. Thus full payment on all approved claims cannot be made for some time. The resolution provides for preliminary, partial payments of funds to projects which can be easily approved on the basis of available documentation pending final processing of all projects. Thus, I do not anticipate that the additional $600 million needs to be appropriated until sometime following Fiscal Year 1976.

In closing, Mr. President, I wish to express my support for this resolution and urge its passage by the Senate.

STATEMENT BY SENATOR MCCLURE

Mr. President, I urge passage of S.J. Res. 158. Adoption of this resolution is necessary to redress a potential inequity in the distribution of reimbursement funds under Section 206 of the Federal Water Pollution Control Act.

Regulations proposed by the Environmental Protection Agency, but subsequently withdrawn, would have created a priority system for reimbursing communities for part of their investment in waste treatment facilities that were initiated during the 1966–1972 period.

Such a priority system is clearly contrary to the intent of Section 206. For example, a priority system would have prevented any payment out of $1.9 billion appropriated for reimbursement to 24 States, including Idaho.

S.J. Res. 158 would assure that the Environmental Protection Agency distributes reimbursement funds on a pro rata basis among all eligible projects. As one example, such a pro rata distribution would provide an estimated $1.1 million, out of sums already appropriated, to projects in Idaho.

Mr. President, this resolution will assure a fair and equitable distribution of funds under Section 206 of the Water Pollution law to all States, penalizing no one. I urge the Senate to approve this resolution.

It would be impossible to conclude my statement without reference to a very welcome event. Immediately after this resolution was presented to the Senate, Russell Train, the new Administrator of the Environmental Protection Agency, said he was taking another look at the proposed regulations and wanted the opportunity to discuss the problem with the Committee. He and John Quarles, the Deputy Administrator, did meet with us and candidly stated their conclusions that the proposed regulations were wrong, had been withdrawn, and new ones would be proposed. To those of us who have known Russ Train, this open and quick response was not surprising. It is, nevertheless, a refreshing experience and justifies our personal faith in supporting his nomination.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I would like to add my commendation to the Senator for reporting the bill.

Mr. President, I want to thank the Senator from New York (Mr. BUCKLEY), for yielding.

I strongly support Senate Joint Resolution 158, which will extend the time for States to apply for reimbursement of 50 percent of the moneys they have directed to be spent on sewage treatment projects initiated between 1966 and 1972.

Under the proposal, my State of Virginia will receive approximately $16 million in such reimbursements from funds already appropriated. This is $13 million more than Virginia would have received under earlier EPA regulations.

This money will go toward the construction of sewage-disposal plants and other facilities which will help solve the water-pollution problem.

This measure rewards those communities which took it upon themselves to clean up the water and make their cities a better place in which to live.

I would like to commend Senator RANDOLPH, the chairman of the Public Works Committee, and Senator BUCKLEY for the keen interest they have shown in this legislation.

Mr. MAGNUSON. Mr. President, I shall not object to adoption of Senate Joint Resolution 158 which undertakes to straighten out a grievous misinterpretation of the Water Pollution Control Act of 1972 that the Environmental Protection Agency attempted to promulgate. The distinguished chairman of the Senate Public Works Committee, together with some of his colleagues from that committee, has performed a highly useful service to the people of the United States and particularly to those States which have been totally or virtually frozen out of the $1.9 billion for reimbursement for waste treatment projects constructed during the period 1966–72 without those municipalities receiving the full Federal percentage assured by law; in fact, I am an original cosponsor of Senate Joint Resolution 158.

The State of Washington will now be eligible to receive about $21 million as a result of the action taken by the Senate Public Works Committee and this is eminently fair and equitable.

As constructive and useful as Senate Joint Resolution 158 is to the reimbursement concept for the period 1966–72, it does not deal with an equally significant reimbursement problem, namely, the reimbursement to those cities which during the period 1956–66 did not receive the full Federal funding intended by Congress through no fault of those cities. Inadequate appropriations and unreasonable limits on the grants for each particular project discriminated against the Nation's big cities and those in the 1972 Water Pollution Act overwhelmingly passed by each House of the Congress and repassed over the President's veto by lopsided margins. The Congress acknowledged its obligation to those cities that moved out early to clean up their own rivers and streams relying on the assumption that the Federal Government's contribution would assist them. The Congress authorized $750 million for reimbursement for these projects but the administration did not request a single dollar for those projects in its EPA budget for fiscal year 1974. The Senate adopted a provision earmarking $200 million of the $1.9 billion for reimbursement to be used for projects constructed during the period 1956–66. Unfortunately, in the conference between the Senate and the House on the Ag-EPA appropriations bill, the House refused to go along with the Senate provision and thus it was lost.

Mr. President, I think this was a travesty. The Congress overwhelmingly acknowledged its obligation to those cities and we have the burden to make funds available to translate that obligation into much needed financial assistance for those cities that have responded to the Federal Government's urging that they get on with the job of cleaning up our rivers. Although I shall not propose an amendment to Senate Joint Resolution 158, I wish to make it clear that it is my intention to continue to press at every appropriate occasion that the Congress meet its responsibilities and appropriate funds to redeem this commitment to the Nation's cities. I shall make every effort to add such funds to the first supplemental appropriations bill to be considered by the Senate and I hope at that time to have the support of the Senate as we have had in the past in this undertaking. I hope, too, that the House will agree with us that the Federal Government's commitment should not be made lightly and it should be willing to make available funds to assist those cities which have used their own bonding authority and went out on the limb to achieve a national objective. In this period where the credibility of the Government is under question, there is a special burden on Congress, in my view, to honor those obligations and to merit the confidence of cities which are constantly asked and urged to undertake programs deemed to be in the national interest.

May I say, Mr. President, that the Senate Public Works Committee has been most helpful in this entire effort and I know that we can count on the continued interest and support of the chairman and other members of that committee.

Mr. GURNEY. Mr. President, I rise in support of Senate Joint Resolution 158 introduced by the distinguished chairman of the Public Works Committee (Mr. RANDOLPH).

As we all know, the Environmental Protection Agency was directed by section 206 of the Federal Water Pollution Control Act—Public Law 92–500, to promulgate regulations which would provide for the reimbursement of 50 percent of project costs for all public-owned sewage treatment facilities on which construction was initiated between June 30, 1966, and July 1, 1972.

However, Mr. President, the Environmental Protection Agency has published regulations which in effect illegally allocate the appropriated funds into only one class of quality projects. These regulations are, indeed, in direct contrast to Public Law 92–500 and has created a situation in which some 19 States would receive substantially less than their fair share of Federal reimbursement funds, with 24 States receiving no funds at all. This, Mr. President, cannot be tolerated.

We here in the Senate worked long and hard on creating a law which would assist States in actively carrying out their role in cleaning up our Nation's waters. As written, Public Law 92–500 recognized the primary rights and responsibilities of the States to prevent, reduce, and eliminate water pollution. However, Congress also realized that no matter how serious a State was in meeting these national goals, it would be virtually impossible for them to do so without Federal financial assistance.

Mr. President, my home State of Florida has made a tremendous effort under Public Law 92–500 toward meeting these goals. However, under the proposed Environmental Protection Agency distribution, Florida would only receive one-fifth of the funds for which she is eligible under this act, thus, losing some $43.3 million for Federal reimbursement projects.

I cannot believe that the Congress of the United States had this type of distribution in mind when they passed this law.

Mr. President, on October 3, I introduced a bill, S. 2531, which would amend section 206(f)(1) of the Federal Water Pollution Control Act Amendments of 1972 to allow communities to begin immediate construction of waste water treatment facilities with local funds. This bill would assure these communities that they would be eligible for future Federal reimbursement. This legislation states quite clearly that it would not insure a future commitment of the Federal Government to provide funds for reimbursement but would merely insure that eligibility for reimbursement was extended to such projects.

This legislation was the product of the fact that some 20 or so State legislatures urged an immediate step up in their programs to meet the Nation's goals of cleaning up their water. I cannot truthfully say to my State of Florida, or to any other State, that this legislation will do one bit of good unless we here in Congress make sure that the funds which were promised in Public Law 92-500 for existing eligible projects are distributed fairly.

As a cosponsor of Senate Joint Resolution 158, I would hope that the Senate would reaffirm its commitment to Public Law 92-500 and direct the Environmental Protection Agency to promulgate a new distribution formula.

Mr. DOLE. Mr. President, I wish to indicate my support for Senate Joint Resolution 158. As a cosponsor of the measure, I feel it is an appropriate and necessary response to a most unwise and poorly-advised policy of the Environmental Protection Agency.

The resolution seeks to require EPA to reissue regulations relating to reimbursement for 50 percent of the public costs for sewage treatment works projects constructed between 1966 and 1972. The intent behind the provision for this reimbursement in the Water Pollution Control Act of 1972 was clearly to provide equal reimbursement for all such projects. However, EPA has proposed regulations which not only violate this principle of equal treatment, but they harshly discriminate against 43 States. Under these proposals 19 States would receive less than their fair allocation of reimbursement funds, and 24—including the State of Kansas—would be entirely cut off from receiving any funds.

This is not simply a dispute over minor differences between Congress and an administrative agency in the interpretation of a statute. It is a case of clear departure from that statute by the agency, and I believe it is essential that Congress assert itself and see to it that the law's intent is followed.

As a member of the Public Works Committee at the time this law was written, I certainly feel that there was no doubt of intending that reimbursement be made on an equal basis. Kansas had a strong water pollution control program in the period before the Federal program was enacted, and I certainly intended that my State should benefit from this reimbursement program. This year Kansas should receive $8 million in reimbursement funds, but under the proposed regulations it would receive none. And neither would 23 other States.

Such a situation is ridiculous on its face, and I find it difficult to grasp EPA's reasoning in proposing a reimbursement allocation which would produce huge windfalls for a handful of States while penalizing or cutting off all the rest.

I urge that this resolution be adopted and hope that the Environmental Protection Agency will respond with regulations in keeping with the intent of Congress.

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? (Putting the question.)

The joint resolution (S.J. Res. 158) was passed, as follows:

S.J. Res. 158

Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding the requirements of subsection (c) of section 206 of the Federal Water Pollution Control Act, as amended (Public Law 92-500, 86 Stat. 838), applications for assistance under section 206 may be filed with the Administration of the Environmental Protection Agency until December 31, 1973.

SEC. 2. Subsection (e) of section 206 of the Federal Water Pollution Control Act, as amended (Public Law 92-500, 86 Stat. 838), is amended by striking "$2,000,000,000" and inserting in lieu thereof "$2,600,000,000".

SEC. 3. Funds available for reimbursement under Public Law 92-399 (August 22, 1972) shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act, as amended (Public Law 92-500, 86 Stat. 838), pro rata among all projects eligible under subsection (a) of section 206 of the Federal Water Pollution Control Act for which applications have been submitted and approved by the Administrator pursuant to such Act. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each project for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under section 206(a); and (2) for purposes of determining allocation of sums available under Public Law 92-399, the unpaid balance of reimbursement due such projects shall be computed as of December 31, 1973. Upon completion by the Administrator of his audit and approval of all projects for which an application has been filed under subsection (a) of section 206, the Administrator shall within the limits of appropriated funds, allocate to each such qualified projects the amount remaining, if any, of its total entitlement. Amounts allocated to projects which are later determined to be in excess of entitlement shall be available for reallocation, until expended, to other qualified projects under subsection (a) of section 206. In no event, however, shall any payments exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. RANDOLPH. Mr. President, the preamble was stricken. Was it not?

The PRESIDING OFFICER. Is the Senator from West Virginia posing a parliamentary inquiry?

Mr. RANDOLPH. Yes; I ask a parliamentary question. I thought the amendment struck the preamble. That was our intent.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. RANDOLPH. Mr. President, I move that the vote by which the joint resolution was passed be reconsidered.

Mr. BUCKLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NONCONSERVING CROP FAILURES

The Senate continued with the consideration of the bill (S. 2491) to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains.

Mr. TALMADGE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 2491. Who yields time?

Mr. TALMADGE. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Agriculture and Forestry may be granted the privilege of the floor during the consideration of the pending measure: Forest W. Reece, Harker T. Stanton, and James E. Thornton.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the wheat and feed grain programs provided for by the 1973 act provide for two types of payments. The regular payment, which is equal to the amount by which the market price falls below the target price, protects the producer against a drop in the market price. The disaster payment, which is the greater of the regular payment or one-third of the target price, protects the producer against a disaster which either, first, prevents him from planting wheat or feed grains or a substitute crop, or second, results in a crop failure.

The determination of a crop failure and the extent of the failure is easy to determine in the case of wheat and feed grains, because the Secretary now determines a yield figure for each of those crops. The anticipated production is determined by multiplying the allotted acreage by that yield figure. A crop failure occurs, by definition, if the actual production is less than 66⅔ percent of such anticipated production. The deficiency in production for which the disaster payment is then made is the difference between the actual production and 100 percent of such anticipated production.

But in the case of substitute crops planted in lieu of wheat or feed grains, the determination of a crop failure and the extent of the deficiency in production are difficult or impossible to determine on any reasonable basis. The substitute crop might be soybeans, watermelons, safflower, or hundreds of other crops. There may be no data available as to any previous production on the farm, or in the area, of the particular commodity; or the data that is available may vary widely from farm to farm or year to year. No matter how this provision was applied many producers would feel that they were discriminated against while others were favored. In the case of some commodities, such as soybeans, it may be possible to construct data on a farm to farm basis, but the Department advises that it would represent an enormous administrative task. The cost in the case of those commodities would clearly outweigh any benefit that producers might derive from disaster payments on those crops.

Mr. President, since the provision for disaster payments on all nonconserving crops planted in lieu of wheat and feed grains is clearly unworkable, the committee has recommended that it be repealed. Wheat and feed grain producers would still be entitled to disaster payments if they planted wheat or feed grains and sustained a crop failure. There is no need to protect them against the failure of crops planted in lieu of wheat or feed grains, and the bill would repeal the unworkable provision for that kind of protection.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, I call up my amendment.

Mr. AIKEN. How much time does the Senator from Iowa require?

Mr. CLARK. Mr. President, this is on the amendment. I have time on the amendment.

Mr. President, I call up my amendment No. 627.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to state the amendment.

Mr. CLARK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 6, before the period, insert the following: "and inserting in lieu thereof '(or of soybeans, cotton, corn, grain sorghums, or barley planted in lieu of wheat)'.".

On line 10, before the period, insert the following: "and inserting in lieu thereof '(or of soybeans, wheat, or cotton planted in lieu of the allotted crop'.".

Mr. CLARK. Mr. President, S. 2491 is a bill offered to repeal certain provisions of the 1973 farm bill. The act currently provides that if a farmer is unable to harvest a normal yield as a result of a crop failure after planting nonconserving crops other than his allotment crops of wheat, or feed grains, the farmer would be compensated for that loss. The Department of Agriculture suggested a repeal of this provision because of the administrative difficulties presented by the task of determining the yield for these substitute nonconserving crops.

Mr. President, I recognize and sympathize with these administrative problems. However, if the payment provisions do not apply to wheat or soybeans planted in lieu of corn as in the pending bill, the act would have the practical effect of discouraging the production of these two crops. That is not the intent of the Congress or the USDA, and the problem can be solved without eliminating all substitute crops.

The solution is to narrow the scope of the nonconserving crops covered under the farm act for which a normal yield can be determined.

That can be done by limiting the payments to those nonconserving crops on which the commodity credit loan program is in effect. I have offered a perfecting amendment to S. 2491 which will accomplish just that and I am pleased that the distinguished chairman of the Agriculture Committee, Senator TALMADGE, has agreed to consider this amendment to the bill.

The Agriculture Department has conceded that it already provides for the determination of normal farm yields for wheat, cotton, and feed grain crops. Thus the rationale for S. 2491 does not apply to these crops.

Some questions have been raised about the inclusion of soybeans. The Department also stated that it would be possible to establish normal farm yields for soybeans on the basis of the yield data supplied by the Statistical Reporting Service. Frankly I find it hard to believe that it would be an enormous administrative task to translate these available figures into normal farm yields from that data. It is the compilation of the data which presents the primary problems of administrative uncertainty and most of the legwork, and that part of the task has been completed with respect to soybeans. Inclusion of soybeans in my amendment is thus consistent with the interest of S. 2491 in eliminating unnecessary administrative burdens.

The inclusion of soybeans is particularly vital in light of the role of soybeans as a major crop in our economy. I need only point to the administration's decision to clamp export controls on this crop as evidence of its importance.

It would seem inconsistent to pass a bill which would have the practical effect of discouraging the production of soybeans in an era when the demand is so high. For these reasons, I have included soybeans in this amendment. This is not a neutral matter. By including soybeans we create an economic incentive to produce soybeans, and without inclusion we create a disincentive.

Mr. President, one of the most important goals of the 1973 farm bill is to provide farmers with the freedom to plant the most practical crop considering current and individual circumstances. This amendment is a compromise measure which will protect that right while solving the administrative problems of the Farm Act as currently written. It will accomplish that intent by eliminating the payments for minor crops and thus the administrative need for determining the normal yields for those crops.

Mr. President, before closing I would like to discuss how the matter appears to me. It seems to me after looking at this problem in some detail and after having talked to people in the ASCS offices who would implement this program that the Department makes the establishment of an average yield for soybeans per farm sound much more difficult than it really is.

First of all, there would, in my judgment, be no requirement in my amendment or in the bill which would insist on or require the calculation of average farm yields for soybeans to be made in areas where soybeans are never planted or where they are unlikely to be raised.

The second point is that it is relatively easy to get a soybean yield for each farm that raises corn, wheat, or cotton by simply using a productivity index. This is how it would work.

Every county where soybeans are raised has an established average yield for soybeans. This is determined annually by the USDA Statistical Reporting Service. Since each farm in the program has an established yield on its corn, wheat, or cotton crops, and must participate in the program, and since every county presently has an average yield for soybeans, a productivity index can be easily established, and soybean yields determined.

For example, if I raise corn on my farm, and have an established average yield of 90 bushels per acre, while the county average is 100 bushels as established by ASCS, then my productivity index is 90 percent. To determine the soybean yield for my farm, I simply apply 90 percent to the county average yield. If the county average soybean yield is 30 bushels per acre in my county, and my productivity index is 90 percent, then 27 bushels per acre would be my average yield.

That does not seem to involve any great difficulty. Obviously, it will take some additional bookwork, but the soybean yields can be determined when necessary, and the additional work would be worth it. We need soybean production. Above all, this crop is needed, both in the Nation and in the world.

So I urge support for the adoption of this amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HUMPHREY. First I want to commend the Senator from Iowa for bringing to our attention, and hopefully our favorable consideration, his amendment.

The amendment, I think, has considerable merit. It is basically consistent with the flexibile interchangeability now permitted by the law regarding the planning of the so-called programed crops, involving payments of loans. I know that the Department has raised the administrative difficulty, but I believe the Senator has given examples here which indicate that that is something that can be managed and can be handled, with some effort on the part of the Department of Agriculture.

The failure to include soybeans, a very vital crop insofar as our domestic utilization is concerned, as well as our foreign exports, would in my judgment be very unfair and inequitable, particularly in the corn and soybean producing areas, where the interchange between soybeans and corn is most common.

In other words, we would be disturbing a very natural pattern of production which we have in the corn and soybean areas. So I rise to join in support of the amendment of the Senator from Iowa. It obviously would mean a great deal in the parts of America where we are privileged to live and which we are privileged to represent; and I might add that these crops are needed, desperately needed. There surely is no drag on the market as far as soybeans are concerned. I have a feeling that we not only need the crops, but will be needing to build some reserves of them. The international demand for soybeans is tremendous, and I cannot see why we would do anything but help ourselves in terms of balance of payments, in terms of production for domestic utilization or reserves that we might need for our own livestock economy, and in terms of farm income.

So I join with the Senator from Iowa in urging the adoption of this amendment, and express my thanks to him for a very detailed and knowledgeable explanation of what is obviously a complicated business when you get down to a program such as this.

Mr. CLARK. I thank the Senator from Minnesota.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendment of the Senator from Iowa.

Mr. TALMADGE. Mr. President, I yield myself such time as I may use.

Mr. President, this amendment would provide for disaster payments to a producer who plants soybeans, wheat, cotton, corn, grain sorghums, or barley in substitution for wheat or feed grains and suffers a crop failure.

Insofar as this amendment permits payments for disasters resulting in the failure of wheat, cotton, corn, grain sorghum, or barley crops, there appears to be no objection to it. The Secretary of Agriculture has programs for each of those crops and has adequate information on farm yields—not for all farms, but for many of the farms likely to grow these crops.

Insofar as this amendment relates to soybeans, it would present such an enormous administrative task as to be both prohibitive and unworkable.

If soybeans are included in this amendment the Secretary would have to determine a projected yield for soybeans for each farm having a wheat or feed grain allotment. Soybeans may never have been planted on the farm or in the area. They may not be planted on the farm in any particular program year, or if planted there may be no crop failure, but the Secretary would have to have the data available in case they are planted and there should be a question of crop failure.

Mr. President, in 1971 there were 1.7 million farms participating in the feed grain program and about 1 million farms in the wheat program. While there may be some duplication here, the fact remains that soybeans could be substituted on all of these farms, necessitating the determination of farm yields for soybeans in all of these cases.

Inclusion of soybeans in this amendment would necessitate the following computations for any farm planting soybeans instead of wheat or feed grains:

Assuming that x is the projected yield per acre of soybeans for the farm:

First, the anticipated production would be the product of the allotted wheat or feed acreage planted to soybeans multiplied by x.

Second, if the actual production on this acreage were less than two-thirds of the anticipated production a crop failure would be determined.

Third, the amount of the deficiency in production would then be the difference between the anticipated production and the actual production.

Fourth, the percentage which the deficiency was of the anticipated production would then be determined.

Fifth, the payment would then be—in the case of soybeans planted instead of wheat for example—one-third of the target price for wheat times the allotted wheat acreage planted to soybeans times the deficiency percentage.

As can readily be seen the entire formula is based on x, and x is an unknown quantity. In order to know what his rights were the farmer would have to know the value of x. In order to administer the law the Secretary would have to know the value of x. But the determination of x, the soybean yield for each farm, would entail costs far in excess of any benefits to be obtained; and the questionable accuracy of any such determination would cause great ill feelings between farmers and damage the entire farm program.

I would most earnestly suggest that the Senator from Iowa modify his amendment by striking out "soybeans," each place it occurs. With such a modification I would have no hesitation in accepting his amendment in behalf of the committee.

Mr. President, I ask unanimous consent that a statement setting out the Department of Agriculture's opposition to this amendment be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The proposed amendment to S. 2491 would extend the special disaster protection provided under the Agriculture and Consumer Protection Act of 1973 to soybeans and feed grains planted instead of wheat and soybeans and wheat planted instead of feed grains rather than limit such protection to wheat planted on wheat allotments and feed grains on feed grain allotments as provided under S. 2491.

The Department of Agriculture opposes the proposed amendment to S. 2491 for the following reasons:

1. It would impose a tremendous administrative burden on ASCS county committees in thousands of soybean producing counties in determining normal yields for soybean producing farms for which yield data are currently not available. This would need to be done even though the probability that such farm yield data would be needed would be limited. The need for normal farm soybean yields under the proposed amendment would depend upon a combination of two relatively rare circumstances—a producer would need to elect to substitute soybeans for wheat or feed grains and if such substitution occurs, total soybean production on such farm, due to natural disaster or condition beyond the control of the producer, must be less than two-thirds of the normal farm soybean yield multiplied by the farm wheat or feed grain allotment.

2. The designation of soybeans as the only crop other than the program crops of wheat, feed grains, and cotton eligible for special disaster protection if substituted for wheat or feed grains would be inequitable to farmers who under the flexible provisions of the Agriculture and Consumer Protection Act of 1973 elect to substitute crops other than soybeans for wheat or feed grains. Also, the cotton title of the Act does not permit extension of special disaster protection to any crop which may be planted in lieu of upland cotton. Therefore, farmers who elected to substitute soybeans for cotton would not be afforded the same privilege as those substituting soybeans for wheat or feed grains.

3. The provision of the Agriculture and Consumer Protection Act of 1973 which affords farmers special payments if they suffer a crop loss due to natural disaster is a feature never before included under farm programs. The administrative problems likely to be encountered in implementing this provision for the first time for only wheat, feed grains, and upland cotton will be massive without adding further complications by extending disaster protection to crops on which farm yield data are currently not available.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. Do Senators yield back their remaining time?

Mr. AIKEN. We have no further requests for time.

Mr. CLARK. Mr. President, I yield myself 2 minutes for opposing comments.

Just to summarize, it seems to me there would not be a necessity for the Department to determine an average yield for soybeans in every case where the feed grains program applies. Instead wherever that were necessary, or wherever a farmer might need the information, it could be determined, with some effort, by simply applying the productivity index. Since the average crop yield is known for each of the feed grains on each farm, and must be determined by the law now, if we simply apply that productivity or percentage of crop that he gets on his farm in relationship to the county average, that soybean yield can be determined with relative ease. It will take some effort obviously. But some effort is necessary when we consider the importance of soybeans to the economy not only in my State, but in other States and throughout the world. For these reasons, I urge adoption of the amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Iowa yield?

Mr. CLARK. I yield.

Mr. HUMPHREY. For the farms that are traditional soybean producers, we have records of the yield.

Mr. CLARK. Yes, we have records of the yield at the county level in every single county where soybeans were raised last year.

Mr. HUMPHREY. That is correct. So that fact is established. Second, there is no guarantee that everyone will want to plant soybeans under this particular program we are talking about—this disaster program.

Mr. CLARK. Correct.

Mr. HUMPHREY. But if they do, the formula the Senator from Iowa has offered in terms of the average yield of productivity could apply with reasonable equity. It is not exactly accurate, but it is close to being accurate.

The overriding consideration I see in the Senator's amendment is that we should have an incentive for the production of soybeans as a replacement crop, which is interchangeability. This is true not only in the Iowa and Minnesota areas but in the South as well where cotton and soybeans have been interchangeable for years. Thus, I would hope that we would see the value of this amendment in terms of the kind of production we need in this country as well as the equity and fairness to the farmer who may need and want to plant that crop.

Mr. CLARK. I share the Senator's views.

Mr. AIKEN. Mr. President, I have all the sympathy in the world for the good intentions of the Senator from Iowa, but I would not want to jeopardize the benefits which this bill, as reported, would provide for the producers of wheat and other nonconserving crops. Therefore, I would not want to accept the amendment at this time.

I expect that, in the meantime, there may be some way to work it out whereby the yield of soybeans can be determined more accurately than it is today; but, in the meantime, I would not want to jeopardize the bill when the Department says it does not know how to administer it.

Mr. HUMPHREY. Mr. President, I do not know why the Department cannot give us some projections on the soybean yield. They do not have any problem in my State at all on that. We have it registered at the county office.

I do not know why, in the name of common sense, our part of the country is the only part ruled out under this provision. We do not have interchangeability and did not have for years in the northern part of the country. I think it is rank discrimination. The Department has the competence, the ability, and the personnel to make the determinations. Our people seem to think so up there, and they are pretty good. I have not had anyone connected with the Department in Minnesota tell me we cannot do this.

Mr. AIKEN. The chairman of the committee, the Senator from Georgia (Mr. Talmadge), has already inserted in the Record the reasons the Department of Agriculture gives for saying it cannot administer the bill fairly with the amendment of the Senator from Iowa in it. The reasoning is all in the Record here. That is why I say I would not want to take a chance with extending the benefits to the producers of corn and wheat and barley and other feed grains.

The PRESIDING OFFICER (Mr. Hart). The question is on agreeing to the amendment.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum on my time, in order to alert the staffs to notify absent Senators that we need enough Senators on the floor to be able to suggest the yeas and nays.

The PRESIDING OFFICER. The Chair is advised that there is not sufficient time remaining on the amendment to undertake a quorum call, but there is on the bill.

Mr. TALMADGE. Mr. President, I yield such time as I might take for this quorum call on either the bill, the amendment, or both, and ask unanimous consent that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Iowa (Mr. Clark).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Louisiana (Mr. Johnston), the Senator from Montana (Mr. Mansfield), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton), the Senator from Oregon (Mr. Hatfield), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. Curtis) is absent on official business.

I further announce that, if present and voting, the Senator from Nebraska (Mr. Curtis), and the Senator from Oregon (Mr. Hatfield) would each vote "nay."

The result was announced—yeas 43, nays 48, as follows:

[No. 467 Leg.]

YEAS—43

Abourezk
Bayh
Biden
Brooke
Burdick
Church
Clark
Cranston
Dole
Eagleton
Gravel
Gurney
Hart
Hartke
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Thurmond
Tower
Tunney
Young

NAYS—48

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Hansen
Haskell
Helms
Hruska
Inouye
Long
Mathias
McClellan
McClure
Nunn
Packwood
Pearson
Percy
Roth
Scott, Hugh
Scott,
  William L.
Stafford
Stennis
Stevens
Taft
Talmadge
Weicker
Williams

NOT VOTING—9

Cotton
Curtis
Fulbright
Hatfield
Johnston
Mansfield
Muskie
Saxbe
Sparkman

So Mr. Clark's amendment (No. 627) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I think the Senator from Iowa has an amendment.

Mr. CLARK. Mr. President, I send to the desk an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On line 6, before the period, insert the following: "and inserting in lieu thereof '(or of cotton, corn, grain sorghums, or barley planted in lieu of wheat)'.".

On line 10, before the period, insert the following: "and inserting in lieu thereof '(or of wheat, or cotton planted in lieu of the allotted crop'.".

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. TALMADGE. Mr. President, I have discussed the proposed amendment with the Senator from Iowa. Is it identical with the previous amendments except for the word "soybeans" being stricken on line 2 thereof?

Mr. CLARK. And on line 5.

Mr. TALMADGE. And on line 5. In other words, soybeans is stricken wherever it appeared in the previous amendment.

Mr. CLARK. That is correct. The amendment is sponsored by the Senator from Minnesota (Mr. HUMPHREY) and me.

Mr. TALMADGE. Mr. President, speaking for the Committee on Agriculture and Forestry I have no objection to the amendment. I hope the Senate will agree to it.

I yield back the remainder of my time.

Mr. CLARK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. I withdraw the request.

Mr. AIKEN. Mr. President, I think this change is all right.

I was very much worried about the previous amendment. If it had been adopted, it would have left out feed grains, wheat, corn, and cotton, without any recourse. But with this modification there is no harm in it. I say that, of course, because I come from the great grain-producing State of Vermont.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. TALMADGE. I yield back the rest of my time.

Mr. AIKEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2491) was passed as follows:

S. 2491

An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 107(c) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase "(or other nonconserving crop planted instead of wheat)" wherever it appears therein and inserting in lieu thereof "(or of cotton, corn, grain sorghums, or barley planted in lieu of wheat)".

(b) Section 105(b)(1) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase "(or other nonconserving crop planted instead of feed grains)" wherever it appears therein and inserting in lieu thereof "(or of wheat, or cotton planted in lieu of the allotted crop".

Mr. TALMADGE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate, if any?

The PRESIDING OFFICER. There is no pending business.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

EAGLES NEST WILDERNESS, ARAPAHO, AND WHITE RIVER NATIONAL FORESTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 434, S. 1864.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1864) to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests in the State of Colorado.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Insular Affairs with amendments on page 1, line 8, after the word "dated", strike out "May" and insert "October"; on page 2, line 5, after the word "and", strike out "twenty-five" and insert "twenty-eight"; and, in line 6, after the word "thousand", insert "three hundred and seventy-four"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the area classified as the Gore Range-Eagles Nest Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Eagles Nest Wilderness—Proposed", dated October 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Eagles Nest Wilderness" within and as part of the Arapaho and White River National Forests comprising an area of approximately one hundred and twenty-eight thousand three hundred and seventy-four acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagles Nest Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Eagles Nest Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Gore Range-Eagles Nest Primitive Area is hereby abolished.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. HASKELL. Mr. President, the pending bill was introduced by my senior colleague (Mr. DOMINICK) and me. It creates the Eagles Nest Wilderness—a 128,374-acre wilderness area in the State of Colorado approximately 60 miles west of Denver.

The bill was reported unanimously from the Committee on Interior and Insular Affairs.

Mr. President, I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. DOMINICK. Mr. President, this is largely for the RECORD. However, I want to say to begin with that I very much appreciate my colleague's bringing this bill both before the subcommittee which he chairs so ably and before the full committee and getting it to the floor. It is a very good bill.

As we both know, the Denver Water Board has been a little uptight about this bill. They wanted me to find out from my colleague his opinion as to whether in the process of collecting water rights, on which they have spent a considerable amount of money over a period of years, they will be able to operate underground without disturbing the surface and, therefore, without disturbing the wilderness area contemplated.

It is my understanding that they would be able so to do for a collection system in order to be able to use their water rights which are excluded from the wilderness area.

Mr. HASKELL. Mr. President, I respond to my senior colleague by reading a section of the committee report. I would refer my senior colleague to page 6 of the committee report at the bottom of the page which reads as follows:

> The deletions would allow construction and operation of the tunnel if, among other things, Denver voters cast a favorable vote on the Water Board bond issue; . . .

I point out to my senior colleague that there is no question that the Denver Water Board would prefer to have more than they have received. There is no question about that. However, on the other hand it was our attempt in the subcommittee and in the full committee to balance equities and to recognize the need of a wilderness area—not to unduly restrict its boundaries so that it would no longer be a viable wilderness and at the same time not to be unjust to the Denver Water Board.

I think that we have struck a balance here. However, I would certainly say to my senior colleague that proposed wilderness is by no means as small as the Denver Water Board would have liked it.

Mr. DOMINICK. Mr. President, I would agree with my junior colleague, the manager of the bill.

I believe that their main concern at this time is to be able to have some kind of record indicating that, provided they did not disturb the surface of the wilderness area, they would be able to construct it underground within the wilderness area.

This a kind of moot question. However, it seems to me that in the process of my conversations with them, the purpose of the wilderness area is to be able to preserve in a relatively unspoiled state the landscape which my colleague and I could see while walking over it, and which I had been over several times, without disturbing the animal life, the bird life, and obviously the horticultural abundance there is in that area.

It would seem to me that this would be proper. However, it is something that I wanted to get the Senator's opinion on.

Mr. HASKELL. Yes. I would read further from the committee report at the top of page 7, completing the sentence, the first part of which I quoted earlier:

> An environmental impact statement is carefully prepared pursuant to section 102 (2) (c) of the National Environmental Policy Act of 1969 (83 Stat. 852); and clear evidence is supplied and full assurance is provided that the tunnel can be constructed and operated without any permanent surface disturbance to, or any permanent damage to the wilderness values of, the proposed wilderness.

Mr. DOMINICK. Mr. President, I think that helps materially as far as the record is concerned.

Once again, I congratulate my colleague for having done what I consider to be a very fine job in bringing out a bill which could have been quite controversial.

Mr. HASKELL. Mr. President, I thank my senior colleague very much.

Mr. McCLURE. Mr. President, would the Senator yield?

Mr. HASKELL. I yield.

Mr. McCLURE. Mr. President, I join in the commendation of the chairman of the Public Land Subcommittee of the Interior and Insular Affairs Committee for his handling of this legislation. I commend both Senators from Colorado for their leadership in bringing to the Congress a wilderness proposal which appears to be fully justified. My purpose in taking a little time today is to do the same thing which I tried to do in the subcommittee when this matter was first pending, to indicate as forcefully as I know how to do that we have to be very careful in the evaluation of resource proposals which will reduce or subtract in any way from the resource base of our land.

We are involved right now in a very critical time of watching the events in the Middle East for a number of reasons, not the least of which, of course, are moral and humanitarian concerns about what happens between the two warring factions and our moral and humanitarian interest in people on both sides of the Israeli-Arab conflict.

We are also very much concerned about what happens in the Middle East, because of the lack of a sufficient and sufficiently developed energy base within our own country. This has pointed a very sharp finger at the practice which has been all too evident in recent years of expecting that we could without question depend upon the resources of other areas of the world, and that they would without question provide us whatever our dollars would induce them to part with in terms of their natural resources.

But there are people within the Arab world who are today saying, "We don't want your dollars; we don't care how many dollars you give us for the oil, we will not sell it to you."

They have a variety of reasons, some very justifiable, for making those statements.

Some might ask, "What relationship does that have to a wilderness proposal in Colorado?"

Let me say only that it has no direct relationship. It has to do only with our understanding of our dependence upon our resource base within this country to remain in a free people. If we continue to do what we have been doing for the last several years, without regard to our resource base increasing our dependence upon foreign countries, then we will lose our freedom.

While this Eagle's Nest Wilderness is not involved in that kind of a conflict, happily, because we did in the subcommittee look to see if that kind of resource conflict was involved, and it is fully supportable, nevertheless it needs to be said, and said strongly, that we are a resource-deficient Nation today, because we have chosen to be a resource-deficient Nation in terms of the development of our own resources.

I think the conflict in the Middle East and the crisis in energy bring into sharp focus the question of whether or not we can continue to do what we have done in recent years with basic resources in our country, and maintain the ability to be strong, in a world that respects only strength, if we want to maintain the kinds of freedom that we as Americans have enjoyed.

Again, I state my support for this legislation, and commend the Senators from Colorado for their proposal, and also for their handling of this particular legislation, because after the analysis which was given to this bill in the subcommittee, we were able to say and are able to say on this floor today that we have considered the resources that will be included within this wilderness, we have considered the impact upon the resource base of this country, and we have concluded that we can, in this instance, safely, and properly designate this as a wilderness, as its highest and best use, and one which we can all proudly support.

But, again, we must be conscious of these decisions, and we must be aware of what may happen to our Nation if we are not.

Mr. HASKELL. I would concur in the comments of the Senator from Idaho, and, just for the record—because, as the Senator from Idaho has said, there is no problem such as he mentions involved here, but for the record, the U.S. Geological Survey made a 2-year field investigation. Together with the Bureau of Mines, they took rock samples, conducted stream sedimentation tests, and undertook 52 man-weeks of foot traverses of the area. They concluded—I refer to Geological Survey Bulletin 1319–C, on page C–3—as follows:

> In summary, the Gore Range-Eagle's Nest Primitive Area contains no known ore deposits and no geological evidence exists to indicate a likelihood of hidden deposits below it.

So, as the Senator from Idaho has said, no such problem exists in relation to the Eagles Nest Wildnerness, but I certainly concur with his thought that we must be jealous of our national resources.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HASKELL. Certainly.

Mr. DOMINICK. I just want to compliment the Senator from Idaho for bringing this point up. I think he is totally accurate, and it is a subject on which I have given, I think, somewhat in excess of 50 talks, to alert the people of my own State to the problem which he has mentioned.

This bill and the Flat Tops bill, which I assume will be coming up shortly, have no geologic value insofar as natural resources are concerned. I am glad to say that my colleague and I are doing our best to avoid stumbling into that pitfall.

Mr. McCLURE. Will the Senator yield further?

Mr. HASKELL. I yield.

Mr. McCLURE. I thank both Senators for their comments, and want to point to just one further thing:

I guess the USGS has made a study here and it has been somewhat more extensive than some of their other studies. I am not critical of the USGS; I think they are doing a fine job within the limits of their personnel and budget. But just as we are sometimes penny-wise and pound-foolish in other areas, I think we come dangerously close to that on the money which is allocated to our resource management agencies. The USGS has been asked to make surveys which they have not been able to do as well as they admit they should do—in other areas, not in this one—and some of the wilderness surveys that they have made, of those which were designated under the original Wilderness Act, were by any test superficial, and the USGS would be the first to admit that they were superficial, but they were the best they could do in the time and with the personnel and the funding given to them by Congress.

We are similarly underfunding the management functions given to the U.S. Forest Service and the Bureau of Land Management, and doing so to our detriment. There will be an immutable balance drawn, one that we cannot escape no matter how much we might wish. Some of those balances may not be apparent during the period of service of those who serve in the Congress of the United States today, and because of that we may escape having to face the consequences of our own misjudgments; but certainly that balance will be drawn, and the balance sheet will show the results of the failure to provide our resource management agencies with sufficient money to manage properly today and to give us the kind of information upon which we can make properly informed judgments.

Again I think this particular proposal today is not subject to the faults that I have just outlined, but I think we as a Nation and certainly those of us who represent the people of this country in the Congress of the United States had better wake up to what is happening and start requiring of ourselves as well as our citizens a better understanding of resource management.

I thank the Senator for yielding.

Mr. HASKELL. There are several committee amendments. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

The bill (S. 1864) was passed, as follows:

S. 1864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the area classified as the Gore Range-Eagles Nest Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Eagles Nest Wilderness—Proposed", dated October 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Eagles Nest Wilderness" within and as part of the Arapaho and White River National Forests comprising an area of approximately one hundred and twenty-eight thousand three hundred and seventy-four acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagles Nest Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Eagles Nest Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Gore Range-Eagles Nest Primitive Area is hereby abolished.

Mr. HASKELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 11, 1973, he presented to the President of the United States the enrolled bill (S. 1317) to authorize appropriations for the U.S. Information Agency.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow, the Senate will convene at 12 o'clock noon. The Senate will proceed to the consideration of morning business, as provided for under rule VII.

Following the introduction of concurrent and other resolutions, but before the morning business is closed, the Chair will lay before the Senate, Senate Resolution 185, relative to the Senate's consideration of a nomination to fill the vacancy in the Office of the Vice President. This resolution would then be before the Senate for debate until 2 o'clock, if not disposed of before that time, and any of the eligible motions would be in order. For example, to table, to postpone indefinitely, to postpone to a day certain, or to refer, and all except the motion to table would be debatable.

If none of these motions is made, an amendment to the resolution would be in order. At the hour of 2 o'clock, the resolution would go to the calendar.

After 2 o'clock, a motion to take up the resolution, since there is no unfinished business, would be in order, but it too would be debatable.

There being no unfinished business, the Senate may take up, following the morning hour—or, depending upon circumstances, before the expiration of the morning hour—conference reports—or any other measure that has been cleared for action.

The foregoing is not meant to leave the inference that there will not be yea-and-nay votes tomorrow.

During the next 2 weeks, the Senate will meet as developments require. A recess of 2 weeks duration is no longer advisable, in view of recent events—both here and abroad—over which the leadership has no control. During these 2 weeks, conference reports and other matters coming over from the House will be taken up, and, where possible, adopted on a voice vote. Where rollcall votes are indicated, the leadership will do everything possible to give Members sufficient notice in advance.

In any event, the Veterans' Day recess—from the close of business on Thursday, October 18, until noon on Tuesday, October 23—will be observed as scheduled.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and, at 3:06 p.m., the Senate adjourned until tomorrow, Friday, October 12, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 11, 1973:

Department of State

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga.

O. Rudolph Aggrey, of the District of Columbia, a Foreign Service Information Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 1973:

National Labor Relations Board

Howard Jenkins, Jr., of Colorado, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1978.

ACTION

Marjorie W. Lynch, of Washington, to be an Associate Director of ACTION.

Railroad Retirement Board

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1972.

National Science Foundation

Lowell J. Paige, of California, to be an Assistant Director of the National Science Foundation.

National Commission on Libraries and Information Science

The following-named persons to be Members of the National Commission on Libraries and Information Science for terms expiring July 19, 1978:

Bessie Boehm Moore, of Arkansas.

Julia Li Wu, of California.

Daniel William Casey, Sr., of New York.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

BILL ARMSTRONG HONORED

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, October 11, 1973

Mr. HELMS. Mr. President, as a rule I do not particularly like to use the word "journalist" because, in most instances, it sounds a bit pompous and exaggerative when used in identifying most people in the news business today.

But we have, in North Carolina, a veteran in the news business who is so admired and so respected that he qualifies for something more than an identification as a "newsman." That man is William H. Armstrong of Raleigh, whose broad experience has included dedicated work as a newspaperman, as a radio and television editor, and now as a magazine editor.

Mr. President, Bill Armstrong possesses the character and personality to be at once an absolute gentleman and a hardhitting editor. From the very beginning of his career, he has carefully followed the path of fairness, accuracy and honesty. It saddens me to say this, Mr. President, but Mr. Armstrong stands exceptionally tall in his profession because so many of his colleagues in journalism today are shallow and careless, and disinterested in fairness and truth.

Not long ago, Mr. President, the North Carolina Bar Association presented Bill Armstrong with its annual journalism award of merit. In presenting this award, the president of the association, Mr. Harold Bennett, delivered an eloquent assessment of Bill Armstrong's career. I ask unanimous consent that Mr. Bennett's remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the Extensions of Remarks, as follows:

REMARKS BY HAROLD BENNETT

Last year, the North Carolina Bar Association began the practice of presenting an annual award of merit to a member of the journalism profession.

The selection of the recipient of this special award is based on criteria quite different than those on which the winners of the Lawyers of North Carolina journalism competition are selected. Indeed, the award is not based on any type of competition; but rather on a cumulative record of achievement in informing the public on a specific issue or a number of issues of major importance.

This year's recipient has had his share of news scoops. He has frequently been the first to break stories of major significance, outdistancing his fellows in the fierce competition for the public's attention. In the day to day hustle to gather and report the news, he earned a reputation for fairness, objectivity and accuracy that will not be easily surpassed.

But more than a well earned reputation for covering the news, this year's recipient is known for many other important attributes: A clearheaded perspective on new events; a bright, incisive writing style; a respect for the importance of the journalism profession and sound judgment in separating the wheat from the chaff. He once agreed that the phrase "Wild Eyed Moderate" is a fair description of his political philosophy, but it is virtually impossible to perceive a political bias of any type in his reporting or writing.

Most importantly, this year's recipient is devoted to the true enlightenment of his readers. His work in explaining the complexities of government, business, the law, public affairs and the many other aspects of our society is directed to an audience that plays a large role in shaping the course and destiny of our state.

For his many contributions to the enlightenment of our state, I am pleased to present the North Carolina Bar Association's Special Award of Merit to a former newspaperman, a former radio and television newsman and currently editor of the North Carolina Citizens Association's fine magazine, "We The People of North Carolina": Mr. William H. Armstrong, of Raleigh.

RECLAMATION AT ITS BEST—BUFFALO BILL DAM

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, Buffalo Bill Dam, west of Cody, Wyo., was dedicated as a national historic civil engineering landmark on September 28, 1973. At the dedication, attended by Bureau of Reclamation Commissioner Gilbert Stamm, Bob Fagerberg, project manager of the Shoshone and Heart Mountain irrigation districts, reviewed the history of the dam and the benefits that have derived from its construction and the associated farm lands which have prospered from its storage water.

Mr. Fagerberg related that the total development cost of the project was $26.5 million of which $13 million has been contracted for repayment by the water users. The economic impact of agricultural products from the Shoshone project since its initiation was given as $1.8 billion.

At a time when some question the further development of reclamation projects, I think that members would find the following article of particular interest. Although costs have increased, the benefits accruing and the demands for increased food production have as well.

The highly successful Shoshone reclamation project has never been fully completed. It is time that we move ahead with construction and development of the Shoshone extension, Polecat Bench area, to complete this, one of the Nation's first reclamation projects.

The article follows:

[From the Powell (Wyo.) Tribune, Oct. 2, 1973]

NATIONAL HISTORIC LANDMARK: BUFFALO BILL DAM CONTRACTED AT COST OF $515,000 IN 1904

Buffalo Bill Dam, "keystone to the Shoshone Reclamation Project," was honored Friday as a national historic civil engineering landmark in ceremonies at the damsite.

Participating in commemorative ceremonies sponsored by the American Society of Civil Engineering were Gilbert Stamm, Commissioner of the U.S. Bureau of Reclamation; John E. Rinne, national president of the ASCE; Bob Fagerberg, project manager for the Shoshone and Heart Mountain Irrigation Districts; and the mayors of Cody and Powell, George Frank and Ralph Smith.

HEROIC LANDMARK

Stamm saluted Buffalo Bill Dam, built between 1904 and 1910, as a "heroic landmark" as well as an "historic landmark." He said the engineers and workmen who conquered problems of recruitment, logistics, and supply in frontier times were "early heroes."

Stamm, who received a plaque from the ASCE, said it will be mounted in an appropriate location at the damsite.

Rinne said the ASCE has been engaged since 1968 in a program of honoring historic civil engineering landmarks.

"None of them deserves this recognition more than Buffalo Bill Dam," he said. "It is in such fine condition it is a monument to those who designed it and who laboriously built it."

COLONEL CODY'S DREAM

Fagerberg traced the history of Buffalo Bill Dam to the early 1890's when "William F. Cody had a dream," envisioning the irrigation of land from Cody to Lovell.

Col. Cody received original permits from the State of Wyoming in 1897 to construct canals to irrigate an area of some 200,000 acres, but after the U.S. Reclamation Act was passed in 1902, Cody relinquished his rights to the United States of America, and the Shoshone Project was born. Federal funds of $2,250,000 were set aside for the project in 1904.

"Buffalo Bill Dam has been the keystone to the project," Fagerberg said. "Without it, only a small fraction of the area could have been developed."

A DAM FOR $515,000

In this day of multi-million dollar projects, it seems incongruous that the contract for Buffalo Bill Dam was let nearly 68 years ago to the day (Sept. 23, 1905) for $515,000. The firm of Prendergast and Clarkson of Chicago was the successful bidder on the dam proper, and excavation work began in November of 1905.

The construction of the dam was not without trial. Seven persons died during the construction, and high runoff flows were a recurring obstacle. In 1909, floodwaters overtopped the dam by 17 feet, "but the remarkable thing about it was there was no multiple, structural effects on this dam from water spilling over the top," Fagerberg reported.

Labor was difficult to hold, and the contractor employed "man catchers" on the road from Nebraska to the Pacific Coast to round up the necessary help. Wages paid at Buffalo Bill Dam were 20 percent higher than any other part of the country.

BY ITSELF, JUST A DAM

Fagerberg said the dam by itself "serves no real purpose." It is the benefits that have flowed from the existence of the structure that establish the real worth of the dam, he said.

The Garland Division of the Shoshone Project was opened in 1907 with 36,000 irrigable acres. The Frannie Division was opened in 1917 with 15,000 irrigable acres. The Willwood Division was opened in 1927 with 11,000 irrigable acres. The Heart Mountain Division was opened in 1946 with 27,000 irrigable acres.

On the 80,000 total acreage of the project are 800 fulltime farms and another 400 part-time farms and other residential sites. Population directly attributable to the project is in excess of 10,000 people, Fagerberg said. The project also furnishes supplemental irrigation water to 14,000 acres and supplemental municipal water to towns and cities within the project area.

BENEFITS FROM THE DAM

Fagerberg noted that crop revenues alone from the Shoshone Project from 1906–1972 total in excess of $190,000,000. Livestock revenues of another $75,000,000 have been generated for total agricultural revenues of more than a quarter of a billion dollars.

Other benefits.

From two power plants on the project, 2.6 billion kilowatt hours of electricity have been produced.

Flood control has always been a function of the operation.

Recreation and visitation—Each year 150,000 people visit the dam, and the State Parks Commission considers Buffalo Bill State Park the most unique state park in Wyoming because about 84 percent of the visitors are from out of state.

Fagerberg closed. "Buffalo Bill Dam must not be only a reminder of the past, but a catalyst for us to wisely utilize and develop the resources that have been placed in our hands. Man can put our natural resources to work beneficially, but man working against man has never produced anything of lasting significance. This is the real historical significance of Buffalo Bill Dam."

CONSERVATION OF ENERGY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. FRASER. Mr. Speaker, the Department of the Interior has estimated that we will have to import 650,000 barrels a day of heating oil this winter, if temperatures remain normal and if U.S. refineries continue to operate at optimum levels. Indications are that only about 550,000 barrels a day will be available in world markets.

What this means is that even with a mild winter and maximum refinery production, we are going to be 100,000 barrels a day short, and some of us may have to go cold.

Because energy traditionally has been cheap and plentiful in this country, we have become accustomed to using it extravagantly. Now we must learn new habits. We must cut back on consumption of oil and gas and electricity.

A recent Treasury Department study lists some steps that could be taken immediately to curb fuel consumption. While I hope that individuals will adopt as many of these measures as possible, I urge Congress to devise incentives for them to do so.

I call Members' attention to these recommendations, as they appeared in an article by Tim O'Brien in the October 3, 1973, edition of the Washington Post.

The article follows:

STEPS TO SAVE FUEL

The study found that through eight relatively easy, uncostly and quick conservation measures, about 2 million barrels of oil a day could be saved.

The eight emergency measures are:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day.

Increasing load factors on commercial aircraft from 50 per cent to 70 per cent—80,000 barrels a day.

Setting home thermostats two degrees lower than average—50,000 barrels a day.

Conservation measures in industry—500,000 barrels a day.

Cease hot water laundering of clothes—300,000 barrels a day.

Mandatory car tune-ups every six months—200,000 barrels a day.

Conservation measures in commercial buildings (fans off at night, air conditioning only during office hours, installation of proper window insulation)—200,000 barrels a day.

Increasing car pools for job commuting (from 1.3 to 2.3 persons per car)—200,000 barrels a day.

The figures attached to each of the conservation measures are the lowest estimated savings. In fact, the study found that about 2 million barrels a day could be saved and, possibly, another million barrels a day beyond that.

FREEDOM FLIES ON THE WINGS OF PHANTOMS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BRASCO. Mr. Speaker, those who cherish the ideals of liberty and freedom have watched in surprise and apprehension as the Arab assault upon Israel gained momentum. For the fourth time in 28 years, military forces, armed, trained, and exhorted by the Soviet Union, seeks the annihilation of a significant portion of the Jewish people. The Pearl Harbor-style attack came, because Israel refrained from a preemptive first strike. As a result, she has sustained losses in life and material. What she has gained in terms of moral and political credit she has sacrificed in blood and treasure.

A bitter struggle continues against Syria and Egypt even as we meet here today. The most merciless kind of war is being waged against Israel by the Arabs. The Jews are fighting for their existence against a foe overwhelmingly superior in numbers and equipment. The United Nations offers no solution, emerging as a conglomeration of political name calling. All Israel can expect from that international cave of winds by the East River is condemnation of her insistence of self-defense and hopes for the goals of her enemies.

Some Western European powers, once stanch friends of the Jews, now eagerly do the bidding of the Arab States. Eager for the profits of Arab arms sales and desirous of protecting their oil investments in Arab lands, they grovel at the feet of Arab despots and Soviet arms suppliers. The Jews can only obtain assistance from one source: The United States of America.

There have been other times when a hard-pressed band of brave people have struggled valiantly against a circle of foes sworn to their annihilation. Who can forget brave little Czechoslovakia before World War II, and how the world watched while France and England sold her people and her hopes to Adolf Hitler? Who can forget Republican Spain during the Spanish Civil War, overwhelmed by Franco's Fascists armed by the Nazis.

There have been many incidents in recent history when men could either ignore the plight of an honest man beset by assassins or come to his assistance. That decision is now before this country.

Israel does not ask for American troops. Israel only asks for the means with which to finish the job of defending herself. In the battle thus far, she has sustained significant losses in aircraft, that crucial "flying artillery" which makes the difference between victory and defeat. The Arabs have massive inventories of Russian planes. Israel has few reserves. It is utterly essential that the United States make available to Israel additional planes with which to defend herself. Furthermore, such aircraft must be made available immediately.

Therefore, I have joined with a number of Members of the House in sponsoring a concurrent resolution with the Senate, which calls for those planes already contracted for to be delivered to Israel forthwith. We have the planes in our inventories. No requirements exist demanding our use of them on behalf of U.S. interests. It is within the power of the President and Congress to act.

I realize there are geopolitical considerations militating against such an initiative. Major U.S. oil companies, eyes fixed firmly on their profits, bemoan such an act by our country on behalf of Israel. Those few people who act as apologists for Arab surprise attacks while people are at prayer will also beat their breasts and bemoan loudly if we act correctly. Some who have always misunderstood Israel will call upon us to do nothing to "fan the flames of conflict." All of this will have one effect: destruction of the Jewish State and success for Arab aggression.

The Jews are an ancient people, perhaps the oldest on the face of the Earth. Their commitment to the ancient ideals of God, liberty, and human dignity has never wavered throughout their long history of oppression. Many tyrants have tried to extinguish the flame of freedom that they have so devotedly tended down through the centuries. Sometimes they have guarded it with their minds; other times with their emotions; still other times by their sacrifice. Now, they defend such concepts with their lives and very nationhood. Now, once again, we are faced with a choice. If Israel fails to crush the Arab thrust, then all those who cherish the high ideal of men will be the losers. Such a stake is worth a few Phantoms. Rarely will the high ideals of men fly so high or soar so nobly than on the wings of the Israeli Air Force at such a time.

CHRISTOPHER COLUMBUS: ITALIAN SEAMAN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mrs. GRASSO. Mr. Speaker, this week we commemorate the birth of a humble yet brilliant and courageous Italian seaman, who left his native port of Genoa hoping to gain service as a navigator to the King of Spain.

This man had a notion quite contrary to the norm for sailing, geography, and exploration in his day. He believed the world was round, and that the seemingly tractless ocean to the east of Spain did not end abruptly, but led to a mysterious land filled with riches.

Christopher Columbus was correct. However, it took a man of his mettle, his longing for adventure, his insatiable curiosity and his unshakable confidence to test this strange and foreign theory.

Columbus was one of many navigators in his day. Some say there were many seamen better prepared in terms of their knowledge of the sea for a long, seemingly endless voyage in three small ships. Columbus, however, had those special and unique qualities which distinguish the ordinary navigator from the persistent explorer, the dauntless adventurer.

Columbus was an intuitive genius, a man spurred on by dreams of success. To him belongs the distinction, discoverer of the New World, and thus his contribution to civilization is inestimable. In discovering North America, he did indeed open up a "New World—"one which would provide the setting for the development of a truly unique democratic experiment, and the establishment of one of the greatest nations in the world today.

The very first Italian American, Columbus has left his mark on the world. So, too, have those of his countrymen who in later years came to America seeking a new life, such as my own parents who were among those hard working Italian people who journeyed to the New World. These Italian Americans through their commitment to their new land, their perseverance, and their great diligence have made great contributions to the development of our country and the welfare of all its citizens.

It is fitting that Italian Americans celebrate the birthday of Columbus by staging festivals and parades throughout the land. Indeed, it is Columbus, the first Italian American, who well typifies the qualities of these people who have crossed the seas to make a new life in America.

THE MIDDLE EAST CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. RANGEL. Mr. Speaker, last Saturday while celebrating Yom Kippur, the holiest day of the Jewish year, the State of Israel was attacked by the combined forces of Egypt and Syria. Once again, the world watched in horror as the uneasy peace in the Middle-East was shattered for the fourth time in 25 years. Once again the Israeli people were forced to defend their sovereign right to exist, a right guaranteed them by the United Nations in 1948.

Today, the beginning of the joyous Succoth holiday, the Israeli nation is faced with the sobering prospect of a protracted war with the Arab States. For a nation of such limited resources, already seriously outnumbered in men and machines, its ability to survive rests solely on the dedication of its people and the support of its allies. As one of the major forces in the creation of the State of Israel, the United States has a moral obligation not only to the Israeli people but to ourselves to preserve Israel's sovereignty. Aside from the practical fact that Israel is the only democratic country in the Middle East and strategically necessary if we are to maintain our influence in that area, how can we normally permit our Nation to be blackmailed into forsaking this country? Are we so dependent on the oil preserves of the Arab States, that we are willing to abandon our moral obligation to the State of Israel and permit these countries to dictate our foreign policy?

The struggle presently facing the Israeli people is indeed serious. Not only are the forces which they are facing far superior in terms of men and machines, these same forces have been constantly resupplied by the Soviet Union. And yet, the Israelis have been successful so far in their efforts to halt the advances of the Syrian and Egyptian troops. The bravery and dedication of the men and women in the Israeli Army is renowned, but it would be foolishly optimistic of us to think that, without our support, they will be able to continue the fighting for a prolonged period of time. The incredible costs of this war in terms of men and machines, and the probable intervention of even more Arab nations, has already placed an impossible burden on the Israeli nation.

Therefore, I call upon my colleagues to join with me in urging the U.S. Government to provide Israel with the necessary supplies and equipment to enable it to continue its heroic struggle to defend its sovereign right to exist, a right which the U.S. people are under moral obligation to preserve and protect.

PERSONAL ENTERPRISE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. CRANE. Mr. Speaker, the editorial in the September 3, 1973, issue of Industry Week magazine fills a gap in the description of our economic system by correctly, I think, noting that it is not just a free enterprise system or not just a private enterprise system, but that it is a system which is based on "personal enterprise."

It is indeed personal initiative and striving for excellence that has in fact made our Nation the greatest success in history.

I commend this brief editorial in Industry Week to the attention of my colleagues and I commend the author of this new concept, Clyde Sluhan, for his perception, and the editors of Industry Week for their service in publicizing this idea.

The editorial follows:

Personal Enterprise

Some refer to the U.S. business structure as the "free enterprise system." Others prefer to use the term "private enterprise system."

The terms are good. Unfortunately, they have been so overused they now convey all the hollowness of a cliche, not to mention that with government controls and intervention the system today can't be characterized as "free" or "private."

Even so, we have long suspected there has been something missing in accurately describing the backbone of our system.

Clyde A. Sluhan, president of Master Chemical Corp., may have supplied the missing element for us. As a zealous missionary spreading the word of business, he is crusading for a return to what he calls the "personal enterprise system."

We feel he has a point. Be it "free" or "private," the one essential component that has made the United States great and provided a standard of living second to none in history is that the system encourages and rewards personal initiative.

The point is particularly apropos as we celebrate Labor Day. We all labor in one way or another. Unfortunately, just as the system that has evolved has all but precluded it from being characterized as "free enterprise," it also has eroded "personal enterprise."

Where once we worked and were judged as individuals, we are now falling victims of "groupitis."

For members of a management group, corporate bureaucracies tend to stifle rather than encourage a manager's initiative.

For members of a labor group, rewards are too often based on how well the group does, rather than on individual performance.

We favor a return to the "free enterprise system" but, perhaps more importantly, publicly promoting a return to the "personal enterprise system" would be more to the point.

CONCORDE OPENS NEW ERA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constitutent, Mr. Lewis C. Shepley of Falls Church, Va., recently called my attention to an editorial which appeared in the October 1 edition of Aviation Week and Space Technology magazine, which he believes, and I agree, would be of interest to many of our colleagues. I insert the text of the editorial in full at this point in the Record.

The editorial follows:

Concorde Opens New Era

(By Robert Hotz)

Concorde streaked across the North Atlantic last week carrying a full payload from Washington's Dulles Airport to Paris' Orly in 3 hr. 33 min. to open the supersonic era of air travel. The historic transatlantic supersonic flight came at the end of an eight-day trip of over 10,000 mi. in South and North America during which Concorde successfully demonstrated its capabilities as an airline aircraft to passengers, airline operators and airport hosts. It flew airline payloads over airline stage lengths using less runway than is already available at major airports and with no smoke pollution and no higher external noise levels than many current subsonic jets. It did all this in half the time of subsonic jets over the same routes and was ready for continued service within the one-hour airline standard for turnaround. It was a bold and dazzling performance that did much to fortify Concorde's credentials as an operating airliner and establish the inevitability of supersonic passenger travel.

The historic transatlantic crossing, on which we were among 32 passengers included in the 25,000 lb. payload, began under gray Virginia skies at Dulles at 7:45 a.m. EDT when pilot Jean Franchi released the brakes and unleashed the full 152,000 lb. of thrust of the four Rolls-Royce Snecma Mk. 602 turbojets and lifted off 386,000 lb. gross weight after a 36 sec. takeoff run. Franchi, with Gilbert Defer as co-pilot, headed east on his subsonic climbout to leave the U.S. mainland south of Atlantic City and begin his supersonic acceleration over the Atlantic. Passengers felt a slight nudge as Franchi cut in afterburners at Mach .95 and 27,000 ft., but there was no indication other than the digital cabin machmeter when the Concorde went supersonic. Passengers were reading their Wall Street Journals, Figaros and Washington Posts. Except for the trilingual chatter, it might have been a routine early morning shuttle flight to New York. At 8:25 a.m., with the sandy curve of Cape Cod beaches gleaming in the sun far below to the left, Concorde was climbing at Mach 1.81 on the Great Circle course to Brittany. As the machmeter moved upward, papers were folded. Conversation waned and all eyes concentrated on the changing red numbers on the cabin machmeter. At Mach 1.99, the numbers froze for a few minutes. Silence descended on the cabin. Finally, at 8:35 a.m. EDT, Mach 2.00 flashed on. Everybody cheered. There was no sensation other than a calm sense of suspension in space and time while the globe whirled by below and the sun raced westward overhead.

This was our second Mach 2 cruise in Concorde. The basic lack of sensation was the same, but passenger comfort was much improved. In 1971, the prototype 001 was strictly a test aircraft, with a few jury rigged seats for observers. But 02 is transitional between test and airline service and about two thirds of its fuselage is still filled with technical equipment. The aft section is in an airline configuration with 32 comfortable tan leather double seats in four-abreast rows divided by an aisle. With the aircraft in cruise-climb edging slowly upward from 51,000 ft. at a steady Mach 2 as fuel burned off, breakfast was served by a steward and stewardess—flaky croissants, omelet, bacon, steaming coffee. A fragrant carnation was on the tray.

In the cockpit, the eternal sun of altitude streamed through the tucked-up nose visor. Despite the readings of airspeed indicator, machmeter and altimeter, Concorde seemed motionless in space and time. Only an occasional shudder of mild turbulence served as a reminder that Concorde was indeed flying.

Pilot Franchi and his crew are almost as calm and motionless as their aircraft appears to be as they monitor the systems and listen to radio chatter from the subsonic traffic far below. Only his blue baseball cap, headset and worn gray cotton gloves distinguish Franchi from a business man in his office as he presides over a smoothly functioning flight. At 9:30 a. m. EDT mid-point is reached. Paris is only an hour and forty-eight minutes ahead. Concorde is cruising at 53,000 ft. now and outside air temperature is -51C—about 6 deg. above normal.

Back in the cabin, the stewards are serving a snack of pate de fois gras, fruit salad and a choice of a mellow Bordeaux, fragrant Burgundy or sparkling champagne. Only the astronauts have eaten meals while traveling faster than these Concorde passengers and of course there was no pate or champagne aboard Apollo or Skylab.

At 10:20 a. m. EDT, Lands End, the westernmost tip of England, is off the left wing. Cape Finisterre, the farthest projection of France, is off the right wing as Concorde enters the English Channel 57,000 ft. above the waves and moving at a ground speed of 1,350 statute miles per hour. At the altitudes at which Concorde has been cruising, there has been an essentially no-wind condition.

Deceleration begins on approaching the Brittany coast and Concorde ends 2 hr. and 16 min. cruise at Mach 2. Sliding below Mach 1 at 11 a. m. EDT, Concorde completes 2 hr., 40 min. of supersonic cruise and makes a subsonic landfall at Mont St. Michel, with a heading toward Chartres and Orly. A straight-in approach and touchdown follows at 11:18 a.m. Washington time. It is 3:18 p. m. Paris time, with the shank of the afternoon and a whole evening ahead for passengers, who still feel fresh and bear no travel stains.

Concorde has concluded a remarkable performance as an airline aircraft. It has performed slightly better than contract specifications. These require hauling a full 25,000 lb. payload over 3,390 naut. mi. (6,300 km.), somewhat longer than the standard New York/Paris transatlantic leg, under temperature conditions slightly worse than normal and with appropriate fuel reserves. What is perhaps more important for its future in airline service is that it has delivered a load of passengers in a remarkably fresh and unfatigued condition that will make them head back toward the 7-8 hr. of a subsonic crossing with the greatest reluctance.

PULASKI DAY, OCTOBER 11, 1973

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. ROONEY of New York. Mr. Speaker, with the number of crises which demand so much of our time and energy both here and abroad, it would be easy to overlook some of the important traditional observances which have so much real meaning for large segments of our American citizens. One such anniversary is observed today in honor of that great Polish-American hero, Casimir Pulaski, who made such a brilliant contribution to the efforts of our Founding Fathers in the winning of of our war of independence.

It is good for all of us to pause in these troublesome times and remind ourselves of the magnificent service which this great friend of America rendered to our forebears during those dark hours of our battles against superior forces. It is good to remember the courage, the gallantry, the military skill, and the great humanitarian awareness which characterized Casimir Pulaski.

It is heartwarming to recall how this brilliant Polish lad, a son of wealthy parents who were among the elite of Poland, could begin at such an early age to adopt the cause of freedom. It took tremendous courage to renounce a comfortable life of ease to dedicate himself to overthrowing Russian domination of his country in an effort to gain Poland's independence.

So it was that Pulaski as a very young man found himself using his expert horsemanship and his skill at arms in the bloody uprising of 1768. In spite of his heroic efforts and the efforts of his fellow-fighters, the fight was in vain and the revolt failed. In order to escape death and imprisonment, Pulaski fled to France, hoping constantly to return to Poland and resume the fight for his country's freedom.

He sought out and found many freedom lovers and in doing so he met Benjamin Franklin who urged Pulaski to fight in the cause of the independence of the American Colonies. Pulaski favorably responded and sailed for Philadelphia where he joined George Washington's own staff.

Pulaski so distinguished himself in the Battle of Brandywine and elsewhere that he was soon commissioned a brigadier general in the Army. He continued to make himself invaluable to General Washington and the American high command. He sought and obtained permission to create an independent cavalry corps which became the forerunner of our distinguished and historic American Cavalry.

Pulaski was sent with his troopers to the Southern Army to bolster General Lincoln's command. Here during a charge in the Battle of Savannah on October 11, 1779, General Pulaski was killed. This constituted one of the greatest American losses suffered in this long and bloody war.

So Mr. Speaker, this day almost 200 years later, we pause to observe this tragic anniversary. We are proud and grateful as well, to join with our Polish-American friends and fellow citizens to honor our famous hero and benefactor. Not only do the Pulaski Day parades and other anniversary activities intensify our gratitude for Pulaski's supreme sacrifice in our behalf, but these observances intensify our appreciation of the contributions which the thousands upon thousands of American citizens of Polish birth or extraction have made to our lives and our well-being in the past two centuries. No other ethnic group of the many that compose our society has done more to benefit this Nation than those citizens who so proudly boast of their Polish blood and background.

As we recall Casimir Pulaski's dedication to the cause of freedom for all mankind, may we today rededicate ourselves to that same cause, particularly in behalf of restoring independence to the Polish people who are still living in bondage even now.

THE BASIC HUMAN RIGHTS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to call the following letter to the attention of my colleagues. Mr. George T. Nedder is one of the most outstanding citizens of the Boston area, and I feel that the remarks which he expresses on behalf of Lebanese-Americans deserve our full attention and careful consideration. The basic human rights, which include the right to emigrate, are much too valuable to be sacrificed to the whims of terrorism:

HYDE PARK, MASS.,
October 2, 1973.

DEAR CONGRESSMAN BURKE: I am deeply disturbed by the recent news that the Austrian Government intends to close its gates to those seeking asylum in its country. By this action, the Austrian Government would infringe upon the basic human right to freedom of emigration. I appreciate this freedom the more because my parents were emigrants from Lebanon to this country. On behalf of my parents, my relatives, and the many associates of Lebanese background who share my view, I wish to say that as Americans, we stand for the right of all human beings to freedom of emigration, and we urge the Soviet Government to uphold this right as provided for in the Declaration of Human Rights, adopted by the United Nations. We also urge the Austrian Government to continue its humane tradition of keeping its gates open to those who seek asylum in its country.

As a past president of the St. Maron Society of Our Lady of Cedars of Lebanon Church of Boston, I know that most Lebanese-Americans share my concern and position, and we wish it to be known to you, your colleagues in the Congress, and to our fellow Americans how we stand.

I respectfully request that this letter be made a part of the Congressional Record and that you consider sponsoring a resolution in the Congress to urge the Austrian Government to stand by its original policy of supporting the freedom of emigration.

With sincere best wishes, I am,
Sincerely,
GEORGE T. NEDDER.

THE GREAT PROTEIN ROBBERY:
NO. 7

HON. GERRY E. STUDDS

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 11, 1973

Mr. STUDDS. Mr. Speaker, in the waters of the northwest Atlantic, just a few miles off the New England coast, hundreds of foreign fishing vessels are systematically depleting our marine resources and thereby destroying an invaluable source of protein for all the people of the world. I have introduced a bill, H.R. 8665, that would extend U.S. fisheries jurisdiction out to 200 miles from our shores, and allow us to control foreign fishing and stop the depletion of our protein-rich marine resources.

In the August 1973 edition of the news magazine published by the Organized Fishermen of Florida, there is an excellent article by Jim Payne describing the activities of the growing Cuban fishing fleet in the Gulf of Mexico. This article illustrates that the problem of foreign fishing exists not only in New England, but in all of our coastal waters. Mr. Payne suggests that the Cuban fleet will continue to take more and more of the marine resources out of gulf waters until the United States enacts Senator WARREN G. MAGNUSON's bill, identical to H.R. 8665, to establish a 200 mile fish conservation zone. Such extension of fisheries jurisdiction would finally stop the great protein robbery occurring right now off our shores.

The article follows:

THE CUBAN FLEET

(By Jim Payne)

What about these Cuban Fishermen? There are probably no American commercial fishermen in the Gulf that haven't wondered at the old time "Smacks" with the sails, and many small boats of past years. And then at the change to the present steel, Russian built 80′ mother boats, and their fiberglass, diesel powered, inboard 18′ runabouts that dot the horizon within about five miles in every direction of the mother ship. How do they operate? Do they catch any fish? What are their methods?

The steel mother ships are beautifully designed, and powered with a very slow-turning single diesel (about 700 RPM) which moves it along at a speed of about 12–14 knots. From the odor of their exhaust fumes, it was obvious that they were burning Bunker "C" fuel. This is the residue when all other usable elements have been extracted from raw petroleum. It is an extremely cheap fuel, but thick, requiring pre-heating before being fed to the engine. Their communications and fish-finding electronics equipment are apparently the latest. They use large, hydraulic davits for picking up the small boats, which are stacked on the after deck when travelling.

I've been watching these fishermen for over ten years, and have never worried about them, as they didn't seem to take enough fish to make a dent in any area they worked. Things have changed. They make a dent now. My last trip out, during July convinced me that they do not use random methods, nor do they wander aimlessly. I worked around three mother ships (mother bears we called them) which constituted this particular fleet, and had a chance to observe them working, and better yet, to get two of their fishermen on board to talk to. This was only possible when they knew Mother Bear wasn't watching, and when they realized we were not hostile. They were very friendly, and intelligent.

Their methods of fishing haven't changed a lot during the years, except that they are streamlined and up-dated. Instead of a hundred yards of twine, for a trot line, they use a mile of monofilament, approximately 150 lb. test. Instead of an old raw boat, they have modern 18′ fiberglass inboards, powered with one-cylinder Swedish diesels. Two men work a boat, and the rapidity with which they can lay their one-mile line is surprising. They use the Kirby long shank hook rather than the Mustad circle or "Jap" hook that we use, and I was careful not to enlighten them. They must lose lots of fish with the Kirby hook, which comes out so much more easily. The 3′ long snood is of lighter material, from the main line to the hook, so as to break rather than tear up the whole line in the event of their hooking something really big.

They effectively blanket a ten mile diameter area, and in a day or two when the area is depleted, they move on to another location which has been spotted and outlined in advance by one of the Mother Bears. With these fast little runabouts, they can lay a one mile line (with a hook every twenty feet) in about ten minutes. They buoy each end, and work that one line continuously, with only a moment or two between operations, for moving to a new location, or to chat with another boat. The operation can be performed about 4–5 times each morning, whereupon they return to Mother Bear to unload, and then repeat the performance again in the afternoon. From my observation it was apparent that each small boat was catching about 6–8 hundred pounds each day. This compares favorably with what our 35–50 footers do each day.

The Mother Bears roam constantly, which is for the purpose of finding specific ridges or pin-point areas, where guiding flag buoys are thrown for use by the small boats. There is apparently a color scheme to their buoys, but I didn't figure it out. One or more large vessels occasionally range out of sight over the horizon which seemed to be for the purpose of locating new areas.

The small boats do not have refrigeration or ice, but simply gut their fish, and throw them under the small deck forward, until they are transferred to the big boat. I was not able to find out how they processed these fish on board the mother boat—whether they were salted or frozen. I got a "yes" for both questions.

The fishermen are paid a salary of $500.00 per month, without regard to the amount of fish caught, and each trip out of Cuba is one month in duration. The fish is sold to the markets for 17¢ per pound, and the price varies only to balance the expenses of the fishing vessels, as the government of Cuba apparently makes no money in the operation. The purpose is solely (so they said) to feed the people of Cuba. The money quoted was judged to be Cuban of course, but considering their economy, as fishermen, they fare well.

I don't know that they have ever rammed an American vessel, but one of the Mother Bears made several angry overtures both toward my boat, and another, the 'Rence' from Tarpon Springs, so we got out of their vicinity finally. In my case, they sent over a small boat to encircle my boat, and buoy with one of their trot lines, supposedly to cause me to foul their lines with my anchor line, but the Cuban laying the line failed to bring the ends together, and I ran out between the buoys.

I didn't trust the temperment of the skipper of the big steel boat, and believe they're willing and capable of giving one a "nudge" if they had an excuse. They were tired of seeing me around.

That the Cuban fleets are having a serious impact upon our off-shore Gulf fishing can not be denied. At the time I was observing this one fleet of three mother ships, there were other fleets operating simultaneously to the south of my location. Assuming each ship goes home to Cuba with a catch of about 150,00 pounds, which is a conservative figure, for a 30 day catch, it means a monthly take of about 1½ million pounds from the West-coast of Florida. This, surprising as it sounds, could be increased tremendously as more fleets are put into use. I consider their operation highly successful, and there is no doubt that they do as well. They will expand as they are able. The question is will they be able to do significant damage before the United States takes action—either under Mr. Magnuson's bill, to extend our contiguous fishery zone from 12 to 200 nautical miles, or through a bi-lateral agreement with Cuba, which is very unlikely.

REVIVE THE DRAFT?

HON. WILLIAM A. STEIGER

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 11, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, as recruiting quotas for the military services have not been met in recent months, there has been much talk that the draft should be reinstituted. A good deal of that pro-draft talk has come from within the Pentagon. Some Pentagon officials, instead of devoting their efforts to making the Volunteer Army work, have spent their time saying it will not. It is time we all recognize that it is working and can work, but that all of us must work together so we can achieve this goal as smoothly as possible. An editorial in the September 26 Chicago Sun Times presents an excellent discussion of what is needed. The editorial follows:

> REVIVE THE DRAFT?
>
> Recruiting for the volunteer armed forces is falling short of the Pentagon's expectations. Through August, the Army had not met its enlistment quotas for seven straight months. Still, it is flatly premature to suggest a revival of the draft, as some in the Pentagon and Congress are doing.
>
> There is no question that the Pentagon was ill-prepared to launch its volunteer concept. Apparently, only military planners were unable to forecast that in a war-weary nation, recruits would come in large part from the unskilled, inadequately educated poor, seeking employment. Beyond that there was no hard-nosed assessment made of over-all postwar manpower needs. As a result, there is no way really of knowing if present recruiting goals are even valid.
>
> The basic problem, however, is not that gross errors were made and precipitate action taken. The problem lies with those who believe the errors can be corrected only through a revival of the draft. That would be, for the military, an easy way out. For everyone else, an early draft would be a renewed and divisive burden. The better course is for the Pentagon planners to do the thinking now that they should have done before. The volunteer concept, now that it has been adopted, ought to be given a reasonable opportunity to work.

COMMUNITY ACTION GETS RESULTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. KOCH. Mr. Speaker, in an effort to keep myself informed of developments throughout my congressional district, I frequently take walks in the various sections of my district on weekends. On a recent walk in the Lower East Side, I happened to run into the chairman of the St. Mark's Place Block Association who called my attention to the fact that there were few if any trash receptacles in the area east of First Avenue and south of 14th Street. This community leader also pointed out that in general sanitation services on the Lower East Side were poor.

As many of my colleagues know, this particular area—the Lower East Side—has some of the worst tenements in New York City and has been receiving urban renewal and other Federal funds to deal with some of the problems and improve conditions in the area; the Lower East Side has also attracted middle-income families who enjoy the ethnic mix of the neighborhood and have an interest in renovating brownstones. The people living in the area, whether in the worst or best of accommodations, have had as a major complaint the filthy streets, attributable in part to the lack of trash cans. Residents of the Lower East Side have come to me in the past protesting that they are the last to receive city services, including sanitation services. This feeling of neglect has recently been reinforced by the appearance of new concrete trash receptacles in many of the city's more affluent neighborhoods, and while I applaud the city's efforts in coming up with innovative and additional trash receptacles, I share the outrage of my constituents on the Lower East Side that these essential services are not provided for their neighborhood.

Because of my own concern and that of my constituents, after my walking tour I contacted Herbert Elish, Administrator of the Environmental Protection Administration, urging that the Lower East Side, particularly the area described above, be given trash receptacles, preferably the new concrete ones, and that the city undertake massive sanitation efforts to clean up that neighborhood. I have just received word from Administrator Elish that he has directed the department of sanitation to place 100 baskets in the area and that more baskets are on order. In addition, residents of the area have informed me that although not perfect, sanitation services have been improved.

The residents of the Lower East Side, particularly the members of the St. Mark's Place Block Association, are to be commended for their determined and persistent efforts to obtain trash cans and improved services for their community. I have received petitions containing over a thousand signatures asking the city to place trash receptacles in their neighborhood. These signatures were sent to Administrator Elish. Clearly the residents' voices are being listened to. It is encouraging to see a community work together and effect some improvements. I am proud to represent this community.

CASIMIR PULASKI—SOLDIER OF FREEDOM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. ANNUNZIO. Mr. Speaker, October 11 marks the 194th anniversary of the day on which the great Polish patriot, Count Casimir Pulaski, gave his life in order that our country might be free.

He was only 31 when he died on board the brig *Wasp* where he was removed after sustaining mortal wounds in the Battle of Savannah. Thus ended the life of one who was the embodiment of the best traditions of Polish chivalry and foremost in the ranks of those wholeheartedly dedicated to the cause of liberty.

Despite his youth, he had established a brilliant reputation in the field of cavalry, and was so thorough in completing the arduous task of reorganizing the American cavalry, that the book of drill regulations which he compiled still serves today as the basis of cavalry drills for the U.S. Army.

Pulaski first heard of the American rebellion against the British in Paris in 1776, and true to the words he had once spoken—

> Wherever on the globe men are fighting for liberty, it is as if it were my own affair—

This heroic Polish nobleman offered his services to our country.

He arrived in America in July of 1777 and Gen. George Washington immediately entrusted the command of our cavalry to him. Subsequently, Pulaski gave such distinguished service at the Battle of Brandywine and during other encounters with the enemy that the Continental Congress commended him for his efforts and rewarded him with the rank of brigadier general.

On this anniversary, it is especially fitting to remember Pulaski's courage in the face of tyranny, his patriotism, his warmth and generosity, for all these are characteristics which the Polish people have demonstrated throughout centuries of strife and foreign domination.

In my own 11th Congressional District of Illinois, which I am privileged to represent, hundreds of thousands of Polish-Americans reside. Therefore, I am particularly aware of these extraordinary characteristics of the Polish people and join my colleagues in the Congress in gratefully acknowledging the countless contributions with which our citizens of Polish heritage have enriched American culture.

Count Casimir Pulaski, of course, was among the first of the Polish people who served our Nation and aided its progress. Although he did not live to see America win her independence, his gallantry on the battlefield and his complete devotion to the cause of freedom helped our country in winning the ultimate victory.

Count Casimir Pulaski is remembered here today and is honored as a hero of two hemispheres—in one for his valiant efforts to prevent the partition of Poland—and in the other, for his outstanding contributions during America's war of Independence.

This great man made the supreme sacrifice in the age-old struggle for freedom, and it is with a sense of real pride that I join my colleagues in commemorating the anniversary of General Pulaski's death.

ROCKWELL REPORTS AN "UNDERRUN"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. GAYDOS. Mr. Speaker, we have become so accustomed to reports of cost overruns on Government contracts that a company which lives up to its original bargain usually deserves, and gets, a public pat on its corporate back.

But now, much to the surprise of many newspaper financial page readers, we have the unique instance of a cost "underrun"—a Government order fulfilled at less that the bid price. Rockwell International Corp. achieved this, according to a special news report from Downey, Calif., in building and supporting flights of the Skylab command and service modules.

As the world knows, these modules have accomplished their mission—indeed have helped move our space program far out in front of that of our space competitor, the Soviet Union. So it is gratifying to me, and I know to others in Congress, to learn that the job was done at less expense to the taxpayers than had been anticipated.

Rockwell's space division, in its report to the National Aeronautics and Space Administration, estimates the underrun, and I realize the difficulty in getting adjusted to this new term, at $9 million, or about 3 percent of the contract. This indicates that Rockwell ran a very tight ship at a time of mounting costs generally.

I congratulate the corporation and thank it, too, for the taxpaying public. Also, I take pride in the fact that Rockwell International in large part is a product of my part of the country and has close ties to my own congressional district.

FIRE MEASUREMENT FROM SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Spirit Lake, Iowa, Beacon recently carried an article datelined Mountain View, Calif., the home of the NASA Ames Research Center. This significant article describes the initiation of "Fire Index Measurement" utilizing the Earth Resources Technology Satellite. The combination of a remote sensing device in the forest combined with a satellite allows timely determinations of potential fire hazards in large tracts of forests. The ability to do this without having men present on the ground allows quicker warning of fire hazards and better deployment of limited resources to site such devastating fires. I commend this article to the reading of my colleagues and the general public:

SPACE AND AERONAUTICS

MOUNTAIN VIEW, CALIF.—One of the oldest threats plaguing life on Earth since time began is now being attacked by the newest of man's tools, space technology.

Instruments developed to sense conditions when fires start easily are being teamed with a satellite relay station and computers to give the California Division of Forestry (CDF) a "Fire Index Measurement" from an experimental unmanned remote station in a fire area near Sunol, California.

Foresters say that knowing where fires are probable and how they might act is almost as important as men and equipment actually fighting fires. An unmanned station to establish the fire index in remote areas is doubly important because it gives timely readings which have in the past been made by forestry personnel as only one of their many duties and it has been a problem for them to get the information to the headquarters by telephone. Important too is the idea that when fires occur, forestry personnel are often pulled into firefighting duties and can no longer monitor their areas.

The system is based on sensors developed by the CDF and the NASA Ames Research Center, to check wind velocity and direction, air temperature, relative humidity, and fuel moisture content, a measure of the flammability of forest floor litter. Under an agreement, Ames aerospace technologists have joined the CDF instruments with a NASA "black box" which converts their measurements into data which is beamed to the Earth Resources Technology Satellite (ERTS) four to six times daily.

The ERTS, orbiting Earth every 100 minutes 915 kilometers (540 miles) overhead, picks up the signals with special receiving equipment. The satellite automatically relays the information to a NASA tracking station in the Mojave Desert which passes it along electronically to NASA's Goddard Space Flight Center in Maryland. The coded data is sorted out by computer and sent to Forestry headquarters in Sacramento, Calif., in a useable form. In the Sunol experiment, the fire index information is passed to Sacramento on a daily basis, but it could be made available within an hour after an ERTS pass if need be.

The sensing unit in the Sunol area has been operating successfully for several weeks and the experiment has been termed by the CDF "highly successful." NASA Ames has assigned a team of experts to study the design of a network of the sensing units which would cover several critical fire areas.

The success of the project is also sparking interest in the possibility of using the system to monitor air pollution.

The fire index project is a good example of a continuing program at Ames to identify problems of public interest and concern and help local agencies find practical solutions through aerospace technology.

Heading the joint effort for the California Division of Forestry is William Innes, research meteorologist. Henry Lum, Jr., research scientist, at the Ames Research Center is the NASA project manager.

CONTROLLING THE FUTURES

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. SMITH of Iowa. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD an editorial from the Washington Star relative to the commodity markets. I have been holding a series of hearings on this subject and I find the editorial to be well worthwhile for all the Members to read.

The commodity market effects the vast majority of people in the United States in one way or another but until now most people had not had the situation involving these markets interpreted in a way which they could understand. Earlier this year, the Des Moines Register and Tribune ran a number of articles which helped tremendously to explain both what is wrong and how it affects most of the citizens of the United States. Other articles since that time have been run in other newspapers, also including the Washington Star and I hope that the articles from the Des Moines Register and Tribune will encourage still others to write interpretative stories.

Following is the editorial from the Washington Star which I urge my colleagues and those who receive the CONGRESSIONAL RECORD to read:

CONTROLLING THE FUTURES

The behavior of the agricultural commodity markets this year leaves no room for doubt that this activity must, at last, be put under effective federal regulation. There are promising moves in Congress, including a bill introduced by Senator Humphrey and another promised by Senator McGovern, to do just that.

The troubling aspects of the frantic trading in commodity futures were detailed graphically in a series of articles last week by John Fialka of this newspaper.

There is ample indication that some kinds of speculation, in such exchanges as the Chicago Board of Trade, have little or no relation to the nation's need for orderly marketing mechanisms. The trading floors are infested with "scalpers" who are not interested in buying or selling actual bushels of corn or soybeans but in making piles of money from the paper action. Brokers juggle huge potential conflicts of interest, without meaningful supervision, as they handle both their customers' orders and their own accounts.

The ultimate economic effects of such activity can only be guessed at, since the trading has never been scrutinized and analyzed adequately. But there are strong suggestions, based on such phenomena as brokers "walking up" the prices available to commercial grain dealers, that the mysterious dealings in the exchanges contribute artificially to the further inflation of food prices.

Commodity futures prices (contracts to deliver or buy goods in some future month) have fluctuated wildly in this year of shortages and roaring inflation—but to an extent bearing no resemblance to actual changes in farm costs or supply and demand. This volatility in itself is an inflationary factor. With market disruptions interfering with the legitimate "hedging" function of futures trading, middlemen apply surcharges to protect themselves from the additional risk. With futures prices often leading actual cash prices by wide margins, suspicions of market manipulation are strong. With fortunes being made from the speculation, it is a good question who, in the end, comes up with the money. Unlucky speculators, perhaps, but also consumers who make up the losses of those in the food business who get stuck.

Self-regulation by the self-serving exchanges and their member-brokers is no answer, any more than it was in Wall Street in the 1920s. The toothless and apathetic Commodity Exchange Authority, an arm of the Agriculture Department, is not doing the job, and probably cannot, given its undermanned status. The regulatory function, anyway, is not wisely entrusted to the government department committed to the interests of the agribusiness sector.

With a staggering $268 billion worth of futures contracts traded in a single year ($70 billion more than the value of stock transactions) the need is for a strong, independent regulatory agency on the order of the Securities and Exchange Commission, and for a basic reform of commodity trading practices. The American consumer, grappling with inflation and suspicious of everything in the price-setting chain, deserves nothing less.

REPUBLIC OF CHINA MARKS 62D ANNIVERSARY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. COUGHLIN. Mr. Speaker, I want to call to the attention of my colleagues the 62d anniversary of the Republic of

China. This is an occasion, not just of interest to the 15 million citizens of Taiwan, but to all of us in the world who have admired the Chinese people and understood their hopes and aspirations.

The overthrow of the Manchu Dynasty on October 10, 1911, was a profound turning point in world history, let alone Chinese history. The spirit that impelled the events of 62 years ago still are alive today, exemplified by the Nationalist Chinese who live and work on Taiwan.

I think it important, as we strive for reconcilation with old wartime and ideological enemies, that the United States take the time to acknowledge our long-lasting friendship for the people and officials who make Taiwan their home. The long tradition of understanding and cooperation that we have enjoyed through the decades becomes more important now as we grapple with complex and entangled world affairs.

To the Republic of China and its citizens on Taiwan, I offer my best wishes on this historic occasion. The prosperity and progress achieved on Taiwan surely have been earned by the Nationalist Chinese. I hope we always shall be their friends and allies.

VICE ADM. HYMAN G. RICKOVER'S BOOK, "EMINENT AMERICANS," AN UNKNOWN BESTSELLER

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BRAY. Mr. Speaker, the following from the Washington, D.C., Post, of October 11, 1973, deals with an unknown book, relatively, yet a real bestseller by GPO standards and, indeed, considering the number of copies GPO has handled, a bestseller by any publisher's mark:

RICKOVER, SUBS, AND 41 MEN

(By Henry Mitchell)

Vice Adm. Hyman G. Rickover's book, "Eminent Americans" has quietly sold 70,000 copies at the Government Printing Office outlets, and as the admiral recently observed, "Ordinarily it would be thought a best seller, but the newspapers haven't written anything about it."

The more that sank in, the unjuster it all seemed—though Rickover is not one to be upset by the nonsense of this world—and he said:

"Of course, if somebody wrote about the sex life of Hemingway's cat, there would be a big lead story about it.

"I spent four years on the book—it's all there in the preface. I'd like it to be treated like any other book."

The book has several beautiful characteristics, starting with the price of $1.25 postpaid, which is remarkable for 316 pages octavo nowadays, and it is quite perfect for sending a kid going off to college, since it would be a pity for him to get out without having heard of Washington, Jefferson, Marshall or Clay. The brevity of the essays (9 or 10 pages each) bodes well for their actually being read, and the great Americans the essays deal with are always of interest.

The admiral understands that what with the rush of affairs, we may have forgotten a bit of our history along the way. Indeed, he observed very pertinently:

"In the process (of writing the book) I learned a great deal, particularly about the origins of our government and the events that led to the Civil War. Although I had read a good deal of ancient and modern history. I had never fully realized the fragile base upon which our system of national government was established . . ."

The 41 chapters each deal with a man for whom one of the Polaris submarines was named, and most of these are figures celebrated in history, with a sprinkling of lesser figures such as Kamehameha, the Hawaiian chieftain, who is somewhat briefly and flatteringly dismissed in a page and a half as a man comparable to Alfred the Great and one with "an eye for what was good and what was bad in foreign ways."

George Mason of Gunston Hall is missing, in one of those oversights to which the world is prone, but Thomas A. Edison, George C. Marshall, Gen. M. G. Vallejo (a 19th-century luminary in California government) and Tecumseh are included.

If the figure is distinctly minor, like Vallejo, the admiral finds wise lessons anyway. "The California of Vallejo's youth might serve as a vision—a vision of an earthly paradise, blessed by fertile soil," etc. Figures less than Franklin or Jackson, in other words, may yet instruct us, in ecology and the balanced life.

"I am not a professional historian," the admiral said, and the book was possible only because his late wife, Ruth Masters Rickover, did most of the research since Rickover was a full-time naval officer with no leisure to speak of. The essays developed from letters to Congress, originally designed to inform the legislature about the submarines, then branching out to provide sketches of the ships' namesakes.

The general view, a GPO spokesman said, seems to be that the book is wonderfully infused with the admiral's sense of the great themes of our history—nationalism, sectionalism, populism, slavery, industrialism—sprinkled with little-known tidbits (Washington was the only one of the first six Presidents without a college education) which seem strangely comforting.

"It's been a pretty good seller," the spokesman said. Of course it doesn't compare with 'Infant Care' or 'Your Federal Income Tax,' which are huge sellers—the income tax book has sold half a million copies.

"But the admiral's book has sold 70,472 copies up to the first of July, and that doesn't count the 12,000 copies for Congress."

Readers who fret at today's licentiousness will be pleased to see there is not a single pornographic scene in the entire book, or so much as a sexy cat. Rather, the precariousness in which the American state was established is the chief theme, with its implication that without care the state will not last, its action being (as a wit once said) no stronger than a flower. It can be said of the nation, especially after reading the admiral's account of its early spats, that it was begotten by despair (as the poet said) upon impossibility.

ARAB ATTACKS ON ISRAEL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. LONG of Maryland. Mr. Speaker, I know that my colleagues share my deep distress over the Arab attacks on Israel. On October 10, I introduced a concurrent resolution, the text of which follows:

H. CON. RES. 346

Whereas the hostilities in the Middle East threaten peace throughout the world; and

Whereas armed conflict in the Middle East would not be possible without massive arms supplies to Arab nations by the Communist bloc and by certain Western European nations; and

Whereas Arab nations have threatened to deny their oil resources to nations which do not modify their foreign policy to suit Arab goals; and

Whereas the attack on Israel was unprovoked, massive, and has already constituted a heavy drain on Israel's resources: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States seek to bring about the immediate cessation of hostilities, the withdrawal of forces to positions occupied prior to the outbreak of hostilities, and direct negotiations among the belligerents:

That the President begin negotiations as soon as possible with the Soviet Union, France, Britain, and other major arms suppliers toward an Arms Limitation Treaty for the Middle East;

That the President work to end any United States dependence on Arab oil (1) by encouraging exploration for new sources of fossil fuels, (2) by conserving energy through price and tax policies and technical innovation, including coal gasification and liquefaction, and (3) by developing nonfossil energy sources, such as nuclear, geothermal, and solar energy;

That the President expedite the delivery of weapons already purchased by Israel but not yet delivered and that he report to Congress as soon as possible his assessment of Israel's economic and military aid needs so that these needs can be quickly addressed by the Congress.

In addition, I sent the following telegram to President Nixon and Secretary of State Kissinger on October 9:

TELEGRAM

OCTOBER 9, 1973.

Israel's supplies of weapons being rapidly depleted by unprovoked Arab attack, which shows signs of continuing for some time. State and Defense Departments cannot or will not give me definite assurance that money Congress appropriated for economic and military aid to Israel has been released as needed. Urge instant availability of all funds heretofore appropriated, and prompt review of Israel's military and economic aid, with view to asking Congress for all additional help required.

CLARENCE D. LONG,
Member of Congress.

I urge my colleagues to join in supporting my concurrent resolution and urge the President and Secretary of State to act with all possible speed to aid our ally, Israel.

TRAVEL ADVISORY BOARD SHUTS THE PUBLIC OUT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. OBEY. Mr. Speaker, 3 weeks ago I pointed out that the effort by Congress last year to convert the Freedom of Information Act into an open-meeting law for the Federal Government's more than 1,400 citizen advisory committees could fail unless more meetings are opened up and the public takes more interest in them.

In response, Reuben B. Robertson III, of the Aviation Consumer Action project, has written to let me know "what steps some public interest organizations have been taking to effectuate their rights—and what kind of resistance has been encountered."

He tells of his efforts on behalf of ACAP to open a September 25 executive session of the Travel Advisory Board of the Department of Commerce, which was to be closed on grounds that Board members would be discussing internal memoranda relating to proposed revisions of "future programs, objectives, and plans" of the U.S. Travel Service.

Now, the Federal Advisory Committee Act does permit closing a meeting if it is determined that the meeting will be concerned with matters which the Freedom of Information Act exempts from mandatory disclosure, and the FOI Act does exempt certain interagency of intraagency memoranda.

However, as Mr. Robertson points out, these internal memoranda could hardly be considered confidential "once their contents are divulged to other members of the public such as the industry representatives on the TAB."

I might add that when the Office of Management and Budget drafted guidelines to implement the advisory committee statute, it could not resist this little bit of bureaucratic embroidery:

> While the FOI Act deals with access to existing documents, the present Act encompasses oral discussions which will occur in the future and which may have no direct relation to a document. Accordingly, in applying the provision (of the FOI Act exemptions) to advisory committee meetings, some modification of concepts developed solely with regard to pre-existing documents is appropriate.

OMB then invented a couple of pretexts for closing a meeting where a written internal memorandum is involved or where—by stretching the imagination—an exchange of opinions will occur which, if written, might be deemed an internal memorandum.

However, the Travel Advisory Board did not invoke these pretexts as grounds for closing its executive sessions, so it is clear to me that Mr. Robertson's point prevails: Once the material in question has been disclosed to the members of the public who sit on the TAB, no claim of confidentiality can be supported and the meeting should be open to the public.

To show what public interest organizations must contend with in trying to open advisory committee meetings to public scrutiny. I should like to insert his letter in the Record, along with the TAB meeting notice from the Federal Register of September 19:

Aviation Consumer Action Project,
Washington, D.C., October 9, 1973.

Hon. David R. Obey,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Obey: Knowing of your interest in the operations and activities of federal advisory committees, I would like to bring to your attention certain facts concerning the Travel Advisory Board which is utilized by the U.S. Travel Service and the Department of Commerce.

The TAB is an advisory committee, subject to the Federal Advisory Committee Act of 1972 which was signed into law last October 6. Almost a year later, the USTS and its officials continue to conduct the activities of this committee in flagrant violation of the Act by excluding the public and the press from its meetings.

At a regular Travel Advisory Board meeting last June, without prior notice, the public and press were excluded from a key part of the discussion, which we understand dealt with major changes proposed in USTS' program. At that time, C. Langhorn Washburn, the Assistant Secretary of Commerce for Tourism who is also ex officio chairman of the TAB, was quoted in the trade press as stating that he would go to the "highest authorities" in order to prevent "emasculation" of the group by having to open the meetings to the public.

More recently, the Federal Register on September 19 carried a notice of a TAB meeting scheduled for September 25—only six days advance notice for the public, although Board members are informed well in advance of the dates and times of the meetings. The notice also decreed that the central part of the meeting would be closed to the public for the purported reasons that the participants were to discuss certain internal memoranda "relating to proposed revisions of USTS' future programs, objectives, and plans," and that "the public interest requires such matters to be withheld from disclosure."

On behalf of the Aviation Consumer Action Project, I immediately contacted the office of Assistant Secretary Washburn, as well as other officials of the Department, to protest this notice and demand that the meeting be held open to the public as required by the Act. I also wrote immediately to demand copies of the memoranda, under the Freedom of Information Act, pointing out that the documents could no longer be considered confidential intra-agency memoranda, and thereby exempt from mandatory public disclosure, once their contents are divulged to other members of the public such as the industry representatives on the TAB. I again demanded that the determination to close the meeting be rescinded. Both of these requests were summarily rejected by the USTS.

I then requested by telephone that the meeting be postponed until a legal determination concerning its closing could be obtained, and this request was likewise dismissed as impossible. Moreover, I requested as a matter of fairness as well as legal requirement under section 11(a) of the Act, that assurance be made that a verbatim transcript would be taken of the closed session so that, if we were ultimately successful in a legal action on the merits, our right to know what transpired at the meeting would not be lost forever. This too was refused, and no transcript was made.

When the meeting was held, as scheduled, a number of interested persons and members of the press were in attendance. Repeated protests and requests for reconsideration of the decision to exclude the public were made, and finally Mr. Washburn commanded everyone to leave for the illegal "executive session", rejecting even our request to poll the members of the committee to see whether there was any objection from them to public attendance.

This conduct is utterly inconsistent with the spirit and the letter of the Federal Advisory Committee Act which was intended to open up these meetings and guarantee the public's right to know. It also flouts the Freedom of Information Act by a transparently absurd interpretation of the internal governmental memorandum exemption. We feel this pattern of conduct should be looked carefully into when congressional oversight hearings are held on compliance with the Federal Advisory Committee Act. It should also serve as a basis for a more careful review of how the USTS is expending its funds and conducting its affairs, with specific reference to the Travel Advisory Board.

The membership of the TAB is made up almost exclusively of those interests which stand to benefit most heavily from the millions of taxpayers' dollars that are being expended annually by USTS: Pan American, Hilton Hotels, Disneyland, Avis, American Express and the domestic airlines through the Air Transport Association, among others. Why is there no real public representation on this committee? Why is there no legitimate small business representation? Why is not a single consumer organization represented? What kind of influence have these private commercial interests been having in USTS decisions as to where and by what means its funds are expended?

In light of your remarks concerning federal advisory committees in the September 20 Congressional Record, we thought you would be interested in knowing what steps some public interest organizations have been taking to effectuate their rights—and what kind of resistance has been encountered. Because of the refusal of USTS to comply with the law, I filed a complaint on September 27 in the U.S. District Court for the District of Columbia against the Department of Commerce, the Assistant Secretary for Tourism and the individual members of the Travel Advisory Board, seeking an injunction from further violations of the Freedom of Information Act. The plaintiffs in the suit are ACAP (a non-profit organization engaged in consumer-rights advocacy in airline and tourism matters), a reporter who covers these industries, and an individual consumer who had sought to attend the September 25 TAB meeting. One of the problems with litigation of this sort, of course, is the expense, since even if the defendants are found to have violated the law the plaintiffs must bear attorneys fees.

I am enclosing copies of our District Court complaint and the other documents which relate to the Travel Advisory Board and USTS actions described above. If we can be of any assistance or provide any needed information, please let me know.

Sincerely,

Reuben B. Robertson III.

U.S. Travel Service, Travel Advisory Board

NOTICE OF MEETING

The Travel Advisory Board of the U.S. Department of Commerce will meet September 25 at 9:30 a.m. in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Members advise the Secretary of Commerce and the Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

General session

(1) Opening remarks by Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn.

(2) Remarks by Under Secretary of Commerce, John K. Tabor.

(3) Review and discussion of USTS programs and activities.

Executive session

A closed Executive Session will be convened following the general session to discuss internal memoranda which relate to proposed revisions of USTS' future programs, objectives, and plans. Pursuant to section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, it has been formally determined by the Assistant Secretary of Commerce for Administration, with the concurrence of the General Counsel, that these matters fall within section 552(b)(5) of Title 5 of the United States Code, and the public interest requires such matters to be withheld from disclosure. The specific exemption is the intra-agency communications exemption set forth in subsection (5) of section 552(b) of Title 5. Accordingly, the Executive Session shall be closed to the public and shall be exempt from the provisions of sections 10(a) (1) and 10(a)(3) of the Federal Advisory Committee Act, relating to public attendance and participation.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

A limited number of seats—approximately 14—will be available to observers from the public and the press for the General Session. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available after the General Session the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-4987 will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism
U.S. Department of Commerce.

[FR Doc. 73-19876 Filed 9-18-73; 8:45 am]

A TRIBUTE TO CASIMIR PULASKI—ON THE ANNIVERSARY OF HIS DEATH

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. MACDONALD. Mr. Speaker, on this day, October 11, Americans of Polish extraction, indeed all Americans, honor the memory of a great Revolutionary War hero: Casimir Pulaski.

Born in the Province of Podolia in southwest Poland in the year 1747, Casimir Pulaski was to develop many of the traits of his father, the Count Joseph Pulaski, Poland's freedom fighting hero of the 18th century.

Unfortunate Poland, in the latter half of the 18th century, was surrounded by the three most powerful countries in Eastern Europe. Immense Russia lay to the east; and the ever expanding, military minded countries of Prussia and Austria lay to the west.

Upon the death of King Augustus III of Poland in 1763, the Prince Chancellor, a member of the Czartoryski family, requested Catherine the Great of Russia to send in Russian troops to support him and reestablish the Polish monarchy. Catherine's choice to be Poland's new king was Stanislaus Czartoryski and, with Russian troops now occupying Poland, Stanislaus II was crowned King of Poland in 1764.

In 1768, Count Joseph Pulaski and his son Casimir raised sufficient forces to rebel against the foreign domination exercised by the Russians. In the revolution, Pulaski, age 21, fought with the valor and distinction of a veteran. Indeed, the military victories gained by the Pulaskis supporters were sufficient to allow him to establish, in 1768, the Confederation of Bar. The Confederation served to combat the policies of Stanislaus II and his Russian allies.

Throughout the ensuing campaign to make Poland free from tyranny, Casimir Pulaski gained fame for his leadership abilities and was noted for his bravery and distinction while under fire. The combined might of the regular Polish Army under Stanislaus and the Russian army, however, proved to be formidable. In 1772, the countries of Prussia and Austria seeking more territory and infuriated by Pulaski's attempt to capture Stanislaus, joined Russia and the combined forces crushed the revolutionaries. Count Joseph Pulaski was captured and later died in captivity. Casimir escaped capture but the Pulaski lands were confiscated and he was driven into exile in Turkey. In that year, 1772, the first partition of Poland was underway.

While exiled in Turkey, Casimir attempted to arouse the Turks into making war on Russia, but failing in his endeavor, he sailed to France in 1775. It was in France that Pulaski first heard that America was fighting for her freedom from England, and while in Paris, Pulaski, sympathizing with America's plight applied to Benjamin Franklin to aid him in securing a commission in the American army. Franklin, impressed by Pulaski's military record and the sincerity of his motives, furnished Pulaski with letters to Gen. George Washington.

Casimir Pulaski arrived in Philadelphia in August, 1777 and went immediately to General Washington. Washington, too, was impressed by Pulaski's credentials and wrote to Congress requesting a commission for him. In the interim, he served as a volunteer officer on Washington's staff.

In his first battle, at Brandywine in 1777, Casimir Pulaski served with distinction and impressed General Washington greatly. As a result of his actions at the Battle of Brandywine, Congress awarded him a commission as brigadier general and gave him command of the American cavalry forces.

At Trenton and later at Flemington, N.J., during the winter of 1777-78, Pulaski again distinguished himself and is credited with helping to keep supply lines to Valley Forge open. In 1778, Congress authorized Pulaski to form a separate command of his own and for most of that year he was stationed at Baltimore, recruiting and training his new troops and did not engage in much action.

In February of 1779, Casimir Pulaski and his new command were ordered to South Carolina to join General Lincoln, who was then attempting to capture Savannah. Pulaski's forces arrived in time to do some heavy fighting along the South Carolina coast. In order to alleviate pressure on Savannah, the British had decided to go on the offensive. They managed to stall the American advance by attacking, but a decisive victory was elusive and instead of scattering the American forces as they had planned, they had to be content with just buying a costly few days time.

It was just after the American forces had been stalled by the British attack that Pulaski proposed a major attack against Wappo, a nearby British stronghold, but the proposal was regarded as too daring and was rejected by the American command. Therefore the American forces laid seige to Savannah and made the mistake of giving the British until October to surrender.

On October 9, 1777, an attack on Savannah was launched. Not knowing British reinforcements had arrived and not knowing an American deserter had betrayed them by giving the British their exact numbers and where the attack was to take place, the American cavalry, led by Casimir Pulaski, led the way.

As soon as they reached the British embankments, Pulaski and his men were hit by a murderous crossfire. Pulaski, at the head of the column, fell, seriously wounded. Almost at once he was removed to the American ship *Wasp*, and the ship pulled anchor and headed for Charleston. The ship surgeons, however, encountered difficulties in treating the general's thigh wound and gangrene set in. Before the *Wasp* reached its destination, Casimir Pulaski had died. The date was October 11, 1779. He was buried at sea with military honors. He was 31 years old.

So it is today, on the 194th anniversary of his death that we honor this great American hero of Polish heritage. Casimir Pulaski never lived to see America in peace, a free America.

He never lived to see Poland in peace, a free Poland. Of America, his adopted country, it can be said in truth that no other country can match its achievements. Of Poland, his native country, it can be said that only once did it exist as a truly free state. It is to be hoped that it will exist that way once more.

NEW AMERICANS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. HORTON. Mr. Speaker, one of our country's richest resources has been the diversity of the background of its citizens. Much of our Government and legal system is based on that of England, the country from which we obtained our independence. But the people who administer those laws, who vote for their leaders, and who work in our industries, have heritages which stretch literally into every nation in the world. It is their courage which built the Nation and their spirit which will help it maintain its position as a great democracy and a great power.

Each year, over 100,000 people become U.S. citizens in naturalization ceremonies across the country. One of the most unusual of these ceremonies took place in my district July 31 of this year. Sixty-eight employees of Hickey-Freeman Co., Inc., were sworn in as U.S. citizens in a special court session held in the plant cafeteria.

For 12 weeks, these new citizens studied together after work in a program sponsored by Hickey-Freeman, a Rochester clothing manufacturer. Four teachers, Mrs. Marion Strickland, Mrs. Laura Radcliff, Ms. Germaine Caroselli, and Jerold Stoll, worked to give the students a good knowledge of the English language and an understanding of the democratic process. Through the efforts of Ross Zornow, Monroe County clerk and his deputy Ms. Charlotte King, the students were able to take the priliminary exam in the firm's offices rather than in the Hall of Justice. Richard Obringer and Frank Dziduch, attorneys for the Immigration and Naturalization Service administered the test. All 68 students who took the test qualified for citizenship—a remarkable record which speaks well for the efforts of the teachers, and for the enthusiasm of their students. Boyd Campbell, chief of adult education at the State University of New York, and David Alexander, also of the State University, who coordinated the program.

Each of these 68 new citizens, who come from such countries as Italy, Greece, Canada, Yugoslavia, Poland, and Cuba, are full-time employees of Hickey-Freeman. Many of these men and women have already risen to positions of substantial responsibility with the firm. To each of those new citizens, whose names are listed below, must go our congratulations and best wishes:

HICKEY-FREEMAN CO., INC.,
Rochester N.Y.

U.S. CITIZENS

Antonio Ciccarelli and daughters, Marisa and Cotonella.
Gabriella Ciccarelli.
Genowefa Piotrowski.
Teresa Di Benedetto.
Antonio Di Benedetto and son Aurizio, daughter Pasqualina.
Natalia Cueto.
Roberto Cueto and son Emilio.
Giuseppina Di Battista.
Luigia Caparella.
Eleanor Renauto.
Maria Maiola.
Vincenza Caprarella.
Orlando Maiola.
Domenico Lanzirotti.
Maria Grazia Panzetta.
Anthony Panzetta.
Mauro Spennacchio.
Francesca Paola Pelligra.
Luigi Barrile and daughter Maria.
Angela Maria Barrile.
Maria Pia Di Iulio.
Nilde DeGregorio and son Nicolas.
Carmela Cottone.
Luigi Aiezza.
Maria Caricchia.
Dorina Di Marco.
Maddalena Della Rocca.
Luba Ognenovska.
Agata Zaffuto (naturalized on September 17th).
Vangel Ognenovski.
Violeta Ognenovska.
Adelina Siconolfi.
Leonardo Zicari.
Salvatore Scarantino.
Raffaele Piria.
Flora Piria.
Filomena Rotoli.
Calogero Scarantino.
Tecla Carla Cucinelli.
Eugenia Kucil.
Settimio Cucinelli.
Giovanni Palmieir.
Emilio Rizza.
Mario Grimaldi.
Amalia Grimaldi.
Giuseppa Scarlata.
Maria Teresi.
Andrew Aftanas.
Olga Cherwinsky.
Irmo Inglese.
Raffaele Sufra.
Joseph Pavia.
Assunta Pavia.
Antonino Sufra.
Cristofaro DiPane.
Maria DiPane.
Carmela Marseglia.
Maria Antonia Marseglia.
Leonilda D'Alessandro.
Pasqualina Marmo.
Giuseppa Tosto.
Albert Tosto.
Helen Seremetis.
Dimitrios Kostarellis and daughters Maria, Anastasia, son Sotirios.
Zoe Kostarellis.
Corrado Faiazza.
Calogero Giglio.
Youngsoon Lee La.

The officers of Hickey-Freeman, especially Bud Messe, Robert Morthorse, and Werner Suratny, and the officials of the Amalgamated Clothing Workers of America, headed by Abe Chatman, worked long and hard in developing this unique program. I think their efforts have been well rewarded.

It is a great privilege, Mr. Speaker, to be born a citizen of the United States. But it is an even greater privilege for the United States to have so many people from so many backgrounds choose to become U.S. citizens and to put the work and effort into becoming one which is required.

TRIBUTE TO MRS. LOU O'ROURKE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. ANDERSON of California. Mr. Speaker, when asked his opinion of the best service that we can perform for both ourselves and our country, the noted American Jurist Oliver Wendell Holmes responded:

> To see as far as one may, and to feel the great forces that are behind every detail . . . to hammer out as compact and solid a piece of work as one can, to try to make it first rate, and to leave it unadvertised.

No statement more accurately reflects my opinion of Mrs. Lou O'Rourke—one of the finest servants of the public that I have been honored to know.

After serving her community with dedication and unsurpassed competence for over 25 years, Mrs. O'Rourke retired as a city treasurer of Hawthorne, Calif. on September 14.

While city treasurer, she was also an active member of the community. Mrs. O'Rourke was a member of the Business and Professional Club of Hawthorne, the Hawthorne Women's Club, and a charter member of the California Municipal Treasurers Association.

In addition, she was a charter member of the Quota Club.

The measure of a person's abilities is often best evaluated by fellow workers. And in Mrs. O'Rourke's case her talents and achievements are recognized by those who know her best—the Hawthorne City Council, which presented her with a resolution commending her years of public service and her exceptional management of municipal funds.

Mr. Speaker, she did "first-rate" work; her efforts went beyond those which would have yielded only adequate results, and she left it "unadvertised."

The city of Hawthorne was fortunate to have had her services; indeed, our country is a better place today, because of the faithful, hard-working, and dedicated efforts of public servants who—like Mrs. Lou O'Rourke—strive for perfection, give attention to detail, and conscientiously and competently administer the public's business.

RESULTS OF QUESTIONNAIRES

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. SYMMS. Mr. Speaker, August 12, 1973, I mailed out the following questionnaire as a postal patron mailing to every household in the First Congressional District of Idaho.

I enclose the results to share with my colleagues. The tabulated results of 12,000-plus questionnaires which my constituents returned and my staff has tabulated:

RESULTS OF QUESTIONNAIRES—ALL AREAS

SECTION 1

Question 1—Congressman Symms favors a Constitutional Amendment like we have in Idaho, requiring the Congress to spend no more money than it receives each year.

His: 93% agree; 7% disagree.
Hers: 96% agree; 4% disagree.
Total: 94% agree; 6% disagree.

Question 2—Symms is opposed to using United States money to rebuild North Vietnam.

His: 96% agree; 4% disagree.
Hers: 97% agree; 3% disagree.
Total: 96% agree; 4% disagree.

Question 3—Symms favors removal of earnings limitations on Social Security recipients.

His: 84% agree; 16% disagree.
Hers: 90% agree; 10% disagree.
Total: 87% agree; 13% disagree.

Question 4—Symms is opposed to any form of gun control.

His: 86% agree; 14% disagree.
Hers: 85% agree; 15% disagree.
Total: 85% agree; 15% disagree.

Question 5—Symms feels occupational safety and health should be a responsibility of the employer and the employee and has introduced a bill to repeal the federal OSHA bureaucracy.

His: 84% agree; 16% disagree.
Hers: 84% agree; 16% disagree.
Total: 84% agree; 16% disagree.

Question 6—Symms believes that agricultural imports should be prohibited if foreign growers have not complied with pesticide and health regulations, etc., applicable to American farmers and processors.

His: 94% agree; 6% disagree.
Hers: 96% agree; 4% disagree.
Total: 95% agree; 5% disagree.

Question 7—Symms has asked the Congress to prohibit inspection of farmers' income tax records by the Department of Agriculture.

His: 72% agree; 28% disagree.
Hers: 72% agree; 28% disagree.
Total: 72% agree; 28% disagree.

SECTION 2

Question 1—Do you favor giving private enterprise an opportunity to compete with the U.S. postal monopoly on delivery of first class mail?

His: 84% agree; 16% disagree.
Hers: 81% agree; 19% disagree.
Total: 83% agree; 17% disagree.

Question 2—Do you favor trade with the Soviet Union and Red China?

His: 71% yes; 29% no.
Hers: 63% yes; 37% no.
Total: 67% yes; 33% no.

Question 2A—If yes, do you believe that we should insist that we be paid in cash, gold or real goods, rather than financing credit to these nations with American taxpayers' dollars?

His: 97% yes; 3% no.
Hers: 95% yes; 5% no.
Total: 96% yes; 4% no.

Question 3—Do you favor tax decreases even though it means a reduction of government services?

His: 85% yes; 15% no.
Hers: 86% yes; 14% no.
Total: 86% yes; 14% no.

Question 4—Do you believe the Watergate Affair is not just a characteristic of the Nixon Administration, but has been a characteristic action of most 20th Century Administrations?

His: 78% yes; 22% no.
Hers: 81% yes; 19% no.
Total: 79% yes. 21% no.

Question 5—Other than Watergate, do you approve of the way Richard Nixon is handling his job as President?

His: 45% yes; 55% no.
Hers: 50% yes; 50% no.
Total: 47% yes; 53% no.

Question 6—Inflation does not result from high prices. It is the cause. Therefore would you favor:

A. An increase in taxes if it meant a decrease in inflation

His: 30% yes; 70% no.
Hers: 31% yes; 69% no.
Total: 31% yes; 60% no.

B. A decrease in federal spending in order to balance the budget and to stop inflation

His: 93% yes; 7% no.
Hers: 93% yes; 7% no.
Total: 93% yes; 7% no.

Question 7—Is it wise to allow any President to make secret domestic and foreign deals?

His: 14% yes; 86% no.
Hers: 14% yes; 86% no.
Total: 14% yes; 86% no.

Question 8—Do you think U.S. domestic activities and world affairs are reported fairly in the news media?

His: 24% yes; 76% no.
Hers: 21% yes; 79% no.
Total: 23% yes; 77% no.

Question 9—Do you feel higher education in this country is treating fairly the American free enterprise system?

His: 26% yes; 74% no.
Hers: 23% yes; 77% no.
Total: 25% yes; 75% no.

Question 10—Are you satisfied with the job the public school system is doing in educating your children?

His: 33% yes; 67% no.
Hers: 28% yes; 72% no.
Total: 31% yes; 69% no.

Question 11—Do you see the two-party political system as offering the voters honestly different alternatives?

His: 35% yes; 65% no.
Hers: 34% yes; 66% no.
Total: 35% yes; 65% no.

SECTION 3

Question 1: Of the problems facing the country today, those polled in order of seriousness:

1. Gov't Destruction of Individual Freedom.
2. Inflation.
3. More & More Big Government.
4. Crime and Drug Problems.
5. High Taxes.
6. Energy Shortage.
7. Environmental Quality.
8. Vietnam—U.S. vunerable to Russia.
9. Predicted Food Shortages.
10. Compulsory wage and price controls.
11. Unemployment.
12. Private Education Disappearance.

Agriculture and rural development

	Percent
Spend more	15
Same	22
Less	24
Keep out	39

Health

	Percent
Spend more	38
Same	33
Less	16
Keep out	13

Defense

	Percent
Spend more	29
Same	41
Less	28
Keep out	2

Management public lands and forests

	Percent
Spend more	22
Same	46
Less	18
Keep out	14

Environment

	Percent
Spend more	30
Same	30
Less	23
Keep out	17

Foreign aid

	Percent
Spend more	1
Same	5
Less	62
Keep out	32

Schools

	Percent
Spend more	27
Same	32
Less	16
Keep out	25

Consumer protection

	Percent
Spend more	30
Same	33
Less	18
Keep out	19

Housing

	Percent
Spend more	13
Same	30
Less	27
Keep out	30

Welfare and social services

	Percent
Spend more	11
Same	22
Less	53
Keep out	14

Urban renewal

	Percent
Spend more	10
Same	19
Less	29
Keep out	42

Space program

	Percent
Spend more	10
Same	32
Less	46
Keep out	12

United Nations

	Percent
Spend more	3
Same	18
Less	41
Keep out	38

OPERA IN THE BRONX? YES, THONX

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BINGHAM. Mr. Speaker, though skeptics would deny it, the Bronx offers its citizens multifarious cultural activities: the world-famous Bronx Zoological Park, the unexcelled Bronx Botanical Garden, the Bronx Opera Co., to name but a few. As the article below makes clear, those who think culture is limited to Lincoln Center could not be more wrong. It is to aid similar community endeavors that I urge support for H.R. 10596, the Museum Services Act. The article appearing in the New York Times on October 7 follows:

OPERA IN THE BRONX? YES, THONX

(By Harvey E. Phillips)

No one can argue: there are masses of music lovers who believe that the curtain on professional opera in New York rises and falls at Lincoln Center. But how wrong they are! According to the Central Opera Service, New York is home for 37 opera companies, ranging from the Metropolitan Opera with its dollar-devouring spectaculars to obscure groups surviving on a shoestring—or less. In between, however, several troupes offer modest but often stunningly resourceful performances that serve many purposes: they entertain those adventurous enough to seek them out, they don't make one very much poorer for having done so, they often explore unusual repertory, and they provide needed experience for young performing talent.

Three of these groups seem particularly worth of attention. They are, in order of seniority, the Bronx Opera Company, the Bel Canto Opera, and the Eastern Opera Theatre of New York. Though similar in youth, enthusiasm and steadfastness of purpose, each has a character of its own, a philosophy and goals that keep it from duplicating the others' functions.

Michael Spierman, the 30-year-old founder-impresario of the Bronx Opera, loses no time in making one aware of what his and his company's guiding dictum is. He wants to dispel the notion that the arts are for the few. This he is doing not only with his opera company but also with the Bronx Symphony, of which he is the maestro, and with his teaching at Hunter College—for him every bit as important as any podium appearances.

Spierman also believes in the community, his community. He was born and educated in The Bronx, his speech is colorfully Grand Concourse—which, indeed, is where he lives, his apartment serving as company headquarters. He hates—Ogden Nash for once having versified, "The Bronx/No thonx." Thonx, nevertheless, have come to him for a recent "Don Giovanni," which after having played its home theater, the auditorium of the Bronx High School of Science, visited Manhattan's Hunter College Playhouse. Reviewing it at Hunter, The Times praised its "many pleasurable moments."

The company has garnered notices like these since 1967, its first year. At the time a group of Spierman's musician friends, holding a bull session, lamented the sorry state of small-scale professional opera in New York, not so much for what it was not doing for singers but for what it *was* doing—"the immortal wrongs," as Spierman puts it—to opera itself.

They decided to act. Their approach to schools and community centers was simplicity itself: "We have a whole opera. How would you like to buy it for $150 a performance?" The ploy worked. The company was noticed by the Bronx Council on the Arts and eventually by the Clinton-Walton Youth and Adult Center of the Adult Education Division of the New York City Board of Education. "We could not survive without them," says Spierman. "They provide our rehearsal and performing facilities. Their commitment is fundamental."

Other sources have on occasion kicked in contributions—the New York State Council on the Arts, a few corporations (Exxon, Chase) and on foundation (William Matheus

Sullivan)—but the budget for the coming season is a miniscule $18,000 ("$14,000 from the community, and we scrape up the rest"), and this has to cover a total of six performances of two works with perhaps additional appearances in other parts of the city and suburbs.

How is this possible? Well, the pay scale with the Bronx Opera would not add a single pelt to a Birgit Nilsson mink coat; singers (two casts per production) and orchestra players (as many as 40 if the opera requires it) each receive $50, and that fee takes care of all rehearsals (as many as ten weeks of juggled weekends and evenings) and performances. "Let's face it," Spierman remarks, "if a guy has to go through a toll booth to get to where we're working, he's contributing his services."

To save on costs, Spierman and his wife, Helene, attend to all office chores with some assists from wily volunteers who know how to turn their lunch hours on their office jobs into frantic Xerox sessions.

All these sacrifices are made without much regret on anyone's part. As many as 150 singers, when auditions are announced, will besiege Spierman for an opportunity to shine under those High School of Science lights. "New York acts like a magnet to talent from all over the country," he observes. "The kids come here and there are no opportunities. Many of them have never been onstage. Why, one girl whom I cast in 'Giovanni' didn't even know what a recitative was. But at least she didn't have to go to Germany to find out."

Spierman rather hopes that those he discovers will soon move on. Already a few—Clamma Dale, Sandra Walker, Roslyn Jhunever, Diana Sims and Lenus Carlson—have begun to be noticed in other, more prestigious surroundings. "There's an inexhaustible supply of singers. They are transient," Spierman notes. "Although it is much maligned, our orchestra is really the heart of the company." Drawn from the Bronx Symphony, a community ensemble in which anyone can play along if he wants to (auditions are necessary for the opera orchestra, however), the pit accompanists can claim a certain proficiency as long as their number does not have to be expanded to meet the scoring demands of something hovering in the neighborhood of German music drama. Benjamin Britten's "Albert Herring," in proportion almost a chamber composition and the Bronx Opera's offering for January, will most likely successfully skirt the usual mass sound problems, and Spierman's great love of Mozart will possibly provide that extra ingredient to get them over the hurdles of "The Magic Flute," scheduled for April.

The company has had least success with its stage directors, designers and costumes. Spierman feels suggestive settings do not read in the large spaces of the Bronx High School of Science auditorium, and when drops and props are schlepped to other sites, they usually don't fit. The volunteer stage crew never seems to get enough time to conquer the technical features of these foreign plants. Costumes, generally rented, sometimes look like casual, if not downright inappropriate, leftovers.

The Bronx repertory will always be a mixture of the standard and the only somewhat more esoteric. "That means no 'Dialogues of the Carmelites' for us or opera in any language other than English," Spierman says. "Our constituency is not ready. Besides, singers need experience in roles that are in the international repertory."

The choice of "Albert Herring" would seem to contradict this point of view. "Well," says the maestro, smiling, "we also will keep on doing operas that are very good. I did think, what if no one shows up, but I'd be embarrassed to run scared. We'd be finished if we just kept doing 'Madam Butterfly." We'd be prostitutes."

A distance from The Bronx and in another musical dimension is Bel Canto Opera, the lyric child of Theodore Sieh, a gentleman who trained as a theologian at Princeton Seminary and as a tenor with Tito Schipa. Unable to choose between the two vocations, he compromised by becoming a church choir director. It was while serving with the Chinese Christian Assembly that he arrived at an arrangement with the Madison Avenue Baptist Church at 31st Street, where his congregation met, to begin a small operatic venture.

That was in the fall of 1969, and since then the unlikely elements of a Chinese heritage and a Baptist setting have led Sieh to mount no fewer than 22 works. On this list one finds mostly rarities: "Thais," "L'Amico Fritz," "Medea," "Mignon," "The Damnation of Faust," "The Pearl Fishers," "I Capuletti ed i Montecchi," "Katya Kabanova," "Jenufa," "La Favorita," "Lucrezia Borgia," "Ann Bolena" and yes, "Dialogues of the Carmelites."

What Sieh has set out to do has been achieved with little help other than that of the Church, which not only rents its auditorium to the group at a low fee but has also hired Sieh for its own office staff. No foundation except the State Council on the Arts has supplied a penny; Bel Canto's orchestra is a baby grand piano, its stage is Lilliputian, its auditorium seats only 150. Somehow this has all come out to the troupe's advantage; the pianist's fingers are usually more accurate than the playing of a pick-up collection of freelancers, the acting space lends itself to illusionistic devices, and even if only the most interested folk come to see and hear, the place will be respectably filled.

Like Spierman, Sieh is swamped by applications from singers. He auditions daily, either during his nine-to-five office hours or in the six- or seven-hour strictly operatic period that follows. Bel Canto gives the impression of being constantly at work on something new. In addition to "Lakme," which opened the season, they are preparing "La Rondine," to be sung next Friday, Saturday and Sunday, Prokofiev's "La Duenna," "Le Comte Ory," "The Saint of Bleecker Street" and possibly Saint Saens's "Henri VIII" and/or "La Juive."

Sieh is determined to expose as many singers as possible to his startling repertory. He says that, presented with the choice, he will take the inexperienced artist over the veteran. The policy pays off, for several Bel Canto proteges have gone on to the New York City Opera or have latched on to contracts in Brussels, Hamburg and Munich.

Unlike Spierman, Sieh has usually fared well with directors and designers. Perhaps it is his policy of allowing these people to run with their conceptions, funds permitting, that has given Bel Canto positive results. Sieh's vision for himself and Bel Canto is of finding a slightly larger hall and perhaps experimenting with a small orchestra. Even as it is, Bel Canto has come to figure as one of the more important showcases in town.

The newest local opera company—it is just now entering its second season—is the Eastern Opera Theatre of New York, the group that operates out of Pace University's Schimmel Theater. This is the organization that New York magazine's Alan Rich has taken under his critical wing and so consistently praised that people refer to it in his presence as "your company."

What Rich admires has to do with the concept developed by 28-year-old Donald Westwood, Pace graduate and Eastern's managing director. "We want our audience to be in the presence of ideas and imagination. Today in opera there is a need for entertainment, not just for another company." And entertain they do. Last year's "Don Pasquale," "Cosi fan Tutte" and "Il Barbiere di Siviglia," admittedly all in the buffa vein, bubbled with good spirits allied to inventiveness. It would seem that in John Haber, Eastern's stage director and designer, Westwood has snared a major talent to carry out his basic concept of opera as theater.

Young Haber, who was briefly with the Metropolitan as a production assistant ("I worked an adding machine"), believes in opera in the original language, not so much out of any regard for the sacredness of the libretto the composer set but because it forces the performer to communicate through other than purely verbal means. "People tend not to act if they're singing in English," he asserts. "I get a much more gratifying ensemble effect when we're using the Italian text." The company's emphasis on acting leads it to selecting singers who have had television, stock, even soap opera experience rather than just a conservatory background. "We don't want stand-up and clutch performances," Westwood summarizes.

For next month's "La Bohème," to be done without chorus, Haber has immersed himself in the Murger novel and has already made some decisions that will certainly individualize the production: Acts One and Two performed without a break, a pointing up of the intimate details of the events at the Cafe Momus, and a clear projection of just what Mimi's nonsewing profession might be. This "Bohème" will also mark the introduction, thanks to the Sullivan Foundation, of a 20-piece orchestra replacing Miguel Pinto and his all-purpose piano. Pinto, who has joined Julliard's American Opera Center, is succeeded as Eastern's artistic director by Thomas Booth, a former assistant conductor with City Opera.

Eastern's repertory ideas are obviously closer to Bronx Opera's than to Bel Canto's. "We feel," says Westwood, "that younger artists are best off performing standard works. They are valuable for them in terms of their careers. We cannot try anything too grandiose in our intimate theater." Just the same, plans are afoot to stage a contemporary opera in February, a chancy venture considering that the troupe is pledged to an audience development program involving the new, middle-income residential area that has grown up around Pace "campus" close by City Hall.

Even more significant than the community link of course, is the link to the University itself which Westwood approached at the propitious moment when Pace, then only a college, was expanding to include lay and medicine faculties. A resident professional opera company coincided with the institution's notion of overall growth. There was, too, seed money from private sources and the use of the subterranean Schimmel Theater. This is a steeply raked, comfortable hall that seats 668 but has a disproportionately wide proscenium, seven feet greater than the Met's.

Westwood is proud that Eastern derives one-third of its income from ticket sales. "We average two to three hundred paid admissions per performance. One 'Cosi' even sold out. In any case, we make sure all our bills are taken care of before we begin rehearsing." As an AGMA company, Eastern awards higher fees than Bronx or Bel Canto, singers receiving $90 per performance.

In the coming years, Westwood hopes Eastern will grow to five or six productions a season at Pace and a fully operative touring program (Columbia Artists is now prepared to send "Don Pasquale" on the road). One senses in Westwood a rare organizational talent. But whether his multi-faceted plans work out, or whether Michael Spierman finds that The Bronx can develop a taste for "Albert Herring" or Theodore Sieh locates a larger auditorium for Bel Canto, enough is happening right now to reassure the budding prima donna or *tenore robusto* that curtains will continue to rise to reveal what she or he can do before a Rudel or a Chapin decides to show them the dotted line. In the meantime the rest of us can, with a minimum of ingenuity, enjoy the music.

MINIMUM WAGE: INSULT AND INJURY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. DENT. Mr. Speaker, during recent debates on the minimum wage bill and in the President's veto message, our proposal has been labeled as "inflationary" and a contributor to youth unemployment. In his recent article in the Chicago Tribune, aptly entitled "Minimum Wage: Insult and Injury," Mike LaVelle focuses on the underlying motivations for these fallacious arguments and reminds us of the low-wage workers who are suffering the most from congressional inaction and the administration's ill-guided economic policies. I hope my colleagues will take a moment to read the article which I include at this point:

[From the Chicago Tribune, Sept. 27, 1973]

MINIMUM WAGE: INSULT AND INJURY

(By Mike LaVelle)

"Young man, I'm sorry I can't hire you."

"Why not?"

"I can't afford to pay you the minimum wage of $2 an hour."

"Why not?'

"Well, such schemes as a bigger minimum wage are a harboring of Socialism and it's my patriotic duty to defend the American way of life. If I were to hire you at such inflationary wages I would sap your initiative."

"What about your inflationary prices?"

"What are you? One of them smartpants college kids?"

"No, sir. I just got out of high school."

"Young man, let me tell you this. I did not build this business by giving money away."

"What about the $200,000 you gave to the Nixon campaign?"

And so it goes. The imaginary dialog is standard procedure whenever a minimum wage bill is up before Congress. The refrain of the profit-happy and the penny-pinchers is always the same: "We can't afford it. It'll put us out of business." But somehow they always do afford it and they always stay in business.

The fallacy of that argument is apparent when one looks at the rise of day labor agencies. There are 26 in the Uptown area alone. I can remember there were one-third that number 10 years ago. The number of hamburger stands also has steadily increased while minimum wage has risen twice.

Day labor agencies and hamburger stands [particularly McDonalds] are the businesses most affected by a minimum wage boost.

One can add to that domestic help, and sweat-shop, nonunion small businesses. [There's one on the North West Side where I worked for three days. The owner paid a minimum wage to his mostly black women employes and hired the same employes as weekend maids. "Fine people. Salt of the earth. Never caused no trouble."]

Since 1968, food prices have gone up 38 percent, yet President Nixon can veto a minimum wage bill which would have gone up about 25 per cent. That's not even breaking even.

The poverty level as determined by the Office of Management and Budget is $4,200 a year. At the current minimum wage of $1 65 an hour the President's veto of a $2.00 minimum wage—the law provides for a raise to $2.25 within a year—is asking minimum wage earners to exist on $3,328 a year, $878 below the poverty level.

That is pure insanity and any relation to that reasoning and the fiscal conservatives' stated beliefs makes a yahoo night-rider look like a flaming liberal. What incentive can there possibly be for someone to get off welfare if the choice is to be a working pauper rather than a nonworking one? Common sense has to tell that there has to be a difference.

George Meany, president of the AFL–CIO, has called Nixon's minimum wage veto a "callous, cruel blow to the worst paid workers in America." I. W. Abel, president of the Steel Workers has called it "the most cold-hearted, cold-blooded legislative action taken by the President since he assumed office in 1969."

That language isn't strong enough for me and my own comments would be unprintable.

The buck [or its equivalent in loose change] seems not to stop anywhere anymore. President Nixon's own policies have created a runaway inflation which have penalized the working poor and by some logic I'm unaware of they are to be penalized further by being denied even a partial solution to a problem not of their own creation. A $2 minimum wage would still put the working poor at $4,160 a year, still below the poverty level.

The insult to that particular injury is: "Pick yourself up by your own bootstraps. If you're barefoot I don't want to hear about it."

SIMPSON TIMBER CO. CONTRIBUTES TO PACIFIC NORTHWEST ENERGY SUPPLY

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mrs. HANSEN of Washington. Mr. Speaker, at a time when the energy crisis is uppermost in everyone's mind, one of the industries in my district of the Northwest on October 5 announced its contribution to the energy source situation and I quote from their statement:

Generation of one million kilowatt hours monthly from wood wastes to supplement the critical Pacific Northwest energy supply was announced today by Simpson Timber Company.

Northwest operations manager said a new program for pooling the area's wood wastes, which also are in short supply, has enabled Simpson to reactivate steam generators which were mothballed here a year ago.

We have assured the Bonneville Power Administration we can generate a minimum of 1,000,000 kilowatt hours each month surplus to our own power needs in Shelton and McCleary mills. We will be hauling wood wastes into the Simpson power plant here from smaller operations in Mason, Thurston and Grays Harbor counties until the emergency passes.

Advanced lumber, plywood, softboard and door milling techniques in the Shelton Cooperative Sustained Yield Unit have so reduced local wood wastes that Simpson closed its steam electric generating plant in 1972 and went fully on the BPA power system.

The additional input of 1,000,000 kilowatt hours is the equivalent of supplying full power needs to 1,000 homes monthly. Simpson plants are conserving power wherever possible through reduction in lighting and by machine shutdowns during recess periods.

COMMUNITY SUPPORT TO KEEP ST. ALBANS NAVAL HOSPITAL OPEN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. WOLFF. Mr. Speaker, in my continuing effort to keep my colleagues informed about community support to keep St. Albans Naval Hospital open for use by the veterans of Queens, I would like to insert communications I have received from the Veterans of Foreign Wars of the United States, the St. Albans Congregational Church, and the Queens Federation of Churches, Inc. As the Veterans of Foreign Wars point out in their resolution, there are 300,000 veterans in Queens, and another 250,000 live in Nassau County. These veterans, many of whom are disabled, would be well served by keeping the hospital open. As the St. Albans Congregational Church and the Queens Federation of Churches argue in their letters, to turn the hospital into an animal quarantine center and ignore the needs of human beings would be a disgrace. As one who has long been active in trying to have the Veterans' Administration take over the hospital, I am pleased to insert in the RECORD the following resolution and letters from these important community groups:

THE ST. ALBANS CONGREGATIONAL CHURCH,
St. Albans, N.Y., September 25, 1973.

Representative LESTER L. WOLFF,
House of Representatives
Washington, D.C.

DEAR MR. WOLFF: In addition to sending to you a copy of the letter we are sending today to President Nixon, we wish to write to you directly as well.

We appreciate your continued use of all the power of your office to assure that St. Albans Naval Hospital continue in use as a health facility to serve the needs of sick and disabled human beings. It should be unthinkable that this splendidly located and equipped hospital might be demolished. To convert it into an animal quarantine center would be a disgrace.

Yours truly,
JAMES L. CURTIS, M.D.,
Social Action Committee.
ROBERT ROSS JOHNSON, *Minister.*

RESOLUTION NO. 672—OPPOSE CLOSING OF ST. ALBANS NAVAL HOSPITAL

Whereas, Queens County has a veteran population of more than 300,000 veterans; and

Whereas, the Vietnam conflict has increased the number of disabled veterans in Queens County; and

Whereas, the need for a Veterans Administration hospital was acknowledged in the past by the Veterans' Administration as steps were initiated on two occasions to build a VA hospital in Queens County; and

Whereas, the Department of Defense will close St. Albans Naval hospital in June 1974; now, therefore

Be it resolved, by the 74th National Convention of the Veterans of Foreign Wars of the United States, that the Veterans' Administration be petitioned to acquire St. Albans Naval hospital from the Department of Defense, as a VA hospital and nursing home; and

Be it further resolved, that Donald Johnson, VA Administrator, President Nixon and leaders of Congress be petitioned to prevent

St. Albans hospital from closing until the VA takes action.

QUEENS FEDERATION OF
CHURCHES, INC.,
Richmond Hill, N.Y.

The Board of Directors of the Queens Federation of Churches views with alarm the suggested proposal to convert the St. Albans Naval Hospital into an Animal Quarantine Center and in turn support enthusiastically those community groups who are protesting this affront to a community who are a people with pride.

We strongly urge that the facility be made available for a Medical Center providing necessary community services.

We urge all Queens congressional representatives be apprised of our stand and request them to take all steps necessary to prevent this high handed approach to a community from becoming a reality and that a copy of this statement be given at the forthcoming Congressional Hearing and also to the community groups under the leadership of Mr. Archie Spigner.

DUANE SIBILLY: A HEROIC DEED

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. DE LUGO. Mr. Speaker, I am very proud to honor a young man who has demonstrated exceptional ability in a situation where most other teenagers would not have been able to cope. He is Duane "Freddy" Sibilly, from St. John, V.I., and through his level-headed, responsible, and timely reaction to the cries of two young children who had fallen into a swimming pool, he avoided the tragic deaths of the two youngsters.

Freddy dove into the pool to help bring the children to safety, and then proceeded to administer mouth to mouth resuscitation to one of them until the child's normal breathing was restored.

I share the pride felt by all St. Johnians, who know that Freddy is an exceptionally responsible young man, and who have never doubted his strength and courage.

Mr. Speaker, I would like to read to my colleagues, two letters about Duane Sibilly's heroic performance; the first was written to his parents, Mr. and Mrs. George Simmons, of St. John, by Mr. Pedro Negron, president of the Antilles Military Academy where the accident occurred, telling of Freddy's life-saving effort; and the second is to Freddy himself, notifying him of a scholarship award for his deed.

The letters follow:

ANTILLES MILITARY ACADEMY,
September 11, 1973.

Mr. and Mrs. GEORGE R. SIMMONS,
Cruz Bay,
St. John, U.S. Virgin Islands.

DEAR MR. AND MRS. SIMMONS: This is the kind of letter that I am most happy to write, because I am taking this means to tell you that the timely and heroic action of your son, Duane, Sunday afternoon, saved two young children from death by drowning in one of the academy pools. Duane assisted the life guard in removing a little girl and boy from the deep end of the pool and then administered mouth to mouth resuscitation until normal breathing was restored.

It is very gratifying to me to have a cadet like Duane in the Corps of Cadets at the Antilles Military Academy. I wish to express to you my sincere appreciation of your confidence in trusting your son to our care and guidance. I am confident that you are making an investment in Duane's future that will pay him dividends throughout his life time.

With warm personal regards, I remain,

Very sincerely yours,
PEDRO L. NEGRON,
President.

SAM P. WALLACE & CO.,
OF PUERTO RICO, INC.,
September 13, 1973.

Cadet 2d. Lt. DUANE SIBILLY,
Antilles Military Academy,
Trujillo Alto, Puerto Rico.

DEAR CADET SECOND LIEUTENANT SIBILLY: It is with great pleasure that the Wallace Corporate Family Scholarship Committee takes in advising that you are the recipient of our 1973–74 scholarship.

The scholarship was established for the sons and daughters of the employees of the Wallace Corporate Family. However, in view of the outstanding life saving efforts you demonstrated at the Sam P. Wallace picnic outing, Sunday, September 9, 1973, with the revival of Javier Orraca and JoAnne Herrero, we would like to reward you for this. You were the mainstay in saving the lives of the two Wallace Corporate Family children. The children are now recovering in a manner beyond expectations and expect they will have a full life ahead of them.

Through your relentless efforts of mouth to mouth resuscitation and the calm manner in which you performed this, a drowning tragedy was averted. You should be proud of your actions.

The scholarship will consist of $1,000.00 (One Thousand Dollars) and should be applied to tuition for the scholastic year. The presentation of this scholarship will be made at the next parade to be held at the Academy.

On behalf of the Wallace Corporate Family and its over 1,000 employees, we are proud of you and are happy that we can contribute to furthering your education.

Very truly yours,
ROBERT L. ELBRECHT,
Chairman, Scholarship Committee.

VICA WEEK

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. MIZELL. Mr. Speaker, it is a pleasure to introduce today a resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week."

The Vocational Industrial Clubs of America are organized to help promote high standards in trade ethics, workmanship, scholarship, and safety, and aid in developing the ability of students to plan together and to organize projects through the use of the democratic processes.

In the State of North Carolina there are over 10,000 students who are members of these clubs, and one who has witnessed the work of these students realizes the value of their effort in promoting vocational, industrial, and educational pursuits. It is therefore appropriate that the U.S. Congress recognize their valuable contribution to career education.

A LOOK AT NO-FAULT DIVORCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mrs. GRIFFITHS. Mr. Speaker, the effect of no-fault divorce on the payment of alimony is the subject of Vera Glaser's second article of a series carried in the Miami Herald. Noting the trend away from alimony and the failure of the laws to take into consideration the specific contribution of the homemaker spouse, it calls attention to the responsibility of every young girl to prepare herself with the education and skills necessary to earn a living in the working world. The article follows:

[From the Miami Herald, Sept. 19, 1973]

TREND IS GETTING AWAY FROM ALIMONY PAYMENTS

(By Vera Glaser)

WASHINGTON.—Divorce is one of life's costliest experiences—in terms of both emotional pain and cold cash.

"No-fault" divorce eases some of the heartbreak by removing the necessity to blame one partner for the failure of the marriage. But, despite its comfortable sound, "no-fault" doesn't ease the financial pains. In some cases, it makes them worse for one partner.

"No-fault" has been hailed by psychiatrists and marriage counselors because it helps ex-husbands and ex-wives remain friends, and spares children the screaming courtroom scenes which can leave lifelong psychological scars.

"Having a long-standing, intimate relationship with another human being is one of the hardest jobs in the world," says marriage counselor Elma Wolf of Washington, D.C. "It shouldn't be dissolved on a fault basis. If it hasn't worked, hopefully the attitude should be that another relationship might."

Psychiatrist Kevin Donohue shuns the word "guilty," noting that, "both people generally contribute to the demise of a relationship."

Based on these insights, "no-fault" can be regarded as a forward step.

In financial terms, however, it solves little and underscores what lawyers have been telling resentful clients for years:

There is no way an income which supported one household can be made to support two in the same style. Divorce cuts into the living standard of both partners.

Wealthy Irv S. is one of the exceptions. Now in his mid-70s and happily married to his second wife, Irv S. still pays alimony to wife No. One, from whom he parted a half century ago after three incompatible years and no children.

He shells out good-naturedly. Irv S. is well-to-do now and it's simpler not to reheat old coals.

Lifetime "reparations" to a healthy, nonworking, childless wife are on the way out, no matter what the ex-husband's economic status.

At the other extreme is the case of Pat D., a 30-year-old mother of three small children, recently divorced from the son of a prominent political family.

Her ex-husband walked out four years ago, stopped working, and sent no money. Pat, a college graduate, is making long-range plans to carry the load alone.

"I did not ask for nor did I receive alimony or child support. I got the house, largely because I had made all the payments," she said. "I am going to law school, by the grace and favor of my family. They're helping with tuition and some living expenses."

Pat has hired a housekeeper, changed her job from full to part-time, and settled down for a three-year grind, from which she hopes to emerge with a solid career potential.

As for the alimony Pat scorned, it is awarded only in about one out of 10 cases, according to a recent Hastings Law Review article on "Women as Litigants," by Stuart Nagel and Lenore J. Weitzman.

Under "no-fault," Dr. Weitzman estimates, "It's more like one out of 20."

In most states the trend is away from alimony to temporary support of the wife while she "rehabilitates" herself, trains, job-hunts, and prepares to become self-supporting.

Wives almost always receive child support if they retain custody of the children, as most still do. The length of the marriage determines the amount of support the court awards her.

With the aim of getting her back into the job market quickly, some injustices result.

In Washington, D.C. a respected divorce lawyer said, "A high judgment for a wife and three or four kids is about 40 per cent of the husband's income. He gets 60 per cent for himself. That's not fair to the lady, but those are the facts of life."

"Florida women have been shafted financially under 'no-fault.' That goes for California and Texas women, too," said Michael Wheeler, author of a forthcoming book on "No-Fault Divorce."

In Florida, a woman with one kidney and a long list of serious ailments reportedly found herself without military medical benefits via her husband's "no-fault" divorce.

A woman suffering from varicose veins and phlebitis, after a marriage of more than 20 years, was awarded only enough money to rear her teenage son and instructed to find a job allowing her to stay off her feet.

ECONOMIC ADVANTAGE

Tax laws make alimony economically more advantageous to the ex-husband than child support. He may deduct alimony, and his ex-wife must report it as taxable income.

He may not deduct child support, and she need not report it as taxable.

San Francisco attorney Anne Diamond reports that judges award support to the wife "if the marriage is long, and if the husband is affluent.

"The only job with no security," she added, "is that of housewife. To a large extent 'no-fault' has taken away what security there was."

Law Professor Herma Hill Kay writes, "The wife's work in the home continues to be seen as a service she owes her husband, rather than as a job deserving the dignity of economic return."

Most women do not realize that a trip to the altar hamstrings them legally.

A single woman enjoys equal legal treatment with men in regard to property and contracts, but in almost every state she loses some of it when she marries.

In only eight states—known as "community property" states—do husbands and wives jointly own what they acquire during the marriage.

In the early years of a marriage a couple's "community property" often is the husband's career, which both work to build. If the marriage breaks up, the husband takes the "community property" with him and the wife's contribution is rarely recognized.

NOT LIFE CONTRACT

"I believe it will take almost a generation," Mrs. Diamond said, "to get the idea across to women that the nice girl-good housekeeper-good mother role doesn't give her a contract for life.

"If she's wise, she'll prepare herself for possible termination of the marriage. That means she won't be able to go 'all-out' as wife and mother without protection of some sort, like education and training during the marriage."

Professor Kay suggests that a husband whose wife supported him through graduate school should be required, upon divorce, to finance similar education for her.

As a practical matter, if the court finds he can't afford it at the time of divorce, the wife is not likely to get it.

A model "no-fault" divorce law, written by the National Conference of Commissioners on Uniform State Laws, contains a section instructing the judge, in working out the divorce settlement, to consider the contribution of the homemaker spouse.

To avoid inequities in settlements, family law specialists recommend a national set of guidelines for judges. The aim would be to provide a roughly equal standard of living for the divorced partners.

Thursday: The deadbeat daddies.

TRYING TO SAVE THE ROCKAWAYS BEACHES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BRASCO. Mr. Speaker, the quality of life in urban areas is a subject dear to the hearts of planners and other concerned people. Rarely, however, do these people get involved in seeing for themselves what the consequences are when a vital portion of what makes life livable in a city is endangered or partially taken away. Such a situation now prevails in a part of my congressional district.

I have reference to the problem of erosion and erosion control in the beaches of the Rockaways, one of the most popular summer resort areas in the Northeast, used and loved by millions of people.

Beach erosion in the Rockaways has become endemic and is threatening this lovely area's future as a recreation center for the largest metropolitan area in the Nation. At high tide, surrounding roadbeds, power lines, sewer facilities, and the famous boardwalk are threatened. At low tide, in many spots, there is an 8- to 10-foot drop between the last step of the boardwalk and the beach. The situation is so severe that at least 25 blocks of the beach were closed to the public this summer by the city of New York.

There is a solution, in the form of a multipurpose rivers and harbors project, known as East Rockaway Inlet to Rockaway Inlet and Jamaica Bay. It provides for hurricane-flood protection and beach erosion control. Unfortunately, the entire project has been bogged down due to planning difficulties in its hurricane-flood protection portion.

As a result, 29 members of the New York congressional delegation banded together in order to introduce and push through to approval a piece of legislation which would permit work to commence on the erosion control part of the project independently of the hurricane-flood portion. The titles of the two measures involved are H.R. 9016 and H.R. 9017.

Regrettably, the President's fiscal year 1974 budget contains no funding request at all for the Rockaway project, probably because the U.S. Army Corps of Engineers, which would run the endeavor, had not anticipated being able to commence work on any aspect of the project this year. The corps' New York district has given assurance that planning for the beach erosion control work at the Rockaways will be completed by the spring of next year.

The legislation separating beach erosion from hurricane control has gotten appropriate approval by the House Public Works Committee, which incorporated it into the Water Resources Development Act of 1973, H.R. 10023, soon to come to the House floor. Now that an authorization exists, the question is funding, which of course comes under the purview of the House Appropriation Committee.

Several of those sponsoring the measure have indeed sought out the chairman of the appropriate subcommittee, asking his aid in obtaining the total $2.5 million in Federal funds, without which the project cannot get off the ground. New York City and New York State will make available the matching $2.5 million, should the Federal contribution be forthcoming.

I am hopeful that this approval will in fact be forthcoming, and that we will be able to see this work undertaken as of this spring. Constantly we read and hear of major endeavors being gotten underway involving this number of billions or that number of hundreds of millions. Yet, here is a basic piece of work that must be gotten underway or the entire nature of life in the vibrant part of this urban area will change swiftly and for the worse.

This is the kind of project that makes or breaks a city and the people in it. When recreation areas are nonexistent, the people begin to leave, the tax base erodes and life as we know it becomes a very difficult thing for all the people left behind.

A strategic investment, often minimal in size, can and does make the difference. For this reason, the Federal Government should make that investment in the life and future of the Rockaway area.

SOLAR ENERGY: ANSWERS FOR TODAY AND POTENTIALS FOR TOMORROW—PART I

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. VANIK. Mr. Speaker, as the heating oil shortages spread through our country this winter, we will constantly be reminded of the perils which can grow from shortsighted planning of our energy resources. Certainly, solar energy will not be the answer to the shortages we will suffer this winter and next summer. But solar energy can provide significant contributions to our future economy and energy supplies.

It is clear that we will not long be able to continue feeding our economic growth on crude oil and natural gas. New technologies will have to be developed. But there is a danger here. The United States Court of Appeals in its decision of June 12, 1973, requiring the Atomic Energy Commission to file an environmental impact statement on the liquid metal fast breeder reactor program, wrote:

> The manner in which we divide our limited research and development dollars today among various promising technologies in effect determines which technologies will be available, and what type and amount of environmental effects will have to be endured, in the future when we must apply some new technology to meet projected energy demand.

Unlike many of the alternative fuel sources now being discussed—oil shale, coal gasification, liquefaction, atomic power, and geothermal energy—solar energy will not require a vast commitment of our natural wealth to bring technology to the point of commercial application. And solar research involves no risk. Solar energy is pollution-free, and many of its terrestrial applications have already been proven feasible.

A major obstacle to our increased reliance on solar energy is, quite simply, our own ignorance. Up to now, harnessing the Sun's energy for practical purposes has been a Buck Rogers fantasy. Many fine articles and reports have appeared recently which explore, in depth, the potential of solar energy. The House Science and Astronautics Committee deserves to be commended for bringing out the facts in this vital area.

I bring to the attention of my colleagues an excellent article which appeared in the June 1973 edition of "Environment" magazine. This article, written by Arthur Tamplin, provides a good survey of the potential way by which solar energy can ease our energy plight. The article follows:

HOW SHALL WE USE THE SUNLIGHT? LET US COUNT THE WAYS

(By Arthur R. Tamplin)

This report discusses various schemes that have been proposed for the utilization of solar energy. The first section will discuss physical systems and the second section will treat biological systems. The major focus of the report will be to present a means of comparison; consequently the technical description will be somewhat brief. More detailed technical discussions can be found in the cited references.

In his June 4, 1971, energy message the President stated, "The sun offers an almost unlimited supply of energy if we can learn to use it economically." This statement reflects the increased interest in solar energy technology that has developed in response to the evolving energy crisis in the U.S.

Testifying before the Senate Interior Committee on June 27, 1972, Dr. Eggers of the National Science Foundation (NSF) stated:

"Solar energy is an essentially inexhaustible source potentially capable of meeting a significant portion of the nation's future energy needs with a minimum of adverse environmental consequences. . . . The indications are that solar energy is the most promising of the unconventional energy sources, and the foundation plans a substantial increase in fiscal 1973 funding of solar research to a total of 4 million dollars." [1]

As an illustration of the potential of solar energy, consider that some 2 trillion kilowatt-hours (kwh) of electrical energy were consumed in the U.S. in 1970. Incident solar energy in U.S. deserts averages some 2,000 kwh per year per square meter or 2 billion calories per year per square meter. (A calorie is the amount of heat needed to raise the temperature of one gram of water one degree centigrade.) In other words, our electrical energy consumption was equivalent to solar radiation falling on only some 400 square miles of desert. If this solar energy could be tapped with only 5 percent efficiency, just 8,000 square miles of desert would be required (a 90-mile square). This is less than 10 percent of our deserts.

The three nonbiological classes of solar energy utilization are terrestrial, space, and marine. Terrestrial and space systems would use incident solar energy while marine systems would use both incident energy and solar energy stored in sea thermal gradients.

Essentially, two schemes have been proposed for terrestrial systems. One involves the use of solar cells and the direct conversion of solar energy into electrical energy. The other involves the absorption of solar energy as heat which is either used directly or converted into some other form.

SOLAR CELLS

This technology received a substantial impetus from the space program and today, using silicon crystals, conversion efficiencies of 10 percent are routinely obtained. Systems using silicon solar cells have been proposed for electrical power generation.[2] At 10 percent efficiency, it would require only 4,000 square miles of collector surface in the desert to generate the present electrical power consumed in the U.S.

This is essentially an on-the-shelf system. The major barrier to its use and, hence, the major area for research and development is in the fabrication of the cells. The cost of fabricating the silicon crystals is such that the overall system costs are prohibitive. Present costs for a nuclear plant are about $250 per kilowatt (kw) of installed capacity. (The $250 per kw costs are those estimated by the nuclear power industry, but probably are too low. At the same time, cost estimates made by proponents of solar power systems probably are also too low. As a result, the comparative basis for the relative costs of the two approaches may be adequate.) A silicon cell system would cost in the range of $100,000 per kw. Approaches for reducing this cost are discussed in the references above. It is suggested that it might be possible to bring the cost down to a competitive level.[3]

In addition to reducing the cost of fabricating the silicon cells, a savings could be achieved by using lenses to concentrate the sunlight and thus reduce the number of cells required. Moreover, the 10 percent efficiency is a factor of two to three below the theoretical efficiency of such cells. Costs could be reduced by improved conversion efficiency.[4] Finally, it may be possible to fabricate (at an economic cost) sandwiched cells which are able to utilize a greater fraction of the solar energy spectrum. One such cell could achieve an efficiency of 60 percent.[5]

Another possibility for reducing the cost of this system is the use of another type of solar cell.[6] Considerable effort is now being expended on the cadmium sulfide cell.[7] The advantage of this material is that it functions as a thin polycrystalline film and hence does not require growth of large single crystals. As a result, the fabrication costs are expected to be at least 100-fold less than silicon cells. It is anticipated that these cells may become practical for individual homes.[8]

Since these systems will produce electricity only when the sun is shining, they would either have to be augmented by other systems or would have to include an energy storage system. One storage system would involve the electrolysis of water and storage of hydrogen.

In summary, while solar cells represent an existing technology that has been used extensively in the space program, the high cost of cell fabrication is prohibitive for commercial power production. The cost of the cells would have to be reduced at least 100-fold. There are reasons to believe that this could be accomplished.

SOLAR HEAT SYSTEMS

These systems absorb solar energy as heat. The heat can be stored in high heat capacity materials in insulated containers and then subsequently used as heat or converted to electrical energy. Systems of this type fall into two classes: small systems for individual dwellings (solar home systems) and large commercial systems.

SOLAR HOMES

These systems simply absorb the solar energy as heat and store it in insulated bins as heated water or rocks. Such systems have been in use for some time for home water heating and even for space heating in homes.[9] They can also be used for air conditioning through the application of absorptive refrigeration.[10] Space heating and air conditioning represent some 15 percent of our present energy consumption, electrical and otherwise.[11] This is a substantial amount of energy; it is larger than our total electrical power generated today.

In some areas, these systems are already competitive with conventional systems.[12] As the cost of energy continues to increase and as solar technology is improved, these systems can be expected to come into wider use.[13] It has also been suggested that a solar heat system could be coupled with a solar cell array and thereby supply a home with all of its power requirements.[8]

COMMERCIAL SYSTEMS

A large commercial solar heat system has been proposed by the Drs. Meinel of the University of Arizona.[14] The system incorporates an advancement in solar absorption technology called "selective" surfaces. These surfaces have high absorptive properties but low emittances. Hence, they would retard infrared re-emission as the temperature rises and thus produce a "super greenhouse" effect. Theoretically, such surfaces could be made to approach temperatures of 1,000 degrees Fahrenheit, but the present state-of-the-art falls below this, and some means of concentrating sunlight by a factor of two to four is needed It is estimated that 90 percent of the incident solar radiation could thus be used. The energy would be stored in liquid sodium at a temperature of 1,000 degrees Fahrenheit. The heat would then be used to generate electricity through a steam turbine cycle. The Meinels estimate an overall efficiency of 30 percent for this system. An early estimate of the cost of this system was some $300 per kw of installed power as compared to $250 per kw for nuclear power.[15] Their estimate was based on using selective absorbers without concentrating lenses or mirrors. Nevertheless, they continue to propose that this scheme could produce competitive power when using lenses or mirrors.[16]

The Meinels also present a plan for a million-megawatt average power (3.4 million megawatt peak power) national solar power system. This is equivalent to the projected electrical power production in the year 2000 at which time electricity is projected to supply 50 percent of our total energy requirements.[17] At a hoped-for 30 percent efficiency, this system would require some 14,000 square miles (10 percent of our deserts). About one-third of this area would be occupied by the collectors. They also suggest that, as a by-product, enough freshwater would be produced to supply 120 million people.

Another large-scale solar heat system has been proposed by Drs. Ford and Kane of the University of Massachusetts.[18] The authors emphasize that this is only a proposal and thus uncertain. They suggest that sunlight could be concentrated by using inexpensive Fresnel lenses made of plastic. This concentrated energy could then be used to heat water to some 1,500 degrees centigrade (2,732 degrees Fahrenheit), at which temperature

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Footnotes at end of article.

a small fraction of water will dissociate into hydrogen and oxygen. The hydrogen would be absorbed into some chemical compound from which it could later be released. This system then would produce hydrogen as a fuel. They suggest that hydrogen could be marketed at an equivalent price with natural gas on a heat per pound basis. In this case they assume a 10 percent efficiency in the overall process.

To summarize, terrestrial solar heat systems offer the prospect of supplying, economically, a significant portion of this nation's and the world's energy supply. The 30 percent efficiency suggested by the Meinels would certainly greatly improve the prospects. At the same time, some combination of the Meinel and Ford-Kane proposals, vis-a-vis concentration by inexpensive Fresnel lenses, may lead to efficiencies greater than 10 percent and to a viable system. The ultimate economy of these systems would seem to depend upon developing the technology for producing economically competitive absorptive surfaces.

SPACE SOLAR CELL SYSTEM

A space solar cell system has been proposed by Dr. Glaser of Arthur D. Little, Incorporated.[19] This system would employ a number of satellites in synchronous orbits about the earth's equator. Solar cells would collect the solar energy and convert it to electricity. This energy would then be transmitted as microwave beams to collecting antenna arrays on earth. The receiving antennae would convert the microwave beams to direct-current electricity for transmission. This system would be a spinoff from the development of a space shuttle system with reusable boosters. With an existing space shuttle capability, it is estimated that this system would cost $500 to $1,000 per kw of installed capacity. This cost estimate also depends on improvements in solar cell technology leading to higher efficiency and substantially lower fabrication costs.

MARINE THERMAL SYSTEMS

Two types of marine thermal systems have been proposed. One would utilize sea thermal gradients and extract the solar energy that is stored in the surface layer of the ocean. The other would use the oceans to support a floating platform and a system of concentrating mirrors to focus the incident solar energy on a boiler.

SEA THERMAL GRADIENTS

A number of individuals have proposed the use of sea thermal gradients for the production of electrical energy.[20] Most of these proposals parallel that of Anderson and Anderson [21] which would use the temperature difference between the surface waters (about 79 degrees Fahrenheit) and water at a depth of 2,000 feet (about 43 degrees Fahrenheit) in the Gulf Stream of Florida. The theoretical efficiency of a perfect Carnot cycle operating between this temperature difference is only 6 percent. Yet, as the authors state, since the primary concern is with economic efficiency and since there are no fuel costs, the system could be competitive. They estimate that such plants could be constructed for less than $200 per kw compared to $250 per kw for a nuclear plant.

This scheme envisages a nearly submerged platform floating in the Gulf Stream. The surface water is used to boil propane at high pressure. The propane gas is then used to power a turbine and generate electricity. The propane is subsequently cooled by the deep ocean water and returned to the boiler.

The use of ocean platforms would now appear to be a readily accepted concept. In addition to offshore drilling rigs and subsequent offshore oil field development, the establishment of ocean-based nuclear power plants is now a serious consideration. These sea thermal plants, therefore, are based upon extant technology for the most part. It would appear that only their precise economics are in doubt, but, even here, a doubling of the cost would not place them out of contention. Moreover, there are other potential features of these plants, which will be discussed subsequently, that add to their overall prospects.

SEA SOLAR HEAT PLANT

The system proposed by W. J. D. Escher is composed of a large free-floating ocean platform.[22] Concentrating mirrors focus incident solar energy on a boiler system. This heat would then be used to drive a working fluid (water-steam) through a turbine generator. Again the cold water from the lower ocean layers would be used as a coolant. In other words, this is an ocean platform version of a terrestrial solar heat system.

The proposed output of this system would not be electricity. Rather, the electricity generated would be used to produce hydrogen by the electrolysis of water. The hydrogen would then be transported to use centers in cryogenic tankers. A rough cost estimate for this system is some $1,500 per kw of installed capacity.[23]

The electrolysis of water to produce hydrogen as a fuel was also suggested as a possibility for the sea thermal gradient system.[24] Hydrogen has the possibility of being distributed via pipelines at substantially lower cost than the transmission of electrical power. Moreover, it offers versatility as a fuel. It is ideal for fuel cell applications and in direct heat application; its only combustion product is environmentally pleasing water. Interest in hydrogen as a fuel is rapidly increasing.[25]

Another feature of these ocean-based plants that adds to their potential value is the possibility of producing fresh-water and of extracting minerals from the sea. Finally, it is suggested that these plants, by using deep waters for cooling, will produce an area of artificial upwelling of the nutrient-rich water. This, it is proposed, will enhance the productivity of marine life in the area. While it is possible that this will be beneficial, it is not guaranteed. Serious study of this potential ecological impact would certainly be necessary.

SUMMARY OF PHYSICAL SYSTEMS

There seems to be little doubt that the physical systems discussed above could provide a significant fraction of the world's energy needs in the future. Using a fraction of the desert areas in the Middle East, these oil-exporting nations could use solar energy to produce electricity and then electrolyze water. As a result they could export more BTU in the form of hydrogen than they are presently shipping as oil.

The sea thermal gradient system is essentially at the engineering design and construction phase. The other systems require some research and development. The fabrication costs of solar cell arrays have to be substantially reduced to make them economically competitive. The commercial solar heat systems require the development of inexpensive selective surface collectors and lens or mirror concentrating mechanisms. None of this seems far beyond today's state-of-the-art, and the research and development cost would be minimal compared to most of today's programs. Most of these are already receiving funding from the National Science Foundation, the National Aeronautics and Space Administration, the Environmental Protection Agency (EPA), the Department of Defense, and state agencies. This funding in volves improved solar cells,[26] solar heat systems [26] and the sea thermal gradient system.[1]

FOOTNOTES

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[6] "Solar Cells, Outlook for Improved Efficiency," loc. cit.

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[12] Tybout and Löf, loc. cit.

[13] Eggers, Loc. Cit., "Solar House Heating—Panel," loc. cit. Tybout and Löf, loc. cit.

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[16] Meinels, Physics Today, loc. cit.

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GEN. CASIMIR PULASKI

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mrs. GRASSO. Mr. Speaker, today we commemorate the tragic but gallant death of one of this Nation's foremost Revolutionary War heroes, Gen. Casimir Pulaski.

Gen. Casimir Pulaski was born into the luxury and privilege of nobility. Yet he gave up his birthright to battle first for the independence of the Thirteen American Colonies. He was a man who risked everything, yet asked no reward save the accomplishment of his goal: liberty for all those enchained by oppression and injustice. He was a man who wrote in 1772:

> My destiny was clear, when at the age of 21, far from yielding to the amusements of youth, I regarded every moment as lost which was not employed in repelling the enemies of my country. . . . I have endeavored to mark my course by an invincible fortitude. Neither the blood of one of my brothers, which was shed by the enemy before my eyes, not the cruel servitude of another, nor the sad fate of so many of my relations and compatriots has shaken my patriotism.

Then, in his last message to the Continental Congress, he declared:

> I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America.

Most of all, however, Gen. Casimir Pulaski was a man of Polish birth whose bravery and conviction earned him the trust of his fellow freedom fighters—men like George Washington and Benjamin Franklin—and whose contributions to the American cause make him an honored hero today.

Mr. Speaker, General Pulaski lost his life fighting for a country which was not his own. His death, tragically, came before he saw the full flowering of the victories for liberty he had won. But, despite these things, General Pulaski stands as a symbol—a symbol of the courageous men of the world who will always fight tyranny, and of the tradition of service and selflessness established by Polish-Americans. Indeed, succeeding generations of Poles coming to America, as Pulaski, in search of freedom have made great contributions to the development of our country. Their dedication to hard work, their perseverance, diligence, and love for their new homeland are characteristics by which they have added to the greatness of America.

On October 11, the day of General Pulaski's death, while his adopted country, the United States, is free and still savoring the fruits of his sacrifice, his native land, Poland, is not yet liberated from its "cruel servitude." This circumstance can only make us, as Americans, appreciate our own blessings with a keener feeling, and continue to hope that one day soon Poland, too, will be the unchained country Pulaski envisioned.

To Gen. Casimir Pulaski, a hero in the noblest sense of the word, go our deepest respect and highest tribute.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 32

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. HARRINGTON. Mr. Speaker, in a gun control series, Nathan Cobb of the Boston Globe listed some frightening facts about handguns. To me, Mr. Speaker, the tragic as well as frightening fact is that over 10,000 of the guns produced in this country are used to kill a fellow human being. Many are murders without rhyme or reason, such as the murder of David Wood. The reason for his killing is not yet known, nor has the killer been found. But, if and when these facts are known, they will do nothing to bring the victim back to life.

At this time, I would like to include the October 8 article from the Washington Post and the June 3 Boston Globe article by Nathan Cobb:

[From the Washington Post, Oct. 8, 1973]

CALLER AT DOOR KILLS MARYLAND MAN

A 26-year-old Silver Spring auto mechanic was shot and killed Saturday night when he answered his front door, Silver Spring police said yesterday.

David Wood was shot twice in the chest by a small caliber handgun, police said, after he opened the door of his apartment at 3303 Dove St. They said his wife heard him say "Oh, no," before he died shortly after the 9 p.m. shooting.

Police said they had no suspects in the slaying of Wood.

[From the Boston Globe, June 3, 1973]

THE FRIGHTENING FACTS

(By Nathan Cobb)

These are the frightening facts about handguns in America:

Handguns are used in more than half the murders in the United States;

Handguns are used in three-quarters of all the murders of policemen;

In the vast majority of handgun murders, the victim is either the husband, wife, relative, friend or neighbor of the killer; and

The firearm murder rate is highest in the Southern United States and lowest in the Northeast, where gun ownership is respectively highest and lowest.

How many handguns are pouring off American assembly lines?

The handgun industry would like that to remain its best kept secret.

Most manufacturers interviewed by The Globe cited "competition" as the reason they would not reveal specific production figures. One handgun maker even suggested that keeping such information secret is in "the national military interest."

But one executive had another story. He is Robert L. Green, executive vice president of Charter Arms Corp., Bridgeport, Conn., the firm which manufactured the gun with which Arthur A. Bremmer shot Gov. George C. Wallace. Here is the substance of his conversation with The Globe.

Q—We're talking with New England handgun manufacturers to find out if we can get production figures. Can we get yours?

A—No, and I don't think any manufacturer ought to give them to you. We never do because of the fact that some of our legislators are going to take them and do what they do with the figures.

Q—What do you mean, 'do what they do?'

A—The gun control people will take any statistics and use for their own purpose and emphasize that every gun is going to kill somebody. So we just don't give them any more information. They do enough harm to us with the figures they already have.

Q—So the figures aren't kept secret to prevent a competitor from knowing what you're doing?

A—Gosh, no. Every one of us knows what the other one's doing.

Q—So you're saying that the entire industry keeps figures secret to prevent them from falling into the hands of, as you say, 'legislators?'

A—I'm saying that everything we say is used against us. Companies like Colt, Smith & Wesson and Sturm Ruger are public corporations, and while their financial statements might tell you dollars, you notice they won't give you production figures.

Q—Does anyone have the figures?

A—Well, last year the government came out with a new form requiring all gun manufacturers to report units, but that information is supposed to be ultra-ultra confidential.

Q—Is it your understanding that such figures are unavailable even for the industry as a whole?

A—They're not supposed to be available. They're supposed to be strictly confidential for the Treasury Department, but I wouldn't bet on it. I'm sure somebody's going to get their hands on them somehow.

(Postscript—The Globe has acquired the new figures, and it is not difficult to see why the handgun industry would prefer they not be made public. They show that for the final six months of 1972, American manufacturers turned out 902,701 handguns, a 50 percent increase over the rate for 1968. The figures also show that the country is manufacturing handguns four times faster than 10 years ago.)

THE CADET CODE OF HONOR

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Gen. Bruce C. Clarke, has written a brief article which appears in the October edition of the New Age magazine, the official publication of the Supreme Council, 33d degree, Ancient and Accepted Scottish Rite of Freemasonry of the Southern Jurisdiction, United States of America.

As I believe his discussion of the cadet code of honor at the U.S. Military Academy, and its indirect contribution to the high ethics of our career military officers, will be of interest to many of our colleagues, I insert the article at this point in the RECORD.

The article follows:

THE CADET CODE OF HONOR

(By Gen. Bruce C. Clarke)

"A Cadet does not lie, cheat or steal, or tolerate those who do."

This Code of Honor, expressed in simple cadet language, has stood the test of time in guiding the education and development of over 150 classes at West Point. The young men so educated and developed have carried the United States Military Academy's motto, "Duty, Honor, Country," into the United States Armed Services and into America, as well as into the military forces of many of our allies.

Only about 9 percent of the Officer Corps of the Army are West Point graduates. Still this small group, over a period of a great many years, has instilled these ethics into our One Army team.

There have been breaches of The Code at West Point and in the Army but, just as the Honor Code at West Point is guarded and enforced by the cadets themselves, so has the Army moved swiftly to take care of each such situation. Our country cannot afford to do less. In so doing it demonstrates its strength.

The Cadet Code of Honor will stand up under analysis. It has two parts: First, "A cadet does not lie, cheat or steal," and, second, he does not "tolerate those who do." It is through the second part that the Cadet Honor Code gains its strength and effectiveness. Without it the honor system at West Point would have disappeared long ago.

Masons can detect a general similarity between the Code of Honor of West Point and the code of ethics of our Fraternity. The first is lived with and developed day by day over a period of four years while one is a cadet. The code of ethics of a Mason is developed in a sublime manner, starting with the teachings of an Entered Apprentice and progressing step by step as one moves on through the varied degrees, which can take many years.

The aim is the same: Try to make man more perfect as he progresses through life, charged with greater and greater responsibilities year by year. The similarities between the Cadet Code of Honor and the teachings on the ethics of Masonry are striking to me as one who has been privileged to have progressed through both schools of development.

Those of us who have had the advantage of these teachings should not only be confident that morals and ethics will triumph but, further, we must assist in the effort to search out and help remove the causes of the situations that lead to breaches of the code.

HOUSE OF REPRESENTATIVES—*Friday, October 12, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Create in me a clean heart, O God, and renew a right spirit within me.—Psalms 51: 10.

O God and Father of us all, who hast taught us that in quietness and confidence shall be our strength, by the might of Thy spirit lift us into Thy presence where we may be still and know that Thou art God.

We come to Thee with hearts saddened by the resignation of our Vice President. We pray for him and for his family—that Thy loving presence may live in their hearts, Thy gracious spirit may lead them in the way they should go and Thy forgiving grace may strengthen them for every noble endeavor.

Grant unto our President wisdom as he proceeds to nominate another Vice President and lead the Members of Congress to make a wise and worthy decision in response to the nomination to be made.

In this crucial hour save us from the maddening maze of mistaken moods and give to us all insight and inspiration to apply our hearts unto wisdom and to bring our actions up to the higher level of our Nation's greater good.

With the spirit of Him who is the way, the truth, and the life—we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3180. An act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes.

The message also announced that the Senate had passed bills and joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1864. An act to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado;

S. 2300. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry;

S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains;

S.J. Res. 158. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; and

S. Con. Res. 51. Concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Day 1973.

NEW YORK DELEGATION OFFERS CHALLENGE TO CALIFORNIA DELEGATION

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, in these times of heavy responsibility of the House of Representatives and Congress generally, sometimes a light touch is in order.

Those of us in the New York delegation who are supporting our winning baseball team, the Mets, would like to throw down the gauntlet to the California delegation and their Oakland team offering them a challenge, backing it up with some New York State champagne.

The "Amazin's" have done it again, thanks to people like Tug McGraw, Tom Seaver, and, of course, two long-time greats, Yogi Berra and Willie Mays. It is perfectly clear that the Mets are going to again vanquish their enemies, this time some people from way out West, the way they did 4 glorious years ago.

We knew all the time this was going to happen—you just gotta bee-lieve!

My sympathies are with the California delegation, because they are going to be mighty disappointed once this series is over.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION, 1974

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight Saturday, October 13, to file a conference report on H.R. 9286, to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE CASE OF VLADIMIR SLEPAK

(Mr. EILBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. EILBERG. Mr. Speaker, the people of the Soviet Union are not free to emigrate even though they are not welcome in their present homeland and the country they wish to go to wants them very badly.

Vladimir Slepak, of Moscow, is a first-rate radio and television engineer. He was in charge of television research at the scientific institute, but was fired from his post in March 1970, after he applied for an emigration visa.

In February 1972, with eight visa denials on his record, Slepak was ordered to work at a concrete factory or face trial as a parasite.

Slepak suffers from chronic thrombophlebitis, and was unfit for the assigned work. However, the factory manager insisted that Slepak refused to work. Slepak was spared being tried as a parasite because of an intensive publicity campaign in the United States.

Slepak has been waiting for an exit visa since 1969. During these years he has been arrested four times and his family has suffered continuous harassment.

Now, Vladimir Slepak is a television photographer. In his briefcase, he always carries winter clothing because he never knows when the police will arrest him and the jails are freezing cold, even in summer.

Let us speak up for the right of people to be free. Congress must support the Mills-Vanik amendment.

CALIFORNIA ACCEPTS NEW YORK'S CHALLENGE, BUT REJECTS NEW YORK CHAMPAGNE

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, I was taken back when the gentleman from New York (Mr. WOLFF) arose with his challenge regarding the upcoming world series. Naturally, Californians are not reluctant to accept any challenge from New York, and certainly that extends to baseball. But the gentleman has offered a bad deal in New York State champagne. We will simply have to insist on something more closely approximating legal tender than New York State champagne.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I suppose I must yield to the gentleman from New York.

Mr. WOLFF. We would agree to buy California wines if you win and then we would be faced with a lovable loss we would hope the gentleman would buy New York State champagne when the Mets win.

Mr. RONCALLO of New York. Will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. I submit that California has done nothing comparable to the New York State champagne.

Mr. VAN DEERLIN. The only thing I can suggest to match New York State champagne would be the San Diego Padres.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A CONFERENCE REPORT ON S. 2016, AMENDING RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a conference report on S. 2016, to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 587)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Amtrak Improvement Act of 1973".

SEC. 2. Section 102 of the Rail Passenger Service Act of 1970 (45 U.S.C. 502), relating to definitions, is amended—

(1) by striking out paragraph (5), relating to the definition of intercity rail passenger service, and inserting in lieu thereof the following:

"(5) 'Intercity rail passenger service' means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations."; and

(2) by adding at the end thereof the following new paragraph:

"(9) 'Auto-ferry service' means intercity rail passenger service characterized by transportation of automobiles and their occupants.".

SEC. 3. (a) Section 303(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543 (a)), relating to the board of directors, is amended to read as follows:

"(a)(1) The Corporation shall have a board of directors consisting of seventeen individuals who are citizens of the United States selected as follows:

"(A) The Secretary of Transportation, ex officio.

"(B) Nine members appointed by the President, by and with the advice and consent of the Senate, to serve for terms of four years or until their successors have been appointed and qualified, of whom not more than five shall be appointed from the same political party.

"(C) Three members elected annually by the common stockholders of the Corporation.

"(D) Four members elected annually by the preferred stockholders of the Corporation, which members shall be elected as soon as practicable after the first issuance of preferred stock by the Corporation.

"(2) Any vacancy in the membership of the board shall be filled in the same manner as in the case of the original selection; except that any member appointed by the President under paragraph (1)(B) of this subsection to fill a vacancy shall be appointed only for the unexpired term of the member he is appointed to succeed.

"(3) The board shall elect one of its members annually to serve as Chairman.

"(4) Not less than three members appointed by the President shall be designated by him, at the time of their appointment, to serve as consumer representatives, of whom not more than two shall be members of the same political party.

"(5) Each member not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each member shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

"(6) No member elected by railroads shall vote on any action of the board relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at any such meeting.

"(7) No member appointed by the President may—

"(A) have any direct or indirect financial or employment relationship with any railroad, nor

"(B) have any significant direct or indirect financial relationship, or any direct or indirect employment relationship, with any person engaged in the transportation of passengers in competition with the Corporation, during the time that he serves on the board.

"(8) Pending the election of the four members by the preferred stockholders of the Corporation under paragraph (1)(D) of this subsection, seven members shall constitute a quorum for the purpose of conducting the business of the board.

"(9) Any vacancy in the membership of the board of directors required to be filled by appointment by the President under paragraph (1)(B) of this subsection shall be filled by the President not more than one hundred and twenty days after such vacancy occurs.".

(b)(1) Notwithstanding any other provision of law, the term of each member of the board of directors appointed by the President under section 303(a) of the Rail Passenger Service Act of 1970 (as in effect on the day before the date of enactment of this Act) who is serving under such appointment on such date of enactment, shall expire on the thirtieth day after such date of enactment, except that such member so serving shall continue to serve until his successor is appointed and qualified or until the expiration of the one-hundred-twenty-day period beginning on the thirtieth day after such date of enactment, whichever first occurs. No member of the board of directors referred to in the preceding sentence shall be ineligible for appointment of such a member after the date of enactment of this Act solely by reason of the enactment of such preceding sentence.

(2) Notwithstanding section 303(a)(1)(B) of the Rail Passenger Service Act of 1970, of the members of the board of directors first appointed by the President under such section 303(a)(1)(B), three shall be appointed to serve for terms of two years and three shall be appointed to serve for terms of three years.

SEC. 4. (a) Section 305(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545 (a)), relating to general powers of the Corporation, is amended by striking out the second sentence thereof.

SEC. 5. Section 305(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545(b)), relating to general powers of the Corporation, is amended by striking out the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation is authorized to modify its services to provide auto-ferry service as a part of the basic passenger services authorized by this Act, except that nothing contained in this Act shall prevent any other person, other than a railroad (except that for purposes of this section a person primarily engaged in auto-ferry service shall not be deemed to be a railroad), from providing such auto-ferry service over any route in accordance with a certificate issued by the Commission if—

"(1) the Commission finds that such auto-ferry service—

"(A) will not impair the ability of the Corporation to reduce its losses or to increase its revenues, and

"(B) is required to meet the demands of the public, or

"(2) such auto-ferry service is being performed by such person on the date of enactment of this paragraph under contracts entered into before October 30, 1970.

Nothing in this section shall be construed to restrict the right of a railroad that has not entered into a contract with the Corporation for the provision of rail passenger service from performing auto-ferry service over its own lines. The Corporation is authorized to acquire, lease, modify, or develop the equipment and facilities required for the efficient provisions of mail, express, and auto-ferry service, or to enter into contracts for the provision of such service.".

SEC. 6. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545), relating to general powers of the Corporation, is amended by adding at the end thereof the following new subsections:

"(c) The Corporation is authorized to take all steps necessary to insure that no elderly or handicapped individual is denied intercity transportation on any passenger train operated by or on behalf of the Corporation, including but not limited to, acquiring special equipment and devices and conducting special training for employees; designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment and facilities to comply with the highest standards for the design, construction, and alteration of property for the accommodation of elderly and handicapped individuals; and providing special assistance while boarding and alighting and in terminal areas to elderly and handicapped individuals.

"(d) (1) The Corporation is authorized, to the extent financial resources are available, to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other governmental agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided*, That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid.

"(2) The Corporation shall file with the complaint, or at any time before judgment, a declaration of taking containing or having annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money estimated by the Corporation to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and the depositing in the court of the amount of money estimated in such declaration to be just compensation for the property, the property shall be deemed to be condemned and taken for the use of the Corporation. Title to such property shall thereupon vest in the Corporation in fee simple absolute or in any lesser estate or interest specified in the declaration of taking, and the right to the money deposited as estimated just compensation shall immediately vest in the persons entitled thereto. The court, after a hearing, shall make a finding as to the amount of money which constitutes just compensation for such property and shall make an award and enter judgment accordingly. Such judgment shall include, as part of the just compensation awarded, interest on the amount finally awarded as the value of the property on the date of taking minus the amount deposited in the court on such date, at the rate of 6 per centum per annum from the date of taking to the date of payment.

"(4) Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the amount of the money received by any person entitled to compensation, the court shall enter judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking the court may fix the time within which, and the terms upon which, the parties in possession are required to surrender possession to the Corporation. The court may make such orders in respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

"(e) The Corporation is authorized to take all steps necessary to—

"(1) establish improved reservations systems and advertising;

"(2) service, maintain, repair, and rehabilitate railroad passenger equipment;

"(3) conduct research and development and demonstration programs respecting new rail passenger services;

"(4) develop and demonstrate improved rolling stock;

"(5) establish and maintain essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system, over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines on the same or different railroads;

"(6) purchase or lease railroad rolling stock;

"(7) develop and operate international intercity rail passenger service between points within the United States and points in Canada and Mexico, including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico (for purposes of section 404(b) of this Act, such international rail passenger service is service included within the basic system); and

"(8) to carry out other corporate purposes.".

SEC. 7. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546), relating to the applicability of the Interstate Commerce Act and other laws, is amended by adding at the end thereof the following new subsection:

"(h) No common carrier by railroad may refuse to participate with the Corporation in providing auto-ferry service on the grounds that a State or local law or regulation makes the service unlawful; and neither the Corporation nor such railroad shall be subject to any fine, penalty, or other sanction for violation of a State or local law or regulation which has the effect of prohibiting or impairing the provision of auto-ferry service.".

SEC. 8. Section 308(b) of the Rail Passenger Service Act (45 U.S.C. 548(b)), relating to reports to the Congress, is amended by striking out "January 15" and inserting in lieu thereof "February 15".

SEC. 9. Section 401(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 561(c)), relating to the prohibition against other persons conducting intercity rail passenger service, is amended by striking out "No railroad or any other person" and inserting in lieu thereof "Except as provided in section 305(b) of this Act concerning autoferry service, no railroad or any other person".

SEC. 10. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562), relating to facility and service agreements, is amended—

(1) by inserting immediately after the second sentence of subsection (a) the following new sentence: "In fixing just and reasonable compensation for the provision of services ordered by the Commission under the preceding sentence, the Commission shall, in fixing compensation in excess of incremental costs, consider quality of service as a major factor in determining the amount (if any) of such compensation."; and

(2) by adding at the end thereof the following new subsections:

"(d) (1) If the Corporation and a railroad are unable to agree upon terms for the sale to the Corporation of property (including interests in property) owned by the railroad and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for the property at issue and requiring the conveyance thereof from the railroad to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(A) conveyance of the property to the Corporation would significantly impair the ability of the railroad to carry out its obligations as a common carrier; and

"(B) the obligations of the Corporation to provide modern, efficient, and economical rail passenger service can adequately be met by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 305(d) of this Act;

the need of the Corporation for the property shall be deemed to be established and the Commission shall order the conveyance of the property to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation.

"(2) The Commission shall expedite proceedings under this subsection and, in any event, issue its order within one hundred and twenty days from receipt of the application from the Corporation. If just compensation has not been determined on the date of the order, the order shall require, as part of just compensation, interest at the rate of 6 per centum per annum from the date prescribed for conveyance until just compensation is paid.

"(e) (1) Except in an emergency, intercity passenger trains operated by or on behalf of the Corporation shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing, unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

"(2) Any railroad whose rights with regard to freight train operation are affected by paragraph (1) of this subsection may file an application with the Secretary requesting appropriate relief. If, after hearing under section 553 of title 5 of the United States Code, the Secretary finds that adherence to such paragraph (1) will materially lessen the quality of freight service provided to shippers, the Secretary shall issue an order fixing rights of trains, on such terms and conditions as are just and reasonable.

"(f) If, upon request of the Corporation, a railroad refuses to permit accelerated speeds by trains operated by or on behalf of the Corporation, the Corporation may apply to the Secretary for an order requiring the railroad to permit such accelerated speeds. The Secretary shall make findings as to whether such accelerated speeds are unsafe or otherwise impracticable, and with respect to the nature and extent of improvements to track, signal systems, and other facilities that would be required to make such accelerated speeds safe and practicable. After hearing, the Secretary shall issue an order fixing maximum permissible speeds of Corporation trains, on such terms and conditions as he shall find to be just and reasonable.".

SEC. 11. (a) Section 403 of the Rail Passenger Service Act of 1970 (45 U.S.C. 563), relating to new service, is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system.".

(b) Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discontinuance of service, is amended—

(1) by striking out "July 1, 1973" in paragraph (1) and inserting in lieu thereof "July 1, 1974";

(2) by amending paragraph (2) to read as follows:

"(2) Except as otherwise provided in this paragraph and in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time. No such service undertaken by the Corporation on or after January 1, 1973, shall be discontinued until the expiration of the one-year period beginning on the date of enactment of this sentence."; and

(3) by striking out "July 1, 1973" in paragraph (3) and inserting in lieu thereof "July 1, 1974".

SEC. 12. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601), relating to Federal grants, is amended to read as follows:

"SEC. 601. AUTHORIZATION FOR APPROPRIATIONS

"(a) There are authorized to be appropriated to the Secretary for the benefit of the Corporation in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $334,300,000. Funds appropriated pursuant to such authorization shall be made available to the Secretary during the fiscal year for which appropriated and shall remain available until expended. Such sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with spending plans approved by Congress at the time of appropriation and general guidelines established annually by the Secretary.

"(b)(1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

SEC. 13. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602), relating to guarantee of loans, is amended—

(1) by inserting "and with the approval of the Secretary of the Treasury," immediately after "prescribe," in subsection (a);

(2) by amending the first sentence of subsection (d) to read as follows: "The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $500,000,000."; and

(3) by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of any security, obligation, or loan, if the nature of such security, obligation, or loan is such that the income therefrom is not includable in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954.".

SEC. 14. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"SEC. 801. ADEQUACY OF SERVICE

"(a) The Commission shall promulgate, within 60 days from the date of enactment of the Amtrak Improvement Act of 1973, and shall from time to time revise, such regulations as it considers necessary to provide adequate service, equipment, tracks, and other facilities for quality intercity rail passenger service. The Corporation may contract with railroads or with regional transportation agencies for the improvement of service, equipment, tracks and other facilities necessary to meet such regulations promulgated by the Commission. In the event of a failure to agree, the Commission shall by rule establish procedures for allocating between the Corporation and a railroad any costs required to be incurred to meet the regulations establishing adequate service, equipment, tracks, and other facilities.

"(b) Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.".

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
BROCK ADAMS,
BERTRAM L. PODELL,
RALPH H. METCALFE,
JAMES HARVEY,
DAN KUYKENDALL,
J. SKUBITZ,
DICK SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
VANCE HARTKE,
ADLAI STEVENSON,
M. W. COOK,
J. G. BEALL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the house amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

Unless otherwise indicated, in this joint explanatory statement "existing law" refers to the "Rail Passenger Service Act of 1970".

SHORT TITLE

Senate bill

The Senate bill provided that this legislation should be cited as the "AMTRAK Improvement Act of 1973".

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

DEFINITIONS

The Senate bill, the House amendment and the conference substitute contained provisions amending section 102 of existing law to redefine the term "intercity rail passenger service" to exclude references to auto-ferry service characterized by transportation of automobiles and their occupants.

The term auto-ferry service is defined to mean intercity rail passenger service characterized by transportation of automobiles and their occupants.

BOARD OF DIRECTORS

Senate bill

No provision.

House amendment

The House amendment amended section 303(a) of existing law to restructure the board of directors of AMTRAK as follows:

(1) The number of directors was increased from fifteen to seventeen consisting of the Secretary of Transportation, ex officio, nine directors appointed by the President, and confirmed by the Senate, three directors elected annually by common stockholders of AMTRAK (railroads), four directors to be elected annually by preferred stockholders. Directors appointed by the President would serve four-year terms, or until their successors have been appointed and qualified, and not more than five could be appointed from the same political party.

(2) Any vacancy was required to be filled in the same manner as the original selection was made, except that any director appointed by the President would be appointed only for the unexpired term of the director he succeeds.

(3) The directors were required to elect one of their number annually to serve as chairman.

(4) Three of the directors appointed by the President were required to be designated to serve as consumer representatives and not more than two of them could be members of the same political party.

(5) Each director would receive $300 for each board meeting he attended, plus reimbursement for travel and subsistence expenses incurred in attending each meeting.

(6) No member elected by railroads (common stockholders) could vote on any contract or operating relationship between AMTRAK and a railroad but he could be present at the meeting, participate in the discussion, and be counted for purposes of a quorum.

(7) No director appointed by the President could have any direct or indirect financial or employment relationship with any railroad. Also, no such director could have any direct or indirect employment relationship, or any significant direct or indirect finan-

cial relationship. with any person engaged in the transportation of passengers in competition with AMTRAK.

(8) Seven directors would constitute a quorum to conduct business until the election of the four directors by preferred stockholders.

(9) The President was required to fill any vacancy, occurring among directors appointed by him, within 120 days after the vacancy occurs.

The House amendment also provided that the term of each director of AMTRAK serving on the date of enactment of the proposed legislation would expire on the 30th day after such date of enactment, except that each such director would continue to serve until his successor was appointed and qualified or until the expiration of the 120-day period beginning on the day his term expired under this subsection, whichever first occurred. No director would be ineligible for reappointment solely because his term expired under this provision of the House amendment. Notwithstanding the fact that the President appoints directors to serve four-year terms, of the nine directors first appointed by the President under legislation three were required to be appointed to serve for two years and three to serve for three years.

Conference substitute

The conference substitute is the same as the House amendment. The committee of conference expressed its confidence that the President would make timely appointments to the board of directors to be newly constituted so as to permit Senate consideration and confirmation of the appointees within the hundred and twenty day period. Without such timely appointment and confirmation the board could be prevented from acting due to a lack of a quorum on the board.

The committee of conference is concerned that representatives of the common stockholders serving on the board are not always able to divorce themselves from their railroad responsibilities when serving on the board. If the commitment of the railroad representatives on the board to the success of AMTRAK remains in doubt, members of the committee of conference will seek a legislative solution to the problem.

USE OF RAILROAD EMPLOYEES

Senate bill

The Senate bill amended section 305 of existing law to delete the second sentence of subsection (a), relating to use of railroad employees, which reads as follows: "The Corporation shall, consistent with prudent management of the Affairs of the Corporation, rely upon railroads to provide the employees necessary to the operation and maintenance of its passenger trains and to the performance of all services and work incidental thereto, to the extent the railroads are able to provide such employees and services in an economic and efficient manner."

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

AUTO-FERRY SERVICE

Senate bill

The Senate bill authorized AMTRAK to provide auto-ferry service as part of the basic passenger services authorized by existing law. The Corporation was authorized and directed to acquire, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service. The Senate bill further provided that nothing in existing law would prevent any other person from engaging in auto-ferry service over any route, whether or not such route was a part of the basic system.

House amendment

The House amendment also amended section 305(b) of existing law to authorize AMTRAK to provide auto-ferry service as a part of the basic passenger services authorized by existing law. It further provided that nothing contained in existing law would prevent any other person (other than a railroad) from engaging in auto-ferry service over any route if such person satisfied the Interstate Commerce Commission that such service was required to meet the demands of the public and would not impair the ability of AMTRAK to increase its revenues or reduce its losses. The House amendment also contained a so-called grandfather clause permitting any person performing auto-ferry services on the date of enactment of the proposed legislation under contracts entered into before October 30, 1970, to engage in such services over such routes. The House amendment also provided that nothing in this section of existing law would be construed to restrict the right of a railroad that has not entered into a contract under section 401 of existing law to be relieved of responsibility for performing intercity rail passenger service from performing auto-ferry service over its own lines. AMTRAK was further authorized to acquire or develop equipment and facilities to provide mail, express, and auto-ferry service or to contract for such services.

Conference substitute

The committee of conference agreed to a substitute provision which confirms AMTRAK's authority to institute auto-ferry service as part of the intercity rail passenger service authorized in existing law. Railroads which have entered into contracts with AMTRAK for the provision of rail passenger service would not be permitted to perform non-AMTRAK auto-ferry service over their own lines. Any railroad which has not entered into contracts with AMTRAK for the provision of rail passenger service would not be prevented from performing auto-ferry service over its own lines. Any railroad primarily engaged in auto-ferry service or any other person which is not a railroad can provide auto-ferry service over any route in accordance with a certificate issued by the Commission.

The Commission would issue a certificate if the auto-ferry service is required to meet the demands of the public and the Commission finds that such auto-ferry service (needed to meet the demands of the public) will not unduly impair the ability of AMTRAK to reduce its losses or increase its revenues. The burden of proving that such impairment would not occur would not be on the applicant for the certificate.

Any railroad primarily engaged in auto-ferry service or any other person who is performing auto-ferry service in accordance with a certificate issued by the Commission on the date of enactment of this legislation under contracts entered into before October 30, 1970 may continue to operate such auto-ferry service.

HANDICAPPED AND ELDERLY

Senate bill

The Senate bill authorized AMTRAK to take all steps necessary to assure that elderly and handicapped individuals have equal access to rail passenger transportation facilities. This provision enumerated a number of actions which could be taken to achieve this goal; for instance, the installation of special equipment and devices designed to assist the handicapped or elderly, and the elimination of architectural and other barriers that exist in equipment and facilities; as illustrative of the types of actions AMTRAK was authorized to take to insure that all travelers have equal access to intercity rail transportation facilities.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

STATE AND LOCAL LAW PROHIBITING AUTO-FERRY SERVICE

Senate bill

The Senate bill amended section 306 of existing law to provide that AMTRAK, or any railroad or government agency contracting for the operation of intercity trains would not be subject to any State or local law interfering with efficient provision of mail, express, or auto-ferry service.

House amendment

No provision.

Conference substitute

The conference substitute clarifies the scope of the preemption of State law. The provision agreed to prevents a common carrier by railroad from refusing to participate with AMTRAK in providing auto-ferry service on the grounds that a State or local law or regulation makes *service* unlawful. State or local laws not making service *per se* unlawful—e.g., train crew sizes—would not be preempted by this provision.

ANNUAL REPORT DATE CHANGE

Senate bill

The Senate bill amended section 308(b) of existing law to change the date on which AMTRAK would be required to submit its annual report to Congress from January 15 to March 15 so that it would coincide with the date the Department of Transportation and ICC are required to submit their reports on AMTRAK to the Congress.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill, but requires AMTRAK to submit its annual report on February 15 so that the Department of Transportation and ICC will have that report available before filing their own reports on AMTRAK with the Congress on March 15.

FACILITY AND SERVICE AGREEMENTS

Senate bill

No provision.

House amendment

The House amendment amended section 402(a) of existing law to require the Interstate Commerce Commission, in fixing compensation for the provision of services ordered by the Commission, to consider quality of service as a major factor in determining the amount (if any) of compensation to be paid in excess of incremental costs.

Conference substitute

The conference substitute is the same as the House amendment.

The term "incremental costs", as used by the conferees, is intended to provide a basic level of compensation to be paid a railroad for services provided. It is assumed that this basic level could be supplemented on the basis of quality of service.

The committee of conference recognized the difficulties inherent in costing terminology. The term "incremental costs" is not used by the conferees as a term of art itself. It is intended to provide a basis for payment to the railroad of all costs which would not be incurred if passenger service were not performed for AMTRAK. It is anticipated that the railroad and AMTRAK would agree on a system of bonuses or penalties that would vary the level of payments according to the quality of service provided. In the absence of agreement, the Commission would fix this amount under section 402(a) of existing law, taking into account the quality of service regulations issued under section 801, as amended. The term "incremental" is to be considered then as meaning those costs which would not be incurred if a particular service were not rendered or a given amount of traffic were not handled. This includes total solely related (or direct) costs of a particular service (both variable and fixed portions of solely related costs), but does not include any portion of common costs. This is also sometimes referred to as "avoidable costs".

The committee of conference notes that the Interstate Commerce Commission, in rendering its decision in Finance Docket 27353 (Sub-No. 1) "Determination of Compensation under Section 402(a) of the Rail Passenger Service Act, as Amended", determined that the Penn Central Transportation Company should receive additional compensation in excess of avoidable costs in the Boston-Washington Corridor. The Commission also decided that the "quality of services to be rendered must be an integral part of the compensation formula".

Present levels of performance by the Penn Central are below acceptable standards. The parties should establish (and if they cannot agree, the Commission should set) standards requiring substantial improvement in those performance aspects that are subject to the Penn Central's control, consistent with the equipment and other capital improvements provided by or required by AMTRAK. It is the conference committee's view that, at present performance levels, the railroads are not entitled to the compensation base that could be established under the Commission's ruling.

The committee of conference expects the Commission, in resolving a compensation dispute between AMTRAK and a railroad, to establish incentives both for performance and cost reductions. The costs of achieving improved performance should not be excessive; and, if costs can be reduced without impairing performance, incentives for achieving such reductions should be provided.

EMINENT DOMAIN

Senate bill

The Senate bill amended section 305 of existing law to give AMTRAK the power of eminent domain so that it could acquire any right-of-way, land, or other property or interest in property (except in any interest in property owned by a railroad or State or political subdivision thereof or any other government agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service. AMTRAK was authorized to exercise this right only to the extent financial resources were available to pay just compensation for the property taken, and the right could be exercised only when AMTRAK could not acquire the property by contract, or was unable to agree with the owner as to the amount of compensation to be paid. The procedures to be followed when the power of eminent domain is exercised by the Corporation were set out with specificity.

The Senate bill also amended section 402 of existing law to allow AMTRAK to apply to the Interstate Commerce Commission for an order establishing the need of AMTRAK for property (including any interest in property) owned by railroad or governmental entity and to seek an order directing that such railroad or entity convey such property to AMTRAK on reasonable terms and conditions, including just compensation. The procedures that are to be followed in carrying out this power were also set out in detail.

House amendment

The House amendment also amended section 305 of existing law to authorize AMTRAK to acquire any right-of-way, land, or other property required to construct tracks or other facilities necessary to provide intercity rail passenger service through the exercise of the right of eminent domain in the Federal district court for the district in which the property is located, if AMTRAK cannot acquire such property by contract, or is unable to agree with its owner as to the amount of compensation to be paid. The right of eminent domain would not apply to any right-of-way, land, or other property of a railroad or of a State or local government or other public agency.

In order to exercise its right of eminent domain, AMTRAK would be required to file a declaration of taking setting forth—

(1) a description of the property to be taken, together with a plan showing such property;

(2) a statement of the interest to be taken in the property;

(3) a statement of the public use for which it is taken; and

(4) a statement of the amount of money estimated by AMTRAK to be just compensation therefor.

Title to the property interest to be taken would vest in AMTRAK, and the right to just compensation therefor would vest in the persons entitled thereto, upon the filing of the declaration of taking by AMTRAK and the deposit in the court of the amount estimated by AMTRAK as just compensation therefor. The judgment of the court would establish and award just compensation, and include as a part of such compensation interest from the date of taking to the date of payment at the rate of 6 percent per annum on the amount awarded. Interest would not be allowed on the amount deposited in the court by AMTRAK. If the compensation awarded by the court exceeded the amount of AMTRAK's deposit, the court would be required to enter judgment against AMTRAK for the deficiency. The court could order all or any part of AMTRAK's deposit to be paid immediately for or on account of the just compensation to be determined by the court.

The court could make such orders with respect to liens, taxes, assessments, and other charges as would be just and equitable. At the time AMTRAK files a declaration of taking, the court could fix the time within which, and the terms under which, possession of the property must be surrendered to AMTRAK.

The House amendment also amended section 402 of existing law to provide for the method of acquisition of railroad property. This amendment to section 402 of existing law, like the Senate bill, also authorized AMTRAK to apply to the Interstate Commerce Commission for an order establishing AMTRAK's need for railroad property and requiring its conveyance to AMTRAK on reasonable terms and conditions, including just compensation, in any case in which AMTRAK and the railroad concerned cannot agree upon terms for the sale of such property to AMTRAK. AMTRAK's need for the property would be deemed to be established, and the Commission would be required to order the conveyance, unless it found that such conveyance would significantly impair the ability of the railroad to carry out its obligations as a common carrier and that AMTRAK's obligations to provide rail passenger service could be met by the acquisition of alternative property available for sale to AMTRAK on reasonable terms, or available by the exercise of the authority of eminent domain given it under the proposed legislation.

The Commission was authorized to expedite proceedings under this provision and issue its order within 120 days after receiving AMTRAK's application. If, on the date of the order, just compensation has not been fixed, the order would require payment of interest at the rate of 6 percent per annum from the date prescribed for conveyance until payment of just compensation.

Conference substitute

Both the Senate bill and the House amendment contained many substantially identical provisions which are included in the conference substitute. The major differences are as follows:

1. The conference substitute, like the Senate bill, limits AMTRAK's condemnation authority to the financial resources available to AMTRAK. The House amendment contained no such specific limitation.

2. The conference substitute, like that Senate bill, provides that the right to the money deposited as estimated compensation will vest immediately in the persons entitled thereto. The House amendment provided that the right to "just compensation" would vest immediately in the persons entitled thereto. This provision of the conference substitute is not intended to imply that anyone is entitled to more than "just compensation". Rather, it is intended to assure that persons entitled to compensation will have an immediate right thereto. If the amount deposited and paid is more than "just compensation", the judgment of award can require refunding of any excess amount.

CORPORATE POWERS

Senate bill

The Senate bill restated already existing powers of AMTRAK contained in existing law and also consolidated all corporate powers which were formerly contained in the authorization section of existing law.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill. No substantive change is intended in the restatement and consolidation of these provisions.

PASSENGER TRAIN PREFERENCE; MAXIMUM SPEEDS

Senate bill

No provision.

House amendment

The House amendment added a new subsection (e) to section 402 of existing law providing that, except in an emergency, AMTRAK passenger trains must be accorded preference over freight trains unless the Secretary of Transportation, after a hearing held under section 553 of title 5 of the United States Code, made a finding that such preference would materially lessen the quality of freight service provided to shippers. In case of any such finding, the Secretary was required to issue an order fixing rights of trains on such terms and conditions as he determined to be just and reasonable.

The House amendment also added a new subsection (f) to section 402 of existing law providing that AMTRAK could apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds by AMTRAK trains if a railroad refused to permit such accelerated speeds at AMTRAK's request. The Secretary was required, after hearing, to issue an order fixing maximum permissible speeds of AMTRAK trains on such terms and conditions as he determined to be just and reasonable. The Secretary was also required to make findings as to whether such accelerated speeds were unsafe or otherwise impracticable, and also with respect to the nature and extent of track and other improvements necessary to make such speeds safe and practicable.

Conference substitute

The conference substitute is the same as the House amendment.

NEW SERVICE; EXTENDING SERVICE IN BASIC SYSTEM

Senate bill

The Senate bill amended section 403 of existing law to add a new subsection that required AMTRAK to initiate at least one experimental route each year, to be designated by the Secretary of Transportation. These experimental routes were to operate for no less than a period of two years, at which time the

Secretary could decide whether to continue the experimental route. Such determination was to be made at least partially upon the basis of whether or not the route has attracted sufficient patronage to serve the public convenience and necessity. If the route was continued, it would become part of the basic system.

House amendment

The House amendment also added a new subsection to section 403 of existing law requiring AMTRAK to initiate at least one experimental route each year. Such route is to be designated by the Secretary and operated by AMTRAK for not less than two years. If, after such two-year period, the Secretary found that such route had attracted insufficient patronage to serve the public convenience and necessity, he was required to terminate the route. The Secretary was also authorized, after such two-year period, to designate such route as a part of the basic system.

The House amendment also amended section 404(b) of existing law to provide that no service, beyond that prescribed for the basic system, undertaken by AMTRAK on its own initiative on or after January 1, 1973, could be discontinued until the expiration of one year after the enactment of the proposed legislation. This amendment also provided that AMTRAK must continue to provide service within the basic system until July 1, 1974. Under existing law, service within the basic system could be discontinued after July 1, 1973.

Conference substitute

The conference substitute is the same as the House amendment.

FEDERAL FINANCIAL ASSISTANCE TO AMTRAK

Senate bill

The Senate bill amended section 601 of existing law to authorize an appropriation of $185 million for fiscal year 1974 for the use of AMTRAK. All funds appropriated pursuant to this authorization would be made available by the Secretary for payment to AMTRAK during the fiscal year for which appropriated, and would remain available until expended. It further provided that funds paid to AMTRAK by the Secretary would be available for expenditure by AMTRAK in accordance with spending plans approved by the Congress at the time of appropriation.

House amendment

The House amendment amended section 601(a) of existing law to authorize an appropriation of $107.3 million for the fiscal year 1974 for the purpose of enabling the Secretary of Transportation to make grants to AMTRAK to carry out its corporate purposes.

Conference substitute

The conference substitute increases the $227 million authorization contained in existing law to $334.3 million. This is an increase of only $107.3 million, but there is $47 million of the previous authorization remaining unappropriated which is contained in the conference substitute. Thus, the total authorization available to AMTRAK is $154.3 million.

The conference substitute also assures that appropriated funds will remain available until expended. It also prohibits the use of grant agreements to manage the disposition of funds between the Secretary of Transportation and AMTRAK. AMTRAK would expend such sums in accordance with spending plans approved by Congress at the time of appropriation and with general guidelines established annually by the Secretary. The committee of conference believes that the elimination of grant agreements will permit AMTRAK to operate more freely of Government control so as to test the for-profit concept in the provision of intercity rail passenger service. This provision will also enable the Congress to carry out more effectively its oversight functions by pinpointing responsibility for successes or failures in the provision of rail passenger service.

LOAN GUARANTEES

Senate bill

The Senate bill amended section 602 of existing law to increase the maximum permissible loan guarantee authority from $200 million to $500 million. The Senate bill also prohibited guarantee of securities, obligations, or loans, the income from which is not includable in gross income for purposes of chapter I of the Internal Revenue Code of 1954.

House amendment

The House amendment amended section 602(a) of existing law to require the approval of the Secretary of the Treasury of any guarantee issued by the Secretary of Transportation to any lender against loss of principal and interest on loans or other obligations to finance certain capital expenditures by AMTRAK.

The House amendment also amended section 602(d) of existing law to increase from $200 to $250 million the limit on the total unpaid principal amount of guaranteed obligations or loans which may be outstanding at any one time under this section.

The House amendment also added a new subsection (g) to such section 602 prohibiting the making of a guarantee with respect to any obligation or loan if the income therefrom is not included in gross income for Federal income tax purposes.

Conference substitute

The Conference substitute follows the Senate bill in increasing the loan guarantee authority from $200 million to $500 million. It follows the House amendment in requiring the approval of the Secretary of the Treasury of any guarantee issued under existing law. The conference substitute also includes the provision referred to above under both the Senate bill and House amendment prohibiting any guarantee if the nature of the instrument guaranteed is such that income therefrom is not includable in gross income for Federal income tax purposes

ADEQUACY OF SERVICE

Senate bill

The Senate bill amended section 801 of existing law to direct the Commission to promulgate, and when appropriate to revise, such regulations as it deemed necessary to provide adequate service, equipment, tracks, and other facilities for rail passenger service. It also provided for assessment of a civil penalty of $5,000 for each violation and permitted the Commission to compromise any penalty so assessed. In case of a failure to pay an assessed penalty, the Commission was authorized to seek recovery through its own attorneys or in cooperation with the Attorney General.

House amendment

The House amendment also amended section 801 of existing law to authorize the Interstate Commerce Commission to issue necessary regulations to assure that the quality of service and accommodations on trains and other facilities used in intercity rail passenger service is adequate, taking into account applicable safety regulations. The Commission was specifically prohibited from prescribing regulations applicable to AMTRAK relating to the scheduling or frequency of service, or the number or type of cars in a train, or that otherwise conflict with service characteristics established for the basic system by the Secretary of Transportation. It also provided for a civil penalty of not more than $500 for each violation of a regulation issued by the Commission under this section, and provides that each day a violation continued would constitute a separate offense.

Conference substitute

The conference substitute rewrites section 801 of existing law to clarify the jurisdiction of the Department of Transportation and the Interstate Commerce Commission over safety related and service related issues. First, this provision resolves a possible legislative inconsistency which results from the fact that section 801 of existing law, as presently worded, authorizes the ICC to "prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service". The Federal Railroad Safety Act of 1970, enacted only two weeks prior to the Rail Passenger Service Act, defined the Secretary of Transportation's jurisdiction over railroad safety to include "all areas of railroad safety". It is the intent of the committee of conference to make clear that the Secretary's jurisdiction over railroad safety is exclusive. The ICC, in prescribing its own regulations with respect to the adequacy of service, should take account of safety regulations prescribed by the Secretary of Transportation.

The conference substitute directs the Commission to promulgate, and when appropriate to revise, such regulations as it considers necessary to provide adequate service, equipment, tracks, and other facilities for rail passenger service. The intent of this provision is to help foster high quality rail passenger service. It is anticipated, for instance, that in appropriate situations this would enable the Commission to promulgate rules and regulations requiring tracks to be upgraded beyond the standard they were in when AMTRAK commenced operations in 1971. Presently existing contractual relationships between AMTRAK and the operating railroads typically do not permit renegotiation over any issues except compensation. Unfortunately, this means AMTRAK is, in many instances, restricted in its attempts to upgrade the quality of service being delivered to the public even though it may be required to increase its payments for such service. The only presently existing alternative is for AMTRAK to operate directly all aspects of rail passenger operations, which could be even more expensive. Another simultaneously existing barrier to high quality rail transportation has been the failure of Congress to charge directly any regulatory body with the responsibility for seeing to it that the various requisite elements of high quality rail passenger service are present. This provision is designed to give the Commission this responsibility, and the committee of conference expects immediate action from the Commission in this regard.

The Corporation may contract with railroads or with regional transportation agencies for the improvement of service, equipment, tracks, and other facilities necessary to at least meet such regulations promulgated by the Commission. In the event of a failure to agree, the Commission shall by rule establish procedures for allocating between the Corporation and a railroad any costs required to be incurred to at least meet the regulations establishing adequate service, equipment, tracks, and other facilities.

The conference substitute follows the House amendment in providing that any person who violates rules or regulations issued by the Commission shall be subject to a civil penalty of not to exceed $500 for each day of violation.

SIMULTANEOUS SUBMISSION OF LEGISLATIVE RECOMMENDATIONS, PROPOSED TESTIMONY, OR COMMENTS ON LEGISLATION

Like both the Senate bill and the House amendment, the conference substitute contains a provision requiring AMTRAK to submit simultaneously to the Congress any legislative recommendation, proposed testimony, or comments on legislation which it submits to the President, the Department of Transportation, or the Office of Management and Budget. There is also a prohibition against any officer or agency of the United States requiring AMTRAK to submit such information prior to submission to Congress. The committee of conference does not intend this provision to prevent any member of the AMTRAK Board of Directors who is an officer of the United States from receiving such information as a Board member prior to its simultaneous submission to Congress and the executive branch.

Harley O. Staggers,
John Jarman,
John D. Dingell,
Brock Adams,
Bertram L. Podell,
Ralph H. Metcalfe,
James Harvey,
Dan Kuykendall,
J. Skubitz,
Dick Shoup,
Managers on the Part of the House.
Warren Magnuson,
Vance Hartke,
Adlai Stevenson,
M. W. Cook,
J. G. Beall,
Managers on the Part of the Senate.

CESSATION OF HOSTILITIES IN THE MIDDLE EAST

(Mr. WHALEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, I have joined Congressman Benjamin Gilman of New York in sponsoring House Concurrent Resolution 343. This measure, which is similar to that passed by the Senate earlier this week, expresses Congressional support for the President's efforts, through diplomatic channels and through the United Nations, to bring about an immediate cessation of hostilities in the Middle East. It also calls for a return to the borders as they existed prior to the present fighting and for an intensified effort by world powers and the nations of the Middle East to negotiate a lasting peace.

Mr. Speaker, world peace is seriously threatened as a result of the premeditated attack on Israel by Egypt and Syria last Saturday. I am shocked by this tragic outburst of violence and aggression. This belligerence is made even more deplorable by the fact that it began on the most solemn Jewish holy day of Yom Kippur.

As the New York Times noted in a recent editorial, this action pushes "any political resolution of the 25-year confrontation ever deeper into a troubled future." Thus, this flagrant violation of the Middle East ceasefire must be halted immediately. The peace there, so brazenly broken, must be restored, then every possible effort must be made to bring about face-to-face negotiations between Israel and the Arab States. To that end, I urge the President and the Secretary of State to use the tools of U.S. diplomacy.

STATE DEPARTMENT MUST PROVIDE BETTER BRIEFING FOR CONGRESSMEN

(Mr. HUBER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. HUBER. Mr. Speaker, I had the misfortune of attending the briefing this morning by the State Department on what is going on in the Middle East. I noticed a great number of our fellow Congressmen walk out in the midst of that briefing and I do not blame them. I thought the so-called briefing was the greatest waste of 1 hour's time that I have ever seen.

I strongly resented the arrogance and contempt of the Assistant Secretary for Near Eastern and South Asian affairs who refused to treat many of the questions with due courtesy. I am not a senior, I am a freshman here, and I am amazed at some of our senior Members who do not rise to object to that kind of treatment.

I have 500,000 people in my district who expect me to do a job for them. I think I am entitled to an intelligent briefing. I have to agree with the Congressman who observed that we learned more from yesterday's newspapers than we learned this morning from the State Department briefing.

I intend to circulate a "Dear Colleague" letter and suggest that we write to the President and the Secretary of State telling them to send somebody who will treat us with courtesy and keep us posted so we can properly represent our districts.

APPOINTMENT OF CONFEREES ON H.R. 3180, CLARIFYING FRANKING PRIVILEGES BY MEMBERS OF CONGRESS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the report of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Dulski, Henderson, Udall, Charles H. Wilson of California, Gross, Derwinski, and Johnson of Pennsylvania.

PROVIDING FOR PRINTING OF ADDITIONAL COPIES OF OVERSIGHT HEARINGS ENTITLED "VOCATIONAL REHABILITATION SERVICES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-557) on the resolution (H. Res. 568) providing for printing of additional copies of oversight hearings entitled "Vocational Rehabilitation Services, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 568

Resolved, That there shall be printed for the use of the Committee on Education and Labor, House of Representatives, two thousand additional copies of the Oversight Hearings before the Select Subcommittee on Education on August 3, 1973, entitled "Vocational Rehabilitation Services".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-578) on the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 184

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the Constitution of the United States, as amended through July 5, 1971, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Peter W. Rodino, Junior, of New Jersey, to be bound with a paperback cover of the style and design used in printing House Document Numbered 92-157 of the Ninety-second Congress, and that two hundred and forty-one thousand additional copies be printed, of which twenty thousand shall be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

With the following committee amendment:

Page 1, line 9, delete "two hundred and forty" and insert in lieu thereof "two hundred and forty-one".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF HEARINGS ENTITLED "U.S. INTEREST IN AND POLICY TOWARD THE PERSIAN GULF"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-579) on the concurrent resolution (H. Con. Res. 275) to provide for the printing of "U.S. Interest in and Policy Toward the Persian Gulf," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 275

Resolved by the House of Representatives (the Senate concurring), That one thousand additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs of the House of Representatives, Ninety-second Congress, second session, entitled "U.S. Interest in and Policy Toward the Persian Gulf" be printed for the use of the Subcommittee on the Near East.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "SOVIET ECONOMIC PROSPECTS FOR THE SEVENTIES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-580) on the concurrent resolution (H. Con. Res. 278) to provide for the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 278

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Economic Committee five thousand additional copies of its joint committee print of the Ninety-third Congress, first session, entitled "Soviet Economic Prospects for the Seventies".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT "A HISTORY AND ACCOMPLISHMENTS OF THE PERMANENT SELECT COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-581) on the concurrent resolution (H. Con. Res. 301) to provide for the printing and as a House document of "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 301

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations and photographs as a House document and suitably bound, under the direction of the Joint Committee on Printing, "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives of the United States", together with appendixes containing various tables, charts, and so forth, which were prepared at the instance and direction of the Honorable Joe L. Evins of Tennessee, chairman, together with such additional explanatory matter as the Joint Committee may deem pertinent.

Sec. 2. There shall be printed and suitably bound as directed by the Joint Committee, ten thousand copies of such document of which five hundred shall be appropriately bound in hard back covers bearing the title of the document in gold leaf lettering on the front covers as well as on the back strips, all for the use of the permanent Select Committee on Small Business of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING CORRECTED REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-582) on the concurrent resolution (H. Con. Res. 322) to provide for the reprinting and printing of the corrected Report of the Commission on the Bankruptcy Laws of the United States, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 322

Resolved by the House of Representatives (the Senate concurring), That House Document 93-137, part 1, Report of the Commission on the Bankruptcy Laws of the United States, be reprinted as corrected, and that part 2 be printed as corrected, and that one thousand additional copies of each part be printed for the use of the House Committee on the Judiciary.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PROGRAMS AND ACTIVITIES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. REES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes, as amended, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 12, line 8, strike out "representational".

Page 12, line 17, strike out all after "cil" down to and including "list."." in line 20 and insert: "in not less than two major daily newspapers published in the District."."

Page 14, line 9, strike out "such purposes" and insert: "appropriate purposes related to their official capacity".

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what is meant by this language:

Sec. 24. The President of the Federal City College, the President of the Washington Technical Institute, the President of the District of Columbia Teachers College, and the Superintendent of Schools are hereby authorized to utilize moneys appropriated for the purposes of this section for such expenses as they may respectively deem necessary to conduct such official ceremonial, representational, and graduation activities as are normally associated with the programs of educational institutions.

What is meant by "school ceremonial expenses"?

Mr. REES. I would suspect that a school ceremonial expense might be a graduation. It might be a special assembly, for example, on Veterans Day or some other type of holiday.

Section 24, as we see it, was the section which was passed by the House. The only amendment made by the Senate was to strike out "representational." I agree on the amendment, because I really do not believe anyone knew what the word "representational" would mean.

Now the language says, "such official ceremonial and graduation activities." The ceremonial activities would be other than graduation activities. It might be special assemblies. It might be a reception for a speaker who speaks on campus. The funds are severely restricted in this bill.

Mr. GROSS. Does the Federal City College furnish as a part of its graduation exercises what the high schools of the District of Columbia sometimes do, and that is to send a planeload of high school students to Jamaica or to the Bahamas or to some other place, and pay the hotel bill at the Hilton or whatever it is where they are celebrating graduation?

Mr. REES. With the restriction on the money for this section, I doubt if they could send a planeload to Friendship Airport.

Mr. GROSS. Is there any prohibition against using the funds for that purpose? It seems to be in vogue and it seems to be fashionable in the District of Columbia to send high school graduates to distant points, as I say, where they may leave hotel bills unpaid or leave bills unpaid for chartering planes. I do not know who it is that in the end makes up the deficit.

Mr. REES. I will give the totals. The president of Federal City College would be authorized $4,500, Washington Technical Institute $3,000, District of Columbia Teachers College $1,000, and the Superintendent of Schools $1,500. That is all the money that goes for ceremonial exercises and graduations. I believe it is very obvious no one is going to be running planeloads of people around or picking up tabs with these funds.

Mr. GROSS. What is the necessity for the next Senate amendment, that provides for the publication of delinquent tax lists in both major Washington daily newspapers? Why is not one newspaper of general circulation sufficient for the publication of these lists?

Mr. REES. We discussed that informally with the Senate members of the District of Columbia Committee. They felt since there were only two major papers, since one was a morning paper and one an afternoon paper, so that they could reach as many people as possible we should print the delinquent tax lists in both papers. Many people take only one paper in Washington. Since there are only two papers now existing as daily papers, they felt, since the delinquent tax lists were not that great, it would be easier to do it this way.

Mr. GROSS. Which newspaper now gets this profitable printing business?

Mr. REES. I am not sure. It does not say in this information.

Mr. GROSS. This will be a subsidy for both papers. Evidently one paper has been serving the public purpose up to this point, but this will get both of them on the Federal dole.

Mr. REES. Again, let me tell the gentleman what the law said. This is what we changed in the bill. We eliminated the requirement that the city must advertise in New York, Philadelphia and Baltimore papers. What we did, again, on this authorization in the committee, was to limit it just to papers in the District of Columbia.

Mr. GROSS. As to the third amendment, it provides with respect to the mayor-commissioner, the chairman of the District of Columbia Council, the Superintendent of Schools, the president of Federal City College, the president of the District of Columbia Teachers College, a limitation on spending confidential funds.

In the first place, what are "confidential funds" that go to the Mayor and the President of the Federal City College, for instance? What is meant by "appropriate purposes" and "official capacity"?

Mr. REES. Mr. Speaker, again section 26 was approved by this House when the bill went through in June, and the purpose of the Senate amendment was to further limit and to say very specifically that the funds can be used only for appropriate purposes related to their official capacity.

So this is a tightening up of the House language. Now, under the appropriations to the District of Columbia there is $9,000, which is expected for official activities, and since they are of a confidential nature, they do not require a detailed voucher.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this:

Why should the President of the Federal City College of the District of Columbia have any confidential funds?

Mr. REES. Mr. Speaker, it is felt that at times there might be special occasions when they would spend money, and that money was not specifically appropriated in any appropriation bill.

Again, for the President of the District of Columbia Teachers College, the authorization is for $1,000. For the chairman of the District of Columbia Council, it is $2,500 per year.

Mr. GROSS. I do not care whether it is $10 or——

Mr. REES. Mr. Speaker, if the gentleman will yield, this is a prescribed amount. What we are discussing in the Senate amendments to the House bill is this. The House bill was approved by this body, and the purpose of the Senate amendments in section 26 is to further restrict the ability to use these funds.

Mr. GROSS. Mr. Speaker, evidently I missed some of the fine print in the bill when it passed the House.

I do not care whether it is $10 or a thousand dollars. It has not been explained here today for what reason the President of the Federal City College should be given confidential funds.

These are confidential funds. These are not representation allowances. They are confidential funds, and I do not understand it at all.

Mr. REES. Well, the reason for the language of the Senate report is this: These funds are used for a variety of reasons related to their official capacity, including receptions, reception of guests, host meetings, dues to professional organizations, and emergency items not budgeted for.

Mr. GROSS. That, then, apparently is in the nature of what is commonly called "representation allowances"—booze and food—what the gentleman from New York (Mr. ROONEY), calls "tools of the trade."

Mr. REES. Mr. Speaker, as I say it is for host meetings, dues for professional organizations, et cetera.

Mr. GROSS. And the confidentiality means they do not have to tell anybody how they spend the money or where or when?

Mr. REES. Yes. I suspect that in every State government or city government they do have provision for small expenditures for this purpose.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION OF 1973

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CALL OF THE HOUSE

Mr. KETCHUM. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ZABLOCKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 519]

Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Badillo
Baker
Bell
Biaggi
Bolling
Brasco
Brotzman
Brown, Calif.
Broyhill, N.C.
Buchanan
Burton
Carey, N.Y.
Cederberg
Chisholm
Clark
Clawson, Del
Clay
Cochran
Conyers
Crane
Dellums
Donohue
Esch
Evins, Tenn.
Frey
Froehlich
Fuqua
Goldwater
Green, Oreg.
Gubser
Hammerschmidt
Hanna
Hawkins
Hays
Hébert
Howard
Ichord
Jones, Okla.
Lent
McClory
McCloskey
McCormack
McKay
Mailliard
Mallary
Mathias, Calif.
Mathis, Ga.
Matsunaga
Melcher
Metcalfe
Mills, Ark.
Mitchell, Md.
Mosher
Murphy, N.Y.
Nedzi
O'Neill
Pickle
Podell
Powell, Ohio
Quillen
Reid
Riegle
Rooney, N.Y.
Sandman
Satterfield
Shoup
Shriver
Snyder
Steed
Stokes
Sullivan
Ware
Wiggins
Winn
Wyatt
Yatron
Young, Alaska
Young, S.C.

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION OF 1973

The SPEAKER. The Clerk will read the statement.

(For conference report and statement see proceedings of the House of October 4, 1973.)

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. ZABLOCKI. M.. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on House Joint Resolution 542.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives is being afforded a historic opportunity to reassert its powers and prerogatives under the Constitution in the area of warmaking.

The conference agreement before us today is, in my judgment, a perfected and improved version of war powers legislation.

Since last July when both Houses passed war powers legislation, Senate and House conferees have met often in an effort—not just to resolve differences—but to do so in a way which would combine the best of both proposals.

We have been successful in that effort, and the results are before the House today.

Among the several differences in the House and Senate, the most important—and the one on which most of discussion and negotiation occurred—related to the question of Presidential authority.

The Senate bill defined the President's authority in warmaking and sought to mandate the circumstances under which he could act. The House resolution did not attempt such a definition or mandate, on the grounds that to do so was constitutionally questionable and from a practical standpoint unwise.

The definition of Presidential war powers in the Senate bill had justifiably been criticized as presenting the President with an excuse for preemptive war—after which he could always claim congressional sanction. The House-passed measure placed the responsibility for his actions squarely on the President.

The conference version reflects the House position on this issue. The provisions of the conference version are triggered by Presidential action committing American troops to combat.

In every such case the President is directed by the legislation to consult with Congress first when it is possible to do so. Further, he is required to submit a detailed report of his actions within 48 hours after having introduced U.S. forces to combat or to danger of combat.

Those features all originated with the House-passed joint resolution.

Both the House and Senate measures required that, without specific congressional authorization, any engagement of U.S. Armed Forces in combat by the President without congressional sanction must terminate at the end of a specific time period.

In the Senate bill the time period was 30 days; in the House-passed resolution, 120 days. The compromise reached was 60 days. Moreover, the 60 days can be extended for up to 30 additional days if the President certifies in writing to the Congress that unavoidable military necessity respecting the safety of the troops required their continued use in hostilities during their disengagement.

Mr. Speaker, the House conferees believe that 60 days is ample time to permit the President to act in a national emergency under his powers as Commander in Chief. It also gives Congress ample time to consider the situation carefully and thoughtfully before determining whether to support, or to terminate, the President's action.

Moreover, the conference version retains the House-passed provision permitting Congress to terminate a Presidential action sooner than 60 days by passage of a concurrent resolution which would be immune from veto.

The conference agreement also retains modified versions of congressional priority provisions which were in the House-passed bill. These provisions would facilitate consideration of legislation and also insure against a filibuster in the other body or other delays which might require the President to disengage American troops abroad.

The conference agreement retains the important feature of House Joint Resolution 542 that legislation approving the President's action can be introduced by a single Member of either House and that once introduced it must be considered on a privileged basis.

Thus, there is virtually no danger that a future President would be forced to disengage American troops from combat because Congress failed to act, as some opponents of the legislation believed.

The Congress will act. Procedures have been perfected for giving priority consideration to bills approving or disapproving the President's action. Possibilities of a House-Senate deadlock in conference have been minimized by language providing for that contingency.

The legislation also has been strengthened by the addition of definitions of terms which were in both House and Senate measures, but which were defined precisely only in the Senate bill. Those terms are "specific statutory authorization" and "introduction of U.S. Armed Forces."

In resolving differences with the Senate bill, only two principal provisions of House Joint Resolution 542 were dropped.

The House joint resolution provided that certain peacetime deployments of U.S. Armed Forces must be terminated at the end of the specified time period unless Congress specifically approved.

Senate conferees objected to including peacetime deployment provisions in a war powers measure, because of the additional constitutional and practical issues involved.

The conference agreement eliminates the mandatory termination provisions on peacetime deployments but continues to require that the President report within 48 hours to Congress on deployments of U.S. Armed Forces under circumstances specified in the legislation.

The agreement also drops section 7 of House Joint Resolution 542 which provided a mechanism to prevent the time period from expiring while Congress was in adjournment. Senate conferees objected that the retention of the section would unduly extend the time during which the President would be allowed to take unilateral action.

The House conferees agreed, after language had been added to section 5 of the conference report permitting 30 percent of each body to petition the Speaker and President pro tempore, respectively, to request that the President call the Congress into session.

In practical situations, a President who has committed U.S. Armed Forces into hostilities without prior approval of the Congress, a President who is faced with a terminal point 60 days hence, would certainly call Congress into session to consider his reasons for the commitment and to seek approval for his actions.

To those Members who voted for House Joint Resolution 542 when it passed last July, I can say without fear of contradiction that the conference report before this body today is in every important aspect the proposal you supported.

To those Members who voted against House Joint Resolution 542, I urge a careful reading of the conference report and the joint statement of managers. Objections to the House joint resolution which were expressed during floor consideration last summer have, in many instances, been met in the compromise worked out by the conference.

It is my belief that the conference report on war powers combines the best in both the House and Senate proposals, and deserves strong approval in both bodies. The conference report received such approval in the other body by a vote of 75 ayes, 20 nays.

I also believe that the measure deserves the President's signature as a legitimate expression by Congress of its rightful role under the Constitution, and of its desire to insure that the collective judgment of the Congress and President will apply to the introduction of American troops into combat.

The measure is not aimed at any President or criticism of past Presidential actions but rather an effort by the Congress to insure that it is permitted to exercise to the fullest its constitutional responsibilities over questions of peace and war.

Nor does it encroach upon the legitimate authority of the President as Commander in Chief.

In his recent state of the Union message, the President called for "national leadership that recognizes that we must maintain in this country a balance of power between the legislative and the judicial and the executive branches of government."

If the President truly believes in such a balance, if he does not seek paramountcy, then he must see this measure as a means of reestablishing a productive, working relationship with the Congress—and he should sign it.

For us in the Congress, the vote today provides a chance for us to demonstrate to the American public that the House of Representatives is capable of taking bold initiatives to restore its rightful role in the area of war making.

Mr. Speaker, before closing I want to express my deep gratitude to the distinguished chairman of the Committee on Foreign Affairs, Chairman MORGAN, for his leadership in the conference. Thanks must go, too, to the House conferees who worked long and diligently, and to the Senate conferees whose good faith effort at attempting to reach a compromise has made this report possible.

I urge an overwhelming vote in support of the conference report.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I want to join with our distinguished colleague from Wisconsin in the tribute he paid to the chairman, Dr. MORGAN, and others who served on the conference committee, for their work in bringing about this legislation which, in my judgment, is truly historic legislation.

Mr. Speaker, I rise in support of the war powers conference report and to urge its adoption.

This is truly historic legislation. In the years ahead it will serve as a benchmark in the effort to reaffirm Congress traditional role of partnership in the formulation and execution of warmaking responsibilities.

I stress partnership because there are those who claim that this proposal restricts the President from fulfilling his constitutional war power responsibilities.

These fears are unfounded. Our conferees took special care to insure that the ability of the President to respond swiftly and effectively in times of national emergency was not diluted. For those who doubt this a reading of the legislation will confirm that this measure does not intend in any way, shape or form to interfere with the Executive's constitutional authority.

It is my firm belief that if this bill is signed into law the shared warmaking powers of the President and the Congress will be more clearly defined than at any time in our history since the inception of our Constitution.

Confronted with an ill-defined "twilight zone" of shared warmaking duties delegated to both branches of government, we have sought to illuminate them with a carefully written set of alternatives that wed the lessons of the past with the best perceptions of future contingencies.

Congress has for too long defaulted to the Executive to carry out warmaking powers. The American people and the best interests of our country demand that the Congress reassert itself.

Granted in this nuclear age of modern warfare, it is frequently necessary for the President to act unilaterally in the best interests of the Nation. To the degree that this is necessary, this authority will continue. However, in nonemergency situations and in all engagements lasting more than 60 days, consultation and approval from Congress will be mandatory.

Mr. Speaker, the war powers bill is a fair and practical compromise which assures efficient, unencumbered delegation of warmaking powers while mandating maximum cooperation between both branches. We need only look to the divided opposition to this bill, one group claiming it shackles the President while another says it gives him expanded powers, to fully comprehend its moderation and consensus support.

I hope that the House passes this report and that the President, understanding the clear intention of both Houses, will, in turn, sign it into law.

It is after all long past time when Congress should shed the "see no evil, hear no evil" image it created for itself with the passage of the Gulf of Tonkin resolution. In the second half of the 20th century, Congress must recover, indeed it must accept, the constitutional duties it was entrusted with 200 years ago. This is our common goal and this legislation is the vehicle to achieve it.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Michigan (Mr. BROOMFIELD) for his remarks.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I should like to ask the gentleman the question which I believe I raised the last time with respect to the original act before us.

In the version of the House and also in the bill that is brought here, as I understand it, the legislation purports by concurrent resolution to withdraw certain authority to provide that the President commit troops. Now, if we can do this by concurrent resolution, are we not assuming that the action in which the President has been engaged is an action which could not have been performed but for specific grant by Congress of authority under this act?

Mr. ZABLOCKI. Mr. Speaker, I would like to respond to the gentleman.

The position of the conferees is that if the President assumes authority which he does not have, the Congress, therefore, recognizes that he has assumed that authority. Thus, the use of U.S. Armed Forces for a particular period by the executive branch can be terminated by a concurrent resolution of this body. That is constitutional. This is the position the conferees have taken.

It is an assumption of authority on the part of the President to commit troops, and if he does not have that authority we can indeed terminate the commitment of troops by concurrent resolution. But if he does have that authority from the Constitution, we restrict the period of time he may carry out that commitment without congressional concurrence.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, on that point, if I may, I would like to ask a question.

First, I wish to say that I, too, would like to join in complimenting the gentleman from Wisconsin on the work he has done on this legislation and in the conference committee. The conference committee has done a fine job, and I hope its report will be approved.

On the point raised by the gentleman from Texas (Mr. ECKHARDT), it seems to me that the contrary would be the case. If, as the Senate resolution originally contemplated, a joint resolution was required to terminate an action by the President, then there might be an implication that the President was acting with authority.

The conference report and the House bill provided that any action by the President could be terminated by concurrent resolution. The implication of that is, quite clearly, that the President was acting without authority.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield further to me?

Mr. ZABLOCKI. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, the point I am making is simply this:

If Congress may withdraw authority or may negative the Presidential authority by virtue of concurrent resolution, such action implies that the President did not have authority in the beginning and Congress is merely asserting its right to negative Presidential authority in that area.

If that is the case, one must infer, it seems to me, that the President is acting within an area pre-empted for Congress by the Constitution except for the passage of this resolution.

Now, as I understand the gentleman to answer me, he does not intend to give the President additional authority, but the gentleman concedes that the President may act beyond his authority, and we only include this section as a means by which Congress can reaffirm the fact that the Presidential action was wrongful in the first place.

Mr. ZABLOCKI. Mr. Speaker, that is exactly right.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, my first comment will be addressed to the same topic which was raised by the distinguished gentleman from Texas (Mr. ECKHARDT).

I submit to the distinguished gentleman in the well that the only way in which you can make a concurrent resolution which is not presented to the President binding in law as an act of this body would be by first transferring some power to the Executive and attaching the concurrent resolution as a condition subsequent by which it could be regained.

Unless we transfer the power, which you say you do not do, then your concurrent resolution cannot be effective to bind anyone.

Mr. ZABLOCKI. I respectfully submit as a reply to the distinguished gentleman from Texas that, indeed, when the President assumes authority that is not clearly in the Constitution this legislation permits him for a limited period of time to proceed with the introduction of troops.

I would like to call on the gentleman from Illinois (Mr. FINDLEY), who is the particular sponsor of this to amplify on that particular formula.

Mr. FINDLEY. I thank the gentleman for yielding.

I think it is a well-established principle of law and constitutional procedure that the concurrence of the Congress is required in order to settle the legality of any question of public policy, whether it relates to the introduction of military forces or otherwise.

When the President uses his power as distinguished from authority to introduce military forces beyond the territory of the United States, then there is the question of legality hanging over it until the Congress passes judgment.

So therefore it is entirely reasonable for the Congress by the concurrent resolution approach to pass judgment subsequent to such an action.

Mr. ZABLOCKI. I thank the gentleman for his observation.

How much time have I consumed, Mr. Speaker, because I do have others who have asked for time, and I do not want to preempt them.

The SPEAKER. The gentleman from Wisconsin has consumed 20 minutes.

Mr. DENNIS. Will the gentleman yield for a question on a different subject?

Mr. ZABLOCKI. I am afraid I will have to yield time to others as I have promised it. If time permits, I will be very happy to yield to the gentleman again.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I rise in reluctant opposition to this conference report.

It is reluctant because I recognize a need for restraint of the Executive power to commit us to war and respect the work done by the distinguished chairman and members of his committee, but my opposition is strong because I feel that this is such an important matter that if you do not think the bill is a good bill as it stands, you not only have a right but a positive duty to rise in opposition and point out the objections. One of them has already been pointed out in the colloquy which has just taken place.

This bill necessarily delegates a portion of our warmaking power to the Executive. That cannot be escaped, because the only way in which a concurrent resolution can possibly have the binding force and effect of law, which it does under this measure, in order to terminate the Executive action, is by attaching such a resolution as a condition subsequent to a grant of power. Otherwise you have to legislate by going through the legislative process, and that requires a presentation to the President and an opportunity to exercise the veto power. Under the Constitution there is no other way to do it.

In this bill you are trying to say that you can legislate without going through the legislative process and that you can take power back by a condition subsequent without granting the power in the first place.

The second thing that is wrong with this legislation—and this is the most important thing—is that it retains the vice of the original bill, which is that policy can be set by inaction on the part of the Congress.

When we declare war, when we go from peace to war, we vote it. When we are in a de facto situation of hostilities by reason of Executive action, recognized in this bill, if we want to go back to peace we ought to vote that. It should not be possible to determine that kind of a question simply by sitting here and doing nothing, and that is possible under this conference report.

I agree that there are safeguards in the bill which attempt to circumvent that problem, but every single one of them is subject to the provision "unless such House shall otherwise determine by the yeas and nays." There must be a vote on a resolution if one is put in, and, of course, there does not have to be one put in; somebody has got to put one in, and he has to do it in the first 30 days, too, because it has to be done 30 days before the 60 days expire.

But, granted there is a resolution to vote on, granted that it has to be brought to a vote under these provisions, that is all subject to the provision "unless such House shall otherwise determine by the yeas and nays," which means that we can have this important policy of whether the troops shoud be pulled out determined on a motion to lay on the table, on a motion to postpone, or on a motion to recommit. Why in the world should we not determine an important thing like this by asking the House, by insisting that the House, by requiring that the House vote up or down on the merits of the matter, and thus decide whether we want to go to war or peace? If we are going to make a policy determination, if we want the House to take back and to exercise its power, that is the way to do it.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, the gentleman from Indiana (Mr. Dennis), I am sure, put his finger on two items of concern to some Members of this body as they ponder their vote on the conference report. They are not new elements in the bill. They were discussed at some length when House Joint Resolution 542 was before this body.

I think that the work of the conference committee should be some reassurance on both points.

First of all, concerning the policy question, with which the gentleman from Indiana (Mr. Dennis) last dealt, I firmly believe myself that inaction by the Congress is a reasonable and traditional way for the Congress to thwart a Presidential effort to establish public policy. It should apply as well to public policy as in other fields. It happens every day and every hour. There is nothing unusual about inaction as a way to thwart Presidential wishes. But the conference report before this body does provide what amounts to an almost guarantee that whenever a President shall introduce military forces without specific authorization of the Congress, any Member in this body who has the will can introduce a resolution of support for the President's policy and be assured that it will be dealt with on an up-or-down vote at some stage within the period provided in the conference report. The only question of doubt of this guarantee would be in that very remote possibility that the Congress would be on a very extended recess, or will have adjourned sine die for a length of time more than 30 days.

Well, in these stormy times when the war clouds are gathering as never before, I would think it most unlikely that the Congress will adjourn for any lengthy period of time which would effectively thwart the will of one individual who might have the desire to support our President's war policy.

The gentleman from Indiana (Mr. Dennis) said unless the Congress shall otherwise determine by the yeas and nays that this protection is provided. That is an up-or-down vote, because the yeas and nays will be ordered and each Member will be confronted with the up-or-down vote.

I think that the conference committee has done a superb job. It has retained all of the important elements of the war powers legislation as it emerged from the House. It has dealt with the items sought to be introduced by the Senate, and I think has dealt with them with great clarity and satisfaction.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

In section 2(c) of the bill as proposed by the conference committee there is what purports to be a definition of the constitutional and inherent powers of the President to commit troops to combat. I feel that the definition given there is incomplete, but my question is: Do the provisions of section 4 with respect to reporting and of section 5 with respect to the 60-day termination date on executive action apply to the constitutional provisions of 2(c)?

Mr. FINDLEY. They do not flow from that. They flow from the introduction of armed forces and that only.

Mr. Speaker, as Commander in Chief of military forces the President has immense power. Decision of using this power rests with him alone. He can disregard and override the advice of all others in the executive branch, and for that matter the Congress itself. He can reach a decision quickly. He has vast resources for mobilizing public opinion behind his decision, whatever it may be. He can carry out a decision with dispatch.

This legislation does not diminish 1 ounce that vast power. The power is inherent in his position as Commander in Chief.

This legislation distinguishes between power and authority and deals only with aspects of Presidential authority.

It is possible, of course, that a President in the future, as some Presidents in the past, will use war powers irrespective of questions of authority. But in the past no legislation has existed establishing a relationship between the Congress and the President in the legal aspects of war powers. The framers of the Constitution gave great avenues to make war to both the Congress and the President, some of them parallel and others overlapping—leaving unclear how conflicts between the two will be resolved.

The legislation before us, then, is an historic first. It establishes a legal relationship between the President and the Congress in the exercise of war powers. It requires the President to provide prompt and periodic information to the Congress. It requires the President to consult with the Congress promptly and periodically.

It provides two new ways in which the legality of a Presidential use of military force can be settled.

In the absence of a war declaration or other specific authorizaton by Congress, a President's use of forces in hostilities or in hostile areas must terminate in not more than 60 days. Only Congress can extend this period, except for the possibility of one 30-day extension if the President deems that such is required for the safety of forces in the process of withdrawing.

It also lets a majority of both Houses by concurrent resolution to settle the question of legality—that is, to direct that hostilities be terminated.

Is this arrangement unwisely to the disadvantage of the President—or to the disadvantage of the public interest?

To the contrary. It is clearly to the advantage of the President and the public interest.

The public interest requires that the will of the Congress and the President be reconciled in any exercise of war powers. If the President sees fit to use military force without congressional approval, the right of the Congress to pass judgment effectively must be recognized and preserved.

Of all the endeavors in which I have been involved in 13 years in this body, this legislation ranks at the very top in importance for current times and the future. Expansive terms are used commonly in private and public conversation, and there is especially on Capitol Hill a tendency to exaggerate the importance of an event.

The step which the House takes today, however, I think truly deserves to be called historic.

Several credits are richly deserved. Tribute must first go to Chairman ZABLOCKI and DANTE FASCELL, who were in the very front ranks of those formulating legislative proposals on war powers as long as 4 years ago. Their interest persisted through the long experience of hearings, advances and disappointments that have attended the lengthy process. Other Democrats on the Committee made special contributions, and here DON FRASER and JONATHAN BINGHAM were very constructive and effective.

The accomplishment was bipartisan. No one showed a more vital, persevering, and effective interest than PIERRE DU PONT, and in this he was joined by BILL BROOMFIELD and ED BIESTER.

When the votes were counted the bipartisan character was especially apparent. In the Foreign Affairs committee, 12 Republicans voted affirmative. Only four voted no and one present. Democrats voted affirmative, 22 to 2. On passage of the House bill, 72 Republicans and 172 Democrats voted affirmative.

In the conference committee, all Senate conferees signed the report, and among House managers all Democrats and two Republicans were affirmative. This means that of all conferees on this vital proposal, over which great and fundamental discussion and controversy has occurred, all conferees, except for two House Republicans agreed to the final product.

Unfortunately, the White House and State Department have indicated their objections to certain provisions of both the House and Senate versions. They may still object to the conference report. Their positions no doubt account for some of the opposition votes in the House and Senate.

Nevertheless the bipartisan character of this legislation is noteworthy and important. Indeed the guiding spirit for the legislation in the Senate—far more than anyone else—was a Republican, JACOB JAVITS of New York.

The legislation also reflects diligent work by many staff members. On the House side, the staff leadership originated when Jack Sullivan was counsel for the National Security Subcommittee, and his interest continued after a change in assignments put George Berdis in charge of subcommittee staff. Added to their effective work was that of the committee chief of staff, Marion Czarnecki. The close coordination between the staff and committee members was a splendid example of bipartisan work at its very best. And cooperating very helpfully was Everett Bierman, staff leader for the minority.

On the Senate side, the work of Peter Lakeland, member of Senate JAVITS' staff, was truly exceptional.

The SPEAKER. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, on July 18, when the House debated the war powers resolution, I offered an amendment requiring Congress to vote "yes" or "no" on the question of committing American Armed Forces to combat. As I stated at that time, such an important policy decision should not be made through congressional inaction. In a close vote, 200 to 211, my proposal was defeated.

Upon the rejection of my amendment, I was faced with the perennial legislative decision. Should I vote for a measure which, in that instance, lacked a provision which I believed desirable? I finally concluded that the merits of the war powers resolution outweighed what I considered to be its deficiencies. Two factors influenced my decision to support House Joint Resolution 542.

First, it is imperative, in light of our changing world, that there be prescribed procedures by which Congress can manifest its will when U.S. troops, without a declaration of war, are involved in hostilities. House Joint Resolution 542 accomplishes this objective.

Second, despite the absence of language specifically mandating congressional action, House Joint Resolution 542, as drafted, practically assures a vote when our servicemen are exposed to enemy action. For section 5 to become operative all that is required is the submission of a bill or resolution by only 1 of the 535 Members of the House and Senate. Thus, to a great extent, this certitude assuages my fear of congressional derogation of its war powers responsibilities.

These same two reasons compel my support of the war powers conference report which we are considering today. Indeed, the bill drafted by the conferees clearly represents an improvement over the House version. First, I believe it is more realistic to require the President to report to Congress within 48 rather than 72 hours when our Armed Forces are introduced into possible or actual hostilities. Second, the requirement that there be only 60 days during which U.S. involvement can continue without congressional authorization or a declaration of war should preclude tenuous military expeditions, the uncertain outcome of which makes an early termination unlikely. I also am pleased with that provision of the report which reduces an extension, in the face of congressional inaction, from 120 to 60 days.

Mr. Speaker, while I might have written the resolution somewhat differently, I urge the adoption of the report on House Joint Resolution 542.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, first, I would like to associate myself with the remarks of the chairman of the subcommittee, the gentleman from Wisconsin.

I, too, believe that the conferees have taken what was a very good product and turned it into a little better one. The provisions for blocking deadlocks among conferees and within the two bodies of the Congress have been strengthened. I believe the definition section has been improved.

In short, I find it a very good piece of legislation.

I would particularly say to those on the other side of the aisle who had some reservations about this bill, because they did not think it was good enough, they did not think that it went far enough in securing powers for the Congress, that surely this bill and the rules that it sets down are better than nothing at all. Nothing at all is what we have today.

I would hope that those Members who voted against the legislation the first time on that basis would consider voting for it this time, because even if it does not meet all our requirements, it is surely better than nothing.

Mr. Speaker, I would like to address myself to the comments made by the gentleman from Indiana concerning the use of the concurrent resolution to retain powers in the Congress.

I do not know where the gentleman feels that he is, but I think this is the legislature. I think that passing this bill is passing the kind of legislation that he feels is necessary in order to carve out an exception whereby we can stop action by the President if we feel necessary to do so by a concurrent resolution.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. DU PONT. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman and I had a colloquy on this subject before. I asked him if he felt that his concurrent resolution calling on the President to cease would have binding effect in law.

He said it would, and obviously it has got to if it amounts to anything.

The point I am making is that, if it does have that force and effect, the only way such a resolution, as distinct from an act or a joint resolution, can have that effect is if we attach it as a condition of a grant of the power; yet the gentleman says we are not granting the President more power.

Mr. DU PONT. I would disagree with the gentleman. I believe you can also attach it to a definition of power as well as a grant of power. Here for the first time we are trying to define the war powers of the President. It seems to me appropriate to do it in this fashion.

I might add to the gentleman, I am glad to see he finally agrees that in such a situation we do have the power to take back the President's authority by a concurrent resolution. I think that represents a step forward in his thinking.

Mr. DENNIS. If the gentleman will

yield further, what I said, to be accurate, was that, if there is any way we can make the concurrent resolution function, that is it.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I rise in support of the conference report and the bill. I consider myself to have a personal commitment of long standing to my constituency to support a reasonable limitation on Presidential war powers.

I want to make it clear that this is no reflection on the undoubted expertise, judgment, or foreign policy of President Nixon.

The requirement applies to the office and not to any particular incumbent President.

I do not believe that any President ought to be able to commit U.S. Armed Forces to hostilities abroad for more than 2 months without the express approval of the people's representatives in the Congress. Essentially, this is all the present bill provides.

It has been suggested that an affirmative vote of disapproval ought to be required. I would observe that failure of the House to vote approval becomes the clearest responsibility of the Congress. Individual Members are always at liberty to specifically record themselves if they are so inclined.

Mr. Speaker, I strongly support the conference report and the bill as being in the best interests of the American people.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KEMP).

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, there is not a Member in this House that wants to see the Congress reassert itself more than I. We must stand up and take control of those responsibilities that are outlined in our Constitution. Parenthetically, we must stand up responsibly. Most unfortunately, the resolution before us is unworkable. In fact, it is downright dangerous to this Nation.

Ladies and gentlemen, please stop a moment and think. In this Nation, we understand a democratic system. However, other nations do not. Tragically, there are a few nations that would cut our throat the moment they felt they could get away with it. If this resolution becomes law, you will have provided them with the opportunity to pull out their knives.

I totally agree with the intention of this resolution. Combat troops from the United States should never be committed to battle without the knowledge and approval of Congress.

But this resolution is unworkable because it does not provide a practical way for the President to communicate with the Congress. You must remember, we are dealing with war, not a public works project.

As every Member knows, there are few secrets in the U.S. Congress. It certainly is not practical, under the provisions of this resolution, for the President to come before the Congress and disclose highly classified combat plans and strategies. They would be in the newspaper before he could drive back to the White House.

You must take notice that administration has access to vast information-gathering resources that are not available to the Congress. We do not regularly receive CIA reports, classified embassy information, intelligence reports from the various armed services, and any number of other secret informational inputs.

The President is not going to reveal contents of these classified reports to the Congress unless he can be assured that the information will be protected. Without that classified data, Congress cannot make an intelligent decision about whether or not we should commit troops.

I contend that this was the main reason why the President would seldom confer with Congress during the Vietnam conflict. Nothing would prevent individual members from releasing whatever information they could get their hands on, without regard to its security classification.

I think most Members will agree that we shall never have another "declared" war. Modern-day weapons have totally ruled out ethics and rules of yesterday. If a country intends to attack another, they will not announce that fact in advance.

Today, wars are fought with sudden battles, wherein the element of surprise can be a decisive feature. Today's wars are complex, defying simple explanations and quick answers. Today's wars start in little countries where quick action can prevent a worldwide conflict.

In order to properly protect the United States, the President must have flexibility. Parenthetically, he must also be checked and monitored. That is the intention of this resolution. Unfortunately, as worded, the resolution would create 535 Commanders in Chief that would most likely run in 535 different directions.

I would urge you to vote against this resolution and send it back to committee. We desperately need to write a war powers resolution, but it must be written in a way that will not be detrimental to our country.

A proper resolution should provide a specific vehicle that the President can use in communicating with the Congress. My suggestion would be the creation of a "War Oversight Committee." This committee would be given the continuous duty of monitoring situations that could promote war.

Members of this committee would be strictly prohibited, by stiff criminal penalties, from revealing any classified information except through committee action. Members would withstand the same security clearances as those given to persons in command authority and sensitive administration offices.

By establishing a War Oversight Committee, we would provide a practical way for the President to communicate with the Congress. This same committee could provide oversight functions with regard to our various intelligence agencies.

There are many other undesirable features in this resolution. Since most of these have already been discussed by my colleagues, I will not repeat their arguments. I would only urge each of you to reject this conference report.

As presently worded, the war powers resolution would tie the President's hands and give our enemies a tremendous advantage.

Mr. KEMP. Mr. Speaker, I have great respect and admiration for the gentleman from Wisconsin and chairman of the subcommittee, who has done so much to bring this issue to the attention of, not just the Congress, but of the country. I share many of his goals for American foreign policy, but I respectfully disagree with him on this bill.

Mr. Speaker, we have before us a real-life situation within which we are dealing. I would like to use the few minutes I have to engage the gentleman from Wisconsin in a short colloquy as to the meaning of section 2(c) of the conference report, which states:

> (c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

I want to ask the distinguished gentleman what that would do to an alert of the 6th Fleet in the Mediterranean in terms of the crisis now going on in the Middle East?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the President could, as he has, direct the 6th Fleet in the Mediterranean. The provisions of subsection 2(c) would not affect that action. The President is in this instance acting as Commander in Chief deploying the Navy in international waters.

Mr. KEMP. As the committee has worded section 2(c), it seems to me it would materially affect that action because it is an "imminent hostility." They, the 6th Fleet, are American Armed Forces, and it seems to me section 2(c) would preclude the type of diplomacy that this Nation, this President and previous Presidents have used very successfully in the Mediterranean and the Middle East—to preclude wider wars, for instance, such as President Johnson used in 1967 during the Six Day War and President Nixon used in the Middle East during the Syrian invasion of Jordan. It was flexible diplomacy that helped prevent the possibility of wider warfare.

I would like to know at what point must the President come back to the Congress and perhaps exacerbate existing tensions by turning it over for debate here in the Congress.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield further?

Mr. KEMP. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the President as Commander in Chief can deploy troops during peacetime. However, introduction of U.S. forces into combat would require a report to the Congress within 48 hours setting forth the reasons, the constitutional authority and estimated scope and duration of the hostilities or involvement.

Mr. KEMP. I thought that the wording in section 2(c) "danger of imminent hostilities" prevented him from activating the 6th Fleet.

Mr. ZABLOCKI. If the gentleman will yield, section 2(c) is a statement of the authority of the President as Commander in Chief, respecting the introduction of U.S. forces into hostilities pursuant to the three circumstances mentioned in the paragraph. The language in section 3 of the Senate version attempted to define the authority of the President.

Mr. KEMP. The legislation before us raises perhaps the most fundamental issue to confront Congress in this century.

CONTINENTAL CONGRESS EXERCISE OF WAR POWERS

The issue of war powers has been before the Nation since before George Washington was President. But beginning with Washington's proclamation of neutrality during hostilities between Great Britain and France—a proclamation made over the objections of Thomas Jefferson who argued that only the Congress could decide matters of war and peace—the President has traditionally held and used the power of making the initial decisions on matters of foreign policy and of determining the proper occasions on which to use the Armed Forces of the United States in furtherance of that policy.

Our Founding Fathers made many references to war powers, to the concept of defensive war, and to the preservation of the safety of the Nation. In Federalist Paper No. 23, Hamilton wrote:

> The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed.

From a thorough reading of Madison's journal on the Constitutional Convention and from a reading of the formal proceedings of that Convention, it is clear to me that the architects of the Federal Constitution intended for the President to use extraordinary powers, when necessary, for the protection and safety of our Republic.

The Founding Fathers themselves had just concluded the War for American Independence in which the war power of the Continental Congress had embarrassed General Washington and greatly hindered him in the conduct of military operations in the field. Washington had received his commission as general and Commander in Chief of the Continental Armies and was required by that commission to observe "punctually" any such orders and directions he should receive from Congress, then acting with the customary powers of the Executive.

Washington succeeded in spite of Congress, rather than with its help.

Congress established the militia system for the Army; it proved virtually useless.

Congress ordered the ill-conceived defense of Manhattan Island, contradicting General Washington's orders and fouling his strategies.

Congress insisted on the continuation of the invasion of Canada; it was a near disaster.

Congress, by once again countermanding General Washington's orders, caused the tragedy of Valley Forge. As the prominent historian, Frothingham, has written:

> The amount of harm, caused by the unwise military control usurped by Congress, can only be measured in terms of the appalling sufferings of the American soldiers at Valley Forge, which Washington was powerless to prevent.

THE FRAMERS' INTENT

It was, in light of these realities, no surprise that the Founding Fathers were appalled by the difficulties Washington had encountered because of the Continental Congress. Thus, the Framers of the Constitution deliberately intended to prevent further national weakness and division by infusing unity into the new Republic through the institution of the Presidency. As Hamilton stated in Federalist Paper No. 73:

> Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority.

By designating the President to be Commander in Chief, wrote Charles Evans Hughes, our Founding Fathers planned to create "a Union which could fight with the strength of one people under one government intrusted with the common defense." He added:

> The prosecution of war demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive."

In Federalist Paper No. 38, Madison expressed the concern about congressional usurpation of powers when he wrote that the framers intentionally removed the direction of military forces from Congress, where it had been placed under the Articles of Confederation because it is "particularly dangerous to give the keys of the Treasury and the command of the army into the same hands." Since the President, rather than Congress, was made the Commander in Chief of the Armed Forces under the Constitution, this indicates clearly that the Congress cannot exercise control over the use of the Armed Forces except through the use of the appropriations process—the traditional power of the purse. This is legitimate and a proper assignment of a constitutional function. It matches the lessons of history, known firsthand by the framers.

THE EXERCISE OF WAR POWERS

Since the beginning of our Republic there have been 201 recorded foreign hostilities, yet only 5 of them were formally declared wars by the Congress. Moreover, Congress never once passed a law blocking or ordering a halt to any of the 196 Presidentially authorized actions.

In the book, "The War Powers of the President," which first formalized and structured the varying attitudes about war powers at the beginning of this century, William Whiting wrote:

> Congress may effectively control the military power by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government.

As if anticipating the legislation which we will soon vote upon, Whiting added that the Constitution "does not prescribe any territorial limits within the United States, to which his military operations shall be restricted."

Though the war powers question has been treated by the Supreme Court as a "political question" outside the competency of the judiciary, four members of the High Court did declare in a concurring opinion that—

> Congress cannot direct the conduct of (military) campaigns. . . .

The Court has also broadly stated that the Commander in Chief provision confers upon the President "such supreme and undivided command as would be necessary to the prosecution of a successful war."

Dr. John Pomeroy, dean of the University of New York Law School, emphatically rejected the idea that—

> The disposition and management of the land and naval forces would be in the hands of Congress. . . ." "The policy of the Constitution is very different.

The legislature may "furnish the requisite supplies of money and materials" and "authorize the raising of men" but "all direct management of warlike operations are as much beyond the jurisdiction of the legislature, as they are beyond that of any assemblage of private citizens." J. Pomeroy, An Introduction to the Constitutional Law of the United States 288, 289 (1870).

Prof. Clarence Berdahl, who published a comprehensive study on the Executive's war powers in 1921, squarely tackled this issue. He concluded:

> "Although there has been some contention that Congress, by virtue of its power to declare war and to provide for the support of the armed forces, is a superior body, and the President, as Commander-in-Chief, is 'but the Executive arm . . . in every detail and particular, subject to the commands of the lawmaking power,' practically all authorities agree that the President, as Commander-in-

> Chief, occupies an entirely independent position, having powers that are exclusively his, subject to no restriction or control by either the legislative or judicial departments." C. Berdahl, War Powers of the Executive in the United States 116, 117 (1921).

Professor Willoughby, author of a famous multivolume study on constitutional law, agreed with this position. He wrote that the power of the President to commit troops outside the country "as a means of preserving or advancing the foreign interests of relations of the United States" is a "discretionary right constitutionally vested in him, and, therefore, not subject to congressional control." 3 W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929).

The weight of 180 years of legal writings are on the side of Presidential prerogatives in war powers. I have yet to hear an equally weighty set of precedents on behalf of congressional authority.

When the framers of our Constitution narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, they clearly understood that there had been and might continue to be many instances in which hostilities would occur with no declaration of war. In fact, Hamilton stated in Federalist Paper No. 25 that declarations of war were already in disuse even in the 18th century.

The history of our Nation shows that American Presidents have acted, independently of Congress, 195 times in response to foreign threats.

The Senator from Arizona (Mr. GOLDWATER) recently submitted excellent testimony, before the House Subcommittee on Asian and Pacific Affairs, concerning the question of war powers and I quote from his statement:

> Thus, there is no question that when the Constitutional Convention narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, the Framers understood that there had been and might continue to be many instances in which hostilities would occur with no declaration. To argue that no military operations can begin without a declaration by Congress is to ignore the historical setting in which the Constitution was drafted, and, indeed, is to ignore the ensuing 184 years of life under that document.
>
> It may come as a surprise to many Americans, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These incidents show a consistent practice by which American Presidents have responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment.
>
> The incidents have not been limited to the Western Hemisphere or to small scale skirmishes. At least 103 of them took place outside this Hemisphere, and 53 of these occurred in the 18th and 19th centuries. One of them, the Philippine Insurrection, involved the employment of over 126,000 United States troops in a war begun and ended without any declaration of war.
>
> These practices form an impressive source of Constitutional interpretation of a kind which has real meaning in the courts. In fact, the principle of usage has been accepted by the Supreme Court as a *determining* factor in Constitutional interpretation. For example, in *United States v. Midwest Oil Co.* 236 U.S. 459 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition, even though this conflicted with a contrary Act of Congress. That practice fixed the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or *the existence of a power*, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, at 472, 473. (emphasis added).
>
> To those who fear this concept may give an unrestrained power to the President to do anything he wants, I would remind them that I am speaking only of defensive actions by the Executive. The President cannot conduct a war of aggression. He cannot bully another country with threats of armed action simply because we do not like its tariff policies or the way it governs its internal affairs. His Constitutional power of independent action is limited to the defense of our country, and its freedoms; but he may act whenever and wherever in his judgment a danger exists, immediately or prospectively, which compels a response on our part.

REASONS FOR OPPOSING THIS RESOLUTION

The most significant argument against the rigid definition of the President's powers in the area of foreign policymaking is that the making of foreign policy above all else demands flexibility, creativity, and compromise, and any legislation which seeks to define all the avenues open to a President in the conduct of foreign affairs is actually weakening the ability of that President to deal with other nations.

The legislation we are considering could be misinterpreted both by potential enemies and by our allies as a sign that the United States would be incapable of reacting swiftly in an emergency situation. Moreover, the bill would require public debate in all crises situations, such as the Cuban missile crisis situation, when quiet diplomacy is needed to avoid armed conflict.

The 60-day provision, I think, infringes on the President's constitutional power to repel attacks or threats of attack on the country and its forces. Moreover, the 60-day limitation on Presidential action would be unworkable as a practical matter and could generate pressures to escalate hostilities in order to achieve objectives by whatever means possible within 60 days.

Since Congress already has the authority to conduct at any time the same kinds of review that this legislation proposes to mandate within 60 days, it is difficult to see what advantages Congress gains by legislating an arbitrary deadline. Congress can in any particular case undertake its consideration in a manner and within a period of time appropriate to the circumstances. An arbitrarily fixed time limitation on Presidential authority contributes nothing to the right of Congress to exercise its constitutional authority. At the same time it could seriously impede action or undermine negotiations in the future in a manner not desired by either the President or the Congress at that time.

A weakness in any legislation which seeks to limit the President's war powers is that the knowledge that there is a limitation on what can or cannot be done without congressional consent limits the flexibility of the President to handle potentially dangerous situations in the way he feels best suited to the problem. In any emergency situation, a President very carefully chooses the method of action which best handles the emergency, best reacts to the particular countries and governments involved, and holds the least risk of further escalation of danger in the situation and thus the potential for handling a situation in the wisest way possible.

Eugene Rostow, former Special Adviser to President Johnson, and now a professor of law at Yale University, deals with this particular weakness in the war powers legislation in an article on the subject published in the Texas Law Review of May 1972. Mr. Rostow points out that in the years since the war, our diplomacy toward the Soviet Union has relied on the ability of the President to set clear limits on what would be the U.S. response to a confrontation with the Soviet Union. Most importantly, because of the nuclear bomb both the United States and the Soviet Union have refrained from firing the first shot in any confrontation. U.S. Presidents have used this fear to our advantage. During the Berlin crisis in 1948, Mr. Rostow points out, the President carefully chose an airlift, rather than a troop convoy or rail convoy, because that particular situation would have required the Soviets to shoot down a cargo plane in order to stop the supplying of Berlin—a move they were hesitant to take. President Kennedy used this same reasoning in establishing the limited blockage during the Cuban missile crisis. An end to the blockade would have required a military initiative on the part of the Soviets, or submission to our demands.

As Rostow further points out, this legislation would not have prevented Vietnam or even Korea. He says:

> I do not favor increased Presidential power. But I do defend the constitutional pattern of enforced cooperation between Congress and President we have inherited. Its corollary, however, is democratic responsibility. It is unseemingly for astute and worldly men who spoke and voted for SEATO, the Tonkin Gulf Resolution, and other legislative steps into the Vietnam War now to claim that they were brainwashed, and therefore that we—and the world—should treat public acts of the United States as if they never happened. These men were not brainwashed. They knew everything the executive knew. But even if they had been brainwashed, their votes stand. The Fourteenth Amendment is not a nullity because it was ratified by many legislatures which voted under circumstances of fraud, or the coercion of military occupation.
>
> Korea and Vietnam did not come about because the Presidency arrogated Congress' powers over foreign policy. The Congress fully supported those efforts when they were undertaken. The country is in a foreign policy crisis, however—not a constitutional crisis, but an intellectual and emotional crisis caused by growing tension between what we do and what we think. The ideas which guided our response to Korea and Vietnam have suddenly lost their power to command. Those who now believe Korea and Vietnam were errors should recall the prudent wisdom of an earlier time, when the powers of the Supreme Court were left untouched even after the catastrophic error of Dred Scott. We have never needed the strong Presidency we have developed in nearly 200 years of intense experience more than we need it today. The Javits bill would turn the clock back to the Articles of Confederation, and emascu-

> late the independent Presidency it was one of the chief aims of the men of Annapolis and Philadelphia to create.

Under more formal war power limitations proposed by legislation, the President involved would not have had the flexibility to deal with these and similar situations, would have been limited to the actions allowed by the law, and would have lost the ability of secrecy in any attempt to vary his response. Any deviation from the prescribed Presidential responses authorized by law would have required the acquiescence of the Congress, and thus would have deprived the President of the bargaining advantage gained by creating uncertainty.

Along these same lines, legislation limiting the President's ability to conduct foreign relations reduces his credibility in other nations. With a clear understanding of what a President could or could not do by law, an unfriendly nation could better predict the reaction it might expect from the United States to hostile actions on its part, and perhaps even be emboldened to attempt certain dangerous activities knowing that the President's hands were tied. President Johnson, as you may recall, threatened to send troops into the Middle East in a successful attempt to prevent the Soviet Union from directly intervening there. Under war powers legislation which defines the President's activities and confines them to certain actions, the Soviet Union would know that this threat could not be enforced without action by Congress. I am deeply concerned that our intentions to help defend Israel in a Mideast confrontation might be compromised as we have no formal treaty with them except the moral and humane pledge to help assure the survival of that courageous friend and democracy.

I am concerned that the enactment of war powers legislation such as that before us today is hasty and may be unnecessary. The Congress already has the power to control warfare, and in recent years has begun to use that power. We can and have set ceilings on the size of the Armed Forces. We can refuse to fund what we do not approve, and place restrictions on funds which we do appropriate—which has been done today with respect to Cambodia. We can refuse to approve Presidential appointments of ambassadors or military officers. We can investigate, filibuster, and delay legislation to force the President to do what we want. And finally, the American people as a whole can vote a President out of office, in fact limit the legislative power of a major party through elections—which has been done in the past. We are only as powerless as we make ourselves, but I feel that this legislation to limit the power of our chief spokesman, our Commander in Chief, our primary ambassador to other nations, could be a dangerous action to take. I sincerely hope that all of us will think long and carefully before approving legislation which, in my opinion, might have an extremely detrimental effect on the conduct of our foreign policy and the very strength of our Nation in the eyes of the world.

Mr. Speaker, this bill could lead to unmitigated chaos, doubt, and uncertainty in the Middle East and throughout the world. This resolution risks misinterpretation by the Soviet Union, by all parties to the Middle East war, by our allies, and by the American people.

We have the unique opportunity to evaluate House Joint Resolution 542 in the context of a real world situation. It serves us well to envision the kinds and extent of actions available to the President in the Mideast if this resolution passes.

The October 11 Washington Post carried the headline, "Soviets Start Major Airlift to Egypt and Syria." The Star and New York Times carried similar headlines. The severe breaches in détente incurred via the Middle East war are already visible. I cannot help but think that additional harm will be done to the cause of détente if this or future Presidents are hamstrung from taking those actions which might help bring increased stability to the Middle East and the world.

It is not difficult to construct a scenario in which the United States would be inextricably bound, by the action of this Congress, from so much as lifting a hand to help save the Mideast from catastrophe.

House Joint Resolution 542 leaves the President unduly hampered from carrying our foreign policy initiatives in the manner prescribed by the Constitution.

Section 2(c) of House Joint Resolution 542 states:

> The Constitutional powers of the President as Commander-in-Chief to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances are exercised only pursuant to (1) a declaration of war, (2), specific statutory authorization, or (3) a national emergency created by attack on the U.S., its territories or possessions, or its armed forces.

Let us assume for a minute that the sovereignty of Israel is seriously jeopardized. Under the guidelines dictated by House Joint Resolution 542, the President could undertake all the diplomatic initiatives he wished to take in an effort to bring stability in the Mideast; however, all the world would know that before any military action could be taken—before our diplomatic maneuvers would have any credibility—the President would be required to come to the Congress, wait while the Congress debates, before the eyes and ears of the world and authorizes the President to move. In that context, diplomatic maneuvering of any kind becomes mute. Indeed, with all the world aware of the restrictions with which the President of the United States conducts its foreign policy, no nation will afford U.S. foreign policy any credibility. Indeed, the resolution language says that U.S. forces cannot be introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Certainly that language precludes the United States from making any overtures that have any real credibility—for certainly credible action would constitute "imminent involvement in hostilities." This most narrow definition not only flies in the face of 180 years of experience under the Constitution, but also belies commonsense. Such a narrow construction of section 2(c), had it been in effect, would have precluded U.S. maneuvers which helped prevent crisis in the past from developing into broader hostilities.

The questions raised in the Arab-Israel crisis are real questions—asked in the context of a real situation. Can the United States redeploy its troops or rearrange its military hardware or supplies to meet changing national security requirements—after all, who is going to determine if "imminent involvement is clearly indicated?" How does the United States deal with a situation of this kind? What specific foreign policy action is the President allowed to take? Or must the President come to 535 Members of Congress and request specific statutory authorization?

As the distinguished and highly revered constitutional scholar in the other body, Senator Ervin explained:

> There never has been an army yet that ever won a skirmish when it had 536 or any appreciable number of Commanders in Chief. The men who drew the Constitution knew that they could have but one head of the Armed Forces. And they made the President of the United States that head of the Armed Forces. And they have wholly excluded Senators and Congressmen from then assuming directly or indirectly the functions of Commanders in Chief of the American Army.
>
> Imagine what would happen under these circumstances at the end of 30 days. Some of the Commanders in Chief would order the Army to charge. Some of the Commanders in Chief would order the Army to retreat. Some of the Commanders in Chief would order the Army to dig in. What went on in the Tower of Babel would have been intelligent and intelligible as compared with the position that America would be in at the end of the 30 days.
>
> Let me make it clear that if Congress opposes the action of the President in defending the country against invasion at the hands of a foreign foe, it has the constitutional power to compel him to desist from his constitutional duty to resist invasion by exercising its constitutional power of the purse to deny him the necessary appropriations. But Congress has no power to do what this bill undertakes to do—that is to usurp and exercise, in part or in whole, the power of the President to perform his constitutional duty to defend the Nation against invasion.

Could we have reacted to the invasion of South Korea? Could our 6th Fleet have been mobilized in the eastern Mediterranean at the time of the 6-day war in 1967? Would these circumstances, which had the effect of securing American lives, property, and interest in areas beyond our territorial waters and possessions, been allowed?

These questions are ones with which this body must concern itself during this debate. Certainly they must be answered lest we precipitiously pass into law something which may cause devastating harm to U.S. foreign policy for years to come.

As has been said in this body, time and time again, this legislation is reactive to the Vietnam war—nothing more, nothing less. The fact that the Vietnam war was singularly unpopular to the Nation is irrelevant in this de bate. What is relevant is that we exercise great caution in considering legislation stemming from one event in the history of the Nation—and that event an aberration, full of misunderstanding, divisiveness, and misinformation. The future of U.S. foreign policy processes are far more important than that.

Mr. Speaker, lastly, we must look at this resolution in the context of its espousal. It has come to the floor at the conclusion of an unpopular military conflict in Southeast Asia, an engagement strongly opposed by a large number who now support this resolution. It has come to the floor in the midst of a confrontation between the Congress and the President on certain constitutional prerogatives and powers. It has come to the floor when the President is of one political party and general philosophical disposition and the Congress of another party and disposition. "When we do not learn from history, we are," as Santayana warned us, "doomed to repeat it." I cannot help but feel that this resolution is not being considered in the dispassionate air of reason, of a historical perspective, or of an adequate knowledge as to its consequences. We are here dealing with the capability of this Nation to defend not only its allies but also itself. That is no small measure for concern.

I urge the defeat of this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 5 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, on July 18 of this year, on the final vote, after a good bit of general debate and some very excellent discussion, and the consideration of a number of amendments, the final rollcall showed 244 voting for the bill and 170 voting against it.

It was the hope of myself and a number of others who voted against the bill that we could have amended it on the floor during its initial consideration here, and that if we were unsuccessful at that time we could have gotten a better product out of the conference between the House and the Senate.

After studying the conference report and listening to the debate I regret to say that I do not believe the product before us today is sufficiently good to justify a vote for the conference report. The improvements, if any, over the House version are minimal.

I do not criticize the distinguished gentleman from Wisconsin, because I know he worked very hard to find some language or some provisions that would improved this legislation sufficiently to get an overwhelming vote in the House and a bill that would be satisfactory to the President.

As I look at the conference report and as I have listened to the debate, there are at least two very substantial objections. The one that perhaps this legislation expands, not contracts, the President's authority has been argued by others. I believe there is some validity to the argument that the President's war authority is expanded by the conference report.

The point I wish to emphasize, however, is the one I emphasized during debate on the floor of the House July 18. I said then, and I reiterate now, if the Congress wants to be a partner, if the Congress really wants to be active in making a decision between war and peace, then it ought to decide in this legislation that we should have a vote on it. In the legislation which came from the committee there was no requirement that a vote be taken at the end of the period of 120 days. Under the House legislation if the Congress did not act a President had to stop our military commitment. Now that is, I believe, a fatal flaw. It seems to me if we want to be a partner we ought to have the wisdom, the courage, and the guts, if that is the right word to vote "yes" or "no" and not to say, "We will stop a war by sitting on our hands and doing nothing."

That is what the House bill provided, and regrettably that is what this conference report provides.

I want us to be helpful, active and a participant. I do not believe we carry out that function in the provisions of this conference report. Inaction by the Congress is no way to force the President to stop any military commitment.

Also during the debate on July 18, I read into the RECORD a telegram from the President indicating that the President was not irrevocably committed against any war powers legislation. The impression had been created in the months before that perhaps the President did not want any action by the Congress to define or limit the authority of the Chief Executive, the Commander in Chief. But as I read the telegram from the President I believe the record was cleared up and straightened out. He will accept and would welcome some legislation in this area. On the other hand, he could not accept the House verision.

As I read the conference report I am convinced that his objections are equally valid against the conference report, and I fear all of the labor of my friend from Wisconsin and his associates will be to no avail.

If we could have achieved some different version, some different language, some change in the approach, I believe we could all vote affirmatively for some legislation I believe is needed. I hope and trust we are able to have a substantial vote against the conference report to indicate our dissatisfaction.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania, the chairman of the committee (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, the conference report on House Joint Resolution 542—the war powers resolution—is the product of serious and careful deliberation.

We from the House, and the conferees from the other body, worked hard to combine the best elements of the war powers bills which the House and Senate had passed.

I believe we reached agreement on a measure which represents an improvement over each of the separate bills.

I want to emphasize, once again, that nothing in this legislation encroaches upon the constitutional powers of the President.

Neither does it enlarge the authority of the President or of the Congress.

What this resolution does is to assure that the Congress will be able to carry out its duty with respect to war powers, assigned to us under the Constitution.

The other body, by a large bipartisan majority, gave strong backing to the conference report Wednesday.

I urge that we do the same.

Mr. ZABLOCKI. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I wish to express my appreciation to the gentleman from Wisconsin (Mr. ZABLOCKI) and the other conferees. It was my privilege to serve on the conference.

In all the years I have served in Congress I have never served on a conference which worked more diligently to reach agreement. There were strongly-held and widely disparate views among the conferees. But recognizing the historic nature of the undertaking with which they had been charged, there was a determination to arrive at a consensus on war powers legislation.

That determination expressed itself in days and weeks of hard and serious work. Our conferees, led ably by Chairman MORGAN and Mr. ZABLOCKI; the Senate conferees led by Chairman FULBRIGHT and Senator JAVITS; and the staffs on both sides, worked very hard to bring out the conference report which is before the House today.

Without hesitation, I can characterize this document as an historic one.

The agreement marks the first time in our Nation's history that both Houses have passed war powers legislation and then have been able to join their efforts behind a single version of war powers legislation.

In this conference document both bodies have reasserted their constitutional role on issues of war and peace, and have signaled their determination that they will not be bypassed in crisis situations which require the use of U.S. Armed Forces.

For the first time in history, the requirement that the President consult with Congress before taking actions which may involve the Nation in war, has been codified in this legislation.

For the first time in history, a requirement is placed on the President to report to Congress when he takes action as Commander in Chief.

For the first time in history, Congress has set a time limit on how long the President may act on his own authority to commit American troops to combat.

For the first time in history, the Congress has reserved to itself the right to require the President to withdraw American forces forthwith from combat when he has exceeded his authority, through passage of a concurrent resolution.

For this first time, Congress has used the authority granted it by the "necessary and proper clause" to establish procedures to insure that the collective judgment of the Congress will be brought to bear on issues of peace and war and the President will not act alone under alleged constitutional authority.

At this point I wish to turn to some of the arguments which have been made against the conference report today.

One of the most curious to me is the charge that this legislation expands the powers of the President. On the other hand, we have heard from those who contend that it unduly restricts and constrains the powers of the President. How can one joint resolution do both? One side must be wrong.

In matter of fact, both contentions are wrong. No simple act of Congress can affect the powers of the President, for they flow from the Constitution. The only way to affect those powers is to amend the Constitution.

Thus, this conference report could not, and does not attempt to, increase or decrease one iota either the powers of the President or the Congress. This is made amply clear in section 8(d) which states—and I quote:

> Nothing in this joint resolution (1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or (2) shall be construed as any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

It is clear from this language, therefore, that any arguments against this conference report on the grounds that power is being given or taken away from the President simply are specious.

A second allegation made about this legislation is that there is an implication that Congress is giving the President power under the bill since it provides for the use of a concurrent resolution to require the withdrawal of U.S. troops when they have been committed by the President without prior congressional approval.

The thinking apparently goes this way: In past legislation in which Congress has provided for a veto of executive action by a concurrent resolution, it has given the President extraordinary authority in the first place. Since the war powers legislation provides for the use of a congressional veto through a concurrent resolution, therefore something must have been given to the President by implication.

If, as I pointed out earlier, Congress cannot give the President additional war powers by legislation, it certainly cannot do so by implication. What cannot be delegated by law, cannot be delegated by innuendo.

Finally, let us consider the argument that Congress should move to cut off Presidential commitments of forces into hostilities only by "affirmative action." Let me point out that today we are taking the affirmative action called for. We will in a few moments be voting up or down on a measure which will lay down guidelines for the exercise of war powers. Once we have established those procedures by an up-and-down vote, and this measure becomes law, we have acted affirmatively.

It is my hope that the House once again will overwhelmingly vote to support the war powers legislation.

If we do, we will have established a guideline in the policy, history, and tradition of this Nation which no President would dare ignore, for he would ignore it at his own risk.

It is my hope that the President will see fit to sign this legislation into law. Whether he does or not, however, the national policy set forth in this conference doctrine will serve to provide the model and test for both Presidents and Congresses of the future as they grapple with issues of peace and war.

For these reasons, regardless of the outcome, this is a historic document and we meet on a historic day.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. Mr. Speaker, I have promised to yield to the distinguished gentlewoman from New York (Ms. HOLTZMAN) and I will do so now.

Ms. HOLTZMAN. Mr. Speaker, I wish to thank the gentleman, my good friend and distinguished colleague from Florida, for yielding.

I wonder if the gentleman would answer the following question:

Mr. Speaker, I believe it is quite clear, and I am sure the gentleman would agree, that the Constitution does not permit the President without congressional approval to commit U.S. forces to war, except in certain specific and limited circumstances, such as an emergency, an attack upon the United States, or an action taken in certain instances to protect the lives of American citizens and troops abroad.

However, in this conference report we are saying that if the President commences hostilities, even if they are unconstitutional and illegal, he may continue those hostilities for 60 days.

Mr. Speaker, is that not in essence giving the President power which he does not have under the Constitution?

Mr. FASCELL. Mr. Speaker, I thank the gentlewoman for asking that question.

I will say, first of all, that there is no premise laid down in this conference report which legalizes an illegal act of the President.

If the acts of the President are illegal, that is certainly something we do not sanction in this legislation, they remain ultra vires or illegal. We make it quite clear as a matter of statement that it is our belief that the President can exercise his authority in only three ways, which are very carefully spelled out, as follows: By a declaration of war, specific statutory authority, or in the case of a national emergency created by an attack upon the United States, its territories or possessions, or its Armed Forces. But as is made clear in section 8(d) we do not, as indeed we cannot, alter the constitutional authority of the President whatever that is and therefore we can neither enlarge nor diminish.

Mr. DENNIS. Will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman.

Mr. DENNIS. I just want to ask the gentleman if this bill were to become law and the President should move the 6th Fleet into the eastern Mediterranean with Armed Forces prepared for combat, would he have to recall them at the end of 60 days unless Congress voted to approve that?

Mr. WOLFF. Will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. WOLFF. One of the aspects of the 6th Fleet being there is to remove American citizens. It has nothing to do with the defense of the Mediterranean.

Mr. FASCELL. The answer to the gentleman is "No."

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise as a House conferee in strong opposition to this conference report.

I do so with some disappointment, because we have had an opportunity to come up with legislation that could have been signed into law. Now, however, the obvious fact is that the product of the conference committee is inevitably going to be vetoed by the President. I have received assurances from the White House that that is the case, and I think it is quite right that the President should do so.

I do not believe this legislation constitutes a reasonable restraint on the President. Rather, I think it is an unreasonable and probably an unconstitutional effort to restrain him. I emphatically do not believe it is better to do something, as the gentleman from Delaware suggested, than to do nothing at all.

I was glad to see one of the chief cosponsors of warpower legislation in the other body, Senator EAGLETON, voted against the measure even though he was an originator and prime advocate of legislative action in the other body. He obviously believes it helps to do nothing, than to take action of which he disapproves.

I believe the conference report is unwise in its major provisions. I am quite sure it is untimely. One only has to look at the raging conflict in the Middle East to realize that this is not a good time for us to be playing around with an attempt to restrict the President's authority.

I think this is basically a futile exercise, and I am unhappy as I would like to see the legislative process result in something constructive.

Mr. Speaker, I want to add that I support certain major provisions of this bill and regret that these will be vetoed along with the rest.

As an example, it seems to me, if the Congress wants to wake up to its own responsibilities, which is the basic purpose of this exercise, we should be given an adequate account of what is going on.

We should be consulted before and during a crisis. We should have a say in, and make a contribution toward, the decisions that the Government makes about how to react to a serious crisis.

However, this kind of sharing of responsibility by Congress does not require the provisions that we have discussed—and unfortunately we have no time to discuss them at length here today—which make this resolution, in my opinion, fatally flawed.

We have had a brief discussion today, as we did in July, about the weakness of a concurrent resolution as a possible way of restraining the President in a matter of this kind. The other body did propose a joint resolution. It was my hope at least that the conferees would come out in support of a joint resolution if we wanted to end hostilities. However, there was practically no discussion on that point in conference, and it was simply dropped.

There has been some discussion of the inadvisability of inaction by the Congress triggering a major change in policy undertaken by the President. I think this provision is a fatal flaw.

On the face of it we are trying to arouse ourselves to a sense of responsibility to do something, to participate, to reassert our congressional role. Then we say if we cannot make up our minds in 60 days about whether we should engage in hostilities or not, that we are going to assume that the President is wrong. We seek to nullify what he has done in his capacity as Commander in Chief even though we have not sought to prevent what was taking place for that 60-day period.

Mr. KEMP. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. KEMP. I appreciate the gentleman yielding and associate myself with his remarks.

He is making an extremely important point. At the end of 60 days can you imagine the chaos in the Middle East if this current war situation still exists at that time. If the Russians continue to arm the Arab States and we come here on the 59th day for debate, all of a sudden we will have 535 "commanders in chief"; some will say attack and others will say retreat and others will be squarely in the middle! It will be chaos and I think it will lead to chaos, confusion, and perhaps catastrophe for the Middle East and Israel and our President's attempts to help build a more stable structure for world peace.

Mr. FRELINGHUYSEN. I agree with the gentleman from New York.

Mr. Speaker, let me speak, of necessity very briefly, about this 60-day time limit. The Members will remember that the House proposed 120 days, and that the Senate proposed only 30 days. The result is the so-called compromise of 60 days. The President can act during that period but if the Congress has made no decision by then the action terminates, and he must bring the troops home. There is one exception, an additional 30 days is allowed the President. This is a very limited exception. If the President determines that unavoidable military necessity requires the continued use of the armed forces, he may continue for 30 days but only—and I want to emphasize this—but only in the course of bringing about prompt removal of such forces.

I would suggest that circumstances may well require a longer period for the removal of our troops. I would suggest that this is an arbitrary limitation.

Quite obviously, a 60-day period gives far less time for Congress to come up with a conclusion, through the committee process, as to whether or not it approves the Presidential action. It gives us far less time to consider the question and what should be done. Furthermore there is no provision in the conference report for what happens if a crisis should arise between adjournment and the beginning of a new Congress. The House version did have a provision for taking into account the fact that the House every 2 years has to organize itself, and time may be required.

Now the calendar time lapses without any regard for the difficulties which may develop should there be no Committee on Foreign Affairs until the House has taken appropriate action to organize itself.

Let me say there is little consolation, for those who favor the shorter time period, in the 60- to 90-day period, as Senator Eagleton said, this language could be construed as an open-ended blank check conferring warmaking powers on the President. This provision can be continued as formal recognition by Congress that the President, for this fixed period, has virtually untrammeled authority. If anyone is worried about whether Congress is actually giving authority to the President, he must recognize that we are not making it any less of an authority by specifying 60 rather than 120 days.

Perhaps now is time to look at the language of section 2C:

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions or its armed forces.

A careful look at this language, Mr. Speaker, provides considerable support for those who feel that by this resolution Congress is in fact "legitimizing," or expanding, the President's role in its attempt to restrict him. Where in the Constitution is there any "constitutional power" given the President to introduce troops into combat? I can find no such language in the Constitution. Are we then, by formal legislative action, seeking to recognize that the President indeed has such powers? In defining his "constitutional powers," even as ineptly as does section 2C, are we actually curbing the President?

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, 1 minute is hardly sufficient time to discuss the very difficult constitutional issues involved. So I merely submit that the bill is at best ambiguous as between its section 8(d) in which it purports not to grant the President any additional warmaking authority, and its section 5(c) in which it preserves the right by concurrent resolution for Congress to withdraw certain authority which it has extended, as the gentleman from Indiana (Mr. DENNIS) has pointed out in his discussion.

Furthermore, in the provisions taken from the Senate bill it is said that the bill is to insure the collective judgment of both Houses of the Congress and the President to apply to the introduction of U.S. Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated. I thought it was the judgment of the Congress alone.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, a member of the conference (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I want to direct my remarks to those who fear that this conference report gives the President authority which the President does not now have.

In section 8(d) it reads that:

> Nothing in this joint resolution—
>
> . . . (2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

I do not know how we can write a bill that says it more plainly than it is said there. The wording is explicit.

One other point is with reference to the statement about the President's power to engage U.S. forces in the event of an attack on our Armed Forces; let me point out that that phrase is qualified by the phrase that there must be a national emergency. It is not enough that there simply be an attack on U.S. Armed Forces under that language. There is also the requirement that that constitute a national emergency, so that an attack on some isolated naval unit or some patrolling unit in some part of the world, unless it created a national emergency, would not justify commitment by the President of our Armed Forces to hostilities.

Finally, the 60 days could have been written to say that it shall expire sooner if the Congress has voted on the question and has declined to give the President specific authority. We can read the concurrent resolution section as in effect accomplishing that same aim, and thus it affords another basis for the constitutionality of the concurrent resolution provision for in effect it shortens the 60-day period because the Congress has taken up the question and disposed of it in a fashion unfavorable to the President's continuing involvement of forces. So that provides one basis for its constitutionality.

The other basis for the constitutionality of the concurrent resolution is the fact that in case the President infers any authority from anything Congress has done in law or by treaty, then we expressly make any such inferred authority subject to the right of termination by a concurrent resolution. Of course, in the act we have sought to avoid an inference of authority from provisions which are not explicit, but it is difficult to know in advance what claims a President may make to justify an action he has already taken.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from New York.

Ms. ABZUG. Will the gentleman tell me where in the Constitution there is a provision requiring the collective judgment of the President and the Congress to involve us in war as is provided in section 2 of this bill? The Constitution is unambiguous on this point: only Congress can involve this Nation in war. Such was the clear intent of the framers of the Constitution who having suffered from the power of a king, determined to reserve to the people through their representatives, the right to declare war.

Mr. Speaker, I shall vote against this bill because it is patently unconstitutional and gives the President power he does not now have. I appreciate the fact that for 3 years a vast amount of time and effort has gone into the drafting of this legislation and even greater effort into making this conference report more palatable than the Senate or House bills. But I fear that it does exactly the reverse of what we set out to do: that is, to prevent the President, any President, from usurping the power of Congress to declare war.

The conference report, instead, gives the President 60 to 90 days to intervene in any crisis situation, on any pretext, while Congress merely asks that he tell us what he has done. The agony of the past decade—which triggered this legislation—should have taught us better. After the Gulf of Tonkin Resolution which was considered authorization for the war in Vietnam, Congress spent 9 years trying to extricate the country from that predicament. Even after we were out of Vietnam, Congress authorized another 45 days of bombing in Cambodia simply because a President had decided, on his own, that Cambodia should be bombed.

We look back on that now as a deplorable period of congressional history; must we condemn ourselves to repeat it? That is what we do with a bill which suspends the Constitution for 60 to 90 days, during which we abdicate our responsibility "to declare war" and "to make rules for the Government and regulation of the land and naval forces."

The purpose and policy section of the bill, section 2, assumes something that does not exist: "The constitutional powers of the President as Commander in Chief to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." But the President has no such "constitutional powers." Article II, section 2 of the Constitution, as you know, states that: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several states, when called into the actual service of the United States." That is, after a declaration of war by Congress.

It is sometimes claimed that the President's role as Commander in Chief gives him authority to deploy those forces as he sees fit. Alexander Hamilton—who believed in Presidential power—wrote in The Federalist that this role meant simply that the President was to be the top general of the army and the chief admiral of the Navy. Abraham Lincoln—who also believed in Presidential power, wrote:

> Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Constitution understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In this decade we have seen such oppression tear our own country apart. Let us not continue refusing to assert those prerogatives for which this Congress was created.

The conferees made their intentions very clear in the explanatory statement of their report. This is what they said:

> Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Subsequent sections of the joint resolution are not dependent upon the language of this sub-section, as was the case with a similar provision of the Senate bill.

The Senate bill, you recall, directed the President to come to the Congress before, not after, committing our troops, except in three specific circumstances: an attack upon the United States, an attack upon troops legally deployed abroad, and the rescue of American nationals imperiled abroad.

In dropping this provision, and invalidating their own earlier demand for congressional authorization, the conferees gave the President a blank check for 90 days of warmaking anywhere in the world.

This bill is worse than no bill at all. It creates a legal base for the continuing claims of Presidential authority to take the Nation to war. Its practical effect would be to legitimate the President's current misuse of power rather than prohibiting it.

We do not need to ask the President to consult with us "in every possible instance" before introducing U.S. Armed Forces. We are supposed to tell him when to introduce those forces.

We do not need to ask him to report to us on what he has done, at whatever interval. We are to make rules for the "government and regulation" of our forces.

In short, we do not need legislation to "fulfill the intent of the framers of the Constitution." We simply need to abide by that Constitution.

The SPEAKER. The time of the gentlewoman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, on July 18 the House passed this legislation by a vote of 244 to 170. Since that time the Foreign Affairs Committee has been working diligently with the Senate Foreign Relations Committee to try to write a rational and reasonable resolution that would be in agreement. And I think they have come up with the best possible approach to spell out congressional intent and to reassert the congressional prerogatives that the framers of the Constitution had intended for the Congress to be included in the war decisionmaking process. I believe if this resolution passes that the Congress, the direct representatives and the voice of the American people, will be consulted prior to the commitment of the U.S. Armed Forces in hostilities abroad.

I think the resolution points out that only through executive and congressional communication and cooperation can the national unity necessary to support such commitments be obtained.

I hope that we follow exactly the same vote that we had the last time. This resolution enables Congress to have access to the necessary information and evidence through the consultation and reporting requirements which would allow Congress to play an effective and useful role in the decision of war and peace, and it is through this kind of communication and cooperation between the executive and the legislative branches of Government that successful policy decisions can be achieved.

The need for war powers legislation is readily apparent today with the volatile situation in the world, and I urge immediate adoption of the conference report.

Mr. PRICE of Illinois. Mr. Speaker, adoption of the conference report on House Joint Resolution 542, the war powers resolution, may be the most important legislative enactment of the 93d Congress. Essentially, the resolution reaffirms the rightful place of Congress as a full-fledged partner in the decisionmaking process of committing American forces to combat.

Review of the deliberations of the Constitutional Convention clearly support the fact that Congress should be such a partner. The only exception to this idea is that the President, as Commander in Chief, is empowered to repel sudden attacks. However, this does not lessen the fact that Congress is clearly expected and empowered in the Constitution to declare war.

During the course of American history, Congress has been called upon repeatedly to initiate war; that is, the Congress provides the President with the authority to commit U.S. forces. It has not been until mid-20th century that our Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. This is no doubt because the world has changed. The pace of events has quickened so that response time is shortened. This cannot be used as justification, however, for negating the central concept of our Government that requires a balance of powers within a system of checks and balances.

However uneasy the partnership may be between the Congress and the President, the fact remains that our constitutional system requires that our separate governmental institutions participate jointly in decisions of national import. This resolution, therefore, is recognition of the imbalance that has existed too long. The resolution does not tie the hands of the President as some may claim. Rather it strengthens the hand of the President because congressional support will be available to the President in times of crisis when united efforts are needed. We have just experienced a bitter war in Indochina. The country has been divided because of it. The Presidency has been weakened because of it. It is time to revitalize our Government's capability and restore the confidence of the American people in their Government.

The resolution establishes guidelines for U.S. involvement in armed conflicts. It is clear that they provide sufficient latitude for the United States to act quickly and resolutely in meeting any challenges we may face.

The guidelines are as follows:

> The President is barred from waging war for more than 60 days without congressional consent.
>
> The President is allowed to continue hostile actions for as long as 30 more days if such action is an "unavoidable military necessity" to protect U.S. troops in the field.
>
> Congress is authorized to demand a halt to military action at any time through a concurrent resolution. Such a resolution will not be subject to Presidential veto.
>
> Congressional understanding of the conditions under which a President might commit U.S. troops to combat is as follows:
>
> A formal declaration of war; specific authorization by Congress; national emergency created by an attack upon the United States, its territories, possessions, or Armed Forces.

I do not feel they justify a Presidential veto. I sincerely hope that President Nixon will not veto the resolution, as has been reported. I hope that he will view the resolution as a desire on the part of the Congress to renew the partnership that is essential for maintaining our national security.

Mr. FRENZEL. Mr. Speaker, I strongly supported the House Foreign Affairs Committee's bill when this body passed it. I believe the Conference Committee has actually improved the bill. I like it better than our original bill, and I support it enthusiastically. I especially like the 60-day feature rather than our original 120-day period. I like also the 30 day "withdrawal period," and I am glad the Conference Committee accepted the concurrent resolution feature which was the heart of the House bill.

I believe that passage of this bill is the most important single act the Congress can take in its effort to rebuild eroded powers. Other actions have been political like the ex post facto OMB confirmation, or unwise like the particular version of anti-impoundment legislation the House has passed.

The War Powers Act is not political, nor unwise, and it does not seek to enhance congressional power by reducing Presidential power. It merely seeks to define more closely by law the existing constitutional powers of both the Legislative and executive branches.

It may not prevent future wars, but it is also the first significant action by Congress which demonstrates that our country has learned something from its experience in Southeast Asia.

I believe this bill is a thoughtful, sensible approach to an important question. I hope it will be passed by a significant majority.

Mr. PETTIS. Mr. Speaker, I rise in support of this conference report on the "War Powers Resolution."

The conferees are to be congratulated for achieving a viable compromise which both reasserts the authority constitutionally mandated to Congress to declare war, and defines the scope of Presidential power to deal with emergency situations affecting our national security.

This is a vital and necessary distinction and I urge adoption of the conference report.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the conference report.

I voted against the House version when we first considered it, and it seems to me that this is essentially the same bill. I know that now when the fighting is over—both in Indochina and here at home—the Congress would like to say, "I told you so—we were right all along—and if we had had this legislation, we could have done something about it." But providing ourselves with ex-post-facto excuses is not a worthwhile legislative aim, especially if giving ourselves the excuse makes it even less likely that we will do our job next time.

And that is what this bill does.

What should be the aim of a war powers bill? I will tell you very definitely what should not be the aim—we should not try to find a legal gimmick to do the job that can only be done by our own political courage, foresight, and resourcefulness. Barring that, the only conceivable aim would be to say, in detailed and explicit language, "This is what the Constitution says. This is what you can or cannot do under the war powers clause." Otherwise, what is the point? What could we possibly add to the Constitution?

The original Senate bill attempted to do this. But the conference version does not even bother to try. Some advisory language about the meaning of the Constitution is put into a nonoperative sense of Congress clause at the beginning. I am sure the President will be delighted to hear our opinion, but after all, it would not be the first time if he respectfully—or disrespectfully, for that matter—declines to agree.

Otherwise, the bill does exactly what I said earlier it should not do—it sets up a creaky machinery of reports and consultations that will somehow save us from the kind of imprudence and timidity we displayed over the last decade.

I would like to say something about consultation. I know I am a relatively junior Member of this body, but I am still surprised sometimes to pick up the paper and read, "Congress was consulted"—and I cannot remember any debates, any votes, any legislative work at all. Congress can move quickly when it wants to, but there is a difference between moving quickly and being bypassed. I am glad when the President sees fit to seek the valuable advice of the House and Senate leadership, ever after the fact—but that is not congressional consultation in my book, although it is according to the conference bill.

So what are we left with?

No real limitation on the power of the President to commit troops or begin hostilities. A 90-day period for the President to pressure Congress for approval—although I recall it did not take President Johnson that long to get the Tonkin Gulf resolution. And finally, legislative language that actually disconnects our understanding of the war powers clause, given in section 2(c), from the power of the President to commit troops or begin hostilities. By specifying the meaning of the war powers clause, and then saying, "it does not necessarily apply"—this does not strengthen the war powers clause, it merely makes it irrelevant.

All this is a high price to pay for the pleasure of shaking our fist at the President after the fighting is over. No one would be more delighted than myself to support a substantive move by Congress to pin the Executive down to its constitutional role. Since this bill moves in the complete opposite direction, I am urging my colleagues to vote against this measure.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the conference report on House Joint Resolution 542, the "war powers resolution." I had voted for this measure when it originally passed the House on July 18, even though I had supported some amendments which I felt would have improved the resolution, and those amendments failed of passage.

I have given very careful study to the conference report and I think the conferees are to be commended on doing an excellent job in reconciling the differences between the measure which passed this body and that which was adopted by the other body. I think the compromise resolution spells out quite clearly that this legislation is both proper and necessary in implementing the constitutional responsibilities of the Congress. Under the Constitution the Congress is given the authority not only to declare war, but to provide for the common defense, to raise and support armies, provide and maintain a Navy, make rules for the Government and regulation of the land and naval forces, provide for the calling forth of the militia to execute the laws of the Union, suppress insurrections and repel invasions, and provide for organizing, arming, and disciplining the militia. In addition to these enumerated war powers of the Congress, the legislative branch is granted the authority in the Constitution to—

> make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

The legislation which is before us today is designed to carry into execution our war powers. It specifically states that it in no way alters the constitutional authority of either the President or the Congress. It clearly recognizes that the President as Commander in Chief must have the flexibility to act with dispatch during a national emergency "created by an attack upon the United States, its territories or posssessions, or its Armed Forces," in the absence of a declaration of war or specific statutory authorization.

Recognizing that such emergency situations can arise, and recognizing that such emergency actions can balloon into major and prolonged national commitments, the Congress in its wisdom has taken steps in this resolution to insure that there is consultation between the President and the Congress "in every possible instance" before American forces are introduced into hostilities or situations in which hostilities are imminent, and that there is continuing and periodic consultation once troops have been introduced. We have also taken steps to insure that if it is necessary to use troops in such situations beyond 60 days, the President must have the specific approval of the Congress through a bill or joint resolution. We have also given the Congress the authority to terminate the use of troops at any time through the passage of a concurrent resolution.

Mr. Speaker, as I mentioned earlier, I think the requirements and procedures contained in this resolution are both necessary and proper, especially in view of our Vietnam experience. We have rightfully required that the Congress be fully consulted and informed at every step along the way and that it be fully involved in the decisionmaking process. We have learned that if any commitment is to be credible and meaningful, the Congress and the American people must have all the facts or the commitment will not have the sustained support of the Nation. If we lose sight of our original policy objectives or the original rationale for that commitment, if we entrust such grave responsibilities entirely to one man without question, we run the very real risk of eventually losing the type of informed and involved support needed to sustain that commitment.

In conclusion, Mr. Speaker, I think this legislation will have the effect of not only strengthening the Congress but of strengthening the Presidency as well; for if a President is to be strong and successful in the conduct of foreign policy and if our commitments are to remain credible, they must have the active and continuing support of the Congress and the American people. I think this war powers resolution makes a major contribution to effecting that objective. I urge its adoption.

Mr. CLEVELAND. Mr. Speaker, I will cast my vote today for the conference version of House Joint Resolution 452 in the interests of congressional assertion of constitutional war powers. But I do so with great reluctance. While the principle must be asserted, the measure before us contains an approach which gives me grave concern. And its progress toward adoption saw the abandonment of a far preferable approach.

I refer, of course, to the provision that prescribes a cut-off, automatically and before the fact, of a limited and undeclared military action undertaken by a President within 60 days unless there is affirmative action by the Congress to extend it.

Given the capacity of the Congress for inaction in the face of hard realities, I consider this a congressional cop-out. After failing to act for so long, Congress now appears disposed to overreact.

My position throughout debate of this issue has been that the Congress must share with the President the consequences of both action and inaction in the use of our Armed Forces beyond our shores. Each Member should be on record by a vote up or down. This concern is partially offset by language which gives some assurance that a bill or resolution offered to extend a military action would be given privileged status and thus bring the matter of extension or termination of hostilities to a quick determination. Another ground for some encouragement is the fact that passage of war powers legislation should foster a greater amount of consultation between the Executive and Congress well in advance of the emergence of crises in which this resolution would have effect.

Another problem is the resolution's ambiguous definition of a President's authority to initiate military action. I see danger that this provision, an attempt to compromise the House version's silence on the question with the Senate's narrow enumeration of justifying circumstances, could well be so restrictive as to limit response to threats against vital U.S. interests.

Nonetheless, I am putting aside my reservations and supporting this resolution. But I would caution my colleagues on this one point: The administration has said flatly that this measure will be vetoed. And I suspect that would be sustained. Were this a conventional issue, one would expect the matter to rest there. Supporters would have no legislation but they would have an issue. Business as usual.

But I call on my colleagues who support this resolution and the administration to come together in the sort of consultation I alluded to earlier, and produce a balanced compromise with which we all in good conscience can live. This will be a critical test. If in the absence of overt hostilities we cannot accommodate our differences, I would ask how Congress and the Executive can create a productive partnership with our forces under fire.

Ultimately I believe the Congress will prevail in asserting this constitutional power. But it may not happen until this body can impose its own internal differences and we draft a measure in which a sufficient number can sustain in the face of a veto. Personally, I would favor a measure requiring that Congress affirmatively vote in order to terminate a military operation commenced by the President in the absence of other legislative authority after expiration of a reasonable period. Such would be the reverse of the measure we consider today, and would clarify the important matter of authority for initiating action.

Ms. HOLTZMAN. Mr. Speaker, I thank the able gentleman from Florida for his response to my question. I am, however, constrained to vote against the conference report, as I voted against the war powers bill itself. Instead of limiting the President's warmaking powers, its effect would be to sanction for 60 days illegal combat operations initiated unilaterally by the President.

It is with some regret that I oppose this conference report. It represents a substantial improvement over the earlier version of the bill. And its ultimate objective—providing an automatic procedure for ending illegal wars—is laudable and necessary.

But these good intentions do not alter the plain language of the resolution and the conference committee report. By attempting to limit Presidential war powers after 60 days—or in some circumstances 90 days—the resolution implicitly delegates war-declaring powers to the President prior to the 60–90-day deadline. Such a declaration is, I believe, not only highly undesirable, but unconstitutional. Article I, Section 8 of the Constitution specifically grants the Congress alone the power to declare war. As Alexander Hamilton, one of the staunchest advocates of a powerful President, said:

> It is the peculiar and exclusive province of Congress, when the nation is at peace to change that state into a state of war . . . in other words, *it belongs to Congress only to go to war.*

The need for a bill to prevent Presidents from disregarding the Constitution is plain. Our tragic experiences in Vietnam and Cambodia under both Democratic and Republican administrations amply prove that point.

Unfortunately, the conference report will not prevent illegal Presidential wars. First, its definition of the circumstances in which the President can legally exercise his limited authority as Commander in Chief to commit forces abroad is vague, ambiguous, and exceedingly broad.

Second, it does not prevent the commencement of an illegal war, but allows one to continue for from 60 to 90 days.

Since the President does not have the power for even 1 day to carry on military activities without the approval of Congress—except in limited circumstances and in a limited manner to repel an attack on this country—I cannot support a bill which would in effect permit him to carry on a war for 60 days.

Presidential abuses of warmaking power has resulted in a domestic crisis of substantial proportions—it has led to rampant inflation, it has led to divisiveness, it has led to Presidential lying and dishonesty and ultimately lack of public confidence in our governmental institution.

We need to end future abuses. This conference report, however, will not achieve that result.

Mr. MILLER. Mr. Speaker, this whole issue of war powers—the definition of the circumstances under which the President may commit and sustain U.S. military forces to overseas hostilities—is terribly complex, yet its debate is not new. We are replowing much of the same ground furrowed by the Founding Fathers over 180 years ago. Yet even though we, as the Nation's lawmakers, today have the benefit of historical experience with what the framers finally drafted, the same questions which troubled the framers still remain to this day—still largely unresolved.

What independent authority does the President have to commit forces to foreign hostilities?

Can Congress place restrictions on a President's conduct of constitutionally authorized conflicts or terminate them?

When congressional authorization of a commitment of forces is required, what form should it take?

What authority does Congress have to define the limits of the President's power as Commander in Chief?

While a properly drafted war powers bill could help bridge the interpretive gap between the respective roles of Congress and the President, I am unconvinced that House Joint Resolution 542 is the right bill. Instead of strengthening the congressional role, it may demean it by conferring unintended additional prerogatives upon the President to engage in "adventurism." For instance, would the sanctioning of military action undertaken by the President under this bill within the 60-day period merely encourage a President to undertake a foreign intervention? In this regard, the bill can only muddy the water.

Second, I continue to be troubled by section 5 which enables the Congress to terminate a Presidential commitment by inaction. How can there be a true reassertion of congressional responsibility if the Congress can make an important policy decision merely by doing nothing? It should not be easy for the Congress to duck an issue of such critical national importance. At the end of the 60-day limit, the Congress should be required to take an up or down vote on whether a President's action is to be sustained.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the conference report to House Joint Resolution 542 known as the war powers resolution. There have been many statements made in this debate to the effect that Congress must reassert its authority over the war power which the Executive usurped during the last decade.

I do not believe that the problem is so much one of Executive usurpation as it is one of Congress' reluctance to act firmly in the midst of a crisis. If this analysis is correct this resolution will not give us any additional power; we already have the power and we should resolve to use it at the appropriate moment, rather than pass a resolution which memorializes a constitutionally unintended Presidential power in this area.

The Constitution clearly provides in article I, section 8 that the Congress shall have the power to make and declare war. Until recently this power was adequately and responsibly utilized by Congress. Even when Pearl Harbor was bombed, it was the Congress that declared war on the Axis powers and not the decision of the Executive that sent this country into World War II.

There, of course, are those who say that Congress has already lost the war power and that this resolution is necessary to give Congress some say in the war making power. I completely disagree with this interpretation of the facts. Even during the Vietnam era, Congress could have ended the war either by a resolution ordering the troops home or by cutting off funds for the war. But the disconcerting fact is while we had the power to do this, we did not have the courage to use the power. That power has not diminished—for once this Congress did pass a fund cut off for the bombing in Indochina, the bombing was halted. If we had utilized our power 8 years earlier we would have saved the lives of thousands of American soldiers.

I believe that the import of this bill is to give the President warmaking powers that the framers of the Constitution never intended. This bill provides that in every instance the President shall consult with the Congress before introducing U.S. forces into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances. Next the resolution provides that in the absence of a declaration of war, and when the President sends U.S. Armed Forces into situations where there is imminent involvement in hostilities is clearly indicated he must submit a report to Congress stating the: First, circumstances necessitating the introduction of U.S. Armed Forces; second, the constitutional and legislative authority under which such introduction took place; and third, the estimated scope and duration of hostilities. Finally, the President would be required to remove the troops unless the Congress ratified his decision within 60 days.

There is no provision in our Constitution for this strange resolution and it is very late in the day to be amending that document by a back door folly.

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of similar legislation, I am pleased to express my support for the conference report on House Joint Resolution 542, a resolution to clarify and define the warmaking powers of the President.

The gentleman from Wisconsin (Mr. ZABLOCKI) is to be congratulated, as are the other conferees on this legislation, on the compromise measure which they have brought back for House approval.

The essence of the resolution, Mr. Speaker, is a reaffirmation of the proper congressional authority in perhaps the most momentous issue ever to face any nation—that of peace or war.

The basic rule is that no American troops should be sent into combat without a congressional declaration of war or other statutory authorization, unless the United States or its forces is being attacked. In every case except when war is formally declared, the troops must be withdrawn within 60 days unless Congress specifically authorizes it. If Congress wishes to force the withdrawal of all troops before 60 days have passed, it can be done by concurrent resolution, without the consent of the President.

Mr. Speaker, some Members have noted the cloud of a possible Presidential veto which hangs over this legislation. I hope that those pessimists are mistaken. But this is an issue, I submit, where congressional interests surmount party interests. When a Democrat is elected to the White House in 1976, this legislation will still be needed. Perhaps it will be needed even more. I urge my colleagues, particularly those on the other side of the aisle, to consider what is best for America and our constitutional form of government. I urge the adoption of the pending conference report.

Mr. ZABLOCKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 123, not voting 73, as follows:

[Roll No. 520]

YEAS—238

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Badillo
Bafalis
Barrett
Bergland
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brinkley
Brooks
Broomfield
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Wash.
Harrington
Harvey
Hastings
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Horton
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, Md.
McDade
McFall
McKinney
McSpadden
Macdonald
Madden
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Minish
Mink
Minshall, Ohio
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patman
Pepper
Perkins
Peyser
Pike
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Shuster
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Studds
Symington

Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyman
Yates
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—123

Abdnor
Abzug
Arends
Bauman
Beard
Bennett
Blackburn
Bolling
Bray
Breaux
Breckinridge
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Clancy
Collier
Collins, Tex.
Conable
Culver
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Derwinski
Devine
Drinan
Duncan
Eckhardt
Fisher
Flynt
Ford, Gerald R.
Frelinghuysen
Goodling
Green, Pa.
Grover
Hansen, Idaho
Harsha
Hechler, W. Va.
Hinshaw
Holt
Holtzman
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Landgrebe
Landrum
Latta
Lott
Lujan
McCollister
McEwen
Madigan
Mahon
Maraziti
Martin, Nebr.
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Moss
Myers
Natcher
Nedzi
Nelsen
O'Brien
Passman
Patten
Pettis
Poage
Powell, Ohio
Price, Tex.
Rarick
Rhodes
Roberts
Robinson, Va.
Roncallo, N.Y.
Roybal
Ruth
Scherle
Schneebeli
Sebelius
Sikes
Skubitz
Slack
Spence
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Symms
Talcott
Thomson, Wis.
Towell, Nev.
Treen
Waggonner
Walsh
Wampler
Whitehurst
Whitten
Williams
Wilson, Bob
Wydler
Wylie
Young, Fla.
Young, Tex.
Zion

NOT VOTING—73

Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Baker
Bell
Biaggi
Brasco
Brotzman
Brown, Calif.
Broyhill, N.C.
Burton
Cederberg
Clawson, Del
Clay
Cochran
Conyers
Crane
Davis, Ga.
Dellums
Donohue
Esch
Evins, Tenn.
Frey
Froehlich
Fuqua
Goldwater
Green, Oreg.
Hammerschmidt
Hanna
Hawkins
Hays
Hébert
Howard
Ichord
Jones, Okla.
Lent
Long, La.
McClory
McCloskey
McCormack
McKay
Mailliard
Mallary
Mathis, Ga.
Melcher
Metcalfe
Mills, Ark.
Mitchell, Md.
Mosher
Pickle
Podell
Quillen
Reid
Riegle
Rooney, N.Y.
Sandman
Satterfield
Shoup
Shriver
Snyder
Steed
Stephens
Stokes
Sullivan
Ware
Wiggins
Winn
Wyatt
Yatron
Young, Alaska
Young, S.C.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Clay against.

Mr. Brasco for, with Mr. Conyers against.

Mr. Andrews of North Carolina for, with Mr. Dellums against.

Mr. Podell for, with Mr. Stokes against.

Mr. Mitchell of Maryland for, with Mr. Satterfield against.

Mr. Hays for, with Mr. Hébert against.

Mr. Esch for, with Mr. Mailliard against.

Mr. Shriver for, with Mr. Young of Alaska against.

Mr. Riegle for, with Mr. Long of Louisiana against.

Until further notice:

Mr. Howard with Mr. Brown of California.

Mr. Mills of Arkansas with Mr. Mathis of Georgia.

Mr. Jones of Oklahoma with Mr. Young of South Carolina.

Mr. McKay with Mr. Winn.

Mr. McCormack with Mr. Wiggins.

Mr. Donohue with Mr. Ware.

Mr. Metcalfe with Mr. Del Clawson.

Mr. Hanna with Mr. Hammerschmidt.

Mr. Hawkins with Mr. Mallary.

Mr. Pickle with Mr. Cederberg.

Mr. Reid with Mr. Crane.

Mr. Steed with Mr. Shoup.

Mrs. Sullivan with Mr. Archer.

Mr. Yatron with Mr. Goldwater.

Mr. Ashley with Mr. Ashbrook.

Mr. Aspin with Mr. Frey.

Mr. Burton with Mr. Quillen.

Mr. Davis of Georgia with Mr. Baker.

Mr. Biaggi with Mr. Froehlich.

Mrs. Green of Oregon with Mr. Bell.

Mr. Fuqua with Mr. Cochran.

Mr. Melcher with Mr. Lent.

Mr. Evins of Tennessee with Mr. Brotzman.

Mr. Stephens with Mr. Snyder.

Mr. Sandman with Mr. Ichord.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON H.R. 8346, TO ESTABLISH A NATIONAL INSTITUTE OF BUILDING STANDARDS

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on the bill, H.R. 8346, a bill to establish a national Institute of Building Standards.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against sections 26, 27, and 93 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McFALL). The Chair recognizes the gentleman from Indiana, Mr. MADDEN.

Mr. MADDEN. Mr. Speaker, this legislation provides for the construction and the repair and the preservation of certain public works on rivers, lakes, and harbors for navigation; also flood control, and for other purposes, in order to protect the water supply and water transportation of the Nation. A very small number of the public realizes the serious situation that our water supply is in throughout the country, especially considering the fact that the useful water supply is rapidly decreasing because the population of this country is now more than 206 million people. Over the years there has been small concern regarding the perpetuation and protection of our future water supply.

Mr. Speaker, it is estimated that almost half of our water regions in this country need care on the part of the Federal Government, because the State and the local communities are not in any position to purify, protect, and expand existing water beds, rivers, and lakes.

The fresh water supply is rapidly decreasing annually, and, of course, I do not need to go into the fact that pollution in our lakes and streams is destroying our water supply, not only annually, but weekly and daily.

The Federal National Water Commission, from the standpoint of direction and supervision, are such leaders as Gov. Nelson Rockefeller, Chairman of the Water Conservation Commission. Senator MUSKIE is Vice Chairman, as is Congressman ROBERT JONES. Our former colleague, Senator JENNINGS RANDOLPH, Senator BAKER, Senator BENTSEN, Congressman BLATNIK, Congressman HARSHA, Senator BUCKLEY, and a list of our leading citizens are devoting their time for the preservation of our water supplies.

The committee under the leadership of Chairman STAGGERS and Subcommittee Chairman RAY ROBERTS of Texas have had 4 weeks of hearings on this legislation. The Corps of Engineers testified as to the cost and the economic justification, and many Members of Congress and Senators testified as to the provisions and necessity of this water protection legislation.

Mr. Speaker, House Resolution 590 provides for an open rule with 1 hour of general debate on H.R. 10203, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation and flood control.

House Resolution 590 also provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment and that the substitute shall be read for amendment by titles instead of by sections.

House Resolution 590 also provides that all points of order against sections 26, 27, and 93 of the substitute for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill—are waived.

H.R. 10203 authorizes the appropriations in the amount of $1,258,257,000. Of this total $478,257,000 is for water resource development and $780,000,000 is for the River Basin Monetary Authorization Act of 1973.

Mr. Speaker, I urge the adoption of House Resolution 590 in order that we may discuss and debate H.R. 10203.

Mr. LATTA. Mr. Speaker, I know of no opposition to this rule. It is a noncontroversial rule.

I would like to take just a few seconds to commend the committee for the action it has taken on this bill, particularly on section 54 thereof.

This section, which is to be cited as the "Shoreline Erosion Control Demonstration Act of 1972," authorizes a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of 5 years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating, prototype devices, both engineered and vegetative. The program is to be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by the act.

Demonstration projects are to be undertaken at no less than two sites each on the shorelines of the Atlantic, gulf, and Pacific coasts, and of the Great Lakes.

A Shoreline Erosion Advisory Panel is established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary is directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of $8,000,000 is authorized for the program.

The Rivers and Harbors Act of 1968 authorized the Secretary of the Army, acting through the Chief of Engineers, to conduct a national shoreline study. This study is now with the Congress. The committee intends to review the problem of shoreline erosion thoroughly. In the meantime, section 54 will provide a needed and logical extension of the study—the detailed investigation of types of solutions which may be feasible and economic—and will at the same time help to develop information of immediate use to those suffering damages from shoreline erosion.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill).

(By unanimous consent, Mr. O'Neill was allowed to speak out of order.)

HOUR OF MEETING

Mr. O'NEILL. Mr. Speaker, I rise to announce that in view of the fact that the President is announcing his nominee for Vice President tonight, the House will meet tomorrow to be in position to receive his message.

Because of that, Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet at 10 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader why 10 o'clock in the morning? Why not call the session before breakfast?

Mr. O'NEILL. In reply to the inquiry of the gentleman from Iowa, let me state that in view of the fact that there will be no legislative business tomorrow, and that the Senate is coming in tomorrow at 9 o'clock, and because the message from the White House would be coming in at an early hour, that we have selected 10 o'clock, to meet.

Mr. GROSS. I am sure that because the other body is coming in at 9 o'clock the House ought to bend the knee, bow low, and also come in at 9 o'clock.

Mr. O'NEILL. The gentleman will not find me as one who ever bowed the knee to anyone.

Mr. GROSS. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. LATTA. Mr. Speaker, reserving the right to object—and I will not object—but I would like to take this opportunity to ask the distinguished gentleman from Massachusetts whether or not there will be any legislative business on tomorrow?

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, may I state to the gentleman that the answer is no, there will not be any legislative business.

Mr. LATTA. This meeting will be solely for the purpose of receiving a message?

Mr. O'NEILL. The gentleman is correct, it will be simply for the purpose of receiving the message. But I might add that there is always the possibility that a quorum call may be asked for, and consequently we would hope that a quorum would be on the floor.

Mr. LATTA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MADDEN. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Roberts).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10203, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Roberts) will be recognized for 30 minutes, and the gentleman from California (Mr. Don H. Clausen) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Roberts).

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. Blatnik).

Mr. BLATNIK. Mr. Chairman, I rise to commend the distinguished chairman of our Water Resources Subcommittee, the gentleman from Texas (Mr. Roberts), for the outstanding job he has done in bringing H.R. 10203 to the floor. I wish also to extend my appreciation to the ranking minority member of the full committee, the gentleman from Ohio (Mr. Harsha), and to the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. Don Clausen), for their very able assistance and cooperation on this bill. This is an excellent piece of legislation representing the many weeks spent by the subcommittee and its staff in hearings and in the thorough and careful consideration of the individual projects and legislative items.

This bill contains many significant items which will be discussed in detail by the gentleman from Texas. One of the items which I find particularly significant, coming as I do from the Great Lakes area, is section 54, the Shoreline Erosion Control Demonstration Act of 1973. This country is suffering extensive damages from erosion of the shores on its coasts and on the Great Lakes. This section directs the Corps of Engineers to conduct for 5 years a national shoreline erosion control development and demonstration program, to consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative. Demonstration projects will be undertaken on the Atlantic, gulf, and Pacific coasts, and on the shores of the Great Lakes. The demonstration projects are to emphasize the development of low-cost shoreline erosion control devices. The 5-year program is the first comprehensive effort to find practical and affordable methods of controlling shoreline erosion. The results of the program will be reported to the Congress and the Congress will then have the information it needs to solve this national problem.

I might also point out that there is another provision in the legislation, section 55, which authorizes the Corps of Engineers to provide technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to shore erosion.

I am also pleased to note the following provisions which are of particular interest to my State of Minnesota.

Authorization of a flood protection project for Rochester, Minn.—Zumbro River Basin.

Authorization of a survey study of the East Two Rivers between Tower, Minn., and Vermillion Lake.

An extension of the demonstration program for extending the navigation season on the Great Lakes until December 1976, and an increase in funding to $9,500,000.

Authorization of a study of the feasibility and practicality of constructing a hydraulic model of the Great Lakes and an associated technical center in the vicinity of Duluth, Minn.

Amendment of the Corps of Engineers emergency authorities to permit the Corps to provide emergency supplies of clean drinking water on a temporary basis to any community which is confronted with a source of contaminated drinking water likely to cause a substantial threat to the public health.

A provision concerning the acquisition of fish and wildlife lands at the Cache River project in Arkansas which provides that the authorization for the fish and wildlife lands will only take effect if approved by the court which has before it the Cache River litigation. This will give the States on the Mississippi Flyway, including the State of Minnesota, an opportunity to make their views on this matter known to the court and get a judicial resolution.

Authorization of the necessary measures to correct the design deficiency in the Knife River Harbor on Lake Superior, Minn.

I urge passage of H.R. 10203.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I rise to commend the gentleman from Texas (Mr. ROBERTS) on the excellent job that he has done as chairman of the Subcommittee on Water Resources in bringing H.R. 10203 to the floor. I also wish to commend the entire membership of the subcommittee for the legislation which they recommended to the full committee.

This bill contains new authorizations for water resources development projects which are needed to meet pressing water resources needs in various parts of the country. It also contains many provisions designed to improve this Nation's water resources development program.

It is of the utmost importance that a new emphasis be placed on the development and implementation of this program in order to meet the future needs of this country. I am convinced that unless this is done, our Nation will face a major crisis in its water supply. If present trends continue, whole regions of the country will find themselves without sufficient water of the proper quality to support the livelihood of their inhabitants.

This potential crisis, however, seems to arouse relatively little concern. While the threat of an energy shortage has received great attention, the equally serious threat of a water shortage goes unnoticed.

This lack of notice is due, in large measure, to the abundance of natural supplies in many regions and to the success of past water resource developments in shielding us, most of the time, from the harmful effects of droughts and inadequate supplies. But growing population and economic activity continue to press against the supplies we have developed.

On a gross-quantity basis, the total amount of water available in our country is ample for foreseeable needs for domestic use, industry, agriculture, recreation, fish and wildlife, and other beneficial purposes. The problem is that the Nation's water supply is not uniformly distributed in time or place. We are continually faced with damaging excess supply in time of flood and equally damaging shortage in time of drought. The coming crisis will not be one of total quantity, but one of gathering, storing, and delivering water where and when it is needed.

The scope of the country's future water needs was presented in the First National Assessment prepared by the Water Resources Council. It projected requirements for withdrawal uses in 2020 to be five times those in 1965. Consumptive uses were projected to be twice those of 1965.

The continuing fall in the birth rate will not end the pressures on our water resources. Even if the birth rate were to continue its decline—and it is by no means certain that it will—our population would not stabilize until after the end of the century. Even the lowest population projections show 40 to 50 million more people in the United States by the year 2000 than there are now.

Studies for the Commission on Population Growth and the American Future, in particular, indicate how pressing future demands for water will become. The Commission made studies to determine future water needs under varying assumptions as to population and economic growth. Its studies indicate that even with low population and economic growth, water deficiencies can be expected in 8 of the 22 water regions in the United States by 1980 if water resources development does not adequately continue. By 2020, deficiencies will exist in 12 regions under low-growth assumptions and in 16 under high-growth assumptions if we do not proceed with an orderly program of development.

We must act today to avert the coming crisis, since the lead time between decision to act and on-line operation of facilities is long—often 10 to 15 years.

We must be prepared to make the financial investments necessary to avert future water shortages and we need to take a broader view of regional water resource development. A new and fundamental emphasis must be placed on planning and implementing programs to assure the continued availablity of water to our Nation.

We must plan for a vigorous economy and healthy growth for our Nation, and not allow complacency, shortsightedness, or neglect to bring the impending crisis upon us.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in strong support of H.R. 10203. I want to certainly compliment all of the members of the committee who worked diligently in the development of this bill. Particularly, I want to compliment the staff and our chairman of the Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS). He provided strong leadership in bringing this bill through the committee and to the floor here today.

Mr. Chairman, I believe I will leave it to others to make a detailed presentation of the details of most of the specifics of the legislation. They are adequately presented in the committee report which is before us.

It would be my intent here today to first address myself directly to an item that caused the President to veto the rivers and harbors bill last year and then to briefly review three other sections.

It is not my intent to duck the question of a veto in any way, because it did cause some concern and consternation on the part of many Members of this House.

Last year the President criticized the Congress for excessive spending. Because of the Presidential concern for spending and the large deficit in the budget and concern over inflationary pressures, last year's omnibus bill, like a number of others, was not supported by the President.

I would like to point out that we have made significant changes in this legislation, changes which can have significant impact on the cost and inflationary pressures. Large new projects included in section 1 of this bill, most of which have the administration's recommendation, are now authorized for the design stage only. Thus, decisions on the costly construction stage will be made in the future after the design is fixed, the cost estimates have been refined and the benefits have been studied in more detail. This is wise and not inflationary.

In addition to the question of budget and inflationary pressures, I must point out that section 80 of this legislation could be the basis for a recommendation to the President by OMB that H.R. 10203 be vetoed. I certainly hope this will not be the case. As discussed by the chairman of the subcommittee, section 80 enacts into law the interest rate formula used in the formulation and evaluation of water resource projects as established by the Water Resources Council in 1968. As we wrote on page 120 of the committee report, section 80 "does not in any way preclude the President or the Water Resources Council from submitting to the Congress alternative legislative proposals for an interest rate formula."

The committee feels that the precipitate changes in the formula for determining the discount rate which has to be applied to Federal and federally assisted water resource projects which were recently approved by the President could place long-range water resources needs in jeopardy. We felt strongly about this and wanted to provide time for further study and evaluation. We are concerned because the discount rate is one of the most important elements used in determining the benefit-cost ratio of public works projects. In 1965, the authority to determine these rates was delegated to the Water Resources Council and the President. The formula adopted by the Council in 1968 was based on the yield rate of marketable securities which at the time of computation have 15 or more years remaining to maturity. The current rate on this basis is 5⅝ percent. This past September, the Council announced higher discount rates, established initially at 6⅞ percent and which may vary by one-half of 1 percent per year, based on the average yield of all interest bearing marketable securities of the United States outstanding at the fiscal year preceding such computation.

Let me emphasize that I and the rest of the committee will work closely with the administration to develop an alternative method for the evaluation of projects. Section 80 is intended not to freeze permanently the formula established in 1968, but rather to provide the necessary time for the administration and the Congress to work out a method for evaluating new projects. We expect that there will be full cooperation and consultation in this matter between these two branches of Government. However, the committee does feel strongly that Congress must play a role in the establishment of principles and standards for water resource development.

Let me repeat, I do not believe this bill should be vetoed by the President. If it were vetoed, I believe it would reflect a misunderstanding of the intent of the committee and the Congress. The bill is not inflationary; there are controls to make sure that it does not have an undesirable impact on the budget; and the provisions in section 80 are there simply to provide time for the Congress and Executive to work out mutually acceptable standards for new project evaluation.

As I stated earlier, in addition to section 80 I would like to comment on a few other sections.

As I pointed out in my supplemental views in the report on this bill, there are special sections in the bill which break new ground and should be discussed in depth.

I will not detail them as fully today as I did in the report but I believe every Member should be fully aware of them as we consider this legislation.

Fish and wildlife enhancement policies to date have been, at best, adequate. With the enactment of H.R. 10203 we can move ahead from the concept of mitigation of fish and wildlife damages to enhancement of these resources when affected by a project.

Similarly, the emphasis in the future can be on nonstructural alternatives to flood control and water conservation problems. This will have both an economic and environmental impact on planning practices.

The deauthorization procedure and the new project authorization process in two phases are strictly procedural but they will have an impact on future projects that will be most beneficial by increasing the ability of the Congress to review proposed projects.

I think it is important for us to recognize clearly that the provisions for fish and wildlife enhancement, nonstructural alternatives for flood control, and the new deauthorization procedure, as well as the new procedure for project authorization discussed by Chairman Roberts and discussed by me earlier are clear indicators that we as a nation, we as a Congress, and we on the Public Works Committee clearly recognize that we are moving in a different direction. We are moving from past policies of full scale exploitation of our resources to a sophisticated, technological effort to make certain our renewable resources are retained forever so as to enable them to supply and sustain our economic, social, and environmental needs in a way that will insure their retention as nearly as possible in their natural state.

The committee recognizes that to consider the issues involved with the narrow vision of development only or preservation only is to ignore the possibility that both goals can and must be achieved through farsighted balancing of the opportunities available to us.

H.R. 10203 moves in the direction of a balanced economic and environmental approach. The economic and engineering considerations that once were the most dominant factors were inadequate in scope in that environmental factors were not given equal consideration and weight in the overall project evaluation process. The guidelines, procedures, and methodology for evaluating projects had not kept pace with the changing attitudes of our people. Now, however, the committee has recognized the need for review of alternatives and for the consideration of environmental factors. Further, the new project authorization process will mean that congressional approval will be based upon calculations rather than estimates. Decisions on construction of projects will now be based upon detailed information and data. Facts rather than estimates and predictions will be the basis for project construction.

Above all, in discussing technical points and procedures it is important not to forget the most important factor in our decisions—people.

There are thousands of people in this country whose lives and livelihoods have been destroyed or damaged by floods. Thousands have been killed and hundreds of thousands have been hit by flooding, wiping out the gains they have made during their lives.

All of us are dependent upon adequate water supplies for our material goods, particularly food. And we must consider people who produce the items we as consumers want to buy.

So we must plan our water resources projects very carefully. We must plan them in a way that takes into consideration every relevant factor. We must plan them in a way that permits us to know every relevant fact. And we must plan them on a comprehensive basis so they meet the public interest and help achieve public goals.

In our planning we are moving from past policies of full-scale exploitation of our resources to a sophisticated, technological effort to make certain our renewable resources are retained forever so as to enable them to supply and sustain our economic, social, and environmental needs in a way that will insure their retention as nearly as possible in their natural state. We need to recognize, however, that each river may have different characteristics. We would be well advised to inventory and classify rivers in two basic categories: First, The natural river system would be retained in its natural state; second, the managed river system would have a comprehensive river basin plan adopted that would consider the total environment and advance a program to revitalize the river system, provide flood control, water conservation, and improve the quality of the water and the watershed. The watershed conservancy approach should be considered and advanced as an objective concept.

To consider the issues involved with the narrow vision of development only or preservation only is to ignore the possibility that both goals can and must be achieved through farsighted balancing of the opportunities available to us.

This bill moves in the direction of a balanced economic and environmental approach.

I believe H.R. 10203 meets our needs and I urge its support and enactment.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California, and compliment him on his leadership on this issue.

Mr. KEMP. Mr. Chairman, I believe passage of the legislation we are considering today will mark a turning point in protection and utilization of our waterways and shorelines.

My distinguished colleagues and friends, Mr. ROBERTS, of Texas, chairman of the Water Resources Subcommittee, and Mr. CLAUSEN, of California, ranking minority member of that subcommittee, and other subcommittee members—and the staff of the Committee on Public Works are to be commended for their efforts in developing this bill. I know that both members and staff worked closely with environmental organizations and encouraged the use of a panel of environmentalists made up of able individuals from national organizations and informed witnesses from various regions of the country to develop the bases on which this legislation's text rests.

Many times in the past I have spoken out against the indiscriminate use of the dam-and-dredge method of flood control which can too easily disrupt lives, homes, environment, and wildlife at immense social and economic cost to the taxpayer. It is encouraging to those of us who have worked for more environmentally oriented methods of flood control that a section of this bill recognizes such nonstructural alternatives to dam-building and massive channelization as acquisition of flood plain lands for fish, wildlife, and recreation; flood plain regulation; floodproofing of structures; and relocation.

Earlier this year I gave testimony to the Water Resources Subcommittee on behalf of the inclusion in this bill of remedial flood control measures which would be used in connection with such a specific ecologically oriented alternative to big dam building—the construction of a grass-lined diversion channel along Ellicott Creek in my district that will provide both environmentally sound flood protection and make available additional recreational facilities.

I am pleased that these remedial flood control measures have been included in the Water Resources Development Act along with another section on which I testified—a wastewater management study of the Buffalo River Basin, N.Y., a basin which includes the entire Buffalo metropolitan area.

This wastewater management study will have a strong impact upon one of our most critical areas of pollution—the Great Lakes. The Buffalo River has been described as "the worst polluted river in the country" and our goal of a clean Lake Erie will never be achieved until this river is restored.

The Water Resources Act includes a number of important sections which represent vital progress in water resource conservation and flood control. These include:

A funding increase for the Corps of Engineers to identify flood plain areas and to provide technical and planning guidance to local, State, and other Federal agencies;

An amendment to the Federal Water Project Recreation Act to increase the Federal share of costs allocated to fish and wildlife enhancement from 50 to 75 percent;

An authorization to the Corps of Engineers to study the construction and operation of a hydraulic model of the Great Lakes and connecting channels and an associated technical center;

An authorization of an additional $3 million to continue a program to demonstrate the practicality of year-round navigation of the Great Lakes and St. Lawrence Seaway. This is a program I have strongly supported:

A 5-year, $8 million development and demonstration program for controlling shoreline erosion with demonstration projects to be undertaken at no less than two sites each on the shorelines of the Atlantic, gulf, and Pacific coasts, and of the Great Lakes.

Those of us representing districts which border on the Great Lakes know the devastating effect that erosion caused by high water levels has had on lakeshore properties. This section, the "Shoreline Erosion Control Demonstration Act of 1972," will help develop information of immediate use to those suffering damages from shoreline erosion.

Mr. Chairman, I urge my colleagues to join me in voting for the Water Resources Development Act of 1973. This is an outstanding piece of legislation and I believe it deserves our strongest support.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 10203, and wish to express sincere thanks on behalf of myself and my northern Virginia constituents to my distinguished colleagues on the Committee on Public Works, and especially the gentleman from Texas (Mr. ROBERTS) and the gentleman from California (Mr. DON CLAUSEN), for including as section 84 of this act the long-delayed and urgently needed flood control project on Four Mile Run, in the city of Alexandria and Arlington County, Va.

In 1965, after the second of many devastating floods along this normally almost dry creek bank, I appeared before the Committee on Public Works to urge that the Army Corps of Engineers be directed to proceed with the study, survey, and planning of this project in spite of original corps estimates that its benefits would not justify its costs. I pointed out that I felt the corps had overlooked a big factor in determining the frequency of floods in a developed area like northern Virginia, that the construction of the impervious covering in paved areas upstream due to tremendous development of housing and other facilities had rendered useless the estimate of runoff normally applied to streams of similar size to Four Mile Run.

Fortunately, the committee members agreed, and the Four Mile Run project was authorized. Unfortunately, the progress of the projects has not been smooth in the intervening years, and the action we are taking today is necessitated by still further drastic increase both in runoff and in the cost of the project needed to solve the problem.

The floods along Four Mile Run have come with increasing frequency, and the $16 million project estimated originally would cover the costs of controlling them had soared to $50 million after tropical storm Agnes demonstrated the need for increased channel capacity to handle greatly increased flows.

I am grateful that my committee colleagues, realizing the urgent need for this project, did not take the easy way out and abandon the Four Mile Run project. Instead, they called in all concerned parties to reexamine the scope, cost, and cost-sharing problems involved and, as a result, came up with a revised project which will furnish needed protection and still save the Federal Government $12 million in its contribution to the project.

Under the new plan Arlington County will contribute $500,000, the city of Alexandria one-half the cost of certain channel work, estimated at $1,500,000, the R.F. & P. Railroad $500,000, and the Federal share will be approximately $29,981,000.

Mr. Chairman, delays, as I mentioned before, have been costly in connection with the Four Mile Run project. In the interest of economy it has been delayed more than once by the executive branch, and the cost in damage to persons and property is impossible to describe in dollars and cents, although it is roughly estimated in the hundreds of thousands in each flood, which occur as often as twice a year. The people of northern Virginia have been patient and long-suffering through these many delays in a project first requested after the major disaster in 1963. In their behalf I want again to express gratitude to our committee colleagues for recognizing both the need and the urgency, and for recommending completion of this project as a part of H.R. 10203. I sincerely urge all Members of this House to act favorably on their recommendation, so that needless suffering by those along Four Mile Run will not be continued in the years to come.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman from California yielding.

I want to express my pleasure over sections 54, 55, and 56, those provisions of the legislation which deal with shoreline erosion control. This is a matter as to which I know the Committee on Public Works and particularly the gentleman from California have played a significant role, with respect to making this possible.

On behalf of those like myself who represent areas bordering the Great Lakes I want to express appreciation. It is of great significance to have the shoreline erosion control demonstration projects authorized by the bill.

I merely want to commend the committee for recognizing this very critical problem in areas like the Great Lakes and for authorizing this work to begin. It needs to be done. It needs to be done now.

Mr. DON H. CLAUSEN. I thank the gentleman.

The committee in its wisdom, based on a hearing held in the Great Lakes area, was convinced that the shoreline erosion problem and the streambank erosion problem were of national significance. We intend to do what we can to focus attention on this, and we hope to come up with proposals to get the job done.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I should like to take this opportunity to congratulate the gentleman in the well, Mr. DON H. CLAUSEN, and the distinguished chairman of the subcommittee, Mr. ROBERTS, as well as the whole

Committee on Public Works, for the inclusion of the funding of the Charles River watershed project in this legislation. We in Massachusetts in the Charles River area have felt the imminence of floods almost every spring. For the first time a new and innovative flood prevention approach is going to be tested, after a well-documented study by the Corps of Engineers. The fact that this approach has seen fit to be included in this legislation gives us the promise of an answer to the need to control floods or to prevent them in the future, not only in the Charles River area but also throughout the country.

I congratulate the gentleman and the committee.

Mr. DON H. CLAUSEN. I thank the lady from Massachusetts for her kind comments.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Chairman, on June 13, 1973, I testified before the Water Resources Subcommittee of the House Committee on Public Works regarding my bill, H.R. 5969, which would repeal the authorization of the Lafayette Dam and Reservoir. The chairman, the Honorable RAY ROBERTS, indicated that there would be no individual deauthorization in the Water Resources Development Act but that the act would set up a general deauthorization procedure.

Such a procedure is contained in H.R. 10203 and I take this opportunity to express a sincere thank you to Chairman ROBERTS and the members of the Water Resources Subcommittee.

I must, however, strongly object to the provisions in the bill regarding the interest rate formula to be used for discounting future benefits and costs in arriving at the benefit/cost ratio. Allowing no changes from the "1968" interest formula is bad enough. But particularly appalling is the provision allowing no change in the discount rate used to compute the benefit/cost ratio of projects authorized before January 3, 1969. What justification is there for such a provision? One of my biggest objections to the construction of the Lafayette Dam and Reservoir in my district is that the cost estimates have risen so rapidly that they now far outweigh the benefits. It appears that the response of Congress to evidence that a project is uneconomical, is to simply lock discount rates into place so that uneconomical figures cannot be arrived at.

This amounts to saying that if a project is not economically justified, we will simply ignore and evade that fact by redefining the figures.

This places Members such as myself in a difficult situation. If we want a project in our district deauthorized, we must vote for this bill which contains a general deauthorization procedure. On the other hand, if we vote for this bill and it becomes law, the uneconomical projects we want deauthorized will—through some tricky manipulation of discount rates—magically appear to be of great economic benefit, making it just that much harder to get them deauthorized.

However, considering the generous interest and support of the members of the Public Works Subcommittee on Water Resources, and staking my hopes on their continued support of my determined efforts to deauthorize the Wildcat Reservoir proposed in my district I shall vote affirmatively on this bill.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I appreciate the gentleman's yielding. I want to take just a moment to commend the members of the subcommittee for what I believe is a very sound move so far as title I is concerned. Instead of moving to a full authorization on major projects, this represents giving some very innovative thinking to the question of whether or not this type of thing should be done in several stages. It seems to me the subcommittee in this particular regard has made a very constructive move so far as the congressional authorization of projects like this is concerned.

I commend the ranking minority Member and I commend the chairman of the subcommittee, Mr. ROBERTS, for that kind of an approach.

There was a particular project which was desperately needed in an area of my State, and I had hoped we would be able to have that included. I understand the subcommittee has studied it carefully. I hope at some time in the future we will be able to deal with it.

Irrespective of these individual projects, it is this change in policy for which I believe the committee deserves particular commendation. I commend the gentleman from Texas (Mr. ROBERTS), the gentleman from California (Mr. DON H. CLAUSEN), and the other members of the subcommittee for this kind of recommendation.

Mr. DON H. CLAUSEN. I thank the gentleman for his remarks. The primary reason for the move in this direction has been, hopefully, to avoid some of the criticism of projects that has taken place in the past.

Mr. Chairman, we feel that much of the criticism has been based upon incomplete information, and based upon the very limited feasibility studies which have been made. As a result of section 1 of this bill, we now believe we will be able to give not only consideration to the economic and engineering factors involved, but more consideration to the environmental factors during the advance engineering stage prior to committing ourselves to the construction stage.

I think I should also emphasize that the committee clearly recognizes that the authorization for the undertaking of the phase I design memorandum stage of advanced engineering and design does not in any way guarantee that construction will be authorized. Rather, this new procedure will allow the Congress to make more informed decisions regarding construction authorizations. More detailed information and data will be available, facts rather than estimates and predictions will be the basis for decisions.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I rise in support of this bill. I believe it contains very important provisions for the Nation. I believe it represents a major gain for people who are concerned with progress as well as with the environment.

The committee has adopted a new and responsible procedure for approving major water resources projects.

No longer will we walk blindly into authorizing projects which may become environmental nightmares. Initial authorizations are given to phase I design and advanced engineering studies. After completion of these studies, projects will be considered for authorization through to completion based upon phase I findings.

Another important environmental success contained in H.R. 10203 provides that nonstructural alternatives are to be considered for flood control projects. Rather than building dams, such an approach includes flood-proofing of structures and flood plain acquisition for recreation, fish, and wildlife. I commend the distinguished chairman of the Public Works Committee (Mr. BLATNIK) and the chairman of the Water Resources Subcommittee (Mr. ROBERTS) for their foresight and their efforts on behalf of the environment.

This bill, Mr. Chairman, is also significant for the people of my district and the entire New York metropolitan area.

First, it provides for the relief of the Rockaway beaches in Queens, N.Y., which are in serious danger of destruction through erosion. At high tide, the surrounding roadbeds, powerlines, sewage systems, and the boardwalk are threatened. At low tide, there is a 10-foot drop, in some places, from the last step of the boardwalk to the beach. The city of New York had to close 25 blocks of beaches to the public this summer.

The existing Rockaways project combines beach erosion control with hurricane-flood protection. Because of planning delays with the hurricane-flood protection portion, work on beach erosion control could not begin. This provision directs the Corps of Engineers to proceed immediately with beach erosion control independently of the hurricane flood-protection aspect of the project.

I have been assured that the Corps will complete beach erosion planning by the spring. It will be able to construct the project as soon as appropriations are available, which I hope will be soon. Mr. Chairman, this provision will be most welcome by all of the people of the New York City metropolitan area—particularly those of low and moderate income—who rely on the beaches for recreational activity.

A second project of immeasurable importance to the metropolitan area is the provision in H.R. 10203 which provides for the collection and removal of drift and sunken and abandoned vessels from New York Harbor.

This section modifies an existing project which was made subject to the approval of the President and the Secretary of the Army. That approval requirement is removed since this approval was never given and the project was never implemented. Up to $14 million is authorized for the project, a figure which is less than half of the total $39 million cost of the program.

Mr. Chairman, this measure is vitally necessary for both commercial and health reasons. Damage to private and public shipping in the harbor exceeds $5 million annually. Over the past 7 years, New York City has spent over $14 million in the removal of 40 deteriorated piers, a source of debris. Furthermore, health problems are created when debris jams the tide gates permitting the intrusion of salt water into the sewerage system at high tide, and causing raw sewage to wash out into the harbor when the tide goes out.

As a member of the public works committee, I am pleased to be associated with this legislation, both for its environmental advances and because of its benefit to the New York City metropolitan area.

I urge my colleagues to support H.R. 10203.

Mr. ROBERTS. Mr. Chairman, on behalf of the Public Works Committee, I am proud to bring to the floor for consideration H.R. 10203, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

Title I of the bill includes water resources development project authorizations similar to those found in the River and Harbor and Flood Control Acts which have been passed in recent years. The new title—Water Resources Development Act of 1973—reflects a reorganization of the committee in which the Rivers and Harbors and Flood Control Subcommittees were combined into one Water Resources Subcommittee. It also removes an unnecessary distinction between flood control and navigation projects. Both are truly water resources development projects.

A total of 20 projects is contained in sections 1, 2 and 3 of title I with a total Federal cost of $27,354,000. The projects are located in 15 States and cover all types of projects within the province of the Corps of Engineers. The other provisions in title I involve project modifications and items relating generally to the Nation's water resources program.

Each project in this bill and all of the legislative provisions were examined carefully. The Subcommittee on Water Resources heard extensive testimony from Members of Congress, the Corps of Engineers, local citizens, an environmental panel, and other people interested in the development and conservation of the Nation's water resources.

This bill contains many significant provisions. One of the most significant is the establishment of a new procedure for authorization of major water resources development projects. These projects are authorized only through what is called the phase I design memorandum stage of advanced engineering and design. This is the first stage of post-authorization planning, prior to commencement of construction, when the original project plan is reviewed and brought up to date, the final environmental impact statement is prepared, and the final decisions are made as to the precise nature of the project to be built.

The committee has adopted this change in procedure because of its growing concern over the major changes that often take place in projects between the time a project is first authorized and the time detailed plans are prepared for construction. This new authorization procedure will give the Congress the opportunity just prior to construction to examine and affirm or modify any changes which may have taken place in a project.

The bill contains many other new and important provisions. It establishes a uniform procedure for deauthorization of projects. Under this procedure, the Secretary of the Army will annually submit to Congress a list of projects he has determined, after study and coordination with local interests, should no longer be authorized. After 180 days the projects become deauthorized unless the House or Senate Public Works Committee passes a resolution to the contrary. This will provide an orderly and efficient means of reducing the large backlog of old projects which do not meet present day criteria.

Another very important provision of the bill is one which directs Federal agencies to consider nonstructural alternatives when planning flood control projects. This provision will encourage the wise use of flood prone lands, the preservation of open spaces, and the preservation and enhancement of the environment. In fact, the committee has included three projects in the bill which incorporate nonstructural alternatives—acquisition of natural storage areas in the Charles River Basin in Massachusetts, relocation of the inhabitants at Prairie du Chien, Wis., and flood plain acquisition for park purposes at the Chatfield Dam project in Colorado.

Tremendous damages are being suffered by our people because of shoreline and riverbank erosion. There are many provisions in the bill concerning this problem, including authority for the construction of small emergency projects, studies of the causes of erosion, provision of technical assistance to local governments, and studies and pilot projects to develop low cost means of protection.

The bill will encourage the provision of fish and wildlife enhancement at water resources projects by increasing the Federal share from 50 to 75 percent. The committee is concerned that too much emphasis has been placed on the concept of mitigation of fish and wildlife losses caused by a project, rather than on realizing the full potential of the project for fish and wildlife enhancement. This emphasis on mitigation has been encouraged by the fact that mitigation is 100 percent Federal cost, while enhancement is 50 percent Federal. The committee wishes to encourage the provision of fish and wildlife enhancement through the raising of the Federal share.

The bill also authorizes a comprehensive plan to satisfy the water and related resources needs of the Potomac River Basin and the water supply needs of the Washington metropolitan area. The plan consists of three interrelated elements.

It authorizes the Verona and Sixes Bridge dams, but only for phase I of advanced engineering and design. At the same time it directs two studies to be carried out concurrently. One is the construction and evaluation of a water treatment plant to determine if the Potomac estuary may be used as a source of water supply. The other is a review study of the entire basin, including consideration of alternatives to the dams. The committee feels strongly that this three element plan is the best means of securing the necessary information needed to arrive at a decision as to what must be done to meet the water and related resources needs of the Potomac Basin and the Washington metropolitan area. In no event will the Verona and Sixes Bridge projects be authorized for construction until the committee is satisfied, based on the results of these studies, that they are necessary.

Another important and precedent setting provision is the authorization of the restoration of Dyke Marsh on the Potomac River south of Alexandria. This was once a haven for wildlife which has been destroyed by sand and gravel dredging activities. This provision could well herald the restoration of our wetland marsh areas which once sheltered and harbored fish and wildlife and served as an essential link in their food and reproductive chain.

There is one last provision of the bill which I would like to discuss. This is the provision which enacts into law the discount rate formula used to evaluate water resources projects and established by the Water Resources Council in 1968. This formula is about to be changed. A new one has been proposed by the Council and approved by the President, and will become effective soon unless changed by the Congress. The immediate result of this new formula would be to raise the discount rate from 5⅝ to 6⅞ percent. Less than half of the Corps of Engineers' active authorized projects would remain justified at this new interest rate.

The committee feels strongly that Congress must play a role in the establishment of principles and standards for water resources development. When Congress delegated this responsibility to the Council and the President in 1965, it expected that there would be full cooperation and consultation. That has not been the case.

In spite of offers of cooperation by this committee, the new principles and standards were announced without any prior cooperation or consultation with the committee. It is now necessary that the Congress reassume its traditional role of determining the methods of project evaluation, a role which the Congress delegated to the Council in 1965 in the Water Resources Planning Act.

This does not in any way preclude the President or the Water Resources Council from submitting to the Congress an alternative legislative proposal for an interest rate formula. We stand ready to cooperate in the consideration of any reasonable proposal which would not jeopardize the long-range water resources needs of the Nation.

I am, as always, deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. BLATNIK) and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON H. CLAUSEN).

Mr. Chairman, I have received a number of questions from the gentleman from Washington (Mr. MCCORMACK) concerning section 83 of the bill, which authorizes the relocation of the town of North Bonneville, Wash. These questions, together with my responses, follow:

Q. Does this provision allow the Corps of Engineers to furnish financial and technical assistance to the Town of North Bonneville in the planning stages of town relocation?

A. Yes, it will allow the provision of such assistance.

Q. Does this provision imply or require in any way that the Corps of Engineers would proceed with planning and relocation of the Town of North Bonneville without close consultation and communication with the Town and residents?

A. No, it does not. It is normal Corps policy to cooperate with local interests in matters such as this.

Q. At this time, the Corps is, at my request, working and participating in a planning group consisting of non-Federal interests in planning for the relocation of the Town. Does this provision foreclose on any continued cooperation of this nature?

A. No, it does not.

Q. Without section 83, is the Corps obligated to cooperate in the pre-relocation planning effort with the Town?

A. No, it is not.

Q. Without this provision, can the Corps construct a new sewage collection and treatment facility in the relocated town?

A. No, the Corps would have no authority.

Q. Without this provision, is the Corps authorized to provide any financial assistance in planning or relocation of the Town?

A. No, the Corps would not have any such authority.

Q. Without this provision, is the Corps obligated to deal with the Town of North Bonneville in any other way than is already mandated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970?

A. No, it is not.

Mr. CLEVELAND. Will the gentleman yield to me?

Mr. ROBERTS. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I would like to express my appreciation to the able gentleman from Texas and the staff of the subcommittee for the cooperation they have given me in connection with four important matters in this bill that you described in some detail, so for that reason I will not.

As you know, for several years we worked on this deauthorization section and on the language. I think we have good and workable language in the bill now.

I am also appreciative of the gentleman and the staff working out the section on the nonstructural alternatives for flood control which the gentleman so ably described.

In addition to that, the increases for riverbank improvements to meet the rising cost of these projects and the erosion studies for dams on the Connecticut River are very much appreciated.

Mr. ROBERTS. I thank the gentleman from New Hampshire very much for his kind remarks. The gentleman from New Hampshire is a very valuable member of the committee and the subcommittee. He is the member who first brought to the committee the idea of a general deauthorization of old and outdated projects. These deauthorizations will save millions of dollars.

Mr. Chairman, I yield such time as he may consume to the gentleman from California, Mr. JOHNSON.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of H.R. 10203, the Water Resources Development Act of 1973.

I wish to commend the chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK), the chairman of the Subcommittee on Water Resources, the gentleman from Texas (Mr. ROBERTS), the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the subcommittee, the gentleman from California (Mr. DON H. CLAUSEN), for the fine job they and the other members of the Public Works Committee have done in bringing this bill to the floor.

This bill confirms the well-deserved reputation of the committee for developing legislation which is well thought out and thoroughly considered. The projects in this bill will meet the water resources needs of many regions of the country for flood control, navigation, recreation, fish and wildlife enhancement, and water supply. The bill also contains many provisions which will significantly improve the performance of this Nation's water resources program.

I would like to point out several sections of great importance to my district and to the State of California.

Section 45 is a much needed amendment to section 252 of the Disaster Relief Act of 1971. It allows for States to be reimbursed for costs incurred in obtaining substitute services during the period of repair, restoration, reconstruction, or the replacement of facilities as a result of a disaster.

Section 36 of the bill clarifies section 222 of the Flood Control Act of 1970 in order to allow for roads to be built in connection with the Auburn Dam project.

Section 8 of H.R. 10203 authorizes the Chief of Engineers to operate and maintain the San Francisco Bay-Delta model in Sausalito, Calif. This model will be instrumental in conducting studies which affect the environmental quality of the region.

Title II of the bill contains a provision for the second phase of bank erosion control works and setback levees on the Sacramento River. This river is of great importance to the economic well-being of the entire Sacramento Valley, and this bank stabilization and erosion control project will help maintain the integrity of the entire Sacramento River Flood Control project.

Title II also contains further authorization for much needed projects in the San Joaquin River Basin.

I particularly would like to call attention to section 54, "the Shoreline Erosion Control Demonstration Act of 1973." Mr. Chairman, this is an innovation attempt by the committee to find devices both man-made and natural which will protect and preserve our national shoreline. This section specifically directs projects to be undertaken in no less than two sites along the shorelines of the Atlantic, gulf, Pacific, and Great Lakes coast.

I urge passage of H.R. 10203.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, I want to join also in complimenting the distinguished gentleman from Texas (Mr. ROBERTS) for the diligent study the gentleman has made of this subject, and for the fine work the gentleman has done in bringing to the Congress a bill that not only benefits specific regions, but benefits the whole Nation.

The gentleman has done our Nation a great service in this regard, and I congratulate the gentleman as well as the other members of the committee.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I would like to join my other colleagues in paying tribute to the very fine job that has been done by our colleague, the gentleman from Texas (Mr. ROBERTS), as well as the other members on this committee.

I also want to take this occasion to say that I had a chance recently to say to the Director of the Office of Management and Budget that all of the problems we have had financially and otherwise in these matters has been for the purpose of establishing a base for our handling these matters so as to protect all of our natural resources. And to say that if we did not have a strong land base that we can leave to our youngsters and for the future of our country it would all be for naught, and we would not have anything. I believe the step that is being taken here today by the House under the leadership of the gentleman from Texas (Mr. ROBERTS), is a step in the right direction because we cannot handle any of it if we do not take care of the base. So this is an excellent step forward in looking after the base problem.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

(Mr. PERKINS asked and was given permission to revise and extend his remarks.)

Mr. PERKINS. Mr. Chairman, I rise to concur in everything that the gentleman from Mississippi (Mr. WHITTEN) has stated. This is a great bill. The gentleman from Texas (Mr. ROBERTS) has done an outstanding job, as well as has the gentleman from California (Mr. DON H. CLAUSEN). I also want to compliment the gentleman from Alabama (Mr. JONES) the chairman of the full committee, the distinguished gentleman from Minnesota (Mr. BLATNIK) and all the members of this subcommittee, especially the gentleman from Texas (Mr. WRIGHT).

Mr. Chairman, I want to go on record as supporting this measure wholeheartedly.

Mr. ROBERTS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Texas (Mr. ROBERTS) for yielding to me this time, and I wish to congratulate him on his magnificent work in producing so fine and well balanced a piece of legislation.

Mr. ZION. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Indiana.

Mr. ZION. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, section 34 says:

> The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana.

Since money is already authorized for the Newburgh lock and dam, should it not be presumed that any money already authorized could be used for protecting the bank of this area?

Mr. ROBERTS. Mr. Chairman, if the gentleman will yield so that I may respond, the answer to the inquiry of the gentleman from Indiana is "Yes."

Mr. ZION. I thank the chairman of the subcommittee.

Mr. WRIGHT. Mr. Chairman, I take this time simply to stress to the Members two very graphic points which I think can be clearly and visually demonstrated with the help of two charts which I have with me. The first is the enormous demonstrable value of the water resource programs with which this bill deals, and particularly the flood control projects.

The second is the danger that has been recently posed to the future of these general programs, and what we in the committee are attempting to do to erase that danger and to guarantee a future to these water resource development programs.

First, with respect to the value of these projects, let us examine in dollars and cents a few of the results already experienced. Most of the Members are very familiar with the cataclysmic floods that inundated much of the Mississippi and the Missouri River Valleys earlier this year. On this map the Members can see that land that was covered up by water portrayed in blue. Everyone recalls the accounts of damages inflicted by that prolonged period of flooding.

What is not well known, however, is the fact that while those floods claimed some $500 million in verified damages, the projects already existing along the Mississippi and Missouri Rivers for flood control purposes prevented damages which otherwise would have occurred from these floods in the amount of some $7,200,000,000.

The yellow area portrayed on the map would have been inundated by the floods, had it not been for a generation of flood control work. The flood ravages would have encompassed some 10-million additional acres, much of it very valuable industrial, commercial, and residential property.

If the Members would look now at the other map, the indices on that second map show the location of projects which have been constructed in three areas of the country only. These are the three areas which have suffered the most recent large-scale natural disasters: Hurricane Agnes of last year, the Willamette and Columbia River flooding of last year, and the Mississippi and Missouri River flooding of this past spring. There are some 214 previously constructed flood control projects in the affected areas. Those projects in those three disasters prevented calculable damages which otherwise would have been inflicted, in the amount of $8,700,000,000—a figure considerably greater than the total cost of the projects.

Those 214 projects are part of a nationwide network of approximately 1,000 flood control projects which over the past 30 years this Congress has authorized and the Corps of Army Engineers has constructed.

The total cost of those 1,000 projects has been approximately $11 billion, but already they have saved the American public, the tax base of this country, and the American economy from damages estimated above $30 billion. In other words, the flood control program has paid for itself, in damages averted, almost three times over.

Let me now call the Members' attention to recent efforts on the part of some to change the historic method of evaluating these projects for economic feasibility prior to their authorization. It was suggested by a group appointed by the President that we should have a much harsher, radically different system of evaluating projects for economic feasibility. The new set of administratively proposed criteria was recently published in the Federal Register.

At some cost and care we have made a careful analysis of each of these 214 existing projects, the worth of which has been so fully demonstrated so recently, and we discovered that, if the newly proposed harsh economic evaluation criteria had been in effect, out of the 214, 121 never would have been built. This is more than half, almost 6 out of every 10, that would have been arbitrarily disqualified. Those that the Members see indicated on the map by black dots, never would have come into being. If they had not been built, obviously the damages that occurred from these three recent disasters would have been many times greater and the damages avoided would have been many times less.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman. That is why the Congress is being given the opportunity in section 80 of this bill to freeze into being the historic method of evaluating these projects until such time as Congress, in the exercise of its rightful legislative prerogative, might at some future time write a new formula.

Until Congress itself decides to change the formula that has produced so much demonstrably worthwhile work, we believe it is inappropriate for the administration to impose an arbitrary system of evaluation which would have disqualified most such projects in the past.

Mr. MIZELL. Mr. Chairman, the New River, which flows through North Carolina, Virginia, and West Virginia in the Blue Ridge region of the Appalachian Mountain Range, is believed to be the second oldest river in the world, second to Egypt's Nile. The New is estimated to be more than 100 million years old.

The segment of the New River proposed for study in this section of the water resources bill is also known to be one of the few remaining relatively pollution-free rivers in the eastern half of the United States. It is recognized, as well, as one of the finest rivers for recreational smallmouth bass fishing in the Nation.

A massive hydroelectric power project has been proposed for construction in this segment of the New River, and the construction of this project would, as the applicant concedes, drastically alter the character of the river.

All of this is included in the committee report on this section. But some facts are omitted, and I believe they should be brought to light for my colleagues' consideration.

The project as now proposed calls for the flooding of 38,000 acres of land in Ashe and Alleghany Counties in North Carolina, and in Grayson County, Va., for water storage pools.

In addition to destroying this precious historic treasure, the pollution emanating from this project, would despoil the only remaining unpolluted river in the eastern half of the United States.

Beyond the destruction of the river, the project would also destroy a way of life for hundreds of people, and what is now a fertile land of beauty would be blighted and ravaged beyond redemption.

I believe every effort should be made to save these great treasures of life and land and water, and that is the reason I sponsored this section of the bill.

The history of this project is long and complicated, and I will not take the time here to try to explain it all, because there simply is not enough time to take.

But let it suffice for the moment to say that among the public officials who have taken the time to investigate this project in some depth, not one has supported this project as currently proposed.

The State of North Carolina, and the distinguished Senators from my State—Senators ERVIN and HELMS—are all on record as opposing this project, just as I have been since learning of its details in 1969.

And the people who live in the project area itself are opposed to its construction, almost to a man.

So there is obvious and serious and longstanding opposition to this project's construction, and that should satisfy my colleagues for the purpose of this debate, because all I am trying to do with this legislation is to have the Corps of Engineers make a study to see if there should not be some better fate for the New

River than a fate of disgraceful destruction.

I know there are great and legitimate concerns right now about the adequacy of the Nation's power sources. I serve on the Subcommittee on Energy, and I recognize the problems.

But to blindly and meekly sacrifice irretrievable, invaluable and incomparable natural resources on the alter of "power crisis" emotionalism is to sacrifice our own power of will and reason and perspective.

I am not ready to sacrifice all those powers and all those treasures for a project conceived and promoted in callous disregard for their worth.

This country is blessed with resources of both energy and environment, and we must make hard choices of what we should protect and what we should develop. And I think the New River must be protected.

In the other body, Senator HELMS and Senator ERVIN have introduced legislation to have the New River included in the wild and scenic rivers system for permanent preservation, and I am considering a similar bill. The Corps of Engineers study may well recommend the same course of action.

We need time to have these evaluations made, and time to work the will of the Congress in this matter with all the facts at hand. To do otherwise, to act in haste, is to thwart the will of the Congress as well as to needlessly and cruelly destroy a great national treasure.

I urge that the section be left as it is, and that the gentleman's amendment not be agreed to.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 10203 and urge its expeditious passage.

This is a well balanced, well reasoned bill, which incorporates several innovations. For this reason, I cosponsored identical bill H.R. 10204 and now urge its passage.

There is one section of this bill which I would particularly like to endorse, because it affects my district and I find it a particularly meritorious provision. This is section 107 which would make permanent the one-time channel clearance of the North Branch of the Chicago River authorized by section 116 of the River and Harbor Act of 1970.

The Army Corps of Engineers has general authority for small snagging and clearing work for both navigation and flood control purposes. The specific legislation for the North Branch of the Chicago River in the 1970 River and Harbor Act was needed because of the larger scope of the work and because of the value of the work to esthetics and water quality as well as flood control. This channel is in the heart of Chicago, the third largest metropolitan area in the country. A large number of people live in the vicinity of the waterway, and it is an important part of their environment. A water channel through a dense urban area can be a source of great esthetic and environmental benefit, but not if the waterway is clogged with debris and fallen trees.

The work that has been done under the 1970 act has made a tremendous difference and has made a noticeable improvement in the environment of the neighborhoods along the North Branch. This is a small but important example of ways in which the Corps of Engineers can help the urban environment and it should be continued.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill H.R. 10203, the Water Resources Development Act of 1973, I am in particular agreement with sections 72 and 91 of this legislation, which address themselves to two grave problems currently afflicting New York City's waterfront.

Section 72 of this bill would authorize the Army Corps of Engineers to begin immediate work on the modification of the Rockaway beaches. As a result of a series of devastating storms during the last several years, the Rockaways have been seriously damaged and defaced by erosion. The result has been related damages to the recreational beach areas in the Rockaways, as well as to the surrounding roadways and communities. Section 72 would pump-in desperately needed Federal funds to help rebuild these beleaguered areas, and restore the natural beauty and recreational prominence which has characterized the Rockaways for hundreds of years.

Section 91 of this bill addresses itself to an equally severe crisis affecting the city of New York, the dangerous buildup of drift and debris in the New York Harbor. This section would authorize the Corps of Engineers to provide $14 million dollars to begin a comprehensive program aimed at removing these hazardous and unsightly materials from this busy waterway.

The need for section 91 is apparent. An estimated 10,000 commercial, recreational, and public vehicles collide annually with drift and debris in New York Harbor, causing severe structural damages to these vehicles as well as the potential for serious injury and death. Further, the continued presence of these materials results in a depression of property values, a tragic defacing of the waterfront, and in some instances, presents a severe fire hazard to the surrounding areas as well.

The Federal Government over the last several years has chosen to ignore these two crises. The New York waterfront cannot afford any further delays. These moneys are needed now before these beautiful and productive areas are rendered useless by destruction and continued neglect.

I applaud the committee for including sections 72 and 91 in this excellent and comprehensive legislation. I urge its passage not only for the sake of New York, but for the future of all great waterways in the United States.

Mr. PARRIS. Mr. Chairman, it is my pleasure to rise in support of H.R. 10203, the Water Resources Development Act of 1973. I share the opinion of the Committee on Public Works that the Congress must make a firm commitment to water resources development in order to assure continued abundant water supplies for this Nation in the years ahead.

I would like to direct my colleagues attention to two projects authorized in this legislation which will be of significant benefit to my constituents in northern Virginia. Section 86 of the committee bill authorizes the U.S. Army Corps of Engineers to assist the National Park Service in restoring the ecological and historical values of Dyke Marsh on the Potomac River, which is located south of the city of Alexandria, and which was previously destroyed by dredging operations. The project will consist of the construction of dikes, containing clean fill material obtained from other portions of the Potomac River estuary, and eventually will restore the topography of the area to its original contours. I commend the committee for including this project in the legislation which we have before us today, as the restoration of this valuable fish and wildlife habitat will be of direct benefit to the historic Alexandria area.

Of particular interest to me and to my constituents in northern Virginia is the Four Mile Run flood-control project, which is located in the city of Alexandria and county of Arlington, Va. The necessary authorization for beginning construction on this project is contained in title I, section 84 of H.R. 10203.

Approximately 300 acres of primarily urban area along Fourmile Run are frequently subject to severe flooding conditions, usually resulting from intense rainfall of short duration. At the present time, there are no existing flood control improvements constructed by either Federal or State agencies within the Fourmile Run Basin, although some local improvements have been made in the last few years. The development of the area has only served to increase its flood-prone tendencies; the intensity and frequency of flooding has increased to the extent that "light showers" may necessitate the evacuation of homes and businesses.

In June 1972, Tropical Storm Agnes caused catastrophic damage to many parts of the eastern United States. The Fourmile Run area was particularly affected by this storm, which left in its wake estimated damages to the project area in the amount of $14 million. Prior to Agnes, the flood of record caused over $4 million in damage to the basin.

I cannot emphasize strongly enough to my colleagues the dangerous situation which exists in the area, or the hardship and suffering which have been caused by previous floods. The Committee on Public Works recognized the need for action in October 1966, when it instructed the Corps of Engineers to undertake a feasibility study of the Fourmile Run project. The initial report submitted to Congress in 1970 clearly indicated the favorable reaction to the project of all Federal and State agencies involved. I am pleased to be able to report that as of this date, all preconstruction planning has been completed, and construction will begin immediately upon congressional approval of H.R. 10203.

The project itself will comprise a major channel, levee, and floodwall improvement with associated interior drainage facilities, an improved channel, and the replacement of two highway and four railroad bridges. An improved channel for Long Branch, a tributary of Fourmile Run, will also be constructed. The total cost of the project to the Federal Government has been set at $29.98 million, and the local share at $8.57 million. In view of the urgent need for prompt congressional approval of the project, the city of Alexandria, the county of Arlington, and the R.F. & P. Railroad have generously agreed to make additional cash contributions totaling $2,439,000.

I would like to take this opportunity to express my thanks to the committee for the time and effort expended by its members toward making the completion of this project a reality. I am certain that northern Virginia residents will have reason to be grateful for their efforts in the years to come.

Mrs. HOLT. Mr. Chairman, I rise today to express my support for the provision contained in H.R. 10203, the Water Resources Development Act and the river basin monetary authorizations which deal with the immediate implementation of the Sixes Bridge project.

The District of Columbia and the surrounding Maryland and Virginia counties will be facing possible severe water shortages in the not too distant future. We are currently consuming a maximum of 400 million gallons a day. This is expected to increase to 995 million gallons per day between the mid-1970's and 1984. The Potomac River is the primary source of water for this area, and when it is at low ebb, the flow of record was 388 million gallons a day.

The magnitude of this problem has been amply investigated, discussed, and analyzed over the past decade. If the potential problems of the 1980's are to be recognized, construction of this vital project must begin today. To date, the only significant construction to meet increased water demand has been the Bloomington, Md., reservoir and an emergency intake structure on the upper estuary. These projects, both of which are in the early stages of construction, will only begin to meet the supply problem.

The Sixes Bridge project will play a vital role in insuring a satisfactory water supply for the Metropolitan Washington area. I strongly urge my distinguished colleagues to approve this funding and construction without further delay.

Mr. HARRINGTON. Mr. Chairman, I rise to support H.R. 10203, a bill to provide for the construction, repair, and preservation of specified public works on rivers, and harbors for navigation, and for flood control.

Water is one of our most valuable resources—we not only drink it, but it is vital for industrial production, and provides shoreline and waterways of great natural beauty. It is a resource we cannot neglect.

Water, today, is free and in great supply. But this will not always be the case unless we take action now to preserve and protect this invaluable resource. Our beaches are eroding, and we are polluting our water to the point where it is too often no longer usable. The time has long since past for us to responsibly protect this asset without which we cannot survive.

The Water Resources Development/River Basin Monetary Authorization Act does not signify a major step in this direction, but it is consistent with this objective, and it is at least a small step.

The bill includes four basic new provisions:

First. Federal funding of fish and wildlife enhancement, so that no longer will we have to settle for simple mitigation.

Second. Nonstructural alternatives to flood control. Floodproofing will be one alternative method incorporated and hopefully this will reduce or alleviate damage due to flooding.

Third. Deauthorization procedures so that the Government can oversee projects and if a review of a project shows that conditions have changed, or that time has changed the problem, the project can be revised or dropped.

Fourth. Sixteen new projects to be authorized under phase I design memorandum stage of advanced engineering and design. This new authorization procedure is intended to give Congress increased control over the design and approval of new projects.

Mr. Chairman, while I support this bill because of the many desirable projects it includes, I join many local conservation groups in having significant objections to still other projects proposed for authorization. It seems unfortunate to me that we should face a situation where, in order to vote against a number of undesirable projects, we would have to oppose an entire bill which is essentially consistent with our goals as a nation.

These reservations are serious in light of the administration's efforts to reduce Federal spending in social areas. We should not have to find ourselves in the position of condoning increasing funding for projects that are in any way unnecessary. But at the same time, the bill, in most of its parts, is compatible with national needs. I will support it for these reasons, and urge all my colleagues to do the same.

Mrs. HECKLER of Massachusetts. Mr. Chairman, section 2 of the Water Resources Development Act contains authorization for a project of special importance to the people of eastern Massachusetts. The Charles River Watershed project provides for the acquisition of some 8,400 acres of ecologically critical watershed land along the Charles River, which runs from east-central Massachusetts eastward to the Atlantic.

The downstream half of the river runs through some of the most heavily developed land in the country, while the upstream portion is surrounded by rural countryside that is rapidly being developed.

The Charles is already badly polluted, and much of its watershed has long since been destroyed. However a 7-year study by the Corps of Engineers, made in conjunction with Massachusetts State government agencies, and local environmental groups, determined that the river can be saved.

I believe that it is vital to reclaim this river. Not only has the Charles become more prone to damaging floods in recent years, but the river has been heading toward the ignominy of an open running sewer. If we can save this river, then our efforts can serve as a model for other such efforts across the country. We can make the Charles River once again a living part of the environment of eastern Massachusetts.

I have followed the progress of the Charles River study, and have worked closely with the Charles River Watershed Association since its inception. The recommendations of the study which were submitted to the Corps in Washington had my strong and active support. I have since urged that the project be implemented, by inclusion in this legislation.

Thus it is my sincere feeling that the distinguished chairman and the members of the Public Works Committee, especially the distinguished chairman of the Water Resources Subcommittee, Congressman RAY ROBERTS, and the distinguished ranking minority member, Congressman DON CLAUSEN, deserve congratulations for their far-sighted action in approving this project.

My colleagues should also know that the Charles River project is considered by both the Corps of Engineers and the Public Works Committee to be an innovative approach to the problems of flood control and pollution. Rather than construct dams and levees, which in the long run damage the ecological balance, this project will control flooding by preserving the river basin's wetlands as a natural system of flood water collection and dispersal.

Preservation of the watershed will also help the river purge itself of pollutants, and will prevent further dumping of wastes.

Mr. Chairman, this is a most ambitious program. It will benefit the people of Massachusetts, and it will serve as a demonstration of a more effective method of flood control and water conservation. I urge my colleagues to support this legislation today, and to help work for an appropriation which will accomplish the goal that we have set here today.

Mr. MILLER. Mr. Chairman, I want to make particular reference to section 32 of this legislation.

Section 32 deals with the very serious riverbank erosion problem we have along the Ohio River that is threatening communities, roads, homes, and some of the best farmland in the State. While streambank erosion is common to nearly all inland riverways, it is particularly severe on the Ohio because of the extensive, new lock and dam system and the heavy volume of river traffic.

In the district I represent, several community parking lots adjacent to the river have been badly damaged, a municipal sewage lagoon is endangered, valuable farm bottomland has slipped away, roadways have been closed, and numerous homes are threatened.

The provision calls for a major effort to find ways to curb and prevent riverbank erosion damage along the Ohio River. As part of its effort, the Corps of Engineers would be authorized to undertake the construction of demonstration projects including determining the feasibility of bank protection works.

I cannot overemphasize the seriousness of the erosion problem along the Ohio—a situation that in most localities is growing worse. As soon as we can get this program off the ground, the sooner we will have some answers as to how we can effectively and efficiently save the soil and protect property on the Nation's inland waterways.

Mr. BOWEN. Mr. Chairman, I urge the House to approve the authorization contained in this bill for a project of great importance to the State of Mississippi and to the entire Mississippi River system—the Greenville Harbor project.

It will be a great asset not only to Greenville as a major Mississippi River port, but also for the development of commerce and industry in the entire area.

There is a critical need for expansion of the port and harbor facilities at Greenville if our people are to continue the progress and economic development so vital to a better life for all our citizens.

Public Works Committee projections show that improvements to the Greenville Harbor authorized in this bill will generate more than $4 million annually in new commercial activity for the port, plus open the door for new and expanded industries, thereby creating additional jobs for our people.

The great potential of this port and the entire South Delta area, serving a vast export commerce as well as inland trade, have been retarded by the lack of this sorely needed channel improvement and expansion.

I want to commend the Committee on Public Works, and particularly the distinguished chairman of the subcommittee, the gentlemen from Texas, for their foresight in favorably recommending this important port project. It was my privilege to testify before them earlier on behalf of the Greenville port improvement project, and I am grateful for their courtesy and progressive action on our behalf.

Mr. HANRAHAN. Mr. Chairman, in Thornton Township, the largest township in the State of Illinois, there is a little-known body of water, the Little Calumet River. While it is not one of our "great" rivers, it is vitally important to large numbers of Illinois residents.

These local residents used to be able to depend on the Little Calumet for recreation. That is no longer the case. The river is dying. The pollution is encroaching on all its forms of life. Unless something is done immediately, the Little Calumet will join a growing number of rivers that have become little more than sewers.

Since the river's inception, decades ago, it has never been systematically cleaned. Pollutants have been allowed to build up until the river has now become stagnant in parts.

The largest township in the State of Illinois has lost its major source of recreation to pollution. I have sponsored legislation, which was incorporated in Water Resources Development Act, H.F 10203, to authorize the cleaning of th 12-mile channel of the Little Calum River in Illinois of the fallen trees, roots, and debris which now are choking the life out of this river. The Army Corps of Engineers in the Chicago area, has est mated that this cleaning will cost in tl area of $400,000.

The Little Calumet River is unsuitable to support the kinds of recreational activities which are possible on a clean river. The residential and industrial development of the area, combined with the accompanying pollution, has caused a general decline in the river and its environs to the point where the fish and wildlife in the area are essentially nonexistent.

The Little Calumet River serves a drainage area of about 587 square miles, of which 205 are in Illinois and 382 in Indiana. Under normal flow conditions the area lying east of Hart Ditch—in Indiana—some 340 square miles, drains into Lake Michigan via the Burns Waterway. Drainage from the 247 square miles to the west of and including Hart Ditch find its way to the Cal-Sag Channel.

The Little Calumet from its junction with the Cal-Sag Channel upstream to the Harvey-Riverdale area—a distance of approximately 3.5 miles—is bordered on both banks by either Forest Preserve District or otherwise open land. From this point through South Holland, in Thornton Township—approximately 4 miles—the area has undergone considerable residential development and remaining open-space areas are quite limited. The reach from South Holland to Calumet City, also in Thornton Township—approximately 3 miles—is at the present time still largely agricultural in nature. However, an extensive apartment complex is planned for development in the area near the junction of Thorn Creek and the Little Calumet River. From the Calumet City-Lansing area to the State line the flood plain has also undergone extensive residential development.

For the river to be returned to its once desirable condition, it is imperative that the accumulation of debris—by this I refer not only to fallen trees and roots, but to such manmade objects as abandoned refrigerators, sofas, cars, and shopping carts—be removed to allow fish and wildlife to return to the Little Calumet.

Local citizens must contend not only with the eyesore the Little Calumet presents, but also with the stench that results from the pollution in the river.

The Operation Little Calumet River Commission, formed in 1969 by Gov. Richard B. Ogilvie, has made significant strides in removing pollution and returning the river to its natural state. This is in large extent due to the ambitious pollution prevention and channel cleanup programs undertaken by the Commission and also the outstanding support afforded the Commission by the local citizenry. Several successful debris removal campaigns have removed a signficant amount of the unnatural debris from the river.

The local residents have worked long and hard to alleviate the pollution of the Little Calumet River. The most successful of the debris removal projects took place in May of 1971. Over 550 area citizens took part in a massive effort to remove the pollution. They were able to remove in 1 day, 150 tons of debris from the 12-mile channel in Illinois.

Through the concerted efforts of the local citizenry they have essentially achieved the limited results which can be accomplished on the local level. Any further major improvements will only be forthcoming from funding efforts on a Federal level. I again urge this committee to act favorably and grant the needed funds to achieve this sorely needed improvement of the Little Calumet River.

Mr. DELLUMS. Mr. Chairman, included in this bill are funds for construction of the New Melones Dam on the Stanislaus River in California.

I oppose the construction of this dam because I understand that it does not meet the requirements of the National Environment Policy Act. The New Melones Dam would ruin 10,000 acres of wildlife, inundate geologically important limestone caves and would detroy trout fish habitats along a 15-mile stretch.

It distresses me that the Congress is considering projects which are of questionable necessity and ecologically damaging. Obviously it is our responsibility to look at the legislation that comes before us with some sense of priorities. It is incredible to me that millions of dollars are given to a unneeded project whereas social services programs involving education and medical services receive negligible funding.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 10203, the Water Resources Development and River Basin Monetary Act of 1973.

I want to commend the entire Public Works Committee particularly the chairman (Mr. BLATNIK) and the chairman of the Water Resources Subcommittee (Mr. ROBERTS) for the outstanding job they have done in reporting this important legislation to the House floor. The committee members have labored many long hours to produce an excellent piece of legislation.

I am especially pleased that the committee included section 101 in the bill as reported. This provision modifies the authorized flood protection on the Rahway River at South Orange, N.J. to provide that costs of relocating utilities within the channel walls shall be borne by the Federal Government.

Mr. Speaker, unless this legislation is enacted, the village of South Orange is faced with the additional and unexpected cost of over $400,000 for payment of relocating utilities within the channel walls. This would constitute a heavy burden for this small municipality of approximately 17,000 residents.

Originally, the village had been advised that the cost of moving utilities would be a Federal responsibility. The village has lived up to its share of the cost and passed an ordinance for nearly a million dollars as its share of the project.

In 1971, the village was notified by the Corps of Engineers that the corps would no longer assume the obligation for relocating utilities. Section 101 is urgently needed as a legislative remedy to assist South Orange. I urge its passage.

Mr. DORN. Mr. Chairman, I wholeheartedly support the Water Resources Development Act of 1973. As a member of the Water Resources Subcommittee I especially want to pay tribute to the chairman of our subcommittee, our distinguished colleague from Texas (Mr. ROBERTS), for his outstanding work on this important legislation.

Mr. Chairman, perhaps nothing in the long run is more threatening to our Nation's continued economic and social progress than the possible water supply crisis. This bill is an important step in meeting that crisis. Our bill authorizes $1.25 billion for water resource development and river basin projects. Along with the $24 billion clean water bill developed by our committee last year and enacted into law, this bill represents our committee's continuing efforts to provide adequate supplies of clean water for the Nation.

Of great interest in our area, Mr. Chairman, is a provision in the bill authorizing the Corps of Engineers to remove silt and aquatic growth from Broadway Lake, in Anderson County, S.C. Sediment deposits have filled portions of the lake and aquatic growth in the entire lake requires removal to restore the recreational uses and environmental quality of the popular, heavily used lake. Broadway Lake is used very extensively by residents of the entire Anderson County region for boating, fishing, and recreation. Continued deterioration of the lake through siltation and aquatic growth would result in a serious recreational and environmental loss to one of our State's most populous and fast-growing regions. The lake is located on a tributary of the Savannah River and its cleanup will have important national implications for demonstrating the reclamation of dying lakes.

Mr. Chairman, I urge overwhelming passage of the Water Resources Development Act of 1973.

Mr. BAUMAN. Mr. Speaker, I rise in suport of H.R. 10203, especially section 97, which would declare certain described portions of the south prong of the Wicomico River in Salisbury, Md., to be nonnavigable within the meaning of the laws of the United States. This declaration is contingent upon a finding by the Secretary of the Army, acting through the Chief of the Corps of Engineers, that the proposed project is in the public interest, based on engineering and environmental studies.

Mr. Speaker, I assure the House that the Wicomico riverfront project is indeed in the public interest, and this legislation makes the project a reality.

The city of Salisbury, Md., the leading urban center on the Delmarva Peninsula, is fortunate in having a branch of the Wicomico River flowing through its central area. For many years, the upper reaches of this branch have been developed and beautified, first as a much-used city park, which more recently includes an outstanding zoo. However, the lower reaches of the south prong of the Wicomico River have been an eyesore for years, and it is this problem that section 97 of this bill seeks to cure. Passage of H.R. 10203 will allow a massive urban improvement project which will have the river as its centerpiece.

The primary purpose of this project is to arrest the urban blight and deterioration of the central business district of the city of Salisbury. Salisbury has already made great progress in this direction through a combination of private and local governmental efforts including a downtown mall, extensive public parking, and a new government plaza. The passage of this legislation, at no cost to the Federal Government and its taxpayers, will allow the city of Salisbury to undertake this comprehensive riverfront project including the development of the lower reaches of the south prong of the Wicomico River. In addition, the completion of this project will improve the tax base of the city and will work to improve the economic and social climate of the lower Eastern Shore area.

I wish to express my appreciation to the Committee on Public Works and the U.S. Corps of Engineers for their splendid cooperation in including this section in the bill. Much credit also goes to Robert Cook of the Greater Salisbury Committee and Philip C. Cooper, of Mayor Dallas Truitt's staff.

Mr. Speaker, the passage of this bill is not only desirable but is essential for the major redevelopment and beautification of this important regional center, the city of Salisbury. I strongly urge its approval.

I include at this point in my remarks, and editorial and article from the Daily Times in Salisbury detailing the future plans for the improvement of the downtown area, and illustrating conscientious effort on the part of the residents of Salisbury to convert a disintegrating inner city into a viable and thriving area for both business and pleasure:

It Looks And Sounds Exciting

A developer's dream is beginning to focus into some form of reality for downtown. Salisbury. There are plans for a $12 million development project, including office buildings, a motel, apartments and even a floating restaurant.

The City Council has given its approval of the project which would begin initially in the area bounded by S. Salisbury Blvd., the Wicomico River, S. Division St. and Carroll St., where options have been taken.

Another downtown area boost in the wind is an urban renewal project on the lower end of old W. Main St. and the plaza, leading to the razing of some 1890's buildings. And, still another is the government office building project across the street from the courthouse, bounded by N. Division St. and Salisbury Parkway. The city also has a long range program for inner harbor development.

Some zoning changes will be required to permit higher buildings. An 18-story office-building, for instance, would be 179 feet high. The present limit is 90 feet. It is proposed to set the new limit at 200 feet.

If the developers' dreams come true—and they are betting money on it—the transformation of the center of Salisbury from horse and buggy days to modern small city will be well under way. Parking must be provided or else. That is the factor that brought decay in downtowns across the country. There was little or no parking.

Water and sewer services are available in this area, though it possibly may need updating. The same goes for the streets. Where possible, they need to be widened. Buildings need to be modernized to the 1970s. Business people, shoppers and apartment dwellers will not accept anything less. That's what modernization is all about.

The concept of new buildings, convenient services, comfortable apartments, and public buildings, all placed in the attractive setting of green grass plots, the Wicomico River and growing trees is an exciting one. It contradicts the prevailing pattern of center city core desertions to places where new starts can be made. All of this can be a new start for the old core of the Salisbury region.

Council OK's Downtown $12 Million Development

(By Mike Meise)

A Washington area developer today had the blessings of City Council for a $12 million downtown development to include an 18-story office building, a motel, and a floating restaurant.

And, according to Robert D. Adgate, construction is expected to be started by Oct. 1 on the first structure in the inner harbor development—the 112-unit motel.

City Council, meeting in special session Tuesday night in City Hall, gave its endorsement to the plans of Sea-Kal Development Corp., which is currently building a 75-unit housing development on E. College Ave. Mr. Adgate heads the firm.

This development came almost simultaneously with another move to boost the downtown area—the launching of a Central City District Commission-fostered proposal to institute an urban renewal program for the lower end of W. Main St. and the Downtown Plaza. This could lead to the razing of a number of old buildings in the W. Main St.-Camden St. area.

Plans for the inner harbor development, updated and revised from those initially shown to city officials in February, include parking spaces for 1,024 vehicles, many of them underground.

The area generally covered in the development takes in around six acres with S. Salisbury Blvd. Upton St., S. Division St., and the Wicomico River in its boundaries.

From a city standpoint, it will involve closing of the stretch of Carroll St. between S. Division St. and S. Salisbury Blvd., widening of Upton St. to a four-lane thoroughfare, and relocation of a segment of Carroll St. in the S. Division St. area to connect with Upton St.

The Daily and Sunday Times building and grounds would remain virtually intact under the city plan.

When the developers unveiled their plans in February, the estimated cost was between $8 and $9 million. These figures are now revised upward to $12 million. At the February session, Mr. Adgate envisioned this as Phase One of a much broader, long-range development extending over a wider area of the downtown section that could cost "better than $50 million."

Mr. Adgate told the council that an extensive market study had prompted his firm to revise its plans insofar as apartments are concerned, because of the current building boom in apartments in the city, and to lean more toward commercial office space.

Here, according to the latest plans shown to city officials, are the projects involved in the initial phase:

1–An 18-story office building containing 153,000 square feet of floor space.

2. A 10-story apartment house containing shops on the first floor and 54 luxury-type apartments on the nine upper floors.

3. A motel containing 112 units on three floors with a snack area and an assembly room on a fourth floor.

4. A two-story medical office facility containing offices for the medical profession and including underground parking facilities for doctors and patients.

5. A six-floor building adjacent to the medical office building which would contain 66 rooms for an ambulatory care center—described as a motel with supervision for outpatients going to and from nearby Peninsula General Hospital—and a 100-room nursing home.

6. A floating restaurant with a seating capacity of 225. This, according to Mr. Adgate, would be anchored in the river. The restaurant, described as unique, would be built on a 60 by 40-foot barge to be brought here.

One of the first official city steps related to the downtown development will come tomorrow when Henry P. Wojtanowski, chief of the municipal bureau of inspections, presents a 15-page document to the planning and zoning commission.

This, according to Mr. Wojtanowski, would pave the way for such a development by raising the height limitation on buildings in commercial and business districts from the present 90 feet to 200 feet. The developer's 18-story building would be 179 feet high.

Mr. Adgate told city officials that his firm has options on most of the property in the development area and financing had been obtained for the motel, medical facility and ambulatory-nursing home building. Now that the council has indorsed the development he indicated, bank financing of the high rise building is expected.

Mr. Adgate was accompanied to City Hall by his architect, Charles Englehart, and his attorney, Barry Fitzpatrick, both of Washington; and Alfred T. Truitt Jr. of Salisbury, his local attorney.

Members of the council spoke out in varying tones of approval or endorsement. "We'd like your approval," said Mr. Adgate. "You've got mine," replied City Council President W. Paul Martin Jr. and other councilmen echoed Mr. Martin's sentiments.

This development would mesh in some ways with the multimillion dollar plan for development of the inner harbor which has been launched by the city in collaboration with the Greater Salisbury Committee.

Mr. PRICE of Illinois. Mr. Chairman, by the end of the century, many experts have stated that this Nation will almost certainly be facing a severe water shortage. Currently, we are withdrawing nearly 30 percent of our annual available freshwater supply and consuming only 7 percent of this. In addition, by the end of this century withdrawal use will be five times that of the 1965 level. Combining these figures with the rising population statistics one can see the beginnings of a major crisis taking shape.

Unfortunately, the water shortage is not even realized as a problem by most Americans. There is a parallel here with the fuel shortage, which was also kept in the background until brought into prominence when the current fuel restrictions came into effect.

However, today the Members of Congress can act to keep the water shortage from growing to even more dangerous levels. I would like to give my own support to H.R. 10203, the Water Resource Development Act of 1973 and the River Basin Monetary Authorization Act of 1973 and urge my colleagues to do likewise.

A total of 20 water resource projects are included in title I of the act, while title II increases appropriations for 16-river basin plans previously approved by Congress. These projects cover almost every area in the Nation. In addition, Federal funding for fish and wildlife enhancement will be raised from 50 to 75 percent. International cooperation is also included by increasing the expenditure for U.S. participation in the Permanent International Association of Navigation Congresses to $45,000.

Mr. Chairman, the choice is clear: either we enact legislation now or we—and our children—must face the consequences at some later date. It is not necessary for me to argue the merits of a plentiful supply of clean water.

Let it suffice to say that we cannot live as we do now without it. Nor can we allow Nature to annually destroy homes, crops, and personal property with floods which effect every part of the Nation.

I am sure that no one here would want to see another tragedy such as that witnessed this spring. H.R. 10203 will help to provide solutions for these problems before they grow so serious as to be uncontrollable.

Mr. DON H. CLAUSEN. Mr. Chairman, I have no further requests for time.

Mr. ROBERTS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 1. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the following multiple-purpose water resources development projects, substantially in accordance with, and subject to the conditions recommended by the Chief of Engineers in, the reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia: House Document Numbered 92–365, at an estimated cost of $954,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia: House Document Numbered 93–56, at an estimated cost of $665,000.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes: House Document Numbered 92–374, estimated cost of $330,000.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi: House Document Numbered 92–359, at an estimated cost of $310,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi: House Document Numbered 92–282, at an estimated cost of $310,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood control and other purposes on the Zumbro River at Rochester, Minnesota: Report of the Chief of Engineers dated June 7, 1973, in House Document Numbered 93–156, at an estimated cost of $150,000.

LOWER MISSISSIPPI RIVER BASIN

The project for Greenville Harbor, Greenville, Mississippi: Senate Document Numbered 93–38, at an estimated cost of $200,000.

The project for flood protection for the east bank of the Mississippi River, Warren to Wilkinson Counties, Mississippi (Natchez area): House Document Numbered 93–148, at an estimated cost of $150,000.

The project for flood control and other purposes for the Bushley Bayou area of the Red River backwater area, Louisiana: House Document Numbered 93–157, at an estimated cost of $300,000.

PEE DEE RIVER BASIN

The project for flood control and other purposes on Roaring River Reservoir, North Carolina: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $400,000.

ALTAMAHA RIVER BASIN

The project for flood control and other purposes at Curry Creek Reservoir, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $400,000.

COOSA RIVER BASIN

The project for flood control and other purposes at Dalton Reservoir, Conasauga River, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $440,000.

GUADALUPE RIVER BASIN

The project for flood control and other purposes on the Blanco River at Clopton Crossing, Texas: House Document Numbered 92–364, at an estimated cost of $177,000.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Arkansas River and tributaries above John Martin Dam, Colorado: House Document Numbered 93–143, at an estimated cost of $1,140,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri: House Document Numbered 92–361, at an estimated cost of $150,000.

COLUMBIA RIVER BASIN

The project for installation of power generating facilities at the Libby Reregulating Dam, Kootenai River, Montana: Senate Document Numbered 93–29, at an estimated cost of $10,000.

(b) The Secretary of the Army is authorized to undertake advanced engineering and design for the projects in subsection (a) of this section after completion of the phase I design memorandum stage of such projects. Such advanced engineering and design may be undertaken only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and House of Represenatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration. There is authorized to carry out this subsection not to exceed $5,000,000. No funds appropriated under this subsection may be used for land acquisition or commencement of construction.

SEC. 2. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

DELAWARE RIVER BASIN

The project for local flood protection on Wabash Creek, Borough of Tamaqua, Pennsylvania: In accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $2,355,000.

CHARLES RIVER WATERSHED

The project for flood control and other purposes in the Charles River Watershed, Massachusetts: Report of the Chief of Engineers dated December 6, 1972, at an estimated cost of $7,340,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood control and other purposes at Prairie du Chien, Wisconsin: Report of the Chief of Engineers dated February 9, 1972, at an estimated cost of $1,840,000.

Sec. 3. The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

Sec. 4. The project for beach erosion control on Ediz Hook at Port Angeles, Washington, is authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93–101, at an estimated cost of $4,553,000. The Secretary of the Army, acting through the Chief of Engineers is authorized to undertake, in connection with such project, such emergency interim measures as may be necessary to prevent the breaching of Ediz Hook prior to construction of the authorized project.

Sec. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

Sec. 6. Section 103 of the River and Harbor Act of 1970 is amended to read as follows:

"Sec. 103. The cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This section shall apply to any such project authorized (A) under section 201 of the Flood Control Act of 1965, (B) under section 107 of the River and Harbor Act of 1960, (C) between January 1, 1970, and December 31, 1970, under authority of this Act, and to projects heretofore authorized in accordance with the policy set forth in the preceding sentence and to such projects authorized in this Act or which are hereafter authorized."

Sec. 7. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

Sec. 8. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regiment of the bay-delta waters.

Sec. 9. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

Sec. 10. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

Sec. 11. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91–611):

San Luis Obispo County, California.

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Buffalo River Basin, New York (wastewater management study).

Palo Blanco Creek and Cibolo Creek, at and in the vicinity of Falfurrias, Texas.

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Saint Marys River at, and in the vicinity of, Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Sec. 12. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after being requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

(e) The Secretary of the Army, acting through the Chief of Engineers, shall, on request by resolution of the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, review authorized projects for inclusion in the list of projects provided for in subsection (a) of this section. If any project so reviewed is not included in any of the first three lists submitted to the Congress after the date of the resolution directing the review of the project, a report on the review together with the reasons for not recommending deauthorization, shall be submitted to the Committees on Public Works of the Senate and House of Representatives not later than the date of the third list submitted to Congress after the date of such resolution.

Sec. 13. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

Sec. 14. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake remedial flood control measures to alleviate flooding in the reach between Stahl Road and Niagara Falls Boulevard that are compatible with the diversion channel plan contained in the report of the District Engineer, United States Army Engineer District, Buffalo, dated August 1973, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Sweethome Road in the town of Amherst, New York, and such other areas as the Secretary may deem necessary. The work authorized by this section shall be compatible with the authorized project and any alternatives currently under study pursuant to the Flood Control Act of 1970.

Sec. 15. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads. No appropriation for such reconstruction shall be authorized until the engineering plans have been submitted to the Committees on Public Works of the United States Senate and House of Representatives and approved by resolution of such committees.

SEC. 16. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfork Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 17. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 18. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 19. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less, which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA–40058–CIVENG–60–431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 20. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 21. The project for flood protection on the Minnesota River at Mankato-North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse the city of Mankato for local costs incurred in relocating that portion of the existing Mankato interceptor sewer extending approximately one thousand six hundred feet upstream and one thousand five hundred feet downstream of the Warren Creek Pumping Station, provided the relocated interceptor sewer is designed and constructed in a manner which the Secretary of the Army determines is fully adequate to serve the project purpose.

SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

SEC. 23. Section 123 of the River and Harbor Act of 1970 (84 Stat. 1818, 1823) is hereby amended by adding at the end of subsection (d) of such section the following: "In the event such findings occur after the appropriate non-Federal interest or interests have entered into the agreement required by subsection (c), any payments due after the date of such findings as part of the required local contribution of 25 per centum of the construction costs shall be waived by the Secretary of the Army.".

SEC. 24. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1975, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 25. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1975, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 26. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 27. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

SEC. 28. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to improve perimeter access at Lake Texoma, Texas and Oklahoma, utilizing existing roads to the extent feasible. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 29. The Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), is amended—

(1) by inserting after "to reconstruct, enlarge, and extend the approaches" in subsection (b) of the first section the following: "(including the eastern approach in Rock Island, Illinois)",

(2) by inserting after "approaches" in subsection (c) of the first section the following: "(other than the eastern approach in Rock Island, Illinois)", and

(3) by inserting at the end of subsection (c) of the first section the following: "The reconstruction, enlargement, and extension of the eastern approach in Rock Island, Illinois, to such bridge pursuant to subsection (b) of this section shall be commenced not later than December 1, 1974, and shall be completed before December 1, 1977.".

SEC. 30. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $800,000.

SEC. 31. The project for the Atlantic coast of Long Island, Fire Island Inlet to Montauk Point, New York, authorized in section 101 of the River and Harbor Act of 1960, is hereby modified to provide that non-Federal interests shall (1) contribute 30 per centum of the first cost of the project, including the value of lands, easements, and rights-of-way; (2) hold and save the United States free from damages due to the construction works; and (3) maintain and operate the improvements in accordance with regulations prescribed by the Secretary of the Army.

SEC. 32(a). The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; (3) report to Congress the results of the studies together with his recommendations in connection therewith; and (4) undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers.

(b) Prior to construction of any periods under subsection (e) non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects; and operate and maintain the projects upon completion.

(c) There is authorized to be appropriated not to exceed $10,000,000 for the purposes of this section.

Sec. 33. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be devised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

Sec. 34. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

Sec. 35. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

Sec. 36. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

Sec. 37. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

Sec. 38. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

Sec. 39. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

Sec. 40. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

Sec. 41. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

Sec. 42(a). The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Iowa with regard to priority of locations to be protected and the nature of the protective works. Prior to the construction of any works under this subsection, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works; and operate and maintain the works upon completion.

(b) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa, with a view to determining whether additional bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems, and (3) report to the Congress the results of the studies together with his recommendations in connection therewith.

(c) There is authorized to be appropriated not to exceed $8,000,000 for the purposes of this section.

Sec. 43. Any proposed road to the Zilpo Recreation Area shall not be constructed under the Cave Run Lake project in Kentucky authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, which bisects those lands in the Daniel Boone National Forest, Kentucky, designated as the Pioneer Hunting Area.

Sec. 44. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of old Van Hook Village in the northeast quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b)(1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereof.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

Sec. 45. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 91–606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 46. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes. Such amended contract shall provide that the costs allocated to present demand water supply, shall be repaid over a period of fifty years after the project is first used for the storage of water for water supply purposes. The first annual payment shall be a minimum of 0.2 per centum of the total amount to be repaid. The annual payments shall be increased by 0.2 per centum each year until the tenth year at which time the payment shall be 2 per centum of the total initial amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment.

SEC. 47. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount not to exceed $696,000 for construction of fish hatchery facilities for prevention of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 48. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed $4,000,000 may be used in the construction of fish hatchery facilities and the performance of related services, for prevention of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 49. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to acquire not more than twelve thousand acres of land for the prevention of wildlife grazing losses caused by the project.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

(c) There is authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this section.

SEC. 50. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam. There is authorized to be appropriated not to exceed $300,000 for the purposes of this section.

SEC. 51. If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filing and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the East River in New York County, State of New York, bounded and described as follows are hereby declared to be not navigable waters of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: That portion of the East River in New York County, State of New York, lying shoreward of a line with the United States pierhead line as it exists on the date of enactment of this Act, bounded on the north by the south side of Rutgers Slip extended easterly, and bounded on the south by the southeasterly border of Battery Park at a point adjacent to the westerly end of South Street extended south by southwest, is hereby declared to be non-navigable waters of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

SEC. 52. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000 for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 53. The project for flood protection on the Grand River and tributaries, Missouri and Iowa, authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to immediately proceed with the engineering and design of the Pattonsburg Lake project as presently authorized and to include provisions necessary so as not to preclude the subsequent addition of a complete power installation provided that prior to initiation of construction the Chief of Engineers would submit to Congress a report on the scale and scope of the project which best meets the needs of the area for further action by Congress as appropriate.

SEC. 54. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972".

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the line of the shore within this zone due to erosion, the narm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.

(c) (1) The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices. Such projects shall be undertaken at no less than two sites each on the shorelines of the Atlantic, Gulf, and Pacific coasts, and of the Great Lakes. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal interest or interests who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) (1) No later than one hundred and twenty days after the date of enactment of this section the Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).

(2) The Panel shall—

(A) advise the Chief of Engineers generally in carrying out provisions of this section;

(B) recommend criteria for the selection of development and demonstration sites;

(C) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(D) make periodic reviews of the progress of the program pursuant to this section;

(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under sec-

tion 5332 of title 5 of the United States Code, including traveltime and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the end of the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated not to exceed $8,000,000 to carry out the provisions of this section.

SEC. 55. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to shore and streambank erosion.

SEC. 56. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this section, appropriate non-Federal interests shall agree that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 of the Act approved July 24, 1946 (60 Stat. 653), as amended, and section 155 of this Act.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 57. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this section.

SEC. 58. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 59. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 342 of the Sixty-third Congress and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 1 of the Sixty-fourth Congress are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and for lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge that bridge shall thereafter be free of tolls.

SEC. 60. The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to perform channel cleanout operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, agree in accordance with the provisions of section 221 of the Flood Control Act of 1970 that they will furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the cleanout operations.

SEC. 61. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct small flood protection projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable and protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the preceding five-year period, except that not more than $2,000,000 shall be allotted for this purpose for any one project. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation except as may result from the normal procedure applying to projects authorized after submission by preliminary examination and survey reports. There is authorized not to exceed $25,000,000 in each fiscal year for the next five fiscal years to carry out this section.

SEC. 62. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and realted properties as required by the Act of August 6, 1956 (70 Stat. 1062).

(c) There is authorized to be appropriated not to exceed $330,000 to carry out this section.

SEC. 63. The project for hurricane-flood control at Texas City and vicinity, Texas, authorized by the Flood Control Act approved August 13, 1968, is hereby modified to provide that the non-Federal interests shall have until July 1, 1974, to provide the assurances of local cooperation required in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Ninetieth Congress.

SEC. 64. Subsection (b) of section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "$11,000,000" and inserting in lieu thereof "$15,000,000".

SEC. 65. In the case of any reservoir project authorized for construction by the Corps of Engineers, Bureau of Reclamation, or other Federal agency when the Administrator of the Environmental Protection Agency determines pursuant to section 102(b) of the Federal Water Pollution Control Act that any storage in such project for regulations of streamflow for water quality is not needed, or is needed in a different amount, such project may be modified accordingly by the head of the appropriate agency, and any storage no longer required for water quality may be utilized for other authorized purposes of the project when, in the opinion of the head of such agency, such use is justified. The provisions of the section shall not apply to any project where the benefits attributable to water quality exceed 20 per centum of the total project benefits.

SEC. 66. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the main channel of the Little Calumet River, Illinois, from its confluence with the Calumet-Sag channel eastward to Indiana State line, of fallen trees, roots, silt, and other debrits and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

SEC. 67. The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a detailed study and report of such plans as he may deem feasible and appropriate for the use of the New River from the headwaters of its South and North forks to the town of Fries, Virginia. Such study and report shall include the recreational, conservation, and preservation uses of such area. The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency. Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress.

SEC. 68. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the comprehensive study and plan of development, Lower Rio Grande Basin, Texas, dated July 1969, prepared by the United States Department of Agriculture in cooperation with the Texas Water Development Board, the Texas State Soil and Water Conservation Board, and the Texas Water Rights Commission and to report thereon to the Congress. Such review shall specifically include the proposed Willacy-Hidalgo Floodwater Bypass, the Laguna Madre Floodwater Channel, and the North Floodway Channel in the Lower Rio Grande Basin in Willacy, Hidalgo, and Cameron Counties, Texas, as generally described in the recommendations for phase I contained in such report.

SEC. 69. The project for beach erosion control and hurricane (tidal flooding) protection in Dade County, Florida, authorized by section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483), is hereby modified to provide for initial construction by non-Federal interests, and for subsequent future nourishment by Federal or non-Federal interests, of the 0.85-mile project segment immediately south of Baker's Haulover Inlet, and for reimbursement of the applicable Federal share of those project costs as originally authorized. Federal reimbursement shall be contingent upon approval by the Chief of Engineers, prior to commencement of the work, of the detailed plans and specifications for accomplishing the work as being in accordance with the authorized project.

SEC. 70. Section 107(b) of the River and Harbor Act of 1970 (84 Stat. 1818, 1820) is hereby amended by deleting "July 30, 1974" and inserting in lieu thereof "December 31, 1976", and deleting "$6,500,000" and inserting in lieu thereof "$9,500,000".

SEC. 71. The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress not later than June 30, 1974, the survey report authorized by resolution of the Committee on Public Works, House of Representatives, dated October 12, 1972, concerning a modification of the Corpus Christi ship channel, Texas, project to provide increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas, and shall complete the advanced engineering and design for such modification by June 30, 1975. Such advanced engineering and design may be accomplished prior to authorization of the modification. The Secretary of the Army, acting through the Chief of Engineers, is authorized to accept funds made available by non-Federal interests and to expend such funds for the preparation of the survey report and accomplishment of the advanced engineering and design authorized and directed by this section. Such funds shall be repaid to such non-Federal interests out of moneys appropriated for construction of the modification.

SEC. 72. The project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965 (79 Stat. 1073), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect of the project. Construction of the beach erosion control aspect of the project may commence following the completion of environmental studies regarding that aspect, conducted pursuant to the National Environmental Policy Act of 1969.

SEC. 73. (a) In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages.

(b) Where a nonstructural alternative is recommended, non-Federal participation shall be comparable to the value of lands, easements, and rights-of-way which would have been required of non-Federal interests under section 3 of the Act of June 27, 1936 (Public Law Numbered 738, Seventy-fourth Congress), for structural protection measures, but in no event shall exceed 20 per centum of the project costs.

SEC. 74. The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, authorized by the Flood Control Acts of 1966 and 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers to initiate construction of the area VIII feature of the project, consisting of a low-flow dam, pumping station and pipeline, and a brine dam, prior to the approval required by section 201, of the Flood Control Act of 1970.

SEC. 75. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the need for and means of providing visitor protection services at water resources development projects under the jurisdiction of the Department of the Army, and to report thereon to the Congress, with his recommendations, not later than December 31, 1974.

SEC. 76. The paragraph of section 209 of the Flood Control Act of 1966, Public Law 89–789, authorizing and directing the Secretary of the Army, acting through the Chief of Engineers, to conduct a survey of the Great South Bay, New York, is amended to read as follows:

"Great South Bay, New York, including the waters of adjoining lesser bays and inlets with respect to water utilization and control. Such investigations and study shall include, but not be limited to, navigation, fisheries, flood control, control of noxious weeds, water pollution, water quality control, beach erosion, and recreation. Such survey shall be provided to the Congress by July 31, 1975, and shall include the use of a comprehensive computer model."

SEC. 77. (a) The Federal Water Project Recreation Act (79 Stat. 213) is hereby amended as follows:

(1) Strike out "and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be" in section 2(a) and insert in lieu thereof "and to bear one-half the separable costs of the project allocated to recreation, one-quarter of such costs allocated to fish and wildlife enhancement".

(2) Strike out "not more than one-half the seperable costs" in section 2(a)(3) and insert in lieu thereof "one-half the separable costs of the project allocated to recreation and three-quarters of such costs allocated to fish and wildlife enhancement".

(3) Strike out "bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be" in section 3(b)(1) and insert in lieu thereof "bear one-half the costs of lands, facilities, and project modifications provided for recreation, one-quarter of such costs for fish and wildlife enhancement".

(b) The amendments made by this section shall apply to all projects the construction of which is not substantially completed on the date of enactment of this Act.

(c) In the case of any project (1) authorized subject to specific cost-sharing requirements which were based on the same percentages as those established in the Federal Water Project Recreation Act, and (2) construction of which is not substantially completed on the date of enactment of this Act, the cost-sharing requirements for such project shall be the same percentages as are established by the amendments made by subsection (a) of this section for projects which are subject to the Federal Water Project Recreation Act.

SEC. 78. The project for flood protection on Indian Bend Wash, Maricopa County, Arizona, authorized by the Flood Control Act of 1965 (79 Stat. 1083) is hereby modified to provide that all costs of the siphon system from the Arizona Canal, required to be provided in connection with the relocation of irrigation facilities, shall be paid by the United States.

SEC. 79. The multiple purpose plan for the improvement of the Arkansas River and tributaries, authorized by the Rivers and Harbors Act of July 24, 1946, as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to reassign the storage provided in the Oologah Reservoir for hydroelectric power production to municipal and industrial water supply and to make such storage available for such purposes under the Water Supply Act of 1958, as amended.

SEC. 80. (a) The interest rate formula to be used in plan formulation and evaluation for discounting future benefits and computing costs by Federal officers, employees, departments, agencies, and instrumentalities in the preparation of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects shall be the formula set forth in the "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published as Senate Document 97 of the Eighty-seventh Congress on May 29, 1962, as amended by the interest rate formula issued by the Water Resources Council and published in the Federal Register on December 24, 1968 (33 F.R. 19170; 18 C.F.R. 704.39), until otherwise provided by a statute enacted after the date of enactment of this Act. Every provision of law and every administrative action in conflict with this section is hereby repealed to the extent of such conflict.

(b) In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed, unless otherwise provided by a statute enacted after the date of enactment of this Act.

Sec. 81. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the feasibility and practicality of constructing, operating, and maintaining in the vicinity of Duluth, Minnesota, a hydraulic model of all or a part of the Great Lakes and their connecting channels and an associated technical center, and to report thereon to the Congress with recommendations not later than June 30, 1976.

Sec. 82. Section 5 of the Flood Control Act approved August 18, 1941 as amended (33 U.S.C. 701n), is amended as follows:

(1) The first sentence is amended by striking out "in the amount of $15,000,000".

(2) By inserting immediately after the first sentence the following new sentence: "The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean drinking water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality."

(3) The proviso in the next to the last sentence is amended by striking out "of said sum," and inserting in lieu thereof the following: "of sums to such emergency fund,".

Sec. 83. (a) The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 30, 1935 (49 Stat. 1028) and the Act of August 20, 1937 (50 Stat. 731) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in connection with the construction of the Bonneville second powerhouse, to relocate the town of North Bonneville, Washington, to a new townsite.

(b) As part of such relocation, the Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate in the planning of a new town with other Federal agencies and appropriate non-Federal interests; to acquire lands necessary for the new town and to convey title to said lands to individuals, business or other entities, and to the town as appropriate; and to construct a central sewage collection and treatment facility and other necessary municipal facilities.

(c) The compensation paid to any individual or entity for the taking of property under this section shall be the amount due such individual for entity under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 less the fair market value of the real property conveyed to such individual or entity in the new town. Municipal facilities provided under the authority of this section shall be substitute facilities which serve reasonably as well as those in the existing town of North Bonneville except that they shall be constructed to such higher standards as may be necessary to comply with applicable Federal and State laws. Additional facilities may be constructed, or higher standards utilized, only at the expense of appropriate non-Federal interests.

(d) Before the Secretary of the Army acquires any real property for the new townsite appropriate non-Federal interests shall furnish binding contractual commitments that all lots in the new townsite will be either occupied when available, will be replacements for open space and vacant lots in the existing town, or will be purchased by non-Federal interests at the fair market value.

Sec. 84. (a) The project for flood protection on Four-mile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 84–298), is hereby modified to incorporate the following:

(1) A channel capacity sufficient to accommodate flood flows of twenty-seven thousand cubic feet per second;

(2) An increase in channel bottom widths along Fourmile Run from one hundred seventy-five to two hundred feet from Mount Vernon Avenue to Long Branch and from one hundred fifty to one hundred seventy-five feet above Long Branch, and, along Long Branch, from forty to sixty feet.

(3) The deletion of the pumping stations, ponding areas, and levees, except for a short levee on Long Branch and the substitution therefor of bank retention structures, including walls where required due to space limitations, and flood proofing by non-Federal interests of existing and future structures as necessary to provide protection against a one hundred-year flood;

(4) The addition of recreation as project feature including pedestrian and bike trails, active and passive recreation areas, picnic areas, and protection of existing marshland area.

(b) Prior to initiation of construction of this project, appropriate non-Federal interests shall agree to—

(1) provide without cost to the United States all lands, easement, and rights-of-way necessary for construction of the project;

(2) accomplish without cost to the United States all relocations and alterations to existing improvements, other than railroads and the George Washington Memorial Parkway Bridge, which may be required by the construction works, including the reconstruction of the existing United States Route 1 highway bridge with its approach ramps;

(3) hold and save the United States free from damages due to the construction works;

(4) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army;

(5) prevent encroachment on the project flood channels that would decrease the effectiveness of the flood control improvement;

(6) provide at their own expense flood proofing of existing and future building and other measures as necessary to provide flood protection against a one hundred-year flood;

(7) develop a land management planning process acceptable to the Secretary of the Army for the entire watershed, including political jurisdictions of Arlington and Fairfax Counties and the cities of Alexandria and Falls Church, to insure that future development in the basin will not result in increased runoff which would impair the effectiveness of the flood control improvement;

(8) develop a land use management planning process satisfactory to the Secretary of the Army for the area protected by the project and other areas within the jurisdiction of the non-Federal interest or interests furnishing the cooperation for the project, which will insure, among other things, that future development will not be permitted in flood prone areas unless suitable structural or non-structural flood control measures are first undertaken by non-Federal public or private interests at no expense to the Federal Government;

(9) contribute in cash toward construction of the project a sum estimated at $2,439,000, as follows:

(A) city of Alexandria—one-half the cost of construction of the channels and floodwalls between Commonwealth Avenue and Interstate 95, or $1,500,000, whichever is greater,

(B) Arlington County—$500,000,

(C) Richmond, Fredericksburg, and Potomac Railroad Company—$439,000;

(10) pay 50 per centum of the separable costs of the project allocated to recreation, consistent with the Federal Water Project Recreation Act (Public Law 89–72).

(c) There is authorized to be appropriated to the Secretary of the Army for construction of the Fourmile Run project not to exceed $29,981,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in the cost of construction as indicated by engineering cost indexes applicable to the type of construction involved.

Sec. 85. (a) The projects for Verona Dam and Lake, Virginia, and for Sixes Bridge Dam and Lake, Maryland, are hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343 as modified by the recommendations of the Chief of Engineers in his report dated July 13, 1973, except that such authorization shall be limited to the phase I design memorandum of advanced engineering and design, at an estimated cost of $1,400,000.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake an investigation and study of the use of waters in the Potomac River estuary as a source of water supply for the Washington metropolitan area, including the construction, operation, and evaluation of a pilot plant for the treatment of such waters, at an estimated cost of $6,000,000.

(c) The Secretary of the Army, acting through the Chief Engineers, is authorized and directed to review the comprehensive study of the Potomac River basin contained in House Document Numbered 91–343 and to report thereon to the Congress with recommendations as to those water resources development and conservation measures which are needed to meet the future water resources needs of the Washington metropolitan area, including water supply; water quality; wastewater management alternatives; flood control, including structural and nonstructural alternatives; recreation; fish and wildlife enhancement; and other purposes. The study of measures to meet the water supply needs of the Washington metropolitan area shall be coordinated with the Northeastern United States water supply study authorized by the Act of October 27, 1965 (79 Stat. 1073).

Sec. 86. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to assist the National Park Service in the National Park Service's program to plan for, design, and implement restoration of the historical and ecological values of Dyke Marsh on the Potomac River. Such assistance may include, but need not be limited to, furnishing suitable fill material obtained from the Potomac River or its tributaries, its placement, upon request, and engineering and technical services.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make an investigation and study of the siltation and sedimentation problems of the Potomac River basin with particular emphasis on these problems as they exist in the Washington metropolitan area of the basin. This study is to be made in consultation with the Departments of Interior and Agriculture, the Environmental Protection Agency, and other interested Federal, State, and local entities and is to include, but need not be limited to, a description of the extent of such problems together with the Chief of Engineer's recommendations on feasible and environmentally sound methods of removing polluted river bed materials to enhance water quality, recreation use, fish and wildlife, navigation, and the esthetics of the basin, as well as his recommendations on alternative methods and sites for the proper disposal of such materials, The Secretary of the Army shall transmit this study and the Chief of Engineer's recommendations to the Congress no later than three years from the date of enactment of this Act.

Sec. 87. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the comprehensive plan for flood control and other purposes for the Mississippi River and tributaries, approved by the Flood Control Act of June 15, 1936, as amended, to determine the feasibility of modifying the project to provide that the channel of Bayou Courtableau be enlarged from Washington to the west protection levee in lieu of the authorized Washington-to-Courtableau diversion, and that additional culverts through the west protection levee be provided as necessary for the increased flow.

Sec. 88. (a) The project for flood control below Chatfield Dam on the South Platte Control Act of 1950 (64 Stat. 175), is hereby River, Colorado, authorized by the Flood modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately down stream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

Sec. 89. The project for the Rogue River, Oregon and California, authorized by section 23 of the Flood Control Act of 1962 (76 Stat. 1173, 1192) is hereby modified to provide that, with respect to the irrigation aspect of the Applegate Dam and Reservoir, appropriate non-Federal interests shall make necessary arrangements with the Secretary of the Interior, prior to use of the project for irrigation, for repayment under the provisions of the reclamation laws of the costs allocated to irrigation.

Sec. 90. That plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide all communities in the Tug Fork Valley of the Big Sandy River Basin, Kentucky, Virginia, and West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing similar to the measures described by the Chief of Engineers in the "Report on Tug Fork, July 1970", except that such authorization shall be limited to the phase I design memorandum stage of advanced engineering and design at an estimated cost of $1,290,000.

Sec. 91. The New York Harbor collection and removal of drift project is hereby modified in accordance with the recommendations contained in "Survey Report on Review of Project, New York Harbor Collection and Removal of Drift," dated June 1968, revised March 1969, and April 1971, on file in the Office, Chief of Engineers. There is authorized to be appropriated not to exceed $14,000,000 to carry out the modification authorized by this section.

Sec. 92. (a) The hurricane-flood protection project on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298) is hereby modified to provide that non-Federal public bodies may agree to pay the unpaid balance of the cash payment due, with interest, in yearly installments. The yearly installments will be initiated when the Secretary determines that the project is complete but in no case shall the initial installment be delayed more than ten years after the initiation of project construction. Each installment shall not be less than one twenty-fifth of the remaining unpaid balance plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment, including interest, within twenty-five years of the initiation of project construction.

(b) The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85–500).

(c) Any payment agreement pursuant to the provisions of this Act shall be in writing, and the provisions of subsections (b), (c), and (e) of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall be applicable to such written agreement.

Sec. 93. Section 107 of the River and Harbor Act of 1948 (62 Stat. 1174) is amended by striking out "$22,000" and inserting in lieu thereof "$45,000".

Sec. 94. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, in coordination with the State of Kentucky and appropriate local agencies, (1) to repair existing flood damage to River Road at Rabbit Hash, Boone County, Kentucky, or, as appropriate, to relocate River Road, (2) to repair existing flood damage to Huff Road (also known as Ryle Road) at Hamilton Landing, Boone County, Kentucky, or, as appropriate, to relocate Huff Road, and (3) to construct needed streambank protection works to prevent future erosion damage to public and private facilities at and near Boone County, Kentucky.

(b) There is authorized to be appropriated not to exceed $375,000 for the roadwork authorized by this section and not to exceed $600,000 to construct the bank protection works.

Sec. 95. The project for Russian River, Dry Creek, California, as authorized in section 203 of the Flood Control Act of 1962 (76 Stat. 1173), as modified, is further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to compensate for fish losses on the Russian River which may be attributed to the operation of the Coyote Dam component of the project through measures such as possible expansion of the capacity of the fish hatchery at the Warm Springs Dam component of the project.

Sec. 96. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate and study the feasibility of acquiring, as a part of the project for Kehoe Lake, Kentucky, authorized by the Flood Control Act of 1966, an area consisting of approximately 4,000 acres for maintenance in its natural state and for the purpose of environmental investigations.

Sec. 97. (a) If the Secretary of the Army acting through the Chief of Engineers, finds that the proposed project in Salisbury, Maryland, to be undertaken at the locations to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structures, in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the South Prong of the Wicomico River in Wicomico County, State of Maryland, bounded and described as follows, are declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given, consistent with subsection (b) of this section, to the filling in of a part thereof or the erection of permanent pile-supported structures thereon: That portion of the South Prong of the Wicomico River in Salisbury, Maryland, bounded on the east by the west side of United States Route 13; on the west by the west side of the Mill Street Bridge; on the south by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge; and on the north by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge.

(b) This declaration shall apply only to the portions of the areas described in subsection (a) which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Such bulkheaded and filled areas or areas occupied by permanent pile-supported structures shall not reduce the existing width of the Wicomico River to less than sixty feet and a minimum depth of five feet shall be maintained within such sixty-foot width of the Wicomico River. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

Sec. 98. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the removal of silt and aquatic growth from Broadway Lake, Anderson County, South Carolina, at an estimated cost of $400,000.

Sec. 99. The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–366, at an estimated cost of $5,232,000. The Secretary of the Army is also authorized to undertake all or part of the additional fish and wildlife enhancement measures recommended by the Department of the Interior in its comments in such House document. Such measures shall not exceed thirty thousand acres of land. Appropriate non-Federal interests shall contribute 100 per centum of the costs of any such measures undertaken. The provisions of this section shall be effective only if approved by the district court for the Eastern District of Arkansas, Western Division, in its decision in the case of E.D.F. and others vs. Froehlke, and others.

Sec. 100. The Knife River Harbor project on Lake Superior, Minnesota, is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to construct such measures as the Chief of Engineers determines necessary to correct the design deficiency which results in unsatisfactory entrance and mooring conditions at such harbor, at an estimated cost of $850,000.

Sec. 101. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

SEC. 102. This title may be cited as the "Water Resources Development Act of 1973".

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 98, strike out lines 18 through 23 and insert in lieu thereof the following:

"SEC. 43. Any proposed road to the Zilpo Recreation Area shall not be constructed under the Cave Run Lake project in Kentucky authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, until there is a full opportunity for public review and comment on the environmental impact statement pertaining to any such proposed road."

Mr. ROBERTS. Mr. Chairman, a provision was included in last year's vetoed bill and in this year's bill, as reported out of subcommittee, which provided that any proposed road to the Zilpo Recreation Area at the Cave Run Lake project in Kentucky shall not be constructed until there is a full opportunity for public review and comment on the environmental impact statement. This section was amended in the committee markup session to prohibit the construction of any such road which would bisect the Pioneer Hunting Area in the Daniel Boone National Forest.

After further consideration, it is our judgment that we should wait until completion and review of the environmental impact statement, so that all the facts are available and there has been full opportunity for public review, before a decision is made as to the location of the road. Accordingly, the committee amendment substitutes the original language of section 43.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with interest to the explanation offered by the chairman of the subcommittee. It just seems to me that this is a situation where the left hand of the Government does not know what the right hand of the Government is doing.

The other body has just designated, in S. 1983, this entire area as a wilderness area. S. 1983 provides as follows:

That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(b)), those lands in the Daniel Boone National Forest, Kentucky, comprising the Pioneer Weapons Hunting Area and consisting of approximately seven thousand three hundred acres, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made. A copy of such map and description shall be on file and available for public inspection in the offices of the Chief, Forest Service, United States Department of Agriculture.

SEC. 3. The wilderness area designated by this Act shall be known as the Cave Run Wilderness and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as precluding the construction of a Zilpo recreation site access road generally on a route extending northward from Forest Development Road Numbered 129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area, or as affecting or modifying in any manner the 1962 Cooperative Management Plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area within the Daniel Boone National Forest.

The bill is now in conference and they are comparing H.R. 37 with S. 1983 as passed by the Senate, a bill which came out of the Committee on Merchant Marine and Fisheries.

The President has sent to the Congress a message asking that there be a number of eastern wilderness areas designated. Certainly it seems to me that the language that is in the bill at the present time is in keeping with what the President has asked for.

I have seen a map that has been handed to me by the executive branch of the Government. The proposed road will split this area in two, and as such would violate the very principle of the Wilderness Act passed in 1964.

This area is now known and designated in the Daniel Boone National Forest as the Pioneer Weapons Hunting Area. It is the only area under the American flag where the only hunting that is permitted is that type of hunting done in the pioneer days. One has to use a bow and arrow, a crossbow or a muzzle-loading rifle. No modern methods are allowed, at least as we call them now, no modern rifles, et cetera, are allowed to be used in this area.

The proposed road splits this area in two. I can only tell the House that another agency of the Government, namely, the Forest Service and the Forest Reservation Commission, has this entire area under consideration. There is a fight right now between the Corps of Engineers, who have built Cave Lake and who want to put up recreational areas, as to whether or not they should put up a recreational area in this designated park. I gather from the Forest Service that they have absolutely no objection to sites 1, 2, 3, and 5, which are outside of the area where this proposed road is to be built, but there is also an application and an effort on behalf of the Forest Reservation Commission to acquire the only in-holdings in that part of the Daniel Boone National Forest. The only purpose of building a road is to open up a little private land that is in there right now.

I certainly would say to my colleague that the language he has in the bill at the present time is a great deal better than the language which he proposes. I would sincerely hope that he could withdraw his amendment and, in view of what the administration has asked for, keep this right where it is.

We are faced with a situation where there are three committees at the present time fighting over jurisdiction in this matter. The gentleman's committee now claims some jurisdiction over it as far as building a road is concerned. The House Interior Committee has felt likewise. The Merchant Marine and Fisheries Committee, since it is a wilderness area, wants to take it out of the endangered species bill, so for that reason, I think the language which is proposed in the bill is excellent.

Mr. Chairman, if the gentleman has any comment, I would be delighted to hear it.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this problem lies entirely in the district that I am privileged to represent in Kentucky. We have spent $25 million down there building the Cave Run Reservoir.

Back in 1967, the Forest Service, the Corps of Engineers, the Fish and Wildlife people, and the State highway department, the county, got together and decided on what would be the best way to get to the Zilpo recreational facilities.

Let me say something to all the Members. If this was for a few private people, CARL PERKINS would not be in this well today, and I will put a statement in the record outlining the facts. This is for the general public.

The Forestry Service owns all the land next to the shoreline, and they have spent some $2 million already building recreational facilities in this area. Without a road, one cannot reach this area other than by boat.

We have to have a road to this recreational area, which has been developed by the Corps of Engineers, the Forest Service, the Fish and Wildlife people, and by the local governments. Every local government in the area has gone along with this road. Every chamber of commerce in the area has gone along with this road.

Mr. Chairman, there has been this agreement because this road will open up to the general public and to the Nation a new reservoir area for recreational purposes.

The reservoir was built primarily for flood control purposes, and the recreational part of it was developed by the Forest Service and by the Corps of Engineers jointly.

I want to say something about the issue of private land. We talked with the Forest Service this morning, and the Corps of Engineers. I believe all Members will be interested in this, because there is an insinuation that we are trying to build a road for some private people.

My office was told this morning the people that were left in the area, they felt it was best not to buy the property and my statement will explain the reasons. They did not think, from a governmental viewpoint, it was wise to buy those tracts, and regardless of where the road was built it was stipulated in the contract that they would have access.

This road from an environmental standpoint, is much better than any other proposed road, according to the Corps of Engineers, and according to the Forest Service.

It was more than 3 years after the agreement and after the road had been designed that an objection was raised by some sportsmen. I take off my hat to no one as to being a sportsman.

I will say to my colleague that the majority of the sportsmen in this area want this road. We want a road so that the whole country can benefit from this area.

Let us not forget we have already spent $25 million and presently we have to get to the lake by boat.

I should like to discuss this matter in greater detail because it is so important.

It has been suggested in a letter delivered to the Members this morning that Forest Road 918, as proposed by the Corps of Engineers and the Forest Service, is a boondoggle to serve some private property on Cave Run Lake.

We are told that apparently the owners would like to develop this property as a recreation area, and they want the taxpayers to pay for the road to their development.

If that were the truth, Mr. Chairman, no one would oppose it more vigorously than I.

The truth is that there are two parcels of private property in the general area, involving some 330 acres. About 300 acres belong to a family named Cassidy, and 35 acres are listed as belonging to Minnie Richardson et al. It is not directly on the lake, but the corps advised me this morning that at some points it comes within about 300 feet of the lake pool. It is rough land, and from what the corps tells me, does not readily lend itself to major recreational development, beyond some cabins and rough camping sites.

This property will have access through the proposed Forest Road 918. And it will have to have access through any alternate road that may be required if Forest Road 918 is not built.

I asked the corps why this property was not acquired along with other property for the Cave Run development. I was told that this was carefully considered, and that it was determined purchase of this property would have required the acquisition of a great deal of additional land as compensation—and that the Government simply got a better deal by not acquiring the Cassidy and Richardson property but providing access through the Zilpo Road—whatever the route.

But let me make it perfectly clear that the area Forest Road 918 is designed to serve is the Zilpo Recreation Area. That area is being developed by the Forest Service with funds appropriated by this Congress upon recommendation of the distinguished gentlelady from Washington (Mrs. HANSEN), and the Subcommittee on Interior and Related Agencies.

It is a hoax to say that the taxpayers are being asked to build a $1,990,000 road to a private development. The road is primarily to serve a Forest Service facility designed for the benefit and enjoyment of all of the people.

And let me make one additional point. Whether we build Forest Road 918 now, or wait several years and build the road proposed by the sportsmen's group—the Cassidy property will have to be provided access through it. That was part of the purchase agreement between the owners and the Corps of Engineers.

Mr. Chairman, this is the background information on this amendment:

Several years ago, upon funding of the Cave Run Lake construction, the Forest Service and the Army Corps of Engineers signed an agreement to develop a substantial recreation complex in the Daniel Boone National Forest surrounding the lake.

The central feature of this complex is the Zilpo Point Recreation Area, which would be complete with boat-launching ramps, camping facilities, shelter house, sewer and water facilities, and the like. A great deal of money has already been appropriated and spent on this development.

The routing of the access road to Zilpo Point was agreed upon 6 years ago in a public meeting at Owingsville, Ky., attended by representatives of the Corps of Engineers, the Forest Service, and the citizens of the adjacent communities. The design was made, and the Corps of Engineers is ready to move.

At some later date, some outside interests and groups objected to the routing on the grounds that it bisected an area that had been set aside in the Daniel Boone National Forest for hunting with bows and arrows, crossbows, and muzzle loading weapons.

The Corps of Engineers and the Forest Service did take another look at the routing. In fact, they have been looking for 6 years. The routing they have proposed is preferable to all of the alternatives available to them.

To begin with, the proposed routing will cost nearly a million dollars less than the alternate route proposed by a sportsmen's group.

Environmentally, the proposed road is substantially preferable to the alternate. Steep grades, cuts and fills with loose rock and debris make the alternate route more dangerous. The alternate provides greater soil erosion and slide potential than the ridge-top road proposed by the Forest Service and the Corps of Engineers. The alternate road will provide poor access to the forest from the standpoint of fire protection. It will have greater impact upon water quality than the proposed road. It will provide limited access for timber management in the National Forest.

As for scenic beauty, the proposed road along the ridge-top provides maximum opportunities for overlooks, vistas, and scenic views. Scenic benefits are greatly diminished on the alternate route by scars left by large cuts and fills.

As for wildlife, it should be noted that this so-called primitive weapons area is not to be confused with a "wilderness" or "primitive" area. The management of this land is the same as other land in the Daniel Boone National Forest of which it is a part. The deer and turkey herds are not confined to the Primitive Weapons Area by any means, but utilize it just as they do any other part of the forest.

Mr. Chairman, the committee amendment, described as section 43, makes it impossible to construct the proposed road. We are placed in the absurd position of having appropriated hundreds of thousands of dollars of the people's money to develop the Zilpo Recreation Area—and then denying the people access to it, except by boat.

I did not know about this change until 2 days ago. Even though the area lies entirely within my district and the people of my district are the only ones affected, I was not given the opportunity to comment upon it—or even advised of it after the change was made.

I hope the committee will join in approving the amendment to restore the original language of the bill.

Mr. Chairman, I include relevant portions of the environmental impact statement prepared by the U.S. Army Corps of Engineers and other material at this point in the RECORD:

b. *Impact of the Proposed Action on Other Agency Projects*. Development of the project will directly or indirectly affect three other State or Federal agencies. These agencies are the U. S. Forest Service, the Commonwealth of Kentucky, Department of Fish and Wildlife Resources, and the Gateway Area Development District.

(1) The project area lies almost entirely within the proclamation boundary of the Daniel Boone National Forest; and under the terms of a memorandum of agreement between the Forest Service and the Corps of Engineers, all project lands, with the exception of those necessary for the operation of the dam will be transferred to the Forest Service for management. Some 30,668 acres of land will be transferred. The lake will inundate approximately 485 acres of Forest Service land at seasonal pool. The project will also affect portions of USFS lands through requirements for road relocations and access roads. One such road is the Zilpo access road or Forest Development Road No. 918. The Corps of Engineers Cave Run Lake Land Requirements Plan, Design Memorandum No. 5A and the U. S. Forest Service Composite Plan propose the use of the Zilpo site for camping, swimming, boat access and other uses. This site is located on a flood plain terrace which is bounded on the north and east by the proposed lake shore and on the south and west sides by the Pioneer Weapons Hunting Area. To reach the site, an adequate access road must be provided. Presently under consideration is a two lane, 20 foot wide 8½ mile long paved road which will bisect the Pioneer Weapons Hunting Area to reach Zilpo recreation site. Concern has been expressed by the League of Kentucky Sportsmen and various other organizations and individuals as to possible adverse effects to the area resulting from construction of the road. It should be noted that the Pioneer Weapons Hunting Area is not to be confused with a "wilderness" or "primitive" area. The area is essentially the same and is managed the same as other forest land in the Daniel Boone National Forest System. It differs only in that a State regulation restricts the use to particular types of weapons for hunting. A study is being initiated to determine the size and impact of the road on the turkey herd. Four major alternatives in the proposed road have been considered. (1) a shoreline route from State Highway 826 to State Highway 1274; (2) a proposal by the League of Kentucky Sportsmen recommending a route extending northward from FDR 129 the Pioneer Weapons Hunting Area (PWHA) and then joining the alignment of FDR 918; (3) a route that would come from the north

side of the lake across a bridge at a narrows near Zilpo to relocated Highway 1274 and from there along Wilson Hill across a 1200 foot bridge span with fill approaches; (4) no action to build a road and access by boat only. Evaluation of these alternatives and their consequences indicated that the proposed location through PWHA best meets the multiple-use objectives and minimizes the adverse impacts to the surrounding area. A comparison of the effects of the alternatives considered on major areas of concern is summarized and shown in Exhibit 29 and Exhibit 30 in the Technical Appendix, pages 61 and 62.

ZILPO RECREATION SITE ACCESS ROAD ALTERNATIVES

	Proposed road	Shoreline road	League of Kentucky Sportsmen road	Cross-Lake road	No road
Timber	Will provide best access for timber management activities.	Will provide limited access	Will provide limited access	Will provide limited access	Will restrict timber management activities.
Improvements	Will eliminate 5 mi of existing hiking trails and 1 wildlife waterhole.	No effect	No effect	No effect	No effect.
Recreation	Will provide access for better utilization of the Zilpo recreation area.	Will provide access, but will disrupt Caney recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will restrict the planned high level of development of the Zilpo site.
Special uses	Possible adverse impact from requests for access across rights-of-way into private tracts.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	No effect.
Wildlife	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will limit opportunities for wildlife habitat development.
Soil	Some soil displacement and erosion.	Greatest soil displacement and erosion due to more unstable soils and greater cuts and fills.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	No effect.
Water	Will adversely affect water quality during initial construction.	Will result in greater water quality deterioration for a longer period of time.	Will have greater impact than the proposed road, but less than the shoreline road.	Will have greater impact than the proposed road, but less than the shoreline road.	Do.
Fire	Will increase fire risk, and will provide best access for fire control.	Will increase fire risk, and will provide poor access for fire control.	Will increase fire risk, and will provide poor access along much of the route.	Will increase fire risk, and will provide poor access for fire control.	Fire suppression would be most difficult without road.
Safety	Predominantly ridgetop location will provide a greater degree of safety.	Excessive cuts and fills, danger of falling rocks and debris.	Steep grades, cuts and fills with loose rocks and debris.	Excessive cuts and fills, danger of falling rocks and debris.	No effect.
Remoteness	Will bisect the pioneer weapons hunting area, adversely affecting its remote qualities.	Will provide access only to perimeter of the area, with less effect on remoteness.	Will provide access only to perimeter of the area, with less effect on remoteness.	Will have least effect on remoteness of the area.	Area would become more remote with impoundment of the lake.
Asthetics	In some places the ridgetop landscape will be exposed, maximum opportunities for overlocks, vistas and scenic views provided.	Scenic benefits more than offset by scarred landscape caused by large cuts and fills required.	Scenic benefits diminished by scars from large cuts and fills.	Scenic benefits diminished by scars from large cuts and fills and by a large bridge crossing the lake.	Will limit opportunities for utilization of the area.
Road costs	$1,990,000	$8,135,000	$2,870,000	$4,860,000	Zero.
Future maintenance	Nominal cost based on ridgetop road with minimum cuts and fills.	Excessive cost due to major cuts and fills in unstable soils and large drainage structures.	Higher than normal cost due to large cuts and fills in unstable soils, several major drainage structures.	Higher than normal cost due to large cuts and fills in unstable soils and major drainage structures.	No cost.
Local economy	Will provide nearby recreation oriented enterprises with additional revenue.	Will have a greater influence on the economy due to heavier use and greater opportunity for development of private tracts.	Will provide nearby recreation oriented enterprises with additional revenue.	Will provide nearby recreation oriented enterprises with additional revenue.	No effect.

RESOLUTION

On motion of Commissioner Woodard, seconded by Commissioner Copher, all members present voting aye, it is hereby resolved that the Bath Fiscal Court go on record as being strongly in favor of construction of access road 918 leading from Highway 211 to Zilpo on the Bath side of the Cave Run Reservoir. It is the feeling of this Court that Bath County has contributed the greatest amount of taxable land area to the construction of the Cave Run Reservoir and unless this access road is constructed, Bath County will realize very little, if any, benefits from the construction of Cave Run Reservoir.

R. C. ALEXANDER,
Judge, Bath Fiscal Court.

RESOLUTION

On motion of Commissioner Tackett, seconded by Commissioner Sexton, all members present voting aye, it is hereby resolved that the Menifee Fiscal Court go on record as being strongly in favor of construction of access road 918 leading from Highway 211 to Zilpo on the Bath side of the Cave Run Reservoir. It is the feeling of this Court that Menifee County has contributed the greatest amount of taxable land area to the construction of the Cave Run Reservoir and unless this access road is constructed, Menifee County will realize very little, if any, benefits from the construction of Cave Run Reservoir.

SAM SWARTZ,
Judge, Menifee Fiscal Court.

RESOLUTION

The Montgomery County Fiscal Court in their regular meeting held September 4, 1973, having been advised of the desirability of the creation of Recreation Site No. 4, known as Zilpo, hereby votes unanimously to recommend that the construction of the access road 918 to the Zilpo site be constructed at the earliest possible date.

The above is a true copy of the resolution passed by the Montgomery County Fiscal Court on Sept. 4, 1973.

HARRY G. HOFFMAN,
Judge, Montgomery Co., Ky.

CITY OF MT. STERLING,
Mt. Sterling, Ky., September 12, 1973.

The Mt. Sterling, Kentucky, City Council passed unanimously the following Resolution at its regular meeting at Mt. Sterling City Hall, Tuesday, September 11, 1973, P.M.:

Resolved that the Mayor and City Council of Mt. Sterling Kentucky, go on record approving the retention of the particular road designated by the United States Forest Service and the United States Corps of Engineers as Forest Service Road No. 918, known as the Ridge Road, to Zilpo in Bath County, Kentucky, and that the deletion of this Road, as planned, be opposed.

A copy of this Resolution approving said Road and opposing its deletion, in any way, be sent to the Corps of Engineers and/or appropriate person or persons.

WESLEY R. BROOKS, *Mayor*.

CITY OF SALT LICK,
Salt Lick, Ky.

On a motion duly made and seconded the adopted:

RESOLVED, That the Salt Lick City Council is in favor and urges the construction of Forest Service Road 918, known as the Ridge Road, as proposed by the U.S. Army Corps of Engineers,

WHEREAS, The proposed road has been designed and is ready for contract and any alteration would result in a year or more delay.

WHEREAS, The proposed road is part of the network agreed upon at a public meeting with the Corp of Engineers.

RESOLVED FURTHER, That a copy of this resolution be sent to the U.S. Army Corps of Engineers, Congressman Carl D. Perkins, Senators Walter D. Hudleston and Marlow Cook.

MARTIN CRAIG,
Chairman of the Board.
BOB TIZZELL,
Clerk.

CITY OF FRENCHBURG,
Frenchburg, Ky.

On a motion duly made and seconded the following resolution was unanimously adopted:

Resolved, That the Frenchburg City Council is in favor and urges the construction of Forest Service Road 918 known as the Ridge Road, as Proposed by the Army Corps of Engineers.

Whereas, The proposed road has been designed and is ready for contract and any alternation would result in a year or more delay.

Whereas, The proposed road is part of the network agreed upon at a public meeting with the Corps of Engineers.

Resolved further, That a copy of this resolution be sent to the U.S. Army Corps of

Engineers, Congressman Carl D. Perkins, Senators Walter D. Huddleston and Marlow Cook.

Elwood Motley,
Chairman of the Board.
Miki Allen,
Clerk.

Resolution

On a motion duly made and seconded, the following resolution was unanimously adopted:

Resolved, that the Jeffersonville City Council is in favor and urges the construction of Forest Service Road 918, known as Ridge Road, as approved by the U.S. Army Corps of Engineers,

Whereas the proposed road has been designed and is ready for contract and any alternation would result in a year or more delay.

Whereas, the proposed road is part of the network agreed upon at a public meeting with the Corps of Engineers.

Resolved further, that a copy of this resolution be sent to the U.S. Army Corps of Engineers, Congressman Carl Perkins, Senator Walter Huddleston and Senator Marlow Cook.

Robert Brandenburg,
City Clerk.
Pauline Cole,
Mayor.

City of Salt Lick,
Salt Lick, Ky.

On a motion duly made and seconded at the regular meeting of the Salt Lick Volunteer Fire Department, Wednesday, August 29, 1973 the following resolution was adopted by unanimous vote:

Resolved, That the Salt Lick Fire Department go on record as being in support of the immediate construction of Forest Service Road 918 as now proposed by the U.S. Army Corps of Engineers.

It is further resolved, That a copy of this resolution be sent to Senators Marlow Cook, Walter D. Huddleston, Congressman Carl D. Perkins and the U.S. Army Corps of Engineers.

J. R. Reeves, *Chief.*
Johnson W. Razor, *Secretary.*

Salt Lick Chapter No. 563, O.E.S.,
Salt Lick, Ky., September 5, 1973.

To Whom It may Concern:

This is to advise that the membership of this organization is on record as being in favor of the construction of the Forest Service Road No. 918, known as the Ridge Road, into the Zilpo area of Cave Run Reservoir.

Patricia Grady Oldfield,
Matron.
Judy C. Jones, P.M.,
Secretary.

Mount Sterling-
Montgomery County
Chamber of Commerce,
Mount Sterling, Ky., September 6, 1973.
Army Corps of Engineers,
Louisville, Ky.

Dear Sirs: The Board of Directors of the Mount Sterling-Montgomery County Chamber of Commerce held its regular monthly meeting this sixth day of September and passed unanimously the following resolution:

The Mount Sterling-Montgomery County Chamber of Commerce hereby resolves its full support and encouragement to the Army Corps of Engineers in reference to the construction of Access Road 918 to the Cave Run Reservoir.

Very truly yours,
H. G. Reed, Jr.,
President.

Salt Lick Lodge No. 682, F. & A.M.,
Salt Lick, Ky., August 31, 1973.

To Whom It May Concern:

The membership of Salt Lick Lodge No. 682, F. & A. M. is in favor of the construction of Forest Service Road #918, known as the Ridge Road.

J. D. Evans, *Master.*
W. E. McKenzie, *Secretary.*

On motion of Mrs. Frank T. Jones, seconded by Mrs. David Clarke, carried unanimously, it is hereby RESOLVED that the Owingsville Woman's Club go on record approving the retention of that particular road designated by the United States Forest Service as #918, known as the Ridge Road, to Zilpo, in Bath County, Kentucky, in the Cave Run Lake Project and that the deletion of this road as planned be opposed by the Owingsville Women's Club and that a copy of this Resolution approving said road and opposing its deletion in any way be sent to Congressman Carl D. Perkins for presentation to Congress and/or the appropriate Congressional Committee.

Dated: August 29, 1973.

Mrs. Thomas Maze, Mrs. Arnold Stacy, Jr., Mrs. R. Brooks Byron, Mrs. Jimmie L. Davis, Mrs. Oscar Dornell, Mrs. Frank T. Jones, Mrs. Jas. R. Ratliff.

Mrs. Jack Smoot, Mrs. George L. Thia, Mrs. Katherine Rogers, Mrs. W. Reitt Roberts, Mrs. Bob Roberts, Mrs. Jimmy Kissick.

Mrs. David Clarke, Mrs. Joe Thompson, Mrs. Sherman Goodpaster, Jr., Mrs. Roger O. Byron, Elizabeth H. Byron, Mrs. Hugh H. Owen, Jr., Mrs. E. Glenn Miller, Mrs. E. L. Butcher, Mrs. Jacob Snedegar, Mrs. B. L. Thompson, Sara Jane Orme.

Mr. GROSS. Mr. Chairman, I move to strike the required number of words.

Mr. Chairman, I should like to ask the the gentleman from Kentucky a question.

Mr. PERKINS. Yes, sir.

Mr. GROSS. When the gentleman spoke of "we" having spent $25 million for a lake in his district, whom did he mean by "we"?

Mr. PERKINS. I mean the Government, the U.S. Government.

Mr. GROSS. All right. The taxpayers of this country.

Mr. PERKINS. Yes, sir; the taxpayers of this country.

Mr. GROSS. I did not think the gentleman meant the people of his district or of the State of Kentucky had spent $25 million for a lake on which there is private property bordering on the lake for which a paved road is sought.

Mr. PERKINS. No. There is no private property bordering on that lake. None. I will put this in the Record. I am glad I contacted them today. I have got the record on that. There is not private property bordering on the lake anywhere.

Mr. GROSS. Does the gentleman mean the arm of that lake does not come down to private property?

Mr. PERKINS. No, there is no private property bordering on that lake.

Mr. GROSS. How far away is the private holding on the northeast side?

Mr. PERKINS. I cannot answer that.

Mr. GROSS. Or the southeast corner of that lake,

Mr. PERKINS. Quite some distance. This is an area where there is the Daniel Boone National Forest. The Government bought up most of the land.

Mr. GROSS. This is another one of those deals on the basis of "now you see it, now you don't."

The committee put in a restriction on the building of the road, and I believe it is a wise one, under section 43. The pertinent language reads:

> Any proposed road to the Zilpo Recreation Area shall not be constructed. . . .

And so on and so forth—

> which bisects those lands . . .

In this proposed wilderness area.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Not at this time. I will yield to the chairman in just a minute.

In the committee report accompanying the bill, dated October 3, 1973, which was only 9 days ago, states with reference to section 43 and the prohibition against road construction, that:

> This section will preserve the nature of the area. There is an alternate route, supported by the League of Kentucky sportsmen, that would skirt the Pioneer Weapons Hunting Area and still provide easy access to the Zilpo Recreation Area.

Now, what did the committee mean when it put that paragraph into the report, if it was not in justification of the section 43 that denied construction of the road?

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas, the chairman of the subcommittee.

Mr. ROBERTS. Mr. Chairman, the amendment the gentleman refers to, the language that is currently in the bill, was not in the bill reported to the full committee. It was put in by amendment in the full committee without any knowledge that the gentleman offering the amendment had any connection with it.

Mr. GROSS. Mr. Chairman, let me interrupt the gentleman.

This report was written after the full committee took action, was it not?

Mr. ROBERTS. The gentleman is correct.

This road does the same thing for a million dollars less.

Mr. GROSS. For what?

Mr. ROBERTS. For a million dollars less than the other one.

Mr. GROSS. Well, it would amount to $2 million, would it not?

Mr. ROBERTS. The gentleman is correct. The figure is $1,900,000.

Mr. GROSS. Mr. Chairman, it would amount to $2 million, all of which could very well be taken care of by the county or counties to be benefited or the State of Kentucky if this road is so necessary.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. ROBERTS. Mr. Chairman, under either amendment there is a guarantee to protect the environment, and if this subsequently is declared a wilderness area, of course, it cannot be built. It cannot be built anyhow until such time as the environmental impact statement has completely cleared, and there is plenty of time to act on it in the meantime.

Mr. GROSS. How about the road to be built to the east of the wilderness area?

Mr. ROBERTS. Mr. Chairman, I am not aware of the road the gentleman speaks about.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I would just like to take the time to point out something in answer to the statement that was made that the bill never passed.

I am reading now from the U.S. CONGRESSIONAL RECORD, and on the 24th day of July the Senator from Kentucky, Mr. COOPER, offered an amendment to a bill which was approved and which is now in conference. This appears on page 25690 of the CONGRESSIONAL RECORD.

So in answer to Members who get up and say the bill will never pass, it already has passed. It has passed, and creates a wilderness area in this section of Kentucky. Let the record show that I did not suck this information out of my thumb.

Mr. GROSS. Mr. Chairman, I suggest that this is the time and place to defeat the amendment offered by the gentleman from Texas and sustain the original action of the committee. The House ought to someday put an end to this now-you-see-it, now-you-do-not business—this business of saying one thing one day and doing something else the next. I do not know what prompts this proposed action here today, but it ought to be stopped.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 80 line 18 after the words "eight years" add "without any Congressional appropriations within the last eight years."

Mr. WRIGHT. Mr. Chairman, I believe the amendment I am offering carries out the intent of the committee and plugs a loophole which otherwise might have inadvertently appeared in the bill. The section which these words would amend is designed to provide a means of deauthorizing old projects on which there has not been any recent congressional action.

The bill as it comes before us makes this deauthorizing process applicable to those projects which have been authorized for a period of at least 8 years.

Some of us have begun to recognize, since it was called to our attention, a great many projects take many years longer than the 8 years after their authorization to realize their culmination. This provision, unless further clarified, might inadvertently create an opportunity for mischief. There are throughout the country, of course, a multitude of live, active and thoroughly viable projects that have been authorized longer than 8 years but which still have not been completed.

We do not believe that the committee intended to give to the Office of Management and Budget or to the Corps of Engineers the right to deauthorize those projects on which Congress is regularly and duly appropriating money and continuing construction nor those for which Congress has authorized money to complete planning looking forward to construction.

Therefore we simply suggest that these few words be added as a definition of those projects to which a deauthorizing process would be applicable. We think it should not apply so broadly to all that have been authorized for 8 years but rather to those that have not received any congressional appropriation in the last 8 years.

This would include most of the old projects that Congress is not really interested in pursuing. This would permit deauthorization of all the dead wood on which there has not been any action. But it would not permit someone in the OMB to come to us with a deauthorization list including projects on which there has been recent or current action and in which there is continuing congressional interest.

That is all the amendment would do, and I think it is what the committee desires and intends to do.

Mr. LANDRUM. Will the gentleman yield?

Mr. WRIGHT. I yield to my friend from Georgia.

Mr. LANDRUM. I think I understand what the gentleman's amendment does. As it is written in the bill, the OMB could arbitrarily wipe out a project where no money has been appropriated in the 8 years following authorization. Is that right?

Mr. WRIGHT. Unless my amendment is adopted, it could wipe out one in which money has been appropriated in the last 8 years, also.

Mr. LANDRUM. Let me cite for the gentleman a question. Let us take a project which was authorized by the Congress 8 or more years ago. The project involves road construction in two States. Some of the money for a part of the road in one State has been appropriated and spent and part of the construction has been completed. None of the money for the part in the other State has been appropriated and no construction has been undertaken. Does this amendment mean that the part in the State which has been authorized but for which there has been no appropriation can be wiped out by OMB, or would the part already authorized and appropriated for be constructed in the other State?

Mr. WRIGHT. As I understand the facts of the situation presented by the gentleman from Georgia, under the presently existing language in the bill, the OMB acting through the Chief of Engineers at their desire, might be able to list such a project for deauthorization if it was authorized 8 years or longer ago, regardless of whether some money has or has not been appropriated during that time. As to the question of the involvement of two States, I think the answer would depend upon whether the project was initially authorized as a single package.

Under the amendment which we propose, if money has been appropriated in the last 8 years, they could not list it for automatic deauthorization.

Mr. LANDRUM. Whether it had or had not been used in one of the States?

Mr. WRIGHT. Yes. Assuming it is all one project, I do not think that issue enters into the question at all.

Mr. LANDRUM. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, I move to strike the last word.

If I may have the attention of the gentleman from Georgia, who just had a colloquy with the gentleman from Texas, I think there has been a little misunderstanding about this amendment.

This is the deauthorization section of the bill that the gentleman from Texas (Mr. ROBERTS) described earlier. This is legislation that came about as a result of work I had done with the committee. A large dam had been authorized in Claremont, N.H. It had been authorized for years and years. It finally was deauthorized in 1970. The reason we wanted to get it deauthorized was because in the area of the proposed dam there could be no planning, people could not sell their homes, and the city could not plan for the future. The dam was hanging over the city of Claremont like a sword of Damocles. The Public Works Committee went along with us and last year deauthorized it, and thus set the hearts and the minds of the people of Claremont at rest.

Then I decided, in consultation with the gentleman from Texas (Mr. ROBERTS) and the committee staff, that we ought to have a general deauthorization section.

This is something that was very carefully drafted. I am sorry the gentleman from Texas (Mr. WRIGHT) has offered his amendment without any consultation with me, and to my knowledge with no consultation at all with the people who are interested at the staff level. This, as I say, was carefully drafted. Indeed, it was in the bill passed by Congress last year, and vetoed by the President.

I think the interchange with the gentleman from Texas (Mr. WRIGHT) contains certain misrepresentations.

First of all, the OMB is not in on this action; it is the Corps of Engineers. The Corps of Engineers has to submit a list of projects authorized for at least 8 years which are eligible for deauthorization. I would much rather see the gentleman's amendment set at 10 years, and take out this appropriation language.

But, then—and get this, and the gentleman from Georgia should be aware of this—we in the Committee on Public Works have a healthy skepticism of what some of these people downtown do. Therefore, we require that the corps' list must be submitted to both the Committee on Public Works of the House and the Committee on Public Works of the Senate. We have to approve it. I do not believe the Committee on Public Works is going to approve the deauthorization of a Trinity River project, or one of these other projects that maybe has not moved very fast, but is still on the books. I cannot conceive of the Committee on Public Works doing that.

Consequently, I do not understand why the gentleman from Texas has suggested this. I would ask the gentleman from Texas (Mr. WRIGHT) to take the microphone and explain to me why the gentleman is presenting this language.

I have no great pride of authorship. I am sure that any amendment I have ever drafted, even with the help of this able staff, could have been improved, so please do not get me wrong, Mr. WRIGHT. But, as far as I am concerned, the gentleman has pulled this out of his pocket, and at a late date. I just wondered why it is necessary.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think that most of the commentary the gentleman from New Hampshire has made is valid, and I know the gentleman did work very diligently and well to perfect the language of this section.

The essential problem that some of us saw in it, and I must admit we saw it belatedly, was a potential hazard of strict interpretation by someone in the executive branch. And while nothing in the language of this section specifically mentions OMB, I think the gentleman from New Hampshire realizes that those in the executive branch—and that includes the Army and the Corps of Engineers—do follow the suggestions of the OMB. And they could come in and offer a deauthorization of a project simply on the ground that it was authorized more than 8 years ago. I do not say that they would in a great many cases, but where they desired to do so they could.

That is what the language says.

Now, as the gentleman from New Hampshire full well knows, there are a great many still uncompleted projects that were authorized a long time ago, longer than 8 years ago, and on which there has been substantial planning and progress, and some of them have even begun construction. I do not believe the gentleman from New Hampshire intended to permit someone in the executive branch to set one of those projects up for deauthorization, which a strict construction of the language contained in the bill would permit.

This amendment was drafted, quite honestly, as the gentleman from New Hampshire suggests, at a late moment when some of us noted that oversight and decided that we should plug the hole so as to prevent that contingency.

The gentleman from New Hampshire is quite correct in saying that after such a deauthorization list came to the Congress our committee would have an opportunity to act so as to prevent deauthorization. But we would have to take the initiative, to act expeditiously and affirmatively to keep such a project on the books. If we did not act within 180 days, it would be automatically deauthorized, and I would not want to see that happen to any active project in which Congress has a continuing interest.

(By unanimous consent, Mr. CLEVELAND was allowed to proceed for 2 additional minutes.)

Mr. CLEVELAND. The gentleman from Texas concluded his remarks under the gavel. As I say, I was not made aware of this language until very recently. I wonder if the gentleman would feel better if, instead of 8 years, we called it 10 years. My question about the gentleman's language is the way it is drafted right now. So far as I can see, the gentleman could spend $1 on a telephone call to find out if the project was still on the books, and that would rule out any subsequent appropriation. There is no limit on his money.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. The proposition that the gentleman is raising is one that was brought up when Mr. Dondero from Michigan was chairman of the committee. He sought to have a general deauthorization bill, one that would make a time limitation on the projects. If they were not properly provided for by apppropriation, they would be dissolved, and they would be deauthorized. That proposition is pending before the committee to make a general review of a project heretofore authorized, because, as the gentleman well knows, it takes us from the time the project is authorized until it receives the first appropriation 10 years, 2 months. Consequently, we cannot be very impetuous or very desirous of moving with great haste and speed according to those kinds of situations.

So I wish the gentleman would defer the question that he now brings up until some other time, until we can give it complete attention.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA TO THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida to the amendment offered by Mr. WRIGHT: Strike out the words "the last eight years" and insert in lieu thereof "the last four years".

Mr. YOUNG of Florida. Mr. Chairman, the amendment is a serious amendment, but I should also like to have a discussion with the gentleman from Texas (Mr. WRIGHT). In reading this bill and in reading this amendment, I have a suspicion that this amendment would light a flickering but eternal flame at the gravesite of the Cross Florida Barge Canal. I wonder if the gentleman from Texas could alleviate my fears on that or tell me something that would make me feel better about that particular project.

Mr. WRIGHT. In response to the question of the gentleman from Florida, my interest is in a total of 757 projects. There are 203 projects on the active list and 554 projects on a somewhat deferred list. I do not know whether the Cross Florida Barge Canal is on the deferred list or not, but all I have to say about that is that if it is going to be officially deauthorized within 8 years of an appropriation, I should like Congress to be the one to act affirmatively to deauthorize it. I would not want to have it sent up here on a list compiled by someone in the OMB or someplace else and put us in the spot of having to act negatively within 180 days in order to keep it from being formally and legally deauthorized.

We in our judgment authorized it initially. New problems have arisen, I am sure, and I do not know the present status of that canal. I understand there is some problem at the OMB and elsewhere about it. I am talking, though, about a great many projects throughout the United States, and among them maybe the Cross Florida Barge Canal would be involved in this. But 4 years is a short period of time, it seems to me, considering the lengthy delays and the labyrinth of studies and plans and public hearings through which each of these projects must go from congressional authorization to turning the first spadeful of dirt.

As the gentleman from Alabama pointed out, that is an average of 10 years and 2 months. I just feel that Congress ought to retain to itself the right to keep these projects at least on the books. That does not mean that they are going to be built, and they will not be built unless Congress appropriates money for the building.

Mr. YOUNG of Florida. Does not the gentleman believe 4 years is sufficient time for Congress to take its action?

Mr. WRIGHT. I do not think so necessarily, because there are some projects for which we might appropriate, and then it would take 4 or 5 years to spend that appropriation. If they were moving slowly on that project and speeding up others, then we may not have to appropriate again for 5 years on that particular project.

I would not want to see it automatically deauthorized, just because there has not been an appropriation for 4 years, but I think 8 years is a reasonable time. If the project was authorized more than 8 years ago and if we had not appropriated any money for it in the last 8 years, maybe it ought to be sent up for deauthorization.

Mr. YOUNG of Florida. I appreciate the gentleman's information. I really do not see how the 4-year period of time would be too short a time for the Congress to reauthorize or deauthorize any of these projects.

I think a 4-year time period would be acceptable to the Congress. It certainly would be a workable time.

Mr. ROBERTS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. ROBERTS. The truth is that the average project now under construction was authorized 14 years ago. So 4 years would never get one started. I have one that took 7½ years just for engineering time.

I appreciate the gentleman yielding.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

I wonder if I could ask the gentleman from Texas a question with respect to the amendment to the amendment. The present provision of the public works bill provides that if there is a recommendation on the part of the Corps of Engineers that a project, after 8 years, be deauthorized, that project may be specifically deauthorized by action of the committee. Is that correct?

Mr. WRIGHT. That is not precisely correct. The bill does not provide that a project be specifically deauthorized by action of the Public Works Committee. The bill provides that the administration, or the Chief Engineer, might send us a list of projects which he thinks ought to be deauthorized, and perhaps he has been so advised by OMB, and if we did not act within 180 days to reverse that recommendation, they would be automatically deauthorized and all the work the Congress has put into them would be off the books.

I do not think Congress wants to put itself into that position easily. I think we have to indulge the presumption that Congress knew what it was doing in most of these cases when it authorized the project, and most especially if we have been appropriating money for the project. If we have not been appropriating money for certain projects, maybe they should be deauthorized. But I do not want to give anyone in the administrative branch too easy an opportunity to undo what Congress in its wisdom has done. That is the thrust of my amendment, and I hope the Members will vote against the amendment offered by the gentleman from Florida because I think 4 years is too short a time. I think my amendment carries out the intention of the committee.

Ms. ABZUG. May I ask the gentleman from Texas (Mr. WRIGHT), is it not true that the way this bill has been constructed by the Public Works Committee, if we have authorized preconstruction money, that construction can take place on condition that it meets environmental requirements? Is that not correct?

Mr. WRIGHT. That is correct, but the bill provides for automatic deauthorizations and I think 4 years is too short a time——

Ms. ABZUG. I am asking the question. I do not yield further to the gentleman. That is correct, is it not so?

We do know that we therefore authorize some money for preconstruction grants and then we may determine after that that the project is not eligible for construction because it lacks environmental or other requirements. Is it not so that under this amendment offered by the gentleman from Texas if there should be a determination by a city or a community or by environmentalists that the project should not be eligible for construction, we would not be able to deauthorize this project under the gentleman's amendment, even as amended by the amendment offered by the gentleman from Florida (Mr. YOUNG)? Is it not so that even if $1 were appropriated for this project, we would not be able to deauthorize it? Is that not the import of the amendment offered by the gentleman from Texas?

Mr. WRIGHT. If the gentlewoman will yield, we can deauthorize any project we want to at any time we want to and nothing in my amendment or in the bill prevents that. The Congress has had that right all along. The bill just simply sets up a procedure for the administration to send us projects for automatic deauthorization and forces us to act negatively within a specified period of time if we are to prevent deauthorization. I just do not want to make it too easy for the administration.

Ms. ABZUG. It would be so, would it not, I ask the gentleman from Texas, if $1 had been appropriated we would not be able to deauthorize that project under the gentleman's amendment?

Mr. WRIGHT. Mr. Chairman, I would say to the gentlewoman from New York that Congress is not in the habit of making frivolous appropriations of $1 just to keep a project going. And I would reiterate that Congress could act, if it should so desire, to deauthorize any project at any time. The only thing we are dealing with here is a newly proposed process of automatic deauthorization.

Ms. ABZUG. We have frequently authorized preconstruction grants, even though subsequently it is determined that construction should not go on; under this amendment, we would not be able to deauthorize a project.

Mr. WRIGHT. Under my amendment or the other amendment or under the bill itself, the gentlewoman from New York or any other Member could offer a motion at any time to deauthorize any project on the books. That right would not be foreclosed, whether or not my amendment is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG) to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 23; noes 57.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BYRON

Mr. BYRON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRON: Page 132, strike out lines 10 through 18, inclusive, and insert in lieu thereof the following:

SEC. 85. (a) The project for Verona Dam and Lake, Virginia, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91-343 as modified by the recommendations of the Chief of Engineers in his report dated July 13, 1973, except that such authorization shall be limited to the phase I design memorandum of advanced engineering and design, at an estimated cost of $735,000.

Mr. BYRON. Mr. Chairman, the amendment I have offered to H.R. 10203 would, quite simply, delete the language for the phase 1 authorization study of the Sixes Bridge Dam. This dam is located in Frederick County in the district I represent, approximately 55 miles from here on the Monocacy River.

There is a firm local opposition to the construction of this dam in Frederick County, Md. The county commissioners, the Soil Conservation District of Carroll County, the Frederick County Farm Bureau, the Thurmont mayor and commissioners, the Thurmont Civic Association—and I could name many other groups thaat are opposed to this dam.

Mr. Chairman, I do not argue with the fact that there is a water problem in the District of Columbia. I do contend, however, that there are solutions to these problems and that we can adequately explore them.

This year's Water Resources Act authorizes $6 million for a pilot plant to treat the water of the Potomac estuary here in Washington. This test of the estuarine waters should be carried out as quickly and as efficiently as possible. There are indications that the viral organism content of the estuarine waters is no higher than that of the free flowing Potomac River, which is being utilized for the water supply for the Washington area at this time.

With the scheduled improvement of Blue Plains and a fair test of the pilot plant, I feel that the estuary will be proven to be a reliable source of drinking water.

From the original package of 16 dams planned for the Potomac Basin in 1963, present plans have narrowed the choice to three; the Bloomington Dam, which is already being constructed in my district, Sixes Bridge, and Verona Dam in Virginia.

I have discussed this plan with knowledgeable engineers who have shown me comparisons between the cost benefits of Sixes Bridge and the other proposed dam sites. Some of these sites could provide the same amount of water as Sixes Bridge without the disruption of farms and families that Sixes Bridge would entail. These alternate dams would be closer to the Potomac and to Washington and could replenish the water supply at the Washington intake in a shorter period of time than Sixes Bridge. They could also pump and store unneeded releases from the Bloomington Dam for future use.

I would remind my colleagues that the Seneca Dam on the main stem of the Potomac was abandoned several years ago due to pressures applied by local residents of northern Virginia and Montgomery County, Md.

Of course, it will be argued that this is only a contingency authorization. The $665,000 for advanced design and engineering for Sixes Bridge Dam could and should be best applied for studies of alternate sites and the total restudy of the Potomac Basin. To spend this amount of money on phase I for a project that is almost unanimously opposed locally I believe is a misuse of taxpayers' dollars.

Federal funds have been spent to develop a master plan for Frederick County, and that master plan at this time does not include Sixes Bridges. We provide funds for master planning and then, in an uncoordinated Federal action, disrupt the plan that we have helped to underwrite.

I believe this $665,000 should not be spent.

I might add one other point. The proposed Sixes Bridge Dam would wipe out 11,000 acres of prime dairy land. This means 85 dairy farms. At a time when we have a critical milk problem, with milk prices soaring, it seems a mistake even to consider removing such dairy land from the Washington and Baltimore milk shed.

I ask for adoption of the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I want to say that the committee does not intend to authorize the building of the dam the gentleman from Maryland refers to.

Mr. Chairman, the committee worked very hard to come up with an approach to the problems in the Potomac River Basin. The plan we have come up with represents, in our opinion, the best practical approach to this matter. All of the provisions in section 85 are interrelated, and to remove any one of them would be very damaging to the overall plan. The plan consists of three interrelated elements. The Verona Dam in Virginia and the Sixes Bridge Dam in Maryland are authorized through the phase 1 design memorandum stage of advanced engineering and design. This does not constitute a decision on the part of the committee that these projects should be built. This is a decision for which much more information is needed. The purpose of the authorization is to allow the preliminary engineering work to proceed simultaneously with the other elements of the plan authorized by this section so that if it is later determined that these projects are needed, critical time will not have been lost.

The second element of the plan is an investigation of the use of the waters of the Potomac estuary as a source of water supply for the Washington Metropolitan Area. This study includes the construction, operation, and evaluation of a pilot water treatment plant. For some years it has been argued that the Verona and Sixes Bridge projects, as well as other proposed dams in the basin, are not necessary because the water needs of the Washington area can be met by the Potomac estuary. The construction, operation, and evaluation of a pilot treatment plant should finally settle the controversy over the use of the estuary waters and the need for alternate sources of water supply.

The third element of the plan is the most important. It directs a $5½ million review study of the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area.

The first Potomac River Basin Report was published in 1963 with the objective of producing a water resources development plan to provide the optimum contribution to the economic and social well-being of the people, industry, and business and social institutions of the basin. Major recommendations included the construction of 418 headwater reservoirs and 16 major reservoirs.

After a lengthy review process, including a special study directed by the President, the recommendation of the Secretary of the Army to Congress in 1970 was for authorization of two projects, Sixes Bridge and Verona. It was his view, and that of the Chief of Engineers, that although this was but a marginal interim solution to the water supply problem of the Washington metropolitan area, it was an essential first step.

The committee feels that there is a serious need for a review of this study in accordance with present-day policies and procedures. This review study will, among other things, examine alternatives to the Sixes Bridge and Verona projects and other previously proposed projects.

The committee feels strongly that the three-element plan authorized and directed by this section is the best means of securing the necessary information needed to arrive at a decision as to what must be done to meet the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area. The committee wishes to emphasize that in no event will the Sixes Bridge and Verona projects be authorized for construction unless the committee is satisfied, based on the results of the pilot program and on the comprehensive review study, that they are necessary.

The limited authorization of the Verona and Sixes Bridge projects was included for one reason: If the pilot treatment plant and study indicate that the Potomac estuary cannot be used for water supply, and if the review study of the basin concludes that there is no feasible alternative to these projects and they must be constructed to meet the water supply needs, then we will not have lost valuable time—we will be ready to authorize the projects for construction.

We would be derelict in our duty if we did nothing with regard to these two projects and simply stood by for the 3 or 4 years it will take to evaluate the use of the estuary. We cannot take that risk.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am most sympathetic to the amendment offered by the gentleman from Maryland. He came and talked to me specifically about this, expressing his concern on behalf of his constituents.

The same is true of the gentleman from Virginia (Mr. BUTLER), concerning the Verona project and also Mr. GOODLING of Pennsylvania.

Mr. Chairman, we recognized that projects of this type cannot help but cause a lot of controversy, and it is for that reason that the committee saw fit to put specific language in the report which would require that alternatives be given consideration during the advanced engineering and design stage.

I will read the specific language from the committee report so that the legislative history is clearly on the record. I quote,

> This review study will, among other things, examine alternatives to the Sixes Bridges and Verona projects and other previously proposed projects. It will consider the water resources needs of the basin and the metropolitan area in the most comprehensive manner, including various alternatives and combinations. . . .

Further,

> The Committee wishes to emphasize that in no event will the Sixes Bridges and Verona projects be authorized for construction until the Committee is satisfied, based on the results of the pilot program and on the comprehensive review study, that they are necessary.

I have conveyed this information to Mr. BYRON, Mr. BUTLER, and Mr. GOODLING directly and I want to restate it here today on the floor.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I want to commend the gentleman. This is exactly true.

The language in this permits us to look at every single alternative. We must find a source of water for metropolitan Washington.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the amendment offered by the gentleman from the Sixth District of Maryland should be supported in light of his adamant opposition and the feeling of the people in his district that this is a waste of $665,000.

Mr. Chairman, I have in the past supported the Sixes Bridge impoundment near Frederick, Md., because I believe it would serve as a source of water for the local area in which it would be constructed as well as an emergency source for the Washington metropolitan area. On April 26, 1973, I testified to this effect at the U.S. Army Corps of Engineers public hearing at the Department of Commerce in Washington, D.C.

At that time, I stated, however, that the views of the Congressman representing the area where the impoundment will be sited should be given full and due consideration. It now appears, Mr. Chairman, that the Public Works Committee did not take into consideration the views of the gentleman from Maryland's Sixth District, the Honorable GOODLOE BYRON. In fact, the gentleman was not even given the opportunity to testify before the committee on this project before it was put into the legislation.

Mr. Chairman, I do not believe that this body can best operate under conditions such as these. If a committee intends to place a project in a Member's district in the face of his opposition, it should be willing to give him the courtesy of being allowed to testify against it and the committee should also have to put forward very convincing reasons why this action is deemed necessary.

Mr. Chairman, I urge the House to support the motion offered by Congressman BYRON.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

I regret that the gentleman made that remark that the Congressman did not have an opportunity to testify. We held 4 weeks of hearings, and every single Member of Congress who wanted to appear had the opportunity. However, I think it is only fair to point out that at the time of our hearings, the report on the Potomac River projects was not yet before us, and, perhaps, on this basis, it may have been believed that the projects were not under consideration. The fact that we did not have the report before us at the time of the hearings is one of the primary reasons that we did not authorize the Sixes Bridge project for construction but only authorized advanced engineering and design on the project and then only as part of a three element plan to find a solution to the problems of the Potomac River Basin.

I urge the rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BYRON).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. (a) In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

	Date	Amount
Alabama-Coosa River Basin	Mar. 2, 1945	$31,000,000
Arkansas River Basin	June 28, 1938	14,000,000
Brazos River Basin	Sept. 3, 1954	19,000,000
Central and southern Florida	June 30, 1948	15,000,000
Columbia River Basin	June 28, 1944	94,000,000
Mississippi River and tributaries	May 15, 1928	211,000,000
Missouri River Basin	June 28, 1938	72,000,000
North Branch, Susquehanna River Basin.	July 3, 1958	64,000,000
Ohio River Basin	June 22, 1936	120,000,000
Ouachita River Basin	May 17, 1950	4,000,000
Red River Waterway project	Aug. 13, 1968	9,000,000
San Joaquin River Basin	Dec. 22, 1944	83,000,000
South Platte River Basin	May 17, 1950	15,000,000
Upper Mississippi River Basin	June 28, 1938	4,000,000
White River Basin	June 28, 1938	9,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $764,000,000.

SEC. 202. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93-151, and the monetary authorization for the Sacramento River Basin, basically authorized by the Act of December 22, 1944, is increased by not to exceed $16,000,000 for such purpose.

SEC. 203. This title may be cited as the "River Basin Monetary Authorization Act of 1973".

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I desire to commend the committee on this bill.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute as amended was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the committee rose; and the Speaker having resumed the chair (Mr. ROSTENKOWSKI) Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, pursuant to House Resolution 590, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole?

If not the question is on the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. ROBERTS. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 14, not voting 83, as follows:

[Roll No. 521]

AYES—337

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Badillo
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Gaydos
Gettys
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Huber
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Studds
Symms
Talcott

Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wylie
Wyman
Yates
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—14

Bafalis
Byron
Dennis
Goodling
Gross
Hudnut
Martin, Nebr.
Roncallo, N.Y.
Sarbanes
Schroeder
Steiger, Wis.
Wampler
Wydler
Young, Fla.

NOT VOTING—83

Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Baker
Bell
Brasco
Brotzman
Brown, Calif.
Broyhill, N.C.
Burton
Cederberg
Chisholm
Clawson, Del
Clay
Cochran
Conyers
Crane
Davis, Ga.
Dellums
Donohue
Dorn
Eilberg
Esch
Evins, Tenn.
Fish
Flowers
Frey
Froehlich
Fuqua
Giaimo
Goldwater
Green, Oreg.
Griffiths
Hammerschmidt
Hanna
Hawkins
Hays
Hébert
Howard
Ichord
Jones, Okla.
Lent
McClory
McCloskey
McCormack
McKay
Mailliard
Mallary
Mathis, Ga.
Melcher
Metcalfe
Mills, Ark.
Mitchell, Md.
Mosher
O'Hara
Peyser
Pickle
Podell
Quillen
Reid
Riegle
Rooney, N.Y.
Sandman
Satterfield
Shoup
Shriver
Snyder
Steed
Steelman
Stephens
Stokes
Sullivan
Symington
Taylor, N.C.
Ware
Wiggins
Winn
Wyatt
Yatron
Young, Alaska
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Howard with Mr. Steelman.

Mr. McCormack with Mr. Dellums.

Mr. McKay with Mr. McClory.

Mr. Donohue with Mr. Crane.

Mr. Metcalfe with Mr. McCloskey.

Mr. Pickle with Mr. Ashbrook.

Mr. Yatron with Mr. Mallary.

Mr. Ashley with Mr. Conyers.

Mr. Evins of Tennessee with Mr. Goldwater.

Mr. Mitchell of Maryland with Mr. Hanna.

Mr. Hays with Mr. Mailliard.

Mr. Riegle with Mr. Bell.

Mr. Andrews of North Carolina with Mr. Archer.

Mr. Brasco with Mr. Hammerschmidt.

Mr. Rooney of New York with Mrs. Griffiths.

Mr. Podell with Mr. Stokes.

Mr. Hébert with Mr. Mosher.

Mr. Satterfield with Mr. Baker.

Mr. Clay with Mr. Brown of California.

Mrs. Chisholm with Mr. O'Hara.

Mr. Burton with Mr. Lent.

Mr. Aspin with Mr. Hawkins.

Mrs. Green of Oregon with Mr. Esch.

Mrs. Sullivan with Mr. Peyser.

Mr. Mills of Arkansas with Mr. Broyhill of North Carolina.

Mr. Jones of Oklahoma with Mr. Brotzman.

Mr. Davis of Georgia with Mr. Quillen.

Mr. Eilberg with Mr. Fish.

Mr. Dorn with Mr. Cederberg.

Mr. Fuqua with Mr. Shoup.

Mr. Flowers with Mr. Del Clawson.

Mr. Giaimo with Mr. Frey.

Mr. Ichord with Mr. Cochran.

Mr. Mathis of Georgia with Mr. Snyder.

Mr. Steed with Mr. Froehlich.

Mr. Reid with Mr. Shriver.

Mr. Melcher with Mr. Ware.

Mr. Symington with Mr. Young of Alaska.

Mr. Taylor of North Carolina with Mr. Winn.

Mr. Stephens with Mr. Wyatt.

Mr. Young of South Carolina with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senator to the Joint Resolution (H.J. Res. 727) entiled "a Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes."

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on H.R. 10203, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. PETTIS. Mr. Speaker, on electronic rollcall 520, I am recorded as having voted "no." I intended to vote "aye" and would like the official Record to show this correction.

CONFERENCE REPORT ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT AMENDMENTS OF 1973

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kentucky if he proposes to take some time to explain this conference report?

Mr. PERKINS. Mr. Speaker, I do.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 3, 1973.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I bring up today for consideration the conference report on H.R. 9639, a bill to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

This bill was approved by the House of Representatives on September 13 and approved by the other body on September 24. The conferees on the bill met on October 1 and 2 and have submitted the conference report now before the House.

Mr. Speaker, the child nutrition programs, including lunches and breakfasts as well as the special milk program are being severely and adversely affected by the sharp increases that have occurred in the cost of food, particularly, and other costs as well. This is true, quite simply, because the first purpose of these programs is to provide good nutritious food to our Nation's children. Food costs alone account for over 50 percent of the total cost of providing lunches. Hence, when you have a 30-percent increase in food prices in just a 12-month period, the financial impact on the school lunch program has to be severe and far-reaching. In essence, it threatens the entire structure and framework under which lunches are being served daily to some 25 million children across the country.

In this period of crisis, school lunch programs in all sections of the country are asking for our financial help. They are also seeking help and increased funding from their State and local governments because the bill before us goes only part way toward meeting the higher operating costs that are being encountered by the schools this year. Frankly, in my view, I would wish that this bill were more generous in helping meet the needs of the school feeding programs so that many more children could be reached with the kind of nutrition they need.

Overall, it is my fervent hope that the passage of this bill will provide a considerable measure of assurance to school lunch officials across the country that the Federal Government does not intend that the schoolchildren of this Nation shall be the victims of inflationary pressures that could destroy the child nutrition programs.

H.R. 9639, as reported by the conference, contains all of the basic features which were included when it passed the House:

First. The Federal reimbursement for all lunches served has been increased from 8 cents to 10 cents. The amendment of the other body to increase immediately the reimbursement rate to 12 cents was not accepted by the House conferees. An escalator provision insuring that any further increases in the cost of producing a lunch shall be reflected in an increase in the Federal reimbursement rate, was agreed upon.

Second. The increase in the Federal reimbursement rate for lunches served to needy children—45 cents for a free lunch and 35 cents for a reduced price lunch, as approved in the House bill, was retained. Under this special assistance factor for free lunches of not less than 45 cents, there is a Federal guarantee of a minimum payment for each free lunch which shall not be less than 45 cents. Moreover, section 11 requires that the State determine the individual need of a school for assistance. The State, upon making a determination that a school has shown special need, shall provide additional special assistance reimbursement within a maximum per lunch amount established by the Secretary. By this legislation, the Congress does not mean to deprive any school district of funds to be used in the preparation of meals for needy children. Rather it is intended that all schools shall receive additional help above what they have been receiving for the service of free and reduced price meals. Under the new bill, it is expected that the Secretary will, pursuant to the new authority, provide to schools that are especially needy, additional reimbursements over and above the 45-cent minimum in special assistance for each lunch provided to a needy child.

Third. Increases in the breakfast program reimbursements as approved in the House bill are sustained in the conference report.

Fourth. The provision in the House bill to substitute cash grants to the schools for commodities which the Department of Agriculture is unable to purchase at budgeted levels is retained.

I am most pleased that under the conference report, the price of milk to schoolchildren will be rolled back close to levels that were charged at the close of school last year. Further, children from low-income families will be able to receive milk free of charge, in addition to the milk served in the type A lunch, to the extent that such children need additional milk for their nutritional wellbeing. This provision insures the continuation of the milk program in all schools and nonprofit child-care institutions which desire to have the program.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. What is a nonprofit child?

Mr. PERKINS. That is a child in a nonprofit school or child care institution.

Mr. GROSS. I am glad the gentleman enlightened me. I did not know there was such a thing as a nonprofit child.

Mr. PERKINS. The gentleman well knows we are talking about nonprofit institutions. It is also my strong hope that local communities, with State help, and the additional funds provided under this bill, will roll back lunch prices that were increased this fall. This action will encourage wider participation among children from middle-income families that are in danger of being priced out of the program. I would urge each community to use all resources available to bring about a reduction in lunch prices.

In this connection, I wish to call special attention to an amendment by the other body to the House bill. This amendment increases the level of eligibility for reduced price meals at not to exceed 20 cents, to 75 percent above the income poverty guidelines, compared to the existing standard of 50 percent. This means that many more children will be eligible for a reduced price meal than heretofore. I strongly urge that local communities take advantage of this provision.

The bill also provides for the continued operation of the special supplemental food program for women, infants, and children. The WIC program holds out the promise to thousands of impoverished mothers that their children will not suffer growth deficiencies caused by prenatal and early childhood malnutrition. In its initial period of authorization, fiscal years 1973 and 1974, the Department of Agriculture was required to expend $40 million on the WIC program. This bill now requires the Department to expend an additional $40 million in fiscal 1975. Its twofold purpose of providing hundreds of thousands of infants and mothers with high nutrient foods, and obtaining from the program significant medical data on the effects of good early infant nutrition, lead me to the conclusion that this will be money well spent. At a future date, depending upon the evaluative data, we will have to determine whether it should become a permanent progam.

The conferees also agreed to an amendment directing the Secretary of Agriculture to conduct a comprehensive study to determine if the benefits of the child nutrition programs are accruing to the maximum extent possible to all of the Nation's children. In addition, the amendment provides that the other Government agencies such as the Department of Health, Education, and Welfare, and the General Accounting Office, and private professional organizations and individuals concerned with child nutrition, will have an opportunity to make recommendations as a part of the overall study. The study will also be directed toward considering alternatives to the present structure of the child nutrition programs, including but not limited to the universal feeding program, as has been proposed in the previous Congress. I wholeheartedly endorse the idea and concept of this study.

The school lunch program for all children in all localities of the Nation. This was the original concept of the program when the National School Lunch Act was passed in 1946. In essence, the central purpose of the bill before you is to continue and to strengthen that basic objective.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YATES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 522]

Anderson, Ill.
Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Baker
Bell
Blatnik
Boland
Brasco
Brotzman
Brown, Calif.
Broyhill, N.C.
Burton
Cederberg
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cochran
Conyers
Corman
Crane
Culver
Davis, Ga.
Dellums
Diggs
Dingell
Donohue
Dorn
Eilberg
Esch
Evins, Tenn.
Fish
Flowers
Frey
Froehlich
Fuqua
Giaimo
Goldwater
Green, Oreg.
Griffiths
Hammerschmidt
Hanna
Harvey
Hastings
Hawkins
Hays
Hébert
Howard
Ichord
Jones, Okla.
Landrum
Lent
McClory
McCloskey
McCormack
McKay
Mailliard
Mallary
Martin, N.C.
Mathis, Ga.
Melcher
Metcalfe
Mills, Ark.
Mitchell, Md.
Mizell
Montgomery
Mosher
Moss
Murphy, N.Y.
Nichols
O'Hara
Peyser
Pickle
Podell
Pritchard
Quillen
Reid
Riegle
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Sandman
Satterfield
Schneebeli
Shoup
Shriver
Sikes
Snyder
Steed
Steele
Steelman
Stephens
Stokes
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Udall
Vigorito
Wampler
Ware
Wiggins
Winn
Wyatt
Yatron
Young, Alaska
Young, S.C.
Young, Tex.

The SPEAKER, On this rollcall 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 9639—NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT AMENDMENTS OF 1973

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS), has consumed 4 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, I have no intention of objecting to or criticizing what has been done, but for the record I want the House to understand that this conference report contains matter on a number of items that are clearly under the jurisdiction of the Committee on Agriculture.

The Committee on Agriculture provided the first school lunch legislation that we have ever had, and that was in 1946, I believe, and within less than a year there was a reorganization that put the jurisdiction of the school lunch program under the Committee on Education and Labor.

The Committee on Agriculture provided the first legislation for school breakfasts. The jurisdiction has not been transferred. The Committee on Agriculture has always had the jurisdiction over surplus commodities, and the jurisdiction has not been transferred.

There are changes in the legislation in this bill, relating to these items although they do not, I believe, carry a great deal of weight.

More importantly, the Committee on Agriculture created the school milk program, and clearly has jurisdiction over the school milk program. This bill amends the school milk program.

I am not finding fault with the amendments that are proposed or with the action of the committee in accepting amendments offered by the other body, but I do want the record to show that the Committee on Agriculture has not abandoned jurisdiction over these matters; that we have brought every one of these matters to this House; that we are not the enemies of the schoolchildren that some people have thought. And that it is the Committee on Agriculture, and not some other committee, that has provided these programs for the assistance of the schoolchildren in the United States.

While we are not objecting to the present action, we want the record to clearly show that the Committee on Agriculture is not waiving any jurisdiction. I thank the gentleman for yielding.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Texas, that we have no intention of usurping any jurisdiction of the Committee on Agriculture. True enough, the Committee on Agriculture has jurisdiction over the milk program. The only time that we have both legislated in the area is in the Child Nutrition Act which included the milk program and, of course, we have always had jurisdiction over the breakfast program. I do want to state that this item was enacted by the Senate bill.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

I heard the colloquy a moment ago and one of the things I wanted to point out here is that the gentleman's committee has done a fine job and many, many fine things, and things we all wish we could do. Be that as it may, I think we need to warn our good friend, the gentleman from Kentucky, that the effort to deal with capturing or directing the use of section 32 funds, the primary purpose of which is to produce food, and taking these section 32 funds and using them for commodities or lunches or any other program is kind of like eating up the seed corn. If we do not have section 32 funds, which are 30 percent of the import duties, available in this country to assist in the production of commodities, that is eating up the seed corn.

I say this here just to warn the gentleman that with the best of intentions on his part, he is still toying with dynamite when he leans toward getting section 32 funds for this purpose. If things are needed, they should be appropriated for, and we should not endanger the production of food, for this money to mean anything to the children or the people of the United States.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Mississippi, every time the Committee on Education and Labor has ever provided funds or touched section 32 of the Act of 1935, we have left ample funds there. There has always been an adequate carryover, and the purpose of it, as I understand, was to promote the welfare of agriculture. I know of no better place to promote the welfare of agriculture than using some of these funds that we have used in the past for the School Lunch Act.

Mr. WHITTEN. I accept the gentleman's statement. It is his understanding; I respectfully differ with him as to his understanding.

The purpose of the act was to promote the production of agricultural commodities, which means prosperity for those in farming. We have over 4,000 farmers who quit the farm every year, and it is getting risky.

Mr. PERKINS. I agree with that statement.

Mr. Speaker, the estimated cost of the amendments to the school lunch program is approximately $186 million in this conference report. The price of food has gone up 17 percent in the last couple of months, and we are going to price the children out of the school lunchroom if the Congress does not take this action and make up the difference. If this is subsidizing the school lunch program to the extent that we have in this conference report, it is money well spent. I feel every Member of this body should vote for this conference report.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to my distinguished colleague, the gentleman from Washington, who has worked so hard.

Mr. MEEDS. Mr. Speaker, it has come to the attention of the members of the committee and many Members of the House from some States through their food directors that the Department has indicated that they will interpret section 11 (a) and (b) to require the Secretary to provide 45 cents as an average rather than as a minimum. The effect of this, Mr. Speaker, is to actually cut back in some areas the amount of the funds available for the school lunch program, when the effect and the intent of this committee, this House, and the other body was to provide for all areas of this country an increase to take care of the increase in the cost of living that has occurred.

This is obviously a strained interpretation. As a matter of fact, I have pored over it and tried to envision how they could possibly interpret it this way. I do not think any court would for 10 minutes interpret it this way, because the intent of the Congress appears clear to me.

But in any event, this interpretation would be completely antithetical to this bill. I am sure this House does not want that kind of strained interpretation placed on this section.

Would the gentleman agree with me that that is, indeed, a strained interpretation and that it is not the intent of the chairman that that be the interpretation?

Amendment numbered 12 states that the special assistance factor for free lunches should not be less than 45 cents.

It is my interpretation that this is a minimum and the Secretary has the authority and flexibility to go upward. Clearly it was the intent to aid all schools by providing them with additional funds in order to help them meet the greatly increased costs of serving meals to needy children.

Mr. MEEDS. Indeed, if the gentleman will yield further, I would like to ask a question.

Mr. PERKINS. I yield to the gentleman from Washington.

Mr. MEEDS. And in section 11(d) the language says that it shall be based on the need of the schools for such special assistance, such maximum amount as established by the Secretary shall not be less than 60 cents.

So in the especially needy situation we are saying there must be at least 60 cents and giving the Secretary flexibility even above 60 cents.

Mr. PERKINS. That is my interpretation.

Mr. QUIE. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. I should point out here that the language of the House bill and the Senate bill are identical on this matter and there was a change in the legislation from the present law.

As far as I am concerned, what will have to be done in the four States, New York, New Jersey, Rhode Island and Maryland, in which the average payment is higher than 45 cents, is they are going to have to work this thing out with the Department. There is no way we can do anything here in the consideration of the conference report as far as making any change in the legislation.

It is true that the bill eliminates the formula we once used, so there has been a change in that and it is not something that we can resolve here; that has to be resolved within those States.

As far as fairness is concerned, it is hard for me to believe that New York has more cost than Connecticut and Massachusetts or that Maryland has more cost than Pennsylvania has in the cities. This has been a problem for the past that they are going to have to work out between them and the Department.

But the bill says that it shall not be less than 45 cents. It does not say anything about it should be different in one State than another. The Secretary can put it at a higher level, but it is not a strained interpretation that the figure is uniform for all States; it is the only possible interpretation of the language of the bill.

Mr. MEEDS. Is the gentleman maintaining it is the intent of Congress to provide less money in certain areas by the passage of this bill? Is that what the gentleman is maintaining?

Mr. QUIE. This gentleman does not maintain that anybody should receive less.

Mr. MEEDS. Does the gentleman know that is the effect of his interpretation?

Mr. QUIE. No. It is not the effect. I had checked on this and in no State will the aggregate of money that they receive in the school lunch program be less than they received last year.

Mr. MEEDS. The gentleman is correct; but in some areas it will be because of the power and the authority of the Secretary to grant especially in the needy circumstances amounts above 45 cents or 40 cents, as it was in the prior legislation; so that will have to come out of the State's total entitlement now and some areas will receive less than they did before. In all probability New York City is one of these areas.

Mr. QUIE. Then this will have to be up to the State. If they do pay more in one area than in another, then they will have to make some arrangement within the State. They will not receive less money, but unless they get approval from their State's department to increase in one area and therefore decrease in another, then they will not be able to receive this money.

Mr. MEEDS. The gentleman is placing a strained interpretation on it.

Mr. QUIE. I am not placing any interpretation on it myself. I am saying that is the way the Department of Agriculture would interpret it. This is not something that was discussed in the committee and the floor of the House. I do not know about the other body. It was not a subject that was discussed in the conference either. It is something that has come up since that time.

So, as far as any determination on the part of the Congress, we have not stated anything on that.

Mr. MEEDS. In other words, it was not discussed because it was felt to be so clear that it was beyond question and why should it be discussed, except that we now know that they placed this interpretation on it, and that is what raises the question.

Mr. QUIE. I will state to the gentleman now, as I said earlier, that now it will have to be up to the States to work it out with the Department of Agriculture. As the gentleman indicated, if they have to go through the courts, if they interpret the language differently; but right now everybody is going to have to go up the line and interpret it to the best of their judgment. That is the way the general counsel will have to do it, and if that is the way this thing is; they will have to work it out.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I would like to ask the chairman of the committee, what is the level of funding?

Mr. PERKINS. The supplemental food program was authorized at $40 million for fiscal year 1975.

Ms. ABZUG. For each of the fiscal years, the 2-year period, or for each fiscal year?

Mr. PERKINS. It was $20 million for the first 2 years and $40 million for the third year, as I understand it.

Ms. ABZUG. For fiscal 1975, it is $40 million and prior to that it is $20 million? It was my understanding that it was to be $40 million for fiscal 1974 and $40 million for fiscal 1975.

Mr. PERKINS. The combined 1973 and 1974 authorization was $40 million.

(Ms. ABZUG asked and was given permission to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, I thank the chairman. It is important to emphasize our intent behind the provisions in this bill pertaining to the extension and funding of the special supplemental food program for women, infants, and children. Last year we passed legislation requiring the Department of Agriculture to set up the women, infants, and children program through which thousands of poor pregnant and nursing women, infants, and children under 4 years of age living at nutritional risk, were to receive high nutrient food. That legislation mandated women, infants, and children operations for fiscal years 1973 and 1974 at a total expenditure of $40 million, $20 million in each year. We passed the women, infants, and children legislation in the hope of aiding impoverished youngsters so that they can avoid malnutrition and its inevitable consequences. The Department of Agriculture failed to implement the women, infants, and children program in fiscal 1973 and is now required, both by our legislation and a Federal district court order, to expend the total $40 million mandated for women, infants, and children in fiscal 1974. The legislation we are considering today underlines our intent that the women, infants, and children program should be fully implemented this year—fiscal 1974. In addition it requires that the program be continued into and through fiscal 1975 and that $40 million be expended for the program in fiscal 1975. Thus, the women, infants, and children program will be funded for a total of $80 million during the period of fiscal 1973 through fiscal 1975. These funds must be used. We cannot tolerate any more stalling actions by the Department of Agriculture. The health of too many children is at stake, and the risk of permanent damage too imminent to allow for further delay or intransigence in carrying out the women, infants, and children program.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Speaker, if the chairman would refer to page 22, section 17, on the special supplemental food program, I would like to make a little legislative history here because of the problems of a hospital in Nashville, Tenn.

Is it the intent of this legislation—and the gentleman from Washington may wish to respond to this also—is it the intent of this legislation that an already existing, ongoing program be eligible as well as an original program during this period, if it otherwise qualifies?

Mr. PERKINS. That is correct.

Mr. MEEDS. I would say so, yes.

Mr. KUYKENDALL. Mr. Speaker, I particularly want to thank the gentleman for this information. I think it will go a long way toward solving the problem of the hospital.

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING) who desires to ask a question.

Mr. GOODLING. Mr. Speaker, I ask for this time so that I may ask the chairman of the committee a question.

What is the total price tag of this bill?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, the total price tag of this bill is $186 million.

Mr. GOODLING. Mr. Speaker, is there any reason why this bill should not be changed to the Department of Education rather than the Department of Agriculture?

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague that I have heard that question before many times, but I feel that on this bill the Department of Agriculture has done a wonderful job, and it is its decision to dispatch commodities. They have always done it throughout history and do a better job than the Department of Health, Education and Welfare.

Mr. GOODLING. Mr. Speaker, is it not true also that at one time the Committee on Agriculture had jurisdiction over the legislation?

Mr. PERKINS. That may have been true before I came to Congress.

Mr. QUIE. Mr. Speaker, I urge my colleagues to support the conference report.

Mr. SKUBITZ. Mr. Speaker, I want to commend the House conferees for the wisdom and compassion it has shown in accepting amendment 14 proposed by the junior Senator from Kansas (Mr. DOLE).

The enactment of section 5(D)(2) of Public Law 874 has placed Kansas and North Dakota between a rock and a hard place.

This section of the law states that, first, no payment may be made during any fiscal year to any local education agency in any State which has taken into consideration impact aid programs to its school district in determining the amount of State aid to that local school district.

Now the intent of section 5(D)(2) which was enacted in 1968 was to prevent States from lowering their aid to local school districts because of "impact aid" to those districts.

While in legal conflict with this section—the equalization laws passed in Kansas and North Dakota have not diminished their support for these districts.

In Kansas, State assistance under the law represents 43 percent of the total general fund budget of all school districts.

In the three largest impacted districts, State assistance averages 54 percent of the school district's budget.

I repeat, the State has not reduced its financial responsibility.

The amendment would not affect in any way the impacted aid program in any other State.

The amendment would allow Kansas and North Dakota to receive the same amount to which they would be entitled if they had not enacted equalization legislation—approximately $8.1 million for Kansas.

As matters stand now, Kansas and North Dakota have been notified by the director of the Impact Aid Program that without this amendment, all impact aid funds to our States are being withheld.

Even if our State legislators met in emergency session, there would not be time to redraw the complicated equalization formula involved in school finance legislation.

In the State of Kansas, reversion to the old school finance law would be against a court order ruling the old law unconstitutional.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5:

Page 3, line 7, after "lunches." insert: "For fiscal years subsequent to the fiscal year beginning July 1, 1974, the Secretary shall prescribe reimbursement rates for lunches served under section 4 of the National School Lunch Act and section 11 of the National School Lunch Act, and for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor."

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 5, insert: "The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each fiscal year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 7, line 17, strike out all after "(b)" over to and including line 5 on page 8 and insert: "Section 17(b) of such Act is amended by inserting immediately after the second sentence thereof the following: 'In order to carry out such program during the fiscal year ending June 30, 1975, there is authorized to be appropriated the sum of $40,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1974, the Secretary shall use $40,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $40,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)).'"

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 8, after line 9, insert:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 10. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to those children and schools who are most in need and report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974."

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 13, insert:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 10. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost diffrentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study."

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 8, after line 9, insert:

"PAYMENTS TO LOCAL EDUCATIONAL AGENCIES UNDER PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

"SEC. 11. Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), shall not operate to deprive any local educational agency of payments under such Act during the fiscal year ending June 30, 1974, as if such local educational agency is in a State which after June 30, 1972, has adopted a program of State aid for free public education which is designed to equalize expenditures for education among local educational agencies in that State. This section shall be effective on and after July 1, 1973, and shall be deemed to have been enacted on June 30, 1973."

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein with an amendment, as follows: Page 6, line 3, of the Senate engrossed amendments, strike out "as".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, the CONGRESSIONAL RECORD as of yesterday, October 11, 1973, shows that on rollcall No. 518, on consideration of H.R. 10614, the military construction authorization bill, that I was absent. I was in the Chamber, and I did vote. I voted in the affirmative.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) if he will give us the program for the rest of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, there is a strong rumor that this may be the last time I will be addressing the gentleman from Michigan as the "minority leader," and if that is true, I extend to the gentleman the good wishes of the House.

Mr. Speaker, the program for the week of October 15, 1973, is as follows:

On Monday, we will call the Consent Calendar, and we will consider five bills under suspension as follows:

H.R. 10511, Federal-Aid Highway Act amendment;

H.R. 974, Wright Patman Dam and Lake;

H.R. 9611, B. Everett Jordan Dam and Lake;

S. 907, Arctic Winter Games, Alaska authorization; and

H.R. 8346, National Building Standards Act.

On Tuesday, we will call the Private Calendar, and we will consider three bills under suspension, as follows:

H.R. 9450, Transfer of NS *Savannah* to city of Savannah, Ga.

H.R. 5450, Ocean Dumping Convention implementation; and

H.R. 10717, Menominee Indian Restoration Act.

We will also consider H.R. 9681, Emergency Petroleum Allocation Act, under an open rule, with 1 hour of debate.

On Wednesday and the balance of the week, the program is as follows:

H.R. 3927, Environmental Education Act Extension subject to a rule being granted;

H.R. 10397, Cabinet Committee on Opportunities for Spanish-Speaking People, subject to a rule being granted; and

H.R. 10586, Use of Health Maintenance Organizations for Champus Program, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced at a later date.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I previously asked unanimous consent, and it was granted, that the House when it adjourns today adjourn to meet at 10 o'clock tomorrow morning. This is merely a reminder.

IN HONOR OF OUR POSTAL SERVICE

(Mr. MILFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I would like to share with my colleagues the comments of a constituent, and his appreciation for the speedy, accurate mail delivery in Dallas.

For the benefit of those who doubt the Postal Service's efforts at economy and efficiency, let me relieve their doubts.

Mr. Morton Newman of Dallas writes that his wife used only one 8-cent postage stamp to send a letter to Dallas.

However, the 8-cent economy rate took that letter all the way to Tanzania.

Because of this economy mail passage, international relations may have been furthered and a pen-pal relationship begun between my constituent, Mr. Newman and Mr. David Whitson of Lindi, Tanzania.

For in returning the errant letter to Mr. Newman, Mr. Whitson wrote a message challenging the believability of the letter's route.

Mr. Speaker, I would like to express my sincere appreciation to the U.S. Postal Service for being so concerned about international affairs and human relations as well as delivery of the U.S. mails.

I would submit that the Newman adventure is an accounting of the blithe spirit operating in our U.S. Postal Service.

To corroborate this adventure, I should like to make the erring envelope and correspondence a part of the RECORD:

MORTON D. NEWMAN,
Dallas, Tex., October 5, 1973.

Hon. E. T. KLASSEN,
U.S. Postal Service,
Washington, D.C.

DEAR MR. KLASSEN: Please accept my sincere thanks for your organization's efforts in providing me with a very distant correspondent. Further, words can't express my gratitude for having been given that tingle of excitement known only to those select few who have discovered the misdelivery of their mail. I needed that!

I refer to the enclosures herein which are photocopies of:

Pg. 1—Envelope mailed by my wife containing routine payment to a local creditor, and

Pg. 2—Letter from a nice man and the envelope transmitting such letter (beautiful stamps) together with the envelope shown on page 1.

The fact that our letter practically circumnavigated the globe for only 8 reuseable cents (even though it was intended to travel a few short miles) is a tribute to the efficiency and daring of the United States Postal Service.

I ask, however, that the Service be neither so daring nor efficient with regard to my mailing of tax returns, Court legal papers where deadlines are concerned, etc. Nor would I desire such special treatment for my clients' payments to me.

Should you receive this letter, please accept my encouragement to "keep up the good work".

Sincerely,

MORTON D. NEWMAN.

BAPTIST MISSION OF EAST AFRICA,
Lindi, Tanzania, September 21, 1973.

DEAR SIR: The ways of the post office are indeed strange. I think you will have a most difficult time convincing them your letter was sent to Lindi, Tanzania.

Sincerely,

DAVID WHITSON.

CALIFORNIA COMMUNITY COLLEGES TODAY

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, last week more than 120 California community college educators gathered here in Washington to alert California Congressmen and Federal education officials to their unique functions and problems. It was my pleasure to attend their luncheon conference and to meet with representatives of the community colleges in my district—San Jose City College, Chabot College in Hayward, and Ohlone College in Fremont. I would like to share with my colleagues some very interesting facts about California's innovative, unusual, and highly successful approach to continuing education.

The State of California has 98 public and 3 private community colleges, enrolling over 950,000 students per year, one-third full time and two-thirds part time. Originally authorized by the State legislature as part of the secondary school system, community colleges have now become independent, unique, multipurpose institutions, providing a variety of educational and community services. Bearing a major portion of the lower division training of California college students, they send over 140,000 students a year on to 4-year colleges and universities. Of those students transferring, 85 percent go on to complete 4-year programs, a remarkable record of achievement. In addition to providing standard curriculum leading toward a bachelor's degree, these colleges offer broad based programs of vocational and technical training designed for continuing education, retraining, upgrading of skills, overcoming language and cultural barriers, and specific job training. All educational programs are accompanied by individualized counseling and guidance, tailored to the particular needs of the interested student. While offering remedial, supplemental, and other specialized services, counseling is also geared to keeping close track of the local employment situation and job availability. The aim is to provide counseling and training that leads to real jobs and real opportunities for advancement.

As a logical extension of both their local origins and their name, these colleges also provide a wide variety of community services, offering the use of college resources and facilities or short courses and seminars, for cultural and recreational purposes. Each institution is an integral part of the community it serves, reflecting the community's particular culture and population and serving its specific needs and desires. Thus from district to district, colleges vary in design and scope. However, despite their diversity and individuality, every California community college is tuition free. In this respect, they differ not only from other institutions of higher learning in California, but from other community/junior colleges throughout the country. The open-door policy, together with the opportunity to live at home, encourages people of all ages, from all cultural backgrounds, regardless of economic status, to take advantage of and participate in community college programs. The result has been the education and training of large numbers of people in a democratic setting to meet the complex and constantly changing needs of our technological society.

While California's community colleges have achieved special successes, they have at the same time run into special problems related to their unique status. Since they attend tuition-free institutions, community college students rarely meet the requirements for Federal student assistance. The new basic opportunity grants—BOG's—program, which provides aid directly to needy students, thus almost completely bypasses California community college students. As a result, the colleges themselves receive much less Federal assistance than other institutions which charge tuition while costs are roughly comparable. It seems to me that we must seek some way to encourage tuition-free colleges like California's community colleges to maintain that status by providing them with some special form of assistance not related to student financial need. Without such provisions, we will actually be discriminating against a policy which is most democratic and, in fact, we will be encouraging education for only those who can afford it.

Community colleges also suffer a less tangible but no less damaging form of discrimination because they are commonly viewed as watered-down versions of 4-year educational institutions—offering less hearty courses, taught by less qualified professors to less committed students. Not only does this point of view overlook the variety of programs and services offered by community colleges to a broad cross-section of the population, but it also ignores the special values of a community-based institution. Students, professors, counselors, and administrators meet not only in the academic forum, but as members of the same local community. Because professors are not under the publication and research pressures that are endemic at 4-year universities, they have more time to teach and interact with students. Because guidance and programs are tailored to individual and community needs, counselors and administrators talk to and meet with students and local leadership. Because students are there to learn and not to meet peer group pressures and parental expectations, they are enthusiastic, committed and involved with all aspects of community college life. Those of us who are familiar with these unique and valuable attributes should strive to make others aware of them, relieving community colleges of the stigma of being "inferior" colleges and putting them in their rightful place as institutions offering a practical, constructive, and needed alternative in higher education. One place to begin this "education" is at the Office of Education here in Washington. At the present time, the staff of the community college section numbers exactly two. In the Office of Higher Education, the bias is definitely toward 4-year institutions.

In addition, Members of the California delegation might want to keep in closer touch with the community colleges in their district to learn how they can be of assistance and what their local colleges are doing. Other Congressmen might want to learn how junior and community colleges in their States might follow California's example. In short, I think that we can all profit from greater awareness of the role that community colleges can and do play in education.

LAKELAND WEATHER SERVICE OFFICE HAS WON COMMENDATION FOR SPECIAL ACHIEVEMENT

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, I was proud to learn from the Commerce Department today that the National Weather Service Office in my congressional district has won the National Oceanic and Atmospheric Administration's unit citation for special achievement.

The staff of the Lakeland Weather Service Office was commended for providing outstanding specialized agricultural forecasting to the north Florida area and for management of the north Florida Weather Wire Service for the past year. The Lakeland Weather Service Office has long been noted for providing the citizens of Florida with accurate and helpful weather forecasts. During the winter of 1972–73, the temperature dropped to 36 degrees or lower on 40 nights. The accurate freeze forecasts and warnings disseminated by the Lakeland Weather Service Office staff enabled growers to take the necessary measures to protect the crops, and are credited with saving thousands of dollars.

Therefore, it was indeed a pleasure to learn that the Lakeland Weather Service Office has now received national recognition for their vital service to the residents of Florida. The NOAA unit citation recogizes groups of employees who, through individual and collective effort, have made substantial contributions to NOAA programs or objectives. The unit plaque is to be presented at an NOAA awards ceremony in Silver Spring, Md., today.

The 12-man team is also being cited for completing a major modernization of the Florida fruit-frost weather service that now provides improved service, better communications of critically important weather information to growers, and an overall improvement of operations.

James G. Georg is meteorologist in charge of the Lakeland Weather Service Office and Frederick L. Crosby is principal assistant. Other staff members include: Jimmie L. Burleson, Richard C. Holm, Gail W. Leber, John D. Thach, agricultural weather forecasters; Kenneth M. Labas, meteorologist intern; Robert G. Bonner, Donald B. Howell, William B. Parker, Willis V. Spicer, forecaster aides; and Thomas P. Clarke, substation network specialist.

NAVY BIRTHDAY

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, as you know October 13 marks the 198th anniversary of the date that the Continental Congress authorized the construction of ships of the line that became the first units of what is now the U.S. Navy. In the ensuing 198 years that fledgling fleet has grown into an effective fighting force that not only paved the road to victory in both oceans during World War II but also has proven a strong deterrent to war in the years since. It was not so long ago that the presence of superior naval forces was the essential element that resolved the Cuban missile crisis in our favor, without going to war. The men and women of the U.S. Navy have long served on the frontiers of the cold war; and in my opinion, their willingness to accept the long family separations and personal inconveniences of life at sea while going about their Nation's business, has been instrumental in setting the stage for a hopeful détente. Thus, I consider it most fitting to read into the RECORD today the message of the Secretary of the Navy to the men and women of our Navy on the occasion of its 198th birthday:

NAVY BIRTHDAY 1973

As the strength of our nation rests with the unity of its families, so the Navy family has been the true strength of the Navy since the founding fathers authorized the acquisition and construction of our first ships in 1775. The accomplishments of our active duty men and women, Reservists, civilians, retirees and dependents have forged a proud tradition of service, sense of purpose and dedication. This year we pause to recognize and honor the deeds of all.

During the past 198 years, the Navy family has never hesitated when the call to duty has sounded. Their unselfish sacrifices have combined to make the Navy a vital protector in peace as well as war.

We are now building for tomorrow, building with a fervor that comes with a sense of the growing importance of the Navy as an essential link in our nation's future. As we build, we keep an eye on that which has gone before, incorporating the best, ever mindful of our heritage. As new members come into our Navy family, they are imbued with the same pride and principles of service that characterized our first seamen.

We are now sailing into the future and a new era of peace. But we must rededicate ourselves to the principles of peace through strength. The Navy family is our greatest asset for keeping the oceans free. For all of the reasons, Navy Birthday is truly "A Family Tradition."

JOHN W. WARNER,
Secretary of the Navy.

SPAIN—OUR FOUNDER

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, despite what we might have done about holidays falling on Monday, today, Friday, October 12, is Columbus Day—although the Nation celebrated it last Monday.

So today we rightfully observe a holiday of special significance to all of the nations of the Western Hemisphere, to the whole world—more particularly to Spain, the Spanish people and to all Americans of Spanish descent. On that date, 481 years ago, a group of Spaniards, outfitted and financed by King Ferdinand II at the request of the great and gracious Queen of Spain, Queen Isabella, landed on an island in the Western Hemisphere—an event known in history as the discovery of America.

This Spanish expedition overcame almost unbelievable obstacles to launch with the help of the Queen of Spain, this historical voyage into the then uncharted regions of the western Atlantic. The expedition was led by a sailor named Christopher Columbus who believed that he would find a new route to the East Indies. This Spanish group with their small sailing vessels, the *Nina*, the *Pinta*, and the *Santa Maria*, set sail on August 3, 1492, with the blessings and at the direction of the Queen of Spain, from Palos, Spain.

Finally on October 12 this group of Spaniards came in sight of land and the opening of the New World for the other Spaniards which were to follow and colonize in the 1550's and 1600's. I am proud and happy to inform my colleagues that not too long after these dates the members of my family came to the New World.

It is worthwhile to remember that the Spaniards returned again and again to the New World with more ships and more men and landed on what are now Puerto Rico, Santo Domingo, and the Virgin Islands. Later on they ventured into the area which is now South America, Central America, and North America. I am happy to pay tribute to King Ferdinand and Queen Isabella, to the Spanish people—to that courageous group of sailors for their outstanding example of courage and determination and to the dedication which has marked the Spanish people in their great history. We should further pay tribute to them for the exploration of what is now Florida, Louisiana, the States of the Southwest and the Far West, and for bringing to the New World all of the people who were to begin the making of America.

Yes, we have much for which to be thankful to Spain and to all those courageous Spaniards who launched the New World and if we are today the greatest nation in the world we should never forget that it is so because a gracious Queen of Spain so willed it, and her subjects so made it. So to all Spaniards, and the descendants, we offer a special tribute, and our everlasting gratitude.

EXTRA LONG STAPLE COTTON PAYMENTS SHOULD BE STOPPED

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I am constantly besieged by mail from constituents asking questions or complaining about various Federal programs. We are in a position to cut down on this correspondence by taking some actions that will save the taxpayers money, put programs in prospective and accomplish what this administration started out to do, specifically get agriculture in a supply-demand position.

Mr. Speaker, I refer to the totally archaic payment program for extra long staple cotton. I am told that there are only 2,200 farmers producing this variety of cotton, yet the total payment from the Federal Government amounts to $6 million. That averages out at close to $2,700 per producer. However, further research shows that one producer in Texas received $37,077 for ELS cotton in 1972 at the same time he was receiving another payment for $19,237 for his upland cotton. One multiple owner farm in Arizona received $73,310 for ELS cotton and $75,314 for upland cotton the same year. There are many other instances where large payments have been made.

The gross inequity of this program is highlighted by the fact that these payments were made at the same time that cotton cash prices were the highest they have been in over 20 years.

The ELS cotton program is different and separate from other farm programs. It dates back to an act in 1958 directing that the maximum loan rate for ELS cotton shall be 200 percent of the loan rate for upland cotton and that a payment of this amount shall be guaranteed to equal 65 percent of parity.

The 1974 national average loan rate of 49.72 cents per pound compares with 38.20 cents per pound in 1973. The 1974 payment rate will be 10.86 cents per pound—it is 16.01 cents per pound this year. The total of the loan and payment rates for 1974 is 60.58 cents per pound which is 65 percent of parity, based on the parity price of 93.2 cents per pound in October.

Predictions by economists indicate that we will have another year of high cash prices for cotton—and this will again be supplemented by more payments of over 10 cents a pound to farmers who are legally eligible under the current programs. This cannot be justified, nor is it consistent with the administration's unlimited freedom to plant policy for upland cotton.

Mr. Speaker, the House should send the Secretary of Agriculture a mandate to come up with a program that will remain equitable for cotton farmers but at the same time be fair and equitable to the millions of taxpayers who pay for this program.

DEFENSE AUTHORIZATION BILL

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, the House and Senate conferees on the fiscal year 1974 defense authorization bill have concluded their joint conference, and announced the results on October 11. I would like to congratulate them, and particularly the House conferees led by our distinguished colleague from Louisiana, on a most constructive bill. It is one which meets the essential requirements on defense in these troubled times.

But I would like to draw attention to what we in the Congress almost did in our haste and enthusiasm to realize savings through cutting the defense authorization. Serious attempts were made in both this chamber and in the Senate not long ago to cut hundreds of thousands of men from our defense manpower levels, and to enforce arbitrary "ceilings" on national defense. Current events in the Middle East, and American stakes in the struggle there, only highlight the dubious wisdom of these proposals.

Let us recall the urgings heard in the Senate not long ago to cut back the SAM-D missile system—the keystone to field Army antiaircraft defenses of the 1980's. I would remind my colleagues that a principal element in the Arab success so far has been an umbrella of antiaircraft defense missiles—SA-2's, SA-3's, and SA-6's—and these have taken a heavy toll of Israeli aircraft, it would appear.

I remember hearing a call not long ago for the United States to slash U.S. tank production. I would only ask you to consider the key roles played by the tank forces on both sides in the Mideast.

My point is simply that we in the Congress have not only the authority but the constitutional responsibility to insure that national defenses are adequate. We do not discharge our responsibility well in this area with hasty or emotional action, or by sweeping meat ax cuts. Defense preparedness begins with a sober awareness of what it takes to defend ourselves, and a willingness to put substance behind our peacemaking sentiments.

The current tragedy between Arabs and Israelis is only another face of the naked reality and the unpredictable violence against which we must be prepared.

In our revulsion to this form of human behavior we have often tended to confuse a security policy of defense preparedness with a "war" policy, and as a consequence have sometimes cut our military muscle below the danger point. If we make this mistake, former Secretary of State and Gen. George Marshall has counseled—

> We will be carrying the treasure and freedom of this great country in a paper bag.

A PLEA FOR LIVE BROADCAST COVERAGE OF VICE-PRESIDENTIAL PROCEEDINGS

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 30 minutes.

Mr. VAN DEERLIN. Mr. Speaker, when President Nixon discloses his choice of a new Vice President tonight, he will do so on live television and radio.

This is entirely proper. Nothing could be more acutely the people's business than the procedures for selecting the highest officials of the land.

The remaining part of the process lies with us on Capitol Hill. Let me express hope, Mr. Speaker, that Congress will be as responsive as Mr. Nixon has been toward the people's right to know what transpires in this matter.

Specifically, I hope the House and Senate leadership will agree that hearings into the President's nomination, as well as subsequent floor action confirming it, are proceedings which should be accorded opportunity for live coverage by radio and TV, as well as by the print media.

I heard timely support for this viewpoint just last night, in an address by the new president of Columbia Broadcasting System, Arthur R. Taylor, before a District of Columbia chapter meeting of Sigma Delta Chi, the national professional journalistic fraternity.

I obtained a copy of Mr. Taylor's remarks for insertion in the RECORD:

REMARKS OF ARTHUR R. TAYLOR, PRESIDENT, COLUMBIA BROADCASTING SYSTEM, INC.

Occasions such as this are appropriate and indeed even seem to provide a mandate for the speaker to sound the trumpet and reaffirm the ideas which are vital to our freedom as journalists. I believe, however, that at this time it would be inappropriate for me to do so for so many of you in the audience have been on the barricades for so long a time and I have been involved with you for so short a time.

This should not be interpreted to mean that I do not feel very deeply about the role of the press and our dedication to preserve the free flow of information.

The CBS heritage in this regard is a proud legacy of which I am constantly mindful. My deep commitment to the cause of free journalism and free broadcasting is part of the tradition of the office I hold but is also tied to the historical commitment in my own life to preserve those elements in our society which enable the Republic to flourish. Nothing is as important as your right to know and your responsibility to inform the people. I commit to you tonight that the long tradition of CBS leadership in this area will be strengthened as long as I hold this office. I look forward to standing with you in the years ahead in the good times and the bad times—whatever may come.

Sigma Delta Chi offers one of the few forums in this country where we can engage in a true give and take.

I hope that we can have a fruitful dialogue this evening. Initially, however, I am not sure at which end of the dialogue to place myself. The Company which I serve as President is a major news medium for our nation and you, as leaders of the journalistic fraternity, have a legitimate interest in our stewardship of that responsibility. But CBS, as a news medium, as an entertainment medium and as a corporation of considerable visibility and prominence, is also frequently in the eye of the news, and we at CBS have an equally legitimate interest in your stewardship.

In preparation for this occasion I drew up a list of a few events which have occurred or issues which have arisen in the past year that we might discuss. Each one of these items pertains to CBS in either the capacity of a news medium or a newsmaker. Rather than choose any single one, I would like tonight to touch briefly on these random topics on my list. Perhaps in this way—by stating my views and eliciting your thoughts—a better sense will emerge of the role of CBS and of broadcasting in general in the communications spectrum.

THE VICE PRESIDENCY

Let us begin with Washington's subject of conversation today, the Vice Presidency of the United States. To all that has been said of Mr. Agnew's actions and the crisis they have precipitated in our nation there is little I can add, except that I join the nation in the sadness we all feel. But there is something I feel I must say as the President begins his deliberations on the choice of a successor to Mr. Agnew. Sometime in the coming days or weeks, the Congress of the United States must, in the ancient terminology, advise and consent to Mr. Nixon's selection. Never before in the history of our republic have they been called upon to perform this function. The responsibility with which they do so could go a long way toward healing some of the wounds caused by the circumstances surrounding Mr. Agnew's resignation.

Surely it is appropriate to suggest that it is precisely at moments of this importance that our legislators need most the strength of purpose that is provided when they know an entire electorate follows their every action. Obviously, not every citizen can personally participate in government's decision making. Precisely because citizens cannot, we have both elected representatives and a free press to keep us fully informed of government's actions. Representative government cannot be separated from a free press.

I therefore find it highly incongruous that while a handful of citizens may view the actions of their Congress from a visitor's gallery, and representatives of the press, including representatives of the broadcast press, may watch from a press gallery, the television camera is barred from virtually all otherwise public Congressional functions. I mean no disrespect to reporters from either the broadcast or the print press. But the television camera brings throughout the nation an immediacy to events that can be surpassed only by being present in person. It is my personal belief that the television coverage of the Ervin Committee hearings has contributed more to a public understanding of how our government functions—both properly and improperly—than most of the civics courses ever given.

CAMERAS IN THE CHAMBER

Our cameras may not cover the floor proceedings of the Senate or the House of Representatives—even though broadcasting has been in the Capitol building to provide firsthand reports of addresses to joint sessions of the Congress without disrupting the proceedings in the least.

We have never considered the policies that bar the presence of television cameras to be in the nation's best interest. We think the people are as entitled to be immediately present when their elected officials deliberate as they are entitled to have the detailed reportage and explanation the entire spectrum of news media later provide them. The people could only benefit from a closer look at the actual workings of their Congress, and, I suspect, the workings of the Congress might benefit as well.

That benefit may never be greater than now, when the health of the nation demands that both the executive and legislative branches transcend partisan concerns, and that the public have complete knowledge that both branches are doing so. Vital portions of the process now beginning in the Congress should be made directly available to the American people.

The heightened need for the people to have full confidence in their elected leaders strengthens further our conviction that the people would also benefit from broadcast debates between the Presidential candidates of the major parties in 1976. After the debates between John F. Kennedy and Richard M. Nixon in 1960, one of the participants called the broadcasts "a great service to the American people." The other called them "a public service of the highest order." I leave it to you to decide which quotation was uttered by the winner, and which by the loser. We do not think it a coincidence that more than 64 percent of our nation's eligible voters went to the polls that year, setting a record which still stands. We intend to continue to devote our fullest efforts to obtaining changes in the regulations governing our industry, so that we can broadcast similar debates in 1976. It has rarely been more important for the people to see their candidates in the honest, unstructured, "free-for-all" this format provides. And in 1976, the issue of possibly compromising the office of the President—in delicate matters of international policy, for example, will not be a factor. Whoever the candidates are, the incumbent will not be among them.

INSTANT ANALYSIS

That incumbent, and his former Vice President, have at times been quite critical of the press. They may account for the reaction, last June, when CBS announced a new policy in connection with radio and television coverage of speeches by the President on major, controversial public issues. Part of that policy was the discontinuance of our previous practice of asking news correspondents to analyze the President's message immediately after he finished speaking. Prominent members of the Administration had been vehement in their attacks on this so-called "instant analysis." And so we found ourselves criticized rather heavily in the press for what some observers believed was a response to government pressure.

In the midst of these charges, a few people wondered why a Company that would not yield an inch on "The Selling of the Pentagon" would take this action at the precise time that the Administration was reeling before the barrage of Watergate disclosures. Others wondered why respected correspondents like Mike Wallace, Eric Sevareid and Charles Collingwood would not only go along with this policy change but affirmatively endorse it.

Actually, the policy we announced provides heightened, not lessened, coverage of the issues discussed in Presidential broadcast addresses. Although this policy had been approved in principle by CBS management before I arrived at CBS, it is a policy which I endorse. The most important point it contains, we believe, is a firm commitment on the part of CBS to schedule, within a matter of days after such an address, a broadcast by spokesmen for other points of view. We did not eliminate news analysis of the speeches: we decided to place it within our regularly scheduled news broadcasts or on specially produced programs which permit an interval for reflection after the President speaks.

Presidential broadcasts are not as frequent as they once were, but we have had some opportunity to observe our new policy in practice. Our correspondents have followed the Presidential addresses themselves with concise summaries that, in my judgment, have helped to elucidate the President's points immediately and also in my judgment in many respects have been more informative than the ad hoc analysis of the other networks, and our morning and evening news broadcasts have been forums for carefully prepared, thorough, professional and hard-hitting analysis. Some day we hope to develop a still more effective method of covering a Presidential address. At any rate at CBS, we feel our new policy is an improvement.

NETWORK CENSORSHIP

Let me turn now to the play "Sticks and Bones." This story began when CBS contracted with Joseph Papp and the New York Shakespeare Festival to produce a number of plays for our Television Network. The first was "Much Ado About Nothing." The second was "Sticks and Bones," which, as you may know, is a drama of some of the uglier aspects of human nature, set in the context of a blinded veteran's return home from Vietnam.

"Sticks and Bones" was scheduled for March. If you think back to that month, the front pages of every newspaper in the land were filled with the story of our returning prisoners of war. CBS News accorded the story equally important treatment. As our broadcast date approached, both we and many of our affiliated television stations became seriously concerned about the appropriateness of our timing. We had publicly announced our belief in the importance of the production and had committed ourselves to offer it to the American public. At the same time, we felt a duty not to be needlessly abrasive to the feelings of the millions of people caught up in the homecoming of the prisoners of war. We decided to delay the broadcast until the public emotion had abated.

It was immediately charged that we were really canceling, not postponing, "Sticks and Bones;" that we were doing so because so many stations refused to carry it; and that the stations were refusing to carry it because they feared reprisals from the Administration at license renewal time. Little credence was given to the possibility that CBS itself could be exercising a legitimate editorial function, which is precisely what we were doing.

To some of our critics, our decision to delay "Sticks and Bones" contrasts awkwardly with our determination to broadcast, for a second time, two episodes of Maude in which

Maude considers having an abortion. We gave the programs our usual promotion when they appeared last fall. An average of 37 million people watched each of the episodes.

About 7000 wrote to complain about our handling of the abortion question. Later, as we customarily do with our new evening entertainment programs, we scheduled the two episodes for a second showing in August. We soon received a forceful protest from the United States Catholic Conference. We decided we could not accede to their request that the episodes be canceled, and abruptly found ourselves the object of a full-scale Catholic Conference campaign against our decision.

Our position was simply this: Shows like Maude and M*A*S*H and All in The Family draw their strength and their popularity from their comedic treatment of real, adult contemporary subjects. We demand that they do so with taste, with respect for the sincerity of people's beliefs and without advocacy of a point of view on the subjects they address. Even so, it is inevitable that from time to time our efforts displease some people. This is a price we must pay. To avoid displeasing anyone could be accomplished only by being so bland that, in the end, we would please no one. If we had bowed to the Catholic Conference, where could we have drawn the line with the next group that came to us with equally deep and sincere feelings on another subject? With Maude, we faced a clear-cut decision. The Maude episodes appeared as scheduled. A score of our affiliated stations chose not to carry the episodes.

We chose a course that appeared to us to best fulfill our responsibilities to our audience. I would not expect that everyone would agree with our decisions; but I would hope it is recognized that we have both the right and the duty to make editorial judgments of this sort.

PROGRAMING FOR CHILDREN

I do not mean to imply, though, that we are not responsive to our audience. The public discussion which began several years ago brought us to the realization that we perhaps had devoted less attention to children's programing than we should have. Since then, we have begun, among other things, In the News and What's It All About and a new entertainment and information series featuring Bill Cosby. We also offer a number of cartoon series in a more traditional vein, for which we make no apologies. We have reviewed each of them to be sure they do not unduly stress violence nor indulge in ridiculous heroics or ethnic stereotypes. But we find no merit in the proposals we hear that cartoons be eliminated altogether. We think children are fully as entitled to be entertained as their parents. As long as they enjoy cartoons, there will be a place for cartoons in our schedule.

Similarly, we do not believe children need to be sheltered from the very concept of advertising in the years before they are old enough to stay up and see the same programs their parents do. Our standards for the advertising that appears in our children's programing are clear and strong, and in our enforcement of these standards we strive to eliminate misleading, blatant and high-pressure advertising for children. We are quite confident that no average child has anything to fear from the commercials that we permit in our broadcasts. I agree with William Bernbach, who once said there really is a twelve-year-old mentality in our country—and that almost every six-year-old has one.

Before I leave the entertainment area, I must comment on the unkind words we received when we scheduled the movie "Bonnie and Clyde" the same evening as the Bobby Riggs–Billie Jean King match.

It was, we were told in print, somehow immoral of us to make it all but impossible for people to view all of both attractions.

If Newsweek had a blockbuster cover story coming up, I cannot imagine the editors of Time countering with an intentionally trivial one. We do not think that way either. We put up one of the best attractions we had, and it did what we wanted it to do. More people saw the Riggs-King match than had seen any previous tennis match in history. But more people saw "Bonnie and Clyde" on CBS than had seen it since it was first released. In what some have called the biggest mixed doubles match ever, "Bonnie and Clyde" attracted more viewers than did Billie Jean and Bobby. I don't think the public was cheated by this choice between two major attractions.

We found the question of Billie and Bobby and Bonnie and Clyde mildly amusing. But there was nothing funny about the reports of scandals in the record industry we have heard this year, nor about the charge we have also heard that CBS News has been dragging its heels in this area.

What has been reported about the record industry is a modest story beside the Watergate affair. But I believe the same principles of journalistic integrity must apply to both. The stories written about alleged scandals in the record industry have borrowed against the reserve of trust their publications have built up with the public. At some point those borrowings must be repaid as they were in the reporting of the Watergate matter.

In this connection, I think CBS News' handling of developments in the record industry has been completely professional. At CBS, the News Division maintains a journalistic independence from Corporate headquarters. We in management have responsibility for the setting of standards; but we have never attempted to plant a story, or kill one, or to dictate a point of view. CBS News has covered the record industry events of recent months whenever they have met its criteria of newsworthiness. The industry continues to be an area in which CBS News looks for news stories. If they develop such a story, it will be subjected to the same scrutiny CBS News applies to every other story· if it justifies broadcasting, it will be broadcast. I stand behind Dick Salant, President of CBS News' recent statement that, "Just as we refused to be bullied into killing a story, so we refuse to be bullied into running a non-story."

None of us should forget, despite our occasional tendency to institutionalize ourselves, that CBS is, after all, a business corporation. One of its principal purposes is to earn a profit, and with considerable regularity, it does so. But when I look at the newspapers I admire most in this country, I am struck by the fact that each of them operates with a similar philosophy—if the newspaper insists on highest standards of excellence, then the readers and the advertisers will follow almost as a matter of course. By and large, these newspapers have prospered.

At CBS, we have always tried to operate under the same principle, as a news medium, as an entertainment medium and indeed in everything else we do. A standard of excellence. It is in fact one of the heritages that William S. Paley has built into the Company. And we too have prospered.

A SHIELD LAW FOR NEWSMEN

If there is a common element to the topics I have mentioned this evening, it is that at CBS, we make our decisions independently. This is never an easy task. Broadcasting's audience is all-inclusive, and many groups and people—political and otherwise—consider it imperative to keep subjects important to them off the air, or to get them on the air.

And so we find ourselves constantly devoting vast portions of our time simply to obtaining or preserving the freedom to fulfill our responsibilities.

CBS will continue to urge enactment of newsmen's shield legislation. CBS News Washington Vice President Bill Small, Chairman of the Joint Media Committee of which Sigma Delta Chi is a prominent constituent, has been working tirelessly for a federal shield law to assure the inviolability of journalists' sources and notes and to guard newsmen themselves against the "chilling effect" of subpoenas and compulsory revelation of unpublished information. We are willing to go along with the qualifications proposed by Congressmen Kastenmeier and Cohen, if this is the only way to get such legislation passed.

Also in this context, we are regularly asked why we have not yet taken a position on the recently established National Press Council, especially since, as an individual, Dick Salant participated in the Twentieth Century Fund Task Force Report recommendation that such a council be established. Since that recommendation was made, the major news media of the country have been seriously divided on the Council's desirability. I have to tell you that the jury is still out at CBS as well. We share the concerns that led to the creation of the Council. But, as I said a moment ago, we believe that we must be particularly cautious in regard to any outside agency, no matter how distinguished and voluntary, whose function might involve the power to influence the way in which we select, gather and prepare the news we broadcast. We do not yet know whether cooperation with the National Press Council can be consistent without editorial responsibility. But if the Council is to be of any value, it will be an ongoing venture and not one that is much affected by the haste with which we make our decision.

BIAS IN NEWSCASTING

There are two other questions that, if I did not mention them, someone out there certainly would. The oldest and most familiar is "What are you going to do about the liberal bias in your news broadcasts?" The other is "What are you going to do about the reactionary bias in your news broadcasts?" We hear both these questions constantly, and I am sure many of you hear them addressed to your own publications fully as often. As broadcasters, we are, if anything, even more sensitive to the charge, since in our case the journalistic principles of fairness are also a legal obligation.

We think many of the accusations stem from a misunderstanding of the journalist's role. It is not uncommon for partisan observers to mistake aggressive, sharp reporting for bias or hostility. A good reporter often plays devil's advocate with a hard line of questioning; a good reporter looks behind what he is told to the background and context against which it was spoken. This is professionalism, not prejudice.

Last year, TV Guide commissioned the Opinion Research Corporation to conduct three nationwide surveys of television's political coverage. And among those who perceived bias, there was an almost precisely 50–50 split between those who saw favoritism toward right-wing causes and those who saw favoritism toward left-wing causes.

Of course, we have a problem of definition here. I have no way of knowing how those surveys would have categorized the CBS shareholder who recently wrote us a furious protest against the extreme leftist bias of one of our commentators. The man he objected to was Jeffrey St. John!

Nevertheless, we maintain that if one reviews the output and performance of our broadcast news organization, the overall finding will be that it presents fair reporting to the public.

WATER RESOURCES DEVELOPMENT ACT OF 1973 AND RIVER BASIN MONETARY AUTHORIZATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 15 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I regret that prior commitments necessitate my absence from Washington today. I had accepted an invitation to accompany Secretary Butz to Arkansas on October 12, as well as speaking appearances before the annual conventions of the Savings and Loan League, Arkansas Homebuilders Association, and the Centennial Commemoration of Masonic Lodge No. 314. However, I appreciate the opportunity to submit for the record my statement in support of the Water Resources Development Act and River Basin Monetary Authorization Act of 1973. As a member of the Water Resources Subcommittee, I participated in 4 weeks of hearings on this bill. In view of the veto last year, after adjournment of the 92d Congress, of the omnibus rivers and harbors and flood control legislation, action by the House today in passing this bill is vital to the national interest.

Our Nation's waterways are critical to our transportation system, for our drinking water, food, and energy. We are now facing an increasingly critical water supply situation. Our resources, while abundant, are not uniformly distributed. We have a destructive excess during times of flooding and devastating shortages in times of drought. Our growing industrial and agricultural economy calls for increased utilization of waterways in moving goods and services throughout the Nation, and our current energy crisis calls for continued Federal investment in hydroelectric power.

At the same time, we must continue our efforts toward both salvaging and safeguarding water quality and equate progress with environmental balance.

H.R. 10203 is necessary for meeting present and future water resources developmental needs. It includes four new and significant basic provisions in line with our need for progress in flood control and water resource conservation. One of these new steps will insure that, in providing for adverse impact of projects on fish and wildlife, we go beyond mitigation and provide funding for enhancement as well. This new approach is applicable to all projects.

Second, the bill takes into account the nonstructural alternatives to preventing floods. Although, in some cases, building a dam may be the only workable solution we know that is environmentally destructive. Section 72 says that we must formulate the most economically, socially, and environmentally acceptable means for reducing or preventing flooding.

The bill also provides an important new provision for deauthorization which recognizes that we should evaluate certain projects which have been authorized for a long time. Because of altered conditions in the meantime, many may not be justified today. This approach allows current environmental thinking to be applied to long-standing authorizations.

H.R. 10203 includes another new direction which will mean congressional approval based upon calculation rather than estimates. Instead of giving full congressional approval in the initial authorizations, we can make more informed decisions based on a review of the actual design and the various impacts of the project as it would actually be built. New project authorizations in section 1 of the bill are authorizations only for the phase 1 design memorandum stage of advanced engineering and design.

One specific provision of this bill, section 16, would rectify a long-standing injustice and provide a cure for a situation which is seriously handicapping the economic development of north central Arkansas. It would authorize construction of a highway bridge across the Norfolk Reservoir, to replace the highway submerged over three decades ago. The State of Arkansas was never adequately compensated for loss of the artery and, for many reasons—including World War II—the necessary bridge over the reservoir has never been constructed.

Conditions of transportation across Lake Norfolk are now acute, with serious traffic tie-ups at the point of outdated ferry service. Public transportation in the area is limited to highway forms. The lake area has tremendous recreational potential, and this has been retarded by the primitive transportation means now in force. The area in question is one where tourism could provide a strong economic stimulus, but it has stagnated for lack of a highway bridge.

When the Norfolk project was constructed in the early 1940's, the State of Arkansas agreed to accept the payment of $1,342,000 from the United States as compensation for inundation of State Highway 101. This amount was inadequate even at that time. Section 16 provides for a replacement bridge, with the condition that Arkansas repay to the United States the compensation received in 1943, plus interest from that date. The Federal Government would fund the difference between the amount previously received by the State and the full cost of the bridge, now estimated at $11.3 million. After construction, the State would own, operate toll free and maintain the bridge and approach facilities.

In my judgment, there is a critical and growing need for the Federal government to provide equitable compensation to the loss suffered so long ago by the State of Arkansas.

CONCERN OF KHMER REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am concerned about the Khmer Republic, a small country situated between the 10th and 15th parallels in the Southwest of the Indochinese Peninsula. This country has been the victim of North Vietnamese intrusions for many years, and is still suffering the atrocities perpetrated by North Vietnamese occupation.

In the January 27, 1973, Paris Peace Agreements, a clause was provided in article 20 recognizing the "national fundamental rights of the Cambodian and Laotian peoples to independence, sovereignty, unity, and territorial integrity in these countries." Section B of this article went on to state:

> Foreign countries will cease military activity in Cambodia and Laos and will withdraw all troops, military advisors, and military personnel; all armaments, munitions, and war materials; and will abstain from reintroducing them.

The article concluded with a provision stating that—

> The internal affairs of Cambodia and Laos will be settled by the people of each of these countries without foreign interference.

Mr. Speaker, no provision of the peace agreement has been so blantantly ignored or so openly violated. At the present time in this small land of less than 7.5 million people, there are over 45,000 North Vietnamese troops. Between January 29 and February 10, there were over 230 incidents of armed attacks against the people of Khmer by the North Vietnamese resulting in over 237 fatalities.

Despite repeated attempts by the leaders of Khmer to reach a peace settlement with the North Vietnamese, the destruction and dying continues. These occupying troops are in direct violation of the 1954 Geneva Agreements calling for the withdrawal of all foreign forces and prohibiting the use of Cambodia as a stage for attack on a third country. They also are in direct violation of the January 27, 1973, Paris Peace Agreements, article 20, sections A through D. Finally, they are in direct conflict with the North Vietnamese's own official statement of 1967, calling for the independence, sovereignty, territorial integrity, and neutrality of the Cambodian areas.

Mr. Speaker, the Khmer State cooperated with the American troops and the South Vietnamese troops during the Vietnam war to rid the Cambodian area of Vietcong and North Vietnamese. As a result, the main part of the Vietcong and North Vietnamese sanctuaries on Khmer soil were cleared; major Communist Vietnamese stockpiles of arms, ammunitions, medical and food supplies were seized; the port of Konpong Som, formerly known as Sihanoukville, was closed to Communist vessels delivering military equipment, arms, and ammunitions to the Vietcong and the North Vietnamese troops; and the Khmers kept elements of six Vietcong and North Vietnamese divisions occupied. With the Communist sanctuaries cleared, the sea port close, and the ammunitions seized, the 1972 North Vietnamese spring offensive was much less costly to the United States.

Although there is no formal treaty obligation between the United States and the Khmer people, I feel we owe them whatever we can do to alleviate their present situation. They are not asking for military support, or supplies and ammunition. They are only asking for the American Government to publicly denounce the presence of the Vietcong and North Vietnamese troops on Khmer soil.

This seems like a small price to repay a nation that was so instrumental in saving American lives and enhancing our chances for a early and safe exit from Vietnam.

I ask this Congress and this Government to publicly denounce the presence of Vietcong and North Vietnamese on Khmer soil, as I do, and to request that they withdraw their troops in accord with the Paris Peace Agreements.

PRESIDENT INCREASES ENERGY RESEARCH AND DEVELOPMENT EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, this Nation's demand for energy is rapidly increasing, and will continue for many years. However, our energy supply is not keeping pace with demand. The production of two of our primary energy fuels, oil and natural gas, is not expected to increase fast enough, despite new developments on the North Slope of Alaska, and increased reliance on imports. The possibility of "oil warfare" against the United States by the Arab States could cut off what was hoped to be a major source of future oil imports. A third important energy source, hydroelectric power, upon which Washington State and Oregon depend, fluctuates in availability with the weather, and cannot always be counted on to meet energy demands.

America, in anticipation of future energy demands, must begin now to look for new energy fuel resources. One area which has great potential is that of coal gasification. Unlike oil and natural gas, the United States has nearly unlimited coal reserves. Coal can be converted to gas, a clean burning and efficient fuel. The process is difficult, and only one method of conversion—the Lurgi method—is now commercially feasible. New and more economical processes of conversion must be found. Such a project, at this time, would be a costly one, and private industry needs government help in funding research and development.

I was extremely pleased to learn that the President yesterday requested an additional $115 million for energy research and development, bringing to around $1 billion for this fiscal year, the Federal Government commitment to energy research and development. This additional money will be used to advance technology in coal gasification and liquefication, and to explore new approaches to energy conservation. Several weeks ago, I wrote the President urging this course of action and believe the additional appropriation will be supported and approved by the Congress.

The President's decision is both wise and timely. New research and development can go a long way in enabling private industry to find feasible energy alternatives—before the Nation's energy posture deteriorated any further.

Mr. Speaker, I wish to commend the President for his initiative in committing this Nation to an accelerated program to solve our long-term fuel needs and make the United States self-sufficient with regard to energy supplies.

WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

Mr. SYMMS. Mr. Speaker, I am concerned that recent actions and statements by Congressmen and Senators are "fanning the flames of war in the Middle East."

The United States has no more business interfering in Middle Eastern policy than we had entering Vietnamese politics 12 years ago. It is interesting to note that many former Vietnam war doves have now jumped to their feet to demand U.S. aid to Israel. I certainly fail to understand why they felt it was OK to leave the South Vietnamese to be slaughtered by Communists, but suddenly feel that Israel cannot fight its own battles without American assistance.

We need to show some serious concern for future U.S. relations with the Arab nations. Before we turn our back on these countries, we had better remember that they have been friendly in the past, and are currently selling us about 8½ million barrels of crude oil a day. This is more than one-third of our total daily use.

If we are cut off from those supplies, the resulting shortage of fuels will be far more serious than most people realize.

This week, the other body passed legislation making it difficult, if not impossible, to mine the Western coal fields efficiently. Yet, within 24 hours, some of these same people are pushing for a strong U.S. position in Middle East affairs that would undoubtedly dissolve our oil trade agreements with the Arabs. I wonder if some of them really care if they cause a critical fuel shortage.

I am sure most Americans have watched the emergence of Israel as a nation with great sympathy, but we should remember that the Arabs have been good friends with America over these same years.

It was Egypt that threw the Communists out of its government, and Saudi Arabia was our ally in opposing entrance of Red China into the United Nations. These Arab nations have been friendly to American people and American business in the past, and we should make every effort to preserve good relations with them.

It is extremely important for the United States to remain strictly neutral in the conflict. At this time none of the involved nations in the Middle East have any desire to be enemies of the United States.

Many of the people who spoke out against Vietnam for so many years were the same individuals who initiated U.S. involvement in Southeast Asia by passing the Gulf of Tonkin resolution. Now these same men are about to fall into the same rhetorical trap. It's time we have a few more men operating with foresight, rather than operating with hindsight.

This is a private matter between the nations of the Middle East. The United States cannot continue to be the international policemen and guardian of political standards. Those Senators and Congressmen who spoke out so stridently against Vietnam and are now ready to oppose Egypt are hypocrites. Either we learn to mind our own business finally, or the American taxpayer must accustom himself to the fact that his hard-earned money and his sons will be wasted by putting out brush fires across the face of the Earth.

CONGRESS MUST REPEAL PHASE IV: A REEXAMINATION OF WAGE AND PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, on August 15, the Nation passed the second anniversary of the original 1971 imposition of wage and price controls under the authority of the Economic Stabilization Act, as amended and as extended.

It is appropriate, therefore, to pause and to examine the impact and effects of the various wage and price control policies and regulations during the past 2 years.

The rationale behind the enactment of the Economic Stabilization Act was that by abandoning the traditional free market consumer control over wages and prices and turning this function over to the Federal Government, we would be able to better protect the consumer from the rising costs of living. As has often been the case over the past 40 years, the imposition of these Government regulations was justified as a temporary measure to allow the free enterprise system to function more effectively.

I voted in the past to give the President the authority to impose wage and price controls, but that was when we were operating under a virtual wartime economy. In April of this year, I announced to this body that I would vote against the then-pending extension of the act. I did so vote, believing that wage and price controls were not the most effective answer to controlling inflation during peacetime and believing that the controls which the Congress ought to impose related more to Federal spending and to the Federal Reserve Board's ability to expand the dollar supply beyond a 4-percent increase per year.

THE PSYCHOLOGY OF GOVERNMENT REGULATION OF THE ECONOMY

Mr. Speaker, how did the Nation and its economic system drift so decisively toward state control of wages and prices?

There is a great attack underway on the free enterprise system and the market economy upon which it is based. The noted economist Henry Hazlitt recently observed:

> Nine-tenths of what is written today on economic questions is either an implied or explicit attack on capitalism. . . . The attacks keep coming, keep multiplying.

Hazlitt's analysis holds that the attack upon the free enterprise system stems from at least these main impulses, often blending and overlapping:

Impatience for a cure.

Envy.

The propensity to think only of the intended or immediate results of any proposed government intervention, overlooking the secondary and long-term results which always arise.

A propensity to compare any actual state of affairs and its inevitable defects with some hypothetical ideal.

It must be stressed that a denominator of all four impulses is emotion—not reason, not logic. Yet reason and logic form the bases of good law. Even Jean Jacques Rousseau, in his classic work, Du Contrat Social of 1762, observed:

> Good laws lead to the making of better ones; bad ones bring about worse.

Each of these impulses should be examined more closely.

In an age where modern communications can bring any economic problem into the living room on the evening news, it is understandable why some political leaders react quickly to criticism of their economic policies. Instead of a careful review of the facts and premises for action, instead of careful deliberations among parties which will be affected, instead of experimentation on a trial basis, the proclivity is to rush headlong into an announcement of a new decision, a new direction. The rush is for an answer, not necessarily the answer. The hope is that yet one more decision might be the one which works at last.

The process is more regulation, instead of deregulation. The premise is Government action, not free market principles of supply and demand. Patience is the hallmark of wisdom. It is time for it to be manifested among our Nation's political leadership.

Envy is a human trait, borne out of the worthy aspiration to have that which one does not now have. Its sinister aspect lies in its use of law to take, under penalty of process, from one man to bestow upon another. When Government takes from one man to bestow upon another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both. Yet envy is the genesis of every program to "redistribute the wealth," "to take from the haves to give to the have-nots," "to share the wealth," or whatever new phrase one might cloak the concept within. In this manner, the processes of State action are brought to bear to take from one man the fruit of his labor to give to another that which he could not bear himself. It is a denial of the economic freedom of all men which erodes their political freedom.

Much can be said of the propensity of Government action to fail to take into account the full ramifications of its actions, but it has been recently best summarized by Alan Greenspan, president of Townsend Greenspan & Co., in his address, "The Challenge to Our System." Greenspan concludes that—

> Our Nation has come—[t]o the implicit belief that it is possible to tamper indiscriminately with our economic system, making patchwork adjustments here, and imposing controls there, without affecting our rising productivity and standard of living. I believe that we have reached the point where we can no longer afford this view.
>
> Our difficulties stem from the tendency these days to identify the source of our problems, real or imagined, with the functions of our system. Some government control or government program is then immediately advocated to come to grips with the supposed problem.
>
> On the other hand, if there is anything that economics teaches, it is that sympton-fighting solutions are inherently self-defeating in a complex, inter-related economic structure. There are secondary and tertiary effects from *all* government actions. Problems do not disappear by fiat, they merely become displaced.
>
> There is no better way to undermine any institution than to set a standard for it which by its nature or the current state of the art is unachievable.

Yet, in no small measure because of the anticapitalism mood prevailing in some quarters of our Nation, when maladjustments within the economy are perceived, the proposed answer is more regulation, more control. Yet, the people themselves—the intended beneficiaries of Government wages and price controls—do not want them. In a recent Harris survey, published in the Washington Post during the week the price ceilings on beef were lifted, a decisive mood among the people was reflected:

> By a lopsided 68 to 10 percent most Americans are convinced that the Nixon administration's Phase IV economic controls program will not be successful.
>
> [M]oreover, people have changed their previous position [which was] in favor of across-the-board price freezes.
>
> The prevailing view on the beef problem, supported by a thumping 64–22 percent, is that "all price controls on beef should be dropped so that farmers will produce more beef and *that* will bring the price of beef down." Thus, the American people are opting to try the free market approach. . . .

How then does a free market system better handle unforeseen secondary and long-term effects? In a free market economy, maladjustments would be quickly remedied by the flow of supply and demand as impacted upon by the purchasing power and patterns of the consumers and by the alertness of the producers in an effort to maximize their own economic interests. Contrast this to Government action, when, as a result of government policy, unforeseen side effects are locked in by law or by regulation, requiring formal hearings and procedures to amend, and even then by people who are not accustomed to acute, quick judgment on matters impacting upon economic interests. The bureaucratic responses to problems are as slow as entrepreneurs, responses are fact; the former is almost impossible to adjust in the interest of the consumer, the latter is easy to adjust.

Lastly, there is the tendency to compare whatever is with some imagined, utopian paradise that might be—seemingly always just beyond our grasp, but in reality never within it. No matter what prodigious and accelerative advances that a dominantly private enterprise economy has made in the last two centuries, particularly within the last few decades, these advances can always be shown, by antagonists of the free enterprise system, to have fallen short of some imaginable state of affairs that might be even better. The fact that real wages have more than doubled in the last generation is subsumed to the question, "Why haven't they tripled?" The fact that the number of poor fell from 20 percent in 1962 to 13 percent in 1970 is subsumed to the query, "Why didn't it go down to 10 percent"? Why these queries? On the one hand, because there are those who would downgrade the market economy. On the other hand, and the one in which I happen to believe, because the very success of the free enterprise system and its capacity to resolve problems and produce goods and services concomitantly have encouraged constantly rising expectations and demands—expectations and demands which keep racing ahead of what even the best imaginable system can achieve. There is nothing wrong with this, but what could be made to be wrong with it is when the erroneous assertion is made that another economic system could have done better. Such an assertion can never be proved by fact. The market economy is the single economic system compatible with the requirements of personal freedom and constitutional government, and is also the most productive supplier of human needs. There is no better system.

THE CAUSES OF INFLATION

Mr. Speaker, God did not make inflation; politicians did.

Inasmuch as wage and price controls were instituted to curtail inflation, it is appropriate to examine in detail the nature and causes of inflation. The causes of inflation are severalfold and are interrelated.

Federal spending has caused deficits in the Federal budget year after year. Not only does the rate of Federal spending and the manner in which funds are spent contribute to inflation, but the necessity of paying for these deficits, of honoring the debt commitments of the Federal Government, has engendered the Federal Reserve Board to expand the dollar supply—by simply printing additional money without increasing the gold reserves which support that money—beyond the reasonable 4-percent increase per annum.

Soaring prices for which price controls are intended are the results, not the causes, of inflation. When Government spends recklessly, when it runs chronic deficits, when it expands credit, when it prints more money, prices are compelled to increase. When the rate of these factors increases, the rate of price increases soars. The rising of nearly all prices is the result of the monetary policies of the Government itself.

The notion must be disspelled that prices soar because businessmen increase their profit margins. That is not true because to do so would backfire in the market place, thereby producing less profit levels. In a free market the demand and supply of each of thousands of different commodities and services are changing every day. When an increase in the money supply does not falsify the result, the goods, and services in most demand rise in price while those in least demand fall. Thus, the profit margin in supplying the goods in greater demand increases while that in supplying the goods in less demand falls. The thousands of different goods and services produced, therefore, tend constantly to be produced in the changing proportions in which they are most wanted. Government policy and regulation can never duplicate the simplicity and effectiveness of such an economic pattern.

Prices are indispensable signals to the producers and to the consumers alike. Prices tell the truth about supply and demand. Voluntary restraints, wage-price controls, Government guidelines, Government regulation of rates—all combine to falsify the signals, to distort the pictures being attempted to be perceived by the producers and consumers, and disorganize the balance of production.

Inflation in prices and the devaluation of the dollar. Such controls tend also to distort the moral dimensions of personal conduct. The economist, Leland B. Yeager, in his 1972 overview, entitled "Monetary Policy and Economic Performance: Views Before and After the Freeze," notes clearly this moral dimension:

> Controls reward invention of increasingly ingenious evasions as time goes on; and in this respect, the most conscientious and public-spirited people suffer to the advantage of evaders. . . . [C]ontrols tend to waste the scarce and precious spirit of voluntary decency. Far from giving the American people healthy exercise for their moral muscles, such controls tend to undermine morality by breeding confusion about the supposed wickedness of seeking profits or of adjusting particular wages or prices upwards. Actually, such actions [moral judgments] are essential in a market economy.

Government action has contributed mightily to the erosion of the purchasing power of the dollar. If the economic boom of the sixties was obtained by simply putting more money into circulation—by printing more—it temporarily made some people richer only at the cost of making other people, in real earning power, poorer. When the supply of money is increased, the purchasing power of each unit must correspondingly fall. In the long run, everyone's economic status is eroded.

Where can all of this lead? It can lead to disastrous consequences for the Nation. We are not here talking about a minor problem which can be easily corrected. We are talking about the necessity of backtracking on a decided direction of government within the past 2 years—to regulate specific wages and prices virtually across the whole board of economic action, and of backtracking on nearly half a century of bemuddled and befuddled economic theory. We have but to look to the example of Chile to see clearly what the consequences of runaway inflation—produced by government policy—can be. When Dr. Salvadore Allende came to power, he increased sharply the wages of workers in nationalized industries. He did not do this by increasing production and profit margins; he did it simply by printing more money. The ramped inflation which resulted soon became the highest inflation rate in the world. This brought about strikes, demonstrations, riots; collectively, these brought down the government. I am not here to assert today that "Caesar had his Brutus, Charles his Cromwell"—but I am here to assert that our President may profit by the example of Allende and his economic policies. Our economic policies are not that dissimilar of late.

WAGE AND PRICE CONTROLS HAVE FAILED

Mr. Speaker, against this background of history, fact and cold evidence, the Government reacted to the spiraling rates of inflation, by producing another series of inequities and distortions. We know those as wage and price controls.

The record of price controls goes back as far as recorded history. They were imposed by the Pharaohs of ancient Egypt. They were decreed by Hammurabi, King of Babylon in the 18th century B.C. They were tried in ancient Athens.

In 301 A.D., the Roman Emperor Diocletian issued his famous edict fixing prices for nearly 800 different items, and punishing violation with death. Out of fear, nothing was offered for sale and the scarcity grew far worse. After a dozen years and many executions, the law was repealed. Writing in the Wall Street Journal of Tuesday, October 2, William H. Peterson documents the case:

THE SAD SAGA OF DIOCLETIAN

(By William H. Peterson)

Many phases and freezes ago, long before Santayana observed that those who don't know history will be condemned to repeat it, long before Ricardo (and much more recently Milton Friedman) propounded the quantity theory of money—namely, that as the volume of money expands faster than production, prices tend to rise—Rome fought inflation. Not wisely but hard. And long. Finally, in 301 A.D. came the famous price-fixing Edict of Diocletian.

The background of the Edict points to the recurrent patterns of history. In 357 B.C. Rome set the maximum interest rate at 8⅓%. In 342 B.C. interest was abolished to favor debtors. In 90–86 B.C. the currency was devalued and debts were scaled down 75%. In 63–61 B.C. loans were called and there was a flight of gold, which was finally stopped by an embargo on gold exports. In 49–44 B.C. Julius Caesar cut the relief rolls from 320,000 to 150,000 by a means test. In 2 B.C. Augustus cut the relief rolls (which had grown again) from 320,000 to 200,000. In 91 A.D. Domitian created the equivalent of a government "soil bank" which wiped out half of the provincial vineyards to check overproduction of wine. In 274 A.D. Aurelian made the right to relief hereditary, with bread substituted for wheat and with free pork, olive oil and salt added.

This pattern of the welfare-interventionist state is perhaps better observed in the deterioration of the purchasing power of the Roman coin of denomination, the denarius. For although good price records and price indexes are not available, we know Rome underwent persistent and cruel inflation and did so through the rapid expansion of the money supply (our old friend, the quantity theory of money.) Pre-Gutenberg and the printing press, the money supply mainly was ballooned via debasement, through alloying base metal into precious. The following table traces the deterioration of the denarius after Augustus whose coin, save for a hardening agent, was practically pure silver:

Issuer:	*Percent silver*
Nero, 54 A.D.	94
Vitellius, 68 A.D.	81
Domitian, 81 A.D.	92
Trajan, 98 A.D.	93
Hadrian, 117 A.D.	87
Antoninus Pieu, 138 A.D.	75
Marcus Aurelius, 161 A.D.	68
Septimius Severus, 193 A.D.	50
Elagabalus, 218 A.D.	43
Alexander Severus, 222 A.D.	35
Gordian, 238 A.D.	28
Philip, 244 A.D.	0.5
Claudius Victorinus, 268 A.D.	0.02

Into this inflationary, welfare-interventionist milieu came Emperor Diocletian, determined to stop inflation by law, by his Edict of 301 A.D. His Edict complained of such "unprincipled greed" that prices of foodstuffs had recently mounted "fourfold and eightfold."

The preamble continued: "For who is so insensitive and so devoid of human feeling that he cannot know, or rather has not perceived, that in the commerce carried on in the markets or involved in the daily life of cities, immoderate prices are so widespread that the uncurbed passion for gain is lessened neither by abundant supplies nor by fruitful years, so that without a doubt men who are busied in these affairs constantly plan to actually control the very winds and weather."

The Edict "commanded cheapness," covered some 800 different goods and recognized the cost-push side of inflation—spelling out wage limits for teachers, writers, lawyers, doctors, bricklayers, tailors, virtually every calling—but, of course, forgot all about the demand-pull side, stemming from the continuing debasement of the currency. The teeth in the law were very sharp. The penalty for an offense was death. The complexity of the Edict can be seen in the hundreds of wage and price schedules:

Products:	*No. of schedules*
Foods	222
Hides and leather	87
Timber and wood products	94
Textiles and clothing	385
Wicker and grass products	32
Cosmetics, ointments, incense	53
Precious metals	17

There are 76 different wage schedules, broken down into skilled and unskilled categories. In the silk-weaving and embroidery trades there were 13 different schedules; wool weavers were broken down into six wage categories and fullers had 26 different authorized pay scales.

The Edict, of course, failed. In 314 A.D. Lactantius, a contemporary historian, wrote of Diocletian and his grand plan as follows:

"After the many oppressions which he put in practice had brought a general dearth upon the empire, he then set himself to regulate the prices of all vendible things. There was much blood shed upon very slight and trifling accounts; and the people brought provisions no more to markets, since they could not get a reasonable price for them; and this increased the dearth so much that at that at last after many had died by it, the law itself was laid aside."

In Britain, Henry III tried to regulate the price of wheat and bread. Antwerp enacted price-fixing in 1585, a measure which some historians believe brought about its downfall. Price-fixing laws enforced by the guillotine were also imposed during the French Revolution, though the soaring prices were caused by the revolutionary government's own policy in issuing enormous amounts of paper currency.

Yet from all of this dismal history—of not one wage and price control scheme genuinely working during a peacetime economy—the governments of today and their leaders have learned absolutely nothing. Is it any wonder that Santayana observed that those who do not learn from history are doomed to repeat it?

Our Government continues to overissue paper money to stimulate employment and economic growth, and then vainly tries to prevent the inevitable soaring prices, ordering everybody to hold down prices. The Government is, to paraphrase the 16th century English proverbist, John Heywood, trying to have its cake and eat it too—for political advantages perceived to be gained?

The sad facts, though predictable when wage and price controls were imposed, combine to show clearly that wage and price controls have been a terrible failure. I cite these examples:

When wage-price controls were announced on August 15, 1971, the Consumer Price Index, measured in annual percentage rate terms, was 3.0. In the 6-months period ending in July, 1973, the index was rising at a seasonally adjusted annual rate of 7.4.

The money supply expanded between the fourth quarters of 1971 and 1972 at a rate of 7.4 percent, nearly double the generally accepted level. All signs point toward a money growth rate between the fourth quarters of 1972 and 1973, of as much as 8.0 percent. Government itself is adding fuel to the inflation it is trying to control.

On August 30 the Department of Agriculture reported that the average costs of all raw farm products had soared by an all-time record of 20 percent for the 1-month period ending August 15. A decline in September did not start to even make a dent in the long-range projections on farm product costs on the charts.

Most economists are today predicting a 5 percent or more inflation rate for the next year. Even the administration has abandoned its own predictions for a 1973 inflation rate of 3 percent.

In June and July 1971, immediately preceding the wage-price impositions, wholesale prices rose at an annual rate of 6.5 percent; in February and March 1973, they rose at a rate of 13.5 percent.

By the middle of this year, wholesale prices were increasing at a rate of inflation, per year, of nearly 23 percent.

The newspapers are filled daily with articles and editorials giving additional support to the contention that wage-price controls are simply not working. The conclusions are now coming forth. In an article entitled "Controls, Inevitable—and Perilous," Dr. Paul McCracken, Edmund Ezra Day university professor of business administration at the University of Michigan and former Chairman of the President's Council of Economic Advisers, states:

> The results are . . . apt to be disappointing and the unintended side effects will probably be large and perverse. . . . It is impossible to cite a single sustained success in the postwar quarter of a century with a price-wage control program.

Perhaps the most distressing analysis appeared in Newsweek, August 6, by Milton Friedman, former president of the prestigious American Economics Association, in an article entitled, "A Frightening Parallel." Dr. Friedman contrasts the consumer and wholesale price increases between 1949 and 1951, the period of the Korean conflict, with the period 1972–1974—which, of necessity, must include a prediction. The parallels are striking:

Consumer prices *

January 1949	3.0
January 1950	4.0
January 1972	3.0
January 1973	4.0

Wholesale prices *

January 1949	6.0
January 1972	3.8
January 1950	9.0
January 1973	9.0
January 1950	22.0
July 1973	21.0

* Rate of inflation, percent per year.

What these figures do not show, based upon these parallels, is how bad it may very well become, if the pattern continues as it did during the 1949–51 period. During that period, consumer prices soared to an annualized rate of inflation of 20 percent in the spring of 1951; wholesale prices rose to an annualized rate of 36 percent in March 1951.

At this point in the RECORD, I wish to include excerpts from Dr. Friedman's article:

A FRIGHTENING PARALLEL

(By Milton Friedman)

The current inflation has followed almost precisely the same time path as the Korean War inflation. If this parallelism were to continue, inflation would peak in early 1974 at a rate of something like 20 per cent per year for consumer prices, 36 per cent for wholesale prices. * * * *

However, the parallelism to date does not mean that the parallelism will continue. After all, June 1950 was only the start of the Korean War. The worst of the Korean War inflation was yet to come. June 1973, we trust, faces no similar prospect, no equally pressing demand on our fiscal and physical resources, no corresponding pressure to create money.

MADE IN WASHINGTON

The price explosions depicted on the chart are not acts of God; they are the consequences of human action. The men then in Washington produced the Korean War inflation under the stimulus of war. The men now in Washington produced the present inflation under the stimulus of the urgent desire of President Nixon to be re-elected, of Congress to pass out goodies to constituents, of the Federal Reserve Board to avoid the wrath of Congressman Patman. The same men could adopt policies that would end the parallelism—though at the moment, there are few signs that they will do so. Three features of the chart are more significant than the parallelism of the curves:

First, the many changes that have occurred in the U.S. economy from 1949 to 1972 appear not to have altered the speed with which the economy responds to inflationary pressures.

Second, the Korean War inflation retreated as fast as it advanced. In February 1951, consumer prices were rising at a rate of 14 per cent per year, wholesale prices, 24 per cent per year; six months later, both rates of inflation were zero. Nothing excludes a similar development today. But also, nothing guarantees it.

Third—and most important—in order to make the two curves coincide, one must treat a rate of inflation today of 6 per cent in consumer prices and of 12 per cent in wholesale prices as equivalent to a rate of inflation in 1949–51 of zero. The "normal" or "natural" rate of inflation has clearly risen sharply over the past two decades, though these numbers may not be reliable measures of the amount of rise.

During the recession of 1954, I gave a talk in Sweden under the title "Why the American Economy Is Depression-Proof." In that talk, I said: "The prospect is . . . a period of recurrent bouts of inflation produced by overreaction to the temporary recessions that punctuate the period."

That has proved a reasonably accurate prognosis—though candor compels me to confess that the process has developed more slowly than I anticipated. The overreaction to each recession raised the level of inflation considered tolerable. During the mild recession of 1948, consumer prices actually fell at the rate of 2.3 per cent per year. During the mild recession of 1970, consumer prices rose at the rate of 5.6 per cent per year. The base around which we are operating has clearly risen substantially over the past two decades. I fear it has much farther to go.

This shift in price behavior was produced by a corresponding shift in monetary policy, encouraged by a shift in fiscal policy. In the five years 1948–1953, the average rate of monetary growth was 2.7 per cent per year for M_1 (currency plus demand deposits), 2.9 per cent for M_1 (M_1 plus time deposits at commercial banks other than the large CD's). In the five years 1967–72, the corresponding rates were more than twice as high, 6.3 per cent for M_1, 8.4 per cent for M_2. In the past year, the corresponding rates have been even higher—7.3 per cent for M_1, 9.0 for M_2.

In the earlier five years, the Federal budget averaged a *surplus* of roughly 1 per cent of national income; in the later five years, and also in the past year, a *deficit* of 2 per cent.

Little wonder that prices have risen much more rapidly in recent years.

WHAT PRICE EXPERIENCE?

I concluded my 1954 lecture by stating: "Economists have known—at least intermittently—for over a century and a half two propositions: first, that by printing enough money you can produce any desired degree of activity; second, that the ultimate result is destruction of the currency. The American public has learned the first proposition. It once knew, but has now forgotten, the second. Only experience is likely to teach it again."

We are paying a high price to acquire that experience.

In the Wall Street Journal editorial of October 10, 1973, entitled "Retrospective on Controls," an overview of the failures of price controls is presented which, in my opinion, summarizes accurately the failure of this program. At this point in the RECORD, I wish to include this article in its entirety:

RETROSPECTIVE ON CONTROLS

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent non-controls atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have—somewhat belatedly it seems to us—joined the AFL–CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far from extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The money supply has been expanding rapidly, 7.4% between the fourth quarters of 1971 and 1972. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact

> of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.
>
> Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.
>
> For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.
>
> Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:
>
> Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.
>
> No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enough to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.
>
> So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple physiology the sooner we will be able to start rebuilding a healthy economy.

In what ought to be have been a final blow to the continuation of wage and price controls, the administration's own labor-management advisory committee, composed of 10 top business and union leaders, has urged that the controls be terminated not later than the end of the present calendar year. The AFL–CIO has formally urged the restraints be removed as quickly as possible. And in an unusual joint letter, the U.S. Chamber of Commerce and the National Association of Manufacturers has asked the President "to end the entire wage-price control program promptly, without prior notice and without a sector-by-sector phaseout." Yet administration officials have refused to commit themselves to any fixed dates for ending the restraints.

Where should we go from here?

WAGE-PRICE CONTROLS SHOULD BE REPEALED

Mr. Speaker, the statistics which I have cited—the hard facts and cold evidence—on the failures of wage and price controls point inescapably to the dispassionate observer to an urgent need to retreat from the present policies and programs. I am fully aware of the ramifications of such a change in the administration's policies—political, procedural, even ego. But if this administration does not now retreat on wage and price controls it may—

Further jeopardize the strength of the economy, including the purchasing power of the dollar;

Proceed further into the quagmire, the abyss, of endless and intricate regulations, leaving future administrations little recourse but to continue to act in reliance upon Government regulation;

Further undermine the people's faith in the effectiveness of Government;

Continue to undermine the philosophical and historically demonstrable truths of capitalism and the market economy, by the espousal of misrepresentation and untruths.

I recommend, first, the recission by the President of the wage and price controls currently in effect under phase IV.

I recommend, secondly, the repeal by this Congress of the Economic Stabilization Act, and I have cosponsored legislation to achieve that purpose. That legislation has now been introduced in both Houses of the Congress.

I recommend, thirdly, that this Nation take a fresh look at the capabilities of the market economy to resolve perceived economic maladjustments. As Hazlitt recently penned—

> A state-controlled economy is incapable of solving the problem. The bureaucratic managers of nationalized industries may be conscientious, God-fearing men; but as they have no fear of suffering personal losses through error or inefficiency, and no hope of gaining personal profits through cost-cutting or daring innovation, they are bound, at best, to become safe routineers, and to tolerate a torpid inefficiency.

Hazlitt adds that—

> Such an economic system would be without the guide of the market, without the guide of money prices or of costs in terms of money.
>
> The bureaucratic managers . . . would not know which items they were producing at a social profit and which at a social loss. Nor would they know how much to try to produce of each item or service, or how to make sure that the production of tens of thousands of different commodities was synchronized or coordinated. . . . In short, they would be unable to solve the problem of economic calculation. They would be working in the dark.

A retreat from wage and price controls must be accompanied by a realistic policy to attack the actual causes of inflation. In order to restore a stable price structure, we must alleviate those conditions which have required the high rates of monetary expansion, namely, the growth of government spending. Government spending must be curtailed, and that is the responsibility of this Congress.

Writing in the Federalist Papers, Alexander Hamilton, who was to become Secretary of the Treasury himself, wrote these poignant words:

> A power over a man's subsistence amounts to a power over his will.

Mr. Speaker, it is immoral, in my opinion, for one man or men, through the powers of coercion given them through the force of law, to have such a power over another man's subsistence and, ultimately, over the exercise of his free will.

Wage and price controls must be repealed.

THE ECONOMY: SOME THOUGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, I rise today to join in the continuing debate over the deepening economic crisis facing our country and to offer, for the consideration of the Congress, some ideas I hope might have some worth.

The economy has become this country's principal concern and inflation our No. 1 preoccupation. There is little hope of relief soon from the rocketing prices that have plagued consumers this year. Food prices rose more rapidly in August than they have in the last 27 years, with the wholesale price index climbing a staggering 6.2 percent in 1 month alone. A multiplicity of supply shortages, a crippled, devalued currency and runaway, uncontrolled inflation of 7.5 percent threaten traditional American affluence. Prime interest rates of 10 percent reflect the spiraling cost of both short term and mortgage loans, which are at their highest levels since the founding of the republic and which some reputable economists tell us, may precipitate increased unemployment and a resultant recession. Even for those willing to pay unprecedented rates, there is very little money available for borrowing.

It troubles me to watch at the same time, our economic stability being subverted by the very nations we have depleted our treasury to defend. The dollar is grossly undervalued on the international market. Foreign investors have become increasingly disillusioned with the sagging American dollar. The two devaluations have cut the par value of their holdings by 18 percent. Their uneasiness was increased when the floating monetary conversion were instituted in March, causing the U.S. currency to continue its downward slide.

THE PROBLEMS

It is my opinion that our current dismal economic situation stems from three general problems.

1. DISILLUSIONMENT ON PRIORITIES

First, there is a basic disagreement between Congress and the executive branch over spending priorities. The President favors a budget that seeks to increase our military spending. The Congress, while insisting on a strong defense capability, favors an economy geared more toward meeting domestic needs.

A constitutional confrontation has sprung from the President's unlawful refusal to accept Congress' spending decisions. He has impounded funds and terminated programs established through lawful process without any authority whatsoever. Lower courts have upheld Congress, almost unanimously and a definitive Supreme Court decision is expected this fall.

The need for a balanced Federal budget is genuinely apparent, but it remains unattainable without compromise on basic disagreements over spending priorities.

2. THE BUDGETARY PROCESS

The second basic problem lies in the archaic budgetary process. Congress authorizes spending and Congress raises the revenues, yet we do not even prepare our own budget. We await the President's recommendations and then react in a completely disjointed manner. Without ever comparing projected revenues with projected expenditure levels, we try to shape priorities through 14 appropriation bills, each considered separately. We vote for or against hospitals, for or against education and for or against military expenditures, without ever comparing one against the other to consider the relative importance of each. It is a curious thing that we have no congressional machinery to require that we take a more rational approach to spending.

3. THE ADMINISTRATION'S ECONOMIC POLICIES

The final cause is the most obvious and has had the most direct impact on our economic troubles. It stems completely, in my opinion, from the administration's mismanagement of economic policies.

The problems began, first of all, with the President's refusal to participate in wage and price settlements for the first 2½ years of his administration. President Nixon announced shortly after he took over that the Government would no longer attempt to set guidelines to hold down prices and wages as his predecessors had done.

Then, for 2½ years, inflation grew steadily greater, with industry and labor both, in many instances, obtaining increases beyond a justifiable limit. The President then tried to compensate with a stop and go, "now do everything, now do nothing" policy completely lacking coherent long-range planning.

Second, the gross deficit spending—nearly $115 billion from 1969 to 1973—caused primarily by an unwanted, crippling war in Southeast Asia, drained our resources away without productive input to the economy.

Third, the administration's fiscal policies, and the monetary policies of the Federal Reserve Board in 1971 and 1972 were calculated not to solve economic problems but to produce maximum economic expansion and high employment at election time last year. The Federal Reserve Board's complicity in this policy has been admitted by its chairman, Dr. Arthur Burns, who stated recently that the Board's policies had been overly expansionary, and contributed to the ravenous inflation which began in early 1973.

Fourth, the release of all phase II controls and the conversion to phase III permissive policies on January 11, 1973, came at an unprecedented time, when there were indications of a stabilizing economy. In effect, a release of all controls, without any indication of long-range plans, lead to widespread industry and business movement to increase prices, to make up for past grievances, imagined or real, and to take some advantage in preparation for the uncertain future. The President's action defied and surprised, apparently, all his economic advisers, and lead directly to the current uncontrolled and uncontrollable inflationary spiral.

Last, phase IV controls, now moving generally, in the right direction, are still not uniformally applied. In the petroleum industry, for example, the wholesaler is allowed to pass on his increased costs of doing business, but the petroleum retailer was required to absorb the 2 or 3 cents per gallon wholesale increases, and could not pass other increased costs of doing business along to the public.

The administration has never learned that controls must be applied evenly and fairly. Earlier, for example, the exemption of raw agricultural products from the freeze led to the destruction of valuable livestock, with many farmers sending milking cows, laying hens, and woolgrowing sheep to be slaughtered, and killing baby chicks, because their sale prices were controlled but feed costs were not, and they were unable to afford the increased costs of feeding the producing stock.

The President's unwillingness to call for equal treatment manifested itself again when he ended price controls on health services and food, but continued the freeze on beef. While general price rises were quickly passed to the consumers in all other areas, meat wholesalers withheld livestock from the market until the unfair restrictions were lifted. The result was that beef shortages swept the country during August.

Now the Cost of Living Council has allowed the oil retailer to pass on increased costs of purchasing gas, but not other increases and this discrimination may yet lead to gas shortages. Hopefully, a policy of mandatory allocation of fuel will be implemented soon by the administration. If it is not, congressional action will require it to prevent extensive shortages of heating fuel over the winter.

SUGGESTIONS FOR PROBLEM 1: THE BATTLE OVER PRIORITIES

The Federal budget is an outline of Government objectives, a final decision as to which problems will be attacked with money and which simply with rhetoric. The budget has a significant impact upon employment levels and the rate of inflation and affects, for good or bad, the whole economy.

The administration's priorities are clearly reflected by its budget recommendations for military and foreign assistance spending as contrasted with domestic spending.

Programs to be cut back under the President's proposals include health care, urban and rural development, housing, education, vocational rehabilitation, and pollution control programs. Meanwhile, the defense appropriation proposals remain relatively unchanged. Although we saved $9 billion per year by ending the Vietnam war, no such reduction is reflected in the President's budget proposals for the current year. Instead, he asked for $6 billion over last year's $75 billion.

Congressional spending reflects a completely different set of priorities. We have consistently cut from defense, space and foreign assistance and added in the areas of education, health and pollution control, among others. In the first 4 years of President Nixon's administration, Congress has effected a net cut of over $21 billion from his request for spending, over and above significant increase in some areas of domestic spending.

I believe that we could cut the defense budget by at least $5 billion, and probably $10 billion, without impairing our defensive capabilities in any way. Several of the Department's new expensive weapons systems are not needed and will not contribute materially to our defensive capability. Many do not perform as expected. The B–1 bomber system, for example, is conservatively estimated to cost $25 billion, yet its potential is little better than our existing B–52 forces, which are entirely capable of penetrating present Soviet defenses and will last as long, probably, as we can militarily justify a bomber system. Projected expenditures for the ABM, nuclear powered aircraft carriers and the F–15 fighter, among others, are not supported by a realistic assessment of our defense needs.

Expanded unified purchasing policies could save sizable amounts, according to the Joint Economic Committee.

Finally, our allies can and should bear more of their own defense burdens. By cutting our European troop levels in half, or requiring, in the alternative, that these costs be paid by the European countries they defend, we could save at least $2.9 billion annually, and probably much more. President Eisenhower said in 1963 that he felt our presence—a nuclear shield, in effect—could be maintained with about one quarter the troops presently stationed there. Troops can be airlifted to Europe together with their heavy equipment, now, in a matter of hours.

For years Congress unquestioningly gave the Pentagon everything it requested. Now we are starting, not just to question, but to require justification for new expenditures—and that is genuine progress.

SUGGESTIONS FOR PROBLEM 2: REFORM OF THE BUDGETARY SYSTEM

Congressional reform of its own budgetary procedures is long overdue. Hopefully, this year's report by the Joint Study Committee on the Budget will serve as a foundation for this reform. Their recommendations include specific procedures that, if implemented, would provide Congress with management tools to permit us to match projected outlays with projected income and to control Federal outlays and determine spending priorities.

And they would give us the ability to make management decisions about deficit or surplus spending strategy or tax increases or decreases, as the economic circumstances may dictate.

The committee's suggestion for a congressional equivalent to the Office of Management and Budget would provide Congress its own budget preparation capability.

This year-round staff of economic experts would, each year, prepare a congressional budget—our own basic framework for setting priorities.

We could make a very significant change in neutralizing the executive branch's monopoly on expertise by providing the Congress with an independent source of experts not accountable to the administration. Information and statistics upon which our meager attempts at legislative oversight of the different departments must be based, are now available only from the departments we are supposed to be policing. How can we hope to intelligently control the administration when we must rely solely for data upon the very Government officials we are supposed to be checking on? It is indefensible that Congress does not have an independent source of information.

Zero-based budgeting may be another method of modernizing our budget system. Under current procedures, the existing agencies are merely required to justify increases over their previous year's appropriation. Zero-base budgeting would subject each program to a periodic defense of its very existence. The new proposal stipulates that every few years a program up for renewal of its authorization would be expected to justify and support its past effectiveness and future objectives, just as if it were a completely new program. In my opinion, this would add greatly to the efficient operation of Government agencies.

Congress, acting upon its own budget as the starting point, rather than the President's proposal, must provide itself with the tools to match projected income against projected outgo, and in a management decision, determine whether to have a balanced budget—if economic conditions as now require it—or whether to permit deficit spending. The previously unthinkable proposition—a payment on reducing the national debt—may even be possible in a year of surplus and favorable economic conditions.

I am supporting bills to enact these and other changes which I regard as essential. Several of these have been originated by me, the result of many years' interest in the subject of legislative reorganization as a Senate staff member. There finally seems, Mr. Speaker, to be a move toward some consensus in Congress that something must be done to change our creaky budgetary machinery. But it will require some inroads into the power structure of this institution—some significant changes—and I know this will be accomplished only with great stress and only if the public requires it of us.

SUGGESTIONS FOR PROBLEM 3: ECONOMIC AND MONETARY POLICIES

Increasing supplies: The United States is currently experiencing its worst inflation since the outbreak of the Korean war. A significant increase in resource supplies will alleviate much of the inflationary pressure, and that goal is the policy, now, of both the administration and the Congress. The recently passed farm bill, removing all growing restrictions, is designed to maximize farm production. Farmers have responded despite floods and shortages of fuel and fertilizer. Corn production is likely to rise 6 percent this year and soybeans 24 percent. Wheat crops are predicted to break all records with a yield of 1.36 billion bushels, 13 percent over last year's figures. An improved system of transportation for farm produce will further aid in decreased consumer prices. We have also increased the supplies of raw materials by the sale of $1.9 billion of excess Government metal stockpiles and Congress is preparing legislation to sell an additional $4.9 billion of these stockpiles in the near future. Work is scheduled to begin on the Alaskan pipeline which will eventually provide the United States with 2 million barrels of oil per day.

Restore competition: The Government cannot afford, however, to allow policies aimed at increasing resource development to smother our system of free competition. The oil depletion allowance, for example, was originated to stimulate development of additional crude oil sources, and is calculated against the profits realized by crude producers. This incentive for greater crude profits has stimulated higher prices. The major oil companies which control gasoline production, refining and retail sales, keep their crude prices just low enough to sustain a market demand, but high enough to prevent the expansion of smaller independent refining companies.

The independent retailer has purchased surplus crude and refined products in past years and provided the competition to keep prices down. The major oil companies have taken advantage of shortages to cut off sales to the independents, threatening the continued existence of the only real force to hold down retail gasoline costs. Government policies have allowed our oil industry to become a concentrated field of verticle monopolies. Twenty U.S. firms control approximately 94 percent of domestic crude resources. An almost identical list owns 87 percent of the gasoline refining capacity in the country. In fact, the eight major oil companies alone control 59 percent of the U.S. refining capacity. I am hopeful that legislation recently introduced to prohibit oil industry ownership at both production-refinery levels and retail merchandising will eventually come before the Congress and be passed.

A renewed interest in antitrust activity by the Justice Department is an absolute necessity, and my own House Judiciary Committee is pressing for that increased activity.

Build small business—relieve Government pressure: Government action to regulate large corporations and to aid the faltering small business community is long overdue. Indeed, Government policies seem calculated to smother the small businessman. Yet this country's long-range needs require that there be small business competition with big business. Much of my own efforts will be aimed at helping simplify and deregulate Government interference with the individual business. My own specific proposals will be spelled out very soon and I will be introducing legislation to help alleviate the distress of the small businessman.

Tax reform: Business activity could be assisted through specific tax changes to help keep the economy moving along, encouraging development at lower levels, and discouraging it right now at the large corporate level; to help hold down inflationary pressures. The accelerated depreciation range—ADR—should be discontinued for large business, and increased and simplified for the small business. It is of little use to small enterprise now, due to the enormous amount of paperwork involved. We could save our Federal Treasury as much as $1 billion annually if ADR were realined. An indirect result of this change in the asset depreciation range could be a shift of available capital to new housing starts, which have lagged miserably this quarter.

The Investment Tax Credit could also be amended to reduce application to the large industry, but to benefit small business. The original justification for this credit in 1962 was to provide an incentive for industrial expansion. This incentive is not presently needed by the large corporations. They are currently producing at only about 80.5 percent of capacity. We should remove this credit. The large corporations whose profits this quarter are the highest in history—even under supposedly strict price controls, do not need this assistance to expand production facilities.

A decrease of tax credit availability for these corporations could allow a substantial tax credit increase for small business with no loss in tax revenues. This could encourage growth of small business, and allow them to compete more effectively with the enormous corporations which dominate our economy. And by decreasing the tax incentive for large industries to expand production facilities, we would be easing inflationary pressures, or at least equalizing the economic impact that such a tax break might stir up in the smaller business community.

Foreign trade: I am also in favor of expanded trade with foreign countries. Our balance-of-payments distress and our general economic well-being require as much exports as possible, based upon our critical need to import vast amounts of raw materials—of which oil is the most obvious item.

But we must examine the consequences of our foreign sales more carefully. The Agriculture Department's wheat deal with the Soviet Union for example, negotiated at the same time they were restricting wheat growth, showed either a total misunderstanding of its implications for the domestic economy or a callous, almost criminal disregard for the welfare of the American people. That sale, of one-fourth our entire wheat crop, was directly responsible for higher bread and wheat prices and extensive shortages this year. Planned exports this year, together with greater domestic consumption, will reduce American reserves to very low levels by midyear, 1974.

Congressional pressure to prevent such disastrous foreign transactions has led to establishment in the Commerce Department of a mechanism which, if sales abroad threaten domestic supplies, can lead to an embargo on further foreign sales. Such an embargo was implemented in July of this year to prevent further sales of soybeans, which among other factors, has forced a significant reduction in soybean prices.

But to the extent that sales abroad do not create shortages at home, they must be encouraged. A better balance of payments is critical to maintain international confidence in the American dollar. The basic problem underlying the dollar's international decline stems from a lack of confidence in the U.S. economy, of course, and the ultimate answer to this dilemma is controlling our domestic inflation. A strong production performance, supported by a balanced budget, would go a long way toward restoring international confidence in American currency.

The goal—A return to a free market: The eventual goal of any system of price controls must be their own elimination, as soon as possible, in favor of a highly competitive free market system, where Government participation is —limited to antitrust enforcement and minimum regulation, including a rational set of price and wage guidelines during times of high inflationary revenues. Interim Government regulation of wage and price decisions is not desirable, but temporarily necessary. The alternative of sole reliance on fiscal and monetary policy proved ineffective and costly between 1969 and 1971 and will not suffice again until normalcy is more nearly attained.

In the meantime, the Cost of Living Council must evaluate more carefully applications for price increases, principally by large corporations whose impact upon the economy is so extensive. They must learn to say "no" to requests that are inflationary. Present controls are of no use at all unless the Council enforces with equality and fairness the rules governing the economy, and this must include allowing under Phase IV, the gasoline retailer the right to pass on his increased costs of doing business. The pleasant surprise of our 2-year economic distress has been the responsible attitude of organized labor, whose increases have been held to an average of 5.7 percent per year. Prices have been the villain.

SUMMARY

The health and stability of our economy has a great impact on every other aspect of American life. Congress and the administration share responsibility both for these mistakes and for the policies of the future. The public's tolerance and acquiescence will be required to make the system function.

Inflation must be reduced. The economy must be kept strong. Government spending must be controlled and intelligently directed to solve our society's problems. And rational economic policies must be uniformly applied to fall with even impact across all segments of society.

It is a legitimate function of the Congress to direct that effort. I hope fervently that we will accept our responsibility, provide ourselves with the tools and move forward to met our obligations.

THE GAS BUBBLE—IX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio is supposed to have an assured supply of natural gas for 9 more years, according to its contract with the Coastal States Gas Producing Co. But Coastal has become unable to deliver more than a fraction of their commitment, not only to San Antonio, but to every other customer it has in Texas.

One reason for this sudden inability to deliver is that Coastal has sold more gas than it owns or can conceivably buy or find. Reserves that were intended to fulfill San Antonio's contract, among others, have been sold outright to other customers. One such contract is effective on November 1, and it alone will take away 25 percent of the gas that Coastal is delivering to its Texas customers today. When this contract is carried out, Texas customers who have senior contracts will suddenly lose 330,000 million cubic feet of gas a day—enough to provide heat and power to a city of nearly a million people. Coastal itself will be left with less gas than it will need to meet even human necessities.

This kind of vicious deal has left hundreds of Texas communities with the prospect of little or no heat or light this winter.

San Antonio has asked the Texas Railroad Commission to set aside this and other contracts whereby Coastal has sold its reserves outright. But the railroad commission has yet to rule on this, and the key contract becomes effective in just 2½ weeks.

Nobody knows what the railroad commission is going to do. If it sets aside the so-called diversion contracts, Coastal's existing customers will be in trouble enough because, even with the present amount of gas available, Coastal will still not have enough to meet its customers' demands. If the commission lets the contracts stand, San Antonio and other communities will not even have enough gas to meet basic human needs—heating for homes, for hospitals and schools, and cooking, let alone for electrical power generation. Millions of Texans surely must hope that the railroad commission sets aside Coastal's infamous double deals, and does not allow the company to sell out from under them the gas that they bought years ago.

Since nobody knows what the commission is going to do, and since there will not be enough gas in any case to serve Coastal's customers, San Antonio and other communities have been scrambling for other gas supplies and for alternate sources of fuel. To these communities the new fuel allocation program could be a disaster.

The fuel oil allocation program allows consumers to receive allocations of oil based on their consumption in the year 1972. But in that year San Antonio consumed only 185,000 barrels of oil, because Coastal was still delivering more or less regularly the gas they were committed to, and oil was required only for emergencies, which by then were becoming frequent. This year we have already burned seven times as much fuel oil in San Antonio as we did in 1972, and winter is still some time away. If we were held to the 1972 level, the community would be facing catastrophe, without gas or oil, either.

Some communities are in just this position—with little or no oil, and the prospect of little or no gas, either. Those communities are in very serious trouble today unless they can get some kind of exemption that will allow them to obtain fuel oil, and unless the Texas Railroad Commission sets aside Coastal's gas diversion contracts.

San Antonio was one of the early communities to detect the perfidy of Coastal and its board chairman, so the city has worked hard to obtain emergency oil supplies. Today, San Antonio has in storage 1.08 million barrels of fuel oil, and owns another 225,000 barrels that are awaiting storage. This will give the city enough oil to survive the winter, if gas supplies are decent and the winter is mild.

San Antonio also has agreed to purchase 7,000 barrels a day of oil through a new pipeline, commencing in January—that is, unless the oil allocation program takes this away.

If San Antonio averts catastrophe this winter, it will have escaped the most serious consequences of some of the most vicious robber barons of all time—Oscar Wyatt and his gang. And by luck, San Antonio at least has obtained fuel oil against emergency needs, and has it in place, ready for use. Other communities may get no gas, or very little, and will suffer enormously if they do not already own sufficient fuel oil—and many do not.

Some in San Antonio think that the recent temporary rate increase granted to Coastal will insure a sufficient gas supply for the winter. They could hardly be more wrong. There is no way that Coastal, with any amount of money, could even replace the amount of gas they propose to divert beginning in November, let alone get enough additional to meet their contract obligations. Even if Coastal cannot divert the gas they plan to, the extra revenues from the new gas rate will be insufficient to allow them to buy the gas they are contracted to sell. And the signs are that the company is not really trying very hard. The gas crisis was not easy to produce in Texas. It took some of the most devious dealings of all time to produce Wyatt's gas bubble, and burst it. So those who think this mess the vicious, ruthless tactics by which he will be easy to undo are merely fooling themselves.

San Antonio will have an energy crisis for a long time to come. For now, the city is in relatively good shape, thanks to immensely expensive outlays for oil, and for oil storage. Those outlays are the responsibility of one man, and that is Oscar Wyatt. He should pay for every dime that the city has paid for storage facilities, and for every drop of oil we will have to buy or burn.

In the longer run, San Antonio will have to build coal-burning electric generating plants, and will have to buy the coal to put in them. There will have to be trains bought to transport the coal too. Again, all of this is the responsibility of Oscar Wyatt and his company. Every dime of this outlay should be his responsibility.

San Antonio will have to lay out many millions of dollars for nuclear generating facilities, too—much sooner than anyone had ever thought. Here again, Coastal States Gas is responsible, and ought to pay the costs.

San Antonio may have enough fuel to last the winter this year. I hope so. If we avert catastrophe, we will be lucky, but it will cost huge amounts of money. Indeed, it has already cost millions. I am looking to Oscar Wyatt to make that cost good. I do not think any citizen of San Antonio should have to be paying for his perfidy and double dealing. The higher rates that the people of San Antonio are paying for electricity and gas should not be their burden at all. The fuel oil bills, the storage bills, the higher gas bills—all of them should be forwarded to Coastal States Gas for collection.

But whatever San Antonio can obtain from Wyatt in the form of damages, no amount of money will avert disaster this winter, at least for those communities which, unlike San Antonio, do not have an alternate source of fuel. For them, the only real hope lies in the railroad commission taking action to prevent Coastal from diverting the gas it now has in its system to new customers—customers that bought not gas from Wyatt, but actual gas reserves. These customers knew that Wyatt had no gas to sell, only gas that he had already sold. If the railroad commission allows this double dealing to proceed, they will have sanctioned the most vicious theft in Texas history, and thus sealed the fate of those communities that must have gas from Coastal. I hope that the commission will stop the Coastal diversion contracts. There is not much time left.

THE 100-PERCENT PUBLIC FINANCING OF FEDERAL ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, I am today introducing a comprehensive proposal which provides for total public financing of all Federal elections, to include primary as well as general election campaigns.

Events of recent months culminating this week in shock at the news of the Vice President's resignation argue forcibly that the Congress consider such legislation.

In stepping down, Mr. Agnew remarked that the charges of accepting cash contributions from special interest representatives were, after all, based on common practices in politics as he knew them to be.

And there is more truth to what Mr. Agnew said than many would like to admit.

The fact is that as long as candidates for public office are dependent upon private contributions for the financing of campaigns, there will continue to be influence peddling and favors to the few at the expense of that great number known as the "public."

Expenditures for campaigning for Federal office are far too great. In 1972, the President and his supporters spent $60 million to stay in office. Senator McGOVERN and his supporters spent neary $24 million in a losing effort to unseat the President.

A senatorial campaign in many States can cost upward of $1 million per candidate and $100,000 spent in a race for the House of Representatives is common.

And these are only the apparent costs of running for office. The American citizen has become recently and painfully aware of significant "hidden expenses."

There was the matter of the $400,000 in campaign contributions by major milk producers to the President's reelection efforts, followed closely by a boost in Federal price supports for milk. Today, this is costing consumers between $500 and $700 million a year in higher milk prices.

This sum alone would provide three to five times the cost of financing all Federal elections from President to all 435 seats in the House of Representatives under the legislation I propose today.

Then there was the half-million dollars donated in 1968 and tripled to $1.5 million in 1972 by the oil lobby to the Nixon campaigns for President. Little wonder that despite a recommendation of his own Cabinet-level task force, the President has resisted lifting oil import quotas.

This cost to tens of millions of oil consumers is estimated at $5 billion a year—30 times the most liberal estimate of the yearly cost of public campaign financing of Federal elections.

Testimony at the Watergate hearings in the Senate are replete with tales of large, often illegal, cash contributions to last year's Presidential election campaign:

> . . . on balance, drastic measures are needed if we are to remove the curse of money that now corrupts our political process. If we do not learn at least this lesson from Watergate, we are doomed to repeat that wretched course of instruction.

These words were written by the distinguished columnist, James J. Kilpatrick. In addition to being an articulate spokesman for the conservative viewpoint, Mr. Kilpatrick is a good Republican.

Mr. Kilpatrick might be happy with the Federal Election Campaign Reform Act of 1973 that I am introducing today. For it is certainly drastic in at least one sense—it sets up an entirely new method for choosing persons elected to high Federal office.

And in many ways it is much fairer. I like to think it comes as close as possible to expressing the true sense of the "one-man, one-vote" principle which has been distorted in the past due to the presence of great sums of money from small numbers of contributors.

There are five major proposals pending before the U.S. Senate and the Udall-Anderson bill in the House of Representatives which advocate some form of public financing.

To my knowledge, mine is the first bill to propose total public financing for all Federal elections in primary as well as general election campaigns.

How does my bill differ from these other proposals?

It authorizes a unique petition procedure for a candidate to qualify; it prescribes the limits of spending and provides the sums needed for both the primary and general election campaigns, and it establishes a nonpartisan Federal Elections Commission to implement and oversee the provisions of the act.

My proposal prohibits all private contributions to individual candidates for Federal office yet insures each candidate who qualifies adequate and identical sums of money as others in the same race.

It does permit individuals to make contributions of up to $100 per person per year to a national party if they so choose.

To prevent persons who do not have or can not generate a base of support for their candidacies from receiving public funds, there is the petition procedure safeguard.

Voters who sign the petition of one candidate can not sign the petition of another in the same contest.

In the case of a primary election for the U.S. House of Representatives, the signatures of 3,000 individuals eligible to vote will qualify a candidate for disbursements from the public fund. The sum per qualified candidate in this particular race would be $40,000.

In the event of a runoff election, each candidate would receive $20,000 and the winner an additional $60,000 for the general election. A candidate is not eligible for disbursements if there are no other candidates in the primary election or general election involved.

Similar petition procedures, though involving greater numbers of eligible voters and greater sums for campaigning, are provided in my bill for campaigns for the U.S. Senate and for the Office of President or Vice President.

The latter includes procedures to cover Presidential preference primaries in various States as well as a means for minor parties and minor party candidates for getting access to fund disbursements.

The petition concept serves two very useful purposes. First, it insures that persons who qualify have significant public support and, secondly, it entices incumbent officeholders as well as challengers to get out and campaign hard among their constituencies.

Now, a word about cost.

Those who might think that my bill would bankrupt the U.S. Treasury are quite mistaken. Under the most liberal cost analysis formula which imagines three times the number of qualified candidates as ran in 1972—an unlikely event—the total expenditure would be $174 million a year for all races or less than one-tenth of 1 percent of the annual Federal budget.

To break it down all the way, the cost would be $1.25 per year per eligible voter.

If the number of candidates is, more realistically, twice the number as in 1972, the cost would be $150 million per year or $1.06 per voter. If the number is the same as in 1972, the cost would be a mere 89 cents per voter. And that is a bargain price to pay for real election reform.

In 1972, $79 million was reported to the General Accounting Office as being spent on the Presidential race, $26.5 million in U.S. Senate contests, and nearly $40 in House elections. Clearly much more was spent than the $145 reported, and most of that unreported money came from a relatively small number of wealthy campaign contributors.

I realize that few bills, especially one as complicated as public financing of elections, is perfect. However, such legislation must in my opinion preclude private contributions to succeed.

If my proposal or a modified version is adopted then we may one day realize the reality of a concept I learned not so long ago in school: That one man's vote is truly worth as much as another's.

VIETNAM VETERANS PSYCHOLOGICAL READJUSTMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, although the Nation's direct military involvement in Indochina is ended, the wounds of war have not healed and the reconciliation of peace not come. Nowhere in America does the conflict endure more intensely than in the minds of thousands of veterans of the Vietnam war. The Nation is fulfilling its responsibility to repair the torn limbs and heal the mangled bodies; but not the wounds of the mind, soul, and spirit that afflict the millions of veterans and their loved ones who bore the brunt and bear the psychological scars of this tragic war.

In the past the Nation has provided generously for the needs of its veterans with comprehensive benefits, hospitalization, meaningful employment, and the assistance and the opportunities needed for the veteran to make an effective readjustment to the civilian world. But the Vietnam veteran has returned to apathy, indifference, unemployment, and alienation; neglected by the Government and rejected by the people that sent him to war.

The media quietly recorded the tragic fate of thousands of Vietnam veterans: suicides, acts of crime and violence, car accidents, and drug abuse. But nowhere told are the stories of broken families, wrecked lives, lost careers, uncertain futures, and men, women, and their families haunted and alienated by the psychological effects of the Indochina experience.

The Navy's Center for POW Studies in San Diego reports that one in two married POW's will be divorced or separated from their spouses within the first year of their return. A Department of Defense study reports that one in six married veterans will be divorced, that one in five will have been arrested within 6 months of their return to civilian life. Forty-six percent of the Vietnam veterans in the VA hospitals are being treated for psychotic or psychiatric problems. Over 70,000 Vietnam era veterans are receiving compensation from the Government for psychiatric and neurological disabilities. A memorandum from the Department of Medicine and Surgery of the Veterans' Administration states:

> After every war the great majority of veterans are young adults who must go through a critical period of transition from military to civilian life. The impact of absence from home, of exposure to different living conditions, life styles, and cultures, and of personal physical and psychological trauma, is such that readjustment is a highly complex process. The difficulty of this process has been markedly greater for the Vietnam veterans because of the controversial nature of the Vietnam conflict and the rapid social-economic changes that occurred during his absence. Reliable surveys and studies conducted by the military and the VA indicate serious and prolonged readjustment problems exist in approximately one out of five new veterans, but, to a lesser degree, were experienced by all.
>
> Since current statutory provisions governing Department of Medicine and Surgery health care services are tied to an illness rather than preventative health models, only a small proportion of veterans have sought or received these critically needed mental health psychosocial readjustment services. The consequence includes major economic and social cost to society stemming from the failure of these veterans to make effective readjustments, as well as the personal adverse psychological effects on the veterans and their families who served their country during a long and difficult conflict.

Mr. Speaker, on September 5, I introduced H.R. 10065, the Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act, identical to S. 2322, introduced in the other body by Mr. McGOVERN. Today I am reintroducing this vital piece of legislation, with 17 additional cosponsors. Its overwhelming need is recognized and its provisions requested by the Department of Medicine and Surgery of the Veterans' Administration.

The Psychological Readjustment Act will accord the Veterans' Administration the authority it needs to provide preventative mental health care and psychological readjustment assistance. The VA's present authority limits it to assisting a veteran only if his mental disability requires hospitalization. This inequity denies assistance to the majority of veterans whose psychological readjustment problems, regardless of how severe or debilitating, do not necessitate hospitalization. It discourages thousands of veterans and many former POW's who fear the consequences to their careers stemming from hospitalization for psychological or psychiatric reasons. The VA inability to provide preventative health care and psychological readjustment assistance enhances the probability that the veteran's first hospital admission for a psychological problem will be a consequence of an act of violence, the abuse of drugs or alcohol, or an attempt at self-destruction. The Veterans' Administration mental health restrictions contradict the philosophy of the veterans benefit system "to help the veteran with the difficult transition from military to civilian life." Nowhere have Americans fought such a savage, violent, and divisive war only to return to a hostile and indifferent reception, and nowhere is more comprehensive new help needed than in resolving the psychological problems impeding the veteran's transition from his military experience back into civilian life.

Mr. Speaker, the Vietnam Era Veterans and Dependents Psychological Readjustment and Assistance Act would extend the VA's authority to treat and assist veterans dependents, families, or persons who exert a significant effect on the veteran's mental well-being. The recent tragic death of a POW was substantially caused by the readjustment difficulties he and his wife were experiencing after years of separation. Mental health professionals recognize that it is ineffective to treat a veteran's psychological problems if his mental well-being is substantially affected by his relationship to others and the problems they are encountering because of the Indochina experience. Psychologists report that many wives and families subconsciously removed the servicemen from their life to cope with the anguish of separation. Often veterans returned to their loved ones only to find that there was no place for them in their own family.

A third vital provision of the Psychological Readjustment Act provides the Veterans' Administration with the authority to contract for preventative mental health and psychological readjustment services.

Thousands of alienated veterans are reluctant to seek help from the VA, because they view the VA as an extension of the military and the policies that caused their psychological problems. Many veterans and former POW's are reluctant to seek assistance from the Government for themselves and their dependents, fearing possible social and career stigmas attached to VA psychological assistance. Veterans' Administration hospital in some cases are located so far from veterans needing help that transportation to a VA hospital is impossible. Since the VA has never had the authority to practice preventative mental health care and provide outpatient psychological readjustment services to veterans and their dependents it is imperative that the VA have the contract authority to assure that others can provide the comprehensive assistance that veterans require.

Mr. Speaker, America squandered $138 billion on a war that took young men from their jobs, education, families, and the best years of their lives and returned thousands of veterans, cynical, alienated, haunted, depressed, bitter, uncertain, apathetic; disillusioned at the corruption of America's values and haunted by the senseless brutality of the Indochina experience. Yet there are some who will say that we cannot afford to help our veterans and their loved ones overcome the psychological scars of war.

To those who say we cannot afford it, I say: "Can we afford more lives sacrificed to self-destruction? Can we afford more broken families? Can we afford more bodies poisoned by drugs and alcohol? Can we afford to have men's minds wasted and their potential lost? Can we afford to let the Indochina war continue to destroy the souls and spirits of our veterans as it maimed their bodies?" The answer is "No" and the time is now to destroy the last vestige of this barbaric war. We must conquer the hate and fear that have driven this country these last 10 years and more so when 30 years from now our veterans go down the street without a leg, without an arm, or a face, and small children ask why, they will be able to say "Vietnam" and not mean a nationally degrading memory, but mean instead the place where America finally turned and where Vietnam veterans helped America in the turning.

The text of the bill follows:

H.R. 10065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act of 1973".

SEC. 2. Chapter 17 of title 38, United States Code, is amended by adding after section 620 a new section as follows:

"§ 620A. SPECIAL PSYCHOLOGICAL READJUSTMENT ASSISTANCE PROGRAM

"(a) As used in this section—

"(1) The term 'veteran' means any person who served in the active military, naval, or air service during the Vietnam era, regardless of the nature of his discharge, and who is in need of the services provided for under this section because of the performance of such service or because of a service-connected disability.

"(2) The term 'dependent' means—

"(A) the spouse or child of a veteran;

"(B) the spouse or child of a veteran who died while in service or who died as the result of a service-connected disability;

"(C) the spouse or child of a member of the armed forces in a missing status (as defined in section 551(2) of title 37); or

"(D) any member of the immediate family of a veteran or dependent (including a legal guardian), or, in the case of a veteran or dependent who has no immediate family (or legal guardian), the person in whose household the veteran or dependent certifies his intention to live, if the Administrator determines that providing services under this section to such member is necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent.

"(b) The Administrator shall initiate and carry out a special program for the treatment and rehabilitation of veterans, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the active military, naval, or air service performed by the veteran. Such program shall include, but shall not be limited to, such psychiatric, psychological, and counseling services (in addition to those services otherwise authorized by this chapter) as may be necessary or appropriate for the successful treatment and rehabilitation of the veteran or dependent.

"(c) In carrying out the special program provided for in subsection (b) of this section, the Administrator shall, under such rules and regulations as he may prescribe, contract for psychiatric, psychological, and counseling services from public or private sources whenever the Administrator determines that—

"(1) such services are necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent and such services are unavailable or inadequate in Veterans' Administration facilities;

"(2) an undue hardship would be placed upon the veteran or dependent because of the distance the veteran or dependent would have to travel in order to obtain such services at a Veterans' Administration facility;

"(3) the hours at which such services are available at a Veterans' Administration facility are incompatible with the time available to the veteran or the dependent and would result in a financial or other hardship on the veteran or dependent to receive such services at the Veterans' Administration facility; or

"(4) such services provided outside Veterans' Administration facilities would, for any reason, be more beneficial to the treatment and rehabilitation of the veteran or dependent.

"(d) The participation of any veteran or dependent in the program provided for under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or participation in, any other program under this title.".

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"620. Transfers for nursing home care."

the following:

"620A. Special psychological readjustment assistance program.".

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the amendments made by section 2 of this Act.

A GIFT TO WASHINGTON

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, an outstanding environmentalist, the Honorable Theodore C. Fearnow, has been associated with the growth and development of the area surrounding Washington for many years. He is a native of West Virginia, and his love for West Virginia's river, the Potomac, has inspired a perceptive study of the river which is featured in West Virginia's attractive publication, "Wonderful West Virginia."

The Potomac makes Washington possible. Indeed, it might be argued that the Potomac made the United States possible. Three centuries ago the Potomac was the principal highway far into the continent of North America. The English gained possession of it, and in so doing gained ascendancy over the French, who had control over the only other important highway, the St. Lawrence. Entrance to the Middle West and the vast riches of the Mississippi Valley from superior starting places on the Potomac enabled the English to get there "fustest with the mostest."

Today the Potomac is West Virginia's gift to the Nation's Capital. The jagged crags of West Virginia highlands tear into shreds the air currents heavy with moisture gathered from the humid Gulf of Mexico. The water follows the gorges between the hills down toward a channel which has been cut through the dolomite by the overwhelming force of the river. In the vicinity of Harpers Ferry these streams converge to supply the millions of gallons of life-giving fluid needed to make an important river. Without them the Potomac would be little more than a creek.

Army engineers keep an apprehensive eye on their water gages in the Potomac. A flow of some 600 million gallons, I understand, spells a minimum supply for thirsty Washington and its suburbs. Substantially less would turn the area into a Sahara. Future growth is limited by the lack of any other practical source. I believe my fellow Members will read Mr. Fearnow's article with interest, and, I hope, with appreciation:

A LIVING LEGEND—THE PICTURESQUE POTOMAC

(By Ted C. Fearnow)

"For men may come—and men may go—but I go on forever."—TENNYSON

This is the Potomac, a river that is rich in history and tradition. The first American settlements opened the way for early exploration and development in the Potomac Valley. Under the primitive conditions that existed at that time, waterways were often the best and sometimes the only usable highways.

Early settlers soon found their way along the banks of the Potomac into the mountains of what is now Maryland, Virginia, West Virginia and Pennsylvania. Records of these explorations paint a glowing picture of abundance with respect to aquatic resources, forests, wildlife and minerals.

One of Captain John Smith's diaries records that fish at times were so abundant that "one might walk dri-shod from bank to bank on their backs." While Captain John was probably "stretching the blanket" a bit, it is well-known that the schools of anadromous fishes, such as the shad and herring that ascended the Potomac and James Rivers in search of spawning grounds, frequently moved in numbers that would almost substantiate his statement.

West Virginia makes a significant contribution to the river that flows past the nation's Capital. The South Branch of the Potomac, fed by dashing mountain streams from Pendleton, Grant, Hampshire and Hardy counties, is a major source of Potomac water. The Cacapon, Patterson Creek, Sleepy Creek, Back Creek and the Opequon all add their bit to make the Potomac a major river. By and large, West Virginia delivers relatively clean water to the Potomac.

A river is often remembered as the central feature of an area. A child is born, grows to adulthood and makes his home in the valley, with a great river silently but importantly in the background. The Potomac River has had a profound influence on the way of life of those who live within its basin. To those who live in the upper reaches, it was the route followed by the old C&O Canal which opened a path of commerce between the mountains of Appalachia and tidewater at Georgetown. It also provided a water level route for the B&O Railroad, the nation's first, as it wound its way along tenuous curves toward Cumberland and the West.

As a small boy in a one-room West Virginia schoolhouse not far from the Potomac, I memorized lines from a poem characteristically used in those days to break the monotony of the spelling book. While the name of the poem is almost forgotten, I was always impressed by the closing thought, which read: "For men may come and men may go, but I go on forever." The biography of a river like the biography of a good and useful citizen is always a matter of great interest. Certainly the Potomac qualifies as a good and useful river.

Over the years, it has been my lot to maintain an intimate acquaintance with the Potomac throughout its vast basin. Actually four states, Maryland, Pennsylvania, Virginia and West Virginia supply water for the Potomac. Each of these areas is unique in its geography, economy and culture. As the French would say "Long live the differences" for the charm of local customs and concerns adds interest to the scene. Each of these provinces must, of necessity, place a high value on the Potomac and deal with it kindly. Having been born in a farm house on a small stream that feeds into Sleepy Creek, a Potomac tributary, my first drink of water came from the cool spring that fed our springhouse and flowed on to become a part of the Potomac.

Later, when my parents moved to Washington, D.C., I was exposed to the tidewater area of the river and the commerce that was a part of the broad estuary as it approaches the fall line near Washington. Oysters, fish, crabs and the farm products from tidewater Virginia and Maryland were brought to the colorful Washington harbor.

During the summer, Washington families looked forward to the arrival of boats heavily laden with watermelons, cantaloupes and other products from fertile tidewater farms. During fall and winter, oysters were available in such quantities that they were often bought by the bushel and shucked as needed. Neighborhood stores received, almost daily, supplies of fresh fish from the lower Potomac and the harvest was particularly bountiful in the spring when shad came in from the ocean to spawn.

My father, one of the early fisheries biologists in the United States Bureau of Fisheries (now the Fish and Wildlife Service), had an office in a venerable old brick building fronting on a beautiful park which was only a short walk away from the wharf at Washington. So I revelled in the commercial, sport and scientific aspects of the Potomac fishery and at the same time developed a close acquaintance with the small group of scientists who were working to conserve the country's aquatic resources. Because of this background, my own look at the river probably comes from a slightly different angle than that of the average American, but it is, nonetheless, highly appreciative. At one time or another during my "half century in conservation" I have floated, boated or waded most of the Potomac from its headwaters to its confluence with Chesapeake Bay.

As a young men, I had the privilege of serving from 1927 to 1934, as chief of the West Virginia fish hatchery system and came to know at firsthand the beautiful South Branch, Patterson Creek and many of the clear dashing streams that flow from West Virginia mountains to feed the majestic Potomac. To know the Potomac is to love it!

Like most people temporarily transplanted to a big city, my family was never divorced from its love of the West Virginia hills from whence they came. My father maintained his legal residence as a West Virginian throughout his career at Washington and frequent weekends plus summer vacations in Morgan County were looked upon as the ultimate in diversion.

The train trip from Washington to Berkeley Springs, powered by a steam-driven locomotive, was in itself a treat. With open-windowed coaches, cinders flying, the trips were indeed an adventure. The railroad paralleled the Potomac and the C&O Canal for many miles. Frequent glimpses of canal boats towed by mules or being passed through numerous locks always added to the excitement of the journey. The canal boats, with children playing on the decks; chickens, goats and other livestock as part of the passenger group, and with clothes flapping in the breeze from a taut clothes line stretched across the deck, created a picture that one can hardly forget. But these colorful aspects of the Potomac which were so enchanting to the casual viewer also had an impact on the life of the river. While the river does in truth go on forever, its biography must recognize the fact that as events have an impact on the life of man, so do events have a strong impact on the life of a river.

As a young lad, I had the privilege of going afield on numerous occasions with fisheries workers, whose knowledge of the Potomac was deep and comprehending. Statistical records had shown, around the turn of the century, that the shad fishery and other aquatic resources were beginning to decline. This was a matter of great concern to the U.S. Bureau of Fisheries and its dedicated little group of scientists.

One of the interesting personal sidelights of this period was my occasional opportunity to sail down the Potomac on one of the beautiful and seaworthy sailing vessels used by the U.S. Bureau of Fisheries in its study of ocean fishes. Periodically one of these vessels would tie up at the Washington wharf and arrangements would be made for a "sail" down the Potomac in one of these 40 or 50 foot craft that had roamed the world often under "sail power." To a boy, this was a real treat. The crew would have its pet monkeys, acquired while working in the Amazon area of South America or the Panama Canal Zone, or rare birds acquired in some other far away port. The slow-moving vessel, probing numerous inlets along the Potomac, sampling fish populations and making observations for scientific studies, would spark the interest of any American boy.

During this period as the early signs of a "Potomac sickness" were becoming more and more apparent below Washington, various remedial treatments were devised by fisheries workers. Across from Mount Vernon on the Maryland side of the Potomac, a fish hatchery was built to incubate the eggs of shad. In an effort to stem the decline of the shad population, the U.S. Government had crews of men contacting shad fishermen along the river to purchase ripe eggs (roe) when they were available. These eggs were transported to a hatchery at Bryans Point, Maryland, opposite Mount Vernon and hatched in large glass cylinders known as MacDonald hatching jars. Water from the river was pumped into the hatchery, forced through rubber tubes to the bottom of these jars filled with eggs and the resulting movement of eggs simulated the wave action that was nature's way of keeping eggs in movement until they could hatch.

I recall clearly, traveling with my father on inspection trips to the Potomac more than 50 years ago and his thoughtful observation that "the problem with the shad goes deeper than a need for restocking young fish." As he studied aquatic plants and other aquatic organisms in the estuary, he recognized that the habitat had been so degraded by pollution from Washington that the shad faced a bleak future. I recall also his observation that "the big ditch from Washington to Cumberland (the C&O Canal) has displaced a lot of soil and a lot of it is lodged here in the breeding grounds of the shad."

Coal mining on some of the tributaries of the upper Potomac created problems in the form of acid mine water. Erosion from farm lands and from forested hills denuded by wild fires added additional damage. As aquatic habitat continued to deteriorate, biologists sought new species of fish, for the more desirable native food and game fishes were unable to cope with the changed environment. The European carp was brought into the United States, and while few people remember it, the area around the Monument grounds at Washington was at one time largely taken up with ponds devoted to the propagation of carp for release in the Potomac and other rivers of the United States.

Growing populations in river towns above Washington have had their impact on the stream, resulting from municipal and industrial pollution although these problems are gradually being eliminated. In spite of all the destructive influences affecting the Potomac it has always yielded a crop of fish and provided much sport and recreation in the area upstream from Washington. Some of the tributaries of the Potomac, remaining relatively unspoiled, are remarkably clean in this area of dense populations. The Potomac River above tidewater probably reached its lowest point about 20 years ago. Since that time, there has been evidence of slow improvement as shown by changes in aquatic vegetation and fish life in this upstream area.

Those of us who reside in the Upper Potomac area of West Virginia look upon it as one of our great natural resources. Its clear, deep pools, its sparking riffles and tree-lined banks provide much the same view for the floating fisherman and canoeist that his Indian counterparts enjoyed from their birch bark craft three centuries ago. We must learn to live in harmony with the Potomac and other natural resources if we are to build a secure future for ourselves and our children.

SEPARATION OF POWERS AND FOREIGN AFFAIRS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, at a time when both Houses of Congress have just passed a resolution defining the authority of the President and the Congress in respect to the introduction of the armed forces of the United States into conflict outside the territorial jurisdiction of the United States, it is most appropriate that the Congress should give consideration to the separation of Presidential and congressional powers generally, particularly in the field of foreign affairs and policy. Many of us were fortunate enough to hear last evening over the radio a learned and eloquent address upon the subject of separation of powers and foreign affairs, delivered by Senator SAM J. ERVIN, JR., at The Center for the Study of Democratic Institutions, Convocation on New Opportunities for U.S. Foreign Policy in Washington. In this outstanding address Senator ERVIN has thoroughly reviewed the constitutional and statutory authority of the President and the Congress in the field of foreign affairs and has brought to this crucial subject a vast knowledge of constitutional law, his wide legislative experience, and his own inimitable manner and persuasiveness.

Senator ERVIN has made a magnificent contribution to this critical subject at a time when it is at a crisis stage in our country.

I, therefore, Mr. Speaker, ask that Senator ERVIN's able address may follow immediately these words of introduction and I commend it to all of my colleagues and fellow countrymen:

SEPARATION OF POWERS AND FOREIGN AFFAIRS

(By SAM J. ERVIN, JR., U.S. Senator)

When the delegates to the Constitutional Convention gathered in Philadelphia in 1787 to draft a constitution for the new American republic, an almost universal determination prevailed among these delegates to circumscribe the authority of the Executive with respect to foreign affairs. The virtually limitless power of the English Crown over foreign affairs and its consequences were very much on the minds of these Americans.

To limit Executive authority over foreign affairs and over other matters delegated to the Federal government by the Constitution, the drafters devised and incorporated into the Constitution the principle of separation of powers. Recent developments in the field of foreign affairs notwithstanding, it is as clear as the noon day sun in a cloudless sky that the Constitution divides the national government's powers in the field of foreign affairs between the Congress and the President, granting to neither such exclusive control over foreign affairs that one can be effective without cooperation from the other.

Unfortunately there are those persons, both in government and in academia, who have so little regard for the principle of separation of powers as to embrace the notion that the so-called "realities" of modern international relations require almost exclusive Executive control over foreign policy. They contend that arbitrary Executive control of America's foreign affairs is the price of survival in this uncertain, nuclear age. While I agree that the political, economic and technological changes over the last fifty years necessitate changes in the institutions and processes by which our foreign policy is formulated and implemented, I do not agree that we are required to abandon constitutional principles, especially the principle of separation of powers, which have served us so well throughout our history. Our constitutional form of government was designed not only to make government feasible and practical but also to guard against the historic temptation and irresistible urge of those who govern to gather and use limitless power over the governed.

In general, it is my opinion that the primary responsibility for the determination of substantive foreign policy rests with the Congress and that the President is under a duty to administer that policy within the framework established by the Congress. According to my reading of the Constitution and constitutional history, the President's role in foreign affairs is primarily representative and instrumental. There is not one syllable in the Constitution and not one word of verified historical evidence to support the view that the President has broad discretion to act without the collaboration and consent of the Congress in foreign affairs.

The document drafted and ratified as our fundamental instrument of government by these freedom-loving Americans demonstrates conclusively, if not always quite exactly, that the Congress was intended to have significant and sometimes singular powers with respect to the foreign affairs of the national government. Article I gives to the Congress the power "to regulate Commerce with foreign nations," historically the basis for American foreign policy. It allocates to Congress the power to "provide for the common Defence," "to declare war," "to raise and support Armies," "to provide and maintain a Navy," "to make Rules for the Government and Regulation of the land and naval Forces," and other powers directly related to the making of foreign policy and the conduct of foreign affairs.

Furthermore, in granting to Congress "all legislative Powers" and the power over appropriations, the Constitution places in the collective hands of Congress such enormous power as to make the effective creation and implementation of American foreign policy absolutely impossible without congressional cooperation or, at least, acquiesence.

By contrast, the enumerated powers of the President with respect to foreign affairs, set forth in Article II, are few and not as comprehensive, at least on their face. According to Article II, the President is "Commander in Chief of the Army and Navy of the United States." He is also therein granted the power—with Advice and Consent of the Senate—to make Treaties and to appoint Ambassadors and he is authorized to "receive Ambassadors and other public Ministers." He has the duty to see that the laws are faithfully executed and commands whatever other powers may result from the vesting of "executive Power" in the Presidency.

Despite the documented desire of the Founding Fathers to prevent Executive autonomy over foreign affairs and the Constitution's generous grants of power to the Legislative branch in this field, developments over the past thirty to forty years have caused many students of American constitutional and political history to doubt that Congress can or should significantly participate in the development, establishment and implementation of American foreign policy. Many citizens have come to believe that, quite simply, American foreign relations are within the domain of the President.

While I agree that the Congress has in fact not exercised effectively its considerable powers with respect to foreign affairs, I certainly do not agree with the proposition that Executive hegemony over the conduct of America's relations with the rest of the world is either necessary for the effective conduct of foreign affairs or an inevitable result of changing historical circumstances to be accepted despite clear constitutional principles to the contrary. Indeed, I share the strongly-held view of the Founding Fathers that, in the area of foreign affairs more than any other, the principle of the separation of powers as incorporated in the Constitution is essential to the maintenance of our republican form of government. When the Legislative Branch ceases and desists from responsibly and effectively exercising its constitutional powers with respect to foreign affairs, the Republic will come to an end.

For Congress to reassert its proper role as a full and equal partner in the area of foreign affairs, Congress and the public must come to appreciate what has caused the erosion of legislative effectiveness in this field. Unless we know the nature of the disease, we cannot possibly find the proper cure.

One of the problems which Congress has always confronted in exercising its authority with respect to foreign affairs is the nature of foreign affairs itself and the consequential impact of the Constitution's division of foreign affairs powers. With respect to foreign affairs, the Constitution has divided between the Legislative and Executive Branches what is almost an indivisible process. Congressional power to declare war and the President's powers as "Commander-In-Chief," for instance, affect each other so directly that it is impossible for either Branch to exercise these powers effectively absent the active cooperation or passive acquiescence of the other. And, without Congressional willingness to appropriate funds necessary to implement the nation's established foreign policy—designed with or without Congressional consultation—no policy can be made effective. Thus, what the Congress and the President can and cannot constitutionally do in foreign affairs has been in issue since George Washington's presidency, in part, because of the practical indivisibility of the national government's power over foreign affairs.

Another problem in asserting Congressional prerogatives in this area is the somewhat vague and incomplete constitutional language with respect to the granting and separating of foreign affairs powers. If one adopted a very narrow interpretation of the constitutional language enumerating foreign affairs powers to the Congress and the President, there would be many decision-making processes and functions necessary to the conduct of a nation's foreign policy granted to neither the Congress nor the President. And, while the theory of inherent, sovereign power may well supply a reasonable basis for describing that total scope of the national government's foreign affairs power, such a theory offers no assistance in determining whether these unenumerated, inherent functions and processes belong to the Congress or to the President.

The Constitution vests all "legislative powers" in the Congress and all "executive powers" in the President, but this division is inadequate by itself to determine which of the two branches has exclusive or concurrent authority with respect to a particular foreign affairs function not expressly provided for in the Constitution. Even where the Constitution is explicit in granting one branch a foreign affairs power, confusion and conflict have arisen when the other branch asserts a reasonable claim to a related, unenumerated power. This particular difficulty has been manifested in the use of armed force by the President in circumstances "less than war," while only the Congress has the power to declare a war. A distinguished constitutional scholar has observed, "That in foreign relations the division of power was irregular and uncertain has made it the more susceptible to shaping, even distortion, by evolving institutions and by the realities of foreign relations for an expanding, transforming country in a changing world." (Henkin, p. 35).

Yet another difficulty in determining the precise lines of authority between the Congress and the President has resulted from Congressional delegation of vast authority over foreign affairs to the President during the last several decades. Generally, Congress has not only the right but a constitutional duty to set standards for the exercise of delegated authority and can withdraw such authority at any time. In the area of foreign affairs, however, these delegations of power to the President have usually been made with minimum, if any, standards and Presidential execution of these delegated powers is rarely reviewed . . . One scholar has written, ". . . from the beginning, reluctant Congresses have felt compelled to delegate to Presidents the largest discretion with minimal guidelines to carry out the most general legislative policy." (Pusey, p. 119). In my opinion this practice of handing over to the President Congressional power over foreign affairs without understandable and effective guidelines and effective Congressional oversight has not only clouded the constitutional issue of separation of powers but has seriously undermined Congressional capacity to participate effectively in the making of foreign policy.

As a result of these dilemmas in analyzing the words of the Constitution with respect to the foreign affairs powers of the national government and as a consequence of other, important economic and political developments since the founding of our Republic, the constitutional law of foreign affairs has become more and more confused and the Presidency more and more powerful in this field of the law. Despite the uncontested and vast Congresisonal powers relating to foreign affairs, the Senate Foreign Relations Committee concluded in 1967 that, "The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life. Until they are restored the American people will be threatened with tyranny or disaster." (Senate Report No. 797, "National Commitments," Foreign Relations Committee, 90th Cong. 1st Sess. Nov. 20, 1967, pp. 26–27).

The present-day ascendancy of Presidential power over foreign affairs was clearly not intended by the Founding Fathers, has no constitutional basis, and threatens greatly the capacity of the national government to formulate and execute a foreign policy which truly represents the best interests of our people. Those wise men who drafted the Constitution clearly intended for the foreign policy of the United States to be determined primarily by Congress—a traditional "legislative function."

Theories devised to justify comprehensive Executive authority over foreign affairs understandably do not rely on the words of the Constitution which, in the words of Professor Edward Corwin, do no more than ". . . confer on the President certain powers capable of affecting our foreign relations, and certain other powers of the same general kind on the Senate, and still other such powers on Congress . . ." (Corwin, p. 171).

We cannot look to the third Branch, the Judiciary, for a revitalization of the doctrine of separation of powers in the field of foreign affairs. Since the adoption of our Constitution, the Supreme Court has had very few occasions to interpret and apply the separation of powers doctrine with respect to foreign affairs. The opinion written by Mr. Justice Sutherland in the 1936 case of *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304—the most celebrated Supreme Court decision in this area—confounds more than clarifies. Justice Sutherland's statement that, "The investment of the federal government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution," 229 U.S. 304(315), signals great confusion as to understanding the Constitution's division of these foreign affairs powers between the Executive and Legislative Branches. The judicial concept of justiciability and the ultimate political nature of this problem will no doubt continue to preclude the courts from offering effective or definitive answers to the questions which must be met.

The restoration of separation of powers in the area of foreign affairs rests directly on the shoulders of Congress. This great principle of government can be revived only if and when the Congress asserts its rightful authority in formulating, implementing, and reviewing the foreign policy of the United States.

There is reason to believe that the Legislative Branch is awakening to its constitutional duties and its opportunities in foreign affairs. In recent years, a considerable number of bills have been introduced in the Congress to correct the present imbalance of power between the two branches. While I do not subscribe to each of these legislative proposals, I do sense that their introduction and the broad support they receive means an intensified Congressional determination that the Legislative Branch assume its proper and constitutional role in foreign affairs.

One particular abuse of Executive power in the area of foreign affairs with which I have been especially concerned as Chairman of the Senate Subcommittee on Separaiton of Powers is the use of so-called "executive agreements" to circumvent the treaty-making provisions of the Constitution. Article II, Section 2, of the Constitution states, that the President ". . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." The Senate is thereby given at least a "veto" over commitments made by this country pursuant to a treaty with another country. On the other hand, the Constitution does not expressly grant to the President any power to enter executive agreements.

There is no mention whatever of the term "executive agreement" in the Constitution and there is no accepted definition of what constitutes an "executive agreement."

The legal basis for the use of executive agreements is unclear at best, and most frequently has been grounded on the argument of "usage"—a legal justification that is not entirely satisfactory. As I have often noted in various other contexts, murder and rape have been with us since the dawn of human history, but that fact does not make rape legal or murder meritorious. In effect, reliance on "usage" in this instance grounds concepts of constitutionality on acquiescence rather than on the written document, and is, to my mind, wholly unacceptable. It always has been my view that the Constitution means what it says. Moreover, I am not impressed with the recitation of so-called precedents to support de facto constitutional amendments. Even 200 years cannot make constitutional what the Constitution declares is unconstitutional.

There has been a considerable, and in my opinion unfortunate, increase in the use of "executive agreements" as an instrument of American foreign policy in the past few decades. As recently as 1930, the United States concluded 25 treaties and only nine executive agreements. In 1968, the United States concluded 16 treaties and 266 executive agreements. By January 1, 1972, the United States had a total of 947 treaties and 4,359 executive agreements. These figures indicate that significant decisions affecting American foreign policy are being made by the Executive Branch without effective Congressional participation in the decision-making process. The executive agreement may be a legitimate method for the President to carry out foreign policy established jointly by the President and the Congress. The extensive use made of this instrument in recent years, however, demonstrates that it is not only being used for administrative convenience but, intended or not, has the effect of circumventing the Congress as an equal partner in making foreign policy.

In an effort to reduce the trend of bypassing the Congress in the making of international agreements and to implement the spirit of Article II, Section 2 of the Constitution, I have introduced legislation which would provide for Congressional review of executive agreements. The bill, S. 1472, is simple in its terms. It recognizes that the Founding Fathers' concept of shared powers in the area of international agreements has been substantially eroded by the use of so-called executive agreements. In plain language, the measure defines "executive agreements" and requires that the Secretary of State shall transmit each such agreement to both Houses of Congress. If, in the opinion of the President, the disclosure of any such agreement would be prejudicial to the security of the United States, the bill provides that it shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy. Under this injunction of secrecy, only the Members of both Houses of the Congress shall be permitted to inspect the document.

The bill further provides that each executive agreement transmitted to the Congress shall come into force and be made effective after 60 days—or later if the agreement so provides—unless both Houses pass a concurrent resolution expressing disapproval of the executive agreement between the date it is transmitted to the Congress and the end of a 60-day period. In other words, the Congress, in its shared-power role, will have an opportunity to state that it does not approve of an executive agreement during the 60-day period after the agreement is transmitted to the Congress.

It appears to me that the Executive Branch of the Government would welcome a method whereby the Congress would share the responsibility for making international agreements which affect the international image of our Nation and its people, the allocation of our tax resources, and, in many instances, impinge upon the possibilities of achieving peace in the world.

What the Congress does in response to excessive Executive power over foreign affairs, in the case of "executive agreements" and with respect to many other matters, will in great measure determine whether the Constitution's intended division of power between the Executive and Legislative Branch in this field will survive. The Constitution has expressly given great authority in the area of foreign affairs to the Congress. There can be little doubt that it gives to Congress the primary responsibility for the determination of substantive foreign policy. It is the very special duty of Congress, mandated by the Constitution's unenumerated and implied Congressional powers over foreign affairs, to make certain that our nation's foreign policy is responsive to the wishes of the people. In a democratic society, no policy—especially foreign policy—can long survive without the consent and support of the people.

Thus, Congress possesses not only the constitutional basis for asserting a vigorous role in the development and implementation of American foreign policy, but also carries a sacred constitutional duty to insure that the fundamental notion of separation of powers remains a vital and effective principle in the exercise of the national government's awesome powers in the field of foreign affairs.

ADDRESS OF MAYOR MAURICE FERRE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on July 13, 1973, the Cuban Rotary Club of Greater Miami gave a testimonial dinner to the then mayor of Miami, Hon. Maurice Ferre. There was a large and enthusiastic audience who joined in testimonial to Mayor Ferre on this occasion. Mayor Ferre responded with a very learned and eloquent address pointing out how in Dade County, Fla., two of the great cultures of the world, Spanish and English, have converged and thus enriched the whole life of the entire area. Mayor Ferre's able address gave a fascinating recital of how the Spanish culture was the first of European character to be established on this continent and how from the time when Ponce de Leon discovered Florida in 1512 until the present day it has been a rich and most meaningful part of American life. Mayor Ferre emphasizes how both those of Spanish and

English descent loved freedom and how we jointly are determined that freedom shall again be restored to the island of Cuba. Mr. Speaker, I include this eloquent address of Mayor Ferre in the Record:

Address of Mayor Maurice Ferre

It is, historically, justifiable for this part of the world to feel the pressures and joys of two great dual cultures—Spanish and English.

As we all know, it was Juan Ponce de Leon who discovered the peninsula of Florida. Don Fernando, the Catholic King of Spain, gave Ponce de Leon the title of "Adelantado", and permission to discover that portion of the world then called Bimini. In the Official Register in the Archives of Seville is registered this grant. Aboard the vessel "Santa Maria de la Consolacion" and the vessel "Santiago", Ponce de Leon discovered, on the 2nd day of April, of the year 1512, the peninsula of Florida.

In the log of the vessel, "Consolacion", Ponce de Leon explained that he named what he then thought was the island of Florida. It is commonly thought our peninsula was so named because there were many flowers here, but the true reason was rather, because it was discovered in Easter, and in Spanish, this is referred to as "Pascua Florida". So, as was the custom of the time, the new discovery was named in the name of and to the glory of God. Listen to the names of the people in the ship's registry, who first claimed to have set foot on the American mainland:

Juan Bono, Pedro Bello, Bartolome Rodriguez, Jorge Castro, Francisco Dominguez, Lope Lopez, Gaspar Fernandez, Diego Bermudez, Gonzalo Nunez, Juan de la Rosa, Juan Rodriguez de Palos, and so on and on. You could probably find these same names today in the Miami Telephone Directory. And so the "Western History" of Florida begins by the discovery of it in the name of Spain and for the Glory of God, by the Governor of Puerto Rico, who sailed from Cuba. Spanish names have been part of the history of Florida from then on, in St. Augustine, in Key West, in Tampa, and now in Miami. It was to Florida, where for a while, the great father of the Cuban nation, Jose Marti, fled in exile to gather his strength and his thoughts for the final day of deliverance of the Cuban nation. Today, that beautiful and valiant island finds itself in chains.

It is the fervent wish of any freedom-loving individual in this community to see once again the light of liberty and freedom shining brightly and clearly over Cuba. It is my fervent wish that we see this day of freedom in the very, very near future. Should this happen and should there be an exodus of Cubans back to their homeland, it would be a day of mixed emotions for Miami: a shared joy to see your daughters and sons of Cuba reclaim your homeland, and sadness also, because the exodus of so many Cuban friends from our midst would deprive this community of a vibrancy, both economic and civic, that would be sorely missed.

Since the hour is late, I would quickly like to make an analogy in some aspects of similarity between Cuba and Puerto Rico. We Puerto Ricans are indeed very proud of the economic and social resurgence of our homeland, the strength that we have achieved in a vibrant and dynamic democratic society. In our roots both islands are similar. It is for a significant reason that in 1895, Dr. Julio Henna, elected President of the Puerto Rican Section of the Partido Revolucionario Cubano, requested permission of the PRC to adopt the Cuban flag in reverse colors for Puerto Rico. In 1952, this was again accepted upon the establishment of the Commonwealth of Puerto Rico as the official flag of Puerto Rico. In between General Narciso Lopez in 1849 and Munoz Marin in 1952, our islands had the blessing of people like Jose Marti, Eugenio de Hostos and many other men dedicated to the freedom and well being of our Hispanic Caribbean world.

Cuba and Puerto Rico took two different paths at the turn of the century, one as a republic and the other first as a territory of the U.S. and then eventually as a Commonwealth, or as we in Spanish refer to it—Estado Libre Asociado de Puerto Rico (Free Associate State).

Fifty years later, both were prospering and growing economically and spiritually. Unfortunately, the cancer of international communism and its agent, Fidel Castro, blighted the once dynamic and prosperous Cuba. Now it finds itself in poverty and misery, without the ever important light of freedom.

But here, in Miami, several hundred miles away, live close to 400,000 daughters and sons of Cuba. They have become deeply involved in the affairs of this community. First in economic matters, subsequently in cultural and civic affairs and now in the political affairs of our community. And so while the homeland suffers from bondage, the spark of freedom and liberty lives on in the hearts and lives of nearly 400,000 Cuban people in our community. The Cuban language, culture and traditions live on in the hearts, minds and voices of its children in exile. Some day, some will return to their original homeland to add their experience learned in this great American nation to their own heritage, while others will remain on our shores to add their great contribution to the many others that have made the U.S.A. a great nation.

In the meantime, let the world recognize that here, 200 miles away from their homeland, live a dedicated people with dignity, a sense of honor, a sense of work, a sense of responsibility, winning all types of recognition in their newly adopted homes, from having the most Eagle Scouts in the troops, to the most distinguished medical sages scattered in the leading hospitals from Denver to Boston to Miami.

Let the world recognize that Free Cuba lives on in the hearts and souls of the exiled people of Cuba. That they can and do participate and add to the great democratic traditions of America, while they suffer in exile. And so a simile of Puerto Rico and Cuba: Puerto Ricans are people who can at the very same time be loyal to their homeland, Puerto Rico, and yet have the greatest respect, loyalty, devotion and dedication to the greatest nation that has ever existed in the history of mankind: the United States of America. That our loyalty, as citizens, to the American flag in no way makes us less Puerto Rican, yet our Puertoricanness makes us better Americans.

We will find the example in our midst, of many Cubans who no less loyal to their homeland, will become through the years, dedicated loyal American citizens. We of the Hispanic race, who feel so American in zeal and devotion, are a part of the Florida community. Let us together have faith in our culture and its ability to add to the great American experiment and let us dedicate ourselves, each in our sphere of work and influence, to make this a better and a greater country. With our faith in God and our belief in the Constitution of the United States of America, let us, hand in hand, strive to be an example that will shine in the annals of the history that is yet to be written of this great and ever growing nation of ours.

SECRETARY AND MRS. ROBERT T. STEVENS, 50TH ANNIVERSARY

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Secretary and Mrs. Robert T. Stevens celebrated their 50th wedding anniversary Saturday, October 6, at Plainfield, N.J. This was a memorable and delightful occasion. Friends of the Stevens representing a momentous era in American history gathered from throughout the Nation to pay respects to this charming and dedicated couple. The special occasion was hosted by the Stevens' sons, Robert Jr., Whitney, William and Thomas. Hundreds of people, from Washington and across the Nation, from all walks of life, helped to celebrate this joyous anniversary.

Mr. Speaker, Mr. Bob and his lovely Dorothy, in their 50 years together have reared a wonderful family, each of whom is successful in his own right. The Stevens family carry on in the great traditions of one of our Nation's oldest, most gifted and patriotic families.

Secretary Stevens has devoted much of his time and energy to public service. He served as a second lieutenant in World War I and as a colonel in the Quartermaster General's office in World War II. Secretary Stevens served the Nation with outstanding distinction under President Eisenhower as Secretary of the Army, 1953–55. Since 1921 Mr. Stevens has been associated with the great enterprise that bears his family's name, J. P. Stevens & Co. Inc. Now chairman of the executive committee, Secretary Stevens has served as chief executive officer of the company longer than any other man in the company's long and illustrious history.

Established in 1813, the Stevens Company has made contributions to our Nation's growth and national defense that have been unsurpassed. A great part of the company's 45,000 employees live and work in South Carolina, making J. P. Stevens our State's largest manufacturing employer.

Secretary Stevens, or Colonel Bob as he is known to many of his friends, is a man of firm allegiance to the highest standards of duty, honor and country. Beside him throughout these 50 years of his service to the Nation and to the textile industry has been his lovely, talented and devoted wife, the former Dorothy Goodwin Whitney. I am proud to include Secretary and Mrs. Stevens among my close friends and to hold Colonel Bob in highest respect as a gentleman, a patriot, and a statesman.

Mrs. Dorn and my constituents join me in wishing for Secretary and Mrs. Stevens many more years of happiness together, and many more years of service to the textile industry and to a grateful Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Young of Alaska (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Andrews of North Carolina (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Broyhill of North Carolina (at

the request of Mr. GERALD R. FORD), for today, on account of death in family.

Mr. BURTON (at the request of Mr. O'NEILL), for today, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. HAMMERSCHMIDT, for 15 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. SYMMS, for 5 minutes, today.

Mr. KEATING, for 60 minutes, on October 16.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. STUDDS) and to revise and extend their remarks and include extraneous matter:)

Mr. OWENS, for 30 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. GUNTER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. DORN.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. NELSEN.
Mr. KETCHUM.
Mr. GOODLING in two instances.
Mr. SARASIN.
Mr. SYMMS.
Mr. HUNT.
Mr. RONCALLO of New York.
Mr. ZWACH.
Mr. HUBER.
Mr. ABDNOR in two instances.
Mr. DERWINSKI in two instances.
Mr. CARTER.
Mr. MIZELL in five instances.
Mr. SPENCE.
Mr. WYMAN in two instances.
Mr. HOSMER in three instances.
Mr. STEIGER of Wisconsin.
Mr. RAILSBACK.
Mr. REGULA.
Mr. KEMP in two instances.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. MITCHELL of Maryland.
Mr. O'HARA.
Mrs. GRIFFITHS.
Mr. STOKES.
Mr. FRASER in five instances.
Mr. REES.
Mr. TEAGUE of Texas in six instances.
Mr. NATCHER.
Mr. HAMILTON.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. KOCH.
Mr. BRECKINRIDGE.
Mr. LEHMAN in three instances.
Mr. BURKE of Massachusetts.
Mr. ROGERS in five instances.
Mr. MEZVINSKY.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1864. An act to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. 2300. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains; to the Committee on Agriculture.

S.J. Res. 158. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

S. Con. Res. 51. Concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Days 1973; to the Committee on Veterans' Affairs.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities;

H.J. Res. 542. Joint resolution concerning the war powers of Congress and the President; and

H.J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 11, 1973:

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes.

On October 12, 1973:

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 13, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1444. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for June 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1445. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report for the month of August 1973, on the average number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1446. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing; to the Committee on Ways and Means.

1447. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the committees which advise and consult with him or his designees in carrying out his functions under the Social Security Act, as amended, pursuant to section 1114(f) of the act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974 (Rept. No. 93–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 10265. A bill to provide for an audit by the General Accounting Office of the Federal Reserve Board, banks, and branches, to extend section 14(b) of the Federal Reserve Act, and to provide an additional $60 million for the construction of Federal Reserve bank branch buildings; with amendment (Rept. No. 93–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8346. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings (Rept. No. 93–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf" (Rept. No. 93–579). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 278. Concurrent resolution authorizing the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies" (Rept. No. 93–580). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives" (Rept. No. 93–581). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States (Rept. No. 93–582). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 568. Resolution providing for printing of additional copies of Oversight Hearings entitled "Vocational Rehabilitation Services" (Rept. No. 93–577). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 184. Concurrent resolution to print as a House document the Constitution of the United States; with amendment (Rept. No. 93–578). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2016 (Rept. No. 93–587). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 6477. A bill for the relief of Lucille de Saint Andre; with amendment (Rept. No. 93–584). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mr. Addabbo, Mr. Badillo, Ms. Chisholm, Ms. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Eilberg, Mr. Harrington, Mr. Hawkins, Mr. Koch, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Seiberling, Mr. Studds, Mr. Charles H. Wilson of California, and Mr. Won Pat):

H.R. 10882. A bill to amend chapter 17 of title 38, United States Code, to direct the Administrator of Veterans' Affairs to initiate and carry out a special psychiatric, psychological, and counseling program for veterans of the Vietnam era, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the military service performed by such veterans; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California (for himself and Mr. Obey):

H.R. 10883. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 10884. A bill to require all Federal contracts to be awarded to lowest qualified bidder; to the Committee on the Judiciary.

By Mr. BREAUX:

H.R. 10885. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. BREAUX (for himself, Mr. Andrews of North Dakota, Mrs. Boggs, Mr. Chappell, Mr. Findley, Mr. Ketchum, Mr. Litton, Mr. Mann, Mr. Mathis of Georgia, Mr. Meeds, Mr. Mezvinsky, Mr. Nichols, Mr. Roncalio of Wyoming, Mr. Steele, Mr. Vigorito, Mr. Waggonner, and Mr. Yatron):

H.R. 10886. A bill to amend the Duck Stamp Act with respect to the treatment of moneys received from the sale of migratory-bird hunting stamps, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENHOLM:

H.R. 10887. A bill to amend the Economic Stabilization Act of 1970, to exempt stabilization of the price of agricultural commodities and certain other items from its provisions; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 10888. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oils; to the Committee on Ways and Means.

By Mr. GUNTER:

H.R. 10889. A bill to reform the conduct and financing of Federal election campaigns; to the Committee on House Administration.

By Mr. HUBER:

H.R. 10890. A bill to prevent the denial of Federal assistance to units of general local government which refuse to associate with other such units in certain "councils of government" and similar entities; to the Committee on Government Operations.

By Mr. KETCHUM (for himself and Mr. Sisk):

H.R. 10891. A bill to provide for the sale of crude oil from the Naval Petroleum Reserve No. 1; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Bell, Mr. Brown of California, Mrs. Chisholm, Mr. Cleveland, Mr. Conte, Mr. Cronin, Mr. de Lugo, Mr. Eilberg, Mr. William D. Ford, Ms. Holtzman, Mr. Ketchum, Mr. Lujan, Mr. Martin of North Carolina, Mr. Mitchell of Maryland, Mr. Morgan, Mr. Nix, Mr. Waldie, and Mr. Ware):

H.R. 10892. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. KYROS (for himself, Mr. Chappell, and Mr. Stubblefield):

H.R. 10893. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. McSPADDEN:

H.R. 10894. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. PETTIS:

H.R. 10895. A bill to amend section 601(d) of the Federal Aviation Act of 1958 to remove certain exemptions from safety standards requiring installation of emergency locator beacons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 10896. A bill to provide for amendment of the Jury Selection and Service Act of 1968, as amended, adding further definitions relating to jury selection by electronic data processing; to the Committee on the Judiciary.

H.R. 10897. A bill to provide for civil penalty and injunctive relief in the event of a discharge or threatened discharge of an employee for the reason of such employee's Federal jury service; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 10898. A bill to establish a contiguous fishery zone of the United States beyond its territorial seas at a distance of 200 miles or the length of the Continental Shelf, whichever is greater; to the Committee on Merchant Marine and Fisheries.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 10899. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide increased protection for consumers from shipment of unfit and adulterated food; to the Committee on Interstate and Foreign Commerce.

H.R. 10900. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 10901. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEPHENS (for himself, Mr. Brown of California, Mr. Clay, Mr. Dellums, Mr. Bergland, Mr. Kyros, Mr. William D. Ford, Mr. Rooney of Pennsylvania, Mr. Young of Georgia, Mr. Roy, Mr. Vigorito, Mr. Podell, Mr. Pickle, Mr. Roybal, Mr. Bevill, Mrs. Boggs, Mr. Stark, Mr. McSpadden, Mrs. Burke of California, Mr. Helstoski, Mr. Stubblefield, and Mr. Smith of Iowa):

H.R. 10902. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. DULSKI (by request):

H.R. 10903. A bill to amend title 5, United States Code, to make level IV of the executive schedule applicable to the U.S. attorney for the Central District of California and to the U.S. attorney for the Northern District of Illinois; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 10904. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 10905. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to establish an Addiction and Mental Health Administration wthin the Department of Health, Education, and Welfare; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. White, Mr. Won Pat, Mr. Ryan, Mr. Clay, Mr. Wright, Mr. Symms, Mr. Morgan, Mr. Charles Wilson of Texas, Ms. Mink, Mr. Breaux, Mr. Rosenthal, Mr. Fauntroy, Mr. Steelman, Mr. Conte, Mr. Preyer, Mr. Metcalfe, Mr. Jones of Oklahoma, Mr. Shoup, Mr. Huber, Mr. Rooney of Pennsylvania, Mr. Seiberling, Mr. McCormack, Mr. Diggs, and Mr. Towell of Nevada):

H.R. 10906. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.J. Res. 769. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. FULTON:

H.J. Res. 770. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 771. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. LEHMAN (for himself, Mr. Bell, Mr. Howard, Mr. McKinney, Mr. Studds, Mr. Vigorito, Mr. Williams, Mr. Charles Wilson of Texas, Mr. Charles H. Wilson of California, Mr. Wright, Mr. Yates, and Mr. Young of Georgia):

H. Con. Res. 349. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. BADILLO:

H. Res. 595. Resolution concerning the protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Res. 596. Resolution to express the sense of the House that there will be no action on the nomination for Vice President until such time as the President has complied with the final decision of the court system as it relates to the White House tapes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Waldie, Mr. Leggett, Mr. Young of Georgia, Mrs. Schroeder, Mrs. Burke of California, and Mr. Rees):

H. Res. 597. Resolution: It is the sense of the House that there be no action on confirmation of the Vice President nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

316. The SPEAKER presented a memorial of the Legislature of the State of California, relative to anadromous fish conservation; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

313. The SPEAKER presented a petition of Jack Ladbury, Valley City, N. Dak., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

SENATE—*Friday, October 12, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. Edward M. Kennedy, a Senator from the State of Massachusetts.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40: 41.

Help us O Lord, to run when we can, to walk when we ought, to wait when we must. Give us the wisdom to leave undone that for which we are not ready. Open our minds to discern Thy will and make us ready to do it. In everything, do through us only what is best for the United States and the advancement of Thy kingdom.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 12, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Edward M. Kennedy, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Thursday, October 11, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations, for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 45 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The message further announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Kennedy).

NOMINATION OF A VICE PRESIDENT

Mr. HUGH SCOTT. Mr. President, I am aware that a motion is about to be made for a brief recess. I have asked for this time in order to make an announcement.

The White House announced a few minutes ago that the President will appear on television at 9 o'clock tonight and will at that time announce his nomination for the post of Vice President of the United States.

I should like to express the hope that Members of both parties in their respective conferences today would give most serious consideration to an early agreement on the procedures to be adopted, in order that we may expedite those procedures so that the nominee will not be required to wait in limbo pending an examination of purely procedural matters, since the House has already agreed on its own position.

I express this hope on my own behalf. I am aware of the responsibilities on both sides of the aisle, and I hope that this matter can be worked out during the current day.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, am I still recognized under the standing order?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is so recognized.

Mr. ROBERT C. BYRD. I thank the Chair. I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 12:35 P.M.

Mr. ROBERT C. BYRD. Mr. President, the Democratic conference is at present in session with reference to the subject matter just alluded to by the distinguished Republican leader.

I ask unanimous consent, in order that the Democratic conference may proceed uninterrupted, that the Senate stand in recess for a period of 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Accordingly at 12:05 p.m., the Senate took a recess until 12:35 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. Dole).

RECESS UNTIL 1:05 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes.

The motion was agreed to; and at 12:35 p.m., the Senate took a recess until 1:05 p.m.; whereupon the Presiding Officer (Mr. Cook) called the Senate to order.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:30 p.m. today.

The motion was agreed to; and at 1:06 p.m. the Senate took a recess until 1:30 p.m.; whereupon, the Presiding Officer (Mr. Biden) called the Senate to order.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Biden). The hour of 2 o'clock having arrived, what is the will of the Senate?

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEGRATED OIL OPERATIONS

Mr. HASKELL. Mr. President, the chairman of the Interior and Insular Affairs Committee, the distinguished Senator from Washington (Mr. Jackson), has established a subcommittee known as the Special Subcommittee on Integrated Oil Operations. This special subcommittee will soon begin hearings and I would like to describe for the benefit of my colleagues a bit of the background and the purpose and direction of the subcommittee.

Senator Jackson formed the subcommittee specifically to take testimony on my bill, S. 2260. I introduced this legislation as an alternative to an amendment I proposed to the Alaskan pipeline bill but did not call up. S. 2260 would make it illegal for oil companies to own new oil pipelines and provides that they must divest themselves of existing oil pipelines after 5 years.

The basic purpose of the subcommittee is to examine the structure and operations of the oil and gas industry to determine whether it operates, as now structured, in a competitive manner and thus in the best interests of the country. In all candor, Mr. President, I must say that the weight of the evidence I have been able to unearth regarding integrated pipeline ownership suggests this is, indeed, anticompetitive. It is that evidence which prompted my bill, S. 2260.

But pipeline ownership is only one aspect. I realize the issue is much broader, hence the purview of the subcommittee will be much broader.

This is a time of increased energy demands, real and threatened shortages and steadily rising prices. It is particularly important that the American consumer be supplied with petroleum products which are as cheap and abundant as possible. For the next few years, until alternate energy sources are developed, America's energy needs must, in large part, be furnished by natural gas and petroleum products. Furthermore, oil and gas companies are very active in the search for alternate energy forms.

In this context, it is crucial that the industry supplying most of our energy needs today—and which may expand that share tomorrow—is truly competitive.

I believe it is the prevailing opinion in this country—it is certainly mine—that economically all of us are best served by an industry which is regulated by the forces of free competition. There are some exceptions, of course, such as public utilities. In these cases, by virtue of special circumstances, monopolies exist and regulation becomes necessary.

But generally, an industry regulated by free competition serves us best. These forces compel producers to be innovative; consumers get the best products at the best prices as a result.

When regulation by competition fails, the alternative is regulation by Government fiat. I submit, Mr. President, that this is an unacceptable alternative. Government control of prices has a stultifying effect. It stifles initiative and its administration breeds endless inequities and red tape. If we should rely upon Government regulation, I believe we can look forward only to a shrinking industrial base, higher prices, and inferior products.

This is the alternative to regulation by free competition. For this reason, it is essential that the oil and gas industry be truly competitive.

Various proposals have been offered to make the industry more productive and thus better able to serve the American consumer. I consider some of these proposals extreme.

At one extreme are some industry recommendations—to lift environmental restrictions, restore oil import quotas, increase tax advantages which may already be excessive and to deregulate all natural gas.

At the other extreme there have been suggestions to put the entire industry under the regulation of the Federal Power Commission—equally disastrous.

Yet another proposal I must dismiss as extreme is one which would break up integrated oil companies not only by function at the production, transportation, refining, and marketing levels, but also geographically within those levels. It seems to me, Mr. President, that this is not a time to rush to extremes. Instead, we must first examine the industry to see if it is working well. If it is not or if it could work better, we must suggest solutions appropriate to the problem.

To the lease broker, the landman, and the contract driller in my part of the country a suggestion that the oil and gas industry might not be competitive would come as a complete surprise. For from personal observation it is clear that the most vigorous possible competition exists in this segment. But does the same spirit exist in the board rooms of the major oil companies? Or do they aline themselves philosophically with the editorial writer who wrote on August 13, 1973, in the Oil and Gas Journal, the voice of the industry:

> In the main, the oil companies are accused of being big, integrated, anti-competitive and profitable. None of these is a crime. . . .
>
> There are valid reasons why the companies act as they do . . .

Mr. President, there may, indeed, be reasons why oil companies act as they do. That is precisely what my subcommittee will seek to discover. But I would point out that the Oil and Gas Journal editorial errs seriously on one major point: It is unlawful to be anticompetitive.

And for over two decades certain analyses of the industry have concluded that, in some respects, true competition is stifled. Among these are two reports from Mr. Rogers, Attorney General for President Eisenhower, dated September 1, 1958, and September 1, 1959, on the Interstate Compact To Conserve Oil and Gas. Mr. Clark, Attorney General for President Johnson, issued a report on the same compact in July 1967. All these, as well as reports from the Federal Trade Commission, charge that competition is stifled in the oil and gas industries.

The Attorneys General recommended legislative action to restore the competition they believed lacking. The FTC has filed suit against several major oil companies to the same end.

Whether or not these analyses are accurate, Mr. President, it seems to me that it is vitally important that we in Congress examine the industry.

Certainly the oil and gas industry is not nearly as highly concentrated as the automobile industry. Nor, probably, is it as concentrated as the steel, pharmaceutical, and aluminum industries, to name just a few. Obviously concentration of an industry in the hands of a few producers is not the sine qua non of noncompetition. Other questions must be asked.

Possibly in certain segments competition is not feasible—but what are those segments? What form must regulation take? Can the balance of the industry be competitive? And is it? As a corollary to this we must also ask whether new organizations enter into the industry at the various levels—production, transportation, refining, or marketing.

Mr. President, it is my intention as chairman of this special subcommittee to hold hearings for the purpose of delineating the structure and operations of this industry in order that a factual basis may be laid from which to draw conclusions.

Possibly the industry is truly competitive at all levels. Possibly in certain aspects it is noncompetitive. If this is the case, the subcommittee should determine what legislative steps, if any, are needed to guarantee true competition. When competition is not possible, the subcommittee should recommend the form regulation must take.

QUORUM CALL

Mr. HASKELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXECUTIVE DINING ROOMS

A letter from the Assistant Secretary for Administration, Department of Commerce, reporting, pursuant to law, on executive dining rooms, for the fiscal year 1973. Referred to the Committee on Appropriations.

REPORT ON EXECUTIVE DINING ROOMS

A letter from the Comptroller General of the United States, reporting, pursuant to law, on executive dining rooms, for the fiscal year 1973. Referred to the Committee on Appropriations.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended June 30, 1973. Referred to the Committee on Armed Services.

REPORT RELATING TO REVISED DEPARTMENT OF THE NAVY SHORE ESTABLISHMENT REALINEMENT ACTION

A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting, pursuant to law, a report on the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Naval Air Engineering Center, Philadelphia, Pa. (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report of the actions taken by the Export-Import Bank during the quarter ended December 31, 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development transmitting a draft of proposed legislation to authorize insurance in connection with loans for the preservation of residential historic properties (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT BY THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report for the month of June 1973 relating to number of passengers and the on-time performance of schedules (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE U.S. TARIFF COMMISSION

A letter from the Chairman of the U.S. Tariff Commission transmitting, pursuant to law, its report on the operation of the trade agreements program (with an accompanying report). Referred to the Committee on Finance.

REPORT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

A letter from the President of the Overseas Private Investment Corporation transmitting, pursuant to law, its annual report for the fiscal year 1973 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Five letters from the Comptroller General of the United States transmitting, pursuant to law, reports entitled "Summary of U.S. Assistance To Jordan"; "Audit of Payments From Special Bank Account to Lockheed Aircraft Corp. for the C–5A Aircraft Program During the Quarter Ended June 30, 1973"; "Airmail Improvement Program Objectives Unrealized"; "Should Appropriated Funds Be Used for Transportation Procured Specifically for Armed Forces Exchange Goods?" and "Unclaimed Savings Bonds Should Be Returned to Veterans and Other Individuals" (with accompanying reports). Referred to the Committee on Government Operations.

REPORT OF THE COMMISSIONER OF EDUCATION

A letter from the Commissioner of Education transmitting, pursuant to law, his annual report for the fiscal year ending June 30, 1971 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

ALASKA NATIVE CLAIMS SETTLEMENT ACT

A letter from the Secretary of the Interior transmitting, pursuant to law, the annual report on implementation of the Alaska Native Claims Settlement Act (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

A letter from the Executive Director of the Commission on the Bankruptcy Laws of the United States transmitting, pursuant to law, part II of its report dated July 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLARK, from the Committee on Public Works, without amendment:

S. 2178. A bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes (Rept. No. 93–464); and

S. 2503. A bill to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building" (Rept. No. 93–465).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 1769. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to report the bill (S. 1769) to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes, and to file the written report on the bill by October 18, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, it is appropriate that the Commerce Committee report the Fire Prevention and Control Act this week because this is National Fire Prevention Week. If enacted, this legislation would create the most comprehensive and vigorous program of fire prevention and control ever pursued by the Federal Government.

The legislation is designed to implement the 2-year study conducted by the National Commission on Fire Prevention and Control. I have reviewed the Commission's report carefully and I can only conclude that the fire problem in this Nation, as compared to other industrial nations, is a national outrage:

It is deplorable that during the next hour, there will be 300 destructive fires in the United States resulting in 1 death, 34 injuries, and $300,000 worth of property damage.

It is deplorable that annually, 12,000 lives are lost in fires; and 300,000 are injured. Of that number, one-sixth will spend anywhere from 6 weeks to 2 years in the hospital recuperating.

It is deplorable that the cost of fire to the Nation is $11.4 billion annually.

It is deplorable that the profession of firefighter is the most hazardous in the United States with an injury rate of 39.6 per 100 in 1971.

And it is equally deplorable that the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

The bill as reported by the committee would create the position of Assistant Secretary of Commerce for Fire Prevention and Control. The Assistant Secretary would oversee a fire research and control program composed of:

First. A fire academy: A Federal fire academy would be established for the purpose of providing training to local fire services. The Secretary would develop curricula, standards of admission, and performance for awarding degrees and certificates. In addition, he would develop model curricula and training programs for use by other educational institutions.

Second. Fire research: The Secretary would be authorized to expand the Department of Commerce's program of research to develop a sophisticated approach to fire prevention and fire suppression. The program would also include studies of operations and management techniques for the fire services.

Third. Fire data: The Secretary of Commerce would be authorized to collect, analyze, publish, and disseminate data on the prevention, occurrence, control, and results of fire.

Fourth. Fire education: Based on the theory that many fires can be prevented, the Secretary of Commerce would be authorized to undertake a public education campaign.

Fifth. Master plan demonstration projects: The Secretary of Commerce would be authorized and directed to fund five to eight State model demonstration projects. The goal of these projects would be to explore new ways of developing and implementing master plans for fire prevention and control for States and local jurisdictions.

Sixth. Burn centers: The Secretary of Health, Education, and Welfare would be authorized and directed to undertake an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims. It would include the establishment of 25 additional burn centers and burn units for the specialized treatment of injuries.

Seventh. Loan guarantees: The bill would authorize a loan guarantee program to nursing homes which install sprinkler systems and other fire prevention devices.

Mr. President, I thank my colleagues on the Committee on Commerce for their unified support of this legislation. I hope that the entire Senate will consider and approve this landmark legislation.

Mr. President, I ask unanimous consent that the text of the bill as reported be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1769

A bill to establish a United States Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fire Prevention and Control Act".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90–259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code-enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fire.

(5) The unacceptably high death, injury, and property losses from fire can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) PURPOSES.—Therefore it is declared to be the purpose of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, establish pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

SEC. 4. Section 42(a) of the Act of October 21, 1970 (84 Stat. 1038; 15 U.S.C. 1507a) is amended by adding at the end thereof the following new subsection:

"ASSISTANT SECRETARY FOR FIRE PREVENTION AND CONTROL

"There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act."

FIRE PREVENTION AND CONTROL PROGRAM

SEC. 5. (a) ESTABLISHMENT.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevent and Control.

(b) CONTENT.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act.

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

SEC. 6. (a) AUTHORIZATION.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to develop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) PURPOSE.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) BOARD OF OVERSEERS.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure, the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) PLACEMENT SERVICE.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) CONSTRUCTION APPROVAL.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Interstate and Foreign Commerce of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

SEC. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and other structures and their contents, (including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological, and psychological factors affecting human victims of fire and the performance of individual members of fire sevices and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

SEC. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

NATIONAL DATA CENTER

SEC. 9. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited, to forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

SEC. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

SEC. 11. (a) GENERAL.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) ELIGIBILITY FOR GRANTS.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the State, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate: per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) PROCEDURE FOR AWARDING GRANTS.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) MASTER PLAN.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to carry out the provisions of this section $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

SEC. 12. (a) GENERAL.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) FIRE SAFETY EFFECTIVENESS STATEMENTS.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structure to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, formers, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) REVIEW.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) ASSISTANCE.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) PUBLIC ACCESS TO INFORMATION.—(1) Copies of any document, report, statement, or informaiton received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

SEC. 13. (a) FISCAL STUDY.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any other officer or agency of the United States.

(b) FIREFIGHTER STUDY.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional, metropolitan, or statewide fire services; risk of injury or death during active service; and recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

SEC. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services, pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submitting a Fire Safety Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 15. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, cxchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and, where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award").

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except Section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

SEC. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law."

(b) Paragraph 12 of section 5315 of title 5, United States Code, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

SEC. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment thoughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

SEC. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(i)(1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary Life Safety Code of the National Fire Protec- for compliance with the latest edition of the tion Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

REPORT OF THE SPECIAL COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL DOCUMENTS—(S. REPT. NO. 93-466)

Mr. SCOTT submitted a report of the Special Committee To Study Questions Related to Secret and Confidential Documents, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SYMINGTON, from the Joint Committee on Atomic Energy:

Donald R. Cotter, of New Mexico, to be chairman of the Military Liaison Committee to the Atomic Energy Commission.

The above nomination was approved subject to the nominee's commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGH SCOTT:

S. 2571. A bill for the relief of Sperling & Schwartz, Inc. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2572. A bill for the relief of Mrs. Angelica Chumacero Gutierrez. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 2573. A bill to amend the Federal Property and Administrative Services Act of 1949 as amended to permit donations of surplus supplies and equipment to older Americans. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 2574. A bill for the relief of Mervin F. Starr. Referred to the Commtitee on the Judiciary.

By Mr. INOUYE:

S. 2575. A bill to provide for additional sanctions against shippers and consignees seeking carriage of their cargo at less than the published rates in the foreign and domestic commerce of the United States. Referred to the Committee on Commerce; and

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. McGOVERN (for himself and Mr. MAGNUSON):

S. 2577. A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. McGOVERN:

S. 2578. A bill to strengthen the regulation of commodity exchanges. Referred to the Committee on Agriculture and Forestry.

By Mr. BENNETT:

S. 2579. A bill for the relief of Alexander Choquette. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2580. A bill to amend chapter 402 of title 18, United States Code, relating to the sentencing of youthful offenders, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. MANSFIELD and Mr. HUGH SCOTT):

S.J. Res. 164. A joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 2573. A bill to amend the Federal Property and Administrative Services Act of 1949 as amended to permit donations of surplus supplies and equipment to older Americans. Referred to the Committee on Government Operations

Mr. DOLE. Mr. President, the legislation I am introducing today would amend the Federal Property and Administrative Services Act of 1949 as amended to permit donation of surplus supplies and equipment to older Americans. I believe the legislation reflects the national concern for older Americans and further develops a national policy on aging. Under the proposed legislation the Administrator of General Services Administration could donate surplus property to States which have entered into a cooperative agreement with the Federal Government. This would expand access for State and local groups to materials which previously were earmarked exclusively for education, health, and civil defense.

As more money is returned to the States under new Federal revenue sharing programs designed to aid aging Americans, a broader understanding, at community and State levels, of the needs of older people will emerge as will a greater commitment by government, voluntary agencies, and the private sector to serving older Americans * * * a commitment which could add needed meaning to the lives of older Americans while enhancing the serenity of the older years.

The proposed legislation will expand a portion of the Federal law dealing with the Federal Property and Administrative Services Act of 1949, as amended; 40 U.S.C. 484(j) contains the provisions allowing distribution of surplus property. Surplus property is excess property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator. This legislation expands the categories benefited within the definition of surplus property, which can be donated to State governments as designated within the provisions of 484(j). It would establish a new category within the three established categories named in 484(j). Eligible recipients of donated property are education, public health, or civil defense. To these three categories, I wish to add the category of older Americans.

Our Nation is constantly setting goals for itself in all areas of national concern. Indeed, the priorities which we as a nation set are most important. This amendment seeks to further implement the sense of Congress toward a national policy on aging by recognizing the increasing number of older Americans, and the inexhaustible resource of talents, skill, experience, and time they can continue to contribute to the country.

There are 20 million older Americans; by the year 2000 there will be 25 million. The latest census reveals that 1 of every 10 persons in the United States today has reached the age of 65. My own State now has 266,201 residents over the age of 65. This is 11.8 percent of the State's population. An additional 211,555 Kansans are between the ages of 55 and 64. Although this is not a large proportion, a look at the population figures over the last 10 years shows a significant trend. While the total population of the State was increasing at a 3.2-percent rate, the population between the ages of 60 and 70 increased by 10.8 percent nationwide, the over-65 population has increased at twice the rate of the under-65 population since the turn of the century. It therefore becomes obvious that older Americans are a growing force in America, a group whose needs should be anticipated, and a resource which if properly utilized, can add to the richness of all American life.

Not only is there an increasing number of older Americans, but they frequently are unable to spontaneously integrate with the community. Society decides their status and this decision is often made at the governmental level. Increasingly old age is becoming the object of a policy.

In planning, we must recognize the continuity of life and assure that older Americans can enjoy life, liberty, and the pursuit of happiness. We can all agree that adequate income, health care, and livable housing are required for the simple survival of older people. Even with adequate income, certain needed services cannot always be purchased and must be provided. Between income and service programs a full range of options should be available for all aging Americans.

By the passage of S. 50, the Older Americans Comprehensive Amendments of 1973, we made available to our older citizens comprehensive health, educations, and social services programs through the expansion of existing programs and the coordination and development of new State and local systems of delivering these programs and services. During the next 5 years general revenue sharing will channel over $30 billion to State and local communities.

This amendment recognizes that both governmental and nongovernmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interest of older people. It will also continue the general change of decentralizing decision making in Washington by distributing some of the wealth and resources of the Nation. The planning mechanisms that have been developed in communities and at the State and National levels should increase efforts to develop programs and services which are responsive to the concerns of older persons and more effective in meeting their needs.

If planning is to be more than an exercise in rhetoric, it is imperative that there be appropriate authority, responsibility, and accountability and that there be bridges linking planning at all levels of the public and private sectors.

The demand for supportive services has long exceeded the ability to meet them. This amendment concentrates on a means by which older American groups can secure supplies and equipment they need to further programs. The equitable expansion of this amendment is based upon the concept that society does not always look upon the aged as belonging to one clearly defined category. Society as a whole is made up of individual parts. But as separate members, we are united by the need for reciprocal relationships.

Clearly, older Americans have given much to this country. It is our responsibility to assure them a chance to continue their significant place in the Nation. The least debatable of all the phenomena of our day and the surest in its progress and consequences, and the easiest to foresee, is the aging of the population. It is time to elevate the need of older Americans in our thoughts and actions. Our treatment of older Americans reflects our soundness as a nation. If we can be indifferent toward the last years of life, then we also diminish the dreams of all our people.

Mr. President, I send a bill to the desk for appropriate reference, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 203 (j) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484 (j)) is amended

(1) by inserting "older Americans," immediately before "or civil defense" in the first sentence of paragraph (1);

(2) by striking out "paragraph (2), (3), or (4)" in the first sentence of paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), (4), or (5)";

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for purposes of aiding older Americans, including research, in any State shall be made by the Secretary of Health, Education, and Welfare, who shall allocate such property on the basis of need and utilization for transfer by the Administrator of General Services to such State agency for distribution to older Americans organizations, programs, or institutions of such State, established pursuant to State law, or political subdivisions and instrumentalities thereof, which are established pursuant to State law. No such property shall be transferred until the Secretary of Health, Education, and Welfare has received from such State agency a certification that such property is usable and needed for aid to older American purposes in the State, and until the Secretary of Health, Education, and Welfare has determined that such State agency has conformed to minimum standards of operation prescribing by the Secretary of Health, Education, and Welfare for the disposal of surplus property.";

(4) by adding at the end of paragraph (6), as redesignated by paragraph (3) of this section, the following new sentence: "The Secretary of Health, Education, and Welfare may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of personal property donated under paragraph (5) of this subsection which has an acquisition cost of $2,500 or more."; and

(5) by adding at the end of paragraph (8), as redesignated by paragraph (3) of this section, the following new paragraph:

"(9) As used in this subsection, the term 'older American programs, organizations, or institutions' includes—

"(A) any program, organization or institution established pursuant to the Older Americans Act of 1967, as amended, or similar State legislation;

"(B) any tax-supported program, organization, or institution, the primary purpose of which is to aid older Americans; and

"(C) any organization the income of which is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954, the primary purpose of which is to aid older Americans."

(b) Section 203 (k) (4) is amended—

(1) by deleting the comma after "State law" in subparagraph (E) and substituting therefore a semicolon and by adding the following new subparagraph:

"(F) the Secretary of Health, Education, and Welfare, through such officers or employees of the Department of Health, Education, and Welfare as he may designate in the case of property transferred pursuant to this act to older Americans."

(c) Section 203 (n) is amended—

(1) by inserting "older Americans," after "for purposes of education, public health,"; and

(2) by striking "subsection (j) (3) or (j) (4)" and inserting in lieu thereof "subsection (j) (3), (j) (4), or (j) (5)".

By Mr. INOUYE:

S. 2575. A bill to provide for additional sanctions against shippers and consignees seeking carriage of their cargo at less than the published rates in the foreign and domestic commerce of the United States. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, in recent years the trans-Pacific liner trade has been steadily becoming overtonnaged. Experience shows that such overcapacity inevitably leads to rate wars and unlawful practices such as rebating. Indeed from time to time it has been alleged that certain carriers are engaging in these illegal practices through various techniques designed to shield these violations.

Insofar as rate cutting and rebating by carriers is concerned, the Federal Maritime Commission either already has appropriate powers or is studying needed legislation. However, the Commission does not have the power effectively to reach and to apply sanctions against shippers or consignees who—in a buyer's market such as currently exists—may solicit such rebates from carriers.

I am today introducing a bill which would require nonnational flag carriers to charge rates which are compensatory on a fully distributed commercial cost basis. This bill is designed to prevent the kind of situation in which certain carriers can engage in predatory cost-cutting. However, it would be a useless gesture for this Congress to pass that bill if rebates are paid back to shippers and consignees at their demand in a buyer's market. Accordingly, I am also introducing legislation today which will assist the Commission to assure that shippers and consignees who solicit rebates will be susceptible to both the jurisdictional reach of and application of meaningful sanctions by the Commission.

Mr. President, I fully appreciate the fact that this is a drastic bill with sweeping penalties for those shippers and consignees who induce carriers to violate the law. It will undoubtedly prove most controversial. However, in view of the severity of the problem, I do not believe that my proposed bill should be weaker. It may not be the sole solution, and I believe that it should also be viewed as a means to stimulate discussion about the situation which prevails in the trans-Pacific liner trade.

I have written to Mrs. Helen D. Bentley, Chairman of the Federal Maritime Commission, to inquire about this problem. I am enclosing a copy of my letter and her response for insertion in the Record. I ask unanimous consent that our correspondence and a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill and correspondence were ordered to be printed in the RECORD, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, that the Shipping Act of 1916, as amended (39 Stat. 728; 46 U.S.C. *et seq.*) and the Intercoastal Shipping Act of 1933, as amended (47 Stat. 1425; 46 U.S.C. 843 *et seq.*) shall be further amended as follows:

SEC. 2. Section 18(b)(3) of the Shipping Act of 1916 (39 Stat. 735, 46 U.S.C. 817) is amended to read as follows:

No common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive, and no shipper, consignee or agent thereof shall demand or pay, a greater or less or different compensation for the transportation of property or for any service in connection therewith that the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time; nor shall any such carrier rebate, refund, or remit, nor shall any such shipper, consignee or agent thereof solicit or receive such rebate, refund, or remittance, in any manner or by any device any portion of the rates or charges so specified, nor shall any such carrier extend or deny to any person any privilege or facility, except in accordance with such tariffs.

SEC. 3. The third paragraph of Section 2, the Intercoastal Shipping Act of 1933 (46 Stat. 1425; 46 U.S.C. 844) is amended as follows:

From and after ninety days following enactment thereof no person shall engage in transportation as a common carrier by water in intercoastal commerce unless and until its schedules as provided by this section have been duly and properly filed and posted; nor shall any common carrier by water in intercoastal commerce charge or demand or collect or receive, nor shall any shipper, consignee, or agent thereof demand or pay, a greater or less or different compensation for the transportation of passangers or property or for any service in connection therewith than the rates, fares, and/or charges which are specified in its schedules filed with the board and duly posted and in effect at the time; nor shall any such carrier refund or remit, nor shall any such shipper, consignee or agent thereof solicit or receive such rebate, refund, or remittance, in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend or deny to any person any privileges or facility, except in accordance with such schedules.

SEC. 4. Section 22 of the Shipping Act of 1916 (39 Stat. 736; 46 U.S.C. 821) is amended to read as follows:

That any person may file with the board a sworn complaint setting forth any violation of this Act by a common carrier by water, a shipper, consignee, or agent thereof, or other person subject to this Act, and asking reparation for the injury, if any caused thereby. The board shall furnish a copy of the complaint to such carrier, shipper, consignee, or agent thereof, or other person, who shall, within a reasonable time specified by the board satisfy the complaint or answer it in writing. If the complaint is not satisfied the board shall, except as otherwise provided in this Act, investigate it in such manner and by such means, and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers, investigate any violation of this Act.

SEC. 5. Section 14a of the Shipping Act of 1916 (39 Stat. 733; 46 U.S.C. 813) is amended to read as follows:

The board upon its own initiative may, or upon complaint shall, after due notice to all parties in interest and hearing, determine whether any person, not a citizen of the United States and engaged in transportation by water of passengers or property, or whether any person, not a citizen of the United States and a shipper, consignee or agent thereof using common carriage by water in the foreign commerce of the United States—

(1) Has violated any provision of section 14, or

(2) Is a party to any combination, agreement, or understanding, express or implied, that involves in respect to transportation of passengers or property between foreign ports, deferred rebates or any other unfair practice designated in section 812 of this title, and that excludes from admission upon equal terms with all other parties thereto, a common carrier by water which is a citizen of the United States and which has applied for such admission.

(3) Has, as a shipper, consignee or agent thereof either received a deferred rebate within the meaning of Section 14 First, or violated Section 18(b)(3).

If the board determines that any such person has either violated any such provision or is a party to any such combination, agreement, or understanding, or has willfully avoided the jurisdiction of the board so as to prevent the board from obtaining information necessary to find whether the basis for such a determination exists; then the board shall thereupon certify such fact to the Secretary of Commerce. If the violator is a common carrier by water or other person subject to the Act, then the Secretary shall thereafter refuse such person the right of entry for any ship owned or operated by him or by any carrier directly or indirectly controlled by him, into any port of the United States, or any Territory, District, or possession thereof, until the board certifies that the violation has ceased or such combination, agreement, or understanding has been terminated. If the violator is a shipper, consignee or agent thereof, then the Secretary shall thereafter refuse the right of entry or exit of the cargo of such shipper, consignee or agent thereof, as the case may be, into or out of any port of the United States, or any Territory, District or possession thereof, until the board certifies that the violation has ceased.

FOREIGN COMMERCE AND
TOURISM SUBCOMMITTEE,
September 27, 1973.

Hon. HELEN D. BENTLEY,
Chairman, Federal Maritime Commission, Washington, D.C.

DEAR MADAME CHAIRMAN: During hearings this year, it has been brought to my attention that there are several major problems affecting the shipping industry in the Trans-Pacific trade. This discovery has been particularly disturbing to me because Hawaii, as a non-contiguous state, needs a strong, stable maritime industry.

Apparently, one of the most serious problems confronting the industry is illegal rebating. Although the practice is illegal, it has been charged that many shippers are requesting and obtaining rebates from certain carriers. These rebates are allegedly hidden from government scrutiny through a number of devices.

Because of the adverse consequences to the public interest which might flow from these violations, I am considering the introduction of legislation to deal with this issue. Before doing so, however, I would like to solicit your opinion as to whether there is, in fact, a problem and whether you are of the opinion that additional legislation is needed in this area to deal with it.

I welcome any comments and observations you have relative to this issue.

Sincerely yours,
DANIEL K. INOUYE,
Chairman.

FEDERAL MARITIME COMMISSION,
Washington, D.C., October 9, 1973.

Hon. DANIEL K. INOUYE,
Chairman, Foreign Commerce and Tourism Subcommittee, Committee on Commerce, Washington, D.C.

DEAR SENATOR INOUYE: This acknowledges your letter of September 27, 1973, concerning the existence in the Trans-Pacific trade of rebating by some carriers.

These and other unfair methods by which transportation by water is obtained by or furnished to a shipper at rates or charges less than would otherwise be applicable, are prohibited by the Shipping Act, 1916. Such practice, especially when indulged in on a continuing basis, inevitably leads to rate wars which drastically impair trade stability. When such a situation exists a carrier is under heavy pressure to fill his ships by whatever means are available, creating an atmosphere conducive to rebating and other forms of malpractices.

An excellent example of the devastation caused by such malpractices is the fairly recent outbreak of problems which erupted in the North Atlantic trades commencing in the late 60's. One of the principal factors was the introduction of containerships in the North Atlantic which led to over-tonnaging with a resultant mad scramble for the available cargo. As was to be expected widespread rumors of rebating and other malpractices spread through shipping circles, and for many months stability in the North Atlantic trade was lacking. In an effort to restore stability a pooling agreement was entered into—and is now before the Commission for approval—lines have joined or rejoined conferences and self-policing systems have been established—all of which contribute to improved conditions in the North Atlantic trade.

We are now faced with the distinct possibility of violent eruptions in our Trans-Pacific trades. Not only do we have an overabundance of cargo space available as a result of the continued increase in the number of container or similar type of ships, affording increased cargo capacity, but we are also faced with the entry into the trade of ships of countries with which we have only recently resumed trading, such as Russia. These new entrants into service have in many instances been at rates considerably less than those already prevailing. There have been and still are consistent rumors of rebating and other malpractices which may call for drastic action by the Commission. Certainly the scene is ripe for carrier and shipper both to resort to practices which could violently disrupt the Pacific trades.

Obviously it is difficult to obtain evidence and to prosecute this type of violation—pointing to the possible need for some further statutory authority to strengthen the Commission's hand in attempting to deal with these problems. Only recently the Commission's staff met with the Committee staff to discuss possible legislation in this area. This question is now being pursued with all possible dispatch to determine what additional authority is indicated.

Thank you for giving me the opportunity to express my views on this subject.

Sincerely,
HELEN DELICH BENTLEY, *Chairman.*

By Mr. INOUYE:

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United

States, and for other purposes. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, I am today introducing a bill which would provide for minimum rate provisions by nonnational carriers by water operating in the foreign trade of the United States.

The legislation being introduced today has as its objective the maintenance of a stable tariff situation in our Nation's foreign trade. During hearings on S. 1488, a bill to eliminate rate disparities in our foreign trade, I learned that American carriers are facing serious and unfair competition in the trans-Pacific trade from nonnational carriers which skim the cream of this trade by serving only the most profitable routes and carrying the most profitable items rather than offering a full range of services to shippers. Overtonnaging in the Pacific is further adding to the instability by encouraging predatory practices such as unjustified rate-cutting. Continuation of this will surely injure American and other foreign carriers which are attempting to provide American shippers with steady, responsible, and frequent service.

The bill would achieve this objective by requiring carriers which are not flag carriers of the United States or countries served in a given trade to show that their rates, if lower than the lowest flag carrier rates, are compensatory on a fully distributed commercial cost basis. The Commission, on its own order, or a national flag carrier may file a complaint. This filing would be sufficient to result in a rejection of the rate pending a determination by the Commission after a hearing whether the rate is compensatory. The Commission is fully empowered to dismiss frivolous complaints by national flag carriers which cannot be supported by evidence.

I should like to emphasize that this bill is not designed to eliminate nonnational flag carriers from the American trade nor to prop up artificially high rates in a given trade. Low rates filed by nonnational flag carriers would still be permitted if they meet the criterion of compensatoriness and, of course, there is nothing to prevent a national flag carrier from filing rates which might be lower than other rates in the trade. The bill would, however, prohibit the kind of situation we now see developing on certain routes in which American and other flag carriers are being victimized by nonnational flag carriers which have no interest in a stable rate situation or the quality of service in a particular trade.

As Americans we have a vital national interest in maintaining a healthy shipping industry. I believe that this bill is a step in the right direction, and I urge full and enthusiastic congressional support for it.

By Mr. McGOVERN (for himself and Mr. MAGNUSON):

S. 2577. A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States. Referred to the Committee on Agriculture and Forestry.

NATIONAL FOOD BANK ACT

Mr. McGOVERN. Mr. President, the National Food Bank Act is intended to fill a potential void that will exist in our disaster food relief capability due to the phasing out of the commodity distribution program next July 1—because of the provision in the farm bill which mandates a national food stamp program, and the provision in the Food Stamp Act which makes food stamps and commodities mutually exclusive, the commodity food program has effectively been eliminated as of next July 1—although this was a positive nutritional step for individual household recipients, we must make sure that in the transition the potential for emergency food relief for victims of a natural disaster is not impaired.

This potential exists because it is the food purchased and packaged for the family commodity program that is the greatest demand during a disaster. The "family food packages" contain food packaged in quantities that can be distributed quickly, and used efficiently by individual households. Food that is purchased for institutions and schools are usually packed in bulk quantities. In addition the family commodity program's "menu" contains some items such as liquid juices that are in great demand during natural disasters, but are not contained on menus of the other commodity programs.

The National Food Bank Act would authorize the USDA to use section 32 funds to continue purchasing these commodities, in the quantities the Secretary determines necessary, to be stored regionally for the relief of natural disaster victims. It should be noted that although the need to fill this void could be critical, the quantities of food and dollars involved is small. Information from USDA shows that an estimated average of only 3 million pounds of food is distributed annually to disaster victims at a cost of only $1 million. The total cost, including administration, is estimated at $3 to $5 million.

By Mr. McGOVERN:

S. 2578. A bill to strengthen the regulation of commodity exchanges. Referred to the Committee on Agriculture and Forestry.

COMMODITY EXCHANGE COMMISSION ACT OF 1973

Mr. McGOVERN. Mr. President, I introduce for appropriate reference the Commodity Exchange Commission Act of 1973, a bill to strengthen the regulation of commodity trading.

In essence, my bill would replace the existing and inadequate regulatory scheme with a fully independent five-member Commodity Exchange Commission, similar in many ways to the Securities and Exchange Commission, with substantially expanded authority over commodity futures trading. The Commission would have new, modern enforcement and research tools designed to prevent the unnecessary speculation and price fluctuations which we have seen in the past year.

My principal purpose is to protect consumers from unwarranted price increases and to insure that the producer, not the speculator, receives the benefit of reasonable price increases. In this sense, it is an anti-inflation bill, dealing with one of the major causes of inflation this year.

The new Commission's jurisdiction would be extended to all commodities traded on futures markets. It would have direct regulatory authority at all stages of trading. Among its powers would be to:

First, establish and enforce its own rules for commodity exchanges, such as designating more than one delivery point to permit sellers to settle contracts by delivering the physical commodity which is impossible in many instances today.

Second, eliminate potential conflicts of interest by prohibiting commodity brokers and floor traders from trading for their own accounts at the same time they are trading for customers' accounts.

Third, seek, at its discretion, injunctive orders in the courts to prevent violations of the act.

Fourth, issue cease-and-desist orders, without waiting to go to court, when it uncovers actual violations.

Fifth, impose substantially greater fines for violations, provide for civil penalties, and prohibit trading based on confidential government information.

Mr. President, the commodity exchange is a mystery to many laymen. It is an enormous and complex system in which contracts for future delivery of a wide range of commodities are bought and sold. Its billions of dollars of paper transactions bear directly on the cost of living and the income of millions of Americans.

The people's interest in commodity trading transcends the orderly functioning of those markets and the prevention of outright fraud. For every time a speculator turns an unreasonable profit by trading futures, the housewife and the consumer pay the price. And since it is the speculator, not the producer, who receives the windfall profit, the higher wholesale and retail prices do not act as a stimulant to production.

For as every American knows, food prices have increased steadily. But most do not know that the price received by the farmer, far from maintaining a steady gain, has bounced up and down from day to day.

While food inflation has resulted in a relative, and in my view overdue, increase in farm income, food producers have received only 40 percent of increased retail food prices.

I do not imply that all the inflation in food prices can be laid at the door of the speculator or manipulator. But just a few well-known examples show that the farmer and the consumer have paid too high a price for speculative windfalls.

Earlier this year, the price on the Chicago Board of Trade for contracts for July delivery of soybeans increased from $3.31 per bushel to $12.90 per bushel, and then settled below $7. No one doubts that part of the 400-percent increase was due to increased worldwide demand and reduced protein supply. But no less an authority than Harry H. Fortes, former first vice chairman of the Chicago Mercantile Exchange, estimates that as much as two-thirds of the increase resulted from manipulative and unnecessary speculative practices.

Soybeans is a key component in feed for livestock, especially poultry and hogs. And increased costs of animal feed were a principal factor in the increase in retail meat prices this spring and summer. So, it can be fairly said, the speculative increase in soybean prices was in turn responsible for higher food prices.

But the farmer was hurt, rather than helped, by higher soybean prices. Livestock feeders were hampered, by the ceiling on retail food prices, from passing on these increased costs. And even the soybean grower did not benefit; in most cases, he had sold his crop months before the price began its upward march.

A second example is the price of cotton which shot up nearly 300 percent over the summer. As Senator TALMADGE has pointed out, this increase has been largely due to Japanese and other foreign purchases and very little, if any, will benefit the cotton grower. Once again, the windfall has been harvested by those who, many months ago, bought contracts for future delivery and the consumer will pay the price in the form of increased costs of clothing.

Still another example is the price of wheat. After the American taxpayer subsidized sales to the Soviet Union at $1.62 per bushel last year, the futures price rose this year to more than $5 per bushel. So in Moscow, families eat bread made with American wheat which our own poor cannot afford. And in Bangladesh, the Soviets distribute American wheat in Russian sacks.

Each of these dislocations in normal market patterns could have been prevented had provisions of my bill been in effect and properly utilized by regulatory officials. Some of the impact might have been avoided had present regulatory authority been skillfully employed.

The existing Commodity Exchange Act is not without important regulatory tools. But it was singularly ineffective in preventing abuses such as these.

As John Fialka of the Washington Star-News wrote in a perceptive series of articles on commodity trading:

> The huge speculative waves that have swept across the nation's food pricing system have caused heavy damage to a government-regulated mechanism (meaning the Commodity Exchange Authority) that is supposed to protect the food business and the public from the vagaries of price fluctuation.
>
> According to dozens of farmers, elevator operators and others in the business of raising and handling foodstuffs, the damage is likely to appear in the form of still higher prices to compensate them for greater business risks . . .
>
> Meanwhile, the exchanges themselves have had to wrestle with extremely volatile prices by raising margin requirements and constantly adjusting trading limits . . .
>
> For years, the nation's future markets have served as a kind of insurance company for the food business.
>
> The speculator, the man who buys a contract for the future delivery of a commodity makes a kind of bet that the price will increase. He has his counterpart in the hedger, the farmer, the elevator operator or the food processor who must keep stores of grain or other foodstuffs on hand as part of his business.
>
> The hedger sells contracts for future delivery of whatever he has on hand in a kind of bet that the price will go down. If it does, he will lose money on his grain, but make money on his future transaction, thus he hedges himself against loss from price fluctuation.
>
> In theory, the speculator takes the risk and the hedger buys peace of mind. Not so this Spring.

Before explaining how my bill would strengthen both the law and the ability of Federal machinery to enforce it, we should understand the present system.

The Commodity Exchange Act had its origin in the Grain Futures Act of 1922. It has been amended frequently since; in 1936, it was revised and renamed. It establishes a virtually inactive Commodity Exchange Commission of three members—the Secretary of Agriculture, the Attorney General and the Secretary of Commerce—but vests operating authority in an agency of the Department of Agriculture, the Commodity Exchange Authority—CEA.

Existing regulatory authority is generally limited to approval of applications for establishment of new commodity exchanges, approval or disapproval of rules established by the exchanges themselves, and recommendation of prosecution of violations after they have been discovered.

The thrust of regulation, however, has been left to the boards of directors of the commodity exchanges themselves. It is a self regulation, a system in which the public seldom enjoys protection. Self regulation is particularly troublesome in commodity exchanges, inasmuch as the boards of directors of the exchanges are largely those who have the biggest financial stakes in futures transactions on those exchanges—large grain companies and brokerage houses.

The existing Commission and the CEA have initial authority—the designation of legal commodity exchanges; they have ex post facto authority—recommendation that the Department of Justice prosecute violators. The weakness is in between those extremes—the authority to regulate day-to-day operations.

One loophole in present authority, for example, did not permit the CEA to suspend trading in July soybean futures in Chicago when it became apparent that prices were all out of relation to normal market conditions; the Board of Trade itself did, tardily, suspend trading on CEA's suggestion, but the Federal agency lacked power to enforce its suggestion.

Similarly, the CEA lacked authority to order changes in daily trading limits—the amount by which a contract price can increase or decrease in a single day. As a result, with prices in some commodities increasing the allowable limit almost immediately as the market opened, many would-be sellers were prevented from selling and getting out of the market with minimal losses. Traders in these circumstances were "locked in" for several days, and many suffered severe and unnecessary losses.

My own investigation and those of others who have been examining commodity futures trading have discovered another weakness—the lack of funds and manpower of the existing regulatory agency. The CEA has authority to hire 163 employees—soon to increase to 183—to regulate a business that did a volume of $268.3 billion during the last fiscal year. By contrast, the Securities and Exchange Commission has 1,660 employees—10 times as many—to regulate stock markets which handled a volume of business some $70 billion less during the same period.

The bill I introduce today will, I believe, correct many of the weaknesses I have cited.

The new Commission's authority for passing and enforcing its own rules and regulations is at the heart of strengthening this law. It could, for example, do much as the Securities and Exchange Commission has done to prevent speculators from unduly driving up market prices. SEC rules require that individuals who trade on exchange floors for their own accounts—not for customers—make a majority of their transactions against, rather than with, the movement of the market.

In other words, if there are more sellers than buyers, and the price of a particular stock—or commodity, in this instance—moves down, the speculator is obligated to buy rather than add to the pressure for downward movement. Conversely, if there are more buyers than sellers, moving the market upward, the majority of the independent agent's trades would have to be sales, rather than helping move the market up artificially. The SEC's experience in this field has dramatically reduced the ability of the speculator to arbitrarily influence the stock market.

It is neither prudent nor possible to attempt to lock into statute a series of complex regulations in a fluid market. But we can, and my bill seeks to, provide the mechanism by which dedicated public servants can make and enforce regulations to protect the public interest.

Another key feature is the creation of an Office of Market Research and Information within the Commission, with direction to monitor trading, market conditions, capital flows and government actions which bear on commodity trading, and to publish information which would facilitate orderly trading. The publications of this Office would, in a sense, serve as the "people's prospectus," and reduce the likelihood of manipulation and unreasonable speculative gains.

Yet another important change would be to expand regulatory authority to all commodities and services traded in futures markets. At the present time, more than 20 important commodities—including foreign currencies, tin, propane, and U.S. silver dollars—are not regulated.

Removing the regulatory authority from the Department of Agriculture to an independent agency would establish greater confidence in the system by removing the appearance of conflict of interest and would give the new Commission greater stature.

But such a movement will not, by itself, guarantee the appropriations and staff resources equal to the task of regulation. So the Congress must be prepared to backup with appropriations what it legislates in terms of regulatory reform.

I recognize that this bill is a tough bill and that it marks a substantial departure from existing law. But I think the unique role commodities trading plays in our economy, and the impact it has on the prices consumers pay, requires new methods to deal with speculation and manipulation.

The bill I introduce today is the product of many minds and considerable experience and expertise. I want to acknowledge especially the contributions of members of the staff of the Committee on Agriculture and Forestry, and officials of the Commodity Exchange Authority who assisted generously in its preparation.

I also want to acknowledge the suggestions and ideas of several South Dakota farmers whose painful experiences in the commodities market are, in large measure, responsible for the initiation of this bill.

My bill is, by no means, the final answer to the many complex problems involved in the regulation of commodity trading. But it represents a good start.

I expect to offer amendments as our investigations continue throughout the winter and perhaps into the spring. Certainly other Members of Congress and the public will offer improvements and suggestions. Experts in the marketing, brokerage and commodities fields will doubtless have additional suggestions.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2578

A bill to strengthen the regulation of commodity exchanges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF A NEW COMMODITY EXCHANGE COMMISSION

SECTION 1. Section 2(a) of the Commodity Exchange Act is amended (i) by inserting "(1)" after the subsection designation, (ii) by striking out the last sentence of that part which appears in 7 U.S.C. 2 and inserting the following in lieu thereof: "The word 'the commission' shall mean the commission established under paragraph (2) of this subsection.", and (iii) by adding at the end thereof the following:

"(2) There is hereby established a Commodity Exchange Commission to be composed of five commissioners, one of whom shall be designated as chairman, to be appointed by the President by and with the advice and consent of the Senate. Not more than three of such commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any contract market operations or transactions of a character subject to regulation by the commission. Each commissioner shall hold office for a term of five years and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except (1) any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the commissioners first taking office after the enactment of this paragraph shall expire as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after such date of enactment. The commission shall be an independent agency in the executive branch of the Government. It shall be housed in the Department of Agriculture in the District of Columbia, and it may, with the consent of the Secretary of Agriculture, utilize the services and facilities of the Department of Agriculture."

TRANSFER OF AUTHORITY

SEC. 2. (a) The Commodity Exchange Act is amended by substituting "commission" for "Secretary of Agriculture" wherever the latter appears therein (except where it first appears in section 5(a) (7 U.S.C. 7), or where it would be stricken by subsection (b), (c), or (d) of this section).

(b) Such Act is further amended by striking out "the Secretary of Agriculture or" wherever it appears in the phrase "the Secretary of Agriculture or the commission".

(c) Section 6(a) of such Act (7 U.S.C. 8) is amended by striking out "the Secretary of Agriculture who shall thereupon notify the other members of".

(d) Section 6(b) of such Act (7 U.S.C. 15) is amended by striking out "the Secretary of Agriculture (or any person designated by him),".

(e) Such Act is further amended by striking out the words "he", "his", or He" wherever they are used therein to refer to the Secretary of Agriculture, and inserting "it", "its", and "It" respectively.

(f) Such Act is further amended by striking out "United States Department of Agriculture" wherever it appears therein and inserting "commission".

HOUSEKEEPING FUNCTIONS OF CHAIRMAN

SEC. 3. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by inserting "(a)" after the section designation, and adding the following new subsections at the end thereof:

"(b) (1) Subject to the provisions of paragraph (2) of this subsection, the executive and administrative functions of the commission, including functions of the commission with respect to (1) the appointment and supervision of personnel employed under the commission, (2) the distribution of business among such personnel and among administrative units of the commission, and (3) the use and expenditure of funds, shall be exercised solely by the chairman.

"(2) (A) In carrying out any of his functions under the provisions of this subsection the chairman shall be governed by general policies of the commission and by such regulatory decisions, findings, and determinations as the commission may by law be authorized to make.

"(B) The appointment by the chairman of the heads of major administrative units under the commission shall be subject to the approval of the commission.

"(C) Personnel employed regularly and full time in the immediate offices of commissioners other than the chairman shall not be affected by the provisions of this subsection.

"(D) There are hereby reserved to the commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

"(c) The chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function of the chairman under subsection (b)."

TRANSFER OF PERSONNEL AND PROPERTY

SEC. 4. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with administration of the Commodity Exchange Act shall be transferred to the Commodity Exchange Commission established by this Act as the Director of the Office of Management and Budget shall determine to be necessary at such time or times as he may direct.

SALARIES OF MEMBERS

SEC. 5. (a) 5 U.S.C 5314 is amended by adding at the end thereof the following new paragraph:

"(60) Chairman, Commodity Exchange Commission."

(b) 5 U.S.C. 5315 is amended by adding at the end thereof the following new paragraph:

"(78) Members, Commodity Exchange Commission."

EMPLOYMENT OF CERTAIN EMPLOYEES WITHOUT REGARD TO CIVIL SERVICE LAWS

SEC. 6. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by striking out "to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and" and insert in lieu thereof the following: "to appoint and fix the compensation of such officers, attorneys, examiners, and other experts as may be necessary for carrying out its functions under this Act, without regard to the provisions of chapter 51 of title 5, United States Code, governing appointments in the competitive service, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and, subject to chapter 51 of title 5, United States Code, to appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with subchapter III of chapter 53 of such title 5; and shall have the power to".

EXTENSION OF ACT TO COVER FUTURES TRADING IN ALL COMMODITIES AND SERVICES

SEC. 7. Section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), is amended by inserting before the period at the end of the third sentence the following: ", and all other goods and articles and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in; *Provided,* That nothing in this definition shall be construed to derogate from the jurisdiction of the Securities and Exchange Commission".

ALL RULES OF CONTRACT MARKETS TO BE ENFORCED

SEC. 8. Section 5a(8) of the Commodity Exchange Act (7 U.S.C. 7a(8)) is amended by striking all after the word "committee" the first time such word appears therein down to but not including the last semicolon therein.

CLAIMS SETTLEMENT PROCEDURE

SEC. 9. Section 5a(9) of the Commodity Exchange Act (7 U.S.C. 7a) is amended to read as follows:

"(9) provide a fair and equitable procedure for the settlement of customers' claims against any member or employee thereof arising from conduct inconsistent with the rules of such contract market or inconsistent with the just and equitable principles of trade."

RULES AGAINST INEQUITABLE CONDUCT

SEC. 10. Section 8a(5) (7 U.S.C. 12a) is amended by inserting before the semicolon at the end thereof the following: "or to eliminate conduct inconsistent with just and equitable principles of trade".

BROADER AUTHORITY OVER CONTRACT MARKET RULES

SEC. 11. Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended to read as follows:

"(7) if after making appropriate request in writing to a contract market that such contract market effect on its own behalf specified changes in its rules and practices, and after appropriate notice and opportunity for hearing, the commission determines that such contract market has not made the changes so required, and that such changes are necessary or appropriate for the protection of persons producing, handling, processing or consuming any commodity traded for future delivery on such contract market, or the product or byproduct thereof, or for the protection of traders or to insure fair dealing in commodities traded for future delivery on such contract market or to insure fair administration of such contract market, by rules or regulations or by order to alter or supplement the rules of such contract market insofar as necessary or appropriate to effect such changes in respect to such matters as—

(A) terms or conditions in contracts of sale to be executed on or subject to the rules of such contract market (including provision for sufficient delivery points to facilitate settlement of contracts),

(B) the form or manner of execution of purchases and sales for future delivery,

(C) other trading requirements (including margin requirements),

(D) safeguards in respect to the financial responsibility of members,

(E) the manner, method, and place of soliciting business,

(F) the form and manner of handling, recording, and accounting for customers' orders, transactions and accounts, or

(G) such other matters as the commission may determine to be in the public interest or necessary for the prevention of undue speculation:

Provided, however, that whenever the commission has reason to believe that the amount of deliverable supplies, the number of open contracts, the relative size of individual trader's positions, the amount and direction of price movement in cash and futures contracts, the impact of government edicts and regulations, the existence of a national emergency, or any other such market factor creates a condition which threatens orderly trading in, or liquidation of, any futures contract, the commisison may, without such request, notice, or hearing, direct the contract market to take such action as in its judgment is necessary to maintain or restore orderly trading in, or liquidation of, any futures contract. Such actions may include, but are not limited to, the following:

(a) limit trading to liquidation only;

(b) extend the expiration date of a futures contract;

(c) extend the time for making deliveries in fulfillment of a futures contract;

(d) order liquidation of all or part of any open contracts under such terms as the secretary deems necessary;

(e) suspend trading;

(f) order the fixing of a settlement price for the liquidation of a futures contract."

APPEALS FROM CLAIMS SETTLEMENT PROCEEDINGS

SEC. 12. Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is further amended by adding at the end thereof the following:

"(8) to review and to affirm, to set aside, or modify any decision rendered by or on behalf of any contract market in any proceeding held as required by section 5a(9) of this Act upon application by any person aggrieved thereby filed within 30 days after such decision has been rendered or within such longer period as the commission may determine. Application to the commission for review shall operate as a stay of such action until an order is issued upon such review."

CONTRACT MARKETS MUST SERVE ECONOMIC PURPOSE

SEC. 13. Section 5 of the Commodity Exchange Act, as amended (7 U.S.C. 7), is further amended by adding after subsection (f) thereof the following new subsection:

"(g) When such board of trade demonstrates that the prices involved in transactions for future delivery in the commodity for which designation as a 'contract' market is sought are, or reasonably can be expected to be, generally quoted and disseminated as a basis for determining prices to producers, merchants, or consumers of such commodity or the products or byproducts thereof or that such transactions are, or reasonably can be expected to be, utilized by producers, merchants, or consumers engaged in handling such commodity or the products or byproducts thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price."

ACCEPTANCE OF ORDERS BY UNREGISTERED ASSOCIATES OF FUTURES COMMISSION MERCHANTS PROHIBITED. REGISTRATION.

SEC. 14. (a) The Commodity Exchange Act, as amended is further amended by inserting after section 4i a new section 4j to read as follows:

"SEC. 4j. (1) It shall be unlawful for any person to be associated with any futures commission merchant or with any agent of a futures commission merchant as a partner, officer, or employee (or any person occupying a similar status or performing similar functions), in any capacity which involves (a) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (b) the supervision of any person or persons so engaged unless such person shall have registered, under this Act, with the commission and such registration shall not have expired nor been suspended (and the period of suspension has not expired) nor revoked, and it shall be unlawful for any futures commission merchant or any agent of a futures commission merchant to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or agent knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or revoked: *Provided,* That any individual who is registered as a floor broker or futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions.

"(2) Any person desiring to be so registered shall make application to the commission in the form and manner prescribed by the commission giving such information and facts as to his training, experience, and other qualifications as the commission may deem necessary concerning the applicant. Such person, when registered hereunder, shall likewise continue to report and furnish to the commission such information as the commission may require. Such registration shall expire two years after the effective date thereof and shall be renewed upon application therefor if the commission determines that the applicant is properly qualified unless the registration has been suspended (and the period of such suspension has not expired) or revoked after notice and hearing as prescribed in section 6(b) of this Act: *Provided,* That upon initial registration the effective period of such registration shall be set by the commission, not to exceed two years from the effective date thereof and not to be less than one year from the effective date thereof."

(b) Section 6(b) of the Commodity Exchange Act, as amended (7 U.S.C. 9), is further amended by inserting after the words "futures commission merchant" each time those words appear, the following: "or any person associated therewith as described in section 4j of this Act".

(c) Section 8a(1) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(1)), is amended by inserting after the words "futures commission merchants" the following: "and persons associated therewith as described in section 4j of this Act".

CONFLICTING INTERESTS

SEC. 15. The Commodity Exchange Act is further amended by inserting after section 4j, as added by section 14 of this Act, the following:

"SEC. 4k. (a) No member of a contract market shall execute any customer's order for any transaction for future delivery in any commodity and on the same business day, while on the floor of such contract market, intentionally enter into or otherwise initiate, directly or indirectly, any transaction for future delivery in such commodity for any account in which such member has trading discretion, except for the purpose of liquidating a position acquired as a result of error or in violation of this provision: *Provided, however,* That whenever, after due notice and opportunity for hearing, the commission finds that such prohibition on members acting on behalf of self and customers unduly restricts, or would unduly restrict, the liquidity of trading on any contract market, the commission may permit members of such contract market to act on behalf of themselves and customers in accordance with written rules of such contract market which adequately protect the interest of customers and which have been submitted to and approved by the commission.

"(b) No futures commission merchant shall intentionally enter into or otherwise handle any transaction for future delivery in any commodity for its own account or any account in which it has a proprietary interest, except for the purpose of liquidating a position acquired as a result of error or in violation of this provision: *Provided, however,* That whenever, after due notice and opportunity for hearing, the Commission finds that such prohibition unduly restricts or would unduly restrict the liquidity of trading on any contract market, the commission may permit futures commission merchants to enter into or otherwise handle transactions for future delivery in any commodity traded on such contract market on behalf of themselves, proprietary accounts, and customers in accordance with written rules of such contract market which adequately protect the interest of customers and which have been submitted to and approved by the commission."

CIVIL PENALTIES—MAXIMUM FINES

SEC. 16. (a) Section 6 of the Commodity Exchange Act, as amended (7 U.S.C. 8, 9, 13(b)), is further amended as follows:

(1) by inserting before the period at the end of the fourth sentence in paragraph (b) a comma and the following: "and may assess such person a civil penalty of not more than $100,000 for each such violation";

(2) by inserting in the sixth sentence in paragraph (b) after the word "petition" a comma and the following: "within fifteen days after the notice of such order is given to the offending person";

(3) by deleting from paragraph (c) the words "not less than $500 nor more than $10,000" and substituting therefor the words "not more than $100,000"; and

(4) by adding after paragraph (c) thereof the following new paragraph:

"(d) In determining the amount of the money penalty assessed under paragraph (b) of this section, the commission shall consider: In the case of a person whose primary business involves the use of commodity futures market—the appropriateness of such penalty to the size of the business of the person charged, the extent of such person's ability to continue in business, and the gravity of the violation; and in the case of a person whose primary business does not involve the use of the commodity futures market—the appropriateness of such penalty to the net worth of the person charged, and the gravity of the violation. If the offending person upon whom such penalty is imposed, after the lapse of the period allowed for appeal or after the affirmance of such penalty, shall fail to pay such penalty, the commission shall recover such penalty by action in the appropriate United States District Court."

(b) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a), is further amended to read as follows:

"SEC. 6b. If any contract market is not enforcing or has not enforced its rules of government made a condition of its designation as set forth in section 5 of this Act, or if any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the commission thereunder, the commission may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this Act, make and enter an order directing that such contract market, director, officer, agent, or employee shall cease and desist from such violation, and assess a civil penalty of not more than $100,000 for each such violation. If such contract market, director, officer, agent, or employee, after the entry of such a cease and desist order and the elapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100,000 or imprisoned for not less than six months nor more than one year, or both. Each day during which such failure or refusal to obey such cease and desist order continues shall be deemed a separate offense. If the offending contract market or other person upon whom such penalty is imposed, after the lapse of the period allowed for appeal or after the affirmance of such penalty, shall fail to pay such penalty, the commission shall recover such penalty by action in the appropriate United States District Court. In determining the amount of the money penalty assessed under this section, the commission shall consider the appropriateness of such penalty to the net worth of the offending person and the gravity of the offense, and in the case of a contract market shall further consider the effect of the amount of the penalty on the contract market's ability to continue in business.

(c) Section 9 of the Commodity Exchange Act, as amended (7 U.S.C. 13) is further amended as follows:

(1) subsection (a) is amended by deleting the figures "$10,000" and substituting therefor the figures "$100,000".

(2) subsection (b) is amended by deleting the figures "$10,000" and substituting therefor the figures "$100,000".

(3) subsection (c) is amended (i) by deleting the figures "$10,000" and substituting therefor the figures "$100,000", and (ii) by inserting after "section 4i" the following: "section 4j, section 4k".

INJUNCTIVE AUTHORITY

SEC. 17. The Commodity Exchange Act is amended by inserting the following section immediately after section 6b:

"SEC. 6c. Whenever it shall appear to the commission that any contract market or other person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act or any rule, regulation, or order thereunder, or is in a position to effectuate a squeeze or corner or otherwise restrain trading in any commodity for future delivery, the commission may in its discretion bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice, or to enjoin the continued maintenance of such a position, or to enforce compliance with this Act, or any rule, regulation, or order thereunder, and said courts shall have jurisdiction to entertain such actions. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the commission, the district courts of the United States and the United States courts of any territory or other place subject to the jurisdiction of the United States shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding any person to comply with the provisions of this Act or any rule, regulation, or order of the commission thereunder, including the requirement that such person take such action as is necessary to remove the danger of violation of this Act or any such rule, regulation, or order. Any action under this section may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or in the district where the act or practice occurred, is occurring, or is about to occur, or where such position is maintained, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found."

ONLY ANCILLARY REGULATION OF CASH MARKET

SEC. 18. (a) Secton 6(b) of the Commodity Exchange Act, as amended (7 U.S.C. 9), is amended by deleting the comma and the words "in interstate commerce, or" following the word "commodity" in the first sentence of the section and by inserting after the comma following the word "market" the third time that word appears in said sentence the following: "or, in connection with any transaction for future delivery, is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity in interstate commerce,".

(b) Section 6(c) of the Commodity Exchange Act, as amended (7 U.S.C. 13b), is amended by deleting the comma and the words "in interstate commerce, or" following the word "commodity" in the first sentence of the section and by inserting after the comma following the word "market" the third time that word appears in said sentence the following: "or, in connection with any transaction for future delivery, is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity in interstate commerce,".

(c) Section 9(b) of the Commodity Exchange Act, as amended (7 U.S.C. 13), is amended by deleting the words "in interstate commerce, or" following the word "commodity" the first time that word appears in the section, by inserting after the comma following the word "market" the first time that word appears in the section the following: "or, in connection with any transaction for future delivery, to manipulate or attempt to manipulate the market price of any commodity in interstate commerce," and by inserting before the comma at the end of the phrase "to corner any such commodity" the following: "in interstate commerce or for future delivery".

REPORTS

SEC. 19. Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended:

(1) By striking so much of the first sentence thereof as precedes the first proviso and inserting in lieu thereof the following:

"(a) For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the commission may make such investigations as it may deem necessary to ascertain the facts regarding the operations of boards of trade and other persons subject to any of the provisions of this Act, whether prior or subsequent to the enactment of this Act. The Comptroller General of the United States shall conduct reviews and audits of the commission and make reports thereon. For the purpose of conducting such reviews and audits the Comptroller General shall be furnished such information regarding the powers, duties, organizations, transactions, operations and activities of the commission as he may require and he and his duly authorized representatives shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of the commission except that in his reports the Comptroller General shall not include data and information which would separately disclose the business transactions of any person and trade secrets or names of customers. The commission may publish from time to time, in its discretion, the results of its investigations and such statistical information gathered therefrom as it may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers:"; and

(2) By adding at the end thereof the following:

"The commission shall submit to the Congress a written report within 120 days after the end of each fiscal year detailing the oprations of the commission during such fiscal year. The commission shall include in such report such information, data, and recommendations for further legislation as it may deem advisable with respect to the administration of this Act and its powers and functions under this Act. The commission shall promptly report to the President, Congress and the public any unusual transactions or actions in the futures markets which are developing or have developed that in the commission's judgment will have an unusual impact on the pricing or marketing of that commodity.

"(b) The Commission shall establish an Office of Market Research and Information which shall monitor, investigate and study commodities trading and publish on a periodic basis such information as in the judgment of the Commission will facilitate orderly trading, reflect the true state of supply and demand, reduce undue speculation, and be in the public interest. The Office shall have such duties and powers as are necessary to carry out the purposes of this subsection and as the Commission may prescribe including but not limited to obtaining information and data relevant to commodities trading from agencies of the Federal Government and private persons. The Office shall study and investigate market conditions, including supply and demand, capital flows, future production, projected consumption patterns, Government policy, foreign entrants into the market, and such other factors as the Commission deems relevant."

USE OF CONFIDENTIAL INFORMATION—TREBLE DAMAGES FOR VIOLATIONS

SEC. 20. Section 9 of the Commodity Exchange Act is amended by adding at the end thereof the following:

"(d) (1) It shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any person to make any contract for the purchase or delivery of any commodity for future delivery on or subject to the rules of any contract market, without disclosing, in accordance with such regulations as may be prescribed by the Commission as necessary and appropriate in the public interest and to assure fair and orderly trading in such contracts, information acquired by him directly or indirectly from any agency of the United States and not available on an equal basis to other members of the public. Any person violating such regulations shall be liable to the other party to such contract in the amount of treble the profit received by such person as a result of such contract.

"(2) It shall be a felony punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both, for any employee of the United States, contrary to such regulations as may be prescribed by the Commission as necessary and appropriate in the public interest and to assure fair and orderly trading on any contract market, to disclose to any person information acquired by him as a result of his position and not disclosed or available for disclosure on an equal basis to other members of the public.

"(3) Any person violating any provision of this Act or any regulation thereunder shall be liable to any person injured thereby for treble the amount of the damages sustained as a result of such violation."

SEPARABILITY

SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby, and the provisions of the section of the Commodity Exchange Act, as amended, which is amended by such provisions of this Act shall apply to such person or circumstances. Pending proceedings shall not be abated by reason of any provision of this Act but shall be disposed of pursuant to the provisions of the Commodity Exchange Act, as amended, in effect prior to the effective date of this Act.

EFFECTIVE DATE

SEC. 22. This Act shall become effective ninety days after enactment.

SHORT TITLE

SEC. 23. This Act may be cited as the Commodity Exchange Commission Act.

By Mr. THURMOND:

S. 2580. A bill to amend chapter 402 of title 18, United States Code, relating to the sentencing of youthful offenders, and for other purposes. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today, I bring before the Senate a bill which would amend the Federal Youth Corrections Act to close what I believe is a glaring loophole through which youthful offenders who commit serious crimes are able to avoid serving a prison sentence.

Today, our Nation is experiencing a rapid growth in the occurrence of serious crimes. Given the tremendous frequency with which serious crimes are being committed, I believe, as representatives of our Nation's citizens, that we must do all within our powers to see that strong deterrents to crime are kept in our laws. Mr. President, I am one Senator who firmly believes that a stiff prison sentence is still a strong deterrent to serious crime.

When the forerunner of the present Youth Corrections Act was originally passed, the Senate report stated that the "purpose of the proposed legislation is to provide a new alternative sentencing and treatment procedure for persons under the age of 24." Since the date of enactment of the Youth Corrections Act, many juveniles have taken advantage of its provisions and have been afforded an opportunity for rehabilitation and a return to normal life.

Unfortunately, however, I believe that the courts in recent years have construed this statute in a much more liberal light than Congress originally intended. Under recent court decisions, if a finding is made that the offender will derive any benefit at all from being sentenced under the Youth Corrections Act, then the court must so sentence the offender under the act. As a practical matter, virtually every youthful offender convicted of a crime—no matter how serious—is sentenced under the act. Once sentenced under the act, the offender is eligible for almost immediate parole. Mr. President, in recent months there have been many newspaper articles which illustrate this very serious problem. Persons convicted of murder, rape, armed robbery, and other heinous crimes, become eligible for immediate parole, because of this act. I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks; and I urge my colleagues to read them very carefully.

The bill which I offer today, would correct this glaring loophole by providing that youthful offenders between the ages of 18 and 22 convicted of a crime of violence would not be eligible for treatment under the Youth Corrections Act. The term crime of violence includes any offense involving murder, manslaughter, robbery, rape, sodomy, kidnaping, burglary, maiming, section 902(1) of the Federal Aviation Act of 1958, mayhem, maliciously disfiguring another, abduction, any assault with intent to kill, commit rape, sodomy, or robbery or any attempt to commit any of the aforementioned. Upon conviction of a serious crime a youthful offender would, therefore, be sentenced as an adult.

Mr. President, we have got to stop coddling these criminals. The Youth Corrections Act may have a noble purpose when applied to crimes such as shoplifting or joyriding, but it is absurd, in my opinion, to apply it to crimes such as murder or rape. I invite my colleagues to join me in bipartisan support for this much needed legislation, and urge them to notify me if they wish to cosponsor it.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1973]

JUDGE ORDERS YOUTH ACT REPORT ON DISTRICT OF COLUMBIA RAPIST, 21

(By Timothy S. Robinson)

A federal judge here yesterday ordered a 21-year-old convicted rapist to undergo study for possible sentencing under the Youth Corrections Act, but indicated from the bench that he was reluctant to do so.

U.S. District Judge John H. Pratt said in court that it would be an "exercise in futility to do otherwise in light of recent decisions by the U.S. Court of Appeals."

He said he agreed with the federal prosecutor in the case who had said "a person who has gone this far astray" would not benefit by being sentenced under the act. A Youth Corrections Act sentence would allow the convicted man to be freed sooner than he would be, were he sentenced as an adult.

However, Judge Pratt said recent appellate court rulings indicate practically all convicted offenders under 22 should have the opportunity to be sentenced under the act, so he felt compelled to order the report. Judge Pratt would not be required to follow the recommendations made by the corrections department in the presentencing report.

The convicted man, James S. Perrin III, was convicted last month by a District Court jury on charges of rape, sodomy and assault with a dangerous weapon for attacks on six women in Rock Creek Park in 1971.

Perrin already is serving a 20-year sentence in Maryland after a Prince George's County jury convicted him of a rape and sodomy charge that occurred during the same period as the rapes in Rock Creek. He could have been sentenced yesterday to a maximum of consecutive life terms to begin after he finishes his Maryland sentence.

However, Attorney Dovey Roundtree said she was asking for the federal Youth Corrections Act sentence because Perrin had no record prior to his arrests for the rapes and his "entire past life was exemplary."

Before Judge Pratt yesterday, Perrin continued to claim innocence in the attacks.

According to testimony at his four-day trial, Perrin picked up his victims, ranging in age from 16 to 22 as they were hitchhiking in Northwest Washington and took them into Rock Creek Park.

[From the Washington Post, May 4, 1973]

MURDER CONVICT PAROLED; RELEASE SET MONTH AFTER SENTENCING

(By Raul Ramirez)

Rudolph (Rudy) Valentino Tate will be released on parole Tuesday, one month after he was sentenced in the killing of a Catholic University student during a holdup attempt nearly four years ago.

He was convicted of second-degree murder and sentenced last month to up to 10 years imprisonment by U.S. District Judge Aubrey E. Robinson Jr. However, Robinson sentenced him under the Federal Youth Corrections Act, which provides for immediate consideration for parole.

The D.C. parole board, said Tate will be under "intensive maximum supervision" after his parole.

He has shown good conduct while being detained for 3½ years awaiting sentencing, officials said.

Assistant U.S. Attorney Roger Adelman, who prosecuted Tate, had argued that the young man, now 21 should be sentenced as an adult.

A second-degree murder conviction as an adult would have carried a minimum sentence of 15 years imprisonment and would have required Tate to serve at least nine years before being considered for parole.

Tate and Wayne M. Allen, 21, had confessed to the slaying of John J. Carmody, 23, of East Hartford, Conn., who was found dead with a bullet wound in the head. The shooting occurred on June 4, 1969, in the 3600 block of 10th Street NE.

Allen, who was given an identical 10-year sentence by Robinson in February, 1971, is serving a concurrent four-year term on a burglary conviction as an adult and will not be eligible for parole until next Sept. 28.

Carmody, a magna cum laude graduate of Catholic University's engineering school, was to have received his master's degree four days after the killing. He had been studying space science and applied physics under a National Defense Foundation Fellowship Act scholarship.

According to trial records, Carmody was walking on a Wednesday night to a senior week party at a fraternity house near the school campus when he was approached by Allen and Tate, who demanded his money.

Carmody, laughing, turned and began to walk away and was shot once in the back of the head with a .22 caliber gun fired by Tate. His wallet was still in his pocket when his body was found at 11:20 p.m.

Allen and Tate were arrested seven days later after police traced a car with the aid of a CU student who habitually memorized license plate numbers. The student had spotted the red car, which belonged to Tate's grandmother, and memorized its number.

After spending several months at the D.C. Receiving Home for Children and the D.C. jail, Tate was assigned to a D.C. department of corrections halfway house.

Since January, 1971, he has participated in a work release program and worked as a gas station attendant and, later, as a general helper at the Forrestal Building Cafeteria, 1000 Indiana Ave. NW.

In testimony given last year, Ralph W. Green, Tate's counselor at the halfway house, said that Tate "has developed a better comprehension of right and wrong and improved his judgemental abilities. At the present time, Mr. Tate poses no threat to the community."

Since last year, Tate has been granted frequent weekend "social furloughs" to visit his family and fiancee. He has a 3-year-old daughter.

Corrections department officials declined to discuss his performance at the halfway house on the grounds that such information is confidential.

According to the parole board spokesman, Tate will be subject to "strict narcotic surveillance" and "intensive maximum supervision" that include regularly scheduled urine tests (to check for drug use) and weekly meetings with a probation officer.

Corrections department officials said Tate will participate in a work training program as a laboratory technician at a local hospital.

[From the Washington Post]

SUSPECT PLEADS GUILTY IN SHOOTING OF STENNIS

(By Timothy S. Robinson)

Tyrone Marshall, 19, pleaded guilty yesterday to the Jan. 30 robbery and shooting of Sen. John C. Stennis (D-Miss.).

The plea, entered under a 1971 Supreme Court ruling that permits Marshall to continue to maintain his innocence while asserting merely that the weight of the government's evidence against him is too strong, came after five days of testimony about Marshall's alleged participation in the crime.

Marshall's plea, made in open court but outside the presence of the jury, followed his being told that the government had granted complete immunity to a codefendant in the case, Derick Holloway, and that Holloway would be taking the stand against him.

Holloway, the alleged driver of the getaway car whose testimony the government felt was essential to convict Marshall, the alleged gunman, can no longer be prosecuted for the crime.

Holloway, according to government prosecutors, was prepared to tell the jury in detail how he, Marshall and Marshall's brother John drove around Northwest Washington for nearly an hour on Jan. 30 looking for a possible robbery victim.

Tyrone Marshall's guilty plea was accepted by U.S. District Judge Joseph C. Waddy over the objections of government attorneys, who contended that the judge had the option of having the trial continue for what they now felt would be a sure jury verdict of guilty.

However, Judge Waddy said he interpreted the law to mean that he had no discretion other than to accept the plea by Marshall. He then called in the jury and told the panel that the case had been disposed of.

The plea, known as an Alford plea, based on the Supreme Court case that allows it, has been used increasingly in criminal cases. In many instances, the plea is entered in an attempt to avoid long sentences, such as in the Alford case itself, in which the defendant entered a plea to second-degree murder rather than face a possible death penalty on a first-degree murder charge.

Prosecutors said they could see no advantage to Marshall's entering such a plea in this case, however, since he pleaded guilty to all eight counts charged in the indictment. Three of those counts carry life sentences, which could be imposed consecutively.

However, Marshall also is eligible for sentencing under the Youth Corrections Act. Under that act, which is available to anyone under 22 years old, Marshall could be released at any time the corrections department decides that he has been rehabilitated, providing the judge invokes the act.

John Marshall entered an Alford plea to the charges in the case five days before his 22d birthday this spring so the Youth Corrections Act could be considered in connection with his sentencing, which is scheduled for Wednesday.

Yesterday's surprising development followed a two-hour meeting in Judge Waddy's chambers attended by defense attorney R. Kenneth Mundy and prosecutors Roger Adelman and Stephen W. Grafman before testimony was resumed in the trial which began Oct. 1.

Mundy said he has discussed the matter with his client and his client's father and had advised them of Holloway's intention to testify, telling them that he had interviewed Holloway for more than two hours.

"I told them I was satisfied that with the testimony of Holloway, the defendant's chances of overcoming the evidence would be virtually nil . . ." Mundy told the court by way of explaining why he advised Marshall to enter a guilty plea. "The plea would not be entered without the testimony of Holloway."

Grafman objected to the equivocal nature of an Alford plea, saying Marshall "should acknowledge under oath his complicity and involvement" with the crime. At this point, as well, he argued to the judge that the plea did not have to be accepted.

But Judge Waddy disagreed, bringing Marshall to the front of the court for the formal procedure of accepting his plea.

Waddy read to Marshall the eight federal and local counts on which he was charged: attempt to kill a member of Congress, attempt to assault a member of Congress, armed robbery, assault with intent to kill while armed, assault with intent to kill, assault with a dangerous weapon and carrying a dangerous weapon.

He was advised that by entering the plea, he would be waiving such constitutional rights and his right to a full trial, and his right to an appeal.

When Marshall acknowledged that he knew his plea would have that result, Waddy asked prosecutor Grafman to tell the court what additional evidence Holloway would provide.

Grafman presented the following chronology of the night of Jan. 30 as he said Holloway would describe it on the witness stand:

About 6:15 p.m., Holloway left his home on South Dakota Avenue and went to the home of the Marshalls on 13th Street NE. He showed Marshall's brother John the gun that the government subsequently had placed in evidence earlier in the trial.

Tyrone Marshall came out of the house, saw them admiring the gun, and said, "Let's go riding," which the other two understood to mean that they should go out and commit a robbery, the court was told.

They left 13th Street in Holloway's mother's Dodge Dart Swinger, went along Sargent Road, South Dakota Avenue, Riggs Road, Missouri Avenue, Georgia Avenue and Military Road to Connecticut Avenue, where they began looking for a "hit," Grafman continued the account.

They drove around Chevy Chase Circle into Maryland, and came back down Connecticut Avenue, with Tyrone Marshall, it was said, continuing to look for a suitable subject for a robbery.

At the corner of Connecticut Avenue and Cumberland Street NW, Marshall saw an elderly woman about to enter an apartment building and told Holloway to turn onto Cumberland, Grafman continued.

By the time the car had changed course, however, the woman had already entered the apartment building.

About that time, a car being driven by an elderly white man—who turned out to be Stennis—passed them. Tyrone Marshall called out, "Let's get him. Let's get him," the court was told.

The robbery then ensued as Stennis had earlier described it on the witness stand, with Holloway prepared to testify that while waiting for Tyrone and John Marshall at the corner of Reno Road and Cumberland Street, he heard the two shots that wounded the senator, Grafman recounted.

When Tyrone Marshall returned to the car, by Holloway's account, he said, "The old man was making too much noise so we had to shoot him."

They showed Holloway a pocket watch, some change and a Phi Beta Kappa key—all of which Stennis had later reported stolen—that they had taken from the man, it was said.

After the robbery, the trio was said to have driven around downtown Washington and then attended a lecture at the Founding Church of Scientology, about which the government had previously presented testimony.

The next day, Holloway was at work at the U.S. Department of Transportation when he heard on a radio newscast that Stennis had been shot.

He called the Marshall residence and asked Tyrone, "Do you know that man you shot was a senator?" Tyrone replied, according to the account: "So what the . . ., he's just a white man."

After hearing the recitation by Grafman, Waddy asked Marshall why he was entering the plea. Marshall, stammering, said, "Because . . . they have . . . too much evidence . . . on the charge . . . on the conviction."

Jurors in the case would not comment after they were released and the U.S. attorney's office said it would have no official comment on the plea or the fact that Holloway had escaped prosecution.

However, a spokesman in the office said the immunity grant to Holloway was given "after careful consideration and deliberation . . . to assure, so far as reasonably possible, the conviction of the gunman" in the shooting. He said high Justice Department officials were aware of the prosecutors' decision to grant immunity to Holloway, and "did not disapprove it."

Stennis, who was being kept informed on the status of the trial by staff members who attended the daily sessions, would have no comment, a spokesman in his office said.

But his wife, when asked if she had heard about the verdict yesterday afternoon, replied, "Yes, we've heard. He's guilty as charged."

[From the Washington Sunday Star and News, Mar. 25, 1973]

THE ANDREW KENNEDY CASE: SENTENCED TO 9 YEARS, HE WAS SENT TO A HALFWAY HOUSE AFTER 40 DAYS—AND NOW, HE'S "ELOPED"

(By Barry Kalb)

Bruce Armstrong, a local lawyer, was surprised last month when he saw Andrew Kennedy, a client, walking along the street.

Armstrong was taken aback because three months earlier Kennedy had been sentenced to nine years in prison after pleading guilty to armed robbery.

The U.S. District Court judge who sentenced him, Barrington D. Parker, was surprised and angry when he found out that only 40 days after sentence had been passed, Kennedy was released to a halfway house.

And the D.C. Department of Corrections was surprised and chagrined to find out that two months after Kennedy entered the halfway house, he left it, and hasn't been seen since. A bench warrant has been issued for his arrest.

Parker sentenced Kennedy, 21, under the federal Youth Corrections Act, which in general provides for liberal parole or part-way release for offenders who are between the ages of 18 and 22 at the time of sentencing, and who seem to be responding well to rehabilitation.

But Parker had sentenced Kennedy under Subsection C of the act, which—theoretically at least—dictates extra observation of the prisoner. As one judge puts it, a sentence under Subsection C is supposed to "wave a red flag" in front of correction officials to signal that this is a particularly serious case.

Judging by a letter of explanation Parker received in reply to his angry query, the department in this case failed to get the message.

The letter, dated March 1, was sent by Delbert C. Jackson, deputy director of corrections and the man rumored to be in line for the top job when Director Kenneth L. Hardy retires.

Kennedy was sentenced Nov. 10, after pleading guilty last summer to the armed robbery of a business office in Southeast Washington. At the same time, he pleaded guilty to an unrelated attempted robbery, and Parker sentenced him to six years for that, concurrent with the nine years in the armed robbery.

Jackson's letter, couched in exacting, bureaucratically correct language, says that on Dec. 20, 40 days after sentencing, "Mr. Kennedy was selected for participation in and was transferred to the Youth Crime Control Project, 1719 13th Street NW, Washington, D.C., a community based extension of Youth Center Complex, Lorton, Virginia."

It was while Kennedy was enrolled in this program and attending courses at Federal City College that Armstrong ran into him outside the very courthouse where he had been sentenced.

When Parker learned of the transfer last month he called the department for an explanation and learned that Kennedy had "eloped" on Feb. 22.

Jackson explained the halfway house program like this:

"Youth Crime Control Project, also referred to as Youth Progress House, is a demonstration and research project which represents an 'alternative approach to corrections.' Youth Progress House operates on the premise that involving community resources in rehabilitating the offender is the most effective, inexpensive and humane approach to corrections."

To be eligible for the program, Jackson wrote, offenders must be sentenced under the youth act, cannot have been charged with "forcible rape, murder or a notorious offense; i.e., a widely publicized crime or a willful mutilation of another person," and must score 75 or better "on either the Otis or Beta intelligence evaluation."

"It was the opinion of the selection team," Jackson wrote, "that Mr. Kennedy met these criteria."

The letter contains charts showing Kennedy's academic scores, a complete accounting of his daily schedule, an analysis of his "individual behavior" and an account of his expected progress through the various phases of the program. Some excerpts:

"Mr. Kennedy's major goal was academic. He appeared anxious to complete his high school equivalency degree and then to attend college. Toward this goal, he attended Project CREATE until the date of his abscondence.

"On Mondays and Fridays, from 6 p.m. to 7:30 p.m., Mr. Kennedy attended treatment team group meetings, where he communicated and interrelated with seven other students and from three to four treatment team staff members regarding individual problems and problems of his treatment team as an entity . . .

"On Tuesday and Thursday, from 6 p.m. to 7:30 p.m., Mr. Kennedy participated in therapeutic community meetings . . . In this setting, Mr. Kennedy excelled. He was anxious to make the student government a more viable group. However, his enthusiasm waned just prior to his abscondence.

"Although it was felt that Mr. Kennedy was making acceptable progress, unfortunately he failed to return from his training assignment at CREATE on February 22, 1973, and was subsequently placed in an escape status."

Jackson concludes the letter:

"In order to have successfully completed the Youth Progress House Program, Mr. Kennedy would have been required to participate in Phase Three status which would have entailed continuous participation in an educational-training and-or employment program, and the required attendance at group meetings.

"After successful completion of Phase Three, he would have been recommended for Phase Four. Phase Four progression requires the approval of the Parole Board. He would have been supervised on parole status by staff members of his treatment team. He would have been required to return to the Youth Progress House for urine surveillance and group meetings deemed necessary for his individual progress.

"Upon successful completion of Phase Four, recommendation would have been made for progression to Phase Five. Upon approval by the Parole Board, Mr. Kennedy would have been progressed to conditional release. At the time of Mr. Kennedy's abscondence, he could not have expected release from the control of the program in the very near future.

"Please contact this office if further information is required."

Parker has yet to respond.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1418

At the request of Mr. Hatfield, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 1418, a bill to offer a fitting memorial to the achievements and contributions of our 31st President, Herbert Hoover.

S. 2347

At the request of Mr. Beall, the Senator from New Mexico (Mr. Domenici), the Senator from New York (Mr. Javits), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 2347, the Historic Structures Tax Act of 1973.

S. 2525

At the request of Mr. Tunney, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2525, a bill to require the Secretary of Commerce to prepare and transmit to the Congress periodic reports on export levels, domestic supplies, domestic demand, and prices of certain commodities, and to require the Comptroller General of the United States to analyze and evaluate those reports.

S. 2528

At the request of Mr. Packwood, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

SENATE JOINT RESOLUTION 159

At the request of Mr. Proxmire, the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 159, calling on the President to proclaim the last Sunday in May as "Walk a Mile for Your Health Day."

SENATE RESOLUTION 186—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. HUGH SCOTT submitted the following resolution:

S. Res. 186

Resolved, That the bill (S. 2571) entitled "A bill for the relief of Sperling and Schwartz Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 187—SUBMISSION OF A RESOLUTION RELATIVE TO THE REFERRAL OF THE NOMINATION OF A VICE PRESIDENT

(Ordered to lie over under the rule.)

Mr. MANSFIELD submitted the following resolution:

Senate Resolution 187

Resolved, That, the nomination by the President of the United States to fill the vacancy in the Office of the Vice Presidency be referred to the Committee on Rules and Administration.

Resolved further, That during the consideration of this nomination by that Committee, the membership of that Committee be increased by six additional members—three to be appointed by the Majority Leader, including himself, and three to be appointed by the Minority Leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

(The debate on the above resolution appears later in the Record.)

SENATE RESOLUTION 188—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN, from the Committee

on the Judiciary, reported the following resolution:

SENATE RESOLUTION 188

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the present session on Copyright Law Revision.

COMMUNITY DEVELOPMENT ASSISTANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 628

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. TAFT. Mr. President, today, I am submitting a revision of amendment No. 604, which I have previously submitted. I believe that the amendment would make an important addition to S. 1744, the Community Development Assistance Act of 1973. I ask unanimous consent that a summary of the amendment and the amendment itself, as revised, be printed in the Record at this point.

There being no objection, the amendment and summary were ordered to be printed in the Record, as follows:

REVISED TAFT AMENDMENT

This amendment would allow the Secretary of HUD, beginning in the program's second year, to provide 2-year supplemental grants of up to 10% to communities whose present and proposed programs address national community development priorities in an exceptional manner. This judgment would be made primarily on the basis of:

(1) a program's outstanding demonstrated and potential ability to serve the housing, slum prevention and alleviation, and essential community service needs of the community's lower income citizens in particular;

(2) promising program innovations which could substantially improve communities' ability to carry out the bill's objectives;

(3) programs undertaken by appropriate consortiums of political subdivisions which effectively address the bill's objectives; and

(4) any combination of these three factors.

The desirability of promoting programs involving communities of various sizes and locations would also be taken into consideration. To minimize the red tape problem, the Secretary would review those additions to the application required from communities desiring to be considered for supplemental grants separately from the regular application approval process and in a manner which does not interfere with that process. Up to $150 million would be authorized for this purpose starting the second year after the bill's enactment. Funds authorized for other community development purposes would be reduced by this amount, but any of the $150 million not used for this purpose could be used for other community development purposes.

The purpose of this amendment is to encourage localities to concentrate their community development programs on the needs of their less fortunate citizens, to make innovations and to undertake programs crossing jurisdictional lines where appropriate. The amendment would also place the Federal government in its proper role as a catalyst for improved local community development initiatives, rather than allowing it to become simply a spectator or a disciplinarian for communities which fail to perform. The Federal government should not remain in the business of second-guessing each local program expenditure, but it can and must set priorities for the use of its community development funds and provide positive encouragement for the fulfillment of priority objectives.

AMENDMENT NO. 628

On page 11, strike lines 1 through 3 and insert the following: "not to exceed an aggregate of $————— prior to July 1, 1976. Not to exceed $150,000,000 of such amount may be utilized to carry out the provisions of section 8(d), except that funds may not be utilized to make supplemental grants pursuant to such provisions prior to July 1, 1975. Sums reserved by the Secretary for the purpose of carrying out such provisions shall not be considered available for obligation for the purposes of section 6. Sums appropriated pursuant to this subsection shall remain available until expended."

On page 21, between lines 15 and 16, insert the following:

"(d) (1) A community development agency may receive a supplemental grant to carry out a community development program which addresses national community development priorities in an exceptional manner, and which is approved for purposes of this subsection. The amount of any supplemental grant may not exceed 10 per centum of the amount the community development agency is eligible to receive under section 6. A community development agency may receive a supplemental grant only if (A) it has carried out community development activities for at least one year with assistance under this Act (other than under this subsection), and (B) it includes in an annual application a description of activities to be undertaken to meet community development needs during the two-year period commencing one year hence if a supplemental grant is received during such period. Such description shall also include a statement citing those aspects of past performance and proposed activities which, in the applicant's opinion, address national community development priorities in an exceptional manner based on the criteria listed in paragraph (4) of this subsection.

"(2) The Secretary is authorized to consult with and receive information from such individuals and organizations as he deems appropriate, in such manner as he deems appropriate, for the purpose of assisting in his review of applications for supplemental grants by increasing the diversity of perspective and expertise in the review process. Individuals and organizations which advise the Secretary pursuant to this paragraph may include individuals and organizations located in or near the communities which have submitted applications for supplemental grants. Such review of applications for supplemental grants shall be made separately from the regular application approval process required pursuant to section 7 and shall be scheduled so that it does not interfere in any way with such regular application approval process.

"(3) Final selections for supplemental grants shall be made by the Secretary. The Secretary shall publish the reasons for his determination that each selection addresses national community development priorities in an exceptional manner. The Secretary shall also establish the total amount of the supplemental grant for each final selection. Such total amount shall be payable over the two-year period covered by the description of activities.

"(4) Selections by the Secretary shall be based primarily upon—

"(A) outstanding demonstrated and potential ability of community development activities to meet urgent needs of lower-income families who may reasonably be expected to seek housing in the community, including the need for housing for lower-income families; the need to preserve and upgrade neighborhoods and to prevent and eliminate slums, with minimum displacement of residents; and the need to improve community services and facilities of make them more adequate and accessible to those segments of the community for which such types of services and facilities are presently least adequate;

"(B) outstanding innovations in community development which could substantially improve communities' ability to carry out the purposes of this Act, and particularly those activities specified in section 7(a) (1) (A), (B), and (C);

"(C) effective community development efforts, particularly with respect to those activities specified in section 7 (A), (B), and (C) undertaken by appropriate consortiums of political subdivisions; or

"(D) any combination of (A), (B), and (C).

For the purpose of making selections, the Secretary shall also consider the desirability of promoting programs which are diverse in terms of population and geographic location.

"(5) Any sums allotted for purposes of this section but not obligated shall be available to the Secretary for—

"(A) the study and evaluation of activities undertaken by communities receiving supplemental grants; and

"(B) the dissemination of information on particularly successful or innovative community development programs or aspects thereof, including programs aided by supplemental grants.".

THE OIL AND GAS REGULATORY REFORM ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 629, 630, AND 631

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. MOSS. Mr. President, I introduce for approprite reference a set of amendments to S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

Mr. President, the energy problems which we face in this land weigh heavily upon our shoulders. Instead of shirking our responsibility, we must roll up our sleeves and develop those legislative initiatives which will provide us with long-term solutions to our energy shortages.

On Wednesday, the Committee on Commerce began hearings on a variety of proposals affecting natural gas and oil regulation. These bills fall into the two broad categories—those calling for deregulation of producer controls, and those calling for regulatory reforms. I am pleased to be a sponsor of one of the regulatory reform proposals and a cosponsor of another. It is imperative that we explore the alternatives which will protect the public and develop sufficient supplies of these important resources.

After the first 2 days of hearings, however, I believe that the amendments which I submit will provide a better "working paper" for the committee's consideration. Admittedly some of these amendments may take more consideration than we can possibly give to them at this time. But on the other hand, there are some which have been considered on a number of previous occasions, and should be considered again in light of existing conditions.

Mr. President, I would like to review

for my colleagues the amendments which I propose to S. 2506. Title III, which would be the Oil Economic Regulation Act, provides that oil be regulated in a manner similar to natural gas under the Natural Gas Act. The title of the Natural Gas Act would also be changed to the Oil and Gas Act. The regulation of oil is based upon these premises. Natural gas and oil are located, developed, and produced by the application of similar techniques and technologies. Both are used for many of the same purposes. And our current demand for energy is far greater than our domestic reserves and production capability. To a large extent, oil and gas are located, developed, and produced by the same persons with investment capital derived from interchangeable sources. Under these circumstances, there is no reason that we do not regulate oil as we would regulate natural gas under the Natural Gas Act as amended by S. 2506.

The second title of my amendment is the "Competition and Fair Marketing Act." This title has several sections, the first of which proposes to separate the marketing, production, refining, and transportation functions of the petroleum and petroleum products industry. There is a provision in the act, however, to permit vertical integration for those small operators who do not deal in more than 10 million mcf of gas or 10 million barrels of oil per calendar year. Acquisitions in the oil industry among the dominant companies have increased the concentration of power into a relative handful. Major oil companies have split up the retail market of this country along with several regional companies and thus pose a significant impact on competition. The elimination of price competition has a severe effect on consumer cost and the potential for misallocation of the refined product has been demonstrated with the price increases and shortages that have developed during the spring, summer, and early fall months.

In the long run, the best method of restoring competition and enhancing the free market system would not be control of the market, but decontrol of the market and elimination of the economic control exercised by a few. However, until such time as true competition takes place, vigorous regulation is necessary.

The next provision of this title is the Fair Marketing of Petroleum Products Act which is virtually identical to amendment No. 159 which was adopted by the Senate on June 1, 1973. The section on fair marketing provides that supplies of petroleum products be equitably distributed among all dealers in petroleum products, branded, and independent alike. The amendment provides that petroleum refiners and petroleum distributors may not deliver or offer for delivery a smaller percentage quantity of petroleum products than the quantity which they delivered in any quarter of a base period which is set forth in the legislation. If it is necessary for a petroleum distributor or a petroleum refiner to curtail deliveries due to the unavailability of petroleum products, then he must curtail deliveries by the same percentage to each distributor or retailer. In a time of constraint, all marketers would face the problem equally and none would have an unfair advantage. Additionally consumer access to products would be widespread, even though the quantity from each customary source might be somewhat reduced.

The second also provides that during periods of constraint, all sales of fuels must be kept on an even pricing level for franchised and nonfranchised dealers alike. However, those who do not have the protection of the good will, trademark, and other benefits which accrue to franchised dealers, may be sold their supplies at a small reduction, the differential being equal to the value of the protection afforded to the franchised dealer by trademark and other rights.

Additionally the section provides protection for branded dealers from arbitrary termination, cancellation, or failure to renew leases or franchise agreements. Similar protection was provided to automobile dealers more than 16 years ago with the passage by the Congress of Automobile Dealers Day in Court legislation.

The language provides that distributors and refiners may not arbitrarily cancel, fail to renew, or terminate a franchise unless several conditions are met. These are: First, that the franchisee failed to comply substantially with the essential and reasonable requirements of the franchise; second, that the franchisee failed to act in good faith in carrying out the terms of the franchise; and third, that the franchisor no longer is engaged in the sale of the products in question. The language is not designed, however, to insulate franchises in perpetuity. There are set forth appropriate defenses which will permit the franchisor to terminate the agreement when there is just cause.

An additional provision of the amendment is to cure a curious and anomalous development in the administration of the Robinson-Patman Act. That statute prohibits discrimination in prices which lessen competition, tend to create a monopoly, or injure and destroy competition. It was originally passed in 1914 to prevent predatory primary line price discrimination and it was amended in 1936 to cover secondary line price discrimination and limit the buying power of integrated chains in competition with small local independent businesses.

Some courts have begun to interpret the commerce standards of the Robinson-Patman Act in restrictive terms, rather than the realities of modern day commerce.

In States like Utah, the court decisions lead to unfortunate results. We have oil refiners in Utah but local retailers do not enjoy the protection of the Robinson-Patman Act if their supply comes from those refineries. Retailers in sister States without refineries and supplied by refineries outside the State are protected by the act.

The retailers rights under the Robinson-Patman Act should not be made to depend upon the accident of where his supply comes from. Nor should the practical uniform application of Federal law be destroyed by artificially created limitations having the effect of making Federal law applicable in one State and not in another. That is the effect of recent court readings of section 2(a) of the Robinson-Patman Act. The act was designed to protect the small independent businessmen from the economic clout of integrated national marketers, yet the recent interpretation creates an umbrella where lawless price discrimination may be used to destroy the very business Congress sought to protect.

Lastly, my amendment provides a title V, "Federal Power Commission Improvements." On a number of occasions the Senate has passed measures which would strengthen the independence of the various regulatory agencies. With the additional responsibilities granted to the Federal Power Commission under S. 2506, it is necessary that we similarly strengthen the ability of the Federal Power Commission to react to present day considerations. Therefore, the Federal Power Commission improvement section of the legislation provides that Commission budgets and legislative recommendations or testimony be submitted simultaneosly to the Office of Management and Budget and the Congress and that OMB clearance would be not required. Similarly, the Commission would be granted permission to obtain information without prior review by the Office of Management and Budget.

Mr. President, the reforms which I propose today will give us the opportunity to investigate realistic and viable solutions to our energy needs. I hope that the Committee on Commerce will scrutinize these amendments closely and select for reporting those titles which can be implemented immediately. It may well be that additional hearings will be necessary to develop some of the issues in these amendments, but I am confident that the committee will give the amendments their proper attention.

Mr. President, I ask unanimous consent that the text of the amendments be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 629

On page 33, after line 11, insert the following new title:

TITLE III—OIL REGULATION

SEC. 301. This title may be cited as the "Oil Economic Regulation Act".

SEC. 302. Section 1 of the Natural Gas Act (15 U.S.C. 717), as amended by this Act, is further amended by:

(1) redesignating subsections (b) and (c) thereof as subsections (d) and (e); and

(2) inserting therein the following two new subsections:

"(b) Congress further finds and declares that natural gas and oil are—

"(1) located, developed, and produced by the application of similar techniques;

"(2) used for the same purposes;

"(3) in great demand to meet the Nation's growing energy needs while proved domestic reserves and production of both are inadequate to meet such needs;

"(4) located, developed, and produced to a large extent by the same persons (75 per centum of the natural gas produced in the United States is produced by the Nation's twenty-five largest oil companies);

"(5) developed with funds drawn from

interchangeable investment capital sources (investment capital has allegedly been diverted from development of natural gas to oil since there has been no prohibition against oil companies earning excessive rates of return whereas natural-gas companies have been limited to a reasonable rate of return); and

"(6) located, developed, and produced by industries which, according to recent Federal Trade Commission studies and investigations, suffer from similar structural imperfections and patterns of anticompetitive behavior. In view of such imperfections and patterns, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices.

"(c) Therefore, it is declared to be the policy of Congress to apply uniform economic regulation to both natural ability at reasonable prices.".

SEC. 303. (a) The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is further amended by striking out 'natural gas' wherever the same shall appear and inserting in lieu thereof 'natural gas or oil' and by striking out 'natural-gas' wherever the same shall appear and inserting in lieu thereof 'natural-gas or oil'.

(b) The provisions of subsection (a) of this section shall not apply to section 1, section 2, or section 7 of the Natural Gas Act (15 U.S.C. 717, 717a, 717f).

AMENDMENT No. 630

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE IV—COMPETITION AND FAIR MARKETING

SEC. 401. This title may be cited as the "Competition and Fair Marketing Act of 1973."

COMPETITION IN THE OIL AND GAS INDUSTRY

SEC. 402. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by of this Act, is amended by adding at the end thereof the following new section:

"SEC. 31. (a) The United States needs adequate and reliable supplies of energy resource products available to consumers at the lowest possible cost to meet the present and future needs of commerce and national security. The Congress finds and declares that proper government regulation of natural-gas and oil companies can satisfy such need to a certain extent, but that the need will never be met completely unless—

"(1) barriers to competition presently existing in the energy industry are removed;

"(2) restrictions are imposed on further expansion of persons engaged in commerce in the business of producing, transporting, refining, or marketing energy resource products;

"(3) competition, equal access to supplies for all, and nondiscriminatory practices become the rule in the energy industry; and

"(4) divestiture of assets is directed to promote the public interest in competition and freedom of enterprise, and to protect the consuming public from monopoly, oligopoly, and bigness.

"(b) As used in this section—

"(1) 'Affiliate' means a person controlled by or controlling or under or subject to common control with respect to any other person.

"(2) 'Asset' means any property (tangible or intangible; real, personal, or mixed) and includes stock in any corporation which is engaged (directly or through a subsidiary or affiliate) in the business of producing, transporting, refining, or marketing energy resource products.

"(3) 'Control' means actual or legal power or influence over another person, directly or indirectly, arising through direct, indirect, or interlocking ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements, or leasing arrangements where the result or consequence is used to affect or influence persons engaged in the marketing of energy resource products.

"(4) 'Energy resource product extraction asset' means any asset used for the exploration or development of natural gas or oil deposits or used for the gathering or extraction thereof from the ground, including with respect to oil shale, any asset used in crushing, loading, or retorting.

"(5) 'Energy resource product' means natural gas or oil.

"(6) 'Marketing' means the sale and distribution of energy resource products. The term does not include the initial sale with transfer of ownership of finished or unfinished products to customers at the refinery.

"(7) 'Energy marketing asset' means any asset used in the marketing or retail distribution of energy resource products including retail outlets for the sale of gasoline, motor oil, number 2 fuel oil, or home heating oil.

"(8) 'Energy pipeline asset' means any asset used in the transportation by pipeline of energy resource products from the site of gathering, extraction, or importation to any other place, directly or via a refinery, storage facility, or other place at which such transportation is stopped temporarily.

"(9) 'Energy refinery asset' means any asset used in the refining of energy reosurce products.

"(10) 'Production' means the exploration or development of lands within any State for natural gas or oil, the gathering or extraction of natural gas or oil from such lands, and the storage of crude natural gas or oil thereon.

"(11) 'Refining' means the refining, processing, or converting of energy resource products into finished or semifinished products. The term includes the initial sale with transfer of ownership of finished or semifinished products to customers at the refinery.

"(12) 'Transportation' means the transportation of energy resource products by means of pipelines, railroads, or tankers.

"(c) Notwithstanding any other provision of law, it shall be unlawful after the date of enactment of this section for any person engaged in commerce—

"(1) in the business of extracting energy resource products to acquire, directly or through an affiliate, any energy pipeline asset, energy refinery asset, or energy marketing asset;

"(2) in the business of transporting energy resource products by pipeline to acquire, directly or through an affiliate, any energy resource product extraction asset, energy refinery asset, or energy marketing asset;

"(3) in the business of refining energy resource products to acquire, directly or through an affiliate, any energy resource product extraction asset, energy pipeline asset, or energy marketing asset;

"(4) in the business of marketing energy resource products to acquire, directly or through an affiliate, any energy resource product extraction asset, energy pipeline asset, or energy refinery asset; or

"(5) to own or control, more than three years after the date of enactment of this section, any asset which such person is prohibited from acquiring under paragraphs (1), (2), (3), or (4) of this subsection.

"(d) Each person engaged in commerce owning or controlling, on the date of enactment of this section, any asset which such person is prohibited from acquiring or retaining under subsection (c) of this section shall, within one hundred eighty days after such date, file with the Commission, the Attorney General of the United States, and the Federal Trade Commission such reports relating to such assets and, from time to time, such additional reports relating to such assets, as the Commission, the Attorney General, or the Federal Trade Commission may require or request.

"(e)(1) The Commission, the Attorney General of the United States, and the Federal Trade Commission shall, simultaneously and independently, examine the relationship of persons now engaged in one or more branches of the energy resource product industry. The Commission, the Attorney General, and the Federal Trade Commission shall institute suits in the district courts of the United States, without regard to amount in controversy, requesting the issuance of such relief as is appropriate to prevent, terminate, or correct conduct which is unlawful under subsection (c) of this section, including orders of divestiture, declaratory judgments, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

"(2) The Commission, the Attorney General of the United States, and the Federal Trade Commission shall take all steps necessary to effect appropriate divestiture of assets of persons engaged in commerce. An order of divestiture is appropriate if such divestiture—

"(A) will remedy, through termination, any conduct which is unlawful under subsection (c) of this section; or

"(B) may, as a natural and probable consequence of an increase in the number of competitors, increase the amount of real competition with respect to the production, refining, transportation, or marketing of energy resource products in commerce in each section of the country.

"(f) Any person who knowingly and willfully violates any provision of this section shall, upon conviction, be punished, in the case of an individual, by a fine of not to exceed $500,000 or by imprisonment for a period not to exceed ten years, or both, or in the case of a corporation, by a fine of not to exceed $5,000,000 or by suspension of the right to do business in interstate commerce for a period not to exceed ten years, or both. A violation by a corporation shall be deemed to be also a violation by the individual directors, officers, receivers, trustees, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting the violation in whole or in part, or who shall have failed to authorize, order, or do any acts which would terminate, prevent, or correct conduct violative of this section. Failure to obey any order of the court pursuant to this section shall be punishable by such court as a contempt of court.

"(g) Any person engaged in commerce in the business of either extracting, transporting, refining, or marketing energy resource products shall be exempt from the requirements of this section if such person's total sales in commerce do not exceed 10,000,000 M.c.f. of natural gas or 10,000,000 barrels of oil during the preceding calendar year and such person is neither directly nor indirectly controlled by or affiliated with a natural—gas or oil company; and such person is neither directly nor indirectly controlled by or affiliated with another company engaged in commerce in the business of extracting, transporting, refining, or marketing energy resource products such that the aggregate extraction, transportation, refining, or marketing of all such related or affiliated entities exceeds 10,000,000 M.c.f. or the equivalent amount of energy in another fuel per calendar year: *Provided*, That this exemption shall not be effective as to any such person engaged in commerce in the business of extracting, transporting, refining, or marketing energy resource products unless such person expended not less than 5 per centum of his total gross revenues during the proceding calendar year in exploration, research, and development.

FAIR MARKETING

SEC. 403. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by adding at the end thereof the following new section:

"SEC. 32. (a) As used in this section—

"(1) 'Base period' means the period from October 1, 1971 to September 30, 1972.

"(2) 'Distributor' means an oil company engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

"(3) 'Franchise' means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

"(4) 'Market area' means any State or any area so defined by the Commission.

"(5) 'Notice of intent' means a written statement of the alleged facts which, if true, constitute a violation of subsection (b) of this section.

"(6) 'Petroleum product' means any liquid refined from oil and usable as a fuel.

"(7) 'Refiner' means an oil company engaged in the refining or importing of petroleum products.

"(8) 'Retailer' means an oil company engaged in the sale of any petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

"(b) Except as otherwise provided pursuant to this section, the following conduct is prohibited:

"(1) A refiner or distributor shall not deliver or tender for delivery in any quarter to any distributor or retailer a smaller quantity of petroleum products than the quantity of such products delivered by him or his predecessors during the corresponding period in the base period, unless he delivers to each distributor or retailer doing business in commerce the same percentage of the total amount as is delivered to all such distributors or retailers in the market area who are supplied by such refiner or distributor.

"(2) A refiner or distributor shall not sell petroleum products to a nonfranchised distributor or retailer at a price, during any calendar month, which is greater than the price at which such petroleum products are sold to a franchised distributor or retailer in the market area, except that a reasonable differential which equals the value of the goodwill trademark, and other protections and benefits which accrue to franchised distributors or retailers is not prohibited.

"(3) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

"(4) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

"(c)(1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products—

"(A) with respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, he purchases or has purchased, directly or indirectly; and

"(B) with respect to conduct prohibited under paragraphs (3) and (4) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise.

A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

"(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist, including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and punitive damages where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including reasonable attorney and expect witness fees, be paid by the defendant. With respect to conduct prohibited under paragraphs (3) or (4) of subsection (b) of this section, the court may grant an award for actual damages resulting from the cancellation, failure to renew, or termination of a franchise.

"(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. With respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, no such suit shall be brought by any person unless he has furnished notice of intent to file such suit by certified mail at least 10 days prior thereto with (A) each intended defandant, (B) the attorney general of the State in which the prohibited conduct allegedly occurred, and (C) the Commission. With respect to conduct prohibited under paragraphs (3) or (4) of subsection (b) of this section, no such suit shall be maintained unless commenced within three years after the cancellation, failure to renew, or termination of such franchise or the modification thereof.".

PRICE DISCRIMINATION

SEC. 404. Section 2 of the Clayton Act (38 Stat. 730, as amended, 49 Stat. 1526; 15 U.S.C. 13), is amended—

(a) by striking out in section 2(a) thereof the words "in the course of such commerce" wherever they appear, and the words "are in commerce" after the words "where either or any of the purchases involved in such discrimination" and by inserting in lieu thereof the words "affect commerce"; and

(b) by striking out the words "in commerce" in the third proviso after the words "or merchandise" and by inserting the words "interstate commerce and" after the words "engaged in".

AMENDMENT No. 631

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE V—FEDERAL POWER COMMISSION IMPROVEMENTS

SEC. 501. This title may be cited as the "Federal Power Commission Improvements Act of 1973".

SEC. 502. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 33. (a) The provisions of this section are applicable to this Act, the Federal Power Act (16 U.S.C. 791a et seq.), and any other Federal law under which the Congress directs the Federal Power Commission to exercise any independent regulatory function. The Congress hereby reaffirms that the Federal Power Commission is an independent regulatory agency of the Federal Government which is not part of the executive, legislative, or judicial branches and which functions as an arm of Congress with such quasi-legislative, quasi-judicial, and administrative powers as are authorized by law.

"(b) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(c) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(d) Any determination to collect information, any plan or form to be used in the collection of information, and the collection of information by the Commission shall not be subject to the approval of or review by the Office of Management and Budget or any other authority, officer, or agency of the United States: *Provided*, That the Commission may not conduct or sponsor the collection of information upon identical items from ten or more persons, other than Federal employees, unless in advance of adoption or revision of any forms to be used in such collection the Commission invites and gives the Director of the Office of Management and Budget 30 days in which to comment on such forms.

"(e) Notwithstanding any other provision of law (1) in any civil action, the Commission is authorized to act in its own name and through its own attorneys; and (2) attorneys for the Commission shall supervise, and may, in the discretion of the Commission, conduct litigation in any civil action to which the Commission is a party.

"(f) Notwithstanding any other provision of law, whenever a committee of the Congress which has or shares responsibility for the authorization of appropriations for the Commission (or any subcommittee or member thereof under the authority of such committee) makes a written request for documents in the possession of or under the control of the Commission, the Commission shall, within two days after the receipt of such request submit to such committee (or subcommittee or member thereof) such documents or copies thereof. If the Commission transfers any document in its possession or under its control to any other agency or to any person, it shall condition the transfer on the transferree's returning such document to the Commission for purposes of complying with the first sentence of this subsection. As used herein, "document" means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing. This subsection shall not be deemed to restrict any other authority of either House of Congress or any committee or subcommittee thereof to obtain documents.

"(g) For fiscal years after the fiscal year ending June 30, 1976 the Congress may appropriate for the use of the Commission such sums as the Congress may authorize by law: *Provided*, That no authorization of appropriations for the Commission shall (1) be acted upon until either the Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives or the Chairman of the Committee on Commerce of the Senate certifies that a comprehensive oversight investigation and hearing into and evaluation of the operations and effectiveness of the Commission has been conducted by a committee, subcommittee, or Member of Congress and a report thereon prepared copies of which are available, or until the aforementioned Chairmen certify that such investigation and hearing are not necessary at such time; and (2) be enacted unless the period of each such authorization of appropriations is not longer than three years.

"(h) The district courts of the United States shall have jurisdiction to prevent and restrain any violation of this Act, the Federal Power Act (16 U.S.C. 791a et seq.), or any other Federal law under which the Congress directs the Commission to exercise any independant regulatory function; any violation of any rule issued under any such law; or any violation of any condition of any certificate of public convenience and necessity issued by the Commission thereunder. The Commission shall have power to petition any court of appeals of the United States, in which venue is appropriate under section 1391 of title 28, United States Code, for appropriate mandatory or prohibitive injunctive relief. Before final decree, the court may at any time grant interim equitable relief.

"(i) (1) Except as provided in paragraph (2) of this subsection, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case of controversy against any person, partnership, or corporation who commits any violation over which the district courts of the United States are granted jurisdiction under subsection (h) of this section. In any such action, the Commission, by any of its attorneys designated by it for such purpose, may intervene as a matter of right.

"(2) No civil action may be commenced (A) prior to 60 days after the plaintiff has given notice of the alleged violation to the Commission and to any alleged violator; or (B) if the Commission has commenced and is diligently prosecuting proceedings with respect to such alleged violation.

"(3) The court, in issuing any final order in any action brought pursuant to this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate, and, without regard to amount in controversy, compensatory and punitive damages, whenever the court determines that such an award is necessary or appropriate to deter future violations. Nothing in this subsection shall be construed to restrict any right which any person (or class of persons) may have under any other statute or at common law to seek enforcement or other relief.".

SEC. 503. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by—

(a) striking out section 24 thereof;

(b) redesignating sections 1 through 23 thereof as sections "2" through "24" thereof; and

(c) inserting therein a new section 1 as follows:

"SEC. 1. This Act may be cited as the 'Oil and Gas Act'.".

NOTICE OF HEARINGS ON SPACE SHUTTLE PAYLOADS

Mr. MOSS. Mr. President, I announce for the information of the Senate that on October 30 and 31, the Committee on Aeronautical and Space Sciences will hold hearings on Space Shuttle payloads in room 231 of the Russell Office Building beginning at 9:30 a.m. each morning.

The witnesses are as follows:

October 30—Dr. James C. Fletcher, Administrator, National Aeronautics and Space Administration.

October 31—Dr. John W. Findlay, Space Science Board, National Academy of Sciences; Dr. Peter E. Glaser, Arthur D. Little, Inc.; Dr. Krafft Ehricke, Rockwell International; and Mr. David Keller, General Electric Co.

NOTICE OF HEARINGS ON WORLD FOOD SITUATION

Mr. HUMPHREY. Mr. President, skyrocketing commodity prices and food shortages here at home provide more than ample evidence that our world food system is under strain.

The widespread starvation and malnutrition suffered in regions of Africa and Asia over the past year make the call for a system designed to provide for a minimum level of food security even more timely.

We can no longer allow a large part of the population of the world to have their food supply subject to the capricious whims of weather. We just cannot responsibly permit the disruption of world agricultural markets and commodity prices by unforeseeable natural disasters. And it would be unconscionable to let millions of people of the world suffer the ravages of hunger and malnutrition, because we could not sit down and design contingencies for the inevitable periods of shortages we have and will continue to face over the coming years.

What we are facing is an increasing uncertainty created by rapidly growing demands on world food supplies and unless we can find ways to insulate farm production from the unforeseeable effects of weather and climate or unless we come up with a system which insures the availability of stored food reserves to offset production swings the consequences for the consumers of the world will become increasingly disastrous.

It is only prudent that we begin planning now for a system which provides at least a minimum level of food security for the consumers of the world.

A first step in this direction is a review of the entire world food situation to explore all aspects which go into supporting and maintaining the system which provides food to the consumers of the world.

Certainly at a time when so many issues are emerging in regard to world food policy, it would seem crucial that the Congress seek to understand as much as possible about the complex world agricultural system.

Given these facts, I feel that it is timely that the Congress conduct hearings on these issues.

Therefore, the Subcommittees on Foreign Agricultural Policy and on Agricultural Production, Marketing and Stabilization of Prices, chaired by Senator HUDDLESTON and myself, will begin a comprehensive series of hearings on the world food situation on October 17 and 18.

I emphasize world food production as a system. This is the perspective from which we wish to take a look at world agriculture. We are interested in exploring what the various constraints on world food production are and what we can do.

Our subcommittees will initiate this series of hearings on October 17 and 18 by presenting an overview of the world food situation. The hearings are scheduled to begin at 10 a.m. on both days in room 1318, DSOB.

The witnesses expected to address these timely issues include: The Honorable Earl L. Butz, Secretary of Agriculture; Dr. Lester Brown, Overseas Development Council; and Dr. Norman Borlaug, Nobel Laureate on food and nutrition.

It is our hope that through these hearings we can provide a perspective for the Committee on Agriculture and Forestry and the Congress on these major issues regarding world food policy.

RURAL DEVELOPMENT HEARING SET FOR OCTOBER 31

Mr. CLARK. Mr. President, on Wednesday, October 31, 1973, at 10 a.m., in room 324 of the Russell Office Building, the Rural Development Subcommittee of the Committee on Agriculture and Forestry will hold the third of its series of quarterly oversight hearings on the implementation of the Rural Development Act of 1972.

Essentially, we plan to call for the following witnesses:

First, we will ask that the Secretary of Agriculture, Mr. Butz, report to the subcommittee specifically on the plans for implementation of title I and section 603 of the act. While we are concerned about the implementation of the total act, given the funding circumstances we face this year and the fact that the manner of implementation has not been made altogether clear by the Executive, we plan to concentrate our attention on these two important areas of the law.

Most particularly, we will be anxious to question the Secretary not only on the goals for rural development, promised but not delivered to the committee on September 1, but also in regard to the research called for in section 603.

Second, we expect to hear from the Administrator of the Environmental Protection Agency, Mr. Train, regarding the recent Supreme Court decision on air quality and the pending EPA regulations on water quality and their effect on agriculture and nonfarm development. We will also be interested in learning about the formula the EPA plans to use to assure that rural communities receive their fair share of the sewer program moneys now under the Agency's control. In the past when some Federal programs have been located in agencies without a rural orientation, such as HUD, funds have tended to be concentrated in areas of heavy urban population density, and we intend to see that this does not happen in this case.

Finally, I have asked the Congressional Research Service of the Library of Congress to provide the subcommittee with an up-to-date report on the total progress toward implementation of the Rural Development Act, which will become an important part of the hearing record.

Of course, the Committee on Agriculture and Forestry always has had an open policy toward public witnesses. Any public witnesses who may wish to testify on any aspect of rural development will be welcome. Oral testimony of public witnesses will be limited to 10 minutes. However, pertinent statements of any length may be submitted for the record.

ADDITIONAL STATEMENTS

S. 425—SURFACE MINING RECLAMATION ACT

Mr. MANSFIELD. Mr. President, I wish to take a few minutes today to explain the intent of my amendment which was added to the provisions of S. 425—Surface Mining Reclamation Act of 1973. As my colleagues know, the amendment would remove from surface mining all minerals held by the Federal Government when surface rights are held by individual parties. This amendment does not apply to State lands. It does not apply when all parties are private owners, and it does not apply when the Federal Government controls both the surface and subsuface. I do not believe this amendment will have any serious effect on efforts underway to utilize the vast deposits of low sulfur coal in the western part of the United States in the current effort to develop new sources of energy during the so-called crisis.

In Montana there are 38 million acres of Federal minerals. There are approximately 10 million acres of this surface held by private individuals. These statistics were obtained from the Bureau of Land Management for all minerals, not just coal. Apparently the Bureau of Land Management does not have any statistical information on the surface and subsurface ownership patterns for coal in the Northern Great Plains region.

In Wyoming there are 43 million acres of Federal minerals with 13 million acres of the surface under private control. In North Dakota there are 4.8 million acres of Federal minerals with a little more than half of the surface held by private interests. Of the approximately 86 million acres of Federal minerals in the three-State area of Montana, North Dakota, and Wyoming, 26 million acres of the surface of such minerals are owned by someone other than the Federal Government. This leaves 60 million acres of Federal minerals and Federal surface that the Mansfield amendment would not affect.

In addition, I am greatly concerned about the surface mine process. I am specifically interested in protecting the rights of the surface owner who does not wish to sell the rights to the coal mining companies and also removing them from outside pressures and temptations. I refer to the farmers and ranchers who have contributed immeasurably to the agricultural economy of Montana and neighboring States for a great many years. They should be given an opportunity to continue to do so. I am speaking in behalf of the folks living in the Fort Union Basin and the Powder River Basin which join with our neighboring States of North Dakota and Wyoming.

As a woman from Sheridan, Wyo., wired me, the amendment would "at last relieve private citizens of industrial and political pressure while retaining choice of deep mining alternatives."

I have received a number of reports about excessive payments being offered by the coal companies for surface rights. I do not believe that the Federal Government should be associated with these negotiations when the Government is not retrieving any monetary benefit above and beyond the current payment of 17.5 cents per ton for coal.

I understand that some surface owners may be upset with this amendment which permits the checkerboard acquisition of surface rights and continues to place the rancher and farmer who do not wish to sell in a difficult position.

Mr. President, in conclusion I ask unanimous consent to have printed a copy of the letter I addressed to the chairman of the House Committee on Interior and Insular Affairs on October 10, 1973, which explains my amendment in fuller detail.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., October 10, 1973.

Hon. JAMES A. HALEY,
Chairman, Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On Tuesday, October 9th, the Senate passed S. 425, a surface mine reclamation bill. I believe this legislation is a major step forward in bringing about some realistic controls over surface mining and other aspects of coal development in the United States. It is my sincere hope that the Congress will be able to complete action on this legislation prior to the adjournment of this First Session of the 93rd Congress.

S. 425 as passed by the Senate includes my amendment which I hope will be favorably considered by the House Interior and Insular Affairs Committee now marking up a companion proposal. My amendment, which was added to Section 511, is as follows:

"(b) All coal deposits, title to which is in the United States, in land with respect to which the United States is not the surface owner thereof are hereby withdrawn from all forms of surface mining operations and open pit mining, except surface operations incident to an underground coal mine."

I introduced this amendment for several reasons. First of all, I am convinced that the surface owner is in need of additional protection. Historically, the development of minerals has not created any serious problem for the surface owners. At the time when the United States allowed a severance of the mineral estate from the land estate in its patents to the public domain, surface mining which could utterly destroy the surface per set was not within the contemplation of the parties. Land restoration is still a matter of considerable debate. The situation we face today is considerably different than when our laws were applying to deep, hard rock mining.

The question of requiring absolute surface owner consent raises a number of Constitutional questions and, therefore, I offered this amendment which would provide for Federal legislative action affecting its own domain. This amendment would not allow those who wish to sell their surface rights for coal development to do so. This may appear harsh but it does disassociate the Federal Government from negotiations which involve excessively high financial considerations for surface rights.

My amendment would also give the Western States more time to prepare and adjust to problems which are being created by surface mining now underway. I am concerned about problems which come after surface mining of coal even with appropriate reclamation. The installation of large gasification plants will create massive problems—air and site pollution, excessive water consumption and influxes of new population centers which will dislocate and, in some instances, completely destroy social patterns and ways of life. How many communities are prepared to absorb economic and social conditions of this magnitude?

I am aware that the Federal Government has already entered into coal leases which could be adversely affected by this amendment. Under the existing coal lease contracts, the Federal Government would not necessarily be voiding the terms of the lease, but stipulating the procedures by which the coal can be developed. It might already have this authority under present regulations of the Geological Survey. I am informed that the present coal lease contract forms do not specify the means by which the coal should be developed. My amendment in no way would affect the deep mining process of coal, a matter which is being given far too little consideration by the industry.

In conclusion, I wish to reaffirm my previous statement that the stripping of coal in the West is not the answer to our current energy crisis. It may be the easiest but this shortsighted solution gives no consideration to the future of a large part of the Great Plains. This Administration and the Congress have neglected the expansion of existing power generating facilities, accelerated research and development, and conservation of energy. Some attention must be given to these matters and to the development of an overall long term national energy policy before we proceed to allow destruction of states like Montana, North Dakota, and Wyoming. My amendment is one means of forcing all interested parties to stop and take a look at what is happening.

At the conclusion of the Senate debate on S. 425, Senator Sparkman raised a question as to the applicability of my amendment to the Tennessee Valley Authority and its activities because TVA does operate in the name of the United States of America in exercising its right of eminent domain and in holding real property. It would appear that a modification is in order to exclude Federally chartered corporations of this nature. The intent of my amendment was to include only those lands which are subject to lease under applicable land and mineral laws governing public domain.

It is my hope that the Committee will give serious attention to Senate Bill, S. 425, as amended.

With best personal wishes, I am
Sincerely yours,
MIKE MANSFIELD.

RENEGOTIATION BOARD SAVES MILLIONS OF DOLLARS FOR THE GOVERNMENT

Mr. YOUNG. Mr. President, all Members of Congress are very concerned about excessive and frequently wasteful Federal spending. As ranking members of the Senate Appropriations Committee, this is a subject of particular concern to me.

Recently a news release from the Renegotiation Board came to my attention. In this news release the Renegotiation Board announced that in the first quarter of fiscal year 1974 they had saved the Government $21,500,000, and during the previous fiscal year they had made excess profit determinations saving the Government $28,000,000. I ask unanimous consent that this news release be printed in the RECORD as a part of my remarks. I wish to commend Chairman W. S. Whitehead and the others of the Renegotiation Board for their very diligent efforts.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

RENEGOTIATION BOARD—ANNOUNCEMENT

The Renegotiation Board today announced that during the period July 1 to October 1, 1973, the first quarter of the Government's fiscal year 1974, it entered into agreements with Government contractors subject to The Renegotiation Act, that they had earned excessive profits in the amount of $6,100,000.

During the same period the Board issued unilateral determination orders to other contractors, who declined to enter into agreements with the Board, that they had earned excessive profits in the amount of $15,400,000.

Thus, during the subject period of ninety days the amount of all agreements and determinations executed by the Board totaled $21,500,000, after State tax credits. During the entire 12-month fiscal year 1973 period the total of all agreements and determinations executed by the Board amounted to $28,000,000, after State tax credits.

The Chairman of the Renegotiation Board, William S. Whitehead, in announcing the above results, pointed out that during the period concerned these achievements were realized with only three members sitting on the Board.

Chairman Whitehead expressed great praise for his Board colleagues, Messrs. Rex M. Mattingly and D. Eldred Rinehart and the staff, for their combined energetic and industrious endeavors that made possible the achievement of so commendable a record.

VICE-PRESIDENTIAL SUCCESSION

Mr. CHILES. Mr. President, the events of this week have once again focused everyone's attention on the crisis in leadership in our country. We are without a Vice President, and a desperate hope is being manifested throughout the country that the man selected to succeed to the office will be able to immediately command public confidence and support and be a unifying force rather than a point of controversy and disagreement.

In this vein I would like to offer an excerpt from a front page editorial from the Orlando, Fla., Sentinel newspaper of October 11, 1973:

> The point that we make here today is that this country is in a moral crisis. We don't want to debate the partisan issues of whether our guy is worse than your guy, or vice versa.
>
> President Nixon has the obligation under the 25th Amendment to the Constitution of the United States to recommend a successor to the resigned Vice President Spiro T. Agnew.
>
> As an editor who has supported Mr. Nixon in each of his national election efforts we recommend that he appoint a man who is without higher political ambition, and who has the best interests of this country at heart.
>
> We suggest that Mr. Nixon recommend to the Congress the selection of the Senate Democratic leader, MIKE MANSFIELD of Montana, as the next Vice President of the United States.

I have also received many communications in the form of wires and telephone calls from Floridians regarding the qualifications the new Vice President should have and suggesting names they felt would fulfill the qualifications.

One person who expressed himself particularly well, I think, was Robert R. Davis, who identified himself as a Republican of Fort Pierce, Fla. He said in a telegram to me:

> We need (in Florida) the greatest governor Florida has ever had, but our Nation has a far greater need in this crucial hour. I strongly urge you consider appointing Governor Reubin O'D. Askew as your Vice President if he will accept. He has the two qualities needed to lead us out of the mess we are in—brains and just plain Florida cracker guts.

Mr. President, both of these messages carry an insight that anyone who knows Senator MANSFIELD and Governor Askew would appreciate and heartily endorse, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article and telegram were ordered to be printed in the RECORD, as follows:

WE RECOMMEND MANSFIELD FOR VICE PRESIDENT

These are times that try men's souls. Vice President Agnew, after apparently misleading much of the American public, has resigned, and in effect, has admitted his guilt to wrongdoing.

The information so far known to us is still too sketchy to determine whether Mr. Agnew is a scoundrel or merely caught up in the kind of scheme engaged in by most politicians, and for which most of them could also be brought to trial if the prosecutors so desired.

It is not our intention at this critical moment, however, to comment on the morals of American politicians. Sufficeth to say that we think that most of them stink.

The point that we make here today is that this country is in a moral crisis. We don't want to debate the partisan issues of whether our guy is worse than your guy, or vice versa.

President Nixon has the obligation under the 25th Amendment to the Constitution of the United States to recommend a successor to the resigned Vice President Spiro T. Agnew.

As an editor who has supported Mr. Nixon in each of his national election efforts we recommend that he appoint a man who is without higher political ambition, and who has the best interests of this country at heart.

We suggest that Mr. Nixon recommend to the Congress the selection of the Senate Democratic leader, Mike Mansfield of Montana, as the next vice president of the United States.

TELEGRAM

FORT PIERCE, FLA.,
October 10, 1973.

Senator LAWTON B. CHILES,
Capitol Hill, D.C.:

Wire already sent, copy to Governor Askew, please follow through. Senator Lawton B. Chiles, Senator Ed Gurney, Representatives Paul G. Rogers, L. A. "Skip" Bafalis, Claude Pepper, Lou J. Frey, Jr., have a meeting, our men from Florida. Use the 25th amendment. Insist our next president, move in the White House, now. We need the greatest governor Florida has ever had, but our nation has a far greater need in this crucial hour.

I strongly urge you consider appointing Governor Reubin O'D. Askew as your vice president, if he will accept. He has the two qualities needed to lead us out of the mess we are in, brains and just plain Florida cracker guts.

Respectfully,

——— ———.

THE SAD SAGA OF DIOCLETIAN

Mr. SAXBE. Mr. President, in recent years we have heard more and more public discussion about the frightening similarity of trends in American life and events that led to the decline of the Roman empire.

Before it was beseiged with internal decay, the Roman system was based on the highest moral goals, and provided the greatest standard of living of any civilization up to that time.

One of the things that underprinned Rome in its rise to power and influence was sound monetary policy. The onset of inflation and the economic chaos that resulted, was likewise a large contributing factor to the demise of the empire.

Writing in the Wall Street Journal recently, Mr. William H. Peterson brought to our attention this sad chapter in Roman history, in an article entitled "The Sad Saga of Diocletian." Mr. Peterson reaches into the records of history to show how Rome unsuccessfully attempted to curb inflation, first by one means and then another, and then by the Edict of Diocletian, which preceded the final period of decline.

There is a great lesson for us in Mr. Peterson's article, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 2, 1973]

THE SAD SAGA OF DIOCLETIAN

(By William H. Peterson)

Many phases and freezes ago, long before Santayana observed that those who don't know history will be condemned to repeat it, long before Ricardo (and much more recently Milton Friedman) propounded the quantity theory of money—namely, that as the volume of money expands faster than production, prices tend to rise—Rome fought inflation. Not wisely but hard. And long. Finally, in 301 A.D. came the famous price-fixing Edict of Diocletian.

The background of the Edict points to the recurrent patterns of history. In 357 B.C. Rome set the maximum interest rate at 8⅓%. In 342 B.C. interest was abolished to favor debtors. In 90–86 B.C. the currency was devalued and debts were scaled down 75%. In 63–61 B.C. loans were called and there was a flight of gold, which was finally stopped by an embargo on gold exports. In 49–44 B.C. Julius Caesar cut the relief rolls from 320,000 to 150,000 by a means test. In 2 B.C. Augustus cut the relief rolls (which had grown again) from 320,000 to 200,000. In 91 A.D. Domitian created the equivalent of a government "soil bank" which wiped out half of the provincial vineyards to check overproduction of wine. In 274 A.D. Aurelian made the right to relief hereditary, with bread substituted for wheat and with free pork, olive oil and salt added.

This pattern of the welfare-interventionist state is perhaps better observed in the deterioration of the purchasing power of the Roman coin of denomination, the denarius. For although good price records and price indexes are not available, we know Rome underwent persistent and cruel inflation and did so through the rapid expansion of the money supply (our old friend, the quantity theory of money.) Pre-Gutenberg and the printing press, the money supply mainly was ballooned via debasement, through alloying base metal into precious. The following table traces the deterioration of the denarius after Augustus whose coin, save for a hardening agent, was practically pure silver:

Issuer:	*Percent silver*
Nero, 54 A.D	94
Vitellius, 68 A.D	81
Domitian, 81 A.D	92
Trajan, 98 A.D	93
Hadrian, 117 A.D	87
Antoninus Pius, 138 A.D	75
Marcus Aurelius, 161 A.D	68
Septimius Severus, 193 A.D	50
Elagabalus, 218 A.D	43
Alexander Severus, 222 A.D	35
Gordian, 238 A.D	28
Philip, 244 A.D	0.5
Claudius Victorinus, 268 A.D	0.02

Into this inflationary, welfare-interventionist milieu came Emperor Diocletian, determined to stop inflation by law, by his Edict of 301 A.D. His Edict complained of such "unprincipled greed" that prices of foodstuffs had recently mounted "fourfold and eightfold."

The preamble continued: "For who is so insensitive and so devoid of human feeling that he cannot know, or rather has not perceived, that in the commerce carried on in the markets or involved in the daily life of cities, immoderate prices are so widespread that the uncurbed passion for gain is lessened neither by abundant supplies nor by fruitful years, so that without a doubt men who are busied in these affairs constantly plan to actually control the very winds and weather."

The Edict "commanded cheapness," covered some 800 different goods and recognized the cost-push side of inflation—spelling out wage limits for teachers, writers, lawyers, doctors, bricklayers, tailors, virtually every calling—but, of course, forgot all about the demand-pull side, stemming from the continuing debasement of the currency. The teeth in the law were very sharp. The penalty for an offense was death. The complexity of the Edict can be seen in the hundreds of wage and price schedules:

Products:	*No. of schedules*
Foods	222
Hides and leather	87
Timber and wood products	94
Textiles and clothing	385
Wicker and grass products	32
Cosmetics, ointments, incense	53
Precious metals	17

There are 76 different wage schedules, broken down into skilled and unskilled categories. In the silk-weaving and embroidery trades there were 13 different schedules; wool weavers were broken down into six wage categories and fullers had 26 different authorized pay scales.

The Edict, of course, failed. In 314 A.D. Lactantius, a contemporary historian, wrote of Diocletian and his grand plan as follows:

"After the many oppressions which he put in practice had brought a general dearth upon the empire, he then set himself to regulate the prices of all vendible things. There was much blood shed upon very slight and trifling accounts; and the people brought provisions no more to markets, since they could not get a reasonable price for them; and this increased the dearth so much that at last after many had died by it, the law itself was laid aside."

A PHONE IN THE MOUNTAINS

Mr. MANSFIELD. Mr. President, as you know, I have long been an advocate of the Rural Electrification Administration in its program of assisting cooperatives in bringing electricity and telephone service to rural and isolated areas of the Nation. There are not too many places that do not now have electricity and telephones.

I am delighted to report that after some 6 years of negotiations, the Blackfoot Telephone Cooperative, Inc., whose headquarters are in Missoula, Mont., has installed telephone service in one of the most spectacularly beautiful and isolated areas of the Nation. The folks who live in the high mountain country of northern Idaho now have telephone service. This extension of the Telephone Cooperative actually was made possible by the current 2-percent financing. This could never have been done under other financial arrangements.

Ray Smith, manager of the Blackfoot Telephone Cooperative, has provided me with an interesting commentary on this most recent accomplishment. I ask unanimous consent that this commentary be printed in the RECORD following my remarks. It is interesting to note that the area now being served is the rugged part of the northern Rocky Mountains where Chief Joseph and his Nez Perce Tribe were able to lose an entire U.S. Army, and the pursuer did not see the Nez Perce again until they emerged in the mountains near the valley of the Bitter Root in western Montana.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

A PHONE IN THE MOUNTAINS

Telephone service is being brought to one of the most beautiful and wildest spots within the continental United States. One look at the road sign, "Next Gas 64 Miles," gives one an idea of the remoteness of this high mountain country of North Central Idaho. The area has no official name, there is no post office or any dot on the road maps but there is a growing community. Someday it will no doubt be called Powell, Idaho.

The Ranger Station and the traveler oriented community, which has grown up around the station, first began in 1909 when the U.S. Forest Service built the Powell Ranger Station at the present site. One of the first projects of the first resident ranger was to build a ground return line from the station over Lolo Pass to Lolo Hot Springs, located over 22 miles away in Montana. A ground return line was a single wire hung from tree to tree, over rocks and streams, around hills, as long as it reached its objective. The line used the old crank magnetos to call the party on the other end. The sound was carried by battery power and as the name implied, the circuit was completed by using the earth, trees and everything it came in contact with as a ground.

Between these two points is some of the most rugged country in the Rockies. This is the same region that Chief Joseph and the Nez Perce Indians were able to lose the entire U.S. Army. Their pursuers did not see or hear of the Nez Perce until they emerged from the mountains in the Bitterroot Valley in Montana.

In 1937 a new two wire telephone line was built from Missoula to Lolo Hot Springs but from there it was still the old ground return to the Ranger Station. Over the years the line serving Powell was rebuilt time and time again. It was a very troublesome line to maintain because of the many falling trees, snow slides and the ever present logging contractors. The foresters at Powell had a very difficult time trying to manage over 500,000 acres of near virgin timberlands with this faulty system. In 1962 a radio telephone system purchased by the Forest Service was installed in three districts of the Clearwater National Forest. It was not until 1964 that a subscriber set was installed at Powell. The old ground return line that had served so long was at last abandoned. The new radio telephone system was a vast improvement over the old system but it was not designed to operate at Powell. The mountains created an almost impassible barrier. At best, the communications from the Ranger Station left much to be desired. Weak signals, static and the amount of traffic generated by four ranger stations severely over-taxed the traffic handling capacity of the system. The new radio telephone with four stations could be compared to a four-party rural line. One can imagine the frustration and confusion created in the height of the forest fire season when four separate forest districts would need to use the one line to coordinate all the activities of hundreds of fire fighters spread out over thousands of acres. Trying to feed, clothe and protect the lives of these men was not possible with the radio telephone system. As the management of our National Forests became more complex, it was clear another form of communication was needed. An actual system survey showed there were over eight solid hours of communication during the average 24 hour period during the summer.

The construction of a modern two lane highway in November of 1964 which linked Missoula, Montana to the booming industrial cities of North Central Idaho, caused additional growth around the Ranger Station. The growth was primarily to care for the travelers and tourists who could now travel this beautiful scenic route through the high mountains in all kinds of weather. The State of Idaho built offices and living quarters for the Fish and Game Department, the State Police and a three-home Highway Department Maintenance Station that had the responsibility of keeping the mountain passes clear of snow, trees and fallen rocks. In addition to the state agencies at Powell, there was a most valuable addition, the Lochsa Lodge. This was built in the early 1920's. The Lodge offers the tourists a number of services and activities. Big game hunting, some of the best fishing to be found in the Rockies, back-packing into the Selway Wilderness area and the latest sport, snowmobiling up and down rugged trails and mountains. The Lodge also offers the traveler automotive services, food, drink, entertainment and lodging by the night or the week.

One of the big inhibitors to the growth of the area was the total lack of schools, anyone who had school age children would either move away from Powell when the children became of school age, or they would refuse to accept an assignment at Powell with either the Forest Service or the State of Idaho. The owners of the Lochsa Lodge did not have the ability to pick up their families and move out when it came time for school. Instead they had the heart-breaking job of transporting their children over the mountains every morning and picking them up in the evening. No matter what the conditions of the roads or the severity of the storms, these families went over Lolo Pass to meet the school bus at Lolo Hot Springs for the children to start the trek down the valley 48 miles to the grade school at Lolo. The high school students went all the way to Missoula, 57 miles away. In addition to the transportation problems, these Idaho residents must pay a special tuition to have their children attend schools in Montana. The need for educational facilities in Powell reached a peak in 1972 and the school authorities brought in a mobile school and a teacher on an experimental basis. There were over ten children in the mobile classroom. Should the school continue, it will no doubt aid in the creation of a more stable community, as those who have youngsters would then remain in Powell. The other major improvement which helped Powell grow was the advent of electricity. Another R.E.A. Cooperative, the Missoula Electric Cooperative, Inc., buried a cable from Lolo Hot Springs to the Ranger Station in 1970. With dependable power, all that was lacking was communications. If there could be dependable telephone service Powell would expand and grow to its full potential. Logging contractors would move their offices to where the lumbering was. Loggers moving closer to their work would increase their overall productivity. With these men, would come their families and eventually services to care for them. The recreational summer resident would no doubt increase in number if there was a convenience and safety that the telephone has brought to the American public.

The Blackfoot Telephone Cooperative, Inc., of Missoula, Montana was first contacted by the U.S. Forest Service in 1967 about possible telephone service for Powell. After much study, research and assistance from both federal and state agencies, it was concluded that the Blackfoot Telephone Cooperative could serve Powell economically. Preliminary plans were submitted to the Rural Electrification Administration in October of 1970. This was then followed up with an application for funds. In May 1972, the R.E.A. approved the loan and it was no longer just a dream. Dependable telephone service would soon be a reality. Studies had shown the best way to cross the mountains was by means of a Microwave Relay System. Mountain Bell would install and maintain the microwave transmitter. The Cooperative would construct reflector and repeater sites in the mountains, the central office switching equipment and the microwave facility in Powell. One of the things that made it possible for the Blackfoot Telephone to be able to consider bringing telephone service to Powell was the fact that the Cooperative was upgrading its Arlee Exchange in Montana to an exclusive one-party service. This meant that all new central office equipment for Arlee and Blackfoot Telephone could utilize the Arlee switching equipment for the new Powell exchange. This was an opportunity every telephone company has always dreamed of, a truly class book installation. One-party service consisting of one-hundred percent underground installation. Everyone was happy. The environmentalists did not object to the microwave reflectors The Forest Service would be able to serve their entire compound with both underground telephone and electric lines and not mar the natural beauty of the region with overhead lines. The Blackfoot Telephone would have a more dependable trouble free service through the combination of the microwave and underground distribution lines.

Another major factor in bringing service to this remote region was the close working relationship which has developed over the years with Mountain Bell and the Cooperative. Without the split ownership and maintenance of the microwave facility, the solving of the many complex problems, none of this would be possible. To give an example, the residents of Powell will be able to call those friends in the closest Idaho community of Lowell, some 60 miles away, and be charged for the call based on airline miles between the two communities. The actual routing of the call will go from Powell to Missoula, to Spokane, Washington, back to Lewiston, Idaho over to Orofino and finally to Lowell. A routing of over 500 miles.

The Blackfoot Telephone is pleased to be able to do what the rural residents of western Montana created the Cooperative to do; provide communications to people who need it, help build rural America into a better place to live and help communities reach their full potential. What pleases the Cooperative most is that all this was done without disturbing the majestic beauty and ruggedness of the region. With the exception of the new highway, the Powell community and the half million acres that the Powell Ranger Station supervises, the forests are just as wild and primitive as when the Lewis and Clark Expedition almost starved to death there in 1805. In fact, the best way to explain why folks want to live at Powell today is to quote directly from the journal of Captain Meriwether Lewis and Sergeant John Ordway as recorded by John Ordway as they first passed through the area. It is just as awesome, quiet and beautiful today as it was then.

"Monday 16 Sep 1805.
when we a woke this morning, to our great Suprize we were covred with Snow, which had fell about 2 Inches deep the later part of last night, & continues a cold Snowey morning. Cap. Clark Shot at a deer but did not kill it. we mended up our mockasons and Set out without any thing to eat, and proceeded on could scarsely keep the old trail for the Snow. kept on the Mount rather descending more than ascending. about one o Clock finding no water we halted and melted Some snow and eat or drank a little more Soup, and let our horses graze about one hour and a half. then proceeded on. Saw considerable of old snow passed several bald knobs and high point of rock & C. Toward evening we descended a Mountain down into a deep cove where we Camped on a small creek in a thicked of Spruce pine and balsom fer timber. the Snow is now about 4 inches deep on a lev we came about 15 miles this day. the clouds so low on the Moun that we could not see the distance no way. we all being hungry and nothing to eat except a little portable soup which kept us verry weak, we killed another colt & eat half of it.

Tuesday 17 sept 1805
Cloudy and cold we went out to look for our horses found Some of them much Scattered. we did not find them all until about 12 o Clock at which time we Set out and proceeded on. the Snow melted of the timber. the trail very rough we came up and down Steep places of the Mountain the afternoon clear and pleasant & warm. the snow melted fast. the water Stood in the trail over our mock Some places Slippery. we ascended a steep high rocky part of the Mountain high rocks and high pricipicies. we camped on the mountain at a small creek and dry pine timber. we being verry hungry oblidged us to kill another colt the last we had one of the hunters chased a bear up the Mountain but could not kill it. we hear wolves howl some distance a head."

October 13th 1973 will be recorded as the date for the first calls in or out of the world Wide Network of Communications via a dial telephone.

PEACE CORPS—DEDICATION AND SELF-SACRIFICE

Mr. DOLE. Mr. President, on July 1, 1970, President Nixon created ACTION as an independent agency made up of a number of Federal volunteer programs. Among these programs was the Peace Corps which Congress gave a most important mission—to promote world peace and friendship by helping the peoples of other countries in meeting their needs for trained manpower; promote a better understanding of the American people on the part of the peoples served; and promote a better understanding of other peoples on the part of the American people.

Peace Corps volunteer Beverly A. Smith from Olathe, Kans., is helping to fulfill this mission in Dessie, Ethiopia, as a home economics teacher.

Her self-sacrifice and dedication is a fine example of unique contribution many thousands of young Americans have made to world peace since the creation of the Peace Corps in 1961.

Mr. President, I ask unanimous consent that a recent news release from ACTION be entered into the Record which explains in detail Beverly Smith's activities.

There being no objection, the release was ordered to be printed in the Record, as follows:

Kansas Woman Extends Peace Corps Service as Home Economics Teacher in Ethiopia

Dessie, Ethiopia.—Peace Corps volunteer Beverly A. Smith, a young home economics teacher from Olathe, Kans., is a self-professed idealist—with very realistic notions about how change occurs in an ancient, traditional culture.

For the past two years, she has been teaching home economics at a large public high school in this northern Ethiopian city, capital of Wollo province. Provincial education authorities, who consider her an outstanding teacher and volunteer, were delighted this summer when she decided to stay in the Peace Corps an extra year to continue teaching here at the Woizero Siheen Comprehensive Senior Secondary School.

"It probably sounds trite, but I came to help", said Miss Smith, 24, daughter of Mr. and Mrs. David E. Smith of 938 Consar Ave., Olathe. "I'm staying because I enjoy it and I'm accomplishing something."

A home economics education graduate of Ottawa University in Ottawa, Kans., Miss Smith teaches child care, nutrition, health, hygiene, sewing and first aid to 90 students in the school's ninth through twelfth grades. A realist as well as an idealist, she acknowledges that only some of the modern homemaking concepts she is teaching will be put into practice in the students' homes.

"About 25 percent of what I teach will be put to use in the home," she said. "Change is gradual, and the willingness of families to accept change depends on a girl's approach. For example, I don't talk about how this is wrong. I talk about how things could be improved just a little."

Gradualism is an approach she has taught her students as well as accepted for herself. In one instance, a bottle of cooking oil proved to be a valuable teaching tool.

To help give her students more practical experience in home economics, Miss Smith had sent them to observe and assist in community facilities such as clinics, schools and a hospital kitchen. She dropped in at the hospital one day to find five of her students telling the administrator that the hospital's nutritional standards were totally unacceptable. The hospital official was not pleased.

Miss Smith was both proud of her students and aware that she would have to explain to them in class why their denunciation of the hospital's nutritional practices would not change things overnight. So the next day in class she pulled out a bottle of cooking oil, told them the lid was stuck, and asked them whether she should break the bottle to get the oil.

The surprised students said no, and told her to pull and work on the lid until she could open it. The lesson was obvious.

"From there, we talked about how constructive change can be reached by working with people and understanding their attitudes," Miss Smith said. "It taught them something about channeling their ambitions for change. They realized it was life they were learning about."

Miss Smith's students are old by American high school standards. They range in age from 18 to 26, including some young women who are already married. In Ethiopia, where the national literacy rate is estimated at five percent, many of the youngsters who do go to school start late because their parents need their labor at home or cannot afford the expense of sending them to school.

Tuition is free in the Ethiopian public schools, but the cost of books, school examination and paper fees, and living expenses away from home are a major burden in a country where the per capita income is $70 a year. Most secondary school students must live away from home because schools are scarce and widely scattered. Wollo province, for example, has only two public high schools and 21 junior high schools for a population of 2.4 million people.

Qualified teachers are also in short supply, which is why the Ethiopian government asked the Peace Corps to provide volunteers with education backgrounds, like Miss Smith, to help teach classes until the country trains enough of its own secondary school teachers.

Miss Smith teaches in English, the language of instruction in the Ethiopian schools from the seventh grade on. She finds, however, that many new ninth grade students still have difficulty with the language after two years of all-English instruction in the junior secondary schools. It takes a few weeks, she said, for the ninth graders to comprehend what she is saying.

Besides her regular full-time teaching duties at the high school in Dessie, Miss Smith conducts periodic workshops on teaching methods for other home economics instructors in Wollo province's junior and senior secondary schools.

"As a result of her workshops, the teaching of home economics has been invigorated," said Ato Zewde G. Egziabher, chief education officer of the province. "We are fortunate to have such a dedicated person here."

Miss Smith is also playing a private role in helping students to get an education. She and another Peace Corps volunteer in Dessie are putting five students through school by paying their school fees, buying their books and providing food and clothing.

Miss Smith is one of about 300 Peace Corps volunteers serving in Ethiopia, an East African nation of 26 million people, in a wide variety of education, disease eradication, technical training, small business development, agriculture and other programs.

Born in North Platte, Nebr., Miss Smith grew up in Omaha and graduated in 1966 from Central High School there. Later she and her family lived in Overland Park, Kans., for several years until moving to Olathe.

While attending Ottawa University, Miss Smith gained teaching experience as a student teacher at Ottawa Junior High School. A member of the Kansas State Education Assn., she received her bachelor's degree and a Kansas secondary teaching certificate in 1971.

Around the world, about 7,600 Americans are serving as Peace Corps volunteers in 61 developing nations.

The Peace Corps is part of ACTION, the voluntary service agency established by President Nixon on July 1, 1971, to administer federal volunteer programs at home and overseas. Mike Balzano is the director of ACTION.

ACTION's domestic programs are Volunteers in Service to America (VISTA), Foster Grandparent Program, Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), Retired Senior Volunteer Program (RSVP) and University Year for ACTION.

FEDERAL BUREAUCRACIES

Mr. HUDDLESTON. Mr. President, there are many things which a freshman Senator must familiarize himself with and get used to when trying to perform services for individuals and communities within his State. With the help of a good staff and a little hard work, I feel that in most cases I have been able to respond to the needs of my constituents.

However, there is one thing I have been unable to penetrate or get accustomed to—and that is the inefficiency and often outright ineptness of some of the Federal bureaucracies around town. I will cite two of the most glaring examples that have happened in my brief experience in Washington.

The most recent case involves the disbursement of Federal revenue-sharing money. Several small communities in Kentucky received revenue-sharing funds, spent them on vital community needs, and then received notification from the U.S. Office of Revenue Sharing that because of Government error the community received too much money—and will have to give some of it back.

As an article by Mr. Bill Peterson in the Louisville Courier-Journal put it—

> Uncle Sam . . . sent them (these small communities) each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Mr. President, we all know that the Federal Government and the Treasury Department in particular is equipped with dozens and dozens of very expensive computers. In fact, IBM stock would probably disappear from the New York Stock Exchange were it not for the Federal establishment's use of their computers.

And yet, this same computer-laden bureaucracy could not get the revenue-sharing figures correct—and they want little small towns like Hiseville and St. Charles, Ky., to pay for their mistakes. Uncle Sam is in effect saying, "I'm sorry I gave you too much and now you have to give some of it back."

Hiseville Mayor William C. Phillips summed it up beautifully:

> It's a simple story. They sent us some money, and we spent it in good faith. We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us just seems ridiculous.

This is a community that raised money through bake sales in order to remodel its city hall.

It does seem ridiculous. In fact, I would call it a major blunder. It makes you wonder what those thousands of bureaucrats and those dozens of computers are doing all day long. The bureaucrats may be talking to the computers, but they either do not speak the same language or computers cannot add, subtract and multiply.

Tuesday the Wall Street Journal took note of the plight of Hiseville and concluded:

> Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-sharers to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. President, I ask unanimous consent that the Courier-Journal article and the Wall Street Journal editorial be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

RETURN OF REVENUE-SHARING MONEY ASKED—$3,687 BILL FROM UNITED STATES LOOKS OVERWHELMING TO TWO SMALL TOWNS

(By Bill Peterson)

WASHINGTON.—Pity tiny Hiseville. Pity little St. Charles.

Uncle Sam, in the form of the U.S. Office of Revenue Sharing, sent them each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Both are crossroad communities that traditionally have supplemented meager tax revenues with bake sales, gospel sings, tractor-pulling contests and pancake suppers.

Their budgets, however, mushroomed with the advent of revenue sharing last year. Each received four checks. But now both towns have been told they were overpaid, and must pay back the money—most of which has been spent.

Hiseville owes $1,727 and St. Charles $1,900—a total of $3,687.

Thirty-five other Kentucky governmental units also were overpaid.

And another 178 local governments, including Jefferson County and 36 suburban Louisville communities, won't get the latest round of revenue-sharing checks tomorrow when other governments around the country do, because they failed to fill out proper forms on time. A spokesman for the Office of Revenue Sharing said the governments will be entitled to their checks after completing the required forms, including ones on how they plan to spend the money.

But these jurisdictions eventually should get additional checks and have overpayments repaid by deductions from future allotments.

No such easy solution for Hiseville, population 160. The Office of Revenue Sharing has ruled the Barren County town won't get any more checks because it has no city property tax and revenue sharing allotments are conditional on the local tax effort.

Baffled Hiseville Mayor William C. Phillips claims federal officials have never explained why they sent the money in the first place.

The town, he said in a telephone interview, spent $1,000 of the $1,727 it received to remodel city hall.

It spent the funds carefully, filling out all the forms and ensuring the aid was spent legally.

"It's a simple story," Phillips said. "They sent us some money, and we spent it in good faith."

"We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us seems just ridiculous."

His shock was heightened when he found Hiseville would be denied further funds. This week he wrote to Washington, protesting the action and asking that if Hiseville has to repay the money, it be given time to do it. He enclosed a $727 check—what remained unspent.

Hiseville, about 15 miles northeast of Glasgow, has an annual budget of about $1,000, he said. It has no city property tax and doesn't want one. The town raises funds from a small utility tax and community activities.

The mayor said, "We try to do what's right and help someone out when they're in trouble. What I'm saying is, we're not a bunch of crooks."

When Gilbert W. Dunbar, chairman of the board of trustees of St. Charles in Western Kentucky's Hopkins County, heard the Office of Revenue Sharing wanted $1,960 back he wrote a straight forward letter to Washington.

"We are sorry to inform you that it is impossible to send a check to you," he said. "St. Charles is a small and indigent community. The revenue sharing funds which we received were like a godsend to us.

"We accepted these funds in good faith, believing they were intended for the betterment of our community. There was no indication that any portion of this money would have to be refunded or repaid.

"In short, the money has been spent as we believed it was intended to be."

COAL-MINING TOWN

St. Charles, population 400, is an old coal-mining town, whose residents are largely pensioners, Dunbar said in a telephone interview. It used revenue sharing to rebuild city hall, pay an overdue light bill, repair streets and do ditchwork.

Unlike Hiseville, St. Charles is entitled to additional revenue sharing because it has city taxes. "But it's in a bad situation because it was overpaid so much that it will take years to repay the money," said Mary McAuliffe, an aide to Kentucky Sen. Marlow Cook, who specializes in revenue sharing problems.

Problems like those faced by Hiseville and St. Charles, she said, have made many small towns "uneasy" about using revenue sharing.

"I've worked with so many places that are hesitant to spend their money," she said. "They've never dealt with the federal government before and they are very leary."

Jack Eversole, executive director of the Barren River Area Development District which serves 10 counties in Western Kentucky, said:

"There's a considerable credibility gap. Most small towns don't believe it's going to be a permanent program. Many of them are scared to death that someone is going to come and want the money back after they've spent it."

OTHERS MUST REPAY AID

Nine other small communities in his development district, have been told they must repay revenue sharing funds. "The program was a good idea, but the way it's administered, the small towns that needed help the most are being gradually phased out by bureaucratic red tape," he added. "They don't have anyone to serve as their advocates, they can't afford lawyer fees, and they don't have sophisticated staffs to carry their protests to Washington when something like this happens."

Yesterday 29,000 local and state governments were mailed quartely checks.

But Jefferson County's $1.4 million quarterly check is being held as are the checks for these 36 suburban Louisville communities that missed last month's filing deadline:

Anchorage $1,902; Brownsboro $957; Druid Hills, $567; Fairmeade, $328; Indian Hills, $623; Lincolnshire, $263; Lynnview, $1,476; Meadowville Estates, $269; Parkway Village, $861; St. Regis Park, $1,586; Seneca Gardens, $845; Springlee, $606; Strathmoor Manor, $647; Wellington, $755; Windy Hills, $1,758; Briarwood, $353; Hollyville, $1,002; Houston Acres, $711; Keeneland, $640; Forest Hills, $551; Graymoor, $1,474; Minor Lane Heights, $2,183; Moorland, $658; Maryhill Estates, $479; Blue Ridge Manor, $599; Barbourmeade, $918; Crossgate, $557; Glenview Manor, $497; Goose Creek, $494; Westwood, $886; Whipps Milgate, $675; Bancroft, $1,457; Glenview Hills, $435; Hollow Creek, $519; Manor Creek, $1,054; and Riverwood, $290.

In addition, officials said these other Kentucky counties and communities will not receive revenue sharing checks tomorrow:

Adair County, $42,240; Columbia, $8,807; Kevil, $309; La Center, $2,010; Wickliffe, $1,455; Barren County, $74,786; Walton, $3,327; Union, $125; Catlettsburg, $23,357; Junction $2,131; Perryville, $2,868; Foster, $92; Breathitt County, $47,749; Bullitt County, $85,417; Lebanon Junction, $1,139; Mount Washington, $3,140; California, $89; Crestview, $564; Dayton, $22,906; Woodlawn, $549; Mentor, $260; Arlington, $1,418; Bardwell, $2,091; Carrollton, $16,649; Casey County, $27,802, and LaFayette, $163.

Also, Clay County, $50,274; Clinton County, $15,761; Dycusburg, $163; Edmonson County, $11,352; Elliott County, $10,692; Estill County, $42,406; Floyd County, $53,041; Allen, $183; Frankfort, $102,654; Hickman, $8,055; Gallatin County, $16,093; Sparta, $356; Warsaw, $2,518; Glencoe, $601; Gerrard County, $42,308; Corinth, $418; Dry Ridge, $4,260; Water Valley, $16; Greenup County, $63,603; Greenup, $2,279; Worthington, $2,082, and Lewisport, $1,934.

Also, West Point, $1,535; Harlan County, $69,502; Cumberland, $11,970; Berry, $491; Cynthiana, $65,512; Hart County, $38,095; Henderson County, $63,886; Henry County, Nebo, $75; Jackson County, $34,169; Wilmore, $9,497; Johnson County, $110,629; Crestview Hills, $1,157; Independence, $1,998; Crescent Springs, $1,649; Crescent Park, $513; Taylor Mill, $4,233; Ridgeview Heights, $206 and Knott County, $39,365.

Also, Barbourville, $3,810; Knox County, $47,556; Laurel County $59,047; Lawrence County, $41,624; Hyden, $3,518; Whiteburg, $5,356; Lincoln County, $51,834; Crab Orchard, $643; Hustonville, $421; Smithland, $630; Salem, $28; Russellville, $45,825; Island, $439; Sacramento, $931; Magoffin County, $28,380; Salyersville, $11,115; Gilbertsville, $70; Briensburg, $227; Dover, $477; Washington, $365; Ekron, $71; Frenchburg, $2,837; Harrodsburg, $26,696; Edmonton, $1,320; Fountain, $594; and Drakesboro, $879.

Also, Bremen, $547; South Carrollton, $398; Fairfield, $366; Ohio County, $62,177; Fordsville, $675; Rockport, $152; Oldham County, $31,200; Crestwood, $403; Monterey, $126; Owenton, $3,198; Owsley, $23,622; Falmouth, $256; Coal Run Village, $214; Pleasant Valley, $459; Clay City, $587; Burnside, $2,690; Science Hill, $2,279; Robertson County, $9,649; Rockcastle County, $28,767; Rowan County, $53,191; Shelbyville, $21,269; Simpsonville, $844; Franklin, $38,411; Taylorsville, $2,670; Taylor County, $43,319; Trimble County, $22,457; Bedford, $951; Union County, $48,973; Waverly, $113; Plum Springs, $132; Oakland, $238; Washington County, $38,994; Mackville, $11; Wayne County, $47,707; Clay, $1,797; Dixon, $533; Province, $1,432, and Woodford, $52,068.

Deserving Encouragement

The Associated Press reports that Federal largesse has put Hiseville, Ky., in a jam. Washington gave the town a revenue-sharing payment of $1,727. This comes to about $727 more than the annual budget, but Hiseville spent about half of the windfall remodeling city hall.

Now the government says Hiseville isn't entitled to the money and has to pay it back. It seems the revenue-sharing allotments are supposed to be based on local tax effort, and Hiseville has only a small utility tax. The town budget, says AP, is "raised mainly through cake sales and other community activities.

Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-sharers to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. HUDDLESTON. Mr. President, the other recent case which recently befuddled me concerns the efforts of a distillery in Lawrenceburg, Ky., to obtain six gauging manuals from the Government Printing Office.

Mr. Robert B. Davis, controller of the Austin Nichols Distilling Co., sent GPO a check for $22.50 in July 1972 as prepayment for six gauging manuals which were available only through the Government.

Then followed a series of letters from Mr. Davis to GPO over the ensuing months in which Mr. Davis inquired as to what happened to his gauging manuals. In desperation, he finally sent GPO a Xerox of his canceled check. Still no gauging manuals.

Finally, 1 year later in July 1973, after returning from a 2-week vacation Mr. Davis found a large package from GPO on his desk. "My gauging manuals at last," Mr. Davis thought. But alas, when he opened the package he found six Central Intelligence Agency atlases of the People's Republic of China that were supposed to go to the University of Oregon.

In frustration, Mr. Davis turned to his attorney, who in turn wrote me. I contacted the Government Printing Office and they assured me they would immediately send Mr. Davis some gauging manuals. And they did—in spades.

But first he received six manuals in the mail from Oregon where they had been sent by mistake. Then six more came from GPO. That made 12. Then two more came from GPO by special delivery. Then a dozen arrived in the mail. At last count Mr. Davis had 32 gauging manuals.

Then to top it off he received a letter from GPO stating that the Government was temporarily out of gauging manuals because of the "unprecedented demand." But GPO promised that as soon as a new supply was obtained, he would receive some more gauging manuals.

Mr. President, that story is so incredible that I would not have believed it except for the fact that I was a party to the whole thing. I ask unanimous consent that two articles by Mr. Ward Sinclair of the Courier Journal—in which he aptly dubbed the affair "Redtape" and "Son of Redtape"—be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Bit Too Much: Heavy Flow of Liquor Books Has Businessman Reeling

(By Ward Sinclair)

Washington.—Three weeks ago, after what he'd been through with the federal bureaucracy, Robert B. Davis thought he'd seen everything.

Now it turns out he hadn't. Fact is, he hadn't seen anything yet. What was Red Tape three weeks ago is now Son of Red Tape.

Davis is controller for the Austin, Nichols Distilling Co. at Lawrenceburg, Ky. To make sure their bourbon is just right, they have to have a gauging manual—available only from the Government Printing Office (GPO).

The manuals provide the tables for calculating the proof and weight of the bourbon. When they're available, they cost $3.75 each.

Well, back in July of last year Davis sent the GPO a check for $22.50 and an order for six manuals. He sat back and waited for the shipment to arrive.

Waited . . . waited . . . waited . . . waited . . . waited.

Davis kept waiting. The manuals didn't show up. He wrote to GPO and waited. The manuals didn't show. He wrote some more and waited. No manuals.

CASE TAKEN TO SENATOR

A year went by. Then last July a package from the GPO showed up in Lawrenceburg, Davis beamed. He opened the package and . . . What he got were six Central Intelligence Agency atlases of mainland China.

That was the last straw.

Through an attorney, Davis took his case to Kentucky Sen. Walter (Dee) Huddleston. The senator's staff talked to GPO and got a promise six gauging manuals would be sent special delivery.

Then, in August, gauging manuals arrived. Six manuals came in the mail from Oregon. GPO apparently had sent them there by mistake, confusing them with the atlases.

Six more manuals came in the mail from GPO in Washington. That gave Davis 12 manuals.

Then two more manuals came by special

delivery from GPO. With that, Davis had 14. And more and more and more manuals kept coming.

Yesterday another shipment of a dozen manuals was plopped onto controller Davis' desk. That brought the total on hand to—count 'em—32 gauging manuals.

But that's not all. Thursday Davis got a letter from the printing office. What it said was that there had been an "unprecedented demand" for the items he had requested. Just bear with us, GPO beseeched him, and we'll get your shipment to you when the books are available.

"I think," Davis said, doing all he could to hold back the laughter, "we'll be getting some more manuals."

"I DIDN'T KNOW MY POWERS"

Sen. Huddleston, apprised of Son of Red Tape, didn't even try to hold back his amusement. "I didn't know a freshman senator could get that much done . . . didn't know my own powers," he said, between bursts of laughter.

A reporter's call to the GPO public-affairs office didn't get very far. It was a little after 4 p.m. and a woman said all the people who knew about those things had left for the day.

But she tried to be helpful. "Would you want to talk to the personnel office, perhaps?" she asked.

Davis, meanwhile, isn't despairing any more. Actually, he may have a good thing going. A distiller in Louisville who read about Red Tape in the paper three weeks ago has been trying anxiously to take a few extra gauging manuals off Davis' hands.

An "unprecedented demand," one might say.

RED TAPE—IT TOOK A YEAR PLUS, BUT HE HAS GAUGING MANUALS GALORE

(By Ward Sinclair)

WASHINGTON.—Give Robert B. Davis a medal. He's been to war with the federal bureaucracy and, wonder of wonders, come out a winner.

It wasn't one of those blitzkrieg-type things, understand. It was more like a war of attrition—a question of who would collapse first after months of give and take.

Here's what happened:

On June 2, 1972—that's almost 15 months ago—Davis, controller for the Austin, Nichols Distilling Co. at Lawrenceburg, Ky., wrote a simple letter to the Government Printing Office (GPO).

He wanted information about the government-printed "gauging manual" that provides the tables determining the proof and weight of the bourbon that Austin, Nichols makes.

The manual is needed by the distillery workers and by the federal revenue agents stationed at the plant, whose job it is to see that the right amount of tax is paid on the right proof of bourbon.

Davis' simple question brought a simple and prompt reply, with the information he wanted. On July 10, 1972, Davis sent the GPO a check for $22.50 and an order for six manuals.

Weeks went by. The manuals didn't show up. On Sept. 22, Davis again wrote to GPO. Where are my manuals? he asked. As of Oct. 17, neither manuals nor a reply had arrived and Davis wrote again, saying just exactly that.

More weeks went by. On Feb. 6 Davis tried again. He wrote GPO saying the mails were barren—neither manual nor reply. That one, however, bestirred the bureaucrats in Washington.

Somebody at GPO—it's not known who—penned a note on the bottom of Davis' Feb. 6 letter and mailed it back to him. The note advised him to forward a copy of his canceled check "to enable us to proceed with your adjustment."

That, as Davis saw it, was at least a little progress. He finally had proof that somebody somewhere was reading his queries.

The only thing was that the Feb. 6 letter didn't get back to Lawrenceburg until May 17. And that didn't go over too well with controller Davis. He fired off another letter to GPO, saying, among other things, "Would you please be specific in your reply? This is ridiculous. Are the manuals available?"

With that, Davis went on vacation. Some weeks later, when he returned near the end of July there was a surprise awaiting him. On his desk he found a package from the GPO.

"Eureka," or something to that effect, he said. The long awaited gauging manuals finally had come—albeit a year after he sent in his order.

But wait. Davis opened the package and found not the gauging manuals, but five copies of the Central Intelligence Agency's atlas of the People's Republic of China.

"People around here laughed about it," Davis said yesterday. "But it just got beyond the funny stage. . . . I was afraid to call the GPO on the phone because it would have gotten more confused."

A form inside the package indicated that the atlases had been destined for the University of Oregon co-op store at Eugene. Davis wrapped them up and at company expense, shipped the books to Oregon.

Then he gave up on GPO. He contacted D. Michael Coyle, an Elizabethtown attorney, and asked for help. Coyle contacted the office of Sen. Walter (Dee) Huddleston.

ACTION WAS STIRRED

Huddleston's people got right on it. GPO promised to ship the six gauging manuals by special delivery, with a so-sorry thrown in for good measure. That was early this week.

Meanwhile, gauging manuals began showing up at the Austin, Nichols plant, showing up right and left, in fact.

From Oregon came six manuals, which apparently had been sent there in error instead of to Lawrenceburg. From the GPO itself came six more manuals by regular mail.

Then, via special delivery, just as the public printer had promised, came more manuals—two, to be precise, not the six originally ordered. Davis figured four more would be showing up soon.

So as of Thursday, he had not six, but 4 gauging manuals. Davis was still shaking his head in disbelief because never, in all his official dealing with his government, had things become that weird.

"You know," he confided, echoing everyone else in the bourbon industry, "our business is so tied up with the federal government, what with the tax agents and all, that we almost salute on the premises."

Sen. Huddleston, D-Elizabethtown, had a few more choice words to add: "I would hate to think that the government is being run by such an inefficient bureaucracy. Heaven forbid that the Defense or State departments would be run in a like manner."

Mr. HUDDLESTON. Mr. President, when contemplating these Government misadventures, I am at a loss to understand them or to recommend what to do about them.

I thought about the possibility of a blue-ribbon Commission To Study Government Efficiency. But on reflection, I realized that would only create another bureaucracy that would probably be as inefficient as the ones they would study. And the Commission would probably recommend a permanent watchdog agency to oversee inefficiency—and heaven forbid that.

Finally, I settled for writing a letter to the U.S. Office of Revenue Sharing to protest the treatment of the small communities in Kentucky—and probably throughout the country—who received money they are now asked to give back. I ask unanimous consent that this letter be published in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 11, 1973.

Mr. GRAHAM WATT,
Director, Office of Revenue Sharing, Department of the Treasury, Washington, D.C.

DEAR MR. WATT: It has come to my attention that a number of communities in my home State of Kentucky have been asked to pay back to the Federal Government a portion of the money which had previously been allocatd to them by your office under the Federal Revenue Sharing Program. It is my understanding that many of these communities will be receiving additional checks and can have the overpayments repaid by deductions from their future allotment. This would seem to be an equitable solution for those communities whose future allotments will be large enough to cover the repayment and still leave sufficient funds for anticipated uses by the communities involved.

However, I would like to address myself to the problems being encountered by such communities as Hiseville, Kentucky, which has been asked to repay $1,727 to your office, yet Hiseville will be receiving no allocation of funds for the Fourth Entitlement Period. Also, there is the town of Centerville, Kentucky which must repay some $2,600 and will be receiving only $200 in the Fourth Entitlement Period. I know there are other cases such as these both in Kentucky and throughout the nation. I would appreciate your listing for me all those local governments in the State of Kentucky whose overpayment was so great that it will require a reduction in their next entitlement of more than 50 percent.

I am disturbed that communities such as the ones I have described who have received their checks for past entitlement periods and have spent these funds in good faith are now expected to repay the federal government for the government's own mistake. It should be made clear that financial hardship is not the only factor involved here. Perhaps the more important issue is the credibility of government itself. If local officials cannot have confidence in the actions of the Treasury Department or other agencies, the situation can only lead to mistrust and indecision at the local level.

I urge you to develop the appropriate procedures and safeguards to prevent this situation from arising again. It would certainly increase confidence in what I consider to be a vital and worthwhile endeavor by the federal government.

Your immediate attention to this matter would be greatly appreciated.

Sincerely,

WALTER D. HUDDLESTON.

Mr. HUDDLESTON. Mr. President, I do know one thing—the next time one of the agencies comes up here asking for more money for more personnel, I am going to cast a wary eye on its request.

CRATER LAKE DORMITORY CONSTRUCTION

Mr. PACKWOOD. Mr. President, earlier this year, I became very concerned about construction of an employees dormitory on the rim of Crater Lake. This dormitory was being constructed for the purpose of housing concessionaire employees. Unfortunately, very little consideration was given to what impact the new construction would have on the surrounding environment and the Crater Lake National Park itself. A very inadequate environmental assessment was made of the proposed action, and construction was quickly underway. Neither was serious consideration given to possible alternative actions to this construction.

I, and a number of other concerned individuals and groups, were in contact with both the National Park Service and the Council on Environmental Quality, urging that an environmental impact statement be filed on the project and, pending that action, construction be stopped. I was not, nor am I now, satisfied that the requirements of NEPA have been met, and, unfortunately, in the course of my inquiries, I became convinced that the environmental impact procedure had been left open to abuse in allowing a determination of "negligible environmental impact" to be made at the whim of the Park Service, no questions asked, with regard to the dormitory.

This dormitory construction is not an isolated case, but merely one of a number of similar projects within this national park. Each, including this dormitory, is a specific element of the current 30-year contract between the concessioner and the National Park Service, which in effect obligates the concessioner to construct these projects as a part of his responsibilities under the contract. This procedure effectively and seriously restricts the flexibility and discretion of the National Park Service to revise its plans for in-park development in light of changing circumstances, and public opinion during the term of the contract.

On August 30, 1973, Russ Train, then Chairman of the Council on Environmental Quality, wrote Interior Assistant Secretary Nat Reed stating that the cumulative consequences of these projects would have a significant effect on the quality of the environment and conflict with the management direction embodied in the Interior Department's Wilderness Proposal for Crater Lake. Mr. Train strongly suggested the advisability of formulating master plans and impact statements independently of existing concession contracts. It is imperative that the necessary consideration be given the impacts associated with these developments. Unfortunately, the construction of the dormitory was allowed to continue to completion.

This I regret immensely; however, we may now address ourselves to the larger question of what direction future actions will take. Toward that end, I commend to the attention of my colleagues a letter sent the Honorable Nat Reed from representatives of leading conservationist groups. Therein is contained an admonition to consider the final master plan as a new draft, which would be subject to a new local public hearing prior to final adoption. I think we may mark this up as a learning experience, and one from which we may rightfully draw the conclusion that there is even greater necessity now than ever before to insure that public interest planning will become an integral part of the National Park System. I concur with the urgings of the conservationists that master plans must in the future be formulated independently of existing concession contracts, and all existing contracts must be reviewed and renegotiated, with full public involvement, to insure full conformity with such existing master plans.

In addition, I would stress the importance of subjecting all new concession contracts to individual environmental impact statements in keeping with the National Environmental Policy Act.

I ask unanimous consent to have printed in the Record copies received from the Council on Environmental Quality on this subject, and the letter sent to Nat Reed from members of leading conservationist groups.

There being no objection, the material was ordered to be printed in the Record, as follows:

September 28, 1973.

Hon. Nathaniel P. Reed,
Assistant Secretary, Department of the Interior, Washington, D.C.

Dear Mr. Secretary: The Council on Environmental Quality has kindly furnished us a copy of Honorable Russell Train's letter to you of August 30, 1973 regarding concession contracting procedures in the National Park System. As you know, we have had a continuing interest in the controversy at Crater Lake National Park in particular.

We regret that the concession dormitory-office complex near the rim of Crater Lake has been constructed. It was stoppable, and the price of stopping it would, in our view, have been well repaid, not just for Crater Lake, but in view of the policy lessons to be gained. This dormitory will stand as mute memorial to a series of procedural failures and decision-making lapses that do no credit to the National Park Service or the Department of the Interior.

Be that as it may, the larger issue has been brought into sharp focus, and we believe that general concession and master planning procedures must be re-evaluated and revised to assure that we find no more Crater Lake dormitory projects going forward under similar circumstances in that or any other unit of the National Park System. Thus, we welcome Chairman Train's evaluation and recommendations. We urge you to pursue this matter and take steps to thoroughly reform these procedures.

We urge you to forcefully promulgate a binding policy that (1) master plans (and associated wilderness proposals) for all National Park System areas be formulated independently of existing concession contracts, and (2) all existing contracts be reviewed and renegotiated, with full public involvement, to ensure full conformity with such existing master plans. Further, we believe it should be a matter of firm Departmental policy that *all* new concession contracts, and all renewals and extensions or modifications of existing contracts, be subject to individual environmental impact analysis and statements pursuant to section 102(c) of the National Environmental Policy Act. In all cases involving substantial construction proposals, or where a contract is to extend in term beyond a minimum period (say, five years), public hearings should also be mandated.

We hope you will recognize here, as we do, an important opportunity for you and the Department to make a significant advance in National Park policy.

Specifically with regard to Crater Lake, we request that you direct that the forthcoming "final" master plan and accompanying environmental impact statement be considered new drafts (rather than final) and be subject to a new local public hearing prior to final adoption. In view of the continuing series of "discoveries" concerning the extent of in-park development plans and commitments, which came as an apparent surprise not only to the public, but even to officials in your office, such a "new draft" procedure and such new hearings are imperative if the best interests of the national park and the public are to be well served.

The broad reform of policy we suggest (and this specific additional procedure for Crater Lake) will enable you, the National Park Service, and us to reclaim from the sad experience of the dormitory issue at least the satisfaction that in losing this battle, we have won the greater campaign for public interest planning for the National Park System.

Sincerely,

Carol Anderson,
Co-Chairman, Crater Lake National Park Study Group.
Alan Miller,
Oregon State Vice-President, Federation of Western Outdoor Clubs.
George Alderson,
Legislative Director, Friends of the Earth.
Lawrence Williams,
Executive Director, Oregon Environmental Council.
Joe Walicki,
Coordinator, Oregon Wilderness Coalition.
Douglas W. Scott,
Northwest Representative, Sierra Club.
Allen Bateman,
Chairman, Klamath Falls Group, Sierra Club.
William P. Meyer,
Chairman, Rogue Group, Sierra Club.
Harry B. Crandell,
Director of Wilderness Reviews, The Wilderness Society.

Council on Environmental Quality,
Washington, D.C., Sept. 10, 1973.

Senator Bob Packwood
U.S. Senate,
Washington, D.C.

Dear Senator Packwood: This follows-up my letter of July 19, 1973 concerning the construction of a concessionaire dormitory at Crater Lake National Park.

By the time we were notified of the situation at Crater Lake, construction of the dormitory was partially complete. However, in our evaluation of this issue, it became apparent that the dormitory project is only one of a series of proposed development projects, the cumulative consequences of which we feel would have significant effect on the quality of the environment in Crater Lake National Park.

Accordingly, we have recommended that the Department of the Interior reevaluate the development direction at Crater Lake, especially in the Rim Village area. We understand a draft environmental impact statement is being prepared. Enclosed is a copy of Chairman Train's letter to Assistant Secretary Reed on this matter.

If we can be of any further assistance, please call us.

Sincerely,

John A. Busterud,
Member.

Council on Environmental Quality,
Washington, D.C., Aug. 30, 1973.

Hon. Nathaniel P. Reed,
Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C.

Dear Nat: As we have discussed, considerable interest has been generated recently in regard to present and proposed development activities in a number of National Parks. The construction of a concessionaire's dormitory at Crater Lake National Park is the most recent case. We have reviewed the Crater Lake situation thoroughly and the Park has been visited by our staff.

The major issue at Crater Lake is the fact that the existing concession contract was formulated entirely outside the Master Planning process, and subsequent Master Plans have simply endorsed the construction provisions of the concession contract. Furthermore, the dormitory project is only one of a series of proposed development projects. Other NPS construction projects that will be generated as a direct consequence of the dormitory include an additional parking lot to service this facility, a swimming pool in the immediate vicinity of the dormitory, and an expansion to the existing sewer system serving the Rim Village area. These projects will tend to further degrade the natural surrounding of the Rim area.

Additional proposed projects in the concession contract include:

(a) the removal of the top two stories of the existing lodge

(b) a motel (50 lodging units) and coffee shop in Munson Valley.

(c) the removal of 19 "cold water" cabins in Rim Village to be replaced with another motel in Rim Village (number of lodging units and location unspecified).

The cumulative consequences of these developments plus associated utilities and service facilities will have a significant effect on the quality of the human environment. The consequences of continued expansion of tourist facilities within the parks are well known and, in the case of Crater Lake, have the appearance of being in conflict with the management direction embodied in the Department's Wilderness Proposal for Crater Lake.

We understand that a Master Plan for the Park and an associated environmental impact statement are currently under preparation within the National Park Service. The Council strongly recommends that this Master Plan and impact statement set forth the visitor use policy for Crater Lake National Park in terms of the number of people (or level of visitation) that is to be accommodated at Crater Lake and then specify the necessary services, facilities and transportation requirements to accommodate that level of visitation. The Council further recommends that for Crater Lake National Park, and, as a matter of general policy for all National Park Service areas, Master Plans and impact statements be formulated, insofar as possible, independently of existing concession contracts. To the extent necessary, these contracts should be renegotiated to ensure consistency with such approved Master Plans.

My Staff, of course, stands ready to assist you in the implementation of these actions.

Sincerely,

Russell E. Train,
Chairman.

A DECLARATION OF CONSCIENCE

Mr. HUGHES. Mr. President, at a time when people of conscience throughout the world are profoundly shocked and saddened by the invasion of Israel and the expanding war in the Middle East, the spiritual leaders of my State of various faiths have issued a declaration of conscience to express their common grief and outrage. They end this statement with a fervent prayer for "a lasting and just peace." In order that my colleagues may read this eloquent and moving declaration, I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Proclamation on the Holy Day War

On Sabbath and Yom Kippur, October 6, 1973, the Holiest day of the Jewish year, Jewish people in Israel and throughout the world were in prayer. On this sacred day of fasting and prayer, Egypt and Syria launched a massive, simultaneous invasion against Israel. This was a profanation against Israel, the Jewish faith and a desecration of human life. Due to the coordinated Egyptian and Syrian invasion many people, on all sides, have been maimed and killed on battle fields and in kibbutzim and cities.

In this critical hour silence would be a moral sin. We, therefore, condemn the blasphemy of this unconscionable invasion which has resulted in inestimable suffering and death on all sides. We fervently hope and pray that peace will be restored immediately and that all parties in the Near East conflict will begin face to face negotiations for a lasting and just peace.

Dr. Kenneth Metcalf—Superintendent of the Des Moines District of the United Methodist Church.

Rev. Harold E. Butz—Associate secretary for the Iowa Council of Churches.

Dr. Scott Libbey—Conference minister of the Iowa Conference of the United Church of Christ.

Dr. James W. Lenhart—Minister of Plymouth Congregational Church.

Rev. Halsey Wakelin—Associate minister of the Christian Church in Iowa.

Father John Ryan—Pastor at St. John's Church, Cumming, Iowa.

The Most Reverend Maurice J. Dingman—Bishop of the Diocese of Des Moines for the Roman Catholic Church.

Rev Durwood Bochheim—Executive with the Iowa District of the American Lutheran Church.

Dr. Raynold Lingwall—President of Iowa Synod of the Lutheran Church of America.

Suzanne Peterson—Assistant to the rector of St. Paul's Episcopal Church.

Mr. John R. Harris—Administrator of the Episcopal Diocese of Iowa.

Rabbi Barry Cytron of Tifereth Israel Synagogue.

Rabbi Jay B. Goldburg of Temple B'Nai Jeshurun.

RESURRECTING POLITICAL LIFE IN AMERICA

Mr. BAKER. Mr. President, in light of recent events which have profoundly affected our political system, a great deal of thought is being given to major reform of the present institutional arrangements. The senior Senator from Oregon (Mr. Hatfield) has been most concerned with this matter for a number of years and recently wrote a very enlightening article entitled "Resurrecting Political Life in America." I believe his article deserves the attention of my colleagues and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Resurrecting Political Life in America

(By Senator Mark O. Hatfield)

Even before the revelations of the Watergate scandal, politicians ranked 19th out of the 20 major occupations in the trust of the public. Only used car salesmen inspired less confidence among the American people.

The Watergate scandal is climaxing a steady development of public disenchantment with our political process, and several of society's major institutions. The facts being uncovered by the Senate hearings and other sources are confirming the worst about the corruption of our political process, and its failures to work fairly for all the people rather than for the self-serving interests of a few politicians and their allies.

This disillusionment is not simply being personalized in the President. In the eyes of most Americans, he and many of his former associates are guilty primarily of proving to be like most all politicians. That is why the widespread public assumption of Mr. Nixon's guilt has not resulted in any broadly based or popular movement for his impeachment. Fundamentally, people have not simply lost their confidence in a leader; they have lost their faith in the institutions of public leadership.

People perceive the linkage between the credibility of our political system and other major social and economic institutions in our society. Take one simple example. The personal attorney of the President of the United States served also as the attorney for a major airline, and then solicited funds for the President's re-election from a competitive airline, in clear violation of U.S. law prohibiting corporate contributions. Such incestuous relationships between government and business confirm that corruption in politics breeds corruption in other realms of society, and vice versa.

The individual American correctly perceives that government leaders, federal bureaucracies, labor unions, corporations, and other forces have almost routinely violated the public trust and are swallowing freedoms that should be the province of individuals.

In very large measure, such corruption has been the direct result of the massive concentrations of power—governmental, political, and economic. Neither of the major political parties, nor the administration nor its critics, has offered any significant ways to arrest the growth of the excessive concentrations of power which inevitably erode individual liberty and the people's confidence in society's institutions.

The Democrats who have belatedly recognized the dangers of excessive presidential power are still blind to the threat of all-pervasive governmental bureaucracy. The "New Politics" Democrats frequently seem to be calling not for fundamental institutional change, but merely for the elevation of a compassionate, enlightened person to an all-powerful presidency. The traditional Democrats still infatuated with categorical grant programs and alphabet soup agencies, seem to feel that New Deal, Fair Deal, New Frontier, and Great Society programs are somewhat akin to the Ten Commandments. In the name of defending the rights of the "little man," many would gladly erect another bureaucratic mechanism to ensnare him.

Many conservative Republicans, unlike their predecessors such as Senator Robert A. Taft, Sr., have willingly assented to accretions in presidential power and the growth of governmental powers as long as these are done in the name of national security or the maintenance of the social order. Most conservative Republican politicians have hardly lifted a hand to slow the growth of a business-labor-government combine.

President Nixon has in a number of speeches declared war on the federal bureaucracy. Yet the primary thrust of this federal policy is not to reduce bureaucratic interference with the lives of individuals but rather to increase the control by the President and White House staff over the federal bureaucracy. Short of a total conversion in its view of Presidential powers, the Administration will be unable to take credible initiatives to reverse the concentration of power in society, or to deal with the public distrust of its government.

The progressive Republicans, the group with which I am most identified, also have failed to cope effectively with the continuing diminution of individual liberties and public confidence. Republican progressives have attempted to combine more effective management of government with a series of policies on specific issues. Yet these responses to broken-down Democratic initiatives, or even to the excesses of a Republican administration, have generally been of an ad hoc nature and have thus failed to rally significant support for an ongoing political coalition.

If America is to resist the forces that are nibbling away at our individual freedom, a dynamic political movement must arise to limit the powers of big government, big labor, and big business. It must be a movement committed to reshaping and decentralizing the institutions of power in society. This will necessitate concrete and drastic initiatives designed to fundamentally restructure elements of our political and economic life. The only way to restore the people's trust in the institutions of power is to break open new avenues for the people to participate directly in those institutions, and remold them according to their needs. A wide array of conservatives, liberals, and moderates (if those labels mean anything) of all kinds of party affiliations can be enlisted in such an effort.

This program of decentralization and constitutionalism would move decisively to limit the powers of the presidency, to replace bureaucratic government—federal, state or local—with "neighborhood government," to restore an economic environment that encourages small entrepreneurship and insures corporate competition and accountability, and to assure the privacy and autonomy of the individual American.

A number of the proposals which follow serious consideration would require constitutional amendment. Others would require the organizing of a concerted effort to overcome the resistance of entrenched bureaucracies and their allies.

I

A constitutional amendment requiring separate election of the President, the Vice President, and various heads of Cabinet Departments

When the Founding Fathers created the Constitution they set up an elaborate system of checks and balances to insure against excessive concentrations of power in any branch of government, or in any single governmental official. The Hamiltonian conception of the President as a near monarch was decisively rejected by our forefathers, who set up an independent judiciary and a strong federal legislature to check undue executive power.

Yet, the devices wisely conceived nearly two centuries ago to prevent executive autocracy have not been sufficient to arrest the power-centralizing tendencies of modern technology, the pressures of an existence under the cloud of nuclear warfare, the existence of a vast governmental bureaucracy, and the proliferation of a vast class of seekers after governmental largesse. The Watergate scandal illustrates the terrifying potentials for the misuse of such all-encompassing power.

Many of the solutions which have been proposed to cope with this problem of a top powerful presidency, while desirable initiatives, would do little to arrest the growth of presidential domination of our government. Certainly, Congress should reform its committee structure, overhaul its budget-making mechanisms, and become a proposer of budgetary priorities. Without any doubt, misuse of executive privilege against testifying and overuse of executive secrecy can and should be curbed by legislation.

Yet such proposals are not enough. If we are to reverse this flow of political power to one person we must perform drastic surgery to restore our governmental institutions to the healthy, creative tension envisioned by our Founding Fathers. First we must have separate election of vice presidents.

Today vice presidential nominees are often chosen to balance a ticket or win a crucial state's convention votes. Rarely is the vice presidential nominee chosen as the party's ablest candidate to succeed to the presidency. If the vice president had to face the electorate for a separate vote, it is likely that both major parties would choose better qualified nominees.

Yet the really effective means of limiting the presidential power would be through a constitutional amendment providing for the separate election of not only vice presidents but executive department heads in major domestic policy areas.

A unitary executive is advisable in the foreign and defense policy areas. Accordingly, the President should continue to nominate and the Senate confirm, the Secretaries of State, Defense, and Treasury. Yet the need for coherence of foreign and defense policy execution does not translate to a similar need for Presidential domination in domestic policy. It would be far better instead to disperse power over domestic policy into several people, each directly accountable to the electorate.

Today, as a practical matter, the time of the President is largely devoted to foreign affairs, defense policy and international economics. Meanwhile, domestic policy is increasingly handled by relatively unknown White House staffers often chosen for their single-minded devotion to the President and his interests. Cabinet members seem more and more to be ornaments useful primarily as public relations spokesmen rather than policymakers.

I believe that the American people would be much better served by their federal government were it to have a plural executive like most states. The President, the Vice President, the Attorney General, and the heads of the new departments proposed by the administration, Natural Resources, Human Resourcs, Community Development and Economic Affairs should be elected. This would parallel the situation in many states in which candidates for such offices as governor, lieutenant governor, attorney general, treasurer, comptroller, secretary of state, and superintendent of education are separately elected.

As a former governor, I recognize the occasional friction and frustration which such a system can produce for a chief executive. Yet is it our concern to make life comfortable for the chief executive or to make it freer for the American people?

The separate election of domestic department heads would produce several immediate benefits:

It would unquestionably reduce the raw power of the Presidency. One person would no longer control 2.5 million jobs and have a virtually total say over the expenditures of hundreds of billions of dollars of federal money. It is wrong to concentrate so much power in one person even if we had some way of being sure that that person would be a saint.

It would provide the American voter with a range of choices over policy in various areas of government. Today a voter must choose between two presidential candidates often with little knowledge of whom either will select if elected to implement his policies. Furthermore, the voter who is attracted by the foreign policy of one party may prefer the environmental policy of another. Separate elections would make domestic policy much more accountable to the American voter. Instead, today the Cabinet is accountable only to the White House staff or to the President.

It would engender a creative tension in government with elected department heads likely to be vigorous advocates of various viewpoints. There would be a greater range of arenas in government for innovation, as compared to the present situation where any idea that contradicts the conventional wisdom within the Office of Management and Budget stands little chance of being given the time of day.

The elected department head posts could serve as training grounds for the presidency or vice presidency. Candidates could thus demonstrate both their national electoral appeal and their creativity and competence prior to running for one of our two highest offices.

The plural executive innovation would return Congress to a role in the budget making process much closer to that conceived by the founding fathers. Virtually all states have some form of plural executive and in nearly every state the legislature plays a much more significant role in the budget-making process than does Congress. Today a united executive can run roughshod over Congress, split by its various committee jurisdictions, party affiliations, and regional interests. A reformed congressional budget-making mechanism and a plural executive could preserve efficiency and eliminate waste while also assuring that the budget would be produced by more than one person and his designees, and be more accountable to the people through their elected representatives.

Such a constitutional amendment would be a fundamental measure to restructure American government. I am convinced that such reform is essential.

II

A significant reduction of the Federal work force accompanied by a drastic revision of civil service legislation

The massive growth in the powers of the presidency has been augmented by a spectacular growth of the size of the federal bureaucracy. Two and one half million Americans work today for the federal government, more than the total in all our armed forces. Tens of thousands of these employees seem to be merely in the way. After three years in civil service they have acquired virtual life tenure on the federal umbilical cord. As long as these civil servants do not embezzle funds, they can pursue a long and sometimes useless career at our expense. One of the rarest events in Washington is the firing of a civil servant for slothfulness.

It is very likely that the federal government could function more effectively and serve the public more humanely if the federal work force were substantially reduced. Yet, the civil service laws would have to be replaced or drastically revised if such a pruning of the federal work force were to have beneficial effects. Otherwise, the most junior people, usually those who have fallen least into a rut, would be the first discharged.

The Defense Department bureaucracy, which alone employs nearly a million civilian government officials, could absorb substantial cuts without the slightest jeopardy to national security. The same is true of much of the bureaucracy which has grown up around the categorical grant programs.

While I have serious objections to a number of the President's priorities, I credit him with having the courage to try to move against many useless domestic programs whose constituency is largely Washington lobbyists and congressional nabobs. One device for increasing turnover would be to limit the tenure of non-technical middle level and high level civil servants with policy making responsibility. In general, I would propose a uniform limitation for the number of years an official could serve in the federal bureaucracy—such as five or perhaps nine years.

Flexibility could be allowed so that committed civil servants who have proven their worth could continue valuable years of service. But we must face the fact that federal bureaucrats almost inevitably become at least as strongly attuned to serving the interests of their own careers as to serving the welfare of their country. Numerous federal policies and programs continue to be sustained chiefly by bureaucratic momentum, rather than their need or their effectiveness.

There is no better way to inject creativity and responsiveness into governmental bureaucracy than to attract employees who are willing to give a few years of genuine service to the needs of our country, rather than inadvertently rewarding those bureaucrats who best protect and advance their own lifelong careers.

III

A program to encourage the development of neighborhood-based governmental institutions

President Nixon's policy of New Federalism has sought to transfer some power from the federal government to state and local governments. Yet while state and local governments are physically closer to most of their citizens than is a Washington-based federal government, they are frequently as incapable in responding to the varied community needs of the citizenry. If we are to restore effective government to the American people, a much greater decentralization of governmental power will be required.

In the most humanly important ways, people function as members of neighborhoods rather than of cities or states. But the public life and needs of our neighborhoods carry no self-governing authority and responsibility. Therefore, it is essential that we develop a concerted policy of restoring political power to neighborhoods and their residents.

A neighborhood government policy would involve many steps including the definition of neighborhood boundaries, the incorporation of neighborhood organizations as public units of government, the democratic constitution of neighborhood government, and the potential sphere of neighborhood authority.

Neighborhood-based organizations such as community development corporations can play a great role in revitalizing run down central city neighborhoods. Neighborhood-based welfare systems in which recipients perform needed community services could replace the impersonal welfare systems that demoralize both recipients and taxpayers.

Several years ago a study of Washington's Shaw-Cardozo area revealed that the residents and businesses of this poor neighborhood paid out more in all forms of taxes than the dollar value of public services received. If this analysis is basically correct, then many of our communities have not benefited by the redistribution of wealth through our complex tax systems. Our communities do not suffer principally from lack of resources, but rather from lack of community control of tax revenues.

The plain truth is that most neighborhoods in America could be better off if they kept the major portion of taxes their citizens presently pay to the federal bureaucracy, and used their own taxes to provide essential socal services such as welfare, housing and health care through their neighborhood governments. The federal government would have the responsibility to assist in equalizing the wealth and resources available to neighborhoods and would supply subsidy grants to impoverished localities through certain means.

To begin this process, we would allow an individual to receive a federal tax credit, dollar for dollar, for all funds he contributes to a duly recognized neighborhood corporation for self-government. This could apply, for instance, for up to 80 per cent of an individual's federal income tax bill. I have drafted legislation based on these principles.

The plight of the poor and the disadvantaged must certainly be the concern of the federal government. But in the final sense, the relief for the dispossessed will come not through solely a bureaucratic program written and implemented in Washington, but through individuals, groups, neighborhoods and local communities that are given, and choose to take, the responsibility. Enabling and evoking this kind of responsibility at decentralized levels of political life is the most fundamental contribution the federal government can make toward the realization of human well-being for all our people.

The purpose is to allow political power, resources, and responsibility to be retained as directly and closely to the people as possible. Education, and police protection, as well as welfare, housing, and health care should all be placed as totally as possible under neighborhood control. To do so obviously means that the power and functions of larger units of local government, such as the machines of city mayors, should relinquish responsibilities to "neighborhood government." We must create such decentralized structures if the average citizen is to have a direct and meaningful opportunity for determining the institutions that affect his life and shape his future. The strategy and process of such a transition in governmental responsibility may present challenging problems. But ultimately, I believe there is no other way to overcome the dominant feeling of political lifelessness in America, and to restore genuine political power to our citizens.

IV

A national program to expand the ownership of private property and decentralize the American economy

In Jeffersonian thought of a healthy American democracy rested heavily upon the existence of a large number of small property owners and farmers. These Americans could stand up to government without fear of economic deprivation. Today with most of us dependent for financial survival upon wage or salary income and with government being a direct or indirect employer of millions, most Americans no longer can afford the luxury of offending officious bureaucrats.

Broadening the base of private property ownership will provide safeguards against governmental tyranny and also provide a positive alternative to the further centralization of the economy. Broad-based private property ownership will secure greater economic equity without the aggrandizement of state powers which most economic policies of the left entail.

Political decentralization must be accompanied by economic decentralization if our goal is to preserve human liberty and enhance human fulfillment. The larger individual economic institutions become, the more difficult it is to insure their accountability to the public. Massive economic conglomerates are prone to attempt to mold public policy, and manipulate government regulations to their own advantage.

Fundamental steps must be taken to accomplish the deconglomeration of the American economy. Then, in every possible way people must be offered a personal stake, or share, in our nation's economy. Today, the wealthiest 10 per cent of all American families receive 29 per cent of all income and hold 56 per cent of all wealth. The poorer 50 per cent of American families receive 23 per cent of all income, but hold only 3 per cent of all wealth. But the ultimate solution is not any simple scheme to distribute the wealth; rather, the fundamental challenge is to distribute the ownership and control over the accumulation of wealth.

Let me suggest some specific approaches to assist in the process of decentralizing the economy.

One proposal would open up opportunities for reviving the family farm by barring from farming any corporation involved in food processing, distribution, agricultural chemicals, and other farm-related activity, or any nonfarm business with assets of more than $3 million. Together with other legislation, a measure such as this Family Farm Act could reverse the rural-to-urban migration and restore the livability of our rural areas and small communities.

Another specific proposal for the encouragement of small businesses would be to make the first $25,000 of corporate profits tax free. I have introduced such a bill because I am convinced that small business is unjustly burdened by federal requirements and disadvantages that are contributing directly to its demise. Such a simple step could prove an enormous encouragement to small entrepreneurship in our country.

Beyond these other measures to reverse the pattern of corporate economic centralization must be considered. Such as basic changes in our corporate tax structure and the authority and applicability of anti-trust law. But these same principles should also be applied to the monopolistic practices of big labor which have contributed directly to economic centralization.

Finally, we should broaden the base of ownership in society by encouraging those plans which allow the sharing of corporate ownership among the workers and employees of a specific firm. Tax laws can and should be changed to facilitate employee stock ownership plans, profit-sharing plans, and similar initiatives. Developed fully, along with other measures designed to offer workers authentic participative management in their company, these steps can not only expand the base of ownership in society, but overcome the increasing alienation of the American worker.

V

A fundamentally new approach to simplify and reform our tax structure, insuring tax equity and fairness

The lack of confidence in our institutions is dramatized by the popular resentment in our tax system. It appears obvious to most Americans that the tax system is not fair. A Harris poll last year found that 69 per cent of the public had adopted attitudes characterized as a "tax revolt"—up from 43 per cent two years earlier.

From a one paragraph amendment to the Constitution, the income tax has emerged as a hydra-headed monster that now takes more than a 6-foot bookshelf to contain its laws and regulations.

People with income under $2,000 paid one-half of their income forms of taxes (federal, state, and local), as computed by the 1970 census; at the same time that one multimillionaire paid $500 and another paid $4,500 in federal income taxes, which is less than they make in one hour. The rest of us end up paying about 30 per cent of our income in all forms of taxes regardless of the income level despite the alleged progressive nature of the federal income tax.

We have tried reform through making the tax laws more complicated but only succeeded in the latter. It is now high time we aim for tax reform through simplification to achieve both.

We must move to a simple gross income tax system eliminating all deductions except the personal exemption. (This resembles state income tax laws in Indiana and Pennsylvania). This would mean more than 90% of our taxpayers could complete their form on a small computer card using only four lines: total income, gross tax, credit for personal exemptions, and net tax (or refund) due.

This "Simpliform" proposal for tax reform achieves the goals of equity and fairness. By closing all loopholes and moving toward the elimination of all deductions, Simpliform would double the present tax base to nearly a trillion dollars, and thus allow a halving of present tax rates with no reduction in revenue.

Although the elimination of deductions may seem to be an extreme idea that would result in a greater tax burden, it will actually mean that the great majority of citizens will pay less taxes. For example, a family of four earning $15,000 a year would pay only $1,250 (or 8.3 per cent) under Simpliform. Under the present system, the family taking the standard deduction would pay $1,930 in taxes (or 12.9 per cent). If the family took the average deductions now taken by half the families that itemize (the average amount for a family with a $15,000 income is $2,600), the tax would still be $1,688 (or 11.3 per cent). The family would still gain under Simpliform by some $418—worth a 25% tax reduction compared to present law. A further saving would result from the virtual elimination of costly, time-consuming tax preparation.

Those taxpayers with incomes below $20,000—85 per cent of all families—would gain by this new system, except for those in special circumstances. Only those with incomes of more than $25,000 would be likely to find themselves paying more taxes. But even millionaires would pay at no more than a rate of 50 per cent. This rate is substantially less than under the present system, but the current rates for the wealthy are diminished drastically in practice, far below 50 per cent by all the loopholes that are exploited by the financially sophisticated members of our society.

The wealthy even get a better break from the usual deductions also enjoyed by the average American taxpayer. In fact, under the present law the middle income American is really subsidizing the wealthy. The middle income American, say in the 20 per cent bracket, gets the benefit of 20 cents on the dollar for his property taxes, interest payments, or church contributions, while the wealthy can deduct up to $70 of a $100 ticket to a charity ball.

In addition, we must enact a Taxpayer's Bill of Rights to spell out clearly the procedural protections available to taxpayers involved in disputes, and to limit some of the arbitrary powers of the Internal Revenue Service. Most Americans cannot afford high priced attorneys to steer them through their disputes with IRS. There is a need to codify in language the average taxpayer can understand, the rights that are available to the taxpayer.

All these proposals could help fuel a movement toward a new political alternative future for America. Some of the suggestions I have made could be readily implemented. Others may seem highly desirable, yet years away from actual implementation. But the pressure for such genuine political options can begin to arrest the trend toward an Orwellian future, and restore the relevance and meaning to citizenship and political life in America.

THE TRAVEL AGENTS REGISTRATION ACT OF 1973

Mr. INOUYE. Mr. President, yesterday the Senate unanimously passed S. 2300. It would add a new title II, the Travel Agents Registration Act of 1973, to the International Travel Act of 1961 (22 U.S.C. 2121 et seq.). The bill would require persons engaged in the business of conducting a "travel agency"—a term defined in the bill—to secure registration certificates from the Secretary of Transportation, through the Director of a Bureau of Travel Agents Registration. That Bureau would be established in the Department of Transportation. The bill would also authorize the Director, with the advice of a Travel Agents Registration Board, appointed by the Secretary, to issue rules and regulations, including regulations concerning qualifications and financial responsibility of registered travel agents.

The Secretary, after appropriate hearing, would be empowered to suspend or revoke a previously issued certificate of registration if the registrant were found to have engaged in certain defined practices. Violation of any provision of the bill, or regulation adopted thereunder, is made cause for suspension or revocation of a registration certificate.

However, the bill provides that the Secretary, in lieu of the permitted administrative sanctions, may accept the assurance of the certificate holder that the prohibited conduct will be discontinued.

On or after January 1, 1974, no State or subdivision thereof shall adopt or enforce any law regulating, or setting any standards with interest to the activity of engaging in the business of conducting a travel agency.

Mr. President, recently the National Tourism Resources Review Commission submitted its report on the tourism needs and resources of the United States through 1980.

Everyone familiar with the report was impressed with its evaluation of the dimensions and potential of the tourism industry of our country.

We are a Nation of tourists, and as the quality of our lifestyle improves even more so will our desire and ability to travel.

It is imperative, therefore, that the public be able to rely on those engaged in the business of selling travel.

The overwhelming majority of travel agents are conscientious and dedicated. They offer the public a valuable service.

There are, unfortunately, an unscrupulous few who have caused hardship and financial loss to thousands of Americans over the past few years.

The legislation which the Senate passed is designed to protect the millions of touring Americans as well as the thousands of travel agents who serve them.

TRAINING HOSPITALS NEED HELP

Mr. DOMENICI. Mr. President, a matter has been brought to my attention—a matter of utmost importance which I think should also be brought to the attention of my colleagues. I am referring to the provisions in Public Law 92–603, section 227, which will affect the future of possibly all medical school hospitals in the country.

The Social Security Administration within the Department of Health, Education, and Welfare has proposed certain regulations in section 227 of the law which will go into effect unless changes are requested before October 17, 1973. As the proposed regulations stand, "teaching hospitals," where more than 50 percent of the patients pay the billed physicians' fees from public medical assistance programs, will lose substantial Federal reimbursements for services.

The result of such a proposal would have a most catastrophic effect on the whole health care system in our country. For example, I have been informed by Dr. Leonard M. Napolitano, dean of the School of Medicine, the University of New Mexico in Albuquerque, that his teaching hospital will probably lose at least $650,000 in the present fiscal year by virtue of having been suspended from medicaid payments for professional services from July 1, 1973. The University cannot turn to the already overrun State revenues as suggested by the administration, but would rather have to severely cut back their clinical staff—at the very real risk of losing accreditation.

Today, I have written the Commissioner of the Social Security Administration, Mr. James B. Cardwell, to urge his most serious reappraisal of these proposed regulations. I would hope that a serious review of those proposals would clearly indicate the fact that they do not represent the intent of Congress when passing Public Law 92–603. If there is no objection, my letter to Commissioner Cardwell will follow my remarks today.

Just for a moment I would like to emphasize the very real danger that is apparent in these regulations as they stand. We have spoken about "rippling effects" when discussing other measures before this body, but I know of no other more serious rippling effect than the one facing us now. University hospitals are the backbone of our doctor training programs. All patients are treated equally without regard to their source of medical payments. If these proposals were to go unchanged, if university hospitals have to seriously reduce their teaching staff and possibly lose their accreditation, just where will we train our young doctors? Where will patients get an equal chance at the best medical care possible?

We should not kid ourselves that other revenues will automatically be available to fill the vacuum left by the Federal reimbursements. Surely, it was not the intent of Congress when passing this law to abruptly cut such assistance to our teaching hospitals who have a high ratio of patients on Federal medical programs.

I most strongly suggest my colleagues become familiar with these regulations and their possible effect on their own State university hospitals. Perhaps, with a loud and persistent outcry, these regulations will be changed. We have been told changes are still possible. I do hope we will not let this opportunity pass unheeded.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there is occasional confusion as to which actions could be considered "genocide" under the terms of the Genocide Convention, article II of the convention states that—

> Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

The article then goes on to list killing, causing serious bodily or mental harm to members of the group, inflicting intolerable living conditions, forcibly transferring the children of the group of imposing measures intended to prevent births within the group.

The operative word in this article is "intent." Before any action meets the above definition, intent must be proven. As the 1973 report of the Committee on Foreign Relations pointed out:

> There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The committee wants to make it clear that under the terms of Article II none of these and similar actions is genocide unless the *intent* to destroy the group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how much to be deplored, are not outlawed per se by the Genocide Convention.

This interpretation is shared by the Department of State. In 1950, Dean Rusk, then Deputy Under Secretary of State, testified on this matter. I ask unanimous consent, Mr. President, that an excerpt of his remarks be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT OF DEAN RUSK, DEPUTY UNDER SECRETARY OF STATE, BEFORE THE GENOCIDE SUBCOMMITTEE, JANUARY 23, 1950—EXCERPT

Mr. RUSK. * * * Genocide, as defined in article II of the convention, consists of the commission of certain specified acts, such as killing or causing serious bodily harm to individuals who are members of a national, ethnical, racial, or religious group, with the intent to destroy that group. The legislative history of article II shows that the United Nations negotiators felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide, but rather that genocide meant the partial destruction of such a group *with the intent to destroy the entire group concerned.*

Senator MCMAHON. That is important. They must have the intent to destroy the entire group.

Mr. RUSK. That is correct.

Senator MCMAHON. In other words, an action leveled against one or two of a race or religion would not be, as understand it, the crime of genocide. They must have the intent to go through and kill them all.

Mr. RUSK. That is correct. This convention does not aim at the violent expression of prejudice which is directed against individual members of groups.

Senator LODGE. Is that the difference between genocide and homicide?

Mr. RUSK. That is the principal difference, yes. [Emphasis supplied.]

THE MIDEAST

Mr. ROTH. Mr. President, this past weekend Egyptian and Syrian troops in separate but carefully coordinated attacks across the Suez Canal and in the Golan Heights shattered the peace on the Jewish holy day of Yom Kippur and launched the fourth major war in the Middle East in the past quarter century. The whole world should condemn this shameful and foolish resort to violence.

I fully support our Government's call for an immediate U.N. Security Council action to end the bloodshed and restore peace along the cease-fire line prevailing before the Arab attacks. I was pleased to be a cosponsor of Senate Resolution 179, which passed on Monday, deploring the outbreak of hostilities and urging a return to the cease-fire lines.

A continuing cause of conflict in the Middle East is the failure of the Arab countries to recognize Israel's right to exist within stable and internationally recognized borders. It is a tragedy that while elsewhere in the world there is growing acceptance of long-standing facts of international life, such as the existence of the People's Republic of China and the division of Germany and Korea, the Egyptians and Syrians cling to the long discredited and thoroughly immoral idea that Israel can be thrown into the sea.

I also believe that a major share of the blame for the current attacks and the failure of negotiations over the past 6 years must rest with the Soviet Union which has built up the Arab countries militarily to the point where they felt capable of making the current attack. According to the figures in the recent report by the Arms Control and Disarmament Agency on the International Transfer of Conventional Arms, the U.S.S.R. has transfered $2.5 billion in military equipment to Syria and Egypt in the 1961 to 1971 period. During the same time, our transfers to Israel, made to maintain a balance of power in that area, amounted to less than $700 million.

I would hope that the U.S.S.R. would learn from the past. Their arms aid to the Arab countries have not brought them any tangible gains in the Middle East and represent a waste of economic resources that could be better put to use in agricultural production. Now is the time for the Soviets to show us that they really mean something by détente by joining us in trying to bring about a stop to the fighting in the Middle East and a start to genuine negotiations based on the reality that Israel is in the Middle East to stay.

NATIONAL FLOOD INSURANCE, FLOOD CONTROL PROJECTS OFFER LONG-TERM RELIEF FROM DISASTER

Mr. SYMINGTON. Mr. President, 22 years ago one of America's greatest painters sent every Member of Congress a lithograph which captures the depth of human suffering and misery that accompanies a devastating flood. Thomas Hart Benton drew the scene of a family returning to the remains of their home after the July 13, 1951, record flood in the Kaw River Basin above Kansas City. In that portrayal, Benton argued his case to the 82d Congress for legislation to help relieve flood victims of some of their hardships.

Last week, Pennsylvania Gov. Milton J. Shapp reminded us of the still-important message in the Benton painting as he appealed to Congress for a new national program of disaster insurance.

It seems this administration is still not willing to learn the lessons of history.

Earlier this year, floodwaters caused unprecedented damage in the Missouri-Mississippi River Basin. Thousands of Missouri residents lost their homes and their businesses. Only weeks later, flash flooding in southeast Missouri compounded this disaster.

In the aftermath, flood victims discovered a cruel inequality in the Government's disaster assistance programs. The administration followed existing legislation and offered generous 1-percent loans to businesses and homeowners who were struck by floods before April 20. When it came to the farmers, however, the administration abandoned the law and would not grant loan assistance until new legislation raised the interest rate to 5 percent for repairs and replacements to damaged crops and equipment.

Recent efforts to equalize these flood relief benefits and to extend the lower interest loans beyond April 20 were greeted with a Presidential veto. The effort to override that veto was unsuccessful and disaster victims will in all likelihood be eligible for only 5 percent loan assistance with no principal forgiveness.

Unfortunately the catastrophies will continue. Heavy rains last week in our State and Kansas have again carried the Missouri River over its banks and onto unharvested acres of soybeans, feed grains, and other crops.

Corps of Engineers officials estimate that nearly $60 million worth of damage has occurred along the Missouri River in the central part of the State. Another $11.5 million in damages was reported along the Osage River.

In Callaway County alone, 21,000 acres were flooded with damage estimated at $4 million. Along the Grand River, about 10,000 acres were flooded with damages estimated at $5 million. One farmer alone on the Missouri River at Boonville lost 2,300 acres of soybeans valued at approximately $414,000. After years of low farm prices, this farmer and many others were about to receive record high returns for their efforts. Now for many those anticipated returns have been washed away, and the many hours of work are lost.

We do not believe the present disaster assistance programs are adequate. We have seen that victims of catastrophies were able to obtain a new start with 1 percent loan assistance, but many could not afford to replace their losses with 5-percent loans.

It is not enough to again tell these citizens to apply for a 5 percent disaster assistance loan and let them wait another year to profit from their labors. We must provide a long-term program of disaster assistance and flood control programs which will offer some security and stability to those who suffer such great losses.

Each spring and fall we can anticipate additional losses from flooding in many of our States until we are able to bring these ravaging waters under control.

We must adopt a program of Federal disaster insurance that is available to everyone who wants to guard against the great economic losses which accompany natural catastrophies. Several proposals are now before the Congress and should receive the highest priority.

In the long run, the best hope for many Missourians is the completion of flood control projects which will diminish or prevent entirely the kind of disasters we have witnessed this year.

We have deferred for too long the construction of agricultural flood levees along the Missouri River. In the most recent flooding, 44 levee breaks have been reported along that waterway. All of these were non-Federal levees. The soybean farmer in the river bottoms spent nearly $12,000 in a last-minute effort to construct levees to protect his land, but his entire investment was lost.

We can begin now an effort to prevent future flooding over this valuable cropland. The Office of Management and Budget has begun its hearings for fiscal year 1975 programs. We are hopeful that OMB will include in this year's budget a request for the construction of adequate Federal levees along the Missouri River and its tributaries. And we can back up the work which must be done by those levees with an even stronger system of flood control reservoirs.

The property protected by existing reservoirs in this most recent flooding is testimony to their long-term effectiveness.

The Corps of Engineers reports that flood control projects in the Missouri and Kansas River Basins prevented $342 million in damages. "The lake projects stored excess floodwater and played a vital role in reducing flood heights," according to Kansas City District Engineer Col. W. R. Needham.

Three reservoir projects in Kansas prevented flood damages in excess of their total cost, Colonel Needham reported.

Tuttle Creek Lake on the Blue River north of Manhattan, Kans., filled to almost eight feet above its highest previous level. The $80 million project prevented $135 million in flood damages.

Perry Lake on the Delaware River north of Perry cost $47.8 million.

It is credited with preventing $64.5 million in damages. Milford Reservoir on the Republican River near Junction City rose 8.5 feet above its recorded high and prevented $49.7 million in flood damages—$1.5 million more than its cost.

We need to extend this record of demonstrated effectiveness to the yet uncompleted projects which could be important to preventing future flood damage in Missouri.

We firmly believe that many Missouri flood control projects now in the planning or construction stages will return far more than their initial investment in terms of the damage avoided and crops saved. Among these are the Truman Dam and Reservoir near Warsaw, and Smithville and Pattonsburg Lakes north of Kansas City.

In the past we have experienced difficulty in moving these projects forward when the corps was unable to show a high benefit to cost ratio. Even now the benefit to farmers in the Missouri River Basin is determined in part by the value of crops to be protected over the previous 5 years.

For many, those were years of low returns for farmers, and the value of flood control projects would be made higher if the cost-benefit ratios reflected increased crop earnings.

Clearly, after so many years of witnessing repeated devastation by flooding, we should be prepared to meet this challenge with adequate disaster insurance and continued funding for our long delayed Corps of Engineer programs.

The words with which Benton admonished the 82d Congress remind us yet today of the need for action:

> Forget the academics of precedent and get out a new bill which will relieve the human side of this rotting catastrophe.

Nearly a quarter of a century later, we have not fully heeded the challenge of those words.

Let us resolve now to provide the disaster insurance legislation and to appropriate the money for flood control projects which can relieve and someday prevent the toll inflicted by these tragedies.

I would ask unanimous consent to print in the RECORD the October 5, 1973, news release from the U.S. Army Corps of Engineers; also a list of 1975 flood control budget requests from the Mo-Ark Basins Flood Control and Conservation Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(News Release by U.S. Army Corps of Engineers)

RESERVOIRS PLAY IMPORTANT ROLE

Corps of Engineers operated flood control projects prevented $341,893,000 in flood damages due to recent heavy rains in Kansas, Col. W. R. Needham, Kansas City District Engineer for the Corps of Engineers, said today. The lake projects stored excess floodwater, playing a vital role in reducing flood heights in the Kansas and Missouri River Basins, the Colonel explained.

Reservoir control of floodwater reduced river stages 5.6 ft. at Topeka, 4.4 ft. at Manhattan, 4.9 ft. at Junction City and Ft. Riley, 6.7 ft. at Bonner Springs, 9 ft. at Wamego, 5.3 ft. at Salina and 3.9 ft. at Kansas City, Mo.

Three Corps lakes filled to their highest recorded level since being placed in operation, the Colonel stated. In doing so, the three lakes, Tuttle Creek on the Blue River north of Manhattan, Milford on the Republican River near Junction City, and Perry on the Delaware River north of Perry, prevented flood damages in excess of their total initial costs.

Tuttle Creek Lake filled to 1,102.09 mean sea level, almost 8 ft. above its highest level. The $80 million project prevented $133.5 million in flood damages. Rising 25.6 ft. above the normal pool operation level, the dam impounded 589,700 acre-feet of water or 128% more water than is held at the normal operating pool level. With only 30% of the flood pool filled, the dam is capable of holding back an additional one million acre-feet of water, raising the water level 34 ft.

Perry Lake, costing $47.8 million, is credited with preventing $64.5 million in damages. It rose 15.4 ft. above its normal operating level and almost 5 ft. above its recorded high. At this level, Perry held back 228,500 acre-feet, 91% more water than the normal operating pool. An additional 13.7 ft. of water could have been held in the lake, as only 43% of the flood control storage pool was filled.

Milford rose 14.7 ft., 8.5 ft. above its recorded high, to store 27,200 acre-feet of water and prevent $49.7 million in flood damages, $1.5 million more than its cost. The lake still had a capability of storing 17 ft. more floodwater or an additional half million acre-feet, since only 37% of the flood control pool was filled.

It is estimated Kanopolis Lake, on the Smoky Hill River west of Salina, Ks., prevented $6.3 million in flood damages. The lake rose 20.7 ft. above the normal operating level and held back 115,200 acre-feet or 178% more water than at normal pool level. The lake could have held an additional 24.3 ft. of water. Only 31% of the flood storage pool was filled.

Pomona Lake west of Ottawa is credited with preventing flood damages in excess of $1.7 million. The lake rose 10.7 ft. above normal operating level. At this level it held back 50,700 acre-feet or 71% more water than normal. With the flood storage pool only 29% full, the project was capable of storing an additional 18.3 ft. of floodwater.

The uncompleted Melvern Lake project, on the Marais des Cygnes River south of Topeka, is credited with preventing flood damages in excess of $2.4 million. The project is scheduled to be officially dedicated 15 June 1974.

Other flood control projects in the Kansas River Basin made similar contributions to prevent flood damages.

STATEMENT OF MR. HARRY MILLS

Presented to: Mr. Donald E. Crabill, Director, Natural Resources Program Division, Office of Management and Budget and Mr. John C. Sawhill, Associate Director of the Office of Management and Budget for Energy, Natural Resources, and Science, Washington, D.C.

OCTOBER 9, 1973.

We are here today to present requests for funding of the water resource projects in Eastern Kansas and Western Missouri for Fiscal Year 1975. Attached to my statement is a summary of these requests which were approved at the annual meeting of the Mo-Ark Association on September 14 in Kansas City.

Our appearance this year is most timely in view of the disastrous and in some instances, record floods sustained in Missouri this past Spring and summer, and in Kansas during the past few days. The suffering of the citizens and the tremendous economic loss have served to reinforce our determination to work more diligently for these projects that will minimize the consequences of excessive rainfall.

Last spring the President declared Missouri a flood disaster area and eligible for a variety of federal emergency disaster assistance. This is laudable and necessary, but wouldn't it be less costly and wasteful if the addition and completion of a few projects could reduce the need for such emergency aid.

We would call your attention specifically to the Harry S. Truman Dam and Reservoir in Western Missouri. Construction was started in 1964. We urge that funding be provided to the full capability of the Corps of Engineers and this project be completed on its current schedule.

We also call your attention to the Fort Scott Reservoir in Eastern Kansas. Planning has been completed for over 5 years on this important project and we hope you will provide the funds to start construction during this next fiscal year.

In the next few minutes you will be hearing from spokesmen for the projects in our area. We feel all are sound and merit your most careful consideration.

Respectfully submitted,

HARRY MILLS,

Immediate Past President Mo-Ark Basins Flood Control & Conservation Association.

REQUESTS BY MISSOURI-ARKANSAS FOR FUNDS TO BE INCLUDED IN THE PRESIDENT'S RECOMMENDED BUDGET FISCAL YEAR 1975, PRESENTED TO MR. JOHN C. SAWHILL AND MR. DON CRABILL, OFFICE OF MANAGEMENT AND BUDGET, OCTOBER 9, 1973—Continued

Corps of engineers projects	Reserve available for use in fiscal year 1974	Appropriations bill, fiscal year 1974	Requests by Missouri-Arkansas, fiscal year 1975
Kansas River Basin:			
Onaga Lake	$95,000	$200,000	$300,000
Grove Lake	137,000	[1] 227,000	[2] 1,000,000
Clinton Lake		7,800,000	12,000,000
Perry Lake (road improvements)	100,000	0	1,000,000
Lawrence local protection		900,000	2,000,000
Kansas City, Kans. levees		2,500,000	10,000,000
Kansas River navigation			[1] 100,000
Marais Des Cygnes–Osage basins:			
Hillsdale Lake	516,000	[2] 1,000,000	10,000,000
Fort Scott Lake			2,000,000
Truman Dam and reservoir		27,500,000	50,000,000
Pattonsburg Lake (I–35 highway crossing)		$500,000	$5,000,000
Pattonsburg Lake			[1] 300,000
Long Branch Lake	$425,000	1,200,000	5,000,000
Smithville Lake	430,000	4,000,000	10,000,000
Mercer Lake	115,000	50,000	50,000
Brookfield Lake	125,000		50,000
Arkansas River Basin:			
Cedar Point Lake	140,000	80,000	250,000
Big Hill Lake		500,000	1,500,000
Missouri River Basin:			
Missouri River channel improvements, Sioux City to mouth		$3,000,000	$10,000,000
Missouri River levees, Rulo to mouth	$300,000		5,000,000
Metro region, Kansas City, Missouri, and Kansas		250,000	1,000,000
Little Blue River Channel, Mo	100,000	[2] 845,000	5,000,000
Little Blue River lakes, Mo		2,500,000	10,000,000
Indian and Tomahawk Lakes			[1,3] 1,000,000
Wolfe-Coffee Lake	53,000	[1] 120,000	[1] 500,000
Mill Lake			50,000
Blue River Channel, Kansas City, Mo	40,000	[1] 15,000	[1] 500,000
El Dorado Lake		$2,000,000	$5,000,000
El Dorado local protection		50,000	100,000
Great Bend	$186,000		50,000
Arkansas River, Great Bend to Tulsa			400,000
Towanda Lake			100,000
Douglass Lake			100,000
Winfield local protection	40,000		100,000
Marion local protection		[1] 70,000	[1] 100,000

[1] Planning.
[2] Construction.
[3] Land acquisition.

ENERGY VERSUS THE ENVIRONMENT

Mr. PACKWOOD. Mr. President, I wish to call to the attention of fellow Senators a letter from EPA Administrator, Russell Train, which appeared in the Washington Star-News October 10. Mr. Train very succinctly addresses a recurring issue of concern, that of energy versus the environment. While we must give all due consideration to our energy needs, this must not be done at the expense of our environment, nor need it be. Our pursuit of a sound energy policy can and should continue, and, at the same time, must not be made mutually exclusive of sound environmental policy. Although it would be easy to listen to the simplistic call to abandon environmental concerns in favor of unconstrained energy production, we cannot afford to take this route.

Every American, industry, government, and individual consumer alike must take part in pursuing sound energy conservation measures in conjunction with exploring alternative energy sources such as geothermal, fusion, and solar energy potentials in order that our present energy technologies might be developed to the optimum. I hope that my colleagues will agree that the EPA policy pronounced by Russell Train is one which should be encouraged and one in which we should all actively participate.

Mr. President, I ask unanimous consent that Mr. Train's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL CRAZE?

SIR. In a recent column Richard Wilson accused the nation's "environmental craze" of paralyzing development of future energy sources. He implied the same "craze" may be responsible for a winter heating crisis and a power shortage.

While I share Wilson's concern about the orderly development of the nation's energy sources, I must strongly disagree with a number of his conclusions.

He stated, for instance, that "environmental objection has blocked conventional steam and hydroelectric plants." As of February of this year, 229 new plants were under construction. While most of these plants were behind schedule, the delays have been due primarily to construction and labor problems not environmental factors. Furthermore, there has been no standstill in oil refinery construction. On the contrary, existing facilities have been expanded in many cases.

Wilson contends automobile emission controls will cost an additional $500 per car. His estimate is approximately 40 percent high and emission controls on 1973 models consume less gas than air conditioning.

More important, anti-pollution devices on 1975 models actually will return mileage to the approximate levels obtained before the imposition of controls.

Nor can past and projected short-term energy shortages be blamed upon environmental factors. They have been basically economic in nature. Another important factor which Mr. Wilson overlooked is energy conservation, which must now become a way of life for Americans whether we like it or not. It is possible, however, to reduce substantially the growth rate of energy demands without drastic changes in our lifestyle and economic disruptions.

What Wilson really is telling us is that environmental considerations have become an integral part of our nation's business. This is as it should be. It is precisely why the Congress enacted the National Environmental Policy Act and it is precisely why President Nixon and the Congress established EPA.

Neither EPA nor the environmentalists are anti-energy or anti-progress. EPA considers energy needs carefully in environmental decisions, except where the law expressly forbids such flexibility. Our agency's position should be quite clear: it is possible to meet the nation's long-term energy needs and protect the environment at the same time.

RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency.

PUBLIC INTEREST BEST SERVED BY PUBLIC FINANCE OF ELECTION CAMPAIGNS

Mr. CRANSTON. Mr. President, one of the vital issues facing our Nation is reform of financing political campaigns.

Watergate is only the latest demonstration of this long overdue need.

We desperately need to cleanse elections of the corrupting curse of huge private contributions.

I have introduced a Clean Elections Financing Act (S. 2417) to limit an individual's private contribution to any one candidate in a Federal election to $250.

It would also increase public financing of political campaigns by providing Treasury funds through an income tax checkoff system of $2 per taxpayer.

I want to emphasize this would not mean a tax increase. It would merely take $2 of an individual's income tax—which he would have to pay anyway—and earmark it for a specific purpose. In this case, a special fund to help defray election campaign costs.

Many persons have asked:

I already have to pay for your office through tax dollars. Why must I now pay for your political campaign?

My response to that question is this:

It's not my election, it's yours.

No one would advocate that a public official solicit private contributions to pay his salary and office expenses. That would be unthinkable.

But how a man is elected to office is just as important as how he acts after he gets into office. You, the individual citizen and taxpayer, will be much better served by public officials who are elected with the help of your money, rather than the money of a few wealthy individuals or special interest groups.

You must help us get away from the present system that all too often threatens to turn our electoral process over to the highest bidders.

The American people will not have a truly repersentative government as long as powerful special interests are free to pour millions of dollars into political campaigns.

Big money helps put those in office who tend to put special interests before public interests. The only way to clean up the political process—to cure the body politic and remove the insidious influence big money has on our democracy—is to provide substantial financial support for elections from public funds.

America needs a system for encouraging large numbers of small contributions from millions of citizens. But America also will need to supplement these small private contributions with sufficient public funds so lesser-known challengers can have a fair chance in races against incumbents in office.

Corrupt politics is costing you billions of dollars through unwise subsidies, tax loopholes and other special favors that are often voted into law.

A fairer tax system alone would mean more to the average taxpayer in hard cash than the contribution he would make toward cleaner political campaigns.

NO-GROWTH LEGISLATION

Mr. DOMENICI. Mr. President, I would like at this time to call the attention of my colleagues to the keynote address given by EPA Administrator Russell E. Train at the National Forum on Growth With Environmental Quality held in Tulsa, Okla., on September 24, 1973.

In his keynote address Mr. Train states his view, which I share, that no-growth legislation represents a rigid response to past failures to insure desirable growth, and should be avoided. I further agree with Mr. Train that growth must be measured in terms of social values, and that this measurement can be correct only if private citizens are able to participate confidently and meaningfully in the decisionmaking processes at all levels of Government.

Mr. President, I ask unanimous consent that Mr. Train's address be printed in the RECORD for earnest consideration by this body.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY RUSSELL E. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

I appreciate the opportunity to meet with you here in Tulsa on the occasion of this National Forum on Growth with Environmental Quality. The issue has vital implications for our own nation and for the world.

It was almost a year and a half ago that I spoke at Stillwater and called for a national debate on growth. I had hardly returned to Washington from that speech when my good friend, Senator Bellmon, was on the phone saying: "We have accepted your challenge for a national debate" and went on to tell me about the initial plans for this conference. As a result, I am not only particularly gratified for your leadership in bringing this conference together, but I feel a sense of personal involvement in its success.

While this is truly a "national" conference, the fact that it is being held here in Oklahoma inevitably provides a somewhat different perspective to our view of the growth issue than if we were meeting in either New York or Los Angeles. And this is good. It is important that we recognize the wide diversity of values and concerns that are involved. The one thing we should avoid are dogmatic, categorical approaches. We are in a period of evolution of values, and we should both respect and encourage wide diversity of views. Different social and economic groups will inevitably have different perceptions of the costs and benefits of different kinds of growth—or the lack of it. Different geographic areas will likewise differ in their perceptions of these questions. Again, this is as it should be. Beware of insistent voices that tell us categorically what our values should be. Let us adhere firmly to our own values and never hesitate to speak up for them. But let us also be tolerant and understanding of the values of others. They just might be right!

Above all, we need openness of communication on the growth issue and opportunities, such as you are providing here, for a free and honest exchange. This conference can help set both the direction and the tone of such a national dialogue.

Duing the last four years this Nation has begun a broad, concerted and conscientious effort to clean up its environment. We have moved swiftly to reduce air and water pollution, control pesticides, abate noise, dispose of solid waste, protect wildlife and regulate ocean dumping. We have given strong leadership to international cooperation in some of these same areas. Most of these are relatively simple, preliminary tasks where the objective is not inherently controversial. After all, cleaning up our pollution and managing our wastes is mostly just plain good housekeeping.

The subject of this conference, however, is an entirely different matter. Growth has been associated for over a hundred years with prosperity, expanding opportunity and social progress. It has produced so many benefits, both apparent and real, that for a long time it was as unquestioned as gravity itself.

But throughout the developed world—particularly in Japan, Western Europe and the United States—that attitude is fading fast. Many are beginning to ask whether we should continue to regard growth—of population, of technology, of affluence—as the primary measure of progress. Stated simply, *is more necessarily better?*

Of course, this is a question which has no useful answer unless we can also ask: "*More of what?*" This is just another way of suggesting that the question of growth is not one of absolutes—are we for or against growth? The really meaningful questions go to the kinds and the directions of growth, or, indeed, to the rates of growth.

In the broad sense, concern over the growth issue is closely related to concern over the quality of life, and I am convinced that this issue is emerging as the issue for the rest of the century. Our society is at a juncture where traditional assumptions are being tested by new aspirations, new priorities, and new values. That is why we are here today.

The fact is that growth issues are being hotly debated all across the country, not in abstract, theoretical terms, but in the context of real life concerns—energy needs, environmental protection, land use regulation, etc. And it is in such terms that the issue really comes to life. It seems to me that questions of growth—both how much and what kind—can only be addressed practically within the context of a value system. Thus, the question of whether we should have more or less highways can only be addressed usefully in relation to the values we attach to mobility, landscape impacts, traffic congestion, pollution, etc. And the way we perceive and apply such values must usually be in the framework of actual choices among real alternatives, not as an abstraction.

Again, in the energy field, there is no useful way to address the question of whether to have more or less energy except in terms of the positive and negative value impacts of the various choices. Thus, as our society has come to attach a steadily higher value to clean, healthy air, it has imposed steadily higher controls on sulfur ovide emissions from fossil fuel power generation. Obviouly, such controls—and the underlying values—have important implications for growth, in terms of power plant location and investment patterns.

Our society is addressing growth questions daily both locally and nationally, in our homes and communities as well as in the Congress and Federal agencies. Transportation control plans proposed by the Environmental Protection Agency are a case in point. Growing land use controls, both at the community and State level, are another. Both reflect the new priorities and new values which are rapidly evolving within our society.

It is important, I think, to emphasize the evolutionary nature of these changes in national priorities. They are real but there is still no necessary national concensus on many of the growth issues—both because there is still considerable uncertainty over what it is we really want, and because our newer values have not yet been fully tested in the crucible of hard choice. We are rapidly entering the period of such testing.

For example, I think it fair to say that there is a national concensus in favor of clean air. There is really no argument over the overall objective of air quality. At the same time, when transportation control plans for urban areas are proposed in order to meet the primary, health related, ambient air quality standards by 1975 and those plans call for drastic reductions in automobile driving, there may be a real howl. Plainly, in such cases, the value of clean air has run head-on into the value of personal transportation freedom—or at least sideswiped it! It is also instructive to note that the howl tends to vary in intensity, in different parts of the country—once again attesting to the diversity of value perceptions.

I see the democratic, political process as a critical element in the way we deal with growth questions. Societal values cannot be altered by fiat but only through a complex, evolutionary process of social interaction. This fact underlines the critical importance of fully involving our citizens in decisionmaking in this area.

Once again, I would emphasize that what we are dealing with are choices, which should be based upon a careful analysis of the costs and benefits involved and influenced by value judgments. The economic cost of sprawl and other forms of poor development are usually very real.

In this connection, a growing phenomenon around the country is the local "no-growth" or "controlled-growth" ordinance which, through a variety of mechanisms, seeks to put a lid on further growth. As you know, such ordinances are coming under strong attack in the courts and the legal issues are still to be resolved.

To one way of looking at such ordinances, they represent a sort of absolutist, all-or-nothing response to a complex problem, involving the very kind of rigidity which we should avoid in dealing with social values. On the other hand, such community responses are arising, in my view, for the very reason that land use planning and regulation in this country as a whole have not been the subject of an orderly process which has afforded anything approaching true choice. What many communities have experienced is controlled, undirected growth, without plan or purpose, a process in which permanent choices are made without community involvement. In the absence of a more rational process, it is small wonder that many communities are simply shouting: "Stop!" This is one reason, in my opinion, that it is so important that Congress complete action soon on national land use policy legislation. It is essential that we develop rapidly at the State and local level orderly and effective mechanisms for making rational land use choices.

I was asked just the other day whether I was for or against off-shore oil development, deep water ports, and similar facilities. The answer, of course, is that there are certain places where we should never push them down the throats of communities which are adamantly opposed. At the same time, there are places where such development can be undertaken and in ways which will do minimal harm to environmental and community values and also provide substantial benefits to our society. It is a matter of careful analysis of costs and benefits, and of the trade-offs. Once again, it is basically a matter of making rational, orderly choices.

Public opposition to such development is sometimes described as emotional and unreasoning. The fact is that we have seldom presented the public with any rational process for participating in the choices involved. As in the cases of uncontrolled, willy-nilly community growth, these kinds of development have just seemed to happen and the public has been confronted with decisions that have already been made. If we are to avoid emotional responses, then I think it plain that we must develop institutions and processes that provide truly effective means for public participation and choice.

Power plant and refinery siting are other cases in point. Some feel that public participation in such matters can only lead to delay. However, these individuals tend to be the same ones who describe public response in such cases as emotional. We can't have it both ways. We need orderly process for making choices, not confrontation. For these reasons, like national land use legislation, we need power plant siting legislation at an early date.

Overall, we need to create a sense of public confidence in the ability of the private citizen to influence the process of decision-making, to bring about meaningful change within the framework of our institutions. The National Environmental Policy Act provides a major reform in this direction. The Act's provision for environmental impact statements is essentially a full disclosure requirement. To an extent unprecedented in our history, government plans are made available *in advance* for public examination and comment. Whatever inconvenience and discomfort this process may occasionally cause government, these are far outweighed in my opinion by the inherent value of public involvement in decision-making. Environmental programs and concerns touch almost every facet of our life. They provide a major opportunity to build a new confidence in the process of government and to bring a new sense of responsibility to our citizens—both individual and corporation—in the whole business of public decision-making. I might add that the impact statement requirement applies to EPA's major determinant of growth patterns. I am determined that EPA do a better job than we have in the past in preparing such statements.

As we daily face the increasing reality of our energy problems, the interrelationships between energy and the environment are very apparent. As we know, almost all forms of energy available to us at this time involve environmental costs of various kinds. Oil involves such costs at the point of production, transportation, and then at the point of use through emissions. Coal involves such costs particularly from the effects of strip mining and the emissions of sulfur oxides and particulates when converted into energy. Nuclear power involves both radiation and safety concerns at various points in the cycle, from fuel production to power production to waste disposal. This is hardly an exhaustive analysis but enough to indicate that the choices are not black and white, but involve careful identification of costs and benefits and of the trade-offs involved. A recent report of the Council on Environmental Quality analyzes the comparative environmental costs of different electric energy systems.

In the long run, I am confident that new technology will give us clean, abundant energy relatively free of the environmental costs we now associate with it. Of course, I suspect that such an abundance of clean energy might well give rise to an unconstrained growth that could carry with it a new range of environmental and social costs. As we develop such new technologies, we should carefully assess their impacts and develop the institutions for dealing with them. The availability of relatively unlimited energy would create a strong imperative for comprehensive and effective land use controls.

In the shorter run, we cannot avoid entirely the environmental costs of energy production and use—but we can minimize them. One of the important opportunities is to conserve energy. The President has called for a new national energy conservation ethic. All of us, in government and in the private sector, should work to give effect to this policy. This is not a matter of curtailing growth. What is really involved is the cutting down on wasteful uses of energy so that it can be applied in more useful and creative ways. Surely, the insulation of a home to prevent heat loss is not "anti-growth!"

Likewise, we must move aggressively to install the technologies and establish the institutions which will reduce the environmental costs of our current energy production and use—effective regulation of strip mining, stack gas scrubbing technology, desulfurization of fuels, auto emission controls, etc. The costs of such pollution abatement are certainly not insubstantial. However, the value of the benefits to be derived far outweigh those costs, and it is in our national interest to get on with this job as rapidly as possible.

As you know, I have been concerned that we not permit our environmental priorities to become the whipping boy for our energy problems. Environmental considerations are a part of our energy difficulties but only a part. Other factors include: poor planning by both government and industry, oil import quotas, price regulation, gas curtailment, international considerations, and failure to make adequate investments for research in new energy sources and technologies. Hopefully, we are making major improvements in these areas. It will ill-serve our real energy needs, if we permit them to distract us from effective action to meet our equally real environmental needs. The environmental problems associated with energy production will not be made to go away by weakening or slowing our commitment to their solution. They will only be solved as we make the investments, do the research, and install the technologies required.

We have all heard it suggested that environmental programs will stop or slow down economic growth. Just the opposite is the case. It is pollution—not its control—that limits growth. The American people will not and cannot tolerate unrestrained activities that adversely affect the public health and welfare. Thus, the truth of the matter is that the real anti-growth forces—however unwittingly—are those who oppose environmental progress.

This point has, I believe, profound implications for any consideration of the interrelationships between growth and environmental quality. The sooner we minimize or eliminate adverse environmental effects, the sooner this country can direct its energies positively and creatively.

There are a number of specific growth issues to which I would hope this conference will devote attention. Let me touch briefly on some of these.

We must develop better measurements of social progress and quality of life than we now have. The much-maligned GNP was never designed for such a purpose and is grossly inadequate to the job.

We need to do far more research on the economic aspects of growth questions, including studies of the economic and other impacts of reduced rates of population growth and of a stable population.

We need to develop institutions in both the public and private sectors to address growth issues. In the Federal Government, we need a focal point for the identification and analysis of long-range trends and their implications for the quality of life. The Council on Environmental Quality would represent an appropriate institution for such a task.

We need to address the global implications of growth issues and open an active dialogue with other nations and regions, both developed and developing. World population trends, agricultural production, and resource utilization must be examined in their totality. We should give some thought to the intense pressures that growing world demand for food will place on our own agriculture, and the stresses on our own environment that will thereby result. We cannot disassociate ourselves on growth issues from the rest of the world.

Finally, we need both individually and as a society to develop a clearer vision of what kind of world it is that we really want. In its absence, the hard choices may only lead to confusion. We need greater certainty as to the values we believe in because from such confidence will come the strength of purpose that will direct growth to the ultimate service of the quality of life.

INFLATION WORKS HARDSHIP ON AMERICAN FAMILIES

Mr. SYMINGTON. Mr. President, I recently received a letter from a woman in Fenton, Mo., which demonstrates the sad and unfortunate effects of inflation on many American families.

This lady wrote that the cost of living has now risen to a point where her family can no longer afford their mortgage payments; and therefore must sell their home.

The letter of my constituent describes graphically what continuing price increases mean to many individuals.

I ask unanimous consent that the contents of the letter in question be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 7, 1973.

Dear Senator Symington: I'm writing this letter to ask you to please help the people in America who are trying to raise a family.

Three years ago we bought a very modest home. We took payments of $181.00 a month. With careful planning we could make the payments. But then prices started soaring and our income didn't. So today we had to put our home up for sale. We are going to be moving in with my husband's sister who is facing the same problem. Together maybe we will be able to feed and clothe our children. So please try to help us. We and millions of other Americans need help now.

WAR POWERS BILL A LANDMARK MEASURE

Mr. SCHWEIKER. Mr. President, the House of Representatives today has followed the Senate's lead by passing the conference report on a landmark measure—the war powers bill. During the original Senate debate, and again during consideration of the Senate-House conference report on the bill, I have voted for the strongest possible war powers bill. The measure represents the intention of the Congress to return the constitutional power to declare war to the people—through their elected representatives in Congress—and to end the dangerous constitutional imbalance which has developed in the relationship between the executive and legislative branches of our Government.

The War Powers Act, which I have been proud to cosponsor in both the 92d and 93d Congresses, is a thoughtful and responsible attempt to return to Congress the war powers bestowed upon it by our

Founding Fathers. The framers of the Constitution were quite precise in their definition of warmaking powers. The President would have the power to declare war to repel sudden attacks. The Congress would have the authority to initiate war and to give the President the authority, as Commander in Chief, to respond to an emergency and to command the Armed Forces once a conflict is underway. In short, Congress has the authority to initiate war and the President has the authority to conduct it.

The purpose of the bill, therefore, is to reconfirm and define the constitutional authorities of the President and Congress with respect to "undeclared" wars. It does not intend to undermine the ability of the President to respond to emergency situations.

As has become tragically self-evident, the balance of power so carefully defined by our Founding Fathers has gradually eroded to the point where this Nation has engaged in two "undeclared" wars in the last 20 years. Two generations of American husbands and sons gave their lives in the Korean and Vietnam conflicts, and in neither instance did the people—through their elected representatives—assent to the commitment of U.S. military forces.

As a Senator who supported each and every congressional attempt to end U.S. military involvement in Southeast Asia, I view the war powers bill as an effective means of eliminating future Koreas and Vietnams. The War Powers Act would assure that any future decision to commit the United States to any warmaking must be shared by Congress to be lawful.

As agreed upon by the joint Senate-House conference committee, the war powers bill requires that the constitutional powers of the President to commit U.S. forces are to be exercised only if Congress declares war or if there is an attack on the United States, its troops or its territories. If the President sends troops into combat without a congressional declaration, he must notify Congress within 48 hours. He must withdraw those troops within 60 days unless a majority of both the Senate and House approve a continuation of the commitment.

The initial 60-day period can be extended to 90 days if there is an "unavoidable military necessity respecting the safety of the U.S. Armed Forces." However, if Congress wishes to end the hostilities before the 60- or 90-day deadlines have been reached, it can order the President to cease by concurrent resolutions, which does not require a Presidential signature and cannot be vetoed.

Mr. President, the United States can no longer afford to be the world's policeman. International political problems are too complex for us to overextend ourselves by trying to put out everyone's fires around the globe. Our own strategic interests must be considered first and foremost.

The Vietnam war divided our country partly because it was never given the moral sanction of the American people. Congress must share the responsibility for international conflict with the Executive, and the war powers bill is a dramatic step forward to restoring this collective accountability.

I am hopeful that this measure will be signed into law and, thereafter, serve as an important check to help avoid future Vietnams.

AND NOW, LET A KIND WORD BE SPOKEN

Mr. HUGHES. Mr. President, it is my privilege to join with two distinguished colleagues, Senator McGovern and Senator Clark, in paying tribute to one of the most remarkable individuals I have ever known, Maurice A. TePaske, on the occasion of his retirement from the office of mayor of Sioux Center, Iowa, after 34 years of continuous service.

I have known Maurice TePaske for many years. We come from the same part of the State and in that region of northwest Iowa, he has, for decades, been a living legend of public service and of civic and spiritual leadership.

Too often we are given the impression that the small rural communities of America are drab, unimaginative, down-at-the-heels places where little exciting ever happens and progress is a forgotten word. Along with numerous other small communities in Iowa, Sioux Center is the contradiction of this widely held image. It is a thriving community of beautiful churches and schools, and well-kept homes, with the best in utilities and other public services, libraries, recreational facilities, and boulevard-wide paved streets throughout the community that would be the envy of many metropolitan centers. The people are thrifty, industrious, church-going folks, largely of Dutch extraction, who, along with their rural neighbors of the area, enjoy the amenities provided by good local government and community leadership. All this, of course, did not just happen and at the forefront of the reasons it came about this way is the untiring dedication to the community, through the years, of Maurice TePaske. Sioux Center has become a prototype of the best in small rural American communities where gracious living and civic progress go hand in hand.

Choosing to remain in his home community and to make it ever a better place in which to live, Mayor TePaske has projected his image from this sturdy local base to State and National levels. He is a national leader of the Reformed Church of America, a nationally recognized attorney, a small-town mayor whose voice is heard in the National League of Cities, a ranking spokesman for municipal utilities, a long-time political leader, a strong influence for rural-urban harmony.

Those who hear Maurice TePaske speak from a public platform do not forget his fiery eloquence. He quotes the Bible and Shakespeare with unerring aptness, in the old style, and at the same time keeps his mind sharply tuned to new ideas and modern thinking. Although he sets stern goals and moral standards for himself, he is a man of compassion and forgiveness and an inveterate worker for peace and conciliation.

Maurice is retiring from the office of mayor but no one who knows him will be deluded into believing that he is retiring from public service. He will devote more time to his lovely family, no doubt, and this is a well-earned reward for a devoted family man. But also, I know he will be moving on to other areas of spiritual leadership and of service to his fellow human beings. For this man from the land of the feed grains and the beef cattle is driven like a prophet of old to preach the gospel of honest government, quality life, and high moral purpose for America.

It is revealing of Maurice TePaske's character that for years he has kept on the wall of his office a plaque bearing a quotation he had often heard from his mother, who, by the way, was an attorney like husband and son. The quotation reads, as I recall it:

> * * * and now, let a kind word be spoken.

Mr. President, among the many tributes paid to Mayor TePaske following his announcement of his intended retirement, one of the best is an editorial in the Sioux City Journal of September 24, 1973. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Sioux Center's Mayor

Sioux City, and indeed all of Iowa, joins Sioux Center in regretting the decision of a dynamic leader to step down after 34 years as mayor of that thriving Northwest Iowa community. But Maurice TePaske can be counted upon to continue energetic stewardship in a wide array of good causes.

The nationally recognized attorney holds two firsts in the mayoralty field. When he took office in 1940 he was the youngest mayor in Iowa. His 34 years in that office currently gives him the record for the longest period in that post.

In those 34 years, Mayor TePaske was opposed but once, attesting to the broad popularity base he enjoys.

The mayor's late father, also an attorney, served in the same Sioux Center office for 16 years.

Credentials in the civil, religious and political contributions of Mayor TePaske are extensive indeed, too extensive for elaboration. As an active member of the First Reformed Church of Sioux Center, he currently is serving his second six-year term on the executive committee of the General Synod of the Reformed Church of America. Other national posts include boards of the National Council of Christian Churches and Pine Rest Hospital, Grand Rapids, Mich. Regionally, there was the board of the Missouri Basin Municipal Power Agency.

With a full agenda of community and area Indian assignments to his credit the Sioux Center Mayor's contribution to state growth and planning also is outstanding, and has won him the respect and admiration of Iowa's mayors.

Mayor TePaske's visits to Sioux City are remembered well, for he is a sincere and dynamic speaker and crusader.

His dedication and desire to serve can best be exemplified by his own words in explaining why he decided to run for mayor at the young age of 24: "I figured if I were going to live here the rest of my life, I should help make Sioux Center the best possible place to live."

THE FIRE PREVENTION AND CONTROL ACT OF 1973

Mr. BEALL. Mr. President, on October 11, 1973, the Committee on Commerce ordered reported S. 1769, the Fire Prevention and Control Act of 1973. This action is especially fitting in light of the fact that this is National Fire Prevention Week. National Fire Prevention Week was established to focus attention on the senseless destruction and hardship caused by fire which befall many Americans each year.

The current phase of the effort to mobilize Federal resources in the cause of fire prevention and control began with the enactment of the Fire Research and Safety Act of 1968. Under the provisions of this act, the President established the 20-member National Commission on Fire Prevention and Control. In addition to the 18 public members appointed by the President, the Secretaries of Commerce and Housing and Urban Development served in an ex officio capacity. There were four congressional advisory members, two appointed by the Speaker of the House and two appointed by the President of the Senate. The distinguished chairman of the Senate Commerce Committee (Mr. Magnuson) and the senior Senator from Alaska (Mr. Stevens) represented this body on the Commission.

The mandate of the Commission was to undertake a comprehensive study designed to determine effective measures for reducing destructive fires in this Nation. On May 4, 1973, Richard E. Bland, Chairman of the National Commission on Fire Prevention and Control, transmitted the final report entitled "America Burning" to the President, S. 1769, the legislative proposals that were developed as a result of the Commission report, was introduced on May 9, 1973, by Senator Magnuson. It has subsequently been cosponsored by 18 Senators, myself included. Full Commerce Committee hearings were held on September 24 and 26; and it was my pleasure to chair the second day of hearings. Work on the bill was completed in two executive sessions, October 9 and 11, and the legislation will soon be ready for action by the Senate.

Mr. President, I am pleased, as a cosponsor and strong supporter of S. 1769 to note that this very positive action on the part of the Senate Commerce Committee clears the way for prompt Senate action on a bill that promises to reduce the unbelievable damage done each year by destructive fires in the United States. Even if the Fire Prevention and Control Act is only moderately successful in its objective of reducing our Nation's annual losses in destructive fires, it will more than pay for itself. I expressed my views in greater detail, relative to this matter, during my opening statement at the Commerce Committee hearings on September 26, 1973. I ask, Mr. President, unanimous consent that the text of my statement be printed in the Record at the conclusion of my remarks along with a title-by-title summary of the Federal Fire Prevention and Control Act of 1973, as it was reported from the Commerce Committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement by Senator J. Glenn Beall, Jr.

It is a pleasure for me, as a cosponsor and strong supporter of the Fire Prevention and Control Act of 1973, to chair the 2nd day of hearings before the Senate Commerce Committee on this legislation.

There is an old adage that goes "When your neighbor is unemployed, it is a recession—when you are unemployed, it is a depression." Something of the same rationale summarizes the way each of us feel regarding fire hazards. If most of us think about the fire danger at all, it is probably when (a) fire touches us or our friends or loved ones, (b) when there is a fire in our neighborhood, and (c) when we make the annual payment on our fire insurance policy. In spite of the horrendous losses in terms of the needless loss of life, the almost unspeakable injuries, and the extensive destruction of property; we have still not made the type of national commitment that is needed to begin curbing this menace. While this hearing is in progress, between 600 and 900 destructive fires will occur somewhere in the United States. Between $600,000 and $900,000 worth of property will have been destroyed, 2 to 3 people will have died, and between 68 and 102 people will have been injured.

On an annual basis, nearly 12,000 Americans will lose their lives in 1973. An additional 300,000 Americans will be injured and 1 out of 6 of these (50,000) will be hospitalized for a period ranging from 6 weeks to 2 years. The more seriously burned may be disfigured and/or disabled for life in spite of advances in corrective and plastic surgery. At least $11.4 billion worth of property will be destroyed this year, and we are unable to accurately calculate the additional losses that occur from lost jobs and interrupted business activity. The United States has the dubious distinction of leading the industrialized world in fire death and property loss per capita. The United States sustains 57.1 deaths per million people which is nearly twice that of second place Canada (29.7 deaths per million).

We should also note that our Nation's 2.2 million fire fighters are engaged in the most hazardous profession of all. Their death rate is at least 15 percent greater than that of the next most hazardous occupation, mining and quarrying. Fire fighting is probably always going to be an especially hazardous profession. What is needed is a concerted national effort to promote programs of fire prevention and to mobilize the technological resources of this nation to improve our ability to combat fires. Such programs would greatly contribute to the safety of our fire fighters.

S. 1769 represents an important step in focusing and mobilizing the resources of the Federal Government on the problem of fire prevention and fire control. The United States Fire Administration would have the primary responsibility for developing and coordinating federal programs in this area. The Administration would contain a National Fire Academy which would facilitate the training of fire fighting personnel, a National Fire Data System which would give us a better and more accurate scientific evaluation of fire damage in this country, a research and development division which would address itself to the need to develop new methods and new technology in the field of fire prevention and control, and a program for state and local grants which would encourage the development of comprehensive fire control programs at the state and local levels. The legislation also addresses itself to the need to expand public education programs in fire safety, strengthen the National Bureau of Standards, improve programs on burns and burn treatment, and so forth.

The intricacies of this legislation have been covered in considerable detail by preceding witnesses, and it is not my desire to prolong these hearings by the needless repetition of the merits of its provisions. I would however, like to comment on one area of concern I have about the position the United States Fire Administration will have within the overall Federal bureaucracy. I believe the best way to explain my concern is to outline briefly a scenario which comes to mind as a result of my service as the Ranking Minority Member on the Labor and Public Welfare Committee's Subcommittee on Aging.

In 1965, when the Older Americans Act was first passed, it created the Administration on Aging within the Department of Health, Education, and Welfare. The Administration was to be headed by a Commissioner on Aging who would be appointed by the President with the advice and consent of the Senate. In 1967, just as the Older Americans Act was being fully implemented, the then Secretary of Health, Education, and Welfare made the decision to place this agency in the Social and Rehabilitation Services. SRS, which is primarily responsible for HEW's Income Maintenance Programs (welfare), is headed by an administrator who is appointed by the Secretary without Senate confirmation.

The Commissioner on Aging, who is a Presidential appointee vested with broad authority to mobilize and coordinate all federal activities in the field of aging, was "buried" deep within the departmental bureaucracy. Thus, he was clearly unable to carry out his functions in accordance with the mandate of Congress. In the 1973 Amendments to the Older Americans Act the Congress specifically moved the Administration out of SRS and placed it "in the Office of the Secretary"

In supporting S. 1769, it is my desire to see the Federal Government create an operating agency that will be able to provide the necessary grants and the necessary leadership and the necessary information for our state and local governments to begin a concerted effort to reduce the unacceptable fire losses that our nation sustains each year. To insure that this administration has the visibility and independence of operation that is needed to carry out its mandate, I think it is important for the Congress to resist pressure from the Department and from the Office of Management and Budget for flexibility in the placement of this agency. If I were a cabinet Secretary, I would energetically resist efforts by the Congress to organize my department by statute. But, as a United States Senator, I am seeking to establish what I believe to be an important priority for the welfare of the people of Maryland, and the Nation. To achieve this goal, I believe that the United States Fire Administration must be an entity unto itself within the appropriate Department of Housing and Urban Development and the Administrator should report to the Secretary or the appropriate assistant secretary.

I wish to commend Chairman Magnuson and Senator Stevens for the leadership they have provided both as sponsors of this legislation and as the two Senate representatives on the National Commission on Fire Prevention and Control whose activities led to the development of this legislation. I hope that this committee and the Congress would expedite consideration of the Fire Prevention and Control Act of 1973 so that we can begin the task of saving thousands of lives, preventing tens of thousands of useless injuries, and the useless loss of bililons of dollars each year.

Section-by-Section Summary of S. 1769 as Reported by the Committee on Commerce

Sec. 1. Short title, "Federal Fire Prevention and Control Act".

Sec. 2. Declaration of Congressional findings and the purposes of the Act.

Sec. 3. Definitions of terms used in the Act.

Sec. 4. Establishes within the Department of Commerce an Assistant Secretary for Fire Prevention and Control who shall be responsible for carrying out the provisions of this Act and who shall be guided by the recommendations of the National Commission on

Fire Prevention and Control, insofar as practicable.

Sec. 5. Directs the Secretary to establish a National Program for Fire Prevention and Control consisting of a National Academy for Fire Prevention and Control, research and development programs, a national data center on fire prevention and control, fire service assistance programs, State demonstration projects, and citizens' participation programs.

Sec. 6. Authorizes the establishment of the National Academy for Fire Prevention and Control and authorizes the Academy to conduct appropriate educational and research programs to train fire service personnel, develop training programs, administer a program of correspondence courses, and reduce the nation's fire problem.

Sec. 7. Authorizes the Secretary to conduct a program of basic and applied fire research; research into biological, physiological, and psychological factors affecting human victims of fire; and studies of the operations and management aspects of fire services.

Sec. 8. Authorizes the Secretary to organize an annual conference on fire prevention and control.

Sec. 9. Authorizes the Secretary to operate a comprehensive fire data program designed to provide an accurate national picture of the fire problem.

Sec. 10. Authorizes the Secretary to assist the nation's fire services through grants, contracts, or other forms of assistance to develop technology to improve fire prevention and control.

Sec. 11. Authorizes the Secretary to establish master plan demonstration projects and authorizes an appropriation of $10 million for the purpose of awarding project grants.

Sec. 12. Authorizes the Secretary to conduct citizens' participation programs.

Sec. 13. Fiscal and firefighter studies.

Sec. 14. Annual report by the Secretary on activities pursuant to this Act.

Sec. 15. Administrative provisions.

Sec. 16. Establishes honorary awards for the recognition of outstanding and distinguished service by public safety officers.

Sec. 17. Authorizes appropriations for $25 million for fiscal 1974, $30 million for fiscal year 1975, and $35 million for fiscal year 1976.

Sec. 18. Conforming amendments.

Sec. 19. Directs the Secretary of Health, Education, and Welfare to establish, within the National Institutes of Health, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires; and authorizes $7.5 million for fiscal year 1974, $10 million for fiscal year 1975, and $10 million for fiscal year 1976 for this purpose.

Sec. 20. Amends the National Housing Act to authorize the Secretary of Housing and Urban Development to make loan guarantees for the purchase and installation of fire safety equipment in nursing facilities.

DEATH OF JAMES COPLEY, PUBLISHER OF COPLEY PRESS, CALIFORNIA

Mr. CRANSTON. Mr. President, with the death of James Copley, publisher of the Copley Press, California has lost an enterprising, creative newsman.

Jim Copley was a newspaperman of the old school who believed strongly in the people's right to know and a newsman's duty to get the facts and tell the truth.

He was a man of strong beliefs who defended the right of the press to speak out on all of the issues.

He left behind a vigorous news organization that is known and respected all over the United States. We will miss Jim Copley's strong voice and his able leadership.

TRIBUTE TO TOM VAIL

Mr. JAVITS. Mr. President, on September 18, a young and dedicated public servant lost his battle for life against a long and painful illness. Tom Vail, Chief Counsel of the Senate Finance Committee, will be sorely missed both by the Members of the Senate and the Nation.

We have all benefited from his expertise and knowledge gained in the 22 years since he first served on the Joint Internal Revenue Taxation Committee in 1951. His vast understanding of the intricacies of complicated tax matters, together with administrative ability which enabled him to assemble one of the most competent and cooperative staffs in the Congress, was instrumental in drafting and guiding the crucial tax legislation of the 1960's through the Congress. Never was this more evident than during the long and tedious debate on the Tax Reform Act of 1969 when his capabilities and those of the committee were equally accessible to committee members and noncommittee members alike.

It is, of course, always tragic when one so young loses his life and we can only hope that his family and friends will take consolation and pride from his extraordinary contributions to his country during his all too short lifetime. Mrs. Javits joins me in extending our profound condolences to Mrs. Vail and the Vail children.

NASA

Mr. MOSS. Mr. President, NASA has entered its 16th year with responsibility for the objectives set forth in the National Aeronautics and Space Act of 1958. Pursuit of these objectives has placed this country foremost among nations in aerospace science and technology, and has made countless positive contributions to international trade, new products, new materials, new processes, international cooperation, education, employment, and much more.

From its earliest days, NASA has wisely placed basic reliance on the aerospace industry in working toward these objectives. In the peak funding years of the mid-1960's, over 90 percent of the NASA budget was spent in the private sector. Today, about three-quarters of the funds appropriated to NASA are expended through contracts, most of them with the aerospace industry.

Thus our long-range ability to pursue the goals established by the Congress in 1958 is heavily dependent on the strength and prospects of the aerospace industry.

Recent years have seen rapid change in the character and health of that industry—

Employment in U.S. aerospace industries has dropped one-third from the peak in 1968;

United States balance of payments in aerospace products was more than $3 billion on the positive side in 1972;

Imports of foreign aerospace products have grown 700% since 1958;

International alliances between American and foreign aerospace companies is becoming common.

I believe that, as we enter the 16th year of NASA, it is both important and timely to assess our future capabilities to meet our stated national objectives in aeronautics and space. To begin this assessment, the Committee on Aeronautical and Space Sciences opened hearings on September 26 and 27 to inquire into the state of the aerospace industry, its importance in achieving the goals listed in the NASA Act and the relevance of these goals to our Nation's future.

In short, we want to know where we stand today, where we want to go, and where we are going.

Are the goals set by Congress 15 years ago still proper, or has experience indicated a need for change?

Are there basic faults in the Government-industry roles and relationships used to seek these objectives?

Are new steps necessary to enhance the stability of design and management teams, and to insure an adequate supply of scientists and engineers in the necessary disciplines?

What effects do project size, type, duration, and funding have on the state of the industry, and its prospects?

What are the potential effects of the current trend toward more international competition and greater international involvement in aerospace projects?

Are we placing adequate emphasis on all major areas in which aerospace science and technology is applicable?

During the hearings of the Senate Aeronautical and Space Sciences Committee on September 26 and 27, eight distinguished gentlemen representing a cross section of American aerospace leadership provided their views. The aerospace leaders who appeared were: Karl G. Harr, president, Aerospace Industries Association; David S. Lewis, chairman of the board, General Dynamics Corp.; O. C. Boileau, president, Boeing Aerospace Corp.; Thomas G. Pownall, president, Martin Marietta Aerospace; Sanford N. McDonnell, president, McDonnell Douglas Corp.; William B. Bergen, president, North American Aerospace Group; Daniel J. Fink, vice president, Space Division, General Electric Co., and Werner von Braun, vice president, Engineering and Development, Fairchild Industries, Inc.

I can report, Mr. President, that without exception all of the witnesses expressed the view that the objectives of the National Aeronautics and Space Act of 1958 set by Congress 15 years ago were remarkably farsighted. All felt that these objectives have served this country far beyond their expectations. This view was well expressed by Mr. Bergen when he said:

> The Act and the implementation of the objectives of the act by the Space Agency must be measured at this point as an outstanding success, perhaps one of the clearest cases of success in the last two decades.

All witnesses moreover voiced with great concern the erosion of technology in this country. An ominous warning was given by Dr. Werner von Braun when he said:

> World leadership and technological leadership is inseparable. A third-rate technolog-

> ical nation is a third-rate power; politically, economically and socially.

The testimony before the committee on September 26 and 27 was of sufficient importance that I will now provide highlights from the testimony of our eight witnesses.

Karl Harr, president of the Aerospace Industries Association of America said:

> The Aerospace industry constitutes a vital and unique national resource which has been hard earned by the American Engineer, the American scientist, the American manager, the American laborer, and last, but not least, the American taxpayer.

He indicated that the industry today is lean but strong. He further indicated belief that the U.S. technological capability is still unsurpassed, but warned that—

> The underpinning of strong research and development programs—vital to our technological advance—is being down-graded to a serious degree. There is an alarming scarcity of private sources of financing for the development and production of new commercial aircraft. . . . As a nation we are simply not investing research and development, either publicly or privately, to a degree commensurate with coming needs.

He then indicated:

> We in the industry feel that the R. & D. problem can only be remedied by a reaffirmation of R. & D. as a top national priority.

Mr. Harr suggested that a broader utilization of NASA might be appropriate, saying:

> It could help minimize waste and scarce financial resources and make the best use of the nation's capabilities and manpower in attempting to deal with certain pressing socio-economic problems.

David Lewis, Chairman of the General Dynamics Corp., indicated relative to the objectives of NASA:

> I believe very strongly that our continued ability to attain those goals can have profound impact not just on the aerospace industry but on our entire national economy.

Like Mr. Harr, he was concerned with the loss of momentum in research and development. His concern took a slightly different turn when he said relative to international technology outflow:

> I believe we have reached a point where our possibly overly active cooperation is threatening our technology leadership.

He went on to say:

> With the outflow of our technology over the past years to other nations of the world we have helped create competition which now threatens our own industrial and national economic health. This has been true in such fields as electronics, manufacturing techniques and in particular commercial aircraft.
>
> This in itself would not be bad, except for two things. First, there is a retreat from adequate research and development activity in this country, and, second, a number of foreign countries are actively subsidizing the efforts of their industries to capitalize on their new-found competence. . . . I believe one of this Committee's primary concerns must be the preservation of the United States as the world's leader in technology. I believe that role is threatened not only by foreign achievements, but by our own reduced efforts in research and development.

And again I quote him:

> Unfortunately, the arbitrary cuts in research and development funds that have been ordered are rapidly leading to serious imbalances in individual companies' abilities to maintain the technical expertise required to support our highly competitive aerospace industry.

O. C. Boileau, president of the Boeing Aerospace Co., said that the objectives of the National Aeronautics and Space Act of 1958 did not need to be significantly amended in his opinion. He, however, said:

> The problems that had been encountered and that are foreseen result from the means used to implement these objectives rather than the objectives themselves. I do believe it would be beneficial to expand the specific wording of the NASA Act to delineate in more detail the responsibilities and authority of NASA and the working relationships with other government agencies.
>
> He said that the costs of new airplane developments have increased much more rapidly than the assets of United States companies. This, he indicated, has placed us in an adverse competitive position since individual private American companies must now compete with foreign consortiums financially sponsored by their governments.

He indicated that—

> Sooner or later, the large development funding provided by foreign governments to their aerospace groups is going to result in competitive airplanes. . . . Our foreign competitors are supporting vigorous research and development programs aimed at further strengthening of their high-technology industries, including civil aviation.

Mr. Boileau advocated an American commitment to aerospace science and technology. He also expressed concern for a balanced space program. He felt that a balanced program would contribute to an environment in which people want the products of an aerospace industry and that in turn would stimulate the desire for even more such programs.

Mr. Thomas Pownall, President of the Martin Marietta Aerospace said that—

> NASA has been success-oriented from the start, and, in my opinion, it has used its budget most effectively. Time and again when faced with critically adverse situations, the true measure of the NASA team has become apparent. . . . Our space program has reached a plateau of capability and accomplishments which few thought attainable in such a short span of time. It achieved these heights on the technological stepping stones of a wide variety of successful programs.

He regarded as paradoxical the fact that—

> NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its endeavors just at the moment of its greatest successes to date.

Mr. Pownall felt that the shuttle program offers tremendous opportunities for NASA to aid in the energy crisis, mineral shortages, food shortages and in countless other ways. He indicated that although we can estimate the potential promises of space that we cannot foretell when new incredible dividends will emerge. He pointed to the lessons in history which teach that expanding the frontiers of knowledge enables us to develop solutions to problems of which we may have been previous unaware.

Mr. Sanford N. McDonnell, president of the McDonnell Douglas Corp., expressed great concern at the appalling squandering of our own human resources that were built up in the space program. He said:

> The need for a new definition of the national space program is evident from the history of our space effort which is instructive in contemplating where we should go from here.

Mr. McDonnell stressed the need to provide an increased and stable budget for NASA for the coming years. He said balanced programs in addition to development of the space shuttle itself should include continued development of scientific and commercial payloads for the shuttle over the next several years. Mr. McDonnell indicated that:

> Until the shuttle arrives on the scene, we must ensure that we have exploited fully programs already active as well as preserving continuing options that will support its eventual operational capability. . . . Such options should include the logical continuation of manned activities. . . . In particular, we should never allow ourselves to be without cost-effective transportation to synchronous orbit where to date some of the greatest utility exists for producing benefits to man on earth.

Mr. McDonnell told the committee that efforts to stabilize U.S. aerospace industry are essential.

> This stability cannot come until there is some evidence that the nation stands behind its space objectives. . . . The risk of program reduction and cancellation is too great for mature business and is detrimental to hiring and retaining good employees.
>
> In my opinion, the budget levels to which NASA is being held discourage viable long-range planning which in turn can result in continuing decline of our space capability.

What we need, he said—

> Is both long and short range programs conducted within a pattern of reasonably stable budgets. Such stability would free us from the inefficiency that inevitably accompanies stop and go, up and down programming. We should establish a level of activity commensurate with our true national interests and stick to it rather than having our program established on the basis of reaction to the accomplishments of others.

William Bergen, president, North American Aerospace, indicated a belief that the outstanding success of NASA and its aerospace supporting complex has been due in large measure to direction and management by a single Federal agency charged with achieving a specific objective on a given schedule within a specified budget.

He said:

> International cooperation and goodwill is one of the greatest indirect benefits of the space program. Our efforts are being conducted openly and cooperatively, and the benefits are being shared with other nations. . . . The Apollo-Soyuz Test Project must certainly rank as one of the key steps in the long-range objective of reducing tension between ourselves and the Soviet Union and in developing a stable and mutually constructive relationship.

Mr. Bergen, like others, cited growing international competition which is becoming more severe saying:

> We are having to compete with situations where other governments directly support products placed on the international market.

Concern over erosion of the Nation's technological base was highlighted by suggesting that we should maintain the NASA activity at a level that helps to stabilize this resource and optimize its capabilities.

Mr. Bergen indicated a belief that the National Aeronautics and Space Act has served this Nation well saying—

> Teamwork is perhaps the most distinctive keynote of complex aerospace projects. Once assembled, organized, and functioning efficiently, these teams represent tangible national assets of incalculable value.

He then said:

> We would like to offer for your consideration some modified objectives to stress the aspirations of society, recognize what has been accomplished, and perhaps better illuminate the way ahead.

A further suggestion included consideration of utilizing NASA in the role of technology "problem solver."

Daniel Fink, vice president of General Electric and general manager of the Space Division said that he believed that—

> The single most important modification to the goals of the 1958 Space Act should be recognition of the tremendous potential to our citizenry of space system applications and the provision for their expedient realization.

He recommended that:

> More general recognition could be given to NASA's responsibility to bring such programs to quasi-operational status matched to the capabilities of the user. . . . It would encourage the using agencies to make best use of NASA's capabilities, with a division of responsibilities similar to that which now prevails in the meteorological satellite program.

Mr. Fink like other witnesses, touched upon the subject of foreign cooperation and technology transfer saying:

> I know that most of us favor international cooperative space ventures so long as they are backed by an aggressive research and development program of our own. We only fear cooperation when we give away our technology with nothing coming in to fill the pipeline.

He specifically questioned the wisdom of divorcing NASA from communication satellite research and development. The likely outcome of this he said—

> Is that the ongoing, foreign government-sponsored programs, and not U.S. private industry, will assume the R. & D. prerogative.

He summed up our posture on the present status and future trend of our aerospace policy by saying—

> For 15 years, NASA has done an admirable job as implementor, the do-it agency that designs and executes programs of wide national interest. . . . NASA also has a role as a facilitator, providing a technical base for the use and participation of other organizations in space activities. . . . Today we need the same imagination and flexibility to apply what we have learned to the betterment of the human condition all over the globe. We think the same NASA-industry team, operating in the same productive relationship, can do this job if it is once more given the right mandate.

The eminent Dr. Wernher von Braun, who is now vice president for engineering and development of Fairchild Industries sounded the warning which I quoted earlier and now repeat:

> World leadership and technological leadership are inseparable. A third-rate technological nation is a third-rate power; politically, economically and socially.

He went on to say:

> That is the reason that I have always felt that the National Aeronautics and Space Administration, which has rightfully been called the "cutting edge of our technological progress", bears a grave responsibility for the future of our nation. Whether we like it or not, ours is a technological civilization. If we lose our national resolve to keep our position on the pinnacle of technology, the historical role of the United States can only go downhill.

Dr. von Braun commented on the Space Shuttle that it is—

> A good example of a wealth producing program. And we will continue to need promising wealth producing programs to support our direly needed social programs.

Like other witnesses, Dr. von Braun expressed concern about the discontinuing of NASA research in communications satellites. He put it this way:

> If NASA were to permanently discontinue its pioneering technology work in the communications satellite area, it would virtually reverse that FCC policy and give the game back to the established monopolies who, in view of their vast investments in old-fashioned wire communications, never had much of an incentive to explore the satellite potential in the first place.

He emphasized the potential of communications satellites by saying:

> Human language evolved because man felt the need to communicate information and abstract ideas. Communications satellites will enable man to carry education and enlightenment to the remotest hamlets. Thus, space development—once derided as luxury which only the richest nations can afford—is beginning to provide the only solutions to one of the most difficult problems facing all nations—rich and poor alike—effective communications.

Mr. President, the wealth of information provided during these hearings is still being analyzed by the Committee on Aeronautical and Space Sciences. I will provide further reports as that analysis proceeds.

However, one fact was highlighted during the hearings—the unique capability created by NASA over the past 15 years is a critical national resource. If we as legislators do not assure its adequate utilization in the future, we will be derelict in our duty to the Nation.

AEC COMPLAINS ABOUT NUCLEAR "SURPRISES"

Mr. GRAVEL. Mr. President, the essence of the argument put forth by nuclear power advocates is as follows: We know that nuclear power is a highly dangerous technology, so we are exercising extreme care. In no other technology has man ever made such an effort to think of everything which could go wrong and engineer a fix for it. We have thought of everything, including human error. Trust us.

Do the nuclear power experts have a performance record which inspires confidence?

The first week in October 1973 the AEC's Director of Regulation admitted to the Joint Committee on Atomic Energy that—

> I'm really concerned about some of the surprises we see.

Me too.

A partial listing of recent surprises which our nuclear experts failed to foresee, would include the following:

First. Failure of the vital emergency core cooling system to provide AEC experts with assurance of effective performance; the system, which has never had a large-scale test, failed six out of six miniscale tests in late 1970.

Second. Unexpected densification of nuclear fuel, one of the most tested elements of the whole nuclear power system; this discovery forced the AEC to cut back permissible power levels by 5 to 25 percent at 10 nuclear powerplants on August 24, 1973.

Third. Confirmation by the National Academy of Sciences in November 1972 that low-level radiation exposure is at least 500 percent more harmful than the experts had previously admitted; this surprise had already forced the AEC to suggest drastically reduced "permissible emissions" from nuclear powerplants.

Fourth. Discovery in 1972 of inexplicably high levels of strontium-90 near the Shippingport nuclear powerplant, the Pennsylvania plant which has been cited for so long as the cleanest in the country.

Fifth. Discovery in 1971 that the allegedly watertight salt mine chosen for radioactive waste storage in Kansas was full of holes; the AEC has been forced to improvise "surface storage" plans.

Sixth. "Discovery" in 1972 that the AEC had buried enough plutonium waste to make several Nagasaki atomic bombs in a single trench at Hanford, Wash.; "due to the quantity of plutonium contained in the soil of trench Z–9, it is possible to conceive conditions which could result in a nuclear chain reaction," said the AEC, which is now going to dig it up.

Seventh. Revelations in 1967, 1970, and 1973 that some radioactive poisons have already traveled underground from Hanford and entered the Columbia River.

Eighth. Discovery in 1972 that nuclear engineering firms have built the Prairie Island and Kewaunee plants with steam lines running underneath the control rooms, where a rupture of a line could destroy the controls and kill the nuclear plant operators; extensive modifications will be required in about six plants.

Nine. Discovery that a 600-megawatt nuclear powerplant, Dresden II, was virtually out of control for 2 hours in June 1970 after one meter gave a false signal and another monitor got its pen stuck; the incident resulted in radioactive iodine escaping into the plant's drywell at 100 times the permissible concentration, and shutdown for repairs.

Ten. Discovery from the same Dresden incident that serious situations can result from too much water in the cooling system as well as too little; see the CONGRESSIONAL RECORD, volume 118, part 8, pages 9485–9489.

Eleven. Discovery in 1972 that rupture of the reactor pressure-vessel cannot properly be dismissed as an impossible kind of accident in all nuclear powerplant licensing hearings.

Twelve. Discovery by the North Anna Environmental Coalition in August 1973 that two nuclear powerplants in Virginia have been built on an earthquake fault in undeniable violation of AEC policy.

ADDITIONAL SURPRISES: SKYJACKERS AND BOMBERS

Apparently nuclear experts did not foresee, either, that on November 11, 1972, three skyjackers would threaten to bomb the nuclear reactor at Oak Ridge, Tenn.; helpless, the AEC shut down its reactor and evacuated. The skyjackers did not carry out their threat.

Presumably, the nuclear experts also failed to think of the bizarre possibility that our own Strategic Air Command would use a nuclear powerplant as a practice plant on simulated low-level bombing runs. Nevertheless, a SAC heavy bomber on such a mission crashed into Lake Michigan about 60 seconds away from the Big Rock nuclear powerplant on January 7, 1971, as reported in the Detroit News of January 9, 1971.

It is clear that nuclear experts do not and cannot think of everything. It would be impossible.

Engineers have a saying which applies to nuclear powerplants as well as other engineering wonders: "If anything can go wrong, it will go wrong."

PRODUCING NUCLEAR PLANTS LIKE CARS

I cannot agree with Representative Chet Holifield of the Joint Committee on Atomic Energy about the proper approach to nuclear power. On September 27, 1973, Mr. Holifield urged that we speed up the construction and standardization of nuclear powerplants so that they can be "turned out like autos."

In 1971, the auto manufacturers had to recall more defective vehicles than they produced. The figures were 8.8 and 8.6 million respectively. In 1972, their performance was 8.8 million produced and 7.8 million recalled.

Mr. President, I ask unanimous consent that the article "AEC Acts To Avoid 'Surprises'," from October 4, 1973, Washington Post, be printed here in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AEC Acts To Avoid "Surprises"

(By Hal Willard)

Officials of the Atomic Energy Commission testified this week that there will be a tightening up of nuclear power plant requirements and inspection procedures in order to avoid "surprises" like discovery of a geologic fault beneath the plant under construction in Louisa County, Va.

Members of the congressional Joint Committee on Atomic Energy, conducting hearings on nuclear reactor safety, wanted to know how a geologic fault could go undetected until the nuclear plant was half built.

J. M. Hendrie, deputy director for technical review in the directorate of licensing, said the AEC had not been reviewing plant excavations as much as it should because of a lack of manpower.

Hendrie said it was "expected" that a geologic fault would be found and therefore the AEC had "concentrated available limited manpower resources in areas we thought were the most dangerous."

The geologic fault is beneath the power plant being constructed by the Virginia Electric and Power Co. on an artificial lake created by damming the North Anna River near Mineral, Va.

Vepco intends to build four reactor units on the site. Excavation for unit 1 began in 1969. Vepco's geologic consultants, Dames & Moore, reported no geologic fault and their work was reviewed and approved by the U.S. Geological Survey and the AEC.

Then, earlier this year, Vepco discovered a fault while excavating for unit 3 and reported it to the AEC in May. It subsequently developed that three Virginia geology professors had discovered what they judged a geologic fault in the excavation for unit 1 in February and March, 1970, and reported it to Vepco.

The AEC now is investigating to determine whether Vepco deliberately withheld information about the fault. Nothing was said about the investigation or the sworn testimony of three geologists during the 3½ days of Joint Committee hearings held last week and this week.

Referring to Hendrie's comment about limited manpower, Rep. Melvin Price (D–Ill.) Joint Committee chairman, said he thought "you would assign staff when it comes to safety."

Manning Muntzing, director of regulation, said the AEC is seeking appropriations for more staff in 1974, and increased staff somewhat in 1973, but "I think we started augmentation (of staff) a bit slowly," in light of the growing number of power plants and increased citizen concern about such problems as the geologic fault.

Hendrie testified that in 1972 the AEC's Advisory Committee on Reactor Safeguards had received an anonymous letter "raising questions about the location of steam piping in the Prairie Island plant in Minnesota."

"Prior to that time," Hendrie said, "our regulatory safety reviews had not included a detailed examination of pipe routings and of the location of individual pieces of equipment . . . instead, the regulatory staff accepted the applicant's commitment to meet the design criterion, but did not review the design details to assure that it had in fact been met."

Following receipt of the letter the AEC investigated and found that the criterion wasn't met by the proposed design and changes were required.

Muntzing, referring to the episode, said it was "not a very happy chapter" and the sort of thing "that doesn't produce a high level of public acceptance."

I'm really concerned about some of the surprises we see," Muntzing said.

Lester Rogers, director of regulatory standards, pointed out that the AEC "has provided some information on site selection in . . . 'Reactor Siting Criteria' . . . but no general guidance for site selection has been available.

"We are now in the process of developing general environmental siting criteria involving all environmental parameters affecting the impact of the site on the plant. We plan to cover geology, hydrology, meteorology, land use, aesthetics, and population factors."

THE PRICE OF FOOD

Mr. CRANSTON. Mr. President, during the August congressional recess I visited a bakery in San Francisco to see at firsthand the effect of inflation and American grain sales abroad on one particular industry.

I met with Harold Paul, Jr., president of the world-famous Larraburu Bakery, who makes one of the great San Francisco sour dough French breads.

Mr. Paul told me that flour prices have gone up from 100 to 105 percent in the last year. And the outlook is for even larger increases.

This, of course, means that consumers are paying more for loaves of bread. And now they find not fresh bread but stale bread on the shelves of some markets.

The unprecedented, historic increase this year in the price of all grains—wheat, corn, and soybeans—has raised serious questions about the way these basic foods are sold and marketed.

Not only Mr. Paul, but every consumer is affected.

Most food commodities are sold in open trading at big commodity exchanges in Chicago, Kansas City, New York, and other cities. Last year some $268 billion exchanged hands on these markets for both cash sales and so-called "futures" contracts, sales that are based on future deliveries.

There is mounting evidence that the huge price increases, especially in wheat and soybeans, may have been caused by speculators in these markets.

Whatever happened, the price of wheat in less than a year skyrocketed from $1.60 a bushel to more than $5, the highest price ever recorded.

Soybean prices went even higher. We are paying for these high commodity prices in our food bills today, again the highest in history.

The United States Department of Agriculture through its Commodity Exchange Authority is supposed to regulate these commodity exchanges and make sure trading is conducted legally and in the interests of both farmers and consumers. But this agency is understaffed and underfinanced and it simply does not have the proper authority to do its job, unlike the Securities Exchange Commission, for example, which was created after the great crash on Wall Street in 1929 to regulate the stock market.

To correct these problems on the commodity exchange markets, and to make sure that these markets operate in the best interests of farmers, consumers and industry, Senator Humphrey and I have introduced the Commodity Futures Exchange Act of 1973.

Briefly, this bill provides for:

First. A new independent Commodity Exchange Commission, removing the CEA from the Department of Agriculture to give it a separate authority free of political pressures.

Second. All trading in all futures contracts of all major commodities would be brought under the authority of the new Commodity Exchange Commission.

Third. The Commission would be given injunctive powers to deal with violations of regulations before violations cause major market disruptions.

Fourth. Much heavier penalties for violations can be imposed Currently, fines ranging from $5,000 to $10,000 can be levied. The proposed bill provides fines from $10,000 to $100,000.

Fifth. Trading on the exchanges under our bill must serve an economic purpose.

These are the principal provisions of this important bill.

Our bill will not solve all of the problems of food inflation. But it will make an important first step in removing some of the unjust profiteering that occurs.

MIDDLE EAST TINDERBOX

Mr. CHURCH. Mr. President, not only has the Middle East tinderbox exploded, but the fighting is becoming heavier and prolonged. The Boston Globe placed the position of the combatants and the United States in their proper perspective, and I ask unanimous consent that an editorial of October 8 be printed here in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, October 8, 1973]

THE TINDERBOX EXPLODES

The Middle East has plunged into the heaviest fighting since the six days' war of 1967.

Despite claims to the contrary, neutral observers at the United Nations and United States officials believe Egyptian and Syrian forces were the aggressors.

That the outbreaks occurred while most of Israel was worshiping and fasting on Yom Kippur is not only evidence of who initiated the fighting, but is also a comment on the morale content of the offensive.

The decision of Egyptian Foreign Minister el-Zayyat to seek a hearing before the UN General Assembly, where the Arab cause has a substantial majority, rather than the Security Council, suggests that Egypt and Syria are engaged in an effort which is as political as it is military in nature. If, having caught the Israelis off-guard, they can quickly gain control of some Israeli land and then secure a cease fire vote in the UN, they will have strengthened their bargaining position. Any action of the General Assembly must be based on a return to the status quo ante. If not, the international peacekeeping organization will be sanctioning the use of force to achieve political objectives.

Further indication of the political thrust of the military action are the steps apparently intended to draw the United States directly into the conflict. Yesterday Iraq announced the nationalization of the holdings of two of the largest American oil companies. And a Greek cruise liner with 207 Americans aboard was seized and then released in the Mediterranean by Syrian naval forces.

Israel's acknowledged control of the air means a prolonged conflict will likely end in her favor. Israeli forces are reported already to be reversing the early advantage held by the Egyptians and Syrians. At least at this point, no nation's interest would be served by continuing the hostilities. But once border lines shift in either direction, the conflict will take on a new dimension.

As for the United States, oil interests are in a position to try to blackmail our government into pulling back on its commitment to the sovereignty of the State of Israel. To even hesitate for one moment in reaffirming our support would serve to encourage those who see threats and violence as the route to influencing US foreign policy. That kind of capitulation would be an abdication of our leadership and a repudiation of the steps toward international peace which have been the most significant accomplishments of the Nixon Administration.

INFLATION AND UNEMPLOYMENT

Mr. MONTOYA. Mr. President, the cost of living rose a record-shattering 1.9 percent in August and rose at a 10-percent annual rate during the 6 months ending in August. Grocery store food prices rose 7.7 percent in that single month and stood 23.3 percent above August 1972 levels. In the quarter ended September, wholesale prices rose at an annual rate of 13.2 percent and were 16.6 percent higher than a year ago. Farm and wholesale food prices were 39.4 percent above September 1972 levels. Industrial commodity prices at wholesale rose 0.7 percent in September alone. Clearly, the fight against inflating is still raging.

The basic Federal tools for combating inflation are fiscal and monetary policy. Most of the inflation in 1973, however, has resulted from shortfalls in the supply of food, fiber, and fuel—exacerbated by two devaluations of the dollar and adverse international trade agreements. Fiscal and monetary policy cannot erase current shortages or past mistakes. Only long-term programs of adjustment can correct shortages; and future trade patterns must more closely consider the delicate line between foreign and domestic responsibilities, between foreign and domestic needs.

A second but somewhat less significant cause of current inflation was the excessive rate of overall economic growth prior to the second quarter of 1973. Fiscal and monetary policy, particularly monetary restraint, have helped correct this cause of inflation, however. In fact, tight money and soaring interest rates have so severely restricted home construction that losses in this important section of our economy threaten to more than offset any gains exploited in the rest of the economy. Like monetary policy, fiscal policy has not been expansive in 1973.

Tight fiscal and monetary policies alone are probably not sufficient to halt inflation, particularly in the short run; but they can create greater unemployment. Our last bout with "stagflation" has taught us that a combination of rising prices and rising unemployment is all too possible; and unemployment, even during the recent boom, has remained stubbornly high. The administration now appears to have given up all hope of reaching even their modest goal of 4.5 percent unemployment by year's end, a rate I find totally unacceptable.

We seem to be in a position now where monetary and fiscal policy have worked their will on a booming economy, yet the threat of inflation remains. Further tightening of the economy through the use of fiscal and monetary policy would only add to unemployment. How then are we to halt inflation, particularly in the short run? Must we again suffer through unemployment levels of 5 percent or more in order to bring price stability to our economy? I believe this is too high a price to pay.

What can be done? On the inflation front, it seems more evident that the battle to halt inflation is falling to a greater and greater extent on the rather harassed shoulders of the Cost of Living Council, and their task is as important as it is difficult. Congress has a responsibility to see that this wage-price program is utilized effectively and equitably. I am encouraged that this "temporary" program, now entering its third year, is being reviewed by the Committee on the Judiciary with regard to administrative procedures, personnel, sanctions, mechanisms for enforcement, judicial reviews, and other matters. On the other hand, I believe that continued and premature talk of "decontrol" can only increase the difficulty of winning the fight against inflation.

If this country is to reduce unemployment to any extent below current levels, it must do a better job of providing work for those persons unaffected by increases in aggregate demand. This "structural" unemployment can be corrected without adding to inflationary pressures. In addition, the Nation must grapple with the problem of unemployment resulting from economic dislocation. The Federal Government itself is a major contributor to this type of economic instability, particularly as the result of defense realinement policy. Similarly, unemployment problems unique to our young adults must be given greater attention. We have not faced up to the special employment problems facing our young. Our educational programs seem to be failing them in fundamental ways.

In sum, we must continue and intensify programs that deal with the problems of structural unemployment. As chairman of the Subcommittee on Economic Development of the Public Works Committee, I am familiar with the programs of the Appalachian Regional Commission, the Title V Regional Action Planning Commissions, and the Economic Development Administration programs designed specifically to combat high unemployment and low income in areas of persistent economic distress. These programs address the problems of economic dislocation and help provide technical training facilities for the young. Their resources are admittedly small, but often they account for the total Federal effort in eliminating obstacles to worthwhile employment and reasonable income.

Yet, Congress has had to struggle to keep these programs alive. A 1-year extension of the programs administered by the Economic Development Administration and the Title V Regional Commissions has been authorized by Congress and signed into law, but appropriation levels will be severely cut, and at a time when we need not less but more effort in solving the problems of economic dislocation, persistent and structural unemployment, and low income. I ask Congress and the administration not to abandon this effort. No other Federal program addresses itself any more directly to the most difficult economic problems our country faces than do these programs. General community development and revenue sharing may compliment economic development efforts, but they are not substitutes.

Current economic development programs represent a bare minimum. They address the stubborn problem of structural unemployment directly and without contributing to inflationary pressures. They should serve as the jumping-off point for a renewed national effort to overcome the barriers to economic opportunity.

NUCLEAR POWER TOO DANGEROUS FOR PHILADELPHIA

Mr. GRAVEL. Mr. President, on October 5 the Atomic Energy Commission barred construction of two nuclear powerplants proposed for Newbold Island 11 miles northeast of Philadelphia and 4.5 miles south of Trenton; at the same time, the AEC promised to expedite a construction permit for the plants if the New Jersey utility moves the site south to Salem, N.J. The AEC said:

> The principal factor leading to this compulsion is the fact that the population density at Newbold is significantly larger than that at Salem. Our projections for 1980 show that within five miles distance, Salem will have a population of about 4,700 persons and Newbold will have approximately 125,000 persons. Within a 30-mile radius in 1980, Salem will have about 1-million persons and Newbold will have over 4.5 million.

The implications are clear. Nuclear powerplants which are not safe enough for locations in or near large cities, are going to be imposed on rural and small-town communities. Are country people going to accept a role as second-class citizens?

In January 1972, when the Attorney General of Pennsylvania asked the AEC to bar the Newbold Island plants, the Washington Post asked in its editorial of January 24:

> If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous?

LETHAL AT 75 MILES

The Union of Concerned Scientists answered that question in detail with its paper "Nuclear Reactor Safety: An Evaluation of New Evidence" in July 1971. In that paper, which appear in the Congressional Record, volume 117, part 22, pages 28495–28500, Forbes, Ford, Kendall, and MacKenzie calculated that a mere 58-percent release of a plant's radioactivity during a temperature inversion could cause a lethal acute radiation-exposure out to 40 miles from the plant in a strip a mile wide; a 20-percent release could extend lethal acute exposures out to 75 miles in a strip almost 2 miles wide.

Of course, acute radiation exposure is only part of the injury picture. According to the AEC's Brookhaven Report, lower levels of radioactive contamination could effect an area as large as the State of California—or 150,000 square miles. This means that many thousands who were spared death by acute radiation exposure would suffer death from radiation-induced cancer some years later.

In addition, recent evidence noted by Dr. John Gofman suggests that exposure to radiation may increase mortality from heart failure, too; see K. T. Lee and others, "Experimental Model for Study of 'Sudden Death' From Ventricular Fibrillation or Asystole," American Journal of Cardiology, July 1973.

And that is not the whole story. There is no doubt that exposure to radiation also increases the incidence of mental retardation and genetically related diseases in babies of irradiated parents.

NEW JERSEY PLANTS COULD ENDANGER NEW YORK AND NATION'S CAPITAL

Since 150,000 square miles which could be contaminated are equivalent to a square about 350 miles on each side, it seems reasonable to suggest that nuclear powerplants belong at least 350 miles away from civilization. I do not see how Salem, N.J., qualifies as an acceptable site.

Mr. President, I ask unanimous consent that the Washington Post story of October 6, 1973, "AEC Stops A-Plant at Philadelphia," be printed here in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 6, 1973]

AEC Stops A-Plant at Philadelphia

(By Thomas O'Toole)

The Atomic Energy Commission yesterday barred construction of a nuclear power plant on a Delaware River Island 11 miles from Philadelphia, the first time the AEC has banned nuclear power near a large city.

In a move certain to be hailed by environmentalists and denounced by the nuclear power industry, the AEC told New Jersey's Public Service Electric & Gas Co., it could not build a $900 million atomic power plant on Newbold Island, a 540-acre site on the New Jersey side of the Delaware River 4.5 miles south of Trenton and 11 miles northeast of Philadelphia.

The AEC suggested to New Jersey Public Service that it move its construction site from Newbold Island to Salem in southern New Jersey, where the electric company is already building two large nuclear reactors and which is outside of any metropolitan area.

In a letter to New Jersey Public Service President Robert Smith, AEC Director of Regulation L. Manning Muntzing explained that the AEC was taking the action it did because of the proximity of Newbold Island to Philadelphia and its satellite towns and cities.

"The principal factor leading to this compulsion is the fact that the population density at Newbold is significantly larger than at Salem," Muntzing wrote Smith. "Our projections for 1980 show that within 5 miles' distance Salem will have a population of about 4,700 persons and Newbold will have approximately 125,000 persons.

"Within a 30-mile radius in 1980," Muntzing's letter continued, "Salem will have about 1 million persons and Newbold will have over 4.5 million."

New Jersey Public Service had no immediate comment to the suggestion it move its nuclear plant to Salem. A company spokesman said the move caught the utility "completely by surprise."

Though construction of the Newbold Island plant had not begun. Public Service had paid for the land, the engineering studies to design and locate the plant and for the excavation for the plant's foundation.

Public Service said it paid about $5 million for the island in 1969 and had spent another $5 million excavating the island site. A spokesman described these expenses as "unrecoverable," though he admitted that the land is probably worth more today than it was when the company bought it.

The engineering studies for the 2.2 million-kilowatt plant cost an estimated $20 million, the Public Service spokesman said. He said this expense was "probably recoverable," since design of the plan would be approximately the same no matter where it is built.

The AEC move is sure to please environmentalists and many residents of metropolitan Philadelphia, but it is just as sure to anger the nuclear power industry. It might also raise questions about other nuclear plants being built or proposed for construction near large towns and small cities. For instance, one plant is being built right now in Midland, Mich.

Opposition to the Newbold Island plant began in 1970, a year after Public Service announced its intention to build the plant. The opposition hit its peak early in 1972, when Pennsylvania asked the AEC to ban the plant because it was too close to Philadelphia.

"We do not want a nuclear power plant this close to the largest city in the state," the state attorney general's office said at the time. "In the event of an accident resulting in a substantial release of radioactive materials, the likelihood of deaths and injuries resulting therefrom is considerable."

Public Service said it could not say how the AEC move would delay its plans to bring electricity to New Jersey.

The company said that when it proposed Newbold Island it hoped to have the plant making electricity by 1977. Delays had moved this date back to 1981, and further delays might move the timetable back even more.

The AEC told Public Service that if it went along with the suggestion to move the plant to Salem, it would process the application for a construction permit in four months to make sure no further delays would take place.

INDOCHINA: A CIVIL WAR

Mr. CHURCH. Mr. President, the war in Indochina was always and continues to be a civil conflict. Tragically, our intervention, prolonged and senseless, was based on the confused belief that it was an international war with cold war overtones.

Roger M. Smith, longtime observer of Indochinese affairs, has written a review of the region's past which reveals that—

> For centuries power and territorial struggles prevailed within and among the Indochinese States and, in fact, were important in the area's political evolution.

Mr. Smith points out:

> Not ideology, but practical considerations of territoriality and political survival of the leadership in each of these states have been at issue, all along.

He concludes:

> Knowing this, one should not be surprised that months after the major world powers have effected a detente, the wars in Indochina continue to be waged. This state of affairs can be expected to continue until the peoples of the area are allowed to work out for themselves a stable equilibrium, one that is not artifically propped up by foreign military assistance or threat.

I ask unanimous consent that the essay, "Prospects for Conflict and Cooperation Among the Indochina States," be printed at this point in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Prospects for Conflict and Cooperation Among the Indochina States

(By Roger M. Smith)

The following is based on a talk given at Asia House in late May 1973 under the auspices of The Asia Society's Cambodia Council.

To many Americans, the turmoil in Indochina is but a localized manifestation of the cold war between the world's largest powers. Their constricted view of the situation leads them to believe that once opposing ideological forces disengage, peace will be restored to the area. However, a review of the history of the region will reveal that for centuries power and territorial struggles prevailed within and among the Indochinese states and in fact were important in the area's political evolution.

Some may regard it as a blessing that one result of French and British colonization was the imposition of an equilibrium on mainland Southeast Asia, just when it appeared that large portions of Cambodia and the Lao states were to be parceled out between the then-dominant Thais and Vietnamese. At the time of the French intervention in the 1860's, the Thais had asserted their paramountcy over much of what we now call Laos. In the south, Thailand and Viet Nam exercised joint suzerainty over Cambodia. By extending her empire over Laos and Cambodia, France upset the balance that had favored Thailand.

In ruling the area they called Indochina, the French favored the development of Viet Nam, with Cambodia and Laos linked to it as buffer areas, as bases of supply and as a hinterland that could absorb some of Viet Nam's excess population. Thailand was forced to yield to France control of certain territories in Cambodia and Laos. But Bangkok's independence and security were assured by France's rival for imperial advantage in Asia—Great Britain. As a consequence of an Anglo-French agreement, not only did both powers agree to restrain themselves in Thailand, but also the Mekong River was accepted for international purposes as the boundary between French Indochina and Thailand and British Burma.

There was resentment among the Lao and Khmers at the extent to which Vietnamese, under French aegis, came to occupy positions of power in the colonial service. And the Thais were not happy about what they regarded as the unfair annexation by France of Thai territory in Cambodia and Laos. But by comparison with the pre-French period, these years were generally peaceful. French colonial rule not only prevented further foreign encroachment, but also brought to a halt the pernicious internal struggles among rival and often blood-related royal households.

While the ouster of the French following World War II brought the longed-for independence and restoration of national pride, the semblance of unity crumbled with the colonially imposed administrative structures, as long-dormant princely and regional rivalries were once again roused. Unfortunately, the espousal of Communist doctrines by Viet Minh leaders and the consequent intervention of the cold-war powers obscured the more basic reasons for contests in Indochina. While the containment of Communism has motivated the commitment of American military aid to the non-Communist governments of Indochina, and heads of these regimes themselves have been vociferous in their attacks against the threatened spread of Communism, the fact is that it has been North Vietnamese expansion and hegemony per se that their peninsular brothers in the south and neighbors in the west have feared.

In the case of Thailand, as French strength in Indochina waned, she sought to replace France as the dominant power by offering refuge and some support to rebel nationalist groups from Cambodia, Laos and Viet Nam: the Khmer Issarak, Lao Issara and Viet Minh. However, Thailand was also fearful of a resurgent Viet Nam led by the Viet Minh, and it was this, together with concern over the growing strength of China, under Communist leadership after 1949, that moved the Thai leaders toward an alignment with the United States and Great Britain, thus adding to the cold-war aura characterizing the relations of states on the Indochinese peninsula.

Whereas the entry of the French onto the Indochinese scene forestalled violation of Cambodian integrity and identity and incorporation of parts of Lao-occupied territory by the Thais and Vietnamese, their colonial presence stimulated the germination of nationalistic sentiments which in the postcolonial period were to add a new dimension to the factionalism that had previously charactered the Lao, Cambodian and Vietnamese peoples. With the departure of the French, not only were contests between traditional ruling houses and rival conservative nationalists revived but also there was now a new political element, essentially nonelitist in character and striving for unification under a single regime. These elements, deprived of access to traditional sources of power, sought external assistance, which the big powers were only too glad to lend so long as there was promise of their own interests being met.

It is clear that there can be no enduring meaningful relationships among the Indochinese states until factionalism in each of the countries yields to the formation of stable governments in which contending groups can find a voice if not actual participation.

Thailand. Of all the Indochinese countries, only Thailand (and, until recently, Cambodia) has enjoyed political stability and continuity, even in the face of relatively frequent changes at the helm of the government Much of Thailand's political success can be attributed to her history of a flexible international posture, which not only enabled her leaders to reach an accommodation with the colonial powers around them—at a time when all other countries of Southeast Asia were succumbing to European domination—but which also permitted her to continue to evolve politically and realize gains in economic social strength.

Thus, in the mid-20th century while the newly independent countries were groping and bumbling in their attempts to administer and modernize their societies, Thailand could already rely on the possession of a relatively sophisticated civil service and a well-disciplined army to carry her uneventfully through several leadership crises. Moreover, because of the absence of a colonial past, conditions did not prevail that would stimulate the formation of large numbers of active dissident nationalists who would later clamor for a role in the government. Thus, Thailand has had the good fortune to be able to function unhampered on both the international and domestic scenes.

However, as a result of the Anglo-French agreement recognizing the Mekong River as the northeastern boundary of Thailand, there exists on her soil today a source of great threat to the calm she has enjoyed. As a result of this demarcation, one third of her populace is Lao. The majority of the Lao continue to reside in this region, where unfavorable soil and weather conditions have wrought chronic economic privation. In part because of cultural and linguistic differences (minor though they may appear to the outsider) and in part because of their poverty, they have been looked down upon by the average. Thai citizen and have met with obstacles in the way of assimilation. Worse, they were neglected in the past by the central government, and while attempts have more recently been made to assist them, these efforts have not been of a scale required to effect real improvements.

It is in this area that Thailand has experienced serious insurgencies, and while it is unlikely that they will ever threaten the existence of the Bangkok Government, it is possible that the northeastern provinces will someday fall prey to irredentist movements in Laos. For the present, it is acknowledged that discontent among northeasterners renders them vulnerable to the charges and promises of foreign agitators. Thailand's fear of North Viet Nam, from which she is separated by Laos, stems from the trouble that the Vietnamese could foment in this area.[1] Thus, until the economic and social status of the northeasterner is improved, Thailand will continue to suffer a threat to her internal political cohesiveness and assume a wary posture in her relations with North Viet Nam and Laos. Beyond this she will doubtlessly continue to attempt to exercise her influence in the internal politics of Laos.

In its relations with Cambodia it is doubtful that the present Thai regime entertains any serious thought of retrieving the provinces of Battambang and Siem Reap which were returned to Cambodia, first under French aegis and later under the terms of the Washington Conference of 1947. Thailand's present interest in Cambodia has focused on the latter's ability to withstand North Vietnamese pressure. A complaint Cambodia, such as Prince Norodam Sihanouk's neutral foreign policy appeared to the Thai to portend, would lead sooner rather than later to Vietnamese reunification and to Viet Nam's eventual dominance over most of Indochina, thus once more threatening Thailand's position in the balance of powers in the area. It is in large part because of this fear that Thailand was hostile toward the Sihanouk regime and jumped in with alacrity with offers of assistance following the coup struck by the avowedly anti-Communist Lon Nol Government.

Cambodia. When Cambodia submitted herself to French colonization in the mid-19th century, she had already been a nation-state for several centuries, and she was ruled by a monarch who was generally accepted within the country as the source of political authority. This situation was nurtured by the French, who enhanced the visibility of the monarchy by providing it with splendid accouterments and strived generally to convey the impression that they were there in an advisory rather than controlling capacity.

Thus, when she emerged from her colonial episode, Cambodia enjoyed the advantage over Laos and Viet Nam of possessing national identity and territorial integrity. There was factionalism, to be sure, but it was not based on regionalism. It consisted of contests between personalities to secure a central, universally recognized seat of power, in contrast to the situation in Viet Nam and Laos where one region sought to resist or to gain control over other regions. These conditions, combined with Prince Sihanouk's astuteness in international and domestic politics, were responsible for the long period of tranquility that followed Cambodia's achievement of independence in 1953.

The ouster of Prince Sihanouk as chief of state in 1970 and the deterioration of the Cambodian nation were brought about by a combination of factors that not even a grand master of politics could withstand. Incessant pressures placed upon him by rival cold-war powers, by the Thai and Vietnamese leaders, by faulty economic management, by corrupt ministers, by a poorly trained bureacracy whose members did not regard themselves as "civil servants," and by a growing group of frustrated young intellectuals seeking expression of their talents and energies, produced a situation with which he could no longer cope effectively.

Unfortunately, there was no one else who could either, and the ineptness of the coup Government was not slow in revealing itself. In trying to take the bull by the horns in international politics, rather than sparring with it, the Lon Nol Government led the country into a nightmare in which the North Vietnamese could openly support dissident elements. Thus, Cambodia is now being torn asunder by wars fought on two fronts, international and domestic. Ironically, the unpopularity of the Lon Nol Government has also pushed the radical rebels and Prince Sihanouk, who presides over a government-in-exile in Peking, into the same camp, whereas it was formerly against the Prince's policies that the rebels were dissenting.

It should be clear now that the Lon Nol Government is not viable and can exist only so long as American bombers carry on the offensive for it. The morale of the poorly trained Khmer army has sunk to a new low,

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as corruption at the higher rungs makes itself sorely felt at the bottom and the soldiers are forced to fight against overwhelming odds a war they do not really understand. If the economy under Sihanouk was stagnant, there is none to speak of today. Whole villages are reported to have been razed, and rice fields are abandoned as terrified peasants flee to an already over-crowded capital. Transportation of food and other necessities between towns has been slowed, and the arrival of new shipments of vital goods into the country is sporadic and unpredictable, for enroute to Phnom Penh from South Viet Nam up the Mekong River, convoys of ships must pass through territory under the control of the rebels.

The assumption of a rightist, pro-Western international position by the Lon Nol Government has resulted not only in clashes with the North Vietnamese and Viet Cong, but also in the strengthening of indigenous left-wing elements. A departure from an internationally neutral policy has had precisely the internally divisive effects that Prince Sihanouk had predicted, while increasing the threat of interference from Thailand and Viet Nam. The American presence in Cambodia has so far made it unnecessary for Thailand to do more than offer assistance to the coup Government in the form of military training. However, events in Cambodia continue to be of considerable interest to the Thais since, along with Laos, Cambodia constitutes an essential buffer area between their country and Viet Nam.

A nation that is as yet as militarily weak and economically underdeveloped as Cambodia will of necessity have to pursue a neutral policy in its foreign affairs, if it is not to become a battleground for its more powerful neighbors. But unlike the former neutral Sihanouk governments, future governments, if they are to be stable, must also open the political process to genuine participation by political factions to the right and left.

Weak and vulnerable as she is today, Cambodia once had a glorious past. With the exception of Viet Nam, her history extends further back in time than that of the other Indochinese states, and at her peak her empire covered most of the peninsula. Lest the magnificent ruins that stand today be insufficient to remind the Khmers of their rich past, Sihanouk took every opportunity to recall attention to it. The Prince's eagerness to awaken in his people a historic consciousness was in part motivated by his desire to instill in them national pride, a sentiment that could become an important unifying force. Moreover, he wished to share his concern with the potential threat posed by her historic enemies, Thailand and Viet Nam, who today are stronger than ever.

Because Cambodia's precolonial history was one of steady encroachment by the Thais and Vietnamese at the expense of Cambodian-controlled territory, recent conflicts such as the one with Thailand over jurisdiction of the Khmer-built temple of Preah Vihear and the dispute with South Viet Nam concerning their mutual border and ownership of certain offshore islands, have been the source of much anxiety and insecurity. Having greater practical significance are altercations between South Viet Nam and Cambodia over rights of passage through Vietnamese-controlled stretches of the Mekong River. Until the development of Cambodia's own seaport at Kompong Som (formerly Sihanoukville) is completed and economic solutions to the problems of overland transportation are found, the government in Saigon (or of a united Viet Nam) will be able to exercise important political and economic leverage over her. Among other potentials for serious disputes between Cambodia and her neighbors are the intensification of the search for offshore oil in the Gulf of Siam, the presence of a large, economically strong community of Vietnamese residents in her territory, and treatment of Khmers living in formerly Cambodian-held but now Vietnamese-controlled land.

Laos. Laos has been regarded by some observers as a fictive state: It is a mountainous land whose heavy forests and deep river valleys pose enormous problems for communications among its diverse peoples and between them and political authority. It is poorly developed, even on the Mekong plain where one finds the major urban centers and extensive wet-rice agriculture. It is bordered by states which in the past have used it as a marching ground to work out their quarrels and where, once again, the Vietnamese and the Thais are testing the limits of their hegemony.

In a sense, the present war in Laos can be viewed as an attempt at nation-building. Today, as in the past, there exists no real centralized political authority, and an equilibrium between several regional concentrations of power is still to be attained. The dominant commercial center of Laos continues to be at Vieng Chan, which now also serves as the seat of the national government. To the south lies the region of Champassac, until recently a principality; its popular prince, Boun Oum, continues to command the allegiance of the inhabitants of the area. The elite of both Vieng Chan and Champassac, by virtue of close cultural and historical ties with Thailand, are still inclined to look to that country for support and are willing to accept considerable Thai influence.

To the north is situated Luang Prabang, the traditional royal capital. Here sits King Savang Vatthana, whose regal influence apparently does not extend far beyond its outskirts. Outwardly he has remained aloof from the war and power contests in his country. He has been reported, however, to exercise an influence to the right, one away from accommodation with the rebel Pathet Lao.

Souvannaphouma, the neutralist head of the Lao Government, and Souphanouvong, his half-brother and a leader of the Pathet Lao, are members of the viceroyal family of Luang Prabang. The Pathet Lao, from their stronghold in the northeastern province of Sam Neua, control the eastern half (some reports say two thirds) of the country. The tribal mountain peoples, including the T'ai, Méo and Kha, who constitute more than half the population of Laos and who have historically been excluded from the mainstream of Laotian politics, contribute heavily to the rank and file of the Pathet Lao, which for training and support has looked to North Viet Nam.

A truly viable Lao government thus faces problems at several levels. It must strive to effect a balance between Thai and Vietnamese influences in the country, between the royalty and aristocracy of Luang Prabang and the mercantile and political elite of Vieng Chan and Champassak, between them and the Pathet Lao, and between the plains-dwelling Lao and the hill-residing non-Lao segments of the society. Many of the mountain peoples pose a special problem of security, for they are highly mobile, crossing and recrossing boundaries demarcating Laos from North Viet Nam and Thailand. Not only do they not recognize national boundaries, but also many aspire to the formation of an autonomous state. Furthermore, the lucrative cultivation of the opium poppy by the Méos is likely to stimulate contests over which the Government would like to extend the right of control.

A problem that will always be with Laos, one that will always make her dependent on one or another of her neighbors, is her need for dependable access to the sea. While economic life throughout Indochina has become increasingly transnational, this is necessarily true of Laos because of her landlocked situation. In this regard, her extreme economic and political vulnerability to the whims and machinations of her neighbors was demonstrated during Thailand's blockade of Vieng Chan in 1960.

Viet Nam. The history of the Vietnamese people has been fraught with civil strife. From the time the Viet Nam nation was first founded, stability and unity have been enjoyed for only relatively short stretches of time. When the French set foot in southern Viet Nam, the country was enjoying one of its peaceful periods. The peoples had been reunited for a little more than half a century under the emperor at Hué.

However, this came to an end when the French, in 1862, began to take over the country and administer it in piecemeal fashion. First, as a result of military conquest by French troops, the emperor was forced to cede the southernmost extension of his territory, which France colonized and ruled as Cochin China. In time, French influence predominated in Annam and Tonkin, the middle and northern portions, where, by the terms of a treaty signed in 1883, the emperor formally recognized French "protectorates."

The leadership of the movement to resist the return of the French at the conclusion of World War II originated in Tonkin and northern Annam. Although most of the Viet Minh victories were concentrated in these areas, their efforts were felt throughout Viet Nam. But even following the terrible military blows they suffered, the French continued to entertain hopes of maintaining their influence in the country and at the Geneva Conference on Indochina of 1954 were able to win from the Viet Minh agreement to a temporary division of Viet Nam. The Viet Minh were to withdraw their forces to the northern half of the country, while the emperor, Bao Dai, presumably the symbol of the Vietnamese state, was to reign over the southern half until such time as elections for a single leadership could be held. The French hoped that the southern-based state of Viet Nam would win and through it they would be able to preserve their interests in Viet Nam.

But before these elections could be scheduled, South Viet Nam's prime minister, Ngo Dinh Diem, confident of American support, staged a plebiscite in which the people were asked to choose between him and the emperor. Through the rigged vote Bao Dai was made to appear in disfavor, and he quietly retired to a life of exile in France. Into the vacuum left by the French stepped the United States, which at that point was pursuing a vigorous policy of containing the spread of Communism. Viet Minh aspirations were viewed as an extension of Communist control, not as a resurgence of nationalism. Thus, working through Diem and his numerous successors, the United States tried first to prevent the elections and then to shore up the strength of the South Vietnamese government so it could resist a takeover by force.

Left to themselves, it is unlikely that the present South Vietnamese leadership will in the near future agree to hold joint elections with the northern leadership. Their own vested interests are at stake in an independent south, which cannot be offset by any gains reunification would bring. Among the people themselves there is a general wariness and dislike of their northern brethren who they feel regard them with superiority. While the idea of a reunified Viet Nam is appealing to them in the abstract, there is fear that they will be pushed into a disadvantageous position as northerners, to escape overcrowding, wend their way south.

External pressures against unification of Viet Nam are also great. Both Thailand and Cambodia have expressed their interest in perpetuating the present division, for a united and powerful Viet Nam could conceivably threaten their security. Laos, too, would be in greater danger of losing some of her independence, if not territory. Yet, as long as the north and south remain separated, there will be attempts by the stronger half to effect unification. Energy, manpower and other resources will be expended by one side to bring this about and by the other to avert it, and Viet Nam's relations with her neighbors will be conditioned by their usefulness to these objectives. Unification, when it does occur, will be followed by more years of inwardly focused attention, necessitated by problems of reconstruction, administration, establishment of north-south trade and communications, and so on.

III

Not ideology but practical considerations of territoriality and political survival of the leadership in each of these states have been at issue. Except for the North Vietnamese and the deposed Prince Sihanouk, who formulated his own unique Buddhist Socialist movement, Indochinese leaders have been remarkable for their lack of ideologically oriented thinking. Knowing this, one should not be surprised that months after the major word powers have effected a détente, the wars in Indochina continue to be waged. This state of affairs can be expected to continue until the peoples of the area are allowed to work out for themselves a stable equilibrium, one that is not artificially propped up by foreign military assistance or threat.

As the international situation is stabilized, internal strife will also diminish. The considerable destruction that has been wrought in all of the former French territories will then, one hopes, force leaders and dissenters to focus their attention and energies on problems of rebuilding and bring home the importance of cooperation and responsive governments. Internal development and international relations will further be facilitated as the Indochinese states come to the realization that they share common economic, social and other problems which can be most effectively solved by cooperation among them.

FOOTNOTE

[1] That leaders have also been made apprehensive by the presence in the northeastern provinces of more than 50,000 Vietnamese, many of whom came to Thailand in the late 1940's as refugees from Cambodia and Laos. In the early 1960's, some 40,000 of these people were repatriated to North Viet Nam, but repatriation was halted by the North Vietnamese Government after the Gulf of Tonkin incident in August 1964. For further details, see Peter A. Poole, *The Vietnamese in Thailand, A Historical Perspective* (Ithaca, N.Y., 1970).

PROPOSED FDA DECISION ON DEPOPROVERA

Mr. KENNEDY. Mr. President, the proposed decision by the Food and Drug Administration to approve DepoProvera for "limited usage" as an injectable contraceptive is both ill-advised and unenforceable. The decision raises profound ethical questions which underline the urgent need to enact the Protection of Human Subjects Act, which recently passed the Senate by a vote of 81 to 6.

My concern is not whether there are appropriate limited uses for DepoProvera as an injectable contraceptive; it is rather whether the defined population can be indentified, whether their rights can be adequately protected by the mechanism proposed by FDA, and whether enforcement of this "limited use" policy is possible.

The FDA has already acknowledged: First, that there is widespread, unapproved use of DepoProvera now an injectable contraceptive; second, that the FDA is powerless to control this or any other unapproved use of a drug because of what they interpret as "a congressional mandate" not to interfere with the practice of medicine; third, they are unable to document the extent of unapproved use of DepoProvera at the present time.

I believe there is a real danger that this decision will result in widespread use of DepoProvera in institutions for the mentally retarded and in health clinics serving the poor and uneducated. How will informed consent be obtained in these circumstances? Who will monitor the doctor's performance in obtaining informed consent? Why should the limited use policy be more effective in assuring appropriate use when inappropriate use was widespread when the drug was not approved at all?

The Protection of Human Subjects Act creates a national commission to study, among other things, the complex ethical questions raised by this decision. When group within FDA addressed these ethical questions? What standing group in FDA continually deals with these problems?

I do not believe the FDA can adequately monitor the use of this or any other drug in this country. I do not want to see a drug that is too dangerous for general use be utilized within a medical care system that has no quality controls or peer review built into it. The upcoming drug hearings of the Health Subcommittee will explore these issues in great detail.

"LITTLE THAT CAN BE DONE" ABOUT ATTACKS ON NUCLEAR POWERPLANTS

Mr. GRAVEL. Mr. President, on September 26, Senator ALAN BIBLE, of the Joint Committee on Atomic Energy asked AEC Commissioner William Kriegsman what would happen if there was an enemy attack on a nuclear powerplant. According to the Washington Post of September 27, Kriegsman replied:

> I think that is getting way out in the James Bond area . . . I don't believe nuclear plants are prime targets.

He added that such an attack "could not really be stopped." That is exactly what former AEC Chairman Schlesinger admitted regarding the threat of skyjackers to crash their captured airliner into the Oak Ridge nuclear reactors on November 11, 1972. On "Meet the Press," December 17, 1972, Schlesinger said:

> If one intends to crash a plane into a facility and one is able to persuade the pilot that that is the best way to go, there is, I suspect, little that can be done about that problem.
>
> The nuclear plants that we are building today are designed carefully to take the impact of, I believe, a 200,000-pound aircraft arriving at something on the order of 150 miles per hour. It will not take the impact of a larger aircraft.

RECKLESS ACTIONS BY OUR OWN AIR FORCE

Schlesinger's statement recalls another hair-raising statement by another AEC Chairman, Glenn Seaborg, with regard to the use of nuclear powerplants as practice targets on simulated low-level bombing runs of the Strategic Air Command.

On March 22, 1971, in reply to an inquiry from Ralph Nader, Seaborg indicated that the Air Force might not know where all nuclear powerplants are located and might inadvertently be using them as targets. Seaborg confirmed that the Air Force had deliberately used the Big Rock nuclear powerplant as a simulated target in 1963.

On January 7, 1971, an eight-engine SAC bomber crashed into Lake Michigan about 60 seconds away from the 70-megawatt nuclear powerplant. A witness, Norman Stephan, said that the plane's course was in a line with the powerplant; several people interviewed by the Detroit News said it was common for the giant aircraft to pass low over the generating station. The Air Force confirmed altitudes between 500 feet and 1,800 feet.

From 1964 to the crash in 1971, the utility tried to get the flights rerouted. Although AEC Chairman Seaborg reported to Nader that the Air Force stopped using the Big Rock plant for a practice target in 1963, the Air Force in fact moved the flight path only 1 mile to the west of the plant while placing the target at the nearby Bayshore range.

On September 20, 1973, the assistant Senate majority leader, ROBERT C. BYRD of West Virginia, asked the following questions:

> Is the AEC confident that the security plans against subversive action at surface nuclear reactor plants by enemies of this nation, are totally adequate to prevent a disaster of almost inconceivable magnitude?
>
> Are the AEC and the administration satisfied that in the event of war, this proliferation of surface nuclear power plants does not present a target for demolition of enemy action, the successful completion of which would cause a population loss so devastating that defense of the United States would become meaningless?

Perhaps we need to ask whether the plants are safe from reckless action by our own military forces.

Mr. President, I ask unanimous consent to place three articles here in the RECORD. First is a syndicated story of January 19, 1971, by Roger Rapoport entitled, "B–52 Crash in Lake Michigan Alarms Nearby Nuclear Plant." Second is a New York Times story of April 1, 1971 entitled "Atom Plan Used as Target for Simulated Low-Level Bombing Runs." Third is a story from the Columbia, S.C. Record of November 11, 1972 entitled, "Hijackers Threaten Oak Ridge; Nuclear Facility Shuts Down."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, January 19, 1971]

B–52 CRASH IN LAKE MICHIGAN ALARMS NEARBY NUCLEAR PLANT

(By Roger Rapoport)

WASHINGTON.—The Air Force has acknowledged that Strategic Air Command (SAC) B–52 bombers have been buzzing near a Northern Michigan nuclear power station during thousands of low-level bombing practice runs over the past seven years.

The acknowledgement, during an interview with an Air Force spokesman, came in the face of mounting Congressional concern over the Jan. 7 crash of a B-52 bomber in Lake Michigan. The plane went down about 6 miles from the Consumers Power Co. Big Rock Point nuclear power plant at Charlevoix.

Ironically, the crash happened just hours after the Air Force had written Rep. Gerald Ford (R.-Mich.), the House Minority Leader, thta "every attempt will be made to" have pilots "exclude the Big Rock Point nuclear plant by . . . 12.5 statute miles."

Ford had requested that SAC reroute its bombing practice runs in behalf of James Campbell, president of the utility, which is based in Jackson, Mich. Ford interceded after the Nuclear Energy Property Insurance Association threatened to review the $28 million plant's insurance rates if the bombers didn't keep away.

LOW-LEVEL RUNS CANCELED

The Air Force says its planes have been passing a mile west of the plant at an altitude of 1,800 feet during some 240 bombing practice runs every month since July, 1963. But Consumers spokesmen, plant employes and area residents insist that some of the flights have strayed directly over the power station.

The Air Force has canceled its low-level practice runs over this site in the wake of the Jan. 7 crash, which killed a crew of nine. However, about 60 high-altitude (30,000 feet) bombing runs are still being conducted in this region each month. And SAC bombers continue high- and low-altitude runs at 13 other practice sites across the country.

Romney Wheeler, Consumers vice president, said in a telephone interview, "Since 1964 we have repeatedly made unsuccessful attempts to get the Air Force to reroute the bomb flights, but it took this crash to get them to stop."

During the mid-1960s both the Defense Department and the Atomic Energy Commission promised Consumers that they would stop the flights. However, the utility noted in the November, 1967 issue of its house organ, Consumers Power News: "SAC continues to use the plant as a checkpoint on their low-altitude bombing practice runs and at times it appears that the planes may be very close to flying over the plant.

PROMISES

"Checking back with DOD recently we were told that the bombers were still under instruction not to fly directly over the plant. In the event that we suspected a plane was flying over the plant we were asked to get the number of the plane, notify DOD, and strong disciplinary measures would be taken against the pilot."

But the Government did not keep the faith. Wheeler says, "Late in 1970 the Nuclear Energy Property Insurance Association proposed a rate review because of the presumed hazard of overflight. We went to Rep. Ford and he wrote to the Air Force about it.

"In a letter written to Ford Jan. 7, Air Force legislative liason officer Col. Kenneth Dill said that 'SAC . . . had been notified of the Consumers Power Co. problem with the Nuclear Energy Insurance Association' and promised to reroute the planes at least 12.5 miles away from the plant."

THEN THE CRASH

At 6:30 that evening the B-52 went down in Lake Michigan, just 6 miles from the plant.

The Air Force says that the bomber crashed while flying a radar bomb-scoring mission at the Air Force's Bayshore range near Charlevoix. On these runs the unarmed SAC bombers descend to 500 feet and make electronically simulated bomb drops which are monitored on radar. Following the drop the planes climb to the south and pass one mile west of the plant at an altitude of 1,800 feet.

But Wheeler says, "When you fly that close at that altitude you just can't exclude the possibility that some of the flights come over the plant."

Norman Stephen, a trailer camp operator who witnessed the Jan. 7 crash, said in a telephone interview that "Some of the planes go over the plant, some go to the left and others to the right. You never know exactly where they are headed."

'BUZZED ALL DAY LONG'

Richard Webb, a nuclear engineer who worked at the plant during 1967, recalls many planes flying directly over the power station. Webb, now completing doctoral work at Ohio State University, says, "They buzzed us all day long."

Frank Schroeder, deputy director of the Atomic Energy Commission's Division of Reactor Licensing, says, "We always try to keep the plants out of busy air lanes to minimize any potential hazard from an aircraft accident."

For example, in the late 1950s the Navy agreed to reroute its training flights away from the Enrico Fermi Nuclear Power Station at Monroe, Mich. Schroeder says, "We tried to help Consumers Power change the SAC bomber route but I'm not exactly sure why it wasn't done sooner."

"Perhaps we need to think about some new rules concerning aircraft in the vicinity of these nuclear plants," says Mike Brownlee, an aide to Sen. Phillip Hart (D.-Mich.), chairman of the Senate commerce subcommittee on energy, natural resources and the environment. Hart has asked his staff aides to find out why the planes weren't rerouted long ago.

[From the New York Times, Apr. 1, 1971]

ATOM PLANT USED AS TARGET FOR SIMULATED LOW-LEVEL BOMBING RUNS

(By John D. Morris)

WASHINGTON, March 31.—The Air Force has used a nuclear power plant on the shore of Lake Michigan as a practice target in simulated low-level bombing runs, according to Glenn T. Seaborg, chairman of the Atomic Energy Commission.

The plant, which is near Charlevoix, Mich., was removed from the Air Force's practice target list in 1963 at the commission's request, Dr. Seaborg said in a recent letter to Ralph Nader, the consumer advocate.

Mr. Nader said that a "nuclear catastrophe" could result if a plane accidentally plunged into a nuclear plant and caused a release of radioactive material.

Dr. Seaborg's letter, dated March 22 and released today by Mr. Nader, indicated that the commission and the Air Force might not know whether other nuclear power plants are now being used, perhaps unwittingly, as targets.

P. A. Morris, director of the commission's division of reactor licensing, said by telephone that the Air Force was aware of the location of all such plants and is currently using none as practice targets.

The Air Force, however, declined to give similarly unequivocal assurances at this time.

DANGER OF CRASH

While nothing is dropped on targets in the bombing practice, many of the runs are made at low level, raising the possibility of a crash into the target. The planes fly at 500 feet for a simulated bombing, which is done by a radio beam to a ground station.

There is little or no danger of a nuclear explosion, according to experts at the Atomic Energy Commission, but a plane crashing into a power plant could release radioactive material.

The Air Force, asked this morning whether it knew the location of the 19 nuclear power plants now in operation and the 54 under construction, issued a statement late this afternoon that did not explicitly answer the question.

The statement said only that a project now under way "in coordination with the Atomic Energy Commission" would "identify the exact location of each existing and proposed power plant and its relative distance from our radar bomb-scoring corridors."

It was a reference to the same project in Dr. Seaborg's letter to Mr. Nader that indicated the Air Force might not know where the plants are located and might be inadvertently using them as targets.

An exchange of correspondence between Mr. Nader and Dr. Seaborg was prompted by the crash of a bomber into Lake Michigan last Jan. 7. The crash occurred about 10 miles from the nuclear power plant near Charlevoix.

Dr. Seaborg disclosed in his March 22 letter that the target in the practice range was moved in 1963 from the power plant to a point several miles offshore.

"Subsequent to the Jan. 7, 1971, crash," Dr. Seaborg wrote, "low-level training flights were suspended and plans are being made to re-route the training flight path away from the plant site."

[From the Columbia (S.C.) Record, Nov. 11, 1972]

HIJACKERS THREATEN OAK RIDGE, NUCLEAR FACILITY SHUTS DOWN

Three armed men demanding $10 million ransom hijacked a jet on a hopscotch flight from Alabama to Canada during the night. Then, after rejecting an offer of $500,000 in Toronto, they ordered the plane back to the southern United States where their threats forced a temporary shutdown of the giant Oak Ridge nuclear station.

This morning, more than 12 hours after the Southern Airways DC9 carrying 30 other persons was commandeered, the plane landed at Lexington, Ky., after circling an airport at Knoxville, Tenn., for nearly two hours. It took on four hours worth of fuel—its fourth load—during the 20-minute Kentucky stop and then departed.

Unclear was the ultimate destination or motive of the hijackers, who were not identified but were described as jittery and had made several requests for pep pills. Authorities said they were armed with guns and grenades. They also had demanded parachutes during the marathon flight.

The twin-engine DC9, carrying 26 other passengers and a crew of four, was on a flight to Florida when it was hijacked over Alabama Friday evening. It was first diverted to Jackson, Miss., then Detroit, Cleveland and Toronto and finally back to the United States.

Before the pane arrived over Knoxville, one of the hijacker's warned that if the ransom demands were not met, "We'll bomb Oak Ridge." He did not elaborate, but Oak Ridge, Tenn., about 20 miles northwest of Knoxville, is the site of the government's nuclear research station.

As a precautionary measure, officials at the nuclear station shut down all reactors and evacuated employes.

At Knoxville, federal and local lawmen were on the alert and officials said they were trying to meet the hijackers' demands.

Norman Helinske, airport manager, said the trio requested some pep pills while the plane was holding above the airport at 32,000 feet.

THE PASSING OF WILFRED JENKS

Mr. JAVITS. Mr. President, 3 days ago the Honorable Wilfred Jenks, the director-general of the International Labor Organization died suddenly while in Rome, Italy. Mr. Jenks' passing is a tragic loss both for the organization he so ably directed and for the cause of peace and understanding in the world.

Wilfred Jenks became director-general of the International Labor Organization in May 1970, after a career spanning nearly 40 years of the ILO's half century of existence. For many years, Mr. Jenks had primary responsibility for the ILO's work in relation to labor standards and human rights as well as for the preparation and organization of the annual international labor conference and the work of the ILO's governing body.

Prior to his being made director-general, he was actively involved in the establishment of all of the ILO's major operational programs and the development of the ILO's regional activities in Latin America, Asia, and Africa.

When Wilfred Jenks assumed his duty as director-general of the ILO, a crisis immediately arose in the relationship to the United States to the ILO. Our action in withholding dues payments, which I opposed at that time, created serious problems for the ILO, but under Mr. Jenks' leadership, the crisis was weathered and the difficulties resolved.

Under Wilfred Jenks' leadership also the ILO has moved in important new directions, including the commencement of the development of international fair labor standards to deal with the sensitive problems collateral to the new type of international business of multinational corporations as well as the general political repercussions of the enormous increase in international trade which we have witnessed in recent years.

The twin themes running through Wilfred Jenks' work and his public statements were the need to provide both economic equity and true freedom of association for workers everywhere. An example of his devotion to these principles is a speech he made to the 10th anniversary ceremonies of the heads of state and government of the Organization of African Unity in May 1973. I ask unanimous consent that a copy of the speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. In short, Mr. President, with the tragic passing of Wilfred Jenks, the world has lost a great international servant. His tenure as director of the ILO, although brief, will unquestionably have a lasting impact on that organization and the important causes which constitute its work. His party and I extend our profound condolences to his friends and the family.

EXHIBIT 1

UNTIL FREEDOM HAS NO FRONTIERS

(By Wilfred Jenks)

Your Imperial Majesty, Mr. Current Chairman and Excellencies: I am much honoured to be your guest at these Ceremonies.

You, the Heads of State and Government of the Organization of African Unity, have long recognised the part which the ILO can play in your great task of translating the political concept of the freedom in unity of Africa into the human reality of the well-being of individual human lives, the lives of the common people, of villagers and tribesmen no less than of organised workers in the sophisticated sectors of the economy.

It is because you regard this as the central task of the highest statesmanship that you have given so important a place in these ceremonies to the anniversary of the Conference of African Labour Ministers.

This a fitting recognition of the importance of the contribution of your Ministers of Labour to your central task.

I am happy to pay tribute on this occasion to the contribution which the Conference of African Labour Ministers, in the development of which your Secretary General Mr. Nzo Ekangaki played so outstanding a part, has made to the work of the ILO.

It is natural that the OAU and the ILO should have acted in the closest association from the moment of birth of the OAU.

These last ten years have been a momentous decade for Africa and all mankind.

A still more momentous decade lies ahead.

In these last years the whole pattern of world politics has changed.

Freedom, throughout history the privilege of the few, has become the acknowledged birthright of all.

National freedom, the privilege of a minority a generation ago, is now the secure heritage of the immense majority; though it still remains to win national freedom for those who do not yet enjoy it, in Southern Africa and elsewhere, the main battle of the next decade lies on a much broader front; it is to make a reality of freedom in everyday life.

What are the prospects of achieving something so wholly new in human history?

We start with some incomparable assets.

There is a new emphasis throughout the world on the social responsibility of political power and the decisive place of social purpose in economic growth and change.

The United Nations system, however grave its imperfections, provides a wholly new range of opportunities for grappling with our problems.

The new dialogues recently initiated among the most powerful states may, if so conducted as to strengthen rather than weaken the United Nations system as a whole, provide an opportunity to substitute a stable structure of peace for the strain and stress of ideological conflict.

The decade which lies ahead will determine whether we achieve the promise of these brave beginnings.

Let us not underestimate the task.

Freedom is precarious until freedom has no frontiers.

Freedom remains inert without the fullness of opportunity which makes it a positive reality.

The immense majority of mankind still live stunted lives: lives stunted by poor food, wretched housing, bad health, little education, and by lack of the good jobs, good wages and good social services that would put good food, good housing, good health and good education within their reach.

They live stunted lives at a time when science and technology have created possibilities of human welfare wholly new in human history.

Taking the world as a whole, the grave inequalities between man and man, and people and people, which have run throughout history, are becoming graver at a time when we are more aware than ever before, and more conscious than ever before that, given vision and resolve, we are much better equipped to cope with them than ever before.

This is an explosive paradox in an age with an unprecedented degree of questioning of authority, an unprecedented momentum, scale and rhythm of change, an unprecedented willingness to reject the old and explore the new.

This explosive paradox is the fundamental problem of world society today.

It is a problem for the highest level of statesmanship; it involves the whole of economic policy but goes far beyond economic policy; it is of decisive importance for the viability of the state and the stability of society.

It is because so much of the work of the ILO is so directly related to this fundamental problem which lies at the crux of the responsibilities of the highest statesmanship that Your Imperial Majesty and so many of Your Excellencies, the Heads of State and Government of Africa, have taken so keen a personal interest in the work of the ILO, have honoured us with your personal participation in ILO meetings both in Africa and in Geneva, and have authorised and encouraged your Ministers of Labour to play so positive a part in shaping the ILO contribution to human freedom. You look to us to help you to achieve the fullness of opportunity for the common people necessary to give them the reality of freedom. What specific and concrete contribution can you expect of us as you wrestle with the current preoccupations of high statesmanship?

You have consistently laid the immediate emphasis on jobs and skills. Unemployment and underemployment are a cancer threatening the whole life of society; they are a threat to political stability, economic development and social progress alike. The employment problems of the developing world remain a top priority in all our work. I have, as you know, entrusted the general direction of all this work on a world wide basis to an outstanding international servant from Africa, Abbas Ammar.

Jobs and skills involves much more than manpower planning, placement, vocational training, management development, the treatment of migrant labour from Africa in other countries and suchlike matters. We will continue and expand our work in Africa on all these matters through the Jobs and Skills Programme for Africa and the Turin Centre for Advanced Vocational and Technical Training and will keep the African Labour Ministers informed of progress, but much more is involved. Employment involves the whole of development policy and decisions at the highest levels of government. There will be no solution to the problem unless you make employment the focus of development policy. Inspired by this belief, eight African Heads of State have now requested our co-operation in the framing of comprehensive employment policies. In every case we have responded positively. May I thank you for confidence and co-operation at the highest levels of government which has made this positive response possible and assure every Head of State or Government present here of my personal co-operation in ensuring an equally positive response to any further requests of this nature which I may receive from you.

Jobs and skills are vital but they are not enough. A second cancer threatens the body politic of Africa, the ever growing challenge of the unequal distribution of the good things of life. Has the time not come to balance the World Employment Programme with a comparable emphasis on greater equality of income distribution? It is not vital to give much greater emphasis to social objectives in the forthcoming international negotiations on trade, investment, monetary, and development co-operation policies? Has it not become urgent to give the more equitable distribution of income a more central place in national development policies and to avoid the concentration of development on the welfare of a privileged minority? This will be the theme of the general debate at this year's session of the International Labour Conference in which your Ministers of Labour will be playing a leading part. I hope the debate will give us with your full approval an unequivocal and comprehensive mandate to launch new world wide initiatives on the problem of income distribution and focus sharply the social objectives which should set the key note for the forthcoming international economic negotiations.

These immense tasks far exceed what governments can achieve alone. They require a mobilization of national and international effort which calls for the participation of the whole community. In matters of economic development the full co-operation of employers and workers is of the utmost practical importance. It involves a most delicate balance of freedom and responsibility. The unique tripartite co-operation pioneered by the ILO, the essence of which is that all three groups maintain their own freedom and independence and respect for each others but act in responsible co-operation with each other for the common good, provides a pattern for the necessary balance of freedom and responsibility.

There is a fundamental issue involved. You cannot give people the reality of freedom unless you give them a real voice in shaping their own lives. Trade union freedom is a vital element in the freedom of the common man.

In the ILO we have followed with much interest the recent establishment of the Organisation of African Trade Union Unity. We look forward to the full co-operation with the ILO pledged by its Constituent Congress. I have already here in Addis Ababa initiated personal discussions with its officers concerning the modalities of this co-operation. The relationships which should exist between the Organisation of African Trade Union Unity and other international trade union bodies are regarded by ILO policy and standards as a matter for the organisations concerned to settle among themselves, but I would like to mention briefly two broad principles which involve matters of the highest policy. I submit them to you with respect as the distillation of our world-wide experience.

The essence of trade unionism is its freedom and independence from governments and employers, and, may I add, from political parties. If trade unionism loses its freedom and independence it forfeits its value, not only for workers but equally for governments and employers. As the authentic voice of the working class, trade unionism is on the lowest reckoning an invaluable early warning system of trouble ahead and, on a higher plane, the natural ally of imaginative statemanship in achieving far-reaching social change by rational dialogue and orderly progress. If trade unionism, by losing its freedom and independence, ceases to be the authentic voice of the working class, it loses its value for the community both as a factor of stability and as a force for change. By making trade unionism a political instrument you destroy its fundamental political value.

You will expect such a plea for trade union freedom from the Director-General of the ILO. May I add to it an unequivocal recognition of your concern that trade union freedom should be exercised with responsibility within the broader discipline of the general interest of the community as a whole. We share this natural and proper concern. All the work of the ILO presupposes trade union freedom and organised tripartite co-operation by orderly procedures as essential to each other. Neither can subsist without the other. Our task is to make a reality of both.

Equally vital is the second principle. Trade unionism has always been a world movement. If African trade unionism isolates itself in Africa it will forfeit its influence on the world scene. By so doing it would weaken the African voice in circles with a vast and growing influence on major questions of world economic policy vitally affecting African interests. It is wholly understandable that there should be a widespread desire to reassess the place of African trade unionism in world trade unionism in the light of the changed position of Africa, but it would be a tragic mishap if this reassessment were to impair rather than enhance the influence of a free and independent African trade unionism in world trade union affairs. The ILO, the only place where all the trade union movements of the world meet together in a partnership of common action, is the natural forum and framework within which the parties concerned should work out among themselves, with due regard to the provisions of the ILO Freedom of Association Conventions, the new modalities of the place of African trade unionism in world trade unionism. This is a matter of special importance at a time when African trade unions are seeking and receiving through the ILO world-wide trade union support in an intensified campaign against apartheid and when we are increasingly preoccupied with the labour problems of multinational corporations.

May I conclude by saying how much personal pleasure it has given me to be with you today. I have accepted your invitation as an expression of your confidence in the ILO, but I have also welcomed it as an opportunity to confirm my personal identification with your ideals. No man can fulfill the responsibilities of high international office with his own strength. He can do so only with the strength which comes from the confidence of those he serves.

May I thank you for your confidence?

As Director-General of the ILO I am sworn to the impartial service of all mankind.

It is, however, no secret, in Africa or elsewhere, that the emergence of Africa as a full partner in the world community has been among my constant preoccupations for a lifetime and that the forging of a partnership of mutual confidence between Africa and the ILO was among my special responsibilities before my election as Director-General. I am here to confirm to you my dedication to that task.

I am humbly proud to have been privileged to write both the first solemn international commitment to the principle of racial equality, the grand affirmation of the equal rights of all human beings, irrespective of race, creed or sex, set forth in the Declaration of Philadelphia, and the first practical programme for racial equality in employment in Southern Africa, the ILO Declaration against Apartheid.

Here in the presence of the Heads of State and Government of the Organization of African Unity I solemnly renew my personal pledge of unswerving dedication to the ideal which binds us in a common cause, the freedom and dignity of all mankind.

This personal pledge means much to me, but much less to you than the pledge which I bring you on behalf of the ILO.

I am here to pledge you the full co-operation of the ILO in making a reality throughout Africa of freedom from man's inhumanity to man.

G. B. NALLEY

Mr. THURMOND. Mr. President, one of the outstanding citizens of South Carolina, G. B. Nalley of Easley, died last week at the age of 56. He was truly a dynamic man who accomplished much for the good of his community and State.

The example of his life is one which could be emulated by others in setting their goals and applying themselves toward reaching them. Mr. Nalley had a broad vision and recognized few limitations in achieving the course he set for himself.

At the age of 15, G. B. Nalley entered the business world by operating a sawmill. Later he combined his sawmill and lumber business with a very successful contracting firm. In more recent years, he was instrumental in the development of a number of businesses and industries in the South Carolina Piedmont. He served as either a director or trustee for quite a few other companies and organizations.

Mr. Nalley's stature had not escaped the recognition of his neighbors and hometown associates. Nineteen years ago he was named "Citizen of the Year" by both the Easley Exchange Club and the Easley Business and Professional Women's Club. He had served as either president or chairman of several civic organizations or community institutions. His church was an important part of his life and, indeed, at his death he served as chairman of the board of stewards at Fairview United Methodist Church.

G. B. Nalley was my friend throughout the years. I knew him as a patriotic, public spirited, fine citizen, and his community, State and Nation will miss him in many ways. He was a true friend, and I feel a great loss in his passing.

Mr. President, in closing, I wish to express my deepest sympathy to his devoted wife, Mrs. LaVonne Edmunds Nalley; his fine son, George B. Nalley, Jr., of Easley, S.C.; his lovely daughter, Mrs. Ashton Phillips of Charleston, S.C.; his four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, S.C., and Mrs. N. N. Newton of Clemson, S.C.; and his two brothers, W. E. Nalley and R. Eugene Nalley, both of Palatka, Fla. He also left seven splendid grandchildren: Leslie LeAnn Nalley, Kathryn LeVonne Nalley, and George Weston Nalley of Easley; and Ted Ashton Phillips, Jr., George Mark Phillips, Alton Clarence Phillips, and Sarah LaVonne Phillips of Charleston, S.C. Mrs. Thurmond joins me in extending sympathy to all the members of the family and to their many friends.

No lady was ever more devoted to her husband than the capable and talented Mrs. "Tincey" Nalley. She stood by him through thick and thin and represents the highest qualities of loyalty and dedication in a marriage. She is an example of Christian womanhood at its finest.

At the time of his death a number of articles and editorials about the life and death of G. B. Nalley appeared in newspapers of South Carolina. I ask unanimous consent that several of them be included in the RECORD at the conclusion of my remarks as follows: "G. B. Nalley Dies At 56," Greenville Piedmont, Greenville, S.C., October 1, 1973; "Easley Civic, Business Leader Dies," the Greenville News, Greenville, S.C., October 2, 1973; "G. B. Nalley Of Easley Dies At 56," the News and Courier, Charleston, S.C., October 2, 1973; "G. B. Nalley, Sr., Dies In Easley," the State, Columbia, S.C., October 2, 1973; "G. B. Nalley, Sr., Local Civic, Business Leader, Dies Monday," the Progress, Easley, S.C., October 3, 1973; and "G. B. Nalley, Sr.," the Progress, Easley, S.C., October 3, 1973, two articles from the Greenville Piedmont; an article from the State newspaper; an editorial from the Greenville News; and letters addressed to Mr. G. B. Nalley, Jr., the son of the late Mr. Nalley.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

G. B. Nalley Dies at 56

Easley.—George Burdine Nalley Sr., 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, he was the son of the late L. Elford and Olivia Smith Nalley and was a member of Fairview Methodist Church.

Surviving are his wife, LaVonne Edmonds Nalley of the home; a son, George B. Nalley of Easley; a daughter, Mrs. Ashton (Sarah LaVonne) Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul (Clara) Lamar of Easley, Mrs. Ray (Anne) Howard of Hendersonville, N.C., Mrs. James Ella (Ruth) Stewart of Pickens, and Mrs. E. N. (Sarah) Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.

Funeral services will be at 11 a.m. Wednesday in Robinson Funeral Home with the Revs. Ford Philpott and Kenneth Bobo. Burial will follow in Hillcrest Memorial Park.

The body is at the funeral home, where the family will receive friends from 7 to 9 p.m. Tuesday.

Easley Civic, Business Leader Dies

Easley.—George Burdine Nalley, 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president of Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickens County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Woman's Club.

Surviving are his wife, Mrs. Lavann Edmonds Nalley; a son, George B. Nalley Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home, with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. Tuesday.

G. B. Nalley of Easley Dies at 56

Easley.—George Burdine Nalley, 56, business and civil leader and head of Easley lumber Co. and Nalley Commercial Properties, died here Monday.

He was intrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the Board of Directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Cory and Chairman of the Board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president of the Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Baptist Hospital and the March of Dimes in Pickens County and an honorary member of the Easley Rotary Club.

The funeral will be 11 a.m. Wednesday at Robinson Funeral Home. Burial will be in Hillcrest Memorial Park.

Surviving are: his widow, Mrs. LaVonne Edmonds Nalley of Easley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens and Mrs. N. N. Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.; seven grandchildren.

G. B. Nalley Sr. Dies in Easley

Easley.—George Burdine Nalley Sr., 56, business and civic leader, died Monday in a local hospital.

Born in Anderson County, he was a son of the late L. Alfred and Olivia Smith Nalley. He lived all his life in Easley.

In 1949 he organized the Easley Lumber Co., a sawmill and lumber business which has grown to encompass building in the Southeast. In addition to developing scores of shopping centers during the past two decades, Mr. Nalley was instrumental in the development and location of industry in Upper South Carolina. Industry located included Swirl Inc., Stayon Products, Piedmont Shirt Co., Dan Manufacturing Co. and Emb-Tex Embroidering Co.

Mr. Nalley was past president of the Easley Exchange Club and the Easley Chamber of Commerce. He was chairman of the board of directors of Nalley Commercial Properties, Inc., Easley Lumber Co. and Quality Construction Co.

He was named Citizen of the Year in 1954 by the Easley Exchange Club and the Easley Business and Professional Women's Club. He was chairman of the initial fund raising group of the Easley Baptist Hosiptal.

Mr. Nalley was a director of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust and the Charlotte Motor Speedway. He was formerly president of New Galax Mirror Corp. and a member of Ford Philpot Evangelistic Association.

Mr. Nalley was a charter member of the Planning and Development Board of Pickens County. He served as chairman of the March of Dimes in Pickens County and was an honorary member of Easley Rotary Club.

Surviving are his widow, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C.; Mrs. James Stewart of Pickens and Mrs. N. N. Newton of Clemson; and two brothers W. E. and R. Eugene Nalley of Palatka, Fla.

Services will be 11 a.m. Wednesday in Robinson Funeral Home, with burial in Hillcrest Memorial Park.

G. B. Nalley, Sr., Local Civic, Business Leader, Dies Monday

Funeral services for George Burdine Nalley, 56, of 200 Dogwood Lane, local business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, who died Monday, were to be conducted today (Wednesday) at 11 a.m. at Robinson Funeral Home, with burial in Hillcrest Memorial Park.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president Easley Chamber of Commerce, a charter member of planning and Development Board of Pickins County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickins County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Women's Club.

Surviving are his wife, Mrs. Lavonne Edmonds Nalley; a son, George B. Nalley Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

G. B. Nalley, Sr.

In 1954, both the Easley Exchange Club and the Easley Business and Professional Woman's Club named George Burdine Nalley Sr., who was then 37 years old, "Citizen of the Year."

G. B. Nalley died Monday at the age of 56, leaving as one of his memorials a staggering list of ambitions and well fulfilled projects for the benefit of the City of Easley and South Carolina and a quiet lost of private philanthropies to individuals and groups who will not forget those philanthropies.

Farm-reared, G. B. Nalley got his start in the business world at 13, when he took over the responsibility of family farms as a school dropout and at the age of 15 was running a sawmill. He was successful at both. In 1949, he organized a sawmill and lumber business in Easley and began a contracting business which did approximately $4 million in business in 1964, much of it in developing shopping centers.

He built shopping centers for leasing purposes in a dozen or more cities throughout North and South Carolina and Florida. He built more than 150 A&P stores and over 300 service stations throughout the South. He built his company into one of the strongest commercial building firms in the Southeast.

Enterprising, intelligent, forthright and energetic, G. B. Nalley gave much of his business acumen and his time and efforts to Easley and Pickens County. He was a charter member of the Planning and Development Board of Pickens County, chairman of the initial fund-raising group of Easley Hospital and for the March of Dimes in Pickens County. He was a former chairman of the Board of Stewards of Fairview United Methodist Church, past president of the Easley Exchange Club, past president of the Easley Chamber of Commerce and an honorary member of the Easley Rotary Club.

G. B. Nalley was initially and directly instrumental in the development of industry and other civic improvements in upper South Carolina.

In an editorial in The Easley Progress in 1954, the late Editor Julien Wyatt wrote of G. B. Nalley, ". . . It is suspected that the big secret of G. B.'s success is that infectious smile and good nature that is always with him. It's not that alone, however, as the large volume of his business transactions indicates an ability to back up the ever-present smile."

G. B. Nalley leaves behind him a long list of accomplishments which made his church, his home town, and his state a better place for his having backed up that smile by earnest and successful action.

The total community is diminished by his death. He spent his entire life in Easley. Individuals of the stature of G. B. Nalley are needed—and are not found often.

Nalley Rites Are Planned Wednesday

Easley, S.C.—Funeral services will be conducted Wednesday for George Burdine Nalley, a business and civic leader in Easley for many years.

Nalley died Monday at the age of 56.

He was president of the Easley Lumber Co. and the Nalley Commercial Properties.

He had served on the board of directors of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust, and the Charlotte Motor Speedway.

Nalley also was a past president of the Easley Exchange Club and the Easley Chamber of Commerce, and a charter member of the Pickens County Planning and Development Board.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home by Revs. Ford Philpott and Kenneth Bobo with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. today.

G. B. Nalley Dies at 56

Easley, S.C.—George Burdine Nalley Sr., 56, of 210 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, he was the son of the late Elford and Olivia Smith Nalley and was a member of Fairview Methodist Church.

Survivors are his wife, LaVonne Edmonds Nalley of the home; a son, George B. Nalley of Easley; a daughter, Mrs. Ashton (Sarah La Vonne) Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul (Clara) Lamar of Easley, Mrs. Ray (Anne) Howard of Hendersonville, N.C., Mrs. James Ella (Ruth) Stewart of Pickens, and Mrs. E. N. (Sarah) Newton of Clemson; two brothers, W. E. Nalley and R. Eugene Nalley of Palatka, Fla.

Funeral services will be at 11 a.m. Wednesday in Robinson Funeral Home with the Revs. Ford Philpott and Kenneth Bobo. Burial will follow in Hillcrest Memorial Park.

The body is at the funeral home, where the family will receive friends from 7 to 9 p.m. Tuesday.

G. B. Nalley Sr. Dies in Easley

Easley.—George Burdine Nalley Sr., 56, business and civic leader, died Monday in a local hospital.

Born in Anderson County, he was a son of the late L. Alfred and Olivia Smith Nalley. He lived all his life in Easley.

In 1949 he organized the Easley Lumber Co., a sawmill and lumber business which has grown to encompass building in the Southeast. In addition to developing scores of shopping centers during the past two decades, Mr. Nalley was instrumental in the development and location of industry in Upper South Carolina. Industry located included Swirl Inc., Stayon Products, Piedmont Shirt Co., Dann Manufacturing Co., and Emb-Tex Embroidering Co.

Mr. Nalley was past president of the Easley Exchange Club and the Easley Chamber of Commerce. He was chairman of the board of directors of Nalley Commercial Properties, Inc., Easley Lumber Co. and Quality Construction Co.

He was named Citizen of the Year in 1954 by the Easley Exchange Club and the Easley Business and Professional Women's Club. He was chairman of the initial fund raising group of the Easley Baptist Hospital. Mr. Nalley was a director of the Real Estate Investment Fund, the Palmetto Real Estate Investment Trust and the Charlotte Motor Speedway. He was formerly president of New Galax Mirror Corp. and a member of Ford Philpott Evangelistic Association.

Mr. Nalley was a charter member of the Planning and Development Board of Pickens County. He served as chairman of the March of Dimes in Pickens County and was an honorary member of Easley Rotary Club.

Surviving are his widow, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley Jr. of Easley; a daughter, Mrs. Ashton Phillips of Charleston; seven grandchildren; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, and Mrs. N. N. Newton of Clemson; and two brothers, W. E. and R. Eugene Nalley of Palatka, Fla.

Services will be 11 a.m. Wednesday in Robinson Funeral Home, with burial in Hillcrest Memorial Park.

Easley Civic, Business Leader Dies

Easley.—George Burdine Nalley, 56, of 200 Dogwood Lane, business and civic leader and head of Easley Lumber Co. and Nalley Commercial Properties, died Monday.

Born in Anderson County, a son of the late L. Elford and Olivia Smith Nalley, he was chairman of the board of stewards of Fairview United Methodist Church.

Nalley started in business at the age of 15, operating a sawmill. In 1949–50 he organized a sawmill and lumber business in Easley and began a thriving contracting business.

He was instrumental in the development of industry and other civic improvements in upper South Carolina, including Swirl, Inc., Stayon Products, Piedmont Shirt, Dann Manufacturing and Emb-Tex Embroidering Co.

Also he was a member of the board of directors of Real Estate Investment Fund, Palmetto Real Estate Investment Trust, Charlotte Motor Speedway, former president of New Galax Mirror Corp., and chairman of the board of Quality Construction Co. and other affiliated companies.

Nalley was past president of the Easley Exchange Club, past president Easley Chamber of Commerce, a charter member of Planning and Development Board of Pickens County, chairman of the initial fund raising group for Easley Hospital and March of Dimes in Pickens County and honorary member of Easley Rotary Club.

Nalley was named "Citizen of the Year" in 1954 by both the Easley Exchange Club and the Easley Business and Professional Woman's Club.

Surviving are his wife, Mrs. LaVonne Edmonds Nalley; a son, George B. Nalley, Jr., Easley; a daughter, Mrs. Ashton Phillips of Charleston; four sisters, Mrs. Paul Lamar of Easley, Mrs. Ray Howard of Hendersonville, N.C., Mrs. James Stewart of Pickens, Mrs. N. N. Newton of Clemson; two brothers, W. E. and R. Eugene Nalley of Palatka, Fla., and seven grandchildren.

Funeral services will be Wednesday at 11 a.m. at Robinson Funeral Home with burial in Hillcrest Memorial Park.

The body is at the funeral home where the family will receive friends from 7 to 9 p.m. Tuesday.

George Burdine Nalley

George Burdine Nalley was a self-made man who applied his vast energy and ability to the growth and progress of his home community of Easley and upstate South Carolina, He was a rare individual.

His business success was based on shrewd common sense and hard work. Hundreds of persons in this area owe their jobs directly to the industrial development he promoted.

G. B. Nalley believed strongly in the future of South Carolina. Over the years he participated in a long list of business, civic and church endeavors dedicated to making his community and state better places in which to live and work.

Essentially, Mr. Nalley was a contractor, a builder. And he was instrumental in building an attitude for progress in the upstate. As a key business leader, he helped set the pace for personal involvement in total community growth.

He was a man with a big heart, who was never too busy to talk with a friend or to respond to a plea for help. His recent death is mourned by the many people with whom he came in contact during his unique life.

SWIRL, Inc.,
Easley, S.C., October 1973.

Dear Bud: It was a shock to me to learn of the passing of your dad.

It is a hopeless task to try to express my feelings by mere words but I do want you to know how much I sympathize with you in your time of sorrow.

Throughout the twenty years I knew your Dad he had my respect and admiration and of everyone who came in contact with him.

To few are granted so warm a personality and so fine an intelligence.

Please accept my deepest and sincerest sympathy for you and your family in your bereavement.

Sincerely,

——— ———.

Pickens County Planning and
Development Commission,
Pickens, S.C., October 4, 1973.

Mr. G. B. Nalley, Jr.,
Easley, S.C.

Dear Bud: Your associates on the Planning Commission and I extend our sympathy to you and your family in the passing of your father. His untimely death leaves a void in your lives, and his county and state will be of less stature because of his passing.

His contributions to all of us have been substantial and his accomplishments manifest a dynamic personality that held more compassion than many realized. I know that you are proud of all of these positions and permanent contributions, and I hope that they may give you some comfort during the sad days.

We pray for your comfort and acceptance of this inevitable fate of all men and that you are thankful for the gift of his life.

Sincerely,

Ernest W. Cooler.

Hawthorne Aviation,
Municipal Airport,
Charleston, S.C., October 2, 1973.

Mr. G. B. Nalley, Jr.,
Easley, S.C.

Dear Bud: I was distressed when I received the news that G. B. had passed away. This is a genuine personal loss to me, as I was proud to be numbered among his many friends.

We have lost a very unusual gentleman. He was often unorthodox, and actually enjoyed keeping his friends and associates "off balance", but he was one of the most totally honest men I have ever known. He had a fertile and active mind, a sense of humor, and an apparently unlimited supply of energy. These traits combined to "make things happen".

I am sure there is nothing that I will say here that will ease your sense of grief at this time, but I will remind you that your grief will pass for you and your family, but your pride in his accomplishments will live on in his memory.

Please express my deep condolences to your Mother. With deepest sympathy.

Sincerely,

VERNON B. STRICKLAND,
President.

THOMAS B. COLEMAN,
New Bern, N.C., October 1, 1973.

DEAR BUD: I was grieved today to learn of your loss. I will be in Washington Wednesday. However I will be thinking of you.

I have never met anyone who impressed me so deeply on such a short acquaintance as your father.

Often I have thought of a report coming from N.C.'s largest bank, indicating that his character and integrity were beyond reproach but to dismiss from my mind any thought of outtrading him (a most cherished reputation eh.)

Best regards,

TOM.

GABRIEL B. SCHWARTZ,
New York, N.Y., October 1, 1973.

DEAR BUD: I was sorry to learn from Ed Helinke that your dad has passed away. My deepest sympathy to your mother and all of the family.

G. B. was one of the most memorable people I have been privileged to know, and I have the kindest memories of the time we spent together in Easley and New York. His qualities of mind and spirit were in the best traditions of American individualism. He was rough-hewn but always gentle and considerate of others. He appeared as a simple man, yet had a great intellect, a delight in living and always a profound humanitarianism which led him to "do justice, love mercy and walk humbly with God". He will be missed.

Sincerely,

GABE.

QUORUM CALL

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 2:45 P.M. TODAY

Mr. GRIFFIN. Mr. President, with agreement of the distinguished majority whip, I ask unanimous consent that the Senate stand in recess until the hour of 2:45 p.m. today.

There being no objection, at 2:08 p.m., the Senate took a recess until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MCCLELLAN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 20 minutes.

The motion was agreed to; and at 2:52 p.m. the Senate took a recess for 20 minutes.

The Senate reassembled at 3:12 p.m., when called to order by the Presiding Officer (Mr. MCCLURE).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 318) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. UDALL, Mr. CHARLES H. WILSON of California, Mr. GROSS, Mr. DERWINSKI, and Mr. JOHNSON of Pennsylvania were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 468 Leg.]

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Brock
Byrd, Robert C.
Cannon
Clark
Cook
Dole
Domenici
Eastland
Fannin
Griffin
Hansen
Hatfield
Hathaway
Hruska
Long
Magnuson
Mansfield
McClure
Metcalf
Pastore
Roth
Scott, Hugh
Stafford
Symington
Taft
Tunney
Young

The PRESIDING OFFICER (Mr. MCCLURE). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the sergeant at arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The sergeant at arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Bayh
Bellmon
Bennett
Biden
Brooke
Burdick
Byrd,
  Harry F., Jr.
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Gravel
Haskell
Hollings
Hughes
Jackson
Javits
Johnston
Kennedy
McClellan
McGovern
Montoya
Moss
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Saxbe
Schweiker
Scott,
  William L.
Sparkman
Stennis
Stevens
Stevenson
Thurmond
Weicker
Williams

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mi. JOHNSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. BUCKLEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

I also announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. MANSFIELD obtained the floor.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from

Arkansas with the proviso that I retain my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The Senator from Arkansas is recognized.

FURTHER CONTINUING APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on House Joint Resolution 727, and ask for its immediate consideration.

The **PRESIDING OFFICER.** The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The **PRESIDING OFFICER.** Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD at page 33597.)

Mr. McCLELLAN. Mr. President, the purpose of this resolution is to provide continuing appropriations for fiscal year 1974 for those Federal programs for which regular appropriations bills have not as of yet been enacted. The pending resolution would extend the original resolution which had a termination date of September 30, 1973, to the "sine die adjournment" date of this session of Congress.

This resolution also contains a provision which prohibits the Cost of Living Council from using any funds to carry out programs which discriminate between petroleum marketers in the method of establishing prices for petroleum products. The House agreed with the Senate amendment which exempts the Export-Import Bank from the quarterly funding rate requirement for activities covered by the foreign assistance appropriation bill.

In addition to these amendments, the resolution provides for a new distribution formula for title 1-A of the Elementary and Secondary Education Act. Under the agreement reached with the House, States shall receive grants of not less than 90 percent of their 1972 allotment and local educational agencies shall receive not less than 90 percent nor more than 115 percent of the funds received in their 1973 allotment.

The conferees agree that the formula provided in this resolution should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The conferees are aware that new legislation is currently being developed by the appropriate authorizing committees. We urge early action on this matter.

Mr. President, before moving the adoption of the conference report, I ask unanimous consent that, immediately following my remarks on this conference report, a table be inserted in the RECORD which has been provided by the Office of Education which lists the estimated distribution of funds under title 1-A of the Elementary and Secondary Education Act.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PT. A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

	Appropriations, fiscal year 1972	Fiscal year 1973, operating level	Fiscal year 1974					
			House bill—Local educational agency hold harmless at 85 percent of 1973 level		Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level		Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 level	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total amount for all parts of title I	$1, 597, 000, 000	$1, 585, 000, 000	$1, 629, 000, 000	$1, 810, 000, 000	$1, 629, 000, 000	$1, 810, 000, 000	$1, 629, 000, 000	$1, 810, 000, 000
Total for States and District of Columbia, pt. A, local grants	[1] 1, 364, 707, 215	[2] 1, 316, 037, 468	[5] 1, 305, 190, 699	[6] 1, 444, 083, 033	1, 305, 191, 181	[7] 1, 444, 267, 379	1, 305, 203, 418	1, 444, 116, 298
Alabama	40, 257, 134	34, 549, 166	29, 366, 791	29, 366, 791	36, 231, 421	36, 231, 421	36, 231, 421	36, 231, 421
Alaska	2, 054, 974	2, 415, 064	2, 682, 258	3, 112, 266	2, 260, 471	2, 260, 471	2, 396, 946	2, 777, 324
Arizona	8, 648, 415	8, 134, 242	7, 979, 433	9, 257, 236	7, 783, 574	9, 513, 256	7, 783, 574	9, 354, 378
Arkansas	24, 214, 456	20, 963, 618	17, 891, 075	17, 819, 075	21, 793, 010	21, 793, 010	21, 793, 010	21, 793, 010
California	122, 028, 439	111, 618, 375	132, 282, 520	153, 404, 740	119, 281, 010	134, 231, 283	118, 267, 550	128, 361, 130
Colorado	10, 100, 532	10, 237, 378	10, 662, 905	12, 638, 915	9, 612, 772	11, 110, 585	9, 530, 951	11, 772, 985
Connecticut	11, 813, 005	11, 747, 931	14, 075, 019	16, 324, 230	12, 690, 536	12, 994, 306	12, 582, 635	13, 510, 121
Delaware	2, 242, 296	2, 323, 748	2, 369, 640	2, 749, 533	2, 135, 792	2, 466, 526	2, 117, 579	2, 672, 310
Florida	26, 445, 029	24, 111, 072	21, 409, 583	24, 848, 859	23, 800, 526	29, 089, 532	23, 800, 526	27, 727, 733
Georgia	39, 947, 788	40, 573, 812	34, 487, 740	34, 787, 740	35, 953, 009	43, 942, 567	36, 516, 431	36, 516, 431
Hawaii	3, 250, 669	3, 715, 263	4, 056, 617	4, 704, 115	3, 575, 736	3, 575, 736	3, 626, 989	4, 272, 552
Idaho	2, 730, 118	2, 719, 220	2, 394, 164	2, 778, 090	2, 457, 106	3, 003, 130	2, 457, 106	3, 127, 103
Illinois	63, 243, 090	69, 554, 901	73, 322, 080	85, 026, 804	66, 117, 404	69, 567, 399	65, 555, 777	79, 988, 136
Indiana	16, 999, 801	18, 773, 439	16, 346, 660	18, 959, 995	15, 299, 821	18, 699, 781	16, 896, 095	21, 589, 455
Iowa	15, 464, 659	14, 601, 661	12, 411, 412	12, 411, 412	13, 918, 193	17, 011, 125	13, 918, 193	13, 918, 193
Kansas	10, 427, 273	9, 147, 430	4, 775, 316	8, 991, 779	9, 384, 546	11, 470, 000	9, 384, 546	10, 519, 544
Kentucky	37, 131, 906	32, 212, 788	27, 380, 870	27, 380, 870	33, 418, 715	35, 180, 193	33, 418, 715	33, 418, 715
Louisiana	34, 683, 312	31, 322, 489	26, 624, 116	26, 624, 116	31, 214, 981	38, 151, 643	31, 214, 981	33, 117, 401
Maine	5, 607, 754	5, 633, 673	5, 238, 765	6, 075, 788	5, 046, 979	6, 168, 529	5, 070, 306	6, 478, 724
Maryland	19, 423, 141	19, 380, 669	20, 745, 445	24, 059, 507	18, 705, 508	21, 365, 455	18, 546, 513	22, 287, 769
Massachusetts	23, 858, 101	24, 893, 505	28, 292, 810	32, 812, 419	25, 510, 812	26, 243, 911	25, 293, 979	28, 627, 531
Michigan	47, 708, 517	51, 768, 916	53, 125, 904	61, 617, 453	47, 898, 993	52, 479, 369	47, 491, 650	59, 534, 253
Minnesota	21, 120, 043	20, 897, 155	17, 762, 582	18, 307, 236	19, 008, 039	23, 232, 047	19, 008, 039	23, 204, 280
Mississippi	42, 074, 152	35, 922, 629	30, 534, 235	30, 534, 235	37, 866, 737	37, 866, 737	37, 866, 737	37, 866, 737
Missouri	25, 579, 100	23, 367, 302	19, 862, 207	19, 862, 207	23, 021, 190	28, 137, 010	23, 021, 190	24, 352, 345
Montana	3, 013, 338	2, 865, 542	2, 435, 711	2, 776, 673	2, 712, 004	3, 314, 672	2, 712, 004	3, 295, 373
Nebraska	7, 523, 056	7, 187, 530	6, 109, 400	6, 236, 637	6, 770, 750	8, 275, 362	6, 770, 750	7, 905, 410
Nevada	883, 771	923, 899	1, 198, 736	1, 390, 428	972, 148	972, 148	1, 062, 484	1, 062, 484
New Hampshire	1, 908, 409	2, 007, 413	2, 123, 746	2, 463, 298	1, 914, 737	2, 099, 250	1, 898, 450	2, 308, 525
New Jersey	44, 860, 594	44, 232, 287	51, 451, 480	59, 670, 251	46, 392, 502	49, 346, 653	45, 998, 194	50, 857, 130
New Mexico	9, 629, 504	7, 393, 185	7, 094, 925	8, 229, 186	8, 666, 554	10, 592, 454	8, 502, 163	8, 502, 163
New York	193, 459, 929	196, 835, 764	229, 434, 700	266, 054, 680	206, 893, 830	212, 805, 922	205, 136, 640	226, 361, 130
North Carolina	56, 269, 988	51, 556, 663	43, 823, 164	43, 823, 164	50, 634, 889	50, 634, 889	50, 634, 889	50, 634, 889
North Dakota	4, 271, 181	4, 101, 267	3, 486, 077	3, 486, 077	3, 844, 063	4, 698, 299	3, 844, 063	3, 844, 063
Ohio	41, 269, 978	42, 248, 122	41, 720, 277	48, 388, 037	37, 615, 984	45, 396, 976	38, 023, 310	48, 585, 340
Oklahoma	18, 199, 914	16, 649, 246	14, 151, 859	14, 151, 859	16, 379, 923	20, 019, 905	16, 379, 923	17, 243, 236
Oregon	9, 382, 231	8, 421, 321	9, 086, 136	10, 541, 490	8, 444, 008	10, 320, 454	8, 444, 008	9, 684, 519
Pennsylvania	67, 113, 702	64, 998, 125	63, 512, 670	73, 654, 917	60, 402, 332	73, 825, 072	60, 402, 332	74, 747, 849
Rhode Island	5, 189, 238	4, 873, 849	5, 122, 679	5, 940, 772	4, 670, 314	5, 708, 162	4, 670, 314	5, 604, 926
South Carolina	34, 313, 120	29, 853, 231	25, 375, 246	25, 375, 246	30, 881, 808	33, 881, 808	30, 881, 808	30, 881, 808
South Dakota	6, 266, 048	5, 470, 551	4, 649, 968	4, 649, 968	5, 639, 443	6, 433, 549	5, 639, 443	5, 639, 443
Tennessee	36, 288, 395	31, 273, 191	26, 582, 212	26, 582, 212	32, 659, 556	32, 659, 556	32, 659, 556	32, 659, 556
Texas	69, 566, 731	67, 675, 754	57, 524, 391	57, 524, 391	62, 610, 058	76, 523, 404	62, 610, 058	67, 124, 681
Utah	3, 593, 198	3, 894, 921	4, 233, 235	4, 909, 818	3, 816, 769	3, 952, 518	3, 784, 313	4, 479, 159
Vermont	2, 107, 682	2, 093, 957	1, 846, 465	2, 142, 393	1, 896, 914	2, 318, 450	1, 896, 914	2, 408, 051
Virginia	33, 803, 541	31, 522, 692	26, 794, 288	26, 794, 288	30, 423, 187	37, 183, 895	30, 423, 187	30, 423, 187
Washington	12, 255, 022	13, 445, 639	15, 206, 163	17, 638, 391	13, 480, 524	13, 480, 524	13, 592, 353	15, 462, 485
West Virginia	20, 524, 496	17, 319, 813	14, 721, 841	14, 721, 841	18, 472, 046	18, 472, 046	18, 472, 046	18, 472, 046

	Appropriations, fiscal year 1972	Fiscal year 1973, operating level	Fiscal year 1974					
			House bill—Local educational agency hold harmless at 85 percent of 1973 level		Senate bill—State and local educational agencies hold harmless at 90/110 at 1972 level		Conference bill—State hold harmless at 90 percent of 1972 LEA hold harmless at 90/115 1973 level	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Wisconsin	$16, 546, 374	$17, 340, 875	$16, 008, 791	$18. 567, 927	$14, 891, 737	$18, 201, 011	$15, 606, 788	$19, 942, 006
Wyoming	1, 235, 793	1, 170, 817	1, 019, 105	1, 182, 467	1, 112, 214	1, 359, 372	1, 112, 214	1, 346, 440
District of Columbia	8, 187, 278	10, 096, 368	11, 469, 287	13, 301, 211	9, 006, 006	9, 006, 006	10, 253, 775	11, 610, 823

[1] Fiscal year 1972 authorization for Public Law 89–10, title I, pt. A ($2,000 p.a. income level and 50 percent State or national average current expenditure per pupil in average daily attendance) ($3,605,868,234; 50 States and District of Columbia) reduced to title I, pt. A, allotment amount ($1,489,919,683; 50 States and District of Columbia) with the State agency amounts established at the fiscal year 1972 authorization amounts, and county LEA grants not less than the State received for LEA grants in fiscal year 1967. Under Public Law 92–184 Supplemental Appropriation Act, fiscal year 1972 LEA grants for 15 States were adjusted to the fiscal year 1971 funding level, with adjustment of administration amounts as necessary.

[2] Amended estimated allotment by State for county local educational agencies as ratably reduced from authorization under provisions of Public Law 93–9 and Public Law 89–10, title I.

[3] Allotment at fiscal year 1972 State LEA amounts.

[4] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,076,531, with no State receiving less than its fiscal year 1972 LEA grant amount.

[5] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,305,190,699 with no State receiving less than 85 percent of its fiscal year 1973 allotment.

[6] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,083,033 with no State receiving less than 85 percent of its fiscal year 1973 allotment.

[7] Hypothetical authorization No. 3 ($3,307,200,001) reduced to $1,444,267,379 with no State or local educational agency receiving less than 90 percent or more than 110 percent of what they received in 1972.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, I join the chairman of the Appropriations Committee (Mr. McCLELLAN) in endorsing this conference report and urge immediate approval by the Senate so that the various departments and agencies that still do not have a regular appropriations bill may continue to operate in an orderly manner.

As the Senate will recall, the ranking minority member of the Labor-HEW Appropriations Subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON) and I offered an amendment regarding the Elementary and Secondary Education Act Title I funds when House Joint Resolution 727 was before the Senate last week. This amendment, which was approved by the Senate by a vote of 52 to 43, provided that the amounts made available to the local educational agencies would not be less than 90 percent nor more than 110 percent of the amount that was available for fiscal year 1972. Conforming action was taken the following day when the regular HEW appropriations bill was before the Senate so that the school districts that have had to go ahead and contract for their staffs for this school year—relying on the 100 percent hold harmless provision of the original continuing resolution—would not be faced with a chaotic situation this late into the school year.

In the conference it was suggested that we combine the provisions of the House and Senate bills in a manner that would have only safeguarded these school districts at 85 percent of last year's level. The Senate conferees successfully resisted that proposal and retained the 90 percent hold harmless of the Cotton-Young amendment. However, it should be remembered that we took note of the concerns raised by the distinguished Senator from New York (Mr. JAVITS), and have changed the base year for the local educational agencies from 1972 to 1973, and also raised the ceiling for the school districts that stand to receive more money from 110 to 115 percent.

In sum, I believe this is a fair compromise that safegaurds the school districts that are least able to make a major financial adjustment at this late date; while affording more flexibility to the losing States; and at the same time allows an increasing amount to the gaining school districts during an interim period while the basic formula is being reworked by the authorizing committees.

I urge adoption of the conference report.

Mr. McCLELLAN. Mr. President, I move the adoption of the conference report.

Mr. JAVITS. Mr. President, will the majority leader yield to me under the same reservation?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. Mr. President, I shall be glad to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I rise to state to the Senate my reasons for voting "no" on this conference report, because I believe that, while this particular matter—that is, the continuing resolution—has only limited applicability and limited time, there is no question about the fact that the provision which is established here will be followed in the conference report on the Labor-HEW appropriation. That is of such significance to all of us in the various States that it deserves a little time in order to consider what has been done.

In the first place, Mr. President, let me say that there is an improvement over the provision as it was passed here in the Senate, in the sense that 115 percent as an upper limit is better than 110 percent, but the fundamental proposition against which I feel, as a Senator from New York, I must protest is the fact that there should be a ceiling, not only a floor, because this defies the concept of a "hold harmless" provision. It is one thing to say we want to phase out the disadvantaged in the shift of population of needy children who are entitled to funds under title I of the ESEA, and we do not want to impact that too heavily on any educational district, but it is a very different thing to limit the amount which any district will gain by virtue of any shift in that population and which defies the rule which the Senator from New Hampshire said we should follow—to wit, that the money should go where the children go.

This difficulty is compounded also by the fact that in both the House and Senate versions of the Labor-HEW appropriation bill to which this is applicable—mind you, not by this conference report, which is only a continuing resolution, but it is inevitable if we take this conference report as is—there is an increase of 20 percent, from $1.5 billion to $1.8 billion, so more money is provided, and with greater unfairness to the districts which have received the impact of the needy children by virtue of population shifts.

In addition, it should again be clear that the fact that there is only a "hold harmless" floor insofar as States are concerned is really not very important. The key factor is the local educational agencies where you have a ceiling, and the reason for that is the following:

Under this distribution of money under title I of the USEA, the State total is only the sum of what the localities received. It is nothing but a transmission belt, and each locality is impacted separately depending upon its compliance with the criteria. But the State only gets a minor amount of the funds to administer it.

The fact that there is no limit on what the State gets is a minor matter. The fact that there is a limit on what the local educational agency gets is a very major and very unfair provision of the conference report.

No one knows better than I the good faith which is involved in the actions of the Senator from Arkansas (Mr. McCLELLAN) and the Senator from North Dakota (Mr. YOUNG) and the fact that they have tried to resolve this situation in the best manner in which they can. And to indicate my own good faith, the fact is that my State, as I began by stating, does better than it would have done under the Senate version.

The point is that if we begin to build on this concept a ceiling guarantee defying the basic criterion of substantive law—which is a very sound criterion based upon where the needy children are—then we get into the mischievous field of thwarting the purpose for which the legislation is passed.

My position is that the floor is entirely proper in this particular area. I sought 85 percent. The general feeling was for 90 percent. I would not lose any sleep over that if I had to go that route for the ceiling. It was the basic objection to the legislation, for which the money of the United States is being used, that does not go where the children are.

Therefore, as it is going to be carried over in other legislation—and that is already clear from the fact that it is probably going in the Labor-HEW conference report as well—it is my duty to protest against it.

I wish to make one other observation. It is noteworthy and is a good change that, instead of applying the floor and ceiling for local educational agencies to the 1972 payment, it is now applied to the 1973 entitlement, which is a change for the better.

The common denominator is more in line with the factual situation. However, it does seem to me that it also lifts that 115 percent ceiling perhaps a little higher than it ought to be in balance with the floor, and obviously is a strictly pragmatic problem having no basic consideration to the funds going into title I of ESCA.

There is more contained in this matter. There are a whole gamut of bills which represent Federal aid in this field and in many other fields, including the health field—notably the Hill-Burton Act—and the major population impacted areas and the major industrial States. We all know that about 50 percent of the population lives in eight States and most of them live in the big cities. And these formulas have been handed down in a way which on the whole, taking them all, are prejudicial to the heavily populated concentrations of the United States.

I really feel that it is our duty—those of us in States like mine—to bring out in the most vivid way we can the injustices of these formulas which come from another day, the day of great ruralization in our country.

This concentration of population is in the States which not only pay the bulk of the Federal taxes, but underwrite through their local taxation—which therefore become very high—the demographic shifts which have taken place in our country.

This has an economic effect upon the population of our States, because the competition between States for business is so keen that the amount of local taxation is a factor as to who gets what particular plant, what particular office, and what particular set of residential people.

For all those reasons and because this is rather broad and operates on a broad form, I feel that men and women from States like my own are undertaking this struggle to right the formula situation as it affects the demographic shifts in population, because we must constantly appeal to the sense of justice of our colleagues who can outvote us and generally have, but who nonetheless, I believe, are susceptible to the demands of reason as well.

I have therefore presented this argument and will record my vote in this way.

Mr. McCLELLAN. Mr. President, if the Senator would yield, I am sure that the distinguished Senator from New York will agree that the conference had a very, very difficult problem in trying to resolve this issue. The result that we were finally able to come up with and agree upon is not entirely satisfactory to anyone. However, we do have a more tragic situation—and that word is perhaps a little too strong—with respect to this program throughout the States of the Nation and many of the school districts. Except for some provision comparable to what we have in this conference report, except for some comparable provision, at least the consensus would be that in many school districts throughout the Nation they do not have money enough and they do not have adequate funds to carry on the school for the rest of this year. They will either have to curtail the school term or would be compelled to discharge a number of teachers in order to curtail expenses and have enough money to operate on for the rest of the year.

I think we can all agree—and I do not think anyone can disagree—with the proposition that the money should go where the children are. There are differing opinions now as to whether the present formulas in these bills are desirable. There are many who feel that there is a strong indication that the funds under the present formula do not always go where the children are.

It is the consensus of many that the formula needs to be revised. And it is our hope—and we so indicated, as I indicated in my opening statement—that in the meantime a proper appropriate legislative committee will give attention to that aspect of this problem and come up with a formula which we hope will undertake to accomplish what we all seek to do, to let the money go where the children are, which will in the meantime be enacted into law.

Mr. JAVITS. Mr. President, if the Senator will yield briefly, I wish to make the point again that I am not objecting to the hold harmless clause, which means a floor. However, I am objecting to the hold harmful clause which means a ceiling.

I wanted to make that crystal clear.

Mr. BENTSEN. Mr. President, I would be less than candid if I did not express my strong disapproval of section 2 of this continuing resolution, which sets limits on the amounts school districts can receive under title I-A of the Elementary and Secondary Education Act.

On October 3, we had a very protracted debate on this issue on the Senate floor. I offered an amendment which would have allowed every school district in the Nation to receive no less in title I funds than they received last year. In addition, the amendment would have also assured that school districts which had been allocated funds at increased levels as a result of the previous continuing resolution would have been able to retain those gains.

I offered my amendment because I knew of no other way to bring equity to a very complicated situation. When we passed the last continuing resolution, which contained a State "hold harmless" clause, many school districts were cut back severely from their previous year's levels; some in my State were cut as much as 90 percent. However, other school districts, including the large urban districts in my State received substantial gains, and they had budgeted on the basis of those gains.

I offered my amendment to eliminate some of the uncertainty facing school districts and to tide them through this year. The Office of Education and the States had not notified them until late in the year, after budgets were made, of the levels of funding they could expect. The principal problem was that 1970 census data was being utilized for the first time in making those determinations.

If the census data had been available to the districts at the time they were making up their budgets, this problem would not have been so severe. But, in my view, it was unwise and unfair to punish the school districts because of our delays in getting this data to them.

Unfortunately, my amendment failed when a substitute was adopted on a narrow vote of 52 to 43. Now, with the continuing resolution, we have a companion problem. We have some school districts in my State and throughout the Nation which have been promised gains and are now finding that those gains will not be available to them. That is because of the 115 percent ceiling imposed on local school districts and the unfairness of the title I formula.

For example, in my own State, Dallas was scheduled to receive $5.5 million; now, even if it receives 115 percent, it will be cut to $4 million. Houston was scheduled to receive $8 million; now, it can probably expect only $5 million. El Paso may be cut back in excess of $400,000; Fort Worth approximately $400,000; and San Antonio perahps in excess of $500,000.

I must stress, Mr. President, that these cuts come after the beginning of the school year and after these districts had received word of large increases. In effect, we have reneged on our promises to them.

I frankly do not believe that is the way we want to do business around here. The school districts are confused enough as it is without our changing the rules of the game in mid-year.

The lesson of this, Mr. President, is that we must move rapidly on the 1975 appropriation and have the issues settled before the school year begins. Then we will not confront this very unfortunate situation next year.

Moreover, I want to pledge my efforts to fight for an adequate title I formula. The present formula, with its heavy reliance on AFDC payments, clearly discriminates against my State and many other Southern States which do not have the affluence or the desire to make substantial increases in welfare contributions. As I said on the Senate floor last week, welfare payments are a very poor standard of measurement in determining where the poor children are. Let us look more directly at population shifts and family income levels; those are the key factors we should consider.

I believe the solution reached on title I-A is an unjust one, and I believe that as more Senators realize the consequences of this action for individual school districts in their States, they will be compelled to reach the same conclusion.

Mr. DOLE. Mr. President, it has come to my attention that the formula for the allocation of title I ESEA funds contained in the conference report may not cover every possible situation.

I know that the formula has not been available long enough to fully determine its impact in all the States, and therefore this problem may not arise. However, I would like to express my concern regarding one potential problem which might arise in Kansas.

The title I ESEA formula provides for a "hold harmless" at the State level at 90 percent of the 1972 payment level. The resolution also contains a "hold harmless" clause for the local education agencies at a minimum of 90 percent of the 1973 funding level and a maximum of 115 percent of the 1973 funding level.

In Kansas, LEA's in 1972 received total Federal title I payments amounting to $10,427,273. A 90 percent "hold harmless" figure on this amount comes to approximately $9.3 million. In 1973, Kansas local education agencies received $9,147,430. A 90 percent minimum "hold harmless" figure on that amount comes to approximately $8.2 million. Thus, under the formula Kansas LEA's would be guaranteed use of $8.2 million of the $9.3 promised under the 90 percent of 1972 "hold harmless" clause, and it is assumed that the additional $1.1 million would be spent on those districts which have a 15 percent increase in entitlements over the 1973 payment level. My question is what could happen in Kansas if the authorized increases did not fully utilize the additional $1.1 million promised by the "90 percent of 1972 funding" floor provision?

I would hope that the answer to this question is that the funds would be retained within the State to be allocated proportionately among the local education agencies, otherwise the purpose of the 1972 hold harmless provision would be negated to a large degree.

Kansas school districts budgeted for the coming year based on the provisions of the continuing resolution passed in June providing a 100 percent "hold harmless" at the 1972 funding level. It is important that we stay as close as possible to that figure in order to avoid complications and a disruption of the on-going programs in these districts. I am therefore hopeful that the 1972 "hold harmless" portion of the formula will be given due consideration in the administration of the title I program under this formula.

Mr. JAVITS. Mr. President, I demand the yeas and nays on the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON) is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. BUCKLEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Nebraska (Mr. CURTIS) is absent on official business.

I also announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Florida (Mr. GURNEY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 2, as follows:

[No. 469 Leg.]

YEAS—73

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Eagleton
Eastland
Fannin
Fulbright
Gravel
Griffin
Hansen
Hatfield
Hathaway
Hollings
Hruska
Hughes
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGovern
Metcalf
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Seott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Williams
Young

NAYS—2

Haskell
Javits

NOT VOTING—25

Bayh
Bentsen
Bible
Buckley
Cotton
Curtis
Dominick
Ervin
Fong
Goldwater
Gurney
Hart
Hartke
Helms
Huddleston
Humphrey
Inouye
Mathias
McGee
McIntyre
Mondale
Muskie
Ribicoff
Talmadge
Tower

So the conference report was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The joint resolution was subsequently signed by the President pro tempore.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VICE-PRESIDENCY

Mr. MANSFIELD. Mr. President, I should like to read to the Senate, if I may, the preliminary statement I made at the Democratic conference this morning before the prepared remarks I made at that time.

The preliminary remarks read as follows:

> Gentlemen, the Government is still functioning. The Constitution is still in effect. The line of succession has been broken only momentarily. But the issue is before the Senate and the Congress. The constitutional issue of filling the vacancy caused by the resignation of former Vice President Agnew will be before the Senate shortly, when the President sends up a nomination.
>
> This is a unique experience for the Senate and the Congress because it is the only occasion which calls for the ratification or the approval of a nomination by both bodies of the Congress.
>
> It is a situation which has been created by the passing of the Twenty-fifth Amendment. In facing up to our responsibilities, I would hope that the Senate would conduct itself with the same dignity, the same integrity which it has shown throughout this most troubled year. This is just another added difficulty, another added situation placed on many others which have confronted this country this year—and perhaps others which will confront us in the weeks and months ahead.
>
> The Democratic leadership of the Senate has conducted three meetings in the past three days. The purpose of those meetings was to give recognition to the seriousness of the problem, the need for working out procedures, and to make certain to the people at large that we were not taking our responsibilities lightly.
>
> The meetings themselves were held, first, immediately following the receipt of a letter by the joint leadership from the Vice President on Wednesday afternoon, announcing his resignation. That meeting lasted about two hours. There were a good many arguments back and forth as to what the Senate would do in establishing a procedural pattern for the carrying out of this new responsibility.
>
> Yesterday we met for about an hour and a half—the same group, though smaller; and this morning the Democratic Policy Committee met for the purpose of its being made

aware of what the Democratic leadership had done in conjunction with the Republican leadership and with the people most interested in this particular problem based on committee practices.

Except for the first meeting on Wednesday, very few of the younger Members have been in attendance. There were some the first day. As you are well aware, I am one of those who believe that the youngest member has just as much in the way of rights as the oldest member—in other words, so far as egalitarianism is concerned, it applies to all Senators, not just a selected few based on seniority or the holding of committee chairmanships or whatever.

With those few prefatory remarks, I should like to read to the conference a statement I made to the policy committee this morning, with its knowledge that this statement would be made at this time.

Mr. President, I ask unanimous consent that that statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Mansfield, Gentlemen: We are convened to discuss and hopefully to agree on the method of selecting the Vice President insofar as the Senate's participation in this process is concerned. What we confront is a unique event and calls in my estimation for a response by Congress of a similarly unique and extraordinary nature. In the case of an impeachment trial, for example, the Senate sits as a body to judge an accused Vice President. Many Senators have suggested that a parallel Committee-of-the-Whole procedure be invoked to judge the merits of a Vice President nominated under the 25th Amendment. Senator Chiles introduced a resolution to this effect yesterday. It has been suggested by others.

On the other hand, some Senators urge that upon submission, the nominee properly should be referred to either one of at least two Standing Senate Committees. In this connection, a persuasive case has been made for Rules Committee jurisdiction. Others have urged jurisdiction in behalf of the Judiciary Committee. Ultimately questions of jurisdiction and the interpretation of the Rules are ones that can be decided only by the full Senate.

Another approach that has been proposed is the appointment of a special Committee (by itself or as a Subcommittee of the Committee of the Whole) which would be comprised of a representative selection of the Senate as a whole, such as, for example, this Conference attempts to achieve in the membership of the Democratic Policy Committee. The idea of joining together with the House in a combined institutional endeavor also has been suggested, although it appears that the House has already decided that its Committee on the Judiciary will handle the responsibility. These, then, or a combination of two or more of them represent the apparent alternatives that confront the Senate in this matter.

It was with this in mind that yesterday the combined joint Senate Leadership (Senators Scott, Griffin, Byrd, Moss and myself) met with the Chairman and ranking minority member of the Committee on Rules and Administration—Senators Cannon and Cook—and with the Chairman and ranking minority member of the Committee on the Judiciary—Senators Eastland and Hruska—and with the Chairman and ranking minority member of the Subcommittee on Constitutional Amendments—Senators Bayh and Fong.

In reporting to you on that meeting, I would say first of all that no decisions were made; nor were firm recommendations agreed upon as to which course of action to take. While all of the apparent alternatives were mentioned, two were most prominently set forth and discussed. One was that the nominee for Vice President of the United States be referred in routine fashion to the Rules Committee, that the consideration of the nomination be handled by that Committee and that it be reported to the Senate with recommendations. The second alternative prominently mentioned and discussed was that a Committee be established comprised of members selected by the Majority and Minority Leaders in part from the Committee on Rules and Administration, in part from the Committee on the Judiciary and in part, from the Senate at large.

It is clear that whatever is decided upon ultimately will serve as a precedent for future actions under the 25th Amendment. For that reason, in my judgment, whatever course is taken should be submitted to the Senate for ratification, perhaps in the form of a resolution. In that way, our action will be spelled out for future generations.

In this connection, one proposal mentioned at the meeting yesterday was that a Committee be asked to recommend permanent procedures to be followed in the case of Clause 2 of the 25th Amendment. Frankly, I doubt that time permits adopting that course of action and, in any case, the decisions ultimately reached in this case as to the course of action to follow will serve the same purpose.

Finally, I should report that it was the prevailing view of those in attendance yesterday that to avoid duplication and accommodate expedition, the idea of conducting joint hearings with the House on the nomination be explored with the Speaker. I have accordingly advised the Speaker of this suggestion.

It was an amicable and productive meeting, but inconclusive. It was, therefore, the view of all of us that the full membership on each side should be consulted on this matter. It is for this reason that the Conference has been convened. The Republicans are scheduled to meet this afternoon. I know that many of you have evinced a deep and special interest in this matter and your views are welcome and most appreciated.

I would only add that I have no knowledge as to the identity of the President's choice or even that the decision has been made. I would add, however, that for our part, the judgment to be exercised is, inevitably, a political decision. A Vice Presidential selection in either party is politics and there is no way of avoiding that reality. Democrats and Republicans alike are going to be confronted with endorsing a man that they may have to be opposing in 1976. Whether undertaken by the Rules Committee, the Judiciary Committee, a Select Committee, the Committee of the Whole, a Subcommittee of the Committee of the Whole, or by whatever institutional device, when we go about choosing the man who must govern we are exercising the highest form of responsibility in the political life of the nation—a responsibility reserved, in all but the rarest circumstances, to the people and the people alone.

Together we in the Senate represent this nation; its geography, its philosophy, its people. Together we must represent the entire electorate in this situation. I think we are capable of performing this responsibility and of doing it properly.

The present rules of the Senate afford the Senate ample opportunity to deal with this situation. I would prefer not to anticipate abuses before they occur. If resort to an agreed upon institutional forum for special investigative tasks is in order then let's get on with the matter of deciding on the course of action to follow. Delaying this initial task unduly would not reflect well on this institution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the memorandum which I drew up and gave to the distinguished Republican leader at the conclusion of the Democratic Conference this afternoon also be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Democratic Conference met this morning to determine the procedures under which the Senate would consider the nomination of a Vice President under the 25th Amendment. After discussing the merits of various proposals ranging from a simple referral to the Rules Committee, to various suggestions of special select committees, to consideration by the Senate as a Committee-of-the-Whole, the Democratic Conference was presented with the following motions:

1. A motion by Senator Moss of Utah, seeking a direct referral of any nomination to the Senate Committee on Rules.

2. A substitute motion was then offered to the Moss motion by Senator Cranston of California which provided for jurisdiction in the Committee on Rules but, for the purpose of the consideration of this nomination, the membership of the Committee on Rules would be expanded by eight additional members, four of whom would be selected by the Majority Leader and four of whom would be selected by the Minority Leader.

3. A substitute motion was then offered by Senator Hollings of South Carolina as a substitute for the motion of Senator Cranston which provided for jurisdiction of any nomination to be within the Committee on Rules but for the purpose of considering this nomination, the Committee on Rules would be expanded by six members, three of whom would be selected by the Majority Leader, three of whom would be selected by the Minority Leader, with the additional proviso that the Majority Leader would be one of the added members.

The motion of Senator Hollings was voted upon and carried by a vote of 24 to 20. The Cranston motion as amended by the Hollings motion also passed by a vote of 24 to 20, and the Moss motion as thus amended by Hollings, passed by a vote of 28 to 11.

Mr. MANSFIELD. Mr. President, as a result of the action of the majority of the Democrats in attendance at the Democratic conference today, I send to the desk a resolution, and I ask unanimous consent for its immediate consideration.

Mr. HUGH SCOTT. Mr. President, reserving the right to object—and I shall not object—I rise for the purpose of making several points.

The first point is that at no time in the Senate's recent history are we likely to be more critically judged by the American people on our responsibility or lack of responsibility than in the manner in which we handle this case of virtually first impression, this extremely important responsibility, of the hearing on the confirmation of a nominee to be Vice President of the United States.

The temptations, of course, are great for persons to argue against immediate or expeditious consideration of our procedures. To do so will gain immediate but evanescent fame for any individual or group who feels that postponement will bring public attention. I would not think for a moment that that would be a motivation. I merely observe that human beings are human beings, and I do not know a more human place than the Senate. I would hope this does not happen.

All that the distinguished majority

leader is doing is asking for immediate consideration of a procedure. One of the things which we in Congress do which makes us more of a laughingstock from time to rally recurring time are those occasions when we bog down over procedures, or when we fight over prerogatives, or when we put our own protocol imaginings beyond the national interest. I am going to plead that we do not do this, that nothing is more important than that we establish, as quickly as possible, the procedures under which we act.

The other body has shown us the way. Over there, they have had no problem in determining how these matters are handled, and they will be handled according to the rules of that body. Our rules provide a way by which we can handle this matter, and the rule has been in existence for a long time.

Under that rule, a reference would be made to a committee, presumably hearings would be held, a recommendation would follow, the Senate would determine how long it wanted to debate it, and a decision would be made. But if we are going to engage in a lengthy argument over who is to have the benefit of what spotlight, or who is to be illuminated by the limelight, or who is to make a decision where rules already indicate the process, the system, the procedure, the course to be followed, I think it would be most unfortunate.

However, if the Senate decides on the majority recommendation of the caucus of the other party, 24 to 20, of course we would all abide by it, and I would again urge expedition. If, however, they decide on referring it to the Rules Committee as this body has unanimously recommended after much discussion in which there were a few dissenting expressions of opinion and show of hands, but an overwhelming majority, in which the minority joined the majority to make it unanimous, then our position is unanimously that the measure go to the Committee on Rules and Administration and there be considered for hearing and report.

Whether Members are on one side or another of this issue, I would sincerely hope that, whatever they do, they give us a chance to vote, and do it before personalities are invoked; because after a personality is involved here, the arguments allegedly to the merits are much more likely to be to the personality.

Nothing could bring more discredit on the Senate of the United States than for us to be tossing from one rhetorical arm to another, with varying degrees of enjoyment, the future of a Vice President of the United States.

My God, Mr. President, have we not suffered enough? Have we not had enough agony? Does the Senate have to add to the agonies of the Nation? I sincerely hope not.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that the resolution be read.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

Resolved, That, the nomination by the President of the United States to fill the vacancy in the Office of the Vice Presidency be referred to the Committee on Rules and Administration.

Resolved further, That during the consideration of this nomination by that Committee, the membership of that Committee be increased by six additional members—three to be appointed by the Majority Leader, including himself, and three to be appointed by the Minority Leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

Mr. MANSFIELD. Mr. President, I am carrying out the responsibility entrusted to me as majority leader by a vote of a majority of the Democratic caucus held this day. This is what the Democrats agreed to, 24 to 20. I would hope that those who voted for that amendment and were in the majority—I was not—will recognize that responsibility and be aware of the fact that I am carrying out the duty which was imposed upon me by those who voted for the resolution now before the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CHILES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PASTORE. Mr. President, before the objection is heard, will the Senator yield?

The PRESIDING OFFICER. Will the Senator withhold his objection?

Mr. CHILES. Reserving the right to object.

Mr. PASTORE. May I ask the indulgence of the majority leader to ask a parliamentary inquiry?

Mr. MANSFIELD. Surely.

Mr. PASTORE. My parliamentary inquiry is this: In the event we do not resolve this issue, as to what committee it should go to, by way of the resolution that has been offered by the majority leader, in the event that the President of the United States does send up a nomination, automatically where would that nomination go?

The PRESIDING OFFICER. The Chair would have to take the matter under advisement until the nomination has arrived.

Mr. PASTORE. But if the nomination does arrive, where would it automatically go, under the rules of the Senate?

The PRESIDING OFFICER. The Chair requests the clerk to read rule XXV, section (p). This is the section that apparently would prevail so far as jurisdiction over this matter is concerned.

The assistant legislative clerk read as follows:

(p) (1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

(B) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the Senate Library; statutary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(C) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Mr. MANSFIELD, Mr. HUGH SCOTT, and Mr. GRIFFIN addressed he Chair.

Mr. MANSFIELD. He has not completed the reading.

Mr. PASTORE. No. Complete the entire reading.

The assistant legislative clerk read as follows:

(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

(F) Matters relating to——

Mr. MANSFIELD. Mr. President, I ask that further reading be dispensed with because the pertinent part has been brought to the attention of the Senate. Will the Senator yield to me?

Mr. PASTORE. I would like to be more categorical, if I may.

In the event the matter of the resolution being sponsored by the majority is not resolved before the name is submitted by the President, and that name is submitted to the desk of this Senate, where will that nomination go? Will it stay at the desk? Can it be stopped by anyone or will it automatically go to the Committee on Rules and Administration?

The PRESIDING OFFICER. The Chair is advised there are many techniques that can be used. [Laughter.]

The PRESIDING OFFICER. One of the techniques is that a Member could move that the Senate proceed to the consideration of the resolution from the floor. If that procedure were followed, the vote could not come on the same day as the nomination.

Mr. PASTORE. Am I correct in saying that is subject to debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. The Chair has answered my question.

Mr. MANSFIELD. If the Senator will allow me to continue with this thought, I would point out that under the rules the nomination when it arrives automatically is referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. That is the normal procedure.

Mr. MANSFIELD. And under this resolution it would still be referred to the Committee on Rules.

The PRESIDING OFFICER. As provided——

Mr. MANSFIELD. No matter how you cut it, the Committee on Rules has jurisdiction over the nomination for the next Vice President of the United States to be sent to Congress, the House, and the Senate, at 9 o'clock this evening.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. Is that correct?

The PRESIDING OFFICER. The Chair would assume so.

Mr. MANSFIELD. Will the Chair say so? [Laughter.]

What do you need?

The PRESIDING OFFICER. Would the majority leader restate the question?

Mr. MANSFIELD. When the President sends up the nomination at 9 o'clock this evening it will automatically be referred in the regular course of procedure, or under this resolution if per chance it passes, and it will not, to the Committee on Rules and Administration.

Well, the answer is "Yes."

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUGH SCOTT. The minority leader agrees.

Mr. PASTORE. I do not think we have straightened out this matter. I would like to ask another question if I may.

The PRESIDING OFFICER. The Chair asks that the clerk read the pertinent section of the rules.

The assistant legislative clerk read as follows:

RULE XXXVIII: EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. And the appropriate committee in this instance——

Mr. PASTORE. Is the Rules Committee.

Mr. MANSFIELD. I want the Chair to say so.

The PRESIDING OFFICER. Will the Senator restate the question?

Mr. MANSFIELD. And the appropriate committee in the instance of a Presidential nomination to fill the vacancy in the office of the Vice President would be referred to?

The PRESIDING OFFICER. Under rule XXV the Chair is advised it would be the Committee on Rules.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. The parliamentary question I ask is this.

It is true if no object is made to the referral of that nomination I can understand why automatically it would go by reference to the Rules Committee.

My question is, in order to avoid delay—and that is what I am concerned about because I do not want any delay—can that be subject to debate before it goes to the Rules Committee? That is my question.

The PRESIDING OFFICER. The rule states "unless otherwise ordered," and this is where the debate might occur.

Mr. PASTORE. In other words, it can be delayed by debate?

The PRESIDING OFFICER. That is correct.

Mr. HUGH SCOTT. Mr. President, a further point of inquiry. I preface it by saying I urge against unnecessary delay. Is it not a fact that if objection is heard to the request of the distinguished majority leader the resolution goes over until tomorrow for second reading, and then if objection is again heard, it goes over to the next day, or Monday? Is that correct?

Mr. MANSFIELD. On the calendar.

Mr. HUGH SCOTT. On the calendar on Monday.

The PRESIDING OFFICER. If objection is heard today, it will go over to the next legislative day.

Mr. HUGH SCOTT. Which is Saturday.

The PRESIDING OFFICER. But we already have a resolution that is in that predicament so it would be considered before this one comes down.

Mr. MANSFIELD. That is correct. Now, if I may address myself to the distinguished Senator from Florida (Mr. CHILES), would he consider a time limitation on his resolution, the one which calls for the Senate to meet as a Committee of the Whole to consider the nomination for a Vice President of the United States?

Mr. CHILES. As I understand the parliamentary position now, there would be a 2-hour provision normally on the motion. Is that correct?

The PRESIDING OFFICER. The situation is that the question would be open for debate for the first 2 hours tomorrow and if it is not disposed of by that time it would go to the calendar.

Mr. CHILES. The Senator from Florida would be happy to enter into a time agreement on the resolution.

Mr. MANSFIELD. How much time would the distinguished Senator be willing to agree to?

Mr. CHILES. I think 1 hour would be sufficient.

Mr. MANSFIELD. Very well, Mr. President, would the Senator like it this afternoon or tomorrow?

Mr. CHILES. Tomorrow.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Florida calls up his resolution on the nomination of a Vice President of the United States that there be a time limitation of 1 hour, the time to be equally divided between the distinguished Senator from Florida (Mr. CHILES) and the distinguished Republican leader, or whomever he may designate.

Mr. PASTORE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, and I do not propose to object unless we do it this afternoon. We can do it right now. This is important and if they agreed to do it for 1 hour beginning at 4:30 I will not interpose an objection.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, the amendment of the distinguished Senator from Florida is entirely different from the resolution that was approved in the caucus this morning and the distinguished majority leader was acting in behalf of the majority in the caucus when he submitted the resolution.

Now, he would abandon the consideration of the resolution approved by the caucus and take up something entirely new and different, which is that the Senate resolve to enter into a committee of the whole to consider this matter and have 100 on the committee rather than 9.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. It would be my intention, if this unanimous-consent request was agreed to, then to see if it was possible to get a unanimous-consent agreement on the resolution which is now pending at the desk.

Mr. ALLEN. I see no reason to put a resolution calling for action by the Committee of the Whole ahead of what the Democratic caucus considered for 3 hours this morning.

Mr. MANSFIELD. If the Senator will yield, would it be agreeable to all parties concerned if, in addition to the Senate acting as a body of the whole in regard to the nomination of a Vice President of the United States, at the same time we considered——

Mr. CHILES. Mr. President, if the Senator will yield for just a minute, in interposing an objection I made to immediate consideration of the resolution coming from the caucus today, the Senator from Florida would be willing to agree to withdraw his resolution tomorrow. This will then be the pending business that would come up tomorrow. I have no desire to take the time of the Senate on my resolution tomorrow, and I will withdraw it.

Mr. MANSFIELD. Would the Senator consider a time limitation this afternoon?

Mr. CHILES. No, sir.

Mr. HUGH SCOTT. I would like to answer that, too, but I guess it is of no use.

Mr. ALLEN. Mr. President, if the Senator will yield, if the distinguished Senator from Florida would withdraw his objection to the consideration of the resolution offered by the majority leader, if he saw fit to do so he could offer his resolution as a substitute for the majority leader's resolution. That would get the matter before the Senate. But to set a time limitation on something that is absolutely different from what was decided by the caucus would be absolutely illogical in the opinion of the Senator from Alabama.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. May I say, with all due respect to the Senator from Alabama, that under the rules, the resolution offered by the Senator from Florida (Mr. CHILES) has precedence over the resolution which is being offered by the majority leader and to which objection will be interposed. That being the case, on tomorrow the resolution from Mr. Chiles will come up as having gone over, under the rules.

Mr. ALLEN. It will come up, but it will have to be disposed of in 2 hours, and immediately will go on the calendar.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. And the Senator is now guaranteeing a vote on it.

Mr. ROBERT C. BYRD. The majority leader's resolution, on the other hand, would not come up before Monday unless some agreement can be arrived at which would permit us to take it up tomorrow.

Mr. CHILES. The Senator from Florida has offered to withdraw his resolution tomorrow and allow the resolution from from the caucus to come up tomorrow.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I think it is absolutely necessary for this body to set up the mechanics of procedure before we learn what the name is, and it should be done tonight, even if we have to stay here until 9 o'clock. I say, let us set up the procedure by which we shall act before the name is announced by the President of the United States. I think to wait until tomorow is next to folly. That is why I am insisting we ought to agree, no matter what we do, to resolve the procedure before 9 o'clock tonight.

Mr. MANSFIELD. The Senator from Rhode Island is aware of the practical difficulties which confront the joint leadership and the Senate as a whole in this respect. He, among others, is aware of the tremendous power which can be exercised by one Senator. As far as I am concerned, while I would like to vote on both of these resolutions this afternoon, if I can get a time agreement to vote on them tomorrow I think the Senate will be very much further ahead than if we say we are going to stay here late this evening, with no possibility of getting action on either one of these resolutions today.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Of course, I do not mean to be facetious about it, but if the name of Hugh Scott came up tomorrow, I think all debate is very silly.

Mr. HUGH SCOTT. Oh, I do, too. [Laughter.]

Mr. MANSFIELD. I think it would be a splendid choice. There would be no trouble.

Mr. PASTORE. That is right; we could resolve the question tonight.

Mr. ALLEN. Mr. President, let me suggest to the majority leader that if the resolution is withdrawn at this time to consider the resolution offered by the distinguished majority leader, a time limitation could possibly be agreed upon, and possibly on the amendments that would be offered. In that way, we could get the Senator from Rhode Island home tonight. So I would be agreeable to a time limitation on the resolution if the Senator from Florida would withdraw his objection to the request.

Mr. MANSFIELD. Mr. President, does that proposal appeal to the Senator from Florida?

Mr. CHILES. No.

Mr. MANSFIELD. That is a pretty clear-cut statement.

Mr. President, I ask unanimous consent that at the conclusion of any special orders and the morning hour tomorrow, the resolution at the desk be made the pending business; that there be 1 hour on that resolution, the time to be equally divided between the distinguished Senator from Florida (Mr. Chiles) and the distinguished Republican leader (Mr. Scott), or whomever he may designate; that there be a limitation of 1 hour on amendments, debatable motions, and appeals, and whatnot; and that the agreement be in the regular order.

Mr. CANNON. Mr. President, reserving the right to object, may I ask whether the term "what not" includes a motion to table? I would like to ask whether a motion to table would be in order.

Mr. MANSFIELD. That is a motion that any Senator may make; but I would hope that if such a motion is contemplated, sufficient notice would be given to the distinguished Senator from Florida, the distinguished Senator from Illinois (Mr. Stevenson), and other Senators who are interested, so that they would not be caught short.

Mr. CANNON. The point I am trying to make is that I would like to make it absolutely certain that at the conclusion of the 1 hour limitation, or whatever limitation is agreed upon, a motion to table would then be in order, and I give notice now that I would like to make such a motion.

Mr. MANSFIELD. I hope the Senator will recognize that there might be tabling motions and appeals, so I would like to speak with the Senator on that point.

Mr. LONG. Mr. President, reserving the right to object—regardless of how any party caucus, be it Democratic or Republican, may result—I am going to do my duty as a Senator. It is my judgment that this matter ought to follow the orderly procedure set down by the rules. Therefore, I am not willing to agree to limit debate on some proposal that develops from that. While I was willing to have this matter come up tonight, as the majority leader has suggested, under the circumstances I am compelled to object.

The PRESIDING OFFICER. Objection is heard. The resolution will go over under the rule.

Mr. MANSFIELD. Well, that is that.

Mr. CHILES. Mr. President, there has been considerable talk today about how the Senate should proceed: whether the Senate should establish a procedure prior to the time the nomination is submitted, and that the Senate needs to be careful it does not delay.

I point out to the Senate that we are talking now about exercising our rights under the 25th amendment to the Constitution. We are talking about how we are going to elect the next Vice President of the United States. We are talking about how the Members of the House and Senate will act. We are talking about an obligation heretofore vested in the Senate and in the people. So we are talking about something new.

This is not an appointment of a Secretary of State or a Director of the Office of Management and Budget. This is the appointment of a man who will be a heartbeat away from the Presidency at a time when the country is wondering whether there is an honest man to hold office. Is there someone we can put our trust and confidence in? Everybody else might be concerned about how we are going to act under this proposal. And we ought to set up the procedure before we start. I represent 7.5 million people in my State. I am not going to be stampeded. I am going to try to see in every way possible that we have the right answer to this question and that we get an honest man, a man in whom we can have trust.

If one wants to talk about politics, if that is politics, then let it be politics. However, that is what I am interested in.

I introduced a resolution that would propose that the Senate sit as a Committee of the Whole to decide the question. And my feeling is that if we can sit to impeach a Vice President, we ought to have sense enough to act on the name of one who has been nominated and determine his qualifications.

People object and say that it might be time consuming. Perhaps it is. Perhaps there is a better way. And I am searching to find that way. We have not found that way as yet. And I do not think that going over from today to tomorrow is going to be injurious to that, or even going beyond tomorrow if I or another Senator feels it necessary to exercise the constitutional obligation he is given by the 25th amendment. In fact, we are disenfranchising people and determining who shall sit and determining who shall be the Vice President of the United States. I will be for delay tomorrow and for delay the next day thereafter until I think that we have exercised every right and every obligation and duty to see if we can restore some trust in government, in its policies, and in the people who will run the Government.

Mr. MANSFIELD. Mr. President, I think that every Senator in his own fashion is undertaking to uphold his constitutional responsibility. And I honor every Senator, even though I may disagree with him from time to time. However, let me point out that when the nomination to fill the vacancy in the office of Vice President of the United States is sent up at 9 o'clock this evening—and it will be, even though we will not be here—it will be received. That nomination automatically goes to the Rules Committee. Under this resolution which recognizes the supremacy of the Rules Committee in this particular situation, it goes to the Rules Committee.

All that can be done through delay and stalling—and I want to thank the distinguished Senator from Florida for offering to come to a time agreement on tomorrow—will in no way affect the deliberations of the Committee on Rules and Administration.

I would hope that beginning tomorrow morning the first meeting of that committee would be held so that the organization and the procedure within that committee could be laid down for a scheduling of hearings and investigations and what not in the days ahead.

The hearings and the investigations by

the Rules Committee need not take the rest of this year. There is no reason why moving with deliberate speed that committee should not be able to report out its recommendations by the end of this month. That is not unduly fast.

If the nominee is a public figure, we will probably know a great deal about him or her, as the case may be—and do not read anything into the "her" because I am just playing it safe. The FBI will have looked into it before the President sends the name up. And further, a more thorough inquiry might be needed.

The committee would have its own staff. It would look into the background of the nominee. And I would hope that what we would see developing would not be an extravaganza of any kind, but a solid, substantial set of hearings which would go thoroughly into the background, qualifications, and character of the nominee and which would be reported out as expeditiously as possible to the Senate for its approval or disapproval.

So, to repeat, no matter what we do or do not do, the nomination goes to the Committee on Rules. It starts functioning right away. And when it returns with its recommendations, it comes to the floor of the Senate for final disposition. There it will be subject to the whole Senate for final disposition. There it will be subject to the whole Senate, the Senate acting as a Committee of the Whole. And that whole Senate will be the institutional aspect of this body which will render a final judgment.

So, we will go ahead. I voted against this resolution twice. I will vote for this resolution if I am given the chance to vote. However, I am not fooling myself, and I hope that no one else is fooling himself in this Chamber, because the hearings will go ahead. They will not be delayed. The committee is going to function. It will not be delayed. And the committee will report out its recommendations in due course, and the functions of the Government will continue to work.

Several Senators addressed the Chair.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CANNON. I thank the Senator for yielding to me first. May I say that the Rules Committee, as I have heretofore said, if this matter were assigned to it, would proceed expeditiously as an investigatory body to make recommendations to the Senate as a committee of the entire Senate, a committee of the whole, to work its will on whoever the nominee might be.

I have previously given assurance and I give assurance now that the committee will act expeditiously. And I am announcing now that we will have a committee meeting of the Rules Committee at 10 o'clock in the morning in the event we are not held up on the floor because of a vote on one or both of these resolutions. In that event, the meeting will be slipped for whatever period of time is necessary.

In the meantime, the Rules Committee will proceed with its organizational proceedings. I have already been underway as chairman to request the FBI to proceed expeditiously with its investigation as soon as the nominee is announced.

And I assure the distinguished majority leader and the distinguished minority leader and the Members of the Senate that we will report back just as expeditiously as we possibly can.

I do not know that we can do so by the end of the month because we will have to do some investigatory work. However, we will certainly act without delay and with diligence to try to get this most important matter to the floor of the Senate for its consideration.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, knowing the Senator as I do, that is enough assurance for me that it will not be delayed or stalled. I thank the Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CHILES. Mr. President, I thought the Senator from Florida had the floor and had yielded to the distinguished majority leader.

Mr. MANSFIELD. I thought I was recognized. However, I yield to the distinguished Senator from Florida.

Mr. HUGH SCOTT. Mr. President, would the Senator from Florida advise me whether he intends to retain the floor? I would like to have it in my own right at some time.

Mr. CHILES. Yes. I am not ready to yield the floor at this time.

Mr. HUGH SCOTT. Will the Senator yield to me?

Mr. CHILES. I am happy to yield without losing my right to the floor.

Mr. HUGH SCOTT. Mr. President, I think it is regrettable that we got into any question of the personality of someone when we do not know who it is going to be. I think it is doubly regrettable that the inference would be that this body is passing on the President of the United States 3 years and 3 months ago. There is not a shadow of reason for that inference at this time.

It seems to me that our judgment, as I said the first time I rose, ought to be on what is our duty in the premises, what is our responsibility. One famous newspaper made the point this morning that we are to look at the character and the ability of a nominee, we are not to try to devise within our own minds what happens at some future date.

We have no idea of the personality involved here. I think the Senate would reach its finest hour, as the Senator from Rhode Island pointed out, if we were to be able to function, as is clearly the will, I suspect, of a great majority of the Senate—if we were allowed to function. I respect the right of every Senator here to breach that, but if we were allowed to function, we would set up orderly procedures tonight, the newspapers would report that the Senate, together with the other body, had acted promptly and responsibly, without bias or prejudice of political motivation against a future appointee, had not tried to prejudge that man or woman on his or her unknown intentions, but had simply done its duty, in the first instance, and established a means by which we could proceed.

This whole controversy serves no purpose, in my judgment, except delay; because, as the distinguished majority leader and others have pointed out, if this nomination comes up tonight, the Rules Committee meets tomorrow.

The Rules Committee is a good deal like the celebrated turtle which is known in myth as a kind of animal—if it is an animal—a kind of creature which, once it grasps hold, never releases its grasp until it thunders; and the thunder will come when the Rules Committee reports.

Why do we criticize the procedure, when the Senate will have its full chance, every Senator will have his full opportunity to speak to the Senate and also will have his full opportunity to speak to the American people? And if any Senator needlessly delays this nomination for reasons other than those which the American public thinks are good reasons, let him be accountable first to his conscience and second to his constituents, because I am not going to be silent in the future if we deviate from our clear duty, which is to judge the capacity of this person to hold this office.

I do not make any judgment as to whether he will be an honest man or woman or not, at this point. I do not think that is a fair way of judgment to present to the Senate. The presumption on every such person sent up here is that they will be fit to perform the functions of the office. If they are not, then we will make the judgment, but not before the name is even before us.

That is why I say I must object to that kind of inference entering this debate, and I hope it will be stricken from the record.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I yield.

Mr. BROOKE. Mr. President, there are two questions. One is the confirmation of the President's nominee for Vice President of the United States, which is not before the Senate at the present time. The other is the question of Senate procedure, which is before the Senate.

As I understand the ruling of the Chair, when the nomination comes to the Senate it will automatically be referred to the Rules Committee. There are two attempts being made on the floor, one by the majority leader, speaking for the majority of the Democratic caucus, which is that we add six members to the Rules Committee. The other is the resolution of the distinguished Senator from Florida that we consider the nomination as a committee of the whole.

It is fairly obvious that the Senator from Florida does not want to consider the question before the Senate, which is the procedural question. He wants to get into the politics of the nominee. But it is not important for us to consider who the nominee is when we are considering the procedural question. We should resolve the procedural question first; then, when the nomination comes to us from the President, we will have our right, under Senate procedures, to interrogate, debate, or do anything we want until such time as we come to some definite conclusion and confirm or reject the nomination.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BROOKE. Yes; indeed.

Mr. MANSFIELD. I would have to disagree with the distinguished Senator when he indicates that the distinguished Senator from Florida (Mr. CHILES) is motivated by political considerations.

Mr. BROOKE. I did not say that.

Mr. MANSFIELD. That is what I understood.

Mr. BROOKE. I want to correct the distinguished majority leader. I said there are two questions involved here; one is the procedural question, and the other is the confirmation of the nominee, which we do not have before us at the present time.

If the Senator from Florida is only concerned with the procedural question, we can debate it. We can debate it here and now on the Senate floor. He has already said he would agree to a time limitation on the debate on the procedural question. The only reason, and it is very obvious, why we cannot debate it today on the floor of the Senate is because he wants to go beyond the time when the President will send the nomination over.

For what other reason should we have to wait until Saturday to debate the procedural question? I can see him debating the nominee tomorrow, on Monday, or next month; but why delay the debate on the procedural question? If he would not agree to an hour or two time limitation, and thought we needed 30 hours, 15 hours, or 10 hours to debate the procedural question, I would agree with him, fine, let us take it over until Saturday. I personally do not believe it merits that much attention, but if it does, he can do it.

But why can he not debate that question today, right now, on the Senate floor? I think he should do so.

My question, and it is a parliamentary question, Mr. President, is this: If this matter is referred to the Rules Committee, and the distinguished Senator from Florida's motion or resolution, whatever form it takes, is agreed to by the Senate after the Rules Committee has already begun to consider the President's nominee, which it will begin to do tomorrow, as has been stated by the chairman of the Rules Committee, will the Senate then, in effect, take from the Rules Committee the jurisdiction of this nomination and then bring it back to the full Senate, thus discharging the Rules Committee from its responsibilities?

The PRESIDING OFFICER (Mr. FANNIN). The Chair will take that question under advisement. He would not like to answer that question at this point.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Florida has indicated, when he gave his consent to a time limitation tomorrow, that he would withdraw his resolution; am I correct?

Mr. CHILES. That is correct.

Mr. BROOKE. Meaning he would not call for a vote on that resolution. Is that what I understand?

Mr. CHILES. That is correct. As I understand rule XXXVIII, it says that when nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees.

Now, I think the Parliamentarian tried to say he could not say exactly where the nomination would go until it hit the desk, because, depending on what motions are made at that time, or depending on what is residing on the desk at that time, those factors would certainly come into play. So a lot of us have said that the assumption that jurisdiction automatically resides in the Rules Committee is just not correct. All we have is an indication from the Parliamentarian to the Chair that he is disposed to say this would go to the Rules Committee unless the Senate acted in some way further.

Mr. BROOKE. Will the Senator yield?

Mr. CHILES. I yield.

Mr. BROOKE. I do not understand the Senator's position any more than I did before. Why is the Senator objecting to taking the position today on the resolution presented by the distinguished majority leader, which is the position of the majority of the Senate caucus? Why cannot we dispose of that today?

Mr. CHILES. Because the Senator from Florida was advised that as soon as that motion was accepted with the unanimous consent agreement, a motion to table would have been made, and would have been a straight up-and-down vote and the motion would have been tabled.

Mr. BROOKE. In what position would that leave the Senator from Florida?

Mr. CHILES. My position on the motion would still be pending and it would still have to come up tomorrow before the matter could have been settled.

Mr. BROOKE. I do not object to the issue of the motion, but why can we not dispose of the resolution today which has been made by the majority leader?

Mr. CHILES. Because this is the question we should be on tomorrow, when we will not be facing a motion to table but we will be facing immediately today.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. EAGLETON). What is the will of the Senate?

Mr. BROOKE. Mr. President, I fail to comprehend the logic of the Senator from Florida in not allowing the Senate to vote today on the resolution presented by the distinguished majority leader. I do not see that it is related to his own motion. He has already said that his own motion will not be jeopardized by any action taken by the Senate on the resolution of the distinguished majority leader.

It seems to me the least we can do is to get that much farther along the road. I quite agree with the Senator when he says there will be a motion to table the resolution presented by the distinguished majority leader, but that still does not in any way impair his rights to present this motion. But he has already said he will not do it today but will do it tomorrow and will object to any other arrangement the Senate wants to make. It seems to me that we are left with a procedural hiatus and I guess we will have to wait until tomorrow now, unfortunately, even to act on the resolution that has been introduced by the distinguished majority leader, which represents today's majority vote of the Democratic Caucus.

Mr. President, I just fail to see the logic of it. Perhaps I am the only one on the Senate floor who fails to see that logic.

Mr. HUGH SCOTT. Mr. President, if logic were to become rampant in this Chamber, we could understand what we are trying to do. But, as I see it, the distinguished Senator from Florida is unwilling to agree to a time agreement tonight even if it is an agreement to vote tomorrow, that he is willing to have a vote tomorrow after some events have taken place for reasons which he is unwilling to explain except that he asserts he fears a tabling motion.

Mr. CHILES. Mr. President, I thought I made it very clear in my remarks that the Senator from Florida, in the face of a motion to table, does not think he has the votes tonight, but to wait until tomorrow to see if he can fight on a better field.

Mr. HUGH SCOTT. That is very interesting because now we begin to get the information I was probing for. I am obliged to the Senator. I have been hanging around for quite a while trying to find out what he is up to. Now I know. It is this, that the Senator has said he does not have the votes today. He will be less likely to have them tomorrow, no matter how much assistance he may have generated by reason of this debate tonight, which of course he has a right to do.

I hope the RECORD of today which I hope Members will read tomorrow, will show that the Senate tried to act but that a Senator, using his constitutional right, which we all respect, prevented us from acting for fear he could not prevail. That is the problem. We all do it. But that is the only reason he is doing it.

Mr. BENNETT. Mr. President, if the Senator from Pennsylvania will yield, I am completely confused because I had understood that the Senator was not going to ask for a vote on his resolution tomorrow but would withdraw it, but now he says he wants it to go over until tomorrow because he has not got the votes tonight. [Laughter.]

Mr. HUGH SCOTT. If the Senator's statement is confusing to the Senator from Utah, that indicates that his capacity for confusion has increased during the past hour. [Laughter.]

Mr. CHILES. Mr. President, I hope that the RECORD will reflect all the proceedings here now, as I think it always does, that yesterday the Senator from Florida brought up and asked for unanimous consent to bring up a procedure of how we could settle this question yesterday. Objection was noted, because Senators did not feel they wanted to consider it. So the Senator from Florida stood, yesterday, ready to set forth the procedure. Amendments could have been had, debate gone on, and gone on all night long yesterday if necessary, and we could have had the procedure settled today. But they saw fit to object. They wanted the resolution a matter of record to reflect the action taken now.

Mr. HUGH SCOTT. It is not my understanding that the Senator from Florida was willing to agree to a time limit vote——

Mr. CHILES. Talking about yesterday?

Mr. HUGH SCOTT. Yesterday.

Mr. CHILES. Oh, yes. I was ready for immediate consideration and so made the motion.

Mr. HUGH SCOTT. On the proposal passed by the Democratic Caucus today?

Mr. CHILES. No. We are talking about the——

Mr. HUGH SCOTT. The Senator has powers of foresight which I lack.

Several Senators addressed the Chair.

Mr. HUGH SCOTT. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, it is an interesting point the Senator from Florida makes, but the Senator from Florida really should also make the point that when he introduced his resolution yesterday, he asked for its immediate consideration so that it could not be referred to a committee, so that no action could be taken on it, and so that no referral could be made. So it was immediately placed on the calendar. The Senator wanted it considered immediately yesterday.

Mr. CHILES. I was ready for its immediate consideration yesterday——

Mr. COOK. All right, but the Senator did not want——

The PRESIDING OFFICER. The Senator from Pennsylvania still has the floor.

Several Senators addressed the Chair.

Mr. HUGH SCOTT. Mr. President, the Senator from Pennsylvania observes——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield the floor?

Mr. HUGH SCOTT. No, Mr. President, I have not yielded the floor. The Senator from Pennsylvania observes that the Senator from Kentucky is doing as well as he can with the material which is being provided him. [Laughter.]

Mr. CHILES. If I understand it incorrectly, the Senator should enlighten me, but someone had objected, or we would have considered it immediately. But someone——

Mr. COOK. That is what the Senator from Florida wanted.

Mr. CHILES. The Senator from Kentucky——

Mr. BROOKE. Mr. President, will the Senator from Pennsylvania yield?

Mr. HUGH SCOTT. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, may I ask the Senator from Florida a question? I certainly do not like to say this, but I hope the Senator from Florida does not view this colloquy as being in any way a personal attack upon him, as I certainly have very great respect for him. I know what he is trying to do, and he has every right to project his constituency and to pursue what he sees as being right.

But would not the Senator agree today, if we could have, say, a vote on his original motion—and I think he is entitled to a vote—I did not know he had asked for unanimous consent for immediate consideration—so that we could work out something whereby some time limitation could be agreed on, or we could have a time limitation on the Senator's motion for an open confirmation of the whole Senate, as I understand the Senator's motion to be.

If he prevails, so be it. If he does not prevail, could we not then move to the proposal of the distinguished majority leader which comes from the Democratic caucus and after a limited time have an up and down vote on that. Then we could consider all this between 5:10 p.m., which is the time now, and 9 o'clock tonight when the President sends down his nomination.

Does not the Senator from Florida see some real danger in the Senate's waiting to adopt this procedure before a name comes down? Is it not going to be a political matter once a name comes down?

Mr. CHILES. I see this as a political question to start with. We are talking about the election of the Vice President of the United States. The Senator from Florida does not see any way that this is not a political question. So, that being a political question, I see no more danger, because it is still going to depend on how every Senator exercises his duty and his rights. I see no more danger in doing it tomorrow than in doing it today.

I was willing, because I was persuaded that I had a good idea, that it be considered by the Senate as part of the whole. So I made the motion. I was persuaded, ready and willing, to take it up and handle the issue and debate it at that time. Since that time, because of the events that have followed and the conversations I have had with people, I am now persuaded that that is not a procedure that will carry this body, but it is not general agreement that that is the best way to take up that question, that the people feel like if they want 100 Senators asking questions we would not be able to get to the truth, that we would not be able to determine the qualifications of the candidate. I am persuaded there is some reason to what they say. So we have gone through a series of processes on the Democratic side trying to determine what would be a better way of handling that. We came out with a caucus position—by a vote which the Senator from Massachusetts, I am sure, is aware of—that would have provided that we would use the Rules Committee, but that we would broaden the Rules Committee because it is not as large as the other standing committees.

We think this question is important enough, critical enough, that we want the broadest representation we can possibly have. So that position was adopted. I am persuaded that that is a good position.

The Senator from Florida found, when he came on the floor today, that the Republicans had caucused and at this time were taking a position that would say, "The Rules Committee, period," by unanimous vote; that a motion to table was going to be offered, if the motion was considered, and that there would be sufficient votes to carry that motion to table.

Mr. HUGH SCOTT. The caucus did not take any action on the motion to table.

Mr. BROOKE. I made the motion in caucus to refer to the Rules Committee, and it did carry.

Is the Senator saying that we ought to have one procedure for candidate A and another procedure for candidate B?

Mr. CHILES. No, sir.

Mr. BROOKE. Because that would be unconscionable to me. It does not matter to me who the President names. We ought to have a Senate procedure that would apply to any candidate.

Mr. CHILES. I agree with that 100 percent. But the Senator from Florida would like to see that procedure be one that is well considered, that we examine every alternative, that we determine the best way we can possibly find for that procedure. I see the way the Senate has gone from yesterday to today, and I think the Senate tomorrow might go further and might make better progress.

Mr. BROOKE. But the Senator from Florida has already agreed to a 1-hour limitation for tomorrow. Is he going to be any better prepared tomorrow in that procedure, in a 1-hour debate, than today in a 1-hour debate?

Mr. CHILES. If the Senator from Massachusetts follows the rulings, I agreed that we could have a 1-hour time limitation. I do not think that was agreed to.

Mr. BROOKE. But the Senator from Florida suggested it.

Mr. CHILES. I suggested it, first, in disposing of the motion I had, which I said I was willing to withdraw in light of where we were in the new motion. The rules say that unless otherwise ordered, it goes to appropriate committees. Other motions can be made, and other debate can be made.

The Senator from Florida is not saying that after 1 hour tomorrow, it is going to go anywhere. It may be that the Senator from Florida would think it should be discussed further than that, that we should try further than that to find the way we can best handle the election of the Vice President of the United States.

Mr. BROOKE. We already have a ruling from the Chair.

Mr. CHILES. No, we have had no ruling from the Chair.

Mr. BROOKE. The Chair has said that the nomination will automatically go to the Rules Committee. The majority leader made that emphatically clear.

Mr. CHILES. I think the Chair should speak to that question, because I think rule 38 says "unless otherwise ordered." I think that allows the Senate to take any course of action it wants to take in regard to further reference, in regard to a change of committees.

Mr. BROOKE. I agree; nobody disputes that. But initially, immediately, it would go to the proper committee unless otherwise ordered. It may not be otherwise ordered for 1 hour, 2 days, 3 weeks, or never.

Mr. CHILES. I think the Chair has also said—something was said about devices or ways and that it is not an automatic thing.

Mr. HUGH SCOTT. Would not the Senator agree that no matter what happens or what motion is made, it is subject to a motion to table? If the Senator does not express the majority view of the Senate, the motion to table would dispose of what the Senator has to propose. If that is the case, why not do it now? Why does the Senator feel that tomorrow——

Mr. CHILES. The Senator knows that he does not have the votes now and may have them tomorrow.

Mr. HUGH SCOTT. I think the Senator has been losing votes, and he may lose more tomorrow. I do not say that in an unfriendly way. The Senator knows that I respect him as a friend and colleague. I just could not resist.

Mr. KENNEDY. Mr. President, in light of the continuing discussion with respect to Senate committee jurisdiction over the Vice-Presidential nomination, I wish to make my view clear that the unique and unprecedented nature of the question before us is ample warrant for action by the Senate to name a select ad hoc committee to consider the nomination. I find nothing in the Standing Rules of the Senate to require a contrary result.

Under the 25th amendment, the Senate has the awesome responsibility to confirm the person who may, at any moment, become the next President of the United States. Our vote on the nomination may well be the most important single vote that we shall cast in our lifetime.

And the responsibility becomes even more awesome when we recognize that the President himself is still very much under the dark cloud of Watergate, and that therefore the prospect is correspondingly enhanced that the person we confirm today may accede to the Presidency tomorrow.

It is profoundly in the national interest, therefore, for the Senate to act on the nomination not only in a way that insures the fullest possible scrutiny to the President's choice, but also in a way that inspires the confidence of the country that our procedures have been completely adequate to the task.

My own view is that, on the basis of experience and other criteria, the Senate Judiciary Committee has a preeminent claim to jurisdiction over the nomination, if an existing committee is to be chosen.

Certainly, the role of the Judiciary Committee in the Haynsworth, Carswell, ITT-Kleindienst and Gray confirmation hearings leaves no doubt that the committee is fully qualified to consider the nomination of a Vice President. I believe that a substantial claim to such jurisdiction can be made under the Standing Rules of the Senate.

I also believe, however, that not only the interest of the Senate but also the paramount interest of the Nation will be served best by putting aside the current conflicts over jurisdiction, and by insisting that a Select Committee take on the responsibility. That route is clearly one by which the Senate can meet its responsibility, and meet it well, and I urge the Members to adopt it.

I have listened with a great deal of interest to this debate and the arguments that have been made here, and I listened earlier, in the course of our caucus, to the comments and statements of a number of members of my party.

I have tremendous respect for the thought and good sense that went into the proposal made by the Senator from Florida, the Senator from Illinois and many other like-minded Senators today and yesterday and earlier this week.

But let me reiterate for the membership—and especially for some of the Members on the other side of the aisle who were not in our lengthy caucus this morning—our feeling that perhaps no action taken by the President of the United States will be more important than the action he is going to take in nominating a new Vice President, and that perhaps no responsibility is greater for any of us to fulfill than to respond to our constitutional responsibility in our forthcoming consideration of the nomination.

There is a very deep sense within all Members of this body to insure that we develop a procedure to guarantee the fullest opportunity to examine the nominee who is to come before us.

A number of different proposals have been put forward in private conversations among Members of the Senate and in our caucus. Foremost in our minds, I think, is the realization that these circumstances are unique. Always before the American people have had an opportunity to consider for themselves the qualifications of a Vice President of the United States, and to express their decision at the polls. For the most part, as the political history of our Nation indicates, an individual who has been chosen as Vice President has usually held some prior elective office, so that the American people have had not only a chance to examine him during the course of the Presidential election, as that individual travels the country, but also on the basis of his prior record of public service in other elective office.

Further, the nominee for Vice President is also considered by his party's convention. before he is considered by the people themselves at the time of the general election.

Now, however, under the operation at the 25th amendment, the American people are not going to be entitled to that inspection with respect to the forthcoming nomination. We, their representatives must do the job for them.

Moreover, Mr. President, with all respect to the Parliamentarian, it is not clear in the standing rules that the Rules Committee has jurisdiction over this nomination.

The standing rules do provide that matters of presidential succession shall be considered by the Rules Committee. But there is a strong body of opinion on the part of those who have studied the history and precedents of this situation that the reference to "Presidential succession" in the standing rules applies only to statutes dealing with the succession. We can find other language in other parts of the rules that arguably give jurisdiction to the Committee on the Judiciary, which considers matters relating to constitutional amendments. On another theory, the Committee on Government Operations would have jurisdiction. The point is, that the issue is far from clear, and that the standing rules are simply not dispositive.

I think the American people will be surprised to realize that the Senate is considering the submission of the nominee to a committee with no experience in handling nominations. There has never been an instance in the history of this country in which the Rules Committee has considered a nomination. I say that with no disrespect to the chairman of that committee and with no disrespect to the distinguished members of that committee—no disrespect whatever.

As I urged in the caucus, I had hoped that a select committee would be appointed, and that the chairman of the Rules Committee would have been chosen as the chairman of that committee, because I think all of us have a tremendous respect for the chairman as a former prosecutor and as a person with whom we have had the opportunity to work closely in the Senate. Since the issue of committee jurisdiction is so unclear, I hope that the select committee route will still be considered a possible answer by the members to the current controversy.

To illustrate the point of jurisdiction under the standing rules, let us go back to the 1940's.

Under the statute on succession applicable when Harry Truman became President, the line of succession went next to the Secretary of State. We did not have a Vice President of the United States, and the Secretary of State was next in succession.

Suppose that the Secretary of State had resigned and that President Truman had nominated a new Secretary of State. Certainly, the nominee would be first in line of succession. Perhaps the Rules Committee would have argued that it had jurisdiction, since the issue related to Presidential succession. But how many of us here believe that it would not have been sent to the Committee on Foreign Relations? Quite clearly, it would be.

So we have a blank slate. This matter is completely new. It is extremely important. There is a great sense of restlessness in this country.

As I stated before and as I state here today, I am hopeful that the President will send to the Senate, not a caretaker President, but a strong individual who can win the confidence of the American people that he is qualified to succeed to the Presidency if he is called.

The effort that was made during the caucus was in no sense made to take political advantage of this issue, but to assure that all representatives of the Senate, if they so desire, might attend the hearings and make inquiry of the nominee.

A great deal of extremely serious thought and contemplation went into these suggestions. We came out of the caucus with something to which a majority has agreed. It was not completely satisfactory to all Senators there, but it was satisfactory to a majority. The majority leader, to his credit, has now offered the proposal to the Senate in an attempt to provide the broadest possible opportunity for inquiry, and to indicate to the American people that the Senate is meeting its profound responsibility.

We are asked, "Well, should we not follow the rules and do as they prescribe?" As pointed out by the distinguished Senator from Iowa during the caucus this morning, the rules exist for the benefit of the Senate, so that we can fulfill our responsibilities. We should not be the servant of the rules, the rules should be the servant of us, especially in the present case, where the outcome under the rules is so confused in any event.

In the particular circumstances to which we are drawn now, I think it is important for those who read this record to know that there was certainly no intention by those who support the appointment of a Select Committee or the expansion of the Rules Committee delay action in any way. Our goal is to assure that the nomination will receive the full examination and consideration that the Senate owes the American people.

I sit on the Committee on the Judiciary and I have seen instances where our committee was stampeded where this body as a whole, was stampeded on a nomination for Attorney General of the United States. If we had done our job in pursuing the ITT affair there might have been a different Attorney General in 1972, and there might have been an entirely different situation now with regard to the present nomination and with regard to many of the problems we are facing in this country. I think we are conscious of that, of the enormity of our responsibility.

These efforts and discussions on the floor and in our caucuses are the result of a very deep sense of commitment and concern for the way we carry out our trust. As representatives of the people of Massachusetts and the several States, we who shall cast our votes for the nominee must assure that the fullest opportunity for consideration and examination has been granted. In no way is this effort a reflection on individual Members or on committees of the Senate. It is a legitimate and essential attempt to provide adequate protection and guarantees for us all and for the Nation.

Mr. President, I ask unanimous consent that a brief memorandum I have prepared on the parliamentary question of jurisdiction may be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record.

Memorandum on: The Standing Rules of the Senate and Committee Jurisdiction Over the Vice-Presidential Nomination

1. The argument that the Standing Rules of the Senate give clear jurisdiction to the Rules Committee over the Vice Presidential nomination does not withstand analysis. Under Standing Rule 25 (1) (P) (1) (D), the Rules Committee has jurisdiction over "Matters relating to . . . Presidential succession." History and precedent prove that this phrase does nothing more than give the Rules Committee jurisdiction over *statutes* establishing the Presidential succession.

Strictly construed, however, the Vice Presidential nomination is not a "Matter relating to . . . Presidential succession," but a question of filling a vacancy in a high office in the Executive Branch of Government, an office that happens to be first in line of Presidential succession.

But several other high Executive officers are also in the line of succession. For example, the office of Secretary of State is fourth in line of succession by statute and now actually third in line after Vice President Agnew's resignation. But, surely, the Rules Committee would not have jurisdiction over a vacancy in the office of Secretary of State, simply because the Secretary is high in the line of succession. Obviously, the Foreign Relations Committee would have jurisdiction over such a nomination, because the Standing Rules give clear jurisdiction to that committee.

Or, to take a relatively recent historical example that is clearly analogous to the present case—when Vice President Harry Truman became President in 1945 upon the death of President Roosevelt, the Secretary of State was next in line of succession under the Presidential succession statute in effect at that time. Surely, had there been a vacancy in the office of Secretary of State, President Truman's nomination of a new Secretary, the man who would be next in line to the Presidency, would have been referred to the Foreign Relations Committee, not the Rules Committee.

2. In fact, the argument for Rules Committee jurisdiction is easily countered by an equally strong (or, better, equally weak) argument for Judiciary Committee jurisdiction under the Standing Rules. Rule 25(1) (1) (2), gives jurisdiction to the Judiciary Committee over "matters relating to . . . Constitutional amendments." Filling a Vice Presidential vacancy under the 25th Amendment is as much a "matter relating to a Constitutional amendment" (Judiciary Committee jurisdiction) as it is a "matter relating to Presidential succession" (Rules Committee jurisdiction).

3. Properly considered, under the Standing Rules of the Senate, jurisdiction over the nomination should go to whichever Senate Committee would have oversight or legislative responsibilities with respect to the office and duties of the Vice President, just as jurisdiction over nominations to other high offices in the line of Presidential succession—such as the Secretaries of State, Treasury, and Defense—would go to the standing committee with jurisdiction over the duties of the officer involved. Unfortunately however, the Senate Rules are silent on jurisdiction as to the office of the Vice President.

If, at the time the 25th Amendment was adopted, the Senate had amended its Standing Rules to deal with the question of jurisdiction over a Vice Presidential nomination, it is extremely unlikely that, as a minor committee, the Rules Committee would have received jurisdiction over such a major office. Almost certainly, the jurisdiction would have gone to a major standing committee—perhaps the Judiciary Committee, as the father of the 25th Amendment, or the Government Operations Committee, as the Committee most likely to receive general jurisdiction over matters relating to the duties of the Vice President.

The point is that because the Senate has no existing oversight or legislative responsibility with respect to the office or duties of the Vice President, the Standing Rules do not contain the answer to the question of jurisdiction over the Vice Presidential nomination, and the Senate must look elsewhere for guidance.

4. Thus, jurisdiction in a major Standing Committee or a new Select Committee should not be seen as a challenge to the jurisdiction of the Rules Committee, because there is no clear basis for that Committee's jurisdiction under the present Standing Rules. Rather, the assertion of jurisdiction by the Rules Committee over the Vice Presidential nomination is an effort to fill the vacuum under the existing Senate rules. It can also be seen as a challenge to other standing committees, since under the same argument, the Rules Committee could claim jurisdiction over any other high office in the line of Presidential succession.

CONCLUSION

At best, the Rules Committee, the Judiciary Committee, and the Government Operations Committee have nominal arguments for jurisdiction under the Standing Rules of the Senate, but the Standing Rules are not dispositive of the issue, and the Senate is entitled to write as if on a blank slate.

Mr. SAXBE. Mr. President, I am afraid that the Senate is not presenting its best face to the people of this country today. A nomination will come down tonight and I am sure it will get the fullest investigation and consideration, no matter what committee considers it, whether there are 9 members or 15 members or 100 members, and the issue will only come to determination when it comes back with a recommendation to the full committee or to the full Senate. At that time the votes will be cast and the decision will be made.

With regard to all this concern about what committee the nomination goes to, it could go to the Aeronautics and Space Sciences, or wherever it goes, and there is very little that will not be disclosed about the candidate who is nominated by the President of the United States because everybody is going to be in on the act. I do believe there may be ulterior motives. We have seen the great popularity of the Watergate matter. I am sure there are those who would like to be on the committee, whatever it may be, to get public exposure, to show what great interrogators they are, and to serve as grist for their personal mill.

I hope the Senate will quickly dispose of this matter. I think this concern about what committee it is referred to is of no great moment. When it comes back to the floor of the Senate I guess there will be 100 speeches about the nominee and a lot more placed in the Record if not delivered on the floor. But the final vote is going to be here and it will be the determining factor and not what happens in that committee, whatever committee it is, and no matter how many members are on it.

I hope we quickly move or refer it to the committee and await their returning it to the floor.

Mr. JACKSON. Mr. President, I shall be very brief. I think this is a time for all of us to act in a responsible manner. We have the machinery in the Senate to handle the pending matter. I think we look foolish when we talk about some grandiose scheme to handle this problem in a way that is different than something else.

I think the American people expect us to be responsible, with all the trouble we have witnessed this year.

I, for one, am not going to be a party to anything that seeks a solution to the problem in an unusual way. I hope we vote down the pending resolution by an overwhelming vote.

Mr. COOK. Mr. President, I would like to associate myself with the remarks of the Senator from Washington for several reasons. First of all, every time we have moved out of an era into another era, when we moved from the horse and buggy to the automobile, and then to the jet age, we did not change the selections of the Constitution. We did not say that because something new had been created we had to do things a different way. We have created many amendments to the Constitution for particular purposes, to overcome inequities, and to give established equities. But I must say for those who stand here and say these rules are not intended to apply because the 25th amendment came into existence thereafter should answer this question: Are we to say that every time we have a constitutional or statutory problem we have to look at these rules and make a determination whether the rules should be changed?

The point I am trying to make is that at the beginning of every congressional session we adopt these rules. We have the opportunity to change the rules. We have adopted these rules since the 25th amendment came into existence.

Mark ye not that we just sat here and decided to pay no attention to them. We had an opportunity to change these rules. We can do so at the beginning of every congressional session. The 25th amendment to the Constitution came into existence in 1967. It was debated on the floor of the Senate and passed.

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please take their seats. The Senator from Kentucky has the floor and he is entitled to the courtesy of being heard by his colleagues. Please be seated.

Mr. COOK. Mr. President, these rules have been adopted by us since the adoption of the 25th amendment. So here we are; we have a procedure. Now, all of a sudden we are saying, "Let's panic and let's prove it to the American people," who think that periodically and some quite frequently the Senate acts like a circus and acts foolishly. The American people want stability in their economy, the American people want stability in their Government, and they do not want another circus. They want expeditious action by this body to either accept or reject. May I say relative to the statements that have been made on this floor, a committee will hear the matter and make a detailed and voluminous report. I doubt seriously whether some Senators will even open that report, but it will go on their desks. Many times there have been two or three volumes, and these fine young people put them on their desks. As soon as the debate is over, they come along, pick them up, and put another stack there. I challenge any Member of this body to stand up and say how many times he reads them.

But the point is, this nomination, when it comes back to this body, then presents itself to the Senate in the nature of a committee of the whole, and if the desire of the Senate is that it wishes to go into executive session and close the doors and bring that nominee in on the floor to answer questions, then the will of the Senate will be done, if that is what Senators wish to do.

We know—history tells us—that that was requested at one time, and the Senate voted it down. But the point of it is, it can be done.

The idea of a committee of the whole really astounds me, because the greatest stories that the press could have are not in interviewing the man with the most seniority, who is going to ask the first questions, but in asking the 100th Member of the U.S. Senate when he thinks he is going to get to ask his questions, whether it will be in the early spring or the late fall or when he is going to run for office again, because this Senator has been in many committee hearings when his colleagues have gone on and asked questions for 2 or 3 or 4 hours at a time and he waited patiently to see if he could have the courtesy extended to him of asking some questions.

I think we show the country our stability when we say, "We have rules." These rules can be broken. They can be broken by us, but we accepted these rules at the beginning of this session of Congress. We will debate these rules again when the next session of Congress comes up. So to say that this rule, somehow or other, never had any application to the 25th amendment, is beyond me. Why did we continue to adopt these rules after the 25th amendment was approved if we did not have sense enough to know that this was the manner in which they would apply?

It is because we did not want to do our homework then, and we now want to question our homework then?

So I can only say that I have a notion and a terrible suspicion that the House, by reason of its rules, will send the nomination to the respective committee, which it is ready to do, it will have its hearings, it will move that nomination to the floor, it will have its up and down vote, and this distinguished body will still be sitting here making a determination of how it is even going to consider the nomination in the first place. And if we find ourselves in that position, then we have proven to the country that we are the kind of body that, in many of their minds, they think we are.

I for one want no part of it. I for one stand here right now and tell you that as soon as we on the Rules Committee can start those hearings, we will start them. I hope we can set that up by tomorrow and that we can hold our first public hearings on Monday, so that we can exercise our responsibility, and not sit here with some kind of horrible feeling that the country that is looking for leadership, the country that is looking for integrity in Government, the country, by the way, that is looking to the Congress to implement the 25th amendment, which originated in this body, and which we passed, and which we sent to the House, is of the belief that we did not know what in the world we were doing when we did it, but, instead, that we can show we know how to handle the situation now, now that we have what we accomplished in 1967.

So I can only say for those of us who decide that this proposition will languish in this body, we must make a determination now that this is not what the country wants. The country has been through enough of this. The country has been through enough of the headlines that have discouraged them. The country has been through enough of frustrations which have made them ask themselves and their friends which direction the Government is going in and what it all amounts to, and the country is now saying, "If you are a viable, responsible institution, gentlemen, prove it."

I yield the floor.

Mr. BIDEN. Mr. President, being the number 100th Senator in this body and having said nothing on the floor thus far regarding whether or not and how we should handle this procedure; that is, whether or not we should move on it today or wait until tomorrow, I am a bit confused as to which is the better course of action; but since we began to discuss this subject, we got into the merits of considering how we are going to consider who the nominee is, not just when, today or tomorrow.

I would like to take issue with something that the Senator from the State of Washington said about not wanting to alarm the American people by doing anything out of order and letting them think that maybe we do not have things together down here.

I would like to respectfully suggest, No. 1, that the American people really are confused; No. 2, that the American people do not have an overwhelming amount of confidence in us as a Congress; and, No. 3, that if we point out to the American people that we are going to treat this as business as usual, that is not going to create a warm feeling in the American people. I do not see that that is going to make them feel any better. I think what they are going to say is, "If they are going to treat this momentous occasion as business as usual, like they have treated other things as business as usual, we are really in trouble."

That is why today, in the caucus, I said and I am compelled to say it on the floor now, the one thing I think we must impress upon the American people is that we do not think this is business as usual, that the man whom we are going to confirm as the Vice President of the United States may very well be the next President within the next 3 years.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please take their seats? The Senator from Delaware has the floor. Will Senators please take their seats?

The Senator from Delaware.

Mr. BIDEN. I thank the Chair very much.

I think that there are some problems which we have not discussed which will be discussed when we debate the issue, I assume, but this is something different from filling any other vacancy than that of the Vice President, not because there is a 25th amendment, but because of the circumstances of the sitting President.

I do not know that there is anyone in the Congress or in this body who is going to say he is absolutely certain that this President is not going to find himself in some trouble with Congress in a constitutional sense. For example, what happens if the Supreme Court says, "Turn over the tapes" and the President says, "I won't turn over the tapes"? Do we then go to impeachment here? Are we then in a position where we are going to be ruling on who is the next President before the next 3½ years are up?

My whole point is that if we treat this as business as usual, if we send it, in a routine manner, to that committee which the Parliamentarian thinks it should go to, then that is not going to do the one thing that absolutely has to be done in this instance, and that is convince the American people that we realize just how much trouble this country is in; that we are just as frightened and concerned as they are; and that we are going to treat it in a manner as nothing else has been treated before because we are so concerned.

The Senator from Kentucky says we do not tamper with the Constitution on other matters. I agree with him.

We are not talking about the Constitution here. We are talking about the rules of the Senate which is no more like—well, one cannot compare the two.

The Senator from Kentucky said that we do not make exceptions in a case. I would like to ask him to explain the Watergate Committee.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BIDEN. I yield.

Mr. COOK. Mr. President, I might say to the Senator that we had no problem of holding up this body. We did it in an expeditious manner.

The only thing the Senator is saying is whether it is not a change in the rules. In that instance, we did it by a majority vote of the U.S. Senate. There were no dissenting votes. On this matter, if we can vote on the proposition before the Senate now. If it is the will of the Senate to make a change, then so be it. However, let us get to the point where we can do so.

Mr. BIDEN. I agree. I will not direct myself to the merits of how we make the determination, but when we make the determination.

The distinguished majority leader points out that we are talking about undue delay. We delayed the Chiles resolution until today. It was not considered undue delay. The Senator from Florida and others want to go over until tomorrow, so that we can vote it up or down tomorrow.

I fail to see how we are not moving with dispatch if we delay it 1 more day. However, I do not want to get into that question.

I wanted to talk about how important this matter was. I do not think that the American people think that we should treat it as business as usual.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with the U.S. Air Force.

The PRESIDING OFFICER. Without objection, the Senate will go into executive session and will consider the first nomination on the calendar.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the U.S. Air Force be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the U.S. Air Force will be considered en bloc; and, without objection, the nominations are approved en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed with the nominations beginning with the Department of State.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Henry A. Byroade, of Indiana, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Stanley R. Resor, a Connecticut, representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, to the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Stanley R. Resor, of Connecticut, representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, to have the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the President will be notified.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the Army and in the Navy, placed on the Secretary's desk, be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc; and without objection, the nominations are confirmed en bloc.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the nomination of Daniel Parker.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Daniel Parker of Wisconsin, to be Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of legislative business.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The joint resolution was subsequently signed by the President pro tempore.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs; that the House had receded from its disagreement to the amendment of the

Senate No. 9 to the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate Nos. 5, 13, and 14 to the bill and concurred therein, severally with an amendment in which it requested the concurrence of the Senate.

AUTHORIZATION FOR USE OF MAILING FRANK OF SECRETARY OF THE SENATE TO MAIL OFFICIAL BUSINESS OF THE FORMER VICE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will please state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 164) to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, this joint resolution, if passed would provide that the office of the former Vice President would be authorized to use the frank of the Secretary of the Senate through the date of November 10, 1973, for the mailing of official business connected with the office held by the former Vice President.

This is the same action that is normally taken in the case of a Senator who has resigned. If the term of the Vice President had expired in the normal course as I understand the law, the staff would have had until the 30th day of June following the expiration in which to send out mail under the frank of the Vice President as long as that mail was official business and was the result of the Vice President having held that office. In the current situation, the term did not expire, but there is still official business to be closed out, which business resulted from Mr. Agnew's having held the Office of Vice President. This resolution would authorize use of the frank of the Secretary of the Senate to send out such mail for 30 days only.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time.

The joint resolution was read the third time and passed, as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, through November 10, 1973, the Secretary of the Senate may, on behalf of former Vice President Spiro T. Agnew, send as franked mail, matter to a Government official (not to exceed 4 pounds in weight) and correspondence to any person (not exceeding 4 ounces in weight), and send and receive as franked mail, public documents printed by order of Congress, with respect to official business occurring as the result of his having held the office of Vice President. Postage on mail sent and received under this joint resolution is postage sent and received under the franking privilege for purposes of section 3216 of title 39, United States Code.

A STAR FOR GENERAL NOBLE

Mr. LONG. Mr. President, few people realize how close to disaster the residents of the Lower Mississippi Valley came during what is becoming known as the great Mississippi River Flood of 1973. It is difficult to imagine the menace posed to the residents of Louisiana and other valley States by the brown waters of the Nation's mightiest river which reached stages not previously experienced during the lifetime of the vast majority of our people.

In truth, Mr. President, we had grown complacent about floods. We had not experienced a major flood since 1945, and not even an unusually high water period since 1950. We had almost been lulled to sleep by those who, in trying to prevent construction of flood control works, were calling floods a thing of the past. They misled us.

Fortunately for the people of the lower valley, the President of the United States, acting at the request of the U.S. Army, had in 1971, appointed a distinguished engineer and soldier, Maj. Gen. Charles C. Noble, to be president of the Mississippi River Commission. He also serves as division engineer for the Lower Mississippi Valley Division. General Noble was not misled. He knew floods are still possible, and as unusually heavy rains fell throughout the vast drainage area of the Mississippi River all of last fall, General Noble began to prepare for a major flood.

He warned the people of Louisiana, in several speeches, that conditions were ripe for a major flood in 1973. His outlook was summed up in a statement to a Louisiana State legislative committee:

> I am paid to worry, so I am worrying.

But, General Noble did more than worry, he began to act. He was responsible for protecting millions of American citizens from Hannibal, Mo., to the Gulf of Mexico, and he was determined to discharge that responsibility.

He ordered that a division-wide flood fight exercise scheduled for the spring of 1973 be held as early as possible and that all possible realism be included in the scenario. In this connection, General Noble directed that civilians—members of levee boards and other local agencies—be invited to fully participate in the exercise. He was—and is—sensitive to the feelings of people who would be affected by a flood, and he wanted those who had the basic responsibility for protecting a community to know that they had a key role to play when the high waters came.

In addition to the exercise, General Noble foresightedly ordered a number of preparatory actions, some of which were skeptically viewed by other competent people. But, these skeptics lacked General Noble's perspicacity as well as his responsibility to the people of the valley.

He made a basic decision very early in his planning that he would follow until all danger of flood was past. This decision was that where there was a choice between added protection and minimal protection, he would give added protection. For the next several months, all actions would be keyed around this humanitarian decision. He also came to another basic decision: that the authorized plan for flood protection in the lower valley, commonly called the M.R. & T. project, represented the best thinking of engineering experts at the time and it was also the will and intent of Congress. And it was not realistic to change a plan in the middle of a flood. The M.R. & T. project would be the basis for fighting a major flood in 1973.

A factor that would plague General Noble throughout the emergency was that the M.R. & T. project is only about 41 percent complete, but he had to make it 100 percent effective against the major flood that was coming.

From December until June, Charles Noble drove himself almost to the limits of human endurance, first trying to prepare for the flood and then to lead the fight to protect our people. He was everywhere along the more than 1,200 miles of rampaging river. No need of the stricken people was too small to command his interest.

I remember in Morgan City, La., when that town was threatened by both Gulf tides and the Atchafalaya River, General Noble met there with me and city officials who were deeply concerned over what the future held for that community. His own concern for Morgan City—indeed, for the whole valley—was very evident. He knew what was going on and what was needed. His determination to assure that our people would receive all the protection that could possibly be provided was reassuring to us who had gathered there. I felt a lot better knowing that a man as capable and as dedicated as Gen. Charles Noble was in charge.

Despite the many pressures on him, he was not too busy to care about the individuals who were caught up in the disaster. As he was leaving the city hall at Morgan City, he was approached by a concerned mother. Her daughter was to be married in a couple of weeks, and this mother was worried over sending out invitations, lest Morgan City have to be evacuated. General Noble gave this woman his undivided attention while she expressed her problem—a problem not too important when measured against the myriad others weighting down upon his shoulders. Charles Noble is also a husband and father, and he appreciated the enigma faced by this worried lady.

He patted her hand, and reassuringly told her to go ahead and mail the invitations; Morgan City would not be evacuated. You can never convince that Louisiana mother that all generals are stuffed-shirt brass hats; she had met a compassionate, understanding gentleman.

Mr. President, it would take too long to detail the many problems created by the 1973 flood, but a brief comparison with other floods is revealing.

Our flood this year was the third greatest flood of the century—exceeded only by the floods of 1927 and 1937. But the human suffering and loss was substantially lower than previous floods. Approximately 40 deaths were attributed to the flood; in 1927 the toll was 216. Some 40,000 persons were orderly evacuated this year; in 1937, more than 800,000 persons had to leave their homes, many of them literally fleeing for their lives from the rapidly rising waters.

The difference is that this year we had both an effective flood control system and a man who was determined that it would work, completed or not.

Many hard decisions had to be made by General Noble to make the system work, and on every occasion he had conflicting pressures. One group wanted him to do something; others were strongly opposed to that same action. This distinguished leader, in his many appearances throughout the valley, listened to the needs of the people; his telephone rang at all hours. He gathered the facts, and when it became time to act, he made his decision. Each time that decision was not designed to win a popularity contest but to carry out his responsibility to safely pass the floodwaters in accordance with the adopted plan for protection of the lower valley.

Now, that the floodwaters have receded we can better observe the soundness of his decisions and appreciate the professional competence displayed by General Noble. He is deserving of the highest honors this Nation can bestow for his masterful handling of these tremendous floodwaters.

However, Mr. President, in one of those vagaries of fate that occur, Maj. Gen. Charles Noble is being forced to retire before the end of a normal 4-year tour as president of the Mississippi River Commission. This tour would end in September 1975. Yet, because a selection board recently passed over him for promotion to the grade of permanent major general, he will be forced to retire in August 1974.

The people of Louisiana and other valley States cannot afford to lose the services of Maj. Gen. Charles C. Noble at this critical time. General Noble has launched an intensive program to repair the damages to flood control works caused by the recent high water and to adapt the system to meeting current conditions. He is the driving force behind this engineering challenge that must be expedited to protect the valley before another major flood occurs—and this flood could come at any time.

The immediate years ahead will require unrelenting effort to develop work programs and push along the repair and construction. The people of the Lower Mississippi Valley would be ill served by the loss of momentum that would inevitably result from a change in the presidency of the Mississippi River Commission.

Mr. President, it is my sincere hope that the next selection board that will consider promotions to the grade of permanent major general will favorably act on Charles Carmin Noble. Failing that, I would hope that the Secretary of the Army would recommend to the President that he invoke his authority and grant an extension of service for this distinguished servant of our people so that we in the lower valley may have the benefit of his understanding and expertise for the full 4-year term normally served by the president of the Mississippi River Commission.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. and will proceed to the consideration of morning business, as provided for under rule VII.

Following the introduction of concurrent and other resolutions, but before morning business is closed, the Chair will lay before the Senate, Senate Resolution 185, relative to the Senate's consideration of a nomination to fill the vacancy in the office of Vice President. This resolution would then be before the Senate for debate until 11 a.m., if not disposed of before that time, and any of the eligible motions would be in order. For example, to table, to postpone indefinitely, to postpone to a day certain, or to refer, and all except a motion to table, would be debatable. If none of these motions is made, an amendment to the resolution would be in order.

At 11 a.m., the resolution would go on the calendar if not disposed of prior thereto.

After 11 a.m., a motion to take up the resolution would be in order, which, too, would be debatable.

In the event the full 2 hours are consumed in the consideration and debate of Resolution 185, the resolution, if not disposed of, would then go on the calendar at 11 a.m. and the resolution which was offered today by the distinguished majority leader would go over, under the rule, until the next legislative day following an adjournment, when it would come up under the same procedures as have just been outlined with respect to Senator CHILES' Resolution 185.

May I ask the Chair if I have stated the matter correctly?

The PRESIDING OFFICER (Mr. ALLEN). Both resolutions have gone over until tomorrow, under the rule. The first resolution, if it is not disposed of by 11 a.m., would go on the calendar. Then, as to the second resolution, if it is not agreed to for consideration at all, it will be carried over, as the Senator has stated, under the same conditions as the Chiles resolution was carried over for the next legislative day.

Mr. ROBERT C. BYRD. I thank the Chair. So that the Chair has stated it much more succinctly than I have, but has stated its approval of the statement I have made.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. In the event the resolution by Senator CHILES, No. 185, is disposed of prior to the hour of 11 a.m. tomorrow, then the resolution offered by the distinguished majority leader, Mr. MANSFIELD, will be laid before the Senate, its having gone over, under the rule, and would be subject to the same motions, the same actions of the Senate until the hour of 11 a.m., as were enumerated with respect to the Chiles resolution.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. In which event, at 11 a.m., if the Mansfield resolution has not been disposed of, it, too, would then go on the calendar.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. It could then be motioned up by unanimous consent or by majority vote, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Yea-and-nay votes may occur on tomorrow. All Senators are so alerted, and a rollcall vote could occur early in the morning.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m.

The motion was agreed to; and, at 6:06 p.m., the Senate adjourned until tomorrow, Saturday, October 13, 1973, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 1973:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Daniel Parker, of Wisconsin, to be Administrator of the Agency for International Development.

DEPARTMENT OF STATE

Henry A. Byroade, of Indiana, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

AMBASSADOR

Stanley R. Resor, of Connecticut, Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations, for the rank of Ambassador.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Donavon F. Smith, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Duward L. Crow, [redacted] FR, U.S. Air Force, for appointment as senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

The following officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert E. Huyser, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Felix M. Rogers, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

Army nominations beginning Malcolm P. Henry, to be lieutenant colonel, and ending Karen P. Vaira, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

Army nominations beginning Trevor E. Williams, to be colonel, and ending Fernando Zapata, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

Army nominations beginning Anthony T. Alt, to be colonel, and ending Nicholas G. Georgakis, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 4, 1973.

IN THE NAVY

Navy nominations beginning John William Ackerman, to be chief warrant officer, W–3, and ending Joseph P. Venable, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on September 27, 1973.

Navy nominations beginning Henry Hisashi Abe, to be captain, and ending Sue Ella Young, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1973.

EXTENSIONS OF REMARKS

1974 BUDGET SCOREKEEPING REPORT NO. 7

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others, excerpts from the "Budget Scorekeeping Report No. 7, as of September 28," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report shows that the impact of congressional actions completed to September 28 would be to increase budgeted 1974 outlays by about $2.8 billion. This, together with certain revenue actions, would have the effect of raising the estimated deficit for fiscal 1974 by more than $3 billion.

In addition, a number of significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction in this session. The report points up the major areas of pending action in both legislative and appropriation bills.

The excerpts from the September 28 report that I am inserting here include the scorekeeping highlights from the text and the main scorekeeping table. These excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 7, AS OF SEPTEMBER 28, 1973

INTRODUCTION AND 1974 SCOREKEEPING HIGHLIGHTS

Budget outlays (expenditures)

The impact of congressional action through September 28 on the President's fiscal year 1974 budget outlay requests, as shown in this report, may be summarized as follows:

[In millions of dollars]

	House	Senate	Enacted
1974 budget outlay (expenditure) estimate	268,671	268,671	268,671
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	+663	+990	+869
Pending action	+399	−54	
Legislative bills:			
Completed action	+1,215	+2,118	+1,934
Pending action	+1,288	+3,390	
Total changes:			
Completed action	+1,878	+3,108	+2,803
Pending action	+1,687	+3,336	
Total	+3,565	+6,444	+2,803
1974 budget outlays as adjusted by congressional changes to date	272,236	275,115	271,474

See table 1.

While this report reflects enacted congressional increases in budgeted outlays of about $2.8 billion, many significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction on budgeted 1974 outlays.

Completed actions: A summary of major individual actions composing the $2.8 billion total outlay impact of completed congressional action to date on 1974 budgeted outlays follows:

	Estimated 1974 outlay impact (in millions)
Appropriation bills:	
Regular 1974 bills:	
Agriculture	+250
Interior	+75
Public Works	+20
Transportation	−30
District of Columbia	−3
1973 supplemental bills (1974 outlay impact)	+557
Subtotal, appropriation bills	+869
Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93–86)	+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+358
Welfare—medicaid amendments P.L. 93–66)	+122
Unemployment benefits extention (P.L. 93–53)	+116
Veterans national cemeteries (P.L. 93–43)	+110
Social Security—liberalized income exemption (P.L. 93–66)	+100
Winema forest expansion (P.L. 93–102)	+70
Veterans dependents' health care (P.L. 93–82)	+65
Airport development (P.L. 93–44)	+15
REA—removed from budget (P.L. 93–32)	−146
Subtotal, legislative bills	+1,934
Total, 1974 outlay impact of completed congressional action	+2,803

Pending action: The major incomplete legislative actions affecting budget outlays which have passed or are pending in one or both House of Congress are shown in detail on table 1 and are summarized below:

Appropriation bills: Incomplete action on four regular 1974 appropriation bills is reflected in this report, with the major impact on budgeted outlays as follows:

[In millions of dollars]

	House	Senate
Labor–HEW	+490	
State-Justice	−40	−20
Treasury-Postal Service	−35	−68

Legislative bills—backdoor and mandatory: Twenty legislative measures authorizing backdoor or mandatory outlays have passed or are pending in one or both Houses of Congress.

House action on 11 such measures would increase fiscal 1974 budget outlays by about $1.3 billion. Senate action on 14 such measures would increase budgeted 1974 outlays at least $3.4 billion, including about $2 billion for social security increases. The undetermined outlay effect of increased contract authority is excluded.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budgeted outlays:

[In millions of dollars]

	House	Senate
Civil Service minimum retirement (including social security increase)	+172	+2,250
Mass transit operating subsidies	+400	+400
School lunch	+129	+300
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Veterans drug treatment		+144

REVENUE LEGISLATION

The June 1 budget revisions estimate revenue for fiscal 1974 at $266 billion. This is an increase of $10 billion over the original January estimate of $256 billion. Completed legislative action to date, has the effect of reducing 1974 revenue estimates by $492 million, as follows:

Railroad Retirement: decrease of $612 million due to failure to provide additional trust fund receipts requested.

Social security wage taxes: increase of $120 million in trust fund revenue due to a wage base increase.

DEFICIT POSITION

The 1974 budget deficit, as revised June 1, is estimated at $2.7 billion—a decrease of $10 billion from the original January estimate of $12.7 billion. Although there has been indication that further revision in the deficit projection is possible due to revenue adjustments, this is the latest official estimate. It reflects a federal funds deficit of $18.8 billion and a trust fund surplus of $16.1 billion.

On the basis of changes to date (including committee action) by the respective Houses of Congress in budget outlay (expenditure) and revenue requests, the 1974 unified budget deficit would be:

	Billion
Budget estimate (revised June 1)	$2.7
Based on House changes to date	7.0
Based on Senate changes to date	9.7
Based on changes enacted to date	6.0

BUDGET AUTHORITY (APPROPRIATIONS AND OTHER OBLIGATIONAL AUTHORITY)

The impact of congressional action through September 28 on the President's $290.4 billion budget authority request for fiscal year 1974, as shown in this report, may be summarized as follows:

[In millions of dollars]

	House	Senate	Enacted
Congressional changes to date in requested 1974 budget authority (committee action included):			
Appropriation bills:			
Completed action	+89	+926	+484
Pending action	+1,109	−178	
Legislative bills:			
Completed action	+1,977	+2,190	+1,966
Pending action	+1,313	+3,693	
Shifts between fiscal years 1973 and 1974 (net) due to timing of action on budget requests	+3,890	+3,890	+3,890
Total changes:			
Completed action	+5,956	+7,006	+6,340
Pending action	+2,422	+3,515	
Total	+8,378	+10,521	+6,340
Total changes, excluding shifts between fiscal years due to timing	+4,488	+6,631	+2,450

TABLE NO. 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 1ST SESSION OF THE 93D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAY (EXPENDITURES) (AS OF SEPT. 28, 1973)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1974:						
Appropriation bills (changes from the 1974 budget):						
1973 bills:						
1973 Labor-HEW appropriations (continuing resolution, Public Law 93-9)				(1)	(1)	(1)
Urgent supplemental, 1973 (Public Law 93-25)				+36,000	+36,000	+36,000
2d supplemental, 1973 (vetoed bill, H.R. 7447)				(+27,000)	(+202,000)	(+150,000)
2d supplemental, 1973 (Public Law 93-50) [2]				+150,000	+150,000	+150,000
Inaction on proposed recissions				[3] +370,600	[3] +370,600	[3] +370,600
1974 regular bills:						
Legislative branch (H.R. 6691)	−16,900	−36,592	(4)	−16,000	−11,400	(4)
Agriculture, Environmental and Consumer Protection (H.R. 8619)	−133,813	[5] +357,375	[5] [6] +108,116	+135,000	[5] +300,000	[5] [6] +250,000
District of Columbia (Public Law 93-91)	−5,281	−15,281	−15,281	−2,550	−2,550	−2,550
Transportation and related agencies (Public Law 93-98)	−139,501	−51,381	−112,286	−40,000	−6,000	−30,000
Housing and Urban Development, Space, Science, Veterans (H.R. 8825)	+453,501	+500,920	[6] +439,047		[7] +45,000	(6)
Labor, Health, Education, and Welfare (H.R. 8877)	+1,264,352			+490,000		
Interior and related agencies (H.R. 8917)	−4,877	+118,406	[8] +72,770	+30,000	+105,000	[8] +75,000
State, Justice, Commerce, the Judiciary (H.R. 8916)	−82,134	−63,423	(4)	−40,000	−20,000	(4)
Public Works and Atomic Energy (Public Law 93-97)	−81,074	+15,513	−8,066	−16,400	+37,000	+20,000
Treasury, Postal Service, and general government (H.R. 9590)	−56,622	−77,999	(4)	[9] −35,000	−68,000	(4)
Subtotal, appropriation bills	+1,197,651	+747,538	+484,300	+1,061,650	+935,650	+869,050
Legislative bills (changes from the 1974 budget):						
"Backdoor" spending authorizations (not requiring further appropriation action):						
Federal Financing Bank (contract authority) (H.R. 5874, S. 925)	[9] +25,000	+25,000		[9] N.A.	N.A.	
Flood insurance (borrowing authority) (H.R. 8449)	(10)			N.A.		
Airport development (contract authority) (Public Law 93-44)				+15,000	+15,000	+15,000
Federal-aid Highway Act of 1973 (contract authority) (Public Law 93-87) (increase over requests)	[11] +1,307,220	[11] +1,307,220	+1,307,220	N.A.	N.A.	N.A.
Traffic safety (contract authority) (Public Law 93-87)	+915,000	+245,000	+281,000	N.A.	N.A.	N.A.
Urban mass transit operating subsidy (contract authority) (S. 386, H.R. 6452)	[6] +400,000	+400,000		[6] +400,000	+400,000	
Freight car loan guarantee (borrowing authority) (S. 1149)		+2,000,000			N.A.	
Subtotal, "backdoor"	+2,647,220	+3,977,220	+1,588,220	+415,000	+415,000	+15,000
Mandatory spending authorizations (requiring payments over which there is little or no control through the appropriation process):						
Federal employee health insurance contributions (H.R. 9256)	+233,600			+233,600		
Federal employees pay raise, Oct. 1, 1973 (S. Res. 171)		[12] +357,900	[12] +357,900		[12] +357,900	[12] +357,900
Uniform relocation assistance (S. 261)		+95,000			+95,000	
Eucalyptus tree fire hazard (S. 1697)	(13)	+16,000		(13)	+16,000	
Farm bill (Public Law 93-86):						
Food stamp amendments	[11] +724,000	[11] +724,000	+724,000	[11] +724,000	[11] +724,000	+724,000
Repeal of "bread tax" (offsetting receipts)				[11] +400,000	[11] +400,000	+400,000
School lunch amendments (H.R. 9639)	+129,500	+300,000	(4)	+129,500	+300,000	(4)
Feed grain program (H.R. 6791)	[6] +89,000			[6] +89,000		
Peanut support (H.R. 6646)	[6] +8,600			[6] +8,600		
Winema Forest expansion (Public Law 93-102)	+60,000	+70,000	+70,000	+60,000	+70,000	+70,000
Welfare—medicaid amendments (Public Law 93-66)		+122,000	+122,000		+122,000	+122,000
Public safety officers death gratuity (S. 15)		+6,000			+6,000	
Public safety officers group life insurance (S. 33)		+20,000			+20,000	
Victims of crime—payments (S. 300)		+7,000			+7,000	
Deputy marshals pay raise (H.R. 5094)	+2,070			+2,070		
Early retirement—customs inspectors (H.R. 6078)	+3,900			+3,900		
Veterans drug and alcohol treatment (S. 284)		+144,136			+144,136	
Veterans dependents' health care (Public Law 93-82)	+64,915	+103,800	+64,915	+64,915	+103,800	+64,915
Veterans national cemeteries (Public Law 93-43)	+96,720	+110,000	+110,000	+96,720	+110,000	+110,000
Veterans pension increase (H.R. 9474)	+208,400	+171,900	(4)	+208,400	+171,900	(4)
Civil Service—Minimum retirement (S. 1866, H.R. 9107)	[6] +172,000	+170,000		[6] +172,000	+2,250,000	
Civil Service—Survivor annuity modification (S. 628)		+8,500			+8,500	
Civil Service—National Guard technician retirement (S. 871)		+7,900			+7,900	
Civil Service—Early retirement, hazardous occupations (H.R. 9281)	+41,100			+41,100		
Civil Service—Retirement cost-of-living liberalization (H.R. 3799)	+200			+200		
Civil Service—Survivor benefits (S. 2174)		+4,600			+4,600	
Social security—Exempt wages (trust fund) (Public Law 93-66)		+120,000	+120,000		+100,000	+100,000
Unemployment benefits—Extension (trust fund) (Public Law 93-53)					+115,700	+115,700
Railroad retirement (revenue) (trust fund) (Public Law 93-69)	−612,000	−612,000	−612,000	N.A.	N.A.	N.A.
Subtotal, mandatory	+1,222,005	+1,946,736	+956,815	+2,234,005	+5,134,436	+2,064,515
Adjustments and other changes (legislative provisions having impact on budget totals):						
Rural electrification loans—Remove from budget (Public Law 93-32)	−579,000		−579,000	−146,000		−146,000
Forest roads and trails—repeal of permanent appropriation (S. 1775)		[6] −40,900			[6] −40,900	
Subtotal, other	−579,000	−40,900	−579,000	−146,000	−40,900	−146,000

Items acted upon	Congressional actions on budget authority (changes from the budget) House (1)	Senate (2)	Enacted (3)	Congressional actions on budget outlays (changes from the budget) House (4)	Senate (5)	Enacted (6)
Shifts between fiscal years 1973 and 1974 (impact on budget totals due to timing of action on budget requests):						
Airport development (contract authority)—shift to 1973 (Public Law 93-44)	−560,000	−560,000	−560,000			
Federal-aid highways (contract authority)—shift from 1973 (Public Law 93-87)	+1,450,000	+1,450,000	+1,450,000			
Urban mass transportation (contract authority)—shift from 1973 (Public Law 93-87)	+3,000,000	+3,000,000	+3,000,000			
Subtotal, shifts	+3,890,000	+3,890,000	+3,890,000			
Subtotal, legislative bills	+7,180,225	+9,773,056	+5,856,035	+2,503,005	+5,508,536	+1,933,515
Total, fiscal year 1974 (including shifts)	+8,377,876	+10,520,594	+6,340,335	+3,564,655	+6,444,186	+2,802,565

[1] The continuing resolution extended funding for items in the vetoed 1973 Labor-HEW appropriation bill to June 30, 1973, in lieu of processing another regular 1973 appropriation bill in this session. The revised 1973 budget estimates showed appropriations for these items at the level requested last session, and also proposed amendments to the then-pending requests. The level of the budget authority under the continuing resolution, the same as provided last session, is estimated to be about $1 billion higher than shown in the budget, and no action is contemplated on the proposed amendments to reduce budget authority by $966 million with potential outlay effect of $470 million in 1973 and $391 million in 1974. The scorekeeping above shows the impact of inaction on the proposed amendments in budget authority.

[2] Replaces vetoed bill, H.R. 7447; FY 1973 appropriations only.

[3] Estimated increase due to obligation of funds, proposed in the budget for recission, pursuant to congressional intent and related court orders.

[4] Subject to or in conference.

[5] Excludes increase of $300 million in budget authority and outlays providing funding for mandatory food stamp amendments, reflected below against the Farm Bill for scorekeeping purposes.

[6] Committee action.

[7] Does not reflect possible outlay effect, estimated at $70 million, of Senate floor amendment which provided that funds in bill for housing programs would not become available unless HUD funds presently impounded are released and used for purposes appropriated.

[8] Pending signature.

[9] Does not reflect outlay impact, estimated at $164 million, of denial of transfer authority requested for GSA.

[10] Indefinite.

[11] Enacted figure used for comparability.

[12] Assumes pay increase of 4.77 percent, as indicated in H. Doc. 93-140.

[13] Rejected.

N.A.—Cost estimate not available or undetermined at this time.

FEDERAL STUDENT ASSISTANCE PROGRAMS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, October 12, 1973

Mr. CRANSTON. Mr. President, the New York Times recently published an excellent summary and analysis of the present Federal financial aid programs available to students continuing their education.

This article contains valuable information for all students needing financial aid to continue their education. For that reason, I ask unanimous consent that the article "Programs Helping College Students" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the New York Times, Sept. 4, 1973]

PROGRAMS HELPING COLLEGE STUDENTS

(Following are the five major programs administered through the United States Office of Education for aiding postsecondary school students and the major state-operated programs in the metropolitan area. In addition to these programs there are other specialized forms of Federal assistance, private loans and a wide variety of scholarships offered by foundations, agencies and the educational institutions themselves.)

BASIC EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: Open to full-time freshmen at colleges, universities and vocational and technical schools who did not attend a postsecondary education institution prior to July 1, 1973.

How to apply: Applications are available from post-secondary institutions, high schools, post offices, state employment offices, county agricultural extension agencies and Box G, Iowa City, Iowa, 52240.

When to apply: As soon as possible for the academic year now beginning.

Criteria: Family income and assets determine who gets a grant, academic achievement having no bearing. Applicant must complete a detailed financial statement that is subject to comparison with the Federal income tax return that parents have filed with the Internal Revenue Service. In general, a student from a family of four with an income of $11,000 or more would not qualify for a grant. However, factors that can offset a higher income and enable a student to get a grant are a large family, brothers and sisters in college, both parents working and usually large medical expenses.

Size of grant: Ranging from $50 to $452—the top grant going to a student from a family that according to its income and assets cannot afford to contribute anything toward the student's education.

Terms of repayment: This is a grant and there is no repayment involved.

Comments: No eligible student whose certifiable need meets the established criteria will be turned down by this program. Also, the grant will be awarded regardless of any other Federal grants or loans the student may receive. If a sufficient level of funding is authorized by Congress, the program is to be expanded to include all needy undergraduates, full-time and part-time. The top grant would be $1,400.

GUARANTEED STUDENT LOANS

Eligibility. Anyone enrolled as an undergraduate or graduate student in any of 8,200 participating colleges, universities and nursing, vocational, technical, trade, business or home study schools.

How to apply: Applications may be obtained from participating educational institutions, banks, savings and loans, credit unions and the United States Office of Education.

When to apply: At any time.

Criteria: All students are eligible, regardless of how high the family income. Only those with established need, however, can qualify to have the Federal Government pay the interest on the loan; others must pay their own interest. Those seeking interest-subsidized loans must fill out a needs analysis divulging income and assets. Such factors as a large family, brothers and sisters in college, both parents working and unusually large medical expenses are taken into consideration. The financial aid office of the educational institution processes the application, applying a mandated formula, and recommends to the potential lender the amount of the interest-subsidized loan (including a possible zero dollar recommendation) for which the student qualifies. Prior to March 1, a student from a family with an adjusted income of less than $15,000 could qualify for an interest-subsidized loan, but under new regulations many students who formerly qualified are finding themselves ineligible.

Size of loan: In general, loans may be for up to $2,500 a year—not to exceed $7,500 during an entire undergraduate career and $10,000 during the course of undergraduate and graduate education. The annual amounts and cumulative totals vary, though, in some states, including Connecticut and New York.

Terms of repayment: No payment on principal is required until nine to 12 months after the student leaves school or until after service in the military, Peace Corps or VISTA. Once repayment begins, it is to be completed over a period of not more than 10 years and not less than five years, or sooner if the loan can be paid off at a rate of $360 a year. In the event of default, the Federal or State guarantee agency will compensate the private lender and attempt to recover the money from the student.

Comments: While this program appears to be open to all applicants it has not worked out that way. All of the money being loaned belongs to private lenders who participate voluntarily and retain the ultimate decision about who gets a loan. The new needs analysis formula has had the effect of disqualifying many of the students who would have gotten interest-subsidized loans under the old rules. The lending institutions could go ahead and give loans through the program that are not interest-subsidized, but are reluctant to do so. Not only is this a time of tight money, but apparently the lenders do not want to get too much of their money tied up in loans on which payment on the principal is delayed until after the student leaves school.

Moreover, while a lender can bill the Federal Government in one lump sum for the interest on all the subsidized loans, students must be billed individually for interest on unsubsidized loans—making such loans unattractive to the lender because of the greater servicing costs. The March 1 regulations were ostensibly to make it easier for the middle-class to get the guaranteed loans, but the change has had the opposite effect. Congress has had hearings on the problems that have developed and there is a widespread opinion among authorities on the program that the law needs further changes if it is actually meant to be of use to students from a wide range of income groups.

SUPPLEMENTARY EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: For undergraduates in colleges and universities and students in other approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: For students of "exceptional need," who without the grant would be unable to continue their education. Final determination of need is up to the College's financial aid office. This grant is often given in combination with National Direct Student Loan and College Work-Study aid to form a single assistance package.

Size of grant: Not less than $200 or more than $1,500 a year. Normally, renewed for up to four years—or five years when course of study requires extra time. The total that may be awarded is $4,000 for a four-year course of study and $5,000 for a five-year course.

Terms of repayment: This is a grant and there is no repayment involved.

Comments: In the past. 72.7 per cent of these grants have gone to students whose family income is below $6,000; students from families with incomes in excess of $9,000 have received 4.2 per cent of the grants.

COLLEGE WORK-STUDY

Eligibility: For undergraduates and graduate students in colleges, universities and approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The offer of a job is based on need, as determined by the college's financial aid office. The Federal money is used to pay the wages. The job may be for as many as 40 hours a week at a nonprofit on-campus (cafeteria, library, laboratory) or off-campus (hospital, school, government agency) site. Usually awarded as a package in combination with Supplementary Educational Opportunity Grant and National Direct Student Loan.

Amount of pay: From $1.60 to $3.60 an hour. Average annual compensation being $600.

Terms of repayment: These are wages for hours worked and there is no repayment.

Comments: In the past, 56.7 per cent of the work-study jobs have gone to students whose family income is less than $6,000; students from families with incomes in excess of $9,000 have received 17.3 per cent of the jobs.

NATIONAL DIRECT STUDENT LOANS

Eligibility: For undergraduates and graduate students in colleges and universities and approved post-secondary schools. Half-time as well as full-time.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The loan is based entirely on need, as determined by the college's financial aid office. Usually awarded as a package in combination with College Work-Study and Supplementary Educational Opportunity Grant.

Size of loan: Up to a total of $2,500 while enrolled in a vocational school or during the first two years of a degree program. Up to a total of $5,000 while studying toward a bachelor's degree and up to $10,000 during the entire undergraduate and graduate career.

Terms of repayment: Begins after leaving school or service in military, Peace Corps or VISTA. Interest of 3 per cent on unpaid balance of loan is charged when repayment period begins. Maximum length of repayment period is 10 years. Loan is canceled and no repayment necessary for teachers of the handicapped and teachers in inner-city in combination with College Work-Study and Supplementary Educational Opportunity Grant.

Size of loan: Up to a total of $2,500 while enrolled in a vocational school or during the first two years of a degree program. Up to a total of $5,000 while studying toward a bachelor's degree and up to $10,000 during the entire undergraduate and graduate career.

Terms of repayment: Begins after leaving school or service in military, Peace Corps or VISTA. Interest of 3 per cent on unpaid balance of loan is charged when repayment period begins. Maximum length of repayment periods is 10 years. Loan is canceled and no repayment necessary for teachers of the handicapped and teachers in inner-city schools and servicemen who spend one year in a combat zone.

Comments: This is the original of the Federal assistance programs for students, which began as the National Defense Student Loans in the late nineteen-fifties in the wake of the panic over the launching of the Soviet Union's first satellite. It was awarded on the basis of academic achievement, largely to students in the sciences and education. Academic achievement no longer figures in the loan and major field of study makes little difference. Students from families with incomes in excess of $12,000 get 10.6 per cent of the loans.

TRIBUTE TO SAM DAVIS OF TENNESSEE—"BOY HERO OF THE CONFEDERACY"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I was honored and pleased last Sunday to join others in honoring the memory of Sam Davis, of Smyrna and Rutherford County, Tenn., a brave, loyal, and courageous young man who gave his life rather than betray his cause or his friends.

Because of the interest of my colleagues and the American people in the courage and valor of all Americans, I place my remarks on this occasion in the RECORD:

TRIBUTE TO SAM DAVIS—BOY HERO OF THE CONFEDERACY

Thank you, Sarah King—Mrs. Hughey King—Mrs. Enoch, Mayor Ridley, ladies and gentlemen and friends.

Certainly I am pleased and delighted to join with all of you here today in paying a brief but sincere tribute to the memory of Sam Davis on this—the 131st anniversary of his birthday.

This is an important occasion.

This is a significant occasion.

May I say that this occasion has already had a profound impact upon me because I have had the opportunity of again reviewing the wonderful story of the quiet heroism of Sam Davis, often called the "boy hero of the Confederacy".

Today as we recall the incredible bravery and courage of this young man, we should indeed reaffirm our faith in our country and examine the depts of our own courage and commitment to the ideals of patriotism which Sam Davis represented.

As we gather here at this time, first—I want to commend and congratulate Mrs. Sarah King for her dedication and devotion to preserving, promoting and perpetuating our heritage and traditions.

As we all know, Sarah King is Regent of the Sam Davis Memorial Association—and she is also Curator-General of the Daughters of the American Revolution—a great and patriotic national organization. I predict further honors for Sarah yet to be attained.

Sarah, along with her co-workers, is most active in this important work of retaining, continuing and preserving our traditions and history.

I want to commend also the other officers and members of the Sam Davis Association—it takes dedicated people to sustain an effective organization like this Association—and certainly all of you who are devoted to the ideals and principles that motivated Sam Davis are to be commended and congratulated.

A great American writer, John Greenleaf Whittier, once wrote:

"When faith is lost and honor dies, the man is dead."

Certainly Sam Davis kept the faith and exalted honor—and although he was executed more than a century ago, he lives on in history today.

At the entrance of the National Archives Building in Washington, there is an inscription which reads: "What Is Past Is Prologue"

In other words, history runs in cycles.

We frequently see history repeating itself.

It is very interesting to know and to realize that the lengendary courage and loyalty of Sam Davis continues to inspire the same qualities of nobility and patriotism in men caught up in the horror of war more than a century later.

Captain Bill Lawrence—Tennessee's highest ranking prisoner of war—wrote a poetic tribute to Sam Davis while in a prisoner of war camp in Vietnam. He concluded his poem with these words:

> "And many a time during my life as trials
> I have faced,
> I have thought of my hero Sam Davis and
> my back was braced."

What was it about this young Tennessean—Sam Davis—that has been such an inspiration for more than a century to his countrymen?

Let us recapture the scene of the martyrdom of Sam Davis as he stood before thousands and thousands of Union soldiers on Seminary Hill on the outskirts of Pulaski, Tennessee, on a crisp November Day in 1863—November 27, 1863.

He had been sentenced to be hanged as a spy by a court-martial because he had in his possession certain important information concerning the Union Army.

Dressed in Confederate Gray, he was a lonely figure—a 21-year-old boy standing by a rough scaffold erected to end his life, surrounded by a sea of blue uniforms.

The noose hung above his head, a rough wooden coffin at his feet.

History records that without bitterness he forgave his captors.

He had written a farewell letter to his parents which, along with a few personal effects, he gave to a Union chaplain for delivery.

The letter said, in part,

"Mother, do not grieve for me—I do not fear to die."

He then announced that he was ready.

At that point the commander of the unit that had captured young Sam came riding furiously to the spot where Sam was seated.

"Davis"—he said—"you are not the man who should be hung, and if you will tell me who General Bragg's chief of scouts is, your life will be spared."

The simple, direct reply was in the form of a question:

"Do you suppose, were I your friend, that I would betray you?" Sam asked the Union officer.

The officer had no answer—he persisted in his efforts to get the young man to betray his friends and the Confederacy.

"Sir"—Davis said—"Sir, if you think that I am that kind of man, you have missed your mark. I would rather die a thousand deaths than betray a friend or be false to duty."

Within two minutes the trap was sprung and Sam Davis left those immortal words as his epitaph:

"I would rather die a thousand deaths than betray a friend or be false to duty."

History records that tears streaked the faces of many of the Union soldiers who witnessed the execution—especially those close enough to the scaffold to hear young Davis refuse to compromise his cause or betray his friends.

As a matter of fact, the attitude of the Union soldiers toward Sam Davis following his execution attests to his martyrdom.

When Mr. John C. Kennedy of Rutherford County went to Pulaski to return the body of Sam Davis here to his home, he received the most courteous treatment and cooperation from Federal troops.

When he discussed the matter with the Provost Marshal of the Federal troops at Pulaski, this officer commented:

"Tell the parents of Sam Davis for me that he died the bravest of the brave, an honor to them, and with the respect of every man in this command."

When Mr. Kennedy asked the officer if he might have any interference in removing the body from the cemetery, the officer replied:

"No, sir—if you do, I will give you a company—yes, a regiment, if necessary."

At the cemetery several Federal soldiers stood at attention with caps in hand as the body was removed and taken away.

On the way back Federal troops lifted and literally carried the wagon containing the body down to the river crossing at Columbia and up the steep incline on the other side.

After Mr. Kennedy thanked them, the Union soldiers quietly raised their caps and watched the wagon out of sight.

Perhaps the greatness in Sam Davis was the fact that he quietly accepted his death as inevitable following his courtmartial and was quietly outraged by the suggestion that he sell his principles to preserve his life.

Some dramatic moments and events in history are caught up and swept forward with the tide to live forever.

Such an event was the execution of Sam Davis and the calm courage and deep loyalty he displayed.

I regret to say, my friends, that many things are going on in our Government today that do not reflect the high principle and integrity that Sam Davis demonstrated.

This young man stood for—fought for—and died for the highest of principles.

He refused to compromise—he refused to temporize—he refused to betray his Southland—or his friends.

In conclusion, permit me a personal note and reference with respect to the time frame of the Civil War.

My great-grandfather, on my mother's side, Perry Webb, was killed in the Battle of Perryville, Kentucky in 1863—he fought on the side of the South. This was indeed the period and time of great division—the nation was divided—families were divided—but today we are one "united" States.

It was Andrew Jackson who, in his famous toast in Washington, said: "Our Federal Union—it must be preserved."

Let me say of all assembled here that we are Tennesseans—we are Southerners—and we are also all Americans.

I am reminded of the advice of General Robert E. Lee to fellow Southerners following his surrender at Appomattox. General Lee said: "Abandon your animosities and make your sons Americans."

Today we all are Americans.

As Americans we appreciate the true spirit of a patriot. Even the Union troops who saw Sam Davis hanged praised his courage, loyalty and patriotism.

His life and death are an inspiration to the young men and women of today—Sam Davis simply refused to budge one inch from his principles, no matter what the cost.

As we stand on this hallowed ground—near the grave of this hero, we can draw strength from his courage and his high principles—we can renew our appreciation for the patriotism that Sam Davis demonstrated for his beloved Southland.

He gave all he had to give—he made the supreme sacrifice.

I am reminded of the eloquence of John Masefield, the English poet who wrote:

> "Man with the burning soul
> Has but an hour of breath
> To build a ship of truth
> On which his soul may sail—
> Sail to the golden shore."

In his brief span of life, certainly Sam Davis built his ship of truth.

At this beautiful and historic homeplace where we honor the memory of the "Boy Hero of the Confederacy", it occurs to me that perhaps we may not have paid adequate and sufficient tribute to the mother and father of Sam Davis—Charles and Jane Davis.

The parents of Sam Davis reared a noble and magnificent son, who met his hour of truth with courage and confidence—and yet his loss was, I am sure, sheer agony for them.

And so, I suggest in reflection that we not only revere the memory of Sam Davis, but that we also honor the memory of his parents.

They gave their most priceless possession to the cause of the Southland—their noble son—Sam Davis—the "Boy Hero of the Confederacy."

WHEN IS THE MAJORITY NOT THE MAJORITY?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. FRASER. Mr. Speaker, there is widespread public concern over President Nixon's wholesale use of the Presidential veto, especially in the area of social legislation. I believe that an editorial published in the October 4, 1973, edition of the Stars and Stripes—the National Tribune reflects this concern very well. When one considers the Stars and Stripes tendency to editorially support the decisions of the present administration, this editorial becomes remarkable and suggests a truly widespread questioning of Mr. Nixon's use of his veto powers.

The article follows:

WHEN IS THE MAJORITY NOT THE MAJORITY?

We have experienced in this Congress a series of what many call, "ruling by veto."

Recently a bill, S. 504, the Emergency Medical Service bill with an amendment to save the Public Health Hospital System, passed the Senate. In the regular form, it then went to the House and passed.

S. 504 passed both Houses by more than a majority.

It then went to the President and if signed would have become law.

However, the Administration did not want to keep the Public Health Hospitals open and the President vetoed the bill, against the majority of the Congress.

Because S. 504 originated in the Senate, it must first go back to the Senate for a vote if they wish to override the President's veto. The Senate met the requirements and overrode the President's veto by over two-thirds.

S. 504 then went to the House for a vote to override the President's veto. However, some of the House Members switched their original vote on the bill and voted not to override the President's veto. The vote, however, was five votes short of the necessary two-thirds to override the veto. The PHS and S. 504 was dead.

There are 435 U.S. Representatives and 100 U.S. Senators elected to represent the people of the United States.

There is the President, also elected to represent the people of the United States.

The majority of these elected officials voted to save the PHS—yet S. 504 was killed because the President said "No" and one-third plus five of the House of Representatives also said "No".

One of the first lessons we learn in a Democracy is that the majority rules.

Is the above an example of "the majority rules?" There are arguments pro and con on this type of example.

Without getting further into this phase of our Democratic process nor condemning it, it does cause one to give serious thought to what seems like a trend.

During this session of Congress we have witnessed a Congress voting for a bill and the President vetoing it. We have had it spelled out clear that regardless of how the 535 elected officials vote, the President can obtain his will by just one-third plus one in either House. This is our process.

When a President is at odds with the Congress, the "majority rules" can be badly abused.

We hope this seemingly trend has a very short life and that the better methods of consultation and compromise are used more often.

FATHER FRANCIS HENRY BURNS OF UTICA, MICH., MARKS 25TH ANNIVERSARY OF ORDINATION

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. O'HARA. Mr. Speaker, for the past quarter century, the Reverend Francis Henry Burns, pastor of St. Lawrence Catholic Church in Utica, Mich., has been laboring in the Lord's vineyard, helping to reap a bumper crop of souls in his service to God and his fellowman.

Father Burns will mark the 25th anniversary of his ordination to the priesthood at special ceremonies this weekend. I have the privilege of being a member of St. Lawrence's parish, and it is therefore a personal honor for me to be able to join with the other members of the parish and the ever-widening circle of Father Burns' friends and admirers, in paying tribute to this man of God on this occasion of his silver jubilee.

One of the 10 children of Frank H. and Frances Martin Burns, he was born in Detroit on April 20, 1921, and, in the closeness of his own family he learned the Christian concepts that he was to carry with him later into the priesthood—the concepts of faith, hope, and love. Francis Burns was destined for the priesthood, and three of his sisters were destined to serve the Lord in a special way as well, and now serve in the religious order of the Immaculate Heart of Mary.

He attended St. Rose Parochial School, Sacred Heart Seminary in Detroit, and St. Mary of the West Seminary in Cincinnati, Ohio, and on May 22, 1948, was ordained to the priesthood by the late Edward Cardinal Mooney.

Then followed a series of assignments in the Archdiocese of Detroit—assistant pastor of Our Lady Queen of Peace in Harpers Woods; St. Martin's, Visitation, Holy Name and Christ the King in Detroit; and Holy Innocents in Roseville. After a year as Chaplain at the Medical Center Hospital Complex in Detroit, Father Burns was named as pastor of St. Luke's in Detroit in 1967, and 2 years ago he became pastor of my own parish, St. Lawrence's in Utica.

Down through the years, Father Burns has become highly regarded as a counsellor to those in trouble, as a priest dedicated to doing the Lord's work, and as a warm and generous friend to those in need.

On Sunday, October 14, the members of his personal family and his parish family, along with the host of friends he has made during his quarter century of service in the Archdiocese of Detroit, will join in a special mass and ceremonies in tribute to Father Burns. It will be my privilege to participate in that happy event, and to join in wishing many more productive years of living his belief in the fatherhood of God and the brotherhood of man.

EXCESSIVE EXPENDITURES AT OAKLAND ARMY BASE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. WALDIE. Mr. Speaker, I would like to include for the RECORD a letter I recently received from Mr. Clayton R. Pao, president, Local 1157, American Federation of Government Employees, AFL-CIO.

Mr. Pao writes about the excessive expenditure at Oakland Army Base for recreational purposes and luxury furnishings. Most disturbing is the fact that Oakland Army Base has been undergoing a major reduction-in-force, supposedly for fiscal reasons. The evidence Mr. Pao presents makes me question the Army's rationale for initiating this personnel cutback.

Mr. Speaker, I include the full text of Mr. Pao's letter in the RECORD at this time:

AUGUST 28, 1973.

Hon. JEROME WALDIE,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: As a union president and a taxpayer, I have the right to voice my objection on how the Army spends my tax dollars:

As you know, the Oakland Army Base is undergoing a cutback in personnel and monetary allocations at the present time. Therefore, any expenditure of public funds on military installations affected by such for recreational purposes is questionable and, at the most, foolhardy.

The Army Base has either spent or plans to spend for the following:

Handball Court	$47, 500
Tennis Court	20, 000
Air Conditioning for General's Suite	24, 000
Gas Tanks (Reserve)	50, 000
Total Cost	141, 500

That's a lot of money for a base whose total military population is barely over 300!

$67,500 for recreational purposes would equate to almost $225 per person, and the majority of the personnel who participate in these particular sports are "OFFICERS." Furthermore, there are many tennis and handball courts in the neighborhood communities that could be utilized by military personnel.

$24,000 for the General's office is ridiculous! There are only eight persons employed there or $3,000 each for personal luxury/comfort.

$50,000 for reserve gas tanks for the sole purpose of "hoarding fuel" is much too high a price for the taxpayers to bear.

I would appreciate your intervention in curbing or stopping these wanton expenditures of OUR FUNDS.

Sincerely yours,

CLAYTON R. PAO,
President.

COLUMBUS DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ROONEY of New York. Mr. Speaker, of all the successful legislative efforts in which other Members of this body and I have participated, none gives me greater personal satisfaction than that of achieving recognition of Columbus Day as a national holiday.

All Americans can now join our loyal Italo-American citizens and our Latin neighbors to the south of us in their traditional honoring of the man who first stepped forth on the shores of this hemisphere. Now the peoples comprising the entire New World join hands to celebrate the birthday of Christopher Columbus. This unity of purpose is well-placed for no other man in history has made a greater or a more lasting contribution to the development and expanded growth of this new continent.

The observance of Columbus Day has many benefits for all of us. It brings us closer to our Italo-American friends. It improves our friendship with the people of Central and South America. Becoming aware again of the dauntless courage of Columbus, of his determination and his dedication to a single aim, of his brilliant seamanship, and of his outstanding leadership lifts our spirits and revives our appreciation for all the things this magnificent explorer means to us.

In recent years many of us have gained a new and expanded appreciation of greatness of the voyage of Columbus because we have seen equally valiant explorers take off from our earth to circumnavigate the globe thousands of miles in space. We have seen our own astronauts explore the moon and return safely after living almost 2 months in the Sky Lab. This took the self-same courage which Columbus mustered as he set forth on a journey to unknown lands over uncharted seas in three frail little ships.

America needs more and more of bravery and determination which Columbus and our spacemen demonstrated. We need it to chart the yet unsolved routes toward improved human relations, to navigate the precarious routes to world peace, to explore successfully all the avenues to privation and human suffering and find lands of good and fullsome living.

The more we understand the makeup of Christopher Columbus, the easier it becomes for us to emulate his traits. To achieve this understanding it is essential that we give our fullest support to the splendid Italo-American organizations which have long assumed the leadership in providing proper observance of this day. My own close ties with the leaders of these organizations have convinced me of their patriotism and their dedication to public service of the highest type, for in truth they follow in the footsteps of Columbus and the scores of other Italians to whom America is so much indebted.

Mr. Speaker, I consider Columbus Day to offer me a good opportunity to express my appreciation for so many fine Italian friends both here and in Italy. To them I again extend my thanks and my congratulations on the beneficial services they are rendering to all of us.

MIAMI—TOUCHSTONE OF LIBERTY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. LEHMAN. Mr. Speaker, on September 26, the House passed the Immigration and Nationality Act amendments. Portions of this bill modify the present definition of refugee by expanding it to include conditional entry for political refugees from any country in the world. The current law restricts refugees to those who have fled communisms or certain defined areas in the Middle East.

Furthermore, this preferential system only extends to Eastern Hemisphere nations. With the exception of Cubans who flee their homeland, an alien cannot qualify as a refugee if he is a native of a Western Hemisphere country.

Miami, on the southern tip of Florida, has been the touchstone of liberty during the last few months for persons fleeing the brutal regime of Duvalier in Haiti. There have been no freedom flights for these refugees. They have come to Miami at the risk of their lives in small boats.

Yet, if they finally reach Miami safely, the U.S. Government is less than cordial to them. For some reason, the Immigration and Naturalization Service has determined that these Haitians do not meet the guidelines for political refugees. I reject this reasoning. The persecution of peoples under Communist regimes is no different in quality than persecution by non-Communist, dictatorial governments.

During the last week of September, 62 Haitians arrived in Miami after being rescued from a sinking boat. The INS began deportation proceedings, and the Haitians are now appealing. I believe that in light of the proposed legislation, and the indication of the clear intent of the House, INS should suspend its proceedings.

On October 2, WTVJ in Miami aired what I believe is an excellent editorial. I would like to draw the attention of my colleagues to it and, therefore, insert it in the Record:

A Case of Right or Left

Thirty-five men and 27 women adrift on a sinking sailboat were rescued last week out in the Atlantic and brought to Miami.

They were refugees, 62 in all, trying desperately to reach our shores. . . . trying to reach what they hoped was freedom.

Had they been from a number of other countries their path to asylum here would have been smooth.

Cuban exiles are given free entry.

Chile, during the three-year reign of Salvador Allende, saw many of its citizens flee and be granted asylum here.

Refugees from Eastern European nations have been let in . . . . as have many Soviet citizens.

All these people had to do was to convince authorities that their return would result in physical persecution based on race, religion or political beliefs.

But the 62 people rescued last week were not from any of those countries. They weren't from a Communist-dominated nation.

They were from Haiti.

We seem to have developed an unofficial distinction between those escaping a dictatorship of the left as opposed to those escaping a dictatorship of the right.

The Haitians yesterday were ordered to be deported back to their homeland.

They are in the same boat as 300 of their countrymen who have landed here in recent months . . . . requesting asylum and having it denied.

Those cases are under appeal.

What is strange to us is the double standard.

Haiti is a dictatorship. True, young Duvalier has eased up a bit, but that small nation is still a brutal society. The refugees have a case.

Since Papa Doc's death two-and-a-half years ago, the U.S. has been warming up to the new regime. That should have nothing to do with this, but we wonder if it does?

It is wrong to categorize tyranny . . . . to say that the point of a gun has an ideology.

The U.S. Government says the Haitians don't meet exile guidelines . . . . that they can't prove the threat of physical persecution.

The modern history of Haiti says this is wrong.

NATIONAL GOODWILL DEED DAY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ROGERS. Mr. Speaker, I have received a letter from a constituent of mine suggesting a Goodwill Deed Day. Since I feel her idea deserves much merit, I would like to have it printed in the Record at this point for the benefit of my colleagues:

Dear Paul: Today I enclose to you a very good idea, and definitely want you to work at it and see if you can pass this law in our U.S.A. To help our old people call it Goodwill Deed Day. The example and idea is stated here in this letter.

Example: All people with room in their minds, hearts, and homes should go to see the shut ins in Homes, county, other places and in the hospital and arrange to take out 1 or 2 old people who are able and take them home to their homes 1 and 2 days a week and give them a treat of home atmosphere. To make the old people happy and if such people get along with the old people and if they have room in their private homes, each should board the old folks as some of those old people are still useful to themselves and perhaps even help with little chores to the household, its not right to keep such people shut up and wait for death to claim them, they need a chance to be useful to themselves. Our people are becoming selfish and hypocrites in our country when their own children can help to care for their own. And this idea will also cut down expenses of housing them in institutions and becoming a pattern of mechanical machinery. Then you have succeeded in passing such a law. Press the idea in all U.S. newspapers so the good people with a heart can start to get ball rolling to come to their aid and help because when a person is poor that's the time the help is most appreciated so my advice to you all is try and I assure it will work out o.k.

Meriam Bruno.

YES, PATRICIA, THERE WILL ALWAYS BE CHRIST IN CHRISTMAS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. RARICK. Mr. Speaker, more than a thousand concerned people in our district alone have written to me deploring the recent Federal court of appeals decision banning the nativity scene from the Nation's annual Christmas pageant in Washington, D.C.

The great majority of these people have never been to this celebration in the Nation's Capital. Yet, they have deep feelings of concern over the direction that our country is headed because of confused court decisions.

The court of appeals in Washington reversed a lower court decision which found that the manger display with the Christ child was quite acceptable under our church-state concept of law. What the higher court overlooked, was the remander of that first amendment clause which forbids Government from "prohibiting the free exercise" of religion. But this is what has been done.

One of the most moving letters I have received is from an 11-year-old, sixth grade student named Patricia. She writes:

> Please try to convince Congress to leave Christ in Christmas.

How do you explain to an 11-year-old child that the men who decide the constitutionality of our laws have been bent on a course of eroding religious expression in America for years. Our people seek religion now more than ever before in the history of the Republic.

This most recent example of judicial outlawing of religion must be interpreted as an extension of the Supreme Court's ban on prayer by our little children in schools. Perhaps this latest court affront to the American people will serve to increase public indignation to a point where Congress will be forced to enact the constitutional amendment legalizing prayer in schools and public buildings.

And as for Patricia, and all the other children and adults who feel as she does, we must remember, the story of Christ has endured the assaults of godless governments for 2,000 years. And that no action by any human court or politicians can alter or change an eternal truth.

Yes, Patricia, there will always be Christ in Christmas.

I insert the related newsclippings:

Court Limits Use of Pageant Creche

(By Timothy S. Robinson)

The federal government must limit its participation in future Christmas Pageant of Peace programs on the Ellipse unless a manger scene is removed from the exhibit, the U.S. Court of Appeals ruled yesterday.

The result of yesterday's unanimous opinion, as spelled out in its 51-page text, is to leave three basic options open to future Christmas events on the Ellipse:

The manger scene can be removed altogether.

The manger scene can stay, and the government can grant the pageant's sponsors the use of the park land as it would any other group. In that case, the government would be required to withdraw from sponsorship and to post plaques saying the pageant was no longer a government-sponsored event.

The manger can stay, and the government can write new, tightly drawn regulations concerning its limited participation in the event. For example, its participation could be limited to minor financial aid and technical sponsorship, but could not include any government help in planning or organizing the event.

Pageant of Peace officials could not be reached yesterday for comment on the court decision, which was delivered by a three-man member panel of Circuit Judges Edward A. Tamm, Harold Leventhal and Roger Robb.

They ruled that the government's participation in planning and organizing the event as long as the manger scene remained was in violation of court tests concerning the separation of church and state.

While stressing that the pageant is mainly a tourist event and agreeing that the nativity scene is not a major portion of it, the court held, "The government involvement with religion should be kept to a necessary minimum, and there should be avoided not only the actual interference but also the potential for and appearance of interference with religion."

In 1970, the last year listed in the Court of Appeals record, government officials held two of the five positions on the executive committee of the 19-year-old, week-long pageant.

The ruling came in a suit brought four years ago by an Episcopal minister, an atheist, the president of the American Ethical Union, a rabbi and a Roman Catholic priest. They sought to ban the manger scene, part of a display that includes the national Christmas tree, on the grounds that it represented an unconstitutional religious activity by the government.

The U.S. District Court, in holding that the government's participation in the event was acceptable, had compared the use of the manger scene on the Ellipse to the use of the scene in department store windows. Such displays, in essentially nonreligious settings, diminish the religious impact of the scene, the court had said.

"I find this reasoning unpersuasive," wrote Judge Leventhal in his concurring opinion yesterday. "It's unstated premise is that the creche as seen in commercial settings has no substantive religious impact.

"What seems equally, if not more, likely is that the commercial establishments that display the nativity scene, a clearly religious symbol, do so in order to evoke its emotional message, as a motivation for purchase of contemporary equivalence of frankincense an myrrh."

VIEWS ON A NATIVITY SCENE

The principle that the church should be separate from the state was central to the founding of this nation, and so it should remain. But it has always seemed to us that if a principle is any good at all, it should be able to withstand a certain amount of well-intentioned, common-sensical treatment without suffering danger of being whittled away.

That's pretty much the way we felt four years ago when three churchmen and an atheist brought suit against the inclusion of a Nativity scene among the other Christmassy sights and sounds at the annual "Pageant of Peace" on the Ellipse.

The plaintiffs lost in the lower courts, but the U.S. Court of Appeals has just sustained them, in effect agreeing that the government's role in putting on the pagent—among other things its officials serve on various pageant committees—represents "excessive government entanglement with religion," and as such is a clear violation of the First Amendment.

Well, yes, but gee whiz. It's not as if children are being asked to make professions of faith at public schools or feel odd if they don't (although grace is still being said at some schools here before lunch) and it's not as if the Supreme Court, itself, doesn't routinely call on God to save it, or the Congress has given up having its own chaplains start each day's session with a prayer (albeit few sinners are there to hear it). And it's not as if we haven't had prayers at the White House with breakfast and prayers at the Pentagon. How entangled in religion does government have to get before it becomes too much?

We remember when, several years ago, through a conbination of circumstances we found ourselves at the Ellipse quite early on Christmas morning. Except for one park policeman, no one else was there. It was cold, and quiet, and under a pale blue sky the earth had been lightly touched with snow. Nobody made us look at the Nativity scene—as a matter of fact, like many modern-day creches, this one had no particular artistic merit—but we did warm ourselves at the yule log pit, and the whole lonely landscape gave us a poignant feeling for Christmas such as we had not had in years. With or without the Nativity scene, one could have as easily unscrambled an egg as remove religion from that time and place.

And whatever one's faith, or lacking any at all, the story of the birth of Christ is an utterly charming one, as deeply human as, say, the story of the early life and young manhood of Mahomet, the founder of Islam.

Next thing we know, the National Gallery, possessor of what is perhaps the finest collection of Italian Renaissance paintings in the Western Hemisphere, will be asked to turn Raphael's Alba Madonna to the wall, along with companion works of equal religious fervor.

Ah, well. As an alternative to scrapping the Nativity scene, the Appeals Court has suggested the scene could stay, provided that the government severs its own connection with the pageant, treating it like any other group applying for a permit to use a public park, or at least limits government participation to a minor show of friendliness.

Perhaps the President will still be allowed to push the button that lights the tree. Whatever rush of feeling this act engenders in those who chance to behold it, we trust they can handle it without assistance from the courts.

TRADE BILL

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. SYMMS. Mr. Speaker, a great deal of publicity of late has been given to the upcoming trade bill, which from what I understand about its present form it would make trade with the Communists easier.

I would urge my colleagues to pay particular attention to the enclosed article when considering this bunk about détente.

The article follows:

FINANCING OUR OWN SLAUGHTER

STUDY CLAIMS AMERICAN MATERIEL SUPPORTS ENEMY FORCES

Something like 100,000 Americans have been killed in battle in recent years by enemy forces equipped and moved by American technology.

That is the shocking message conveyed by researcher Antony Sutton of the Hoover Institution in a just-published study of East-West trade and its impact on the Cold War struggle with the Communists. Sutton's volume, entitled National Suicide (Arlington House, $8.95), is a popular rendering of the immense research embodied in his three-volume survey, Western Technology and Soviet Economic Development. And it drives home the policy implications of such trade with frightful clarity.

Sutton shows that the Communist powers of the world have little advanced technology of their own, and in particular have been laggard in developing any sort of transportation industry. He documents at copious length the fashion in which American and other Western sources have supplied the factories and machines producing Soviet steel, trucks, marine diesel engines, tools for arms plants, ball bearings for missiles, tanks, and other military vehicles, accelerometers for missile guidance, chemicals for the manufacture of explosives and propellants, prototypes for machine guns and other weapons, etc.

The author documents all of these transactions in great detail and shows that the Communist offensives in both Korea and Vietnam would have been impossible without the use of Soviet and other Iron Curtain technology which had been in turn provided by the West.

Without these supplies, the Communists could not have sustained their aggressions in Korea and Vietnam, and the approximately 100,000 Americans who died in those two conflicts might be alive today. All this equipment was of course provided to the Communists on the grounds that it constituted "peaceful trade"—precisely the macabre argument we are hearing in favor of such trade today.

AN ALTERNATIVE TO PUBLIC FINANCING OF FEDERAL ELECTIONS

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. REGULA. Mr. Speaker, Wednesday, I had the privilege of testifying before the Committee on House Administration, Subcommittee on Elections, on a proposal that I introduced which has been referred to the Ways and Means Committee.

The thrust of my proposal is to obtain a broader range of participation by interested citizens not only in Federal elections, but in State and local elections as well. I insert my testimony in the RECORD for all to read:

STATEMENT OF THE HONORABLE RALPH S. REGULA

I consider it a privilege to be here today to submit my testimony on a modest proposal, an alternative to public financing of Federal elections.

A lot has been said about proposals that recognize a need for reform and answer that need by injecting the Treasury of the Federal Government into the breach.

I have no quarrel with laudable proposals that recognize that moderate federal support for contributions from the private sector can provide an important and healthy avenue for citizens to participate in the electoral process.

Indeed, a candidate's right to funds ought to be measured by his ability to obtain grass root support—and that includes support from small contributors—not only at the Federal level but at the grass root election level as well.

Revenue sharing is the direction that legislation is taking the Congress. As a result, the role of the State and local governments is becoming increasingly important.

I think, therefore, that it is very important as we move responsibility for government to the local arena, that we be concerned about stimulating campaign contributions to worthy candidates at the State and local levels as well as at the Federal level.

As a practical matter, local government offices have been and will increasingly become incubators of potential candidates for Federal office. In this Congress forty-seven percent of the Senate and forty-four percent of the House at some time served in either State or local government offices.

I recently polled the constituents of my district, and one of the ten questions I asked was, "Should Federal tax dollars be used to finance election campaigns?"

The response I received was overwhelmingly in the negative. 71.4 percent responded in the negative.

I therefore reject proposals to federally subsidize our honored free elections procedures. I believe we can achieve the necessary reform as well as greater citizen participation by providing for a greater tax credit or deduction, at the election of the contributor, for his contribution to individual candidates.

I have, therefore, drafted and introduced a bill in the House of Representatives, H.R. 9983, that I believe offers a reasonable alternative to both those that say our present system of elections favors "those that have or can get it" and those that advocate a Federal subsidy of potential politicians. Perhaps more importantly, my bill provides incentive for increased local participation in the election process.

My bill contains many of the recommendations of the President of the United States and some of the best provisions of the various bills introduced in this and the other body to date.

I would provide a permanent Commission on Elections that is wholly independent, charged with implementing the Federal Elections Campaign Act of 1971, and studying and recommending such changes to that Act as may be necessary.

I have attempted to make it more attractive for the small contributor to contribute to Federal elections and, unlike other proposals, to State and local elections.

By the same token, I have limited the amounts that can be contributed to any one candidate, and have strengthened what I believe to be the intent of the 1971 Federal Campaign Act; that is, accountability, by providing that only one Committee may be authorized to make expenditures on behalf of and receive contributions for any one candidate.

The Commission is given administrative and investigatory powers and is charged to report its recommendations to the Congress and the President by December 1, 1974.

The bill makes it unlawful for any person other than a candidate, an official national party committee, or any official Congressional or Senate campaign committee, to make directly or indirectly contributions or expenditures on behalf of any candidate, including the authorized committee of that candidate, in any calendar year any amount in excess of $2,500 in case of a Presidential or Vice Presidential election, and $1,000 in the case of congressional electors.

What I mean by the official national committee of a candidate or his authorized committee is that committee that is certified by the Federal Elections Commission under the 1971 Act, as amended, and I limit the number of such committees to one and only one.

Every candidate for Federal office is required to appoint a single committee to handle his campaign financing. I prohibit intercommittee transfers of money.

In addition, I have provided procedures whereby a candidate for State and local office, may, for the purposes of complying with the Internal Revenue code, designate a single political committee which would then be bound by the Campaign Act provisions.

To encourage many people to contribute to the candidates of their choice, the allowable tax credit would be increased from $12.50 to $250, and the tax deduction from $50 to $500. However, the aggregate contributions by a taxpayer to any committee or candidate could not exceed either $25 for tax credit treatment or $50 for deduction treatment in any one year.

This would mean that a person would have to contribute to more than one candidate or committee, in fact, ten, to take full advantage of the tax credit or deduction.

The objective of this proposal would be to get a broad range of participation by the interested citizen in not only Federal elections but State and local elections by saying in effect, you can get the tax credit, but you have to spread it around over many candidates rather than to any one candidate if you are to maximize the availability of the tax credit mechanism.

what effect my proposal would have. I have been told that at the time the Revenue Act of 1971 was under consideration, existing tax

I asked the Department of the Treasury credit and deductions were estimated to cost the Treasury $100 million in a Presidential election year; that total campaign contributions were estimated at $300 million with 12 million taxpayers participating; that in a Congressional campaign year the estimates would be halved; and that in an off year, they would be only one quarter as large.

The Treasury does not yet have reliable data on the actual utilization of the existing tax credit and deduction provisions, but has stated that a small sample of returns indicates substantially fewer taxpayers claimed deductions or credits than anticipated. At 1972 levels of contributions, the Treasury estimates that the revenue loss from my proposal would be $140 million as compared to $100 million under the 1971 Act. An increase of only $40 million.

I think this offers a reasonable alternative to Federal financing of campaigns. It has the added advantage of directly involving people in the political process.

I believe this bill would lessen the possibility of gross misuse of money in election campaigns. It broadens the base of campaign financing while assuring that no one has undue influence on a candidate as a result of a large contribution.

Thank you for the privilege of appearing here.

COLUMBUS DAY—DAY OF DISCOVERY

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. RONCALLO of New York. Mr. Speaker, today is the traditional Columbus Day, marking the day 481 years ago that the first Italian American discovered the New World. Americans of Italian descent have been contributing to the fullness and richness of American life ever since.

I am proud of my Italian heritage. Our fathers and forefathers came to this country with the desire to make a new life for themselves and their families. They dreamed of the opportunity to better their lot through their own hard work. They had heard of the promise that America holds out to peoples all over the world: that here can be found a nation dedicated to the principles of freedom, equality, justice, regardless of past history or national origin. But these immigrants also came with the determination to give back measure equal to that received—to contribute to their adopted country in whatever way they could.

And contribute they have, to every facet of American life. The sciences, the arts, business, labor and government are several times richer for the Italian Americans who have devoted their lives to these endeavors. This is especially true in government. We Italian Americans realize that all is not perfect in this great country, but this does not give us license to just complain. Rather, many of us consider that it is our duty as responsible citizens to try to remedy what problems still remain by working within our democratic political system. We are both proud and honored to be able to participate.

You know, the United States is really unique in all the world. There is no such thing as a typical or average American. The melting pot is a misnomer. Rather than completely assimilating its immigrants, it embraces them and their customs and makes them its own. From pop music to Carmen, from pizza to scalopine, the influence of Italian culture can be felt in the daily lives of all Americans. Italian Americans have also maintained a traditional view of the importance of the family in an age which too often sees people going their separate ways.

Columbus Day is now a national holiday, so in a larger sense it should give us pause to reflect on the great contribution made by all ethnic groups that have come and played their part in making America what it is today. It is a chance not only to remember the discovery of this hemisphere, but to discover America anew and seek means to make it even better. We Americans of Italian descent are proud of our heritage, proud of our country, and proud to be a vital part of the greatest Nation on Earth—the United States of America.

TRADE REFORM ACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. DERWINSKI. Mr. Speaker, as we draw closer to House debate on the Trade Reform Act and the controversial features which would involve the conditions for trade with the Soviet Union, I believe it is important for all Members to recognize the full consequences of that special feature of the bill.

Therefore, I insert in the RECORD a letter I have just received from the president of the Lithuanian American Council, Dr. Kazys Bobelis. May I advise the Members that the Lithuanian American Council is a nationwide organization supported by all legitimate Lithuanian-American groups. It is dedicated to the restoration of freedom to Lithuania and to the maintenance of the strength and freedom of America.

The letter follows:

LITHUANIAN AMERICAN COUNCIL, INC.,
Chicago, Ill., October 1, 1973.

Hon. EDWARD DERWINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DERWINSKI: In the near future the United States Congress will have to vote on the Administration's proposal to extend a most favored-nation status to the Soviet Union in trade relations between the two countries.

Senator Henry M. Jackson has already introduced in the Senate of the United States, Amendment #79 to the Trade Reform Act of 1973 (H.R. 6767) which seeks to bar fresh trade concessions to the Soviets unless they ease up on their emigration policy.

While wholeheartedly supporting Sen. Jackson's Amendment, we wish to point out that the citizen's right to emigrate is only one of the fundamental human rights which are all brutally suppressed by the Soviet government.

What results can the European Security Conference achieve in seeking free exchange of ideas and people between East and West, if the United States as a world champion of freedom should surrender these principles in bi-lateral agreements with the Soviet Union? On the other hand, how happy can the American people be when buying Soviet imports and knowing that at least part of the goods had been produced by slave labor under inhuman conditions?

In this connection we wish to call attention to the words of the late Secretary of State, John Foster Dulles, spoken before a congressional committee on November 30, 1953, pertaining to negotiations with the Soviets: "We do not look on the conference table as a place where we surrender our principles, but rather as a place for making our principles prevail. That is our resolve—a resolve which I am confidence is backed by the Congress and by the American people."

Therefore, we respectfully urge you to act quickly and decisively against the granting of the most favored-nation status to the Soviet Union under the present conditions.

Yours very truly,

Dr. KAZYS BOBELIS,
National President.

FAILURE OF THE ADMINISTRATION'S ENERGY POLICY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. VANIK. Mr. Speaker, today's news of a rapidly widening war in the Middle East has forced us to reassess our national interests in the area. As part of this reassessment, one fact stands clear: A great nation cannot afford to be held hostage by the narrow and unpredictable interests of the oil States.

Yesterday—with a flourish—the President announced an increase of $115 million in this year's budget for energy research and development. A close examination of this additional money reveals, however, that most of this increase is an illusion. It is not the product of any new initiative by the administration. The vast bulk of these new funds—up to $95 million—is the result of increased appropriations by Congress.

It is incredible to me that the administration could be so lax in this vital area of energy research and development. During yesterday's press conference none of the administration's spokesmen, which included the Director of the President's Energy Policy Office, the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Executive Secretary of the Energy Research and Development Council, could answer the question of how much of our oil is now coming from the Middle East. Further, none of these distinguished officials could offer the foggiest idea of what our dependence is likely to be by the year 1980.

For the interest of my colleagues, I would like to insert in the RECORD excerpts of yesterday's news conference, which reveal a shocking ignorance on the part of our top energy planners as to the real characteristics of our national energy shortage. Below is an exchange between a member of the press and Dr. William T. McCormick, Jr., Executive Secretary of the Energy Research and Development Advisory Council. The advisory council, according to the White House Press Secretary:

> Comprises eminent scientists and engineers representing the Nation's leading experts in various areas of energy research and development and is intended to provide the Director of the Energy Policy Office with independent advice and counsel on the overall direction of the Federal energy R&D effort . . .

The excerpts follow:

Question. Can you project for our own record the total amount of oil currently imported from the Arab states and what that projection is for 1980?

Dr. MCCORMICK. I am sorry, I just don't have those figures on the tip of my tongue. We can supply them for you.

Question. Can someone tell us what share, first of oil and secondly of energy use as a whole, comes from Middle Eastern oil?

Dr. MCCORMICK. I believe that question was just asked.

Question. Not quite in the same way.

Dr. STEVER. (Director, National Science Foundation). No, I do not know exactly.

Mr. Speaker, it is clear that we cannot look to the administration for leadership in this critical area. If we are to insure our energy future—and guarantee the future well-being of millions of Americans—we must act today to establish a Manhattan project for energy research and development. Furthermore, as the events in the Middle East prove more clearly each day, such a massive national effort—as I propose in my Energy Development and Supply Trust Fund—is vital to guarantee our future national security.

NATIONAL ENQUIRER READER SHOWS 96 PERCENT OPPOSE MANDATORY SEATBELTS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HUBER. Mr. Speaker, the National Enquirer recently conducted a poll on the subject of a possible law requiring the wearing of seatbelts. The results were overwhelmingly against such a law. In my view, this is significant, coming at a time when the 1974 model cars are appearing in the showrooms with the new interlock system, which is only slightly less contortive than getting into one of the old Pullman upper berths. Congressman WYMAN has introduced a bill to nullify this interlock system as a requirement on automobiles. I am proud to be numbered among the 50 cosponsors of this measure. Therefore, I find this poll especially timely. The news item follows:

ENQUIRER READER POLL: 96 PERCENT OPPOSE A LAW REQUIRING MOTORISTS TO WEAR SEATBELTS

An overwhelming majority of Enquirer readers are against the passage of a law which would require motorists to wear seat belts, according to the first results of a recent Enquirer opinion poll.

Figures show that of a total of 1,666 mail-in votes received, 1,604 readers, or 96.3 percent, voted "no" and only 62, or 3.7 percent, voted for passing such a law.

The Enquirer does not take sides in its Reader Opinion Polls. Instead, we present opposing views from authorities to help readers decide for themselves.

The question "Should motorists be required by law to wear seat belts?" was debated in the Oct. 7 issue of The Enquirer by Rep. Lou Frey Jr. (R.-Fla.) and Rep. John R. Rarick (D.-La.).

Opposing such a law, Rep. Rarick said, ". . . No government has the right, legal or moral, to force an American to do anything designed solely for his own good."

Rep. Frey favored a law, and said:

"The combination lap/shoulder belts would save some 20,000 lives each year . . . and Americans will just have to get used to using them."

USDA LIVESTICK QUARANTINE FACILITY ON FLEMING KEY, FLA.

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. YOUNG of Florida. Mr. Speaker, at its annual convention, the National Association of State Departments of Agriculture passed several resolutions, one of which should be of particular interest to my colleagues since it relates to the agriculture appropriations bill previously considered by the Congress.

Because this appropriations bill contained a mandate directing the Department of Agriculture to consider the need for additional livestock quarantine facilities and report its findings to the Office of Management and Budget, the National Association of State Departments of Agriculture has adopted resolution No. AH–9, urging that immediate funds become available through a supplemental budget to construct the USDA Livestock Quarantine Facility on Fleming Key, Fla.

This subject merits the attention of my colleagues and I am, therefore, herewith including the full text of this resolution:

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE, COMMITTEE ON ANIMAL HEALTH—RESOLUTION NO. AH–9

In order to make available a livestock quarantine facility in this country to permit importation of cattle from continental Europe, the Congress has appropriated $300,000 for planning the construction of such a livestock facility to be operated by the U.S. Department of Agriculture on land provided by the U.S. Navy located on Fleming Key, Florida. The Appropriations Bill for the U.S. Department of Agriculture for fiscal year 1974 did not include the $6.7 million for construction of this quarantine facility.

The Appropriations Bill did include the following mandate to the USDA, to wit:

"The Conferees direct the Department (USDA) to immediately evaluate the overall need for additional quarantine facilities and if urgently needed now, various alternatives available to alleviate this situation should be reported to the Office of Management and Budget for inclusion in an supplemental budget request to the Congress for consideration by the Congress."

RESOLVED, the National Association of State Departments of Agriculture, in convention in Portland, Maine, September 27, 1973:

Does re-affirm its support and endorsement of the construction of this facility and urges that the United States Department of Agriculture give the highest priority to this program and that the USDA make an immediate request for the funds through a supplemental budget to construct this facility during the next fiscal year.

HOME RULE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ROYBAL. Mr. Speaker, the many arguments presented in the past when discussing home rule for the District of Columbia seem to indicate that such a move would be unprecedented. On the contrary, home rule has been an important issue for almost every major city at one time or another.

In defining jurisdictions and powers for smaller areas of government, the incorporation of cities is one form of home rule. Many cities have had long and hard battles to incorporate themselves as separate entities. On September 7, 1973, the citizens of Rancho Palos Verdes, located in the county of Los Angeles, voted to incorporate their city. This election culminated a 5-year battle that involved disputes between local agencies that could only be resolved by the California Supreme Court. The determination of the people of this city to pursue their goal is similar to the perseverance that the residents of the District have shown in their long journey toward home rule.

In a recent and growing trend, 30 percent of the States have either considered, or granted home rule to the counties and cities in their jurisdiction. Arkansas, Missouri, and Illinois have all granted home rule for their cities and, in addition, set a minimum limit on the size of the cities' population, in order to qualify them for home rule.

Looking at these States' minimum qualifications, it can be concluded that, on the simple basis of population, the city of Washington, D.C. is more than qualified for home rule. In Arkansas, the minimum population is 18,000; in Missouri, 5,000; and in Illinois, 25,000. With a current population of over 800,000 people, the District of Columbia should have qualified for home rule long ago.

States, naturally, guard their powers jealously and, like any jurisdictional authority, are reluctant to relinquish their powers to another body. Can we in the Congress be so behind the times? Can we be so unaware of the pressing forces which pushed almost one-third of the State legislatures throughout the country to relinquish their power in favor of home rule? Judging from the trends in other States, apparently, the same forces of self determination have finally prevailed in the District of Columbia.

EDMONSON NEWS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. NATCHER. Mr. Speaker, on September 27 the Edmonson News entered its 47th year of continuous publication. This long period of service to the citizens of Edmonson County represents a great deal of more than just factual reporting of local and national news, important though they may be. From its establishment in 1927 by the late Perry Meloan, the Edmonson News has proved itself worthy of the highest recognition in the field of newspaper publication.

Jack Meloan, the son of Perry Meloan, beginning in 1955 operated this newspaper successfully and at his death his widow, Mrs. Louise Meloan and her son, Bill Canty, took over operation of this newspaper. The Edmonson News is now edited and published by Bill Canty.

The place of the press in the formation of opinion and in the operation of modern government is clearly understood by Bill Canty and evidenced by his provacative and refreshing editorials.

The backbone of the American press is the weekly newspaper and in the quality of such publications lies the greatness of the free press of the Western World. The citizens of Edmonson County and the town of Brownsville are indeed fortunate to be served by the Edmonson News. Both the staffers and editor recognize the needs and interest of the farming community their paper serves and with this in mind all phases of agriculture are faithfully reported. Items of personal interest, local events, and outstanding achievement are as carefully reported as national and world news. And when funds need to be raised for a community project or the bare facts of an ugly situation exposed, the Edmonson News has never hesitated to raise its voice editorially to bring the truth to its readers. In fact, the editorial policies of the News is one of the distinguishing features of this weekly paper and brings much merit and acclaim to its editor.

In the industrial and agricultural growth of Edmonson County, the Edmonson News has not just recorded accomplishments but has performed magnificently the true function of a local newspaper, that is to inform, encourage, stimulate, arouse, and stir to action all concerned with the development and expansion of the community.

It is my confirmed opinion that any community is made stronger by virtue of having a good newspaper in its midst and I am confident that the influence which this newspaper has wielded in the past 47 years will continue to have its impact upon public life, not only in Edmonson County but throughout adjoining sections of Kentucky.

TRIBUTE TO ANNA HYATT HUNTINGTON

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. SARASIN. Mr. Speaker, the contributions made by America's artists to the realm of sculpturing are well known and acclaimed the world over. I ask my colleagues to join me in paying tribute to Anna Hyatt Huntington, a long time resident of Redding, Conn., and perhaps the finest of American sculptors, who died at her home on October 4.

Mrs. Huntington's works can be seen in more than 200 museums and exhibits throughout the United States and abroad. While Mrs. Huntington's accomplishments are many, those for which she has won international acclaim include the equestrian statue of Joan of Arc, Diana of the Chase, Cid Campeador and the Torchbearer.

Born in 1876 in Cambridge, Mass., Mrs. Huntington early in her youth showed a fondness for animals which was to lay the foundation for her future accomplishments. During her schooling Mrs. Huntington came under the tutelage of Gutzon Borglum, known for his work on Mount Rushmore. At age 24, Mrs. Huntington was displaying work at the Boston Arts Club and the Metropolitan Museum in New York.

Some of Mrs. Huntington's finest works were done in Europe and it was in this setting that she began in 1909 her greatest work, the statue of Joan of Arc, which fulfilled an early dream of her youth. The statue won for her international acclaim, including honorable mention at the Paris Salon, the highest international standard for measuring artistic achievement. Replicas of this statue are located in New York, San Diego, San Francisco, and Orleans, France. She was also made a Chevalier of the Legion of Honor in France. The statue of Cid Campeador won for Mrs. Huntington, the Grand Cross of Alfonso XII of Spain, presented personally by the King of Spain. She is the only sculptor to have been so awarded.

While the magnitude of the greatness of Anna Hyatt Huntington can be seen in her accomplishments, she has never hesitated to contribute to the enrichment of the American public. Such is evidenced by her founding of the Brookgreen Gardens, an outdoor museum in South Carolina which represents American sculpture from the 19th century. She also donated her estate, Stanerigg, to the State of Connecticut for use as a public park.

It is to this great person that I call upon my colleague to pay tribute today.

"AMERICAN DREAM" IS AS VALID AS EVER

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. GOODLING. Mr. Speaker, October 14 is the birthdate anniversary of the late Dwight D. Eisenhower, President of the United States, Commander in Chief of the allied forces in World War II, university president, and a man loved by Americans and, yes, by all peoples throughout the world.

It was a distinct honor to have had Dwight D. Eisenhower as a constituent as a resident of Gettysburg. Because his professional life characterized him as a "man on the move," he considered his residence in retirement at Gettysburg, the first real home he ever had. I visited him there on various occasions, and it was very apparent that he was extremely happy in his new environment. His good wife Mamie continues to live in that residence where, according to her own statement, she never has a boring day.

It is reported that Ike once said:

> Only Americans can hurt Americans.

Looking at conditions that exist today, one cannot help but ponder the penetrating wisdom of that observation.

In the October 7, 1973, issue of the Sunday Patriot-News, an editorial appeared under the title of "'American Dream' Is As Valid As Ever." Its contents touch on the theme of Ike's comment that only Americans can hurt Americans. Because this editorial is timely, and because it has a meaningful relationship to Ike's comment, I feel it is highly appropriate as a tribute to Ike's birthday to submit it to the CONGRESSIONAL RECORD. I recommend its reading:

"AMERICAN DREAM" IS AS VALID AS EVER

We call it "The American Dream." And, like our fathers and our grandfathers, we know what it is though we hesitate to define it.

"The American Dream" has to do with freedom, honesty, personal dignity, a chance to prove oneself and even a second chance if need be; privacy, mutual trust and other ideals that are very important.

A year ago when Judge John C. Dowling naturalized some new Americans—people who had come a long way to at last embrace that dream—he observed: "We all want something out of life. Sometimes we do not know exactly what it is, but I think what it all boils down to is that we don't want to be wasted. We want a chance to prove ourselves, and in this country, as in no other, you get that opportunity."

A large part of "The American Dream" is that it is a way of life that only we, with God's bounty, can bestow upon ourselves and, conversely, that only we can despoil and ruin. If there is an enemy to "The American Dream," it would not be outsiders, but Americans failing to live up to their principles.

"If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time or die by suicide," said Abraham Lincoln. Or as Dwight Eisenhower put it succinctly, "Only Americans can hurt Americans."

Here in this beautiful autumn of 1973, America is in distress. As Honest Abe and Ike might have feared, Americans are hurting themselves.

"The American Dream" is as valid as it ever was. The principles of this free society remain a beacon of liberty to the rest of the world, and a quiet source of inspiration and incentive to the American people. If we were a crass and barbarous people, there would have never been an "American Dream" to begin with. If selfishness and indulgence, greed and arrogance were our natural style, this nation wouldn't have a conscience left to be distressed.

What is happening is that a chronology of tragic proportions unfolds before our eyes. Nothing, not even the dreadful experience of the Civil War, has had such a potential for upsetting "The American Dream."

There was the Vietnam War, the most unpopular and ambiguous foreign entanglement this nation ever foolishly slipped into. There is the yet unresolved struggle for racial equality, still explosively mixed with the incredible decline of American cities. There were the assassinations, a burst of insanity in this country unmatched by even the goriest of Shakespearean dramas. And coupled with these events there has been an unpleasant awakening to the problems of the environment, of an inflated economy and a commodity shortage of such essentials as food and fuel.

These have been the most prosperous days in this Republic's history, but the most unrestful, too. "The American Dream" began to shred as we became contemptible of ourselves. "What is truly frightening in the age we live in is the increasing sense that something has gone wrong with our humanity itself," observed poet Archibald MacLeish.

And now comes a national disillusionment with those who hold high office, from the Presidency and Vice Presidency on down. The situation is unparalleled. The fact is there is massive scorn for the actions and statements of those who speak for the American people, the press not excluded. In any other country, a government with more than a dozen investigations and court cases on its back would have fallen months ago. In this Republic, the government could stagger on for three long years. Fact already is stranger than fiction in the "Trauma of Watergate," as Sen. Hugh Scott tabs it.

How are we to regain our self-confidence and trust, our basic optimism that "The American Dream" is viable?

It would be easy, but disastrous, to cover up the cover-up. "The best and only answer to a smear or to an honest misunderstanding of the facts is to tell the truth," President Nixon himself once asserted.

It would be easy, but disastrous, to pretend that all politics are evil, that noninvolvement is the smart thing and that even bad politics should be tight-lippedly endured. "Politics is not a dirty word," said President Nixon on one occasion. "It should, in fact, be the part-time job of every American. Without citizen participation in politics, self-government inevitably degenerates into anarchy or dictatorship."

It would be easy, but disastrous, to just give up and cave in to the threatening public mood of cynicism. "To a crisis answer, we need only to look within ourselves," Richard M. Nixon on an earlier occasion instructed.

An enduring part of "The American Dream" is that it contains the stuff of renewal, and resurgence. Americans bounce back—in football, in business, in space exploration, in art, in personal relationships, in politics. Youthful desire, pioneering enterprise, can-do over can't, action and not American Dream."

Winning the peace was to be the goal of this generation, as Presidents Kennedy, Johnson and Nixon told us. We now have, if capitulation—these are at the heart of "The not total peace, at least some pause in war."

HOSTILITIES IN MIDDLE EAST

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Ms. HOLTZMAN. Mr. Speaker, today marks the seventh day of tragic hostilities in the Middle East. I know that I am speaking not only for my own constituents but for most Americans when I condemn the Arab attacks on Israel as brutal and outrageous.

By commencing the war on the most solemn and holiest day for Jews, Syria, and Egypt not only sought to desecrate that day but express their contempt for the Jewish religion as well. All of us, I am sure, are deeply disturbed by this military aggression for other reasons. What it shows is the intentional refusal of the Arab States to recognize the legitimacy of Israel's existence and their refusal to sit down face to face with the Israelis and negotiate terms of peaceful human coexistence.

So long as the Russians continue to supply the Arab States with advanced weaponry, the Arabs will continue to seek a military victory over Israel and a destruction of the Jewish State by force—regardless of the outcome of this war. It seems to me that the Arab States must face up to reality. Israel is there to stay. Yet, instead of trying to coexist peacefully, the Arab leaders have sought to divert the attention of their people from their own domestic failures by engaging in "holy wars" against the State of Israel.

At this time it is imperative for the United States to insure that Israel has sufficient arms and materiel to resist the present Arab aggression. It must also use whatever influence it has to stop the Soviet Union from fueling this war.

Once a cease-fire is reached, it is crucial that the United States earnestly and seriously devote every effort to bringing about a permanent peaceful settlement in the Middle East.

A lasting peace in the Middle East will not be achieved if world opinion condones Arab aggression. The last 6 years should have taught us that "benign neglect" will not bring the Arabs to meaningful peace talks.

Winning a national maturity, built upon citizen maturity, now is every bit as vital, or even more important.

To think that "The American Dream" could be sold out so cheaply, that it is now worthless, would be stupidly turning our back, not only on our proud past, but on a future that needs "The American Dream."

FIRE PREVENTION WEEK

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. GONZALEZ. Mr. Speaker, October 7–13 is National Fire Prevention Week, and I feel that it is very important and fitting that we have set aside a week to pay tribute to our firemen who are dedicated and devoted public servants and to alert the American people to the dangers of fire.

I have sponsored and cosponsored a number of bills that would be of help to firefighters, and that would also reduce the death and destruction caused by fires. It is estimated that the dollar cost in fire damage is more than $11 billion yearly.

One bill that I have sponsored is H.R. 9608, and if passed it would make it a Federal crime to kill or assault a firemen engaged in the performance of his duties. It is my opinion that this measure should not even be necessary. Our firefighters should always have had personal protection from felonious assaults, but that is not the case and I hope that Congress will expediently grant the firefighters this most needed and deserved protection.

Another bill that I have introduced would provide $50,000 in benefits to the widow and dependent children of public safety officers, including firemen killed in the line of duty.

I am cosponsoring a bill that would establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development. This bill would also assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, and it would also increase the effectiveness and coordination of fire prevention and control agencies at all levels of government.

The job of a firefighter is considered to be one of the most dangerous, and when you see the rate of injuries each year you can understand why. It is estimated that 40 out of every 100 firefighters are injured in the line of duty yearly.

I will continue to work to see that legislation to benefit firemen and to reduce fires is enacted into law, and I encourage all of my colleagues to work toward that end. It is only fitting that we pass legislation to help prevent fires and to help those men who work to save our lives and property at enormous risks to themselves.

SOUTH DAKOTA'S FOREIGN EMISSARIES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ABDNOR. Mr. Speaker, this past spring a group of South Dakotans visited the Soviet Union and several countries in Europe. The individuals of this group represented the mainstream of South Dakota's economic activity—agriculture, and they visited primarily with those folks who are engaged in agriculture.

Visits of this sort by the ordinary American citizen with his counterpart in other countries will do more to promote world peace and understanding than all the official diplomats that could be appointed or treaties that could be ratified could ever do. Especially if those doing the visiting are the good ordinary folks of South Dakota, who I think are pretty special.

One of the members of the group was Mr. Harry Blair, of Sturgis, S. Dak. He has written an account of the trip which was published in the September issue of the Stockgrower magazine.

I commend his article to the Members of Congress and other interested readers of the RECORD and suggest that the last two paragraphs are worthy of special note:

AGRICULTURE WE SAW IN EUROPE

(By Harry Blair)

The People to People Goodwill movement was started under Gen. Dwight D. Eisenhower some 15 years ago. The Government had nothing to do with the tour as we paid our own way.

This delegation was all agricultural people and we met mostly agricultural people.

A delegation of 37 people were selected to make a tour to Europe on a good will People to People mission from South Dakota. The group left for New York on May 26, the first lap of the journey; part of us boarded the plane at Pierre and the rest at Sioux Falls. The countries visited were Belgium, Holland, Denmark, the Soviet Union of Russia, Hungary, and East and West Germany, a 22 day tour and returning home on June 17.

The purpose of the trip was to give agricultural leaders in the state of South Dakota an opportunity to carry a message of good will to the occupational places in western and eastern Europe.

We did see and inspect, in person, typical agricultural operations, to learn and compare methods and visit with people on their farms and in their homes.

Arriving in New York airport and going through customs and security precautions, into a change of several hours of time, we boarded a Sabena world airlines plane for Brussels, Belgium, arriving there about 10:00 a.m. Sunday. We got to our rooms and rested a few hours and in the afternoon we were taken by a bus into the country, and also for a brief tour of the city. We had a special guide who met us in Brussels and remained with us until our return to Brussels on our way home. He was very good, so added to our informative trip.

Rent in Brussels for a six room house was around a hundred and twenty dollars per month. The lowest salary was set at three hundred dollars per month and higher, and gasoline was a dollar per gallon.

Many of the buildings in Brussels date back to the thirteenth century with many old churches and cathedrals, with beautiful stained glass windows. Before the tour in the country we met in an agricultural research center for a briefing and information, followed by a question and answer period with the leaders, so it was necessary to have an interpreter. Farms were very small in acreage, averaging twenty five acres. Leading crops were fruits, sugar beets, potatoes, and dairying. We visited one farm that had three to four hundred year old buildings that once bred and raised Belgian horses. It was interesting to see their method of raising cattle and hogs as well as other livestock. They do artificial breeding much as we do here. We were invited into the house which had beautiful old furniture. In the evening we were served a fine supper on long tables with representatives for the agricultural center as our guests.

The next day we went by train to Amsterdam, Holland with its narrow streets and houses that were narrow with high steep roofs. We went through the famous art museum, and took a boat ride on the canal with many house boats on either side. Some are occupied by hippies with much litter and filth. The canal water looks filthy, as much sewage is put into it. There is a housing shortage.

We went to an experimental farm and saw some of the land that they had reclaimed from the sea and it was one of the most interesting things we saw on the trip. In the last 20 years, they have reclaimed 500,000 acres. The way that they do this is, they build a dike around what they want to reclaim, then pump the water out, then sow some grasses and let stand for about 7 years before they start farming it. The farms are very small, from 50 to 100 acres. A farmer may lease or buy it if he is qualified as the farmers are sort of picked as to being qualified. They raise enormous crops on this land.

There is an arm of the North Sea that runs down into Holland and they have made a dike across this arm and they pumped all of the water out and now it is filled by a river and this is their source of fresh water.

Their main crops are potatoes, sugar beets, barley, and corn for silage. There is also much dairying and feeding of some cattle for beef.

We were permitted to go inside the house and the lady was very gracious. The men looked over the farm while the ladies were in the house. We were all served refreshments of dairy pastry and tea or coffee.

We went by plane then to Copenhagen, Denmark, and it was raining. A full day was spent in the typical Danish farming operations, after a briefing with the American Embassy, where the man in charge was formerly from South Dakota State College, so we did not need an interpreter. The average farm is 50 acres and very productive. Land prices are up to $1,000.00 per acre. Their main crops are barley, potatoes, sugar beets, soy beans, and there is also much dairying and hog raising as they send much cheese and canned ham to us. They have also joined the common market. Some of the food prices quoted were: round steak, $2.25 per pound; eggs, $1.05 per dozen; milk, half gallon at 58 cents and butter, $1.25 per pound. We also visited a diamond factory. A few of the ladies bought diamonds. We went into a large old church of Lutheran denomination and a plaque hanging there with Eisenhower's slogan on it, "Peace by Understanding". Denmark exports two thirds of their production, and taxes are up to 50 percent of their net income plus property taxes.

Our evening meal was served in four courses and we were really wined and dined, with members of the Embassy as our guests.

We went through the famous Tivoli Gardens but as the air was filled with mist and smog the lights did not show up as they should.

From Copenhagen we flew to Moscow. When we got to the airport in Moscow, we claimed our luggage, filled out forms, declared our money and valuables, and opened some of our luggage for inspection. One couple was delayed going through customs because they had a couple of books on religion. We had considerable advantage over the average tourist, as we all wore badges and our leaders went ahead and talked to the custom officers. They didn't look inside of my suitcase, just glanced in my hand bag, so it was more of a spot check.

That evening we walked to the Red Square, inside the Kremlin. Red means beauty to them. The streets were so wide that many subways were used to cross them. We stayed inside the Square until 12 o'clock to see the changing of the guards at the tomb of Lenin, which was heavily guarded.

Our guide was a woman while in Russia and was very friendly, but many felt she tried to brainwash us with untruths about Russia. She did say that "Friendship is what is going to win Peace." They say tourist trade has increased 25 percent in the last year. There are few churches in Russia. Education is free and compulsory. A bus took us for a tour of Moscow. We went down to the main subway which is probably the largest and finest in the world; they have 100 miles of track and electric trains to take care of the traffic of over one million people a day. Many beautiful buildings are decored in gold. The building where President Nixon stayed, inside the Kremlin, on his recent visit to Moscow was pointed out to us. Inside a large museum we visited, we had to put cloth slippers over our shoes to enter. It was similar to our Smithsonian in Washington, D.C., but not as large. It was heavily guarded.

We were then taken to the agricultural exposition with many prize animals and machinery on display, something like a fair in the U.S. That evening we had a banquet and were entertained at a theater with the Red Military Band and Orchestra with dancers and performers.

Next morning we had a guided tour inside the Kremlin interior and the Lenin Mausoleum just outside the Kremlin walls. Kremlin means fortress, and it is an enclosure of 70 acres with a high brick and stone wall, much of which is still standing. In viewing the Lenin Mausoleum we passed by an everlasting flame with fresh flowers on the monument.

It was here that everyone was under heavy guard. It seemed if you moved a finger a soldier was looking. No one could carry a camera, no hats, no talking, and we walked in twos through the mausoleum where a body of the likeness of Lenin was viewed.

From Moscow we flew to Krasnodar, another town in Russia not far from the Black Sea. This part of Russia is semitropical and crops are farther advanced than here, as they had new potatoes, fruit and berries of all kinds, and ripe watermelons. As we drove out in the country we saw much poverty, small gardens, huts for houses, and men, women, and children all working in the fields. Scythes were used to cut hay and forks were used to make small stacks without raking.

At an experiment farm which is called a State farm, we went into an auditorium for a briefing with the manager and an interpreter. They said they were glad to welcome us and glad of the friendship between the U.S. and Soviet Russia. Population of the State farm of 33,000 acres is 8,000 people; with 9,000 acres farmland and 8,000 irrigated acres, with 4,000 cattle, 1,000 goats; they raise 15,000 pigs per year, 4,000 ducks, 2,000 sheep, 400 horses; and they have tractors and many other machines and trucks.

This State farm is run by a manager and is subdivided into nine departments, specializing in the production of rice, poultry, potatoes, sugar beets, dairying, hogs, sheep, goats, and horses, with about 2800 workers. On the State farms workers are paid about $120.00 per month and labor in industry about $150.00 per month. On the State farms each family is allowed 2 acres to use for themselves. The women even wore dresses when working in the fields. We were taken where children of working women are cared for; the children met us with bouquets of flowers for each of us and then they put on a fine program for us inside the building. Many pictures of the youngsters were taken.

They also gave each of us an orange as we left. Each of us had gum, candy, pencils or other things to give to the children.

They don't believe they should accept a gift without giving something so we were given bouquets of fresh flowers.

We then flew to Kharkov and had a tour of the city, then went out into the country and visited a state farm operation and experiment farm. Their principal crop on this farm was potatoes, sugar beets, oats, corn, along with dairying, hogs, and some beef cattle, most of the cattle in the countries we visited were dual purpose cattle and looked very good for that purpose. We visited a large dairy where women were milking Simental cows. There were 200 cows in a large open shed. They were using milking machines, but didn't have any milking parlors. They just moved the milking machines along and emptied the milk into cans.

The bus we rode in had an American Flag on the dash. We had lunch in an open place in the timber on long tables. Some of the men from the farm were our guests and there seemed to be much fellowship between the U.S. and the Soviet Union. Some of the farm managers were with us for the evening dinner and we danced and had a fine time. From Kharkov we flew back to Moscow for customs before we left the country.

Our guide who had been with us from Brussels remarked he was glad to get out of Russia and assured us it would be different in Budapest, Hungary.

As for the group, no one had encountered any hardship in Russia, but felt many discrepancies had been put out in the information.

One of the headlines in the paper was a big wheat crop without a sweat "and we were told that the wheat that had been imported from the U. S. had been included in their crop.

One of the farmers in our group told at one of the briefings, of the enormous crops we had produced last year, like 6 billion bushels of corn, 1,700,000,000 bushels of wheat and so many bushels of soy beans and the millions of tons of wheat and feed grains we had sent to Russia and the Russian leader of this farm just shrugged his shoulders and looked rather sour but seemed in a good humor before we left.

The Russian people are very inefficient, especially in their farm and ranch operations and we could see very little incentive for a man to develop his capability.

We then flew to Hungary. The people in Hungary were poor and downtrodden with past wars but were very friendly. We visited the U. S. Embassy in Budapest and were given a very informative briefing by two members of our Embassy before we went out to see two collective farms that day and on the way out we could see young and old working in the fields with scythes, hoes, and horses or cattle hitched to cultivators or wagons hauling produce.

Their main crops are corn, potatoes, sugar beets and dairying. Corn has recently become one of their main crops as they got seed corn from U. S. and our methods of raising corn so they have greatly increased their corn yields.

They also grow onions, poppies and grapes. The poppies they grow for seed and for making morphine. The poppies were in full bloom when we were there and the white blossoms were very beautiful.

Their crops looked very good even on dry farming and they have some larger farms and getting larger machinery and they seem to follow more toward the U. S. than Russia in technology also in their every day life and more freedoms in making their own decisions in the operations of their farms.

We saw very little fencing in Hungary or Russia and most of the cattle we saw were being herded.

From Hungary we flew to East Germany, and were taken by bus from the airport to the hotel. Enroute we had to go through a check point in the wall between East and West Germany. An officer entered the bus and checked our passports before we could enter West Germany.

The next day we went through the wall again and toured both East and West Germany which hold bitter feelings toward each other. The wall is a high cement wall with broken glass in cement on it and the other wall or cement with large round pipes and barbed wire on it with a road in between, was called "No Man's Land". Both walls were under heavy guard. Our guide told us sometimes it takes several hours to get through the wall due to tight security.

We only spent one night in Germany, and this being our last night out we were treated to a special supper and evening at the Resi Club. June 16, we boarded the plane headed for New York where we spent the night and the next day we flew towards our homes in South Dakota, some leaving the group in Sioux Falls and others at Pierre.

In the countries we visited most things were higher than here and anyone thinking the government can do all things for all people should go over and visit Russia and Hungary and some of the other countries.

After returning, a few of us in discussing conditions over there, pretty well agreed they are about 15 years ahead of us in discussing conditions over there, pretty well agreed they are about 15 years ahead of us in going backward, but at the rate we are going will catch up with them in 15 years or sooner.

TRIBUTE TO KENNETH ROOKER

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. KETCHUM. Mr. Speaker, on Saturday, October 13, a testimonial dinner will be held in Pismo Beach, Calif., for Kenneth Rooker, a man who has devoted decades of his life to the service of his neighbors.

Ken Rooker is a native Californian who came to Pismo Beach in the early 1940's. He began his business career as the owner of a service station, and later added a tire shop to this successful enterprise. But Ken Rooker's heart has always been in public service.

Ken is a founder and past president

of Beach City's Little League baseball organization and a former chairman of the Shell Beach Fire District. In his latter role, he succeeded in having the California Insurance Underwriters establish a fire rating for the district for the first time.

Ken has also been most active in fraternal and business organizations. He is a past governor of the Pismo Beach Loyal Order of Moose, a director and past president of the Pismo Beach Chamber of Commerce, and a former president of the Lion's Club. For his great dedication to the Lions he was named "Outstanding Man of the Year, 1973," the first such award ever made by the club.

In 1970, Ken Rooker was named by the city council of Pismo Beach to fill a vacancy on the council. For 3 years, Ken has served with distinction and devotion. Now, he is stepping down from the council to a much deserved retirement. I join with the people of Pismo Beach in saluting Ken Rooker's lifetime of public service, and thank him for the countless contributions that he has made to the community over the years.

TRIBUTE TO CASIMIR PULASKI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HELSTOSKI. Mr. Speaker, it is appropriate to note that October 11 is the 194th anniversary of the death of a nobleman and army officer driven into exile, who joined the American Revolutionary Army as an officer in 1777, Count Casimir Pulaski.

It is known that Pulaski was born of Polish aristocracy, and grew to manhood under harsh political circumstances. He was a great patriot with an impassioned love of freedom. He was a great humanitarian and an avowed champion of human rights.

As a true believer in the democratic cause of the colonies, he came to this land to give his life for the principle in the interest of all mankind. He came to this land from far across the seas where the people were seeking for themselves what he had sought for his own people years before.

After Pulaski's arrival to these shores, he served as a volunteer on Gen. George Washington's personal staff, but within a matter of only a few months, he proved himself so competent and such an asset to Washington that Congress awarded him the rank of brigadier general and give him the task of organizing the American cavalry.

Under Pulaski's able leadership, this mounted unit of the colonial forces first known as "Pulaski's Legion" soon won fame for its valor and military competence. It was certainly unfortunate that this young military hero lost his life on October 11, 1779, while leading a charge by his unit in the Battle of Savannah.

Mr. Speaker, while this Nation does not have a united effort in celebrating the anniversary of the death of Casimir Pulaski, the 12 million of Americans of Polish descent traditionally mark Pulaski day by parades and other observances not only as a tribute to Pulaski, but also as a day marking the many contributions to our Nation by the people of Poland who followed him to the United States.

The Polish character, personality, culture—the Polish spirit as exemplified by General Pulaski—has survived. That in itself, Mr. Speaker, is an inspiration for us to follow.

Great was the priceless contribution of Casimir Pulaski almost 200 years ago and that contribution has been carried down through the years and is reflected by the contributions of the Polish-Americans being made to our country today.

MIDDLEMEN TAKE 55 PERCENT OF FOOD DOLLAR

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ZWACH. Mr. Speaker, food prices to the producer are finally climbing to near respectable levels, but the fact remains that the middlemen are still getting more than 55 percent of our food dollar.

This fact was brought out in a recent column by Sylvia Porter, which, with your permission, and for the enlightenment of my colleagues who may have missed reading it, I insert at this point in the RECORD:

MIDDLEMEN TAKE 55 PERCENT OF FOOD DOLLAR

The farmer has been the spectacular winner in this year's food price spiral. Returns to farmers for the meats, milk, fruits, vegetables and other products they sold during this year's second quarter (latest for which firm official figures are available) were up an astounding 30 percent from a year earlier. For the first time in more than two decades, farm prices have risen above 100 percent of parity—a fundamental measure of farm prosperity. The August increases in raw farm product prices were staggering.

Yet, dramatic as the farmers' gains have been, the equally dramatic fact remains that middlemen are still getting more than 55 percent of our food dollar. During the second quarter the cost of the U.S. marketbasket of foods bought by the average U.S. household rose to an annual rate of $1,497.05. Of this, $665.19 went to the middlemen who process, transport, store, package and sell the food.

The Department of Agriculture has just released its yearly rundown on our national food marketing bill. The table shows who got what "in the middle" of that $77 billion bill in 1972 and a summary of how the shares are changing.

[In percent]

	1972	1960–
Middlemen:		
Food processors	43.1	34.7
Wholesalers, assemblers	12.4	13.3
Retailers	24.6	29.0
Eating-feeding places	19.9	23.0

What are some of the implications of these changes?

Clearly, reflected here is the rapid growth of supermarket services, ranging from delicatessen departments to all-night shopping, from check-cashing to baby-sitting—services for which we pay.

Also behind the percentages are soaring construction costs for food stores, rising taxes and the substantial profits of many of the restaurant chains in recent years.

Unmistakable is the upsurge in eating out, not just at restaurants but at snack bars and company cafeterias. Most traditional restaurants haven't been making big profits in recent years—quite the contrary—but many of the fast food, single menu chains have prospered.

As for the decline in the share of our food marketing bill absorbed by processors, surely this must reflect the spreading of automation and mechanical cost-cutting techniques in this huge industry. Labor costs for processors amount to 44 percent of total food processing costs—but closer to 50 percent for wholesalers and retailers and more than half for eating places.

Below are additional key points:

Labor: Labor costs are taking 48.4 percent or $37.4 billion of the food marketing bill today as against 44.2 percent or $19.7 billion in 1960. Productivity has lagged behind labor cost increases in the food industry.

Business taxes: The share taken by business taxes has jumped from 2.9 percent in 1960 to 4.3 percent in 1972.

Capital costs: In this category of rent, depreciation and interest, costs rose nearly 12 percent in 1972.

Advertising: This category takes the same share today as in 1960—2.9 percent—but spending has risen from $1.3 billion to $2.2 billion and advertising now consumes two cents out of every food dollar you spend.

Packaging: This category also has held approximately the same share—12.2 percent against 12.1 percent in 1960. But the dollars going to packaging materials have jumped from $5.4 billion to $9.4 billion.

THE 198TH BIRTHDAY FOR U.S. NAVY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HOSMER. Mr. Speaker, tomorrow, October 13, 1973, will mark the 198th birthday of the U.S. Navy. Every American can be truly proud of the U.S. Navy's magnificent heritage.

Throughout our history, naval forces have been the military backbone of this Nation's freedom and survival. Events of recent years, and at this very time, bear out the concept that mastery of the seas is absolutely essential to our national interests.

But hardware, sailors, and machinery are only part of the partnership of excellence between Navy ships and Navy crews. That is why it is so appropriate that this year's Navy Day theme pays tribute to the entire Navy family.

Admiral Zumwalt's message to the fleet elaborates on this important aspect of naval strength and morale. It is reproduced below:

NAVY BIRTHDAY, 1973

1. It is with great pleasure that I extend warmest greetings to all hands on the occasion of the 198th anniversary of the United States Navy. As we commemorate this event, it is clear from the enthusiastic worldwide response to Navy Birthday 1973 that a sense of bright promise about our future prevails in today's Navy. This year we especially honor the contributions and deeds of the Navy family—active duty personnel, reservists, civilian employees, dependents and retirees—whose combined efforts have forged a proud tradition of commitment and service to our Nation from 1775 to the present.

2. Through nearly two centuries of peace and war, our Navy has continued to affirm the truth of President John Adams' words that "naval power is the natural defense of the United States." From sail to steam to nuclear power; from cutlass and cannon to guided missiles; from the open seas to outer space, the unfailing skill, selfless sacrifice and wholehearted devotion of the Navy family have remained ever constant, and have made our Navy the greatest navy in the world.

3. I am confident that our unique heritage and the spirit of Navy Birthday 1973 will continue to guide our growth in the year ahead as we rededicate ourselves, with pride and professionalism, to the tasks that lie before us. Congratulations and best wishes.

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

PENSION REFORM

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. NELSEN. Mr. Speaker, I recently submitted a statement to the House Ways and Means Committee on the subject of pension reform. I strongly believe that pension reform can serve the interests not only of those directly participating in pension plans but possibly all of our taxpayers. I ask that my statement be printed at this point in the RECORD.

The statement follows:

STATEMENT OF ANCHER NELSEN

I appreciate the opportunity to make known to the Committee on Ways and Means my position on pension reform. Your Committee is to be commended for the effort being made to move ahead quickly so that a pension bill can be considered on the floor of the House before the end of this session. All of us in the Congress are aware of both the overwhelming importance and the complexity of this matter, so your efforts will not go unappreciated.

The Committee will be faced with a volume of statements and data on this subject that will probably not be exceeded by the consideration of any other issue during this Congress. I do not wish to add to your burden unnecessarily so I will forgo a lengthy recitation of the horror stories of the pension field. Some of these failures were caused by sheer criminality, some by mismanagement and some could only be termed acts of the Almighty. All of them have one thing in common which none of us can overlook and that is their terrible cost in human terms. Those who have negotiated pension plans and contributed to them deserve some rewards at the end of their working days and they deserve something now while they are still working, and that something is the assurance by their government that they will have a pension when they retire. I hope the first session of the 93rd Congress will be the one to give them that assurance.

The need for pension reform is broader than just the recipients of the benefits, of course, and the call for reform is coming from many quarters. I know of no group which has flatly stated that the Congress should not be looking into this area, and I know of no one who would say that at least some reform is not needed. One point that is often overlooked in the discussions on this topic is that all American taxpayers may benefit in the long run from pension reform.

The Ways and Means Committee does not have to be told what has happened to Old Age and Survivors Disability Insurance taxes in the last few years. They have gone up faster than any other group of taxes and we are faced with another increase of considerable proportions in the near future. If this Committee and the whole Congress can develop a measure which expands pension coverage and makes it a more significant part of the individual's retirement income, we may relieve some of the pressure on Social Security taxes in years to come. In voting to expand programs financed by this tax we are shifting a burden of almost unknown and incomprehensible size to the next generation of taxpayers. The goal of the bill we consider on the Floor then should be to both assure those who are now covered by a pension plan that they will indeed receive a pension and to broaden the group eligible to receive a pension. I will return to that point shortly.

I find a great deal to commend in both of the bills before you, H.R. 4200 as passed by the Senate and H.R. 2 as reported by the House Education and Labor Committee. Where they take differing approaches to the more important parts of a pension bill—such as in vesting—it can be hard to choose and where they are in accord it is even more difficult to disagree. Let me give you a few of my thoughts in these areas and then go on to a positive recommendation I have to make. I can support the Senate bill's approach to vesting, however, I find the greater flexibility of the House Education and Labor Committee's approach more attractive. Unfortunately, H.R. 2 does not allow new pension plans the right to choose from among the options which are available to plans now in existence, and I would hope your Committee might consider such a change which could act as an inducement to the establishment of new plans. The Committee is already aware that I regard expansion of coverage a most important goal and any flexibility we can build into these minimum standards may be very helpful in that respect.

I support the highest possible fiduciary standards that can be devised without unnecessarily adding burdensome costs to the operation of pension plans. In this respect, the Senate bill is lacking when it allows the Secretary of Labor to conduct investigations when he deems it appropriate. Language should be added so that the Secretary cannot undertake such an investigation on mere whim, he must have some substantial reason to believe that a plan needs investigation before he proceeds.

Portability has probably been the most hotly contested issue in the entire pension debate. As long as it is left on a strictly voluntary basis, I will support portability. Having it voluntary may in time give us the benefit of the experience of those companies who devise plans to allow employees to depart with the funds that have vested in them. There are a great many pension plans in this country and each operates under different assumptions and contribution schedules. As desirable as portability may seem on the surface, I believe it is fraught with dangers and the Congress would do well to observe what happens under the voluntary plan over the next few years before enacting permanent, compulsory legislation.

One of the most important provisions of the bill is that allowing an individual whose employer does not have a pension plan to make tax exempt contributions (up to $1500 a year) to a fund in order that the individual might provide better for his own retirement years. This approach is endorsed by the Administration and has been included in many of the bills offered by Members in both bodies.

To me it has the obvious appeal of providing the wage earner with a tax benefit employed for some time by his higher income, self-employed friends. The use of such a provision could become so widespread as to provide some relief from pressures for constant increases in Social Security benefits and taxes. If this section of the bill is properly administered and promoted by the government the benefits could be enormous. I commend it to you highly.

Before setting forth my recommendation for an addition to the bill, I must express my one area of disagreement. Reinsurance is the single solution to the type of situation we know best in Minnesota, that is where a single large employer suddenly abrogates almost all of its responsibilities under a pension plan. As much as I would like to support reinsurance I find that it is even more fraught with problems than the portability area. How can we add a provision that not only might be the cause of more pension plans not coming into existence but also could discourage benefit increases for those now covered? At least one firm I know of with a large pension plan told me earlier this year that reinsurance (under the formula then being considered in the Senate) would cost them an additional $125,000 for benefit increases they had just negotiated. I do not have to go into the possible discouraging effects of such additional costs nor do I have to point out how they could act as a disincentive to businesses to establish additional plans. If the Committee decides to consider a reinsurance provision, it seems to me that the Education and Labor Committee's approach of setting the premium relative to unfunded liabilities is the more equitable approach. To do otherwise would have individuals and firms who have been conscientious about their plans pay for the oversight or irresponsibility of others who take a more liberal approach to meeting their funding responsibilities. Let us all face up to one essential fact at this point—all costs of pension plans are borne indirectly by the workers who contribute to the plan and ultimately by the consumer of his products. I believe it is incumbent upon all of us in the Congress to approve a bill that is reasonable, easily administered and not overly costly to those it is supposed to benefit most.

H.R. 4200 would establish an advisory panel within the Labor Department to work in the pension area. I would like to recommend something more than that. A Federal Commission on Pension Coverage should be established in this legislation. This Commission's long term goal, as its very name suggests, would be the extension of pension plan participation to more firms and workers in a sound and sensible way. I believe this Commission should be directed to issue an initial report in early 1975 to both the Executive and Legislative branches with such recommendations as it may see fit to expand pension coverage and to improve upon the standards to be set forth in the bill you are developing. Thereafter, the Commission can issue an annual or other periodical report.

This Commission can be appointed in the usual manner with the President, Speaker of the House, and President Pro Tempore of the Senate appointing an equal number of members. Needless to say the Commission should be bipartisan. Naturally, I will leave the number of members, their term of office and the staffing specifications to the Committee, but I do have one specific recommendation to make. In addition to pension plan managers, company and labor representatives, members of the American Actuarial Association or American Society of Pension Actuaries, and the others one might typically find serving on such a Commission, I would hope that room could be found for representatives of the most important group of all—pension plan participants themselves. I am sure the Committee can take this proposal and extend it in such a way as to make it a very effective voice in the future expansion of pension plan participation.

In closing, allow me to again commend the Ways and Means Committee for its prompt action in this area and also for its willingness to gather the opinions and point of view of all of us who are concerned about pension plan coverage.

JUSTICE FOR UKRAINIANS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. KOCH. Mr. Speaker, on September 23, 1973, I spoke before a meeting of 5,000 Ukrainian Americans. The rally took place in Central Park and was held in commemoration of the manmade famine in the Ukraine which took place in 1932–33. On the platform addressing the rally were U.S. Senator JAMES BUCKLEY and New York State Senator John Markey.

That the Ukrainians in the U.S.S.R. have legitimate grievances for past and present violations by the Soviet government of their fundamental human rights cannot be gainsaid. The intensity of their feelings are expressed in two documents which I would like to bring to the attention of our colleagues:

[From Svoboda, the Ukrainian Weekly, Sept. 29, 1973]

RESOLUTION

(Adopted at the Mournful Rally in commemoration of the 40th anniversary of the man-made famine in Ukraine, held on Sunday, September 23, 1973, at the Bandshell in Central Park, New York City)

We Americans of Ukrainian origin, assembled here to commemorate the 40th anniversary of the man-made famine in Ukraine, and to protest the current persecution and oppression in Ukraine by the Soviet Russian regime, do hereby decide unanimously:

Whereas the Soviet government has been arresting hundreds of Ukrainian intellectuals, trying them behind closed doors and sentencing them to severe terms of imprisonment, exile and indefinite incarceration in psychiatric wards; and

Whereas the Soviet Russian regime has been and is presently imposing and practicing a policy of Russification in Ukraine, so as to destroy the national, political, and cultural entity of the Ukrainian nation; and

Whereas the Soviet Russian government is guilty of crass violations of human rights as defined in the U.N. Declaration of Human Rights and its own constitution, by persecuting all religions in the USSR, namely Orthodoxy, Catholicism, Protestatism, Judaism, and Islamism, and by suppressing in a barbarous manner all cultural and intellectual freedoms, as evidenced by continuous arrests and trials of Russian, Ukrainian, Jewish and other intellectuals; and

Whereas the Soviet Russian government is now seeking favorable and advantageous trade agreements with the U.S. Government, especially the status of "most-favored-nation," whereby it would receive huge and unlimited financial and technological help from the United States:

Now, therefore, we unanimously resolve:

1. To wholly and unequivocally support the Jackson Amendment to the Mills-Vanik Bill calling for the rejection of the proposal by the U.S. Government to grant the USSR the status of "most-favored-nation";

2. To appeal to the U.S. Government not only to withdraw its proposal to grant the USSR any and all economic and trade privileges, but through the U.S.A. representative in the United Nations, to denounce the USSR as a violator of human rights and a government unworthy to be a member of the United Nations or to receive economic and technological assistance from the United States, a country traditionally known for its dedication to freedom and self-determination of all the peoples in the world.

AN APPEAL TO THE CONSCIENCE OF HUMANITY AT LARGE

(The following "Appeal" to the conscience of the world was sent from Ukraine in July, 1973, and received by Svoboda, the oldest Ukrainian newspaper in the world, appearing in Jersey City, N.J., and was printed in its September 15, 1973 issue. The "Appeal" describes the current unbridled terror of the KGB and Soviet courts in Ukraine, and calls on the peoples of the free world to stand up in defense of the Ukrainian people, persecuted and oppressed by Soviet Russian despotism—Ukrainian Congress Committee of America.)

TO FREE MEN EVERYWHERE

Our Front is forced to work illegally and underground, and for this reason we are distributing this appeal anonymously.

We are appealing to world public opinion to stand up in defense of the Ukrainian people against Russian despotism. The United Nations Charter and the Universal Declaration of Human Rights, to which the governments of the USSR and the Ukrainian SSR are signatories, guarantee each nation the right for national independence, as well as basic human rights. Nevertheless, both of these rights are disregarded by the parties and governments of the USSR and the Ukrainian SSR, the latter merely a colonial administration of Ukraine controlled by Moscow.

The government of the Ukrainian SSR has not even reached a level of independence that would permit Ukrainian prisoners to serve their sentences in prisons in Ukraine, of which they are citizens and where they could avail themselves of some assistance from their families.

For efforts to implement these rights in Ukraine, many Ukrainian intellectuals were imprisoned and some were sentenced to death, for instance, L. Lukianenko and I. Kandyba (later their sentences were commuted to 15 years at hard labor);

For advocating intellectual freedom and for resisting Russification: V. Moroz, E. Sverstiuk, V. Chornovil, I. Svitylchny, Ihor and Iryna Kalynets, V. Stus, Iryna Senyk, M. Osadchy and I. Hel—just to mention a few, were given sentences of up to 15 years in prison and exile;

For protesting the illegal trial and for advocating human rights Prof. Leonid Pliushch, A. Lupynis and Gen. Petro Hryhorenko, and others were confined indefinitely to special KGB psychiatric wards;

I. Moisiev and Mykola Khmara were murdered for their religious beliefs, and others, like Rev. V. Romaniuk (10 years), were sentenced to long prison terms;

For refusing to denounce his father, Yuriy Shukhevych was sentenced to 15 years in prison after already serving 20 years;

For defending her husband, S. Karavansky, microbiologist Nina Strokata-Karavansky was sentenced to four years;

Executed for defending the national rights of Ukraine were A. Oliynyk, P. Kovalchuk, I. Chayka, and others;

Murdered while in prison were Mykhailo Soroka, Vasyl Malchuk, and others;

Severely punished for defending the national rights of Ukrainians, Tartars, Jews, and other national minorities in the USSR were S. Karavansky, Gen. P. Hryhorenko and Ivan Dzyuba;

Pyotr Yakir and others were rearrested for speaking out in defense of discriminated Soviet Jewry;

In order to break the will of the imprisoned, the KGB uses new chemical and medical drugs with methodic cruelty to poison the food of such political prisoners as P. Starchyk, I. Dzyuba, V. Moroz, L. Lukianenko, I. Kandyba and others.

The terror of Brezhnev-Andropov exceeds in its sophisticated cruelty even that of Stalin and Beria.

The government of the United States and other capitalist countries share responsibility for the increased terror against us and the new wave of Stalinism in Ukraine and other Soviet republics, because at the time of mass persecution by the KGB, they are making deals with Moscow without demanding that the Soviet government observe national and human rights. By means of these deals, Moscow seeks to cement its total domination over the captive nations. The Conference in Helsinki has aided and abetted Moscow's reign of terror by not insisting that the USSR abide by the United Nations Charter and the Universal Declaration of Human Rights. Heed our warning—if human and national rights, freedom of thought and religious worship are not defended, not only by us who are already suffering persecution, but by all of the civilized world, then total terror will spread throughout the world, because the Russian chauvinists and Communists will not be satisfied with what they already have.

We are calling on workers, writers, artists, scholars, students and the youth, women's and church organizations, and honest people of all nations to demand an immediate end to the use of chemical and mind-twisting drugs on prisoners, release of all political and religious prisoners, liquidation of concentration camps, an end to the policy of Russification, and the establishment of national independence for the peoples held captive by the USSR, in accordance with the U.N. Charter and the Universal Declaration of Human Rights.

HOUSE JOINT RESOLUTION 727

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Mr. HANLEY. Mr. Speaker, yesterday, I reluctantly voted against House Joint

Resolution 727, a resolution making continuing appropriations for the present fiscal year. I say reluctantly because I have the greatest respect for the diligence and energy and good judgment of the House Appropriations Committee.

I supported the necessity of establishing some form of hold harmless for local school districts which are ready and actually implementing compensatory education programs this year. Guaranteeing them at least 85 percent of the amounts available to them last year was a practical response to the dilemma we face.

I understand the idea that a compromise was necessary with the Senate and that the 115 percent ceiling was accepted by the House conferees in the spirit of compromise. As far as I can see, the ceiling will require that those States who, by virtue of the fact that they have more eligible children, would have received the largest increases, will share a much larger cut in the total ESEA amounts.

It makes no sense to me to take a disproportionately large amount of money away from those States who have the largest number of disadvantaged children. For this reason, I voted against the measure. It is a protest vote, cast in the knowledge that the measure would pass by an overwhelming majority.

KISSINGER AT PACEM IN TERRIS CONFERENCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention the important address given by Secretary Kissinger at this week's Pacem in Terris Conference here in Washington.

Secretary Kissinger noted that the renewed fighting in the Middle East indicates how elusive peace on earth is, but he also noted that:

> We are at one of those rare moments where through a combination of fortuitous circumstances and design man seems in a position to shape his future. What we need is the confidence to discuss issues without bitter strife, the wisdom to define together the nature of our world as well as the vision to chart together a more just future.

The complete address follows:

TEXT OF SPEECH OF THE HONORABLE HENRY A. KISSINGER

THE NATURE OF THE NATIONAL DIALOG

This is an important anniversary. A year ago today—on October 8—came the breakthrough in the Paris negotiations which led soon afterward to the end of American military involvement in Viet-Nam. It is strangely difficult now to recapture the emotion on that moment of hope and uncertainty when suddenly years of suffering and division were giving way to new possibilities for reconciliation.

We meet, too, at a time when renewed conflict in the Middle East reminds us that international stability is always precarious and never to be taken for granted. Pacem in Terris remains regrettably elusive. However well we contain this crisis, as we have contained others, we must still ask ourselves what we seek beyond the management of conflict.

The need for a dialogue about national purposes has never been more urgent and no assembly is better suited for such a discussion that those gathered here tonight.

Dramatic changes in recent years have transformed America's position and role in the world:

For most of the postwar period America enjoyed predominance in physical resources and political power. Now like most other nations in history, we find that our most difficult task is how to apply limited means to the accomplishment of carefully defined ends. We can no longer overwhelm our problems; we must master them with imagination, understanding and patience.

For a generation our preoccupation was to prevent the Cold War from degenerating into a hot war. Today, when the danger of global conflict has diminished, we face the more profound problem of defining what we mean by peace and determining the ultimate purpose of improved international relations.

For two decades the solidarity of our alliances seemed as constant as the threats to our security. Now our allies have regained strength and self-confidence, and relations with adversaries have improved. All this has given rise to uncertainties over the sharing of burdens with friends and the impact of reduced tensions on the cohesion of alliances.

Thus even as we have mastered the art of containing crises, our concern with the nature of a more permanent international order has grown. Questions once obscured by more insistent needs now demand our attention: What is true national interest? To what end stability? What is the relationship of peace to justice?

It is characteristic of periods of upheaval that to those who live through them, they appear as a series of haphazard events. Symptoms obscure basic issues and historical trends. The urgent tends to dominate the important. Too often goals are presented as abstract utopias, safe-havens from pressing events.

But a debate to be fruitful must define what can reasonably be asked of foreign policy and at what pace progress can be achieved. Otherwise it turns into competing catalogues of the desirable rather than informed comparisons of the possible. Dialogue degenerates into tactical skirmishing.

The current public discussion reflects some interesting and significant shifts in perspective:

A foreign policy once considered excessively moralistic is now looked upon by some as excessively pragmatic.

The Government was criticized in 1969 for holding back East-West trade with certain countries until there was progress in their foreign policies. Now we are criticized for not holding back East-West trade until there are changes in those same countries' domestic policies.

The Administration's foreign policy once decried as too cold-war oriented is now attacked as too insensitive to the profound moral antagonism between Communism and freedom.

One consequence of this intellectual shift is a gap between conception and performance on some major issues of policy:

The desirability of peace and detente is affirmed but both the inducements to progress and the penalties to confrontation are restricted by legislation.

Expressions of concern for human values in other countries are coupled with failure to support the very programs designed to help developing areas improve their economic and social conditions.

The declared objective of maintaining a responsible American international role clashes with nationalistic pressures in trade and monetary negotiations and with calls for unilateral withdrawal from alliance obligations.

It is clear that we face genuine moral dilemmas and important policy choices. But it is also clear that we need to define the framework of our dialogue more perceptively and understandingly.

THE COMPETING ELEMENTS OF FOREIGN POLICY

Foreign policy must begin with the understanding that it involves relationships between sovereign countries. Sovereignty has been defined as a will uncontrolled by others; that is what gives foreign policy its contingent and ever incomplete character.

For disagreements among sovereign states can be settled only by negotiation or by power, by compromise or by imposition. Which of these methods prevails depends on the values, the strengths and the domestic systems of the countries involved. A nation's values define what is just; its strength determines what is possible; its domestic structure decides what policies can in fact be implemented and sustained.

Thus foreign policy involves two partially conflicting endeavors: defining the interests, purposes and values of a society and relating them to the interests, purposes and values of others.

The policy maker, therefore, must strike a balance between what is desirable and what is possible. Progress will always be measured in partial steps and in the relative satisfaction of alternative goals. Tension is unavoidable between values, which are invariably cast in maximum terms, and efforts to promote them, which of necessity involve compromise. Foreign policy is explained domestically in terms of justice. But what is defined as justice at home becomes the subject of negotiation abroad. It is thus no accident that many nations, including our own, view the international arena as a forum in which virtue is thwarted by the clever practice of foreigners.

In a community of sovereign states, the quest for peace involves a paradox: the attempt to impose absolute justice by one side will be seen as absolute injustice by all others; the quest for total security for some turns into total insecurity for the remainder. Stability depends on the relative satisfaction and therefore also the relative dissatisfaction of the various states. The pursuit of peace must therefore begin with the pragmatic concept of coexistence—especially in a period of ideological conflict.

We must, of course, avoid becoming obsessed with stability. An excessively pragmatic policy will be empty of vision and humanity. It will lack not only direction, but also roots and heart. General de Gaulle wrote in his memoirs that "France cannot be France without greatness." By the same token America cannot be true to itself without moral purpose. This country has always had a sense of mission. Americans have always held the view that America stood for something above and beyond its material achievements. A purely pragmatic policy provides no criteria for other nations to assess our performance and no standards to which the American people can rally.

But when policy becomes excessively moralistic it may turn quixotic or dangerous. A presumed monopoly on truth obstructs negotiation and accommodation. Good results may be given up in the quest for every elusive ideal solutions. Policy may fall prey to ineffectual posturing or adventuristic crusades.

The prerequisite for a fruitful national debate is that the policy makers and critics appreciate each other's perspectives and respect each other's purposes. The policy maker must understand that the critic is obliged to stress imperfections in order to challenge assumptions and to goad actions. But equally the critic should acknowledge the complexity and inherent ambiguity of the policy maker's choices. The policy maker must be concerned with the best that can be achieved, not just the best than can be imagined. He has to act in a fog of incomplete knowledge without the information that will be available later to the analyst. He knows—or should know—that he is responsible for the consequences of disaster as well as for the benefits of success. He may have to qualify some goals not because they would be undesirable if reached, but because the risks of failure outweigh potential gains. He must often settle for the gradual, much as he might prefer the immediate. He must compromise with others, and this means to some extent compromising with himself.

The outsider demonstrates his morality by the precision of his perceptions and the loftiness of his ideals. The policy maker expresses his morality by implementing a sequence of imperfections and partial solutions in pursuit of his ideals.

There must be understanding, as well, of the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable. New relationships in a fluid transitional period—such as today—are delicate and vulnerable; they must be nurtured if they are to thrive. We cannot pull up young shoots periodically to see whether the roots are still there or whether there is some marginally better location for them.

We are now at such a time of tenuous beginnings. Western Europe and Japan have joined us in an effort to reinvigorate our relationships. The Soviet Union has begun to practice foreign policy—at least partially—as a relationship between states rather than as international civil war. The People's Republic of China has emerged from two decades of isolation. The developing countries are impatient for economic and social change. A new dimension of unprecedented challenges—in food, oceans, energy, environment—demands global cooperation.

We are at one of those rare moments where through a combination of fortuitous circumstances and design man seems in a position to shape his future. What we need is the confidence to discuss issues without bitter strife, the wisdom to define together the nature of our world as well as the vision to chart together a more just future.

DETENTE WITH THE SOVIET UNION

Nothing demonstrates this need more urgently than our relationship with the Soviet Union.

This Administration has never had any illusions about the Soviet system. We have always insisted that progress in technical fields, such as trade, had to follow—and reflect—progress toward more stable international relations. We have maintained a strong military balance and a flexible defense posture as a buttress to stability. We have insisted that disarmament had to be mutual. We have judged movement in our relations with the Soviet Union, not by atmospherics, but by how well concrete problems are resolved and by whether there is responsible international conduct.

Coexistence to us continues to have a very precise meaning:

We will oppose the attempt by any country to achieve a position of predominance either globally or regionally.

We will resist any attempt to exploit a policy of detente to weaken our alliances.

We will react if relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots.

The Soviet Union cannot disregard these principles in any area of the world without imperiling its entire relationship with the United States.

On this basis we have succeeded in transforming U.S.-Soviet relations in many important ways. Our two countries have concluded an historic accord to limit strategic arms. We have substantially reduced the risk of direct U.S.-Soviet confrontation in crisis areas. The problem of Berlin has been resolved by negotiation. We and our allies have engaged the Soviet Union in negotiations on major issues of European security including a reduction of military forces in Central Europe. We have reached a series of bilateral agreements on cooperation—health, environment, space, science and technology, as well as trade. These accords are designed to create a vested interest in cooperation and restraint.

Until recently the goals of detente were not an issue. The necessity of shifting from confrontation toward negotiation seemed so overwhelming that goals beyond the settlement of international disputes were never raised. But now progress has been made—and already taken for granted. We are engaged in an intense debate on whether we should make changes in Soviet society a precondition for further progress—or indeed for following through on commitments already made. The cutting edge of this problem is the Congressional effort to condition most-favored-nation trade status for other countries on changes in their domestic systems.

This is a genuine moral dilemma. There are genuine moral concerns—on both sides of the argument. So let us not address this as a debate between those who are morally sensitive and those who are not, between those who care for justice and those who are oblivious to humane values. The attitude of the American people and government has been made emphatically clear on countless occasions, in ways that have produced effective results. The exit tax on emigration is not being collected and we have received assurances that it will not be reapplied; hardship cases submitted to the Soviet Government are being given specific attention; the rate of Jewish emigration has been in the tens of thousands where it was once a trickle. We will continue our vigorous efforts on these matters.

But the real debate goes far beyond this: Should we now tie demands which were never raised during negotiations to agreements that have already been concluded? Should we require as a formal condition internal changes that we heretofore sought to foster in an evolutionary manner?

Let us remember what the MFN question specifically involves. The very term "most favored nation" is misleading in its implication of preferential treatment. What we are talking about is whether to allow normal economic relations to develop—of the kind we now have with over 100 other countries and which the Soviet Union enjoyed until 1951. The issue is whether to abolish discriminatory trade restrictions that were imposed at the height of the Cold War. Indeed, at that time the Soviet Government discouraged commerce because it feared the domestic impact of normal trading relations with the West on its society.

The demand that Moscow modify its domestic policy as a precondition for MFN or detente was never made while we were negotiating; now it is inserted after both sides have carefully shaped an overall mosaic. Thus it raises questions about our entire bilateral relationship.

Finally the issue affects not only our relationship with the Soviet Union, but also with many other countries whose internal structures we find incompatible with our own. Conditions imposed on one country could inhibit expanding relations with others, such as the People's Republic of China.

We shall never condone the suppression of fundamental liberties. We shall urge humane principles and use our influence to promote justice. But the issue comes down to the limits of such efforts. How hard can we press without provoking the Soviet leadership into returning to practices in its foreign policy that increase international tensions? Are we ready to face the crises and increased defense budgets that a return to Cold War conditions would spawn? And will this encourage full emigration or enhance the well-being or nourish the hope for liberty of the peoples of Eastern Europe and the Soviet Union? Is it detente that has prompted repression—or is it detente that has generated the ferment and the demand for openness which we are now witnessing?

For half a century we have objected to communist efforts to alter the domestic structures of other countries. For a generation of Cold War we sought to ease the risks produced by competing ideologies. Are we now to come full circle and insist on domestic compatibility as a condition of progress?

These questions have no easy answers. The government may underestimate the margin of concessions available to us. But a fair debate must admit that they are genuine questions, the answers to which could affect the fate of all of us.

Our policy with respect to detente is clear: We shall resist aggressive foreign policies. Detente cannot survive irresponsibility in any area, including the Middle East. As for the internal policies of closed systems the United States will never forget that the antagonism between freedom and its enemies is part of the reality of the modern age. We are not neutral in that struggle. As long as we remain powerful we will use our influence to promote freedom, as we always have. But in the nuclear age we are obliged to recognize that the issue of war and peace also involves human lives and that the attainment of peace is a profound moral concern.

THE WORLD AS IT IS AND THE WORLD WE SEEK

Addressing the United Nations General Assembly two weeks ago, I described our goal as a world where power blocs and balances are no longer relevant; where justice, not stability, can be our overriding preoccupation; where countries consider cooperation in the world interest to be in their national interest.

But we cannot move toward the world of the future without first maintaining peace in the world as it is. These very days we are vividly reminded that this requires vigilance and continuing commitment.

So our journey must start from where we are now. This is a time of lessened tension, of greater equilibrium, of diffused power. But if the world is better than our earlier fears, it still falls far short of our hopes. To deal with the present does not mean that we are content with it.

The most striking feature of the contemporary period—the feature that gives complexity as well as hope—is the radical transformation in the nature of power. Throughout history power has generally been homogeneous. Military, economic and political potential were closely related. To be powerful a nation had to be strong in all categories. Today the vocabulary of strength is more complex. Military muscle does not guarantee political influence. Economic giants can be militarily weak, and military strength may not be able to obscure economic weakness. Countries can exert political influence even when they have neither military nor economic strength.

It is wrong to speak of only one balance of power, for there are several which have to be related to each other. In the military sphere, there are two super powers. In economic terms, there are at least five major groupings. Politically, many more centers of influence have emerged; some 80 new nations have come into being since the end of World War II and regional groups are assuming ever increasing importance.

Above all, whatever the measure of power, its political utility has changed. Throughout history increases in military power—however slight—could be turned into specific political advantage. With the overwhelming arsenals of the nuclear age, however, the pursuit of marginal advantage is both pointless and potentially suicidal. Once sufficiency is reached, additional increments of power do not translate into usable political strength; and attempts to achieve tactical gains can lead to cataclysm.

This environment both puts a premium on stability and makes it difficult to maintain. Today's striving for equilibrium should not be compared to the balance of power of previous periods. The very notion of "operating" a classical balance of power disintegrates when the charge required to upset the balance is so large that it cannot be achieved by limited means.

More specifically, there is no parallel with the nineteenth century. Then, the principal countries shared essentially similar concepts of legitimacy and accepted the basic structure of the existing international order. Small adjustments in strength were significant. The "balance" operated in a relatively confined geographic area. None of these factors obtain today.

Nor when we talk of equilibrium do we mean a simplistic mechanical model devoid of purpose. The constantly shifting alliances that maintained equilibrium in previous centuries are neither appropriate nor possible in our time. In an age of ideological schism the distinction between friends and adversaries is an objective reality. We share ideals as well as interests with our friends, and we know that the strength of our friendships is crucial to the lowering of tensions with our opponents.

When we refer to five or six or seven major centers of power, the point being made is not that others are excluded but that a few short years ago everyone agreed that there were only two. The diminishing tensions and the emergence of new centers of power have meant greater freedom of action and greater importance for all other nations.

In this setting, our immediate aim has been to build a stable network of relationships that offers hope of sparing mankind the scourages of war. An interdependent world community cannot tolerate either big power confrontations or recurrent regional crises.

But peace must be more than the absence of conflict. We perceive stability as the bridge to the realization of human aspirations, not an end in itself. We have learned much about containing crises, but we have not removed their roots. We have begun to accommodate our differences, but we have not affirmed our commonality. We may have improved the mastery of equilibrium, but we have not yet attained justice.

In the encyclical for which this conference is named, Pope John sketched a greater vision. He foresaw "that no political community is able to pursue its own interests and develop itself in isolation" for "there is a growing awareness of all human beings that they are members of a world community."

The opportunities of mankind now transcend nationalism, and can only be dealt with by nations acting in concert:

For the first time in generations mankind is in a position to shape a new and peaceful international order. But do we have the imagination and determination to carry forward this still fragile task of creation?

For the first time in history we may have the technical knowledge to satisfy man's basic needs. The imperatives of the modern world respect no national borders and must inevitably open all societies to the world around them. But do we have the political will to join together to accomplish this great end?

If this vision is to be realized, America's active involvement is inescapable. History will judge us by our deeds, not by our good intentions.

But it cannot be the work of any one country. And it cannot be the undertaking of any one Administration or one branch of government or one party. To build truly is to chart a course that will be carried on by future leaders because it has the enduring support of the American people.

So let us search for a fresh consensus. Let us restore a spirit of understanding between the legislative and the executive, between the government and the press, between the people and their public servants. Let us learn once again to debate our methods and not our motives, to focus on our destiny and not on our divisions. Let us all contribute our different views and perspectives but let us, once again, see ourselves as engaged in a common enterprise. If we are to shape a world community we must first restore community at home.

With Americans working together, America can work with others toward man's eternal goal of a Pacem in Terris—peace abroad, peace at home and peace within ourselves.

CHRISTOPHER COLUMBUS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. CONTE. Mr. Speaker, five centuries ago, it was a widely accepted belief that the world was flat, and that any mariner who was foolhardy enough to sail out too far from land would either fall off the edge or be devoured by monsters, or both.

In 1492, however, a bold Italian sailor named Christopher Columbus challenged this belief. He was a man with the vision to see the world differently, and the courage to risk his life for his belief.

As an American of Italian descent, I naturally take a great deal of pride in the achievements of Christopher Columbus. His accomplishments, however, are something that all Americans should be proud of. His actions give a clear example of a great man who reached out into the unknown in pursuit of knowledge and truth, even in the face of unfavorable public opinion.

We can praise Christopher Columbus for the results of his explorations. His discovery of the Western Hemisphere doubled the size of the known world. Until that recent time when men adventure through space to other planets, Columbus must certainly rank as the greatest explorer in the history of mankind.

We can praise Columbus for his daring. He led an unwilling crew aboard three fragile sailing ships on a 33-day journey into an unknown ocean, peopled with all sorts of legendary monsters and dangers. In doing so, he demonstrated a spirit of courage and faith in the face of adversity, and of perseverance on behalf of just and worthwhile causes, that has become the backbone of the American way of life.

We can praise this great explorer for his sheer determination. His life from boyhood was dedicated to the project of sailing westward to find the Indies. He struggled against poverty, argued with geographers and sailors, and coped with court intrigues until he finally enlisted the enthusiastic support of a queen and her court treasurer. He kept his rebellious and fearful crew on their westward course until his ships reached what he supposed to be the Indies of his dreams.

We can praise Columbus for his noble motives. Without a thought of personal gain, he sailed forth into the void in the service of his queen and fellow men.

We can praise him for all of this, and more, but it is the spirit of this explorer even more than his achievements, that personifies his greatness. He set a standard for this Nation which even now challenges us to step forward courageously in the defense of our convictions and not to fear the possibility of seeking new answers in the unknown. For, as long as there are men whose spirit drives them to seek the truth, there will be great cultures in which to learn and prosper.

CITY OF SAVANNAH, GA., AND CASIMIR PULASKI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HELSTOSKI. Mr. Speaker, last Sunday, October 7, the Fourth Degree Knights of Columbus of Savannah, Ga., held impressive ceremonies observing the 194th anniversary of the death of the siege of Savannah in which Casimir Pulaski, a Polish nobleman, serving in America's fight for freedom, was shot and killed.

I am pleased to know that the Savannah Historical Sites and Monuments Commission is attempting to restore the battlefield site, and already has title to a small acreage of land and some historical buildings. There is still available about 50 additional acres for this project.

I fully support the idea of such a restoration and hope that some means will be found to accomplish the restoration of the battlefield as an example of our appreciation of the contributions made by ethnic idealists who fought for our cause for freedom.

Mr. Speaker, in conjunction with my

remarks, I wish to include the attached correspondence from the mayor pro tempore of the city of Savannah supporting the idea of establishing the battlefield to its original state and complete action on this project in time for America's bicentennial.

The letter follows:

CITY OF SAVANNAH, GA.,
October 11, 1973.

DEAR CONGRESSMAN: Impressed by your comments in the CONGRESSIONAL RECORD on Polish contributions to the United States and the sacrifice of such noblemen as Casimir Pulaski on the altar of American freedom, I thought you would like to know that Savannah did not let the observance pass unnoticed.

Fourth Degree Knights of Columbus held impressive ceremonies on Sunday, October 7th at the Pulaski Monument, located in a beautiful Savannah park. U.S. District Judge Alexander A. Lawrence, historian, author and student of the law, was the speaker. As Mayor Protem, I introduced him.

Monsieur de la Gorce, minister plenipotentiary of France, and the French consul general from New Orleans were also here for the observance of the 194th anniversary of the Siege of Savannah in which Pulaski was killed, along with more than 1,000 Frenchmen. The battlefield is only a few city blocks away from the monument.

Speakers at the various functions brought out details of Pulaski's heroic death, and how the loss of his religious scapulars, had given him a premonition of his impending death.

LaFayette was in Savannah in 1825 to lay the cornerstone for a Pulaski monument. He noted at the cornerstone laying ceremony that he had introduced Pulaski to the American Army, had introduced him to the commander in chief, George Washington, and now some 46 years later he was participating in a ceremony at a monument to the gallant Pole.

The Savannah Historic Site and Monuments Commission after a ten-year struggle has a toe-hold to restore the battlefield site. They now have title to 5.6 acres and also some nationally rated historic buildings. About 50 additional acres are available. The French are interested in some form of participation in the project which is in close proximity to I-16 and I-95.

It would be fitting if this project could reach fruition by the time of America's Bicentennial. This was the site of one of the bloodiest battles of the Revolution, and a great example of the ethnic contribution to American freedom by Poles, French, Irish and others who gave their lives in this battle. Why not a national monument, like Andersonville?

Thus would be created a site of great pride for Polish Americans who would want to visit the battlefield during their travels on the two major Interstate Highways.

Permit me to echo the warm sentiments you have expressed on the part Polish-Americans played in making America great.

Sincerely,

FRANK P. ROSSITER,
Mayor pro tempore.

4-H WEEK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. DORN. Mr. Speaker, it is fitting and proper that Congress and indeed the entire Nation, honor the 4-H Clubs of America. Members of 4-H are dedicated to and adhere to the basic principles of morality, ethics, and human relations so necessary to a truly great society. The four H's stand for head, heart, hands, and health and represent the wide range of 4-H Club activities.

Mr. Speaker, I have been personally associated over the years with the members of this outstanding organization. I have been impressed with their courtesy, good manners, and patriotism. They love America and its principles of representative government.

The 4-H Clubs were created as a part of the Smith-Lever Agricultural Extension Act, passed by the Congress in 1914. May I remind my colleagues that a great South Carolinian, Congressman A. Frank Lever, was an author of the act. Congressman Lever was interred on the campus of Clemson University, one of the Nation's greatest land-grant institutions which he supported with great devotion.

Mr. Speaker, the youth of our land are our most precious assets. We know that as each new generation of leadership takes its place the foundation for what is practiced in maturity will be what has been learned in its youth. The example of the 4-H organization has spread across the face of the Earth since its inception. More than 75 nations have adopted the basic 4-H plan to their own land. No finer ideals could be advanced by our Nation than the ideals of the 4-H organization.

Mr. Speaker, during National 4-H Week 1973 it is a special pleasure to pay tribute to the 4-H Clubs of America and to wish for these splendid young people the very best always.

PENNSYLVANIA GOVERNOR SUPPORTS H.R. 10036

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Housing Subcommittee of the Banking and Currency Committee this week began a month-long set of hearings on H.R. 10036, the Housing and Urban Development Act of 1973, as introduced by our colleagues LUD ASHLEY and BILL BARRETT, and the various housing and community development programs offered by the administration.

Today the subcommittee received excellent testimony in support of H.R. 10036 from the Hon. Milton Shapp, Governor of my State of Pennsylvania.

With his testimony, the Governor today reenforced the fact that he is one of the Nation's most knowledgeable and erudite State executives.

I commend his testimony to my colleagues. And I would like to include it in the RECORD at this time:

TESTIMONY OF GOV. MILTON J. SHAPP BEFORE THE SUBCOMMITTEE ON HOUSING OF THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND CURRENCY, WASHINGTON, D.C., OCTOBER 12, 1973

I appreciate the opportunity to appear before you today to testify on H.R. 10036, the proposed "Housing and Urban Development Act of 1973." The need for comprehensive legislation in this area is crucial, and I commend this committee for moving ahead with consideration of this proposal.

The events occurring since the national administration's cruel, abrupt and unjustified imposition of the moratorium on federally-subsidized housing programs last January have shown beyond a doubt that it is up to Congress to take the initiative in developing programs to house our low-and-moderate income citizens.

This is so because the Nixon administration, in my view, has shown itself to be completely incapable of addressing a domestic priority as vital as all others: decent housing for all Americans.

Mr. Chairman, before I offer my comments on H.R. 10036, I would like to make some brief comments on the administration's proposals. The President, as I mentioned a moment ago, imposed a moratorium on federally-assisted housing programs in January, contending that the existing programs hadn't worked and that new approaches were needed. The administration assured the nation that, if it would only wait patiently for a few months, all the problems of housing our low-and-moderate income families would be solved.

I might note here that we in Pennsylvania were not content to "wait." The Commonwealth of Pennsylvania initiated a suit in federal court last spring, contending that the moratorium was an illegal defiance of the will of Congress. Two separate federal courts upheld Pennsylvania's contention, and ordered the U.S. Department of Housing and Urban Development to immediately begin processing applications for subsidized housing. Only a last-minute order by Chief Justice Burger stayed the effect of the lower courts' order and now the court has agreed with the Chief Justice but the basic issue is yet to be resolved by the courts.

Last month, the Nixon administration finally offered its housing proposals to the Congress. In his message the President abandoned the national housing goals contained in the 1968 Housing Act, which committed the nation to the production of an average of 600,000 units a year for a ten-year period for low-and-moderate income families. Under the pretext of making greater use of "existing housing stock," the administration has announced its intention to discontinue any real effort to meet the goals set by Congress in 1968.

One of the most unfortunate features of the administration's proposals is the statement in a summary of the draft legislation which sets forth a "Congressional finding" that federally subsidized housing programs have not made an adequate contribution toward attaining the national housing goal of a decent home in a suitable living environment for every American family. Yet, in the four years before they were terminated by the administration, the two principal subsidized programs, the Section 235 home ownership program and the Section 236 rental program, produced one million housing units for low-and-moderate income families, the greatest number of such units produced in so short a time period in our history. The failure of these programs will be due to their suspension by the Nixon administration and not to any shortcomings in the programs themselves.

Obviously, without funding, which was ended by the administration, the programs can contribute nothing and they thereby become the failures the President claims them to be.

The President also proposes that direct housing allowances to low-income persons may be the answer to our housing needs, but he adds that a final decision on this approach won't be made until late 1974 or 1975. The President did not suggest what those families needing government-assisted housing are to do in the interim. I also have serious doubts about the usefulness in my state of a federal program of direct housing allowances to low-income families. What we need in Pennsylvania, and in most other areas of the nation, as well, is a production-oriented housing program to stimulate the construction of new housing. Housing allowances will not do this, and, in areas where the local housing market at present has few vacancies, there is an additional problem with the housing allowance method: giving money directly to low-income families might act as an inflationary pressure to drive up rents, since the lack of vacancies will deny any real housing choice to such families.

In offering my views now on the proposed "Housing and Urban Development Act of 1973," I want to note that Pennsylvania has long been a national leader among the states in the fields of community development and housing. We have been a full partner with the federal government in these areas, and we hope to remain so once the present difficulties with these programs have been resolved. To date, Pennsylvania has invested $6.8 million in housing assistance fund dollars to aid about 120 groups, and this has resulted in 8,778 units of federally-assisted housing in various stages of construction and occupancy, with a total mortgage value of about $164,675,000.

In January of 1973, the Appalachian Regional Commission released a report on housing development in the 11 states in which it is involved. In a section of the report dealing with "Suggestions for Program Improvement," the Commission said it wanted to "Encourage each state to establish and provide funding for an agency similar to the Pennsylvania Department of Community Affairs. This state agency has two assets that would, if utilized be helpful in many of the states in the Region." The two assets were identified as technical assistance to nonprofit sponsors and loans and grants.

During the past 22 years, Pennsylvania's community development program has provided one-half of the local share for federal urban renewal programs. Because of the non-cash credits given local communities, the state share has, as a practical matter, often amounted to 90 percent of the local cash contribution for such programs. Some $200 million in state funds have gone to some 80 city and county urban renewal authorities to assist over 600 urban renewal projects, and over $1.1 billion in federal urban renewal funds have come into Pennsylvania.

Following the disastrous flooding caused in my state last year by Tropical Storm Agnes, Pennsylvania also made available to flood-damaged communities $151 million in urban renewal appropriations, and $3 million in special housing assistance funds.

We have also created a Pennsylvania Housing Finance Agency, similar to those in other states, but with broader powers, to finance rental and purchase housing for moderate and middle income families. It was only in September of this year that we received a definitive court ruling, affirming the constitutionality of this agency's powers and we are now ready to go. The Agency expects to close its first loans within the next month and we expect it to be a major tool in our efforts to make more housing available in Pennsylvania.

As a general comment on H.R. 10036, I want to commend you, Mr. Chairman, and your colleague, Congressman Ashley, for your proposed legislation, which recognizes that community development and housing are closely linked, and must be treated as a joint process. For too long we have ignored the basic fact that we are only treating half the problem when we eliminate substandard housing units without also renewing the neighborhood surrounding the housing. This is a key difference between your legislation and that offered by the Nixon administration, the so-called "Better Communities Act," which makes no attempt to build communities or make them better.

I also applaud your provision to require state, local and county governments to file detailed funding applications showing that they have developed a comprehensive program to eliminate or prevent slums, blight and deterioration, and to provide adequate community facilities. Heavy emphasis has been placed, justifiably, on the provision of low-and-moderate-income housing.

This requirement of a detailed application meeting certain established national priorities is a sharp improvement over the Nixon administration proposal which would simply "dump" large amounts of cash on local communities, with no real guidance as to how the money would be used. The permanent "hold harmless" provision contained in H.R. 10036 is particularly welcome, since we in Pennsylvania have calculated that, once the "hold harmless" provision of the "Better Communities Act" has been phased out over a four-year period, total federal dollars coming into Pennsylvania will decrease substantially. In fiscal year 1975, for example, the Nixon administration legislation would distribute within Pennsylvania $184.1 million. By 1979, that sum will decrease to $132.4 million.

Also in positive contrast to the Nixon administration's policies, is your provision for interim funding of housing programs in the period before the block-grant provisions of H.R. 10036 become effective. The President's plan would, essentially, leave these needs unmet until 1975. I also endorse your call on Congress to fund existing categorical community development programs, as well, until new programs are enacted. The unacceptable alternative to such interim funding, and the one proposed by the administration, is to hold these existing housing and categorical community development programs "captive" while Congress debates the various community development proposals before it.

Now I want to offer some views which I believe represent those of most, if not all, of the members of the National Governors' Conference, on the importance of a major state role in the areas of community development and housing. The perspective of the state is simply broader and more comprehensive than that of an individual community or county, and, in Pennsylvania, we have not hesitated to use our leverage through various programs such as urban renewal to urge localities to do certain things, such as to control development on the unprotected 100-year flood plain along Pennsylvania's rivers.

For example, following last year's flood in the Wilkes-Barre area, the feeling of some local officials was that the most important flood-recovery priorities were to save the business structure and the tax base of the affected communities, even if that meant rebuilding on the flood plain, and, to some extent, placing the needs of individual citizens in a lower priority.

With the leverage of the millions of dollars in state urban renewal grants, we in Pennsylvania have been able to bring about some changes in these priorities, and I think that the people who live in these flood-ravaged communities may be better protected in the years ahead as a result of our efforts.

We support 100 percent federal funding of community development costs. But, the side effect of total federal funding will be to deny Pennsylvania the leverage it now has to discourage such things as exclusionary development practices and poor flood plain development practices. We hope, therefore, that the community development and housing legislation as finally adopted by Congress, from the point of view of the states, will contain strong provisions for state monitoring of allocations. In short, we believe that the states should continue to be able to apply incentives for sound community development based on housing needs and social and economic factors.

There is another aspect of state involvement in community development which I would like to mention briefly. Senate Bill 268, the "Land Use Policy Planning Assistance Act," passed the U.S. Senate earlier this year by a wide margin. If, as expected, this or similar legislation is also approved by the House of Representatives, enormously important land use planning responsibilities would be assigned to the states, and substantial federal funds for land use planning by the states would be authorized.

Pennsylvania supports the passage of a federal land use policy act, and is anxious to accept the planning responsibilities such legislation would give to the state. However, in line with the thoughts I have just expressed I believe that there is a major incongruity, once the relevance of community development and housing to land use is noted, in assigning these enormous responsibilities to the states, while, at the same time, providing for direct funding of most community development and housing programs directly to local communities. Thus, while the states will be asked to prepare land use plans under S.B. 268 or similar legislation, at the same time massive amounts of money that will be used to implement these plans will go directly to local communities with no real monitoring, review, or control by the states. Gentlemen, they just won't work, and the concept must be changed to give the states the power to both make and implement these policies.

Consistent with these comments, I want to offer a specific suggestion which I think would go a long way in aiding the states in having a strong role in carrying out the goals of H.R. 10036. We feel that, in many cases, the small, fragmented nature of local government outside the major cities in our metropolitan areas is going to prevent these local governments from effectively carrying out the requirements imposed by H.R. 10036 as a condition to receiving housing and community development block grants. Where there is failure to carry out the requirements, the funds would be withheld by the federal government. As we read the provisions of H.R. 10036, the Secretary of the Department of Housing and Urban Development would have *discretion* in allocating these unused monies. We believe it is important to *require* the Secretary to allocate to the state such funds as have been withheld from communities in metropolitan areas. After all, the monies were originally intended for use in that state. Failure to require this, we believe, could result in money originally allocated for one state going to another state because of the failure of local communities to meet the requirements of H.R. 10036.

We would also like to see stronger emphasis in H.R. 10036 on the need for total metropolitan area planning. This would be a partial solution to the problem of fragmented local governments which lack the technical and administrative skills to meet the requirements for either the community development or housing grants.

In the area of housing, we are pleased that you have recognized the need to maintain production of new housing for low-and-moderate-income families, as well as the need to utilize what is available in the current housing stock of the nation. Nonetheless, our feeling is that there are a number of technical difficulties with the Section 402 and Section 502 Programs as contained in H.R. 10036. The Ad Hoc Task Force on Housing of the National Governors' Conference will submit a paper to this Subcommittee's staff dealing with these technical problems. This task Force has been working with the staff of the U.S. Senate Subcommittee on Housing for some time, and I am sure it can offer useful assistance to this Subcommittee's staff as well.

I have, however, one specific suggestion on the housing program which I would like to offer at this time. There is a need for a long-term federal commitment to programs to house our low-and-moderate-income families. However, we do not believe that this need can be met by the three-year funding provisions of H.R. 10036. Without some form of long-term commitment, we see no practical way to implement the long-term subsidy commitments which state and local governments will view as one of the important ways to deal with housing problems. We suggest, therefore, that a portion of the block grant housing funds be in the form of long-term contract authority for the Section 402 and Section 502 programs.

I will now conclude with two additional comments on other provisions of H.R. 10036. First, I particularly want to commend the Chairman for his continuing efforts to secure compensation for those homeowners, mainly in Philadelphia, who were the blameless victims of the Federal Housing Administration's inability in administering the Section 221(d)(2) and Section 235 Used Housing programs.

Finally, I want to mention a recent study conducted by the Housing Assistance Council, a nonprofit organization seeking to increase the production of housing in the rural areas of the nation. That study showed that there has been a consistent bias in national housing policy against rural areas for many years. As an example, as of 1970, total federal expenditures for housing, excluding public housing and rent supplements, worked out to $91 per capita in metropolitan counties, $40 in non-metropolitan counties, and only $35 per capita in most rural counties.

In his recent housing message to Congress, President Nixon almost totally ignored rural housing, and I note that your legislation does not deal with the housing programs of the Farmers Home Administration. Nonetheless, I think we need to carefully consider our rural housing needs and to explore ways to increase housing production there. Often overlooked is the fact that some of the worst poverty is found in our rural areas which have few organized groups fighting for their interests.

In closing, I want to offer the services of the staff of the Pennsylvania Department of Community Affairs to you if there is any way in which their wide technical experience in housing and community development can be of assistance to you.

Thank you for this opportunity to offer my comments on H.R. 10036.

PULASKI DAY PARADE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. EILBERG. Mr. Speaker, On Sunday, I had the honor of participating in the Pulaski Day Parade in Philadelphia.

This day was set aside to pay tribute to Gen. Casimir Pulaski who saved the entire American Army at the Battle of Brandywine, and all of the Polish people who have helped to build our country.

Additionally, I want to give recognition to everyone responsible for making the Pulaski Day Parade such a tremendous success especially the guest of honor, Lt. Comdr. Charles P. Zuhoski, U.S. Navy, who was released from Hanoi on March 14 after being imprisoned for more than 5 years.

At this time I enter into the RECORD the remarks I made at the ceremonies following the parade:

We are here today to honor Count Casimir Pulaski, who gave his life for America's independence and the contributions of Polonia in general, which has done so much for this country.

Few people realize that Polish people were among the first settlers in the colonies and that they were the first to fight for their rights as citizens in this land.

On October 1, 1608, one year after the founding of the colony, a group of Polish settlers landed at Jamestown, Virginia. They were artisans and craftsmen who had been encouraged to come to the new world by the British so they could begin sending glass and wood products to England.

Although the British were dependent on the Poles for the financial success of the colony they decided that citizenship was a privilege reserved only for Englishmen so the Polish workers were denied the right to vote.

The same undemocratic spirit, unfortunately still survives in much of the world today. Too many persons, who falsely think themselves the best kind of Americans, sometimes look down on their fellow citizens forgetting that all the people in America, who are not Indians, are descendants of immigrants, whether they came here 300 or 30 years ago.

Well, the Polish colonists in Virginia protested. They said they were as good as anybody else in the colony and if they were not given their rights they would not work.

So they closed down the glass factory, the tar distillery, the soap works, the wood shops and, according to the records of the time, spent their days fishing and dancing the polka.

Perhaps you could call it the first strike in America, except that the Polonians were not quitting work on an employer.

They shut down their own industries and the commercial activity of the colony, the reason for its establishment, quickly came to an almost complete halt.

Except for the few pounds of tobacco, the colonists were beginning to export, practically all of the profits realized by the London company came from the re-sale of the products of the Polish industries.

The Jamestown government quickly realized that if it sent empty ships back to England, the consequences could be very unpleasant.

And so, the members of the Jamestown general assembly quickly declared their Polish fellow-colonists citizens with every right and equal representation.

It was this same desire for freedom and the right to govern themselves which later lead to the revolt of the Polish people against the foreign domination of their country.

It was during this fight that Pulaski gained fame as the hero of Czestochowa (Chestahova) and as a fighter for democracy.

After the unsuccessful fight in Poland, Pulaski was forced into exile. In Paris he met Benjamin Franklin who recommended him to General Washington.

As we all know, Pulaski was put in charge of the colonists small unit of cavalry which was to save the entire American army at the Battle of Brandywine.

Later he fought in the south and later died of wounds he received during a cavalry charge during the battle of Savannah.

Today we pay tribute to this great hero and to all of the Polish people who helped to make America great, but we must remember that when Pulaski fell in battle on October 11, 1779 while fighting for American liberties, Poland was not free.

Poland is still not free today. Its people cannot act as Polish patriots, nor openly cherish what is good and noble in Polish traditions.

Pulaski's cause was the cause of freedom. It is the eternal cause of mankind. In its steadfast pursuit lies the best hope of the world.

Thank you.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. HUNT. Mr. Speaker, it gives me great pleasure today to pay tribute to one of America's staunchest friends and allies, the Republic of China, on the occasion of their 62d anniversary.

A remarkable story can be told about these people. Twenty-four years ago, on December 8, the Nationalist Government moved to Taiwan when the Chinese Communist armies overran the mainland. In spite of the many hardships encountered by this young Government, the Republic of China is experiencing an astounding rate of economic growth. This, in spite of the fact that since 1965 they have received no economic aid from the United States.

This is the way they would have it. They do however need our support in other ways. They do not want to be cast aside in favor of the Communist Chinese, and rightly so. We not only have a moral obligation to the Nationalist Government, but the preservation of freedom for this island nation is in our own best interests.

The word "détente" is being bandied about a great deal these days, but it should not be achieved at the expense of our friends and allies. This indeed, would be a great tragedy.

LAND FOR CALIFORNIA INDIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. WALDIE. Mr. Speaker, the tragic history of the actions of the Federal Government toward the native Indians of this country has been well documented. During the years of westward expansion, the rights of Indians to property and to life itself were not respected.

Since that time, the record has not been that much better. Funding for programs that would aid in job training and placement, in upgrading the level of health care, in sponsoring the production of much-needed housing, and in developing educational programs to meet the special needs of these people has not been forthcoming.

At the conference of the State Bar of California last year the resolution which follows was passed. This resolution directs that Congress provide land for tribal Indians in California who presently have no land of their own.

Mr. Speaker, the full text of this resolution follows:

RESOLUTION 5-20 PROPOSED BY AUBREY GROSSMAN

Resolved, that the Conference of Delegates recommends to the Board of Governors of the State Bar of California that it memorialize Congress, as follows:

To the Congress of the United States:

It is the sentiment of the Bar of California that Congress should adopt a law which will provide a land base for all California Indian Tribes which presently have no, or an infinitesimal, land base.

STATEMENT OF REASONS

To an Indian Tribe a land base is absolutely indispensable for cultural, religious and economic reasons. In 1853 Indian Tribes held Indian Title to practically all of California. Beginning in that year all their land was taken from them; in order to accomplish it 90–95% of the Indians were wiped out; almost all of the Tribes were destroyed, together with their culture and language. This land was taken from them without their consent, and without the payment of a cent.

The Government proposes to pay its debt to the Indians by calculating the value of California (in 1853) land as 47 cents an acre. There are various ways to show how much this figure undervalues California in 1853. One simple way is to note that 50 times that much was taken out of California in gold alone. Because of the smallness of the payments and because none of the money goes to the Tribes, there is no possibility of any Tribes using this money to buy a land base.

The legalities are simple. In the Northwest Ordinance of 1787 the Government announced its policy toward Indian lands, as follows:

"The utmost good faith shall always be observed toward the Indians, their land and property shall never be taken from them without their consent, and in their property rights and liberty they shall never be invaded or disturbed."

Congress reenacted the statute, with only slight changes in wording, in 1789, 1804, 1834 and 1850. Various Presidents and their Commissioners of Indian Affairs reaffirmed this as the governing law.

The consent of Indian Tribes was usually obtained by treaties. Treaties were actually negotiated with the Indians of California, but the Senate refused to ratify them.

The United States Government is not without responsibility for the genocide against the California Indians. The description given this genocide by the great California historian, H. H. Bancroft, is:

"One of the Last Human Hunts of Civilization, and The Basest and Most Brutal of them all . . ."

The Federal Government's confession, delivered by the Secretary of the Interior, read as follows:

"It will be for Congress to determine what measure of compensation is due to the survivors of those more than one hundred thousand Indians who were done to death by the actions and laches of the guardian government between the years 1848 and 1880."

Most Indian Tribes have a land basis, pitiful and uneconomic as it may be. Most California Indian Tribes have no tribal land at all—and they should be given such a base. If it were not dictated by law, it would be required as a matter of simple justice and morality.

DIGEST

Digest: Indian Tribes; Land Base.

Proposes that Congress be memorialized to provide a land base for all California Indian tribes which presently do not have one.

A LOOK AT NO-FAULT DIVORCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mrs. GRIFFITHS. Mr. Speaker, Vera Glaser, in her third article of a series on no-fault divorce, examines the extent to which no-fault divorce is adding to our total welfare burden. Unquestionably, for many mothers with families who have been left alone by fathers not inclined by love or law to live up to support obligations, welfare becomes the answer. The article, which appeared in "The Miami Herald," follows:

NO-FAULT CAN LEAD TO POVERTY

(By Vera Glaser)

WASHINGTON.—Congress is closing in on deadbeat daddies.

The number of fathers who duck support obligations to their children is a national scandal.

And the trend toward "no-fault" divorce laws encourages nonpayment, some experts contend.

By removing any finding of guilt in a marriage breakup, the laws also remove any guidelines judges may have for bearing down on a spouse who simply walks away from an obligation.

CONGRESS SHOWS CONCERN

The result can be poverty for one, or both, partners.

Non-supporting fathers are nothing new, but as their numbers increase, Congress is showing concern.

"A major weakness of divorce laws is the ease with which a parent, usually a father, can avoid his court-imposed duty of child support," says Senator Henry Bellmon (R., Okla.).

"He can move to another state or get an unlisted telephone number. The full burden of supporting the children then falls on the mother, forcing many women into welfare."

Bellmon has introduced a bill to deduct child support directly from a parent's salary via the Social Security system.

Other bills in the hopper would make it a crime to leave the state to avoid paying child support, and would garnishee federal and military pay, if necessary, to collect.

Meanwhile, the number of poor families headed by women is rising, while that headed by men is falling, according to the U.S. Census.

What this means to the children is clear: Those in the male-headed poor families have a fifty-fifty chance of breaking out of poverty. Those in the female-headed families have virtually none.

Betty Spalding, chairwoman of the National Organization for Women's family task force, notes that the divorce rate has zoomed in states with "no-fault" laws and says:

"There is a direct relation between the number of divorces granted in a state and the size of its welfare rolls."

The biggest single item in the U.S. welfare budget is Aid to Families of Dependent Children (AFDC), which this year will cost almost $4 billion, paid out to about 11 million recipients.

California, the state with the most divorces, also leads the league on AFDC with 1.4 million recipients. The Legislature is considering payroll deductions for child support.

Within one year after their divorce decrees, only 38 per cent of fathers were in full compliance with court orders for child support, according to a 1955 study, the only statistical evidence available on child support payments, published by the Citizens Advisory Council on the Status of Women.

By the tenth year, 79 per cent of the fathers had stopped paying.

State agencies, with varying degrees of success, pursue collections for welfare mothers.

But the woman who tries to support her family without federal aid has to hire a lawyer and go to court if her husband reneges, something she can rarely afford.

She may need the support payments to cover day care while she works. Assuming she does shop for a lawyer, she will find them reluctant to take a small-bore case. The whole process can take weeks or months.

The only answer: welfare.

Recently Rep. Martha Griffiths (D., Mich.) asked a witness at the Joint Economic Committee, "To what extent does the enforcement of child support obligations force mothers onto welfare rolls?"

Witness Johnnie Tillmon of the National Welfare Rights organization replied:

"If he doesn't have to, the father will not pay. In a lot of states the amount ordered is not enough."

AFFLUENCE DOESN'T HELP

Mrs. Tillmon recalled that her husband, residing in Arkansas while she lived in California, had been required to pay $5 per week per child.

"The district attorney in California said it would cost too much money to track him down, that they would rather pay the $300 a month (welfare) to me."

Unmarried, unemployed, and low-income divorced mothers are more or less expected to populate the welfare rolls.

What is surprising are the affluent fathers who push their wives onto AFDC.

Doctors and lawyers in the $25,000-and-up bracket are child-support delinquents, according to a recent California study published by the Rand Corporation.

AFDC mothers who were called together for a discussion group were "apprehensive" about meeting each other, according to the report, because "each thought the others would be members of a culturally disadvantaged minority. They were in for a shock.

"Two were college graduates, one an ex-school teacher. Several had been secretaries, one an art major. Most had owned their own homes before a broken marriage."

The study charges that "Many judges and lawyers find child support cases boring, and some are naturally hostile to the concept of father's responsibility for children."

Under the law, both parents are equally liable for support of their children.

COVERING THE ESSENTIALS

Some men are seeking and winning custody of their children, and some women—like the Ohio clerk who was ordered recently to pay her ex-husband $50 a month toward support of their five children—are taking on new areas of responsibility.

But the proportion of those cases remains small.

Child support awards are usually based on the father's ability to pay and the mother's earning capacity. They average $15 to $30 per week per child. About $75 per month is typical in California.

The sums are to cover food and shelter. To get funds for medical, dental care or college, the mother has to go to court again.

ISRAEL-SYRIA CRISIS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, while Israel was preparing for prayer, Egypt and Syria were preparing for war. It had been 10 days since Rosh Hashanah, the start of the new year, 10 very significant days. These are the days during which God places the names of the children of Israel into the Book of Life. They are days of reaffirmation and rededication to God's laws, and they are days of extra devotion to living as God would have you live. Finally, at the end of that time, comes the day of atonement, Yom Kippur. This is the holiest of holy days. It is a day of prayer and fasting, and a day to seek forgiveness for past sins.

Yet, to Egypt and Syria, the new year had been a day to plan new bloodshed. The 10 days of reaffirmation, were days of rearmament, and the day of atonement was the day of attack. There can be no question as to who launched this vicious offensive. Egypt and Syria joined in plotting and executing one of the most blatent and outrageous violations of international and moral laws since World War II. There can be no justification for this brutal action.

Mr. Speaker, it is our responsibility, and indeed the responsibility of all peace loving nations, to serve clear notice to Egypt, Syria, and all other nations who are supporting this outrage, that they will gain nothing through their actions and that, in fact, they will lose a great deal. If Egypt and Syria expect to gain through their criminal and savage attacks, they are sadly mistaken. Full and unequivocal notice should be given immediately to that effect.

The United Nations and its members must stand ready to defend Israel's undeniable right to peaceful existence. It is also of paramount importance that those nations lending support to the Arab atrocities be placed on immediate notice. There can be no question that Russia is actively supporting the Arab assault by supplying massive amounts of weapons, missiles, and aircraft. Perhaps the recent visit by Secretary Shultz to Moscow convinced Russian leaders that America was not really all that concerned with the plight of those Jews wishing to emigrate to Israel, and was, therefore, not really all that concerned with Israel itself. Nothing is further from the truth. Mr. Speaker, I suggest that the time has come to send Secretary Shultz back to Moscow. I suggest that he make it clearly known that continued Soviet involvement in the Middle East will severely damage any trade agreements which they might hope for. While President Nixon and Secretary of State Kissinger were quick to take affirmative action in attempting to convince Egypt and Syria to cease hostilities and negotiate a speedy peace, Russia was taking swift action to supply the Arab nations with increased amounts of sophisticated and deadly armaments. This sort of action must be halted at once.

The long standing and firm friendship between the United States and Israel is highly cherished and we must take every step to restore peace to this valiant nation.

President Nixon must make sure that Israel receives sufficient weaponry, Phantom jets, tanks, et cetera to make up for losses suffered as a result of this surprise attack upon Israel.

THE CHILEAN TRAGEDY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. BADILLO. Mr. Speaker, the world recently viewed with great dismay and sorrow the tragic and bloody overthrow of President Salvador Allende of Chile by a military junta. This development was particularly troublesome because a freely elected government, in a nation with strong democratic traditions and a political armed forces, was summarily ousted by right-wing military elements.

Many of the policies pursued by the Allende government were not dissimilar from those of his predecessors, such as the gradual nationalization of certain industries. Dr. Allende and his advisers seemed to be trying to make an honest effort to effect needed, democratic social reforms and to achieve a more equitable distribution of wealth and resources among the people. While a number of the policies were not successful, a good deal of the blame for their failure must rest with the forceful opposition of the military, the ill-conceived intervention of large multinational corporations—most of which are based in North America—and the refusal of the U.S. Government to undertake a positive and cooperative policy with the Chilean Government.

Especially reprehensible are the policies now being pursued by the ruling junta in the wake of Dr. Allende's death and the revolt against his government. Aside from public book burnings, the dismissal of university presidents and other educators, the dissolution of the freely elected Congress and the outlawing of various political parties and publications, I am deeply troubled by the reports of mass arrests, mysterious deaths, mistreatment and execution of political prisoners and the inability of these prisoners to secure asylum in foreign embassies or to leave the country. The action being taken by the Chilean military junta against former government officials, students, intellectuals, opposition political leaders and others is clearly in violation of numerous international agreements and conventions to which Chile is a party.

I am hopeful that these repressive and dictatorial policies—which certainly warrant condemnation by men of good will throughout the world—are only transitional and that the ruling junta will soon come to the realization that they are only serving to besmirch Chile's image in the world and needlessly exacerbate an already very tense situation.

For its part the United States should do what it can to make certain that the Chilean rulers reconsider many of its present policies and redirect its priorities and energies toward restoring meaningful reforms, stability, democratic procedures and internal harmony in that very troubled land. Further, this country and other nations should insure, through existing international mechanisms, that all political prisoners will be accorded fair, humane and just treatment and that there will be a prompt end to senseless killings and recriminations.

Mr. Speaker, the sad state of affairs in Chile was very aptly described in a recent New York Times editorial. I submit this editorial herewith, for inclusion in the RECORD, and express the hope that the persent Chilean regime will once again allow democracy to prevail throughout the country:

[From the New York Times, Oct. 7, 1973]

CHILE: STILL OFF COURSE

Chile's military rulers are launching a worldwide publicity campaign to explain why they felt compelled to destroy the elected Government of President Allende and to try to purge the country of Marxist influences. They will discover, however, that their actions at home will always have far greater impact on their international standing than public relations efforts abroad.

It has been the military's home-front excesses—the executions, even if the numbers killed have been wildly exaggerated abroad; the mass arrests, many based on hearsay or grudges, the brutal treatment of detainees, now to well documented to admit of doubt; the deliberate stoking of xenophobia against all foreigners—these actions have blackened the once-enviable reputation of Chile's armed forces in the Americas and beyond.

In a country as bitterly polarized as Chile had become during the Allende Government's attempts to impose drastic Socialism opposed by the majority prompt pacification and reconciliation could not be expected. But the junta will surely render these imperative long-run goals impossible if it carries out what seems to be a plan to try every major figure of that Government within its reach before military tribunals on charges of treason.

The trial of Luis Corvalan, the Communists party secretary-general, is a case in point. Strange as it seems to those unfamiliar with Chilean politics, the Communists not only had played by the democratic rules but had been a force for moderation and compromise within the Allende coalition, repeatedly critical of the more revolutionary Socialists. In the absence of solid evidence in open court, the junta will have difficulty convincing the world that Mr. Corvalan was guilty.

Apart from its zeal to punish Allende associates and to root out Marxists, the junta has hinted at a long stretch of military rule under something like a corporate state structure. A new Constitution will reportedly provide for a continuing military role in government, including representation in legislative bodies. And in one of its most ominous actions, the junta is replacing all rectors of Chilean universities with military officers.

If it persists in measures so destructive of Chile's democratic tradition, the junta will court not merely the hostility abroad that seems to worry it but eventual disaster for itself at home. The hope must be that many of these actions are stopgap measures taken in haste and that the military leaders will ultimately reject the corporate state, opting instead for a return to democratic, constitutional government, with the armed forces returning to their traditional place on the sidelines.

PERSONAL EXPLANATION

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. BRECKINRIDGE. Mr. Speaker, due to a death in the family of a member of my staff in my district office in Lexington, Ky., I was unable to attend House proceedings on October 11, 1973.

Had I been present on the floor of the House on October 11, I would have voted in favor of House Joint Resolution 727, a bill providing further continuing appropriations for fiscal year 1974. I also would have voted in favor of H.R. 10614, the military construction authorization for fiscal year 1974.

In my absence I was given a live pair against recommitting the conference report on House Joint Resolution 727 to the conference committee, and a live pair in favor of final passage of the bill.

Since there were so few Members against the military construction authorization, H.R. 10614, I was unable to receive a live pair; however, I was given a general pair.

HOUSE OF REPRESENTATIVES—*Saturday, October 13, 1973*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If any of you lack wisdom, let him ask of God, who giveth to all men liberally; and it shall be given him.—James 1: 5.

"God give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor, men who will not lie;
Men who can stand before a demagog,
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking."

—JOSIAH GILBERT HOLLAND.

And now, O God, help us to make a wise decision regarding the nomination of our new Vice President, particularly since he is an honored Member of our own body. God bless GERRY FORD. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1973*.

GENERAL LEAVE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the transmittal of the letter from the President of the United States on the nomination of our colleague, GERALD R. FORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROPOSED MODIFICATION OF 25TH AMENDENT

Mr. GONZALEZ. Mr. Speaker, it is not my intention at this time to take this unanticipated half hour at this particular juncture. However, the reason I did make the request was because of an overriding sense of necessity to speak at this particular time with respect to, among other things, the announcement just received from the President.

I know that everybody is more or less in a congratulatory mood, particularly in this House and on this side of the Capitol. However, I must remind my associates and fellow citizens generally that there are many disturbing elements that should preoccupy our thoughts at this time.

The quick succession of events that have literally shaken everybody in the country I do not think will be removed permanently, or at least removed from this penumbra of suspicion and doubt that seems to permeate our country, particularly in the highest offices. I think it solves the problem that was created by the manner in which the Vice President submitted his resignation, but since this matter has been referred to the Committee on the Judiciary, I think it is proper that we ought to remind this committee that not only should it consider this particular nomination submitted for its consideration, but it should look into the ominous aspects of the 25th amendment in the light of developments today.

There were some of us who opposed that amendment in 1966. There were some of us who spoke against it. I hate to say that some of the specific examples that we feared have come to pass.

Another section of the 25th amendment—and God forbid it—could easily be resorted to at this time in a way that we cannot foresee now. Therefore, I think it is very, very necessary that this committee examine not only the nomination but the need for the entire Congress and the Nation to reexamine whether or not we should modify this 25th amendment.

At the time it was being debated, I did not think that the committee or its chairman at that time were serious about its consideration because it had many, many escape hatches that were nebulous, that in unsettled times, as I said then, could confirm the fears of such men as Madison, who at the time they were deliberating in the Constitutional Convention the section on the Presidency were warning about "bold and venturesome men."

It seems to me that where it is possible in a setting of very unsettled and troubled times that we could have a cabal in the Cabinet reaching the conclusion that they wanted to rid themselves of the President, and two-thirds or three-fourths of the Cabinet could declare the President incapable of discharging his duties.

Therefore, I look with great misapprehension at this time to the continuation of our Nation's business without this committee seriously going into a revision and a modification of the 25th amendment.

We must not allow our enthusiasm over the nomination of our colleague to obscure our judgment. This is no time to lose sight of the critical situation our Nation faces, nor of the enormous potential for danger and mischief contained in the 25th amendment.

It is assuredly our duty to examine the nominee and render a judgment on his nomination. But it is also our responsibility to understand the Nation's difficulties and needs.

One such need is to modify the 25th amendment.

It would be possible in unsettled times for the Cabinet to assemble a cabal and declare the President incompetent, which God forbid. But if this did ever happen, we would be confronted with the necessity of determining how to establish a commission to determine the facts. In the midst of this sort of crisis, anything could happen, including a forceful takeover of the Presidency. For power does not exist in a vacuum; the creation of a crisis might lead to a still greater crisis.

It would be possible under the 25th amendment for a President to plot the downfall of the Vice President, or vice versa. This may never happen, but it is possible, and given the high stakes of the respective offices, we should beware of any device which would enable plots to take place.

We did not wish to think that this is possible, but in the past months we have seen clearly how willful men, seized of power, have willingly plotted to undermine the electoral process. We do not know what such people would have done had there been a strong contest for the Presidency. But we know this: we know that this country is capable of producing ruthless and unprincipled people, and putting such people in position of high responsibility, and we have seen what they are capable of doing. Who is to say that in less settled times such persons would not take advantage of the 25th amendment to seize power one way or another?

We need to think of the unthinkable. We have after all just witnessed unthinkable, astounding events. We need soberly to reflect on these events, and ponder what might have been, and whether we need to revise the 25th amendment.

The political crisis of the Nation is not all that we must consider. We must consider that problems undreamed of when the 25th amendment was enacted have come to pass, and must be taken into account. We cannot allow our warm feelings for a fellow Member interfere with our deeper responsibility to consider the constitutional crisis we face, and the potential flaws lying in the very amendment which it is now our duty to carry into effect.

Mr. Speaker, I yield back the balance of my time.

CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION, 1974

Mr. HÉBERT submitted the following conference report and statement on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-588)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized bv law, in amounts as follows:

Aircraft

For aircraft: for the Army, $168,000,000; for the Navy and the Marine Corps, $2,912,600,000 of which amount not to exceed $693,100,000 shall be available for an F-14 aircraft program of not less than 50 aircraft, subject to no increase being made in the ceiling price of $325,000,000 specified in the fiscal year 1974 F-14 contract between the Navy and the primary airframe contractor, except in accordance with the terms of such contract, including the clause providing for normal technical changes; for the Air Force, $2,964,635,000; *Provided*, That $158,800,000 of the funds available to the Air Force for aircraft procurement shall be available only for the procurement of twelve F-111F aircraft.

Missiles

For missiles: for the Army $565,000,000; for the Navy, $680,200,000; for the Marine Corps, $32,300,000; for the Air Force, $1,519,600,000.

Naval Vessels

For naval vessels: for the Navy, $3,737,000,000, of which sum $79,000,000 shall be only for the long lead-time items for the DLGN-41 and DLGN-42. The contracts for the DLGN-41 and the DLGN-42 shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $193,300,000; for the Marine Corps, $46,200,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $203,300,000.

Other Weapons

For other weapons: for the Army, $44,700,000; for the Navy, $37,100,000; for the Marine Corps, $700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,983,758,000;

For the Navy (including the Marine Corps), $2,670,749,000, of which amount $60,900,000 is authorized only for the Surface Effect Ships program;

For the Air Force, $3,034,800,000; and

For the Defense Agencies, $505,578,000, of which $24,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. (a) For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 803,806;
(2) The Navy, 566,320;
(3) The Marine Corps, 196,419;
(4) The Air Force, 666,357.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1974, shall be reduced by 43,000. Such reduction shall be apportioned among the Army, Navy, Marine Corps, and Air Force in such manner as the Secretary of Defense shall prescribe, except that in applying any portion of such reduction to any military department, the reduction shall be applied to the maximum extent practicable to the support forces of such military department. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the millitary departments and among the mission categories described in the Military Manpower Requirements Report. This report shall include the rationale for each reduction.

(c) The Committee on Armed Services of the House shall report to the House by April 1, 1974, a detailed and independent study on the advisability of maintaining our present military commitment to Europe in view of the current economic and military situation in Europe.

SEC. 302. In computing the authorized end strength for the active duty personnel of any component of the Armed Forces for any fiscal year, there shall not be included in the computation members of the Ready Reserve of such component ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code, or persons ordered to active duty for training.

SEC. 303. (a Section 673 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Whenever one or more units of the Ready Reserve are ordered to active duty, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to and retained on active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each unit as the President deems appropriate."

(b) The amendment made by subsection (a) of this section shall be effective with respect to any unit of the Ready Reserve ordered to active duty on or after the date of enactment of this Act.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1973, and ending June 30, 1974, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 379,144;

(2) The Army Reserve, 232,591;

(3) The Naval Reserve, 119,231;

(4) The Marine Corps Reserve, 39,735;

(5) The Air National Guard of the United States, 92,291;

(6) The Air Force Reserve, 49,773;

(7) The Coast Guard Reserve, 11,300.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—MILITARY TRAINING STUDENT LOADS

SEC. 501. (a) For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 89,200;

(2) The Navy, 75,800;

(3) The Marine Corps, 28,000;

(4) The Air Force, 55,100;

(5) The Army National Guard of the United States, 19,100;

(6) The Army Reserve, 59,900;

(7) The Naval Reserve, 17,400;

(8) The Marine Corps Reserve, 6,700;

(9) The Air National Guard of the United States, 4,600;

(10) The Air Force Reserve, 24,300;

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force prescribed in subsection (a) of this section for the fiscal year ending June 30, 1974, shall be reduced consistent with the overall reduction in manpower provided for in title III of this Act. Such reduction shall be apportioned among the Army, the Navy the Marine Corps, and the Air Force in such manner as the Secretary of Defense shall prescribe.

(7) the implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Public Law 92–129 and the implications for national policies of this change in the composition of the armed forces; and

(8) such other matters related to manpower as the Commission deems pertinent to the study and investigation authorized by this title.

POWERS OF THE COMMISSION

SEC. 703. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places as the Commission or such subcommittee or member may deem advisable.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) The Commission shall establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties under this title.

COMPENSATION OF THE COMMISSION

SEC. 704. Each member of the Commission shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of title 5, United States Code (including traveltime), during which he is engaged in the actual performance of his duties as a member of the Commission. Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

STAFF OF THE COMMISSION

SEC. 705. (a) The Commission shall appoint an Executive Director and such other personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; but personnel so appointed may not receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title 5.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

ADMINISTRATIVE SERVICES

SEC. 706. The Administrator of the General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF THE COMMISSION

SEC. 707. (a) The Commission shall, from time to time, submit interim reports to the Congress and to the President regarding its duties under this title, and shall include in any such reports its findings together with such recommendations for administrative or legislative action as the Commission considers advisable.

(b) The Commission shall submit its final report to the Congress and to the President not more than twenty-four months after the appointment of the Commission. Such report shall include all interim reports and the final findings and recommendations of the Commission.

(c) The Commission shall cease to exist sixty days after the submission of its final report.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 708. There are authorized to be appropriated to the Commission a sum not to exceed $2,500,000 to carry out the provisions of this title.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. Subsection (a)(1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $1,126,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1974 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 802. (a) The amount of $28,400,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs in excess of $1,700,000 on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $28,-

400,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $28,400,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $28,400,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 803. (a) Chapter 4 of title 10, United States Code, is amended by adding the following new sections after section 137 and inserting corresponding items in the chapter analysis:

"§ 138. Secretary of Defense: Annual authorization of appropriations for armed forces

"(a) No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for—

"(1) procurement of aircraft, missiles, or naval vessels;

"(2) any research, development, test, or evaluation, or procurement or production related thereto;

"(3) procurement of tracked combat vehicles;

"(4) procurement of other weapons; or

"(5) procurement of naval torpedoes and related support equipment;

unless funds therefor have been specifically authorized by law.

"(b) Congress shall authorize the personnel strength of the Selected Reserve of each reserve component of the armed forces. No funds may be appropriated for any fiscal year for the pay and allowances of members of any reserve component of the armed forces unless the personnel strength of the Selected Reserve of that reserve component for that fiscal year has been authorized by law.

"(c)(1) Congress shall authorize the end strength as of the end of each fiscal year for active-duty personnel for each component of the armed forces. No funds may be appropriated for any fiscal year to or for the use of the active-duty personel of any component of the armed forces unless the end strength for active-duty personnel of that component for that fiscal year has been authorized by law.

"(2) Congress shall authorize the end strength as of the end of each fiscal year for civilian personel for each component of the Department of Defense. No funds may be appropriated for any fiscal year to or for the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law.

"(3) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the annual active duty end strength level for each component of the armed forces for the next fiscal year and the annual civilian personnel end strength level for each component of the Department of Defense for the next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time. The justification and explanation shall specify in detail for all military forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit, the—

"(A) unit mission and capability;

"(B) strategy which the unit supports; and

"(C) area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

It shall also include a detailed discussion of (i) the manpower required for support and overhead functions within the armed forces and the Department of Defense, (ii) the relationship of the manpower required for support and overhead functions to the primary combat missions and support policies, and (iii) the manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

"(d)(1) Congress shall authorize the average military training student loads for each component of the armed forces. Such authorization is not required for unit or crew training student loads, but is required for student loads for the following individual training categories—

"(A) recruit and specialized training;

"(B) flight training;

"(C) professional training in military and civilian institutions; and

"(D) officer acquisition training.

No funds may be appropriated for any fiscal year for training military personnel in the training categories described in clauses (A)-(D) of any component of the armed forces unless the average student load of that component for that fiscal year has been authorized by law.

"(2) The Secretary of Defense shall submit to Congress a written report, not later than March 1 of each fiscal year, recommending the average student load for each category of training for each component of the armed forces for the next three fiscal years, and shall include in that report justification for, and explanation of, the average student loads recommended.

"§ 139. Secretary of Defense: Weapons development and procurement schedules for armed forces; reports; supplemental reports

"(a) The Secretary of Defense shall submit to Congress each calendar year, at the same time the President submits the budget to Congress under section 11 of title 31, a written report regarding development and procurement schedules for each weapon system for which fund authorization is required by section 138(a) of this title, and for which any funds for procurement are requested in that budget. The report shall include data on operational testing and evaluation for each weapon system for which funds for procurement are requested (other than funds requested only for the procurement of units for operational testing and evaluation, or long lead-time items, or both). A weapon system shall also be included in the annual report required under this subsection in each year thereafter until procurement of that system has been completed or terminated, or the Secretary of Defense certifies, in writing, that such inclusion would not serve any useful purpose and gives his reasons therefor.

"(b) The Secretary of Defense shall submit a supplemental report to Congress not less than thirty, or more than sixty, days before the award of any contract, or the exercise of any option in a contract, for the procurement of any such weapon system (other than procurement of units for operational testing and evaluation, or long lead-time items, or both), unless—

"(1) the contractor or contractors for that system have not yet been selected and the Secretary of Defense determines that the submission of that report would adversely affect the source selection process and notifies Congress in writing, prior to such award, of that determination, stating his reasons therefor; or

"(2) the Secretary of Defense determines that the submission of that report would otherwise adversely affect the vital security interests of the United States and notifies Congress in writing of that determination at least thirty days prior to the award, stating his reasons therefor.

"(c) Any report required to be submitted under subsection (a) or (b) shall include detailed and summarized information with respect to each weapon system covered, and specifically include, but not be limited to—

"(1) the development schedule, including estimated annual costs until development is completed;

"(2) the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed; and

"(3) to the extent required by the second sentence of subsection (a), the result of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such other testing and evaluation as has been conducted.

"(d) In the case of any weapon system for which procurement funds have not been previously requested and for which funds are first requested by the President in any fiscal year after the Budget for that fiscal year has been submitted to Congress, the same reporting requirements shall be applicable to that system in the same manner and to the same extent as if funds had been requested for that system in that budget."

(b) The following laws are repealed:

(1) section 412 of the Act of August 10, 1959, Public Law 86-149 (73 Stat. 322), as amended by section 2 of the Act of April 27, 1962, Public Law 87-436 (76 Stat. 55); section 610 of the Act of November 7, 1963, Public Law 88-174 (77 Stat. 329); section 304 of the Act of June 11, 1965, Public Law 89-37 (79 Stat. 128); section 6 of the Act of December 1, 1967, Public Law 90-168 (81 Stat. 526); section 405 of the Act of November 19, 1969, Public Law 91-121 (83 Stat. 207); sections 505 and 509 of the Act of October 7, 1970, Public Law 91-441 (84 Stat. 912, 913); section 701 of the Act of September 28, 1971, Public Law 92-129 (85 Stat. 362); and sections 302 and 604 of the Act of September 26, 1972, Public Law 92-436 (86 Stat. 736, 739); and

(2) section 506 of the Act of November 17, 1971, Public Law 92-156 (85 Stat. 429).

SEC. 804. Section 3(b) of Public Law 92-425 (86 Stat. 711) is amended by—

(1) striking out in the first sentence "before the first anniversary of that date" and inserting in lieu thereof "at any time within eighteen months after such date", and

(2) striking out in the second sentence "before the first anniversary of" and inserting in lieu thereof "at any time within eighteen months after".

SEC. 805. Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended for the purpose of carrying out directly or indirectly any economic or military assistance for or on behalf of North Vietnam unless specifically authorized by Act of Congress enacted after the date of the enactment of this Act.

SEC. 806. (a) The first section of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431), is amended by adding at the end of the following: "The authority conferred by this section may not be utilized to obligate the United States in any amount in excess of $25,000,000 unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed obligation and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such obligation. For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period."

(b) (1) The second sentence of section 302 of the Defense Production Act of 1950 (50 App. U.S.C. 2092) is amended by inserting "(1)" immediately after "except that" and by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "and (2) no such loan may be made in an amount in excess of $25,000,000 unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed loan and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congres has adopted, within such 60-day period, a resolution disapproving such loan."

(2) Section 302 of such Act is further amended by adding at the end thereof a new sentence as follows: "For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period."

(c) Section 2307 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Payments under subsection (a) in the case of any contract, other than partial, progress, or other payments specifically provided for in such contract at the time such contract was initially entered into, may not exceed $25,000,000 unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed payments and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such payments. For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period."

(d) (1) Section 18(a) of the Military Selective Service Act (50 U.S.C. App. 468) is amended by inserting before the period at the end of the first sentence a comma and the following: "except that no order which requires payments thereunder in excess of $25,000,000 shall be placed with any person, unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed order and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such order."

(2) Section 18(a) of such Act is further amended by inserting after the first sentence thereof a new sentence as follows: "For purposes of the preceding sentence, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period."

(e) The amendments made by this section shall not affect the carrying out of any contract, loan, guarantee, commitment, or other obligation entered into prior to the date of enactment of this section.

SEC. 807. None of the funds authorized for appropriation to the Department of Defense pursuant to this Act shall be obligated under a contract entered into after the date of enactment of this Act under any multiyear procurement as defined in section 1–322 of the Armed Services Procurement Regulations (as in effect on September 26, 1972) where the cancellation ceiling for such procurement is in excess of $5,000,000.

SEC. 808. The National Industrial Reserve Act of 1948 (62 Stat. 1225; 50 U.S.C. 451) is amended to read as follows: "That this Act may be cited as the 'Defense Industrial Reserve Act'.

"CONGRESSIONAL DECLARATION OF PURPOSE AND POLICY

"SEC. 2. In enacting this Act, it is the intent of Congress (1) to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned industrial plants and an industrial reserve of machine tools and other industrial manufacturing equipment may be assured for immediate use to supply the needs of the Armed Forces in time of national emergency or in anticipation thereof; (2) that such Government-owned plants and such reserve shall not exceed in number or kind the minimum requirements for immediate use in time of national emergency, and that any such items which shall become excess to such requirements shall be disposed of as expeditiously as possible; (3) that to the maximum extent practicable, reliance will be placed upon private industry for support of defense production; and (4) that machine tools and other industrial manufacturing equipment may be held in plant equipment packages or in a general reserve to maintain a high state of readiness for production of critical items of defense materiel, to provide production capacity not available in private industry for defense materiel, or to assist private industry in time of national disaster.

"DEFINITIONS

"SEC. 3. As used in this Act—

"(1) The term 'Secretary' means Secretary of Defense.

"(2) The term 'Defense Industrial Reserve' means (A) a general reserve of industrial manufacturing equipment, including machine tools, selected by the Secretary of Defense for retention for national defense or for other emergency use; (B) those industrial plants and installations held by and under the control of the Department of Defense in active or inactive status, including Government-owned/Government-operated plants and installations and Government-owned/contractor-operated plants and installations which are retained for use in their entirety, or in part, for production of military weapons systems, munitions, components, or supplies; (C) those industrial plants and installations under the control of the Secretary which are not required for the immediate need of any department or agency of the Government and which should be sold, leased, or otherwise disposed of.

"(3) The term 'plant equipment package' means a complement of active and idle machine tools, and other industrial manufacturing equipment held by and under the control of the Department of Defense and approved by the Secretary for retention to produce particular defense materiel or defense supporting items at a specific level of output in the event of emergency.

"DUTIES OF THE SECRETARY

"SEC. 4. To execute the policy set forth in this Act, the Secretary is authorized and directed to—

"(1) determine which industrial plants and installations (including machine tools and other industrial manufacturing equipment) should become a part of the defense industrial reserve;

"(2) designate what excess industrial property shall be disposed of;

"(3) establish general policies and provide for the transportation, handling, care, storage, protection, maintenance, repair, rebuilding, utilization, recording, leasing and security of such property;

"(4) direct the transfer without reimbursement of such property to other Government agencies with the consent of such agencies;

"(5) direct the leasing of any of such property to designated lessees;

"(6) authorize the disposition in accordance with existing law of any of such property when in the opinion of the Secretary such property is no longer needed by the Department of Defense; and

"(7) authorize and regulate the lending of any such property to any nonprofit educational institution or training school whenever (A) the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (B) such institution or school shall by agreement make such provision as the Secretary shall deem satisfactory for the proper maintenance and care of such property and for its return, without expense to the Government, upon request of the Secretary.

"REPORTS TO CONGRESS

"SEC. 5. The Secretary shall submit to the Congress on or before April 1 of each year a report detailing the action taken under this Act and containing such other pertinent information regarding the status of the defense industrial reserve as will enable the Congress to evaluate the administration of such reserve and the necessity or desirability for any legislative action regarding such reserve.

"AUTHORIZATIONS FOR APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary to enable the Secretary to carry out the provisions of this Act.".

Sec. 809. (a) The Secretary of Defense is authorized and directed to carry out a comprehensive study and investigation to determine the relative status of the Air Force Reserve and the Air National Guard of the United States. In carrying out such study and investigation the Secretary shall quantitatively measure the effects on full costs and on combat capability and readiness, as well as enumerate the military and other advantages and disadvantages of at least the following alternatives: (1) merging the Air Force Reserve into the Air National Guard structure; (2) merging the Air National Guard into the Air Force Reserve structure; and (3) retaining both the Air Force Reserve and the Air National Guard. Such study shall also consider and give equal weight to the modernization needs of the Air National Guard and the Air Force Reserve, including: (1) aircraft; (2) ground equipment; (3) facilities; (4) communication, and (5) other pertinent needs. It shall also consider the related problems of recruiting, training and retaining sufficient manpower of needed quality to man the authorized units.

(b) The Secretary of Defense shall submit to the President and the Congress a detailed report of such study and investigation not later than January 31, 1975. The Secretary shall include in such report a complete evaluation of each of the alternatives specified in subsection (a) above, and a detailed explanation of the facts and information which serve as the basis for any conclusions stated therein, and shall also include in such report such recommendations for legislative action as he deems appropriate.

Sec. 810. The Congress finds that the Department of Defense, which will use, at its present rate of consumption, an estimated twelve billion gallons of petroleum products in 1973, is one of the largest single consumers of petroleum products in the world, and that a reduction in consumption of such products by the Department of Defense would aid materially in meeting the energy shortages which the United States now faces. It is, therefore, declared to be the sense of the Congress that the Department of Defense should implement a 10 per centum reduction of its consumption of petroleum products except where such a reduction would adversely affect the national security or essential training exercises.

SEC. 811. (a) The Congress finds that in order to achieve a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty, the President should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset fully any balance-of-payment deficit incurred by the United States during the fiscal year ending June 30, 1974, as the result of the deployment of forces in Europe in fulfillment of the treaty commitments and obligations of the United States. This balance-of-payment deficit shall be determined by the Secretary of Commerce in consultation with the Secretary of Defense and the Comptroller General of the United States.

(b) In the event that the North Atlantic Treaty Organization members (other than the United States) fail to offset the net balance-of-payment deficit described in subsection (a) prior to the expiration of eighteen months after the date of enactment of this section, no funds may be expended after the expiration of twenty-four months following the date of enactment of this section for the purpose of maintaining or supporting United States forces in Europe in any number greater than a number equal to the average monthly number of United States forces assigned to duty in Europe during the fiscal year ending June 30, 1974, reduced by a percentage figure equal to the percentage figure by which such balance-of-payment deficit during such fiscal year was not offset.

(c) The Congress further finds (1) that the other members of the North Atlantic Treaty Organization should, in order to achieve a more equitable sharing of the cost burden under the treaty, substantially increase their contributions to assist the United States in meeting those added budgeting expenses incurred as the result of maintaining and supporting United States forces in Europe, including, but not limited to, wages paid to local personnel by the United States, recurring expenses incurred in connection with the maintenance and operation of real property, maintenance facilities, supply depots, cold storage facilities, communications systems, and standby operations, and nonrecurring expenses such as the construction and rehabilitation of plants and facilities; (2) that the amount paid by the United States in connection with the North Atlantic Treaty infrastructure program should be reduced to a more equitable amount; and (3) that the President should seek, through appropriate bilateral and multilateral arrangements, a substantial reduction of the amounts paid by the United States in connection with those matters described in (1) and (2) above.

(d) The President shall submit to the Congress within ninety days after the date of enactment of this Act, and at the end of each ninety-day period thereafter, a written report informing the Congress of the progress that has been made in implementing the provisions of this section.

SEC. 812. (a) No funds authorized to be appropriated by this Act may be obligated under a contract entered into by the Department of Defense after the date of the enactment of this Act for procurement of goods which are other than American goods unless, under regulations of the Secretary of Defense and subject to the determinations and exceptions contained in title III of the Act of March 3, 1933, as amended (47 Stat. 1520; 41 U.S.C. 10a, 10b), popularly known as the Buy American Act, there is adequate consideration given to—

(1) the bids or proposals of firms located in labor surplus areas in the United States as designated by the Department of Labor which have offered to furnish American goods;

(2) the bids or proposals of small business firms in the United States which have offered to furnish American goods;

(3) the bids or proposals of all other firms in the United States which have offered to furnish American goods;

(4) the United States balance of payments;

(5) the cost of shipping goods which are other than American goods; and

(6) any duty, tariff or surcharge which may enter into the cost of using goods which are other than American goods.

(b) For purposes of this section, the term "goods which are other than American goods" means (1) an end product which has not been mined, produced, or manufactured in the United States, or (2) an end product manufactured in the United States but the cost of the components thereof which are not mined, produced, or manufactured in the United States exceeds the cost of components mined, produced, or manufactured in the United States.

SEC. 813. (a) Chapter 157 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 2635. Medical emergency helicopter transportation assistance and limitation of individual liability.

"(a) The Secretary of Defense is authorized to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate and shall be subject to the following specific limitations:

"(1) Assistance may be provided only in areas where military units able to provide such assistance are regularly assigned, and military units shall not be transferred from one area to another for the purpose of providing such assistance.

"(2) Assistance may be provided only to the extent that it does not interfere with the performance of the military mission.

"(3) The provision of assistance shall not cause any increase in funds required for the operation of the Department of Defense.

"(b) No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personnel injury or death which may be caused incident to providing such services."

(b) The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"2635. Medical emergency helicopter transportation assistance and limitation on individual liability.".

Sec. 814. In recognition of the vital contribution of Vice Admiral Hyman G. Rickover (United States Navy, retired) to our national defense and in special recognition of his invaluable guidance, initiative, and perseverance in developing the nuclear submarine, the President is authorized to appoint the said Hyman G. Rickover to the grade of admiral on the retired list with all the rights, privileges, benefits, pay and allowances provided by law for officers appointed to such grade.

SEC. 815. Notwithstanding any other provision of law, the authority provided in section 501 of the Defense Procurement Act of 1970, Act of October 7, 1970, Public Law 91-441 (84 Stat. 909) is hereby extended until December 31, 1975.

SEC. 816. (a) Title 10, United States Code, is amended by adding the following new section at the end of chapter 101:

"§ 2004. Detail of commissioned officers of the military departments as students at law schools

"(a) The Secretary of each military department may, under regulations prescribed by the Secretary of Defense, detail commissioned officers of the armed forces as students at accredited law schools, located in the United States, for a period of training leading to the degree of bachelor of laws or juris doctor. No more than twenty-five officers from each military department may commence such training in any single fiscal year.

"(b) To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade O-3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational course of legal training;

"(B) accept transfer or detail as a judge advocate or law specialist within the department concerned when his legal training is completed; and

"(C) agree to serve on active duty following completion or other termination of training for a period of two years for each year or part thereof of his legal training under subsection (a).

"(c) Officers detailed for legal training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense. Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by any such officer under any other provision of law or agreement.

"(d) Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(e) An officer who, under regulations prescribed by the Secretary of Defense, is dropped from the program of legal training authorized by subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by regulations issued by the Secretary of Defense, except that in no case shall any such member be required to serve on active duty for any period in excess of one year for each year or part thereof he participated in the program.

"(f) No agreement detailing any officer of the armed forces to an accredited law school may be entered into during any period that the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces."

(b) The table of contents of chapter 101 of title 10, United States Code, is amended by adding the following new item at the end thereof:

"2004. Detail of commissioned officers of the military departments as students at law schools.".

PUBLIC HEALTH SERVICES HOSPITALS

SEC. 817. (a) Except as provided in subsection (b), the Secretary of Health, Education, and Welfare shall take such action as may be necessary to assure that the hospitals of the Public Health Service, located in Seattle, Washington, Boston, Massachusetts, San Francisco, California, Galveston, Texas, New Orleans, Louisiana, Baltimore, Maryland, Staten Island, New York, and Norfolk, Virginia, shall continue—

(1) in operation as hospitals of the Public Health Service,

(2) to provide for all categories of individuals entitled or authorized to receive care and treatment at hospitals or other stations of the Public Health Service inpatient, outpatient, and other health care services in like manner as such services were provided on January 1, 1973, to such categories of individuals at the hospitals of the Public Health Service referred to in the matter preceding paragraph (1) and at a level and range at least as great as the level and range of such services which were provided (or authorized to be provided) by such hospitals on such date, and

(3) to conduct at such hospitals a level and range of other health-related activities (including training and research activities) which is not less than the level and range of such activities which were being conducted on January 1, 1973, at such hospitals.

(b) (1) The Secretary may—

(A) close or transfer control of a hospital of the Public Health Service to which subsection (a) applies.

(B) reduce the level and range of health care services provided at such a hospital from the level and range required by subsection (a) (2) or change the manner in which such services are provided at such a hospital from the manner required by such subsection, or

(C) reduce the level and range of the other health-related activities conducted at such hospital from the level and range required by subsection (a) (3),

if Congress by law (enacted after the date of the enactment of this Act) specifically authorizes such action.

(2) Any recommendation submitted to the Congress for legislation to authorize an action described in paragraph (1) with respect to a hospital of the Public Health Service shall be accompanied by a copy of the written, unqualified approval of the proposed action submitted to the Secretary by each (A) section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) the area in which such hospital is located or which is served by such hospital, and (B) section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area.

(3) For purposes of this subsection, the term "section 314(a) State health planning agency" means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act (referred to in paragraph (2) as a "section 314(a) plan"); and the term "section 314(b) areawide health planning agency" means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314 (b) of that Act (referred to in paragraph (2) as a "section 314(b) plan").

(c) Section 3 of the Emergency Health Personnel Act Amendments of 1972 is repealed.

SEC. 818. This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1974".

And the Senate agree to the same.

F. EDW. HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
WILLIAM G. BRAY,
L. C. ARENDS,
CHARLES S. GUBSER,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
HOWARD W. CANNON,
THOMAS J. MCINTYRE,
HARRY F. BYRD, JR.,
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
BARRY GOLDWATER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 9286, an act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

Aircraft

Army

U–21 utility transport

The House bill contained an authorization of $12.2 million for the procurement of twenty U–21 aircraft for the Army.

The Senate deleted the request in its entirety. The Senate pointed out that the Army had not utilized the authorization previously provided in fiscal year 1973 for the procurement of twenty of these aircraft. The failure of the Army to utilize this authority was the result of the inability of the Army and Air Force to enter into a common procurement of a single aircraft as directed by the House-Senate conferees on H.R. 15495, the fiscal year 1973 authorization legislation, PL 92–436.

The House conferees, after considerable discussion, receded from the House position and agreed to deny the Army its request for additional aircraft in fiscal year 1974. However, with respect to the twenty utility aircraft of the Army and the fourteen utility aircraft of the Air Force approved by the Congress for fiscal year 1973, the Conference Committee direct that the Army and Air Force enter into a joint procurement for these thirty-four aircraft; that the bid proposals be limited to turboprop aircraft only; and that the performance requirements of the selected aircraft be such so as to satisfy the needs of both the Army and the Air Force.

Aircraft spares

The House authorized $25.1 million for aircraft spares while the Senate reduced this figure by $800,000 for an authorization of $24.3 million.

The House recedes.

Navy and Marine Corps

EA–6B electronic warfare aircraft

The House bill authorized $116.6 million for the procurement of six aircraft.

The Senate also authorized the procurement of six aircraft at a reduced figure of $101.6 million, a reduction of $15 million.

The Department of the Navy acknowledged that it could accept $10 million of the $15 million cut. However, the Senate conferees insisted that their reduction would not adversely affect the procurement of these aircraft. Therefore, the $5 million restoration was denied. The amount authorized is $101.6 million.

The House recedes.

A–7E attack aircraft

The House authorized the procurement of forty-two of these aircraft at a cost of $166.9 million.

The Senate reduced the DOD procurement request for forty-two aircraft to $152.1 million.

The House recedes.

AV–8A/STOL aircraft

The House authorized the procurement of twelve of these aircraft at a cost of $43.3 million.

The Senate similarly authorized the procurement of twelve of these aircraft, however, with a reduction of $6 million in the authorization requested because of a change to a less costly avionics system.

The Department of Defense advised that it could effect the procurement at the reduced figure but stated that since the $6 million savings applies to total AV–8A/TAV–8A funding rather than the AV–8A only, the reduction should be adjusted to affect both programs.

The conferees have no objection to an appropriate transfer of funds between the respective programs to compensate for the increased costs in one and the decreased cost in the other

The House recedes.

F–14A fighter aircraft

The House bill contained an authorization of $703 million for procurement of 50 F–14A aircraft. The Senate bill provided $693.1 million for the procurement of 50 F–14A aircraft, a reduction of $9.9 million. In addition, the Senate bill contained language specifying that the $693.1 million was to be available for an F–14 program of not less than 50 aircraft subject to no increase in the ceiling price of $325 million specified in the F–14 contract except between the Navy and the primary air frame contractor for increases related to normal technical changes.

The House conferees recede with an amendment revising the restrictive language of the Senate bill to read as follows: "subject to no increase being made in the ceiling price of $325,000,000 specified in the FY 1974 F–14 contract between the Navy and the primary airframe contractor, except in accordance with the terms of such contract, including the clause providing for normal technical changes"

The purpose of this language was to ensure that the maximum liability to the government not exceed the ceiling price of $325 million set forth in the FY 74 F–14 contract between the Navy and the Grumman Aircraft Corporation. The conferees agreed to the revised language which is the same phraseology employed in the FY 73 authorization.

T–2C trainer aircraft

The House had approved the procurement of twenty-four T–2C trainer aircraft at a cost of $32.5 million.

The Senate had reduced the authorization amount to $6,400,000. The Senate in recognition that the Navy, based on approved pilot training loads, has insufficient aircraft to meet training requirements, and the Air Force has excess trainer aircraft, recommended that alternatives to additional T–2C aircraft procurement be fully explored by Defense.

The House conferees pointed out that although some excess Air Force T-38 aircraft could be made available for this purpose, these aircraft can not effectively fill the role in Navy jet pilot training since they were not carrier suitable; they are not compatible with naval air station emergency arresting gear; and they are not stressed for high sink rate landings required in Navy training.

The Senate agreed to recede from its position but in doing so received the support of the House conferees in directing that total defense pilot requirements and training rates, together with assets available to meet pilot training requirements, should be comprehensively reviewed prior to submitting any additional requests for training aircraft. The authorization approved is $32.5 million.

Air Force

A-7D attack aircraft

The Senate bill contained $70,100,000 for the procurement of twenty-four A-7D aircraft for the purpose of further modernization of the Air National Guard and continuing the production of these aircraft pending a flyoff between the A-7D and A-10 aircraft.

There was no similar provision in the House bill.

The House recedes from its position and accepts the Senate authorization.

A-10 (AX) advance procurement

The House bill contained $30 million for long lead time items and advance procurement for the A-10 aircraft and $112,400,000 for RDT&E for four R&D funded aircraft.

The Senate bill contained no procurement money and reduced the authorization for RDT&E to $92,400,000, a reduction of $20 million.

After considerable discussion, the conferees agreed to accept the Senate deletion of $30 million for advance procurement of the A-10 aircraft but agreed to restore $15 million of the $20 million reduction in the RDT&E account. The $15 million will permit the complete funding for the first six development aircraft but no funds are provided for the additional four test aircraft originally contemplated in the program.

The House, therefore, recedes to the Senate position on the denial of $30 million for advance procurement of long lead time items for the A-10.

F-111

Both the House and Senate bills contained authorization for the procurement of 12 F-111F aircraft in FY 74. The House bill contained $172.7 million and the Senate bill contained $158.8 million, a difference of $13.9 million. The House bill also contained language to ensure that the funds could only be used for the stated purpose of procuring 12 F-111F aircraft. The reduced figure in the Senate bill is accounted for principally by the fact that the Senate stated that the $13.9 million is "start-up cost incurred because the $30 million in long lead funds authorized last year by Congress were not placed under contract in time to prevent a gap in the F-111 production." The DOD reclama agreed that the Senate figure was adequate to fund 12 aircraft and the House conferees, therefore, recede on the dollar authorization. The Senate conferees recede on the House language.

F-5A

The Senate reduced the Air Force procurement request for 116 F-5As from $69.3 million to $28.3 million. The House had authorized the entire amount as requested by the Department of Defense.

The reduction of the Senate of $41 million was based on the consideration that these funds had already been provided by the Military Assistance Program (MAP) and new funding for the Air Force was not required.

The Conferees agreed that the $41 million should be authorized for reimbursement of the MAP account but that new funding was not required. The Senate recedes to the House, with an amendment.

F-15

The Department of Defense requested $918,500,000 for the procurement of seventy-seven F-15 aircraft together with associated spares $801.9 million plus $116.6 million).

The House authorized the procurement of thirty-nine of these aircraft at a total cost of $587,600,000 ($511.8 plus $75.8 million). The Senate approved the total request of the Department.

The reduction effected by the House was occasioned by its concern over the failure of the F-100 engine for this aircraft to satisfactorily complete its Military Qualification Test. The Senate fully funded the program noting the successful flight test program and the two year time period until this year's aircraft will be delivered.

The Department of Defense urged the conferees to accept the Senate action maintaining that the action taken by the House was not justified either for purposes of economy or for purposes of slowing down the F-15 program until the MQT is successfully accomplished. The Department of Defense maintained that the 50 percent reduction made by the House would very substantially increase the total cost of the program. If the F-100 engine does not satisfactorily complete the forthcoming endurance test, Defense points out that the Air Force would be required to make appropriate program adjustments which would necessarily be much earlier than that which would otherwise result from the proposed House program reduction.

In view of the assurance by the Department of Defense that the F-15 program is proceeding satisfactorily and that acceptance of the House action would not achieve the purpose desired by its proponents, that is, economy and prudence in the pace of the program, the House conferees recede from their position and accept the Senate amendment.

UH-1H helicopter

The House had approved the department's request for $96.7 million for the procurement of 308 UH-1H helicopters.

The Senate reduced this procurement authorization to $56.5 million for the procurement of 180 helicopters. The reduction was to defer procurement of 128 of the requested 308 helicopters until FY 1975.

The House recedes from its position and accepts the Senate amendment.

Aircraft modifications

The Senate reduced two items in the Air Force's aircraft modifications request for fiscal year 1974. These included B-52 modifications for which the Air Force requested $238.5 million and operational necessity modifications for which the Air Force requested $20 million.

The Senate reduced the B-52 modifications request to $223 million and eliminated entirely the $20 million requested for operational necessity modifications, a net reduction by the Senate of $35.5 million. The House authorized the full amount.

After considerable discussion in which the Senate conferees pointed out that the modification program had been delayed and that the funds authorized would be adequate for fiscal year 1974, the House conferees receded and accepted the Senate amendment.

Aircraft spares (C-130E)

The House bill fully funded the department's request for $11.6 million for aircraft spares.

The Senate reduced this authorization to $2.3 million.

The department accepted the Senate reduction.

The House recedes from its position.

Common ground equipment

The House authorized the $82 million requested by the department for common ground equipment.

The Senate reduced this figure by $5.5 million because the request for $5.5 million for undergraduate pilot training instrument flight simulators was not a formal amendment to the authorization request and had not, as a procurement program, received Department of Defense approval.

Subsequent to the Senate action, the department officially requested restoration of $5.5 million to allow a FY 1974 contract award for the first simulator complex to be installed at Reese Air Force Base, Texas.

The House conferees receded from their position and accepted the Senate reduction with the stipulation that the department should go forward with the procurement of equipment for the simulator complex at Reese Air Force Base from within the authorization provided.

Missiles

Army

Lance missile

The House approved $83.7 million requested by the department for the Lance missile. The Senate reduced this authorization to $79 million, a reduction of $4.7 million, on the grounds that the deleted funds were not required in FY 1974.

The House recedes and accepts the Senate amendment.

Pershing missile

The House authorized $53.8 million as requested by the department. The Senate reduced this figure to $49.3 million, a reduction of $4.5 million.

The House conferees recede and accept the Senate change.

AN/TSQ Air Defense Command and Control

The House authorized $10.5 million as requested by the department. The Senate reduced this authorization to $6.2 million, a reduction of $4.3 million.

The Senate action would have denied funding authority to provide the first production option on the system on the theory that sufficient testing had not been accomplished to warrant beginning production in this fiscal year.

The Army advised that sufficient testing will be accomplished early in FY 1974 to provide sufficient information for a decision to enter into limited procurement.

The Senate recedes from its position and accepts the House authorization of $10.5 million.

Navy

Poseidon missile (UGM-73A)

The House authorized $211 million as requested by the department of the Navy. The Senate reduced this authorization by $35.6 million to defer the procurement of a number of missiles from FY 1974 until FY 1975.

The department accepted the deferral of the procurement of these missiles that were to be used in the operational testing program but requested restoration of $29.6 million of these funds to provide for modification work to improve system reliability.

The Senate conferees agreed to restore $29.6 million for modification works to improve system reliability and to defer procurement of missiles as provided in the Senate position. The authorization agreed upon by the conferees is $205 million.

Sidewinder (AIM-9H)

The House authorized $16.3 million as requested by the department. The Senate reduced this authorization request by $1.5 million.

The House recedes and accepts the Senate amendment.

Harpoon (AGM-84A)

The House authorized $19 million as requested by the department for advance procurement. However, the Senate reduced the

Harpoon request by $4.9 million to keep the initial production rate low on the Harpoon until operational testing verifies the production design.

The House recedes and accepts the Senate amendment.

Bulldog (AGM–87A)

The Senate recommended $12.5 million for the Navy to begin production of the Bulldog close support missile with laser guidance.

The House bill had no similar provision.

The House recedes and accepts the Senate amendment with an amendment, reducing this authorization to $12.4 million.

Air Force

Minuteman III (LGM–30)

The House authorized $401.2 million as requested by the department. The Senate authorized $355.4 million, a reduction of $45.8 million. The reduction made by the Senate was to maintain the same production rate as last year.

The House recedes and accepts the Senate reduction.

Shrike (AGM–45A)

The House authorized the $11 million requested by the department for this program. The Senate reduced this authorization to $8.8 million. The Senate pointed out that $2.2 million was found not to be required until FY 1975.

The House recedes and accepts the Senate amendment.

Maverick (AGM–65A)

The House authorized $107.1 million as requested by the department. The Senate reduced this authorization to $97.2 million, a reduction of $9.9 million.

The Senate recedes from its reduction and accepts the House position.

SRAM (AGM–69A)

The House authorized $136.7 million as requested by the department. The Senate reduced this authorization to $131.1 million, a reduction of $5.6 million.

The House recedes from its position and accepts the Senate amendment.

Naval Vessels

DLGN nuclear frigate, advance procurement

The House authorized advance procurement funds in the amount of $79 million to provide long-lead time items for the nuclear frigates DLGN–41 and DLGN–42.

The Senate bill contained no similar authorization.

The House conferees pointed out that the Department of Defense acknowledged the requirement for additional nuclear frigates in the Navy's fleet air defense ship inventory. These ships were not included in the department's FY 1974 budget request because of fiscal constraints. The House conferees strongly believe that the four nuclear-powered carriers provided to the Navy by the Congress should have a minimum of 16 nuclear-powered frigates to use as escorts. Presently there are two commissioned frigates, two frigates nearing completion, and three more under contract. With the addition of the two new frigates authorized in this bill there will be a total of nine nuclear-powered frigates in the U.S. Navy.

The Senate recedes from its position and accepts the House authorization. In addition, the Senate accepted the restrictive language providing that the $79 million could be used only for the procurement of long-lead time items for the DLGN–41 and the DLGN–42. That language further provided that contracts for these long-lead time items shall be entered into as soon as practicable unless the President fully advises the Congress that the construction of these naval vessels is not in the national interest.

Sea control ship (SCS), advance procurement

The House authorized the $29.3 million request by the department for advance procurement for this new type naval vessel. The Senate denied this request in its entirety since it had reservations concerning the validity of the concept.

The House conferees pointed out that the Navy has just recently completed a series of tests on board the USS GUAM (LPH–9) which have proven that the concept of the sea control ship is, in fact, practical and is a cost-effective way of providing antisubmarine warfare protection for ship convoys.

The Senate recedes and accepts the House action.

Poseidon (SSBN) conversions

The House authorized $79.9 million for SSBN Poseidon conversions. The Department of the Navy maintained that this amount is insufficient for the conversion of the two ships scheduled in the FY 1974 program.

The Senate authorized $116.2 million for this purpose, which the Navy advises will be adequate for the scheduled conversion program for these vessels in FY 1974.

The House, therefore, recedes and accepts the Senate amendment.

Guided missile frigate (DLG) conversions

The House authorized $73.7 million for the modernization of two vessels, the DLG–10 and DLG–11. The Senate reduced this authorization to $58.1 million, a reduction of $15.6 million.

The Senate is of the view that these ship modernizations can be effected within the $58.1 million authorized by the Senate for FY 1974 and the $30.8 million previously provided in FY 1973.

The House recedes and accepts the Senate amendment.

Escalation

The House authorized $174 million to fund prior year contract escalation increases in the ship construction budget.

The Senate reduced this authorization to $102.1 million, pointing out that the $71.9 million reduction reflects funds that are not required for obligation during FY 1974.

The House recedes and accepts the Senate amendment.

Tracked combat vehicles

Army

M60A1 tank

The House authorized $99.4 million for the procurement of 360 M60A1 tanks as requested by the Department.

The Senate reduced this authorization to $66.4 million, a reduction of $33 million. The reduction of $33 million was designed to defer the procurement of 120 tanks. The Department pointed out that this reduction from the fiscal year 1974 procurement would adversely affect plans for modernization of the Reserve Component units.

The House conferees were adamant in their position that all of these tanks should be procured as requested by the Department in fiscal year 1974.

The Senate recedes and accepts the House position.

Torpedoes

Navy

Torpedo MK–48

The House authorized $164.3 million as requested by the Department for this program.

The Senate reduced this authorization request by $5 million. The reduction by the Senate results in a denial of $5 million requested for procurement of automatic test equipments for support of the MK–48 torpedo until such time as final decisions have been made on the number of support sites and test equipments that will actually be required to support the program.

The House recedes and accepts the Senate amendment.

Captor

The House authorized $11.6 million for this program as requested by the Department for initial production funding of the Captor system.

The Senate denied funds for this purpose in its entirety. The Senate maintained that approval of any production funding for fiscal year 1974 is not warranted in view of the current status of the development program.

The Department requested that $4.9 million of the procurement funds be restored and $6.7 million of the balance of these funds be transferred to the RDT&E account.

The Committee on Conference agreed to transfer $6.7 million to RDT&E, raising funds for the Captor system in the RDT&E account to $19,961,000. However, the House conferees agreed with the Senate position in denying any procurement funds for the system.

The House recedes from its position.

Other weapons

Army

M219, 7.62 machinegun

The House authorized $8.5 million for this program as requested by the Department.

The Senate reduced this amount by $1.3 million to an authorization figure of $7.2 million.

The House recedes from its position and accepts the Senate amendment.

M60 machinegun

The House authorized $4.5 million for this program as requested by the Department.

The Senate denied any funding for this program pointing out that these guns would be placed in storage against future allied requirements and therefore were not required.

The conferees agreed to authorize $2.7 million for this program. Therefore, the House recedes from its position with an amendment.

M16A1 rifle

The Senate had provided $4.185 million for this program; and the House had denied funding for this program.

The original Department of Defense request for this program was $3.1 million.

The Senate recedes from its position with an amendment which results in an authorization of $3.1 million with the understanding that the $3.1 million is adequate to maintain a warm production base through the 1973 funded delivery period.

Navy

MK22 machinegun

The House authorized the Department's request of $800,000 for this program and the Senate denied any funding.

The House recedes from its position and accepts the Senate amendment.

Phalanx/Vulcan (close-in weapons system)

The House authorized $13 million for this program as requested by the Department and the Senate authorized $5 million.

After the Senate action, the Department of Defense requested a total of $9 million for the program.

The conferees agreed to approve the Department's request. Therefore, both the Senate and House recede with an amendment.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

General

Both the House and Senate modified the Research and Development authorization requested by the Department of Defense. The departmental request totaled $8,557,900,000. The House bill authorized a total of $8,321,797,000, whereas the Senate authorization totaled $8,059,733,000. The conferees agreed on a total of $8,194,885,000. The amount agreed upon is $363,015,000 less than was requested by the Department of Defense.

The approach taken by the two Houses in reducing the Research and Development budget requests differed only in that the House applied undistributed reductions. This amounted to $36,400,000 for the Navy and $21,000,000 for Defense Agencies except for the Test and Evaluation program. The Senate made specific reductions to various program elements throughout the Research and Development budget. The individual adjustments adopted by the conferees are reflected in the following table.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

CONFERENCE ACTION

[In thousands of dollars]

Item number and program	Request	House	Senate	Difference (House-Senate)	DOD reclamation	Conference
ARMY						
1. Advanced attack helicopter	49, 200	49, 200	45, 700	−3, 500	45, 700	45, 700
2. Bushmaster	13, 720	13, 720	9, 826	−3, 894	9, 826	9, 826
3. Antitank assault weapon (TOW)	8, 100	8, 100	6, 520	−1, 580	6, 520	6, 520
4. Aerial scout	1, 000	1, 000	0	−1, 000	0	0
5. Exploratory ballistic missile defense	39, 300	39, 300	23, 900	−15, 400	39, 300	34, 000
6. Advanced ballistic missile defense	60, 700	60, 700	33, 700	−27, 000	60, 700	52, 700
7. Site defense	170, 000	145, 000	100, 000	−45, 000	145, 000	135, 000
8. UTTAS	108, 825	102, 625	102, 700	+75	102, 625	102, 625
9. Safeguard	216, 000	191, 000	199, 700	+8, 700	191, 000	181, 000
10. Military selection, training, and leadership	1, 300	1, 300	1, 245	−55	1, 245	1, 245
11. Land warfare laboratory	5, 163	5, 163	5, 113	−50	5, 113	5, 113
12. Nuclear munitions	14, 498	0	6, 100	+6, 100	6, 100	6, 100
13. Advanced forward area air defense system	28, 065	28, 065	8, 600	−19, 465	15, 600	11, 100
14. XM198, 155 mm howitzer	5, 976	0	5, 976	+5, 976	5, 976	5, 976
15. Undistributed reduction		−340		+340	0	0
Programs not in dispute	1, 386, 853	1, 386, 853	1, 386, 853		1, 386, 853	1, 386, 853
Total, Army	2, 108, 700	2, 031, 668	1, 935, 933	−95, 753	2, 021, 558	1, 983, 758
NAVY						
1. CH-53E helicopter	30, 000	30, 000	28, 800	−1, 200	28, 800	28, 800
2. Airborne ASW developments	12, 731	12, 731	11, 986	−745	12, 731	11, 986
3. Submarine silencing	8, 708	8, 708	8, 208	−500	8, 708	8, 708
4. Reactor propulsion plants	7, 202	7, 202	6, 902	−300	6, 902	6, 902
5. Advanced command data system	5, 849	5, 849	4, 800	−1, 049	5, 849	5, 849
6. A4W/A1G nuclear propulsion plant	7, 534	7, 534	7, 250	−284	7, 250	7, 250
7. D2W nuclear propulsion reactor	7, 202	7, 202	7, 000	−202	7, 000	7, 000
8. Advanced design submarine nuclear propulsion plant	11, 700	11, 700	11, 600	−100	11, 600	11, 600
9. NATO PHM	24, 000	24, 000	18, 830	−5, 170	18, 830	18, 830
10. Environmental protection	9, 100	9, 100	8, 950	−150	8, 950	8, 950
11. Strategic cruise missile	15, 200	15, 200	0	−15, 200	15, 200	2, 500
12. Surface effect ships	72, 800	72, 800	60, 900	−11, 900	60, 900	60, 900
13. V/STOL for sea control ship	26, 300	26, 300	22, 400	−3, 900	26, 300	24, 300
14. Advanced propulsion for V/STOL	11, 300	11, 300	5, 900	−5, 400	5, 900	5, 900
15. Aerial target systems development	14, 355	14, 355	12, 455	−1, 900	14, 355	14, 355
16. AEGIS	43, 134	43, 134	40, 134	−3, 000	43, 134	40, 134
17. Surface-launched weaponry, systems, and technology	9, 260	9, 260	4, 760	−4, 500	9, 260	4, 760
18. CAPTOR	13, 261	13, 261	13, 261	0	19, 961	19, 961
19. Undistributed reduction		−36, 400		+36, 400	−11, 694	0
Programs not in dispute	2, 382, 064	2, 382, 064	2, 382, 064		2, 382, 064	2, 382, 064
Total, Navy	2, 711, 700	2, 675, 300	2, 656, 200	−19, 100	2, 682, 000	2, 670, 749
AIR FORCE						
Airborne warning and control system	197, 800	155, 800	155, 800	0	155, 800	155, 800
1. Missile attack assessment	10, 300	10, 300	6, 100	−4, 200	8, 700	8, 700
2. Minuteman	99, 800	99, 800	99, 700	−100	99, 700	99, 700
3. Advanced airborne command post	37, 300	37, 300	33, 100	−4, 200	33, 100	33, 100
4. Advanced medium STOL transport	67, 200	67, 200	65, 200	−2, 000	65, 200	65, 200
5. Advanced turbofan engine	15, 600	15, 600	0	−15, 600	0	0
6. Subsonic cruise armed decoy	72, 200	22, 000	0	−22, 000	22, 000	11, 000
7. B-1 bomber	473, 500	473, 500	373, 500	−100, 000	473, 500	448, 500
8. A-10 (A-X)	112, 400	112, 400	92, 400	−20, 000	112, 400	107, 400
9. F-5E (F-5F)	2, 600	2, 600	16, 600	+14, 000	16, 600	16, 600
10. Close air support weapon system	8, 000	8, 000	0	−8, 000	8, 000	5, 000
11. Lightweight fighter prototype	46, 500	40, 000	46, 500	+6, 500	46, 500	46, 500
12. Human resources	8, 200	5, 211	8, 200	+2, 989	8, 200	8, 200
Undistributed reduction						−32, 000
Programs not in dispute	2, 061, 100	2, 061, 100	2, 061, 100		2, 061, 100	2, 061, 100
Total, Air Force	3, 212, 500	3, 110, 811	2, 958, 200	−152, 611	3, 110, 800	3, 034, 800
DEFENSE AGENCIES						
ARPA:						
1. Strategic technology	72, 500	72, 500	69, 800	−2, 700	69, 800	69, 800
2. Tactical technology	27, 600	27, 600	27, 100	−500	27, 100	27, 100
3. Advance command, control, and communication technology	9, 800	9, 800	8, 800	−1, 000	8, 800	8, 800
4. Nuclear monitoring research	21, 400	21, 400	21, 100	−300	21, 100	21, 100
5. Defense research sciences—Information processing techniques	37, 100	37, 100	36, 600	−500	36, 600	36, 600
Programs not in dispute	42, 141	42, 141	42, 141		42, 141	42, 141
Total	210, 541	210, 541	205, 541	−5, 000	205, 541	205, 541
DCA:						
6. Defense communication system	9, 530	9, 530	8, 830	−700	8, 830	8, 830
7. Defense communication system test and evaluation	4, 100	4, 100	3, 900	−200	3, 900	3, 900
Programs not in dispute	7, 470	7, 470	7, 470		7, 470	7, 470
Total	21, 100	21, 100	20, 200	−900	20, 200	20, 200
8. DIA	6, 405	6, 405	3, 905	−2, 500	5, 083	5, 083
DMA:						
9. Mapping, charting, and geodesy investigations	7, 985	7, 985	7, 585	−400	7, 985	7, 985
Programs not in dispute	3, 930	3, 930	3, 930		3, 930	3, 930
Total	11, 915	11, 915	11, 515	−400	11, 915	11, 915
DNA:						
10. Nuclear weapons effects development	53, 509	53, 509	52, 409	−1, 100	52, 409	52, 409
11. Nuclear weapons effects tests	73, 691	73, 691	69, 791	−3, 900	69, 791	69, 791
Total	127, 200	127, 200	122, 200	−5, 000	122, 200	122, 200
12. NSA	93, 500	93, 500	91, 700	−1, 800	91, 700	91, 700
13. Undistributed reduction		−21, 000		+21, 000	−5, 400	−5, 400
Other programs not in dispute	54, 339	54, 339	54, 339		54, 339	54, 339
Total, defense agencies	525, 000	504, 000	509, 400	+5, 400	505, 578	505, 578
Total, Department of Defense authorization	8, 557, 900	8, 321, 797	8, 059, 733	−262, 064	8, 319, 936	8, 194, 885

B–1 Aircraft

The House bill authorized the full $473.5 million requested. The Senate bill authorized $100 million less, or $373.5 million, and represented an expression by the Senate of its dissatisfaction with the progress and management of this program.

This program has experienced major problems affecting schedule slippage and cost increases twice since the B–1 program was presented to the Congress this year.

The House and Senate Armed Services Committees were advised by letters from the Secretary of the Air Force dated October 6, 1973, that a number of constructive actions had been taken by the Air Force, but that preliminary views of the special committee established by the Air Force, headed by Dr. Raymond L. Bisplinghoff, Deputy Director of the National Science Foundation, to assess the B–1 development program indicated that the program "is success oriented and austere in funding and schedule. Therefore, there could be difficulty in transitioning from the development to the production phase as the program is now structured." "The Bisplinghoff Committee believes that the present program is not the conservative process that they would endorse . . . and additional program adjustments could increase the present development program estimate by as much as 10 percent." The letters also advised that an independent cost analysis conducted by the Air Force reflected further increases in cost estimates above the amounts previously reported. Total research and development program costs now are estimated to be $2,840,000,000 and procurement $12,050,000,000 for a total program cost of $14,890,000,000.

The conferees discussed this program at length, including technical, schedule, and cost uncertainties and expressed concern as to the possibility of further significant problems which would delay the program and add to costs.

The conferees agreed to an authorization of $448.5 million, coupled with the following specific guidance. The reduction of $25 million from the amount requested will be applied in such a manner as to avoid firing of contractor employees. The reduction should be accomplished by a combination of actions including, but not limited to, the following:

a. Delay award of contract for defensive avionics. With the delay in program schedule, procurement of these "off-the-shelf" items may be deferred and would permit more advanced equipment that would be available later to be incorporated.

b. Reduce the offensive avionics work consistent with the delay in the program.

c. Delay or reduce the level of work on the full-scale fatigue article, consistent with the program delay.

d. Short Range Attack Missile (SRAM) interface also could be deferred.

F–5E (F–5F) Aircraft

The House bill authorized $2.6 million requested for the F–5E aircraft program. The Deputy Secretary of Defense, by letter dated July 9, 1973, requested an increase in authorization to complete a definition study and initiate full scale development and testing of two prototype aircraft of a two-seat version of the Northrop F–5E international fighter to be designated the F–5F.

The Senate bill approved the addition of $14 million for this purpose. The House recedes.

A–10 Aircraft

The House bill authorized the $112.4 million requested. The Senate bill authorized $92.4 million, or $20 million less than the House, and reduced the quantity of 10 research and development funded airplanes to 6.

The conferees agreed to authorize $107.4 million, but limited the use of these funds to only 6 airplanes.

Strategic Cruise Missiles and Decoys

The House approved an authorization of $22 million for the Subsonic Cruise Armed Decoy (SCAD) and $15.2 million for the Strategic Cruise Missile (SCM) consistent with the revised request of the Department of Defense. The Senate deleted both amounts because the Department of Defense had not decided specifically what technology programs to pursue and what the requirements are for specific weapon systems to be developed. The Senate stated that a part of the $210 million provided to the Air Force and Navy for related general technology could be used to continue basic decoy and cruise missile technology up to subsystem and component development, but precluded the initiation of advanced development prototype programs both for SCAD and SCN.

The SCM and SCAD programs as originally proposed for fiscal year 1974 subsequently were completely reoriented by the Department of Defense. The Deputy Secretary of Defense by letter of July 6, 1973, advised that he had decided to terminate full engineering development of SCAD and had reduced the amount requested by $50.2 million from $72.2 million to $22 million. These funds would be used to conduct a technology demonstration of critical subsystems and include testing of the SCAD brassboard B–52 decoy electronics and continued turbofan engine development.

The Deputy Secretary of Defense, by letter dated August 28, 1973, advised that the SCM program would be continued and provide flight demonstrations of an advanced developmental prototype airframe and propulsion system. Tests would include underwater and air launch capability demonstrations and also consider surface launch feasibility.

These letters were received too late for either the House or the Senate Armed Services Committees to hold hearings and examine the specific details of these reoriented programs. The conferees agreed that this is required before the committees will approve any advanced development prototype programs.

The Senate Armed Services Committee in its report on the bill recognized the possibility that the Department of Defense during fiscal year 1974 may formulate and establish a specific program requirement for a decoy or missile which could be the basis for a proposed program action which the various committees of the Congress would then consider on its merit and, if approved, authorize initiation during fiscal year 1974; and if there is no urgency, a proposal could be made as part of the submission of the fiscal year 1975 request.

The conferees agreed to an authorization of $11 million for SCAD and $2.5 million for SCN with the understanding that the use of these funds would conform with the following guidance.

a. Develop components and subsystems such as advanced turbofan engines, ramjets, high density fuels, advance navigation and guidance systems, such as TERCOM.

b. Conduct studies to determine the specific requirement for alternative weapon systems that could provide such capabilities as a stand-off launch missile as a hedge against major problems that could jeopardize the B–1, improving the penetrating capability of the B–52G and H, providing for tactical cruise missiles beyond Harpoon, and providing a surface or submarine launched strategic cruise missile.

c. Submit the results of these studies as part of the fiscal year 1975 request so that the Congress will have an opportunity to consider the requirements in greater depth and in concert with all other programs involved in these mission areas. This does not preclude a submission of a proposed reprogramming action if the urgency of such a requirement warrants initiation during fiscal year 1974.

d. Encourage the continued close coordination and management of common technology programs between the Air Force and Navy, including integration of requirements to minimize unwarranted parallel developments.

e. Prohibit the initiation of advanced development prototype programs.

Light Area Defense System (LADS)

The House bill authorized $42.4 million for development of a Light Area Defense System (LADS); $15.4 million of this amount was provided under the Exploratory Ballistic Missile Defense program and $27 million under the Advanced Ballistic Missile Defense program.

The Senate deleted the full amount of $42.7 million requested primarily because the ABM treaty precludes deployment of this system, and because there are serious technical questions as to whether a Light Area Defense even if developed would be effective in countering either a small attack from the Soviet Union or a nuclear threat by the Peoples Republic of China.

The Department of Defense has advised the House and Senate Armed Services Committees that the $42.4 million requested is not intended to be used to develop a Light Area Defense System. The Director of Defense Research and Engineering, by letter dated October 9, 1973, advised the Senate Armed Services Committee that denial of these funds would create a serious void in the Ballistic Missile Defense technology base and eliminate vitally important research not uniquely required for Light Area Defense. The letter also stated that the technology developments in this program also would have application in other strategic areas such as satellite detection, discrimination, protection, and interception.

The conferees also were advised that this program would support continuation of data collection on the radar and optical signatures of ICBM tanks which fragment upon reentering the Earth's atmosphere and the special target program effort previously supported by the Site Defense program.

The conferees agreed to authorize $29,100,000 solely to support Ballistic Missile Defense technology with the understanding that, as a matter of policy, none of these funds will be applied to the development of a Light Area Defense System.

Site Defense

The House bill contained an authorization of $145 million for the Site Defense prototype demonstration program. This represented a reduction of $25 million from the amount requested. The House committee believed that a program of $145 million is sufficient for an orderly Research and Development program in fiscal year 1974 and that the increase requested over fiscal year 1973 was not adequately justified.

The Senate bill reduced the amount requested by $70 million to $100 million, which is $45 million below the House. The Senate action was consistent with that of the House in slowing the pace of development of this program, which is presently limited to a prototype demonstration. Site Defense, except within certain limitations, could not be deployed under the provisions of the ABM treaty except at the National Command Authority site. It, therefore, essentially constitutes a hedge in the event that the treaty is violated by the Soviets, or if the United States deems it necessary to abrogate the treaty in the interest of its strategic deterrent posture.

The conferees agreed to an authorization of $135 million with the understanding that none of these funds will be used to conduct contract studies for deployment of a National Command Authority site.

Close Air Support Weapon Systems

The House bill authorized the $8 million requested for the Close Air Support Weapon Systems to begin engineering development of a laser seeker for the Maverick missile. The Senate bill denied the $8 million requested in favor of using the Bulldog laser seeker on the Maverick missile.

The conferees agreed to authorize $5 million, of which $3 million will be used only for integration of the Bulldog missile seeker in Maverick and $2 million only for further development of the TV Maverick seeker.

Advanced Forward Area Air Defense

The House bill authorized $19.465 million under this program for the Low Altitude Forward Area Air Defense (LOFAADS) program.

The Senate denied all of these funds because the Army had not yet determined that there is a valid requirement for another all-weather air defense missile.

The conferees were advised by the Army that its requirement had been reduced to $7 million, of which $2.5 million would support in-house costs to obtain and evaluate contractor proposals and $4.5 million to cover initial contract costs following contractor selection.

The conferees agreed to authorize $2.5 million which will support Army in-house costs including the solicitation and evaluation of contractor proposals. Allowing more than $2.5 million would constitute approval of the program. If the Army decides to proceed with this program and requires funds to initiate contractor effort, this should be proposed in conjunction with the submission of the fiscal year 1975 request.

SURFACE EFFECTS SHIPS

The House bill contained an authorization of $72.8 million, which is the amount requested, for the Surface Effects Ships program. The Senate reduced the authorization by $11.9 million with the concurrence of the Navy that the $11.9 million would not be required to support the program during fiscal year 1974.

The Senate bill contained language which required that, of the funds authorized for Research, Development, Test and Evaluation for the Navy, $60.9 million is authorized only for the Surface Effects Ships program. This restrictive language was added because the key events, satisfactory completion of the 100 ton test program, approval to proceed with detailed design, and progress of supporting technology in solving all major technical problems, will occur after the Congress acts on this bill. This language is intended to prevent funds authorized for this program from being reprogramed to other requirements if these forecasted events do not occur as scheduled. Since this is consistent with the desires of the House, the House conferees agreed to retain the language. The House recedes.

TITLE III—ACTIVE FORCES

End strengths

The House bill contained authorized end strengths for the fiscal year ending June 30, 1974, for the Army, Navy, Marine Corps and Air Force that were 13,037 below the amount requested. The amounts authorized by service in the House bill were as follows:

Army	791,627
Navy	565,912
Marine Corps	196,363
Air Force	665,963

The House bill also contained the requirement that its Armed Services Committee report to the House by April of 1974 on the advisability of maintaining our present level of military commitment to Europe.

The Senate bill authorized end strengths for the year ending June 30, 1974, by service as follows:

Army	803,806
Navy	566 320
Marine Corps	196,419
Air Force	666,357

However, the Senate bill provided that the end strengths authorized should be reduced by 156,100 as of June 30, 1974, with the reductions to be apportioned among the services by the Secretary of Defense with the Secretary required to report to the Congress within 60 days on the manner in which the reductions are to be apportioned among the military departments. The Senate language further required that the reductions shall be applied to the minimum extent practicable to support forces.

The Department of Defense strongly opposed the reductions in the Senate version of the bill.

The Department maintained that reductions of the size called for in the Senate bill would have required reducing fighting forces and would have created excessive personnel turbulence.

After extensive discussion, the Conferees agreed on the end-strength totals in the Senate amendment and further agreed on a total reduction of 43,000 to be imposed as of June 30, 1974, with the reductions to be apportioned among the Services by the Secretary of Defense, who is required to report to the Congress within 60 days on the manner of apportionment among Services and missions.

The Conferees wish to state that the Department of Defense should effect manpower economies which will result in reductions in the next several years of at least the magnitude imposed in the present bill if such are determined to be not inconsistent with the needs of national security.

Exclusion of reservists from active-duty strength computation

The Senate bill contained language making permanent the provision of law that has appeared in previous authorization bills excluding ready Reservists ordered to active duty in making the computation to determine the active-duty end strength of any component of the Armed Forces.

The House bill had contained the same exclusion as a requirement for the present fiscal year.

The House recedes with an amendment adding to the language of the Senate version of the bill a provision from the House bill that the exclusion of Reservists ordered to active duty shall include those on active duty for training, and the Senate agrees to same.

Semiannual report on units called to active duty

Section 303 of the Senate bill provided that whenever one or more units of the ready Reserve are ordered to active duty, the President shall submit semi-annual reports to the Congress listing the necessity of having such units on active duty, including a statement of the mission of each unit, an evaluation of its performance, the unit deployment and other information as appropriate.

The House bill contained no comparable provision.

The House recedes.

Codification of Authorization Authority and the Addition of Authorization for Department of Defense Civilian Manpower

Section 304 of the Senate bill would require the Congress to authorize the end strength for civilian employees for such component of the Department of Defense for each year, beginning with the fiscal year which begins on July 1, 1974. The House bill contained no comparable provision.

Section 604(a) of the House bill would amend Chapter 4 of Title 10, United States Code, by adding new sections after Section 137 of Chapter 4, Title 10. The House version would retain the authorization language in existing law but it would codify such language as a permanent part of Title 10, United States Code. This codification clarifies the statutory requirement for authorization for appropriations for various activities of the Department of Defense. Basically, this requires authorization before funds can be appropriated, obligated or expended for the categories specified. The word "annual" was eliminated with the result that it covers all appropriations for such purposes. The Department of Defense did not object to the provision of the House bill. The Department opposed the authorization of end strength for civilian employees on the grounds that it would limit flexibility in manpower management and on further grounds that Congress presently has sufficient overall review procedures.

The Senate conferees pointed out that civilian manpower totals over 900,000 and costs approximately $13.5 billion annually. Over 90 percent of civilians are in support and overhead functions. Proper review and control of defense expenditures require the kind of review that annual authorization enforces, the Senate conferees declared.

The Senate conferees recede on the langauge of Section 604(a) of the House bill, and the House conferees recede on the requirement for authorization for the civilian end strength of the Department of Defense.

Early release of regular military personnel

Section 305 of the Senate bill was a floor amendment which would authorize the Secretary of Defense to release military personnel without regard to any provision of law relating to tenure or continuation except that personnel with over 18 years of service could not have been released until they have attained 20 years. The provision would have provided regular officers so released to be paid the same readjustment pay as now provided to Reservists under Section 687 of Title 10, United States Code.

The House bill contained no such provision. The Senate language would have had the effect of equalizing the retention opportunities of regular and Reserve officers.

The House conferees were concerned that the Senate provision would have changed the existing career understanding of regular officers and would have sharply modified complex existing law without adequate study and hearings. The House conferees, therefore, were adamant in their opposition to the provision.

The Senate recedes.

TITLE IV—RESERVE FORCES

Naval and Coast Guard Reserve strength

Title IV of the bill contains the annual authorization for the average strength of the selected Reserve for each Reserve component of the Armed Forces. For the Naval Reserve the House bill provided an authorization of 116,981. The Senate bill authorized 121,481. The House authorization corresponds to the request of the Department of Defense. The Senate version added 4,500 to the requested strength for the Naval Reserve, an action taken to avoid the forced release of selected Reservists.

Both Houses recede in their position with an amendment providing an authorization of 119,231.

The House bill authorized 11,800 as the strength of the Coast Guard Reserve. The Senate bill authorized 11,300, the amount requested.

The Department of Transportation, which has supervision over the Coast Guard, indicated that the Coast Guard could not absorb the additional 500 Reserve spaces because the appropriation bill for the Department of Transportation has already been enacted into law and does not include money for training these additional 500 Reservists.

The House recedes.

TITLE V—MILITARY TRAINING STUDENT LOADS

The Senate bill provided the authorized military training student loads as requested by the Department of Defense. The request by service was as follows:

Army	89,200
Navy	75,800
Marine Corps	28,000
Air Force	55,100
Naval Reserve	17,400
Marine Reserve	6,700

The House version of the bill provided for modest reductions in the training authorization for each of the services which reflects a 10-percent reduction in the undergraduate education programs.

The Senate bill, providing no specified reductions, provided that the training load for each of the services be reduced consistent with any overall reductions in manpower.

The House conferees believe, therefore, that the objective of the House reduction can be accomplished and the House, therefore, recedes.

The Senate bill contained a provision, Section 502, which would repeal the requirement for annual authorization of training loads. As training is an important part of the Defense budget running into billions annually, the House conferees believe that annual review by the Committees on Armed Services is vital and, therefore, adamantly opposed Section 502 of the Senate bill.

The Senate recedes.

TITLE VI—ABM PROGRAM—LIMITATIONS ON DEPLOYMENT

Title VI of the Senate bill contains language identical to that included in last year's authorization prohibiting the initiation of work on deployment of an ABM system in any site other than Grand Forks, North Dakota. As a site around the National Command Authorities would be the only other site consistent with the ABM limitation treaty, and as no such site is planned or requested, the House recedes.

Limitation on title I and title II authorization

The House bill contained a floor amendment providing an overall dollar limitation on the total authorization of Titles I and II of the bill of $20,455,255,000. The amendment would have effected a $949.7 million reduction in the total of $21,395,000 for approved programs in the House bill.

The Senate bill contained no comparable provision.

The intent of the House provision was to limit the FY 1974 authorization to the amount appropriated for FY 1973, plus 4.5% for inflation.

The House recedes.

Economic adjustment

The Senate bill contained a separate title, Title VII, adopted as a floor amendment in the Senate, designed to alleviate the impact on communities affected by base closures or curtailment of Defense activities. The title would have provided an Office of Economic Adjustment in the Department of Defense with a $50 million authorization to assist communities affected by Defense changes and would have required 180 days' notification of base closures or curtailments together with the requirement for consultation with local communities prior to such actions. The House conferees failed to be convinced of the necessity for such a statutory provision which had not been previously subject to hearings. This is particularly true in view of the fact that the Department of Defense has, since 1963, established regular procedures for assisting communities which may be adversely affected by a base closure action when the community itself requests such departmental assistance.

The Senate, therefore, recedes.

The conferees wish to state that they are sympathetic with the aim of providing adequate notification as far in advance as possible on base closures or curtailment of Defense activities and urge the Department of Defense to improve its procedures in this regard.

Multiyear contracting limitation

The House bill contained a provision prohibiting multi-year contracts unless specifically authorized by Congress when such contracts involve termination charges greater than $5 million. The provision is similar to language contained in last year's authorization legislation.

The Senate bill contained no comparable provision.

The Senate recedes.

Recomputation of military retired pay

The Senate bill contained a separate title, the intent of which was to provide that military personnel retired prior to January 1, 1972, would have their retired pay recomputed on January 1, 1972, pay scales at age 60 except that those retired for physical disability under the Career Compensation Act of 1949 with 30 percent or greater disability would be able to recompute immediately. The Senate title was adopted as a floor amendment. The House bill contained no comparable provision. Moreover, separate hearings on the matter in the House had recommended against such a provision.

The Senate language was not germane to the House bill.

The Senate recedes.

Study commission

The Senate bill contained a provision to establish the Defense Manpower Commission to conduct an 18-month study on all aspects of military and civilian manpower.

The House bill contained no such provision. The Department of Defense opposed the study on the grounds that sufficient information on manpower is presently furnished to the Congress. The Department was also concerned that the work of the commission could result in the delay of consideration of proposals in the manpower area and that the time authorized, 18 months, was insufficient for a meaningful study.

The House conferees questioned the need for such a commission. However, the Senate conferees were adamant in thir view that the impact of manpower on the Defense budget required such a study to be undertaken.

The House, therefore, reluctantly recedes with an amendment setting the life of the commission at 24 months instead of the 18 months initially proposed and limiting the authority of the Commission to studies of Defense manpower.

C–5A

The Senate version of the bill contained restrictive language, similar to that enacted in previous years, relating to the use of funding for the C–5A program.

The House version contained no such restriction. The Senate was again adamant in its insistence that such restrictive language be continued in connection with funding the C–5A program.

The House reluctantly recedes.

Enlisted aides

In approving manpower authorizations for the Department of Defense the House Committee on Armed Services specified in its report that the present total of enlisted aides, 1,722, was excessive and that the number should be reduced to 1,105.

The Senate bill contained a provision, section 1103, which would limit use of enlisted aides to no more than two for four-star officers and no more than one for three-star officers plus one additional aide for the Chiefs of Staff of each service. The Senate provision reduced the limit of aides to 218. The House conferees were able to convince the Senate conferees that the limitation in the Senate bill was too restrictive and that language in the law itself is not required.

The Senate therefore recedes on its language and the conferees agree that the number of enlisted aides shall be limited to a total of no more than 675 with the distribution of authorization for use of such aides among the military departments to be determined by the Secretary of Defense.

Survivor benefits plan

The Senate bill contained an amendment to extend for six months—until March 21, 1974—the time period during which previously retired military personnel may enroll in the survivor benefits plan for retired military personnel enacted by the Congress as Public Law 92–425 on September 21, 1972.

The House recedes.

Chemical warfare study

The Senate bill contained a provision, section 1104, calling for a study by the National Academy of Science on the most effective method of eliminating chemical warfare agents. The House bill contained no comparable provision. The House conferees pointed out to the Senate conferees that the hearings on the matter have recently been conducted by a subcommittee of the House Committee on Armed Services.

The Senate recedes.

Aerial acrobatic demonstrations outside the United States

The Senate bill contained a provision prohibiting demonstrations outside the United States by military aerial acrobatic teams.

The House bill contained no such provision. The Senate amendment was not germane to the House bill.

While the House conferees agreed that overseas performances of such military teams should be used sparingly and only in those instances where it is clearly in the best interests of the United States, the House opposes an outright legal prohibition as inadvisable.

The Senate recedes.

Prohibition of U.S. combat activities in Southeast Asia

The Senate bill contained a provision, section 1107, providing a restatement of the total prohibition on funding of U.S. military activities in, over, or from off the shores of Indochina without the express consent of the Congress.

Since the amendment continues language presently in law and is consistent with the policy decision previously made by the Congress, the House recedes.

Limitation on advance payment to contractors

The Senate bill contained a provision, section 1108, providing a limitation of $20 million on advance payment that may be made to a defense contractor without prior congressional approval. While the House conferees were sympathetic to the purposes of the amendment, they were concerned that the language was unduly restrictive and could result in delays on important weapons programs.

The conferees, therefore, agreed to amend the language of the section to provide a 60-day notice to the Congress prior to advance payments in excess of $25 million, with either House having the option to reject a proposed advance within the prescribed 60 days.

The House recedes.

AWACS funds study

The Senate bill contained a provision, section 1109, prohibiting release of long leadtime funding for the AWACS program until completion of a cost-effectiveness study by the Comptroller General. The House bill contained no comparable provision.

The Senate recedes.

National Industrial Reserve Act

The Senate bill contained a provision, section 1110, which provides for the phase out of the National Industrial Reserve and its replacement with the Defense Industrial Reserve. The amendment would consolidate defense industrial equipment reserves and would authorize continuation of the "Tools for Schools Program."

The House recedes.

Petroleum conservation

The Senate bill contained two provisions relating to conservation of petroleum. Section 1111 was a sense of Congress statement that the Department of Defense should make every effort to conserve important petroleum resources. Section 1114 would declare the sense of Congress that the Department of Defense should implement a 10 percent reduction of its consumption of petroleum products except where such reduction would adversely affect the national security or essential training exercises.

The House conferees concurred in the spirit of these provisions and found the second more desirable.

The Senate therefore recedes on the first provision and the House recedes on the latter.

U.S. forces in NATO

The Senate bill contained two provisions concerning the deployment of U.S. forces in NATO. Title X of the original version of the Senate bill would have required a continuing study of U.S. NATO forces, with semi-annual reports to Congress, looking towards an eventual reduction of U.S. troops in Europe. The provision contained some language which, while not objectionable to the House conferees, was considered unnecessary since it called for actions presently taking place, such as Mutual and Balanced Force Reduction negotiations with the Warsaw Pact.

The Senate recedes.

The House bill contained, as previously indicated, a provision requiring review of the NATO commitment by the Armed Services Committee with a report back to the House by April 1, 1974. The provision was adopted by the House in conjunction with its rejection of proposals for specific reductions in U.S. deployments in support of NATO. The House language places no requirement on the Senate, and Senate conferees, therefore, did not object to its retention in the bill.

The Senate bill also contained a provision, Section 1116, calling for the President to seek payment from our NATO allies in amounts sufficient to offset any balance-of-payments deficit incurred by the United States as a result of deployment of troops in Europe to fulfill NATO commitments. The balance-of-payments deficit was to be determined by the General Accounting Office. The provision further specified that if NATO allies failed to offset the balance-of-payments deficit within 12 months after enactment, then beginning 6 months thereafter U.S. forces in Europe would be reduced at a rate corresponding to the percentage of balance-of-payments deficit not offset. The provision also states as a finding of Congress that other members of NATO should assist the United States in meeting expenses in connection with its deployment to Europe.

The Department of Defense opposed the Senate provision.

The conferees are persuaded that a strong North Atlantic Treaty Organization is vital to our national security and to the stability of the peace in Europe. We remain convinced, moreover, that a significant American presence in Europe is essential to a strong and cohesive NATO. It is our belief, however, that a more equitable sharing of the burden of maintaining an adequate American presence in Europe, particularly an alliance-wide effort to offset the drain on the balance of payments of the United States, can and must be negotiated among the members of the alliance if continued public support for maintaining this presence is to be assured. We believe there should be no further delay in moving to negotiate appropriate bilateral and multilateral arrangements sufficient to offset fully the balance of payments deficit incurred by the United States as a result of the deployment of forces in Europe in fulfillment of the treaty commitments and obligations of the United States.

The conferees believe that the principal objection of Members of both houses of Congress to the stationing of American forces in Europe has been the adverse impact on our balance of payments—an adverse impact that has been especially objectionable in view of the strength of the currencies of some of our NATO allies, the recurring weakness of the U.S. dollar in relation to some of those currencies, and the large dollar holdings accumulated in West Europe. Thus we believe that a solution to the balance of payments problem will serve to place the continuing American presence in Europe on a more stable foundation.

The proposition that burden-sharing within the NATO alliance could most appropriately be equalized by protecting the United States against a balance-of-payments deficit in connection with its NATO deployment was first stated by the Special Subcommittee on NATO Commitments of the House Committee on Armed Services in a report filed on August 17, 1972. Specifically, that subcommittee recommended a Common NATO Fund as a balance-of-payments clearinghouse for the alliance.

The House Committee on Armed Services, in its report accompanying the present bill, H.R. 9286, expressed its support for the Common NATO Fund proposal as the most desirable means of relieving the United States of an unfair share of the financial burden of NATO. Such an adjustment would be the form of burden-sharing that would benefit the United States most and would do so without weakening the alliance militarily. The committee noted that the Secretary of Defense has, in recent months, also proposed that our NATO allies develop some sort of multilateral program to compensate the United States for its heavy expenses attendant on its NATO deployment.

The House conferees, therefore, were sympathetic to the balance-of-payments approach to rectifying NATO burden-sharing.

However, the House conferees were concerned about providing too short a time frame for required action on such a complex matter and questioned the manner in which the balance-of-payments deficit is determined. The House conferees also questioned whether the time constraints in the Senate language would provide adequate time for necessary consultations with our allies.

The Senate conferees, however, were steadfast in maintaining the Senate position and insisted inclusion of the provision was a minimum requirement for support of the bill.

The conferees, therefore, agreed to the amended version of the provision included in the conference report.

As amended by the conference, the section provides that the balance-of-payments deficit relating to troop deployments shall be determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Comptroller General. The conferees agree that this provision will permit all concerned agencies an opportunity to be represented. The new language also provides for an expiration of 18 months, instead of 12 months, during which the other members of NATO will have an opportunity to commence offsetting the U.S. balance-of-payments deficit relating to the U.S. troop deployments, and the expiration of 24 months, instead of 18 months, before the United States would begin to make reductions if the balance-of-payments deficit is not offset. In agreeing to extend the time by six months, it was the intention of the Senate conferees to provide a slightly more relaxed period for negotiations.

In acceding to this amended version of the Senate provision, the House conferees wish to stress that this action on their part is taken with an awareness of the forthcoming study ordered by the House, as provided elsewhere in the bill. Upon the completion of that study, the House will be in a position to reanalyze the necessity for this provision and undoubtedly will do so during next year's authorization review.

As far as subsection (c) is concerned, the conferees believe that a vigorous effort must be made to negotiate a more equitable sharing of the cost burden under the North Atlantic Treaty Organization.

The House reluctantly recedes.

Senate youth program

The Senate bill contained an amendment authorizing and directing the Defense Department to provide escort, briefing, usable organizations and other support to the Senate Youth Program. The House bill contained no comparable provision. The provision is not germane to the House bill.

The Senate recedes.

Air Force Reserve and Air National Guard study

The Senate bill contained a provision, Section 1113, calling for a comprehensive study of the Air Force Reserve and Air National Guard with the detailed report to the President and the Congress not later than January 1, 1975.

The House bill contained no similar provision.

The House conferees opposed any action that would be taken as implications of support for a merger of the Air Guard and Air Reserve. However, a comprehensive study of the Guard and Reserve is presently underway under the auspices of the Secretary of Defense. The House conferees agreed to the advisability of the results of such a study being made available to the Congress and, therefore, were prepared to recede to the Senate provision with clarifying language indicating that the study was designed to determine the relative status of the Air Reserve and Air National Guard with attention given to modernization needs of the Air Guard and Air Reserve and to the recruitment, retention and training needs of both organizations.

The House recedes with the amendments noted.

Retiring-employee suggestions

The Senate bill contained a provision, Section 1115, directing the Department of Defense to request retiring employees to make suggestions on procurement practices.

The provision is not germane to the House bill.

The Senate recedes.

Buy American

The House bill contained a provision, section 606, which was adopted as a floor amendment and which would provide for consideration of a series of factors prior to the procurement of any goods or supplies for the Department of Defense from other than American firms. The Senate bill contained a comparable provision, Section 1117, which prohibits procurement of other than American goods unless consideration has been given to labor-surplus areas, small businesses, U.S. balance of payments, cost of shipping, foreign duties, and other related factors.

The Department of Defense advised against enactment of either amendment but found the language of the Senate provision more acceptable.

The conferees agreed to accept the language of the Senate amendment.

The House recedes.

MAST

The Senate bill contained language to authorize the Secretary of Defense to provide medical emergency helicopter transportation for civilians.

The House bill contained no such language. However, the language in the Senate provision is identical to H.R. 7139, passed by the House of Representatives on May 21, 1973.

The House, therefore, recedes.

Reduction of overseas deployments

The Senate bill contained a provision, section 1119, adopted as a floor amendment, which would have required a reduction of 110,000 in the number of U.S. troops deployed overseas by December 31, 1975 with not less than 40,000 of the reductions to be made by June 30, 1974. No comparable provision was contained in the House bill, and the Department of Defense strongly opposed the provision.

The Senate conferees pressed for adoption of their amendment. However, the House conferees were concerned about the effect that the amendment might have on troop-reduction negotiations in Europe and on the strategic position of the United States under the present particularly tense world conditions. The House conferees were adamant in their opposition to the amendment.

The Senate reluctantly recedes.

Quarters-allowance study

The Senate bill contained a provision, Section 1120, requiring a Department of Defense study of quarters and cost-of-living allowances.

The House bill contained no such provision. The House conferees objected to the provision as unnecessary since adequate attention to such allowances is already provided for in departmental review of pay and allowances now required by law.

The Senate recedes.

Rickover

The Senate bill contained a provision for the promotion of Vice Admiral Rickover to the rank of admiral on the retired list.

The House bill contained no such provision. However, the provision is identical to the language of H.R. 1717 which passed the House of Representatives of January 19, 1973. This provision places him in the same position as others retired at four-star rank.

The House recedes.

Extension of transfer authority for Israel

The Senate bill contained a provision continuing until December 31, 1975 the authority of the President to transfer to Israel by sale, credit sale, or guaranty aircraft and related equipment. This provision, presently in law would extend the authority until December 31, 1975.

The House recedes.

Prohibition on aid to North Vietnam

The House bill contained a provision, Section 602, prohibiting direct or indirect use of funds in this or any other legislation for any economic or military aid to North Vietnam during FY 74.

The Senate bill contained an alternative provision prohibiting the use of any funds for support of North Vietnam or the Viet Cong until the President has certified that the parties have complied with the sections of the peace treaty concerning an accounting for American personnel missing in action or killed in action.

The conferees agreed that the House provision more appropriately expressed the will of the Congress in regard to aid to North Vietnam.

The Senate recedes with an amendment deleting the limitation which confined the prohibition to FY 1974.

Military law-officer training

The Senate bill contained a provision, Section 1124, authorizing up to 25 officers for each military department each year to be trained at an accredited law school.

The House bill contained no such provision. The Department of Defense strongly supports the Senate provision, stating that it would materially assist in providing adequate numbers of military lawyers.

The House recedes.

India loan settlement

The Senate bill contained a provision, Section 1125, prohibiting the settlement of the loan that the Government of India has with the United States at less than the full amount owed unless a lower settlement is authorized by the Congress.

The House bill contained no comparable provision. The provision is not germane to the House bill.

The Senate recedes.

Early release of military doctors

The Senate bill contained a provision, Section 1126, which would have authorized the early release of military physicians and dentists to practice in communities with a shortage of medical personnel.

The House bill contained no comparable provision. The House conferees oppose the provision because of the shortage of physicians and dentists in the Armed Forces and the continuing difficulty that the Armed Forces face in attracting and retaining an adequate number of medical personnel.

The Senate recedes.

Public Health Service hospitals

The Senate bill contained a provision, Section 1127, which, in effect, requires that 8 Public Health Service hospitals which had been scheduled for closing by the Administration be continued in operation.

The House bill contained no similar provision.

The conferees noted that 26.4 percent of the hospitals' in-patients in fiscal 1973 were active-duty or retired military personnel and dependents. The hospitals, therefore, have a relationship to the quality of medical care provided to military personnel.

Separate legislation passed earlier by the Congress, S. 504, was vetoed by the President. The attempt to override the veto failed in the House by only 5 votes. It was the belief of the House conferees, therefore, that the amendment is consistent with the position of the majority of the membership of the House.

The House recedes.

SUMMARY

The bill, as agreed to in conference, totals $21,299,520,000.

The figure arrived at by the conferees is $659,680,000 less than the amount requested by the Department of Defense.

F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
Samuel S. Stratton,
William G. Bray,
L. C. Arends,
Charles S. Gubser,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Howard W. Cannon,
Thomas J. McIntyre,
Harry F. Byrd, Jr.,
Strom Thurmond,
John Tower,
Peter H. Dominick,
Barry Goldwater,
Managers on the Part of the Senate.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 30 minutes, today, to revise and extend his remarks and include extraneous material:

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 12, 1973 present to the President, for his approval, a bill and joint resolutions of the House of the following title:

H.R. 3799. To liberalize eligibility for cost-of-living increases in civil service retirement annuities;

H.J. Res. 727. Making further continuing appropriations for the fiscal year 1974, and for other purposes; and

H.J. Res. 542. Concerning the war powers of Congress and the President.

ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes a.m.), the House adjourned until Monday, October 15, 1973, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. Hébert: Committee of conference. Conference report on H.R. 9286 (Rept. No. 93–588). Ordered to be printed.

SENATE—*Saturday, October 13, 1973*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, eternal and unchangeable, who hast ordained that day follows night and that in trial we find our triumph, help us one and all to witness to Thy goodness and mercy which never fails. Grant that beyond all contentions and conflicts, beyond all disappointments and failures, beyond the cross of pain and suffering, there may come the resurrection of truth and hope and new life. Grant, O Lord, that through the discipline of Thy judgment, through renewed obedience to Thy law, and by a fresh dedication to doing Thy will, this Nation may yet shine with the beauty of righteousness and justice never before achieved or revealed. Bring healing, wisdom, and strength.

"Rise up, O men of God!
Be done with lesser things;
Give heart and mind and soul and strength
To serve the King of Kings."

Amen.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I wish the Senate would indulge me as I would like to ask that there be a quorum call for not to exceed 2 minutes.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 12, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

Mr. LONG. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. They are already meeting.

May I express the hope, then, that in view of the objection raised, the Committee on Rules and Administration, under the chairmanship of the distinguished Senator from Nevada (Mr. CANNON), will be able to meet informally this morning, as he announced that the committee would be meeting this morning and the Senate was aware of that fact.

Mr. President, I ask unanimous consent that the Senate go into executive session——

Mr. LONG. Mr. President, the Senator understands that it takes the objection of only one Senator. The Senate, of course, can vote me down on that. But if the Senate wants to vote me down, and they can, a Senator would have to make the motion and there would have to be a quorum present. Let me say that my objection was not facetiously made.

Mr. MANSFIELD. I am sure it was not. I am sure that the Senator had some reason for doing it, and I respect it. That is why I suggest, in view of the situation which has arisen and the pledge which was made to the Senate yesterday by the distinguished Senator from Nevada (Mr. CANNON), that he might consider meeting informally with his committee this morning.

Mr. LONG. I may have done that myself. I recognize that. I just want to understand what we are talking about.

Mr. MANSFIELD. I understand that an informal meeting of the Committee on Rules will take place this morning.

Mr. CANNON. The Senator is correct.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar under the heading "New Reports."

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATOMIC ENERGY COMMISSION

The PRESIDENT pro tempore. The clerk will state the nomination.

The legislative clerk read the nomination of Donald R. Cotter, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 438 and 439.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HALE BOGGS FEDERAL BUILDING

The bill (S. 2178) to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse and Federal office building now under construction at the corner of Camp Street, bounded by Poydras Street, Lafayette Street, and Magazine Street, New Orleans, Louisiana, shall hereafter be known and designated as the "Hale Boggs Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hale Boggs Federal Building".

EARLE CABELL FEDERAL BUILDING

The bill (S. 2503) to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building and United States courthouse at 1100 Commerce Street, Dallas, Texas, shall hereafter be known and designated as the "Earle Cabell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Earle Cabell Federal Building.

NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I have some remarks to make; but first, in view of the developments overnight concerning the debate on yesterday, I wondered whether the distinguished Senator from Florida (Mr. CHILES) would consider a personal request from the majority leader to withdraw his resolution at this time.

Mr. CHILES. Mr. President, the Senator from Florida would honor that request and would ask that Senate Resolution 185 be indefinitely postponed.

Mr. MANSFIELD. I thank the distinguished Senator from Florida.

The PRESIDENT pro tempore. Without objection, Senate Resolution 185 will be indefinitely postponed.

Mr. MANSFIELD. I thank the Senator very much for getting the Senate out of the impasse in which it found itself last evening and would have been in this morning had not the Senator shown a generous attitude about this particular question.

Mr. President, I may have been the only Senator—and perhaps the only Member of Congress—who did not know whom the President had nominated for the vacancy in the Office of Vice President until 5:30 this morning, when I turned on WTOP and heard what the President had announced last evening.

It has been a pretty tough week, so far as I was concerned personally. I went to bed rather early, took the phone off the hook, and had a good night's sleep.

But let me say this: I am very much pleased with the announcement made by the President of the United States because, like my distinguished colleague, the Republican leader of the Senate, I had served with GERALD FORD for many years in the House of Representatives. I may also say that the distinguished assistant majority leader and the distinguished assistant Republican leader both had served with him in the House, as well. GERALD FORD is the kind of man whom one would expect the President to nominate—an activist; not a caretaker; a loyal Republican; a man loyal to the President; but a man who is understanding of the attitude and the factors which motivate the other side, as well.

So speaking personally, I must say that I am very much pleased with the nomination of Representative GERALD

FORD as Vice President-designate. I would express the hope that the Committee on Rules and Administration would undertake informally the beginning of the hearings which will occur as the month goes by; that it might be possible, in view of the great public knowledge of this man, his background, his character, his capacity, his dedication, and his patriotism for the Rules Committee to report the nomination this month, and that it would be possible for the Senate to act on the confirmation this month. That does not mean that I am advocating anything hasty, but I do think that, on the basis of a thorough investigation—which I assume and am sure the administration has already undertaken through the FBI—a further and perhaps more thorough investigation will be requested; that special staff members will be assigned to the Committee on Rules; that this matter will be gone into expeditiously, but not hurriedly; and that the vacancy which now exists, hopefully, may be filled before the end of the month. It may take a little longer. I am expressing a personal opinion. But, again expressing a personal opinion, I think the President of the United States has made an excellent proposal in the nomination of Representative GERALD FORD, the Republican leader of the House of Representatives.

Mr. HUGH SCOTT. Mr. President, the nomination of GERALD FORD as Vice-President-designate has, as we have observed, met with widespread approval within and without Congress. It is a very happy appointment, in that a man has been designated who has had 25 years' legislative experience; who, like approximately half of us in this Chamber, will come over here as a graduate of the House of Representatives and of the Sam Rayburn school of political knowledge. Therefore, he already will be rather well acquainted with our ways and will quickly learn the Senate procedures, I have no doubt. It is a very fortuitous selection, because, as I said last night, it would help toward the healing process and the recognition of the necessity for continued and constructive legislative progress.

I agree with the distinguished majority leader in his hope that we can dispose of this matter before the end of the month. The country would expect of Congress responsible and expeditious action.

The 25th amendment is for us a case of first impression. Therefore, we have to make some legislative history. We have to have hearings; we have to have a reassuring examination about the nominee. But we do not have to have indefinite delays or inexcusable legislative maneuvering. So I would hope that we could act very promptly.

I hope the members of the Rules Committee will remain around town this lovely autumn day, so that we might meet socially for the purpose of exchanging ideas of one unofficial kind or another and that out of that may come some readiness or awareness of what we do next when the Senate, in its wisdom and kindness, agrees to permit us to go forward. Surely, we will not be confronted every day with the situation which confronts us today—an unfortunate situation, which we recognize as one we cannot do anything about. I do hope the distinguished chairman of the Rules Committee is prepared to meet on a highly social basis of mutual affability with all his flock.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I yield.

Mr. CANNON. Mr. President, I announced yesterday that the Committee on Rules and Administration would meet at 10 o'clock this morning or as quickly thereafter as we were able to dispose of the two pending resolutions. Inasmuch as an objection has been made, we will have a social gathering sometime later this morning at the Rules Committee room; and, hopefully, if the Senate has adjourned, we may be able to have an official meeting after that, called on rather short notice. I hope the Members will stand by.

With respect to the speed and dispatch of the consideration of the nomination, I have already said that we will proceed in an orderly fashion, and we will proceed without undue delay. I have already contacted the Federal Bureau of Investigation, as I mentioned yesterday. I have been informed, however, that to complete a full-blown investigation by that agency would require approximately 2 weeks. So unless that time can be stepped up somewhat, I would not anticipate that we would be able to act on the nomination until we have been able to consider that. I had anticipated that perhaps the President might already have called for and had that type of investigation, but apparently it has not been done, and it should be done. We have already seen what happened as a result of perhaps inadequate investigation of a situation.

We will proceed with dispatch. We will proceed in an orderly fashion. I can assure the Senate that no member of the Rules Committee, to my knowledge, has any interest in trying to delay the matter and trying to do anything other than proceeding in an orderly fashion.

Mr. President, I happened to be reviewing the RECORD with respect to the remarks of the distinguished Senator from Massachusetts on yesterday. I am sorry that he is not on the floor this morning. I regret to take up this matter in his absence, but I think the RECORD should be made clear.

First, he argued that the Committee on the Judiciary ought to have jurisdiction. May I just say, simply, that even the distinguished chairman of the Judiciary Committee, the President pro tempore, who is presiding over the Senate at this moment, has made no claim that the Judiciary Committee has jurisdiction. So the claim comes from people who have perhaps less experience than the chairman of the committee.

One other point: The distinguished Senator from Massachusetts stated as follows:

> I think the American people will be surprised to realize that the Senate is considering the submission of the nominee to a committee with no experience in handling nominations. There has never been an instance in the history of this country in which the Rules Committee has considered a nomination.

That is an example of very, very poor staff work. The Rules Committee has considered many, many nominations since I have been a member of it. Within the past 4 months, the committee considered a nomination by the President to the Office of Public Printer, who governs the largest printing establishment in the world—not just the largest in this country. We have considered many nominations in the Rules Committee since I have been honored to be its chairman, and certainly many, many before.

I say to my distinguished colleague—and I regret again that he is not here—that I am a member of four committees, and we all have had considerable experience in considering nominations. I would venture to say that I have considered, as a member of those committees, three or four times more nominations than the distinguished Senator from Massachusetts.

Mr. HUGH SCOTT. I thank the distinguished Senator.

If there are a hundred names of people who have to be seen, it normally takes 2 weeks. Perhaps the FBI could be asked to proceed with all deliberate haste, and perhaps they could do it in 1 week. I do not know. We want it to be accurate and proper.

Mr. PASTORE. Mr. President, I think the record should be clear. There was never any attempt in any way to criticize the Committee on Rules and Administration and the membership thereof.

I want to endorse the fine things that have been said about Senator HOWARD CANNON and other members of the committee. This idea that a Member of the Senate, no matter what committee he is on, is not qualified to judge the qualifications of a nomination by the President is ridiculous. I know of no man who is more outstanding and better qualified than Senator CANNON.

The only reason some of us thought that this should have been handled as a special matter is due to the critical situation, and that was the only reason for it. But once the President has nominated someone from the House, and now the approval of the Congress looks almost like a foregone conclusion, I do not know why we should not take the position here to let it go to the Rules Committee and stop the argument.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with statements therein not to exceed 5 minutes per matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business?

SENATE ACCOMPLISHMENTS

Mr. MANSFIELD. Mr. President, since the Senate may not be meeting every day during the next 2 weeks, I thought it might be appropriate at this point to insert a copy of the report on Senate Legislative Activity which is prepared by the staff of the Senate Democratic Policy Committee, summarizing the measures passed by the Senate this session. As we have noted before, the Senate can be proud of its performance this year, and I appreciate the cooperation and hard work of all Members in making this record of achievement possible.

I especially appreciate the cooperation and understanding of the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT). The same can be said for the distinguished Senator from West Virginia, the assistant majority leader (Mr. ROBERT C. BYRD); and the same can be said for the assistant Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN), as well as the Senate as a whole.

Included with the report is an index by subject of measures passed by the Senate and a list of items to which the Senate Democratic Conference in January gave priority and another list of the 50 measures mentioned by the President in his second state of the Union message, together with the status of these bills.

I ask unanimous consent that the material mentioned above be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in th RECORD, as follows:

OCTOBER 12, 1974.

SENATE LEGISLATIVE ACTIVITY INDEX

(93d Congress, 1st sess.) (by Senate Democratic Policy Committee)

AGRICULTURE

Agriculture and Consumer Protection Act (S. 1888).
Agriculture and Consumer Protection Act Amendment (S. 2491).
Census of Agriculture (S.J. Res. 95).
Emergency Tobacco Allotment Transfer (H.R. 9172).
Feed Grain Set-Aside Program (S. 1572).
Forest Service Personnel Level (S.J. Res. 134).
Indian River Grapefruit Promotion (S. 1945).
Meat and Poultry Inspection Amendments (S. 1021).
Rabbit Meat Inspection (S. 43).
Rice Allotment Transfer (H.R. 6883).
Rural Development Loans (S. 2470).
Rural Electric and Telephone Loans (S. 394).
Rural Environmental Assistance (REAP) and Water Bank Programs (H.R. 2107).
*Rural Water and Waste Disposal Grant Program (H.R. 3298).
Wheat Referendum (S. 1938).
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APPROPRIATIONS 1973

Further Continuing (H.J. Res. 345).
*Second Supplemental (H.R. 7447), (H.R. 9055).
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1974

Agriculture—Environmental and Consumer Protection, (H.R. 8619).
Continuing (H.J. Res. 636), (H.J. Res. 727), (H.J. Res. 753).
Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies (H.R. 8916).
District of Columbia (H.R. 8658).
Housing and Urban Development, Space, Science, Veterans, and Certain Other Independent Agencies (H.R. 8825).
Interior and Related Agencies (H.R. 8917).
Labor, Health, Education, and Welfare and Related Agencies (H.R. 8877).
Legislative Branch (H.R. 6691).
Public Works for Water and Power Development and Atomic Energy Commission (H.R. 8947).
Transportation and Related Agencies (H.R. 8760).
Treasury, Postal Service, and General Government (H.R. 9590).

CONGRESS

Budget Message, Economic Report, and Impounded Funds (H.J. Res. 1).
Committee Meetings—Rule XXV (S. Res. 69).
Congressional and Supreme Court Pages (S. 2067).
Congressional Franking Reform (H.R. 3180).
Federal Constitutional Convention Procedures Act (S. 1272).
Federal Impoundment Control Procedures Act (S. 373).
Joint Economic Report—Extension (H.J. Res. 299).
Presidential Election Campaign of 1972.
Select Committee on Presidential Election Campaign Activities, (S. Res. 60), (S. Res. 132), (S. Res. 181).
Special Prosecutor for Watergate Investigation (S. Res. 105).
Rules of Evidence—Congressional Consideration (S. 583).
Secret Government Documents (S. Res. 13).
Senate Confirmation of Nominations:
Certain Federal Offices (S. 1828).
Cost of Living Council (S. 421).
Executive Office Appointees (S. 590).
Heads of Executive Departments (S. 755).
*Office of Management and Budget (S. 518) (S. 37), (S. 2045).
War Powers Act (H.J. Res. 512).

CRIME—JUDICIARY

Amendments of 1973 to Federal Laws Relating to Explosives (S. 1083).
Antitrust Procedures and Penalties Act (S. 782).
Civil Remedies for Victims of Racketeering Activity and Theft (S. 13).
Commission on Bankruptcy Laws (H.J. Res. 499).
Community Supervision and Services Act (S. 798).
Crime Control Act (H.R. 8152).
Disqualification of Judges (S. 1064).
Inmate Furloughs; Compensation for Victims of Violent Crime (H.R. 7352).
Methadone Diversion Control Act (S. 1115).
Public Safety Officers' Benefits Act (S. 15).
Public Safety Officers' Group Life Insurance Act (S. 33).
Revision of the Jurisdiction of Three-Judge Courts (S. 271).
Runaway Youth Act (S. 645).
Territorial Franchises in the Soft Drink Industry (S. 978).
Victims of Crime Act (S. 300).
Victims of Crime Act (Omnibus) (S. 800).

DEFENSE

Coast Guard Authorization, 1974 (H.R. 5383).
Defense Production Act Amendment (S. 1980).
Dependents Assistance Act of 1950 Amendments (H.R. 8537).
Disposals from National Stockpiles:
Abaca (H.R. 4682).
Aluminum (S. 2413).
Copper (S. 2316).
Opium (Morphine content) (S. 2166).
Sisal (H.R. 4682).
Silicon carbide (S. 2493).
Zinc (S. 2498).
Military Construction Authorization, 1974 (S. 2408).
Military Procurement Authorization, 1974 (H.R. 9286).
Promotions of Military Personnel in a Missing Status (S. 1493).
Sale of Naval Vessels Stricken from the Naval Register (S. 1773).
Servicemen's Benefits (H.R. 4200).

DISTRICT OF COLUMBIA

Authorization for Certain Programs and Activities (H.R. 8250).
District of Columbia Charter Act (S. 1435).
District of Columbia Insurance Act (H.R. 4083).
District of Columbia Rent Control Act (H.R. 4771).
Dulles and Friendship Airports Transit Lines (S. 2047).
Election Law (H.R. 6713).
International Center Complex (S. 1235).
John F. Kennedy Center for the Performing Arts (S. 1759).
National Visitors Center Facilities Act of 1968 Amendments (H.R. 5857).
Robert F. Kennedy Memorial Stadium (H.R. 6630).

ECONOMY-FINANCE

American Revolution Bicentennial Coins (S. 1141).
Ceilings on Deposit Interest Rates (S.J. Res. 128).
Duty Suspensions:
Caprolactam Monomer in Water Solution (H.R. 6394).
Copper (H.R. 2323).
Dyeing and Tanning Materials (H.R. 3630).
Istle Fiber and End of Freeze on Agricultural Products (H.R. 2261).
Manganese Ore (H.R. 6676).
Metal Scrap (H.R. 2324).
East-West Trade Policy Resolution (S.J. Res. 131).
Economic Stabilization Act Amendments (S. 398).
Federal Financing Bank (S. 925).
Financial Institution Structure and Regulation (H.R. 6370).
Housing and Urban Development Laws and Authorities Temporary Extension (H.J. Res. 512), (S.J. Res. 144), H.J. Res. 719).
Interest Equalization Tax Extension Act (H.R. 3577).
Interest Rate on Time and Savings Deposits (S.J. Res. 160).
National Banks Investment in Agricultural Credit Corporations (S. 1884).
Par Value Modification Act Amendments (H.R. 6912).
Public Debt Limit; Unemployment Compensation; Health Extension; Campaign Checkoff (H.R. 8410).
Purchase of U.S. Obligations by Federal Reserve Banks (S. 1410).
Railroad Retirement Act Amendments (H.R. 7357), (S. 2556).
Securities Laws Amendments (S. 470).
Securities Processing Act (S. 2058).

EDUCATION

Education of the Handicapped Amendments (S. 895).
National Commission on the Financing of Postsecondary Education (H.J. Res. 393).

GENERAL GOVERNMENT

American Revolution Bicentennial Administration (H.R. 7446).
American Revolution Bicentennial Commission (H.R. 3694).
Arctic Winter Games Authorization (S. 907).
Atomic Energy Commission Authorizations, 1974 (S. 1994).
Commission on Highway Beautification—Extension (S.J. Res. 42).
Consumer Product Warranties (S. 356).

Council on International Economic Policy (S. 1636).

Disaster relief: Emergency Disaster Bill (S. 1697).

Emergency Loan Program for Disaster Areas (H.R. 1975).

Domestic Volunteer Service Act (ACTION) (S. 1148).

Emergency Petroleum Allocation Act (S. 1570).

Energy Policy Act (S. 70).

Exemption of Federal Judiciary from charges for Space and Services (S. 2079).

Federal Election Campaign Act Amendments (S. 372).

Federal Election Reform Commission (S.J. Res. 110).

Federal Elections, date for (S. 343).

Flood Insurance (S.J. Res. 26), (S.J. Res. 112).

Foreign Service Building Act Amendments (H.R. 5610).

Fuel Allocation; Hobby Protection Act (H.R. 5777).

Government Printing Office (S. 1794), (S. 1795), (S. 1802), (S. 2399).

Maritime Authorization, 1974 (H.R. 7670).

Micronesian Claims Act Amendments (H.R. 6628).

Mint Buildings (S. 1901).

Motor Vehicle Defect Remedy Act (S. 355).

National Commission on Productivity—Extension (S.J. Res. 93).

National Commission on Productivity and Work Quality (S. 1752).

National Foundation on the Arts and Humanities Amendments (S. 795).

National Historic Preservation Act (S. 1201).

National Science Foundation Authorization, 1974 (H.R. 8510).

Office of Environmental Quality Authorizations (S. 1379).

Older Americans Comprehensive Services Amendments (S. 50).

Peace Corps Act Amendments (H.R. 5293).

Preservation of Historical and Archeological Data (S. 514).

Public Works and Economic Development Act Amendments (H.R. 2246).

Recreation Use Fees (S. 1381), (H.R. 6717).

Renegotiation Act Amendments; Social Security Benefits Increase (H.R. 7445).

Service Contract Act Extension to Canton Island (H.R. 5157).

*Small Business Act Amendments (S. 1672), (S. 2482).

Travel Agents Registration (S. 2300).

Trust Territory of the Pacific Islands (S. 1385).

Truth in Lending Act Amendments (Fair Credit Billing) (S. 2101).

Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments (S. 261).

United States Travel Service Authorization (S. 1747).

Virgin Islands Legislature (H.R. 7699).

Voter Registration Act (S. 352).

Wagner-O'Day Act Amendment (S. 1413).

Waiver-of-Claims Authority (S. 1803).

War Claims—Vietnam Conflict (S. 1728).

White House Conference on the Handicapped (S.J. Res. 118).

Wool Products Labeling Act Amendments (S. 1816).

Youth Conservation Corps (S. 1871).

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act Amendment (S. 1494).

Civil Service Retirement (H.R. 3799).

Civil Service Retirement Annuities (S. 1866).

Civil Service Survivors Benefits (S. 2174).

Executive, Legislative, and Judicial Salaries (S. 1989).

Federal Employees Pay Adjustments (S. Res. 171).

Library of Congress (S. 1904).

National Guard Technicians' Retirement (S. 871).

Survivor Annuities of Civil Service Retirees (S. 628).

HEALTH

Child Abuse Prevention and Treatment Act (S. 1191).

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments (S. 1125).

Emergency Medical Services Systems Act (S. 504), (S. 2410).

Health Maintenance Organization and Resources Development Act (S. 14).

Health Programs Extension Act (S. 1136).

Lead-Based Paint Poisoning Amendments (S. 607).

Little Cigar Act (S. 1165).

National Institute of Health Care Delivery Act (S. 723).

National Research Awards and Protection of Human Subjects Act (H.R. 7724).

Research on Aging Act (S. 775).

School Lunch and Child Nutrition Programs (H.R. 4278), (H.R. 9639).

INDIANS

Glen Canyon National Recreation Area Concession Operations (S. 1384).

Indian Claims Commission (S. 721).

Indian Financing Act (S. 1341).

Indian Judgment Distribution Act (S. 1016).

Joint Committee on Navajo-Hopi Administration—Abolishment (S. 267).

Klamath Indian Tribal Land Acquisition (H.R. 3867).

Publication of Material Relating to the Constitutional Rights of Indians (S. 969).

INTERNATIONAL

Atlantic Union Delegation (S.J. Res. 21).

Board for International Broadcasting Act (S. 1914).

Department of State Authorization (H.R. 7645).

Diplomatic Relations Between Sweden and the U.S. (S. Res. 149).

Environmental Modification as a Weapon of War (S. Res. 71).

EURATOM Cooperation Act of 1958 Amendment (S. 1993).

Foreign Assistance Act (S. 2335).

Foreign Military Sales and Assistance Act, 1974 (S. 1443).

International Monetary Fund and International Bank for Reconstruction and Development (S. 1887).

International Voyage Load Line Act (S. 1352).

People's Republic of China—Diplomatic Privileges (S. 1315).

Prohibition of Intervention in Foreign Political Affairs (S. 2239).

Radio Free Europe and Radio Liberty Supplemental Authorization, 1973 (S. 1972).

Treaties:

Agreement with Canada for the Promotion of Safety on the Great Lakes (Ex. J, 93d–1st).

Amendment to Article 61 of the Charter of the United Nations (Ex. L, 93d–1st).

Consular Convention with Hungary (Ex. W, 92d–2d).

Consular Convention with Poland (Ex. U, 92d–2d).

Consular Convention with Romania (Ex. V, 92d–2d).

Convention for the Protection of Producers of Phonograms (Ex. G, 93d–1st).

Convention for the Safety of Life at Sea Amendments (Ex. I, 93d–1st).

Convention on Endangered Species (Ex. H, 93d–1st).

Convention on the Prevention of Marine Pollution (Ex. C, 93d–1st).

Convention with Japan for the Protection of Birds and their Environment (Ex. R, 92d–2d).

Exchange of Notes with Ethiopia Concerning the Administration of Justice (Ex. B, 93d–1st).

Extradition Treaty with Italy (Ex. M, 93d–1st).

Extradition Treaty with Paraguay (Ex. S, 93d–1st).

Extradition Treaty with Uruguay (Ex. K, 93d–1st).

International Coffee Agreement 1968 as Amended (Ex. O, 93d–1st).

International Convention on Load Line Amendment (Ex. D, 93d–1st).

United Nations Environment Program Participation Act of 1973 (H.R. 6768).

United States Information Agency Authorization (S. 1317).

United States Oceans Policy (S. Res. 82).

LABOR

Emergency Employment Act Amendments (S. 1560).

*Fair Labor Standards Amendments (Minimum Wage) (H.R. 7935).

Job Training and Community Services Act (Manpower Revenue Sharing) (S. 1559).

Labor Management Relations Act Amendments (S. 1423).

Penn Central Rail Dispute (S.J. Res. 59).

#*Rehabilitation Act of 1972 (S. 7).

Rehabilitation Act of 1973 (H.R. 8070).

MEMORIALS, TRIBUTES, AND MEDALS

B. Everett Jordan Dam and Lake (S. 2282).

Cable Car Medals (S. 776).

Commemoration of Members of the Armed Services Who Served in the Vietnam War (S. Res. 117).

Eisenhower Memorial (S. 1264).

Fort Scott, Kansas (H.R. 7976).

James W. Trimble Dam (S. 2463).

Jim Thorpe Medals (H.R. 4507).

John Wesley Powell Federal Building (S. 1618).

Law Day (S.J. Res. 11).

Lyndon B. Johnson (S. Res. 24), (H. Con. Res. 90), (S. Res. 34).

Lyndon B. Johnson Space Center (S.J. Res. 37).

Members of the Armed Forces Missing in Action in Indochina (S. Res. 115).

Monument to 1st Infantry Division (S.J. Res. 66).

Richard B. Russell Dam and Lake (S. 2496).

Roberto Walker Clemente Medals (H.R. 3841).

Senator Stennis' Birthday (S. Res. 156).

Skylab III Astronauts (S. Res. 175).

Veterans Day (S. Con. Res. 51).

Vietnam War Memorial (S.J. Res. 45).

NATURAL RESOURCES—ENVIRONMENT

Alaska Pipeline (S. 1081).

American Falls Dam Replacement (S. 1529).

Arkansas River Basin Compact (S. 11).

Clean Air Act Extensions (S. 498), (H.R. 5445).

Eagles Nest Wilderness (S. 1864).

Endangered Species Act (S. 1983).

Flood Control Act (S. 606).

Grand Canyon National Park, Arizona (S. 1296).

Interstate Environment Compact Act (S. 9).

Land Use Policy and Planning Assistance Act (S. 268).

National Sea Grant College and Program Act of 1966 Amendments (H.R. 5452).

Oil Pollution Act Amendments (H.R. 5451).

Reimbursement for Sewage Treatment Facilities Construction (S. J. Res. 158).

Safe Drinking Water Act (S. 433).

Saline Water Program Authorization, 1974 (S. 1386).

Shenandoah National Park, Virginia (S. 988).

Solid Waste Disposal Act Extensions (S. 498), (H.R. 5446).

Strip Mining (S. 425).

Toxic Substances Control Act (S. 426).

United States Fishing Industry (S. Con. Res. 11).

Wasteland Treatment Plant Operations Training Program (S. 1776).

Water Resources Planning Act Amendments (S. 1501).

Wild and Scenic Rivers Act Amendments (S. 921).

NOMINATIONS

(Action by Roll Call Vote)

Alvin J. Arnett to be Director of the Office of Economic Opportunity.

Vincent R. Barabba to be Director of the Census.

Peter J. Brennan to be Secretary of Labor.

William P. Clements, Jr. to be a Deputy Secretary of Defense.

William Egan Colby to be Director of Central Intelligence.

Clarence M. Kelley to be Director of the Federal Bureau of Investigation.

Henry A. Kissinger to be Secretary of State.

Elliot L. Richardson to be Secretary of Defense.

Elliot L. Richardson to be Attorney General.

James R. Schlesinger to be Director of Central Intelligence.

James R. Schlesinger to be Secretary of Defense.

William L. Springer to be a Member of the Federal Power Commission.

Russell E. Train to be Administrator of the Environmental Protection Agency.

Caspar W. Weinberger to be Secretary of Health, Education, and Welfare.

PROCLAMATIONS

Digestive Disease Week (S.J. Res. 114).

Honor America Day (S. Con. Res. 27).

International Clergy Week in the United States (H.J. Res. 163).

Jim Thorpe Day (S.J. Res. 73).

Johnny Horizon '76 Clean Up America Month (H.J. Res. 695).

Middle East Crisis (S. Res. 179).

Mississippi River (S.J. Res. 102).

National Arthritis Month (H.J. Res. 275).

National Autistic Children's Week (H.J. Res. 296).

National Clean Water Week (H.J. Res. 437).

National Consumer Effort to Save Gas and Arrive Alive (S. Res. 138).

National Employ the Older Worker Week (H.J. Res. 334).

National Historic Preservation Week (S.J. Res. 51).

National Hunting nad Fishing Day (H.J. Res. 210).

National Legal Secretaries' Court Observance Week (H.J. Res. 466).

National Moment and Day of Prayer and Thanksgiving (H.J. Res. 246).

National Next Door Neighbor Day (S.J. Res. 25).

National Nutrition Week (S.J. Res. 99).

Nicolaus Copernicus Week (H.J. Res. 5).

Senator John C. Stennis Day (S. Res. 180).

Warsaw Ghetto Uprising (H.J. Res. 303).

Women's Equality Day (H.J. Res. 52).

SPACE

NASA Authorization, 1974 (H.R. 7528).

TRANSPORTATION AND COMMUNICATIONS

Aircraft Hijacking (S. 39).

#Airport Development Acceleration Act (S. 38).

Amtrak Improvement Act (S. 2016).

Bicentennial Advanced Technology Transportation System Demonstration Act (S. 797).

#Corporation for Public Broadcasting Authorization (S. 1090).

"Delta Queen" (H.R. 5649).

Emergency Commuter Relief (S. 386).

Emergency Rail Services Act Amendments (S. 2060).

Essential Rail Services Continuation Act (S. 1925).

Federal-aid Highway Act (S. 502).

Federal Railroad Safety Authorization Act (S. 2120).

Highway Safety Act (S. 893).

Interim Apportionment of Interstate and Other Highway Funds (S. 1808).

Interstate Apportionment (S. Con. Res. 6).

Ocean Transportation in Noncontiguous States and Territories (S. 902).

Rail Freight Car Shortage (S. Res. 59).

Railroad Retirement Act and Interstate Commerce Act Amendments (H.R. 7200).

Rolling Stock Utilization and Financing Act (S. 1149).

Ship Construction (H.R. 6187).

T.V. Blackout—Professional Sports (S. 1841).

West Coast Corridor Feasibility Study Act (S. 1328).

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act (S. 284).

#Health Care Expansion Act (S. 59).

#National Cemeteries Act (S. 49).

Veterans' Administration Flexible GI Interest Rate Authority (H.R. 8949).

Veterans' Benefits (H.R. 9474).

#Vetoed 1972.

#Vetoed 1973.

OCTOBER 12, 1973.

SENATE LEGISLATIVE ACTIVITY

(93d Congress, 1st sess.) (by Senate Democratic Policy Committee)

Days in Session	144
Hours in Session	855: 01
Total Measures Passed	504
Public Laws	122
Treaties	16
Confirmations	51, 474
Record Votes	454

Symbols: P/H—Passed House; P/S—Passed Senate; *—Vetoed 1973; (VV)—Passed by Voice Vote; numbers in parenthesis indicate number of record vote on passage or reconsideration.

Agriculture: Agriculture and Consumer Protection Act

Amends the Agricultural Act of 1970 and extends, in general, the present farm program, with the following and other provisions.

TARGET PRICES

Establishes for the 1974 through 1977 crops a new "target price" method of price-support payments for wheat, feed grains (corn, grain sorghums, and, if designated by the Secretary of Agriculture, barley), and cotton on all allotted acres using an established price, which is also the "target price" for the first two years of the program, and results in a target price of $2.05 per bushel for wheat, $1.38 per bushel for corn (with reasonable rates to be set for grain sorghums, and if designated, barley, in relation to the rate for corn), and 38 cents per pound for cotton for the 1974 and 1975 crops, with future target prices to be set by evaluating an established price in subsequent years and increasing or decreasing it to reflect changes in prices paid as shown by an index of production costs (production items, interest, taxes, and farm wage rates) published by the Department of Agriculture; provides under this method of payment, that a producer will receive a payment equal to the difference between the target price and the average price received by farmers the first 5 months of the marketing year or the loan level, with no payment to the producer if market prices are higher than or equal the target price, instead of, as at present, for wheat, payments on the domestic allotment only, and not on the export allotment, of the difference between the average market price for the first 5 months of the marketing year and 100 percent of parity, but not less than 75 percent of parity; for corn, payment of the difference between such average market price and the greater of $1.35 per bushel or 70 percent of parity, with a guarantee of 100 percent of parity on one-half the domestic allotment; for cotton, payment of the difference between such average market price and 35 cents per pound or 65 percent of parity adjusted according to the national base acreage allotment, including a minimum payment of 15 cents per pound whatever the market price.

OTHER PROVISIONS

Changes the present $55,000 per crop limitation on wheat, feed grains, and cotton to $20,000 per farmer applicable to income supplement payments only;

Suspends the wheat marketing certificate collections from processors on July 1, 1973; extends the suspension of wheat marketing quotas through 1977; provides for payments to farmers in the case of a natural disaster or other circumstances beyond a farmer's control that prevent the planting or harvesting of crops; provides for a cost-sharing program to eradicate the boll weevil or other major cotton insect;

Continues the dairy indemnity program; increases the minimum dairy support price on manufactured milk to 80 percent of parity for the balance of this marketing year and for the next marketing year, which ends March 31, 1975;

Continues the wool program; provides forestry incentives for small farmer forest owners; extends and expands the food stamp program;

Provides, regarding the rural environmental conservation program, a permanent requirement for 3, 5, 10, and 25 year contracts, and perpetual easements to carry out the purposes of the rural environmental assistance program (REAP), Great Plains, and water bank programs; provides 50 percent cost-sharing for rural firefighting equipment;

Provides that the Secretary of Agriculture shall establish a disaster reserve of inventories not to exceed 75 million bushels of wheat, feed grains, and soybeans for alleviating distress caused by a natural disaster; provides that the President shall make appropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723, dated June 13, 1973, or subsequent order, for any agricultural products (at any point in the distribution chain) as to which the Secretary of Agriculture certifies to the President that the supply of the product will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means are not available;

And contains other provisions. S. 1888. Public Law 93-86, approved August 10, 1973. (181)

AGRICULTURE AND CONSUMER PROTECTION ACT AMENDMENT

Amends, because of the administrative difficulties involved, the provisions of the Agricultural Act of 1949 as amended by the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains. to limit the payments for such other crops to soybeans, cotton, corn, grain sorghums, barley and wheat. S. 2491. P/S October 11, 1973. (VV)

CENSUS OF AGRICULTURE

Directs the Secretary of Commerce to submit, within 30 days of enactment of this resolution, an estimate of funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974; requires that funds heretofore or hereafter appropriated for planning the 1974 census shall be utilized for such purpose; and directs the Secretary to take the necessary action to insure that the data acquired from the 1974 census be made public through appropriate publication as soon as practicable following the taking of such census. S.J. Res. 95. P/S June 22, 1973. (VV)

EMERGENCY TOBACCO ALLOTMENT TRANSFER

Authorizes the Secretary of Agriculture to permit the transfer of tobacco acreage allotments across county lines in 1973 in 12 named counties in Georgia and South Carolina if he finds that one of the counties has suffered an overall loss of 10 percent or more in the number of acres of tobacco planted as a result of a natural disaster and that the lease will not impair the program and provides that the provisions of the act shall apply only to those farms which had suffered a loss of 30 percent or more in the number of acres of tobacco planted, in which case the transfer would have to be to a farm in the same or a nearby county within the State having an allotment for the same kind of tobacco. H.R. 9172. Public Law 93-80, approved August 1, 1973. (VV)

FEED GRAIN SET-ASIDE PROGRAM

Increases the payment rate for option B participants in the feed grain program to assure option B participants the same parity guarantees which option A participants now have. S. 1572. P/S April 18, 1973. (VV)

FOREST SERVICE PERSONNEL LEVEL

Requires that the number of permanent, full-time Forest Service employees employed by the Department of Agriculture to carry out the activities of the Forest Service be maintained at not less than 450 above the June 30, 1973 ceiling of 20,404 permanent, full-time personnel. S.J. Res. 134. P/S July 20, 1973. (VV)

INDIAN RIVER GRAPEFRUIT PROMOTION

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment for market promotion expenses under the order. S. 1945. P/S June 28, 1973. (VV)

MEAT AND POULTRY INSPECTION AMENDMENTS

Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase (beginning fiscal year 1974) the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent, and provides that the total cost of any cooperative arrangement for meat or poultry inspection purposes to be contributed under the Talmadge-Aiken Act (Public Law 87-718) shall be equal to the highest percentage contributed to any State under either of these acts. S. 1021. P/S April 2, 1973. (73)

RABBIT MEAT INSPECTION

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products, and sets the effective date of the provisions of the bill at July 1, 1973. S. 43. P/S February 21, 1973. (VV)

RICE ALLOTMENT TRANSFER

Permits rice growers who are unable to plant part or all of their farm acreage allotments in 1973 because of flood or other natural disaster to transfer their allotments to other farms in the same or adjoining county. H.R. 6883. Public Law 93-27, approved April 27, 1973. (VV)

RURAL DEVELOPMENT LOANS

Authorizes the Secretary of Agriculture to make loans from the Rural Development Fund, for periods of up to 5 years, to private profit or nonprofit Rural Loan Investment Companies (RLIC) organized solely to purchase, service, sell, or otherwise deal in loans made by private financial agencies (which could borrow up to 20 times its net assets from the Rural Development Insurance Fund at the same interest rate the Treasury Department must pay to borrow funds) for purposes for which loans can be made under the Consolidated Farm and Rural Development Act. S. 2470. P/S October 9, 1973. (VV)

RURAL ELECTRIC AND TELEPHONE LOANS

Amends the Rural Electrification Act of 1936, as amended, to provide a revised program for rural electric and telephone loans; creates a revolving fund with unlimited borrowing authority, for the making of insured rural electric and telephone loans; provides that such insured loans will bear interest at five percent to two percent, with two percent loans to be available only if the borrower (a) has an average subscriber density of two or fewer per mile; or (b) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or, if the Administrator of the Rural Electrification Administration, in his sole discretion, finds that (c) the borrower has experienced extenuating circumstances or severe hardship; or (d) cannot produce net income before interest of at least 150 percent of its total interest requirements and still meet the objectives of the act; or (e) cannot without an excessive rate increase provide service consistent with the act; authorizes the guarantee of rural electric and telephone loans made by other lenders with interest at rates agreed upon by borrowers and lenders; requires loans made for rural electric and telephone facilities under the Consolidated Farm and Rural Development Act to be refinanced under the Rural Electrification Act of 1936 at the request of the borrower; provides that financial transactions of the Fund in interim notes and insured obligations (section 304), insured loans and advances (section 305(a)), and guaranteed loans (section 306) are not to be included in the totals of the budget of the United States and shall be exempt from any limitation imposed by statute on expenditures and net lending (budget outlays) of the United States; and contains other provisions. S. 394, Public Law 93-32, approved May 11, 1973. (20,118)

RURAL ENVIRONMENTAL ASSISTANCE (REAP) AND WATER BANK PROGRAMS

Requires the Secretary of Agriculture (1) to make payments under the rural environmental assistance program (REAP) in the full amount appropriated therefor, and (2) to enter into agreements under the water bank program to the full extent permitted by available appropriations therefor. H.R. 2107. P/H February 7, 1973; P/S amended March 1, 1973; Conference report filed. (26) (Comparable provisions are contained in the Agricultural Act which became Public Law 93-86.)

*RURAL WATER AND WASTE DISPOSAL GRANT PROGRAM

Requires the Secretary of Agriculture to make grants in the full amounts appropriated for the Farmers Home Administration water and waste disposal grant program which was terminated by the Department of Agriculture effective January 1, 1973. H.R. 3298. Vetoed April 5, 1973. House sustained veto April 10, 1973. (55)

WHEAT REFERENDUM

Permits the wheat marketing quota referendum with respect to the national marketing quota for the 1974 crop (which, since the Agricultural Act of 1970 extends only to the 1973 crop, otherwise would be required to be held no later than August 1, 1973, for the 1974 crop) to be deferred until the earlier of October 15, 1974, or 30 days after the adjournment of the 1st session of the 93d Congress, thereby permitting Congress a further opportunity to develop new legislation. S. 1938. Public Law 93-68, approved July 10, 1973. (VV)

WOODSY OWL

Authorizes the Secretary of Agriculture to establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name, "Woodsy Owl," and the associated slogan "Give a Hoot, Don't Pollute," originated by the Forest Service; and contains other provisions. S. 1585. P/S June 14, 1973. (VV)

APPROPRIATIONS, 1973

FURTHER CONTINUING APPROPRIATIONS

Extends the existing continuing resolution (Public Law 92-334) from February 28, 1973, to June 30, 1973, at the annual funding level, to provide further continuing appropriations for the activities covered by the Foreign Asssistance and Related Programs Appropriation Act, the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, neither of which have yet been enacted, and authorizes $6,224,000 for the American Revolution Bicentennial Commission; requires the President to submit periodic reports on impoundments to Congress; and contains other provisions. H.J. Res. 345. Public Law 93-9, approved March 8, 1973. (VV)

*SECOND SUPPLEMENTAL APPROPRIATIONS

Makes supplemental appropriations for the fiscal year ending June 30, 1973, in the amount of $3,362,845,279 for the following: Agriculture-Environmental and Consumer Protection; Defense; District of Columbia; Foreign Operations; Housing and Urban Development, Space, Science, and Veterans'; Interior and Related Agencies; Labor, and Health, Education and Welfare; Legislative; Public Works; State, Justice, Commerce, and Judiciary; Transportation; Treasury, Postal Service, and General Government; and Claims and Judgments; prohibits the expenditure of funds appropriated in this act to aid or assist in the reconstruction of North Vietnam; provides that no funds may be transferred on or after the effective date of this act under the authority of section 735 of the Department of Defense Appropriations Act, 1973, to support directly or indirectly U.S. combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces; and provides that "none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly, or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces"; prohibits the use of any appropriation contained in this or any other act for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress except in presentation to the Congress itself; and contains other provisions. H.R. 7447. Vetoed June 27, 1973. House sustained veto June 27, 1973. (155, 218)

Contains identical sums and provisions for the various items of the several departments and agencies as in the vetoed bill; provides that no funds appropriated in this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam); provides that none of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North and South Vietnam or off the shores of Cambodia, Laos, North and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose; and contains other provisions. H.R. 9055. Public Law 93-50, approved July 1, 1973. (254)

URGENT SUPPLEMENTAL APPROPRIATIONS

Appropriates $1,368,600,000 for supplemental appropriations for fiscal year 1973 for the Civil Aeronautics Board, the Veterans' Administration, the Department of Health, Education, and Welfare, and the General Services Administration, of which $122.1 million is for the basic educational opportunity grant program, $210.3 million for the supplemental educational opportunity grant program, $270.2 million for the college work-study program, and $269.4 for the direct student loan program under the Department of Health, Education, and Welfare, and provides additional funding for fiscal year 1973 to schools in federally impacted areas. H.J.

Res. 496. Public Law 93-25, approved April 26, 1973. (100)

1974: AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION

Appropriates a total of $9,927,667,000 new obligational authority for fiscal year 1974 of which $5,088,568,000 is for agricultural programs, $394,322,000 for rural development programs, $1,062,177,000 for environmental programs, and $3,382,600,000 for consumer programs. H.R. 8619. Public Law 93- , approved 1973 (245).

CONTINUING APPROPRIATIONS

Makes continuing appropriations to avoid interruption of continuing government functions until: (a) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; or (b) enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or (c) September 30, 1973, whichever first occurs; provides that new obligational authority under this act to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2.2 billion, and shall not be funded at a rate exceeding one quarter of such annual rate; provides that, notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia; provides that, unless specifically authorized by Congress, none of the funds herein appropriated under this joint resolution or heretofore appropriated under any other act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam); and contains other provisions. H.J. Res. 636. Public Law 93-52, approved July 1, 1973. (253)

Extends the Continuing Resolution, Public Law 93-52, making further continuing appropriations for fiscal year 1974, from September 30 to October 11, 1973. H.J. Res. 753. Public Law 93-118, approved 10/4/73. (VV)

Extends the Continuing Resolution, Public Law 93-52, making further continuing appropriations for fiscal year 1974, until the sine-die adjournment of the first session of this Congress, and supersedes H.J. Res. 753 which temporarily extend the date of Public Law 93-52 from September 30 to October 11, 1973; provides that none of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products; exempts the Export-Import Bank from the requirement that the funding rate for activities covered by the Foreign Assistance Appropriation Bill shall not exceed one quarter of the annual rate as provided by the joint resolution; and provides that no State in the aggregate will receive less than 90 percent of the amount it received in fiscal year 1972, for grants to local educational agencies, and that no local educational agency shall receive less than 90 percent nor more than 115 percent of what it received in fiscal year 1973. H.J. Res. 727. Public Law —, approved —, 1973. (446)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES

Appropriates $4,459,478,250 for fiscal year 1974 for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies; and contains other provisions. H.R. 8916. P/H June 29, 1973; P/S amended September 17, 1973; Conference report filed. (385)

DISTRICT OF COLUMBIA

Appropriates for the District of Columbia a total of $417,717,000 in Federal funds of which $187,450,000 represents the Federal payment to the District, and $954,731,200 in District of Columbia funds for fiscal year 1974. H.R. 8658. Public Law 93-91, approved August 14, 1973. (302)

HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES

Appropriates $20,884,223,000 for the Department of Housing and Urban Development, Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for fiscal year 1974. H.R. 8825. P/H June 22, 1973; P/S amended June 30, 1973; House adopted conference report October 11, 1973. (371)

INTERIOR AND RELATED AGENCIES

Appropriates $2,443,137,200 in new budget obligational authority for fiscal year 1974 for the Department of the Interior and related agencies including the U.S. Forest Service. H.R. 8917. Public Law 93-120, approved October 4, 1973. (350)

LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES

Appropriates $33,396,379,000 for the Departments of Labor, and Health, Education, and Welfare and related agencies for fiscal year 1974 ($830,682,000 for the Department of Labor; $31,998,460,000 for the Department of Health, Education, and Welfare; and $567,237,000 for related agencies). H.R. 8877. P/H June 26, 1973; P/S amended October 4, 1973; In conference. (447)

LEGISLATIVE BRANCH

Appropriates a total of $640,558,952 in new budget obligational authority for the Legislative Branch for fiscal year 1974. H.R. 6691. P/H April 18, 1973; P/S amended July 19, 1973; Conference report filed. (300)

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION

Appropriates $4,749,403,000 in new budget obligational authority for fiscal year 1974 for Public Works for Water and Power Development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R. 8947. Public Law 93-97, approved August 16, 1973. (305)

TRANSPORTATION AND RELATED AGENCIES

Appropriates $2,898,466,006 in new budget obligational authority for fiscal year 1974 for the Department of Transportation including: the Coast Guard; Federal Aviation, Federal Railroad, and Urban Mass Transportation Administrations; and the St. Lawrence Seaway Development Corporation; and for related agencies: the National Transportation Safety Board, Civil Aeronautics Board, Interstate Commerce Commission, Panama Canal, and $90 million advanced appropriations for fiscal year 1975 for Washington Metropolitan Area Transit Authority. H.R. 8760. Public Law 93-98, approved August 16, 1973. (336)

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

Appropriates a total of $5,123,352,000 for fiscal year 1974 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies. H.R. 9590. P/H August 1, 1973; P/S amended September 5, 1973; Conference report filed. (365)

CONGRESS: BUDGET MESSAGE, ECONOMIC REPORT, AND IMPOUNDED FUNDS

Extends to January 29, 1973, the time for the President to submit to Congress the budget for fiscal year 1974; extends to January 31, 1973, the time for transmittal of the economic report; extends the time for the Joint Economic Committee to file its report on the President's economic report not later than March 10, 1973; and requires the President to transmit to Congress by February 10, 1973, a report with respect to all funds impounded from October 27, 1972, and before January 29, 1973; and from July 1, 1972, and before October 27, 1972. H.J. Res. 1, Public Law 93-1, approved January 19, 1973. (VV)

COMMITTEE MEETINGS—RULE XXV

Amends Senate rule XXV to provide that meetings for the transaction of business of each standing committee of the Senate shall be open to the public, except during closed sessions for marking up bills, for voting, or when the committee by majority vote orders a closed session: Provided that any such closed session may be open to the public, if the committee by rule or majority vote so determines. S. Res. 69. Senate adopted March 6, 1973. (28)

CONGRESSIONAL AND SUPREME COURT PAGES

Provides for replacement of the existing Congressional and Supreme Court page corps with an older group of pages (18 to 21 years of age) who would not require the after-hours supervision many feel is necessary for the younger pages; repeals the authority in existing law for the construction of a residential page classroom and dormitory building; and contains other provisions. S. 2067. P/S July 12, 1973. (VV)

CONGRESSIONAL FRANKING REFORM

Establishes for the first time criteria for what is frankable and what is not frankable under the definition of official business as passed by the Congress in title 30 of the United States Code; empowers the Senate Select Committee on Standards and Conduct with original jurisdiction to provide guidance, assistance, advice and counsel to Senators through advisory opinions or consultations in connection with the mailing of franked mail; and contains other provisions. H.R. 3180. P/H September 17, 1973; P/S amended October 11, 1973; House requested conference October 12, 1973. (VV)

FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT

Provides the procedural machinery necessary to effectuate that part of article V of the Constitution of the United States which authorizes a convention called by the States to propose specific amendments to the Constitution; clarifies Congressional authority with regard to the specific procedures for a constitutional convention called by the States; and contains other provisions. S. 1272. P/S July 9, 1973. (VV)

FEDERAL IMPOUNDMENT CONTROL PROCEDURES ACT

Requires, in Title I of the bill, Impoundment Control Procedures, that the President, when a budget authority is impounded, shall send a special message to the Congress specifying the amount of the budget authority impounded, the reasons therefor, and to the extent practicable, the estimated fiscal, economic, and budget effect thereof; provides that, unless Congress acts to ratify the impoundment or if it acts to disapprove it, by concurrent resolution within 60 days of continuous session after receipt of the message, that the obligation of the budget authority is mandatory and those funds may not be reimpounded; sets, in Title II of the bill, a ceiling of $268 billion on expenditures and net lending for fiscal year 1974; provides that the President shall reserve such amounts as may be necessary to keep within the ceiling, and that the reservations shall be made proportionately by functional category, and, where practicable, subfunctional category, as set out in the 1974 U.S. Budget in Brief, with the exception that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance grants under Title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and contains other provisions. S. 373. P/S May 10, 1973; P/H amended July 25, 1973; In conference. (126, 127)

JOINT ECONOMIC REPORT—EXTENSION

Extends from March 10, 1973, to April 1, 1973, the time for the Joint Economic Committee to submit its report on the President's Economic Report. H.J. Res. 299. Public Law 93–7, approved February 16, 1973. (VV)

PRESIDENTIAL ELECTION CAMPAIGN OF 1972: SELECT COMMITTEE ON PRESIDENTIAL ELECTION CAMPAIGN ACTIVITIES

Establishes a Select Committee on Presidential Campaign Activities, consisting of 7 members of the Senate, to conduct an investigation and study of the extent to which illegal, improper, or unethical activities were engaged in by persons acting either individually or in combination with others in the Presidential election campaign of 1972, and to determine whether, in its judgment, there is a necessity to enact new legislation to safeguard the electoral process by which the President of the United States is elected; provides for the appointment, by the President of the Senate, of the 7 member panel to consist of 4 members of the majority party and 3 members of the minority party, upon the recommendation of their respective leaders; empowers the committee to make a complete investigation and study of matters relating to the breaking, entering, and bugging of the Democratic National Committee in the Watergate Building in Washington, D.C., and sets the time for the committee to file a report of its findings at not later than February 28, 1974; authorizes an amount not to exceed $500,000 for committee expenses to be paid from the contingent funds of the Senate; and contains other provisions. S. Res. 60. Senate adopted February 7, 1973. (13)

Amends S. Res. 60 to increase the authorization for expenses of the Select Committee on Presidential Election Campaign Activities through February 7, 1974, from $500,000 to $1 million of which not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof. S. Res. 132. Senate adopted June 25, 1973 (VV)

Authorizes the Chairman of the Select Committee on Presidential Election Campaign Activities, Senator Sam J. Ervin, to appear and testify before the U.S. district court for the Southern District of New York in a criminal case entitled United States of America vs. John N. Mitchell, Maurice Stans, and others, which involves a campaign contribution for $250,000 allegedly made by Robert Vesco. S. Res. 181. Senate adopted October 10, 1973. (VV)

SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION

States the sense of the Senate that the President should (1) immediately designate an individual of the highest character and integrity outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it; (2) grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and (3) submit the name of such designee to the Senate, requesting a resolution of approval thereof. S. Res. 105. Senate adopted May 1, 1973. (VV)

RULES OF EVIDENCE—CONGRESSIONAL CONSIDERATION

Provides that notwithstanding any other provisions of law, that the proposed Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules for Civil Procedure, and the Amendments to the Federal Rules for Criminal Procedure which are contained in the orders entered by the Supreme Court on November 20, 1972, and December 18, 1972, and transmitted to Congress by the Chief Justice on February 5, 1973, shall have no force and effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress. S. 583. Public Law 93–12, approved March 30, 1973. (VV)

SECRET GOVERNMENT DOCUMENTS

Establishes an ad hoc committee of the Senate to conduct a study and submit to the Senate by June 30, 1973, a report and recommendations on all questions relating to the secrecy, confidentiality, and classification of government documents committed to the Senate or any member thereof. S. Res. 13. Senate adopted January 9, 1973. (VV)

SENATE CONFIRMATION OF NOMINATIONS: CERTAIN FEDERAL OFFICES

Requires that future appointments to fill vacancies in the offices of the head of the new Mining Enforcement and Safety Administration, the Director of the Bureau of Land Management, the National Park Service, and the Bureau of Outdoor Recreation, the Commissioner of Reclamation, and the Governor of American (Eastern) Samoa shall be made by the President by and with the advice and consent of the Senate and provides that such appointees shall serve at the pleasure of the President for a term of not to exceed 4 years subject to reappointment and confirmation. S. 1828. P/S July 25, 1973. (316)

COST OF LIVING COUNCIL

Requires that appointments to the Office of Director of the Cost of Living Council shall be made by the President by and with the advice and consent of the Senate. S. 421. P/S January 23, 1973. (VV)

EXECUTIVE OFFICE APPOINTEES

Requires that appointments by the President to fill the offices of Executive Secretary of the National Security Council and the Executive Director of the Domestic Council, which are made after the effective date of this act, shall be subject to Senate confirmation, and provides that if the International Economic Policy Act of 1972 is extended beyond its present expiration date of June 30, 1973, the Executive Director of the Council on International Economic Policy also shall be appointed by and with the advice and consent of the Senate, and that no individual shall serve in that office after that date unless so appointed. S. 590. P/S May 9, 1973. (122)

HEADS OF EXECUTIVE DEPARTMENTS

Provides that the head of any executive department as defined in 5 U.S.C. 101 (the Departments of State; Treasury; Defense; Justice; Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation) shall serve for a term of 4 years, subject to Senate confirmation, beginning at noon on January 20 of the year in which the term of the President appointing such department head begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this act shall begin on such date and expire at noon on January 20, 1977, and (2) a person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve only for the unexpired portion of that term, thus requiring that Cabinet officials retained by a President serving a second term must be confirmed by the Senate prior to reappointment; provides that nothing in this act shall be construed to affect the power of the President to remove any department head; and contains other provisions. S. 755. P/S May 2, 1973. (106)

*OFFICE OF MANAGEMENT AND BUDGET

Abolishes and reestablishes as new offices the offices of Director and Deputy Director of the Office of Management and Budget and provides that the offices shall be filled by the President, by and with the advise and consent of the Senate, with the provisions of this act to take effect 30 days after enactment. S. 518. Vetoed May 18, 1973; Senate overrode veto May 22, 1973; House sustained veto May 23, 1973. (6,144)

Amends the Budget and Accounting Act, 1921, to provide a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate; provides that this requirement is to become applicable to either office if the incumbents are reappointed or immediately after the individual holding the office ceases to hold the office; transfers from the President to the Office of Director, Office of Management and Budget, all of the functions which were vested by law in the Bureau of the Budget, and its Director, and transferred to the President by Reorganization Plan No. 2 of 1970; and contains other provisions. S. 37. P/S June 25, 1973. (210)

Establishes a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate, and provides that this requirement is to become applicable to either office upon expiration of the term or immediately after the individual holding the office ceases to hold the office; requires that the Executive Director of the Domestic Council and the Executive Secretary of the National Security Council shall be appointed by the President by and with the advice and consent of the Senate, and provides that this requirement shall apply to appointments made to these offices after the date of enactment of this act. S. 2045. P/S June 25, 1973. (211)

WAR POWERS ACT

Requires the President to consult with Congress before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated; in the absence of a declaration of war, requires the President to submit within 48 hours to the Congress a report setting forth the circumstances necessitating the introduction of forces, the constitutional and legislative authority for such action, and the estimated scope and duration of the hostilities or involvement, such report to be made at least every six months; requires the President to terminate the use of the Armed Forces within 60 days after submission of the report to Congress unless the Congress (1) has declared war or has specifically authorized such use of the Armed Forces, (2) has extended by law the 60 day period, or (3) is physically unable to meet as a result of an armed attack; provides that the 60 day period may be extended for 30 days if the President determines and certifies in writing to Congress the need for the use of the forces in bringing about a prompt removal of the forces; provides that authority to introduce Armed Forces into hostilities or situations where involvement in hostilities is indicated shall not be inferred from any provision of law, including appropriations measures or treaties, unless such authority is specifically authorized; and contains other provisions. H..J Res. 512. Public Law 93——, approved ——— 1973, (303, 451)

CRIME-JUDICIARY: AMENDMENTS OF 1973 TO FEDERAL LAWS RELATING TO EXPLOSIVES

Amends section 845(a) of title 18 U.S.C. to entirely exempt commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational or cultural purposes in antique firearms and certain antique devices from regulation under title XI of the Organized Crime Control Act of 1970 (P.L. 91–452) relating to explosives, and amends section 921(c)(4) of title 18 U.S.C. to add language exempting from the term "destructive device" in the Gun Control Act of 1968 (P.L. 90–618) antique devices such as small, muzzle-loading cannon used for recreational and cultural purposes. S. 1083. P/S July 13, 1973. (278)

ANTITRUST PROCEDURES AND PENALTIES ACT

Changes certain specifics in the manner in which consent decrees in civil antitrust cases are formulated by providing that the district court shall make an independent determination as to whether or not the entry of a proposed consent decree is in the public interest as expressed by the antitrust laws by (1) encouraging additional comment by interested parties, (2) requiring that the Department of Justice file a public impact statement, and (3) requiring the defendant to disclose all communications made on behalf of the firm relating to the consent decree other than those made exclusively by counsel of record; increases the fines for criminal violations of the Sherman Act from $50,000 to $100,000 for individuals and $500,000 for corporations; amends the Expediting Act to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit courts of appeals; eliminates the provision that a three-judge court be impaneled in civil actions where the United States is the plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act upon the filing by the Attorney General with the district court of a certificate that the cases are of general public importance; provides for direct appeal to the Supreme Court from final judgments of the district court only in cases certified by the district judge upon the application of either party to be of general public importance; and contains other provisions. S. 782. P/S July 18, 1973. (293)

CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT

Amends title 18 of the United States Code to strengthen civil remedies for victims of racketeering activity and provide a civil action for damages resulting from violations of section 659 title 18 of the United States Code, which relates to crime involving property in interstate or foreign commerce. S. 13. P/S March 29, 1973. (VV)

COMMISSION ON BANKRUPTCY LAWS

Requires the Commission on Bankruptcy Laws of the United States to submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress prior to July 31, 1973; provides for termination of the Commission 30 days after the submission of its final report; and provides that appropriated funds shall remain available until expended or until the Commission ceases to exist. H.J. Res. 499. Public Law 93–56, approved July 1, 1973. (VV)

COMMUNITY SUPERVISION AND SERVICES ACT

Authorizes a program of community supervision and services for selected criminal defendants in the Federal court system, to divert them to a program of intensive treatment and supervision prior to trial. S. 798. P/S October 4, 1973. (VV)

CRIME CONTROL ACT

Extends the Department of Justice Law Enforcement Administration (LEAA) program for three years and authorizes appropriations therefor of $1 billion for each of fiscal years 1974 and 1975, and $1.25 billion for fiscal year 1976; vests all policy and administrative authority in the Administrator and replaces the two Associate Administrators by a Deputy Administrator for Policy Development and a Deputy for Administrative Management; strengthens Federal supervision over the States' planning process; requires a program for the improvement of juvenile justice as part of the comprehensive State plan; increases the minimum planning allocation to each State from $100,000 to $200,000 to assure the continued flow of adequate funds to cities; requires regional planning boards to include a majority of local elected officials; places time limits on plan approval in order to expedite funds flow; revises the matching fund requirements to eliminate non-cash matching; reduces the non-Federal matching share from 25 to 10 percent with the new 90 to 10 matching ratio to apply to all grants requiring matching-planning, action, and corrections improvements grants; requires, with a limited transition time for waiver, States to contribute in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs by increasing the State "buy-in" for action grants from 25 to 50 percent, and from 0 to 50 percent for planning grants, and adds "buy-in" provisions regarding corrections grants; retains and strengthens the law enforcement education program; and contains other provisions. H.R. 8152. Public Law 93–83, approved August 6, 1973. (VV)

DISQUALIFICATION OF JUDGES

Makes the statutory grounds for disqualification of a judge in a particular case conform generally with the recently adopted canon of the Code of Judicial Conduct which relates to disqualification of judges for bias, prejudice or conflict of interest. S. 1064 P/S October 4, 1973. (VV)

INMATE FURLOUGHS; COMPENSATION FOR VICTIMS OF VIOLENT CRIME

Broadens provisions of law to allow prison inmate furloughs for the purpose of establishing or reestablishing family and community ties, or for any other significant reason consistent with the public interest; establishes a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; and authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration (LEAA), of LEAA grant funds on the usual 75–25 percent basis to assist substantially comparable State programs. H.R. 7352. P/H September 17, 1973; P/S amended October 8, 1973. (VV)

METHODONE DIVERSION CONTROL ACT

Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, commonly called the Controlled Substances Act, to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts; provides definitions of "maintenance treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs used in the treatment of narcotic addicts; requires practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General; enables the Attorney General to deny, revoke, or suspend the special registration for failure to comply with the new standards; makes the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration; and requires the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence. S. 1115. P/S June 8, 1973. (VV)

PUBLIC SAFETY OFFICERS' BENEFITS ACT

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty where the crime or death occurs on or after October 17, 1972, and authorizes the Law Enforcement Assistance Administration to make an interim payment, not to exceed $3,000, to an entitled dependent when it is determined such person is eligible to receive the gratuity under the provisions of this act. S. 15. P/S March 29, 1973. (VV)

PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE ACT

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance (the amount of coverage to be based on individual salary with a minimum coverage of $10,000 and a maximum coverage of $32,000) and to assist State and local governments to provide such insurance. S. 33. P/S March 29, 1973. (VV)

REVISION OF THE JURISDICTION OF THREE-JUDGE COURTS

Amends sections 2281, 2282, 2284, and 2403 of title 28, United States Code, to eliminate the requirement for special three-judge courts in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality; provides for the retention of three-judge courts when otherwise required by act of Congress or in any case involving apportionment of congressional districts or the apportionment of any statewide legislative body; clarifies the composition and procedure of three-judge courts in cases where they will continue to be required; and insures the right of States to intervene in cases seeking to enjoin State laws on the ground of unconstitutionality. S.271. P/S June 14, 1973. (VV)

RUNAWAY YOUTH ACT

Authorizes the Secretary of Health, Education, and Welfare to make grants and to provide technical assistance to localities and nonprofit private agencies for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which operates outside the law enforcement structure and juvenile justice system which are designed to shelter young people for a short period of time, rather than on a long term basis, and supply such medical care and counseling as needed and are equipped to provide a program of field counseling for the runaway and his family after the runaway has moved to permanent living facilities; authorizes funds to conduct research on the scope of the runaway problem in this country focusing on but not limited to "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior;" authorizes therefor the appropriation of $10 million for each of fiscal years 1974, 1975, and 1976; and contains other provisions. S. 645. P/S June 8, 1973. (VV)

TERRITORIAL FRANCHISES IN THE SOFT DRINK INDUSTRY

Amends the Federal Trade Commission Act and the anti-trust laws to clarify the circumstances under which exclusive territorial licenses to manufacture, distribute, and sell trademarked soft drink products shall not be deemed unlawful; provides that if the requirements of this bill are met, relevant territorial provisions in which a trademark owner grants licensees the right to manufacture, distribute, and sell trademarked soft drink products in specifically defined geographic areas are not only lawful but enforceable through judicial proceedings; makes lawful license provisions which have the effect of precluding indirect evasions of the license agreement, thus protecting the exclusive territorial rights of one licensee from direct or indirect sales by the licensor or any of its other licensees into his defined geographic area so long as there is substantial and effective competition within his territory; and contains other provisions. S. 978. P/S June 11, 1973. (VV)

VICTIMS OF CRIME ACT

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury to consist of moneys from (1) criminal fines paid in the various courts of the United States, (2) additional appropriated funds, and (3) contributed funds; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; and authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration, of LEAA grant funds on the usual 75–25 percent basis to assist substantially comparable State programs. S. 300. P/S March 29, 1973. (VV)

VICTIMS OF CRIME ACT (OMNIBUS)

Establishes a Federal crime compensation program for territorial areas of direct Federal concern for innocent victims of violent crime, intervenors, or their surviving dependents, and provides for Federal assistance to substantially comparable State programs; provides group life insurance coverage for public safety officers or their surviving dependents, and assistance to States and local governments to provide such insurance; provides gratuities for dependents of public safety officers killed in the line of duty; strengthens civil remedies for victims of racketeering activity; provides for additional sentences for persons convicted in a United States court of a felony threatening life or property when a firearm is used or carried during the commission of the felony; provides for additional sentencing of persons as a public menace who are convicted of the manufacture, distribution, or dispensing of one-tenth or more of pure heroin or morphine, who are not addicts at the time of the offense; and contains other provisions. S. 800. P/S April 3, 1973. (78)

DEFENSE: COAST GUARD AUTHORIZATION, 1974

Authorizes a total appropriation of $109,239,000 for the Coast Guard for fiscal year 1974 for the procurement of vessels and related pollution abatement programs and an additional helicopter and helicopter search and rescue station, and for construction of shore and offshore establishments and bridge alterations; continues the LORAN–A electron navigation system and authorizes the replacement of equipment for the LORAN–C and approves expansion of the LORAN–C West Coast Project; authorizes an end year strengths of 37,607 for active duty personnel; and contains other provisions. H.R. 5383, Public Law 93–65, approved July 9, 1973.

DEFENSE PRODUCTION ACT AMENDMENT

Terminated the borrowing authority mechanism by which all program operations under the Defense Production Act have been financed since the initiation of the original 1950 act and substitutes conventional appropriation methods for any future operations. S. 1980. P/S August 2, 1973. (VV)

DEPENDENTS ASSISTANCE ACT OF 1950 AMENDMENTS

Makes permanent in the law certain provisions of the Dependents Assistance Act of 1950, as amended, which expire July 1, 1973, as follows: (1) continues the current monthly rates for quarters allowances for junior enlisted members, (2) removes the provision in title 37, U.S.C., that junior enlisted members are considered at all times to be without dependents, (3) removes the requirement that junior enlisted members must allot part of their pay before they can receive the higher quarters allowance authorized for members having dependents, (4) provides secretarial authority to grant hardship discharges for certain enlisted members with dependents, (5) establishes procedures for determining dependency of parents, (6) provides that aviation cadets receive the same quarters allowance as an E–4, and (7) provides that monthly quarters allowance to dependents of members shall not, for such period as the Secretary may prescribe, be contingent on a pay status thus permitting payment when an enlisted member is AWOL or incarcerated by a foreign government prior to trial; authorizes a basic allowance for quarters for junior enlisted members in the reserve and guard while on active duty for training for less than 30 days; repeals section 207 of the Career Compensation Act of 1949 which contains obsolete provisions regarding the reenlistment bonus; eliminates certain other provisions of law which are either obsolete or are covered elsewhere in existing law; extends for two years, to July 1, 1975, the authority to pay special pay to physicians, dentists, veterinarians, and optometrists; permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child; extends for one year, to July 1, 1974, the bonus authority for certain enlistments in the combat arms of the armed forces; extends until December 31, 1973, the date after which members in the rank of colonel or equivalent (O–6), or above, in noncombat assignments are no longer entitled to flight pay; provides that the act shall become effective July 1, 1973; and contains other provisions. H.R. 8537. Public Law 93–64, approved July 9, 1973. (VV)

DISPOSALS FROM NATIONAL STOCKPILES

Authorizes the disposal from the national stockpile of various materials, as follows:

Abaca—@ 25 million pounds. H.R. 4682. Public Law 93–48, approved June 22, 1973. (VV)

Aluminum—@ 207,440 short tons. S. 2413. P/S October 10, 1973. (VV)

Copper—@ 251,600 short tons. S. 2316. P/S September 13, 1973. (VV)

Opium (Morphine content)—@ 141,600 pounds for immediate disposal. S. 2166. P/S July 28, 1973. (VV)

Sisal—@ 100 million pounds. H.R. 4682. Public Law 93–48, approved June 22, 1973. (VV)

Silicon carbide—@ 196,500 short tons. S. 2493. P/S October 10, 1973. (VV)

Zinc—@ 357 short tons, S. 2498. P/S October 10, 1973. (VV)

MILITARY CONSTRUCTION AUTHORIZATION, 1974

Authorizes a total of $2,825,818,000 in new budget obligational authority for fiscal year 1974 for construction and other related authority for the military departments and the Office of the Secretary of Defense within and outside the United States, and authority for construction of facilities for the Reserve Components. S. 2408. P/S September 13, 1973;

P/H amended October 11, 1973. (VV)

MILITARY PROCUREMENT AUTHORIZATION, 1974

Authorizes $20.9 billion for fiscal year 1974 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads; prohibits the use of funds appropriated heretofore or hereafter to finance U.S. military involvement in hostilities in or over or from off the shores of North or South Vietnam, Laos, or Cambodia unless specifically authorized by Congress; provides for a one-time recomputation of military retired pay at the basic rates of pay in effect on January 1, 1972; calls on the President to seek, through appropriate bilateral and multilateral arrangement, payments to offset fully any balance-of-payment deficit incurred by the United States during fiscal year 1974, as a result of the deployment of forces in Europe to fulfill NATO commitments; calls for reducing by 110,000, the number of military personnel assigned to duty in foreign countries by December 31, 1975, with not less than a 40,000 reduction by June 30, 1974; provides for the continued operation of the Public Health Service hospitals located in Seattle, Boston, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Norfolk; and contains other provisions. H.R. 9286. P/H July 31, 1973; P/S amended October 1, 1973; In conference. (436)

PROMOTIONS OF MILITARY PERSONNEL IN A MISSING STATUS

Amends section 552(a) of title 37, United States Code, to insure that promotions of personnel carried as missing are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. S. 1493. Public Law 93–26, approved April 27, 1973. (VV)

SALE OF NAVAL VESSELS STRICKEN FROM THE NAVAL REGISTER

Amends section 7305 of title 10, United States Code, which permits the sale of naval vessels under strict advertised sealed bid procedures, to provide that no vessel of the Navy may be sold in any manner other than that provided by section 7305, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973, with the exception of a written agreement of sale entered into prior to June 30, 1973, thereby precluding the sale of stricken vessels, including those on loan which may be stricken from the Naval Register prior to loan expiration, to foreign nations under the general category of defense articles under Public Law 90–629, the Foreign Military Sales Act of 1946. S. 1773. P/S May 21, 1973. (VV)

SERVICEMEN'S BENEFITS

Makes several amendments to the Internal Revenue Code of 1954 which are designed to continue the same tax treatment for servicemen and former servicemen under the Survivor Benefit Plan, Public Law 92–425, as formerly was available for them under the Retired Serviceman's Family Protection Plan in the case of annuities for surviving spouses or certain child beneficiaries, and contains other provisions. H.R. 4200 P/H June 27, 1973; P/S amended September 19, 1973 (391)

DISTRICT OF COLUMBIA AUTHORIZATION FOR CERTAIN PROGRAMS AND ACTIVITIES

Provides legislative authorization for 26 activities, considered necessary for effective operation of the District of Columbia which were previously authorized only in the annual appropriations act; directs the District Government Public Service Commission to conduct a study of the adequacy of service and regulation of the taxicab industry in the District and to report their recommendations to Congress within 9 months; and contains other provisions. H.R. 8250. Public Law 93 —, approved ———, 1973. (VV)

DISTRICT OF COLUMBIA CHARTER ACT

Establishes the District of Columbia as a body politic and corporate in perpetuity by enacting a District of Columbia Charter Act which would restore to the citizens of the District of Columbia some measure of self-government; requires that a referendum be held within four months following enactment to determine whether the registered voters of the District accept this Charter Act; provides in the Charter Act for the election of a mayor and an eleven-member City Council, of which the Chairman and two members shall be elected at large and the other members from each of the eight wards, and transfers to it the functions of the present Mayor-Commissioner and non-elected Council; gives the Council local legislative power in addition to that heretofore delegated by Congress under Reorganization Plan No. 3 of 1967, including additional taxing and borrowing power subject to certain enumerated restrictions and to the overriding power of Congress to repeal, amend, or initiate local legislation and to nullify individual acts of the Council; ensures Congressional supervision over the District by providing that an act of the Council on any subject not presently delegated to the existing Council under Reorganization Plan No. 3, after approval by the Mayor, shall go into effect only if neither House of Congress passes a resolution disapproving such act during the next 30 days of continuous session of Congress which would, in effect, require the Council to pass legislation only when Congress is in session and has 30 days to review it; provides for an annual payment by the Federal Government to the District of Columbia to be computed as a percentage of local tax effort (with the specific restriction that the District may not tax residents of any other State) of 37.5 percent for fiscal year 1974 and 40 percent for fiscal year 1975 and succeeding fiscal years; provides for the supervision of fiscal affairs of the District by the General Accounting Office; authorizes the President to take such action during the transition period between the enactment of the bill and the first meeting of the Council as he deems necessary to enable the Board of Elections to properly perform its functions and authorizes to the District, on a reimbursable basis, $750,000 to pay the expenses of the Board of Elections; and contains other provisions. S. 1435. P/S July 10, 1973; P/H amended October 10, 1973. (264)

DISTRICT OF COLUMBIA INSURANCE ACT

Establishes a post-assessment insurance guaranty fund to be known as the District of Columbia Insurance Guaranty Association, obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders; increases the amount of paid-up capital each domestic capital stock and mutual life insurance company is required to have in order to transact business in the District from $200,000 to $1 million, the amount of coverage available under group term life insurance to maximums of $100,000 or 300 percent of compensation and a minimum of $30,000 the amount of paid-up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000, the surplus requirement for domestic mutual companies from $150,000 to $300,000, the amount for foreign mutuals from $200,000 to $400,000, and the amount of a contract with the District government for which a bond is required from $2,000 to $10,000; and contains other provisions. H.R. 4083. Public Law 93–89, approved August 14, 1973. (VV)

DISTRICT OF COLUMBIA RENT CONTROL ACT

Authorizes the District of Columbia Council to adopt rules regarding maximum rental increases as it deems necessary and appropriate in the District of Columbia, and requires that the Council hold public hearings within 60 days after the enactment of this bill to determine whether such regulations are needed. H.R. 4771. P/H June 11, 1973; P/S amended September 7, 1973. (VV)

DULLES AND FRIENDSHIP AIRPORTS TRANSIT LINES

Amends the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation to make payments to the Transit Authority in such amounts as may be requisitioned by the Transit Authority to finance the cost of designing and other necessary planning for a rail rapid transit line in the median of the Dulles Airport road to the Dulles International Airport; provides for the Secretary to contract with the Transit Authority for a comprehensive study of the feasibility of extending a rail rapid transit line in the median of the Baltimore-Washington expressway to the Friendship International Airport; and authorizes therefor an additional appropriation of not to exceed $10 million to carry out the purposes of this act. S. 2047. P/S July 9, 1973. (261)

ELECTION LAW

Amends the District of Columbia Election Act as follows: changes the filing deadline for nominating petitions from 45 to 60 days before an election; eliminates the 90 day durational residency requirement for voting in the District; authorizes the Board of Elections to use volunteers in connection with voter registration drives and non-partisan voter education efforts; reduces the signature requirements for third party candidates for President from 5 percent to 1 percent of the registered voters; grants the Board of Elections the authority to enact rules and regulations to carry out responsibilties and duties given to it under the Election Act; extends the period of time provided under the Election Act for the Board of Elections to rule on the validity of challenged ballots from 7 to 10 days; provides for polls to open at 7:00 a.m. on election days; provides for the term of newly-elected members to the Board of Education to begin 30 days after the certification of their election; eliminates the run-off election for the Delegate to Congress; and contains other provisions. H.R. 6713. Public Law 93–92, approved August 14, 1973. (VV)

INTERNATIONAL CENTER COMPLEX

Authorizes an additional appropriation of $2.2 million for improvements to the land (streets, sidewalks, water mains, etc.) which was transferred to the Department of State under the authority of Public Law 90–553, for use as sites for foreign chanceries. S. 1235. Public Law 93–40, approved June 12, 1973. (VV)

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Authorizes an appropriation of $2,400,000 for fiscal year 1974, and $2,500,000 for fiscal year 1975, to the Secretary of the Interior for maintenance, security, information, interpretation, janitorial, and all other non-performing arts functions of the John F. Kennedy Center for the Performing Arts. S. 1759. Public Law 93–67, approved July 10, 1973. (VV)

NATIONAL VISITOR CENTER FACILITIES ACT OF 1968 AMENDMENTS

Amends the National Visitor Center Facilities Act to authorize the appropriation of $8,680,000 for construction necessary to complete the alteration and renovation of Union Station as a National Visitor Center, and to direct that the Secretary of the Interior provide interpretive transportation services in or between the National Visitor Center, the Capitol Grounds, the Mall, the Ellipse, the John F. Kennedy Center for the Performing Arts, East and West Potomac Park, and such other visitor facilities as may be established pursuant to the National Visitor Center Facilities Act. H.R. 5857. Public Law 93–62, approved July 6, 1973. (VV)

ROBERT F. KENNEDY MEMORIAL STADIUM

Amends section 8 of the Public Buildings Act of 1959 to authorize the Armory Board to borrow $1.5 million to increase the seating capacity of the Robert F. Kennedy Memorial Stadium by up to 8,000 seats for football games and causes 50 percent of the revenues derived from such seats to be the sole security for any loan that the Armory Board might receive. H.R. 6330. Public Law 93–72, approved July 10, 1973. (VV)

ECONOMY-FINANCE: AMERICAN REVOLUTION BICENTENNIAL COINS

Authorizes the Treasury to change the design on the reverse side of the dollar, half dollar and quarter dollar coins minted on or after July 4, 1975 to commemorate the Bicentennial of the American Revolution and directs that all such coins minted between July 4, 1975, and January 1, 1977, shall bear the date "1776–1976" in place of the date of coinage and all such coins minted thereafter the date "1776–1976" in addition to the date of coinage. S. 11741. Public Law 93– , approved 1973. (VV)

CEILINGS ON DEPOSIT INTEREST RATES

Extends from June 1, 1973, until August 1, 1974, the authority of the Federal Bank Regulatory Agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by Commercial Banks, Mutual Savings Banks, and Savings and Loan Associations. S.J. Res. 128, Public Law 92–63, approved July 6, 1973. (VV)

DUTY SUSPENSIONS: CAPROLACTAM MONOMER IN WATER SOLUTION

Retroactively extends from December 31, 1972, to December 31, 1973, the temporary suspension of duty on imports of caprolactam monomer in water solution, and contains other provisions. H.R. 6394. Public Law 93–79, approved July 30, 1973. (VV)

COPPER

Reinstitutes a suspension of the import duty on certain forms of copper for 1 year, to June 30, 1974, and establishes the "peril point" below which the duty suspension becomes inapplicable at the domestic price of 51 cents per pound. H.R. 2323. Public Law 93–77, approved July 20, 1973. (VV)

DYEING AND TANNING MATERIALS

Reinstates the temporary suspension of duties on imports of certain dyeing and tanning materials including logwood to September 30, 1975, and provides that the duty suspension shall apply to all entries after September 30, 1972, the date on which the previous suspension of duties terminated. H.R. 3630. Public Law 93–101, approved August 16, 1973. (VV)

ISTLE FIBER AND END OF FREEZE ON AGRICULTURAL PRODUCTS

Continues the existing suspension of duty on certain istle to September 5, 1975; provides that the President shall make appropriate adjustments in the maximum price which may be charged under Executive Order 11723, June 13, 1973, for any agricultural commodity (at any point in the distribution chain) which the Secretary of Agriculture certifies will be reduced to unacceptably low levels of supply as a result of the freeze and that alternative means for increasing the supply are not available. H.R. 2261. P/H June 27, 1973; P/S amended June 30, 1973. (259)

MANGANESE ORE

Continues for a 3-year period, through June 30, 1976, the existing suspension of duty on certain manganese ore which is principally used for metallurgical purposes in the production of steel. H.R. 6676. Public Law 93-99, approved August 16, 1973. (VV)

METAL SCRAP

Continues for an additional 2 years, to July 1, 1975, the temporary suspension of the duties on certain metal waste and scrap principally such scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys, as provided for by item 911.12 of the Tariff Schedules. H.R. 2324. Public Law 93-78, approved July 30, 1973. (VV)

EAST-WEST TRADE POLICY RESOLUTION

Affirms the Congress' general support for increased commercial and non-commercial relations with the nonmarket economy countries, principally the Union of Soviet Socialist Republics, the People's Republic of China, and Eastern Europe. S.J. Res. 131. P/S June 30, 1973. (VV)

ECONOMIC STABILIZATION ACT AMENDMENTS

Extends for 1 year, to April 30, 1974, the Economic Stabilization Act of 1970 which authorized the President to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries; gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to meet essential needs in various sections of the country and to prevent anticompetitive effects which could develop from shortages of petroleum products; exempts workers earning less than $3.50 an hour from wage controls; states as the intent of Congress that nothing in this act be construed to authorize or require the President to impound or withhold funds appropriated, authorized, or authorized to be obligated by the Congress; requires business enterprises required to make price reports to the Cost of Living Council (firms with annual sales or revenues of $250 million or more) to make public disclosure of reports, except for proprietary information or trade secrets, which cover periods during which the firm charges a price for a substantial product that is 1.5 percent over the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; and contains other provisions. S. 398. Public Law 93-28, approved April 30, 1973. (53)

FEDERAL FINANCING BANK

Provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies or guaranteed by Federal agencies in the securities markets; states as the sense of Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users at desirable times, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments; and contains other provisions. S. 925. P/S June 22, 1973. (VV)

FINANCIAL INSTITUTION STRUCTURE AND REGULATION

Extends until December 31, 1974, the authority of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate in a flexible manner the interest rates or dividends payable by insured banks on time and savings deposits and by members of the Federal Home Loan Bank system on deposits, shares, or withdrawable accounts; prohibits NOW accounts by which a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal except that such accounts are permitted in the States of Massachusetts and New Hampshire, the only two States in which such accounts are presently being offered; amends the National Housing Act to place, in general, a statutory prohibition until June 30, 1974, on the approval by the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation of conversions from the mutual to stock form by savings and loan associations whose accounts are or would become insured by the Corporation, permits Federal savings and loan associations and national banks to invest in State housing corporations incorporated in the State in which the association or bank is located; establishes a new procedure for payment by insured savings and loan associations of premiums into the reserve fund of the Corporation; and contains other provisions. H.R. 6370. Public Law 93-100, approved August 16, 1973. (VV)

HOUSING AND URBAN DEVELOPMENT LAWS AND AUTHORITIES TEMPORARY EXTENSION

Extends the authority of the Secretary of Housing and Urban Development to carry out its basic housing and community development programs under the National Housing Act for 1 year, to June 30, 1974, and authorizes therefor an appropriation of $1.943 million; extends the Federal Housing Administration (FHA) insuring programs; provides continued authority for the Urban Renewal, Model Cities, Open Space, Neighborhood Facilities, Rehabilitation Loans, Comprehensive Planning and New Communities programs; extends the flexible interest rate authority of the Secretary, in consultation with the Administrator of the Veterans' Administration, to set interest rate ceilings for FHA mortgage insurance programs and VA guaranteed loans; expands protections for homebuyers by authorizing expenditures for the correction of defects in homes financed under certain FHA programs; assures that Federal housing assistance programs are carried out to the full extent authorized by the Congress; requires the Secretary in processing and approving applications for assistance to give priority to any State or unit of local government which is adversely affected by a reduction in the level of expenditure of employment at any Department of Defense installation; and contains other provisions. H.J. Res. 512. P/H May 21, 1973; P/S amended July 20, 1973; House recommitted conference report September 5, 1973. (304)

Provides for a temporary extension through October 1, 1973, of Farmers Home Administration insurance authority and the flexible interest rate authority under the rehabilitation loan authority under the Housing Act of 1964, which expired June 30, 1973, and provides for temporary waiver of certain limitations applicable to GNMA. S.J. Res. 144. Public Law 93-85, approved August 10, 1973. (VV)

Extends the authority of the Secretary of Housing and Urban Development to carry out its basic housing and community development programs under the National Housing Act to October 1, 1974; extends the Federal Housing Administration (FHA) insuring programs; provides continued authority for the Urban Renewal, Model Cities, Open Space, Neighborhood Facilities, Rehabilitation Loans, Comprehensive Planning and New Communities programs; extends the flexible interest rate authority of the Secretary to set interest rate ceilings for FHA mortgage insurance programs and VA guaranteed loans; requires the Secretary in processing and approving applications for assistance to give priority to any State or unit of local government which is adversely affected by a reduction in the level of expenditure of employment at any Department of Defense installation; and contain other provisions. H.J. Res. 719. Public Law 93-117, approved October 2, 1973. (VV)

INTEREST EQUALIZATION TAX EXTENSION ACT

Extends the application of the interest equalization tax for 15 months, to June 30, 1974; provides, with certain exceptions, that the interest equalization tax exclusion for stock or debt obligations issued by a less developed country corporation shall not apply to stock or debt obligations issued by a less-developed country shipping corporation after January 29, 1973; provides for an exclusion from the interest equalization tax for: original or new issues of stock or debt obligations; stock acquired by conversion of a debt obligation if no additional consideration is paid and the debt obligation itself qualifies for the exclusion; or for a debt obligation issued to refund or refinance an original or new issue which qualified for the exclusion, to finance direct investment in the United States except for the acquisition and exploitation of natural resources, subject to the foreign issuer or obligor agreeing to meet certain conditions with respect to that investment for a period of ten years; provides that a qualified lending or financing corporation, or a U.S. corporation engaged in a lending or financing business through offices located outside the United States, may use domestic source funds to lend for qualified export credit transactions or to buy goods made in the United States for leasing or sale outside of the United States; requires the Secretary of the Treasury to study the effect on international monetary stability of the Canadian exemption from the interest equalization tax and make a report to the Congress not later than September 30, 1973; and contains other provisions. H.R. 3577. Public Law 93-17, approved April 10, 1973. (VV)

INTEREST RATES ON TIME AND SAVINGS DEPOSITS

Instructs the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to take action to limit the rates of interest on dividends which may be paid on time deposits of less than $100,000 by institutions regulated by them. S.J. Res. 160. P/S October 1, 1973. (VV)

NATIONAL BANKS INVESTMENT IN AGRICULTURAL CREDIT CORPORATIONS

Permits a National Bank to purchase for its own account a minority stock interest in an agricultural credit corporation providing the amount invested at any one time shall not exceed 20 percent of the bank's unimpaired capital and surplus. S. 1884. P/S June 28, 1973. (VV)

PAR VALUE MODIFICATION ACT AMENDMENTS

Directs the Secretary of the Treasury to take the necessary steps to establish a new par value of the dollar of $1 equals $0.828948 Special Drawing Right (SDR) or the equivalent in terms of gold, $42.22 per fine troy ounce of gold, thus devaluating the U.S. dollar by 10 percent and changing the official price of gold from $38 to $42.22 per ounce; states it is the sense of Congress that the President shall take all appropriate action to expedite realization of the international monetary reform noted at the Smithsonian on December 18, 1971; legalizes private ownership of gold as of the date the President reports to Congress that elimination of regulation on private ownership will not adversely affect the international monetary position of the United States; directs the Secretary of the Treasury to require multinational corporations to submit reports of foreign currency transactions; and contains other provision. H.R. 6912. Public Law 93–110, approved September 21, 1973. (89,374)

PUBLIC DEBT LIMIT; UNEMPLOYMENT COMPENSATION; HEALTH EXTENSION; CAMPAIGN CHECKOFF

Continues the present debt limitation level of $465 billion by extending the current temporary debt limit level of $465 billion by extending the current temporary debt limit of $65 billion from June 30, 1973, through November 30, 1973; extends unemployment insurance benefits in States whose rate of insured unemployment is at least 4.5 percent without regard to present eligibility requirements regarding the rate in the prior 2 years or whether 13 weeks have expired since the last State extended benefit period, until such time as the State's insured unemployment rate drops below 4 percent; extends for one year the authorization for project grants under the maternal and child health program scheduled to expire June 30, 1973, and provides for a transition in funding to a State-coordinated program; requires the presidential campaign checkoff provisions on the income tax return form to be placed in a non-partisan form on the front page of the return or by the side of the page where signature is required, and contains other provisions. H.R. 8410. Public Law 93–53, approved July 1, 1973. (242,258)

PURCHASE OF U.S. OBLIGATIONS BY FEDERAL RESERVE BANKS

Extends from June 30, 1973, to November 1, 1973, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1410. Public Law 93–53, approved August 14, 1973. (VV)

Extends from November 1, 1973, to July 1, 1974, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 2556. P/S October 10, 1973. (VV)

RAILROAD RETIREMENT ACT AMENDMENTS

Simplifies administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act by permitting the Board to disregard postretirement earnings for purposes of all guaranty provision calculations of an employee benefit; liberalizes the eligibility conditions for children's benefits under the act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603 whereby a survivor benefit will be paid as follows: after adoption by anyone, instead of only by a close relative; to a child for a disability which began before age 22 instead of age 18; to a student child after age 22 in some cases; to a dependent grandchild who is treated as a child of his grandparent; and extends kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons insured under the Social Security Act. H.R. 7357. Public Law 93–58, approved July 6, 1973. (VV)

SECURITIES LAWS AMENDMENTS

Amends the Securities Exchange Act of 1934 to establish a clear, congressional policy that membership on national securities exchanges is not to be denied to financial institutions so long as brokerage commission rates on those exchanges remain fixed; also provides that at such time as commission rates become competitive (when national securities exchanges cease to maintain or enforce fixed rates of commission, or April 30, 1976, whichever is later) all members of national securities exchanges must cease executing exchange transactions for their affiliates and the institutional accounts which they manage, and would thus, upon the elimination of fixed commission rates, prohibit financial institutions and securities firms which manage institutional accounts from using exchange memberships for their own benefit or for the benefit of such accounts; provides for a two year transition period following the last date upon which a national securities exchange maintains or enforces fixed rates of commission or April 30, 1976, whichever is later, in order to allow exchange members relying upon the income from performing brokerage for managed institutional accounts to phaseout this combination of functions; gives the Securities and Exchange Commission (SEC) the authority to regulate the manner in which members of national securities exchanges may trade from on or off the floor of an exchange for their own account and for the account of their affiliates, which, accordingly, will have the authority to control the trading of financial institutions, as long as it is not inconsistent with the purpose of this proposed legislation, which are exchange members during the period before the elimination of fixed commission rates; amends the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to permit a mutual fund manager or investment adviser to cause a fund or client to pay commissions to a broker in excess of the commissions being charged by other brokers for effecting similar transactions, if that broker provides research services of value to the fund or client and the adviser makes appropriate disclosures concerning such payments, as the SEC may require; amends the Investment Company Act to remove the existing uncertainty as to the legality of the transfer for profit of a controlling interest in a mutual fund management company, and provides that a controlling interest in such a management company may be sold at a profit provided that for three years after the transaction at least 75 percent of the directors of the fund are independent of the new and old investment advisers, and that the transaction does not impose an "unfair burden," as defined, on the fund; and contains other provisions. S. 470 P/S June 18, 1973. (193)

SECURITIES PROCESSING ACT

Amends the Securities Exchange Act of 1934, as amended, by vesting in the Securities and Exchange Commission (SEC) the power and the responsibility to direct the evolution of clearance and settlement methods employed by national securities associations and by broker-dealers engaged in interstate commerce; requires clearing agencies and securities depositories to register with and report to the SEC, and empowers the Commission to review and amend the rules of such entities; directs the Commission to proceed toward elimination, by December 31, 1976, of the negotiable stock certificate as a means of settlement in transactions between brokers and dealers, and to report to the Congress annually through 1976 on its progress, with any recommendations it might have for further legislation to eliminate the stock certificate; prohibits the imposition of State and local taxes in such a way as to inhibit unreasonably the development of an efficient national clearing and depository system; directs the Commission to consider the practice of registering securities in "street name" to determine whether such registration is consistent with the policies of the Securities and Exchange Act of 1934 and whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of "street name" registration; requires registration and reporting by transfer agents; and contains other provisions. S. 2058. P/S August 1, 1973. (VV)

EDUCATION: EDUCATION OF THE HANDICAPPED AMENDMENTS

Extends the Education of the Handicapped Act (Public Law 91–230) for three years, through fiscal year 1976, and authorizes therefor a total appropriation of $643.7 million; adds four new leadership positions at the Bureau of Education for the Handicapped to assist the associate commissioner in carrying out his duties; continues the advisory committee through July 1, 1976, at an annual authorization of $100,000; makes grant authorizations for preschool and school programs to the States of $65 million for fiscal year 1974, $80 million for fiscal year 1975, and $100 million for fiscal year 1976; requires each State to set forth a plan of the procedures it will use to identify, locate and evaluate every handicapped child in that State, to submit the plan to the Commissioner of Education for approval by December 31, 1974, to consider any amendment to the State plan a required portion of the State plan after June 30, 1975, and to establish policies and procedures to protect the confidentiality of data and information collected by the State; provides that no State shall expend funds for doing the plan required unless that State receives an amount greater than the amount allotted to that State in fiscal year year 1973 and raises the minimum each State may receive from $200,000 to $300,000, increases the maximum allowable funds for administration and planning from $100,000 to $200,000, and provides that unless the aggregate of the amounts allotted to the States in fiscal year 1974 is $45 million or more these provisions shall not apply; authorizes for the three year period a total of $48 million for deaf/blind centers and services, $75 million for early childhood education, $37 million for regional resource centers, $1.5 million for recruitment and information, $135 million for manpower and personnel training, $42 million for research in the education of the handicapped, $55 million for handicapped persons, and $27.5 million for special programs for children with specific learning disabilities; amends the Higher Education Act of 1965, as amended, by allowing an institution to be eligible for funds if 10 percent of its current undergraduate body is composed of GI bill trainees; provides an entitlement of not less than 90 percent of funds obtained in the preceeding year to local educational agencies which qualify for a phaseout of impact aid over a 5 year period under certain circumstances; and contains other provisions. S. 895. P/S June 25, 1973. (VV)

NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

Extends the authorization of the National Commission on the Financing of Postsecondary Education and changes the date on which it must make its final report from April 30, 1973; provides that if fiscal year 1973 appropriations are $385 million or less for the basic educational opportunity grant program that the basic grants shall be limited to full time freshman students. H.J. Res. 393. Public Law 93–35, approved May 16, 1973. (VV)

GENERAL GOVERNMENT: AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Provides for the establishment of a temporary, independent Government agency, the American Revolution Bicentennial Administration, which would assume the functions and responsibilities of the present American Revolution Bicentennial Commission to be headed by a full time administrator and deputy administrator appointed by the President by and with the advice and consent of the Senate; gives the Administrator the power to carry out the provisions of the act including the power to approve supplying services and property, make contracts and expend funds; creates an eleven member board to define basic policy and guidelines for the Administrator and a twenty-five member Advisory Council to advise the Board and the Administrator on all matters as provided for in the bill, defines the functions and responsibilities of the new Administration and requires it to submit an annual report to the Congress; provides for annual authorizations, including the continuation of the annual grants to the States, territories, the Commonwealth of Puerto Rico, and the District of Columbia of $45,000 and matching grants to the States of not to exceed $400,000 per State from appropriated funds and a program of matching grants-in-aid financed from nonappropriated funds; and contains other provisions. H.R. 7446. P/H June 7, 1973; P/S amended October 10, 1973. (VV)

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Authorizes an appropriation of $2,868,000 between February 16, 1973, and June 30, 1973, for expenses of the American Revolution Bicentennial Commission, of which not to exceed $1,200,000 would be for grants-in-aid to the States. H.R. 3694. Public Law 93-11, approved March 15, 1973. (VV)

ARCTIC WINTER GAMES AUTHORIZATION

Authorizes an appropriation of $150,000 to the Secretary of Commerce for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974 and provides for disbursement of such funds on such terms and under such conditions as the Secretary deems appropriate. S. 907. P/S June 18, 1973. (VV)

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1974

Authorizes a total appropriation of $2,429,055,000 for the Atomic Energy Commission for fiscal year 1974 of which $1,740,750,000 is for operating expenses and $688,305,000 for plant and capital equipment including construction, and land acquisition, and contains other provisions. S. 1944. Public Law 93-60, approved July 6, 1973. (206)

COMMISSION ON HIGHWAY BEAUTIFICATION—EXTENSION

Extends to December 31, 1973, the date for the Commission on Highway Beautification to submit to the President and the Congress its final report concerning implementation of the Highway Beautification Act of 1965 and authorizes therefor an additional appropriation of $250,000. S.J. Res. 42. Public Law 93-6, approved February 16, 1973. (VV)

CONSUMER PRODUCT WARRANTIES

Sets forth, in title I, disclosure and designation standards for written warranties on each consumer product that costs the consumer more than $5; defines Federal contents standards for full warranties; provides meaningful consumer remedies for the breach of written warranty and written service contract obligations; in title II, improves the Federal Trade Commission's ability to deal with unfair consumer acts and practices affecting interstate commerce by granting the Commission the power to: (1) seek preliminary or permanent injunctions; (2) initiate actions in district courts seeking specific redress for consumers injured by unfair or deceptive practices, and (3) secure civil penalties for knowing violations of the FTC Act; in title III, requires the Board of Governors of the Federal Reserve System to issue regulations similar to those of the FTC proscribing unfair acts or practices of financial institutions unless the Board disagrees that such acts are unfair and publishes its findings in the Federal Register; and, in title IV, makes specific provisions for used car warranties. S. 356. P/S September 12, 1973. (VV)

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Extends the authorization on the Council on International Economic Policy (CIEP) until June 30, 1977, and authorizes $1.4 million for fiscal year 1974; provides that, instead of serving as Chairman, the President shall designate a Chairman of CIEP; provides that any Executive Director of CIEP, other than the incumbent, shall be appointed by the President subject to confirmation by the Senate; and requires that the annual report by the President to Congress include comparative description and analysis of certain specific activities, policies, and programs of the United States, the European Community, Japan, and the U.S.S.R. as well as analysis concerning the relationship between the U.S. Government and American business and recommendations for programs and policies to insure that American business is competitive in international commerce. S. 1636. Public Law 93-121, approved October 4, 1973. (392)

DISASTER RELIEF: EMERGENCY DISASTER BILL

Authorizes and directs the President to make grants to units of local government and State and local public agencies for predisaster assistance for fire suppression, tree removal, and reforestation work on public and private lands in the counties of Alameda and Contra Costa, California, to reduce the fire threat caused by a freeze in December of 1972 which killed tens of thousands of eucalyptus trees throughout the area; provides for reimbursement to property owners for costs in removing trees on private property; and directs the President to exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to carry out the provisions of this act in order to avert or lessen the effects of a major disaster. S. 1697. P/S May 21, 1973. (VV)

EMERGENCY LOAN PROGRAM FOR DISASTER AREAS

Amends the Farmers Home Administration emergency loan program under the Consolidated Farm and Rural Development Act, which was curtailed by the Department of Agriculture by action announced on December 27, 1972, to provide a source of funds for farmers and ranchers in areas determined to be disaster areas by either the Secretary of Agriculture or the President; eliminates certain features, including the loan forgiveness feature and low interest rates, which became a part of the emergency loan program as a result of the Disaster Relief Act of 1970, Public Law 91-606, and the "Agnes-Rapid City" Act, Public Law 92-385; requires the Secretary to make, insure or guarantee loans to eligible applicants, sets the maximum interest rate on loans at 5 percent; requires that applicants be unable to obtain credit elsewhere at reasonable rates; makes it mandatory that the Secretary designate areas eligible for emergency loans where the criteria for such designation exists; repeals section 232 of the Disaster Relief Act of 1970, which, effective July 1, 1973, requires the Secretary of Agriculture to cancel a part or all of the principal amount of certain loans and charge interest at a rate to be determined by the Secretary of the Treasury; applies the same interest rate to and eliminates the forgiveness feature for Small Business Administration disaster loans made under the Small Business Act in connection with any disaster occurring on or after the date of enactment of this act; and contains other provisions. H.R. 1975. Public Law 93-24, approved April 20, 1973. (66)

DOMESTIC VOLUNTEER SERVICE ACT (ACTION)

Provides for the operation of all domestic volunteer service programs by the ACTION Agency, which was established by Reorganization Plan No. 1 of July 1, 1971, in a single piece of enabling legislation; authorizes appropriations for fiscal years 1974 and 1975 for the ACTION Agency's programs: VISTA (Volunteers in Service to America), the Peace Corps, the Foster Grandparent Program, RSVP (Retired Senior Volunteer Program), UYA (University Year for ACTION Program), the Service Corps of Retired Executives and the Active Corps of Executives; provides for new voluntary activities to meet a broad range of human and social needs beyond the strict anti-poverty programs including programs to provide alternatives to the incarceration of youthful offenders, to promote educational and job opportunities for returning veterans and to provide community-based peer group counseling and outreach for drug abuses; provides for two new older American programs: "Senior Health Aides" and "Senior Companions" modeled on the Foster Grandparent program; and contains other provisions. S. 1148. Public Law 93-113, approved October 1, 1973. (VV)

EMERGENCY PETROLEUM ALLOCATION ACT

Grants to the President temporary authority until March 1, 1975, to deal with a national energy crisis involving extraordinary shortages of crude oil and petroleum products, or dislocations in their national distribution system, which he may delegate to the Secretary of the Interior or other agency head he deems appropriate; provides that the President shall designate an agency to supervise compliance and promulgate regulations under the act; authorizes that agency to require periodic reports from those subject to the act, subpena witnesses and documents, and to request the Attorney General to bring action to enjoin acts and practices in violation of the act; directs the establishment of an Office of Emergency Fuel Allocation within that agency to receive complaints from State and local governmental units concerning lack of gasoline or fuel oil supplies or price increases in violation of this act, which shall be empowered to order that adequate supplies be made available to communities threatened with the disruption of essential public services; directs the President within 30 days of enactment, after public hearings, to have published priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum product which is or may be in short supply nationally or in any region of the United States and authorizes temporary allocation in emergency situations pending their promulgation; provides that the President shall allocate or distribute, pursuant to the priority schedules, plans and regulations, any liquid fuel, whether crude or refined, or imported or domestically produced, which is in extraordinary short supply nationally or regionally; provides that the regulations shall include standards and procedures for determining or reviewing prices of allocated fuels; directs the President to use his authority under this act and existing law to assure adequate crude oil supplies to all refineries; establishes an allocation formula concerning sales to independent refiners and to independent dealers by producers or importers of more than 200,000 barrels per day of crude petroleum and/or natural gas liquids with the provision that this allocation program may be replaced or amended by the priority schedules, plans, and regulations issued to implement this act; provides that actions taken pursuant to the Economic Stabilization Act of 1970, as amended, shall continue in effect until modified or rescinded by or pursuant to this act; contains in sections 108-110 entitled the "Fair Marketing of Petroleum Products Act," provisions for the protection of dealers concerning supply and price and for the protection of franchised dealers in regard to cancelation of a franchise; authorizes suit by a retailer or distributor in the appropriate United States district court, without regard to the amount in controversy, against a distributor or refiner which engages in prohibited conduct; and contains other provisions. S. 1570. P/S June 5, 1973. (162)

ENERGY POLICY ACT

Creates in the Executive Office of the President a three member Council on Energy Policy to be appointed by the President by and with the advice and consent of the Senate which shall serve as the principal adviser to the President on energy policy; be a focal point for the collection, analysis, and interpretation of energy statistics; coordinate the energy activities of the Federal Government and provide leadership for State governments and other persons involved in energy activities; prepare a long-range comprehensive plan (the Energy Plan), to be updated annually, for energy development, utilization, and conservation; and, is to review all legislative recommendations and reports sent to Congress and, if it disapproves, send to the President and the Federal agency involved a statement in writing of its position and reasons therefor; directs the Council to prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan including estimates of energy needs for the ensuing ten-year period, discussion of trends in price, quality, management, and utilization of energy resources; authorizes the Comptroller General to monitor and evaluate the operations of the Council and report to Congress with respect to Federal energy programs including his recommendations; authorizes appropriations for the purposes of the act of $1 million for fiscal year 1974, $2 million for fiscal year 1975, and $4 million for each subsequent fiscal year; and contains other provisions. S. 70. P/S May 10, 1973. (123)

EXEMPTION OF FEDERAL JUDICIARY FROM CHARGES FOR SPACE AND SERVICES

Relieves the Federal Judiciary and the U.S. Tax Court from all administrative duties in the calculation of charges for service, maintenance, repair, space, quarters or other facilities as required by section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, by requiring the Administrator of the General Services Administration to provide such administrative services. S. 2079. P/S June 28, 1973. (VV)

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

Repeals the equal time requirement of Section 315 of the Communications Act as it applies to elective Federal office; makes at least 15 minutes of free time available to each of the candidates, whoever he may be; repeals the existing limitation on media and telephone spending with a total limitation on all expenditures by or on behalf of a candidate for Federal elective office; places a ceiling of 10 cents in the primary and 15 cents in the general election, multiplied by the estimated population 18 years old or older in the Congressional district or the State, respectively; limits the expenditures by a Presidential candidate in any one State to the amount that a candidate for Senator from that State is entitled to spend; provides a floor as follows: permits expenditures of at least $175,000 (without regard to the amount reached by using the multiplication formula) for all Senatorial candidates, Delegate, Resident Commissioners, and candidates for the House of Representatives in States which are entitled to only one Representative and permits expenditures of $90,000 by candidates for the House of Representatives from a State entitled to more than one representative; places a limit of $3,000 on the amount that may be contributed to any candidate in any one year by any one contributor; places a limit of $25,000 in the aggregate on the amount which an individual may contribute to a political committee or on behalf of any candidate; places, except for the central campaign committee or the State campaign of a candidate, the national committee of a political party, or the Democratic or Republican Campaign Committees of the Senate or House of Representatives, a limit of $3,000 on the amount political committees may contribute to candidates for the Congress and for the Presidency; prohibits expenditures of over $1,000 by an independent individual on behalf of a candidate without certification by the candidate that the payment of that charge will not exceed the expenditure limitation for that candidate; creates a Federal Election Commission to administer and enforce the act; contains provisions for assistance to the States for voter registration; and contains other provisions. S. 372. P/S July 30, 1973. (344)

FEDERAL ELECTION REFORM COMMISSION

Establishes an independent commission, to be known as the Nonpartisan Commission on Federal Election Reform, to conduct an extensive and exhaustive study of the practices engaged in by political parties and individuals in the course of Federal political campaigns; to consider the advisability of changing the term of office of Members of the House of Representatives, or the Senate, or the President of the United States to make recommendations for such legislation, constitutional amendment, or other reforms as its findings indicate, and in its judgment are desirable to revise and control the practices and procedures of political parties, organizations, and individuals participating in the Federal electoral process; and contains other provisions. S.J. Res. 110. P/S July 30, 1973. (VV)

FEDERAL ELECTIONS, DATE FOR

Sets a time for the holding of primary elections or nominating conventions for choosing candidates for election to the offices of U.S. Senator, Representative, Delegate, or Resident Commissioner by providing that they shall be held at any time during the period beginning on the first Tuesday in August; provides that a political party which nominates its candidate for election to the office of President by holding a national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the President and Vice President are elected; makes election day, the first Tuesday next after the first Monday in November, in 1976, and every second year thereafter, a national holiday; provides that the act shall take effect on January 1, 1976; and contains other provisions. S. 343. P/S June 27, 1973. (229)

FLOOD INSURANCE

Amends the Housing and Urban Development Act of 1968 to increase from $2.5 billion to $4 billion the limitation on the face amount of flood insurance coverage authorized to be outstanding. S.J. Res. 26. Public Law 93–4, approved February 2, 1973. (VV)

Increases the authority for the Federal flood insurance program from $4 billion to $6 billion. S.J. Res. 112. Public Law 93–38, approved June 5, 1973. (VV)

FOREIGN SERVICE BUILDING ACT AMENDMENTS

Authorizes a total of $59,611,000 for fiscal years 1974 and 1975 for the Foreign Buildings program administered by the Department of State of which $13,811,000 is for new construction, acquisition and development, and $45,800,000 is for operations. H.R. 5610. Public Law 93–47, approved June 22, 1973. (VV)

FUEL ALLOCATION; HOBBY PROTECTION ACT

Provides for the establishment of a mandatory petroleum allocation program; amends the Economic Stabilization Act to provide that the President shall, with respect to the price level of beef, permit the passthrough of increases in raw agricultural product costs incurred since June 8, 1973, on the same basis as is permitted for meat and food products other than beef; provides protection for coin, token, and other collectors by requiring the marketing of imitation numismatic and political items in order to prevent their being sold or traded as originals; and contains other provisions. H.R. 5777. P/H May 16, 1973; P/S amended August 2, 1973; House disagreed to Senate amendments October 2, 1973. (357)

GOVERNMENT PRINTING OFFICE

Provides that certifying officers of the Government Printing Office be responsible for the vouchers they certify for payment to the disbursing officer in the same way as other certifying officers of the Government; and contains other provisions. S. 1794. P/S June 28, 1973. (VV)

Grants the Public Printer the authority to adopt an official Government Printing Office seal which would have judicial recognition, and to designate employees to administer and certify oaths. S. 1795. P/S June 28, 1973. (VV)

Amends the Act of October 30, 1965, 40 U.S.C. 759(e), known as the "Brooks Bill" to restore full authority to the Joint Committee on Printing in the field of printing and binding, and thereby continue the responsibility for the administration of the contract on marginally punched continuous forms in the Government Printing Office under the direction of the Joint Committee on Printing. S. 1802. P/S June 28, 1973. (VV)

Provides the Government Printing Office, the Public Printer, and all officers and employees of the Government Printing Office with immunity from civil or criminal liability in connection with any printing, binding, or distribution services performed at or through the Government Printing Office in accordance with provisions of title 44, U.S.C. S. 2399. P/S October 8, 1973. (VV)

MARITIME AUTHORIZATION, 1974

Authorizes $531,315,000 for fiscal year 1974 for programs of the Maritime Administration within the Department of Commerce, and amends title XI of the Merchant Marine Act, 1936, as amended, to increase the loan guarantee authority of the Maritime Administration from $3 billion to $5 billion. H.R. 7670. Public Law 93–70, approved July 10, 1973. (VV)

MICRONESIAN CLAIMS ACT AMENDMENTS

Enlarges the class of persons eligible to receive benefits under the Micronesian Claims Act of 1971 (Public Law 92–39) to include those who have taken up permanent residency and become citizens of the United States, and permits the Secretary of the Interior to make some payments prior to the adjudication and certification of all claims in order to prevent an inflationary effect on the economy of Micronesia. H.R. 6628. Public Law 92– , approved 1973. (VV)

MINT BUILDINGS

Increases from $45 million to $95 million the authorization to the Department of the Treasury for the construction of mint facilities, such funds to be appropriated as may be necessary for each fiscal year beginning after June 30, 1963, and ending before July 1, 1983, with the provision that the aggregate of such sums shall not exceed the $95 million authorization. S. 1901. P/S June 27, 1973. (VV)

MOTOR VEHICLE DEFECT REMEDY ACT

Amends the National Traffic and Motor Vehicle Safety Act by empowering the Secretary of Transportation to require that the manufacturer of a motor vehicle or an item of motor vehicle equipment (including tires) which contains a safety related defect or a failure to comply with a motor vehicle safety standard to remedy such defect or failure to comply without charge to the consumer; defines the administrative hearing procedure available to such manufacturer; provides for a procedure whereby the Secretary can act immediately to remove an obvious hazard by applying to a District Court for such temporary or permanent relief as may be necessary to protect the public; authorizes therefor an appropriation of not to exceed $46.773 million for fiscal year 1974; and contains other provisions. S. 355. P/S May 17, 1973. (VV)

NATIONAL COMMISSION ON PRODUCTIVITY—EXTENSION

Extends for an additional 2 months, to June 30, 1973, the President's Commission on Productivity. S.J. Res. 93. Public Law 93–34, approved May 14, 1973. (VV)

NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

Renames the President's National Commission on Productivity as the National Commission on Productivity and Work Quality; sets the promotion of the productivity of the American economy and improvement of worker morale and work quality as objectives of the Commission and defines its functions; and contains other provisions. S. 1752. P/S May 10, 1973. (VV)

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES AMENDMENTS

Authorizes appropriations at an increased level of funding for the National Endowment for the Arts and the National Endowment for the Humanities, grants-in-aid to States by the National Endowment for the Arts, and matching funds for gifts to the Endowments, in the total amount of $145 million, $200 million, and $252 million for fiscal years 1974, 1975, and 1976, respectively. S. 795. Public Law 93– , approved 1973. (107)

NATIONAL HISTORIC PRESERVATION ACT

Amends the National Historic Preservation Act of 1966; increases authorizations to $15.6 million, $20 million, and $24.4 million for fiscal years 1974, 1975, and 1976 respectively for matching Federal grants to States and the National Trust for Historic Preservation; extends authorizations of $100,000 for each of fiscal years 1974 and 1975 and authorizes $125,000 for fiscal year 1976 for United States participation in the activities of the Rome Centre; and provides that the Advisory Council on Historic Preservation shall continue in existence until December 31, 1985. S. 1201. Public Law 93–54, approved July 1, 1973. (VV)

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

Authorizes appropriations to the National Science Foundation for fiscal year 1974 in the amount of $632.6 million, and in foregn currencies which the Treasury Department determines to be excess to the normal requirements of the United States, $3 million for fiscal year 1974. H.R. 8510. Public Law 93–96, approved August 16, 1973. (VV)

OFFICE OF ENVIRONMENTAL QUALITY AUTHORIZATIONS

Authorizes (in addition to the standing authorization of $1 million per fiscal year contained in Public Law 91–190) an appropriation of $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975 for the operations of the Office of Environmental Quality and the Council on Environmental Quality. S. 1379. Public Law 93–36, approved May 18, 1973. (VV)

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS

Extends and amends the Older Americans Act of 1965 to enlarge the scope of the services provided therein; improves the organizational structure at the Federal, State, and local level of the agencies having responsibility for the delivery of such services; creates a Federal Council on the Aging to act as an advocate for the elderly with respect to Federal government policies and programs relating to their particular needs and problems; places the Administration on Aging in the Office of the Secretary of Health, Education, and Welfare and assigns primary responsibility for carrying out the act to the Commissioner on Aging; expands the existing program of formula grants to the States by providing funding for a range of social services in accordance with approved State plans; authorizes funds for direct grants to model projects with priority to projects in the areas of housing, education, and special transportation and other services for the physically and mentally impaired elderly; authorizes grants for multidisciplinary centers of gerontology and for multi-purposes senior centers; authorizes grants for training programs for personnel and for research and development projects in the field of aging; provides for a special study and demonstration projects on transportation problems of older Americans; makes surplus commodities available for nutrition programs; authorizes grants to States for older readers services; establishes an Older American Community Services Employment program; and contains other provisions. *NOTE*: (H.R. 15657 [92d-2d], a measure containing similar provisions, was pocket vetoed by President Nixon on October 30, 1973.) S. 50. Public Law 93–29, approved May 3, 1973. (17)

PEACE CORPS ACT AMENDMENTS

Continues the Peace Corps program on a one year authorization of $77,001,000 for fiscal year 1974, and places the Peace Corps under Federal procurement law. H.R. 5293. Public Law 93–49, approved June 25, 1973. (VV)

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction to broaden the scope of activity to include all Federal or federally assisted or authorized construction projects which result in alteration of the terrain; authorizes the Secretary to conduct a survey and salvage program upon notification not only by the instigating agency but also by any other Federal or State agency or responsible private organizations or individuals; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; provides that the costs incurred in connection with public works projects for archeological work under this act would become nonreimbursable projects costs; and contains other provisions. S. 514. P/S May 22, 1973. (VV)

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS

Extends the Economic Development Administration (EDA) programs authorized by the Public Works and Economic Development Act of 1965 to enable disadvantaged local and regional areas to put in place the public facilities essential to economic development, for one fiscal year through June 30, 1974, with a total authorization of $430 million as follows: $200 million for grants under title I for public works and development facilities, of which not less than 25 percent nor more than 35 percent is for newly defined redevelopment areas under section 401 (a)(6); $55 million for loan assistance under title II for financing public works and facilities and redevelopment area projects; $35 million for technical assistance under title III for alleviating conditions of excessive underemployment in certain areas; $45 million under title IV for projects in economic development centers and for an increase in grant assistance for projects to redevelopment areas; and $95 million for title V Regional Action Planning Commissions; continues the moratorium on changing the designation of economic development districts for one year; provides for up to 100 percent instead of up to 75 percent funding for administrative expenses of Indian tribes eligible for certain grants-in-aid under title III; and contains other provisions. H.R. 2246. Public Law 93–46, approved June 18, 1973. (117)

RECREATION USE FEES

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use. S. 1381. P/S May 16, 1973. (VV)

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use; provides that there will be no charge for access to or use of any campground not having certain specified sanitary and convenience facilities; and defines the term "single visit" for purposes of charging admission fees as the length of time a visitor remains within the boundary of a designated fee area from the day he arrives to the day he leaves except that on the same day such admission fee is paid, the visitor may leave and re-enter the same area without payment of an additional fee. H.R. 6717. Public Law 93–81, approved August 1, 1973. (VV)

RENEGOTIATION ACT AMENDMENTS; SOCIAL SECURITY BENEFITS INCREASE

Extends to June 30, 1974, the Renegotiation Act of 1951, as amended, which authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts; provides a social security cost of living benefit increase of approximately 5.6 percent effective June 1, 1914; increases the monthly income guaranteed under the Federal Supplemental Security Income (SSI) program for aged, blind and disabled persons from $130 to $140 for an individual and from $195 to $210 a month for a couple for months after June 1974; increases the earnings limitation for persons drawing social security from $2,100 to $2,400; raises taxable wages under social security from $12,000 in 1974 to $12,600; contains provisions to assure that aged, blind, and disabled persons now receiving cash assistance or eligible for Medicaid are protected from a reduction in benefits or loss of Medicaid eligibility when the SSI program becomes effective next January 1975; suspends for 4 months the Department of Health, Education, and Welfare's authority to issue new social services regulations scheduled to become effective July 1, 1973, unless new changes are proposed by the Department and approved by the Senate Finance Committee and the House Ways and Means Committee; and contains other provisions. H.R. 7445. Public Law 93–66, approved July 9, 1973. (255)

SERVICE CONTRACT ACT EXTENSION TO CANTON ISLAND

Amends section 8(d) of the Service Contract Act of 1965 (which provides labor standards and prevailing wage requirements for employees working under Government service contracts) to extend the jurisdiction of the act to Canton Island in the central Pacific which, in 1939, the United States and the United Kingdom jointly agreed to administer until 1989. H.R. 5157. Public Law 93–57, approved July 6, 1973. (VV)

*SMALL BUSINESS ACT AMENDMENTS

Amends section 4(c)4 of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration (SBA); consolidates and expands the present authorities in the Small Business Act provided by the Coal Mine Safety Act of 1969, the Occupational Safety and Health Act of 1970, and the Egg Product Inspection Act of 1970, into a new section authorizing loans to help small business concerns comply with standards imposed under any Federal law in order to provide a uniform approach and single framework for the extension of economic disaster loans to aid small business firms in complying with new Federal environmental, consumer, pollution, and safety standards; provides that Farmers Home Administration (FHA) and Small Business Administration disaster loans made in connection with disasters occurring after December 26, 1972, and prior to April 20, 1973, the enactment date of Public Law 93-24 which amended the emergency loan programs, are to be made on the same loan terms; provides disaster relief assistance through the SBA and FHA programs which is retroactive to April 20, 1973, and is to terminate on July 1, 1975, whereby borrowers may obtain a $2,500 forgiveness on their loan and finance the balance at 3 percent or may choose not to accept any forgiveness and finance the entire loan at 1 percent; makes victims of erosion eligible for disaster relief; authorizes loans to persons engaged in the business of raising livestock who suffer substantial economic injury as a result of animal disease; authorizes loans to small businesses which suffer substantial economic damage as a result of the closing or reduction in the scope of operation of military bases; and contains other provisions. S. 1672. Vetoed September 22, 1973. Senate sustained veto September 25, 1973. (140,407)

Increases the Small Business Administration's (SBA) loan authority; authorizes SBA loans to meet regulatory standards; specifies that Farmers Home Administration disaster loans made in connection with disasters occurring after December 26, 1972, when the program was curtailed, and prior to April 20, 1973, the enactment date of Public Law 93-24 which amended the emergency loan programs, are to be made under the terms of the law then in effect, as are SBA loans, and not under Public Law 93-24, thus putting FHA and SBA loans on the same footing with regard to the lower interest and forgiveness features for that period; deletes the requirement that applicants for FHA loans for disasters occurring on or after December 27, 1972, must be unable to obtain credit elsewhere at reasonable rates and terms, thus placing availability of FHA loans on a par with SBA disaster loans, and also deletes the "credit elsewhere" requirement for FHA loans in Public Law 93-24 in regard to disasters occurring on or after April 20, 1973, thus making the 5 percent rate under Public Law 93-24 uniformly available; authorizes SBA loans for adjustment assistance in base closings; and contains other provisions. S. 2482. P/S September 28, 1973. (423)

TRAVEL AGENTS REGISTRATION

Amends the Travel Agents Registration Act to require persons "engaged in the business of conducting a travel agency" to secure, by January 1, 1974, registration certificates from the Secretary of Transportation through the Director of a Bureau of Travel Agents Registration to be established in the Department of Transportation. S. 2300. P/S October 11, 1973. (VV)

TRUST TERRITORY OF THE PACIFIC ISLANDS

Authorizes $60 million for fiscal years 1974 and 1975 for the Trust Territory of the Pacific Islands for civil works and administrative programs and an additional sum of not to exceed $10 million for each of these fiscal years to be used if necessary to offset reduction in or termination of Federal grant-in-aid programs or other funds made available to the territory by other Federal agencies; extends the authority of the Federal Comptroller for Guam to the Trust Territory of the Pacific Islands and prescribes his duties and responsibilities; and contains other provisions. S. 1385. Public Law 93-111, approved September 21, 1973. (VV)

TRUTH IN LENDING ACT AMENDMENTS (FAIR CREDIT BILLING)

Amends the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices; prohibits, in title I, The Fair Credit Billing Act, unfair credit billing practices including provisions relating to resolution of billing errors, regulation of credit reports, acknowledgement of billing inquiries, prompt crediting of payments, length of the billing period, use of cash discounts, and prohibition of offsetting a disputed bill from funds on deposit; contains, in title II, largely technical amendments to improve the administration of the Truth in Lending Act and includes a provision limiting a creditor's maximum liability in a class action suit brought under the act to $100,000 or 1 percent of the creditor's net worth, whichever is less; prohibits, in title III, The Equal Credit Opportunity Act, any creditor from discriminating against any person on account of sex or marital status in granting or denying credit, including all credit transactions, whether for consumer, business, or other purposes and includes cash loans, installment sales, mortgage loans and the opening or closing of a revolving charge account; and contains other provisions. S. 2101. P/S July 23, 1973.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT AMENDMENTS

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide, until July 1, 1976, for full Federal funding of the first $25,000 for any single relocation payment for persons displaced by federally assisted programs and projects; expands coverage of the act to persons displaced by eight specified Federal programs; authorizes, through June 30, 1973, the head of a Federal agency to pay a State not in compliance with the act such funds as are necessary, in excess of the first $25,000 of cost, to make all payments and provide all benefits required by the act; and contains other provisions. S. 261. P/S February 2, 1973. (VV)

U.S. TRAVEL SERVICE AUTHORIZATION

Authorizes $22.5 million in each of fiscal years 1974, 1975, and 1976 for the United States Travel Service which is charged with promoting foreign tourism to the United States. S. 1747. P/S Jun 13, 1973. (VV)

VIRGIN ISLANDS LEGISLATURE

Amends the Revised Organic Act of the Virgin Islands so that the Legislature of the Virgin Islands is empowered and directed to provide the procedure for filling any vacancy in the office of a member of the legislature which under present law is filled by appointment by the Governor. H.R. 7699. Public Law 93- , approved 1973. (VV)

VOTER REGISTRATION ACT

Establishes a voter registration system for Federal elections through the mail, establishes within the Bureau of the Census a Voter Registration Administration to administer the program with an Administrator and two Associates of different political parties to be appointed for terms of 4 years by the President and confirmed by the Senate; provides that an individual who qualifies to be a voter under State law and registers as provided under this act shall be entitled to vote in Federal elections in that State; requires States to provide for an applicant to register up to 30 days before a Federal election; provides that the Administration shall prepare voter registration forms designed to provide a simple method to register by mail to be distributed by the Postal Service at least every two years which the applicant shall mail or deliver when completed to the local registration agent who must then notify the applicant of his acceptance or rejection; provides, in regard to prevention of fraudulent registration, that, in addition to appropriate action under State law, a State official shall notify the Administration which shall provide assistance, and that when a State official or the Administration determines that a pattern of fraudulent registration or attempted fraudulent registration exists, either may request the Attorney-General to bring a civil action, in any appropriate United States district court to enjoin fraudulent registration; includes criminal penalties for the falsifying of voter registration forms or voting more than once; provides for payment to the States of the cost, as determined by the Administration, of processing registration forms under this act, and provides financial assistance to States adopting this system for State elections; and contains other provisions. S. 352. P/S May 9, 1973. (121)

WAGNER-O'DAY ACT AMENDMENT

Amends the Wagner-O'Day Act of 1938, as amended by Public Law 92-28, to increase the authorization to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped for fiscal year 1974 of $200,000 to $240,000. S. 1413. Public Law 93-76, approved July 30, 1973. (VV)

WAIVER-OF-CLAIMS AUTHORITY

Extends the same waiver-of-claims authority as that granted to the Executive Branch for overpayments of pay and certain allowances to all agencies of the Legislative Branch except the House of Representatives. S. 1803. P/S July 24, 1973. (VV)

WAR CLAIMS—VIETNAM CONFLICT

Increases the rate of detention benefits payable under the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from $60 per month to $150 per month. S. 1728. P/S October 8, 1973. (VV)

WHITE HOUSE CONFERENCE ON THE HANDICAPPED

Declares that it is the sense of Congress that the President call a White House Conference on the Handicapped within 2 years from the date of enactment of the resolution in order to make recommendations for further research and action in this field, and contains other provisions. S.J. Res. 118. P/S July 18, 1973. (VV)

WOOL PRODUCTS LABELING ACT AMENDMENTS

Amends the Wool Products Labeling Act of 1939 by substituting the term "recycled wool" for the terms "reprocessed wool" and "reused wool" thus combining the terms into one definition for the term "recycled wool." S. 1816. P/S July 20, 1973. (VV)

YOUTH CONSERVATION CORPS

Authorizes the expansion of the Youth Conservation Corps Program and establishes it on a permanent basis to be administered by the Departments of Interior and Agriculture at an annual authorization of $100 million; permits the establishment of a new program of Federal support to States in their administration of Youth Conservation Corps to utilize surplus and/or unused Federal property; and makes available for off-season use by local educational institutions Youth Conservation Corps facilities. S. 1871. P/S October 8, 1973. (VV)

GOVERNMENT EMPLOYEES: CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT AMENDMENT

Amends section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to (1) increase the quota on retirements from 800 to 2,100 for the period July 1, 1969, to June 30, 1974, and (2) establish a quota of 1,500 for retirements between July 1, 1974, and June 30, 1979. S. 1494. Public Law 93-31, approved May 8, 1973. (VV)

CIVIL SERVICE RETIREMENT

Amends section 8340(c), title 5, United States Code, to correct an anomaly regarding employee and survivor's annuities occasioned by the provisions of the present law whereby an employee retiring after the effective date of a cost-of-living increase may receive a smaller annuity than an employee retiring just before the effective date of the increase, retroactively effective to immediate annuities which commence on or after July 2, 1973, the first day after the effective date of the last preceding cost-of-living increase. H.R. 3799. Public Law 93– , approved 1973. (VV)

CIVIL SERVICE RETIREMENT ANNUITIES

Establishes a minimum civil service retirement annuity equal to the social security minimum primary insurance amount; excludes any individual receiving benefits under title II of the Social Security Act from receiving the civil service retirement annuity benefit; provides minimum amounts to survivors in an amount not less than the monthly minimum allowed under social security and in the case of a surviving child, in an amount not less than three-fourths of the minimum monthly amount allowed under social security; increases annuity payments from the Civil Service Retirement Fund by $240 to an annuitant and $132 to the surviving spouse of an annuitant (resulting in monthly increases of $20 and $11 respectively) whose separation from service occurred prior to October 20, 1969; makes effective immediately upon enactment of this act the social security cost-of-living increase, which under present law (Public Law 93–66) would become effective in June of 1974, in an amount based on "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1973"; and contains other provisions. S. 1866. P/S September 11, 1973. (379)

CIVIL SERVICE SURVIVORS BENEFITS

Amends the Civil Service Retirement Act to change the 2 year marriage requirement under the Federal retirement system to a 1 year requirement. S. 2174. P/S September 20, 1973. (VV)

EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Provides that the Commission on Executive, Legislative, and Judicial Salaries submit its report to the President every other year instead of every four years and that the President likewise make his salary recommendations to the Congress biennially, by August 31, in the odd numbered years beginning in 1973; provides for such recommended pay increases to become effective on the first day of the first pay period which begins after 30 calendar days of continuous session of Congress unless disapproved by Congress by specific legislation changing the pay rates or by passage of a disapproval resolution by either body; and contains other provisions. S. 1989. P/S July 9, 1973. (VV)

FEDERAL EMPLOYEES PAY ADJUSTMENTS

Expresses the disapproval of the Senate of the President's alternative pay plan sent to the Congress September 5, 1973, which would postpone a pay adjustment for Federal employees under the Federal Pay Comparability Act from October 1, to December 1, 1973, thus nullifying the President's postponement so that Federal employees would receive an October 1, 1973, pay adjustment. S. Res. 171. Senate adopted September 28, 1973. (422)

FEDERAL EMPLOYEES RETIREMENT

Allows Federal employees, who meet the present requirements for retirement upon involuntary separation of 25 years of service, or 20 years of service at age 50, to retire at their own option during a period when the employing agency is undergoing a major reduction in force. H.R. 6077. Public Law 93–39, approved June 12, 1973. (VV)

LIBRARY OF CONGRESS

Provides pay increases for members of the police force of the Library of Congress. S. 1904. P/S June 28, 1973. (VV)

NATIONAL GUARD TECHNICIANS' RETIREMENT

Changes, retroactively, from January 1, 1969, the crediting pre-1969 technician service as follows: (1) grants retirement credit for technician service performed before 1969 to all former technicians serving in any position subject to the retirement law on or after January 1, 1969; (2) allows credit for 100 percent of pre-1969 technician service for annuity computation purposes; and (3) permits eligible technicians to pay the full amount rather than 55 percent otherwise owed as a deposit for pre-1969 technician service. S. 871. P/S July 31, 1973. (VV)

SURVIVOR ANNUITIES OF CIVIL SERVICE RETIREES

Amends chapter 83, title 5, U.S.C. by eliminating the reduction in annuity that a retiree takes to provide survivor benefits for his spouse during periods of nonmarriage allowing in effect, full annuity to an annuitant during these periods. S. 628. P/S July 31, 1973. (VV)

HEALTH: CHILD ABUSE PREVENTION AND TREATMENT ACT

Provides financial assistance for demonstration program for the prevention, identification, and treatment of child abuse and neglect through the creation of a National Center of Child Abuse and Neglect within the Office of Child Development in the Department of Health, Education, and Welfare; creates a National Commission on Child Abuse and Neglect to study the effectiveness of existing laws and of programs to prevent, identify, and treat child abuse and neglect, its extent and causes, and the adequacy of Federal, State and local funding for child abuse programs; authorizes $10 million for fiscal year 1974 and $20 million for fiscal years 1975, 1976, 1977, and 1978 respectively; and contains other provisions. S. 1191. P/S July 14, 1973. (282)

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT AND REHABILITATION ACT AMENDMENTS

Extends for 2 years through fiscal year 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91–616, maintaining the annual authorization level at $80 million; extends the contract and project grant authority of the Act of 1970 for an additional 3 years through fiscal year 1976, and authorizes therefor appropriations of $90 million for fiscal year 1974, $100 million for fiscal year 1975, and $110 million for fiscal year 1976; adds a new special grant authority providing an additional allotment of $100,000 plus 10 percent of its formula allotment for each State which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system; prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against any person solely because of his alcohol abuse or alcoholism; deletes the language of the Act of 1970 placing the National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department; gives the National Institute on Alcohol Abuse and Alcoholism authority for eleven top level positions; places alcoholism project and contract authority under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; eliminates duplication by deleting section 247 of the Community Mental Health Centers Act; and contains other provisions. S. 1125. P/S June 21, 1973. (VV)

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Adds a new title XII to the Public Health Service Act authorizing for public and nonprofit private entities three separate programs of grant and contract assistance (1) for projects which include both feasibility studies and planning for emergency medical services systems; (2) for the establishment and initial operation of such systems, and (3) for expansion and improvement of such systems, and a new program in the present title VII of the act for training programs, especially those that afford clinical experience in systems assisted under the new title XII; requires an applicant for a grant or contract for the establishment and operation or for expansion or improvement of an emergency medical services system (EMS) to demonstrate that the system will meet each of specified component requirements within certain time limitations; provides that applications for grants and contracts for feasibility studies and planning shall include a showing of the need of the area for such a system, the applicant's planning qualifications and willingness to conduct the planning in cooperation with the areawide health planning agency and with the entity responsible for evaluation of the provision of such services in the areas of State health planning; provides that applications for grants and contracts for research in an amount in excess of $35,000 must be recommended for approval by an appropriate peer group review panel designated or established by the Secretary; provides that special consideration shall be given to applications for grants and contracts for establishment and initial operation of systems which will coordinate with statewide systems; contains requirements for emergency medical services systems' components including: inclusion of an adequate number of health professions and allied health professions personnel; appropriate training (including clinical training) for its personnel and continuing education programs; a central communications system interconnected within the system and with other appropriate EMS systems; a transportation system; easily accessible facilities capable of providing services on a continuous basis and access to specialized critical medical care units in the system's service or neighboring area, including transportation; the provision by each system of necessary emergency medical services, without prior inquiry as to ability to pay, to all patients requiring such services; the transfer of patients for follow-up care and rehabilitation, including vocational rehabilitation; provision for public education and information programs; provision for periodic, comprehensive, and independent review and evaluation of the system; capability for providing emergency medical services in its service area during mass casualties, natural disasters, or national emergencies; reciprocal arrangements for services with other or similar systems serving neighboring areas; provision of services in an appropriate geographical area; and for "consumers" (persons without professional training or financial interest in the provision of health care) to have adequate opportunity to participate in the making of policy for the system; establishes an interagency Committee on Medical Services to coordinate all Federal programs and activities which relate to emergency medical services and make recommendations to the Secretary respecting the administration of the new title XII; authorizes appropriations therefor for fiscal years 1974–1976 of $45 million; $65 million, and $75 million respectively, for a total of $185 million for those three fiscal years; directs the Secretary to continue the operation of the following Public Health Service hospitals: in Seattle, Boston, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Norfolk at the level in effect on January 1, 1973, and prohibits the Secretary from closing or transferring control of a hospital or reducing its services or activities only if specifically authorized by law enacted after the date of enactment of this legislation. S. 504. Vetoed August 1, 1973; Senate overrode veto August 2, 1973; House sustained veto September 12, 1973. (134,294,358)

Contains provisions identical to S. 504 except for the deletion of provisions concerning

Public Health Service Hospitals. S. 2410. P/S September 19, 1973. (390)

HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT

Defines in Part A of Title I, Health Maintenance Organizations, the functions and requirements for a health maintenance organization and the comprehensive health services to be provided by a health maintenance organization; authorizes funds for use by the Secretary of Health, Education, and Welfare for fiscal year 1974–1976 for the following: $45 million for grants for planning and feasibility studies of developing or expanding health maintenance organizations; $70 million for grants for initial development costs; $85 million for construction grants; $85 million for grants for initial cost of operation; $60 million for construction loans; $85 million for loans for initial cost of operation; and $100 million for grants and loans to health maintenance organizations or non-profit entities intending to become HMO's in rural areas; provides, in Part B, for an annual payment to certified health care providers as an initiative award in an amount equal to the administrative costs allowed by the Commission on Quality Health Care Assurance incurred in complying with the requirements of the Commission, and authorizes for this purpose $150 million; authorizes the Secretary to make annual capitation grants to health maintenance organizations during the first 3 years of operation serving persons who cannot meet the expenses of such organizations' premiums; requires that not less than 7.5 percent of the total amount appropriated for Part A of this title be used for this purpose; prohibits transfer of funds within the act; provides for waiver of open enrollment in specified circumstances; requires recipients of Federal funds under this act to keep records of full disclosure of the amount and disposition of funds; and authorizes the Secretary to contract with health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service; in Title II, Commission on Quality Health Care Assurance Act of 1973, establishes a Commission on Quality Health Care Assurance in the Department of Health, Education and Welfare, composed of 11 members to be appointed by the President with the advice and consent of the Senate; provides that the Commission, among its duties, is to promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment; to gather data describing, in statistical terms, the process of health care in various parts of the country; and to monitor and enforce the meaningful and effective consumer disclosure provisions of the legislation; requires the publication of a description of any health care plan covered by this title within 90 days of establishment stating the fees and prices, scope of services, accessibility and availability of services, and a statement of certification by the Commission; authorizes the Commission to suspend certificates of approval of health care providers in certain circumstances; provides for arbitration in malpractice claims; and authorizes a total of $125 million over a three-year period as follows: $15 million for fiscal year 1974, $40 million for fiscal year 1975, and $70 million for fiscal year 1976 to carry out the provisions of title II; and contains other provisions. S. 14. P/S May 15, 1973; P/H amended September 12, 1973; In conference. (132)

HEALTH PROGRAMS EXTENSION ACT

Extends the 12 expiring health authorities in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, for health research and development; health statistics; public health training; migrant health; comprehensive health planning and services; medical libraries; Hill-Burton facilities construction; allied health training; regional medical programs; family planning; community mental health centers; and developmental disabilities for 1 year to June 30, 1974, at a total authorization level of $1,270.6 million; restricts the authorization for project grants under section 304(e)d of the Public Health Service Act to programs respecting neighborhood health centers, family health centers, lead-based paint poisoning prevention, and rodent control, by prohibiting the funding under this section of programs for which an alternative authority is contained in title I of this act; denies any court, public official, or public authority the right to require individuals or institutions to perform abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution had received assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act; and extends to June 30, 1974, the provisions of section 601, title VI, the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton amendments) designed to assure availability of appropriated health funds. S. 1136. Public Law 93–45, approved June 18, 1973. (63,163)

LEAD-BASED PAINT POISONING AMENDMENTS

Amends the Lead-Based Paint Poisoning Act, Public Law 91–695, and authorizes therefor an annual appropriation of $75 million for each of fiscal years 1974–1977; expands the authority of the Secretary of Health, Education, and Welfare to make grants to local and State government units for programs to detect and treat incidents of lead-based paint poisoning to include private, non-profit organizations; increases from 75 percent to 90 percent the Federal share for the cost of such programs; provides that no lead based paint shall be applied to any toy, furniture, or cooking, drinking or eating utensil manufactured and distributed in interstate commerce after enactment of the act; provides that, effective January 1, 1974, that lead-based paint means any paint containing more than 0.06 percent lead, or if the Secretary after completing the study authorized by this act determines that a 0.05 percent level is safe, the 0.05 percent level shall be used instead; and contains other provisions. S. 607. P/S May 9, 1973; P/H amended September 5, 1973; Conference report filed. (VV)

LITTLE CIGAR ACT

Amends the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 by expanding the prohibition on advertising media to include "little cigars"; defines the term "little cigar" to mean any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than cigarettes) and weighing not more than 3 pounds per 1,000 units; and provides that it shall be unlawful to advertise little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. S. 1165. Public Law 93–109, approved September 21, 1973. (VV)

NATIONAL INSTITUTE OF HEALTH CARE DELIVERY ACT

Amends the Public Health Service Act to establish a National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare to carry out an accelerated multidisciplinary research and development effort to improve the organization and delivery of health care in the nation; authorizes up to eight regional centers and two National Special Emphasis Centers, a Health Care Technology Center, and a Health Care Management Center; authorizes, for both the Institute and the Centers, $115 million, $130 million, and $145 million for fiscal years 1974, 1975, and 1976 respectively; establishes a 21 member National Advisory Council on Health Care Delivery to advise the Institute on the development, priorities, and execution of its programs, and contains other provisions. S. 723. P/S May 15, 1973. (VV)

NATIONAL RESEARCH SERVICE AWARDS AND PROTECTION OF HUMAN SUBJECTS ACT

In title I, the National Research Service Award Act, consolidates the existing research training and fellowship programs into a single National Research Service Awards authority which would be the major element in the training programs of the National Institutes of Health (NIH) and National Institute of Mental Health and would increase their capability of maintaining a superior national program of research, and provides a revised procedure whereby awards would be provided through the Office of the Director of NIH by the Secretary of Health, Education, and Welfare in consultation with the Directors of NIH and the National Institute for Mental Health;

Establishes, in title II, the Protection of Human Subjects Act, a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research within the Department of Health, Education, and Welfare, to be composed of 11 members appointed by the President for 4 year terms, with not more than five members to have been engaged in biomedical or behavioral research involving human beings; provides that the Commission is first to undertake a comprehensive investigation and study to identify the basic ethical principles and develop guidelines which should underlie the conduct of biomedical and behavioral research involving human subjects, and second, to develop and implement policies and regulations to assure that research is carried out in accordance with the ethical principles they have identified, develop procedures for certification of Institutional Review Boards and also develop procedures for and make recommendations to the Congress in the areas of sanctions, compensation for injuries or death, and appropriate mechanisms to extend the scope of the Commission's jurisdiction;

Provides protection for individuals and institutions in matters of religious beliefs or moral convictions; prohibits research and experimentation on human fetuses until such time after certification of Institutional Review Boards has been established and the Commission develops policies with regard to the conduct of research on the living fetus or infants;

Contains interim provisions denoting that, until the certification of Boards has been established, it is the responsibility of each institution engaged in such research to determine that the rights and welfare of the subjects involved are fully protected, that the risks are outweighed by the potential benefits to the subject or the importance of the knowledge to be gained, and that informed consent is to be obtained by adequate methods in all but exceptional cases as specified in this act;

Calls for the Commission, in title III, the Special Study of Biomedical Research Act, to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, with a report to be sent to the President and the Congress at least every 2 years together with the recommendations for needed legislation or appropriate action by public or private organizations or individuals;

And contains other provisions. H.R. 7724. P/H May 31, 1973; P/S amended September 11, 1973; Senate requested conference September 11, 1973. (382)

RESEARCH IN AGING ACT

Amends title IV of the Public Health Service Act to provide for the establishment by the Secretary of Health, Education, and Welfare (HEW) of a National Institute on Aging

(NIA) in the National Institutes of Health (NIH) for the conduct and support of biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged, as authorized under section 301 of the Public Health Service Act and presently focused in the National Institute of Child Health and Human Development; provides that the Director of NIH shall assign functions to NIA or another institute when the activities overlap; directs the Secretary of HEW to (1) conduct scientific studies, through the Institute, for the purpose of measuring the impact on the biological, medical, and psychological aspects of aging, of all programs conducted or assisted by HEW to meet the needs of the aging in order to obtain data for assessment of the programs by the Institute, (2) carry out public information and education programs to disseminate information developed by the Institute which may aid in dealing with, and understanding, the problems associated with aging, and (3) prepare a comprehensive aging research plan within 1 year after enactment for presentation to the Congress and the President, along with a statement of the staffing and funding requirements necessary to implement the plan; and contains other provisions. *NOTE*: (H.R. 14424 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 30, 1972.) S. 775. P/S July 9, 1973. (VV)

SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

Amends section 6 of the National School Lunch Act which authorizes expenditures for commodities to provide a means to enable the Department of Agriculture, to meet school lunch and breakfast program needs for this fiscal year only, to make an estimate as of March 15 of the amount of commodities which the Department will deliver to schools; requires the Secretary (if this estimate is less than 90 percent of the value of the amount the Department originally planned to deliver to schools) to pay the States, no later than April 15, a cash amount equal to the difference between the initial estimate and the amount to be delivered this fiscal year as determined by the March 15 estimate, and to distribute the money to the States according to their ratio of meals served under the school lunch and breakfast program; directs the Secretary to use section 32 funds and funds from section 416 of the Agricultural Act of 1949 for the purposes of this act to request, if necessary, a supplemental appropriation; waives the matching requirements for the funds distributed under this act; and contains other provisions. H.R. 4278. Public Law 93-13, approved March 30, 1973. (VV)

Increases the present 8 cent Federal cash reimbursement for the school lunch program to 12 cents per lunch and sets the school breakfast program reimbursement at 8 cents; provides for an automatic adjustment in Federal reimbursement rates for both the school lunch and school breakfast programs beginning July 1, 1974, to reflect changes in the cost of operating such programs; makes permanent the requirement that the Secretary of Agriculture make cash payments to the States of any funds programed for the purchase of commodities but not expended for that purpose; extends the authorization for the Special Supplemental Food program to June 30, 1975, and increases the authorization for fiscal year 1975 to $40 million; makes agencies of Indian tribes eligible to administer the Special Supplemental Food Program; requires that the Special Milk Program be available to any school or non-profit child care institution that requests it and requires that children who qualify for free lunches shall also be eligible for free milk; increases the membership of the National Advisory Council on Child Nutrition from 13 to 15 members by adding an urban and rural school lunch program supervisor; changes the method of apportioning funds for free and reduced-price lunches and makes eligible for reduced price lunches those students whose parents' income is 75 percent, instead of 50 percent as presently provided, above the income poverty guideline prescribed to receive free lunches. H.R. 9639. P/H September 13, 1973; P/S amended September 24, 1973; House adopted conference report October 12, 1973. (403)

INDIANS: GLEN CANYON NATIONAL RECREATION AREA CONCESSION OPERATIONS

Directs that the annual franchise fee received by the Secretary of the Interior from the concessioner in connection with the Rainbow Bridge floating concession operation in Glen Canyon National Recreation Area be placed in a separate fund of the Treasury, and authorizes the Secretary to transfer annually such fees from the fund to the Navajo Tribe of Indians, in consideration of the tribe's continued agreement to the use of former Navajo Indian Reservation lands for the purpose of anchoring the Rainbow Bridge floating concession facility, S. 1384. P/S May 23, 1973. (VV)

INDIAN CLAIMS COMMISSION

Authorizes not to exceed $1.2 million for the expenses of the Indian Claims Commission for fiscal year 1974, and an additional $900 million for the expense assistance revolving loan fund. S. 721. Public Law 93-37, approved May 24, 1973. (VV)

INDIAN FINANCING ACT

Provides to Indian organizations and individual Indians capital in the form of loans and grants that is needed to promote their economic development; authorizes a $50 million increase for the Revolving Loan Fund; provides a Loan Guarantee and Insurance Program which could generate as much as $200 million in new private capital; authorizes an Interest Subsidy Program; and provides an Indian Business Development Grant Program. S. 1341. P/S July 28, 1973. (VV)

INDIAN JUDGMENT DISTRIBUTION ACT

Provides that if neither House of Congress, within 60 calendar days (excluding adjournments of more than 3 days) from the date of submission of a recommended plan by the Secretary of the Interior regarding the distribution of funds awarded to Indian Tribal groups by the Court of Claims, passes a committee resolution disapproving such plan and thus requires authorizing legislation, the plan will become effective and the distribution of such funds made upon the expiration of the 60 day period or earlier if waived by committee resolutions by both the House and the Senate Committees on Interior and Insular Affairs, thereby relieving the Committees of the necessity of having to legislate on all judgment awards except for the most complicated. S. 1016. Public Law 93- , approved 1973. (VV)

JOINT COMMITTEE ON NAVAJO-HOPI ADMINISTRATION—ABOLISHMENT

Abolishes the Joint Committee on Navajo-Hopi Indian Administration created during the 81st Congress to consider the problems peculiar to the Navajo and Hopi Tribes and oversee the expenditure of funds appropriated for the development of their reservations, construction of facilities, and other needed improvements, work which was principally completed in 1964. S. 267. P/S February 5, 1973. (VV)

KLAMATH INDIAN TRIBAL LAND ACQUISITION

Directs the Secretary of Agriculture to acquire by condemnation the remainder of the Klamath Indian Forest lands, for inclusion in the Winema National Forest, which the Klamath Tribe has directed the United States National Bank of Portland, a private trustee, to sell by the terms of its trust agreement and authorizes for this purpose an amount not to exceed $70 million. H.R. 3867. Public Law 93-102, approved August 16, 1973. (VV)

PUBLICATION OF MATERIAL RELATING TO THE CONSTITUTIONAL RIGHTS OF INDIANS

Amends, for technical reasons, section 701 (c) of title VII of Public Law 90-284 to authorize the appropriation of such sums as may be necessary for the Secretary of the Interior (1) to annually revise and republish the document entitled "Indian Affairs, Laws and Treaties," (2) to revise and publish the treatise entitled "Federal Indian Laws," and (3) to have prepared and printed as a government publication an accurate compilation of the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs. S. 969. P/S June 27, 1973. (VV)

INTERNATIONAL: ATLANTIC UNION DELEGATION

Authorizes the creation of a delegation of 18 eminent citizens (6 each to be appointed by the House of Representatives, the Senate, and the President) to meet with similar unofficial delegations "from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise" in order to explore the possibility of agreement on a "declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles," and empowers the convention to invite other parliamentary democracies to participate in the process, which would also explore the possibilities for a timetable and a commission to move toward the goal by stages. S.J. Res. 21, P/S March 26, 1973. (VV)

BOARD FOR INTERNATIONAL BROADCASTING ACT

Authorizes $50,209,000 for fiscal year 1974 for the operation of Radio Free Europe and Radio Liberty and creates a new Board for International Broadcasting charged with making grants to the radios and overseeing their operations, which shall take over the role presently performed by the State Department of administering grants to the radios. S. 1914. Public Law 93- , approved 1973. (369)

DEPARTMENT OF STATE AUTHORIZATION ACT

Authorizes a total of $682,036,000, including $4.5 million for the U.S. share of expenses of the International Commission on Control and Supervision in Vietnam; prohibits the use of funds on or after August 15, 1973, for further involvement of U.S. forces in hostilities in North Vietnam, South Vietnam, Laos, or Cambodia or direct or indirect aid to North Vietnam unless specifically authorized hereafter by Congress; establishes a new Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State to be headed by an additional Assistant Secretary; requires that military base agreements with foreign countries be submitted to the Congress where they can be approved either by passage of a concurrent resolution by both the House and the Senate or by the Senate giving its advice and consent to the agreement; requires that funds be cut off for foreign affairs agencies which do not comply within 35 days with requests for information by the Senate Committee on Foreign Relations or the House Committee for Foreign Affairs, and amends section 634(c) of the Foreign Assistance Act, the Hickenlooper amendment containing similar provisions concerning access to information by the Congress and the General Accounting Office, to eliminate the President's privilege of waiving its provisions except with regard to Presidential communications; prohibits the use of funds appropriated pursuant to the act to be used for publicity or propaganda to attempt to influence the outcome of legislation pending before Congress or the outcome of a political election; requires by law the listing by rank order of Foreign Service personnel selected for promotion; states the sense of Congress that the United States and Russia seek agreement on specific mutual reductions in military expenditures; and contains other provisions. H.R. 7645. Public Law 93- , approved 1973. (191)

DIPLOMATIC RELATIONS BETWEEN SWEDEN AND THE UNITED STATES

Expresses the sense of the Senate that "the United States Government and Sweden should restore their normal friendly relations, and confirm this return to normalcy by appointing and dispatching ambassadors to their respective capitals on an immediate basis." S. Res. 149. Senate adopted October 4, 1973. (VV)

ENVIRONMENTAL MODIFICATION AS A WEAPON OF WAR

Expresses as a sense of the Senate that the United States Government should seek the agreement of other governments, including all permanent members of the Security Council of the United Nations, to a proposed treaty for the complete cessation of any research experimentation or use of any environmental or geophysical modification activity as a weapon of war, including weather, climate, earthquake, and ocean modification activity. S. Res. 71. Senate adopted July 11, 1973. (266)

EURATOM COOPERATION ACT OF 1958 AMENDMENT

Amends section 5 of the EURATOM Cooperation Act of 1958, as amended, by increasing the amount, from 215,000 kilograms to 583,000 kilograms, of contained uranium 235 which the United States Atomic Energy Commission is authorized to transfer to the European Atomic Energy Community under the Agreements for Cooperation between the United States and EURATOM. S. 1993. Public Law 93-88, approved August 14, 1973. (VV)

FOREIGN ASSISTANCE ACT

Authorizes appropriations for economic assistance to foreign countries comprised of grants and loans of $1,218,200,000 divided among five development assistance categories, Food and Nutrition, Population Planning and Health, Education and Human Resources Development, Selected Development Programs, and Selected Countries and Organizations, instead of as formerly, providing funds for development loans, technical cooperation and development grants, and the Alliance for Progress; provides for greater transferability of funds among the five categories than is now permitted among present funding categories, whereby the President may transfer not to exceed 15 percent of the funds under one category to another in an amount which does not increase the funds in the other category by more than 25 percent; requires that the country receiving assistance provide at least 25 percent of the total costs of the project or program, which may be on an "in kind" basis, if necessary; repeals section 203 of the Foreign Assistance Act of 1961, thereby eliminating the loan repayment revolving fund administered by the Agency for International Development, from which loan repayment dollar receipts were used to make further development loans, and making all such loans subject to the regular authorization and appropriation process of the Congress; cuts off all funds for the continued involvement of U.S. military forces in hostilities in Indochina by prohibiting the use of funds under this or any other law for military or paramilitary operations by the U.S. in or over Vietnam, Laos, or Cambodia, thus requiring specific Congressional action to authorize and fund any renewal of American involvement in war in these countries; prohibits U.S. funding or support for any military or paramilitary activities by third country military personnel in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand, unless specifically authorized by act of Congress enacted after this bill becomes law; contains a sense of the Congress resolution that the United States should not furnish aid to South Vietnam or any other party to the Vietnam cease-fire agreement if that party does not comply with the agreement; and contains other provisions. S. 2335. P/S October 2, 1973. (442)

FOREIGN MILITARY SALES AND ASSISTANCE ACT, 1974

Authorizes a total of $770 million for the foreign military grant assistance and sales programs and the economic supporting assistance program; authorizes $420 million for military grant aid on a country-by-country basis instead of in a lump sum which is allocated by the Executive Branch; requires military grant assistance recipients to pay 10 percent of the amount of the grant in their own currency to pay official U.S. costs; authorizes $200 million for credit sales to current grant recipients on concessional terms from July 1, 1973, to June 30, 1978; requires prior notification to Congress of military sales over $25 million or cumulative sales over $50 million in one year, which may then be made unless either House of Congress adopts a resolution within 30 days of continuous session thereafter disapproving the sale; prohibits the transfer of naval vessels to foreign countries except under the authority of this act; authorizes $25 million for foreign military training purposes; authorizes $125 million for supporting assistance on a country-by-country basis, of which not less than $50 million is to be available to Israel and $65 million to Jordan; prohibits the use of any appropriation for police or related training programs for foreign countries; emphasizes the authority of the Secretary of State over the military assistance and sales policy by authorizing funds directly to the Secretary rather than to the President; authorizes a program of military assistance for Vietnam and Laos to replace that provided through Department of Defense authorization and appropriation bills; authorizes one-for-one replacement of arms and munitions for South Vietnam and Laos in accordance with the cease-fire agreements; authorizes $150 million in military aid for Cambodia with the provision that if a cease-fire is reached in Cambodia any additional arms or munitions shall be in accordance with the terms of the cease-fire; authorizes the President, in the event of a new offensive by North Vietnam, to provide unlimited military aid to South Vietnam; requires quarterly reports from the President on all U.S. assistance to South Vietnam, Laos, or Cambodia, the nature and extent of the official American presence, and the general status of implementation of the cease-fire agreements; and contains other provisions. S. 1443. P/S June 26, 1973; P/H amended July 26, 1973; In conference. (226)

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amends subsection (b) of section 3 of the Bretton Woods Agreements Act to authorize the President, by and with the advice and consent of the Senate to appoint different individuals to serve as alternates for the governor of the International Monetary Fund and of the International Bank for Reconstruction and Development. S. 1887 Public Law 93-94, approved August 15, 1973. (VV)

INTERNATIONAL VOYAGE LOAD LINE ACT

Repeals the Foreign Load Lines Act, 1929, as amended, and substitutes this act, which provides the necessary legislation to implement the provisions of the International Convention on Load Lines, 1966, to which the United States is a party and which came into force on July 21, 1968, making it unlawful for a vessel to be so loaded as to submerge the prescribed load line or the point where an appropriate load line should be marked. S. 1352. Public Law 93-115, approved October 1, 1973. (VV)

PEOPLE'S REPUBLIC OF CHINA—DIPLOMATIC PRIVILEGES

Authorizes the President to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. S. 1315. Public Law 93-22, approved April 20, 1973. (VV)

PROHIBITION OF INTERVENTION IN FOREIGN POLITICAL AFFAIRS

Prohibits any citizen or resident of the United States from offering a contribution to any agency or employee of the United States for the purpose of influencing the outcome of an election for public office in a foreign country; makes it unlawful for any officer, employee, or agent of the United States to solicit or accept contributions to candidates or political parties to influence an election for public office in a foreign country; and contains other provisions. S. 2239. P/S July 26, 1973. (VV)

RADIO FREE EUROPE AND RADIO LIBERTY SUPPLEMENTAL AUTHORIZATION, 1973

Authorizes additional fiscal year 1973 appropriations of not to exceed $1.5 million for Radio Free Europe and Radio Liberty to provide for increased costs resulting from the devaluation of the dollar on February 12, 1973. S. 1972. Public Law 93-59, approved July 6, 1973. (V)

TREATIES: AGREEMENT WITH CANADA FOR THE PROMOTION OF SAFETY ON THE GREAT LAKES

Terminates and replaces a similar agreement betwen the United States and Canada providing for safety on the Great Lakes; requires that, effective January 1, 1975, all vessels covered by the agreement must have very high frequency radiotelephone equipment operating in a certain band; designates a uniform distress, safety and calling frequency; and updates the technical regulations to conform with modern radio practices and capabilities. Ex. J, 93d-1st. Resolution of ratification agreed to October 1, 1973. (428)

AMENDMENT TO ARTICLE 61 OF THE CHARTER OF THE UNITED NATIONS

Amends article 61 of the United Nations Charter relating to the composition of the Economic and Social Council (ECOSOC) and the election to membership thereon by the General Assembly which would increase the size of the council from 27 to 54 members and provide for an interim procedure to achieve this new size. The primary function of ECOSOC, whose powers are recommendatory and advisory, is to promote economic and social progress, cultural cooperation and universal respect for human rights, and to coordinate the activities of the various U.N. specialized agencies and the International Atomic Energy Agency. Ex. L, 93d-1st. Resolution of Ratification agreed to September 5, 1973. (366)

CONSULAR CONVENTION WITH HUNGARY

Establishes consular relations between the United States and the People's Republic of Hungary which will afford American citizens in Hungary a greater degree of consular protection and guarantee quick and unhindered communication between a citizen and his consul and prompt notification to the consul of any detention or other limitation, and provides for the establishment of consulates and the exchange of consular appointments according each country the facilities, privileges, and immunities afforded under similar bilateral consular conventions in force with a number of other countries. Ex. W, 92d-2d. Resolution of Ratification agreed to March 27, 1973. (58)

CONSULAR CONVENTION WITH POLAND

Establishes consular relations between the United States and the Polish People's Republic; guarantees early notification of detention of a country's nationals and access thereto; describes consular functions and responsibilities in such fields as the issuance of visas and passports and the performance of notorial services; provides for the inviolability of consular personnel with regard to legal proceedings in the host country; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. U, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (56)

CONSULAR CONVENTION WITH ROMANIA

Replaces the convention currently in existence between the United States and the Socialist Republic of Romania; improves consular services in both countries to include the issuance of passports and visas, performances of notorial services, and representation of the interests of nationals in estate matters; assures that consuls whose nationals are detained or whose personal freedom is limited will be notified promptly and will have the right to visit and communicate with such nationals; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. V, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (57)

CONVENTION FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS

Provides that contracting states, under their respective domestic laws, will protect the nationals of other contracting states against the making or importation of duplicate phonograms (records and tapes) without the consent of the producer if the intent is to distribute them to the public. Ex. G, 93d–1st. Resolution of ratification agreed to October 1, 1973. (429)

CONVENTION FOR THE SAFETY OF LIFE AT SEA AMENDMENTS

Provides for improved radio-telephone watch procedures, more modern radiotelephonic devices, more detailed procedures for the operation of radiotelephonic equipment, and new regulations concerning traffic separation schemes. Ex. I, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (362)

CONVENTION ON ENDANGERED SPECIES

Establishes a system by which governments may strictly control the international trade in specimens of species which are, or may be, in danger of becoming extinct as a result of that trade. Ex. H, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (360)

CONVENTION ON THE PREVENTION OF MARINE POLLUTION

Establishes in each country party to the Convention a national system for regulating the ocean disposal of wastes comparable to the system provided for the United States by Title I of Public Law 92–532, the Marine Protection, Research and Sanctuaries Act of 1972. Ex. C, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (359)

CONVENTION WITH JAPAN FOR THE PROTECTION OF BIRDS AND THEIR ENVIRONMENT

Provides for the protection of species of birds which are common to the United States and Japan or which migrate between them, and provides that each country will develop programs to preserve and enhance the environment of the birds protected by this agreement. Ex. R, 92d–2d. Resolution of Ratification agreed to March 27. 1973. (60)

EXCHANGE OF NOTES WITH ETHIOPIA CONCERNING THE ADMINISTRATION OF JUSTICE

Terminates the notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the Treaty of Amity and Economic Relations Between the United States and Ethiopia. Termination of the notes, which set forth special commitments on the part of the Ethiopian Government regarding the trial of cases involving American citizens, would be in conformity with the U.S. policy of basing international agreements, in general, on the principles of equality and reciprocity. Ex. B, 93d-1st. Resolution of Ratification agreed to March 27, 1973. (59)

EXTRADITION TREATY WITH ITALY

Terminates and replaces the extradition treaty between the United States and Italy signed at Washington March 23, 1968, as later amended and supplemented; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. M, 93d–1st. Resolution of ratification agreed to October 1, 1973. (430)

EXTRADITION TREATY WITH PARAGUAY

Terminates and supersedes the Extradition Treaty between the United States and the Republic of Paraguay done at Asuncion on March 26, 1913; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. S, 93d-1st. Resolution of ratification agreed to October 1, 1973. (431)

EXTRADITION TREATY WITH URUGUAY

Terminates a 1905 treaty between the United States and Uruguay except that crimes listed in that treaty and committed prior to the entry into force of the present treaty shall be subject to the provisions of the 1905 treaty; provides for the extradition of persons charged with any of 30 specified offenses including offenses relating to narcotic drugs and aircraft hijacking or in the case of conspiracy to commit any of the specified offenses; defines territorial application to include all territory under the jurisdiction of either party including territorial waters and airspace as well as registered aircraft in flight; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. K, 93d-1st. Resolution of ratification agreed to October 1, 1973. (432)

INTERNATIONAL COFFEE AGREEMENT 1968, AS EXTENDED

Extends the International Coffee Agreement of 1968 for 2 years, to September 30, 1975, deleting all operative provisions but preserving the structure of the International Coffee Organization. Ex. O. 93d–1st. Resolution of ratification agreed to October 1, 1973. (427)

INTERNATIONAL CONVENTION ON LOAD LINES AMENDMENTS

Amends the 1966 Load Lines Convention (which established uniform rules concerning the limits to which ships on international voyages may be loaded and brought international load line regulations into accord with modern developments and techniques in ship construction) by correcting a number of errors and ambiguities which have become apparent in such matters as technical terminology, geographic reference points, and cross references. Ex. D, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (361)

UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT

Authorizes an appropriation of $40 million for the total U.S. contribution to the United Nations Environment Fund and limits the fiscal year 1974 contribution to $10 million. H.R. 6768. P/H May 15, 1973; P/S amended June 8, 1973. House requested conference October 3, 1973; In conference. (VV)

UNITED STATES INFORMATION AGENCY AUTHORIZATION

Authorizes $216,775,000 for fiscal year 1974 for the United States Information Agency to carry out international informational activities under the authority of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Number 8 of 1953. S. 1317. Public Law 93– , approved 1973. (151,452)

UNITED STATES OCEANS POLICY

Endorses the ocean policy objectives which were envisioned in the President's Ocean Policy Statement of May 23, 1970, and which are now being pursued by the United States delegation to the United Nations Seabed Committee preparing for the Law of the Sea Conference with regard to: (1) Protecting the freedoms of the high seas, beyond a twelve mile territorial sea, for navigation, communication, and scientific research, and free transit through and over international straits; (2) recognizing certain international community rights; (3) providing for the orderly and just development of mineral resources of the deep seabed as the common heritage of mankind; and (4) for the conservation and protection of living resources with regulation of fisheries, coastal State management of coastal species, and international management of such migratory species as tuna; and commends the United States delegation for its excellent work and encourages its efforts for an early agreement on an ocean treaty embodying these goals. S. Res. 82. Senate adopted July 9, 1973.

LABOR: EMERGENCY EMPLOYMENT ACT AMENDMENTS

Extends for 2 years, through fiscal year 1975, the Emergency Employment Act of 1971 (public employment program) and authorizes $1.25 billion for fiscal year 1974 and such sums as may be necessary for fiscal year 1975; focuses the legislation to those in greatest need and for whom the government has the clearest responsibility: the disabled and Vietnam-era veterans, the economically disadvantaged, those unemployed for 15 weeks or more, and persons unemployed as a result of the closing of or a reduction in activities at a Defense Department facility; seeks assurance that sponsors will fill at least half of the public service jobs with disabled or Vietnam-era veterans; and contains other provisions. S. 1560. P/S July 31, 1973. (346)

*FAIR LABOR STANDARDS AMENDMENTS (MINIMUM WAGE)

Extends coverage to include under the definitions of employer and employee: the United States and any State or political subdivision of a State or intergovernmental agency, with the exemption of elected officials, their personal staff, appointees on the policy making level, or immediate advisors in State and local governments; includes within coverage, employees whose vocation is domestic service;

Establishes, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the period ending June 30, 1974, and $2.20 thereafter; establishes, for employees in agriculture, an hourly minimum of $1.60 during the period ending June 30, 1974, $1.80 during the year beginnng July 1, 1974, $2.00 an hour the year beginning July 1, 1975, and $2.20 an hour after June 30, 1976; establishes, for employees newly covered by the 1966 amendments and by the 1973 amendments, an hourly minimum of $1.80 during the period ending June 30, 1974, $2.00 during the year beginning July 1, 1974, and $2.20 thereafter.

Provides for presently covered employees in Puerto Rico and the Virgin Islands effective on the effective date of the legislation: (A) increases of 12 cents an hour of their wage order rates are less than $1.40 an hour; and (B) an increase of 15 cents an hour if their wage order rates are $1.40 an hour or higher; provides that newly covered employees (including commonwealth and municipal employees) are to have their wage rates set by special industry committees, and that this wage rate may not be less than 60 percent of the otherwise applicable or $1.00 an hour, whichever is greater; and that all employees (other than commonwealth and municipal employees) will receive, beginning one year after the effective date of this legislation, yearly increases of (A) 12 cents an hour per year if their wage order rates are less than $1.40 and (B) increases of 15 cents an hour per year if their wage order rates are $1.40 an hour or higher; provides that the following employees in Puerto Rico and the Virgin Islands are to have their rates set as if they were employed in the U.S. mainland: hotel, motel, restaurant and food services employees and U.S. employees and employees of the government of the Virgin Islands;

And contains other provision. H. R. 7935. Vetoed September 6, 1973. House sustained veto September 19, 1973. (229,355)

JOB TRAINING AND COMMUNITY SERVICES ACT—MANPOWER REVENUE SHARING

Provides the legislative basis for special revenue sharing for manpower programs so that States and localities assume primary responsibility for carrying out training and employment programs in accordance with locally determined needs; authorizes $1.88 billion, of which $1.55 billion is for job training and $239 million for local community services activities; and contains new provisions relating to prime sponsors, program agents, councils and decategorization, as well as other provisions. S. 1559. P/S July 24, 1973. (313)

LABOR-MANAGEMENT RELATIONS ACT AMENDMENTS

Amends section 302(c) of the Labor-Management Relations Act of 1947 to add legal service programs for employees, their families, and dependents for counsel or plan of their choice to the specified employer financed fringe benefits which may be established through joint labor-management administration, with the provision that legal services funds may not be used in suits against contributing employers except in workmen's compensation cases, suits against participating labor organizations, or suits against any employer or labor organization where the matter arises under the National Labor-Relations Act or this act or where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1957. S. 1423. Public Law 93-95, approved August 15, 1973. (136)

PENN CENTRAL RAIL DISPUTE

Provides for Federal intervention to bring about a temporary halt in the strike of certain employees of the United Transportation Union against the Penn Central Transportation Company arising out of the Penn Central's plan to eliminate approximately 5,700 train crew positions by applying the final paragraph of section 10 of the Railway Labor Act (45 USC 160) and extends the 30-day period provided for in section 10, to 12:01 A.M., May 9, 1973, in order to secure additional time for an agreement to be reached; requires the Secretary of Transportation, not later than 45 days following enactment, to file a report to the Congress providing a full and comprehensive plan for the preservation of essential rail transportation services in the northeast section of the Nation; requires the Secretary of Labor, not later than 30 days following enactment, to submit to Congress a report detailing the progress, if any, of all negotiations, and any recommendations for a proposed solution; and contains other provisions. S.J. Res. 59. Public Law 93-5, approved February 9, 1973. (VV)

*REHABILITATION ACT OF 1972

Amends the Vocational Rehabilitation Act to provide for more services to handicapped individuals; places greater emphasis on research and training of rehabilitation personnel and the development of innovative rehabilitation techniques, equipment, and devices which would make employment more feasible for a handicapped individual; establishes an Office for the Handicapped within the Department of Health, Education, and Welfare; creates a Federal Interagency Committee on Employment of the Handicapped, a National Commisssion on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board to continue and expand services to the handicapped and provides for an order of priority to serve those individuals with the most severe handicaps; and contains other provisions. *Note:* (A similar measure, H.R. 8395 [92d-2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 7. Vetoed March 27, 1973. Senate sustained veto April 3, 1973. (27, 74)

REHABILITATION ACT OF 1973

Repeals the existing Vocational Rehabilitation Act (29 U.S.C. 31-42) ninety days after the date of enactment of this act; provides, in title I, the administrative provisions for vocational rehabilitation services and includes State plan provisions; includes in the State plan requirements provisions to insure that special emphasis is given to serving those individuals with the most severe handicaps; requires that an individualized written rehabilitation program be drawn up for every handicapped individual served in consultation with that individual; directs the Secretary of Health, Education, and Welfare to undertake a comprehensive study of the feasibility of the methods designed to prepare individuals with the most severe handicaps for entry into vocational rehabilitation programs and report his findings and any recommendations to the Congress by February 1, 1975; consolidates, in title II, Research and Training, all research and training authority in existing law, to be administered by the Secretary through the Commissioner of the Rehabilitation Services Administration (RSA), providing a statutory basis for the RSA and the appointment of the Commissioner by the President; emphasizes applied research and the development of technology and devices to aid in solving rehabilitation problems of handicapped individuals and directs the establishment of Rehabilitation Engineering and Research Centers in order to aid in such development; includes a program of international research and exchange of personnel and technical assistance; contains, in title III, all special programs, grants, and related service activities which are not carried out by the State rehabilitation agency; includes a consolidated special project authority, with special emphasis on projects for spinal cord injured, severely handicapped deaf and older blind individuals, and an earmarking of money under special projects for migratory agricultural workers; combines, in title IV, provisions of existing law, with changes and additions, relating to Secretarial responsibilities for administration and evaluation; directs the Secretary to ensure that maximum coordination and consultation takes place with the Veterans' Administration at the national and local levels with respect to rehabilitation services and related programs for disabled veterans; directs the Secretary to prepare, in consultation with other agencies, handicapped individuals and public and private organizations, a long-range projection for the provision of comprehensive services to handicapped individuals; includes, in title V, Miscellaneous Provisions, the creation of a Federal Interagency Committee on Handicapped Employees and an Architectural and Transportation Barriers Compliance Board; and contains other provisions. H.R. 8070. Public Law 93-112, approved September 26, 1973. (384)

MEMORIALS, TRIBUTES, AND MEDALS: B. EVERETT JORDAN DAM AND LAKE

Changes the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake. S. 2282. P/S August 3, 1973. (VV)

CABLE CAR MEDALS

Authorizes the Secretary of the Treasury to strike and furnish to the San Francisco Cable Car Centennial Committee not more than 150,000 medals commemorating the 100th anniversary of the invention of the cable car, and contains other provisions. S. 776. Public Law 93-114, approved October 1, 1973. (VV)

COMMEMORATION OF MEMBERS OF THE ARMED SERVICES WHO SERVED IN THE VIETNAM WAR

States as a sense of the Senate that on Memorial Day, May 28, 1973, special commemoration be accorded the 359,879 dead and wounded members of the Armed Forces whose loss and suffering were occasioned by the war in Vietnam. S. Res. 117. Senate adopted May 21, 1973. (VV)

EISENHOWER MEMORIAL

Authorizes the use, for grants to Eisenhower College, Seneca Falls, New York, of $1 of the proceeds of the sale of each of the silver dollar proof coins being offered to the public at $10 each which bear the likeness of the late President of the United States, Dwight David Eisenhower. S. 1264. P/S May 2, 1973. (VV)

FORT SCOTT, KANS.

Amends the act of August 31, 1965, commemorating certain historical events in the State of Kansas to authorize additional Federal participation in the historic restoration, preservation, and commemoration of Fort Scott, Kansas. H.R. 7976. Public Law 93- , approved —— 1973. (VV)

JAMES W. TRIMBLE DAM

Renames the Beaver Dam on the White River in northwest Arkansas the James W. Trimble Dam. S. 2463. P/S October 10, 1973. (VV)

JIM THORPE MEDALS

Authorizes the Secretary of the Treasury to strike and furnish to the Jim Thorpe Memorial-Oklahoma Athletic Hall of Fame Commission up to 100,000 national medals commemorating the outstanding achievements of Jim Thorpe. H.R. 4507. Public Law 93- , approved 1973. (VV)

JOHN WESLEY POWELL FEDERAL BUILDING

Names the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, as the "John Wesley Powell Federal Building." S. 1618. P/S June 27, 1973. (VV)

LAW DAY

Pays tribute to the law enforcement officers of the United States on Law Day, May 1, 1973. S.J. Res. 11. P/S March 15, 1973. (VV)

LYNDON B. JOHNSON

Expresses the profound sorrow and deep regret of the Senate on the announcement of the death of Lyndon B. Johnson, a former President of the United States and a former Representative and Senator from the State of Texas, and designates the Presiding Officer of the Senate to appoint a committee to consist of all the members of the Senate to attend the funeral of the former President. S. Res. 24. Senate adopted January 23, 1973.

H. Res. 152. House adopted January 23, 1973. (VV)

Expresses the sense of the Congress that in recognition of the long and distinguished service rendered to the nation and to the world by Lyndon B. Johnson, 36th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973. H. Con. Res. 90. House adopted January 23, 1973. Senate adopted January 23, 1973. (VV)

Provides for payment out of the contingent fund of the Senate of all necessary expenses incurred as a result of S. Res. 24, which provides for members of the Senate to attend the funeral of Lyndon B. Johnson. S. Res. 34. Senate adopted January 24, 1973. (VV)

LYNDON B. JOHNSON SPACE CENTER

Designates the manned spacecraft center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President. S.J. Res. 37. Public Law 93-8, approved February 17, 1973. (VV)

MEMBERS OF THE ARMED FORCES MISSING IN ACTION IN INDOCHINA

Pays special tribute to the members of the Armed Forces who are missing in action in Indochina on Memoroal Day, May 28, 1973, and contains other provisions. S. Res. 115. Senate adopted May 15, 1973. (VV)

MONUMENT TO 1ST INFANTRY DIVISION

Authorizes the erection, in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66. P/S February 19, 1973. (VV)

RICHARD B. RUSSELL DAM AND LAKE

Renames the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, the Richard B. Russell Dam and Lake. S. 2496. P/S October 10, 1973. (VV)

ROBERTO WALKER CLEMENTE MEDALS

Authorizes the Secretary of the Treasury to strike and furnish to the Chamber of Commerce of Greater Pittsburgh, Pittsburgh, Pa., one gold medal and not more than 200,000 duplicate medals to commemorate the outstanding athletic, civic, charitable and humanitarian contributions of Roberto Walker Clemente, and contains other provisions. H.R. 3841. Public Law 93-33, approved May 14, 1973. (VV)

SENATOR STENNIS' BIRTHDAY

Extends congratulations to Senator John C. Stennis on his birthday. S. Res. 156. Senate adopted August 3, 1973. (VV)

SKYLAB III ASTRONAUTS

Commends the astronauts of the Skylab III and their support teams on the ground for successfully completing man's longest stay in space. S. Res. 175. Senate adopted September 26, 1973. (VV)

VETERANS DAY

Expresses gratitude and pays respects to the Vietnam veterans on Veterans Day 1973 for their part in attaining peace in Vietnam and making it possible to observe Veterans' Day 1973 in peace. S. Con. Res. 51. P/S October 11, 1973. (VV)

VIETNAM WAR MEMORIAL

Provides for the erection in the District of Columbia of a memorial in honor of those who served in the Armed Forces of the United States in the Vietnam war, and contains other provisions. S.J. Res. 45. P/S April 12, 1973. (VV)

NATURAL RESOURCES—ENVIRONMENT: ALASKA PIPELINE

In title V, the Trans-Alaskan Pipeline Authorization Act, makes a finding that the early delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest and that actions of the Secretary of the Interior and all other Federal agencies and officers heretofore taken on behalf of the executive branch with respect to the proposed trans-Alaska oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969 and all other applicable laws; authorizes and directs the Secretary and all other Federal agencies and officers, without further action under the National Environmental Policy Act of 1969 or any other law, and notwithstanding the provisions of any law other than this title, such rights-of-way, leases, permits, approvals, and other authorizations necessary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline system, a State of Alaska highway, and no more than three State of Alaska airports, all in accord with applications on file with the Secretary on the date of this act, with the route of the pipeline system to follow generally the route described in the pending applications, and subject to compliance with the stipulations contained in volume I of the final Environmental Impact Statement on the pipeline issued by the Secretary on March 20, 1972; authorizes, in title I, Rights-of-Way on Federal Lands, the Secretary or appropriate agency head, to grant, issue, or renew rights-of-way over, upon, or through Federal lands for pipelines for oil or natural gas, reservoirs and other systems for impoundment, storage, transportation, or distribution of water, transportation or distribution of liquids and gases, other than oil, water, and natural gas, electric energy systems except insofar as the Federal Power Commission has jurisdiction under the Act of June 10, 1920, as amended (16 U.S.C. 796, 797), communications and electronic systems, highways and other means of ground transportation, and any other necessary transportation or other systems which are in the public interest; provides that pipelines and other systems for the transportation of oil or natural gas and storage and terminal facilities therefor shall be operated as common carriers; in title II, authorizes negotiations by the executive branch with the Government of Canada to ascertain its willingness to permit construction of pipelines or other transportation systems across Canada territory for the transport of natural gas and oil from Alaska's North Slope to U.S. markets in regard to subsequent projects; grants, in title III, the Federal Trade Commission the requisite authority to insure prompt enforcement of the law the Commission administers by granting statutory authority to directly enforce subpoenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices; and contains other provisions. S. 1081. P/S July 17, 1973; P/H amended August 2, 1973; In conference. (289)

AMERICAN FALLS DAM REPLACEMENT

Authorizes the Secretary of the Interior to enter into appropriate agreements to permit the water-users to arrange for the financing and construction of a replacement for the existing American Falls Dam, Upper Snake River project, Idaho, which has become unsafe as a result of deteriorating concrete which would be acquired by the Secretary and operated as a feature of the existing Minidoka Reclamation project. S. 1529. P/S June 19, 1973. (VV)

ARKANSAS RIVER BASIN COMPACT

Grants the consent of the United States to an interstate compact beween Arkansas and Oklahoma, signed on behalf of the two States on March 16, 1970, to provide for the equitable apportionment of the waters of the Arkansas River and tributaries between the two States and encourages each State to maintain active programs of anti-pollution controls to further reduce water pollution in the Arkansas River Basin. S. 11. P/S June 28, 1973; P/H amended September 17, 1973. (VV)

CLEAN AIR ACT EXTENSIONS

Extends for 1 year to June 30, 1974, the Clean Air Act, as amended, authorizes the appropriation therefor of $475 million for fiscal year 1974; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year, to June 30, 1974 the provisions of the Clean Air Act of 1970 and extends, at constant dollar amounts, the authorization of appropriations in the act, which would otherwise expire June 30, 1973, in the total amount of $475 million. H.R. 5445 Public Law 93-15, approved April 9, 1973 (VV)

EAGLES NEST WILDERNESS

Designates as wilderness approximately 128,384 acres in the Arapahoe and White River National Forests in Colorado to be known as the Eagles Nest Wilderness S. 1864. P/S October 11, 1973. (VV)

ENDANGERED SPECIES ACT

Provides for conservation, protection and propagation of endangered species of fish and wildlife by Federal action and by encouraging the establishment of State endangered species conservation programs; authorizes jointly, the Secretaries of Interior and Commerce to list within their respective jurisdictions species which are either (1) endangered or (2) likely to become endangered within the forseeable future; directs the Secretary to use funds under the Land and Water Conservation Fund Act of 1956 for land acquisition necessary for the purpose of conserving, protecting, restoring or propagating any endangered species; provides for financial aid to State wildlife management agencies which enter into cooperative or management agreements with the Secretary; imposes criminal and civil penalties for violations of the act; exempts Alaskan native Indians and under certain conditions, any non-native resident of an Alaska Native village from the provisions of the bill regarding the taking of any endangered or threatened species if the action is for the purpose of consumption or use in a native community; and contains other provisions. S. 1983. P/S July 24, 1973; P/H amended September 18, 1973; In conference. (313)

FLOOD CONTROL ACT

Authorizes development of flood control, multi-purpose and related projects and provides for studies and surveys to determine whether other plans should be developed.

NOTE

(S. 4018 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 606. P/S February 1, 1973. (5)

GRAND CANYON NATIONAL PARK, ARIZONA

Provides greater protection to the Grand Canyon of Arizona by creating an enlarged Grand Canyon National Park consisting of 272.5 miles of the Grand Canyon which will be managed as a single, natural area by the National Park Service. S. 1296. P/S September 24, 1973. (VV)

INTERSTATE ENVIRONMENT COMPACT ACT

Provides the congressional consent required for any two or more States to enter into interstate compacts in the field of air pollution as set forth in section 102(c) of the Clean Air Act, as amended, and in the field of water pollution by section 103(b) of the Federal Water Pollution Control Act, as amended, and gives advance consent to interstate agreements called for by the Solid Waste Disposal Act, as amended; permits signatories to enter into supplementary agreements not inconsistent with applicable Federal law, with each other, with other interstate agencies, and with the Federal Government and its agencies for the purpose of controlling interstate environmental pollution problems in the fields of land use, coastal zone management, energy production and transmission, and related activities; provides that supplementary agreements are to become binding upon the signatory upon execution of the agreement by the chief executive and signatory legislative action to approve or condition the agreement, and provides that the Congress may by act of law expressly disapprove or condition the agreement within 90 days of congressional session following receipt of the agreement; provides for special supplementary agreements with foreign nations with the advance consent of Congress; provides that a signatory may withdraw from the compact by legislative enactment upon giving notice to all signatories a year in advance of its formal withdrawal; provides that nothing in this act shall affect Federal environmental protection legislation; and contains other provisions. S. 9. P/S June 22, 1973. (VV)

LAND USE POLICY AND PLANNING ASSISTANCE ACT

Establishes a national land use policy to encourage and assist the States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs; establishes a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs; authorizes for grants to states $100 million a year for 8 years; establishes a grant-in-aid program to encourage cooperation among the States concerning land use planning and management in interstate regions and authorizes $15 a year for 8 years therefor; authorizes $2 million a year for 8 fiscal years for training and research grants and contracts; establishes a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent thereto, and authorizes for this purpose $10 million a year for 8 years; authorizes the Executive Office of the President to issue guidelines to implement this act; authorizes the Secretary of the Interior to administer the grant-in-aid and other programs established under this act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this act, and to assist in the coordination of activities of Federal Agencies with State land use programs; authorizes $10 million each year for five fiscal years to the Secretary for administration of this act; provides that the programs of this act be consistent with antipollution regulations and policies already enacted; establishes an Interagency Advisory Board on Land Use Policy to assist in the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public and to recommend to the Congress such legislation it deems appropriate to establish land use policies and any requirement or procedures necessary to assure that such policies are implemented; and contains other provisions. S. 268. P/S June 21, 1973. (205)

NATIONAL SEA GRANT COLLEGE AND PROGRAM ACT OF 1966 AMENDMENTS

Provides an authorization of $30 million, $40 million, and $50 million for fiscal years 1974, 1975, and 1976 respectively for the National Sea Grant College marine research development programs within the Department of Commerce; authorizes $200,000 for a study of means of sharing, through cooperative programs with other nations, the results of marine research; and authorizes the Secretary to make contracts with and grants to participants for this purpose without matching share requirements; and contains other provisions. H.R. 5452. Public Law 93-73, approved July 10, 1973. (VV)

OIL POLLUTION ACT AMENDMENTS

Amends the Oil Pollution Act to conform with the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended dealing with intentional discharges of oil and oily wastes from vessels and expands the penalty provisions of the Act. H.R. 5451. Public Law 93-119, approved October 4, 1973. (VV)

REIMBURSEMENT FOR SEWAGE TREATMENT FACILITIES CONSTRUCTION

Authorizes an additional $600,000,000 under the Federal Water Pollution Control Act Amendments of 1972 for reimbursement on sewage treatment construction projects began prior to the 1972 amendments in anticipation of future availability of Federal funds before 1972; extends the deadline for filing reimbursement applications from October 18, 1973, to December 31, 1973; and provides for preliminary disbursement of funds to projects which can be easily approved on the basis of available documentation pending final processings of all projects. S.J. Res. 158. P/S October 11, 1973. (VV)

SAFE DRINKING WATER ACT

Establishes a program within the Environmental Protection Agency (EPA) to regulate drinking water whereby the Federal Government will exercise a new responsibility to set standards and provide assistance in order to protect public water supplies from contamination by providing that (1) EPA establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection and construction standards for public water systems to assure safe dependable drinking water; (2) EPA establish recommended standards to assure esthetically adequate drinking water; (3) the States may establish standards which are more stringent than the Federal drinking water standards; (4) the States will be primarily responsible for enforcing the standards, with Federal enforcement if the States fail to act or in cases of imminent hazard; (5) a National Drinking Water Council be established to advise the administrator on scientific and engineering matters; (6) EPA conduct and promote research, technical assistance, and training of personnel for water supply occupations; (7) EPA conduct a rural water survey within two years of enactment; (8) EPA make grants for special study and demonstration projects with respect to water supply technology; (9) EPA make grants to the States to defray the costs of State programs; and (10) citizens be authorized to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. S. 433. P/S June 22, 1973. (VV)

SALINE WATER PROGRAM AUTHORIZATION, 1974

Authorizes appropriations at an increased level of $9,127,000 for fiscal year 1974 for the Federal Saline Water Conversion programs conducted by the Secretary of the Interior to support a continuing research program into attractive new desalting technologies and to retain a technical capability in the Federal government to support planning and development which involves desalination, and contains other provisions. S. 1386. Public Law 93-51, approved July 1, 1973. (VV)

SHENANDOAH NATIONAL PARK, VIRGINIA

Designates as wilderness approximately 80,000 acres in the Shenandoah National Park, Virginia, under the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890). S. 988. P/S September 20, 1973. (VV)

SOLID WASTE DISPOSAL ACT EXTENSIONS

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act, as amended; authorizes the appropriation of $216 million for fiscal year 1974 to the Administrator of the Environmental Protection Agency and $22.5 million for fiscal year 1974 to the Secretary of the Interior, to carry out the provisions of this act; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act of 1967 (as amended by the Resource Recovery Act of 1970) and extends for 1 year, at constant dollar amounts the authorization for appropriations therefor in the total amount of $238.5 million. H.R. 5446. Public Law 93-14, approved April 9, 1973. (VV)

STRIP MINING

Establishes a nationwide program to prevent the adverse effect to society and the environment resulting from surface mining; places the authority for the administration of the Act with the Secretary of Interior who shall prepare and publish within 6 months, regulations concerning coal surface mining and reclamation operations and a detailed description of actions to be taken by a State to develop an acceptable Stable program to regulate such operations; establishes the Office of Reclamation and Enforcement in the Department of the Interior which will be headed by a Director to be named by the President, with the advice and consent of the Senate; establishes the prerequisites for any State to continue to obtain financial assistance and to assume full responsibility for all regulation of surface mining and reclamation within the State, and provides for Federal regulation of strip mining and reclamation in any State which proves unwilling or unable to do so itself; establishes an interim surface mining permit program which is in effect until the deadline for approval of a State program; sets requirements for performance bonds which must be filed before a surface mining permit is issued, such bond to satisfy the costs for reclamation of the land mined; sets criteria to be met by all surface mining and reclamation operations under a State program, a Federal program, the Federal Lands Program or the State or Federal interim permit; provides for civil and criminal penalties for certain violations of the act; provides for citizen suits against persons violating the act or against the responsible regulatory authority; sets guidelines for the establishment of a process for designation of areas as unsuitable for surface mining; applies the requirements of the Act to public corporations, agencies, and utilities, including the Tennessee Valley Authority, which engage in surface mining; authorizes $100 million to create an "Abandoned Mine Reclamation Fund" to be used to reclaim abandoned land which has been subjected to the worst ravages of past mining activities; authorizes $4 million for studies concerning surface mining for minerals other than coal, open pit mining and reclamation standards, the impact of Federal control on contour surface mining, means to maximize resource recovery and minimize environmental impacts and regulation of surface mining on Indian lands; authorizes for administration and Federal-State matching grants $10 million for fiscal year 1973 and $20 million for the following two years; authorizes the President to suspend any of the provisions of the Act under emergency conditions; provides that where the surface owner is not the owner of the mineral rights, written consent or waiver by the owner must be obtained, or the surface miner must execute a bond to secure payment to the surface owner of any damage in addition to the performance bond required except where the owner of the mineral rights is the Federal Government in which case surface and pit mining is prohibited; authorizes $100,000 (which is increased to $250,000 in the fourth and subsequent years) to be used on a matching basis for the establishment of mining and mineral research centers at one college or university in each State; directs the Cost of

Living Council to grant increases in coal prices to offset whatever additional production costs may result from the implementation of the Act; authorizes grants to States to assist persons who become unemployed as a result of the administration and enforcement of the Act; and contains other provisions. S. 425. P/S October 9, 1973. (450)

TOXIC SUBSTANCES CONTROL ACT

Prevents unreasonable threats to human beings or the environment from the use of chemical substances and products containing chemical substances; authorizes the Environmental Protection Agency (EPA) to restrict the use or distribution of such substances or products by providing that: (1) new chemical substances which may pose unreasonable threats to human health or the environment be tested by their manufacturer prior to commercial production and the test results reviewed by EPA prior to production and that notification be given to EPA prior to the commercial production of all other new chemicals; (2) EPA specify and require testing of those existing chemical substances which there is reason to believe may present unreasonable threats to human health or the environment; (3) EPA be given regulatory authority, to restrict use or distribution, to seize chemical substances in violation of certain requirements of the Act, and to take immediate action against the chemical substances creating imminent hazards; (4) manufacturers and processors of chemical substances be required to maintain certain records and reports to enable the Administrator of EPA to properly determine hazards; and (5) citizens be allowed to bring suits to enjoin certain violations of the act and to require the performance of mandatory duties of the Administrator of EPA; and contains other provisions. S. 426. P/S July 18, 1973; P/H amended July 23, 1973; In conference. (VV)

UNITED STATES FISHING INDUSTRY

Sets forth congressional resolve to provide all necessary support to strengthen the United States fishing industry and to protect our coastal fisheries against excessive foreign fishing, and to provide interim measures to conserve overfished stocks and to protect our national fishing industry; recognizes, encourages, and supports the key responsibilities of the several states for conservation and scientific management of fisheries resources within the United States territorial waters; and commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal-aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs. S. Con. Res. 11. P/S June 1, 1973. (VV)

WASTELAND TREATMENT PLANT OPERATIONS TRAINING PROGRAM

Continues through fiscal year 1974 the pilot operator training program for wastewater treatment plants (section 104(g) (1) of the Federal Water Pollution Control Act) at the annual authorization level of $7.5 million. S. 1776. P/S June 28, 1973. (VV)

WATER RESOURCES PLANNING ACT AMENDMENTS

Authorizes an appropriation of $3.5 million annually for fiscal years 1974 and 1975 for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965, as amended. S. 1501. Public Law 93–55, approved July 1, 1973. (VV)

WILD AND SCENIC RIVERS ACT AMENDMENTS

Extends to October 2, 1978, the protection period from water resource projects for the 27 rivers now under study for possible inclusion in the national wild and scenic rivers system; increases the funding authorization from $17 million to $37.6 million to permit completion of acquisitions for seven of the eight rivers designated as the first components of the system; authorizes the Secretaries of the Interior and Agriculture to acquire State land within the river corridors of components of the system not only by donation but also exchange of Federal land in other areas; puts a definite three fiscal year time limit on the studies for all rivers designated by Congress; removes the authority of either Secretary, without ever reporting to Congress, to terminate a study of, and remove protection for, any river which Congress has designated for study; and provides that the President must report to Congress on each river study. S. 921. P/S September 24, 1973. (VV)

NOMINATIONS: ACTION BY ROLLCALL VOTE

Alvin J. Arnett, of Maryland, to be Director of the Office of Economic Opportunity: Nomination confirmed September 12, 1973. (383)

Vincent R. Barabba, of California, to be Director of the Census: Nomination confirmed July 24, 1973. (315)

Peter J. Brennan, of New York, to be Secretary of Labor: Nomination confirmed January 31, 1973. (4)

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense: Nomination confirmed January 23, 1973. (1)

William Egan Colby, of Maryland, to be Director of Central Intelligence: Nomination confirmed August 1, 1973. (352)

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation: Nomination confirmed June 27, 1973. (228)

Dr. Henry A. Kissinger, of the District of Columbia, to be Secretary of State: Nomination confirmed September 21, 1973. (394)

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense: Nomination confirmed January 29, 1973. (3)

Elliot L. Richardson, of Massachusetts, to be Attorney General: Nomination confirmed May 23, 1973. (145)

James R. Schlesinger, of Virginia, to be Director of Central Intelligence: Nomination confirmed January 23, 1973. (2)

James R. Schlesinger, of Virginia, to be Secretary of Defense: Nomination confirmed June 28, 1973. (243)

William L. Springer, of Illinois, to be a member of the Federal Power Commission: Nomination confirmed May 21, 1973. (141)

Russell E. Train to be Administrator of the Environmental Protection Agency: Nomination confirmed September 10, 1973. (375)

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare: Nomination confirmed February 8, 1973.

PROCLAMATIONS: DIGESTIVE DISEASE WEEK

Designates the week of May 20–26, 1973, as "Digestive Disease Week." S.J. Res. 114. P/S May 17, 1973. (VV)

HONOR AMERICA DAY

Declares the twenty-one days from Flag Day, June 14, 1973, to Independence Day, July 4, 1973, as a period to honor America. S. Con. Res. 27. P/S May 31, 1973; P/H June 13, 1973. (VV)

INTERNATIONAL CLERGY WEEK IN THE UNITED STATES

Designates the week of January 28, 1973, as "International Clergy Week in the United States". H.J. Res. 163. Public Law 93–2, approved January 26, 1973. (VV)

JIM THORPE DAY

Designates April 16, 1973, as "Jim Thorpe Day". S.J. Res. 73. Public Law 93–19, approved April 16, 1973. (VV)

JOHNNY HORIZON '76 CLEAN UP AMERICA MONTH

Designates the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month". H.J. Res. 695. Public Law 93–108, approved September 19, 1973.

MIDDLE EAST CRISIS

States as a sense of the Senate that we deplore the outbreak of hostilities in the Middle East and support the use of the offices of the United States by the President and Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities, and further, that the Senate expresses its hope for a more stable condition leading to peace in that region. S. Res. 179. Senate adopted October 8, 1973. (VV)

MISSISSIPPI RIVER

Designates June 17, 1973, as a day of commemoration marking the 300th anniversary of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet. S.J. Res. 102. Public Law 93–41, approved June 14, 1973. (VV)

NATIONAL ARTHRITIS MONTH

Designates the month of May 1973 as "National Arthritis Month", and contains other provisions. H.J. Res. 275. Public Law 93–21, approved April 20, 1973. (VV)

NATIONAL AUTISTIC CHILDREN'S WEEK

Designates the week which begins on June 24, 1973, as "National Autistic Children's Week". H.J. Res. 296. Public Law 93–42, approved June 15, 1973. (VV)

NATIONAL CLEAN WATER WEEK

Designates the period beginning April 15, 1973, as "National Clean Water Week". H.J. Res. 437. Public Law 93–18, approved April 14, 1973. (VV)

NATIONAL CONSUMER EFFORT TO SAVE GAS AND ARRIVE ALIVE

Calls for all motor vehicle operators travelling on high-speed roads on week-ends and holidays, between the date of passage of this resolution and Labor Day, September 3, 1973, to: (1) travel at speed no greater than 10 miles per hour less than the posted speed limit, and (2) turn on headlights to encourage fellow travellers to join in the nation-wide campaign to slow down, save gas, save lives and save money. S. Res. 138. Senate adopted August 2, 1973. (VV)

NATIONAL EMPLOY THE OLDER WORKER WEEK

Designates the second full calendar week in March 1973 as "National Employ the Older Worker Week". H.J. Res. 334. Public Law 93–10, approved March 15, 1973. (VV)

NATIONAL HISTORIC PRESERVATION WEEK

Designates the calendar week beginning May 6, 1973, as "National Historic Preservation Week". S.J. Res. 51. Public Law 93–30, approved May 5, 1973. (VV)

NATIONAL HUNTING AND FISHING DAY

Designates the fourth Saturday of September 1973 as "National Hunting and Fishing Day". H.J. Res. 210. Public Law 93–23, approved April 20, 1973. (VV)

NATIONAL LEGAL SECRETARIES' COURT OBSERVANCE WEEK

Designates the second full week in October of each year as "National Legal Secretaries' Court Observance Week". H.J. Res. 466. Public Law 93–104, approved August 16, 1973. (VV)

NATIONAL MOMENT AND DAY OF PRAYER AND THANKSGIVING

Designates the moment of 7:00 p.m. E.S.T., January 27, 1973, a national moment of prayer and thanksgiving for the peaceful end to the Vietnam war and the 24 hours beginning at the same time as a national day of prayer and thanksgiving, and contains other provisions. H.J. Res. 246. Public Law 93–3, approved February 1, 1973. (VV)

NATIONAL NEXT DOOR NEIGHBOR DAY

Designates the fourth Sunday in September 1973 as "National Next Door Neighbor Day". S.J. Res. 25. Public Law 93–103, approved August 16, 1973.

NATIONAL NUTRITION WEEK

Designates the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week". S.J. Res. 99. Public Law 93– , approved 1973. (VV)

NICOLAUS COPERNICUS WEEK

Designates the week of April 23, 1973, as "Nicholaus Copernicus Week" marking the quinquecentennial of his birth. H.J. Res. 5. Public Law 93-16, approved April 9, 1973. (VV)

JOHN C. STENNIS DAY

Designates Monday, October 15, 1973, as "John C. Stennis Day". S. Res. 180. Senate adopted October 9, 1973. (VV)

WARSAW GHETTO UPRISING

Proclaims April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising. H.J. Res. 303. Public Law 93-20, approved April 20, 1973. (VV)

WOMEN'S EQUALITY DAY

Designates August 26 of each year as Women's Equality Day in commemoration of that day in 1920 on which the women of America were first guaranteed the right to vote. H.J. Res. 52. Public Law 93-105, approved August 16, 1973. (VV)

SPACE: NASA AUTHORIZATION, 1974

Authorizes appropriations totaling $3,064,500,000 to the National Aeronautics and Space Administration for fiscal year 1974, as follows: for Research and Development, $2,245,500,000, including for space flight operation, $555.5 million, space shuttle, $475 million, advanced missions, $1.5 million, physics and astronomy, $63.6 million, lunar and planetary exploration, $311 million, launch vehicle procurement, $177.4 million, space applications, $161 million, of which $2 million, is provided for NASA to formulate a long-term energy program that would explore options for energy generation and management from the many technologies the agency has developed, aeronautical research and technology, $180 million, space and nuclear research and technology, $72 million, tracking and acquisition data, $244 million, and technology utilization, $4.5 million; for Construction of Facilities, $112,000,000; and for Research and Program Management, $707,000,000; and contains other provisions. H.R. 7528. Public Law 93-74, approved July 23, 1973. (195)

TRANSPORTATION AND COMMUNICATIONS: AIRCRAFT HIJACKING

Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A [92d-1st]) to which the United States is a party and which came into effect on October 4, 1971; provides the President authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention, in effect imposing, unilaterally, a U.S. air transport boycott; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public; provides, in Title II, for the screening of all passengers and carry on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide a Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. P/S February 21, 1973. (21)

AIRPORT DEVELOPMENT ACCELERATION ACT

Amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 to increase Federal financial assistance for airport development throughout the United States; increases the present minimum annual authorization for airport development grants to air carrier and reliever airports to $275 million, and to general aviation aiports to $35 million, for each of fiscal years 1974 and 1975, and the five year limit on obligational authority for the fiscal years 1971–1975 to $1.46 billion, funds which will come from the Airport and Airway Trust Fund; provides that the maximum 50 percent Federal share of project costs will be determined by the total number of passengers enplaned for all air carrier airports operated by the same sponsor and raises the maximum Federal share to 75 percent for general aviation or reliever airports; prohibits the levying by State and local governments of passenger "head" taxes or use taxes on the carriage of persons in air transportation; and contains other provisions. *NOTE:* (An earlier measure, S. 3755 [92–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 38. Public Law 93-44, approved June 18, 1973. (9)

AMTRAK IMPROVEMENT ACT

Amends the Rail Passenger Act of 1970 to upgrade the quality of rail passenger service and put it on a par with quality rail passenger systems operating in other countries; provides for an authorization for fiscal year 1974 and for an increase in the ceiling on federally guaranteed obligations of the National Railroad Passenger Corporation; authorizes the Corporation to make all reasonable efforts to insure that elderly and handicapped individuals are given equal opportunity to utilize intercity transportation on passenger trains operated by or on behalf of the Corporation; gives the Corporation the power of eminent domain in order to acquire from owners other than governments and railroads right-of-way, land, or other property, and authorizes an Interstate Commerce Commission (ICC) proceeding through which the Corporation can acquire interests in property owned by a railroad or a government entity; requires the Corporation to initiate one new experimental route each year, and to operate it for a two year period and provides a means of discontinuing such service if it proves unsuccessful; vests jurisdiction over safety-related matters in the Department of Transportation and grants the ICC full and adequate powers to assure that adequate service, equipment, tracks, and other facilities are provided for intercity rail passenger service; allows private firms as well as the Corporation to offer auto-ferry service; prohibits any preclearance of budget requests, legislative recommendations, proposed testimony, or comments on legislation before submission to the Congress, and prohibits the impoundment of any funds authorized and appropriated by the Congress; clarifies the relationship of the Corporation to the Department of Transportation thus giving the Corporation more budgetary freedom and more direct accountability to Congress; and contains other provisions. S. 2016. P/S June 28, 1973; twice reconsidered for amendments and passed June 28, 1973; P/H amended September 6, 1973; conference report filed. (VV)

BICENTENNIAL ADVANCED TECHNOLOGY TRANSPORTATION SYSTEM DEMONSTRATION ACT

Authorizes the Secretary of Transportation to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability, of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, D.C., and Annapolis, Maryland, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia for use as part of the Bicentennial celebration and authorizes therefor an appropriation of not to exceed $300,000; directs the Secretary to report the results of such investigation and study, together with his recommendations, to the President and the Congress, no later than 9 months after enactment of this act; and authorizes the Secretary to enter into such contracts and other arrangements as necessary for the construction and operation of such systems if such study demonstrates their feasibility; and contains other provisions. S. 797. P/S June 14, 1973. (VV)

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATIONS, 1973

Amends the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting at an increased level for fiscal years 1974 and 1975 of $50 million and up to an additional $5 million in matching funds for gifts for fiscal year 1974 and $60 million and up to an additional $5 million in matching funds for gifts for fiscal year 1975; authorizes appropriations of $25 million for fiscal year 1974 and $30 million for fiscal year 1975 for construction of educational television and radio broadcasting facilities; requires radio and television stations receiving Federal assistance to make audio recordings of programs involving discussions of important public issues and make them available to the public at cost; and contains other provisions. *NOTE:* (H.R. 13918 [92d–2d], a similar bill, was vetoed by President Nixon on June 30, 1972.) S. 1090. Public Law 93-84, approved August 6, 1973. (113)

"DELTA QUEEN"

Extends until November 1, 1978, the existing exemption of the steamboat "Delta Queen" from certain vessel laws relative to the construction standards of the Safety-at-Sea Act (Public Law 89–777). H.R. 5649. Public Law 93-106, approved August 16, 1973. (VV)

EMERGENCY COMMUTER RELIEF

Authorizes not to exceed $800 million ($400 million for fiscal year 1974, and an aggregate of not to exceed $800 million for fiscal year 1975) for fiscal years 1974 and 1975 for the Secretary of Transportation, on such terms and conditions as he may prescribe, to make grants or loans to State or local public bodies in order to assist them in maintaining adequate transportation services in urban areas by providing financial assistance (requiring one-third local contribution) to pay operating expenses incurred as a result of providing such services; provides for the establishment of a reasonable fare structure for each area according to its particular local needs; authorizes an additional $20 million for each of fiscal years 1974 and 1975 for research and development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass transportation systems; and contains other provisions. S. 386 P/S September 10, 1973; P/H amended October 3, 1973. (376)

EMERGENCY RAIL SERVICES ACT AMENDMENTS

Assures the continuance of essential rail service in the Northeast and Midwest by authorizing the Secretary of Transportation to contract with the trustees of any railroad in reorganization under section 77 of the Bankruptcy Act for the continued provision of service in the case of actual or threatened cessation of such services; allows the Secretary to acquire by purchase, lease, or other transfer any equipment, facilities, or operating rights over the tracks of such a railroad; and contains other provisions. S. 2060. P/S July 27, 1973. (332)

ESSENTIAL RAIL SERVICES CONTINUATION ACT

Assures the continuance of essential rail service in the Northeast and Midwest in the event that one or more of the seven railroads presently in reorganization under section 77 of the Bankruptcy Act ceases operations by authorizing the Interstate Commerce Commission to direct one carrier by railroad to operate over the lines of a non-operating carrier; requires the Commission to issue just and reasonable directions to the operating carrier which cover the handling, routing, and movement of traffic of the non-operating carrier; limits the duration of such directions to sixty days unless extended by the Commission for a period of not to exceed 180 days; authorizes funds to be appropriated in such amounts as may be necessary to reimburse a directed carrier for losses incurred because of operations it is directed to engage in by the Commission; and contains other provisions. S. 1925. P/S July 14, 1973. (VV)

FEDERAL-AID HIGHWAY ACT

Authorizes, in title I, the Federal-Aid Highway Act of 1973, for the Interstate highway program $2.6 billion for fiscal year 1974, $3 billion for each of fiscal years 1975 and 1976, and $3.25 billion for each of fiscal years 1977, 1978, and 1979;

Eliminates the present single authorization for the primary and secondary systems and their urban extensions and substitutes a separate authorization for the rural and urban portions of these systems as follows: primary system in rural areas, $680 million for fiscal year 1974 and $700 million for each fiscal year thereafter, secondary systems in rural areas funded at $390 million and $400 million per fiscal year thereafter; authorizes for the urban system, $780 million for fiscal year 1974 and $800 million per fiscal year thereafter, with extensions of the primary and secondary system in urban areas funded at $290 million for fiscal year 1974 and $300 million per fiscal year thereafter; for forest development trails, $140 million per fiscal year; for parkways, $60 million for fiscal year 1974 and $75 million thereafter; for Indian reservation roads and bridges, $75 million per fiscal year; for economic growth center development highways, $50 million for fiscal year 1974, $75 million for 1975, and $100 million for 1976;

Extends the time for completion of the Interstate system until June 30, 1979;

Expands the urban system as presently designated to encompass all urban areas and to include collector streets and access roads to airports and other transportation terminals, with the urban system to be established as the State highway department may designate, and with the routes to be selected by local official with the concurrence of the State highway departments;

Permits the Secretary to approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters) and fringe and transportation corridor parking facilities; permits, beginning with funds authorized for fiscal year 1975, the Secretary to approve as a project on the urban system the purchase of buses, and beginning with funds authorized for fiscal year 1976 for the urban system, to approve projects for the construction, reconstruction, and improvement of fixed rail facilities including the purchase of rolling stock for fixed rail; provides that not more than $200 million of urban system funds for fiscal year 1975 shall be expended for the Federal share for the purchase of buses;

Increases the Federal share payable on account of any non-Interstate project from 50 to 70 percent with respect to all obligations incurred after June 30, 1973;

Provides that urban system funds apportioned to a State that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in the State in accordance with a formula developed by the State and approved by the Secretary, and in the event a formula has not been developed and approved for a State, to be allocated among such urbanized areas within the State in the ratio the population of such urbanized area bears to the population of all such urbanized areas or parts thereof within that State;

Authorizes the Secretary to promulgate noise level standards for the control of highway noise levels for Federal-aid projects approved prior to July 1, 1972; provides that buses must meet Environmental Protection Agency standards under the Clean Air Act and the Noise Control Act of 1972, and, wherever practicable, the equipment must meet special criteria for low-emission products; requires that the planning and design of mass transportation facilities must be such as to meet special needs of the elderly and handicapped;

Authorizes under title II, entitled the Highway Safety Act of 1973, $100 million for fiscal year 1974, $125 million for 1975, and $150 million for 1976, from the Highway Trust Fund, for highway safety programs to be carried out by the National Highway Traffic Safety Administration, $42.5 million for fiscal year 1974, $55 million for 1975, and $65 million for 1976, for highway safety research and development to be carried out by the Administration, and $25 million for 1974, $30 million for 1975, and $35 million for 1976 for highway safety programs to be carried out by the Federal Highway Administration;

Authorizes programs for the elimination of hazards at rail highway crossings, the elimination or reduction of high hazard locations on highways and the elimination of roadside obstacles; provides for various studies concerned with safety; requires curb ramps for the handicapped for curbs constructed or replaced at all pedestrian crosswalks after July 1, 1976;

Increases, in Title III, the Federal share of capital grants under the Urban Mass Transportation Act of 1964, as amended, to 80 percent, and increases from $3.1 billion to $6.1 billion contract authority under the Act;

And contains other provisions. S. 502. Public Law 93-87, approved August 13, 1973. (40, 351)

FEDERAL RAILROAD SAFETY ACT AUTHORIZATION, 1973

Authorizes appropriations of $19,440,000 for implementation of the railroad safety functions and $1,200,000 for implementation of the hazardous materials control functions of the act for fiscal year 1974. S. 2120. Public Law 93-90, approved August 14, 1973. (VV)

HIGHWAY SAFETY ACT

Authorizes $455 million for fiscal year 1974 and $475 million for fiscal year 1975 for highway safety programs, including $100 million for each of fiscal years 1974 and 1975 for the bridge replacement program; establishes a Federal-aid safer roads system, and authorizes $200 million of the total amounts authorized for each of fiscal years 1974 and 1975, to be available on a 90 percent Federal, 10 percent State matching basis, for the correction of highway hazards on that system; requires States to identify, by June 30, 1974, projects on the Federal-aid safer roads system which have to be corrected and assign priority to the correction of hazards falling within the following three major categories: (1) projects to improve highway marking and signing, (2) elimination of roadside obstacles, and (3) elimination of hazards at railroad-highway grade crossings; includes bicycle safety in the areas to be covered by highway safety standards and adds bicycle safety to required driver education programs; authorizes the use of appropriated funds for State highway safety programs for use in developing and implementing manpower training and demonstration programs; increases the minimum apportionment to any State for highway safety programs from one-third of one percent to one-half of one percent; authorizes the Secretary to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate a highway safety program standard on drug use and highway safety; and contains other provisions. S. 893. P/S April 12, 1973. (VV) (Similar provisions are contained in the Federal-Aid Highway Act which became Public Law 93-87).

INTERIM APPORTIONMENT OF INTERSTATE AND OTHER HIGHWAY FUNDS

Directs the Secretary of Transportation to apportion, as provided in the act, $1 billion of the sums authorized to be apportioned for fiscal year 1974 for immediate expenditure for the National System of Interstate and Defense highways, and authorizes the appropriation of $500 million from the Highway Trust Fund for fiscal year 1974 funding of the Federal-aid primary and secondary systems and their urban extensions, such funds to be available as follows: 45 percent for projects on the primary system; 30 percent for projects on the secondary system and 25 percent for projects on extensions of the primary and secondary systems in urban areas. S. 1808. Public Law 93-61, approved July 6, 1973. (VV)

INTERSTATE APPORTIONMENT

Directs the Secretary of Transportation to apportion out of the Highway Trust Fund, $1 billion of the funds authorized for fiscal year 1974 for expenditure on the Interstate and Defense Highway systems. S. Con. Res. 6. P/S March 6, 1973. (VV)

OCEAN TRANSPORTATION IN NONCONTIGUOUS STATES AND TERRITORIES

Amends section 607(k)(8) of the Merchant Marine Act, 1936, as amended, to expressly include within the definition of "noncontiguous trade" trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States for the purpose of insuring that vessels trading between points within such States and insular territories and possessions are eligible for assistance from capital construction funds (tax referred reserve funds) generated by the deposits made by eligible vessel operators under agreements with the Secretary of Commerce, and to make it clear that a vessel which has been built with such funds is legally permitted to between such points. S. 902. Public Law 93-116, approved October 1, 1973. (VV)

RAIL FREIGHT CAR SHORTAGE

In view of the current railroad transportation crisis caused by a freight car shortage and other factors, declares it to be the sense of the Senate that (1) the Commodity Credit Corporation should make available to farmers the option to reseal loans on farm-stored wheat and feed grains with respect to the 1971 and 1972 crops; and (2) the President is urged and requested to appoint a special committee to conduct a study of the railroad freight car shortage problem and to submit to the President and the Senate Committees on Agriculture and Forestry and Commerce, within thirty days after its appointment, a report along with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded. S. Res. 59. Senate adopted February 19, 1973. (15)

RAILROAD RETIREMENT ACT AND INTERSTATE COMMERCE ACT AMENDMENTS

Increases the tax which railroads are required to pay under the Railroad Retirement Act; provides for retirement eligibility for men at age 60 with 30 years of service; provides for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provides for a pass-through of social security benefit increases which might be enacted between July 1, 1973, and December 31, 1974; increases the taxes which railroads are required to pay under the Railroad Retirement Act; provides for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with a final report and recommendations to be submitted to the Congress by April 1, 1974; declares the intent of Congress to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system; amends the Interstate Commerce Act to provide that the Interstate Commerce Commission shall, by informal rule-making under the Administrative Procedure Act, establish the requirements for petitions for adjustments of rates of common carriers occasioned by the tax increases prescribed in this act or by other law on or before January 1, 1975, and provides for expedited freight-rate making procedures applicable to interstate and intrastate rates; and contains other provisions. H.R. 7200. Public Law 93-69, approved July 10, 1973. (VV)

ROLLING STOCK UTILIZATION AND FINANCING ACT

Establishes an Obligation Guarantee Board in the Department of Transportation as an independent agency, and an Obligation Guarantee Fund to insure obligations incurred for the acquisition of rolling stock and equipment or facilities; provides for Federal efforts to improve utilization of freight cars and other rolling stock by means of a national rolling stock information system, development and quarterly publishing of an index measuring freight-car utilization, a study by the Secretary on the utilization of freight cars and means to improve such utilization, and action under existing authority to improve utilization; provides, in the event of failure to solve the shortage problem, for potential direct government action to attempt to do so; provides for a railroad equipment corporation to acquire rolling stock and to manage rolling stock as a pool; and contains other provisions. S. 1149. P/S July 23, 1973. (306)

SHIP CONSTRUCTION

Amends section 502(a) of the Merchant Marine Act, 1936, as amended, to extend from June 30, 1973, to June 30, 1976, the authority of the Secretary of Commerce to award subsidies for the construction of vessels on which the price has been established by negotiation between the prospective ship owner and the shipyard. H.R. 6187. Public Law 93-71, approved July 10, 1973. (VV)

TV BLACKOUT—PROFESSIONAL SPORTS

Provides that if any game of professional sports club is to be televised pursuant to a league television contract and all tickets for seats made available 120 hours (5 days) or more before the scheduled beginning time of the game have been purchased 72 hours (3 days) or more before such time, no agreement preventing the televising of such game at the same time and in the same area in which the game is being played would be valid; requires the Federal Communications Commission to conduct a continuing study of the effect of this act and to report, not later than April 15 of each year, the results of its study to the Committees of Commerce and Interstate and Foreign Commerce of the Senate and House respectively. S. 1914. Public Law 93-107, approved September 14, 1973. (369)

WEST COAST CORRIDOR FEASIBILITY STUDY ACT

Directs the Secretary of Transportation to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between Tijuana, Mexico, and Vancouver, Canada, including the various means of providing such transportation, the cost, usage, environmental impact, and energy utilization and impact on energy resources; directs the Secretary to report the results of his study and investigation together with his recommendations to the Congress and the President no later than January 30, 1976, and submit an interim report to Congress on January 30, 1975; authorizes therefor an appropriation of not to exceed $8 million to carry out the provisions of this act; and contains other provisions. S. 1328. P/S July 11, 1973. (VV)

VETERANS: DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT

Provides for a fully-funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of service connection or the nature of their discharge; establishes a special medical treatment and rehabilitative services program for any veteran with a drug dependence or drug abuse disability, stressing highly individualized community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance; requires the Administrator to carry out a program of vocational rehabilitation for those Vietnam era veterans with addiction disabilities; broadens the eligibility for basic V.A. hospital care and medical services for service-connected disabilities; and contains other provisions. S. 284. P/S March 6, 1973. (31)

HEALTH CARE EXPANSION ACT

Improves the ability of the Veterans' Administration (VA) to deliver quality medical care to its beneficiaries by widening the scope of treatment (particularly for ambulatory and nursing care); expands coverage to certain dependents of beneficiaries or former beneficiaries; provides for a voluntary, comprehensive sickle cell anemia screening and counseling program; expands the primary function of the Veterans Administration Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower; provides for a contract to be made with the National Academy of Sciences for a study of staffing with a view to improving the staff-to-patient ratio in V.A. medical facilities; ensures that V.A. facilities are structurally safe; and contains other provisions. NOTE: (H.R. 10880 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 59. Public Law 93-82, approved August 3, 1973. (29)

NATIONAL CEMETERIES ACT

Establishes within the Veterans' Administration (V.A.) a National Cemetery System consisting of those cemeteries presently under the jurisdiction of the V.A. and those to be transferred by September 1, 1973, to the V.A. from the Department of Army with the exception of certain specified cemeteries, including Arlington National Cemetery and those located at the service academies; directs the V.A. to conduct a comprehensive study and submit its recommendations on or before January 3, 1974, as to what our National Cemetery System and national burial policy should be; authorizes the Administrator of Veterans' Affairs to permit the flying of the American flag at cemeteries in the national cemetery system 24 hours a day; authorizes a special burial plot allowance of $150 (in addition to the present V.A. allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery; authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery; and contains other provisions. *Note:* (H.R. 12674 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 49. Public Law 93-43, approved June 18, 1973. (30)

VETERANS' ADMINISTRATION FLEXIBLE GI INTEREST RATE AUTHORITY

Restores the authority of the Administrator of the Veterans' Administration to set flexible interest rates on loans to veterans, which expired June 30, 1973; authorized the Administrator to consult with the Secretary of Housing and Urban Development in order to set flexible interest rates on guaranteed, insured, and direct loans in excess of 6 percent as he determines the current loan market demands; and establishes that, to the maximum extent practicable, the Administrator shall carry out a coordinated policy on interest rates and loans insured by the Federal Housing Administration and the Veterans' Administration. H.R. 8949. Public Law 93-75, approved July 26, 1973. (VV)

VETERANS' BENEFITS

Amends title 38 U.S.C., to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and to increase income limitations relating thereto, and contains other provisions. H.R. 9474. P/H July 30, 1974; P/S amended August 2, 1973. (VV)

PRIORITY LEGISLATION, 1973

MEASURES POCKET VETOED IN 1972

Airport Development—Public Law 93-44.
National Cemeteries—Public Law 93-43.
Older Americans—Public Law 93-29.
Public Works-Economic Development—Public Law 93-46.
National Institute on Aging—Passed Senate 7-9-73.
Veterans Medical Care—Public Law 93-82.
Vocational Rehabilitation—Public Law 93-102.
Flood Control—Passed Senate 2-1-73.
Labor-HEW Appropriations—In conference.
Environmental Data Centers—Hearings held.
Mining Research Centers—Passed Senate as amendment to S. 425.
Deputy U.S. Marshals Pay—Pending in committee.

MEASURES WHICH DIED IN SENATE-HOUSE CONFERENCE IN 1972

Anti-Aircraft Hijacking—Passed Senate 2-21-73.
Highway Funds—Public Law 93-87.
Minimum Wage—Vetoed by President; sustained by House.
War Powers—Cleared for President.

MEASURES WHICH PASSED SENATE ONLY IN 1972

Fair Credit Billing—Passed Senate 7-23-73.
Land Use Policy—Passed Senate.
Health Maintenance Organizations—In conference.
Compensation for Victim of Crime—Passed Senate 4-3-73.
Consumer Product Warranties—Passed Senate 9-12-73.
Comprehensive Housing—Markup in progress.

MEASURES WHICH PASSED HOUSE ONLY IN 1972

Strip Mining Controls—Passed Senate 10-9-73.
Consumer Protection Agency—Hearings complete.

REPORTED TO SENATE IN 1972

No Fault Insurance—To be reported from Judiciary Cte by 2-15-74.
Pension Reform—Passed Senate and Senate conferees appointed.

LEGISLATION MENTIONED IN PRESIDENT'S SECOND STATE OF UNION MESSAGE

Trade Reform—House Committee reported H.R. 10710.
Export Administration Act H.R. 8547 P/H; Senate hearings complete.
Tax Reform (property tax relief for elderly) House hearings complete.
Stockpile Disposal—pending.
Financial Institutions Restructuring—not yet submitted.
Council on International Economic Policy—Public Law 93-121.
Alaskan Pipeline—In conference.
Deep Water Ports—Hearings in progress in both houses.
Gas Deregulation—Hearings in progress.
Strip Mining—Passed Senate 10-9-73.
Department of Energy & Natural Resources—Hearings complete in both.
Power Plant Siting—Pending in Senate committee; House held hearings.

Santa Barbara Energy Reserve—Hearings scheduled.

Land Use Planning—Passed Senate.

Toxic Substances Control—In Conference.

Safe Drinking Water—Passed Senate.

Housing—Markup in progress.

Better Schools—Hearings were held.

School Busing—No action.

Welfare Reform—No action.

Manpower Revenue Sharing—Passed Senate.

Job Security Assistance—No action by House which acts first.

Vocational Rehabilitation—Public Law 93-112.

Minimum Wage—Vetoed; House sustained.

Pension Reform—H.R. 4200 to go to conference.

Health Maintenance Organization—In Conference.

Legal Services Corporation—Markup in progress.

Indian bills (6)—Senate has passed S. 1341, S. 1016 & S. 721.

Veterans Benefits—Has passed both houses.

Consumer Protection Agency—Hearings held in both Houses.

ACTION—Public Law 93-113.

Better Communities—Markup in progress.

FHA Mortgage Insurance Extension—Public Law 93-117.

Transportation Improvement Act—Not yet submitted.

Disaster Preparedness & Assistance—H.R. 8449 P/H; Senate hearings held.

Flood Insurance—Hearings held.

D.C. Home Rule—Has passed both Houses.

Criminal Code Reform—Hearings held.

Heroin Trafficking—Hearings completed on separate bill.

Capital Punishment—Hearings held.

Federal Election Reform Commission—Passed Senate.

American Revolution Bicentennial Administration—Has passed both Houses.

Metric Conversion—Ordered Reported; in House markup.

President's Reorganization Authority—No action.

National Arts & Humanities Foundation—Cleared for President.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HUGH SCOTT. Mr. President, I just want to say to the distinguished majority leader that I appreciate what he said. I have asked that those who are helping me prepare it have a minority report ready sometime early in November. I would think it would be salted with brisk cooperation and peppered with some areas of amiable dissent.

My regard for my friend on the other side is in every way as high as it always has been and I very much appreciate the opportunity to work with him and to cooperate with him.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask that the distinguished Senator from Alabama (Mr. ALLEN) be recognized.

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

ALABAMA'S HISTORIC FORT MORGAN

Mr. ALLEN. Mr. President, one of the most fascinating—as well as one of the most tragic—periods of American history is that of the War Between the States. Too often major battle sites of the conflict are almost overwhelmed by visitors while other less known but equally important battle sites are neglected. One of these latter sites is Fort Morgan on the east side of the mouth of Alabama's Mobile Bay. On the west side is Fort Gaines which is located on Dauphin Island. During the Battle of Mobile Bay, when the northern fleet under Adm. David Farragut stormed its way past the guns of Fort Morgan and Fort Gaines, the Union's ironclad warship *Tecumseh* was sunk. Although set back by the loss of the pride of his fleet, Admiral Farragut is reported to have signaled, "Damn the torpedoes, full speed ahead," a slogan which remains even today as a byword of the U.S. Navy.

Efforts are now underway to have Fort Morgan restored not only as a tourist attraction, but also as a memorial to the heroic men of North and South who fought so gallantly on that sultry day in August 1864.

The Birmingham News, in its issue of Sunday, October 7, 1973, published an article written by Frank Sikora, one of the paper's outstanding reporters, telling the story of Fort Morgan and the Battle of Mobile Bay.

Mr. President, I believe that restoration of Fort Morgan is a worthy effort, and that the story, entitled "Quandary Lingers Over Ironclad; Even Fort Morgan in State of Flux," will be of widespread interest. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Oct. 7, 1973]

QUANDARY LINGERS OVER IRONCLAD; EVEN FORT MORGAN IN STATE OF FLUX

(By Frank Sikora)

FORT MORGAN.—If Abraham Lincoln could have known all the trouble it was going to cause, he might never have ordered Adm. David Farragut to attack Mobile Bay.

Now, nearly 110 years after that famed battle, people are still in a quandary about who has the rights to the Yankee ironclad Tecumseh, that lies in 30 feet of water.

And even the land surrounding Fort Morgan has been a state of flux.

The Baldwin County Commission has paid $35,000 for 428 acres—including four miles of sparkling white beach.

For decades, a private firm has owned the property encircling the old Confederate bastion.

Baldwin County Commission Chairman Clarence Bishop says the county will now offer it to the state of Alabama for the same price.

"This fort holds great tourism potential," he says, "and we in Baldwin County would like to see it utilized."

UNDEVELOPED BUT BEAUTIFUL BEACHES

Fort Morgan has for years been a point of historical interest—which isn't quite the same as a tourist attraction.

There are no restaurants, no swank motels, and the beaches have been undeveloped. Baldwin County would like to see this changed.

Bishop wants to see development, but he doesn't want the natural features of the area tarnished.

Located 20 miles to the west of Gulf Shores, the fort sits on the end of a narrow stretch of sand jutting into Mobile Bay; the bay waters lie to the north, the Gulf of Mexico is on the south.

Another lure of the area is the Tecumseh, which was sunk in the early moments of the battle, after striking a mine.

She went down in 60 seconds, taking 100 souls with her; for years men searched the exact spot, hoping to find a treasure aboard (the payroll for the fleet).

Then, when it was located early in 1967, a flurry of activity surfaced with Alabama and the federal government fighting "the second battle of Mobile Bay."

The Smithsonian Institution spent $50,000 in exploring the sand and silt resting place 1,000 yards north of the fort, in 30 feet of water. The sand was cleared away, and divers placed a steel plate over the four-foot rent made by the mine explosion.

But with that, the effort apparently died. Tecumseh still lies upside down, and sand and silt have once again covered her up.

SHE'S STILL A MYSTERY

Jimmy Miller of Fort Morgan, one of the divers who worked on the hull, says the ship is still intact, remarkably preserved.

A spokesman for Smithsonian says the effort is not dead, however. Years of planning are required, including methods of preservations. "When we bring it up," he said, "we want to make sure we're doing it the right way, because once you start, you can't stop and reconsider."

The 1967 dive brought back the ship's anchor as well as partial remains of one of the crew; the skeletal remains of the others are thought to be still inside, and the U.S. Navy wants them for burial.

THE ATTACK: A POLITICAL MOVE

When Farragut stormed into the bay on that morning of Aug. 5, 1864, it was—some historians believe—more of a political move than a military one.

It was an election year in the North, and Lincoln was facing a determined peace movement; his Democratic opponent, Gen. George McClellan, was charging the President was losing the war.

The Yankees were not winning in Virginia, and Lincoln's campaign strategists looked frantically for a victory that could be heralded as an example to blunt McClellan's charges.

Lincoln eyed Mobile Bay; the attack came Aug. 5, right when election fever was gripping the North. Mobile was the only remaining Confederate port.

Tecumseh's job was to lead about 25 wooden frigates into the bay between the Confederate bastions at Fort Gaines on Dauphin Island and Fort Morgan, on the east.

It must have been unnerving for the Yankee sailors to see the 225-foot Tecumseh—the ironclad pride of the fleet—suddenly topple in the water, then disappear.

That's when Farragut cried, "Damn the torpedoes, full speed ahead!"

RICH IN BEAUTY, HISTORY

After a daylong battle, the Union fleet controlled the bay; Fort Gaines fell in quick order, but Fort Morgan resisted for 18 days.

But on that first day word was sent that a great victory had been achieved, and some historians feel it was one of the best campaign issues Lincoln could present to the electorate.

Fort Morgan's story—and Tecumseh's—are rich in history, and are enhanced by the natural beauty of the area.

Baldwin County officials believe that taking advantage of those points is long overdue.

Mr. ALLEN. Mr. President, I might state parenthetically that this ironclad warship that was sunk in Mobile Bay has been located and there is some controversy as to who owns it, the Smithsonian Institution claiming it belongs to the U.S. Government while the finders and discoverers of the ship seem to feel it belongs to them. That is a matter that will be straightened out in time.

THE LONG FEDERAL HAND

Mr. ALLEN. Mr. President, on June 21, 1973, the Senate passed S. 268, the so-called land use bill. Similar legislation is now in the House Interior and Insular Affairs Committee.

I was not a supporter of this legislation in the Senate and was 1 of the 21 who voted against the bill because, for one reason, I believe that it represents further encroachment by the Federal Government in affairs best handled by local governments.

An editorial in the Thursday, September 20, 1973, issue of the Opelika-Auburn News, one of Alabama's finest and most quoted daily newspapers, gets to the heart of the effort to expand Federal powers in this area. The editorial, "The Long Federal Hand," is a strong indictment of land-use proposals.

In its September 29, 1973, issue of the highly regarded Christian Science Monitor published an article written by Curtis J. Sitomer entitled "How Much Longer Will United States Let You Own Land?"

These articles represent what I believe to be the predominant view of Americans on the issue of property rights.

Mr. President, I ask unanimous consent that the editorial and article be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Opelika-Auburn (Ala.) Daily News, Sept. 20, 1973]

THE LONG FEDERAL HAND

Local governments in the United States of America began assuming planning and zoning powers late in the 19th Century. In the interests of seeing their towns and cities develop in an orderly way, property owners by and large have accepted this intrusion into their traditional rights to use a piece of land for whatever purpose they chose. We are reaching a point, however, where land use controls are spinning a web around property rights in a way that surely would have appalled our grandfathers.

City and county governments are yielding to pressure to surrender their planning and zoning powers to regional bodies. Many states, California among them, have placed the control of development of at least part of their land in the hands of state agencies. Predictably, the federal government is next. Legislation is moving through the 93rd Congress that will make the question of what happens to the vacant lot at the end of our block an issue of national policy.

The proposed Land Use Policy and Planning Assistance Act, which has bipartisan support, has the innocent outlines of a progressive piece of environmental legislation, with the customary price tag of federal funds. It would distribute $100 million a year to state governments to encourage them to adopt statewide land use policies and see that they are enforced. With that kind of impetus for distant, centralized planning and zoning authority, the historic local responsibility in the field appears doomed, not to mention what might remain of the rights of the individual property owner.

This might be the time for citizens to draw back and consider how far they want to go in creating government agencies to hold sway over the use of land. What exactly is the deed to a piece of property going to mean when there is an environmental policeman on every corner, possibly in a federal uniform? The question is as much a philosophic one as a political one.

The environmentalists argue that land can no longer be considered as only a commodity to be bought, sold and used freely within the framework of a community plan. It must be "managed" in the public interest, the way we manage our water and mineral resources to conserve them and assure they will serve the public good. Granted that pell-mell growth and development can be ruinous, are the American people and their local governments really so irresponsible that they must conjure up a presumably wiser Big Brother to decide how they will use their land?

Our towns and cities are already bowing to the dictates of the state and federal governments to clean up their air and water. Those environmental problems are considered too big and too serious—too "regional"—to be left to local action. At the rate we're going, the day will come when we have to apply to Congress for building permits.

[From the Christian Science Monitor, Sept. 29, 1973]

HOW MUCH LONGER WILL UNITED STATES LET YOU OWN LAND?

(By Curtis J. Sitomer)

Los Angeles.—A man's home is his castle—so goes the time-honored principle. But today in the U.S., public demand, legislative action, and the courts seem to be chipping away at it.

Both the federal government and at least a score of states are reassessing traditional ideas of land ownership and use. And they appear to be moving away from the pioneer concept that land is a "commodity," which the owner can do with as he pleases.

Instead many now see land as a "diminishing resource," which must be preserved and protected, even at the risk of private property rights.

Nationally Congress may be close to passing land-use policy legislation. Several bills are in the hopper. But insiders see one (S–268) sponsored by U.S. Sen. Henry M. Jackson (D) of Washington with the best chance of mustering bipartisan support. It just missed becoming law last year. This legislation would mandate the 50 states to regulate certain lands. It particularly focuses on areas of environmental concern and those that have regional significance, such as airports, industrial parks, and major subdivisions.

SWEEPING REGULATIONS

The bill also would authorize the federal government to distribute grants of more than $1 billion to the states over an eight-year period for development of statewide zoning programs that would have to conform to various federal guidelines.

Additionally a half-dozen states have so far adopted sweeping land-use planning regulations. A score of others have slapped on regional restraints, particularly along shorelines. Others are studying plans for broad land regulation.

In California, for example, a bill under discussion, and proposed by Assemblyman Paul Priolo (R) of Los Angeles, would set up a state land-use commission to oversee and approve development in urban areas.

"The measure attempts to provide certain perimeters for the future. And it would end development at a helterskelter rate," says Mr. Priolo. "As of now the state has left local government without guidance. Freeway planning, massive water-redistributing planning, among other things, aren't coordinated. And this lack of coordination puts a premium on the speculator's market the state lawmaker declares.

COURT ACTION POSSIBLE

A statewide planning agency, similar to the one proposed for California, is already in operation in Florida. Here recommendations are made to the governor. If appoved, court action can be taken to force compliance with state guidelines, if necessary.

But according to Florida law, only 5 percent of that state's total land area is subject to the agency's "critical concern" jurisdiction.

Despite federal and state moves toward land-use control, opposition to this type of governmental interference is strong.

Builders, developers, realtors, and others are challenging state requirements for environmental impact reports and strict limits on commercial expansion along the coastlines in many states. Also, federal guidelines, designed to curb smog in Los Angeles and in other urban areas subject to heavy air pollution, are being bucked by commercial interests.

"The present laws such as the Clean Air Act are ambiguous, inadequate, almost impossible to enforce, and probably unconstitutional, maintains Harry Newman, Jr., chairman of the California Business Properties Association and past president of the International Council of Shopping Centers.

"To all intents and purposes the regulations promulgated by the EPA (Environmental Protection Agency) constitute federal land-use control and zoning," Mr. Newman says.

Almost certainly, along with continued moves toward federal and state land-use controls, will be more court tests raising the issue of constitutional rights of property owners. Among other things the courts will need to spell out what is just compensation to those whose property rights are abridged by government when judged in conflict with the public interest.

DAMAGING BLOW

On the constitutional issue Rep. Steven D. Symms (R) of Idaho sees the Jackson bill as a threat to individual property rights. "This land-use bill is the result of collectivist thinking which threatens to destroy our right to private property," he says. "This $1.06 billion . . . bill could prove to be the most damaging blow ever dealt to the American concept of private land ownership."

Representative Symms charges that the Jackson bill has a provision that would require federal supervision to ensure that state planning conforms to the U.S. guidelines. "Another provision," says Representative Symms, "requires each state to have a planning agency wtih authority to carry out the will of the federal government. There is also a requirement that the states regulate land sales."

William D. Ruckelshaus, recently EPA administrator and now Deputy Attorney General of the U.S., is a strong advocate of a federal land-use act.

Addressing a symposium on this subject recently sponsored by the Victor Gruem Foundation for Environmental Planning, Mr. Ruckelshaus urged a "rethinking" of property rights.

"Society must contemplate whether the land is strictly private property or whether it is a resource to be carefully conserved and controlled," he said. "We should rethink narrow concepts of property rights which may be outworn in our dynamic and highly mobile society."

NOMINATION OF THE HONORABLE GERALD R. FORD TO BE VICE PRESIDENT

Mr. GRIFFIN. Mr. President, the State of Michigan is bursting with pride this morning following the announcement last night that Congressman GERALD FORD has been named to be the next Vice President of the United States.

For the junior Senator from Michigan this is particularly happy news. I have known JERRY FORD for about 20 years, and he has been one of my very closest friends throughout my service in the Congress.

I could speak at great length about the qualifications, the character, the strengths and the leadership abilities of this great American because I know him so well. I shall not do so at least at this time. But I would like to commend the President of the United States for making a nomination that is particularly appropriate and right at this time in a very difficult period of our history. The nomination of JERRY FORD will do a great deal to bring us together again at a time when we desperately need a sense and spirit of unification.

This nomination will help greatly to heal some of the divisions that have developed and grown too wide as between the executive and legislative branches of Government. It will do much to restore confidence in government at this time in our history when that is sorely needed.

JERRY FORD's record of service and performance is an open book. He has served so long and so ably, and his qualifications are so well known by so many people that it is difficult to think of anyone else who could and should be more quickly confirmed. I am confident that both Houses will respond by registering approval with dispatch.

Mr. President, I ask that a biographical sketch by Congressman FORD be printed at this point.

There being no objection, the biography will be printed in the RECORD, as follows:

REPRESENTATIVE GERALD R. FORD, OF MICHIGAN

Known to his friends as "Jerry," Congressman Ford was born July 14, 1913, at Omaha, Nebraska, but spent his childhood in Grand Rapids, Michigan.

CONGRESSIONAL SERVICE

In November 1972 he was re-elected to his thirteenth consecutive term as a Member of Congress, having served since January 3, 1949.

Chosen Minority Leader of the House of Representatives at the opening of the 89th Congress January 4, 1965. He served as a member of the Republican Leadership in Congress since January, 1963; was chairman of the Republican Conference of the House during the 88th Congress (1963–64) and has been a member of the House Republican Policy Committee for over nine years.

During his first term, was named to the House Public Works Committee. In 1951, was assigned to the Appropriations Committee where he served on the Army Civil Functions Subcommittee and the Emergency Agency Subcommittee. During the 83rd and 84th Congresses, was a member of the Subcommittees on Foreign Operations and the Department of Defense and was on the Army Panel, serving as Panel chairman in the 83rd Congress. During the 85th Congress, was appointed to the Select Committee on Astronautics and Space Exploration. Remained a member of both the Defense and Foreign Operations Subcommittees of the House Appropriations Committee throughout the 85th, 86th, 87th and 88th Congresses. Was senior Republican on the Defense Subcommittee before becoming Minority Leader.

Has maintained an attendance record of over 90% throughout his 24-year tenure.

EDUCATION

Was graduated from the former South High School in Grand Rapids. Later earned a B.A. degree in 1935 from the University of Michigan where he was a member of Michigamua, top senior honor. Received his law degree from Yale University Law School in 1941. Admitted to the Michigan State Bar (1941) and has been admitted to practice before the United States Supreme Court.

In 1965, was awarded the honorary degree of Doctor of Laws by Michigan State University and Albion, Aquinas and Spring Arbor Colleges; in 1968 by Buena Vista and Grove City Colleges; in 1972 by Belmont Abbey (N.C.) College; and in 1973 by Aquinas College and Western Michigan University. Received a Doctor of Public Administration degree from American International College in 1968.

SPORTS

Won all-city and all-state football honors in Grand Rapids during high school. While earning three varsity letters, was a member of the University of Michigan's undefeated national championship teams of 1932 and 1933, and was named Michigan's most valuable player in 1934 playing center.

On New Year's Day, 1935, participated in the Shrine East-West Crippled Children's benefit classic in San Francisco. That August, played in the All-Star game against the Bears in Chicago. While a Yale law student, was assistant varsity football coach

In 1959, was selected by "Sports Illustrated" to receive its Silver Anniversary All-American Award as one of the 25 football players in the preceding quarter century who had contributed most to their fellow citizens.

In 1972, was awarded the National Football Foundation's gold medal for close association with the game.

MILITARY SERVICE

In 1942, entered the U.S. Navy, serving 47 months on active duty during World War II. Participated in 3rd and 5th Fleet carrier operations aboard the aircraft carrier U.S.S. Monterey (CVL–26) for two years. Following shore duty with the Naval Aviation Training Program, was released to inactive duty with rank of Lieutenant Commander in January, 1946.

POST WW II CIVILIAN LIFE

Returning to Grand Rapids, resumed law practice. Received the Grand Rapids JayCees Distinguished Service Award in 1948 for work in various community projects. The following year was named one of "America's Ten Outstanding Young Men" by the U.S. Junior Chamber of Commerce, receiving its Distinguished Service Award.

FAMILY

On October 15, 1948, married Elizabeth Bloomer of Grand Rapids. The Fords have four children: Michael Gerald (born March 15, 1950); John Gardner (March 16, 1952); Steven Meigs (May 19, 1956); and Susan Elizabeth (July 6, 1957.)

Congressman Ford is a member of Grace Episcopal Church, Grand Rapids. He maintains active membership in the American Legion, Veterans of Foreign Wars and AMVETS and is a 33rd Degree Mason.

FURTHER HONORS

In November, 1963, was named by President Lyndon Johnson to the Warren Commission. Author (with John R. Stiles) of the book, "Portrait of the Assassin" (1965).

Served as permanent chairman of the 1968 and 1972 Republican National Conventions. Since becoming Minority House Leader, has delivered some 200 speeches annually throughout the country.

Visited The People's Republic of China in late June and early July 1972 on behalf of the President.

Lauded as a "Congressman's Congressman" by the American Political Science Association when it conferred on him its Distinguished Congressional Service Award in 1961. Was presented the George Washington Award by the American Good Government Society in May 1966.

Chosen by the American Academy of Achievement to receive the Golden Plate Award as one of fifty "giants of accomplishment," presented during the Academy's 10th annual Salute to Excellence in June, 1971.

Selected to receive the AMVETS Silver Helmet Award, that group's highest recognition of Congressional service, at ceremonies in Washington in April, 1971.

ELECTIONS

In the 1948 primary, Gerald Ford defeated the incumbent and went on to win his first term that November as Representative of Michigan's Fifth Congressional District. The district was then composed of Kent and Ottawa Counties. Due to reapportionment, which became effective with the 1964 election (for the following term), Ottawa was replaced by Ionia County. Another reapportionment slightly altered the district beginning with the 1972 election.

In the 1972 election, Ford received the highest vote total of any candidate in the area comprising the Fifth Congressional District.

5TH DISTRICT CONGRESSIONAL ELECTION RESULTS

Election year	Ford	Opponents	Ford majority	Winning percentage
1948 (Kent/Ottawa)	74, 191	48, 422	27, 219	60. 5
1950	72, 165	36, 303	27, 932	66. 7
1952	109, 807	55, 910	54, 660	66. 2
1954	81, 702	47, 453	34, 249	63. 3
1956	120, 349	58, 899	61, 450	67. 1
1958	88, 157	50, 203	37, 954	63. 7
1960	131, 461	65, 233	66, 228	66. 8
1962	109, 746	54, 044	55, 702	67. 0
1964 (Kent/Ionia)	101, 810	64, 488	37, 322	61. 2
1966	92, 794	42, 700	50, 094	68. 5
1968	105, 085	62, 219	42, 866	62. 8
1970	88, 208	55, 337	32, 871	61. 4
1972	131, 174	81, 573	49, 601	61. 7

Mr. RANDOLPH. Mr. President, will the able minority leader yield?

Mr. GRIFFIN. I yield.

Mr. RANDOLPH. Mr. President, in 1947, 1 year before JERRY FORD was elected to the U.S. House of Representatives from the Grand Rapids, Mich., district, it was my privilege to address the junior chamber of commerce in that city on the occasion of its "Young Man of the Year Award" dinner. The young man honored that night is the present minority leader of the House of Representatives, whose nomination has been sent to the Congress for consideration, and, I believe, approval for the Vice Presidency of the United States.

I had embraced the opportunity to have studied, prior to my remarks on that occasion, the record of JERRY FORD, and I recall that I said "he might go to the White House." Eight Vice Presidents have become Presidents. And, of course, last night, when I had the pleasant opportunity of greeting him after the President's announcement, he did recall what I had said, and he named the year in which it was spoken. Of course, it was just a little touch of yesteryear which I reflect in the discussion here today.

I do believe the Senate will, as has

been indicated by many of the Members of this body, act earnestly, proceed carefully but, hopefully, in an expeditious manner, to approve the nomination of this very fine American, this seasoned legislator, this capable and courageous public servant, who will bring to the position a commitment of high purpose. I believe further service is possible for him, thinking always of the cooperation which we need so much in this country, not only between the executive and legislative branches, but the understanding of the American people as a whole.

We can be a country of unity without uniformity. There are, of course, reasons for differences between individuals in this body and policies within parties. There is the opportunity to take these differences which exist and have become our very strengths because of the counsel that we have one with the other, and between convictions that are held.

I shall support the President's nomination and it should be done as quickly as possible. The Senate selection approval process will move, as I have said, thoroughly but expeditiously as well.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE SCIENCE, VETERANS, APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. PROXMIRE. Mr President, I submit a report of the committee of conference on H.R. 8825, and ask for its immediate consideration.

The PRESIDENT pro tempore. The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space science, veterans and other independent agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 10, 1973, at pages 33596–33597.)

Mr. PROXMIRE. Mr. President, the pending conference report is in effect a supplemental conference report, supplementing the first conference report—House report 93–411—on the HUD, Space Science and Veterans appropriations bill that was adopted by the House on August 1 and by the Senate on September 7.

After the August recess when the Senate considered the initial conference report on September 7, I moved on the Senate floor that the Senate insist on its amendment Nos. 44 and 45, and following my motion, Senator BROOKE made a motion that the Senate recede from these amendments. A roll call vote was first taken on Senator BROOKE's motion, and his motion was defeated by a vote of 58 to 30.

Following this vote, there was a vote taken on my motion that the Senate insist on its amendments, and my motion was approved by the Senate by a vote of 83 to 4. The Senate then insisted on a further conference with the House, and 3 weeks later, on September 24, the House appointed conferees.

The conferees met on the afternoon of October 10, and we found ourselves in the identical position that each of us had on July 26, when we could not get agreement on amendments Nos. 44 and 45. The House conferees were still adamant and wished to have the Senate amendment restricting the use of Government vehicles deleted from the bill. The House conferees argued that the fringe benefit of chauffeured sedans and limousines was necessary in order to attract qualified individuals to take important Government posts.

The House insisted that the Senate recede and offered to include in the conference report, in the statement on the part of the managers, reasons for the surrender by the Senate. As chairman of the conference and as the author of the amendment that was in contention, I could not agree to receding, especially in view of the overwhelming Senate vote of 83 to 4 insisting that the amendment be retained in the bill.

In the spirit of compromise, I offered the House conferees the opportunity to amend the Senate provision to provide that Secretary Lynn of the Department of Housing and Urban Development be permitted to have the use of his vehicle for transportation from his dwelling place to his place of employment, but that use of vehicles for lesser agency heads would be restricted. However, the House was not in any mood to accept any compromise, and during the course of the meeting of October 10, it became evident to me that if we were going to get the HUD, Space, Science, Veterans appropriation bill on to the Senate, it was going to be necessary for the Senate to recede. Consequently, the report before us indicates that the Senate has receded on amendment No. 44.

Mr. President, the limousine situation is outrageous. In the hearings on this bill we developed the facts one by one, agency by agency. Here is what we found.

First, the situation is out of hand. The big cars—limousines, heavy sedans, and medium sedans—are used by everyone and their brother. They are not limited to the President, a handful of leaders of Congress, and the Cabinet officers. Every agency has at least one and many of them have two, three, four, or more.

In this bill, HUD has five. The VA, who told us originally they had only one, in fact have two. Both the head of NASA and his deputy ride around in one.

Second, the cost of chauffeurs is appalling. We found that when overtime is included, the average annual salary for the chauffeur or driver was between $14,000 and $17,000 a year.

Third, these limousines are more important to the heads of the agencies, in many cases, than the substance of their programs. At HUD, for example, there has been a moratorium on 15 major housing and community programs since last January. They have killed new starts for public housing, for moderate-income housing, and now, due to the high interest rates, for middle- and even upper-income families. But they insist on having their limousines—not only for the Secretary, but for the Under Secretary and the Assistant Secretaries as well. It is like that old line from Gilbert and Sullivan—

> They have them for their sisters and their brothers and their aunts.

At HUD these cost at least $85,000 a year. And that is too low because the full costs of the cars are not calculated because they are leased and the costs are not fully shown.

That money alone would provide 120 units of section 235 or section 236 housing for a family for an entire year. Yet those programs have been frozen and one of them killed by the administration.

There is where the priorities are—on limousines and chauffeurs while the housing programs for the overwhelming majority of families in this country have been abandoned.

The lobbying for their limousines took priority over their programs.

Fourth, their use in many circumstances appears to me to be entirely illegal. In almost all cases these cars are used to drive the bureaucrats to and from home.

But title 31, section 638a of the United States Code states in clear and precise language that cars can be used only for official purposes and that official purposes does not include transportation to and from an official's home.

Except for the President, doctors on outpatient duty, and officials who must live and work dozens of miles from their offices—such as forest rangers—the only exception to this are cabinet officers as such. That is provided for in title 5, section 101 and the language is clear, precise, and without ambiguity.

Yet, when we asked the head of one agency how he justified using his car to drive him home he claimed that living in Potomac or McLean really meant that he was on "field service."

We found that the chauffeur of another high official, whose annual salary was in the $15,000 range, had been paid for 60 hours of overtime when his principal was away from Washington on business.

If Congress acted like the executive agencies, every Member of the House and Senate would have a chauffeur-driven limousine. In addition, a limousine and chauffeur would be provided for their administrative assistants and the chief of staff and minority staff head of every committee.

This situation has gone too far.

But basically it is unseemly in a democracy. We are asking the average family which earns about $11,000 a year to cough up their hard-earned tax dollars to provide a limousine and chauffeur at a cost of at least $20,000 a year, to hundreds of bureaucrats earning four times as much as the average family. That is wrong.

We have a budget problem. We have a fuel shortage. We have a crisis of credibility in our Government. The ordinary people of this country believe there is a double standard for big shots in the Government—in their salaries, their prerequisites, and in the treatment they receive when they get in trouble.

I think it is time we put a stop to this one abuse.

Rather than accept some minor, piddling, do-nothing language, I believe it is better to fight on. And I serve notice that it is my intention to do all in my power to rid the Government of these abuses not only for agencies under this bill but for the Government as a whole.

And the answer is not, as some have suggested, that we let every head of every agency have a chauffeured limousine. That is the practice now and is excessive and abused and outrageous.

Also in the pending conference report, Mr. President, the conferees made an adjustment in the limitation on the land and structures account of the Federal Communications Commission. In the bill that passed both the House and Senate earlier this year the limitation was fixed at $125,000. In amendment No. 45 the committee has increased this limitation to $425,000, or $300,000 more than the amount initially made available for land and structures.

This increase was necessary so that the FCC could proceed with the awarding of a contract for the construction of a new laboratory in Laurel, Md., which would permit them to perform the sensitive-type approval tests required before devise which have high-interference characteristics such as microwave ovens, electronic garage door controls, medical devices, ships' radars, and so forth, are marketed.

In the fiscal 1973 budget the Congress authorized $600,000 for the construction of this laboratory and permitted these funds to be carried over until fiscal 1974 in the 1973 Appropriations Act. The FCC, in the meantime, has received five firm bids on the laboratory project ranging from $857,000 to $986,318, which bids, needless to say, are significantly higher than the limitation authorized by the Congress for this purpose, thus necessitating the action taken by the conferees on amendment No. 45, which has been reported in technical disagreement to the House.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the conference report by the distinguished Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR YOUNG

I am pleased that the disagreement between the Senate and House on the previously passed HUD, Space, Science, Veterans Appropriations Conference Report has been resolved. I made a statement on the floor on this important appropriations bill on September 7 when the Conference Report was passed and so I shall not comment on the contents of the bill at this time.

I am confident that the Senate Appropriations Ad Hoc Subcommittee on Vehicle Use will do a thorough job in studying vehicle use Government-wide and report back to the Committee on Appropriations early in the next session.

Mr. PROXMIRE. Mr. President, I move the adoption of the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will state the amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45, to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: "405. Notwithstanding any other provision of this Act, not to exceed $425,000 of the amount herein made available for the Federal Communications Commission may be used for land and structures.

In lieu of the matter proposed by said amendment, insert:

"405. Notwithstanding any other provision of this Act, not to exceed $425,000 of the amount herein made available for the Federal Communications Commission may be used for land and structures.

"SEC. 406."

Mr. PROXMIRE. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 45.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

TRIBUTE TO REPRESENTATIVE GERALD R. FORD, NOMINEE FOR VICE PRESIDENT OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, I would like to join with the others in speaking briefly on the man whom the President designated as his choice for Vice President of the United States.

I think I have known JERRY FORD longer than any other Member of the Senate. I do not mean that I have known him better than anyone else. However, I have known him longer. I have known him for nearly 40 years. I first met him in 1934 at Yale University when he was a first year student at the law school. He was then a coach for the freshman boxing team, of which I was a member. He was also a coach during my sophomore and junior year of the Yale junior varsity football team. And I was a member of that team too. So I have known JERRY FORD for four decades.

In many ways he is the same kind of man now that he was then. I think that the adjectives I could best apply to him are solid and square.

He is not a man of imagination or humor. However, he is a man that the country may be looking for. As I have known him he has always appeared to be a man of integrity and character. In spite of his present disclaimers, he may be the most likely Republican nominee for President in 1976. If he is nominated he could be a tough, strong candidate. Why? Because he has the kind of wholesome sincerity, the kind of loyal consistency that many voters may be looking for. He has the qualities that the people in the country will like and support in 1976.

Of course, I think he has been consistently wrong on almost every issue. But that is my viewpoint. And even if his political philosophy may not be popular in 1976, he may come on like a tiger because of what the public perceives of his straightforward, reliable, direct character.

I want to pay tribute to JERRY FORD because I have known him for so long and have liked him so well. I wish him success in the post of Vice President. He should be thoroughly and meticulously investigated by the Rules Committee. If he is so investigated, and if no significant adverse information is developed on him I will support him.

SPECIAL PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. McCLELLAN. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 748.

The PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

Calendar No. 429, a joint resolution (H.J. Res. 748) making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the joint resolution.

Mr. McCLELLAN. Mr. President, House Joint Resolution 748, as reported by the Senate Appropriations Committee, appropriates $2,203,000,000 to maintain the value of past and certain future U.S. contributions to the International Monetary Fund and the international development banks.

The committee held hearings on this item last March 19, shortly after the Par Value Modification Act passed the Senate. However, the authorization bill became bogged down in conference and was not finally enacted until September 21.

As a member of these institutions the United States agreed to maintain the value of its payments and contributions as measured by a common yardstick—in this case, gold; and there appears little, if anything, that can be done about appropriation of these amounts at this juncture.

The Senate Committee concurred with House action which reduced the original budget estimate of $2,250,000,000 by $47,000,000. This reduction is attributable to a $25,000,000 over-estimate in maintenance of value obligations for the International Monetary Fund and $22,000,000 brought forward from this 1972 maintenance of value appropriation as having been in excess of the amount needed for those payments.

Slightly over $100,000,000 is appropriated to maintain the value of some $833,-

000,000 authorized but yet to be appropriated to these international institutions, but as can be seen from Under Secretary of the Treasury Volcker's statement reprinted in the middle of page 4 of the Senate Committee report—

> It is clear that maintenance of value payments will not be made on those subscriptions until the subscriptions have been appropriated and payment is made.

As will be noted, the appropriation is for an amount "not to exceed $2,203,000,000" with the entire amount to remain available until expended.

It is true that this total appropriation is in the amount of $2,203,000,000. The Department of the Treasury, however, has testified that its effect on outlays in fiscal year 1974 will be only $12 million and that this amount will be absorbed within current estimates and, therefore, not affect the ceiling on outlays. It is expected that total outlays will be $477,000,000 over the next 13 years. The remainder of the appropriation relates to certain assets of the International Monetary Fund and the callable capital of the international banks, both items described to the committee as highly contingent with little likelihood that they will have any effect on the budget.

Mr. President, I ask unanimous consent that a table reflecting estimated budgetary outlays for the fiscal year 1973 and fiscal year 1974 maintenance of value appropriations be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, the committee strongly felt that there was inadequate congressional consultation prior to the original devaluation announcement on February 12, 1973—which for all intents and purposes triggered the reduced value of the dollar in the international market. Therefore, the following language was added to the report:

> During the course of its hearings the Committee was startled to learn that the Executive Branch of the Government proceeded to announce the devaluation of the dollar with only the most casual and summary notification to less than half dozen individual members of Congress. The fact that even this was done within hours of the announcement and after consultation with every major economic nation of the world makes this action even more appalling.

The committee directs that the majority leader and the minority leader of the Senate and the chairmen and ranking minority members of the Senate Appropriations Committee and the Committee on Banking, Housing and Urban Affairs be consulted no less than 48 hours in advance of any future action likely to affect the par value of the dollar in the international marketplace.

Mr. President, under the prevailing circumstances, I see no alternative except for Congress to take this action, and on behalf of the committee, there being no alternative, I recommend that the Senate act favorably on House Joint Resolution 748.

EXHIBIT 1

ANNEX C

ESTIMATED BUDGETARY OUTLAYS FOR MAINTENANCE OF VALUE

[Fiscal years; in millions of dollars]

	1972	1973	1974	*1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	Total
1972 devaluation:																
IDA			4	8	8	9	9	16	16	16	17	17				120
IBRD		0.12	.94								8	12	12	9	8	50.06
IDB (ord. cap.)			2	2	2	2	2	2	2	2	5	5	5	5	5	41
IDB (FSO)			12	12	12	12	12	12	12	12	7	6				109
ADB		4.30	4.30													8.60
Total (1972)		4.42	23.24	22	22	23	23	30	30	30	37	40	17	14	13	328.66
1973 devaluation:																
IDA				4	14	14	14	14	20	20	20	20	21			161
IBRD				1.3							10	16	15	15	14	71.30
IDB (ord. cap.)					3	3	3	3	3	3	9	9	10	9	9	64
IDB (FSO)				18	18	18	18	18	18	18	10	11	11	11		169
ADB			12													12
Total (1973)			12	23.3	35	35	35	35	41	41	49	56	57	35	23	477.30
Total (1972 and 1973)		4.42	35.24	45.3	57	58	58	65	71	71	86	96	74	49	36	895.96

Note: The above figures represent estimated budgetary outlays arising from payments to the international development lending institutions in fulfillment of U.S. maintenance of value obligations relating to the paid-in capital of these institutions. With minor exceptions, payment has been made or will be made by letters of credit. Budgetary expenditures only arise as these letters of credit are drawn down. Drawdowns are made by each institution as the need arises for cash funds to pay for goods and services furnished to borrowers of these institutions. It is anticipated that drawdowns relating to maintenance of value obligations on IBRD and IDB dollar loans outstanding at the time of change in par value of the dollar will be spread out over the period of repayment of these loans, i.e., through fiscal 1986. With regard to IDA, funds relating to maintenance of value obligations on 1st, 2d and 3d replenishments, respectively, will only be drawn down after other funds from the particular replenishment have been exhausted.

Mr. HARRY F. BYRD, JR. Mr. President, the pending joint resolution provides for payments by the United States to maintain the value in terms of gold of the holdings of various international financial institutions.

These international financial institutions which will benefit from this appropriation are the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank.

Mr. President, what this legislation does is this: The U.S. Government has appropriated, over a period of years, billions of dollars to these international financial institutions. It was done for the purpose of helping other countries. The United States receives nothing in return. The taxpayers of the United States have been very generous with these international financial institutions; the Congress has appropriated vast sums of money.

When the American dollar was devalued—and it was devalued twice in a 14-month period—that meant that the dollars previously given to these international financial institutions were less valuable.

So what happens?

These financial institutions, to which the U.S. Government has voluntarily made huge contributions, come back to the U.S. Government and say, "Since your currency is worth less now than when you gave it to us, we want you to make up the difference in value."

The legislation before us calls for an appropriation of $2.2 billion to take care of the second devaluation of the American dollar. Previously, in May of 1972, just a little over a year ago, Congress appropriated $1.6 billion to take care of the first devaluation of the American dollar. So in a short period of time, from May of 1972 to October of 1973, Congress will have appropriated $3.8 billion, almost $4 billion, to the international financial institutions for one purpose, and that is to make up the difference in the value of the dollar as a result of the devaluation of the American dollar.

We know, Mr. President, that the value of the American dollar has deteriorated. The worker's dollar is worth less, but we do not reimburse the American workingman and woman because the dollar has been devaluated.

I recognize the situation facing Congress and the Appropriations Committee. The agreements made by our Government with the international financial institutions provide for making up out of U.S. tax funds any lessening in the value of the American dollar. So, in a sense, Congress is in an awkward position.

But I want the RECORD to show that the senior Senator from Virginia is voting in opposition to this measure as a protest. I cast my vote in opposition to this joint resolution as a protest to the way tax funds are being handled by our Government.

When we consider the fact of the huge appropriations that we have made to these international financial institutions to help other countries, and then consider the fact that they are not satisfied with that, they are not satisfied with the billions and billions of dollars we have already given them, that they come back to us and say, "Now your currency is worth less, so you must make up the difference in value on the money you have already given to us." I think it is time that we revise our thinking in regard to our participation in these financial institutions.

We are the chief supplier of moneys to these various banks, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank. We have poured out billions of dollars, and now we come along and are being forced into an additional appropriation, as called for by this joint resolution, of $2.2 billion.

As I mentioned before, I recognize the difficulties facing the Senate and the Congress because of prior agreements that have been made. But as a protest, and in the hope that perhaps by protesting we may help to correct in the future some unwise agreements, I ask that the Record show that the senior Senator from Virginia will vote "no" in this $2.2 billion appropriation.

Mr. ALLEN. Mr. President, I associate myself with the remarks of the distinguished Senator from Virginia, and ask that the Record show that the Senator from Alabama likewise votes "no" on this joint resolution.

The PRESIDING OFFICER (Mr. Bennett). The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 748) was ordered to a third reading, read the third time, and passed.

Mr. McCLELLAN. I move to reconsider the vote by which the joint resolution was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH (for himself, Mr. Stafford, Mr. Williams, Mr. Kennedy, Mr. Taft, Mr. Hathaway, and Mr. Pell):

S. 2581. A bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. Eagleton):

S. 2582. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. ABOUREZK (for himself, Mr. McGovern, and Mr. Hathaway):

S. 2583. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH (for himself, Mr. Stafford, Mr. Williams, Mr. Kennedy, Mr. Taft, Mr. Hathaway, and Mr. Pell):

S. 2581. A bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STRENGTHENING THE RANDOLPH-SHEPPARD ACT FOR THE BLIND

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped and on behalf of Senator Stafford, Senator Williams, Senator Kennedy, Senator Taft, Senator Hathaway, and Senator Pell, all members of the Subcommittee on the Handicapped, I am today introducing, for appropriate reference, S. 2581, the "Randolph-Sheppard Act Amendments of 1973".

BACKGROUND

The measure I introduce today is the latest legislative step in a process which began more than 4 years ago, on June 20, 1969, with the introduction of S. 2461. That bill was known as the "Randolph-Sheppard Act for the Blind Amendments of 1969", and was a measure cosponsored by 51 Senators.

Mr. President, S. 2461, a measure very similar to the one I introduce today, was introduced 33 years to the day after the enactment of the original Randolph-Sheppard Act, which I was privileged to author, with Senator Morris Sheppard, while a Member of the House of Representatives. Hearings were held on that measure in June, November, and December of 1970, and the Senate adopted it without a dissenting vote. The House did not act on the measure before adjournment of the 91st Congress.

On September 14, 1971, I introduced S. 2506, the "Randolph-Sheppard Act for the Blind Amendments of 1971." Hearings were held on that measure in September, October, and December of 1971. The provisions, again, very similar to those in the bill I am introducing, were included as a title in the Senate's Rehabilitation Act of 1972. Unfortunately, when that measure was brought to conference, the House conferees indicated that the Randolph-Sheppard provisions would be subject to a point of order in the House because of its germaneness rule. The provisions were dropped from the conference report, with the explicit understanding of the need for action.

The conference report (H. Rept. No. 92-1581) states:

> The conferees stress that exclusion of title VII (the Randolph-Sheppard Act Amendments) is not due to any lack of concern for, or disregard of the need for, strong and forward-looking amendments to the Randolph-Sheppard Act. The conferees expect that both committees will consider these matters in depth after the 93rd Congress convenes.

In the aftermath of hearings on S. 2506 by the Subcommittee on the Handicapped, a resolution was sent to the Comptroller General of the United States, directing that he conduct a study of the sources and uses of vending machine income on Federal property. That study was released by the General Accounting Office on September 27, 1973. The bill introduced today is, in part, the result of our review of the GAO study.

NEED FOR LEGISLATION

Mr. President, it was my belief in 1969 that amendments were needed to protect blind vendors and improve the Randolph-Sheppard program. Today, more than 37 years after the enactment of the original measure, I am more convinced that action is urgently needed. We must prevent erosion of the program and erosion of blind vendors' income, and improve and expand opportunities for meaningful employment of blind individuals. This legislation, S. 2581, will provide this urgently needed action.

At the end of the 1972 fiscal year there were 3,583 licensed blind vendors operating stands across the Nation. According to the Rehabilitation Services Administration, this number could be doubled within 5 years if the proper conditions exist and if training limitations and the onerous restraints of undue competition are lifted.

According to the 10-year old testimony of a representative from the Vocational Rehabilitation Administration, there were in 1962 at least 40,000 blind persons who could be trained to successfully operate vending stand businesses. This statistic underscores the need for expansion of job opportunities for our blind citizens. Even that high figure may be out of date by now. There are some 6,000 young blind people in high schools today who will be graduating in the next 3 years. In addition, there are at least 500 Vietnam veterans who were blinded during their service in the Armed Forces.

Mr. President, either job opportunities must be provided for these willing citizens, or they will be subjected to the compulsion of accepting welfare payments. As I have said many times, blind individuals want a helping hand, not a handout.

At the end of fiscal year 1972 there were 878 blind vending stands on Federal property—3 fewer than at the beginning of the fiscal year. Increases in the total number of vendors and stands resulted from active State, local, and private industry placement of blind vendors, not from action by the Federal Government.

With all of the defense installations in the country, Mr. President, it is interesting, if not appalling, to note that the Defense Department provided only four blind stands at the end of fiscal year 1972. That is a 25 percent improvement over the previous year, when there were three stands on DOD property. The Air Force had 9 stands, the Army 17, and the Navy 16.

The blind vendors have met with obstacles each torturous step of the way. They find a General Services Administration which proposes regulations to reduce the kinds of articles they can sell in Government buildings. They find competition from Federal employee welfare and recreation associations which operate their own vending machines. They find military post commanders who are unwilling to consider blind vendor sites at their installations. They find the implementation of an Executive order which results in the placement of a minority business enterprise in competition with a blind vendor on the same Federal property. They even find, Mr. President, if reports are true—and this is difficult to conceive—that an employee association at a major Federal space installation demanded that blind vendors give 10 percent of their profits to the employee association.

Other incidents and situations have been recounted, but it becomes absolutely clear that major abuses are being perpetrated against the blind, and these abuses must cease.

MAJOR PROVISIONS OF S. 2581, SECTION 2

Section 2 of the bill sets forth the findings of Congress. These are, essentially, determinations that the Randolph-Sheppard program has not developed as it should have, due to a number of inhibiting external forces; that legislative and administrative obstacles can and should be removed; and that such removal will involve the establishment of uniformity of treatment for blind vendors, guidelines for the operation of the program, coordination among agencies, improved administrative and judicial procedures, priority for blind vendors on Federal property, and stronger administration and oversight functions.

SECTION 3

The third section of S. 2581 amends the first section of the act by creating a priority for blind vendors, with regulations designed to assure such priority, including assignment of vending machine income pursuant to section 7, and establishment of one or more vending facilities on all Federal property where feasible. Any limitation on such establishment due to adverse effect on the interests of the United States is to be narrowly construed and fully explained. The General Accounting Office found that many kinds of incursions had limited the existing statutory preference for blind vendors. This provision is essential to the health of the program.

SECTION 4

Section 4 amends section 2 of the bill: first, to require the Secretary to insure that the Rehabilitation Services Administration is the principal agency for carrying out the act, to require the Commissioner to establish uniform standards for accounting procedures, policies on new vending facility selection, income distribution, and use of set-aside funds; second, to eliminate the age requirement for vendors; third, to expand the scope of items to be sold by vendors; fourth, to make certain technical changes; and fifth, to require satisfactory sites for vending facilities in all federally controlled buildings after June 30, 1974.

The GAO report found a wide disparity among State agencies in their operation of the Randolph-Sheppard program. Quantity and quality of services vary. Thus, the need to establish minimum standards is obvious.

SECTION 5

Section 5 makes a number of technical changes to section 3 of the act, requires State agencies to agree to submit grievances of blind licensees to arbitration, and provides for retirement, sick leave, and vacation benefits for blind vendors where a majority of vendors agree to such use of set-aside funds.

SECTION 7

Under section 7, four new sections of the act are created. New sections 5 and 6 of the act set forth procedures for the impaneling of arbitration boards to resolve grievances of blind licensees or State licensing agencies in the operation or administration of the program. Decisions of the panel may be appealed to a Federal district court.

New section 7 of the act provides for the assignment of all vending machine income obtained on Federal property to blind licensees, and to State agencies for training and set-aside fund purposes. Income from vending machines which are owned or leased by any person, group, or association on September 1, 1973, shall not be subject to this provision for 3 years, or until the expiration of the lease or remaining depreciable life, whichever is less. Owners or lessors of any machines for which contracts expire or depreciable life remains after the 3-year period, shall be compensated for the fair market value thereof by the Secretary of the Treasury. The section applies only to vending machines on Federal property which is a workplace or office.

New section 8 requires the Commissioner of the Rehabilitation Services Administration to insure through regulations, that good training programs are provided under this act, and under the 1973 Rehabilitation Act, and that State agencies provide upward-mobility services for additional training in new careers, and follow-along services.

SECTION 8

This section amends the definitions section of the act to give more specific meaning to the term "blind person," to bring the section into conformity with the amendments made by this act, to expand the definition of vending facility, and to define vending machine income.

SECTION 9

The final section of the bill directs the Secretary of Health, Education, and Welfare to assign 10 full-time personnel—including five supportive personnel—to carry out the act. Title 5 of the United States Code, section 5108(c) is also amended to authorize one additional "supergrade" position to help carry out the act. The section also requires that special consideration be given to blind individuals in hiring for such positions.

Mr. President, the Randolph-Sheppard program is small. The blind citizens of this Nation are not a militant, demanding group. They are sensitive human beings who only want a chance to prove themselves and live lives of quiet dignity. There are stronger, more numerous forces that will oppose any consideration of the needs of the blind for jobs, a reasonable income, a modicum of security and independence. It is my fervent hope that this Congress will take the right and the moral action—and enact legislation which will strengthen the program and give more blind people their independence.

I invite colleagues to join in sponsorship of this necessary legislation.

Mr. President, I ask unanimous consent that S. 2581, the Randolph-Sheppard Act Amendments of 1973, be printed at this point in the RECORD, together with an explanation of the provisions of the measure. I also ask that the report of the Comptroller General of the United States, entitled "Review of Vending Operations on Federally Controlled Property" (B-176886), and the appendixes to that report, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Randolph-Sheppard Act Amendments of 1973".

FINDINGS

SEC. 2. The Congress finds—

(1) after review of the operation of the blind vending stand program authorized under the Randolph-Sheppard Act of June 20, 1936, that the program has not developed, and has not been sustained, in the manner and spirit in which the Congress intended at the time of its enactment, and that, in fact, the growth of the program has been inhibited by a number of external forces;

(2) that the potential exists for doubling the number of blind operators on Federal and other property under the Randolph-Sheppard program within the next five years, provided the obstacles to growth are removed, that legislative and administrative means exist to remove such obstacles, and that Congress should adopt legislation to that end; and

(3) that at a minimum the following actions must be taken to insure the continued vitality and expansion of the Randolph-Sheppard program—

(A) establish uniformity of treatment of blind vendors by all Federal departments, agencies, and instrumentalities,

(B) establish guidelines for the operation of the program by State licensing agencies,

(C) require coordination among the several entities with responsibility for the program,

(D) establish a priority for vending facilities operated by bind vendors on Federal property,

(E) establish administrative and judicial procedures under which fair treatment of blind vendors, State licensing agencies, and the Federal Government is assured,

(F) require stronger administration and oversight functions in the Federal office carrying out the programs, and

(G) accomplish other legislative and administrative objectives which will permit the Randolph-Sheppard program to flourish.

OPERATION OF VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 3. The first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes" (hereafter referred to in this Act as the "Randolph-Sheppard Act") approved June 20, 1936, as amended (20 U.S.C. 107), is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That (a) for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal property.

"(b) In authorizing the operation of vending facilities on Federal property, priority shall be given to blind persons licensed by a State agency as provided in this Act; and the Secretary, through the Commissioner, shall, after consultation with the General Services Administrator and other heads of departments, agencies, or instrumentalities of the Federal Government in control of the maintenance, operation, and protection of Federal property, prescribe regulations designed to assure that—

"(1) the priority under this paragraph is given to such licensed blind persons (including assignment of vending machine income pursuant to section 7 of this Act to achieve and protect such priority), and

"(2) wherever feasible, one or more vending facilities are established on all Federal property, to the extent that any such facility or facilities would not adversely affect the interests of the United States.

Any limitation on the placement or operation of a vending facility based on a finding that such placement would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is justified. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register."

FEDERAL AND STATE RESPONSIBILITIES

SEC. 4. (a) (1) Section 2 (a) of the Randolps-Sheppard Act is amended by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and by inserting the following new paragraph (1):

"(1) Insure that the Rehabilitation Services Administration is the principal agency for carrying out this Act; and the Commissioner shall, within 180 days after enactment of the Randolph-Sheppard Amendments of 1973, establish requirements for the uniform application of this Act by each State agency designated under paragraph (5) of this subsection, including appropriate accounting procedures, policies on the selection and establishment of new vending facilities, distribution of income to blind vendors, and the use and control of set-aside funds under section 3 (3) of this Act;".

(2) Section 2 (a) (2) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(2) Through the Commissioner, make annual surveys of concession vending opportunities for blind persons on Federal and other property in the United States, particularly with respect to Federal property under the control of the Department of Defense and the United States Postal Service;".

(3) Section 2 (a) (5) of such Act, as redesignated by paragraph (1) of this subsection, is amended—

(A) by striking out "commission" each place it appears and inserting in lieu thereof "agency",

(B) by striking out "at least twenty-one years of age",

(C) by striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section" and inserting in lieu thereof the following: "foods, beverages and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency",

(D) by striking out "stands" and "stand" and inserting in lieu thereof "facilities" and "facility", respectively, and

(E) by striking out the colon and all matter following the colon, and inserting in lieu thereof a semicolon. (b) Section 2 (b) of such Act is amended—

(1) by striking out "stand" where it appears in the first and second sentences and inserting in lieu thereof "facility";

(2) by striking out "and have resided for at least one year in the State in which such stand is located"; and

(3) by striking out "but are able, in spite of such infirmity, to operate such stands".

(c) Section 2 (c) of such Act is amended by striking out "stand" in both places in which it appears and inserting in lieu thereof "facility".

(d) Section 2 of such Act is further amended by adding at the end thereof the following new subsections:

"(d) (1) After June 30, 1974, no department, agency, or instrumentality of the United States shall own, rent, lease, or otherwise occupy, in whole or in part, any building unless, after consultation with the Secretary and the State licensing agency, it is determined by the Secretary that (A) such building includes a satisfactory site or sites for the location and operation of a vending facility by a blind person, or (B) if a building is to be constructed, substantially altered, or renovated for use by such department, agency, or instrumentality, the design for such construction, substantial alteration, or renovation, includes a satisfactory site or sites for the location and operation of a vending facility by a blind person.

"(2) The provisions of paragraph (1) shall not apply (A) when the Secretary and the State licensing agency determine that the number of people using the property is or will be insufficient to support a vending facility, or (B) to any privately owned building, any part of which is leased by any department, agency, or instrumentality of the United States and in which, (i) prior to the execution of such lease, the lessor or any of his tenants had in operation a restraurant or other food facility in a part of the building not included in such lease, and (ii) the operation of such a vending facility by a blind person would be in proximate and substantial direct competition with such restaurant or other food facility.

"(3) For the purposes of this subsection, the term 'satisfactory site' means an area determined by the Secretary to have sufficient space, electrical, and plumbing outlets, and such other facilities as the Secretary may by regulation prescribe, for the location and operation of a vending facility by a blind person.

"(e) In any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act or the Rehabilitation Act of 1973 (P.L. 93–112), the State licensing agency designated under paragraph (5) of subsection (a) of this section shall be the State agency designated under section 101(a) (1) (A) of such Rehabilitation Act of 1973."

DUTIES OF STATE LICENSING AGENCIES AND ARBITRATION

SEC. 5. (a) Section 3 of the Randolph-Sheppard Act is amended—

(1) by striking out "commission" and inserting in lieu thereof "agency";

(2) by striking out in paragraphs (2) and (3) "stand" and "stands" and inserting in lieu thereof "facility" and "facilities", respectively;

(3) by inserting in paragraph (6) immediately before the period the following: ", and to agree to submit the grievances of any blind licensee not otherwise resolved by such hearing to binding arbitration as provided in section 5 of this Act".

(b) Section 3(3) of such Act is further amended by striking out "and" immediately before subparagraph (D) and by inserting immediately before the colon at the end of such subparagraph the following: "; and (E) retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is determined by a majority vote of operators licensed by such State agency that funds under this paragraph shall be set aside for such purposes".

REPEALS

SEC. 6. Sections 4 and 7 of the Randolph-Sheppard Act are repealed.

ARBITRATION; VENDING MACHINE INCOME; PERSONNEL; TRAINING

SEC. 7. The Randolph-Sheppard Act is further amended by redesignating sections 5, 6, and 8, as sections 4, 9, and 10, respectively, and by inserting immediately after section 4, as redesignated, the following new sections:

"SEC. 5. (a) Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act.

"(b) Whenever any State licensing agency, designated as such by the Secretary under this Act, determines that any department, agency, or instrumentality of the United States that has control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act or any regulations issued thereunder such licensing agency may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act.

"SEC. 6. (a) Upon receipt of a complaint filed under section 5 of this Act, the Secretary shall convene an ad hoc arbitration panel as provided in subsection (b). Such panel shall, in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, give notice, conduct a hearing, and render its decision which shall be subject to appeal and review as a final agency action for purposes of chapter 7 of such title 5.

"(b) (1) The arbitration panel convened by the Secretary to hear grievances of licensed blind persons shall be composed of three members appointed as follows:

"(A) one individual designated by the State licensing agency;

"(B) one individual designated by the licensed blind operators; and

"(C) one individual, who shall serve as Chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (A), (B), or (C), the Secretary shall designate such member on behalf of such party.

"(2) The arbitration panel convened by the Secretary to hear complaints filed by a State licensing agency shall be composed of three members appointed as follows:

"(A) one individual, designated by the State licensing agency;

"(B) one individual, designated by the head of the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose; and

"(C) one individual, who shall serve as Chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under paragraph (2)(A), (B), or (C), the Secretary shall designate such member on behalf of such party. If the panel appointed pursuant to paragraph (2) finds that the acts or practices of any such department, agency, or instrumentality are in violation of this Act, or any regulation issued thereunder, the head of any such department, agency, or instrumentality shall cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.

"(c) The decisions of a panel convened by the Secretary pursuant to this section shall be matters of public record and shall be published in the Federal Register.

"SEC. 7.(a) Except as otherwise provided in this section, all vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) to the blind licensee operating a vending facility on such property, or (2) in the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located, for use, in accordance with regulations the Commissioner shall prescribe, in the training required under section 9 of this Act, and for the purposes specified in section 3(3) of this Act: *Provided, however,* That with respect to income which accrues under clause (1) of this subsection, the Commissioner may prescribe regulations imposing a ceiling on income from such vending machines for an individual blind licensee, and any surplus shall accrue pursuant to clause (2) of this subsection. This proviso shall not apply to income from vending machines which are maintained, serviced, or operated by a blind licensee.

"(b) Subsection (a) shall not apply, with respect to income from vending machines on Federal property, which machines were leased, or such income was provided, under contract to any person, group, or association on September 1, 1973, for a period of three years following the date of enactment of the Randolph-Sheppard Act Amendments of 1973, or the date of expiration of such contract, whichever period is shorter.

"(c) Subsection (a) shall not apply, with respect to income from vending machines on Federal property which machines were owned by any person, group, or association on September 1, 1973, for a period equal to the remaining depreciable life of such machines, or for a period of three years following the date of enactment of the Randolph-Sheppard Act Amendments of 1973, whichever period is shorter.

"(d) In the case of vending machines the depreciable life of which, or the contract with respect to the leasing or furnishing of income of which, expires after the three-year period set forth in subsections (b) and (c), the Secretary of the Treasury shall compensate the person, group, or association owning or contracting for such machines in an amount which reasonably represents the fair value of such depreciable life or contract; except that any such compensation shall be reduced by an amount, if any, equal to the proceeds from the sale, or premature termination of the contract, of such machines.

"(e) This section shall apply only with respect to vending machines on Federal property which is an office or workplace used to conduct Federal government business.

"(f) The Secretary shall take such action and promulgate such regulations as he deems necessary to assure compliance with this section.

"SEC. 8. The Commissioner shall insure, through promulgation of appropriate regulations, that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973 (P.L. 93-112) or under this Act. He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this Act, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved.'

DEFINITIONS

SEC. 8. Section 9 of the Randolph-Sheppard Act, as redesignated by section 7 of this Act, is amended to read as follows:

"SEC. 10. As used in this Act—

"(1) 'Blind person' means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select;

"(2) 'Commissioner' means the Commissioner of the Rehabilitation Services Administration;

"(3) 'Federal property' means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States or by any department or agency of the District of Columbia or any territory or possession of the United States;

"(4) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(5) 'State' means a State, territory, possession, Puerto Rico, or the District of Columbia;

"(6) 'United States' includes the several States, territories, and possessions of the United States, and the District of Columbia;

"(7) 'Vending facility' means (A) automatic vending machines, snack bars, cart service, shelters, counters and such other appropriate auxiliary equipment as the Secretary may by regulation prescribe as being necessary for the sale of the articles or services described in section 2 (a) (5) of this Act, and which may be operated by blind licensees, and (B) a cafeteria if, upon a demonstration by the State licensing agency, the Secretary determines that the inclusion of such a facility is feasible and that there is a program of training and supervision of blind licensees that will assure the development of the skills needed to operate such a facility; and

"(8) 'Vending machine income' means that portion of the gross receipts from the operation of a vending machine on Federal property that normally accrues as a commission to the person operating, servicing, or maintaining a vending machine."

PERSONNEL

SEC. 9. (a) The Secretary of Health, Education, and Welfare is directed to assign to the Division of the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel to carry out duties related to the administration of the Randolph-Sheppard Act.

(b) Section 5108 (c) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place one additional position in the Division of the Blind and Visually Handcapped of the Rehabilitation Services Administration in GS-16, GS-17, or GS-18."

(c) In selecting personnel to fill any position under this section, the Secretary of Health, Education, and Welfare shall give special consideration to blind individuals.

RANDOLPH-SHEPPARD ACT AMENDMENTS OF 1973 EXPLANATION OF PROVISIONS

SECTION 1. SHORT TITLE

"Randolph-Sheppard Act Amendments of 1973."

SECTION 2. FINDINGS

Posits a number of Congressional determinations, including (1) program has not developed as it should due to inhibiting forces, (2) potential exists for doubling blind operators in five years, provided obstacles are removed, and Congress should remove them, and (3) certain specific actions must be taken to insure vitality in the program, including uniform standards, coordination, guidelines, priority for blind vendors, stronger administration and oversight, and new procedures for dispute resolution.

SECTION 3. OPERATION OF VENDING FACILITIES

The first section of the Act is revised to give priority (rather than preference) to blind vendors on Federal property. The Secretary, through the Commissioner, is to prescribe regulations to protect this priority and to assure, where feasible, that one or more vending facilities is located on all Federal property if not "adverse to U.S. interests." This latter term is to be narrowly applied and fully justified in writing to the Secretary.

SECTION 4. FEDERAL AND STATE RESPONSIBILITIES

This section amends section 2 of the Act by (1) requiring the HEW Secretary to insure that RSA is the principal agency to carry out the Act, and the Commissioner is to establish uniform regulations for each State licensing agency, including accounting procedures, new vending facilities, income distribution, and set-aside fund control; (2) requiring the Secretary to make annual surveys, focusing on DOD and the Postal Service; (3) eliminating the age requirement for vendors, expanding articles and services to be sold, substituting "facility" for "stand", and eliminating references to the Vocational Rehabilitation Act; (4) requiring blind vending sites on all Federal property after June 30, 1974, with certain exceptions; and (5) adding a new subsection which conforms the Act to the new Rehabilitation Act.

SECTION 5. STATE AGENCIES AND ARBITRATION

This section amends section 3 of the Act by changing "stand" to "facility" wherever it appears, by requiring each State agency to agree to submit blind vendor grievances to arbitration, and by providing a means by which retirement, health insurance, sick leave, and vacation time may be funded through set-aside money after majority vote of the vendors in the State.

SECTION 6. SECTION REPEAL

This repeals sections 4 and 7 of the Act which authorizes the Secretary to cooperate with State Rehabilitation Boards under the Vocational Rehabilitation Act (section 4), and which outlines State agency procedures in conjunction with the Vocational Rehabilitation Act (section 7).

SECTION 7. ARBITRATION; VENDING MACHINE INCOME; PERSONNEL; TRAINING

This section redesignates sections 5, 6, and 8 of the Act as sections 4, 9, and 10, and creates four new sections (5, 6, 7, and 8) of the Act. Under the new sections 5 and 6, blind licensees and State agencies may secure binding arbitration of their grievances, through an arbitration panel convened by the Secretary. Composition of such panels is established according to the identities of the parties. Arbitration decisions are binding on the parties and are final agency actions for judicial review purposes.

Under new section 7 of the Act, provision is made for assignment of income from all vending machines on Federal property to blind vendors and State licensing agencies. In the case of vending machines which are owned or under lease by any person, group or association on September 1, 1973, vending machine income shall not accrue to blind licensees and State agencies for the duration of the contract or remaining depreciable life, or for three years, whichever period is shorter. Where a lease or depreciable life extends beyond three years, the Secretary of the Treasury shall compensate the owner or contractee for the fair value of the lease or depreciable life.

New section 8 requires States to provide effective training programs and upward mobility programs for trainees under the Act to assure that their maximum vocational potential is achieved.

SECTION 8. DEFINITIONS

This section revises the definition section of the Act by providing a more precise definition of "blind person", by adding "Commissioner" (of RSA), by specifically including property under control of DOD and the Postal Service as "Federal property", by adding Puerto Rico as a "State", by defining "vending facility" to expand the scope of vendor operation authority, and by adding "vending machine income" as commission proceeds from machines on Federal property.

SECTION 9. PERSONNEL

This section directs the Secretary of HEW to assign to the RSA ten full-time personnel, including five supportive personnel, to carry out the Act. The section also amends 5 U.S.C. 5108(c) to add one "supergade" position for the Division, and requires special consideration be given to blind individuals in filling any position under the section.

(Review of Vending Operations on Federally Controlled Property—Department of Health, Education, and Welfare, General Services Administration, Department of Defense, and Postal Service)

REPORT TO THE SUBCOMMITTEE ON THE HANDICAPPED, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE

(By the Comptroller General of the United States)

SEPTEMBER 27, 1973.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

Hon. JENNINGS RANDOLPH,
Chairman, Subcommittee on the Handicapped, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This is our report on our review of vending operations on federally controlled property.

Our review was made pursuant to your request of August 9, 1972, and subsequent discussions with your office. As agreed upon with your office, we have not requested the Federal and State agencies involved to provide us written comments on the report.

We plan no further distribution of this report unless you agree or publicly announce its contents.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

DIGEST

Why the review was made

Pursuant to a Subcommittee resolution, the Chairman, Subcommittee on the Handicapped, Senate Committee on Labor and Public Welfare, requested GAO to review vending operations on federally controlled property.

As agreed with the Subcommittee, GAO obtained operating data on vending operations at federally controlled locations and determined whether blind persons were receiving preference in operating vending stands at such locations as required by law. GAO observed the potential for expanding blind-vendor operations at the locations visited and reviewed State and Federal administration of the blind-vendor program authorized by the Randolph-Sheppard Act.

At the request of the Subcommittee, GAO did not request written comments on the matters discussed in this report from the Federal or State organizations included in its review.

Background

The Randolph-Sheppard Act was enacted in 1936 to give preference to blind persons, whenever feasible, for operating vending stands on federally controlled property.

The Rehabilitation Services Administration, an agency of the Department of Health, Education, and Welfare (HEW), is responsible for administering the blind-vendor program. U.S. agencies determine where and when blind-vendor operations can be established on Federal property they control.

State licensing agencies designated by HEW administer the blind-vendor program on federally controlled property in the 50 States.

Over the last 20 years—

The number of blind-vendor stands on Federal and non-Federal property has increased from 1,543 to 3,229,

Gross sales have risen from $20.6 million to $109.8 million, and

Average annual net earnings have grown from $2,209 to $6,996 for each stand.

In 1972, 3,583 blind persons were in the program; HEW estimated that 7,000 could be in the program by 1980.

Findings and conclusions

State agency operations

There are market differences in how the program is carried out from State to State. The quality and quantity of services provided to blind persons participating vary.

Seven State agencies GAO reviewed reported numerous contacts and surveys to locate sites for new or improved vending operations, which resulted in an additional 61 blind-vendor stands established during 1972 on Federal and non-Federal property. The net increase, however, was 27, since 34 blind-vendor stands were closed.

Each of these States trains blind persons selected to become vendors and persons already operating vending stands, but the types and duration of training vary.

In fiscal year 1972, 6 of the States reviewed reported 121 persons had completed operator training; the other State did not maintain such information.

Inconsistencies existed in methods used to determine how income from competing vending operations will be shared with blind vendors, resulting in significant differences in the amounts assigned to the blind. In many instances no income-sharing arrangements were made.

States are allowed to set aside portions of the revenue from vending operations for use in various purposes to support the program. States' policies vary as to—

The method used to determine how much each operator must contribute to the fund,

How the fund is used to assist operators, and

Some States use the set-aside fund as the
Whether any fund is established at all.
primary source of money to operate the blind-vendor program.

HEW has not developed minimum standards of program operation for State agencies. Officials recognize the need for providing program guidelines or standards and for making more evaluations of State agency operations but say these actions cannot be undertaken because HEW lacks people to do the work.

Vending operations at military installations

Vending operations in the Department of Defense (DOD) are extensive, but its regulations support and encourage vending operations that benefit the recreation and welfare of its personnel. This gives little consideration for the blind.

State agencies have often limited their efforts to establish blind-vendor stands at military locations because military officials have not been receptive to the idea.

Of 56 vending stands at 6 installations and the Pentagon, blind vendors operated 4. They had gross receipts of $230,600 and total net income of $38,000. Other vendors had gross sales of $12.6 million and total net income of $2.5 million from the remaining stands and nearly 6,000 vending machines.

Vending operations at military installations are, for the most part, non-appropriated-fund activities which contribute to welfare and morale programs. Military officials said blind vendors could reduce money available for these programs. It was difficult to determine exactly how installations used net vending income.

State agency officials visited some of the military installations with GAO and identified several vending operations which they believed blind vendors could operate. These officials said lack of success at military installations has caused them to reduce their efforts to establish new stands there.

Four of the six military bases visited had no blind-vendor operations. A total of 46 such operations are located on the nearly 490 major military installations in this country.

Military officials must be more willing to grant vending operation permits to the blind, and State agency officials must increase their efforts to contact military officials for new permits if progress in this area on behalf of the blind is to be made.

Vending operations at Postal Service facilities

Blind-vendor stands are operated in some post office lobbies. Most vending operations at postal facilities, however, are located in or near work areas and are controlled by employee welfare associations.

GAO sent questionnaires to 291 postal facilities; 288 reported a total of 68 vending stands operated by the blind and 1 vending stand and 2,873 vending machines controlled by employee associations.

Employee associations had gross receipts of $2.8 million (including commissions on vending machine sales by commercial enterprises) and a net income of $1.6 million.

About $86,800 of the net income was assigned to blind vendors under income-sharing arrangements; the remainder went for employee benefits, such as recreation programs, scholarships, and gifts.

GAO did not obtain financial data for those blind vendors having stands at the 288 locations, but for 10 blind vendors, 6 had net incomes of under $3,000.

A Postal Service internal audit report, dated June 1971, concluded that management attention given to vending operations had not been sufficient to insure compliance with Federal policies and regulations.

Expanding the program will depend on postal officials' attitudes about establishing blind-vendor stands on postal property and assigning income to blind vendors. State agency officials must also be more active in dealing with Postal Service officials on these matters.

Vending operations at other federally controlled buildings

Blind-vendor operations are more prevalent in other federally controlled buildings than at Postal Service or DOD installations.

In the 38 buildings reviewed, blind operators controlled 35 stands and 279 vending machines, and nonblind operators controlled 18 stands and 393 machies. Blind vendors had gross receipts of $2.3 million and a net income of $460,400, while employees' associations and commercial vending concerns had gross receipts of $1.9 million and a net income of $129,100.

Employees' associations used their income for such things as emergency loans to members, parties and picnics, and assisting hospital patients and their families.

However, certain activities compete with the blind-vendor program:

Cafeteria operators are permitted to operate a vending stand or to receive income from vending machines as an incentive to maintain good cafeteria service.

Minority business enterprises are placed in competition with a blind-vendor operation or established where a blind-vendor operation might have been placed.

Before the blind-vendor program in federally controlled buildings can be expanded, priorities among competing interests—the blind, minority enterprises, employee associations, and cafeteria operators—must be established.

Matters for consideration by the subcommittee

GAO has suggested certain matters that it believes the Subcommittee should consider in its deliberations on the blind-vendor program.

CHAPTER 1

Introduction

On August 9, 1972, the Chairman, Subcommittee on the Handicapped, Senate Committee on Labor and Public Welfare, requested us to review and report on vending operations on federally controlled property. The suggested objectives of this review, which were contained in a Subcommittee resolution, included obtaining financial data such as gross and net receipts for blind and nonblind vendor operations, determining how these receipts were used, and recommending changes to the pertinent law and its administration as deemed appropriate.

The objectives of our review were to

Determine the types of operations on federally controlled property, their locations, and who controls them.

Obtain all available gross and net receipts data from the operations observed and determine how the data was used,

Estimate the potential for expanding blind-vendor operations on federally controlled property,

Review State and Federal administration of the blind-vendor program, authorized by Public Law 74–731, as amended (Randolph-Sheppard Act), and

Determine whether blind persons have been given preference in operating vending stands on federally controlled property as provided for in the law.

Legislation

Assistance to States in rehabilitating handicapped persons to prepare them for gainful employment, including the blind, is provided under the Vocational Rehabilitation Act, as amended (29 U.S.C. 31). Services provided to the blind include the acquisition of vending stands and initial stocks.

In 1936 the Randolph-Sheppard Act (20 U.S.C. 107) was enacted to provide blind persons with remunerative employment, enlarge their economic opportunities, and encourage their self-support through the operation of vending stands on Federal property.

The act authorized operating vending stands on Federal property and stated that preference shall be given, so far as feasible, to blind persons licensed by a State agency. The head of each agency controlling the maintenance, operation, and protection of Federal property must prescribe regulations designed to insure that such preference is given provided that it does not unduly inconvenience agencies or adversely affect the interests of the United States.[1]

The 1954 amendments to the act provided for the assignment of vending machine income to blind persons so that they could achieve and protect their preference if machines competed with blind-vendor operations.

The retention and use of proceeds for vending operations on federally controlled property has been discussed several times over the years. Existing legislation (31 U.S.C. 484) provides that all moneys received from whatever source for the use of the United States shall be paid into the Treasury, unless disposition of these moneys is specifically provided for in 31 U.S.C. 487. Disposition of proceeds from non-blind-vendor operations is not specifically provided for in that section.

In a report to the Congress, dated August 10, 1949 (B–45101), on our audit responsibilities with regard to employee associations, we stated that problems had been caused by the

Tremendous growth of income and expenditures incident to the activities of various employee recreation and welfare groups,

Withholding of such nonappropriated funds from the Treasury, and

View of many departments that such moneys withheld are outside the purview of existing statute requiring deposit of funds into the Treasury.

Because of the importance of welfare and related activities in the Government service and because literal compliance with the statutes requiring deposit of all receipts into the Treasury was impracticable in some instances, the report recommended the enactment of clarifying legislation to reform and regulate "the entire haphazard structure of so-called 'welfare activities' in the departments and establishments of the Government * * *."

In view of the 1949 report to the Congress the Comptroller General was asked to advise on the practice of a Federal agency using funds received from vending machines for employee activities. A decision the Comptroller General rendered on August 29, 1952 (32 Comptroller General 124), stated that funds derived from vending machines on Government property are required to be deposited in the Treasury as miscellaneous receipts in the absence of express statutory authority to the contrary.

Shortly thereafter the Comptroller General was asked for a ruling on the disposition of proceeds from vending machines at locations having no blind-vendor operations. The request for the ruling pointed out that the profits from the machines were to be used for general welfare activities.

In a December 10, 1952, decision (32 Comp. Gen. 282), the Comptroller General stated that, although the legal authority was doubtful, we would interpose no objection to the continued use of proceeds derived by employee groups from the operation of such machines for employee general welfare activities pending enactment of legislation by the Congress as recommended in the 1949 report.

More recently, our General Counsel testified before the Subcommittee on Handicapped Workers in October 1971 that, since the Congress had not passed clarifying legislation, we have continued to follow the policy of not objecting to authorized Federal employee groups retaining vending machine proceeds. As of August 1973, legislation had not been clarified.

Program administration

Each State must prepare a plan describing its vocational rehabilitation program, including services to the blind, which, upon Federal approval, enables it to receive Federal grants. The plan must also designate the State agency or agencies to administer the program.

Under the Randolph-Sheppard Act, the Secretary of HEW designates a State agency to issue licenses to blind persons for operating vending stands. The act requires that this licensing agency be the agency that administers vocational rehabilitation services to the blind. The State licensing agencies also determine the types of stands to be established and their locations, provide licensed blind persons with necessary vending equipment and initial stock, report to the Secretary as required, issue program regulations, and provide a fair hearing for any licensee dissatisfied with a program action.

The Secretary is also responsible for surveying vendor stand opportunities for blind persons and issuing rules and regulations necessary to carry out the act.

The Rehabilitation Services Administration (RSA), an agency of HEW's Social and Rehabilitation Service, is responsible for administering the vocational rehabilitation program, including the blind-vendor program, at the Federal level. The Federal Government pays 80 percent of State program costs.

Program statistics

In the last 20 years the number of blind-vendor stands on Federal and non-Federal property has increased from 1,543 to 3,229, gross sales have increased from $20.6 million to $109.8 million, and operators' average earnings have increased from $2,209 to $6,996 annually. Additional program data is presented in appendixes I, II, and III.

HEW officials told us that it is difficult to estimate the number of blind persons who are capable of operating a vending stand. They believe, however, that by 1980, about 7,000 blind persons could be in the program.

CHAPTER 2

State agency operations

The State licensing agency, which administers the vending operations program, has the authority to issue rules and regulations governing the program. These rules and regulations, which must be consistent with the Randolph-Sheppard Act, may contain information on how activities, such as selecting vending sites, conducting training programs, providing management services, or operating set-aside funds[2] are to be carried out.

There are marked differences in how the program is carried out from State to State. Consequently, the quantity and quality of services provided to blind persons vary.

HEW's actions have, for the most part, been directed toward solving problems or approving program changes requested by State agencies rather than developing program guidelines and standards or evaluating State agency activities.

State administrative agencies

The vending operations program is administered through either a licensing agency, which is the State agency designated to administer the program, or

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[1] The act requires that agency regulations have Presidential approval. This authority was delegated to the Secretary, Department of Health, Education, and Welfare (HEW) in July 1971.

[2] Portions of revenue from vending stand operations that State agencies collect and set aside for various purposes to support the program.

nominee agency, which is a private agency under contract with the licensing agency, to furnish services for the program.

However, the licensing agency retains full responsibility for managing and operating the program.

Four of the seven States we reviewed used only a State licensing agency. The others used both a nominee agency and a licensing agency. State licensing agencies and nominee agencies receive funds to operate the vending stand program through Federal vocational rehabilitation grants, State vocational rehabilitation grants, and set-aside funds. There is no requirement that a minimum amount or percentage of the total Federal grant be used for the program or that States provide a minimum amount of their own funds. Appendixes IV and V have specific data on State and nominee agencies regarding staffing and funding.

Actions to establish new or improved vending sites

The Randolph-Sheppard Act, as amended, requires the Secretary of HEW to make surveys of vendor stand opportunities for blind persons on Federal and other property. HEW has delegated this responsibility to State agencies and provided some finacial assistance for this task.

Criteria used by States

Each of the seven State agencies we visited had its own criteria to evaluate the potential of a site for supporting a vending operation. These criteria most often included such factors as

The amount of income the proposed operation can be expected to produce,

Competition in or near the building,

Availability of water and electrical lines as well as drains in the vicinity,

Cost to modify the space to accommodate the fixtures, and

Employee and daily visitor population.

Inconsistencies exist among State agencies' criteria. For example, of the 4 State agencies which have specific population criteria, 1 State requires a building population of 1,000 to support a dry vending stand,[3] while the other 3 States require only 175 to 300; 2 States have different criteria for wet and dry stands, while the other 2 use the same criteria for both.

Site survey statistics

The 7 State agencies reported to HEW that they had made 370 site surveys during fiscal year 1972. During the same year on Federal and non-Federal property 61 new vending stands were established and 34 were closed—a net gain of 27—in these 7 States. Nationally, 1,496 surveys were reported with a net gain of 87 new vending stands on Federal and non-Federal property. Eleven States showed a net loss, and 11 showed no change in the number of vending stands.

Reasons for not approving locations

Federal and non-Federal personnel gave the following reasons for not approving vending stand locations.

A location could not support a vending stand operation.

Agreements between the General Services Administration (GSA) and private cafeteria operators prohibit outside vendors from selling food.

Commissions from vending machines currently servicing the building are being used to supplement cafeteria operations.

A vending stand would cause undue congestion and would disrupt the accessibility to the lobby or other areas of the building.

The population of the building is not large enough to support a vending operation.

Suitable space is not available.

Factors affecting States' site survey efforts

Several factors affect State agency efforts to survey potential vending operations.

States have reduced or eliminated efforts to survey Federal sites, particularly military and postal facilities, because they have had little success. (Nationwide, during fiscal year 1972 Federal property had a net loss of 3 vending stands, and non-Federal property had a net gain of 90 stands as shown in appendix I.)

States lack uniform criteria for determining when to make a survey and what factors to consider.

State agency officials must rely on their own initiative and resources to learn where potential vending sites exist or will exist after new construction or renovations are completed.

States will not make site surveys unless the possibility is very high that a new vending stand will be established.

Some States place more emphasis on surveying private industry sites.

On the basis of fiscal year 1972 program statistics and our observations, efforts to survey sites for vending operations should be increased if the program is to expand.

Supervisory visits

Representatives of licensing or nominee agencies make supervisory visits to vending stands to insure proper operation of the blind-vendor program. As a general rule, representatives visit vending stands at least once each month.

Of the seven States reviewed, only Massachusetts and Texas maintained records of the number of supervisory visits. California, the District of Columbia, and Illinois provided us with estimates; Maryland and Missouri could not estimate the number of visits.

The following table shows the number of actual or estimated supervisory visits representatives made in five States during fiscal year 1972.

State	Number of visits	Number of vending stands (Federal and non-Federal)	Average number of visits per location yearly
California	[1] 10,656	296	36.0
District of Columbia	[1] 1,108	75	14.8
Illinois	[1] 1,500	87	17.2
Massachusetts	680	40	17.0
Texas	3,997	160	24.9

[1] Estimate.

During these visits, representatives may evaluate the operator on such matters as

Cleanliness and overall appearance of the stand,

Personal appearance of both manager and employees,

Management efficiency, such as payment of bills, effective purchase and control of merchandise, sales techniques, and completeness of weekly or monthly reports, and

Public relations, i.e., attitude and relationship with customers and employees.

Although it appears that representatives made a substantial number of supervisory visits in five States, they lacked satisfactory documentation supporting exactly how many visits had been made. None of the States could provide documentation showing what had been accomplished during these visits.

In addition to supervisory visits, blind-vendor operations in three States were also subjected to financial reviews by State auditors or certified public accountants which covered the period from fiscal year 1970 through 1972. The reviews did not include examinations of program operations.

Selecting and training operators

State licensing agencies are responsible for providing services, including preliminary training, to persons eligible as operators of vending stands. However, formal training of operators, such as classroom sessions and on-the-job training, is under the direction of the State licensing agency or the nominee agency.

Referral and selection of prospective operators

Rehabilitation counselors or specialists recommend blind persons for the vending program on the basis of their being able to meet the entrance criteria and their interest in operating a vending stand.

Part of the criteria for entering the training program is that the applicant must be at least 21 years of age, a citizen of the United States, and be blind, as defined in the Code of Federal Regulations (45 CFR 409.1(p)) pursuant to the Randolph-Sheppard Act.

An applicant is also subject to an evaluation of his psychological, emotional, socioeconomic, and vocational histories.

When an applicant has met the required criteria he goes through a final screening process, which determines whether he will be accepted into the program. The process may include a personal interview with an official of the State vocational rehabilitation agency or the licensing agency (as in Maryland and the District) or an evaluation by a screening committee (as in Illinois). Formal training for applicants starts after acceptance into the program.

Training

The three basic types of training provided by States in our review are—

Preliminary or provisional on-the-job training,

Formal training, including classroom study and on-the-job training, and

In-service training.

Of the seven States, only Massachusetts and Texas provide preliminary or provisional on-the-job training designed to familiarize the applicant with work situations. The applicant is assigned to a vending stand under the supervision and guidance of a licensed operator. At the end of the period, the applicant is evaluated and the State agency personnel determine whether the applicant is qualified to proceed to formal training.

Formal training is provided by all States and consists of classroom and on-the-job training.

Some of the important areas covered in classroom training are:

Bookkeeping and accounting skills necessary for operating an enterprise;

Merchandising, purchasing, and display;

Customer relations;

Food preparation;

Markup of merchandise and percentage of gross profit; and

Sanitation and legal aspects of food handling.

The District, Maryland, and Massachusetts do not provide classroom training. Training consists primarily of on-the-job experience.

During on-the-job training, applicants are judged through stand operators' progress and evaluation reports and through licensing or nominee agency supervisors' observation. After on-the-job training, successful trainees are licensed (certified by the licensing agency to operate a vending stand) and assigned to a vending stand, if available. If an applicant is not successful, he can be given additional training or withdraw from the program.

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[3] A dry stand, unlike a wet stand, does not sell beverages.

Only two of the seven States, Illinois and Maryland, provide for periodic in-service training for licensed operators. These training activities may include workshops, seminars, or conferences, tailored to improve and develop operators' management skills and to exchange views and ideas on ways to improve the program.

Number of persons trained and placed

During fiscal year 1972, 121 persons completed operator training in 6 of the States we reviewed; 58 persons had completed or had substantially completed their training and were waiting for a vacancy or needed some additional experience before placement.

Income-sharing arrangements with Federal employee groups

Section 101-19.206 of the Federal Property Management Regulations states that employee welfare and recreation groups and blind vendors can share operations and income from vending machines. The regulations provide that the Regional Administrator of GSA and the Commissioner of RSA must agree upon the conditions for sharing after consulting with the sponsoring Federal agency. These regulations apply to all property owned, leased, or occupied by the Federal Government over which GSA has control.

Federal agency regulations provide that a portion of the income from vending machines, which are located within reasonable proximity to and which are in direct competition with a licensed vending stand, be assigned to a blind operator. Regulations of several of the agencies state that a vending machine shall be considered in reasonable proximity and in direct competition with a vending stand if the machine contains the same articles as the stand and is located so that it attracts customers who would otherwise patronize the stand.

Federal agencies have not applied these regulations adequately, and their practices have not been uniform. For the most part, licensing or nominee agencies, do not have written policies regarding how income is to be shared between blind persons and other competing groups. Arrangements for assigning income were negotiated on a case-by-case basis and were either verbal or written.

We found that the percentage of competing operations income which blind vendors operating in Federal facilities received varied from State to State. For example, in some buildings in the District, Texas, and Maryland, blind vendors were receiving 100 percent of the profit from some machines and profit from the remainder of the machines went to various employee associations or, in the case of the District, to the Government Services, Incorporated.

In other locations in Maryland and Texas and in some locations in California, blind vendors were sharing vending machine commissions on a percentage basis. They received from 10 to 65 percent of the gross income from competing vending operations. In other instances blind vendors did not share any of the profit from competing operations, even though State agency officials had attempted to arrange it.

At four Federal complexes in Missouri, blind vendors were sharing from 25 to 50 percent of their vending machine profits with employee associations—about $25,000 of the total $78,000 profits in 1972. In two Illinois locations, blind vendors were paying 8 to 10 percent of net sales to employee associations.

Assignment of vending machine income was also inconsistent at postal facilities.

Set-aside funds

States' methods to set aside funds for use in operating the blind-vendor program vary as to how much each operator must contribute to the fund and how funds are to be used to assist blind vendors. Some States do not set aside funds.

The Randolph-Sheppard Act specifies that States may set aside funds from vending stand proceeds to maintain and replace equipment, purchase equipment, provide management services, and insure a fair minimum return to operators.

Fourteen States, Guam, Puerto Rico, and the Virgin Islands, do not set aside funds for operating their vending stand programs under the Randolph-Sheppard Act. Of the seven States included in our reivew, only Massachusetts does not set aside funds.

Reasons for not using set-aside funds

Massachusetts officials informed us that they do not set aside funds because, in their opinion, it would

Reduce the incentive of some operators because they would know that they would be guaranteed a fair minimum return from the fund,

Invite operators to report less than actual gross revenues so that they would pay less into the fund,

Make it necessary for the Commission for the Blind to employ a large staff of police-oriented counselors, and

Reduce the extent of proper care of operators' equipment because they would not have to pay to repair or replace it.

Although Massachusetts does not set aside funds, the State Commission recommends that a reserve fund be established for each stand on the basis of the type and complexity of the equipment used. The operator agrees to use this fund only for emergency repairs and for replacing minor equipment and to make weekly deposits of not less than 3 percent of his gross sales until the stipulated amount is reached.

States that use set-aside funds

States that set aside funds require operators to contribute monthly to a set-aside-fund account. The amount to be set aside varies from State to State. However, most States set aside a percentage of either gross sales or net profit. For example:

In Missouri, 10 percent of net profit must be deposited into the fund.

In Maryland, funds are set aside by an administrative levy on gross sales according to the following formula: First $1,000, no levy; $1,001 to $4,000, 8 percent of gross sales; $4,001 to $6,000, 9 percent; and above $6,000, 10 percent.

In California, the current fee schedule ranges from $1 for monthly gross sales of less than $1,000, to 5.8 percent of gross sales of $8,500 or more.

In the District, funds are set aside monthly on the basis of gross sales plus vending machine income, according to the following formula: First $400, no levy; second $400, 6 percent; third $400, 8 percent; everything over $1,200, 9.5 percent.

Use of set-aside funds

In the six States we found that funds were used for maintaining, replacing, or purchasing new equipment; providing management services; and guaranteeing a fair minimum return to blind operators. Only three of these States—the District, Illinois, and Missouri—guarantee a fair minimum return to operators: $95 a week in Illinois, $400 a month in the District, and $300 a month in Missouri.

RSA officials told us that set-aside funds should be used to make payments into a pension fund for blind vendors. Set-aside funds cannot be used for this purpose because the Randolph-Sheppard Act does not authorize it.

Because a great share of the blind-vendor program is funded by blind vendors' payments into set-aside funds (see app. V) it would seem that set-aside funds should be used for any reasonable purpose that would benefit blind vendors.

HEW actions to guide and monitor State agency activities

According to HEW, although it recognizes the need for providing program guidelines or standards and for making more evaluations of State agency actions, it lacks manpower to do so.

HEW resources spent for the program

RSA does not maintain separate records on the money or manpower used to administer the blind-vendor program. However, RSA officials estimated that less than 2 man-years of professional staff time was spent on administering the program in the headquarters office during fiscal year 1972 at a cost of $45,000 to $50,000. No significant increases in money or staff are expected any time soon. Officials could not estimate regional office efforts but believed they were minimal.

Services provided by HEW

Two types of services have been provided to State agencies: (1) solving problems, such as interpreting policy questions or negotiating with Federal agencies when State agencies needed assistance, and (2) approving changes to State plans, rules and regulations, and set-aside fund computation schedules.

Other services provided to a lesser extent included preparing training seminars for State agency personnel, compiling program statistics, and reviewing State agency operations.

Necessary program actions by RSA

RSA officials stated a need to:

Establish minimum training requirements and to work more with States which have weak training programs,

Instruct States on which factors they should consider in evaluating the potential of a site as a future location for a vending operation,

Make more management or program reviews of State agency operations and follow up on actions in response to recommendations which detail the results of the reviews, and

Require and review additional reports from the States, which would provide information on such matters as program personnel, Federal expenditures, training costs, assignment of vending machine income, and the number of blind assistant operators or employees.

RSA officials said they had not accomplished these tasks because they lacked manpower. They considered the level of effort of the headquarters staff—less than 2 man-years—and the minimal regional office assistance inadequate to accomplish necessary actions. Also, no contracts have been awarded to undertake work which these officials stated could benefit the program.

We did not attempt to make a manpower study or assess the priority of all tasks to be done. It is apparent, however, that several major management actions which could assist in improving program administration have not been undertaken.

CHAPTER 3

Vending operations at military installations

Vending operations on property controlled by the Department of Defense (DOD) are extensive. However, blind-vendor operations are limited at some locations, and other locations have none at all. This has occurred because DOD implements regulations in a way which supports and encourages vending operations that benefit the recreation and welfare of military and civilian personnel and gives little consideration for the blind. Also, according to State agency officials, efforts to establish blind-vendor stands at military locations have often been limited because military officials have not been receptive to the idea.

We reviewed vending operations at six major military installations and at the Pentagon,[4] as summarized below.

Location	Controlled by blind persons		Controlled by others	
	Stands	Machines	Stands	Machines
Fort Belvoir, Va			6	1,041
Norfolk Naval Shipyard, Va	1		12	356
Charleston Naval Base, S.C	1			361
Fort Riley, Kans				739
Lackland Air Force Base, Tex			17	1,912
Camp Pendleton, Calif			11	1,387
Pentagon	2		6	188
Total	4		52	5,984

With the exception of the Pentagon, which houses 24,000 employees, each location had numerous buildings spread over a large area with no fewer than 14,500 military and civilian personnel.

DOD regulations and policies

DOD regulations, while conforming to the requirements of the Randolph-Sheppard Act, emphasize the need for and importance of an adequate morale and welfare program which is not to be jeopardized by blind-vendor operations. Implementation of these regulations has severely limited the blind-vendor program on DOD property.

DOD has traditionally used nonappropriated fund operations, such as post exchanges, movie theaters, and restaurants to foster the morale and welfare of its personnel. Revenue from these activities is to be used to supplement appropriated funds for this purpose.

DOD regulations, dated August 1963, state that a blind person licensed by a State agency will be given preference to operate a vending stand where feasible. A local commanding officer may deny or revoke this preference if security or sanitary standards are not met or for any other reasons where the interests of the United States would be adversely affected or DOD would be unduly inconvenienced.

The regulations provide further that permission to operate a blind-vendor stand will not be granted:

"* * * if to do so would seriously affect the primary mission of the Department of Defense by reducing revenue below the point which is necessary for the maintenance of a reasonably adequate morale and welfare program. * * * No permits should be granted that will place the morale and welfare program in jeopardy."

According to DOD regulations, preference to blind vendors is protected from unfair or unreasonable competition by vending machines. The regulations provide that a blind vendor is to acquire the income from these machines, if they are operated in reasonable proximity to a blind-vendor stand and if they sell the same items.

A final, important provision of the DOD regulations is that if a local commander and the State agency cannot agree on granting a permit to operate a blind-vendor stand or on the terms of a permit, the State agency can appeal such disagreements. DOD administers this appeal procedure.

The Army, Navy, and Air Force have regulations which essentially repeat the provisions of the DOD regulations regarding blind-vendor stands. However, in implementing these regulations, DOD officials have limited the blind-vendor program. In fiscal year 1972, 46 of 878 blind-vendor stands on federally controlled property were on DOD property.

Financial results

According to the most recent financial data available, annual gross sales from vending operations at the seven locations visited were over $12.8 million. Of this amount, blind vendors' gross receipts were about $230,600, while various nonappropriated fund organizations and commercial vending concerns had gross sales of $9.3 million and $3.3 million, respectively. In addition, the nonappropriated fund organizations earned $900,000 in commissions from vending machines to bring their total gross receipts to $10.2 million. (See appendix VI.)

The total net income blind vendors earned from four operations at three military installations was $38,000. (This represents all blind-vendor operations at the seven installations.) The net income of the various nonappropriated fund organizations from vending operations at these seven locations totaled about $2.5 million. Generally, commercial concerns could not furnish us net income data from their operations at the locations we reviewed because their accounting records were not organized to show this data.

Blind vendors received income from 4 vending stands and no vending machines, while nonblind operators received income from 52 vending stands and 5,984 vending machines.

The four blind vendors, who had a total annual net income of $38,000, had individual incomes ranging from $4,000 to $16,000. These vendors received no income from operating vending machines or through assignment of income from competing machines or other vending operations.

Non-blind-vendor income

Various nonappropriated fund organizations shared the annual net income of $2.5 million for nonblind operators. At one installation the annual net income from vending machines was $4,500; at the remaining installations, annual net incomes ranged from $156,000 to $792,000.

Because of the type of financial records maintained, we could not obtain net income data on each individual vending operation but only for all vending operations at an installation. We were able, however, to obtain individual gross receipts data for most of the operations.

The 52 vending stands operated by nonblind organizations had total gross receipts of $5.5 million and total net income of $636,800. For all vending machine operations, gross receipts totaled $4.8 million, including commissions of $900,000 on vending machine sales by commercial enterprises, and the net income was $1.8 million. However, a disadvantage is that machines are often located over a large area on a military installation, both inside and outside of numerous buildings, which makes servicing them difficult. In several cases, machines were grouped in a building, which made them easier to service.

In nine cases at three of the locations reviewed, we were able to obtain data which showed that gross receipts from vending machines grouped in a building ranged from $27,000 to $86,000. Since total vending machine results showed that net income exceeded 30 percent of gross receipts, all of the locations where machines were grouped in a building appear to have the potential to financially support one or more blind persons.

Use of income by nonblind vendors

The majority of nonblind vendors are the post exchange systems of the various services—the Army and Air Force Exchange Service, the Navy Exchange, the Marine Corps Exchange—the Special Services, post central welfare funds, employee cooperative associations, post restaurants, and open messes. These organizations, for the most part, operate on nonappropriated funds and must abide by DOD regulations.

Determining how these organizations used net income was difficult, since the money passes through several administrative organizations until it reaches the organization which provides direct services. The following examples will demonstrate the complexity of following funds to determine their use.

All net income from three installations' Post Exchange operations included in our review is forwarded to the Army and Air Force Exchange Service Headquarters in Dallas, Texas. The Exchange Service uses some of these funds to finance its operations.

Dividends declared by the Exchange Service are paid to the Army and Air Force Central Welfare Board in the District, where they are apportioned to the two services' central welfare funds. Central welfare funds then allocate funds to commands, which in turn allocate funds to camps, posts, and stations to provide recreational activities and equipment. Sizable amounts are retained at the central welfare fund levels to finance major projects, such as construction of facilities to house nonappropriated fund activities at military installations.

The Marine Corps and Navy also have central organizations that receive and retain a portion of net receipts from installations. For example, for the fiscal year ended January 1973, the Post Exchange at a major installation earned a net profit of $1,824,000 from all operations, including vending operations. The net profit was distributed as follows:

Installation recreation fund	$900,000
Central construction fund	880,000
Retained by the Exchange for various purposes	44,000
Total	1,824,000

The Navy Exchange divides its net receipts between local and national morale and welfare programs. One naval installation shares 60 percent of net receipts (on the basis of sales) among three components—the Naval Station, the Naval Hospital, and the Naval Weapons Station. The Commanders of these activities are responsible for using these funds in addition to appropriated funds to provide morale and welfare programs. The remaining 40 percent of the net receipts are forwarded to a pool of funds controlled by the Chief of Naval Personnel for morale and welfare programs throughout the Navy.

Military and State agency officials' views on blind-vendor operations

Military and State agency officials expressed opposing views regarding the feasibility of blind persons operating vending stands at military installations.

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[4] Although the Pentagon is actually a GSA building, we discuss its vending operations in this chapter because DOD plays a significant role in determining what operations are permitted in the Pentagon. Although the 7 installations visited represented a small percentage of the nearly 490 military installations in the country, they were important in terms of size and number of servicemen involved. Also, each branch of service was represented and the installations were geographically dispersed.

Military officials views

At a location which had one blind-vendor stand, officials did not foresee program expansion because they believed more blind-vendor stands would jeopardize cafeteria operations run by a commercial concern or that the stands could not compete with other operations, such as cafeterias and mess clubs.

Officials at another base informed us that a blind vendor could encounter several problems operating there, including theft, regulated prices, sanitation requirements, competition from other operations, and rising labor costs. Officials at this base and at one other said the Army and Air Force Exchange Service regulations have no provision specifically considering the blind in selecting contractors to carry out operations.

Military officials also expressed the following concerns.

Exchange Service operations are exempt from certain State taxes whereas blind vendors would not be exempt and would have to charge higher prices.

Blind vendors would need to be supervised carefully.

Expanding the blind vendor program could possibly reduce the funds available for the morale and welfare programs which are earned from various enterprises, including vending operations.

Although military officials acknowledged that DOD regulations require that preference be given to the blind to operate vending stands, they did not express any support for the program.

State officials' views

We asked officials of the State agencies for the blind for their views on establishing or expanding the blind-vendor program on the military installations we visited.

An official of one State agency toured a military base with us and later concluded that five snack-bar type operations appeared feasible for operation by blind vendors. This base had no blind-vendor operations. Base officials told us that they would consider any applications from blind persons to operate a vending stand.

At another base having no blind-vendor operations, a State official said a blind person could probably control one group of vending machines. Base officials were not sure whether a blind person could handle the operation.

At another base, a State agency official said blind persons could operate 11 vending operations. Base officials gave several reasons why blind-vendor stands would not benefit the base, the main concern being a loss of revenue to the recreation fund.

Several State officials told us they have not made much of an effort to establish blind-vendor stands on military bases because of the lack of success experienced in the past and the higher rate of success in establishing stands in private industry.

Potential for increasing blind-vendor operations

Four of the major military bases we visited had no blind-vendor operations. State agency officials believe that blind person could possibly operate several of the existing vending operations at three of these bases. We have been advised recently that arrangements are being made to establish a blind-vendor operation at the fourth base.

To expand the blind-vendor program on military bases, military officials must be willing to grant more permits for blind-vendor operations and State agency officials must try harder to contact military officials for these permits.

CHAPTER 4

Vending operations at Postal Service facilities

Although blind vendors operate stands in some post office lobbies, most vending operations at postal facilities are located in or near work areas and are controlled by employee welfare associations. As a result, opportunities for blind-vendor operations generally have been limited to that part of the postal facility accessible to the public. In addition, postal officials have interpreted Postal Service regulations in a manner that has not been advantageous to the blind, and regulations on assigning vending machine income to blind vendors have not been applied consistently.

We attempted to obtain data through questionnaires on vending operations at 291 major facilities, of which 285 are first-class post offices, located in 3 of the 5 postal regions—the New York Metropolitan Region, the Central Region (Chicago), and the Western Region (San Francisco). We visited nine of these locations. Our sample was selected primarily on the basis of postal revenues reported by over 5,100 major facilities.

Over 98 percent of the facilities responded to our questionnaires. Responses showed that employee associations were controlling 1 vending stand and 2,873 vending machines, plus an undetermined number of machines not listed on the questionnaires. Blind vendors were operating 68 vending stands at these locations. They represent 29 percent of the 237 blind vendors who operated at postal facilities during fiscal year 1972. Although blind persons were operating many more vending stands than employee welfare associations, the associations were controlling nearly all the vending machines at each postal facility that were not part of a vending stand.

Regulations and policies

Postal Service regulations specify that blind persons are to be given preference in installing and operating vending stands on Postal Service property.

Local and regional Postal Service officials must approve a permit to operate a blind-vendor stand. Appeals by State agencies, when permits are not approved or when there is disagreement over permit terms, are directed to other Postal Service officials for a final decision.

A provision of the Postal Service regulations describes how income from vending machines, which compete with blind-vendor stands, may be assigned to the blind vendor. The regulations provide that:

"Profits from all vending machines presently operated by a licensed blind operator of a *lobby stand,* either in conjunction with his stand or in other areas of the same building under control of the Post Office Department,[5] shall be assigned to the blind operator. When machines are being operated by an employees' committee in proximity to a stand or machines operated by a blind person and are in competition therewith, and a blind operator is not receiving an adequate income, *consideration shall be given to assigning him all or part of the profits from other vending machines in the same building, regardless of location.* (Adequate income is construed as being the equivalent of the average income of the average employee at the installation.) Reassignment of profits shall be considered only upon request from a State licensing agency to a postmaster or other postal official in charge of an installation. Assignment of profits to the blind operator from other vending machines shall be determined by the postal official in charge and the State licensing agency on the basis of the following.

a. Proximity to and competition with the vending stand;

b. Income which accrues to the operator from the stand operation; and

c. Profits from vending machines not operated in connection with the stand." (Emphasis supplied.)

Postal Service officials gave us various interpretations of some of the provisions in the regulations. Some officials said that blind-vendor stands could be approved only for public areas of the post offices because of the potential danger to blind persons in work areas and employee resistance to any reduction in their associations' vending income. One regional Postal Service official, who supported this interpretation, acknowledged several blind vendors operating stands in post office work areas in his region, but said that this had occurred before the Postal Service was created.

Assigning vending machine income to blind vendors is not done consistently because of varying interpretations of the regulations. The methods of assigning vending machine income to blind vendors varied. Methods used included (1) a fixed monthly or annual payment, (2) all receipts from certain vending machines, (3) a fixed percentage of all vending machine receipts, and (4) an income supplement sufficient to raise blind vendors' incomes to the equivalent average income of the employees at the installation. Inconsistency was demonstrated in the Central Postal Region where operators of 38 blind-vendor stands were experiencing the following:

No income assigned to blind	21
Income assigned to blind:	
Payment by vending company	7
Payment by employee welfare fund:	
Specified percentage of gross receipts	4
Equivalent to average income of postal employees	3
Fixed amount	3
Total	38

In some cases blind vendors who had low net incomes were not assigned income or were assigned a nominal amount, whereas some vendors earning over $10,000 were assigned income. In one region for example, one blind vendor with a net income of $1,200 was assigned only $45 from vending machine income. On the other hand, a blind vendor with a net income of $11,200 from his own operation also received assigned vending machine income of $10,100 making his total income $21,300.

Financial results

Employee welfare associations had annual gross receipts of $2.8 million from vending operations at locations which responded to our questionnaires. Because our questionnaires to Postal Service officials did not request income data for blind vendors and because some commercial vending companies would not furnish us income data, we were not able to compute total gross receipts or net income earned from vending operations.

Non-blind-vendor income and its use

Of the $2.8 million in gross receipts (including commissions on vending machines sales by commercial enterprises), employee welfare associations earned a net income of about $1.6 million.[6] (See app. VII.) We asked, in our questionnaire, that each respondent indicate whether it had earned net income of $3,600 or more. Of the 288 associations responding, 68 reported net incomes of $3,600 or more, including 37 locations having no blind-vendor operations. Thirty-one associations had net incomes of over $10,000 and two associations reported net incomes exceeding $100,000 from vending operations.

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[5] These regulations were written before the Post Office Department was reorganized into the U.S. Postal Service. They have been adopted in the Postal Service Manual.

[6] We tested the financial data on three employee association funds and found their reported amounts to be substantially accurate.

Two important factors must be considered in discussing the gross and net incomes from vending operations controlled by employee associations. First, in the locations where commercial vending companies were servicing vending machines under a contract with the employee associations, we were able to obtain data on commissions paid to the associations but not on total sales. Therefore, the total gross receipts amount of $2.8 million does not represent total sales but commissions received from vending companies plus gross sales from vending operations controlled by employee associations. Actual total sales, therefore, would exceed the total gross receipts of $2.8 million reported.

Second, many employee associations control vending operations at more than one location. So while an association may report substantial total net income, the net income from each location may not be substantial. Information received from employee associations was generally for total operations, therefore, we were unable to determine results of vending operations at each location, which would be needed to assess the profit potential of each operation controlled by employee associations.

The net income of $1.6 million earned by postal employee associations was used for various purposes. The following table illustrates the major uses of funds during fiscal year 1972.

Use of funds	New York metro region	Central region	Western region	Total
Assigned to blind vendors	$43,800	$37,455	$5,546	$86,801
Recreation and trophy costs	193,301	182,326	271,277	646,904
Retirement or separation parties and gifts	50,620	81,818	74,060	206,498
Radio and public address system costs	32,520	27,444	12,725	72,689
Birth, wedding, and death remembrances	21,050	33,187	13,673	67,910
Other[1]	93,391	351,044	153,537	597,972
Total	434,682	713,274	530,818	1,678,774

[1] Includes expenditures for miscellaneous items, such as gift certificates, coffee, turkey, and scholarships.

Many employee associations spent more money than they earned during fiscal year 1972. This was made possible by using money available from previous years' earnings.

Blind-vendor income

We did not obtain income data for all of the 68 blind-vendor operations at the postal facilities sampled because we did not visit each operation, and our questionnaires to Postal Service officials requested data only on vending machine income assigned to blind vendors. The limited financial data obtained gave us some indication as to how some blind vendors were faring economically.

In one region seven blind vendors had total gross sales of $823,000 and total net income of $44,700, including assigned income. Four vendors had net incomes of less than $3,000 while one vendor had a net income of over $23,000. In another region, two blind vendors had earned less than $3,000—one had assigned income, the other did not—and a third blind vendor had earned $11,200 excluding assigned income. While 6 of the 10 vendors in these 2 regions had low net incomes, we cannot determine whether this data is representative of all of the 237 blind vendors who operated stands at postal facilities in fiscal year 1972.

As discussed previously, income was assigned to 38 of the 68 blind vendors operating in the facilities we reviewed. Responses to our questionnaires from postal facilities where blind vendors were operating stands showed that a total income of $105,000 had been assigned to 33 of the 38 blind vendors. The amount of income assigned ranged from $180 to $14,000 annually. As mentioned previously the amount of income assigned to a blind vendor is not always determined by the net income which he earns from his own operations.

Internal audit

The Internal Audit Division of the Postal Service issued a report in June 1971 concerning welfare committee and cafeteria operations at various post offices. Although the report was primarily concerned with weaknesses in fund control, it also discussed weaknesses in administering blind-vendor operations and recommended changes to Postal Service policies which would benefit blind vendors. However, proposed revisions to these policies, which are under the Postal Service's consideration, do not include those recommended by the Internal Audit Division.

The report concluded that there is no uniform system for sharing welfare fund revenues with blind vendors. It stated that, at some locations blind vendors received no revenues from the welfare funds, while at other locations they received arbitrary allocations of revenues. Also, there had been virtually no review or evaluation of blind operators' incomes to determine the adequacy of allocations. The two major factors reported as contributing to the breakdown in administering the blind operations were

Lack of local management attention to insure that policy and regulations are complied with; and

State agencies' reluctance to confer with postmasters or provide them with information on blind vendors' earnings.

The report concluded that one result of these deficiencies was that two blind operators from the Western Postal Region have incomes that are substantially higher than postal employees' earnings at the same locations, while at other locations, blind operators have insufficient incomes. The report recommended that:

The Regional Postmasters General instruct those postmasters with blind vendors to annually confer with State agencies in setting incomes for the blind; any problem areas should be resolved by the regions.

The Personnel Department consider revising the current procedures for planning blind-vendor stands in new facilities; the Postal Service should take the initiative to advise State agencies of any location appropriate for a blind-vendor stand.

A Postal Service official informed us that final action had not been taken on these recommendations. The Postal Service is currently preparing instructions for food-service operations and employee social and recreation committees. However, procedures concerning blind-vendor stands have not been significantly modified. The Postal Service official, knowledgeable of pending regulations, told us that blind-vendor stands will be confined to public areas and restricted from work areas in the future. In addition, the average postal salary, with which vendors' incomes will be compared, will still not be defined by Postal Service regulations. Therefore, any supplemental payments to blind operators will be negotiated between postmasters and State agencies. Further, there will be no provision for the Postal Service to take the initiative to contact State agencies.

Potential or increasing blind-vendor operations

Expanding the blind-vendor program in postal facilities will depend to a large degree on Postal Service officials' attitudes on:

Allowing additional vending operations for the blind to be established on postal property and

Revising Postal Service regulations to clarify how the assignment of income to blind vendors should be determined.

Also, State agency officials must be more active in dealing with Postal Service officials on these matters. State officials cited a low success factor as the primary reason for their limited effort in attempting to establish additional blind-vendor operations at postal facilities.

CHAPTER 5

Vending operations in other federally controlled buildings

Blind-vendor operations are more prevalent in other federally controlled buildings than at Postal Service or DOD installations but there are activities which compete with the blind in the vending stand program. In some cases, the same organization operating a cafeteria is operating a vending stand or is receiving income from vending machines as an incentive to maintain good cafeteria service. Another problem which came to our attention was that in some cases minority business enterprises have been competing with blind-vendor operations or have been placed where blind-vendor operations could have been established.

We attempted to locate and review all vending operations in 38 of more than 2,600 buildings owned or totally leased by GSA, the District government, or such agencies as the National Institutes of Health. The 38 buildings are in 6 cities located across the country and in the Washington metropolitan area. The following table summarized the operations reviewed.

	Number of buildings	Controlled by blind persons		Controlled by others	
		Stands	Machines	Stands	Machines
GSA:					
Owned	15	23	227	15	145
Leased	4	3	30		98
NIH: Owned	6	5			104
District government:					
Owned	5	4	22	3	37
Leased	8				9
Total	38	35	279	18	393

Additional details on each building are in appendix VIII.

Financial results

During fiscal year 1972, the gross income from all vending operations located in 35 of the 38 buildings included in our review totaled about $4.2 million. Of this amount, blind vendors grossed about $2.3 million and employee associations and commercial vending concerns together grossed $1.9 million.

The total net income from these vending operations was $589,500, of which 44 blind vendors earned $460,400 from operations in 22 buildings and 5 employee associations and 3 commercial vending concerns earned $129,100 from operations in 29 buildings.

Blind-vendor income

The 44 blind vendors who shared the total net profit of $460,400 had individual annual incomes ranging from $1,776 to $30,000. Fifteen vendors earned less than $7,000, four of which earned less than $3,000. None of the blind vendors who operated 19 stands in proximity to vending machines operated by others were receiving a share of the income from the machines. Instead, employee associations or commercial vending concerns received the income despite the provision of the Randolph-Sheppard Act.

Assignment of income would be desirable in some cases. For example in one case we observed, a blind vendor competing with a nearby snack bar operated by a commercial concern was not assigned any income from the vending machines associated with the snack bar, which grossed $73,400 in 1972, even though his annual net income was about $2,000 and had to be supplemented by the State agency.

Non-blind-vendor income

Of the $129,100 net earnings which employee associations and commercial vending concerns had, five employee associations earned $15,100. Only one association operated vending stands.

During fiscal year 1972 a net loss of $19,500 was recorded from the operation of six vending stands, despite sales of about $1.2 million. Net income from vending machines, however, was about $34,700, of which $28,000 was earned from two locations having net earnings exceeding $11,600.

Three commercial concerns had net earnings of $114,000. One concern netted over $74,000 from vending stands located in seven buildings; the other two concerns did not operate vending stands. The $40,000 earned from vending machines went primarily to one concern which earned $31,300 from machines in seven locations. The remaining concerns earned $6,100 and $2,600, respectively.

Use of income by nonblind vendors

The net earnings retained by employee associations are used to support a variety of activities to benefit their members and other persons needing assistance. For example, some associations use their funds for emergency, interest-free loans to their members; annual picnics or Christmas parties; and athletic activities. Two employee associations with vending operations in hospitals use a portion of their earnings to assist patients and visiting families.

Activities competing with blind-vendor operations

Although the blind-vendor program operates under generally favorable circumstances in Federal complexes, some activities compete with the blind for vending operations at federally controlled locations.

Cafeteria operators favored

GSA often authorizes operation of a vending stand or assigns cafeteria operators the right to vending machine commissions on the premise that it protects the interests of the operation and the Government employees by keeping food quality high and the prices low. GSA has found that cafeterias in Federal buildings frequently operate at a loss or a low profit margin. Vending commissions, in GSA's opinion, provide the cafeteria operators with the incentive and supplementary income to continue operating in the desired fashion.

If a cafeteria and a blind-vendor stand are in the same building, GSA attempts to allocate vending operations on a basis that will serve the best interests of each. Therefore, a cafeteria may be assigned the right to the income of the major portion of vending machines. In addition, the types of items blind vendors sell might be restricted to limit competition with the cafeteria. The Federal property management regulations promulgated by GSA provide that blind persons and employee associations can share vending machine income but do not provide for dividing this income between the blind and a commercial food-service operator.

In November 1972, GSA proposed new regulations which would have limited the types of items blind vendors could sell. The change was proposed to ease cafeteria operator's financial problems and GSA's problems with cafeteria operators in Federal buildings and to obtain bids for cafeteria operations. In December 1972, however, the proposal was withdrawn because of congressional and public criticism and because the regulations did not insure continued operation of existing blind-vendor standards.

In six instances cafeteria operators were authorized to operate a vending stand or were assigned vending machine income, while blind vendors in the same building were not assigned such income.

Minority business enterprise

Arrangements for developing and coordinating a national program for minority business enterprises were prescribed in Executive Order No. 11625, dated October 13, 1971. Under this Executive Order, Federal departments and agencies are to continue all current efforts to foster and promote minority business enterprises, cooperate with the Secretary of Commerce in increasing the total Federal effort, and report annually on their activities in this program.

Federal departments or agencies award contracts to minority enterprises for conducting business activities on Federal property. In some cases, contracts call for operating vending facilities. Although we did not examine any vending facilities being operated by minority enterprises in the 38 buildings included in our review, we realized that such operations sometimes compete with the blind-vendor program.

For instance, the Atomic Energy Commission controls Government-owned, contractor-operated plants. At one such plant, a minority business was awarded a $4 million contract through the Small Business Administration's section 8a program[7] to supply and maintain vending concessions.

Commission regulations clearly give preference to blind persons in operating vending stands and further state that no arrangement for operating a vending stand can be made without first consulting the State agency for the blind. In the case previously cited, Commission officials met with State agency officials and explained why they did not believe it was feasible for a blind person to operate vending concessions. Because State agency officials did not make further inquiry, Commission officials concluded that they had complied with the regulation and proceeded to arrange for a minority business to be awarded a contract to operate vending concessions. At the time the contract was awarded, State agency officials contacted us to voice their concern that the minority business program was competing with the blind-vendor program.

In one Federal building in Philadelphia, a minority business was installed on the same floor with a previously established blind-vendor operation. The two operations were offering some of the same items for sale, such as pipe tobacco, candies, and snacks. In this case, neither the blind vendor nor the State agency complained about installing a minority business until it was authorized to sell items which the blind vendor had not been permitted to sell. Subsequently the minority business was required to cease selling these items.

In another case, a minority business was to begin operating in a building on a different floor from a blind-vendor operation. Because the business was to sell items also sold by the blind vendor, the State agency protested to GSA, which controls the building. As of June 30, 1973, the minority enterprise had not been opened for business.

Although the frequency of minority businesses being placed where blind vendors could be established or in competition with blind vendors is apparently low, it could increase as a result of increased emphasis on the minority enterprise program.

Other deterrents to the blind-vendor program

Several other factors have deterred the blind-vendor program. Individually, these factors do not pose a major problem, but collectively they could.

1. GSA has rejected plans to expand vending operations in building lobbies because of the problems which arise in maintaining an attractive appearance in the lobbies and because it is GSA's policy that the blind-vendor stands are intended to serve building tenants rather than the public.

2. GSA's current guidelines state that a building must have a population from 150 to 1,200 to support one vending stand. Building populations ranging from 4,000 to 6,000 could support two vending stands. However, we observed several locations where two or more vending stands were operating successfully even though the building had a population of less than 4,000. GSA officials admit that they should consider more than just building population in establishing a vending site. Yet, this criterion was used to refuse additional vending operations at locations which State agencies believed would support these operations.

3. Some employee associations operate "general-merchandise" stores which offer some items for sale that are also sold by blind vendors located in the same building.

Potential for increasing blind-vendor operations

The blind-vendor program has been relatively successful in Federal complexes. The potential for program expansion is limited but should be pursued. Equally important, however, is the need to maintain the degree of success already achieved.

State agency officials advised us that the number of stands could be increased in many locations or that existing stands could be expanded to sell more items. Program expansion will require not only State agency efforts but also the cooperation of Federal property owners or lessees, such as GSA and those Federal agencies engaged in promoting and administering the minority enterprise program. Further, strong continuing efforts will be needed from the State agencies if the current success of the program is to be maintained.

CHAPTER 6

Matters for consideration by the subcommittee

Before the blind-vendor program can be expanded, priorities among competing interests—the blind, minority enterprises, employee associations, and cafeteria operators—must be established.

In deliberating on whatever legislative or administrative actions need to be taken the Subcommitee may wish to consider:

1. The circumstances under which blind persons should be given preference in establishing and operating vending facilities.

2. That agencies do not always assign vending machine income as provided by the Randolph-Sheppard Act and use different methods when making assignments.

3. The extent States use set-aside funds, the differences in methods of computing blind vendors' contributions, and the activities for which set-aside funds can be used.

4. That Randolph-Sheppard Act does not require the program to be evaluated periodically or for reports to be submitted to the Congress by HEW or any other Federal agencies that control, operate, or maintain Federal property and approve installation of blind-vendor operations.

5. A requirement that HEW, under the authority vested in it by Executive Order No. 11609, review the rules and regulations of the various Federal agencies to insure that agencies adequately provide the preference that blind persons are entitled to in operating vending stands on Federal property.

6. The issue of HEW and the States having no recourse from Federal agency decisions regarding blind-vendor facilities on property that they control, which was brought out in hearings to amend the Randolph-Sheppard Act held before the Sub-

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[7] Under this program, which was authorized by the Small Business Act (15 U.S.C. 631), the Small Business Administration is authorized to enter into procurement contracts with other Federal agencies and to subcontract the performance of these contracts.

committee on Handicapped Workers, Senate Committee on Labor and Public Welfare, in October and December 1971. The proposed amendments were not enacted into law, and as a result HEW and State agencies are still without recourse.

CHAPTER 7

Scope of review

Our review was directed toward obtaining the necessary information concerning vending operations on federally controlled property, as agreed upon with the Subcommittee. Reliable statistics were not available on the number of vending operations on federally controlled property, their operators, locations, the dollar volume of their business, or how net proceeds were used. Because of the large number of operations, it was necessary to select a sample to be reviewed.

With the agreement of the Subcommittee, we included in our sample the following locations, which represent different parts of the country and account for a significant number of vending operations:

Seven Federal agency headquarters in the Washington, D.C., area—HEW, U.S. Postal Service, DOD, Department of Agriculture, Department of State, Veterans Administration, Internal Revenue Service—and 13 District of Columbia Government buildings.

A total of 291 major postal facilities in the New York, Central, and Western Regions of the Postal Service.

Six military installations—Norfolk Naval Shipyard, Portsmouth, Virginia; Charleston Naval Base, South Carolina; Lackland Air Force Base, Texas; Fort Riley, Kansas; Camp Pendleton, California; and Fort Belvoir, Virginia.

Eight federally controlled buildings in Boston; Chicago; Fresno, California; Kansas City, Missouri; St. Louis; and San Francisco.

State licensing agencies for California, the District of Columbia, Illinois, Maryland, Massachusetts, Missouri, and Texas.

The licensing agencies were selected from States that were dispersed geographically and differed widely in population.

We observed vending operations at Federal locations; we used questionnaires to obtain data from all postal facilities selected and visited nine. We examined all pertinent records and documents made available to us by Federal, State, and commercial vending company officials. In some cases commercial vending companies could not, or would not, provide us with financial data we requested. Also, our questionnaires to Postal Service officials did not request financial data on blind vendors' operations. We discussed program operations with officials at HEW, DOD, GSA, the Postal Service, and other Federal agencies and also with officials from State licensing agencies and commercial vending companies.

APPENDIX I

NATIONAL SUMMARY OF STATISTICAL DATA FROM STATES' ANNUAL BLIND-VENDOR REPORTS FOR FISCAL YEARS 1971 AND 1972

	Fiscal year 1971	Fiscal year 1972	Percentage increase over previous year
Total number of stands	3,142	3,229	2.8
Federal locations	881	878	.3
Non-Federal locations	2,261	2,351	4.0
Public	1,391	1,436	3.2
Private	870	915	5.2
Total gross sales	$101,304,773	$109,847,028	8.4
Federal locations	30,436,007	32,213,449	5.8
Non-Federal locations	70,868,766	77,633,579	9.5
Total number of operators	3,452	3,583	3.8
Federal locations	986	1,005	1.9
Non-Federal locations	2,466	2,578	4.5
Net proceeds to operators	$20,611,157	$22,768,349	10.5
Federal locations	6,206,206	6,610,786	6.5
Non-Federal locations	14,404,951	16,157,563	12.2
Operators' annual average earnings	$6,516	$6,996	7.4

APPENDIX II

ACCUMULATIVE BLIND-VENDOR PROGRAM STATISTICS (1953–72)

Fiscal year	Average net earnings of operators	Number of operators	Number of vending stands	Gross sales (millions)
1953	$2,209	1,581	1,543	$20.6
1954	2,193	1,659	1,599	22.0
1955	2,345	1,721	1,664	23.5
1956	2,532	1,804	1,727	25.8
1957	2,654	1,924	1,830	28.9
1958	2,833	1,998	1,901	31.7
1959	3,354	2,111	1,982	34.8
1960	3,688	2,216	2,078	38.2
1961	3,900	2,332	2,174	42.0
1962	4,140	2,425	2,257	45.7
1963	$4,392	2,542	2,365	$49.5
1964	4,452	2,641	2,442	53.9
1965	4,716	2,806	2,574	59.4
1966	4,932	2,915	2,661	65.3
1967	5,244	3,117	2,807	71.5
1968	5,580	3,259	2,918	79.0
1969	5,868	3,341	3,002	86.4
1970	6,300	3,352	3,061	93.9
1971	6,516	3,452	3,142	101.3
1972	6,996	3,583	3,229	109.8

APPENDIX III

BLIND-VENDOR STANDS ON FEDERAL PROPERTY BY AGENCY GRANTING PERMIT FOR FISCAL YEAR 1972

Federal agency	Stands at beginning of year	New stands established during year	Stands closed during year	Stands at end of year
Agriculture, Department of	10	0	0	10
Air Force, Department of the	9	0	0	9
Army, Department of the	15	2	0	17
Atomic Energy Commission	15	1	1	15
Commerce, Department of	2	0	0	2
Defense, Department of	3	1	0	4
General Services Administration	456	15	15	456
Health, Education, and Welfare, Department of	44	2	2	44
Interior, Department of the	8	1	0	9
Navy, Department of the	14	2	0	16
Tennessee Valley Authority	9	0	1	8
Treasury, Department of the	7	2	0	9
U.S. Postal Service	237	7	16	228
Other	52	10	11	51
Total	881	43	46	878

APPENDIX IV

SCHEDULE OF STATE STAFFING DATA

State	State licensing agency	Nominee agency	Number of State licensing agency staff concerned with blind-vendor program: Professional	Clerical	Total number of nominee agency staff
California	State Department of Rehabilitation-business enterprise program		21	10	
District of Columbia	D.C. Vocational Rehabilitation Administration	District Enterprise for the Blind	3	1	14
Illinois	State Division of Vocational Rehabilitation	Visually Handicapped Managers of Illinois	4	2	16
Maryland	State Division of Vocational Rehabilitation	Maryland Workshop for the Blind	(1)	(1)	9
Massachusetts	Massachusetts Commission for the Blind		5	1	

State	State licensing agency	Nominee agency	Number of State licensing agency staff concerned with blind-vendor program		Total number of nominee agency staff
			Professional	Clerical	
Missouri	Bureau for the Blind-Business Enterprises and Facilities for the Blind.		5	2	
Texas	State Commission for the Blind		12	1	
Total			50	17	39

[1] The State Division of Vocational Rehabilitation does not have any full-time employees for administering the vending stand program. However, the Division's Director of Services for the Blind, as one of his functions, coordinates the management and operation of all phases of the program.

APPENDIX V

SCHEDULE OF PROGRAM FUNDING FOR FISCAL YEAR 1972

State licensing or nominee agency	Total funding	Source of funding						
		Set-aside funds	State vocational rehabilitation funds	Federal funds	Unassigned vending machine income[1]	State funds for salaries	State general revenue funds	Micellaneous[2]
California	$1,164,946	$526,806		$524,241				$113,899
District of Columbia	411,085	352,381			$9,592	$49,112		
Illinois	671,034	134,592		462,862			$73,580	
Maryland	332,043	232,088	$51,000		8,955		40,000	
Massachusetts	(3)	None				62,494		
Missouri	235,502	67,779	18,654	74,615		74,454		
Texas	395,926	124,664		271,262				

[1] Unassigned vending income is vending machine profits that have not been assigned to a specific operator or manager. Profits are sent to the licensing agency in the form of a donation and placed into a reserve account or into the set-aside account and are used to operate and administer the program.

[2] This category may include such items as repayments from loans to operators and adjustments.

[3] Massachusetts' financial records are not maintained so that all of the funds available for administering the vending stand program can be identified.

APPENDIX VI

FINANCIAL RESULTS OF NONAPPROPRIATED FUND ORGANIZATIONS' VENDING OPERATIONS AT 6 MILITARY INSTALLATIONS AND AT THE PENTAGON[1]

[In dollars]

	Vending machines								Vending stands								
	Norfolk	Charleston	Belvoir	Pendleton	Riley	Lackland	Pentagon	Total	Norfolk	Charleston	Belvoir	Pendleton	Riley	Lackland	Pentagon	Total	Grand total
Gross receipts:																	
Sales[2]	92,606	273,268	352,438	1,882,881		907,535	384,080	3,892,808	442,194		485,130	1,387,995		1,887,224	1,290,913	5,483,456	9,386,264
Commissions	158,135	6,608	94,451		214,753	368,871	48,377	891,195						8,837		8,837	900,032
Total receipts	250,741	279,876	446,889	1,882,881	214,753	1,276,406	432,457	4,784,003	442,194		485,130	1,387,995		1,896,061	1,290,913	5,502,293	10,286,296
Operating costs:																	
Cost of goods sold	54,369	221,749	272,620	[2] 710,418		648,566	192,040	2,099,762	304,323		233,946	[2] 898,747		870,064	413,092	2,720,172	4,819,934
Direct expenses	24,715	53,613	66,080	[2] 491,759	[2] 21,475	138,209	43,246	839,097	133,183		203,145	[2] 378,371		744,546	684,184	2,143,429	2,982,526
Other expenses (income)	(192)							(192)	1,930							1,930	1,738
Total expenses	78,892	275,362	338,700	1,202,177	21,475	786,775	235,286	2,938,667	439,436		437,091	1,277,118		1,614,610	1,097,276	4,865,531	7,804,198
Net receipts	171,849	4,514	108,189	680,704	193,278	489,631	197,171	1,845,336	2,758		48,039	110,877		281,451	193,637	636,762	2,482,098

[1] The financial information is for the most recent fiscal year for which records were available and in some cases is based on estimates.

[2] These figures do not include sales of commercial vending concerns which totaled over $3,200,000 from these sales; commissions of $900,000 were paid to nonappropriated fund organizations.

APPENDIX VII

RESULTS OF EMPLOYEE ASSOCIATION VENDING OPERATIONS AT SELECTED POSTAL FACILITIES FOR THE MOST CURRENT YEAR REPORTED[1]

	Vending machines				Vending stand Central region[3]	Grand total
	New York region	Central region	Western region	Total		
Gross receipts	$430,294	$1,376,477	$593,292	$2,400,063	$416,970	$2,817,033
Total expenses	150,741	444,784	195,762	791,287	368,824	1,160,111
Net receipts from vending operations	279,553	931,693	397,530	1,608,776	48,146	1,656,922
Other income (expenses)[2]	80,152	−186,051	73,143	−32,756		−32,756
Net receipts	359,705	745,642	470,673	1,576,020	48,146	1,624,166
Distribution of net receipts:						
Employee benefits	390,882	675,819	525,272	1,591,973		1,591,973
Retained earnings	−74,977	32,368	−60,145	−102,754	48,146	−54,608
Contributions to blind (net)	43,800	37,455	5,546	86,801		86,801
Total	359,705	745,642	470,673	1,576,020	48,146	1,624,166

[1] This schedule is based on data furnished to GAO without audit and in some cases includes estimates.

[3] This stand was operated by the Chicago Post Office Cafeteria Committee which is separate from the employee welfare association. The Cafeteria Committee lost money during fiscal year 1972.

[2] Included net receipts of $12,400 from 2 employee-operated vending stands on which we did not obtain further financiali nformation.

APPENDIX VIII

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT BUILDINGS SELECTED FOR REVIEW

			Vending operations			
			Controlled by the blind		Controlled by others	
Location	Number of employees	Square footage	Vending stands	Vending machines	Vending stands	Vending machines
General Services Administration:						
Owned buildings:						
Washington, D.C.:						
State Department headquarters	6,809	1,614,565	2	28	3	61
Internal Revenue Service headquarters	4,000	779,715	2		1	23
HEW complex in Southwest, D.C.:						
Bldg. No. 6	2,227	401,000	1	11	1	12
Bldg. No. 8	1,125	344,615			1	7
North Bldg	3,743	624,564	3	21	1	
South Bldg	1,574	318,465	2	9		
Veterans' Administration headquarters	2,666	332,360	1	3	1	5
Lafayette Bldg	1,251	460,970			1	5
Department of Agriculture:						
North Bldg	1,040	192,780		13	1	1
South Bldg	7,100	1,267,325	1	6	5	25
Liberty Loan Bldg	600	98,630	1	10		
Other cities:						
Kansas City, Mo., 601 E st	4,756	795,432	1	72		
San Francisco, Federal Building, 450 Golden Gate Avenue	4,700	940,030	2	16		
Chicago, Everett McKinley Dirksen	3,488	773,860	2	34		6
Boston, J. F. K. Building	3,860	618,889	5	4		
Total	48,939	9,563,200	23	227	15	145
Leased buildings:						
HEW and Food and Drug Administration, Boston	105	29,849				5
210 North 12th St., St. Louis	2,205	348,920	1	26		
Internal Revenue Service Center, Fresno, Calif	2,700	422,837	1	4		79
300 South Wacker, Chicago	1,895	290,030	1			14
Total	6,905	1,091,636	3	30		98
National Institutes of Health: Owned buildings: Bethesda, Md.:						
Building:						
10	3,470	1,128,651	1			41
13	632	222,221	2			10
31	2,409	485,850	1			37
36	462	173,942				2
37	758	207,995				11
33	464	227,944	1			3
Total	8,195	2,446,603	5			104
District of Columbia Government:						
Owned buildings:						
District building	1,025	184,710	1		1	3
Municipal Center	2,478	446,054	1	9	1	6
451 Pennsylvania Ave., NW	181	97,868		1	1	9
499 Pennsylvania Ave., NW	494	89,006	1	2		1
District of Columbia General Hospital	2,200	1,000,000	1	10		13
Total	6,378	1,817,638	4	22	3	37
Leased buildings:						
415 12th St., NW	1,204	216,701		(1)		
601 Indiana Ave., NW	495	89,000		(1)		1
613 G—614 H Sts., NW	1,933	314,000		(1)		
1207 Taylor St., NW	129	14,500		(1)		2
1321 to 1331 H St., NW	977	175,924		(1)		6
500 1st St., NW	553	117,225		(1)		[1] 3
122 C St., NW	400	101,771		(1)		[1] 3
801 North Capitol St., NE	425	68,000		(1)		
Total	6,116	1,097,121				15

[1] Financial data for those vending machines was not readily available. The proceeds accrue to a private concessionaire.

By Mr. ABOUREZK (for himself, Mr. McGOVERN, and Mr. HATHAWAY):

S. 2583. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ABOUREZK. Mr. President, I am introducing today for myself and for Senators McGOVERN and HATHAWAY, the Rural Housing Act of 1973. Last July Senator McGOVERN and I, along with 23 other Senators introduced S. 2190 which when enacted will provide a new mechanism and a new approach to housing our low-income rural citizens. There was apparently at that time some misunderstanding as to our purpose. I want to make clear now that S. 2190 is in no way intended to conflict with the housing programs operated by the Farmers Home Administration. It is to supplement them. I have great respect for FmHA and it is because of their efforts that this country has any rural housing program at all. Nonetheless, FmHA is bound by the legislation we write and that legislation needs some modification if it is to continue to be this Nation's principal vehicle for providing rural housing.

The bill I introduce today is S. 2190 plus a second title containing a series of amendments to title V of the Housing Act of 1949. Title V is administered by the Farmers Home Administration in the Department of Agriculture, and is the only current legislation which even begins to meet the housing needs of rural America. And I say "begins" advisedly, for the legislation has been but a start toward providing housing for very low income families. These amendments expand that legislation so that it may more effectively serve rural families. I ask unanimous consent that a section by section analysis of the bill be inserted in the RECORD following my remarks.

Many, indeed most, of the amendments in this bill were adopted by either the Senate or the House in last year's ill-fated omnibus housing bill, and I shall not take the time to speak of those. There are however two provisions which are new, and important:

First. Section 520 is amended to permit FmHA programs to operate in communities of up to 25,000. I believe this expansion of jurisdiction is essential if low-income residents of communities between 10,000 and 25,000 are to have even a possibility of housing. HUD and the Federal Housing Administration simply do not operate in these small cities and towns. And Farmers Home is limited to communities of under 10,000. Families who fall into this "gap" in housing legislation are left without any possibility of assistance.

Second. The other change—in section 521—is to provide, for very low-income families, a deeper subsidy than is currently available. It would permit on home ownership loans deferring repayment of principal and interest on up to half the amount of a loan until the first half is repaid. There is nothing new in this concept—it has been used in Europe for years—but it has not been utilized in this country. It is not a grant. The borrower will repay every cent borrowed plus interest of at least 1 percent, depending upon income.

Mr. President, there are nearly 3 million families in rural areas and towns of under 25,000 who are in need of decent housing. Over a million and a half of those families have incomes of less than $4,000 a year, and a very high proportion of that group is made up of our senior citizens. This bill addresses itself to those families.

Mr. President, I ask unanimous consent that a title by title analysis of the bill, and the bill itself, be printed in the RECORD at this point.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

A SECTION-BY-SECTION ANALYSIS OF THE EMERGENCY RURAL HOUSING ACT OF 1973

TITLE I

Section 101—Short title

Emergency Rural Housing Act of 1973.

Section 102—Findings

Congress finds that an emergency situation exists in rural areas with regard to housing for low-income individuals.

Section 103—Definitions

Section 104—Establishment and duties

Provides for the establishment of an independent federal agency called the Emergency Rural Housing Administration. Defines the ERHA's duties as providing minimal housing facilities to eligible persons in rural areas and small communities and to do so within five years to the extent possible. An eligible person as defined in Section 3 is an individual or family which lives or desires to live in a rural area or community and cannot with reasonable certainty obtain minimum housing facilities by any means other than from assistance under this Act within two years of the date of application for assistance. Provides for an Administrator of the ERHA by adding a new clause (58) to 5 U.S.C. 5314 to be appointed by the President by and with the advice and consent of the Senate. Provides that the Administrator's duties may not be transferred to any other department, agency, or instrumentality of the United States.

Section 105—Powers

Provides for the powers of the Administrator of the ERHA.

Section 106—Home ownership

Authorizes the Administrator to make loans to eligible persons for the acquisition of land and the construction of minimal housing facilities or for the acquisition or rehabilitation of existing facilities. Provdes that at least fifty percent of such loan shall be amortized over a period not exceeding forty years and at an interest rate of not less than one percent per year. The remaining balance of such a loan shall be evidenced by a note secured by a second mortgage which becomes payable and interest bearing when and to the extent that the borrower's ability to repay exceeds that required to retire the first note at the maximum rate of interest or upon the sale or other disposition of the property. Provides that the interest rate, the amount of deferred principal and the other terms and conditions of such loans will be set by the Administrator taking into account the adjusted income of the eligible person involved and precludes requiring a borrower to pay more than twenty percent of his adjusted annual income on principal, interest, taxes and insurance except when the borrower chooses to in order to qualify for the ownership program.

Authorizes grants of up to $3,500 to homeowners unable to repay a loan for the purpose of rehabilitating housing

Section 107—Housing developments

Authorizes the Administrator to acquire land and develop housing projects which are to be sold or rented under the Act

Section 108—Rental facilities

Authorizes the Administrator to finance all or part of the acquisition, construction, rehabilitation, operation and maintenance of minimal housing facilities to be rented by eligible persons, water and sewerage facilities for such housing, and related community facilities for such housing. Provides that the rental payments of the occupants and the amount of rent assistance provided shall bear a reasonable relationship to the income of the eligible persons taking into account other budget needs and in no case should any rent payment (including the reasonable cost of heat, water and light) exceed twenty-five percent of the person's adjusted income. Provides that, when feasible, lease agreements should include an option to purchase at terms consistent with Section 6.

Financing for the acquisition, construction and rehabilitation of rental and related facilities shall be in the form of a non-interest bearing loan amortized over a forty-year period and repayable in annual installments to the extent that income attributable to the project exceeds operating and maintenance costs.

Authorizes the Administrator to enter into annual contribution contracts with the owners of rental and related facilities for the purposes of paying for any amounts by which the costs of operating and maintaining such facilities exceed income attributable to it. Such contracts may not exceed $1 billion per annum in the aggregate.

Section 109—Local agency agreements

Provides for the administration to enter into contracts with State-Chartered Rural Housing organizations. Such contracts shall authorize the Rural Housing organizations to determine eligibility of persons seeking assistance under the Act and make and service loans, grants, and contracts under Sections 6, 7, and 8 of the Act. The Rural Housing organization will be required to serve all eligible areas and persons within its designated jurisdiction. The Administrator is prohibited from advancing funds to any Rural Housing organization within a state for the purpose of making loans under the Act until all eligible areas within that state are within the jurisdiction of Rural Housing organizations. If after one year of the passage of the Act, a state has failed to charter organizations or the Administrator finds that any organization in incapable of carrying out or unwilling to carry out the purposes of this Act, then the Administrator shall establish in that state or area a comparable organization. Rural Housing organizations shall be governed by a board of directors, at least one-half of whom shall be persons eligible for or receiving assistance under the Act. Such boards of directors shall be elected by persons eligible for or receiving assistance under the Act. Interim boards of directors may be established for a period not to exceed one year from the date of incorporation for organizational purposes.

Section 110—Limitations and conditions

Provides that the Administrator shall not require the relocation of any eligible person in order to engage in or to facilitate the economic development of any area. Provides that construction or rehabilitation undertaken must be designed to require minimum maintenance for at least fifty years except when the Administrator finds that less permanent housing is in accordance with the Act; and be in accordance with plans developed with the active participation of the eligible persons involved.

Section 111—Priorities

Establishes the priorities that insofar as is practicable, persons with the lowest adjusted incomes shall be served first, and to the maximum extent feasible, ownership rather than rental occupancy will be provided.

Section 112—Annual report

Provides that the Administrator shall prepare and transmit to the Congress and the President an annual report of the operation and activities of the Agency.

Section 113—Borrowing authority

Establishes a Rural Housing Investment Fund.

Provides that for purposes of this Act the Administrator is authorized to issue notes or other obligations to the Secretary of the Treasury in such sums as may be necessary in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary and bear interest at a rate determined by the Secretary taking into consideration the current average interest rate on outstanding marketable obligations of the United States during the month preceding the issuance of the notes or other obligations. Authorizes the Secretary and directs him to purchase such notes and for that purpose to use as a public debt transaction the proceeds for the sale of any securities issued under the Second Liberty Bond Act and extends the purposes for which securities may be issued under that Act to include any purchase of such notes and obligations under this Act. Authorizes the Secretary to sell at any time any of the notes or other obligations acquired by him under this subsection and provides that all redemptions, purchases and sales by the Secretary of such notes or other obligations shall be treated as a public debt transaction of the United States.

All amounts so borrowed and all other receipts, collections and proceeds shall be deposited in the Rural Housing Investment Fund. The Administrator is authorized to utilize the fund to make loans for homeownership under Section 6, to acquire land and engage in the development of housing projects under Section 7, to make loans for the acquisition, construction, and rehabilitation of rental facilities under Section 8, and to protect the assets of the Fund.

Section 114—Appropriations

Authorizes an annual appropriation to reimburse the Rural Housing Investment Fund in an amount by which nonprincipal payments made from the Fund exceed interest received from borrowers each year.

Authorizes an appropriation in such amounts as may be necessary to administer the Act including the cost of administration incurred by Rural Housing organizations.

Authorizes an appropriation not to exceed $1 billion for rehabilitation grants to homeowners unable to repay a loan. Such amounts appropriated are to remain available until expended.

Authorizes an appropriation in such amounts as may be necessary to meet obligations for annual contribution contracts entered into by the Administration under Section 8 of the Act.

Authorizes an appropriation not to exceed $500 million, for the purpose of retiring notes and other obligations issued by the Administrator under Section 13 of the Act.

TITLE II

Section 201

501(a)(1). Expands the authority of the Secretary of Agriculture to enable him to extend benefits under Title V to Guam.

Section 202

501(a)(4)(b), (c) and (d). Would allow the Secretary to refinance indebtedness for eligible applicants when failure to refinance would likely result in the applicant's loss of his necessary dwelling or essential farm buildings; or if a loan for improvement, alteration or repairs is made, failure to refinance the prior debt would cause a hardship for the applicant.

Section 203

501(b)(2). Extends the authority of the Secretary to make loans to owners of leaseholds to all programs under this title.

Section 204

501(e). A new subsection would require the Secretary to establish a system of escrow accounts to enable borrowers to better budget for the payments of taxes, insurance, and other expenses. The subsection also provides that the Secretary shall notify a borrower in writing when his loan payments are overdue.

Section 205

501(a). Authorizes the leasing of Section 502 units to a housing authority to prevent the borrower from losing his home; or to provide eligibility where the borrower has insufficient income.

Section 206

504(a). Expands the amount of a loan and grant or combination of the two for rehabilitation under this section to maximum amount of $5,000. It limits the term of the loan (with the exception of deferred principal payments under Section 521) to 20 years. It provides that loans of less than $2,500 need not be secured and should be evidenced by a promissory note.

Section 207

506(d) and (e). Expands the Secretary's authority to carry out a program of research, study, and analysis of farm housing to include all rural housing.

Section 208

507. Expands the authority of the Secretary to grant a "veteran's preference" to applicants under this title to include veterans of the armed services during the Vietnam era.

Section 209

508(b). Restricts the use of county committees, which primarily consist of farmers, to determine the eligibility and amount of loans of applicants for farm ownership loans or other loans dealing with farming operations.

Section 210

513(a), (b), (c) and (d). Increases from $50,000,000 to $100,000,000 the authorization for direct loans and grants under Section 504 and extends the authorizing period from October 1, 1973, to October 1, 1975. Increases from $50,000,000 to $200,000,000 the authorization for grants under Section 516 and extends the authorizing period from October 1, 1973 to October 1, 1975.

Increases from $250,000 per year to $5,000,000 per year for research and study programs under Section 506 and extends the authorizing period from October 1, 1973, to October 1, 1975.

Section 211

515(b)(1), and (d)(4). Eliminates the $750,000 maximum loan and includes provision for financing of initial operating expenses of up to 2% of development costs.

Section 212

520. Would expand the jurisdiction for Title V programs to include all areas outside a Standard Metropolitan Statistical Area and any open country or places of less than 25,000 persons within a Standard Metropolitan Statistical Area. The term open country is clarified.

Section 213

517(n). Provides a new authority for lowering interest rates where state housing finance agencies purchase notes at reduced interest.

Section 214

521(a), (b), and (c). Would broaden and deepen the subsidy mechanism authority of the Secretary for Section 502 and 504 loans, insured under this Section, by allowing up to 50 percent of the loan for 502 and 504 to be noninterest bearing and non-amortizable for certain period of years. This deferred principal would become interest bearing and amoritizable for periods of 33 years for Section 502, 20 years for Section 504, upon full payment of the nondeferred portion of the loan. The deferred portion would also become due and payable in the event that the mortgaged property or any interest in the property is transferred or ceases to be occupied by the borrower or default occurs. Provides supplemental assistance payments for loans made under Sections 514 and 515 in order to bring rentals within 25% of income. Allows for supplemental payment assistance on up to 100% of Farm Labor Housing units financed under Section 514. Would provide that the Rural Housing Insurance fund shall be reimbursed by annual appropriations by the amount that payments made out of the fund exceed receipts paid into the fund.

Section 215

523(b)(1) (b), (f) and (h). Provides that the Secretary may provide loans from the Self-Help Housing Land Development fund which are noninterest bearing to recipients of grants under this section who are providing technical assistance for Mutual-Help Housing. These loans shall be repaid upon the expiration of the grant for technical assistance and are to be used as contingency land revolving accounts to enable the grantees to acquire and/or option land, and do preliminary development work such as engineering, surveying and otherwise preparing documents for development loans, or in cases of small developments to do all development work with such funds. Requires the Secretary to establish rules and regulations governing the processing and review of grant applications.

Section 216

524(a). Changes the purposes for which rural sites loans can be used to include sale of developed lots to applicants eligible for assistance under any Section of the Housing Act of 1949, as amended, or any other law which provides housing assistance. Limits interest rate to 5% per annum.

Section 217 (A new section)

525(a). Would authorize the Secretary to make grants to or contract with nonprofit corporations, agencies, institutions, organizations, and other associations to pay for the costs of providing programs of technical and supervisory assistance which would aid needy low-income families in benefiting from any federal, state or local housing program in rural areas.

525(b). Would authorize the Secretary to make seed loans to nonprofit organizations for the purpose of covering necessary expenses prior to construction which would be recoverable from permanent financing on the project. He is authorized to set the terms and conditions of such loans and may cancel any part or all of a loan which cannot be recovered from the proceeds of any permanent financing.

525(c). Would authorize $10,000,000 for any one year under subsection (a) and $20,000,000 under subsection (b) and that any amounts appropriated shall remain available until expended and any amounts authorized but not appropriated in any year may be appropriated in any succeeding year.

525(d). Would establish the Low Income Sponsor Fund for any funds appropriated for use under subsection (b) and provide that any funds therein shall be available without fiscal year limitation and that sums received from repayment of loans from the fund shall be deposited in such fund.

Section 218 (A new section)

526 (a), (b), (c) and (d). Authorizes the Secretary to make loans for condominium housing including family purchase of existing units and the construction or rehabilitation of multifamily condominium projects in rural areas.

Section 219 (A new section)

527 (a) and (b). Would authorize the Secretary to insure titles to land using funds from the Rural Housing Insurance fund which, because of remote outstanding claims or encumbrances on title, the owner thereof is unable to acquire insurance from private title insurance companies.

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 101. This title may be cited as the "Emergency Rural Housing Act of 1973".

FINDINGS

SEC. 102. The Congress finds that—

(1) after more than three decades of Federal activity in the housing field and more than two decades after the enactment of the Housing Act of 1949 which pledged this Nation to a decent home and suitable living environment for every American family, there are millions of substandard, crowded, and otherwise deficient dwelling units which lack running water and sanitation facilities essential to health and decency;

(2) more than half of these units are in nonmetropolitan areas;

(3) none of the existing housing agencies, public or private, function adequately in meeting the housing needs of the poorest people in small towns and rural areas;

(4) the administrative funds and grant and lending authorities of Farmers Home Administration are inadequate to the task, and its authorized capacity to subsidize dwellings falls far short of that required to provide for the poor;

(5) public housing exists in little more than token quantities in small towns and rural areas; and public housing legislation presently does not permit a subsidy adequate to meet the needs of the poorest of the poor;

(6) despite the moving rhetoric of the last two decades, the authority and funds to satisfy the housing needs of low-income families are not available;

(7) existing agencies operating under existing authorities could not meet the needs of millions of the rural poor even if all restraints on administrative funds were lifted, nor would they meet those needs if there were no ceiling placed on grant and loan funds; and

(8) the ill health and human degradation that flow from this continuing neglect and denial of responsibility call for emergency action.

DEFINITIONS

SEC. 103. For the purpose of this Act—

(1) "Administration" means the Emergency Rural Housing Administration established under Section 104 of this Act;

(2) "Administrator" means the Administrator of the Administration;

(3) "adjusted income" means the total income of an individual or family reduced by—

(A) 5 per centum of that income;

(B) $300 for that individual or for each member of that family; and

(C) $1,000 for that individual if he is physically disabled or mentally retarded or for each member of that family who is physically disabled or mentally retarded;

(4) "area responsibility agreement" means an agreement between the Administrator and a rural housing organization or other organization to provide minimal housing facilities for all eligible persons in an area;

(5) "eligible person" means an individual or family which;

(A) lives or desires to live in a rural area or small community, and

(B) cannot with reasonable certainty obtain minimum housing facilities by any means other than assistance under this Act within two years after the date of application for assistance under this Act;

(6) the term "minimal housing facilities" means a safe, weather-proof dwelling which has running potable water, modern sanitation facilities including a kitchen sink, toilet, and shower or tub, and which meets such other requirements as may be established by the Administrator with respect to square footage and other facilities or standards;

(7) "rural area" means any open country or any other such place in the United States; and

(8) "small community" means any place, town, village, or city which has a population not in excess of twenty-five thousand people; and

(9) "rural housing organization" means any public or private-nonprofit organization or instrumentality which meets such criteria as the Administrator shall by regulation establish, and includes any such agency which exists under any federal, state, or local law for purposes not inconsistent with this Act, and any such organization established hereafter for any such purpose.

ESTABLISHMENT AND DUTIES

SEC. 104. (a) There is established as an independent agency the Emergency Rural Housing Administration. The management of the Administration shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) It shall be the duty of the Administration to provide minimal housing facilities for all eligible persons in rural areas and small communities and to do so to the extent possible within a five-year period. The duties and powers of the Administration shall not be transferred to any other department, agency, or instrumentality of the United States.

(c) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(60) Administrator, Emergency Rural Housing Administration."

POWERS

SEC. 105. The Administration shall have the power—

(1) to sue and be sued, and complain and defend, in its name and through its own counsel;

(2) to adopt, amend, and repeal such rules and regulations as may be necessary;

(3) to lease, purchase, or acquire by condemnation or otherwise, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(4) to accept gifts or donations of services, or property, real, personal, mixed, tangible or intangible, in aid of any of the purposes of the Administration;

(5) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(6) to appoint such officers and employees as may be required without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(7) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs.

HOMEOWNERSHIP

SEC. 106. (a) The Administration is authorized to make loans to eligible persons to finance the acquisition of land and the construction thereon of minimal housing facilities, or to finance the acquisition or rehabilitation of existing facilities in accordance with minimum housing facilities standards.

(b) At least 50 per centum of the principal amount of any loan made under this subsection shall be amortized over a period of not more than forty years, shall bear interest at a rate of not less than 1 per centum per year, and shall be secured by a first mortgage. The remainder of such principal amount may be evidenced by a note secured by a second mortgage which becomes payable and interest bearing only when and to the extent that the borrower's ability to repay exceeds that required to retire the first note at the maximum interest rate or upon the sale or other disposition of the property financed by the loan. The Administration shall determine the percentage rate, the amount of the principal deferment, and the other terms and conditions of any such loan, taking into account the adjusted income of the eligible person involved.

(c) The Administration may not require an eligible person who is a borrower to pay more than 20 per centum of his adjusted annual income on principal, interest, taxes, and insurance but a borrower, in order to qualify for ownership may voluntarily agree to pay more.

(d) The Administration is authorized to make rehabilitation grants not in excess of $3,500 to owners who occupy substandard housing and whose income is too low to repay a loan on terms and conditions described in this section.

HOUSING DEVELOPMENTS

SEC. 107. The Administrator is authorized to acquire land and engage in the development of housing projects to be sold under section 6 or rented under section 8 of this Act.

RENTAL FACILITIES

SEC. 108. (a) The Administrator is authorized to provide financing to rural housing organizations which meet the requirements of section 109, for all or any part of the acquisition, construction, rehabilitation, operation, and maintenance of (1) minimal housing facilities in rural areas and small communities to be rented by eligible persons, (2) water and sewer facilities for such housing facilities, and (3) related community facilities for such housing facilities.

(b) Financing for the acquisition, construction, and rehabilitation of rental units and related facilities shall be in the form of a non-interest-bearing loan and shall be repayable (1) in annual installments by the borrower during a forty-year period from the making thereof, only to the extent that the income of the borrower attributable to the rental units and related facilities exceeds reasonable and necessary costs (such as taxes, utilities, maintenance, and other management and operating costs approved by the Administration), or (2) in the event that the rental units and related facilities are sold under section 106 or otherwise disposed of.

(c) The Administrator is authorized to enter into contracts for annual assistance payments with a borrower under this section. Such contracts shall provide for payments to borrowers in amounts which do not exceed the difference between the total costs attributable to the rental project (taxes, utilities, maintenance, and other such management and operating costs) and total revenues accruing to the rental project. The aggregate amount of such contracts shall not exceed $1,000,000,000 per annum.

(d) Rental payments required from, and the amount of assistance attributable to, any eligible person shall bear a reasonable relationship to the income of the eligible person, taking into account reasonable needs for food, clothing, medical care, education, and other necessities as determined by the Administration. In no case shall any such payment, including the reasonable cost of heat, water, and light, exceed 25 per centum of the adjusted income of the eligible person.

(e) Any lease or other occupancy agreement for facilities under this section shall include whenever feasible an option to buy in accordance with the provisions of section 106 of this Act.

LOCAL AGENCY AGREEMENTS

SEC. 109. (a) (1) To carry out the purposes of this Act, the Administrator shall enter into area responsibility agreements with State designated and chartered rural housing organizations. Such agreements shall require that designated organizations serve an area of sufficient size and housing need to insure efficient production and reasonable economy in management. The service area of such an organization shall have geographic unity.

(2) Such organizations shall, pursuant to contracts with the Administrator, and in accordance with criteria established by him, determine the eligibility of persons seeking assistance under this Act; make and service loans and grants under section 106 of this Act; acquire land and develop housing projects under section 107 of this Act; own and operate, or make and service loans to and enter into contracts with public or private nonprofit organizations to own and operate, rental housing and related facilities under section 108 of this Act.

(3) Contracts entered into by the Administrator with any rural housing organization shall include, but not be limited by the following: the rural housing organization shall—

(A) serve all eligible areas and eligible persons within its designated jurisdiction;

(B) publish and utilize a standardized procedure for the lodging of tenant and borrower grievances and for tenant and borrower appeal of organization decisions;

(C) establish tenant advisory councils and recognize tenant organizations; and

(D) regularly schedule public hearings on organization plans and policy.

(4) The Administrator shall not advance funds for purposes of making loans under this Act to any rural housing organization in any State unless he determines that all areas in the State eligible for assistance under this Act will be within the jurisdiction of such an organization and that all such organizations will enter into area responsibility agreements.

(b) (1) Rural housing organizations shall be chartered for the purpose of contracting with the Administrator in order to carry out the purposes of this Act. Each organization shall be empowered:

(A) to lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated; to accept gifts or donations of services, or property, real, personal, mixed, tangible, or intangible, in aid of any of the purposes for which the organization is established;

(B) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(C) to sue and be sued, and complain and defend in its name through its own counsel;

(D) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs.

(2) Such an organization shall be controlled by a board of directors, of which a majority of the directors shall be persons receiving or eligible for assistance under this Act. Such majority shall be chosen annually in democratically conducted elections with any person residing within the jurisdiction of the organization who is receiving assistance or is eligible for assistance under this Act being eligible to vote in such election. The board shall fairly represent the geographic area of the jurisdiction of the organization.

(3) Interim boards of directors may be established for organizational purposes but

such boards must be replaced in a manner established in paragraph (2) within one year of the execution of the contract with the Administrator.

(c) When a State has failed to establish organizations described in this section within one year after the enactment of this Act, or the Administrator finds that any organization which is established is incapable of carrying out or unwilling to carry out this Act, then the Administrator shall establish in that State or area, a comparable organization to carry out this Act.

(d) The Administrator shall have access to the books or records, and any other papers of any organization which enters into an area responsibility agreement in order to insure that such organization is at all times operating in compliance with the provisions of this Act.

LIMITATIONS AND CONDITIONS

Sec. 110. (a) The Administrator may not require, as a condition of assistance under this Act, the relocation of any eligible person in order to engage in or to facilitate the economic development of an area.

(b) Any construction or rehabilitation undertaken with funds authorized under this Act shall—

(1) be designed to require minimum maintenance over a useful life of not less than fifty years: Provided, That this limitation shall not apply to new or rehabilitated housing if the Administrator finds that less permanent housing is in accordance with the basic purposes of this Act;

(2) be in accordance with plans developed with the active participation of the eligible persons involved.

PRIORITIES

Sec. 111. (a) The Administrator shall, insofar as is practicable, furnish assistance under this Act to eligible persons with the lowest adjusted incomes first.

(b) To the maximum extent feasible, the Administrator shall provide for homeownership rather than rental occupancy.

Sec. 112. The Administrator shall, within sixty days after the end of each fiscal year, prepare and transmit to the Congress and the President an annual report of the operation and activities of the Administration. Such report shall contain, but not be limited to, the long range and annual goals, progress toward the attainment of those goals by area, and any problems which are being encountered in fulfilling the purposes of this Act.

BORROWING AUTHORITY

Sec. 113. (a) There is hereby established the Rural Housing Investment Fund (hereinafter referred to as the "fund") which shall be used by the Administrator for carrying out the provisions of this Act. The Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such sums as may be necessary to carry out the purposes of this Act, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average interest rate on outstanding marketable obligations of the United States during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. All amounts borrowed under this section by the Administrator and all receipts, collections, and proceeds received by the Administrator under this Act shall be deposited in the fund.

(b) The Administrator shall utilize the fund—

(1) to make loans for homeownership under section 106 of this Act;

(2) to acquire land and engage in the development of housing projects under section 107 of this Act;

(3) to finance the acquisition, construction, and rehabilitation of rental housing and related facilities under section 108(b) of this Act; and

(4) to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the security for loans and grants made under this section and to acquire such security property at foreclosure sale or otherwise.

APPROPRIATIONS

Sec. 114. (a) There shall be credited to the Rural Housing Investment Fund, by annual appropriations, the amounts by which nonprincipal payments made from the fund to the Secretary during each fiscal year exceed interest received from borrowers each year.

(b) There are authorized to be appropriated such sums as may be necessary to administer the provisions of this Act including the cost of administration incurred by rural housing organizations.

(c) There are authorized to be appropriated to the fund such sums, not to exceed $1,000,000,000, as may be necessary for grants under section 106 (d) of this Act, such sums to remain available until expended.

(d) There are authorized to be appropriated such sums as are necessary to meet obligations for annual assistance payments contracts entered into by the Administration under section 108(c).

(e) There is authorized to be appropriated not to exceed $500,000,000 in each fiscal year, reduced by any amounts paid into the Rural Housing Investment Fund in each such year, for repayment of principal on loans made by the Administrator under this Act, to be applied to the retirement of notes or other obligations issued by the Administrator under section 113(a) of this Act.

TITLE II

Extension of rural housing program to Guam

Sec. 201. Section 501(a) (1) of the Housing Act of 1949 is amended by striking out "and the Virgin Islands" and inserting in lieu thereof, "the Virgin Islands, and Guam,".

Refinancing of indebtedness for certain eligible applicants

Sec. 202. Section 501(a) (4) of the Housing Act of 1949 is amended—

(1) by adding after the comma at the end of clause (B) the following: "or, if combined with a loan for improvement, rehabilitation, or repairs and not refinanced, is likely to cause a hardship for the applicant."

(2) by striking out clauses (C) and (D).

Loans to leasehold owners under all rural housing programs

Sec. 203. Section 501(b) (2) of the Housing Act of 1949 is amended by striking out "sections 502 and 504" and inserting in lieu thereof, "this title".

Escrow accounts for periodic payments of taxes, insurance, and other expenses

Sec. 204. (a) Section 501 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall establish procedures whereby borrowers under this title may make periodic payments for the purposes of taxes, insurance, and such other necessary expenses as the Secretary may deem appropriate. Such payments shall be held in escrow by the Secretary and paid out by him at the appropriate time or times for the purposes for which such payments were made. The Secretary shall notify a borrower in writing when his loan payments are delinquent."

(b) The second sentence of section 502 (a) of such Act is amended by inserting before the period at the end thereof the following: "and upon the borrower prepaying to the Secretary as escrow agent, on terms and conditions prescribed by him, such taxes, insurance, and other expenses as the Secretary may require in accordance with section 501(e)".

(c) Section 517 of such Act is amended—

(1) by striking out "as it becomes due" in the first sentence of subsection (d);

(2) by striking out "prepayment", and "prepayments" each place it appears, in subsection (j)(1) and inserting in lieu thereof "payment" and "payments", respectively; and

(3) by inserting before the semicolon at the end of subsection (j)(1) the following: "or until the next agreed annual or semiannual remittance date".

Sec. 205. Section 501(a) of the Housing Act of 1949 is amended by adding at the end thereof the following: "The Secretary may provide for the leasing of units financed under this section pursuant to section 23 of the Housing Act of 1937 when he determines that by so doing it would prevent a borrower from losing his home; or it would provide eligibility for a borrower under this section who otherwise has insufficient income.

Rehabilitation loans and grants

Sec. 206. Section 504(a) of the Housing Act of 1949 is amended to read as follows:

"(a) In the event the Secretary determines that an eligible applicant cannot qualify for a loan under the provisions of section 502 and 503 and that repairs or improvements should be made to a rural dwelling occupied by him, in order to make such dwelling safe and sanitary and remove hazards to the health of the occupant, his family, or the community, and that repairs should be made to farm buildings in order to remove hazards and make such buildings safe the Secretary may make a grant or a combined loan and grant to the applicant to cover the cost of improvements or additions, such as repairing roofs, providing toilet facilities, providing a convenient and sanitary water supply, supplying screens, repairing or providing structural supports, or making similar repairs, additions, or improvements, including all preliminary and installation costs in obtaining central water and sewer service. No assistance shall be extended to any one individual under this subsection in the form of a loan, grant, or combined loan and grant in excess of $5,000.00. Any portion of the sums advanced to the borrower treated as a loan shall be secured and be repayable within 20 years in accordance with the principles and conditions set forth in this title, except that a loan for less than $2,500 need be evidenced only by a promissory note. Sums made available by grant may be made subject to the conditions set forth in this title for the protection of the Government with respect to contributions made on loans made by the Secretary."

Research and study programs

Sec. 207. (a) Section 506 (d) of the Housing Act of 1949 is amended to read as follows:

"(d) The Secretary may carry out the research and study programs authorized by subsections (b) and (c) through grants made by him on such terms, conditions, and standards as he may prescribe to land-grant colleges established pursuant to the Act of

July 2, 1862 (7 U.S.C. 301–308), or (upon a finding by the Secretary that the research and study involved cannot feasibly be performed through the personnel and facilities of the Department of Agriculture or by land-grant colleges) to such other private or public organizations as he may select."

(b) Section 506(e) of such Act is amended by striking out "farm housing" each place it appears and inserting in lieu thereof "rural housing".

Veterans preference

Sec. 208. Section 507 of the Housing Act of 1949 is amended—

(1) by inserting after "concurrent resolution of Congress" each place it appears the following: "or during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101(29) of title 38, United States Code), "; and

(2) by inserting "or era" before the period at the end of the third sentence.

Utilization of county committees

Sec. 209. Section 508(b) of the Housing Act of 1949 is amended to read as follows:

"(b) The committees utilized or appointed pursuant to this section may examine applications of persons desiring to obtain the benefits of section 501(a) (1) or (2) as they relate to the successful operation of a farm, and may submit recommendations to the Secretary with respect to each applicant as to whether the applicant is eligible to receive such benefits, whether by reason of his character, ability, and experience he is likely successfully to carry out undertakings required of him under a loan under such section, and whether the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of the loan requested will carry out the purposes of this title. The committees may also certify to the Secretary with respect to each such applicant as to the amount of the loan."

ASSISTANCE AUTHORIZATION

Sec. 210. Clauses (b), (c), and (d) of section 513 of the Housing Act of 1949 are amended to read as follows:

(b) "not to exceed $100,000,000 for loans and grants pursuant to section 504 during the period beginning July 1, 1965, and ending October 1, 1975; (c) not to exceed $200,000,000 for financial assistance pursuant to section 516 for the period ending October 1, 1975; (d) not to exceed $5,000,000 per year for research and study programs pursuant to subsections (b), (c), and (d) of section 506 during the period beginning July 1, 1961 and ending October 1, 1975;"

Direct and insured loans to provide housing and related facilities for elderly persons and families in rural areas

Sec. 211. (a) Sec. 515 (b) (1) is amended by striking "$750,000 or" where it appears, and striking the word "least" and substituting therefor the word "less".

(b) Sec. 515 (d) (4) is amended to read as follows:

"(4) the term "development cost means the costs of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities and purchasing and improving the necessary land, including necessary and appropriate fees and charges, including initial operating expenses up to 2% of the aforementioned costs, approved by the Secretary. Such fees and charges may include payments of qualified consulting organizations or foundations which operate on a nonprofit basis and which render services or assistance to nonprofit corporations or consumer cooperatives who provide housing and related facilities".

DEFINITION OF RURAL AREA

Sec. 212. Section 520 of the Housing Act of 1949 is amended to read as follows:

"DEFINITION OF RURAL AREA"

"Sec. 520. As used in this title, the terms "rural" and "rural area" mean any place which is not contained within a standard metropolitan statistical area, or any open country, or any place, town, village, or city which is within a standard metropolitan statistical area and has a population of less than 25,000 persons. "Open country" shall refer to the physical characteristics of an area and not be limited by fixed political boundaries."

Sec. 213. Sec. 517 of the Housing Act of 1949 is amended by adding a new paragraph (n) which reads as follows:

"(n) Notwithstanding any other provision in this Title, the Secretary may, by prior agreement with any State Housing Finance Agency, insure and service loans under this Title to borrowers in that state at reduced interest rates; *Provided* that the notes evidencing such loans are purchased by the State Housing Finance Agency, and *further provided*, that the maximum interest rate for such loans shall be the maximum rate established by the Secretary under section 521 of this Title, less the difference between the rate the Secretary shall pay the State Housing Finance Agency for the purchase of the notes and the rate the Secretary pays on comparable notes to private investors; and *further provided*, that the Secretary may further reduce the effective interest rates paid by eligible borrowers pursuant to section 521 of this Title.

SUBSIDY AND ASSISTANCE PAYMENTS FOR LOW- AND MOREERATE-INCOME BORROWERS

Sec. 214. (a). Section 521(a) of the Housing Act of 1949 is amended by redesignating such section 521(a)(1) and adding at the end thereof new subsections 521(a) (2) and (3), which read as follows:

"(2) When necessary in order to enable a person of low income to provide adequate housing and related facilities for himself and his family, the Secretary may make or insure a loan under section 502, 504, 517, and paragraph (1) of this subsection on terms which, with respect to a portion of the loan not to exceed 50 percent, shall—

"(A) bear interest after but not before it becomes due under clause (B) or is reamortized under clause (C) of this paragraph;

"(B) become due upon expiration or the amortization period or upon full payment of the balance of the loan or in the event that without the Secretary's written consent or approval, the mortgaged property or any interest therein is transferred or ceases to be occupied by the borrower or default occurs with respect to any obligation under the loan or mortgage, whichever occurs earliest; and

"(C) on becoming due, may be amortized for payment of principal and interest in installments over a period not exceeding 33 years in the case of a section 502 loan and 20 years in the case of a section 504 loan, from the date of the amortization agreement, if the Secretary determines that the borrower cannot obtain a refinancing loan from other sources upon terms and conditions which he could reasonably be expected to fulfill and that the amortization is reasonably necessary to carry out the purpose of the loan or to protect the Government against probable loss.

"(3) The Secretary may make and insure loans under this section and sections 514, 515, and 517 to provide rental or cooperative housing and related facilities for persons and families of low income, and may make, and contract to make, assistance payments to the owner of such rental housing in order to make available to low income occupants at rates commensurate to income and not exceeding 25 per centum of income. The Secretary shall limit such assistance payments to multifamily housing projects. Such supplemental assistance payments shall be made on a unit basis and shall not be made for more than 60 per centum of the units in any one project, except when the project is financed by a loan under section 514 and a grant under section 516 such assistance may be up to 100 per centum of units.

"(A) the owner shall be required to provide at least annually a budget of operating expenses and record of tenants income which shall be used to determine the amount of assistance for each project.

"(B) the project owner shall accumulate, safeguard and periodically pay to the Secretary any rental charges collected in excess of basic rental charges. These funds may be credited to the appropriation and used by the Secretary for making such assistance payments through the end of the next fiscal year."

(b) Subsection (c) of such Act is amended to read as follows:

"(c) There shall be reimbursed to the Rural Housing Insurance Fund by annual appropriations (1) the amounts by which payments made from the fund during each fiscal year to the holders of insured loans described in subsection (a) and (2) the amounts of assistance payments made under paragraph (3) of subsection (a) during such year. The Secretary occasionally may issue notes to the Secretary of the Treasury under section 517(h) to obtain amounts equal to such unreimbursed payments pending the annual reimbursement by appropriation"

(c) Section 517(j) of such Act is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause.

"(4) to make assistance payments authorized by section 521(a) (2)."

MUTUAL AND SELF-HELP HOUSING

Sec. 215. (a) Section 523(b)(1) of the Housing Act of 1949 is amended by inserting immediately before "; and" at the end thereof the following: "*Provided*, That the Secretary may advance funds under this paragraph to organizations receiving assistance under clause (A) to enable them to establish contingency land revolving accounts and any such advances shall be non-interest-bearing and shall be repaid to the Secretary at the expiration of the period for which the grant to the organization involved was made"

(b) Section 523(f) of such Act is amended—

(1) by striking out "1973" each place it appears and inserting in lieu thereof "1975"; and

(2) by striking out "$5,000,000" and inserting in lieu thereof "$20,000,000".

(c) Section 523 of such Act is amended by adding the following subsection 523(h):

"(h) The Secretary shall cause to be issued rules and regulations for the orderly processing and review of applications under this section and rules and regulations protecting the rights of grantees under this section in the event he determines to end grant assistance prior to the termination date of any grant agreement."

Sec. 216. Section 514(a) of the Housing Act of 1949 is amended to read as follows:

"Sec. 524. (a) The Secretary may make loans, on such terms and conditions and in such amounts he deems necessary, to public or private nonprofit organizations, public agencies and cooperatives eligible for assistance under any section of this Act or any other law which provides for housing financial assistance. Such a loan shall bear interest at a rate not to exceed 5 per centum per annum and shall be repaid within a period of not to exceed two years from the making of the loan or within such additional period as may be authorized by the Secretary in any case as being necessary to carry out the purposes of this section."

TECHNICAL AND SUPERVISORY ASSISTANCE FOR LOW-INCOME FAMILIES IN RURAL AREAS

SEC. 217. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"PROGRAMS OF TECHNICAL AND SUPERVISORY ASSISTANCE FOR LOW-INCOME FAMILIES

"SEC. 525. (a) The Secretary may make grants to or contract with public or private nonprofit corporations, agencies, institutions, organizations, and other associations approved by him, to pay part or all the costs of developing, conducting, administering, or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and their families in benefiting from Federal, State, and local housing programs in rural areas.

"(b) The Secretary is authorized to make loans to nonprofit organizations for the necessary expenses, prior to construction, of planning, and obtaining financing for, the rehabilitation or construction of housing, the acquisition of land, and land banking for low-income families under any Federal, State, or local housing program which is or could be used in rural areas. Such loans shall be made without interest and shall be for the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing prior to the availability of financing, including but not limited to preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, and construction loan fees and discounts. The Secretary shall require repayment of loans made under this subsection, under such terms and conditions as he may require, upon completion of the housing or sooner, and may cancel any part or all of such a loan if he determines that it cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing.

"(c) There are authorized to be appropriated for each fiscal year not to exceed $10,000,000 for the purposes of subsection (a) and not to exceed $20,000,000 for the purposes of subsection (b). Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but not appropriated may be appropriated for any succeeding fiscal year.

"(d) All funds appropriated for the purposes of subsection (b) shall be deposited in a fund which shall be known as the Low Income Sponsor Fund, and which shall be available without fiscal year limitation and be administered by the Secretary as a revolving fund for carrying out the purposes of that subsection. Sums received in repayment of loans made under subsection (b) shall be deposited in such fund."

DIRECT AND INSURED LOANS TO PROVIDE CONDOMINIUM HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES IN RURAL AREAS

SEC. 218. Title V of the Housing Act of 1949 is amended by adding at the end thereof (after the new section added by section 217 of this Act) the following new section:

DIRECT AND INSURED LOANS TO PROVIDE CONDOMINIUM HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES IN RURAL AREAS

"SEC. 526. (a) The Secretary is authorized, in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 502) as he may prescribe, to make loans to persons and families of low or moderate income, and to insure and make commitments to insure loans made to persons and families of low or moderate income, to assist them in purchasing dwelling units in condominiums located in rural areas.

"(b) Any loan made or insured under subsection (a) shall cover a one-family dwelling unit in a condominium, and shall be subject to such provisions as the Secretary determines to be necessary for the maintenance of the common areas and facilities of the condominium project and to such additional requirements as the Secretary deems appropriate for the protection of the consumer.

"(c) In addition to individual loans made or insured under subsection (a) the Secretary is authorized, in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 515) as he may prescribe, to make or insure blanket loan shall certify to the Secretary, as a condition of obtaining such loan or insurance under this subsection, that upon completion of the multifamily project the ownership of the project will be committed to a plan of family unit ownership under which (1) each family unit will be eligible for a loan or insurance under subsection (a), and (2) the individual dwelling units in the project will be sold only on a condominium basis and only to purchasers eligible for a loan or insurance under subsection (a). The principal obligation of any blanket loan made or insured under this subsection shall in no case exceed the sum of the individual amounts of the loans which could be made or insured with respect to the individual dwelling units in the project under subsection (a).

"(d) As used in this section, the term "condominium" means a multiunit housing project which is subject to a plan of family unit ownership acceptable to the Secretary under which each dwelling unit is individually owned and each such owner holds an undivided interest in the common areas and facilities which serve the project."

(b) Section 517(b) of such Act is amended by striking out "and 524" and inserting in lieu thereof "524, and 526".

(c)(1) Section 521(a) of such Act is amended—

(A) by striking out "and loans under section 515" and inserting in lieu thereof "loans under section 515";

(B) by inserting after "elderly families," the following: "and loans under section 525 to provide condominium housing for persons and families of low or moderate income,".

(2) Section 521(b) of such Act is amended—

(A) by striking out "or 517(a)(1)" and inserting in lieu thereof ", 517(a)(1), or 526(a)"; and

(B) by inserting "or 526(c)" after "under section 515".

(3) The new section 521(a)(2) of such Act (added by section 214(a) of this Act) is amended by adding the figure "526" after the figure "517" where it appears and where it appears in subparagraph (c).

SEC. 219. Title V of the Housing Act of 1949 is amended by adding at the end thereof (after the new sections added by sections 217 and 218 of this Act) the following new section:

"TITLE INSURANCE

"SEC. 527. (a) The Secretary may insure titles to land which are otherwise uninsurable by private insurance companies because of remote outstanding claims or encumbrances to enable eligible persons holding such land to benefit from this title.

"(b) The Secretary may use funds from the Rural Housing Insurance Fund for purposes of this section and any funds so expended shall be reimbursed by annual appropriations."

ADDITIONAL COSPONSORS OF A BILL

S. 2422

At the request of Mr. MATHIAS, the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of the bill (S. 2422) to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

ADDITIONAL STATEMENTS

WINTER FUEL SITUATION

Mr. PERCY. Mr. President, while those of us in Washington have barely noticed the departure of summer, many people in the Rocky Mountains, in the Upper Midwest, and in New England have already seen the snow fly and felt the blustery chill of winter. But winter will be chillier still if there is no fuel to heat our homes or dry our crops.

Government reports indicate that if any but the most ideal conditions prevail, heating oil will be in short supply nationwide this winter. They indicate further that heating oil is likely to be in shortest supply where it is needed most—in the coldest areas of the country. In addition, propane, the fuel used most widely for crop-drying and for home heating in rural areas, is in critically short supply at present.

On October 2, the President announced a mandatory allocation program for propane, to become effective immediately, and a similar program for middle distillates—including home heating oil—to become effective in about 2 weeks. Under the propane program, the most vital needs—residential use and agricultural production—are receiving first priority. The distillate program will undoubtedly have some similar provision for filling vital needs first.

I applaud these efforts, though they may have been too long delayed to begin requiring these essential fuels to be distributed equitably on the basis of need. I hope that the administration will proceed immediately to publish regulations for the allocation of distillates, and to fully implement and enforce both programs.

But even as I applaud these minimum efforts to cope with a rapidly deteriorating situation, I cannot but wonder what took us so long. Why did it take so long to realize that the voluntary program instituted last May simply was not working properly, and that the danger to our people and economy from a heating oil shortage would be far greater than the danger from a gasoline shortage.

Even now, I have difficulty understanding why we have limited the allocation program to the bare minimum—to only those fuels that are in shortest supply. The distortions we have seen recently in the supply and distribution of food should be warning enough that unequal Government regulation of fuels will lead quickly to distortions in the delivery of products to the public.

The administration has the authority right now to implement a mandatory allocation program equally applicable to all fuels. Twice this year, on June 5 and again on August 2, the Senate has passed bills expressing its will in favor of such a program. All summer and into the fall the House has delayed enactment of these bills, and the executive branch has delayed implementation of a complete program.

Now winter is upon us and a catch-up effort is underway to quickly implement half a program when a full-scale program should have been started last June.

Fuels that are already in short supply may become even more scarce as a result of the current Middle East crisis. This threat only points up more vividly how a lack of planning and foresight has unnecessarily worsened a situation that was predictable early this year.

It is absolutely true, as the administration has so often stated, that no allocation program can increase the supply of fuel. But that is no reason not to have an allocation program. In a shortage, we must share our scarce resources—and we must share them equitably.

I am in full accord with the priority system the administration has established for propane, which places residential, agricultural, and medical uses and essential government services near the top of the list. The heating oil program can be designed equitably, as well.

However, even the fairest priority system breaks down when someone fails to comply with it. Week after week farmers, homeowners, businessmen, and independent marketers and distributors have reported to me that they have been victimized by lack of compliance with the voluntary allocation program. It is imperative that the administration make adequate provision for enforcement of the new mandatory programs.

In Illinois, we have established an agricultural hotline that enables farmers to call directly for help when they are running out of fuel or are faced with some other immediate problem. I believe a similar hotline should be available nationwide and I have suggested this to administration witnesses at hearings we have held here in the Senate.

What is needed to insure compliance with the fuel allocation program is a national hotline to the Office of Oil and Gas, using a widely publicized toll-free number, to enable homeowners, farmers, businessmen, marketers, and suppliers to call for help whenever they should be receiving priority supplies and are not getting them.

At the Washington end of the hotline should be not a computer or a recorded announcement, but experts who have quick access to information about the regional fuel supply system, and who have the authority to require those supplies to be delivered to fill priority needs and meet hardship cases.

I realize that it is unpleasant to contemplate additional Government involvement in any economic sector. But there are times when the basic needs of our people are not being fulfilled, when human health and even survival are threatened. Those are the times when Government must help. The people deserve no less than for their Government to respond promptly and effectively when they are in need.

Fuel to heat our homes is a basic need for survival. Fuel to provide food for our tables is also a basic need. It is the duty of Government to insure that those needs are met. It is also up to all fuel users to eliminate all unnecessary and wasteful use of scarce fuels. In many respects "we are the enemy."

A STATEMENT OF CONVICTION

Mr. HARRY F. BYRD, JR. Mr. President, on September 30, 1973, a "Statement of Conviction" of the Committee for Mending the Liberty Bell was published in the Richmond Times-Dispatch. The committee has set out upon an ambitious project to draw attention to its concern for the direction of government, public and private morals, and with making a significant contribution to the Bicentennial commemoration by a series of statements.

The first statement was authorized by Bernard Chamberlain, Francis Duke, and Virginia Moore.

Their concern is eloquently expressed in the "Statement of Conviction" and is reiterated in the comments in the attached article.

I ask unanimous consent that the article from the Richmond Times-Dispatch and the "Statement of Conviction" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) Times-Dispatch, Sept. 30, 1973]

COMMITTEE FOR MENDING LIBERTY BELL HOPES TO SPUR NATION'S CONSCIENCE

(By Steve Barr)

CHARLOTTESVILLE.—Formed in an effort "to regenerate an appreciation of the essence of the bicentennial," the Committee for Mending the Liberty Bell hopes to spur Virginia's and the nation's conscience.

In a series of statements to be released through the nation's 1976 birthday celebration, the committee plans to draw attention to what its members believe is a spiritual crisis in America.

The statements of conviction were inspired by the "President's call to the people to appropriately celebrate that which occurred 200 years ago," committee chairman Norman Dodd said last week. It is "a ridiculous anomaly," he added, "to celebrate something we don't believe in."

Composed primarily of Charlottesville-area residents, the committee, concerned about the future of America, believes that the goals of the Founding Fathers have been subverted and that the nation faces a moral crisis that distorts America's economic, political and social life.

In ten to 12 papers to be issued at intervals reflecting historical happenings, the committee intends to follow the progression, thoughts and events leading to the American Revolution. In the process, the papers will explain how the nation drifted from the standards visualized by the decision-makers of the Washington, Jefferson and Madison eras.

The committee's first statement, timed to recall the colonies' Committees of Correspondence, identifies "materialism, which has people functioning out of their lower selves," as the "fatal disease" that "destroys any genuine freedom."

That conclusion, completed after about a year's work, represents the discussion and thoughts of the committee members. The first statement was written by Bernard P. Chamberlain, a Phi Beta Kappa graduate of the University of Virginia and a lawyer; Francis Duke, community leader and former U. Va. professor, and Virginia Moore, author of 12 books, including "Virginia Is a State of Mind" and "Scottsville on the James," and a director of the Virginia Center for the Creative Arts.

Contributing to the statement were Dodd, a consulting economist and research director of the 1943–54 Dodd Report to the Reece Committee on Foundations, a special investigation for the House of Representatives; Lee Davis Lauren, a former subversive intelligence analyst for the deputy inspector general for security, Strategic Air Command and currently of Bethesda, Md.; Evelina Magruder, civic leader and the first woman to receive a bachelor of science degree in architecture at U. Va., and William E. Yost, Jr., a civilian employe of the U.S. Army in technical intelligence and a former consultant to Motorola, Inc.

Five of the members, interviewed last week as representatives of the committee, declined to specify exactly what aims of the Founding Fathers have been subverted or explain the causes of the crisis America faces. They did say, however, that as statements of conviction are issued, the specifics and explanations will become apparent.

But the committee members, speaking as individuals, did specify what they believed to be dangers affecting society today.

"If you believe the conception of the Founding Fathers was correct, then any deviation constitutes a danger to the nation," Miss Moore said.

The nation, she said, "was founded in freedom. Today we talk about it, but we do not understand it—we do not understand its implications. It involves understanding of what free will is; what a human being is."

Citing works by Samuel Butler and George Orwell, novelists who wrote about the human condition, Duke said he saw a present danger in "the disillusionment of society through a lack of moral fiber."

In another capsule comment, Miss Magruder said, "I am concerned that government will overpower the individual as a tyrant will overpower his people."

Since the decades following the signing of the Constitution, Chamberlain said, "We have descended in our moral outlook to what seems to be an amoral society. We are now an amoral state in which principles are discredited. We have the tyranny of big government based on amoral principles."

For Dodd, monetary debt, incentive taxation and government by administrative agencies are dangers to the nation. "The government can accuse the individual of irregularities," he said, "and the burden of proof rests on the individual."

Like the Federalist Papers, written in 1787–88 and first published in newspapers, the recent statements are hoped by the committee to arouse individuals to concentrate on the nation's problems.

Duke said he had been inspired for the undertaking because of the committee's location in Central Virginia, where a state of culture existed in the "highest sense" during the Colonial period.

"There was a feeling in Virginia, but not exclusively, that society had a positive ideal to aim for," Duke explained.

"Virginians, in fear of being chauvinists," Miss Moore said, "sometimes hesitate to speak out."

With James Madison and Thomas Jefferson a part of the area's "cultural debt," Dodd said he believed that "whatever problems are of the present day, their solutions could justifiably come from this area," already selected as one of the state's three bicentennial celebration centers.

"History has turned on the thoughts of one or two people," Chamberlain said. "The Liberty Bell crack needs to be mended."

STATEMENT OF CONVICTION

(The first statement of the Committee for Mending the Liberty Bell recalls the Committees of Correspondence, formed to provide colonial leadership and aid intercolonial cooperation, established 200 years ago this fall. In 1772, a 21-man committee had been appointed to communicate among the towns of Massachusettes. On March 12, 1773, at the urging of Richard Henry Lee and Thomas Jefferson's brother-in-law, Dabney Carr, the Virginia House of Burgesses appointed 11 men, including Patrick Henry and Jefferson, as a committee for intercolonial communication. By September 1773, a network of colonial states had joined Virginia's effort. The Committee for Mending the Liberty Bell has scheduled its next statement for this winter. It will recall the Boston Tea Party of Dec. 16, 1773.)

Fellow Americans: We of the Committee for Mending the Liberty Bell—a small group pondering great issues—have agreed on seven propositions, which we offer here on the edge of the Bicentennial, in a spirit of truth and hope, to others who are or may become as profoundly concerned as we are about the future of our country.

We are convinced:

(1) That the high pure aims of the Founding Fathers have been subverted;

(2) That the United States has reached a crisis, basically moral, which severely damages all three parts of the body social (that essential threeness), our economic, our political and our cultural life;

(3) That the fundamental cause of this crisis of values is a misconception as to the nature of man, his inner constitution and potential, and more particularly the nature of free will, which sets man apart from the animals, and without which there would be no praise and no blame;

(4) That the primal freedom from which all others derive is the spiritual freedom which belongs to man by reason of his higher self, and is inseparable from responsibility (if the Founding Fathers did not spell out this truth in the Declaration of Independence or Constitution doubtless it was because it seemed self-evident; certainly Washington, Jefferson, Madison and their fellow patriots lived it);

(5) That materialism, which has people functioning out of their lower selves, destroys any genuine freedom; in anchoring to the perishable, a man—whether or not he knows it—is coerced at every point.

(6) That the potentially fatal disease of materialism can be cured; more, that individuals and society can move toward realizing their highest possible development, the great goal, by a conscious revision of values and therefore objectives, and the will to follow through in action;

(7) That the nation must undertake this tremendous task now or succumb to the disease mentioned—die spiritually—before ever reaching maturity; must undertake it for herself and the whole of mankind.

Obviously these stark propositions demand close examination; also an analysis, in the light of 200 years of national experience, of the Declaration of Independence.

The burning question: Why has a nation founded by persons of excellent moral caliber, with noble workable ideals, fallen so far short? Crisis is opportunity. It is time for a rebirth of understanding, and rededication.

In a series of papers, perhaps a dozen, issued at intervals of three or four months, we hope to address ourselves clearly and strongly to major problems.

In the process we will be watching the march of events leading up to the Declaration of Independence, that turning point, for these past events have something to say to the present.

Exactly 200 years ago this September, Committees of Correspondence, formed the previous March to enable the Colonies to consult together by letter, were in full swing. In the midst of a long trade-and-tax struggle and bitter Colonial protests against taxation without representation in Parliament and other injustices—basically of course it was a protest against diminishment as human beings—this correspondece was the first drawing together: forerunner, in a sense, of the Continental Congress, which in turn was forerunner of the federated republic set up, under God, by the Constitution of 1787.

Let us draw together now, in a different way and for a different, though related, purpose.

Today the loud-crying need is to combat, not the tyranny of a government 3,000 miles away, but the even more hateful tyranny of materialism, of the lower man; to fight, not dangers brewed by George III, but—what irony—monstrous ones of our own devising.

Ring out again, great bronze Philadelphian bell!

Signed in the shadow of Monticello and Montpelier,

BERNARD CHAMBERLAIN,
FRANCIS DUKE,
VIRGINIA MOORE,
For the Committee for Mending the Liberty Bell.

Other members:

NORMAN DODD, *Chairman.*
LEE LAUREN.
EVELINA MAGRUDER.
WILLIAM E. YOST.

WISCONSIN MOTHER OF 17 CHILDREN ALSO HAS FULL-TIME OUTSIDE JOB

Mr. PROXMIRE. Mr. President, recently the United Press reported the story of a 44-year-old Wisconsin mother who has 17 children—11 sons and 6 daughters—and who has found the time to work full time—40 hours a week and more as a Tupperware manager.

This mother—Mrs. Francis Benzing—is the wife of a Wisconsin farmer who owns and operates a 320-acre dairy farm in a beautiful section of western Wisconsin.

In this time when there has been so much criticism of the increasing moral and physical deterioration of the American people, the good news about the great majority of hardworking, taxpaying conscientious Americans who are doing a fine job raising happy, wholesome children who understand what a hard day's work is and the importance of character—that story is too rarely told.

The Benzings dramatize one of the many things that are good about this country. Far from complaining about her "hard lot" Mrs. Benzing seems to be having a ball.

She has succeeded in planning and organizing her family life, so that there is time for play as well as work. They find life on a farm ideal for a large family.

Mr. President, the Benzing family and their story reminds us that despite all the turmoil, corruption, pollution, inflation, and general downgrading of this society of ours, many of our people are still moving ahead, living the good, hard-working, happy life, and we should never ignore that.

I ask unanimous consent that the story from the New York Times entitled "A Mom of 17 Finds Time To Work, Too," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MOM OF 17 FINDS TIME TO WORK, TOO—WISCONSIN FARMER'S WIFE HAS FULL-TIME JOB

SPARTA, WIS.—At 44 years of age, Mrs. Annetta Benzing says she is like any other wife and mother who works to supplement the family home.

What she neglects to mention is that unlike most working mothers, she has 17 children.

With 11 boys, enough to field a football team, plus a half dozen girls ranging from ages 7 to 23, Mrs. Benzing would seem to have little time for another job.

But Mrs. Benzing laughs off any notion she has a harder time managing her home and job than other mothers.

"The average days are busy here," she said, "but of course the children do a lot for me so it's not difficult."

The Benzings, Annetta and Francis, 54, own a 320-acre dairy farm in western Wisconsin, and Mrs. Benzing works as a Tupperware manager.

"I work a full week—40 hours—sometimes more," she said. "I'm involved in a unit of dealers and I put on a full schedule of parties each week, usually four to five. But the type of work I'm doing lets me pretty much set my own schedule."

FREEDOM IS A MUST

That freedom is a must for her, Mrs. Benzing said, and it has worked out to her satisfaction and the family's benefit. The former beautician has held several jobs during her marriage, but none has paid off as well as the position with the direct sales outfit.

"I've been able to get so many things I've always wanted—like new carpets for the entire home," she said. There have also been new appliances, such as a dishwasher, three desks, a new car and a washer and dryer won in a company contest.

"We've just got to build another bathroom," Mrs. Benzing said.

The key to the smooth operation of the family is planning. All the children have chores to do—the boys outside on the farm with their father and the girls in the home or garden.

Mrs. Benzing feels farm life is ideal for a family so large.

"If you're going to have so many children, the farm is perfect," she said. "They have room to move around and play. It's exciting for them because there are so many things they can learn. It also keeps them busy during the summer."

The farm also helps keep the family food bill down.

RAISING THEIR OWN HELPS

Mrs. Benzing noticed food price increases. She does shopping only once a month, but having their own dairy products and beef is an advantage.

"I also can things from the garden," she said. "Usually I use double or triple what the average family uses. We buy in the caseloads and just use bigger kettles.

"The only advice I can give other housewives on budgeting food money is to buy in quantities and watch the price. You also have to consider that you want to give the family what they like."

Only 11 children live at home now. Some of the boys are working or in the service and one daughter has graduated from college. Although Mrs. Benzing says it's sometimes sad there aren't as many table settings as there used to be, she brightens when she notes how much they love to return home.

The lesson the Benzings have tried to instill in their children is selflessness.

"Our family has to share—school clothes, toys, things like giving each other help with schoolwork," she said.

The family tries to spend as much time together as possible, even though it sometimes means having to vacation in shifts and leave some of the children at home.

DEATH OF JOHN CAVANAUGH, SR., OF NEVADA

Mr. CANNON. Mr. President, one of Nevada's outstanding citizens, John Cavanaugh, Sr., died tragically in an automobile accident near Reno on October 5, 1973.

Mr. Cavanaugh started his business career in Tonopah, Nev., one of the West's great old mining camps, and from there he expanded his interests to many sections of the State. He was active in real estate and construction. Several buildings in Reno attest to his accomplishment as a builder. It was my privilege and pleasure to be a close personal friend of John Cavanaugh and his family for the last quarter of a century. I join thousands of Nevadans in mourning the passing of this great citizen, admired and respected by all who knew him. The sympathy of Mrs. Cannon and myself go out to his fine family.

Mr. President, I ask unanimous consent to have the following editorial on Mr. Cavanaugh from the Nevada State Journal of Reno, printed in today's Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

John Cavanaugh, a Great Nevadan

Different reactions are felt in different places to the death of Reno builder John Cavanaugh Sr. in an auto accident on Mt. Rose Friday evening.

There is always considerable duality in human personality and this was true of Cavanaugh. To the community at large he was a rather aloof builder and a sort of mystery because his enterprises were so consistently successful. Although he was active in several organizations, was a state leader in Democratic party politics and had been a deputy Nevada State Exalted Ruler of the Elks, his personality was reserved. For a man so prominent he was rather withdrawn from the press and he was quiet in conversation with people he did not know well.

To his close associates and family he was quite different. Grief at his death was most evident Saturday and Sunday among employes and old friends throughout the state.

His contact with old friends and associates in the cow counties sometimes provided shocks to his closer associates because of the generous support he gave to them individually and to their projects. This involved large amounts of money about which John kept modestly or discreetly silent.

There was also a contrast between John Cavanaugh's public and private personalities as to his interests. To the public he was an investor and builder, a paragon of efficiency totally involved in his enterprises—an image generated by his phenomenal business success. Actually his great interests were in children, in his ranches and in the ranch animals.

He got immense pleasure from his grandchildren and spent his vacations taking them on trips. His best friend was the Indian who ran his ranching interests; and the days spent with animals on his ranches were especially happy times.

In earlier days in Tonopah, before his own children were grown and when they had to drive 60 miles to swim in a pool, he was a guiding force and spent a lot of personal work hours in getting a concrete swimming pool built for the Tonopah children.

Among the native Nevadans directly involved in Reno's spectacular growth over the past two decades, John Cavanaugh must have been the most successful builder and developer—or very nearly so.

Best known for construction of the Arlington Towers and Arlington Plaza Motor Hotel, he also built the Renada Crest subdivision and was a major stockholder in the Cal-Neva Club in Reno and the Cal-Neva Lodge at Lake Tahoe.

The son of a miner in Tonopah, he started with no financial resources. His first job was dismantling an old mill while he was in high school. He worked in the mines as a mucker, got a job in a service station, presently acquired an oil distributorship and grew from there. Family responsibilities kept him from attending college and he remained a little sensitive about this all his life.

It was a little difficult for an interviewer to extract from Cavanaugh any idea as to the reasons for his great success. They really appeared to be a mystery to him. He spoke of appraising the factors in a business situation, of trying to visualize the future, of employing unusually capable people, and of producing high quality workmanship and finished product.

His associates note some other qualities—a great capacity for detail and for exceptional work effort and an unusual knack for relating to people despite his quiet manner. His genuine faith as a devout Irish Catholic undoubtedly supported these personal qualities.

He seemed to illustrate much of the best in Old Nevada—almost to represent the carrying forward in one personality of the traits that built the strength of this state a generation or two ago.

This is well illustrated by the fact that until his untimely death at 64 he still liked to make a deal on a handshake, believing a "man's word is his bond."

There isn't anyone else left like that, and perhaps that was our greatest loss when John Cavanaugh's car left the Mt. Rose Highway Friday night.

TRADE DEFICITS AND OTHER MATTERS

Mr. CRANSTON. Mr. President, I ask unanimous consent that a dialog I have had recently on trade deficits be printed in the Record.

There being no objection, the dialog was ordered to be printed in the Record, as follows:

Q. Trade deficits. Devaluation of the dollar. Gold speculation. I'm not sure I know what it all means, but aren't those things all wrapped up with inflation too?

A. Yes, they are. Our enormous overseas spending on military and foreign aid, the trade deficits and multinational investments have put an estimated $60 to $80 billion American dollars roaming around Europe, the Middle East and the Far East—a truly staggering amount of money over which we have absolutely no control. It doesn't take an economist to tell you that is having profound effect on the cost of milk, bread, gasoline and building materials in California and elsewhere.

Q. What about homes? I've heard a lot of talk about the cost of food, but have you seen what a new house costs these days?

A. Yes, I have. It's appalling. The average price of a new single-family house went from $27,000 in May 1972 to $32,000 this spring. It is about $34,000 right now. Mortgage loans are way out of line—when you can get them at all. The interest rate is now about 9 percent. A year ago it was 7.5. That means an added $50 per month on the average monthly mortgage payment. There needs to be firm, decisive action from the top if we are ever to return to our hopes for home ownership for all Americans. In the last few weeks, Congress and the President have both taken steps to make more money available on the mortgage market. Congress expedited extension of the FHA loan authority until October 1974. The Senate Housing Subcommittee on which I sit is working right now on a new omnibus housing bill that should greatly improve home ownership opportunities for low and moderate income families.

Q. The machine shop where my husband works in Gardena, has closed down. The pension fund he paid into for 15 years stopped when the job stopped. Isn't there supposed to be something to prevent this?

A. Congress is working on it. It's a terrible situation when a retiring or laid off worker finds that his pension plan doesn't give him the economic security he has a right to expect. The bill I co-sponsored to remedy this provides a federal back-up where a company pension plan—like your husband's—is terminated. You get back what you paid in. What's more the company is required to match benefits so you get the full coverage you deserve. Benefits would also be transferable to your new job when you find one. Pension reform passed the Senate and is now before the House.

Q. A few years ago I remember seeing huge stacks of grain rotting under tarpaulins in the Sacramento Valley. Now they talk about food shortages. What happened?

A. Weather reverses, too much exporting of surpluses, a railroad boxcar shortage and poorly conceived federal programs—among other things. Last year 60 million acres were kept non-productive by the federal government.

Q. Is anything being done to increase food production so we can get food prices back where they belong?

A. Yes. The biggest advance was passage of the Omnibus Farm Bill by Congress recently. It increased subsidies and did away with "set aside" provision that caused farmers to keep acreage out of production. Most idle farm land has now been released for production.

Q. Will you vote for a pay raise for Congress?

A. Absolutely not. It would be wrong for Senators and Representatives to vote pay raises for themselves while the American worker is being asked to hold the line against inflation.

Q. My wife and I get $274 a month Social Security. We read where Congress passed a 5 percent increase. When are we going to get it? We can't wait forever!

A. The 5.9 percent increase adopted this summer does not go into effect until *next* July. I think that's ridiculous in view of the way prices have kept on rising. I joined Senators Church and Ribicoff in introducing a substitute 7 percent increase effective January 1, 1974. The Senate Finance Committee added our 7 percent proposal to a bill before that committee. Senate action on that bill will probably come in the next two weeks. Unless the President vetoes it, your increase will be effective immediately.

Q. You talk about cutting military spending. Don't you know we'll be worse off than ever in the Yuba City-Marysville area if they close Beale Air Force Base?

A. I do know very well the local impact when domestic military bases are closed with little or no warning. It is very unwise to take economy out of the hide of the American defense workers and the communities where they are based while at the same time the Pentagon pays wages to some 167,000 foreign nationals at bases overseas. Senator Tunney and I have introduced legislation requiring that the first cuts be made in the enormous network of bases and installations we maintain in some 30 countries. These overseas bases cost us $40 billion a year!

Q. As if farmers haven't been through enough ups and downs recently, now there's no propane to dry crops or diesel fuel to run our tractors. What about fuel allocations?

A. I was gratified to see the White House finally respond to the demand for mandatory allocation. Agriculture will be one of the priority users under the announced allocation formula. But as you know, the formula only distributes the fuel more evenly. It doesn't make more of it available. Ultimately we're going to have to find new sources of fuel. I've introduced legislation to start experimental work to harness solar energy to dry crops like corn and wheat thus releasing a great quantity of propane for other uses.

Q. With all the shortages and money problems here at home, are they still talking about giving away billions to North Vietnam?

A. Yes, and I for one am totally against it. There should be no aid to Hanoi and North Vietnam and no consideration of such a possibility until we meet our own urgent national needs like cleaning up our polluted water and air, building transit systems, providing better schools and health care, and reducing the burden of heavy property taxes.

THE VICE-PRESIDENT-DESIGNATE

Mr. MATHIAS. Mr. President, Gerald Ford already has a positive record of legislative experience and political success. By nominating him, the President has presented him with a challenge to raise the Vice-Presidency to a level of national leadership above party by demonstrating justice, wisdom, and moral strength. I wish him well.

MARYLAND WATERMEN

Mr. MATHIAS. Mr. President, the watermen of the Chesapeake Bay are a special breed. So, when an article appears which captures much of the essence of Chesapeake watermen, I am moved to share it with my distinguished colleagues. John Sherwood, in the Washington Star-News of October 8, provides us with such a picture in his article entitled: "Capt. Hezzie: 90 Summers No Hindrance." His study of the 90-year-old Capt. Hezekiah C. Elliott, I believe, puts it all together and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Capt. Hezzie: 90 Summers No Hindrance

(By John Sherwood)

Broomes Island, Md.—All about him are the 90 years of his life, circling timelessly like a gull that never wants to land, changing only as the seasons change, always there around a familiar bend in a road, across a pond slick as a dish.

Never-changing Nan's Cove, a waterfront painting, lies just beyond the rocking chairs on his front porch. Everyone has long since forgotten who Nan was.

Tar Bay oyster bar seems to be occupied by the same men in baggy overalls who scrape the river bottom with long, wooden tongs that have been used for a hundred years.

There is always someone out there on the Patuxent oystering with the old handtongs, crabbing with baited "trot" lines and hand dip nets, or fishing, working, working with implements that are in maritime museums. It is all still there a deep pond of time-past, working, sons still following fathers who have followed fathers who have "followed the water."

Capt. Hezekiah C. Elliott, 90 last month, is one of the oldest active watermen "that they is," say those who know. Put him in a high-rise apartment—put him in the grave. Keep him around Nan's Cove and the Calvert County island and he might bury his own children.

Capt. Hezzie is not one to be caught for an interview in an overheated room with an overheated wife. Could we get him, Mrs. Hezzie, to maybe walk out to the end of the pier for a few moments and then bring him right back inside?

Capt Hezzie is often up at 4 a.m. and out on the Broomes Island oyster bar by dawn. Early afternoon he spends walking and talking to the old-timers who can't walk to him. Late afternoon he's out fishing, and by early evening it might be time for a little boat ride.

The old man of the island has the face and shape of a 65-year-old; only the turkey neck indicates his 90 years. He moves about like a sandpiper, more at home with a floor that moves beneath him than in a house ashore.

His open workboat is only 20 feet long, made of pine, and looks like a rowboat. An air cooled 10 h.p. engine sends him flying—his 20-foot oyster tongs hanging over the stern and bouncing in the wake.

"Working and talking and the water are what keeps me alive," he says. "I never stay inside, 'less it's raining, and sometimes not even then. Don't drink, don't smoke." But he "loves the sugar bowl," says his younger wife, Mary, 73.

"I rocked her when she was a baby," says Capt. Hezzie, pointing to his wife, who says "Don't you dare tell that story." But the old man goes on: "Well, it's truth. I even waited for her to grow up, so's I could marry her."

Mary was only 15 when Hezekiah married her 58 years ago. They have six daughters and one son, "Duck," 48, a "junior" who is a commercial fisherman on the island and who looks only a few years younger than his father.

When Capt. Hezzie isn't shucking and selling oysters, he's giving away fish. "Last year I tonged right smart 'o arsters on them little hills and lumps and I hope the same happens this year," he says.

Also an active fishing boat captain for more than 50 years, Hezzie and Mary Elliott often had as many as 20 "head" (fishermen) boarding weekends in their 14-room house. The stories about Mary's bountiful table are legend.

"No one ever spent a weekend," says Hezzie, "less he went away 10 pounds heavier." But the charter-boat work is over.

Now the big fishing party days are finished for Hezzie, and sad evidence is across the cove and over in a secluded spot where part of his past lies "going to pieces."

The 40-footer is half-sunk, awash on the shore where she was left to die, too old to save. Another of Hezzie's boats has gone to driftwood with the tides until all that is left of "Eleanor" is a rusted engine barely above water.

But the old skipper is doing well for himself these days on the oyster bars off Broomes Island. His day is whatever he wants it to be; whenever he makes it. Hezekiah C. Elliott, of Nan's Cove, is a happy man.

DR. ARCHIBALD RUTLEDGE

Mr. MATHIAS. Mr. President, Marylanders have always had a special feeling toward Dr. Archibald H. Rutledge, who was for many years a neighbor at Mercersburg. I was personally and deeply moved to learn of the death of this teacher, author, and naturalist and know my sentiments are particularly shared by the people of Hagerstown where his son, Judge Irvine H. Rutledge, is a member of the circuit court. Dr. Rutledge was truly one of America's finest authors and poets; his many literary works command the respect of those who know the special genius required to reduce the world of nature to the printed word. Recently the Hagerstown Morning Herald carried an excellent article by Harry Warner detailing the highlights of Dr. Rutledge's long and distinguished career. I highly recommend this article to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dr. Archibald Rutledge: Author, Poet, Nature Lover

(By Harry Warner)

The death of Dr. Archibald H. Rutledge received less than three inches of space in the local newspapers last month. But older residents of Hagerstown and vicinity could fill in from their memories the facts that had made him one of this area's best known residents years ago.

Moreover, poetry and book lovers throughout two continents mourned the death of one of the most respected of the older generation of writers.

Dr. Rutledge became a familiar figure in this area during the third of a century in which he served as a faculty member of nearby Mercersburg Academy. But he had been celebrated as a writer of books, contributor to magazines, and folk lore authority almost since the arrival of the 20th century.

The father of Judge Irvine H. Rutledge moved out of this area in 1937. That was when he retired from the nearby preparatory school. He went back to his boyhood home in South Carolina, where authorities promptly named him the first poet laureate of that state.

Some states choose as poet laureate someone who has a knack for writing doggerel verse and slapping politicians on the back. That wasn't the case with Dr. Rutledge. His ranking as a poet was such that he received serious consideration for the Nobel and Pulitzer prizes on more than one occasion.

Family tradition says that the poet began creating verses at the age of three when he thought up this couplet:

"I saw a little rattlesnake.
Too young to make his rattles shake."

He wrote much better poetry as he grew older, but that pioneer creation had as its subject one of the topics that remained dear to Dr. Rutledge all through his long creative life. He was a nature enthusiast. Decades before people discovered that magic word, "ecology," he was celebrating in verse and prose the wonders of nature and the simple sort of living that have since interested so many people. The titles alone of many of his books reveal that preoccupation:

"Santee Paradise," "Home by the River," "From the Hills to the Sea," and "Deep River," for instance.

Dr. Rutledge wrote copiously. The complete edition of his poetry that was assembled in 1960 runs to 635 pages. Previously, he had published some 25 separate volumes of poems and 45 books of prose. Besides, there were countless contributions to almost every important magazine published in the first half of this century and some of the nation's leading metropolitan newspapers.

But he was as interested in people and in his nation as in its flora and fauna. He loved to listen to legends and traditions told by old-timers in his beloved South Carolina, then embody them in his own prose to perpetuate lore that might be lost at any time in its word-of-mouth embodiment.

Dr. Rutledge was born on Oct. 23, 1883, in McClellanville, S.C. He grew up near that small town on a plantation that had been owned by Rutledges for many years. As a boy, he studied privately at first, then worked his way through Union College in Schenectady, N.Y., where he graduated as valedictorian in 1904. By then, he was already selling his writings to national magazines.

At this point, he took the post as instructor in English at Mercersburg Academy, a school which attracted the sons of some of the nation's best known men, even a presidential son or two. During his long career at Mercersburg, he married and raised his family.

Many persons survive the transition to retirement only a few months or a few years. Dr. Rutledge lived 36 years after he had moved back to the 2,000-acre Hampton Plantation where he had grown up. There he had the leisure to revel in the natural beauties of his estate and to write unimpeded by the pressures of the classroom. He was 89 when he died there.

Even people who did little or no reading became familiar with the planation, because it attracted thousands of visitors as a surviving reminder of the Old South.

One report said that one vote represented the difference in the year the Nobel Prize for literature went to William Faulkner instead of Dr. Rutledge. Those who received Pulitzer prizes in the years he placed second were Edna St. Vincent Millary and Robert Frost.

The Library of Congress asked him to record 75 of his poems for the National Archives. Many of his books were published in the United Kingdom and in Europe.

A memorial display of some of Dr. Rutledge's books and magazine articles was placed in the Washington County Free Library lobby following his death.

PROFESSIONAL STANDARDS REVIEW ORGANIZATION PROGRAM

Mr. BENNETT. Mr. President, earlier this week, Senator Bentsen proposed to the Finance Committee an amendment affecting the professional standards review organization program. I accepted his amendment because to me, it seemed a clarification of existing law. But apparently and mistakenly, it has been interpreted by some members of the medical profession as a basic change in the law. In the hope of stopping the further spread of this misunderstanding, I am putting into the Record two documents I have prepared. One is the text of a speech I shall make tomorrow to the American College of Surgeons and the other is a letter I am sending to Secretary Weinberger of Health, Education, and Welfare. I hope that with this information my colleagues in the Senate will be able to answer any questions on the subject that may come to them. I ask unanimous consent that the text of the speech and copy of the letter be printed in the Record.

There being no objection, the text of the speech and letter were ordered to be printed in the Record, as follows:

Address of the Honorable Wallace F. Bennett

I was especially pleased to receive your kind invitation to keynote the Professional Standards Review segment of your meetings. The Board of Regents and the Board of Governors of the College of Surgeons epitomize the professional as opposed to the political aspects of medicine.

Some of the regents here will recall the lengthy dinner meeting held in Washington some three years or so ago when members of the Finance Committee staff engaged in constructive discussions with you during the formative stages of the PSRO effort. You were encouragingly and constructively critical then, and I assure you that your comments were given great weight in the development of the final form of the legislation. The staff people were particularly struck by your total concern with good medical care in general and good surgical care in particular. They told me of your desire to effectively contribute to and participate in the review process—as opposed to a desire to force your own interests upon the Congress.

I appreciate the fact that I am among friends. Because of that fact, and before I expound upon the specific areas you asked me to touch on, I would like to share some concerns about the fate of PSRO which have developed since it was enacted.

Quite candidly, I believe that the tremendous potential inherent in PSRO for improved medical practice may well not be realized if a stop is not put to the power struggles for control of PSRO administration and operation which seem to be going on in several arenas. Within the Department of Health, Education, and Welfare, PSRO has yet to assume substance—they are still playing the bureaucratic game of who will get to do what.

A contorted administrative situation has emerged as a result of which—a full year after enactment of the legislation—not a single PSRO area has been designated which has completely stymied those physicians in local areas who are anxious and willing to get going. Many of those physicians have communicated their sense of frustration to us, and, I must add, their frustration is no greater than mine. Soothing noises from officialdom are no substitute for solid, sensitive and responsive administration.

Tomorrow, supposedly, will be better—according to HEW. That is probably true, because today couldn't be much worse.

Then, in another arena, of course, we have the continuing and somewhat bitter efforts by some segments of organized medicine to seize control of the program for themselves claiming that practicing physicians in local areas are not competent or willing to effectively organize, operate, and be responsible for local Professional Standards Review Organizations. These local practitioners allegedly can be reviewed effectively only under the aegis of very large umbrella organizations. In other words, physicians at local levels—where medicine is practiced—are to be held accountable for the quality of that practice without being afforded the primary opportunity to accept the basic responsibility and authority for establishing and operating the review mechanism. I believe that it is absolutely vital to the success of Professional Standards Review that wherever possible it be locally-based on an organization large enough to support objective review, but small enough so that the individual doctor can identify with it and participate in it. Of course, when I say local levels, that could include Statewide PSRO's in some 15 or 20 smaller or more sparsely populated States.

There is no question in my mind but that the larger the organization the more remote the relationship with the individual practitioner, the less capable he is of identifying with its goals and activities, and the weaker will be his motivation to participate. And, the individual practitioner's sense of identification with and participation in the PSRO activities goes to the heart of what PSRO is all about—an educational process resulting from the broadest possible participation by doctors in an area in the review experience on an ongoing basis. The educational effect occurs during the continuing development, application and exposure to parameters of care outside of his own practice. If we are truly concerned about the quality of medical care, we must see the PSRO's more as instruments of improvements for every physician rather than as traps for the failing few.

As a layman, I can appreciate the sensitivity of having your day-to-day practice reviewed. I can also appreciate the need of the individual doctor to feel—and, in fact, have—a direct relationship with the review mechanism. That would be almost a one-to-one relationship to my mind, to an organization which is immediately responsive to his legitimate concerns and complaints—an organization in which, over time, he himself is reviewer as well as a reviewee. An organization which can be reached with a local phone call for resolution of a problem. An organization in which he can have a reasonable and direct say with respect to the standards of his practice and those of his peers in the area. It is *not* a distant organization which represents him, as a member, in terms of broad issues concerning medicine—it is an organization close at hand which is actually evaluating the care he provides to Mrs. Jones.

Given those sensitivities—given the sad history of review in the past—given the apprehensions with respect to arbitrariness, insensitivity and red tape—it's extremely difficult for me not to believe that we can enlist physicians generally as active participants in a review process supervised at a point remote from them and beyond their direct control.

That is why, gentlemen, we believe that Professional Standards Review Organizations can function as intended, only if they are organized and controlled at local levels rather than being considered as provinces under the overall direction of a benign and distant medical bureaucracy.

Last week this situation came to a head when Senator Bentsen of Texas offered an amendment in the Finance Committee which would alternatively allow the Secretary to designate statewide PSRO areas, and which says that the Secretary shall not refuse to designate an organization as a PSRO solely because of the number of physicians participating in such organizations.

I have met with local medical practitioners in the past and it has been their enthusiasm for local review which served as the basis for my position.

Now, however, I think it time to find out more definitively what local physicians throughout the United States feel about the relative values of local vs. Statewide review rather than what State medical society bureaucrats feel. Consequently, I am going to send copies of the remarks I have just made about the importance of locally based review to all of the larger county medical societies in the country and ask for their counsel.

In larger States, I should add that the law already provides for a formal body charged with responsibility for coordinating and evaluating the activities of the various PSRO's in a State. The Statewide Professional Standards Review Council consists of one physician member from each PSRO, two physicians nominated by the State medical society, and two physicians nominated by the State hospital association and four public members knowledgeable in health care. The public members are anticipated to be nominees of the Governor. The physician members of the Statewide council also serve to hear any appeals by physicians or patients from adverse decisions of a local PSRO.

I want to emphasize at this point that a negative decision by a PSRO with respect to a procedure, service or stay relates only to whether the care will be paid for by Medicare or Medicaid. It does not deny the physician the right to admit his patient or perform the procedure; the PSRO decision related only to whether it is reasonable for the Government to pay for the admission or procedure.

Well, that's off my chest. I suspect that some of the panelists following me will pick the gauntlet up and, with precision and specificity, indicate exactly why and where they feel my apprehensions are unwarranted. I look forward—in fact need—to be bathed in warm reassurance.

Now, let's talk a little bit about what you as surgeons and as an organization might contribute to the Professional Standards Review process. We might begin by discussing parameters of practice which might be utilized by a given PSRO.

First, there are the derived parameters which may be obtained through summary and analysis of the way care is already being provided in the PSRO area or the region of which it is a part. Then there are the applied parameters which represent qualified professional consensus as to what care should or should not be provided. The applied parameters may or may not be consistent with the derived parameters in that given PSRO area. All of this, by the way, is allowing for reasonable and minor variation which may be due to differences in the availability of resources in the area.

I had anticipated that the National Professional Standards Review Council, under its authority, would contract with the American College of Surgeons which, in turn, with its constituent groups would prepare suggested parameters of proper surgical practice related to age, diagnosis and other significant variables. The development of these parameters—including factors such as normal length of preoperative and postoperative stay—would, of course, be a continuing process incorporating new knowledge from time to time, as appropriate.

These suggested parameters would then be transmitted to the local PSRO's which would be free to adopt them, or ignore them. Obviously, in my opinion, to the extent the parameters were professionally valid they would be welcomed and voluntarily adopted by local PSRO's.

All of this discussion with respect to parameters is not meant to imply a set of rigid rules but rather a feasible set of guidelines which allow for reasonable medical discretion. Basically, what we are talking about is a set of checkpoints beyond or below which it would be reasonable for his peers to ask a physician for further explanation or clarification. These are conceived of as rational, professionally-developed and applied checklists and not as barriers to necessary care.

This is a tough task and none of us expect these efforts to spring full-blown in perfect, easily applied and completely accepted form. My purpose here is to simply indicate the general direction and not to announce any arrivals.

The law requires regular periodic review of physician practice profiles—as well as patient profiles. In the case of the surgical specialties, that review might be enhanced by the maintenance of a Statewide roster of surgeons—or even a regional roster in the case of smaller States. Where there were only a few qualified specialists in a given PSRO area, their practice profiles could, to enhance objective review, be evaluated by comparable specialists in adjoining PSRO areas. The College of Surgeons could certainly take the lead in developing and maintaining those rosters with respect to the surgical specialist.

The evaluation of surgical practice leads to a tough question to which I have no answer but which will have to be answered ultimately; namely, the relationship in the review process between board-certified and board-eligible surgeons and other surgeons. I hate to just pass this question by, but you'll have to concede that I did raise it! Good luck!

Aggregate performance data will be assembled and presented annually for each PSRO. These comparative data will be made public. Apart from the obvious information relating to admission rates and lengths-of-stay, there will need to be developed appropriate indices of surgical patterns of practice. This is another area where the College of Surgeons could assist in developing valid benchmarks. I should add that these comparative data might well be evaluated more frequently than annually so that efforts to correct obvious problems in a given PSRO may be undertaken promptly and without negative fanfare. The interest here is not damnation but salvation!

Your invitation asked me to include some remarks with respect to the provisions relating to malpractice exemption and exemption from review liability. Perhaps the best explanation of those provisions is in the Finance Committee Report and I'd like to quote that at this time:

"The amendment provides protection from civil liability for those engaged in required review activities, or who provide information to PSRO's in good faith, for actions taken in the proper performance of these duties. Activities taken with malice toward a practitioner or institution, or group of practitioners would not be considered action taken in the proper performance of these duties. In addition, physicians and providers would be exempt from civil liability arising from adherence to the recommendations of the review organization (where it was a physician-sponsored and operated PSRO) provided they exercise due care in the performance of their functions. The intention of this provision in the amendment is to remove any inhibition to proper exercise of PSRO functions, or the following by practitioners and providers, of standards and norms recommended by the review organization. Thus, a physician following practices which fall within the scope of those recommended by a PSRO would not be liable, in the absence of negligence in other respects for having done so.

"Failure to order or provide care in accordance with the norms employed by the PSRO is not intended to create a legal presumption of liability.

"The exemptions from civil liability would apply to a range of patterns which fall within the scope of the norm, to the extent that such a range is considered acceptable by the PSRO in accordance with regulations of the Secretary. For example, the usual length of stay for a given illness might be 6 days, but an individual practitioner might only hospitalize his patient for 4 days. In this case the doctor might be motivated to keep his patient in the hospital for an extra 2 days to assure himself of exemption from liability. However, as described above, the PSRO could approve a range of norms, each of which was considered medically acceptable by the PSRO, which could encompass a hospital stay of 4 days as being sufficient. It is not intended, however, that this protection preclude the liability of any person who is negligent in performing PSRO functions or who misapplies or causes to be misapplied the professional standards promulgated by a review organization.

"A physician or provider should not be relieved of responsibility where standards or norms are followed in an inappropriate manner or where an incorrect recommendation by the PSRO is induced through provision of erroneous or incomplete information.

"Objective and impartial review must be provided by a PSRO if it is to be effective and respected. Malice, vendettas or other arbitrary and discriminatory practices or policies are by definition 'nonprofessional,' and in the unlikely event of such occurrences the Secretary is expected to promptly act to terminate the contract with the organization involved unless it immediately undertakes voluntary corrective measures."

Before concluding, I did want to once again express my belief that the Professional Standards Review legislation affords to the physicians of this country the opportunity to enhance their professionalism while, at the same time, visibly demonstrate to their critics that American medicine is responsible and publicly accountable.

In conclusion, may I call your attention to the fact that not once have I referred to unnecessary surgery or Commissioner Herbet Denenberg!

Thank you again for giving me this opportunity to visit with you.

U.S. Senate,
Washington, D.C., October 13, 1973.
Hon. Caspar W. Weinberger,
Secretary of the Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: As you know, earlier this week, during the Finance Committee's consideration of a number of amendments offered to the Social Security Law and other health and welfare programs, Senator Bentsen of Texas offered an amendment adding a new section to the bill, the text of which is as follows:

Section 1152 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g) In carrying out the provisions of this section, the Secretary *may* designate, as an appropriate area with respect to which a Professional Standards Review Organization may be designated, an area encompassing a whole State; and the Secretary *shall not refuse* to designate any qualified organization as the Professional Standards Review Organization with respect to such area *solely* because of the number of physicians in such State."

In my opinion, neither part of this amendment materially changes existing law. The first part, which affirmatively gives the Secretary the power, if he chooses, to designate a complete State as a PSRO area, is implicit in the present law because for obvious reasons it could not be specifically denied. All this new language does is to make it explicit.

The second part says that the Secretary may not make his decision with respect to the selection of a particular area or organization to carry out the PSRO Program solely because of the number of physicians in a State. I suppose this grew out of the fact that over the past few months the PSRO office in HEW has been discussing figures which might indicate the most desirable maximum number of physicians in any PSRO and this, in turn, has been interpreted as being a device by which a decision as to whether to designate statewide areas might be affected. I am sure that at no time have the people who have been working on this problem considered it to be the sole standard on which their recommendations might be based, inasmuch as the law itself and the

Committee Report specify a number of other criteria. The Committee also agreed, in approving the Bentsen provision, that priority in designation as a PSRO would continue to be given to qualified organizations at local levels.

It seems to me that in practice this should not cause you to change any of your present policies. It seems to me, rather, that these area designations must continue to be determined by a mix of many factors which may include numbers of physicians and also such factors as:

1. The number of physicians in any designated area must be large enough to include representatives of all the important medical disciplines.

2. The number should be small enough to give every physician a chance to participate in the reviewing process.

3. Geographically as a medical service area it must contain a significant number of medical facilities.

4. As a geographic area it should be small enough to keep the extent and cost of travel of the reviewers within reasonable limits.

I assume that all of these area considerations have been taken into account in the area designations that have already been worked out and I would like to repeat again that the Bentsen amendment does not contain any language indicating that these qualifications would have to be changed.

When the Bentsen Amendment was offered in the Finance Committee, I accepted it—fundamentally because I do not believe it substantially changes present law. Apparently, there are those who place a different interpretation on it. If modification of the Bentsen Amendment is necessary to make it clearly comport with my understanding, I will propose such a modification before the Committee finishes its work on H.R. 3153. Of course the bill, including the amendment, has to be adopted by the Senate as a whole, survive a conference and, if it finally is passed by Congress containing certain other major provisions, it will probably have to survive a veto. Therefore, there is plenty of time to straighten out the confusion that seems to have been created and I will welcome your cooperation. I felt it would be useful to give you my views on the question being raised and, with your permission, would like to release this letter to the press.

Sincerely,

WALLACE F. BENNETT.

WASHINGTON, D.C., INTERNATIONAL RACE FOR "HORSE OF THE WORLD" HONORS

Mr. MATHIAS. Mr. President, on November 10, the 22d running of the Washington, D.C., International will be held at the Laurel Race Course, in Maryland, for "Horse of the World" honors. From its inception in 1952, this race has captured the imagination of racegoers from the four corners of the globe. It has blended together a sound sporting idea with modern air travel to form an international spectacle ranking with the best worldwide contests. From Dublin to Rome, from Melbourne to Malta, from New York to Los Angeles, the International is a topic of conversation among sporting people.

The Washington, D.C., International was conceived by John D. Schapiro, president of the Laurel Race Course, with the idea in mind that the best horses of each country, meeting on the turf—which is the natural footing for thoroughbreds—and at the classic distance of a mile and a half, should have the opportunity to compete for the world championship, as in other sports. This event is an invitational affair and the foreign and American contenders must be winners of important races and possess outstanding records.

Last year, the U.S. Department of State expressed its appreciation for the work done by the International in the field of people-to-people diplomacy, and indicated, as a result, that thousands of people from other nations and other cultures have been introduced to our country.

The International has accomplished many important "firsts" for American racing. It was the first race anywhere in the world outside Great Britain where the silks of the Royal Family of England were in competition. It was the first race in the United States to include a horse owned by the late Sir Winston Churchill. It was the first race anywhere to lure Russian thoroughbreds from behind the Iron Curtain and it did so for 8 years.

It was the first race in America to have representatives owned by two presidents of Ireland. It was the first race in America to draw entries from the late Prince Aly Khan, and later Karim Aga Khan. It was the first race in America since 1923 in which an English Derby winner appeared. It is the first race anywhere in the world where horses from four continents met in a single race.

Since 1952, foreign participants have won 10 Internationals, the United States 11. The 21 foreign countries that have participated are Argentina, Australia, Belgium, Brazil, Canada, Denmark, England, France, Germany, Hungary, Ireland, Italy, Japan, Mexico, Singapore, Sweden, Uruguay, U.S.S.R., and Venezuela.

In the past 21 runnings, 150 thoroughbreds from 21 foreign countries have flown 961,792 miles to this race.

We, in Maryland, are proud of the global popularity of this great thoroughbred classic. It carries the name of Maryland all over the world. And the Washington, D.C., International, by its very name, is of prime importance to the vast amount of people all over the globe who have a strong affinity for the sport of horseracing.

THE BEATEN BISCUIT

Mr. MATHIAS. Mr. President, the beaten biscuit is to Maryland what the crepe is to France, pasta to Italy and matzoh to Israel.

But the beaten biscuit must be understood to be enjoyed. The uneducated sometimes are also unappreciative. When a gift of beaten biscuits is exported from Maryland by air mail special handling the recipient, in his ignorance, will assume that the unique consistency is somehow the result of having become stale in the mail. Only when he tastes the beaten biscuit and penetrates its hard shell will he discover the fresh rewarding treat awaiting him.

The character of the beaten biscuit is not a matter of chance. Its most important ingredient is elbow grease. Many youthful Maryland muscles, including my own, were developed by hours of pounding the biscuit dough with a hatchet or hammer. Not until the dough blisters and snaps will the true Maryland cook excuse the biscuit beaters from their task.

But the literature on the beaten biscuit has been singularly inadequate. Now, Mrs. Herman Orrell of Wye Mills has augmented her traditional production of biscuits with a history of this indigenous Maryland bread. I ask unanimous consent that a copy of Mrs. Orrell's interesting historical account be printed in the RECORD.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

MARYLAND BEATEN BISCUITS

Maryland Beaten Biscuits originated in Southern Maryland and the Eastern Shore in the days of the Plantations and Manors. Probably due to the lack of leavening this method of making bread and getting it to rise was apparently the only way possible. This could have been the outgrowth of the Indian method of beating the corn for making food items. The biscuits consist of lard, flour, salt, sugar, baking powder, and water. Some recipes replace the water with either whole milk or skim milk. Prior to cooking the biscuits they have to be beaten in some manner. From my research it appears that the ingredients were mixed together by hand and then placed on a biscuit block to be beaten until the dough reached a point that the biscuit could be formed by hand into a smaller piece of smooth dough which eventually becomes the biscuit. It is known that the initial biscuit blocks were stumps from a hardwood tree, such as oak. I have been told by my grandparents that they were first used left in the ground after the tree was cut down. Later the blocks were mounted on legs and became part of the kitchen. The stumps were smoothed so that there would be no splintering and they became smoother through use since they were conditioned by the shortening used in the biscuits. A servant of the manor beat the dough with a special ax used only for this purpose. The ax could have been a bar of iron, a blacksmith hammer or a hardwood mallet.

Instead of beating the dough someone recognized that a rolling machine might accomplish the same trick. The machine worked well; it consisted of using a roller mounted on a slab of hard wood or marble To operate the machine, the roller was turned while feeding the dough so it was compressed between the roller and the slab. This process worked the dough as well as beating and was less difficult to perform. To determine when the dough was ready to be made into biscuits, the person beating or rolling merely listened to the snapping and cracking sounds of trapped air being released that emanated from the dough.

Each biscuit was and still is shaped by hand. The dough is kneeded by the fingers in such a manner to make the biscuit smooth on all sides. This process gives the outside of the biscuit a surface tension that it needs to keep its shape while cooking. We have explored various methods to accomplish this process by machine but nothing has yet been devised that will allow the biscuit to be cooked and still maintain a smooth outer surface. After being shaped they are placed on a cooking pan. My Grandmother would use the ball of her hand to press the biscuit down and pick the tops with a fork. Many people had regular picks made similar to the one we now use for the biscuits we make.

The biscuits are baked in a very hot oven until golden brown. They were not normally eaten hot since they were basically a weekend bread and kept for Sundays and visitors. After being cooked they were placed in a covered crock for future use. The biscuit making process usually was done early Saturday morning as were all the other preparations for Sunday. When weekend visitors were at the Manor they would be awakened by the pounding of the biscuit hammer and the aroma of the biscuits baking.

The primary use of the biscuits in past years was with chicken salad, country ham, home made jellies, butter and preserves. In recent days they are being used in other ways in addition to the ways of old, although now are many times eaten warm. We also use them as a cocktail sandwich with country ham, cheese, fish or anything that is used for light snacks such as melting cheese on the biscuit. The biscuit is hard and crusty on the outside but soft and doughy on the inside. To eat the biscuit, cut it in half and place what you intend to use with them on each half. They are edible until becoming moldy which will only occur in environments of extreme heat coupled with high relative humidity. They can be frozen and kept for long periods; heating for three to five minutes after removing from the freezer will bring the biscuits back to a fresh out of the oven state. Under normal storage the biscuits become extremely hard but are still very much edible, in fact some people desire them in this condition. After becoming hard or what some consider stale, the biscuit has another use. They can be easily ground into crumbs and used for breading purposes such as pork chops or used for thickening. The crumbs also provide an excellent base for pancakes by adding eggs, baking powder, shortening, and blending with milk.

Much of the above information stated has been obtained through extensive research of Eastern Shore History and direct experience and quotations from my ancestors who have been on the Eastern Shore for many years. The exact origin and specific knowledge of the person or group that started making the Maryland Beaten Biscuit is not known to me. I do know that the biscuits are an old Maryland food since my recollection and information from ancestors dates to the beginning of the 18th Century which makes the Maryland Beaten Biscuit a part of the Eastern Shore heritage. We the Orrell family are continuing to make biscuits in the old way and are proud of our product. We hope that the information presented herein helps you enjoy the Maryland Beaten Biscuit as much as we do with the knowledge that you perhaps are eating an original American bread. Thank you for taking the time to visit our bakery and having enjoyed our biscuits.

Prepared and Written by Orrell's Maryland Beaten Biscuits, Box 7, Wye Mills, Maryland 21679.

RECESS TO 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 11 a.m.

Whereupon, at 9:59 a.m., the Senate took a recess until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

QUORUM CALL

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. HUGH SCOTT. Mr. President, I now move that the Senate stand in recess subject to the call of the Chair.

Whereupon, at 11:16 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:01 p.m., when called to order by the Presiding Officer (Mr. ABOUREZK).

ORDER FOR ADJOURNMENT TO TUESDAY, OCTOBER 16

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, OCTOBER 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business for not to exceed 1 hour, with statements limited therein to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 16 UNTIL THURSDAY, OCTOBER 18, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in adjournment until 12 o'clock noon on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR INDEFINITE POSTPONEMENT OF A RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 187, which I submitted yesterday, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO NOTIFY THE PRESIDENT OF THE CONFIRMATION OF A NOMINATION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the President be notified of the confirmation of the nomination on yesterday of Mr. Daniel Parker.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTIFICATION TO THE PRESIDENT OF CONFIRMATION OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that the President be notified of the confirmation of any nomination that has previously been acted upon by the Senate up to this moment, where the notification has not yet reached the President's desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States;

H. Con. Res. 275. Concurrent resolution providing for the printing of one thousand additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf";

H. Con. Res. 278. Concurrent resolution authorizing the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies";

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States;

H. Con Res. 275. Concurrent resolution providing for the printing of one thousand additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf";

H. Con. Res. 278. Concurrent resolution authorizing the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies";

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Represeentatives"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

NOMINATIONS FOR VICE PRESIDENT

Mr. PELL. Mr. President, I am deeply disappointed that President Nixon omitted from among his criteria for the Vice President the qualities which I consider most important, those for which the American people are yearning and reaching and searching—those of character, honesty, and integrity.

Those qualities are doubly important at a time like this, when the President's previous choice for this job was found lacking in them, and when the President himself is under fire on the same score.

It is on the basis of these qualifications as well as President Nixon's, that we in the Senate must make our choice in this regard.

I believe that Mr. Ford has these qualities, and that he will be approved for the august office to which he has been nominated.

EXECUTIVE SESSION—NOMINATION OF GERALD R. FORD, OF MICHIGAN, TO BE THE VICE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. Abourezk). The Chair lays before the Senate a message from the President, which the clerk will state.

The assistant legislative clerk read as follows:

To the Congress of the United States:

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

Richard Nixon.

The White House, *October 13, 1973*.

The PRESIDING OFFICER. The Chair refers the nomination to the Committee on Rules and Administration.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR COMMITTEE ON RULES AND ADMINISTRATION TO MEET TODAY

Mr. CANNON. Mr. President, would it be in order to ask unanimous consent that the Committee on Rules and Administration be permitted to meet today while the Senate is in session?

The PRESIDING OFFICER. The Senator may make that request.

Mr. CANNON. I make that request and ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR BAYH, OF INDIANA, IN CONNECTION WITH THE 25TH AMENDMENT

Mr. ALLEN. Mr. President, with the 25th amendment to the Constitution now being implemented and the President having sent to Congress his nominee for the Vice President, I think it would be appropriate at this time that a special word of tribute be made to the distinguished junior Senator from Indiana (Mr. Bayh) for the leadership he exerted in working over the years to obtain passage of and submission to the States of the 25th amendment.

It seems strange that with the several instances we have had in the history of our country where there were vacancies in the office of the Vice President by reason of the Vice President's moving up to the Presidency, it took almost 180 years for Congress to take sufficient note of that hiatus, that omission of our Founding Fathers, and to initiate legislation which submitted a constitutional amendment to the States.

The distinguished junior Senator from Indiana (Mr. Bayh), as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, did offer and afford leadership for commission by the Congress of that amendment. It does seem strange that for almost 180 years we had a situation under our Constitution where there was no provision made for filling the office of the Vice President in the event a vacancy occurred.

Thus, as we comment on the choice of the President of the Vice President, as seems to be the general feeling that a good appointment has been made, I think it only right, fair, and proper that special tribute be made to the distinguished Senator from Indiana (Mr. Bayh).

I might state further that the Committee on Rules and Administration, I am sure, when it holds hearings on this nomination, will do more than merely hold perfunctory hearings. I feel that it will recognize it has a duty to perform, that full and fair hearings must be held, in order that a recommendation can be made back to the Senate.

Mr. President, the purpose of my rising at this time is to compliment the distinguished Senator from Indiana (Mr. Bayh) for offering this amendment, for the leadership he displayed in seeing that this hiatus in our basic law was filled, and that a system has been set up where vacancies can be filled in the office of the Vice President.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the leadership had indicated some time ago that because of the fact that the Senate had expedited the business of the people, the Senate would have a recess for a period of 2 weeks. Nothing has happened insofar as the business on the calendar of the Senate is concerned which would change that situation.

Certain events have occurred here and abroad which, however, I think require that the Senate not take such a 2-week recess. So, the leadership has decided—and has so indicated prior to today—that until there is enough work to necessitate otherwise, the Senate would go over from time to time and meet at rather frequent intervals, so that in the event an emergency should occur or in the event a conference report should come over from the other body, or a bill or any other measure should come from the other body, requiring action by the Senate, and requiring rollcall votes, the Senate would be prepared to take action.

The leadership has assured, and wants to reassure the Members, that when such conference reports come from the other body, they will be acted on, if possible, by voice vote; but, if, at any time, it is indicated that a rollcall vote is necessary, the leadership will do everything possible to inform Members and to protect them so that they will have time to get back and be present at the time such rollcall vote is taken. At the moment, I do not see any such problem arising.

The nomination of Mr. Ford to the office of Vice President has been referred to the Committee on Rules and Administration. The Rules Committee and other committees may continue to act even though the Senate is not in session. So the fact that the Senate is not in session will not in itself mean any delay whatever in the Rules Committee's actions in connection with that nomination.

The distinguished Senator from Wisconsin (Mr. Proxmire) called up his conference report today on the HUD appropriation bill, and that conference report was adopted by voice vote, and it is anticipated that other conference reports coming over during the next few days can be handled likewise.

I have just discussed with the distinguished chairman of the Appropriations

Committee (Mr. McClellan) the possibility that other conference reports could come over, dealing with appropriations bills, and I am authorized by him to proceed with the consideration of those conference reports, to be handled by voice vote where possible, and it will be agreeable with him for the Senate to act.

I think I have said about all I can say by way of assuring the Members that regarding whatever plans they have made for the 2-week recess, they can proceed, reasonably assured that they can complete those plans.

May I reiterate that the Veterans Day recess, as previously scheduled, will be observed. That recess was to go from the close of business on Thursday, the 18th, until 12 o'clock noon on Tuesday, the 23d. That recess will be observed.

I hope there will not be any rollcall votes during the next 2 weeks, but this does not mean that the Senate will not be meeting at least a couple of days each week. Speeches can be made, business can be transacted by unanimous consent, and voice votes may be taken. Again, the leadership will do everything possible to protect all Members if it is indicated that rollcall votes may be in the offing.

I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. It is my understanding that the Senate will convene on Tuesday. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PROXMIRE. And there is a strong possibility that the school lunch conference report may be before the Senate on Tuesday. Is that correct?

Mr. ROBERT C. BYRD. That is correct, yes.

Mr. PROXMIRE. In the event that a yea-and-nay vote is called for on this conference report, the Senator said that the leadership will do all it can to protect Senators and notify them in advance. Would it be possible, in that event, to have that put over until, say, Thursday, so there will be 48 hours' notice for Senators to come back to vote?

Mr. ROBERT C. BYRD. Yes. The leadership will do everything in its power to see that that is done.

Mr. GRIFFIN. Mr. President, it is my understanding that there has been a request from a Member on our side that there be a rollcall vote on that conference report. I did not realize it until just now. So I think perhaps the majority leadership should take that into consideration in scheduling.

Mr. ROBERT C. BYRD. In the event that the Member—and he has every right to do so—persists in his desire that there be a rollcall vote on that conference report, perhaps the rollcall vote could occur on Thursday next, if it would meet with the approval of that Senator and other Senators. Whether or not such a rollcall vote could be put over until the duration of the 2-week recess, I am in no position to say.

Mr. PROXMIRE. I thank the Senator.

Mr. GRIFFIN. I thank the distinguished majority whip. He has provided us with a great deal of information, and I know it will be very helpful to the Members of the Senate as they try to figure out what to do during this period.

Mr. ROBERT C. BYRD. Mr. President, I shall suggest the absence of a quorum, hoping that this will be the final quorum call of the day and the week.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO TUESDAY, OCTOBER 16, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and at 12:21 p.m. the Senate adjourned until Tuesday, October 16, 1973, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate October 13, 1973:

Vice President of the United States

Pursuant to the provisions of Section 2 of the 25th amendment to the Constitution of the United States, Gerald R. Ford, of Michigan, to be the Vice President of the United States.

CONFIRMATION

Executive nomination confirmed by the Senate October 13, 1973:

Atomic Energy Commission

Donald R. Cotter, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

MAN PLUS SHUTTLE: AMERICA'S FOOTHOLD IN SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Mrs. Russell E. Greenwood of Swansea, Mass., an outstanding writer on the American space program, published an article in August 17 edition of the Fall River Herald News which explains well the importance of our national space program, its current achievement with Skylab, and the importance of a low cost Earth to orbit transportation system, the space shuttle.

I am including this significant article in the Record for the benefit of my colleagues and the general public.

[From the Fall River (Mass.) Herald News, Aug. 17, 1973]

Man Plus Shuttle: America's Foothold in Space

(By Barbara Greenwood)

"If we hadn't been able to deploy the heat shield, we would have essentially had a scrubbed mission . . ." These are the emphatic words of William Schneider, director of the Skylab program.

All of us should feel a deep sense of pride in the derring-do and competent know-how of our three astronauts (Messrs. Conrad, Kerwin and Weitz) who, with our superb ground support team, proved their spacemanship in overcoming extreme technical difficulties in a hostile environment and who certainly do not know the meaning of the words, "this cannot be done"!

We have only to pause and think about this successful man-in-orbit maintenance of our Skylab I to realize fully the importance of a manned space program. And further steps must be taken to actualize the full potential of our capability, which brings our space shuttle program into its proper perspective—the human element! The shuttle will be our "foothold in space"; however it is only our initial step into the infinite universe!

The human spirit has an innate need for involvement in exploration and our beginnings in the space program were that kind of an enterprise as well as in research of science and technology; each separate effort vastly altered our sense of proportion to ourselves and the world around us. Through the magic of television, we earthlings were able to see for ourselves a fragile planet—shimmering in a void of blackness—and at that moment we temporarily forgot the technical wizardy our Nation is blessed with; we felt, instead, an almost mystical new vision of man and earth.

Instantly, we were aware that we are all travelers together through the vacuum of space. Our worldly problems—population, food, race, resources and energy—know no national limits. In the long march of history, political and economic enthusiasm for exploration and discovery has waxed and waned but there is one invariable that assured success, i.e. man's resolution and motivation. These human attributes continue to exist and our Nation—along with other nations—should forge ahead and nurture our highest goals of achievement in space exploration and research for in this age of instant communication, we cannot afford to sit back and just reminisce! Arthur Clarke, a noted writer, bluntly stated, ". . . a nation which concentrates on the present will have no future . . ." We cannot—we must not—turn our backs on the future.

And our space shuttle is America's future! It is the key to American power and productivity in space for the rest of this century. We need the ability to use space routinely and cheaply and extensively for scientific research, practical benefits and national security; therefore, there is no substitute for the shuttle. It is the logical next step forward.

The shuttle will safely and comfortably transport scientists, technicians, astronauts into orbit while delivering payloads. This permits direct participation in space experiments and observations by the top men and women in their fields. As a result, mankind will harvest enormous benefits as the promise of space flight is fulfilled, i.e. updating inventories of our resources (water, crops and minerals) allowing more effective application of these very resources in meeting human needs! Another plus is the scientific payloads which will acquire new data on the chemistry and physics of the sun and the stars and may provide the key to facilitate the development of unlimited, pollution-free power for the needs of man. In addition, the program will provide a spearhead for advancing our technological capabilities so necessary for retaining our foreign markets and our standard of living. It is important to remember—the solution to such problems may result only from the manned scientific experiments and observations made in earth orbit and lunar space.

Our entire space program has been varied and complex as are the skills required to successfully accomplish each segment of the program. Yet no task was inconsequential, no job too trivial and no individual unimportant! The tens of thousands of workers in government and private industry who have been employed because of our space program is beyond comprehension. Consequently, we should guard against our own short-sightedness and prevent the dissidents from making a mockery of our technical expertise. Our earth's destiny is truly in the path to the stars; we should now set our sights on the larger target, for our Apollo lunar program was the twinkle of adventure; our Skylab missions will jell adventurism with benefits to mankind; our space shuttle is the connecting link to outer space. Indications are most favorable at this moment in time where international scientific cooperation is already surfacing. There can be no scoffing at the suggestion of international laboratories (space stations) in orbit around earth—a perfect stopping-off place for man's eventual journey to other planets, such as Mars, and ultimately to colonize the moon!

Space and social programs are not mutually exclusive; they must exist together, each with its own importance. James E. Webb, the former administrator of NASA, made this statement, ". . . the world of space holds vest promise for the service of mankind and it is a world we have only begun to explore . . ." and former astronaut, Frank Borman, made this statement to Congress upon his return to earth from man's first flight to the vicinity of the moon: "Exploration really is the essence of the human spirit, and to pause, to falter, to turn back on the quest for knowledge is to perish."

Prayerfully, I hope that this nation will be the one which leads, not lag!

COLUMBIA CITY HALL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. SPENCE. Mr. Speaker, beginning on September 30 and continuing through Sunday, October 21, 1973, the South Carolina Department of Archives and History in cooperation with the Columbia Museum of Art is sponsoring an exhibition of the architectural drawings of the Columbia City Hall, a building designed by the talented and renowned Alfred B. Mullett. While he designed many well-known structures, he is best known for the old State, War, and Navy Building here in Washington, which now serves as the Executive Office Building.

Recently, Mrs. James T. "Florence" Myers made an in-depth study of the history of the Columbia City Hall, which is listed on the National Register of Historic Places. I understand that it was during the course of her research that she discovered the original Mullett drawings of this famous structure. Mrs. Myers, an employee of the South Carolina Department of Archives and History, has a background in art history and was once employed here in the National Gallery of Art.

In preparation for the current exhibition of the drawings, a brochure has been printed in which Mrs. Myers outlines in some detail the history and background of the Columbia City Hall, its architect, and the drawings themselves. I am pleased to include the text of the brochure at the end of my remarks and I commend it to the attention of each of my colleagues. While it will be of particular interest to history buffs, I believe that it will have a strong appeal for every citizen. Further, I hope that any of you who visit Columbia in the future will make it a point to visit this unique and historic building. The text of the article follows:

COLUMBIA CITY HALL

THE BUILDING

The Columbia City Hall was originally designed as a United States Courthouse and Post Office; aside from the State House, it is the oldest government building in Columbia. It was designed by Alfred Bult Mullett, Supervising Architect of the U.S. Treasury, in 1870. As early as 1857, the federal government appropriated $50,000 for a courthouse and post office in Columbia, South Carolina. The Civil War interrupted these first plans. In 1870, thirty-five Columbia citizens purchased a tract of land on the corner of Laurel and Richardson (now Main) streets for $2,500 which they donated to the government for a building site. Construction began on this site in 1871; the building was completed in 1874 at a total cost of $407,189.17. At today's prices this would mean that the building would cost more than $2,000,000, provided that materials and skilled stone masons could be found.

The building is constructed of beige Fairfield granite, which was quarried twenty miles north of Columbia; wall surfaces are smooth ashlar with rusticated quoins at the corners. Drawings No. 14 and No. 16 indicate that each one of these stones was numbered and measured exactly to fit into its designated space. These smooth granite walls contrast well with the richly-carved decorative elements—modillions, cornice, window trim, pediments—to create a strong three-dimensional effect. The resulting light and shadow add to the sculptural quality of the building.

Rectangular in plan with central pavilions on each facade, the building has three stories above an arcaded basement. Window styles vary from story to story: first-story windows and doorways are arched; second-story windows are pedimented and framed with pilasters; third-story windows are framed by hood mouldings with keystones in the centers. Projecting beltcourses divide the floors.

The cross-hipped roof, the cast-iron hexagonal skylight, circular iron ventilators, and stately granite chimneys are among the most notable aspects of the building. Because of their pure geometric shapes, the chimneys, skylight, and ventilators seem to be designs of the twentieth century rather than of the nineteenth.

Mullett's concern with geometric patterns is further reflected in his use of circular, triangular, and rectangular motifs in the third floor courtroom, now the City Council Chamber. This room, basically neo-Renaissance in spirit with egg-and-dart, foliated scroll, and pearl mouldings, and the entirely altered first-floor post office, were given the most lavish decorative schemes.

THE SECOND EMPIRE STYLE

Alfred B. Mullett is recognized by architectural historians today as one of the major architects of the Second Empire style in America. Basically derived from French interpretations of Renaissance designs, the Second Empire style gained acceptance in America during the late 1850s, reaching its zenith during the 1870s. After decades of experimentation with derivative styles, mainly Gothic and Egyptian—which had themselves been reactions against the order and restraint of the Greek revival in the earlier part of the century—many architects were anxious to find new vehicles for expression. Mullett was one of these architects. A trip to Europe in the late 1850s and his possible contact with Richard Mooris Hunt, the first American architect to study at the Ecole des Beaux Arts in Paris, stimulated Mullett's interest in Second Empire architecture. Characterized by rich carving, classical proportions, high mansard roofs, wide overhanging modillioned cornices, and tall chimneys, Second Empire architecture is both rationally ordered and richly sculptural. Compared to the neo-classical designs of Robert Mills, who was Architect of Public Buildings from 1836 to 1851, or those of Ammi B. Young, who held that office from 1852 to 1862, Mullett's buildings are massive in size and lavish in detail. In an eclectic architectural period, Mullett favored a rational approach based upon the French academic tradition. A man of definite opinions, Mullett wrote that "classical architecture alone is suitable for large secular edifices," and that this style was "equally adaptable to a large building as a small one."

Although Mullett worked from classic texts on architecture which illustrated details of buildings, noting precise measurements and relationships of parts, he did not copy earlier buildings. Instead, his designs were like academic puzzle pieces which he assembled with imagination and skill. He designed the largest number of major buildings in this style, and during the period in which he held the office of Supervising Architect of the Treasury, he received the most expensive commissions of any American architect.

THE ARCHITECT

Born in Taunton, England on April 7, 1834, Alfred B. Mullett came to the United States with his parents when he was eleven years old. They settled in Glendale, Ohio, a small town just outside Cincinnati. Documentation for Mullett's student days is sparse, but he probably attended either the Ohio Mechanic Institute or the University of Cincinnati. In the late 1850s he left Cincinnati for a European tour. When he returned to America he became a partner of Isaiah Rogers, a Cincinnati architect. Rogers became Supervising Architect of the Treasury in 1862 and was perhaps instrumental in bringing Mullett to Washington the following year to become clerk in the bureau of construction.

Mullett officially succeeded Rogers as Supervising Architect of the Treasury on May 29, 1866. In practice, however, he was responsible for the post, a position appointed by the President of the United States, from October, 1865. He held the office until November, 1874. The Supervising Architect of the Treasury was required to design and oversee construction of new government buildings and to maintain all buildings owned by the federal government. Mullett was responsible for about 120 buildings and designed approximately 36 structures during his years in office. Only half of these buildings remain today. At the time, the buildings' total cost was $55,000,000, a sum comparable to more than $300,000,000 today.

Mullett is best known for the State, War, and Navy Building in Washington, now the Executive Office Building. With its pavilions, high mansard roofs, and intricately-carved columns, pediments, and window frames, it is a masterpiece of Second Empire design. Other ambitious buildings were the courthouses and post offices in Philadelphia, New York, Cincinnati, and St. Louis; Mullett's Branch Mint in San Francisco has been called one of the last great monuments of the Classical revival.

Custom houses, post offices, and courthouses were designed by Mullett for—to cite only a few—Astoria, Oregon (1869–73), Rockland, Maine (1873–77), St. Paul, Minnesota (1867–73), and Cairo, Illinois (1869–72). They ranged in size from small two-story structures to elaborately ornamented edifices. The Columbia City Hall—which would fit midway between the two extremes—is one of Mullett's most beautifully-proportioned Renaissance revival buildings.

When Mullett resigned from his post in 1874, he agreed to continue as Superintending Architect of six major buildings. He established an architectural firm in Washington, D.C. in 1875 with his two oldest sons, Thomas and Frederick; fifteen years later, in 1890, he committed suicide.

THE NATIONAL REGISTER OF HISTORIC PLACES

The Columbia City Hall is listed on the National Register of Historic Places as site of national significance. For the building to achieve this status, both the South Carolina Board of Review, composed of members of the South Carolina Archives and History Commission, and the Office of Archeology and Historic Preservation, United States Department of the Interior, judged the Columbia City Hall to be an important architectural achievement. According to the National Historic Preservation Act of 1966, only properties that are "significant in American history, architecture, archeology, and culture" are included. Further provisions state that the National Register is "a protective inventory of irreplaceable resources" in our nation. Published biennially, the National Register lists more than 6,600 properties nationwide; of these South Carolina currently has 247 places listed.

THE DRAWINGS

There are 42 drawings of the old Columbia Courthouse and Post Office signed by Alfred B. Mullett in the collection given by the City of Columbia, in August 1973, to the South Carolina Department of Archives and History for safekeeping and preservation. In addition to all four exterior elevations, the collection contains drawings of the sectional elevations, points of structural stress, and floor plans for each story. Included also are numerous illustrations of interior and exterior details, such as column capitals, the post office screen, windows and doors, stairways, brackets, and mouldings.

Of particular interest are the drawings of full size details (Drawings Nos. I, II, III, and IV); several are superimposed on the same sheet for the sake of economy and efficiency. Their strong lines and fluid silhouettes are especially pleasing to the twentieth century eye. Also notable are the drawings of the federal courtroom on the third story; these drawings reflect the importance of this room as a climactic point in the overall design. Drawing No. 18, a vertical section of the building, illustrates this conclusively. Situated in the center of the building it is the only room on that floor with high ceilings and a skylight tower which is hidden by a subceiling. The interior drawings of this room, Sheets No. 33 and 34, illustrating lavishly carved italianate mouldings, brackets, panels, and pilasters, reveal the elaborate decorative scheme for the courtroom.

The structural systems illustrated in the drawings also deserve comment, for they are of the highest quality and are representative of the method of construction used at the time. The brick arches and wrought-iron floor beams, which can be seen in Drawings No. 17 and 18, were a means of fireproofing the building. Note also the iron nuts and bolts used in the construction of the skylight (Drawing No. 26). The roof trusses were also iron and the exterior walls of load-bearing masonry construction.

In the latter half of the nineteenth century, classes in drawing were an integral part of the architect's training and many hours were spent mastering precise techniques in draftsmanship. Architectural firms employed young draftsmen who by following rough plans by the supervising architect, drew up sheets of detailed specifications to be signed by the architect in charge. Although the sheets in the collection are signed by Mullett, they were probably executed by various members of his staff. Staff members also tinted the drawings in standard colors to specify the type of material to be used; pink is used for brick; grey for stone; tan for wood, often simulating woodgrain.

Each one of the drawings represents a large investment of time and creative energy. Although each was drawn for a specific purpose, that is, to present visual directions for carpenters, masons, ironworkers, and plasterers, they are all beautifully drawn and meticulously executed. Each stands on its own as an individual work of art.

GENOCIDE IN PARAGUAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. RANGEL. Mr. Speaker, our Government's capacity to ignore brutal and repressive regimes who go so far as to practice genocide against their populations so long as these governments pass a litmus test proving their anticommunism has, unfortunately, often been noted.

The hypocrisy of our claim that we were fighting for freedom and self-determination in Vietnam while we supported a succession of dictatorial regimes in South Vietnam was enough to turn off a generation of American youth. Vietnam, however, is just one area in which we have ignored moral, and even legal, considerations to back a regime because it has been sufficiently anti-Communist despite the negative effects such U.S. backing has had on the native population—and shockingly, on our own citizens.

I think now specifically of the well-documented tolerance of the CIA for international drug trafficking in Southeast Asia so long as the smugglers are willing to fight against communism or had sufficiently good connections in friendly governments. I also speak of the reluctance of our Government for many years, and still today, to terminate foreign and military assistance to governments which have not been very vigorous in their efforts to eliminate the profitable narcotics trade and traffic indulged in by their nationals because these governments are our allies against the Communist bloc.

The negative domestic consequences of this anti-Communist international policy have been evident to us all in the increasing numbers of our children addicted to narcotics.

Our continued morally repugnant support of the apartheid regimes in Southern Africa is an outrage, but unfortunately it is not an aberration in our foreign policy.

In our own hemisphere this Nation has earned the same reputation it has in Africa by its support of those governments who have been most brutal in their subjugation, repression, and even elimination of their native Indian populations. Such a case is the Government of Paraguay.

Paraguay, recipient of massive U.S. aid since 1954, is currently represented by a government whose policy is the genocidal extermination of Paraguyan Indians.

The documentation of these charges in an article by Richard Arens, professor of law at Temple University, which appeared in the Nation magazine on September 24, 1973, raises the question of American complicity in genocide if our aid to Paraguay is not immediately stopped. If the practices described in the Arens article are not discontinued by General Stroessner, we should recall our Ambassador and introduce a resolution of censure in the Organization of American States. We have shown in Chile the capacity to intervene against a government whose policies offended our economic interests. Would that we were willing to do the same against a government whose policies offend the moral sensibilities of many Americans.

I place the Nation article by Professor Arens in the Record for the information of my colleagues.

The article follows:

Paraguayan Indian Hunt

(By Richard Arens)

On June 4, 1973, the University of Bern released an open letter to the Paraguayan Government. It charged that carefully organized massacres of Aché Indians (otherwise known as Guayaki, of Tupi linguistic stock), added to the detention of Aché Indians in "reservations" indistinguishable from Nazi concentration camps and calculated to insure physical and psychological collapse, had taken on genocidal proportions and had been carried on with the apparent approval and indeed connivance of Paraguayan governmental agencies.

The picture sketched by the University of Bern leaves one with a sense of horror hitherto induced only by the picture of the Nazi "final solution." In some respects, the picture is indeed more dismal.

Achés are being systematically hunted by armed raiding parties. Men, women, and children are being indiscriminately mowed down in such "hunts." The preferred weapon of the massacre is the machete, which saves the expense of bullets.

An exception may be made for Achés who submit to being tamed and trained as killers of their own kindred. Their reward is a diet capable of insuring survival and the assignment of captured Aché women as their "wives." Both the Aché killers and their "wives" may be guaranteed survival during good behavior. Those willing to accept unadulterated slavery may also be kept alive for indefinite periods as work hands at a bare subsistence level and without medical attention. The use of their language is discouraged; their traditional music prohibited. The attendant death rate from diseases of malnutrition and sheer lack of will to survive is decimating them.

This inevitable attrition is accelerated by such acts as that reported by a team of anthropologists—that "about one-half . . . [of a] recently captured band [of Achés on a reservation] was liquidated, partly by the conscious withholding of food and medicine."

The rites of their religion are denied the Achés even in death. What is felt by the survivors is pervasive melancholy and a sense of degradation, rarely capable of verbalization, yet occasionally captured in a "weeping song," taped by an anthropologist, in which the singer laments the end of the Aché Nation and "regards himself as no longer an Aché and not even a human being . . . [and] as half dead."

Yet another group permitted to survive may be children, largely girls (ranging from 10 years upward). These are being sold as slaves, principally for sexual purposes. And as if in a nightmare world we read of yet another "weeping song," recorded on tape by an anthropologist in March of 1972 in which "the perhaps 30-year-old Aché woman Kanechirigi complains that she does not know what has happened to her daughters, who are now living "in the houses of mighty Paraguyans'." The price of an Aché girl, quoted by a German anthropologist, whose eyewitness account constitutes one basis of the open letter of the University of Bern, is in the neighborhood of $5.

Not unreasonably, the open letter of the University of Bern demands the immediate cessation of these crimes and the criminal prosecution of all those responsible, regardless of their station of life.

The Genocide Convention, which has been signed by Paraguay, and which must be viewed as a part of the customary Law of Nations, explicitly encompasses all of the activities described in the Bern indictment.

In addition to genocide, the convention renders "complicity in genocide" subject to punishment as an international crime and declares that persons committing genocide *or* accomplices therein "shall be punished whether they are constitutionally responsible rulers, public officials or private individuals."

The accusations contained in the open letter by the University of Bern are based upon extensive first-hand observation. The pioneering study in this field has been presented by a German anthropologist, Dr. Mark Münzel. Titled "The Aché Indians: Genocide in Paraguay," and published in 1973 by the International Work Group for Indigenous Affairs in Copenhagen, it cites first-hand account upon first-hand account, identifying eyewitnesses located throughout the Americas and Western Europe in a manner satisfying to the most fastidious of legal technicians. Dr. Münzel himself has been an eyewitness to some of these episodes. Photographs included in his report show the bloated bodies of the dying on the reservations. His attempts at persuading the killers, whom he met as they set out for an Indian hunt, to abandon their pursuits, have been fruitless. His denunciation of the practices led to a strongly worded suggestion by the German diplomatic mission that he return to his German home base at the University of Frankfurt.

Col. Patrick Montgomery, the British Secretary of the Anti-Slavery Society, presented substantially identical allegations before the U.N. Commission on Human Rights in Geneva on March 29, 1973, based upon independent and further first-hand evidence. His report was uncontradicted.

The Roman Catholic Church in Paraguay has acknowledged the existence of these practices and has denounced them. So has the World Council of Churches. The British and German press have at various times featured accounts of the liquidation of these hapless people.

The extermination of the Aché population of Paraguay has been progressing over a period of more than a decade to the point where the Achés are almost extinct and the Anti-Slavery Society of Great Britain voices the apprehension "that plans may already exist for the liquidation of other tribes before the limelight has a chance to prevent it."

Liquidation of the Achés has progressed apace with road building and "settlement" of "civilized" communities upon once virgin soil, in short, with commercial penetration which has been heavily financed from the United States.

The involvement of the Paraguayan Government has been direct and immediate. Its knowledge of these practices is incontrovertible. General Stroessner, the dictator of Paraguay, has himself been repeatedly informed, most recently perhaps by the International Commission of Jurists, which sought to "intervene" with him against these massacres.

Clinching evidence concerning the explicit Paraguayan governmental collaboration in the extermination of the Aché Indians has been furnished by eyewitnesses. The typical hunt leading to the roundup and massacre of the native population was consistently observed to be accompanied either by the military vehicles of the Paraguayan armed forces or by trucks "put at the disposal of the Reservation by the Ministry of Public Works and Communication with a soldier as the driver."

Paraguay has been under the iron rule of Gen. Alfredo Stroessner, dictator since 1954. Its nominal governmental structure has from time to time been cosmetized to provide a more tolerable appearance to the outside world.

Hundreds of political prisoners are detained without trial under conditions of the utmost deprivation, degradation and torture. Standard operating procedure for the handling of political prisoners, as reported by Amnesty International, includes "prolonged beating for periods of up to two hours nonstop with whips and sticks, burning of sensitive parts of the body with cigarettes and the removal of fingernails." Further refinements are exemplified by the application of electricity to the body of the prisoner "with a prodlike instrument called *picana electrica*" and total immersion to the point of near suffocation in a tub filled with excrement. Amnesty International has reported that such torture sessions have been attended by the ranking members of the Paraguayan general staff as well as the 25-year-old son-in-law of General Stroessner. Medical emergencies, appearing to be imminently life-threatening, may be treated at the police hospital, the Policlinico Rigoberto Caballero, though it does not seem clear whether the available medical treatment is designed to be lifesaving or to provide more sophisticated forms of coercion. In a manner strangely reminiscent of the situation obtaining in Athens under the rule of the Colonels, this police installation is within easy walking and hearing distance of the U.S. Embassy.

General Stroessner has played host to numerous fugitives from post-World War II Nuremburg justice. In the early years of his regime, a Herr Contric, a former S.S. man, acted in an official and leading advisory capacity in the Paraguayan system of internal repression. Amnesty International has asserted that it has evidence that Dr. Josef Mengele, "the doctor of Auschwitz," had been acting in a similar advisory capacity in Paraguay. So have other Nazi fugitives. It appears that under U.S. pressure, Nazis are no longer *visibly* engaged within the Paraguayan system of "law and order," though the influence of both Herr Contric and the Herr Doktor is discounted by few objective observers of the Paraguayan scene.

U.S. aid has been flowing into Paraguay, the poorest country in South America, in massive volume significantly since 1954, the year of Alfredo Stroessner's accession to dictatorial power. American investment has been both private and governmental. Standard encyclopedias—ranging from the *Americana* to the *Britannica*—point to a multimillion-dollar inflow of U.S. capital. The impoverishment of the Paraguayan masses of course remains unaffected. Members of the general staff thrive, sometimes as in Vietnam, on the proceeds of a heroin traffic directed to the United States.

Statistics published by the Paraguayan treasury reflect 50 per cent of available budgetary expenditures on military and police operations. The U.S. Government, which in 1971 granted $400,000 in military aid to Paraguay, has been training Paraguayan military personnel and there is every reason to justify the belief that it has participated in the training of paramilitary and police personnel as well. It would not seem unfair to infer that the Paraguayan military vehicles accompanying Aché hunts are of American manufacture.

General Stroessner, of course, has been Washington's man in Asunción. Widespread military facilities, airstrips and roads leading to them, pushed through inhabited as well as virgin territory once populated by Achés have been made available to the United States.

On a visit to Washington in March 1968, General Stroessner told American reporters that he regarded the United States ambassador as a member of his cabinet. (A similar statement was once made in an unguarded moment by Colonel Papadopoulos in Athens.) General Stroessner used the occasion of his Washington visit to offer the dispatch of Paraguayan troops to Vietnam.

Any assertion of the Nixon Administration that it lacks all knowledge and control of racial and political persecution—and specifically the genocide of the Aché Indians in Paraguay—would seem as credible under these circumstances as its recent protestations of innocence of events in Athens or Saigon.

The release of the University of Bern letter was noted in the *Basler Nachrichten* and by Swiss radio and television. It was greeted by total silence from the American press, radio and television. The London bureau of *The New York Times* was explicitly informed and was obviously sympathetic to giving the story the prominence it deserved. Yet no such story appeared.

How explain the silence of the American media while Achés die?

THE UNITED STATES AND LATIN AMERICA: PARTNERS IN AN INTERDEPENDENT WORLD

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. REES. Mr. Speaker, last month Mr. Antonio Ortiz Mena, President of the Inter-American Development Bank, spoke to the Los Angeles World Affairs Council on the work of the Bank and the relationship between the United States pressed with his observations which I would like to share with my colleagues and Latin America. I was very impressed with his observations which I would like to share with my colleagues at this time:

Remarks by Mr. Antonio Ortiz Mena

It is with a sense of great personal pleasure that I accepted your kind invitation to come to Los Angeles and address the World Affairs Council. It is good to get away from Washington from time to time, and it is even better when one can come to the City of the Angels. Of course, for a Mexican it is a particular pleasure since we do have a bit of a proprietary interest here in Los Angeles.

Yesterday, I participated here in Los Angeles in the celebration of the "Dia 16 de Septiembre". It was the first time I did so since coming to the Inter-American Development Bank, and it was a wonderful experience, but I also remember with great pleasure my two previous participations in the *fiesta*, in 1962 and 1966, when I came here for the occasion representing the Presidents of Mexico. This splendid annual celebration, which means so much to us from the days when California was part of our nation, brought home to me again the manifold ties which exist between this city and Latin America. Los Angeles illustrates the lasting contribution made by the Iberian culture to that of the United States. The vestiges of our common Latin heritage are present everywhere in the city.

Among your representatives in Congress there are many who have played leading roles in the execution of foreign policy, particularly with respect to Latin America: for example, Tom Rees and Dick Hanna as members of the Banking and Currency Committee of the House, which considers legislation involving the U.S. membership in the Inter-American Development Bank, and Congressman Ed Roybal as a member of the Appropriations Sub-Committee which considers the U.S. subscription and contributions to the Bank. They have done much to make the Bank's achievements possible, and I wish to compliment them on their vision and statesmanship.

I have come today to talk to you about Latin America and its relationship with the United States, as partners in an interdependent world. We live in a world of swift change, of sweeping transformation and instant communication. The political polarization of yesterday between East and West has changed into close relations. In a few short years, the enemies of World War II have become principal trading partners. It is these massive swings of world politics which have removed from public scrutiny, and to some extent from public concern, a much larger and ever present threat which was clearly recognized in the 1950's and is still very much with us today. I refer to the threat arising from the ever widening gap between the rich and the poor. The threat to security is now economic at least as much as it is political.

As communications continue to improve welding us into one community, this disparity between the *have* and *have-not* nations presents a clear and present danger to the peace and tranquility of the world. This danger is more evident in our continent than I believe is recognized and appreciated in this country. Our hemisphere has become divided into nations that know how to manage technology to create wealth and nations that do not. Internally, within the developed countries, capital and technology have succeeded to an amazing extent in lessening the cleavage between the rich and the poor, not by making the rich poorer—as the Marxists had predicted—but rather by making the poor richer. However, this process has widened the gap in income and opportunities between the rich and the poor nations, to an extent hitherto unknown. While this did little harm when communications were limited, today the masses of poor among us are very much aware of this gap.

The political impact and the psychological consequences of this demonstration effect are self-evident. President Truman clearly recognized this when he embarked this country on the Point Four Program, based on the enlightened self-interest of the United States. Subsequent Presidents have recognized the responsibility of this and other industrialized nations to help, in one way or another, to overcome the gap; we all should realize that ways must be found to make the poor countries more prosperous because, alternatively, the rich countries will inevitably see their own progress curtailed.

Until World War I, a new major industrial nation emerged nearly every twenty years, but none has emerged since, although a few are coming close to the point. A broader-based industrialization must be achieved in a way which will benefit a larger proportion of the world's peoples. Recognition of the problem that I have described, as it applies to the Western Hemisphere, was a principal motivation for the creation of the Inter-American Development Bank, the institution which I am now privileged to head. The Bank was established in 1959 in response to a nearly sixty-year-old dream by Latin American countries for a financial institution dedicated to their development. The Bank was given the function of channeling resources for the economic and social development of the region, thus permitting our countries to help themselves more effectively in the permanent struggle to fulfill the aspirations and needs of their peoples. The amount of loans committed by the Bank up to date is nearly 6 billion dollars, to contribute to the financing of projects for a total cost of approximately eighteen billion dollars. The Latin countries themselves provide about two-thirds of the investment required.

Despite the apparent magnitude of these figures, they are not nearly enough. Let me just say that, after adjustments for purchasing power, the U.S. obtained more external capital between 1870 and 1890 to build the transcontinental railroads than all the money which this country has spent in aid to all the developing countries in the past twenty years.

The Bank as a development institution not only mobilizes resources but also provides financial expertise and sound investment criteria to bear on the achievement of Latin American development. Until the end of last year, and in the critically important field of agriculture, the Bank had financed the improvement of three million hectares of land and the authorization of nearly one million loans to small and intermediate farmers, including over one hundred rural cooperatives, for a total of more than one billion dollars. As for economic infrastructure, in the domain of transport and communications the IDB financed the construction or improvement of nearly twelve thousand miles of road networks, over fifteen hundred miles of gas pipelines, the modernization of eight major ports and the installation of telecommunication systems in seven countries. The Bank helped to install electric plants with a total capacity of 2.7 million kilowatts, construction of over fifteen thousand miles of transmission and distribution lines and the improvement of electrical services in 460 communities. Forty-seven major industrial plants and over five thousand small and intermediate industries were financed by the Bank in the area of industry and mining.

Our financing of water supply and sewerage systems benefitted urban and rural areas with approximately fifty-five million people, that is to say, three and a half times the population of the State of California. Over nine hundred thousand students benefitted from the Bank's operations in advanced, vocational and technical education. In export financing, the IDB authorized over ninety million dollars in lines of credit to help finance intraregional exports of capital goods. In the field of preinvestment 240 studies were financed with direct loans from the Bank, while another 360 were chargeable to the resources granted by our institution to various national funds.

Thanks in part to these activities and most of all to the Latin American effort of self-help, entailing great determination and sacrifice, the developing portion of our continent is rapidly changing. In Latin America, the future is being telescoped into the present, within our own generation, at a faster rate than at any other moment in history. Naturally, transformation takes place not only within each of our nations but also in the traditional pattern of their inter-relationships with other nations, including notably the United States. The institutions of the inter-American regional system, the oldest in existence, are likewise being thoroughly overhauled in order to bring them into tune with the times, and at the service of development, which is now understood to mean social justice just as much as economic growth. The process of helping to conquer backwardness and improve the quality of life for over 260 million people in Latin America and the Caribbean is a magnificent, dramatic challenge that concerns not only ourselves but all industrialized nations.

In response to the growing demand for our services, the Bank is constantly endeavoring to broaden the base of its resources by reaching out for new partners. In addition to raising capital in the principal money markets of the world, including those of Western Europe and Japan—thus lessening the financial burden on the United States, stemming from this country's participation in our expanding operations—the Bank is widening its membership. Canada joined two years ago, thus adding her weight to the regionalization of our agency. The Canadians keenly feel that their own development is interdependent with that of the rest of the hemisphere. Furthermore, the Bank is currently engaged in negotiations with a number of other capital-exporting countries with a view to pooling their resources for the financing of Latin American development. The central idea is to join forces, because the magnitude of the task confronting us transcends the capability of any nation or even a group of nations. Pragmatic partnership is the main feature of this new posture.

Now that an even larger group of Latin American countries is approaching the stage of the take-off into self-sustained economic growth, the relatively more prosperous nations within the region find themselves in a position to begin to assist the development efforts of their lesser-developed neighbors. This is happening on an increasing scale, and is one of the important new criteria being evolved in this new phase of the Bank's activities, as an institution sensitive to different types of development needs and potential. The Inter-American Development Bank of the seventies cannot be the same institution it was during the decade of the Alliance for Progress.

But even the Latin American countries which have attained a fairly advanced level of industrialization do need additional assistance from international financial institutions such as the IDB. If anything, they need it in increasing amounts, and have improved their ability to absorb it. But they need a different type of aid from that required by the lesser-developed countries, where loans and grants based on project-by-project evaluations constitute the bulk of such aid. In the case of these relatively more developed countries, new financial techniques will have to be devised, whereby the Bank may carry out its role as a financial agent and advisor in the mobilization of external resources. The Bank will have to be more selective in the allocation of its resources with a view, on the one hand, to achieving maximum impact on the development process, and, on the other, to attaining the greatest possible catalytic effect in this effort.

Let us look at Brazil, for instance, with its dramatic rate of growth of over 10 per cent per annum over the last four years—a record unmatched anywhere else. Brazil's requirements of investment capital in only one sector of the economy would consume the IDB's entire resources available for all of Latin America. This leads us to share, with other multilateral institutions and capital-exporting countries, the opportunity of providing the huge amounts of capital needed to finance Brazil's industrial development. Consider, for example, the Brazilian steel industry. The IDB has lent to it 120 million dollars, about 10 per cent of the 1.2 billion dollars needed for the sector's current expansion, half of which the Brazilian Government itself is financing; the World Bank has contributed an additional 180 million dollars, totalling 300 million from the international financial institutions; thanks to the IDB's and World Bank's catalytic role in this operation, an additional 300 million dollars were raised in the form of supplier's credits under conditions far more favorable than those normally obtained. A similar example is that of the Las Truchas steel complex in Mexico, now under advanced consideration at the IDB. The cost of the project is nearly 650 million dollars, of which Mexico provides over one half, the World Bank and IDB together are expected to contribute over 120 million dollars and suppliers from nine countries committed credits worth 180 million dollars, again on very favorable terms.

There are several other impressive examples of this kind of externally-assisted self-help within Latin America. Our Bank, for its part, will encourage this trend. The smaller countries of the region also have an impeccable record as borrowers, and participate in large-scale multinational projects. For example, Bolivia is furnishing natural gas to Argentina, and Mexico participates in the fertilizer industry in Central America, where integrated plants already installed in three countries of the sub-region will eventually be operating in all five, under local control.

This brings me to the concept of regional economic integration in Latin America. We view it as one of the key instrumentalities to promote development in the hemisphere. In this spirit, the Inter-American Development Bank has consistently given vigorous impulse and support to the efforts of our nations to integrate themselves. While regional integration is the ultimate goal, the strategy is to proceed by sub-regional clusters for Central America, the Caribbean, the eleven-country Latin American Free Trade Association, and most recently the Andean Group. Integration offers better opportunities to all nations participating in the process. For the United States, it is advantageous because, through a better allocation of resources in the region, it will generate a greater demand by Latin America for capital goods and a more advanced technology, which this country is well equipped to supply on competitive conditions.

The Inter-American Development Bank can be and has already been of assistance in the area of foreign private investment, which is of common concern to the United States and Latin America. The nature and geography of international capital flows to the region are also influenced by the changing pattern of international relationships. Earlier in this century, foreign capital in the region took the form mainly of investments in essential public utilities, and later in the extraction of natural resources, primarily for export to the industrialized nations. In time, the export of raw materials became for many countries their principal source of foreign exchange. As has occurred elsewhere, in industrialized as well as in developing countries, those of Latin America have become increasingly aware of the need for national control over natural resources, as crucial factors in their development. Throughout the region, such foreign-owned investments were gradually nationalized. While this process led to occasional friction, with political overtones, in most instances the change was peaceful and gradual, with investors compensated fairly for their assets.

From my perspective as President of an international investment bank that last year committed over 800 million dollars in new loans, I can confidently state that Latin America is a good credit risk, with a savings to investment ratio higher than in any other developing area (including Southern Europe). On the whole, the climate for foreign private investment in Latin America is quite favorable, notwithstanding occasional reports to the contrary, which may be justified in isolated instances but do not constitute a trend.

The countries of the region realize that they need foreign capital and know-how, in pragmatic businesslike terms. Every nation has the sovereign right to determine independently whether or not it is willing to import foreign private capital and technology, and if so under what terms and conditions; conversely, foreign investors must know with reasonable certainty the policies and procedures under which their capital and technology will be acceptable. More often than not, they will find in Latin America high rates of return and conditions propitious to a successful investment. This is so particularly if the foreign investor associates with local entrepreneurs, in lasting associations that are rewarding for all parties involved.

Frankly speaking, I am convinced that there is an urgent need to apply greater imagination and creativity to this issue. Great benefits are being reaped in our region by entrepreneurs who have learned how best to adjust to local development policies. This generally means contributing to the generation of local employment, of export revenues, of a technological and managerial infrastructure and of industrial development in the host countries.

Herein lies the essence of the concept of partnership, between businessmen as well as between nations. The more bridges we manage to throw across the gaps which separate us, the better will our interests converge, and the more meaningful shall our interdependence be. The favorable climate for foreign enterprise requires a *quid pro quo,* in the form of new patterns of corporate behavior. Foreign corporations must also be good citizens. When only a few fail in this duty, the damage can be disproportionate. In other words, for a foreign investor to be successful, he must display the qualities of adaptability to local conditions, of empathy and forbearance.

In its new role as a financial advisor to the Latin American countries desiring this service, as well as a major supplier of capital and technical assistance, the Inter-American Development Bank can play an important function in reconciling the interests of capital-exporting and importing countries. Together with other international organizations including the United Nations, the World Bank and the Organization of American States, the IDB has been active in its quest for guidelines acceptable to all sides concerned with international investment in Latin America. We shall continue to pursue these efforts. It is important to play the game according to rules of general validity. More work is needed in this field, and we shall be prepared to cooperate with governments and multilateral agencies toward this end.

The need for additional economic aid to Latin America and the notion of interdependence among nations are twin concepts, by no means mutually exclusive. The structure of Latin America's external debt towards the developed countries, is such that the terms of borrowing for the region are considerably harder than those applicable to the other developing nations. The Latin American countries are desperately trying to bridge the gap with increased export revenues. Unfortunately, however, there is a protectionist mood in the industrialized nations. The problem is not confined to the United States, since in other parts of the world both tariff and non-tariff barriers impede the access of Latin American exports to their markets, thereby penalizing the consumers and adding to the world's inflation. The United States and Latin America concur on the need for a greater liberalization of world trade. Let us hope that the Tokyo meeting of GATT, in progress since a few days ago, may bring some relief to an otherwise grave situation.

Economic interdependence between nations or regions pre-supposes a two-way traffic, predicated upon reciprocal needs. While development aid is welcomed by the recipient countries, it is also good business for the donors, if only because it expands the markets for their products. At the time of the most serious trade deficits of the United States, its balance of trade with Latin America was still favorable. When the dollar was in a most serious crisis, Latin America did not convert its reserve holdings in dollars into gold, when the option existed. Latin American economic solidarity with the United States is a demonstrated fact.

The United States needs to have access to Latin American resources, and vice versa. If one pauses to consider that by the end of this century, that is to say less than thirty years hence, Latin America will have an estimated population of 650 million, with a purchasing power roughly equal to that enjoyed by the European Community today, the vast potential of our region as an orderly-managed geo-economic space, a market, a supplier of food and energy, and a reservoir of human talent closely identified with Western values and culture, becomes immediately apparent. It is thus clearly in the interest of the United States to support the efforts of our nations, which have amply demonstrated their ability to raise themselves by their bootstraps from the agonies of underdevelopment.

The institution over which I preside is but a part of a great regional system. This system is endowed with an identity all its own, forged through decades of collaboration in every field by generations of Americans, from the North, the Central isthmus, the South and the Caribbean. On your own prosperity in this country depends ours, and our development will have an influence also on the continued growth and expansion of the United States. That is why we need your support and you need ours. As I said at the beginning of my remarks, California is a link, a bridge between the Latin culture and the Anglo-Saxon tradition. You understand us, and we have the greatest admiration for your achievements. What we need is to strengthen such bridges. Within this framework of interdependence, let us go ahead and join in partnership with a fresh awareness of the vital role of the Americas for the welfare of all mankind.

NEW YORK CABBIES ARE A UNIQUE BREED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. DERWINSKI. Mr. Speaker, New York is again in the headlines with its mayoralty race, strikes, riots, the success of the Mets, and sundry other newsworthy items.

One of New York's greatest claims to fame has been the reputation of its cab drivers for being a unique breed. These intriguing individuals are the subject of a very entertaining column by Orv Lifka, editor of the Suburban Life, on October 4 which I am pleased to share with my colleagues:

GOTHAM CABBIES TRY NEW ROUTE

(By Orv Lifka)

The domestication of that unusual species of American wildlife, the New York taxi driver, continues at a speed that may blur the vision of his arch-enemy, the traffic policeman.

Midwesterners who have ridden with these rollicking rickshawmen invariably conclude that they would sooner go over Niagara Falls in a barrel. These hackies make kamikaze pilots look like the Cowardly Lion.

Their cabs are filled with rattles and the screams of yesterday's riders. Ticking meters convince customers they are traveling in time bombs. As they eye life's passing stream through the mottled windows patrons wonder when they will go down for the third time.

However, like the dieter who went on an eating binge, the New York taxi driver is out to change his image. Help has been received from an unwelcome source, the city. It knows these ferrymen deserve special attention, like a hot wire downed in a thunderstorm.

With approximately muted fanfare the city passed a law some months ago prohibiting unnecessary horn tooting, thereby cutting off a favorite pastime of the jitneymen.

For a while academic disagreement persisted as to what was "unnecessary," but when the courts relied on the judgment of the police and began collecting $25 for each so-determined serenade the cabbies put away their music.

At last reports, easily heard in the quiet streets, the hackmen had survived this dent in their lifestyle. Many conclude now that the legislation was needed to curb a bad habit of their churlish competitors.

Using another avenue, New York recently decreed that taxi operators be separated from their customers by bulletproof windows as well as views on their driving. Such windows will protect the cabbies from criminals but also will cut off these gifted monologists from captive ears.

Hackmen may compensate for this by lowering their windows and calling the attention of other motorists to their shortcomings, which are considerably more aggravating than their longgoings. Such vocalizing, however, will never replace the horn as a means of criticism.

Cabmen also are steering themselves toward self improvement. Whistled down by a group of taxi drivers, Amy Vanderbilt briefed them in the social graces applicable to their line of work.

The tips were greatly appreciated even though she recommended that the boys refer to woman customers as "madam" instead of "sugar," which invariably creates a stir.

How riders will react to the cabbies' new look is as hard to determine as a fast route across Manhattan. Things are getting brighter than a windshield washed by a rainstorm. But the "unfortunate international image" Amy mentioned may continue as long as they drive like a boulder in an avalanche.

The New York taxi driver isn't an endangered species; his customers are.

CHINA'S 62D ANNIVERSARY

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. WON PAT. Mr. Speaker, on October 10, 1973, the Republic of China celebrated the 62d anniversary of its founding. I would like to take this opportunity to offer my congratulations and to take note of the tremendous achievements that have been made on Taiwan, the present home of over 15 million Chinese citizens.

The people of China have suffered much in the past. For several hundred years they were ruled by a Manchu Dynasty, and it was not until October 10, 1911, that Dr. Sun Yat-sen and his revolutionary followers were successful in overthrowing the alien rulers. Following that event, there was much division among the various factions seeking power in China, with resulting warfare and chaos, and untold tragedy for the people. The Second World War brought its own problems and resulted in the Communist takeover in 1949, when the Government of the Republic of China was forced to withdraw to the province of Taiwan.

During the post-World War II period, the United States contributed large amounts of financial, technical, and military assistance to the Republic of China. Land reform and rural construction were initiated, and the expansion of commerce and industry was encouraged. With our help, but mainly through their own heroic efforts, the Chinese people on Taiwan were so successful in achieving a self-sufficient and thriving economy that all American aid was suspended a few years ago. Today, Taiwan is making tremendous strides in commerce and industry, and is rapidly developing a place for itself in the markets of the world.

Taiwan stands as an excellent showcase for the kind of progress that is possible under enlightened leadership. Advances have been made in all areas of activity, with resulting benefits for all the people.

I am pleased to report that recently I saw first-hand the achievements the Chinese people have made on Taiwan. During a visit to the island, I was privileged to see many inspiring examples of its progress in government, commerce, industry, housing, education, social welfare, and the arts. As a result of the overall prosperity, the standard of living of all the people has improved significantly. Where only 20 years ago the chief means of transportation was the pedicab, today it is the automobile and taxi. Where before the ordinary Chinese family sweltered in the tropical heat with only a fan to stir the air, today many Chinese have air-conditioners in their homes. Where before many children of poor families could not attend school because they lacked the funds for books, paper, and pencils, today every child is able to obtain an education. The construction of many new buildings, some 20 stories high, to meet the demand for the increased business activity on the island is concrete evidence of Taiwan's progress. Happily, the economic gains have been accompanied by improved changes in the political structure of the government at all levels: city, county, and township.

Throughout history, the people of China and America have always had a strong bond of friendship and mutual respect and admiration. Regardless of its political status in the future, I would like to reassure the Chinese people living in the Republic of China on Taiwan that the people of America admire their recent achievements and wish them continued progress and prosperity.

TITLE I EDUCATION FUNDS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. LEHMAN. Mr. Speaker, yesterday, I voted to recommit the conference report on House Joint Resolution 727. This conference report includes a provision that for title I education funds, a local educational agency would receive no less than 90 percent nor more than 115 percent of the title I funds it received in 1973.

Year 1973 allocations were based on 1960 census figures. It is clear that in those intervening 13 years, enormous and significant population shifts occurred. The result of this conference report is those areas which have experienced large growth in population will not be given title I funds in proportion to the true numbers of persons the local school districts must serve.

I cannot support hold harmless provisions when such Federal funding is going to provide services for nonexistent children. Hold harmless clauses are particularly hard to swallow when coupled with increased ceilings.

I am inserting in the RECORD a breakdown which shows population shifts among the school districts in Florida:

POPULATION

	1.1		1.2	1.3	1.4					
	Total population by district		Percent change, 1960–70 (percent)	Average yearly change, 1960–70 (percent)	Components of change 1960–70					
							Natural increase		Net migration	
District	1960	1970			Births	Deaths	Number	Percent	Number	Percent
Alachua	74, 074	104, 764	41.4	4.1	20, 512	6, 570	13, 942	18.82	16, 748	22.61
Baker	7, 363	9, 242	25.5	2.6	1, 801	704	1, 097	14.90	782	10.62
Bay	67, 131	75, 283	12.1	1.2	16, 656	4, 979	11, 677	17.39	−3, 525	−5.25
Bradford	12, 446	14, 625	17.5	1.8	2, 613	1, 382	1, 231	9.89	948	7.62
Brevard	111, 435	230, 000	106.4	10.6	41, 045	9, 677	31, 368	28.15	87, 203	78.25
Broward	333, 946	620, 059	85.7	8.6	75, 532	46, 568	28, 964	8.67	257, 190	77.02
Calhoun	7, 422	7, 624	2.7	.3	1, 462	816	647	8.72	−445	−6.00
Charlotte	12, 594	27, 559	118.8	11.9	2, 058	3, 341	−1, 283	−10.19	16, 248	129.01
Citrus	9, 268	19, 196	107.1	10.7	1, 827	1, 787	40	.43	9, 888	106.69
Clay	19, 535	32, 059	64.1	6.4	5, 325	1, 789	3, 536	18.10	8, 988	46.01
Collier	15, 753	38, 040	141.5	14.2	5, 200	2, 460	2, 740	17.39	19, 547	124.08
Columbia	20, 077	25, 250	25.8	2.6	5, 179	2, 406	2, 773	13.81	2, 400	11.95
Dade	935, 047	1, 267, 792	35.6	3.6	184, 016	106, 403	77, 613	8.30	255, 132	27.29
De Soto	11, 683	13, 060	11.8	1.2	2, 342	1, 370	972	8.32	405	3.47
Dixie	4, 479	5, 480	22.3	2.2	1, 277	467	810	18.08	191	4.26
Duval	455, 411	528, 865	16.1	1.6	112, 893	42, 450	70, 443	15.47	3, 011	.66
Escambia	173, 829	205, 334	18.1	1.8	46, 322	13, 567	32, 755	18.84	−1, 250	−.72
Flagler	4, 566	4, 454	−2.5	−.3	995	584	411	9.00	−523	−11.45
Franklin	6, 576	7, 065	7.4	.7	1, 526	878	648	9.85	−159	−2.42
Gadsden	41, 989	39, 184	−6.7	−.7	10, 021	3, 570	6, 451	15.36	−9, 256	−22.04
Gilchrist	2, 868	3, 551	23.8	2.4	590	323	267	9.31	416	14.50
Glades	2, 950	3, 669	24.4	2.4	599	275	324	10.98	395	13.39
Gulf	9, 937	10, 096	1.6	.2	2, 170	767	1, 403	14.12	−1, 244	−12.52
Hamilton	7, 705	7, 787	1.1	.1	1, 878	835	1, 043	13.54	−961	−12.47
Hardee	12, 370	14, 889	20.4	2.0	2, 819	1, 409	1, 410	11.40	1, 109	8.97
Hendry	8, 119	11, 859	46.1	4.6	2, 761	937	1, 824	22.47	1, 916	23.60
Hernando	11, 205	17, 004	51.8	5.2	2, 569	1, 747	822	7.34	4, 977	44.42
Highlands	21, 338	29, 507	38.3	3.8	4, 891	3, 176	1, 715	8.04	6, 454	30.25
Hillsborough	397, 788	490, 260	23.2	2.3	88, 845	43, 532	45, 313	11.39	47, 164	11.86
Holmes	10, 844	10, 720	−1.1	−.1	1, 613	1, 276	337	3.11	−461	−4.25
Indian River	25, 309	35, 992	42.2	4.2	6, 111	3, 434	2, 677	10.58	8, 006	31.63
Jackson	36, 208	34, 434	−4.9	−.5	6, 293	3, 418	2, 875	7.94	−4, 649	−12.84
Jefferson	9, 543	8, 778	−8.0	−.8	2, 158	1, 104	1, 054	11.04	−1, 819	−19.06
Lafayette	2, 889	2, 892	.1	0	456	331	125	4.33	−122	−4.22
Lake	57, 383	69, 305	20.8	2.1	10, 890	8, 368	2, 522	4.40	9, 400	16.38
Lee	54, 539	105, 216	92.9	9.3	13, 192	8, 363	4, 829	8.85	45, 848	84.06
Leon	74, 225	103, 043	38.8	3.9	17, 609	5, 766	11, 843	15.96	16, 979	22.88
Levy	10, 364	12, 756	23.1	2.3	2, 250	1, 361	889	8.58	1, 503	14.50
Liberty	3, 138	3, 379	7.7	.8	645	317	328	10.45	−87	−2.77
Madison	14, 154	13, 481	−4.8	−.5	3, 020	1, 507	1, 513	10.69	−2, 186	−15.44
Manatee	69, 168	97, 115	40.4	4.0	11, 195	11, 788	−593	−.86	28, 540	41.26
Marion	51, 616	69, 030	33.7	3.4	12, 182	6, 623	5, 559	10.77	11, 855	22.97
Martin	16, 932	28, 035	65.6	6.6	3, 981	2, 736	1, 245	7.35	9, 858	58.22
Monroe	47, 921	52, 586	9.7	1.0	12, 635	3, 957	8, 678	18.11	−4, 013	−8.37
Nassau	17, 189	20, 626	20.0	2.0	3, 952	1, 571	2, 381	13.85	1, 056	6.14
Okaloosa	61, 175	88, 187	44.2	4.4	19, 645	3, 443	16, 202	26.48	10, 810	17.67
Okeechobee	6, 424	11, 233	74.9	7.5	2, 294	843	1, 451	22.59	3, 358	52.27
Orange	263, 540	344, 311	30.6	3.1	62, 507	25, 449	37, 058	14.06	43, 713	16.59
Osceola	19, 029	25, 267	32.8	3.3	3, 471	3, 468	3	.02	6, 235	32.77
Palm Beach	228, 016	348, 753	52.9	5.3	50, 705	30, 915	19, 790	8.68	101, 097	44.32
Pasco	36, 785	75, 955	106.5	10.7	6, 397	7, 661	−1, 264	−3.44	40, 434	109.92
Pinellas	374, 665	522, 325	39.4	3.9	54, 724	72, 231	−17, 507	−4.67	165, 171	44.08
Polk	195, 139	227, 222	16.4	1.6	42, 760	20, 925	21, 835	11.19	11, 052	5.66
Putnam	32, 212	36, 290	12.7	1.3	7, 300	3, 557	3, 743	11.62	469	1.46
St. Johns	30, 034	30, 727	2.3	.2	5, 721	3, 818	1, 903	6.34	−902	−3.00
St. Lucie	39, 294	50, 836	29.4	2.9	9, 536	4, 999	4, 537	11.55	7, 005	17.83
Santa Rosa	29, 547	37, 741	27.7	2.8	9, 265	2, 273	6, 992	23.66	1, 202	4.07
Sarasota	76, 895	120, 413	56.6	5.7	12, 329	13, 326	−997	−1.30	44, 515	57.89
Seminole	54, 947	83, 692	52.3	5.2	14, 552	5, 548	9, 004	16.39	19, 741	35.93
Sumter	11, 869	14, 839	25.0	2.5	2, 580	1, 549	1, 031	8.69	1, 939	16.34
Suwannee	14, 961	15, 559	4.0	.4	3, 179	1, 710	1, 469	9.82	−871	−5.82
Taylor	13, 168	13, 641	3.6	.4	2, 977	1, 309	1, 668	12.67	−1, 195	−9.08
Union	6, 043	8, 112	34.2	3.4	939	510	429	7.10	1, 640	27.14
Volusia	125, 319	169, 487	35.2	3.5	23, 417	21, 954	1, 465	1.17	42, 703	34.08
Wakulla	5, 257	6, 308	20.0	2.0	1, 055	564	491	9.34	560	10.65
Walton	15, 576	16, 087	3.3	.3	2, 385	1, 681	704	4.52	−193	−1.24
Washington	11, 249	11, 453	1.8	.2	2, 143	1, 321	822	7.31	−618	−5.49
Total	4, 951, 560	6, 789, 383	37.1	3.7	1, 093, 790	595, 743	498, 047	10.06	1, 341, 322	27.09

Note: Net migration is the number of persons who moved to the school district during a specified time. In this instance, net migration is the difference between the total increase from 1960 to 1970 and the natural increase. The percent for natural increase added to the percent for net migration will equal the percent change from 1960 to 1970.

DRUG ABUSE PROBLEM IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. WALDIE. Mr. Speaker, the Select Committee on Crime issued a report over the summer concerning the drug abuse problem in the schools.

The committee has called on Congress to provide funds for both student and teacher drug education programs, to force manufacturers to cut back their production of harmful drugs, and to monitor the effectiveness of the radio and television industry's regulation of drug advertisements.

Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views of the committee's recommendations. Their letters relate, as well, the independent efforts they are making to fight the drug abuse problem. Their evaluation and experiences should be of great interest to all Members of Congress.

Mr. Speaker, selections from these letters follow:

LETTER FROM MITCHELL L. VOYDAT, AREA ADMINISTRATOR, CAPITAL MALL, SACRAMENTO, CALIF.

We, in California, have developed an outstanding drug abuse program and would welcome sharing our developments/programs with your office. To this end, I'm asking Dr. Donald McCune, State Coordinator for Drug Education, to respond with specifics.

My own suggestions follow:

A. An interdisciplinary approach to teaching "values formation'" and "facts/information" should be an integral part of any school program. Reading, composition, speech, driver education, health, physical education, social sciences, etc., should focus on the problem. The United States Office of Education might well be a focal point for such leadership as well as for the development of such materials.

B. Encouragement/limited funding should be made available to teaching institutions to include such work in their teacher preparation programs. Accrediting associations could be a big help here. State credentialing agencies should recognize the problem and include this in credentialing requirements.

C. The joint efforts of federal health departments/school district offices/county school offices and other social agencies (medical, law enforcement) should be a condition for receipt of existing funding. Area/regional coordinating councils, as part of on-going activities, should be fostered.

D. Existing titles in ESEA III, ESEA II and NDEA III could be expanded or delineated (as the case might be) to include a specific percentage of funding for the drug abuse problem.

As you can see, my concerns revolve around (a) teacher training, (b) values of material development, (c) greater coordination of purpose among existing agencies, and (d) possible funding through inclusion in specific Federal Acts.

Letter From John V. McGarry, Principal, Oxnard, Calif.

May I respectfully submit to you that many children who have turned to drugs have done so out of boredom and lack of suitable goals for their respective age groups. Society, as a whole and through various media, has convinced many of our young people that "you're really not living until you're old enough to do what the adults do." Our young teenagers have a tremendous desire to be needed and useful in a society that really does not have time for them unless they are "consumers". For example, let us take a look at the work ethic which helped our young people years ago by providing them with job opportunities. As society has become more technologically inclined and business has become more sophisticated, the need for young boys and girls to help wash windows, sweep floors, stock shelves, do errands, etc. has diminished. It is very difficult for a youth of today to be recognized by business in any other way than as a consumer. Business wants his dollar but they offer no method by which he may earn it. It is truly much easier to have a janitorial service come in "after business hours" to do the cleaning. It requires no supervision, no teaching of novices, no worry about insurance problems with the young—it's the easy and fast way out of the "problem". Stock ordering is now done by computer and, consequently, the inventory and other trivial types of jobs once done by youth are not in evidence as in past years. Children, who years ago, felt they were part of this business now feel, to some extent, alienated towards it and exploited by it. The business world has not taken the responsibility of helping the parents and the school teach the child the beauty of work and the work ethic. Consequently, children have time on their hands with nothing to do and less to look forward to. Children need to be occupied, either with jobs, or with other activities that will keep their minds busy and improve their feeling of personal self-worth in our present day society.

Many schools and school boards, such as ours, have recognized this need to keep children's minds and bodies busy and have contributed in their own way by providing "after school activities" for our young teen-agers. We would like to think that it helps and submit to you, that if, the child is involved at his school, the chance of him being involved in drugs is minimal. We have had many federal programs for many things and one is now being proposed in the area of drug education. I submit to you that in addition to this we must find a way to occupy children's minds and bodies. Why not help school districts provide facilities such as gyms, craft buildings and materials, instructors, etc. to take up this slack? Why not encourage business to get re-involved in the business of educating children to the field of work and the work ethic? Let's make positive moves, as well as, stop-gap proposals to actively improve the self image of our youth. Let's keep them busy and involved in worthwhile objectives.

Letter From Donald C. Holton, Building Principal, Oceanside, Calif.

Following your line of thought and your request for additional suggestions, I would like to propose the following:

First of all, in reality, students spend a very small portion of their time with each individual teacher, particularly at the secondary school level. The persons with whom they spend the majority of their time is with the parents, and for this reason I recommend that the federal government investigate the possibility of making available to all persons PARENT-EFFECTIVENESS programs which would be geared to all income levels, all socio-economic levels and racial and ethnic groups.

This is not just a school problem—it is a problem of society—the magnitude of which is staggering. For this reason, I believe that a staggering program must be developed if it is going to be successful.

Letter From Arthur H. North, Associate Superintendent, Santa Barbara, Calif.

I was extremely interested in the report of the Select Committee on Crime—"Drugs in Our Schools"—and I want to thank you for your letter.

The secondary administrators of this District agree wholeheartedly with all four Committee recommendations.

School districts in Santa Barbara County initiated organized programs of drug abuse instruction about three years ago, and with federal funding of a County Schools project have expanded the involvement of community, teachers, and students. However, the program is not yet adequate and recommendation #2, "provide adequate funding," is essential.

All principals placed a very high priority on recommendations #3 and #4 concerning "cutback of production" and "advertising guidelines."

Specific programs for students need to be scrutinized with great care, since research now indicates that some programs have tended to increase rather than diminish student use.

Thank you for involving these districts in your sampling.

Letter From Warren Bryld, Principal, Sunnyvale, Calif.

One suggestion which we would recommend is for early and continued education in developing sound value systems in young people. The taking of any drug is a matter of choice based on an individuals' judgment at a given moment. Therefore, it would seem that in order to alter such judgment a program should be developed to strengthen value judgments in young people. There probably would need to be much parent involvement to add to the effectiveness of such a program. It would be imperative that such a program be initiated in the child's early school years and continue through high school on a systematic basis.

We feel that the school, by itself, is not the answer to the drug abuse problem. There has to be a coordinated effort between community agencies, parents and the school. Too much concentration in the schools has been aimed at attempting to correct symptomatic behavior and not enough consideration given to causal factors.

Letter From Robert L. French, Administrator, Instructional Services, Fullerton, Calif.

Thank you for your letter of September 10, 1973, reviewing the progress of the Select Committee on Crime in regard to drug abuse. We commend you for your efforts with this vital problem.

We, too, are extremely interested in this area and are spending time and monies to study the problem and to upgrade our instructional program. We have carried out a drug use survey every two years and reviewed the findings with the Board of Trustees and the press. Certain of the findings are alarming while others show that some progress is being made.

Letter From Sheree Warfield, Richmond, Calif.

Since you are in the committee on crime you are probably concerned about the problems that we have in the city; such as drugs for instance and alcohol. As you know there is a law that says drugs are illegal but if drugs are illegal shouldn't alcohol be illegal too. Neither one of them is better than the other so they should either be legal or illegal. There is another case such as smoking, they advertise that if you smoke a certain kind of cigarette you will become a better person. Do you think that this is right?

Letter From Joyce Layton, R.N., Health and Safety Coordinator, Carlsbad, Calif.

Aside from the drug education given in our regular science and health curriculum, we have initiated a Peer and Cross-Age Teaching class in our senior high school. Since students go to other students for information, we are trying to give the right information to the leaders of the various student strata through this class. These students will be going into classrooms, K–12, in the area of drug abuse as well as in other health education areas such as venereal disease. These students work very closely with school counselors, parents, Citizen-Staff Health and Safety Committee, counselors from the Carlsbad Police Department, Public Health Department and our local Defy Agency.

In 1971, the San Diego County Drug Education Workshops, "You and Your Decisions," were found to be very helpful as have subsequent State and County workshops and meetings.

Letter From Rosemary Dunn, Oakland, Calif.

As a member of the Select Committee on Crime, undoubtedly you are concerned with the demands for the legislation of marihuana.

I think marihuana is like alcohol—relatively harmless in small amounts, but a public menace in large.

If people can poison themselves with cigarettes, and destroy themselves with alcohol, why can't they smoke marihuana?

What is being done about it? Shouldn't all three things be banned illegal?

Letter From Tom Hand, Principal, Oxnard, Calif.

I believe that teachers should be knowledgeable in the drug-abuse area. We have had in the past local police and former drug-abuse speakers for teachers and for students, but we had not had any thorough program of education of drug-abuse. At our junior high school drug-abuse has never been a significant problem, in so far as numbers involved, but we do not want even one young person to become involved with drugs, so we are still very concerned with any legislation that will assist in lowering the number of drug-abuse cases to even zero if that were possible.

I believe that federal laws should drastically limit the advertising of certain drugs for certain purposes. I concur that proper control of the manufacture, and distribution of drugs used in drug-abuse is necessary.

It is true that any additional instructional program for school students cost money and time and also any additional in-service instruction for teachers costs time and money, but drug-abuse by members of a society costs that society even more in terms of lost lives and non-productive lives.

The Select Committee's recommendations is aimed more at prevention than at cure. However, I would not overlook the great value in using the reformed drug-abusers in assisting in the prevention.

I suggest that the federal government finance and sponsor a speaker's program where cured and reformed drug-abusers can get their sad story across to all young people. We have had such speakers and I'm convinced that their message comes across with an emotional impact that's hard to forget. I remember several years ago a televised panel of convicts presented a program regarding their stumbling. This could also be done in the area of drug-abuse. Mass communication media for such speakers would be very effective—similar to the idea of using personalities to speak out for drinking milk, etc.

ILO DIRECTOR GENERAL WILFRED JINKS DIES IN ROME

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. FRASER. Mr. Speaker, on October 9, Wilfred Jenks, Director General of the International Labor Organization, died in Rome. He was a dedicated international civil servant who ably led the ILO through what was perhaps its most difficult period—the 2-year default by the United States in payment of assessed contributions to the Organization.

Wilfred Jenks spent his entire professional life—42 years—in service to the ILO. Beginning in 1931 as a young law school graduate from England, he served under every Director General in the 54-year history of ILO, rising from the ranks to become Director General himself in 1970. A distinguished international legal scholar, he wrote more than a dozen books on international law, some of which are still used as textbooks. His indispensable contribution to practically every aspect of the important work of the ILO during the past four decades is proof of his high professionalism and dedication to the central tasks of ILO: improving conditions of life and labor, safeguarding freedom of association, and upholding human rights throughout the world.

One of Wilfred Jenks' most striking qualities was courage. When a resolution was introduced at this year's ILO General Conference to condemn Israel and subsequently conduct an inquiry into conditions in that country, Jenks ignored the advice given him and spoke out forcefully against this reversal of due process. Calling on the delegates to maintain the tradition of fairness, he said:

> In the name of the reputation for integrity which won the ILO the Nobel Prize I implore the Conference to think many, many times before it abandons this tradition . . . For the Conference first to condemn and then to call for an enquiry, the terms of reference of which would be to confirm such condemnation, would be to offend the principle of due process on which all our work relating to implementation of Conventions rests.

As a result of Jenks' courageous stand, support for the anti-Israel resolution withered away.

Under Wilfred Jenks' leadership, the essential tripartite structure of ILO—consisting of representatives of governments, employers, and trade unions—was revitalized when the balance was tipping dangerously in favor of government representatives. He also took new initiatives concerning the role of .employment in the process of economic development, and said at this year's General Conference:

> The employment problems of the developing world remain a top priority in all our work. There will be no relaxation of our work on employment and human resources development. These are vital to cut the cancer of unemployment from the body politic and build up the trained cadres indispensable for true national independence.

From 1970 to 1972, when failure of the United States to pay its ILO dues put the organization under severe strain in carrying out vital programs, Jenks nonetheless was responsible for an increase of 27 percent in the number of American citizens on the ILO staff.

My last meeting with Wilfred Jenks was less than 2 months ago in his office in Geneva. Concerned about maintaining the image of the United States as a leader in defending human rights in the ILO, he said:

> Nothing would strengthen the U.S. position in ILO more than some movement toward its ratifying one or more of the six major international conventions on human rights in labor.

I think we would do well to take his advice and move toward ratification of these conventions, which have already been ratified by more than 80 of the 123 members of ILO.

Wilfred Jenks was one of a rare breed of unselfish international civil servants. There is much we can learn from his leadership.

I am pleased to announce that four of our distinguished colleagues join with me in making this statement: Mr. Daniels, Mr. O'Hara, Mr. Perkins, and Mr. Thompson of New Jersey.

SCOTT COUNTY CHAPTER OF THE DISABLED AMERICAN VETERANS

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MEZVINSKY. Mr. Speaker, I am pleased to note that the Scott County chapter of the Disabled American Veterans has been commended for its fine program of aid to disabled veterans and children. Their trading stamps for needy children program, for instance, serves more children in the eastern part of Iowa than any other currently existing Christmas benefit fund. This Christmas the chapter's all-volunteer staff will serve over 2,000 needy children.

The chapter's wide-ranging programs are costly and funded primarily through donations. Recent contributions from the business community, both from Iowa and across the Nation, have kept this program going. I think their contributions are worthy of our notice and commendation.

PSRO AND THE INDIANA STATE MEDICAL ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. RARICK. Mr. Speaker, the Indiana State Medical Association at their 124th annual convention in Indianapolis, Ind., this week adopted two straightforward resolutions relating to PSRO—professional standards review organizations—and HEW.

Summarized the position of the Indiana State Medical Association is:

That HEW be notified that its membership will be encouraged to not participate in PSRO type activities;

That the Indiana State Medical Association establish an independent corporation to accomplish peer review and quality control to be effective only at the request of the local reviewing board;

That the Members of Congress and the Senators of the State of Indiana repeal the PSRO provisions of Public Law 92–603, which was passed into law by the 93d Congress as a provision of title XI of the Social Security Amendments of 1973.

I have introduced H.R. 9375, calling for repeal of the PSRO provisions from the act in order to eliminate the threat of political interference into the area of medicine. The PSRO prorgam for regional and national establishment of norms of medical practice are presently scheduled to become effective January 1, 1974.

I can assure our colleagues that if they have not heard of PSRO yet, they can expect to be hearing it as the effective date approaches. In order to avoid a medical rebellion among our doctors of medicine, I would urge you to introduce similar legislation to H.R. 9375 and work toward early repeal of the unnecessary and impractical provision of law which establishes the groundwork for Federal control of medical practitioners.

H.R. 9375 repeals, under the Social Security Act, the provisions for the establishment of professional standards review organizations to review medical services covered under medicare and medicaid programs.

H.R. 9375 has been referred to the Ways and Means Committee.

I ask that the two related resolutions adopted by the Indiana State Medical Association follow:

RESOLUTION No. 73–1

Introduced by Clark County Medical Society.

Subject: Redeclaration of nonparticipation policy.

Referred to Reference Committee No. 5, William G. Bannon, M.D., Chairman.

Whereas, The free enterprise, fee-for-service system of medical practice in the United States makes most efficient use of available medical personnel, encourages high quality medical care, and preserves the freedom of patient and doctor; and

Whereas, Government intervention between the practicing physician and the patient historically removes responsibility from both parties and leads to increase in quality of medical care; and

Whereas, The provisions of PSRO would

sharply interfere with the nature of the doctor-patient relationship and lead to a poorer rather than a better health care standard in this country; now, therefore, be it

Resolved, That the Clark County Medical Society urge the Indiana State Medical Association to notify the Department of Health, Education and Welfare that its membership will be encouraged to not participate in PSRO-type activities.

RESOLUTIONS No. 73-21

Introduced by Board of Trustees.
Subject: Involvement in PSRO.
Referred to Reference Committee No. 5, William G. Bannon, M.D., Chairman.

Whereas, Public Law 92-603 calling for establishment of a PSRO mechanism in every state of the nation not later than January 1, 1976;

Whereas, The law makes provision for such organizations to be formed on a trial basis as of January 1, 1974; and

Whereas, The Board of Trustees has gone on record as stating their opposition to this poor law; and

Whereas, The Board of Trustees is of the opinion that this House of Delegates has but two options, one of involvement and one of noninvolvement in PSRO's, and

Whereas, Resolution No. 1-73 recommends non-involvement in PSRO's, and

Whereas, This resolution is presented to provide for an alternative means of peer review and quality control without government control; now, therefore, be it

Resolved, That the Indiana State Medical Association be permitted to establish an independent corporation to accomplish peer review and quality control, such review to be conducted only at the request of the local reviewing body; and be it further

Resolved, That the Indiana State Medical Association urge the members of Congress and senators of the State of Indiana to repeal the PSRO provisions of PL 92-603.

BEEF PRICES—CATTLE PRICES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. ABDNOR. Mr. Speaker, much has been made in recent months of the rise in prices for raw agricultural products which has permitted the farmers and ranchers to receive an income close to that of those employed in other segments of the American economy for the first time in anyone's memory.

The rises in raw agricultural prices were blamed for the high cost of food—even though food is cheaper in America than anywhere else in the world. The rise in cattle prices was particularly singled out for criticism.

Cattle prices have now come down—drastically. This does not portend well for the continued expansion of our beef supplies for the future, but it may mean financial ruin for many feeders very soon. A marked drop in beef prices in supermarkets has yet to be seen.

The following letter addressed to Mr. John Dunlop of the Cost of Living Council from the Sioux Falls Livestock Foundation states the problem quite succinctly:

SIOUX FALLS LIVESTOCK FOUNDATION,
September 26, 1973.

Mr. JOHN DUNLOP,
Cost-of-Living Council,
Washington, D.C.

DEAR SIR: Although the Sioux Falls Stockyards, this nations 4th largest livestock market, does not pretend to act in an official capacity as a spokesman for the livestock industry, it is our belief that certain facts should be brought to your attention.

Do you realize that since the onset of Phase IV, we have witnessed fluctuations in the price of livestock never before heard of? It should further be noted that since the "peak" the price of live cattle has dropped approximately $18.00 per hundred, resulting in a total value decrease in excess of $200.00 per animal. The total value of a market hog has decreased by $50.00 and that of a market lamb by $18.00 per head.

We realize that your intended purpose in the initiation of Phase IV was to reduce the price of meat by lowering the price at the farm level. Only a portion of your plan has worked. Livestock prices are now at a level that will result in immeasurable financial loss to many feeders and yet prices at the retail level remain constant. In fact, it has been brought to our attention that many of the chains have raised the price of meat as late as yesterday.

Should these prices remain as they are now, you will observe a decrease in the amount of cattle and hogs being fed with a subsequent decrease in the amount of red meat available to our consumer.

It would be our suggestion that immediate steps be taken to rectify an unbelievably tragic situation. We would ask that you personally visit our Midwestern feeding area and observe the current economic plight. We would further suggest that meat be re-instated as the primary ingredient in this nations school lunch programs and finally would ask that a Senate Committee be established to investigate the accounts of this nations major meat retailers. We realize that they too are deserving of a profit, but not at the expense of Agricultural Bankruptcy.

The current situation is more than serious because basic economics and a review of this country's 1930 depression reaffirm the fact that as Agriculture goes, so goes the Nation.

Sincerely,

JAMES L. SMITH,
President and General Manager.

TITLE I EDUCATION FUNDS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. LEHMAN. Mr. Speaker, in the Education and Labor Committee, it has been proposed that title I education funds be distributed on the basis of testing for educational disadvantage.

I, myself, have grave doubts about the wisdom of utilizing tests to determine which children are disadvantaged, and these doubts are well-expressed in a letter which I received today from Dr. E. L. Whigham, superintendent of schools in Dade County, Fla. As I believe this is a matter of concern to all my colleagues, I insert that letter below for their information:

DADE COUNTY PUBLIC SCHOOLS,
Miami, Fla., October 9, 1973.

Hon. WILLIAM LEHMAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. LEHMAN: Following my conversation with you in Washington last week, I thought it would be helpful to put into writing some of the concerns I expressed about using the results of a national testing program rather than economic criteria as the basis for the federal government's allocation of ESEA Title I funds to the states. The following items indicate some concerns as to why the proposed new procedures for allocating Title I funds are inadvisable:

1. A major defect of basing fund allocations on student achievement is that this procedure represents a negative approach to financial aid which will encourage abuses or the rewarding of inefficient programs while reducing funds available to those states and school systems which are significantly reducing the performance gap between economically disadvantaged students and their more advantaged peers.

2. A national testing program would require expensive auditing procedures to assure uniformity of test administration and a comparability in results by states. In fact, national uniformity of test administration probably cannot be attained.

3. Assuming that funds are available for the development of a national testing program, securing professional and lay consensus concerning reading and mathematics objectives throughout the nation would represent a mammoth task. Local school districts and state educational agencies, with considerable justification, would consider a major testing program tied to the allocation of funds a major encroachment on their responsibility for determining educational needs and objectives. In fact, it is likely that the establishment of a national testing program for this purpose will lead directly to federal control of educational programs and policies. The possibility of federally required concentration of expenditures on reading and mathematics and the use of "individualized instruction" as the instructional methodology for teaching basic skills illustrate the potential danger.

4. Deficiencies in basic skills, although critical to the needs of the educationally deprived student, are not the sole and exclusive educational needs of such students. To limit the efforts of school systems to just those educational areas would stifle creative and diverse approaches to solving the problems of educational depravation.

5. By utilizing scores on a national achievement test as the major criterion for allocation, a sizable number of pupils would be included in Title I entitlements who are not economically disadvantaged even though they are low achievers. In effect, this revised allocation procedure would result in a fundamental departure from the original intent of Title I legislation by funneling such funds to all children regardless of socio-economic status, thereby possibly rewarding those districts which have ineffective instructional programs.

In summary, while there is a certain appeal to using what on the surface seems to be more objective and direct data for the distribution of funds for the economically deprived, there are very serious drawbacks which would militate against the adoption of the use of testing. Though there are considerable problems related to the present procedure of identifying those in economic need, this procedure or refinement of this basic approach would appear the most appropriate way to distribute ESEA Title I funds to the various states.

Sincerely yours,

E. L. WHIGHAM,
Superintendent of Schools.

CALIFORNIA EFFORTS AT COMBATING DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. WALDIE. Mr. Speaker, I have received hundreds of letters from principals and superintendents of schools in my State of California concerning Congress failure to provide funds to local school administrations for the development of drug abuse programs.

The Select Committee on Crime has already reported their recommendations to the House. If these recommendations are not agreeable, then we should consider some alternative ones. The problem continues to exist, and it deserves our attention.

Mr. Speaker, selections from these letters follow. The evaluations and experiences of these local officials should be of great interest to all Members of Congress.

Letter From George A. Gammon

[District Superintendent, Travis Air Force Base, Calif.]

First, the four point program as outlined in your letter appears to be both realistic as to implementation and fiscally feasible. While local school boards must assume their share of the responsibility for the education of drug use and abuse, the eroding effects of drug misuse can seriously affect the ability of a free nation to effectively govern itself and the problem, therefore, becomes a total social problem, requiring all levels of education and support; a thought well expressed within your four point plan.

Second, the State of California has, we feel, met the challenge of providing State leadership in the area of in-service training about drug use and misuse. In 1972 and again in 1973 select personnel from our teaching and nursing staff, together with parents and students, attended two three-day workshops sponsored by a State Drug Task Force Team for the purpose of becoming better informed as to classroom instruction, student referral centers and available community services.

Resulting directly from this plus other related district in-service training, drug education programs were developed and are now in the process of being implemented in grades five through twelve. A district drug education committee is presently charged with the responsibility of monitoring these various instructional programs as to their content and goal attainment.

And third, through the influence of the in-service training programs, particularly as these related to parents, students and nurses, we feel that we have developed an organizational plan whereby the high school and intermediate school students will have the opportunity of a referral center to handle a drug problem as well as a V. D. problem.

In keeping with the shift of the nation's young from one social problem to another, we at Travis see a trend now toward more cigarette smoking and a greater use of alcohol. Sensing this trend, we are attempting to meet this situation through counseling as well as through strengthened classroom instructional programs at all levels.

Letter From Louis J. Rosetti

(Superintendent of schools, Red Bluff, Calif.)

In response to your letter of September 10 regarding the recommendations on the drug abuse problem the following suggestions are offered:

1. Federal funding: More funds should be provided for in-service for teachers, students, and interested people in the community. This in-service should be held during the summer with a stipend and college credit granted. On-going in-service during the year with funds available for substitutes to allow teachers and students a release day to attend.

2. More instruction on morals, values and attitudes rather than on the drug pharmacology. New instructional materials including multi-media for instruction should be available to schools.

3. Counselors are needed, but if teachers and parents have good training in the above, and an empathy for young people, the students will be more comfortable talking with the teacher or parent.

I hope these suggestions are helpful.

Letter From Robert E. Walters

(Principal, Fairfield, Calif.)

I would like to commend you for your interest in trying to help educate the young people regarding the harm which can be caused by using drugs without medical supervision.

As a school principal, I have had the unfortunate experience of observing our young people using drugs. I feel sympathy for anyone who finds it necessary to use drugs. On the other hand, I feel nothing but disgust, contempt and anger towards anyone who will distribute drugs for a profit.

In addition to the Committee on Crime recommendations, I would like to see a very stiff penalty for anyone who "pushes" drugs. I would recommend that the person who is convicted the second time for such an offense be given the death penalty. Our society should not show any mercy to anyone who attempts to get our young people involved in such activity. The "pushers" are aware of what they are doing and they also know of the serious results of their acts.

Letter From George P. Chaffey

(Superintendent of schools, Redwood City, Calif.)

During the 1972–73 school year we employed, strictly at district expenses, two drug abuse counselors to serve full-time in each of two schools. Those positions were eliminated, however, at the end of the year because of the need to cut our budget by approximately one million dollars. SB 90, passed by the California State Legislature, had a greater negative impact on our district than on any other district in the county.

We continue to give considerable attention to the problem of drug use and abuse in our classrooms, in the use of curriculum materials, through counseling, and through our cooperation with outside agencies. Any expansion of the program or consideration of new approaches will depend very largely on the availability of additional funds from outside sources. The matter of funding is of great concern to virtually all districts this year; therefore, I would hope that either at the Federal or the state levels adequate funding will be provided for any and all new programs that school districts are expected to undertake.

Letter From Doran W. Tregarthen

(Superintendent of schools, Oxnard, Calif.)

My input is simply to voice concern that we do not have an agreed upon approach to the control of drug abuse. Apparently much of what we have been doing in the schools has been counter-productive; the various exhibitions and displays that have been shown to schools have, according to some researchers, encouraged drug abuse rather than discouraged it. Therefore, the crying need at the school level is for a definitive statement on how best to control drug abuse. Until then, simply telling us to increase our staffs and provide funding for doing that are not, in my opinion, in order.

Letter From Mary S. Reed

(Superintendent of schools, El Segundo, Calif.)

The recommendations of the Select Committee on Crime to combat the drug problem among our young people are excellent and should certainly help. The availability of funds will encourage school districts to develop and implement programs that will be effective.

When a district is actually ready to plan a program, specifics are needed. While there are avenues locally that may be used, any additional information or expertise that may be offered would certainly be welcome.

Letter From Wallen L. Andrews

(Superintendent of schools, Whittier, Calif.)

In reply to your letter of September 10, 1973, requesting my suggestions for the Select Committee on Crime recommendations, most school boards have initiated programs on drug abuse instruction for teachers. The difficulty is training the teachers, especially at the elementary level. Professional drug counseling staffs are needed at the high school level but will not be provided until funding is available to finance the program.

It is my opinion that at the federal level policies and funding should be developed for cooperation with state boards of education which, in turn, should have the responsibility of developing programs for drug abuse instruction plus the funding necessary at the local level.

Letter From Albert D. Colebank

(Consultant, health and physical education, Ontario, Calif.)

The Select Committee on Crime has devoted most of its attention to counseling, treatment, and rehabilitation of drug users. As an educator in an elementary school district, I am primarily interested in preventing drug abuse. What is the best approach for teachers to use in drug education? What educational programs have proved to be most successful? Are informational programs counter-productive? These are some of the questions that need to be answered by extensive longitudinal research, a type of research that few school districts are able to undertake. The National Commission on Marijuana and Drug Abuse, in its report several months ago, dealt with some of these questions and included this statement: "No drug education program in this country or elsewhere has proven sufficiently successful to warrant our recommending it."

In summary, I suggest that federal funds be allocated to research that will attempt to identify effective school drug education programs.

Letter From Lloyd Wamhof

(Director, drug abuse prevention program, Fresno, Calif.)

Regarding the establishment of "professional drug counseling staffs" in the schools, this would immediately establish the clients as drug users and may then deter their seeking such help. Through our program, we have placed ombudsmen in the schools to act as adjuncts to the school counselors. These people are purposely not labeled a "drug counselor" because they are concerned with basic human behavior, not "drugs". Our experience has shown that students come to these ombudsmen with a myriad of personal problems, which often include drugs. Because of their unique position on the counseling staff, they can handle immediate problems immediately, can assure confidentiality, and can meet the one great need—that of giving time to the student for what we term "active listening".

I would like to offer some specific recommendations:

GENERAL PHILOSOPHY:

1. Decentralization of the drug issue, with integration into a total mental and physical health program, K–12.

2. A shift in existing programs toward primary prevention; the tremendous sums now being poured into rehabilitative efforts assume a never-ending stream of students needing these after-the-fact services.

RECOMMENDATIONS:

1. Improved training of health educators, broadening their scope, making the study

of health not just a study of the body, but of the emotional and mental health of the students in society as a whole.

2. With all teachers, K–12, greater emphasis on self awareness and the development of a positive self image.

3. There should be an enhancement of interchange between students and teacher but with the teacher maintaining his role as model.

4. There is seen development toward more education in the affective domain, which should be encouraged and emphasized.

Young people spend many hours in the school environment, making it absolutely necessary for the educational systems to assist in the development of decision making skills, the clarification of values, and the ability to function with an understanding of self and others.

5. A parent and community awareness program should be initiated in each school district. Those predispositions which lead to the mis-use of drugs usually start in the home. Additionally, the parents must be made aware of the efforts and goals of the educators.

LETTER FROM DAVID C. GRAY

(Superintendent of schools, Atascadero, Calif.)

We were able to utilize Federal funds under the California Council on Criminal Justice for a three year project which ends September 30. The District, on its part, contributed matching funds of $10,000 each year to the program. The program included the following:

1. The establishment of a Drop-In Center servicing all students in the District and nearby areas.

2. An In-Service Drug Education program for all staff members in the District. Approximately 10 hours were spent each year in this particular area highlighting the preventative, corrective, and rehabilitative approaches to drug problems.

3. An advisory committee of adults met periodically to review the program.

4. Coordination of servicing agencies for the mutual help of the individual. These agencies included the court, mental health, hospital, law enforcement, foster homes, probation and welfare.

There is available a full statistical evaluation of the program which was given an extremely high rating by the State of California and meritorious commendation by the County Grand Jury. Further, the Sheriff's Department has shown almost no arrests for drugs in the Atascadero area during the past two years. Students involved have shown better school attendance and better grades. Much less vandalism in the schools and community has been noted.

The problem that faces the School District is the fact that Federal funds have now expired and our program this year will be seriously curtailed. The District is continuing to seek outside funds so that we may continue the same level of progress that we have noted for the past three years.

What I am attempting to portray in the way of information is that many projects of assistance to various communities and agencies are considered as seed money and help said agencies establish programs. However, it is very important that these programs continue to be maintained by continued financial assistance.

LETTER FROM B. A. BARSOTTI

(Principal, Madera, Calif.)

My foremost suggestion is that a much stronger enforcement of the law is the one area that the vast majority of the Junior High students respond to quickly when they are involved. Also a stronger commitment on the part of parents toward their own situations. As a personal experience, these students just don't believe that anything will happen upon breaking the law or from the uses of drugs. The recommendations offered by your committee, I feel, will have very little impact.

A NEED FOR REEXAMINATION

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. BRECKINRIDGE. Mr. Speaker, Wednesday was a significant day for the House of Representatives, and the District of Columbia, as it passed a long-awaited bill conferring a decent measure of home rule upon the people of the District of Columbia. One of the more important aspects of the bill, about which I have been particularly concerned, is its judicial article and, more particularly, sections 431 to 434, inclusive.

H.R. 9682, as reported out by the full District Committee on June 30, went a long way toward insuring the competence of superior and District of Columbia appellate court judges as the bill in its then form provided for an appointment process whereby the then-contemplated appointing authority, an elected mayor, would nominate judges from lists—totaling no more than seven persons—provided him by the Nominating Commission. The members of the Nominating Commission would themselves be men qualified to become judges in the District, and would be appointed as follows: two by the Unified District of Columbia Bar and the Board of Governors; two by the Mayor from names submitted by the Council; one by the Speaker of the House; one by the President of the Senate; and three by the President of the United States. I was satisfied that this selection method, whereby the District's judges would in effect be nominated by their peers and appointed for 15-year terms, insured both the quality of the bench and the insulation of the District's trial and appellate courts from partisan political considerations.

However, insofar as the provisions governing the reappointment of judges under H.R. 9682 were concerned, I was persuaded that we had not afforded the administration of justice and the bench adequate protection; the bill, as reported out on June 30, vested too much discretion in the appointing authority, in my view, to reappoint or not to reappoint sitting judges. For that reason, working with the American Judicature Society and the American Bar Association, I urged the bill's amendment to provide for the appointment of an independent Tenure Commission, identical in composition to the membership of the Nominating Commission, and for the creation of a rating system to be applicable to those sitting judges desiring reappointment to additional 15-year terms on the bench.

As the committee substitute now reads, the Tenure Commission would rate any such sitting judge as being "exceptionally well qualified," "well qualified," "qualified," or "unqualified." If rated "exceptionally well qualified" or "well qualified" the judge shall be automatically reappointed. If rated "qualified" the President might, within his sole discretion, submit his name for consent to the Senate. If rated "unqualified," a vacancy would automatically be deemed to exist upon expiration of his term and that particular judge would be ineligible for a District judgeship.

It would appear self-evident that such a system of reappointment would adequately protect the bench from undue political influence at the same time that it offered to potential and sitting judges a guarantee that their tenure on the bench would be based solely upon merit selection, thus encouraging those most qualified to serve. As amended, the House bill now has the endorsement of the American Judicature Society, as endorsed in the following telegram from the president, John S. Clark, received by me on the floor of the House during the debate on this measure.

TELEGRAM

CHICAGO, ILL.,
October 10, 1973.

Hon. JOHN B. BRECKINRIDGE,
House Office Building,
Washington, D.C.:

I strongly endorse and urge support by all Members of Congress of the principles of merit selection of District of Columbia judges encompassed in sections 431 to 434, inclusive, of the October 9 committee print of the amended committee bill redesignated H.R. 9682 on the government of the District of Columbia.

This measure in my judgment has been greatly strengthened by the committee amendment which provides security of tenure for competent judges by assuring reappointment at ends of terms of those given a rating of "exceptionally well qualified" or "well qualified" by the Tenure Commission but making reappointment optional at the discretion of the appointing authority and requiring reconfirmation when the Tenure Commission finds a judge merely "qualified." A rating of "not qualified" of course would rightly eliminate any incumbent judge from reappointment. These security of tenure provisions are critically important to insure judicial independence while at the same time making it possible to periodically reexamine judges' qualifications based upon their judicial performance.

This bill, which provides for a Nominating Commission to minimize the element of political influence in the judicial selection processes, for executive appointment to hold accountable the public official who ultimately makes the appointments and for a method of appraising the performance of judges on the bench, contains all of the ingredients of the best method for selecting judges yet devised by the mind of man. Enactment of this proposal is essential if the District of Columbia is to be served by the most qualified men and women who are available for judicial appointments.

These merit selection and tenure provisions are not in conflict with the significant system by the 1970 District of Columbia Court Reorganization Act. They are designed to enhance the system and its operations by providing a means of getting the best personnel obtainable to operate it.

Merit selection systems are now in effect in over half of the States and are working well. This method of judicial selection has been endorsed by the American Judicature Society, the American Bar Association, and other responsible legal and nonlegal organizations.

JOHN S. CLARK,
President, American Judicature Society.

As appears from the following report, "The Extent of Adoption of the Nonpartisan, Nominative, Appointive, Elective Plan for the Selection of Judges," June 1, 1973, of the American Judicature Society, 28 States and Puerto Rico have adopted the principles, or a portion thereof, ennunciated herein, and espoused by the American Judicature Society since 1913 and by the American Bar Association since 1937. The action of the House places the District's judicial system in the vanguard of those jurisdictions professionalizing and depoliticizing the administration of justice.

The report follows:

THE EXTENT OF ADOPTION OF THE NONPARTISAN NOMINATIVE, APPOINTIVE, ELECTIVE PLAN FOR THE SELECTION OF JUDGES

Non-partisan judicial selection through a nominative, appointive-elective system is based on a pattern first advanced by the American Judicature Society in 1913. The plan embodies three basic elements:

(1) Nomination of slates of judicial candidates by non-partisan lay-professional nominating commissions;

(2) Appointment of judges by the governor or other appointing authority from the panel submitted by the nominating commission; and

(3) Review of appointments by voters in succeeding elections in which judges who have been appointed run unopposed on the sole question of whether their records justify retention in office.

Twenty-eight states and Puerto Rico now use part or all of these basic elements in filling judicial vacancies in some or all of their courts. No two versions of the plan are alike and consequently several variations exist. Not all states, for example, use the third basic element, commonly called merit retention, and the variations in merit selection plans now in use can generally be placed in two categories, the methods by which the plans were adopted and the extent of their coverage.

The summary chart below reflects the methods of adoption by letters, and the coverage is indicated by the columns in which these letters appear. Students interested in finer distinctions in each of the plans are urged to refer to applicable laws and other appropriate sources of information which are available from the American Judicature Society.

Merit selection plans have been made effective by four means, constitutional provisions (C), statutory measures (S), municipal home rule charter provisions (HRC) and governors' or mayors' pronouncements either in the form of written executive orders (V–1) or informal public commitments (V–2) to rely in filling mid-term vacancies on lists of candidates furnished by nominating committees consisting sometimes of special bar committees but more often of committees with lawyer and laymen members. The fact that some appointing executives who adopted or succeeded to the use of their predecessors' voluntary plans may opt on occasion to disregard the nominating committees' recommendations confirms the inherent weakness of such plans and the need to make them mandatory by constitutional amendment or other appropriate legal means.

In the second category, most jurisdictions utilize their plans, however they were effectuated, in filling all judicial vacancies in both the appellate courts and the courts of general trial jurisdiction. Some also add the courts of limited jurisdiction while a few limit their plans only to certain courts or levels of courts which are specifically designated. As the summary chart below will disclose, therefore, while all merit selection plans have nominating commissions or committees and involve the executive in making appointments to fill vacancies, either between-election or all vacancies depending on the plans, the courts affected vary from all of them to single courts.

The summary chart follows:

A SUMMARY CHART

States	Nom. comm.	Gov. or other appt.	Merit ret.	High ct.	Inter. app. ct.	Trial ct.	Cts. lim. jur.
Alabama, Jefferson County	C	C				C	
Alaska	C	C	C	C		C	
Arkansas	V–2	C		V–2		V–2	
California		C*	C	C	C		
Colorado, Denver	C	C	C	C	C	C	C
Delaware	V–2	C					V–2
Florida*	C	C		C	C	C	C
Georgia	V–1	C		V–1	V–1	V–1	
Idaho*	S	C		S		S	
Districts	S*		S				S
Illinois			C	C	C	C	
Indiana	C	C	C	C	C		
3 counties	S*	S	S			S	
Iowa	C	C	C	C		C	
All counties	S*						S
Kansas	C	C	C	C			
Louisiana, New Orleans	C	C					C
Maryland	V–1	C		V–1	V–1	V–1	V–1
Missouri	C	C	C	C	C	C*	C*
Montana*	C	C		C		C	
Nebraska	C	C	C	C		C	S
New Jersey	V–2*	C		V–2	V–2	V–2	V–2
New Mexico	V–2	C		V–2	V–2	V–2	
New York, New York City	V–2	C					V–2
Ohio	V–1	C		V–1	V–1	V–1	
Oklahoma	C	C	C*	C		V–2	V–2
Pennsylvania	V–1	C	C	V–1	V–1	V–1	
Puerto Rico	V–2	C				V–2	V–2
Tennessee	S	C	S	S	S		
Utah	S	C	S*	S		S	S*
Vermont	S	S*	S*	S		S	S
Wyoming	C	C	C	C		C	

NOTES

States with asterisks (Florida, Idaho and Montana) have constitutional or statutory plans limited to filling judicial vacancies between elections. Asterisks beside letters denote particularly unique features of some state plans as explained below:

California: A commission comprised of elected officials must approve all appellate court appointments the governor makes.

Idaho Districts: The statutory plan for designating district court magistrates creates commissions in each district comprised of elected officials and district judges who recruit, screen and appoint. Legislation adopted in 1973 makes all magistrates subject to merit retention elections instead of reappointment at the end of terms.

Indiana Three Counties: Allen, Vanderburgh and Lake Counties' trial courts are under merit selection and tenure plans enacted for each of those counties and in different legislative sessions. These plans do not apply to the circuit courts in those counties.

Iowa All Counties: Under court unification legislation enacted in 1972, county magistrate appointing commissions were established which have the power to recruit, screen and appoint magistrates. These procedures are repeated at ends of terms when the law provides for the reappointment or replacement of magistrates.

Missouri: The original constitutional plan, while mandatory statewide with respect to appellate courts, is limited to trial courts in the two largest population centers of the state, St. Louis city and Jackson County. Local option provisions exist in the constitution, but until recently the legislature has refused to approve implementing legislation. In 1967 and again in 1972 bills were passed to give the voters of St. Louis County, in the first one, and the voters of Clay and Platte Counties, in the second, a right to vote on extending the plan to their counties. In all three the issue passed with substantial majorities.

New Jersey: The plan used in this state involves two types of bar committees, one to recruit prospects for the governor to nominate and another to screen and rate his choices before appointments are formalized.

Oklahoma: The constitutional plan in this state applies only to the appellate courts, but under a policy followed by two successive gubernatorial administrations, the plan is used for filling all trial court vacancies, too. The merit retention part of the plan, therefore, is inapplicable to trial court judges.

Utah: Two things need to be noted. Under this state's unique merit retention law, any lawyer can file against an incumbent judge. Under such circumstances the candidates oppose each other on non-partisan judicial ballots. If an incumbent draws no opposition, which is generally the case, he runs on a standard merit retention ballot which calls for a yes or no vote on his remaining in office. Another plan exists by statute for judges of juvenile courts. It calls for a special nominating commission consisting of elected officials. There are no provisions for merit retention since incumbents must stand for reappointment or replacement at ends of terms.

Vermont: Consistent with an historic constitutional requirement for legislative appointment and reappointment of judges, both houses make initial appointments from lists furnished by a nominating commission and vote on merit retention ballots for retaining or rejecting incumbent judges when their terms end.

Mr. Speaker, in view of this endorsement and that of the American Bar Association printed in Wednesday's issue of the RECORD, I believe that the conference committee should give serious consideration, in the spirit of self-determination, and in recognition of the fact that ours is a government of laws rather than men, to restoring the bill to its prior condition by providing that the elected Mayor of the District of Columbia, rather than the President of the United States, serve as the appointing officer. It is my hope that this mistake in understanding of the true nature of the independence of the District's judiciary, as provided for in H.R. 9682 as revised, will be corrected in conference.

EPA REVISES REGULATIONS FOR WASTE TREATMENT PLANTS; WILL ALLOCATE FUNDS TO ALL STATES ACCORDING TO LAW

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MATSUNAGA. Mr. Speaker, I am pleased to share with the House my sense of satisfaction upon learning yesterday that the Environmental Protection Agency—EPA—had agreed to revise its regulations allocating reimbursement grants under section 206 of the Federal Water Pollution Control Amendments of 1972.

Congress clearly mandated in that act that funds appropriated for that purpose would, if the amount were not sufficient to cover all of the States' eligible needs, be prorated among the qualifying States. Instead, however, these funds were allocated to only half the States, with a handful among that half receiving the bulk of the money. Twenty-four States found absolutely no funds were allocated for them; 14 more were informed they would be reimbursed only a fraction of the amount they were entitled to.

But through the persistent efforts of the Public Works Committees of both Houses, and because of the strong support of Members of the House who cosponsored legislation I introduced to compel a revision, the funds will be restored. Not only will each State receive its entitled share of funds, but, perhaps more importantly, a measure of trust has been restored between the EPA and State environmental authorities.

I applaud the efforts of all those who participated in rectifying the unfortunate situation, including the EPA. I further urge my colleagues to join me in a continuing effort to fulfill the commitment to reimburse fully those States which answered the Federal call to clean up the Nation's waterways and shorelines. In this connection I will soon propose that we substantially increase the present $1.9 billion appropriation, which has met less than 80 percent of the estimated qualifying needs of the States.

At this point in the RECORD, Mr. Speaker, I include a list of my distinguished colleagues who cosponsored my resolution to counter EPA's original proposed regulations. They can rightly take credit for reversing the adverse action of the EPA.

The list follows:

Brock Adams, of Washington.
Glenn Anderson, of California.
Thomas Bevill, of Alabama.
David Bowen, of Mississippi.
George Brown, of California.
George Danielson, of California.
Ron Dellums, of California.
Frank Denholm, of South Dakota.
Don Edwards, of California.
Dante Fascell, of Florida.
Daniel Flood, of Pennsylvania.
Richard Ichord, of Missouri.
William Ketchum, of California.
Richard Mallary, of Vermont.
Dawson Mathis, of Georgia.
Paul McCloskey, of California.
Lloyd Meeds, of Washington.
John Melcher, of Montana.
G. V. Montgomery, of Mississippi.
Thomas Morgan, of Pennsylvania.
John E. Moss, of California.
William Nichols, of Alabama.
Wayne Owens, of Utah.
Claude Pepper, of Florida.
J. J. Pickle, of Texas.
Edward Roybal, of California.
John Saylor, of Pennsylvania.
John Seiberling, of Ohio.
Charles Teague, of California.
Charles Thone, of Nebraska.
Charles Vanik, of Ohio.
Joseph Vigorito, of Pennsylvania.
William Whitehurst, of Virginia.
Charles Wilson, of California.
Gus Yatron, of Pennsylvania.

ADDRESSING URBAN ECOLOGY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. MITCHELL of Maryland. Mr. Speaker, I would like to pass on to you today the insights of Mr. Larry Young, urban environment director of the Izaak Walton League of America, on the subject of urban environmental concerns. His article, entitled "Fresh Approaches to the Metropolitan Wilderness," reveals a perception of wide scope. Mr. Young urges us all to adopt his comprehensive outlook toward the critical ecological problems facing us at present. By demonstrating clearly that urban and nonurban problems are inextricably intertwined, he shows us that answers must be sought which address themselves to both communities.

FRESH APPROACHES TO METROPOLITAN WILDERNESS

I have been requested to speak from the text—"Fresh approach to metropolitan wilderness." I intend to discuss the rapid progress of environmentalists and the new responsibilities which that progress creates. I want especially, however, to explore with you the way in which these environmental issues relate to the metropolitan wilderness of our cities—the problems of poverty, and cultural deprivation.

Let me for a few seconds draw you a vocal picture of the metropolitan wilderness. First, it is a fact that man is a part of, and the creature of, his environment. Wouldn't it be great if every man could be programmed by his genetic inheritance to need and then obtain clean air, clean water, and wholesome, pure food. The environment of life is more than land, air and water. It is also where we live, work and play. It is the products we consume or use. Today, for too many people living in the metropolitan wilderness it is noise and crowding. It is garbage piling-up in halls and alleyways. It is rats and insects and crumbling, insanitary housing. It is clogged highways—and unsafe cities.

One can take any city map and outline the wilderness areas—where bad housing, bad sanitation, air pollution, garbage accumulation, rats, stray dogs, noise and other environmental stresses are at their worst.

Despite such a picture—there are all too many earnest and well-intentioned people who reject the current concern for the environment as a false issue, a "middle-class" issue, or a distraction from more real and pressing social needs. Oddly enough, many say this anti-ecology backlash is being voiced by many who have "little more in common than the smoggy air they breathe." A black militant avows that he doesn't give a damn about ecology. Someone else wonders whether mankind will suffer "a whole hell of a lot if the whooping crane doesn't quite make it," and the ladies of the DAR regard the environmental movement as "one of the subversive element's last steps."

Obviously, I don't agree with any of these sentiments. Those who do, it seems to me, do not understand what we really mean by "the environment." Most of all, they have failed to recognize the complex ways in which our social and environmental ills interact . . . that they have their origins in the same root causes that they contribute to and intensify each other . . . and that their solutions are inextricably bound together.

It seems to me that young people—those whose concern for civil rights and peace and equality has now been extended to include ecology—understand these relationships. Part of what young people are trying to say, these young people who were born into a world of space travel and television and nuclear fission, is that the problems of pollution and urban decay and wasted resources are intertwined with and form part of, the problems of hunger and poverty and the physical and psychological ills that are their constant companions, that together they constitute a kind of Medusa's mirror in which we see our hallowed institutions "warts and all" with all the flaws and all the contradictions in good intentions that have shaped a world which even the most favored find far from satisfactory.

And who bears the principal burden of all these environmental ills? The residents who live in the metropolitan wilderness. What kind of populace resides or migrates to such a wilderness? Probably the poor, itinerant farm worker, who, is, as we all are, carrying around some 12 parts per million of DDT in fatty tissue. But who's getting the biggest dose?

Or take another pollutant: mercury. Whose children suffered brain damage because mercury-treated seed grain was fed to hogs that were later slaughtered and eaten? And, if mercury pollution is concentrating through the food chain in fish—who is it that is most apt to live on a diet of fish taken from polluted streams and coastal waters. The *poor*. And where do the vast majority of this country's poor populace reside—in the metropolitan wilderness.

Where do you find unvented gas heaters that can sicken and kill with carbon monoxide fumes? Where are you likely to get tainted or adulterated food? Not on Miami Beach.

Who goes down in the mines and gets "black lung"? Or gets skin cancer from coal tar? or byssinosis from cotton dust in the textile mills?

We're all breathing a certain amount of lead these days—and it's not good for any of us. But whose children are being poisoned by the lead paint chips off old tenement walls?

Who suffers most from living in the metropolitan wilderness with the polluted air, the crowding, the noise, the rodents, the garbage of our cities? The lack of open spaces and greenery? Not the rich or the middle class, who can afford to get away from these things.

Believe me, these are not inconsequential things—they may well be among the most important factors that hold people in an unbreakable cycle of poverty. Anyone who is concerned with the social and economic inequities of our society has simply got to be concerned with the environment (the metropolitan wilderness, too) in which people live.

Now we find that we have built cities (within the metropolitan wilderness) that are almost unliveable; we have allowed vast areas of rural America to be emptied of people and promise and have filled our crowded cities with the victims of rural blight; we've built "high-speed" highways on which "high-speed" cars move at horse and buggy rates; we have built an industrial system that gives us an affluence never before seen in the world—and that pollutes the very air and water on which our lives depend.

Let me hasten to add—before I am cast with the ecology "subversives"—that these contradictions (i.e. about the metropolitan wilderness) are certainly not unique to our own Nation. They are being confronted by every developed and developing country, including those having totalitarian communist regimes. In other words, the same kind of "tunnel vision" seems to have afflicted all societies in their single-minded pursuit of technological and economic progress.

In our country we have finally come to see that these things diminish the quality of life for all, and people are beginning to ask themselves where we went wrong. For the first time, it seems to me, Americans are beginning to reassess the values and viewpoints of the past that have been, until recently, enshrined in many minds as the sacred cow of the "free enterprise system" or the "American Way." They're beginning to take a more *wholistic* ecological view of our economic, social and political philosophies. Being the optimist today, I can visualize Joseph Penfold's sought after dream that I work hard, why?—"If we can't provide a liveable environment for everybody, we can't provide it for anybody."

The Izaak Walton League of America is re-examining its role in the fight to protect and enhance the environment. The Office of Urban Environment was established in July, 1972 when it had become evident that the need to act on urban environmental problems requires special attention by the League. League President Roy Crockett established the first national Urban Environment Committee broadly representative of the League's membership—Iowa, Ohio, Indiana, Nebraska, Maryland, California, and Minnesota.

Hopefully today there are few who are unaware of the ecological devastation of pollution but our awareness must go further to an understanding of the bearing this has on the human community. The League has championed purity of water, value of wildlife, clarity of air and stewardship of the land. We want to see these objectives achieved in meeting the needs of communities throughout the nation. Among the most pressing needs are those found in our metropolitan wilderness, in our urban communities and within those, in the neighborhoods which suffer greatest from the ill effects of pollution.

I have been under the skillful hand and mind of Joe Penfold who fathered the League's interest in urban environment concerns and who asked me to direct such efforts. Since then, the Office of Urban Environment (OUE) has had a five-point plan:

Promoting active urban membership;

Developing conservation and environmental education programs directed to urban dwellers;

Stimulating urban environmental action programs;

Establishing conservation areas outside urban boundaries accessible to urban children; and

Promotion of urban citizens involvement in environmental planning and decision making.

We see this as a fresh approach to the metropolitan wilderness.

We believe that the problems of the environment have not been examined from the point of view of the urban dweller. Such examination will have a beneficial effect on the League and hopefully, the raising of questions will stimulate the OUE programs to discover actions that could be taken to result in solid achievements. For example, our steadfast fight to get 900 acres of land turned over to the citizens of Washington, D.C. and the use of the open space and waterfront area to be for the public at large at Anacostia-Bolling Field. A symposium we organized and a petition for an environmental impact statement attracted the attention of some congressmen and with their aid what was a lost cause has been turned to favor the Anacostia community and the environment.

We believe that we must explore preventative measures for the future and even more importantly, explore ways to enhance the quality of life for the urban dweller and to involve him/us in that objective. Our 15 urban project cities are a big plus in that direction.

We must listen not only to the advice of technical experts but also to those who are most affected by the plight of the urban environment. I encourage your suggestions both as to what the problems are and what can be done. No one person or organization can single-handedly solve the vast urban problems but each can play a part in assuring that in the future our cities will be pleasant and healthy for all who choose to live in an urban environment.

AN INFORMED MEMBERSHIP IS AN ACTIVE MEMBERSHIP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. GAYDOS. Mr. Speaker, on many occasions on the floor of the House we have heard facts and figures quoted regarding the various trade restrictions imposed on U.S. products by foreign governments and their effect on American workers and their jobs. Similar testimony has been given before various committees charged with the responsibility of correcting these inequities.

Invariably, the source of the quoted material or testimony is a well-informed, knowledgeable individual who serves as the representative of a group or organization concerned over the situation. Rarely, have we actually had the opportunity to hear from the worker himself. Because he cannot afford to take time off from his job to come to Washington, he must rely on a spokesman to get his message across to Congress.

However, I assure you the worker, too, is well informed about our Nation's trade problems. As an example, I would like to insert into the RECORD an article which appeared in the September issue of the Labor Journal. The journal is a news letter, published by Local 1557, USWA, in the city of Clairton, Pa., whose masthead proclaims "An Informed Membership Is An Active Membership."

Mr. Speaker, the article, written by a steelworker, cites several developments in international trade which have as their common denominator the loss of American jobs. The article follows:

U.S. CARS GO ABROAD MINUS MOTORS—AND JOBS

These days, even if an American auto company can export cars to a foreign country, those autos are often sent minus some essential parts—such as engines.

This is because of an anti-free trade device used by some nations known as "local content" law. These laws, which exist in different forms in most so-called "developing countries" and such nations as Canada, Mexico, Spain and the Soviet bloc, require that a certain percentage or certain parts of goods sold there must be made in that country. In other words, these nations decide in advance just how much of your product they will allow to come in.

So American Motors is in the position of sending 1974 Hornet models to South Africa without engines. The engines that will go into the cars will be South African-made General Motors products.

In this case, between 1,400 and 1,500 motorless American Motors cars will go to South Africa—and the jobs that would have produced the motors in the U.S. will be handed over to South Africa.

NEW AMERICAN CAR TO MAKE DEBUT

A new "American" car is about to make its debut. Volvo, the Swedish auto maker, has announced plans to "build" autos in the U.S. at a $100 million plant in Chesapeake, Va. Production is planned to start late in 1976 at an annual rate of some 30,000 cars. This will be expanded to 100,000 by 1980. Workers in the plant will be represented by the United Auto Workers, and by 1980 will number some 3,000.

Nearly all of the parts for the Volvo will be imported from Sweden. The plant will merely, at first, be an assembly plant.

This pleases S. J. Strasburg, a New York City Volvo dealer. He says: "This will help us put to quiet all that garbage about Buy American." Sure, with a foreign named car of all-Swedish-made parts put together in the former colony of Virginia, how American can you get?

RUSSIANS ARE COMING—WITH TRACTORS

American farmers may soon be plowing ground with Russian-built tractors for the growing of American wheat to sell to the Russians.

This likelihood of Soviet-manufactured products at home is to take place regardless of the current trade bill's special benefits to the Russians.

The New York Times reports that a company in Canada which sells tractors imported from Russia is planning to move into the U.S. markets next year. The company, Belarus Sales, is American-owned. In partnership with Belarus Equipment of Canada, which is Soviet-owned, it already is selling Russian-built tractors in Canada.

Belarus Sales figures that its planned move to Milwaukee in 1974 will put it within reach of the bulk of the $8.5 billion U.S. market for farm machinery.

Belarus is not the only company with the idea of selling tractors made by Communist bloc countries in the U.S. Auto-Tractor, which is a Rumanian product, is joining with the Canadian province of Saskatchewan to build a tractor assembly plant there from which it hopes to invade the U.S. tractor market.

REPORT ON TAIWAN SHOWS HOW U.S. JOBS VANISH

A classic example of how U.S. jobs have been exported in the electronics industry is provided by a recent report on how well Taiwan is doing selling television sets in the U.S.

The report, which appeared in The Washington Post, says that sales of Taiwan-made TV sets are booming. By the end of 1972, Taiwan's sales to the U.S. were $314.4 million, second only to Japan.

These sets which are sold to Americans come from American companies which closed down production in the U.S. and moved to Taiwan.

Last year, five of Taiwan's 10 largest exporters were subsidiaries of U.S. electronics firms—RCA, Philco-Ford, Admiral, General Instrument and Zenith. And most of the profits in Taiwan electronics industry come from trade with U.S.

"Last year," the report continued, "more than $257 million of made-in-Taiwan radios and televisions were sold to the U.S. In the first quarter of this year, Taiwan was the U.S. largest supplier of foreign-made black-and-white television sets—selling nearly two times as many as Japan.

The article added: "The majority of these consumer goods were produced in American-owned factories, making use of materials imported primarily from Japan and, of course, Taiwanese labor."

With the help of these "American" products—which are made in Taiwan at the expense of U.S. jobs and production—Taiwan's trade surplus with the U.S. in 1972 was $686 million, which is larger than that between the U.S. and the whole European Economic Community.

Buy American—support Burke-Hartke.

FOREIGN AID AND HUMAN RIGHTS—THE PHILIPPINES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Ms. ABZUG. Mr. Speaker, yesterday, I testfiied before the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs. This subcommittee is focusing on the international protection of human rights. In this time of massive deprivation of civil liberties all over the world, only the most dramatic cases catch our attention. At the moment these are Chile, Vietnam, and the Soviet Union. In the heat of debate and rhetoric one loses sight of the basic historic reality. The deprivation of human rights is not an historic accident or the product of inherently evil people. It is the product of particular values and historic circumstances that do yield to analysis. When people are intolerant of others and seek to resolve conflicts by suppression rather than debate and compromise, it is human rights that suffer. I have chosen a typical case in the Philippines to drive home one further point. If the United States were not constantly supplying the military and economic resources, governments like that of Marcos in the Philippines would not have the means and opportunities, no matter what motives were present, to avoid facing conflict and beginning the process of meaningful resolution.

I hope we have learned enough from the tragedy of our involvement in Vietnam to recognize the symptoms and not repeat tragedies elsewhere. I urge your attention to the present circumstances in the Philippines examined in my testimony which now follows:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

Mr. Chairman, members of the Committee, thank you for the opportunity to make a few observations on the enormous task implicit in the series of resolutions and bills on human rights which you are considering. I want to commend their spirit at the onset.

Mr. Chairman, people do not permit other people basic freedoms or civil liberties because of any given set of laws or institutions. Freedom requires at least the tolerance of diversity. Tolerance is a rare commodity in a world where most people are taught that the ultimate purpose of existence is the acquisition and maintenance of material, political and social power. Diversity threatens by upsetting the rules of competition and by conjuring up alternate values and models, alternate realities. It is thus not accidental that the junta in Chile and the rulers in Saigon and Manila, to mention but three, deny fundamental liberties to their peoples.

To hope to change this millennial human quandary by affording the United Nations greater powers is a noble vision. But human beings and governments act out of means, motives, and opportunities. To change motives is an enormous long term political process that will not get off the ground as long as the resources of the world are so maldistributed and so finite both within each society and between the developed and less developed countries. For the United Nations to make serious progress in this area it must be given more than the power to embarrass. It must be given substantive political power and a substantial economic base.

Thus while I commend the accretions of power envisioned in the United Nations and the International Court of Justice by these resolutions and favor their passage, I shall today urge your attention specifically to the passage of H.R. 10455. For this bill envisages more than the creation of a Bureau for Humanitarian Affairs within the Department of State, which is itself a promising idea. This bill also offers a concrete way to change people's opportunities and means and therefore to change behavior. If we cannot educate governments to tolerate their citizens and to grant basic human freedoms, we can diminish significantly the means and thus the opportunities for totalitarian behavior. It would indeed have an extremely sobering and humanizing effect on many nations if it were, as is provided in Section 4 of H.R. 10455:

"The policy of the U.S. government to terminate all military assistance and sales to any government committing serious violations of human rights, and to suspend any economic assistance directly supportive of the government committing such violations."

It would be relatively easy to document for you the extreme cases of contemporary Chile or South Vietnam where American aid has played a major role in creating conditions under which people are daily seized, tortured, incarcerated and even executed without any semblance of justice. If the Chilean military had not been granted some $28 million of military aid in FY 72 and 73 (and $11 million more this current fiscal year), they would scarcely have been so ready and capable of overthrowing a legally elected government. And if the United States and the multinationals had not adversely manipulated both national and international economic conditions, the Allende government might well have worked its way past whatever initial policy mistakes it made.

It takes little imagination as well to draw the much less subtle correlations between granting $2 to $2.5 billion a year of military and economic aid to the government of President Thieu and the particular policies he pursues. Indeed if the United States did not supply 85-90% of the total resources of the GVN, that government would not even exist. As it is we permit Thieu the luxury of a 1.1 million man army and a 122,000 man police force. Thieu has no need to tolerate diversity of opinion and he doesn't. As I have testified in detail elsewhere (see the *Congressional Record*, September 13, 1973, p. 29747, and October 3, 1973, p. E6260), the painful results are currently some 100—200,000 political prisoners, a computeriezd system of national identity cards ideal for the most modern totalitarian harassment, and an ongoing civil war which threatens ominously to reescalate in the near future. It is a profound tragedy that we so miseducated the present ruling class of South Vietnam through two decades of "aid" programs. But it is unconscionable that we perpetuate the destruction of civil liberties by supplying Thieu with the means and opportunity as well as the values.

Chile and South Vietnam are admittedly extreme cases of the abuse of human rights. I want to focus your attention today on the Philippines which has just completed its first year under the martial law of President Ferdinand Marcos. My interest in the Philippines was heightened by my recent visit there as part of a Congressional fact-finding tour. Reports in the American press on internal Philippine conditions have often been positive over the last year. Daniel Southerland in *The Christian Science Monitor* on September 21 found the Philippines happy with martial law. If one looked beyond the headlines, however, Mr. Southerland was talking about the happiness of domestic and foreign businessmen. If one were to go beyond the media image projected by Marcos the realities for the ordinary Filipinos are not so happy.

Martial law has permitted Marcos to end the freedoms of speech, press, and assembly guaranteed to the Philippine people by their constitution. See for example *The New York Times* of April 3, 1973 for a study of Marcos' attempts to overrun the Philippine Supreme Court. Marcos has prohibited all constitutional methods of political opposition. Thousands of Philippine citizens languish in jail, others have been forced into the political underground, and still others have turned to guerilla resistance. There is no way to get an exact account of political prisoners. Various foreign newspapers mention round numbers of 5 to 10,000. But, as private letters indicate, this is considered too low by some who know better the rural scene where there are many provincial and town jails filled with people arrested at the slightest provocation by the military authorities.

It is quite clear that political prisoners are abused. Episodes have occurred from the early days of martial law as newspaper stories (e.g. the *Honolulu Advertiser*, October 30, 1972) and private letters to foreigners have reported. Food and living conditions are extremely unhealthy. Torture is believed to be fairly common although only a few cases can be well documented. Random censoring of mails inhibits communication as Philippines exiles here report. Once arrested, prisoners can sit in jail indefinitely before being brought to trial. Even before martial law prisoners could sit for years without being tried, especially if the charges were "political crimes." Now there is not even the facade of habeas corpus as the Honolulu publication *Pahayag* reported on August 9, 1973. Trials are by military tribunal with predictable results. One celebrated case, that of Senator Aquino, was reported in the *Philippine Times* (August 31, 1973). The Government censored press did report recently that some political prisoners have been released. It is important, however, to know that ex-prisoners are subject to various harassments and have often been rearrested with no media attention.

Detention of political prisoners is a most obvious and tangible abrogation of human rights in a society. In the Philippines they are only one example in a society beset by a profoundly complex multi-faceted civil war. This is not the place to detail the American role in the creation of this war. The long history of American manipulation and control of the Philippine economy and government is familiar to the committee. What needs stressing is that the Philippines is a sadly typical example of a dictatorship propped up in large measure by American aid. Early this spring the *Wall Street Journal*'s Manila correspondent reported a prominent Philippine politician, who preferred to remain anonymous, as saying that many Filipinos understood that if it were not for the support of the United States, Marcos would not last a month. This may be extreme but it points up the basic tie.

President Nixon has made a one-sided, executive commitment to this unconstitutional Philippine regime. Although it remains unspoken, its reality can be measured by the increased aid, up $16 million to a $100 million request from Congress for FY 74 military and economic support to the Marcos government. The Senate Foreign Relations Committee report on S. 2335 (p. 18) shows a declining but ongoing public safety program. Thus the Marcos police who are imprison-ing his critics are at least in part trained and equipped by the United States government. An FY 74 request for $30 million of military aid (up $10 million from last year) leads inevitably to the conclusion that the Philippine troops maintaining "order" in the countryside are in part armed and supplied by the United States. Marcos is not even content with destroying the freedoms of the Philippine people at home to keep himself in power. He is also attempting to negotiate an extradition treaty with the Nixon Administration in order to be able to silence through intimidation those opponents of his regime who have found refuge in this country.

It is sometimes difficult for Americans to step outside their country and their culture and to imagine how military and economic aid becomes the means for the destruction of civil liberties. I have in my files perhaps two dozen reports on the Philippines that show particular incidents of the total intolerance of political dissent and organization on campuses (the *Honolulu Advertiser*, September 28, 1972, October 25, 1972, and October 31, 1972 are three), the harassment and dragooning of whole blocks and neighborhoods of poor urban residents (the *Bulletin Today*, one of the three official Philippine newspapers, September 19, 1973 e.g.) the abuse and mindless relocation of squatters (the *Bulletin Today*, April 12, 1973 e.g.), and the terrorism and excesses in rural areas where control of subordinate police and army officers is even more limited (See *Pahayag* #5, April, 1973). I would like to share with you one short report of an episode from Dumaguete City in Negros Oriental province. It was written in mid summer by a Filipino under the pseudonym of George Feliciano, and will appear in *Pahayag* this month:

"Military excesses are expected daily occurences in areas where war actually rages like Mindanao or Bicol. But in peaceful towns, their stupidity and cruelty never ceases to surprise, in spite of the fact that they have become near-daily occurences. Dumaguete City, the capital of Negros Oriental, has witnessed no rebel activity. Unlike Bacolod or Iloilo, one hears practically nothing there of the NPA [New Peoples Army, a leftist guerilla force]. Yet the fact of Martial Law has been made foolishly palpable to the residents of this otherwise peaceful city through violent acts committed by the military.

"Last June, a young man, known throughout the small town as a decent, devout, and apolitical youth, was murdered outright by two PC [Philippine Constabulary] enlisted men. The young man played the organ at a local hotel restaurant. Every night he started playing at 6:00 P.M. One early evening at about 5:30 the two PC came into the resturant and ordered the young man to play. He politely told them that he was scheduled to begin at 6:00 and asked them to wait. They asked once more, and when the musician once more politely refused, one of them took out his gun and shot him on the spot. "It was the *fourth* unnecessary murder by the PC since the declaration of martial law and the citizens were angry. Military authorities forbade radio stations to announce the time and place of the funeral and made it difficult for people to attend. In spite of this, the turnout for the funeral was large, a fact which thoughtful town residents interpret as an act of protest on the part of the populace.

"The two soldiers are said to be in the stockade at Camp Crame awaiting trial, though no information is available about their case. The major military response to the action was to remove the Provincial Commander of Negros Oriental. But rather than charging him with any wrongdoing, they have simply transferred him someplace else where he can continue to exercise his irresponsible authority.

"The murder of the young musician fits neatly into the pattern of mindless violence which characterizes life in the countryside. In the short run, military terrorism no doubt serves the government's purposes by frightening people into compliance. But in the long run such behavior works directly against the government's goals. The population of Dumaguete City knows that the young man who was killed was no activist, that he was a polite, decent person. These otherwise cooperative townspeople are angry at those who murdered him and the authorities who allow murders to go unpunished. Each time an event like this occurs, their anger will grow until one day their sympathies will no longer lie with the government but with the revolutionary forces. Each time the military commits a terrorist act like this, it sows the seeds of its own destruction."

It is too late to preserve the human rights of the organ player from Dumaguete but it is not too late to begin to understand why he died. Virtually every human society is filled with conflicts among elements with disparate political, economic, or social power. If the United States provides the means for conflicts to be solved by force, it encourages such methods. By so doing this country becomes responsible and perpetuates violence, as in the ongoing civil wars in South Vietnam and the Philippines.

There is quite evident sentiment in this Congress, which I share, to improve the rights of certain groups like the Soviet Jews by political pressure. Congress has not yet defined what constitutes outside interference and what does not. But we have no place in providing economic and military aid to governments which work actively to destroy human rights. I urge your support of H.R. 10455.

LOWER PHYSICAL STANDARDS FOR ENLISTING IN ARMED FORCES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1973

Mr. ASPIN. Mr. Speaker, a new study commissioned by the Office of Naval Research says that the Navy could ease its present recruiting problems by relaxing physical standards for enlistees. These recommendations could apply to the other services as well.

If the services were to adopt these recommendations it would be a big break for the all-volunteer concept. If the Pentagon is really serious about having an all-volunteer military, it will adopt the recommendations of this study without a moment's delay. The study suggests more leniency in admissions standards for persons with impairment of the hands, eye trouble, speech impediments, disfigurements, and for those who are overweight or have high blood pressure.

It suggests a 1-year trial of enlistment for evaluating persons admitted under the new standards. It also lists certain jobs in which these people should be restricted. It recommends no changes in present hearing standards.

The effect of lowering physical standards for enlistment would be to raise the overall intelligence level in the military by increasing the manpower pool from which the services can choose. Recently, as the services have attempted to fill their quotas for the all-volunteer force, they have been forced to accept more men with low intelligence scores.

At the same time, the new physical standards would not result in the reduction of the efficiency of military operations. Many jobs, in the military as well as in the civilian sector do not require men in perfect physical condition. Certainly, we do not need a combat-ready soldier to pound a typewriter or to operate a computer, and that is the kind of thing that many servicemen are doing these days.

I believe that lowering physical enlistment standards for the military is one of three things that will help insure the success of the all-volunteer force. The other two would be to recruit more women and to civilianize a greater number of military jobs.

AIR POLLUTION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. CARTER. Mr. Speaker, I include for the benefit of the Members the first of a series of studies conducted by Dr. Jan J. Stolwijk of the Department of Epidemiology and Public Health at Yale University on air pollution.

This is the first of a series of studies which will be conducted by this eminent scientists with the capable assistance of many prominent members of the Yale faculty.

The possibilities projected in this particular paper indicate that our air pollution standards may well be incorrect and, therefore, that our standards may involve substances of lesser toxicity than others emitted through exhausts or stacks.

The study follows:

Air Quality Criteria, Public Health and Quality of Life

The air pollution episode in Donora, Pennsylvania in October 1948 was unparalleled in the U.S. for its severity and for the effect it has had on subsequent studies and regulatory activities. Until then air pollution had been considered for its effect on the quality of life. After Donora, air pollution is primarily considered for its effect on health, with a tendency to include quality of life effects as health effects.

Since 1948 a very considerable body of literature has developed which concerns itself with the health effects of air pollution. This literature, which has been reviewed on many occasions by different authors and by groups and committees, however, is subject to varying, often conflicting interpretations. Research results to date indeed reveal that a variety of air pollutants have deleterious effects on human health and on the quality of human life. For many of the pollutants, the effects on man have been separately demonstrated and the mechanisms involved have been elucidated. It does not appear likely that any additional health effects of air pollutants have been overlooked and not pointed out in the existing literature.

The fact remains that there is continuing disagreement between scientists with regard to the available evidence. The scientific community continues to be questioned by political decision makers and by different interest groups, and it is clear that the available evidence does not allow conclusive statements about the quantitative relationships between air pollutant concentrations and health effects.

The reason for the ambiguities in the research results are well understood:

(a) The scientific quality of the work on which the reports are based is marred by often unavoidable methodological imprecision.

(b) In general evidence based on experimental exposure of healthy subjects or animals to individual pollutants indicates high threshold concentrations.

(c) Epidemiological evidence is often compromised by multiple correlations, by inadequacies in pollutant concentration measurements and by inadequate definition of the susceptible population.

(d) Many primary air pollutants can produce secondary products in the atmosphere or can combine with particulate matter with health effects which can be substantially different from those of primary pollutants as emitted.

There is unfortunately very little reason to suppose that further research will produce results with less ambiguities which will allow easier decision making. The question: "How much of a given air pollutant can we safely tolerate?" is a question which can be addressed to the scientific community but to which no simple answer is possible.

Such questions have been designated as trans-scientific questions by Alvin Weinberg in a very thoughtful paper. If the question does get posed to a group of experts and if they are forced to provide a single answer that answer will tend to err very much on the safe side especially when safety will be the only consideration, and the experts are not held accountable for direct costs and other side effects of adoption of such a single value.

We believe, therefore, that the best approach to determining "safe" concentration will likely be found if we first make it abundantly clear that a quantitative uncertainty exists and secondly if we bring legislative decision makers into the standards and criteria setting process.

The Yale study then will review the health effects literature with that purpose in mind. We plan to establish the types of effect and the pollutant concentration range involved for each of the pollutant species, and with special emphasis on mobile source emissions. In so doing we will make a clear distinction between effects which produce or aggravate disease, and effects which we consider to be affecting the quality of life in much the same way as factors such as noise, crowding, congestion or economic opportunity.

We believe the separation of effects into those producing or aggravating disease and those which affect the quality of life is an important one. We further believe that those effects which produce disease and which may be determined more objectively should be built into criteria which, protecting the population against such, should be enforced rigorously whenever and wherever such threats occur by all available means and essentially at any cost.

Quality-of-life effects of air pollutants, however, are more subjective in nature; although objective measurements are often possible, they are related to the source or stimulus and not to the actual effect on a population. It is our view that these quality-of-life effects of air pollutants and pollution abatement directed at improving quality of life are an area where conflicts of opinion and value judgments as well as cost-benefit considerations apply.

It would seem appropriate to conclude that criteria, standards and abatement strategies in these areas should be more flexible, should have considerable local input, and should be weighed in the context of other factors affecting other aspects of the quality of life.

Our review of the health effects and air quality criteria during the next year will thus concentrate on providing a division between effects producing or aggravating disease, and effects on the quality of life. For the various important pollutants we will identify the ranges of concentrations in which various mechanisms act on different parts of the population. Although we will most likely need to revise the precise categories we will start with the following categories which we will attempt to assess for the several types of air pollutants:

1. Body burden effects: Irreversible accumulation of a body burden of disease producing material. When airborne material which is able to produce disease is inhaled and accumulated, there is no possibility of correcting the effect of a quality criterion which is not sufficiently strict: we would expect that there would be substantial numbers in the population who already have accumulated dangerous amounts of material. Certain types of particulate material may be in this category and it is obvious that very conservative criteria are in order. It is also clear that the important components of automotive emissions are not in this category.

2. Irreversible damage or impairment: If a pollutant causes irreversible damage or serious functional impairment in healthy individuals, the limits of acceptable concentration should be well below the range in which such effects occur. It is nevertheless important to indicate this range in order to provide a perspective of margins of safety and potential liability.

3. Reversible damage or impairment of function in healthy individuals is also to be avoided at great cost when such reversible effects are likely to impose a risk of cumulative damage.

4. There are in each population groups with pre-existing disease with a continuum of severity. Such groups tend to have lower tolerances to a number of environmental factors including but not limited to different air pollutants. The ranges of concentrations, and the number of individuals in the population should be taken into account in considering air quality levels for different air pollutants for this segment of the population. For this segment of the population high atmospheric temperature and water vapor pressure is a more serious threat for the urban population nationwide than are air pollutants at current levels. This segment of the population is already under medical management and the treating physicians can and do protect such susceptibles from the special environmental threats. It is not possible to protect highly susceptibles from all environmental threats nor do we do this in similar cases. As an example, substantial segments of the population suffer from pollen allergy and although parts of this population are severely threatened we do not have criteria for pollen concentration and we do very little, if anything, to reduce environmental pollen concentration.

In addition to effects which directly impair health or ability to function, there are a large number of effects which lower the quality of life in more subjective ways. This can be due to slight to serious discomfort such as in smog-induced eye irritation; due to interference with sensory perception such as in reduced visibility or with odors associated with air pollution; or due to aesthetic and economic damage due to soiling or increased corrosion rates. As far as air pollutant emissions are concerned they take their place in the spectrum of quality-of-life factors with such other consequences of the type of transportation system to which the U.S. is so strongly committed: transportation induced noise, congestion, land use effects, etc. Offsetting these negative factors are the consequences which are seen as desirable and which brought about this commitment in the first place; fast, convenient and relatively cheap personal transportation.

It will be very difficult to produce a comprehensive and generally acceptable listing of air pollution effects based on the divisions outlined above. We believe that even an incomplete and somewhat controversial attempt will be very helpful in regaining the perspectives required for an optimal but not perfect decision making process if the current legislation is reviewed.

Some very interesting observations can be made from the very start regarding automotive air pollutants:

1. At the present time only the following emissions are likely to be involved in body burden effects: lead, asbestos and possibly some tire particulates.

2. Carbon monoxide in concentrations likely to occur in the near and intermediate future will have mostly reversible health effects in susceptible classes although there may be a very slight increase in mortality in very susceptible groups. Carbon monoxide will have no other quality-of-life implications.

3. Hydrocarbons in the gas phase will have no direct health effects but will operate mostly through secondary pollutants, and almost exclusively via quality-of-life effects.

4. Nitrogen oxides will have their effect again mostly on quality-of-life factors with minimal risks for health at current concentrations.

We will document that we will never be able to produce either absolute "safety" or absolute values of pollutant concentration which can be quantitatively related to thresholds or other risk levels.

The remainder of our health effects study will be devoted to classifying existing reports with regard to pollutant concentration ranges in which irreversible and reversible health effects of different types occur in what segment of the population. We will describe the continuum and indeed the overlap which exists in disease producing effects and quality-of-life effects. We hope that in this fashion we can clarify the ranges of pollutant concentration which properly are the subject of prescriptive protective regulation, and the ranges which are involved in quality-of-life considerations which we feel should be regulated more flexibly, perhaps on a regional basis and where direct and indirect cost of the regulatory effort should be related to the perceived improvement in *total* quality of life.

EMISSION CONTROL STRATEGIES OF THE 1970 CLEAN AIR ACT COSTS, EFFECTIVENESS AND ALTERNATIVES

The 1970 Clean Air Act differed substantially from earlier Air Quality legislation in its implementation strategies. Especially with respect to motor vehicle emissions for which specific levels of reduction were included in the Act, it has brought about substantial reductions in emissions from new vehicles, and the vehicle population will continue to produce less and less of the three major types of pollutants.

Since the Act was passed, a number of factors have emerged which were not and could not have been considered during the legislative discussions.

Some of these factors were unknown at the time because the technological developments required could not be precisely foreseen, and their cost could not be estimated.

In the health effects data, the effects producing or aggravating disease or producing increased mortality were not completely separated from what we would classify as the quality-of-life effects. This resulted in quality-of-life threshold values which certainly should have been considered in a cost context, but were, in fact, considered as non-negotiable health criteria.

Several regional implementation plans, especially in the transportation control elements, are indicating serious difficulties in meeting air quality criteria even with the mandated emission reductions.

Estimates of overall costs of automotive emission controls are becoming progressively higher with the Committee on Motor Vehicle Emission of the National Academy of Science estimating an eventual increment of $25 billion annually over the comparable 1970 costs. This would appear to be considerably higher than the total estimated cost of air pollution in the U.S. which is estimated by the RECAT Committee report to be about $16 billion; or the total health cost of air pollution which Lane and Leskin estimate at 4.5% of all health costs or $6.1 billion annually.

Unfortunately one of the technological side effects of the adopted methods for automotive emission control at the mandated level is a fairly severe fuel consumption penalty which will increase total fuel demand in the face of diminishing resources, and increasing pressure on our balance of payments.

In the critical regions, the implementation plans indicate a requirement of substantial reductions in total vehicle miles driven especially during peak hours. Although the requirement is clear, it is also becoming clear that unless more acceptable alternatives are provided such reductions are going to be very difficult to accomplish.

We are exploring the feasibility and advantages and disadvantages of alternative strategies which might accomplish improvements in the quality-of-life in the urban regions including reductions in air pollutant emissions by automobiles.

TOO MANY PEANUTS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. GOODLING. Mr. Speaker, the surplus peanut situation is costing the American taxpayer money. This was pointed out in an October 1, 1973, issue of the Wall Street Journal.

The article points out, for instance, that the peanut surplus has cost the taxpayer in the vicinity of $70 million last year. I submit this article to the Congressional Record for the attention of my colleagues, because, in a manner of speaking, that is not peanuts:

Here's the Situation in a Nutshell: U.S. Has Too Many Peanuts—The Surplus Is Very Costly, So New Uses Are Sought; Do Peanuts Help Drinkers?

(By Mitchell C. Lynch)

Washington.—Peanuts make a flour that doesn't taste like peanuts; some think this is a good thing, but others aren't so sure. Peanuts may enable you to drink more at cocktail parties; then again, they may not. There are a lot of bad puns in peanuts. And there are uses for peanuts that George Washington Carver never dreamed of.

But the main thing about peanuts is that there are too many of them—and that's driving Earl Butz crazy.

"You can quote me on that," the Secretary of Agriculture declares. For at a time when world-wide demand for many U.S. farm products has outrun supply and sent prices skyrocketing, Mr. Butz has a problem of an entirely different kind with peanuts: a big surplus. The surplus cost taxpayers $70 million last year, is expected to cost them about $537 million over the next four years and is generating a lot of bad puns right now.

There are those, for example, who like to point out that the federal cost of buying up all those surplus peanuts is hardly, well, peanuts. There is the Agriculture Department official who says, "We've been taking a roasting for a long time."

You can sum up the peanut situation—in a nutshell, of course—like this: There is a 30-year-old law that limits the nation's peanut farmland to 1.6 million acres. These are alloted on "an historical basis," meaning that only land that was devoted to peanuts three decades ago can be used for peanuts today. The law was supposed to keep peanut supply in line with peanut demand. It hasn't worked out that way.

SOME FACTS AND LORE

The reason is that the peanut farms turned to new fertilizers, pest-killers and irrigation equipment and promptly grew more peanuts than ever. A decade ago, they were reaping about a half ton of peanuts per acre; now it's a ton, and it could be a ton and a half by 1980. Peanut consumption just hasn't kept pace. In the 1966–71 period, for example, national output bounded ahead by 116 million pounds, but national consumption increased by only 21 million pounds.

What to do? Well, one obvious answer is to get everybody to eat more peanuts. Another is to go George Washington Carver one better. (He, of course, was the black researcher who figured out how to make more than 300 products from peanuts, ranging from ink to soap and ersatz coffee.) Both have prompted no end of study in the Agriculture Department.

It can be documented, for example, that the average U.S. citizen eats about seven and a half pounds of peanuts a year. This comes out to about three and a half pounds of peanut butter, a pound and a half of salted peanuts, another pound and a half mixed with candy and a pound of what the department calls "ballpark peanuts," the kind sold with their shells still on.

Now the department's research center in New Orleans is working on ways to squeeze the peanut oil from peanuts and then refill them with water. This would take out calories and presumably open up new markets among weight-watchers. On the other hand, it might hurt the existing market among drinkers.

Some drinkers, it seems, believe that by munching peanuts between swigs they can coat their stomachs with peanut oil, thereby slowing the alcohol's inexorable entry into their bloodstreams. Other drinkers doubt this and swear by butter. But that's another story.

The agricultural researchers also report headway in their efforts to make charcoal and plasterboard from peanut hulls. And they're working hard on that high-protein peanut flour, to be added to regular flour to make cookies and cakes more nutritious. This flour, as previously mentioned, doesn't taste like peanuts, although some researchers think it would be better if it did.

AN ACADEMIC QUESTION

Whether Americans eat enough peanuts is rather academic to the peanut farmers, though. What they can't sell on the open market, the government buys through the Commodity Credit Corp. The CCC then sells most of the surplus overseas but—here's the clinker—at the prevailing world price, which is always lower than the price the CCC paid farmers. That's how the CCC lost $70 million in the last fiscal year.

Now this is either a sorry state of affairs or a pretty good situation, depending on who you are.

"It's what one could call one hell of a ripoff," complains one critic within the Agriculture Department. Not so, says Sen. Herman Talmadge. Democrat Talmadge, happens to think the program is a good idea, perhaps because he is from Georgia and peanuts are Georgia's biggest cash crop. He also happens to be chairman of the Senate Agriculture Committee. This is why even the critics listen when he says: "A cut in the support program would be disastrous to all rural residents who depend upon the economic activity generated by peanuts."

MARCELLUS MURDOCK ENTERS EDITORS' HALL OF FAME

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1973

Mr. SHRIVER. Mr. Speaker, the William Allen White School of Journalism at the University of Kansas recently named Marcellus Murdock, the late president and chairman of the board of the Wichita Eagle & Beacon Publishing Co., to the Kansas Newspaper Editors Hall of Fame. It was an appropriate and deserving tribute to one of our State's distinguished newspaper editors. The Murdock name is synonymous with journalism and progress in Wichita and Kansas. Marcellus Murdock was a moving force in Wichita until his death in 1970. He truly earned a place in the Editors' Hall of Fame.

Under the leave to extend my remarks in the Record, I include the article from the Wichita Eagle & Beacon detailing the honor accorded to Mr. Murdock by the Kansas University Journalism School. The article follows:

Editors Induct Murdock Into Hall of Fame

Lawrence, Kans.—Marcellus Murdock, late president and chairman of the board of The Wichita Eagle and Beacon Publishing Co., was named to the Kansas Newspaper Editors Hall of Fame at the University of Kansas Saturday.

Murdock, who died in 1970, was selected by Kansas editors in the first year he was eligible to be named. Announcement was made during KU Editors' Day activities, sponsored by the William Allen White School of Journalism.

Also on the program were talks by Chancellor Archie Dykes and Richard Smyser, editor of the Oak Ridge, Tenn., Oak Ridger and vice president of the Associated Press Managing Editors Association.

In tribute to Murdock, Calder Pickett, KU journalism professor, recalled the beginning of Kansas journalism in the era of "bleeding Kansas," when pro-slavery and anti-slavery forces were battling, and the founding of the Wichita City Eagle by Murdock's father, Marshall, in 1872.

Murdock, born in 1883, became a printer on his father's paper. At 19, he became an Eagle reporter, covering the town stockyards. Later he was sent to Guthrie, then capital of Indian Territory, where he became chief correspondent in the area that soon would become the state of Oklahoma, Pickett said.

Returning to Wichita, Murdock stayed on the news staff and worked his way up to managing editor in 1903, the same year his brother, Victor, was elected to Congress.

Murdock became a crusader, Pickett said, and sought the resignation of a police chief after the Eagle learned there was a bawdy house in city hall. A federal grand jury ended the police chief's career by indicting him for post office robbery.

Murdock became publisher of The Eagle in 1907. Pickett said much of the history of The Eagle was marked by its competition with The Beacon, first published by Henry J. Allen and then sold to the Levand brothers in 1928.

After the Eagle purchased The Beacon in 1960, Murdock said competition with the Levands had "caused the brain of Marcellus Murdock to operate at its full capacity; whatever was there got its full test."

Pickett noted Murdock received many awards during his career. In 1961, he was named winner of the eighth William Allen White Award for Journalistic Merit of the William Allen White Foundation. He received a doctorate of humane letters from Wichita University in 1963 and the Brotherhood Award of the National Conference of Christians and Jews in 1965.

More than 200 journalists from across the nation honored Murdock at a testimonial in 1966.

Murdock loved flying, Pickett recalled. In 1929, he was breveted a pilot by Orville Wright and became known as the flying editor of Kansas. He flew almost every kind of plane, including piloting one that broke the sound barrier—when he was 80.

Pickett described Murdock, who died at 87, as "a gentleman, as a warm winning personality," one who saw himself as "a shining example of what can happen to mediocrity." Though he would not have called himself a philosopher, Pickett said, Murdock was a man of common sense, in his utterances about the role of the press and in his beliefs about how all men should live.

IN MEMORIAM: LUDWIG VON MISES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. KEMP. Mr. Speaker, in the turmoil of the day—the Middle East crisis, the resignation of the Vice President, the nomination of a new one, the struggle in Congress over war powers—we cannot fail to note the passing of one of the great economists of our age, a man who towered in his profession, a man whose unfailing devotion to libertarian economic principles served as the principal inspiration for an entire school of economic thought—the Austrian School. I speak of Prof. Ludwig von Mises, who died on the 10th. at the age of 92.

In an "In Memoriam" feature within today's Wall Street Journal, Dr. William H. Peterson, a former New York University faculty colleague of Professor von Mises', summarized the force of Dr. von Mises' thinking upon several generations of economists, as follows:

> Professor von Mises * * * was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.
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> He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition, of Western civilization. And from that rock of principle during a long and fruitful life, this titan of our age never budged.

At this point in the proceedings, I wish to insert the entirety of my good friend, Dr. Peterson's eulogy:

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

Ludwig von Mises—"Planning for Freedom" 1952. "Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion."

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Frederich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the pupils no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920's climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

In these times of wage and price controls, increased Government regulation of the economy and the means of production and distribution of goods and services, of international trade barriers, of unparalleled tamperings with monetary policy, of ramped inflation and devaluation, we need to pay closer attention than ever to the alternatives provided through the free market, the alternative expounded through a lifetime by Professor von Mises.

In a conversation betwixt Thomas More, then a member of the King's Council and to be both Lord Chancellor of England and a saint of the church, and young Richard Rich, graduate, but himself to become Lord Chancellor of that Realm, Rich asked More for his sponsorship to a position at court—to be about the King's business." More offered Rich a post but not at court, a respectable post as a teacher at the new college:

MORE. Why not be a teacher? You'd be a fine teacher; perhaps, a great one.

RICH. If I was, who would know?

MORE. You. Your pupils. Your friends. God. Not a bad audience.

Mr. Speaker, Professor von Mises was one of the great teachers of our age. I do hope the world and the United States will soon heed his advice and return quickly to the principles of the free market economy.

HOUSE PASSES WATER RESOURCES DEVELOPMENT ACT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. RAILSBACK. Mr. Speaker, I am pleased the House today overwhelmingly passed—by a vote of 337 to 14, H.R. 10203, the Water Resources Development Act. The legislation provides important authorization for various public works projects, and is of vital concern to the people in my congressional district.

I would like to commend the committee particularly for the provision included in H.R. 10203 which authorizes the widening and extending of the eastern approach to the Rock Island Centennial Bridge in Rock Island, Ill. This will greatly facilitate traffic movement onto and off the bridge. It will also provide a final direct link between the Rock Island Arsenal and the major routes in this area. And, most importantly, it will benefit thousands of people who must use the bridge daily.

I know I speak for the many people I represent when I say that today's House action is of great encouragement.

A NOT-QUITE PRECEDENT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, October 13, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the September 25 edition of the Petersburg Progress-Index included an interesting editorial about the career of Judah P. Benjamin, who held three Cabinet positions in the Government of the Confederate States of America.

Attention was called to Benjamin when Dr. Henry Kissinger took the oath as Secretary of State. Dr. Kissinger is the first Jew and the first naturalized citizen to hold that office, but Benjamin, who, of course, served more than a century ago, also was of the Jewish faith.

I ask unanimous consent that the text of the editorial, "Here's A Not-Quite-Precedent," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HERE'S A NOT-QUITE-PRECEDENT

"There is no country in the world where it is conceivable that a man of my origin could be standing here next to the President of the United States."

So said Dr. Henry A. Kissinger in the ceremony incidental to his taking of the oath as the 56th United States Secretary of State. The moving and emotional nature of the comment is clear. It is more in keeping with what used to be called the American dream than are some other happenings and statements of the time.

Dr. Kissinger, who came to this country 35 years ago with his family to escape Nazi persecution, is described as the first Jew and the first naturalized citizen to occupy the most prestigious seat in the cabinet. If those details are irrelevant to the duties, they are nevertheless pleasant and reassuring.

Although he is the first Jew to fill that office in the government of the United States he is not the first Jew to be Secretary of State in a government functioning in an area now included in the United States.

That "first" was recorded over a century ago by another government, the Confederate States of America. The individual was Judah P. Benjamin, sometimes know as "the brains of the Confederacy." Benjamin was born on the island of St. Croix in the West Indies. In the government of the Confederate States of America he held successively the offices of Attorney General, Secretary of War, and Secretary of State.

Along with the support of President Jefferson Davis, who could give firm backing to excellent men like Lee and Benjamin as well as to certain others who did not deserve it, Judah P. Benjamin had plenty of opposition. Anti-Semitism may have figured in it, but if so opposition owed a great deal more to other factors, notably distrust by the less gifted of a man who was so able and brilliant.

This not-quite-precedent for the purposes of United States history is interesting because the government which he served in a series of high offices is not usually remembered as a bastion of liberalism. Historians are more likely to describe it as a conservative revolution. But the C.S.A. may have exhibited more features qualifying for the liberal description than the party line of the professional historians chooses to concede.

The detail speaks for itself. Maybe the government which was more than a century ahead of the United States in the particular was not thinking in terms of liberalism versus conservatism, of ethnic considerations, of balance, and so on. Perhaps it just wanted to get the best man for the job. If so, there is something to be said for that, too.

PHONY TRUCK DRIVING SCHOOLS IN WISCONSIN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. ASPIN. Mr. Speaker, the Chairman of the Federal Trade Commission has publicly admitted that the delay in halting the operation of five phony truck driving schools in Wisconsin "cannot be justified."

Mr. Speaker, the FTC has been dragging its feet by not halting the operation of five phony truck driving schools which have been placing newspaper ads in Wisconsin.

FTC Chairman Lewis Engman has told me:

> Although much of this delay cannot be justified, I am sure that you understand the Commission's obligation to the public and to the Congress for responsible law enforcement requires careful and deliberate investigation and consideration prior to the issuance of formal proceedings.

Mr. Engman goes on to say that the consumer protection operation "can be improved and expedited by several means."

Mr. Speaker, I am pleased with Mr. Engman's frank admission that the FTC cannot justify the delay in this case. But at the same time, I hope Mr. Engman will put a halt to phony truck driving schools, at once.

As some of my colleagues may know, the FTC is considering cease and desist orders against five firms which operate in Indiana and place advertisements in Wisconsin newspapers for the phony truck driving schools. When an individual responds to an ad offering training and employment he is requested to send $195 for study materials. After he sends the $195 the phony truck driving school asks for an additional $700 to provide other training.

No training is offered and there are no jobs available from these phony schools.

My understanding is that these are open and shut cases and that these phony truck driving schools can be closed down very soon. While I appreciate Mr. Engman's open admission that the FTC is too slow, he can demonstrate his good intentions by eliminating these schools at once.

The letter from Mr. Engman follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., September 25, 1973.

The Honorable LES ASPIN,
House of Representatives, U.S. Congress, Washington, D.C.

DEAR CONGRESSMAN ASPIN: This is in response to your letter of September 6, 1973, concerning proposed action against firms advertising and selling "truck driver" training courses. I understand that the proposals in question will be forwarded to the full Commission for its consideration in several weeks.

I share your great concern over those who sell vocational education by means of allegedly false claims of job opportunity and earning potential. The Commission has, in addition to the litigation of cases against individual sellers of vocational education, initiated its most comprehensive educational effort to date in order to reach prospective vocational students and provide information to help those individuals evaluate courses on their merits. I have attached for your information a copy of a vocational education pamphlet recently published by the Commission.

I am also committed to eliminating sources of administrative delay within the Commission. Although much of this delay cannot be justified, I am sure that you understand that the Commission's obligation to the public and to the Congress for responsible law enforcement requires careful and deliberate investigation and consideration prior to the issuance of formal proceedings.

It is my belief that Commission consumer protection operations can be improved and expedited by several means, including closer coordination between headquarters and regional enforcement activities and by an improved and updated case management and information system. Although definite accomplishments have been brought about over the past few months, much more needs to be done. The recent reorganization of the Bureau of Consumer Protection is one example of Commission efforts to improve its operations, and I have enclosed a copy of a press release announcing this action.

I appreciate your comments and thank you for writing.

Sincerely,

LEWIS A. ENGMAN.

THE BIRTH OF A NATION: GUINEA BISSAU PROCLAIMS ITS INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. RANGEL. Mr. Speaker, a new nation has been declared on the African Continent. Culminating 10 years of struggle against colonial oppression, the people of Guinea Bissau in West Africa have gained control over three-quarters of their land and proclaimed their country a new nation, sovereign, and independent of Portugal.

The new state lies between Senegal and the Republic of Guinea. It is the size of Rhode Island, Massachusetts, and Connecticut combined, with a population of almost 1 million.

A 120-member National Assembly has been chosen and it has approved a constitution for the new nation. The National Assembly has selected Luis Cabral as President of Guinea Bissau. President Cabral is the brother of the late Amilcar Cabral, who organized the movement which led to the declaration of independence from Portugal, and who was assassinated by Portugese agents on January 20 of this year.

Guinea Bissau's proclamation of independence was followed immediately by recognition of the nation of Algeria, the Republic of Guinea, Tanzania, Chad, Libya, Somalia, Upper Volta, Mauritania, Madagascar, Ghana, Congo, Nigeria, Senegal, Syria, and Yugoslavia.

I congratulate the Republic of Guinea Bissau on its newly declared independence and call upon President Nixon to recognize the independence of this nation and to condemn and oppose the continuing Portuguese military actions which are attempting to keep the people of Guinea Bissau in their former subjugated colonial status.

To further inform my colleagues of the birth of this new nation and the situation in West Africa, I submit for the CONGRESSIONAL RECORD an article written by George M. Houser, executive director of the American Committee on Africa, on the independence of Guinea-Bissau.

The article follows:

INDEPENDENCE OF GUINEA-BISSAU

(By George M. Houser)

A new state in Africa has just proclaimed its establishment as an independent Republic and is now seeking recognition from the nations of the world. This in itself is not unusual. It has happened with frequency in Africa in the last decade and a half. What is unusual is that Portugal, the European power which has for decades claimed control over this African country, still refuses to acknowledge its right to self determination, and the liberation struggle continues. The country which has now proclaimed its independent status is Guinea-Bissau. It is about the size of Rhode Island, Massachusetts and Connecticut, with a population of close to one million people, and lies between Senegal and the Republic of Guinea in West Africa.

This summer I was fortunate enough to be able to go inside Guinea-Bissau with the PAIGC (the African Party for the Independence of Guinea and Cape Verde), the movement which has led the struggle for freedom. I was struck by the strength and efficiency of the movement which for some time has been operating effectively as a government for the majority of the people in that country.

The new government is not in exile. The P.A.I.G.C. has had external headquarters in both its southern and northern neighbors. But the real movement is in the country. It was the first meeting of the popularly elected National People's Assembly which, on Monday the 24th of September at a place called Madina Boe, in the eastern region of Guinea-Bissau, proclaimed the new Republic of Guinea-Bissau. The P.A.I.G.C. has established a network of administrative institutions inside the borders of their country—schools, hospitals, teaching centers, a court system, etc. which are serving the needs of the people.

1973 has been a tragic and testing year for the PAIGC. On January 20, Amilcar Cabral, who was founder and the inspired leader of the PAIGC was cruelly assassinated in a Portuguese plot to split the party and destroy the liberation struggle. My visit confirmed my conviction that the Portuguese plan had misfired badly and had in fact led to an intensification of the people's struggle. The movement, its leaders and its people were inspired by the necessity to re-double their efforts in order to make up for their tremendous loss. I even visited what had been an important Portuguese military base in the southern region, a place called Guilege which the PAIGC captured in late May.

A short while before he was killed, Cabral had announced that during 1973 the PAIGC would proclaim the existence of the state. This was not seen as a "Declaration of Independence" because they were already operating as an independent entity—but as a formal proclamation calling on the countries of the world to recognize the reality of this independence. Twelve days before his assassination, Cabral wrote a pamphlet putting the proclamation of the existence of their state in perspective. He said, "The situation prevailing in Guinea-Bissau since 1968 as a result of the national liberation struggle . . . is comparable to that of an independent state part of whose national territory is occupied by foreign military forces. . . ."

Now, despite the loss of Cabral the PAIGC has carried out the planned proclamation. The struggle to establish this state has been long and hard. Formed in 1956 the PAIGC worked in the few towns of Guinea-Bissau until it was driven underground after the brutal Portuguese killing of fifty striking workers on the docks at Pidjiguiti in the capital of Bissau in 1959. The movement then embarked on a careful campaign to win the adherence of the mass of Guinea people who are peasants. A training center was established and about 1,000 people, under the tutelage of Cabral, were prepared for an active struggle for freedom over a two year period. In 1962, mass sabotage of Portuguese installations began. In 1963 the armed struggle was initiated. By 1968 virtually ⅔ of the country was under the control of the PAIGC. Now only the few larger towns and heavily militarized bases in scattered parts of the country are still controlled by the Portuguese. In 1972 the PAIGC organized the first election in which the people of Guinea-Bissau had ever had a chance to participate and a National Assembly of 120 members was chosen. This is the legislative body which just met to proclaim independence.

I was deeply impressed by what I saw of the nation-building activities of the PAIGC in the midst of conflict. I visited two of the five boarding schools of the PAIGC. Altogether there are about 15,000 students in PAIGC schools. Only a fraction of this number were in school under the Portuguese. The discipline and organization were almost entirely in the hands of the students themselves. There was a staff of well-trained teachers to supervise. There are no discipline problems because the children are bound together by the common effort and they know how fortunate they are to be able to attend school.

I saw some of the "People's Shops", which are scattered in the forest throughout the liberated areas. Here the people are able to trade what they themselves have such as rice and the skins of animals for shoes, clothing, soap, sugar and other items.

There is a sophisticated system for estimating exchange values. One square meter of crocodile skin, for example, is worth two kilos of rice. The consumers items for exchange come from friendly countries such as Holland, Scandinavian, and Eastern European nations. Everywhere I went I saw impressive evidence of Cabral's contention, "Indisputably, Portugal no longer exercises any effective administrative control over most areas of Guinea-Bissau . . . It is evident that the people of these liberated areas unreservedly support the policies and activities of the PAIGC which after nine years of armed struggle exercises free and de facto administrative control and effectively protects the interests of the inhabitants despite Portuguese activities." The PAIGC have a song which says, "We control the land . . . the Portuguese have only the sky." The main risk to the people in Guinea is from bombs dropped from the air.

The Portuguese are fighting colonial wars in two other territories of Africa—Mozambique and Angola. With their effective loss of control of Guinea-Bissau, the most apparent explanation of their attempt to still hold on there is the fear that to leave would have an effect on their ability to maintain morale for their ongoing struggle in the other two territories.

Now that the PAIGC has proclaimed the existence of their state some seventy to eighty African, Asian, Latin American and some European counties will almost certainly recognize it with little delay. There is no question in my mind that the new independent Republic of Guinea-Bissau ought to be granted international recognition. It has de facto control over most of the country and the strong support of the majority of the population. Is it too much to expect that the U.S. will be prepared to anger its NATO ally, Portugal by granting recognition to the new State? The U.S. will not be able to side-step this issue very long. The new Republic will undoubtedly apply for membership to the United Nations before too long. The response to this application will be a closely watched public test for those who claim to oppose continued colonial domination in any area of the world.

A TRIBUTE TO FORMER CONGRESSMAN J. VAUGHAN GARY OF RICHMOND

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1973

Mr. VANIK. Mr. Speaker, it is with great sadness that I have learned of the death of my dear friend and former colleague, J. Vaughan Gary of Richmond.

For some years I had the privilege of spending valued time with Vaughan on legislative matters and socially. His counsel, his wisdom, his calm, and his legislative skills as well as his kindness made him one of the outstanding Members of this body. He was a Congressman's Congressman.

Since his office was very near mine in the Cannon Building, we had many cherished hours of informal discussion and debate as we walked to vote or as we visited each other. Vaughan was sorely missed when he left his beloved House of Representatives.

We too, will miss him. He served nobly. He was a noble man.

HOUSE OF REPRESENTATIVES—*Monday, October 15, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not mercy and truth forsake thee; bind them about thy neck; write them upon the table of thine heart.—Proverbs 3: 3.

"At Thy feet, our God and Father,
Who hast blessed us all our days,
We with grateful hearts would gather
To begin this day with praise."

Help us to make good use of the coming hours by living cleanly, laboring industriously, and loving wisely. May we have the confidence to carry our responsibilities with honor, the courage to overcome our difficulties with steadfastness, and the creative faith to live with truth and love in our hearts.

Sustain us in every effort to make our Nation a better nation and to make our world a better world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 45, to the foregoing bill.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2178. An act to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes;

S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CHANGING NAME OF PATENT OFFICE

The Clerk called the bill (H.R. 7599) to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the Patent and Trademark Office.

There being no objection, the Clerk read the bill, as follows:

H.R. 7599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Trademark Act of 1946, 60 Stat. 427, as amended (15 U.S.C. sec. 1051 et seq. (1970)), and title 35 of the United States Code, entitled "Patents", are amended by striking out each time they appear "Patent Office" and "Commissioner of Patents" and inserting in lieu thereof "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively.

Sec. 2. Section 29 of the Trademark Act of 1946 is further amended by striking out "Reg. U.S. Pat. Off." and inserting in lieu thereof "Reg. U.S. Pat. & Tm. Off."

Sec. 3. The terms "Patent Office" and "Commissioner of Patents" in all laws of the United States shall mean "Patent and Trademark Office" and "Commissioner of Patents and Trademarks", respectively.

Sec. 4. This Act shall become effective upon enactment. However, any registrant may continue to give notice of his registration in accordance with section 29 of the Trademark Act of 1946 (60 Stat. 427), as amended Oct. 9, 1962 (76 Stat. 769), as an alternative to notice in accordance with section 29 of the Trademark Act as amended by section 2 of this Act, regardless of whether his mark was registered before or after the effective date of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TRADEMARK ACT

The Clerk called the bill (H.R. 8981) to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

There being no objection, the Clerk read the bill as follows:

H.R. 8981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 13 of the Trademark Act of 1946 (60 Stat. 427), as amended, is amended by deleting the second sentence and substituting therefor: "Upon written request prior to the expiration of the thirty-day period, the time for filing opposition shall be extended for an additional thirty days, and further extensions of time for filing opposition may be granted by the Commissioner for good cause. The Commissioner shall notify the applicant of each extension of the time for filing opposition.".

Sec. 2. Section 21 of the Trademark Act of 1946 (60 Stat. 427), as amended, is amended by deleting subsections (2), (3), and (4) from paragraph (a) and substituting therefor:

"(2) Such an appeal to the United States Court of Customs and Patent Appeals shall be taken by filing a notice of appeal with the Commissioner, within sixty days after the date of the decision appealed from or such longer time after said date as the Commissioner appoints. The notice of such appeal shall specify the party or parties taking the appeal, shall designate the decision or part thereof appealed from, and shall state that the appeal is taken to said court.

"(3) The court shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit the court certified copies of all the necessary original papers and evidence in the case specified by the appellant and any additional papers and evidence specified by the appellee, and in an ex parte case the Commissioner shall furnish the court with a brief explaining the grounds of the decision of the Patent Office, touching all the points involved in the appeal.

"(4) The court shall decide such appeal on the evidence produced before the Patent Office. The court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered on record in the Patent Office and govern further proceedings in the case.".

Sec. 3. Section 35 of the Trademark Act of 1946 (60 Stat. 427), as amended, is amended by adding the following sentence at the end thereof: "The court in exceptional cases may award reasonable attorney fees to the prevailing party.".

Sec. 4. This Act shall become effective upon enactment, but shall not affect any suit, proceeding, or appeal then pending.

With the following committee amendment:

On page 2, line 18, before "the court" insert "to".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DELEGATES IN CONGRESS FROM GUAM AND VIRGIN ISLANDS TO MAKE NOMINATIONS TO SERVICE ACADEMIES

The Clerk called the bill (H.R. 7582) to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies.

There being no objection, the Clerk read the bill as follows:

H.R. 7582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraphs:

"(10) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

"(11) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands."

(b) Section 6954(a) of such title 10 is amended by inserting after paragraph (9) the following new paragraphs:

"(10) Three from Guam, nominated by the Delegate in Congress from Guam.

"(11) Three from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands."

(c) Section 9342(a) of such title 10 is amended by inserting after paragraph (9) the following new paragraphs:

"(10) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

"(11) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands."

Sec. 2. (a) Sections 4342(f), 6958(b), and 9342(f) of such title 10 are each amended by striking out "(9)" and inserting in lieu thereof "(9)–(11)".

(b) Sections 4343 and 9343 of such title 10 are each amended by striking out "(2)–(8)" and inserting in lieu thereof "(2)–(8), (10), and (11)".

Sec. 3. (a) Section 4342(a)(9) of title 10, United States Code, is amended to read as follows:

"(9) One cadet from American Samoa nominated by the Secretary of the Army upon recommendation of the Governor of Samoa."

(b) Section 6954(a)(9) of such title 10 is amended to read as follows:

"(9) One from American Samoa nominated by the Secretary of the Navy upon recommendation of the Governor of Samoa."

(c) Section 9342(a)(9) of such title 10 is amended to read as follows:

"(9) One cadet from American Samoa nominated by the Secretary of the Air Force upon recommendation of the Governor of Samoa."

Sec. 4. This Act shall be effective beginning with the nominations for appointments to the Service Academies in the calendar year 1974.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That chapter 403 of title 10, United States Code, is amended as follows:

(1) Section 4342(a)(6) is amended to read as follows:

(6) One cadet from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(2) Section 4342(a)(9) is amended to read as follows:

(9) One cadet from Guam, nominated by the Delegate in Congress from Guam.

(3) Section 4342(a) is amended by inserting the following new clause after clause (9):

(10) One cadet from American Samoa nominated by the Secretary of the Army upon recommendation of the Governor of American Samoa.

(4) Section 4342(f) is amended by striking out "or Territory" and "and (9)" and inserting ", (9) and (10)" in place of "and (9)".

(5) Section 4343 is amended by striking out "(2)–(8)" and inserting in place thereof "(2)–(9)".

Sec. 2. Chapter 603 title 10, United States Code, is amended as follows:

(1) Section 6954(a)(6) is amended to read as follows:

(6) One from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(2) Section 6954(a)(9) is amended to read as follows:

(9) One from Guam, nominated by the Delegate in Congress from Guam.

(3) Section 6954(a) is amended by inserting the following new clause after clause (9):

(10) One from American Samoa nominated by the Secretary of the Navy upon recommendation of the Governor of American Samoa.

(4) Section 6956(e) is amended by striking out "(2)–(8)" and inserting in place thereof "(2)–(9)".

(5) Section 6958(b) is amended by striking out "or Territory" and "and (9)" and inserting ", (9) and (10)" in place of "and (9)".

Sec. 3. Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9342(a)(6) is amended to read as follows:

(6) One cadet from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(2) Section 9342(a)(9) is amended to read as follows:

(9) One cadet from Guam, nominated by the Delegate in Congress from Guam.

(3) Section 9342 is amended by inserting the following new clause after clause (9):

(10) One cadet from American Samoa nominated by the Secretary of the Air Force upon recommendation of the Governor of American Samoa.

(4) Section 9342(f) is amended by striking out "or Territory" and "and (9)" and inserting ", (9) and (10)" in place of "and (9)".

(5) Section 9343 is amended by striking out "(2)–(8)" and inserting in place thereof "(2)–(9)".

Sec. 4. The amendments made by this Act shall be effective beginning with the nominations for appointments to the service academies in the calendar year 1974.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING TWO IRANIAN CITIZENS TO ATTEND THE U.S. NAVAL ACADEMY

The Clerk called the joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. STARK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ENHANCING FEMALE PARTICIPATION IN THE JUNIOR RESERVE OFFICER TRAINING CORPS PROGRAM

The Clerk called the bill (H.R. 8187) to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students.

There being no objection, the Clerk read the bill as follows:

H.R. 8187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2031(b)(1) of title 10, United States Code, is amended by striking out the word "male" immediately before "students".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING UNITED STATES CODE TO INCREASE MAXIMUM AMOUNT OF A CLAIM AGAINST THE UNITED STATES

The Clerk called the bill (H.R. 9800) to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is another example of what too much spending, unbalanced budgets, and inflation is costing the people of this country. I have no particular quarrel with the intent of the bill, but I do point out to the House that it is made necessary, because of inflation in this country and devaluation of the dollar abroad, both a result of poor management of this Government.

These are the kinds of bills Congress is going to be confronted with increasingly in the days to come. I say again, Mr. Speaker, that they are the result of improvident spending, of a failure to comprehend that we simply cannot go on forever in this country borrowing and spending money.

I say again, Mr. Speaker, that I am not going to oppose the bill, but here is another in a long list of examples of what inflation and devaluation of the dollar is costing the taxpayers of this country, who are being caught both ways. It is taxpayers who will have to produce the funds to take care of the added expenditures for the devaluation of the dollar abroad as well as the inflation in this country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 9800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2733 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out ", subject to appeal to him," and "$15,000" and inserting "$25,000" in place of "$15,000".

(2) Subsection (d) is amended by striking out "$15,000" both places it appears and inserting "$25,000" in place thereof.

(3) Subsection (g) is amended by striking out "In any case where the amount to be paid is not more than $2,500, the" and inserting "The" in place thereof.

SEC. 2. Section 2734 of title 10, United States Code, is amended by striking out "$15,000" wherever it appears and inserting "$25,000" in place thereof.

SEC. 3. Section 715 of title 32, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out ", subject to appeal to him," and "$15,000" and inserting "$25,000" in place of "$15,000".

(2) Subsection (d) is amended by striking out "$15,000" both places it appears and inserting "$25,000" in place thereof.

(3) Subsection (f) is amended by striking out "In any case where the amount to be paid is not more than $2,500, the" and inserting "The" in place thereof.

With the following committee amendments:

Page 1, lines 5 and 6: Strike "', subject to appeal to him,' and".

Page 2, lines 3, 4, and 5: Strike "'In any case where the amount to be paid is not more than $2,500, the' and inserting 'The' " and insert: "'$2,500' and inserting '$5,000' ".

Page 2, lines 11 and 12: Strike: "', subject to appeal to him,' and".

Page 2, lines 17, 18, and 19: Strike: "'In any case where the amount to be paid is not more than $2,500, the' and inserting 'The'" and insert: "'$2,500' and inserting '$5,000' ".

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, this bill would amend sections 2733 and 2734 of title 10, and section 715 of title 32, all sections of the United States Code providing for the administrative settlement of claims arising from noncombat activity of the Armed Forces, by increasing the limits for administrative settlements in each of those sections from $15,000 to $25,000.

A further amendment is made in sections 2733 of title 10, and section 715 of title 32, to amend subsections regarding the delegation of authority to settle claims and to consider appeals by increasing the limit for such delegation from $2,500 to $5,000.

H.R. 9800 is a revised bill which was introduced after initial consideration of the bill, H.R. 5843. A report on the earlier bill in behalf of the Department of Defense supported the increase in administrative settlement authority from $15,000 to $25,000 in sections 2733 and 2734 of title 10, and 715 of title 32.

The bill, H.R. 9800, as amended, would increase from $15,000 to $25,000 limit for amounts that may be paid administratively on claims covered by sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, within the Department of Defense—or the Coast Guard. All of these provisions relate to claims for personal injury or death, or damage to or loss of real or personal property of third parties. However, section 2734 is limited to claims of inhabitants of foreign countries, and relates only to claims that arise outside the United States, its territories, Commonwealths or possessions. The other two statutes are worldwide in application.

The bill, H.R. 5843, was the subject of a subcommittee hearing on May 3, 1973. The witness representing the Department of Defense supported the increase in administrative settlement and payment authority to $25,000 in the three sections. The committee is satisfied that military claims personnel have the expertise and ability to properly administer the three sections named in this bill. The increased authority provided in this bill allow more claims to be settled in full and permit an increased payment to claimants in those claims when full payment must now await action by the Congress.

In each of these three sections, when claims are settled for amounts which exceed the limit for administrative settlement, the balance is certified to the Congress. The payment of the balance must await an appropriation by Congress. The approval of the amendments increasing the administrative limit to $25,000 would relieve the Congress of the burden of handling claims settled for $25,000 or less. It would also expedite the full payment of many claims. This would result in monetary savings in administrative costs. Also, the earlier payment of claims can result in increased good will from the claimant, the observing public and news media concerned in accident and incident cases of a catastrophic nature.

The increased payment authority should result in no increased expenditure by the United States because payments for the balance of amounts due claimants which exceed the $15,000 limit are now paid out of supplemental appropriations.

The amendments proposed in the bill H.R. 9800, as amended by the committee, by providing for an increase in authority for administrative payment of claims are intended to provide for a more consistent level of authority under the various statutes. The increases in H.R. 9800 brings them a little closer to the payment authority of other related claims laws, and settlements under international agreements for the payment of claims. There is a relationship between claims settlements under the three sections referred to in this bill and claims settlements under other claims statutes administered by military claims personnel. One obvious relationship is to administrative settlements under section 2672 of title 28 which grants authority to the heads of each Federal agency to settle tort claims up to $25,000 without the prior approval of the Attorney General or his designee.

The new limits of $25,000 fixed by the amended bill would in that respect be consistent with the present Tort Claims Act provisions of title 28. It should also be noted that the tort claims provisions of title 28 provide the principal statutory basis for settlement of tort claims arising within the United States. Both the Air Force report and the Defense Department witness at the hearing pointed out that the present settlement and appeals procedure have the effect of increasing the administrative cost of processing these claims and creates built-in referral delays that are confusing and upsetting to claimants.

The committee has concluded that present language at the two sections concerning delegation of authority for settlement, payment and appeals should remain the same, but that the limit on delegation of authority over such matters in subsection (g) in section 2733 and subsection (f) in section 715 should be increased from $2,500 to $5,000. This provision for the delegation of authority as to claims where the amount to be paid is not more than $5,000 will provide for expeditious handling of the claims now being filed under these sections which are for amounts under $5,000.

The amendments to the three sections provided for in the amended bill will provide for more efficient and practical claims settlements under those sections. It is recommended that the bill H.R. 9800, as amended by the committee, be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately prior to the passage of the bill, H.R. 9800, which was called on the consent calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JAMES G. FULTON FLOOD PROTECTION PROJECT

The Clerk called the bill (H.R. 1920) to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton flood protection project."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, the committee has received no report on the bill.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

RICHARD B. RUSSELL DAM AND LAKE

The Clerk called the bill (H.R. 10252) to change the name of the Trotters Shoals Dam and Lake, Georgia and South Carolina, to the Richard B. Russell Dam and Lake.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, the report has not been received by the committee. We just reserve the right to object; we have not received the report.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Speaker, the reports have been available and we had assumed that they were submitted. There has been no controversy and the report is unanimous to both H.R. 1920 and H.R. 10252.

Mr. ALEXANDER. Mr. Speaker, apparently this is a procedural error. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the clerk read the bill as follows:

H.R. 10252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Trotters Shoals Dam and Lake on the Savannah River (Georgia and South Carolina, authorized by the Act approved November 7, 1966 (Public Law 89–789), shall hereafter be known as the Richard B. Russell Dam and Lake, and any law, regulation, document, or record of the United States in which such Trotters Shoals Dam and Lake are designated or referred to shall be held to refer to such dam and lake under and by the name of "Richard B. Russell Dam and Lake."

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 10252, a bill to change the name of the Trotters Shoals Dam and Lake, Georgia and South Carolina, to the Richard B. Russell Dam and Lake.

The Trotters Shoals Dam and Lake on the Savannah River, is an integral part of the plan for the entire Savannah River Basin. The project includes flood control and hydroelectric power, but will also provide extensive boating, fishing, and other water-based recreational opportunities.

Mr. Speaker, it is a proud moment for me to be standing here today recommending this dam and lake be named in honor of Senator Richard B. Russell. During his 38 years in the Senate he was a staunch supporter of water resources projects that improve the lives of citizens throughout the country. I can personally remember his interest in securing the authorization for this project which was so important to the State he loved.

Senator Russell ranks among the giants for his contributions in the other body. Although he is remembered for the great pride he took in representing Georgia in the Senate and for his work on its behalf, I have always regarded Richard B. Russell as an outstanding national statesman. As chairman of the Senate Armed Services Committee, Richard B. Russell's contributions to America, and its defense, are a legacy that we can all be proud of. He was as constant and unswerving in his responsibility to America as he was in his responsibility to his native Georgia.

I believe it is fitting to honor the memory of this great statesman by renaming the Trotters Shoals Dam and Lake, the Senator Richard B. Russell Dam and Lake.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed and a motion to reconsider was laid on the table.

JAMES G. FULTON FLOOD PROTECTION PROJECT

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to return to the consideration of the bill (H.R. 1920) to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk called the bill (H.R. 1920) to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

There being no objection, the Clerk read the bill as follows:

H.R. 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 1920, a bill to name that portion of the Flood Control Project on the Chartiers Creek within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

This project is located within Washington and Allegheny Counties, in southwestern Pennsylvania on a tributary of the Ohio River. The project was authorized by the Flood Control Act of 1965 and consists of channel widening, deepening and realignment of major channel cutoff, and relocation.

Many of us here today knew Jim Fulton personally. We knew him as a conscientious and diligent Member of the House. I served side-by-side with Jim Fulton for more than 20 years. I will always cherish the friendship and comradeship I enjoyed with him. During his 27 year career in the House of Representatives, Jim Fulton was an outstanding member of the Foreign Affairs Committee. On that committee he served as chairman of the important Subcommittee for Europe, during the postwar years. His expertise in foreign affairs was recognized by President Truman when the President appointed him as the U.S. Delegate to the United Nations Conference on Trade and Employment in 1947. Later President Eisenhower appointed Jim Fulton as U.S. Delegate to the 14th General Assembly to the United Nations.

The advent of the space age saw Jim Fulton playing a leading role in the establishment of the space program. From his position on the House Science and Astronautics Committee, he was consistently in the forefront of those calling for the exploration of outer space. Recognizing his expertise in this field, President Johnson and President Kennedy appointed Jim Fulton adviser on space to the U.S. Mission at United Nations.

Jim Fulton worked hard to provide protection for the citizens of flood prone southwestern Pennsylvania. I can remember his diligent efforts on behalf of this project when it was considered for authorization by the Public Works Committee. He certainly played a major role in its authorization.

I am proud to recommend passage of this bill to name the Chartiers Creek project in honor of Representative James G. Fulton.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, an a motion to reconsider was laid on the table.

RICHARD B. RUSSELL DAM AND LAKE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2486) to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga. and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake," a bill similar to H.R. 10252.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a Member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10252) was laid on the table.

H. V. EASTMAN LAKE

The Clerk called the bill (H.R. 655) to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.

There being no objection, the Clerk read the bill as follows:

H.R. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake to be created by the Buchanan Dam on the Chowchilla River, California, authorized by section 203 of the Flood Control Act of 1962, shall be known and designated as the "H. V. Eastman Lake". Any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake as the "H. V. Eastman Lake".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CONSENT CALENDAR PROCEDURES

Mr. ALEXANDER. Mr. Speaker, the chairman of the Consent Calendar Committee wishes to state to the Speaker of the House that we are having some difficulty with the Document Room as to receiving reports timely enough and accurately enough in order to prepare for the call of the Consent Calendar.

It is a long-standing practice that the Document Room deliver those bills which appear on the Consent Calendar to my committee. As of this morning, three of the Consent Calendar bills (H.R. 1920, H.R. 10252, and H.R. 655) were not made available to me.

It is the policy of the objectors that a report be available to this committee for 3 legislative days in advance of the call of the Consent Calendar. In the future I will ask that bills which are not available to the Committee in accordance with this policy be passed over without prejudice.

Also, in the future, I hope that the Document Room will make it a point of providing these bills and reports to my committee as soon as they are in print.

THE CASE OF EVGENY LEVICH

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, in 1966 the Soviet Union signed the Universal Declaration of the Rights of Man which set forth the principle of free emigration for all people.

The Soviet Government has not complied with the principle affirmed in this declaration.

Early in 1972 Evgeny Levich, a 25-year-old astrophysicist from Moscow, his wife, and his father, and mother all applied for an exit visa to emigrate to Israel. All were refused.

In late April proceedings were started by the Soviet Government to force Evgeny into the Army. Previously he had received a medical exemption from military service based on an intestinal tumor and ulcerative colitis with complications. Because of his condition Evgeny could not report for induction and on May 16 he was arrested and sent to an Army transit camp in Siberia.

He is currently in Tiksi in the Arctic region of the Soviet Union, ill, has been forced to dig ditches under extremely severe weather conditions. His medical condition, worsened by extreme physical hardship and the denial of medical treatment, endangers Evgeny's life. He is presently hospitalized and it is feared he will not survive if his situation is not changed immediately.

Mr. Speaker, the case of Soviet Jewry cries out for our attention. I appeal to our colleagues in Congress to help by passing the Mills-Vanik amendment.

SERIES CHALLENGE ACCEPTED

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, so many events of great interest took place over the weekend that I want to be certain that my colleagues did not miss one of particular significance. I refer to the World Series, and the two games which were played.

Some might conclude that Oakland and the Mets are evenly matched, with each winning one game in the last two days. Nothing could be farther from the truth. Instead, it is Oakland's superb sense of fairness which permitted the two game split. Oakland figured that letting the Mets win both would be downright suspicious, but letting them win one was essential to being good hosts.

Now the teams are off to New York, and there can be little doubt about the outcome. On New York soil we will show them how the game is played. My California colleagues and I are pledged to down the New York champagne offered by our Empire State colleagues when all is done. This, I might add, will prove that we, like our Oakland A's, are rugged and tough.

I predict, Mr. WOLFF, that before the week is out we will join you in celebrating the triumph of our hirsute A's.

THE MILITARY ALL-VOLUNTEER CONCEPT—SEVENTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to continue my 1-minute speeches, if you ever had any doubts about the citizen soldier, well, forget it.

Israel has proved once again that the Reserves and National Guard make the difference in winning or losing.

It took Israel only 3 days to call up the Reserves and put the citizen soldier into action.

But, Mr. Speaker, back here in the States, the Pentagon is ordering further studies on cutting the Guard and Reserves strengths. Instead of more studies being made, what the Pentagon should do is load up an airplane with experts and fly them to Tel Aviv and observe the reservists in action.

Mr. Speaker, I will say again, one of the best buys for the taxpayer is the Reserve program. If you do not believe me, ask the Israelis.

PERMITTING SECRETARY OF SENATE TO USE FRANKED MAIL ON BEHALF OF FORMER VICE PRESIDENT SPIRO T. AGNEW

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 164) to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew, and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, through November 10, 1973, the Secretary of the Senate may, on behalf of former Vice President Spiro T. Agnew, send as franked mail, matter to a Government official (not to exceed 4 pounds in weight) and correspondence to any person (not exceeding 4 ounces in weight), and send and receive as franked mail, public documents printed by order of Congress, with respect to official business occurring as the result of his having held the office of Vice President. Postage on mail sent and received under this joint resolution is postage sent and received under the franking privilege for purposes of section 3216 of title 39, United States Code.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECRETARY OF THE ARMY ASKS SUPPORT OF MILITARY ALL-VOLUNTEER CONCEPT

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was very interested in the remarks made by the gentleman from Mississippi (Mr. MONTGOMERY) and I would like to subscribe to what he said. I would also like to make another observation.

I was talking very recently with the Secretary of the Army, Secretary Calloway, and he surprised me by saying that when we come to the concept of the all-volunteer Army and our support of the Reserves, those who have traditionally been the friends of the armed services and who have stood for a strong defense have inadvertently and unintentionally become one of the biggest problems he has had to live with. They have done a great deal to hurt the all-volunteer concept by continued criticism. Whereas in the past we have been very skeptical and doubtful and open in our criticism of the all-volunteer concept, because we did not think it would work, those of us who have taken that position in the past have continued to voice our reservations and, in fact, criticize their efforts now.

So the Secretary has asked us—and I am certainly willing to accede to his request—to stop criticizing the failure of the all-volunteer Army, and let us get behind it and see if we can make it work.

Mr. Speaker, I believe this is a good idea, and I request all of our colleagues here to get behind our Secretary of the Army and see if we can make the all-volunteer concept work.

APPOINTMENT OF CONFEREES ON H.R. 7446, ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

The Chair hears none, and appoints the following conferees: Messrs. DONOHUE, MANN, and BUTLER.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 523]

Abdnor
Addabbo
Aspin
Badillo
Bell
Biaggi
Bolling
Brasco
Brown, Mich.
Brown, Ohio
Burke, Calif.
Cederberg
Chisholm
Clark
Clay
Conyers
Culver
Dellums
Denholm
Diggs
Dingell
Dorn
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Froehlich
Fulton
Gaydos
Giaimo
Gibbons
Grasso
Gubser
Hanley
Harrington
Hébert
Holifield
Holtzman
Hosmer
Jordan
Kluczynski
Long, Md.
McFall
McKinney
Madden
Maraziti
Metcalfe
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Mosher
Moss
Murphy, N.Y.
Nix
O'Brien
Passman
Patman
Pettis
Peyser
Powell, Ohio
Rarick
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Sandman
Sikes
Smith, Iowa
Stratton
Thomson, Wis.
Towell, Nev.
Udall
Van Deerlin
Walsh
Wiggins
Winn
Young, Fla.
Young, S.C.
Zion

The SPEAKER. On this rollcall 353 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDMENT TO FEDERAL-AID HIGHWAY ACT OF 1973

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10511) to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements, as amended.

The Clerk read as follows:

H.R. 10511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 164 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by inserting "(1)" immediately after "Sec. 164(a)", by striking out "(1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964," and inserting in lieu thereof "(A) subsection (a) or (c) of section 142, title 23, United States Code, or (B) paragraph (4) of subsection (e) of section 103, title 23, United States Code," and by striking out in the last sentence of such subsection "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (A) and (B)", and by adding at the end thereof the following new paragraph:

"(2) On and after July 1, 1974, no Federal financial assistance shall be provided under the Urban Mass Transportation Act of 1964, as amended, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have entered into an agreement that such applicant or the publicly owned operator of mass transportation service for the applicant will not engage in charter bus operations in unfair or destructive competition with private bus operators outside of the urban area or areas within which such applicant provides regularly scheduled mass transportation service. Such agreement shall provide for fair and equitable arrangements, as determined by the Secretary of Transportation, for the protection of private bus operators against unfair or destructive competition outside the urban area or areas served by the applicant, but no such agreement shall limit an applicant's charter bus operations or the charter bus operation of the publicly owned operator for such applicant if private bus operators are unwilling or unable to provide charter bus service, nor shall any such agreement impose on any private operator of mass transportation service for the applicant any limitation on the charter bus operations of such private operator. In addition to any other remedies specified in the terms and conditions of the grant of assistance, the Secretary is authorized to bar an applicant from receiving any other Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, for a continuing pattern of violations of the agreement between the applicant and the Secretary. Upon notification of a violation the Secretary shall investigate the allegation, and if he determines that a violation has occurred he shall take appropriate action to correct the violation under the terms and conditions specified in the grant of assistance."

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

This is a relatively simple but quite important bill, corrective in nature. When we enacted the Federal Aid Highway Act of 1973, we included some language in the conference committee which was intended to do one very clear and limited thing. We felt that we had perfected the language adequately to perform our intended objective.

Now, however, it appears that the language of that act is being interpreted to do something that the Congress did not intend.

What the Congress clearly and manifestly intended in the enactment of the section under question in the Highway Act was to prohibit the use of Federal funds by a public body to begin new services in competition with an existing private transit company. That is a very clear and simple purpose. I think it is a proposition that almost everybody would accept. We do not want Federal funds to be used to go into unfair competition with existing businesses and perhaps drive those private companies out of the markets they have been serving.

However, it has been interpreted that the section we wrote into the bill might be so construed and, indeed, is being so construed as to prohibit any grant of any type under the Urban Mass Transportation Act to a community with an existing public transit authority which all along has been operating charter services of one type or another if at some future time some private company should decide to enter into competition with the city. Obviously, that was not intended.

Just as we do not desire to give cities a new and unfair competitive advantage against private companies, we similarly did not intend to give private companies any new and unfair competitive advantage against publicly owned transit systems. We expressly did not intend to require the cities to discontinue service they are presently providing to their citizens.

So, Mr. Speaker, your Committee on Public Works has drafted language contained in the present bill which does more clearly stipulate that purpose which Congress intended, which the conferees intended and which, quite manifestly, the members of the Committee on Public Works intended.

The bill presently before us does make it impossible for Federal funds to be used by a public body to enter into new competition in an unfair or destructive manner against any existing private bus or transit company; but it does not foreclose the receipt of any funds to that public body where that public body all along has been providing certain charter services for its citizens nor does it require the public body to discontinue its present schedule of services as a requisite to receiving future Federal funds.

This is what we intended initially. This is what we do under the present bill. It is a perfecting bill. Its language has been worked out in very close, harmonious cooperation with all the authorities and all the agencies involved—with representatives of the Urban Mass Transportation Agency and with representatives, indeed, of the private and public bus companies. So far as we know, they all are in agreement with the committee on the proposition that is submitted in the bill presently before us.

The discrepancy which we here correct was called to the committee's attention by a number of members: Mr. James V. Stanton and Mr. Wylie, and the able gentlemen from New Jersey, Mr. Minish and Mr. Widnall. Mr. Johnson of California was interested, as were a number of others. Mr. Minish, the principal author of the Urban Mass Transportation Act, is a cosponsor of this bill.

Mr. Speaker, I would think that the Members would surely want to enact this bill by an overwhelming vote.

Mr. GROSS. Will the gentleman yield?

Mr. WRIGHT. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Let me ask the gentleman the question of who is going to determine whether the chartering of publicly subsidized buses would be in the nature of unfair or destructive competition? Who is going to make that determination?

Mr. WRIGHT. The Secretary of Transportation would be required ultimately to pass on any such allegation.

Mr. GROSS. And that would come all the way up to Washington?

Mr. WRIGHT. It could come all the way to Washington. As the gentleman is aware, the Secretary of Transportation has his agents and designees in various parts of the country, regional offices, and local offices, but if it came to the desk of the Secretary of Transportation on a contested case, he ultimately would have to make that determination.

Mr. GROSS. So the gentleman does feel, and the committee evidently does feel, that buslines operated with Federal funds, where perhaps funds have also been provided for the purchase of buses, are entitled to compete with private owners if it is not unfair or destructive competition. The gentleman feels this should be permitted, is that correct?

Mr. WRIGHT. Mr. Speaker, I would say this to the gentleman from Iowa; the members of the committee felt that in those situations, which exist in a number of cases throughout the country, where local public mass transit authorities have all along been operating certain charter services, they should be permitted to continue to operate those services. We should not require them to discontinue services that are presently provided for their citizens, nor should we retract from them the commitments of Federal matching funds necessary to serve their citizens if some private organization with perhaps one or two buses or limousines might decide to go into competition with them.

However, what we do seek to prevent and feel should be prevented is the use of Federal moneys to go into new services on the part of the municipal or other public body in unfair competition with the existing private service. This we seek to prevent and this we do prevent by the new language presently before us.

Mr. GROSS. But, is not the inverse of the gentleman's argument the fact that with the use of Federal funds, the use of federally purchased buses, the use of Federal funds to operate those buses, where they have been providing this service, that they knock out for the future the private enterprise system of someone going into the bus business to provide a charter service; that the publicly subsidized bus operators have been providing and will continue to provide under the terms of this bill? Is it not then an estopment of development of private enterprise?

Mr. WRIGHT. Mr. Speaker, I would say to the gentleman that it is the reverse—an estopment against the use of Federal moneys by a public body to go into unfair and destructive competition with existing private facilities. I would simply——

Mr. GROSS. But if the private service does not exist and cannot exist because of federally subsidized bus operators already performing the service, it seems to me that we have a prima facie case of unfair and destructive competition even in the absence of an existing bus company. A bus company can never be organized to compete with them. There is no charter company and none can be organized if they must compete with Federal subsidies.

Mr. WRIGHT. Mr. Speaker, there is nothing in the bill which prevent the organization of any private company. I would say to the gentleman that the National Association of Motor Bus Owners, which is the principal association in the private enterprise sector, has endorsed this approach and most of its members apparently support this approach.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I support this bill wholeheartedly. The present language in the law is too restrictive. This bill provides for a delay of 1 year, as I understand it, in the application of section 164 of the Federal Aid to Highway Act of 1973. Additionally, it clarifies the committee's intent that mass transit funds should only be denied for unfair or destructive competition.

To give an example, if I may, of the extreme to which the present law is applied. The Central Ohio Transit Authority succeeded in having a tax levy passed in May. Occasionally, the public transit company will provide a charter service for taking schoolchildren to the Columbus Municipal Zoo. The zoo is located outside the city of Columbus. The Urban Mass Transit Administration in Washington has said that COTA must sign an agreement which will commit it to not engage in any charter service ad infinitum, if COTA is to receive a Federal grant, that is. Because, there might be a bus from a private company using the route past the zoo entrance.

There is at present no private company which wants the bus service which the Columbus Transit Co. has been performing for years. Yet, if COTA does not agree to perform any charter service outside the city of Columbus, Federal matching funds will be withheld, I am told.

I believe under the present law any competition has been adjudged to be unfair or destructive competition. All this bill will do is to delay for 1 year a determination of a definition of what is unfair or destructive competition, is that correct?

Mr. WRIGHT. The gentleman is exactly correct. The illustration which he recites can be duplicated in many cities throughout the United States.

Mr. WIDNALL. Mr. Speaker, I rise to support H.R. 10511 and to thank my colleague from Texas, JAMES WRIGHT, for his kind words concerning my efforts in this matter. The problems that would result if section 164 of the Federal-Aid Highway Act of 1973 was left unchanged would have been drastic for mass transit in the heavily urbanized areas of New Jersey. His work on this important bill deserves the greatest commendation.

I support the concept of reducing federally subsidized competition in private enterprise; however, it appears that the original language of section 164, as interpreted by the Urban Mass Transit Administration, went beyond what its sponsors intended. It is my understanding that both private and public transit companies are now in agreement on H.R. 10511 as a means of reducing charter bus competition by subsidized operations which is unfair or destructive to private bus operators.

I urge my colleagues to support this measure and provide a rational method of assuring that Federal dollars are not used to destroy private enterprise.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of H.R. 10511, to clarify the intent of Congress with regard to the operation of charter services by publicly owned transit districts which receive Federal funds. For many transit districts, limited-service chartering offers a valuable source of revenue which makes it possible to provide low-cost mass transportation to the general public.

In my own district this option is being exercised by the Santa Clara County Transit District, which successfully negotiated with private charter bus operators in order to provide charter services to events in neighboring counties without creating unfair competition for the private sector.

The continuation of this service is extremely important to the budget plans for Santa Clara County and many other publicly owned transit districts as well. I hope my colleagues will join me in support of H.R. 10511.

Mr. GROVER. Mr. Speaker, I have no requests for time.

Mr. WRIGHT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT) that the House suspend the rules and pass the bill H.R. 10511, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

B. EVERETT JORDAN DAM AND LAKE

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9611) to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake.

The Clerk read as follows:

H.R. 9611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New Hope Dam and Lake on the Haw River, North Carolina, a part of the project for the Cape Fear River Basin, North Carolina, authorized by the Act approved December 30, 1963 (Public Law 88-253), shall hereafter be known as the B. Everett Jordan Dam and Lake, and any law, regulation, document, or record of the United States in which such New Hope Dam and Lake are designated or referred to shall be held to refer to such dam and lake under and by name of "B. Everett Jordan Dam and Lake".

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROBERTS. Mr. Speaker, I yield such time as he may consume to the chairman of the committee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 9611, which designates the New Hope Dam and Lake, N.C., as the B. Everett Jordan Dam and Lake. This project was authorized by the Flood Control Act of 1963. Construction was started in 1967 and the expected completion date is 1975. The project will be operated for flood control, water supply, recreation, and water quality.

Senator Jordan was appointed to the United States Senate on April 19, 1958, to fill the vacancy caused by the death of Senator W. Kerr Scott. He was elected in 1958, in 1960, and in 1966, and served until January 3, 1973. His 15-year career in the Senate was marked with many distinguished accomplishments, including his great contributions to this Nation in the area of water resources development.

As chairman of the Subcommittee on Water Resources of the Senate Public Works Committee, he was a leading force in securing authorization for many worthwhile projects throughout this country. I think it only fitting to name the New Hope Dam and Lake after Senator B. Everett Jordan in honor of his long years of outstanding service to this country and to his State of North Carolina.

Mr. Speaker, I urge passage of H.R. 9611.

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from New York.

Mr. GROVER. Just for the record, I should like to have the chairman state whether the ex-Senator has indicated his willingness to accept this honor. I believe in the past we have required that in our committee.

Mr. BLATNIK. Primarily this responds to the overwhelming support in his area and in his district for this renaming. We are informed that the gentleman will be pleased to accept this honor.

Mr. ROBERTS. Mr. Speaker, this bill designates the New Hope Dam and Lake in North Carolina as the B. Everett Jordan Dam and Lake.

The New Hope Dam and Lake was authorized by the Flood Control Act of 1963. Construction was commenced in 1967 and is scheduled for completion in 1975. The project will serve the purposes of flood control, water quality, water supply, and recreation.

Benjamin Everett Jordan was born in Ramseur, Randolph County, N.C., on September 8, 1896. After a long and successful career in business and as civic leader in his native State, he was appointed to the U.S. Senate on April 19, 1958, and elected November 4, 1958, to fill the vacancy caused by the death of Senator W. Kerr Scott. Senator Jordan was reelected in 1960 and again in 1966 and served until January 3, 1973.

Senator Jordan served with great distinction during his 15 years in the Senate. His career has been marked by his great contributions to this Nation particularly in the area of water resource development. He has long been known as a staunch and consistent supporter of such projects throughout the country, and as chairman of the Subcommittee on Water Resources of the Committee on Public Works, helped secure authorization for many worthwhile projects throughout the Nation.

The committee believes it fitting and proper to name the New Hope Dam and Lake after Senator B. Everett Jordan in honor of his many years of distinguished service to North Carolina and the Nation.

Mr. TAYLOR of North Carolina. Mr. Speaker, it was with a high degree of personal pride and satisfaction that I joined today with my House colleagues in unanimous support of a bill which I cosponsored to change the name of the New Hope Dam and Lake in North Carolina to the B. Everett Jordan Dam and Lake as a tribute to a beloved North Carolina statesman.

As a Member of the Senate for 15 years, Senator Jordan was a knowledgeable and respected leader in the field of water resources. As chairman of the Water Resources Subcommittee of the Senate Public Works Committee, he effectively and painstakingly guided numerous water resource projects through the lengthy and frequently difficult authorization process.

I cannot think of a more fitting and proper tribute to B. Everett Jordan than naming for him one of the important projects for which he fought so long and hard. He is truly deserving of the honor.

I feel confident that his fellow Senators will be anxious to act upon the bill expeditiously as a means of further recognizing the far-reaching contributions by their former colleague to the people of the United States.

Mr. ANDREWS of North Carolina. Mr.

Speaker, I am proud and privileged to be a sponsor of H.R. 9611, a resolution to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake.

The New Hope Dam and Lake, located in the district which I represent, is part of the comprehensive plan for the Cape Fear River Basin. The project authorized in the Flood Control Act of 1963 will be located in Chatham, Durham, Orange, and Wake Counties. The dam site is on the Haw River, N.C., 4.3 miles above its mouth and 2.5 miles north of Moncure, N.C. The total drainage area above the dam is 1,690 square miles. The earth dam will be 1,330 feet long, with a maximum height of 112 feet above streambed, an uncontrolled chute spillway, and a controlled outlet structure. The reservoir has a total capacity of 778,000 acre-feet at elevation 240 feet mean sea level. The capacity reserved for flood control is 543,000 acre-feet, which is equivalent to 6 inches of runoff from the drainage area above the dam site.

I believe it is entirely fitting and proper to rename this project after our beloved former Senator, B. Everett Jordan, because it is so unmistakably a product of his personal efforts.

Senator Jordan was a member of the Senate Public Works Committee during most of his 15 years in the Senate, and became chairman of the Rivers and Harbors and Flood Control Subcommittee during the latter stage of his distinguished career in public service.

He guided the New Hope project through the Senate Appropriations Committee to get initial funding for a planning start in advance of authorization by having a provision included that the appropriation should be contingent upon subsequent authorization action.

After this initial success, Senator Jordan followed the project step by step to insure against undue delay and fought successsfully for funding at the various stages becase of his conviction that the development was essential to serve the needs of cities and industries in the Cape Fear Basin.

From the day he came to the Senate, Senator Jordan's overriding desire and purpose was to insure that North Carolina's natural wealth, and particularly the State's water resources, were guarded against waste and developed to their fullest potential.

His unfaltering devotion to the New Hope project attests manifestly to his objective and to his success in its pursuit.

The enactment of this legislation to change the name of the New Hope Dam and Lake to the B. Everett Jordan Dam and Lake will not result in any cost to the United States, but it will pay rich dividends of reward and honor to the man who so singly deserves them.

I urge my colleagues to support the passage of H.R. 9611.

Mr. PREYER. Mr. Speaker, I am proud to have been a cosponsor of the legislation changing the name of the New Hope Dam and Lake to the B. Everett Jordan Dam and Lake. Proud because it does honor to a friend and colleague, but prouder yet because it pays tribute to public service at it best.

The New Hope project bears the imprint of a number of the citizens of my State but most particularly it is the result of the efforts of Senators Kerr Scott and Everett Jordan. When Senator Jordan came to the Senate upon the death of former Governor Scott he carried on the fight for the dam that his predecessor had begun.

In the beginning, it was a lonely effort and throughout its legislative history it has been an often difficult one but Everett Jordan believed in this project and he worked to achieve it. As a businessman he had early learned the importance of water power and as a man who loves the land—especially that within the borders of North Carolina—he knows the rich promise of such a project in conservation and recreation values.

Senator Jordan was a Senator's Senator. He knew the legislative process as an expert and he made it work for the people of North Carolina and of the Nation. He made it work in the best way—sensitive to the problems and needs of people and responsive to their expectations.

My only regret is that this dam cannot bear the name of another Jordan—Katherine—for Mrs. B. Everett Jordan has been a generous and gracious helpmate through the years of her husband's service to our State and Nation. Her leadership in the Congressional Wives Prayer Group and other good works have endeared her to all who know her.

The honor you pay to Senator B. Everett Jordan today will be warmly received by the people of North Carolina.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 9611.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2282) to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas.

There was no objection.

The Clerk read the Senate bill as follows:

S. 2282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New Hope Dam and Lake on the Haw River, North Carolina, a part of the project of the Cape Fear River Basin, North Carolina, authorized by the Act approved December 30, 1963 (Public Law 88–253), shall hereafter be known as the B. Everett Jordan Dam and Lake, and any law, regulation, document, or record of the United States in which such New Hope Dam and Lake are designated or referred to shall be held to refer to such dam and lake under and by the name of "B. Everett Jordan Dam and Lake."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9611) was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WRIGHT PATMAN DAM AND LAKE

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 974) designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake."

The Clerk read as follows:

H.R. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texarkana Dam and Lake, Sulphur River, Texas, authorized by the Flood Control Act approved July 24, 1946, shall hereafter be known as the Wright Patman Dam and Lake, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Wright Patman Dam and Lake".

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 974 designating the Texarkana Dam and Reservoir in Texas as the Wright Patman Dam and Lake. This project, authorized by the Flood Control Act of 1946 and completed in 1958, is operated for the purposes of flood control, water supply, and recreation. It has a very large recreational use. The annual number of visitors is well over 2½ million.

As we all know, WRIGHT PATMAN has been chairman of the Banking and Currency Committee of the House of Representatives since the beginning of the 88th Congress in 1963. In that position he has served with great distinction.

During his 45 years of service in the Congress, he has earned the respect of his constituents and his colleagues. I am proud to call him friend, and to have had the honor of serving with him in this body during his long and illustrious career.

Chairman PATMAN's contributions to this Nation have been manifold. He is a man who has devoted his energies and his time in developing legislation that will improve the welfare and the good of all Americans. He has been particularly interested for many years in the field of water resources development, and it is only fitting that the Texarkana Dam and Reservoir, the project which will be named for WRIGHT PATMAN, should be so named for him, as it epitomizes his contribution to the field of water resource development and honors him for his long years of distinguished service to his district, to his State and to his Nation.

As a member, and now as chairman of the Committee on Public Works, I and my colleagues on that committee have worked closely with the distinguished chairman of the Committee on Banking and Currency in many fields of mutual interest—encompassing major legislation. Our Committee's relationship with the Banking and Currency Committee, and my personal relationship with WRIGHT PATMAN, have been without question the finest.

On those rare occasions when there have been questions of jurisdiction overlap, we have worked them out harmoniously to produce what I believe—and I feel WRIGHT PATMAN believes—to be worthwhile legislation. This includes the communities facilities program, the financing of the Area Development Act, the Appalachian program, and the Economic Development Act, and major legislation in the field of water pollution, and particularly—because of the interest of Chairman PATMAN and his committee—the development of a meaningful sewer collection systems program for all our communities.

Within his own committee, Mr. PATMAN has led the fight to contribute to the country such programs as housing and urban renewal, mass transit, and many, many other programs that are too numerous to mention.

I personally, and the members of the Public Works Committee, have appreciated Mr. PATMAN's cooperation in working with us. His efforts, I would reemphasize, in water resources have helped to develop not only greater assistance to our urban areas, but to our rural and semi-rural areas.

May I close on a personal note to say that I am proud to call WRIGHT PATMAN my friend. It was a tribute to him that in our committee it was determined by an overwhelming majority to name this project after the gentleman from Texas for his long years of dedicated service.

WRIGHT PATMAN is a great Texan, a great statesman and, above all, a great American. We do ourselves honor when we support the passage of H.R. 974 to name this project in his native State of Texas for him.

I urge overwhelming support for the passage of this legislation.

Mr. GROVER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I rise to ask the gentleman from Minnesota (Mr. BLATNIK) a question or two concerning this bill.

As with the preceding bill, is there any cost to the Federal Government involved?

Mr. BLATNIK. There will be no cost to the Federal Government.

Mr. GROSS. There are, I note, no departmental reports of any kind in connection with either of these bills.

Mr. Speaker, may I ask the gentleman this question: Has the beneficiary of this legislation indicated his permission to use his name?

Mr. BLATNIK. Yes. Mr. Speaker, I have checked with the gentleman, and he is most appreciative. Of course, the main support came from the overwhelming number of supporters in his own district. The project, which is located in Texas, is a very popular facility, with more than 2½ million visitors visiting the project each year.

Mr. GROSS. Mr. Speaker, does the gentleman say that the beneficiary of this legislation was modest in his acceptance?

Mr. BLATNIK. Well, I do not want to repeat. I will say that he was most proper in his acceptance.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. ROBERTS. Mr. Speaker, this bill designates the Texarkana Dam and Lake in Texas as the Wright Patman Dam and Lake.

The Texarkana project was authorized by the Flood Control Act of 1946 and completed in 1958. The project includes an earthfill dam 18,500 feet long and 100 feet high, including a spillway 200 feet wide and outlet works with a capacity of 27,600 cubic feet per second. The reservoir controls runoff from 3,400 square miles of drainage area, and has a storage capacity of 2,654,300 acre-feet of which 145,300 acre-feet are for conservation and the remainder for flood control. The lake supports an extremely large amount of recreational activity. The annual number of visitors is well over 2½ million.

WRIGHT PATMAN has served continuously in the U.S. House of Representatives since March 4, 1929. Previously he had been a member of the Texas State House of Representatives from 1921 to 1924, and also served as district attorney of the fifth judicial district of Texas from 1928 until his election to the Congress. Representative PATMAN is the chairman of the House Banking and Currency Committee. He has served with great distinction during his 45 years in Congress and has earned the respect and affection of his colleagues and constituents.

Representative PATMAN's career has been marked by his great contributions to this Nation particularly in the area of water resources development. Accordingly, the committee believes it fitting and proper to name the Texarkana Dam and Reservoir after Representative WRIGHT PATMAN in honor of his many years of outstanding service to Texas and to the Nation.

Mr. GROVER. Mr. Speaker, I recognize the sentiment that exists in support of this bill to honor our colleague, WRIGHT PATMAN, of Texas, for his long and distinguished service in Congress. But I think it important to point out that renaming a project such as this after a sitting Member constitutes a departure from traditional policy. The committee recommends such a departure from normal practice in this case because of our Texas colleague's unique record of service and dedication.

It should be stressed, however, that despite this decision, there is a general consensus on the committee to the effect that what has been done in this instance not be considered a precedent. Rather, it should be viewed as an exception to the traditional rule and practice, because of his 44 years of continuous service in the House of Representatives.

With this in mind, I want to indicate my support for H.R. 974.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill, H.R. 974.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CALL OF THE HOUSE

Mr. KASTENMEIER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PEPPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 524]

Abdnor
Addabbo
Aspin
Badillo
Baker
Bell
Biaggi
Bolling
Brasco
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Cederberg
Chisholm
Clark
Clay
Conyers
Culver
Denholm
Dent
Diggs
Dingell
Dorn
Erlenborn
Ford, Gerald R.
Frelinghuysen
Froehlich
Fulton
Gaydos
Giaimo
Gibbons
Goldwater
Grasso
Gray
Gubser
Hanley
Harrington
Hébert
Holifield
Hosmer
Kluczynski
McFall
McKinney
Madden
Maraziti
Metcalfe
Michel
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Mosher
Moss
Murphy, N.Y.
Nix
O'Brien
Passman
Patman
Pettis
Peyser
Pike
Rees
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Ryan
Sandman
Sikes
Sisk
Smith, Iowa
Steed
Stratton
Stuckey
Towell, Nev.
Udall
Van Deerlin
Wiggins
Winn

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ARCTIC WINTER GAMES AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 907) to authorize the appropriation of $150,000 to assist in financing the Artic winter games to be held in the State of Alaska in 1974.

The Clerk read as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $150,000 for the purpose of assisting the financing of the arctic winter games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

The SPEAKER. Is a second demanded?

Mr. BROYHILL of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from West Virginia will be recognized for 20 minutes and the gentleman from North Carolina will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, this bill will authorize the appropriation of $150,000 to the Secretary of Commerce to assist in financing the Artic winter games to be held in Alaska in March 1974.

The Subcommittee on Commerce and Finance held hearings on July 16, 1973, on three identical bills—H.R. 4681, introduced by me as chairman, H.R. 6540, introduced by Mr. DON YOUNG of Alaska, and S. 907 which had passed the Senate on June 18, 1973. Following executive session, the subcommittee reported S. 907 to the full committee without amendment and by voice vote this bill was reported by the full committee on October 4, 1973.

The Senate-passed bill was reported due to the urgent need for funds in order to prepare for the games next March. Most expenditures will have to be incurred in 1973.

The bill authorizes the Secretary to set terms and conditions for the disbursement of the funds and to require reports to assure the funds have been correctly used. An additional $150,000 is being provided from Alaskan sources. The House report contains a detailed budget prepared by the director of the Arctic Winter games showing how the funds will be spent.

Mr. GROSS. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Are those participating in these games amateurs or professionals?

Mr. STAGGERS. They are amateurs.

I think this explains the bill and I urge passage of the bill.

Mr. BROYHILL of North Carolina. Mr. Speaker, the chairman of the committee has explained the purpose of his bill. Full hearings were held in the committee on this. The administration supports it.

Mr. Speaker, at this point I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, today a bill to authorize the appropriation of $150,000 to assist in financing the Arctic winter games which will be held in the State of Alaska in 1974 is before us for consideration.

As you may know, a similar measure which sought a $250,000 appropriation, passed the Senate last May 10 without objection. However, the press of business prevented it from being considered by the House last spring. A lesser appropriation is in order at this time, I believe, because the Armed Forces in Alaska have since agreed to provide food for the contestants at a nominal fee, and private donations have surpassed the original expectations of the organizing committee.

Still an appropriation in the amount of $150,000 is needed if the games are to be held next March in Anchorage, Alaska.

The first Arctic winter games were held in Yellowknife, Northwest Territories, Canada, in 1970 under the joint sponsorship of the State of Alaska and Canada's Yukon and Northwest Territories. The games were organized to strengthen the common bond that exists between nations and territories whose lands lie above the 60th parallel.

In the past, approximately two-thirds of the funding for the games has come from the Canadian Government. In support of the 1970 Yellowknife games and the 1972 contests which were held in Whitehorse, Yukon Territory, the Canadian Government contributed almost $500,000. The State of Alaska appropriated $30,000 toward the first pair of games.

During this time, the U.S. Government has made no contribution toward the games. It is estimated that $150,000 is the minimum amount needed from the Federal Government in order to bring the games to Alaska next year.

Since their inception, the Arctic winter games have grown substantially. Thousands of American and Canadian spectators have watched young people from both nations compete. Greenland, Iceland, Denmark, Norway, Sweden, and Finland are counted as possible future competitors.

Greenland even now is exploring the possibilities of sending a team of competitors to Alaska for the 1974 games.

I urge my colleagues to assist in funding this worthy event. For as these games progress and grow, they will expand to provide a forum for international peace and understanding between the young people of all northern nations and territories.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the Senate bill S. 907.

The question was taken.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 306, nays 54, not voting 74, as follows:

[Roll No. 525]

YEAS—306

Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Donohue
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Gettys
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Guyer
Haley
Hammerschmidt
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McKay
McSpadden
Macdonald
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Minish
Mink
Mizell
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Neill
Parris
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup

Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Symms
Talcott
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wyman
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NAYS—54

Abzug
Archer
Beard
Cohen
Collins, Tex.
Conlan
Crane
Dellums
Dickinson
Drinan
Edwards, Calif.
Flynt
Fuqua
Gross
Gunter
Hamilton
Hays
Hechler, W. Va.
Hinshaw
Hogan
Huber
Hutchinson
Koch
Landgrebe
Long, Md.
Mathis, Ga.
Michel
Miller
Mitchell, Md.
Murphy, Ill.
Nedzi
Owens
Rangel
Rarick
Reuss
Rostenkowski
Roush
Runnels
Sarbanes
Seiberling
Shuster
Snyder
Spence
Stark
Studds
Taylor, Mo.
Teague, Calif.
Thompson, N.J.
Waldie
Wilson, Charles H., Calif.
Wyatt
Wylie
Yates
Yatron

NOT VOTING—74

Abdnor
Addabbo
Aspin
Badillo
Biaggi
Bolling
Brasco
Brown, Mich.
Brown, Ohio
Cederberg
Chisholm
Clay
Conyers
Culver
Denholm
Diggs
Dingell
Dorn
Evans, Colo.
Ford, Gerald R.
Fraser
Frelinghuysen
Froehlich
Fulton
Gaydos
Giaimo
Gibbons
Grasso
Gubser
Hanley
Harrington
Hébert
Holifield
Hosmer
Kluczynski
Litton
McFall
McKinney
Madden
Mailliard
Maraziti
Metcalfe
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Mosher
Moss
Murphy, N.Y.
Nix
O'Brien
Passman
Patman
Pettis
Peyser
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Ryan
Sandman
Sikes
Smith, Iowa
Stratton
Taylor, N.C.
Towell, Nev.
Udall
Van Deerlin
Wiggins
Winn
Wydler
Zablocki

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The Clerk announced the following pairs:

Mr. McFall with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Dorn.
Mr. Sikes with Mr. Badillo.
Mr. Hébert with Mr. Harrington.
Mr. Holifield with Mr. Wydler.
Mr. Addabbo with Mr. Winn.
Mr. Zablocki with Mr. Wiggins.
Mr. Fulton with Mr. O'Brien.
Mr. Brasco with Mr. Conyers.
Mr. Dingell with Mr. Diggs.
Mr. Madden with Mrs. Chisholm.
Mr. Rosenthal with Mr. Clay.
Mr. Culver with Mr. Maraziti.
Mr. Hanley with Mr. Abdnor.
Mr. Murphy of New York with Mr. McKinney.
Mrs. Grasso with Mr. Brown of Michigan.
Mr. Giaimo with Mr. Pettis.
Mr. Biaggi with Mr. Minshall of Ohio.
Mr. Nix with Mr. Reid.
Mr. Stratton with Mr. Sandman.
Mr. Evans of Colorado with Mr. Brown of Ohio.
Mr. Mills of Arkansas with Mr. Cederberg.
Mr. Moakley with Mr. Mailliard.
Mr. Moss with Mr. Mitchell of New York.
Mr. Kluczynski with Mr. Moorhead of California.
Mr. Passman with Mr. Froehlich.
Mr. Taylor of North Carolina with Mr. Robison of New York.
Mr. Van Deerlin with Mr. Mosher.
Mr. Udall with Mr. Gubser.
Mr. Aspin with Mr. Peyser.
Mr. Denholm with Mr. Hosmer.
Mr. Fraser with Mr. Litton.
Mr. Gaydos with Mr. Towell of Nevada.
Mr. Gibbons with Mr. Metcalfe.
Mr. Ryan with Mr. Roncalio of Wyoming.
Mr. Frelinghuysen with Mr. Smith of Iowa.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE A PRIVILEGED REPORT

Mr. THOMPSON of New Jersey, from the Committee on House Administration filed a privileged report (Rept. No. 95-581) on the resolution, House Resolution 510 which was referred to the House Calendar and ordered printed.

NATIONAL BUILDING STANDARDS ACT

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8346) to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings.

The Clerk read as follows:

H.R. 8346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL INSTITUTE OF BUILDING STANDARDS

"SHORT TITLE

"SEC. 1001. This title may be cited as the 'National Building Standards Act'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 1002. (a) The Congress finds (1) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provisions for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (2) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (3) that the lack of uniform housing and building regulatory provisions increases the costs of construction and thereby reduces the amount of housing and other community facilities which can be provided; and (4) that the existence of a single authoritative nationally recognized institution to provide leadership and coordination in the evaluation of new technology for the purpose of updating housing and building regulatory provisions could facilitate introduction of such innovations and their acceptance at the Federal, State, and local levels.

"(b) The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing, and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this section.

"(c) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in subsection (a), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences-National Academy of Engineering-National Research Council (hereinafter referred to as the 'Academies-Research Council'), of the various sectors of the building community including both labor and management, of technical experts in building science and technology, of representatives of the various levels of government, and of representatives of consumer groups and consumer interests.

"ESTABLISHMENT OF INSTITUTION

"SEC. 1003. (a) There is authorized to be established, for the purposes described in section 1002(c), an appropriate nonprofit, nongovernmental instrument to be known as the 'National Institute of Building Standards' (hereinafter referred to as the 'Institute'), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this title and, to the extent consistent with this title, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

"(b) The Academies-Research Council, along with other public, private, and governmental agencies and organizations which are knowledgeable in the field of building technology, and other interested groups and entities (including representatives of consumer interests) as described in section 1002(c), shall advise and assist in (1) the establishment of the Institute; (2) the development of an organizational framework to encourage and provide for the maximum feasible participation of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations, and for the maximum feasible participation of representatives of consumer interests; and (3) the promulgation and publication in the Federal Register of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations.

"(c) Nothing in this title shall be construed as expressing the intent of the Congress that the Academies-Research Council or any other group or entity described in section 1002(c) be required to assume any function or operation vested in the Institute by or under this title.

"ADMINISTRATION OF THE INSTITUTE

"SEC. 1004. (a) The Institute shall have a Board of Directors (hereinafter referred to as the 'Board') consisting of not less than fifteen nor more than twenty-one members, appointed by the President of the United States by and with the advice and consent of the Senate. The Board shall be representative of the various segments of the building community, of the various regions of the country, and of the consumers who are or would be affected by actions taken in the exercise of the functions and responsibilities of the Institute, and shall include (1) representatives of the construction industry, including representatives of construction labor organizations, product manufacturers, and builders, housing management experts, and experts in building standards, codes, and fire safety, and (2) members representative of the public interest in such numbers as may be necessary to assure that a majority of the members of the Board represent the public interest and that there is adequate consideration by the Institute of consumer interests in the exercise of its functions and responsibilities, including representatives of consumer organizations, public agencies, the behavioral sciences, and the design professions (architects and engineers).

"(b) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under section 1003(a).

"(c) The term of office of each member of the initial and succeeding Boards shall be three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this section, a member whose term has expired may serve until his successor has qualified.

"(d) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made.

"(e) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

"(f) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged as members of the Board in duties related to such meetings or in other activities of the Board pursuant to this title be entitled to receive compensation from the Institute at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(g) The Institute shall have a President and such other officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

"(h) The Institute shall establish, with the advice and assistance of the Academies-Research Council, consumer groups, and other public, private, and governmental agencies and organizations which are knowledgeable in the field of building technology, a Consultative Council, membership in which shall be available to representatives of all appropriate private trade, professional, and labor organizations, private and public standards code, and testing bodies, public and regulatory agencies at all levels of Federal, State, and local government, and consumer groups, so as to insure (1) a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute, and (2) adequate consideration by the Institute of consumer interests in the exercise of its functions and responsibilities.

"NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

"SEC. 1005. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(c) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1006. (a) It shall be the function and responsibility of the Institute to provide leadership and coordination in four general areas, as follows:

"(1) Development and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health, and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials and to consumer satisfaction.

"(2) Evaluation and prequalification of existing and new building technology in accordance with paragraph (1).

"(3) Conduct of needed investigations in direct support of paragraphs (1) and (2).

"(4) Assembly and dissemination of technical data and other information directly related to paragraphs (1), (2), and (3), and promulgation of performance criteria, standards, and related materials and provisions developed or discovered under such paragraphs.

"(b) The Institute in exercising its functions and responsibilities described in paragraphs (1), (2), and (3) of subsection (a) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in such subparagraphs to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility, making provision to the maximum extent feasible for effective preparation by consumer groups and representatives of the public in the exercise of such functions and responsibilities.

"(c) The Institute in exercising its functions and responsibilities under subsections (a) and (b) shall (1) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (2) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (3) consult with the Department of Justice and other agencies of Government to the extent necessary to insure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

"(d) The Institute shall maintain full and complete records of all of its proceedings and of its research and other activities, and of the related proceedings and activities of any other organization, institution, agency, or entity to which any of its functions and responsibilities are assigned and delegated, and shall make such records and all related documents and materials available upon request for public inspection, at reasonable times and places (subject to such restrictions as may be necessary to safeguard privileged and confidential trade secrets and commercial or financial information).

"FINANCING OF THE INSTITUTE'S ACTIVITIES

"SEC. 1007. (a) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants' and donations from private organizations, institutions, and individuals.

"(b) The Institute may, in accordance with rates and schedules established with guidance as provided under section 1003(b), establish fees and other charges for services provided by the Institute or under its authorization.

"(c) Amounts received by the Institute under this title shall be in addition to any amounts which may be appropriated to provide its initial operating capital under section 1009.

"COOPERATION BY FEDERAL GOVERNMENT AGENCIES AND STATE AND LOCAL AGENCIES

"SEC. 1008. (a) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, or any building- or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be encouraged to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

"(b) All projects and programs involving Federal assistance in the forms of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall be encouraged to accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

"(c) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

"(d) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance of its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (1) efforts to encourage any changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (2) assistance to States in the development of inservice training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

"(e) Nothing in this section, or in any other provision of this title, shall be construed as authorizing the Institute to take any action contrary to or inconsistent with the right of any locality, under any other provision of law, to adopt and have in effect code provisions which embody standards higher than the minimum standards specified in or required under Federal law.

"APPROPRIATIONS FOR INITIAL CAPITAL

"SEC. 1009. There is authorized to be appropriated to the Institute, over the first five fiscal years which end after the date of the enactment of this title, the sum of $5,000,000 for each of the first two such fiscal years, the sum of $3,000,000 for each of the next two fiscal years, and the sum of $2,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years; and thereafter the Institute shall be financially self-sustaining through the means described in section 1007.

"REPORTS TO THE CONGRESS

"SEC. 1010. The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Institute deems appropriate.

"ACCOUNTABILITY FOR FUNDS; AUDIT AND REVIEW

"SEC. 1011. The Institute shall be accountable for all its funds and the expenditure thereof, shall maintain records of all its transactions and proceedings and make them available upon request to the public, to the General Accounting Office, and other governmental agencies, shall be subject to audit and review by the General Accounting Office, and shall conduct its activities in conformity with all applicable Federal procurement regulations and procedures."

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I urge the House to suspend the rules and pass the bill, H.R. 8346—the National Building Standards Act.

The bill was reported unanimously by your Committee on Banking and Currency.

Last year, also by a unanimous vote it was made a part of the Housing Act of 1972, the bill which failed to obtain a rule from the Rules Committee.

The legislation establishes a nongovernmental entity to serve as a coordinating center for the development and promulgation of performance criteria and standards, for the review and acceptance of new methods and materials, and for assembling and dissemination of technical data on building.

The legislation was introduced a result of the findings of two Presidential commissions confirmed by the investigations of three panels of the housing subcommittee.

Essentially these findings were that the housing industry was hampered in producing housing that Americans could afford because of two impediments: First, it is produced by small entities which cannot afford expensive research and development programs, and second, a myriad of complex and conflicting building codes prevents the implementation of whatever technological advances are made.

The Douglas Commission recommended the creation of a prestigious nongovernment—but Government related—institution to provide guidance in overcoming these obstacles.

That is what H.R. 8346 would do and I urge its adoption.

Mr. WIDNALL. Mr. Speaker, I rise to support H.R. 8346 which would create a National Institute of Building Standards.

I wish to make it understood that this legislation does not establish a national code, nor does it preempt local building code regulations. Having said that, I would like briefly to outline what the legislation does.

H.R. 8346 would create an independent, nonprofit, nongovernmental organization which would become self-supporting after 5 years. This organization, to be known as the National Institute of Building Standards, would have as its function to develop test methods and criteria to judge the performance of existing and new building technology. The information assembled as a result of this process would then be made available to interested communities, agencies, and groups throughout the country.

We are all aware that the cost of housing has risen quite rapidly over recent years, and many people are being priced out of the housing market. It is our hope that the Institute would help resolve various conflicts in building standards, and help accelerate the developing, testing, and approving of new materials and methods which could help stem the rise in production costs.

I urge the House to pass H.R. 8346 which has the support of the administration.

Mr. GROSS. Mr. Speaker, would the gentleman from New Jersey yield me some time?

Mr. WIDNALL. I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, it seems to me that this bill deserves more discussion than it may get.

This bill would create a Rooty-Toot-Toot Institute, another institute in the Federal Government on which would be spent, as I understand the gentleman, about $18 million.

I wonder where the $18 million is to come from.

Further, I do not understand the necessity for an an institute in a field in which there is already so much expertise.

I do not know how it is proposed to get more housing through creation of another institute.

I would think that the test of producing more housing is to reduce the costs of home building. What is this institute going to do by way of stopping inflation so that more homes can be built?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, would the gentleman yield?

Mr. GROSS. I would be glad to yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, in response to the inquiry of the gentleman from Iowa, let me say that obviously the institute cannot stop inflation, but it can by promoting less costly forms of building at least reduce the cost of housing.

I would believe that one of the items in the bill would be of particular interest to the gentleman from Iowa, and that is on page 14 of the bill, section 1009, where we authorize the money in a declining amount so then at the end of 5 years the institute should be self-supporting.

Mr. GROSS. It is not necessarily the initial cost, but the upkeep of such an institute, so I should think that the creation of still another institute would be of more than passing interest to the Members of the House.

What in the world are we going to get by the creation of another bureaucratic institute and the expenditure of $18 million?

Mr. MOORHEAD of Pennsylvania. If the gentleman will yield further, Mr. Speaker, I think that the fact that the institute is going to be self-supporting, and that it will be a clearinghouse for technological improvements and a clearinghouse for the local boards so that they can use their information to change their building codes. As I stated before, this is not to force them to do this, but it is a place where they can come and receive recommendations to amend their building codes that unnecessarily raise the cost of housing.

Mr. GROSS. Of course, after 5 years the cost of maintaining the institute is going to continue, and there has to be some source of income to maintain it, whether it be added costs to the building industry, Federal funds, or whatever it may be.

Mr. MOORHEAD of Pennsylvania. If the gentleman from Iowa will yield still further, Mr. Speaker, the source of the income for the maintenance of the institute would be from grants and fees rendered by the building industry. The building industry will use the information developed by the institute so that they will be enabled to build houses at a lower cost, and at more profit to them. The institute, I believe, will offer very significantly the opportunity to reduce the cost of housing, which I think is essential for America.

That is a cost over a 5-year period, a

maximum cost, of $18 million. We can reduce the cost of housing if we can get rid of some of the obsolete building codes.

Mr. GROSS. I regret that another "Advisory Board," under the sugar-coated title of "Institute," is now going to be foisted upon the American public. I am going to oppose this bill for what I believe is total lack of justification for the spending of $18 million and the contribution that will make to inflation.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. BAKER. I thank the gentleman for yielding.

In the committee report the statement is made:

> Specifically, the Board would include representatives of the construction industry, and members representative of the public in sufficient numbers to assure that a majority of the Board represents the public interest.

Would the gentleman care to elaborate on what the composition of the board might be?

Mr. MOORHEAD of Pennsylvania. The language is phrased to say that the majority will represent the public interest, because we do not want to set up another board or commission which is captured by the industry whose products and techniques will be scrutinized and tested.

Mr. BAKER. What might constitute the membership as it represents the "public interest?" I particularly refer to the Homebuilders Association in this instance.

Mr. MOORHEAD of Pennsylvania. Well, representatives of consumer groups, representatives from universities, architects, engineers, other professional groups—people without a financial stake in the construction industry, other than the people who buy the housing. We carefully worded this composition of the board so that we would not have a board that would be captured by the industry. Yet we want to have the expertise of people—like builders, contractors, unions, who are knowledgeable in this area, and bring that knowledge to the Institute.

Mr. BAKER. I thank the gentleman for yielding.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from California.

Mr. KETCHUM. I thank the gentleman for yielding.

It appears to me that with the establishment of this all new Institute, throughout the United States that since in every local community we have builders associations and trade associations that have been carrying on this sort of activity for years, not only in their interest but in the interest of the individuals that are going to buy the homes, we create another problem area. It has further been brought to my attention—and I think it is very apropos of what we are talking about here—that many years ago the light bulb was invented, and we had many different manufacturers. Somehow or another, the private sector of America figured out that there should be one-size light bulb. I think we can continue along those lines without spending an additional $18 million.

Mr. MOORHEAD of Pennsylvania. I would suggest to the gentleman that in the housing industry we have not had that kind of uniform rule, and the various building associations and contractors associations want this legislation because they want to have a central clearinghouse, not with power to tell them what to do, but with the power to suggest and carry out the research that the housing industry is not geared to do.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Georgia.

Mr. BRINKLEY. I thank the gentleman for yielding.

We have encountered problems in the construction of high-rise buildings with respect to the material used, fire hazards, and safety standards. Does this legislation envision codes, building codes, which would provide some answer to the problems there?

Mr. MOORHEAD of Pennsylvania. I would have to say to the gentleman that this legislation does not contemplate codes enacted on a national level. It would conduct investigations into safety problems in high-rise buildings and make recommendations to the local boards. So we would have one nationally recognized institute that hopefully the local boards could look to when they need this kind of information about high-rise construction.

But the institute would not promulgate an obligatory code.

Mr. BRINKLEY. Nevertheless, solutions found might be promulgated?

Mr. MOORHEAD of Pennsylvania. Very definitely. Safety is one of the factors.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. RARICK. I thank the gentleman for yielding.

As I read the bill, the proposed National Institute of Building Standards "shall not be an agency or establishment of the U.S. Government." Is that correct?

Mr. MOORHEAD of Pennsylvania. That is correct.

Mr. RARICK. Will the gentleman yield further?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. RARICK. In reviewing a summary of the bill, I find this language:

> Efforts would be made to encourage or assist states to modify laws to conform to the Institute's findings.

Can the gentleman tell me what these efforts for reasonable assistance would consist of?

Mr. MOORHEAD of Pennsylvania. Yes. Let us suppose, for example, plastic pipe is what we are talking about. I do not know whether it is good for the purposes intended or not, but the Institute would conduct investigations by contract and come back with a report that plastic pipe would do this or it will not do that and suggest the drafting of language which could be used in the various localities to permit or prohibit use of the plastic pipe. Then it would be up to the localities to accept or reject. This would give a locality a basis on which to make a determination.

Mr. RARICK. Could this word "encourage" in any way be tantamount to a threat to these local people that if they do not comply, they would lose their Federal funds?

Mr. MOORHEAD of Pennsylvania. No; again, this is not a Federal agency. It has no power other than to recommend, suggest and offer its services.

The locality or industry can totally disregard the recommendations or encouragements of the Institute. But I think it would be unwise to have an Institute with this body of knowledge and have it be unable to send out newsletters or explanations of a scientific nature. But the communities could take advantage or disregard it if they chose.

Mr. RARICK. Is it also true that the thrust of the bill would be that Federal agencies involved in building and construction would be "encouraged" to make use of the Institute's work?

Mr. MOORHEAD of Pennsylvania. Again, encouraged, but not required.

Mr. RARICK. Has this bill any relationship to the land use legislation?

Mr. MOORHEAD of Pennsylvania. No; it is totally unrelated.

Mr. RARICK. Are we going to tell the people first how they are going to use their land and then second how to build on it?

Mr. MOORHEAD of Pennsylvania. No; the decision on the land is secondary to when the structure goes up. This Institute would have influence, but would have no enforcement power.

Mr. RARICK. I thank the gentleman.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. On page 12, section 1008 of the bill, it says:

> (a) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, or any building- or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be encouraged to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

I think, having had experience with OSHA and a number of other Federal arm-twisting programs, I find it totally impossible to believe that we are not going to use Federal programs, whether they be direct or indirect such as federally insured programs, to force compliance with whatever standards are developed, whatever criteria are produced by this Institute.

We are headed, if we pass this legislation, to a Federal uniform construction building code, and make no mistake about it. I say to the man who votes for this legislation today, just do not apologize to his people and say that he did not know what was in the bill when the time comes that they start enforcing these codes, because we are going to have a uniform Federal code, the track record of the Federal Government being what it is in matters of this kind.

Mr. MOORHEAD of Pennsylvania. May I say to the gentleman that the operative word is "encourage." There is no power of coercion and the legislation specifically says that it does not preempt local codes and the Institute is to be a nongovernment agency.

Mr. WAGGONNER. If the gentleman will yield further, I think the all-important word is that we use the word "shall," to say that all Federal agencies shall be encouraged.

I think the Federal agencies can be forced to comply, and once they are forced to comply, the local agencies will have no say-so, whatsoever. They will have no authority, because their building codes then will be unsatisfactory to HUD, they will be unsatisfactory to the Veterans' Administration, and they will not even have insured programs under those circumstances.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I wish the gentleman would look at section 1008.

Mr. WAGGONNER. If the gentleman would just simply look at the track record, nothing else can happen except what I predict.

Mr. ASHLEY, Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Speaker, I think it is time we do look at the track record. The fact of the matter is that 5 years ago the median price of a house in the United States was about $23,000. Today, the median price, whether by conventional or FHA financing, is about $37,000.

If the gentleman comes to the Boston area, it is $41,000; in the San Francisco area, it is about $40,000. That is the median price.

If we want to look at the track record, as the gentleman from Louisiana suggests, let us look at the track record. What are we going to do to try to bring some rationality to the component costs of housing? The instrumentality which the gentleman from Pennsylvania is suggesting is a voluntary, quasi-public agency.

What the gentleman from Louisiana says that is especially wrong is that if we do not go the route suggested by the gentleman from Pennsylvania, it would be making these two a Federal standard; we will have Federal standards that apply, because we have reached the point where 9 out of every 10 American families have been priced out of the new home market. How much further do we have to go before we realize the responsibility on all of us to try to come to grips with the cost of housing for the American people?

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, would the gentleman think the building code standards or restrictions ought to be exactly the same in severe weather areas as compared to Florida, for example?

Mr. ASHLEY. No, absolutely not.

Mr. WAGGONNER. But we have a uniform code proposed.

Mr. ASHLEY. There is nothing in this legislation that says that.

Mr. WAGGONNER. But the legislating process, uniform records, that is the point to which the gentleman has been speaking. If we cannot write a uniform code, then let us leave that thing alone and let the people at the local level do it.

Mr. ASHLEY. When we talk about a uniform code, we are not talking about every single aspect. What I am saying is, where there are areas of a common approach, viable and workable of course, it should be considered. It should not be ignored, but at the request of the private sector this kind of deliberative question, this problem or suggestion should be covered; but there certainly is no suggestion in this legislation that every single component or standard with respect to new or existing housing be made uniform all across the board.

That is not any solution, but I think the gentleman knows there is not any question about this Congress trying to do the right thing for the people who are looking for decent, safe, and sanitary housing in a proper environment, and that is the great majority of the people of this country today.

Mr. WAGGONNER. Would the gentleman yield for one question?

Mr. ASHLEY. One question.

Mr. WAGGONNER. Is there anything which will be made available to this institute in the way of information that HUD does not already have?

Mr. ASHLEY. That goes to the gentleman's previous observation when he took great umbrage at the word "shall"—"shall encourage the agencies of the United States—"; shall be encouraged to do this. Why should they not be encouraged to provide information, make information available? What would the gentleman say, that these agencies should not be encouraged? That does not make any sense.

Mr. WIDNALL. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, this legislation is a foot in the door toward establishing Federal controls over building codes in every community and of every city in the entire United States.

The gentleman from Pennsylvania, the chairman of the subcommittee, stated a few moments ago that the Institute of Building Standards would work on testing and trying to find new materials which might expedite construction and lower the cost of construction in future years, and that the results of these tests would be passed on to the various communities and cities in the United States, which may or may not then be included in their building codes. I believe that was the gentleman's statement.

I should like to call the gentleman's attention to what has transpired over the past several years in regard to Federal building codes on public construction. Public construction, as the gentleman well knows, has been quite a scandalous program. The standards of construction that have been utilized under the public housing program have been much below most of the building codes of our cities and municipalities in the country. Many of these public housing projects are now being torn down. They are dilapidated. They have not stood up. They were a farce and a disgrace.

I am fearful that this legislation, will result eventually in these studies coming forth with Federal building codes to be imposed locally, will have the same result. Many of our communities throughout the country have much tougher building codes than does HUD.

We do not need this type of legislation. This is a foot in the door to Federal controls. It is a step in the wrong direction.

Mr. Speaker, I hope this legislation is defeated this afternoon.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I am glad to yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. I would direct the gentleman's attention to section 1008(e) on page 14, where we tried, as best legal minds could, to avoid that situation. It says:

> Nothing in this section, or in any other provision of this title, shall be construed as authorizing the Institute to take any action contrary to or inconsistent with the right of any locality, under any other provision of law, to adopt and have in effect code provisions which embody standards higher than the minimum standards specified in or required under Federal law.

In other words, the committee unanimously voted a bill which does not affect their local building codes except in an advisory capacity.

Mr. MARTIN of Nebraska. I well understand that, but this is still a foot in the door toward that approach after the 5 years is up.

Mr. WIDNALL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I have been one of the leading exponents in favor of new technology in housing, housing techniques, and building and building materials on the Housing Committee.

I notice with some interest that many of the people who have resisted my proposals to encourage new technology in building are actively supporting this bill.

Let me say that a bill of this sort should not come on a suspension calendar. The fact that we are having this much discussion about it is to me only further proof that a bill of this sort should come up in regular order under regular rules, where we can thoroughly discuss every aspect of this kind of legislation.

Just what is it going to accomplish? What will it cost the American public? How can we avoid cost to the American public? How does this particular proposal duplicate the efforts now being carried on by existing institutions?

All those things should be discussed. We should be free to present amendments. We should be able to discuss amendments to the bill.

Under all the circumstances, I fully intend to vote against this bill on the suspension calendar. I believe the suspension calendar is being very badly abused these days. I believe that those of us who do want to consider legislation in detail should develop a habit of voting down bills on suspension. Let us bring them up under the regular procedures, so that we can have full discussion and full debate.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I concur perfectly in what the gentleman has said. The gentleman is a member of this committee, and I would like to ask him a question.

The point has been made that there must be no coercion on local communities by the institute to impose its standards, but is there anything in this bill—I have read it, and I cannot find it—that would say to those who make the recommendation to a community that FHA, VA, and all the rest of the institutions which have Government-insured loans that they can say, "We are not going to make any loans to a community that adopts the minimum standards of the national institute"?

Mr. BLACKBURN. Mr. Speaker, there is nothing in the bill that would prevent it. What I would expect is that the Department, HUD itself, would embrace the recommendations of this institute and insist that local communities adopt their building codes to a uniformity with the recommendations of the institute as a condition toward receiving grants from that Department.

Mr. BARRETT. Mr. Speaker, I rise in support of the bill, H.R. 8346, the bill to establish the national institute of building standards. Provisions of this bill were originally contained in last year's Housing and Urban Development bill, H.R. 16704, which failed to obtain a rule. There was no opposition to this provision during the considerations of last year's housing bill. The Subcommittee on Housing considered this bill, introduced by our colleague from Pennsylvania, Bill Moorhead, in a markup session on June 22, 1973, and it was unanimously approved for full committee consideration. The full committee considered it on October 4, 1973, and ordered it reported by a unanimous vote.

This bill would establish a nonprofit, nongovernmental institute to be known as the National Institute of Building Standards. The National Academy of Sciences, National Academy of Engineering, and National Research Council would assist in the institute's formation and would encourage the widest possible participation by groups now engaged in activities relating to building standards, including consumer interests.

The institute would have a 15- to 21-member board of directors whose members would be appointed by the President with the advice and consent of the Senate. The board would include representatives of the construction industry and members representative of the public in sufficient numbers to assure that a majority of the board represents the public interest. A consultative council would also be established with members from interested private and public bodies to serve as a connection between these groups and the institute.

The institute would develop and promulgate nationally recognized criteria which might be adopted by regulating bodies; evaluate new and existing technology; assemble and disseminate technical data and promulgate performance criteria, standards, and related materials. As much as possible this work would be delegated to organizations capable of performing it. The institute may accept grants and donations and may establish fees or other charges for its services.

Federal agencies involved in building and construction would be encouraged to make use of the institute's work and could contract or make grants to the institute for support and services. Efforts would be made to encourage or assist States to modify laws to conform to the institute's findings, and to develop training programs for building officials and technical advisers; but nothing in these provisions would authorize the institute to take any action contrary to or inconsistent with the right of any locality to adopt and have in effect code provisions embodying higher standards than those required under Federal law.

Appropriations for initial capital for the institute would be authorized as follows: $5 million for each of the first 2 years after enactment, $3 million for each of the next 2, and $2 million for the 5th. After this 5-year period the institute would be financially self-sustaining.

Mr. Speaker, I urge the adoption of H.R. 8346.

Mr. VANIK. Mr. Speaker, this legislation to establish a nonprofit, nongovernmental National Institute of Building Standards could represent a tremendous step toward the widespread acceptance of energy efficient building design and construction.

I am disappointed, however, that neither the committee's report nor the bill makes any specific reference to the need to develop energy efficiency and insulation standards. While there is no specific mention of these areas of concern, I am hopeful that the institute will give immediate and serious attention to energy factors.

Under our present institutional framework, there is no one governmental agency responsible for collecting and disseminating information regarding energy conservation in the building industry. The Federal Housing Administration is an inadequate instrument for the task. Despite President Nixon's recent pronouncements pointing to the upgrading of FHA insulation standards, the fact remains that these guidelines are still in need of improvement and only apply directly to 35 percent of new residential construction.

For years now we have been designing and constructing buildings with a callous disregard for efficient energy use. A most recent and notorious example of this pattern of waste is New York's World Trade Center, which now dominates the Manhattan skyline. The center is actually two monolithic towers, 110 stories tall, which together consume more energy than the whole city of Schenectady, N.Y., which has a population of 100,000.

Energy waste is evident in many other significant, if less spectacular, ways. The orientation of a building in relation to the Sun, for example, has a great deal to do with the amount of energy it takes to condition the inside air. It has been estimated that the commonplace oblong high-rise will consume 29 percent less energy for cooling if its broad surfaces face north-south, instead of east-west.

Similarly, the building materials themselves have a significant impact on the total energy consumption of a structure. Quite simply, certain materials serve to insulate the building better than others. Beyond these properties, however, the astute architect should realize the importance of considering the energy expended in the production of the material. For example, aluminum has certain qualities which make it an appealing structural material: It is light, easy to maintain, and pleasant to look at. But in terms of energy, aluminum is a tremendously expensive product.

It is obvious that planning a building to optimize the efficient use of energy is a complex and interrelated task, involving the skills of architects, city planners, designers, engineers, and local building authorities. This new national institute is in a valuable position to oversee the development and implementation of energy conservation strategies in the building industry. The important fact to remember in this discussion is that intelligent energy use will not require the development of grand scale, new technologies. Most measures to improve energy utilization are possible through the application of off-the-shelf equipment and established design techniques.

In the creation of this new agency, we in Congress should underline the importance of energy conservation in the construction industry. The National Institute of Building Standards should be a leading force in a national program of energy conservation in construction.

Mr. WIDNALL. Mr. Speaker, I have no further requests for time.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Moorhead), that the House suspend the rules and pass the bill H.R. 8346.

The question was taken.

RECORDED VOTE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 258, not voting 68, as follows:

[Roll No. 526]

AYES—108

Abzug
Adams
Ashley
Barrett
Bergland
Biester
Bingham
Blatnik
Boggs
Brinkley
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Collins, Ill.
Corman
Cotter
Davis, Ga.
Delaney
Dellums
Dent
Donohue
Drinan
Dulski
du Pont
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Foley
Ford, William D.
Fraser
Frenzel
Gettys
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Hanna
Hansen, Wash.
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hogan
Holtzman
Kastenmeier
Koch

Lehman
Long, Md.
McCloskey
McDade
Macdonald
Madigan
Mallary
Matsunaga
Mazzoli
Meeds
Mezvinsky
Mitchell, Md.
Mollohan
Moorhead, Pa.
Morgan
Nedzi
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pike
Podell
Price, Ill.
Rangel
Rees
Reuss
Riegle
Rooney, Pa.
Roush
Roybal
St Germain
Sarbanes
Schroeder
Seiberling
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Stephens
Sullivan
Symington
Thompson, N.J.
Tiernan
Vanik
Waldie
Whalen
Widnall
Wydler
Young, Ga.
Young, Ill.
Zablocki
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—258

Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Bevill
Biaggi
Blackburn
Boland
Bowen
Brademas
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Forsythe
Fountain
Frey
Fuqua
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hays
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holt
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Kyros
Landrum
Latta
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCollister
McCormack
McEwen
McKay
McSpadden
Mahon
Mailliard
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Milford
Miller
Minish
Mink
Mizell
Montgomery
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Owens
Parris
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Studds
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff

NOT VOTING—68

Abdnor
Addabbo
Annunzio
Aspin
Badillo
Bolling
Brasco
Brown, Mich.
Brown, Ohio
Cederberg
Conyers
Culver
Denholm
Diggs
Dingell
Dorn
Ford, Gerald R.
Frelinghuysen
Froehlich
Fulton
Gaydos
Giaimo
Gibbons
Grasso
Gubser
Gunter
Hanley
Harrington
Hébert
Holifield
Hosmer
Kluczynski
Landgrebe
Leggett
McFall
McKinney
Madden
Maraziti
Metcalfe
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Mosher
Moss
Murphy, N.Y.
Nix
O'Brien
Passman
Patman
Pettis
Peyser
Railsback
Reid
Robison, N.Y.
Rodino
Rooney, N.Y.
Rosenthal
Ryan
Sandman
Sikes
Stratton
Towell, Nev.
Udall
Van Deerlin
Wiggins
Winn

So (two-thirds not having voted in favor thereof), the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Moakley.

Mr. McFall with Mr. Udall.

Mr. Dingell with Mr. Rosenthal.

Mr. Fulton with Mr. Winn.

Mr. Kluczynski with Mr. Robison of New York.

Mr. Nix with Mr. Reid.

Mr. Murphy of New York with Mr. Railsback.

Mr. Giaimo with Mr. Minshall of Ohio.

Mr. Addabbo with Mr. Cederberg.

Mrs. Grasso with Mr. Peyser.

Mr. Rodino with Mr. McKinney.

Mr. Brasco with Mr. Conyers.

Mr. Holifield with Mr. Maraziti.

Mr. Hanley with Mr. Pettis.

Mr. Leggett with Mr. Diggs.

Mr. Badillo with Mr. Metcalfe.

Mr. Ryan with Mr. Frelinghuysen.

Mr. Annunzio with Mr. Mitchell of New York.

Mr. Gunter with Mr. Abdnor.

Mr. Madden with Mr. Gubser.

Mr. Mills of Arkansas with Mr. Landgrebe.

Mr Aspin with Mr. Brown of Michigan.

Mr. Sikes with Mr. Hosmer.

Mr. Passman with Mr. Froehlich.

Mr. Stratton with Mr. Moorhead of California.

Mr. Moss with Mr. Brown of Ohio.

Mr. Culver with Mr. O'Brien.

Mr. Denholm with Mr. Mosher.

Mr. Dorn with Mr. Sandman.

Mr. Gaydos with Mr. Towell of Nevada.

Mr. Gibbons with Mr. Wiggins.

Mr. Harrington with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WHATEVER HAPPENED TO THE RADICAL?

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, most Americans are probably more ill-informed concerning activities of revolutionary elements within our society than they are in any other area of public interest. Without an understanding of the new strategy that has been developed in an attempt to raise the revolutionary consciousness of the working class, one cannot appreciate the extent of the threat it poses.

An extremely interesting and timely article entitled "Whatever Happened to the Radical?" written by Marshall M. Meyer and Robert L. Ellis appeared in the September 28, 1973, issue of the "Baltimore Daily Record." This article throws renewed light upon the basic Marxist premise that the working class will serve as the vanguard for the violent overthrow of the capitalist system. Many valuable insights are provided into the reasons why Maoist organizations in this country currently consider both management and labor union hierarchies to be the enemy. In this connection, the particularly interesting point is made that every improvement won by the labor unions which relates to better wages and better working conditions is viewed by the Maoist as steps which postpone and delay the revolution.

I commend to my colleagues and the American public this illuminating article which graphically points out that neither management nor labor unions can afford to pretend that the radical does not exist. The article follows:

[From the Baltimore Daily Record, Sept. 28, 1973]

WHATEVER HAPPENED TO THE RADICAL?

(By Marshall M. Meyer and Robert L. Ellis)

Even before Chile's experiment with Marxism came to an abrupt halt, writers for leading leftist publications were observing that an increasing number of radicals had begun to re-examine the history of the "American Left" and the "working class."

Those familiar with Marxism recognized the relationship between the early New Left and the American working class and found it rather unusual. In the past, every radical left group had credited the organized working class with a unique historical role in the creation of a new world. The New Left, as a student-oriented movement based on personal alienation, rejected this fundamental concept on the grounds that the working class had achieved its goals and had itself become a part of the power structure. The young radicals placed their revolutionary faith in the university as the potential "change agent" of American society.

IN-FIELD EXPERIENCES

By 1967, some radical leaders had begun to realize that students alone could not carry the revolution, and unless the New Left related to the working class, it would expire. Three activists in California obtained blue collar employments, mingled with young workers, and "learned from the people." They drew certain basic but quite obvious, conclusions from their in-field experiences, They found:

Workers, particularly young workers, could become sympathetic to the student rebellion.

Efforts had to be made to educate the community at large on broad issues from the radical perspective or point of view.

Union leaders would not allow their unions to become revolutionary organizations, and workers who would listen and fall in line with radical views could best be served through an independent organization; one geared to these views.

While students and intellectuals could develop a radical consciousness over issues, workers did so only when personally alienated. Thus, the worker would have to be convinced that capitalism was his mortal enemy.

During 1968 and 1969, Students for a Democratic Society (SDS) adopted a summer student "work in" project, which was based on these conclusions, to permit students to learn from the proletariat. SDS readily admitted its past error and said, "As intellectual students who seek certain social changes we must begin to ally with the workers." The work-in concept failed, and the working class issue tended to disappear from prominence in the leftist press. Other matters became more important—the collapse of SDS, the growth of terrorism within the movement, the 1969 mass protests, Cambodia, Kent State, and the collapse of the New Mobilization Committee.

It was this last event—the collapse of the New Mobilization Committee as a result of intense factional disputes in its leadership cadre between Trotskyist Marxists and the more orthodox Marxists—that greatly renewed the Left's interest in the working man. The two major factions were forced to compete for constituents.

REBELLION COLLAPSED

Following traditional united front tactics, the Trotskyists formed the "National Peace Action Coalition" and sought out the endorsement of established union leaders. The leadership of what was to become the "Peoples Coalition for Peace and Justice" took a different approach. The lesson of the 1968 French student rebellion did not go unnoticed. There, students began an uprising which gained the support of the French workers. The rebellion collapsed when workers withdrew their support. American radicals realized that students could start the rebellion, but that without working class support they could not follow through. During the Fall of 1970, articles began to appear in the non-Trotskyist Left press about the need to build a new revolutionary communist party which would involve the masses in a united front.

In January 1971, *Liberation* magazine published a lengthy article by Staughton Lynd, entitled "Prospects for the New Left." This article traced the working class origins of the Old Left, described what Lynd considered to be the betrayal of the working class by the Old Left ("the enemy was fascism rather than capitalism"), and called for a new movement combining the best of the Old and the New Left. In this regard, Lynd said that the proper first step would be to return to regional movements in the form of a "paralleled, central labor union" or "community union" like the Soviets of Moscow and St. Petersburg.

Lynd said radicals within the unions should attempt to get back "the powers which the Left gave up to the union bureaucracy in the thirties, the local right to strike, and the shop steward system." Furthermore, radicals should obtain low-level local offices such as that of a grievance committee—man while remaining active in grass-roots organizations outside the union structure. The community groups would give them protection from the union bureaucracy, according to Lynd.

By mid-1972, the interest in the working class was so great that Liberation magazine published a special double issue in August entitled "Workers: A Special Section." One of the articles in this issue, "A New Generation of Workers," parrots Lynd's distrust, of union leadership. The essence of the article is in two sentences, and they summarize the current radical thinking towards unions: "Inasmuch as the young workers have come to recognize that the management structure and its functionaries . . . and the union structure with its functionaries . . . are simply two sides of the same coin, radicals working within factories should dissociate themselves as much as possible from the latter as from the former, and actively participate instead in rank-and-file struggles directed simultaneously at both bosses and the union hierarchies. An effort must be made to prevent the union leadership from co-opting wildcats and other expressions of rank-and-file discontent into established bargaining structures.

The new theory of the proper role of the American Marxist to the working class, as indicated in the above, is that the radical is to organize with one foot in the union and one foot in the community organizations. He is to seek low-level union positions with the purpose of promoting wildcat disruptions and other "local initiatives" while protecting himself from management through the union, and from the union leadership through the community-based organizations.

This theory appears to have been put into practice by such groups as the "Revolutionary Unions," the "October League," the "Black Workers Congress," and the "November 4 Coalition," all of which tend to adopt the thoughts of Mao Tse-tung.

In New York, the subject of building a new American communist party as a workers revolutionary movement has been twice discussed this year at the Guardian Forums. Reading accounts of the speeches made at these forums reveals that a great deal of time was given to attacking the existing labor unions and what is constantly described as the "sell-out leadership of the labor aristocracy."

What can one expect from Marxists within organized labor?

Decades ago, J. Peters wrote in his organization manual for the American Communist Party that Communists participated in the daily struggles of labor not to eliminate hunger and misery, but to "develop the workers for their final task—the overthrow of capitalism." This past summer, Nan Grogan of the "October League" reportedly said at a Guardian Forum. "We work in the labor movement to develop the political consciousness and organization of the workers. Our goal is revolution and to teach this to the workers."

Past or present, Marxists involve themselves in union activities for purposes other than improving the lot of the common man. There was, and continues to be, an ulterior motive—while the legitimate union official seeks better pay and working conditions, the Marxist seeks revolution. And each improvement won by the union is viewed by the Marxist as a "reform" which postpones and delays the revolution. The effect of this primary reason for Marxists being involved in organized labor is factionalism within the unions. In the past, existing non-Marxist unions and their leaders have been branded as enemies of the people. Today, they are called "sell-out leadership." The massive demonstrations of the past have faded, the New Left is gone. What remains is the hardcore dedicated Marxist. He has, in the past, placed his hopes in the student, the black, the Vietnamese. Now, however, he has rediscovered classical Marxist ideology and the working class, so long the favorite of the Old Left, which he once despised. Neither union nor management can afford to pretend that he does not exist.

GERRY FORD—THE BEST CHOICE

(Mr. RANDALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RANDALL. Mr. Speaker, on Friday evening, October 12, President Nixon in my judgment announced a wise choice to fill the vacancy for Vice President created by the resignation of Spiro Agnew. Early that morning I had submitted suggestions through appropriate channels the names of former Secretary of State, William Rogers; former Secretary of Defense, Melvin Laird, and our Minority Leader GERRY FORD.

The President had invited and solicited suggestions for nominees for the Office of Vice President. My suggestions were hand delivered to the office of minority leader. To prove his integrity upon delivery, his staff immediately inquired if the letter contained nominations and, if so, they could not open it.

Mr. Speaker, President Nixon's choice of GERALD R. FORD as Vice-President-designate is a wise one. Last Saturday evening I listened to a sermon in Bethany Beach. Del., delivered by Father Mulligan who said that somehow, someway integrity in Government must be restored. He went on to say that there must be a restoration of faith in those who elect our public officials, that those who are elected will be true to the trust reposed in them.

I pondered that thought as I sat as a member of that congregation last Saturday evening on the eastern shore of Delaware.

Mr. Speaker, the President made an excellent choice. In the words of one of our leading publications GERRY FORD will be "a good lineman for the quarterback"—meaning the President of the United States. GERALD R. FORD is competent, vigorous, sincere, an upright man. He will enhance the public's confidence in Government. He is untainted.

In my judgment the true measure of a Member of the House of Representatives is not only the selection by his constituents but respect by his colleagues. This is true because today there are so many ways and means to influence the media and thereby the evaluation by one's constituency. Not so, as to one's stature among his colleagues. Either he belongs or he does not. Either he is completely accepted or he is only tolerated. Either he is embraced or he is only countenanced. He is either applauded or he is only condoned.

Few Members of the House of Representatives enjoy the respect of minority leader, GERRY FORD. He possesses the integrity, honesty, forthrightness, and candor which he has earned in his 25 years of service in the House. He enjoys the admiration of his colleagues without exception as to party line. He has few personal enemies.

He should be confirmed without delay.

TAX DEDUCTIBLE ORGY AT SEA

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, recent newspaper reports of a tax-deductible orgy at sea are insulting to the average taxpayers of America. Compounded with recent events which demonstrate a complete disrespect for tax laws of this country by the high and the mighty, we should be on our way toward tax reform this year.

Mr. John Shaheen has just completed renting the *Queen Elizabeth II*—at $100,000 a day—to take 1,200 guests—oil, financial, shipping, construction, and engineering executives—to the dedication of his new oil refinery being built in a foreign country. The total cost of this "trip" will be about $1 million, and, according to newspaper accounts, it is presumed that the trip will be fully or partially tax deductible as a legitimate business, promotional and entertainment expense.

Of course, there is a great deal of expense. As the Washington Post reported:

> Breakfast is Spartan: melon, eggs, smoked ham, croissants and coffee. Luncheon is no more than you can get for $27 at any fancy Washington restaurant.
>
> Of course, there is also early bird coffee at 7:00, bouillon at 10:00, tea at 4:00, cocktails at 6:30 and a midnight buffet. All these help the hunger pangs in between the regular scheduled feasts.
>
> There are no scales on ship and nobody is looking for any.

Quite a business expense, Mr. Speaker. Caviar at every dinner, a Christmas tree decorated with lobsters, $200 a throw craps, double Chivas Regal—all apparently necessary to help in solving the energy crisis.

This country will have to face a tax revolt, Mr. Speaker. It is coming. When Mr. Agnew is given a fine—a slap on the wrist—that flaunts the entire tax enforcement procedure, when "business expenses" such as this are claimed "subject to Internal Revenue Service guidelines," we hasten the day when the American people will demand true tax justice and get that tax justice.

We are approaching the day when there will be "fair taxation or there will be new representation."

I am entering at this point in the RECORD portions of three newspaper articles which describe this orgy at sea:

[From the Washington Post, Oct. 8, 1973]

"INVITING THE WORLD" FOR A LUXURY CRUISE ON THE "QUEEN"

(By Henry Mitchell)

NEW YORK.—John M. Shaheen and 1,200 guests sailed for Newfoundland on the Queen Elizabeth II last night, fortified against the perils of the sea with the traditional champagne and destined for the dedication of one of the oil magnate's new refineries.

Before the presailing toasts in the ship's luxurious Queen's Room, the voyagers took eight lively hours to hand over their luggage to porters and climb the festive gangplanks of the Cunard flagship.

Most of the passengers (1,100 of the 1,200) are executives of oil, financial, shipping, construction and engineering interests here and abroad—companies, a spokesman said, that Shaheen's firm does business with. The other 100 represent Shaheen's own corporation.

The trip will cost a bundle since, as everybody who hires luxury vessels knows, the Queen costs a neat $100,000 a day. And Shaheen, of course, also picked up the tab to get everybody to New York. But the outlay should not be a total loss by any means, as it is expected that all or some of it will be claimed as a tax deduction at the end of the year, subject to Internal Revenue Service guidelines on business, promotional and entertainment deductions.

As a Shaheen spokesman pointed out, it's customary for oil companies to "invite the world" for events such as dedications. Oil multimillionaire Robert P. McCulloch assembled half the world when the London Bridge was reerected in 1971 in the Arizona desert. And Reese Palley, an art dealer, celebrated his birthday last year by flying 737 guests, in two jetloads, to Paris for a bash involving the Boehm porcelain birds.

Shaheen, whose fortune has been estimated at $250 million, is used to operating on a big scale. He is planning to start up an afternoon newspaper, The New York Press, in Manhattan early next year. About $7 million has already been spent on it, and another $3 million is on tap for immediate use as needed. Shaheen does not seem the least daunted by the common notion that such a venture will require $50 million. He was recently in the news as a $100,000 contributor to President Nixon's re-election campaign.

On a scale like that, chartering the Queen Elizabeth II is a huge economy if you think of it in certain ways. A spokesman for Shaheen said it was figured out that the luxury ship cost a good $180,000 less than flying everybody to Newfoundland and setting up tents and chow halls for them (as the Shah of Iran did two years ago for his party in Persepolis).

At the Cunard Line in New York they do not think of themselves as anybody's economy shopping mall, but one Cunard man said it certainly stood to reason that the Queen would be cheaper than trying to improvise a hotel for 1,200 people where none exists.

The new refinery is at Come By Chance, Newfoundland, and it has a 100,000 barrel per day capacity. It costs $198 million to build, and Placentia Bay on which it is located boasts an ice-free harbor that can take tankers up to 500,000 tons.

On Tuesday the ship will visit the refinery, with guests debarking at the pier for dedication ceremonies and a banquet. Other stops will be made at two other Shaheen refineries not yet completed (all three are owned by wholly owned subsidiaries) and the three of them have a combined capacity of 600,000 barrels a day.

That same day the ship will stop at Halifax, where port authorities will come aboard for a ceremony in the captain's office, traditional when a ship visits a port for the first time. The Queen has never sailed to Halifax before, though the first Cunard came from Nova Scotia. The North Atlantic Symphony, an orchestra of 40 to 50 musicians of the Maritime Provinces, is expected to give a concert in honor of the occasion.

That same night the ship will sail, arriving in New York on Saturday, at which point the revels will be ended and everybody will turn into a pumpkin again.

Considerable festivity is expected on ship, since although the Shaheen spokesman reports nothing special is planned ("Whatever you usually get on the Queen you'll get, and that's it") guests should be able to make do with three indoor swimming pools, skeet shooting on the fantail and the usual Queen Elizabeth II wine and pheasant-type regimen.

Naturally, guests will dress for dinner as they would on any great ship.

You don't just pick up the phone and rent the Queen for the next weekend, but this is by no means the first time it's been chartered. Once the Young Presidents Organization (composed of youthful presidents of companies) did, and another time the National Asphalt Pavement Association did. The best time, according to Cunard, is along about this time of year, in between the end of the trans-Atlantic season and the beginning of the cruise season. If Shaheen had not chartered the ship, it would still be making its usual runs to England.

[From the Washington Post, October 13, 1973]

THE SHAHEEN ODYSSEY: OPULENCE AT SEA

(By Henry Mitchell)

HALIFAX, NOVA SCOTIA.—"How do you do?" said the Canadian Minister of Regional Economic Expansion. "A great pleasure. Now where do we go from here?"

"Turn left," he was advised as he worked his way through the Queen Elizabeth II's jammed and champagne-floating queen's room to dinner.

"I just do what I'm told. It gets worse every day," said the Hon. Don C. Jamieson. "My, this is like a floating Holiday Inn."

Likening the Cunard Lines' sleekly posh flagship to a Holiday Inn might have been a trifle harsh. But rounding up 1,200 guests and hiring the Queen Elizabeth for roughly $100,000 a day, as oil magnate John Shaheen has this week, is flashy even by oil company standards.

After three nights at sea en route from New York, the Shaheen odssey paused at Come By Chance, Newfoundland, where passengers (oil, financial, shipping, construction and engineering executives) took part in dedicating a new Shaheen oil refinery on the Canadian East Coast.

The refinery is the first of three to be built there, representing an $800 million investment by subsidiaries of the Shaheen Natural Resources Co. of New York.

Shaheen, of course, is picking up the tab, estimated at $1 million, and claiming that this trip is necessary—and, presumably, tax deductible as a legitimate business, promotional and entertainment expense.

The Cunard Line officers, proud of their flagship, missed the Canadian cabinet minister's Holiday Inn observation, but that was just as well. Many guests have said they could not think how life aboard a ship could be improved.

"Well, I can think of one improvement," said a retired oil executive, "though I don't expect the ship is responsible for it. You could get rid of labor unions." The cabinet member didn't hear that either.

The oil crowd is politically conservative as a group and it was easy to hear comments like that of the New York oilman's wife concerning her relative who had turned Democrat, much as wine turns sour.

"He used to be such a good Republican. Who knows what got into him."

Life must go on, of course, even if the Mideast is at war and the Vice President is out; and the prevailing attitude aboard ship is that it might as well go on in the Britannia Restaurant of the Queen Elizabeth II as anywhere else.

For one thing, you get two scoops of caviar (the kind Magruder's Grocery in Washington keeps in a locked glass case) instead of one.

Also, you get vodka with it—warm, since the British have never adopted ice boxes.

If you get the regular dinner, the blue plate special, as it were, you get the caviar, then lobster bisque, not too burning hot (for the English do some things extremely well.)

The idle rich, as one Newfoundland radio station called these modern buccaneers aboard ship, are undoubtedly rich, but hardly idle.

In fact, the easiest way to talk to them is to take part, in so far as strength permits, in jogging endlessly about the deck, swimming in the indoor pools, bidding aggressively in the bridge rooms, working the crap tables at $200-a-throw maximum, or just pulling the 25-cent slot machines.

"I cannot believe that you have run 137 laps around this ship before dinner," marveled one guest to another before dinner one night.

"Oh dear no," replied the athlete. "I swam 107 lengths, not laps, in the pool."

"Well, that's different," someone remarked. "Everybody does that."

Everybody doesn't, of course, but could because on ship you're free to do what you want or don't want.

There are certainly no class distinctions. The ripe melons fall on the $60,000-a-year and the $300,000-a-year guys alike. No area of the ship is off limits to anybody. Reporters are as welcome to try their luck at $200-a-throw craps as an oil company president.

Breakfast is Spartan: melon, eggs, smoked ham, croissants and coffee. Luncheon is no more than you can get for $27 at any fancy Washington restaurant.

Of course, there is also early bird coffee at 7, bouillon at 10, tea at 4, cocktails at 6:30 and a midnight buffet. All these help the hunger pangs in between the regular scheduled feasts.

There are no scales on ship and nobody is looking for any.

At the refinery dedication Wednesday the temperature was near 40 degrees and the wind 40-miles-an-hour. Great tents of yellow canvas and blue plastic shook as they sheltered 4,000 guests, including many Newfoundland citizens.

The excitement began with bagpipes tooting in a British member of Parliament and other dignitaries.

The lord bishop of Newfoundland, striking in his silver-and-red beard, called down blessings in all and sundry, not forgetting the fishes of Placentia Bay, so important to the livelihood of the region.

The chow tent either blew down or was declared too dangerous to enter. Dan Steiner, a retired Exxon executive, gave a glowing account of a Christmas tree hung with lobsters, but few of the other guests ever saw it. A Shaheen official said it did exist, at least before the wind hit the tent.

Back aboard ship there was warmth and a change to evening clothes for a swig or two. Non-drinkers soon learned to settle for club soda; if you asked for tonic and lime, they brought beer. Dinner followed, and in due time all were in bed. Few stayed up past 5:30 a.m. since there is always another day.

Shrewd observers believe the bar bill will be horrendous. Wine, such as Nuit St. Georges, and double Chivas Regal from the ship's eight bars and two restaurants are items to reckon with.

It was widely rumored in Washington, D.C., before the ship sailed from New York that a number of government officials declined the trip, feeling it might be a shade too festive to look like official business.

The only U.S. congressmen thus far discovered are Reps. Philip M. Crane (R.-Ill.) and Paul W. Cronin (R.-Mass.), though three others are believed hiding out somewhere.

Nobody has been found, despite intensive search, who will say "what a grand idea to have reporters aboard." On the contrary, when Shaheen asked guests if they'd like a published guest list, they uniformly said "no."

"Have you got the Shah of Iran in a closet somewhere?" the ship's captain was asked.

"For all I know, yes," said Capt. Mortimer Hehir. "Its the first time I've taken a ship out without knowing who's on board."

Jane Ikard of Washington, traveling with her husband, Frank, president of the American Petroleum Institute, was among those trying to find out who was aboard.

"I know all our best friends are here but how will we ever find them?" Mrs. Ikard complained. "I'm going back and say we were on the most wonderful cruise to Newfoundland and people are going to say, 'Why yes, we were there, too.' "

(The Ikards did run into some fellow Washingtonians, including retired Army Gen. and Mrs. William W. Quinn and former USIA director Frank Shakespeare, as it turned out.)

You could easily find a Dutchman with tanker interests, a Nova Scotia legislator, numerous retired executives of major oil companies and a cancer researcher who had no idea why he was invited except that he knew Shaheen in Salerno during World War II. (Shaheen retired with the rank of Navy captain and holds the Silver Star.)

The resignation on Wednesday of Spiro Agnew as Vice President was greeted with dismay by many of the passengers, most of whom seemed to be enormously fond of him.

"I want to read about my friend Mr. Agnew," said Shaheen's wife, the former Barbara Tracy of Washington. "Here's a thing about a beauty contest," she muttered disapprovingly as she rattled a small Canadian newspaper in the vain hope of finding news to supplement the meager radio announcement.

In a summit symposium in the mens sauna, five Republicans deplored events, expressed suspicion of John Connally and divided their votes between New York Gov. Nelson Rockefeller (three) and California Gov. Ronald Reagan (one). The fifth was undecided, as well as indignant, like the rest. "He said he would *not* resign."

The ship is scheduled to return to New York today.

[From the Washington Post, Oct. 15, 1973]

Remembering Jerry Ford on a Voyage Made of Memories

Many passengers got seasick, or else had hangovers passed off as seasickness, despite the fact that the ship never rolled more than a degree or two—the sea was not much rougher than the Watergate swimming pool.

Shaheen himself developed a cracked voice the second day out, undoubtedly from hour after hour of talking to guests in a series of champagne receptions, special luncheons in the Queen's grill, and general conviviality.

"Gargling with bourbon should fix that," he said Tuesday. With laryngitis rampant on Wednesday, he said his only throat problem was too little sleep and too much whiskey. "One can overgargle," it was observed.

His favorite garb was a dinner jacket in which dozens of silver Newfoundland seals were sprinkled over the dark background. The same design appeared in silk ties worn by Shaheen men, and lifesized baby seals were carved in butter to decorate the midnight buffet, stationed in front of fountains and flanked by vast shells containing picked lobster meat.

"Oh, how dear," cried an ample matron holding furs as she regarded the seals at the buffet that continued to 1:30 a.m.

"I come only to look. The buffet is so beautiful, but I wouldn't dare eat a thing. Besides, I have this coat."

"Well, dear," said her tycoon-type husband, "you could always put your coat on a chair."

No sooner said than done, and the couple joined others whose plates had wee, and not so wee, samplings of northern shrimp potted in butter, glazed fowl of various sorts, honeydews, strawberries with creme chantilly and other charms to keep things from going bump in the night.

PSYCHOLOGICAL MANIPULATION

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, those of us concerned with the education of the young should pay a great deal more attention to the programs students are subjected to in the name of education, especially when these programs are supported by Federal tax funds. Many of these programs have received a great deal of publicity and have been justly condemned as immoral and unethical interferences in the students' privacy.

I speak, of course, of any level of "group therapy" that regards the group as the ethical unit to which the individual must subordinate himself. The fundamental premise of some of these group encounters is that privacy is illegitimate: That the individual who does not cooperate with the group, who does not confess his "sins," in short, the individual who does not regard the group as the proper judge of his thoughts and keeps them to himself, is suspect and must be intimidated into cooperating with the group. Some of these programs sound like the plot of an Ayn Rand novel.

A new form of the "psychological communism" has recently surfaced in the schools of Prince Georges County, under the guise of teaching the students to make decisions. Described in an article by Jennifer Frosh in the Prince Georges Sentinel, June 13, 1973, the program is called "Who Should Survive?" The program is not designed to teach pupils how to make decisions on their own, but is designed to impress upon young minds certain ideas that are never challenged in the program and must be assumed by the students who participate in the group.

First and foremost among these ideas is that the group has the authority to judge which individuals shall live and which shall be killed. In this democracy, it appears that the right to life has ceased to exist and the majority decides who is wanted or needed—for group survival—and who is unwanted or unneeded. We see an unfortunate example of this in the current legal situation regarding abortion. This group program has carried psychological communism through to its logical conclusion: Murder by majority rule.

Fortunately, the program is as yet only make-believe in our public schools. Nevertheless, the long-range consequences of such subtle indoctrination techniques are monstrous. Programs such as these only hasten the day when "who should survive?" will not be hypothetical questions, but actual queries of a people who believe that the majority have the right to deprive an innocent person of life. This is now the case in regard to abortion and it will then be extended to the elderly, the retarded and the lame as happened in Nazi Germany.

The fact that tax moneys collected by the Federal Government are used in the direct and indirect support of such immoral programs should be reason enough for us to question the current Federal role in education.

Following is the text of Miss Frosh's article:

How Students Decide Who'll Survive

(By Jennifer Frosh)

Pattie Dunn, a senior at Bladensburg High School, nervously twirled her long red hair as she sat in a small circle with seven other students.

"Oh, I really can't stand this," she blurted out to the group. "I mean I hate to have to kill people like this. I feel sorry for them, you know? Like they all should have a chance to live."

"You can't be that way about it," a girl named Sue reminded her. "Anyway, we won't even reach a decision on who to get rid of if you keep feeling sorry for everybody. That's not really the point of this."

Pattie, still chafing, agreed to carry on and reluctantly reviewed her group's choices so far—the three-month old infant, the aging doctor, the mentally retarded 10-year-old, and the Roman Catholic Priest.

All would have to die.

Last week, Pattie and about 40 other students, in a health education class at Bladensburg High were playing "Who Should Survive?" an intriguing, often harrowing group exercise which has, of late, outraged some Prince George's County parents.

Following a May 30 Sentinel story describing the "Who Should Survive?" lesson and quoting parents who questioned its appropriateness, a reporter was invited to the school to witness the exercise first-hand.

The invitation came from Mrs. Gale Alwine, health education instructor at Bladensburg High.

Included in the senior high school drug education curriculum, the exercise is intended to drive home to participants the difficulties of group decision-making, particularly when a sensitive, or life-death situation is presented.

At the beginning of the game, the stage is set for students. There are 15 persons in an atomic bomb shelter, they are told, and these 15 people are the only ones left on earth.

Since the shelter can only sustain a total of seven persons, students are instructed to decide which seven persons will survive. Each group must reach a unanimous decision after reviewing the mythical characters' background, and then justify their decision to the rest of the class.

According to Mrs. Alwine, the exercise helps students become more aware of the process involved in making difficult decisions. This awareness, she argues, can be beneficial later on when these students may find themselves facing real life dilemmas such as whether or not to take drugs, attend college or run away from home.

"The exercise itself is beside the point," said Mrs. Alwine, a co-author of the curriculum guide. "The important thing is what follows, when the kids talk about how they reached their decision. It's been very successful so far."

In many instances, she continued, the exercise causes "tremendous interaction" among students, generates discussion and makes students think out loud.

Mrs. Alwine added however, there are usually a few students in each class who cannot bring themselves to participate, as well as those who do particpate but regret it afterwards.

"I thought the game was horrible," Pattie said to Mrs. Alwine after the exercise was completed. Mrs. Alwine had asked the class if anyone did not like playing the game.

"Every person seemed to have some good qualities. I just didn't want to decide. It was too hard," Pattie said.

"Well, that's one of the things adults have to learn about life and decisions," responded Mrs. Alwine. "That important decisions are hard. You have to fight within yourself to make them. And once you've decided you have to learn to live with the consequences, good or bad."

During the game, Pattie's group had only one major disagreement which eventually was resolved with no hard feelings. The two black students in the group, a girl and a boy, were strongly in favor of eliminating a young black male candidate who was described in the instructions as a "suspected homosexual, with bitter feelings towards racial problems."

"He has to go, that's all," said Carolina Bryan, the self-appointed leader of the group. "He's definitely weak, man. He won't serve the purpose no way. All he'll do is cause a conflict and you can't have a conflict in that situation."

Earl Ross, silent up until this point, agreed. "I think he should go, too," he said firmly.

But the white members of the group were adamant about keeping the man. He was young, a year away from a medical degree, and the new society would need his services, they argued. So what if he had problems, he could resolve them in a hurry, they said.

In the end, it was decided the man would not be eliminated.

Another minor disagreement arose over whether the group should keep a young Roman Catholic nun, or a middle-aged priest, "with liberal views."

"The sister would hold people together and she's young and healthy. But she wouldn't have sex. You need people who will keep up the species" said Sue Hessler.

"Yea, but the priest would hold people together and you need a man to hold things together and act as a leader," said Sheila Burger.

"Why not get rid of both of them," offered Nora Ford. "Neither of them can have kids. It isn't sensible."

Sheila shot back, "You have to have some kind of religion, don't you?" The upshot of this interchange was that the group eliminated both the priest and the sister. The other candidates, some of whom were described in the lesson as faithful churchgoers, could take care of religion.

The last disagreement, and the one which confirmed Pattie's opinion that the exercise was "cruel," concerned a middle aged Jewish couple and their mentally retarded son. The group decided to keep all three at first, then ditched the boy and finally the father.

Only the mother, with a degree in psychology, would be of use in the new society, the student decided.

"You're definitely gonna need a shrink in that situation,'" said Sheila.

But Pattie had had enough and reeled on her feet in disgust.

"You can't do that! You can't kill the poor woman's husband and son, and then expect her to be the super shrink for the whole group, can you?"

Later, during the discussion, Pattie criticized her group's decision about the family again.

Mrs. Alwine answered, "What if I asked you all to draw up personality sketches of yourselves, and then used that for the game instead of the fictitious one in the curriculum guide?"

The class grew silent, and then one replied: "Gad, I wouldn't do it. I just couldn't do it. I'd see myself go first before I'd . . ."

MANDATORY FUEL ALLOCATIONS—SPEECH BY HON. TORBERT H. MACDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Murphy) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I would like to call the attention of my colleagues to the remarks made by Congressman Torbert H. Macdonald to the Southern Governors' Conference last week in Point Clear, Ala. His speech to the Governors of the 18 Southern States deals with his continuing efforts to see a viable, tough program for mandatory fuel allocations implemented by the administration.

I know of his efforts firsthand since I serve on the Subcommittee on Communications and Power, of which Congressman Macdonald is the chairman. It was his bill which has been reported by the House Commerce Committee and should be before this body for consideration this week.

I commend to your attention Congressman Macdonald's address to the Southern Governors, and include the text of that address at this point in the Record:

Address of Hon. Torbert H. Macdonald, Democrat of Massachusetts, at the Southern Governors' Conference, Point Clear, Ala.

The topic you have chosen for this meeting, the energy and power crisis, is one that's terribly close to all of our thinking these days. I am sure that the pressure from your constituents is as great as it is from mine. This is no long-range problem to be discussed philosophically by a group of experts in a think-tank. It is here with us now, at the gas pumps and the heating oil delivery trucks all around the country. Perhaps we in New England are more apprehensive of the coming winter than you are in this delightful climate—but if things are permitted to drift as they have been drifting, if the energy czar in the White House and his colleagues don't display more energy than they have so far in taking some meaningful steps, then we are all in trouble, long-range and short-range.

We may be able to avert some of this trouble if we attack the problem in unison. In the course of these remarks, I am going to ask for the help of the Southern governors in supporting my bill for mandatory allocations of fuel. It is my firm conviction that this is not a regional problem, but a national problem; and I hope I can convince you that the South has as great a stake in this situation as New England, the East Coast, the Midwest, the Rocky Mountain States, the Northern West Coast, and everywhere else in the country.

For background, 30 seconds on what you undoubtedly already know:

At present, the nation faces the first peacetime fuel shortages in its history. Vital transportation and agricultural functions are being affected. Gasoline stations have closed, and hundreds which have not yet been forced to give up are standing with their backs against the wall. Independent refiners have run short of crude oil supplies. Units of local government—counties, cities, schools—are unable to get bids on fuels necessary for essential public service. Utilities warn about blackouts—and these are real blackouts, not the football blackouts that have been occupying the front pages in the last few weeks—unless their fuel supplies are replenished and guaranteed. Cries of real anguish come from virtually every sector of our economy.

What are the prospects for the situation taking care of itself, by a policy of muddling through? Almost nil. Or by a policy of governmental laissez-faire or voluntary controls? *Absolutely* nil. There is little chance that domestic refineries can catch up with spiraling demand.

According to the Interior Department, if we have a normal winter—whatever that is—the U.S. will need 650,000 barrels *per day* of No. 2 fuel oil for heating our homes. Last year, we averaged only 400,000 barrels per day. And the Department reports that a maximum of 550,000 barrels per day may be all that is available from all world sources. That's a one-hundred-thousand-barrels-a-day shortfall.

On the average, we are using four million barrels of gasoline more than we produce each week. Whether some or all of this deficit can be made up through imports is highly uncertain, especially in light of recent developments in the Middle East.

And those developments are coming thick and fast—an arbitrary rise in the price of oil from the organization of oil-producing countries within the last two weeks, the take-over of foreign oil investments in Libya, mixing oil and politics in Saudi Arabia, and more to come. Not a pretty picture when superimposed on the projections about how much imported oil we will need from that area of the world for the rest of this century.

I will spare you another analysis of how we got into this pickle. A number of us in the Congress, and I am among that number, have been attacking oil import quotas for a long time. They were finally dispensed with this year. The horse, however, had not only left the barn, but was last seen galloping down the road. Many of us have been looking suspiciously at the policies of the major oil companies. But all that is water over the dam. The question is what are we going to do about it now.

Obviously, I cannot speak for all 435 members of the House. There are many divisions of jurisdiction in both the Senate and the House on matters dealing with energy. On the Senate side, various aspects of energy come under the Commerce Committee, the Interior Committee, the Public Works Committee and the Joint Atomic Energy Committee. On the House side, the same complex picture applies, with a few embellishments. There is legislation being considered on land use, on deep water ports, on the Alaskan pipeline, on research in coal gasification and a number of other fuels,. There are investigations going on in a number of government agencies, and there are undoubtedly hundreds of reports and analyses being written.

It may look like a bad jigsaw puzzle to the distant observer. But when all the parts get put together, as they will, no one side gets everything it wants, but the compromises that are arrived at are usually pretty good laws.

But let me narrow the focus down to what is going on in my own Subcommittee on Power and in our full Committee, Interstate and Foreign Commerce, and therefore within the House of Representatives.

From the time the 93rd Congress convened in January, we watched the Administration take halfway measures in the field of fuel allocation. The months went by, and the rumblings of discontent from independent fuel dealers and distributors became louder. A very competent man, William Simon, whose background, strangely enough, was in the investment business, was given, in addition to his job as Deputy Secretary of the Treasury, the assignment of heading the Oil and Gas Policy Committee. A number of optimistic statements came out from that Committee, along with promises of a firm Administration policy. Very little happened, except for the announcement of a "voluntary" allocation program, under which the major oil companies—on the honor system, evidently—would behave magnificently in the public interest and protect the rights of their competitors, the independent marketers.

This looked like a dubious proposition to me. In my ten terms in the Congress, I'm afraid I gained something of a reputation among the major oil companies of looking at a lot of their claims of acting in the public interest as dubious propositions. And sure enough, evidence piled up that the voluntary program was not working, as we had suspected from the outset.

So in May, I introduced a bill calling for mandatory allocations of refined petroleum products and crude oil to the independents at the same percentages that they were able to buy those products the year before. At the same time, Senator Jackson introduced identical legislation on the Senate side.

A little over a month later, the House Commerce Committee was able to clear its commitments and hold hearings on my bill. During those hearings, we took testimony from representatives of the Administration, from members of Congress who told of the hardships being put upon their constituents, from organizations representing independent dealers and distributors, from the Federal Trade Commission (which had serious charges of collusion to bring against the major oil companies), and from the head of the President's Oil and Gas Policy Committee, Mr. Simon.

At that time—it was the 10th of July—Mr. Simon promised the Committee, under questioning from me, that the Administration would come forward with a new allocation policy within one week.

Needless to say, one week passed without any policy. And then it was two weeks, and then three—and the date for adjournment of Congress for the summer recess was getting closer and closer. I do not blame Mr. Simon for the inaction at the White House; he had been supplanted as head of the Administration's efforts in this area by Governor John Love of Colorado—an estimable man, I am sure, but not one of whom it can honestly be said that he has displayed a great deal of energy since he has been put in charge of energy.

In the closing week, having rested as long as we possibly could on the good faith of the Administration—if not longer—the Congress tried to rush through the bill that Senator Jackson and I introduced. I won't attempt to describe the parliamentary maneuvers involved; suffice it to say that Congress adjourned for the recess in some frustration with no mandatory allocations legislation.

Since the Congress reconvened after Labor Day, the House Commerce Committee has been proceeding with all due haste to report out this legislation. Unfortunately, the Committee was unable to report out the bill last week, after three separate executive sessions; but I think I can promise you that it will be reported out tomorrow. Then it will proceed with all possible dispatch to the floor of the House. We are assured that the Senate will act swiftly, and we hope and trust that the President will sign it into law.

Forgive me for spending so much time on one case history of one bill, but it may provide you with a microcosm view of the problems faced by Congres in dealing with the complex problems of the energy crisis. My bill dealt with a relatively simple problem, saving the only vestige of competition in the gasoline and fuel oil business, before it disappeared completely.

Basically, the bill:

(1) Directs the President to institute a program of mandatory allocations of crude oil and petroleum products within ten days after its enactment, and to have that program in operation 15 days after that.

(2) The authority granted to the President is temporary; it expires in early 1975.

(3) Among the petroleum products specifically included are gasoline, kerosene, distillates (incuding No. 2 fuel oil used for home heating), diesel fuel, propane, residual fuel oil, and petrochemicals.

(4) It prohibits export of these fuels while they are in short supply and needed to fill priority needs in the United States. Fuel exchanges with Canada and others would continue as long as they did not contribute to shortages in the U.S.

And the bill specifically spells out the intent of Congress to protect independent, nonbranded, branded, and franchise-holding marketers. These are the small businessmen who are being forced out of business. We do not intend to let this happen.

We have other energy business pending before our Committee. For the past several years, we have been working on a bill to simplify the procedures involved in power plant siting. This is a tremendously complicated problem; balanced against the obvious need for more power plants is the resistance of any given group of citizens to having such plants located in their back yards, plus the legitimate demands of the environmentalists. We face the same problem with desperately-needed oil refineries—and again, harking back to shortsighted policies of the past, a perfectly good refinery in my state was closed down by Exxon several years ago on the grounds that its output was not needed. *No* refineries are currently on the drawing boards in the continental United States—a situation, quite frankly, that I find appalling.

My Subcommittee has continuing oversight responsibilities for the Federal Power Commission, which in addition to regulating electrical power generation is charged with setting prices on natural gas in the interstate market. In recent months, the FPC has made a number of ad hoc decisions letting the price of natural gas rise as much as 75%. This has the effect of circumventing the law, and we plan to call the Commissioners before our Committee in the near future for a full explanation of their actions. If gas prices are permitted to rise in this manner—and I for one am by no means convinced that such rises will guarantee an increased supply of this vital fuel—such action constitutes a deregulation of natural gas prices at the wellhead, a move that can only legally be undertaken by the Congress of the United States, certainly not by an administrative arm of that Congress—namely, the Federal Power Commission.

There can be no doubt that we face some agonizing decisions in the next few years as we attempt to insure supplies of energy and determine to guard the rights of the consumer. There are very real issues of foreign policy, very real differences of opinion on how to proceed in almost every area of the energy field. We must have energy, yet we must not destroy the quality of our environment. We must stop wasting gasoline, yet we cannot overnight restructure the automobile industry. Can we figure out a way to utilize our vast offshore oil potential without doing permanent harm to our shoreline and our beaches? Can we figure out a way to draw on the virtually unlimited supply of coal without ravaging the land and polluting the cities? Can we harness the sun's energy?

There are literally hundreds of key questions, and very few answers. None of those come easily.

It is our fervent hope that the Administration will begin to move in those areas where they can give leadership, especially in the field of research and development, which has long been overlooked and neglected. If the Administration is as solicitous of the states as they indicate, I am sure that the voices of the governors would be listened to. I urge you to raise them.

I can pledge you that my Subcommittee will be doing all that is in its power to maintain the competitive structure of the fuel business, to protect the interests of the consumer and the independent producer while searching out new sources of energy, and to get on with the urgent business of coping with the ominous energy crisis.

VICE-PRESIDENTIAL SUCCESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, under the 25th amendment, we have the great responsibility of deciding whether or not to approve the nomination of the President for filling the vacancy in the office of Vice President. I have said that the amendment is itself defective, and ought to be changed in several respects, but today I wish to speak of our present responsibility, which must be discharged before any changes can be made in the amendment under which we act.

Already the procedure we are engaged in has been flawed.

Under the 25th amendment, Congress is supposed to act independently on the President's nomination. Unfortunately, when the President nominated a leader of the House, he in large part compromised our position, by making this body in a sense a party to the transaction. To compound this, when the House leadership attended the President's announcement party, they also became party to the transaction. It would have been better if they, like the Supreme Court, had recognized the independence of this body and branch of Government, and respectfully declined to participate in the event.

I will not go into the bizarre nature of the announcement itself. It was an unseemly pretense at triumph, when in fact it was but the latest in a series of tragic events that have shaken the very stability of our Nation and its principal institutions. It would have been better if the President had recognized the tragedy, rather than make it some sort of celebration. It is nothing to celebrate when the latest in a long line of the President's intimates is revealed as a common criminal.

The odd nature of the President's announcement should be of concern to anyone who wants to think or believe that the Nation's leadership recognizes the depth of our crisis. We are not participating in any triumph. We are a party to one of the greatest tragedies in our national history.

Now we have to think about how to go about our task.

First of all, I believe that we should render a truly independent judgment. We have to recognize that the man Congress confirms to be Vice President may well become President. That requires sober, independent judgment, as envisioned by the authors of the 25th amendment. This can be no mere political game; it is in fact a burden of the House to insure that the nominee is capable and honorable, and that he will be a credit to his office and the country. That is the least we can do.

It is too late to retrieve the error of the leadership of last Friday, when it elected to attend the President's announcement, an occasion on which they could only offer applause and approbation. Thus being a part of the ceremony, their independence, and our own, was compromised. But nothing can be done about that today.

I do believe, however, that some of the cloud can be removed if the nominee resigns his position in the House, immediately.

As it stands now, Mr. FORD is neither a Member of the House nor a Vice President. He is seized of the responsibility to be the President's man, but he must also be a member of this independent and coequal branch of Government. It is an untenable position for him, and for the House. His immediate resignation would make his status clear: He is, like any other nominee, coming before Congress for confirmation. It is unseemly and inappropriate for the nominee to remain part of the body that must be his judge, and he should recognize this anomaly. Much as we are disposed to the minority leader as an individual, and much as we are pleased by his sudden new prominence, we must not let this blind us to our plain duty, nor allow us to forget the responsibility and duty we have to offer independent judgment on this high question of state.

I hope that Mr. FORD will recognize that he cannot be nominee and minority leader at the same time, nor nominee and Member of Congress at the same time, without damaging the equality and independence of the legislative branch of our Government. Let him resign, now that he has executive responsibility, so that we can proceed with our legislative responsibility.

In our further consideration of the Vice-Presidential succession, I hope that the leadership and Members of the House at large will keep in mind the precedents that are being set. We are dealing with a matter that involves the very stability of our Government. We are exercising a unique responsibility, one that involves the substitution of our judgment for that of the general electorate. These are awesome responsibilities, and ought not to be approached lightly. Let no one repeat the mistake that was made in the East Room of the White House last Friday; we are not embarking on some celebration—we are trying to find a way out of the wilderness.

It behooves us to be prudent in our actions, and clear in our judgment. We are acting not in behalf of the President, nor for or against a colleague, but in behalf of the whole people of this great Nation. Let us do this in a manner that does the country credit, not as a foil to the President's odd gaiety, nor as a favor to a colleague. The President has been wrong too often in his judgment of men for us to accept his word blindly; and our colleague is now in a position far different than he was last week—properly no longer a Member of the House, but a nominee to be screened and approved, as if we had never seen or known him, in the same way that voters would screen and approve him, because it is in their behalf that we must act.

FEDERAL GRAND JURIES—RECENT DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 10 minutes.

Mr. EILBERG. Mr. Speaker, on June 6, 1973, I introduced a bill (H.R. 8461) which would substantially revise grand jury procedures in an effort to restore the historical function of grand juries and to provide certain due process guarantees for witnesses called before Federal grand juries.

Upon introducing that legislation, which has been referred to my Judiciary Subcommittee, I stated:

> . . . the grand jury was originally designed as an independent autonomous body with extensive powers to enable it to perform the dual function of checking an overeager and aggressive prosecutor, and at the same time, initiating their own investigation when the prosecutor was not aggressive enough. Quite the opposite is true today, however, and most grand juries are totally dominated by the governmental prosecutor.

Subsequent to the introduction of this legislation I requested specific comments from all Federal judges with respect to the provisions contained in this proposal as well as their general observations on the operation of Federal grand juries. In addition, reports on this legislation were requested from the Department of Justice and the judicial conference. The committee has recently been advised that the judicial conference, after receiving reports from its Committee on the Administration of the Criminal Law and the Advisory Commission on Criminal Rules and the Justice Department, oppose enactment of H.R. 8461. Similar bills—H.R. 9008 and H.R. 9837—have been introduced by Congressman CHARLES B. RANGEL along with various cosponsors and they are also pending before my subcommittee.

Furthermore, Judiciary Committee Chairman PETER W. RODINO, JR., and his predecessor, the Honorable Emanuel Celler wrote the Chief Justice of the United States to request the judicial conference to consider the matter of grand jury reform. In response to these letters and in view of the great interest in this subject by the Judiciary Committee, a committee of the judicial conference is presently engaged in an extensive study of the Federal grand jury process.

In a related development, a recent report of the National Advisory Commission on Criminal Justice Studies and Goals, entitled "Courts" recommended "grand jury indictments should not be required in any criminal prosecution * * * the grand jury should remain available for investigation and charges in exceptional cases." A similar view is held by Senior Judge William Campbell, U.S. District Court for the Northern District of Illinois, who has been a Federal trial judge for over 32 years. Judge Campbell recently noted:

> A most effective way to reduce delay and back-log in our criminal justice system and expedite trials would be to abolish the Grand Jury. Whether this can be done by act of Congress or would require constitutional amendment, the process of elimination should be started now. Much of the bad procedural law which clutters the administration of criminal justice today is due to deserved Supreme Court displeasure over the anachronism of the Grand Jury and its offspring—the criminal indictment. This great institution of the past has long ceased to be the guardian of the people for which purpose it was created at Runnymede. Today it is but a convenient tool for the prosecutor—too often used solely for publicity. Any experienced prosecutor will admit that he can indict anybody at any time for almost anything before any grand jury.
>
> I favor abolishing the grand jury and making such prosecutor responsible by statute for the prosecutions in his district including civil responsibility for bad faith or malicious prosecution. A preliminary hearing before a magistrate to determine prob-

able cause with the accused participating through counsel would be a great improvement over the present archaic indictment. Many of the states and indeed our own military now successfully use such a system.

Along these lines, I am today introducing a proposed constitutional amendment which would abolish the grand jury and instead provide for the commencement of all Federal criminal prosecutions by the filing of an information "signed by the attorney for the Government and stating the essential facts of the crime charged."

Although my subcommittee originally anticipated holding hearings in late October to consider the issue of grand jury reform, it is apparent that additional time will now be required to receive further comments on both of my proposals as well as to evaluate the valuable information which has already been submitted to the committee by Federal judges across the country.

I wish to emphasize that my proposed amendment recognizes the legitimate investigative function of grand juries and therefore authorizes the impaneling and conduct of such grand juries but only in accordance with specific guidelines established by the Congress. My primary reason for introducing this proposed constitutional amendment is to provide an available alternative in the event grand jury reform and a restoration of its historical function become an impossibility.

It is interesting to note that England, from whom we borrowed this institution, abolished the grand jury in 1933. Likewise, only 25 States now require grand jury indictments in order to initiate criminal prosecutions—the remainder permitting prosecutions of substantially all crimes by either information or indictment. Moreover, the Pennsylvania legislature recently approved a constitutional amendment to eliminate the indicting grand jury and this matter has been placed on the ballot for a referendum vote next month.

Although the grand jury was originally conceived as a bulwark between the citizen and the Government, it has now become merely a convenient tool for the prosecutor. Consequently, the need for an exhaustive congressional review of this institution is apparent in order to determine whether reformation or abolition of the Federal grand jury is warranted.

I wish to insert into the Record at this time a letter which I received from Terence F. MacCarthy, executive director, Federal defender program, northern district of Illinois, in which he discusses the need for elimination of the grand jury:

Federal Defender Program,
Chicago, Ill., September 19, 1973.

Re H.R. 8461.
Hon. Joshua Eilberg,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Dear Congressman Eilberg: Please excuse the slight delay in responding to your letter of August 22, 1973. I am most interested in reviewing the function and operation of the grand jury system. However, my own experience convinces me that the best reform would be accomplished by a total (or at least almost total) elimination from our criminal justice system of the grand jury. In making this broad statement I am mindful of the need for a constitutional amendment to obtain this result.

Actually my views are for the most part—if indeed not entirely—the views already expressed by Senior Judge William J. Campbell in his thought provoking article entitled "Eliminate The Grand Jury" (for your convenience I am enclosing a copy of Judge Campbell's article).

I hasten to note that I practice in the same district Judge Campbell has served for many years. I, as most members of our Bar, have come to admire the direction, the wisdom, and the many innovations Judge Campbell brought to the district as its Chief Judge. He is, in my opinion, one of the outstanding legal minds and legal innovators of our time, one who I credit for primarily being responsible for the many novel improvements in our criminal justice system—not the least of which was his work in creating our Federal Defender office.

My bias having been acknowledged, I offer the following general comments relative to the grand jury system. In support of the grand jury system I have from time to time heard the following listed two reasons mentioned:

(1) The grand jury protects against unfounded indictments or stated in a more general way, it serves as a safeguard against overzealous and unfounded prosecutions.

Comment: Any attorney familiar with the procedures involved in the return of indictments well realizes that the grand jury does not and indeed cannot serve this purpose. Any prosecutor worth his salt can obtain a true bill from a grand jury—and if for any reason he should fail, he may employ the simple expedient of going before a different grand jury.

(2) The grand jury effectively serves as the prosecutor's investigatory tool.

Comment: Although this is a valid assertion it applies to a very limited number of cases, generally those involving organized crime or possibly anti-trust. By and large the grand jury is not used as an investigatory tool but is merely a "rubber stamp" to accomplish that which need be done.

Allowing the fact that the prosecutors do under certain circumstances need an investigatory tool, I would suggest thought be given to giving them a far less costly, less cumbersome and yet more viable alternative. I have in mind a procedure somewhat similar to that initially proposed by the Criminal Rules Committee as Rule 41.1. (This Rule was never submitted for final approval.)

Importantly, in fashioning this alternative investigatory tool pains should be taken to build in the many necessary protections and curbs required to prevent the abuses which are now possible when working within the present grand jury system. In this regard, thought might be given to interposing the magistrate between the prosecutor and his requests for subpoenas. A perfunctory showing could be required and the right to test the legality of subpoenas should be afforded a forum.

The arguments against the continued existence of the grand jury are for the most part obvious. In the first place, assuming the two reasons stated above have been effectively repudiated, the grand jury is of no present value. Secondly, the cost of continuing grand juries is surprisingly high. Thirdly, consistent with our concern for speedy disposition of criminal cases, the point can well be made that the grand jury system is a tremendous contributor to the inordinate delay ofttimes associated with the prosecution of criminal cases. This would be particularly so in the less populated districts, where for instance grand juries would only be convened once or twice during a year. And finally, the grand jury is presently the cause of many complicated legal issues, issues which would be totally eliminated were the grand jury to be abolished.

Fairly strong arguments have been made for the need and value of grand juries relative to certain investigations—i.e., those involving official political corruption. Accepting these arguments I would suggest that a potential for having an occasional grand jury be provided for. This right could and should rest with the courts. In other words the courts should be left with the inherent power to convene a grand jury where exceptional circumstances warrant such action.

In closing I commend you for your concern and interest in the grand jury system. And although your Bill does direct itself at certain abuses which presently exist, for the reasons stated above, I strongly feel that the answer lies not in correcting the system, but rather, in totally eliminating the grand jury.

Sincerely,

Terence M. MacCarthy.

CAMPAIGN SPENDING REFORM AND H.R. 7612

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the beginning point for consideration of campaign reform is to acknowledge that unless the American people have confidence in the integrity of the electoral process, it will not work. If they lack confidence in the manner in which their public officials are elected, they will lose faith in their public institutions and, sooner or later, will withdraw their consent to be governed by them.

At this stage in our history that confidence cannot be taken for granted; the danger signals are apparent:

In an election that both Presidential candidates agreed presented the clearest choice in decades, only 55 percent of the eligible voters—the lowest turnout in 24 years—bothered to vote;

Two in three Americans believe that there are Congressmen who won election by using unethical or illegal methods;

One in five Americans believes that half or more of the Representatives have obtained office through questionable means; and

Seventy percent of the American public, sensing that something is wrong with the electoral process, favor major campaign reform, and 90 percent of the businessmen polled favor limits on campaign spending.

GOALS OF DEMOCRATIC ELECTION

In view of these expressions of a lack of confidence in the electoral process and the desire for reform, it is important to remind ourselves of the goals of an election in a democratic society.

An election should be competitive, fair, open, and honest.

The victory of a wealthy candidate or an incumbent should not be a cinch. The merit, not the money, of a candidate should be the dominant factor in his election. Access to the political arena for any meritorious candidate should be encouraged.

Contested political races give the voters a choice, make candidates work harder, listen better, and act more responsibly. A nation as enchanted by competition as America should need no persuasion that a heavy dose of competition into our political process would be desirable. Fair competition among the best people available for any given office is clearly in the national interest.

The public has the right to know the source of campaign money and how it is spent.

Only if elections are conducted by these standards will the public respect the officials and the Government chosen, and only if the people respect the process will they participate in it.

THE CLEAN ELECTIONS ACT OF 1973

The Campaign Finance Reform Act of 1971 has helped reduce the excesses of campaign spending practices and advanced us toward our goals of clean and competitive elections, but a new series of steps, building on that law, must be taken to further protect the integrity of American elections. H.R. 7612, the Clean Elections Act of 1973, of which I am cosponsor, will help eliminate the present abuses of excessive campaign spending, and achieve elections worthy of a great democracy.

The major provisions of the bill and their justifications are as follows:

(1) FEDERAL ELECTIONS COMMISSION

By far the most important aspect of the Clean Elections Act is the provision for the creation of a bipartisan and independent Federal Elections Commission with tough enforcement powers. The recordkeeping functions currently delegated to the "supervisory authorities"—the Clerk of the House, Secretary of the Senate, and Comptroller General—would be transferred to the Commission, which would take on a number of functions now performed exclusively by the Justice Department. It could subpena witnesses, compel evidence, administer oaths, submit legislative recommendations to the President and the Congress, initiate court action against violators of the act and require any person, under oath, to submit written reports on campaign activities.

The President, the Speaker of the House, and the President of the Senate would each appoint two of the Commission's six members, each of whom would serve 6 years. Members' terms would be staggered, and no more than half of the Members could be from the same party.

The Commission would be independent of any branch of government. Thus, the act avoids a pitfall under the current law, which in effect has Senators and Representatives monitoring their own campaigns.

(2) LIMITS ON CONTRIBUTIONS

The bill would limit yearly contributions by any person or committee to $1,000 for a House or Senate candidate and $2,500 for a Presidential candidate. The only exceptions to this rule would be the national committees and congressional campaign committees, whose expenditures would not be limited. In effect, though, the limit on contributions from all sources place a limit on expenditures by the national or congressional committee.

Money has become critically important in American politics. Campaign costs have reached the stage where they threaten the lifeblood of the democratic process, and they simply must be gotten under control. These limitations on contributions will help.

Objections to excessive campaign spending are based on the concern that large contributions frequently make elected officials susceptible to pressures from special interest groups. If this bill is passed, candidates will find it more difficult to raise large sums. A small number of wealthy contributors will not be able to exert disproportionate influence. A special interest group will be able to contribute no more money, or have any greater influence on the candidate, than any random group of citizens who chose to donate to the campaign. The amount which a candidate raises will depend solely on his ability to solicit small contributions. If a candidate enjoys broad popular support, he may indeed spend large amounts on his campaign. But he will do so without becoming indebted to any special interest group.

The combined factors of less ease in raising large sums of money and limitations on individual gifts should help remove the specter of unethical spending from our political campaigns.

(3) INCOME TAX CREDITS

H.R. 7612 provides a number of incentives for small contributions. One of these is the increase in income tax credit from $12.50 to $50 for each taxpayer, or $100 for a joint return.

If large donations are eliminated, candidates will still need enough money to carry on an effective campaign. This bill encourages the candidate to raise small contributions from many sources, and prohibits large contributions from a few sources. The influence, or even the appearance of influence, of large contributions will be removed.

(4) PUBLIC FINANCING

This bill provides for public financing of Federal elections, an innovation which has been much discussed but never tried.

The U.S. Treasury would, under the bill's provisions, match any contribution up to $50 received by a candidate or his committee. Before becoming eligible to receive these payments, a candidate would have to submit proof of a specified amount in matchable donations. This would tend to discourage phony or frivolous candidates or "ego trippers" from running simply for the Federal money which would accrue to them.

Elections are already subsidized by public funds to a greater extent than is commonly realized. Local governments provide voting machines and election officials; incumbents enjoy a variety of benefits, including staff, travel allowances, and the franking privilege; and contributors receive tax breaks.

Elections would be made more fair and open if a limited and impartial procedure of matching Federal donations was the primary means of campaign financing.

This would encourage candidates to seek small contributions, since the amount of their Federal subsidy would depend directly upon the number of small contributions they received. Treasury outlays would be limited to 10 cents per eligible voter to candidates, and to a total of $15 million to all national and congressional campaign committees. Total cost to the U.S. Government is estimated at $100 to $150 million per year, should this act become law.

A Gallup poll conducted in September showed that 65 percent of the people favor some form of public financing of elections, up from 58 percent in June 1973. Previous proposals, however, have foundered on questions of third-party eligibility, frivolous candidates, and financing of primaries and multicandidate races. The Clean Elections Act provides workable answers to all these questions.

(5) VOTERS' TIME

Since its development in the late 1940's, television has grown into the most popular and pervasive means of mass communication. Especially in recent campaigns, politicians have seized on it as the ideal means of presenting their ideas and themselves to nationwide audiences. A candidate's major obstacle in using television has been its prohibitive cost. This bill is based on the premise that all candidates who have demonstrated substantial popular support should be given the opportunity to present their views on television.

Therefore, the bill provides for "voters' time" following a proposal made in 1969 by the Twentieth Century Fund. Parties are identified as "major," "third," or "minor," depending on the portion of the popular vote which they received in the previous election. A party may establish itself as a minor party for a congressional election in one of two ways: By showing that its candidate received 5 percent of the popular vote in that State in the preceding election; or by filing with the Federal Communications Commission a petition containing a number of signatures of registered voters equal to 5 percent of the votes cast in the State's preceding senatorial election.

A formula allots segments of publicly subsidized television time to candidates, including third party and minor party nominees. Amounts range from 5 half-hour blocks for major party Vice Presidential and Presidential candidates to one 15-minute block for minor party congressional candidates. All television stations located in the affected area would be required to transmit these broadcasts simultaneously, except in metropolitan areas containing a large number of House districts. In such cases, the Federal Communications Commission would be permitted to divide voters' time responsibilities among the television stations, and thus protect the channels from constant inundation with campaign speeches.

If this bill is adopted, no candidate will be relegated to obscurity simply because he or she lacks the funds to flood the air with political messages.

The Clean Elections Act does not prevent third party candidates from being heard. A candidate need show only a specified, but low, amount of public support before he becomes eligible to receive the public subsidy. At the same time, a frivolous candidate would be excluded.

It is unlikely that a totally nonserious contender for public office could muster the requisite number of signatures on his petition for voters' time, or raise enough money in small contributions to benefit from the Federal matching payments plan.

The Clean Elections Act proposes a novel but reasonable scheme of public and private financing, incentives for public participation, and enforcement of the laws. It promises to go a long way in ridding this country of campaign spending abuses and unethical political methods, and it should be enacted into law.

SEND THOSE PLANES NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Podell) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, as we sit here today, the war in the Middle East rages on. While I have no doubts as to the outcome, which will see Israel rise victorious over the aggressions of Egypt and Syria, I am nonetheless greatly concerned over the costs to Israel in men and weapons.

Casualty lists just released by the Israeli Government show that 656 brave men have died. While this seems like a small figure in the abstract, we must consider what this means to Israel. She is a small country, only about 2½ million people. So a loss of 600 soldiers for Israel would be as severe as the United States losing 30,000 men. And even as these figures were released, more men were dying. When the fighting finally ends, the loss in human lives alone will be staggering.

Equally devastating will be the cost to Israel in money, to pay for the war, and to replace the airplanes and other weapons which have been lost. Already proposals have been made to increase the tax burden on Israelis to pay for the war. These people are the most heavily taxed in the world, simply because they are living in a constant state of preparedness for war due to Arab intransigence. The Israelis will need more guns, tanks, missiles, and planes, not just to win the war, but to make sure that the Arab States will think long and hard before attacking again. This will cost more money than Israel has now, or can easily raise in the near future.

This is where the United States comes in. Since 1948, the United States is literally the only nation which has consistently supported Israel in her struggle to survive against overwhelming odds. And yet now we seem to be dragging our feet, when it is so very clear that Israel was the victim of a senseless attack.

I frankly do not understand how our new Secretary of State, Henry Kissinger, can remain so calm as the Russians resupply Egypt and Syria. Is détente so precious to him and to the rest of this administration, that we will let the Russians get away literally with murder before we speak out? I cannot believe that the American people will stand for this.

The administration should have realized by now that our diplomatic efforts in this matter are valueless so long as Russia keeps shipping arms into the Middle East. Surely we can do no less than resupply the Israelis, not just with smaller weaponry, but with tanks, missiles, and planes of the most advanced sort.

Part of the reasons for Israel's difficulty in winding up this war quickly is the presence of the most sophisticated Soviet missiles in the Suez. Where the world was expecting SAM-3 installations, it turned out that the Russians supplied Egypt with the mobile and much more accurate SAM-6. There were no SAM-6's in Vietnam, but they are in Egypt. Surely this should indicate to the President and the Secretary of State the stakes Russia is playing for in the Middle East.

Because the SAM-6 is mobile, it is much harder to knock out, and will do much more damage to Israeli planes. We have not, nor do there seem to be any plans to, supply Israel with a similarly sophisticated weapon. Nor have we sent them jets with electronic equipment capable of equalizing the odds against these missiles.

The time is long past for temporizing about détente with the Soviet Union. They are encouraging continued Arab aggression against Israel. They are playing a most dangerous game, and until the United States stands up and takes its rightful place as a supporter of Israel, they will continue to play that game until the world is pushed into a total war.

What can we do? Very simply, we can move now to resupply Israel. We can send her as many Phantom F-4's as she needs to replace those lost in the conflict. We can send her tanks and missiles and guns, so that an end to the war will not be delayed because Israel did not have the weapons to finish things up properly. We can move quickly, without agonizing over credit terms, or loan agreements, or what this will do to our relations with Russia. We can make special credit arrangements with Israel, to give her a chance to recover from the fighting before she must begin to pay the bill. We can ignore the threat to détente, just as the Russians have done.

It will do us no good, and it will destroy Israel, if we play holier than thou and let the Russians do as they will in the Middle East. Our stakes are just as great as theirs.

Furthermore, we must not let ourselves be frightened by the threats of Saudi Arabia and other Persian Gulf States to cut off our oil supply if we aid Israel. Most of the world's experts on energy and Arab politics agree that this is an eventuality that will never come to pass. The profits that these nations have derived from oil are too great for them to be lightly given up, in the heat of a conflict.

If we become frightened now, and give in to oil blackmail, we will have lost the world's respect. We have a commitment to Israel that can and should be honored, without fear of what other nations may do to us. The oil will almost certainly not be cut off. But if it should be, I am convinced that the United States will survive in fine style. It is a greater threat to the nations of Europe than the United States for they are almost wholly dependent to Arab oil. That being the case, it would be in American's best interests to enlist these nations in an effort to bring peace to the Middle East once and for all.

This is, however, planning for the future. Now we need immediate action. I do not want to see another week go with no action by this administration. I do not want to see more Israeli planes lost before Nixon and Kissinger decide it is time to send a paltry half dozen jets to Israel. What I want to see is an immediate shipment of all the planes already sold to Israel and waiting for delivery, followed by continued shipments of planes and weapons for as long as Israel needs them. Anything short of this would tell me, and millions of Americans who are concerned for Israel's survival, that this administration refuses to honor its commitment. I cannot believe, my constituents cannot believe, the American people will not believe that détente with the Russians is more important. We must send those planes now.

CONGRESSMAN KOCH OF NEW YORK AND HIS NEWSLETTER TO HIS CONSTITUENTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in the next week I will be mailing my third newsletter of this Congress to my constituents. The report covers a number of issues of current concern to the Congress and several problems I have been working on in New York City.

The report also includes the tabulation of the returns from my June questionnaire.

The text of my newsletter follows:

Congressman Edward I. Koch Reports From Washington—Vol. 3, No. 3; October 1973

Dear Constituent and Fellow New Yorker:

There is so much happening now in Washington as a result of the Middle East War and the resignation of Vice President Agnew. Both of these events have left all of us somewhat stunned, but also mindful of our responsibilities to assure the survival of Israel and to take steps to prevent another Agnew/Watergate abuse of the public trust.

During the past two weeks I have participated in a number of meetings on the Middle East crisis. I beileve that it is both in our national interest and morally correct to provide Israel all the material aid she needs to repel Arab aggression.

The House Administration Committee, of which I am a Member, is now considering campaign reform legislation. The issue is quite controversial. H.R. 7612 entitled, "Clean Elections Act of 1973," is the major bill on the subject. It would provide a limitation of $1000 on donations by any individual to the campaign of a House or Senate candidate and a limitation of $2500 to a Presidential campaign.

H.R. 7612 also introduces public financing by providing a matching grant from the federal Treasury equal to each contribution of $50 or less received by a candidate for federal office. It provides federally subsidized TV time, but limits the total amount that any congressional candidate can spend on news media advertising, bill boards, telephone banks and direct mailing to a total of 10 cents per eligible voter.

Before I come to any final conclusion on this legislation, I will wait for the completion of the testimony now being taken. I do, however, favor limiting the amount that can be spent in a campaign. In doing so one has to recognize the advantage an incumbent has over the nonincumbent and not unfairly limit the challenger's ability to get his or her name known to the public. Second, I am not convinced that the federal government should directly assist the financing of campaigns. In my judgment it would be better to give candidates a reasonable amount of free TV and radio time and one free districtwide mailing of political literature. I would be interested in your point of view on this particular legislation, as well as on any other matter, whether or not raised in this newsletter.

THE FBI AND AN INDEPENDENT CONGRESS

As most of you know, when I first came to Congress in 1969, I introduced my Federal Privacy Act to regulate the federal government's collection of information on individuals. On August 1, I introduced a companion bill, H.R. 9786, to regulate all remaining governmental and private data banks. And, I expect that before the end of this Congress, some version of this legislation will be brought to the Floor for a vote.

There is one dimension of the privacy problem left untouched by this legislation: the special problems involved when the executive branch collects information about the legislative branch. I have had lengthy correspondence with the recent succession of FBI Directors on the FBI's files on Members of Congress. All have refused my request that Members be allowed to see their files, and while former Acting Director Gray admitted that the files are "not essential to FBI operations," the FBI claims they cannot by law be destroyed.

The holding of files on Members of Congress affects all citizens for it constitutes a direct challenge to the delicate system of checks and balances that has served to prevent the concentration of power in any one branch of the government. The autonomy of Congress stands in jeopardy as long as an apparatus for Executive coercion is officially tolerated. And, any action which discourages the unfettered discussion of issues by public officials poses a threat to the democratic process.

Therefore, I have introduced H.R. 10548 to require the destruction of these files after a period of 60 days, during which each Senator and Representative can examine his or her own file. Exempted from this requirement are those files maintained pursuant to a criminal investigation and those compiled to assist in the consideration of a Member for a federal appointment.

MASS TRANSIT

On October 3, the House passed H.R. 6452 by a narrow vote. The bill provides $800 million in operating assistance for mass transit systems in the next two years. In the weeks before the vote I worked with other Members of the Mass Transit Subcommittee and the House leadership in securing support for the bill. This was difficult because the concept of the federal government providing assistance for local transit operations is new and opposed by the Nixon Administration.

Passage of the bill came after a day of "seesawing" between defeat and victory. Early in the afternoon the operating subsidies portion of H.R. 6452 was removed from the bill by a vote of 206–203, but after retrieving a few Members from a committee meeting, the subsidy program was reinstated by a vote of 210–205. The bill was then passed 219–195.

Under the bill's formula, a derivative of my original passenger distribution proposal, the New York Metropolitan area will receive approximately $90 million annually—22% of the entire amount.

Now, H.R. 6452 goes to conferences to resolve the differences between it and a similar bill passed by the Senate in September. Most important, however, are the efforts that are being undertaken to gain President Nixon's acceptance of this bill. He must be convinced that our country's transit systems are in a critical state and require federal aid. Most are laboring under rising deficits, outdated service plans, and declining ridership. In a time of fuel shortages and urban air pollution and mobility crises, public transportation use must be expanded. In addition, we must avoid any increases in transit fares that will place an additional financial burden on transit riders and further inflationary pressures on wages.

In another area, mass transit scored a gain when the President signed into law the Federal Highway Act of 1973 authorizing, for the first time, limited use of Highway Trust Fund monies for public transportation. Next July $200 million in Trust Fund money will be available nationwide for bus purchases and in July 1975, $800 million will be available for any type of transit equipment. The bill also authorizes the "demapping" of unconstructed portions of the Interstate Highway System in urban areas and the transfer of funds allocated for highways to mass transit projects. This is one of the options now available to those considering alternative plans for the West Side highway.

Finally, the Federal Highway Act includes provisions of the Bicycle Transportation Act which I first introduced in 1971. $40 million in Trust Fund monies will be available nationwide for the construction of bicycle lanes and shelters and the installation of traffic control devices.

AN ALTERNATIVE TO THE WELFARE HOTELS

The City continues to house a large number of welfare families in hotels. Such housing, at $5 a day for each family member, is very expensive for the City. One hotel even charges an extra $4 a day per family while providing, like all welfare hotels, a poor living environment, particularly for children. Many families stay at the hotels for more than six months; as of August, the welfare hotel family population was 1,836.

As part of my efforts in this area I recently visited the Urban Family Center, an emergency housing facility sponsored by Henry Street Settlement. I was impressed by what I saw. The Center provides safe and sanitary housing for 72 families at a given time—as well as employment, day care, and educational services and home preparation counseling. The average stay at the Center is three months with 60% of the families finding apartments in private housing and 40% going into public housing. While such family centers will not solve New York City's severe housing shortage, we must take every opportunity to ease this multifaceted problem through better use of existing resources. The Urban Family Center is an example of such an initiative, and I have urged the City to get other private groups to sponsor similar emergency housing facilities.

During the course of my visit at the Center, I spoke with a man who had lived with his five children at the Broadway Central early this summer. At that time he was not on welfare and for the two rooms in which he and his children stayed he paid $14.55 a day. This compares to the $30 a day that would have been charged the City had he been on welfare. This instance suggests that the hotels may be charging the City premium rates. I have asked State Welfare Inspector General George Berlinger to investigate whether such discrepancies exist today between what hotels charge for welfare recipients and what they ask of the paying public.

KOCH BILLS RECENTLY PASSED

H.R. 708—extending federal assistance for two years for the Children & Youth and Maternal & Infant Care projects funded under Title V of the Social Security Act; provisions of this bill were included in the Debt Ceiling Authorization enacted into law July 1, 1973.

H.R. 684—providing family visitation furloughs for federal prisoners; amended and passed as H.R. 7352 by the House September 17, 1973 and the Senate October 8, 1973.

H.R. 7555—granting an alien child adopted by a single U.S. citizen the same immediate relative status for immigration purposes as an alien child adopted by a U.S. citizen and spouse; passed by the House September 17, 1973.

SCHOOL SECURITY

When school opened in September, there was considerable publicity about improved security in our public schools. But, parents and teachers quickly found that the City's school security guard force had been cut back by approximately 400 members and many schools were without protection. For instance, in District 2, which covers most of the East Side and the Village, only 18 guards were available for 29 schools. This compared to a total of 56 guards in the District's schools last June. The cutback was the result of the City's budgeting the same amount of money for the current school year that had been spent for security guards for only part of last year.

Because of the public conference I held on school violence in 1972 and my work in getting guards into the schools, concerned parents requested my assistance. I immediately wrote to Chancellor Irving Anker protesting what I considered to be a reckless compromise of our school children's safety. And, on September 14 I held a press conference to focus attention on the cutback with Rhoda S. Lansky, Community Superintendent of District 2, UFT representatives, teachers, local school board members, and many parents.

District 2 has decided to place one guard in each school until April, at which time the budgeted funds will run out. We will have to continue to press for additional funds to finish the school year.

QUESTIONNAIRE RESULTS

Approximately 4,000 persons responded to the questionnaire that was included in my June newsletter. While the response was relatively small, the answers provided a good sample of opinion on some of the major issues we are concerned with today.

I realize that there was some confusion over the meaning of the two columns in the questionnaire. These were provided so that two members of a household could respond. Some persons changed these into "yes" and "no" columns. That was all right; even with such adjustments, all returns were included in the tabulation.

The following are the results in percentages (*note that in those questions in which one could choose more than one alternative, the figures add up to more than 100%*):

A. Do you feel at this time (*check one*)—

	Percent
The House should allow the Ervin Committee to continue its investigation and take further testimony before determining whether a formal House inquiry on impeachment is needed	49
There is sufficient evidence for the House to appoint a committee of inquiry to consider impeachment proceedings	14
The evidence currently available justifies the impeachment of the President and his removal from office	10
President Nixon, on his own initiative, should resign from office	12
The evidence necessary for impeachment will never be forthcoming	7
Impeachment is not warranted even if it is shown that the President gave his consent to the Watergate activities and coverup	8

B. In 1972, the Supreme Court ruled that the present discretionary system of imposing the death penalty is unconstitutional. Would you favor a mandatory death penalty, without regard to extenuating circumstances in individual cases, for any of the following crimes:

	Percent
Kidnapping and consequent death of child	44
Skyjacking of a commercial airplane	33
Killing of a police officer or jail guard	34
Assassination of a public official or candidate for public office	38
No death penalty under any circumstance	34

C. Assuming we are not successful in sharply reducing defense spending or achieving significant tax reform would you favor any of the following as part of an overall fiscal and monetary program to bring inflation under control? (*Select one or more*)

	Percent
Surtax on federal income tax (personal & corporate)	18
Enactment of a value added tax (national sales tax)	12
Increase in interest rates	23
Mandatory system of wage and price controls	53
Voluntary system of wage and price controls	9

Would you favor the enactment of any of the above tax measures to finance expanded social programs?

	Percent
Yes	48
No	52

D. New York City has been threatened by a transit fare increase to 60 cents on January 1, 1974. Assuming that all of the additional revenues needed to stop a fare hike cannot be obtained from the state and federal government alone, would you favor any of the following to keep the fare at 35 cents?

	Percent
Regional payroll tax	20
Surcharge on city income tax	10
An increase in operating subsidies from the City treasury	30
Tolls on all bridges coming into Manhattan	61
Accept a fare increase	21

My thanks to those of you who responded. This expression of your opinion has been very helpful, as were the individual comments added by many.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 264–1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

Also included in the newsletter were five photographs entitled as follows:

At the emergency October 7 rally in support of Israel in Dag Hammarskjold Plaza.

* * * * *

Recently FBI Director Clarence M. Kelley came to my office to discuss the FBI's policies of maintaining files on Members of Congress.

* * * * *

Giving testimony with Federal Prisons Director Norman A. Carlson at the House Judiciary Committee hearing on legislation providing family visitation privileges for federal prisoners.

* * * * *

On September 8, I joined the dedication of the Henrietta Szold Place Park (Ave. D and 10th St.). Breaking ground with me were Borough President Percy E. Sutton, Parks Commissioner Richard M. Clurman, and Diana Kerlevsky, Co-chairwoman of the Szold Place Park Committee.

The Lower East Side Community has waited a long time for this park. A pool was installed two years ago, but the surrounding lot left vacant. Early this year the park nearly suffered a setback when the President announced his moratorium on housing and open space projects. Despite the freeze, we finally were able to get approval of a $165,000 open space grant—the last of its kind to come through—from the U.S. Department of Housing and Urban Development to be matched by $150,000 in City funds.

* * * * *

At my September 14 press conference with Rhoda S. Lansky, Community Superintendent of District 2, and other school officials protesting the school security guard cutback. The press conference was held at P.S. 116 on East 33rd Street.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GRAY, for 1 hour, on October 18, 1973, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MALLARY) to revise and extend their remarks and include extraneous material:)

Mr. DON H. CLAUSEN, for 5 minutes, today.

Mr. HOGAN, for 15 minutes, today.

Mr. YOUNG of Alaska, for 10 minutes, today.

(The following Members (at the request of Mrs. BURKE of California), to revise and extend their remarks, and to include extraneous matter:)

Mr. MURPHY of New York, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. EILBERG, for 10 minutes, today.

Mr. HAMILTON, for10 minutes, today.

Mr. PODELL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MALLARY) and to include extraneous material:)

Mr. ESCH.

Mr. ROBISON of New York.

Mr. HORTON.

Mr. HOSMER in three instances.

Mr. SARASIN.

Mr. WYMAN in two instances.

Mr. SHRIVER.

Mr. HUDNUT.

Mr. PARRIS in 10 instances.

Mr. DELLENBACK.

Mr. ARCHER.

Mr. ZWACH.

Mr. HUBER in two instances.

Mr. STEELE.

Mr. TAYLOR of Missouri in two instances.

Mr. SKUBITZ in two instances.

The following Members (at the request of Mrs. BURKE of California), and to include extraneous matter:

Ms. HOLTZMAN in 10 instances.

Mr. BRECKINRIDGE in five instances.

Mrs. BOGGS.

Mr. MURPHY of New York.

Mr. VANIK in three instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mrs. MINK in two instances.

Mr. ASPIN in 10 instances.

Mr. WALDIE in five instances.

Mr. RANGEL in 10 instances.

Mr. GINN.

Mr. STUDDS in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2178. An act to name the U.S. courthouse and Federal office building under construction in New Orleans, Louisiana, as the "Hale Boggs Federal Building," and for other purposes; to the Committee on Public Works.

S. 2503. An act to name a Federal office building in Dallas, Texas, the "Earle Cabell Federal Building," to the Committee on Public Works.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes;

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; and

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

ADJOURNMENT

Mrs. BURKE of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 16, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1448. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for U.S. participation in the International Ocean Exposition 1975; to the Committee on Foreign Affairs.

1449. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds, covering the quarter ended June 30, 1973, pursuant to section 451(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1450. A letter from the Attorney General, transmitting a report on the feasibility of establishing an environmental court system, pursuant to section 9 of Public Law 92–500; to the Committee on the Judiciary.

1451. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the costs of construction of needed publicly owned waste-water treatment facilities, pursuant to sections 516 (b)(2) and 205(a) of the Federal Water Pollution Control Act Amendments of 1972; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 510. Resolution to provide funds for the Committee on the Judiciary (Rept. No. 93–589). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 10907. A bill to authorize the Secretary of Agriculture in emergency situations to control the export of domestic fertilizer and for other purposes; to the Committee on Banking and Currency.

By Mr. EVANS of Colorado:

H.R. 10908. A bill to prohibit payment of salaries of heads of departments, agencies, and other organizational units of the executive branch which do not comply with requests of committees of Congress for certain information, and for other purposes; to the Committee on Rules.

By Mr. RHODES:

H.R. 10909. A bill to amend title 5, United States Code, to provide additional annual leave to certain employees for discharge of their duties as elected officials of municipalities, if not in violation of prohibited political activities laws applicable to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. RONCALLO of New York:

H.R. 10910. A bill to return Veterans Day to its traditional date, November 11 of each year; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 10911. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN (for himself, Mr. Wylie, Mr. Sisk, and Mr. Vanik):

H.R. 10912. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. TEAGUE of Texas (by request):

H.R. 10913. A bill to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ZWACH (for himself, Mr. Bergland, Mr. Bowen, Mr. Cohen, Mr. Fisher, Mr. Froehlich, Mr. Harvey, Mr. Helstoski, Mr. Litton, Mr. Melcher, Mr. Montgomery, Mr. O'Brien, Mr. Quie, Mr. Riegle, Mr. Sebelius, Mr. Thone, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Nelsen):

H.R. 10914. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.J. Res. 772. Joint resolution to establish a Joint Committee on Energy, and for other purposes; to the Committee on Rules.

By Mr. ROBERTS (for himself and Mr. Wright):

H.J. Res. 773. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. RAILSBACK (for himself, Mr. O'Brien, and Mr. Quie):

H. Con. Res. 350. Concurrent resolution that all citizens should reduce the temperatures of the home and place of work by 2 degrees during the approaching cold period in order to conserve energy; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

317. By the SPEAKER: a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to peace in the Middle East; to the Committee on Foreign Affairs.

318. Also, memorial of the Legislature of the State of California, relative to a uniform certificate of title law; to the Committee on Interstate and Foreign Commerce.

319. Also, memorial of the Legislature of the State of California, relative to airline fares; to the Committee on Interstate and Foreign Commerce.

320. Also, memorial of the Legislature of the State of California, relative to the international metric system; to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

314. By the SPEAKER: Petition of the Military Order of the World Wars, Washington, D.C., relative to restoration of the draft; to the Committee on Armed Services.

315. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to national security; to the Committee on Armed Services.

316. Also, petition of the Southeastern Association of Community Action Agencies, Inc., relative to the Office of Economic Opportunity and Community Action Agencies; to the Committee on Education and Labor.

317. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to defense of the national interest; to the Committee on Foreign Affairs.

318. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to aid to North Vietnam; to the Committee on Foreign Affairs.

319. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to control of the Panama Canal; to the Committee on Foreign Affairs.

320. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to a balance of power among the three branches of the Government; to the Committee on the Judiciary.

321. Also, petition of the city council, Elizabeth, N.J., relative to restoration of the death penalty; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEEDS OF THE ELDERLY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WALDIE. Mr. Speaker, rising food prices are a burden on every American citizen but no group within our society is suffering more than the elderly.

Locked into fixed incomes, the elderly person has no recourse in the currently unstable domestic economy but to eat poorer quality food or not to eat at all. I have been informed, and I do not find it hard to believe, that bread and water diets are not uncommon.

This situation is outrageous in my view. There certainly must be room in any of our supplemental food programs to assure that an elderly person is not only guaranteed ample food but that the diet be balanced nutritionally.

At this time, I am calling my colleagues' attention to a recent survey conducted by the National Enquirer which illustrates quite vividly the seriousness of this situation.

The survey follows:

THE PLIGHT OF AMERICA'S ELDERLY—LIFE ON THE BRINK OF STARVATION

Elderly people across the face of America are being driven to the brink of starvation.

Their plight, due to soaring food prices, has become a national disgrace.

Inflation has left some of them surviving virtually on bread and water . . . or a few crackers . . . or just rice.

Meat has all but disappeared from their diet. These shocking revelations are the result of a nationwide, in-depth Enquirer probe into ways that the shrinking dollar at the food market has handicapped the nonworking elderly. Their fixed incomes have left them far worse off than ordinary working Americans.

In Miami, 64-year-old Charles Crawson, who lives on a $130-a-month government disability pension, told us: "About all I eat is rice. Sometimes I feel I just can't take being poor anymore.

"I've been so in need of good food at times, I've considered trying to steal it. I just couldn't bring myself to do it, although friends of mine shoplift. They say it's the only way they can eat right.

"To think that I fought for this country, that I got my guts shot out for freedom and that I worked all my life—and this is where I am today. And why? Just because I'm getting old and can't get around like I once could. That's my crime. I'm too God-damn old!"

U.S. Senator Abraham Ribicoff (D.-Conn.) told The Enquirer: "The situation is now desperate for many of our senior citizens.

"It's the aged who are inflation's hardest-hit victims. Their struggle to make ends meet has taken a dramatic turn for the worse during the past six months."

Elderly Americans, reflecting bitterly on their lives today, told teams of Enquirer reporters:

"We go to the grocery store and walk right on past anything that contains meat . . ."

"People on Social Security, like me, simply forget about meat entirely . . ."

"For the last few days before I get my check, I'm so hungry I feel sick."

Here are some other comments aired by the elderly in interviews from coast to coast:

"There have been days I ate nothing but oatmeal . . . Beef? What's that?—William Grove, 82, Chicago.

"It's a national disgrace. If prices go up any more, I don't know how I'll make it."—Russell Waterman, 62, North Hollywood, Calif.

"Stews and rice—that's mostly what we eat. Society just pushes you to one side, then tosses you a bone occasionally,"—James Taylor, 65, Miami.

"I lived through the Depression and I think it's actually worse now."—Mrs. Rachel Ginsburg, 69, Los Angeles.

"It's very frustrating. We eat a lot of spaghetti."—Mrs. Dorothy Strassberg, 69, Los Angeles.

"We were born in an age of hardship and we are leaving the same way."—Mrs. Stella Lloyd, 76, Taylor Mill, Ky.

Or as Mrs. Betty Zywan, 72, of New York, put it: "For many of us old people, rising prices are beginning to mean the difference between modest comfort and total poverty.

"To cap everything, I know supermarkets that jack up prices every time welfare and Social Security checks arrive.

Al Markowitz, 76, of Miami, says: "Ten years ago, I could afford a piece of steak about once a week. Five years ago I was buying a piece of steak every two weeks. Now it's been over 12 months since I bought anything other than bones or hamburger."

Ina Koski, a 77-year-old spinster, tries to live on $137-a-month Social Security in a one-room apartment in New York City.

Her diet consists mainly of bread, potatoes, milk and cereals. The last time she tasted meat?

"It was on Aug. 10, 1972," she recalled.

"I bought myself a slice of chicken pie . . .

"When you eat as little as I do, even a tiny offering like that will stay sharp in your memory.

"I hear some folks are eating dog food and cat food. But I expect most are like me—they just go without when the money runs out."

DISPOSAL PROCESS FOR DRILLING MUD TO AID FARMERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ARCHER. Mr. Speaker, the Oilfield Products Division of Dresser Industries has developed a new technique which makes it possible to return land used for oil drilling location to agricultural production. This is a good example of how innovation and technological change can bring new benefits to all of us. I include an article which appeared in the Oil & Gas Journal, August 20, 1973, describing this new development.

The article follows:

Disposal Process for Drilling Mud To Aid Farmers

A new technique for disposing of surplus drilling mud and cuttings makes it possible to return a drilling location to agricultural production. The process mixes two chemical activators with the drilling fluid—a powder and a liquid—at controlled rates to solidify the mud and cuttings.

After solidification and curing, the material can be mixed with the native soil with no adverse effect.

Developed by the Oilfield Products Division of Dresser Industries, the process was first tested in Illinois on rich agricultural land.

HOW IT WORKS

In the process, crystalline growth builds a "pseudo clay" material during the curing period that has the same moisture content as the underlying soil and the basic composition of a very-low-humus subsoil.

According to the developers, it has no effect on plant growth except when lignosulfonate has been added to the drilling mud.

In this case, the mixture actually enriches the soil.

To treat a batch of surplus mud, it is pumped directly from holding tanks through a mixing chamber where chemical activators are blended at controlled rates.

The activated mixture is then dispersed onto a prepared ground area.

In rich topsoil, ground preparation usually includes scraping back the topsoil and pumping the activated mud mixture onto the subsoil.

Though complete crystalline growth—curing—takes about 30 days, the material is usually designed to harden to the point where a car can be driven over it in 2-3 days. Concentration of the chemical activators determines the length of this hardening period.

After the curing period, topsoil is tilled back into the area and agricutural work can resume.

EQUIPMENT

A skid-mounted unit including a bulk activator tank, a mixing chamber, pump, and controls to process the mud for disposal can be transported on a low-boy trailer. The unit can be kept on location to handle cuttings and surplus mud at any time during drilling.

Equipment is designed for one-man operation.

According to engineers for Dresser's Swaco Operations, suppliers of the service, a 50-bbl batch of surplus mud can be processed in less than 30 min.

Charges for the service are based on the amount of mud processed with a standby charge for the equipment used in the unit.

VARIETY OF MUDS

In addition to common water-based drilling muds, the process will work equally well with fluids containing up to 20% oil. Oil droplets are encapsulated by the crystals of the dried mixture and rendered static.

Heavily weighted muds can also be handled by the process.

Muds weighing up to 17 lb/gal have been solidified during tests with the portable unit.

Temperature range of the process makes it applicable to cold-weather areas, though the crystalline growth period is increased at low temperatures.

LMFBR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. PICKLE. Mr. Speaker, with electricity in rapidly growing demand, and fuel sources for it in rapidly decreasing supply, looking head on into this tightening vise, many energy leaders are turning to the liquid metal fast breeder reactor as one possible answer.

While I believe there are still many problems to be worked out and questions to be answered before we say for sure this is one help to the problem, the breeder reactor does hold out some hopeful signs.

A recent article in the magazine Rural Electrification tells in good layman language just how a breeder reactor works and why some people are excited about it. I would like to reprint that article at this time in the Record.

The article follows:

Liquid Metal Fast Breeder Reactor Demonstration Plant

The liquid metal fast breeder reactor (LMFBR) is being hailed as one of today's important hopes for generating tomorrow's energy. But what is the liquid metal fast breeder reactor? It's an oversimplification, but by one definition the LMFBR, "breeds" more new nuclear fuel than it consumes while also producing heat to generate power. What this does is to allow for use, perpetuation and stockpiling of a new energy source—plutonium—while the earth is in "the twilight of the fossil-fuel age."

Construction of the nation's first large-scale LMFBR demonstration plant moved toward reality July 25 with the signing by the Atomic Energy Commission (AEC) and other major participants in the project of basic agreements outlining key responsibilities of each organization.

Rural electric systems have pledged well over an $8-million share in the project to be built on the Clinch River at Oak Ridge, Tenn. These systems are represented by Robert D. Partridge, NRECA executive vice president and general manager, and H. L. Spurlock, manager, East Kentucky RECC, on the board of directors of the Breeder Reactor Corp., the company formed to represent the U.S. utilities—rural electrics, public power, investor-owned and municipal—contributing to the project.

The electric power industries financial support—more than $245-million overall to date—is the largest commitment ever by the industry for a single energy R&D project. But the cooperation goes far beyond just the dollars, and includes cooperation by government and industry in the management of every phase of the project. The ultimate goal is to prove the economic promise and environmental advantages of the fast breeder so that it would be an energy option for commercial application by utilities in the 1980s.

In the next 20 years, more than 1200-million kilowatts of electrical generating capacity will be required over three times what is available today. Most striking is the projected growth of nuclear generating capacity as compared with the fossil-fueled plants and hydroelectric facilities. A major fraction of the increased requirements will be provided by nuclear generation. It's estimated that about 50% of the total electricity in the year 2000 will be provided by nuclear power.

Early in 1958, the single nuclear power station at Shippingport, Pa., was generating all of the nation's commercial electricity from the atom. Nuclear power reached acceptance in just ten years and by the end of 1972 utilities were operating 29 light-water nuclear plants.

The successful demonstration of nuclear power resulted in the start of the light-water reactor industry. Since 1966, nuclear plants have accounted for about half of the new generating capacity order by U.S. utilities. This has caused the Atomic Energy Commission and industry to revise long-range projections of installed nuclear power capacity in the United States to about 132-million kilowatts by 1980 and more than 500-million kilowatts by 1990.

This factor of 20 increase in nuclear electric generating capacity in the next 20 years will mean a tremendous strain on nuclear fuel. Just to supply U.S. needs, about 60,000 tons of uranium oxide will be needed annually by 1985 as compared with about 10,000 tons today. These estimates assume that the plutonium being produced in today's light-water reactors will start being recycled in the systems in the mid-1970s. Otherwise, the uranium requirements would be even greater.

Another major aspect of this potential nuclear fuel crisis which will be generated by a massive increase in nuclear power capacity is the requirement for enrichment of uranium. Present light-water reactors require that the uranium mined must be processed through gaseous diffusion plants to increase the fraction of the isotope uranium-235 from the 0.7% natural abundance to levels of about 3%.

The liquid metal-cooled fast breeder offers a solution to both these major resource needs of uranium ore and enrichment capacity. First, it will use about 60% or more of the potential energy in uranium ore. By comparison, only about 2% of the potential energy available from uranium is used in present reactors, the rest being rejected as waste tailings of depleted uranium at the diffusion plants.

By 1980, tailings produced during the process of supplying enriched fuel for light-water reactors will reach over 250,000 tons of depleted uranium. Once the breeder has been established as an operating entity in the utility industry, the sharp climb in uranium needs will taper off markedly.

In addition to this enormous increase in efficiency in extracting energy from uranium, the LMFBR cycle has two other advantages. A gram of plutonium used as fuel in the fast breeder reactor will provide approximately 50% more BTUs than would the same gram of plutonium if used as fuel in a thermal neutron light-water reactor. The thermal efficiency of conversion of heat to electric power in an LMFBR is also 40% compared with the 33% typical for a light-water reactor. Thus, the breeder system not only uses up to 70 times more of potential energy, but also extracts almost 25% more electrical energy from it.

We have two important by-products from the light-water reactor fuel cycle: The depleted uranium left over from the gaseous-diffusion plant, and the plutonium recovered from the reprocessing of light-water reactor fuel. The breeder uses both of these, and in doing so, creates favorable economics for nuclear power generation. In fact, the breeder represents one of the first recycle projects and is fully in line with current environmental trends on conservation of resources and recycling.

How does the breeder principle work? In the fast breeder core, the heart contains the active fuel elements which are fueled with a mixture of 20% plutonium oxide and 80% uranium oxide (the tailings from the diffusion plants previously referred to).

Some of the fast neutrons produced in the core are absorbed by the U_{238} in the blanket and the core itself to form new plutonium. Overall, one can obtain a breeding ratio of about 1.2 which means that we produce 12 atoms of Pu for each ten consumed. Other terms such as doubling time are used to define the breeding process. These are akin to simple and compound interest. What they mean is that with a reasonable breeding ratio, one produces enough new Pu in the core and blanket for a fresh core in 15–20 years from the start. The breeder of the future will do an even better job doubling every 10 to 12 years.

The real point about the breeder, however, is the increase in utilization of the locked-in energy in uranium and we effectively extend the lifetime of our uranium to centuries instead of years.

The potential of the breeder has been recognized by other industrialized nations of the world. Construction programs are going forward in England, France, Russia, Germany and Japan.

Foreign activity in breeder development is well advanced in terms of hardware. The Soviet Union, which has already built and opened a 350-megawatt plant commercially, is also working toward one of about 600 megawatts. The French 250-megawatt breeder prototype went "critical" this summer, and—in addition to other demonstration projects—France, Germany and Italy plan to begin construction in 1975 of a jointly supported 1,200-megawatt LMFBR.

Directing efforts in this Nation's first demonstration plant is the Project Management Corporation (PMC), a group formed by TVA and Commonwealth Edison, with present headquarters in Chicago. It is appropriate that this new step forward should be based there, following the pioneering developments with the first chain reaction at the University of Chicago and the light-water reactors of Commonwealth Edison. As the project nears the construction stage, PMC will move to Oak Ridge, Tenn.—the site of other historic nuclear advances.

On Nov. 22, 1972, AEC and PMC selected Westinghouse for negotiations as the lead reactor manufacturer for the Liquid Metal Fast Breeder Reactor Demonstration Plant, with prime responsibility for designing and furnishing the Nuclear Steam Supply System (NSSS) of the plant.

Work on the NSSS definitive design began in January, 1973. Atomics International and General Electric, who also participated in the Utility-AEC supported LMFBR project definition phase and submitted proposals to PMC, have assigned personnel under Westinghouse direction.

Accordingly, the design of the demonstration plant, which is the key element in the nation's highest priority energy research and development program, will have the benefit of the special talents and experience of these three major U.S. reactor manufacturers which have been involved deeply in LMFBR technology development. Burns & Roe, which in December 1972 was selected as the project architect-engineer by PMC, is also working closely with Westinghouse.

SGT. ALLAN J. KELLOGG

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. SARASIN. Mr. Speaker, this morning I had the honor and privilege of being present at the White House as President Nixon presented Medals of Honor to a group of American servicemen who performed above and beyond the call of duty in combat, in every case placing the welfare of their comrades above their own personal safety.

As much as we all detest and pray that American men will never again have to serve in combat, this does not lessen our gratitude and pride at the performance of the men who have been called upon to serve their country.

I take particular pleasure in calling to your attention one of these men honored today, gunnery Sgt. Allan J. Kellogg, Jr., USMC, a native of Bethel, Conn., in my district. The following citation describes the actions for which Sergeant Kellogg received the Nation's highest honor:

> For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Platoon Sergeant with Company G, Second Battalion, Fifth Marines, First Marine Division, in connection with combat operations against the enemy in the Republic of Vietnam on the night of March 11, 1970. Under the leadership of Gunnery Sergeant (then Staff Sergeant) Kellogg, a small unit from Company G was evacuating a fallen comrade when the unit came under a heavy volume of small arms and automatic weapons fire from a numerically superior enemy force occupying well-concealed emplacements in the surrounding jungle. During the ensuing fierce engagement, an enemy soldier managed to maneuver through the dense foliage to a position near the Marines, and hurled a hand grenade into their midst which glanced off the chest of Gunnery Sergeant Kellogg. Quick to act, he forced the grenade into the mud in which he was standing, threw himself over the lethal weapon, and absorbed the full effects of its detonation with his body, thereby preventing serious injury or possible death to several of his fellow Marines. Although suffering multiple injuries to his chest and his right shoulder and arm, Gunnery Sergeant Kellogg resolutely continued to direct the efforts of his men until all were able to maneuver to the relative safety of the company perimeter. By his heroic and decisive action in risking his own life to save the lives of his comrades, Gunnery Sergeant Kellogg reflected the highest credit upon himself and upheld the finest traditions of the Marine Corps and the United States Naval Service.

Such selfless behavior indeed merits the gratitude and praise of Sgt. Kellogg's countrymen. As long as we have people like the Sergeant, who place their comrades and their Nation above themselves, we can survive the challenges that face us. I am proud that Sergeant Kellogg is a native of Connecticut and the Fifth District and I was honored to be present as the Nation recognized his contribution today.

SEATBELT REQUIREMENT AN UNNECESSARY NUISANCE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. SHRIVER. Mr. Speaker, under a regulation issued by the Department of Transportation, all 1974 model year automobiles sold in the United States must be equipped with a controversial seatbelt ignition interlock system. This is another unwise and unnecessary imposition by the Federal bureaucracy into the daily lives of our citizens. I am today introducing legislation to require the Secretary of Transportation to rescind this unwelcome and possibly unsafe requirement.

As a result of this regulation, all persons and objects of sufficient weight in the front seat of any new car must be strapped in securely with both lap and shoulder belts before the car can be started. If they should release any of the belts after the car is running, flashing lights and buzzers are activated until the belts are refastened.

I favor the safest possible automobile the manufacturers can produce. However, the use of individual seatbelts should remain an individual decision.

This is just another Federal nuisance. Aside from the impractical nature of this weight-initiated system, it may also be unsafe in certain situations. In some types of emergencies, it has been shown that passengers have survived because they were thrown clear of the wreckage. Also, if the lap belt were defective, the effect of only the shoulder belt in a collision could be strangulation.

Any Federal bureaucrat worth his salt could show that, percentagewise, these are isolated instances. But that is not the point. Unlike drinking and driving, seatbelt fastening has no effect on the safety of others.

We are already into this model year, and people are beginning to complain about their overprotective Federal Government. This is but another example of what the Government has done to them lately. Congress must act promptly to force the Department of Transportation to let people take care of themselves.

WELFARE FRAUD EASY IN MICHIGAN

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HUBER. Mr. Speaker, the Congress has been struggling with the problem of welfare reform for some years now. Members of Congress receive irate letters ever day asking that the "chislers" be taken off the roles. To counter this, certain persons bring out so-called statistics purporting to show the number of "chislers" is minuscule. I have never believed this. We all want aid for those truly in need and we would have a lot more money to do this with, if the fake welfare clients were taken off the roles. Just recently the county prosecutor of Oakland County in my congressional district had eight members of his staff fraudulently apply for welfare and receive a total of $1,296 in payments with no questions asked. I strongly feel this problem must be solved and our regulations, both State and Federal tightened up. The story from the Daily Tribune of October 9, 1973, tells why.

The story follows:

To Show Flaws in System: Patterson Secretaries Collect $1,296 in Fake Welfare Claims

(By William L. Willoughby)

In an attempt to show the ease with which welfare fraud can be perpetrated, eight members of L. Brooks Patterson's secretarial staff filed fake welfare claims and received $1,296.50 in payments last week, the prosecutor said today.

The eight secretaries used stories ranging from desertion by a mate to unwed motherhood, Patterson said.

Patterson, at press conference said the women filed the claims as an experiment for a report that he plans to release next week on flaws in the welfare system.

Patterson said the "experiment illustrates that persons can make fraudulent claims to social service workers without having to substantiate the claims."

He blamed flaws in the welfare system on lax State and Federal regulations are to lax. "This wasn't intended to criticize the county department of social services," Patterson said. "They were just following rules and regulations handed down by the State and the Department of Health, Education and Welfare."

The report Patterson plans to release next week will outline at least 60 specific problems that allegedly make welfare fraud easy. After the report is released, Patterson said he will lobby for state laws to plug up the loopholes.

"I want to make it clear that while we're attacking the abuses of the system, we have no objection to the legitimate recipient," Patterson said. "But today, in one fell swoop, I feel we have demonstrated the problem."

All eight women received their checks either at the Royal Oak or Pontiac social services offices. They said no one even once asked them to prove their claims of indigency.

"WAS INTERESTING"

Patterson's personal secretary, Felicita Brown, for example, said she told a social worker at the Royal Oak office that her husband had died leaving her with two children.

Mrs. Brown, age 25, of Ferndale also said she was unemployed. In truth, she said, her husband Jeffrey is a deputy with the Oakland County Sheriff's Department, and they have only one child.

"I didn't want to defraud anyone," Mrs. Brown said, "but it was interesting to see what I could get without offering proof." Mrs. Brown said she received a check for $123.50.

Another, Mrs. Delores Harroun, age 36, Waterford Township, a stenographer with the Prosecutor's office, received $206.50 when she told a social services worker that her husband had deserted her.

FEELS CONTRIBUTED

"I lied about the desertion, and I also lied about being unemployed," she said. "Still I felt good because I believe I played a part in exposing fraud.

"People who are able to work, should work," she said. Mrs. Harroun said she was surprised she was able to commit the fraud because a local newspaper had identified her as a member of Patterson's welfare investigation team, a day before she applied for the payments.

"So many of these things could have been checked in one minute," Mrs. Harroun said.

"This is not an act of civil disobedience," Patterson said. "These women had no intent to defraud the system. They voided their checks which will be returned to the social services department."

FEWER RIDERS AND A CLAMOR FOR SUBSIDIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. FRENZEL. Mr. Speaker, the New York Times, on October 12, carried an interesting, yet profoundly disturbing, article concerning New York City's continuing decline in transit ridership and the prospect that they will experience skyrocketing transit operating deficits.

This story sheds new light on the recent debate in the House as regards the wisdom of Federal transit operating subsidies. The New York City experience is that their transit costs over the past 5 years have nearly doubled, climbing from $416 million in 1968 to $793 million this year. During the same period ridership has declined 14 percent. Transit authorities now expect ridership this year to decline at least another 2 percent. And nobody knows when the decline will bottom out.

One explanation for this sorry state of affairs is that jobs have been exported to the suburbs and like most traditional fixed rail transit systems, the New York system is ill-equipped to handle anything but trips into and out of the central city. But job migration is not the whole story. As the article points out—

The subways have lost riders at a faster rate than the job decline. Since 1963 the city's work force has remained fairly stable at between 3.6 and 3.8 million jobs. Yet, the subways have lost about 19 percent of total ridership during the 10 years.

This indicates to me that the quality of service is such that it cannot compete with other modes of transportation.

Thus a deadly combination of an inflexible transit system unable to adapt to changing work patterns and unattractive service characteristics have led to a spiraling deficit that appears headed out of sight. The transit authority's deficit of $44 million in 1968 has risen to $250 million this year. But this is only the beginning. Assuming an annual 7-percent increase in operating expenses—recent increases have ranged from 11 to 14 percent—and no further decline in ridership, the expected deficit a decade from now should easily exceed $1 billion annually.

The specter of this kind of escalation in operating deficits dramatizes what some of us have been saying about operating subsidies. The $400 million annual price tag in the current operating subsidies bill is only a small beginning compared to the demands facing us further down the road. Assuming an increase in Federal operating subsidies comparable to the predicted increase in the New York City deficit, the Federal program will have grown to at least $1.6 billion by 1983.

The fundamental question that we should address is not how to keep obsolete systems afloat but rather how best can we encourage the development of competitive public transit systems. It is the new technology which can take account of changing tastes and living patterns, which will generate increasing ridership and therefore minimize the need for operating subsidies. In my judgment this is the direction the Federal Government should take with its transit programs.

A portion of the article follows:

The Subway Prospect: Better Service, Fewer Riders and Clamor for Subsidy

(By Robert Lindsey)

Within a decade the New York Transit Authority is likely to clatter past two milestones: The first major new subway lines in more than 40 years will open and the Transit Authority's deficit could approach $1-billion a year.

The subway system is moving into a paradoxical future of better service accompanied, unless recent trends are reversed, by shrinking patronage. The result is expected to be an explosive growth in the system's appetite for public subsidy unless the 35-cent fare is increased significantly.

Despite the subway system's rising deficit, the Metropolitan Transportation Authority is adding 52 miles of new lines to the 237-mile system in a multibillion-dollar construction program. Yesterday, in a ceremony under the Avenue of the Americas, a symbolic linkup was made between the new subway tunnels under construction in Central Park and the present system.

Completion of the construction program is contingent upon voters' approval of the State's $3.5-billion transportation bond issue next month.

But the massive construction project represents, in many ways, a high-stakes gamble by the M.T.A. that it will be able to obtain an ever-growing amount of subsidy from city taxpayers, Albany, and Washington to run the trains.

$300-MILLION SUBSIDY

The bond issue, if approved, would provide $300-million in state subsidy over the next two years. That subsidy, together with an equal amount from city taxpayers, would keep the 35-cent fare through 1975.

Beyond that, state and city officials maintain that Federal transit subsidies are essential.

Last week the House of Representatives approved a bill, previously passed by the Senate, that would provide the nation's first direct Federal subsidies for the day-to-day operating bills of transit lines. New York would get approximately $200-million over two years under the measure.

President Nixon—under whose Administration Federal aid for building and expanding transit systems has increased sharply—has indicated that he will veto the new legislation on the grounds that day-to-day operating losses should be a local responsibility.

NIXON VETO SEEN

A White House official close to the situation said in an interview yesterday it was unlikely that the President would reverse himself during the remaining 39 months of his Administration. The official said one factor in the opposition was a concern that Federal transit grants might be seen as "a bottomless pit" by transit workers negotiating wage increases.

But more fundamentally, the official added, the Administration opposes the subsidy measure because, "it is very hard to justify making the whole nation pay for a categorical grant program to deal with what is essentially a problem in only five large cities."

Big-city transit users, he added, were for the most part not poor people, but relatively affluent. "You would be asking a person in, say, Omaha, or Fargo, N.D. who makes $8,000 to $10,000 a year to subsidize a person in New York who makes maybe $16,000," he said.

Because the measure passed by only a narrow margin in the House, political observers see little chance that a Presidential veto would be overridden. But transit leaders here and elsewhere say they are hopeful that the President will change his mind. And they see the vote by the House—which had long resisted efforts to approve operating subsidies—as an indication that, sooner or later, Federal operating subsidies will be forthcoming.

SOME OFFICIALS WORRIED

At the same time, some New York officials say privately they are beginning to wonder how it would be possible to enact or to sustain, especially if ridership continues to decline, a program that could * * * caught in the grip of devastating * * *

Since 1968, when the Metropolitan Transportation Authority took control of the City Transit Authority, the number of New Yorkers riding the subway has dropped by 14 per cent—to 1.1-billion in the fiscal year that ended June 30. A further drop of at least 2 per cent is forecast during this fiscal year.

Yet during this period the budget of the Transit Authority has almost doubled—from $416-million in 1968 to $793-million during the current fiscal year.

Subways account for approximately 77 percent of the authority's operating costs, 73 per cent of its passenger revenues, and 86 per cent of its deficit. Buses account for the balance.

Since 1968 straphangers have seen the transit fare jump by 75 per cent—from 20 cents to 35 cents. But the authority's deficit, the gap between income from riders and operating expenses—picked up by taxpayers—has jumped from $44-million to a projected loss of at least $250-million in the current fiscal year.

A 52-CENT RIDE

Thus, for each person who pays 35 cents for a transit ride, it will cost 52-cents to provide the service. If expenses of the transit police force are included—a valid charge in the eyes of many transportation economists—the cost per ride is almost 58 cents. And if the city's payment of Transit Authority debts, totaling more than $160-million is included, the per-ride cost is close to 70 cents.

M.T.A. officials say efforts are being made to cut costs, and they say they have some hope the decline in subway use may level off.

"I think we may be nearing the end of the period of losing ridership," Dr. William J. Ronan, the M.T.A. chairman, said in an interview with reporters and editors of the New York Times. "But I wouldn't say we've bottomed out yet."

If costs of operating the system increase at an annual rate of 7 per cent—and if there is no appreciable increase in ridership or fares—the deficit would exceed $1-billion yearly a decade from now. This figure might be conservative. During the last six years operating costs have increased at an annual rate of 14 per cent and this fiscal year the projected increase is 11 per cent.

Late in this decade the first lines in a multi-billion-dollar, M.T.A. subway construction, program, adding 52 miles to the present 237-mile system, are scheduled to open. While transit officials say they hope the new lines will lure additional riders to the system, they say there is little hope of making them pay their own way at fares that are reasonable.

The deficit is expected to climb with each new mile of subway. Estimates of how much extra the new lines will add to the deficit range upward from $175-million a year.

The New York City subway system, which accounts for 80 per cent of all of the nation's subway ridership, and more than 20 per cent of its total mass transit use, has been caught in a vicious pattern of declining patronage and mushrooming costs that is characteristic of most transit systems in the country. But whereas in most places the popularity of the automobile is the chief culprit, it is proportionately less so here.

Most professional observers believe the national trend has been aggravated here by the special problems of New York: A relatively stagnant economy and recently declining work force; changes in the make-up of the work force; the exodus of jobs and many middle-class residents of the suburbs; the development of shopping and cultural attractions in the suburbs; crime and vandalism, and the political clout of municipal unions.

1.1-BILLION RIDERS

The number of persons riding the subways has dropped steadily since 1947 with minor changes in pattern; traffic went up each year between 1959 and 1964, and again in 1968 and 1969. It has declined annually since then, to last fiscal year's total of 1,122,455,852.

Dr. Ronan attributes the most recent slippage mostly to the decline of jobs in the city a theory that seems to be supported by statistics. Between mid-1970 and mid-1973, there was a drop of 300,000 in the average number of persons using the subways each week-day from 4,176,000 to 3,862,000.

This matched fairly closely the decline of jobs in the city in this period. The city lost 238,000 jobs between 1969 and 1972, according to the Bureau of Labor Statistics. The decline has continued this year, but at a slower rate.

Over a longer period, it appears that the subways have lost riders at a faster rate than the job decline. Since 1963 the city's work force has remained fairly stable at between 3.6 million and 3.8 million jobs. Yet, the subways have lost about 19 per cent of total ridership during the 10 years. One factor, officials believe, has been the rising cost of a subway token.

A subway ride cost only 15 cents in 1963. Transit officials say there is little doubt that hiking the fare to 35 cents had scared off some of the defectors, especially those who now walk instead of taking shorter trips.

Despite the trend of recent years New Yorkers remain by far the largest consumers of mass transportation in the nation. The 1970 Census found that 60.4 per cent of the city's residents reported using public transportation to get to work; for Manhattan the figure was 64 per cent. Nationally, fewer than 7 per cent reported using public transit regularly.

GROW INTO HOG CONFINEMENT

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. GINN. Mr. Speaker, in the July issue of "The National Live Stock Producer," there appeared an excellent article concerning an outstanding father-son operation in Candler County, Ga., in my congressional district. This remarkable hog-producing business is operated by Fate and Howard "Butch" DeLoach.

It has been my great pleasure to visit the DeLoach farm and study their production methods firsthand. I believe that the abilities of the DeLoach family and their dedication to high standards and hard work are an excellent illustration as to why this Nation enjoys the finest agricultural production system in the world.

I insert the article in the Record at this point.

GROW INTO HOG CONFINEMENT

(By Jerry Davis)

Top hog prices and the tandem trend to specialization and confinement production look like a winning profit combination for many pork producers.

But like a lot of other businesses, the bigger you get, the faster the track. Expansion in a hog enterprise will pay off—providing you have the extra management to apply to the business, or if you can bone up on management while you gear up production.

In either case, most experts are convinced you're better off "growing" into confinement and a larger setup—phase into it, instead of going whole hog in one major step.

This way, you can keep on top of things better, hold down your total loans at any given time, and minimize the growing pains.

One outstanding father-son hog operation we've visited recently has followed the step-by-step approach to large-scale confinement hog rearing. They're Fate and Howard "Butch" DeLoach, Candler County, Ga.

It's taken this pair three years to get where they are—but they're now cranking out quality-finished hogs at the rate of 5,000 head a year.

"We started out on dirt a few years back, when we bought 40 sows to keep our help fully employed," recalls Butch. "We moved into the first phase of confinement in 1971. The second phase was completed by December, 1972. And last year, we expanded our confinement farrowing and lagoon system.

LIKED HOG RETURNS

Butch and his father decided to concentrate on this livestock enterprise because they liked the looks of hog returns over the long pull, felt they had a real knack for producing quality pork. They were convinced they could do better profit-wise with hogs, rather than expanding their cropping operations. Besides hogs, they maintain a cow herd of 90 crossbreds and sell the calves as feeders. They also farm a total of almost

1,300 acres, growing peanuts, corn, soybeans, pasture, timber.

"Our goal is to market around 10,000 hogs annually—and we hope to reach that level this year," explains Butch. "In 1971, we farowed and finished 2,500 head. Last year, we marketed more than 5,000 head. Our minimum this year is 7,000."

The DeLoach streamlined confinement facilities include 3 central farrowing houses. Each is all slats and can accommodate 20 farrowing crates apiece.

Fans are installed under the slatted floors in each unit to carry off gasses. "We've found this cut our pig losses considerably," adds Butch.

Overflow farrowings used to be handled by nineteen A-frame, single-sow units—but they were recently phased out.

The DeLoach gestation house handles 470 sows. It has solid flooring. But Butch hopes to install partial slats, plus liquid feeders on the slatted area.

The nursery is a partially-slatted structure, also with liquid feeding and an improved ventilating system. Maximum capacity here is 780 head. Butch and Fate are currently putting up a second nursery.

"Pigs come in here when they're 2 to 3 weeks old—then they're moved out when they reach 7 to 9 weeks," notes Butch.

That next stop is the growing-finishing houses—which are totally-slatted units. These include 12 big pens that take 130 pigs per pen, plus 4 smaller cull and gilt-selection pens.

Other recent projects: Setting aside of a holding pen for hogs coming off medication until they're trucked to market; and throwing their two smaller lagoons into a 3-acre lagoon—which they plan to tap their crop irrigation system into.

A vital link in the DeLoach pork production line, naturally, is their handy feed processing center.

This hub includes storage bins for 40,000 bu. of grain; bulk-tank storage for protein supplement; and a Kelly Duplex mill. "With our new mill, everything comes off scales—so we can figure our feed conversions close," Butch reports.

"BUILD" OWN HOG RATIONS

Butch and Fate build all of their hog rations from the ground up. Homegrown corn takes care of only part of their grain needs—they buy 60% or better of the corn that goes into their rations.

And, they're mighty high on liquid feeding. "We have liquid feeding throughout, except for the farrowing house," reports Butch. "We like the results we're getting with liquid feeding. That, together with slatted floors, gives us the big break on labor."

Butch has stepped up the size of his sow herd to about 450 head and operates on a continuous-farrowing basis. He farrows 80 sows every 21 days, with a 7- to 8-day breather and cleaning up between.

"We started out with a York-Hamp-Duroc crossbreeding program, but in recent years have switched over to Conner Prairie boars. The feed conversions and cutouts we're getting show their production-tested boars have what it takes," states Fate.

Females in the DeLoach breeding herd have to prove up, too, after a strict selection program—or they're off to market. They currently use a prognosticator, to pregnancy test sows at 30 days. Those not with pig are culled. The practice has helped a lot, says Butch, in saving feed, time and labor.

Butch weans pigs at 2 to 3 weeks. "Liquid feeding enables us to get pigs to eating faster, and the sows are in better condition as the result of early weaning," he points out. "There's less stress switching baby pigs from their mom's milk to liquid feed when we wean early, and we can breed back the sow sooner."

As a result of this and other sound practices, he's averaging 9 to 9½ pigs per litter weaned, and coming right close to getting three litters per sow per year.

DeLoach pigs have their tails and teeth clipped and receive their shots at 1 to 2 days of age. Castrating is also done at this time.

Butch and Fate coordinate closely with their consulting veterinarian, Dr. Benny Gaskins, who makes at least one weekly call at the hog operation. Butch gives him credit for helping them improve their management across the board and in steadily upgrading their pork quality.

They say they've also received valuable help from Phil Foster of Sollars Bros., manufacturers of the Gruel-O-Matic feeders—not only in setting up their liquid feeding system, but in other management areas as well.

The DeLoach team sets and follows high sanitation and hog health standards.

"We go with culture and sensitivity tests, because they save us expense and trouble and enable us to speed up diagnosis and treatment," notes Butch. Although essentially confinement, they also zero-in on internal parasites by worming their sows with Atgard 10 days before breeding and just before farrowing.

Before feed prices shot up, Butch and Fate were holding their feed costs around 17c per pound of gain—and they were working at lowering that a cent or two. Currently, their feed costs are running right at 27c per pound.

Butch tops out his pens regularly, selling every week at 215 to 220 lbs.

CALIFORNIA DELEGATION SPURNS CHAMPAGNE CHALLENGE BY NEW YORK DELEGATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HOSMER. Mr. Speaker, on Friday last our distinguished and popular New York colleague, Mr. WOLFF, made a direct and frontal challenge to the California delegation over the current world series, which pits the New York Mets against the Oakland A's.

In a brilliant burst of generosity—and courage—our colleague has offered to bet a case of New York State champagne on the outcome of the contest.

Now what kind of a bet is that, Mr. Speaker? Sending a case of New York State champagne to a Californian is like sending Slobovian yak cheese to Wisconsin or Arab bagels to Golda Meir. In brief, California wines are so superior to New York's that we Californians would use New York State champagne to wash our cars.

Barter champagne with California? Barter bagels with Israel, apples with Washington, oysters with Maryland; let New York wager her mountain peaks with Colorado or her lakes with Minnesota, but, Mr. Speaker, if the terms of this bet were to be an entire Lake Erie full of the New York product against a single dram of California's sun-kissed amborsial champagne, the terms would be comparable to those that occasioned Omar's famous inquiry:

> What, in pure gold be repaid
> For what was given dross-allayed?

Such a bet, Mr. Speaker, is worthy of the descendants of those who traded $23 worth of trinkets for Manhattan Island and then, after 100 years of imposing New York's perculiar brand of culture upon it, realized they had been cheated.

But we want Mr. WOLFF to know that we appreciate his offer and will accept the case of New York champagne next week when Oakland has shown the Gotham upstarts how to play baseball. In the unlikely event the Oakland team breaks out in viral pneumonia and loses the series, we will take our lumps and accept a second case of New York State champagne as penance.

BRIGHT STAR ON TELEVISION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WALDIE. Mr. Speaker, television viewers in Los Angeles, Calif., have something over us in the fact that they have the opportunity to see and hear Stephanie Edwards.

I consider Ms. Edwards to be one of the most refreshing personalities on television and a fine asset to the Ralph Story "A. M." show in that city. To acquaint my colleagues a bit more with her I am offering a recent article from the Los Angeles Times:

STEPHANIE: A MORNING STAR SHINES BRIGHT

(By Mary Murphy)

A quandary Stephanie Edwards faces daily in the age of such media extremes as the Ding-a-Ling Sisters and Maude is how, as a woman, she can present herself on television without being a turnoff.

Should she be the pneumatic dumb bunny, all coy and fluffy, or the dead-serious humorless intellectual with the equivalent of thick glasses and thicker ankles.

She tries to ignore the alternatives and be herself, which in fact blends the best of both. She can't help playing pretty and she has no need to be dumb. Effervescent, yes; lame brained, no (qualities which 99% of the time are confused).

She snakes in between "each day (on Ralph Story's A.M.) being somewhat hypocritical" and always knowing that "audience and sponsors prefer it when I do the lighter stuff."

In avoiding the extremes, she has become a success. The darling of local daytime television. Beautiful, bright and funny even before the chickens are up, and a perfect foil for Ralph Story's dry, sardonic humor.

There is serious speculation that A.M. will become part of a rotating ABC morning news show to compete in the ratings game with NBC's Today and the CBS Morning News, which would thrust Stephanie in the same prestigious spotlight now shared by Barbara Walters and Sally Quinn.

"Stephanie has more potential than anyone in the business. * * *

Her only drawback is lack of confidence in herself—pure Stephanie.

"She can either be one of the world's greatest actresses, but just one of the greats, or she can be herself, a priceless monumental, unique, talent—Stephanie Edwards."

How she should use this talent is the problem. Ralph thinks Stephanie should remain in television. Stephanie is torn between a career as a film and stage actress or as a TV personality.

"Ralph and I just had a 2½ hour discussion about this because I had been offered some acting roles which are not often forthcoming." She has been seen lately on the Johnny Carson show and the ABC Wide World of Entertainment, but her only two films are "Stand Up and Be Counted," in which she spoke 32 words, and "Maurie." I want to take the work when it comes along, and wanted to know how he felt.

"The conversation ended with Ralph telling me that I need to work harder at something on the air than he does, because he has more experience, and I have a tendency to be too polite, somewhat self-effacing, not aggressive and not a digger.

"It came to the point where Ralph said the basic difference between he and I was that he had a healthy ego and I had an unhealthy ego . . . So how could I tackle more than one assignment?

A HOLDING ACTION

"Our conversation about whose ego is healthy or unhealthy remains a moot point. But we decided that although I would like to take the acting work, this (A.M.) job is very valuable to me and I shouldn't spread myself too thin."

So for now she has made the decision. But it is obvious that it is merely a temporary holding action.

In one breath she says she is giving up any acting that would interfere with A.M., that television is where she will make a go of it. And in another breath she says she would leave it all to go into the theater or be able to make an album with actor screen and songwriter Murray MacLeod, the man she lived with for a year and "the light of my life."

DIRTY DISHES

"I am terribly undisciplined, disorganized and messy, in fact I now have ants crawling all over my dishes because I haven't washed them for two days.

"Often as not I enjoy myself on camera but I am embarrassed about boasting that A.M. has an exclusive this, or discovered that, or that I am one of the 'celebrities' who will be attending such-and-such a function.

"I am repeatedly told that part of my problem is that nobody wants a mealy-mouthed cohost and that if I am taking up people's time I should let them know how important I am.

"Intellectually I agree with this, but my gut finds it tough to deal with.

"I guess," she says, reflecting on her own attitude, "that if I stop apologizing and just take a step, I might do something."

Nobody said it was easy to become a superstar.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HORTON. Mr. Speaker, this Wednesday the House will consider H.R. 10397, a bill to extend the authorization of appropriations of the Cabinet Committee on Opportunities for Spanish-Speaking People. I am putting in the RECORD, today, information on the need for the Cabinet Committee, some of its accomplishments in the past, and its plans for the future. I hope my colleagues will review this material, because I think it points out the importance of continuing the Cabinet Committee on Opportunities for Spanish-Speaking People.

Today the Nation's 12 million Spanish-speaking stand at the crossroads.

According to recent figures, the median income for Spanish-speaking families was $7,584 in 1971, almost 30 percent less than the $10,285 earned by the general population, and $10,672 by Anglo families.

Less than half of every 10 Spanish-speaking youths complete high school; the rest drop out. As equally discouraging, less than 3 percent of Spanish-speaking high school graduates finish college; and what is even more discouraging, less than 1 percent of Spanish-speaking college graduates are represented in the professions.

Eighty percent of the Spanish-speaking homes in this country are substandard, and in some south Texas counties with predominant Spanish-speaking populations, almost 40 percent of the homes have no indoor plumbing.

Almost 10 percent of the Spanish surnamed are out of work, and in some areas, more than half who hold jobs earn less than the poverty level.

The incidence of tuberculosis and other serious illnesses is higher among the Spanish speaking than any other racial or ethnic group.

The despairing statistics for the Spanish speaking are seemingly endless; and adding to their deep frustration is the sad fact that, except for the 16-point program and the Bilingual Education Act, the Nation's civil rights laws, and executive orders have not worked for the Spanish surnamed. In short, the Spanish speaking did not count; they were an invisible minority.

That is why the Cabinet Committee was established for the Spankish speaking. A vehicle is needed to assure that Federal programs are, in fact, reaching the Spanish surnamed—a unique American people who have proudly retained their own language and culture.

Since its inception, the Cabinet Committee has moved vigorously to help deliver the services to the Spanish-speaking Americans who need and deserve them.

In the crucial area of funding, the Cabinet Committee's Project Alpha resulted in the distribution of $47 million to first-time grantees for programs run by the Spanish speaking for the Spanish speaking. These $47 million were in addition to funds previously approved for delivery of programs and services to the Spanish speaking through the normal channels of the agencies involved.

Two other long-range activities were launched by the Cabinet Committee to open up the vital funding and employment areas for the Spanish speaking. They are Projects Blue and Beta. Project Alpha dealt with opportunities at the local level. Project Blue, in turn, dealt with opportunities at the national level. The Cabinet Committee staff went to member agencies to monitor the status and progress of civil rights efforts. Each agency was asked to establish goals and timetables which would bring out equitable Spanish-speaking participation in employment, program deliveries, procurement, and contract compliance. Project Blue's guidelines called for each member agency to report to the Cabinet Committee Chairman its plan for assuring that the Spanish speaking receive jobs and program funding on the basis of parity. Project Blue brought about the counting of the Spanish speaking as a separate minority. It also sensitized mid-level management, making these individuals aware that they must provide opportunities for the Spanish-speaking people. The process of collecting pertinent data and formulating a national perspective of disparities and benefits is not a short-term undertaking. The committee has and will continue to bring about effective data collection and reporting systems.

Project Beta's principal objective is to improve employment opportunities. The passage of H.R. 1 and the establishment of the new Bureau of Supplemental Security Income provided the Cabinet Committee staff the opportunity of increasing the employment of Spanish-speaking Americans with SSA. The staff developed a coordinated plan with the Civil Service Commission and HEW to assist in the recruiting of Spanish-speaking Americans to fill some of the 35,000 new positions created by H.R. 1. Project Beta was discussed and endorsed by the Chairman and the Acting Commissioner of SSA. Meetings were also held by staffs of member agencies to analyze Project Beta and to work out implementation of this plan.

In the area of employment, the Cabinet Committee has moved to strengthen the President's 16-point program to assure that Federal jobs across the board are reaching the Spanish speaking. As of January 23, 1973, the 16-point program became a part of the Federal personnel manual system. This regulation requires every agency to implement the program and to assign coordinators. There are now 64 full- or part-time 16-point program coordinators in Government agencies to see that the agencies recruit and place Spanish-speaking in jobs within the full General Schedules grade-level.

It is significant that while full-time Government employment has been reduced by almost 60,000 during the last 4 years, Spanish-speaking employment in the Federal service has actually increased. During that time, nearly 4,000 Spanish-speaking persons were added to the Federal workforce, bringing their total number to more than 76,000.

In the better paying General Schedule jobs, full-time employment of the Spanish speaking represented 12.4 percent of the total Federal increase during this same 4-year period. At the top of the job ladder, the Spanish speaking are being placed for the first time in high-level, policymaking jobs to the point where now more than 43 Spanish-surnamed persons hold such positions.

The 16-point program is in fact helping the Spanish speaking to get more jobs across the board, and it is being institutionalized into the Federal structure.

By working closely with the member agencies of the Cabinet Committee, the committee staff has been able to sensitize the agencies to be cognizant of the needs of the Spanish speaking. A notable example is the cooperation between the Cabinet Committee staff and the Small Business Administration. In fiscal year

1972, SBA business loan approvals to Spanish-speaking people increased in number from 2,570 to 3,158, and in dollars from $57.8 million to $74.5 million over the previous year. Under its procurement program, SBA awarded 248 Government contracts to Spanish-speaking firms for nearly $18 million; and under its 406 grant program, which provides management and technical resources, Spanish-speaking firms received $547,000 of the $3 million allotment to the program. These gains are being observed by the Cabinet Committee as beginnings for the Spanish speaking, not as ends. For this reason, the Cabinet Committee intends to build on its record in its 1974 fiscal year projections.

The Cabinet Committee is accelerating its activities to insure that Federal programs reach the Nation's Spanish speaking. The agency's 1974 fiscal year priorities are aimed at increasing the involvement of the Spanish surnamed in economic development, employment, and education.

The committee will seek to establish 10 minority enterprise small business investment corporations—MESBICS—and a number of business development organizations and business resource centers. The staff is also preparing plans to increase the number of 8(a) Spanish-speaking companies and to assist in increasing the number of 8(a) contracts negotiated by these companies from the present level of 19 percent.

The Cabinet Committee will become more involved in economic development in the private sector because the Spanish speaking own less than 1 percent of the Nation's businesses, and the private sector, while doing business with the Federal Government, has an affirmative responsibility, based on their contractual agreements, to provide opportunities for Spanish-speaking businessmen.

In the area of Federal employment, the Cabinet Committee will continue to push for jobs across the board for the Spanish speaking. What it is aiming for is the institutionalizing of the President's 16-point program. The staff will continue to monitor the 16-point program, making sure that all agencies appoint program coordinators. Another employment goal is to increase the number of Spanish-speaking Americans on the Federal Register through recruiting activities at the local level.

One of the major difficulties encountered by the Cabinet Committee in carrying out its work is the lack of comprehensive, beneficiary data to help assess the participation of Spanish speaking in Government programs. The Cabinet Committee staff is seeking to improve data collection procedure by recommending the establishment of an interagency Federal racial ethnic data system and continued coordination with the Bureau of the Census. Armed with this information, the Cabinet Committee can accurately determine whether an agency's services and funds are, in fact, reaching the Spanish speaking. If an agency's services are not accomplishing that goal, the Spanish speaking can advise the agency on how its program can make an impact with the Spanish speaking.

Increasing equal education opportunities is another committee priority. The staff is designing a plan recommending that appropriate member agencies make a complete assessment of the Federal Government's activities in implementing bilingual-bicultural education. The staff has prepared a proposal for a comprehensive national study of the Spanish-speaking school dropout problem. The chairman, in his advisory capacity, is also preparing plans to increase the number of students in cooperative education and summer intern programs.

The Cabinet Committee's chairman and his staff have developed other priorities, some of which are:

Working with the Census Bureau so the agency can improve its methods of counting the Spanish speaking. The Spanish speaking believe that they have always been undercounted. As a result, they have been shortchanged on Government funding because public funds are usually allocated to communities on the basis of census figures.

Adoption of a national policy on seasonal and migrant farmworkers, and the establishment of a national authority at the highest Government levels to coordinate migrant programs.

Push for the construction of at least five major subsidized housing projects, costing $10 million, which would be built by and for the Spanish speaking.

Employ a task force to develop a strategy on manpower programs involving the Spanish speaking.

Hold seminars throughout the country to assist local groups prepare drug abuse proposals for possible Federal funding.

The Cabinet Committee plans also to develop strategies to sensitize the major private foundations to earmark a fair share of their funds for the Spanish speaking, and to encourage the Federal Communications Commission to bring about a Spanish-speaking presence in the media.

The chairman and his staff will also inform the Spanish speaking about all opportunities available to them through the Federal Government. The establishment of these priorities do not mean that the committee will stop assisting groups of Spanish speaking with needs in other areas. The committee staff will continue to aid such groups, as the elderly and the youth, in meeting their problems.

What the Cabinet Committee intends to ultimately accomplish is to institutionalize programs, policies, and mechanisms throughout the entire Federal structure so that the inclusion of the Spanish speaking becomes an automatic function of Government.

ON DAYLIGHT SAVING TIME

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. KOCH. Mr. Speaker, several bills have been introduced in this Congress to provide that daylight saving time be observed on a year-round basis. There are contrasting viewpoints on this issue. Congressional hearings would provide an excellent forum for the examination of the possible effects of year-round daylight saving time. I urge that such hearings be held by the House Interstate and Foreign Commerce Committee, which has jurisdiction in this matter.

With the thought that it would be of interest to my colleagues, I am appending a recent news release issued by the Association for a Better New York, highlighting the remarks of its chairman, Lewis Rudin, who favors the extension of daylight saving time on a year-round basis:

ON DAYLIGHT SAVING TIME

Pointing out that Daylight Saving Time ends on October 28, the Association for a Better New York urged Congress today to make Daylight Saving a year-round reality that would make New York City a safer and better place in which to live.

Speaking for the group, Lewis Rudin, ABNY chairman, declared that with a single act of Congress, we could:

Demonstrably deter crime in the streets.

Reduce traffic accidents and improve traffic conditions.

Conserve electric power during peak load periods.

Increase employment opportunities, especially for women.

Permit increased use of recreational facilities.

Enable school children to go home in daylight during the winter.

Mr. Rudin said that a Police Department study had established that the addition of an extra hour of daylight would significantly decrease the incidence of crime in the city. The figures show that fewer crimes occur during daylight hours.

"The hours between 5 and 9 P.M.," Mr. Rudin said, "are the hours of the greatest number of reported robberies during the Standard Time months. An hour of additional daylight would deter crime, while the corresponding increase of an hour of darkness in the morning is not expected to result in any significant crime increase, since the time between 5 A.M. to 9 A.M. shows the lowest incidence of reported robberies.

The ABNY chairman said the twilight hours had proved to be the most hazardous time for driving and if Daylight Saving Time were extended for the whole year, there would be only two and a half months of twilight driving during the hours in which workers generally return home. He said this would more than offset any possible accident increase during the extended morning darkness.

Mr. Rudin held that an extra hour of evening daylight would reduce the average one-hour peak electric load by 250 megawatts on a clear day and 175 megawatts on a dark day.

"The reduction would enable Consolidated Edison to supply other utilities with extra power in the winter in exchange for receiving extra power in the summer. In the long run, this means reducing pollution, insuring adequate energy, and bringing about lower electricity bills.

"People would be encouraged to shop after leaving work because of the additional hour of daylight," Mr. Rudin said, "thereby increasing the volume of business. Business would also expand in high-crime areas as employees would leave work during daylight hours and not have to travel home after dark.

"Greater use would be made of recreational and cultural facilities since outdoor activities could be continued for an extra hour."

He added that the loss of an hour of daylight in the early morning would result in almost no loss in business, since very few businesses commence operations before 9 a.m.

"And business expansion would cause a corresponding increase in governmental revenue," he said.

ABNY was formed more than two and a half years ago to assure New York City's position as the nation's financial and business capital.

YESTERDAY'S BRAINSTORM—TOMORROW'S HOPE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. PICKLE. Mr. Speaker, if the energy crisis has made nothing else clear it has shown us we need to take a much harder look at new forms of energy. It has shown us we need to look especially hard at forms of energy which do not rely on the dwindling supplies of the Earth's precious natural resources.

Most of these forms, unfortunately, are still being developed—but some are not as far away from being practical as we think.

We can even look backward as well as to the future to find new energy sources. Before the turn of this century, my own home town of Austin had a large factory which made a lucrative business of forming "fuel bricks" out of garbage.

A recent article in the magazine Rural Electrification gives an excellent and concise update of the status of the prominent new forms of energy now getting an increasing amount of attention.

I would like to reprint that article at this time.

[From the Rural Electrification, October, 1973]

Future Energy Sources—A Look at the Exotic

(By Graham W. Howe)

"Exotic" energy sources?

With limitations now apparent regarding today's major energy sources such as fossil fuels and hydroelectric power, the attention of scientists, technicians and even government leaders is turning increasingly to sources considered rare, unusual or, up to now, impractical—hence, "exotic."

Many think exotic forms hold the best hope for meeting the burgeoning energy needs of the future.

Converting such sources into usable energy will require vast commitments of money and effort to research and development (R&D), with the possibility ever present of running into dead ends. But advocates point out that most technological advances have come about as a result of willingness to commit the needed resources to the pursuit of what initially appeared to be mere brainstorms or wild dreams.

LMFBR

The liquid metal fast breeder nuclear reactor (LMFBR) is one possibility receiving R&D commitment from the Federal Government and various segments of America's power industry, including rural electric cooperatives. Unlike currently operating nuclear plants, the breeder reactor makes its own fuel, manufacturing one fissionable material while consuming another. (See article on page 24.)

Though it does provide great hope, particularly for the closing decades of this century—causing no air pollution and stretching out the consumption of existing uranium supplies—the fast breeder is not without its drawbacks. Its efficiency of energy conversion is low since standard steam turbines are still being used. Thus nuclear plants still produce thermal pollution, and the fission wastes are difficult to store.

Conventional nuclear plants in the United States as of Sept. 1 numbered 36, with 20,579,400 kilowatts of total capacity, the Atomic Energy Commission has reported. At the same time, 56 more plants to produce 50,623,700 kilowatts were being built, and another 90 for 96,844,000 kilowatts were planned. These 182 plants would bring potential nuclear capacity to 178,047,100 kilowatts.

FUSION

Another nuclear alternative—fusion—is seen by some experts as the long-range solution to the energy problem. A cleaner source than fission, fusion is a process which charged hydrogen atoms undergo in special high-heat, high-pressure situations, producing enormous amounts of energy but very little radioactivity. The type of energy which powers the sun and other stars, fusion is the basic energy source of the universe, scientists say. The hydrogen bomb is an uncontrolled fusion reaction.

Controlled fusion, necessary to have a usable reactor, is very difficult to achieve. At the tremendous temperatures involved, materials assume elusive properties which scientists have termed a fourth state of matter called "plasma." To cause this plasma to "trigger" and begin producing self-sustaining fusion reactions, a combination of requirements must be met: The plasma must be heated to around a hundred million degrees (hotter than the interior of the sun), must be confined so that it cannot touch the walls of the vessel, and must be held at this temperature and at a certain density for a few tenths or even hundredths of a second.

Experiments with fusion have been conducted for years by researchers in at least 14 countries, including the United States and the Soviet Union, using power magnets, laser, electron beams and other tools. Some look for a breakthrough within five years, but then enormous engineering problems will have to be faced. Experts doubt that fusion can have much impact on our energy supply before the turn of the century.

Once fusion plants become available, however, fuel shortages for generation of electric power are expected to become a thing of the past. And such plants, safely located near or in cities, would generate enough heat not only to warm—or cool—homes and offices but also to distill and purify sea water and sewerage. An in-city fusion plant could operate a fusion torch which would break down garbage and trash into basic vaporized elements for recycling.

Paradoxically, even the expensive engineering requirements for fusion plants may prove economically advantageous, as their location in or near cities would cut the transmission and distribution costs necessary with more remotely located power plants.

A multimillion-dollar research program on controlled nuclear fusion has been launched by the Electric Power Research Institute (EPRI), although its research emphasis is on near and intermediate-term technology. EPRI is an organization supported by all segments of the electric industry, including cooperatives. In addition to such industry efforts, however, experts say that even greater investment of Federal funds is needed in fusion research and development.

SOLAR ENERGY

Another energy source which some authorities think holds the most promise for the future is solar power. The sun itself is, of course, the greatest energy source of all, pouring onto the earth 100,000 times as much energy as the world's present electric-power capacity. The challenge is to find practical means of converting this tremendous resource to man's use.

To a limited extent, solar energy is already being tapped. It is heating a few homes and other buildings in various locations and is providing limited quantities of electricity, especially in the space program. The National Aeronautics and Space Administration (NASA) has been using solar energy cells to power scientific experiments aboard U.S. satellites in space. And electrical power from solar cells promises to keep Russia's moon vehicle lumbering across the lunar surface indefinitely.

The world's largest solar furnace, located near Odeillo in the French Pryenees, uses pivoted mirrors, operated to reflect the sun's rays into a huge parabolic mirror which focuses the light onto a solar furnace in a small building. The resulting radiation, which reaches temperatures of 6,300° F., can melt a footwide hole through a ⅜-inch steel plate in 60 seconds.

Numerous scientists have been working for years on finding ways to tap the sun's limitless reservoir of power. Literally, a dream one night in 1965 prompted Dr. Charles G. Abbott of Hyattsville, Md., retired secretary of the Smithsonian Institution, to invent a solar boiler, in which mirrors would concentrate sun rays upon a series of air chambers, heating and circulating the air to be harnessed to generate electricity. Dr. Abbott, still active at 101, believes his apparatus could revolutionize power generation.

Dr. Aden B. Meinel of the University of Arizona and his wife Marjorie have proposed a "solar farm" to trap the sun's heat in glass-encased steel pipes spread out in panels above the desert floor. Nitrogen circulating through the pipes would transport the heat to tanks of molten salts capable of storing it for use as needed to power turbines capable of producing some 1,000 megawatts of electricity. The Meinels estimate eight square miles of cloud-free land could produce a million kilowatts of pollution-free power.

Under serious consideration by NASA and others is a solar satellite power station as proposed by Dr. Peter E. Glaser of a Cambridge, Mass., research firm, Arthur D. Little, Inc. Glaser envisages huge collecting panels, each with an area as large as 25 square miles, covered with the same kind of solar cells now used in spacecraft to convert sunlight to electric power. Microwaves, though presently relatively inefficient conductors, would beam the energy to receiving grids on earth. This plan would depend on development of a reliable space-shuttle system to put the solar panels into orbit and on much cheaper solar cells than now available.

Although generally in agreement that solar energy would have little adverse effect on the environment, experts differ as to the best method of conversion and its economic feasibility. A present disadvantage is the vast land areas required for enough solar farms to meet a significant portion of the Nation's power needs. Some authorities doubt the practical use of solar energy until well into the 21st century, while others forsee fairly extensive use in the 1980s, particularly for heating of homes.

"No scientific breakthroughs are necessary," a House subcommittee was told in September by Dr. Van W. Bearlingar, whose company, Honeywell, has received a National Science Foundation (NSF) grant along with University of Minnesota scientists to devise a baseline system for a central power station which would develop solar energy. Bearlingar called on the Federal Government to take the lead in making the necessary facilities economically feasible.

Suggesting changes in the present socioeconomic structure "by incorporating into energy prices the severe social costs of environmental pollution" and by rewarding energy conservation, Wilson Clark of the Environmental Policy Center said a result would be "the widespread adoption of solar energy and the conservation of energy through other natural approaches and technologies."

MHD

Promise of clean, efficient power, posed by advocates of magnetohydrodynamics (MHD), a process by which an electric current is created by passing a stream of hot, ionized gas (plasma) at supersonic speed through a powerful magnetic field. Converting heat energy directly into electricity instead of taking three steps as now required (fuel to heat, water to steam, steam to rotary motion of conductors in a field), MHD operates at an efficiency level of 60% to 70%, compared with the 30% to 40% of existing plants.

Since funds have been lacking in the United States for MHD research and development, estimates are unavailable as to when its use may become practical. Dr. Arthur Kantrowitz of the Avco Everett Research Laboratory, an early builder of a small MHD device, has noted that the Russians poured money and effort into MHD work after having seen "one of our early models in 1964." The Soviets estimate it will eventually fill 10% of their electrical needs.

Geothermal Energy

Geothermal power—heat from the interior of the earth—is seen as "the largest practical new energy source available to society today" by Dr. Robert W. Rex of the University of California at Riverside.

Underground reservoirs of steam and water have long been tapped in such countries as Italy, New Zealand, Iceland and Japan, but the only significant geothermal enterprise in the United States is The Geysers field in California. There, natural steam from inside the earth drives turbo-generators which are expected to produce half a million kilowatts of electricity by 1975.

Although natural steam in this country is limited, particularly to portions of the West and Southwest, there are places where hot water reportedly can be tapped and used to exaporate freon to drive turbines. With hot water, however, problems of corrosion and pollution arise which pose additional technological and economical challenges.

Another challenge being tackled by some scientists is that of finding ways to make use of the hot rock in deep areas of the earth's interior relatively devoid of subterranean water. One proposal would harness this heat by sinking a well, pumping cold water down to fracture the rock, then extracting steam from a second shaft drilled nearby through which water heated by the rock to 350° F. would rise to the surface. After providing energy to drive turbines, the water would go back into the earth to be reheated.

Raft River Rural Electric Cooperative at Malta, Idaho, has proposed that the Atomic Energy Commission build two pilot plants for geothermal research, using the hot water found under 90,000 acres of desert and rangeland leased by the co-op. The 300° water bubbling up from the ground presently is used to heat a greenhouse. The proposal received almost unanimous support at a Senate subcommittee hearing.

Urging Government investment of $684.7 million in geothermal research and development over the next ten years, former Interior Secretary Walter J. Hickel in an NSF report estimated that geothermal power capacity by the year 2000 could amount to more than today's total U.S. electrical output.

OTHER SOURCES

Still other sources of energy have their advocates. Some seem particularly "far out" at this time; others amount to adaptations or conversions of certain more traditional forms.

Coal gasification

A different use of the vast resources of coal—our most plentiful fossil-fuel—is suggested through coal gasification, whereby coal is brought into contract with steam. Hydrogen atoms in the vapor combine with the coal's carbon to produce a hydrocarbon similar to natural gas. Many authorities believe this method offers an important prospect for meeting energy needs in the immediate future.

A present disadvantage to this process is its cost, since expensive above-ground plants are required. A less expensive alternative proposed by some scientists would force oxygen and water into fractures created by explosives in coal seams, thus hopefully creating methane gas. The potentials of this process are still uncertain. Meanwhile, the Interior Department and American Gas Association are undertaking development of a process to produce hydrogen gas from coal char waste.

Fuel cells

Suggested for possible use to provide power in homes and for peaking purposes at substations are battery-like fuel cells, like those used in spacecraft to convert hyrdogen and oxygen into electricity. Such a power-generating system reportedly would produce little pollution and little noise.

A different kind of cell, being tested by Rutgers University professor Bogdan C. Maglich, would in effect be a home nuclear power plant. Such a plant, known as a "migma cell," would generate its own nuclear fuel, would be nonpolluting and could be mass-produced, according to Maglich. He said a stack of ten migma cells, about as large as a window air-conditioner, would generate enough electric energy to serve the average household.

Burning trash

Noting that India burns about 100 million tons of cow dung a year for cooking and heat, Dr. Meyer Steinberg of Brookhaven National Laboratory has proposed turning our waste into fuel. He said the 2½ billion tons of waste produced in the U.S. each year, if burned in power plants, "would produce more than half the electricity we are now generating."

St. Louis, Mo., is one city burning shredded trash with pulverized coal to make electricity. Each day one-fifth of the city's refuse is converted into 300 tons of odorless, clean-burning fuel. Connecticut in August announced a recycling plan setting up 45 centers where garbage will be collected and shipped to recovery plants. There reusable metal and glass will be separated from combustible refuse, which will be mixed with oil in a conventional boiler and burned to produce electric power.

Wind power

Although the windmill has practically disappeared from the American rural scene, it is again being seen in some quarters as a useful power source. Pointing to its successful use in other countries—and even in Vermont during World War II—to produce electricity, Professor William E. Heronemus of the University of Massachusetts has proposed floating large windmill generators with rotors of glass-reinforced plastic on the open Atlantic or the Great Lakes. He said they would catch the strong prevailing winds but be invisible from land if located 20 miles from shore.

Since winds are irregular and therefore undependable, the need to store their power poses a problem, and such windmills are quite susceptible to storm damage.

Tidal power

Considering the potential harnessing of the rhythmic energy of the ocean tides, the United States and Canada have been studying the possibilities of power plants in the Bay of Fundy, where surging tides reach more than 50 feet. Promising tidal sites, however, are far distant from potential users of electricity in large population centers, posing an expensive transmission problem. High costs also are present at the world's first large-scale tidal power plant in Brittany, where submarine-like turbine generators with reversible propellers churn out 240 kilowatts of electricity.

The seas also offer other energy possibilities. A marine scientist has proposed placing a prototype underwater turbine in the Gulfstream to harness the currents which reportedly flow at 50 times the rate of all the world's fresh water rivers. Various suggestions have been made for floating ocean energy plants. And seawater itself, containing an isotope of hydrogen suitable as fusion fuel, constitutes an almost unlimited source of that type of energy.

Which, if any, of these exotic sources—or others as yet unexplored—will provide our energy of the future? The answer will be found only through intensive programs of research and development, requiring full commitment of technological and economic resources. The results will be worth the cost.

DRUG ABUSE IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WALDIE. Mr. Speaker, in its report to Congress in June of this year, the Select Committee on Crime has recommended that the Federal Government provide funds for drug education programs, force manufacturers to cut back their production of harmful drugs, and monitor the effectiveness of the radio and television industry's regulation of drug advertisements.

Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views of the committee's recommendations. Their letters relate, as well, the independent efforts they are making to fight the drug abuse problem. Their evaluation and experiences should be of great interest to all Members of Congress.

Mr. Speaker, selections from these letters follow:

Letter From Louis Poluzzi, Principal, Lemon Grove, Calif.

I discussed your letter with my staff and some of their comments were as follows:

1. A copy of the Congressional Record of Monday, July 30, 1973, should be sent to all parents.

2. There should be more student and parent involvement and the holding of parents to more responsibility.

3. Mandatory involvement of parents of users in a rehabilitation program.

4. Tighten control in dispensing of drugs as well as manufacturing controls.

I would appreciate a copy of the report by the Silent Committee on Crime.

Letter From Don F. Henthorn, Pupil Personnel Consultant, Lakeport, Calif.

The committee's recommendations appear to be directed more at dealing with symptoms than with causes and suggest nothing which hasn't already been tried. Money and professionally trained people are not going to solve the problem. This is one lesson our great government never seems to learn, no matter how many failures it experiences.

Because the real causes are rooted in a

dehumanized, technologically affluent self-indulgent society governed by legislators who are basically oriented toward the continuance and further development of such a society, the likelihood of effectively dealing with the causes is exceedingly remote.

The only proposals which stand any chance of success are so drastic that one would be considered a complete fool to even express them.

You have my sympathy, but I suspect that we will have to continue to be satisfied with extinguishing little brush fires here and there rather than catching the fox whose burning tail is igniting them all as he runs in panic over the hills.

Letter From Tyson Willson, Jr., Principal, Carpinteria, Calif.

Before answering your questions, I must preface my remarks to the fact that I am most skeptical about all of these types of programs since I have seen many of them in operation during my years as an administrator and am unable to relate the value gained to the cost involved. I have personally been involved with some of these federally funded drug abuse programs and even in those situations am greatly discouraged by the way the money is handled, and the children are affected. Our county is in the process of receiving another $98,000.00 federal grant this year for Drug Abuse and by the time salaries, fringe benefits, travel expenses, and conference fees are taken off the top, the student will probably receive little or no benefit from this program.

Most of these programs are set up, specialists hired and offices established to provide for the control of drug use, and small districts like ours, are often forgotten or ignored. Our school district is approximately 2500 students and our drug problem is similar to that of most districts. Our concerns may even be greater than these concerns of other districts, however, the only help we get are through county projects. It is my suggestion that if the Federal Government sincerely wants to get involved with drug abuse, they first eliminate all these middle men in offices scattered across the country and provide the monies directly to the schools, and they in turn can work directly with the children and not through "outside consultants".

Letter From Alexander W. Winchester, Assistant Superintendent of Schools, Lafayette, Calif.

In some of our schools, we have started programs of instruction for our staff and you might be interested in the approach. We, first, sought to have teachers recognize, not only drugs and their characteristics, but also the symptoms that young people might display who had been using them. We next followed with a program at one of the schools of instruction in what we called Crisis Intervention for students who, while under our direction, really got themselves into trouble under the influence of drugs. The teachers responded well to these kinds of sessions and recognized their need to be more aware.

However, a further step in this drug education for staff seemed to be really needed, and that was the preventative aspects and how a staff member could work to help students make wise decisions in dealing with the problem, themselves. The real choice of whether or not to use drugs really comes down to an individual decision and we felt that if we could provide a program for staff to help students in this process, we would be going a long way toward helping the problem; probably further than just learning how to hope with it after we had it. One of our schools this year is having a workshop in "Values Clarification". The purpose of this is to equip teachers with strategies in helping youngsters establish their own values and make them, hopefully, able to make decisions. There will be follow-up workshops to evaluate progress of the program. One hundred percent of the staff expressed a desire to be involved. A lot of our problems with young people seem so related—drugs, dropping out, leaving family, etc.

Letter From Earl W. Denton, Superintendent of Schools, La Puente, Calif.

Public school programs will have limited effect so long as we remain a drug oriented society. However, the incidence of apparent drug abuse on the school grounds has reduced during the past few years. Incident reports from our junior and senior high schools are infrequent. At the same time, the use of alcohol and of marijuana appears to be constantly on the rise among young people, and we have certainly not discovered satisfactory instructional strategies to influence reducing the use of these substances. Moreover, I would seriously question the effectiveness of drug counseling in the school since our observation is that students with serious drug involvement usually understand perfectly well the potential consequences of their actions. The individual who succumbs to serious drug involvement has underlying problems which require far more assistance than is usually provided in public schools.

Letter From Charles H. Adams, Principal, Walnut Creek, Calif.

I am writing to you as an intermediate school principal, in response to your letter asking for suggestions regarding the work being done by the Silent Committee on Crime, dealing with the drug abuse problem among young people.

The recommendations of the committee to control drug production and surveillance of radio and television advertising will hopefully help alleviate some of the problems. I would like to recommend that these approaches to the problem continue to be pursued vigoriously.

My personal opinion, and that of teachers connected with the drug program we have used in this school, which parallels those in many schools, is that it is ineffective for three reasons:

1. It deals mainly with pharmacology and the students are often more sophisticated in current drug terminology and usage than the teachers. There is also the problem of credibility and the generation gap to overcome.
2. From our point of view many drug programs do not curtail students from using drugs. Programs may, if students are not knowledgeable before entering them, peak their curiosity and interest in experimenting with drugs.
3. It has been demonstrated that people are not motivated to stop using substrances detrimental to their health by being informed that it is detrimental to their health. Examples are the educational programs regarding tobacco and alcohol.

I believe that so called drug programs for schools are not the logical, practical or effective means to innoculate youth against drug use. I think more practical approaches to combating the problem would include:

1. Improving teacher competency in assisting young people develop positive self images.
2. The inclusion of value clarification exercises in the present curriculum.
3. Instruction in good decision making processes in school.
4. Instruction in alternatives to using drugs.

It is my opinion that schools need training for educators, to help them develop better techniques to assist youngsters develop healthy self concepts and help them establish sound values.

Letter From Robert Peterson, Superintendent of Schools, Santa Ana, Calif.

From the Federal point of view we would like to make one specific recommendation. Up to and including the present fiscal year almost 95% of every dollar appropriated by the Congress for attacking the drug problem has been used in rehabilitation and therapy programs or law enforcement. Less than 5% has been appropriated for *prevention*—that is—for attacking the problem at its source, *before* the young person becomes a statistic needing rehabilitation and therapy. This can be done very successfully as the materials and evaluations of the Orange County program clearly indicate, but it requires (among other things) funds to finance broad pre and post service training for parents, teachers, school administrators and agency heads as well as community leaders. Such funds used in a prevention approach will result directly in the eventual decrease in funds needed for rehabilitation and therapy. Failure to recognize this can only mean an ever increasing need for new funds, personnel and facilities to take care of more and more persons who will be involved in the abuse of drugs. Through H.E.W. working directly through State and County Departments of Education the drug problem can be solved, given funds, trained personnel and time to implement an effective approach.

Letter From Claude A. Offenbacher, Principal, Mill Valley, Calif.

You asked for additional proposals to deal with the problem of drug abuse. To my knowledge, the most successful programs of drug abuse education have been offered by former addicts. It suggested to me the possibility of a federally-funded Drug Abuse Corps, composed largely of persons who have both had certifiable drug abuse histories and have successfully dealt with this problem to lead socially acceptable lives. This Corps would be asked to serve for a school year at a minimal salary as resource persons in schools requesting their services. Where they were currently under employment, cooperation might be secured from their employer to make up the difference between the Corps member's salary during this period and the amount he would be paid under normal employment. A brief inservice program for Corps members would be required.

RURAL MAIL DELIVERY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ZWACH. Mr. Speaker, I am today introducing along with cosponsors a bill designed to improve mail delivery in our rural areas.

This legislation is written to provide rural mail delivery to all people, without regard to the number of families residing in a specified area.

I have introduced similar legislation in past sessions, the most recent being H.R. 8044 which I introduced on May 22, 1973.

According to present regulations, rural mail deliveries are made only where the population density is at least one family per seven-tenths of a mile of road, including any retrace.

Because of larger farms, families have become more widely separated and many of them are losing their mail delivery qualification.

I believe our mail delivery system should change to conform to changed living conditions, and that the one family per seven-tenths mile criteria is no longer valid.

I insist that rural mail delivery be equally provided for all of our rural residents who reside on or near any road which is in and maintained in a good condition.

On Friday, October 12, I received a letter from Congressman JAMES M. HANLEY, chairman of the Subcommittee on Postal Service of the House Committee on Post Office and Civil Service. According to Congressman HANLEY, his subcommittee has been holding an extensive series of oversight hearings since March and they are due to continue through October. Congressman HANLEY is hopeful that early next year when a package of amendments to the Postal Reorganization Act is considered before his subcommittee that the subject of rural mail delivery can be considered at that time.

When I introduced H.R. 8044 back in May, Congressman THADDEUS J. DULSKI, chairman of the Committee on Post Office and Civil Service, asked the Postal Service for their opinion of the bill. The Postal Service Corporaion is willing to dismiss this leigslation as too costly, indicating that this legislation would increase by 38 percent the costs of our rural delivery service program while extending service to only 2 percent more families.

All this comes in light of a proposed increase in first-class postage rates from 8 cents to 10 cents. I am hopeful that the Cost of Living Council will deny this request.

In addition, the Postmaster General's office is reputed to have a $5,280 pantry, $4,602 remote-controlled, handwoven African drapes, and $6,000 worth of furnishings. The penthouse, which will be used exclusively for monthly meetings of the Board of Governors, boasts a $3-500 hand-carved door, a $3,718 chandelier, and a $50,000 kitchen.

It seems to me that the moneys involved could be better used to extend faster, more efficient delivery out in the field, especially in rural areas.

I am hopeful that the subcommittee will be able to hold hearings soon in order to bring out all the facts involving the possibility of improving rural mail delivery throughout this country. After all good mail delivery service should be provided everywhere, not just where it can be provided at a cheaper cost.

NOMINATION OF VICE PRESIDENT

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mrs. GREEN of Oregon. Mr. Speaker, may I join in offering warm congratulations to the President for his wise nomination of Representative GERALD FORD of Michigan as Vice President. During his 25 years in the House of Representatives GERALD FORD has won the confidence and respect of his colleagues on both sides of the aisle. During his 4½ terms as the Republican leader in the House, he has represented his party and his country admirably.

The public reaction in my own State of Oregon has been extremely favorable to Representative FORD's nomination. I join in that general approval and must say that I also take pride in the fact that this eminently qualified nominee comes from the House of Representatives. He knows and loves this branch of the Government. I believe as Vice President he can do much to initiate a new era of cooperation and understanding between the executive and legislative branches of Government.

May I also, very briefly, note that it has been a very trying time for the country. We have witnessed both personal and national tragedy. Let us hope that the unity and support which accompanies this nomination signifies a new beginning in which we as a nation will join together in a spirit of good will and mutual love for our country as we search for solutions to the crises which challenge us all.

To GERALD FORD go my very best wishes. May he bring hope and strength not only to the President he serves but also to the people of these United States.

TRANSPORTATION BARRIERS AND THE HANDICAPPED

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. BRADEMAS. Mr. Speaker, as my colleagues know, one of the cruelest problems faced by handicapped Americans, is the limit placed on their mobility by architectural barriers in both public buildings and public transportation systems.

Indeed, as the United Cerebral Palsy Associations, Inc., recently stated in a policy statement on transportation for the handicapped:

> In our mobile society, the achievement of human rights is heavily dependent upon transportation . . . The availability and accessibility of transportation suitable for use by the handicapped is essential to this pursuit.

The associations have therefore, Mr. Speaker, urged that public transportation systems be constructed so as to be accessible to all handicapped Americans, including those in wheelchairs.

Mr. Speaker, so that my colleagues may understand the importance of our continued attention to the needs of the handicapped in the design of transportation systems, I include the policy statement of the United Cerebral Palsy Associations, Inc., at this point in the RECORD:

POLICY STATEMENT OF THE UNITED CEREBRAL PALSY ASSOCIATIONS, INC., ON TRANSPORTATION FOR THE HANDICAPPED

In our mobile society, the achievement of human rights is heavily dependent upon transportation. It is the aim of United Cerebral Palsy Associations, Inc., to assure that all persons with cerebral palsy and other handicaps have the opportunity to enjoy life as normally and as fully as possible. The availability and accessibility of transportation suitable for use by the handicapped is essential to this pursuit.

Therefore we urge that:

Existing transportation systems be modified to meet the needs of persons with limited mobility.

Future public transportation systems be designed, constructed and operated to be accessible to, and to accommodate handicapped persons, including those who use wheelchairs.

Special transportation services be made available to persons whose disabilities are so severe that they cannot use any public transportation system or who live or work in localities where there is no public transportation or where appropriate modifications to accommodate the handicapped have not been made. The principle of subsidization which obtains for public transportation must also apply to those special services.

Handicapped drivers and drivers for the handicapped be given due consideration in such matters as parking privileges, driver education programs, licensing, insurance regulations, safety standards for adaptive equipment and highway rest areas.

All public and private agencies providing and/or funding programs for the handicapped, including United Cerebral Palsy affiliates, include appropriate transportation as a generic component of the implementation of such services.

BLACK DIRECTORSHIPS EXPAND: 11 OF THE 72 ARE FROM THE DISTRICT OF COLUMBIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. FAUNTROY. Mr. Speaker, the September 1973 issue of Black Enterprise published an article by Lester Carson concerning black directors on major corporate boards. The article describes the roles of the black men and women who sit on the boards of major U.S. corporations. The existence of these black directors shows evidence of a slow but steady increase in excellent directorship opportunities for blacks throughout America. Ten years ago there were no black directors—now there are 72, throughout the United States.

Eleven of these directors, I am proud to say, are from my own district of Washington, D.C., and I believe that these upstanding men and women are worthy of mention in this House. They are as follows: Tyrone Brown, director, Post-Newsweek Stations, Inc.; Clifford Alexander, Jr., director, Dreyfus Third Century Fund, Octagon Industries Inc., Pennsylvania Power & Light Co.; James E. Cheek, director, First National Bank of Washington; Charles T. Duncan, director, National Bank of Washington; Cleveland L. Dennard, director, Chesapeake & Potomac Telephone Co.; Theodore R. Hagans, Jr., director, Potomac Electric Power Co.; William S. Harps, director, National Bank of Washington, Perpetual Building Savings & Loan Association; Patricia R. Harris, director, Chase Manhatten Bank, International Business Machines Corp., National Bank of Washington, Scott Paper Co.; Belford Lawson Jr., director, Chesapeake & Potomac Telephone Co.; William Lucy, director, National Bank of Washington and; Hobart Taylor, Jr., director, Aetna

Life & Casualty, Great Atlantic and Pacific Tea Co., Standard Oil Co., Westinghouse Electric Corp.

The article by Lester Carson describes the influence of these people, along with the other 61 black directors in America. It illustrates their influence on their respective boards as well as how they represent the black community. The reasons for the emergence of black directors vary. Their own sharply contrasting views of why they were chosen and what is expected of them as directors show evidence of this. There are some who consider themselves black directors and others who say they are directors who just happen to be black. All of these people, however, serve as spokesmen for the black community, whether they realize it or not. Company policy, as it affects black people, can now be represented in the executive office where action can take place to alleviate problems affecting black labor. The sophistication of their position does not excuse the black director from the role of representative in the front office and this is fully realized and accepted by most black directors.

It is important to note, that these black directors are chosen for the skills which they offer to the company, and not simply because they are black. Their role as representative of the black people never exceeds their role as director but neither is it suppressed. These directors have beneficial suggestions which they offer to their boards which often benefit the black people. The article above mentioned gives a very good illustration of this. Carson writes:

> In New York City, home mortgages in slum areas traditionally have been difficult to obtain. In recent years, though, the First National City Bank has stopped "redlining" slum areas, and in addition has helped Bedfort-Stuyvesant Restoration Corp. establish a $64 million home mortgage pool. Restoration president Franklin A. Thomas, a director of Citibank, says his presence conceivably hastened the change in bank policy. "It's clear to me," he says, "that the bank's sensitivity to areas like Bedford-Stuyvesant and Harlem is increased by the presence of someone who is of, from, and associated with these areas and knows a little something about how banks can help or hurt development processes in these areas. Maybe it would have happened anyway," Thomas concedes, "but one measure of your success as a director is that the things of concern to you as a black person become of concern to the board and the company.

I sincerely hope that the number of black directors on the major coorporate boards continues to increase, thereby, improving the black community's representation in management and opening new doors to better opportunities for promising black executives and businessmen.

THE THREAT TO JEWS IN CHILE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Ms. ABZUG. Mr. Speaker, an alarming new aspect of the military takeover in Chile has just been brought to my attention by a former constituent.

Those whose names "indicate Jewish extraction" are being singled out for "a day of final reckoning"—according to one of the three newspapers still allowed to publish in Chile. This has an ominous, reminiscent ring. I intend to pursue the matter through every possible channel, and have so assured my correspondent, whose letter and enclosure I would like to insert in the RECORD:

AUSTIN, TEX.,
October 6, 1973.

DEAR CONGRESSWOMAN ABZUG: The latest reports from Chile inform us that once more a fascist regime found its scapegoats among the Jewish. The proof is given by the editorials of the two or three newspapers which are still allowed to operate in Chile, and apparently they reflect the attitudes of the junta.

Unfortunately, I have seen very little reaction from either Jewish organizations or the American press. On the other hand, we rightly speak out in support of Jews in Communist countries.

I wonder whether there are Jews and Jews, and whether the ones in Chile are less our brothers and sisters than those in Russia. Unless our only purpose is to harass governments with different socio-political beliefs than our own, then it is time to take action in behalf of the Jews and others who are suffering under the yoke of the military junta in Chile.

Enclosed is an editorial from the Daily Texan, the student publication of the University of Texas.

As a New Yorker who has only been in Texas one month, I am aware of your activism and hope you recognize the situation in Chile as deserving of your attention.

I have also written to the United Jewish Appeal in an effort to gain their support.

Sincerely yours,
LAURIE OSTERWEIS STANGOS.

ANTISEMITISM IN CHILE

Shortly after the military coup in Chile, El Mercurio prominently published a letter to the editor calling for the "hanging of Jews." In the weeks since the coup additional information has filtered through an information blockade imposed by the military junta, charging a concerted campaign of antisemitism has unfolded. The right-wing Santiago daily, El Mercurio, it turns out, is not the only Chilean newspaper still allowed to publish which has taken up that cause.

The military junta has taken great pains to portray the left in Chile as a "product of foreign conspiracy." A few weeks prior to the coup La Prensa, the semiofficial organ of the Christian Democratic Party, published an editorial entitled "Chile: Jewish Communism; Russia: AntiJewish Communism" which portrayed the Chilean left as a conspiracy imposed from without by Jews alien to Chile.

The editorial began by noting the history of racial tolerance in Chile but said that this had allowed "one sect, the son of Jewish and Communist extraction to come to lord it over Chile in the infamous alliance of the misnamed Popular Unity (UP) government."

The La Prensa editorial continued that "this Jewish-Communist sect, since the very beginning of the UP government has had their eye on key posts in our economy, whether in monetary, mining or manufacturing fields." The editorial ended by calling on Chileans to keep "well in the mind for the day of final reckoning names with endings indicating Jewish extractions."

"There will be a gnashing of teeth," the editorial threatened, "as we have read in the Bible." La Prensa is one of the three newspapers which the military junta has allowed to continue to publish since the general press shutdown.

Refugees are claiming that military helicopters periodically drop leaflets throughout residential neighborhoods urging Chileans to turn in not only foreigners in their areas, but anyone whose name indicates that they might be Jewish.

WAR ON DRUGS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ROBISON of New York. Mr. Speaker, the dramatic Federal war on drug abuse, launched 2 years ago with considerable fanfare, commenced under the presumption that, if sufficient Federal Government attention and funding were devoted, there would result a dramatic victory over the vicious social affliction of drug abuse. That clear-cut victory has yet to come, and I am afraid that in too many cases the initial enthusiasm which was once evident among those who participated in the Federal war on drugs has waned and even atrophied into bureaucratic routine.

The billion-plus Federal dollars which have already been spent for treatment and rehabilitation of drug offenders and the apprehension of suppliers has unquestionably contributed to the present downturn in numbers of hard core drug addicts, yet no one can point with confidence to a direct explanation for the apparent decrease in addicts. The social, economic, and demographic factors which contributed to the "drug epidemic" are still imperfectly understood, and it is always possible that these factors will recombine to transform the drug epidemic into another serious aberration.

Rather than a clear-cut victory, or even a tactical success, the war on drugs has had to settle for a trend; and those who remain committed to reducing drug abuse have had to dig in for the long haul, realizing that they now face a sustained and fatiguing effort to eradicate pockets of drug abuse wherever they occur, and in whatever form they appear.

Much of this work will continue to rely on the dedication of local drug treatment and education programs, which have grown up in surburban and rural communities. These efforts usually rely on a high level of volunteer participation, and those programs which have maintained their effectiveness have usually done so as a result of successful adaption to particular local circumstances. In other words, the success of the national drug abuse prevention effort has, in considerable degree, relied on the talents and capabilities within the local community to seek solutions for that community.

In successful instances, these programs have also demonstrated that the concept often referred to as "social services"—as provided by a long-standing community agency, or group of them—needs redefinition in light of contemporary social problems. I am suggesting that the various drug guidance centers, treatment centers, "rap centers"—as they are referred to in individual communities—have a capability to explain some of these newly apparent social service needs, because these organizations are in such immediate and continuous contact with many groups in the community.

I recently received one excellent example of how this function can be performed by a local drug abuse program, and I would like to share it with my colleagues. The memorandum I will insert below is from Mr. Ronald Gaetano, director of the Broome County Narcotics Guidance Council. It suggests that drug abuse can occur in every age group, and that we are not paying sufficient attention to elderly citizens who, as an age group, are most susceptible to "drug" abuse. These citizens must often rely on a variety of drugs to treat or relieve the many afflictions of old age, yet there has been little or no effort to educate elderly citizens to the hazards and addicting qualities of some of the drugs they must take.

The memorandum speaks for itself, in its explanation of the problem and its suggestion for response, and I commend it to the attention of my colleagues.

The text of the memorandum is followed by "Program on Ethical Drugs":

Memorandum to: Mr. Howard Robison.
From: Ronald Gaetano.
Subject: Drug hazards with senior citizens.

As always when we come up with new ideas that seem to tie in with the thinking of Congress, we try to share these thoughts with you. The past session of Congress passed legislation giving a good deal of funding to programs for the aging. We in drug prevention programs are also interested in the problems of the senior citizens for another reason.

Now that we have seen some success with reducing the problems of heroin, barbiturates, and amphetamines (please note that I am not including marijuana), we can increase our scope to focus on some others facets of drug abuse problems.

The largest group of citizens taking drugs in our country are those over the age of 55. They are doing this with very little education on their diseases and the side effects of the drugs they are using to control such diseases. These people are not aware of the fact that they have to change certain behavior and nutritional patterns when they are on some types of drugs. As a result many times when this happens, it is because of little co-ordination between the medical profession and the patient. Certain drugs are prescribed to treat symptoms that could be alleviated simply by reducing the first drug or by changing the patient's habits. An example of this would be an individual in his sixties who has been put on a tranquilizer and continues to drink a six pack of beer every night. If he does this while on the tranquilizer, he slurs his words faster and gets into a drunken state. His family then thinks that he is drinking more than he has before; when in effect it is the combination of alcohol and the drug.

We feel that we have an exciting and necessary program for the elderly that could be labeled preventive education. We have contacted several representatives from various ethical drug manufacturing companies and have designed a series of programs to be presented to the senior citizens relating to drugs and diseases. I have included an agenda for one of these programs that we are presenting in Broome County.

This should and must be done because if the government should get into a Health Insurance Plan, it will be necessary to show people ways of staying out of the hospital and how to try to prevent illness. Otherwise, it will cost the taxpayer an insufferable amount of money. I could write many pages on the objectives of a program such as this, but I would rather answer any specific questions that you might wish to ask.

In summary, as I have mentioned before, I intend to increase our scope in the drug abuse field. Many of us have outgrown the sensational and controversial aspects in which our work began and have rapidly become a steady, permanent community function. The purpose of this function will be to help free the community of the abuse of chemicals and substances which may do harm to the individual and prevent him from being a useful member of our society.

Programs on Ethical Drugs

Objective: To create through education better knowledge of the most commonly prescribed drugs for the elderly patients on a variety of illnesses.

1st week—Subject will be the Making of Medicine (film) and drugs used to treat G.I. diseases.

2nd week—Subject will be the making of Insulin (film) and drugs used to treat diabetes.

3rd week—Subject will be Hypertension and drugs used to treat the disease.

4th week—Subject to be covered will be Pulmonary Diseases and the drugs used to treat the illness.

5th week—Subject to be covered will be Coronary Artery Disease and Urinary Tract Infection and drugs used in treatment.

6th week—Subject to be covered will be Emotional and Emotional Illness and drugs used in treatment of the illness.

BRANDT AND THE WEST GERMAN SUPREME COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ASHBROOK. Mr. Speaker, much interest in the United States currently focuses upon the rule of law and particularly the role of the Supreme Court as an arbiter of disputes within the coordinate branches of our Government. Thus, Americans should be following with especial interest the reaction to a recent decision made by the Supreme Court of Western Germany which placed limits on the manner in which the settlement between East and West Germany can be implemented. Reflecting their failure to understand Western constitutional procedures, both the Soviet Union and the Communist regime in East Germany have vociferously protested the action. More significantly, the Western German publication, Neues Deutschland took a position which largely reiterated the stand taken by the Communists. Dr. Eduard Ackermann, speaking on behalf of the CDU/CSU Parliamentary Party, has issued a statement evaluating this reaction and urging "the Federal Government to identify publicly with the interpretation of the basic treaty made binding by the Federal constitutional court."

In order for Americans to obtain a better understanding of this matter, I request that the statement by Dr. Ackermann be placed in the Record as an elaboration of the remarks I previously placed in the Record on October 1, 1973:

CDU/CSU Parliamentary Party

The spokesman of the CDU/CSU Parliamentary Party, Dr. Eduard Ackermann, submits the following statement in behalf of the CDU/CSU Parliamentary Party on the rebuke of the verdict of Karlsruhe on the Basic Treaty by the press organ "Neues Deutschland":

The Federal Constitutional Court by virtue of its constitutional competence as guardian of the constitution, did not rule the Basic Treaty constitutional under all circumstances in its verdict of July 31, 1973, but only within the framework of the interpretation contained in the reasons for the decision.

All constitutional organs are legally obligated to abide by this interpretation in the implementation of the basic treaty and to represent it without qualification within and without—especially towards the other party to the treaty and its interpretation which is diametrically opposite. No other state, above all not the direct party to the treaty, may accuse this interpretation of being in contrast with the treaty. For the GDR ratified this treaty in full knowledge of the fact that it could only be implemented by our side on the basis of an interpretation which is in keeping with the basic law and which has been confirmed and declared binding by the Federal Constitutional Court.

After Radio Moscow had sounded the keynote for communist rebuke of the verdict by the Federal Constitutional Court on August 9, 1973, the SED central organ "Neues Deutschland" yesterday published its first criticism of the contents of the decision which is in essence identical with the Moscow comment and in part even verbally identical with it.

The comment by "Neues Deutschland" referred to the communique of the summit meeting by the party chiefs of the Warsaw Pact states which took place on the Krim island on July 30 and 31, 1973, and which spoke of forces that "resist international détente in the spirit of the 'Cold War'."

On this statement whose demi-official nature for the GDR and for all states of the Warsaw Pact cannot be ignored, the Federal Government can and must not react with silence. It is committed to the duties of the constitution as well as to the verdict of the Federal Constitutional Court.

The Federal Government must not be silent in the fact of—

East Berlin and Moscow not only discarding the verdict of the Federal Constitutional Court as judicial nonsense, but defaming it even as "revengist interpretation of the basic treaty" which should be "thrown on the junkyard as trash which has no meaning for history."

East Berlin and Moscow speaking of the end of the German Reich and the emergence of two new states totally independent of each other under international law.

East Berlin and Moscow trying to qualify recognition of the inviolability of the inner-German border as the final division of Germany dictated by international law.

East Berlin and Moscow trying to sever the Land of Berlin from its basic ties with the Federal Republic of Germany.

East Berlin and Moscow attacking as "remnants of revengism" the Federal Republic of Germany's duty to watch over the rights of all Germans and for Germany as a whole—a duty which is dictated by the basic law and which has been reconfirmed by the Federal Constitutional Court.

The CDU/CSU Parliamentary Party calls upon the Federal Government to identify publicly with the interpretation of the basic treaty made binding by the Federal Constitutional Court in view of these impermissable as well as aggressive communist pronouncements.

The Federal Government must finally come to speak with one voice. It must stop presenting an interpretation of the basic treaty in keeping with the basic law only within—i.l. towards Parliament, the Federal Constitutional Court and the German public—while accepting without contradiction the diametrically opposed interpretation of the other party to the treaty.

The Government is incurring the danger

of being identified with those forces which, like the "Vorwärts"—after all the SPD party organ—which was quoted in the "Neues Deutschland", accuse the Federal Constitutional Court of "judicial narrow-mindedness", "day-dreaming", and "self-deception and hallucinations".

The CDU/CSU Parliamentary Party further calls upon the Government to transmit to all states and to the organisations of the United Nations the verdict of the Federal Constitutional Court as the binding interpretation of the basic treaty by the Federal Republic of Germany.

TRIBUTE TO S. FRANK RAFTERY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. BIAGGI. Mr. Speaker, it is with pleasure that I bring to the attention of my colleagues an outstanding American, a man who has achieved a position of recognition and respect among his peers in the ranks of organized labor.

I am confident that my fellow Members of the House and Senate could readily cite records of men and women who have devoted their energies to keeping America strong. Nevertheless, I would like to take this opportunity to ask my colleagues to join me in paying special tribute to the record of a man who I feel, personifies love of country and devotion to service: The president of the International Brotherhood of Painters and Allied Trades, AFL–CIO, S. Frank "Bud" Raftery.

"Bud" Raftery, listed in Who's Who and the International Blue Book, has demonstrated his concern for the people of America in areas beyond his duties and responsibilities. He has served on numerous committees to further many humanitarian projects. He has served on the fund-raising committee for St. Ann's Infant Home and as a member of the board of directors for the Arthritis and Rheumatism Association. He was a member o fthe Citizens' Advisory Council of the White House Conference on Children and Youth.

He is a member of the National Labor Council, the National Advisory Council of the Peace Corps, the National Advisory Committee for Jobs for Veterans, a member of the board of directors of the African-American Labor Center, on the board of the Asian-American Labor Council and vice chairman of the Histadrut, the National Committee for Labor Israel.

In 1968, he was the recipient of the Humanities Award from the Hebrew Academy of Miami, Fla. There a scholarship in the department of humanities. was established in his name.

He has been the recipient of many awards, including a special award from the Job Corps honoring his activity in the Job Corps program. Under his supervision, his union trained and found jobs for hundreds of young men. Many of these men had been welfare recipients. Now, they are working, tax-paying citizens. He is the recipient of a national award from the National Safety Council for his outstanding contributions toward safety glass legislation, implemented in 28 States, covering 85 percent of the population.

In addition, he inaugurated, without Federal funding, his organization's successful L.Y.F.E. program. The initials represent labor, youth, fitness, and education. Members of his staff, local unions and district councils search out the youth of America. Local programs are then established to direct the chosen young men toward responsible citizenship.

Here is a man who looked at his own union and saw workers hurt and consumers being jeopardized. He decided to do something about it with a multipronged attack, seeking better safety devices and consumer protection.

Here is a man who looked at conditions in the underprivileged world—no jobs, no medical care and little hope—and he did something about it.

Here is a man who put together unique cooperation between business and labor, young and old, liberal and conservative and he put it together in a way that matters.

His present positions in the labor movement are far too numerous to mention. However, when one reviews the committees and councils he serves on, it becomes clearly evident that "Bud" Raftery epitomizes a responsible labor leader.

Through his good works, Mr. Raftery has shown deep sensitivity, seriousness of purpose, thoroughness and fairness. I am honored and pleased to state in this historic Journal of the Congress that Mr. Raftery has demonstrated, to the American public, the highest standards of leadership.

PROSTHETIC ADVANCES ON MEDICAL FRONT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ESCH. Mr. Speaker, a recent article in Newsweek magazine points up the excellent advances being made at the University of Michigan in the treatment of persons disfigured by injuries, congenital defects, or the ravages of cancer. But as the October 15 article makes clear, too few persons, including doctors, are aware of the availability of these new prosthetic organs.

The technique was developed by Denis Lee, a 34-year-old associate professor of art at the University of Michigan who also serves as director of medical illustration at the university's medical center. According to Dr. Reed O. Dingman, chief of plastic surgery at the university, many of those suffering from disfigurements do not seek help because they are unaware of Mr. Lee's prostheses.

I hope the following article will give incentive to those who have known the trauma of a disfiguring accident or disease to seek help from the dedicated experts at the University of Michigan:

The Fine Art of Saving Faces

When Phil Blough, an Ann Arbor, Mich., barber, lost the little finger on his left hand in a farm accident 25 years ago, he didn't feel particularly handicapped—except when it came to square dancing. "When we formed two lines and met in the middle," he recalled last week, "the women wouldn't even want to touch my hand because they were afraid they'd hurt it." But the ladies don't flinch at taking Blough's hand now because it is equipped with an artificial finger that can hardly be distinguished from the real thing in both texture and color.

Blough's new finger is the creation of Denis Lee, 34, associate professor of art at the University of Michigan and director of medical illustration at the university's medical center. During the past two years, Lee has fashioned ears, noses, fingers and even entire faces for more than 200 men and women disfigured by injuries, congenital defects or the ravages of cancer. While the use of prosthetic organs isn't new, Lee is one of a half dozen craftsmen who apply artistic skill to make their prostheses suit the individual features of the patient.

There are limitations on how well plastic surgeons can reconstruct body parts out of living flesh, bone and cartilage, particularly in the case of the human ear. Many of the artificial parts available until now don't fit exactly with the patient's features and, even worse, have a telltale waxy appearance that can be repellent. "The artistic touch," says Dr. Reed O. Dingman, chief of plastic surgery at Michigan, "that is what has been missing." At Dingman's urging, Lee set out to develop artful prostheses in a home workshop three years ago and now turns them out with a skill that Rodin would admire.

In his most recent case, Lee was called upon to fashion an ear for an 18-year-old youth whose face had been badly mangled in an auto accident. Once the surgeons had done what they could to reconstruct the patient's face, Lee made an impression of both sides of the head, using the same gel-like substance dentists use to get impressions of teeth. He then poured plaster into these impressions, making a model of the wound site and of the good ear on the other side. Working from the two models, Lee carefully sculpted a clay ear, complete down to the pores of the skin.

After the finishing touches were applied, a plaster mold was made around the clay sculpture into which a mixture of silicone rubber was poured and allowed to harden. The silicone prosthesis was then fitted into place on the youths head, trimmed to merge with the line of the skull and fixed with a strong adhesive. Working like a portrait artist, Lee next applied a combination of red, yellow and blue paints containing silicone. When he had perfectly matched the patient's natural flesh tones, he applied special sprays to bond the paint to the silicone and to dull the natural sheen of the prosthetic material. After eighteen hours, the job was done.

MASKS

Many of Lee's patients are elderly persons whose ears and noses were obliterated by cancer. Besides ears, noses and fingers, Lee also makes "eye assemblies," including sockets to hold a conventional glass eye, and lids and lashes made from the patient's own hair. His most difficult cases have been persons who have tried to kill themselves with guns, shattering their faces instead. Working from photographs, Lee fashioned assemblies of noses, eyes, ears and mouth into an entire face mask. "It's not the best result," Lee admits. "It's hard to match and the masks are hard to keep in place. But it really makes a difference."

To give his work a lifelike quality, Lee often paints on blemishes and freckles to conform to the patient's complexion. He has also developed a sun-tan lotion that a patient can apply to match his prosthesis up with his own tan. The prostheses are removed each night and replaced in the morning with a heavy adhesive that permits them to be worn even while swimming. Unlike most prostheses, which break down and must be replaced once or twice a year, Lee's creations last two or more years unless they become bleached out from chlorine in swimming pools or discolored by heavy exposure to sun or smoke.

Given the hard-wearing qualities of Lee's prostheses, the cost doesn't seem exorbitant. The university charges $400 for a nose or ear, $100 to $200 for fingers and $600 for an eye assembly. But unfortunately, notes Dingman, few persons, including doctors, know that such devices are available. "I wonder," Lee adds, "how many little old ladies are sitting at home now, afraid to go downtown or to church because they have lost an ear or a nose. We could help them."

CONCERNED MINISTERS FOR BUSING SPEAK OUT

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HUDNUT. Mr. Speaker, on previous occasions, I have addressed the Congress about the controversy embroiling my district over the subject of court-ordered busing to achieve racial balance in the public school system. I have mentioned the thousands of petitions I have received, along with other Congressmen from central Indiana, expressing opposition to busing. This matter is very emotional, and people feel very strongly one way or the other on it. Not wanting to give the erroneous impression that everyone in my district is against busing, and wanting to be sure that the proponents of busing also receive an airing of their views before the Congress, I am pleased to share with my colleagues the following newspaper article printed in the Indianapolis Recorder on October 13, 1973.

The article follows:

SEEK 100,000 SIGNATURES ON PETITIONS

Moving to combat destructive fear-mongering tactics utilized by anti-busing leaders, an interracial group of clergymen announced this week plans for a massive campaign geared to rally support for court-ordered local school desegreation.

The ministers, clearly disturbed by efforts to impeach Federal Judge S. Hugh Dillin, also revealed intentions to secure 100,000 signatures on a petition supporting him. Dillin has been the target of an intense, brow-beating impeachment conspiracy since ordering busing of over 9,000 students for integration purposes.

Terming themselves The Concerned Ministers for Busing, the group was activated recently as the public was blitzed by busing foes with wide-spread terrifying rhetoric.

In their opinion, it is time to move against those who "are attempting by hatred, bigotry and racism to undermine the Public School System and to divide, wreck and bring down this great nation of ours."

Their strategy unfurled partially during a spirited public meeting Sunday night at St. John Missionary Baptist Church during which they issued a plea for those "who adhere to the principles of our founding fathers to rise up, stand firm, and support compliance with Constitutional law."

In future days, the interdenominational alliance intends to conduct a series of open meetings and distribute brochures explaining its support of court-ordered busing. Brochures will be passed out at the gates of the city's industrial plants and "every shopping center in the city," the ministers declared.

Spokesmen openly accused leaders of the anti-busing movements of exploiting the genuine concerns of a number of parents for selfish political gain. Their aim, spokesmen say, is to destroy the myths concerning busing.

"Whites have organized and we must," one highly-regarded black minister asserted. "Too long have we been the victims of mind poisoning political leaders whose thoughts are only of the next election and not our children."

A statement released by the ministers said:

"We, the Concerned Ministers for Busing of Indianapolis and vicinity, hereby issue a call to the citizens of this community to stand firm against those who are attempting, by hatred, by bigotry, and racism, to undermine the Public School System and to divide, wreck and bring down this great nation of ours.

"We call for all people of goodwill to support that bedrock of our democratic society, the Public School System;

"We call for all who adhere to the principles of our founding fathers to rise up, stand firm, and support compliance with Constitutional law;

"We call for the Congress to give solid support to our federal courts and their decisions calling for busing of public school children as a means of implementing equality in education.

"We are unequivocally committed to the principle of the Fatherhood of God and the Brotherhood of man and the democratic concepts embedded in our Declaration of Independence, the Bill of Rights, and the Federal Constitution. We are clearly aware of the sinister motives of those who are using the school transportation program to stir up racial division, bigotry, and hatred. We are well aware of such expressions as 'It's not the distance, it's the niggers' and It's not the busing, it's the niggers.

"We hold these truths to be self-evident that all men are created equal and are endowed by their creator with certain inalienable rights—the right to equality in education is one of them.

Ad hoc chairmen, the Reverends Melvin Girton and Arthur Johnson, urged interested citizens to attend mass meetings scheduled for Saturday morning, 10 a.m., at St. John Missionary Baptist Church, 17th and Martindale, and Sunday night, 8 p.m., at Friendship Baptist Church, 761 N. Sheffield.

Already actively engaged in the campaign are The Reverends William A. Dennis, Urias Beverly, Oscar Hill, Thomas Petty, C. V. Jetter, J. E. King, N. E. Vincent, W. B. Minor, J. W. Short, A. J. Brown, T. Garrott Benjamin, Arthur Johnson, James Hawkins, Willie D. Copeland and Father John LaBauve.

In conclusion, may I observe, as I have before, that I feel the Judiciary Committee owes it to the American people to hold hearings on the issue of busing, in order that the different points of view may be expressed, and the Congress given an opportunity, if the committee moves legislation to the floor, to vote it up or down. How can we say that we are fulfilling our role as a Congress in a free democracy, if we do not debate, and do not give the people a chance to speak through their elected representatives? It seems to me it is our duty to provide a national forum for a national discussion of this issue, and I urge the Judiciary Committee to do so as soon as possible.

CONGRESSMAN GERALD R. FORD

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. BROOMFIELD. Mr. Speaker, the selection of Congressman GERALD R. FORD as Vice-President-designate has been applauded unanimously by all those who have come in contact with the distinguished and accomplished minority leader. As a personal friend and fellow Michigan native, I have known JERRY FORD as a forthright and honest man who has dedicated his life to his country and his party. The House of Representatives will be diminished by his departure.

We, of the Michigan congressional delegation and the State of Michigan, are rightly proud that one of our own should be called upon at this most crucial time in our history. Having worked side by side with him, having profited from his leadership and wisdom, we need not be reminded of the strong character and integrity which this man brings to the Vice-Presidency.

Congressman FORD showed signs of his future success long before he entered public life. Four decades ago, on the gridiron of the University of Michigan he was a 3-year letterman. A member of two undefeated national championship teams, he capped his career in 1934 by being named the most valuable player of the team.

He went to Yale Law School and graduated in 1941. Four years of active service in the Navy during World War II preceded his return to Michigan and private law practice.

Proving that all good things come in threes, in 1948 JERRY was honored by the Grand Rapids Jaycees as outstanding young man of the year, married his wife Elizabeth, and was elected to Congress.

In the House, the Vice-President-designate served first on the Public Works Committee and later the Appropriations Committee. In 1957, he was appointed to the Select Committee on Astronautics and Space Exploration and helped to shape the policies and programs that were later to usher America into the space age.

It was not long before his Republican colleagues recognized his special talents and in 1963 his peers tapped him for the chairmanship of the House Republican Conference. In the following Congress he became minority leader, a post he has held with distinction for the last 9 years.

Mr. Speaker, it is all but impossible to list all of his achievements or for that matter adequately convey the esteem and respect in which one holds him. Perhaps, it is enough to say that JERRY FORD has been a good friend and dedicated public servant who is eminently qualified to bring to the Vice-Presidency the strength and confidence that our country needs today.

I commend the President for his selection and hope that Congress will give the nomination its approval without unreasonable delay.

VFW BACKS H.R. 10851, BRAILLE MARKINGS ON U.S. CURRENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. RARICK. Mr. Speaker, I was very pleased to learn today that the Veterans of Foreign Wars of the United States support H.R. 10851, a bill which Congressman CHARLES THONE and I recently introduced to "provide for paper money of the United States to carry a designation in braille indicating the denomination."

I include a copy of the letter I received from the director of the National Legislative Service of the VFW and resolution No. 314, as adopted by the National Convention of the VFW, along with a copy of my bill to be inserted in the RECORD:

VETERANS OF FOREIGN WARS,
Washington, D.C., October 12, 1973.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. RARICK: It was with extreme gratification we noted your introduction of H.R. 10851 which would provide for paper money of the United States to carry a designation in braille indicating the denomination.

The more than 14,000 voting delegates to the last National Convention of the Veterans of Foreign Wars of the U.S. gave us a mandate in the form of Resolution No. 314, a copy of which is enclosed, to seek legislation in the Congress of the United States to identify by braille markings on paper currency through the $20 denomination.

In view of the foregoing, and since your Bill fulfills our national mandate, rest assured you have the full support of the 1.8 million members of V.F.W. and the more than 500,000 members of our Ladies Auxiliary in this legislation and we will be working closely with the Committee on Banking and Currency for early consideration and passage thereof.

With best wishes and kindest personal regards.

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

RESOLUTION NO. 314

IDENTIFICATION OF PAPER MONEY FOR THE BLIND

Whereas, blind people have difficulty in identifying paper money and now rely on the honesty of others; and

Whereas, a special money identification for the blind would help them to properly handle business transactions and aid in their employment; and

Whereas, such identification would make blind people feel more confident and take part in community activities; and

Whereas, identification of paper money by braille markings in the corners of bills is now in use in Sweden and working successfully; now, therefore be it

Resolved, by the 74th National Convention of the Veterans of Foreign Wars of the United States, that petition the proper Government office and/or propose a bill before Congress to make this a part of our U.S. currency system for denominations identified by braille markings on one dollar bills, fives, tens and twenties and if proven successful then further identification of larger paper money denominations.

Adopted at the 74th National Convention of the Veterans of Foreign Wars of the United States held in New Orleans, Louisiana, August 17 through 24, 1973.

H.R. 10851

A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall appear on the face of all paper money of the United States which is printed after January 1, 1975, a designation in braille indicating the denomination thereof.

(b) The Secretary of the Treasury shall carry out the provisions of this Act, and for such purpose he may establish such rules and regulations as he determines appropriate.

PUERTO RICAN VETERANS FIND VIETNAM ERA VETERANS BENEFITS INADEQUATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. RANGEL. Mr. Speaker, 2 weeks ago Angel Almedina, a young Vietnam combat veteran, testified before the Subcommittee on Education and Training of the House Veterans Affairs Committee on behalf of the National Association for Puerto Rican Civil Rights, the National Puerto Rican Forum, and the National Congress of Puerto Rican Veterans. Mr. Almedina, while recognizing certain progress in the beginning of the first Federal programs for Spanish-speaking veterans, charged that the Federal Government was not equipped to meet the problem of the Spanish-speaking Vietnam era veteran because it has no data on the number of Spanish-speaking Vietnam veterans.

Like we blacks, who for most of American history existed as "invisible men," the Puerto Rican, Chicano, and other Latinos today find themselves lost between the classifications of "white" and "other" on Federal Government data books. The result has been a neglect of the special problems of the Spanish-speaking Vietnam era veteran.

The Spanish-speaking Vietnam veteran, like his black brother, entered the service of his country younger, poorer, and less equipped to return to civilian life. In this time of inflation and a job market which demands ever greater skills, he is squeezed between rising costs of education, and the stable level of veterans benefits which make it difficult for him to afford the training he needs to catch up.

In his eloquent testimony before the subcommittee, Mr. Almedina described the special problems encountered by Spanish-speaking Vietnam era veterans such as himself and presented recommendations for a new Vietnam era GI bill that will provide a greater opportunity for Spanish speaking and other Vietnam era veterans to become productive members of our society. I will read Mr. Almedina's testimony into the RECORD for the information of my colleagues:

A STATEMENT ON VIETNAM ERA VETERANS BENEFITS

I am Angel Almedina, Washington representative for the National Association for Puerto Rican Civil Rights, and Chairman of its Veterans Affairs Committee. I am also a member of the National Congress of Puerto Rican Veterans, and am the Director of the National Puerto Rican Forum's Veterans Opportunity Center for the Maryland/Virginia and District of Columbia area. I am, in addition, a member of the National Association of Concerned Veterans, which has previously testified before your Subcommittee, and whose goals and efforts we support.

I have a prepared statement which I wish to read. It may be the only opportunity for a young Puerto Rican Vietnam Veteran to testify before you. I hope you will bear with me.

Mr. Chairman and Members of the Subcommittee, we are honored to be here today, to testify on behalf of the National Association for Puerto Rican Civil Rights, the National Congress of Puerto Rican Veterans, and the National Puerto Rican Forum, which constitute three of the largest organizations in the Puerto Rican communities of the Nation. We want to thank you and your committee for your many past and present efforts on behalf of veterans in general, and Vietnam era veterans, in particular.

Our community's primary concern here today is for the younger generation of veterans who served in Vietnam or during the Vietnam war period. In particular, we wish to reflect some of the concerns of the many young Puerto Ricans who served during this period. We do, however, wish to note, that many Puerto Ricans who served this Nation during previous eras, continue to face many and serious problems in making a decent living, in finding good jobs, housing, health care, and other needed assistance and services. Most of us Puerto Ricans are poor, or live on the thresholds of poverty. Many of our young men, perhaps the overwhelming majority, are the sons of veterans from previous eras. Most of the older generation of Puerto Rican veterans did not, or were not able to, avail themselves of the World War II G.I. Bill of Rights—for reasons not unlike those facing the younger generation of veterans. Just as the older generation, who loyally served this Nation in time of war, but were neglected in their readjustment, in terms of services and benefits, so also the danger exists that history will repeat itself, and that the new generation of veterans will be equally neglected. Earlier this year, the Commander of the Veterans of Foreign Wars, Mr. Patrick E. Carr stated that "it is a historical fact that the contribution made by those who wore the uniform in time of war are soon forgotten in the aftermath." It is also a fact that the veterans from the lower-income backgrounds, who most often served in the infantry and combat-type units, are the quickest to be forgotten by the society and the government whom they served.

To be sure, the Federal Government has instituted a number of programs and services for veterans. In the case of the Spanish-speaking veterans, the Federal Government, for the first time, funded service programs, one for the Chicanos through the G.I. Forum, and one for Puerto Ricans through the Puerto Rican Forum and the New Jersey Congress of Puerto Ricans. These two thrusts came very late in the battle for readjustment, however, and were funded late last year. It is, nevertheless, a step in the right direction. Fortunately, the Department of Labor, which has provided us with the funds, has been cooperating, and through their encouragement and the encouragement of Vietnam veterans the projects are well underway. The Puerto Rican Forum is now providing services to veterans in ten cities in the Northeast, and the New Jersey Congress is working at several sites in its State. These programs constitute the Nation's first effort to reach out to the veterans of the Nation's second largest minority group. Although there is much debate on the actual number of Hispanic Americans, there are more than 11 million of us in the country.

Because of the absence of adequate racial-ethnic data, which would adequately reflect the number of veterans or Vietnam era veterans who are Puerto Rican, we have, of course, no meaningful way of determining how many of us served in the Armed Forces of the United States. Until recently, the Puerto Rican was classified under the *three* categories: white, black, and "other." Chicanos, Puerto Ricans, and other Latinos simply did not "exist." Neither the Veterans Administration, nor any other Federal agency have the kind of data system that could assist in facilitating regular contact with veterans from the various backgrounds, and thereby assist in the planning or development of service programs. For example, the Washington Area Veterans Opportunity Center of the Puerto Rican Forum has received a list of "current" Vietnam veteran addresses.

Subsequent to sending out several thousand letters to individuals with Spanish-surnames taken from the list, the majority of the letters were returned with the "addresses unknown" type stamp. As an important sidelight to this matter, the list did provide us with an indication of the number of service-connected disabilities. This is very important to us, in view of the high rate of infantrymen among the Spanish-speaking. We hope that in the near future we will be able to make some sound estimates in the area. We do want to note, however, that many Puerto Ricans are not "Spanish-surnamed"—many of us have French and English names, as well as Dutch names. The term "Spanish-surname" does not necessarily reflect either Hispanic-Americans or Spanish-speaking Americans.

Most young Puerto Ricans, like Chicanos and Black people, come from the lower-income backgrounds. Most young people from the poor or lower middle-income backgrounds were subject to the draft. They did not have the money to be in college, or they did not have the deferment-type jobs. The fact that the average age of Puerto Ricans is less than twenty, would indicate that a larger number of our young entered the Armed Forces of the United States. There is good reason to believe that most draft-eligible Puerto Ricans of the past ten years did in fact serve this country.

We would like to note emphatically, that most of our young served honorably and did their work efficiently—in spite of many discouraging and often humiliating conditions imposed on us as members of a small minority group. Only a small number were discharged under other than honorable condition, and even fewer are dishonorable discharges. Many of the latter were undoubtedly caught in the tragic net of a discriminatory environment and the other circumstances that makes life so often unbearable to a young man who comes from a racial minority group, has different aspirations and hopes, and grew up in a different lifestyle and culture. It is our hope that sometime in the near future, Congress will have the compassion to thoroughly review this issue, and initiate the appropriate and necessary redress for these veterans, whatever their background. Most of the "other than honorables" have done nothing more than commit a misdemeanor-type offense, which should not be subject to life-long penalties in terms of getting a job.

Many of our young veterans returned to civilian life with high hopes and great expectations. Their experiences in the military provided them with a new perspective of the "home front." Many of them had for the first time been outside of the "barrio". Military life, in spite of all its connotations, gave many of our young men a taste and a hope for the "better life." The conditions at home, however, had gone for the worse. Prices—always high in barrios—have skyrocketed in the past few years, especially food and rent prices. Jobs are scarce, and have been so for several years. Good jobs are few. Training and educational programs have been cut back considerably. Institutional training and educational programs cost dearly. Supplementary services for the Spanish-speaking are very limited. A number of job areas are virtually closed to us. In many cases, the only thing that our young veterans get is the minimum wage—which is woefully inadequate for most urban areas.

In short, the economic squeeze of the past few years have hit Puerto Ricans very hard. Unemployment among Puerto Ricans is considerably higher than that of the Nation. Puerto Rican communities, who are by tradition most susceptible to labor market fluctuations, have been hit very hard. Our veterans came home at a very unfortunate economic juncture. They are too old to participate in many of the existing education and manpower programs, sponsored by Federal and State agencies. And they acquired no skills that are readily transferable into civilian-type skills. Where are they? Many are on the streets, some are addicts, others are alcoholics, still others are alienated, disappointed, frustrated. They were not reached by the Veterans Administration, nor by any other agency. Many aspirations and hopes were destroyed. The unpopularity of the war in Vietnam did not help them. Only very recently has there begun an attitudinal change towards the Vietnam era veteran. This change is long overdue. In short, and leaving aside many of the incredible events of the past years, the Vietnam veterans have had a harsh and difficult time. The Puerto Rican veterans have had to face these and other problems besetting them as veterans and as Puerto Ricans. There is a massive problem.

The question that we all wish to address ourselves to is this: How can we assist in both capturing and capitalizing upon the talents of our veterans, especially our young men? The Nation's answer to veterans' needs has been the G.I. Bill. The latter was created to facilitate readjustment and open opportunities. A review of the condition of Spanish-speaking veterans, however, or of Vietnam veterans in general, indicates that the G.I. Bill has been less effective than the World War II G.I. Bill. Fewer veterans are availing themselves of the benefits offered. the level of participation in college education is extremely low, when compared to the rate of participation by non-veteran high-school graduates. And it is low when we compare it to the premium placed on education, higher education, to get a good job.

There are, no doubt, some who would say that "apparently these veterans are satisfied with the jobs they have." There are others who might claim that "these young men simply can't qualify." And then there are some who believe that "those vets are getting too much." We can only say that few are satisfied with the prospects of a permanent minimum wage-type situation; that everyone should have the opportunity to gain a post-secondary education; and that the Vietnam veteran is being offered even less than the World War II veteran. The issue is primarily one of economics. Most of our veterans do not have the money to make it on the G.I. Bill. The G.I. Bill, as it is presently constituted, is not an incentive for most of our veterans. It is not enough for covering the costs of living and education. It is not enough for an adult to live on. How can we expect a veteran to get an education and live on the G.I. Bill when the benefits offered are substantively less than the poverty levels, than the national standards of poverty. The only thing that a veteran can do with the present G.I. Bill is to get a job and forget about an education. If he takes a part-time job, then he may sacrifice his academic standing.

The Vietnam War G.I. Bill is not doing its job. It aids only those veterans who can get money from elsewhere. It helps those veterans who are from the better income backgrounds. But it is not an incentive. It is an investment in a person who already has some money. Any other veterans who seek to make it on the G.I. Bill, have too eke out a living, run into debts, are constantly worried about making ends meet. Such prospects, if anything, will drive many a young man away from a college education.

It is our sincere hope that the committee will come to grips with the needs of our veterans. Such needs should not be arbitrarily defined or set aside because of the present economic condition of the Nation. Surely, if we can give consideration to many new billions of dollars to state and local governments—under general revenue sharing—to transportation, water pollution control, and other items, then this Nation can also begin to look at new initiatives for investing more money in our young veterans? After all, if we can think in terms of billions of dollars for a subway in Washington, D.C. and for sewage waste disposal, we can also think about giving the majority of Vietnam era veterans a better chance to get an education. This kind of capital improvement program will lead to better employment, more taxes in the future, and other social benefits. At least some good will come of it. Unlike with the subways, there will be no cost-overrun. As for sewage disposal, we all know that our ghettos and barrios will still have their garbage removed later than in other communities.

We hope you understand that we are not trying to be provocative in the ordinary sense. We just very firmly hold that increased investment in human resources plays a very vital role in building our society. Investment in Puerto Rican veterans will be of enormous value to our communities, who need skilled and educated men and women. An investment in veterans will greatly assist in our communities' development. The present level of benefits under the G.I. Bill is nothing less than an impoundment of opportunities for our veterans, and for our communities.

What kind of specific actions do we three national Puerto Rican organizations suggest to Congress, as a way of remedying the present disadvantages of the G.I. Bill of Rights? Our primary concern at this stage is in the area of education. Our recommendations do not significantly differ from those of the established veterans organizations and educational associations who have already testified before this subcommittee. We do wish to briefly note some of our thoughts on this matter.

(1) Educational Costs—The direct payment of tuition to schools was a provision under the original G.I. Bill. During the 1940's, this meant that the offered $500 covered the cost of education at most public and private institutions of higher education. Because of racial and other related circumstances, as well as limited secondary education opportunities for the Spanish-speaking, most Puerto Ricans could not avail themselves of the "opportunity." Our young veterans are in a better position with regard to the above circumstances—although there are still major and significant problems. Today, however, the tuition payment system is absent, although educational costs have gone up higher than many other costs since the late 1940's. Last year, the Association of American Colleges, represented by Mr. Howard Holcomb, testified to the House and Senate Veterans Affairs Committees that the average increase was above 300% since the post-World War II period. A tuition payment system is needed, and consideration needs to be given to offering up to $1,500 to the veteran for covering educational costs. This may sound much, yet it would be equitable. Further. in the majority of instances, the amount needed for educational costs would be considerably less per year.

(2) Cost-of-Living—The present level of subsistence benefits are clearly inadequate

if they are meant to cover both living and the educational costs. Supplemented by a tuition payment system, the G.I. Bill would be a good basis. We did, however, note that the present level is below the various national standards of poverty. We thus hold that there should be a fair increase in the monthly subsistence allowance in line with such levels. Making available to the veteran $75 a week, or $300 a month, would cover basic living expenses. $300 should be the base level for a single veteran. Again, considering the fact that an individual may pay $125 to $175 a month for rent alone, the increase is not an extraordinary one. It would leave him with $125 to $175 for food, transportation, and other basics. The subsistence allowance should be annually upgraded, to keep in line with the rise in food and other costs. An automatic cost-of-living increase, based on the consumer price index, for example, should be instituted annually, prior to the beginning of the academic year.

(3) Extension of Time Limitation—The present G.I. Bill contains provisions that limit eligibility to within eight years of release from active duty. Many of our veterans from the early period of the Vietnam War will no longer be eligible for any educational benefits. These veterans were, of course, the very people who received no counselling, advice, or other readjustment assistance. Moreover, until very recent years, the G.I. Bill level of benefits was extremely low—initially it was $100 and in 1970 it was $175—simply too low to get into an institution for most of our veterans. In the original meaning of the term, there was no "readjustment program" in the early and mid-sixties. Our veterans were not even contacted or counselled by the Veterans Administration. Many of our veterans can only pursue their educational program on a less than half-time basis—mostly because of family considerations; others will need to get a GED or other educational refresher program, before they will be able to enter college or a technical institution. It is for such reasons that the delimiting period to complete education or training should be extended by several years—by six to eight years—from the date of separation or discharge from active duty.

(4) Extension of Entitlement—The present G.I. Bill limits the months of entitlement to a maximum of 36 months. For various reasons, an extension of this entitlement would be of value. Many of our veterans enter a program of education, only to find that there are no career opportunities in that field, and that they need to change their major. Others transfer from the community colleges and in the process find that they need to pick up additional courses before they can get their degree. Still others find that they are in a field of specialty where they need additional courses in order to enter a desired career. In each of these cases, a semester may be needed to carry out a desirable goal. In some cases an individual may need to take two semesters. Others have pointed out that with the increased emphasis on graduate education, a person interested in acquiring a decent career, for example in education or counselling, or some technical field will need additional time. Reduced funds for graduate education compounds the problems of many veterans. It is for such reasons that we suggest serious consideration be given to adding twelve months to the present entitlement.

(5) Disabled Veterans and Vocational Rehabilitation—The World War II and Korean War GI Bills provided for vocational rehabilitation benefits to veterans who had a disability as a result of, or whose disability was significantly aggravated by military service. The criteria then was one based on need for vocational rehabilitation to overcome a handicap in order to acquire a decent job. There appears to be a difference between what disabled Vietnam era veterans receive under vocational rehabilitation and what the Korean and World War II era veterans receive. Vietnam veterans receive less. We sincerely hope that the committee will review this matter and take appropriate corrective action, to insure that disabled Vietnam veterans receive the same consideration as the disabled veterans of the previous wars had received.

(6) On-the-Job Training—The OJT allowance presently offered to a veteran is geared to act as an incentive to the individual veteran to undertake training by supplementing his income during the period of training. The income derived from such training programs, such as the apprenticeship programs, are very often below that which a person might get for a regular job, even though that job might last not as long and have no upward mobility opportunities. The OJT program could also act as an incentive to employers to hire veterans. The Veterans Administration and others strongly supported an increase in the OJT allowance last year, and has sought to contact employers for more than 100,000 positions in this area. We suggest that serious consideration be given to increasing the level of the OJT allowance by a substantial amount. We also hope that the committee will support or encourage efforts to create bilingual education programs to accompany the OJT thrust in areas with communities of limited English-speaking ability. The mere existence of OJT opportunities will be of little help to the Spanish-speaking veteran if he is not fully conversant in English, or has limited English-writing skills.

The above recommendations or suggestions constitute some of our concerns. As we noted before, they do not diverge greatly from those of other organizations that have addressed this committee before us. The only exception perhaps is the last recommendation dealing with OJT. Our basic philosophy is that the Vietnam era veteran should be offered the widest range of opportunities—real opportunities and not half-way measures. The World War II veterans were offered more—the Vietnam veteran should be offered even more than the older generation. The sons of the older generation, especially in our poorer communities, should have something better to look toward then is presently the case. We ask: Is this too much to ask for the Vietnam era veteran, the veteran of the most unpopular war in the history of the United States?

We thank you for receiving the views of the three national Puerto Rican organizations.

INCOME TAX DISCLOSURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WALDIE. Mr. Speaker, the unprecedented assignment facing this House in confirmation of a new Vice President affords us a unique opportunity to assure that the highest officeholders in the land are not party to any conflict of interest.

I believe it is an absolute necessity that the nominee submitted to us be required to reveal all of his tax records for those years he has held either elective or appointive office. I am making this proposal to Chairman Rodino, and my other colleagues on the Judiciary Committee as a necessary first step in our confirmation hearings.

This week I plan to introduce legislation which would broaden earlier bills that I have proposed to this House and make income tax disclosure a requirement for both the President and Vice President.

The confidence in Government has never been lower than this period of dishonor and disgrace in the country's second highest office. We should all understand by now that there is no requirement of higher priority than full assurance that the nominee is untainted by even the remotest contact with scandal.

I consider disclosure an absolute necessity and urge that the necessary steps be taken to provide these documents early in the hearing process.

WORLD'S BIGGEST NATIONS, U.S. STATES, AND CORPORATIONS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HOSMER. Mr. Speaker, if New York and California were independent countries instead of States of the Union, they would be the ninth and 10th largest nations on earth, exceeded in gross national product only by the United States itself, the U.S.S.R., Japan, West Germany, France, Britain, Italy, and Canada.

These are the conclusions of Representative Craig Hosmer, of California, who has compiled a 132-item inventory of the gross national products of the world's 42 largest countries, 50 U.S. States and the District of Columbia, and the 39 most sizable multinational corporate giants.

The world's biggest business is U.S.-owned General Motors Corp. It is No. 27 on Hosmer's list. Just ahead of General Motors in annual gross product are Belgium and the State of New Jersey. Just behind it are Standard Oil Co. of New Jersey and Rumania.

The world spanning British-Dutch-owned Royal Dutch Shell Corp., 54th on the list, is the chief non-U.S. business.

The People's Republic of China is handicapped economically by overpopulation and lacks a large industrial base, according to Hosmer, but nevertheless comes in immediately behind California as the globe's 11th largest economic force.

Due to a concentration of governmental activities, gross product in the District of Columbia is the world's 89th largest. It exceeds that of 17·States, one country, and 25 corporations on the Hosmer list. The gross product of the Nation's Capital slightly exceeds Israel's GNP and is just under that of Standard Oil Co. of California.

A complete listing of GNP's is set out on the accompanying table. Attention is directed to the explanatory note and credits:

*Gross national product (GNP) figures for major nations, gross corporate product (GCP) for multinational corporations, and gross State product (GSP) for the 50 States of the United States**

[In billions of dollars per year]

1. United States	1,152.0
2. Soviet Union	588.0
3. Japan	279.5
4. West Germany	242.5
5. France	186.0
6. Britain	151.6
7. Italy	111.5
8. Canada	98.0
9. New York (U.S. State)	97.4
10. California (U.S. State)	84.0
11. China (People's Republic)	82.5
12. India	59.0
13. Poland	52.0
14. Texas (U.S. State)	49.5
15. Illinois (U.S. State)	45.9
16. Brazil	45.5
17. Pennsylvania (U.S. State)	44.4
18. East Germany	43.3
19. Spain	42.2
20. Netherlands	40.8
21. Australia	40.5
22. Ohio (U.S. State)	39.7
23. Czechoslovakia	35.2
24. Michigan (U.S. State)	33.5
25. Belgium	33.0
26. New Jersey (U.S. State)	31.9
27. General Motors (U.S.)	30.4
28. Standard Oil (N.J.) (U.S.)	30.3
29. Romania	28.8
30. Argentina	28.2
31. Switzerland	27.5
32. Florida (U.S. State)	26.4
33. Massachusetts (U.S. State)	22.8
34. Yugoslavia	22.0
35. Ford Motor (U.S.)	20.2
36. Indiana (U.S. State)	19.5
37. Denmark	19.0
38. Austria	18.8
39. South Africa	18.2
40. Virginia (U.S. State)	18.0
41. Wisconsin (U.S. State)	17.3
42. Hungary	17.2
43. Missouri (U.S. State)	17.2
44. Georgia (U.S. State)	16.6
45. Maryland (U.S. State)	16.5
46. Washington (U.S. State)	16.2
47. Louisiana (U.S. State)	16.1
48. Iran	14.4
49. Minnesota (U.S. State)	14.1
50. Norway	14.1
51. Turkey	14.0
52. North Carolina (U.S. State)	13.9
53. Tennessee (U.S. State)	13.4
54. Royal Dutch/Shell (Brit/Dutch)	12.8
55. Connecticut (U.S. State)	12.3
56. Finland	12.0
57. Alabama (U.S. State)	11.6
58. Venezuela	11.6
59. Greece	11.6
60. Kentucky (U.S. State)	11.2
61. General Electric (U.S)	10.2
62. Colorado (U.S. State)	10.1
63. Iowa (U.S. State)	10.0
64. Chrysler (U.S.)	9.6
65. South Korea	9.5
66. IBM (U.S.)	9.5
67. Oklahoma (U.S. State)	9.3
68. Mobil Oil (U.S.)	9.1
69. Kansas (U.S. State)	8.7
70. Texaco (U.S.)	8.7
71. ITT (U.S.)	8.6
72. Unilever (Brit/Dutch)	8.3
73. Oregon (U.S. State)	8.1
74. South Carolina (U.S. State)	8.2
75. Portugal	7.8
76. Chile	7.69
77. Colombia	7.36
78. Thailand	7.26
79. Egypt	7.25
80. Peru	7.11
81. Taiwan	6.92
83. Westinghouse Electric (U.S.)	6.55
83. Westinghouse Electric (U.S.)	6.55
84. Mississippi (U.S. State)	6.47
85. Gulf Oil (U.S.)	6.2
86. Arizona (U.S. State)	6.13
87. Arkansas (U.S. State)	6.12
88. Israel	6.08
89. District of Columbia (U.S.)	5.9
90. Standard Oil (Calif.) (U.S.)	5.83
91. U.S. Steel (U.S.)	5.4
92. Nippon Steel (Japan)	5.39
93. British Petroleum (British)	5.36
94. West Virginia (U.S. State)	5.15
95. Volkswagenwerk (W. Ger.)	5.03
96. Nebraska (U.S. State)	4.8
97. Malaysia	4.54
98. Standard Oil (Ind.) (U.S.)	4.5
99. Dupont (U.S.)	4.37
100. Philips Electric (Dutch)	4.14
101. Shell Oil (U.S. Subsidiary)	4.08
102. Goodyear Tire (U.S.)	4.07
103. New Mexico (U.S. State)	4.0
104. Utah (U.S. State)	4.0
105. Imperial Chemical (Brit.)	3.98
106. RCA (U.S.)	3.84
107. Siemens (W. Ger.)	3.76
108. BASF (W. Ger.)	3.68
109. Proctor & Gamble (U.S.)	3.51
110. Ling-Temco-Vought (U.S.)	3.51
111. Daimler-Benz (W. Ger.)	3.4
112. Maine (U.S State)	3.4
113. Rhode Island (U.S. State)	3.39
114. British Steel (Brit.)	3.37
115. Hawaii (U.S. State)	3.33
116. Hitachi (Japan)	3.27
117. Union Carbide (U.S.)	3.26
118. Swift (U.S.)	3.24
119. Bethlehem Steel (U.S.)	3.11
120. Montana (U.S. State)	3.1
121. August Thyssen-Hutte (W. Ger.)	3.05
122. Nevada (U.S. State)	2.91
123. New Hampshire (U.S. State)	2.81
124. North Dakota (U.S. State)	2.73
125. Farbwerke Hoechst (W. Ger.)	2.69
126. Delaware (U.S. State)	2.66
127. Idaho (U.S. State)	2.49
128. Boeing (U.S.)	2.37
129. South Dakota (U.S. State)	2.15
130. Alaska (U.S. State)	1.7
131. Vermont (U.S. State)	1.7
132. Wyoming (U.S. State)	1.6

*Nations and corporation GNP and GCP figures are shown in 1971 constant prices. Official 1971 end-of-year exchange rates were used to convert gross product from local currency into dollars. GSP's for the 50 states were computed in 1958 constant dollars. The figure for China is for 1970, the latest date available. The 1972 GSP figures for the 50 states were extrapolated from 1970 exact and 1980 projected GSP data provided by Ray Scheppach in his book, *State Projections on Gross National Products* (Lexington Books, 1972). Edward Knight of the Economic Division, Library of Congress, helped us prepare the 1972 estimates from the raw data provided by Mr. Scheppach. Ben Crain also of the Library of Congress helped to obtain economic statistics for various foreign countries and multinational corporations.

GEN. CASIMIR PULASKI

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. STEELE. Mr. Speaker, it was my honor to participate in the Pulaski Day parade and ceremonies sponsored by the Connecticut District of the Polish American Congress in Hartford on Sunday, October 14.

Thousands of Connecticut residents turned out on a beautifully clear, crisp autumn day to attend and participate in this important event held to commemorate and pay tribute to the Polish patriot and American Revolutionary War hero Gen. Casimir Pulaski and the outstanding contributions to American and world civilization made by the Poles and Polish-Americans.

Mr. Speaker, I wish to bring to the attention of my colleagues the following resolution adopted by the Connecticut District of the Polish American Congress in commemoration of this proud day.

RESOLUTION

Honoring today the memory of General Pulaski, the great Polish patriot and the hero of the American War of Independence, we also pay tribute to all those brave men who fought on numerous battlefields and gave their lives in defense of freedom and liberty.

We pay our tribute this year at the quincentennial anniversary of the birth of Nicholas Copernicus, a man of the Renaissance, great scientist, astronomer and physician.

The Polish American Congress expresses its full support for the United States and Western European proposals calling for free exchange of people, ideas and information as a "way towards establishing an interim European political system", leading to eventual freedom and independence of the East Central European Nations. This remains our unalterable objective which must be resolutely pursued toward forthcoming negotiations and never abandoned.

The new ways of securing world peace and understanding have to be accomplished without appeasement, without weakening America's moral, economic and military strength at the same time not deserting her allies.

ARMY LEASING CARS IN EUROPE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ASPIN. Mr. Speaker, it has come to my attention that the U.S. Army in Germany is spending at least $816,000 this year to lease foreign-made cars—many of them at a higher price than it would cost to buy them outright. The cars, Volkswagens and Opels, are being used as sedans for officer transportation.

Of the total $645,000 is for a contract under which the Army is leasing 150 Volkswagens. The annual cost for these Volkswagens is $4,300 per vehicle. I should point out that the price for a 1973 Volkswagen on the German market retails from about $2,200 for a beetle to $2,900 for the station wagon model.

This is an inexcusable mismanagement of tax money. It does not take a financial genius to see that something is screwy when we lease a car for more than it costs to buy it. This year our Government paid only $2,678 for fully equipped compact model sedans from Detroit.

The Army says that it is necessary to lease the cars because there is a shortage of sedans in Europe. First of all, I doubt that such a shortage really exists or that it is quite as pressing as the Army claims. The motor pools in Europe are full of jeeps and small trucks that can take people from one place to another, if that is truly the problem. But if there is a shortage of sedans, when and how did it arise?

Other questions present themselves. If in fact there is a shortage of sedans, is this the most cost-effective way of meeting it? Also, is this the only program involving leased vehicles by our military in Europe? I have asked the General Accounting Office to look into these and other questions.

SS "ROBERT E. LEE"

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mrs. BOGGS. Mr. Speaker, recently the launching of the SS *Robert E. Lee* at Avondale shipyards took place in my district. Mr. G. Russell Moir, chairman and president of United States Freight Co., and owner of Waterman Steamship Co., and operator of the *Robert E. Lee,* delivered an address at that launching which I feel cogently advocates the necessity of maintaining a strong American-flag merchant marine fleet, and emphasizes the role of the LASH ship in that fleet. I would like to insert that address in the RECORD to share it with my colleagues:

Today is a historic moment for both Waterman Steamship Corporation and United States Freight Company. For Waterman, the launching of the *Robert E. Lee* is a courageous, exhilarating giant step into the future of ocean transportation. For United States Freight, it is a reaffirmation of our traditional commitment, in fact as well as theory, to the principles of intermodal transportation. As pioneers of truck-rail coordination and in the development and growth of piggyback, we view LASH as a natural extension of these basic operating techniques.

Together, therefore, both Waterman and U.S. Freight are embarking upon a new era of international cargo service. We are fortified by the knowledge that our technology is among the finest in the world, that it is being produced by a labor force of unsurpassed skills, and that the Maritime Administration's LASH program has received . . . and is continuing to receive . . . the total backing of the United States Government, both in words and in financial support.

The development of LASH, from concept to construction, is a significant milepost in U.S. maritime history. Hopefully, it also will be a regenerative force for our merchant marine industry, a key segment of the nation's transportation resources whose problems over the years have been well documented. It is in the interests of the American international trading community to assure the success of LASH by providing the cargos that will make it economically feasible.

Without such support, even the finest technology, the most masterful applications of labors' skills, and the assistance of government, will be useless.

For the past 150 years, our maritime industry has compiled a record of historic "firsts" unequalled by any other nation. It was American ingenuity that created the famous sailing packets of the early 19th Century, the first vessels designed primarily for the high-speed transportation of cargo in the transatlantic trades. And it was American designers who first conceived and built the Clipper ships of the mid-19th Century, those tall-masted greyhounds of the sea which opened faster avenues of trade between our East and West Coasts and between American and Asian markets. And we hardly need to be reminded of the magnificent 20th Century technology that produced roll-on/roll-off vessels, container ships, Seabees, LASH and much more.

Viewed in the light of a history such as this, it is unbelievable that the American merchant fleet should be handling an ever-decreasing share of the world's seaborne commerce. Unfortunately, it is all too true.

According to figures published by the Maritime Administration, total world volume in 1971 was 456.9 million tons of which American ships carried 24.3 million tons, or 5.3 per cent. Yet in 1962, only ten years before, world volume amounted to 296.8 million tons of which 29.6 million tons, or *ten* per cent, was carried in American bottoms. Obviously, the flow of world trade is *away* from U.S.-flag vessels, creating a situation that is dangerous to both our national interests and to our maritime industry. When we recall the many, many millions of dollars that have been spent in the past 10 to 15 years on the vast array of shoreside and floating material necessary to move waterborne commerce, we cannot help but be appalled. We have created and built the "better mousetraps" but, seemingly, to little avail.

So, while we gather here today to salute the ingenuity of this vessel's designers, the skills of the workers who have labored long and hard to reach this point, and the dedication and vision of our governmental administrators, let us not forget that the efforts of all may well be fruitless unless American exporters and importers support us with the cargo they control. And by "us", I mean the entire American-flag cargo fleet.

Obviously, the complete burden should not fall on our foreign trade community; transport management and union leadership are also responsible and, quite frankly, it will take an extraordinary amount of good will, common sense and sublimation or individual interests on the part of all three elements to produce a common accord. The Government already is doing its share, and more. Now it is up to us, working together, to utilize and exploit this latest product of American technology to the end that it revitalizes and strengthens our nation and the maritime industry. It could well be our last opportunity to restore the health and prestige of American-flag shipping. I believe it can, and must, be done.

DISTRICT OF COLUMBIA COLLEGE REPUBLICAN CONGRESSIONAL RECEPTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. KEMP. Mr. Speaker, I would like to bring to the attention of my colleagues the First Annual District of Columbia College Republican Congressional reception to be held in the Cannon House caucus room this Wednesday, October 17, from 4 to 6:30 p.m.

The District of Columbia College Republicans represent one of the most active State federations in the Nation. Their chairman, Christina M. Kielich, is a native of Erie County, N.Y., which I have the privilege of representing. Christina has revitalized the District of Columbia College Republicans since her election last February. Through her leadership, the District of Columbia College Republican Federation has grown 25 percent in the past 3 months. New chapters have been started, including a chapter at Gallaudet College, making Gallaudet the first college Republican club for deaf students in the United States.

In addition to working for the Virginia and New Jersey gubernatorial campaigns, the District of Columbia College Republicans have in the works a great number of activities to help build a strong, forward-looking Republican Party in the District of Columbia and the surrounding area.

I would like to encourage all of my Republican colleagues to attend the District of Columbia College Republican congressional reception on Wednesday, October 17, from 4 to 6:30 p.m.

A MESSAGE TO THOSE WHO CRITICIZE AMERICA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WYMAN. Mr. Speaker, one characteristic of Americans that has gained worldwide acceptance is a notorious sympathy for the underdog—any underdog. Another characteristic, not as well known, but nevertheless entirely apt is the tendency to want to help those less fortunate in almost any walk of life.

Americans through their government, the United States of America, are doing and have done this day in and day out, month in and month out, year in and year out, over the pages of history ever since the establishment of the Republic. In this connection the following article by A1c. Vernon King is of singular significance.

GUILTY?

(By Airman 1st Class Vernon King)

In this new day and age, Americans have been inoculated with a false feeling of guilt.

There are those who believe we have failed our dream.

We are called capitalist pigs, meddlesome, greedy . . . Is America guilty?

Our ambassadors are murdered . . . Here at home dissenters defy our laws and cause limitations to be placed on our freedom . . . In foreign lands Americans are scoffed at.

We are degraded and slandered.

Some hold their heads in shame and guilt.

Inhumane we are called.

But when disaster strikes anywhere in the world—who are the first to offer aid? Not just sympathy, but medicine, food, clothing, money . . .

Selfish we are called.

Each year millions are contributed to charity—from the average American citizens.

But what other nation fights wars, some not ours, and then taxes itself to restore the wartorn lands of the enemy?

Is America guilty?

Our New World ways are jeered.

But in less than 200 years we have carved a mighty nation from a wilderness, become a sanctuary of freedom, and majestic to the world.

Cynics say we are unethical to professional standards of moral conduct.

But in 200 short years we have built a nation of 200,000 churches, 80,000 hospitals, 180,000 schools, 2,500 colleges and universities, 100,000 libraries.

Two hundred years ago children toiled in the factories . . . Criminals were tortured

. . . citizens were chained in dungeons with no hope of a fair trial . . . Debtors were stripped of their freedom . . . No man's home was his castle.

These things are no more . . . Thanks to our American dream.

Is America guilty?

Prejudiced we are called.

But men of other faiths and other colors sit in our Senate and Congress, and rule from the highest judicial court in the land.

Is America guilty?

There are 200 million Americans who have never owned a black slave, or any slave. They stem from a million ancestors who have never owned a black slave, or any slave.

There are 200 million Americans who have never started a war, or envied another man's land . . . They have never ransacked a nation, looted a stranger's home, or forced any man to bow to a loser's yoke.

There are some 200 million Americans who have never scoffed at another man's God . . . or defiled his temples.

There are thousands of American soldiers buried in foreign soil—they died fighting so others could be free, including the deserter and draft-dodger, who cry "America is unjust!"

They cry "America is finished—the dream is gone."

They lie.

Millions of Americans still live with their neighbors in peace and harmony. Millions of Americans still live with the spirit of charity, with compassion in their hearts.

Millions of Americans still pray, pay taxes, obey the law and govern themselves.

Cynics, scoffers, critics . . . say what you will . . .

America pleads NOT GUILTY!

DIFFERENCES IN COST ESTIMATES OF F-15 FIGHTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ASPIN. Mr. Speaker, internal Pentagon estimates of the cost of the new F-15 fighter range between $7.8 billion and $9.7 billion, according to a General Accounting Office—GAO—report which I am publicly releasing today. Last March, the Washington-Star News revealed that according to an internal Pentagon cost estimate, the pricetag of the F-15 would be 21 percent higher than the Air Force program office estimated. According to the GAO there is now a $1.9 billion difference between the Air Force's F-15 program office estimate and an independent estimate done by the Office of the Secretary of Defense. There has been an effort to update the estimates so that a single-dollar figure can be assigned to the cost of the F-15 program, but no final reconciliation has occurred. It is high time for the Pentagon to determine exactly what the cost of the F-15 will be. While I welcome independent estimates of the cost of the new weapon system, at a certain point the Pentagon must decide on an exact estimate for congressional scrutiny.

I frankly, Mr. Speaker, am very suspicious that the Air Force is trying to keep the cost of the F-15 consciously nebulous until after Congress has agreed to buy the first 77 aircraft. Congress simply cannot make a valid evaluation of the F-15 program until we know how much it is really going to cost.

This $1.9 billion difference is so enormous it is impossible to evaluate the usefulness of the program.

The GAO study which I am publicly releasing today cites three separate estimates by different agencies for the F-15 program. The Air Force office which actually manages the project believes the cost will be $7.8 billion, independent Air Force evaluation places the pricetag at approximately $8 billion, and a determination by the Office of the Secretary of Defense indicates that the plane will cost $9.7 billion.

Both the independent Air Force estimate and the Defense Department estimates are so-called parametric studies which attempt to estimate the cost of weapons systems based on historical data. The GAO does not endorse any particular estimate but does criticize the Air Force F-15 program office estimate.

It appears that "the engine estimate may be understated" the GAO reports.

The GAO also urges the Air Force project office in charge of the F-15 to "reevaluate the estimates of engines, initial spare engines, and modular requirements."

Apparently the current Air Force estimate is too low, but neither Congress nor for that matter the Secretary of Defense has any idea what the total cost of the F-15 really will be. This is an absurd situation which must be resolved immediately.

OVER LEGISLATED

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, hardly a week goes by without another report that the Nation is experiencing or can expect a shortage of a particular agricultural commodity, natural resources, or industrial goods. In the article which follows, Mr. T. E. Larimer, Sr., publisher of the Table Rock Gazette of Kimberling City, Mo., offers his opinion on the basic cause of these shortages which are now threatening to disrupt our economy and the livelihood of our people.

Article from the Table Rock Gazette of September 27, 1973, follows:

OVER LEGISLATED

(By T. E. Larimer, Senior)

Each day the total cost of government increases, and it takes another bite out of the takehome pay and the personal independence of the American people. When the actions and growth of government no longer benefit the people and instead begin to disrupt and dislocate the affairs of the nation and the lives of the people, it is time to change directions.

There seems little question that we have come to a turning point in history. Up to now, we have been a nation of surpluses. We have had the most productive, vital economy in the history of nations. Our strength was so great that we could afford waste and errors and inconsistencies in government's administration of its own affairs and in its management of matters affecting the basic economics controlling the production of such essential things as food and energy supplies. We could almost afford excessive expansion in public welfare programs in an effort to deliver, at taxpayer expense, the good life to all our pepole. We could tolerate massive federal deficits that would have sunk most countries and have brought a gradually accelerating rate of inflation to our own. But now people of many nations have become more affluent and are competing for the good life. In a shrinking world, there is international competition for natural resources. The U.S. must bid for these.

Suddenly, we are no longer self-sufficient in the vital matter of supplying ourselves with essential petroleum products. We must import massive and increasing quantities. We can no longer control the cost of our energy supply and hold that cost at a low level. Other nations are willing to pay more, and we must bid against them. We must export goods to pay for the oil which we buy abroad. Among our most important exports are agricultural commodities, for which there is a growing world demand. We must reverse a 40-year policy of limiting our farm production to hold up prices. We must encourage the planting of new acres and the production of farm commodities for sale in the international markets. Higher demand for food supplies will mean higher prices for groceries at the local supermarket. Like our energy supply, our food supply is going to cost more. Regardless of political pressures, there is nothing that government can do to maintain the tradition of cheap energy and cheap food. Record-high world demand for grain and rising grain prices inevitably mean higher prices for bread. Overall, it is expected that the end of 1973 will see food costs rising from 18 to 22 per cent over a year ago, and food prices cannot be frozen or set too low by price controls without drying up supply. We have seen this happen in the case of meat.

Government policies must change to encourage American business, industry and agriculture to produce more, not less, and those policies must change quickly. There are many examples. It makes little sense to maintain stiff price controls on gasoline, heating oil and other petroleum products at a time when there is a severe shortage of these essential fuels. This is certainly not the way to encourage crude oil production in the U.S. or the construction of new refineries which are critically needed in this country. At a time when there is worldwide competition for all natural resources and for markets in which to sell products, it makes little sense to propose federal legislation which would cripple U.S. companies operating manufacturing and marketing facilities overseas. These companies strengthen markets for American goods and bolster our sinking balance of payments. Yet such legislation is proposed. It makes little sense to cripple with regulations the innovative capacity of U.S. pharmaceutical companies which once led the world in research, development and introduction of new drug products and which now are falling behind pharmaceutical companies of other nations. It makes little sense to regulate the competitive free market out of existence—the free market which has always been the consumer's finest guarantee of the greatest volume and highest quality goods and services at the lowest possible prices.

When there are so many pressing matters, it makes little sense for the machinery of the federal government to be stalled endlessly in investigation of wrongdoing by those in government who thought the end justified the means used to reelect a President Congress could better spend its time creating constructive, consistent policies that would encourage the great engine of competitive private enterprise to get on with the job of producing the things essential to the quality of human life and the progress of modern civilization. Justice surely does not require a three-ring circus to be carried on for a year or more. The lawmakers' time would be better spent in devising some means to control their own spending habits, long so profligate as to threaten the financial security of every American. And so the story goes.

These are just highlights of some of the dislocations in our national life in which government policies, often shaped more by political thinking than reality, have played a central role. Perhaps it would be too much in this day and age to suggest that the best government is still the one which governs least. But, in the light of all that is happening, it seems eminently reasonable to state that for the U.S. a better government would be one which governed at less cost and with more regard for the realities of the world today and for the conditions necessary to the successful functioning of the economic system upon which every person in the United States depends for his livelihood and his future.

THE GREAT PROTEIN ROBBERY: NO. 8

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. STUDDS. Mr. Speaker, the member nations of the International Commission for the Northwest Atlantic Fisheries—ICNAF—sat by and watched while haddock was overfished to the extent that it can no longer be used as a significant source of inexpensive protein to feed hungry people. Now many other fish stocks in the waters off New England are in serious jeopardy of the same kind of depletion.

Today, October 15, a special meeting of ICNAF will convene in Ottawa, Canada to consider the proposal of the United States to significantly reduce the increasingly high foreign fishing effort which is the major cause of this depletion of fish stocks. I want to bring to the attention of my colleagues the text of a letter Senator Edward M. Kennedy and I have sent to Secretary of State Kissinger emphasizing the gravity of this situation:

October 5, 1973.

Hon. Henry A. Kissinger,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: We would like to express to you our strong concern over the need to conserve the marine resources in the Northwest Atlantic. The fist which inhabit the waters off the New England Coast are an extremely valuable natural resource to all the people of the world. Fisheries products are an excellent and important source of protein, and we must protect this resource from depletion.

The increasingly high level of commercial fishing effort by other countries in the waters off New England is endangering not only the current population of fish stocks, but also their ability to regenerate to previous levels. We believe steps must be taken quickly to reduce total fishing effort in the Northwest Atlantic before irreparable harm is done to the fish stocks. The marine resources off our shores must be properly conserved and managed in order to guarantee for the people of the world a continuous supply of protein for years to come.

We are hopeful that the upcoming Special Meeting in Ottawa of the International Commission for the Northwest Atlantic Fisheries (ICNAF) will deal successfully with this problem. If the meeting fails to result in an agreement to reduce fishing effort to a level consistent with the maintenance and regeneration of the fish stocks, then we believe it will be necessary for the United States independently to take other steps to preserve this important food source. Even a successful outcome of the Law of the Sea Conference, for which we fervently hope, would come too late to save these important resources.

We would appreciate your informing the other member nations of ICNAF of our position as stated in this letter.

Sincerely,

Edward M. Kennedy,
U.S. Senator.
Gerry E. Studds,
Member of Congress.

AFTER 15 YEARS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Pat Houtz, news correspondent for The Birmingham News, in the September 16, 1973 edition of that newspaper reviews the achievements of the Marshall Space Flight Center in Huntsville, Ala., on the occasion of the 15th anniversary of the National Aeronautics and Space Administration. Because of the outstanding contributions of the Marshall Space Flight Center to our national space program, I am including this significant article in the Record:

After 15 Years—MSFC Reviews Achievements on Occasion of NASA Birthday

(By Pat Houtz)

Huntsville.—When the National Aeronautics and Space Administration celebrates its 15th birthday on Oct. 1 the United States will have orbiting the earth every 90 minutes a 100-ton space station, Skylab.

Skylab is the baby of the sprawling Marshall Space Flight Center in Huntsville. Marshall covers 1,800 acres on Redstone Arsenal and has been the birthplace of the ingenuity and genius that has put men on the moon and laboratories in space.

Our own space program was jolted into existence by Russia in 1957. An astounded world that year was informed that the U.S.S.R. had launched Sputnik I—had put 184 pounds of scientific instruments into orbit and seriously challenged the U.S. reputation for technological superiority.

A month later they launched another Sputnik—six times bigger and carrying a dog.

Under the leadership of then senator Lyndon Johnson, a bill was pushed through the U.S. Senate creating what was to become NASA.

A frantic public demanded that the U.S. react as quickly as possible to Russia's accomplishments, so NASA's first job was to look around the country and find out what brains and resources were already on the job in the rocket business.

The acknowledged leader in the space and rocket field was at Huntsville—Dr. Wernher von Braun—with his team of German scientists. NASA was quick to invite Dr. von Braun and his team aboard.

The team was working for the Army at Redstone Arsenal—for the Army Ballistic Missile Agency—and the Army was not anxious to let them go.

In 1959, NASA made another attempt to get von Braun and his men, and this time they were successful.

With Dwight D. Eisenhower in the White House, Dr. von Braun and his 4,000-man team transferred to NASA. He was the first director of the Space Center at Huntsville.

More than 5,000 civil service employes now work at the center. This is down about 2,000 from the peak years of employment in 1966–67.

This year the center's annual payroll will be $100 million. There are also 2,000 contractor workers employed at the center. The total value of the Marshall plant at Huntsville is estimated to be $400 million. The entire budget for Marshall this year will be about $700 million.

Marshall has always been the biggest installation of NASA and has always employed more people than any other NASA facility.

When Dr. von Braun and his men joined NASA officially in 1960, they already had helped regain this country's space and technological prestige. On January 31, 1958 they had launched Explorer I. It was hoisted by the Redstone Rocket which had been designed as a military weapon.

When the team moved to NASA the emphasis was to build rockets that were primarily for space exploration instead of for military use.

Time was of the essence, however, and Dr. von Braun came up with the idea of clustering eight Jupiter rockets together to make one giant Saturn rocket.

The center's main work since its inception has been the development of the Saturn family of heavy space rockets. The largest ever developed at Huntsville was the Saturn V, used to launch men to the moon.

The first six years of the center's existence were devoted almost totally to the development of the Saturn.

Other space efforts, for example the Gemini and the Mercury flights, were not a part of Marshall's work.

The Gemini was hoisted by Air Force Atlas and Titan rockets, but these proved to be too small for the ultimate goal which was to build a rocket that would be heavy enough to launch a man to the moon.

The credit for the command module that is lifted by the Saturns goes to the Houston Manned Flight Center.

By 1966 Marshall had completed most of the work of developing the Saturns that would be used in the Apollo (moon) program. Several other jobs were then assigned to the center.

Marshall was given the task of developing most of the hardware for the Skylab program, most importantly the orbital workshop now circling the earth.

They were given the responsibility to develop the manned sun observatory known as the Apollo Telescope Mount, the airlock module and the multiple docking adapter which permits all of the payload elements to be joined together as a single unit in earth orbit.

A very small percentage of Marshall scientists are now working on Saturn programs. Much work time at Marshall now is devoted to the Skylab program and the space shuttle.

Marshall is responsible for developing several elements of the new reusable launch vehicle system that will be called the "shuttle." The center has charge of the booster stage, the main engines for the orbiter stage and the orbiter stage's expendable propellant tank.

Some of the scientists at Marshall have been working on study and preliminary planning associated with a range of proposed future space program elements including highly sophisticated laboratories and telescopes.

In Huntsville, work is also being done on HEAO. This is a series of High Energy Astronomy Observations, the first of which is to be launched at the end of this decade.

Though the space effort began as a "race" with the Russians, a whole new outlook on space cooperation is now evident. Marshall is providing a Saturn 1B launch vehicle to launch American astronauts to join Russian cosmonauts in space. The Russians have already visited Marshall and discussed plans for the rendezvous.

The joint venture will be known as Apollo-Soyuz Test Project and is scheduled to occur in 1975 or 1976.

Another project now underway at the center is the space tug. A new space tug task team was formed at Marshall in February 1973 to direct all planning and preliminary design for the tug, which will become in effect, a third stage of the space shuttle.

While the accomplishments of the scientists at Marshall are easy to list and catalog, it is hard to assess exactly how much the program has meant to the city of Huntsville and to the state of Alabama.

Hundreds of millions of dollars have been spent here. A scientific and cosmopolitan society has emerged and dominated Huntsville, turning it into one of the most progressive cities in the nation.

Astronauts walk the streets of Huntsville and are known to many by their first names.

Presidents, kings and leaders from every part of the world have come to Huntsville to see the magnificent test stands and have heard the roar of the mighty rockets.

Huntsvillians have had their homes shook to the foundations with the effect of a small earthquake as the Saturn rockets were being tested.

In what was once a sleepy, cotton town, an international population exploded into a sophisticated city.

Huntsville calls itself the Rocket City, The Space Capital of the Universe, The City Where Space Began and many other titles that indicate the pride the citizens take in the efforts that have been made at Marshall.

There have been many hair-raising and nervous moments during these years of spectacular accomplishments, but there is one great source of justifiable pride.

A Saturn has never failed. Every Saturn venture has been a mind-boggling, dazzling success.

Marshall's baby has been perfect.

AMENDMENT TO H.R. 9681

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. YOUNG of Florida. Mr. Speaker, when the House takes up consideration of the Emergency Petroleum Allocation Act tomorrow, I intend to offer an amendment to insure adequate fuel supplies to those States with a very high annual growth rate, such as my home State of Florida.

Basically, H.R. 9681, the Emergency Allocation Act, intends all petroleum products to be allocated at 100 percent of 1972 purchases. However, any product allocation program grounded on a single base purchase year does not take into consideration the growth of population, industry, and automobiles. Therefore, it would benefit nongrowth or static States, but be detrimental to growth States such as Florida.

Florida's population is growing at the rate of 6,000 new families a week, or 4.26 percent a year. According to the 1970 census, Florida was the second-fastest growing State, with a 10-year growth of 37.1 percent. During the past 5 years, gasoline consumption in Florida has gone up 9.5 percent a year, diesel oil consumption has grown an average 17 percent a year, and consumption of No. 2 heating oil has been increasing at the rate of about 5 percent a year.

In addition to the strong economic and population growth being experienced within the State, Florida plays host to some 25 million tourists each year, and much of the State's economy is directed to serving these visitors. The Florida Department of Commerce is expecting even more tourists than usual this winter because of the impending fuel shortage and the colder weather in the North.

Mr. Speaker, the last two winters in Florida have been much warmer than normal, and thus an allocation of 100 percent of 1972 purchases would not be sufficient if we only had a normal winter, much less a colder than normal winter. With the large growth of Florida and the warm winters of the past 2 years, a 100 percent allocation of heating oil and gasoline at 1972 levels will not nearly suffice to serve Florida's needs.

Therefore, I am offering an amendment to those provisions of H.R. 9681 which outline the criteria for adjusting the allocation system. My amendment will insure that States which are experiencing strong population and industrial growth will receive adequate supplies of refined petroleum products to maintain their growth level. My amendment is as follows:

AMENDMENT TO H.R. 9681, AS REPORTED, OFFERED BY MR. YOUNG OF FLORIDA

Page 14, line 22, strike out "and" and insert the following: "or (iii) and population or industrial growth, and".

WHITE HOUSE RELIGIOUS SERVICES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. DELLENBACK. Mr. Speaker, yesterday my wife and I had the opportunity and were pleased to attend worship services at the White House. The speaker was our colleague, Congressman WILLIAM HUDNUT of Indiana.

The sermon was exceptionally fine. It was relevant, thought-provoking, and challenging. It contained an excellent coverage of key elements of President Lincoln's faith and made a most meaningful contribution to the congregation's worship of God.

President Nixon deserves to be commended for making such worship services possible and Congressman HUDNUT deserves to be commended for his outstanding sermon, the text of which I take the liberty of inserting herein so that my colleagues and other readers of the CONGRESSIONAL RECORD may share its message.

The message follows:

LINCOLN'S RELIGION

First let me express my appreciation to the President and Mrs. Nixon for inviting me to worship with you this morning and lead our thought and prayer.

When I came to Congress last January as a freshman, one of the more senior Members introduced himself to me and asked what I used to do "in real life". I replied that I was a Presbyterian clergyman. Whereupon he clapped his hand to his head and exclaimed, "Good night—you preachers are really taking over this place." To which I replied, "Yea, that's right. There are five of us and only 289 of you lawyers."

Well, even though I am a Congressman, I am still a minister. As a matter of fact, I once had to remind the President of this. Back in March, when my wife and I were here for a worship service and were going through the receiving line afterwards, the President introduced me to the presiding clergyman with the remark, "You know, this man used to be a minister." Somewhat taken aback, I responded, "Well, Sir, I still am!" Somewhat taken aback himself, the President replied, "You are?" To which I rejoined: "Yes, Sir. Just because I beat a Democrat doesn't mean I was defrocked!"

When a group of Congressmen were here about a month ago, I noticed that the famous Lincoln portrait that had been positioned over the fireplace in the State Dining Room was missing. I assumed it had been taken down to be cleaned, but upon inquiry, discovered that it had been moved over here to the East Room where more people could see it. Knowing that it would be here this morning, and realizing that this would be the first worship service in this room since the portrait was hung here, I decided to talk about the religion of Abraham Lincoln. Would it not be appropriate, I asked myself, to deal with such a subject for would it not present us with an opportunity to explore the moral foundations of democracy and find some common ground on which we could all stand this morning, regardless of denominational affiliation or political party?

Lincoln's religion was rooted in an extensive knowledge of the Bible and an intensive life of prayer.

He once said of the Bible: "It is the best gift God has given to man," and he knew it through and through. Not only were his speeches steeped in biblical phraseology, but his whole way of thinking was profoundly biblical.

He also consistently sought God's guidance through prayer whenever he wanted to pass through the ebb and flow of political tidewaters to stand on bedrock. He appreciated God as "our refuge and our strength, a very present help in time of trouble." The popular image of Lincoln in the White House as a man of prayer had solid basis in fact. "I have been driven many times upon my knees" he said to his newspaper friend, Noah Brooks, "by the overwhelming conviction that I had nowhere else to go."

Lincoln has been called "a Christian without a creed" because he expressed the fruits of Christian living with rare integrity and charm even though he never belonged to the institutional church. Consider some examples:

There was his humor, which he used to reduce the self-assertion of the ego, whether it was his or others. "Why don't you laugh?" he once asked his Cabinet when, after reading them a selection from a contemporary humorist, he looked up to see a circle of unsmiling faces. "If I didn't laugh under the strain that is upon me day and night, I should go mad. And you need that medicine as well as I."

There was his humility. He did not take himself too seriously. Much of his spiritual greatness lay in the way he could hold to strong moral positions without the usual accompanying self-righteousness or smugness. He often mentioned his desire to serve as "a humble instrument in the hands of the Almighty."

There was his gratitude, his capacity to say thanks and count his blessings. He knew how to say thanks to God—"We have been the recipients of the choicest bounties of heaven," he once reminded the American people; and he knew how to say thanks to men: "Thanks to all," he said after a great victory made possible by the heroic sacrifice of brave soldiers in the field, "Thanks to all. For the great Republic, for the principle it lives by and keeps alive, for man's vast future, thanks to all."

Again, there was his compassion. He was a very loving man. There was nothing mean about him.

He had a magnanimity, a greatness of spirit, that truly exemplified the love of God. See it in his First Inaugural: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection." And see it in his Second Inaugural: "With malice toward none, with charity for all. . . ." He possessed qualities of forbearance, forgivingness, kindness, patience and charitableness that evoked a universally loving and trusting response from the American people, and enabled Tolstoi to call him "a Christ in miniature."

And another fruit of his religion that we might note was his courage. His faith freed him from fear. A high and unshakable resolve, an invincible hope, an indomitable spirit, characterized him. When times were tough, he did not give up. As he said to the special session of Congress in July 1861, after the disaster at Bull Run: "Let us renew our trust in God and go forward without fear." There was an heroic quality about him that was contagious, and that helped carry the nation through a tragic time.

But if Lincoln's religion was rooted in things like his knowledge of the Bible and his practice of prayer, and if it expressed itself in visible characteristics like humor, humility, gratitude, compassion and courage, it centered on certain key concepts—and I'd like to mention three.

First, there was his concept of "this nation under God", the sublime phrase he coined while speaking at Gettysburg. Lincoln was rescued from fanaticism by his perception that all men, rulers and ruled alike, occupy a position subordinate to their Creator. He never fell into the trap of idolatry. He never made a god out of the nation or himself or a particular point of view.

Lincoln did not deify himself because he held an important position. Undoubtedly, he would have appreciated the story about the 16th Century English bishop, reformer and martyr, Hugh Latimer, who was invited to preach before King Henry VIII. Latimer kept marveling to himself, "Isn't it wonderful I'm going to preach before the King of England?" But then he heard a still small voice within saying, "Latimer, Latimer, remember—you're going to preach before the King of Kings." Such an awareness of the transcendent sovereignty of God, before whose throne the nations rise and pass away, is necessary if we are going to avoid moral decay, both personal and national.

Every time I sit in the House chamber and see the words engraved above the Speaker's chair, "In God We Trust", I am reminded that an indispensable part of our heritage is that we believe our nation must rely on God. Said Lincoln:

". . . it is the duty of nations as well as of men, to own their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon; and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord."

The value of the concept, "this nation under God", is that it supplies a corrective to the tendency to idolize the nation by equating God with America, or the American way of life, or American foreign policy. Lincoln was always conscious, as every truly religious person is, that his own country must stand before the Almighty's bar of judgment. I have heard religion prized because it provides an underpinning for "our way of life". I have heard democracy equated with Christianity and God's cause with America's. People who make this equation do not appreciate that there is a great difference between worshipping God and domesticating Him. There is a great difference between looking upon Him as the Lord of all nations, and regarding Him as the ally of one. There is a great difference between affirming, "My country for God", and boasting, "God for my country". There is a great difference between making ours a nation "under God" and making a god of our nation. There is a great difference between humbly praying, as Lincoln did, that we may be on God's side, and self-righteously asserting that He is on ours.

Such humility can help save us from the tyranny that inevitably results when the State or a ruling oligarchy within it is deified. We need the concept "this nation under God" to keep us from becoming a government of men instead of a government of laws, and in the long run, from becoming a divine right of kings type of autocracy. As Professor John Hallowell observed in his fine book on "The Moral Foundation of Democracy":

". . . this is the issue which sharply separates the totalitarian states in the modern world from the democracies. The totalitarian state is made possible only by the denial of a higher allegiance, and its totalitarian character arises from a refusal to acknowledge the existence of a sphere of human life over which no political control may legitimately be exercised. Democracies recognize that there are aspects of human life which the State may not legitimately control; and that recognition has its roots, when it is recognized, in the teachings of the Christian religion. Above the authority of the State, there is the authority of God, and this is precisely what the totalitarian states refuse to acknowledge."

A second important concept of Lincoln's religion, besides "this nation under God", is the immortal sentence from his Second Inaugural: "With firmness in the right as God gives us to see the right, let us strive on to finish the work we are in." His emphasis invariably fell on doing what was right as God gave him to see it. The country boy who once walked miles from his New Salem store in order to reimburse a customer, the youth who came to be known as "Honest Abe" because he went to great pains to clear a debt that a partner had contracted, at the pinnacle of his power kept reminding the American people that government was the public's business, that political pragmatism must yield to political morality, and that doing the right as God gave him to see the right should never be abandoned for the sake of political expediency. "With firmness in the right as God gives us to see the right . . ."

What Lincoln was suggesting, it seems to me, is that we should never fence off government as an unmoral field but rather, in the words of former Senator Paul Douglas, "treat the whole area of government as a vital part of ethical life which we should try to conduct on the highest possible level." Lincoln held to a deep set of moral values so that in the rough and tumble world of public life where success was all too often identified with wealth, power and fame, such things as honesty, integrity, fidelity and compassion could become the constituent elements of our national self. "America is great because America is good," DeTocqueville is reputed to have written in his astute study of American democracy more than a century ago, "and if America ever ceases to be good, America will cease to be great." The faults people see in their government are frequently the reflection of their own moral failures, and what we always need, if the regenerative powers of democracy and of the human spirit are to win great victories in the continual moral struggle that is going on within each of us and within society, is that commitment of which Lincoln spoke to doing the right as God gives us to see it.

The third phrase of Lincoln's that we can use as a touchstone for our thinking is taken from an address he delivered to the New Jersey Senate at Trenton in 1861 where he spoke of America as God's "almost chosen people." Lincoln profoundly believed that God works in history in general, and was at work in American history in particular. He called God the "Great disposer of events."

He believed in a sovereign God who cared enough about his creation to become involved in it—who wanted to work through his children to build more justice and more peace and more love into a needy world. For Lincoln, God was not remote, but very near at hand, very much an influence in the affairs of men. This was his bedrock faith. "That the Almighty does make use of human agencies and directly intervenes in human affairs," he said, "is one of the plainest statements in the Bible. I have had so many evidences of His direction, so many instances when I have been controlled by some other power than my own will, that I cannot doubt that this power comes from above."

Like the prophets of old, Lincoln understood history, not as a series of unconnected events, but as the working out of God's will. He often said, "the will of God prevails." He had a prophetic view of history, and he saw the entire American panorama in terms of God's judgments and mercies. "The judgments of the Lord are true and righteous altogether," he said, quoting Scripture.

Lincoln believed that American history and democratic government were intertwined with the will of God. He spoke of America as "this favored land", and of the founding of our country as "a great promise to all the people of the world to all time." He referred to democracy as "the last best hope of earth." He believed that America was an elect nation destined to further God's plan for mankind. We are "God's almost chosen people"—the word almost being necessary to save us from the fanatical nationalism we have already touched upon, the word chosen being useful to indicate our special role in history, our special calling in the world.

Lincoln expressed the American dream of "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." His vision represented a later flowering of the 17th Century conception of New England as God's new land of promise. Lincoln updated this feeling of manifest destiny. He understood the Civil War as a testing of the ancient Puritan faith, and the new nation in which it had issued, a testing in which he himself was involved. And he believed that the nation under God would emerge from its agonizing trial with a "new birth of freedom." God's purpose would work itself out, even in the midst of crisis, and America would move forward into history proving that "government of the people, by the people, and for the people shall not perish from the earth."

This was Lincoln's hope. He did not live to see his dream fulfilled. Perhaps it never was, and never will be. But it was a great vision he had, a great cause he espoused, a great faith he held. And if we, a century later, can learn from him and keep that faith of his intact, then we will, I feel confident, with all the problems and challenges we face, become better human beings and build a better nation.

Let us bow in prayer: O God, we want to live out our days under Thee and make ours truly a nation "under God". Save us from the idolatry of making a god of our particular country or creed or party or race or way of life or point of view. Keep us ever mindful of Thy transcendent sovereignty and Thy beneficent providence. And grant, O most merciful Father, that in our day and generation we may achieve something worthy of Thee, so that when we pass Thy banner on to our children, they will receive it with pride, and we will be able to rest from our labors secure in the knowledge that we have built constructively and served faithfully. Through Jesus Christ our Lord. Amen.

REMARKS OF CONGRESSMAN JOHN BRADEMAS AT PRESENTATION OF PROFILES IN COURAGE AWARD OF JOHN F. KENNEDY LODGE, B'NAI B'RITH TO THE REVEREND THEODORE M. HESBURGH

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. BRADEMAS. Mr. Speaker, I am inserting at this point in the RECORD the text of my own remarks on the occasion of the Ninth Annual Presentation of the Profiles in Courage Award of the John F. Kennedy Lodge, B'nai B'rith, Washington, D.C., to the Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame.

The award was presented in Washington, D.C., on September 13, 1973, by the Honorable Mortimer M. Caplin, former Commissioner of Internal Revenue of the United States.

Also participating in the awards ceremonies were Daniel H. Shear, President of the John F. Kennedy Lodge, and Mace Broide, immediate past president of the John F. Kennedy Lodge.

My remarks follow:

REMARKS OF CONGRESSMAN JOHN BRADEMAS (D-Ind.), NINTH ANNUAL PRESENTATION, PROFILES IN COURAGE AWARD OF JOHN F. KENNEDY LODGE, B'NAI B'RITH, TO REV. THEODORE M. HESBURGH, C.S.C., PRESIDENT, UNIVERSITY OF NOTRE DAME, SEPTEMBER 13, 1973, WASHINGTON, D.C.

Ladies and gentlemen, as I rise to address you tonight I can't help thinking of the story, which some of you may know, about the advertisement run in a local newspaper by a small bank in Tel Aviv. It went like this, "We may not be as big as Chase Manhattan, but with us you have 'mishpocheh'!"

And that's really just how I feel here tonight, among members of the John F. Kennedy Lodge of B'nai B'rith, among "mishpocheh".

For all of us who are present for this occasion share some warm memory of President Kennedy and feel an abiding respect for this extraordinary leader in the life of our country.

And we share, too, a common conviction of the enduring significance for America of the high standards represented by the persons described in President Kennedy's famous book, *Profiles in Courage*.

It is, I think, uncommonly fitting and proper that we should be gathered at this time for the presentation of the "Profiles in Courage Award".

For the events of recent months and weeks and even days have produced examples for all the world to see both of the heights of personal courage and nobility and the depths of personal corruption and irresponsibility.

For what must touch the hearts and minds of all peoples everywhere who believe in human freedom has been the extraordinary series of events going on in the Soviet Union these last weeks and in particular the public statements of Solzhenitsyn and Andrei Sakharov.

Who knows now what will happen to these brave spokesmen for human dignity? Yet whatever may happen, so long as we know the meaning of the courage which it is the purpose of our gathering this evening to recognize, we shall praise the names of Sakharov and Solzhenitsyn.

But contrast if you will, the words and actions of these men with the spectacle of shame the United States has witnessed over the last several months. For we have been learning of something brand new in American political history, something never before seen: a calculated attempt, involving the White House itself, to undermine the legitimate processes of our Constitutional system of government.

Men sworn to uphold the Constitution and the laws resorted to spies and the apparatus of espionage in a campaign for the highest office of the land, violated the law in handling millions of dollars of campaign money, and engaged in a deliberate effort to use the apparatus of the Federal government to suppress dissent to their policies. Critics became enemies.

Whatever Watergate means, it is surely no profile in courage.

And it ought, I think, to surprise no one that for the people who became involved in Watergate, the sole purpose of politics was to obtain and retain power. They are people with no sense whatever that there is a moral purpose to politics—the purpose of justice.

And here my mind turns back to that first, booming chapter of the Prophet Isaiah, who warned in tones written as if for today:

"Hear the word of the Lord, ye rulers of Sodom; give ear unto the law of our God, ye people of Gomorrah.

"To what purpose is the multitude of your sacrifices unto me? Saith the Lord: I am full of the burnt offerings of rams, and the fat of fed beasts; and I delight not in the blood of bullocks, or of lambs, or of he-goats.

"When ye come to appear before me, who hath required this at your hand, to tread my courts?

"Bring no more vain oblations, incense is an abomination unto me; the new moons and sabbaths, the calling of assemblies, I cannot away with; it is iniquity, even the solemn meeting.

"Your new moons and your appointed feasts my soul hateth; they are a trouble unto me; I am weary to bear them.

"And when ye spread forth your hands, I will hide mine eyes from you: yea, when ye make many prayers, I will not hear; your hands are full of blood.

"Wash you, make you clean: put away the evil of your doings from before mine eyes; cease to do evil.

"Learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow."

The man to whom we do honor tonight is, in my view, very much like the Old Testament prophet whose voice we so much need to hear in our land today.

For I know no American who, by both word and deed, has more fully and vigorously committed himself to the search for justice in our country than Father Theodore Hesburgh of Notre Dame.

I have known Father Hesburgh for many years now, as both a constituent and friend.

His career, as you must know, has been extraordinary.

As president of the University of Notre Dame for over 21 years, he has come to be recognized as the dean of major American university presidents, and, through his imagination and diligence, has helped create in the plains of northern Indiana, an institution of higher learning of excellence.

Moreover, the list of activities in which Father Hesburgh has been and is engaged in public service, as distinguished from his responsibilities at Notre Dame, is really extraordinary.

He has been the Vatican representative at the International Atomic Energy Agency, a member of the National Science Board and of the President's Advisory Committee on Foreign Aid, president of the International Federation of Catholic Universities and president of the Association of American Colleges as well as a member of the Policy Advisory Board of the Argonne National Laboratory.

Even today, he serves on the Carnegie Commission on the Future of Higher Education, the Board of Trustees of the Rockefeller Foundation and of the United Negro College Fund.

He is Chairman of the Overseas Development Council and Chairman of the Academic Council of the Ecumenical Institute for Advanced Theological Studies in Jerusalem.

And he's a member of the Board of Directors of the Chase Manhattan Bank, too.

But I suppose what many of us are most familiar with is the magnificent service that Father Hesburgh gave this country as a member, for fifteen years—since its inception in 1957—of the United States Commission on Civil Rights and as Chairman of that Commission for 1969 to 1972.

He served, I may say, on the Commission by appointment of four Presidents—Presidents Eisenhower, Kennedy, Johnson and Nixon.

He has been awarded honorary degrees by 44 colleges and universities, the latest of which, I am proud to add, was my own, Harvard University, earlier this summer.

The list of the awards that he has received for the public service he has rendered is nearly as lengthy, and I here note ony one, the highest civilian honor in the United States, the Medal of Freedom, which he received from President Lyndon B. Johnson in 1964. Said President Johnson in presenting the medal to Father Hesburgh, "His strong moral resolve, his deep sense of justice and his faith in what our country can be have made his contribution an outstanding one. He has influenced others to join him by his example of love and compassion."

As all of you know, Father Hesburgh has not feared to take courageous positions on controversial issues, which, if I may say so, is the reason that he is no longer Chairman of the United States Commission on Civil Rights.

He is an educator, a priest, a Roman Catholic, a Christian, a human being. I am proud to be his friend and his Congressman and I am grateful to all of you of the John F. Kennedy Lodge of B'nai B'rith for allowing me to share this evening with you and with him.

CALIFORNIA HERE WE COME

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. ROSENTHAL. Mr. Speaker, last week I had the opportunity to congratulate the New York Mets for winning the National League's Eastern Division title. Today I would like to congratulate manager Yogi Berra, his coaches, and the players for performing their second miracle in a week—winning the National League pennant.

While the baseball seers predicted the Mets' imminent destruction at the hands of Cincinnati's "Big Red Machine," we knew all along that those predictions would be erroneous because we believe The "amazin" Mets' superb pitching and explosive hitting quickly depreciated the value of the Big Red Machine.

It is now on to Oakland and the World Series. Soon, the A's, too, will be joining the Reds on the list of victims of the Mets' onslaught to the world championship.

Let's go Mets.

THE PROBLEMS OF DISCRIMINATION AGAINST WOMEN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Ms. ABZUG. Mr. Speaker, the problems of discrimination against women seeking credit have been amply documented in recent months by hearings on all levels of government. I would like to submit into the RECORD my testimony before the New York State Assembly Committee on Banking, chaired by Hon. Lucio F. Russo, on October 11, 1973. I also wish to submit two recent newspaper articles similarly describing the problems women encounter in trying to obtain credit, one from the October 13 Washington Post and the other from the October 12 New York Times:

STATEMENT OF CONGRESSWOMAN BELLA S. ABZUG AT NEW YORK STATE ASSEMBLY HEARING ON PROBLEMS OF DISCRIMINATION AGAINST WOMEN SEEKING CREDIT, OCTOBER 11, 1973

I would like to congratulate Chairman Lucio F. Russo of the Committee on Banks for scheduling these very important hearings on the problems of discrimination against women seeking credit from banks and other financial institutions. There is increasing public recognition of the scandalous fact that under the present state of the law in many states, women have no credit rights at all.

Women in this country are treated as if they are totally dependent and unreliable when they apply for loans, consumer credit or mortgages. In reality, nearly 40% of all wage earners today are women, and close to one-third of adult women are fulltime members of the labor force.

In most states, women who are married or have ever been married, find that credit, like domicile, follows the husband. A married woman thus receives credit only through her husband as his ward and not as an individual. She is a non-person for credit purposes. Credit cards and accounts are virtually always issued in the name of the husband and not the wife, regardless of whether the woman is the applicant and regardless of whether she is a better credit risk.

Women after they are divorced suddenly find that they have no credit rating and cannot get credit since all accounts during marriage were in the husband's name. The husband takes the credit rating with him, unaffected by the change in marital status. Women who had businesses and good credit ratings prior to marriage are amazed to find that they suddenly have no credit rating, even though they are in the same business and just as credit-worthy as before.

Discrimination also occurs in many cases when women apply for mortgages or other kinds of loans. For example:

A survey of six New York City banks, taken by a representative of the National Organization for Women, revealed that none would extend credit to a divorced woman and that 95% would exclude married women also.

A survey of 23 banks in the Minneapolis-St. Paul area by the Minnesota Department of Human Rights last year turned up evidence that more than half the banks would refuse to lend a woman with a $12,000 a year income $600 to buy a used car without her husband's signature or "some other special exception."

Last year, also, the U.S. Savings and Loan League surveyed 421 member institutions and found that 72% would ignore all or part of a wife's income in making a loan decision.

Even the Federal Housing Administration had been guilty of applying a double standard with regard to sex. Prior to October 1965, the income of a young wife was not counted in evaluating eligibility for an FHA loan.

The income of the husband alone had to support the mortgage. The explanation given for the policy was that many working wives gave up their jobs after having their first child and also that not too many employees provided maternity leave with job retention rights.

Fortunately, in recognition of the changing status of working women, the FHA reversed that policy and since 1965 the income of a majority of all working wives has been counted in support of the mortgage.

With the renascence of an organized women's movement in this country, more attention has been focused on the problem of discrimination in all phases of credit.

In May 1972 the national dimensions of this problem were exposed at hearings held in Washington by the National Commission on Consumer Finance. On the same day that I testified before the Commission I had the pleasure of introducing three bills that would prohibit credit discrimination because of sex or marital status. These bills were the first of their kind to be offered in either the House or the Senate.

With the support of many of the national women's organizations such as NOW and the National Women's Political Caucus, as well as many local groups and individuals, we were able to generate great interest in these measures.

In the 93rd Congress I consolidated these measures into one bill, the Equal Credit Opportunity Act (HR 9110) and reintroduced it with broad bipartisan support. The bill has 75 cosponsors and is pending before a subcommittee of the House Banking & Currency Committee. A similar measure introduced by Senators Harrison Williams and Bill Brock, was approved by the Senate on July 23rd of this year as part of the Truth-in-Lending Amendments of 1973.

The purpose of my bill, which is proposed as an amendment to the Consumer Credit Protection Act, is to "require that financial institutions engaged in the extension of credit make that credit available to all creditworthy customers without regard to sex or marital status."

It makes it unlawful for any creditor, card issuer, or other person to discriminate against any person on account of sex or marital status in connection with the approval or denial of any extension of credit, or with respect to the issuance, renewal, denial, or terms of any credit card.

Each creditor and card issuer is required to disclose clearly and conspicuously the criteria upon which judgments of creditworthiness are made. It provides that any creditor or card issuer must provide in writing to any person whose application for a credit card or other extension of credit is denied the specific basis for such denial.

The bill also includes a civil liability section, ranging from $100 to $1,000 in individual actions, and up to $100,000 in class actions. It also provides for punitive damages and reimbursement for attorney's fees.

I am aware, of course, that the New York state legislature recently expanded the public accommodation section of the state human rights law to outlaw discrimination in the extension of credit.

I believe this section would be of much greater value to the millions of women in New York State if it had teeth, including provisions for civil liability, punitive damages and attorney's fees coverage.

The New York state legislature was one of the first state bodies to ratify the Equal Rights Amendment. I hope that it will follow this up by taking forthright and unequivocal legislative action to ban discrimination in the extension, terms, or renewal of any loan, credit card, mortgage, or retail credit with necessary enforcement provisions.

It is certainly time that women be allowed to exercise their right to take part in all aspects of American economic life. There is no rational reason to have any sort of obstacle to women who want to exercise their economic rights. I urge you to recommend adoption of legislation that will end the discriminatory practices which have for too long prevailed in the area of finance and credit.

[From the Washington Post, Oct. 13, 1973]

LENDERS' BIAS HITS WOMEN

(By William H. Jones)

More than a fourth of the mortgage lenders in Washington who replied to a survey by the D.C. Commission on the Status of Women said that they discriminate against female applicants. But the commission, in assessing the statistics, said it is possible that the results reflect a more liberal trend than actually exists.

While the survey was not comprehensive because almost half of the banks, savings and loan associations and mortgage bankers did not respond, the results were found by the commission to be broad enough to demonstrate that reforms are necessary.

The study, conducted in conjunction with the Women's Legal Defense Fund, a local organization of lawyers and other interested professionals, began with a questionnaire sent last November to 42 commercial banks, 24 savings and loans and 41 mortgage bankers. Responses were received from 50 institutions, of which only 40 process single-family residential mortgages.

"Some lenders who failed to respond may have been reluctant to publicly acknowledge outdated or discriminatory elements of their policies," the commission concluded. The women's commission, appointed by Mayor Walter E. Washington, is headed by economist Mary Dublin Keyserling.

(In a companion survey, the D.C. commission also found that department stores still discriminate against women in their charge account policies.)

In an analysis of replies from the 40 lending institutions, the commission found:

Policies relating to sex and marital status vary, but they frequently determine whether or not a mortgage loan is granted. Most institutions will make loans to married couples and single or divorced men and women. Least favored loan applicants are married persons as sole applicants. While some institutions will make loans to separated individuals, separated men are less favored than separated women.

While 22 of 40 institutions consider projected earning valid income sources for men and women equally, in evaluating mortgage applications, only 27 of the 40 institutions fully count the salary of a working wife who is a professional, in determining a married couple's eligibility for a loan.

Nonprofessional women's salaries are not counted fully by about three-quarters of the 40 institutions in considering a couple's loan application.

Alimony and child support are often discounted, regardless of their reliability. About half the institutions count alimony and child support for women applicants but only one-third accept such allowances when determining income sources for men. However, far more women than men rely on such sources of income, the commission noted.

Policies of the Veterans Administration and Federal Housing Administration are so vague that they are commonly misunderstood by lenders, "inviting arbitrary interpretation and abuse," including discounting a woman's salary. The agencies have since notified field offices that the full salaries of both spouses are to be counted.

The commission noted that results of the D.C. survey conflict with reports from the National Organization for Women and Women's Legal Defense Fund, which indicated that separated women find it virtually impossible to obtain residential mortgage loans.

As for not counting alimony and child support payments, the commission declared that credit applicants—not mortgage loan departments—are the best judges of the reliability and permanence of their own sources of income.

The commission castigated institutions for making distinctions between professional and nonprofessional jobs of women. The assumption that a professional person is more motivated to work and is a more consistent part of the labor force is "ill-founded," the commission said.

Men are given a presumption of continued employment, said the commission, while women are given a presumption of unreliability, a distinction based on sex that is "discriminatory, unfair, and without rational justification."

The commission said it will use such findings as the basis for negotiations with creditors for reform of their credit policies, as an immediate goal. The findings also will be utilized in support of proposed federal legislation.

The Women's Legal Defense Fund said it will make available upon request, the individual responses of creditors to interested women trying to establish a credit rating, or those seeking a sympathetic mortgage lender. Such persons were asked to contact Carolyn Eldred of the fund at telephone number 638-3034.

Among the institutions that responded to the D.C. commission's survey were some of the major financial business enterprises in Washington, including Riggs National Bank, the city's largest; Perpetual Building Association and National Permanent Federal Savings & Loan Association, the area's two largest S&Ls; Maryland National Bank, the largest in the Free State; and Bank of Virginia and First & Merchants National Bank, two of Virginia's four largest banking firms.

Large mortgage bankers such as Advance Mortgage Corp., Berens Associated of Washington, Walker & Dunlop and Weaver Brothers, also replied.

But a number of prominent institutions did not respond to the commission's request, including America Security & Trust Co., the city's second largest bank, and its mortgage affiliate, American Security Corp.; the city's two minority-owned banks, Industrial and United National; several S&Ls including Home Building Association, Jefferson Federal, Northwestern Federal and Prudential Building and the mortgage banking firms of Associated Mortgage Companies, Inc., Floyd E. Davis Mortgage Corp., James W. Rouse & Co., and Carey Winston Co.

[From the New York Times, Oct. 12, 1973]

A Banker Denies Sex Bias Is Policy—But He Admits to State Unit Women Have Loan Trouble

(By Max H. Seigel)

The president of the New York State Bankers Association, Howard Cross, conceded yesterday that banks might discriminate against women in making loans, but he said that the men at the top were not responsible.

"There is no conscious policy of discrimination," Mr. Cross told the Assembly's standing Committee on Banks at a public hearing in the World Trade Center. "It's just that bank officers are operating the way they did 20 years ago."

Assemblyman Thomas Culhane of the Bronx, a Democratic member of the committee, called the statement "incomprehensible."

"The boss doesn't see every loan that's made," replied Mr. Cross, vice chairman of the Franklin National Bank.

"I know what our bank policy is, but I don't know whether it's carried out."

Asked whether the State Bankers Association had issued a statement on discrimination to its members, Mr. Cross said that it had not but that this was a good idea. He then assured the committee such a statement would be issued.

POLICYMAKING AT ISSUE

Mr. McRae had cited some high positions in the department occupied by women, but Councilman Greitzer emphasized that these were not policy-making positions.

Another witness—Carol DeSaram, an official of NOW, the National Organization of Women—cited the case of a married woman who was told her income would be counted in a loan application only if she could prove she had undergone a hysterectomy or took birth-control pills regularly.

When the woman sought instead to offer proof that her husband had undergone a vasectomy that would keep her from becoming pregnant, she was told this was unsatisfactory since she could become pregnant through another male.

"This was not only embarrassing but an attack on her virtue," Miss DeSaram testified.

The committee will hold a second and final hearing on discrimination against women by banking institutions in Albany next Wednesday.

EUROPE AND THE MIDDLE EAST CONFLICT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. RARICK. Mr. Speaker, much is being said these days about the Middle East war and the roles being played by the United States and the Soviet Union. Seldom mentioned are the European countries who stand to lose as much as the combatants of the war countries.

Early reports from Europe indicated that the French referred to the Middle East conflict as just another round in the fighting; in Britain, the story took second page to the new inflation legislation; while from Germany, the war was labeled as a blow to the prestige of the new U.S. Secretary of State, Henry Kissinger.

Indications are that European attention to the war will heighten as the populace there starts to notice the energy crunch resulting from less fuel being delivered from Middle East oil fields for their factories, homes, and motorists of the European countries.

So, our friends of the European political community can continue to play a nonchalant role of neutrality on the Middle East crisis, awaiting the promised détente by the so-called superpowers. But, among the superpowers supplying the arms for the conflict, we find that Mr. Nixon and company continue to assure the Soviet Union power structure that we are going to give them most-favored-nation trade status. The Europeans should realize that the United States and Soviet munitions manufacturers are more interested in profit than they are in worrying about the oil supplies for Europeans and even for the American people.

It is now the middle of October, and if the war continues, Europeans will be getting pretty cold in another month or 6 weeks. It certainly will be unprecedented for the Europeans political leaders to have to take a firm stand to protect their own people in what may be against the war-testing programs of their great friends in the United States and the Soviet Union.

I insert related news clippings as follows:

[From the Washington Post, Oct. 14, 1973]

European Oil Supplies Said Dwindling as Result of War

London.—Oil company sources said yesterday that Europe is beginning to feel the pinch on fuel supplies because of the Middle East war.

They said the closure of the Iraq oil pipeline terminal at Banias, Syria, and a reduction to half capacity in the Aramco Tapline from Saudi Arabia to the Lebanese port of Sidon were affecting oil deliveries to southern Europe.

Austria has imposed rationing on the sale of gasoline, Italy and Spain have banned the export of petroleum products. A number of European countries were said to have prepared ration cards for use if Arab supplies cut off the flow of oil.

Amin Noureddin, an officer of the confederation of Arab Oil Workers said in Cairo that the workers "will not permit allies and friends of Israel to benefit from one drop of Arab oil and will not hesitate to use all possible means to achieve this objective."

This morning's Pravda, the official newspaper of the Soviet Communist Party, quoted the Spanish newspaper Ya to the effect that 150 pilots, all Vietnam veterans, spent a night in Spain under the guise of tourists en route to Israel.

Pravda's senior commentator, Yur Zhukov, told a * * * been news agency stories about American volunteers traveling to Israel through London to work at civilian jobs, freeing Israelis to go to the front.

[From the Washington Star-News, Oct. 10, 1973]

Europe Taking New War in Stride

London.—The new Middle East war is dominating European newspapers and news broadcasts. But except for the pro-Arab Communist press, most papers are not taking sides.

Public interest in the Watergate scandal, at its zenith earlier this year, was but a shadow of that shown by editors in the latest Arab-Israeli conflict.

Man-in-the-street reaction was muted. There have been few demonstrations, and many people appeared weary of the long conflict in the Middle East.

"Just another round in the fighting," said one Parisian.

"It will probably settle nothing."

Banner headlines yesterday reflected the variety of reports from the fronts.

"To know who is winning on either front remains impossible," London's liberal Guardian said.

In Britain, developments in the Middle East lost some front pages yesterday to

Prime Minister Edward Heath's latest economic measures against inflation.

Frankfurt's Allgemeine Zeitung said the war was a considerable blow to the prestige of the new U.S. Secretary of State Henry A. Kissinger, who "was relieved of the burden of the Indochina War and wanted to step forth as a problem solver in the Near East. Now America is forced to see that the Arabs do not respect it either as a power for peace or as a power for war "

[From the Washington Star-News, Oct 1, 1973]

SOVIETS ASSURED ON U.S. TRADE PLAN

Moscow.—Treasury Secretary George P. Shultz said yesterday that the Nixon administration will keep on fighting for most-favored-nation (MFN) trade status for the Soviet Union despite opposition in Congress.

Shultz, who flew to Moscow for talks with Soviet trade officials, told newsmen at Sheremetievo Airport that legislative opposition "certainly is a problem, and we will do what we can to solve it.

"Our position is that we are in favor of MFN," Shultz said. "President Nixon has promised (Communist party) General Secretary (Leonid) Brezhnev that it will be granted, and that's what we intend to do."

Shultz, who came for the third round of trade talks arranged during last year's summit talks in Moscow, said he expected congressional opposition to MFN to figure high on the agenda of his discussions.

He said, however, that this visit—his second before last Wednesday's vote in the House to Moscow in six months—was arranged long Ways and Means Committee to reject MFN status until the Soviet Union allows freer emigration of its citizens.

U.S. officials said Shultz would most likely meet with Brezhnev toward the end of his visit. The two spent more than three hours together in March.

The MFN provision, which would cut tariffs on Russian exports to the United States, was the keystone of the American-Soviet trade deal tentatively signed last October.

The Russians have said repeatedly that their trade relationship with the United States, including payment of a negotiated $722 million in World War II debts, hinges on getting MFN.

The Soviet Union was hopeful—with the help of MFN status—to increase Russia's low level of exports to America to pay for imports of U.S. technology.

SOLAR ENERGY: ANSWERS FOR TODAY AND POTENTIALS FOR TOMORROW—PART II

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. VANIK. Mr. Speaker, the range of potential applications of solar energy is exciting to contemplate. Using the sun's radiation, we cannot only heat our homes and office buildings, but we can also produce electricity and clean fuels such as methane.

Earlier this week, I included in the RECORD portions of an article by Arthur Tamplin on solar energy, which appeared in the June 1973 issue of Environment magazine. In the continuation of this excellent survey of solar energy potential which I would like to enter in the RECORD at this point, Mr. Tamplin discusses biological systems. Included in this section of the article is an enlightening discussion of the possibilities of applying solar energy to the burgeoning problem of solid waste management. Briefly, Mr. Tamplin suggests that there are practical means of converting solid waste into valuable fuel resources. Presently, the disposal of such waste through incineration or burial in a landfill creates a net loss to our energy budget.

Mr. Tamplin's comments follow:

BIOLOGICAL SYSTEMS

Not only our life, but also our way of life depends almost entirely upon the photosynthetic processes of plants. Plants, of course, have supplied us with food and an oxygen-rich atmosphere.

Moreover, our present stage of industrial development derives the great bulk of its energy from fossil fuels whose origin stems from the photosynthetic activity of previous ages. It is, therefore, not strikingly novel to look toward plants as a possible source of energy in the future.

However, whether or not this age old friend of man will be given a share of our future energy markets will depend (and this seems somewhat profane) upon its economic viability in competition with the prosaic physical systems devised by man. In the preceding section, cost estimates per kilowatt of installed capacity were given for several of the physical systems for comparison with the costs of a nuclear plant. Note that these estimates excluded external or environmental cost wherein solar systems have a sizeable advantage. It is on the environmental cost side of the ledger that biological systems offer the most promise as energy sources.

ALGAL SYSTEMS

The efficiency with which plants convert solar energy into stored chemical energy will be discussed in a subsequent section where it will be shown that they are not competitive with the physical systems. However, a succeeding section will show that biological systems offer the greatest promise when deriving energy through waste management.

Photosynthetic Conversion Efficiency. At the outset, it is useful to consider the photosynthetic efficiency of plants. Although the conversion efficiency is not an all-determining factor, it does relate to the size of the power system and hence to land use and capital cost. The physical solar systems are projected to have efficiencies in excess of 10 percent.

A simplified formula for the conversion of solar energy into stored chemical energy is $CO_2+H_2O=CH_2O+O(\Delta F^\circ=+114 \text{ kcal})$.

When the caloric value of harvested crops is divided by the calories in the incident solar energy (about 1 billion calories per year per square meter) a conversion efficiency of only a few tenths of 1 percent is obtained from the normal practice of intensive agriculture.[27] Sugar cane is an exception and it has been produced with a conversion efficiency of a few percent. In fact, sugar cane wastes produce most of the electrical energy for the Philippine Islands.[28] These efficiencies are, of course, influenced by the length of the growing season and by the growth, maturation, and death of the plant. At the peak of the growing season, considerably larger efficiencies are experienced.[29]

* * * * *

Efficiency of algal systems

A considerable amount of experimental effort has been applied to the culturing of single-celled plants such as chlorella. The nutrient requirements for these algae are supplied by quite simple inorganic materials such as metal salts, phosphate carbon dioxide, and ammonia as a source of nitrogen. In indoor laboratory cultures using artificial light, conversion efficiencies of 15 to 25 percent are routinely achieved.[32] The efficiencies measured in outdoor ponds vary from 2 to 10 percent for 400 to 700 millimicrons incident energy or 1 to 5 percent for total solar energy.[33] The lower efficiency of the outdoor ponds is mainly the result of variations in light intensity. In controlled experiments, the conversion efficiency increases with light intensity up to maximum and then declines.[34] The optimum conditions for conversion efficiency occur for only limited periods in outdoor ponds and hence, the conversion efficiency is lower.

Thus, algal systems are restricted to conversion efficiencies below 10 percent, probably closer to 5 percent. On the other hand, it is possible that as a result of future research, cell-free extracts can be prepared and stabilized which will carry out that portion of the photosynthetic cycle that results in the photolysis (chemical decomposition due to the action of light) of water. In this case, higher efficiencies may be obtained by the production of hydrogen as a fuel gas.[1] It is also possible to develop solar cells using such enzymes.[35] Research in this area is being sponsored by the National Science Foundation-Research Applied to National Needs (NSF-RANN) and other federal agencies.[36]

WASTE MANAGEMENT SYSTEMS

In the fuel-starved countries of Europe, urban waste incinerators have been integrated into steam plants for electricity generation. In the U.S., however, such wastes have, for the most part, been considered a disposal problem, and their energy has been dissipated through simple incineration or by burial in landfill disposal sites. Environmental problems associated with incinerators or dumping and landfill sites and the diminishing availability of such sales is now resulting in a growing interest in these wastes as an energy resource.

In the U.S. today there are some 3 billion tons of waste accumulated each year. The bulk of this waste is agricultural waste which represents some 2.5 billion tons. Of this, some 2 billion tons is animal manure.[37] Of the some 400 million tons of urban waste, 200 million tons is represented by solid wastes collected in garbage trucks. At present we are spending some $3 billion a year to dispose of this material.[38] In addition, there are the human organic wastes present in municipal sewage systems.

For the most part these wastes are organic material which is primarily cellulose. In other words, it is solar energy stored in organic compounds produced by photosynthesis. On a dry weight basis these wastes would represent some 1 billion tons of cellulose and upon oxidation would yield some 15 quadrillion BTU. This is roughly 25 percent of our present energy consumption. It also represents 50 percent of our anticipated oil imports in 1990.[39] Thus, rather than posing an ever increasing disposal problem, these wastes could supply a significant quantity of energy.

With our trend toward urbanization, urban wastes are becoming more concentrated, hence transportation costs for utilizing these wastes are being reduced. A similar trend is occurring with animals. Cattle are being fed in feedlots where from 1,000 to 100,000 cattle are concentrated. It is this high concentration of cattle in feedlots that has exacerbated the animal waste disposal problem. The waste from 100,000 cattle is equivalent to the waste from 200,000 people.

Three approaches have been suggested for converting these wastes into useful energy. One is direct combustion of the material. The second is converting the waste to a fuel by physical processes. The third is conversion of fuel by biological processes.

Footnotes at end of article.

WASTE AS FUEL

This technology is well developed in Europe, is in use to a small extent in the U.S., and research is being funded by the EPA and the Bureau of Mines.[40] One benefit of this approach is that incineration greatly reduces the bulk of the waste and thus can extend the life of landfill systems several fold.

In addition to the fuel value of the trash, there is the possibility of recycling the noncombustible materials that comprise some 20 to 30 percent of the wastes. These materials can be reclaimed from the incinerator or separated beforeland. The market value of this material plus that of the electricity would probably make this approach competitive with present landfill operations that represent the cheapest disposal method.[40] In this respect, note that the economics of solid waste management is determined primarily by the collection system, which involves about 80 percent of the overall cost. Hence, a doubling of the "disposal" cost would be a small perturbation on the overall costs. Moreover, the environmental savings inherent in recycling operations must be factored into the economic equation. Utilizing the heat from trash is a form of recycling and also conserves natural resources by displacing an amount of fossil fuels.

However, both from an economic and environmental standpoint, the burning of wastepaper may not be the best approach for this material.[41] Wastepaper represents some 50 percent of the solid trash, and it can be recycled to produce new paper products. The wastepaper is more valuable as a raw material than as a fuel. To use this approach municipal wastes must be sorted. This technology is well developed and is being funded by private industry, the EPA, the Bureau of Mines, and the Forestry service.[40]

WASTES TO FUEL BY PHYSICAL PROCESS

Two processes have been proposed and tested that convert nonmetallic wastes to usable fuels. One method involves pyrolysis (destructive distillation in the absence of oxygen)[42] and the other involves the catalytic reduction of organic material with carbon monoxide.[43] Both processes produce low-sulfur fuels with high heating values. In excess of 80 percent of the heating value of the wastes can be realized in the fuels.

While these processes can be used for urban waste, they also offer great promise in converting the much larger agricultural waste to useful fuel. Another virtue of these processes over direct incineration is that the fuels can be more easily transported to some other use center.

Pyrolysis. The Bureau of Mines still has in operation a research pyrolysis until built in 1929. Recently, considerable industrial research and development has occurred in this area, and the EPA is also funding such activity.[44] The fuels from this process are a tar-like residue, an oil, and a gas. By a variation of the process, using a catalytic cracking process, up to 70 percent of energy in solid wastes can be obtained as a gas.[45]

The present cost for municipal solid waste disposal is one to three dollars per ton in landfill operations and five to ten dollars per ton for incineration. The higher figure for incineration would be expected to be the rule as air pollution control is added to existing facilities. Without recovery of fuel, it is estimated that the pyrolysis process would cost some eight dollars per ton.[46] The Bureau of Mines estimates that, after sale of the fuel, the costs would be six dollars per ton for a 500 ton-per-day plant (to supply 200,000 people) and two dollars per ton or less for the 2,500 ton-per-day plant.[46] Other estimates fall within the same range.[45] These costs could be reduced by sale of the metals in the solid wastes. Since fuel costs are rising, this approach appears to be economically viable even relative to landfill operations. Again, the costs do not include environmental costs nor the value of the conservation of other fuels.

Current practices for the disposal of animal waste include burial in pits, spreading as fertilizer, and treatment in holding lagoons much like municipal wastes. These approaches have drawbacks in terms of ground and surface water pollution and crop damage from overfertilization. Considerable research is being sponsored in this area by various federal agencies to mitigate these effects.[47]

Pyrolysis is also an effective approach for treating animal and agricultural waste. In areas where pollution control is impossible by the above disposal methods, this approach could be an effective solution.

* * * * *

One area where the environmental problems are beginning to emerge is the Panhandle area of Texas.[50] Feedlots there have a capacity of 2 million head of cattle. Some 3.6 million were fed there in 1970. The cattle density is close to 500 per square mile, and such a region might well find pyrolysis useful.

Catalytic reduction

This is another process developed by the Bureau of Mines and is applicable to both urban and agricultural wastes.[37] By this process the wastes are mixed with carbon monoxide at a pressure of 4,000 pounds per square inch gauge and at temperatures of 350 to 400 degrees centigrade (662 to 752 degrees Fahrenheit) wherein they are converted to a fuel oil. The sulfur content, and the oil has a heating value of 15,000 BTU per pound. Carbon monoxide is a reactive catalyst that can be regenerated in the process under proper conditions. Some 80 percent of the carbon in cellulose material can be converted to oil by this process.

The virtue of this process when compared to pyrolysis is that it produces a single product, oil, whereas pyrolysis produces solid, liquid, and gaseous fuels. At the same time, the requirements for carbon monoxide and high pressure reaction equipment would probably make this a more costly process.

BIOLOGICAL PROCESS

Bacteria are unparalleled to chemical processors. Some can utilize simple inorganic molecules and produce exotic organic compounds. Others utilize organic compounds to produce other organic materials, simple inorganic molecules, or both. Groups of different bacteria live in symbiosis with each other.

* * * * *

METHANE PRODUCTION

The production and use of methane from sewage sludge and animal wastes has been a common practice in Europe since 1930.[53] The methane is used for all common purposes and, in addition, as fuel for motor vehicles and small motors on farms. The process simply involves the anaerobic decomposition of cellulose materials by bacteria. Both human and animal waste contain the appropriate bacteria for the process.

* * * * *

Algae-Methane-Algae Systems

A preferred but somewhat more expensive treatment of sewage is aerobic digestion. By this process the sewage is more completely decomposed to carbon dioxide and water by oxygen-requiring bacteria. When these bacteria are coupled with photosynthetic algae, the algae use the carbon dioxide and other nutrients to grow and produce the oxygen required by the bacteria.

Oswald and Golueke have proposed that this process could be used to produce algae.[53] The algae would then be decomposed by the anaerobic process to methane that would then be used to generate electrical power. The residue from the anaerobic digestion would then be used as nutrient for more algae production. The growth chambers could be enriched with carbon dioxide from the stack of the power plant. In other words, they are proposing an energy farm. They estimate that the cost per kilowatt hour would be three to four times the present costs.

A somewhat similar proposal was submitted by Fredrickson et al. of the University of Minnesota.[56] This proposal suggested the possibility of burning the algae directly in a closed-cycle system. It left open the possibility of using an open system, with some of the nutrients being supplied by sewage. They suggested that an overall efficiency of 4 percent may be obtained, and hence only 160 square miles (0.1 percent of Minnesota) would supply the electrical energy needs of the state. They made no cost estimates.

A detailed study sponsored by the NSF–RANN project is underway at the University of Pennsylvania.[55] As part of this study the researchers are investigating the possibility of methane production from plants. They suggest that fermentation of seaweeds coupled with the extraction of iodine and potash may be economically competitive. In addition they are considering cultivation of water hyacinth and floating algae. The latter is interesting because floating algae are easy to harvest. The Russians have also expressed interest in such algae.[57]

SUMMARY OF BIOLOGICAL SYSTEMS

A probable limit to the efficiency for conversion of sunlight to chemical energy by plants is some 10 percent. Even then the conversion is to chemical energy stored in algae or other plants and when electrical power is considered, the overall efficiency will drop to less than 4 percent. This is to be compared with the 10 percent or more efficiency possible with physical systems. The economics of the physical systems (some present, some potential) would also appear to be better than the biological algae systems. However, these are only estimates

At the same time there would appear to be no technological barrier to the development of any of these biological systems and the economic equation, when environmental costs are included, will most likely favor the production of fuel from urban and agricultural wastes by one or more of the processes discussed above. In other words, the value of plants lies in their ability to convert solar energy into food and fiber, and their utility as an energy source lies primarily in the disposal of the resultant cellulose wastes.

The promise of the biological system as a direct energy source will reside in the use of biological reactions and molecules in physical systems. However, it is estimated that such systems lie 20 to 30 years in the future.[35]

CONCLUSIONS

Today, with increasing discussion of the impending energy crisis, more attention is being directed toward the "promise and prospect of solar energy." Much of this interest derives from the consideration that solar energy represents a pollution-free and non-resource-depleting source of energy. It would appear that in the near future, with an adequate program only modestly expensive when compared to today's standards, this source of energy could be utilized in economically competitive fashion. Moreover, it could be utilized without the need for the highly sophisticated technology required for fission or fusion energy application and, hence, be more adaptable to the underdeveloped nations of the world.

However, an energy crisis is not the only problem confronting mankind. Even today, we do not produce sufficient food for the teeming billions who inhabit the earth. Regardless of population control measures, this problem will become more acute in the future. Our primary source of food is the sun.

It is entirely reasonable to suggest that

Footnotes at end of article.

mankind need not diverge from our present day solar economy. The technology is here today, and improvements will require only modestly funded research programs. Solar energy could meet both the food and energy requirements of our present and future population. The state-of-the-art suggests that biological processes should be utilized for their traditional role of food and fiber production and that their contribution to energy or fuels would derive from the management of cellulose wastes. Physical processes should be used to meet energy or fuel needs. The exception to this in the future may be the incorporation of biological molecules into physical systems for direct energy conversion or fuel production.

FOOTNOTES

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WOMEN IN PUBLIC EDUCATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Ms. MINK. Mr. Speaker, it has always been presumed that even if nowhere else in our society at least in public education, there was opportunity for women for advancement and for high administrative responsibility.

Now we find that of 16,000 principals in senior high schools only 222 or 1.4 percent are women.

I believe that this development is proof of how far away we have yet to go to achieve an attitude of equality. Now that more and more men are moving into public schools because of higher salaries, women are being shunted aside and kept in their place in the classroom.

You will agree with me if you read the following Washington Post article which reports on the findings of the National Council of Administrative Women in education:

[From the Washington Post, Sept. 22, 1973]

WOMEN LOSE POWER IN PUBLIC SCHOOLS

(By Andrew Barnes)

Women are vanishing from the administrative leadership of American public schools. Scarcely more than one high school principal in a hundred is a woman. Even in elementary schools where 85 per cent of teachers are women, 80 per cent of the principals are men.

Education has traditionally been a women's field. As recently as the early 1950s, women were in charge of most grade schools, and their numbers were substantial among the administrators of high schools and junior highs.

Explanations of why men are coming to dominate the schools start with the higher teaching salaries that have attracted more and more men into the profession over the last 20 years.

Men rise quickly to the top, concludes a successful woman administrator, as "a matter of attitude."

Another top official, a man, calls it "typical, unthinking chauvinism."

Whatever its cause, the pattern of unequal advancement is clear from the figures.

Of nearly 16,000 senior high school principals in America, only 222, or 1.4 per cent, are women. Two years ago it was three per cent. In 1950 it was six per cent.

In 1950, 56 per cent of elementary principals were women. Only 19.6 per cent are women today.

It does not appear that women are becoming less qualified. During this same period, women earning advanced degrees, one of the main qualifications for advancement, multiplied sixfold.

The change to male leadership has come somewhat more slowly to the Washington area, where women still hold 51 per cent of the elementary principalships. In the city, 70 per cent of grade school principals are women.

In the Washington suburbs, however, only one of 70 high school principals is a woman, and only five of 100 junior high principals.

Across the country, the last 25 years have seen the elimination of nearly 60,000 schools, mostly small and rural and headed by women, which is one reason the number of women administrators has shrunk.

Perhaps the most dramatic trend has been the number of men entering teaching. In 1940, 22 per cent of teachers in the U.S. were men. By 1968, the proportion had grown to 31 per cent.

Men are concentrated at the high school level, where they have been the majority since 1957–58, according to the National Education Association. Men now are 54 per cent of high school teachers. Women still make up 85 per cent of the elementary teaching force.

The National Council of Administrative Women in Education, having studied these figures, concludes:

"The patterns of discrimination are pervasive and many women fall under their influence. They, too, become convinced that a job with real growth potential would be too demanding."

In a report entitled "Where are the women superintendents?" the council describes "unwritten policies" excluding women in the belief that men are the "natural leaders" because men have families to support, women are too emotional, and boys need father figures.

Discrimination is seldom recognized or acknowledged, the report finds, because men run school systems, "and successful men, as well as unsuccessful men, have difficulty in undertanding the intricacies of sex discrimination."

As sex discrimination comes to be more widely discussed, uncritical acceptance of it will diminish, and protests by local women's rights groups have begun to raise the issue around the country.

Barbara Sizemore, Washington's newly appointed school superintendent and the highest ranking woman local school official in the country, fears the situation may get worse because school enrollments are falling and teaching jobs are hard to get.

"Whenever there's a scarcity of jobs, women are out," says Mrs. Sizemore.

Local school personnel officials say they are seeking women to promote. "We get very few women applying for principalships at the secondary levels," says Carl McMillan of Prince Georges. The capable women exist but do not apply, says John Schreck of Fairfax.

Discrimination that keeps women from promotion is explicitly illegal, and has been since 1972. The regulations and forms spelling out what the government intends to do have not yet been published, however.

Until that happens, the Department of Health, Education and Welfare and the Equal Employment Opportunity Commission will not have a comprehensive view of the situation.

"It may be that there is rampant sex discrimination," says Peter Holmes of the Office for Civil Rights at HEW, but there will have to be proven cases for his office to act.

Legal proof will be made more complicated by the fact that, unlike the case of racially segregated school systems in the South, there have been no laws or rules stating a policy of preference for men.

It may take as much as 10 years for the legal ban on sex discrimination to lead to the "understanding, awareness and moral obligation" that can bring real change, Holmes estimates.

Rep. Edith Green (D-Ore.), a prime mover in amending anti-discrimination legislation so it would cover school employees, says it is her belief the main qualification for promotion in schools is to "wear trousers and coach athletics."

In the long run advancement for women may open up, but meanwhile more jobs in other fields are opening to women and the schools may "end up worse than before," Mrs. Green said.

Sex discrimination, she says, "is one of the reasons we're in all the trouble we're in. The best women leave, because they know there's no chance for promotion."

WOMEN PRINCIPALS IN THE WASHINGTON AREA

Locality	High school	Junior high	Elementary
District of Columbia	2 of 16	7 of 31	78 of 112
Montgomery	0 of 24	4 of 31	58 of 144
Prince Georges	0 of 17	1 of 41	88 of 160
Arlington	0 of 4	0 of 7	6 of 27
Alexandria	0 of 3	0 of 3	9 of 14
Fairfax	1 of 22	0 of 18	58 of 126
Total	3 of 86	12 of 131	297 of 583
Average (percent)	3. 5	10	51

PORNOGRAPHY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. HUBER. Mr. Speaker, the growth and spread of pornography represents a breakdown in our national morals, one of the most serious long-range problems facing our country today. Society has the inherent right to restrain the circulation of obscenity, especially where it is exposed to minors and those most susceptible to its harmful influences. The Supreme Court has made clear that obscenity is not protected by the first amendment. In the case of Roth against Alberts they stated:

> Such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order, and morality.

This does not, however, mean a license to prevent or impede the dissemination of ideas; nothing is obscene because of its ideas per se, but rather from the manner in which they are expressed.

It has long been recognized that good literature can have an uplifting effect upon readers, yet there are still those who persist in refusing to recognize that bad literature may well have the reverse effect. Ideas do have consequences. If they have no consequences, then they are without redeeming social value.

A healthy society must retain certain shared moral values; not everything can be tolerated which appeals only toward the basest instincts of members of that society. No society can do entirely without a sense of moral indignation and disgust. Such approbation is the force behind the moral law. Paraphrasing Plato, there is a need for proportion if a civilized society is going to remain civilized. There is a need inherent in any community for cohesion, unity, and the preservation of common values.

For these reasons I support recent legislation making it a Federal crime to send sexually explicit materials to persons who have indicated to their postmasters that they do not wish to receive them. I also support the recent Supreme Court decision establishing the principle that local standards, not national standards, are to be used in determining obscenity.

In the future, I pledge also to introduce and fight for appropriate legislation to curb the spread of pornography, and to make whatever efforts may be necessary to further clean up this moral pollution. This includes investing power in local authorities to license, regulate, and zone to keep these businesses out of their communities.

RECOMMENDATIONS FOR FIGHTING DRUG ABUSE IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Mr. WALDIE. Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views and evaluations of the Select Committee on Crime's recommendations for fighting drug abuse in our schools.

Many of the replies I have received indicate that local officials do not have access to the information and experience of others who have worked in the drug abuse field. The Federal Government should be able to provide such a "clearinghouse" service as well as provide money the Select Committee on Crime has recommended for the development of drug counseling programs.

Mr. Speaker, these letters from principals and superintendents of schools in California should be of great interest to all Members of Congress who are concerned about this problem.

Selections from these letters follow:

LETTER FROM CLIFFORD W. JORDAN, SUPERINTENDENT OF SCHOOLS, CORONADO UNIFIED SCHOOL DISTRICT

The drug abuse program in this school district and, for that matter, in many school districts in the State of California and in other states in the nation, is referred to as the Coronado Plan. As Superintendent, seven years ago, I became very concerned about the drug abuse problem in this community and, after experiencing dismal failure with a program giving pupils scientific information about the dangers of drugs, I launched research thru federal funding to determine the cause of drug abuse and to establish an educational program that would get at the root of the matter. Our Coronado Plan operates K–12, and its major thrust is (1) making the children aware of the values that control their behavior, (2) making children and youth aware of peer pressures and its relationship to one's values, (3) the effects of pharmaceutical advertising with particular reference to the drug culture, (4) the consequences of drug abuse.

Our program has been remarkably successful, here in Coronado as well as elsewhere, and the State Department of Education's framework for all California school drug education programs is directly derived from the Coronado Plan. I am enclosing with this letter our curriculum guides for the elementary and secondary program as well as the curriculum guide in advertising.

LETTER FROM THOMAS L. GOODMAN, SUPERINTENDENT OF SCHOOLS, SAN DIEGO, CALIF.

The heart of this program has been the development of a new professional in the school, the DANE teacher/counselor. An overview of this program is enclosed for your information. Evaluation of the program has revealed the following facts:

1. The use of drugs is still a problem for the City of San Diego.

2. Our program seems to work best at *preventing* youth from starting on drugs rather than *changing* existing drug-taking habits.

3. We have had excellent staff support for the DANE program. Questionnaires to onsite personnel indicate their support for the DANE staff, their intervention, and a need for more in-service training on drugs for regular teachers.

LETTER FROM JOEL H. HINRICHS, PRINCIPAL, FRESNO, CALIF.

I submit the following recommendations for your consideration:

1. Local boards of education should provide classes dealing with drugs on the school grounds. Instruction should include information on types of drugs, availability, cost and symptoms of users.

2. At least one faculty member at each school should be trained for the counseling of students who are users, prospective users or prospective pushers.

3. No ex-drug user should be a part of an anti-drug use program. All too often this only glorifies that person and the total impact is negative to the intended outcome.

4. Many youngsters "raid" medicine chests at home for both amphetamines and barbiturates. I feel it would be proper to hold parents accountable as contributing to the delinquency of a minor in such cases.

LETTER FROM MYRL C. RUPEL, DISTRICT SUPERINTENDENT, PERRIS, CALIF.

The overproduction, even by legitimate pharmaceutical industries, is probably the first place to start!

Our drug programs have not been effective, but schools cannot be blamed for doing the best they are able. Money for drug programs, State and nationwide, was not forthcoming at a time when it was needed. Most educated persons who work with children would agree that students turn to drugs more often because of problems and pressures they have than for drugs per se. If other outlets were readily available to adolescents with concerns, they might just as easily turn someplace else for relief.

We in education would appreciate the support of the Federal government to help us run an interesting, exciting, and relevant school program which meets the needs of adolescent students both emotionally and intellectually.

This cannot be done with the piecemeal support we have been getting from the Federal government with categorical aid in which the paperwork outweighs the greenbacks. Asking schools to solve each new social problem which arises is flattering, but it would help if they were also given the money with which to start new programs. We are not always able to take on new jobs without new tools.

Letter From Donald D. Curley, Principal, Pacific Grove, Calif.

I believe the problem can best be combatted by providing enough local, state and federal funds to improve teacher competency. Teachers willing to work with students and desiring that they learn the many, many subjects available is a top priority.

Incompetent teachers in our schools contribute to turned-off students who need to be changed by learning, sharing and feeling, not by withdrawing to barbiturates, tranquilizers, amphetamines and other drugs.

Several years ago, E.S.E.A. funds were made available to schools so they could purchase equipment and materials for their curriculum. I don't recall any money being provided to improve teacher competency. Teachers need inservice training, travel experience and time to evaluate where they have been and where they are going.

Presently, many teachers leave in June and return in September without ever taking time to improve their teaching ability. Yes, some teachers do attend classes in the summer until they reach the necessary credits for salary advancements but they certainly are reluctant to do any more after this is accomplished. Incentive plans need to be made which encourage teachers to keep abreast with the times and curriculum needs of youth.

Letter From E. Arnold Miller, Principal, Venice High School, Los Angeles, Calif.

The one most important program to a senior high school is the adequate training of qualified, experienced teachers as counselors and sufficient, permanent funding to sustain their employment. Two per high school should be enough.

Thank you for writing me. I had the privilege of appearing before the Select Committee last year when it convened in Los Angeles. I was impressed with the wealth of information the members had accumulated and their perception of the drug problem.

Letter From Paul Nielsen, District Superintendent, South San Francisco, Calif.

The federal government might aid school boards by funding the following:

1. Increased educational focus on the fact that the great majority of drug abusers in this country are adults. The drugs most often abused are alcohol and legally purchased prescription medicines.
2. Increased numbers of informal, nonmedical centers for individuals attempting to correct drug-abuse patterns, and who are not so severely addicted as to require expensive medical or penal institutionalization.

Letter From Ethel S. Crockett, California State Librarian, Sacramento, Calif.

Thank you for your September 10th letter concerning your work on the Select Committee on Crime. One specific recommendation which I would make is directing HEW to embark on a serious publication program on drug information, issuing both major documents and giveaway leaflets. Most depository libraries would be happy to cooperate with the Committee in distributing these materials. Since depositories are in both public and academic libraries, such information could reach a good section of your target public.

Letter From Jack Housen, Principal, Pomona, Calif.

My suggestion would be, once the school identifies a person with a drug problem, all efforts to effect rehabilitation or cure be removed from the school. I don't believe a Drug Counselor at a given school would be that effective. If school districts could contract the services of skilled medical and mental personnel and then refer the offender to these people, results might be more in evidence. Parents should attend these sessions with the offender unless there is objection from the staff working with the problem. Schools are effective only in presenting information. This information should be presented very early in the student's school experience. Once the student becomes an offender, the answer lies in an agency outside the school.

Letter From Lorenzo Dall'Armi, County Superintendent of Schools, Santa Barbara, Calif.

I was certainly pleased to receive your letter of September 10, 1973 in which you advised me of your concern regarding the drug problem. I am sure that you will agree that we do not have a drug problem, per se, but a people problem, one that concerns all segments of our society. Therefore, here in Santa Barbara County, we have concentrated our efforts on those dynamic elements which alienate youth from their homes, their schools, and other adults in general.

To assist us in our efforts we requested federal funds and are now in our third year of funding from the U.S. Office of Education. We have moved on various fronts such as parent education, teacher education and training, student counseling services, assisting youth-serving agencies to become aware of student problems, and other significant activities. Our most important contribution to the drug education effort at this time is the ILP Model (*Interactive Learning Process*) which is being demonstrated as an alternative drug education teaching strategy.

It is my feeling that the federal government has made it possible for this office to develop a viable teaching strategy, the ILP Model. Through the close articulation with the California State Department of Education, this office has had significant training and consultant input from that level. It is on the basis of the foregoing, and the work which we have done these past three years, in addition to our drug abuse intervention activities presently in progress, that I strongly recommend that the intermediate unit, the county schools office, be considered a significant coordinative agency for any federal funding which is made available to school districts in response to your committee's specific recommendations. We have the professional and technical resources and experience necessary to provide a comprehensive county-wide program. We can also guarantee that there will be little or no duplication or effort in the process.

In closing, I should like to say that it is extremely difficult to communicate the feelings, attitudes, and commitment which we have developed on the part of students, parents, school staffs and Advisory Board members as a result of our project activities. Therefore, I urge you and/or other members of your committee to take the time to visit us and accompany the Director on a tour of some of the drop-in centers and special activities which we have implemented during the course of our project involvement.

Letter From Linda Geary, Oakland, Calif.

I am glad you are taking time and consideration of the serious drug problem we have. Even though alcohol is legalized it is also a major problem in the United States. And people don't understand the bad effects it has on you. Since drugs aren't legalized people set it into a lawful category but they don't set alcohol in that kind of category.

I think people should get more involved and have knowledge of the drug problem we have and so set up different clinics that help the addict and also inform other people.

Letter From Julie Moore, El Cerrito, Calif.

I am from Holy Names High School in Oakland. I am in the ninth grade. I am writing to you in my Health Science class and we are concerned about drugs in the Bay Area.

I really don't know too much about drugs such as aspirin, alcohol, pot, etc. . . . but from what I have learned they are most dangerous by the way they make people act. We would like to know more about drugs and the effects it has on people, that is why we are writing to you.

PRESIDENT NIXON AND THE FUTURE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 1973

Ms. ABZUG. Mr. Speaker, this morning Anthony Lewis in the New York Times wrote an interesting and perceptive column about the current political, legal, and constitutional problems confronting us, as Members of Congress, and the American people. I commend this article to the attention of my colleagues.

It Will Not Down

(By Anthony Lewis)

Boston, October 4.—For more than a year now, from the first smell of the Watergate cover-up through the decline and fall of Spiro Agnew, a question has haunted the politics of this country: Is there any way to restore the faith of Americans, their belief in their leaders and themselves, while Richard Nixon remains President?

It is in the nature of politics and politicians to avoid fundamental questions, to compromise, to forget, to move on. Washington has seen many efforts to do just that about the Nixon question, and not only on the part of the President himself. A curious recent example was Senator Howard Baker's fatuous assurance that Watergate was behind us. Another is the evident desire of some to treat the whole Agnew affair as a minor unpleasantness, a ripple.

Avoidance and forgetfulness are necessary political devices; we do not want a state of continuous battle. But there are some questions that will not go away, and this is one.

If Mr. Nixon had shaken the constitutional assumptions of the American system by only a single act or a limited course of conduct, it might indeed be possible to overlook that as a sport—or to live with disagreement in that area. But the whole point of his Presidency is that there have been no discernible limits to his contempt for established principle, and for law.

This President has proclaimed his right to use the military forces of the United States in secret, without consulting Congress or the public. He has said that he has the power to carry on a war in the face of explicit disapproval by a majority of both houses of Congress. He has asserted an inherent power to wiretap, spy and commit burglaries in the name of national security. He has claimed personal exemption from the rule of law.

Again, there would be a strong argument for accommodation if Mr. Nixon had shown a willingness to learn from the trauma he has inflicted on the country—if he had any reserves of the humility that is the hallmark of strength. But he has learned nothing. He knows no course other than insisting that all's for the best, that we have peace with honor, that the country grows richer by the hour.

Anyone who still hoped to find some residual dignity or sensitivity in the man should have been disabused by the charade as he announced his choice of Gerald Ford for Vice President. That scene in the East Room of the White House was the most repellent American public ceremony in memory.

The very idea of a televised tease over the name was contemptible. If it was to be a public occasion, it should have been a solemn one before Congress. The man who gave us Agnew—and Mitchell, Stans, Haldeman, Ehrlichman, Colson, Liddy, Hunt, Krogh, Dean, Magruder and Chapin—grinned as he unveiled his next choice. There was not the slightest sense of responsibility for what had passed, not the least reference to the grisly reason for this occasion.

The vulgarity of the scene would not ordinarily be worth noticing. But in this case form and content were uncomfortably mixed. For the viewer inevitably found himself asking: Why should so many leading members of Congress have come to lend themselves to such a performance? (Mike Mansfield did have the sense to stay away.) Can Americans in general respond to such stuff? Is that our country? The answer has to be no: Richard Nixon's values are not America's. Either that or all of us give up our vision of this country. We really have to stop pretending that Mr. Nixon is somehow going to change, going to conform to the old American dream of an enlightened society governed by law. It is a question of character, and he has made clear that his cannot change.

Slowly, inexorably, the country is perceiving that it cannot avoid the fundamental question of Richard Nixon's leadership. Even Congress, that most reluctant body of heroes, is coming to face the difficult truth. And the process cannot be stopped. If Mr. Agnew is condemned for tax evasion, if Mr. Ford understands that he must open his tax and financial records, will Congress let the President continue to shelter his questioned dealings? That is not possible.

It is in the light of the Nixon question that Gerald Ford has to be judged. He is a man who would hardly have been considered for President on his own merits; a dim figure whose most imaginative declaration was that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." (That statement, in 1970, was aimed at Justice William O. Douglas.)

But on all the evidence so far, Mr. Ford is honorable. He is a viable alternative to Mr. Nixon, in fact a better one than we have had before now. Most important, he has his own political roots, and he cannot therefore be what Mr. Nixon would wish—an absolute assurance of his own survival.

People are still reluctant to think of forcing a President from office, but they are beginning to understand that it may be unavoidable. For as long as Mr. Nixon is there, it will be as Edgar said in "King Lear";

> *The worst is not*
> *So long as we can say, "This is the worst."*

SENATE—*Tuesday, October 16, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose word has taught us to pray without ceasing, help us to pray mindful of who Thou art and who we are. Thou art holy and we are unholy. Thou art infinite and we are finite. May we pray not alone in times of trouble or to ask a special blessing but help us to pray because we love Thee and seek to do Thy will. Lord, teach us to pray.

Teach us to pray in the morning, noon, and night; in spring and summer and winter.

Teach us to pray while we worship, while we work, and while we play.

Teach us to pray the prayer of confession and cleansing the prayer that relieves the burden of guilt and sin.

Teach us to pray the prayer of brotherhood and unity.

Teach us to pray the prayer that brings peace and power.

As this Nation was born in the spirit of prayer, so may our National Day of Prayer refine and renew the soul of America for Thy glory and the advancement of Thy kingdom. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974;

S. 2282. An act to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga., and S.C., shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentenial Administration, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DONOHUE, Mr. MANN, and Mr. BUTLER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.;

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1920. An act to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project";

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 10203. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

H.R. 10511. An act to amend section 164 of the Federal Aid Highway Act of 1973 relating to financial assistance agreements.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.;

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1920. An act to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project";

H.R. 10203. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 10511. An act to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements. Referred to the Committee on Banking, Housing and Urban Affairs;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students. Referred to the Committee on Armed Services;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; and

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims. Referred to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution:

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes;

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; and

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

The above bills and joint resolution were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, October 13, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF COMMITTEE CONSIDERATION OF S. 2176

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), a previous order was entered into by unanimous consent whereby S. 2176, a bill to provide for a national fuels and energy conservation policy, was referred jointly for 15 days to the Committees on Public Works and Commerce following its being reported by the Senate Interior and Insular Affairs Committee.

I ask unanimous consent that the order be modified and that the bill be referred to both committees through close of business Tuesday, November 6, unless acted upon sooner.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF ROBERT C. ALBRIGHT

Mr. MANSFIELD. Mr. President, over the weekend, I was saddened to read of the passing of an old friend, an outstanding reporter, a man who was beloved by Democrats and Republicans of all persuasions.

I refer to Robert C. Albright, who was a Capitol Hill reporter for so many years that most of us cannot even cover that length of time.

He was a gentle man. He was an accurate man. He was a fair man. He was a good reporter. I was sorry to see Bob Albright retire from his position in the Capitol. I am saddened to note that he has passed away.

I extend to Bob Albright's family the deepest sympathy and condolences of Mrs. Mansfield and myself, because we feel that with the passing of Bob Albright we have lost a good, understanding, and decent friend. May his soul rest in peace.

Mr. President, I ask unanimous consent that the obituary, entitled "Robert C. Albright, Capitol Hill Reporter"—a great title—be printed at this point in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 14, 1973]

ROBERT C. ALBRIGHT, CAPITOL HILL REPORTER

(By Cathe Wolhowe)

Robert C. Albright, Capitol Hill reporter for The Washington Post for almost 40 years, died Friday night of Parkinsons Disease. He was 70.

"Bob was the sweetest and gentlest man, the best Senate correspondent I ever knew," said Howard Simons, managing editor of The Post.

Mr. Albright came to The Post in 1926 and reported on legislation during the New Deal, the Fair Deal, the New Frontier, the Great Society and part of the Nixon Administration.

His beat was Congress and included a Sunday column on the lighter side of the Capitol called "Gallery Glimpses." But he ranged far from Capitol Hill: his assignments included the birth of the United Nations at San Francisco in 1945 and the presidential campaigns of Roosevelt, Landon, Willkie, Dewey, Eisenhower, Stevenson, Kennedy, Goldwater and Nixon.

"Bob was far from being a Hollywood-style reporter though," said Edward T. Folliard, who covered the White House for many of the years Mr. Albright covered Capitol Hill.

"He was extremely shy in his personal life, but he developed a dual personality—he had to. In his professional role, he was one of the most persevering, tenacious newspapermen in American journalism.

"He would buttonhole people in the Senate corridor and you couldn't get past the robust 6-footer. He was devoted to his work and was a wonderful friend."

In the 40 years the two worked together, Folliard can recall having one minor quarrel with him at the Republican National Convention in 1940 over who would send the first story about Willkie's nomination with The Post's one Morse telegraph operator. They arrived at a compromise solution, but Folliard could not recall who filed first.

J. Russel Wiggins, former Executive editor of The Post, called Mr. Albright "a great reporter who always was a credit to The Post and to his profession."

Wiggins added, "There had not been a more conscientious, accurate and perceptive reporter of Congress since Gales and Seaton covered the House and Senate proceedings in The National Intelligencer in the 19th century."

Carroll Kilpatrick, The Post's present White House correspondent, said Mr. Albright was one of the most careful reporters he had known. "He was an amazing, hardworking man who was extremely modest in spite of the fact he covered the Hill all by himself and did an excellent job."

One veteran Post editor recalled that if an error would slip into Mr. Albright's copy, Mr. Albright was eternally grateful to the editor finding the error, and that Mr. Albright would thank the editor for months afterward for his help.

Last December, Mr. Albright, in spite of ill health, went to a National Press Club election in order to vote for a longtime colleague on The Post, Robert A. Alden.

The next morning, when Mr. Albright found that Alden had lost by one vote, he was the first to call and express his deep disappointment.

Mr. Albright recalled that he always remembered the importance of one vote in an election, because he, too, had lost a National Press Club election 35 years earlier by one vote. Apparently his "campaign manager" had forgotten to vote, went to the polls at the last minute and found himself ineligible to vote because of an unpaid bill.

Alfred E. Lewis, who has been The Post's police reporter since 1935, remembers Mr. Albright as "a compassionate, friendly man over-willing to help, a man loved by everybody here."

Don C. Womack, superintendent of the Senate Press Gallery, called Mr. Albright "a gentlemanly, quiet fellow who became a distinguished member of our gallery."

Chalmers Roberts, a former Post correspondent who worked with Mr. Albright, said "Bob was the most conscientious Capitol Hill reporter I ever knew and 'Gallery Glimpses' was eagerly read by both Senate and House members for news and for its sparkle."

He was born in Alexandria, but his family moved to the District when he was 2 years old. He attended public schools here and then went to George Washington University, where he was editor of "The Hatchet."

Mr. Albright joined The Post immediately after college. He started on the police beat, but later was shifted to general assignment.

Three years after his arrival at The Post, he left to become a reporter for United Press.

The Post called him back in 1933 when its national affairs bureau was established. He originally covered the House, but soon was reporting all aspects of Congress.

He left the Post briefly during the war to write for Time Magazine in New York, returning within a few months. This time he stayed until 1969, when he retired.

He belonged to the National Press Club, the White House Correspondents' Association and the Senate Press Gallery's Standing Committee of Correspondents. But his main extracurricular interests were fishing and hunting, interests that brought him publicity in 1939 when he appeared before the Montgomery County Commissioners to ask for an increase in the tax assessment on his summer camp at Seneca.

"You mean you want it reduced?" asked the commissioners, who for two weeks had been listening to taxpayers complain of too high assessments.

"No, I want it increased," Mr. Albright said, explaining if the camp's assessment of $450 was increased to $500, he would be entitled to a county hunting license at a property owner rate of $1.50 rather than the $15.50 fee he was paying.

He received the increased assessment.

Mr. Albright is survived by his wife, Irma, of the home at 5509 Glenwood Rd., Bethesda; a daughter, Mrs. Ronald Hubka, and two grandchildren of Nesconsent, Long Island.

The family requests that sympathy contributions be made to St. Johns Episcopal Church in Chevy Chase.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SPARKMAN. Mr. President, I wish to join in the tribute that our leader has paid to Bob Albright. I knew him over the years and was pleased to read in the obituary the kind remarks made about him. He was one of the finest, squarest gentlemen I have ever known and was a great and able reporter. I am sorry to learn of his passing.

STATEMENT BY MICHEL JOBERT BEFORE UNITED NATIONS GENERAL ASSEMBLY

Mr. MANSFIELD. Mr. President, the distinguished Foreign Minister of France, Michel Jobert, made a most interesting speech at the United Nations on October 10 relative to the situation in the Middle East and elsewhere.

I ask unanimous consent that the remarks of this outstanding statesman be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MICHEL JOBERT ON THE SITUATION IN THE MIDDLE EAST MADE AT THE CLOSE OF HIS ADDRESS BEFORE THE UNITED NATIONS GENERAL ASSEMBLY, OCTOBER 10, 1973

Mr. President,

I prepared my speech several days ago. Before coming here today I changed nothing except the tenses of two verbs from the present to the past, and inserted two phases quite spontaneously, actually.

This address is a statement of our policy, showing its concepts, duration and determination. I have struck nothing out; I have added nothing.

However, since last Saturday, fighting has been resumed and evidence indicates that it is particularly bloody. I offer my country's assistance to the end that the war may quickly subside and not flare up again.

We could make suggestions to contribute to a peaceful settlement on the condition that everyone wants this and truly wants a just and lasting peace.

I am convinced that our European friends share this wish.

I hope that these sincere wishes are not offered in vain.

ADDRESS BY HIS EXCELLENCY MICHEL JOBERT, MINISTER OF FOREIGN AFFAIRS BEFORE THE 28TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 10, 1973

Mr. President,

On this last day of the general debate, I would like to pay tribute to the authority and distinction with which you are presiding over our work.

I shall be relatively brief, for I wish to avoid repetitions and, besides, have no taste for, nor am concerned with, propaganda. I would prefer, however, that truth find its way, even if it should emerge as that which is manifest on the banks of the Seine, the Loire, the Garonne and the Rhone, the four main rivers of my country.

This debate proceeds toward its conclusion without surprises—except those we never ceased to warn against—or extremes. Indeed, everyone feels gratified by this, albeit, to achieve it one had to keep silent on many a question and take for granted what is merely announced, in the same way that a fad seizes upon minds and secures them before it prevails in the street.

Doubtless, you see what I am alluding to. To speak of peace does not call for great accuracy. On the other hand, to invoke détente, to believe in it as one would in spring when the latter is suddenly upon one around the bend of winter, would warrant more industry and curiosity. Who does not wish for détente or could renounce it?

At the risk of irritating, I would recall that we have a long-standing concept of détente and fair experience of it. For the past 15 years, it has been the concern of our foreign policy. Judge for yourselves: decolonization; the establishing of East-West relations; friendly and active cooperation with the Soviet Union; the fundamental treaty between France and Germany in 1963; the construction of a European entity; as early as 1964, understanding of and respect for China, where the President of the French Republic has, as you know, just made a far-reaching trip; unfailing support for the Third World, the independence of nations and a more equitable distribution of resources. Such approaches shelter us from naiveté, but they have shown us that lucidity and generosity should always go together.

Meanwhile, we learn that 1973 is to be primarily the year of détente. And the latter is referred to at every turn, as if a single year were sufficient to meet its needs and this year contained exceptional developments. To be quite truthful, I see but two such events, much discussed, but the full expression of which is not completely manifest as yet nor, you will agree, are their consequences entirely ascertained.

In the first place, I see the Conference on European Security and Cooperation. Of course, it is not completed as yet, as everybody is aware. Its main merit is to gather together 33 European countries and the United States and Canada. Beside this essential fact, the results, if good, will be thrown, so to speak, into the bargain. Besides, they will serve the concept of détente mainly by representing compromises between opposing stands which one will not have been able to develop at leisure. In the long run, their contents will matter less than the way in which they were obtained. We are doing all we can on our part for the Conference to succeed and that, I am sure, is known.

This conference, therefore, is an important fact, an unwonted event, unusual in recent international practice, a comforting development to note. For all that, it is not an Eden of détente, the alpha and the omega of conciliation. It is a common, a difficult effort, and one pertaining to all. It is a state of mind being born, a miracle indeed, among the poisonous flowers of armaments. The latter remain, however, and fraught with the mistrust or ambitions they secrete.

Let us therefore be reasonable in our appreciation, wary in our enthusiasm, realistic in our behavior. Let us not immure ourselves in the all-too-easy syllogism: the Conference serves the idea of détente; détente can nourish all speeches; therefore, he who refers to the Conference assuredly practices détente.

In the second place, on the 22nd of last June, the United States and the Soviet Union published the news of an agreement they had reached on nuclear strategy. This agreement is but a beginning to be followed up, so it is stated, in 1974. Its authors were gratified and they invited the whole world to share in their gratification. Why so? Because this is undoubtedly an agreement between two very great powers and consequently it concerns, or rather affects, us all. Because it can be clothed in the chaste cloak of détente. Those two reasons are not sufficient to conceal the reality which gradually became manifest to all. In order not to go bankrupt, and with political designs in view, the two powers preferred to limit the development of some of their nuclear armaments, while maintaining a sufficiently strong mutual vulnerability to deter the one or the other from upsetting the balance.

Thus this type of détente would be limited to this exercise in balance between the two treaty partners. When children fight, one often notices that the strongest avoid clashing head-on and attack the gangs' light-footed soldiers, easily knocked down by a few unsophisticated strokes. It is the same with nations. And if the light-footed soldiers are at present worried, who could be surprised? The only astonishing thing could be that it took them so long to become nervous, finding themselves holding a mere rifle whereas pressures and presences remain the same at their frontiers. A very famous actress wore only a perfume: I fear that so scantly clothed by détente we yet run the risk of shivering. . . .

My analysis of recent months would perhaps have been less cruel as concerns détente—after all a French term to which we have conferred its full significance by our actions—were not some slanderous campaigns attempting to slur our very idea of national independence, shared by many others.

The past and geography have taught us lessons that we are not likely to forget. We are like a too-often-stalked prey that the hunter can no longer approach. Illusions, then wars, more illusions and, again, war: such has been our fate. Henceforth, we count foremost on ourselves, on our own efforts. I fail to see who, unless he be misled, could think of making us renounce this.

We have been distressed, I would say hurt, to hear from our friends or peoples of whom we are fond, statements made here or there, the unreality of which, as compared to facts or to the world situation, is quite surprising to me. Still more surprising are those steps taken to convince us that the questions in point are mere "figures of speech" that we would be mistaken to feel uneasy about, but merely justified by domestic considerations of a given state.

Is it really possible to deal so lightly with a serious matter of concern to us all? Indeed, it has to do with national independence, and that of a nation which does not want to be the pawn of a world strategy. In her turn, after many others, and left to her sole resources, France provided herself with nuclear armament, not in order to indulge in dreams of vain greatness, but because her very existence was at stake. Alone, we covered the ground of difficult research, with a considerable time lag. And today some are indignant that we dared tread this path, presumably the royal way reserved to those in power today; that we placed our footsteps in their tracks, such deep tracks. And yet what protests did they raise? I look for them in vain.

Nowadays one is indeed bolder, doubtless because one knows that with France, a peaceful power whose only ambition is to live in harmony with all and not to be taken unawares, one does not run a great risk. Well, one does!

I shall not refer to the risk of ridicule. One is essentially exposed, however, to the risk of not understanding that one is being manipulated, used, propelled against one's own interests. More serious still is the risk of being wholly mistaken about the analysis of the world situation, to have understood nothing, with gaping mouth and, alas, closed eyes. Lastly, the risk is to rise against the will for independence, which should be that of all peace-loving peoples and which France is convinced she is serving while securing her own fate as a free nation.

We shall at least keep a vivid memory of the moment of collective blindness in which some have foundered, dragging with them, by means of false evidence, some quarters of public opinion whose irrational fears were nurtured at leisure. And then, we shall abide by our conduct so that our fate cannot be settled otherwise than by ourselves, since from now on everyone can guess that we could not disappear without damage to others.

And then again, we are convinced, we know for sure, that in so doing we strengthen the ground on which Europe must be built by averring our firmness, our independence, our determination not to slacken our defense efforts.

Indeed, how could I fail to refer to Europe? Everyone rightly wonders: does Europe already exist, and more so in the consciousness of the others than in Europe's own? Is it really going to exist?

I refer to it only as one of the citizens of the states composing it, attached as so many others, to those landscapes and shores that have witnessed such diverse activity and sheltered so many meditations.

I speak about Europe only from a certain memory of the past and with the reasonable hope of a more just, more secure and fuller daily life.

Such is the deep aspiration, I am sure, of all these European peoples who live on a diminutive territory, densely populated, closely partitioned, the internal boundaries of which are crumbling a little more each day under the thrust of time, a universal thing.

There is no collective will for power, only the certainty that in gathering together, everything will eventually become simpler, even if the road toward it is not entirely mapped out. This effort could perhaps also deserve the fair name of détente—the effort that nine states, often so distinct, pursue untiringly in order to forget antagonisms, everything will eventually become simpler, adjust their policies, ensure their well-being. It would deserve to be hailed often from this rostrum; better still, to be encouraged from the bottom of the heart. It would deserve that an organization such as the United Nations henceforth show it less indifference. Lastly, it would deserve that one appreciate the extent to which Europe undoubtedly would be useful to the international order. Indeed, besides the virtues of its own congregation, Europe would become a pole of peace in a world adrift from one vertigo to another.

Recently, in Copenhagen, the Nine—as they have come to be called nowadays—were agreed to define their common identity among themselves, and with one voice to express their opinion on an important case—their relationship with the United States—as they already did on other cases, for instance the European security conference. Nothing unwonted in such behavior nor in the approaches which are to follow, because some state will also have wished to establish such a dialogue. Nothing unwonted either if. in the coming weeks, a common view is expressed within the framework of the Atlantic alliance, where thinking is being pursued in function of world developments.

Perhaps even—but I dare not dream too much—the latter will have to take into account this common will that may animate European countries so that a more equitable and better-shared universal order may prevail.

A more equitable and better-shared universal order; this is where genuine détente will truly be able to flourish.

As long as the independence of each one is not fully recognized and respected, as long as the living conditions of every country are not made more secure, where indeed is détente?

It is not in the restoration of international monetary regulations, which would give equal opportunities to all, and in stability, lacking which the weaker will be trampled down?

Is it not in the establishment of normal trade practices that would limit emergency measures interfering unexpectedly with markets?

Is it not in a rational, generous and far-reaching view of production and trade, sharing big commodities equally between producers and consumers?

Is it not in the establishment of an international code defining the rights and obligations of each state in the world commercial order?

Everything has been said about these topics. Should one be irritated that nothing can yet be attributed to international cooperation? Irritated that the monetary organization has been blown to smithereens under the pressure of its own deficiencies? Irritated that nations' selfishness hinders any progress toward agreements on basic products? That dearth replaces affluence? That technicians' forecasts are not borne out and that humble and innumerable lives, often wrecked by hurricanes and droughts, also suffer unforeseen onslaughts, the origin of which they do not know, and that even waste the slender resources of days of starvation?

Should one become disheartened enough to accept false pretenses, abortive texts, proposals aiming at politics and not at the well-being of our fellow-men?

For our part, we shall go crying out certain truths, perhaps in the desert of some meetings too densely populated with words. We shall continue, through national action, and also in Europe with our partners, and everywhere in the world where the ties of history and friendship retain us, we shall continue to affirm that stability, generosity, responsibility, respect for others are concepts without which there is no monetary or commercial future for the world, and but one prospect: that of bitterness and violence.

In this year 1973, had one wished, it would have been easy to restore equanimity to the whole world. Away from dialectics which make one lose sight of realities and lead astray people's deep inclination for peace, could not those claiming the highest responsibilities find the way toward true glory?

Only too well-understood and thoroughly weighed interest, however, seems to have led their thoughts and action. Here is Southeast Asia—where fighting takes so long to die out after having been endless—and on other frontiers it is still the eve of battle, with sudden outbursts.

Here is the Middle East where the situation, one thought, was under control. And so why should it change? And being so sure of the coming day one had left to tomorrow what should have been done today. The results are there for all to see. . . . Did not so much certainty, such assurance, deserve that the present be dealt with before the irreparable occurred?

Let these conflicts of another era—anachronistic to the point that they last thus without causing inconvenience except, alas, for unfortunate populations—let these conflicts cease. Let the collective conscience be heard before they go further astray, those who must without delay understand, in keeping with their tremendous present responsibilities, the friendly and urging message that we put to friends in order that they be inspired by tolerance, led by the will of concerted action not only in their own meetings, but also in their relations with all peoples who, powerless, follow the progress of such merciless games.

On the subject of these absurd, ruthless, unfair wars, my country has for a long time now, and over and over again, voiced its judgment and stated its courses of action. Therefore I shall not dwell on that.

In this assembly of nations we have many friends; we feel that we commune in thought with many peoples, many states, young or old, who, as we do, seek their way in order to assert their dignity by taking upon themselves the responsibility of their destiny.

We believe with them that this rostrum, this international gathering, this periodical and organized pooling of world preoccupations are indispensable so that peoples' souls may sometimes throb and some cries be uttered here; and these, heard by the multitude, would so animate the latter that nothing would ever be as before; that falsehood would lose its assurance, indifference be infused with concern; that demands also hear the voice of responsibility; friendship cease to be subservient and influence burdensome; that the veiled but ever-present threat no longer weigh on minds, if not on hearts, and that, from now on, nobody dare give expression to it.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the acting minority leader desire recognition?

Mr. GRIFFIN. No, Mr. President.

TRANSACTION OF MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business for not to exceed 1 hour, with statements therein limited to not to exceed 5 minutes each.

The Chair recognizes the Senator from Missouri (Mr. Symington).

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. SYMINGTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2408.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, which was to strike out all after the enacting clause, and insert:

TITLE I

Sec. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Inside the United States

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $897,000.
Fort Devens, Massachusetts, $2,749,000.
Camp Drum, New York, $1,099,000.
Fort Eustis, Virginia, $4,782,000.
Camp A. P. Hill, Virginia, $535,000.
Indiantown Gap Military Reservation Pennsylvania, $1,657,000.
Fort Knox, Kentucky, $7,305,000.
Fort Lee, Virginia, $18,326,000.
Fort George G. Meade, Maryland, $5,924,000.
Camp Picket, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $21,904,000.
Fort Bragg, North Carolina, $32,400,000.
Fort Campbell, Kentucky, $51,881,000.
Eglin Air Force Base, Valparaiso, Florida, $2,950,000.
Fort Gordon, Georgia, $20,230,000.
Fort Jackson, South Carolina, $2,902,000.
Fort McClellan, Alabama, $19,505,000.

Fort McPherson, Georgia, $1,804,000.

Fort Rucker, Alabama, $3,987,000.

Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.

Fort Benjamin Harrison, Indiana, $3,893,000.

Fort Hood, Texas, $7,921,000.

Fort Sam Houston, Texas, $11,738,000.

Fort Polk, Louisiana, $29,276,000.

Fort Riley, Kansas, $30,943,000.

Fort Sill, Oklahoma, $9,447,000.

Fort Leonard Wood, Missouri, $44,482,000.

(Sixth Army)

Fort Carson, Colorado, $5,651,000.

Fort Lewis, Washington, $8,327,000.

Fort Ord, California, $9,812,000.

Presidio of San Francisco, California, $5,751,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,472,000.

Aeronautical Maintenance Center, Texas, $1,088,000.

Fort Monmouth, New Jersey, $8,401,000.

Tobyhanna Army Depot, Pennsylvania, $411,000.

Natick Laboratories, Massachusetts, $466,000.

Picatinny Arsenal, New Jersey, $255,000.

Pine Bluff Arsenal, Arkansas, $294,000.

Redstone Arsenal, Alabama, $4,971,000.

Sacramento Army Depot, California, $412,000.

White Sands Missile Range, New Mexico, $3,715,000.

Yuma Proving Ground, Arizona, $4,695,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Fort Huachuca, Arizona, $6,539,000.

Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $343,000.

Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $3,060,000.

Fort Richardson, Alaska, $2,140,000.

Fort Wainwright, Alaska, $2,715,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $7,295,000.

Various Locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Various Locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $12,517,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$13,161,000" and insert in place thereof "$15,866,000".

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

(b) Public Law 92–545, is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND," in section 101 as follows: "with respect to "Various Locations," strike out "$1.412,000" and insert in place thereof "$1,649,000".

(c) Public Law 92–545 is amended by striking out in clause (1) of section 702 "$441,704,000"; "$117,074,000"; and "$558,778,000" and inserting in place thereof "$444,767,000"; "$117,311,000"; and "$562,078,000", respectively.

SEC. 105. (a) Public Law 92–145, as amended, is amended under the heading "OUTSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Germany, Various Locations," strike out "$1,946,000" and insert in place thereof "$2,553,000".

(b) Public Law 92–145, as amended, is amended by striking out in clause (1) of section 702 "$41,374,000" and "$404,500,000" and inserting in place thereof "$41,981,000" and "$405,107,000", respectively.

SEC. 106. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Fort Benning, Georgia," strike out "$2,855,000" and insert in place thereof "$3,383,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000", respectively.

SEC. 107. (a) Public Law 90–110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows:

With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.

Military Ocean Terminal, Bayonne, New Jersey, $1,806,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $180,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $4,655,000.

Naval Academy, Annapolis, Maryland, $4,334,000.

National Naval Medical Center, Bethesda, Maryland, $1,546,000.

Naval Medical Research Institute, Bethesda, Maryland, $6,327,000.

Naval Ordnance Station, Indian Head, Maryland, $1,528,000.

Naval Hospital, Quantico, Virginia, $484,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $5,959,000.

Naval Amphibious Base, Little Creek, Virginia, $3,211,000.

Naval Air Station, Norfolk, Virginia, $2,525,000.

Naval Station, Norfolk, Virginia, $18,183,000.

Navy Public Works Center, Norfolk, Virginia, $567,000.

Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.

Naval Air Station, Oceana, Virginia, $3,386,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.

Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,636,000.

Naval Air Station, Ellyson Field, Florida, $75,000.

Naval Air Station, Jacksonville, Florida, $14,366,000.

Naval Training Center, Orlando, Florida, $6,109,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $3,663,000.

Naval Air Station, Pensacola, Florida, $2,699,000.

Naval Communications Training Center, Pensacola, Florida, $10,690,000.

Naval Air Station, Whiting Field, Florida, $3,568,000.

Naval Home, Gulfport, Mississippi, $9,444,000.

Naval Air Station, Meridian, Mississippi, $4,532,000.

Charleston Naval Shipyard, Charleston, South Carolina, $252,000.

Naval Station, Charleston, South Carolina, $1,498,000.

Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.

Naval Support Activity, New Orleans, Louisiana, $13,880,000.

Naval Air Station, Chase Field, Texas, $2,875,000.

Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $15,148,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $2,946,000.

Long Beach Naval Shipyard, Long Beach, California, $6,808,000.

Naval Hospital, Long Beach, California, $878,000.

Naval Air Station, Miramar, California, $1,873,000.

Naval Air Station, North Island, California, $2,415,000.

Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.

Naval Electronics Laboratory Center, San Diego, California, $3,518,000.

Naval Station, San Diego, California, $11,996,000.

Naval Training Center, San Diego, California, $2,944,000.

Navy Public Works Center, San Diego, California, $2,471,000.

Navy Submarine Support Facility, San Diego, California, $3,920,000.

Naval Weapons Station, Seal Beach, California, $807,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $3,827,000.

Naval Air Station, Lemoore, California, $1,333,000.

Naval Air Station, Moffett Field, California, $2,650,000.

Naval Hospital, Oakland, California, $5,839,000.

Hunters Point Naval Shipyard, San Francisco, California, $250,000.

Mare Island Naval Shipyard, Vallejo, California, $1,874,000.

THIRTEENTH NAVAL DISTRICT

Naval Complex, Adak, Alaska, $2,695,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.

Naval Ammunition Depot, Oahu, Hawaii, $457,000.

Naval Station, Pearl Harbor, Hawaii, $845,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,013,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,863,000.

Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.

Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.

Marine Corps Air Station, New River, North Carolina, $3,245,000.

Fleet Marine Force Atlantic, Norfolk, Virginia, $686,000.

Marine Corps Supply Center, Albany, Georgia, $5,204,000.

Marine Corps Air Station, Beaufort, South Carolina, $126,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.

Marine Corps Air Station, Yuma, Arizona, $7,834,000.

Marine Corps Supply Center, Barstow, California, $3,802,000.

Marine Corps Base, Camp Pendleton, California, $10,920,000.

Marine Corps Air Station, El Toro, California, $747,000.

Marine Corps Recruit Depot, San Diego, California, $3,825,000.

Marine Corps Base, Twentynine Palms, California, $2,992,000.

Marine Corps Air Station, Kanehoe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, Trident Facilities, United States, $118,320,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,466,000.

Various Locations, Water Pollution Abatement, $51,112,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $1,707,000.

Naval Facility, Grand Turk, The West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $778,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $9,508,000.

Naval Complex, Subic Bay, Republic of the Philippines, $278,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,668,000" and "$248,533,000", respectively.

SEC. 204. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Weapons Laboratory, Dahlgren, Virginia, strike out "$530,000" and insert in place thereof "$779,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$246,955,000" and "$274,093,000" and inserting in place thereof "$247,204,000" and "$274,342,000", respectively.

SEC. 205. (a) Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Station, Norfolk, Virginia, strike out "$19,316,000" and insert in place thereof "$22,716,000".

With respect to Naval Air Station, Meridian, Mississippi, strike out "$3,266,000" and insert in place thereof "$3,859,000".

(b) Public Law 92–145 is amended by striking out in clause (2) of section 702 "$266,068,000" and "321,843,000" and inserting in place thereof "$270,061,000" and "$325,836,000", respectively.

SEC. 206. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Ammunition Depot, McAlester, Oklahoma, strike out "$6,336,000" and insert in place thereof "$8,778,000".

With respect to Naval Air Station, Miramar, California, strike out "$4,372,000" and insert in place thereof "$5,144,000".

(b) Public Law 92–545 is amended by striking out in clause (2) of section 702 "$474,450,000" and "$515,667,000" and inserting in place thereof "$477,664,000" and "$518,881,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $1,020,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $11,343,000.

Kelly Air Force Base, San Antonio, Texas, $2,306,000.

McClellan Air Force Base, Sacramento, California, $92,000.

Robins Air Force Base, Warner Robins, Georgia, $4,125,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,166,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $12,887,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Satellite Control Facilities, $192,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $20,350,000.

Mather Air Force Base, Sacramento, California, $310,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $347,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various Locations, $1,698,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,639,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,078,000.

Dover Air Force Base, Dover, Delaware, $2,558,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,698,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,200,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base, Great Falls, Montana, $600,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $616,000.

Various Locations, $1,988,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $183,000.

Holloman Air Force Base, Alamagordo, New Mexico, $1,524,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $1,220,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home Idaho, $253,000. ,

Shaw Air Force Base, Sumter, South Carolina, $306,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $483,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $6,115,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $18,000,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $7,950,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,181,000.

United Kingdom, $9,313,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $927,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLDWIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified to this section prior to that date.

SEC. 304. (a) Public Law 92-145 is amended under the heading "INSIDE THE UNITED STATES", section 301 as follows: Under the subheading "Strategic Air Command" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out "$522,000" and insert in place thereof "$735,000."

(b) Public Law 92-145 is amended by striking out in clause (3) of section 702 "$226,484,000" and "247,347,000" and inserting in place thereof "$226,697,000" and "$247,560,000", respectively.

SEC. 305. (a) Public Law 92-545 is amended under the heading "OUTSIDE THE UNITED STATES," in section 301 as follows: Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$11,422,000" and insert in place thereof "$18,755,000".

(b) Public Law 92-545 is amended by striking out in clause (3) of section 702 "$32,565,000" and "$284,150,000" and inserting in place thereof "$39,898,000" and "$291,483,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $747,000.

Defense General Supply Center, Richmond, Virginia, $250,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, six thousand one hundred thirty-five units, $178,208,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installations, Oahu, Hawaii, one thousand units.

Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundered units.

Aberdeen Proving Ground, Maryland, one hundred sixty-six units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

Fort Monroe, Virginia, two hundred units.

(2) The Department of the Navy, four thousand four hundred sixty-six units, $137,666,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Naval Facility, Centerville Beach, California, sixty units.

Naval Complex, San Diego, California, three hundred twenty-five units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Complex, Jacksonville, Florida, four hundred units.

Naval Training Center, Orlando, Florida, land, six units.

Naval Complex, Oahu, Hawaii, six hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Support Facility, Thurmont, Maryland, six units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, eight hundred units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand eight hundred units, $55,501,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, two hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile home facilities—

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $28,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $45,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $38,000 and in no event shall the cost of any unit exceed $45,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

SEC. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided,* That the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 506. (a) Subsection 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term "improvement" includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed.".

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in subsection (a) of this section as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Base, Federal Republic of Germany, one unit, $26,500.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"SEC. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase in temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit.".

SEC. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is further amended to read as follows:

"SEC. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided,* That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further,* That no such agreement shall guarantee the payment of more than 79 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation.".

SEC. 509. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

SEC. 510. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of not more than nine thousand seven hundred and twenty-five family housing units, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $330,901,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit

Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m) an amount not to exceed $826,793,000.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, and V, shall not exceed—

(1) for title I: A total of $572,963,000.

(2) for title II: A total of $539,933,000.

(3) for title III: A total of $246,656,000.

(4) for title V: Military family housing, $1,157,694,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total of the amounts authorized for projects in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the erection of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. As of Ocober 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972, Public Law 92–54 (86 Stat. 1135), and all such auhorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said Act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 705(a) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(a) Enlisted women's barracks construction in the amount of $437,000 for Fort Rucker, Alabama, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(b) Airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(c) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 397).

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act: *Provided further*, None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize the construction of permanent barracks providing for the planned occupancy of fewer than four persons per room for enlisted grades E4 and below nor fewer than two persons per room for enlisted grades E5, E6, and E7.

SEC. 607. Section 709 of Public Law 92–145 (85 Stat. 394, 414), as amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code, and section 961 of title 43, United States Code.

SEC. 608. Chapter 159 of title 10, United States Code is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "anually" in place thereof.

(2) Section 2676 is amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That this limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

(3) Section 2672 is amended to redesignate the existing section as subsection "(a)" and by adding a subsection "(b)" as follows:

"Upon a determination by the Secretary

of Defense that deferral of acquisition under this subsection for inclusion in the next Military Construction Authorization Act would be inconsistent with the interest of national defense, and after notifying the Committees on Armed Services of the Senate and House of Representatives, the Secretary of a military department may acquire, without regard to the limitations in subsection (a) above and under such terms as he deems appropriate, any interest in land required to maintain the operational integrity of a military installation. This authority includes authority to make surveys and acquire such interests in land (including temporary use) by gift, purchase, or otherwise."

(4) The catchline of section 2672 is amended by adding the following at the end thereof: "and for other purposes".

SEC. 609. (a) Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the National Capital Planning Commission and other interested agencies, but without being subject to the approval of the Commission or any other agency, is directed, within available authorizations and appropriations, to proceed with the further planning, development, and construction of the Bolling-Anacostia Complex. The Secretary shall use as a guide to such further planning and development the Bolling-Anacostia Base Development Concept included with the final environmental impact statement filed with the Council on Environmental Quality on July 26, 1973, under the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Section 607(b) of Public Law 89–188, as amended, is amended by deleting the words "January 1, 1975" wherever they appear, and inserting in lieu thereof "January 1, 1980."

SEC. 610. (a) The Secretary of the Army, or his designee, is authorized to convey to the San Antonio Country Club, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all rights, title, and interest of the United States, except as retained in this section, in and to certain two parcels of land containing, in the aggregate, 2.39 acres, more or less, situated in the county of Bexar, State of Texas, being part of the Fort Sam Houston Military Reservation and more particularly described as follows:

PARCEL NO. 1

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes, east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located north 78 degrees 10 minutes west, 298 feet from boundary marker numbered B–81;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club properties for the point of beginning, said point of beginning being located north 68 degrees 59 minutes west, 695 feet from boundary marker numbered B–79;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north 68 degrees 59 minutes west, 300 feet to boundary marker numbered B–78;

Thence north 00 degrees 32 minutes west, 1197.6 feet to boundary marker numbered B–77 for the corner common to said San Antonio Country Club and United States of America properties, situated in the south right-of-way line for Burr Road;

Thence departing from said common line, along the south right-of-way line for said Burr Road, north 89 degrees 58 minutes east, 50 feet to a point;

Thence south 00 degrees 32 minutes east, 1028.08 feet to a point;

Thence south 21 degrees 26 minutes east, 114.79 feet to a point;

Thence south 48 degrees 05 minutes east, 254.90 feet to the point of beginning, containing 1.73 acres, more or less.

PARCEL NO. 2

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker B–87 for the point of beginning;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north, 102.2 feet to boundary marker numbered B–86;

Thence north 07 degrees 15 minutes east, 117.4 feet to boundary marker numbered B–85;

Thence north 12 degrees 30 minutes east, 88.1 feet to boundary marker numbered B–84;

Thence north 07 degrees 10 minutes west, 168.4 feet to boundary marker numbered B–83;

Thence north 51 degrees 05 minutes east, 104.4 feet to boundary marker numbered B–82;

Thence south 78 degrees 10 minutes east, 50 feet to a point;

Thence departing from said common line, south 15 degrees 11 minutes west, 546.15 feet to the point of beginning, containing 0.66 acres, more or less.

(b) In consideration for the conveyance by the United States of America of the property described in paragraph (a), the San Antonio Country Club shall convey to the United States, for incorporation with the Fort Sam Houston Military Reservation, a parcel of land containing 6.47 acres, more or less, being described as follows:

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to the point of beginning, situated in the common line between said San Antonio Country Club and United States of America properties, said point of being located south 78 degrees 10 minutes east, 50 feet from boundary marker numbered B–82;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located south 68 degrees 59 minutes east, 300 feet from boundary marker numbered B–78;

Thence along said common line as follows: south 68 degrees 59 minutes east, 695 feet to boundary marker numbered B–79 for a re-entrant corner for said United States of America property and a northeast corner for said San Antonio Country Club property;

Thence south 44 degrees 07 minutes west, 333.7 feet to boundary marker numbered B–80;

Thence south 42 degrees 04 minutes west, 261 feet to boundary marker numbered B–81 for a re-entrant corner for said United States of America property and a southeast corner for said San Antonio Country Club property;

Thence north 78 degrees 10 minutes west, 298 feet to the point of beginning containing 6.47 acres, more or less.

(c) The legal descriptions in paragraphs (a) and (b) may be modified as agreed upon by the Secretary, or his designee, and the San Antonio Country Club, consistent with any necessary changes which may be disclosed as a result of accurate survey.

(d) The conveyance of property authorized in paragraph (a) of this section shall be subject to the following provisions, conditions, and reservations, which shall be incorporated in the deed of conveyance to be executed by the Secretary of the Army:

(1) Reservation to the United States of rights-of-way for any existing utility lines or access roads.

(2) Provision that the grantee, in accepting the deed, shall agree (1) to relocate fences between its property and the boundary lines of Fort Sam Houston, at no expense to the United States, and (2) to hold the United States harmless from any damage that may result from drainage from the property conveyed to the United States under paragraph (b).

(e) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the San Antonio Country Club.

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act of 1974".

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,900,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $21,458,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. With respect to the preceding authorization contained in section 701 for the Army Reserve, no portion of such authorization or any other prior Army Reserve authorization granted by the Congress may be utilized to construct replacement facilities for Army Reserve units at Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

SEC. 704. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1974".

Mr. SYMINGTON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 2408 and request a conference with the House on the disagreeing vote of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. HARRY F. BYRD, JR., Mr. TOWER, Mr. THURMOND, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Missouri for the speed he is showing and for the dedication he is indicating in trying to expedite the work of the Senate insofar as it is affected in its relationship to the House. I just want the Senator to know how grateful I am that he has named these conferees and that the military construction bill will be in conference shortly.

Mr. SYMINGTON. I thank the distinguished Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, I wish to join in the statement of the distinguished Senator from Montana. I express my appreciation for the fine cooperation which the majority leader and I have received in connection with the military construction authorization bill, and, earlier, with the military procurement authorization bill. The Senator from Missouri has performed a remarkable job under extremely difficult circumstances, and I wish to thank him.

Mr. SYMINGTON. I thank the able majority leader and the able assistant majority leader for their kind remarks. It is always a pleasure to work with and for them in matters of this character.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 386.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Urban Mass Transportation Assistance Act of 1973".

ASSISTANCE FOR OPERATING EXPENSES

SEC. 2. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following new sentence: "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas, allocating any funds made available for assistance under this sentence among the various State and local public bodies and agencies thereof in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c)(2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

"(f) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved, and for placing mass transportation operations in such area or areas on a sound financial basis.

"(g) The funds made available for assistance in the payment of operating expenses under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the various States and local public bodies and agencies thereof (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

"(1) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas of eligible applicants in that particular State, and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

"(2) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by mass transportation systems in the urbanized areas of eligible applicants in all the States; and

"(3) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in all the States."

(d)(1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) To finance grants to assist States and local public bodies and agencies thereof in the payment of operating expenses under the third sentence of section 3(a), there is authorized to be appropriated not to exceed $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))".

(e) Section 12 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under the third sentence of section 3(a) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

INCREASE IN GRANT RATIO

SEC. 3. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expense) shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

INCREASE IN BASIC ASSISTANCE AUTHORITY

SEC. 4. (a) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out all that follows "which amount may be increased" in the third sentence; and

(2) by inserting in lieu thereof "to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $1,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $2,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $3,000,000,000 prior to July 1, 1975, not to exceed an aggregate of $4,500,000,000 prior to July 1, 1976, not to exceed an aggregate of $5,500,000,000 prior to July 1, 1977, and not to exceed an aggregate of $6,100,000,000 thereafter."

(b) The first sentence of section 4(c) of such Act is amended by inserting immediately before the period at the end thereof the following: "to the extent that such amounts are or were appropriated to finance such grants and loans and have not been reserved or made available for any other purpose".

PROHIBITION AGAINST CHARGING OF EXTRA FARES ON ASSISTED TRANSIT FACILITIES

SEC. 5. Section 3 of the Urban Mass Transportation Act of 1964 (as amended by section 2(c) of this Act) is further amended by adding at the end thereof the following new subsection:

"(h) No financial assistance shall be provided under this Act to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged for transportation utilizing or involving the facilities and equipment financed with such assistance will be uniform (subject to any reasonable charges which may be made for transfers), and will not vary on the basis of length of route or distance traveled except in accordance with a zone system or other uniform system which is in effect throughout the area served by such facilities and equipment, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

ELIGIBILITY OF QUASI-PUBLIC DEVELOPMENT CORPORATIONS

SEC. 6. (a) The first sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" after "financing", and by inserting before the period at the end thereof the following: ", and (2) the establishment and organization of public or quasi-public transit corridor development corporations or entities".

(b) The second sentence of section 3(a) of such Act is amended to read as follows: "Eligible facilities and equipment may include personal property including buses and other rolling stock and real property including land (but not public highways), within the entire zone effect by the construction and operation of transit improvements, including station sites, needed for an efficient and coordinated mass transportation system which is compatible with socially, economically, and environmentally sound patterns of land use."

COORDINATION OF URBAN MASS TRANSIT PROGRAMS WITH MODEL CITIES PROGRAMS

SEC. 7. Section 103(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) any program which includes a transportation component as a project or activity to be undertaken meets the requirements of section 3(a) of the Urban Mass Transportation Act of 1964;".

LIMITATION ON MASS TRANSIT FUNDING RELATED TO PUPIL TRANSPORTATION

SEC. 8. (a) Section 3(e) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "(e)";

(2) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions, or proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions, in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such schoolchildren and school personnel; except that this paragraph shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such schoolchildren and school personnel along with facilities to be used therefor) was so engaged at any time during the twelve-month period immediately prior to the date of the enactment of this paragraph."

(b) Section 12(e) of such Act is amended by inserting before the period at the end thereof the following: ", or from enforcing the limitation described in section 3(e)(2)".

ELIMINATION OF ASSISTANCE IN FORM OF PROJECT LOANS

SEC. 9. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 (as amended by section 2(a) of this Act) is amended—

(1) by striking out "or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise)" in the first sentence;

(2) by striking out "or loan" in the fourth sentence; and

(3) by striking out "The Secretary may make" in the fifth sentence and inserting in lieu thereof "The Secretary is also authorized to make".

(b) Section 3(c) of such Act (as amended by section 2(b) of this Act) is amended by striking out "No loans" in the first sentence and all that follows down through "this section" in the second sentence, and insert in lieu thereof "Interest on loans made under subsection (b)".

(c) Section 3(d) of such Act is amended by striking out "or loan".

(d) Section 12(b) of such Act is amended by striking out "loan or".

(e) Section 13(a) of such Act is amended by striking out "loans or" and "loan or".

(f) Section 16(b) of such Act is amended by striking out "and loans" each place it appears.

STUDY OF RURAL TRANSPORTATION NEEDS

SEC. 10. The Secretary of Transportation shall conduct a full and complete study and investigation of the public transportation needs of rural and other nonurban areas in the United States, giving particular attention to the needs of cities, towns, and other political subdivisions (outside urban areas) having a population of 50,000 or less, and of any changes in the Federal law which would be required in order to meet such needs. The Secretary shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

INVESTIGATION OF SAFETY HAZARDS IN URBAN MASS TRANSPORTATION SYSTEMS

SEC. 11. The Secretary of Transportation shall investigate unsafe conditions in any facility, equipment, or manner of operation financed under this Act which creates a serious hazard of death or injury for the purpose of determining its nature and extent and the means which might best be employed to eliminate or correct it. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or implemented.

SEC. 12. Section 3(a) of the Urban Mass Transportation Act of 1964 is further amended by adding after the word "expenses", and before the period in the fifth sentence, the following: ", nor shall any grant or loan funds be used to support sole source procurements (except in unusual, justifiable circumstances) or procurements utilizing exclusionary or discriminatory specifications".

SEC. 13. Nothing contained in this Act shall require the charging of fares to elderly and handicapped persons.

And amend the title so as to read: "An Act to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on S. 386 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. TOWER, and Mr. BROOKE conferees on the part of the Senate.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of Northern Africa, over into Syria, Jordan, Iraq, possibly Saudia Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

Mr. JAVITS. Mr. President, when I came on the floor this morning, I did not know that the majority leader was going to make the statement he has made about the Middle East.

If he would allow me, I should like to join him in the proposal for a summit meeting. I think it is important enough to warrant a summit meeting. I had in mind an analysis of the course of events and an outline of the policies which the United States should pursue, which did not include a summit meeting, and I think that is an excellent initiative. I would like very much to express my support of it.

THE MIDDLE EAST WAR

Mr. JAVITS. Mr. President, as the Middle East war proceeds on its bloody course, the problems and dangers are laid bare as though by some cosmic surgery. So, too, are laid bare the openings for a possible resolution, not only of this crisis, but of the whole Middle East crisis situation.

First, it becomes clear that the objective of Egypt and Syria is by no means limited even to an effort to restore the ground situation to what it was prior to the 1967 six-day war. Rather, their total objective seems to be the elimination of Israel as a State.

In the stress of war today President Sadat, while protesting sweet reasonableness, gave this away in uttering the threat to Egypt's Parliament, as follows:

> Our Egyptian rockets of the Zafir type which can cross Sinai are now on their launching pads ready to be fired at one signal to the deepest points in Israel.

Second, the Soviet Union may be willing even to jeopardize the opportunities for détente with the United States by repeating in the Middle East the policies which characterized the suppression of self-determination in Czechoslovakia and which gave rise to the Brezhnev doctrine, a doctrine which alarmed Western Europe more than anything since the post-World War II pressure as Joseph Stalin laid a stranglehold on Eastern Europe and sought to blockade Berlin.

Third, the effort to use Arab oil to blackmail the United States and the world into submission, by seeking to make the United States require the capitulation of Israel, thereby asking this valiant small country to officiate at its own destruction and opening the door to other demands the U.S.S.R. might induce the radical Arab States to require of the United States, Western Europe, and Japan, all in the name of oil.

Indeed, it begins to be impressively realistic to note that the Secretary-General of NATO, Joseph Luns, said about the Arab boycott over the weekend:

> Without oil, the situation for the West would be very difficult . . . but this would come very close to being a hostile act.

That certainly speaks for itself as to the NATO Security Alliance.

Fourth, the United States, in pursuance of our policy and our national interest and security, as well as the peace of the world, has undertaken to supply Israel to endeavor to insure its survival, and to frustrate the Soviet design inherent in the Soviet Union's tremendous supply and training of the forces of Egypt and Syria which led them to the attack on Israel on the very eve of Yom Kippur, the holiest day of the Jewish people.

Fifth, the danger that in this atmosphere some untoward and unwished for confrontation may occur between the United States and the U.S.S.R. The recklessness of this course on the part of the U.S.S.R. is epitomized by the enigmatic statement emerging from a conference participated in by the leaders in the Kremlin with the President of Algeria, reported this morning concerning the U.S.S.R., which states that the Soviet Union is pledged "to assist in every way" to recapture the—Arab—territory "seized by Israel"; and Mr. Kosygin's statement:

> All our actions are aimed at helping the peoples of the Arab countries to liberate their lands that were seized by Israel.

Mr. President, under all these circumstances, it is interesting to note the reported opinion of the American people sampled according to a Gallup poll survey. It is reported that 47 percent of those surveyed sympathize with Israel, only 6 percent with the Arab States, 22 percent demurred, and 25 percent have no opinion.

Under these circumstances, what are the lines of action for our country? I list them for our country:

First. To support President Nixon and Secretary of State Kissinger in the determination that Israel will not be eliminated or bested through any failure of supply;

Second. To reaffirm the U.S. position as supported by the Senate resolution passed October 8, 1973:

> To urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied by them prior to the outbreak of current hostilities;

Third. To make clear to the U.S.S.R. that we seek and invite no confrontation in the Middle East as between us and them, and we hope that they will not seek one either, but that we and the rest of the world have the right to demand of them their cooperation in effectuating a cease-fire without gain to either side notwithstanding their backing of the aggression which brought on the conflict by Egypt and Syria; and

Fourth. Notice especially to the moderate Arab States, our principal suppliers insofar as we have any dependence on Arab oil, that they should resist the pressure of the Arab radicals and terrorists on them and that we will be neither intimidated nor blackmailed; on the contrary, that the United States is prepared to take the necessary conservation and other measures which will make us invulnerable to reduction or cutoff of oil from these Arab countries;

Fifth. Notice to our European allies and Japan that the time is long overdue for us to coordinate our response to any effort to impede the flow of oil to them or to us from the Arab States, and that we are prepared to negotiate with them an agreement for such coordination which will relate to purchase, transport, storage, reserves, conservation measures and allocation of short supplies. Such an agreement has been shockingly long in coming and all of us do not have a minute to lose in putting it in place. Indeed, the cut-throat competition among the oil consuming states which has already begun in the face of the trust under the acronym OPEC primarily of the Arab oil producing states, could rapidly become like some dark cloud cast over the hopes of all free peoples; and,

Sixth. Signature by the President of the war powers resolution—rather than its veto—which would enormously strengthen the hand of the President and our country in notifying the U.S.S.R. and all others that our country will be united in whatever decision it takes, and that any idea that either the radical Arab leaders or the leaders in the Kremlin may have that the United States is weakened, uncertain or divided by Watergate or Vice President Agnew's resignation is indeed a most dangerous delusion.

If we can successfully resolve this crisis, there is a glowing light at the end of the tunnel. The U.S.S.R. might then realize that playing with fire—in the paradox of attacking mankind with one hand while offering the olive branch with the other—is the most difficult trick of all and probably will not work. The Arab States might realize that there is simply no use in trying to liquidate Israel; that Israel is here, is permanent, and will remain. As to Israel, it has already stated most authoritatively its willingness to negotiate any issue between it and the Arab States, and there is no evidence whatever that even the vissisitudes of cruel and aggressive attack have changed this situation. I believe that our country and the world can have every confidence that if it were up to the Israelis a settlement with their Arab neighbors in return for a durable Middle East peace will be just, reasonable and designed to be durable.

Mr. President, I want to thank the Senator from West Virginia for his, as always, courtesy in facilitating the time I needed for these remarks.

Mr. ROBERT C. BYRD. The Senator is welcome.

The PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the abence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask uanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. HRUSKA. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7446.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the

Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HRUSKA. Mr. President, on October 10 the Senate passed H.R. 7446, a bill to establish the American Revolution Bicentennial Administration and for other purposes, with Senate amendments.

On October 15, the House of Representatives disagreed to the Senate amendments to the bill and requested a conference.

In view of the action taken by the House of Representatives, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McClellan, Mr. Kennedy and Mr. Hruska conferees on the part of the Senate.

The PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE ADJOURNMENT FROM OCTOBER 18, 1973, TO OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished majority leader, I send a concurrent resolution to the desk and ask that it be stated.

The PRESIDENT pro tempore. The clerk will read the concurrent resolution.

The assistant legislative clerk read the concurrent resolution. (S. Con. Res. 54) as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That when the Senate adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, October 23, 1973.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

AMENDMENT OF NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on H.R. 9639, and ask for its immediate consideration.

The PRESIDENT pro tempore. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of October 3, 1973, at pp. 32827–32828.)

Mr. ALLEN. Mr. President, I am delighted to submit for consideration of the Senate a conference report on H.R. 9639. This legislation is an emergency measure to provide financial relief for school systems around the country. It will provide additional Federal assistance to school lunch and school breakfast programs.

On September 24 the Senate passed H.R. 9639 with some amendments which were considered more generous than the House-passed bill. The conferees met on two occasions and a report was filed on October 3. The conferees were able to reach an agreement on all points. However, due to the provisions of the House rules, the committee reported four amendments in disagreement so that these amendments could be the subject of separate votes when the conference report was considered in the House. The House did agree to each of these amendments, with amendments as described in the statement of managers with respect to amendments Nos. 5, 13, and 14. The conferees were able to reach agreement on the important issues of Federal funding of the child nutrition programs in a manner which will be quite beneficial to school systems struggling to make ends meet. The House bill had provided an increase of general cash reimbursement under section 4 of the National School Lunch Act from 8 to 10 cents per lunch. The Senate increased this amount to 12 cents. The House conferees were adamant on this point and insisted on retaining a reimbursement of 10 cents. However, as a compromise the House conferees agreed to ask the House to amend Senate amendment No. 5 to make improvements in the escalator clause that had been approved by the Senate. Under the Senate amendment, schools would have received an annual increase in payments under section 4 of the National School Lunch Act—general cash reimbursement—section 11 of the National School Lunch Act—free and reduced price lunches—and section 4 of the Child Nutrition Act—breakfasts—to reflect changes in the cost of operating a school lunch and school breakfast program. However, this provision would not have taken effect until fiscal year 1976.

Under the amendment to Senate amendment numbered 5 which has now been agreed to by the House, the schools will receive semiannual adjustments in the rates of reimbursement for the school breakfast program. The first such semiannual adjustment will take place on January 1, 1974. The first adjustment will reflect changes in the cost of food away from home during the period September 1973, through November 1973. Each subsequent adjustment will reflect the most recent 6-month period for which data are available.

Thus the schools will receive another adjustment in their reimbursement rates for the child nutrition program on January 1 if food costs continue to rise. Moreover, this escalator clause will relieve Congress of the burden of acting each year to increase the minimum reimbursement rates for the child nutrition programs.

Mr. President, the House and Senate bills did not differ on other important areas involving the reimbursement rate for the school lunch and school breakfast program. Both the House and the Senate bill provided a minimum average payment of 45 cents per free meal served and 35 cents per reduced price meal served under section 11 of the National School Lunch Act. Both House and Senate bills establish a basic minimum reimbursement for breakfast at 8 cents, with an additional minimum reimbursement of 20 cents for free breakfasts and 15 cents for reduced price breakfasts.

The Senate did, however, add another significant factor to the reimbursement of nutrition programs by mandating the continued availability of the special milk program to all schools and nonprofit institutions requesting such a program. In addition, it required that children who qualify for free lunches shall also be eligible for free milk. The House accepted this amendment without change.

The House conferees also agreed to several other significant Senate amendments which make the child nutrition programs more generous, and the House has now concurred in the Senate amendment to extend the special supplemental food program for the fiscal year 1975 at a $40 million level rather than the $20 million level provided for in the House bill.

The House also concurred in the Senate amendment to raise the guidelines to be used in determining eligibility for reduced price lunches. Existing law provides that such income guidelines shall not be more than 50 percent above the applicable income levels in the income poverty guidelines prescribed by the Secretary of Agriculture. Under the amendment of the Senate that was agreed to by the House the income guideline may, in fiscal 1974, be established at not more than 75 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture.

Thus, the conferees agreed on several Senate amendments which increased the Federal financial responsibility to child nutrition programs. The conferees also adopted other Senate amendments which made other changes in the child nutrition program:

First. To increase the membership of

the National Advisory Council on Child Nutrition from 13 to 15 members by adding an urban and a rural school lunch program supervisor;

Second. To make agencies of Indian tribes eligible to administer the special supplemental food program.

The Senate conferees receded from an amendment submitted by the Senator from Alaska (Mr. Stevens) to provide 25 percent greater reimbursement for the school lunch and school breakfast program in Alaska. However, the conferees agreed to modify the Senate amendment to provide for study and child nutrition programs to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The conferees also agreed to other language making the study a broader and comprehensive study of our child nutrition programs.

The House conferees also receded on an amendment unrelated to child nutrition programs. This amendment would suspend for fiscal year 1974 the application of section 5(d)(2) of Public Law 91–84 in determining eligibility of a State to receive impact aid funds if such State has adopted an education equalization program.

Mr. President, the conference report represents substantial funding increases for the child nutrition programs. In fiscal year 1974, alone, it will require the expenditure of $224 million above the President's budget request. I hope that it will be unanimously approved by the Senate.

Mr. President, I ask unanimous consent that the joint explanatory statement of the committee on conference be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment Numbered 1: The bill, as passed by the House, amends section 4 of the National School Lunch Act by increasing the national average payment per lunch used in determining food assistance payments from eight cents to ten cents per lunch.

Senate amendment numbered 1 increases the national average payment per lunch used in determining food assistance payments to twelve cents per lunch. The Senate recedes.

Amendments Numbered 2, 3, 4, 6, and 7: These amendments offered by Senator Stevens provided that funds which would otherwise be paid to Alaska under sections 4, 5, and 10 of the National School Lunch Act in any fiscal year, and under sections 4 and 4(f) of the Child Nutrition Act of 1966 in any fiscal year shall be increased by 25 percent. The Senate recedes. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13, and concur therein with an amendment which provides, in part, that the study conducted under Senate amendment numbered 13 will include a study of differences among regions, including Alaska, in the cost of preparing lunches and breakfasts.

Amendment Numbered 5: Senate amendment numbered 5 amends section 11 of the National School Lunch Act by providing that for fiscal years subsequent to fiscal year 1975, the national average payment per lunch under section 4 of the National School Lunch Act, the special-assistance factors for lunches under section 11 of such Act, and the national average breakfast payments under section 4 of the Child Nutrition Act of 1956 shall reflect changes in the cost of operating a school lunch and a school breakfast program. Senate amendment numbered 5 also provides that, in determining such changes, the Secretary of Agriculture must give equal weight to changes in the wholesale prices of all foods and in hourly wage rates for employees of eating establishments.

The bill as passed by the House contains no such provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement ot the Senate amendment numbered 5, and concur therein with an amendment described and set forth below, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment of the House, referred to above, would provide (*a*) that changes in the cost of operating a school lunch and a school breakfast program shall be reflected in the reimbursement rates listed in Senate amendment numbered 5, (*b*) that the Secretary shall make an adjustment of such reimbursement rates on January 1, 1974, and semiannually thereafter, (*c*) that such adjustments shall reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, and (*d*) that such adjustments shall be computed to the nearest one-quarter cent. The adjustment for January 1, 1974, shall reflect the change in the series for food away from home during the period September 1973 through November 1973.

The text of the amendment follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 5, insert the following:

"The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent."

Amendment Numbered 8: Under Senate amendment numbered 8, the Secretary of Agriculture shall make grants under section 17 of the Child Nutrition Act of 1966 (the Special Supplemental Food Program for pregnant or lactating women, infants, and children determined to be at nutritional risk) to agencies of Indian tribes, bands, or groups, or the Indian Health Service of the Department of Health, Education, and Welfare, as well as to State agencies as provided under existing law. The bill as passed by the House contains no such provision. The House recedes.

Amendment Numbered 9: The bill as passed by the House amends section 17 of the Child Nutrition Act of 1966 by extending the authorization and expenditure level (section 32 of the Act of 1935) of the Special Supplemental Food Program for pregnant or lactating women and children determined to be at nutritional risk for one additional fiscal year (the fiscal year ending June 30, 1975) at the same level.

Senate amendment numbered 9 also extends such authorization for such additional year, but increases the level of authorization and expenditure from $20,000,000 as contained in the bill as passed by the House, to a level of $40,000,000.

Senate amendment numbered 9 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 5 and concur therein.

Amendment Numbered 10: Senate amendment numbered 10 amends section 3 of the Child Nutrition Act of 1966 by adding to the requirements of that section a mandate that any school or nonprofit child care institution shall receive the special milk program on its request, and a mandate that children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 11: Senate amendment numbered 11 amends section 14 of the National School Lunch Act—

(*a*) by increasing the number of members on the National Advisory Council from 13, as in existing law, to 15, and

(*b*) by requiring that one of the members of such Council shall be a school lunch program supervisor from an urban school system and one member of such Council shall be a school lunch program supervisor from a rural school system.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 12: Senate amendment numbered 12 amends that part of section 9(b) of the National School Lunch Act which directs each State educational agency to prescribe, each fiscal year, income guidelines to be used during such fiscal year to determine eligibility for reduced-price lunches. Existing law provides that such income guidelines shall not be more than 50 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture. Senate amendment numbered 12 provides that, for fiscal year 1974, such income guidelines may be established at not more than 75 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture

The bill as passed by the House contains no comparable provision.

The House recedes from its disagreement to the Senate amendment and concurs therein with a technical amendment which inserts "June 30," before "1974" where it occurs in the Senate amendment.

Amendment Numbered 13: Senate amendment numbered 13 directs the Secretary of Agriculture to carry out a comprehensive study to determine if the benefits of the school lunch and child nutrition programs accrue to those who are most in need. The

Secretary must report his findings and any recommendations to Congress by June 30, 1974.

The bill as passed by the House contains no comparable provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13 and concur therein, with an amendment and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment is as follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 13, insert the following:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 9. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, togther with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study."

It is the intent of the conferees with respect to the amendment of the House, referred to above, that this study would determine (a) whether the benefits under the National School Lunch and Child Nutrition Acts are accruing to the maximum extent possible to all of the Nation's school children, (b) whether those children who are most in need are receiving the benefits under these programs (c) the general efficiency of operating these prorgams and how waste that might be occurring in these programs might be eliminated or minimized, and (d) the need to recognize differences among regions, including Alaska, in the costs of operating a school lunch and breakfast program in determining the Federal reimbursement rates for such programs in such regions. The conferees also intend that, in carrying out such programs in such regions. The confrees also intend that, in carrying out such study, the Secretary of Agriculture shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested profesional organizations or individuals in the field of child care and nutrition, and shall consider alternatives to the present structure, including the universal feeding program.

Amendment numbered 14: Senate amendment numbered 14 suspends for fiscal year 1974 the application of section 5(d)(2) of Public Law 81–874 in determining the eligibility of a local educational agency to receive impact aid funds, if such agency is located in a State which has adopted an education equalization program after June 30, 1972.

The bill as passed by the House contains no comparable provision.

Amendment numbered 14 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 14, and concur therein, with a technical amendment to strike out "as" from the first sentence thereof, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Mr. ALLEN. Mr. President, is there agreement on the adoption of the conference report?

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1435.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, which were to strike out all after the enacting clause, and insert:

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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; to authorize the election of certain local officials by the registered qualified electors in the District of Columbia; to grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, to relieve Congress of the burdens of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701–5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years, except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on July 1, 1974. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704 (b)) is amended to read as follows: "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter II of chapter 13 of title 16 of the District of Columbia Code.".

(d) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinatfer referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-116) shall be agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (D.C. Code, sec. 1-1002), are amended to read as follows:

"(a)(1) The National Capital Planning

Commission (hereinafter referred to as the 'Commission') is hereby created as a Federal planning agency for the Federal Government to plan for the Federal Establishment in the National Capital region, including the conservation of the important historical and natural features thereof.

"(2) The Commissioner shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal and internal projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Commission shall establish procedures for citizen involvement in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed comprehensive plan (including amendments thereof) affecting or relating to the District.

"(3) The Commissioner shall submit the comprehensive plan for the District, and all elements thereof and amendments thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

"(4)(A) The National Capital Planning Commission shall, within forty-five days after receipt of a comprehensive plan or amendments from the Council, certify to the Council whether such plan or amendments have a negative impact on the interests and functions of the Federal Establishment. If within forty-five days from the receipt of such plan or amendments from the Council, the Commission takes no action, such plan or amendments shall be deemed to have no adverse impact on the Federal Establishment, and such plan or amendments shall be implemented.

"(B) If the Commission, within forty-five days after the receipt of such plan or amendments from the Council, finds such negative impact on the Federal Establishment, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's recommendations and findings, the Council may—

"(i) reject such findings and recommendations and request that the Commission reconsider such plan or amendments; or

"(ii) accept such findings and recommendations and modify such plan or amendments accordingly.

The Council shall resubmit such modified plan or amendments to the Commission to determine whether such modifications have been made in accordance with the findings and recommendations of the Commission. If, within fifteen days from the receipt of the modified plan or amendments from the the Council, the Commission takes no action, such modified plan or amendments shall be deemed to have been modified in accordance with the findings and recommendations of the Commission, and it shall be implemented.

"(C) If within thirty days from the receipt of a request by the Council to reconsider such plan or amendments, the Commission again certifies to the Council that such plan or amendments have a negative impact on the Federal Establishment, such plan or amendments shall not be implemented.

"(D) The Commissioner and the Commission shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the comprehensive plan for the Federal activities in the National Capital developed by the Commission and the comprehensive plan for the District developed by the Commissioner, under this section.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. All citizen members shall be bona fide residents of the District of Columbia or its environs and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on July 1, 1974. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002 (e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1-1004), is amended as follows:

(1) Subsection (a) of such section is amended by (A) inserting "Federal activities in the" immediately after "for the" in the first sentence, (B) striking out "and District" in such first sentence, and (C) striking out "within the District of Columbia" and "or District" in the third sentence of such subsection.

(2) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1-1005), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by striking out "and District of Columbia" and "or District".

(2) Subsection (c) of such section is repealed.

(3) The first sentence of subsection (d) of such section is amended by striking out "and District".

(4) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act of June 6, 1924 (D.C. Code, sec. 1-1007), is amended by striking out "and the Board of Commissioners of the District of Columbia".

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary" under section 3 of the Act entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position in which he was transferred, such position shall no longer be a position in such competitive service.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except part C of such title, may be amended by—

(1) an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification; or

(2) a proposal initiated by a petition signed by a number of registered qualified electors of the District equal to 5 per centum of the total number of registered qualified electors, as shown by the records of the Board of Elections on the day such petition is filed, and ratified by a majority of the registered qualified electors of the District voting in an election held for such ratification.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect unless within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was ratified either House of Congress adopts a resolution, according to the procedures specified in section 604 of this Act, disapproving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for proposing and ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

Part A—The Council

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia consisting of thirteen members, of whom five members shall be elected at large, and eight members shall be elected one each from the eight election wards established under the District of Columbia Election Act. The term of Office of the members of the Council shall be four years beginning at noon on January 2 of the year following their election. Members of the Council shall be elected on a nonpartisan basis.

(b) The Chairman of the Council shall be elected in January of each year by a majority vote of the members of the Council from among the at-large members of the Council. In the case of a vacancy in the office of Chairman, the Council shall select one of the elected at-large members of the Council to serve as Chairman for the remainder of the unexpired term of the Chairman whom he replaces. The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(c) In the event of a vacancy in the membership of the Council, the Board of Elections shall hold a special election to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District during the ninety days immediately preceding the day on which the general election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of members of the Council beginning after the date of enactment of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, or days on which either House is not in session) after the date it was submitted, such change is disapproved by a resolution adopted by either House of Congress according to the procedure specified in section 604 of this Act.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman of the Council shall receive, in addition to the compensation to which he is entitled as a member of the Council, $5,000 per annum, payable in equal installments, for each year he serves as Chairman.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislature power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall disapprove such act, he shall, indicate the same by affixing his signature thereto, and such act shall become law. If the Mayor shall disapprove such act, he shall within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted to the Chairman of the Council to the President of the United States. Such act shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman of the Council shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman of the Council shall act in his stead. While the Chairman of the Council is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least one week intervening between each reading. No act shall take effect until one week after its final adoption: *Provided*, That upon such adoption it has been made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia. The Mayor shall be elected, on a nonpartisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(b) (1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has been, during the ninety days immediately preceding the day on which the general election for Mayor is to be held, and is a resident of and domiciled in the District, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain, the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled at the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor, either in a special election or in a general election, shall take office on the day on which the Board of Elections certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman of the Council shall become acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman of the Council. While the Chairman of the Council is acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman of the Council is acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(c) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council, shall be submitted to the Congress, and shall apply with respect to the term of Mayor next beginning after the date of such change unless, within forty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) after the date it was submitted, such change in compensation is disapproved by resolution adopted by either House of Congress according to the procedures specified in section 604 of this Act. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions.

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system or systems shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer,

employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdictions.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any Act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of a comprehensive plan for the District which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital Region affected by any aspect of a proposed comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the comprehensive plan for the District, and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such comprehensive plan and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such plan or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such comprehensive plan and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of nine members appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Tenure Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(2) Any member of the Tenure Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Tenure Commission.

(3) The Tenure Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Tenure Commission members.

(4) The Tenure Commission shall choose annually, from among its members, a Chairman and such other Officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(5) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts.

(f) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a)(1) A Judge of a District of Columbia courts shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) The President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the President shall reappoint the declaring candidate as judge which reappointment shall be effective when made, without confirmation by the Senate. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of nine members selected in accordance with the provisions of subsection (b) of this section. Such members shall serve for terms of six years, except that, of the members first selected in accordance with subsection (b) (4) (A), one member shall serve for two years and one member shall serve for four years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for one year and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (C) shall serve for five years; and the member first selected in accordance with subsection (b) (4) (D) shall serve for three years. In making their respective first appointments according to subsections (b) (4) (A) and (b) (4) (B), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5, United States Code); and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) Members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts and shall be appointed as follows:

(A) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the active practice of law in the District of Columbia for at least five successive years preceding their nominations.

(B) Two members shall be appointed by the Mayor from lists, of not less than three nominees for each such Commission position to be filled, submitted to the Mayor by the Council.

(C) One member shall be appointed by the Speaker of the House of Representatives.

(D) One member shall be appointed by the President of the Senate.

(E) Three members shall be appointed by the President of the United States.

(5) Any member of the Commission who is an active or retired Federal judge or judge of a District of Columbia court shall serve without compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c) (1) The Commission shall act only at meetings called by the Chairman held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necesary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necesary to enable the Commision properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d) (1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of not less than three nor more than five persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy.

(2) In the event any person recommended by the Commission to the President requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

Part D—District Budget and Financial Management

Subpart I—Budget and Financial Management

FISCAL YEAR

Sec. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

Sec. 442. (a) The Mayor shall prepare and submit to the Council and the Congress by January 10 of each year, and make available to the public, a budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated, existing, or proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediate past three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvement plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget, or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures for the forthcoming fiscal year in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

Sec. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the past three years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments for general obligation bonds must be made for bonds which have been issued, or for bonds which would be issued, to finance all projects listed in the capital improvement plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(a).

MULTIYEAR CAPITAL IMPROVEMENT PLAN

Sec. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loan appropriations made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

Sec. 445. The District of Columbia courts shall prepare and annually submit to the Mayor annual estimates of the expenditures and appropriation necessary for the maintenance and operations of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to section 446 without revision but subject to his recommendations.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

Sec. 446. The Council, after public hearing, shall by act approve the annual budget for the District of Columbia government, including any supplements thereto, and submit such budget to the Congress and to the Federal Office of Management and Budget. No amount may be expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

Sec. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with guidelines to be established by act by the Council to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

Sec. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, within ninety days after the end of each fiscal year, a complete financial statement and report;

(5) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all money receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of

all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, apportion such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms or receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this Act. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belong to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his report.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603, the District is authorized to provide for the payment of the cost of its various capital projects by an issue or issues of general obligation bonds of the District bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine as necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for authorized capital projects. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project; and

(4) setting forth the maximum rate of interest to be paid on such indebtedness.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-government and Governmental Reorganization Act.

"________________,

"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds—

(1) any recitals or statements of fact contained in such act or in the preambles of the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The general obligation bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of such bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. During each fiscal year approximately equal amounts of annual interest and principal shall be paid on such series. The difference between the largest and smallest amounts of principal and interest payable during each fiscal year during the term of the general obligation bonds shall not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the general obligation bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $5,000, or both, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligational bonds issued under this part shall be sold at public sale upon sealed proposals at such price as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 1 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such Act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c) (1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make periodic audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Contributions

TAX EXEMPTION

SEC. 485. Bonds, notes, and other obligations issued by the Council pursuant to this title and the interest thereon shall be exempt from District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603.

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTION TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance undertakings in the areas of housing, health facilities, transit and utility facilities, college and university facilities, and industrial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related.

(b) The property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes or other obligations.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District.

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bond, note, or other obligation; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act of 1955 (D.C. Code, sec. 1-1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act, one member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5-412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5-413, et seq.), is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5-414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Amendments to the zoning maps and regulations shall not be inconsistent with the comprehensive plan for the National Capital. Zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code sec. 5-417) is amended to read as follows:

"SEC. 5. No amendment of any zoning regulation or map shall be adopted by the Zoning Commission until such amendment is first submitted to the National Capital Planning Commission and a report and recommendation of the National Capital Planning Commission on such amendment shall have been received by the Zoning Commission, except that if the National Capital Planning Commission shall fail to transmit its opinion and advice within thirty days from the date of submission to it, then the Zoning Commission shall have the right to proceed to act upon the proposed amendment without further awaiting the receipt of the report and recommendation of the National Capital Planning Commission.".

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respect just and reasonable. This charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia (D.C. Code, sec. 43-201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

PART G—RECALL PROCEDURE

RECALL

SEC. 496. (a) The Mayor, any member of the Council or of the Board of Education may be recalled according to the provisions of this section by the registered qualified electors of the elective unit from which he was elected. A recall may be instituted by obtaining recall petition forms from the Board of Elections, and by filing such petition with the Board, not later than ninety days after the date it was obtained from the Board, containing a number of signatures of the registered qualified electors in the elective unit of the official with respect to whom such recall is sought equal to 25 per centum of such registered qualified electors voting in the last preceding general election. A recall petition shall contain a statement of the reason for which the recall is sought. Within fifteen days (excluding Saturdays, Sundays, and holidays) after such petition is filed, the Board of Elections shall determine whether the petition is signed by the required number of registered qualified electors and whether each such person is a registered qualified elector of the applicable elective unit. Before the Board makes such a determination the Board shall, after notifying (by registered certified mail) the official with respect to whom such petition has been filed, if requested by such official, hold a hearing (in the manner prescribed for contested cases under section 10 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1-1509)) on the question of the sufficiency of such petition. After the Board determines that the petition is sufficient, the Board shall, within seventy-two hours after making such determination, notify the official (by registered certified mail) whose recall is sought of such determination. The Board shall take such steps as are necessary to place on the ballot at the next regularly scheduled general election in the District the question whether such official should be recalled.

(b) No petition seeking the recall of any official may be circulated until such official has held for at least six months the office from which he is sought to be recalled.

(c) Two or more officials subject to recall may be joined in the same petition and one election may be held therefor.

(d) If a majority of the qualified electors, voting in an election, vote to recall such official, his recall shall be effective on the day the Board of Elections certifies the results of such election. The vacancy created by such recall shall be filled immediately in the manner provided by law for filling a vacancy in the office held by such official arising from any other cause.

(e) The Board of Elections shall prescribe such rules as are necessary or appropriate to carry out this part, including rules (1) with respect to the form, filing, examination, amendment, and certification of a recall petition filed under this part, (2) with respect to the conduct of any recall election held under this part, and (3) with respect to the manner of notification of the official who is the subject of a recall petition.

(f) For the purposes of this part, the term "elective unit" means either a ward or the entire District, whichever is applicable.

(g) The Board of Elections, for the purpose of any hearing held under this part, may by subpena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary or as may be requested by any of the parties to such hearing. A subpena of the Board may be served at any place within the District of Columbia, or at any place without the District within twenty-five miles of the place of the hearing specified in the subpena. The form, issuance, and manner of service of the subpena shall be the same as prescribed under section 942 of title 11 of the District of Columbia Code for subpenas issued by the Superior Court of the District of Columbia.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the cost and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents comparable with residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, the sum of $250,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(8) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners).

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park; the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) The chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act, resolution, or rule passed or adopted by the Council. Notwithstanding any other provisions of this Act, no such act, resolution, or rule shall take effect until the end of the thirty-day period (excluding Saturdays, Sundays, holidays, and any day on which either House is not in session) beginning on the date such act, resolution, or rule is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, except any act with respect to which the Council has determined that an emergency exists, according to the provisions of section 412(a), shall not be transmitted to the Congress under this section and shall become effective as provided in section 412(a).

LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice to the respective roles that the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) No general obligation bonds shall be issued during any fiscal year in an amount which, including all authorized but unissued general obligation bonds, would cause the amount of principal and interest required to be paid in any fiscal year on the aggregate amounts of all outstanding general obligation bonds to exceed 14 per centum of the District revenues (less court fees and revenue derived from the sale of general obligation bonds) which the Mayor determines, and the District of Columbia Auditor certifies, were credited to the District during the immediately preceding fiscal year during which such general obligation bond would be issued. The Council shall not approve any capital project to be financed by the issuance of general obligation bonds, if such bonds could not be issued on account of the limitation specified in the preceding sentence. Obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the first sentence of this subsection.

(c) The 14 per centum limitation specified in subsection (a) shall be calculated in the following manner:

(1) Determine the dollar amount equivalent to 14 per centum of the revenues (less court fees and revenue derived from the sale of bonds) credited to the District during the immediately preceding fiscal year.

(2) Determine the amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and for general obligation bonds to be issued under projects already authorized by act of the Council.

(3) Estimate the amount of principal and interest to be paid during each fiscal year over the proposed term of the proposed general obligation bond to be issued.

(4) For each fiscal year, add the amounts arrived at for each such fiscal year under paragraphs (2) and (3).

(5) If in any one fiscal year the sum arrived at under paragraph (4) exceeds the amount determined under paragraph (1) then the proposed general obligation bond may not be issued, or the proposed capital project may not be approved.

(d) The Council shall not approve any budget which would result in expenditures being made by tht District government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. If at the time the Council approves any budget during any fiscal year a Federal payment has not been appropriated for such fiscal year, in estimating the amount of all funds which will be available to the District for such fiscal year the Mayor shall use—

(1) if no action has been taken by either

House of Congress with respect to the Federal payment appropriation, the amount appropriated for the Federal payment for the immediately preceding fiscal year;

(2) if one House has taken action with respect to the Federal payment appropriation, that amount;

(3) if both Houses have taken action with respect to a Federal payment appropriation, but have appropriated different amounts, the lesser of such amounts; or

(4) if both Houses have taken action appropriating the same amount, that amount.

(d) No officer or employee of the District shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such officer or employee involve the District in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract is authorized by law.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House, the matter after the resolving clause of which is as follows: "That the ——— disapproves the action of the District of Columbia Council described as follows: ——— ———.", the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ———, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters in the District in this referendum.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the Distrct of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be

SEC. 713. (a) In each case of the transfer, transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transfererd to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended by act or resolution as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to determine the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The costs to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under Section 3056 of title 18 of the United States Code and Section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) DISTRICT OF COLUMBIA.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within sixty days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof. Each single member district shall be nearly as equal in population as possible and shall be composed of not more than approximately five thousand persons.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested proposed zoning changes, variances, public improvements, licenses or permits of signifiance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to the advisory neighborhood council established in this section.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include the principal Federal monuments, the White House, the Capital Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided within the area specified in subsection (a) and particularly described in subsection (f), adequate police and fire protection, maintenance of streets and highways, and sanitation services.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be estabilshed from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39–603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Exective Protective Service, the United States Park Police within the National Capital Service Area, and the United States Capitol Police and placing them under the National Capital Service Director. The President's report shall include such recommendations of legislative or executive action as he deems necessary to accomplish his recomendations.

(f) (1) (A). The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to New York Avenue Northwest;

thence northeast on New York Avenue Northwest to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Fifteenth Street;

thence south on Fifteenth Street to Pennsylvania Avenue;

thence southeast on Pennsylvania Avenue to John Marshall Place;

thence north on John Marshall Place to C Street Northwest;

thence east on C Street Southwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to First Street Northwest;

thence south on First Street Northwest to Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusets Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east of F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence south on South Capitol Street to Virginia Avenue;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south of Twelfth Street Southeast to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally east and south along the side of the Washington Channel at the mean high water mark, past the point of confluence with the Anacostia River; and along the southern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north along such boundary to the point of beginning;

thence west to the present Virginia-District of Columbia boundary at the shoreline of the city of Alexandria;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(1) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(2) not be construed to include any area situated outside of the District of Columbia boundary as existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) The President is authorized and directed to conduct a survey of the area described in this subsection in order to establish the proper metes and bounds of such area.

EMERGENCY CONTROL OF POLICE

SEC. 740. Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken or proposed shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts shall be available upon request to the public at reasonable cost.

DELEGATE TO THE SENATE

SEC. 743. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. The Delegate shall have a seat in the Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of article 1 of the Constitution and shall be subject to the same restrictions and regulations as are imposed by law or rules of the Senate. The term of each such Delegate shall be six years, the first such term to begin at the start of the Congress convening at noon on the third day of January, 1975.

(b) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the day of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least thirty years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act are amended to read as follows:

"(h)(1)(A) The Delegate and Mayor shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election. Each candidate for the office of Mayor in any general election shall be nominated as such candidate according to the provisions of subsection (j).

"(B)(i) A member of the office of Council (other than any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District in which the individual resides. An at-large member of the Council shall be elected by the registered qualified electors of the District in a general election. Each candidate for the office of member of the Council (including members elected at-large) shall be nominated as such a candidate according to the provisions of subsection (j).

"(ii) If in a general election no candidate for the office of Mayor, or member from a ward, or no candidate for the office of member elected at large (where only one at-large position is being filled at such election), receives at least 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(iii) When more than one office of member elected at-large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive at least 40 per centum of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (ii) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(iv) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(v) In the case of a runoff election for the office of Mayor or member of the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes. In the case of a runoff election for the office of member of the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidate to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

(vi) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a Mayor or a member of the Council or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (v).

"(2) The nomination and election of any individual to the office of Delegate shall be govered by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duty registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred and fourteenth day before the date of such election.

"(2) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election, and in the case of a person who is a candidate for the office of Delegate, Mayor, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates as Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any candidate who (A) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (B) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election. Such candidates shall be only those persons who (A) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (B) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Mayor the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly nominated to fill a vacacancy in such office pursuant to section 10(d), or (B) has been nominated directly as a candidate under subsection (j) of this section.

"(4) In each general election for the office of Delegate the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of a special election under this Act, the general election for the office of Mayor and member of the Council shall be held on the Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act are repealed, and paragraphs (4) and (5) of section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education,".

(7) Section 10(c) of such Act is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate or Mayor, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of candidate for the office of Delegate who has been declared the winner in the preceding primary election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and in no event shall any person be a candidate for more than one of the following offices in any one general election: Mayor, member of the Council, and member of the Board of Education."

(10) Section 15 of such Act is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G of title VII shall take effect on and after the date of enactment of this Act.

(b) Title II shall take effect on and after July 1, 1974.

(c) Titles III and IV shall take effect January 2, 1975 if accepted by a majority of the registered qualified electors in the District of Columbia.

(d) Title VI and parts B, C, D, and F of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District.

Amend the title so as to read: "An Act to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes."

Mr. EAGLETON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to S. 1435 and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. TUNNEY, Mr. MATHIAS, Mr. BARTLETT, and Mr. DOMENICI conferees on the part of the Senate.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

Mr. ALLEN. Mr. President, I move approval of the conference report.

The report was agreed to.

Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The first amendment in disagreement will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert: The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each fiscal year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent.

Mr. ALLEN. Mr. President, the conference report has been adopted. However, the House reported as in disagreement amendments Nos. 5, 13, and 14. The House amended the Senate amendments so numbered, and they come back to the Senate now for consideration.

Senate amendment No. 5, which was reported in disagreement and which was amended by the House, has to do with the clause in the bill providing for an escalation of the amount payable by the Federal Government to the school lunch program and the school breakfast program under section 4 and under section 11 of the National School Lunch Act and under a section 4 of the Child Nutrition Act of 1966.

That amendment which was passed by the Senate provided that the escalation would not take effect until fiscal year 1976. However, this amendment was modified as part of the overall agreement among the conferees. What the Senate voted for was 12 cents for each lunch served under section 4 of the National School Lunch Act, the House having voted only for 10 cents. It was agreed that the 10-cent figure for each lunch, either free or paid for, in the House would remain and that the Senate would recede from the 12 cents provision in the Senate amendment. The conference report provided for 10 cents for each lunch.

As a compromise the conferees agreed that the escalation feature of the bill would be accelerated and go into effect starting Januuary 1 of next year. The Senate escalation formula was based on the increase in wholesale prices and the wages paid in restaurants. It was agreed in the conference that a better criterion would be the price of food away from home under the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor.

So the first escalation, if there be any, in the amount that is paid under section 4, which is 10 cents for each lunch served, and under section 11, which is 45 cents for each free lunch and 35 cents for each reduced price lunch, and also an escalation of the amount paid for the breakfast, will take place on January 1, based on the change in that formula for the months of September, October, and November, so it would not include the tremendous escalation of food prices in August. Every 6 months, in January and July, these figures will be moved upward or downward as the price index of food away from home under the index of the Bureau of Labor Statistics fluctuates upward or downward. There will be a revision every 6 months in the amount paid under section 4, which is 10 cents for each lunch, or in the amount under section 11, which is 45 cents for each free lunch.

Mr. President, as Senators realize, we have been called on every year to escalate these figures. In the years since I have been a Member of the Senate we have gone from 6 to 8 cents, and now 10 cents under section 4. We have gone from 35 to 40 cents, and now 45 cents in the Senate bill for free lunches under section 11.

It is hoped that the escalation clause provided under the bill would make it unnecessary for Congress to revise these figures every time it holds a session.

I might say that the amounts the Federal Government pays for school lunches and school breakfasts would be escalated for each quarter of a cent, both in the 10- and the 45-cent figures for lunches and in the reimbursement for breakfasts.

It is also provided that if the prices under the formula go down, that would also be reflected.

It is hardly to be anticipated, however, that Congress would see a reduction in these prices unless there is a real depression in our country.

It is the understanding of the Senator from Alabama that the senior Senator from New York has an amendment he wishes to offer.

I would like before closing to move that the Senate concur in the House amendment to the Senate amendment.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER (Mr. BIBLE). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I have an amendment to the amendment.

Mr. DOLE. Mr. President, would the Senator from Alabama yield to me on the matter of the conferees?

The PRESIDING OFFICER (Mr. BIBLE). The Chair thought that the Senator from Alabama had yielded the floor. However, the Chair might have been in error. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I have listened carefully to the chairman of the Senate conferees. I note that the distinguished Senator from North Dakota is not present in the Chamber at this time. Therefore, as one of the Republican conferees, I want to say that I share the views expressed by the distinguished Senator from Alabama. I believe that we have come up with one exception which would be rectified by the amendment to be offered by the Senator from New York, with a good, overall school lunch and child nutrition program.

Mr. President, I wish to express my support for the National School Lunch and Child Nutrition Act of 1973. I feel the bill will make available timely assistance to school lunch programs across the country which are facing financial difficulties due to the increased food and labor costs.

I also want to express my appreciation to my colleagues on the Senate Agriculture Committee and the members of the joint conference committee on which I had the privilege of serving.

Prompt attention to this legislation and a reasonable approach to the problem have enabled Congress to act quickly and forward to the President a bill which is fiscally responsible, but which also is adequate to meet the needs of our schools. I am hopeful that the measure can be signed into law in the very near future.

The immediate need for this bill has been clearly established. Literally dozens of Kansas school superintendents, food service supervisors, and workers have contacted me regarding the problem this legislation addresses. Kansas State Department of Education figures comparing expenditures during the 1971–72 and 1972–73 academic years show the following increases:

Food costs—an average of 26 percent.
Labor costs—20 to 43 percent.
Other costs—28 to 49 percent.

Obviously additional financial resources must be made available if the school lunch program is to be sustained while costs are increasing at this rate.

The increase in Federal reimbursements authorized under this bill will help offset the rising expenses and permit school food services to continue providing vital nutrition to our children. The bill also looks to the future by including an escalator clause. The escalator authorizes a periodic adjustment of Federal assistance to meet the changes in the costs of operating the program. The escalator clause requires the Department of Agriculture to adjust reimbursement rates twice each year according to changes in food and labor costs. The first adjustment will be made January 1, 1974, based on the cost of increases recorded during the period September through November of this year.

This bill also provides for an expansion of the special milk program to any school or nonprofit child care institution which requests assistance under the program. The $97 million recently appropriated for this purpose is a wise investment in the health of our Nation's schoolchildren.

Although the need for the Federal assistance authorized by this bill has been made clear, there has been some concern expressed regarding the general operation of the school lunch program, and I am also aware that some specific problems were mentioned during conference.

I trust that the study authorized by this bill will look into these matters and provide the information necessary to direct further legislation in this area. Only by utilizing this type of study can we be assured that the original intent of Congress, "to safeguard the health and well-being of the Nation's children," is being carried out as effectively as possible.

I would also like to thank my colleagues for the support given the amendment I attached to the bill on the Senate floor which will affect the school impact aid programs in Kansas and North Dakota. Many States in the coming years will face similar problems if section 5(d)2 of Public Law 874 is not revised. Unfortunately, Kansas and North Dakota could not afford to wait for the revision. We are already out of compliance and ineligible to receive Federal impact aid funds. This amendment will, however, make the moneys available, and it is just in time since I understand the Kansas Fort Leavenworth School District will be forced to close if these funds are not made available.

Again, I appreciate the assistance of my colleagues regarding this matter and trust the bill will be approved and signed into law in the near future.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, on behalf of myself and Senators CASE, HUMPHREY, McGOVERN, and PELL, I send to the desk an amendment to the House amendment to Senate amendment numbered 5, reported in disagreement.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Immediately before the House amendment to Senate amendment numbered 5, insert the following.
>
> "Notwithstanding the foregoing sentence, no such special assistance factor shall for any state, be less than the average reimbursement paid for each free meal (In the case of the special assistance factor for free lunches), or for each reduced price meal (in the case of the special assistance factor for reduced price lunches), in such state under this section in the fiscal year beginning July 1, 1972."

Mr. JAVITS. Mr. President, I hope very much that the manager of the conference will be able to accept this amendment, which seeks to carry out, in part, in terms of law, an interpretation put on the House amendment by Representative PERKINS, chairman of the House Labor and Education Committee, in his handling of the bill on the House floor, but demurred to in terms of its interpretation by another of the confereees, Representative QUIE of Minnesota.

Mr. President, a matter of this character should not be left to the uncertainties of interpretation. It should be spelled out. The issue is simply this: There are some States which will have a reduction in reimbursement for school lunches if an average figure for reimbursement is used rather than a minimum figure. The manager of the conference in the other body stated, quoting from the CONGRESSIONAL RECORD of October 12, 1973, at page 33906;

> By this legislation, the Congress does not mean to deprive any school district of funds to be used in the preparation of meals for needy children.

Then at the end of his statement, he said:

> Under the new bill, it is expected that the Secretary will, pursuant to the new authority provide to schools that are especially needy, additional reimbursements over and above the 45-cent minimum in special assistance for each lunch provided to a needy child.

I agree with that interpretation fully. However, that interpretation, Mr. President, runs in the face of the fact that other interpretations say that it is an average rather than a minimum figure. Therefore, we believe it should be stated to say exactly what it means, to wit, that it is a minimum figure.

In order to avoid as much controversy as we can, we have couched our amendment only on the hold harmless level. We are not trying to be purists even about the statements made by the manager of the bill over in the House; but we certainly do not feel that the pledge that no State would get less should not be honored in respect of the approval of this conference report.

This existing language would work, Mr. President, to the disadvantage of a number of States, unless this amendment is adopted: Certainly New York, New Jersey, Rhode Island, and Maryland, and perhaps others.

Mr. President, a terrible mistake could be perpetrated on the most needy school children of our Nation if the conference report on the amendments to the National School Lunch and Child Nutrition Acts is passed as it now stands.

The problem can be stated simply, although it is the result of a complex change in statutory language. Whereas the minimum free lunch reimbursement rate last year was 40 cents per lunch, with additional reimbursement being provided to "especially needed" schools, the amendments to section 11 may institute an overall average reimbursement rate of 45 cents per lunch. Although the House has stated that the intent of the amendment is to establish a 45 cents minimum, the Department of Agriculture, because of the wording of the amendment, could disregard the true congressional intent, and only a protracted law suit could restore that intent.

At first glance, the amendments appear simply to increase the Federal reimbursement level, an increase the committee states is necessary to prevent a severe financial crisis due to the unprecedented escalation of food costs. The House Committee report added to this belief by stating that the amendments would provide a minimum payment per free lunch of 45 cents from the present minimum payment of 40 cents. The Senate committee report said nothing to alter this impression.

However, the fact of the matter is that the amendments may actually decrease the Federal reimbursement in those States that have the greatest need for that funding; that is, the States with a high proportion of especially needy children. This is because the net effect of the Department's interpretation of the amendment is to change the current minimum of 40 cents to an average of 45 cents. This is clearly contrary to the intent of both Houses of Congress.

In New York, where there is a high proportion of especially needy children, the amendment may reduce the average reimbursement for free lunches from 46.5 cents to 45 cents. It has been estimated that this will result in funding cuts of $2.4 million. This is in the face of the unquestioned need for increases in Federal reimbursement. I have been informed that such a decrease could cause the complete termination of the program in the cities of Buffalo and Binghamton, N.Y. I am sure that similar catastrophes would occur in other States.

It is a travesty that such a result could occur despite the unequivocal intention of the supporters of this bill. The bill's title states that its purpose is to provide additional Federal financial assistance. Every indication was that the amendments would solely provide such additional assistance. We should not allow exactly the opposite to occur.

The problem can be corrected simply and expeditiously. Since the intent of the bill is to increase the minimum Federal reimbursement for free lunches from 40 cents to 45 cents, with additional reimbursement provided to schools that are especially needy, the conference report must be amended to insure this result.

From all present indications, such an amendment is the only way to prevent the Department of Agriculture from aborting the will of Congress.

For these reasons, I am offering an amendment to the conference report in the form of an amendment to the new House language dealing with the escalator clause, which is reported by the Senate conferees in technical disagreement.

The amendment reads as follows:

> Amendment to House amendment to Senate amendment numbered 5.
>
> Before the matter to be inserted by the House amendment insert the following: "Notwithstanding the foregoing sentence, no such special assistance factor shall, for any State, be less than the average reimbursement paid for each free meal (in the case of the special assistance factor for free lunches), or for each reduced-price meal (in the case of the special assistance factor for reduced-price lunches) in such State under this section in the fiscal year beginning July 1, 1972."

Although this amendment will not fully insure a full 5-cent increase in the average reimbursement rate for all States under section 11 if the Department chooses to stick to its prior interpretation, it will eliminate the disastrous results possible from an actual reduction in section 11 Federal funding to any State. Under the amendment, no State will receive less reimbursement per free lunch or per reduced-price lunch, than it received last year. With this guarantee, plus the increased funding likely in January 1974 when the first adjustment pursuant to the escalator clause takes effect, our school systems will be aided in salvaging their school lunch programs for this school year.

I would like to make clear that this amendment in no way alters the present wording of the amendment to section 11 guaranteeing that the special assistance factor be not less than 45 cents for free lunches and 35 cents for reduced-price lunches for all States at the outset of the fiscal year beginning July 1, 1973. It merely insures to those States which received greater than 45 cents and 35 cents average reimbursement last year, that they will not receive less at the outset of fiscal 1974.

Therefore, in the interests of elementary fairness, Mr. President, we have presented this case to Senator ALLEN. He has been sympathetic, and I am very hopeful that both our body and the other body will see fit to enact this amendment expeditiously.

Mr. ALLEN. Mr. President, there is agreement that this amendment will be accepted in the interest of justice and equity.

I might say, by way of history, why this amendment is necessary. Under the present law governing the school lunch program, the apportionment of school lunch funds is made to the various States based on the ratio that the number of children in that State from ages 3 through 17 coming from families earning $4,000 or less bears to the total number of such children throughout the entire country. That would be an apportionment based on a theoretical number of pupils who might participate in the school lunch program; so that if fewer than that whole number participate, the State would have excess funds and would be able actually to allocate more than the minimum that is provided—the 40 cents for free lunches under the present law and the 45 cents under the new law that we hope will be enacted.

The bill that was introduced in the House and passed there, and the bill that has passed in the Senate and has been approved by the conferees, changes that method and puts it on a performance basis. It provides that the amount that goes to each State shall be 45 cents times the actual number of children who anticipate in the program and get the free lunches.

Under the present law, it is provided that each school shall get at least the 40-cent minimum that is set by law, but it is also provided that if the school cannot furnish a free meal for this 40 cents plus the other funds that it is getting, then that particular school can apply to the State agency for more funds, and if the State agency approves it, then the secretary has no option or discretion but to pay the increase.

In these States that the distinguished Senator has mentioned—New York, New Jersey, Rhode Island, and Maryland—schools in those States have availed themselves of this provision of law by going to State agencies and saying, "We have got to have more funds; we cannot get by on the 40 cents."

So as a result, in many cases those particular schools have received larger amounts, up to as much as 50 cents for each free lunch. That would be added to the 8 cents for every lunch of every sort, plus 7 cents for every lunch in commodities, so that by now there is some 65 cents being paid. By these schools having gotten more than the 40-cent minimum, it makes the State average, then, run well over the 40 cents. In the case of New York, I believe the State average is 46.5 cents, the average throughout the State for free and reduced price lunches, the amount paid toward the free and reduced price lunches with Federal funds; New Jersey, 45.8 cents; Rhode Island, 45.5 cents; and Maryland 45.4 cents. So, Mr. President, it is quite obvious, then, that inasmuch as we are changing from this apportionment method based on the ratio of poor children in the State to poor children throughout the country, as we are changing from that to a method of paying 45 cents times the number of children actually participating, that this particular provision, that is, the 45 cents, would give the States I have mentioned less. So, instead of being relieved, they would get less money under that particular section.

They would gain under section 4 and under the escalation provision, but they would lose under section 11 because all that section provides is 45 cents times the number of meals actually served.

Under the law to be enacted, a State can vary its rates of reimbursement inside the State. They would get 45 cents times the number of meals served, but if the rural areas could possibly get by with 42 cents or 43 cents, then they would be able to give more in the urban areas. But the average has got to be 45 cents.

So the effect of the amendment of the

distinguished Senator from New York is that for the ensuing fiscal year, the States that are getting somewhat more than they would get under the bill proposed to be enacted would continue to get that amount. They would not be required to take a loss. They would at least stand still under section 11 of the National School Lunch Act.

It does seem to the committee, for whom I am speaking on this occasion, that it would represent equity and justice to agree to the amendment, and then to pass the House amendment to the Senate amendment as amended by the same and send it back to the House.

Mr. JAVITS. Mr. President, will the Senator from Alabama yield for a point of clarification?

Mr. ALLEN. I yield.

Mr. JAVITS. I am very grateful to the distinguished Senator for his time and trouble in looking into this matter and being persuaded, as he has been, as to its equity. It is a fact, is it not so that the Department of Agriculture may not give us some further trouble, that this particular proposition applies prior to the application of the escalator? In other words, we would be losing even before this applied to the escalator and therefore we would be brought up to parity and then the escalator would apply to us as to everyone else.

Mr. ALLEN. The Senator's question is, would the escalator apply to the increased amount or only to the 45 cents. It would be the judgment of the Senator from Alabama that the escalator would apply to the increased figure.

Mr. JAVITS. I thank my colleague.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. HUMPHREY. I am very much pleased that the Senator from Alabama has been able to work this matter out as he has with the Senator from New York. I joined in a communication and a letter. I am sure it was our intent to see that there was no loss in the revisions of the school lunch programs to the States, and now the colloquy which has taken place here indicates, I think, quite clearly, what we want to see done. With this change, there will be no loss to any of the States under the revised formula. The hold harmless provision is fair and just and, as the Senator from Alabama has said, the escalator provision will apply to the larger figure under the hold harmless provision.

Mr. ALLEN. Yes. The Senator is correct.

Mr. HUMPHREY. I thank the Senator very much. I believe that we have a good bill here.

Mr. ALLEN. Yes, we have.

Mr. HUMPHREY. We had to compromise some of the features out, but my judgment is that it will help the school lunch program, and I want to thank the Senator from Alabama for his cooperation and leadership in these matters.

Mr. ALLEN. I thank the distinguished Senator from Minnesota.

I might state that I believe we are, under this new bill, closing what could well have been a dangerous loophole by having the provision that any school that can show they cannot get by with what the Federal Government is paying can apply, not to the Federal Government, but to the State agency for more money. I do not think any school lunch administrators feel they can really get by with what the Federal Government is paying, so the door was left open for any school in the country to come in and say that they need more money. Under the provision that the schools in these four States have availed themselves of, any school could have applied for increased funds and this would be an open-end kind of program. But the new law will close that loophole, and will pay to each State 45 cents for each free lunch served and then allow the State to apportion the funds among the schools in the State. But in the case of New York, New Jersey, Rhode Island, and Maryland, the statewide average reimbursement was already more than 45 cents.

Mr. JAVITS. I thank my colleague from Alabama. Like the Senator from Minnesota (Mr. HUMPHREY), I wish to thank the Senator from Alabama for a fine attitude and for the leadership he has shown in this matter.

Mr. ALLEN. I thank the distinguished Senator from New York.

Mr. PELL. Mr. President, I rise in support of the amendment offered by the distinguished Senator from New York (Mr. JAVITS), an amendment which I am pleased to cosponsor.

The conference report on the national school lunch program amendments now before us represents commendably prompt action by the Congress to respond to a problem which has reached almost crisis proportions in some States. The sharp increases in food costs, without an increase in Federal subsidies, have placed the various school breakfast and lunch programs in many States in a precarious situation. Many have been threatened with termination.

The intent of both the Senate and the House bills is clear. We intend to increase the amounts that States would receive for each of the programs.

However, the actual language of the bill would result in a decrease in the subsidy payments for the free lunch program for especially needy students in four States. One of these States would be my own State of Rhode Island.

Mr. President, it would be a travesty if this were allowed to happen. In these States we would be penalizing the one group of children who are least likely to obtain a balanced, nutritious meal from any other source but the school lunch.

I urge my colleagues not to let this happen.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, the Senate concurs in the House amendment to Senate amendment numbered 5 with the amendment of the Senator from New York (Mr. JAVITS).

The Senate will consider the next two amendments in disagreement.

The two amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

SEC. 10. The Secretary of Agriculture is authorized and directed to carry out a comphrensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his fiindings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows:

On page 6, line 3, of the Senate engrossed amendments, strike out [as].

Mr. ALLEN. Mr. President, I move concurrence in the House amendments to the Senate amendments Nos. 13 and 14.

The motion was agreed to.

Mr. STEVENS. Mr. President, I understand that the action taken with regard to the amendment offered concerned the cost differentials in Alaska and I want to thank the Senator from Alabama for his kindness in pursuing the matter and requiring that the Secretary report his findings concerning the differentials in Alaska regarding the free lunches and the free meals. But I would like to ask one question about the amendment that the Senator from New York just offered.

As I understand that amendment, it requires that the State reimbursement—the moneys actually paid in 1972 will be guaranteed and the States will be held harmless—that is, the amount the States actually paid for the lunches. So it is the amount, the amount they were to be reimbursed for under the formula, is it not?

Mr. ALLEN. What that applies to is the amounts which the particular schools have received under section 11, the free lunch payment, which is presently 40 cents, and which we are changing it to 45 cents.

Mr. STEVENS. Yes.

Mr. ALLEN. Under the law, the schools would come in and show to the State agency that they could not get by on 40 cents, and then if the State agency so certified, the Secretary would have to pay an additional amount. What the amendment of the Senator from New York provided was that if the statewide average reimbursement for free and reduced price lunches was over 45 cents during the last school year, the State would receive this same average reimbursement under the formula of the act. In New York, the average amount paid to all schools in the State under section 11 for the free and reduced price lunches was 46.5 cents. So, obviously, raising the amount paid by the Federal Government to 45 cents would not help them. The amendment of the Senator from New York saves them harmless and carries over to the new law their 46.5 cents, and in the other three States, slightly less.

Mr. STEVENS. That leads me to my question. Does that solve the problem for those of us who have the high cost differential, where they in fact paid more under the old law or this law?

Mr. ALLEN. Under the new law, the only relief is that inside the State, the State would have a right to apportion the money. If in south Alaska the cost was less than in north Alaska, they could possibly give 50 cents in north Alaska and only 40 cents in south Alaska. The statewide average would be limited to the 45 cents.

Mr. STEVENS. It still has to average 45 cents, but what about the hold harmless position? What if in fact it was averaging 65 cents before this amendment?

Mr. ALLEN. Who was averaging 65 cents?

Mr. STEVENS. The State of Alaska. The Senator from Alabama said New York was averaging 46.5 cents. What if ours is considerably more than that?

Mr. ALLEN. If so, Alaska would be protected, if Alaska received that from the Federal Government. I do not know that Alaska was getting that much from the Federal Government. Possibly, it came from the State or the schoolchildren.

Mr. STEVENS. There was a change in the eligibility beginning July 1, 1973. This was our problem. That was under the eligibility factor starting July 1, 1972. As I understand, in that year we were held harmless, and we will not receive less than we received under the formula that was applied in that 1 fiscal year, July 1, 1972, to June 30, 1973. Is that correct?

Mr. ALLEN. The State average would not be allowed to go under what it was in 1972, from this particular section money—in other words, for free lunches and reduced price.

Mr. STEVENS. I thank the Senator. We are indebted to the Senator from Alabama. I know that he fought hard to keep our Alaska amendment in the bill. We are hopeful that the report will substantiate these substantial cost differentials in the free lunches. I believe that the schools which are obligated under Federal law to pay should receive full reimbursement for carrying out the requirements, and the burden of the Federal law should not apply in the Federal school districts.

Mr. ALLEN. I thank the Senator.

SALE OF PUBLIC LANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 404, S. 2013.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2013) to amend the Act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, strike out:

That (a) section 1(b) of the Act of June 14, 1926 (43 U.S.C. 869), is amended to read as follows:

"(b) Conveyances made pursuant to this Act in any calendar year for recreational purposes to any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the governor of that State as its sole representative for acceptance of lands under this provision, to any political subdivision of a State, or to any nonprofit corporation or nonprofit association, shall be made without limitation as to acreage. Conveyances so made in any one calendar year for public purposes other than recreation shall be limited as follows:

"(1) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

"(2) To any political subdivision of a State, six hundred and forty acres.

"(3) To any nonprofit corporation or nonprofit association, six hundred and forty acres."

And, in lieu thereof, insert:

That (a) section 1(b) of the Act of June 14, 1926, (44 Stat. 741, as amended, 43 U.S.C. 869(b) (1970)), is hereby repealed.

And, on page 2, after line 17, strike out:

(c) Section 2(c) of such Act is amended by inserting immediately after "classified," the following: "and conveyances of such land for recreational purposes shall be made without monetary consideration, while conveyances for any other purpose shall be made".

And, in lieu thereof, insert:

(c) Section 2(b) of such Act is amended by adding the words "except that leases of such lands for recreational purposes shall be made without monetary consideration"; after the words "reasonable annual rental".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(b) of the Act of June 14, 1926 (43 U.S.C. 869), is amended to read as follows:

"(b) Conveyances made pursuant to this Act in any calendar year for recreational purposes to any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, to any political subdivision of a State, or to any nonprofit corporation or nonprofit association, shall be made without limitation as to acreage. Conveyances so made in any one calendar year for public purposes other than recreation shall be limited as follows:

"(1) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

"(2) To any political subdivision of a State, six hundred and forty acres.

"(3) To any nonprofit corporation or nonprofit association, six hundred and forty acres."

That (a) section 1(b) of the Act of June 14, 1926, (44 Stat. 741, as amended, 43 U.S.C. 869(b) (1970)), is hereby repealed.

(b) Section 2(a) of such Act is amended by inserting immediately after "historic-monument purposes" the following: "or recreational purposes".

(c) Section 2(c) of such Act is amended by inserting immediately after "classified," the following: "and conveyances of such land for recreational purposes shall be made without monetary consideration, while conveyances for any other purpose shall be made".

(c) Section 2(b) of such Act is amended by adding the words "except that leases of such lands for recreational purposes shall be made without monetary consideration"; after the words "reasonable annual rental".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I submit a report of the committee of conference on S. 607 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRIFFIN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 25, 1973, at pp. 31324-31326.)

Mr. KENNEDY. Mr. President, this measures provides for the continuation of Federal support for childhood lead-based paint poisoning programs.

First. It authorizes $63 million per year, for 2 years, to screen, test, and to conduct research on the problems of lead-based paint poisoning. Probably this is the most important feature of the legislation because these funds can be used to continue the vital struggle against the ravaging effects of this tragic childhood malady. Doctors estimate that lead-based paint poisoning kills 200 children each year and 12,000 to 14,000 children are stricken with the disease each year.

Medical technology makes it possible for us to cure childhood lead poisoning, and for that reason alone, continuation of this program is fully deserved. But scientific technology also makes it possible to prevent the disease.

Ideally, lead poisoning caused by paints can be avoided by the use of lead-free paints.

Second. The legislation approved by the conferees limits the lead content of interior paint to one-half of 1 percent until December 31, 1974.

After that date, such paints should contain no more than .06-percent lead, pending study results compiled by the Consumer Produce Safety Commission. Ongoing research and study projects are also authorized by this legislation to determine the most effective and efficient methods to remove lead-based paint surfaces from exposure in residences of young children.

Members of the paint industry expressed the need to maintain uniform standards in paint manufacture across the country. They believed that a Federal preemption clause would prevent a proliferation of varying lead levels enacted by State and local jurisdictions. For that reason conferees agreed upon a provision to prohibit the enactment of lead levels exceeding that contained in the Federal statutes.

It is believed that this preemption provision will establish a clear nationwide standard that can be helpful for producers, distributors, and consumers.

Mr. President, I believe the conference report on S. 607 covers a significant piece of health legislation that will continue a very important health service. For that reason, I move that the Senate adopt the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDER FOR RECOGNITION OF SENATOR PELL AND FOR TRANSACTION OF ROUTINE BUSINESS ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Thursday, the distinguished junior Senator from Rhode Island (Mr. Pell) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, following the recognition of Senator Pell, I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

RESUMPTION OF TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine business for not to exceed 20 minutes, with statements therein limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARINGS OF THE VICE-PRESIDENTIAL SELECTION COMMISSION OF THE DEMOCRATIC NATIONAL COMMITTEE

Mr. HUMPHREY. Mr. President, as most Members of Congress know from material previously sent to them, the Democratic National Committee, on August 9, 1972, ordered the formation of a DNC Commission on the Method of Selection of the Democratic Nominee for Vice President.

Mrs. Jean Westwood, then the party chairman, requested that I serve as chairman of this commission, and our present chairman, Robert Strauss, confirmed this request when he took office. Mrs. Jeanne Kirkpatrick, professor of government at Georgetown University, was named vice chairman of the commission.

Members of the commission were named last spring. On June 20, 1973, the commission held an organizational meeting in Washington, D.C. and appointed an executive committee.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the text of the resolution creating this commission of the DNC and a list, by State, of the names of the members of the commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HUMPHREY. Acting under the authority granted by the commission, the executive committee has carried out an extensive program for soliciting views of interested persons on the question of the Vice-Presidential selection process. In order to secure maximum participation of those who are interested, we have relied primarily on written communications to invite statements on this question. We have therefore been directly in touch with Governors, U.S. Senators, U.S. Representatives, mayors, and State legislators.

In addition, we have been in touch by mail with State chairmen, State vice chairmen, National committeemen and committeewomen, county chairmen, Democratic youth leaders, and 1972 Democratic National Convention delegates.

We have also been in touch by mail, or by published announcements, with the officers or membership of such organizations as the Political Women's Caucus, the National Organization of Women, the League of Women Voters, the Committee on Political Education of the AFL–CIO, Americans for Democratic Action, Coalition for a Democratic Majority, Common Cause, and others.

In the case of public and party officials, of course, our correspondence has been mainly with members of the Democratic Party. In many other cases, however, we have sought the views of interested groups or persons regardless of party affiliation.

While we have not attempted to rely on public hearings, the Commission authorized the holding of special hearings where approved by the executive committee, and of State hearings when sought and organized by the members of the Commission from that State. A very useful hearing was held, therefore, at the recent meeting in September of the American Political Science Association in New Orleans. In addition, Commission members from New Hampshire and Massachusetts have held hearings of their own, which have also contributed importantly to our official record.

On October 5, we announced the plan of the Commission to hold one day of hearings on November 7 in Washington, D.C. Although subsequent events may lead to hearings, at the same time, by the House Judiciary Committee or the Senate Rules Committee on the President's nomination to fill the vacancy in the office of Vice President, we have determined that it is necessary and useful for the DNC Commission to go ahead with its planned hearing because of the DNC's requirement that we submit a final report by the end of this year and the importance of the Vice Presidential selection process generally. The DNC Commission hearing will be held on Capitol Hill, in a room to be announced, at 10 a.m. on November 7, 1973.

Mr. President, I give this notice in the Congressional Record of this hearing, even though it is a Democratic Party hearing, so that interested Senators and Representatives may have an opportunity to submit a written statement if they desire. A number of Members of Congress have already submitted, in response to our earlier correspondence, statements of their views in writing. These will be made available to members of the Commission. I hope other interested Members of Congress who have not done so however, will let us have their views in writing. I regret that available time will not permit us to invite verbal testimony from Members of Congress other than from the representatives of the Democratic leadership already invited and from the announced candidates for Vice President in 1972.

Other interested parties who see this notice and wish to submit a written statement to the Commission, of course are welcome to do so. All submissions should be directed to:

> The Commission on Vice Presidential Selection, Democratic National Committee, 1625 Massachusetts Avenue, N.W., Washington, D.C. 20036

Mr. President, I also ask unanimous consent to have printed in the RECORD a useful summary of current proposals on this question prepared by Mr. Stewart Eizenstat, an attorney from Atlanta, Ga., who is serving as counsel to the executive committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

AUGUST 9, 1972.

RESOLUTION: FUTURE METHOD OF SELECTION OF DEMOCRATIC VICE PRESIDENTIAL NOMINEE

"Whereas, five of our last ten Presidents either have died in office or have been so disabled for substantial periods of time as to be unable to personally conduct the affairs of such office; and

Whereas, it has been traditional for the Democratic National Convention to accept the recommendation of the Presidential candidate in nominating the Party's candidate for Vice President; and

Whereas, notwithstanding the usual wisdom and good faith of the Presidential candidate in making such recommendation, and because of the clear possibility that the Vice President may succeed to the Presidency, it is believed that the nomination for Vice President should be made by the Convention only after careful study by the certified delegates, and that new procedural rules are necessary to achieve such end;

Now, therefore, it is hereby

Resolved, that the Chairman of the Democratic National Committee shall appoint, as soon as possible, a Chairman and other members of a *Commission on the Method of Selection of the Democratic Nominee for Vice President*, and

Further resolved, that the Democratic National Committee shall appropriate the necessary funds for quarters, staff and counsel as may reasonably be requested from time to time by the Commission, and

Further resolved, that the Commission shall conduct such hearings as it deems appropriate and desirable and shall file a Report containing its recommendations to the Democratic National Committee no later than January 1, 1974, and that the Report, with any revisions deemed advisable by the Democratic National Committee, shall become part of the Temporary Procedural Rules of the 1976 Democratic National Convention."

EXHIBIT 2

DEMOCRATIC NATIONAL COMMITTEE, VICE-PRESIDENTIAL SELECTION COMMISSION

Hubert H. Humphrey, Chairman.
Jeanne Kirkpatrick, Vice-Chairman.

ALABAMA

Mrs. Juanita McDaniel.

ALASKA

Mrs. Pegge Begich.

ARIZONA

Mr. Robert Begum.

ARKANSAS

Mr. Randall W. Ishmael.

CALIFORNIA

Hon. Mervyn Dymally.
Hon. Doris Davis.
Dr. Nelson Polsby.

COLORADO

Mr. Gary Hart.

CONNECTICUT

Mr. Justin Ostro.

DELAWARE

Mr. Henry Topel
Mr. Francis O. Biondi.

DISTRICT OF COLUMBIA

Dr. Max Kampelman.
Mr. Edward Sylvester.

FLORIDA

Hon. Robert Shevin.
Hon. C. Bette Wimbish.
Mr. Alfredo Duran.

GEORGIA

Hon. Julian Bond.
Mr. Stuart Eizenstat.

HAWAII

Ms. Gladys Karr.

IDAHO

Mr. William Davis.

ILLINOIS

Dr. Nicholas Bosen.
Ms. Ana Carlo Bensen.
Ms. Lesie Kolhein.

INDIANA

Mr. Robert McCallen
Dr. Charles S. Hyneman.

IOWA

Hon. June Franklin.

KANSAS

Ms. Majorie Taylor.

KENTUCKY

Ms. Martha Layne Collins.

LOUISIANA

Hon. Camille F. Gravel, Jr.

MAINE

Ms. Nancy Clark.

MARYLAND

Dr. Jeanne Kirkpatrick.
Dr. Mildred Otenasek.

MASSACHUSETTS

Hon. Endicott Peabody.

MICHIGAN

Dr. James W. Miller.

MINNESOTA

Ms. Margaret Thatcher.

MISSISSIPPI

Mr. Aaron Henry.

MISSOURI

Mrs. Lynne Sommerer.
Judge George Lehr.

NEBRASKA

Dr. Richard E. Shugrue.

NEVADA

Miss Edie Barker.

NEW HAMPSHIRE

Hon. Bernard Boutin.

NEW JERSEY

Ms. Marjorie Lieblich.

NEW MEXICO

Mr. Neal Gonzalez.

NEW YORK

Mr. Thomas J. Lowery, Jr.
Ms. Bess Myerson.
Mr. Bernie Ruggieri.

NORTH CAROLINA

Mr. R. Patrick Spangler.

NORTH DAKOTA

Mr. Gorman King.

OHIO

Mr. Robert Storey.
Mr. William Coleman.
Mr. Arnold Pinkney.

OKLAHOMA

Mrs. Jo Evans Hall.

OREGON

Dr. Hans Linde.

PENNSYLVANIA

Ms. Marilyn Young.
Mr. Ronald J. Pettine.
Mr. John O'Shea.

RHODE ISLAND

Mr. Joseph Rogers, Jr.

SOUTH CAROLINA

Hon. James P. Harrelson.

SOUTH DAKOTA

Ms. Betty Osborn.

TENNESSEE

Mrs. Gene Bolin.
Mr. Billy Webster.

TEXAS

Ms. Nancy Nelson.
Mr. Lem B. Allen.

UTAH

Mrs. Valoy S. Boothe.

VERMONT

Ms. Anne Schlabach Burkhardt.

VIRGINIA

Mr. Joseph Fitzpatrick.
Ms. Marilyn Moore.

WASHINGTON

Ms. Mary Weber.

WEST VIRGINIA

Hon. Hulett Smith.

WISCONSIN

Ms. Cheryl Gaskill.

WYOMING

Mr. H. Paul Johnson.

EXHIBIT 3

MEMORANDUM

To Vice Presidential Selection Commission.
From Stu Eizenstat, Member and Co-Counsel of Commission.
Re Alternative Possibilities of Vice Presidential Selection.

While there are an infinite variety of ways in which the Democratic Party can select its Vice Presidential nominee, when analyzed these fall into certain general categories.

It seemed to me that it might help focus our thinking and analysis if I attempted to set out the various alternatives along with some of the advantages and disadvantages of each.

In discussing the pros and cons of the different alternatives I do not seek to assert any preferences for a specific alternative. Nor do I profess to believe my listing of alternatives is exclusive.

I have consciously not mentioned any proposals to abolish the Office of the Vice President since this does not appear to be within the mandate of this Commission.

A. PRESENT METHOD OF SELECTION OF VICE-PRESIDENTIAL NOMINEE

Under the current Democratic Convention Rules, the selection of the Vice Presidential nominee is left to the Democratic Convention, which is to conduct the nomination in the same manner as provided for the selection of the Presidential nominee, except that there must be at least a twelve hour interval between the nomination of the Presidential nominee and the opening of nominations for the Vice Presidential nominee and a request to nominate must be filed not later than three hours before the scheduled opening of the nomination for the Vice President. Normally, the Convention procedure dictates that a platform is chosen first, with Presidential and Vice Presidential balloting following on successive nights, and with acceptance speeches thereafter.

It has been the general tradition, at least for the last three decades (except for 1956), for the Presidential nominee to select a running mate the night of his own nomination or the morning thereafter and present it to the Convention, which approves the selection the night immediately following the Presidential nomination.

1. Advantages:

(a) The current method has produced generally good Vice Presidential nominees in recent years.

(b) The Presidential nominee is given the exclusive power to choose a person who he feels will strengthen his ticket and with whom, presumably, he believes he can live. Since it is the President who must delineate his Vice-President's duties, he should have a preeminent voice in his selection.

(c) The Convention has at least the formal right to reject the Presidential nominee's candidate for Vice President if the person is particularly unacceptable. The 1972 Convention results show that Democratic Conventions may be beginning to realize their theoretical independence since candidates other than the Presidential nominee's candidate received some 40% of the total vote for Vice President.

(d) The Presidential nominee has a complete, unrestricted list of potential Vice Presidential candidates from which to choose.

(e) Since the Presidential nominee will generally, though not always, pick someone who is at least in general agreement with him on fundamental principles (though not necessarily, e.g. Roosevelt and Garner), there will be a continuity of leadership on general precepts if the Vice President assumes the office of Presidency. Moreover, the wishes of the ideological majority which elected the ticket will not be thwarted completely if the Vice President becomes President—again, assuming the Presidential nominee will normally select someone with whom he is in general ideological agreement.

2. Disadvantages:

(a) There is no formalized consultative procedure to insure that in making his selection of a running mate, the Presidential nominee will touch base with a cross-section of the Party leadership to choose a broadly acceptable person. This absence of a formal consultative process may breed an insecurity about the actual outcome of the decision in the public's mind.

(b) The time pressure of choosing a running mate the night of or the morning after the Presidential nominee's own selection presents opportunities for misjudgments:

(i) in most circumstances all the energies and attentions of the new Presidential nominee will have been riveted on his own selection;

(ii) physical and mental exhaustion after the brutal run for the Presidential nomination occur at the very time when the nominee must make his first crucial decision—selection of his running mate;

(iii) time pressures are increased by the need to make the Vice Presidential nominee's choice public at the earliest point, and these pressures may impede a careful consideration of the best Vice Presidential candidate.

(c) There is no real public or delegate input into the selection of the person who could occupy the second most powerful office in the nation, if elected. This is a particularly serious concern in light of the number of recent Vice Presidents who have assumed the office of the Presidency due to the death of the President. It is unusual that the person who stands only a heartbeat from the Presidency should be selected without the kind of public scrutiny that goes into the selection of a Presidential candidate for the Party.

B. ALTERNATIVE METHODS OF SELECTION OF VICE PRESIDENTIAL NOMINEE

I. Provide for separate election of Vice Presidential nominee

There are a variety of methods which have been suggested having their central theme the selection of a Vice Presidential nominee in much the same way as the Party's Presidential nominee is now chosen.

(1) Separate Vice Presidential Primaries and Conventions

Persons wishing to be selected as the Party's Vice Presidential nominee would enter primaries and conventions in states of their choice trying to build public support and delegate commitment to their candidacy. While this method would not preclude the Presidential nominee from trying to influence the choice of his running mate, the Vice Presidential nominee could well have the necessary binding delegate commitments through the delegate selection process in the various states to have his nomination assured regardless of the wishes of the top of the ticket.

(2) Simultaneous National Presidential and Vice Presidential Primaries

A variation on this theme would be to have national Presidential and Vice Presidential primaries held simultaneously, with the Party's ticket being selected from the winner in each primary, with the Democratic Convention simply ratifying the results of the primary.

(3) National Primary with Runner-up as Vice President

Governor Peabody has suggested at one time a national primary in which each voter would have two votes, with the runner-up becoming the vice-presidential nominee.

(4) Complete Separation

Separation of the offices of President and Vice President has been suggested by electing the Vice President during the midterm elections rather than at the same time as the President.

(5) Rules Prohibiting Overlap in Candidates

It has been suggested that anyone placed in nomination for the Presidency be barred from consideration for the Vice Presidency, in order to elevate the Office of the Vice Presidency.

1. Advantages:

(a) The importance of the office of Vice President might be elevated in the public's mind since people would be running directly for the office and the public would have to make a choice specifically for that office. In the general election, few voters focus attention on the Vice Presidential candidate. Such a pregeneral election selection process for the second man on the ticket might help voters look at the ticket as a whole.

(b) The public would have a more direct voice in choosing the person who could potentially ascend to the Presidency at any moment. Since 1944, two Vice Presidents have become President during the President's term of office (Truman and Johnson), another was Vice President during a serious illness of the President (Nixon), and yet another Vice President's President died shortly after what could have been his second full term in office (Humphrey). The public and/or the delegates they select to the Democratic Convention should have a more substantive voice in the selection of a Vice President for this reason, even though his duties while in office may not be that crucial.

(c) Selection of a Vice Presidential nominee in this manner, made openly and publicly, and the problems of one man, the Presidential nominee, making a hasty choice under enormous time pressures, would be eliminated. This would also increase confidence in the decision making process for the Vice Presidential nominee.

(d) Twenty-seven States provide for the separate elections of their top two executives—governor and lieutenant governor—and thus precedent exists.

2. Disadvantages:

(a) Any system under which a Vice Presidential candidate for the Democratic Party was chosen in separate primaries would necessitate considerable change in most State laws and would therefore be difficult to implement.

(b) Candidates would be forced into an early choice between running for the Vice Presidential or Presidential nomination, thereby perhaps eliminating many persons from the Presidential race who were not well known initially, but who might have picked up support after early primaries. [This would not be the case with the runner-up method suggested by Governor Peabody, but there would be no assurance the runner-up would want or accept the second spot].

(c) Conversely, most qualified Democratic Party leaders would want to vie for the Presidential nomination, therefore potentially leaving the Vice Presidential race open to men of lesser capabilities who could wrap up the Vice Presidential nomination practically by default.

(d) Any system under which the Vice Presidential candidate of the Party is chosen independently from the Presidential candidate contains build-in problems of Presidential-Vice Presidential incompatibility. The 12th and 20th Amendments seem to indicate a desire to achieve a situation in which the President and Vice President are chosen as a team in the general election—a desire which should be carried into the nomination process. The possibility of an Aaron Burr-Jefferson situation in which Burr, as Vice President sought to undermine the President, should be avoided as much as is humanly possible.

(e) The 25th Amendment to the United States Constitution provides, in essence, that a vacancy in the office of the Vice Presidency should be filled by a man or woman selected by the President with the concurrence of a majority of each House of Congress. Thus, the President is given a strong say-so in the selection of a Vice President.

Therefore, it would be contrary to the spirit of the Constitution, to give the Presidential nominee of the Democratic Party so little say-so over the man who will be his running mate.

(f) The fact that Governors and Lieutenant Governors are chosen separately by a majority of the States is irrelevant at a Federal level. The Constitutional history of the federal government indicates the dangers of a warring President and Vice President—something far more dangerous than opposing Governors and Lieutenant Governors at the State level.

Moreover, a Lieutenant Governor who is openly antagonistic to the Governor can make life difficult for the Chief Executive of the State and severely hamper his activities. This cannot be tolerated at the federal level.

(g) The suggestion that no one placed in nomination for the Presidency could be considered for the Vice Presidency would eliminate perhaps the most highly qualified persons for the Vice Presidency, and would also permit a political enemy of a person aspiring to the Vice Presidential nomination to nominate him for the Presidential nomination, thus eliminating him from consideration as a Vice Presidential candidate.

(h) A specific disadvantage of making the runner-up in a national primary the Vice Presidential nominee is that it would frequently result in a Vice Presidential nominee with an entirely different constituency from the Presidential nominee (e.g. Wallace and McGovern might have been the result in 1972), potentially leading to bitter enemies running together in the general election and governing together. Also, such a system would require concurrent action by the Republican Party and would necessitate Congressional action and public financing, thus being difficult to implement.

II. Slates in primaries: Running as a team

Some persons have suggested that a Presidential candidate announce his running mate when he announces his own candidacy and that the two run as a team or ticket in the various State primaries and conventions.

1. Advantages:

(a) Such a system would focus attention on the Vice Presidential candidate at an early stage and thus help insure that a man of high quality was chosen for the position.

(b) Such an early choice would emphasize the importance of the Office of the Vice Presidency.

(c) The judgment of the Presidential hopeful would be tested at an early stage by the quality of the running mate he chose.

(d) The voters would have an early input into selection of the Vice Presidential nominee.

(e) Presidential—Vice Presidential compatability would be likely.

2. Disadvantages:

(a) This method would effectively eliminate all Presidential hopefuls from the Vice Presidential race since a decision would have to be made at an early stage as to whether to run on a ticket with a Presidential hopeful. Many of the best qualified persons might thus be unable to secure the Vice Presidential nomination. Few persons with any immediate Presidential ambition would be willing to settle for the second spot at such an early period.

(b) Voters in the primaries and delegates to the various State Conventions would still largely support "one team" over another because of the Presidential hopeful rather than his running mate. Therefore, in many ways, this method of selection of a Vice Presidential nominee would reduce input into the selection system. The Presidential hopeful would simply be handpicking a running mate at an early point in time and might win despite a poor choice as running mate.

(c) Conversely, a good Presidential candidate might lose in the primaries or State conventions because his early choice of a running mate turned out to be a mistake. So, too, an excellent Vice Presidential candidate might never secure the nomination because he joined with an unsuccessful Presidential hopeful.

(d) This system, in order to be workable, would require substantial changes in State laws and, perhaps, concurrent action by the Republican Party.

III. Altering the method of selecting the Vice Presidential nominee but maintaining the essential convention system

There are various suggestions designed to eliminate some of the current problems with the selection of the Vice Presidential nominee as discussed in Part A above, while at the same time preserving the essence of the present system.

(1) Open Convention for Vice Presidential Nominee

In 1956, the Democratic Party's Presidential nominee, Adlai Stevenson, left the choice of the Vice Presidential candidate completely up to the Convention, without tapping his favorite. A spirited race ensued between Senators Kefauver and Kennedy.

1. Advantages:

(a) This system would add excitement to the Convention.

(b) It would help focus attention on the Vice Presidential candidates.

(c) This system would be more democratic than the present method and would give delegates to the Convention, representing Democratic voters in their home States, the opportunity to directly choose a Vice President. It would end the virtual one domination by the Presidential candidate.

2. Disadvantages:

(a) It would be difficult to structure such a system to truly insure that the Presidential nominee did not exert his authority over the selection, since the compulsion to do so would be enormous. Cynicism over the "openness" of the selection process would therefore be great, particularly in light of the obvious power the Presidential nominee would have over a majority of the delegates.

(b) If the select process for the Vice President was entirely open to the Convention, the threat would exist that the Convention could choose someone ideologically or personally incompatible with the Presidential nominee.

(c) Since the Vice-Presidential nominee would owe nothing to the Presidential nominee insofar as his nomination was concerned, it might be more difficult to coordinate their general election campaigns, and, once elected, the Vice President might openly oppose the President.

(d) Party splits might be exacerbated by a second, perhaps bitter fight, following the Presidential floor fight.

(2) Partially Open Convention: Presidential Nominee Provides a List After His Nomination

Professor James MacGregor Burns has suggested a partially open convention system for selection of a Vice President nominee, under which the Democratic Convention would select a Vice Presidential candidate from a list of three or four names submitted to the Convention by the Presidential nominee.

1. Advantages: (a) This method provides a nice compromise between a totally open Convention, with the disadvantages discussed above (principally, the potential incompatibility between the Vice Presidential and Presidential candidates), and the present method of giving the Presidential nominee himself virtually complete say-so over his running mate, with the disadvantages previously mentioned.

Thus, the Convention does have a significant voice in the selection but at the same time the Presidential nominee would have the right to choose a list of persons he had reason to believe would be personally and politically compatible with him and who might be responsive to the same constituency which voted, in effect, for the President.

(b) If the list of persons could be submitted after the Presidential candidate had been chosen, the Presidential nominee would have an unrestricted list of persons from whom his list could be drawn.

2. Disadvantages: (a) Unless certain other changes were adopted as well, many of the same problems plaguing the present Convention system would continue to exist. Thus, there would still be no formalized procedure to insure that the Presidential nominee obtained input from a broad cross-section of the Party; and, the time pressure of choosing a list of persons would impose many of the same problems as selection of one running mate now imposes on a tired Presidential nominee.

(b) The Presidential nominee would be placed in a somewhat awkward posture. He might have a particular preference among the three or four listed and there would be a problem of how this could or should be expressed.

(c) It would be difficult to determine the number of persons the nominee could put on the list.

(d) Again, as with the totally open Convention system, it may be very difficult to keep the Presidential nominee's actual preference from the delegates and prevent him from pushing for the selection of one person from this list. Hence, public and delegate cynicism might be the result of an attempt at such a system.

(3) Partially Open Convention: Presidential Hopefuls Provide a Vice Presidential List Before Presidential Balloting

Some persons, such as John Gardner of Common Cause, have suggested that each candidate for the Democratic Presidential nomination announce prior to the commencement of the Convention, a slate of a designated number of individuals from which he will later choose one to present to the Convention for approval, if, of course, he himself secures the Presidential nomination.

1. Advantages:

(a) This system preserves the right of a Presidential nominee to have a predominate voice in the selection of his own running mate. As discussed at length above, the right of the Democratic Party's Presidential nominee to choose his own running mate is consonant with the spirits of the 12th, 20th, and 25th Amendments to the Constitution and with the notion that the top two men in the Executive Branch should have as harmonious a relationship as possible.

(b) The suggestion has the merit of relieving the Presidential candidate from making a last second judgment on a running mate at a time when he is least able to function effectively—the late evening of his own nomination. This procedure would force earlier and, presumably, more deliberate consideration to the selection of a running mate than is currently the case.

(c) By giving the public at large, the news media, and the Convention notice several days in advance of Vice Presidential balloting of the slate from which one would be sent to the Convention by the nominee, sufficient time might exist to permit at least some examination of the persons on the slate, to exercise any skeletons, and to give the delegates and the public some time to react to the various alternative prospects.

2. Disadvantages:

(a) This system in essence locks a Presidential candidate into a rigid position before the Convention begins and would preclude another selection which might be more logical, more qualified, and more acceptable to the Party leadership and the Convention delegates after the smoke of Presidential combat had cleared at the Convention.

(b) This procedure might hamper the ability of a Presidential hopeful to bargain for votes at the Convention in return for the expectancy of being tapped for the Vice Presidency.

(c) The Presidential balloting results might impel selection of a running mate in order to foster party unity, etc., which would not become obvious until that time.

(d) There would be no assurance that the persons named in a particular slate before the Convention would be willing to accept the Vice Presidential nod. By requiring the Presidential hopeful to set out his selections so early in the game could lead to a situation of embarrassment to the Presidential candidate—none of those on his list might be willing to serve.

(e) This system tends to eliminate other Presidential candidates from the Vice Presidency, since a Presidential hopeful may be unwilling to list one of his Presidential opponents as a possible running mate so early in the Convention. Yet, if this were not done, he could not later tap that individual.

(4) Partially Open Convention: Vice Presidential List Based on Other Criteria than Presidential Nominees' Preferences

Others have suggested that the Convention choose a Vice Presidential nominee from a list of persons selected by criteria other than the Presidential nominee's personal preference.

(a) Vice Presidential nominees: Those nominated for Presidential race

For example, Bernard Weisberger has suggested limiting the Democratic Convention's choice to those placed in nomination for the Presidency.

1. Advantages:

(a) This would help insure that those eligible for selection as the Vice Presidential nominee are known public figures who had previously undergone some degree of public scrutiny and whose backgrounds might previously have been examined in connection with their efforts to secure the Presidential nomination.

(b) This system would limit the prerogative of the Presidential nominee and give the Democratic Convention a more significant voice in the selection of the Vice Presidential candidate.

(c) This system would help insure that the Vice Presidential nominee was a man of high qualifications.

2. Disadvantages:

(a) This method would artificially limit the persons eligible for the Vice Presidential nomination and might therefore eliminate numerous capable persons from consideration by the Convention.

(b) This system would not necessarily solve the problem of having a Vice Presidential candidate about whom very little was known with regard to his background and ability since a person could simply have his name placed in nomination for the Presidential nomination in order to qualify for the Vice Presidential nomination.

(c) By such a system, the prospect arises that the Vice Presidential nominee may be incompatible with and a bitter opponent of the Presidential nominee. The Vice Presidential candidate would almost certainly have to be a man who vigorously opposed the Presidential candidate only a short time before. This again raises the specter of a Vice President antagonistic to the President and poses the same 12th, 20th, and 25th Amendment questions as have been discussed more fully above.

(d) The Presidential nomination procedure would be prolonged by persons who really felt they had no prospect for securing the top position, but who would be required to go through this procedure in order to seek the Vice Presidential nomination.

(e) This procedure does not reach some of the fundamental problems with the current system, discussed in fuller detail above.

(b) Naming of preferred candidate by committee with convention approval

Some, such as Professor Charles Hyneman, have suggested that as soon as a Presidential candidate has been chosen, a committee should be formed with the nominee for President as chairman and whose members would be representatives of candidates receiving a certain defined level of support in the Presidential balloting. Professor Hyneman has further suggested that even if the incumbent President is the Presidential nominee and there are no substantial opponents to his nomination, the Rules of the Convention should provide for formation of such a consulting group, named perhaps by a committee of the Democratic National Committee. Professor Hyneman would permit Vice Presidential nominations from the floor, with the Convention itself making the final selection.

It has been suggested further that if this "nominating committee" could not agree on one candidate, the Presidential nominee should be permitted to name his favorite and the one other person with greatest support in the committee should also be presented to the full convention.

1. Advantages:

(a) This method would help insure that the Presidential nominee consulted with a wide range of Party leaders (i.e., representatives of the other Presidential candidates) and had their input. This would help obtain more wide ranging and in-depth opinions and information about prospective Vice Presidential candidates. Therefore, one of the principal objections to the current system—the absence of a formal consultative process—would be significantly dealt with.

(b) Such a system would increase public confidence in the eventual nominee and in the nominating process, since a rational, ordered, "visible", and identifiable process would be used.

(c) This system might help alleviate a hasty or ill-thought-through decision on a running mate by the Presidential nominee.

(d) The Presidential candidate, as chairman of the selection committee, would still have a significant voice in the selection of his running mate and the committee, perhaps, might be unlikely to tap a person who the Presidential candidate believed he could not run with or strongly disliked.

2. Disadvantages:

(a) This could be a difficult system to structure. Some cut-off in Presidential support would probably be necessary to choose those Presidential hopefuls who could send representatives to the Committee. Yet, in some years there might be only one or two persons who reached the required level of support. In years when the incumbent President was re-nominated the composition of such a Committee might be a problem. Also, there would be some issue as to whether the incumbent Vice President should have any say-so in the selection.

(b) There might be problems in sending representatives of the defeated Presidential hopefuls, rather than the Presidential hopefuls themselves, since there would be communications problems as deliberations of the Committee became more lengthy, to insure the representatives were faithfully carrying out the desires of the candidates who themselves might not wish to be bothered by what for them would be an anti-climatic decision.

(c) The possibility exists that several of the defeated candidates could gang up on the Presidential candidate on the committee and attempt to foist a Vice-Presidential candidate of their choice on the Presidential nominee. While the proposal would permit the nominee to name his own choice with the committee's choice also going before the Convention, this might create further party disunity and give the appearance of weakness to the Presidential nominee just after his hour of greatest triumph.

(d) By limiting the "Nominating Committee" to representatives of the defeated Presidential hopeful, the group contains only persons who have been vigorously opposing the chairman of the Committee for the Presidential nomination. This might present an awkward situation and exacerbate party splits.

(e) The composition of the group is insufficiently broad and should probably be extended to include Congressional leaders and other enumerated Party leaders.

(f) The time pressure presently existing on the Presidential candidate to name a Vice Presidential running mate by the day following the night of his election might be intensified under this proposal requiring decision by the Committee.

(g) Since certain of the defeated Presidential hopefuls might themselves have Vice Presidential ambitions or be the most qualified for the position, their presence, even through a representative on a Committee, composed of representatives of all their opponents for the top job, might be awkward. Moreover, the composition of the group might effectively preclude one of the defeated Presidential candidates from obtaining the Vice-Presidential nod.

(5) Rearrangement of convention schedule

Since one of the greatest faults with the current system is the enormous time pressure under which a Presidential candidate must act in selecting a running mate to announce to the Convention, because of the arrangement of the Convention business under the current Rules (platform and rules, then Presidential voting, then Vice Presidential voting), some persons have recommended that the Convention schedule should be re-arranged to afford as much time as possible for deliberation on Vice Presidential selection, but still having the Vice Presidential selection made by the Convention before it formally adjourns and after the Presidential selection.[1]

Joseph Califano, counsel to the Democratic National Committee, has reportedly suggested that the Presidential candidate be chosen before the platform is adopted (rather than afterward as is now done), thus extending from 24 to 48 hours the time available for the Presidential candidate to make known to the Convention his choice for a running mate.

Republican Senator Jacob Javits has suggested that the day or two after the Presidential nomination be taken up by other business so that adequate discussion can be had of the Vice Presidential choice.

Professor Charles S. Hyneman, a member of our Vice Presidential Selection Commission, has suggested that the Convention adjourn (or presumably, take up other business) for 24 or 48 hours so that the Presidential nominee would have sufficient time to make his choice.

Professor Hans Linde has suggested altering the Convention agenda by placing the Presidential nomination earlier in the business of the Convention and placing discussion and adoption of the Party's platform next, with the Vice Presidential nomination to follow, thus providing "a limited amount of additional time for consideration of the choice of a running mate."

1. Advantages:

(a) The choice of the Vice President by the Presidential nominee would be made with more deliberation and in a less frenzied atmosphere, due to the additional time available.

(b) The Office of the Vice Presidency would be upgraded in the public's mind, since the delay in selection would provide more time for public, newspaper, and television speculation about the possible choice.

(c) This suggestion can be used with any other of the possible alternative suggestions which work within the present Convention framework.

2. Disadvantages:

(a) The longer the delay between selection of the Presidential and Vice-Presidential candidates, arguably, the more likely it will be that the public will "tune off" the Convention entirely, thus depriving the Party of part of the public audience necessary to a good send-off for the ticket.

(b) This proposal does not reach the more basic issues of whether the Presidential candidate should maintain the predominate voice in selecting his running mate and, if so, whether a more formal consultation process is necessary.

(c) If this is the only reform suggested by this Commission, the Commission and the Democratic Party may be subject to criticism for "putting a bandaid on to fix a broken leg."

IV. Post Convention choice of the Vice Presidential nominee

A variety of suggestions have been made to provide for selection of the Vice Presidential nominee after the Convention adjourns by a process or group other than the Convention.

(1) Postconvention Vice Presidential Primary

Michael Barone has suggested the possibility of a national primary for the Democratic nomination for Vice President to follow nomination of a Presidential candidate by the traditional convention system.

1. Advantages:

(a) The importance of the Vice Presidency might be elevated in the public's mind since candidates would run directly for the office. Public attention would be riveted solely on the Vice Presidential selection since the Presidential candidate would already have been chosen.

(b) The public would have a much more direct voice in choosing the person who could become the next President.

(c) The choice of one man, the Presidential nominee, made under enromous time pressures, without any formal consultative process, is exchanged for the voice of the people.

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[1] The Chairperson of the Republican Delegates and Organization Committee in 1972, Mrs. Rosemary Ginn, has suggested nominating the Vice Presidential candidate before the Presidential candidate. This suffers the serious objection that the quality of Vice Presidential aspirant would be lowered since no person with any hope of a Presidential nod would take himself out of the running at the Vice Presidential stage.

2. Disadvantages:

(a) A post-Convention primary would overly prolong an already too lengthy campaign year, since, to be at all meaningful, at least several weeks of Vice Presidential campaigning would be necessary for the candidates to come across to the voters.

(b) The cost of a campaign would escalate with, in effect, a second primary or wave of primaries.

(c) Those Presidential candidates who had made a stringent effort for the Presidential nomination might well be so physically and financially exhausted, as to effectively preclude them from entering a national Vice Presidential primary. Thus, a whole group of persons who might be ideal Vice Presidential candidates would be effectively eliminated, leaving the primary field to lesser personalities who could husband their resources for a one-shot national primary.

(d) The whole problem of a national primary with all of its pros and cons would have to be considered. Problems would arise as to whether a majority or a plurality of the national vote was needed and whether a run-off Vice Presidential primary was called for, consuming more time and resources.

(e) Such a post-Convention primary would be difficult to implement, since State laws would have to be changed and a similar method of selection by the Republican Party might be necessary.

(f) This system could easily lead to selection of a Vice Presidential nominee who was incompatible with the top man on his ticket, with all of the difficulties, discussed above, which that would present.

(2) Postconvention selection of vice presidential nominee by a committee

A variety of ideas have been suggested under which the Vice Presidential candidate of the Democratic Party would be selected some prescribed time after the close of the Convention by an organization other than the Convention itself.

(a) Donald Matthews of the Brookings Institute suggests that the Presidential candidate name *a* running mate, subject to ratification by the Democratic National Committee a week or so after adjournment of the Convention.

(b) Ben Wattenberg has suggested a variation on this theme, under which the Democratic National Committee, meeting a week or so after adjournment, would select a Vice Presidential nominee from a list of *several* acceptable running mates chosen by the Presidential nominee.

(c) Professor Hyneman has suggested yet another variation, under which a formal consultative group including representatives of defeated Presidential candidates, perhaps other Party leaders, and the Presidential nominee, would report their findings on the best Vice Presidential running mate to the Democratic National Commitee 5 or 10 days after adjournment of the Convention. The National Committee would have the final decision.

1. Advantages:

(a) The suggestions all go a long way toward curing the burdensome time constraints currently imposed on the Presidential nominee in selecting his running mate.

(b) These suggestions all give the Presidential nominee a strong voice in choosing his own running mate, thus helping to insure some degree of Presidential-Vice Presidential compatability.

(c) The Office of the Vice Presidency is given added esteem since the attention of the public and the news media would be focused on the Vice Presidential candidate for a significant period of time.

(d) A mistaken choice is less likely since more time for consultation and investigation of the backgrounds of potential running mates is provided.

(e) Time would exist for Party opinion to coalesce around one person for Vice Presidential nomination.

2. Disadvantages:

(a) Only Professor Hyneman's suggestion begins to build in any mandatory, formalized consultation process for Vice Presidential selection.

(b) The time delay in choosing a running mate could have an adverse effect on the success of the Democratic ticket, since it would postpone joint post-nomination planning by the Presidential and Vice Presidential nominees and might preclude an active campaign schedule by the Presidential nominee prior to the choice of his running mate.

(c) There may be some question as to extra amount of deliberation this system would actually produce, since the urge would be irresistible for the Presidential nominee to begin campaigning.

(d) The Democratic National Committee (or some smaller group designated under these suggestions to have final approval) is less representative than the Democratic Convention itself. Thus, these suggestions delete still further any significant public input into the Vice Presidential selection process. Nomination by the full Convention itself adds a legitimacy to the nomination which might be missing if the National Committee became the final arbiter.

(e) The selection of a Vice Presidential nominee by the National Committee might appear less open and visible to the public than selection, even formal selection, by the full Convention.

(3) Postconvention selection solely by the Presidential candidate:

It has been reported that Senator Thomas Eagleton has advocated giving the Presidential nominee the sole, exclusive choice of designating a running mate, within ten days after the conclusion of the Democratic National Convention.

1. Advantages:

(a) This would help alleviate the time pressure problem which could force a Presidential nominee into a hasty, ill-considered, poorly researched choice.

(b) The Presidential nominee would be able to choose someone with whom he was compatible.

(c) Public attention would be focused more clearly on the Vice Presidential choice than is now the case due to the additional time provided.

(d) More input by Party leaders would be likely due to the additional time provided.

(e) Public opinion would have a chance to form around one or more Vice Presidential hopefuls.

2. Disadvantages:

(a) There would be even less formal check on the power of the Presidential nominee to select an appropriate running mate, since neither the Convention nor any group in its place would have even theoretical veto power over the choice. This would give less legitimacy to the choice.

(b) No formal consultative process is built into the suggestion.

(c) Party disunity could more easily occur over the choice since no formal organization representing the Party could be said to have ratified the choice.

(d) The time delay could have an adverse effect on the success of the Democratic ticket, since it would postpone joint post-nomination planning by the Presidential and Vice Presidential nominees and might preclude an active campaign schedule by the Presidential nominee prior to the choice of his running mate.

(e) There may be some question as to the extra amount of deliberation this system would actually produce, since the Presidential nominee would likely try to start campaigning to some extent.

From a discussion and analysis of the various methods for selection of a Vice Presidential nominee, certain criteria for our selection might be suggested—although these do not form an exclusive list.

First, the selection process should give the Presidential nominee a significant voice in choosing a running mate he believes will be compatible with him.

Second, enough time should be provided for the choice of the Vice Presidential nominee to help guard against a hasty decision made at a time of emotional, mental and physical exhaustion on the part of the Presidential nominee.

Third, some formalized process of consultation is necessary, even if this consultation process is not structured into a sitting committee, so that the Presidential candidate has maximum input from a variety of people, and so the public can be assured of the soundness of the choice.

Fourth, maximum public input and attention should be given to selection of our Party's Vice Presidential nominee.

Fifth, the Democratic Convention should maintain the power of ultimate approval of a running mate, but should have more time to judge potential Vice Presidential possibilities than now exists.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE PRESIDENT, ACTING THROUGH THE ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, a report of the President, acting through the Attorney General, on the feasibility of establishing an environmental court system (with an accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Elizabeth, N.J., praying for the enactment of legislation relating to restoration of the death penalty in certain cases. Referred to the Committee on the Judiciary.

APPOINTMENT OF AN ADDITIONAL CONFEREE

S. 14

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Maine (Mr. HATHAWAY) be added as a conferee on S. 14, to establish a Quality Health Care Commission.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection (Rept. No. 93-468).

MILITARY PROCUREMENT AUTHORIZATION, 1974—CONFERENCE REPORT—REPORT TO A COMMITTEE (S. REPT. NO. 93-467)

(Ordered to be printed.)

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two houses of the amendments of the Senate to the bill (H.R. 9286) authorizing appropriations for fiscal year 1974 for military procurement, research and development, and prescribing active and reserve strengths and military training student loads. I ask unanimous consent that the report be printed as a Senate report.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON REORGANIZATION PLAN NO. 2 OF 1973—REPORT OF A COMMITTEE (S. REPT. NO. 93-469)

(Ordered to be printed.)

REPORT ON FEDERAL DRUG LAW ENFORCEMENT PROBLEMS

Mr. RIBICOFF. Mr. President, as chairman of the Subcommittee on Reorganization, Research and International Organizations, I submit a report by the Committee on Government Operations on the subcommittee's consideration of Reorganization Plan No. 2 of 1973.

The plan, establishing a Drug Enforcement Administration—DEA—in the Department of Justice, took effect on July 1 after the deadline passed for either House of Congress to adopt a resolution of disapproval.

This report was prepared to inform the Senate of the subcommittee's intensive consideration of the plan—especially regarding problems in Federal drug law enforcement that must be resolved for its proper implementation. The report was approved unanimously by the subcommittee and the full committee. It includes individual views by Senator PERCY.

The report summarizes nine months of investigation and hearings. The subcommittee study of Federal drug law enforcement began in January with an investigation of sharp rivalry and bitter feuding between agents of the Customs Bureau and the Bureau of Narcotics and Dangerous Drugs—BNDD.

In March, the President submitted plan No. 2 to reorganize the rival agents into a new agency, the DEA, in the Justice Department with a commitment to promote coordination with other enforcement agencies, especially the FBI. Since the plan acknowledged and remedied the Customs-BNDD dispute, the subcommittee focused on other drug law enforcement problems that had to be resolved to strengthen the operations, accountability and responsiveness of the new DEA.

Two days of hearings were held in Washington. The subcommittee also scheduled a series of field hearings to explore the nature of the drug problem in the Nation, evaluate the effectiveness of Federal drug enforcement and make recommendations on the structuring of the DEA. Federal, State, and local law enforcement officials, drug treatment, prevention and education specialists and ex-addicts were among the witnesses at hearings held in New Haven, Conn.; New York City; Chicago, Ill.; Wilmington, Del.; Miami, Fla.; Birmingham and Mobile, Ala.; and Atlanta, Ga.

A total of 158 witnesses were heard in 11 hearings.

The subcommittee's principal finding is that Federal drug enforcement efforts have failed to come to grips with burgeoning polydrug abuse involving the illicit use of billions of pills. The polydrug contagion involves 17 times as many Americans as use heroin, according to a recent survey of the National Commission on Marihuana and Drug Abuse.

The GAO has estimated that 90 percent of the pills used illicitly are of legitimate origin. Yet, we found that Federal enforcement priorities and strategies are overwhelmingly weighted toward suppression of heroin. For example, our inquiry found that BNDD had assigned only 240 of its 1,600 agents to full-time duty in combating the diversion of legally manufactured pills into the illicit market. The main assignment of the 1,600 other agents was to combat trafficking in heroin. At issue is not whether Federal law enforcement should abandon the war against heroin traffikers, but to what extent law enforcement efforts should reflect the actual degree of danger from all forms of drug abuse.

Among its recommendations, the subcommittee calls for a series of specific changes to promote accurate monitoring of the Nation's heroin and pill problems and to reorder priorities and develop new strategies accordingly. We also call for a plan of day-to-day coordination with the FBI to improve enforcement against organized crime figures in the illicit drug traffic. And we recommend establishment of an Office of Inspector General in the Justice Department, reporting directly to the Attorney General on enforcement abuses and corruption involving any DEA agents or agents of any other enforcement agency in the Department.

I urge all my colleagues to consider the findings and recommendations of this important report on law enforcement efforts to combat the Nation's drug menace.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EASTLAND (for himself and Mr. HRUSKA):

S. 2584. A bill to extend the life of the June 5, 1972 Grand Jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. HRUSKA) (by request):

S. 2585. A bill to extend the life of the June 5, 1972 Grant Jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2586. A bill for the relief of Miss Niranjana Thakkar. Referred to the Committee on the Judiciary.

S. 2587. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths, and to create a nationwide register of persons exposed to disease producing risks in their employment. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 2588. A bill to amend Public Law 89-230 to authorize a larger annual U.S. contribution to the International Committee of the Red Cross. Referred to the Committee on Foreign Relations.

By Mr. DOMENICI:

S.J. Res. 165. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EASTLAND (for himself and Mr. HRUSKA):

S. 2584. A bill to extend the life of the June 5, 1972 grand jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. HRUSKA) (by request):

S. 2585. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia. Referred to the Committee on the Judiciary.

Mr. HRUSKA. I am pleased to join the distinguished chairman of the Committee on the Judiciary (Mr. EASTLAND) in cosponsoring two alternative bills to extend the life of the so-called "Watergate" grand jury.

As we are well aware, the present life of the grand jury will expire on December 4, 1973, unless extended. The purpose of each of these bills is to authorize extension of the life of that grand jury in order to allow a completion of its business. The difference between them lies in the procedure to be followed in the event additional extensions become necessary.

S. 2585, proposed by the Department of Justice, would authorize an initial 6-month extension and would permit the U.S. District Court for the District of Columbia to extend the life of the grand jury for an additional 6 months if necessary.

S. 2584, on the other hand, while it would also create an initial 6-month extension, would leave to the Congress, rather than the District Court, the decision of whether the life of the Watergate grand jury should be extended beyond this initial 6-month extension period. In effect, in following this course, the option would be preserved in the Congress as to the second 6-month extension.

In order for Senators to be able to have a range of choices on this question, we have introduced alternative bills. Hopefully my colleagues will shortly and timely address these possible solutions and any other proposals which may be made. We are all aware of the importance of taking some action on this matter in the near future.

By Mr. HUMPHREY:

S. 2587. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths, and to create a nationwide register of persons exposed to disease producing risks in their employment. Referred to the Committee on Labor and Public Welfare.

EMPLOYEES COMPREHENSIVE RESPIRATORY DISEASE COMPENSATION AND REGISTRATION ACT

Mr. HUMPHREY. Mr. President, I am introducing legislation today which provides for the care and compensation of workers and their families who suffer disease and disability because of their employment in America's modern industrial production system. Fully 10,000 men and women die each month from occupational disease. Four hundred thousand persons each year develop occupational diseases. Of these deaths and illnesses a great part are diseases of the respiratory tract and associated tissues.

Despite this staggering record of needless tragedy, neither the States nor the Federal Government have acknowledged the costs of hazardous employment for what it is—a legitimate cost of production. State workmen's compensation laws with few exceptions restrict coverage for respiratory disease. Federal benefits have been approved only for coal miners who suffer in an astonishing degree from black lung disease. All the workers in other production industries, the 3.5 million asbestos workers, 900,000 textile workers, 770,000 workers exposed to bagasse fibers, the 600,000 workers exposed to silicon dust, the 715,000 cosmetic workers, paintmakers, papermakers, and talcum powdermakers, bear the burden of disease, and medical expenses alone. When disease strikes they often must go on welfare. When they die, usually in their most productive years, their families are cast aside without even the most minimal assistance. They too add to our welfare rolls.

Compounding this tragedy is the fact that these workers who risk their lives so that other Americans can live the good life, often are unaware of the hazards they face daily. And because they do not realize the risks, they are unable to receive medical assistance which could prevent, control or cure these diseases with the horrible names and still more horrible effects—silicosis, asbestosis, byssinosis, talcosis, lung cancer, and brown lung.

The Employees Comprehensive Respiratory Disease Compensation and Registration Act will rectify the injustice which has been done for so many years. There is no longer any scientific doubt about the causal relationship between employment in certain hazardous industries and the development of serious, disabling lung diseases. It is time for employers and compensation agencies, State, and Federal, and American consumers to share the risks as they have shared them for black lung and for industrial accidents under the workmen's compensation laws.

This bill will do two important things. It will provide benefits in cases of total disability due to respiratory disease at a realistic and humane level. Compensation in these circumstances which is not adequate would be cruel. Therefore the bill provides that benefits be paid at a rate equal to two-thirds of the employee's average weekly wage and in no event less than 50 percent of the average weekly wages paid in his State of residence. Appropriate provision is made to see that these benefits are not eroded by inflation.

Care is also taken to assure that if the worker dies, his family will be provided for.

The bill also creates an information source which will assure us that all those exposed to these environmental hazards of the workplace will know the risks they take and their eligibility for benefits based on level and period of exposure. A system of benefits will be no good if the beneficiaries are not aware of the degree of their exposure to toxic agents. If we are to make progress in combating the toll which overtakes our industrial production workers, through preventive medicine, we must provide for assessment of risks and medical follow up. The nationwide register of employees exposed to respiratory risks will contain data for each person tabulating exposure to disease-producing agents, duration of exposure, and severity of exposure. The record will be supplemented and kept up to date even though a person changes jobs so long as his exposure to new risks is created. These records will be confidential and available only to the employee and his physician. The register will enable this legislation to become much more than just an insurance program. It will be part of a positive health care system to prevent disease and its costs and sufferings.

By Mr. PELL:

S. 2588. A bill to amend Public Law 89–230 to authorize a larger annual U.S. contribution to the International Committee of the Red Cross. Referred to the Committee on Foreign Relations.

U.S. CONTRIBUTION TO ICRC

Mr. PELL. Mr. President, I am submitting an amendment to Public Law 89–230, October 1, 1965, to authorize an increase in the U.S. Government's regular annual contribution to the International Committee of the Red Cross—ICRC—from $50,000 per annum to $500,000 per annum.

The annual contribution is not to be confused with special U.S. grants for humanitarian purposes administered through the ICRC, such as the $10 million earmarked in the Foreign Assistance Act for relief in Indochina through the Indochina Operations Group of the International Red Cross.

Under Public Law 89–230, the United States Government has been contributing only $50,000 to the operation of the ICRC each of the past 8 years. During that time, the activities of the ICRC have greatly expanded, and its budget and expenditures have increased apace. Although an increase from $50,000 per annum to $500,000 is large in percentage terms, it is a modest contribution in light of the ICRC's important international responsibilities, of dollar devaluation, and of world inflation. An ICRC activity of urgent concern to all Americans is its participation in the frustrating but unremitting quest for information on Americans missing in action in Indochina.

I have met personally with leaders of the ICRC in Geneva, when I was handling our prisoner of war problem at the United Nations during the period when I was a U.S. delegate there. Moreover, I can attest to the respect commanded by this body throughout the world. It is the only organization singled out for special responsibility under the Geneva Conventions of 1949—the basic charter for the protection of prisoners of war and other war victims. Regardless of political tides or fashions, the ICRC has maintained its integrity as an impartial independent humanitarian organization. Because of its independence and neutrality, the ICRC has been able to carry out its humanitarian mission in areas of military and political conflict where other bodies—governmental or private—are unable to intervene.

Two immediate examples involve the repatriation of detainees in the Middle East and South Asia, where the ICRC has played key roles in the arrangements for the return home of POW's. It is a matter of deep regret to the ICRC—and to me personally—that, due to the position taken by North Vietnam, the ICRC was barred from an implementing role in the release of our POW's.

I am glad to note, however, that the Central Tracing Agency of the ICRC is continuing its efforts to assist in accounting for Americans missing in action in Southeast Asia. The delegate of the ICRC in Laos met with a delegation of the National League of Families of American Prisoners and Missing in Southeast Asia this past week in Vientiane, to describe the ICRC's continuing efforts to resolve this question.

In addition, the ICRC has in the past 2 years organized meetings in Geneva of government experts on international humanitarian law. These consultations will culminate in a diplomatic conference called by the Swiss Government in Geneva, starting in February 1974, on the improvement and better implementation of the Geneva Conventions. This important undertaking—which we hope leads to specific measures to assure compliance with the conventions in the future in situations such as the protection of our POW's in Indochina—was initiated by the ICRC at the 21st International Conference will take place in November of this year, in Tehran, and I am delighted to note that the very able and competent Ambassador Frank Kellogg, special assistant to the Secretary of State for Refugee and Migration Affairs, will head the U.S. Government delegation. The American Red Cross delegation to the same conference is headed by Dr. Frank Stanton, former president of CBS, current chairman of the U.S. Information Agency Advisory Board, and now chairman of the American National Red Cross. He will be accompanied by George Elsey, president of the American Red Cross, who has many years of Government service, including service as a White House administrative assistant to President Truman. All told, it can be seen that we have a very strong delegation to the Tehran meeting.

There can be no question that the U.S. Government should continue to support the ICRC. Nor, in my judgment, can anyone seriously maintain that the present authorized level of $50,000 is sufficient for this purpose. Two years ago, in response to the urgent request of the ICRC, our Government made a special contribution of $1 million from AID contingency funds, to help the ICRC meet a serious deficit resulting in large measure from the ICRC's extensive operations in Indochina. The ICRC had informed our Government that its expenses in Indochina alone amounted to $2.5 million. That special contribution was an essential action at the time, and it highlights the need for a substantial increase in our regular annual contribution, which my amendment would accomplish.

In the past 2 years, the ICRC has reviewed and revised its internal structure to place itself on firmer financial footing, distinguished between, on the one hand, its permanent structure and budget—which our regular annual contribution helps support—and, on the other hand, its temporary and occasional structure, which expands to meet international emergency needs.

For its permanent structure, the ICRC has proposed that governments apply the assessment scale applied to government contributions to the regular budget of United Nations organizations. By this reckoning U.S. Government share of the ICRC regular budget would be about $500,0000 which is why I support such a relatively modest amount. Actually, as a great nation founded on humanitarian priciples, I believe we should support the ICRC to a far greator extent.

It should be noted that the Swiss Government annually donates some $3 million to the ICRC—7.5 million Swiss francs. The Swiss Government has given assurance that it will continue to contribute at that level, so that contributions of other governments will, even if all of them increase substantially, still amount to less than half the ICRC budget. The ICRC is committed to the principle of widening its base of international support, a principle which we should endorse and support.

Because other governments often determine their level of support to the ICRC with reference to ours, the present authorized ceiling of $50,000 has had the effect of limiting contributions from other governments. One government—West Germany—has moved ahead and is already contributing nearly twice the United States level. A number of others are contributing more than or near our level, and there have been consultations among governments in Geneva aimed at achieving a general increase in government contributions to the ICRC.

I ask unanimous consent to have printed in the Record a "Note on ICRC Financing," prepared by the ICRC in July 1972, which outlines its financial structure and needs. I also urge prompt Senate approval of an increase in the authorized U.S. Government contribution to the ICRC to $500,000 per annum.

There being no objection, the material was ordered to be printed in the Record, as follows:

Note on ICRC Financing

The International Committee of the Red Cross is making a sustained effort to ensure increased control over its financing and to provide clear accounts.

The requirements which it has to meet are continuity in the financing of its regular activities and flexibility in its varying activities.

To reconcile these two requirements, the ICRC has adopted a financial structure which is subdivided into three parts:

1. *Permanent structure*, constituted by the professional staff necessary for the discharge of the ICRC's regular duties and the equipment available to that staff. To be effective, this structure must be kept within strict limits and should be of a high professional standard. It requires continuity.
2. *Temporary structure*, constituted by supernumerary staff, especially delegates and local staff, recruited for a specific period of service with ICRC delegations. The more or less rapid renewal of such staff ensures some degree of flexibility, and hence avoids the need for a large permanent structure.
3. *Occasional structures*, such as those set up by the ICRC when it has to mobilize considerable resources to meet urgent and unexpected needs or to undertake duties clearly beyond its regular activities. Here flexibility is the first consideration.

Occasional structures have a budget of their own, financed by special fund-raising appeals. Since such appeals relate to specific events that tend to rouse public opinion, Governments and National Societies can provide the ICRC with the requisite funds.

For the sake of convenience, the temporary structure is at present being financed by the Swiss Government alone.

The ICRC is very much concerned about the financing of the permanent structure. Despite the arrangements made to maintain the structure within strict limits, in the discharge of its regular duties it requires highly qualified permanent staff adequately remunerated and provided with the requisite equipment. To ensure the essential continuity in the financing of its permanent structure, the ICRC is applying itself to the task of closing the gap which exists between the cost of that structure and the annual contributions received.

The Swiss Government's annual contribution, for instance, has been raised from 2.5 to 7.5 million francs. The ICRC would therefore wish to receive an aggregate equivalent sum from the Governments of other States Parties to the Geneva Convention. Apart from the fact that regular government contributions totalling 15 million Swiss francs, in addition to the annual contributions from National Red Cross Societies and its other sundry annual resources, would enable it to cover the cost of its permanent structure, the ICRC considers it an obvious advantage to have the burden of its principal annual resources shared equally between the Swiss Government on the one hand and other Governments on the other hand.

Governments wishing to fix their own annual contribution in relation to the contributions made by other Governments can find guidance to this effect by applying to the 7.5 million franc target the same assessment as established in the United Nations scale, which shows the extent to which the various Governments agree to bear the cost of organizations which serve the international community.

By Mr. DOMENICI:

S.J. Res. 165. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week". Referred to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, today I introduce Joint Resolution 165, to establish a National Vocational Education and National Industrial Clubs of America Week from February 10 through the 16, 1974.

I believe, Mr. President, we are all aware of the many accomplishments and benefits of present vocational schools, but we seldom give proper public recognition to those achievements. Furthermore, it alarms me that the typical academic system in America is woefully void of that most useful aspect of education—the teaching of skills directly used in the world of work. Significant inroads have been made to teach secretarial techniques, but we are slow to offer additional meaningful skills training as part of the typical public educational system and on the secondary level or the college level.

Indeed, I feel our educational programs have not recognized the ever-changing needs of our young people, and our not-so-young people. It seems that we spend a disproportionate share of our national total resources on an educational system which is not as relevant as it could be.

So that it will not be misunderstood, I want to clearly state that I do not believe we are spending too much for education in this country. On the contrary, I feel that money spent in this cause is the best expenditure we have and I have most seriously objected to proposed budget cuts for education. Rather, in this instance, I believe we could better spend our education dollars if we constantly recognize the need to look at education in terms of its relevancy to the people we are teaching.

By establishing a Vocational Education Week combined with a National Industrial Clubs Week, I hope that proper attention will now be focused on the necessary educational alternative offered by vocational training. I see in these resources an opportunity for diversity and choice—for many students, direct preparation for that which they want to do with their lives. The stigma previously associated with learning a trade or an industrial job has left the American scene. It is increasingly evident all men and women would benefit from knowing more basic skills to cope on a day-to-day basis. And, those who choose a trade as an electrician, carpenter, auto mechanic or any of the other skills possible from which to choose, are no longer relegated to economic disparity. In fact, there are many who predict that their's is a future of economic prosperity, self-satisfaction and, equally as important, the basic strength of the country.

I feel this measure warrants our immediate attention and I would urge my colleagues to cosponsor this resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 165

Whereas the objectives of the Vocational Industrial Clubs of America are to develop leadership abilities, to foster a deep respect for the dignity of work and to help students obtain a purposeful life; and

Whereas the Vocational Industrial Clubs of America help promote high standards in trade ethics, workmanship, scholarship, and safety, and aid in developing the ability of students to plan together and to organize projects through the use of the democratic processes; and

Whereas the Vocational Industrial Clubs of America create among students, faculty members, patrons of the school, and persons in industry, a sincere interest in, and an esteem for, vocational industrial and educational pursuits: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 10–16, 1974, be designated as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 316 AND S. 2465

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing of S. 2465 the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing of S. 316, the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2008

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may be added as a cosponsor of S. 2008, a bill to strengthen the State workers' compensation programs, introduced by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2068

At the request of Mr. JAVITS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2068, the National Tay-Sachs Disease Screening and Counseling Act.

S. 2147

At the request of Mr. DOMENICI, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2147, relating to the procurement and use by the Federal Government of products manufactured from recycled materials, particularly paper.

S. 2308

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2308, to amend the Social Security Act to provide for judicial review by providers and others of actions undertaken pursuant to titles XVIII and XIX of such act, and for other purposes.

S. 2389

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2389, to authorize certain revenues from leases on the Outer Continental Shelf to be made available to coastal and other States.

S. 2513

At the request of Mr. RIBICOFF, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2528

At the request of Mr. MONDALE, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

SENATE JOINT RESOLUTION 163

At the request of Mr. HUMPHREY, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Joint Resolution 163, authorizing the President to proclaim the last full week in March of each year "National Agriculture Week."

SENATE CONCURRENT RESOLUTION 54—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE SENATE FROM THURSDAY, OCTOBER 18, 1973, TO TUESDAY, OCTOBER 23, 1973

(Considered and agreed to.)

Mr. ROBERT C. BYRD (for Mr. MANSFIELD) submitted the following concurrent resolution:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, October 23, 1973.

(The discussion of this concurrent resolution when it was submitted and agreed to appears earlier in the RECORD.)

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 38, relative to Select Committee on Small Business.

EMERGENCY TELEPHONE ASSISTANCE ACT—AMENDMENTS

AMENDMENT NO. 632

(Ordered to be printed, and referred to the Committee on Commerce.)

AMENDMENT TO EMERGENCY TELEPHONE ASSISTANCE ACT

Mr. HUMPHREY. Mr. President, I am submitting an amendment today to S. 1403, the Emergency Telephone Assistance Act, a bill which I introduced on March 28, 1973. This legislation would assist States and local governments in financing the costs incidental to establishing emergency telephone service as part of a single, nationwide emergency telephone number—"911."

This amendment I am offering today results from suggestions that I have received from many sources including extensive discussion with communication experts from the General Accounting Office. I wish to thank all of those involved for their very constructive contribution.

In essence, this amendment will assure that the Federal assistance being provided is used solely for the purpose of establishing the basic system needed for the "911" telephone number. There had been some fear that as originally worded, communities would be entitled to purchase sophisticated supplemental components to the basic system that would greately increase the funds required under this proposal.

I believe that this is the kind of simple, practical proposal that could prevent some of our citizens from becoming victims of crime. It deserves the attention of the Senate Committee on Commerce.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi for a term of 4 years, vice Jack T. Stuart, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, October 23, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

CANCELLATION OF HEARINGS BEFORE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), this is to advise the Senate that the hearings scheduled before the Subcommittee on Indian Affairs on October 17 have been canceled until further notice.

At that time the subcommitee proposed to consider the following measures:

S. 1411 and S. 1412—Sisseton-Wahpeton land transfer.

S. 1222—Paiute-Shoshone land transfer.

S. 481—Rocky Boy's mineral interest.

S. 2105—Spokane land bill.

S. 1102—Keweenaw Bay Indian Community submarginal lands.

S. 1854—Cherokee Nation Land Compensation.

S. 1856—Choctaw, Chickasaw, and Cherokee Nation jurisdiction.

S. 283—Bridgeport Indian Colony lands.

S. 634—Kootenai land transfer.

ADDITIONAL STATEMENTS

PRIME MINISTER MEIR ADDRESSES ISRAEL

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues Prime Minister Golda Meir's address to the Israeli nation and press conference on October 13. I believe that this statement is the best public reference to date of how the Israelis view the latest outbreak of war.

Prime Minister Meir, in a response to a question on the scale of the casualties suffered, spoke not only of Israeli casualties, but Arab suffering as well. She said:

> I am not ashamed to stand before you, a Prime Minister that, if you wish, is emotional—if you wish, sentimental. With all my heart, for the sake of the Egyptian people, I wish that Sadat would become emotional and sentimental over one dead man. When that moment comes there is peace automatically. There will be more than one man. And it is a terrible price for nothing. Just to satisfy ambitions of leaders who have no hearts. And may I say one more thing. I spoke before about the aid of the Soviet Union to Syria, Egypt and Iraq. As bad and dangerous as it is for Israel, if I at least believed for one moment that this aid the Soviet Union is giving to the Arab countries is because of its love for the Arab people, I would say, its too bad, they don't like the Jews, but they like the Arabs. But that isn't true. It is for callous interests of the Soviet Union. Therefore, thousands upon thousands of Egyptians and Syrians can be killed and numbers of Israelis can be killed and they don't care. That is the most terrible aspect of the entire situation.

Mr. President, I ask unanimous consent that the address and text of the press conference be printed in the Record.

There being no objection, they were ordered to be printed in the Record, as follows:

Text of Prime Minister Golda Meir's Address to the Nation and Press Conference, October 13, 1973

Citizens of Israel: When I spoke to you a few days ago I said that our situation was far better than it had been on the day I had to inform the nation that we had once again been attacked by our neighbors.

I am sorry to say that I cannot inform the people today that the war is over and that victory is ours.

Now as then, I have no doubt that victory shall be ours, even though the war is not yet over, even though our sons and daughters, soldiers and officers, both on the northern and southern fronts are still fighting, are fighting with devotion, courage, ability, with a spirit words cannot describe. I am also happy to be able to say that the people in the rear are not falling behind our sons in the front lines. This nation's spirit is strong and ready to volunteer for any task to a far greater extent than anyone could have foreseen. We are a small people surrounded by hostile neighbors. In this war not only the armies of Egypt and Syria are fighting us, they are supported in various ways, with tanks and airplanes, by countries farther off, like Iraq and Algeria. Jordan too, has joined in with a tank force; other Arab countries are also providing support. Above all, there has been massive aid support by the Soviet Union to Syria and to Egypt by means of airlift.

The facts: We are advancing. Our road is not easy and clear. Our forces were obliged to wage a battle this morning against a tank division that arrived from Iraq. We destroyed the great majority of their tanks and our forces are pushing forward.

These are the facts. I can say our situation is better. There is no doubt in our hearts that we shall be the victors at the end of the War.

Not we started this war—but since we have been attacked, we shall fight until victory. Let us hope not too much time passes before the war ends in Israel's victory.

PRIME MINISTER'S PRESS CONFERENCE, OCTOBER 13, 1973

Israel has again been attacked by its neighbors, and Arab countries far away, including help from Iraq, Algeria, Tunis, and others. Above all, one of the two great powers not only provided Syria, Egypt and Iraq with all war material they could possibly integrate into their armies, but for over six years, they have been training officers and men, teaching them the theory of war, and of attack. The U.S.S.R. did not come to Egypt and Syria to teach them to prepare against attack. They knew very well Israel was not going to attack Egypt or Syria or anyone. Their thoughts, efforts, and billions of dollars worth of tanks, planes, guns, ammunition and teaching were for one purpose only: to prepare for a massive attack on Israel.

We did everything possible during six years to try to convince our neighbors that bloodshed has never solved any problem between neighbors. Another war only means more dead, bloodshed, destruction, and no solution. And after all is over, there is still only one way—to negotiate. Decide there is a sincere will to live in peace, then sit down and negotiate an honorable peace. As in previous wars, this war was forced upon us. We are a very small people. There is no comparison between numbers in our army and the numbers in any of the countries fighting us, certainly no comparison with the massive armies of men of all those that joined in this war against us. We do not have the wealth of ammunition they have. But two things we have that give us an advantage over our neighbors: Hatred for war and death. That we have. Maybe it's essential that the Heads of States in the neighboring countries begin to feel that. When Sadat said war must go on, and that he is prepared to sacrifice a million men, one shudders not only at the thought of a million men giving their lives, but that the Head of a people can make this statement. We don't want dead on our side, we have no joy in causing the death of others. But this people, small, surrounded by enemies, has decided to live. This is not a people that can give in. This people does not fear tanks and it has no fear of reality. We know that giving up means death, destruction of our sovereignty and physical destruction of our entire people. Against that, we will fight with everything we have within us.

We are confident despite difficulties. We are in a different position today than we were last Saturday or last Sunday. We have known bitter hours. But just as we go to our people and tell them that, so they believe us that there isn't a sign of doubt in our hearts that as bitter as this war is, the end again will be the same as that of other wars. We will win because we must live. Our neighbors are fighting not for their lives, nor for their sovereignty. They are fighting to destroy us. We will not be destroyed. Therefore, the spirit of our men on the front, the spirit of our people in every home, is a spirit of a people that hates war but knows that to live it must win the war that has been forced upon it.

QUESTIONS BY NEWSMEN AND ANSWERS BY THE PRIME MINISTER

Q. Does Israel intend to take Damascus, and if so, how long to occupy it?

A. You don't expect me to bring you the operative plan of what we are going to take, when, how long we stay and what will happen. I cannot do that.

Q. Would Israel agree to a cease-fire on the basis of lines that existed on the 5th of October?

A. There is no sense in speculating on what Israel will agree to or not as long as our neighbors—to this moment to the best of my knowledge, not our neighbor to the South nor our neighbor to the north has indicated any desire whatsoever to stop fighting. When we come to a proposition of a cease-fire we will consider it very, very seriously and decide, because our desire is, under possible conditions to stop the war as quickly as possible.

Q. Is it possible the super-powers are getting more involved in this war?

A. I know of one super-power that has sent in the last two days over 120 planes, carrying ammunition and I suppose rockets and I don't know what else to Syria, Iraq and to Egypt. That is rather some kind of an involvement I would say, but I don't know what else they want to do.

Q. Do you consider the fact that King Hussein is sending troops to defend Damascus as an act of war on his part?

A. Well, I don't think that King Hussein's troops have reached Damascus. They are quite a long distance away, but the fact that King Hussein has seen fit, after what happened in 1967, again to send in tanks and to have his army as he himself, or his government said today, on the Syrian front, I can only say I am sorry, because my predecessor, on the 5th of June 1967, sent a message to King Hussein through General Bull telling him that if he stays out nothing will happen to him. He did not stay out, and I am sure that the King must have the memory, rather a very unpleasant memory of what happened due to the fact that he came in. I am sorry that he has done that. But if any tank stands in our way, we cannot ask for identification whose tank it is. Any tank in our way will be hit.

Q. Have you asked for any material aid from the U.S., and can you reveal what kind?

A. If you people read the statement of Dr. Kissinger yesterday in answer to a question of this kind, he said that there is an ongoing relationship between the U.S. and Israel as far as military material is concerned. So it's ongoing.

Q. Has the possibility been considered or been brought up or renewing the government of national unity in the near future?

A. I have not heard about this, and I do not know why a government should have to be changed in war time.

Q. In view of the events of last week do you consider the 1967 cease-fire lines as a viable frontier and a safe boundary for Israel?

A. The 1967 cease-fire lines are certainly the best lines that we could have. Every line can be attacked, naturally. But can you imagine what would have happened to us had we moved back to the June 4, 1967 lines, had this attack on us took place, not when we are on the Canal but on those lines? Maybe—I hope at any rate—that people throughout the world that did not exactly go along with us when we said we will not go back to the pre-67 borders, that we must have borders that are safer, more defensible—I hope that they will now realize it is not that we wanted more sand in the Sinai desert, or more land anywhere else, but that we wanted borders that will prevent war. And even if these borders did not prevent war, how much more terrible it would have been for Israel had we consented, at the advice of some of our best friends, to go back where we came from.

Q. Do you regret not having launched a pre-emptive strike?

A. Yes and No. Yes, because had we done that, no doubt that position would have been much better and I can say frankly that probably quite a few lives would have been saved. No, because at least we don't have that argument with the world. It is a sad comment, but the truth. We took that decision with our eyes open. And we hoped to the last minute that maybe, despite what happened to us in 1967 when we tried to get people to prevent that war—we thought maybe this time it would succeed. So it isn't by chance we took this decision. We knew what we were doing. We knew even that we would have to pay for it. But I do not regret, despite all this, that we took that decision.

Q. You said that your forces had been through very bitter hours since Saturday or Sunday. Could you outline a bit more specifically exactly what the military situation is on the two fronts and what progress your forces have made during the weekend.

A. On the Syrian border, the Golan Heights is back, every inch of it, in our hands. The people of the various settlements are back in their settlements. Our forces are across the border and on the road that leads to Damascus. That is quite a change, to be on the Golan Heights or to be on the other side of the border. Of course, there is a battle going on all the time in the north. In the south, there is fighting now, and there probably will be for a few days to come. I wouldn't like to say anything more about the southern front.

Q. Can you tell us more about the implications of Hussein's decision to send his troops into Syria. the implications on your present eastern frontier; the bridges across the Jordan, are they open now? We were told early in the week there wasn't a full mobilization of Jordan coming into the war. Today anybody listening to the radio knows that more troops were mobilized. Was it for this contingency today?

A. We would have been more foolish than we are, if a neighbor so close geographically to us sends part of his troops, even if not too many, to aid a country fighting us, that we shouldn't take into account a possibility that if he does something more from across the borders we should be prepared to meet him. As far as the bridges are concerned, if King Hussein hasn't closed them yet, they are closed today because on the Sabbath they are always closed. On Yom Kippur too.

Q. Your reaction to the British decision to cut off arms to fighting nations?

A. I must say people, decent people, and decent governments, when they come to a point where, if you say it blunty "A plaque on both your houses" or when you say it more gently, "We are neutral", that is, the one that attacks and the victim of the attack are exactly in the same position. Somehow, maybe I am not sensitive enough to the feeling of justice and equality, when a government like Great Britain adopts a position of this kind—in addition to being bad for us, it is painful to think that a government can do something of that kind.

Q. Would you say that to them?

A. Maybe I will meet them someday and then I will say it to them.

Q. There is a considerable ghetto of Jews in Syria. What is your knowledge of the situation concerning these Jews, and your intentions?

A. There is no doubt that the Jews in the ghetto in Syria are treated in the most terrible, miserable way. And we certainly will see to it, try at any rate, that when the war is over and whether there is a cease-fire agreement or some other kind of agreement, we will ask these Jews be taken out the same way as we will ask for an exchange of prisoners. *These Jews are prisoners that didn't even fight in the war and we will do everything in our power to see that these Jews are brought out from Syria.*

Q. I know Israel's enemies have been counting on the assumption that supplies are going to run out and that Israel cannot fight a long war. I also know that Israel's friends abroad are concerned about the possibility that supplies may not be sufficient. Could you explain whether these problems are real or imagined.

A. If our neighbors dealt with realities, instead of dreams, maybe there would be peace a long time ago. Israel does not face the danger of lack of supplies. Israel is going to fight this war to the very end as long as our neighbors insist upon it. We can take everything necessary to fight this war until the war is ended with the victory of Israel. There are difficulties, difficulties in supplies, in many other things, but our people can take it. They have been tried before, they are wonderful today more than they ever were before, and we can take all the difficulties and all the hardships. If our neighbors built on that then they have lost the war before they start it.

Q. Assuming a favorable outcome, is there any way you can see now to convert this fighting into the negotiated settlement or any political settlement of the dispute that eluded you in 1967?

A. I am sorry we cannot come out every day or every week with something new. That we have to repeat the same formula which I suppose sounds monotonous to many of you. Yet this is the truth. We didn't ask for the war of 1967. It was forced upon us and we won it. No sooner was the war over than the Israeli government asked the heads of Arab States: Now, let's sit down, as equals, and negotiate a peace treaty. And the answer came back from Khartoum: No recognition, no negotiations, no peace. For six years, like parrots we have been repeating the same thing. We want to live in peace, in cooperation and in friendship. Therefore we say let's sit down, as equals, let's negotiate without any pre-conditions. We have ideas of what the borders should be, you have ideas of what the borders should be. We don't ask you to accept our ideas before we sit down to negotiate, and you can't ask us to accept your ideas before we sit down to negotiate. Now let's sit down and talk. You know what the answer was for 6 years: No negotiations, go back to the 67 borders and then maybe we will negotiate. No real cooperation and recognition of Israel, which means practically, go back to the 67 borders then or any other borders. That, of course, we couldn't agree to. We have nothing new after this war is over. If we sit down and negotiate we can sign a treaty which will open a new era for the entire area but that depends upon them.

Q. The fact that you have been waiting for the Arab troops to attack, was that a political decision? If so, is that not in contradiction to what the Israel government earlier said that not one soldier's life would be offered for a political decision? And thirdly, will this political decision have any impact or implications on the situation internally in Israel?

A. It was a political decision, I don't think it has any relevance to what you say is the Israel government's policy not to sacrifice lives for political decisions. During a war, several times a day various political decisions have to be taken. In a war, to my great sorrow, people lose lives. Sometimes you take one decision, and you think maybe you can save lives in that way, and it turns out the other way. So there is no guarantee for political decisions to save lives. No, I don't see any implications whatsoever.

Q. Is the immigration of Soviet Jews continuing?

A. Do you mind if I don't answer that?

Q. What do you think of the project of the French mediation?

A. That is because France is very neutral, I suppose. France has even overstepped the claim for neutrality. I want to make myself clear. Mediation that we are prepared to accept and will be ready to accept at any time is either by an individual or a government that decides its aid should be limited to one thing and one thing only, which is a very important step, and that is to help the parties get together. Therefore, it is not arbitration, and no mediator who thinks he knows better than the parties what is good for them. Therefore, when this was attempted in the past, it failed. If it will be attempted in the future, it will fail. It is these two peoples whose sons met in battle over and over and over again, the governments of these two peoples must meet at the negotiating table and not have somebody from faraway whose life and independence and sovereignty are not at stake—it is these peoples in this area that have everything to win and everything to lose. Therefore it is these peoples that must do it. Nothing can save the leaders of the Arab countries from taking this responsibility for the fate of their people in their own hands and not to build ideas and castles in the air—someday Brezhnev can save them, the next day President Nixon before elections or after elections, before the summit meeting, after the summit meeting—all these are gimmicks that did not work in the past, will not work in the future. President Sadat, President Assad, King Hussein and all the others who have so much courage, why do they not have the courage to meet us at the negotiating table? If they are not satisfied thay can always get up from the table and leave, but not even to try to sit down with us, in order to come to a peace treaty which will end all wars—that courage they are lacking, that somebody must do for them. Therefore, not France nor any other country can do that for them, and should not take it upon themselves to do it for them. Every country, every government that encourages them not to meet us at the negotiating table, everyone that encourages them in their intransigence and in their hope that somebody, somehow will solve their problems for them, is I think doing a disservice not only to Israel but to the Arabs and to peace.

Q. Do I detect a slightly different tone in your remarks about the events on the southern front? Does Israel categorically rule out a cease-fire which includes Egyptian troops on this side of the Canal?

A. I don't know what tone you have heard before. But what I said is when we hear a suggestion for a cease-fire, the government of Israel, believe me, very seriously and with great responsibility for everything that is concerned, will sit down and deal with it. So far, I don't hear anything about our neighbors being prepared for a cease-fire. We have so many problems on our hands that we don't want to think up problems. When a suggestion for a cease-fire will be a reality believe me the government of Israel will not lose many minutes before it will be in session and deal with this problem.

Q. Would you be prepared that the Israel government agrees to return territories seized in 1967 for the price of stopping the bloodshed and for peace?

A. Somebody coming into this room from another planet would think that in 1967 Israel forced a war upon its neighbors in order to take the Sinai Desert, the Western Bank and the Golan Heights. But since we are all from the same planet and you not only write newspapers, you also read newspapers, this wasn't exactly the description of what happened in 1967. Israel refused to go back to the borders of 1967 because these borders were washed away in blood exactly as the 1947 borders were washed away in blood by attack by our neighbors. Exactly as now, in 1967 they washed away the lines in Syria and Jordan and the others and now they have washed away borders. I don't think that will happen after this. Our neighbors cannot take a walk of this kind, with tens of thousands of men, with thousands of tanks, with bombers, kill, destroy, and then say: Well, all right, we didn't do it this time, we will try it again next time, but please give us borders that will be easier for us to cross; so good, we are not.

Q. Do you think the United States can do anything affirmative to hasten the end of this crisis?

A. I believe the United States and the policy it has adopted, for the last two or three years, saying that the U.S. is prepared to give its services to help the parties get together and find a solution for the problem . . . the U.S. was prepared to aid the parties get together on the Suez arrangement. I think the U.S. has done, probably is doing also this moment, everything possible, and God Bless the U.S. for what it does not do and that is to try and force a solution upon any one of the parties. Therefore, I think the U.S. has certainly done everything for peace.

There has been much speculation in the country about the scale of the casualties. Could you comment on them at all?

A. No, I don't wish to comment on it, but I am sure it won't take long and the figures will be known. I want to tell you one thing. The other day on T.V. I was asked "what is the price for the victory that you are talking about?" I said, "I don't know". To me one man dead is a terrible price. This man has a mother, a father, a wife, sisters, brothers, maybe children. I am not ashamed to stand before you, a Prime Minister that, if you wish, is emotional—if you wish, sentimental. With all my heart, for the sake of the Egyptian people, I wish that Sadat would become emotional and sentimental over one dead man. When that moment comes there is peace automatically. There will be more than one man. And it is a terrible price for nothing. Just to satisfy ambitions of leaders who have no hearts. And may I say one more thing. I spoke before about the aid of the Soviet Union to Syria, Egypt and Iraq. As bad and dangerous as it is for Israel, if I at least believed for one moment that this aid the Soviet Union is giving to the Arab countries is because of its love for the Arab people, I would say, its too bad, they don't like the Jews, but they like the Arabs. But that isn't true. It is for callous interests of the Soviet Union. Therefore, thousands upon thousands of Egyptians and Syrians can be killed and numbers of Israelis can be killed and they don't care. That is the most terrible aspect of the entire situation.

Q. It has been said that the Syrians and the Egyptians are fighting this time with a higher morale and better, among other reasons because they are fighting to get back territories which were theirs before 1967. Do you think this is correct?

A. In the first place, one has to prove that their morale is higher. Maybe it is. In the second place, whether it is for this or for other reasons one guess is as good as another. Again, you assume that these territories were taken away by a war.

In conclusion, whether they are justified, whether they are good fighters or bad fighters, to have a war instead of negotiating. . . . Usually peace treaties after wars are concluded in the following way: A war is won, one side wins, the other loses. If the loser is also the attacker, then certainly the winner writes a paper of conditions and asks the other parties to sign on the dotted line. I would like to know if there is a case in history that can be quoted when there was a war, one side attacked, lost, and the other side said "Well. All right, come on, take everything. Nothing happened, only people are dead and there's destruction." I think one of the greatest things that happened after the Second World War is that Chancellor Willy Brandt told his people and then went to Poland and recognised the new border, because—he didn't fight, he was not a Nazi—he said, the German people twice have attacked. They must pay a price.

Q. A few days ago Mr. Yariv said it would not be a short war. You talked about Sinai and said it would last another few days. Is that different . . .

A. No, I didn't say another few days. With all that has happened to us, we are accustomed to short wars. Believe me, I wouldn't care a bit and neither would Yariv if we were proven wrong. If both say this will not be a short war as the others we have known—I'm not thinking of the War of Liberation . . . I did not say a couple of days, I don't know. We have been fighting for a week. How many more days I wouldn't dare prophesy.

Q. Would Israel accept a cease-fire while the Egyptians are on this side of the Canal?

A. I have already answered this question. I said when anyone proposes a cease-fire and any of our neighbors, preferably both, are prepared to enter into discussion of a cease-fire agreement, Israel will not lag behind. Within a few minutes we will be at the conference table and making our decision. There is no sense in speculating now, since we have no indication whatsoever that our neighbors are prepared for a ceasefire.

Q. You are obviously confident of victory. How confident? Are you disappointed that it has taken more than Six Days?

A. No, I am not disappointed. I am sorry, but I can't say I am disappointed. Israel has been involved in many wars. It never fought a war under similar conditions. When we have to fight on two fronts, when we have not taken the pre-emptive step, when we knew exactly what a wealth of armament the Arab armies had; from the very beginning, we didn't fool ourselves and we didn't see this as a short war. I am sorry. I wish we had been proven wrong, but this is it.

CENTENNIAL OF THE KANSAS STATE GRANGE

Mr. DOLE. Mr. President, next week marks the centennial celebration in Lawrence, Kans., of the Kansas State Grange. This organization is not just a farm organization—but a growing group of people interested in all aspects of rural America, not just agriculture.

Since the founding of the National Grange in 1867, the organization has devoted itself to helping rural residents help themselves. During my 8 years in the House of Representatives and the past 5 years in the Senate, I have worked closely with Grange representatives and appreciate their programs and policies. These policies have been practical and helpful in the determination of my responsibility to constituents on all matters of Government.

And I must say that the primary objective of the Grange is similar to mine—that Government programs should provide maximum freedom and equitable opportunities with a minimum of Federal controls.

With leaders like Jim Ingwerson and John Scott, along with others I have worked with over the years, I have come to respect their advice and judgment on agricultural matters.

In recent years we have worked closely in the drafting and refinement—and passage—of environmental improvement legislation, rural disaster relief legislation, farm legislation, and rural development legislation.

Of particular importance at the present time is consideration of export controls. I commend the Grange on its policies and recommendations. Agriculture and industry cannot be separated. The economic interests of the Nation cannot be fractionated or categorized. Improvements in balance of payments in recent years are definitely attributable to agricultural exports. However, the ability of importing nations to purchase these agricultural products might be related to past industrial exports or trade in other commodities.

False price adjustments or protective tariffs cannot provide equity to our producers nor to foreign producers. Improvement of trade relations throughout the world will improve rural America. Freedom of trade and freedom in pricing will prove the most efficient method to put the supplies where the demand is located—and the citizens of both rural and urban America will benefit in such a competitive situation.

I have been impressed with the Grange's overall attitude toward rural America. That attitude is important in the rural revitalization of the Nation. We have found that the metropolitan centers are not the answer for everyone—finally, we are trying to stop the flow from farm to urban centers. Utilization of the same time and energy—not to mention the costs—in improvement of rural areas will encourage rural residents to live in rural communities and halt the outmigration that has continued the past four decades.

In its 100-year history, the Grange has continued one particular approach which I single out today—and that is its recognition and acceptance of youth. The Grange has always attracted the youth through their inclusion in Grange activities. With the increased pace of life today, those of us concerned with the future of rural America know that the future lies in the hands of young Americans. Stability and improvement of rural America is certainly assured through the efforts of the Grange.

MANDATORY ALLOCATIONS: BEST HOPE FOR AVERTING HEATING OIL CRISIS

Mr. RIBICOFF. Mr. President, the mandatory allocation system, detailed October 12 by Governor Love, is our best hope for averting large scale shortages of heating oil in Connecticut this winter.

All of New England and the upper Midwest have more than hope, however, if the program had begun during the summer rather than 12 days into the home heating season. It remains to be seen whether the belated but inevitable decision has come in time to avert a winter without heat for millions of American homeowners.

The answer depends on two key factors:

First, can the major oil refiners supply the independent dealers fast enough to get the heating oil to retail and wholesale customers in time for the first cold weather? My own subcommittee survey of the east coast supply situation revealed that as of October 1, the major suppliers had filled their storage tanks to 82 percent of capacity—14 percent more than last year at this time—while the independents were only a quarter full, which is half as much as last year. And this, despite the fact that most homeowners along the east coast buy their heating oil from independents.

Second, can the major oil companies manage to import enough heating oil to meet increased demand in the fact of short domestic supply? This would be less of a problem today had the mandatory system been put into effect months ago. The majors would have needed to import more oil, earlier, to make up for the greater amounts which they would have allocated under a mandatory system to the independents. By waiting this long, the Nation is off to a late start in the race to accumulate enough heating oil to meet peak demands of a cold winter. Therefore, there is a heavy responsibility to make sure the mandatory program is efficiently managed by a full and highly competent staff.

The regulations establish a uniform federal system for allocating the available supply to insure independent dealers up to 100 percent of the amount they received last year. They also contain an emergency program for redirecting oil for priority needs in each State.

Hopefully, these regulations will assure a fair distribution of the available supply of heating oil to Connecticut and other States far from refining areas. I will continue to watch heating oil allocations closely to make sure the system is mandatory in deed as well as name.

In the meanwhile, it is essential that individual citizens conserve heating oil to the greatest extent possible. Only by pulling together can Americans pull through a heating oil crisis triggered by a long, cold winter.

JUDGE JOSEPH SUMMERS

Mr. MONDALE. Mr. President, recently Joseph Summers of St. Paul was named by Gov. Wendell Andersen to fill a municipal judgeship in St. Paul.

I was very pleased to note this appointment, since Joe Summers has had a most distinguished career in our State. He served under me when I was attorney general in Minnesota, and he has received widespread praise from national organizations for the valuable work which he has performed in improving legal assistance to the poor in our State.

Mr. President, I ask unanimous consent that a recent newspaper account from the St. Paul Dispatch regarding this appointment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOSEPH SUMMERS NAMED TO FILL MUNICIPAL JUDGESHIP

Joseph Summers, a St. Paul attorney and former city attorney, was appointed by the governor Friday to fill the Municipal Judgeship left vacant by the recent death of Judge Edward Delaney.

Summers, 34, is a partner in the firm of Rosen and Summers, with offices in the Osborn Building. He will assume the judgeship Oct. 25, or sooner, he said, as soon as business arrangements can be made with his partners.

Summers said there is little private involvement which he will have to give up because of the appointment. He said he will have to resign from the city Charter Commission and as treasurer of the 4th District DFL Finance Committee. But otherwise, he said, his involvements are such that they will not conflict.

Summers served as city attorney under DFL mayor Thomas Byrne. Before that he served as assistant state attorney general under Walter Mondale and as a special counsel to former Gov. Karl Rolvaag.

He is a member of the Ramsey County Bar Association executive council, and president of Legal Assistance of Minnesota, an organization providing legal services * * *.

Summers said he foresees no conflict in that position because most of the work of the organization has been to get Legal Assistance started outstate.

He was honored in 1972 by the National Legal Aid and Defender Association for his work with legal assistance for the poor.

Summers graduated from Notre Dame Law School in 1962 at the head of his class. He graduated magna cum laude from the College of St. Thomas in 1969. And he is a graduate of St. Thomas Military Academy and St. Mark's School in St. Paul.

Summers and his wife, Carol, have four children. The family lives at 565 S. Pascal St.

SENATOR THURMOND DELIVERS INSPIRATIONAL MESSAGE AT THE SENATE PRAYER BREAKFAST

Mr. HELMS. Mr. President, our distinguished colleague from South Carolina (Mr. THURMOND) was the speaker at the regular Wednesday morning Senate Prayer Breakfast last week. I wish all Senators could have been present to hear Senator THURMOND's inspirational message.

The title of his remarks on that occasion was, "The Good Life and the God Life." I watched the faces of my fellow Senators as Senator THURMOND spoke. His message had a very deep meaning for everyone present.

Mr. President, STROM THURMOND is one of America's most-admired men. He is a thoroughbred gentleman, and there is no pretense in this great American's faith.

By his example, countless numbers of his fellow Americans have been strengthened. He has meant so much to so many—and particularly has he meant a very great deal to me as my friend.

I ask unanimous consent that the text of Senator THURMOND's remarks be printed in the RECORD.

There being no objection, Senator THURMOND's message was ordered to be printed in the RECORD, as follows:

THE GOOD LIFE AND THE GOD LIFE

I always feel a special challenge when I am asked to speak before this distinguished gathering, because I am speaking to men who have made as many speeches and coined as many cliches as I.

This morning I ask you to join me in putting aside the multitude of current issues and vexations that trouble us. Because of our common belief in the eternal, I think we should be able to gather—isolated from the serious, but transient, dilemmas of the day, and participate in a spirit of receptive, open-minded fellowship.

I am going to attempt to paint one facet of the big picture as I see it. If it turns out to be blurred, with long, sweeping strokes and little detail, it will be because the artist is still learning. I invite each of you to add your own strokes and colors, in hopes that you will be able to improve on it.

I would like to begin by relating a story which has been handed down over the years. As stories with a moral go, I am sure that it has been altered along the way to suit a speaker's particular purpose.

There was once an antique dealer who possessed the finest collection of antiques to be found anywhere. The problem was that he had so much invested that these fine, beautiful pieces were housed in a run-down shack. He couldn't afford his overhead, so he neglected it.

As most salesmen do, this particular one used his imagination to concoct gimmicks to grab the customers' attention. So, he gathered his finest pieces in the dilapidated showroom and strategically placed signs around the room which read: "Look for it—something big is going to happen."

This did the trick. He had more customers than he knew what to do with. As he was showing a beautiful mahogany table to a prospective buyer, he happened to notice a film of white dust on it. He stared in disbelief as the little pyramid of dust began growing. He glanced upward and gave a loud cry of warning to his customers and hurried them out the door.

From the fissure which had formed on the ceiling, bits of plaster dropped; then larger segments as the whole ceiling sagged, then collapsed with a roar. Everything was buried with the exception of one sign which read: "Look for it—something big is going to happen."

American life today is one giant showroom. Our energies are so often geared toward acquiring that which will make us content. Materialism, in such cases, becomes the object of our affections. Some use every trick in the book to get more so they can show more. Too many transfix themselves to this end.

When material comforts become our goal, we are prone to neglect the spiritual side of life. Just like the antique dealer, many Americans today are finding their lives crumbling in the midst of plenty. The "something big" they have hoped and waited for often does not turn out to be what was expected.

On the surface, American life has far surpassed anything our founding fathers had in mind when they declared the inalienable right to pursue happiness.

Never has there been a time or society when so many individuals could own two or more cars; have two houses; take trips to almost any place on the globe; and send their children to the best schools money can buy. It is estimated that this year alone, Americans will spend about $115 billion for their inalienable right to pursue happiness.

While salaries and fringe benefits are going up, Americans are finding more time to indulge in their greatest fantasies. Automation has cut weekly work hours from 70 to 37 in the last century. It has been estimated that by the year 2000 work weeks will be down to twenty hours. In fact, several companies across the Nation have already cut back to four working days per week, creating a three-day weekend.

The upshot of all this is that we are witnessing an unremitting trend to allow Americans to enjoy themselves. Promises of fulfillment and contentment have become the wares of the free marketplace.

About 8 million Americans will be traveling overseas this year despite the devalued dollar. Sales of radios, televisions, records, and musical instruments went up almost 190 percent between 1960 and 1971. Camping vehicles, which cost up to $30,000, have risen in number from fewer than 1 million 8 years ago to more than 4 million today.

The Twentieth Century frenzy to find fulfillment and satisfaction in "things" is not new. The big difference between now and earlier times is that we possess the ability to build and produce on a massive scale. In 1800, the businessman's thirst for the so-called "good life" was tempered by the fact that he relied upon his own strengths to succeed. His hands were to him what the computer is to us. Where it took a cabinet maker a week or longer to build a table, it takes industry just a fraction of the time.

I do not want to give you the wrong impression. I am proud of the fact that we have harnessed the human and mechanical ability to become the world's industrialized giant. The problems come when attainment of "the so called good life" becomes an obsession to the point where God becomes secondary.

At its annual convention, the American Medical Association was told more than 10 million people in this country are in dire need of treatment for acute depression.

Between 1965 and 1971, the number of young people 18 years of age and younger undergoing psychiatric treatment rose by almost two-thirds.

Suicide rates are rising and the increase is attributed in large measure to young people who cannot cope with life.

One of the most popular broadway plays to come along in quite a while is entitled "Lemmings." It is a spoof on the last decade and grotesquely depicts the sixties as a time of mass suicide. The denouncement comes with a symbolic plunge of humanity over a cliff.

Still another example of the so-called "good life" was examined in U.S. News and World Report. The town of Roseto, Pennsylvania, population 1,600, was once known as the "miracle town" in the early sixties. It had this distinction because no one under 50 had suffered a fatal heart attack in records dating back to the mid-fifties. Even the older citizens averaged far fewer fatal heart attacks than the national average.

When researchers went back to this tiny town two years ago, things had changed. Two men in their early 40s had died of heart attacks that year. Moreover, the rate of fatal heart attacks had been steadily increasing over the past several years.

One of the researchers was quoted in explaining this turn for the worse. "Too much has happened in 10 years," he said. "People who had been living pretty much as they had for decades . . . suddenly began changing." He said the men began commuting to better paying jobs 20 or 30 miles away. They spent money on luxuries and sent their children away to college. He said, "The pace of living stepped up, and they had no time left to talk over their worries and satisfactions with each other."

The minister in the town pretty much summed it up when he said, "We have joined the rat race."

I am afraid that too many have joined the rat race. I sense a cold and unfeeling barrenness creeping into the American soul. I sense—to use Robinson Jeffers' words—"A gathering in the air that hates humanity."

In his quest for the so-called "good life," man often places his inherent need for God in suspended animation. When this occurs, we should expect the good life to turn sour.

One outgrowth of rampant secularism was embodied in a recently written document called "The Humanist Manifesto II." Dubbed a major social document by its subscribers, it calls for new directions of mankind, stressing a belief in mankind and his so-called "rational powers," and criticizes theistic religion as an impediment to human development.

Permit me to read to you a portion of this astounding document, which, by the way, was signed by 120 philosophers, scientists, writers, religious leaders and others:

". . . Traditional dogmatic or authoritarian religions that place revelation, God, ritual, or creed above human needs and experience do a disservice to the human species. Any account of nature should pass the test of scientific evidence; in our judgment, the dogmas and myths of traditional religions do not do so."

It goes on to say that "Promises of immortal salvation or fear of eternal damnation are both illusory and harmful. They distract humans from present concerns, from self-actualization and from rectifying social injustices."

For many, unfortunately, this is the doctrine of the Twentieth Century. I would guess most pepole would denounce this work as hedonistic and heretical. We have not yet reached the point where a majority would put their names to such dogma.

But I wonder how many live as if religion is a myth. I wonder how many put their experiences to the scientific test; that is, if they cannot see it in black and white, they ignore it. I wonder how many live their lives with unwavering faith in God.

I recall a graphics contest conducted a few years ago by The Wall Street Journal. The theme of the competition was "Words We Live With." The winning poster presented three words, "In ——— We Trust." There was a blank space between the "In" and the "We."

Later, the Journal editorialized on this prize poster and lamented that "The prize poster painfully clarifies the difficulty of pinpointing something in which man does indeed trust. While many people have managed to maintain their various faiths, there is a widespread questioning of values both spiritual and secular."

While going through my files in preparation for this talk, I came across a letter from someone discussing a sermon he had heard recently. It seems the minister mentioned the fact that man cannot penetrate the depths of our oceans without special diving gear to protect him from the pressures which would ordinarily cause immediate death. Down in the murky depths, however, are species of fish which would die if they swam to shallow water.

Since hearing this sermon, the writer thought a great deal about the pressures to which we are all subject. "Only as we put on the whole armor of Christ," he said, "can we possibly survive for any length of time in our pressurized environment."

I agree. Man is a synthesis of the temporal and eternal, of the infinite and finite, of freedom and restraint. God has also given man the right to choose the freedom to accomplish; and the opportunity to pursue happiness. With this, however, he has written a platform for every man to follow—the 10 Commandments.

William Jennings Bryan wrote, "The platform given to the world by the Prince of Peace is more far-reaching and more comprehensive than any platform ever written by the convention of any party in any country. When He condensed into one commandment those of the ten which relate to man's duty toward his fellows and enjoined upon us the rule, 'Thou shalt love thy neighbor as thyself,' He presented a plan for the solution of all the problems that now vex society or may hereafter arise. Other remedies may palliate or postpone the day of settlement, but this commandment is all sufficient, and the reconciliation which it effects is a permanent one."

Faith in God, faith in divine inheritance, are the keystones to a good and productive life. God has given us the tools with which to pursue the good life. At the same time, however, He expects us to temper our materialistic yearnings with the knowledge that, in the end, we will be responsible to Him. It was said best in Matthew 18, verse 26, "For what is a man profited if he shall gain the whole world and lose his own soul."

Satisfaction and fulfillment cannot be acquired solely by money. When worldly possessions become the only ambition of man, he will fail. God expects us to have a higher purpose.

We are not here because of our desire for creature comforts. We are in the United States Senate because we have found inner satisfaction in serving our country and our God.

The same can be said for millions of Americans throughout this great land. They look beyond the temporal, selfish desires, and look to the larger picture. When viewed in this manner, no problem is beyond solution.

SOUTHERN GOVERNORS RESOLUTIONS ON ENERGY, GROWTH AND DEVELOPMENT AND IMPROVEMENT

Mr. HUMPHREY. Mr. President, the Southern Governors' Conference recently adopted at its annual meeting at Point Clear, Ala., a series of resolutions of some of the most important issues facing our Nation. Three of the most important areas, and three that I believe we all should be aware of the Southern Governors' positions on, are energy, growth and development planning, and Presidential impoundment of funds appropriated by Congress.

Because of the importance of these issues, and of the views of the Southern Governors' Conference on them, I ask unanimous consent that their statements and resolutions on these important questions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' CONFERENCE 39TH ANNUAL MEETING

ENERGY POLICY

The Southern Governors hereby submit this statement as an expression of their unified concern over this Nation's energy problem. The Governors urge that it be considered by all decision-makers in the South in determinations affecting that region's energy posture and by others where applicable. The key position held by the Southern States is evident—they provide 80 percent of the Nation's energy supplies, while consuming only 33 percent.

We affirm that energy is a necessary component of social and economic activities within our states and its limited availability adversely impacts upon every segment of society. If energy resources are not available when and where needed, the health and welfare of our states' citizens will be adversely affected. We further assert that it is the proper role of the state to participate in the development and implementation of a national program to minimize losses resulting from any energy shortage by proper planning, including the establishment of priorities of use. Channels of action should be open to the states to institute conservation measures and other wise uses of energy resources.

Solutions to the energy problem can be resolved only by joint federal-state action. There is continuous need for federal participation in the development of a coherent national policy. The federal role further extends to research and development in the quest for new sources of energy. The Southern States, their municipalities and citizens, stand ready to work with the Federal government in the formulation and development of a comprehensive national energy policy.

Data indicate that the discrepancy between supply and demand will increase for the next several years. The energy shortage will not be met until substantial new coal mining and conversion equipment, as well as petroleum refining facilities and additional nuclear power plants, are in operation.

The worsening energy shortage could have a serious effect on employment, state revenues, and other aspects of the economy, increasing the critical problems of our already burdened social system. Under current and proposed fuel allocation programs, the South would appear to bear a disproportionate share of the burden resulting from the energy gap.

Allocation schemes are inherently unworkable except as emergency and short term measures. They neither increase supply nor reduce demand. Allocation based on historical consumption penalizes those states with high growth rates. This is particularly distressing for those states which have relied heavily on natural gas for industrial fuel and which now must convert to fuels not heretofore used. Forceful steps must be taken to bring supply and demand into balance at the earliest possible date so that allocation will be unnecessary except by the free market process.

During the next five years, energy growth in the United States will have to come from imported oil and the more effective utilization of coal and nuclear fuel. The strategic posture of the United States in international affairs will be adversely affected as will our balance of payments. We may be able to avoid excessive reliance on imported energy sources if reasonable efforts are made to increase domestic supply and reduce demand.

It is imperative that procedures be developed whereby state governments may have an opportunity to participate in the early stages of evolution of federal legislative, administrative, and policy programs. State views are solicited only after legislation is introduced or administrative policy is announced, at which point the state merely becomes an adversary expressing a different point of view.

Statement of Policy

We believe that following the seven point policy outlined in this document will aid in the approach to energy strategems to meet our regional and national goals. These seven points are as follows:

1. The Southern Governors call on the President and Congress of the United States to cooperate with the Governors in the immediate development of a national energy policy, which would not only require all federal agencies to abide by that policy but would delegate authority for policy compliance to a single executive office. The Southern Governors submit that regardless of the problems surrounding identification of the facts concerning the energy crisis, the people of this nation and their leadership must agree on the nature and severity of that crisis. We reaffirm faith in our nation's willingness to work together through any necessary sacrifice to meet common threats to our welfare and security.

2. The Southern Governors state that all costs as well as benefits of government programs which impact on energy resources and their use be fully considered so that costs to society can be minimized in the near as well as the long term.

3. We support, as part of a national energy policy, a provision which would encourage the most efficient use of our energy resources in all possible circumstances. This may include the providing of incentives where applicable.

4. The Southern Governors declare that the allocation of energy resources based upon historical patterns of use must consider the effects of federal rules or standards which affect those patterns of use. It is unfair, for example, to force conversion from one source of energy to another within a state and then prevent its obtaining that second fuel because of no history of use. Further, the states should develop priorities of use within their jurisdictions and those should be used as the basis for allocation programs, either of a voluntary or mandatory nature.

5. The Southern Governors recognize that research and development in energy resources is beyond the resources of many states. Better technology appears to offer our only hope for meeting the long term energy crisis, mitigating environmental effects, and maintaining our strategic international posture. We support the President's initial commitment of $10 billion for energy research over the next five years and urge that sufficient funds be made available on a continuing basis until the major near and long term energy problems are solved. We strongly believe, however, that the states must have a voice in determining priorities for federally funded research and development in energy and that the mechanism for that purpose be formally established in the review process. During that process, the states can make known their concern over development of all energy sources, the evolvement of processes for better utilization of fossil fuels, including coal and oil shale, and the establishment of facilities such as superports for prompt distribution of these products.

Specific items needing attention include, but are by no means limited to, the following:

Near Term:

1. Exploration techniques.
2. Reserve recovery techniques.
3. Energy transmission techniques.
4. Oil shale conversion technology.
5. In place coal gasification.
6. Drilling technology.
7. Use of low grade waste heat.
8. Energy conservation techniques.
9. Building design and residential environmental controls.
10. Coal cleaning.
11. Streamlining of licensing for nuclear power plants.

Long Term:

1. Coal gasification and liquefaction.
2. Breeder technology.
3. Solar energy use.
4. Geothermal energy.
5. Controlled thermonuclear fusion.
6. Fuel cell technology.
7. Magneto-hydrodynamics.

6. It is the policy of the Southern Governors to set examples within state government in the wise use of energy resources which will, hopefully, be emulated by all citizens.

7. The Southern Governors finally affirm that it is their policy to disseminate credible and factual information on energy related matters through the focus of their high elective office to all citizens of their respective states.

Specific Action Goals

Together with the above policy, we offer the following specific recommendations to be carried out by state or federal agencies which can affect either the supply of or demand for energy. They represent elements of a comprehensive national program of partnership by the state and federal governments toward the achievement of compatible state, regional and national goals.

SUPPLY

1. The states agree on the need for immediate encouragement of exploration and production for oil and natural gas. Such encouragement should include associated research and development, including techniques for the in-place gasification of coal and methods for increasing the recovery rates of oil and natural gas.

2. We encourage the fostering of a better economic climate for investment aimed at increasing the supply of domestically produced fuels.

3. The Cost of Living Council and the Federal Power Commission should institute the phased deregulation of oil and natural gas prices, thereby encouraging efficiency of use and penalizing waste. We submit that the existing system is grossly inefficient and that deregulation would stimulate supply and bring demand closer into bounds.

4. We recommend that the President's Energy Policy Office evaluate the effect of economic incentives on increasing the exploration and production of oil and gas. For example, a cost-benefit analysis should be made on the effects of raising the oil depletion allowance and such should be examined in light of its impact on exploration and production.

5. We recommend the early construction of the Alaskan pipeline with private capital.

6. We concur in the President's decision to speed leasing on the Gulf Outer Continental Shelf and urge that the Department of Interior advance its schedule for leasing on the Atlantic Outer Continental Shelf, under appropriate environmental safeguards, after consultation with the affected states.

7. All regulations which constrain the extraction, development, transmission, and use of any fuel should be reexamined to determine whether or not they are reasonable and appropriate in light of their effect during a period of fuel shortage.

8. The states should meet all primary air quality standards as quickly as possible. In line with the President's recommendations, state implementation plans should be modified if necessary to delay meeting secondary sulphur standards and nitrous oxide emission standards should be derived at the federal level from new data. For example, with respect to the automobile, new EPA data indicate that a 90 percent reduction in NO_x emissions may not be necessary. The Southern States are anxious to meet all secondary standards, not just selected ones, but recognize that this cannot be achieved until we are provided with new fuels or a new technology for extraction and use of existing fuel reserves.

9. Wherever economically and environmentally feasible, the more plentiful fuels such as coal and residual oils should be used by major industry, including electric power generation. For accomplishment thereof, we advocate the investigation and evaluation of efficient bulk transmission facilities such as coal slurry pipelines and unit trains.

10. We recommend the study of alternative

ways of ensuring land availability for energy transmission systems within the states, including use of the power of eminent domain and advance reservation of rights of way.

11. We recommend and encourage timely development of necessary superport facilities. Congress should immediately act to ensure that all necessary steps for the accomplishment of this development are completed. We believe that any delay in these facilities is damaging to the nation's goals.

12. We recognize an immediate need for additional refining capacity, and submit that state policies should be established to encourage construction and expansion of refineries in those states where such policies would be internally consistent with other policies. We encourage as objectives of land use planning at the state level, the facilitating of power plant siting and refinery locations. We also encourage consistent and stable federal programs for solving the economic problems associated with investment in refineries.

13. We support steps at the state and federal level leading to the more expeditious siting and licensing of nuclear power plants.

14. Those fuels with a long history of wide use within a state for special purposes should not be subject to interruptable supplies or be discontinued until either a firm supply is assured from other sources or until alternative fuels as substitutes are available. We are referring to fuels such as kerosene which, although with a limited market, is a vital factor in the energy budget of states such as Virginia.

DEMAND

1. We would encourage the design of energy efficient state buildings and full consideration by state purchasing departments of energy efficient and cost effective purchases of equipment. Implicit in this recommendation is the urging of conservation measures upon all state agencies and their employees.

2. We recommend that states take the lead in encouraging voluntary programs for energy conservation encompassing industries, local governments, and all citizens of the state. Special mention should be given to the encouragement of better driving habits resulting in fuel economies as well as increased safety.

3. We recognize that it may be necessary to institute some mandatory programs which would result in a reduction of energy demand. We can suggest two programs which should be studied as possibly falling into this category. They are the development and implementation of energy conserving building codes and appliance labeling of a consistent nature providing the consumer with better information by which to choose his purchases.

4. We recommend greater development and wider use of public transportation systems, including mass transit as a means of conserving large quantities of fuel and of improving air quality.

5. Since energy shortages may give rise to energy emergencies affecting the health and welfare of a state's citizens and natural or man-made disasters may occur involving special energy needs, such potential energy emergencies should be considered by state emergency plans.

6. Since the problems of liquid petroleum gas are already causing special concern, it should be considered as a separate and distinct category in any allocation formula.

7. It is our belief that energy conservation is the most effective near term measure available to help relieve the present energy shortage.

EQUITABLE RELEASE OF IMPOUNDED FUNDS, INCLUDING HIGHWAY FUNDS

Whereas, the President of the United States has impounded monies appropriated by the Congress for many vital public programs; and

Whereas, several federal courts have held such purported impoundments unlawful and have issued mandatory injunctions ordering the release of various categories of impounded funds; and

Whereas, the Federal government has, in some instances, deliberately forgone its right to seek review of such federal court decisions, in order to limit the effect thereof to the particular parties, states, or areas involved, and to deny the benefit thereof to other similarly situated parties, states, or areas; and

Whereas, the Interstate Highway construction program is now nearing completion, but as the Federal Primary Highway System has not received sufficient emphasis and attention, in part because of the aforesaid practice of impoundments:

Now, therefore, be it resolved, that the Southern Governors' Conference strongly deplores the practice of denying full effect to final judgments of federal courts in impoundment cases; and

Be it further resolved, that the President of the United States, the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and other appropriate federal officers, are urged to abandon the aforesaid practice and, in each instance in which a final judgment of a court of competent jurisdiction has ordered the release of impounded funds, to give nationwide effect to such judgment, so that all parties, states, or areas will have the benefit of the law of the land as declared thereby; and

Be it further resolved, that the Federal Primary Highway System be given the same attention, emphasis, and commitment of resources as are now being given to the Interstate Highway Program; and

Be it further resolved, that copies of this resolution be furnished to the President of the United States, the other aforementioned federal officers, and each member of the Congress of the United States.

SOUTHERN GROWTH POLICIES BOARD

Whereas, the Southern Governors' Conference has long recognized the need for specialized regional planning, advisory and service organizations; and

Whereas, the Southern Governors' Conference has supported and sponsored the Southern Regional Education Board and the Southern Interstate Nuclear Board to meet certain needs; and

Whereas, the Southern Governors' Conference further recognizes the need for the development, conservation and utilization of human and natural resources in the South and a means of exploring cooperative social, cultural and economic planning and programming.

Now, therefore, be it resolved, that the Southern Governors' Conference endorses the need for and the purposes of the Southern Growth Policies Board and further pledges to provide direction and guidance to said Board for the purpose of developing a coordinated comprehensive planning and service effort for the South; and the Conference further requests the Southern Growth Policies Board to report to the annual meetings of the Southern Governors' Conference for explanation and review of current programs and activities in light of that stated purpose.

MINNESOTA DAILY EDITORIAL CALLS FOR PUBLIC FINANCING OF CAMPAIGNS

Mr. MONDALE. Mr. President, the Minnesota Daily—the University of Minnesota's excellent student newspaper—carried an editorial on October 2 calling for public financing of political campaigns.

The case for public financing is "overwhelmingly strong," the Daily editorial says, pointing out that "secret special interest contributors breed an all too cozy relationship with candidates."

This fine editorial is another indication of the growing support for public financing. I hope we can act swiftly on this vital reform.

I ask that the Minnesota Daily editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Give for Gain

When the campaign contribution disclosure law took effect on April 7, 1972, it marked the first time in recent years that Congress has asserted itself concerning the proper conduct of political campaigns.

The disclosure law was swiftly passed on recent evidence—such as the ITT and milk lobby controversies—that secret special interest contributors breed an all too cozy relationship with candidates.

It is time for Congress to advance on that thesis by passing legislation that would allow the public to be the exclusive—or at least principle—financier of political campaigns.

Because of the staggering costs of major campaigns, the case for public financing is overwhelmingly strong.

In the 1972 presidential election the financial community donated the greatest single portion of President Nixon's record $60.2 million campaign fund, allegedly to win or repay favors. Even American ambassadors, some of whom are Nixon appointees, gave over $1 million, to his campaign.

To support the give-for-gain allegations against some contributors, the New York Times revealed yesterday that a former employe of reclusive billionaire Howard Hughes provided 14 sworn depositions that Hughes tried to gain political favor by tantalizing candidates with huge contributions.

Regionally, the political image of Minnesota Governor Wendell Anderson remains untainted, but he has rescinded a tough statement in his State of the State Message by refusing to reveal campaign sources. And in the Minneapolis mayoral race, only Republican Gladys Brooks has opened her books to the public.

These policies have prompted Senator Walter Mondale to declare that the "strongest possible case has been built" for public financing.

Even though some of Mondale's colleagues can't seem to reach an accord on the provisions of the numerous public financing bills now pending, his advocacy of such a bill enjoys bi-partisan support.

But until these congressional differences are rectified, the dangers of give-and-take relationships between candidates and contributors will hamper the democratic process.

MRS. FRANK BOYD, OF MANKATO, KANS.

Mr. DOLE. Mr. President, I learned yesterday with great personal sadness of the death, at age 96, of Mrs. Frank Boyd, of Mankato, Kans.

Mrs. Boyd was one of the most widely known and admired women in Kansas. She was a fixture of the State's newspaper business for many decades and was universally recognized as the first lady of Kansas journalism. A lifelong Republican and once a candidate for Governor, Mrs. Boyd maintained an active interest in politics long after leaving management of the family newspaper interests to her sons. As a matter of fact, she was one of the most enthusiastic and interested observers of the 1972 Republican National Convention in Miami Beach, where she won the affection of countless convention-goers with her cheerful personality and colorful recollections from the numerous earlier conventions she had attended.

She was known and revered by everyone in Mankato, Phillipsburg, and the other communities where she lived, raised her family, and was involved in the newspaper business. But she also had a wide circle of friends and acquaintances throughout Kansas. And over the years she probably came to know more people in the State's political and public life than any other single individual.

Born in Humboldt, Kans., in 1875, she was a witness to and reporter of virtually the whole life of her State. With her husband, the late Frank Boyd, and their two sons, Frank and McDill—Bus and Huck, as they became known—Mrs. Boyd was the center of Kansas' most widely known newspaper family.

She was Kansas Mother of the Year in 1965, but to all of us who knew, admired, and respected her, Mamie Boyd was one of the most outstanding and accomplished women in the entire history of Kansas and the Nation.

I ask unanimous consent that my statement as printed in the Extensions of Remarks on February 21, 1967, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The First Lady of Kansas Newspaperdom

Extension of Remarks of Hon. Robert Dole of Kansas, in the House of Representatives, Tuesday, February 21, 1967.

Mr. Dole. Mr. Speaker, Kansas has always ranked high among the States of this Union with respect to the number of prominent citizens it has contributed. We are especially proud of the outstanding women our State has produced. One whose talents and gracious ways continue to capture the hearts of all, Mrs. Mamie Boyd, of Mankato, Kans., can be found any day busily attending to the duties of her newspaper profession. A young 90 years of age, she can find no time to "take it easy."

In addition to her many accomplishments in the journalistic field, as told in the following editorial from the February 13 issue of the Topeka Daily Capitol, she has always found time to be in the forefront of political and benevolent activities and organizations, and to help promote the interests of her community and State at every opportunity.

In 1965 she was selected Kansas' "Mother of the Year" and later competed for the national honor in New York.

Yes, Kansas is proud of "Mother Mamie," and I am sure no one would deny us this pleasure. Mr. Speaker, I submit the article for all to enjoy:

"Honor to Dowager Queen

"It was to be expected that Mrs. Mamie Boyd of Mankato, bowing to the newspaper editor and one-time candidate for governor who cited her for journalistic merit at Lawrence recently, noted that his father, the late Clyde M. Reed Sr., editor, governor and U.S. Senator, was also one of her contemporaries.

"Fact is, commented the 90-year-old dowager of Kansas' best known newspaper family, she has grown up with Kansas which was only a teen-ager when they first met. The former Mamie Alexander, born near Humboldt and daughter of a newspaperman, married Frank W. Boyd in 1905, publisher of the Phillipsburg Review until his death in 1947.

"The Boyd men made it possible for her to qualify for the William Allen White Foundation citation, declared their mother and grandmother, since they stayed home and put out their newspapers while she was delegated to represent them at editorial conferences and public meetings. Her sons, McDill (Huck) Boyd of Phillipsburg, one time Republican candidate for governor, and Frank (Bus) Boyd of Mankato, former K-State basketball great, grinned at their mother's sallies. For Mamie Boyd has been an active newspaperwoman all her working days.

"She still writes for the Jewell County Record. She drives for own motorcar, although she confessed she confines her do-it-herself travels to Mankato and has for three years. And she still serves as the Boyd family's official delegate, as she did at Lawrence.

"On another occasion, Mrs. Boyd moved into the front row of an audience at Abilene when Dwight Eisenhower was to dedicate a part of the Eisenhower memorial. She knitted complacently as Secret Service operatives strung ropes behind which spectators were to sit to insure safety of the President.

"Mrs. Boyd was well beyond the line. No one expected her to move, not even the Secret Service. The ropes swerved precipitately outward for the sole purpose of accommodating the first lady of Kansas newspaperdom."

TRIBUTE TO GENERALS ALLEN MITCHELL BURDETT, JR. AND EDWIN I. DONLEY

Mr. ALLEN. Mr. President, during the past 5 years it has been my pleasure to meet and work with two especially fine Army generals who commanded major installations in Alabama: Maj. Gen. Edwin I. Donley, Commanding General of the U.S. Army Missile Command, Redstone Arsenal, Ala., and Maj. Gen. Allen Mitchell Burdett, Jr., Commanding General of the U.S. Army Avaition Center, Fort Rucker, Ala.

It is with mixed feelings that I learned of changed assignments for these friends. General Donley will retire from the Army on October 31, but happily he and Mrs. Donley will make their home in Huntsville, Ala.

General Burdett, who is now Lieutenant General Burdett, has been assigned as Commanding General, III Corps, Fort Hood, Tex.

General Donley graduated from the U.S. Naval Academy in 1940. In 1941 he entered the Army and continued with an honorable and distinguished 33-year career. He has spent about 7 years in various commanding positions at Redstone Arsenal, including those of Pershing Project Manager, Deputy Commander of Land Combat Systems, and Commanding General of the U. S. Army Missile Command.

He set exceptionally high standards for himself and for those who worked under him, and his command performed effectively and efficiently. He has been described as a man who looked the way a general should, and, he acted that way, too.

General Burdett was assigned to command Fort Rucker in September 1970, and served there for 3 years. During those years—which included the peak of our involvement in the Vietnam war—more than 20,000 Army aviators and 10,000 Army enlisted aviation specialists were graduated from the Fort Rucker operations. When the Army decided to consolidate all its aviation flight training at Fort Rucker, General Burdett had the responsibility for implementing the plan, which was carried out in a minimum amount of time, and with great efficiency.

Both General Donley and General Burdett had dual responsibilities—overseeing the performance of assignments given their commands and developing the finest possible cooperation between the military communities and their civilian neighbors. From personal experience, I assure the Senate that they were outstandingly successful in every possible way.

I believe that I speak for all Alabamians living in the environs of Redstone Arsenal and of Fort Rucker in expressing appreciation to Generals Donley and Burdett; in welcoming General and Mrs. Donley to a long and happy retirement as citizens of Alabama; and in congratulating General Burdett on his promotion and wishing him great success in his new command.

AFRICAN DEVELOPMENT BANK

Mr. JAVITS. Mr. President, during the August recess I attended and participated in the World Peace Through Law Conference held in Abidjan, Ivory Coast. I have already reported to the Senate on my activities in connection with this important conference. However, I undertook other work while on this trip, including a meeting on August 27, 1973, with President A. Labidi, of the African Development Bank. The headquarters of the Bank are located in Abidjan.

On August 3, 1973 I cosponsored with Senators Humphrey, McGee, Mondale, Kennedy, and Brooke S. 2354, a bill which would authorize U.S. participation in the African Development Fund of the African Development Bank. This bill is a congressional initiative to make good on a commitment the United States made some years ago to the African Development Bank. Beginning in 1966, with encouragement from the United States, the African Development Bank began laying the groundwork for a special fund, the African Development Fund, which would involve non-African members. Although the United States originally proposed a fund of $150 million with a U.S. contribution of $60 million, spread over 3 years, this commitment was scaled down to the present pledge of $15 million, to be given over 3 years. Of the 16 developed countries pledging contributions to this fund, the United States is the only one that has not yet met its pledge.

Nor would the United States be the largest contributor. Our contribution would only match that of Canada, and would only be half as much as that given by Japan. This record of inaction by the United States has disturbed African leaders and diminished our credibility with the African Development Bank.

I discussed this matter with President Labidi, who expressed his disappointment with the record of the United

States to date, but continued to remain guardedly optimistic that the United States would fulfill its commitment. I assured him that I fully supported the pledge of the United States to the African Development Fund, and would undertake to press the matter on my return to the United States.

We also discussed U.S. proposals to make a direct loan to the Bank, which would be separate from and in addition to the U.S. subscription to the fund. The United States first offered a development loan to the Bank in 1966, but at that time the Bank preferred a U.S. contribution to the fund. In 1973 the idea of a development loan was taken up once again, and this time AID and the Bank agreed upon a $10 million loan on AID's most concessional terms. In June 1973, just prior to the signing of this loan agreement by President Labidi at the annual meeting of the Board of Governors of the Bank, the United States decided not to sign the loan agreement because last-minute consultation with Congress revealed that a number of questions remained. This created unnecessary confusion and embarrassment at the last possible moment.

I sympathized with President Labidi, but explained some of the congressional difficulties involved in such a loan. I stressed my belief in the value of the loan and my willingness to find a means to bring it to fruition.

In our further discussion we touched upon the activities of SIFIDA, the international finance company for development of Africa. The Bank sponsored the setting up of this international finance corporation, and I reiterated my support for and interest in these regional finance companies. We also discussed AID technical assistance to the Bank for surveys of projects. It is anticipated that AID will provide the Bank with a grant of roughly $1 million this year to continue its technical studies.

I found my discussion with President Labidi most useful and informative. I was able to provide him with some understanding of congressional considerations involved in these matters and assure him of my continued interest in and support for the African Development Bank.

However, I feel strongly that the United States cannot continue to avoid its international responsibilities toward international financial institutions. We have offered constant support and encouragement to this bank on the poorest of continents since its birth. The bank has performed admirably in raising funds from African countries and has now established itself as a stable development institution. Yet U.S. financial support has been minimal, and not yet forthcoming for our contribution to the fund and the development loan.

If we are serious in our intention to participate adequately in multilateral financial arrangements for promoting economic development, then we must begin immediately to fulfill our commitments to this bank and other development banks to whom our contributions are long overdue. Further, if we wish to promote good relations with African countries, we must keep at least this minimum pledge to promote their economic development and self-reliance.

I ask unanimous consent to print in the RECORD, Mr. President, a more detailed account of the operations of the African Development Bank and the role of the United States in its operations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AFRICAN DEVELOPMENT BANK

HISTORY

The African Development Bank (AFDB) was created by an Agreement of 33 independent African countries. This Agreement, signed in Khartoum on April 8, 1963, was the expression of African solidarity in economic cooperation as a means of accelerating the process of African development. A distinctive feature of the Bank was the limitation of membership to independent states on the continent of Africa and the African islands. There are at present 36 African Member States. Self-help was and still is the motivating force behind the Bank. Its main purpose has been "to contribute to the economic and social progress of its members—individually and jointly". For that it was required to mobilize its own resources and those from inside and outside Africa to promote development.

STRUCTURE OF THE BANK

The Bank is governed by its Board of Governors which issues the general directives for the credit policy of the Bank. The Board is composed of one Governor nominated by each member country. The Bank is directed on a current basis by a Board of Directors, composed of nine resident directors. The Board of Directors elects the President of the Bank, who is also the Chairman of the Board. He is the Chief Executive of the Bank, and under the direction of the Board of Directors, conducts the current business of the Bank.

The African Development Bank is divided into three main Departments:

The Administrative Department is responsible for the smooth functioning of the general daily administration of the Bank.

The Finance Department is responsible for the general accounts of the Bank, its investments, revenues and disbursements. The Budget of the Bank and its Balance Sheet are drawn up by this Department.

The Operations Department, whose staff is composed of economists and engineers in different fields, is responsible for the identification of projects in member countries, their study and elaboration into bankable proposals, negotiations with the borrower and administration of the loans that are eventually approved by the Board of Directors. It is with this Department that A.I.D. presently works most closely on a day-to-day basis.

COLLABORATION WITHIN AFRICA

The Bank is, of course, anxious to promote collaboration among African countries themselves. This is in conformity with its Articles of Agreement which require it to foster, among other things, inter-Africa trade. The obstacles to such trade are formidable among the countries of Africa for there are not only administrative and national barriers to cross but lack of adequate transport facilities and the limited size of markets themselves tend to reduce trade flows and hinder the development of industry which needs adequate markets before it becomes viable.

In addition to specific regional studies the Bank has sponsored general studies covering the whole of Africa in an effort to draw up the economic map of the continent. In collaboration with the IBRD, ECA and UNDP a survey has been carried out of Africa-wide transport needs. A Survey of Minerals, for example, has been completed covering the proven minerals in the different member countries of the African Development Bank.

COLLABORATION WITH OTHER DONOR ORGANIZATIONS

In its effort to attract necessary assistance to Africa, the African Development Bank collaborates to a large extent with other multilateral and national aid donors. It has, for example, concluded an Agreement with the FAO whereby the latter furnishes an agreed number of man-months of agricultural expertise held by the Bank at the disposal of member countries. There is at the Bank an ADB/FAO desk which facilitates liaison with Rome Headquarters and makes the latter's facilities in agricutural knowledge and research available to the Bank. Similarly, close liaison is maintained with the I.B.R.D.—both its Washington headquarters and Abidjan field office—whose experience in the field of development is of course much wider and with whom the African Development Bank seeks to collaborate. The Bank also collaborates with the whole UN family, particularly UNIDO and with the Economic Commission for Africa, and of course, with the United States.

OPERATIONS OF THE BANK

A guiding principle for the loan activity of the Bank is that loans may only be made to finance projects which are economically sound and bankable, and which contribute to the development of one or more member countries. As a regional bank they are also interested in projects that are multi-national in character.

The African Development Bank may also grant a line of credit to a national development bank to finance the foreign exchange costs of an agreed number of that bank's projects. Examples of this are the line of credit $2 million granted to the East African Development Bank (a sub-regional bank) and the line of credit of $2 million granted to the Development Bank in Upper Volta.

The policy of the Bank vis-a-dis development banks goes beyond joint financing and lines of credit. On one occasion (that of Sierra Leone) the African Development Bank was instrumental in creating the Development Bank itself and took up a token participation in its equity capital. It has also furnished, as technical assistance, the services of its chief executive for the initial period.

RESOURCES OF THE BANK

The authorized capital of the Bank was fixed at 250 million Units of Account. The Unit of Account was defined in terms of fine gold as equivalent to the then parity of the U.S. dollars. Units of Account equalled US-$1.00 in 1968. Unit of Account value as of 8/1/73 is US$1.23. The paid-up capital was fixed at half the authorized capital, i.e., 125 million Units of Account. To date, the total funds called and constituting the ordinary capital resources of the Bank amounts to U.A. 116 million with Egypt being the primary delinquent member. During CY 1973 the Bank expects U.A. 12,269,753 to be paid in. In addition, the Bank has authority to augment its capital resources by borrowing from member countries or the international public and private market. Special resources may also be obtained to constitute "special funds". These are kept separately from capital resources on the books of the Bank and are governed by special rules and regulations.

The African Development Bank at present loans on conventional hard terms of 6–8½, 10–20 years. As of June 1, 1973, the Bank has committed approximately U.A. 85,000,000 for 50 loans for different projects in 29 African countries and organizations, leaving about U.A. 43,000,000 of paid-in capital available by the end of this year. The Bank estimates it will commit all remaining funds within the next 12–18 months.

AFDB's eight-year period of growth (1964–1972) has resulted in the development of a viable institution. AFDB's staff has the expertise to generate a substantial number of economically sound projects. Overhead, which is presently 70% of total income, is high. As previously authorized loans of this basically young institution start to disburse and debt service payments start to come in, income will rise and the overhead rate should therefore decline to an estimated 50% by 1976.

AFDB's growth momentum is impressive and its prospects for the future are good. This momentum needs to be maintained, but it requires more capital. Given the generally poor economic and financial condition of the Bank's member states, it would be difficult to significantly increase the capital quotas of African members or to step up the rate at which capital is being paid in. AFDB must, therefore, go outside Africa to raise additional capital.

U.S. GOVERNMENT RELATIONSHIP TO THE AFDB

Since its inception, support for the AFDB has been one cornerstone of U.S. foreign and development policy in Africa. Indeed, AFDB's and AID's policies of encouraging regional development programs, stimulating inter-African cooperation and promoting self-help efforts are completely harmonious. AID has supported AFDB's development into a viable financial institution controlled by Africans and responsive to African development needs. Part of the reason for AFDB's good record is the fact that the United States has provided the Bank with technical assistance to support its efforts to effectively manage its development loan program and grant funds to initiate studies for future loans.

Actual and potential U.S. support for the African Development Bank presently falls into 3 areas:

The AID Technical Assistance Grant to the Bank

U.S. Contribution to the African Development Fund

THE AID TECHNICAL ASSISTANCE GRANT

On June 27, 1968, pursuant to Sections 206 and 211 of the Foreign Assistance Act of 1961, as amended, AID signed an agreement with the African Development Bank to provide grant funds to enable the Bank to finance:

U.S. technical assistance to increase the Bank's competence to carry out its functions,

Arrangements with U.S. firms for economic feasibility and other studies, and

Contracts with U.S. firms for preparation of final design, cost estimates, construction plans, specifications and tender documents with respect to specific projects for which feasibility studies have already been made.

The AID agreement provides that the studies funded from the grant could be in areas such as power, water resources development, telecommunications, transportation, agriculture, and economic integration and, for general activities which contribute to the economic development and social progress of Bank members—individually and jointly.

The Grant Agreement has been amended seven times since 1968 to modify the scope of the Agreement and to add funds. A total of $3,785,000 has so far been made available. The Bank has requested an FY 1974 replenishment of $1,500,000–$1,750,000. After consultation with Washington it appears that A.I.D. plans to provide the Bank with a grant of approximately $1,000,000 this fiscal year.

U.S. CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

In an endeavor to increase its resources, Direct AID Loan to the Bank particularly of more concessional type funds, the Bank worked for a number of years to establish a new African Development Fund within the Bank. This Fund was finally created on November 29, 1972, when 16 industrialized, capital exporting countries met in Abidjan to pledge support for the creation of the new Fund. $92,000,000 was pledged at that time, and the Bank at its July meeting in Lusaka formally approved the By-Laws, policies and rules of procedure for the new Fund.

The African Development Fund, like IDA in the World Bank Group, will make concessional, low interest loans primarily to the poorest member countries of the AFDB. While the Fund is an entity juridicially separate and distinct from the AFDB, the President of the AFDB will be ex-officio President of the Fund and the two organizations will share the same operational staff.

Although the United States has been a consistent supporter of the African Development Bank as an important regional organization, and had been one of the very first advocates for the creation of a Special Fund permitting non-African industrially developed nations to support the Bank's activities, and although amounts for U.S. support had been discussed as high as $60,000,000 on a matching basis, no funds have yet been included in the President's Budget to permit the United States to become a member of the Special African Development Fund, although $100,000,000 has already been subcribed by African nations. In view of the publicly stated views by AID and the State Department in favor of the Bank and of the African Development Fund, Africans and very specifically President Labidi were very disappointed and personally disturbed by the U.S. standing aside at the November pledging meeting and taking no other apparent positive action in this area up to now. Our credibility with the Bank and our role in Africa have been shaken by our position on the Special Fund.

DIRECT AID LOAN TO THE BANK

Much work has recently taken place within the Executive Branch, particularly within AID, to provide a direct loan to the African Development Bank. This loan would be separate from and in addition to, a contribution to the Special African Development Fund. While this loan would come out of Foreign Aid appropriations, funds for the Special Contribution would, of course, come from funds appropriated to the Treasury Department.

AID procedures required the preparation of an Intensive Review Request for a loan to be proposed by the field and approved by AID in Washington, followed by a more detailed Capital Assistance Paper for Washington's detailed review and approval. These first steps for a $10,000,000 direct loan to the Bank were successfully completed in May 1973—last fiscal year. During the month of June, intensive negotiations were entered into between AID and the Bank and a Loan Agreement approved by AID and the Bank was ready for signature the last week in June.

AID and the Bank had agreed on a $10,000,000 loan on AID's most concessional terms to the Bank's regular operating fund permitting the Bank to re-loan to member states on its regular terms. The AID loan was designed to expand the Bank's resources through the direct provision of new capital and through the longer term benefits of reflow earnings. AID planned to make the loan flexible enough to be implemented by the AFDB in almost the same manner as regular Bank capital Thus, it could be used either to finance a project or as a "line of credit". Under the latter approach the funds would have been available to finance equipment and services under any AFDB subloan and could be drawn on whenever U.S. goods or services are required for any approved project. Use of A.I.D. funds would require AID approval in each instance in order to assure that the funds would only go to countries which would normally be eligible for A.I.D. assistance.

The approved Loan Agreement was carried to Luska to be signed there by President Labidi in the presence of the Bank's Board of Governors which, together with a $5,000,000 loan from the Canadian Government, was to have been the first loan of its kind. It was to be a feather-in-the-cap for President Labidi, and the United States would have been in a position to affirm U.S. support for Africa and the Bank.

However, on June 27, after last-minute consultation indicated some continuing unanswered Congressional questions, the U.S. delegation was instructed not to sign the loan. It is still the U.S. intention, following further consultation with the Congress, to make this loan but there are no instructions at the present time to do so.

UNFAIR FREIGHT RATES FOR RECYCLED MATERIALS

Mr. MOSS. Mr. President, for a number of years I have been battling governmental policies that discriminate against recycled materials. Recently, a very interesting article appeared in Environmental Action, September 29, 1973, "Which Weighs More—a Ton of Gravel or a Ton of Radios?"

Recently the Interstate Commerce Commission received a request from the railroads asking for a 3- to 5-percent increase in the rates charged many recyclable commodities. As a result of that request, I wrote Chairman Stafford of the ICC requesting that this petition be denied.

For all who are interested in the continuing effort to overturn discriminatory freight rate policies on recyclable commodities, the article by James Conroy will be interesting reading. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Environmental Action, Sept. 29, 1973]

WHICH WEIGHS MORE—A TON OF GRAVEL OR A TON OF RADIOS?

(By James Conroy)

We have all heard it said that if 100 chimpanzees were set before 100 typewriters and allowed to peck away at random, one of them would eventually produce the complete works of William Shakespeare. It has occurred to some that a product of lesser merit would surely appear more readily than the collected wisdom of the Bard or Avon. One can't help but wonder whether, hidden in the dark recesses of the Interstate Commerce Commission (ICC), the federal government has employed a regiment of similar typists, doggedly pounding out that agency's regulations for surface freight transportation. The results could hardly be more devoid of human reason that the ICC's current regulatory practices.

Supposedly, those regulations protect the public from the evils of monopoly, and expedite the efficient movement of freight by rail, truck, barge and pipeline. In fact, they are a study in inefficiency and a veritable microcosm of this country's ecological aberrations.

While allowing free competition between the various types of surface freight haulers (trucks vs. railroads vs. barges vs. pipelines), the ICC prohibits competition within these modes, dictating instead that all haulers within each mode get together in "rate bureaus" to set prices collusively. Whenever possible then, truckers collude and price against railroads, while the latter return the favor if the opportunity presents itself. The same cutthroat approach is taken by owners of pipelines and barges. The commercial donnybrook resulting from this indelicate system of economics produces casualties not only among rival freight haulers but among merchants, consumers and the quality of the environment as well.

One of the many economic factors ignored by the ICC is the fact that each mode of transportation enjoys inherent cost advantages for different items of carriage in different situations. Pipelines are the most efficient carriers of certain liquids and gasses between fixed points, railroads and barges are most efficient for the long-distance hauling of bulk commodities, and trucks are best suited to the shipment of smaller, high value merchandise over short distances, especially where freeways are available. But in order to undercut the railroads and drive them out of competition, truckers can legally conspire to set rates below those of the railroads for long haul bulk shipments, taking a deliberate loss in the process. The trucking companies can then recoup that loss by charging excessive rates where they have monopoly power—the short haul movement of high value commodities. When that strategy is implemented successfully, environmental costs are incurred in the idleness of energy-efficient, low-polluting freight trains while trucks run thousands of extra miles, merrily wasting fuel and polluting the air all the way. The financial cost of inefficiency is passed right along to you know who.

If, as in most other sectors of the economy, price-fixing were disallowed in the freight shipment business, rates would naturally gravitate toward cost and shippers would selectively transport their goods by means of the most efficient carrier.

Railroad owners are no more reluctant than truckers to capitalize on the powers of price-fixing. In areas where truckers are, for various reasons, unwilling or unable to undercut the railroads, the latter can take advantage of their monopoly power over the movement of bulk commodities by charging outrageously high rates. Where there is no competition from barges—a mode of transportation similarly suited to the shipment of bulk goods—railroads will charge up to five times as much as when barge traffic is available. As a result, industries are artificially stimulated to locate their plants near water routes served by barges—and we all know what happens to water quality when factories usurp the river banks, lake shores and sea coasts.

But the industrial exploitation of existing water routes is not the only aquatic disruption for which the ICC can claim credit. In an inland area, inaccessible to navigable rivers, industries gouged by the railroads are often forced out of desperation to promote the construction of canals, dams and other environmentally defiling water projects. Tremendous pressure can be brought to bear on local congressmen to champion the federally subsidized construction of canals for which there is no real need. Moreover, when an environmental impact statement is commissioned by the Army Corps of Engineers to access the cost-benefit ratios of such a project, the economic benefits accruing to local business may well be seen as ample justification for the intrusion of an environmentally degrading canal.

The ICC's disruptive repertoire is not limited to the pollution of air and water, the depletion of precious fossil fuels and the undermining of efficient transportation. Careful to touch all bases, the Commission has contributed mightily to another problem, the generic term for which might well describe the general nature of the ICC's regulatory policies—solid waste.

One natural result of the thoroughly unhealthy practice of price-fixing is an economic phenomenon known as "value of service" rate discrimination. In the absence of competition, carriers will not charge a price based merely on the cost of shipment and a fair percentage of profit but whatever the rate bureau feels it can get from the customer, a figure derived largely from the value of the goods to be shipped.

In other words, Ace Trucking Company (the mythical carrier introduced last issue on its roundabout way from Boston to Albany, loaded half full of football helmets) may contract one of its vehicles to carry a load of gravel from point A to point B while an identical Ace truck carries transistor radios along the same route. Although the cost of transport may be roughly the same for both runs, the radio shipper will pay a price many times greater than the gravel client. The feeble justification for this practice lies in the higher value of the radios. The resulting cost to consumers is an obvious one. The cost to the environment becomes apparent only upon closer inspection.

Since recyclable scrap metal is far more valuable than raw, virgin ore, haulers will charge industry a substantially higher price for the shipment of scrap metal. Hence, although most industries would prefer to use recycled materials which require less time and energy for conversion into finished products, the cost of shipping scrap as opposed to virgin ore cancels out any natural economic advantage inherent in recycling. (If your local recycling center has closed down or is refusing to accept certain materials, you can probably thank the ICC for the situation.)

Moreover, since carriers also charge more for the shipment of high-value finished products than they do for the transportation of raw materials of lesser value, industries are artificially motivated to locate their plants closer to the point of product distribution than to the source of raw materials. The natural result: increased pollution and congestion in already overtaxed urban areas.

Periodically, the ICC reviews maximum allowable rates for the shipment of all commodities. Each time such a review has been taken in recent years, the cost differential of scrap metal vis-a-vis iron ore has increased to the benefit of virgin ore. Recently, a group of students from George Washington University formed a committee called SCRAP (Students Challenging Regulatory Agency Procedures) and brought suit against the ICC for allowing discrimination against scrap materials. Although the court ruled against the petitioners, that decision is now being appealed.

Anyone who has waited in a rundown railroad station for a long-delayed passenger train and then endured an uncomfortable ride in a dirty, poorly heated, 50-year-old parlor car owes a letter of protest to—you guessed it—the Interstate Commerce Commission. Yes, the declining efficiency of railroad passenger service is another accomplishment for which the ICC can claim at least partial credit.

The origin of that decline lies, once again, in the official sanctioning of monopoly pricing within the various modes of surface transportation. While railroads often enjoy monopoly powers in certain sectors of the freight-hauling market, they hold no such advantage in the transportation of passengers. Faced with competition from airlines, busses and private automobiles, railroads are naturally inclined to commit most of their resources to the shipment of freight, deliberately de-emphasizing the passenger market.

If railroads were forced to compete with one another in the shipment of freight, profit margins derived from that activity would be significantly reduced, thereby encouraging the focusing of attention on the efficient movement of passengers. With luck, we might then be fortunate enough to restore passenger service to the heights of efficiency and comfort enjoyed in the 1920s.

If federal agencies were ranked according to their individual responsibility for the degradation of this country's environment, the Interstate Commerce Commission would be right up there with the Department of the Interior and the Army Corps of Engineers. Outraged by that odious record, environmentalists and consumer advocates, in conjunction with injured economic interests, have launched a vigorous and wide-ranging attack on the ICC's wasteful and counterproductive regulations. Recently, 43 truckers filed a petition with the ICC calling for the elimination of regulatory practices which necessitate unjustified trucking mileage. Environmental Action supported that petition. Testifying in support of the Regulatory Modernization Act, groups ranging from General Foods to the Forest Industries Council to the American Retail Federation have joined with the Consumer Federation of America and 28 economists to end carrier price fixing. The Institute of Scrap Iron and Steel has intervened on behalf of SCRAP in that group's appeal to end rate discrimination against recyclable materials.

The ICC sees itself as a protector of the public interest, serving that interest through the maintenance of a "stable" transportation industry. One can accept a definition of stability as the protection of established freight-hauling interests, an operative assumption which characterizes the ICC as a relic of the past which no longer serves the interests of the public but of an industry still locked into the economic realities of the 1930s. Until quite recently, the bureaucrats of the ICC have been remarkably successful in fooling some people, perhaps even themselves, into believing that the blind preservation of the status quo will best serve the interests of this nation's economy, its land and its populace. But an effort to fool all of the people all of the time is one that cannot succeed for long.

ENERGY CONSERVATION IN CONSTRUCTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Saving Energy by Design," printed in the Washington Post on October 6, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAVING ENERGY BY DESIGN

(By Jane Stein)

A utilities official sits in an office, the late afternoon sun beaming through the glass wall and flooding his desk with light. Electric bulbs burn overhead and cool air whispers from a metal duct as the executive worries about fuel shortages, brownouts and the energy crisis. It might be better to contemplate the state of American architecture.

For architecture and the construction industry have a vast influence on energy use. Constructing and operating buildings consumes 7.5 and 50 per cent, respectively, of all the electricity produced in the United States. To practice energy conservation in this sector, we do not need to return to caves and candlelight, nor do we need new technologies.

The main problem is that the simple and technologically available ideas for saving energy are meeting tremendous indifference, if not actual resistance. Certainly it is a profound indifference to energy conservation that fosters the construction of buildings such as the 110-story World Trade Center in lower Manhattan with its fantastic array of electrical requirements, the most astounding of which is that the center will require as much electricity per year as the entire city of Schenectady, N.Y., home for 100,000 persons.

How much energy a building needs for heating, cooling and lighting depends upon its site, its shape and the materials used. All of us could learn something about the wise use of natural energy by studying the cave dwellings of Mesa Verde in Colorado. In the winter when the sun is low in the sky, it shines directly on the adobe brick walls which store the heat during the day and release it during the night. In the summer the sun strikes at the horizontal surfaces—the roofs of wood and grasses act as insulation.

Never more than one-quarter of the cave's inner surfaces are lit in summer; only one-quarter remains shadowed through the winter day.

"Buildings today can be organized in much the same way, generating their form from the way the sun moves," says Ralph Knowles, professor of architecture and urban design at the University of Southern California.

If you design with the sun in mind, you can even put an all-glass building in the desert without paying too much of a penalty in energy costs. In Tempe, Ariz., the striking new municipal building has glass walls, slanted at a 45-degree angle to reduce the amount of solar heat that can enter the building.

In a less dramatic vein, it is axiomatic that the broad surfaces of the common, slablike high-rise building should face north and south. Fred Dubin, a New York engineer, has calculated that a building uses 29 per cent less energy for cooling if the broad sides face north and south. Why is it, asks Dubin, that all sides of a building are often treated as if they were the same? Why not have no windows on the west side, and fewer in the corners? His point is simply that energy use must be factored into building design, and that means starting at the beginning.

"From the very outset of the architectural process energy is used wastefully," says Richard Stein, a New York architect and a leading advocate of energy conservation. "Our basic structural sciences are in reality based more on practical experience than on a scientific analysis of how materials should be used."

For example, according to the National Building Code, the concrete beams for the standard classroom are designed to carry three times as much weight as they are likely to need for normal use. While a safety factor of three might not seem excessive, Stein points out that design computations use a value for the strength of concrete only about one-third of its actual strength, so that there really is a safety factor of at least nine.

There are additional safety margins: concrete gains strength for years after hardening. In cement production alone, modified design standards could result in energy savings of about 20 million kilowatt-hours a year—enough to provide the electric power for 3 million families for a year.

Aluminum is gaining in popularity as a building material. It has a pleasant sheen, upkeep is simple, and it takes less aluminum to make the skin of an office building than it does to use stainless steel. But aluminum is very expensive to make in terms of energy. The energy savings for just one typical high-rise office building—if steel were used instead of aluminum—would be 1.3 million kilowatt hours.

It is not just a matter of using energy-expensive materials; how a building material is used has much to do with energy waste. Dense concrete can get as cold as a stone. Lightweight concrete, with air bubbles blown into the mixture, acts as insulation.

Since Lever House was built on Manhattan's Park Avenue in 1952, glass-clad buildings have sprung up all across the nation. Most are energy hogs because glass is a notoriously poor insulator. Heat loss could have been cut by half had double-glazing been used (that is, two panes of glass hermetically sealed with an air space between them which acts as an insulator). Heat gain can be reduced by using the new reflective metallic glass, which substantially blocks solar heat and light.

What is true for an office or apartment building is true for a home. A Rand Corp. study says that better insulation in new housing would cut heating and cooling requirements by 40 to 50 per cent. Extra construction costs, the report continues, could be recaptured in four to seven years through reduced fuel and utility bills.

Over the last two years the Federal Housing Authority revised its insulation standards for single and multifamily housing units, with the stated objective of reducing air pollution and fuel consumption. The FHA standards are merely guidelines to assist appraisers in determining the salable value of a housing unit. Since they are used by appraisers of conventional loan organizations as well as the FHA, they do exert considerable influence on the residential construction industry.

In addition to energy-rich materials and poor insulation, air conditioning and ventilation are extremely important components of wastefulness-through-design. The President's Office of Emergency Preparedness has estimated that, by making fairly simple and obvious changes in the design 11 per cent of the forecasted energy use in 1980 could be saved.

Take air conditioning. Richard Stein claims that an average office building is occupied 3,100 hours annually with 500 hours in the temperature range where untreated outdoor air could be used. Simply opening the windows would bring about a 19 per cent reduction in the use of energy for handling air—but how many office buildings have windows that can be opened?

Another part of the artificial world which architects have designed for the office worker is perhaps a super-abundance of light. In a high-rise building 54 per cent of the electrical energy consumed goes into lighting; in a low building this rises to 62 per cent.

Consider the high-rise office buildings twinkling through the night with an array of lights for the cleaning personnel and handful of late-working executives. Selective lighting—lighting up only those rooms or parts of rooms in which someone is at work—would make a less striking skyline but it would save considerably on lighting. Separate switches could be installed so that lights around the perimeters of glass-walled buildings could be used only when natural light is insufficient.

Other electrical savings include lower-voltage lighting in less occupied areas—hallways, storage areas—or more use of fluorescent lighting, which uses one-quarter as much as ordinary filament bulbs. The overall average lighting levels, many building specialists feel, could be cut in half.

Much extravagant illumination is the fault of lighting standards (used by building codes, boards of education, industries and commercial developers), which have risen sharply and more than doubled in many cases over the past 15 years. Yet there is considerable disagreement as to whether such high illumination at such uniform intensity is necessary or even desirable.

While developing a new building system for school construction in California, architect Ezra Ehrenkrantz sought to develop, among other requirements, low brightness lighting. Each bidder was required to state the wattage required to perform the job. Bids ranged from 3.3 watts to 6.3 watts per square foot of space to meet the same performance specification. (The system using the least energy, as it turned out, was also the lowest cost.)

Ehrenkrantz tallied up some numbers and figured out that a saving in energy for the average California high school of one watt per square foot was equivalent to a teacher's annual salary.

"The public," he says "is not aware of how many teachers are burned up annually with the flick of a switch."

In addition to wasting electricity, lighting produces waste heat which, in most buildings, is then dissipated into the atmosphere. A few architects are now trying to catch this "heat of light" and pass it through conventional ducts and vents to help heat a building.

Making use of wastes, in fact, is the basis of what are now called "total energy systems," in which a building (or a group of buildings) contains its own generating system—usually small gas turbines or fuel cells. Waste heat is not released but reused by converting it into usable heat at little or no additional expenditure of energy. Such systems are costly, however; they require fairly constant demand for waste heat and are still far from perfected.

The resistance to energy-saving stems, in part, from financial institutions. The traditional way of financing buildings is based on first costs—what it actually costs the owner at the time the building is completed. Bank loans are made on the basis of first costs. Low first costs usually mean high energy consumption.

For savings in money and energy, building designs as well as bank loans should be calculated in terms of life costs: what it will cost to build and operate the building over its lifetime. Charles Berg, deputy director of the Engineering Institute for Applied Technology at the National Bureau of Standards, says that "energy conservation methods will obviously come at extra expense but over the normal expected lifetime of the building, substantial savings in upkeep and energy use could be made."

An example of how these economics can work is seen in the work of Ehrenkrantz. He recently took bids for an air-conditioning system for student housing units, which he based on annual costs over 20 years. He gave the bidders energy requirements based on efficiency factors for the equipment. The cost of additional energy—if the bidders needed it—was to be added to the overall 20-year maintenance costs. The results: better equipment at lower life costs.

The federal government, seeking to break down the first-cost mentality, plans to use life-cost accounting on federal and federally assisted buildings. It is hardly a bandwagon, but interest is catching on. Owens-Corning Fiberglas Corp. has an energy conservation award competition for architects and engineers.

Easy availability of power can no longer be taken for granted and, as energy costs go up, energy conservation will be taken more seriously. Legislators are now predicting that builders will have to inform power companies in detail of their intended energy requirements. Legislation to control the amount of energy per unit of volume may well be with us within a decade. Building codes could be amended to raise insulation standards or to include new provisions for use of glass, ventilation and building orientation to reduce energy requirements. Kilowatt-hours could be taxed, annual kilowatts per building could be rationed.

Such restrictions might inspire architects, engineers and builders to come up with some energy-saving solutions. Energy conservation—if widely practiced—will also stretch our limited resources so that the benefits of energy will be available to more people.

THE NATURE OF THE NATIONAL DIALOG

Mr. PELL. Mr. President, détente with the Soviet Union has been previously challenged on the grounds that it is at the expense of human rights.

Now a much more serious challenge has arisen to test the real validity of this détente. Key to a genuine relaxation of tensions between the United States and the Soviet Union is mutual adherence to the basic principles agreed to at the Moscow Summit Meeting in the spring of 1972, including a pledge by both countries to avoid action which would contribute to the aggravation of international tensions. Certainly, Soviet incitement of more Arab countries to join the attack on Israel would have this effect. And certainly, massive shipments of Soviet arms to support Arab prosecution of the war against Israel has this effect. In this regard, we should bear in mind Secretary Kissinger's warning in his Pacem in Terris speech that, "Détente cannot survive irresponsibility in any area, including the Middle East."

The speech is indeed such a thoughtful analysis of the great international issues confronting the world today that I ask unanimous consent to have the speech printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of the Honorable Henry A. Kissinger, Secretary of State

THE NATURE OF THE NATIONAL DIALOG

This is an important anniversary. A year ago today—on October 8—came the breakthrough in the Paris negotiations which led soon afterward to the end of American military involvement in Viet-Nam. It is strangely difficult now to recapture the emotion of that moment of hope and uncertainty when suddenly years of suffering and division were giving way to new possibilities for reconciliation.

We meet, too, at a time when renewed conflict in the Middle East reminds us that international stability is always precarious and never to be taken for granted Pacem in Terris remains regrettably elusive. However well we contain this crisis as we have contained others, we must still ask ourselves what we seek beyond the management of conflict.

The need for a dialogue about national purposes has never been more urgent and no assembly is better suited for such a discussion than those gathered here tonight.

Dramatic changes in recent years have transformed America's position and role in the world:

For most of the postwar period America enjoyed predominance in physical resources and political power. Now like most other nations in history, we find that our most difficult task is how to apply limited means to the accomplishment of carefully defined ends. We can no longer overwhelm our problems; we must master them with imagination, understanding and patience.

For a generation our preoccupation was to prevent the Cold War from degenerating into a hot war. Today, when the danger of global conflict has diminished, we face the more profound problem of defining what we mean by peace and determining the ultimate purpose of improved international relations.

For two decades the solidarity of our alliances seemed as constant as the threats to our security. Now our allies have regained strength and self-confidence, and relations with adversaries have improved. All this has given rise to uncertainties over the sharing of burdens with friends and the impact of reduced tensions on the cohesion of alliances.

Thus even as we have mastered the art of containing crises, our concern with the nature of a more permanent international order has grown. Questions once obscured by more insistent needs now demand our attention: What is true national interest? To what end stability? What is the relationship of peace to justice?

It is characteristic of periods of upheaval that to those who live through them, they appear as a series of haphazard events. Symptoms obscure basic issues and historical trends. The urgent tends to dominate the important. Too often goals are presented as abstract utopias, safe-havens from pressing events.

But a debate to be fruitful must define what can reasonably be asked of foreign policy and at what pace progress can be achieved. Otherwise it turns into competing catalogues of the desirable rather than informed comparisons of the possible. Dialogue degenerates into tactical skirmishing

The current public discussion reflects some interesting and significant shifts in perspective:

A foreign policy once considered excessively moralistic is now looked upon by some as excessively pragmatic.

The Government was criticized in 1969 for holding back East-West trade with certain countries until there was progress in their foreign policies. Now we are criticized for not holding back East-West trade until there are changes in those same countries' domestic policies.

The Administration's foreign policy once decried as too cold-war oriented is now attacked as too insensitive to the profound moral antagonism between Communism and freedom.

One consequence of this intellectual shift is a gap between conception and performance on some major issues of policy:

The desirability of peace and détente is affirmed but both the inducements to progress and the penalties to confrontation are restricted by legislation.

Expressions of concern for human values in other countries are coupled with failure to support the very programs designed to help developing areas improve their economic and social conditions.

The declared objective of maintaining a responsible American international role clashes with nationalistic pressures in trade and monetary negotiations and with calls for unilateral withdrawal from alliance obligations.

It is clear that we face genuine moral dilemmas and important policy choices. But it is also clear that we need to define the framework of our dialogue more perceptively and understandingly.

THE COMPETING ELEMENTS OF FOREIGN POLICY

Foreign policy must begin with the understanding that it involves relationships between sovereign countries. Sovereignty has been defined as a will uncontrolled by others; that is what gives foreign policy its contingent and ever incomplete character.

For disagreements among sovereign states can be settled only by negotiation or by power, by compromise or by imposition. Which of these methods prevails depends on the values, the strengths and the domestic systems of the countries involved. A nation's values define what is just; its strength determines what is possible; its domestic structure decides what policies can in fact be implemented and sustained.

Thus foreign policy involves two partially conflicting endeavors: defining the interests, purposes and values of a society and relating them to the interests, purposes and values of others.

The policy maker, therefore, must strike a balance between what is desirable and what is possible. Progress will always be measured in partial steps and in the relative satisfaction of alternative goals. Tension is unavoidable between values, which are invariably cast in maximum terms, and efforts to promote them, which of necessity involve compromise. Foreign policy is explained domestically in terms of justice. But what is defined as justice at home becomes the subject of negotiation abroad. It is thus no accident that many nations, including our own, view the international arena as a forum in which virtue is thwarted by the clever practice of foreigners.

In a community of sovereign states, the quest for peace involves a paradox: the attempt to impose absolute justice by one side will be seen as absolute injustice by all others; the quest for total security for some turns into total insecurity for the remainder. Stability depends on the relative satisfaction and therefore also the relative dissatisfaction of the various states. The pursuit of peace must therefore begin with the pragmatic concept of coexistence—especially in a period of ideological conflict.

We must, of course, avoid becoming obsessed with stability. An excessively pragmatic policy will be empty of vision and humanity. It will lack not only direction, but also roots and heart. General de Gaulle wrote in his memoirs that "France cannot be France without greatness." By the same token America cannot be true to itself without moral purpose. This country has always had a sense of mission. Americans have always held the view that America stood for something above and beyond its material achievements. A purely pragmatic policy provides no criteria for other nations to assess our performance and no standards to which the American people can rally.

But when policy becomes excessively moralistic it may turn quixotic or dangerous. A presumed monopoly on truth obstructs negotiation and accommodation. Good results may be given up in the quest for ever elusive ideal solutions. Policy may fall prey to ineffectual posturing or adventuristic crusades.

The prerequisite for a fruitful national debate is that the policy makers and critics appreciate each other's perspectives and respect each other's purposes. The policy maker must understand that the critic is obliged to stress imperfections in order to challenge assumptions and to goad actions. But equally the critic should acknowledge the complexity and inherent ambiguity of the policy maker's choices. The policy maker must be concerned with the best that can be achieved, not just the best that can be imagined. He has to act in a fog of incomplete knowledge without the information that will be available later to the analyst. He knows—or should know—that he is responsible for the consequences of disaster as well as for the benefits of success. He may have to qualify some goals not because they would be undesirable if reached, but because the risks of failure outweigh potential gains. He must often settle for the gradual, much as he might prefer the immediate. He must compromise with others, and this means to some extent compromising with himself.

The outsider demonstrates his morality by the precision of his perceptions and the loftiness of his ideals. The policy maker expresses his morality by implementing a sequence of imperfections and partial solutions in pursuit of *his* ideals.

There must be understanding, as well, of the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable. New relationships in a fluid transitional period—such as today—are delicate and vulnerable; they must be nurtured if they are to thrive. We cannot pull up young shoots periodically to see whether the roots are still there or whether there is some marginally better location for them.

We are now at such a time of tenuous beginnings. Western Europe and Japan have joined us in an effort to reinvigorate our relationships. The Soviet Union has begun to practice foreign policy—at least partially—as a relationship between states rather than as international civil war. The People's Republic of China has emerged from two decades of isolation. The developing countries are impatient for economic and social change. A new dimension of unprecedented challenges—in food, oceans, energy, environment—demands global cooperation.

We are at one of those rare moments where through a combination of fortuitous circumstances and design man seems in a position to shape his future. What we need is the confidence to discuss issues without bitter strife, the wisdom to define together the nature of our world as well as the vision to chart together a more just future.

DÉTENTE WITH THE SOVIET UNION

Nothing demonstrates this need more urgently than our relationship with the Soviet Union.

This Administration has never had any illusions about the Soviet system. We have always insisted that progress in technical fields, such as trade, had to follow—and reflect—progress toward more stable international relations. We have maintained a strong military balance and a flexible defense posture as a buttress to stability. We have insisted that disarmament had to be mutual. We have judged movement in our relations with the Soviet Union, not by atmospherics, but by how well concrete problems are resolved and by whether there is responsible international conduct.

Coexistence to us continues to have a very precise meaning:

We will oppose the attempt by any country to achieve a position of predominance either globally or regionally.

We will resist any attempt to exploit a policy of detente to weaken our alliances.

We will react if relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots.

The Soviet Union cannot disregard these principles in any area of the world without imperiling its entire relationship with the United States.

On this basis we have succeeded in transforming U.S.-Soviet relations in many important ways. Our two countries have concluded an historic accord to limit strategic arms. We have substantially reduced the risk of direct U.S.-Soviet confrontation in crisis areas. The problem of Berlin has been resolved by negotiation. We and our allies have engaged the Soviet Union in negotiations on major issues of European security including a reduction of military forces in Central Europe. We have reached a series of bilateral agreements on cooperation—health, environment, space, science and technology, as well as trade. These accords are designed to create a vested interest in cooperation and restraint.

Until recently the goals of detente were not an issue. The necessity of shifting from confrontation toward negotiation seemed so overwhelming that goals beyond the settlement of international disputes were never raised. But now progress has been made—and already taken for granted. We are engaged in an intense debate on whether we should make changes in Soviet society a precondition for further progress—or indeed for following through on commitments already made. The cutting edge of this problem is the Congressional effort to condition most-favored-nation trade status for other countries on changes in their domestic systems.

This is a genuine moral dilemma. There are genuine moral concerns—on both sides of the argument. So let us not address this as a debate between those who are morally sensitive and those who are not, between those who care for justice and those who are oblivious to humane values. The attitude of the American people and government has been made emphatically clear on countless occasions, in ways that have produced effective results. The exit tax on emigration is not being collected and we have received assurances that it will not be reapplied; hardship cases submitted to the Soviet Government are being given specific attention; the rate of Jewish emigration has been in the tens of thousands where it was once a trickle. We will continue our vigorous efforts on these matters.

But the real debate goes far beyond this: Should we now tie demands which were never raised during negotiations to agreements that have already been concluded? Should we require as a formal condition internal changes that we theretofore sought to foster in an evolutionary manner?

Let us remember what the MFN question specifically involves. The very term "most favored nation" is misleading in its implication of preferential treatment. What we are talking about is whether to allow *normal* economic relations to develop—of the kind we now have with over 100 other countries and which the Soviet Union enjoyed until 1951. The issue is whether to abolish discriminatory trade restrictions that were imposed at the height of the Cold War. Indeed, at that time the Soviet Government discouraged commerce because it feared the domestic impact of normal trading relations with the West on its society.

The demand that Moscow modify its domestic policy as a procondition for MFN or detente was never made while we were negotiating; now it is inserted after both sides have carefully shaped an overall mosaic. Thus it raises questions about our entire bilateral relationship.

Finally the issue effects not only our relationship with the Soviet Union, but also with many other countries whose internal structures we find incompatible with our own. Conditions imposed on one country could inhibit expanding relations with others, such as the People's Republic of China.

We shall never condone the suppression of fundamental liberties. We shall urge humane principles and use our influence to promote justice. But the issue comes down to the limits of such efforts. How hard can we press without provoking the Soviet leadership into returning to practices in its foreign policy that increase international tensions? Are we ready to face the crises and increased defense budgets that a return to Cold War conditions would spawn? And will this encourage full emigration or enhance the well-being or nourish the hope for liberty of the peoples of Eastern Europe and the Soviet Union? Is it détente that has prompted repression—or is it détente that has generated the ferment and the demand for openness which we are now witnessing?

For half a century we have objected to communist efforts to alter the domestic structures of other countries. For a generation of Cold War we sought to ease the risks produced by competing ideologies. Are we now to come full circle and *insist* on domestic compatibility as a condition of progress?

These questions have no easy answers. The government may under-estimate the margin of concessions available to us. But a fair debate must admit that they *are* genuine questions, the answers to which could affect the fate of all of us.

Our policy with respect to détente is clear: We shall resist aggressive foreign policies. Détente cannot survive irresponsibility in any area, including the Middle East. As for the internal policies of closed systems the United States will never forget that the antagonism between freedom and its enemies is part of the reality of the modern age. We are not neutral in that struggle. As long as we remain powerful we will use our influence to promote freedom, as we always have. But in the nuclear age we are obliged to recognize that the issue of war and peace also involves human lives and that the attainment of peace is a profound moral concern.

THE WORLD AS IT IS AND THE WORLD WE SEEK

Addressing the United Nations General Assembly two weeks ago, I described our goal as a world where power blocs and balances are no longer relevant; where justice, not stability, can be our overriding preoccupation; where countries consider cooperation in the world interest to be in their national interest.

But we cannot move toward the world of the future without first maintaining peace in the world as it is. These very days we are vividly reminded that this requires vigilance and a continuing commitment.

So our journey must start from where we are now. This is a time of lessened tension, of greater equilibrium, of diffused power. But if the world is better than our earlier fears, it still falls far short of our hopes. To deal with the present does not mean that we are content with it.

The most striking feature of the contemporary period—the feature that gives complexity as well as hope—is the radical transformation in the nature of power. Throughout history power has generally been homogeneous. Military, economic and political potential were closely related. To be powerful a nation had to be strong in all categories. Today the vocabulary of strength is more complex. Military muscle does not guarantee political influence. Economic giants can be militarily weak, and military strength may not be able to obscure economic weakness. Countries can exert political influence even when they have neither military nor economic strength.

It is wrong to speak of only one balance of power, for there are several which have to be related to each other. In the military sphere, there are two super powers. In economic terms, there are at least five major groupings. Politically, many more centers of influence have emerged; some 80 new nations have come into being since the end of World War II and regional groups are assuming ever increasing importance.

Above all, whatever the measure of power, its political utility has changed. Throughout history increases in military power—however slight—could be turned into specific political advantage. With the overwhelming arsenals of the nuclear age, however, the pursuit of marginal advantage is both pointless and potentially suicidal. Once sufficiency is reached, additional increments of power do not translate into usable political strength; and attempts to achieve tactical gains can lead to cataclysm.

This environment both puts a premium on stability and makes it difficult to maintain. Today's striving for equilibrium should not be compared to the balance of power of previous periods. The very notion of "operating" a classical balance of power disintegrates when the change required to upset the balance is so large that it cannot be achieved by limited means.

More specifically, there is no parallel with the nineteenth century. Then, the principal countries shared essentially similar concepts of legitimacy and accepted the basic structure of the existing international order. Small adjustments in strength were significant. The "balance" operated in a relatively confined geographic area. None of these factors obtain today.

Nor when we talk of equilibrium do we mean a simplistic mechanical model devoid of purpose. The constantly shifting alliances that maintained equilibrium in previous centuries are neither appropriate nor possible in our time. In an age of ideological schism the distinction between friends and adversaries is an objective reality. We share ideals as well as interests with our friends, and we know that the strength of our friendships is crucial to the lowering of tensions with our opponents.

When we refer to five or six or seven major centers of power, the point being made is not that others are excluded but that a few short years ago everyone agreed that there were only two. The diminishing tensions and the emergence of new centers of power have meant greater freedom of action and greater importance for all other nations.

In this setting, our immediate aim has been to build a stable network of relationships that offers hope of sparing mankind the scourges of war. An interdependent world community cannot tolerate either big power confrontations or recurrent regional crises.

But peace must be more than the absence of conflict. We perceive stability as the bridge to the realization of human aspirations, not an end in itself. We have learned much about containing crises, but we have not removed their roots. We have begun to accommodate our differences, but we have not affirmed our commonality. We may have improved the mastery of equilibrium, but we have not yet attained justice.

In the encyclical for which this conference is named, Pope John sketched a greater vision. He foresaw "that no political community is able to pursue its own interests and develop itself in isolation" for "there is a growing awareness of all human beings that they are members of a world community."

The opportunities of mankind now transcend nationalism, and can only be dealt with by nations acting in concert:

For the first time in generations mankind is in a position to shape a new and peaceful international order. But do we have the imagination and determination to carry forward this still fragile task of creation?

For the first time in history we may have the technical knowledge to satisfy man's basic needs. The imperatives of the modern world respect no national borders and must inevitably open all societies to the world around them. But do we have the political will to join together to accomplish this great end?

If this vision is to be realized, America's active involvement is inescapable. History will judge us by our deeds, not by our good intentions.

But it cannot be the work of any one country. And it cannot be the undertaking of any one Administration or one branch of government or one party. To build truly is to chart a course that will be carried on by future leaders because it has the enduring support of the American people.

So let us search for a fresh consensus. Let us restore a spirit of understanding between the legislative and the executive, between the government and the press, between the people and their public servants. Let us learn once again to debate our methods and not our motives, to focus on our destiny and not our divisions. Let us all contribute our different views and perspectives but let us, once again, see ourselves as engaged in a common enterprise. If we are to shape a world community we must first restore community at home.

With Americans working together, America can work with others toward man's eternal goal of a Pacem in Terris—peace abroad, peace at home and peace within ourselves.

CHILD HEALTH

Mr. MONDALE. Mr. President, recently President Nixon issued a proclamation designating October 1 as Child Health Day. Few would disagree with the importance that proclamation attached to child health.

But as the Citizens' Committee for Children of New York pointed out, unfortunately the administration's performance in the area of child health does not support its rhetoric.

In a careful review of maternal and child health, school lunch, medicaid regulations, child development and other programs with child health components, the committee carefully documented the efforts of the administration to freeze or cut back vitally important initiatives for children.

In order that this analysis be available to my colleagues, and the public, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.,
New York, N.Y., October 1, 1973.

HON. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have read with interest your Proclamation designating October 1st as Child Health Day.

Although you "invite all citizens, agencies and organizations to join in such activities as will help alert all Americans to the vital importance of child health," we see no mention of the role which your Administration must take in promoting the health of the nation's children. It is both useless and pernicious to pretend that this problem can be turned over to the voluntary sector, to private citizens or organizations, no matter how dedicated, without increased support from the Federal Government.

On the occasion of Child Health Day of 1973, we of the Citizens' Committee for Children of New York believe it is appropriate to review the record of your Administration, a record which is not in keeping with your Proclamation's statement that, "One of our most important national responsibilities is the assurance of full and healthy development for the children of America."

MATERNAL AND CHILD HEALTH

Although the cost of health care rose three times as fast as the cost of living between 1967 and 1972, and we know that costs have continued to rise, the budget request for Maternal and Child Health for F. Y. 1974 which your Administration sent to Congress was $244,144,000, the same amount as in the 1973 revised budget. It was inadequate then and is even more inadequate now. When Congress in 1973 voted an additional $7.8 million, you vetoed the bill.

Your Administration had planned to impound $1.1 billion of $4.7 billion voted by Congress for health programs and at least part of that money was for health services to children. It was only as a result of court action that your impoundment plan was abandoned. How do these actions accord with your Proclamation's statement of concern for the health of children?

SCHOOL LUNCHES

Your Administration opposed increasing the reimbursement rate for school lunches in the appropriation bill before the Congress. Nutrition is an essential element in the health of a child but with the skyrocketing cost of food, many children of welfare and low income families will not receive an adequate diet. School lunch is the one nutritious meal these children can count on. As of April, 1973, 8.8 million children of low income families were receiving free or low cost school lunches but without increased Federal aid, the School Lunch Program cannot survive. Already a few schools have stopped serving hot lunches and others may have to follow suit. It is now estimated that hundreds of thousands of children may be forced to drop out of the program because the amount they must pay has gone up. This in turn reduces the income of the lunch program and necessitates the substitution of alternate, less appetizing food which children don't like. Local communities do not have the funds to cover their share of the cost and this share is rising because the Federal subsidy is too rigid.

To compound the difficulty, you also opposed increasing the equipment assistance to schools which would enable them to purchase equipment necessary to the preparation and service of school lunches. The present allocation of $16 million in Federal expenditures is less than half what is required to meet the needs of all the children who should be receiving school lunches.

Despite the soaring cost of food, the Department of Agriculture budget which you submitted to the Congress not only failed to provide for an increased reimbursement rate for the School Lunch Program, but also failed to include an escalator clause which would require adjustments in the Federal grant to keep pace with any future increase in food costs. It is our hope that the Senate School Lunch Bill, just passed, will not be substantially altered in conference and that it will soon be on your desk. A Presidential veto of this bill would be a terrible blow to the health of millions of children. We call on you, on Child Health Day, to pledge your approval of this bill.

MILK PROGRAM

Your Administration, in January 1973, proposed a cut in the national School Milk Program from $95 million to $25 million. The Department of Agriculture then proceeded to discontinue the subsidized milk program in all schools having a school lunch program, in violation of Congressional policy.

Surely you are aware of the fact that milk is an essential element in the diet of all children, and that providing milk at a cost many families can afford requires the assistance of the Federal Government. In recognition of this, the Agricultural Appropriations Bill now in conference, raises the milk subsidy back to $97 million. We trust that you will not veto this bill.

SUPPLEMENTAL FEEDING PROGRAM

Your Department of Agriculture never implemented the supplemental feeding program until ordered to do so by a Federal judge. The court also ruled that the full $40 million authorized must be spent on this two-year pilot project designed to test and evaluate various approaches to the feeding of pregnant and lactating women, and infants. We sincerely hope that you will pledge your Administration to full implementation of all heath programs without further necessity for court action.

MEDICAL CARE

Your Administration testified before the Ways and Means Committee against extending Federal grants for both the Maternal and Infant Care and Children and Youth Projects. A nationwide study has shown that under the special Children and Youth Projects it costs less to provide medical services per child, per year, than under Medicaid. In New York City the data shows that in the neighborhoods served by the Maternal and Infant Care Projects, maternal and infant mortality have sharply declined. Fortunately, the Congress attached a one-year continuation of Title V as a rider to the Public Debt Limit Bill, which you felt obligated to sign. However, you failed to include in your budget the $30 million needed to implement the law. Thus, no new projects are possible this year.

NEW MEDICAID REGULATIONS

Your Administration has consistently proposed that families be required to pay Medicaid deductibles and premiums even when they are so poor that they are eligible for public assistance or Medicaid. To our great regret, Congress passed (as part of Public Law 92-603) provisions requiring a premium to be paid by all medical assistance patients (those who are not receiving public assistance but are eligible for Medicaid). The Law states that in addition to the premium, a co-payment or deductible *CAN* be imposed by each state on all services for the "medical assistance" patients and on the "optional" services (those not mandated) even for people receiving public assistance. Federally mandated services do not include such essentials as prescription drugs, dental care, hearing aids, eyeglasses.

The Department of Health, Education and Welfare has now proposed premiums at a minimum of $1.00 a month for a family with monthly gross income of $150 or less, regardless of the size of the family. A family of five or more with monthly gross income of $350 would pay the same premium. Thus a mother and child not receiving public assistance but with a monthly income of about $140.00 could still be required to pay a $1.00 monthly premium in order to be included in a state plan.

These actions have been taken in spite of the fact that the cost of medical care continues to rise and the cost of living to soar.

It is hard for us to see how these premium requirements can be met since they use gross income as a base and fail to take into account required deductions, expenditures and taxes. What will happen to families and children and their health needs if these regulations are implemented? Will they be forced to go on welfare because they require medical care but are unable to pay the monthly premium?

E.P.S.D.T.

The Early and Periodic Screening, Diagnosis and Treatment Program for Medicaid Eligible Children, which is part of Title XIX of the Medicaid Law, is one of the most hopeful signs on the horizon. Although the Law was passed and signed in 1967, the regulations were issued by H.E.W. only in 1971. Citizens' Committee for Children is devoting a great deal of time and effort in an attempt to get this program moving in New York City. The Congress mandated that each state reach every child eligible for Medicaid and that each child must be screened, diagnosed and, if necessary, treated. Penalties were included for non-compliance by any state. The Department of H.E.W. has failed to exempt EPSDT from the new premium regulations, and this may well deter parental use of appropriate medical services.

CHILD DEVELOPMENT

Your Proclamation stresses the importance of child development and three and one-half years ago, on February 19, 1969, you stated that,

". . . many of the problems of poverty are traceable directly to early childhood experience . . . if we are to make genuine, long-range progress, we must focus our efforts much more than heretofore on those few years which may determine how far, throughout his later life the child can reach. . . . Much of our knowledge is new. But we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

However, on December 9, 1971, you vetoed the Child Care Bill sent to you by the Congress. At that time you stated,

"I return herewith without my approval S. 2007, the Economic Opportunity Amendments of 1971. . . . The most deeply flawed provision of this legislation is Title V, "Child Development Programs". . . . Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated. . . .

"Given the limited resources of the Federal budget, and the growing demands upon the Federal taxpayer the expenditure of two billions of dollars in a program whose effectiveness has yet to be demonstrated cannot be justified."

The post of Director, Office of Child Development, Children's Bureau (H.E.W.), has remained vacant for the past 15 months. More recently, the Associate Director also resigned, so that this agency is now without any administrator. Is it possible that you do not want to fill these positions and if so, does this mean that you are not interested in child development?

HANDICAPPED CHILDREN (HEAD START)

Federal law mandates that all Headstart programs for pre-school youngsters include handicapped children as 10% of their enrollments.

This is a most laudable goal but it requires that each Headstart center receive expert help and special equipment if these children are to benefit from their pre-school experience. Yet the financial support provided by the Federal Government is so minimal that the centers will be unable to give these handicapped children the assistance they need. The Agency for Child Development in New York City, for example, is receiving only $100 per handicapped child, which is clearly insufficient to train the teaching staff, purchase special educational equipment and make whatever physical renovations may be necessary.

ADOLESCENT HEALTH CARE

One of the great unmet needs in this country is specific health services for adolescents. In New York City there is only one project where Federal money is being granted for adolescent health services and new programs cannot be added for lack of Federal funding. There is now no possibility of providing the necessary medical care appropriate to this vulnerable age group.

In conclusion, Mr. President, we at Citizens' Committee for Children welcome your Proclamation declaring October 1st Child Health Day. However, our organization and many others in the voluntary sector do not need to be alerted to the multiple problems which remain unsolved, nor do we need to be reminded that, as a nation, we have failed woefully to meet the health and developmental needs of our children.

We are painfully aware that the U.S.A. has a higher infant mortality rate than twelve other countries; that the President's Panel on Mental Retardation found retardation in 3% of all births; that 5 out of 7 physically and mentally handicapped children receive no care at all; that 12 million children need special care for eye conditions; that 50% of the nation's children under the age of 15 have never been examined by a dentist; and that 2 million children need special care for orthopedic handicaps.

It seems appropriate on this day to bring these matters to your attention and to ask for a full commitment by you and your Administration to reverse the present trends which are so damaging to the health of the children of our country. We have a long tradition of offering a helping hand to the children of other countries when their well-being is threatened. Surely we must now make a united effort to safeguard the health, the nutrition and the sound development of our own children.

Sincerely yours,

MRS. MAX ASCOLI,
Chairman, Health Section.

BONNEVILLE UNIT OF CENTRAL UTAH PROJECT

Mr. MOSS. Mr. President, some of my colleagues have come to me with the draft of a letter they have been given by Dr. David C. Raskin, a member of the Sierra Club of Salt Lake City. Dr. Raskin has asked them to send this letter to Secretary of the Interior Rogers Morton in an attempt to scuttle the Bonneville unit of the Central Utah project. Central Utah is Utah's most important and comprehensive water resource development project and Bonneville is its indispensable unit.

Frankly, I am outraged. The letter is the ultimate in irresponsibility. It is not founded on facts. Early completion of Bonneville is imperative—clearly, vehemently: imperative—not only if Utah is to develop and grow in the future, but if our people now living in the State are to maintain the quality of life which they now enjoy.

At least 95 percent of the people of my great State are solidly behind this project. From long experience, they know its importance and their dependence upon it. Only last week the Utah State Legislature, Governor Rampton concurring, passed another strong resolution urging that those in authority pursue early completion of the Bonneville unit.

I am also incredulous. It is hard for me to understand how anyone who has lived in our water-starved State for even the 5 years that Dr. Raskin has been there, could want to endanger in any way a project which makes more water available for beneficial use in any part of it, and particularly, in the case of the collection and distribution system of the Bonneville unit, which would make water available for municipal and industrial use in Salt Lake Valley. Over 50 percent of the people in Utah live in the Salt Lake Valley and environs where water is now so short that a single poor water year would precipitate water rationing in many parts of the valley.

The Central Utah project is no quickly conceived, illogical scheme for the development of Utah's precious water resources. Its roots lie in the Colorado River Compact of 1922 when the four States of the Upper Basin—Utah, Wyoming, Colorado, and New Mexico—met with the lower basin States—California, Arizona, and Nevada, and signed a compact dividing the waters of the Colorado, that mighty river whose every drop of water is valuable beyond price because it flows through one of the most arid regions of the United States. It took another 30 years—until 1956—to plan the projects which would allow the States to use their share of the Colorado River waters, and to get through the Congress the overall authorizing legislation—the Colorado River Project Storage Act. The Central Utah project is the development, the construction of which, will assure to Utah its fair share of the Colorado River water. Completion of the Central Utah project has been a goal sought by several generations of Utah citizens.

The proposal which the Sierra Club, and a number of other environmental groups now advance, and which is suggested in the first paragraph of the draft letter to Secretary Morton, is that the Bonneville unit be held up until it is "thoroughly reevaluated and reformulated" by the Department of the Interior and an interagency team. The letter contends that there has not been "adequate attention to the justification for the project" and that its construction will create some "problems."

I do not know what "attention" would be considered "adequate" to these people. Years of planning have gone into the Central Utah project as a whole and into the Bonneville unit individually. It was 11 years after CUP was authorized, before construction was started—1967—on the Bonneville unit. During that time alternate plans and sites were carefully considered, and abandoned as less desirable, for one reason or another, than were the sites finally chosen for the various project works. Basic considerations, of course, were what is necessary to make the project economically feasible, and what will be the most efficient use of the water.

As my colleagues well know, water projects built by the Bureau of Reclamation have to be financially justifiable, and that means they have to pay back over a period of years the money loaned by the Federal Government for their construction. The pay back comes from water and power users, and both water and power have to be made available at prices the users can afford to pay. To date, some $90 million has been spent on Bonneville, 90 percent of which will be paid back eventually to the U.S. Treasury if the project is allowed to continue as planned. We are about one-fifth of the way through the $490 million project and this is no time to start "replanning" it.

As to the second objection—that construction of the Bonneville Unit will create some "problems"—of course, it will. No project of the dimensions of the Bonneville unit could be constructed without having some impact on the land it touches and considerable impact on the people it serves. But most of the "problems" outlined in the draft of the letter Dr. Raskin is asking Members of the Senate to send to Secretary Morton either do not exist, or are, to use a phrase "greatly exaggerated."

The proposed letter states:

> Specifically, the proposed plan to divert water from the Uinta Basin to the Bonneville Basin will have a number of severe economic, environmental, and social impacts which could be avoided with proper planning and reformulation of the project. Those problems include ultimate costs in excess of $1 billion in Federal funds, economic losses approaching $2 million annually to downstream users due to increased salinity of the Colorado River, increased water shortages in in the Uinta Basin and lack of necessary water to continue development of the major oil fields there, massive Federal subsidy to local irrigation interests, destruction of hundreds of miles of trout streams and thousands of acres of wildlife habitat during a period of growing public concern over preserving and restoring our diminishing natural environmental and recreation resources, and taking water from the Ute Indian Tribe for use by non-Indians in spite of the unavailability of water or authorized projects to repay the Ute Tribe according to legally binding contracts.

I do not know where the figure of Federal costs in excess of $1 billion for the Bonneville Unit comes from—out of thin air, I suspect. As I have indicated, total cost of the project is set at $490 million, most of which will be repaid to the Federal Government by the water and power users. The benefits of the Bonneville Unit, estimated conservatively, to the Federal Government, the State of Utah, and county and community governments will approach $50 million a year in increased tax revenues, expanded jobs, farm products, and new industries.

Nor do I know how the projected $2 million loss to downstream users in increased salinity of the Colorado River waters is calculated. The environmental impact statement shows an increase of 10 to 14 parts per million in salinity at Lake Mead, and a loss of benefits estimated to be no more than $414,000 to $580,000 annually.

Use of the Colorado River waters for irrigation or other purposes where it runs out over the land and back into the river does increase the salt content. This problem exists on rivers all over the world—not exclusively on the Colorado. But surely no one is suggesting that because it exists here that the Upper Basin states not exercise their rights under the Colorado River Compact to make use of their share of the water.

The problem is to remove the salt from the water, not remove the water from the land—or from the faucets in people's homes. Last year the seven Colorado River States met to formulate a salinity control program, and it is under intensive study. There is also legislation pending to implement it and other desalinization measures. Furthermore, the United States recently agreed to build a desalinization plant at the Mexican border to improve the quality of the water we send to our downstream neighbor.

To indicate that water will be taken from the Uinta Basin to benefit the Bonneville Basin—without regard to the welfare of the Basin—is to misrepresent the situation deliberately. The Bonneville Unit has been formulated carefully to involve water development in both the Uinta Basin and the Bonneville Basin. Also the Upalco, Uinta, Vernal and Jensen Units of the Central Utah Project are entirely within the Uinta Basin and will provide water supplies to meet the needs there. The Bonneville Unit is a thoroughly balanced unit, utilizing water which is well within the apportionments by the compact for the State of Utah. There exists additional water available for further industrial development elsewhere in the State.

The oil industry in the Uinta Basin has been made possible, in part, by water made available through the construction of earlier units of the Central Utah project, and will be sustained by units yet to be built. The population there in the Uinta Basin is increasing rapidly.

Water for oil shale is not adaptable by location to the Bonneville Unit but could well become a part of the Ute Indian unit of the central Utah project. If oil shale development becomes an acute national problem, the oil shale industry could participate in programs to augment Colorado River Basin water supplies. The most logical source of water is the White River in Colorado which is not involved at all in CUP.

The charge that the Ute Indians will be ill served by completion of the Bonneville Unit can best be answered by saying that the Indians themselves do not believe this—the Ute Indian Tribe recently passed a resolution opposing any delay in the construction of the Bonneville Unit. The Tribe is for Bonneville—all the way. They know their needs will be well met if we are allowed to complete the central Utah project as planned, and that only through the CUP can water be made available to their area.

The thrust of the opposition to Bonneville is contained in what Dr. Raskin calls "the growing public concern over preserving and restoring our diminishing natural environment and recreation resources," and more specifically the concern about "the destruction of hundreds of miles of trout streams and thousands of acres of wildlife habitat".

Most of the concern is related to the Strawberry Aqueduct of the Bonneville Unit. The truth is that there would be an irretrievable loss of only 20 miles of stream by reservoir inundation. Water flow would be reduced in about 143 miles of stream, with flows of significant reduction for fishing in 113 miles. Of that 113 miles, only 46 miles would be severely reduced. This is far from the hundreds of miles claimed by Dr. Raskin.

Mr. President, every American must be concerned with the extent to which the face of our Nation is changed by development of various types. But we are a rapidly growing citizenry, and we must have more homes for our people to live in, more food for them to eat, more jobs for them at which they can earn a living—more of everything.

In the past we raped our environment to provide these things. We are trying to turn about now; we are truly trying to protect our natural heritage. In many ways we are succeeding. The environmental impact statement on the Bonneville Unit was over 2 years in the drafting. It cleared the Department of the Interior about 2 months ago, and has been before the Council for Environmental Quality for the required 30-day period. Every effort has been, and will be made, to minimize the impact of water development upon the land it will touch. It is not possible to leave that land entirely unchanged. Some wildlife habitat will be affected. There will be diminished flows at times in some trout streams—but flows of some streams would be enhanced at times of normal low flow.

And there are vast areas for the wildlife to go, in the miles and miles of uninhabited areas not touched by the project. There will be new "fishing holes" in the new reservoirs which will fill up behind the dams—far more places for more fishermen to cast their rods. And there will be new beauty, too, as water contrasts with towering canyons where normally there would only be water in the spring. And there will be many people who can enjoy outdoor sports and recreation at these reservoir sites in valleys now seen by only the heartiest of hikers and back packers.

We must keep our perspective. We must set and hold to priorities in developing our water resources. In the instance of Bonneville, it is regretted that there must be any change in the contours of a few hundred acres of our land, in the rush of water in our streams, in the habitat of our wildlife. But this must happen to allow us to provide more water for the people who live in our towns and cities, for our industries, for supplemental irrigation water in areas of low agricultural income, for growing more food to meet a frightening worldwide food shortage. First things must come first.

The last paragraph of the letter many of you are being asked to send to Secretary Morton suggests that there are "ample alternatives" to the Bonneville project. I do not know what they are. We must develop and put to beneficial use every drop of water we have within the State of Utah if the State is to have a future. We must develop and put to use Colorado River water, underground water, water from every little stream and backyard well. Until we find an alternative to water, there is no alternative in Utah to full development of the waters of the Colorado River and its tributaries—our greatest single source of water.

The Bonneville Unit Plan was adopted in good faith by the people of Utah and it has become the basis for contracts and agreements with the Federal Government, and between various interests concerned, including the Central Utah Water Conservancy District, the Salt Lake County Water Conservancy District, the Ute Indian Tribe and the State of Utah.

Construction has been brought to a standstill by the present controversy. To require that Bonneville be restudied, reevaluated and reformulated—to be held up for any length of time whatsoever now or in the future—would be catastrophic.

I ask my colleagues to disregard any request that may come to them to write the Secretary of the Interior to hold up the Bonneville Unit for further study, and I ask for your support in getting this most important, this most indispensable project, moving again. We do not start anew; we only continue what is now underway.

Earlier today the Governor of Utah and the entire Utah congressional delegation visited Secretary Morton with this unanimous urgent request.

THE UNITED METHODIST CHURCH STATEMENT ON WATERGATE

Mr. MONDALE. Mr. President, recently, the executive committee of the Board of Church and Society in the United Methodist Church issued a statement on Watergate and the moral crisis it has precipitated.

I commend this frank, forthright statement to my colleagues as the expression of deep concern by one important church group. It should serve to make us even more concerned with the need to restore accountability to our Government and to reform many institutions in our Government to help insure that we never again experience another Watergate.

Mr. President, I ask unanimous consent that the text of the board's statement be printed at the conclusion of my remarks in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WATERGATE—1973

(The following statement is addressed to the members and congregations of the United Methodist Church by the Executive Committee of the Board of Church and Society for their earnest consideration and study.)

I. INTRODUCTION

The Watergate events constitute a serious moral crisis for the nation. Too many citizens cynically accept these events as normal and traditional political exercises. We cannot agree. We are appalled at the kind of mentality that justifies burglary in the name of national security, encourages federal harassment of citizens if on a list of enemies, that frustrates the electoral process with dirty tricks and political corruption. This is not "politics as usual." For it is doubtful that we can find anywhere in American history government corruption of such magnitude.

Although, as a Christian body, we acknowledge the need to temper judgment with mercy, we must declare our moral outrage over the Watergate break-in, its cover-up, and other illegal or unethical campaign-related activities. These events confirm our belief in the strong probability of corruption among those who exercise excessive power.

The 1972 General Conference of our United Methodist Church declared: "A free citizenry in a democracy is dependent upon access to accurate information in order to arrive at an informed opinion." And: "The Christian faith stresses the dignity of and respect for human personality. Invasion of the privacy of an ordinary citizen of society negates this dignity and respect. Further, the Christian faith is supportive of a society which elicits hope and trust, not a society that foments fear and threatens oppression."

We in the churches may have mixed feelings about Watergate—moments of righteous anger, moments of shame, moments of compassion for its victims and their families, moments of disgust at those obsessed by power, moments of pride that the system has thus far survived a constitutional crisis, moments of wondering if any reforms or safeguards can protect the political process against perverse manipulations.

At the same time we must admit our common guilt for what is currently ailing the body politic.

Some of us are tempted to relish the plight of those we dislike, to focus on the sins of others whose faults are unable to escape public scrutiny while ours remain in unpublicized oblivion.

We confess that sometimes our own loyalty to institutions and leadership takes precedence over the principles we profess.

We acknowledge that too long have we tolerated an electoral process that places candidates for high office under compromising obligation to special interests.

II. OUR CONCERN OVER WATERGATE EVENTS

Nevertheless, we are greatly disturbed about specific aspects of Watergate and surrounding events:

That certain persons high in the White House staff and the Committee to Re-elect the President thought it so important to reelect President Nixon that they deceived the American public, and made an informed and responsible election decision impossible.

That the basic rights of all citizens were endangered through illegal wiretapping and criminal burglary carried out in the name of "national security."

That deliberate obstruction of justice was justified for the sake of entrenchment in power.

That independent agencies, such as the FBI and CIA, were pressured into partial cooperation with the illegal aims of Executive staff.

That campaign contributions, received as a public trust, were diverted into payment for commission of criminal acts, for legal defense and hush money, and for the performance of "dirty tricks."

That corporations and individuals, in a dangerous form of political extortion, were coerced into making substantial illegal contributions under the fear of reprisals and in order to maintain influence within government.

In the course of the Watergate hearings, we have also been disturbed by the use of language to minimize the full character of many illegal or immoral acts performed. For instance, the term "national security" has been used to cover domestic actions taken out of partisan political consideration and without regard to any substantiated foreign threat. Further, we are concerned about euphemisms where burglary becomes "surreptitious entry," breaking and entering become "intelligence-gathering operations," and government-sponsored crimes are called "White House horrors."

There are many things that we still do not know or understand about Watergate:

What pressures were brought upon the House Banking and Currency Committee to prevent its members from holding hearings on Watergate in August of 1972, hearings that might have informed the American electorate regarding the affair before the Presidential elections?

What, if anything, did the President know regarding the Watergate cover-up before being informed about it on March 21, 1973?

How could the President be shielded so completely from knowledge of the cover-up when many of his aides and daily associates were actively conspiring to "keep the lid on?"

Who in the White House authorized the burglary of Daniel Ellsberg's psychiatrist's office to gain access to confidential medical records?

Yet we *do* know that the Watergate cover-up was effective and that, by the obstruction of justice and with the help of perjured testimony, the lid was kept on until well after the election in November 1972.

We *do* know that the President's political associates, inside and outside the White House, became deeply involved, not only in covering up the Watergate break-in, but also in other deplorable activities tending to subvert our democratic political institutions.

We *do* know that a thorough attempt was made by Presidential aides to keep the information on the cover-up from the American public.

Those responsible for such flagrant wrongdoing should be prosecuted for violations of the law. Yet they are entitled, as are all Americans citizens, to the full safeguards of the judicial process. Any extenuating circumstances should be given consideration in particular cases.

III. WHAT NEEDS TO BE DONE

Watergate and surrounding events make clear to us that at least three national governmental reforms are in order: (1) the American political system must be improved; (2) the accessibility of the President must be effectively increased; and (3) certain powers being currently exercised by the office of the President must be examined as to their constitutional basis.

The Political System: The Executive Committee of the Board of Church and Society registers its support of the following measures:

Strict limitations on the amount an individual or organization may contribute to the political campaign of any given candidate or party.

A carefully devised form of public financing for a substantial part of national election campaign costs.

Only *one* campaign committee to be eligible to receive both public and private contributions for each candidate.

An independent Federal Elections Commission with the power to enforce as well as monitor election laws.

Development of checks and safeguards to keep the Executive branch from using the instruments of government power to attack political adversaries.

Elimination of the use of wiretapping and electronic surveillance by public authorities without a specific court order, as an unwarranted invasion of privacy in line with the Supreme Court's ruling.

Strengthening the independent agencies so as to enable them to withstand improper pressures, whether by the Executive branch of the federal government, by Congress, or by any special interest group.

Establishing effective Congressional oversight of the FBI and the CIA, both in regard to budget and expenditures and in regard to policy and operations.

Accessibility of the President: We offer the following suggestions with respect to making the office of the President more open:

(1) Presidents should be expected to meet with the press in open dialogue at least monthly.

(2) Presidents, in order to keep appropriately in touch with the American people, should be willing to meet personally, from time to time, with responsible representatives from the various major segments of society.

(3) Members of the President's Cabinet and agency heads should be expected to appear regularly as requested before the Congress and its respective Committees and be subject to questioning regarding the policies and performance of their departments and agencies.

The Constitutional Powers of the Presidency: The Constitution was initially formulated to "establish justice, insure domestic tranquility . . . promote the general welfare, and secure the blessings of liberty . . ." Historically the church has found itself staunchly in support of such high purposes and we now affirm our continuing faith in the validity of these lofty principles.

When the President takes the oath of office he (she) affirms that "I . . . will to the best of my ability, preserve, protect, and defend the Constitution of the United States." Under the Constitution the office of the President, including the White House staff, is subject to the laws of the country.

In light of the provisions of the First Amendment, the office of the President should not be permitted to use bureaucratic means to silence the criticism or compel the support of journalists, political enemies, or corporate executives. No executive privilege inherent in the Constitution was meant to protect such self-serving use of power.

Further, under the Fourth Amendment, the President, in the absence of a grave emergency presenting a "clear and present danger," should not have the authority to abrogate "the right of the people to be secure . . . against unreasonable searches and seizures. . . ." Surreptitious entry should never be justified in domestic affairs on the basis of some vague doctrine of national security. The President should not be placed upon a pedestal, somehow above the law. We urge that the Congress share in the responsibility for interpretation of what may or may not be done in the name of national security.

We recognize the doctrine of "separation of powers" as provided for by our Constitution. Yet we do not believe that such a doctrine can rightfully be invoked to prevent Presidential documents from being surrendered to the courts or to the Congress when criminal acts may be involved. Therefore, we respectfully urge the President to provide access to the pertinent papers and tapes, with appropriate safeguards for any necessary confidentiality, in order that there may be an objective determination as to whether any wrongdoing has been committed.

The overwhelming majority of our citizens respect and honor the office of President and want to be able to have confidence in the incumbent. The maintenance of that confidence will be determined largely by the continuing conduct, accessibility, and accountability of the President.

The President said he assumes "full responsibility" for the campaign abuses that have taken place in connection with Watergate and surrounding events. He feels we should leave Watergate to the courts and "get on with the job that needs to be done." But how does one assume responsibility for events by turning one's back on them? How can a President assume responsibility and yet dissociate himself from the improprieties of his own staff?

Instead of putting it all behind us and drawing the curtain of half-knowledge, we need to ask what it means to "assume responsibility" and to "learn the important lessons of Watergate." We believe that assuming responsibility means doing everything possible to bring out the truth; it means supporting specific campaign reforms; it means selecting White House personnel who will uphold the honor of the office and place themselves under the just restraints of constitutional authority. But it also means that all American citizens must become more deeply involved in the electoral process.

In any event, it is our earnest hope and fervent prayer that the God of history who stands above the destinies of all states and persons will lead our nation in the days ahead toward a more open government, a more responsible citizenry, and a new awakening of conscience for all.—Adopted by the Executive Committee, Board of Church and Society, the United Methodist Church, September 18, 1973.

AFRICAN DROUGHT RELIEF

Mr. JAVITS. Mr. President, many of us are aware of the terrible tragedy that has struck the six nations of the Sahel region of West Africa. Massive famine now threatens millions of people in this region, because of prolonged drought, and already large numbers have starved to death or died from diseases they have been made susceptible to by extreme malnutrition.

It has been estimated that the 24 million people of this area, during this year, may lose 60 percent of their cattle and 50 percent of their grain harvest. Only an outstanding multilateral relief effort, in which the United States has actively participated, has saved millions from starvation already.

During the August recess I traveled to one of the drought stricken countries, Upper Volta, in order to determine the extent of the drought and to view the relief efforts for myself. It is difficult for us who live comfortable lives to conceive of the suffering and anguish that exists in the poorest parts of the world.

A visit such as I underook must strengthen anyone's resolve to back strongly the new foreign aid program by broad functions and to oppose an inward looking policy or to avert our eyes from the needs of our fellow men. I am greatly encouraged by the passage by the Senate last week of the new foreign aid bill, which would emphasize agricultural production, population planning, and health, precisely those areas of need so evident on my visit to Upper Volta.

I have cosponsored a bill, S. 2241, with Senators HUMPHREY, McGEE, PEARSON, and KENNEDY, that would authorize $30 million for relief and rehabilitation in the six West African Sahel countries of Upper Volta, Mali, Senegal, Chad, Niger, and Mauritania. This is a necessary step to provide funds for the relief effort and begin long-range plans to rehabilitate the drought area. The United States has already provided $4.7 million in fiscal year 1973 for disaster relief in the area, and an additional amount of about $5 million is projected for use in fiscal year 1974.

I arrived in Ouagadougou, the capital of Upper Volta, on the morning of August 29, 1973. On my arrival I visited an airdrop bagging operation at the airport. U.S. Peace Corps volunteers, local and Red Cross volunteers were loading planes in preparation for dropping sorghum gifted by the United States of America from French, Belgian, and West German planes into the remote regions of the country. I next visited an indigents' center, where the needs of the old and infirm were heart-rending. I also visited the central market and a grain sales point as 25 percent of the grain is sold on a cash-and-carry system of distribution to the people who are employed and the money is used to underwrite the cost of transporting the grain into the country by truck.

During my stay in Ouagadougou I met a number of government officials, including the Prime Minister Gerard Kango Ouedraogo. The government ministers were thoroughly appreciative of American aid and were on excellent terms with the U.S. Embassy. Much of the credit for this cordial attitude toward the United States must go to the outstanding work of the U.S. Ambassador in Upper Volta, Mr. Donald Easum. Also the Peace Corps was well received and well liked by the ministers.

The government ministers and other officials stressed that their primary needs are already emergency millet and sorghum for next year. For, although a new crop is coming in, it will clearly be inadequate for more than a few months because so much of the seed has been used for food, and so many of the cattle have died from starvation. Their other important needs are water, for irrigation and well digging; conservation, especially reforestation; and control of black flies, which cause blindness. They infested an area with good soil and resulted in 30 percent of the best farmland being evacuated.

I emphasized the humanitarian basis of the aid in my discussions with Upper Voltan officials, and I urged them to be "humanitarian" in return, most particularly on the Convention on Terrorism. This appeal to responsible action in the councils of developing countries was well received by the ministers.

I commend to my colleagues a thorough analysis of the situation in the

West African drought region that Senator BROOKE introduced in the RECORD on October 2, 1973. I also ask unanimous consent that two articles by David Ottaway published in the Washington Post and details on American drought relief aid to Upper Volta be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN DROUGHT-RELIEF AID TO UPPER VOLTA

21,000 tons of sorghum (including 12,000 tons under the Grain Stabilization Program and 9,000 tons emergency relief) ($3,187,000)

4,000 tons cornmeal via the World Food Program ($400,000)

10,000 tons of grain (type unspecified) approved in mid-August ($1,000,000)

Food aid via ongoing programs of Catholic Relief Services is at a rate of about $90,000 per month.

1,400 tons of livestock feed (900 tons of wheat bran and 500 tons of cottonseed) ($156,000)

Anti-parasitic medicines for Voltan livestock returning from the South ($75,000)

100 tons of salt licks ($25,600)

50,000 tablets Tetracycline (250 mg) ($959)

1,000,000 Multi-Vitamin tablets (proposed)

60,000 doses measles vaccine ($15,000)

A nutrition specialist for two months ($6,000)

Bags and stitching machine for free-fall airdropping sorghum to inaccessible areas ($22,000)

One portable field hospital ($7,000 US Army surplus price)

AID TO UPPER VOLTA, 1973—DELIVERY BASIS

[In thousands]

Grain stabilization (12,000 tons sorghum)	$1,821
Food aid via Catholic relief	1,034
Grain storage facilities loan	450
Technical assistance to OFNACER	83
Measles vaccine	15
Fada-Niamey road study	100
Peace Corps (based on local costs)	417
Self-Help fund	115
Travel and study grants	100
Total	4,135
Emergency grain (9,000 tons sorghum)	1,366
Cornmeal via world food program 4,000 tons)	400
Livestock feed (1,400 tons)	156
Livestock anti-parasitic medicines	75
Livestock salt licks (100 tons)	26
Tetracycline tablets (50,000)	1
Nutrition specialist	6
Materials for sorghum airdrop	20
Hospital equipment	7
Wells program	60
Internal transport for 900 tons grain	15
Total	2,132
Shares of Regional projects	
Regional cereals research	$40
Technical assistance to ELC	50
Demographic and health study	167
Technical aid to OCCGE	5
Other regional technical assistance	38
Etnente African enterprises loan	333
ELC livestock sector loan	(1)
Total	633
Grand total	6,900

(1) Unavailable.

NOTE.—An additional 10,000 tons of emergency grain has been set aside for Upper Volta.

[From the Washington Post, Aug. 7, 1973]

WEST AFRICA GETS MAKESHIFT DROUGHT AID

(By David B. Ottaway)

OUAGADOUGOU, UPPER VOLTA, Aug. 6.—The West German air force C-160 transport swooped down over the low hills surrounding the mud-brick, thatched huts of Aribinda as if preparing to land on the dirt airstrip just to the west.

When it was only six feet from the ground, the pilot pressed forward on the throttle and the plane shot skyward. At just that moment, five U.S. Peace Corpsmen and two West German crew members pushed a wooden pallet with over a ton of American grain bundled on it out the back.

Seven times the Transall cargo plane passed over the isolated village, each time dropping a pallet with 27 110-pound sacks on or near the tiny airport.

Nearby, several thousand half starved Fulani peasants stood watching as the first food they had received in several weeks fell from the low-flying plane.

When the last run over the village was completed, the airstrip was littered with splittered pallets and sacks, some of which had been broken open by the impact of the fall. But all but 10 per cent of the 13 tons of American-supplied sorghum would later be recovered by the villagers.

It is in this makeshift fashion that emergency relief food coming from the United States and Europe is now being delivered to the remote villages in northern-most Upper Volta, where heavy rains have now set in making the roads mostly impassable.

This semi-desert land-locked country of 5.2 million inhabitants, one of the poorest in the world, is struggling to recover from a six-year drought thought to be the worst of the century. With stocks exhausted and crops just planted, 500,000 persons in the far reaches of Upper Volta, one out of every ten Voltans, is now totally dependent on air drops of grain until the harvest in September.

Flying north from the Voltan capital of Ouagadougou, one sees vast stretches of flooded plains and overflowing rivers that only a few weeks ago were littered with the carcasses of dead cattle, camels and goats. Now, there is so much water from the rains—which have come late and are less plentiful than normal again this year—that the main road leading north from the capital is often cut on the city's outskirts.

The makeshift system of air-dropping food without parachutes, which the experiment at Aribinda showed has a 90 per cent success rate, was the brainchild of the U.S. ambassador here, Donald B. Easum, who roped West German and Belgian pilots, Voltan Red Cross volunteers and vacationing Peace Corpsmen into helping him.

"It's a great success given what we're working with," said Easum. The 49-year-old bearded, bespectacled ambassador, who described himself as an "activist," has become the key man in the country for keeping the airlift going to the northern part of the country.

With no parachutes available and intermittent cooperation from Voltan officials, this is not always an easy task as the run to Aribinda, 200 miles north of here demonstrated.

Just loading the German transport at the ill-equipped Ouagadougou airport on a recent Saturday took about three hours as the automatic loader and lift forks took turns stalling or breaking down.

In shirtsleeves and with his brow perspiring profusely, Easum himself had to help push the 1.3-ton pallets off a rickety truck and into the cargo hold. Only once did a middle-ranking Voltan official appear on the scene that sultry Saturday afternoon to see how the operation was going. Five minutes later, he disappeared.

While Voltan teen-age volunteers are easy to find and eager to work, it is another matter to find Voltan officials involved in the program, according to all foreigners working in the emergency relief program here.

Easum spends hours every day running the hotels, offices, and private Voltan residences trying to find the right official to give the necessary order.

"What you need here is someone who can contact 24 hours a day, and that has not happened," remarked the ambassador visibly frustrated by the lack of full-time cooperation from Voltan officialdom.

After several months of being pestered, the Voltan government finally distributed to embassies the name of the official whom they were to contact about the emergency relief program. But neither his phone number nor his address was indicated.

Yet the situation is so serious that 10 of the country's 44 districts, all of them in the far north are now relying totally upon the free distribution of foreign-supplied grain to keep their people alive.

One Voltan official explained that his government had been overwhelmed by the magnitude of the disaster and therefore had to depend on foreigners to run the relief operations.

The situation in Dori, the northernmost point now open to traffic, 175 miles north of here, seemed indicative of the plight facing Voltan nomads and peasants bereft of food, money and most of their cattle.

The town, crowded with Fulani and Tuareg nomads who have come south from Mali and Niger in their desperate search for food and water, has more than doubled in population. But there is no grain to be bought on the open market, and the government has had to arrest 60 merchants for black-marketing 110-pound grain sacks for as much as $30, nearly triple the official price.

But the coming of the rains has painted the parched and barren plains with a new coat of greenery and the dried out lake that formerly almost encircled Dori now has a few ponds in its bed around which scrawny sheep and goats are grazing.

In the view of Kam Ollet Baboubacar, the government-appointed mayor, the worst is over. People are no longer eating leaves and cotton seed air-dropped for the animals, and the cholera epidemic, which caused 189 officially registered deaths throughout the country, is over.

For now, there is even enough American grain coming into the town overland to keep the 130,000 to 150,000 nomads from Mali and Niger in the area from starving.

But Baboubacar is cautious about the future.

"At the end of August, we can say whether things are good or bad. If the rains don't continue falling in the next two months, there will be an even worse crisis next year."

REFUGEES FROM NIGER TREKKING TO NIGERIA

LAGOS, AUG. 6.—Hungry and exhausted refugees from drought-stricken Niger have reached as far south as Enugu in eastern Nigeria, after trekking for hundreds of miles across both countries, it was reported here today. Many of them died on the way.

Thousands of refugees have already migrated into Nigeria from the north in search of food and water. The Sunday Renaissance weekly reported here today.

According to the newspaper, the refugees are being quartered in a makeshift camp in Enugu. They go out every morning to beg, the paper reported.

Although faced with a language problem, the refugees have said they would remain in Nigeria unless the situation in their country improved.

[From the Washington Post, Aug. 8, 1973]

BLINDNESS BY FLYBITE: CATASTROPHE IN WEST AFRICA

(By David B. Ottaway)

BOBO-DIOULASSO, Upper Volta.—Karama Kamoo stood in the shade of the trees before his village, smiling broadly.

The French doctor grabbed his arm and greeted him. "So, how are things today, my friend?"

"Fine, doctor," said Karama, his eyes staring blankly straight ahead, his radiant smile showing a row of rotting teeth.

But for 46-year-old Karama, things were not fine at all. He had been going blind almost from the day he was born, and for nine years now he has not seen the light of day.

Karama is not alone in his darkness. Most of the old people in his village are also blind. Throughout this part of West Africa, there are 1 million persons stricken by the same disease afflicting Karama, and as many as 60,000 are, like him, totally blind.

They have literally been bitten blind by blood-sucking river flies, bearers of parasitic disease known as onchocericasis, or river blindness.

The small blackfly, slightly larger than a gnat that carries the debilitating disease is found in such diverse parts of the world as Yemen, Central and South America, and East and West Africa. It is estimated to have infected somewhere between 20 and 30 million people with small parasitic worms.

By all accounts, the blackfly has worked its worst ravages in central and western Upper Volta, along the fastflowing Black, Red and White Volta and other rivers rising in the savanna belt below the Sahara Desert.

River blindness is rivaled only by sleeping sickness—also carried by flies—as the most devastating disease in West Africa. But unlike sleeping sickness, it has not even begun to be brought under control.

The disease has forced thousands of peasants to abandon millions of fertile river valley farmlands here and in the northern Ivory Coast, Ghana, Togo and Dahomey. For Upper Volta, a country no longer able to feed all of its 5.2 million people, river blindness is a national disaster.

The devastating effects of river blindness are written in the history of Karama's own village.

Situated 100 miles southwest of here on the main road to Abidjan in the Ivory Coast. Dangouadougou was a prosperous roadside market ten years ago. Now, most of the young men and women has left, many of the mud-brick houses are dilapidated and thick underbrush is creeping into the village.

Although five miles from the Komoe River that flows south through the Ivory Coast to the sea, Dangouadougou is well within flying distance of the female blackfly, which must feast on animal or human blood to breed.

Karama and his fellow villagers have been bitten by these flies practically since the day they were born; each bite injects into the victim's skin thread-like worms that produce the parasitic disease in the children of the bite victim—if he or she is not already a bearer of it.

After years of accumulated fly bites, Karama's skin has become honey-combed with these worms, which have finally found their way into his eyes and eaten away his optic nerves.

The telltale signs of river blindness abound in Dangouadougou. Some of its old people have wrinkled, elephant-like skin or spots of depigmentation on their arms and legs. One wizened old woman was blind with cataracts and another was half blinded by eye lesions. Several of the younger men had large nodules on their hips or around their knees. The worms live inside those nodules.

Dangouadougou is fairly typical of the infected villages along the rivers of Upper Volta, according to Rene le Berre, a French specialist in river blindness. About 80 per cent of the villagers are afflicted, and at least 10 per cent, mostly the old people, are totally blind.

Karama says he does not know why he went blind. Even the village chief seems perplexed that so many of his people are in such bad health. But he understands perfectly well that the young men are leaving the village to look for brides in other villages and that fewer and fewer women are coming to marry and live in Dangouadougou. In short, he knows he rules over a dying village.

For the stricken villagers of Dangouadougou, there is no hope of ever recovering from river blindness. While several drugs are known to be effective in combating the disease, the toxic and allergic reactions they produce can kill the patient before they cure him.

But the plight of this and dozens of other heavily infected villages in this part of West Africa have come to the attention of the international community, thanks largely to the missionary-like zeal of Le Berre and a team of French doctors who have been studying river blindness at a research center here in Bobo-Dioulasso for 13 years.

LIFETIME DREAM

In March 1972, Le Berre met World Bank President Robert S. McNamara and talked to him for three hours about his dream of a lifetime. "McNamara immediately understood the economic and social importance to West Africa of a campaign against this uncontrolled disease," the intense, bearded Frenchman said.

As a result of their meeting, McNamara agreed to help mobilize the interest and resources of the international community, with the bank taking the lead. In early June, interested international agencies and governments met in Paris and approved a 20-year $120 million campaign.

An all-out war against river blindness in West Africa is now scheduled to begin in early 1974 and to cover about a 270,000 square-mile area in seven states: most of Upper Volta, southeastern Mali, western Niger and the northern third of the Ivory Coast, Ghana, Togo and Dahomey.

In a sense, the war on river blindness has already begun: Early last month a Swiss helicopter arrived and 500 miles of waterways in southwestern Upper Volta and northern Ivory Coast were experimentally sprayed.

A day-long, 300-mile helicopter trip down the Komoe River and back up the Leraba flowing along the Ivory Coast border made it immediately clear why this campaign is particularly important to this badly overpopulated country. Nearly 2 million acres of flat, cultivable farm land have been almost entirely abandoned because of river blindness. Here and there one sees the tracks of former villages along the rivers, but otherwise nothing but wild elephants, monkeys and antelopes.

Lee Berre and his team, now working under the auspices of the World Health Organization, which is gearing up to lead the campaign, are in the process of verifying the effectiveness of an American insecticide, Abate, on the blackfly larvae.

HEAVY TOLL

A check at a dozen different rapids along the two rivers showed that the insecticide, which has already been sprayed on the water three times, has begun to take a heavy toll of blackfly larvae.

The flies lay their eggs on reeds, rocks and branches in the midst of the fast-flowing water because the larvae need large amounts of oxygen to mature. After 24 to 43 hours, the flies hatch and literally pop out of the water into the air.

Although the blackfly lives only about one month, Le Berre said the campaign would have to continue 15 to 20 years, the life span of the parasitic worms.

"There will always be some blackflies, but many fewer, while there will be a lot more people to absorb the parasite worms," Le Berre explained. "We must create a better equilibrium between the human and fly populations."

River blindness was not a problem in West Africa until the combined effects of the slave trade, colonization and civil wars greatly reduced the number of people living in these river valleys, according to Le Berre. As a result, there were just too many flies feeding off too few people.

He estimates that as many as 400,000 Voltan peasants can be settled in the now-deserted river valleys of Upper Volta once river blindness is curbed, thus creating a new disequilibrium in favor of the people rather than the fly.

If this turns out to be true, the campaign will relieve the enormous pressure on the greatly overpopulated land around the capital of Ouagadougou and farther to the east.

It should also help to lift several hundred thousand Voltan peasants above the subsistence level, to which they are now just barely clinging.

NIGERIA

Mr. JAVITS. Mr. President, as a part of my trip to Africa during the August recess I was able to stop in Lagos, Nigeria on August 30, and meet the U.S. Ambassador and stop and meet some officials of the Nigerian Government.

Nigeria is most important to U.S. policy countries in Africa as it has the largest population of any in Africa. The Head of State, Gen. Yakubu Gowon, was elected chairman of the Organization of African Unity in 1973, as a confirmation of Nigeria's leading role in Africa, and it is already an important oil producer. Nigeria is now one of the six top petroleum exporters in the world, and is our third largest supplier of crude oil. In 1972 Nigeria's oil exports amounted to $1.76 billion, or 82 percent of all its exports. Oil contributes about 20 percent of Nigeria's Gross Domestic Product, and 75 percent of its government revenues.

While in Lagos, the capital, I had an opportunity to meet Dr. Adebayo Adedeji, Commissioner of the Federal Ministry of Economic Development and Reconstruction. We discussed the vast potential for private capital investment to aid development that Nigeria offered. Dr. Adedeji felt that U.S. companies may not be investing sufficiently in Nigeria. But, I noted that the Overseas Private Investment Corp., which was set up to assist U.S. investors in developing countries, was not able to insure U.S. investment in Nigeria and that this situation is the result of the insistence of the Nigerian civil service that the Nigerian Government must approve any claims settlement before OPIC can pay. Treaties with other countries require only that OPIC consult with the host country government. Nigeria's position inhibits U.S. investment which would otherwise find the booming Nigerian economy most attractive.

I emphasize to Dr. Adedeji the strong appeal that Nigeria could make for investment from the United States. Also, as the second largest black community in the world to increase the interest of Americans who are black in tourism and enterprise there in Africa. I stressed the humanitarian nature of our aid to the drought stricken countries of the Sahel region of West Africa, which I had just visited, and urged Nigeria to assist their fellow Africans. It is gratifying to note that Nigeria is offering material aid to its neighbors to assist them in relief and rehabilitation efforts. I argued the need for humanitarianism in relation to the convention on terrorism, and that this would keep and not hinder the struggles for self determination in Africa.

I found on my visit that two major questions concern the Nigerians in Africa: apartheid and colonial rule; and, economic development of their own country and Africa. The future can be bright for Nigeria and the United States can assist with their major concerns by providing development aid and private investment on the one hand, and, on the other, a strong stand on behalf of human rights in southern Africa, including a repeal of the amendment allowing Rhodesian chrome imports.

Mr. President, I as unanimous consent to print in the RECORD a perceptive article on Nigeria by Robert E. Hunter of the Overseas Development Council that appeared in the Washington Post on August 14, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIGERIA'S "BLACK GOLD"

(By Robert E. Hunter)

LAGOS, NIGERIA.—Coming to Lagos from French West Africa is a startling experience. After a succession of miniature capitals—with improbable names like Ouagadougou and with a quality of tropical movie-sets from the 1930s—Lagos is the New Age. The Nigerian capital has a modern port, skyscrapers, signboards advertising the good life, television (with Peyton Place) and endless bustle in Western dress. All this is capped by the clutter and inconvenience of yet another automobile culture.

In West Africa, Lagos is the symbol of success in rapid economic development, albeit with all the raw edges that accompany a boom. It also symbolizes Nigerian confidence, deriving partly from economic activity and partly from victory in war—even though that was a victory over part of Nigeria's own population. This sense of confidence—of aggressive independence—also helps to explain why tourism is made difficult; and why the federal military government is prepared, on two days' notice to commandeer the largest and best hotel in room-shy Lagos for an international conference, as it did recently.

But the key to Nigeria's progress—and to its confidence—lies elsewhere, and is the main reason for this nation's growing importance to the outside world. That key is oil. With only a fledgling industry a decade ago, Nigeria is raising its petroleum output this year to the magic level of 2 million barrels a day—fully one-fifth the size of U.S. production, and enough to rank Nigeria eighth in the world, almost equal to politically-quixotic Libya. And with a phenomenal rate of growth Nigeria oil production should reach 2.5 million barrels a day by 1975.

Almost all of Nigeria's oil is destined for foreign markets, primarily in Western Europe, but to a growing extent in the U.S. as well. Gulf, Phillips, Texaco and Mobil have been here for some time; and there is a long queue of U.S. independents hoping to get in. Of course, Nigeria is no Saudi Arabia or Venezuela for the U.S.—we now take about 15 per cent of Nigerian oil or 300,000 barrels a day—but it is our number three source of crude oil imports and it does promise to supply 5 to 10 per cent of U.S. imports even at the end of the decade when we will take so much Midwest oil. Thus Nigeria will not reduce U.S. energy dependence on the Mideast producers by very much, but at the margin it could be important.

At the same time, the federal military government is beginning to realize the importance of its natural gas reserves, whose magnitude is yet unknown. Today, about 2 billion cubic feet a day are simply flared off. Within the next four-year plan however (1975–79), liquid natural gas will almost surely begin flowing to customers in West Europe and the United States; and Nigeria is already being flooded with outside offers to build the needed facilities.

Energy is certainly important for Nigeria, itself. Oil now provides more than 75 per cent of government revenues (and more than 80 per cent of Nigeria's exports, vital to finance economic development). This income gives Nigeria a basis of wealth that virtually all of its smaller neighbors lack, and helps to enhance both the power of the federal government in dealing with the country's 12 states (there is a form of revenue sharing, here, largely based on oil money), and in African political councils. Oil, for example, must be given at least part of the credit for the elevation of General Gowan—Nigeria's Head of State—to the leadership of the Organization of African Unity (OAU). Nor would he be lionized, as during his state visit to London in June, if it weren't for Nigeria's reserves of the precious black gold.

Inevitably, outsiders are considering the reliability of Nigeria as a supplier of oil. To begin with, it has certainly not been a passive partner with the foreign producer companies. Four years ago, for example, all foreign companies (in all industries) were required to register in Nigeria, thus making their books subject to local inspection (U.S. oil firms were given a partial exemption to enable them to continue claiming Nigerian subsidiaries for U.S. tax purposes). Second, in 1971 Nigeria stopped granting new oil concessions to outside companies, and created the Nigerian National Oil Company (NNOC), which works with outside producers—reportedly with considerable success. Third, foreign oil companies are now require to hire Nigerians to fill 75 per cent of all staff positions—though most are concentrated in the lower ranks.

Most important, Nigeria plays an active role in the Organization of Petroleum Exporting Countries (OPEC), which has negotiated several price increases with producer companies and, more recently, the principle of country "participation" in ownership of assets. In the Persian Gulf, 25 per cent ownership of facilities and production is passing to the countries this year (51 per cent by 1982, if not sooner). Nigeria has gone one better, recently concluding a 35 per cent participation agreement with Shell–BP, the industry leader in Nigeria. Other foreign oil companies are now in negotiation with the government, and are hardly likely to fare better than the British–Dutch combine.

None of this, however, is any real cause for alarm on the part of consumer states. Nigeria's dependence on markets to sell its oil and finance development is at least as great as the dependence of oil companies and consumers on Nigeria. Nor have international politics entered into the oil picture here as they have in the Mideast.

The greater concern is with the future of Nigeria, itself. Three years after the Civil War with Biafra (a word I have not heard mentioned in Lagos), the country is doing remarkably well, politically. The defeated Ibo people have long since been officially "rehabilitated," and the Ibo East Central State alone has a civilian rather than military or police governor. And even if reconciliation has not progressed as far as officials here say, there is certainly no Nigerian policy of Reconstruction.

Nigeria's really pressing problems are naturally economic ones, ironically in some ways a bit more difficult because of the oil boom. Lagos and the west are a long way from the farthest corners of Nigeria—both in miles and in economic conditions. Population growth is high in this already most populous of African countries. The literacy rate outside the cities is low—although Nigeria is also generally spared the curse of over-educated and under-skilled students, as is true in most former French African colonies. Unemployment, meanwhile, is high and growing, although here, too, the drift of people to the towns and cities is offset somewhat by the migrants' continuing links to family or tribe.

Most important, Nigeria is finding a growing gap between what it has been able to do in the "modern" sector of the economy, and what has not happened in agriculture. This may be the most critical area in the long term—for Nigeria as for so many other developing countries.

In general, however, Nigeria is a dynamic place. It is seeking to be reliable in the supply of oil and as a recipient of foreign investment, while being quite shrewd in its dealings with oil companies and other multinational corporations. It is trying to solve its own mighty problems in its own way, and to be a model for other African countries to follow. And as one diplomat here said this week, "Lagos may not be a charming place, but it is becoming damned important throughout Africa, and even in the rest of the world."

QUORUM CALL

The PRESIDING OFFICER (Mr. STEVENSON). Is there further morning business?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 15, 1973, the President had approved and signed the joint resolution (S.J. Res. 160) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, and for other purposes.

REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I transmit herewith the Annual Report on the International Educational and Cultural Exchange Program conducted during fiscal year 1972 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

During the past quarter century, the increase in economic and scientific interdependence among nations, the growth of new transnational communities based on common interests and concerns, the global reach of communications and the upsurge in travel have all radically altered the international environment. All these developments make it particularly important that the quality of the participants selected for exchange programs and the nature of their exchange experiences be truly outstanding. Added attention should also be given to relatively low-cost ways of enhancing the professional and cultural experiences of foreign students and others who come to live and to work in our country.

During this past year, a special effort has been made to foster group exchanges concerning problems we have in common with other countries. At the same time, we are striving to concentrate on the exceptional individual, on the promising young leader or the influential communicator, for example, as well as to develop exchanges that introduce our visitors to America's exceptionally rich ethnic and cultural diversity.

Our exchange programs have proved especially valuable in recent months in our developing relations with the Soviet Union and the People's Republic of China. The American and Soviet peoples are now working more closely in a wide range of areas—exchanging reactor scientists, sharing research findings in heart disease, cancer, and environmental health, cooperating in nearly 30 environmental projects, collaborating in the use of computers in management and planning joint probes into space. Cultural groups and performing artists are moving between the two countries in increasing numbers. Similar exchanges are occurring with the People's Republic of China. In the past year, Chinese table tennis players, physicians, scientists and acrobats have visited the United States, and businessmen, doctors, journalists, educators, scientists and scholars from this country have gone to China.

Scientific, educational and cultural exchanges between the United States and scores of other countries are also steadily increasing, under both official and unofficial auspices. These exchanges have helped to open new levels of dialogue with present and prospective leaders in much of the world.

A unique feature of the exchange program and a major source of its vitality through the years has been the enthusiastic involvement of thousands of private individuals, associations and businesses in its activities. They have voluntarily given a great deal of their own resources and time and effort to these programs and have thus made the exchange program truly representative of the people of the United States. I gratefully salute those who have taken part in this highly effective form of people-to-people diplomacy.

All of these elements are discussed in greater detail in this Annual Report and I am pleased to commend this document to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *October 16, 1973.*

REPORT OF ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Government Operations. The message is as follows:

To the Congress of the United States:

Pursuant to the Intergovernmental Personnel Act of 1970, I hereby transmit the first report of the Advisory Council on Intergovernmental Personnel Policy.

The members of the Advisory Council include elected public officials, career administrators, labor union leaders, and public administration scholars—people from local, State, and Federal Governments and from private life. I am sure you will share my pride in the Council and my appreciation for their dedicated effort toward improving the ability of government at all levels to respond to the people's needs.

It is noteworthy that this first report of the Council is submitted in the 90th anniversary year of both the Federal and the New York State merit systems, for in many ways the Intergovernmental Personnel Act of 1970 reaffirms as public policy those merit concepts framed in the Civil Service Act of 1883.

In this report, the Advisory Council has recommended new ways to simplify the grant-in-aid process and other aspects of intergovernmental relations. It has also suggested means for strengthening the Federal system through improved personnel management at the State and local level. The Council's recommendations, which would place new emphasis on the rights, powers, and responsibilities of State and local governments for the management of their own affairs, are receiving careful consideration. Since the Council's recommendations could be carried out by the executive branch under its current authority, no draft legislation accompanies the report.

RICHARD NIXON.

THE WHITE HOUSE, *October 16, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Harry J. Hogan, of Maryland, to be an Associate Director of ACTION, which nominating messages were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AUTHORIZATION TO RECEIVE MESSAGES DURING ADJOURNMENT UNTIL THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States during the adjournment of the Senate over until Thursday next at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The motion was agreed to; and at 1:35 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:56 p.m., when called to order by the Presiding Officer (Mr. HATFIELD).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 14, 15, 26, 31, 33, 34, 37, 43, 46, 47, 48, 49, 50, and 51 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 16, 20, 21, 32, 38, 40, and 44 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974;

S. 2282. An act to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Ga. and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

The PRESIDENT pro tempore subsequently signed the last two abovementioned enrolled bills and joint resolution.

RECESS UNTIL 2:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 2:30 p.m. today.

The motion was agreed to; and at 1:57 p.m. the Senate took a recess until 2:30 p.m.

The Senate reassembled at 2:30 p.m., when called to order by the Presiding Officer (Mr. DOMENICI).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond the hour of 3 p.m. today.

The motion was agreed to; and at 2:30 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:35 p.m., when called to order by the Presiding Officer (Mr. DOMENICI).

TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590), making appropriations for the Treasury, U.S. Postal Service and General Government for the fiscal year ending June 30, 1974, and for other purposes.

On behalf of the distinguished chairman of the Subcommittee on Treasury, U.S. Postal Service, and General Government of the Committee on Appropriations (Mr. MONTOYA), I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 10, 1973, at pp. 33594–33596.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. MONTOYA in explanation of the conference report and in support of the conference report be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MONTOYA

I wish to make a relatively brief statement on the conference action on H.R. 9590, the Treasury, Postal Service and General Government Appropriation Bill for fiscal year 1974.

The conference report contains a total of $5,233,189,000. This is $388,466,000 over the House bill, $109,837,000 over the Senate bill, $604,277,000 under 1973, but $140,156,000 under the estimate.

The large increase in the conference bill over the House bill results mainly from Senate action on a $300 million budget amendment for Disaster Relief contained in Senate Document 93–36 of August 7, 1973. The House did not consider this budget request and the sum was not contained in the bill as passed the House.

The $109,837,000 increase in the conference bill over the Senate bill results mainly from the fact that the bill as passed the Senate contained $100 million for operating expenses, GSA, to be derived by transfer from 1973. The Conferees did not agree to the transfer of these particular funds and instead made a direct appropriation of funds as proposed in House Document 93–161 of October 2, 1973.

For the Treasury Department, the conference bill contains $1,747,417,000, an increase of $50,322,000 over 1973. The amount allowed is $15,468,000 under the estimate, and $2,330,000 under the House bill. Contained in this total is $1,186,800,000 for the Internal Revenue Service. This is $37,573,000 over 1973; $2,000,000 under the House allowance, and $2,000,000 under the estimate.

For the Bureau of Customs, there is included $221,200,000. This is an increase of $7,500,000 over 1973 and $1,000,000 million under the estimate and $1,000,000 under the House allowance.

For the Bureau of the Mint, there is included $23,375,000. This is a decrease of $2,375,000 under 1973; $375,000 under the House allowance and an increase of $375,000 over the Senate allowance.

For the Bureau of Alcohol, Tobacco and Firearms, Salaries and Expenses, the conference allows $72,250,000. This sum is $750,000 under the estimates and $750,000 over the House allowance.

For the Bureau of the Budget, the conference bill appropriates $18,500,000, a decrease of $1,100,000 under 1973 and represents a reduction of $1,100,000 in the estimates but $2,500,000 over the House allowance.

For the General Services Administration, the conference bill contains $680,640,000. This is a decrease of $85,894,000 under the estimates, as amended; $90,348,000 over the House allowance; $101,572,000 over the Senate allowance.

The Commitee has been informed that the language of Sec. 3 under General Provisions—General Services Administration, may be interpreted in such a manner as to require approval of a proposed purchase contract by the Committee on Appropriations of the Senate and House of Representatives, in every instance prior to the availability of appropriations for administrative expenses in connection with the execution of a purchase contract. This was not the intent of the Committee in inserting this language in the Act.

It was the intent of the Committee, and Sec. 3 should be so construed, that after the expiration of 60 days from the presentation of a proposed purchase contract to the Committees on Appropriations of the Senate and House of Representatives, appropriations shall be available for the administrative expenses of executing such a purchase contract unless, and only unless, Congress, within that 60-day period, has passed an appropriation for the acquisition of an equivalent amount of space. No action by the Committees on Appropriations within said 60-day period, should affect the availability of funds after the expiration of such period.

The language in the section "or, alternatively, during such period [60 days] the proposed contract has been approved by the Committees on Appropriations of the Senate and House of Representatives" was intended as a method of shortening the 60-day waiting period, and funds would be available within less than 60 days upon receipt of such approval.

For the Defense Civil Preparedness Agency, the Conference bill appropriates $82,000,000, a decrease of $1,535,000 under 1973; a reduction of $6,500,000 in the budget estimates; $5,500,000 under the House allowance and an increase of $12,000,000 over the Senate allowance. It was the sense of the Conferees that the amount agreed to—$82 million—will prove to be adequate and sufficient for activities of this Agency if prudent and wise fiscal management is exercised.

Mr. President, the conferees believe that the conference report presents a good agreement. It meets the requirements and needs in the programs covered by the bill with minimal increases.

Mr. President, I thank the conferees on the part of the Senate for their fine cooperation and help in the conference. I hope the Senate will be willing to accept the conference report without question.

Mr. HATFIELD. Mr. President, the ranking Republican Member of the Subcommittee, the distinguished senior Senator from Oklahoma (Mr. BELLMON) is necessarily away from the Senate today but I know that he, too, joins me in endorsing this conference report, and commending the chairman for his faithful diligence to maintaining the priorities established by the Senate in this bill that reflects the true spirit of compromise.

There is one item in this bill that I know has drawn considerable attention since the Committee on Appropriations reported out this bill back on August 3, and that is the item dealing with the civil preparedness activities of the Department of Defense. For my own part, I have serious misgivings based upon close observation of this program as Governor of Oregon and I fully supported the reductions recommended by the Committee on Appropriations. However, in the conference a consensus developed that the reductions recommended by the Senate should be deferred until further hearings could be held on these programs. Accordingly, the final bill restores both the operation and maintenance and the research, shelter survey, and marking appropriations to approximately last year's level.

An item of particular interest to me in this bill is the emergency health program of the Department of Health, Education, and Welfare. This program was scheduled to be phased out and no funds were recommended in the budget. However, our committee received a strong statement from the Oregon Volunteer Ambulance Association endorsing the training and technical assistance programs provided by the Division of Emergency Health Services. Based on that excellent testimony and other data, I was able to obtain an additional $3 million when the bill was before the Committee on Appropriations to continue this vital activity. I am pleased to note that the Committee of Conference has fully approved the action of the Senate and that the necessary minimum funds will be available to continue the emergency health program.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there may be inserted in the RECORD a statement by the distinguished ranking member of this subcommittee (Mr. BELLMON) regarding the funding of the Office of Telecommunications Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I would add my own endorsement to these remarks and I, too, urge the administration to consolidate the research budgets of the Office of Telecommunications Policy and the Office of Telecommunications in the Department of Commerce. This has been a matter of concern to both this subcommittee and the subcommittee that handles the budget of the Department of Commerce and there is a near unanimous feeling that these funds should all be in one place in next year's budget.

Mr. President, I also ask unanimous consent that a statement prepared by the ranking minority member of the Committee on Appropriations, the distinguished senior Senator from North Dakota (Mr. YOUNG), be included in the RECORD immediately following the statement of the Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. Mr. President, I urge the Senate to give this report immediate consideration in order that the bill may be sent to the White House for the President's signature so that the many necessary and vital functions that this bill includes can get underway.

STATEMENT BY SENATOR BELLMON

There is confusion as to the relationship of the Office of Telecommunications Policy to other Government entities, particularly the White House, the Department of Commerce and the Federal Communications Commission. There is concern that OTP is unduly influenced by political considerations because of its location in the Executive Office. With respect to the Department of Commerce and the FCC, there is also concern about overlap and duplication in the area of research and analysis regarding telecommunications issues. It also appears that agencies of the government are making inconsistent policy decisions on issues of telecommunications policy.

Both the House and the Senate reports point to apparent duplication in the research budgets between OTP and the Office of Telecommunications of the Department of Commerce, and the Senate requested that consideration be given to consolidating that portion of the Department of Commerce's budget with the OTP budget. The Conference Committee shares these concerns and anticipates that the Administration will follow through on steps that would clarify the telecommunications decision-making process.

STATEMENT BY SENATOR YOUNG

As both a conferee on this bill and the ranking Minority Member of the Appropriations Committee, I recommend Senate approval of this Conference Report. The final version of the bill has the peculiarity of being higher than the version as passed by either House. This only comes about because of the large increase inserted in the Senate version of the bill for disaster relief; and because of the insistence of the House managers of the bill for direct appropriations for certain General Services Administration activities for which the Senate funded by transfers from funds available from last year. The latter change was reflected in the Administration's revised budget estimate for these activities.

I particularly commend the Chairman (Mr. Montoya) and the ranking Minority Member (Mr. Bellmon) of the Subcommittee for obtaining a $26 million appropriation for the Special Fund for the Special Action Office for Drug Abuse Prevention. This is $4.5 million more than was provided in the House version of the bill and is vital to the efforts of the Special Action Office for the prevention and treatment of drug abuse.

Mr. ROBERT C. BYRD. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted, insert: "and the provisions of Section 7(e) of the Act of August 16, 1973 (Public Law 93–100), $1,036,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken by the amendment of the Senate, insert: "after submission to the House and Senate Committees on Appropriations,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert: ": *Provided further,* That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted, insert:

"That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading: Provided further, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"SEC. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, and the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"*Provided further,* That $1,280,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, reqired for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted, insert: "$6,000,000, of which $3,000,000 shall be available only for transfer to the General Services Administration for the purpose of disposal of the medical stockpile".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 16, 20, 21, 32, 38, 40, and 44.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriation, the 1974 budget estimates, as revised, to the House and Senate, and conference committee allowances for fiscal year 1974 be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF CONFERENCE TOTAL WITH NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1973, BUDGET ESTIMATES FOR FISCAL YEAR 1974, AND HOUSE AND SENATE ALLOWANCES

TITLE I—TREASURY DEPARTMENT

Agency and item (1)	New budget (obligational) authority, fiscal year 1973 (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended) (3)	New budget (obligational) authority, House version (4)	New budget (obligational) authority, Senate version (5)	Conference allowance (6)	Conference allowance compared with— 1973 appropriations (7)	1974 estimates (8)	House version (9)	Senate version (10)
Office of the Secretary	$16,500,000	$18,185,000	$17,600,000	$18,185,000	$17,892,000	+$1,392,000	−$293,000	+$292,000	−$293,000
Federal Law Enforcement Training Center:									
Salaries and expenses	1,900,000	2,200,000	2,200,000	2,200,000	2,200,000	+300,000			
Construction		6,000,000					−6,000,000		
Total, Federal Law Enforcement Training Center	1,900,000	8,200,000	2,200,000	2,200,000	2,200,000	+300,000	−6,000,000		
Bureau of Accounts:									
Salaries and expenses	63,341,000	71,100,000	70,000,000	70,000,000	70,000,000	+6,659,000	−1,100,000		
Government losses in shipment	300,000	800,000	800,000	800,000	800,000	+500,000			
Total, Bureau of Accounts	63,641,000	71,900,000	70,800,000	70,800,000	70,800,000	+7,159,000	−1,100,000		
Bureau of Alcohol, Tobacco and Firearms	74,427,000	73,000,000	71,500,000	73,000,000	72,250,000	−2,177,000	−750,000	+750,000	−750,000
Bureau of Customs	213,700,000	222,200,000	222,200,000	221,200,000	221,200,000	+7,500,000	−1,000,000	−1,000,000	
Bureau of Engraving and Printing fund	3,000,000					−3,000,000			
Bureau of the Mint:									
Salaries and expenses	23,000,000	24,500,000	23,750,000	23,000,000	23,375,000	+375,000	−1,125,000	−375,000	+375,000
Construction of Mint facilities	2,000,000					−2,000,000			
Total, Bureau of the Mint	25,000,000	24,500,000	23,750,000	23,000,000	23,375,000	−1,625,000	−1,125,000	−375,000	+375,000
Bureau of the Public Debt	71,900,000	79,400,000	77,000,000	77,000,000	77,000,000	+5,100,000	−2,400,000		
Internal Revenue Service:									
Salaries and expenses	34,500,000	34,687,000	34,687,000	34,687,000	34,687,000	+187,000			
Accounts, collection, and taxpayer service	517,600,000	531,683,000	531,683,000	530,000,000	531,683,000	+14,083,000			+1,683,000
Compliance	597,127,000	622,430,000	622,430,000	620,430,000	620,430,000	+23,303,000	−2,000,000	−2,000,000	
Total, Internal Revenue Service	1,149,227,000	1,188,800,000	1,188,800,000	1,185,117,000	1,186,800,000	+37,573,000	−2,000,000	−2,000,000	+1,683,000
Office of the Treasurer:									
Salaries and expenses	11,300,000	12,700,000	12,400,000	12,400,000	12,400,000	+1,100,000	−300,000		
Check forgery insurance fund	1,800,000					−1,800,000			
Total, Office of the Treasurer	13,100,000	12,700,000	12,400,000	12,400,000	12,400,000	−700,000	−300,000		
U.S. Secret Service	64,700,000	64,000,000	63,500,000	63,500,000	63,500,000	−1,200,000	−500,000		
Total, title I, Treasury Department, new budget (obligational) authority	1,697,095,000	1,762,885,000	1,749,750,000	1,746,402,000	1,747,417,000	+50,322,000	−15,468,000	−2,330,000	+1,015,000

TITLE II—U.S. POSTAL SERVICE

Agency and item (1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Payment to Postal Service Fund	$1,410,000,000	$1,373,096,000	[1] $1,373,000,000	[1] $1,373,000,000	$1,373,000,000	$−37,000,000	$−96,000		

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Agency and item (1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Compensation of the President	$250,000	$250,000	$250,000	$250,000	$250,000				
Council of Economic Advisers	1,369,000	1,376,000	1,376,000	1,376,000	1,376,000	+$7,000			
Council on International Economic Policy	1,000,000	1,400,000				−1,000,000	−$1,400,000		
Disaster Relief	592,500,000	[2] 400,000,000	100,000,000	400,000,000	400,000,000	−192,500,000		+$300,000,000	
Domestic Council	1,800,000	1,168,000	1,100,000	1,100,000	1,100,000	−700,000	−68,000		
Economic Stabilization Activities	30,400,000	62,654,000	60,000,000	55,000,000	55,000,000	+24,600,000	−7,654,000	−5,000,000	
Emergency fund for the President	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Executive Residence	1,372,000	1,370,000	1,370,000	1,370,000	1,370,000	−2,000			
Expenses of management improvement	700,000	350,000	350,000	350,000	350,000	−350,000			
National Commission on Productivity		5,000,000					−5,000,000		
National Security Council	2,762,000	2,802,000	2,802,000	2,802,000	2,802,000	+40,000			
Office of Emergency Preparedness:									
Salaries and expenses	6,404,000					−6,404,000			
Defense mobilization functions of Federal agencies	3,471,000					−3,471,000			
Total, Office of Emergency Preparedness	9,875,000					−9,875,000			
Office of Intergovernmental Relations	322,000					−322,000			
Office of Management and Budget	19,600,000	19,600,000	16,000,000	19,100,000	18,500,000	−1,100,000	−1,100,000	+2,500,000	−$600,000
Office of Telecommunications Policy	3,000,000	3,270,000	2,070,000	1,500,000	2,070,000	−930,000	−1,200,000		+570 000
Special Action Office for Drug Abuse Prevention:									
Salaries and expenses	6,856,000	25,190,000	5,000,000	5,000,000	5,000,000	−1,856,000	−20,199,000		
Pharmacological Research	20,000,000		20,000,000	20,000,000	20,000,000		+20,000,000		
Special fund	25,000,000	40,000,000	21,500,000	30,000,000	26,000,000	+1,000,000	−14,000,000	+4,500,000	−4,000,000
Total, Special Action Office for Drug Abuse	51,856,000	65,199,000	46,500,000	55,000,000	51,000,000	−856,000	−14,199,000	+4,500,000	−4,000,000
Special assistance to the President	773,000	675,000		675,000	675,000	−98,000		+675,000	
Special projects	1,500,000	1,500,000		1,000,000		−1,500,000	−1,500,000		−1,000,000
White House Office	9,767,000	9,110,000	9,110,000	9,110,000	9,110,000	−657,000			
Total, title III, Executive Office of the President, new budget (obligational) authority	729,846,000	576,724,000	241,928,000	549,633,000	544,603,000	−185,243,000	−32,121,000	+302,675,000	−5,030,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFERENCE TOTAL WITH NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1973, BUDGET ESTIMATES FOR FISCAL YEAR 1974, AND HOUSE AND SENATE ALLOWANCES—Continued

IV—INDEPENDENT AGENCIES

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	New budget (obligational) authority, House version	New budget (obligational) authority, Senate version	Conference allowance	Conference allowance compared with—			
						1973 appropriations	1974 estimates	House version	Senate version
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Administrative Conference of the United States	$450,000	$700,000	$600,000	$600,000	$600,000	+$150,000	−$100,000		
Advisory Commission on Intergovernmental Relations	806,000	901,000	850,000	1,036,000	1,036,000	+230,000	+135,000	+$186,000	
Civil Service Commission:									
Salaries and expenses	65,974,000	65,774,000	65,774,000	65,774,000	65,774,000	−200,000			
By transfer	(12,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(+2,000,000)			
Annuities under special acts	1,079,000					−1,079,000			
Government payment for annuitants, employees health benefits	137,608,000	125,114,000	125,114,000	125,114,000	125,114,000	−12,494,000			
Payment to civil service retirement and disability fund	737,470,000	589,905,000	589,905,000	589,905,000	589,905,000	−147,565,000			
Federal Labor Relations Council, salaries and expenses	714,000	726,000	720,000	720,000	720,000	+6,000			
Intergovernmental personnel assistance	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−5,000,000	−6,000		
Revolving fund									
Total, Civil Service Commission	957,845,000	791,519,000	791,513,000	791,513,000	791,513,000	−166,332,000	−6,000		
Commission on Executive, Legislative, and Judicial Salaries	100,000					−100,000			
Commission on Government Procurement									
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped	200,000	240,000	200,000	240,000	240,000	+40,000		+40,000	
Advisory Committee on Federal pay		130,000	130,000	130,000	130,000	+130,000			
Commission to Review National Policy Toward Gambling		356,000	200,000	250,000	250,000	+250,000	−106,000	+50,000	
General Services Administration:									
Public Buildings Service:									
Operating expenses (by transfer)	442,500,000	[3] 480,582,000	[4] 390,582,000	[5] 380,582,000	480,582,000	+38,082,000		+9 000,000	+$100,000,000
				(100,000,000)	( )		( )	( )	(−100,000,000)
Repair and improvement of public buildings	88,045,000	[6] 82,000,000	[7] (82,000,000)	[8] (82,000,000)	[9] (82,000,000)	−88,045,000	−82,000,000		
Construction, public buildings projects	203,312,000	[10] (2,572,000)	[11] 2,572,000	[12] (2,572,000	[13] 2,572,000	−200,740,000	+2,572,000		+2,572,000
Sites and expenses, public buildings projects	25,031,000	2,000,000	500,000	500,000	500,000	−24,531,000	−1,500,000		
Payments, public buildings purchase contracts	2,450,000	7,300,000	7,300,000	7,300,000	7,300,000	−4,850,000			
Expenses, U.S. court facilities	5,344,000	7,512,000	7,512,000	7,000,000	7,000,000	+1,656,000	−512,000	−512,000	
Total Public Buildings Service	766,682,000	579,394,000	408,466,000	395,382,000	497,954,000	−268,728,000	−81,440,000	+89,488,000	+102,572,000
Federal Supply Service	93,630,000	98,753,000	95,000,000	97,000,000	96,000,000	+2,370,000	−2,753,000	+1,000,000	−1,000,000
National Archives and Records Service:									
Operating expenses	31,585,000	33,230,000	33,000,000	33,230,000	33,230,000	+1,645,000		+230,000	
Records declassification	860,000	1,000,000	1,000,000	1,000,000	1,000,000	+140,000			
Total, National Archives and Records Service	32,445,000	34,230,000	34,000,000	34,230,000	34,230,000	+1,785,000		+230,000	
Automated Data and Telecommunications Activities	7,514,000	6,688,000	6,600,000	6,600,000	6,600,000	−914,000	−88,000		
Property Management and Disposal Service	43,962,000	33,837,000	33,000,000	33,000,000	33,000,000	−10,962,000	−837,000		
Office of Administrator:									
Salaries and expenses	1,480,000	2,900,000	2,750,000	2,750,000	2,750,000	+1,270,000	−150,000		
Indian Tribal Claims	1,264,000	2,280,000	2,200,000	2,200,000	2,200,000	+936,000	−80,000		
Allowances and office staff for former Presidents	408,000	236,000	60,000	60,000	60,000	−348,000	−175,000		
Expenses, Presidential transition	900,000					−900,000			
Administrative operations fund (on administrative expenses)	(37,100,000)	(44,703,000)	(40,000,000)	(44,703,000)	(42,350,000)	(−5,250,000)	(−2,353,000)	+2,350,000)	(−2,353,000)
Emergency preparedness:									
Salaries and expenses	(5,219,000)	4,846,000	4,846,000	4,846,000	4,846,000	+4,846,000			
Defense mobilization functions	(3,471,000)	3,370,000	3,370,000	3,000,000	3,000,000	+3,000,000	−370,000	−370,000	
Total, Office of Administrator	4,052,000	13,632,000	13,226,000	12,856,000	12,856,000	+8,804,000	−776,000	−370,000	
Total, General Services Administration	948,285,000	766,534,000	590,292,000	579,068,000	680,640,000	−267,645,000	−85,894,000	+90,348,000	+101,572,000
United States Tax Court:									
Salaries and expenses	4,307,000	5,760,000	5,760,000	5,480,000	5,760,000	+1,453,000			+280,000
Construction	1,916,000					−1,916,000			
Total, United States Tax Court	6,223,000	5,760,000	5,760,000	5,480,000	5,760,000	−463,000			+280,000
Department of Defense:									
Civil Defense Preparedness Agency:									
Operation and maintenance	60,335,000	64,100,000	63,500,000	50,000,000	60,000,000	−335,000	−4,100,000	+3,500,000	+10,000,000
Research, shelter survey, and marking	23,200,000	24,400,000	24,000,000	20,000,000	22,000,000	−1,200,000	−2,400,000	−2,000,000	+2,000,000
Total Civil Defense Preparedness Agency	83,535,000	88,500,000	87,500,000	70,000,000	82,000,000	−1,535,000	−6,500,000	−5,500,000	+12,000,000

Agency and item (1)	New budget (obligational) authority, fiscal year 1973 (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (as amended) (3)	New budget (obligational) authority, House version (4)	New budget (obligational) authority, Senate version (5)	Conference allowance (6)	Conference allowance compared with— 1973 appropriations (7)	Conference allowance compared with— 1974 estimates (8)	Conference allowance compared with— House version (9)	Conference allowance compared with— Senate version (10)
Department of Health, Education, and Welfare:									
Health Services and Mental Health Administration:									
Emergency health	$3,081,000	$6,000,000	$3,000,000	$6,000,000	$6,000,000	+$2,919,000		+$3,000,000	
Total, title IV, independent agencies, new budget (obligational) authority	2,000,525,000	1,660,640,000	1,480,045,000	1,454,317,000	1,568,169,000	−432,356,000	−$92,471,000	+88,124,000	+$113,852,000
Grand totals, titles I, II, III, and IV, new budget (obligational) authority	5,837,466,000	5,373,345,000	4,844,723,000	5,123,352,000	5,233,189,000	−604,277,000	−140,156,000	+388,466,000	+109,837,000

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[1] Of which $142,333,500 shall be transferred to the Civil Service Retirement and Disability Fund.

[2] Reflects revised estimate of $400,000,000 contained in S. Doc. 93-36, dated Aug. 7, 1973, in lieu of $100,000,000 requested in January budget.

[3] January budget proposed $390,582,000 by direct appropriation and an additional $100,118,000, to be derived by transfer, from "Construction, PBS," 1973, or a total of $490,700,000. H. Doc. 93-161, dated Oct. 2, 1973, proposes amendment which provides for direct financing in amount of $480,582,000, and no transfer of unobligated funds.

[4] Disallowed transfer of $100,118,000, as requested.

[5] $380,582,000 by direct appropriation and in addition $100,000,000, to be derived by transfer from "Construction, 1973."

[6] January budget proposed that $97,937,000 be derived by transfer from "Construction, PBS," 1973. H. Doc. 93-161, Oct. 2, 1973, proposes a budget amendment which provides for direct financing in amount of $82,000,000.

[7] Disallowed transfer of $97,937,000 from "Construction, PBS," 1973 and in lieu thereof permitted $82,000,000 be transferred from Operating Expenses, PBS, 1974.

[8] $82,000,000 to be derived by transfer from "Construction, PBS," 1973.

[9] To be derived by transfer from the appropriation, Public Buildings Service, Operating Expenses, 1974, in lieu of reappropriation from "Construction, 1973."

[10] To be derived by reappropriation from "Construction, 1973."

[11] By direct appropriation.

[12] From unobligated balance in the Construction, PBS, 1973, account.

[13] By direct appropriation.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Thursday at 12 noon. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Rhode Island (Mr. PELL) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

The leadership anticipates no rollcall votes, and no action is expected except in the event there is a conference report that can be acted upon or a bill on the calendar that has been cleared for action, not necessitating a rollcall vote. Such measures would be taken up and disposed of.

ADJOURNMENT TO THURSDAY, OCTOBER 18, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Thursday next.

The motion was agreed to; and at 2:39 p.m., the Senate adjourned until Thursday, October 18, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate on October 16, 1973:

DEPARTMENT OF DEFENSE

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army, vice Dudley C. Mecum, resigned.

ACTION

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the ACTION Agency. (New Position).

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency. (New Position).

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Abbott, William Arlen
Alexander, Corington A., Jr.
Alvarado, Philip Daniel
Alvarez, Everett, Jr.
Anderson, Bryan Richard
Anderson, Harland Dewayne
Armbruster, William Arthur
Asher, John Wilson, III
Bailey, Fred Wilkin
Baker, Harry John
Baker, Henry Theodore
Baldwin, John Stanley
Ball, Hugh Earnest, Jr.
Barker, Francis Oscar
Bash, John Franklin
Batts, William Henry, Jr.
Beck, Victor
Behning, William Penn
Bennett, David Michael
Bennett, Maurice Hogue, Jr.
Binczak, Joseph Francis
Black, Ronald Eugene
Blasch, Lynn Paul
Boatright, Keith Arnold
Bock, Karl Ford
Boland, Joseph Eugene, Jr.
Boltz, Norman Donald
Boorda, Jeremy Michael
Borgquist, Bruce Warren
Botkin, Harry Lee
Bowles, Vivian Knight
Boynton, Thomas Franklin
Bradbury, Craig Merrill
Branchflower, Norman H., Jr.
Briggs, Roger Clarence
Briggs, Steven Russell
Brons, John Clemons
Brown, Alan Richard
Brown, Ronald Lee
Brownlie, Robert Clark, Jr.
Brumwell, Robert Keith
Burke, Lauren Dean
Burnett, James Reed
Burns, John Joseph
Burt, David Leete
Burton, John George
Bushey, William Edward
Buss, Richard Henry
Cadow, William Schuyler, Jr.
Calder, Donald James
Camp, William George
Cannon, John Wesley
Carden, Francis Deleveaux, Jr.
Cargill, Lee Bruellman
Carlsen, Kenneth Leroy
Carlson, Gilman Regenous, Jr.
Carpenter, John Embry
Carter, Frederick Whitton, Jr.
Catalano, Alvin Nicholas, II
Catalano, Peter Rocco
Chambers, Leroy
Chandler, David Fessenden
Chandler, Ralph Wallace
Clarity, Michael Gerard
Clegg, William Louis
Clexton, Edward William, Jr.
Collis, Charles David
Copeys, Joseph Edward
Connerton, James Edward, Jr.
Converse, Joseph Irwin, Jr.
Cornelius, Patrick Bryan
Cox, Kenneth Hildred
Craft, Charles David
Crippen, Robert Laurel
Crombie, Todd Austin
Crowninshield, George W.
Cuddy, John Vincent
Cunneen, William James, Jr.
Dachos, John
Dafoe, James Lyle
Damato, Joseph Jack
Davis, Joseph Fleming
Dee, James David, Jr.
Delpercio, Michael, Jr.
Derryberry, William David
Dewalt, Gary Lee
Dew, Harry Philip, Jr.
Dietz, Donald Lee
Dobbins, James Ryan
Dodge, Peter Burnett
Doe, Francis Patrick
Donis, John Nicholas
Donodeo, Roger Francis
Doyle, William James
Driver, Ace Charles, Jr.
Drude, Leonard Joseph
Dvornik, Donald Frederick
Dyke, Conrad Scott
Dykeman, Charles John
Effron, Herbert Marshall
Egan, Joseph Robert
Eilertsen, James Trigen
Ellison, Paul Emery
Endter, Elmer William, Jr.
Evans, Ronald Arthur
Fairly, James Peter, Jr.
Fang, George Weiming
Feldhaus, John Anthony

Ferguson, Robert Harvey
Finkelstein, Jimmie Bennie
Fitzgerald, Thomas A., Jr.
Fitzpatrick, Eugene Edward
Flanagan, George Thomas
Fleming, Robert Earle
Flynn, Cathal Liam, Jr.
Forst, Ronald John
Frame, Don Dale
Franks, Richard Newell
Frederick, Richard Amby
Fuchs, Jerry Lee
Fulcher, James Marion
Fullerton, George Edward, Jr.
Furminger, Harry Carlos
Galavotti, Edward Louis
Gentry, Donald Gunn
Georg, John August
Gerrish, Donald Aikman, Jr.
Gillett, Robert Milton, Jr.
Gilmore, James Gordon
Gilstrap, Ralph Madison
Goldsmith, Albert Lewis, Jr.
Gomez, Alvaro Raymond
Goodwin, James Clivie, Jr.
Goodwin, Robert Leo, Jr.
Gost, William John
Goto, Irving Ken
Gracy, Ronald Alsberry
Graff, Dennis Theodore
Guilbault, Roland George
Gunter, Billie Gene
Hadfield, Richard Reuben
Hagan, Wayne Edgar
Hahn, Donald Lee
Hahn, John William
Haigis, Erwin Giles, Jr.
Hakanson, Gary Evan
Haller, Hubert Michael
Harper, William Lawrence
Hassler, Thomas Andrew
Hayden, John Roderick
Henderson, Ronald Gordon
Hendricks, Paul Vincent
Henry, Robert Lee
Herig, Richard Weir
Hernon, Donald Mearns
Higginbotham, John David
Hildebrand, Wayne Thompson
Hock, Joseph Thomas
Hoech, Donald Gene
Hoffer, Leon Erwin, Jr.
Hogan, Thomas William
Holcomb, Charles Curtis
Holmes, Frederick Lee
Homan, Clifford Francis
Houck, Jack Carlton
Houghton, Harry Allen, Jr.
Howley, Thomas Francis
Huff, Douglas
Hunter, Richard Webster
Huston, Richard Stanley
Iverson, Dale Allen
Jackmond, Arnold Darrell
Jacobson, Walter Dobbs
Jacoby, Cliffton Gordon
Jampoler, Andrew Christopher
Jerns, Robert Lee
Jockel, Joseph Andrew, Jr.
Joe, Lawrence Palmer
Johnson, Charles Otis
Johnson, Raymond Leroy
Johnson, Roland Ralph
Jones, Howard Richard, Jr.
Jones, Meredith Roy
Jones, William Olmstead
Kalleres, Michael Peter
Kane, William Robert
Kaup, Robert Charles
Keener, Thomas Vernon
Kelley, Robert Douglas
Kellogg, Edward Francis
Kelly, Harold Thomas
Kerr, Daryl Lee
Kesler, Walter Wilson
Kessler, Robert Roth
Kight, James Runnells
Killelea, Francis Robert
King, John Joseph
King, William Kenneth
Kirk, Robert George
Klett, William Gustav
Kramer, Robert Gene
Krasts, Ilmars
Kuhn, Edward Robert
Kunkel, Barry Eugene
Lanam, Jackson Morris
Laning, Clifford Leroy
Larsen, John Thomas
Lauk, Richard Eugene
Lavender, Carlos Floyd
Lawrence, Paul Lewis
Lazo, Reinaldo
Lee, Arthur Rowland
Lee, Leonard Floyd
Leisentritt, Frederick C., III
Lesesne, Henry Deas
Leshko, Thomas John
Lester, Roy Edward
Lester, Walter Briscoe, Jr.
Lewis, Harry Gene
Lindland, Donald Fredrick
Lloyd, George Thomas
Luter, Thomas Harris
Lyon, Edward, III
Maier, William Henry
March, Daniel Peter
Markowski, David L.
Marrapodi, Joseph Frank, Jr.
Marsh, Arnold David
Martin, William Glynn
Marvin, Timothy Haigh
Matolay, Nils Arche
Maurer, John Howard, Jr.
McCall, Ralph Bennett
McClendon, Leigh A., III
McEwen, Robert Michael
McGann, Robert Gregory
McGowen, William Rankin
McKinney, Charles Joseph, Jr.
McKinney, Henry Clayton
Mendenhall, Carlos Curtis, Jr.
Mercer, Thomas Alexander
Meyers, Michael Stanley
Mezzadri, Francis Xavier
Miller, Hawkins Gordon
Miller, Nigal Edward, Jr.
Milligan, Richard David
Moellmer, Karl Albert
Moore, James Baker
Moore, James Sylvan
Moore, Thomas Joseph
Moore, William Bishop, Jr.
Moran, Francies Joseph, Jr.
Morgan, William Allen
Moroney, William Maurice
Morse, Raymond Montgomery
Moser, John August
Mosher, Norman Gardner
Moss, Jack Linwood
Mueller, Lincoln Henry
Mulhern, Thomas Anthony
Munsinger, Melvin David
Murphy, Arthur Robert
Murphy, John Cowden
Naughton, Robert John
Newlin, John Joseph
Newman, Irwin Gerald
Nielsen, Emanuel Kevin
Nollan, Walter John
Nonni, John, Jr.
North, William Joseph
O'Brien, Gerald Henry
Oliver, David Rogers, Jr.
Orejuela, Henry
Osgood, Franklin Baker
Parker, Richard Lee
Partlow, Robert Greider
Patella, Lawrence Matthew
Patterson, David Rufus
Pederson, Charles Lloyd
Peltz, Theodore Anthony
Peterson, Charles Alan
Petroske, Kenneth Constantine
Petty, Howard Crosby
Pfeifer, Robert Dean
Piccioni, Jerome David
Pidgeon, Edward Timothy, Jr.
Pippenger, William Wayne
Porter, Richard Brooks
Potter, James Allison
Pottratz, Richard Karl
Powers, Robert Carney
Purcell, William Clarence
Quigley, Joseph Mathew
Rasmussen, Larry Kay
Rawcliffe, Leonard Harrison
Re, Joseph Mario
Redman, Robert Lee
Reed, William Henry, Jr.
Rein, Robert Joseph
Renner, William Scott
Reppert, Thomas Charles
Resare, Ronald Albert
Rickwald, Ronald Raymond
Riedel, Bernard, Jr.
Roberts, Gary Kirkwood
Robertson, John Stephen
Robinson, David Brooks
Rommel, John Richard
Roth, James Earl
Sajdera, Robert Matthew
Samford, Jack Wallis
Sanders, Sheldon Morton
Sanders, Tommy Louis
Sandke, William Kearns
Savage, Billy Bob
Sawdey, Phillip Gordon
Schrader, Norman Edward, Jr.
Schroeder, Gerard Richard
Schroeder, Raymond Charles, Jr.
Schwarzenbach, Hart J., Jr.
Seger, Ralph Logan, Jr.
Shea, John Joseph
Sheppard, Furman Ladow, Jr.
Sherburne, Douglas Maxwell
Sherlock, Wilbur John
Shoemaker, Hugh Louis
Shope, Theodore Lloyd
Silverman, Richard Alan
Siple, Terrence Eugene
Slater, Charles Edward
Smith, Clinton Lester
Smith, Gary Thomas
Smith, Leighton Warren, Jr.
Smith, Vance Griffin
Smith, Wayne Arnold
Smith, William Patrick
Smoot, John Howard
Snyder, Stephen Vanhekle
Somervill, William Nelson
Somes, Timothy Edmund
Sopko, John Russell
Sparks, Neil Roley, Jr.
Sperling, Harris
Sprecher, Herbert Edgar, Jr.
Springer, Judson Hewitt
Stahel, Ervin Duane
Staiger, Martin
Starbird, Gary Lee
Steckler, Charles Thomas
Stevick, Jerold Champney, Jr.
Stockstad, Ralph Floyd
Stout, Richard Dunbar
Strickland, Virgil Earl, Jr.
Strong, Bruce Walter
Sudholz, Herman Otto
Suereth, Elwood Jay
Sullivan, George Edward, III
Svoboda, Henry Dean, Jr.
Swanson, Leonard Bruce, Jr.
Sweeney, Charles John, Jr.
Syverson, Maurice Scott
Taipale, Raymond Donald
Tarkowski, Ronald Chester
Tate, Kenneth Payden
Taylor, John Keith
Templeton, Robert Neil
Thomas, James Philip Louis
Thomas, Richard William
Thomas, Robert Dean
Thorne, Charles Edward
Toy, George Ervin
Treptow, Harold Clarence
Traux, Robert Charles
Tucker, Robert Eugene, Jr.
Turczyn, Daniel Walter
Tuthill, Donald Leroy
Vaden, Stephen Joe
Vance, John Warren, III

Vancuren, Russell Fay
Vaughan, Joseph Seep
Veazey, Sidney Edwin
Vogt, Larry Gene
Wallace, Theodore Washington
Waples, John Michael
Warmbir, Kenneth Michael
Waters, Irving Asa, Jr.
Weeks, Dennis Carlton
Weiler, Antone Mathew
Welch, John Michael
Wenger, Richard Owen
West, Eugene Hal
West, Ward Lee
Whitby, Ralph Earl, Jr.
Whittaker, Thomas Kent
Wile, Alan Rigby, Jr.
Williams, Edward Morgan
Williams, James Edward
Williams, James Kendree, Jr.
Wilson, Dennis Kendrick
Wilson, James Paul
Withsosky, James Howard
Wolfe, Ned Charles
Wolynies, Jon Gordon
Wood, Phillip Ray
Wright, Lawrence Thomas
Wright, William Alan
Wynn, Walter Pierson, Jr.
Yeager, Gary Wayne
Young, Ernest Tillson, Jr.
Young, Robert Bryant
Zachary, William Hugh, Jr.
Zimdar, Robert Eugene

Lieutenant Commander Robert D. Woods, United States Naval Reserve, for temporary promotion to the grade of commander in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following named Regular officers of the line of the United States Navy, for temporary promotion to the grade of commander pursuant to Title 10, United States Code, Section 5787, subject to qualification therefor as provided by law:

Allwine, Robert Anderson
Brown, Harold Eugene
Lasch, Charles Anthony
Rollins, David John

The following named women officers of the United States Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Barker, Cathryn Josephine
Bole, Barbara
Bufkin, Kathryn Lyon
Calene, Mary Lou
Curtis, Mary Ann
Glover, Elizabeth Bevan
Hess, Carleen Rita
Kelly, Barbara Jane
Rice, Sue Ann
Suse, Barbara Jane
Vail, Doris Ruth
Vonwantoch, Jordine Skoff
Watlington, Sarah Jane

WITHDRAWAL

Executive nomination withdrawn from the Senate October 16, 1973:

Harry J. Hogan, of Maryland, to be an Associate Director of Action, vice Charles W. Ervin, which was sent to the Senate on September 5, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, October 16, 1973*

The House met at 12 o'clock noon.

The Reverend Harold E. Petersen, Grace Bible Church, Anaheim, Calif., offered the following prayer:

Eternal God, our gracious Heavenly Father, we thank Thee for the sacred privilege of prayer; that we as finite man can call on Thee, an infinite God, to seek Thy guidance and Thy direction.

In these days of uncertainty, problems and perplexities, when we cannot know what the future holds; we trust in the One who holds the future.

Thou art the source of true blessing; Thou art the foundation that is steadfast and sure. In Thee alone do we find comfort, blessing, and strength.

Guide these assembled leaders of our great Nation. Give them true wisdom and insight. May their decisions bring glory to Thy name, and blessing to the people of these United States.

Show us Thy will O God, that Thy best may be achieved for our Nation, and for our lives individually. Make us aware of Thy love and grace. May we see a new spirit of repentence of our sins and a returning to those principles and precepts that have made our Nation great.

We pray this in the name of Jesus Christ who is the way, the truth, and the life; in whom by faith alone we have salvation and eternal life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sunday messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

THE REVEREND HAROLD E. PETERSEN

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLISTER. Mr. Speaker, the gentleman who just delivered our opening prayer this afternon, the Reverend Harold E. Peterson, is pastor of the Grace Bible Church in Anaheim, Calif. But he is a native Nebraskan who was born in Omaha and was graduated from Benson High School there. He received his theological training from the Grace Bible College in Grand Rapids, Mich. He has been the pastor of churches in Kansas, Colorado, California, and was pastor of the First Grace Gospel Church in Omaha.

Reverend Petersen has been very active as a youth camp speaker and director on the west coast and has been active in his denominational circles, having served as president of both the midwestern and west coast regional boards.

As a tribute to the respect in which he is held by his denomination—the Grace Gospel Fellowship—he is currently serving as vice chairman of the executive board of the national cabinet.

Reverend Petersen's parents, Mr. and Mrs. Alvin Petersen, live in Omaha and are constituents of mine. It was indeed a great honor for me to have heard Reverend Petersen deliver the opening prayer today.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE CASE OF DR. LEV LIBOV

(Mr. DRINAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DRINAN. Mr. Speaker, 2 weeks ago, I joined with several other Members of Congress in a special order in support of the Mills-Vanik freedom-of-emigration provision. It is our intent to bring to the attention of our colleagues and the American people the continuing harassment and intimidation still experienced by those individuals seeking to emigrate from the Soviet Union. We will continue to present these individual cases until the Mills-Vanik provision is finally enacted.

On May 22, 1973, I spoke at some length by phone with Dr. Lev Libov in Moscow. Dr. Libov has his doctorate in metallurgy and did distinguished work in that field. Two and a half years ago Dr. Libov applied to go to Israel with his wife and 9-year-old son. He immediately lost his position and is now a laborer.

Dr. Libov has subsequently submitted his application to emigrate some four or five times. The only explanation given to him for the continued denials is the allegation that he had done classified work and is therefore not permitted to leave the Soviet Union. Dr. Libov assured me that all of his writings have been published in learned periodicals and that he was never at any time involved in secret or classified work.

I wrote to Ambassador Anatoly Dobrynin on May 22, 1973, urging that he intercede on behalf of Dr. Libov and his family. I have yet to receive even an acknowledgment of my letter.

The tragic case of Dr. Lev Libov and his family is only one of thousands of similar heartbreaking stories. It is estimated that over 100,000 applications of Soviet Jews seeking to emigrate have still not been acted upon by the Soviet authorities.

It is incumbent upon the Congress of the United States to stand firm on the

Mills-Vanik provision. We must not allow basic human rights and human liberties to be sacrificed for the short-term goal of increased trade.

PERSONAL STATEMENT

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, I was honored last week to be appointed one of the four Members of this body to serve as a congressional adviser to the International Telecommunications Union Conference being held in Spain. During the period October 8 through 12, I gained much useful information from participating in the deliberations of that body.

Because of the critical matters facing the Congress, however, I returned to my Washington duties yesterday, 4 days ahead of schedule, so the people of New York's Fourth Congressional District could have an input in several important problems now confronting us, including the selection of a new Vice President—as well as legislating a mandatory fuel allocation plan.

I greatly appreciate the opportunity that was accorded me to serve the Congress as an adviser to the ITU conference; however, I believe my somewhat premature return is in the best interests of my constituents.

THE JAILING OF POLITICIANS

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I believe that I have never made a partisan remark in this Congress, but I should like to say now that all of those who are anxious to see politicians go to jail for their crimes ought to vote Democratic, because the Vice President and Congressman Whalley went free on exactly the same charge that sent Congressmen Dowdy, Tom Lane, and Cornelius Gallagher to jail.

IN SUPPORT OF THE NOMINATION OF CONGRESSMAN GERALD R. FORD FOR VICE PRESIDENT

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. WON PAT. Mr. Speaker, on behalf of the people of the territory of Guam, I want to extend my sincere congratulations to our colleague from Michigan, House Minority Leader GERRY FORD, upon his nomination for the position of Vice President of the United States.

During his 25 years of dedicated service to the people of his congressional district, Congressman FORD has proven himself to be a most capable legislator and a man of outstanding integrity. His decision to leave the House for the Vice Presidency will be welcomed by Americans of all political leanings, but a sad one to his many friends in the House who have often looked to him for guidance during times of difficulty.

Congressman FORD's elevation to the second highest elected position in this country, however, could not come at a better time. Much needs to be done to heal the wounds of yesterday. And I think my colleagues will agree that Congressman FORD will certainly be the right man for the tremendous task at hand.

We on Guam will also miss Congressman FORD's presence in the Congress. During the years, he has often been one of our most able supporters, voting for such important measures as the Guam Elected Governor Act and the Guam Congressional Delegate Act.

As do my fellow Guamanians, I wish Vice-President-designate FORD every success in his new assignment. A better man could not have been chosen.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SERGEANT FIRST CLASS, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, sergeant, first class, U.S. Army (retired).

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 527]

Aspin
Badillo
Biaggi
Blatnik
Brown, Ohio
Buchanan
Carey, N.Y.
Carney, Ohio
Collins, Ill.
Conable
Conlan
Culver
Diggs
Dorn
Dulski
Eckhardt
Evins, Tenn.
Foley
Fraser
Fulton
Grasso
Gray
Gunter
Heinz
Kuykendall
McFall
Mailliard
Metcalfe
Michel, Ill.
Mills, Ark.
Mitchell, N.Y.
Passman
Patman
Rangel
Reid
Rooney, NY.
Rousselot
Sandman
Skubitz
Spence
Staggers
Stratton
Stubblefield
Symington
Wilson, Bob
Zablocki

The SPEAKER. On this rollcall 388 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRIVATE CALENDAR

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 3544) for the relief of Robert J. Beas.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert J. Beas, of 6641 Grosse Drive, Cleveland, Ohio, hereby is relieved of all liability to repay to the United States the sum of $800. Such sum represents the amount which he was required to pay for the loss of a package of registered mail while he was employed at the United States post office at Cleveland, Ohio.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the said Robert J. Beas, out of any money in the Treasury not otherwise appropriated, any amounts paid by him in reduction of the indebtedness referred to in section 1 of this Act or withheld from amounts otherwise due him because of that indebtedness. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$800" and insert "$600".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to

the request of the gentleman from Ohio?

There was no objection.

ALVIN V. BURT, JR., AND THE ESTATE OF DOUGLAS E. KENNEDY, DECEASED

The Clerk called the bill (H.R. 6624) for the relief of Alvin V. Burt, Jr., and the estate of Douglas E. Kennedy, deceased.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTELLE M. FASS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LUIGI SANTANIELLO

The Clerk called the bill (H.R. 1466) for the relief of Luigi Santaniello.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BOULOS STEPHAN

The Clerk called the bill (H.R. 4438) for the relief of Boulos Stephan.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ISABEL EUGENIA SERRANE MACIAS FERRIER

The Clerk called the bill (H.R. 3758) for the relief of Isabel Eugenia Serrane Macias Ferrier.

There being no objection, the Clerk read the bill as follows:

H.R. 3758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Isabel Eugenia Serrane Macias Ferrier shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent resident to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required number from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

On page 2, line 3, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MONROE A. LUCAS

The Clerk called the bill (H.R. 6979) for the relief of Monroe A. Lucas.

There being no objection, the Clerk read the bill as follows:

H.R. 6979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Monroe A. Lucas, of Monticello, Illinois, is hereby relieved of all liability to the United States for any loss in the Farmers Home Administration rural housing loan account of James A. Lewis, Junior, of Effingham County, Illinois, as a result of a fire which destroyed the house of the said James A. Lewis, Junior, on April 15, 1970, while the said Monroe A. Lewis was the Farmers Home Administration county supervisor for Effingham County.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VICTOR L. JONES

The Clerk called the bill (H.R. 7210) for the relief of Victor L. Jones.

There being no objection, the Clerk read the bill as follows:

H.R. 7210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Victor L. Jones of Hampton, New Hampshire, is relieved of liability to the United States in the amount of $4,428.27 representing the amount for which he is being held financially responsible as the result of the December 16, 1967, robbery of a Hampton, New Hampshire, Post Office. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Victor L. Jones an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with such claims and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert "That, on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the joint and several liability of George Downer, Postmaster, and Victor L. Jones, former assistance postmaster, of the Hampton, New Hampshire, Post Office, to the United States for the loss resulting from the burgary at the Hampton Post Office on December 16, 1967."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill for the relief of George Downer and Victor L. Jones."

A motion to reconsider was laid on the table.

LUTHER V. WINSTEAD

The Clerk called the bill (H.R. 9276) for the relief of Luther V. Winstead.

There being no objection, the Clerk read the bill as follows:

H.R. 9276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Luther V. Winstead of Clinton, Maryland, postmaster is hereby relieved of all liability for payment to the United States of the sum of $17,406.82, representing the value of postal funds and accountable papers in his custody as postmaster of the Clinton Post Office, Clinton, Maryland, which were taken from such post office in a burglary occurring on May 6, 1967 and for which he is being held liable. In the audit and settlement of the accounts relative to such sum, credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Luther V. Winstead the sum of any amounts received or withheld from him on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on acount of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.00.

SEC. 3. That, on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or part the joint and several liability of Luther V. Winstead, postmaster at the Clinton, Maryland Post Office, for a deficiency in the amount of $17,406.82 in the postal funds and accountable papers of the Clinton Post Office in Clinton, Maryland.

With the following committee amendments:

Pages 1 and 2: Strike the language in lines 1 through 10 on page 1, and on page 2 through "SEC. 3." in line 17.

Page 2, line 22: Strike "of" and insert "resulting from a burglary at".

Page 2, line 23: After "Maryland" insert ", on May 6, 1967".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTURO ROBLES

The Clerk called the bill (H.R. 6119) for the relief of Arturo Robles.

There being no objection, the Clerk read the bill as follows:

H.R. 6119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arturo Robles, of Tracy, California, former private in the United States Marine Corps, is relieved of liability to the United States in the amount of $918.46, an amount claimed, after Arturo Robles' hardship discharge, to be due to the Marine Corps by reason of its failure to stop dependents allotment payments while also failing to bring forward the allotment deduction on its pay record, resulting in an overpayment of accrued pay and allowances, and by reason of other similar bookkeeping errors on the part of the Marine Corps.

With the following committee amendments:

Page 1, line 5, strike "918.46" and insert "$828.46"

Page 2, line 3 after "Corps." insert "In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 9590 ON TREASURY, POSTAL SERVICE, ETC., APPROPRIATIONS, 1974

Mr. STEED. Mr. Speaker, I call up the conference report on the bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 10, 1973.)

Mr. STEED (during the reading). Mr. Speaker, in view of the fact that the statement was printed in full in last Wednesday's RECORD, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a great deal of pleasure and satisfaction that we bring to the Members this conference report today on one of the major appropriation bills for this session. It represents a great deal of hard work—much more than in previous years.

I have had a great deal of fine cooperation from my committee members in being able to bring to the floor what I think is a very fine piece of work on this conference report. The final version of the bill as submitted today is $140,156,000 under the budget estimates, although, $604,277,000 under the budget for the same agencies for the last fiscal year. However, the bill here totaling $5,233,189,000 is $388,466,000 more than the bill when it passed the House originally and $109,837,000 more than the same bill when it passed the other body.

Almost all the increase shown here over the House bill is accounted for in additional budget requests that came to the Congress after the bill had passed the House. Of the $388 million increase over the House figure, $300 million was for the disaster relief fund.

Members will recall that when we passed the bill in the House, total requirements for disaster relief had not been made. When the estimates were finally tabulated, the administration saw fit to ask for an increase of $300 million in the funding. We agreed to it.

I think the bill shows very prudent and very tight treatment of the agencies provided for herein. Of course, the bill in toto covers about $49 billion, including permanent appropriations for such things as interest on the public debt, but we are dealing today with a little over $5 billion in terms of the items that are under our discretion at this time.

There is one particular part of the program which I wanted to mention here today, because I feel sure that we will be back before long asking the House to agree with us on a further requirement. I am speaking of the U.S. Bureau of Customs. Through the impact of the Reorganization Plan No. 2, earlier this year, a heavy drain on the manpower of the U.S. Customs Service came about when over 700 of their employees were transferred to the Department of Justice. In this bill I do not believe we have been able, under existing authority, to give them the total amount they are going to need.

We are advised that there are 16 additional areas where service has to be granted. There are several existing ports of entry where additional manpower is urgently needed. In addition, the tremendous increase in workload for the customs agency, in the numbers of persons entering the United States as well as great quantities of cargo, I do not see how we can avoid very long making some upward adjustments in their manpower.

Mr. Speaker, I just wanted to call that to the attention of the Members so that when we come back, hopefully very soon, with a supplemental, they will understand why that is necessary.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I commend the gentleman for looking into this problem of personnel for the Customs Bureau. For instance, in my own area the Port of Palm Beach we have a port which receives vessels which is undermanned. Also at the International Airport at West Palm Beach we are greatly undermanned; in fact, Customs is not providing any service at all for charter flights into the airport during the regular business hours.

I would hope that some of the moneys in this bill would go to provide additional personnel to do the duties such as this in Palm Beach County.

Mr. STEED. Mr. Speaker, I think the gentleman can be assured that we will be able to give him some relief, but perhaps not as much as they want until we are able to take care of the situations such as he mentions. It is doubly difficult where there is a rapidly increasing workload at facilities which are already overloaded. We must be able to take care of that load some way. In other words, we must give service where it is needed, but we must also guard against driving more work into areas which are already overloaded.

Mr. ROGERS. Yes, and that is what is happening in our area, so I am encouraged by what the chairman says. This would be the intent, to try to get customs agents out into areas where service is needed and away from overloaded areas.

Mr. STEED. Mr. Speaker, I want to assure the gentleman that this subcommittee is deeply concerned with our Customs needs, both with manpower and physical facilities. I think we have made real progress in this bill, but still I do not believe it is sufficient.

Mr. ROGERS. Mr. Speaker, as I understood it, the gentleman is going to work again perhaps for some more legislation later in the session?

Mr. STEED. Mr. Speaker, as a matter of fact we are in the process now of getting from Customs some idea about what their manpower needs are going to be after they have been able to apply the additional manpower this bill provides for.

Mr. ROGERS. Mr. Speaker, I commend the chairman and his committee for looking into this, because it is a very serious matter.

Mr. STEED. Mr. Speaker, there is another point about this bill I want to make clear to the Members of the House.

Members will remember that when the bill came up the first time it hit a situation here on the floor that was not of our making. We had changed some of the House rules this year, and one of the changes provided that an appropriation could not prevail against a point of order when it was based upon an Executive order rather than legislation.

This bill has contained many such items, some of them for as long as 30 or 40 years, without protest or contest, based upon Executive order type situations.

One of our colleagues saw fit to invoke the rule, and did a very good job of riddling the bill on points of order.

Some of these matters are of urgent need, and were restored by the other body. Under the House rules, each one of these items where a point of order was made in the House, has been brought back in technical disagreement to be presented as a separate item, and a separate opportunity for the House to work its will, will be given.

In order to avoid this situation in the future, when this developed we took it up with the agencies involved and the Office of Management and Budget. They have had experts working on proposed legislation. Hopefully it will be ready very soon.

Several Members of the subcommittee have agreed to join with me in introducing this legislation, so that we can show our good faith to the legislative committees by making available proposed law that will meet the needs. So by the time the bill comes up next year we will have had an opportunity for the legislative committees to consider these proposals. If approved and passed, of course we will have no problem on the points of order. Otherwise, if the legislative committees see fit to reject these types of authorization, of course they will not even be in the bill next year.

We have every reason to believe that the legislative situation will be properly attended to before next year, but there was not any way at all we could meet our needs for this year except the method we have taken here today.

I hope the House will understand that we are not proposing anything new. These items have been contained in this appropriation bill for many years. We believe every item we have here is something which is vital and urgently needed. We believe it would be a serious mistake if any of these amendments were rejected. We urgently hope that the House will sustain us in what we recommend.

Mr. ROBISON of New York. Mr. Speaker, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from New York.

Mr. ROBISON of New York. I should like to associate myself now with the remarks the distinguished gentleman from Oklahoma just made relative to the technical problems we have had with respect to certain sections of this bill over the years, and I wish to assure the gentleman that the minority is in full agreement with the efforts he has been making and the plans he has in mind in order to clarify this situation for the future.

I should also like to say that the minority is in full agreement relative to the conference report and urges its adoption.

If the chairman will yield further, I should like to ask him about a section in the bill which, while not involving something in conference, appears to have given rise to some speculation and possible misunderstanding. That is section 3 of the general provisions, relating to the General Services Administration, appearing on page 27 of the bill. That is the language in question, to which I direct attention.

For the purpose, Mr. Speaker, of legislative history, I should like to ask the chairman what is the purpose of this provision and how would it operate?

Mr. STEED. I might say to the gentleman that the purpose of this general provision is to permit the Congress to review proposed contracts for the construction or acquisition of public buildings pursuant to section 5 of the Public Buildings Amendments Act of 1972 prior to the awarding of the contract.

Under existing law, the General Services Administration is required to obtain the approval of the Public Works Committees of both Houses of prospectuses prior to awarding purchase contracts under the provisions of section 5 of the Public Buildings Amendments Act of 1972. The general provision in this bill would require the General Services Administration to present the proposed purchase contracts to the Committee on Appropriations of both Houses prior to the award.

This could be done at the same time as the prospectus is submitted to the Public Works Committees.

A 60-day period is provided during which time the Congress could review and approve or disapprove proposed contracts. As a matter of fact, I cannot imagine the procedure ever taking that long.

It is envisioned that the procedure under the requirement in this bill would be quite similar to the so-called "reprograming" procedure which has been in use for a long time under which agencies are permitted to use funds appropriated for one purpose to meet different, but similar, requirements, after approval by the Committees on Appropriations of both Houses.

Instructions will be issued to the agency in the near future outlining the procedure to be followed.

Mr. ROBISON of New York. Mr. Speaker, if the gentleman will yield further, does the chairman envision that the procedure he describes would be formal—that is requiring published hearings and the adoption of formal resolutions by the committees?

Mr. STEED. No, I do not. The procedure would be informal and very probably would not even require hearings. Normally, the GSA would submit the proposed purchase contract to the committees and after discussion within the committee—or subcommittee—a letter could be sent to the agency interposing no objection to the proposal.

However, in the event the committee was strongly of the opinion that the proposal should not go forward, hearings and formal action could be taken. Should the committees of both Houses disapprove the proposal, then, of course, as the language of the section sets forth, funds would not be available for awarding the contract for that particular project, and GSA could not award the contract.

Mr. ROBISON of New York. Finally, Mr. Speaker, if the chairman would yield further, what would be the situation if no action were taken within the 60-day period?

Mr. STEED. In that event, the GSA would be free to award the contract if it so desired. This presupposes, of course, that the Public Works Committees have approved the prospectus for the project in question.

Now, Mr. Speaker, I would like to make one further point as to why we feel this matter is of great importance.

The funds to pay the rental costs on all these contracts are contained in this bill. The first amount of $7 million that became due under these contracts is contained in the bill before us.

Now, as the years go by, this amount will grow, and unless we have this capability, of course, we would not be in a position to give the House a detailed accounting of why these sizable sums are in the bill. I believe this will take good care of the situation.

Mr. Speaker, I believe that we have a good conference report. I think it is one that is prudent, and I believe that it meets the legitimate requirements that have been presented to us.

So I, in all good conscience, after our consideration and after a lot of good, hard work this year, recommend this conference report without reservation.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question or two?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, referring to page 5 of the printed conference report, will the gentleman address himself briefly to the "special projects" fund of $1 million to the President and the "special assistance" fund in the amount of $675,000, also to the President?

Mr. STEED. Mr. Speaker, the first of these items, "special projects," as the gentleman knows, was denied by the committee. The second item, "special assistance," was deleted on a point of order when the bill was first before the House because it was based on Executive order rather than on legislation.

Now, the "special assistance to the President" amount is an item that has been in the bill only a few years. It provides the staff for the Vice President to cover that part of his functions in the Executive Office downtown, as against his work as the Presiding Officer of the Senate. The President has seen fit in recent years to assign a number of public duties to the Vice President, such as presiding over a number of Commissions and taking part in a lot of activities, as the President himself previously did.

They find that he has need for some expert help. This is what that item is for.

Mr. GROSS. This $675,000, then, is to be used on behalf of the Vice President? Is it an expenditure made in behalf of or in support of the office of the Vice President?

Mr. STEED. It is staffing for the Vice President very much as the Members of the House have an allowance for their staff, and they use it with about the same freedom as we do with our staff.

Mr. GROSS. Has there been no previous staff for the Vice President?

Mr. STEED. Only what the Senate provides to him as their presiding officer, and that is a very small staff. I am not familiar with all of it, but when the jobs were assigned to the Vice President down in the Executive Office that is what he had.

Mr. GROSS. This is $675,000 in addition to the staff that is ordinarily provided for a Member of the U.S. Senate. Is that correct?

Mr. STEED. That is correct. Now, the special projects item was for $1.5 million, and I have been on the committee for 18 years and it has been there ever since I have been there. It was supposed to be used at the direction of the President, but under long practice it came to be more of a matter that the White House staff and the Office of Management and Budget have charge of. There are two items. There is this one and the emergency fund that are sometimes confused. The emergency fund is $1 million and it is also in the same category. However it was not challenged. The emergency fund can be used only on the personal signature of the President himself. The special projects fund could be used by his delegating the right to use it either to the staff or the Office of Management and Budget.

There has been some difficulty about this item, and I do not want to go into it here, but because of these difficulties and since it was or could have been knocked out on a point of order, we decided to eliminate it. It was restored by the Senate but eliminated in conference. So that item is not now before us.

There may need to be some adjustments either with the Office of Management and Budget funds or with the White House staff funds to cover any items in here that need to be retained.

Mr. GROSS. If the gentleman will bear with me further, since this conference report is somewhat less than the budget request, may we anticipate that the Committee on Appropriations will be back in a supplemental bill at a later date asking for additional funds, or may we have the assurance that additional money will not be requested?

Mr. STEED. I will say to the gentleman, outside of some money that I would strongly urge to help the Customs Bureau in the event they may make a supplemental request—and that would be a matter of a very few million dollars—there is another item of $82 million that may have to be considered. We do not know yet whether that will be in a supplemental or not. So there may be some adjustments made, but that is the only place I know of now where there may be any sizable impact at all.

Mr. GROSS. The gentleman is saying to the House, if I understand him correctly, that there will be no request for supplemental funds except with respect to expansion of the Customs program?

Mr. STEED. And then there is this $82 million or less—and that would be an outside figure—for the General Service Administration.

Mr. GROSS. And, of course, the gentleman from Oklahoma cannot control the necessity for funds for pay increases.

Mr. STEED. No, that is correct. That will come under a separate budget request to the House, and it is more or less in a lump sum. Funds for the pay increases are not contained in this bill.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I note with regret the committee has come back with a bill which clearly violates the Rules of the House in a number of instances with regard to amendments numbers 12, 14, and 15.

Mr. STEED. I disagree with the gentleman from Michigan. There is no violation of any Rules of the House contained in this conference report. Everything here is in accordance with the Rules of the House. Since the gentleman from Michigan is an expert on parliamentary procedure I will assure the gentleman that we have been very careful to make sure we have obeyed the Rules of the House.

Mr. DINGELL. I am perfectly aware of the fact that if these amendments had been introduced ab initio on the floor of the House they would have been subject to a point of order, just as they would have been with the point of order made by the gentleman from Michigan, and which was sustained by the Chair.

Mr. STEED. That is correct. The points of order were sustained. These items were put back in the bill by the Senate, and under the rules, if the conferees agree, then under the Rules of the House they may legally be brought back with the conference report, and reported to the House as items in technical disagreement. They will be acted upon under the rules individually and separately, and the gentleman from Michigan has the opportunity to work his will if the gentleman can get enough support on them.

Mr. DINGELL. If the gentleman will yield further, I am wondering if the gentleman from Oklahoma will yield to the gentleman from Michigan so that the gentleman from Michigan may have an opportunity to present his objections when they are presented?

Mr. STEED. I can assure the gentleman from Michigan that I would be the last man on earth to deny any man an opportunity to express his objections.

I will say to the gentleman from Michigan that I am a little bit surprised that the gentleman would want to object to some of these items, but that is the privilege of the gentleman from Michigan, and I have no desire to take that right away.

Mr. DINGELL. I am referring, for example, to amendment No. 14 which reads:

> Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would authorize the President to pay individuals at such per diem rates as he may specify and for other personal services without regard to the provisions of law regulating the employment and compensation of persons in the government service.

And then amendment No. 15, which is as follows:

> Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would provide for official entertainment expenses of the President, to be accounted for solely on his certificate.

Mr. STEED. That is correct. And I would tell the gentleman from Michigan that I would hope that my colleagues in the House would support the action of the conferees with respect to these amendments because these are items that are of importance, and very necessary that we grant them.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT, 1974

TITLE I.—TREASURY DEPARTMENT

Agency	Appropriations, fiscal year 1973	Fiscal year 1974 estimate (amended)	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1973	1974 estimate	House	Senate
Office of the Secretary	$16,500,000	$18,185,000	$17,600,000	$18,185,000	$17,892,000	+1,392,000	−$293,000	+$292,000	−$293,000
Federal Law Enforcement Training Center:									
Salaries and expenses	1,900,000	2,200,000	2,200,000	2,200,000	2,200,000	+300,000			
Construction		6,000,000					−6,000,000		
Total, Federal Law Enforcement Training Center	1,900,000	8,200,000	2,200,000	2,200,000	2,200,000	+300,000	−6,000,000		
Bureau of Accounts:									
Salaries and expenses	63,341,000	71,100,000	70,000,000	70,000,000	70,000,000	+6,659,000	−1,100,000		
Government losses in shipments	300,000	800,000	800,000	800,000	800,000	+500,000			
Total, Bureau of Accounts	63,641,000	71,900,000	70,800,000	70,800,000	70,800,000	+7,159,000	−1,100,000		
Bureau of Alcohol, Tobacco, and Firearms	74,427,000	73,000,000	71,500,000	73,000,000	72,250,000	−2,177,000	−750,000	+750,000	−750,000
Bureau of Customs	213,700,000	222,200,000	222,200,000	221,200,000	221,200,000	+7,500,000	−1,000,000	−1,000,000	
Bureau of Engraving and Printing	3,000,000					−3,000,000			
Bureau of the Mint	25,000,000	24,500,000	23,750,000	23,000,000	23,375,000	−1,625,000	−1,125,000	−375,000	+375,000
Bureau of the Public Debt	71,900,000	79,400,000	77,000,000	77,000,000	77,000,000	+5,100,000	−2,400,000		
Internal Revenue Service:									
Salaries and expenses	34,500,000	34,687,000	34,687,000	34,687,000	34,687,000	+187,000			
Accounts, collection, and taxpayer service	517,600,000	531,683,000	531,683,000	530,000,000	531,683,000	+14,083,000			+1,683,000
Compliance	597,127,000	622,430,000	622,430,000	620,430,000	620,430,000	+23,303,000	−2,000,000	−2,000,000	
Total, Internal Revenue Service	1,149,227,000	1,188,800,000	1,188,800,000	1,185,117,000	1,186,800,000	+37,573,000	−2,000,000	−2,000,000	+1,683,000
Office of the Treasurer	13,100,000	12,700,000	12,400,000	12,400,000	12,400,000	−700,000	−300,000		
U.S. Secret Service	64,700,000	64,000,000	63,500,000	63,500,000	63,500,000	−1,200,000	−500,000		
Total, title I, Treasury Department, new budget (obligational authority)	1,697,095,000	1,762,885,000	1,749,750,000	1,746,402,000	1,747,417,000	+50,322,000	−15,468,000	−2,333,000	+1,015,000
TITLE II.—U.S. POSTAL SERVICE									
Payment to the Postal Service Fund	1,410,000,000	1,373,096,000	1,373,000,000	1,373,000,000	1,373,000,000	−37,000,000	−96,000		
TITLE III.—EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President	250,000	250,000	250,000	250,000	250,000				
Council of Economic Advisers	1,369,000	1,376,000	1,376,000	1,376,000	1,376,000	+7,000			
Council on International Economic Policy	1,000,000	1,400,000				−1,000,000	−1,400,000		
Disaster Relief	592,500,000	400,000,000	100,000,000	400,000,000	400,000,000	−192,500,000		+300,000,000	
Domestic Council	1,800,000	1,168,000	1,100,000	1,100,000	1,100,000	−700,000	−68,000		
Economic stabilization activities	30,400,000	62,654,000	60,000,000	55,000,000	55,000,000	+24,600,000	−7,654,000	−5,000,000	
Emergency Fund for the President	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Executive residence	1,372,000	1,370,000	1,370,000	1,370,000	1,370,000	−2,000			
Expenses of management improvement	700,000	350,000	350,000	350,000	350,000	−350,000			
National Commission on Productivity		5,000,000					−5,000,000		
National Security Council	2,762,000	2,802,000	2,802,000	2,802,000	2,802,000	+40,000			
Office of Emergency Preparedness	9,875,000					−9,875,000			
Office of Intergovernmental Relations	322,000					−322,000			
Office of Management and Budget	19,600,000	19,600,000	16,000,000	19,100,000	18,500,000	−1,100,000	−1,100,000	+2,500,000	−600,000
Office of Telecommunications Policy	3,000,000	3,270,000	2,070,000	1,500,000	2,070,000	−930,000	−1,200,000		+570,000
Special Action Office for Drug Abuse Prevention:									
Salaries and expenses	6,856,000	25,199,000	5,000,000	5,000,000	5,000,000	−1,856,000	−20,199,000		
Pharmacological research	20,000,000		20,000,000	20,000,000	20,000,000		+20,000,000		
Special fund for drug abuse	25,000,000	40,000,000	21,500,000	30,000,000	26,000,000	+1,000,000	−14,000,000	+4,500,000	−4,000,000
Total, Special Action Office for Drug Abuse Prevention	51,856,000	65,199,000	46,500,000	55,000,000	51,000,000	−856,000	−14,199,000	+4,500,000	−4,000,000
Special assistance to the President	773,000	675,000		675,000	675,000	−98,000		+675,000	
Special projects	1,500,000	1,500,000		1,000,000		−1,500,000	−1,500,000		−1,000,000
White House Office	9,767,000	9,110,000	9,110,000	9,110,000	9,110,000	−657,000			
Total, title III, Executive Office of the President	729,846,000	576,724,000	241,928,000	549,633,000	544,603,000	−185,243,000	−32,121,000	+302,675,000	−5,030,000
TITLE IV.—INDEPENDENT AGENCIES									
Administrative Conference of the United States	450,000	700,000	600,000	600,000	600,000	+150,000	−100,000		
Advisory Commission on Intergovernmental Relations	806,000	901,000	850,000	1,036,000	1,036,000	+230,000	+135,000	+186,000	
Advisory Committee on Federal Pay		130,000	130,000	130,000	130,000	+130,000			
Civil Service Commission:									
Salaries and expenses	65,974,000	65,774,000	65,774,000	65,774,000	65,774,000	−200,000			
By transfer	(12,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(14,000,000)	(+2,000,000)			
Annuities under special acts	1,079,000					−1,079,000			
Government payment for annuitants, employee health benefits	137,608,000	125,114,000	125,114,000	125,114,000	125,114,000	−12,494,000			
Payment to Civil Service Retirement and Disability Fund	737,470,000	589,905,000	589,905,000	589,905,000	589,905,000	−147,565,000			
Federal Labor Relations Council	714,000	726,000	720,000	720,000	720,000	+6,000	−6,000		
Intergovernmental personnel assistance	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−5,000,000			
Total, Civil Service Commission	957,845,000	791,519,000	791,513,000	791,513,000	791,513,000	−166,332,000	−6,000		

Footnotes at end of article.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT, 1974—Continued

TITLE IV.—INDEPENDENT AGENCIES—Continued

Agency	Appropriations, fiscal year 1973	Fiscal year 1974 estimate (amended)	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1973	1974 estimate	House	Senate
Commission on Executive, Legislative, and Judicial Salaries	$100,000					−$100,000			
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped	200,000	$240,000	$200,000	$240,000	$240,000	+40,000		+$40,000	
General Services Administration:									
Public Buildings Service:									
Operating expenses	442,500,000	[1] 480,582,000	[2] 390,582,000	[3] 380,582,000	480,582,000	+38,082,000		+90,000,000	+$100,000,000
By transfer				(100,000,000)			( )	( )	(−100,000,000)
Repair and improvement of public buildings	88,045,000	[4] 82,000,000	[5] (82,000,000)	[6] (82,000,000)	[7] (82,000,000)	−88,045,000	−$82,000,000		
Construction, public buildings projects	203,312,000	[8] (2,572,000)	[9] 2,572,000	[10] (2,572,000)	[11] 2,572,000	−200,740,000	+2,572,000		+2,572,000
Sites and expenses, public buildings projects	25,031,000	2,000,000	500,000	500,000	500,000	−24,531,000	−1,500,000		
Payments, public buildings purchase contracts	2,450,000	7,300,000	7,300,000	7,300,000	7,300,000	+4,850,000			
Expenses, U.S. Court facilities	5,344,000	7,512,000	7,512,000	7,000,000	7,000,000	+1,656,000	−512,000	−512,000	
Total, Public Buildings Service	766,682,000	579,394,000	408,466,000	395,382,000	497,954,000	−268,728,000	−81,440,000	+89,488,000	+102,572,000
Federal Supply Service	93,630,000	98,753,000	95,000,000	97,000,000	96,000,000	+2,370,000	−2,753,000	+1,000,000	−1,000,000
National Archives and Records Service:									
Operating expenses	31,585,000	33,230,000	33,000,000	33,230,000	33,230,000	+1,645,000		+230,000	
Records declassification	860,000	1,000,000	1,000,000	1,000,000	1,000,000	+140,000			
Total, National Archives and Records Service	32,445,000	34,230,000	34,000,000	34,230,000	34,230,000	+1,785,000		+230,000	
Automated Data and Telecommunications Service	7,514,000	6,688,000	6,600,000	6,600,000	6,600,000	−914,000	−88,000		
Property Management and Disposal Service	43,962,000	33,837,000	33,000,000	33,000,000	33,000,000	−10,962,000	−837,000		
Office of the Administrator:									
Salaries and expenses	1,480,000	2,900,000	2,750,000	2,750,000	2,750,000	+1,270,000	−150,000		
Indian tribal claims	1,264,000	2,280,000	2,200,000	2,200,000	2,200,000	+936,000	−80,000		
Allowances and office staff for former Presidents	408,000	236,000	60,000	60,000	60,000	−348,000	−176,000		
Expenses, Presidential transition	900,000					−900,000			
Emergency Preparedness		4,846,000	4,846,000	4,846,000	4,846,000	+4,846,000			
Defense mobilization functions of Federal Agencies		3,370,000	3,370,000	3,000,000	3,000,000	+3,000,000	−370,000	−370,000	
Administrative Operations Fund (limitation on administrative expenses)	(37,100,000)	(44,703,000)	(40,000,000)	(44,703,000)	(42,350,000)	(+5,250,000)	(−2,353,000)	(+2,350,000)	(−2,353,000)
Total, Office of Administrator	4,052,000	13,632,000	13,226,000	12,856,000	12,856,000	+8,804,000	−776,000	−370,000	
Total, General Services Administration	948,285,000	766,534,000	590,292,000	579,068,000	680,640,000	−267,645,000	−85,894,000	+90,348,000	+101,572,000
U.S. Tax Court:									
Salaries and expenses	4,307,000	5,760,000	5,760,000	5,480,000	5,760,000	+1,453,000			+280,000
Construction	1,916,000					−1,916,000			
Total U.S. Tax Court	6,223,000	5,760,000	5,760,000	5,480,000	5,760,000	−463,000			+280,000
Department of Defense:									
Defense Civil Preparedness Agency:									
Operation and maintenance	60,335,000	64,100,000	63,500,000	50,000,000	60,000,000	−335,000	−4,100,000	−3,500,000	+10,000,000
Research, shelter survey, and marking	23,200,000	24,400,000	24,000,000	20,000,000	22,000,000	−1,200,000	−2,400,000	−2,000,000	+2,000,000
Total, Defense Civil Preparedness Agency	83,535,000	88,500,000	87,500,000	70,000,000	82,000,000	−1,535,000	−6,500,000	−5,500,000	+12,000,000
Department of Health, Education and Welfare:									
Health Services and Mental Health Administration:									
Emergency Health	3,081,000	6,000,000	3,000,000	6,000,000	6,000,000	+2,919,000		+3,000,000	
Commission on the Review of National Policy Toward Gambling		356,000	200,000	250,000	250,000	+250,000	−106,000	+50,000	
Total, title IV, independent agencies, new budget (obligational) authority	2,000,525,000	1,660,640,000	1,480,045,000	1,454,317,000	1,568,169,000	−432,356,000	−92,471,000	+88,124,000	+113,852,000
Grand total, titles I, II, III, and IV, new budget (obligational) authority	5,837,466,000	5,373,345,000	4,844,723,000	5,123,352,000	5,233,189,000	−604,277,000	−140,156,000	+388,466,000	+109,837,000

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[1] January budget proposed $390,582,000 by direct appropriation and an additional $100,118,000, to be derived by transfer from construction, PBS, 1973, or a total of $490,700,000. House Document 93-161, dated Oct. 2, 1973, proposes amendment which provides for direct financing in amount of $480,582,000, and no transfer of unobligated funds.

[2] Disallowed transfer of $100,118,000, as requested.

[3] $380,582,000 by direct appropriation and in addition $100,000,000, to be derived by transfer from construction, 1973.

[4] January budget proposed that $97,937,000 be derived by transfer from construction, PBS, 1973. House Document 93-161, Oct. 2, 1973, proposes a budget amendment which provides for direct financing in amount of $82,000,000.

[5] Disallowed transfer of $97,937,000 from construction, PBS, 1973 and in lieu thereof permitted $82,000,000 be transferred from operating expenses, PBS, 1974.

[6] $82,000,000 to be derived by transfer from construction, PBS, 1973.

[7] To be derived by transfer from the appropriation, Public Buildings Service, operating expenses 1974, in lieu of reappropriation from construction, 1973.

[8] To be derived by reappropriation from construction, 1973.

[9] By direct appropriation.

[10] From unobligated balance in the construction, PBS, 1973 account.

[11] By direct appropriation.

The SPEAKER. The Chair will state to the gentleman from Oklahoma that the gentleman has only 5 minutes remaining.

Mr. STEED. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. ROBISON).

Mr. BENNETT. Mr. Speaker, would the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to make an inquiry about the rules of the Houuse.

I was under the impression that when the Senate and House had both acted individually that the figure that came out of the conference had to be in accordance with the highest figure, or certainly not larger than either figure. On page 10 I note that this conference report is more than both the House and the Senate version. I am asking for information as to the technical situation with regard to the rules of the House and, secondly, what is the reason for this?

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. ROBISON of New York. I will be glad to yield to the gentleman from Oklahoma.

Mr. STEED. The reason for this is that the amended budgets came to the other body after we had finished, and this changed the budget figures.

Mr. BENNETT. Is it technically possible to have a conference report which is larger than either version of the House or Senate? I thought it was not technically possible.

Mr. ROBISON of New York. If the gentleman from Florida would allow me to restate the situation I would be glad to.

Mr. BENNETT. Mr. Speaker, I would apppreciate that, since I was not here on the floor at the start of this discussion.

Mr. ROBISON of New York. What happened here is, after both the Senate and the House passed their separate versions of this particular appropriation bill, that budget amendments came up relative to the General Services Administration items, and the budget amendments supported the position taken by the gentleman from Oklahoma and strongly held to by him in the House version of the bill.

This is a summary of what occurred:

The conference agreement total of $5,233,189,000 in new budget—obligational—authority for fiscal year 1974 is $388,466,000 over the total in the House bill of $4,844,723,000. This increase is explained as follows:

First, plus $300,000,000 for disaster relief which was in accordance with a budget amendment (S. Doc. 93-36), submitted to the Senate after passage of the House bill on August 1, 1973.

Next, plus $90,000,000 for the General Services Administration public buildings service, operating expenses. This is in accordance with a budget amendment (H. Doc. 93-161) submitted after passage of the House and Senate bills. The conference agreed to the total amount in the Senate bill for this appropriation, $480,582,000. The Senate bill originally provided $380,582,000 in new budget authority and $100,000,000 by transfer from the fiscal year 1973 appropriation, "Construction, public buildings projects." The conference, in effect, adopted the amount of new budget authority in the House bill of $390,582,000 plus $90,000,000 in the budget amendment and reverted the proposed transfer of $100,000,000 to the Treasury.

Finally, minus $1,534,000 which is the net result of conference changes in various other appropriations in the conference report.

The conference agreement thus represents a net increase of $88,466,000 in new budget—obligational—authority which was not included in either the House or Senate bill.

Mr. BENNETT. I thought it was impossible to have a figure which was higher than both the House and Senate set, and the gentleman is telling me it is possible?

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Oklahoma.

Mr. STEED. Maybe I can help.

It is technically possible, under the rules, for the final figure, in total, to exceed the amount allowed by either House—in unusual circumstances—when the impact of all amendments are considered.

Mr. BENNETT. I thank the gentleman.

Mr. ROBISON of New York. Mr. Speaker, I have no further requests for time.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentlewoman from New York.

Ms. ABZUG. Would the gentleman explain to us, Mr. Speaker, why the conference report recommended deletion of the language proposed by the other body in amendment No. 13?

Mr. STEED. It was an item that had a lot of the Members unhappy because some felt—and I was one of them—that we had never had an accurate accounting of what was done with the money. Some Members felt that in prior years, under other Presidents, we did not get proper accounting. So in light of a lot of things that have happened in the last year or so, we thought that it was a sensitive subject. We thought that it would solve a lot of problems by just eliminating it.

I just do not like to have an item in a bill that I am in charge of where we appropriate money and then cannot find out what happened to it.

Ms. ABZUG. If that is so, may I ask with respect to amendment No. 15 why we did not follow the same thought in that particular amendment?

Mr. STEED. This whole item, two amendments in this one item, involve the personal private staff of the President of the United States. I view this very much as I do my own staff, or as the gentlewoman does hers. To me this is where the rule of comity applies between the executive and legislative branches of Government, where we have the sharpest focal application. This is a matter where the President, in effect, said, "I need these things to do my job", and we agreed to them.

Ms. ABZUG. In other words, the gentleman does not feel there is any reason to provide for an accounting of some of these funds, in view of many of the recent events which indicate some abuse?

Mr. STEED. In all of them except this particular one, except his own staff. I think that this is the proper attitude that the House should have on it. We have always given that authority to every President. It involves a total of $9 million. We have been very scrupulous in checking everything else except this one, and since it is his own personal staff, we have always granted him the comity of accepting his statement as to what he needs to run his office.

Ms. ABZUG. Is there any way in which we can tell under this provision how much can be paid in per diem or wages to any one individual?

Mr. STEED. They will tell you at the end of the year as to how much and what they did, but it is just up to the President's own wishes as to how he does it. There is a ceiling of 510 people. That is the most he can have on his staff. He pays wage rates like the gentlewoman does to her staff.

Ms. ABZUG. Would the chairman say he could pay any one individual $100,000 under this provision?

Mr. STEED. No, no. He has the same ceiling the gentlewoman and I have, but he may have three people at a high salary and several at a lower salary, or he may have all at the middle salary. It is the same as the gentlewoman's.

Ms. ABZUG. I would like to ask one other question, Mr. Speaker. That is, in your previous discussion about the amendment No. 12 on the special assistance to the President, I did not get the answer and I do not know why the Vice President should have more of a staff than is provided him for his duties as President of the Senate. Why should he receive additional moneys?

Mr. STEED. Because he has additional work to do and needs the staff to help him do it.

Ms. ABZUG. That is what I am not clear about

The function of the Vice President under our present constitutional framework of Government is pretty limited. I wonder why we should, therefore, give him the additional funds in view of his limited function.

Mr. STEED. We thought they made a good case for it. We have quite a bit of material in here as to why he has this extra help and what he does with it and what his additional duties are. The Vice Presidents have been assigned more and more duties by recent Presidents and now the current President has assigned the Vice President more work to help the President carry out his duties.

Mr. ROGERS. Mr. Speaker, in the Appropriations Committee report on H.R. 9590, the committee called for a study to determine the ability of the Bureau of Customs to carry out its responsibilities with respect to the operation of adequate ports of entry facilities. I certainly hope that this study will be undertaken at the earliest possible date to bring to the committee's attention the seriously understaffed situations at a number of U.S. ports of entry. One such understaffed facility is located in my congressional district at Palm Beach International Airport, one of the fastest growing areas in the country. This personnel shortage has become so bad that all supplemental charter operations arriving at Palm Beach International are required to wait until after 5 p.m. to clear customs. To date this means at least 86 flights will be so affected and an uncounted additional number will simply attempt to find another port of entry substantially farther away and then continue their flight to West Palm Beach, at substantial additional cost and fuel consumption.

The Customs Bureau has been required to transfer 735 positions to the Drug Enforcement Administration under the provisions of Reorganization Plan No. 2 and it is my feeling that this action may have adversely affected their ability to discharge their statutory responsibilities with respect to the operation of adequate ports of entry facilities. I certainly hope that we can expect a supplemental request for appropriations to bring customs operations back up to an acceptable level and correct an unreasonable condition.

Ms. HOLTZMAN. Mr. Speaker, I am strongly opposed to several provisions in this conference report concerning appropriations for the White House. Many of these provisions were not in the original version of the bill previously passed by the House.

The expenditures by President Nixon of taxpayers' funds amounting to approximately $10 million on his three "White Houses" and expenditures in connection with the "Watergate plumbers" have caused a national scandal. These abuses should have alerted us to the dangers of open-ended and unsupervised appropriations for the White House.

Instead of applying the stringent standards of review to White House budget requests—in order to assure the public that the President will not abuse the public trust confided in him—this conference report would in essence continue the same old pattern.

Therefore, I have voted in opposition to allowing official entertainment expenses of the President to be accounted for solely on his certificate. Ordinarily, we would not need to supervise such expenditures by a President because we assume that he will use tax dollars for necessary public functions. President Nixon, by his past actions, has given us no confidence in that regard. Therefore, we should not allow an expense account budget for "entertainment expenses" merely on his say-so. For similar reasons I voted in opposition to another amendment allowing the President to exceed limits set for other agencies in the hiring of special consultants.

Unfortunately, we in the House through parliamentary maneuvering were not given an opportunity to vote down the other amendments—Nos. 12 and 13—granting the White House unsupervised expense accounts. I would have voted against those amendments if we had been given the opportunity to do so.

It is unfortunate that this conference report fails to recognize the public demands that the White House be held to standards of strict honesty and be prevented from wasting tax dollars.

Ms. ABZUG. Mr. Speaker, I am opposed to Senate amendments 12, 14, and 15 to the conference report on H.R. 9590 Treasury, Postal Service, the Executive Office of the President, and certain independent agencies appropriations. All of these amendments grant the executive branch considerable sums with virtually no restrictions. In the midst of an endless series of abuses of such liberty by the Executive, such amendments serve only to enlarge the possibilities of even more.

Amendment No. 12 provides the Vice President with the sum of $675,000 over and above his own salary and the expense allocation of his own Senate staff. There is really no justification for such a fund at all. The taxpayers have just seen how one Vice President handles his affairs. Now shall their representatives hand the new Vice President an unrestricted fund which needs no accounting?

In amendment No. 14 the President is authorized to pay his consultants and staff any salary he can afford to carry on any activity he desires. He has no obligation to report to the Congress or the taxpayer on precisely how such funds are used. I do not doubt that a sizable majority of the money has and will always be spent for eminently respectable necessities. But over recent years and in a steadily escalating fashion we have witnesesd the results of such latitude.

The excess of liberty is license. We have been treated to what happens under the present administration. I don't want to encourage the use of taxpayer's money, for example, for partisan political ends and subsequent legal defense activities that may result. More importantly each president, being human and therefore fallible, needs support for his or her sense of responsibility. We could have added a provision to this appropriation requiring quarterly reports with a detailed accounting of the expenditures. Such a requirement would be, however, only one small deterrent. Until the day comes when we can have executive officers of unimpeachable integrity, we will need far more than this deterrent.

Amendment No. 15 shares the same weaknesses as do the others. Why should the taxpayer support $9 million for the President's entertainment? He has already paid enormous sums just for the Presidential housing. The President has demonstrated that he has more than ample financial resources other than the taxpayer.

I therefore urge the House to return to its original wisdom expressed in the floor action of August 1 wherein we ruled the language of these amendments to be out of order. I urge the defeat of these three open-ended amendments.

Mr. ROYBAL. Mr. Speaker, I rise in support of the conference report to H.R. 9590 particularly because it cuts out all funds for special projects.

This year there was evidence that special projects funds had been used for Watergate-related activities and for purposes which lacked a credible explanation. The Subcommittee on Treasury, Post Office, and General Government received a GAO audit report which indicated that confessed Watergate burglar E. Howard Hunt received 4 hours compensation from the fund as a consultant on the day he allegedly broke into the office of Daniel Ellsberg's psychiatrist. Also, the audit shows the fund was used to make payments to the President's makeup man and a former football coach.

The House voted to remove all funds for special projects from the budget. The Senate voted to give the fund $1 million—a cut of 33 percent.

In the conference committee, the Members of both Houses carefully reviewed all the evidence in the GAO audit and concluded that the administration had abused the Congress trust. There was no acceptable explanation for the administrations' action and the appropriate remedy was to cut off these funds completely.

In the past, this item has received an almost automatic appropriation of $1.5 million. We were told that the fund was to provide the President with money that would be used to accomplish activities that benefited the national interest. The administration stated that some of the money from this item had been utilized in the consumer affairs area and to establish a Commission to study this country's energy policy.

Despite the laudable action taken with respect to special projects, I am deeply concerned over the amount of money that the conferees appropriated for OMB. The passage of the report will mean an appropriation of $18.5 million for OMB which is $2.5 million more than the House originally agreed to and only $600,000 less than the Senate appropriated.

During the course of hearings before the House Subcommittee on Treasury, Post Office, and General Government, OMB was asked to answer certain questions concerning the use of special projects funds, funds for personnel involved in the "plumbers" or special investigative unit and about compensation paid to Haldeman, Ehrlichman, and Dean after they resigned or were fired. OMB's answers were either evasive or lacked veracity when compared with documentary evidence that the committee later obtained from independent sources.

It is disturbing to think that OMB or any other Government agency is under the impression that it can evade or refuse to answer questions put to it by a congressional subcommittee acting within its accepted jurisdiction. This is not only an affront to the entire Congress but also to the people we represent. If Congress cannot get the information it needs to act, then we are a long way down the road to a secret Government. The actions of the representatives of OMB are typical of the underhanded and behind-the-back dealings that have come to characterize this administration's actions.

Congress may not be able to force this administration to answer its questions. But the framers of the Constitution gave us the ultimate weapon—the power of the purse. I believe Congress should have cut the OMB budget to the House-passed version figure of $16 million. This would have shown that agency that we will no longer tolerate their contemptuous attitude. Although we only cut their budget to $18.5 million, I trust that OMB understands the import of the action and realizes that we will again be reviewing their budget in a few short months.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 403, nays 10, not voting 21, as follows:

[Roll No. 528]

YEAS—403

Abdnor
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—10

Abzug
Alexander
Crane
Dingell
Gross
Harrington
Landgrebe
Owens
Rarick
Symms

NOT VOTING—21

Aspin
Badillo
Biaggi
Buchanan
Carey, N.Y.
Culver
Diggs
Evins, Tenn.
Fulton
Hanna
McFall
Mills, Ark.
Mitchell, N.Y.
Passman
Reid
Rooney, N.Y.
Rousselot
Sandman
Stokes
Stratton
Stubblefield

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Culver with Mr. Rousselot.

Mr. Reid with Mr. Stubblefield.

Mr. Rooney of New York with Mr. Passman.

Mr. Evins of Tennessee with Mr. Carey of New York.

Mr. Fulton with Mr. Aspin.

Mr. Hanna with Mr. Stratton.

Mr. McFall with Mr. Mitchell of New York.

Mr. Biaggi with Mr. Stokes.

Mr. Badillo with Mr. Diggs.

Mr. Mills of Arkansas with Mr. Buchanan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: On page 11, line 14, insert the following:

SPECIAL ASSISTANCE TO THE PRESIDENT

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $675,000.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. STEED).

Ms. ABZUG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: On page 12, line 22, insert the following: ", at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service;".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. STEED).

Ms. ABZUG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. ABZUG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 153, not voting 28, as follows:

[Roll No. 529]

YEAS—253

Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Arends
Ashley
Baker
Beard
Bell
Bennett
Bevill
Blackburn
Boland
Bowen
Brasco
Bray
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conte
Corman
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frenzel
Frey
Gettys

Gibbons
Gilman
Ginn
Goldwater
Gray
Green, Oreg.
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hébert
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lent
Litton
Lott
Lujan
McClory
McCollister
McDade
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Michel
Milford
Miller
Minshall, Ohio
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Neill
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rees
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Ryan
Sarasin
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stuckey
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Towell, Nev.
Treen
Ullman
Vander Jagt
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zablocki
Zion

NAYS—153

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Barrett
Bauman
Bergland
Biester
Bingham
Blatnik
Boggs
Brademas
Breaux
Brinkley
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clay
Collins, Ill.
Conlan
Conyers
Cotter
Crane
Daniels, Dominick V.
Dellums
Dent
Derwinski
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Foley
Ford, William D.
Fountain
Froehlich
Fuqua
Gaydos
Giaimo
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Gunter
Hammerschmidt
Hanley
Hanrahan
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Holtzman
Howard
Hudnut
Hungate
Johnson, Calif.
Jordan
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McKay
Macdonald
Madden
Martin, N.C.
Mathis, Ga.
Mayne
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Moss
Nix
Obey
O'Hara
Owens
Pike
Podell
Randall
Rangel
Rarick
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roy
Ruth
St Germain
Sarbanes
Satterfield
Scherle
Schroeder
Seiberling
Shipley
Smith, Iowa
Snyder
Staggers
Stanton, James V.
Stark
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wylie
Yates
Young, Ga.
Zwach

NOT VOTING—28

Aspin
Badillo
Biaggi
Bolling
Buchanan
Carey, N.Y.
Culver
Diggs
Fraser
Frelinghuysen
Fulton
Hanna
Jones, N.C.
McCloskey
McEwen
McFall
Mills, Ark.
Mitchell, N.Y.
Murphy, N.Y.
Passman
Reid
Rooney, N.Y.
Rousselot
Sandman
Stratton
Stubblefield
Whitten
Young, Tex.

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Passman for, with Mr. Badillo against.

Mr. Fulton for, with Mr. Diggs against.

Mr. McFall for, with Mr. Carey of New York against.

Mr. Young of Texas for, with Mr. Fraser against.

Mr. Stubblefield for, with Mr. Reid against.

Mr. Whitten for, with Mr. Biaggi against.

Until further notice:

Mr. Murphy of New York with Mr. Mills of Arkansas.

Mr. Aspin with Mr. Mitchell of New York.

Mr. Culver with Mr. McEwen.

Mr. Rooney of New York with Mr. Rousselot.

Mr. Stratton with Mr. McCloskey.

Mr. Jones of North Carolina with Mr. Buchanan.

Mr. Hanna with Mr. Frelinghuysen.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 13, line 2, insert ", and official entertainment expenses of the President, to be accounted for solely on his certificate;".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

Ms. ABZUG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. ABZUG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device. and there were—yeas 302, nays 107, not voting 25, as follows:

[Roll No. 530]

YEAS—302

Abdnor
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Bauman
Beard
Bell
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brasco
Bray
Breaux
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Milford
Miller
Minish
Minshall, Ohio
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
O'Brien
O'Hara
O'Neill
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rees
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NAYS—107

Abzug
Alexander
Anderson, Calif.
Ashbrook
Ashley
Barrett
Bennett
Bergland
Bingham
Brademas
Breckinridge
Brinkley
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clay
Collins, Ill.

Conlan
Conyers
Davis, S.C.
Dellums
Dent
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Flowers
Ford, William D.
Fountain
Fraser
Gaydos
Giaimo
Gonzalez
Green, Pa.
Griffiths
Gross
Gunter
Hanley
Hawkins
Hechler, W. Va.
Henderson
Holtzman
Hungate
Ichord
Jordan
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Lehman
Long, Md.
McCormack
McKay
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Mizell
Moakley
Moss
Nedzi
Nix
Obey
Owens
Pike
Podell
Randall
Rangel
Rarick
Reuss
Riegle
Roncalio, Wyo.
Rosenthal
Roush
Sarbanes
Schroeder
Seiberling
Shuster
Stanton, James V.
Stark
Stokes
Sullivan
Symms
Taylor, N.C.
Teague, Tex.
Thornton
Tiernan
Udall
Vanik
Vigorito
Waldie
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wylie
Young, Ga.
Zablocki

NOT VOTING—25

Adams
Aspin
Badillo
Biaggi
Buchanan
Carey, N.Y.
Culver
Diggs
Fulton
Gray
Hanna
McEwen
McFall
Mills, Ark.
Mitchell, N.Y.
Moorhead, Calif.
Nelsen
Passman
Patman
Reid
Rooney, N.Y.
Rousselot
Sandman
Stratton
Stubblefield

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Badillo against.
Mr. Passman for, with Mr. Biaggi against.
Mr. McFall for, with Mr. Reid against.
Mr. Fulton for, with Mr. Carey of New York against
Mr. Stubblefield for, with Mr. Diggs against.
Mr. Rousselot for, with Mr. Adams against.

Until further notice:

Mr. Rooney of New York with Mr. Patman.
Mr. Stratton with Mr. Nelsen.
Mr. Hanna with Mr. Mitchell of New York.
Mr. Mills of Arkansas with Mr. McEwen.
Mr. Aspin with Mr Buchanan.
Mr. Culver with Mr. Moorhead of California.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: On page 13, line 19, strike "$850,000" and insert "and the provisions of section 7(c) of the Act of August 16, 1973 (Public Law 93–100), $1,036,000."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by the Senate, insert the following: "and the provisions of Section 7(e) of the Act of August 16, 1973 (Public Law 93–100), $1,036,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 17, line 11, strike out "after approval by the House and Senate Committees on Appropriations, to provide such fencing, lighting,".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the matter stricken by the Senate, insert the following: ", after submission to the House and Senate Committees on Appropriations,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 17, line 21, insert: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the matter proposed by the Senate, insert the following: ": *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 20, line 18, insert "to remain available until expended."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 22, line 2, insert ", shall remain available until expended."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 23, line 8, strike out: "That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading" and insert:

"That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by the Senate, insert the following:

"That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading: Provided further, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: Page 23, line 18, insert ": *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 23, line 23, insert ": *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061–2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093 (d))."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: On page 27, line 21, insert:

"SEC. 4. Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of $2,000,000."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: page 28, line 5, insert:

"SEC. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval facility, Seattle, Washington, to any person or entity for aviation use."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the matter proposed by the Senate, insert the following:

"SEC. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, and the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: page 28, line 17, insert ": *Provided further*, That $1,000,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, required for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the matter proposed by the Senate, insert the following: ": *Provided further*, That $1,280,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, required for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: page 29, line 19, insert ", to remain available until expended."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44, page 30, line 20, strike out "$3,000,000" and insert $6,000,000".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by the Senate, insert the following: "$6,000,000, of which $3,000,000 shall be available only for transfer to the General Services Administration for the purpose of disposal of the medical stockpile".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: Page 34, line 2, strike out "Poland" and insert "Cuba, Poland,"

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 47: Page 34, line 4, insert "That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*,".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: page 34, line 8, insert "That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*,".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 34, line 11, insert "That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*,".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 34, line 16, insert "This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 38, after line 12, insert:

"SEC. 610. Funds made available by this or any other Act to the 'Buildings management fund' (40 U.S.C. 490(f)), and the 'Postal Service fund' (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service,"

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by

which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert certain statistical material on the conference report just agreed to, and, Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973.

The message also announced that Mr. Hathaway be appointed as an additional conferee on the bill (S. 14) entitled "An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) entitled "An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs."

The message also announced that the Senate agrees to the House amendment to the Senate amendment numbered 5 with an amendment. The message also announced that the Senate agrees to the House amendments to the Senate amendments numbered 13 and 14.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2408 entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Stennis, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. Harry F. Byrd, Jr., Mr. Tower, Mr. Thurmond, and Mr. Dominick to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 386 entitled "An act to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. Tower, and Mr. Brooke to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1435) entitled "An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eagleton, Mr. Inouye, Mr. Stevenson, Mr. Tunney, Mr. Mathias, Mr. Bartlett, and Mr. Dominick to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7446) entitled "An act to establish the American Revolution Bicentennial Administration, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McClellan, Mr. Kennedy, and Mr. Hruska to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 6691 MAKING APPROPRIATIONS FOR THE LEGISLATIVE BRANCH FOR FISCAL YEAR ENDING JUNE 30, 1974

Mr. CASEY of Texas. Mr. Speaker, I call up the conference report on the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 11, 1973.)

Mr. CASEY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. Casey) is recognized.

Mr. CASEY of Texas. Mr. Speaker, the conference agreement provides appropriations totaling $605,189,933. This is an increase of $55,144,993 over the House bill. However, this amount includes $97,744,553 for Senate items not considered by the House—$91,013,353 under the Senate heading and $6,731,200 under the Architect of the Capitol. Conforming to long practice, funds exclusively for operations and activities of the Senate—including three items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The conference total is $71,961,026 below the budget estimates due to the deletion of all proposals relating to the west front of the Capitol, which I will discuss after I review some of the other items considered in conference. The conference total is $5,502,082 below 1973 appropriations primarily due to a number of nonrecurring construction projects in last year's bill. I will insert in the Record under leave to extend, when I revise my remarks, a tabulation summarizing these figures by major activities in the bill.

The tabulation follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1974 (H.R. 6691), CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item	New budget (obligational) authority, fiscal year 1973[1]	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Senate	$79, 228, 425	$90, 521, 330		$91, 013, 353	$91, 013, 353	+$11, 784, 928	+$492, 023	+$91, 013, 353	
House of Representatives	146, 925, 020	145, 313, 850	$144, 978, 850	145, 021, 350	145, 021, 350	−1, 903, 670	−292, 500	+42, 500	
Joint items	26, 151, 320	43, 588, 929	31, 626, 440	36, 143, 499	36, 054, 480	+9, 903, 160	−7, 534, 449	+4, 428, 040	−$89, 019
Office of technology assessment		3, 980, 000		3, 980, 000	2, 000, 000	+2, 000, 000	−1, 980, 000	+2, 000, 000	−1, 980, 000
Architect of the Capitol	102, 584, 500	87, 921, 700	81, 051, 800	63, 348, 400	30, 048, 400	−72, 536, 100	−57, 873, 300	−51, 003, 400	−33, 300, 000
Botanic Garden	811, 300	875, 000	860, 200	860, 200	860, 200	+48, 900	−14, 800		
Library of Congress	79, 104, 450	83, 929, 150	81, 756, 650	82, 371, 150	82, 371, 150	+3, 266, 700	−1, 558, 000	+614, 500	
Government Printing Office	76, 172, 000	115, 671, 000	104, 421, 000	112, 471, 000	112, 471, 000	+36, 299, 000	−3, 200, 000	+8, 050, 000	
General Accounting Office	98, 065, 000	103, 850, 000	103, 850, 000	103, 850, 000	103, 850, 000	+5, 785, 000			
Cost-Accounting Standards Board	1, 650, 000	1, 500, 000	1, 500, 000	1, 500, 000	1, 500, 000	−150, 000			
Grand total, new budget (obligational) authority	610, 692, 015	677, 150, 959	550, 044, 940	640, 558, 952	605, 189, 933	−5, 502, 082	−71, 961, 026	+55, 144, 993	−35, 369, 019

LEGISLATIVE BRANCH APPROPRIATION BILL, 1974 (H.R. 6691), CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item (1)	New budget (obligational) authority, fiscal year 1973[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1973 (7)	Budget estimates of new (obligational) authority, fiscal year 1974 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Consisting of—									
1. Appropriations	$609, 970, 015	$677, 150, 959	$549, 418, 940	$639, 932, 952	$604, 563, 933	−$5, 406, 082	−$72, 587, 026	+$55, 144, 993	$−35, 369, 019
Definite appropriations	(609, 960, 015)	(677, 150, 959)	(549, 418, 940)	(639, 932, 952)	(604, 563, 933)	(−5, 396, 082)	(−72, 587, 026)	(+55, 144, 993)	(−35, 369, 019)
Indefinite appropriations	(10, 000)					(−10, 000)			
2. Reappropriations	722, 000		626, 000	626, 000	626, 000	−96, 000	+626, 000		

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[1] Includes amounts in Second Supplemental Appropriations Act, 1973 (Public Law 93–50).

JOINT ITEMS

A number of adjustments were made in the several activities under the "Joint items" heading, the most significant being an increase of $4,394,000 for official mail costs and is necessary in order to reimburse the Postal Service for the fiscal year 1973 deficit based on later estimates than were available when the House acted on the bill last April.

OFFICE OF TECHNOLOGY ASSESSMENT

The conference action provides $2,000,000 as the initial appropriation for the new Office of Technology Assessment for the eight or so remaining months in the fiscal year instead of $3,980,000 as proposed by the Senate for the entire year. The House did not consider the budget for this Office at the request of the Technology Assessment Board as they had not had time to develop their plans last spring when the bill was considered by the Committee.

LIBRARY OF CONGRESS

An increase of $614,500 over the House bill has been allowed for the Library of Congress, which includes $349,000 to furnish the Senate a computerized information file system, as well as $133,000 for the national serials data program, and $132,500 additional for "Books for the blind and physically handicapped."

GOVERNMENT PRINTING OFFICE

The bill as agreed to in conference includes an additional $8,050,000 for the Office of Superintendent of Documents to cover the cost of postage for mailing copies of the CONGRESSIONAL RECORD and other publications mailed at the request of the Congress which have the U.S. Government Printing Office postage and fees indicia. Currently the mailing costs for these publications, now being mailed as penalty mail, are being paid from congressional appropriations as franked mail.

WEST FRONT OF CAPITOL

The major item of controversy in the conference centered around the old recurring problem of extension versus restoration of the west central front of the Capitol. As you will recall the House bill provided $58,000,000 for extension. The Senate deleted this proposal and put in $18,000,000 and language for restoration. In addition they proposed the construction of an underground House Office Building and included an appropriation of $15,000,000 for that purpose. The House has never given any consideration to such a proposal or to the proposed authorization and appropriation of $300,000 to develop a master plan for future development of the Capitol Grounds. The conference action deletes all proposals relating to extension and restoration of the west central front of the Capitol, an underground House Office Building, and the development of a comprehensive plan of the Capitol Grounds. As is stated in the joint statement accompanying the conference report:

> In deleting these amendments for extension, restoration, an additional House Office Building and comprehensive planning, the conferees realize that full consideration could not be given these amendments at this time in that the House held no hearings on the proposal for an underground building next to the House wing of the Capitol. Lacking this the House conferees were in no position to consider the proposal. Both Houses receded to leave the question open.

Mr. GROSS. Mr. Speaker, would the gentleman yield for a question or two?

Mr. CASEY of Texas. Yes; I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. With respect to this Office of Technology Assessment, it is apparently just getting off the ground from the standpoint of funding; is that not true?

Mr. CASEY of Texas. That is correct. This is their first funding.

Mr. GROSS. The appropriation is $2 million and the amendment deletes restoration of the amount of the employee compensation proposed by the Senate. What is the meaning of that language?

Mr. CASEY of Texas. The meaning of the language was that the Executive Director for the new Commission was in the legislative act to be paid at the rate of a level 3 of the Executive Schedule and that amounts to around $40,000.

The Senate policy committee, since they had been a little teed off at salaries being paid to some positions, of both the House and the Senate, they thought were being overpaid, they have been trying to put a limit at the level of $36,000. That is what they propose to do.

The Office of Technology Assessment requested that we stick with what the House approved and what the Senate approved in the authorization bill authorizing the creation of the Agency. They wanted this for the purpose of getting a topnotch man. This is not the only one; we have a similar situation in the Joint Committee on Atomic Energy.

We also have higher salaries in some of the other positions which they consider comparable to the one such as that of the Director of the new Office of Technology Assessment. We on the conference committee agreed and took the language restriction out.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I seriously question the advisability of ever funding this thing. I think it is something we can well do without, considering the fiscal situation of the country.

However, I do commend the committee for staying with the House figure of $2 million, which is a cut of about 50 percent in what the other body sought for this purpose. To that extent, I can commend the committee, but this Technology Assessment outfit is something we certainly do not need and on which we should not spend a dime.

Mr. CASEY of Texas. Mr. Speaker, I yield to the gentleman from New Hampshire, the ranking minority Member (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I would like to endorse what the gentleman from Texas, the chairman of the subcommittee, has said concerning the conference report, and make one or two observations at this time relative to the west front. These observations are relatively simple and relatively unchallengeable.

We are going to have to take care of the west front of this Capitol sooner or later. The action taken by this conference actually defers that for at least another full year. This is going to mean higher cost for whatever we do with the west front of the Capitol, and it is going to mean unavoidable delay in public and congressional facilities.

Basic is the fact that deterioration exists in the west wall and that it must be fixed, if not this year, soon.

It is fundamental in this whole picture that whatever is spent to merely restore the west wall of the Capitol is money that is down the drain. I hope that the public generally in this country, as it listens to the arguments of those who urge conservation of public funds and addressing the subject of the Capitol's west front, will remember that if it cost *x* number of millions of dollars to refurbish that wall, we will have nothing whatsoever to show for the millions spent to do only this. Cost estimates for this before the committee of the conference ranged as high as $35 million to do nothing but rebuild the wall.

Now, whatever this sum may eventually turn out to be, it has to be subtracted from the cost for an extension that would provide substantial additional facilities, both public and congressional. It would also provide a Capitol building, which is a public shrine, that will have a vastly more beautiful appearance than the present structure.

For example, I feel compelled to observe that if it were to be extended, the cost figure that was debated in this body just a short while ago was $60 million. If restoration of the wall will cost $30 million the net real cost for some 275,000 square feet of additional available space is but $30 million, or one-half of its apparent cost.

Mr. Speaker, it is regrettable in the extreme that the House has yielded to what amounts to a one-man vendetta against extension in the other body. This body has by far the greater need for extension, and the need is both present and real.

With the exception of these remarks I endorse conference report and join in the views expressed by the gentleman from Texas.

I have no further requests for time.

Mr. CASEY of Texas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 11, not voting 23, as follows:

[Roll No. 531]

YEAS—400

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Bennett
Collins, Tex.
Crane
Dennis
Gross
Landgrebe
Latta
Pritchard
Rarick
Satterfield
Symms

NOT VOTING—23

Abzug
Aspin
Biaggi
Buchanan
Carey, N.Y.
Culver
Fulton
Hanna
Hansen, Wash.
Hébert
Hosmer
McFall
Mills, Ark.
Mitchell, N.Y.
Moakley
Passman
Reid
Rooney, N.Y.
Rousselot
Sandman
Steed
Stratton
Stubblefield

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Buchanan.

Mr. Hanna with Mr. Rousselot.

Mr. Fulton with Mr. Mitchell of New York.

Mr. Culver with Ms. Abzug.

Mr. Carey of New York with Mr. Aspin.

Mr. Hébert with Mr. Moakley.

Mrs. Hansen of Washington with Mr. Steed.

Mr. McFall with Mr. Passman.

Mr. Mills of Arkansas with Mr. Stratton.

Mr. Stubblefield with Mr. Reid.

Mr. Biaggi with Mr. Hosmer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. CASEY of Texas. Mr. Speaker, inasmuch as amendments Nos. 1 through 33 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 1 through 33 be considered as read, printed in the RECORD, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the amendments in disagreement Nos. 1 through 33.

The Clerk read as follows:

SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,781,505.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $430,200.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $206,165.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $104,640.

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $23,818: *Provided*, That effective July 1, 1973, the compensation of the Chaplain shall be $15,232 per annum in lieu of $10,064 per annum.

OFFICE OF THE SECRETARY

For office of the Secretary, $2,374,930, including $99,974 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1973, the Secretary may appoint and fix the compensation of a superintendent, public records office at not to exceed $25,568 per annum in lieu of a registration clerk at not to exceed $19,312 per annum; a clerk, public records office at not to exceed $12,240 per annum in lieu of a clerk at not to exceed $10,064 per annum; a chief auditor, public records office at not to exceed $13,873 per annum; an assistant superintendent, public records office at not to exceed $18,768 per annum; a secretary, public records office at not to exceed $13,872 per annum; and three technical assistants, public records office at not to exceed $11,152 per annum each; *Provided further,* That effective July 1, 1973, the allowance for clerical assistance and readjustment of salaries in the disbursing office is increased by $28,832.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,745,665, including herein, from and after July 1, 1973, an additional clerical assistant for the Committee on Armed Services made permanent by Public Law 92–136, approved October 11, 1971: *Provided,* That effective July 1, 1973, the Committee on Rules and Administration is authorized to employ an additional assistant chief clerk; *Provided further,* That the Committee on Rules and Administration may authorize its chairman to designate one committee employee to approve, in his behalf, all vouchers making payments from the contingent fund of the Senate, such approval to be deemed and held to be approval by the Committee on Rules and Administration for all intents and purposes.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $39,210.700.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of the Sergeant at Arms and Doorkeeper, $9,577,985: *Provided,* That effective July 1, 1973, the Sergeant at Arms may appoint and fix the compensation of a chief video engineer at not to exceed $27,744 per annum in lieu of a video engineer at not to exceed $24,480 per annum; a computer center manager at not to exceed $26,656 per annum; four senior programer analysts at not to exceed $21,488 per annum each in lieu of two senior programer analysts at not to exceed such rate; two senior programer supervisors at not to exceed $25,568 per annum each; a lead analyst at not to exceed $22,032 per annum; a technical writer at not to exceed $16,048 per annum; a systems supervisor at not to exceed $23,936 per annum; three systems programers at not to exceed $19,856 per annum each in lieu of one systems programer at not to exceed such rate; four computer specialists at not to exceed $18,224 per annum each; three support operators at not to exceed $12,512 per annum each; a supervisor operator at not to exceed $15,232 per annum; a systems clerk at not to exceed $10,064 per annum; four printing press operators at not to exceed $12,512 per annum each; an assistant foreman, duplicating department at not to exceed $13,328 per annum; a senior pressman at not to exceed $12,512 per annum; a cameraman, duplicating department at not to exceed $12,512 per annum; eight folding machine operators at not to exceed $9,520 per annum each; eleven inserting machine operators at not to exceed $8,976 per annum each in lieu of ten inserting machine operators at not to exceed such rate; an assistant night foreman, duplicating department at not to exceed $9,792 per annum; eleven addressograph operators at not to exceed $9,520 per annum each in lieu of eight addressograph operators at not to exceed such rate; seventeen laborers, service department at not to exceed $7,888 per annum each in lieu of eight laborers at not to exceed such rate; a night foreman at not to exceed $10,064 per annum; six automatic typewriter repairmen at not to exceed $12,512 per annum each in lieu of four automatic typewriter repairmen at not to exceed such rate; fifty-seven mail carriers at not to exceed $9,520 per annum each in lieu of fifty-two mail carriers at not to exceed such rate; two mail specialists at not to exceed $10,336 per annum each; two inspectors, police force at not to exceed $22,304 per annum each, three additional captains, police force at not to exceed $19,312 per annum each, three additional lieutenants, police force at not to exceed $16,320 per annum each, fifteen additional sergeants, police force at not to exceed $13,600 per annum each, and four detectives, police force at not to exceed $11,968 per annum each in lieu of twenty-seven privates, police force at not to exceed $10,336 per annum each; and the Sergeant at Arms may fix the per annum compensation of the superintendent, service department at not to exceed $26,928 in lieu of $25,568, the per annum compensation of the assistant superintendent, service department at not to exceed $17,952 in lieu of $16,864, the per annum compensation of the night supervisor, service department at not to exceed $13,056 in lieu of $11,696, the per annum compensation of the chief machine operator at not to exceed $13,328 in lieu of $12,512, the per annum compensation of the assistant chief machine operator at not to exceed $11,968 in lieu of $11,152, the per annum compensation of the supervisor, addressograph section at not to exceed $12,512 in lieu of $11,696, the per annum compensation of the foreman, duplicating department at not to exceed $15,232 in lieu of $13,872, the per annum compensation of the night foreman, duplicating department at not to exceed $13,328 in lieu of $12,784, and the per annum compensation of the foreman of warehouse, service department at not to exceed $12,512 in lieu of $11,424.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $248,120.

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For agency contributions for employee benefits and longevity compensation, as authorized by law, $3,000,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $474,375.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $310,215 for each such committee; in all, $620,430.

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $511,710 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $13,443,230, of which amount not to exceed $500,000 shall be available for obligations incurred in fiscal year 1973.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.51 per hour per person, $74,475.

MISCELLANEOUS ITEMS

For miscellaneous items, $8,310,850.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, $320; Chaplain, $100; and for air mail and special delivery stamps for the office of the Secretary, $610; office of the Sergeant at Arms, $240; and the President of the Senate, as authorized by law, $1,215; in all $2,485.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $3,600; for Senators under authority of section 506(f) of Public Law 92–607, approved October 31, 1972, $190; and for committees and officers of the Senate, $21,850; in all, $25,640.

ADMINISTRATIVE PROVISIONS

Effective July 1, 1973, (1) the provisos contained in the paragraph "Office of the President pro tempore" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1971, and the second proviso contained in the paragraph "Office of the Secretary" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1970, insofar as it relates to the positions of Comptroller and Secretary to the Comptroller, are repealed, and (2) section 6(c) of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603(c)), is amended by striking out "Comptroller of the Senate,".

The last full paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1972, is amended by inserting immediately before "captains" the following: "inspectors,".

The Secretary of the Senate is hereafter authorized to designate, in writing, employees of the Disbursing Office of the Senate to administer oaths and affirmations, with respect to matters relating to that Office, authorized or required by law or rules or orders of the Senate (including the oath of office required by section 3331 of title 5, United States Code). During any period in which he is so designated, any such employee may administer such oaths and affirmations.

Subsection (c) of section 5533 of title 5, United States Code, is amended—

(1) by inserting in paragraph (1), immediately after "paragraph (2)", the following "or (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4) Paragraph (1) of this subsection does not apply to pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same day."

Effective January 1, 1973, and thereafter, section 506 of the Supplemental Appropriations Act, 1973, is amended (1) by inserting in subsection (a)(7), immediately after "subsections to", the following: "newspapers,", and (2) by inserting in subsection (h)(4), immediately before the semicolon at the end thereof, a comma and the following: "insofar as such section has application to Senators".

Section 105(e)(2)(B) of the Legislative Branch Appropriation Act, 1968, as amended, and as modified by the Orders of the President pro tempore of the Senate (2 U.S.C. 61–1(e)(2)(B)), is amended by striking out "$20,400" and inserting in lieu thereof "$18,224".

Effective July 1, 1973, (1) the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows:

"$352,240 if the population of his State is less than 2,000,000;

"$362,848 if such population is 2,000,000 but less than 3,000,000;

"$388,416 if such population is 3,000,000 but less than 4,000,000;

"$421,328 if such population is 4,000,000 but less than 5,000,000;

"$448,256 if such population is 5,000,000 but less than 7,000,000;

"$476,544 if such population is 7,000,000 but less than 9,000,000;

"$507,280 if such population is 9,000,000 but less than 10,000,000;

"$530,944 if such population is 10,000,000 but less than 11,000,000;

"$561,952 if such population is 11,000,000 but less than 12,000,000;

"$585,616 if such population is 12,000,000 but less than 13,000,000;

"$615,808 if such population is 13,000,000 but less than 15,000,000;

"$646,000 if such population is 15,000,000 but less than 17,000,000;

"$676,192 if such population is 17,000,000 or more."

and (2) section 105(d)(2) of such Act is amended (A) by striking out clauses (i) and (ii), (B) by striking out "(iii)" and "two employees" in clause (iii) and inserting in lieu thereof "(i)" and "five employees", respectively, and (C) by striking out "(iv)" and inserting in lieu thereof "(ii)".

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 33, inclusive, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: page 13, line 6, insert:

Effective January 1, 1974, section 105(d)(1) of the Legislative Branch Appropriations Act, 1968, as amended by the preceding paragraph, is amended to read as follows:

"(1)(A) Commencing January 1, 1974, the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

"$352,240 if the population of his State is less than 2,000,000;

"$362,848 if such population is 2,000,000 but less than 3,000,000;

"$388,416 if such population is 3,000,000 but less than 4,000,000;

"$421,328 if such population is 4,000,000 but less than 5,000,000;

"$448,256 if such population is 5,000,000 but less than 7,000,000;

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"$585,616 if such population is 12,000,000 but less than 13,000,000;

"$615,808 if such population is 13,000,000 but less than 15,000,000;

"$646,000 if such population is 15,000,000 but less than 17,000,000;

"$676,192 if such population is 17,000,000 or more.

In any calendar year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that calendar year, counting any fraction of a month as a full month.

"(B) The aggregate of payments of gross compensation made to employees in the office of a Senator during each calendar year shall not exceed at any time during such calendar year one-twelfth of the applicable amount contained in the table included in subparagraph (A) of this paragraph multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made."

HOUSE OF REPRESENTATIVES

Mr. CASEY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

Effective January 1, 1974, section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended by the preceding paragraph, is amended to read as follows:

"(1)(A) Commencing January 1, 1974, the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

"$352,240 if the population of his State is less than 2,000,000;

"$362,848 if such population is 2,000,000 but less than 3,000,000;

"$348,416 if such population is 3,000,000 but less than 4,000,000;

"$421,328 if such population is 4,000,000 but less than 5,000,000;

"$448,256 if such population is 5,000,000 but less than 7,000,000;

"$476,544 if such population is 7,000,000 but less than 9,000,000;

"$507,280 if such population is 9,000,000 but less than $10,000,000;

"$530,944 if such population is 10,000,000 but less than 11,000,000;

"$561,952 if such population is 11,000,000 but less than 12,000,000;

"$585,616 is such population is 12,000,000 but less than 13,000,000;

"$615,808 if such population is 13,000,000 but less than 15,000,000;

"$646,000 if such population is 15,000,000 but less than 17,000,000;

"$676,192 if such population is 17,000,000 or more.

In any calendar year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that calendar year, counting any fraction of a month as a full month.

"(B) The aggregate of payments of gross compensation made to employees in the office of a Senator during each calendar year shall not exceed at any time during such calendar year one-twelfth of the applicable amount contained in the table included in subparagraph (A) of this paragraph multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made."

Effective October 1, 1973, any rate of compensation increased or established under the headings "Office of the Chaplain" "Office of the Secretary", and "Office of Sergeant at Arms and Doorkeeper", and any new dollar limitation contained in amendments made by the sixth and seventh full unnumbered paragraphs under this heading "ADMINISTRATIVE PROVISIONS", are increased in accordance with the Order of the President pro tempore of the Senate of October 4, 1973. Effective January 1, 1974, the dollar limitations contained in the amendment made by the eighth full unnumbered paragraph under this heading "ADMINISTRATIVE PROVISIONS" are increased in accordance with the applicable dollar limitations contained in such order.

Mr. CASEY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: page 15, line 6, insert:

"PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Norma Lee Mills, widow of William O. Mills, late a Representative from the State of Maryland, $42,500.".

AMENDMENT OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: page 25, line 24, strike out: "(1) to pay the deputy chief of police detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of the rank of deputy chief plus $4,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent (2) to elevate and pay the two acting inspectors detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police, the rank and salary of inspector plus $1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to pay the captain detailed under the authority of this Act the salary of captain plus $1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, and insert: "(1) to elevate and pay the deputy chief detailed under the authority of this paragraph and serving as Chief of the Capitol Police, to the rank and salary of assistant chief plus $2,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to elevate and pay the two acting inspectors detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police to the rank and salary of deputy chief and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to elevate and pay the captain detailed under the authority of this paragraph to the rank and salary of inspector plus $1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent,".

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 47: Page 34, after line 10, insert:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended: to be expended under the control and supervision of the Architect of the Capitol in all, $6,460,200.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 35, line 1, insert:

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

The unobligated balance of $174,000 on June 30, 1973, of the appropriation under this head in the Legislative Branch Appropriation Act, 1970, unavailable for obligation beyond such date under the provisions of the Legislative Branch Appropriation Act, 1973, is hereby continued available until expended.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 35, after line 8 insert:

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $97,000.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to, and that I be permitted to include a tabulation summarizing the action taken as well as certain extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE FIRST REPORT OF THE ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY, MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

Pursuant to the Intergovernmental Personnel Act of 1970, I hereby transmit the first report of the Advisory Council on Intergovernmental Personnel Policy.

The members of the Advisory Council include elected public officials, career administrators, labor union leaders, and public administration scholars—people from local, State and Federal governments and from private life. I am sure you will share my pride in the Council and my appreciation for their dedicated effort toward improving the ability of government at all levels to respond to the people's needs.

It is noteworthy that this first report of the Council is submitted in the 90th anniversary year of both the Federal and the New York State merit systems, for in many ways the Intergovernmental Personnel Act of 1970 reaffirms as public policy those merit concepts framed in the Civil Service Act of 1883.

In this report, the Advisory Council has recommended new ways to simplify the grant-in-aid process and other aspects of intergovernmental relations. It has also suggested means for strengthening the Federal system through improved personnel management at the State and local level. The Council's recommendations, which would place new emphasis on the rights, powers, and responsibilities of State and local governments for the management of their own affairs, are receiving careful consideration. Since the Council's recommendations could be carried out by the executive branch under its current authority, no draft legislation accompanies the report.

RICHARD M. NIXON.

THE WHITE HOUSE, *October 16, 1973.*

ANNUAL REPORT ON INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States

I transmit herewith the Annual Report on the International Educational and Cultural Exchange Program conducted during fiscal year 1972 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

During the past quarter century, the increase in economic and scientific interdependence among nations, the growth of new transnational communities based on common interests and concerns, the global reach of communications and the upsurge in travel have all radically altered the international environment. All these developments make it particularly important that the quality of the participants selected for exchange programs and the nature of their exchange experiences be truly outstanding. Added attention should also be given to relatively low-cost ways of enhancing the professional and cultural experiences of foreign students and others who come to live and work in our country.

During this past year, a special effort has been made to foster group exchanges concerning problems we have in common with other countries. At the same time, we are striving to concentrate on the exceptional individual, on the promising young leader or the influential communicator, for example, as well as to develop exchanges that introduce our visitors to America's exceptionally rich ethnic and cultural diversity.

Our exchange programs have proved especially valuable in recent months in our developing relations with the Soviet Union and the People's Republic of China. The American and Soviet peoples are now working more closely in a wide range of areas—exchanging reactor scientists, sharing research findings in heart disease, cancer, and environmental health, cooperating in nearly 30 environmental projects, collaborating in the use of computers in management and planning joint probes into space. Cultural groups and performing artists are moving between the two countries in increasing numbers. Similar exchanges are occurring with the People's Republic of China. In the past year, Chinese table tennis players, physicians, scientists and acrobats have visited the United States, and businessmen, doctors, journalists, educators, scientists and scholars from this country have gone to China.

Scientific, educational and cultural exchanges between the United States and scores of other countries are also steadily increasing, under both official and unofficial auspices. These exchanges have helped to open new levels of dialogue with present and prospective leaders in much of the world.

A unique feature of the exchange program and a major source of its vitality through the years has been the enthusiastic involvement of thousands of private individuals, associations and businesses in its activities. They have voluntarily given a great deal of their own resources and time and effort to these programs and have thus made the exchange program truly representative of the people of the United States. I gratefully salute those who have taken part in this highly effective form of people-to-people diplomacy.

All of these elements are discussed in greater detail in this Annual Report and I am pleased to commend this document to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *October 16, 1973.*

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The **SPEAKER** laid before the House the following resignation:

WASHINGTON, D.C., *October 16, 1973.*

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Due to both personal and official commitments for the balance of this month, it will not be possible for me to attend the North Atlantic Assembly in Turkey.

I therefore tender my resignation as a delegate in accordance with the rules of the House.

Sincerely,

SAMUEL L. DEVINE.

APPOINTMENT AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The **SPEAKER**. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. group of the North Atlantic Assembly on the part of the House, to fill the existing vacancy thereon, Mr. LATTA, of Ohio.

TO PROVIDE FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. **THOMPSON** of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 510), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 510

Resolved, That the further expenses of conducting the studies and investigations authorized by H. Res. 74 of the Ninety-third Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $70,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants and consultants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee signed by the chairman of such committee and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a (i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. **THOMPSON** of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

Mr. GROSS. Mr. Speaker, I assume the gentleman will take a reasonable amount of time to explain the resolution?

Mr. THOMPSON of New Jersey. Mr. Speaker, the gentleman will.

Mr. Speaker, this resolution is a very simple one by the Committee on the Judiciary asking for an amount not to exceed $70,000, including expenditures for the appointment of experts, counsel, clerical, stenographic and other expenses for the work of the committee. The distinguished chairman of the committee, Mr. RODINO, and the distinguished ranking member, Mr. HUTCHINSON, came before the Subcommittee on Accounts, which reported this favorably, as did the full Committee of the House Administration by unanimous vote.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this would be in addition to what, $309,890?

Mr. THOMPSON of New Jersey. In addition to $536,217.75.

Mr. GROSS. The total previous appropriation?

Mr. THOMPSON of New Jersey. Yes.

Mr. GROSS. What is the additional $70,000 needed for? Would the gentleman explain?

Mr. THOMPSON of New Jersey. Yes. The committee, in the exercise of its oversight responsibilities and in the business of doing extensive codification of law, needs this amount and satisfied the committee that it needs this amount to carry out its responsibilities.

Mr. GROSS. This is not connected, then, with the added work of the committee with respect to the communication that was sent to the committee on last Saturday, or with respect to the communication which I presume still rests on the Speaker's desk which was previously sent?

Mr. THOMPSON of New Jersey. No, I think the first resolution on the Speaker's desk is at this point moot. With respect to the communication of last Saturday, I am confident that Chairman HAYS agrees with me that this money, the moneys herein provided, will be sufficient for the work that the Committee on the Judiciary has to do on the resolution of last Saturday.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE APPRECIATION OF CONGRESS TO VIETNAM VETERANS ON VETERANS DAY 1973

Mr. **DORN**. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 51) expressing the appreciation of Congress to Vietnam veterans on Veterans Day, 1973, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

Whereas October 22, 1973, will mark the first observance of Veterans Day since the cessation of hostilities in Vietnam; and

Whereas more than forty-six thousand Americans lost their lives and more than three hundred thousand were wounded in action in the Vietnam conflict; and

Whereas the Vietnam engagement was the longest war in the history of the United States and was marked with controversy both at home and abroad; and

Whereas the American military man withstood these adverse conditions and served with valor and courage; and

Whereas the loyalty and devotion to duty of the American serviceman was of the highest order and played an important role in making peace negotiations possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its gratitude, and pays its respects, to Vietnam veterans on Veterans Day 1973 for their gallant part in attaining peace in Vietnam and making it possible to observe Veterans Day 1973 in peace.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

Mr. **HAMMERSCHMIDT**. Mr. Speaker, reserving the right to object, and I certainly support the concurrent resolution, I would like to yield to our distinguished chairman of the Committee on Veterans' Affairs for the purpose of explaining the purpose of the concurrent resolution.

Mr. DORN. Mr. Speaker, if the gentleman will yield, I will be happy to explain the objective of this very meritorious resolution.

October 22, 1973, will mark the first Veterans Day observance since the cessation of hostilities in Vietnam. On this solemn day on which the Nation pauses to consider the sacrifices that have been made by veterans of all conflicts, I believe it is particularly apt to call attention to those who have most recently joined the ranks of America's veteran population—the Vietnam veteran.

This resolution acknowledges the trying circumstances that marked the period of hostilities in Vietnam and commends these young veterans for performing their duties with courage and stamina consistent with that shown by veterans of previous wars.

Official figures obtained from the Veterans' Administration can only partially indicate the sacrifice of the Vietnam era veteran. There are 6,557,000 Vietnam era veterans of whom over 2,406,000 served in Vietnam. Some 46,000 men lost their lives there. Today over 354,000 Vietnam era veterans are receiving VA disability compensation payments for service-connected injuries, while 47,500 dependents of deceased Vietnam era veterans are receiving dependency and indemnity compensation.

In its legislative activity Congress has attempted to assure a veterans program second to none for all our veterans. At the same time, it has recognized that veterans often need the greatest assistance when they first return to civilian life, and that there are increasingly complex situations that today's young veteran and his family encounter in readjusting to civilian life. Thus, as in earlier wars, problems of the recently returned veteran have commanded the increasing attention of the Congress. Significant progress has been made by Congress in recent years in providing increased educational benefits, enhanced employment opportunities, improved housing programs, upgraded medical care, and increased compensation in pensions for Vietnam veterans as well as for our veterans.

The Senate resolution commends and thanks the Vietnam veteran for the service he has rendered our country. Our committee concurs in this commendation and wishes to emphasize that it is also intended to remind the Nation of the debt we owe to all our veterans who have served and died for the ultimate cause of peace.

The resolution passed the Senate on October 11, 1973. I am sure all Members will concur in the objective of this resolution and will apppreciate that in view of the urgent time element involved, immediate action by the House is imperative.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support the gentleman's unanimous consent request for the immediate consideration of Senate Concurrent Resolution 51. This resolution, expressing as it does the gratitude of the Congress to veterans of the conflict in Vietnam for their courageous role in attaining peace in Vietnam, merits the support of every Member of Congress. The efforts and sacrifices of these unsung heroes who participated in the conflict have helped make it possible for the citizens of the United States to enjoy the blessings of peace on Veterans Day for the first time in many years.

Despite the fact that the war in Vietnam has been our Nation's most unpopular war, the young men who fought under the flag of the United States never lost their faith in their Nation nor their determination to do their duty for their country.

President Nixon, in his Veterans Day 1973 Proclamation, said:

> As America enjoys the blessings of peace for the first time in more than a dozen years, it is appropriate that we should pay special honor to those whose service helped us to achieve it.
>
> We salute our veterans on a day of their own each year, a day on which we express our pride in them and our awareness of a debt to them which can never fully be repaid.
>
> At no period in our history has there been more reason to call the Nation's attention to the achievements of its veterans than today. Never before has peace been more welcome nor prospects for its permanence more substantial.

As we approach another Veterans Day, I join President Nixon in saluting the veterans of all of our Nation's wars. I am pleased to support the request of the gentleman from South Carolina, the distinguished chairman of the Committee on Veterans' Affairs, in saluting and paying special recognition to the young men who served during the Vietnam era. I urge all Members to join in this salute by expressing your approval of Senate Concurrent Resolution 51.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I assume the gentleman is saying—and I do not want to put words in his mouth—but he is saying that we all hope that we will not be in some kind of shooting war by next Monday. I am not too sure about it, the way things are going.

Mr. DORN. Mr. Speaker, of course, I express the same sentiments as my distinguished friend from Iowa. I might say further that this concurrent resolution does not cost the taxpayers any money.

Mr. GROSS. Mr. Speaker, I am glad to hear that. I support the resolution, but I certainly hope we will not be in some kind of shooting war by next Monday.

Mr. DORN. Mr. Speaker, I concur in that.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, in passing Senate Concurrent Resolution 51 we are rendering a long overdue tribute to those brave men who served their country so faithfully and loyally during the recent hostilities in Vietnam.

It is befitting that our Nation bestows honor upon these men who, unlike returning soldiers from previous wars, were not greeted with any adulations.

Instead, the Vietnam conflict created divisions within our United States. As a result of that internal struggle, those soldiers who sacrificed in serving their country and who did so with courage and strength, have yet to receive any national tribute for their sincere dedication to our Nation.

At the request of one of my constituents, Mr. Alfonso Sellet of Ulster County, N.Y. and several veterans organizations who have been promoting the national observance of a Vietnam Veteran's Day for several years, I have previously introduced a similar measure.

I urge my colleagues to wholeheartedly support Senate Concurrent Resolution 51, so that the Congress and our Nation may duly honor and express gratitude to all of our Vietnam veterans on Veterans Day, October 22, 1973.

Mr. WYLIE. Mr. Speaker, I rise in support of Senate Concurrent Resolution 51, a resolution of gratitude to the Vietnam veteran of Veterans Day 1973 for his part in attaining peace in Vietnam and making it possible to observe Veterans' Day 1973 in peace.

On Monday next, Mr. Speaker, when we observe Veterans Day, it will mark the first observance of this day in many years that our Armed Forces have not been participating in combat operations. For making this possible, it is especially fitting that we pay special tribute to the Vietnam veteran whose valiant sacrifices enabled us to observe this Veterans Day in peace.

While this resolution singles out the Vietnam veteran for our recognition, we should not for one moment forget the contribution made by veterans of earlier wars to our Nation's survival. It is particularly appropriate, Mr. Speaker, that we remember on this Veterans Day, the heroic sacrifices of all of the gallant Americans who lost their lives in defense of our freedom during time of war. It is appropriate, too, that we remember those who were wounded, many of whom are now patients in Veterans' Administration hospitals across the Nation.

Mr. Speaker, I am proud to support this resolution and to join my colleagues in saluting all of the Nation's veterans on this Veterans Day.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this important concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

NS "SAVANNAH"

Mr. CLARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9450) to authorize the Secretary of Commerce to transfer the NS *Savannah* to the city of Savannah, Ga.

The Clerk read as follows:

H.R. 9450

Be it enacted by the Senate and House of Representatives of the United States of Amer-

ica in Congress assembled, That notwithstanding the provisions of section 510(j) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(j)), the Secretary of Commerce is authorized, within one year after enactment of this Act, to transfer to the city of Savannah, Georgia, the N.S. Savannah, without monetary consideration, to be used as a museum ship and for other public purposes, but not for transportation, together with such of her fixtures, tackle, apparel, furnishings, and equipment as the Secretary of Commerce, in his discretion, determines.

SEC. 2. In connection with the transfer of the vessel authorized by section 1 of this Act, the Secretary of Commerce is authorized to pay the reasonable cost of towing the vessel to a site selected by the city of Savannah.

The SPEAKER. Is a second demanded?

Mr. MOSHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CLARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the NS *Savannah* was constructed by the Federal Government to demonstrate the peaceful uses of atomic energy. The vessel successfully completed its mission in 1970, and has been in layup since that time. The city of Savannah, Ga., wants the NS *Savannah* as the initial and central exhibit of a proposed Eisenhower Peace Center. Since the vessel was constructed by the Government, section 510(j) of the Merchant Marine Act of 1936 would generally require that the NS *Savannah* be placed in the National Defense Reserve Fleet. Therefore, H.R. 9450 is required to authorize the Secretary of Commerce to transfer the vessel to the city.

Mr. Speaker, the Maritime Administration would like to dispose of the vessel, as no viable proposal has been received with respect to it, and layup costs are about $185,000 a year. The city of Savannah wants the vessel and has agreed to comply with the requirements of the Atomic Energy Commission. I am unaware of any opposition to the bill.

Mr. Speaker, after careful consideration of the entire record, our committee reported the bill unanimously. I strongly urge the House to support H.R. 9450.

Mr. Speaker, I now yield such time as she may consume to the distinguished chairman of our full committee, the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I rise in support of H.R. 9450, a bill that would authorize the Secretary of Commerce to transfer the NS *Savannah* to the city of Savannah, Ga., without monetary consideration, for use as a museum ship.

Mr. Speaker, as the chairman of the Subcommittee on Merchant Marine of your committee has pointed out, this is a noncontroversial bill. The Government has no further use for the vessel and wishes to dispose of it. The city of Savannah wants the vessel for use as a museum ship. I believe that this would be an appropriate commemoration for the illustrious career of the NS *Savannah.*

Section 2 of the bill would provide that the Secretary of Commerce is authorized to pay the reasonable cost of towing the vessel to a site selected by the city of Savannah. Careful inquiry by your committee would indicate that this should be between $1,200 to $1,500. This would be the only cost of the bill.

At the present time, the NS *Savannah* costs the Government about $185,000 a year in lay-up. Therefore, the net result would be an annual savings to the Federal Government of approximately $183,500.

I strongly urge the House to support H.R. 9450 so that the NS *Savannah* can remain a visible part of our Atoms for Peace program.

Mr. MOSHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on the minority side of the Committee on Merchant Marine and Fisheries are in unanimous support of this legislation.

Mr. Speaker, I agree that the fate of the nuclear ship *Savannah* proposed in this bill, H.R. 9450, is indeed most appropriate, honorable, and useful in the Nation's interest.

We on the minority side of the House Merchant Marine Committee fully agree that the Secretary of Commerce shall be authority to transfer the *Savannah* to the city of Savannah, Ga., for use as an integral component of the Eisenhower Peace Center.

During the 8-year period that the NS *Savannah* was in operational status, it amply demonstrated the feasibility of nuclear propulsion for merchant ships. The committee report clearly documents the achievements of the *Savannah* as the first nuclear-powered merchant ship in the world, and I urge my colleagues to review those achievements.

Further operation of the *Savannah* as a test vehicle or in commercial service cannot be justified. We have learned a great deal from this ship, but given its now antiquated design, it would be of only marginal use as a training facility for the men who will sail the next generation of nuclear ships. From a commercial standpoint, it was not designed, of course, primarily for economic operation. It is a breakbulk vessel in the containership era. The technology of cargo handling has undergone a revolution since the *Savannah* entered service in 1962.

The Eisenhower Peace Center in the city of Savannah, Ga., appears to be a fitting site for the permanent exposition of the NS *Savannah,* the first major application of nuclear energy for transportation. The theme of the Eisenhower Peace Center will be the origin and development of the Atoms for Peace program initiated by President Eisenhower.

The question naturally arises as we consider the disposition of the *Savannah*—what are the future prospects, if any, for atomic-powered merchant ships? I believe the prospect for a new generation of nuclear-powered merchant ships is very promising. The key to any new technology, once the fundamentals of that technology are understood, is economics. Until very recently, the economics of nuclear propulsion versus conventional fossil fuels has been clearly in favor of conventional propulsion systems. The steady increase in the tonnage of ships generally, particularly tankers, coupled with increasing speed requirements and the general increase in the cost of bunker fuel oil appears to have tipped the economic scale in favor of nuclear propulsion for very large bulk carrying ships and perhaps even high-speed container ships.

As the committee report notes, the *Savannah* sailed over 450,000 miles using only 163 pounds of enriched uranium fuel. By comparison, a comparable ship with conventional power would have required almost 29,000,000 gallons of fuel oil traveling the same distance. The fuel oil consumption of a 33-knot containership or of a 250,000-ton tanker would be far greater, and over the 20- to 25-year useful life of such a ship, the savings in fuel costs would now substantially exceed the higher initial cost of installing nuclear propulsion.

The Committee on Merchant Marine and Fisheries shortly will begin hearings on H.R. 7694, legislation to stimulate the construction of nuclear-powered merchant vessels. I am hopeful that this legislation can be enacted promptly, so that a start can be made in the next fiscal year. I believe that the Maritime Administration looks favorably upon legislation of this type, and since the long-term cost benefit ratio now favors atomic energy, there is reason to believe that the administration will support the program on budgetary grounds.

In conclusion, Mr. Speaker, we are closing one era in nuclear ship construction with the dedication of the NS *Savannah* as a memorial to President Eisenhower's dedication to the peaceful application of nuclear energy, and we are opening a new era of commercial nuclear ship construction which would not have been possible without the wealth of experience gained from the NS *Savannah.*

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. MOSHER. I yield to the gentleman from Iowa.

Mr. GROSS. Where is this vessel presently berthed?

Mr. MOSHER. It is in Savannah right now.

Mr. GROSS. Will it require $1,500 to tow it to its new location?

Mr. MOSHER. It does have to be moved to another spot in the harbor, yes.

Mr. GROSS. Why a cost of $1,500?

Mr. MOSHER. Well, that seems to be the cost of the towing charges nowadays. It is a large ship, and it is a very substantial job. The testimony indicated that would probably be the cost.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Pennsylvania.

Mr. CLARK. That is the best estimate we have had on the moving of the vessel.

Mr. GROSS. I am not opposed to the bill, but I am curious to know why it would cost $1,500 to move this vessel a few miles?

Mr. CLARK. Mr. Speaker, will the gentleman yield further?

Mr. MOSHER. I yield further.

Mr. CLARK. That is including the insurance, in order to tow it to its dock.

Mr. GROSS. What do we insure? Here is a vessel which apparently is worthless except as a souvenir or a memento or something of that kind. Why should there be costly insurance on it?

Mr. MOSHER. I suggest to the gentleman from Iowa that considering the present cost, the lay-up cost of the vessel of about $185,000 per year, this is a very inexpensive way to get it off our hands.

Mr. GROSS. Mr. Speaker, I agree with that if it costs us $185,000 a year to lay her up. But we are hardly making money if we spend $1,500 merely to throw a cable on her and tow her to another berth a few miles away.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I will say that the sum of $1,500 does not seem like very much to me when we consider the cost of moving a few rooms of furniture from one town to another.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I believe that is absolutely reasonable and that it will save an enormous amount of money. Unhappily, as far as that ship is concerned, the hull and fittings of which are absolutely beautiful, she was built in the State of New Jersey by people who turned out to be closer to plumbers than shipbuilders. She has a tragic history of failure, and the failures were concerned with her nuclear powerplant. She survived only because of good luck.

Therefore, I would like to wish the people of Savannah good luck with her, but I would advise them never to try to get her underway.

Mr. MOSHER. Mr. Speaker, I am surprised to hear the comment made by the gentleman from New Jersey (Mr. THOMPSON). There is absolutely nothing in the record that I know of that indicates a failure of the nuclear power plant of the vessel. I believe the vessel has a superb record; I believe the record will indicate that.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, I will say in answer to the gentleman from Ohio that perhaps he is right. I had understood otherwise.

I was present at the commissioning of the *Savannah* and they were kind enough to give me a tie clasp, which, however, did not last out the day. It was a very interesting tie clasp. Like the ship, it did not work.

Actually in the course of her cruising, in one instance off the coast of New Jersey in a northeast storm the *Savannah's* nuclear plant failed, and her auxiliary equipment was capable of pushing her at 6 knots, and they were in an 8-knot gale or a gale well in excess of her capability, and suddenly the good Lord or somebody else came around and stopped the wind right at that moment.

I will say again right now that I wish the people of the city of Savannah good luck.

Mr. MOSHER. Mr. Speaker, what the gentleman says is very interesting. But I believe the overpowering evidence is that this nuclear ship was a success, and the first generation's experience with her was a basic factor in moving us into the present stage of the nuclear era.

Mr. THOMPSON of New Jersey. Mr. Speaker, I will concede that, and I will say that the ship itself is a beautiful thing.

I hope the people of Savannah and the visitors to their beautiful city will enjoy her.

Mr. MOSHER. Mr. Speaker, I will see if I can get the gentleman another tie clasp.

Mr. DOWNING. Mr. Speaker, I rise to join my colleagues on both sides of the aisle in strong support of H.R. 9450, a bill that would authorize the Secretary of Commerce to transfer the NS *Savannah* to the city of Savannah, Ga., for use as a museum ship.

The city of Savannah is actively planning a civic center to be known as the Eisenhower Peace Center. This is to be a nonprofit exhibition center created to trace the origin and development of the atoms for peace program initiated by President Dwight D. Eisenhower. The city would like the initial and central exhibit to be the NS *Savannah*, which represents the first major application of the peaceful use of nuclear energy for transportation.

The distinguished chairman of the full committee and the Subcommittee on Merchant Marine have pointed out the merits of the bill. For the benefit of my colleagues, I would like to give a brief history of this illustrious vessel.

The NS *Savannah* was built pursuant to section 716 of the Merchant Marine Act, 1936, to demonstrate the peaceful uses of atomic energy. This section was added to the Merchant Marine Act, 1936, by Public Law 848, 84th Congress, approved July 30, 1956.

In 1962 and 1963, the NS *Savannah* visited 11 domestic ports, beginning with a visit to the city of Savannah. During the initial domestic voyage, she visited Atlantic and gulf ports, transited the Panama Canal, and called at Hawaiian and U.S. west coast ports. When the NS *Savannah* resumed operation in May 1964, she made a second voyage to a series of domestic ports and then made her maiden Atlantic crossing, the first of five demonstration voyages between foreign and domestic ports. When the NS *Savannah* returned to her servicing facility in Galveston, Tex., on March 10, 1965, she had visited a total of 55 ports, been viewed by 1,500,000 people, and had traveled the equivalent of nearly four trips around the world.

The NS *Savannah*, in her 2 years of demonstration operation, established an internationally accepted pattern of marine operations for atomic commercial ships. The ship carried cargo and passengers in domestic and foreign waters, and in addition to impressions made on ship visitors, influenced the acceptance of atomic energy for peaceful purposes by millions of people who saw, heard, and read about the NS *Savannah* in newspaper, magazine, television, and radio accounts of port visits.

With the completion of the demonstration phase of the NS *Savannah* program, the experimental commercial phase was initiated. The vessel was operated in this manner from August 1965 until July 1970, when it was placed in layup because most of what could be learned from operation of the vessel had been learned.

During 5 years of experimental commercial operations as a cargo liner the *Savannah* accomplished the following:

It demonstrated that a nuclear merchant ship can operate safely and reliably in a regularly scheduled commercial service.

It developed the framework for acceptance and entry and opened new ports to any future nuclear merchant ships.

It demonstrated a favorable reaction on the part of shippers toward using nuclear marine transportation.

It produced a reservoir of marine personnel trained and licensed to manage and operate a seagoing nuclear powerplant.

It added to the prestige of the United States through demonstration of an advanced type ship and ship propulsion.

It demonstrated to the world the sincerity of United States efforts to use nuclear power for peaceful purposes.

It provided extended operational history on which insurance companies may base premiums for insuring future commercial nuclear ships.

In over 450,000 miles of operation, without any air pollution, it used up only 163 pounds of enriched uranium fuel. By comparison, a conventionally powered ship traveling the same distance would require 28,800,000 gallons of fuel oil, and would have released some 340 tons of sulfur-bearing pollutants while in port only.

H.R. 9450 would permit the city of Savannah to maintain this unique vessel as a part of our American heritage.

I strongly urge the House to support H.R. 9450.

Mr. GINN. Mr. Speaker, I rise in support of my bill, H.R. 9450, which would transfer the title of the nuclear ship *Savannah* to the city of Savannah.

As you know, this great ship was ordered built by the Congress as part of President Eisenhower's atoms for peace program. President Eisenhower envisioned it as the first mobile and visible demonstration of this Nation's intention to use nuclear energy for peaceful purposes.

As a prototype ship, the NS *Savannah* was never designed to be a money-making venture. Foremost among its many missions was to prove that a nuclear-powered ship could operate safely and reliably in regularly scheduled commercial service.

Its operations developed the framework for acceptance and entry of nuclear powered merchant ships into commercial ports. It was constructed with exhibit space that made it possible for visitors to come aboard and learn more about the peaceful uses of the atom. In all, this great vessel was viewed by more than 1.5 million persons during its travel of the equivalent of nearly 4 trips around the world.

Perhaps most important of all of her accomplishments, the NS *Savannah* traveled over 450,000 miles on only 163 pounds of enriched uranium fuel without generating any air pollution. By comparison, a conventionally powered ship traveling the same distance would have required more than 28 million gallons of fuel oil and would have released some 340 tons of sulfur-bearing pollutants in port areas alone.

In this day when political and environmental factors are combining with the problem of dwindling supplies of petroleum, the lessons learned by the NS *Savannah* are even more important. The Merchant Marine and Fisheries Committee will soon consider legislation that would put the experience gained through the NS *Savannah* to direct use by encouraging construction of a modern fleet of nuclear-powered commercial ships.

From its inception, the ship has played a very special role in the life of its namesake city. Savannah was chosen as the port of call for the ship on its maiden voyage in 1962, and from that day forward the ship has occupied a special place in the hearts of the citizens of the Savannah area. It has been an object of great pride that this magnificent vessel has carried the name of the beautiful and growing port city of Savannah around the globe on its mission of peace and progress.

In terms of cost, this bill represents a savings to the Federal Government. It now costs the Government some $185,000 each year to maintain the ship in layup condition. The cost of towing the vessel, which has been included in the bill primarily because of insurance requirements, is only about $1,200 to $1,500.

Because of the ship's specialized design, there is no further commercial or governmental use to which it could be put. I suppose it could be sold for scrap, but that would be a shameful waste of a valuable public resource.

The city of Savannah has what I believe all parties feel is the most productive alternative. The ship would become the first and foremost exhibit in the city's proposed Eisenhower Peace Center, a project designed to show the history and the future of the peaceful use of the atom. It would be operated by the city on a nonprofit basis.

The city of Savannah has already spent some $34,000 on a feasibility study of the project. A survey by the Savannah Morning News and Savannah Evening Press indicates that the majority of Savannah residents are in strong support of the project.

The city, however, can go no further with its plans without passage of this enabling legislation. The NS *Savannah* lies idle now, a ship that was built by the taxpayers is now locked away from public view.

Mr. Speaker, I ask that the House give approval to this bill to end the Government's burden of maintenance and to put this magnificent vessel back into active public use. Thank you.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CLARK) that the House suspend the rules and pass the bill, H.R. 9450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADJOURNMENT FROM OCTOBER 18 TO OCTOBER 23, 1973

The Chair laid before the House the Senate Concurrent Resolution (S. Con. Res. 54) providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, October 23, 1973.

AMENDMENT OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL: Strike out the period on line 4 and insert the following: "and that when the House adjourn on Thursday, October 18, 1973, it stand adjourned until 12 o'clock Meridian on Tuesday, October 23, 1973.

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

OCEAN DUMPING CONVENTION IMPLEMENTATION

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5450) to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes.

The Clerk read as follows:

H.R. 5450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marine Protection, Research, and Sanctuaries Act of 1972 (26 Stat. 1052) is amended as follows:

(1) Section 2 is amended by deleting the last sentence thereof and by adding a new subsection to read as follows:

"(c) It is the purpose of this Act to regulate (1) the transportation by any person of material from the United States and, in the case of United States vessels, aircraft, or agencies, the transportation of material from a location outside the United States, when in either case the transportation is for the purpose of dumping the material into ocean waters, and (2) the dumping of material transported by any person from a location outside the United States, if the dumping occurs in the territorial sea or the contiguous zone of the United States.".

(2) Section 3 is amended—

(A) in subsection (c), by deleting "oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161), and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).", and inserting in lieu thereof "sewage from vessels within the meaning of section 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1322). Oil within the meaning of section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be included only to the extent that such oil is taken on board a vessel or aircraft for the purpose of dumping.";

(B) in subsection (f), by deleting "(33 U.S.C. 1151–1175)", and inserting in lieu thereof "(33 U.S.C. 1251–1376)"; and

(C) by adding a new subsection to read as follows:

"(1) 'Convention' means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.".

(3) Section 101 is amended to read as follows:

"(a) Except as may be authorized by a permit issued pursuant to section 102 or section 103 of this title, and subject to regulations issued pursuant to section 108 of this title,

"(1) no person shall transport from the United States, and

"(2) in the case of a vessel or aircraft registered in the United States or flying the United States flag or in the case of a United States department, agency, or instrumentality, no person shall transport from any location

any material for the purpose of dumping it into ocean waters.

"(b) Except as may be authorized by a permit issued pursuant to section 102 of this title, and subject to regulations issued pursuant to section 108 of this title, no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.".

(4) Section 102 is amended—

(A) in subsection (a)—

(i) by deleting the words "as provided for in section 101 of this title," and inserting in lieu thereof the words "for which no permit may be issued,";

(ii) by adding, after the phrase "instrumentality of the United States,", the words "or in the case of a vessel or aircraft registered in the United States or flying the United States flag,"; and

(iii) by adding at the end of the subsection the following sentence: "To the extent that he may do so without relaxing the requirements of this title, the Administrator, in establishing or revising such criteria, shall apply the standards and criteria binding upon the United States under the Convention, including its Annexes."

(B) by adding a new subsection to read as follows:

"(e) In the case of transportation of material, by a vessel or aircraft registered in the United States or flying the United States flag, from a location in a foreign State Party to the Convention, a permit issued pursuant to the authority of that foreign State Party, in accordance with Convention requirements, and which otherwise could have been issued pursuant to subsection (a) hereof, shall be accepted, for the purposes of this title, as if it were issued by the Administrator under the authority of this section.".

SEC. 2. The amendments made by subparagraph 1(4)(A)(iii) and paragraph 1(4)(B) of this Act shall become effective on the date that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters enters into force for the United States. In all other respects, this Act shall become effective on the date of enactment.

The SPEAKER. Is a second demanded?

Mr. MOSHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, it is with great personal satisfaction that I address the House today and urge the unanimous support of Members on H.R. 5450, as reported by the Committee on Merchant Marine and Fisheries, a bill which will amend the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532).

For many years past, this nation, and other nations, have been almost completely indifferent to their treatment of one of the earth's primary resources, the oceans. For too long, we, and others, were prone to believe that the capacity of the ocean to absorb waste materials was unlimited. In recent years, however, we have come to the realization that this assumption was just not true, and evidence began to accumulate that man, indeed, was threatening his very existence by the cavalier manner in which he used the ocean as a sink for his discarded waste materials.

During the last Congress, after extensive hearings, H.R. 9727 was reported to this House and passed on September 8, 1971. Subsequently, that bill, after long delay in ironing out differences with the other body, was enacted as Public Law 92-532. In that legislation, we took the first major step to bring a halt to the extensive abuse which we and others had been heaping on the ocean waters.

We provided that thereafter, the transportation for dumping at sea, of radiological, chemical, and biological warfare agents and of high-level radioactive wastes could no longer be permitted. In addition, we provided that the ocean dumping of all other materials would be carefully regulated so that the adverse affect on ocean waters could be controlled. We declared as a policy of the United States that dumping which might threaten the marine environment would be prevented or strictly limited. In implementing that policy, we chose to regulate the dumping activities of all Federal agencies, no matter where the material might originate, and to regulate the transportation of materials from the United States, no matter who might initiate that transportation.

In enacting Public Law 92-532, the Congress recognized that the provisions included therein constituted only the first step, and so the law included a section on international cooperation which read as follows:

> SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

I am pleased to state that the Secretary of State has done just that. In preparation for the United Nations Conference on the Human Enviroment, held in Stockholm, and which I was privileged to attend as an advisor, the United States presented draft articles on an international convention to deal with the ocean dumping problem. Without going into details as to how the matter developed, I will merely report that on December 29, 1972, the United States signed a successfully completed Convention which dealt with this serious matter. That Convention has now been presented to the other body for advice and consent and by a unanimous vote of 86 to 0, such advice and consent was given on August 3, 1973. This bill will amend our basic act to reflect the provisions of that Convention.

Public Law 92-532 and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter are very similar. However, in addition to controlling the transportation of material from its own territory, each signatory is obligated to control the activities of its vessels and aircraft operating from locations outside its territory. H.R. 5450 incorporates that addition into our domestic law.

In other respects, H.R. 5450 generally provides for technical and conforming amendatory language. For instance, it expands the definition of materials to be controlled by including oil which is taken on board for the purpose of dumping. While this matter might have been left to the existing Oil Pollution Convention, where the present domestic legislation had left it, the International Conference chose to include it within the Ocean Dumping Convention and this provision in H.R. 5450 reflects that decision.

Finally, as to the relationship of the international convention to our domestic legislation, the language of the bill imposes a duty upon the Administrator of the Environmental Protection Agency, in carrying out his permit responsibility under the act, to include within his permit criteria those provisions of the Convention relating to specific materials. At the same time, the bill makes it abundantly clear that the Convention provisions may not be utilized in any way to weaken the already existing national requirements. I am very happy to commend the administration on its initiative and cooperation in implementing the policy announced by the basic act. Such cooperation augurs well for future actions looking to the protection and enhancement of the world environment upon which we all depend for life itself.

I urge your support for this legislation.

Mr. MOSHER. Mr. Speaker, I completely support H.R. 5450, legislation designed to conform the Marine Protection, Research, and Sanctuaries Act of 1972 to the provisions of the Marine Pollution Convention, adopted in London on November 13, 1972.

The Marine Protection Act, our so-called ocean dumping legislation, was enacted by Public Law 92-532 on October 23, 1972. That legislation was the culmination of extensive efforts here in the Congress and within the executive departments to stem the dangerous and growing tendency to use the oceans as a dumping grounds for unwanted waste materials of our industrial society.

The legislation was first prompted by the widespread concern over the disposal of biological warfare agents off the Atlantic coast by the U.S. Army. Extensive hearings conducted by the Oceanography Subcommittee highlighted the lack of any serious effort to develop alternative means of disposal for these substances by the military and other agencies. At the same time, there was growing concern over the ecological damage to the marine biota of the coastal waters, such as the New York bight region, through the prolonged and unregulated dumping of industrial waste materials just over the horizon from our major coastal cities.

In other countries, although fortunately not in the United States, during the 1960's serious outbreaks of mercury poisoning were reported and proven to be the result of the disposal in coastal waters of deadly mercury compounds. These related examples of our growing abuse of the oceans led to the President's request to the Council on Environmental Quality in April 1970 for a comprehensive study of the question of ocean disposal.

The Council's report subsequently formed the basis for our Marine Protection Act. The initiative taken by the United States was quickly recognized at the international level and after a series of preparatory meetings in various capitals, the International Conference on Ocean Dumping was convened late last year. The convention is, I believe, an exemplary case of international cooperation.

Fortunately, the Convention parallels our domestic legislation very closely. The amendments to the Marine Protection Act to conform it to the convention are minimal. I will not dwell on these since the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment (Mr. DINGELL) has already explained them in detail.

I only would like to emphasize the point that the bill before us today is so written that where the convention imposes more stringent requirements, the convention will govern dumping by U.S. nationals. Where the Marine Protection Act imposes more stringent requirements, it will, in turn, govern. Thus, the effect of the Convention is basically to broaden U.S. jurisdiction over its nationals, ships, and aircraft, wherever they may be.

On August 3, 1973, the other body by a vote of 86 to 0 gave its advice and consent to ratification of the Convention by the United States. It is consistent with our leadership in this field that the United States promptly adopt H.R. 5450 implementing the Convention, and the Nixon administration urges that we do so.

Both the Convention and the Marine Protection Act are stopgap measures to a great extent. They provide for the regulation of dumping and only prohibit introduction of the most dangerous substances. In the final analysis, we must develop measures to utilize our resources more fully, and thus reduce the volume of materials that are dumped at sea. Even a carefully regulated permit program may in the long run introduce waste materials into the oceans in quantities that they cannot absorb.

Too little is known about the long-range impact upon our marine environment by the ever-growing range of chemical compounds that are dumped. We cannot therefore be complacent.

We have not solved the problem of ocean dumping. We have only just begun to assert some control. The fact that so many nations recognize this problem is, however, heartening and we have reason to be optimistic. I, therefore, urge my colleagues to support this important additional step represented by H.R. 5450.

Mr. DINGELL. Mr. Speaker, I yield such time as she may use to the distinguished gentlewoman from Missouri, the chairman of the Committee on Merchant Marine and Fisheries.

Mrs. SULLIVAN. Mr. Speaker, I am pleased to emphasize my support of H.R. 5450, as reported to this House by the Committee on Merchant Marine and Fisheries.

I will not detain the House long, but I feel that it is important to make one reference which underlines one aspect of the committee's concern expressed during the consideration of Public Law 92-532, which we are amending with this bill today.

As a part of House Report 92-361 which accompanied H.R. 9727, as reported by the committee, the following paragraph appears:

> The Committee wishes to emphasize its awareness that the types of problems with which H.R. 9727 deals are global in nature. We are not so blind as to assume that in dealing with the problems created by our own ocean dumping activities, we are thereby assuring the protection of the world's oceans for all mankind. Other nations, already moving to grapple with these troublesome issues, also will and must play vital roles in this regard.

The Conference held at London from October 30 to November 13, 1972, which resulted in the Convention we now propose to implement, demonstrates that other nations, indeed, are willing to play their proper role. Eighty nations participated in that Conference, and 12 additional nations attended as observers. More than 50 of those nations have now signed the resulting Convention and many are actively engaged in the ratification process. In the United States, the President, having already obtained the advice and consent of the Senate, is prepared to ratify the Convention on behalf of the United States and is apparently awaiting only congressional implementation action represented by this bill. I urge your unanimous endorsement of this further proof that the United States is ready and willing to maintain its leadership role in making this world a better place in which to live.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield such time as he may use to the distinguished gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Speaker, I rise to urge the support of all Members for the bill pending before the House today.

H.R. 5450, while simple in concept, has far-reaching implications as an indication that the international community is facing up to its responsibilities in the protection of the marine environment. During the past several years, we have witnessed a deepening crisis affecting our food supply from the oceans. We have not only been faced with the actions of foreign fishing vessels operating close to our shores, but we have also witnessed overall threat to our fisheries resources from the pollution of our seas. Plants and animals have been killed by toxic waste, areas of ocean bottom have been suffocated and turned into ocean deserts by wholesale waste disposal, cancerous growths have been discovered on fish in areas polluted by waste material, lower reproductive activity in the fish population has occurred, constituent elements of the food chain in ocean waters have been obliterated in some areas, and shellfish beds have been closed to harvesting because of high concentrations of pollution.

During the last Congress, this House, in passing H.R. 9727, ultimately resulting in Public Law 92-532, took the first step in controlling the threat to the oceans and their resources. The bill before you today is ample witness to the fact that the leadership of the United States has been productive and that other nations are also facing up to their responsibility. The bill incorporates into our basic legislation additional features which were agreed upon at an international conference held in London last fall. The Congress demonstrated its leadership in enacting Public Law 92-532. We should continue to assert our concern and leadership by rapid implementation of the convention recently developed. I urge your support for H.R. 5450.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 5450, legislation to provide the amendments to the Marine Protection, Research and Sanctuaries Act of 1972 which are required to enable that act to implement fully the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. Enactment of this legislation will provide the statutory compliance with the Ocean Dumping Convention, ratified by the U.S. Senate on August 3, 1973, and will insure that the United States is doing everything possible to meet its obligations to the world and future generations to preserve our ocean resources and prevent them from becoming the world's garbage dump.

Last year the Congress enacted landmark legislation providing strict regulations for the transportation of material for dumping in our oceans. The Marine Protection, Research and Sanctuaries Act of 1972, which I cosponsored, was the result of 3 years of intensive work by the Congress to protect our oceans from becoming the receptacle for the world's unwanted waste materials.

I am proud to say that I was among the first to introduce legislation calling for strict regulation, of ocean dumping. In August of 1970, following the potentially dangerous and very controversial disposal of lethal nerve gas in the Atlantic Ocean off the coast of Florida by the U.S. Department of the Army, I introduced legislation prohibiting the further dumping of military material in the oceans wthout a certification by the Council on Environmental Quality. I also introduced legislation calling on the Department of Defense to conduct an inventory of all stockpiled military material which might require disposal, and a determination of the safest method of disposal.

Hearings were held on one of my bills and similar measures by the Merchant Marine and Fisheries Committee in 1970 and 1971. The bill reported by the committee, which was enacted as Public Law 92-532, banned the transportation for disposal by ocean dumping of radiological, chemical, or biological warfare agents or any high-level radioactive waste.

Public Law 92-532 also prohibited the transportation of all other materials originating from the United States for dumping or transported from a site outside the United States for dumping in U.S. territorial or contiguous waters unless a permit is issued by the Environmental Protection Agency.

It was clear during consideration of the ocean dumping legislation, however, that unilateral action by the United States would not be sufficient to protect the world's oceans. An international commitment was required. The Congress recognized this need and directed the Secretary of State, in the Marine Protection, Research and Sanctuaries Act of 1972, to seek effective international action and cooperation to insure protection of the marine environment.

I had introduced a resolution in 1970 calling on the President to direct the U.S. delegation to the U.N. Conference on the Environment to take the lead in proposing an international agreement which would prohibit any dumping in the oceans of the world, and to provide the necessary framework for review and enforcement.

Concurrently, the executive branch was pursuing steps to achieve such an international agreement. A series of meetings under the auspices of the United Nations resulted in agreement in November of last year on the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. On August 3, 1973, the U.S. Senate voted to give its advice and consent to ratification by the United States.

Because of the similarity between the U.S. statute and the convention, few modifications are required in our present law.

The most important amendment would expand coverage of the EPA regulatory/permit scheme to cover U.S. vessels and aircraft transporting materials from locations outside the United States for the purpose of dumping those materials into ocean waters. In order to provide the greatest protection against dumping, it is necessary for nations signatory to the convention to regulate the transportation of materials by them from all locations. As the committee points out in its report, were all countries signatory to the convention, the complete regulation of ocean dumping could be achieved by the regulation of transportation by each signatory from its own territory. However, it must be recognized that the convention will not necessarily be ratified by all countries. Therefore, the convention obligates each signatory to regulate not only the transportation of materials from its own territory, but also the transportation by its own vessels and aircraft from locations outside its territory. In this manner, the coverage of the convention requirements will be as complete as is possible under the circumstances.

Another important provision of the pending bill applies to those cases where the requirements under present U.S. law are more stringent than the requirements under the convention. H.R. 5450 makes it clear that in such cases, the Administrator of EPA must follow the basic statute and Convention requirements in all cases except where, by doing so, he would have to disregard more stringent requirements of the U.S. statute.

Enactment of the Marine Protection, Research, and Sanctuaries Act of 1972 established a strict national policy to limit, the dumping into ocean waters of any material which would adversely affect human health or the marine environment. That policy has now been approved by the international community. Enactment of H.R. 5450 would expand the U.S. regulatory scheme to the fullest extent possible, so that transportation of materials not only from the United States but from any territory by U.S. vessels or aircraft for the purpose of dumping in our oceans, would require an approved permit.

Mr. Speaker, I commend the House Merchant Marine and Fisheries Committee for its long and hard work to regulate ocean dumping, and urge all our colleagues to give their unanimous support to this crucial proposal.

If we fail to protect our ocean resources today, we may not get another chance.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 5450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPEALING THE ACT TERMINATING FEDERAL SUPERVISION OVER PROPERTY AND MEMBERS OF MENOMINEE INDIAN TRIBE

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10717) to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes.

The Clerk read as follows:

H.R. 10717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Menominee Restoration Act".

SEC. 2. For the purposes of this Act—

(1) The term "tribe" means the Menominee Indian Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected at a general council meeting called by the Secretary pursuant to section 4(a) of this Act.

SEC. 3. (a) Notwithstanding the provisions of the Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 891–902), as amended, or any other law, Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin and the provisions of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as amended, are made applicable to it.

(b) The Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 891–902), as amended, is hereby repealed and there are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty, statute, or otherwise which may have been diminished or lost pursuant to such Act.

(c) Nothing contained in this Act shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty, statute, or otherwise, which are not inconsistent with the provisions of this Act.

(d) Nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligations for taxes already levied.

(e) In providing to the tribe such services to which it may be entitled upon its recognition pursuant to subsection (a) of this section, the Secretary of the Interior and the Secretary of Health, Education, and Welfare, as appropriate, are authorized from funds appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), the Act of August 5, 1954 (68 Stat. 674), as amended, or any other Act authorizing appropriations for the administration of Indian affairs, upon the request of the tribe and subject to such terms and conditions as may be mutually agreed to, to make grants and contract to make grants which will accomplish the general purposes for which the funds were appropriated.

SEC. 4. (a) Within thirty days after the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Menominee Restoration Committee. Such general council meeting shall be held within ninety days of the date of enactment of this Act. Within sixty days of the general council meeting provided for herein, the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect the membership of the Menominee Restoration Committee from among the nominees submitted to him from the general council meeting provided for herein. The ballots shall provide for write-in votes. The Secretary shall approve the Menominee Restoration Committee elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(b) In the absence of a completed tribal roll prepared pursuant to subsection (c) hereof and solely for the purposes of the general council meeting and the election provided for in subsection (a) hereof, all living persons on the final roll of the tribe published under section 3 of the Act of June 17, 1954 (25 U.S.C. 893), and all descendants, who are at least eighteen years of age and who possess at least one-quarter degree of Menominee Indian blood, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting and such election. Verification of descendancy, age, and blood quantum shall be made upon oath before the Secretary or his authorized representative and his determination thereon shall be conclusive and final. The Secretary shall assure that adequate notice of such meeting and election shall be provided eligible voters.

(c) The membership roll of the tribe which was closed as of June 17, 1954, is hereby declared open. The Menominee Restoration Committee, under contract with the Secretary, shall proceed to make current the roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon installation of elected constitutional officers of the tribe, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within ninety days after an appeal is initiated: *Provided,* That the time for making a final determination may be extended by mutual agreement of the Secretary and the appellant.

SEC. 5. (a) Upon request from the Menominee Restoration Committee, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of the Act of June 18, 1934, as amended, for the purpose of determining the tribe's constitution and bylaws. The election shall be held within one hundred and eighty days after enactment of this Act.

(b) The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and bylaws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and bylaws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and bylaws. Such consultation shall not be carried on within fifty feet of the polling places on the date of the election.

(c) Within one hundred and twenty days after the tribe adopts a constitution and bylaws, the Menominee Restoration Committee shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as tribal officials provided in the tribal constitution and bylaws. For the purpose of this initial election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted and all tribal members who are eighteen years of age or over shall be entitled to vote in the election. All further elections of tribal officers shall be as provided in the tribal constitution and bylaws and ordinances adopted thereunder.

(d) In any election held pursuant to subsections (a) and (c) of this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and bylaws and the initial election of the tribe's governing body, so long as, in each such election, the total vote cast is at least 30 per centum of those entitled to vote.

SEC. 6. (a) The Secretary shall negotiate with the elected members of the Menominee

Common Stock and Voting Trust and the Board of Directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation.

(b) The Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (a) of this section, accept the assets (excluding any real property not located in or adjacent to the territory, constituting, on the effective date of this Act, the county of Menominee, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the Board of Directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights, including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws and the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the tribe and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(c) The Secretary shall accept the real property (excluding any real property not located in or adjacent to the territory constituting, on the effective date of this Act, the county of Menominee, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, and any other obligations. The land transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this subsection, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services is not impaired as a result of the transfer of assets provided for in this section.

(e) For the purpose of implementing subsection (d), the State of Wisconsin may establish such local government bodies, political subdivisions, and service arrangements as will best provide the State or local government services required by the people in the territory constituting, on the effective date of this Act, the county of Menominee.

SEC. 7. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recoghizes the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, and Members of the House, the purpose of this legislation is to repeal the Menominee Termination Act and to restore the Menominee Indians of Wisconsin to trust status.

Throughout the history of this Nation we have have had a varied history in our dealings with the Indian people; initially, and until the late 1800's the concepts in this country was that the only good Indian was a dead Indian. After the reservation system started in the 1800's the concept was to herd all of the Indians onto reservations in the least hospitable parts of the United States, where they were out of sight and out of mind.

Then I think probably we had some pangs of conscience, and we decided that what we really ought to do was to do everything for the Indians. We ought to provide fully for them. We ought to tell them how to run their business, and we ought to be totally paternalistic toward them. And that concept lasted, Mr. Speaker, until the late 1940's or the early 1950's, at which time we adopted a new and different policy, and that policy was that we treat the Indians as much like white people as we could. We were to try and integrate them totally into society. We were to bring their tribal structures and economies up, and then we were to terminate them; that is to say, cut them off from Federal relationships. And that is the policy of termination which the Menominee Indians fell victim to in the 1950's.

The Menominee Indians were one of the chosen tribes to receive termination, ironically, Mr. Speaker, because, first of all, they had a very high degree of acculturization of their tribal members; secondly, they had in all probability the highest economic development of any tribe of Indians in the entire United States. They had a sustained yield forest and a fine operating sawmill which provided income for the tribe, and indeed they were at the time of the passage of termination in the 1950's supplying all of the services which the BIA was supplying to other tribes, and which the BIA had previously been providing for the Menominee Indians.

And then, unfortunately, Mr. Speaker, there was a third element, an element of coercion. When one of our colleagues presented to the House a bill authorizing per capita distribution of some $10 million in judgment funds for the Menominee Indians, when that bill reached the floor of the other body one of the Members of the other body went to Wisconsin and, in several meetings with the Menominee Indians, told them that unless they were prepared to accept termination there would be no payment of this per capita award. He managed to convince the Menominee Indians that, indeed, if they refused termination, not only would they not receive their per capita award, but there was not even any use in fighting what the Member of the other body told them was certain. That was termination. So by act of June 17, 1954, termination was set about and completed in 1961.

Since that termination, Mr. Speaker, the Menominee Tribe of Indians has gone steadily downhill until today they totter as a tribal entity on the brink of economic collapse from one of the wealthiest and best sustained tribes of the United States. Under this policy, they have gone steadily downhill.

Indeed, a 1973 BIA economic report said that Menominee County will go under without massive help or restoration, that is to say, this act, or both.

This legislation, Mr. Speaker, would resolve that problem by repealing the termination act and restoring Federal recognition to the Menominee Indians, which would then provide an array of Federal services which are available to other federally recognized tribes and which are not now available to the Menominees, including, and most importantly, the ability to have their land held in trust so they will not have to pay property tax on it.

The legislation calls for the recasting and the recreation of tribal government and the reestablishment of tribal control. I maintain, Mr. Speaker, that it will reestablish pride of the Menominee Indians in themselves and in their tribe.

The legislation before us, Mr. Speaker, is sponsored by the gentleman from Wisconsin (Mr. FROEHLICH) in whose district Menominee County and what is composed of the totality of the Menominee Reservation is located. It is cosponsored by all of the members of the Wisconsin delegation. It is supported by some 53 other cosponsors and has the strong support of not only the Bureau of Indian Affairs and the Department of the Interior but of the White House and of Melvin Laird, the Special Adviser to the White House. It is supported by all of the State and local government officials of Wisconsin, of which I am aware.

Indeed, Mr. Speaker, I know of no opposition to this legislation. Most importantly, Mr. Speaker, it is supported by the Menominee Indians and by other Indians in this Nation. Termination has been a dreaded sign to all Indian tribes in the Nation. This body can most effectively terminate the policy of termination by the passage of this legislation, which will restore to the Menominee Indians those Government services to which other Indian tribes are entitled, and remove the fear of termination from them and some other Indians, so that they can make progress and may have, indeed, their self-dignity and their tribal dignity restored.

Mr. Speaker, I urge the passage of this legislation.

Mr. Speaker, I yield to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, I rise in support of this legislation. This is one of the unfortunate moves that the Congress made in terminating this tribe. I stated so at the time, and, as it turned out, at least I was partially right.

I am glad that the gentleman from Washington made it amply clear that the misleading information that these Menominees received did not come from this side of the House. It was a year and a half later when I found out what had actually transpired on the Menominee Reservation. Had I known what I know now, or what I knew a little later, I certainly would never have brought a termination bill to the floor of this House and asked that it be passed.

I want to say this, however, in defense of the position of the House that the Menominees did have an opportunity to vote, and regardless of the fact that somebody held out a carrot, so to speak, and said that "you must do this or you are not going to get your money on the judgment you have," that was a very unfortunate situation.

I think that the only real justice that we could do here is to receive our brethren back into the many benefits that they are entitled to as Indians.

Mr. Speaker, I urge support of this bill.

Mr. MEEDS. I certainly agree with the esteemed chairman of the Interior Committee. I am certain he is correct.

Mr. SAYLOR. Mr. Speaker, we come today to the final chapter of a tragedy that was authored in the other body and approved by this House 19½ years ago. The bill before us, H.R. 10717, is not a panacea nor a permanent solution to the problems of the Menominee Tribe of Indians, nor does it undo the human suffering and economic damage imposed on these people over the past 20 years. It is not a perfect bill, Mr. Speaker, but it is a better bill than the monstrosity that was rammed through this House in 1954 as part of the mistaken "termination policy" of those times.

Those of us who stood on this floor and argued against that bill—the Menominee Termination Act—can take no pleasure today in pointing our finger at the disastrous results of that act. There is no satisfaction in saying "We told you so." Time and fate and circumstance have acted in concert with that 1954 act, and the results are all too painfully evident today in Menominee County, Wis. Compare the Menominee Tribe today, after 20 years of our grand termination policy, with the Menominee Tribe of 1954, just prior to termination.

In 1954, the Menominee Tribe was economically ahead of all other tribes in the Nation. It had more than $10 million in trust and was realizing an annual profit from its lumber business. In less than 7 years after termination, they were on the verge of bankruptcy, and they are today financially destitute. The $10 million is gone and the operating costs of the mill exceed its income.

In 1954, the Menominee Tribe was entitled to the full range of Federal Indian services and programs, and it was utilizing most of them. But, unlike most other tribes, the Menominees were also paying for those services. The total cost of this tribe to Uncle Sam in the year preceding termination was $59,000. The tribe was reimbursing the American taxpayers for all other services received.

Today, Menominee County has not only cut back on those services to its people but it cannot pay for the services it does provide.

In 1954, there was a well-equipped and well-staffed hospital on the reservation. Today there is none. The people must go to the surrounding county hospitals when they are sick—and you can imagine how welcome they are in those institutions.

In 1954, the land holdings of the Menominee Tribe amounted to 234,000 acres. Today, after having been forced to sell off portions of their valuable lake fronts in order to survive, the Menominee Tribe have about 8,000 acres less than they had in 1954.

In 1954, there were more than 3,000 members of the Menominee Tribe living on their reservation. Today, after hundreds have been forced to leave home in search of employment, there are fewer than 2,500.

The sad tale goes on and on. These people have suffered economically, culturally, socially, educationally and politically over the past 20 years as the result of the mistaken policy of termination.

Today we have a chance to rectify a part of the harm we have done. This bill, restoring the tribe to Federal recognition and services, will not only provide the people with the health and education programs they gave up 20 years ago, but it will save the rest of the land from being sold off to developers and speculators. More importantly, it will permit them to save their tribe from extinction and salvage their own personal identities.

Mr. Speaker, I think the most telling argument in favor of this bill is the fact that the Menominees themselves want it passed. What kind of circumstances must these people be living under if they feel that life under the Bureau of Indian Affairs will be better? But the important thing is that this is their choice, not a choice being forced upon them as we forced termination upon them.

This administration has rejected the old termination policy and has enunciated a new Indian policy of self-determination. Under this policy, tribes will be given the opportunity to administer and operate as many of the current Federal Indian programs as they are capable of handling. The idea is to open new doors of opportunity ahead of them rather than to close doors behind them. This Congress has a number of bills pending in committee to implement this policy, and I am confident these bills will pass.

When they do, and when those new doors of opportunity are being opened to all recognized tribes, the Menominee Tribe of Wisconsin will be right there to grasp the opportunities and move ahead. I am confident that within a very few years they will have regained the position they held in 1954, before termination. And from there on, they will progress swiftly as a people.

I am also confident, Mr. Speaker, that this House today will make certain the Menominees are eligible for those opportunities and that this bill, H.R. 10717 will have the support of every Member of this body. I urge that we pass this bill unanimously, not only for the Menominee Indians but to demonstrate to all Indians that this Congress rejects the entire idea of termination, now and for all time to come. Thank you.

Mr. Speaker, I yield such time as he may desire to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, this bill will bring some 2,500 Menominee Indian people back under Federal recognition and make them eligible again for Federal Indian programs and services. But it will do much more than that.

Prior to termination, the Menominees owned their tribal lands and its resources collectively. Their thousands of acres of prime timber lands were held intact as an economic unit.

The termination act changed the status of the land from that of tribal-owned reservation land to that of private property. And it placed the control of that property into the hands of a private corporation. Stock in that private corporation is owned by individual Menominees. The termination act provided that the stock could not be sold for 20 years.

That 20-year period ends next year, and the individual Menominees may then sell their stock. And whoever gains control of that corporation through stock purchases will gain control of one of the finest stands of timber left intact in the United States today.

Some of the land has already been sold by the corporation, as economic pressures have mounted over the years. Unless this bill is passed, the rest of the forest land, and particularly the highly desirable land around the lakes and along the Wolf River will be broken into small parcels and sold off to private interests.

I would point out that the Nation already is in the midst of a lumber and paper pulp shortage, and this is no time to be dissipating our timber resources.

The water resources of Menominee County have also suffered under termination, and this bill will stop the development pressures that threaten the Wolf River and its tributaries.

The greatest waste that has been caused by termination has been the waste of human resources. The Menominees, prior to termination, were almost totally self-sufficient. Today, hundreds of their young people have gone to the big cities to seek work. As employment declined at the lumber mill, the spirit of the people declined also, and when you visit the area today you can feel a lack of purpose among the people. This bill will restore a tribal identity that the people badly need.

But more than that, I have always believed that the answer to most men's problems lies in a good job. If a man is gainfully employed and earning a decent salary, most of his problems fall into place and he is able to work himself out of them. The lumber mill has been a borderline operation for a number of years, but the amount of taxes it is paying to local, State, and Federal governments is just about the difference between profit and loss. After restoration, the tribe will again be able to operate the mill profitably, pay for the renovation it needs, and provide jobs for many more of their people who are now on welfare.

I submit, Mr. Speaker, that this bill represents a good economic investment for the United States, and I urge its swift passage. Thank you.

Mr. MEEDS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would first of all like to especially thank both the subcommittee chairman, Mr. MEEDS and the ranking Republican on the subcommittee, and Mr. LUJAN, for the personal attention which they have given to this matter.

As the chairman of the subcommittee has already indicated, back in the 1950's many people thought termination of tribal status for the Indians for the final solution to the Indian problem, so the Congress began with a number of tribes, including the Menominees.

I was in high school in 1954 when the Termination Act passed. I can remember the consternation which that act generated at the time, not only among the Menominees, but among many communities surrounding Menominee County as well, including my own. I think, as the gentleman from Pennsylvania has indicated, the facts clearly showed that the Termination Act as far as the Menominees were concerned was a failure.

I recall that in 1969, I was up in Menominee County at a county fair about 4 months after I was first elected to this body. I was asked by a number of Menominees what I thought of the chance of reversing termination. I told them that frankly I did not think at that time the chances were very good.

Well, what has happened, in short, is that in just 4 short years since that time the economic conditions have become so clearly bad in that area that the BIA has recognized the necessity to reverse termination, and I think today so has the House of Representatives.

It was as a result of that meeting in Menominee County in 1969 that as a member of the Interior Appropriations Subcommittee, I arranged with the Subcommittee chairman, Mrs. HANSON for the committee to direct the BIA to make a report to our committee on the economic status of Menominee County as a result of termination. She did that, and we all know what that study shows. I think this study is the reason this bill is here today.

Even though the Menominee County was removed from my congressional district by reapportionment and placed in the district of the gentleman from Wisconsin (Mr. FROEHLICH) the Eighth District, my commitment to the Menominees remains, and that is the reason I continue my involvement.

I do not want to take further time of the House to express the thoughts I believe everyone feels on this bill. The committee is for it. The Menominees are for it. The administration is for it. The BIA is for it. Mel Laird, who represented that district at the time the termination originally took place, is for it.

I hope the Members are for it now.

Again I express my thanks to the chairman of the subcommittee and the full committee and the members of both the full committee and the subcommittee, who have dealt with the problem and have given the House an opportunity to rectify a 20-year mistake.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. MEEDS. The gentleman is aware, of course, of the recent letter from President Nixon to the National Congress of American Indians in which President Nixon indicated his very strong support for this measure.

Mr. OBEY. That is correct.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, the consideration of this bill today represents a historic moment in the Indian history of the United States. If the bill is approved, it will symbolize a confession of error on the part of the U.S. Government and a formal repudiation of the policy of termination that characterized the Federal Government's approach to Indians during most of the 1950's.

This bill is a carefully drafted attempt to restore Federal recognition of the Menominee people and to balance the rights of the non-Menominee minority group now living in Menominee County, Wis.

At the outset, I want to express my thanks to the distinguished chairman of the Interior Committee (Mr. HALEY) and the very able chairman of the Subcommittee on Indian Affairs (Mr. MEEDS) for the expeditious manner in which they have processed this legislation.

I also want to thank the many Members who joined me in sponsoring this legislation and my original bills, H.R. 7421 and H.R. 9078. With their timely support, they have performed a great service for the Menominee people and for Indians throughout our country. I would like to acknowledge specifically the contribution of Congressman DAVID OBEY, who introduced the first restoration bill in 1972, when he represented Menominee County in the Congress, and Congressman MANUEL LUJAN, the ranking minority member of the Subcommittee on Indian Affairs who came to the hearings in Keshena and who has been a great source of assistance and support.

Mr. Speaker, the facts developed by the Subcommittee on Indian Affairs in its consideration of this bill amply demonstrate the need for remedial legislation.

In 1951, the Menominees won a judgment of $8.5 million against the United States for mismanaging the assets of the tribe. According to law, this judgment was deposited for the tribe in the U.S. Treasury. A decision was then made by the tribe to seek legislation authorizing distribution of part of this judgment to individual tribal members. Such legislation was introduced by former Representative Melvin R. Laird, and was passed by the House.

In the Senate, however, this per capita distribution bill was altered to reflect the policy of termination established in the House Concurrent Resolution 108, passed by the 83d Congress in 1953. The prime mover in this effort was the late Senator Arthur Watkins, who fervently believed that the U.S. Government, notwithstanding its treaty obligations to various Indian tribes, should "get out of the Indian business," close tribal roles, and withdraw from tribal members the services and assistance accorded to Indians because of their unique status.

For various reasons the Watkins version of the bill was enacted, and Federal supervision over the Menominees was terminated in 1961.

In reality, termination was "forced" upon the Menominee people. The only vote that could be construed as supporting termination came on the heels of Senator Watkins' visit to the reservation, amid great confusion and misunderstanding. At stake in the vote was the carrot of a $1,500 per capita distribution that was tied, apparently inextricably, to something vague called termination, which Senator Watkins had said was inevitable.

At a later date, when the meaning of termination became more clear, the tribe voted unanimously to reject termination.

There was even less confusion among officials of the State government and the board of supervisors of Shawano County. They were against termination, said so repeatedly, and tried first to prevent it and then to repeal it. These efforts were discontinued only after termination became an accomplished fact that was seemingly irreversible.

In 1961, Menominee County was created by the State of Wisconsin to provide civil government for the former reservation. Menominee Enterprises, Inc., was established as the entity to control and manage the tribe's assets—primarily a sawmill and the forest land within the county. One hundred shares of stock in the corporation and one income bond were issued to each member of the tribe on the final roll.

Since 1961, for various reasons, Menominee Enterprises has been pushed to the brink of bankruptcy. Over a period of years virtually all the corporation's profits have gone into property taxes for education and other local services in the poorest county in Wisconsin.

In order to stave off financial disaster, a decision was made in the mid-1960's to begin selling Menominee land to non-Menominees. This course was designed to secure new income for the corporation and a new tax base for the county. In time, however, the decision generated great controversy.

It was highly unpopular among many Menominees, who have a deep feeling for their ancestral land; and it led eventually not only to an upheaval in the tribal leadership but also to strained relations and frictions with the new property owners.

Regrettably, the sale of Menominee land created new problems, but it did not totally lift the corporation or the county from their serious economic difficulties at this time. These acute problems remain.

In 1970, in his recommendations for Indian policy, President Nixon rejected the policy of termination, citing its "bad practical results" in the few instances in which it had been tried. Writing with the Menominees in mind, the President declared:

> The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State, and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

Last April, in a special report, the Bureau of Indian Affairs rendered an even more sobering assessment of the crisis in Menominee County:

> The economic instability of MEI combined with the elimination of public funds to the county make the situation perilous. Unless relief is made immediately available in the form of either a massive infusion of public funds or restoration, MEI will no longer be economically viable and Menominee County will go under.

These are some of the serious considerations that prompted me to introduce and strongly support the Menominee Restoration Act.

That a majority of Menominees support restoration has been evident to me for a long time. Nonetheless, I wanted to be absolutely certain that I was acting in line with majority opinion. Consequently, I distributed a questionnaire by postal patron mailing to residents of Menominee County. The question was asked:

> Do you support restoration of the Menominee Tribe so that the Menominee people will be recognized as Indians and eligible for federal benefits?

Ninety-eight percent of the people who responded answered this question "yes."

Another question I asked was this: "Do you support reestablishment of a Menominee Indian Reservation?"

Eighty-three percent of the people who responded answered this question "yes."

The results listed above indicate very strong popular support among the Menominee people in Menominee County for the major objectives contained in this legislation. At no time during my involvement with this legislation have I encountered any substantial opposition among the Menominee people to the major objectives of Menominee restoration and a return to reservation status.

There is a sound constitutional basis for this legislation.

First, Congress has always enjoyed expansive authority over the affairs of Indian tribes. Were it not for the Termination Act of 1954, the Menominees of Wisconsin would today be a federally recognized tribe, with land in trust and Federal benefits. If the Congress had power to terminate the special trust relationship between the Menominees and the Government, it should also have power to restore that relationship.

Among its power, Congress has the power to enforce and implement treaties with Indian tribes. These treaties with once sovereign tribes resulted in the acquisition of vast tracts of land from the Indians. It is these treaties which provide the primary basis for the unique status of Indians in the American system.

Second, Congress has an entirely legitimate interest in preserving the land and the forest of the Menominee Tribe of Wisconsin. Congress possesses the power to establish national forests and national parks and to preserve and protect the environment. It should also possess the power to preserve intact the land of the Menominees by placing it in trust, thereby preventing its dissipation.

Third, Congress has an interest in preserving different cultures in our pluralistic society. The restoration of an Indian reservation is one constitutional means of helping a group of individuals to preserve their heritage and to maintain rich cultural diversity in our national life. This is a proper social purpose that benefits not only the subject tribe but also the country as a whole.

Finally, Congress has the power to promote economic development among a disadvantaged people. Restoration is designed to reestablish the Menominee Reservation, fully recognize the Menominees as Indians under Federal law, and accord them the benefits that accrue to other Indians because of their unique status. Restoration should provide the setting for a much-improved economic situation among the Menominee people. My hope is to promote self-determination and self-sufficiency of the tribe through a new trust relationship.

Mr. Speaker, with one exception, I approve the description of the bill in the committee's report. I do take issue, however, with the description of the function and purpose of section 6(e), which differs markedly from my intent in sponsoring this legislation.

This subsection first appeared in my bill, H.R. 9078, after it was suggested and requested by the Menominee Indian Study Committee of the Wisconsin Legislature and it became part of H.R. 7421 as a result of an amendment offered in the subcommittee by the gentleman from New Mexico. Is that correct?

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from New Mexico.

Mr. LUJAN. That is correct. The subsection to which the gentleman refers is a part of the amendment I offered in the nature of a substitute to H.R. 7421 and appears in this legislation now. It is exactly the same language as appeared in H.R. 9078, to which the gentleman refers.

Mr. FROEHLICH. Mr. Speaker, I will then refer to page 6 of the committee's report, and in the fifth paragraph will read the explanation of this subsection. I quote:

> Subsection (e) was included in the legislation to make clear that nothing in the Act is mean to affect in any manner the authority of the State of Wisconsin, under its laws, to make provisions for local government structures.

Would the gentleman from New Mexico expand on that interpretation as he understands the intent of that subsection?

Mr. LUJAN. I will be very happy to. As I see the section, it provides that for the purposes of implementing subsection (d) the State of Wisconsin may take appropriate action with respect to local governing bodies and political subdivisions, as it deems necessary.

I think what the gentleman from Wisconsin is driving at, and I would say the thinking behind this section, was that the Congress, in passing this bill, is handing the State of Wisconsin a congressionally created problem. My intent in including the language was to try to give the State as much leeway as Congress can give to the State in solving the problem. The main thing is to get this act implemented for the best benefit of all the citizens of Menominee County, and any tools we can provide to do that we have tried to provide in this legislation.

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman for his interpretation.

I would like to emphasize what the gentleman said—that this subsection is for the purpose of giving the Wisconsin State Government such authority regarding local government restructuring as the State of Wisconsin deems necessary.

It was my intention, as the principal sponsor of this bill and the author of subsection 6(e) in particular, to give the State of Wisconsin the authority to restructure local government in Menominee County in the interests of the people residing therein, without resorting to a referendum vote as may be contemplated in article XIII, section 7, of the Wisconsin Constitution.

This is the intent I have always had with respect to this subsection, and it was the intent of the Menominee Indian study committee of the Wisconsin Legislature which suggested and requested the language in this provision.

I would like to set out why this provision was included in the bill.

As I noted earlier, part of the problem that led to the current drive for restoration was the sale of Menominee land by Menominee Enterprises, Inc., to non-Menominees.

The sale of tribal land was offensive to many Menominees who felt that, whatever the need or motivation for the sale, it represented a diminution of their birthright as Indians. In recent years, the sales have been discontinued; and I have reason to believe that after restoration, the tribe will seek to include in its constitution a prohibition on the sale of tribal property.

In the meantime, however, several thousand acres of land have been sold in the southeast portion of the county and are now in the possession of private owners.

One of the chief effects of restoration will be the transfer of property controlled by Menominee Enterprises into tax-exempt trust with the Secretary of the Interior. This bill also provides for the voluntary transfer into trust of property owned by individual Menominee Indians.

Inasmuch as Menominee County is not abolished by any language in this bill, it is clear that the tax base of Menominee

County and Menominee Township will consist of the property of non-Menominees, plus the property of those few Menominees who do not turn their property into trust.

The legislative history will show that I have always been concerned about the impact of restoration upon the property owners—Menominee and non-Menominee alike who will remain after restoration.

During my testimony before the Indian Affairs Subcommittee in Keshena, I stated:

> We cannot enact legislation to restore the Menominee Tribe to full Indian status and reestablish the reservation in trust, without carefully considering the impact of these profound developments on all the parties who will be affected and protecting their interests.

During my testimony before the subcommittee on June 28 in Washington, I stated:

> In Wisconsin, the funds to support town and county governments and the public schools are raised primarily from taxes on real property. Consequently, the cost of government in Menominee County and Menominee Township will be borne almost entirely by a small group of predominantly non-Menominee property tax payers. The taxes and assessments on the property of these people would be set by the men and women who control the government in the county (that is, the Menominee majority).
>
> From the outset I perceived in this relationship the seeds of inequity and unfairness. I came to the conclusion that the best plan would be to abolish Menominee County at the time of restoration, and to restore the town and county lines that existed prior to termination.
>
> Under the Wisconsin Constitution, the people of Menominee County possess the power to reject absolutely the abolition of their county. One way to induce them to abolish their county would be to make abolition a prerequisite of restoration.
>
> Some Menominees have resisted the idea of abolishing the county. They argue the desirability of complete self-determination for the members of the tribe.
>
> They also assert that the concern about the tax load of non-Menominee taxpayers, after restoration, is not justified because the costs of county government will dramatically decrease.
>
> I appreciate the desire for self-determination. It is understandable and reasonable. But I cannot support a situation in which a majority of people are placed in a position to totally dominate the government and to impose their views on a small minority, without bearing any of the responsibility or burden of their actions. Representation without taxation would produce tension, if not tyranny. Pious expressions of good will, however sincere they may be, do not provide the kind of assurances and protections to which minorities are traditionally entitled in our country.
>
> The key co-sponsor of this bill would not agree to any provision that conditioned the effective date of complete restoration upon the abolition of Menominee County. I would not agree to a bill that did not provide protection for minority property owners. Consequently, we compromised on Section 6(a), which prohibits the Secretary of the Interior from accepting Menominee land into trust for two years after enactment.
>
> This provision would permit an orderly period of transition from the date of enactment to the time when the great bulk of the land is removed from the tax rolls of local government. During this period, all the Federal assistance for education and other governmental functions to which the Menominees will be entitled, will be available. This should reduce the cost of local government. During the transition period, all concerned parties would be able to assess the impact of this federal assistance on the tax load of property taxpayers in Menominee County.
>
> Dr. Rupert Theobald, the Chief of Wisconsin's Legislative Reference Service, suggests a different approach to the problem. If the bill contained a clause authorizing the State of Wisconsin to establish local government bodies to implement this Act, the constitutional referendum veto power of Menominee County residents would be superseded. In that event, no immediate restructuring of county government would be necessary. The people who controlled government in Menominee County would know that they could be put out of business if they did not conduct themselves in a responsible manner. This salutary check is lacking in the present bill. [H.R. 7421]
>
> A provision to authorize a restructuring of local government by the State is acceptable to me. If such a provision were included in the bill, I believe Menominee land could go into trust almost immediately.

At that same hearing, State Senator Reuben LaFave, chairman of the Menominee Indian Study Committee, submitted a statement, from which I excerpt the following:

> First, I want to stress the fact that the Menominee Indian Study Committee has unanimously endorsed the concept of restoration. However, it is the feeling of the committee that the future of Menominee County should not be a matter of federal determination but rather a state-local one. Accordingly the Menominee Indian Study Committee has taken the position that H.R. 7421 should be amended to include Section 6(f) as follows:
>
> "For the purpose of implementing subsection (e), the State of Wisconsin may establish such local government bodies, political subdivisions and service arrangements as will best provide the state or local government services required by the Menominee Indian tribe."
>
> In addition, the references made to "Menominee County" in Section 6 (c) and (d) and Section 8 should be changed to "the territory constituting, on the effective date of the Act, the County of Menominee." If the langauge is not amended in H.R. 7421, it will be impossible to alter the present county structure.

The record will also show that Dr. Theobald appeared at the June 28 hearing of the subcommittee, and in response to questions he explained his position on the language that is now contained in section 6(e) of this bill.

At this hearing, Chairman Meeds expressed his opinion that such a provision would not be constitutional.

On the following day—June 29—I introduced a bill, H.R. 9078, that embodied the provision suggested by Mr. Theobald and endorsed by the Menominee Indian Study Committee. I also asked the Library of Congress to comment on the constitutionality of this proposed subsection.

I insert at the conclusion of my remarks the responsive memorandum received from the American Law Division of the Library of Congress.

Prior to the markup session of the subcommittee on July 26, a copy of the Library of Congress memorandum was conveyed to Chairman Meeds. During the markup session the amendment was offered by Mr. Lujan and accepted by the subcommittee.

My intent is certainly made clear in the first paragraph of the Library of Congress memorandum.

There should be nothing particularly shocking about the concept of Federal supremacy advanced in this section. For instance, in 1954, when the Menominee Termination Act was passed, Congress might have authorized the State of Wisconsin to establish a new county for the Menominee Indians, to be made up of the land in the former reservation. The reservation was located in two counties—Shawano and Oconto. No congressional authorization to create a county was needed because no referendum by the people of Shawano and Oconto Counties was mandated by the Constitution before taking their land. Both Shawano and Oconto Counties exceeded 900 square miles, so that the referendum was not necessary. The people in these counties had no veto power.

Without section 6(e) in this bill, the State of Wisconsin, acting through its legislature, might not be able to dissolve a governmental structure that it created some 12 years ago.

Mr. Speaker, Congress was responsible for the problems that resulted from the Menominee Termination Act, and Congress will be responsible for any problems created by the Menominee Restoration Act. I am doing my utmost to prevent problems, and that is why section 6(e) is one of the most important provisions in the act.

If the State legislature decides that governmental services will be impaired by continuing the present local government structure in Menominee County, or if the legislature decides, at some point in the future that governmental services in Menominee County have been impaired or the rights of property owners have been jeopardized, the legislature should be authorized to correct this situation. The Menominees make up the overwhelming majority of voters in the county. If an act of the legislature is vetoed by a referendum vote or by a failure of people to vote, Congress will have created a situation in which nontaxpayers can prevent taxpayers from seeking a remedy from a congressionally-imposed problem. That is why section 6(e) is included in this bill. It provides the "check" that is needed to deter any abuse of power.

Mr. Speaker, I also wish to make a few observations with respect to section 3(d):

> Nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligations for taxes already levied.

Individually owned property is concentrated along the shores of several lakes in the southeast portion of Menominee County: the Legend Lakes, LaMotte Lake, Round Lake, and Moshawquit Lake. The Menominees have unlimited access to these lakes and all other lakes in the county pursuant to their treaty rights. Non-Menominees also have access to these lakes under regulation by the State of Wisconsin.

The section in question does not alter existing rights or determine existing rights, but I want to state for the record that I expect this section to preserve the rights of individual property owners to fish on these lakes without regulation by anyone except the State of Wisconsin.

It must be remembered that notwithstanding the treaty rights enjoyed by the Menominee people, Menominee Enterprises operated as a private business. It subdivided land along several lakes and it provided public access to these lakes, as required by Wisconsin law. The people who purchased lakefront property from Menominee Enterprises in good faith were largely interested in free access to the waters near their property, subject only to regulation by the State. It would be unconscionable now to subject property owners to additional regulation. A tribe that is authorized to regulate access and charge fees for fishing would be in a legal posture to take stronger action.

Although Congress should restore to the Menominee Tribe rights that were taken from them by legislation, it may not under this section restore rights that were diminished by voluntary action.

Mr. Speaker, I urge the adoption of this bill.

The material referred to follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., July 9, 1973.

To: Honorable Harold V. Froehlich. Attention: Mr. David Prosser.

From: American Law Division.

Subject: Indian Law: Menominee Termination Repeal; Federal Supremacy.

This is in response to your inquiry regarding the constitutionality of a provision in a bill designed to repeal the act terminating Federal supervision over the Menominee Indian Tribe of Wisconsin so as to authorize "the State of Wisconsin to restructure local government, including county government, without the necessity of holding a referendum in Menominee County, as is required by Article 13, Section 7 of the Wisconsin Constitution."

The provision, which would become renumbered subsection (e) in H.R. 7421, reads as follows:

"For the purpose of implementing subsection (d), the State of Wisconsin may establish such local government bodies, political subdivisions and service arrangements as will best provide the State or local government services required by the people in the territory constituting, on the effective date of this Act, the County of Menominee."

Article 13, Section 7 of the Wisconsin Constitution provides:

"No county with an area of nine hundred square miles or less shall be divided or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same."

On its face, of course, the proposed subsection (e) does not require Wisconsin to take action which would be violative of the Constitutional provision, as other means to "restructure local government" would seem to exist which would not involve action comprehended under Article 13, Section 7. Furthermore, that article of the State Constitution seems to have been given a narrow construction by the courts. See annotations following Article 13, Section 7 in *Wisconsin Statutes Annotated; United States* v. *2271.29 Acres, Etc.*, 31 F.2d 617 (W.D. Wis. 1928). This memorandum will proceed, however, on the basis that under subsection (e), the State of Wisconsin would be authorized to take action involving the structure of county government which would violate the Constitutional requirement of a referendum.

Article 6, Clause 2 of the United States Constitution provides:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The bill to repeal the Act terminating Federal supervision over the Menominee Indian Tribe and to restore federal services to the Tribe would seem to clearly be a proper exercise of Congress' power over Indians. This power is very broad, oftentimes described as plenary, *United States* v. *Kagama*, 118 U.S. 375 (1886); *Morrison* v. *Work*, 266 U.S. 481 (1925); *McClanahan* v. *State Tax Commission of Arizona*, 41 U.S.L.W. 4457 (March 27, 1973); Cohen, *Handbook of Federal Indian Law*, 21–24, and has its source in several Constitutional provisions. Art. 1, § 8, cl. 3, Art. 4, § 3, cl. 2; Art. 2, § 2, cl. 2. "Congress alone has the right to determine the manner in which this country's guardianship over the Indians shall be carried out." *United States* v. *McGowan*, 302 U.S. 535 (1938). Furthermore, in a case involving a Federal statute whereby Oklahoma State Courts were vested with jurisdiction to determine heirship in Indian lands and to partition the lands, the Supreme Court held that the "authority of Congress to select state tribunals to perform such functions is clear." *United States* v. *Hellard*, 322 U.S. 363, 365 (1944). The Court went on:

"Since the power of Congress over Indian Affairs is plenary, it may waive or withdraw these duties of guardianship or entrust them to such agency—state or federal—as it chooses." 322 U.S. at 367.

Therefore, to entrust to the State of Wisconsin the authority to establish governmental entities to promote the interests of, and provide needed services to, post-termination Menominees would seem to be within the power of Congress and a legitimate exercise of its role as guardian of Indian tribes. Since it is a law made in pursuance to the constitutional power granted to Congress, it is the "Supreme Law of the Land" and state courts are bound by its dictates, "and Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Article 6, Clause 2.

The classic statement of the principles of the supremacy of federal law is contained in *McCulloch* v. *Maryland*, 4 Wheat 316 (1819). Chief Justice Marshall stated:

"The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared." 4 Wheat at 436.

State constitutional provisions are subject to the supremacy of federal law. As the court in *American Federation of Labor* v. *Watson*, 60 F. Supp. 1010 (S.D. Fla. 1945), stated:

"The authority of the United States is supreme on all subjects which the Constitution has committed to it, and a state constitution, like a state statute, must fall if it is contrary to any provisions of the Federal organic law, or if it is in conflict with any provisions of the Federal statutes that were enacted within the scope of the power conferred upon the Congress by the Constitution." 60 F. Supp. at 1014.

See also, *Nistendirk* v. *McGee*, 225 F. Supp. 881 (W.D. Mo. 1963). This is not to say, however, that if the State of Wisconsin takes action, under the authority delegated to it by Congress, which if done without such authority would violate a provision of the state constitution that the constitutional provision is therefore void. Federal law displaces state law only to the extent necessary to effectuate the federal purpose, otherwise the state law (or, in this case, constitutional provision) remains. See *Hamm* v. *City of Rock Hill*, 379 U.S. 306 (1964).

We have been unable to find case law concerning the specific situation envisioned by H.R. 7421. The subsection in question is entirely permissive and the State of Wisconsin, even if it chooses to take the type of actions described in the subsection, will not invariably come in conflict with the state constitutional provision (Art. 13, Section 7). In exercising the authority lawfully delegated to it by Congress, though the state is arguably authorized, by the broad terms of the subsection in question, to act in a manner which under normal circumstances would have to conform to the requirements of the state constitution. This also seems to be the intent of the provision.

The subsection does not, by its terms, excuse the State from conforming to its constitution, however, and an argument could be made that such requirements (in this case, local referendum) must still be met. It is not entirely clear, for instance, how the submission of a state proposal in this area to local referendum as required by Art. 13, § 7 would frustrate the federal purpose presently enunciated in the act. This is not a situation—at least as the bill is presently written—where a local referendum could serve to effectively nullify a federally mandated program. Subsection (e) permits the state to make governmental arrangements that will best provide the services needed by the people and, in turn, implement the termination repeal bill; it does not decree that specific projects *must* be undertaken (in which case, the possibility of local nullification by referendum might not be permitted) nor does it outline a course of action for the State of Wisconsin which could only be accomplished, consistent with the purposes of the federal law, by violating state constitutional requirements.

In *United States* v. *2271.29 Acres, Etc., supra*, the court was confronted with an act of Congress which authorized the Secretary of Agriculture to condemn lands within Wisconsin for use as game refuges. However, the act required the consent of the state legislature before the lands could be taken. The court, noting this requirement, stated:

"The consent required is presumably a valid consent, within the constitutional powers of the [State] Legislature. And hence the validity of the consent of the Wisconsin Legislature is a pertinent inquiry." 31 F.2d at 620. [The court went on to conclude that Art. 13, Section 7 of the Wisconsin Constitution was not a bar to the particular consent given by the state legislature in this situation].

The situations are somewhat analogous, in that the form of consent required by the game refuge act was not described by the terms of the act and, therefore, the state legislature conceivably could consent in such a way as to violate the state constitution. However, the court presumed that a valid consent was what was being required by the federal act and held the state to conformity to the state constitutional provision. In subsection (e) of the termination repeal act no action by the state is required, much less action which would trigger a requirement of the state constitution. But if action should be taken under the authority of the act which would be of the type governed by a particular provision of the state constitution, it would seem that the presumption that such action must be "valid" in terms of state law would be applicable in the same way (if not more so) as in *United States* v. *2271.29 Acres, Etc.*

For the purposes of federal supremacy the subsection might be clarified by explicitly noting that the power to take the actions outlined in the act rests exclusively with the state and that its actions—whatever they might be—can be taken notwithstanding Article 13, Section 7. The power of Congress to excuse the state from this particular requirement of its Constitution would seem to exist, assuming Congress' view that this would be the best way to facilitate its post-termination policies and fulfill its guardianship responsibilities. The assertion of federal supremacy would seem to be much clearer in this case and the state could more confidently proceed with a course of action it felt best to fulfill the responsibilities delegated to it by Congress.

Given this more spelled-out situation, the Supreme Court's decision in *James* v. *Valtierra*, 402 U.S. 137 (1971) is relevant to a consideration of the validity of a state constitutional provision in light of a conflicting federal statute. This was a suit by citizens of localities where housing authorities could not apply for federal low-rent housing funds because such housing proposals had been defeated at local referenda. The federal Housing Act authorizes loans and grants to state agencies for slum clearance and low-rent housing projects. The California constitution, however, required a referendum before low-rent housing could be constructed by any state public body. The Court briefly discussed the supremacy Clause argument raised by the plaintiffs:

"The three-judge court found the Supremacy Clause argument unpersuasive, and we agree. By the Housing Act of 1937 the Federal Government has offered aid to state and local governments for the creation of low-rent public housing. However, the federal legislation does not purport to require that local governments accept this or to outlaw local referendums on whether the aid should be accepted." 402 U.S. at 140.

The implication of the Court's statement is that if the federal legislation required localities to accept housing aid or if it outlawed local referenda on whether the aid should be accepted, the California constitutional provision requiring referenda in such circumstances would be inoperative in light of this federal statute. The Supremacy Clause would operate to displace the state constitutional requirement just as it would arguably serve to displace the Wisconsin constitutional requirement in light of a bill explicitly excusing the state from compliance.

We hope this discussion serves your needs. If further information is desired, please contact us.

RICHARD EHLKE,
Legislative Attorney.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the yielding to me by the gentleman from Wisconsin. I wish particularly to join in paying respects to the Committee on the Interior for reporting this substantive and symbolic bill on the American Indians. What we are doing today in passing this bill is reversing the termination policy of 1950, not only for Menominees but for Indians across the United States, inasmuch as it has much meaning for them.

I would also want, Mr. Speaker, to note for the RECORD and before the House the extraordinary efforts which the gentleman from Wisconsin (Mr. FROEHLICH) who is now in the well, has performed in working with his constituents in Menominee County, and also with some who are my constituents and the constituents of other members of the delegation from Wisconsin, who through the years have developed a close relationship with the Menominees and with Menominee County.

Mr. Speaker, the bill is a balanced bill. I believe the two gentlemen from Wisconsin (Mr. FROEHLICH and Mr. OBEY) together who have led the way for this action by the House today ought to be commended and recognized for the Herculean efforts they have undertaken to make it possible to bring this kind of well-reasoned, balanced, effective bill to the floor of the House.

Mr. Speaker, I support it. I urge its passage, and I commend the gentleman for their efforts.

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman from Wisconsin.

Would the gentleman from New Mexico (Mr. LUJAN) agree with me that this bill in its present form neither diminishes any contract rights nor adds any contract rights; it leaves everything stand, as far as contract rights are concerned, between Indians and non-Menominees, as though this bill were never passed?

Mr. LUJAN. Mr. Speaker, that certainly is my understanding. The gentleman is correct.

Mr. MEEDS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I hate to do so, but I am compelled at this point to disagree with my friend, the gentleman from Wisconsin (Mr. FROEHLICH) and with my friend, the gentleman from New Mexico (Mr. LUJAN) the ranking minority member of the committee.

If I understand what they are saying, it is that the language of 6(e) would authorize the State of Wisconsin to violate its own constitution.

Now, I think there is no doubt, Mr. Speaker, that this Congress has the authority to pass legislation which would do that in an area where we have plenary power as we do with regard to Indian affairs.

That, however, certainly was not the intent of the chairman of the subcommittee, and I do not think it should be the intent of this Congress to undertake that lightly.

As a matter of fact, the gentleman from Wisconsin (Mr. FROEHLICH) and I both asked for an opinion from the Reference Service of the Library of Congress on this question, the specific question which has been raised here, and I would like to quote from portions of that opinion.

The opinion first states as follows:

> On its face, of course, the proposed subsection (e) does not require Wisconsin to take action which would be violative of the Constitutional provision, as other means to "restructure local government" would seem to exist which would not involve action comprehended under Article 13, section 7.

Later in the same opinion it is stated that—

> That subsection does not—

Referring again to section 6(e)—

> That subsection does not outline a course of action for the State of Wisconsin which could only be accomplished consistent with the purpose of the Federal law but violating State constitutional requirements.

Finally it also states again—

> But if action should be taken under the authority of the Act which would be of the type governed by a particular provision of the State Constitution, it would seem that the presumption that such action must be "valid" in terms of State law would be applicable in the same way (if not more so) as in the U.S. vs. 2271.29 Acres.

The committee accepted this amendment, it seems to me, with the understanding that it meant to insure no Federal restriction on the action of the State regarding local government was imposed rather than attempting to say to the State of Wisconsin that you can override your own constitution on this issue. We said to them there may be some novel forms of government required and please create these forms of government, but we did not say that they should go ahead and do it despite the provisions of their own constitutional provisions.

So in the final analysis this is to insure there was no Federal restriction on the action of the State regarding local government imposed by this legislation. In doing so we relied on the interpretation of the Library of Congress Reference Service which I have just quoted.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Speaker, this reservation, this county, is in my district. I have worked long and hard to balance the interests of all parties involved in restoration.

Upon termination the State legislature set up a body called the Menominee Indian Study Committee, made up of Menominees, State officials, and State legislators. This committee upon seeing the first draft of a Menominee Indian restoration bill suggested the amendment, section 6(e), which is under dispute.

The purpose of that section very clearly was to circumvent the article in the Wisconsin State constitution which requires a referendum to change county lines or to abolish counties.

When we terminated the Menominee Reservation the State legislature created Menominee County. That reservation was located in two counties which were both over 900 square miles in size. So it was within the power of the State legislature to create that county and take the land away from the other two.

However, now, since Menominee County itself is under 900 square miles in size, the State legislature, in order to meet the requirements of the State constitution, cannot by legislation alone change the local structure. So a request was made by the Menominee Indian Study Committee and by myself to circumvent the referendum requirement of the State constitution.

The Menominee Indian Study Committee proposed the wording on the suggestion of Dr. Rupert Theobald from the Wisconsin Legislative Drafting Bureau, and they understand it to mean that the State legislature can act without a referendum in the county. I understand it to mean that, and that is what the gentleman from New Mexico (Mr. LUJAN) and I were having a colloquy about. I would like to know the understanding of the gentleman from New Mexico (Mr. LUJAN) with respect to that.

Mr. LUJAN. Will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman.

Mr. LUJAN. There is certainly no question in my mind that that is the exact reason why this wording was put into that bill. I agree with the gentleman that that at least was my understanding at the time the bill was passed.

Mr. FRENZEL. Mr. Speaker, I strongly support H.R. 10717, repeal of termination of Federal supervision of the Menominee Indian Tribe.

Termination was popular in its time and I wish it had been more successful. But, now all parties concerned, including the BIA, and, hopefully, the Congress, feel that termination should be repealed.

A vote in favor of this bill will not only be helpful to the Menominees, but it will also show this country's Indian citizens that our Government is not reluctant to change either law or policy when the welfare of our people is the principal concern.

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of the Menominee Indian restoration legislation, I am very pleased that it is before the House today, and I urge the Members to support its passage.

Mr. Speaker, I am personally familiar with the problems which the Menominee Indian Tribe has faced since the termination of Federal supervision over their property. I have observed first-hand the failure of the 1954 law which terminated this supervision, as my family and I have spent many vacations in Wisconsin near the Menominee Reservation.

My distinguished colleague, the gentleman from Wisconsin, Mr. FROEHLICH, main sponsor of this bill, deserves your support today, and I urge your vote for enactment of H.R. 10717, which would be of great benefit to the Menominee Indians.

Mr. KASTENMEIER. Mr. Speaker, as a cosponsor of the Menominee Restoration Act, I am pleased to rise in support of this important legislation.

In 1954, the Federal Government terminated the tribal and reservation status of the Menomiee Indians of Wisconsin. Under the guise of providing an opportunity for self-determination, the Government totally abandoned the tribe. All of the longstanding provisions for the protection and maintenance of the Menominee life-style were discarded with no substantive discussion with the Menominee people, and a complicated corporate life-style was thrust on them. In effect, an experiment was conducted on the Menominee, an experiment that has had tragic and disheartening results. The time has long since come for a total and speedy restoration of tribal status to the Menominee.

The termination policy, begun following a deceptive and superficial explanation to the Menominee, has been a complete disaster to the tribe. Under the federally ordered plan, the Menominee have lost their liquid assets. They have lost their hospital and school. They have been economically forced to start selling portions of their land. Unemployment in the Menominee community is around 26 percent, the highest of any Wisconsin county. The average per capita income of the tribe is $1,028, less than a third of the Wisconsin average. More than 75 percent of the Menominee children never finish high school. Proper medical and dental care is no longer available in the community. Home value in Menominee County is one-third of the State's average. What was once the Menominee Indian Reservation, a reservation full of hope and possibilities, has become Menominee County, Wisconsin's poorest. The Menominee have even been denied their most valued possession, their cultural and historical identity. Termination has ordered that no new names be added to the official Menominee tribal roll. Termination, in effect, has brought cultural genocide to the Menominee people.

The Menominee Restoration Act will return to the Menominee people their old treaty rights, services, and protections. It will return all services provided by the Bureau of Indian Affairs, including education, health and medical services. The Act will reestablish Indian tribal status, opening the rolls for continued growth of the tribe.

Mr. Speaker, passage of the Menominee Restoration Act will bring an end to the monumental mistake that termination has been for the Wisconsin Menominee, and it will repudiate a senseless policy that is abhorrent, not only to the Menominee, but to the majority of the Indian people.

Mr. COLLINS of Texas. Mr. Speaker, at this time, I wish to express my concern over possible repercussions to the Menominee Indian people should H.R. 10717 be enacted as Federal law. Although I am aware that the intentions of those supporting this measure are to help those most deserving Americans, this legislation would, in fact, have the opposite effect. By reestablishing the Menominee Indian Reservation, we would be encouraging an environment that has a proved record as a loser.

In the vital area of education, Indian reservations show an alarming deficiency. Based on current 1970 census figures for people 25 years of age and older, Indians living on reservations show an anemic figure of 22 percent who have completed at least 4 years of high school, while the Menominees now show 26 percent in that same category. The national figure for that educational level just among rural people is 44 percent. These figures clearly show Indian reservations to be educationally inferior to both what the Menominee Indians have now and what the average rural American experiences.

Regarding employment, of the total population of Indians 16 years old and older on reservations, only 19 percent work 50 to 52 weeks a year. The Menominees' figure shows that 31 percent of their 16 year olds and older work 50 to 52 weeks a year. The rural figure for that category is 36 percent.

Without exception, these figures show Indian reservations to be the most backward solution possible for aiding the Menominees. It should be noted that:

First. The Menominees' accomplishments on their own are currently far superior to Indian reservations in the fields of education and employment.

Second. In every case, the figures for Indian reservations were below both the current Menominee figures and the figures for all rural Americans.

Why send the Menominee Indians down to a reservation? Give them the square break and opportunity of an Irishman. Let them be a full-time American.

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Why send the Menominee Indians down to a reservation? Give them the square break and opportunity of an Irishman. Let them be a full-time American.

Mr. RUPPE. Mr. Speaker, I wish to support H.R. 10717, a bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian tribe of Wisconsin as a federally recognized, sovereign Indian tribe, and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their unique status.

In 1954, by an act of Congress, the tribal status of the Menominees was terminated and Federal protection of their lands ended. Today that decision has been shown to be a mistake, and we have the opportunity to correct it. Since termination, serious financial and cultural losses to the tribe have occurred. We now have an opportunity to restore Federal recognition to the tribe, repeal the termination legislation, and hopefully, restore the faith of the Menominees in the Federal Government.

It is painful to recount the difficulties that have beset the Menominees since their federally recognized tribal status was terminated. Clearly, the tribe is in dire economic straits. The unemployment rate for their county in Wisconsin is more than twice that of the State average, and, overall, the county is the poorest in the State. The lack of adequate services to the residents is equally distressing: a school dropout rate of 75 percent and a county and its residents with hardly any medical facilities. The per capita income of Menominee County is less than a third of the State average. It is not a pleasant picture.

Although individual incomes were modest, the Menominee tribe was one of the most prosperous and self-supporting tribes in the Nation prior to their termination. It is indeed ironic that now in 1973 when the policy of Indian self-determination is enjoying its strongest support by the Federal Government, that this tribe should find itself in a poorer state of economic and community development than was the case a decade ago.

These are among the reasons why this legislation is so important. We are renewing our commitment to a tribe that was once one of the most financially responsible in the country. Moreover, we are making a statement to the other tribes in this country that is in effect a statement of conscience.

Mr. Speaker, the legislation would reverse the termination of Federal responsibility and once again make the Menominees a federally recognized tribe. I believe that this restoration of tribal status will provide the Menominees with the resources for true self-sufficiency and independence.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to be a cosponsor of H.R. 10717, the Menominee Restoration Act, and I strongly urge the House to give the bill its approval today.

The bill rescinds a 20-year-old bid policy of termination that has proven to be poorly conceived and short-sighted.

Enactment of this legislation will relieve great burdens from the Menominee tribe and give them the opportunity to achieve their full potential. In addition, it will return a degree of justice to our relationship with the Menominees.

Let me stress, Mr. Speaker, that we must not confine our attention to those Indians who remain on reservations which is sometimes the easy and convenient course to take. Dealing with Indians who are geographically identifiable will not help those who have left the reservation for one reason or another or those whose tribe does not have a land base.

About as many Indians do not live on reservations as do. More than half of the Indians living in urban areas off the reservation are living below Federal poverty levels. And, yet, programs designed to assist them are often not helpful since the anononimity of urban life can prevent locating and identifying those Indians who are in need of the available assistance.

Cultural differences compound the problems of the urban Indian and most particularly those who may have grown up on the reservation. The transition to urban dweller is generally much more difficult for an Indian and we must recognize and work to alleviate the hardship involved.

I wish to be brief in my remarks today, Mr. Speaker, but I do want to express my view that the Menominee legislation, and others we have considered are merely parts of a broader, far more important problem—what is to be the relationship between the Federal Government and the native Americans?

The smothering paternalism of the past is certainly to be rejected. And, likewise, the brute force of the 19th century. But we have yet to define in any formal or informal way the direction we should take.

This is true both of the Federal Government and of the Indians. The frustration, distrust, and mutual suspicion of the past must be replaced in a comprehensive, rather than piecemeal, way.

I hope the new Assistant Secretary of the Interior for Indian Affairs can serve as the focal point for a thorough review by all Federal agencies of policies affecting the American Indian in order to determine where we are to go from here.

Again, Mr. Speaker, I urge strong support for the Menominee Restoration Act, a continued interest on the part of all Members of Congress in the needs of Indians and a renewed recognition of the contributions they have made to our Nation.

GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. HALEY) that the House suspend the rules and pass the bill H.R. 10717.

The question was taken.

Mr. MEEDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 3, not voting 27, as follows:

[Roll No. 532]

YEAS—404

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.

Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Collins, Tex.
Hanrahan
Landgrebe

NOT VOTING—27

Anderson, Ill.
Biaggi
Bingham
Blatnik
Buchanan
Clark
Culver
Davis, Ga.
Diggs
Ford, Gerald R.
Fulton
Goldwater
Gray
Griffiths
Hawkins
Landrum
McFall
Mailliard
Mills, Ark.
Morgan
Passman
Patman
Reid
Rooney, N.Y.
Rousselot
Sandman
Sisk

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Culver with Mr. Hawkins.

Mr. Fulton with Mr. Rousselot.

Mr. Bingham with Mr. Patman.

Mr. McFall with Mr. Gray.

Mr. Mills of Arkansas with Mr. Goldwater.

Mr. Morgan with Mr. Anderson of Illinois.

Mr. Biaggi with Mrs. Griffiths.

Mr. Passman with Mr. Landrum.

Mr. Reid with Mr. Blatnik.

Mr. Clark with Mr. Mailliard.

Mr. Davis of Georgia with Mr. Buchanan.

Mr. Diggs with Mr. Sisk.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2408, TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none and appoints the following conferees: Messrs. HÉBERT, PIKE, BENNETT, STRATTON, BRAY, KING, and WHITEHURST.

EMERGENCY PETROLEUM ACT OF 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 593 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 593

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9681) to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation for authority; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9681, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1570, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9681 as passed by the House.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 593 provides for an open rule with 1 hour of general debate on H.R. 9681, a bill requiring the President of the United States to implement a mandatory allocation program to minimize dislocations in the distribution of crude oil, residual fuel oil, and refined petroleum products.

House Resolution 593 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment.

House Resolution 593 also provides that after the passage of H.R. 9681, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1570, and it shall then be in order in the House to move to strike out all after the enacting clause of S. 1570 and insert in lieu thereof the provisions contained in H.R. 9681 as passed by the House.

H.R. 9681 requires the President to adopt within 10 days of enactment and to implement within 15 days thereafter a program providing for the mandatory allocation of oil and petroleum products. He must, to the extent practicable, direct allocations to be made to guarantee to independent nonbranded marketers of petroleum products a supply equal to that which they were able to obtain in calendar year 1972.

The President may also preempt State allocation programs which conflict with the national allocation scheme and he must direct the Federal Trade Commission to monitor the program and report on its effectiveness to the Congress within 60 days after implementation.

Mr. Speaker, I urge adoption of House Resolution 593 in order that we may discuss and debate H.R. 9681.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 593 provides for the consideration of H.R. 9681, Emergency Petroleum Allocation Act of 1973, under an open rule with 1 hour of general debate. This rule also makes the committee substitute in order as an original bill for the purpose of amendment, and makes it in order to insert the House-passed language in the Senate bill (S. 1570).

The primary purpose of H.R. 9681 is to establish a mandatory allocation system for crude oil, residual fuel oil, and refined petroleum products.

More specifically, this bill directs the President to adopt within 10 days of enactment and to implement 15 days thereafter a mandatory allocation program for crude oil, residual oil, and refined petroleum products. H.R. 9681 directs insofar as possible that allocations be made to guarantee to independent marketers of petroleum a supply equal to that which they were able to obtain in calendar year 1972. This bill preempts State allocation programs which conflict with the allocation system in this bill. The FTC is directed to monitor the program and to report to the Congress within 60 days. The bill would allocate crude oil from the well level.

Enforcement may be obtained through court injunction process. In addition, private actions are permitted to compel adherence to the regulations or to recover damages for violations.

The Committee on Interstate and Foreign Commerce estimates that this bill can be fully implemented without requiring new expenditures. According to the committee report some other estimates have said that 500 lawyers would have to be hired to carry out the provisions of the bill. If these estimates are accepted, then the cost of the bill would be about $15,000,000 over the 18 month life of the program.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Vanik).

(By unanimous consent, Mr. Vanik was allowed to speak out of order.)

PROPOSED AMENDMENT TO THE TRADE BILL

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point on the trade bill, and to include therein a copy of the amendment to the trade bill which I hope that the Committee on Rules will make in order when it considers the rule on the trade bill later this week.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, on October 3, when the Ways and Means Committee reported out the trade bill, the committee voted to request a closed rule waiving all points of order and permitting the House to vote only on titles IV and V.

A week before that final vote and without prior notice—although the freedom of emigration amendment relating to favored nation status and credits was before the committee for 7 months—a point of order was raised against that portion of the amendment relating to credits. On September 26, the point of order was sustained by the chairman and by the committee on a 12 to 12 vote.

The unprecedented point of order was not made to purify the procedure process, since the bill as reported was subject to numerous points of order.

Points of order ignored by the committee and on which the committee requests a waiver involve the jurisdiction of the Rules Committee, the Foreign Affairs Committee, the Judiciary Committee, the Government Operations Committee, the Education and Labor Committee, the Banking and Currency Committee, the Public Works Committee, and the House Administration Committee—almost no committee is overlooked.

I do not concede that the language of the freedom of emigration amendment relating to credits encroaches upon the jurisdiction of another committee. It refers to the issue of credits generally as they affect trade policy. As we discovered last year, credits are to trade what bread is to butter—you cannot have one without the other.

The point of order was interjected, because of opposition to the substantive effect of the legislation which would bar credits to nonmarket economy countries unless the President first determines that discrimination does not exist with respect to emigration.

The omission of the sections on credits shatters the amendment. MFN is largely a matter of "status." All the major deals and agreements of the past year and a half took place without MFN. The real opportunity to make the feelings of the American people known, in action, on major questions of human rights lies with the section on credits.

The credits which would have been covered by the amendment are taxpayer subsidies. There are basic questions as to the propriety of these subsidies anywhere. There is certainly serious question about the need to extend these taxpayer subsidized credits to nonmarket economy countries—and there can be no question that such taxpayer-subsidized credits are not a "right."

We must build détente—we should not attempt to buy it. But, the extent of the credits which have been granted in the past year and a half indicate that we are trying to purchase a friendship. It has been estimated that the taxpayer costs for the credit extensions already on the horizon will exceed a half billion dollars.

I can support title IV of the trade bill if it includes the language on credits as originally drafted. Two hundred and eighty-eight of our colleagues have cosponsored the language of the freedom of emigration amendment as it applies to both the most favored nation tariff status and to credits. They deserve an opportunity to vote on this issue.

When the trade bill, H.R. 10710, comes before the full House of Representatives, I will seek to offer an amendment to restore the full text of the original language of the freedom of emigration amendment. The language of the amendment which I hope to offer is as follows:

AMENDMENTS TO H.R. 10710, AS REPORTED OFFERED BY MR. VANIK

Page 129, line 25, after "treatment)," insert the following: "such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly,".

Page 130, line 20, strike out "and (B)" and insert the following: ", (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C)".

Page 131, line 6, after "received", insert the following: ", such credits or guarantees extended,".

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Speaker, the matter of mandatory allocation of fuel is a very complex problem; and either way we go, I am afraid we may cause as much difficulty, or harm, as we hope to accomplish good.

During the amendment period, I am going to offer amendments, as some other Members of the House will. I wish to preface the debate on this bill, however, by pointing out some of the things about which I have reservations.

The committee has a serious problem before it, and I say that we are going to cause more damage than we are going to cause good. Now, in the first place, I do not think that it is necessary to pass this bill.

We have already given to the President the authority to impose mandatory fuel allocations, if in his judgment he thinks it should be necessary. We have given him that authority under previous legislation. We do not need to give him any more law in order to put into effect a program of this kind.

The President, in addition, has already announced an allocation program. He has said that we will have a program for propane, for heating oil, kerosene, middle distillates, and jet fuel. The proposed rules have already been published in the Federal Register and are to go into effect on November 1.

Some of the rules have already been publicized in detail, particularly that with reference to propane.

So the President, first, has the authority, and, second, he has already put into force and announced the rules and regulations for a mandatory program. So all we are doing really, if we pass this rule, and the bill, is to say that we are going to force the President to do that which he has already done.

Mr. Speaker, the desire is so intense, though, that we have "an equitable distribution of petroleum products" that I think I sense what many Members of the House will probably do, and that is we are going to say that we are going to spread these products equally throughout the United States—a very admirable goal, and pass this bill.

That is a very admirable goal, because we do have a shortage and something must be done. I presume we will have to have some kind of an allocation program. It is much better for us to have this program as announced by the President and let it be administered by the President, or a policy committee, than it is for us to put laws on the books.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. PICKLE. I will when I am finished, and I hope I will have additional time.

Mr. Speaker, we have passed previous bills in the area of economic controls, hoping that this would be the proper thing to do. All of us have seen the great difficulty resulting from the Economic Stabilization Act. If we pass this bill, we are really opening up another can of worms, which is much harder to administer under the legislation we have than the program announced by the President. He has the authority and has already announced the program. It will cause more trouble than it will help.

Some of us have a particularly serious problem about individual parts of this bill, that is, the part with reference to, in my particular instance, the producers at the wellhead. That would be an absolute nightmare to administer. They cannot do it, and the administration does not want it.

Mr. Speaker, I think it is proper at this time if I would read to the committee a letter which Mr. John Love, assistant to the President, has written to Chairman STAGGERS and which I presume was made known at the Committee on Rules hearing, because he appeared there last Thursday.

Mr. STAGGERS. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. STAGGERS. He did not write the letter until after he came back from the Committee on Rules meeting and then wrote me the letter, which I received the next day.

Mr. PICKLE. I am glad to have that clarification. I have not seen it until today.

On last Wednesday afternoon, at 3 or 4 o'clock, Mr. Love was asked to testify the next morning before the Committee on Rules, so he had no chance to prepare the letter then. He prepared it, I assume, to follow through on his appearance. I think it is well for the House to listen to Mr. Love.

The SPEAKER. The time of the gentleman has expired.

Mr. PICKLE. Will the chairman of the committee yield me some additional time?

Mr. MADDEN. This is an open rule with 1 hour of general debate, and I have no further time to yield.

Mr. LATTA. Mr. Speaker, I yield the gentleman 5 minutes.

Mr. PICKLE. I thank the gentleman very much.

I thank the chairman of the committee for yielding me the time at the beginning of the debate, and particularly I thank the gentleman from Ohio for yielding me this additional time.

Now let me hurriedly read you a portion of that letter. It reads as follows:

OCTOBER 11, 1973.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN STAGGERS: The President has asked that I respond to your letter of September 27, 1973 which requested his views on the Emergency Petroleum Allocation Act of 1973 (H.R. 9681).

I announced on October 2 that the Administration is proceeding with a program for mandatory allocation of propane immediately and that we would announce the specifics of a program for mandatory allocation of middle distillates such as home heating oil and related fuels. We are hopeful that we can publish a detailed program for allocation of distillates sometime this week. Although we have not yet finalized the details of the program I believe that it will follow generally the format of the program which we published for comment in the *Federal Register* on August 9, 1973.

Mr. Chairman, the Administration is opposed to the enactment of H.R. 9681. I am very concerned about some of the specific provisions it contains. I believe that these provisions unduly restrict the latitude necessary to administer the program and that certain provisions will have a serious negative, although unintended, impact upon the availability of supplies. In view of the Administration's intention to allocate propane and distillates, as well as our willingness to allocate gasoline, if necessary, I urge that we be allowed to proceed with our announced plans under the authority of the Economic Stabilization Act Amendments of 1973, specifically the so-called Eagleton Amendment. I am convinced that compliance with H.R. 9681 will require major revisions and a whole new start on implementing our mandatory allocation systems, and that such a restart will have a further counter-productive impact upon the availability of supplies and the industry's ability to comply.

I believe we share a common goal. We are all interested in insuring that to the greatest extent possible all consumers in this country receive adequate supplies of clean, reasonably priced fuel. In addition, we are determined to preserve the independent sectors of the petroleum industry. However, I suggest that we also must adopt the concurrent goals of providing more energy supplies and insuring continued growth in all sectors of the petroleum industry as well as reducing demand. Our allocation programs must specifically consider the necessity of increased domestic production, construction of needed new refineries, and increased imports.

My first specific concern is with the provision of H.R. 9681 that all "branded and non-branded independent marketers" be allocated a continuing percentage or proportional share of all available refined products versus an absolute historical level. My reasons for objecting to this provision are as follows:

(1) I believe this provision constitutes a strong dis-incentive to obtaining needed imports and increasing domestic refinery production; refining companies would be asked to incur increased expenses and make new investments to increase an output which they could not control, a substantial portion of which would be marketed by competitors.

(2) A system which provides a constant share-of-the-market-versus a historical quality insures that any individual or corporation operating in 1972 (or in the future) will be guaranteed not only his historical absolute levels of supplies, but an increasing quantity of petroleum products for sale. This constitutes an indirect subsidy system, insuring sales and almost insuring profits regardless of relative efficiency or competitiveness. It will result in the development of a substantial vested interest and considerable pressure to continue the system indefinitely.

(3) We believe that any system must have a reasonable degree of flexibility, not only for the Government, but for the industry. This will be necessary to respond to regional variations in weather severity, natural gas curtailments, and emergencies. If we must allocate all fuels, we have no slack, no ability to respond. Any shift in supplies must be taken from someone else—a difficult task. It is imperative that we allocate based on some historical period to allow the increment in growing supplies to be directed as necessary. I am extremely concerned that allocation of a continuing percentage or proportional share of all refined products will result in an administrative nightmare. With changing levels of supply, hopefully increasing, allocations to every wholesale purchaser will have to be recalculated, reassigned, and possibly even renegotiated every period. I cannot believe that such a system could work; I am convinced that it will have a very strong negative effect on the incentive for the industry to increase imports and increase domestic refinery capacity.

I am convinced that an allocation program for distillates and probably for gasoline must be based on the principle of providing all wholesale purchasers with 100 percent of their 1972 level of supplies and to allow some supplies to flow directly to shortage areas.

I am equally concerned about the provisions which H.R. 9681 provides for allocating crude oil.

(1) Similar to my reservations about the product program expressed above, I believe that a pro-rata sharing of all new production will have a dis-incentive on needed new domestic production.

(2) The system implies that the President must control the production of all domestic crude oil, except that exempted by paragraph 4(d). With thousands of producers in this country and many thousands of wells, this is virtually an impossible administrative task.

(3) The exemption of stripper wells, wells that produce less than 10 barrels per day, could result in reduced production from some fields and possibly even drilling of essentially unnecessary new holes to produce wells beneath the artificial ceiling. In addition, almost every producer in the country has some stripper wells which would meet the specifications. Under the provisions of H.R. 9681 each producer would be required to separate his stripper wells from the rest of his operations for allocation and financial purposes, further complicating the administrative maze.

I strongly urge that legislation not be enacted which would require the President to regulate domestic crude oil production. Rather, given the entire domestic output, if we must control crude oil, we would prefer to attempt to distribute these supplies equitably at the refinery level (not the production level).

Further, I recommend that the Administration should be allowed flexibility in determining whether to adopt a program for mandatory allocation of crude oil. Virtually all of the comments which the Administration received from independent refiners in response to the proposed mandatory allocation for crude oil published on August 9, 1973 opposed implementation of a mandatory allocation program at this time. Our information indicates that virtually all domestic refineries are operating at or near peak capacity and that there is very little problem in securing supplies at this time, even in the independent refining sector. I shall be glad to provide additional information or to discuss this matter with you further if you desire.

Whereas I completely share the concern about the continued viability of all independent sectors of the petroleum industry, I believe that H.R. 9681 is unjustifiably imbalanced. For example, there is no provision in H.R. 9681 which allows the President to allocate fuel to new wholesale purchasers which are owned by or controlled by a non-independent refiner. I believe the lack of such provisions would be tested in the courts and found to be discriminatory. Further, I am concerned that the definition of an independent refiner is based on the arbitrary consideration of percentage of controlled domestic crude production. As it stands, this definition would include at least one major refiner and possibly exclude some small refiners. I am concerned that we will not be able to effectively administer exchanges nor sort through the intricate details of affiliated companies to make a determination as to which companies actually control how much crude oil. I recommend that under any program the definition of an independent refiner should be based on total corporate refining capacity, for example, 175,000 barrels per day as proposed by the Administration.

I am concerned about the statement in the report which states that the bill, as amended, can be fully implemented without requiring new expenditures or obligational authority. As described above, H.R. 9681 incorporates a number of tedious and unworkable provisions. I am convinced that we will require thousands of people to administer such a system and that the costs could easily exceed $50 million for the 18-month life of the program. Any mandatory allocation program will require specific provision for funding.

My last objection involves my concern about changing horses in the middle of the stream. I strongly believe that the programs which we have announced will best remedy both the supply and distribution problems. I can assure you that enactment of H.R. 9681 would involve extensive changes to all current allocation systems, unnecessary delay, and considerable confusion. Such a restart will have a further counter-productive impact on the availability of supplies and the industry's ability to comply with any program.

In conclusion, Mr. Chairman, I restate the administration's commitment to proceed with allocation of both propane and distillates immediately and other fuels as necessary. I ask your very serious consideration of my reservations both about the implicit complexity of the petroleum product and crude oil programs in H.R. 9681, a complexity which I believe will not only make the system administratively unworkable, but reduce available supplies. I urge that the Administration be allowed to proceed with its announced programs as the best possible solution to our current distribution and supply problems.

Sincerely,

John A. Love,
Assistant to the President.

Then, Mr. Speaker, the letter goes on to point out in detail some of the portions of the bill that are very strongly objected to. I ask to make this letter a part of the Record, and I will discuss it later on.

Some representatives of the industry have been telling us that we are going to have a shortage of fuel. Most of those warnings have been met with either disdain or with disregard. It was contended that there is no shortage, either in the area of natural gas, or in the area of fuel, and that the shortage was contrived, and was arbitrary, and this was imaginative, and there really was not a crisis.

Obviously we are facing a critical situation. Obviously the industry, and the refining industry particularly, must see that their products are equally distributed. But to say that we do it by this particular act is the wrong approach in my judgment.

Although some have said that there has been no shortage, now the very people who have proclaimed the loudest that there is no shortage are those who are coming here and asking by a mandatory allocation program that they be given supplies that they said there was no shortage of.

Understandably, the people in their part of the country are going to want to be sure that they have a supply of fuel. The north and east have a problem of heating fuel. I understand that. But, believe me, I have a problem in Austin, Tex., where my city has been cut off or curtailed from natural gas off and on for over a year.

So this problem is not related solely to the north or the east, or midwest—it is a national problem. Although this bill does not concern itself with natural gas, and I presume it should not under the cricumstances, still this is a problem.

So the more we fiddle with this bill, and the more we will try to legislate in detail, the more problem we are going to create. If the President did not have the authority and if he had not already announced the program, then I would say that perhaps we have reached a point in Congress that we have got to take this positive action. But that is not the case. Therefore it seems to me that the proper thing is to vote against this rule and, if that fails, then I am sure we can offer some amendments that must be made so this bill can be workable under the circumstances.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I will yield to the gentleman from Maryland if I have any time left.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Speaker, I am puzzled about whether or not the administration proposes to or does include gasoline in this mandatory allocation. Does it? It is my understanding that there is some question about this. Does it include gasoline?

Mr. PICKLE. I would not propose to be the spokesman for the whole arrangement. But I did read a portion of the letter just now from Mr. Love in which he said——

The SPEAKER. The time of the gentleman has again expired.

Mr. PICKLE. May I have 1 additional minute so that I may answer the gentleman from Maryland?

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Texas.

Mr. PICKLE. This is what Mr. Love said in his letter:

> In view of the administration's intention to allocate propane and distillates, as well as our willingness to allocate gasoline, if necessary, . . .

And that is as far as he goes. I am not in a position to speak for the administration.

Mr. LONG of Maryland. I have one additional question to clarify this. As I understand, the administration is planning only on hikes of one-cent increments that may be placed, and that fractional increases are to be absorbed by the dealers. This is causing a great deal of hardship. That is my understanding. I wonder if this bill would correct that?

Mr. PICKLE. I am not in a position to comment in detail on that. I understand they have planned pass on increases, and they are going to pass on the fractional increases to the retailers, but these are details of this bill that we will have to go over later.

Mr. MACDONALD. Mr. Speaker, if the gentleman will yield, the answer to the question posed by the gentleman from Maryland (Mr. Long) is no. Gasoline is not in the presidential plan, nor is crude oil, the two things that are the most important subjects that we have before us.

Gasoline should be in or we will be going through the same thing next summer as we went through this summer.

Mr. LONG of Maryland. This bill is a real contribution.

The SPEAKER. The time of the gentleman has expired.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Heinz).

(By unanimous consent, Mr. Heinz was allowed to speak out of order.)

EMERGENCY MEDICAL SERVICES ACT OF 1973

Mr. HEINZ. Mr. Speaker, yesterday the Public Health and Environment Subcommittee reported the Emergency Medical Services Act of 1973.

I rise to compliment Chairman Paul Rogers on this prompt action on behalf of the American people.

There had been speculation that the bill might be bottled up to embarrass those who voted to successfully sustain the President's veto of S. 504. However, Chairman Rogers' timely leadership clearly puts the people's interest ahead of partisan politics and paves the way for a successful bipartisan partnership to make emergency medical services a reality.

Inasmuch as the Senate has already passed a similar bill, I respectfully urge prompt consideration by the House.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. Pickle) there were—ayes 115, noes 32.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9681) to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9681, with Mr. Charles H. Wilson of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. BROWN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I rise in support of the bill H.R. 9681, a bill to mandate the equitable allocation of crude oil and certain petroleum products during times of shortage.

Mr. Chairman, we as a nation now face critical shortages in petroleum products. Farmers have been unable to obtain fuel to dry their crops. School districts are not able to secure adequate supplies of heating oil and homeowners—especially in the Northeastern quadrant of this country—face an uncertain fate in this coming winter. Distributors of petroleum products not affiliated with major oil companies are being forced out of business in increasing numbers.

The need for a mandatory allocation program is well established. Yet the President—until very recently—has failed to use the authority which Congress has given to him to implement such a program. Instead, he has relied on voluntary controls. These simply have not worked as, I am sure, your constituent mail will tell you.

This bill directs the President to implement a mandatory program for the allocation of crude oil, residential fuel oil and refined petroleum products. One week after the Committee reported this bill the President announced that he was acting to order the mandatory allocation of propane and home heating oil.

This is a much needed step but it is far too limited. Critical shortages also exist in gasoline and residual fuel oil. Moreover, experts have repeatedly told us that no allocation program can work unless it also reaches the base product, crude oil.

The committee believes that we must implement a comprehensive allocation program and that is what is called for in this legislation. A partial program such as was recently announced by the President will create more problems than it will solve.

Mr. Chairman, the President has already assembled the necessary staff. A full-scale mandatory allocation program such as is called for in this bill has been drafted and awaits only the President's decision to implement it.

We can wait no longer for that decision. We must act now to get an equitable distribution of these short supplies.

The legislation which the committee has reported can be briefly summarized. Under its terms, the President is directed to adopt a mandatory fuel allocation program within ten days of enactment and to make it effective fifteen days thereafter. The program is to encompass crude oil, residual fuel oil and refined petroleum products, and must be structured to accomplish specifically defined congressional objectives which establish priority needs and goals.

The Federal Trade Commission is directed to monitor the program and report on its effectiveness.

The committee has attempted to cast this legislation in very general terms. The committee well recognizes that the petroleum industry is very large and complex. Great care was taken in the drafting of this legislation to give the President adequate flexibility to develop and amend the allocation program in a manner which can be responsive to changes in the industry while at the same time assuring that economic forces do not act so as to defeat the goals set forth by the Congress.

I know that several of my colleagues in the House are concerned that specific needs are met under the allocation program and intend to offer appropriate amendments to the bill. I ask my colleagues to recognize, however, that there is a substantial risk that in defining the goals in more specific terms we will deny the President needed flexibility to accomplish our overall objectives.

In this bill we are trying to see that all parts of the country are treated fairly. This is not a permanent bill. This is intended only to take care of the crisis. We hope the problem will be solved and we believe it can be. This bill expires in 18 months, on February 28, 1975. We think we must do this. We have to put this into effect.

Regardless of what the gentleman from Texas said, all Americans should be treated fairly. We hope to do that and we intend to do just that so we can take care of the welfare of all Americans and not favor just one section of America. The only way we can do it is by this bill.

We allow the President all the latitude in the world. We tell him certain things shall be done but we do not tell him to do those things. We know it will be impossible to tell him by statute how these things must be done. We tell him it must be done.

They have been working on this program for a long time. We were assured by the then Assistant Secretary of the Treasury that within 7 days we would have before us a mandatory allocation program. I saw him at the White House reception last week and he apologized to me several times and said he was not able to keep his promise because of different opinions from different people, but he said again he thought it was an approach which was still needed in this land.

If we do not do this there is going to be a great deal of hardship in this land. A great many industries will be closed. The farmers need the feed grains for their stock and chemicals and plastics are needed and if we do not supply the fuel or energy all these things will suffer.

My good friend, the gentleman from Texas—and he is my good friend—said we do not need this bill. He would agree, I think, that allocations of propane are needed but the gentleman does not believe allocations of crude oil and other things are required. We are trying to take into consideration the whole spectrum of fuel and not just one thing.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I do not yield to the gentleman.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield, I challenge that statement. Of course I hope I speak for the producers of Texas but I also speak for the people of America just as much as the gentleman from West Virginia. The gentleman does not have to give me his "Edgar Guest" speech at this point.

Mr. STAGGERS. Fine, but I am telling the gentleman I am trying to talk for all the people of America and talk for all the sections of this land. I am not saying the gentleman is not and I do not blame him for talking about the interest of his own section. I would if it were in the interest of my people, people from West Virginia. We are elected to represent our own areas. If we do not do that we are not going to be sent back. I know that.

Mr. PICKLE. That has nothing to do with this bill. The gentleman can make that speech and I know it will be accepted in some spirit of amusement here on this floor, but that is not a fact.

Mr. STAGGERS. Mr. Chairman, I do not yield.

I do not intend to be derogatory to the gentleman from Texas at all. I do talk to represent the interest of the people of my district because I realize if I do not they will not be represented.

Mr. Chairman, I want to conclude by saying that if we allow this situation to continue there will be thousands more of independent gasoline dealers in this land who will have to close, many sections of the country will not have heating oil for this winter, which is almost upon us now, and there will be many farmers as well as others who will not get the fuel needed if we do not do something now. This problem has to be solved now.

I think we can be pretty sure if the House passes this bill today that the Senate will take it. They know the seriousness of the problem. I believe every congressman in this House has heard about it and about the seriousness of this situation from constituents in his own district and from every district in America.

I think the time has come now. This has been considered by all of our committee, I think wisely, and all of the amendments which probably will be offered have been submitted to the committee. They were defeated overwhelmingly, because at the time we considered that we should get something done now.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am speaking today in support of H.R. 9681, the bill that would authorize and direct the President of the United States to develop and implement a program for the mandatory allocation of crude oil, residual oil and refined petroleum products.

THE BILL

First, I should emphasize that H.R. 9681 is a directive to the President which requires him and his designees in the administration to develop a mandatory fuels allocation program within 10 days of the enactment of this act. Second, this bill requires him to implement that program 15 days thereafter. Third, the legislation recommends that the President, insofar as is practicable, adhere to certain broad and general objectives, outlined in the bill, in formulating the allocation program. Note that these objectives are not offered in any priority order. Hopefully, as conditions allow, each objective can be attained in the program. Fourth, the bill mandates the President to attempt to insure that direct allocations be made to guarantee to independent marketers a petroleum supply equal to that which they were able to obtain in 1972, with equitable adjustments. Fifth, H.R. 9681 would preempt State allocation programs which conflict with that program to be issued by the President. Finally, the bill directs the Federal Trade Commission to monitor the program, and report on its effectiveness to the Congress within 60 days after implementation. The program would end February 28, 1975.

FUELS INCLUDED IN DIRECTIVE

Specifically, this legislation directs the President to include in the allocation program crude oil, residual oil (powerplants) and refined petroleum products. "Refined petroleum products" is defined to include gasoline, kerosene, distillates—including No. 2 fuel oil—propane, butane, refined lubricating oils and diesel fuel. "Distillates" includes naphtha and benzene, with the intent of restoring and fostering competition in the petrochemical sector of the industry.

THE NEED

The need for congressional action on allocations is clear. We now face actual and imminent shortages in crude oil, residual fuel oil and refined petroleum products. Whatever their origins—and this legislation does not fix blame—the shortages are real and severe. Our bill focuses on an emergency situation.

We risk significant shortages this coming winter. The Interior Department Office of Oil and Gas projects a 10.4-percent increase over last year's winter in our Nation's requirement for distillate fuel oil. At the same time, it is estimated that the supplies of distillate fuel oils available this winter will fall about 20 percent below those available last winter.

A September, 1973 staff study of the Joint Economic Committee notes that "local shortages will crop up unless inventories are optimally distributed about the country and among various sectors of the distribution system, including independent distributors. In the absence of effective Federal policy, disastrous shortages could strike certain regions of the United States."

The Joint Committee emphasizes that "prospects of grave problems in these regions are very high and it for this reason that mandatory allocation of fuels is now essential and must not be delayed any longer." By last July, over 2,000 retailers and distributors of gasoline products had been forced out of business, according to testimony before our committee.

And the statistics hold little hope of relief for the future. With 6 percent of the world's population, we consume 33 percent of its energy. In fact, our total energy consumption has more than doubled since 1950. And, by 1990, our energy needs will be double what they were in 1970.

Obviously, we cannot create new sources of energy overnight. But we can act now to help assure that existing supplies are equitably distributed throughout the Nation to meet needs and preserve competition. The administration's present program covers only middle distillates, excluding gasoline, crude, and residual oil.

OUR ACTION

Our action in this legislation directs such short-term allocation, yet leaves the President with essential flexibility at the administrative level. The complexity of the petroleum industry simply precludes freezing any allocation into law.

The committee also took explicit action in H.R. 9681 to extend the allocation program to the refiner and producer level. A number of our witnesses testified than an allocation program simply would not work unless crude oil was included.

CONCURRENT GOALS

In urging passage of the Emergency Petroleum Allocation Act, a necessity now, I concurrently urge congressional support of measures to increase our future energy resources.

We must scrutinize incentives that can stimulate further exploration. We must carefully examine the balance between energy needs and environmental constraints. We must support research and development of other energy sources such as the gasification of coal and harnessing of solar energy.

BUT, NOW

But for now, the immediate need is to help resolve an emergency situation equitably. And H.R. 9681 will do just that. I urge my colleagues to support this bill.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman from West Virginia yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman for yielding.

As the chairman of the committee will recall, I raised a question in the Rules Committee relative to the tourist industry in Hawaii, which is so vital to Hawaii.

I wish to congratulate the distinguished gentleman from West Virginia for bringing this vital legislation to the floor. Although my own State of Hawaii has so far escaped the direct effects of the petroleum products shortage, it is clearly necessary to provide for what may be a severe shortage this winter due to the expected increased demands throughout the United States.

If I may impose upon the gentleman, I would like to have the point I raised in the Rules Committee clarified.

As the gentleman knows, the visitor industry is vital to the economy of Hawaii. It generates more than $800 million of economic activity each year. Yet, in the voluntary allocation program for fuel products announced earlier this year by the administration, the priority classification of mass transit specifically excluded vehicles serving the visitor industry.

Under the bill before us today, Congress makes the finding that fuel shortages threaten to cause "severe economic dislocations and hardships." The bill provides for a mandatory allocation system which would to the maximum extent practicable permit the "maintenance of all public services." In its report on the bill, the committee emphasizes that "public services" are to be defined very broadly.

I would appreciate the comments of the distinguished chairman of the Committee on Interstate and Foreign Commerce as to whether "public services" as defined in H.R. 9681 are meant to include vehicles such as privately owned buses, taxis, and limousines, which are vital to the tourist industry in Hawaii.

Mr. STAGGERS. In answer to the gentleman I would have to say yes, because, as we say in the report, the committee wishes to emphasize that its intent is to include in the broad sense all those privately owned activities and services which serve the public at large.

Mr. Chairman, this would be my reply in answer to the gentleman.

Mr. MATSUNAGA. Mr. Chairman, I certainly thank the gentleman. I had contemplated offering an amendment had I not received the response I had hoped for.

Again I thank the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee, the author of the bill, the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD. Mr. Chairman, obviously I rise in support of this bill.

At the outset I would like to say I hope that the debate does not get emotional and that we do not start talking about producing States and consuming States. We all know that we are really all consumers. We all need the very valuable product that comes out of the great Southwest, and I believe we are all here for the same purpose, which is to give the people of the United States and this industry a chance to take a stable look at what is coming down the road.

So, first of all, I think I ought to set forth what is actually in the bill, not what we read about concerning what is in the bill or what has been talked about as being in the bill, but the actual content of the legislation.

The bill mandates the President to, within a period of 25 days, adopt and implement a mandatory allocation plan after consultation with the Congress. This is not a surprising directive to the President. His advisers have been working on this for ever so long. This bill was originally introduced as an emergency measure back in May of this year. We have had any number of promises from the administration that immediate action would be forthcoming.

We on the committee were promised in public session that mandatory allocation would be implemented because it was acknowledged that voluntary allocation just simply was not working. So the President within 25 days of the passage of this bill will report back to us a mandatory allocation program that covers crude oil, residual oil, gasoline, and the so-called middle distillates, which include home heating oil.

Mr. Chairman, the bill also tries to preserve the ability of independent refiners and independent dealers to stay in business on the basis of their 1972 level of allocations unless other factors have entered into the picture to expand local needs. We also give the President a good deal of flexibility, which obviously he needs in putting together a program of this sort.

The current fuel shortage did not just come upon us. It is water over the dam now, but shortsighted policies from administrations in the past, not just this administration, but other administrations, have led to this crisis. And it is a crisis.

That is why I urge that we do not begin dickering here about this program, that we do go forward, and that we see to it that the needs which are listed in the bill are cared for.

The specter has arisen that by some sort of magic formula and that in some way this bill is going to slow down the procedure for mandatory allocation, that is just simply not so, because the philosophy behind this mandatory allocation bill and the mandatory allocation program that the administration has put forward is somewhat similar. There are two important variances as I see it, that I think hit every Member of this Congress directly in the district from which he comes, I do not care what State that district is in, and that is as follows: H.R. 9681 requires the allocation of crude oil and gasoline, both of which are imperative if the program is to work. There is also a price pass-through, which will be discussed later, I am sure, during that section of the bill when it comes up, that will permit dealers to pass on costs and not be driven out of business due to price controls, number one, or, second, the arbitrary and really capricious treatment which they have received from the major oil companies.

It has been said here earlier that the administration is not for this bill. The administration is for the philosophy behind the bill. They put a mandatory allocation program at long last after a number of months of delay. They have put into effect mandatory allocations; but up to now only for one commodity, which is propane. The fuel oil program is still forthcoming. Plans have been made, but they have not been put into effect.

So I for one am tired of waiting for the administration and the White House to come forward. They have been making only a series of empty promises to the Congress and through us to the people at home. I do not think it is fair to the public.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MACDONALD. I do not think it is fair to anybody to keep this industry in a state of upheaval when at one point a certain gentleman, William Simon who seemed to be in charge promises a program and then Governor Love comes in as the energy czar and changes the policy.

Unless we make this mandatory by legislation, the program will depend on the philosophies and ideas of men downtown, which can be overruled at any point of time, if there is legislation on the books to prevent that.

The allocation plans have changed with each man. We have had people in charge of this program downtown who felt that voluntary allocation would work. Then we had somebody who felt that mandatory allocation would work. Then we had a third man who did not know whether he thougt voluntary allocation or mandatory allocation would work. Finally they have come out with a plan. In light of the rapid changeover in personnel and thinking on this very important subject we must have some stability both for the benefit of the public so that they will know that they can heat their homes and drive their cars, and for the benefit of the independent businessman who is in the business of selling gasoline and fuel oil and heating the homes of this country.

I am not waving the flag, either, when I say it is easy to face your constituents about anything with which you may have differences, but it is very difficult to explain why you failed to vote for an allocation program which would help assure that your constituents' homes would be heated and that they would have sufficient gasoline so that they could go to and from their jobs, and so that the farmers would have enough fuel to harvest their crops and so that the trains and trucks would continue running.

It is up to us. We have waited long enough. We have to go forward with this program today.

Mr. KYROS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. I yield the gentleman 1 additional minute.

Mr. MACDONALD. I yield to the gentleman from Maine.

Mr. KYROS. Thank you, Mr. Chairman, and I thank the gentleman for yielding.

Referring to page 2 of the bill, which speaks of utilities, in reading the committee print, it is my understanding that one of the purposes is to direct the President to extend priorities to utilities to insure the continuation of utilities services without interruption or disruption. It includes LPG, propane, butane, and naphtha as well as gasoline and heating oil.

Therefore am I correct to assume it is the intent of this legislation that these utilities in the Middle West, New England, and elsewhere who are faced with natural gas shortages will be allocated sufficient feedstocks for their synthetic gas plants so as to permit a full allocation to be made and have a sufficiency of supply in pipeline gas?

Mr. MACDONALD. The gentleman is absolutely correct.

Mr. STAGGERS. I believe the gentleman has time remaining.

Mr. MACDONALD. Mr. Chairman, I yield to the gentleman from Texas (Mr. CASEY) whatever time I have remaining.

Mr. CASEY of Texas. Mr. Chairman, what I am interested in is the chemical industry. Of course, I am going to mention Texas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACDONALD. Mr. Chairman, would the gentleman yield me additional time?

Mr. STAGGERS. I yielded additional time to the gentleman, but I would say to the gentleman from Texas that I will yield myself a sufficient amount of time to answer the gentleman's question. I will put in a committee amendment which will take care of this situation.

Mr. CASEY of Texas. I want to be assured of that, and I want the gentleman to know that it also affects the gentleman from Massachusetts.

Mr. BROWN of Ohio. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, there is a critical shortage of oil and gas in this country today. With the recent developments in the Middle East, Congress must take some positive, immediate action. As oil demand in the United States increases, the shortages will continue to get worse. We are now heavily dependent upon the Arab Middle East Nations and this source may very well be limited in the very near future.

Facing this dilemma, Congress shuts its eyes to the real problem. Instead of developing means of producing additional oil and gas supplies within our own country, here we are today talking about how to allocate our energy resources through some type of a confused, bureaucratic system.

Today, this country goes from one energy crisis to another. The power plants may "black out" on electricity. This summer, we were worried about whether we would have enough gasoline for our automobiles. Now we are worried about enough fuel oil for heating. Tomorrow the situation will concern enough energy to keep our factories operating. Will we be able to keep our schools heated this winter?

What so many people fail to understand is the fact that the price of the natural gas is a small part of what the consumer pays. It roughly runs from a dime to a quarter out of a dollar. Let me give you some figures that I have here from New York City in 1970. It showed that when the consumer paid a dollar and 84 cents, 142 cents of this went to the local utilities, 25 cents to the pipe lines, and only 17 cents to the producing company. The cost of running the local utility and pipe lines would probably remain constant, but in order to discover additional gas we must increase the price substantially.

Let me give you another example. In order to get additional gas in Boston we are now bringing in from Algeria a liquefied gas known as LNG. We can import this Algerian gas to Boston for 60 cents more than we pay for our natural domestic gas. Now let us suppose that we raise the price of gas at the wellhead in the United States by 30 cents. This would only amount to one-half of the difference that we are paying with the higher price for importing this Arab gas. Isn't it better to put our money into more exploration for deeper sands to find gas which in turn might cost 30 cents additional? But even at that it is one-half of the differential we have now on the imported gas that we are receiving to offset our shortages. Over and over one comes to a basic conclusion. It has been a mistake to try to keep down the price of oil and gas because what has happened is we have literally eliminated the new sources of production, and we have failed to generate the oil and gas reserves that are so heavily needed in this country today.

The real challenge facing Congress is to find ways of developing more internal crude oil production within these United States. Let me suggest seven ways to provide a better balance in our oil and gas availabilities.

First. Remove price controls from the wellhead on new discoveries of gas. The cost of drilling has increased like everything else. The average cost of drilling a well in 1971 was $94,708, compared to the cost of 10 years ago, $54,518. Pipe labor and transportation are all up. Actual raw gas itself makes up a fraction of the price delivered. To increase it a few pennies would again make it profitable to go out exploring for new gas.

Second. Reestablish the equitable incentive of 27.5 percent for oil and gas depletion. The latest figures show that fewer oil wells are being drilled. Back in 1962 when they had 27.5-percent depletion, there were 43,779 wells drilled. In 1972, there were only 27,291 wells drilled on a 22-percent depletion basis. We are not collecting more taxes, we are actually collecting less tax. We have fewer people working; we have less exploration. This 27.5-percent depletion was an incentive that encouraged people to go out looking for oil.

Third. Establish Federal jurisdiction and provide legislation against harassing law suits for all off-shore drilling. There are tremendous fields of oil and gas reserves located off of the shorelines of our Eastern and Western States. We should develop these reserves just as we have developed the oil reserves off the shores of Texas and Louisiana. Many of the States that are shouting the loudest about the oil shortage will not permit oil development or exploration off their shores.

Fourth. Remove the sulfur requirements by the Environmental Protection Agency until the fuel oil shortage is completely solved. We are all interested in seeing sulfur under control; but at this time, it is more essential that we have adequate fuel oil and that people are warm and not suffering through the winter.

Fifth. Reduce the emission standards to be imposed on 1977 model cars. Most new cars now require bigger engines and therefore greater and greater amounts of gasoline because of the pollution controls.

Sixth. Prohibit financing of central air-conditioning of homes from Government-financed loans. Today, on many FHA and VA loans there is a requirement that the entire house be centrally air-conditioned. This situation should be exactly the opposite. We should require that there be no central air-conditioning, but that the house be wired for window air-conditioning. By cooling only the key rooms in the house, the power load and air-conditioning load could be one-third of the present requirements.

Let us review the operating results that have been achieved by the oil industry. The oil refineries in this year of 1973 have produced more oil than they have ever produced in history. Production has been up 886,000 barrels a day. They are running at capacity. The only limitations were plant breakdowns or maintenance requirements schedules.

Seventh. Generate more gas from coal. We have the coal. We know how to process it. The issue is price and we must allow natural economics to have a price escalation for this gas from coal.

We need to face the realities of adequate pricing. A barrel of sweet crude oil in west Texas in 1963 sold for $3.08. A barrel of crude in west Texas in 1973 sold for $3.90. At the outbreak of hostilities the Arabs have posted a $4.90 a barrel price in the Middle East. With the pressures of the Middle East we can anticipate a rapid rise in this Middle East price. Our domestic pricing on oil and gas has not realistically been allowed to adjust to the basic inflation of the diminishing purchasing power of the dollar.

The net income of the oil industry was 9½ percent of revenue in 1966, but by 1972, it had dropped to where the net income was only 6½ percent of revenue.

Taxes have cut into oil companies' operating margins as taxes were up 112 percent in the past 4 years. Interest on borrowed funds for operations had also risen as much as 98 percent during the past 4 years. Costs go up every day and yet regulatory agencies keep an uneconomical ceiling on retail prices of oil and gas.

The oil industry has progressive, intelligent management. The present harassment policy of Congress is causing executive diversion of attention. We cannot depend upon the Middle East with their giant tankers. We must free the executives of the oil companies from this program of harassment so they can concentrate on stimulating domestic oil production so that America can become self-sufficient.

The oil allocation bill was written as a political panacea for all current crises. In our committee hearings it was brought out by one Congressman that he wanted more fuel for his sugar beet factory and for his powerplant, as well as his schools. Another man spoke of the problem that industry had. Still another wanted to have adequate fuel for drying crops. Another spoke of the gas shortage that he was having in his local community. Someone was worried about the fuel oil for the cold winter in his home town. Simply creating this allocation law does not solve problems. All it does is provide more bureaucrats to confuse it.

I recommend that we vote to table this ill-conceived, hastily concocted emergency allocation of petroleum bill. Let us take the progressive position of working toward a permanent solution for America. Let us bring positive legislation to the floor that will serve to provide an encouraging economic basis for new petroleum to be discovered.

A major issue before our committee was whether the President or Congress should be in charge of this program. This is the most far-reaching, dictatorial, economic complex that has been extended to our economy during peace time. There is no justification for passing this economic chaos to the President. The problem is caused by the lack of Congress taking any positive action. Allocations do not produce crude oil. I know a lot of people in the oil business. This program of mandatory oil allocations appeals to many oil executives. In fact, most of the oil people would like to see this responsibility of allocating the shortages passed on to some Government official. Whomever is assigned this impossible task will become the most unpopular individual in America. I can well understand how oil officials are glad to have this albatross off their necks.

But we in Congress are the ones who have caused this oil shortage. In 50 years we have never adequately provided the incentives and encouragements needed to keep pace with our expanding demands for oil and gas. Today we should be talking about how to increase our own domestic energy supplies. Instead, we weasel out with a weak allocation bill.

In the troubled times in the world today, with the world crisis that we are now facing from the Middle East, Congress needs men of courage. I call on you to vote against this allocation bill and come out with a positive, legislative action program to give fair pricing, more flexible regulatory measures, with all of the other pluses that are needed to increase and expand our own domestic oil and gas production.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in support of H.R. 9681.

According to predictions, this country is facing its most severe winter in many years. Our fuel oil supplies are inadequate to meet the increasing demand from dealers across the Nation. A number of communities are already experiencing the uncomfortable reality of a fuel shortage.

I feel, as I am sure many of my colleagues do, that it is important to insure an equitable distribution of fuel. I, myself, have received numerous calls from small businessmen throughout my district urging me to work for an allocation system. I know many of you have heard those same words from desperate men. Are we to drive the small businessman out of business? Are we to seal his fate?

This measure, while not being the complete answer, is a positive step in the right direction. I believe it is the duty of Congress to help achieve an equitable distribution of fuel oil gasoline, propane throughout the country, and to preserve competition in an industry vital to the economic well-being of every American.

Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I strongly endorse this bill and only regret that it did not come before us much sooner.

Because the mandatory debate time is as scarce today as our fuel supply, I will allocate my remarks to just a few spots where the consumer is over the barrel.

First of all, it must be understood that the passage of this bill should in no way interfere with, or delay, the implementation of the administration's announced mandatory allocation program for distillate fuels. It must still go into effect November 1. This program is all ready to go. It is sorely needed. And there is absolutely no excuse for any further delay.

As the title of this bill states, this is an emergency situation. This bill should be the beginning, not the end, of congressional action on the energy crisis. Our first priority is to get through the winter. So I ask my colleagues to get busy with as many energy conservation measures as are feasible.

Let us make daylight saving time a year-round feature. It would give us an extra hour of daylight in the afternoon and would cut electricity consumption.

Let us get rid of all the Federal limousines. The American public will not take the energy crisis seriously as long as they see an army of Federal bureaucrats cruising up and down Pennsylvania Avenue on their way to lunch in the back seat of a gas-guzzling monster.

Let us see how many Federal buildings throughout the country can be put on a 4-day workweek. We could save a lot of fuel by closing down office buildings 3 days a week.

These are just three ideas to save energy that would be highly visible and would show America that Congress means business about the fuel shortage.

Mr. Chairman, serious shortages of heating fuels are already striking my district in western Massachusetts. A shortage of No. 4 fuel threatens to close several school districts, a county jail, many small businesses and a religious seminary. Supplies of home heating oil, natural gas, and propane are low and could become critical by January or February.

On top of that, the Arab-Israeli war has disrupted the delivery of oil imports. France, Spain, and Italy have embargoed oil exports to the United States until the Middle East situation is clarified. Holland and Germany are considering similar moves. In Great Britain, rationing books are being printed for oil consumers. All these countries are supplied by Middle Eastern or North African oil, and they are beginning to feel the pinch.

If the Arab nations turn off our oil spigot, then our energy crisis could become a real catastrophe. One-third of the oil this Nation now consumes is imported, and one third of our imported oil comes from the Middle East or Africa. The Office of Oil and Gas reported that during the second quarter of 1973, the United States received these oil imports:

Amount (crude and product)

[Barrels per day]

Origin:	
Middle East	760,000
West Africa (Nigeria)	480,000
North Africa (Algeria, Libya)	358,000
Caribbean refineries (crude oil from Middle East or North Africa	400,000
Total imports from Middle East and Africa	2,000,000

Total oil imports into the United States during that period were 5,762,000 barrels a day. While total consumption of all oil products is about 17 million barrels a day.

Mr. Chairman, the scope of the problem we face was spelled out in greater detail in a speech I delivered last week at the annual convention of the Association of Massachusetts Town Selectmen. At this time, I would like to include this address in the Record and urge that my colleagues take the time to read it:

Remarks of Representative Silvio O. Conte

I thank all of you for the kind invitation to address this gathering of the Massachusetts Association of Selectmen. I also commend you for selecting such a nice setting for your conference. With all respect to Congressman Studds, I would say you could only have done better if you had decided to go west to the beautiful Berkshires in my congressional district.

At the outset, I will make you one promise. That is that I did not come here tonight to give you a lot of high-sounding advice. The way things are going in Washington these days, I don't think the giving of advice is the federal government's strong suit.

In fact, a lot of people believe the only good thing that's been done in Washington all year was lifting the ban against televising home football games.

In recent months the major exports from the nation's capital have been scandals, inflation, skyrocketing food prices and oil and gas shortages. After taking such a battering, it is understandable that the public is wondering whether the federal government has a heart.

It reminds me of the story about the fellow who had a bad heart and went to a specialist to get a heart transplant.

The doctor said to him, "I've got three hearts available for transplant. One from an astronaut, one from a decathalon champion, and one from an 83-year-old Republican banker."

After thinking a moment, the patient decided to take the heart of the banker. Surprised, the doctor asked why. "Well," the patient said, "I figure that one's never been used."

Well, like the old banker, the federal government in some cases hasn't used its heart much in dealing with the people and their needs. Worse yet, it hasn't used its head.

There. is no better axample of this than the government's handling of the energy crisis in general, and the pending fuel shortage in particular.

Put very simply, the major mistake the government made in the entire energy area was that it abdicated its authority.

This Administration and past Administration gave every break imaginable—and some that even boggle the imagination—to a handful of fabulousy wealthy and powerful major domestic oil companies.

And those rich oil barons, it has now become clear, merely dedicated themselves to stamping out what little independent competition existed here, grabbed the big profits, and paid damn little attention to the coming crisis that should have been apparent to them.

Finally, the government woke up and realized it had to start taking some action. I would like to report that once the alarm clock went off, the government reacted with speed and intelligence. Unfortunately, it did not.

But the energy crisis is an extremely broad topic. I have been deeply involved in it in the Congress and I would like nothing better than to explore the entire matter with you. But if we did, I'm afraid we'd be here through Halloween.

So what I will do here tonight is to limit myself to one aspect of the crisis, the one that, for you selectmen and your townspeople in Massachusetts, is really the cutting edge of the crisis—the fuel shortage that threatens our state and all of New England this winter.

I am sure you have all heard of this threat, but has it struck home? This is not just some scare rhetoric by a politician. It is not the figment of some headline writer's imagination. It is real. And it is going to affect everyone in New England this winter.

Businesses and schools may close; homes may go without heat; and, of course, prices for whatever fuel oil you can get will be higher.

For the homeowner now paying 25 cents a gallon for heating oil, the price may soon be over 40 cents a gallon. Depending on the size of his house, a homeowner may pay an added $200 to $400 for heat this winter.

I expect a parallel increase in the price of gasoline, up to 48 cents a gallon for regular and 52 cents for premium.

Even after we get through this winter, the fuel shortage is going to keep hounding New England through the end of this decade. Next summer, another gasoline shortage will hit, this time a little harder. Then another heating oil shortage will breeze in next winter. Already inadequate supplies of natural gas, propane, diesel and other petroleum fuels will steadily get scarcer. And these seasonal shortage cycles will get progressively worse.

In an effort to head off a real disaster this winter, the Administration this week finally announced a mandatory allocation program for home heating fuel. It also readjusted its Phase IV price controls on the oil industry to give the small independent retail dealers a break. And it imposed a mandatory allocation program on propane gas which is in heavy use by Bay State homeowners.

These rationing programs should ensure that New England gets a fair share of the available fuel supplies and that independent marketers and consumers alike will be treated fairly.

That's the good news. Now the bad news.

The fuel shortage is much worse than you probably think, and mandatory controls won't be the cure-all for our supply ills.

Recently the Department of the Interior released a special report showing how serious the fuel oil supply situation will be this winter. I find the conclusions alarming.

Demand for fuel oil is expected to be *up* ten percent this winter. But supplies now in stock are *down* 2 percent from last year, and 16 percent from two years ago.

Because there is no new refinery capacity in the United States, every drop of new demand for oil must be imported. Along the East Coast, imports of European oil would have to increase by 65 percent to meet the expected demand for a normal winter. But the oil available from abroad will only meet half of that new demand. The shortfall, equal to about one-sixth the daily fuel oil consumption in New England, is enormous.

To better illustrate this problem, consider the following statistics:

With a mild winter, New England will need at least 650,000 barrels a day to keep our homes warm and businesses operating. A cold winter will boost the demand to a whopping 800,000 barrels a day. However, only about 550,000 barrels a day are expected to be available this winter from foreign sources.

Therefore, we are facing a shortage of anywhere from 100,000 to 250,000 barrels a day.

A sustained period of cold weather in the Northeast would seriously aggravate our supply problems. Last winter was unusually mild, otherwise many fuel oil dealers would have exhausted their stocks by late January.

This year, my Farmer's Almanac tells me that a cold winter can be expected. If it is a harsh New England winter, which typically strikes about every fifth year, the supply of heating oil will become critical about New Year's Day, and the months of January, February and March could be disastrous.

Federal mandatory allocation programs will not cure the supply shortages, but they should offer some relief to those communities in the worst straits. The slogan is: "Share the Shortages." They will also save many independent fuel dealers, who can't otherwise get supplies, from going out of business.

I mentioned that the Administration has just imposed a mandatory allocation program for propane gas. This propane program also is important to New England because our natural gas utilities use propane as a supplemental fuel during periods of peak demand.

On this matter, I am pleased to report that I was able to get two last-minute changes in the Administration's regulations that will make a great difference for many New England residents. At my suggestion, natural gas utilities were granted "priority" status so that they will be given first consideration in the distribution of propane supplies. I also persuaded the Administration to delete a contract clause in the regulations that would have, in effect, shut off many small gas utilities.

I am striving to achieve the same success with the heating fuel program. Although the regulations will not be published for another week, I have seen the general outline. On paper, it looks like a pretty good program.

To you Town Selectmen, I would call attention to one important provision. As they are now written, the federal regulations establish a "set-aside" program of emergency oil supplies, which are to be used for "priority" consumers. Up to ten percent of the fuel handled by local dealers will be considered to be part of this set-aside stock. This program will be run by the states, so when you need an emergency supply of fuel for a priority consumer, one of your first calls should be to the Governor's office.

Included in the list of "priority" consumers are municipal governments. They can have first call on supplies of fuel oil to keep their police, fire and sanitation facilities operating. Other "priority" consumers include farming and food processing, hospitals and health institutions, mass transit, public utilities and communications.

One of the potential trouble areas for the rationing program is the overlapping jurisdictions of federal and state governments. The Office of Oil and Gas will have jurisdiction over the entire program, and the state governments will control distribution of that ten percent of the fuel supply earmarked for priority customers.

I will be watching closely to ensure that the federal and state offices coordinate their efforts and don't work at cross purposes. Nothing would undermine the mandatory allocation program quicker than if some politician abuses it to score some cheap points with his constituents.

Home heating oil consumers are not considered "priority" customers because this program establishes rationing procedures only at the wholesale level. There won't be any ration coupon books for consumers. Customers will receive an allocation only from what their wholesale distributor has available.

This is where too many calls from "priority" consumers for emergency supplies may hurt the home consumer. Every call for priority supplies will ultimately deplete the remaining pool of heating fuel that will be available for retail customers. This, too, I will be monitoring very closely in Washington.

Last May, in hearings here in New England on the gasoline shortage, I asked the Administration to impose a mandatory fuel allocation program. Instead, the Administration gave us a voluntary allocation system, the success of which depended upon the goodwill of the major oil companies.

I knew the voluntary program was a failure within a month. Of 11,000 fuel shortage complaints registered with the federal government, only 20 percent ever got resolved. I was told by key officials in the Administration that they realized the program was a failure, but they still remained reluctant to abandon it.

The Administration's delay in establishing this mandatory program has been inexcusable. It means the bureaucratic structure that must handle the complaints will have no time to learn its job before it is flooded with calls.

And, of course, the timing could hardly be worse. Already the first frost is setting in. The program is supposed to be implemented in two weeks—just at the time that oil deliveries into New England move into high gear. A more chaotic time cannot be imagined.

The Office of Oil and Gas, which is headquartered in the Department of the Interior, will have a regional office in the federal building in Boston. If one of the dealers in your town has run out of fuel and can't get more, he should call this office right away.

Let me illustrate how this system should work by citing a couple of examples of situations I became involved in during the voluntary program period. Last May, a construction company that is building a huge hydroelectric power station in my District had its supplies of diesel and gasoline sharply curtailed by its supplier. At stake were 1,100 jobs and a possible year's delay in the construction schedule. I went to the Office of Oil and Gas and its supply was restored within two days.

Also, the town of Cummington, located midway between Pittsfield and Northampton, recently ran out of gas. Both gas stations in town were empty, and the Town's emergency vehicles were dangerously low on fuel. Again I went to the Office of Oil and Gas, and I am pleased to say that both gas stations received deliveries within 24 hours.

Those are two examples of how the mandatory allocation program should work. But it may not work every time, and it will not function efficiently if it is asked to deliver fuel to individual consumers.

When you hear of individuals who are out of fuel, I urge you to first try to resolve the problem at the town level. I would suggest that you create a special town committee to deal with just such crises. Invite some oil dealers to be members so you can benefit from their experience.

I would also urge you to call a special Town Meeting in your communities sometime soon to discuss the coming fuel shortages. Make your townsmen aware of the message I have given you, so they can make preparations now. Stress with them the need to adopt measures to conserve energy. I can think of many that would afford enormous savings.

Urge your state representatives to lower the state speed limit to 50 miles per hour. If every state did this, the nation would save four and a half million gallons of fuel a day.

Set your home thermometers two degrees lower than usual. This will save two million gallons a day.

Launder your clothes with cold water to save 12 million gallons.

Do your dishwashing by hand to save one and a half million gallons.

Put insulation in homes that presently don't have it to save ten and a half million gallons of oil a day.

In all, about 40 percent of the oil-produced energy in this nation is squandered and could be conserved by emergency measures. But Congress can't legislate all the changes that are needed, so the initiative for most of these measures must come from the local elected officials.

I'm sorry I couldn't come here today with more cheerful news, and I certainly didn't want to spread gloom over this fine convention. But I know how serious this situation is because I have been fighting this battle for 15 years in the Congress. Until recently, it was a lonely battle. My calls to kill the oil import quota system—a boondoggle that must bear major responsibility for the position we find ourselves in tonight—those calls fell on deaf ears.

Early this year, this Administration finally recognized the truth of what I had been saying since 1959. It scrapped the quotas, but, of course, it was too late. The days of cheap and plentiful foreign oil were over.

This experience should not be wasted. I want you to know that what I have talked about tonight is deadly serious; it cannot be ignored or soft-pedaled.

The oil shortage this winter may very well present you with the toughest problems you will ever face as elected officials.

As selectmen, you are in the front lines—indeed, you are in the first trench—in the effort to make government serve the people. Being closest to the people, you will be the ones the people will go to first and most often for help.

I hope that what I have told you tonight will help you to deal with this coming threat. And I sincerely hope that before your convention here closes, you will place this fuel shortage problem at the top of your agenda for planning and action.

Thank you very much for this opportunity to discuss with you a topic which takes second place to none other on the list of priorities for Massachusetts and for all of New England.

Thank you.

Mr. SARASIN. Mr. Chairman, I rise today to urge the adoption of H.R. 9681, the mandatory oil allocation bill, the necessity for which becomes more evident day by day.

Our Nation is today faced with such a complex combination of problems in the area of energy supply and distribution that only a comprehensive and equitable system, such as embodied in this legislation, can assure us of even reasonable success in getting through this winter without major inconvenience and disruption.

As a representative from New England, I am particularly aware of the threatened heating oil shortage. These warnings of impending shortages, and even actual supply problems, are all to familiar to us from the Northeast. The specter of unheated homes, closed schools, and idled factories has crept closer to us each winter for the past 5 years.

Last winter we were only saved from a real crisis by an unusually mild heating season, and yet we still drag our feet about taking effective action to make the most efficient us of the petroleum resources we have available.

This historical record alone should be enough to demonstrate the necessity of adopting this legislation, but a new element has been introduced into the formula by the present fighting in the Mid-East and the stated Arab intention of using oil as a weapon against the friends of Israel.

I am sure that everyone in this body agrees that the United States must never allow itself to be blackmailed by aggressors and must take all necessary steps to assure our ability to withstand any such attempt with a minimum of inconvenience and disruption. We must make clear our determination to meet our obligations in the Middle East, to assure that Israel has the means to defend itself against the overwhelming numerical superiority of the Arab aggressors. In the long run, we must pursue policies of energy source development and conservation which guarantee that we could never be so dependent upon unstable foreign energy sources as to be the target of such pressure.

For the immediate future, however, the Middle Eastern situation merely introduces another compelling argument for the adoption of the legislation before us today, a proposal which would insure the most equitable, even handed and efficient distribution of present fuel supplies, the protection of the vulnerable independent segment of the petroleum marketing industry and the ultimate benefit of the American consumer.

Mr. COHEN. Mr. Chairman, I rise in support of the Emergency Petroleum Allocation Act of 1973. I sincerely appreciate the extensive work of my colleagues on the Commerce Committee in bringing this vitally important legislation to the floor for a vote.

Since coming to Congress, few problems have consumed more of my time, and justifiably so, than the problems inherent in the energy crisis. I represent a State which has experienced severe economic dislocations and personal inconveniences resulting from the deficiency in our domestic energy supplies. Maine is not only subjected to long and harsh winters, but is also at the very end of the fuel distribution supply system in this country. Equally important, the majority of Maine's retail oil and gas dealers are small, independent businessmen, and the energy deficiencies we are experiencing have hit these independents the hardest. I am sure I do not have to acquaint my colleagues with the high number of business failures that have occurred within the independent oil and gas industry due to the shortcomings of the voluntary allocation program and the uneven application of phase IV regulations. I would like to point out, however, that in New England, 75 percent of the homes are heated by fuel oil and over 80 percent of these homes are supplied by independent retailers. We have no substitute for this delivery system. If the independent has no fuel, the homes he supplies will have no heat.

I have met time and again with administration representatives, my colleagues in the New England Caucus and the Maine Congressional Delegation, numerous representatives of the oil and gas industry, as well as with independent retailers in Maine, to seek solutions to this untenable situation. In addition, earlier this year I wrote to both Governor Love, Director of the Energy Policy Office, and Dr. Dunlop, Director of the Cost of Living Council, outlining the specific and unique problems being incurred by Maine's independent oil and gas industry under the voluntary allocation program and phase IV. I have been encouraged by recent administration efforts to address these problems, and was particularly pleased to note that the Cost of Living Council on October 15 proposed changing its regulations to allow dealers to pass along whatever cost increases they receive from the refiners effective November 1, 1973.

Hopefully, it is evident to everyone that the implementation of a mandatory allocation program it is not a panacea for our energy problems, for it will not increase production or supplies. Rather, it is simply a temporary—but critically necessary—mechanism for achieving an equitable distribution of available supply, and by doing so, preserving competition within the oil and gas industry.

Some of my colleagues have argued that, in view of the fact that the administration has already ordered a mandatory allocation program, congressional action is now unnecessary. In this regard, I want to stress that my support for this bill is predicated on the belief that the severity and complexity of this problem can best be dealt with legislatively, and that the enactment into law of a temporary mandatory allocation program more fully guarantees a definitive and comprehensive answer to our immediate problems. Additionally, I believe that the legislative approach provides a more efficient mechanism for bringing together the various constituent elements of this multi-faceted problem, so that the integral relationship between these elements can be more effectively considered and dealt with.

As Governor Love indicated to the press on October 9, the possibility is very real that the United States can expect some kind of fuel allocation program until such time as we are able to increase our domestic fuel supplies. For this reason, I do not feel that we can continue to deal with this problem on an incremental and ad hoc basis. I believe that the approach to our immediate problem which is outlined in this legislation would be the most effective and stabilizing mechanism we can employ at the present time, and I strongly urge my colleagues to support this legislation.

Mr. HUDNUT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, from the very beginning the petroleum shortage has presented all of us with judgments to make which are extremely difficult and complex. As one who abhors the necessity of imposing Government controls of any type, I had very much hoped that the voluntary petroleum allocation program would work. Unfortunately, the present program is not and apparently cannot achieve all that is required of it if the Nation's independent distributors and even more importantly the millions of customers they serve—especially in home heating, in industry and on the farms—are to have their needs fully met.

We should not create any delusions, however, that by establishing a mandatory allocation we are somehow increasing the available supplies. We are not making any additional supplies available, but what we can do is assure an equitable distribution of the shortage of fuel among all regions in areas of the United States and all classes of users. What H.R. 9681 is attempting to do is to establish the principle that any supply deficiency is to be shared by all regions of the United States equally.

As an example of the need for a mandatory allocation program, one of my constituents wrote to me:

> We are a small independent Gasoline and Fuel Marketer in the State of Indiana and at present we operate 16 service stations and employ about 60 people. We serve fuel oil to 747 families in mobile home parks, 424 homes, 4 churches, 1 school, 4 farm accounts and 21 business and commercial accounts.
>
> At the present time we are operating the service stations with 80% of their past requirements. The fuel oil situation is much worse. At present we have requirements for 1,850,000 gallons of fuel a year. We have committed to us 64,800 gallons for the year.
>
> On May 24, 1973, we applied for allocation to the Office of Oil and Gas. On July 17, 1973 I visited their office and was told they had exhausted their means under the voluntary program.
>
> If the small independent businessman is to survive the energy crises, it will, in my opinion, require, first, mandatory allocations by the government until such time as legislative action solves the total energy problem.
>
> At present, the possibility exists that 1200 homes will have no fuel oil to heat their homes this winter.
>
> As mandatory allocation will solve only a small part of the total energy problem for such a short time, it goes without saying, we must increase our efforts in this area many times to correct this massive problem.

I am supporting this measure because I feel it is a stop-gap measure which hopefully will assure that all regions of the country and all classes of users will receive a fair share of the petroleum that is available. At the same time, I know it is imperative that we continue to work toward measures to increase available supplies. That means encouraging the search for and development of new oil and natural gas reserves here in the United States—both on land and under our Outer Continental Shelf. Also, we should act on well conceived proposals to permit the construction of offshore terminal facilities essential to the accommodation of the large tankers needed to transport more economically and with far less chance of pollution the huge volumes of oil our Nation must import to meet consumer demands in the coming years. We should also be very cognizant of the possible effects of the Mideast situation. With our available sources already short, the situation could, indeed, become even more serious.

Another matter which I have been seriously concerned about is the plight of gasoline retailers in my district. The Cost of Living Council's phase IV regulations are working a severe hardship on them. The Congress has attempted to reach this problem through the Findley amendment to House Joint Resolution 727, the continuing resolution for appropriations, which provided that—

> None of the funds made available by this act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products.

In H.R. 9681, we are also addressing ourselves to this problem by providing for a dollar for dollar pass through of net increases in the cost of gasoline and refined lubricating oils to all marketers or distributors of gasoline at the retail level.

In my opinion, there has been a serious injustice perpetrated on the retail gasoline dealers by the phase IV regulations and I am glad we have this further opportunity to rectify the situation.

For these reasons, I am supporting H.R. 9681, and urge my colleagues to do likewise.

Mr. **STAGGERS.** Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BURKE) such time as he may consume.

Mr. **BURKE** of Massachusetts. Mr. Chairman, I wish to associate myself with my distinguished colleague the Honorable TORBERT H. MACDONALD on this important piece of legislation. My esteemed colleague from Massachusetts is the most knowledgeable member of this House on the energy crisis. He has given unstintingly of his time to this most important problem. It would be wise for the Members of the U.S. Congress to heed his words of advice and admonition.

Mr. Chairman, a myth has been perpetuated upon the Congress by the administration for so long in regard to mandatory fuel oil allocations that Congress must now react affirmatively to correct these token, ineffective gestures and empty, dilatory promises.

Under the Economic Stabilization Act Amendments of 1973 the President was empowered to compose and promulgate mandatory fuel allocations which were to be carried out on an equitable, proportional, and regional basis in the public's interest. Instead, the administration chose to follow a voluntary fuel allocation program. Pressure from a relatively small group of fuel producers, wielding a significant amount of economic power, managed to convince the administration of their benevolence and willingness to share their fuel supplies. If the administration had then implemented a mandatory fuel allocation program instead of waiting until now, the threat of regional hardship and drastic shortages would today be less than it is.

And the voluntary allocation plan of the administration only worsened the situation. Compliance to the Federal urging has deteriorated markedly during the period sharing has been in effect. On October 5 heating oil stocks in district one were 84.5 percent of the 1971 level and this is even less than the 1972 levels.

Last July the House Interstate and Foreign Commerce Committee heard testimony from administration officials who assured the committee members that a mandatory fuel allocation plan was being investigated and would be forthcoming shortly. No word was forwarded to the committee, which withheld action in deference to a Presidential decision.

Finally, after great trial and error the administration issued the mandatory allocations on propane October 2, while simultaneously promising that guidelines on fuel oil and other distillates would become effective shortly. So we had yet another promise, but one which this time was reluctantly kept.

The administration plan is not as comprehensive as it should be. It does not include mandatory allocation of all petroleum products. Nor does it, include mandatory allocation of crude oil.

With significant fuel oil shortages anticipated this winter in the Northeast and Midwest, people in these regions face loss of work and jobs as well as the attendant problems of weakening economic strength should there be an extended fuel shortage. Only a system of mandatary allocations and controls for all petroleum products can insure that the limited supplies are allotted equitably between regions and between major and independent oil companies. Congress can neither allow capricious oil companies nor inadequate administration provisions to dictate crucial supplies of crude to any region, when and if they so desire.

Congress should take the initiative and pass the legislation before us which directs that the President allocate our fuel supplies by priority according to regional need and to preserve competition between the major and independent fuel companies. It is imperative that we act today and legislate an alternative plan to the one which is to take effect November 1, 1973.

The ineffective stopgap measures and continual promises to stabilize the energy crisis must not continue. I understand there is yet a contingency-rationing plan waiting in the administration wings still to be tried should all else fail. Congress is the legislative body of our Government and must provide legislative leadership as the Constitution, the supreme law of the land, authorizes. In other words, Congress should carry the ball for mandatory fuel allocations and pass H.R. 9681 before New England and other regions are enveloped by a severe winter, and caught with short fuel supplies. A situation already anticipated can only be worsened by congressional inaction, unless we act affirmatively today.

Mr. **STAGGERS.** Mr. Chairman, I yield to the gentleman from California (Mr. DANIELSON) such time as he may consume.

Mr. **DANIELSON.** Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the purpose of the Emergency Petroleum Allocation Act is worthwhile, because it will make prospective shortages of fuel less burdensome. Its purpose is not to end the fuel shortage, which it cannot, but rather to spread the fuel shortage around so that no one region or sector of our economy or consumer group gets hit too severely. The reason is that we feel it to be more equitable for everyone to hurt a little bit than to have a few hurt a lot.

Unfortunately, this bill treats only the immediate symptoms of a very serious problem. The fuel shortage is not the entire problem. A most important part of the problem is that we Americans have not been using our limited supply of petroleum efficiently. We are but 6 percent of the world's population, but we consume a third of the world's energy resources. We have been using petroleum as though the supply were limitless—as though the wells would never run dry. The problem is that the wells do run dry, the world's supply of oil is limited, the world's supply of energy is limited, and we must learn to live within those limits.

Spreading the fuel shortage around will make the pain less hurtful to some, though somewhat hurtful to all, and may get us past the ominous prospect of a fuelless winter which even now chills the marrow of the businessman, the industrialist, and the ordinary citizen alike. But spreading the fuel shortage—allocating petroleum products—will not end it; nor will it provide lasting relief. It is like pouring a glass of milk on an ulcer.

We do not know what the long-range solutions to the problem will be, but I respectfully suggest that there are some effective, and practical ways to obtain a reasonable measure of relief, on a continuing basis, and to do ourselves some long-range good.

The simplest way to alleviate the fuel shortage is not just to spread it around, but to identify those areas in which we are using fuel efficiently, where we are literally wasting fuel, and take steps to correct them. And we need look no further than our city streets and highways to see the major cause of the fuel shortage. I am referring to the big, heavy, high-horsepower automobiles that clog our roadways. Our present-day vehicles, on the average, consume 1 gallon of gasoline for every 12.5 miles traveled, when they can, and should get 25 miles to the gallon.

If we would cut fuel consumption in our automobiles in half we would be going a long way toward solving the fuel crisis, which is another way of saying energy crisis—and the sad fact is that we already have the technology to do it.

It is nothing short of silly for American manufacturers and American consumers to continue to pour our limited fuel resources down the throats of our present-day gas-guzzling monsters when we could readily convert to smaller, more efficient, automobiles which would meet our needs and yet save half of the fuel which we burn on our streets and high ways.

The inefficient use of fuel poses very serious problems for our Nation. It threatens to reverse the major gains we have made in cleaning our air, by forcing us to use fuel with a higher sulfur content than is now permissible, and by retreating from automobile emission controls which cause a reduction of automobile fuel economy of approximately 7 percent. It threatens to compromise our foreign policy in the Middle East, because of our overdependence on oil produced in

Arab nations. It seems we are even willing to live and work in homes, factories, offices, and schools that are a few degrees chillier, rather than give up gas-guzzling automobiles. The petrochemical industry, which provides us with many goods, including the fertilizer for our farms, which is so urgently needed to maintain our food supply, is threatened by the inadequacy of our current supplies of petroleum.

Mr. Chairman, this legislation is important, and I support it, but I urge the Congress to take action in the near future that will encourage greater efficiency in the use of our limited resources.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BOLAND) such time as he may consume.

Mr. BOLAND. Mr. Chairman, I rise today in support of H.R. 9681, a bill to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare.

I highly commend the work of the distinguished gentleman from Massachusetts, Congressman TORBERT H. MACDONALD, for his efforts in introducing this legislation and laboring to bring it as quickly to the floor as he has done. He has taken the phrase "energy crisis" for all its most critical worth. His efforts to develop comprehensive and effective legislation to meet the challenge of our widening energy gap deserve the thanks of all of us.

Mr. Chairman, much has been said about the impact of heating oil and gasoline shortages. I highlighted the need for mandatory allocation controls to meet essential public needs on an equitably distributed basis in testimony before the Committee on Interstate and Foreign Commerce earlier this summer. I also sponsored legislation similar to that introduced by Mr. MACDONALD.

The question before us today, however, is not whether we should have mandatory controls, but what sort of controls, over what, and for how long. I support H.R. 9681 because it offers significant improvements upon the program recently—albeit belatedly—announced by the Administration.

To begin with, H.R. 9681 would provide for a continuous, uninterrupted system of controls until February 28 of 1975.

They could not be revoked or allowed to lapse as could the current administrative program. The distinction is important because the energy crisis is not just a passing phase. It is here to stay—and no appreciable improvement in either energy supplies or energy consumption can be forecast for some years to come. Accordingly, a long-term allocation program of definite continuity is required if we are to grapple with our energy problems successfully. An on-again, off-again, last minute approach such as the administration's can only compound them.

Another important feature of H.R. 9681—which differs from administration controls—is the inclusion of crude oil and gasoline along with other regulated products such as heating oil, diesel oil, and jet fuel. Imposition of crude oil controls will insure that appropriate percentages of heating oil and/or gasoline are produced in times when demand for one or another is particularly heavy. Gasoline controls provide protection in two areas. Individual gasoline retailers—whether branded or nonbranded—will be able to pass through wholesale price increases from suppliers. In addition, all retailers will be assured of equitable distribution of available supplies regardless of affiliation—or nonaffiliation—with a major oil company.

The combination of uninterrupted controls and their comprehensive coverage of all scarce petroleum products offers the brightest ray of hope from beneath the shadow of energy shortages that shrouds the Nation. In particular, New England is presently bracing for a long, cold winter. Reserves of No. 2 heating oil in energy district I, of which New England is a part, are at 84.5 percent of 1971 levels, when there was an adequate supply for an average winter, while demand is expected to increase by 10 percent. More importantly, however, available fuel oil stocks held by independent heating oil dealers—who supply 75 percent of New England's homes—are lower still. They presently stand at 77 percent of the previous 2 years' reserves. This amount, it is estimated, constitutes only 57 percent of the fuel needed to supply the 82 percent of the market serviced by the independents.

Mr. Chairman, even temperatures a few degrees colder than normal could produce fuel oil shortages in New England of up to 42 percent. At such a level many schools and businesses would have to close, and supplies for home heating would be uncertain. In addition, many independent oil dealers could be forced to shut down. This would eliminate one of the few truly competitive sectors of the petroleum industry in this country.

I think it can be seen from these figures that the possible ramifications of the energy crisis are such that no mandatory allocation program, no matter how ideally structured, could alone deal with them. H.R. 9681 is superior to the administration's program, but it is not a panacea for all our energy ills. What is needed to supplement mandatory controls is a voluntary but coordinated conservation effort if we are to weather the long, cold winter—and the prospects of other chilling energy crises—that lies ahead. I believe we can do this. It will require privations on every level of our society, but the alternatives are just unacceptable.

Mr. Chairman, I am confident that this legislation—and a positive national attitude to the energy problems we face—can keep our industries going, our schools open, and our homes heated. I therefore urge my fellow Members to vote for its passage.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Oklahoma, the chairman of the subcommittee (Mr. JARMAN) such time as he may consume.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, today we are voting on a bill (H.R. 9681) to authorize and require the President to institute a program to allocate crude oil and refined petroleum products. While the entire country is facing an energy crisis, my home region will suffer acutely if there is no mandatory allocation program.

The reason why the New England area will receive a hard blow this winter without an allocation program is twofold. First, 75 percent of New England homes are heated by oil. Nearly 60 percent of the Nation's No. 2 fuel oil is consumed in the nine Northeastern States. But more important is the fact that 82 percent of oil-heated homes in New England are supplied by independent retailers. Without allocation to these independent dealers, New England will experience a widespread shortage of home fuel oil and will not be able to heat their homes adequately.

East coast independent deepwater terminal operators are currently facing a massive supply gap. Voluntary allocation of heating oil has been a complete failure. A recent survey of 30 oil companies serving the east coast showed that the major oil companies have 14 percent more heating oil in their storage tanks than last year while independent companies have half of last year's supply.

Last year was not an easy winter for the New England area but without mandatory allocation this year the heating oil situation will be crippling. Independent dealers are so vital to the distribution of heating oil in the New England area that they must be guaranteed a source of supplies. A mandatory program will spread the effects of our energy shortage over the entire population, with no area suffering harsh results. But without this program, New England will have to bear the rigors of winter with a vastly inadequate supply of heating oil.

I urge my fellow colleagues to consider the plight that will face New England this winter without an allocation program and vote in favor of H.R. 9681, the Emergency Petroleum Allocation Act.

Mr. JARMAN. Mr. Chairman, let me emphasize three points important to this proposed legislation.

Mr. Chairman, I am concerned that, one, it is essential that any mandatory allocation program enacted pursuant to this legislation recognize the importance of the maintenance of essential transportation services, such as those offered by the airlines, the railroads, and the truckers, by giving such transportation modes a priority status in such an allocation program.

Two, in addition to insuring adequate services for these activities, the Government must be keenly aware of the impact of fuel price increases on these regulated carriers and insure that unfair and discriminatory fuel prices are not imposed on the fuel purchased by these carriers.

Three, in developing such a program, it must also be recognized that these carriers have long-range service commitments which make it impossible to plan for fuel availability and utilization on a monthly basis.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. GETTYS).

Mr. GETTYS. Mr. Chairman, I thank the gentleman from West Virginia for yielding to me.

Mr. Chairman, I would like to take this time to propound a question to the chairman. In my district we have a good many manufacturers of polyester fibers. We have a shortage of cotton and a shortage of wool all over the country. It is my understanding that on October 2, the administration mandated an allocation of priorities in the use of propane, which put the industrial users at the lowest spot.

May I ask the Chairman, does this bill in any way supersede that order in such a way that industrial users of propane would be given an equal chance on a competitive basis to get that material which is essential to keep our textile mills operating?

Mr. STAGGERS. Mr. Chairman, I would say yes, and it is already in the bill, that it will have to be modified.

Mr. GETTYS. The gentleman says that the bill will have to be modified?

Mr. STAGGERS. No, that the other program, the President's program will have to be modified to meet the congressionally defined objectives contained in this bill. We have taken care of it.

Mr. GETTYS. That means, Mr. Chairman, that the industrial users of propane will have a competitive opportunity along with other users?

Mr. STAGGERS. That is correct.

Mr. GETTYS. Mr. Chairman, I thank the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may require to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I want to associate myself with those who favor this bill. I commend the chairman and the committee for issuing it.

Mr. Chairman, I rise in support of H.R. 9681, the Emergency Petroleum Allocation Act of 1973. I believe that passage of this bill is absolutely necessary, both to protect millions of Americans against disastrous energy shortages this and next winter, and to preserve the continued vitality of the independent sector of the petroleum industry.

This bill will not increase the supply of petroleum. In fact, most experts suggest that the United States will have to wait 3 to 5 years before supply of petroleum increases. But this bill will insure, in a more equitable and more comprehensive way than is provided for in the administration's recently announced plan, that what energy shortages there are this coming winter do not fall exclusively upon certain regions of the country. Rather, these shortages are spread out, their harmful impact lessened, across the Nation.

I believe, Mr. Chairman, that there is no area of the country that will not benefit from passage of this bill. To be sure, the areas most directly affected are the Northeast and the upper Middle West. But without enactment of this legislation, our country would face very ominous prospects. For example, a critical shortage of heating oil in the Northeast would cripple the industrial heart of our Nation. A shortage in the Middle West would reduce farm production, and increase food prices to American consumers.

There are those who argue that the administration's program for mandatory allocation of certain petroleum products is enough, and that there is no need for the legislation before us today. I do not agree. Despite many months of needless delay, the administration program has many serious defects that H.R. 9681 would correct. The administration program does not confront the overall shortage of all petroleum products. Specifically, it does not include either crude oil or gasoline under the mandatory allocation scheme. Nor does it affect the supply of petrochemicals, now in short supply much to the detriment of our domestic plastics industry.

Without an across-the-board allocation program, such as that provided by H.R. 9681, inequitable distribution of crude oil, not covered by the administration plan, would weaken independent refiners and marketers, as well as force certain areas of the country, such as New England, to bear the brunt of whatever shortages occur. A mandatory allocation program cannot work unless the distribution of petroleum is controlled at every step. Crude oil supplies need to be regulated so that independent suppliers and retailers, and all regions of the country receive their fair share of oil.

If gasoline is not covered by the allocation program, the result could be that the major oil companies would maximize the production of gasoline at the expense of heating oil, since gasoline would be more profitable. The result would be needlessly cold winters for millions of Americans who depend on heating oil to warm their homes, and it would also be a further blow at the independent gasoline marketers, who provide what little price competition there is in the petroleum industry. And, excessive gasoline production would further drive up the already high prices paid by consumers for heating oil. Without an allocation program for gasoline, the major oil companies could attempt to systematically squeeze out of business their independent competition, simply by denying them supplies. The mandatory allocation program provided by H.R. 9681 would eliminate these dangerous possibilities, since gasoline would be covered.

The administration program is also deficient because it only lasts until April 30, 1974, while H.R. 9681 would establish an allocation program extending through March of 1975. Given the reluctance of the administration to implement a mandatory allocation program in the first place, after the failure of the voluntary program, there is reason to be concerned that come the spring of 1974, when the immediate pressure of winter weather is off, the administration would seek to dump the allocation program. The prospects for a significant improvement in domestic supply of oil in the next few years is dim. It appears obvious that, like it or not, the need for a mandatory allocation program will be with our Nation for quite some time. Given this need, then it is important that all parties involved in the production, distribution and consumption of oil be able to plan ahead for the winter of 1975, so that the inevitable dislocations that will occur this winter will be minimized for the next. Successful long-range planning requires assurances of controlled allocations in winters to come. Unfortunately, the administration program fails to meet this need.

The tragic events in the Middle East also give further cause for the prompt enactment of this bill. At present the United States imports 785,000 barrels of oil a day from Saudi Arabia, Kuwait, Iraq, Algeria, Libya, and Egypt. There exists a serious possibility that U.S. imports of oil from these countries might be impaired, if not halted altogether for a time, as a result of the current hostilities. A reduction of Arab oil imports would unquestionably worsen our already short supplies of petroleum resources, but I am convinced that our country could live with this reduction if need be. Still, such an eventuality would call for the most careful control of production, the distribution and consumption of fuel resources. H.R. 9681 would come closer to providing these kinds of comprehensive measures than would the administration program.

This bill is especially important to New England. New England depends more on oil than any other region of the country. 2,800,000 homes in New England are heated by No. 2 fuel oil. Nearly 75 percent of the New England population depends on this fuel for heat. In fact, nearly 60 percent of the Nation's No. 2 fuel oil is consumed in the nine Northeastern States.

It seems inevitable that we will experience serious shortages of fuel this winter. Only last year's unusually mild winter staved off serious problems at that time. There is no cause for such hope this year. Governor Love's Office of Energy Policy has estimated a nationwide shortfall of home heating oil of up to 15 percent this year—compared to last winter's nationwide 3 to 4 percent shortage.

Only substantially increased imports of oil could reduce the serious nationwide shortages that we can expect. But such import growth is limited in a number of ways. Apart from the serious situation in the Middle East, imported fuels in many instances have sulfur contents in excess of that allowed by State and/or Federal law. In addition, these imported fuels are more expensive.

New England's unique dependence on

home heating oil raises the specter that millions of New England residents will be forced not only to bear the brunt of whatever shortages occur, but also will have to pay higher prices for it as well. Already New England uses more expensive imported oil at rates well in excess of the national average.

New England also depends heavily on independent marketing of petroleum products, making a mandatory allocation program doubly necessary. As a result of shortages of gasoline and other petroleum products this year, we have already seen more than 2,000 independent marketers of gasoline fail. In New England, fully 40 percent of the fuel oil sold is brought in by independent terminal operators, and 82 percent of the oil-heated homes in New England are serviced by independent heating oil refiners. These independent marketers are finding it impossible, in most cases, to get their suppliers to sell them even a fraction of the fuel that they received in the prevous year. While some of the major oil companies have reportedly honored their obligations, others have seemingly acted in a concerted fashion to deprive the independents of fuel stocks, force them out of business, and attempt to take over the market for themselves. These independent dealers must be assured, to the maximum extent practicable, of at least the same supplies of petroleum products that they received in calendar 1972. Otherwise, the millions of New England residents who depend on the independents will have nowhere else to go, and will have the bleak prospect of a very cold winter. The people of New England must not be held hostage to the anticompetitive efforts of certain major oil companies.

Last week, stocks of New England independent terminal operators were only 77 percent of the average stock levels of the two previous years when shortages occurred. Stocks with independents were only 57 percent of the desired level to carry them through the winter. Unless a comprehensive mandatory allocation program is implemented, such as that called for in the bill before us today, on the wintery horizon there looms the specter of a tragedy of national consequence. Closed schools, shut-down plants, stopped utilities, thousands upon thousands of cold Americans. We cannot let this happen. We must take whatever measures are necessary to avert this crisis. We must pass this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Chairman, I would like to rise in support of this particular legislation. We have heard for some time that the administration is going to work in this area, but they have failed to do so.

Time is running out, and we are facing a serious shortage of home heating oil this winter. Americans, however, will not be equally affected by this crisis. A 5 percent shortage nationwide could mean as much as a 40 percent shortage in New England—where 60 percent of the Nation's fuel oil is consumed.

President Nixon took the first step, but his allocation program did not go far enough and will not reduce the disastrous probability of a cold New England winter. Congress must now take the initiative.

All petroleum products must be covered under an effective allocation program to eliminate the temptation to refine noncovered products and to insure maximum supply of No. 2 oil.

I think we should face up to the fact that the charge that has been made by many that mandatory allocations are nothing more than spreading the shortages is a poor one and does not hold water.

I believe an effective mandatory program can, indeed, ease the shortage by increasing the available supply. Under such a program, domestic refiners will be required to provide a substantial portion of their production to independents—who will, thus, be assured of an adequate source. Domestic refiners, forced to allocate their products, will have to increase their volume of crude oil by increasing their imports to assure an adequate supply for their own distributors.

If we introduce mandatory allocations, we are going to force the majors, who have had some major marketing changes, to increase the supply of oil in the United States by primarily importing it from their subsidiaries in Latin America, Africa and other parts of the world an alternative by the way that is not available to the independent retailer so that the people in the United States will have the oil that they need, so that we may continue to prosper as a nation.

Only through a total allocation program can we increase the supply to lessen the shortages.

While imported crude oil and refined products are more expensive than that available domestically, I believe the increased costs can be minimized by imposing an effective allocation program. The Cost of Living Council regulations allow increased costs of imported oil to be averaged over the entire inventory. Clearly, independents—with smaller inventories—would be at a financial disadvantage. Major refiners, however, can average costs nationwide, thus lessening the cost impact to the consumer.

Every 1-cent increase in the cost of home heating oil costs New England $50 million per year—a severe blow to New England consumers.

Energy czar Love's "hope for the winter" lies with the weather. We cannot depend on the weather—we must take strong and swift action. An effective mandatory allocation program is vital to the future of independents in New England and to the health of the Nation's consumers, and I strongly urge the support of my colleagues on this legislation.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I wish to make it clear in the record of the debate on H.R. 9681, the Emergency Petroleum Allocation Act of 1973, that it has been the intention of the Interstate and Foreign Commerce Committee to include the delivery and transport of mail by the U.S. Postal Service, its lessees, rural carriers, contractors, and air carriers as a priority in the allocation of fuel.

I would point out to my colleagues that the committee report, 93–531, does express on page 18 the intent of the committee to include mail transport and delivery in the category of public services.

The overriding reason for bringing this matter to the attention of this body is that the Post Office can ill-afford to be lacking of fuel for the delivery of our mail in light of its current financial difficulties. In consulting with the Postal Service on this matter, I have also learned that several factors make it essential to the well-being of the Postal Service and the Nation that such a priority be instituted.

Prompt delivery of the mail depends upon the efforts of thousands of small businessmen who hold contracts with the Postal Service for highway mail transportation and air taxi mail transportation. Without specific mention of the transportation and delivery of mail as a priority item for the allocation of fuel during the coming winter, these thousands of key contractors may not be able to obtain sufficient fuel for their vehicles and the entire mail system may be seriously impaired. In addition, many inhabitants of rural America who depend upon star route box delivery to bring them their mail may be literally cut off from the outside world.

Unless the Congress awards priority fuel allocation status to the transportation and delivery of mail, postal contractors may find themselves forced to procure their fuel piecemeal. The resulting slowdown in the carriage of mail to and from processing centers would greatly increase the costs of mail processing by disrupting the steady volume of mail necessary for the efficient operation of Postal Service facilities.

Under the previous voluntary system of fuel allocation, according to the Postal Service, they had increasing difficulty in finding dealers willing to enter long-term contracts to supply fuel for postal vehicles. The lack of specific mention of mail transportation in the list of activities enjoying priority status in the allocation of fuel was a great disadvantage in this regard.

The Postal Service supplements its own delivery fleet with up to 30,000 vehicles leased from commercial sources and from mail carriers themselves. Without priority fuel allocation, the owners of these vehicles may not be able to obtain sufficient fuel to operate them. This will not only hamper mail delivery but will also contribute to the deterioration of postal labor relations with those employees who lease their own vehicles to the Postal Service.

I am hopeful that, with the passage of this legislation, the administration will give a priority to the Postal Service, along with the other sectors also named in this bill, for the allocation of fuel.

I should like to direct a question to the chairman of the committee, the gentleman from West Virginia. I spoke to the gentleman earlier, and told him I originally had intended to offer an amendment to make certain that the carrying of the U.S. mail was covered in our list of priorities in the bill, and the gentleman assured me, and the gentleman from Massachusetts as well, that it is covered.

I notice on page 18 of the report that in section (B) they provide it "would embrace public transportation, mail delivery," and I assume that the "mail delivery" would include all of the lessees, rural carriers, contractors, and air carriers of the Postal Service, and they all would have priority.

Mr. STAGGERS. That was our intent when the bill was written, and that is the intent of the bill to provide.

Mr. HARVEY. I thank the chairman. I am delighted to hear him say that. I certainly intend to support the bill.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Colorado (Mr. Evans) for a question.

Mr. EVANS of Colorado. I thank the chairman. I have two brief questions.

First, is it intended that the language in section 4(b)(1)(A) providing for "protection of public health, safety and welfare," would include fuels for residential heating?

Mr. STAGGERS. Yes; that is clearly intended.

Mr. EVANS of Colorado. The next question is in relation to some facts that exist in the refining, sale, and resale of oil. Sales by the eight large refiners to the other refiners every year is large. These net sales are in turn resold by the smaller refiners to their branded marketers as well as to unbranded independent retailers.

Section 4(c)(1)(A) of this bill requires that the structure of the program result in allocation of a quantity proportional to 1972 volumes to each class of marketer. It seems to me that this cannot be accomplished unless interrefinery sales are covered by the authority granted in this bill. Am I correct in assuming that this bill, therefore, mandates allocations which will include interrefinery transactions?

Mr. STAGGERS. The answer is "yes." On page 17 of the report, at the top we so state:

> First, it is the committee's intent that this authority specifically extend to compel interrefinery transfers and exchanges.

Mr. EVANS of Colorado. I thank the gentleman for his assurance. I congratulate him on the bill, and indicate I certainly will support this legislation.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, the passage of H.R. 9681, directing the mandatory allocation of petroleum products, is an urgent necessity in order to assure the equitable distribution of the oil and gasoline products which help warm our homes, fuel our cars, and generate our power. It would also help insure against the threat of black-oil blackmail by the Arab nations.

This bill does not provide for price controls, which I have always opposed and continue to oppose. This bill provides for a sharing—a fair and equitable distribution—of our increasingly scarce petroleum resources. For months, the administration tried to cope with the petroleum shortage with an inadequate voluntary allocation program. Under this program, the major oil companies managed to protect their profits and expand their share of the market. By contrast, independent marketers of gasoline and oil were left in a precarious and vulnerable situation. Independents were forced by the Cost of Living Council to absorb wholesale price increases while, at the same time, they were confronted by a reduced supply of product. Shrinking profit margins and shrinking supplies brought many independent marketers to the brink of financial disaster. Indeed, thousands of small businessmen across the Nation were forced to close their doors.

I met with many independent gasoline and fuel oil dealers from my home district of Baltimore County concerning this situation. They have been angered and rightfully so. For months, under the administration's voluntary allocation program, they have been denied their fair share of the available supply of petroleum as well as a fair margin of profit.

I have had a lot of dealers come to see me, as other Members have. I believe I know the difference between people who are genuinely desperate and those who are crying all the way to the bank. These gasoline station men came to me wearing their work clothes. If ever I have seen desperate people, they were. Some of them told me that on a $400,000 a year gross they were netting $6,500, including their own salaries and those of their wives.

In recent days, the administration has finally responded to the outcry of thousands of small businessmen across the Nation and to the Members of Congress who have looked into this situation. Just this morning, the administration published guidelines for the mandatory allocation of heating oil and other middle distillates. And yesterday the Cost of Living Council agreed that gasoline dealers should be allowed to pass along wholesale price increases rather than absorbing these costs themselves.

The administration's actions are too little and too late. Thousands of small businessmen have suffered from economic losses and uncertain supply. Millions of consumers have been needlessly inconvenienced because their gasoline or oil dealer could not service their needs or had even been forced out of business.

The administration's announcement of mandatory allocation referred only to heating oil, diesel fuel, kerosene, propane, jet fuel, and related products. The administration excluded gasoline from its allocation program. Since the production of all petroleum products is interrelated—because increased production of gasoline necessitates a corresponding decrease in heating oil—the administration plan could result in further economic dislocation rather than equitable allocation.

In addition, the administration's decision to permit gasoline dealers to pass along wholesale price increases is not the same as the dollar-for-dollar passthrough mandated by H.R. 9681. Under the administration plan, dealers can pass along costs only when these increases have accumulated to a full 1-cent-per-gallon increase. If the major suppliers increase wholesale prices by a fraction of a cent, retailers must absorb these increases until the prices go up even more.

H.R. 9681 provides that the Nation's current petroleum crunch will be shared equitably and that no one will be cold this winter or be stranded in his car because of a lack of fuel. It also irons out the market inequities inherent in the administration's plan. Mr. Chairman, I urge the passage of H.R. 9681, the Emergency Petroleum Allocation Act of 1973.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. Martin).

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 9681.

Mr. Chairman, I am not only interested in the allocation of oil but also in insuring the continued production of crude oil from the 353,000 stripper wells in the United States that produced more than 423 million barrels of oil in 1971 and that tap nearly 5 billion barrels of oil, approximately one-sixth of the Nation's crude oil reserves.

Stripper wells are those that produce less than 10 barrels of oil daily. They are, in the main, operated by small, independent entrepreneurs primarily because such wells are not economically profitable for the large multinational oil companies. They become profitable for small operators only when the price of crude is such, as it has been recently, that a margin remains after paying for the pump, the cost of propane to operate the pump, and the cost of hauling the oil to a purchasing refinery.

More than 94 percent of the 42,000 oil and gas wells in Kansas are stripper wells. The national average production from a stripper well is 3.59 barrels per day and it is about the same in Kansas. But of the 39,552 stripper wells in Kansas, several thousand produce only 1 barrel or even less per day.

In 1971, the latest figures available to me, stripper wells produced something over 51 million barrels of oil in Kansas alone; an important factor in total domestic production in these times of oil shortages.

In the 5-year period from 1967 through 1972 some 9,100 wells were plugged in Kansas because the price for crude oil did not pay the cost of pumping the small production from such wells. In 1971 alone, more than 18,000 stripper wells were permanently plugged throughout the United States, costing the Nation not only millions of barrels of domestic oil production but losing forever the reserves of oil under these wells.

Under present price regulations, little or nothing has been done to encourage independent producers to seek new sources of oil. For example, as of January 1, 1973, there is no ceiling on new oil. Prior to January 1, 1973, regulations established two categories of oil—new oil and old oil. New oil has been defined as any increase in production over the level of oil produced in the corresponding month of 1972.

Now—what does this mean?

If a stripper well produced five barrels of oil in September, 1973, and in the corresponding month of 1972 produced four barrels—then the producer has no ceiling price on the one additional barrel produced and as a bonus one barrel of old oil can be considered as new oil.

Hence, under regulations—the three remaining barrels remain under ceiling plus 35 cents. What justice is there under such a regulation?

Furthermore—the history of stripper well production shows that such wells do not produce more oil but in fact produce less oil each year with increased costs.

On May 15, 1973, the price of oil in Kansas was $3.85 a barrel—in October, 1973, the price was $3.85 plus 35 cents or $4.25 a barrel. Compare this with the fact that Libyan crude oil laid down at Big Springs, Texas, is bringing $6 a barrel. And this week the Arab nations are meeting in Kuwait to determine what the prices of crude will be next week.

Let us take the handcuffs off our small producers and encourage them to seek new sources of oil in the United States and they will do it if given half a chance.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the distinguished gentleman for yielding. I, too, rise in support of H.R. 9681.

Mr. Chairman, I rise today in support of a mandatory fuel allocation program. The necessity for Federal supervision has long been obvious.

On February 5, I and a number of my Midwestern colleagues introduced a proposal calling for the immediate implementation of an oil allocation system. Between late February and May 12, when the voluntary program was announced, many of us continued to speak out for mandatory allocation. After the voluntary program was initiated I again urged that a compulsory delivery system be initiated.

The fuel situation continued to worsen. Many Members of this body and large segments of the Nation, began pushing harder for mandatory controls. The culmination of these efforts and of the long consideration by the administration was the announcement of the administration's mandatory program which will be fully in operation on November 1.

On September 20 with my colleagues Mr. McKinney and Mr. Heinz and a number of other cosponsors, I introduced a bill which would have amended the economic stabilization act, as does this bill, to compel the administration to implement the program which they had proposed. They have done so. Their proposal appears to be a practical solution to a part of the problem.

As I see it now, the principal difference between this bill and the administration's mandatory program is that the bill includes more types of petroleum products.

The bill may have served its purpose in forcing the administration to develop a mandatory allocation system. Nevertheless, the bill still deserves support. I hope it is passed.

Mr. MARTIN of North Carolina. Mr. Chairman, I favor the passage of H.R. 9681, but I would say that as we consider the fuel allocation of petroleum, we must also recognize the vital nonenergy uses of these materials as raw materials. I would add momentum to the point which has already been made by the gentleman from Texas (Mr. Casey), and by the gentleman from South Carolina (Mr. Gettys) as further justification for the good work done by the committee in extending the oil allocation umbrella to petrochemical feedstocks.

As a chemist, of course, I came by this interest quite naturally. I do, however, assure my colleagues that I do not intend to use this time to reveal to the House the mysteries and intricacies of organic chemistry, although I do believe the Members would find it quite fascinating.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, the gentleman made a very good point that the entire country was affected by the shortage of feedstocks and petrochemicals. When I talk about the need for feedstocks in Texas, that is just the beginning of the line, because when we come down to the consideration of these products from these plants, these products go to all parts of the United States. They go into the districts up in Massachusetts for textiles, for plastics, and for other manufacturing industries, and many jobs depend upon these industries.

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman for his contribution.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I would like to assure the gentleman that, as we discussed the matter earlier in the day with the gentleman from Texas (Mr. Casey) under the bill the President is required to allocate fuels, which guarantees the preservation of competition in the petrochemical industry, and inasmuch as literally thousands of petrochemical-devised products are made from petroleum, such as plastics and synthetic rubbers, et cetera, the committee believes and has stated both in the hearings and here that these uses are very important end uses. Therefore, we expect the President to equitably distribute short supplies among priority users, including the industry which the gentleman is talking about.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Chairman, I, too, would like to commend the gentleman for bringing up this particular aspect of this subject.

A good many people are not aware of the fact that not only are all plastics products but most of the tires they roll on are made of synthetic rubber and synthetic fiber, both of which are made from petrochemicals.

If we do not do something to preserve the petrochemical industry, we are going to be out of transportation even if we do not run out of gasoline.

Mr. Chairman, I wish to commend the gentleman for his attention to this subject. I hope that the committee will make the bill clear.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. Martin) has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 additional minutes to the gentleman from North Carolina (Mr. Martin).

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I thank the gentleman for yielding.

I wish to commend him for raising this question. I have in my hands a telegram from a plant in my district, the Marco Chemical Division of W. R. Grace & Co., at Swanton, Ohio.

The telegram reads as follows:

SWANTON, OHIO.
October 15, 1793.

Representative Delbert Latta,
Rayburn House Office Building,
Washington, D.C.

The W. R. Grace and Company plant in Swanton, Ohio, produces 50,000,000 pounds of polyester resin per year in which 100 percent of its major raw materials are based on petro chemicals including styrene and propylene. We understand that the proposed mandatory allocation program of the Office of Oil and Gas would sharply reduce or eliminate supplies of our raw materials, jeopardizing the operation of our plant where we employ 50 people. We urge you to insure that the petro chemical industry receives a high priority for use of petroleum based feedstock. Since we feel jobs are more important than indiscriminate public use of gasoline.

The majority of our 2,500 customers are small business concerns, totally dependent upon, polyster resin supply to produce automotive parts, boats, construction items such as bathtubs and shower stalls, sewer pipe and a broad range of products. Curtailment of supplies would have a falling domino effect on many key business segments. Thousands of small businesses in this industry would be forced to close by this action.

Mr. Floyd E. Harper,
Plant manager, Marco Chemical Division,
W. R. Grace and Co., Swanton, Ohio.

Mr. Chairman, I certainly hope that this legislation which we have before us will adequately take care of this situation or of situations similar to this.

Would the gentleman care to comment on that?

Mr. MARTIN of North Carolina. Mr. Chairman, I have examined additions to the bill that were added to it by the committee which make express reference to the allocation for petrochemical feedstocks. I concur with the gentleman from South Carolina that the administration's program was inadequate in this respect.

I hope that this provision will be sustained during the 5-minute rule and the amendment process today and that we will be able further to strengthen the measure in that regard.

I want to make one additional illustration which I think points this out even more dramatically.

Propane is a raw material for the manufacture of ethylene. If that were the only process we were concerned with, it involves only a few hundred jobs. But ethylene is used in the manufacture of polyethylene, which involves thousands of jobs. Ethylene also is a vital starting material in the manufacture of ethylene glycol, which is used for the manufacture of anti-freeze and is also an irreplaceable ingredient in the manufacture of polyester fiber. Now we are talking about 40,000 or 50,000 jobs in that latter industry. And the pyramid of dependency expands further if we consider the 150,000 jobs in the textile industry which are dependent on the manufacture of polyester fiber. So this extends to a quarter of a million jobs of Americans and their families. If only 10 percent of those jobs are sacrificed through neglect of this end use problem, we would have an enormous impact on the economy. Equity dictates that we retain and strengthen this language in the bill to provide for the allocation of petroleum products for necessary petrochemical feedstocks.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I, too, am concerned about the question of feed stocks. I come from a district which I suppose has more refineries and more chemical plants than any other district represented in this House, but I also come from a district in which a great number of persons are concerned about the distribution of gasoline. I think we all have more gasoline distributors than any other industrial group that is affected by this bill.

Furthermore, regardless of what the constituency of my district is, I feel there is a great need for an equitable distribution of fuel and gasoline in this country.

What this bill does in section 4(c) is provide for a pro rata sharing amongst persons engaged in the marketing and a pro rata sharing amongst the refiners of crude for the purpose of establishing a fair distribution of these materials throughout the United States.

Wherever we come from we ought to be for that.

When the time comes, I understand the gentleman from Texas (Mr. PICKLE) has an amendment which he will offer which I do not think hurts the bill and which I will support.

However, whether that amendment is passed or is not passed, I shall support the bill, because I think the bill is a good bill and is a necessary bill.

Whatever defects our system has developed in the past in preventing these materials from getting to the people of the United States, the crisis exists now. This bill addresses that crisis, and in my opinion the bill should be passed.

Mr. GROSS. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. GROSS. According to the report accompanying this bill, certain administration spokesmen said that it would require 500 lawyers to be hired in order to take care of the bill, whatever their function would be. Is this a lawyers' welfare bill, or what is it?

Mr. ECKHARDT. The only difference between this bill and what the President's authority would be without this bill is that this bill does set certain standards by which both distributors and refiners would receive their supplies. I do not see that it does anything but clarify the question of entitlement rather than confusing it.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, if the weather this year, this coming winter, is like it was last year, and the year before, the winter population in Florida will be about the same as it was last year and the year before, but if the weather is very severe then the population in Florida during the winter months could easily be many times what it was last year, or the year before, because the constituents of the Members of the House are going to come to my State—and we welcome them, and we are glad to have them—but we will need fuel to keep them warm while they are there.

As I announced in the RECORD of yesterday, I had intended to offer an amendment on page 14 that would reword the language in the bill to take into consideration population or industrial growth. The amendment is as follows:

> An amendment by Mr. YOUNG of Florida to H.R. 9681: Page 14, line 22, strike out "and" and insert the following: "or (iii) to take into consideration population or industrial growth, and".

In discussing this proposed amendment with the chairman of the full committee, and the chairman of the subcommittee, and the ranking Republican member on the committee, I am advised that language already in the bill is intended to do just that.

So, Mr. Chairman, for the purpose of creating the intent of the Congress, and for establishing the legislative history in this matter, I wonder if the chairman of the full committee or the chairman of the subcommittee would be willing to respond to the question as to whether or not such an amendment is necessary to accomplish my intent?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, the amendment is not necessary because we have made it clear and explicit in the bill that we would take care of any expansion or growth of any districts or parts of the country in which such expansion or growth has taken place, and that it shall be taken into consideration in making the allocation.

Mr. YOUNG of Florida. And the problem that I have just mentioned about a State like Florida or Hawaii would be covered by that language?

Mr. STAGGERS. That is right.

Mr. YOUNG of Florida. Would the chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD) agree with that statement?

Mr. MACDONALD. Mr. Chairman, if the gentleman will yield, I agree 100 percent that it is covered specifically in the language the gentleman uses, expanding economies.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlemen very much.

Mr. Chairman, I wonder if the ranking minority member might respond to that same question also for the purpose of establishing legislative history. As to whether or not there is any necessity for my amendment, or does the language of the bill cover it?

Mr. BROWN of Ohio. Mr. Chairman, I would be delighted to concur with the other gentlemen as to the language, whatever it is.

Mr. YOUNG of Florida. I thank the gentleman.

Mr. LENT. Mr. Chairman, I rise in support of this legislation because it is a positive step toward fulfilling the pressing fuel needs which confront us at the present time, especially on Long Island and throughout the Northeast.

Gov. John Love, Director of the White House Energy Policy Office recently stated that, realistically, we will face the need for some system of fuel allocation in this country for the next 5 years. In light of this observation, H.R. 9681, the Emergency Petroleum Allocation Act is an equitable solution, given the circumstances, for several reasons.

First, this is a truly comprehensive bill which goes to the heart of the problem. It covers a wide range of petroleum products including crude oil, home heating oils, gasoline, propane, and some lubricating oils. In addition, it applies to marketers, distributors, and refiners; and specifically includes the independent as well as the nonindependent segments of the industry.

Second, the requirements for domestically produced fuels to be distributed within the United States and the provisions allowing the retailer to pass on price increases on certain products to their customers help to insure an equitable distribution on a domestic-consumption-first basis.

Third, the enforcement provisions allow for the same procedures and penalties presently being used under the Economic Stabilization Act of 1970. This feature will allow this act to be integrated with Energy Policy Office planning.

The time to act is now. The need for an allocation program has been demonstrated beyond any doubt. The crisis is upon us. Voluntary allocation on the part of the petroleum industry has proven to be inadequate. This legislation is not perfect, but it does present a comprehensive, domestically oriented, and enforceable program which is of the utmost importance if we are to have adequate fuel supplies to meet our needs for the next 5 years.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, on page 15 of the committee report there is a particular statement of interest to me, and I would like to have the attention of someone on the committee to respond to it.

The statement is:

> In the Committee's opinion a mandatory allocation program such as is called for in this bill gives the best opportunity in the short term for meeting our energy requirements. . . .

I can understand how a bill might share the pains of short supply and I can understand how a conservation program would ease the petroleum shortage, but for the life of me I do not understand, frankly, how the legislation itself is going to meet our energy requirements, and I would like to have some help in this area, if I might.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, where is the gentleman reading from in the report?

Mr. RUPPE. I am reading from page 15.

Mr. STAGGERS. It is a large page.

Mr. RUPPE. It is on page 15, just before section 3, about four lines up from there.

Mr. STAGGERS. Mr. Chairman, in answer to the inquiry of the gentleman from Michigan, may I say that we are trying to make the most efficient use of our energy to see to it that our limited supplies are allocated in the places where they are needed, and not just being squandered in some other areas. That is the purpose of the bill.

Mr. RUPPE. You are trying to fairly allocate the resources we have, recognizing that we do have a shortage, and we will face an almost impossible task in trying to supply all of the users this year. But there is no way of meeting all of our energy requirements in the short term?

Mr. STAGGERS. That is correct.

Mr. RUPPE. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, again I point out to the House that this bill, well-intentioned as it is, does not get to the problem, and does not solve the problem, which is our lack of a supply of energy. All this bill does is just spread the butter. It does not attack or treat the basic problem, namely, how do we get more domestic oil produced? How do we get more natural gas produced for the various cities?

And it seems to be the feeling throughout the House today that all we have to do is pass this bill and everything and everybody is going to be taken care of. There have been 15 or 20 Members today rising and asking, "Now, does the bill take care of my situation?" And the committee says, "Yes, it does."

Well, saying so does not solve the problem. Let us take, as an example, propane, and the petrochemical industry.

They wanted to give the petrochemical industry the priority over and above what has been announced now, by the administration and the administration at this point would not agree to it. I doubt they are going to do it, even if we pass this bill, that is, give them a higher priority. Even though these industries need the supply, if we do, we take propane away from the homes and we take it away from the farms. That is also true of gasoline. We help a little dealer keep from going out of business where the big refineries might be squeezing him a bit, but we hurt 100 other contract dealers, gasoline dealers, who have been working with their companies for years and years as a contract dealer.

This bill says there are no binding contracts and, therefore, the Government and the companies can just cancel all of these requirements and do whatever they wish. In other words, we are going to let the Government—the fuel allocation control committee—be running this entire thing.

Mr. ROSTENKOWSKI. Mr. Chairman, there is little doubt that despite the perfunctory allocation efforts of the present administration an "energy crisis" of frightening magnitude is glaring at us as the winter months approach.

Throughout our Nation, millions of our citizens have already been seriously affected. Emergency services in municipalities in all areas of our country have found themselves with startlingly low reserves of the fuel. Our farmers have been unable to obtain adequate supplies and thus, have at times, been forced to resort to "black market" procurement of the fuel needed to operate their tractors and harvesting equipment. Homeowners, especially in the northern segments of our Nation, have been frantically searching for alternative methods of obtaining heating oil, since their historical "supplier" can no longer obtain petroleum. In many areas, even the supplier himself has been forced out of business due to this lack of product.

The school systems of this country are presently faced with the possibility of complete disruption. In Illinois, the superintendent of public instruction, after an extensive energy survey has advised me that 17 percent of the State school districts are without guaranteed heating fuel supplies. In my city of Chicago alone, 231 of the district's 581 school buildings use heating oil. At present, no bids have been received. If these schools do not obtain fuel, 550,000 students will be deprived of their education.

To illustrate the complex problems of an area of our society affected by the fuel shortage, I would raise the considerations necessarily made by our State superintendent of schools.

If an administrataor is unable to purchase the requisite fuel supply he must make arrangements for additional busing of his students to other school districts. However, the gasoline to operate these buses often cannot be obtained. In Illinois, presently, 24 percent of the State districts have not received bids for transportation fuel. Mr. Chairman, yet even if busing could be effected, further complications arise in the overcrowding of classrooms, redrafting of teaching contracts, and redistribution of school financial aid. All these repercussions stem from one basic fact—sufficient fuel cannot be obtained.

The administration while grappling with this situation for many months has presented the American people with a number of unacceptable and unproductive alternatives. The voluntary oil allocation program has failed. The most recent mandatory controls on propane and middle distillate fuel have still not confronted the entire problem, as gasoline is peculiarly absent from these programs.

Mr. Chairman, we as responsible representatives of the people must confront the entire problem, as the distinguished majority of the other body did so successfully on June 5, 1973.

We must guarantee our citizens the fuel they so desperately need. I would, therefore, urge all my colleagues to strongly support H.R. 9681, the Emergency Petroleum Allocation Act of 1973 not as a panacea but rather as a realistic approach to insure limited fuel supply.

Mr. HARRINGTON. Mr. Chairman, I rise to support H.R. 9681, the Emergency Petroleum Allocation Act of 1973. Consideration of this bill today follows 6 months of continuous congressional study of the allocation concept as a means of preserving competition in the petroleum industry and insuring an adequate supply of fuel. I congratulate my colleague, Mr. MACDONALD, for the skill and care he has taken to guarantee that this legislation accomplishes its intended ends.

It seems to me that the allocation act is vital because this is one of the first times Congress has acted with relative promptness and effectiveness on an aspect of the energy crisis facing this country. Its impact certainly does not represent a final answer to the fundamental question of ending the energy shortage, however. The fundamental questions of producing sufficient energy for this country in the future without sacrificing environmental values and legitimate foreign policy commitments have yet to be adequately confronted by Congress. They must be so confronted in the near future if Congress is to provide the leadership needed in this area.

In a specific sense, I am particularly pleased with two aspects of the legislation.

First, the bill places clear priority on the protection and enhancement of independent competition in the petroleum field. The bill directs that mandatory allocations specifically serve the "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemicl sectors of such industry and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers."

The bill also permits a dollar-for-dollar passthrough of net increases in the cost of refined products to all marketers or distributors at the retail level. It also requires the President, through the Cost of Living Council, to use the same date in the computation of markup, margin, and posted prices for all marketers or distributors of refined products. Such a requirement, coupled with a similar provision passed last Thursday in the legislation providing appropriations for fiscal year 1974 for Federal agencies, safeguards independents against the kind of discriminatory pricing regulations which the Cost of Living Council has previously imposed.

These two features of the allocation bill, Mr. Chairman, are concrete means of aiding the independent marketer. I would like to reiterate my feeling, however, that permanent justice for the independent small businessman in the petroleum industry can come only by divestiture legislation—the divorce of marketing activity from the other components of the petroleum industry and the effective breakup of the monopolistic petroleum majors now dominating the industry. In a recently completed 2-year study, the Federal Trade Commission concluded that the industry was indeed beset with a situation of monopoly in which the major oil firms cooperated rather than competed with each other.

Pending this kind of long-term assistance to the cause of free and genuine economic competition, this allocation bill is critical to the survival of independent marketers, and I urge my colleagues to support it.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 9681, a bill which authorizes and requires the President to allocate crude oil and refined petroleum products to deal with present and future shortages.

The United States has been a Nation uniquely endowed with energy resources. In the past, these resources had been available at reasonable prices. Indeed, the development of natural resource policy in this country centered on the problem of surpluses, not of shortages. Now, however, it appears the era of energy shortages appears to have arrived. We no longer can satisfy natural energy demands with our domestic fuel supplies and must import instead.

While some will debate whether the problems we are now experiencing in the supply of energy resources have reached "crisis" proportions, it is obvious we have encountered serious shortages of essential fuels. Last winter, for example, schools were closed for lack of fuel, and other public buildings cut back hours or closed. Farmers experienced difficulty in getting natural gas to dry their crops and operate farm machinery. In addition, independent fuel oil and gasoline dealers faced serious shortages of supplies.

In April 1973, the Congress enacted Public Law 93-28 directed to these problems. Section 2 of the Economic Stabilization Act Amendments of 1973 provides the President with discretionary authority to allocate the distribution of crude oil and petroleum products to "meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages of such products." An essential foundation to this legislation was the principle that mandatory allocation of scarce fuel supplies was the best method to deal with fuel shortages in the short run.

Unfortunately, the President did not agree with this concept. Instead, he chose not to use this power and relied on the voluntary allocation program. This program has not worked. During last spring and summer, shortages of gasoline became critical. Independent fuel marketers began to shut down their pumps and some went out of business. The best indication of the voluntary fuel allocation program's failure is the fact that over 2,000 independent marketers of gasoline were forced out of business by July of this year.

Throughout the summer months, many Members joined me in urging the administration to use the power granted to it under the Economic Stabilization Act amendments and get on with mandatory fuel allocation. Our words went unheeded and shortages developed to crisis proportions. In Illinois, over 500 independent gasoline stations out of some 4,000 in the State closed their doors. Chicago suffered the major difficulty because 30 percent of the city's gasoline needs are supplied by independents.

At the same time, the earnings of the five biggest oil companies jumped by 26 percent between the first quarters of 1972 and 1973, and the largest company's earnings jumped by an amazing 43 percent. At a time when the American consumer could not get sufficient supplies of gasoline and when independents were being put out of business, the fact that the oil company earnings, while under price controls, were increasing rapidly, highlights the need for action now.

The fuel supply problems of last summer are now over, but it appears we will experience similar problems this winter. The Department of the Interior points out that domestic distillate fuel supplies will need to be supplemented by a very high level of imports—up to 650,000 barrels a day. Unfortunately, the Department predicts the maximum supply available for importation is 550,000 barrels a day.

Should the winter be particularly severe our demand could rise to 850,000 barrels a day. Thus, we could experience a shortage of 100,000 to 250,000 barrels a day—see House Report 93-531, page 8. These statistics translate into cold houses, cold offices, cold schools, cold factories. Last spring and summer I felt the voluntary fuel allocation program was not the answer to the problem of fuel supplies. I felt then, and I feel now, that mandatory allocation is the only equitable solution to this problem. Thus, I was proud to introduce legislation to implement a mandatory allocation program. This legislation, the Independent Oil Marketers Supply Act of 1973 (H.R. 8089), would have assured that tight supplies and rising prices would not eliminate independent businessmen by prohibiting refiners from reducing the share of available supplies to independents. Since the independents have suffered the most from the voluntary allocation program, this legislation would have gone a long way toward solving the problem.

Mr. Chairman, today we are considering H.R. 9681, a bill which is an outgrowth of legislation my colleagues and I introduced earlier this year. H.R. 9681 represents the consensus of the Committee on Interstate and Foreign Commerce. It has been thoroughly examined and debated in committee. It is a fair bill and I strongly urge that it be enacted.

Briefly, the bill would authorize and direct the President to adopt within 10 days of enactment, and to implement within 15 days, a mandatory allocation program for crude oil, distillate and residual fuel oils, and other refined products. The bill does not outline a detailed mandatory allocation program; rather, it outlines congressional objectives which the executive branch would achieve. In addition, to the extent practicable, the bill directs allocations to be made to guarantee to independents supplies equal to that which they received in 1972, allowing for equitable adjustments to provide for new market entry and other changes. Finally, the bill calls for the Federal Trade Commission to monitor the program.

Every indication points to shortages of fuel oil for this winter and gasoline next summer. The only solution to these problems which can preserve competition in the industry is a mandatory allocation program. There are, however, several things I think we should try to avoid in solving this problem. First, any legislation we enact must be flexible because the oil industry is large and complex, and conditions will change. Second, prices must be equitable, so that one segment of the industry is not discriminated against. Third, the legislation should be inclusive—dealing with all aspects of the industry. Finally, we must insure that the program is properly monitored.

Mr. Chairman, I feel H.R. 9681 meets all of these objectives. It is flexible and it is equitable. In addition, it is inclusive and provides for the necessary monitoring of the program.

Last winter and summer we saw the impact that fuel shortages can have on this Nation. We saw the results of a voluntary fuel allocation program and none of us was pleased with the results.

Although the administration finally acted on October 2 to institute mandatory controls on bottled gas, and promised similar controls on heating oil, the mandatory controls do not extend to gasoline, an area where the greatest shortages have occurred in past months. It is simply a case of "too little, too late" as far as the administration is concerned, and it is up to the Congreess to take action fairly and squarely as far as all segments of the fuel industry are concerned. The time for action is now and I am confident we will take that action today.

Mr. LEGGETT. Mr. Chairman, a recent cartoon in a national news magazine showed a whimsical portrayal of a long line of cold Americans lined up in the snow in front of a "Heating Oil Allotment Center" receiving their ration of fuel oil in tincups. I say whimsical because such lines occasioned by shortages are foreign to the experience of the majority of Americans alive today—they are not old enough to remember the breadlines of the thirties, and have lived in an age of affluence such that shortages like this are unimaginable.

And yet, shortages like this are exactly what we face as a Nation.

There has been a great deal of finger pointing, blame placing, weeping, wailing, and gnashing of teeth, but it does not alter the fact that a shortage is upon us. The committee chaired by the distinguished gentleman from West Virginia has presented what I feel is an excellent statement of our problem:

A projected 12-percent growth of demand for heating fuel over the next 2 years;

A relatively inelastic ceiling on imports of refined products which may already have been reached; and

A ceiling on domestic refining capacity, which we have already been operating against for most of this year. The Office of Oil and Gas projects 96.5 percent utilization of our refinery capacity this year.

In addressing this third point, which is the proximate cause of our immediate problem, it should be noted that in the last 5 years there has been built in this country precisely one new oil refinery. There has been no expansion of existing facilities, and until last April not one major oil company had announced plans either for new construction or for expansion of existing facilities.

From some points of view this conduct on the part of the oil giants may be excusable in light of circumstances surrounding refinery construction; however, before we allow these companies to make a whipping boy of environmental standards, some facts bear scrutiny:

As early as 1966, refinery utilization figures began to show that growth of new facilities was starting to lag behind the growth of demand for refined products. In the 8 years from 1958 to 1965 refinery utilization averaged only 85.6 percent, while utilization for the 8 years, 1966 to present, has averaged 90 percent. This is about as clear an indication of an impending crunch as one could wish for; yet in that time period, no effort was made to forestall the shortage we face today.

The other salient point here can be found on page 7 of the committee's report, which cites one reason for zero growth of refinery capacity as "tax incentives and disincentives together with world market conditions made it more profitable to invest abroad rather than in the United States." Here we are faced with the fact in bold print that the oil companies long ago consciously abandoned American consumers to our current plight, not because it was unprofitable to invest in the United States, but because it was more profitable to invest elsewhere. It seems that for these oil giants the American flag has two uses: they can wrap themselves in it when seeking to defend the depletion allowance or to deregulate gas prices, or they can make it into a shroud for the consumers when it appears that their profits may be affected.

I submit that these facts make it clear that big oil interests have forfeited their standing to complain about any action we take here. On the other hand, the American people are long overdue for reasonable management. Let us enact this legislation today or we may go back to our districts to find our constituents red with anger, white with frustration, and blue with the cold.

Mr. PRICE of Illinois. Mr. Chairman, I support H.R. 9681, the Emergency Petroleum Allocation Act of 1973. By taking the lead on this important public policy question, the Congress is once again demonstrating its willingness to act when the Administration is not on such matters of crucial importance to the American people.

It is unfortunate that we have to establish a rationing system for petroleum products. Until this Nation establishes a coherent energy policy, however, we have little choice. The bill is a short-term emergency measure that is designed to assure that available supplies are shared equitably among all sectors of the economy.

We as a nation are vast consumers of energy. With only 6 percent of the world's population, we manage to consume 33 percent of the world's energy production. And in the past two decades, our energy demand has virtually exploded. Total energy consumption more than doubled from 37 trillion Btu's in 1950 to 76 trillion Btu's in 1972. Our demand for energy is growing at an annual rate of about 4 percent and by 1990 our energy needs will be double those of 1970. Within this spectrum the consumption of gasoline is rising at even a more startling rate of 7 percent annually. The fundamental problem we face today as a nation is that our supplies have not increased with our demand.

This winter may not be like other winters. We all know it will be cold outside; what we fear is the cold inside. The scarcity of petroleum products may leave some American homes literally "out in the cold." It is my belief that the Emergency Petroleum Allocation Act of 1973 will provide the mechanism to equitably allocate fuel resources for consumer satisfaction.

The allocation is designed to stabilize the market thus avoiding the shutdown of the independent dealers experienced this summer. Under the Economic Stabilization Act of 1973 the President had the power to prevent these shutdowns through the mandatory allocation program. Instead of imposing a mandatory allocation, the President decided to rely on voluntary programs to encourage the big oil companies to share oil with their chief competitors. Asking the large oil firms to voluntarily share fuel with competitive companies was not a practical idea. The voluntary program began on May 10, 1973. Figures released on September 19, 1973, show that 10,963 fuel-shortage incidents have been reported to the Office of Oil and Gas. The President's voluntary controls do not work. Mandatory allocation is required. The Emergency Petroleum Act of 1973 creates a system that would guarantee the independent refiners and marketers the same share of petroleum enjoyed in 1972 with a provision for prorated increases.

H.R. 9681 directs the President to devise and institute a system of national mandatory allocation of crude oil, residual fuel oil, and refined petroleum products. The bill would permit the President flexibility to avoid any unforeseen adverse effects by requiring him to accomplish the fuel allocation objectives as mandated by Congress "to the extent practicable."

We are now experiencing and can expect to experience in the next 18 months significant shortages in crude oil, residual fuel oil, and refined petroleum products. The failure of the voluntary allocation is evident with over 2,000 independent dealers being forced out of business. For these reasons legislated allocation is necessary for equitable pricing and consumer supply. I call upon my colleagues to join me in my vote for the Emergency Petroleum Allocation Act of 1973.

Mr. HARSHA. Mr. Chairman, I have discussed with the minority staff on the Committee on Interstate and Foreign Commerce and the distinguished chairman of the full committee the problems with this legislation that an industry in the congressional district I have the privilege of representing have with it and I have been assured that the chairman will offer an amendment he feels will alleviate their problem. With this assurance I will not offer the amendment I intended to offer to assure this industry a technically feasible alternative in the event the type of fuel they normally used is curtailed.

In the Sixth Congressional District of Ohio is an industry that is one of the world's leading manufacturers of packaging products. Its products include glass containers, semirigid plastic containers, closures, corrugated shipping containers, and specialized glass products—such as scientific and laboratory glassware. This industry which shall remain nameless has 106 manufacturing facilities throughout the United States and has more than 66,000 employees.

Some manufacturing operations require the use of gaseous fuels, that is, natural gas or propane. Other manufacturing operations require the use of a gaseous fuel or fuel oil. Special recognition should be made of these manufacturing operations in allocating refined petroleum products. An objective of any legislation allocating fuels should be to provide manufacturers with technically feasible alternate fuels when the type of fuel they normally used is curtailed.

H.R. 9681 must require consideration of alternate fuels. To do less may lead to high unemployment and economic chaos for the industry. The industry is rightfully concerned about the propane allocation program announced October 2, 1973, by the White House and the expected fuel oil allocation program. The propane program fails to consider adequately that in some industrial operations propane is the only technically feasible alternate to natural gas, and this industry is working with people in the administration in an effort to correct this oversight. In short, the problem is simply that the propane allocation formula fails to consider the shortage of natural gas. Any allocation program for a specific fuel must consider and be related to other fuels and that a piecemeal approach will not work.

H.R. 9681 should express such a policy which would require the President to consider the nonavailablity of technically feasible alternate fuels when he acts to allocate propane and fuel oil pursuant to H.R. 9681. Accordingly, I was prepared to offer an amendment to include such a policy in the law.

However with the assurance of the chairman there is no necessity to offer this amendment.

One other area of concern with the company seems to be the subject of plant protection.

The policy objectives of H.R. 9681 as stated in section 4 speak of protection of health and safety and avoidance of economic distortion in very broad terms. We believe that there is at least one critical area where these policies need to be much more explicit. Certain industrial operations are continuous 24 hours per day, 7 days per week. Such operations cannot be closed down on short notice without danger to human life and property. We believe that H.R. 9681 must give a high priority to plant protection.

However, the staff again has indicated to me that in their judgment this does not pose a problem and the language of the bill with the legislative history is explicit enough to take care of their problem. I wish to thank the chairman for helping me clear up these very serious problems that affect an industry in my district that contributes so much to the economic welfare of that district.

Mr. CAMP. Mr. Chairman to my mind, H.R. 9681, the Emergency Petroleum Allocation Act of 1973, is a dangerous piece of legislation with far-reaching implications. Let us look at some of the provisions of the bill as reported by the Interstate and Foreign Commerce Committee.

First, the bill requires the President to promulgate allocation regulations for crude oil and petroleum products within 10 days of enactment, to become effective within the following 15 days.

While specific priorities are left to the President, the committee report on H.R. 9681 states that to the maximum extent possible, the regulations must provide for: Protection of public health, safety welfare, and the national defense; maintenance of all public services; maintenance of agricultural operations; preservation of an economically sound and competitive petroleum industry; equitable distribution and equitable prices throughout the United States; economic efficiency; and minimization of economic distortion.

To the greatest extent possible, the regulations must, according to H.R. 9681, provide that each branded and nonbranded independent marketer receives product and each independent refiner receives crude oil in the same amount as they did in 1972.

The President must allow a dollar-for-dollar passthrough in costs for gasoline and lubricating oil.

The new program will preempt any State allocation programs.

Criminal and/or civil penalties will be levied for violations of the President's regulations.

The bill allows companies to confer together on matters dealing with allocations with the approval of the President and in the presence of a representative of the Justice Department, notwithstanding antitrust laws. Compliance with regulations shall be available as a defense against antitrust actions or breach of contract.

Mr. Speaker, the above provisions do not comprise the whole of the bill and some have been altered according to the will of the House. Basically, however, the thrust of H.R. 9681 remains the same.

My argument against the bill remains the same, as well: it is simply not needed at this time. The President already has authority to implement a mandatory allocation program, and in fact has done so for propane and heating oils.

Further, legislative action could lead to the creation of a new bureaucracy to carry out provisions of this bill, and might result in a never-ending series of controls and regulations over the petroleum industry—witness the Cost of Living Council and the economic stabilization program.

I am against this legislation and feel the House of Representatives and the Congress will be making a mistake in approving this bill.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

Sec. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner, to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

(4) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(5) The term "LPG" means propane and butane, but not ethane.

MANDATORY ALLOCATION

Sec. 4. (a) Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation. Such regulation shall take effect not later than fifteen days after its promulgation.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers;

(E) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all classes of users;

(F) economic efficiency; and

(G) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of gasoline and refined lubricating oils to all marketers or distributors of gasoline at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of gasoline or refined lubricating oils at all levels of marketing and distribution.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation during each period during which the regulation applies of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and

(B) a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

(2) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of this section is attained.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(e) No regulation under this section may provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

(f) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulation and any such order expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a) or order under section 4(c)(2) and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; except that the expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

SEC. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified or rescinded pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purposes of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of a person to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provision of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

SEC. 7. (a) During the forty-five-day period beginning on the effective date of the regulation first promulgated under section 4, the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For the purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 15, insert after line 7 the following:

(3) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

Mr. STAGGERS. Mr. Chairman, this amendment would direct the President to take steps to assure that to the extent practicable and consistent with the objectives of this act, he does not allocate LPG in a manner which denies an industrial user access to a fuel for which there is no alternative available. Let me illustrate what is intended. Propane is a liquefied petroleum gas in critically short supply. People in rural areas need it to heat their homes; farmers use it to dry their crops; the petrochemical industry uses it as a feed stock; and the glass industry uses it as the only acceptable or feasible substitute for natural gas. The President is going to have to find an equitable balance among these priority uses. The amendment which I offer to this bill directs the President in this situation, to the extent practicable and consistent with the objectives of the act, to make sure that in allocating propane to farmers and others he does not force petrochemical and glass plants across the country to close their doors. In administering this program the President must be ever watchful to discover the unintended and undesired consequences of his acts. Clearly it is not in the public interest to allocate fuels in such a way as to result in large scale closings of industry, significant unemployment or serious economic stress in specific areas or regions of this Nation. I believe my amendment will serve as an admonition to the President to avoid that result.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. MILFORD. I thank the gentleman for yielding.

Mr. Chairman, there is one thing that bothers me. The gas that the gentleman speaks of is used by farmers. It is also used by hula-hoop manufacturers. Is it my understanding by this that the hula-hoop manufacturer will have the same priority in obtaining this as farmers?

Mr. STAGGERS. Mr. Chairman, we have asked him to strike a reasonable balance. If it meant putting out of work thousands of people, or something like that, I would say he would have to strike a balance and allow them something to keep that plant running, if possible. We give him flexibility, but we do say that we do not want these petrochemical plants closing their doors because they are allocating this propane gas to other groups. It is important that we keep them running, too.

Mr. MILFORD. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. MILFORD. Will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I am wondering if, in writing this law, should it be that specific or should there be a definite priority established by classification?

Mr. STAGGERS. I do not think we can possibly do that. We have struggled over that and we run into thousands of questions that would have to be answered. We would have to write the bill with thousands of pages here if we tried to cover each industry. We have to leave some flexibility to the President. In this amendment we say to him, the industrial users, that those that have the chemical plants of this Nation and who need this, shall be taken into consideration and get their fair share.

Mr. CASEY of Texas. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, is this the amendment the gentleman spoke to me about earlier?

Mr. STAGGERS. Yes, sir.

Mr. CASEY of Texas. The gentleman said that he thought this might alleviate the fears I might have with respect to the petrochemical plants.

Mr. STAGGERS. That was my purpose.

Mr. CASEY of Texas. Of course, my colleague from Texas referred to hula-hoop manufacturers; but all we need to do is look around in our homes and we will find plastic everywhere.

Mr. STAGGERS. The gentleman is correct.

Mr. CASEY of Texas. They will find plastics in their telephones, in their table tops, or what have you. We are talking about hundreds of thousands of jobs. The gentleman referred to them as pyramids.

I have one plant in my district, just one plant which makes 5 percent of the total benzene production which goes to a plant in St. Louis, which in turn makes a product—it is Monsanto in my district—it goes to another plant in Texas and then the two products wind up in Massachusetts to be made into a final product. So we are talking about the pyramiding of jobs.

I just want to thank the gentleman for introducing this amendment that will assure these jobs not only for my people, but as I say, it originates in Texas, but it affects people all over America.

Mr. STAGGERS. All over America, that is right.

Mr. SEIBERLING. Will the gentleman yield?

Mr. STAGGERS. I would be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, at the bottom of page 12 the bill provides for: "equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all classes of users."

That would take into consideration, for example, the home consumers of fuel oil for heating purposes as a class.

But is there anything in this bill that will require the distributors of heating oil, for example, to make equitable allocation among specific users, so that we do not have a specific situation where someone builds a new home and he cannot get fuel oil, because no producer will supply him?

Mr. STAGGERS. I would answer the gentleman, the answer is "No," because it takes into consideration public health, welfare and safety, and, of course, the heating of private homes and things like that. We have to leave some discretion here, as I told the gentleman from Texas. If we start to name them all, we would have a book that we couldn't put on this table; so we kept away from that. So we had to provide for that generally and leave some discretion.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not know whether I am for or against this particular amendment. I am conscious that we cannot write a bill that takes care of everybody; but the net effect of this amendment is to preclude the President under the authority granted him in this bill from being able to establish priorities where, indeed, priorities might be necessary.

I want the chairman of the full committee to listen to this. If this amendment is adopted, the President cannot attach a priority to the needs of heating homes across this land or providing farmers fuel to plow their lands, if they use propane, if the President is required to do what he is asked to do in this amendment.

It would be much better for us, if we really want the President to do what he thinks is best, to scrap this bill and all of us sign a letter, all 435 of us saying, "Mr. President, do the best you can with this tough situation."

I am a little more than surprised that the chairman of the committee would challenge the gentleman from Texas (Mr. PICKLE) a little bit earlier for looking after the interests of what he said were Texas interests and then introducing an amendment here that is intended to take care of the glass plants of West Virginia.

Mr. STAGGERS. Will the gentleman yield?

Mr. WAGGONNER. I would be happy to yield to the gentleman from West Virginia, because I would like the gentleman to have his words read back.

Mr. STAGGERS. I never mentioned the name of Texas once. The gentleman mentioned it.

Mr. WAGGONNER. The gentleman said his district, and the gentleman is from Texas.

Mr. STAGGERS. That is right, but I did not say Texas.

Mr. WAGGONNER. The gentleman said the gentleman from Texas.

Mr. STAGGERS. I did not say Texas.

Mr. WAGGONNER. The gentleman said the gentleman from Texas.

Mr. WAGGONNER. Mr. Chairman, I guess we can get unanimous consent to have the reporter read the words back if he wants to be embarrassed now, or be embarrassed tomorrow when he reads the RECORD, but the gentleman's amendment provides for the glass plant needs of West Virginia. He said so earlier in introducing this amendment and speaking to it.

Mr. STAGGERS. Mr. Chairman, not one glass plant in my district asked me about this amendment or this bill in any way.

Mr. WAGGONNER. I did not say that. I just said it met the needs of glass manufacturers in West Virginia.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I put this amendment in because of the request of gentlemen from Ohio, from Texas, and from different other parts of the country, and not for me.

Mr. WAGGONNER. Let us let the gentlemen from Ohio say if they asked. Which one of the gentlemen from Ohio asked for that special consideration?

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I am happy to answer that question. I was one of those who discussed the need for such an amendment for industrial users with the chairman. You will note that the chairman's amendment is applicable to "any industrial user if no substitute for LPG is available." It does not apply solely to the glass industry. Everyone must realize, I am sure, it is an important industry and especially since the demand for glass jars for canning food seems to be on the increase.

Mr. WAGGONNER. If the gentleman will let me just comment there: I have not seen much food in glass jars lately. I have seen an awful lot of alcohol and some other things in glass jars, so I do not know what the interest might be.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. PICKLE. The Chairman, in attempting to chastise me, I think he did honor me by saying I was sticking up for my people. The odd thing seems to be that the producer states are the villains, because we are a producer state.

People want to assume that we are asking help just for Texas. I accept that in a good-natured way, but I do say the gentleman from West Virginia did make the remark, referring to the gentleman from Texas. I assume that when he said he, the Chairman was speaking for "America." I would presume that America meant the glass industry of Ohio.

I would suggest, Mr. Chairman, that it might be better, instead of considering a glass jar factory, we get propane and fuel to the farmers who grow the fruit in the first place.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, my objection to this amendment is based on the fact that it prevents the President from establishing priorities. I specifically asked the question, using Hula-Hoop manufacturers as an example, if such a manufacturer's demand would be treated equally with a farmer's demand. His answer and the wording of this amendment both gave an affirmative answer.

Right this moment farmers are short of fertilizer. In other parts of the Nation farmers have already experienced, and are continuing to experience, shortages in butane and propane.

We cannot live without food. I think we can survive without hula-hoops as well as many other nonessential industrial products.

My point is simple: If we do not have enough fuel for essentials, this bill should not mandate that the scarce supplies be shared with nonessential industries.

I urge you to vote against the amendment and against the bill.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, will the gentleman be kind enough to explain how much additional fuel this bill is going to provide the American people?

Mr. WAGGONNER. Mr. Chairman, let us get one thing clear. We are talking about meeting the energy needs of this country, and this bill does not provide one barrel of anything more than we have now.

Mr. ROBERTS. Mr. Chairman, what we are talking about is spreading the shortages, not spreading the fuel.

Mr. WAGGONNER. We are talking about a welfare program.

Mr. Chairman, I shall yield back the balance of my time. I am going to take some time in a minute to talk about some things I want you to remember, because this bill is going to make things worse, not better. If there is any wagering man in the Chamber who wishes to make a little wager on the side that it does not, he can meet me behind the rail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division—demanded by Mr. STAGGERS—there were—ayes 31, noes 19.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 13, line 8, strike out "gasoline and refined lubricating oils" and insert in lieu thereof "refined petroleum products".

Page 13, line 13, strike out "gasoline or refined lubricating oils" and insert in lieu thereof "refined petroleum products".

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. The amendment which has just been read is a very short one. If Members have the bill in front of them, section (A) under (2) on page 13 has the dollar-for-dollar passthrough of net increases in the cost of gasoline and refined lubricating oils to all marketers or distributors of gasoline at the retail level.

The committee, after thinking about it, concluded that perhaps this did not go far enough, that it discriminated against the other products, and we expanded the passthrough to include refined petroleum products.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, regardless of how each Member stands on the final passage of this bill, I believe no one would want language in this bill which discriminates against some segments of the petroleum industry.

On page 13, line 7, the bill before us provides for a "passthrough of net increases in the cost of gasoline and refined lubricating oils."

The bill omits such a passthrough for crude oil, diesel fuel, kerosene, No. 2 fuel oil, propane and butane.

Mr. Chairman, it is not fair—it is not equitable to tell the businessman selling gasoline that he can pass through his cost increases, and in the same breath, tell the same businessman, or other businessmen, that they cannot pass through their cost increases for other petroleum products.

This amendment corrects that inequity. The wording of the bill is changed on page 13 line 8 to "crude oil and refined petroleum products" which by the definition on page 11, line 13, includes the other related products.

In the interest of fairness I urge the adoption of this amendment.

Mr. ZION. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Indiana.

Mr. ZION. I am pleased the gentleman read the "Dear Colleague" letter I sent out this morning, in which I advocated this amendment and the reasons for it.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Washington.

Mr. ADAMS. I should like to ask the author of the amendment, the subcommittee chairman, a question. On page 12 of the bill it provides for maintenance of all public services. I notice the amendment, which I support, provides in effect for a passthrough dollar-for-dollar only, so that there will not be price gouging.

Under the bill, under these two sections, with respect to preexisting contracts for entities such as hospitals, public transportation units, local governments—the ones grouped as (A), (B), (C)—set forth in the report on pages 12 and 13, I understand it is the intent of the report and of the committee that this regulatory program would keep in effect the presently existing contracts to the greatest degree possible, in other words that those contracts would not automatically be abrogated, because these people are in a position of producing and providing public services, and they are to be taken care of first in this program. Is that correct?

Mr. MACDONALD. That is correct.

Mr. ADAMS. Another thing which is provided in the bill is equitable pricing, and that ties to the amendment on passthrough.

Am I correct that it is the intent of the committee to prevent there being excessive or unfair prices during this period of time when we are having to allocate these things, and that the prices set forth in these preexisting contracts for these public services, including public transportation, hospitals and other things listed in the committee report, to the maximum extent possible would remain valid?

Mr. MACDONALD. That is correct.

Mr. ADAMS. I thank the subcommittee chairman.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment.

It is necessary to extend the cost passthrough privilege to heating oil and diesel dealers as well as gasoline retailers, as this amendment provides. Otherwise, we will wake up one day to find that our independent heating oil dealers and truck stop operators have gone out of business and there is no one around to take their place.

In New England, 2,600 independent retail heating oil dealers deliver 82 percent of the fuel oil consumed. These independent dealers provide heating fuels to 74 percent of the homes in New England.

Hopefully, with this amendment, we will see the last of the overly stringent phase IV oil regulations that have wreaked havoc on petroleum retailers and their customers not only in the Northeast, but also in the other areas of this Nation that have relied so heavily on the services provided by these dealers.

Even in the face of today's seemingly encouraging news that the Cost of Living Council is proposing new pricing rules for oil products come this November 1, we cannot afford to sit idly by resting assured that these proposals will correct the situation which has so long been fermenting.

I need not remind you that the situation with heating oil in New England and the Northeast is now so disturbing that it almost makes me wish for a return of the bad old days of the oil import quota program. Back then, we only had to worry about getting an adequate supply.

But the phase IV price regulations added to our worries. I am concerned about getting enough fuel oil for our area this winter. But I am also worried about keeping our independent retail dealers from going out of business so they can supply consumers with fuel oil.

Phase IV has spelled disaster for many retail marketers. The original phase IV regulations discriminated against independent dealers in six ways:

First. The 7 cents a gallon markup allowance in many cases was inadequate. Many dealers who traditionally operated on higher margins were caught at a low point by the regulations.

Second. The passthrough treatment of produce cost increases discriminated against small independent retailers. It infuriated me to see Exxon, Mobil, and some of the other big oil barons passing on penny-a-gallon product increases to local retail dealers who had to absorb this added cost. And this came just after the big oil companies had reported record semiannual profits.

Third. The refusal to give the small business exemption from phase IV regulations to small oil retailers was discriminatory. This was the only group of small businessmen singled out for such treatment under phase IV. As the ranking minority member of the House Select Committee on Small Business, I was especially disturbed by this flagrant disregard for the plight of these small businessmen.

Fourth. The prohibition against adjusting prices to reflect passthrough cost increases until the end of each month was another discrimination against the retail dealer.

Fifth. The dating for nonproduct cost increases and profit margins was another unfair burden on the heating oil dealer. Use of the inventory cost as of August 1 along with the January 10 markup for retailers, while the "refiner-retailers" were allowed the more advantageous May 15 date, worked to the disadvantage of the independent.

Sixth. The final inequity of the phase IV regulations, which the Cost of Living Council has not yet acted upon, has been the imposition of the "under-the-table" charges by the major oil companies on their independent branded outlets. The majors have terminated historical discounts, added new finance charges, demanded payment on delivery, imposed unprecedented storage charges, and demanded unreasonable minimum purchases of heating oil during the nonheating season. In addition, many dealers' contracts are being terminated without justification.

As ranking minority member of the Small Business Committee, I am vitally interested in these problems. Next Wednesday, my committee has scheduled hearings on price regulations for the oil industry, and we have invited Dr. Dunlop to testify.

Last spring, hundreds of oil retailers were here to press the administration and the Congress to clear up the supply problem by Labor Day. Have we tried to do our part in the Congress? We can answer this question in the affirmative by passing this amendment, along with this overdue mandatory allocation measure.

Mr. Chairman, the snows are already falling in Montana. Let us not rest complacent until that time in the very near future when the snow falls here. We must act now, lest we suffer tremendously this winter.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I should like to ask the chairman of the committee a question about this section (2)(A) which is to be amended by the amendment. I should like to ask either the gentleman from Massachusetts or the gentleman from West Virginia as to the meaning of the words on page 13, "dollar-for-dollar passthrough." Does that imply it has to reach a full, round dollar before there can be a passthrough or are we talking about any amount of increase?

Mr. STAGGERS. We are talking about any amount of increase, a penny or a mil or whatever it might be.

Mr. SEIBERLING. I thank the chairman. I support the amendment.

Mr. MALLARY. Mr. Chairman, I move to stike the last word.

Mr. Chairman, If I may inquire briefly of the gentleman from West Virginia and the gentleman from Massachusetts, I will ask the following question:

As I read the amendment, on page 13 it would purport to change the words, "gasoline and refined lubricating oils" to "refined petroleum products," and yet on the next line of the bill we see the words, "marketers or distributors of gasoline."

Would it be the intent of the gentleman to also amend that in order to remove the words, "of gasoline."?

Mr. STAGGERS. No; that is included in the wording.

Mr. MALLARY. Mr. Chairman, I read the manner in which the proposed amendment would read, it would protect the dollar-for-dollar passthrough for all plant petroleum products, but only for marketers and distributors of gasoline.

I would move to amend the proposed amendment in line 9, on page 13, by striking out the words "of gasoline."

Mr. MACDONALD. Mr. Chairman, is the gentleman talking about the wording on line 9?

Mr. MALLARY. On line 9, page 13, by striking the words, "of gasoline."

AMENDMENT OFFERED BY MR. MALLARY TO THE AMENDMENT OFFERED BY MR. STAGGERS

Mr. MALLARY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY to the amendment offered by Mr. STAGGERS: On page 13, line 9, strike out "of gasoline."

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MALLARY. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, we would be glad to accept the amendment to the amendment on our side.

Mr. BROWN of Michigan. Mr. Chairman, speaking for the minority side, we will be glad to accept the amendment to the amendment, and we would be glad to accept the basic amendment, if that will help.

Mr. WAGGONNER. Mr. Chairman, will the gentleman from Massachusetts yield for a question?

The CHAIRMAN. The gentleman from Vermont (Mr. MALLARY) has control of the time.

Mr. WAGGONNER. Mr. Chairman, will the gentleman from Vermont yield?

Mr. MALLARY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman from Vermont for yielding.

The amendment offered by the gentleman to (2)(A) speaks to the dollar-for dollar passthrough at the retail level.

Now, (2)(B) speaks to the question of other levels. Is it intended that this dollar-for-dollar passthrough would apply to wholesalers as well?

Mr. MACDONALD. Mr. Chairman, will the gentleman from Vermont yield?

Mr. MALLARY. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, the gentleman is correct. In section (A) we talk about retailing, and in section (B) we talk about and use the same base for wholesaling.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman.

SUBSTITUTE AMENDMENT OFFERED BY MR. ZION TO THE AMENDMENT OFFERED BY MR. STAGGERS

Mr. ZION. Mr. Chairman, I offer a substitute amendment to the amendment offered by Mr. STAGGERS.

The Clerk read as follows:

Substitute amendment offered by Mr. Zion to the amendment offered by Mr. STAGGERS: On page 13, line 8, after "in the cost of" strike out "gasoline and refined lubricating oils" and insert in lieu thereof "crude oil and refined products" and on the same page at line 13, after "distributors of" strike out "gasoline and refined lubricating oils" and insert in lieu thereof "crude oil and refined products".

The CHAIRMAN. The gentleman from Indiana (Mr. ZION) is recognized for 5 minutes in support of his substitute amendment.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. ZION. Certainly, I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, unfortunately we do not have a copy of the substitute amendment.

Mr. ZION. Mr. Chairman, the difference between this amendment which I circulated in the "Dear Colleague" letter this morning and the amendment offered by the gentleman from West Virginia is that this includes "crude oil and refined petroleum products," whereas the gentleman's amendment did not include "crude oil."

The problem we have is that there is no ceiling on imported oil, for example, and in order to pass on those costs to the user, we would have to have crude oil included as well as derivatives thereof.

Another problem I understand is that the Committee on Merchant Marine and Fisheries is planning to introduce a bill that would require some 20 to 30 percent of American imports come in American ship bottoms, and if that is true, it would increase the cost of crude.

In other words, what we are trying to accomplish is to take care of everybody. The cost of crude is probably the most important factor, and it was not included in the gentleman's amendment.

I hope that it would be included in mine.

Mr. MACDONALD. Speaking for myself, I have no objection to it. The spirit is the same.

I point out to the gentleman that my language was put in there to make sure that the President would do exactly what the gentleman is talking about. We gave him the flexibility to do it.

I think the amendment is unnecessary, but I have no great objection to it.

Mr. ZION. I appreciate the gentleman accepting it, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY) to the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment was agreed to.

Mr. MALLARY. Mr. Chairman, at this point it would be important, I believe, since the same deficiency exists in the substitute offered by the gentleman from Indiana, I would move to amend the substitute in the manner in which the amendment just acted on is worded.

The CHAIRMAN. An amendment to the substitute would be in order, but it has to be in writing.

Mr. MALLARY. Mr. Chairman, I wonder if the Clerk would be willing to use the language in the amendment to the amendment in order to make the correction. In view of the vote on the amendment, I ask unanimous consent that the substitute amendment of the gentleman from Indiana be amended as we have just amended the amendment to the amendment.

The CHAIRMAN. The Clerk will report the Zion amendment as proposed to be amended.

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KAZEN. Has the committee adopted the amendment as substituted by the gentleman from Vermont?

The CHAIRMAN. The first vote, as the Chair indicated, was on the amendment offered by the gentleman from Vermont to the amendment offered by the gentleman from West Virginia. The next vote would have been on the amendment in the nature of a substitute offered by the gentleman from Indiana, (Mr. ZION).

Mr. KAZEN. That is correct, Mr. Chairman. Is this a pending amendment to the same amendment or a substitute for the same amendment?

The CHAIRMAN. This is an amendment to the substitute at the present time.

Mr. KAZEN. In the nature of a substitute? That is what the language was.

The CHAIRMAN. The Chair does require that the gentleman from Vermont put his amendment in writing because it is out of order in the way it has presently been submitted.

Mr. MACDONALD. Mr. Chairman, the perfecting amendment to the Zion amendment on line 3, where it reads "insert in lieu thereof the following: crude oil and refined products" should be nailed down and say "refined petroleum proproducts." I so move.

The CHAIRMAN. The substitute offered by the gentleman from Indiana is pending at the present time, the Chair has recognized the gentleman from Vermont to offer a perfecting amendment.

Mr. MALLARY. Mr. Chairman, I ask unanimous consent to include the words "refined petroleum products" in the substitute amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Vermont to the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. ZION).

The Clerk read as follows:

Amendment offered by Mr. MALLARY to the substitute amendment offered by Mr. ZION to amendment offered by Mr. STAGGERS:

On page 13, line 9, strike "of gasoline".

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Chairman, my parliamentary inquiry is this: If the gentleman from Vermont (Mr. MALLARY) asked unanimous consent for the acceptance of that amendment, and if the gentleman did, could it be accepted by unanimous consent?

The CHAIRMAN. The Chair will state that if the gentleman from Vermont will state his unanimous consent request the Chair will put the unanimous consent request.

Mr. MALLARY. Mr. Chairman, I ask unanimous consent that the amendment to the substitute amendment offered by the gentleman from Indiana (Mr. ZION), for the amendment offered by Mr. STAGGERS, be agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

So the amendment to the substitute amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Indiana (Mr. ZION) as amended, to the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Chairman, my parliamentary inquiry is this: Can the substitute amendment offered by the gentleman from Indiana be amended by unanimous consent to contain the words of the gentleman from Massachusetts (Mr. MACDONALD)?

The CHAIRMAN. The Chair will state that we can dispose of it just as easily by voting.

The question is on the amendment offered by the gentleman from Indiana as a substitute for the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

Mr. CASEY of Texas. Mr. Chairman,

I must say that, with all of the written and unwritten amendments being offered here, I wonder if we can have the amendment reread by the Clerk so that we can know what we are voting on?

The CHAIRMAN. The Clerk will read the substitute amendment offered by the gentleman from Indiana (Mr. ZION).

The Clerk read as follows:

Amendment offered by Mr. ZION of Indiana as a substitute for the amendment offered by the gentleman from West Virginia, Mr. STAGGERS:

On page 13, line 8, after "in the cost of" strike out "gasoline and refined lubricating oils" and insert in lieu thereof "crude oil and refined products" and on the same page at line 13, after "distributors of" strike out "gasoline and refined lubricating oils" and insert in lieu thereof "crude oil and refined products", and on page 13, line 9, strike "of gasoline".

PARLIAMENTARY INQUIRY

Mr. MACDONALD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MACDONALD. Mr. Chairman, my parliamentary inquiry is this: I thought we had adopted, when we were defining products, that we inserted the words "petroleum products" to the substitute amendment offered by the gentleman from Indiana (Mr. ZION) to the amendment offered by the gentleman from West Virginia (Mr. STAGGERS). But the amendment was just read without "petroleum products" in there.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. MACDONALD) have a further substitute to the Zion substitute?

Mr. MACDONALD. I have one amendment. I do not know the status of it. I wonder if the Chair could let me know?

The CHAIRMAN. The gentleman from Massachusetts has no amendment pending.

AMENDMENT OFFERED BY MR. MACDONALD TO THE AMENDMENT OFFERED BY MR. ZION AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STAGGERS

Mr. MACDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD to the amendment offered by the gentleman from Indiana, Mr. ZION, as a substitute for the amendment offered by the gentleman from West Virginia Mr. STAGGERS:

To insert the word "petroleum" before the word "products" in the Zion substitute wherever the term "refined products" appears therein.

PARLIAMENTARY INQUIRY

Mr. TREEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TREEN. My parliamentary inquiry is this, Mr. Chairman: What is going to happen to residual fuel oil? We placed in crude oil, and refined petroleum products. Residual fuel oil, as I understand it, was not included in the amendment offered by the gentleman from Indiana.

Mr. ZION. Mr. Chairman, if I may respond, residual fuel oil is included. Petroleum and refined petroleum products, everything from crude oils comes in.

Mr. TREEN. If what the gentleman says is true, the gentleman believes that residual fuel oil is necessarily included in the term "refined petroleum products," if that is what the gentleman says, then I think that line 19 on page 8 might suggest that residual fuel oil is different from refined petroleum products.

Mr. ZION. It is crude oil and every derivative thereof.

The CHAIRMAN. The Chair will state that the inquiry made by the gentleman from Louisiana (Mr. TREEN) has been answered by the gentleman from Indiana (Mr. ZION).

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) to the amendment offered by the gentleman from Indiana (Mr. ZION) as a substitute for the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ZION) as a substitute for the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The substitute amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS), as amended by the substitute amendment offered by the gentleman from Indiana (Mr. ZION).

The amendment, as amended, was agreed to.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask a couple of questions of the chairman of the committee. One is whether or not this legislation has a provision which will take care of new users, be they industrial users or be they home users, since we do have the allocations based on past history.

Mr. STAGGERS. I should like to have the gentleman look on page 12, because it says that the allocation program must to the extent practicable provide for the "maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);" and then "farming, ranching, dairy, and fishing activities."

And so forth. It does not say whether new or old, but this does mean new or old users who are engaged in activities which contribute to the accomplishment of these objectives.

Mr. LATTA. Mr. Chairman, my real concern here is that northwestern Ohio, for example, had a tremendously wet October and November last year. In fact, many farmers could not harvest their crops. As a consequence, they did not need to purchase too many petroleum products during October and November. This year they need these products during these months. If they are going to base the history on last year, these farmers are going to come up short and not have the required petroleum products to harvest and dry their crops.

My concern is, are there provisions in this bill to take care of these cases?

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. I will say to the gentleman that the President has complete flexibility. While the base period is 1972, if in his wisdom or in his experts' wisdom they feel that that is not a fair base period, they can move the base period around. In the case of the gentleman's farmers, when it rained and they did not use this material, they do not necessarily have to use the base period of 1972 when it did rain. They could go back a year and use the period when there was no rain, and the gentleman's farmers would be cared for.

Mr. LATTA. I have one further question. Let us take a case where one was not using heating oil a year ago. He is a new user this year. Will these individuals qualify for oil, or will the President have the flexibility in this bill to permit them to qualify?

Mr. MACDONALD. The President has the flexibility in this bill to permit them to be treated equally, and if he feels that the new user should be cared for, he will be cared for on the same basis, no more or no less than the old user.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. In the first place, let me say that the gentleman's example by which agricultural users might for a number of reasons have an increasing demand this year or a different demand from last year. But I think the bill specifically takes care of agricultural users in item (C) on page 12. That priority is set out in "maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;".

The gentleman has spoken of the agricultural problem directly. In the case of additional usage because of other movements in the market, it seems to me that the President has that authority to make adjustments, and if he does not, there is in all likelihood going to be an appeal authority given by the President, as is the case even now in the price structure mechanism.

Mr. LATTA. I thank the gentleman. I asked these questions to establish legislative history for the guidance of those individuals charged with the responsibility of administering the program.

Mr. SEIBERLING. Will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I was trying to get a little more specific even than this in my question earlier to the chairman of the committee.

At the bottom of page 12 it provides that there shall be equitable distribution among all classes of users.

My question is what about distribution equitably within a class of users? There will be situations where people have built new homes, for example. I know in my district some of them have not been able to get any supplier of heating oil to commit to supply their homes.

It seems to me that there must be an equitable allocation within classes, as well as between classes.

I wonder if the chairman can answer this question.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Latta) has expired.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I wonder if the Chairman can answer a question as to whether the provision at the bottom of page 12 provides for equitable allocation within members of a class of users.

Mr. STAGGERS. If the gentleman will yield, I think personally that the answer again is yes.

We could say "and within" if we wanted to or anything like that; but I think it is clear enough the way it is.

Mr. SEIBERLING. I think it would be clearer if we said "among all users and classes of users."

Mr. STAGGERS. It would be all right with me. There is nothing wrong with that. I think it is clear enough the way it is. If the gentleman wants to present an amendment, he can.

Mr. SEIBERLING. If the chairman will state that it is his interpretation of this language that it also requires equitable allocation and distribution within each class of users. I do not think it is necessary to write it in.

Mr. STAGGERS. If the gentleman wants to, he can do that; but I think it is clear enough.

Mr. BROWN of Ohio. If the gentleman will yield, for the benefit of the minority will the gentleman state his point of reference in the bill?

Mr. SEIBERLING. I am speaking about the last 3 words on page 12 of classes of users.

The chairman has stated it is his interpretation that the effect of paragraph (e) with that language is to require equitable allocation within classes of users and not just to a class.

Mr. BROWN of Ohio. I think that is correct among all classes, but I assume it would be not only among all classes, but within a class.

Mr. SEIBERLING. That is what the gentleman from West Virginia said is his interpretation, which is satisfactory as far as I am concerned.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may for a moment a colloquy between the ranking minority member, the gentleman from Ohio (Mr. Brown), and the chairman of the full committee, in some recent pronouncements by the Cost of Living Council, there has been a general discussion on the middle-level distillates and what is called fuel oil primarily for heating purposes, and so forth.

It is a fact, of course, that the most efficient transportation system in this country, the jet airplane, does not use sophisticated fuel, it uses kerosene. which is a middle-level distillate.

Would the chairman of the committee and the ranking minority member state it is their intention that this legislation will be intended to separate the middle-level distillates that are used for purposes of transportation in interstate commerce from that which is used for straight burning or heating purposes?

Mr. STAGGERS. If the gentleman will yield, if I might read from the report.

I am reading from part of the report:

The Committee considers the term "kerosene" to also encompass jet fuel and the term diesel fuel to also refer to light commercial heating oils.

Mr. KUYKENDALL. May I ask this of the chairman: Do you feel that the language in the report clearly states that they are to be separated then between that which is used for transportation, as opposed to the part that is used for heating of the middle-level distillates?

Mr. STAGGERS. I do not know what the gentleman means. We have identified collective goals and we are trying to distribute equitably among the listed priority uses.

Mr. KUYKENDALL. Mr. Chairman, I would ask the gentleman from Ohio (Mr. Brown) to comment on that.

Mr. BROWN of Ohio. Mr. Chairman, in response to the gentleman from Tennessee, I realize that not everybody has the opportunity to be present during general debate, but during general debate I said specifically that this legislation directed the President to include in the allocation program crude oil, residual oil, and refined petroleum products, which are defined as gasoline, kerosene, and distillates including No. 2 fuel oil; propane, butane, distillates which include benzene, methadene, kerosene—which, of course is a jet fuel and is covered by the legislation.

Mr. KUYKENDALL. Mr. Chairman, I want to make it clear that I thank the gentleman from Ohio, because the Cost of Living Council has chosen to lump all these middle level distillates together, and I thank the gentleman from Ohio and the chairman for clearly stating that they should be separated.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pickle: Page 15, line 18, insert "(1)" after "(e)".

Page 15, insert after line 23 the following:

(2) The provisions of the regulation under subsection (a) which allocate crude oil and specify (or prescribe a manner for determining) the price of crude oil, shall not apply at the producer level, unless the President determines that it is necessary to apply such provisions at the producer level in order to attain the objectives of subsection (b), (c), and (d) of this section.

Mr. PICKLE. Mr. Chairman, this amendment is an effort to hope that we might reach a compromise on the producer problem in this bill. I would hope that the Chairman of the committee and the Chairman of the subcommittee would accept it, and similarly on the other side.

We have an almost impossible bill to administer if we keep in producers, as such, in the bill. There are 10 or 12 thousand producers in the United States. If we say to each one of those producers, "Every barrel of oil that comes out of that well-head must be controlled by the government and directed to whom it goes and to whom it cannot go," I think the Members can see, as the administration says, this would be a veritable nightmare.

We have not yet been able to reach an accord on the producer problem because many want to be sure the refineries can get the products they need, both majors and independents. This amendment simply says that producers would not be subject to the provisions of this bill unless the President determines that it is necessary to apply such provisions at the producer level in order to attain the objectives of sections b, c, and d.

Thus, producers would not be covered, but they would be if, in carrying out the objectives of the bill, the President felt there was no other way to do it. Producers do not want to be in the measure and have plainly said that they do not want this in the bill, but they would accept this approach. While I would like to take all the producers and crude oil out, I would say that I have offered this amendment because it would clearly say that producers would not be covered unless the President so deemed that it was necessary.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would like to say to the gentleman in the well that the bill is mandatory only that it mandates the President to set up a system for allocation. If the gentleman feels that he would not be comfortable with the legislation without the language in here, I have no particular objections to it, but obviously if the President, in setting up this method of allocation that we mandate, feels that he should go into the crude oil operation and mandate specifically how they ought to be distributed to the market, then I assume he will do so.

I assume he will do so because it is necessary in order to obtain the objectives of subsections B, C, and D of this section. That is what we are faced with.

I would be glad to accept the language, but obviously the President, is not likely to prescribe methods of allocation unless he feels they are necessary.

Mr. PICKLE. I will yield to the chairman of the subcommittee, if he so desires.

Mr. MACDONALD. I was going to wait and get my own 5 minutes to oppose the amendment. Does the gentleman want me to go ahead now?

Mr. PICKLE. No. If the gentleman is going to oppose the amendment I will continue.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield for a question.

Mr. CONTE. Is the gentleman trying to say here with his amendment that this bill requires mandatory allocations in regard to crude oil right from the wellhead, and the gentleman is trying to say he would give this discretionary power to the President of the United States whenever he wants to go for mandatory allocation of crude oil?

Mr. PICKLE. Yes. If he wants to extend it to the producer level.

Mr. CONTE. I strongly oppose this amendment, and I will speak on my own.

Mr. PICKLE. Mr. Chairman, that is very interesting. I thought we had an amendment everyone could probably agree to, but I do not believe some want to agree to anything except that which is going to make the bill impossible to administer, so I will continue.

There is the feeling, Mr. Chairman, that oil is produced and put in a pipeline and sent straight to the refinery. That is not the case. Most oil is brought out of the ground and put into some kind of a gathering station, or a pool. It might be the oil of the major or of the independent. It would probably not go straight from the wellhead to the refiner, as is hoped, and as I think has been indicated to the House.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Pickle was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. ECKHARDT. The gentleman's amendment would in no way prevent a requirement for the allocation of crude in the hands of a distributing pipeline company, would it?

Mr. PICKLE. No, it would not.

Mr. ECKHARDT. Since refineries, including independent refineries, receive nearly all of their crude stock through a pipeline network, they would still be protected under the gentleman's amendment, would they not?

Mr. PICKLE. That is exactly correct. This is a point most seem to miss.

Mr. ECKHARDT. All the gentleman's amendment would do is to require that the allocation apply at the only place it can practically apply, that is either at the refinery or at the gathering pipeline level instead of going to these 14,000 independents.

Mr. PICKLE. That is correct.

When the bill was first introduced it did not include producers. Really, this summer all we wanted to do was to take care of gasoline, so that the tourists could move about America, and to be able to get the farmers enough gasoline to get their crops in. Then it was expanded later to include crude, and also to extend down to the producer level. I personally do not believe it ought to be at the crude level, but since the committee and the gentleman from Massachusetts said we must control it at the refinery level, this is the intent. Therefore, I did accept that.

The crude has to get to the refinery. By controlling at the wellhead it does not help this cause a bit. It really helps the independent more than it impedes him.

Mr. ECKHARDT. The gentleman's present amendment does not go nearly so far as his amendment in the committee, as I understand it.

Mr. PICKLE. No. The amendment in the committee just said that the provisions in this act would not apply to producers, period. So in an effort to try to find some kind of ground we could have some accord on, I extended that provision and had the committee draft it so that it would say unless the President felt it was necessary.

Now, if the situation becomes intolerable or it becomes unworkable and we have to extend it to the producers' level, then the President would get his authority under this provision. He might have it, and he might not have it; as I say, he might not want it. There was testimony on that before the committee.

Mr. Chairman, we have an absolutely unworkable bill if we leave in the provision now that does not try to find some accord on the producers' level. This is a well-intentioned amendment. It does not do any violence to the committee's bill. The committee, I believe, would do well to accept this amendment.

It would at least show that the Members are not trying to be negative in their approach, and that they are trying to vote on a bill that both the industry and the administration agree is workable, one that will pass.

Mr. Chairman, I ask for approval of the amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes in opposition to the amendment.

Mr. PICKLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred five Members are present, a quorum.

The gentleman from West Virginia (Mr. Staggers) is recognized for 5 minutes in opposition to the amendment.

Mr. STAGGERS. Mr. Chairman, I oppose the amendment, because if we knock out the price control of crude oil at the wellhead and they charge a hundred dollars a barrel, how are we going to regulate the price of gasoline or any of the other products that come from it?

I just think this is absurd. We have got to start some place, and at the very beginning we should regulate producers. If we do not, and we say to them that they can charge any price they want to charge, how are we going to say they should charge less than they get at the refinery?

How are we going to assure them that the refinery has a reasonable profit, or any of the rest of them?

The retailer, for instance.

Mr. Chairman, we have done this fairly well with natural gas. It has been regulated for 20, 30, or 40 years at the wellhead, and one of these days we will take that up and see if we cannot deregulate it. But they say there is a cost of living increase in it, and they say they need it, and we know that gas is being held back. We know that. But that is in the future.

We need to keep it where it is produced at the start, because the lines are permanent. We know that. If it just goes in these lines they do not go to the different refineries.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I will ask the gentleman, is it not true that this would work a hardship on the independent refiners which do not produce all the oil they refine, and that it would put many of them out of business?

Mr. STAGGERS. The gentleman is correct.

Mr. CARTER. Mr. Chairman, I thank the distinguished chairman for yielding.

For the reason I stated, I oppose the amendment, and I urge every one of the Members to oppose the amendment. The refineries are dependent on producers, and I urge defeat of the amendment.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. BROWN of Ohio. I do not understand why the gentleman feels the amendment would put out of business refineries which do not produce their own oil. Could you explain that to me?

Mr. CARTER. If the gentleman will yield, yes. I think I can.

Some refineries in this country do not produce all of the oil they refine. In some instances they produce only 30 percent of the oil they refine. They receive oil not only by pipeline but also by barges. If we limit the amount or if we take their quotas off on the crude oil and do not determine a distinct allocation, then these independent refineries, which produce only a small amount of the oil they refine, will be cut down greatly.

Mr. BROWN of Ohio. If the gentleman will yield further, I would say to the gentleman that it goes on to say in the amendment—

> Unless the President determines it is necessary to apply such provisions at the producer level in order to attain the objectives of subsections (b), (c), and (d) of this section.

Those objectives provide for the coverage of all classes of users and also all classes, I assume, of refineries. Is that correct?

Mr. CARTER. If the gentleman will yield, I thank the distinguished gentleman, but I hardly think he is correct. We are passing this bill because we want to assist the President to make it possible for him to go ahead with his allocation program.

Mr. BROWN of Ohio. If the gentleman will yield further, but if those objectives are not being met, then the President makes the determination that he must control crude oil.

Mr. CARTER. If the gentleman will yield further, if we read this into the law, it could very well bind his hands so that many independent refiners in this country would not receive their allocations of crude oil as they are doing now, and it would put many of the refineries out of business.

Mr. BROWN of Ohio. I am sorry, but

I do not interpret it in the same way, Mr. Chairman.

Mr. ECKHARDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would hope that this House will not consider everyone from Texas as one who necessarily is controlled by oil interests. I intend to vote for this bill; I intend to vote for it whether the Pickle amendment is passed or not. But I want to tell you, as one who maybe knows a little bit more about crude oil and its distribution than perhaps some out of our area, that this amendment does no violence to the bill but, rather, is an absolutely necessary amendment for the practical administration of this bill.

In the first place, Mr. Chairman, if this amendment were passed, it would not decontrol crude oil but, rather, it would decontrol producers. Crude oil does not get out of the well and to refiners by instantaneous process. It goes into a pipeline which has purchased the crude oil and into a gathering system which and at that level both the quantity and the price can be controlled under the Pickle amendment. For that reason the independent refiners are adequately protected under the Pickle amendment as they are under the bill.

Now let me point out one other thing to you here. There is another concern that the Pickle amendment takes care of.

Just as the ultimate small distributor may be the captive of his supplier, in the same manner the original producer of oil is to a certain extent the captive of the distribution system. If you do not put the Pickle amendment in this bill, then this means that the little independent producer may be forced to let his oil flow into a distribution system over which he has no control. You may destory the little man at the top of the scale while attempting to protect the little distributor at the other end.

So I urge this body to consider this amendment seriously. Do not consider it just as a kind of a Texas product that must be rejected for that reason, but consider it as an amendment that makes the act work. It permits control at the level where control can be effective instead of at 14,000 little orifices from which oil originally flows.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, would it not be considered, though, that this amendment would result in an integrated company which owns its own sources of oil and owns its own pipeline having an advantage over a company that has to buy a portion or all of its crude oil on the open market?

Mr. ECKHARDT. Let me say this: that what we are really talking about is a bunch of small producers who always feed their oil into the pipeline. An oil pipeline, unlike a gas pipeline, is a common carrier. That means the oil pipeline must accept everybody's oil. So that there is an entire system for gathering oil, one in which a great number of producers flow their oil into a large supply pool. As soon as it gets into this distribution system, as soon as the pipeline company buys the oil from the producer, under the Pickle amendment, the supply may be controlled. It may be controlled just as it could be if this amendment were not agreed to. The only thing the Pickle amendment says is that you do not go back to the little producer and require him to flow his oil into a particular pipeline. The Pickle amendment, in addition to all of this, provides that if for any reason this does not work, the President may nevertheless control supply and price at the production level.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I want to point out that all but two or three of the major oil companies are now purchasers of crude because they cannot get enough crude oil from their own wells, their own supply, every one of them is out buying oil, trying to get hold of crude. It is a great fallacy that the big refineries are going to be automatically taken care of. That is not the case.

The President already has announced under his guidelines of his allocation program that under that program any refinery that is operating at at least 90 percent of capacity would automatically have to send the balance of its crude to an independent refinery.

I think that percentage would be better set at 80 percent, because I do not want a particular percentage, but it is best that we let it be done at the refinery level, and not at the wellhead.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. SEIBERLING, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, let me remark briefly, I know that the gentleman from Kentucky (Mr. BRECKINRIDGE) has been on the committee as one of the most stout defenders of the supply of oil to the independent refiners. I think that I can assure the gentleman that the Pickle amendment protects the gentleman's amendment to the bill in two ways. One, the Pickle amendment does not exempt crude oil. I think that was what the effect of the original Pickle amendment was. The Pickle amendment applies to the crude, but simply does not apply this at that early a point in the process. If the independent refinery is receiving crude oil from the pipeline gathering company, under that basis the Breckinridge amendment applies. If for some reason there is no intermediary gathering facility, then the exception to the Pickle amendment could apply, that the President may apply controls on the producer directly, and this would take care of the Breckinridge amendment.

Mr. BRECKINRIDGE. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Kentucky.

Mr. BRECKINRIDGE. I thank the gentleman for yielding. To state it another way to the gentleman from Texas, would the gentleman agree that under the Pickle amendment the independent refiner would stand in the same position as all other refiners, and that crude oil deliveries to him would be allocated and priced accordingly?

Mr. ECKHARDT. Precisely. The gentleman is exactly correct.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. PICKLE. I referred to the letter Mr. Love has written. As I recall, they made a survey of the independent refiners, and they the independent refiners do not want this bill to include the producer level. Under the present condition right now, the independent refiners, in bidding for that crude oil out in the field, outbid the majors, and they do pretty well. I do not think they, the independent refiners, are the ones who want it.

I agree with the gentleman, I do think the independents and the majors should be put on an equitable basis.

Mr. ECKHARDT. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I think it is sometimes helpful to go back and look at the original language. The amendment says:

> The provisions of the regulation under subsection (a) which allocate crude oil and specify . . . the price of crude oil, shall not apply at the producer level, unless the President determines that it is necessary to apply such provisions at the producer level in order to attain the objectives of subsection (b), (c), and (d) of this section.

Subsection (b), as the gentleman from Ohio (Mr. SEIBERLING) pointed out, says:

> The regulation under subsection (a), to the maximum extent practicable, shall provide for—

And then down to:

> (E) equitable distribution of crude oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all classes of users;

It seems to me that that provides exactly what the gentleman's objection is about.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, to preface my remarks, I should like to point out to the gentlemen from Texas that this certainly is no war between the States. Nobody has anything against people from Texas.

What I do feel is that this goes to the very basis of the bill. I agree with the gentleman from Texas (Mr. PICKLE) that he has retrenched his original provision as spelled out both in the committee and later before the Committee on Rules, for which he is to be commended. Mr. PICKLE originally wanted crude oil not to be included within the purview of this bill at all, and that position was soundly beaten in the committee. Then today, when that did not work, he indicates that he still is opposed to the bill, as has been discussed with him, but he pointed out that the President should be given the authority to allocate at the wellhead, if he felt it necessary.

I point out to everybody—and I say this, that Mr. ECKHARDT and Mr. PICKLE are very valuable members of our committee and have contributed greatly, so this is nothing against them—it is obvious to everybody that the essence of allocations of petroleum starts at the wellhead.

When we think of the fact that just 20 companies control this entire industry, 20 producing companies control 70 percent of the total oil production and these same 20 companies have control over 95 percent or more of all proven reserves here in the United States, we cannot just be talking about the widows and orphans when we talk about producers. If the oil allocation program can control the industry by riding herd on 20 of these companies, then they should be made to do so.

The history of the influence of oil in the city of Washington under successive administrations is one that would bear looking into and perhaps an article or two could be written about it.

I do not buy the argument that we are picking on the producers of petroleum. I think it is very necessary, if we are to have reasonable prices and to have the independent refiner guaranteed his fair share of fuel oil products, that we should reject this amendment and take the bill as reported out of our committee.

Mr. WAGGONNER. Will the gentleman yield for one comment at this point?

Mr. MACDONALD. I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. The gentleman has just said he does not mind the independent refiners being guaranteed crude stock for his refining purposes. Does the gentleman realize that if we pass this bill we are saying to the independent refiner that without ever again making an investment, without ever again assuming any risk, he can sit on his can and we are going to bring it to him at somebody else's expense? He actually will have an advantage.

Mr. MACDONALD. I am surprised, if the gentleman will permit me to say so, I am surprised that the gentleman feels that way, inasmuch as fuel is in such short supply.

Mr. WAGGONNER. This bill does not do anything to produce any more energy.

Mr. MACDONALD. The gentleman is obviously correct when the gentleman says this will not produce any more oil. It is going to distribute it equitably and nobody with any responsibility has ever told this House it will supply more oil or more gasoline. What it is going to do is alleviate some of the discomfort of the energy crisis.

If we are going to come to grips with the energy crisis, and I for one am ready to come to grips with it, then the time to do that is at another hearing on another bill on another day, not when we are talking about mandatory distribution, but we are not talking about exploration.

Mr. COLLINS of Texas. I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the chairman of the Oil Committee this question. He spoke about price, which is certainly basic to this whole subject here. Is it the intention of the chairman to bring to the floor a bill in the near future that would deregulate the price of gas and oil at the wellhead?

Mr. MACDONALD. As the gentleman well knows, the chairman of the committee makes that final decision; but I would like to point this out to the gentleman, inasmuch as I have heard so much about how much more energy we would get if natural gas could be deregulated.

I met with all the major oil companies and their representatives and asked them, if we were to deregulate, that the extra amount of profit they would receive would be put back into exploration for gas on the North American Continent, instead of relying on the Middle East.

Would the gentleman believe that each one of those major companies did not agree that if we would deregulate, that the companies would not use that extra money to go exploring. They would not use that money to go looking for more oil on the North American Continent.

Mr. COLLINS of Texas. I would emphasize that in this country we have a shortage of oil and gas. I heard the particular discussion to which the gentleman refers. If he will remember, there was not at that time a single refinery, which was being built in America. The oil companies have just so much money, and they may use some of it for refineries, pipe lines and other capital needs.

In 1966 the oil and gas companies made 9½ percent return on their revenues. In 1972 they earned only 6½ percent on their revenues.

What I want to know, is how we are going to get more oil and gas, until we recognize that we have to get back to the basic issue of making prices more realistic.

I want to address the chairman of the Commerce Committee and ask him this: Can we anticipate a realistic solution, which is to deregulate at the wellhead for the price of new gas? Does the gentleman anticipate that will be done? That is the best solution that keeps coming up over and over again.

Mr. STAGGERS. Will the gentleman yield?

Mr. COLLINS of Texas. I am glad to yield to the gentleman from West Virginia.

Mr. STAGGERS. I do anticipate that probably during the next session there will be something of giving a cost of living mandate to the agency which does regulate it now. I cannot see turning it completely loose. If we do, will the price of natural gas go completely out of reason for anybody to use it at all. Historically the price of gas at the wellhead has been regulated, and I believe it should be. There should be some relief given, I would agree with the gentleman on that. I believe it should be done and I believe it should be done as early as we can.

Mr. PICKLE. Mr. Chairman, I take the gentleman from Massachusetts at his word that he would hold meetings on the natural gas situation.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I would just like to point out to the gentleman that he does not have my word. I never gave my word about it and I never discussed it with the gentleman.

Mr. PICKLE. Mr. Chairman, I just thought the gentleman from Massachusetts had a colloquy with the gentleman from Texas in which he said if they would put money back in exploration, I assume he would have hearings on the subject.

Mr. MACDONALD. Mr. Chairman, I do not know what the gentleman is talking about on that subject. I will repeat what I said. If the price can be solved that way, and if they need more money to explore and if they will keep that gas within this country and not export it—because they still are exporting oil products from the United States even though they are screaming about a shortage of energy here—if they will live up to certain requirements, we will be more than happy to take a look at what their plans and ideas are.

Mr. PICKLE. Mr. Chairman, as the gentleman knows, his subcommittee a year ago or 2 years ago did hold hearings on the sanctity of contract approach for natural gas. That bill has not even seen the light of day. The chairman will not even close the hearings, bring it before the committee for yea and nay, so it is hidden under the basket.

The natural gas shortage is a different subject, and we will have to consider it at some other time, but may I point out that one of the really great problems in the shortage of fuel is that there is now a shortage of natural gas, and thus there is now a greater demand for fuel oil. They are related. As far as natural gas goes—and fuel oil—when we try to divorce one from the other, I know that we cannot.

Mr. Chairman, I ask for a vote on the amendment.

AMENDMENT OFFERED BY MR. BRECKINRIDGE TO THE AMENDMENT OFFERED BY MR. PICKLE

Mr. BRECKINRIDGE. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. PICKLE).

The Clerk read as follows:

Amendment offered by Mr. BRECKINRIDGE to the amendment offered by Mr. PICKLE of Texas: At the end of the amendment, add the following: "But the President shall apply such provisions at the producer level when necessary to achieve the objectives of subsections B, C, and D."

Mr. BRECKINRIDGE. Mr. Chairman,

starting at the words "producer level" in the fourth line of the Pickle amendment, and the words "unless the President determines," striking those words and all thereafter, and then insert the language: "But the President shall apply such provisions at the producer level when necessary to achieve the objectives of subsections B, C, and D."

The CHAIRMAN. Does the gentleman ask unanimous consent that his amendment to the amendment be corrected to read as he has just stated?

Mr. BRECKINRIDGE. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, and I shall not object, but whatever the amendment is, the minority table would like to have the opportunity to look at it. Therefore, could we have a copy sent to this table?

Mr. STAGGERS. Mr. Chairman, the minority is not the only one which does not have a copy.

The CHAIRMAN. The Clerk will rereport the amendment.

The Clerk read as follows:

Amendment offered by Mr. BRECKINRIDGE to the amendment offered by Mr. PICKLE: After the words "producer level" on line 4 of the amendment, strike the remainder of the amendment and insert: "But the President shall apply such provisions at the producer level when necessary to achieve the objectives of subsections B, C, and D."

Mr. BRECKINRIDGE. Mr. Chairman, during the explanation of the amendment offered by the gentleman from Texas (Mr. PICKLE) and during the colloquy that took place with the gentleman from Texas (Mr. ECKHARDT) it became apparent that the question bothering the committee members is the permissive nature of the discretion which is vested in the President.

All my amendment does is to provide that in the event they effect the purposes of subsections (B), (C), and (D) of the act, the President shall make the necessary allocations. So that the effect of the language is merely to mandate rather than be permissive in that action.

It is my understanding, as a matter of fact, and as a matter of law, that the language in its present shape accomplishes that objective, and that crude would be allocated to refiners, including independent refiners. However, I believe this makes it absolutely and unequivocally clear.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to direct a question to the gentleman from Texas (Mr. PICKLE).

I wonder whether the gentleman approves of the State prorationing system of the Texas Railroad Commission which applied regulations to each well in the State of Texas?

Mr. PICKLE. Yes. It has been a system that has worked well for my State.

Mr. CONTE. Then, Mr. Chairman, I wonder why the gentleman objects to the Federal Government doing what the State of Texas has already done?

Mr. PICKLE. We are talking about——

Mr. CONTE. We are talking about exactly the same thing.

Mr. PICKLE. Mr. Chairman, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. CONTE. Mr. Chairman, I do not yield.

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts (Mr. CONTE) has the time.

Mr. PICKLE. Mr. Chairman, I would like to have the gentleman from Texas (Mr. ECKHARDT) make a statement on that.

Mr. CONTE. The gentleman from Texas (Mr. PICKLE) has given a fine answer, and that is it.

Mr. Chairman, if crude oil is not covered, some refineries, particularly independent refineries, may not get adequate supplies to process into heating oil. Many of these refineries are equipped to handle only "sweet crude" or low sulfur oil. But supplies of sweet crude are tight and largely controlled by the major oil companies. Only Government intervention will insure that these refineries get the crude oil stocks they need.

If this amendment, offered by the gentleman from Texas (Mr. PICKLE) passes, the big losers will be Midwest consumers. Crude oil must be allocated to insure that independent refiners in the Midwest get adequate feedstocks. As my Midwestern colleagues will attest to, the Midwest is very dependent upon independent retail oil marketers—and these marketers depend upon the independent refiners for their supply.

It is bad enough that the Northeast must worry about the shutoff of oil deliveries due to the Arab-Israeli war. But now I understand, from press reports, that the States along the gulf coast might try to grab some of the heating oil stocks produced in their State which historically have gone to the Northeast.

Texas, for instance—and there is no wonder that every Texan has gotten up here to speak in favor of this amendment—Texas, for instance, has had a tremendous growth of oil storage facilities this past year.

A week ago today, the chairman of the Texas Railroad Commission, Jim Langdon, predicted that out-of-State shipments of distillate fuels would have to be reduced by 50 percent—or between 300,000 to 500,000 barrels a day—so new storage facilities in Texas could be filled.

Without the strict language of the committee's mandatory allocation bill, the consumption of distillate fuels in Texas will rise abruptly, at the expense of the Northeast and the upper Midwest.

This would be unfair. I hope we can blunt the destructive impact of regional rivalry. I think it is pretty obvious to the House to see which Congressmen are here on the floor today pumping for this bill.

I tell my colleagues from the rest of the United States vote down the Pickle amendment if you want some oil this winter.

Mr. MILFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleagues, I know you are tired, but there are a couple of things I do not believe that we have quite made clear.

First, the Texas delegation is not opposing crude allocation. All we are trying to do is to find some means whereby we can live with the allocation procedures whereby allocation can be done.

I think perhaps what we are failing to get across is an understanding of the oil production system. I believe this might require a short 3-minute lecture on oil. Please let me define an oil producer, because I do not think some of you fully understand what he is.

An oil producer may be an individual, or may be a community group that has gotten together to put in a well, or it may be a large company. Most of the producers, incidentally, are small. The larger companies buy their crude from the producing wells.

Second, it is important that you understand our collecting system, whereby we collect crude oil to get it to the refineries This is extremely important, and it is not the same in every case. In fact, it is usually very dissimilar. These systems may vary from producer-owned small pipelines to a collecting point—which may be nothing more than a large tank—or the oil may be shipped by truck or the small pipes may join a main pipeline.

There is a third very important point: We now have numerous minimum producer wells or scrub wells, as some folks call them. These have been shut down in past times because they were not economical producers. Due to the shortages they have been revived. But if there is any tampering at all with these, due to the fact that they are so close to not being economical, we may lose a considerable source of energy.

These wells produce only a few gallons a day. However, by keeping them active we increase our total output of crude.

So, ladies and gentlemen, what we are trying to say is go ahead with crude allocation, but put it on at a place where the industry can cope with it and handle it. The best place would be the main line collector points or the refineries. That is all we are asking you to do.

Mr. ECKHARDT. Will the gentleman yield?

Mr. MILFORD. I yield to the gentleman.

Mr. ECKHARDT. There is one point I would like to have cleared up with the gentleman from Massachusetts.

The gentleman was talking about the giant storage facilities in Texas. Does the gentleman not agree with me that as soon as oil gets into these facilities, under the Pickle amendment it is subject to the allocation?

Mr. MILFORD. Yes. I would say to the gentleman from Massachusetts that the only oil that Texans ever drink is castor oil, and that does not come out of the ground and we cannot drink it.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am just going to say what I said before. This amendment passes the price on from the wellhead to the consumer, which can run into billions of dollars for all Americans across the land.

I would like to read from a letter from the director of the Cost of Living Council which just came in the latter part of September. From January through August 1973 the fuel oil component of the wholesale price index increased at an annual rate of 72.5 percent. For gasoline the rate of increase has been 63.5 percent. For all refinery and petroleum products it has been 56.8 percent. These figures contrast sharply with those of all products, which increased at the rate of 8 to 10 percent.

I think this ought to be a story for the Members of this House to consider. Additionally, I say that this is just a backdoor approach, and I am against the amendment to the amendment.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield, the wire services this afternoon said that the Arabian oil producers have just raised their price from $1 to $1.50 a barrel. That was announced this afternoon. I would hope the gentleman would not bring prices into this, but it works both ways. And why the gentleman objects to someone in the country making a profit but would be for the Arabian companies to bring oil in at $2 or $3 a barrel in excess of the present price, I do not know. I do not understand who the gentleman is for.

Mr. STAGGERS. I am for the people of this country.

The CHAIRMAN. The time of the gentleman has expired.

The questions is on the amendment offered by the gentleman from Kentucky (Mr. Breckinridge) to the amendment offered by the gentleman from Texas (Mr. Pickle).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Pickle).

The question was taken; and on a division (demanded by Mr. Pickle) there were—ayes 49, noes 60.

RECORDED VOTE

Mr. PICKLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 245, answered "present" 2, not voting 51, as follows:

[Roll No. 533]

AYES—136

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bauman
Blackburn
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Burgener
Burleson, Tex.
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Eckhardt
Erlenborn
Eshleman
Fisher
Flynt
Ford, Gerald R.
Forsythe
Froehlich
Gettys
Ginn
Gonzalez
Goodling
Hammerschmidt
Hanrahan
Harsha
Henderson
Hicks
Hinshaw
Hogan
Holt
Hosmer
Huber
Hunt
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Jordan
Kazen
Kemp
Ketchum
Kuykendall
Landrum
Latta
Long, La.
Lott
Lujan
McCollister
McEwen
McSpadden
Mahon
Mann
Martin, N.C.
Mathis, Ga.
Melcher
Milford
Miller
Mizell
Montgomery
Moorhead, Calif.
O'Brien
O'Hara
Owens
Patten
Pettis
Pickle
Powell, Ohio
Price, Tex.
Pritchard
Railsback
Rarick
Rhodes
Roberts
Roncalio, Wyo.
Rousselot
Runnels
Ruppe
Saylor
Sebelius
Shoup
Shriver
Skubitz
Spence
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Symms
Taylor, Mo.
Teague, Tex.
Thornton
Treen
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Wiggins
Wilson, Charles, Tex.
Wright
Young, Ill.
Young, S.C.
Young, Tex.
Zion

NOES—245

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carter
Clancy
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Wis.
Delaney
Dellenback
Dellums
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hillis
Holifield
Holtzman
Horton
Howard
Hudnut
Hungate
Hutchinson
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
King
Kluczynski
Koch
Kyros
Landgrebe
Leggett
Lehman
Lent
Litton
Long, Md.
McClory
McCloskey
McCormack
McDade
McKay
McKinney
Macdonald
Madden
Mailliard
Mallary
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nix
Obey
O'Neill
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Quie
Quillen
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Seiberling
Shipley
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stark
Steele
Stokes
Stratton
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Walsh
Whalen
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zwach

ANSWERED "PRESENT"—2

Bell
Randall

NOT VOTING—51

Ashley
Biaggi
Bingham
Broomfield
Broyhill, Va.
Buchanan
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Conyers
Culver
Davis, Ga.
Evins, Tenn.
Flood
Fulton
Goldwater
Griffiths
Gunter
Harvey
Hawkins
Hébert
Jones, Ala.
McFall
Madigan
Martin, Nebr.
Michel
Mills, Ark.
Minish
Minshall, Ohio
Mosher
Murphy, N.Y.
Nelsen
Nichols
Parris
Passman
Patman
Poage
Preyer
Rooney, N.Y.
Sandman
Scherle
Schneebeli
Schroeder
Stanton, J. William
Stuckey
Sullivan
Whitten
Winn
Young, Alaska
Young, Ga.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Eckhardt: On page 15, immediately following section 4(e), add the following new subsection (f):
>
> "(f) The regulation promulgated and made effective under subsection (a) shall not apply to any producer of crude oil during any calendar quarter if such producer produced during the preceding calendar quarter net to such producer's working interests not more than an average of 2,500 barrels per day." and renumber subsection (f) as (g).

Mr. ECKHARDT. Mr. Chairman, this is a very much milder amendment than the one which was offered by the gentleman from Texas (Mr. Pickle) although I thought that amendment was watered down to the point that it was extremely innocuous.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, does the gentleman have any copies of the amendment?

Mr. ECKHARDT. I had supplied one copy for the desk. This is my last one, and the gentleman may have it.

Mr. Chairman, all this amendment does is this: It says that producers who are producing less than 2,500 barrels a day shall not be subject to the limitations of the act.

Now, to put this in perspective, if I had gone up to 10,000 barrels per day, I still would not have even touched the skirts of the major oil companies; it would not have included majors if the figure had been four times as great.

I do not have the exact statistics today, but the last time I studied the situation—and that was a good many years ago—there were 3,300 producers in Texas that produced approximately half of the oil in Texas. There were about 11 majors that produced the other half. In States such as Louisiana and California the majors produced approximately 90 percent of all the oil.

So at most we are touching a very small amount of the total oil produced in the United States, perhaps 5 percent, perhaps less, certainly not enough crude oil to affect the supply to the East, to the Midwest, or to any refinery in the country.

Why, then, is this amendment so necessary?

If we do not exclude the small producer, we make the producer subject to capture by the large company gathering lines. The small producer ought to be permitted to operate within his own marketing system, and when we disturb that marketing system and tell him that he has to flow his oil into the pipelines of majors and into a total system over which he has no control and which may ultimately control him, we do this:

In protecting the little distributor at the tail end of the operation, we hurt the little producer at the top end.

Now, the producer that I am talking about, producing 2,500 barrels a day, is a fellow who is running the kind of risk that brings oil to the surface. He is the man who takes a chance. He is the man who deserves, if anybody does, a depletion allowance. For this is the man who takes the risks and this is the man who, in my opinion, should not be forced into a gathering system by mandatory legislation that may destroy his own contracts concerning distribution. He may be supplying independent refineries. Why should he be forced to flow his oil into another system that affords oil to the larger refineries?

If this amendment were one that influenced, let us say, 50 percent of the production in this country and if it were one in which certain sections of the country could be cut off from oil, then maybe you should go the way you did on the last amendment; you might be running some risk that your area would be depleted with regard to oil. Not so under this amendment.

We are talking about such a minuscule amount of the total amount of oil in the United States that it could not possibly affect the question of price and supply. These are not controllers of price. They are not monopolies who can control the supply. They are the victims of monopoly. We have already protected under the amendment offered by the gentleman from Kansas (Mr. SKUBITZ) the stripper well: That is, we excluded wells producing 10 barrels or less, but all this does is say the little fellow who may have a number of stripper wells but may also have a few more productive wells should not be included in this massive system.

The amendment has this one other extremely salubrious effect: It reduces greatly the number of people who have to be policed by the act, because there are so many people producing so little oil.

Mr. SEIBERLING. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. SEIBERLING. The gentleman's amendment does not define the word "producer," and I wonder therefore if it would make it possible to evade the intent of the amendment by breaking up production among a host of small subsidiaries.

Mr. ECKHARDT. That is the reason why I have used the term "net."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. I am entirely conscious of this fact, and when the term is used "net to such producer's working interests" that is a term of art that defines a producer, because it is used uniformly with respect to a particular entity involved.

Mr. SEIBERLING. I thank the gentleman for his clarification.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I will not take the 5 minutes.

This is a temporary bill wherein the House is acting to take care of an emergency and it expires on February 28, 1975. It is necessary at this time because of the conditions we are living under and we find ourselves in today.

We were asked to take care of the stripper wells and we have taken care of all the stripper wells in the country that produce less than 10 barrels a day. When this question was brought up in an amendment in the committee, we did take care of the stripper wells, so I do urge defeat of the amendment.

Mr. CONTE. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. CONTE. You took care of these little stripper wells that produce less than 10 barrels a day.

Mr. STAGGERS. That is right.

Mr. CONTE. And now the gentleman is trying to bring it up to 2,500 barrels.

I am very much opposed to the amendment, and I hope it is voted down.

Mr. ECKHARDT. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I want to correct that. We are not raising that to those who are pumping 2,500, but this had to do with the total production of all of a producer's wells.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I take this time before it is too late to ask the chairman of the committee his question: In view of the fact that the administration has set up agricultural food production and home heating as the top priorities in the allocation of fuel, I would like to know how the committee arrived at the priorities to be found under the subhead of Mandatory Allocations to be found on page 12 of the bill where agriculture is relegated in the line of priorities to third place.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. As I understand the question raised by the gentleman from Iowa, the list does not establish priorities 1, 2, 3. These are things, without any particular priority about them, which are to be given attention in the allocation.

Mr. GROSS. Then that is not to be construed as a list of priorities for guidance of the administration?

Mr. BROWN of Ohio. If the gentleman will yield further, this is the total list of priorities and not a list of priorities 1, 2, 3, 4. As a matter of fact, they are not listed that way, they are listed a, b, c, d. And "a" is not necessarily the first priority, "b" is not necessarily the second priority, and "c" is not necessarily the third priority, they are all priority items.

Mr. GROSS. Whether they are stated a, b, c, or 1, 2, 3 is beside the point. Why is it presented in this fashion? Did the committee not take recognition of the fact that the administration established, as top priorities, food production, agriculture, and home heating?

Mr. BROWN of Ohio. They are all in there.

Mr. GROSS. That may be true, but I am surprised that food production and home heating was not at the top of this list.

Mr. BROWN of Ohio. They have been put in alphabetically, I might say, or they have been put in paragraph form; they are just listed in this way.

Mr. GROSS. One final question, while the gentleman from Ohio is still on his feet: Is there anything in this legislation that the administration cannot accomplish under its present powers and in the absence of this legislation?

Mr. BROWN of Ohio. There is nothing they cannot do, but what this legislation does specifically mandates them to use the powers which they have not chosen to use up to this point.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. PICKLE. It should be repeated again for the benefit of the Members who have not been present during this entire debate that the administration has announced a program for heating oil, for propane, for kerosene, and for jet fuel, and they have full authority to do all that this bill wants. It is just going to make the situation impossible to administer. We are just saying to the President, "We want you to do what you have already done."

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment. My district is one of the areas that is targeted in. We have many, many wells that have been producing for 30 or 40 years that produce more than 10 barrels a day, but are marginal in their operation. If we cut these wells off, and the opportunity for these men to even break even in the operation of these wells, this is simply going to mean that you will have less oil and gas to carry out the very thing that it states in this bill, to preserve on an economic foundation a competitive petroleum industry. How can the small individuals compete with the major industries if we are going to put these types of restrictions on them?

It just makes common sense that a man is not going to invest his money to take over these marginal wells if he cannot make a profit, and as a result that man will not produce oil and gas any more. The oil and gas will stay there, and we will be left with less oil and gas at a time when we need all of the energy we can get.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 68, noes 74.

So the amendment was rejected.

Mr. VAN DEERLIN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the Arab States are talking tough again, threatening to cut off petroleum shipments to us.

Perhaps it is time we gave them—and their Soviet mentors—a lesson on what hard-nosed diplomacy is really all about.

The bill before us, H.R. 9681, the Emergency Petroleum Allocation Act, may not be the ideal vehicle for striking back at those who would use their petroleum reserves to attempt extortion. But the fact that such a bill is now before us at all attests to the fuel shortage which already confronts us.

Imports from the Middle East account for only about 6 percent of our petroleum consumption, but at this juncture we cannot afford to lose any of these supplies.

Since Russia has become so inextricably involved in the Arab-Israeli war, it might be that a little pressure properly applied could cause the Soviets to help the Arabs see the sweet light of reason.

Mr. Chairman, our notorious wheat deal with the Russians is of course widely known. In the past year and a half we have sent more than 600 million bushels to Russia, under terms that have shot up the price of wheat and wheat products in this country and abroad.

Perhaps we should let the Russians know that we will stop the wheat sales if their Arab friends go through with the threat to shut off the flow of oil.

Granted, the circumstances of the trade in these two commodities—wheat and petroleum—are entirely different.

But why not, for once, look after our own national interest first? If we terminate the wheat exports, we would be contributing to the economic well-being of our own country and its citizens. And if the Russians can be prevailed on to persuade the Arab States to be sensible in regard to their oil, we will be ahead on that count, and the fuel shortage will not be quite so acute.

I do not profess to know the details of our wheat arrangement with the Russians, or of the subsidies and credits which helped the deal gain momentum.

And I am not certain that abruptly ending these shipments would be classic diplomacy in the traditional sense. But at least it would, in the words of an erstwhile Presidential candidate, "send 'em a message" the Soviets could hardly ignore. And the threatened loss of this windfall just might have the desired effect.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: amend section 3 (4) on page 11, line 15 by adding after the word LPG the words "Ethyl Glycol".

Mr. HUNGATE. Mr. Chairman, the sole purpose of this amendment is to include within the mandatory allocation antifreeze, which is in very short supply in many parts of our country and will become more acute as the weather gets colder. That is the sole purpose.

Mr. Chairman, I urge support of this amendment.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment. Unfortunately, everybody in the Congress more or less has some pet item they would like to have included in the priority listing. It is unfortunate that we have had not one word of testimony about this particular item. I am sure it is needed. I am told that it is made from propane. Propane is covered under the bill. I oppose the amendment, inasmuch as we have to cut this off somewhere.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Missouri.

Mr. HUNGATE. In hearings regarding small businessmen, there has been considerable testimony from those who need antifreeze, and in my own district there are several industries who are quite concerned that they do not have sufficient antifreeze.

Mr. MACDONALD. I am just stating to the gentleman that if they were so concerned, they did not testify before our committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HUNGATE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HAMMERSCHMIDT

Mr. HAMMERSCHMIDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMMERSCHMIDT: Page 13, insert after line 14 the following:

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

Mr. HAMMERSCHMIDT. Mr. Chairman, this amendment could be important to at least 23 States that might be adversely affected with the promulgation of this bill by the Executive agency.

Mr. Chairman, I believe that the amendment I am offering further carries out the intent of the legislation in insuring the establishment of legislative history for purposes of regulations which will result from its enactment. This bill will provide authority for the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare. The purpose of my amendment is to call attention to the specific situation, affecting industry and utilities in 23 States, whereby the Federal Government has mandated a switch from natural gas to other energy sources. In most cases, this other source is fuel oil. In my judgment, our legislation for a program of equitable distribution should at least single out the fact that any allocation system should provide for adjustments which give consideration to curtailment directed or approved by order of a governmental agency.

For the 1973–74 season beginning this past April, the Federal Power Commission has mandated curtailed service of natural gas which is resulting in switches to fuel oil as an alternate source in the States I will read to the Members in case they are interested.

Mr. STAGGERS. Will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would have to say to the gentleman that I would oppose the amendment. I hope the gentleman will withdraw it, because I believe it is fully covered in our bill. I can say it is the intent of the committee that this should be covered. We leave it up to the discretior of the President now.

Mr. HAMMERSCHMIDT. Mr. Chairman, I realize it is the intent of the committee, but I would rather see it written into the bill.

Mr. STAGGERS. I would have to oppose that.

Mr. HAMMERSCHMIDT. If the gentleman will permit me to finish my statement, I would like to call off the names of the States that are affected: Alabama, Arkansas, Arizona, California, Florida, Delaware, Georgia, Louisiana, Kentucky, Maryland, Mississippi, Nevada, New Mexico, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee and Texas.

Although the legislation provides discretionary authority under which extenuating circumstances may be taken into account, the allocation program is structured on amounts of crude oil or refined products sold or otherwise supplied to marketers or refiners—respectively—during the corresponding period of 1972.

Thus, if we are mandating historical demand as a factor in determining allocation, we should also emphasize that administrative regulations need to provide for adjustments for our many utilities and industries which were relying on natural gas during calendar year 1972 and have little or no usage history of fuel oils due to their federally mandated switch-over. I am concerned because their current fuel oil utilization will not appear, at any point in the petroleum marketing chain, in 1972 statistics.

This is not a regional issue and certainly not a partisan one. The natural gas curtailment problem, as well as any other government-caused energy switch, merits mention in H.R. 9681. All of the 10 regions will be impacted by natural gas curtailments during the forthcoming winter. The areas hardest hit, in order of amounts cut back, are the gulf coast, Pacific Southwest, Appalachia, Great Lakes and Southeast regions. The problem is compounded by the fact that these same regions are also faced with severe shortages of suitable alternative fuels, such as propane and distillate fuel oil. Many industrial plants will be forced to operate part time or shut down completely if they are not able to obtain alternate fuel. This would be devastating from an economic standpoint but, from a strictly human standpoint, the consequences would be tragic if public utilities cannot secure adequate alternative fuel.

We are faced with a most complex problem, and I do not presume to think that my amendment is any kind or cure. Rather, it serves as some kind of assurance that attention will be directed toward the pressing need for adjustments—in any type of program adopted—to compensate for the loss of natural gas.

Public utilities purchase their fuel oil both from refiners and the spot market, direct from independents. It is therefore crucial that their increased—and in many cases very recent—demands for fuel oil receive adequate consideration. When an industry or a utility is forced to give up natural gas as a power source, the general procedure is to adapt to No. 2 fuel oil. The supply situation there is critical and, after a conversion process, the industry or utility will go to No. 6 fuel oil or equivalents. For those concerns which have relied on natural gas in the past, alternative sources are limited. Existing stations cannot be converted for coal use. New facilities must be built.

In view of the foregoing, I hope my colleagues will also deem my amendment as necessary recognition of a unique problem and support its adoption.

I hope the committee chairman and the ranking minority member feel that they can accept this clarifying amendment.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment.

The amendment would do what the bill already does in giving the President flexibility in allocating residual fuel oils.

I quite agree with the gentleman that the President should give consideration in line with the gentleman's amendment. The President is already instructed to do that in the language of the bill.

I think the gentleman is correct about the action of the FPC in their curtailment.

I am sure the President is aware of this and I can assure the gentleman it is the wish of the committee that the President does take into consideration the objections outlined in the gentleman's amendment, but I oppose the amendment because it is unnecessary.

Mr. ALEXANDER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I simply would like to say that I rise in support of the amendment of the gentleman from Arkansas (Mr. HAMMERSCHMIDT). It is true that the bill intends, or states to intend to cure the situation that is offered by the amendment of the gentleman from Arkansas, but we in states such as Arkansas simply cannot afford to take a chance.

Mr. Chairman, I rise in support of the amendment, and I urge my colleagues to support the amendment.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it could be said that this amendment was written by the utilities to protect the utilities. It provides that any user forced to curtail its use of natural gas, or ordered to switch to oil by the Federal Power Commission, or ordered to comply with Environmental Protection Agency regulations could ask during the next 6 months that any shortfall of fuel be made up in heating oil instead of another fuel.

Most of the companies subject to these orders are utilities.

Therefore, the effect of this amendment would be to create a substantial diversion over the coming winter months of fuel from homes to utilities.

I estimate that this will create an additional shortfall of heaing oil in the Northeast of at least 20 percent.

Utilities can take care of themselves in the heating market. Homeowners cannot.

I urge my colleagues to defeat this amendment.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, what about the homeowners who heat with tlectricity? What about the homeowners who heat with electricity?

Mr. CONTE. Mr. Chairman, the utilities can take care of themselves, but the little homeowners cannot. The big utilities have the tools and staff to take care of them.

The gentleman can take care of them. I will take care of my little people.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the chairman of the committee or the chairman of the subcommittee for their views on a matter that affects the basic period as outlined in the bill. Originally, the bill pertained to the year 1972, and then the chairman of the subcommittee introduced in a committee print and spoke in terms of a historical period, and gave some leeway about what would be the base period.

As we have it now, it still makes reference to 1972, and the gentleman says that considerable leeway should be given to the President to interpret what the base period is.

The reason I raise the question is this, and I do not wish to be personal about it, but I will bring out a situation that has happened in my district. The city of Austin, Tex., in the fall of 1972 was curtailed on its supply of natural gas, and for the last year we have had two or three dozen curtailments all the way down sometimes to 50 and 60 percent. So, my city of Austin, the capital of the State, and my river authority has not had enough natural gas, and consequently my city has been curtailed. It seems a bit ironic that people in the Northeast think this bill must be passed to give them help when we in the Southwest are having great difficulty because our supplier does not have enough gas. When we were curtailed on natural gas, we had to go out and buy fuel oil.

We bought as much as we could, and we are maintaining as much as we can buy with the storage capacity which we have. It is very difficult now. The fuel is costing us 6 and 7 times what our natural gas would cost, so we have a double problem.

If we are limited to the year 1972, and we would be given only 2 months, November and December for a base period, obviously my city is not going to be entitled to go out and buy but very little fuel oil. This is the same problem that would apply to the Lower Colorado River Authority.

Consequently, if we are limited to that small period, inadvertently perhaps the House is doing great disadvantage to my city and the people involved.

Now, I notice that in the committee report, on page 18, they did say as follows:

> The Committee also specifically intends to include services provided by authorities which have been formed by government, including river authorities. The Committee wishes to emphasize that the term public services is intended in the broad sense of including also those privately owned activities and services that serve the public at large.

The report goes on to say as follows:

> The Committee would expect the President in fashioning the mandatory allocation program called for in this bill to pay special attention to the need of continuing these services without disruption or interruption.

Now, it gets to be a critical matter if

we leave in that base period which was changed in the committee at the last minute. If that is left in the bill, then my city, the city of San Antonio, is literally ruined, and I know that would not be the committee's intent.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I rise merely to emphasize the importance of what the gentleman is saying.

What the distinguished Texan is saying is something that every Member here had better heed, and I think we had better heed it very seriously, because otherwise this House and ultimately this Congress could very well be doing the very opposite of what the legislation is supposed to be achieving and what the intention of the committee was supposed to have done and what the intention of this body is supposed to be now in deliberating on this matter.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has expired.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. PICKLE) be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Chairman, I object.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, will the gentleman yield to the gentleman from Texas (Mr. GONZALEZ)?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from California for yielding me this time to correct an obvious injustice on the part of another colleague from California. All I asked for is 1 minute so that the position of the gentleman from Texas (Mr. PICKLE) who has taken the lead on this matter, will be given some serious attention and so this House will not commit the error and sin of falling victim to sectionalism that is based on a falsified premise.

I believe that unless this error is corrected in the way the bill is written now, a most serious injustice will be heaped upon the average municipality in the United States which depends for its fuel energy on the gas supply and on the oil supply.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman's comments.

The CHAIRMAN. The Chair will inform the gentleman from Texas that the gentleman from California (Mr. ROUSSELOT) has control of the time.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding.

At this time, I would like to have an expression from the chairman of the subcommittee.

Mr. MACDONALD. Mr. Chairman, I did not quite understand the gentleman's question, but I did understand his statement.

First of all, inasmuch as the gentleman brought up the question of the utility in Austin. I agree that it is peculiar to have Austin run out of natural gas, because they have an awful lot of natural gas in and around Austin. It seems to me that is one thing the people of Austin should have in abundance.

Mr. PICKLE. Mr. Chairman, I did not understand. What did the gentleman say about natural gas?

Mr. MACDONALD. The natural gas in and around Austin. And, therefore, I am surprised that Austin would be cut off.

Mr. PICKLE. There is not any natural gas—or practically no natural gas in my district. My district is not an "oil or gas" district. We must depend on other intrastate shipments.

Mr. MACDONALD. Mr. Chairman, I shall ask the gentleman this question: Is it not the fact of that situation that Austin picked a rather poor utility, and the utility went to the Texas Railroad Commission, and they asked the Texas Railroad Commission for an increase in price, and the commission refused to grant the increase, and they cut back their service? Is that about correct?

Mr. PICKLE. No. The supplier tried to get some kind of relief through the legislature a year before. Now the supplier says it can get more gas if given a permanent rate increase, and matter is still pending before the commission. I do not know what the Railroad Commission will rule on the permanent rate increase request. However, that has nothing to do with this problem.

Mr. MACDONALD. Mr. Chairman, the gentleman raised the question, and I thought I would remind him about this Texas utility.

Mr. PICKLE. The problem, as stated, is that under the base period, as outlined in this bill, if we take the year 1972, my river authority and city—and San Antonio would have only a 2-month history of buying fuel oil.

I am not talking about natural gas, but I am talking about the cutting off and curtailing of us to a matter of 50 percent of the natural gas that we were receiving. We now have to buy fuel oil, and if you limit the base period to a period of 2 months, obviously my whole city will get cold—not just cool but cold.

Mr. MACDONALD. I understand the gentleman's predicament and his point has been made time and time again during the afternoon. All this bill does is to give the President the greatest flexibility we can give him. On page 12, (b)(1), we say to the President to the maximum extent practicable he shall provide for maintaining all public services and, of course, municipally owned utilities are included. Utilities would be included in this bill, and the President would be directed to do everything to the maximum extent practicable to take care of your problem.

Mr. PICKLE. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment by the gentleman from Arkansas.

I think the gentleman from Texas (Mr. PICKLE) and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) have made an excellent point. It does no good to allocate or reallocate fuels if in doing that you do damage to those who have to produce electricity. That is exactly what will happen under this bill unless this amendment passes.

It is one thing to talk about reallocating shortages all over the country, and I do not believe in that, but to deny to those areas the right to produce electricity because it will be badly cut down or curtailed I think is totally wrong.

Mr. Chairman, let me list the States that would be badly hurt if the amendment by Mr. HAMMERSCHMIDT is not passed: Alabama, Arkansas, Arizona, California, Florida, Delaware, Georgia, Louisiana, Kentucky, Maryland, Mississippi, Nevada, New Mexico, New Jersey New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.

I rise in support of the position taken by the gentleman from Arkansas and the gentleman from Texas.

I will be glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

If I understood the gentleman from Texas correctly, what he was trying to get is an assurance from the committee that his situation in Austin would not be cut off because there is flexibility in the bill, and I understand that there is such flexibility. The base period relates only to section 4(c) of the bill that has to do with the distribution of gasoline and fuel oil, but it has nothing to do with the general supply of crude to a plant which produces electricity or gas or other utilities. Is that correct?

Mr. MACDONALD. That is correct.

Mr. MILFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT). Without this amendment, many of the electric powerplants in the Southwest would be in distress. We are asking for no more, nor no less, in the way of fuel allocations. We are simply asking for an equal share. You see, the way the bill is presently written, it would discriminate against some Southwest States. The reason is quite simple. Texas for example, is one of the leading producers of natural gas. In past years we have had an abundance of this fuel. Now it is in short supply due to the demands of other States where the fuel is used for heating and cooking. Most of our electric utility companies have always used natural gas for the generation of electricity in the past. As a matter of fact, many of our utility companies did not even have burners that could use fuel oil until 1972. Therefore, since allocation quotas are going to be based on amounts used during the year 1972 Texas will not receive its fair share. Mr. HAMMERSCHMIDT's amendment would correct this inequity and assure that each State receives its fair share. I would urge you to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

The amendment was agreed to.

Mr. STAGGERS. Mr. Chairman, I rise to propose a time limit here, because I think we have spent a great deal of time in yielding to others and things are getting a little bit out of hand. I believe we should dispose with the main purpose of this bill. I would like to ask unanimous consent that all debate on the bill and all amendments thereto close at 8:30.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. ASHBROOK. Mr. Chairman, I object.

Mr. STAGGERS. Mr. Chairman, I move that all debate on the pending amendments to the bill and the bill close at 8:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. STAGGERS) there were—ayes 117, noes 53.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PICKLE. Mr. Chairman, my parliamentary inquiry is this: I would like to inquire how many amendments are at the desk?

The CHAIRMAN. The Chair will state that there are five amendments pending at the desk.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 214, not voting 59, as follows:

[Roll No. 534]

AYES—161

Adams
Addabbo
Alexander
Annunzio
Aspin
Badillo
Barrett

Beard
Bell
Blackburn
Blatnik
Bowen
Brademas
Brasco

Bray
Burke, Calif.
Burleson, Tex.
Burton
Byron
Carter
Casey, Tex.

Cederberg
Chamberlain
Chappell
Clancy
Cochran
Cohen
Collins, Ill.
Corman
Cotter
Daniels, Dominick V.
Danielson
Delaney
Denholm
Diggs
Donohue
Downing
Drinan
Duncan
Eilberg
Eshleman
Fascell
Findley
Fisher
Flowers
Ford, William D.
Frey
Gaydos
Ginn
Grasso
Gray
Green, Oreg.
Green, Pa.
Haley
Hamilton
Hanley
Hanna
Harrington
Hastings
Hays
Hechler, W. Va.
Helstoski
Hicks
Hillis
Holtzman
Hosmer
Hudnut

Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kluczynski
Kuykendall
Kyros
Latta
Leggett
Lehman
Long, Md.
McCormack
McKay
Macdonald
Mailliard
Mayne
Mazzoli
Meeds
Metcalfe
Miller
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nix
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pritchard
Quillen
Railsback
Rangel
Rees

Reid
Reuss
Rhodes
Riegle
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Roy
Runnels
Ryan
St Germain
Seiberling
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Teague, Calif.
Thomson, Wis.
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vanik
Vigorito
Williams
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Ill.
Zablocki
Zion
Zwach

NOES—214

Abdnor
Abzug
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Bennett
Bergland
Bevill
Biester
Boggs
Boland
Bolling
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Butler
Camp
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conlan
Conte
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.

Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dingell
Dorn
du Pont
Dulski
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fish
Flood
Flynt
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fuqua
Giaimo
Gibbons
Gilman
Gonzalez
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Heckler, Mass.
Heinz
Henderson
Hinshaw
Hogan
Holt
Horton
Howard

Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, Okla.
Jordan
Kazen
Keating
Kemp
Ketchum
King
Koch
Landgrebe
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McSpadden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Melcher
Mezvinsky
Milford
Mink
Mitchell, N.Y.
Mizell
Moorhead, Calif.
O'Brien
O'Hara
Obey
Owens
Pettis
Pickle
Powell, Ohio
Price, Tex.
Quie
Randall
Rarick

Regula
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Saylor
Shoup
Sisk
Smith, Iowa

Snyder
Spence
Stark
Steele
Steelman
Steiger, Wis.
Stokes
Studds
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Treen
Ullman
Vander Jagt
Veysey
Waggonner

Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyman
Young, Fla.
Young, S.C.
Young, Tex.

NOT VOTING—59

Ashley
Biaggi
Bingham
Brown, Calif.
Broyhill, Va.
Buchanan
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Conyers
Coughlin
Culver
Davis, Ga.
Dickinson
Evins, Tenn.
Ford, Gerald R.
Fulton
Gettys
Goldwater

Griffiths
Gunter
Harvey
Hawkins
Hébert
Holifield
Jones, Ala.
Landrum
McEwen
McFall
McKinney
Madden
Martin, Nebr.
Michel
Mills, Ark.
Minish
Minshall, Ohio
Mosher
Murphy, N.Y.
Nelsen

Nichols
Parris
Passman
Patman
Poage
Preyer
Rooney, N.Y.
Sandman
Scherle
Schneebeli
Schroeder
Sebelius
Stanton, J. William
Stuckey
Sullivan
Whitten
Winn
Young, Alaska
Young, Ga.

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. STAGGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9681) to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes, had come to no resolution thereon.

ALL-VOLUNTEER FORCE STATUS REPORT

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, the all-volunteer Armed Force experiment is now between 3 and 9 months old, depending on whether one starts counting with the end of inductions or the end of induction authority. This program is of vital interest since its success or failure will shape this country's defense in the future.

It also, however, shapes the military force of the present. In view of the current Middle East hostilities, and the far-ranging significance those hostilities may have for the United States, I believe it is essential that we closely monitor the progress of the all-volunteer experiment.

To that end I insert in the RECORD at this point the most recent statistics with regard to the recruitment of an all-volunteer Armed Force. These statistics, and the explanations attached thereto, come from the Department of Defense and are inserted without further comment:

MALE ENLISTMENTS—NONPRIOR SERVICE

[In thousands]

	September 1973			January–September 1973 enlistments	Fiscal year—	
	Objectives	Enlistments	Percent		1973 enlistments	1974 objectives
Army	17,800	14,544	82	102,600	170,000	181,000
Navy	8,300	7,775	94	54,300	92,000	75,000
Marine Corps	6,515	4,128	63	36,300	56,000	52,000
Air Force	5,586	5,663	101	57,800	87,000	65,000
DOD total	38,201	32,110	84	251,000	405,000	373,000

Both Army and Marine Corps experienced significant recruiting shortfalls during September. The September shortfall for the Army is attributed to two factors. First, the residual effect of an abnormally low non-high school graduate intake is still being experienced even though the restriction to 30% was removed in July. Second, the Army field recruiter forces are still below authorized levels. The Army has taken action to insure recruiter strength will be at the authorized level by December 1.

The Marine Corps shortfall appears to be related to two factors: A high recruiting objective and low proportion of Mental Group IV enlistments. The Marine Corps objective for September was increased in late August by 1,375 or 27% over the original plan. The increase came too late for recruiters to adjust their recruitment activity. The Marine Corps limited intake of Mental Group IV's to about 7% of its September enlistments, well below their historical average of 20%.

NONPRIOR SERVICE FEMALE ENLISTMENTS

	September		Fiscal year—	
	Objectives	Enlistments	1973 enlistments	1974 objectives
Army	1,000	1,143	8,700	12,000
Navy	439	465	4,800	5,000
Marine Corps	110	122	1,100	1,200
Air Force	716	729	6,200	8,000
DOD total	2,265	2,459	20,800	26,200

Continuing the performance of past months, all Services achieved their female enlistment objectives. The combined FY 1974 Service Female Enlistment Plans are 26% above the total achieved in FY 1973. The accelerated accession plans are expected to provide a 20% increase in enlisted female end-strengths, from 42,300 in FY 1973 to 50,100 in FY 74.

While the accession and resulting end-strength increases are significant, past successes in attracting women to military service suggest that those objectives are attainable. It is planned to continue the policy which requires all female enlistees to be high school graduates.

MILITARY PERSONNEL STRENGTH

(In Thousands)

	June 30, 1973, actual	August 1973		
		Actual (preliminary	Apportionment plan	Actual as percent of plan
Army	801	794	815	97
Navy	565	564	579	97
Marine Corps	196	192	198	97
Air Force	691	684	689	99
DOD total	2,253	2,235	2,282	98

Note: Totals may not add due to rounding. At the end of August, total military strength was within 2 percent of the Services' apportionment program for that month.

NONPRIOR SERVICE ENLISTMENTS[1] BY MENTAL GROUP

[In thousands]

	September 1973		January–September 1973		Fiscal year total (percent)		
	Enlistment	Percent	Enlistment	Percent	1973	1972	1971
Army:							
I–III	11.8	80.0	85.6	84	83	83	77
IV	2.8	20.0	17.0	16	17	17	23
Navy:							
I–III	7.5	97.0	52.6	97	84	80	86
IV	.3	3.0	1.7	3	16	20	14
Marine Corps:							
I–III	3.8	93.0	33.1	91	84	78	79
IV	.3	7.0	3.2	9	16	22	21
Air Force:							
I–III	5.6	99.5	56.2	97	96	91	82
IV	.03	.5	1.6	3	4	9	18
DOD:							
I–III	28.7	90.0	227.5	91	86	83	81
IV	3.3	10.0	23.5	9	14	17	19

[1] Excludes inductees.

In September, Navy and Air Force obtained over 96% of enlistees within Mental Groups I through III—those in the "average" and "above average" mental groups. This is close to the historical peaks for the enlistment of average and above average personnel in these Services.

Both the Army and the Marine Corps limited the percentage of Mental Group IV's who entered in September. Mental Group IV's accounted for 19.5% or Army and 6.6% of Marine Corps September enlistments. The Army's input was in line with historical trends. The Marine Corps input of 6.6%, however, was well below their historical trend of about 20% Mental Group IV's.

The Services endeavor to maximize the number of high school graduate enlistments because high school graduates, on the average, have better disciplinary rates than non-high school graduates. For example, 19 out of 20 high school graduates complete their initial enlistment terms compared to 16 out of 20 non-high school graduates.

The proportions of high school graduates entering in September 1973 compared favorably to past proportions in Navy, Marine Corps, and Air Force.

HIGH SCHOOL GRADUATE ENLISTMENTS—NONPRIOR SERVICE MALES

[In thousands

	September 1973		January–September 1973		Fiscal year 1973	
	Number	Percent	Number	Percent	Number	Percent
Army	7,700	53	63,700	62	99,000	58
Navy	5,700	73	39,400	72	63,500	69
Marine Corps	2,400	59	17,800	49	27,900	50
Air Force	5,400	96	51,100	88	75,100	87
DOD total[1]	21,300	66	172,100	69	265,500	66

[1] Totals may not add due to rounding.

The Army combat arms enlistments for September exceeded their August total of 2,836 by 2%. In August, the Army met 68% of its combat arms objective, while achieving 62% in September.

ARMY GROUND COMBAT ENLISTMENTS—NONPRIOR SERVICE

	September 1973		Fiscal year—	
	Objective	Enlistments	1973 enlistments	1974 requirements
Number	4,683	2,887	35,500	41,900

Of the total that selected the combat arms, four-year bonus recipients accounted for 44%, which is approximately the same proportion as last month but below the average of 70% bonus enlistments for FY 1973.

The unfilled portion of the recruiting objective is made up by assigning enlistees to the combat arms who did not select a specialty or were not permitted to select a specialty because they enlisted for only two years.

BLACK MALE ACCESSIONS—NONPRIOR SERVICE

[In thousands]

	September 1973		July-September 1973		January-September 1973	
	Black enlistments	Percent of male enlistments	Black enlistments	Percent of male enlistments	Black enlistments	Percent of male enlistments
Army	4.4	30	13.0	32	27.3	26
Navy	.7	10	2.3	10	5.3	10
Marine Corps	.7	18	2.5	18	7.4	20
Air Force	.7	12	2.6	14	8.1	16
DOD total	6.6	20	20.7	21	49.1	20

Note: Totals may not add due to rounding.

The four Military Services recruited 6,600 or 20% black enlistees in September. This total number is 1,400 lower than the 1972 September figure.

For the Army, the number of blacks who enlisted is only 100 more than for the same month last year. However, the proportion increased from 20% for September 1972 to 30% for September 1973. Thus, the percentage change resulted primarily from a decline in white enlistments.

Blacks entering service meet the same standards of entry and performance as whites. The performance of blacks within skills for which they qualify and are trained is about the same as the performance of whites who qualify for and are assigned to the same skills. A significant disproportion of blacks entering score below the average on mental aptitude tests. A high proportion of blacks, therefore, qualify for and are assigned to less technical jobs, such as ground combat, supply handling and cooks.

MANNING THE SELECTED RESERVE

Although strength in the Guard and Reserve continues to decline, there are signs that the intense effort by unit commanders and by the parent Services are resulting in an improved picture of recruiting and retention. The total shortfall at the end of August was 66,820 against a mobilization objective of 971,066, a shortfall of less than 7 percent.

The net decrease in strength during August was 942 for all DoD Guard and Reserve Components.

Prior service accessions during FY 73 were 65 percent greater than the number which were programmed for the year. Non-prior service accessions, while far below the numbers required or the numbers attained during the years of high draft motivation, indicate a significant improvement in recruiting effectiveness. Non-prior service enlistments in the third quarter of FY 73 were 95 percent higher than the number of true volunteers recruited in the third quarter of FY 72 while the increase in the fourth quarter was 103 percent over the same period in the previous year.

FISCAL YEAR 1974 SELECTED RESERVE STRENGTHS

	ARNG	USAR	USNR	USMCR	ANG	USAFR	DOD total
Mobilization manning objective	411, 979	260, 554	116, 981	39, 488	92, 291	49, 773	971, 066
Actual strength June 30, 1973	385, 600	235, 499	126, 204	37, 509	90, 371	43, 785	918, 968
Actual strength July 31, 1973	384, 424	234, 061	119, 915	36, 688	89, 891	43, 442	908, 421
Actual strength Aug. 31, 1973	384, 754	233, 014	120, 214	36, 399	89, 809	43, 289	907, 479
Net change from previous month	+330	−1, 047	+299	−289	−82	−153	−942
Net short/over mobilization manning objective	27, 225	−27, 540	+3, 233	−3, 089	−2, 482	−6, 484	−66, 820
Percent short/over	−7	−11	+3	−8	−3	−13	−6.9
PRIOR SERVICE ACCESSIONS							
Fiscal year 1973 program	24, 000	9, 800	13, 663	2, 208	7, 128	14, 735	71, 534
Fiscal year 1973 actual	41, 119	28, 467	25, 772	3, 042	9, 244	10, 767	118, 411
July/August 1973 program	4, 560	5, 000	2, 645	394	1, 839	2, 254	16, 692
July/August 1973 actual	10, 164	1, 994	5, 582	765	1, 695	1, 768	21, 968
NONPRIOR SERVICE ENLISTMENTS							
Fiscal year 1973 program	56, 625	23, 700	23, 891	8, 500	9, 450	4, 253	126, 419
Fiscal year 1973 actual	27, 300	9, 403	19, 858	8, 074	4, 139	1, 605	70, 379
July/August 1973 program	5, 300	1, 700	955	1, 426	1, 530	714	11, 625
July/August 1973 actual	3, 819	522	206	672	410	195	5, 824

Note: All figures are unaudited preliminary reports from services.

SELECTED RESERVE RECRUITING TRENDS

	3d quarter, fiscal year 1972	3d quarter, fiscal year 1973	Percent change	4th quarter, fiscal year 1972	4th quarter, fiscal year 1973	Percent change
Nonprior service recruiting:						
Total NPS accessions	17, 361	9, 396	−46	12, 152	10, 690	−12
True volunteers	4, 810	9, 396	+95	5, 249	10, 690	+103
	June 30, 1971	June 30, 1972	Percent change, fiscal year 1972	June 30, 1973	Percent change, fiscal year 1973	Percent change, fiscal years 1972–73
Minority participation:						
Black members	16, 792	23, 240	+38	38, 800	+67	+131
Women members	3, 975	4, 679	+18	7, 311	+56	+84

THE PRESIDENT SHOULD RELEASE THE TAPES

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. ERLENBORN. Mr. Speaker, I have read the summary of the opinion of the U.S. Circuit Court of Appeals for the District of Columbia in the case relative to the President's tape recordings and believe it to be a good, legally sound opinion. The President would be well advised to accept it without further appeal and to follow the course of action that it prescribes.

The procedure outlined by the court would afford protection to those matters which are privileged and matters pertaining to foreign relations and national defense. Those portions of the tapes which would be given to the grand jury should then be solely recordings of relevant conversations, most, if not all, of which have been the subject of testimony in the Senate hearings.

It seems to me that the court has given the President the protection he needs—protection against flippant or arrogant invasions of White House privacy.

President Nixon has claimed the conversations are protected by executive privilege. While both the lower court and the appeals court have recognized this privilege, they do not find it to be absolute.

Some members of this House have argued that there is no such thing as executive privilege, but this flies in the face of 184 years of fact and practice as well as judicial recognition.

I have long contended that executive privilege should be defined and its limits made clear by legislative action. Failure to do so only invites any incumbent President to define it to fit whatever circumstances suit his purpose. Lack of definition also invites conflict between the executive and legislative or executive and judicial as each branch seeks to extend or limit the use of the privilege to its own advantage.

One of the pressing obligations of this Congress is the adoption of a statutory definition of executive privilege, a procedure for its exercise, and an expeditious way to settle by judicial procedure questions which arise in the future.

Several of my colleagues have joined with me in sponsoring such legislation, but our Foreign Operations and Government Information Subcommittee of the Government Operations Committee has failed, so far, to report the bill.

If we had taken such action years ago, we would have been spared the battle over the tapes this year.

BUTZ BLASTS HIS COLLEAGUES ON PRICE FIXING AGAIN

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, Secretary of Agriculture Earl L. Butz has made another of those hell-raising speeches about the idiocy of his administration's price control policies, this time at the National Newspaper Association Convention at Hot Springs, Ark., on October 12.

This time, the Secretary recites the blunders of his associates in the past, and zeroes in on the continuing fertilizer price controls, refuting his own contention that "we have learned the hard way—politicians, bureaucrats, the press and consumers—all can see it now" that price controls will not work.

That is wrong. for obviously the light still has not dawned on the bureaucrats at the Cost of Living Council or the Secretary would not have been reporting that domestic fertilizer prices continue frozen in face of increased fertilizer needs.

This new denunciation of administration policy, out in Arkansas, underlines my recent contention here on the House floor that the Secretary ought to do his hell-raising over at the White House, where it is needed—that is where the crazy controls are imposed—rather than out in the country where no one can do anything about it until 1976.

In order to help relay Mr. Butz' views to the Cost of Living Council—I think they ought to get them—I include his latest pertinent comments, in Arkansas, in the RECORD:

EXCERPTS FROM THE ADDRESS OF SECRETARY OF AGRICULTURE EARL L. BUTZ TO THE NATIONAL NEWSPAPER ASSOCIATION AT HOT SPRINGS, ARKANSAS, OCTOBER 12, 1973

Ours is an incentive economy. That is how it has grown. That is the basis on which it has been structured. Incentive is the fuel that keeps it burning. The private sector of the economy is the wellspring of initiative, of innovation, of production, and of well-being.

During the past two years however, and during the past few months in particular, our incentive system has been sorely tested. Government has tampered with the workings of the economy. Government tried, temporarily, to remove incentive from the driver's seat in the economy. Consumer pressures—so easily translated into political pressures—took over the wheel.

We experimented with government-administered prices. The Congress even threatened to force price rollbacks. We went through a disastrous period of retail price ceilings—and lengthier meat price controls. Certain segments of the economy continue to suffer serious distortions because of the controls. The results of all of this have not been satisfactory.

The important thing at this juncture is not to lay blame or to say I told you so—but to realize that our experiences taught us a valuable lesson as a nation. Our abdication of the incentive system—and our opting instead for government management of the economy—was clearly counterproductive.

Pork and poultry price ceilings last summer prevented grocers from paying more to processors—nor could processors pay higher prices to producers. Yet, production costs increased—in some cases exceeding what the products could be sold for. With even a dull pencil farmers quickly calculated their losses. There was no incentive to produce.

What happened? Poultry breeding flocks were liquidated. The result is fewer broilers and eggs now and in the next few months. Now that controls have been lifted, egg and poultry prices are much higher than they would have been if we had allowed the pricing mechanism to work. Heavy gilts and piggy sows were also slaughtered. The result is less pork now and this winter than would otherwise have been the case—and higher prices.

The extension of price controls on beef beyond the time when all other food price controls were relaxed is another example. The idea was to spread out the release of accumulated price pressures.

Cattlemen, however, gambled that it would pay to hold cattle until after the ceilings were lifted. That drastically reduced beef supplies. Some housewives purchased extra meat to stack away in the freezer. In turn, demand for poultry and pork multiplied, pushing those prices even higher. So extending beef price ceilings was doubly counterproductive—beef supplies dwindled, and other meat and protein food prices climbed higher than they would have otherwise.

Under this experiment with controlled prices, we have bid for less—and then we wondered why farmers did *not* respond by producing more. The incentive system just does not work that way. We have learned that the hard way—politicians, bureaucrats, the press, and consumers all can see it now.

I hope that we can quickly translate what we have so painfully learned about food production into wisdom throughout the economy. The fertilizer industry is one particularly significant problem area.

Price controls still remain on domestic fertilizer sales. Worldwide demand for fertilizer has increased sharply, and we need increased fertilizer for all-out food production next year.

Under controls, domestic fertilizer prices are frozen. Yet, price is the incentive necessary for our farmers to bid fertilizer away from competitors, to encourage fertilizer producers to operate plants at capacity and to stimulate the development of new plants, and to bid the increasingly short supplies of fertilizer sources (such as natural gas) away from competing users.

Those who favor fertilizer controls believe they will help hold down food prices. They certainly will not if, as may well happen, adequate fertilizer is not available for American farmers. This lesson is beginning to become clear.

Well said, Secretary Butz. Now let us see if the administration pays attention to necessary corrections.

PENDING CONSIDERATION OF THE TRADE BILL

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 60 minutes.

SOVIET TRADE—ON THE RAZOR'S EDGE

Mr. BLACKBURN. Mr. Speaker, to ask whether one is "for" or "against" trade with the Soviet Union is to pose a question unanswerable by a simple yes or no. It is like asking whether one favors freedom and authority, or new anticrime laws, or even new highways. The query only poses further questions—what kind, when, under what conditions, et cetera. Our position is: Indiscriminate trade with the Soviet Union jeopardizes the security of the United States. The fact that some U.S. firms will gain from Soviet trade—I know one that hopes to do over $100 million worth of business with the Soviets—but that does not alter the cost-benefit calculus for the Nation as a whole. Indiscriminate trade is, in a word, suicidal. Contrariwise, certain types of trade with the Soviet Union, under specifically limited conditions, can be in the best interests of freedom and de facto détente. Unfortunately, most of the vocal proponents of "trade" seem unwilling or unable to make the distinction. The following consideration should make obvious their lack of realism.

HISTORICAL PROSPECTIVE

Fifty years of trade with the Soviet Union suggests that "peaceful trade" with a Communist government is a pipe dream. In 1918, the Bolsheviks only occupied part of Russia. They needed Western supplies to consolidate and extend their control. Edwin F. Gray, Chairman of the U.S. World Trade Board, argued for trade. "Economic isolation would not bring stable government in Russia," said Gray and, "If the people of the Bolshevik section of Russia were given the opportunity to enjoy improved economic conditions, they would themselves bring about the establishment of a moderate and stable order." How this line, 50 years later, in spite of all historical experience still flourishes, is one of the absurdities of the age in which we live.

Trade began, and in the 1920's, over 350 Western businessmen invested in Soviet concessions. When the time came for expropriation, only the favored few, such as Dr. Armand Hammer, present chairman of Occidental Petroleum Corp., received compensation.

American firms built the major factories of the Five-Year Plan. Henry Ford built the Gorky auto plant which today supplies trucks for the Ho Chi Minh Trail. The Stalingrad and Kharkov tractor plants produced the International Harvester 15/30 model (as well as tanks). The Chelyabinsk tractor plant produced the Caterpillar-60 tractors—and tanks using a suspension system of U.S. Christie design. Glen Martin, Seversky, Vultee, Douglas, and Curtis-Wright provided the Soviets with the technology for an aircraft industry.

RCA transferred to the Soviets "the entire field of manufacturing and experimental activities of RCA and its subsidiaries." General Electric in the United States and Metropolitan-Vickers in the United Kingdom gave similar assistance.

Soviet jets are based on Rolls Royce, Junkers, and BMW technology.

The massive Soviet merchant marine fleet was 70 percent built outside the U.S.S.R., and all its large marine diesel engines originated outside the U.S.S.R.—from Burmeister and Wain in Denmark, Fiat in Italy, MAN in Germany. Poltava class ships—with Danish engines—carried the missiles to Cuba in 1962. None of the 96 Soviet ships used on the Haiphong supply run has an identified Soviet design main engine. Most came from NATO allies—Denmark and Germany.

In 1959, the Bryant Chucking Grinder Co. sold 46 Centalign-B machines to the U.S.S.R. for manufacture of miniature ball bearings—almost all used in missiles. All Soviet bearings capacity was imported in the 1930's and 1940's—they had no ability to mass manufacture miniature bearings.

Late in 1971, the administration issued $1 billion in export licenses for the giant KAMA truck plant—the largest plant in the world—to produce 150,000 multi-axle trucks per year. There is no indigenous Soviet truck technology. A U.S. Government interagency committee has concluded that multiaxle trucks are essential for war; and the Commerce Department publicly acknowledges these findings.

In brief, major American and European firms—with the knowledge and assistance of their government—have provided the technology for the Soviet economy. Soviet technology is either imported or duplicated from imported models. A decade long search at the Stanford University has identified only a handful of Soviet innovations. There is no such thing as Soviet technology. Almost all—perhaps 90 percent to 95 percent—came directly or indirectly from the United States and its allies.

The present administration opines vaguely about "peaceful trade" in agricultural commodities, consumer goods, capital equipment, and "know-how," but avoids the topic of risks involved in technology transfers to the Soviet Union.

Trucks will move ammunition as well as food. Computers will control a population, calculate missile orbits, speed up the laser beam weapon development and save the Soviets between 1½ to 2 years in perfecting their MIRV SS-18—the only area in which we have the advantage over the Soviets—as well as more peaceful equations. A ship will haul missiles or wheat. A printing press will produce truth and propaganda material.

For a hundred thousand Americans and countless allied soldiers in Korea and Vietnam, "peaceful trade" has been the trade of death.

STUDY CLAIMS AMERICAN MATERIEL SUPPORTS ENEMY FORCES

The October 8, 1973, edition of the Indianapolis News reports that something like 100,000 Americans have been killed in battle in recent years by enemy forces equipped and moved by American technology:

> That is the shocking message conveyed by researcher Antony Sutton of the Hoover Institution in a just published study of East-West trade and its impact on the Cold War struggle with the Communists. Sutton's volume, entitled *National Suicide* (Arlington House, $8.95), is a popular rendering of the immense research embodied in his three-volume survey, *Western Technology and Soviet Economic Development*. And it drives home the policy implications of such trade with frightful clarity.
>
> Sutton shows that the Communist powers of the world have little advanced technology of their own, and in particular have been laggard in developing any sort of transportation industry. He documents at copious length the fashion in which American and other Western sources have supplied the factories and machines producing Soviet steel, trucks, marine diesel engines, tools for arms plants, ball bearings for missiles, tanks, and other military vehicles, accelerometers for missile guidance, chemicals for the manufacture of explosives and propellants, prototypes for machine guns and other weapons, etc.
>
> The author documents all of these transactions in great detail and shows that the Communist offensives in both Korea and Vietnam would have been impossible without the use of Soviet and other Iron Curtain technology which had been in turn provided by the West. . . .
>
> Without these supplies, the Communists could not have sustained their aggressions in Korea and Vietnam, and the approximately 100,000 Americans who died in those two conflicts might be alive today. All this equipment was of course provided to the Communists on the grounds that it constituted "peaceful trade"—precisely the macabre argument we are hearing in favor of such trade today.

DÉTENTE AND THE WAR

On October 1, 1973, the New York Times in its report from Moscow by Theodore Shabad reported on an article in the Moscow city Communist Party's newspaper Moskovskaya Pravda by Vladimir N. Yagodkin, city party secretary for ideology and propaganda. Mr. Yagodkin was reported earlier this year to have defended the Kremlin's new policy toward the West on the grounds that "there was nothing wrong about signing a pact with the devil if you are certain you can cheat the devil."

In the Washington Evening Star and Daily News of October 9, there was an article headlined, "The Middle East War Is Not Inconsistent With Détente." On the same day, the American press carried a message by Soviet Communist Party leader, Leonid I. Brezhnev, urging all Arab States to provide "the greatest possible support to Egypt and Syria in their just struggle with Israel." According to the Algerian news agency, one Brezhnev message received by Algerian President Houari Boumediene exhorted that "Syria and Egypt must not remain alone in their struggle against a perfidious enemy."

When that report reached the United Nations, Soviet rhetoric about the war noticeably hardened between Monday and Tuesday, October 8–9, 1973, and one of the U.S. representatives to the United Nations exclaimed, "So much for détente."

According to an editorial in the Washington Post of October 11, 1973, the emerging record of the Arab-Israeli war is that détente—the President's "structure for peace," or at least that part of it which rests upon a Soviet-American détente—is far from being what its American builders proclaimed it to be and that the emerging record spelled out in detail is as follows:

The Soviets unquestionably knew Egypt and Syria were about to attack but did not inform the United States as they are obligated to do under the basic principles of relations which were signed in Moscow in 1972 and reaffirmed in Washington last June.

The third "principle" affirms the special Soviet-American responsibility "to do everything in their power so that conflicts or situations will not arise which would serve to increase international tension." Faced with a choice between honoring this fundamental commitment and letting its clients start a war, Moscow chose war. It violated its solemn obligation to the United States and it did so in a context where the result was immediate, violent and tragic.

Since the war opened, moreover, Moscow has begun a military supply airlift to Syria and Egypt, and there are intelligence reports which indicate that ships with military and logistical supplies for Syria and Egypt are departing from the Soviet Black Sea Port of Odessa. These actions run directly counter to the specific promise of General Secretary Brezhnev to work for international order, and indeed, counter to the general promise of détente.

WARNING BY SOVIET INTELLECTUAL DISSIDENTS

Andrei Sakharov the man most responsible for the creation of the Soviet Union's first hydrogen bomb in 1960, is one of the most persistent voices of dissent in the Soviet Union today. In an interview with a Swedish radio correspondent in Moscow, he detailed his criticisms of Soviet Government policy.

Dr. Sakharov declared that large amounts of western technological aid to the Soviet Union would assist the Communist government in solving economic problems which they could not solve on their own and would enable them to concentrate on accumulating strength. He said:

> As a result, the world would become helpless before this uncontrollable bureaucratic machine.

He added that unqualified Western willingness to improve relations with the Soviet Union would "mean cultivating a country where anything that happens may be shielded from outside eyes—a masked country that hides its real face. No one should ever be expected to live next to such a neighbor, especially one who is armed to the teeth."

"Détente without democratization, a détente when the West in fact accepts our rules of the game in this process, such a détente would be dangerous.

"It wouldn't solve any of the world's problems and would mean a capitulation to our real or exaggerated strength."

Nobel Prize laureate, Alexander Solzhenitsyn, saying that his life had been threatened by the KGB reports that in the event he is imprisoned or killed, he has made provisions for publication of the main part of his works, heretofore unpublished.

Alexander Solzhenitsyn warns the United States that trade with the Soviet Union is not "friendship" or the proper way to achieve any kind of detente with the kind of regime which Solzhenitsyn knows and describes. He warns the United States that detente as carried on today—on Soviet terms—leads toward Soviet style repression as the "tomorrow of mankind." The great Soviet author and martyr of the system warns that the most threatening danger is in the "permanent state violence"—which throughout the decades it has reigned has succeeded in taking over all "judicial reforms codifying thick collections of its 'violent blows,' and draping capes across the shoulders of its 'judges'—is the most threatening danger in our world today, even if it is only barely recognized or understood."

"This violence no longer needs to place explosives under something or toss bombs. Its procedures are carried out in strict silence seldom disturbed by the final shrieks of those who are being strangled. This type of violence permits itself to take on a respectable appearance."

"There is an emotional error involved in the comprehension of what is included in the concept of 'peace.' "

"On the other hand, one must agree—as so many, many maintain—that what has happened in the Soviet Union is not just something which occurs in 'just about every country,' but is the tomorrow of mankind and is thus, in the matter of its inner processes, worth full attention by Western observers." These are the warnings by this great author to the Western world and in particular to the United States as the leading advocate of détente at any price.

UNFOUNDED OPTIMISM

When we look at the Soviet Union, which has not altered its totalitarian internal structure and which has never changed its foreign policy based on a doctrine of permanent incompatibility between socialism and democracy, then the present mood of optimism among some American leaders appears totally unfounded. Economic assistance given to that government is only going to further its objective of ultimately dominating the world.

Moreover, analyzing the nature of economic relationships with the Soviet Union raises a serious question of what the Soviets have to offer us. The overriding theme in the present discussion about trade with the Soviet Union involves the export of American capital goods and technology financed by huge credits and credit guarantees underwritten by American taxpayers. And this at a time when reliable Government officials estimate Soviet gold stocks at over $20 billion. The wisdom of further strains on our present capital resources is, to be charitable, questionable. The current prime rate of 10 percent hardly indicates a surplus of capital in the United States.

So, what exactly do we get in return? Promises of oil and natural gas a decade or so from now from the U.S.S.R. are not very encouraging. The U.S.S.R. is not an historically trustworthy source particularly when we can more quickly and cheaply pipe oil from Alaska and develop gas reserves untapped on the North American continent.

Soviet consumer goods range from nonexistent to shoddy. The Soviet nonmilitary technology is either nonexistent or 20 years behind ours; consequently, there is no—or hardly any—Soviet technology that we can use. They do have some raw materials, but the export of raw materials earns relatively little in foreign exchange over a period of time. Americans will have to drink an ocean of Russian vodka just to balance the Pepsi account.

The essence of long-term trade is a requirement that both parties benefit. If the United States' outflow to the Soviet Union continues at more than seven times the inflow—from January through June 1973, U.S. exports to the Soviet Union totaled $693.4 million, while imports from the Soviet Union totaled $86.5 million—somebody will have to lend the Soviets a lot of money. Without something to trade, where will the Soviets get the dollars to repay the loans? If we just want to collect Soviet IOUs there are plenty of defaulted Russian bonds and loans around, dating back to the czar and World War II Lend Lease, which could be picked up cheaply.

Last October's United States-Soviet Commercial Agreement stipulates that the Soviets will not make any payment on their World War II debt until Congress enacts legislation giving the Soviet Union "most-favored nations" status. This is hardly an act of generosity by the Soviets since the Lend Lease debt will be settled for 6.5 cents on the greatly inflated dollar of the year 2001 on the basis of 1944–45 dollars.

In light of historic evidence, would it not be wiser to demand from the Soviets cash payments to the maximum possible extent? By denying them easy term credits, which in reality is economic aid, we can force them either to pay us in gold or sell their gold and pay us in U.S. dollars. From this, we would have a twofold benefit: one, the soaking up of Eurodollars and, two, an immediate improvement of our balance-of-payments problem.

In the year 1972, the Soviet Union's deficit in the trade with the West was $1.3 billion. Their outstanding long-term—10–15 years—debt of $3.5 billion and their short-term debt of about the same amount—the two figures combined represent more than 200 percent of Soviet annual earnings of hard currency—represents an enormous dent in the U.S.S.R's balance of payments—and makes their ability to repay highly questionable. Reliable sources estimate that because payments are now due and also because of the one-sided nature of their trade with the West, the Soviet deficit in balance of payments for this year will be about $2.5 billion and will reach some $3.5 billion in the year 1974.

The only items seriously discussed that the Soviet Union has and that we really need, are natural gas and petroleum.

However, a serious question arises regarding the validity of Soviet claims about the amount of such resources and the quantity and quality of oil and natural gas necessary to justify an American multi-billion dollar investment.

There is an absolute necessity for on-site inspection to assure Western investors of the adequacy of gas reserves and permit them to estimate production costs.

The proposals require the laying of long pipelines and the building of liquefying facilities in the Soviet Union as well as the building of fleets of liquefied natural gas tankers to carry the gas. Capital costs would be huge. Estimates of several billion dollars are being given for each project which combined could represent a figure of about $15 billion. The investment costs—to a great extent to be underwritten and guaranteed by the American taxpayer—will undoubtedly have an elevator effect on the price of the delivered gas—presently estimated t be $1.25 a thousand cubic feet. These are said in the industry to be 50 percent too low.

Robert Campbell, a noted American authority on world energy resources, terms the entire undertaking "a desperate gamble."

When receiving Soviet estimates of Siberian reserves, one should recall that in 1970 the Japanese, encouraged by earlier Soviet claims, were forced to withdraw from exploration for natural gas in Northern Sakhalin when the U.S.S.R. suddenly revised downward earlier estimates of "proven" reserves on the island. An ironic sequel to this episode occurred in November 1972, when a Soviet proposal for Japanese participation in the exploration of gas deposits in the Viliuiskow oil field near Yakutsk, offered as a substitute for the Sakhalin project, floundered, again over the issue of the reliability of Soviet estimates of proven resources.

There are natural gas deposits in areas of the world other than the Soviet Union that look much more attractive. The huge gas reserve discovered in Canada's Mackenzie Delta near Alaska would be cheaper to deliver to the American market than those of the Soviet Union—and they would be controlled by a country with a far better history of good relations with the United States.

Once the gigantic investment is made and the latest technology and equipment installed within the Soviet Union, is there peaceful mechanism that exists to insure that the Soviet government will not raise prices or put an embargo on shipments of natural gas and oil to the United States if it suits their policy objectives?

It takes no long memory to recall Nikita Khrushchev's 'gentleman's agreement" with President Eisenhower in 1958 on a moratorium not to test atomic devices in the atmosphere. In 1961, while the United States remained in compliance with its agreement on the moratorium, the Soviets proceeded with the largest atmospheric testing programs in world history, tests which lasted for a full 18 months.

POLITICAL DECISION

The theory has been advanced by the spokesman for the United States that through a greater expansion of trade between the United States and the U.S.S.R., there will evolve a "web of vested interests of mutual restraint."

This will somehow remove the pressures of confrontation and cold war as it has existed for the past 28 years. It is further advanced that this mingling of "vested interests" will prove highly beneficial in meeting the balance-of-payments deficits which this country now faces and will create a new dependable source of energy as an alternative to the instabilities of the Middle East.

We would like to point out what we consider to be clear indications that the top-level decisions in regard to trade by both the United States and the Soviet Union Governments have been dictated primarily by political considerations and to a much lesser extent by the economic rationale. Further, it should not be forgotten that political considerations which have led the leadership in this country to clasp the Soviet Union to its bosom as a profitable and beneficial trading partner is not consistent with the Soviet political and strategic objectives. The economic arguments for expanded trade with the Soviet Union are extremely questionable when viewed in the pragmatic light of experience and the realities of the world in which we live.

THE POLITICAL-MILITARY DIMENSION OF SOVIET TRADE

> On the basis of observations gained during my years of exile, the "cultured" class of the capitalist countries of Western Europe and America, i.e., the ruling classes, the financial aristocracy, and bourgeoisie and the idealistic democrats should be regarded as deaf-mute and treated accordingly. . . (Lenin from the Lenin Archives)
>
> The deaf-mute capitalist hoarders, their governments, the Chambers of Commerce, the federations of industries, bank groups, steel kings, rubber kings, aluminum kings and others will close their eyes to the above mentioned truths and so become blind, deaf, and dumb. They will grant us credits, which will fill the coffers of the communist organizations in their countries while they improve our armaments industry by supplying all kinds of wares, which we shall need for future and successful attacks against our suppliers. (Lenin from the Lenin Archives)

The aims of "peaceful coexistence" and "détente" may not be disregarded when the risks derived from the United States-Soviet trade are considered. Every United States-Soviet deal—and that includes passing on scientific discoveries and technology—is an act of international politics. It becomes so owing to the Communists' use of trade as a political tool. Every Western businessman, scientist, and technician in contact with the East becomes—consciously or unconsciously—an exporter of foreign policy. This is self-evident, but has not yet been generally recognized in the West.

In "Soviet Military Strategy," Marshal Sokolovsky commented:

> In the present epoch, the struggle for peace and the fight to gain time depends above all on an unremitting increase in Soviet military power and that of the entire socialist camp based on the development of productive forces and the continuous growth of its material and technological base.

It may, therefore, be assumed that the wish to import various commodities, installations, scientific discoveries, and technical processes of military value is the underlying reason for expanding trade with the West.

The security risk the West incurs through its deals is difficult to overlook, because today, hardly any goods, equipment, or processes have no military significance. According to the draft of the last 5-year plan of the U.S.S.R., one of the "chief objectives in the development of the political economy is the consolidation of the country's economic and defense potential" (Pravda, February 20, 1971). From this, it follows that in the 1970's the Soviets still considered their economic potential from a military angle.

The Soviet trade cannot realistically be viewed as a matter of normal commercial transactions. It does not mean private individuals or firms dealing with other private individuals or firms. It means dealing only with Communist government agencies which obey Communist Party policies and orders. Currently those policies aim at the massive military buildup—at the expense of consumer production. In effect, the U.S.S.R. is robbing its people to finance a terrifying war machine. "If the Soviet leadership would decide in favor of a substantially higher rate of growth, they could achieve it only by drastic reduction in defense expenditures."

But the Soviet answer was to further increase military spending investing about 50 percent of its gross national product—GNP—into defense projects. In 1969, their defense budget was $88 billion and since then on the rise. And that is out of a GNP in that year of some $190 billion. In the same year, the U.S. defense budget was $77.8 billion, and for fiscal year 1974, the figure is $78.2 billion—or about 6 percent of our gross national product.

Col. William F. Scott, who returned last fall from his second tour of duty as U.S. air attaché to the Soviet Union, writes in the March 1973 issue of the Air Force magazine that the Soviet investment in science and technology in 1972 as being the equivalent of some $30 billion. Professors Harvey, Goure, and Prokofieff recently completed a book, Science and Technology as an Instrument of Soviet Policy published by the Center for Advanced International Studies, University of Miami. They write that the Soviet effort to attain supremacy in science and technology is "related especially to direct military power." The authors estimated that approximately 80 percent of the Soviet investment in science and technology went into military requirements. The $24 billion estimate of the Soviet military R. & D. investment for 1972 should be compared with the Department of Defense R. & D. budget for fiscal year 1972 of $8 billion.

THE BENEFITS TO THE SOVIET UNION

The Soviet Union stands to develop within the confines of her own geographic boundaries, resources and potential which today are denied to her by reason of the backward nature of her nonmilitary technology and she will develop these resources largely through the investment of American capital, capital either provided directly by the U.S. taxpayer or capital invested by reason of guarantees supported by the U.S. taxpayer. In either event, the capital is provided as a subsidy to the Soviet economy, very much to the benefit of the Soviet military-industrial complex but of questionable benefit to America.

Further, the trade relationship from the Soviet point of view solves the Soviet energy crisis, a crisis which curiously enough, nobody makes mention of on our side of the spectrum.

The nature of the "deals" has its precedent in the last year's grain deal which was financed and subsidized with American taxpayer's money to the benefit of the Soviet Union and at additional cost to the Americans in terms of skyrocketing food prices and increasing inflation.

Another precedent of "a successful deal" is the Occidental Petroleum Corp. building a fertilizer complex in the Soviet Union. It turned out that it required an initial investment of $9 for the United States for every $1 invested by Moscow. The kind of arrangement Moscow most wants, indications are, is to borrow money for investments it would not make with its own money.

Every "deal" so far had a hangup easily definable as "financing," that is, the terms on which Americans—and Japanese—would invest the billions to produce and market Soviet gas and petroleum products.

SOVIET OBJECTIVES

Faced with serious economic crises, a low rate of overall growth, stagnation in terms of per capita consumption, an inefficient agricultural system, the Party Secretary Brezhnev has now opted a minor change at home economically; no change at home politically, and massive help from the West.

A study of Soviet internal and external policy suggests that there were no significant changes in Soviet long established practices and objectives. The Soviet Union is still a police state and its long term objective is to establish the Soviet Union as the unparalleled world power. In fact, Brezhnev's strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

The Kremlin needs and wants the American industrial knowhow, advanced technology, and massive credits to solve Soviet problems of industrial backwardness and its lag in technological advances. The Soviets are anxious for assurances that they will be able to get American grain when their abysmally inefficient agricultural system fails again. Politically, they would like to have the U.S. support in neutralizing their Communist adversary, Red China, and in stabilizing East Europe.

At the same time, its own policy with regard to its gold reserves is based on Lenin's formula: "We must save the gold in the U.S.S.R." This formula adequately explains a strange paradox being presented to the world and the American people. A country rich in gold reserves, the Soviet Union, is seeking loans from a country, the United States, whose currency is under sustained attack and whose gold reserves are woefully inadequate. The authoritative studies about the Soviet gold reserves state the latter at over $20 billion. Inasmuch as there are no rubles outstanding which can be presented for conversion to gold, it is fair to say that the Soviet gold reserves are free and clear. It is estimated that approximately $88 billion—U.S. dollars—are floating in the Eurodollar and other financial markets. What possible rationale can be put forth to support the concept that a gold rich nation should be financed and subsidized by the nation which is experiencing a currency crisis and serious problems arising out of its inequilibrium in the balance of payments?

Increasing Soviet access to Western credits relieves pressure on the Soviets to sell gold for hard currency to pay for imports. And that gives them even more freedom to play the world gold market when and as they like. According to Professor Kaser, the foremost authority on Soviet gold reserves, there are definite links between the increase in the price of gold on the free market with the Soviet suspension of gold sales. London bullion dealers show that what the Soviets do has a major impact on the gold market. According to Samuel Montagu and Co., London merchant bankers that trade actively in the gold market, "renewed sales from the Soviet Union," along with other factors caused stability in the market from January to early April of last year. In mid-April, however, the report adds, "the U.S.S.R. temporarily suspended its sales" at the same time that reports circulated of a decline in South African output. These factors gave rise to a spurt in the gold prices "unprecedented since the end" of World War II, the report says.

In August, word that "The U.S.S.R. would have to sell large quantities of gold to finance its purchase of wheat led to a sharp fall in the price" of gold from record highs. Subsequent Soviet withdrawal from the market sparked a rally, Samuel Montagu says.

THE POSSIBLE IMPACT OF U.S.-U.S.S.R. TRADE ON THE BALANCE OF PAYMENTS OF THE UNITED STATES

Our studies on Soviet-American trade prospects over the next 10 years strongly suggest the following conjectures on the impact of this trade on the balance of payments:

First. The Soviets are unresponsive to most market criteria—but are not unresponsive to balance-of-payments troubles. They cannot run into large deficits with the United States—except in the case of barter agreements.

Second. Accordingly, they will try to control imports and push certain exports here—like diamonds, nonferrous materials, fur—oil and gas will come into consideration only after the mid-1980's.

Third. The Soviets may use more aggressive methods than before to push their products in Western Europe, Japan, and other convertible currency areas including the United States. They may use American consultants, set up enterprises based on coparticipation for producing for U.S. markets, and so forth.

Eventually, U.S. purchases of Soviet goods may reach a quarter to half a billion dollars annually—before large imports of Soviet oil.

U.S. exports. Only U.S. credits could encourage Soviet imports other than sporadic grain purchases. Such credits would be needed for: First, entire production facilities—"turnkey" projects; second, long-term licensing agreements; third, direct investments in the U.S.S.R.—for example, for the exploration and exportation of oil and gas.

Since credits and insurance for such projects involve periods longer than 5 years, no private firm would be ready to engage in these operations without a U.S. Government guarantee. The guarantee against uncertainties would reduce the interest rates paid by the Soviets, but would imply a U.S. Government subsidy equivalent to a government-to-government aid, since all Soviet firms are state-owned.

According to our estimates, the Soviet Union could increase its imports to roughly $1.5 to $2 billion per year during the second half of the 1970's—with possible repayments starting in the middl 1980's in the form of oil and gas shipments.

Impact on the U.S. balance of payments. It is our feeling that such exports would have an unfavorable impact on our balance of payments—which now runs a deficit likely to grow unless the energy problem is dealt with imaginatively. Adding higher inconvertible long-term promisory bonds from the U.S.S.R. for the bilateral export surplus would further weaken the U.S. international reserves and payments position since U.S. exports are diverted from earning convertible currency.

One may finally note that:

First. The volatility of the Soviet market and of its demand patterns would further affect adversely our general trade;

Second. Pressures from Western European countries that the U.S.S.R. straighten out its balance-of-payments problems with them—that is, increase Soviet imports from these countries rather than from the United States—are likely to increase;

Third. The danger of sharp Soviet reversals will increase: 20- to 40-year agreements are easily talked about by the Soviets, but are just as easily broken by them—let us not forget their "unbreakable eternal friendship" with China, Yugoslavia, and so forth. The indebtedness of a big country to another does not always guarantee political peace.

SOVIET ABILITY TO SERVICE EXTERNAL DEBT

The Washington Post in its issue of October 7, 1973, under the title, "Soviet Union Seen Facing Hard Currency Shortage," writes that Western economic experts have detected signs that the Soviet Union is facing a critical shortage of hard currency and a rapidly rising external debt which threatens its credit reputation.

The Kremlin never publishes the type of financial information that most of the countries disclose routinely; as a consequence, a number of very critical areas are completely blacked out for anyone who desires to look into them.

The Western lenders do not know how much hard currency the Soviets have in their reserves and exactly how much they earn annually. They would also like to know the size of Soviet gold holdings and the volume of annual gold production as well as a complete tabulation of the Soviet balance of payments.

It has been learned, however, that several American companies that were involved in various commercial dealings with the Government of the Soviet Union are having difficulties in collecting payments on the technology and capital transferred to the Soviet Union.

They are not alone in this area because the precedent has been set long ago. The German industrial steel giant, Krupp, experienced almost a complete collapse due to its dealings with the Soviet Union and was bailed out by governmental intervention and by being forced by financial institutions to go public. In Italy, we have the analogous story with the government controlled industrial conglomerate Montiedison which had immense financial difficulties as a result of transfer of capital and technology to the Soviet Union. There is also the experience of the Fiat enterprises which came about as a result of their investment in the Fiat-Togliati Works and its operation in the Soviet Union.

According to the Washington Post, one American company that delivered part of an order in September and will deliver another part in October has been advised by the Soviets that it will not be paid until next year.

Previously, the Soviet Union paid cash on delivery—a custom that helped it to arrange many contracts without disclosing basic financial data to creditors.

Soviet agencies that earn hard currency have already started sending out bills for services to be performed in 1974. At the same time, many Soviet governmental agencies have been warned to slow or halt their spending of hard currency. The aforementioned are absolutely clear symptoms of an emerging picture of one of the largest countries in the world with tremendous external financial obligations which it is unable to meet.

Another symptom of the Soviet credit crunch is clearly visible from Moscow's failure this summer to raise $300 million on the European money market because of its unwillingness to pay prevailing interest rates.

Western experts estimates that the ratio of hard currency debt owed by the Soviet Union to the volume of its hard currency sales has reached 24 percent which is in most generous terms a danger point. The ratio is up from 19 percent last year, demonstrating that Soviet indebtedness has been rising much faster than hard currency export earnings.

The Soviets must pay for their imports and loans in U.S. dollars, British pounds, Japanese yen, and West German marks and other hard currencies because the ruble is not convertible and cannot legally be used outside the Soviet Union. The issues of money and credit were high on the Agenda of U.S. Treasury Secretary George P. Shultz' current talk in Moscow with Soviet Party Leader Brezhnev, Soviet Prime Minister Kosygin and Soviet Foreign Trade Minister N. S. Patolichev. The Soviet Union needs credit and loan guarantees from the United States Export-Import Bank—Eximbank—to complete any of the big trade deals announced in the past year. Six months ago, Eximbank Chief Henry Kerns warned Soviet officials here that they could not expect large long-term credits unless they provided the same financial data that is provided by other customers.

The total amount of credits the Soviets are seeking far exceeds the authority granted the Eximbank by the Congress. The Administration seeks legislation to raise the credit ceiling.

For one proposed gas development deal in Siberia that the Soviets are eager to make, the required Eximbank credit is $1.5 billion—more than the Bank has granted any other customer. The Soviet Union has already received Exim credits of about $350 million without disclosing financial data. The Soviets have also used all of the $750 million in the United States Commodity Credit Corporation—CCC—credits they were allowed for grain purchases.

Western experts estimate that Moscow—this year—will be paying about $740 million in principal and interest on its foreign debt, or 24 percent of its hard currency exports which are estimated at about $3 billion.

It comes as no surprise last week's warning by the retiring President of the Export-Import Bank, who said:

> It would be short-sighted if the Bank, under a new leader, decided to provide massive credits to the Soviet Union without getting full disclosure of how much gold and hard monetary reserves the Soviet Union holds." (The *Washington Post* and the *New York Times*, October 13, 1973).

Prof. Michael Kaser, an Oxford University economist and foremost British expert on Soviet gold and foreign exchange reserves, wrote a very pertinent study in the periodical, "International Currency Review," published in London. Professor Kaser stressed that the Soviets had a deficit last year of $1.3 billion in trade with hard currency countries. The significance of this deficit is in the fact that this was a ninefold rise in the deficit of the previous year.

Dr. Kaser used official Soviet statistics, which do not include such significant "invisibles" as ship charter and insurance. Professor Kaser said the Soviet Union's payment deficit touched $2 billion in 1972 but that $325 million of this was covered by gold sales.

The Soviets have not published 1972 figures for grain imports, other than for rice, but Professor Kaser said the cost could well have been above $1.1 billion.

He observed that the cost would have been higher but for the Soviet's discrete buying policies and the enormous subsidies on wheat and transportation given by the U.S. Government.

Even though only one-third of the grain committed for Soviet purchase was actually paid for during 1972, the year's total imports in convertible—non-Soviet bloc—currencies rose by 40 percent, Dr. Kaser said. By contrast, exports for convertible currencies rose by only 4 percent. Professor Kaser estimated from official and unofficial Western and Soviet sources, that the Soviet foreign debt stood at $4 billion in 1971 and had risen to $8.5 billion by the end of 1972.

For 1975 Professor Kaser projects a debt of $12.5 billion and for 1980, $29 billion, plus service costs—interest and amortization—of $2 billion.

We have called attention already to the fact that for the first 6-month period of this year the U.S. outflow to the Soviet Union continues at more than seven times the inflow—from January through June 1973, U.S. exports to the Soviet Union totaled $693.4 million; while imports from the Soviet Union totaled $86.5 million—which suggests that someone will have to lend the Soviets a lot of money. However, without something to trade, and with their tremendous debt increase, which no economy in the world would be able to handle, the question is, "Where will the Soviets get the dollars to repay their loans?"

THE ONLY KIND OF TRADE THAT MAKES SENSE

The Soviet Union's strategic rationale, which is behind their present policy of extension of international economic relationships, is based on three objectives. Namely, to obtain from the United States and developed nations of the West, advanced technology, industrial know-how, massive credits necessary for the build up of their economic base in which the military/industrial complex predominates.

The past has demonstrated that there can be change in Moscow's tactics, manners, and theatrics. But the goal—that of attaining preeminent world power—never changes. Therefore, in order to insure a defacto détente and a "generation of peace," we believe that our Government must deny the Soviet Union transfer of any American technology relevant for the development of sophisticated weapons systems—laser beam weapons and MIRV SS-18. The Soviet Union must accept some liberalization of her internal domestic policies and must discontinue to promote instability and subversion around the world as the price which she must pay for the benefits to be received by her for greatly-expanded trade. Without such liberalization of domestic policies, any hope of a permanent peace between our countries will be a sad and tragic illusion.

One of the best ways to insure the desired liberalization will be to require that the Soviets accept the presence of American commercial and financial enterprises within her borders. Here we envision a paramount role of importance for the American business community. By insisting on long established and mutually beneficial international commercial and financial practices in dealings with the Soviet Union, the American business community can be the major contributor toward world peace.

Let us stop playing the Soviet kind of game, providing them with what they need in return for nothing, and let us get down to the serious business of extracting concessions. The essence of trade is that each side seeks something it wants. The side that it is most eager to acquire benefits from the other must make the larger concessions—that is, pay a high price. We should demand from recipient Soviet Government that it declare a moratorium on dumping, adopt above-board marketing methods, invest in export industries, create dealer and service agencies abroad, make their ruble convertible, join the International Monetary Fund, drop the secrecy about free exchange and gold reserves, develop confident relationships with United States business firms. This last would require protection of United States property rights, whether in the Soviet Union or outside the Soviet Union, and honest dealings under the patent laws.

Further, we should refuse to deal with communist cartels and instead demand to deal with individuals or private firms or be allowed to set up our own corporate subsidiaries within the communist nations. Trade will never foster appreciation of free enterprise if we do not reach the average Soviet citizen.

If our goal is to motivate liberalizing reforms within the Soviet Union, the pressure can come only from the people, who must experience the superior benefits of free enterprise first-hand.

Last, but not least, to prevent American credits in the Soviet economy from being defacto subsidies for increasing military development and the financing of subversion abroad, we must insure that the Soviets match each dollar in United States credit or credit guarantees with an equal dollar amount from the Soviet Government.

In closing, we would like to point to the words of Patrick Henry when he said:

> I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging of the future but by the past.

The past history of the Communist government of the U.S.S.R. serves to illuminate a tragic future for those who would accept her blandishments of good will and ignore her steady determination to conquer.

Mr. GOLDWATER. Mr. Speaker, it is the prayerful hope of this Nation and all peace-loving nations of the world that a peaceful solution can be reached in the current Middle East crisis. But, regardless of the eventual military outcome, it should be obvious to all of us that the Soviet Union continues to play a dominant role in instigating the hostilities in the Middle East.

The Soviet Union indicates that it is ready for so-called peaceful coexistence. It preaches détente. It asks for trade concessions. But what assurances do we have that the Soviet Union really means what it says? I submit that other than lofty phrases and a few trade deals such as the Pepsi-Cola agreement, we have no concrete assurances that Soviet Russia is willing to act responsibly in promoting lasting peace, and I place emphasis on "lasting" peace.

The Soviet arms buildup in the Middle East in the past 15 years has been spectacular. Its cynical disregard for both

Arab and Israeli lives is appalling. Let us not delude ourselves. The Soviets want control over the Middle East, and due to the confidence placed in Soviet military might by extreme Arab nationalists, the chances for a peaceful settlement are dimmed.

Mr. Speaker, the House will soon consider the matter of trade. There has been a great deal of discussion about granting most-favored nation status to Russia. The administration favors the MFN approach as well as granting credits to the Russians through the Export-Import Bank. But, in my judgment the Russians are totally undeserving of this preferential treatment.

If the Russians want to take advantage of American technology through trade, then they have an obligation to demonstrate their sincerity in achieving a lastitg peace in the Middle East. Such a peace cannot be achieved as long as the Soviet Union perpetuates the arms buildup in the Middle East as well as rejecting reasonable American initiatives for peace.

Just recently news accounts on the diplomatic front indicated that both Moscow and Peking blocked an attempt by the British to have the Security Council President issue a cease-fire appeal. Does this sound like a nation interested in peaceful coexistence and détente?

I agree with the recent statement made by Secretary of State Kissinger to the Soviet Union that in order to achieve détente, it is necessary to act responsibly. But, the Secretary overplayed his hand when he chided Congress on the issue of MFN and Export-Import Bank credits to the Soviets.

As I pointed out in testimony before the Ways and Means Committee during hearings on the trade bill, Russia can provide very little in the way of trade with the exception of a few furs and low-grade chrome ore. Russia stands to gain everything from MFN, and based on past history it certainly will not repay any credit extended by the American taxpayer to facilitate trade.

Mr. Speaker, we will never achieve a lasting and viable peace in the Middle East until the Soviet Union shows willingness to support the United States in its efforts to settle the existing shooting war, and in turn, negotiate a permanent settlement. Until the Russians do this, then this House should withhold giving them any trade concessions.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I will be happy to yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, there are several major points which I would like to clarify regarding my own opposition, and the opposition of many of my colleagues, to the extension of most-favored-nation status and credits and loan guarantees to the Soviet Union.

First, I would like to make it clear that the Mills-Vanik amendment, which I am proud to cosponsor, is only the beginning of the conditions upon which we must insist before we can in good conscience permit the expansion of trade with the Soviets. There has, as you know, been a movement to strip this amendment of its prohibition against the extension of credits and loan guarantees and to limit its applicability to most-favored-nation status alone. The credit and loan guarantee prohibition is essential if the amendment is to have more than a cosmetic effect, for only such a prohibition can deny to the Russians the credits and loan guarantees which are responsible for the outrageous wheat and truck plant deals. No American businessman in his right mind would make such a deal if the American taxpayer were not standing by to bail him out in the inevitable event of a Soviet default.

As I have indicated above, however, we need more than Mills-Vanik alone. If the Soviets were to allow all of the Soviet Jews and others who want to emigrate to leave tomorrow, I would still be concerned about the fact that Soviet currency is not convertible into the so-called hard Western currencies. I would demand that the Soviets pay for whatever nonstrategic commodities we might sell to them in gold, timber, or other commodities which the Soviets produce and which we sorely need. There is no need for us to subsidize their purchases, and there is no excuse for doing so in light of the fact that any additional resources we provide reduce the burden of the enormous Soviet military effort, which proceeds apace despite the so-called détente.

I would insist that the Soviet Union provide detailed information regarding its financial condition and credit worthiness so that we might fairly evaluate its ability to pay market rates of interest on the loans which it has been seeking, not to say demanding. I would want to find out what assurances we could obtain that the Soviets will not "dump" their goods on American markets. Such assurances are almost impossible to obtain with respect to nonmarket economies, but we must satisfy ourselves concerning this issue before expanding Soviet trade.

Finally, I want to emphasize that the conditions which I would impose are not designed to discourage the expansion of American exports. Rather, they are only the conditions which any prudent business would insist upon and which are necessary if the Soviet Union is not to become a "more-favored-nation" than any of our longstanding allies.

A recent article, which appeared in the October 7, 1973, edition of the Washington Post, is highly informative regarding the current Soviet financial predicament, and I strongly commend it to the attention of my colleagues.

The article follows:

SOVIET UNION SEEN FACING HARD CURRENCY SHORTAGE

(By Murray Seeger)

MOSCOW.—Western economic experts have detected in recent weeks signs that the Soviet Union is facing a critical shortage of hard currency and a rising external debt which threatens its reputation as a good credit risk .

Since the Kemlin never publishes the type of financial information that most other countries disclose routinely, the Soviet monetary problems cannot be precisely judged.

It has been learned, however, that one American company that delivered part of an order in September and will deliver another part in October has been advised that it will not be paid until next year.

Previously, the Soviet Union was scrupulous about paying cash on delivery, a custom that helped it to arrange many contracts without disclosing basic financial data to creditors.

Soviet agencies that earn hard currency have already started sending out bills for services to be performed in 1974. Many Soviet agencies have been warned to slow or halt their spending of hard currencies.

Part of the Soviet cash crunch stems from Moscow's failure this summer to raise $300 million on the European money markets because the Russians were unwilling to pay prevailing interest rates.

Western experts estimate that the ratio of hard currency debt owed by the Soviet Union to the volume of its hard currency sales has reached 24 percent, a danger point. The ratio is up from 19 per cent last year, demonstrating that Soviet indebtedness has been rising much faster than hard currency export earnings.

The Soviet must pay for their imports and loans in U.S. dollars, British pounds, yen or West German marks and other hard currencies because the ruble, is not convertible and cannot legally be used outside the Soviet Union.

To earn all the hard currency possible, the Soviets peg the ruble exchange rate artificially high. In September, the U.S. dollar was valued at .72 rubles, the same as the Cuban peso, by the Soviet foreign trade bank.

The biggest victims of this artificial rate for the dollar were American visitors. In the middle of this summer's tourist season, the Soviet travel agency Intourist doubled the dollar price of most of its hotel rooms. An American company that had been paying the equivalent of $35 a day to maintain a hotel suite here was told that the price was $110.

U.S. companies dealing with Soviet authorities have been finding recently that their hosts are interested in working out a different kind of joint venture approach that would earn them more hard currency than the usual barter deals made with Westerners.

The issues of money and credit are thought to be high on the agenda of U.S. Treasury Secretary George P. Schultz's current talks here with Soviet Foreign Trade Minister N. S. Patolichev and other officials. The big American delegation also includes Commerce Secretary Frederick Dent.

Most public attention in their talks has been directed to Moscow's intense interest in legislation now before the U.S. Congress to grant the Soviet Union the same status as most of America's other trading partners.

Most-favored-nation tariff treatment in the U.S. market would bring Moscow little immediate financial benefit, however. Its biggest exports to the United States are raw materials for which there is no duty and exotic ores and minerals for which there is a limited market. Vodka and electrical generating machinery are two items on which reduced tariffs might bring increased sales.

But the Soviet Union needs credits and loan guarantees from the U.S. Export-Import Bank to complete any of the big trade deals announced in the past year. Six months ago, Exim Bank chief Henry Kearns warned Soviet officials here that they could not expect large long-term credits unless they provide the same financial data that other customers do.

Under the terms of the 1972 Soviet-American trade pact, the Exim Bank can give the Soviets credits up to $10 million per deal.

Larger items must be approved by the interagency National Advisory Council, the U.S. government's gatekeeper group on the granting of large foreign credits.

The total amount of credits the Soviets are seeking far exceeds the authority Exim has from Congress. The administration seeks legislation to raise the credit ceiling.

For the proposed oil and gas development deal that the Soviets are eager to make, the required Exim credit is $1.5 billion, more than the Bank has granted any other customer.

The Soviet Union has already received Exim credits of about $350 million without disclosing financial data. The Soviets have also used all of the $500 million in U.S. Commodity Credit Corp. credits they were allotted for grain purchases.

Western experts estimate that Moscow this year will be paying about $740 million in principal and interest on its foreign debts, or 24 percent of its hard currency exports, estimated at about $3.1 billion.

This figure is still considertd "reasonable" for the Soviets to carry, but any higher level would add pressure for disclosure of basic information and raise the interest rates asked of the Kremlin.

Western lenders would like to know how much hard currency the Soviets have in their reserves and exactly how much they earn annually. They would also like to know the size of Soviet gold holdings and the volume of gold production, as well as a complete tabulation of the Soviet balance of payments.

Western experts have recently lowered their estimates of the volume of Soviet gold production but still feel that the Russians can sell about 200 tons a year without reducing their reserves. The experts estimate that the Soviets sold 150 tons in 1972 and received $250 to $300 million for it.

Soviet trade experts have also proposed to some American companies that they build factories in Russia and take payment in goods for U.S. sale.

Although the Soviets would own the factories, unlike most joint ventures, they would pledge a given percentage of production for debt repayment. Most other barter deals the Soviets have signed involve giving up raw materials like chemicals and gas or oil for manufactured goods and technology or a known Russian product like vodka for Pepsi-Cola.

American businessmen have been skeptical about the new Soviet suggestions. American labor unions would probably object to such deals, just as they have fought against the "exporting of jobs" to other low-wage countries such as Mexico, Taiwan and Hong Kong.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman's observations on Soviet trade. Of course, the gentleman and the Members of this body are aware that I requested this time in order to present to the Nation and to the House some of the arguments which should be presented against opening the floodgates of American technology and capital to the Soviet Union.

It is also notable that the principal author of the greatly expanded trade with the Soviet Union and the transporting of American technology and capital goods to the Soviet Union is our Secretary of State, Henry Kissinger, who today I understand was nominated for the Nobel Peace Prize along with Le Duc Tho. That impresses me as a rather strange combination of people. Since the effective date of the peace agreement in Vietnam over 100,000 deaths have occurred, which is a strange sort of peace.

I can understand where Mr. Le Duc Tho might receive the Lenin Peace Prize, but to bring him into the Nobel Peace Prize is something I cannot fathom.

I also recall when Mr. Kissinger assumed the office of Secretary of State he initiated a series of meetings with Arab diplomats and Israeli diplomats and announced to the world that the Middle East turmoil was the No. 1 priority on his list of things to be settled. If we look at conditions in the Middle East today and if that is the result of his giving this his No. 1 priority attention, then heaven help us if he turns his attention to many other things in the world that face our Nation today.

Mr. DERWINSKI. Will the gentleman yield?

Mr. BLACKBURN. I am glad to yield to the distinguished gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I believe it is absolutely necessary that we emphasize in this discussion the legitimate reservations that we have concerning the bill as it was approved by the Ways and Means Committee.

May I first emphasize my agreement with the point so effectively made this afternoon that we should propose open rule on the bill so that all Members with varying points of view will have the opportunity to offer amendments to the bill.

As a matter of principle, I favor the freest possible flow of trade since by increasing our export we stimulate our economy while the imports benefit our consumers. We must, however, have a national trade policy requiring nations which export to us to, in turn, permit entry of American products into their markets.

We have nothing to fear from the free flow of trade but it must be a two-way street. Quotas or restrictions against American products must be eliminated.

It is interesting to note that while there is an interesting coalition of those in favor of the bill, there is an equally interesting and formidable number of those that oppose the bill in its present form.

I believe that the events in the Middle East have a direct relationship to that section of this bill insofar as the problem in that area is concerned which would indicate that it would be more prudent to set this bill aside for a period of time rather than to process it next week.

There are several questions that I feel should be asked at this time. What results can the European Security Conference achieve in seeking free exchange of ideas and people between East and West, if freedom should surrender these principles in bilateral agreements with the Soviet Union? On the other hand, how happy can the American people be when buying Soviet imports and knowing that at least part of the goods had been produced by slave labor under inhuman conditions?

The Jackson-Mills-Vanik amendment which is pending before Congress has so often become misconstrued as applying only to cases of the emigration of Soviet Jews. I believe that the Members should also keep in mind the millions of non-Russians within the U.S.S.R., the Estonians, Lithuanians, Ukrainians, Armenians and others who have been denied their basic rights by an oppressive government.

The House can well ponder giving the executive branch any amendment which would see Secretary of State Kissinger manage to so interpret the language as to obtain his wish of granting the U.S.S.R. a "most favored nation status" and credits at low interest rates.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman's remarks and comments.

The real purpose of this discussion is to call the attention of the American people to the fact that there are extremely valid economic bases which embrace greatly expanded trade with the Soviet Union and make it seem an extremely questionable venture and not a matter of wise business practice.

Mr. KEMP. Will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman.

Mr. KEMP. I appreciate the gentleman yielding to me.

I would also like to join my colleagues on the floor and compliment the gentleman for his efforts in bringing to the attention of the American people this extremely important issue.

I would like to say further, Mr. Speaker, that there are those who say, both in these chambers and outside of them, that we should not meddle in the affairs of Soviet Russia. I am sure in the 1930's there were people who said we should not meddle in the affairs of Nazi Germany. I would suggest to my friends and to my colleagues that it is a proper consideration in this House and in our country when it comes to the moral question of freedom and the moral question of the rights of all people, both Christian and Jew alike, to emigrate and return to a country, that there should be some meddling.

That there should be some meddling when we are talking about American technology and American capital in the form of credits, certainly it seems to me that this country should at least have a very strong interest in what happens in Soviet Russia. Perhaps had we done so in the 1930's we would not today have suffered the many problems that we did, certainly during the holocaust of World War II.

I would also like to compliment the gentleman in the well for bringing to the attention of the House and to our colleagues the very thoughtful remarks about the hypocrisy of awarding to Lee Duc Tho the Noble Peace Prize. It is hard indeed for me to believe. And I just, in reading the paper tonight, was shocked that that prize would go to someone of such disrepute in the world community.

Again I compliment the gentleman in the well, and I appreciate the gentleman yielding to me.

Mr. BLACKBURN. I appreciate the remarks of the gentleman from New York (Mr. KEMP).

I think it particularly appropriate, the reference the gentleman from New York made to Nazi Germany.

As I recall, Adolph Hitler wrote a book in which he promised the world that he was going to attempt eventually to dominate the world with his military forces. We did not pay any attention to Hitler, and we paid a very high price indeed for that.

Today, Mr. Brezhnev stated in his discussion before the Soviet Central Committee that he assured the Soviets that détente was a temporary thing in which the Soviets are attempting to gain superiority, and economic superiority over the world, and that once they have obtained that superiority they will then move with strength, and they will not be catering to us. We did not pay any attention to Mr. Hitler, but I do not think we should make the same mistake now.

Mr. KEMP. Mr. Speaker, if the gentleman will yield for just one further comment, and that is about Nazi Germany, it reminded me of another Nobel Prize winner who happens to come from Soviet Russia by the name of Alexander Solhenitsyn. He said, as the gentleman in the well has pointed out, that the spirit of Munich that existed in the late 1930's was very much alive in the world today, and that to be concerned for the moment with ethical principles only in one's home country, or in one's own experience, can really deny the world the opportunity to see manifest for the future those principles that we hold true, not just for ourselves, but for those who come after us, and for the world itself.

So we prize what Solhenitsyn has said, and we respect what he means to the Western World, and it is important that we take into consideration both his remarks and those of Professor Sakharov, the great physicist, and that it is important for the world that we give great consideration to this, and that we pass the Jackson-Vanik-Mills bill.

Mr. BLACKBURN. I agree with the gentleman from New York, and certainly where Soviet citizens are risking their very lives and risking very really the possibility of being incarcerated under forced and trumped-up charges of insanity, and those other citizens who stand in such fear of being adjudged insane just because one has a tendency to resist the regime. Yet men such as these speak, and formulate their opinions within the Soviet Union, and who are trying to tell Western civilization, including the United States, that we are only boosting the dictatorial and brutal regime of that Communist government when we assist them economically. I think we should listen to these gentlemen.

Mr. RONCALLO of New York. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from New York.

Mr. RONCALLO of New York. Mr. Speaker, I too would like to compliment the gentleman in the well, and to associate myself with the remarks of the gentleman. I think it is about time that we find out and begin to learn that the enemy in the Near East is the same as the enemy in the Far East.

I think we are learning the true nature of Communist thinking, and I thank the gentleman for bringing this out.

Mr. BLACKBURN. I appreciate the gentleman's remarks.

I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I praise Mr. BLACKBURN for his efforts in this area and for the leadership he is giving us.

I have an article I want to include in the RECORD for the Members to share from "Human Events" entitled "Must We Feed the Soviets?"

> Congressman Ben Blackburn, lively Republican lawyer from Atlanta, leaned down from the elevated platform where the Joint Economic Committee sat. He labelled David Rockefeller, Chase Manhattan Bank Board chairman and E. Douglas Kenna, National Association of Manufacturers president, a pair of monkeys.

I ask the gentleman from Georgia if that is true.

Mr. BLACKBURN. That is not really quite true. I certainly did not refer to the gentlemen as monkeys. When they testified before the Joint Economic Committee to the benefits that would accrue to this country from the expanding of Soviet-American trade, I said it was like drilling a little hole in a coconut, and the monkey sticking his hand in the hole, and when he tried to grab the meat, he could not pull his fist out, and then he was trapped.

We are all anxious to make a few pennies profit, but we may wake up and find ourselves trapped.

I should like to make the observation, too, that the testimony of both of these gentlemen before the Joint Economic Committee was consistent in that respect in that they represented that the Soviet Union could secure anything they want from anywhere else in the world, from Sweden, Germany, or other Western countries, and, therefore, our industries might as well provide the Soviet Union with what they want.

I pointed out to these gentlemen that it was not true that the Soviets could receive everything they want from other countries. Other countries could not finance them to the degree that we financed them.

The Soviets' credit is no longer as good as we have been led to believe.

Last year the Soviet Union was facing a real prospect of hunger. They said that they could get the grain that they needed from any other nation or a group of nations in the world. To represent that we are merely making profits by selling to the Soviet Union is not a true representation. The Soviet Union needs us desperately, and for us to provide them with the needs that they feel and not demand political concessions in return is to me a very false and foolish thing for us to do.

Mr. SYMMS. I thank the gentleman for yielding.

I happen to know that the gentleman is of the opinion that we should stop trying to pluck the eagle to feed the bear. It seems to me this is the American policy we have been practicing for the last 25 years.

I should like to call the attention of this body to a new book written by Antony Sutton that goes into the fact of how the technology that has come from the United States has helped to slaughter a hundred thousand of our boys in South Vietnam because the underdeveloped countries have not been able to develop technology to make war as well as we have in this country.

We had to give them the technology. I think it is interesting to know that in Russia today they do not have the technology to make 12-gage steel pipe to transport liquid gas in. When we provide the products and the technology, all we get in return are I O U's, which so far we are in doubt about.

Mr. BLACKBURN. The gentleman's reference to Mr. Sutton is timely. There is a great volume of work out that confirms that the Soviets have actually gone very little into innovative technology in their own borders and in their own institutions. The real students of the subject find that generally Soviet technology is based on Western technology that they imported.

Mr. SYMMS. I just would like to point out further I think that if we do trade with the Soviets, I think the proper position probably would be to do so, but we certainly should be intelligent enough to get gold or something of par value in return.

I think in Idaho we live under the golden rule and that is called the guy that has the gold rights has the golden rule.

I do think if we had gotten the gold from Russia we would not have been burned so badly on the grain deal. They do have the gold and we could force it if we were hard bargainers.

Mr. BLACKBURN. It seems to me to do so would make sense, that we can have gold reserves varying from $9 billion to $20 billion worth.

They do not have one ruble, one kopek outstanding against their gold, but we have $80 billion floating in the world, roughly against $13 billion worth of gold domestically. It does not make sense to me that a country as rich in gold as the Soviet Union should be financed by a country not rich in gold, a country that has been undergoing a terribly painful capital shortage with a high prime interest rate. It does not make sense that we should be financing them.

Mr. BAUMAN. Mr. Speaker, I would like to say that the gentleman from Georgia is rapidly attaining the status of one of the most knowledgeable experts on East-West trade in the House. I think in doing that and in bringing out this information tonight, the gentleman speaks not only for the people of his district, but also for all America. For that I think all of us owe him a great debt.

I just hope those down in the Foggy Bottom are able to perceive his remarks here tonight. I hope that they will not only perceive, but heed and act upon them.

Mr. Speaker, there has been much discussion lately in the press and in the Halls of Congress on the benefits to be derived by our country through increased trade and détente with the Soviet Union but, as yet, no one has spoken of the cost to this country of such action.

I am concerned Mr. Speaker, that the cost will be great and the consequences of this cost will be grave for this country. Antony Sutton of the Hoover Institution in his three-volume survey, "Western Technology and Soviet Economic Development," drives home the policy implications of such strategic trade with frightful clarity. Sutton's survey shows that the Communist powers of the world have little advanced technology of their own.

He demonstrates how American and other Western sources have supplied the factories and machines producing Soviet steel, trucks, marine diesel engines, tools for arms plants, ball bearings for missiles, tanks, and other military vehicles, accelerometers for missile guidance, chemicals for the manufacture of explosives and propellants, prototypes for machineguns, and other weapons. Without these supplies, Sutton shows the Communists could not have sustained their aggressions in Korea and Vietnam, and the approximately 100,000 Americans who died in those two conflicts might be alive today. All of this was provided under the same guise as it is presented today: "peaceful trade."

I, for one, Mr. Speaker do not believe we can long afford much more of such strategic trade with the Soviets. The dreadful cost of such trade, the 100,000 Americans killed in battle by enemy forces equipped and moved by American technology, is too much for us to bear and far outweighs any transient, financial advantage we could hope to achieve.

If I could see any change in the Soviet position, if there were any indication that there had been a significant shift in basic Soviet policy then, possibly, some might argue for support of this program. But witness, Mr. Speaker, the continued repression of Soviet Jewry, witness the contemptuous challenge of the Soviet Union in the Middle East, witness the harassment of those dissidents within the Soviet Union who have spoken out against their government, witness these actions and tell me in which direction the winds of change within the Soviet Union prevail.

Allow me to quote from my good friend Dr. Lev S. Dobriansky, of Georgetown University, in his article "50 Years of the U.S.S.R. Economy." This article appeared in the spring issue of the Journal of East European and Asian Affairs. Dr. Dobriansky mirrors my feeling when he says:

> Clearly, nothing in the fundamental institutional structure of the USSR has changed to warrant the present conjecture that Russian interest in stepped up trade with the U.S. and others is any indication of a substantial change in Russian behavior . . . Moscow has never been interested in our consumer goods but it has been consistently interested in our advanced technology, blueprints, and skilled know-how.

I reiterate, Mr. Speaker, the cost of strategic trade with the Soviet Union is much too high for this country to pay. It is a renunciation of the ideals and principles for which this country has stood for over 200 years. It is an abrogation of our responsibility to the future safety of this country, and, it is, I believe, to paraphrase Mr. Lenin, "a bid to build our own gallows."

I include at this point an excellent article from the October 20, 1973, issue of Human Events written by M. Stanton Evans, which reviews the Sutton book and forcefully outlines the pitfalls of such strategic trade. The article follows:

HOW WE BUILD UP THE SOVIET ENEMY

(By M. Stanton Evans)

Something like 100,000 Americans have been killed in recent years by enemy forces equipped and moved by America's own technology.

That is the shocking message conveyed by Antony Sutton of the Hoover Institution in a just-published survey of East-West trade and its impact on the Cold War struggle with the Communists. Sutton's analysis, entitled *National Suicide* (Arlington House; $8.95) is a popular but massively factual rendering of the research embodied in his three-volume study, *Western Technlogy and Soviet Economic Development*. It drives home the policy implications of such trade with frightful clarity.

COPYING WEST'S ARMS

Sutton shows the Communist powers have little or no advanced technology of their own, and in particular have been laggard in developing any sort of military transportation. He documents the fashion in which American and other Western sources have supplied the sinews of the Soviet war machine—including steel, trucks, marine diesel engines, tools for arms plants, ball bearings for missiles, chemicals for the manufacture of explosives and propellants, prototypes for machine guns, etc.

The author notes that the Communists offensive in both Korea and Vietnam would have been impossible without the use of Soviet and other Iron Curtain technology which had been provided to Moscow by the West. Thus the Communist army that invaded South Korea in June 1950 was equipped with Soviet medium tanks—which featured U.S. Christie suspensions. Artillery tractors were direct copies of American designs. The trucks were from the Gorki plant—built for Moscow by Henry Ford.

In Vietnam, the story was the same. Movement of Communist supplies along the Ho Chi Minh trail and North Vietnamese offensives against the South were mounted with equipment and weapons provided by Moscow and various of its satellites, equipment in turn derived from the United States and other Western nations. In both these conflicts, American know-how was employed in the grisly task of killing Americans—to the tune of almost 100,000 deaths.

Sutton's indictment is confirmed by the statements and actions of our own government. In May 1972, for example, President Nixon announced the blockade of Haiphong Harbor, explaining that this step was necessary to protect American lives in Southeast Asia. "There is," he said, "only one way to stop the killing. That is to keep the weapons of war out of the hands of the international outlaws of Vietnam. . . . I therefore conclude Hanoi must be denied the weapons and supplies it needs to continue the aggression."

PHOTOGRAPHIC PROOF

In support of Nixon's action, the Department of Defense released pheotographs documenting the heavy influx of Soviet supplies into North Vietnam. One photo shows the Soviet cargo ship *Michurin* steaming toward Haiphong harbor, with Soxiet ZIL 130 cargo trucks and ZIL 555 dump trucks on deck. Other photos show Soviet T–34 and T–54 tanks, Soviet MIG 17s, Soviet 122 mm. field guns, etc.

KAMA RIVER DEAL

What is the common feature of all these instruments of aggression? One answer is that each originated in the United States and other Western nations. The cargo ship *Michurin* so graphically exposed by DOD is powered by a diesel engine designed and built in the United States and features a hull constructed in the United Kingdom. (Common enough for Soviet cargo runs to Haiphong, since 84 of the 96 ships identified making such runs are propelled by systems originating outside the USSR.)

In like fashion, the GAZ trucks used on the Ho Chi Minh trail come from the Ford-built Gorki plant, the ZIL trucks from yet another American-built factory. The T–54 and T–34 tanks have modified Christie suspensions. The MIG 17 is powered by a British Rolls Royce engine. The 122 mm. field gun and other Soviet weapons use a propellant technology provided the Communists by American chemical firms.

The United States, in short, was sounding the alarm about Communist weapons and support technology which had been provided by—the United States. And even as Haiphong Harbor was closed down, the Nixon Administration was busily promoting other transfers of technology to the Soviets. Nothing symbolizes this fantastic irony better than the Kama River truck deal, in which a consortium of American firms were (and are) engaged in building for Moscow the largest truck factory in the world—while our government deplored the use of Soviet trucks to power Hanoi's aggression in Vietnam.

Even more incredible is the successful effort of the U.S. Commerce Department beginning in 1961 to force through the export to Moscow of miniaturized ball bearing machinery essential to the production of missiles. This was done over the vehement objections of the Pentagon and the Senate Internal Security subcommittee. In 1972 the Soviets entered another order for these American-made machines five times as large as the number purchased in the previous decade.

Further confirmation of the Sutton thesis is provided by Rep. Ben Blackburn (R.-Ga.), rapidly emerging as one of the most knowledgeable of congressional spokesmen on matters of East-West trade. In a recent statement, Blackburn reels off a considerable list of Soviet military-industrial accomplishments, past and present, which turn out to have been created in the United States.

Blackburn notes the Stalingrad and Kharkov tractor plants produced the International Harvester 15/30 model—and military tanks. The Chelyabinsk tractor plant produced Caterpillar 60s—and tanks of the Christie design. Martin, Seversky, Vultee, Douglas and Curtis-Wright supplied the Communists with technology needed for an aircraft industry. Other technological assistance has come from RCA, General Electric, Metropolitan Vickers of England, etc. (All these transactions are documented in the Sutton volume.)

The Georgia congressman concludes that "major American and European firms—with the knowledge and assistance of their governments—have provided the technology for the Soviet economy. Soviet technology is either imported or duplicated from imported models. A decade-long search has identified only a handful of Soviet innovations."

The net of these researches and the crushing significance of Sutton's book is that the United States has created and nourished the enemy which threatens our security and the cause of peace in Asia, the Middle East, and other points around the globe. Despite this ghastly record our government is continuing and accelerating the transfer of technology—embracing everything from chemicals required for the manufacture of explosives to advanced computers essential to sophisticated forms of weaponry.

PEACEFUL TRADE

All this equipment is provided on the grounds that it constitutes "peaceful trade"—and U.S. officials have repeatedly proclaimed that they will not make available to the Soviets any goods or processes of military application. The argument is spurious on the face of it, in view of the multiple uses which may be made of trucks and other vehicles, the application of ball bearing manufacture to missile science, the employment of chemical processes in the manufacture of explosives, and so on.

Our own experience in World War II suggests industrial techniques of many types are essential to a modern military enterprise—and an economy built for supposedly peaceful purposes can be rapidly converted to military uses. This consideration becomes especially relevant in the light of Soviet doctrine and practice which view all economic developments in terms of their contribution to potential military strength.

The clearest answer to the myth of "peaceful trade" with the Communists is the factual record Sutton spins out with such unflagging thoroughness. It is doubtless for this reason that U.S. officialdom has been so reluctant to have that record revealed, and why Sutton has encountered a wall of official secrecy in his Herculean effort to assemble the factual data.

Despite those difficulties, he has written a book of monumental importance—the book not merely of the year, but of the decade. Those who wish to justify the folly of trading with the Communists must read and refute him if they can.

Mr. BLACKBURN. I thank the gentleman for his observations.

Mr. SYMMS. Mr. Speaker, I am pleased to have participated in the discussion on the very important Trade Reform Act soon to be considered by the Congress. If the administration has its way on this legislation the Amercan people are likely to get taken to the cleaners again. The burden of all the mistakes that occur will ultimately be borne, as always, by the U.S. taxpayer. This is not a prediction but a statement of historical fact based on past events, the most recent of which is that horror known as the Soviet grain deal.

Even a cursory look at the Soviet grain deal will go a long way in demolishing the view—widely shared by many Americans—that a great increase in East-West trade paves the road to increased understanding between the two superpowers, to relaxation of tensions, to enormous economic benefits, growing cooperation in international affairs, peaceful coexistence, and a litany of other alleged benefits. But look at the results of the grain deal. It was after the Soviet purchases were consummated that the grain shortage suddenly appeared and wheat prices jumped by more than 50 percent. Take the effects on meat prices coupled with the effects of price controls, and consider the chickens that were drowned because farmers could not survive selling below cost. The United States-Soviet grain deal was a colossal American grain giveaway to the Soviet Union, the inflationary effects of which have already cost this country hundreds of millions and perhaps even billions of dollars.

Now, on top of all of this, the administration is pushing a trade bill which would provide massive U.S. Government credits to Soviet Russia for the purchase of additional commodities plus high technological goods such as computers. Again the interest of "détente" is given as the reason for this giveaway, on June 24 of this year, Leonid Brezhnev appeared on American TV and made the same pitch that every Russian leader—from Peter the Great and Catherine, to Lenin and Khrushchev—has made: Give us your know-how and investment capital in exchange for our raw materials, and we will both prosper.

But, let us look at what this could do. The main argument that the administration was using in selling the SALT I agreements to the American people was that our strong advantage in MIRV technology compensated for the 50-percent advantage granted the Soviets in numbers of launch vehicles with warhead yields five times ours. Computer technology is the basis for the development of successful MIRV systems. So it seems to me that if we adopt this proposed trade agreement which would allow the Soviets to obtain this necessary computer technology, at the expense of the American taxpayers, we are throwing away the only claimed advantage we have over the Soviet Union in strategic nuclear power. The American taxpayers will literally be financing the strengthening of the Soviet military and economic power. And if this is not enough let us look at what this does to the American people from just an economic point of view. So far in 1973, credits and credit guarantees from the U.S. Export-Import Bank in the amount of $202.6 million have been made available to the Soviet Union. The credits carried an interest rate of 6 percent, and grace periods before repayment begins of up to 10 years. These transactions supplement the $750 million line of credit for grain purchases made available in 1972 by the Commodity Credit Corporation. In addition to these actual credits, major transactions involving the Soviets and American firms that have been announced this year envision U.S. Eximbank credits of approximately $3 billion. These credits, too, would be made available at the subsidized rate of 6 percent.

The Eximbank raises the capital it loans in the open market. Currently it is paying 7.75 percent for its money. By lending the money at 6 percent Eximbank incurs a loss, which represents the subsidy paid by the U.S. Treasury, or more accurately, the American taxpayer. For a comparable level of credit, Americans would pay 10 percent. These credits also exert an inflationary impact on the American economy, thus causing a steady rise in the domestic price structure. All of this for the benefit for our Communist enemy.

Finally, history has proven that the Soviet Union's planned industry feeds on the industrial freedom of the West. It would long ago have died a natural death, had it not been for the repeated injections of lifeblood that are still being pumped into it today. Mr. Speaker, let us not continue these disasterous trade arrangements that only hurt the American taxpayers. Let us not continue this "fatten the bear and pluck the eagle" phase of our American last foreign policy. It is time for the Congress to look after the interest of the American people and support the proposed amendments to the Trade Reform Act which would prohibit Government financed and guaranteed credits to our Communist enemy. If we are going to trade with Russia let us demand gold rather than give them credits.

In conclusion, Mr. Speaker, I would like to call attention to a newspaper column by Holmes Alexander in which he makes reference to an exchange between my colleague, Mr. BLACKBURN, and David Rockefeller on the subject of United States-Soviet trade. The article is as follows:

[From Human Events, Aug. 11, 1973]

MUST WE FEED THE SOVIETS?

(By Holmes Alexander)

When you call me that, smile! Congressman Ben Blackburn, lively Republican lawyer from Atlanta, leaned down from the elevated platform where the Joint Economic Committee sat. He labelled David Rockefeller, Chase Manhattan Bank Board chairman and E. Douglas Kenna, National Association of Manufacturers president, a pair of monkeys.

Blackburn did manage a tight smile, but he wasn't fooling. He was telling Rockefeller and Kenna, who'd been huckstering the committee for expanded Soviet-American trade, that they were like the stupid jungle animal which gets trapped by reaching inside a coconut and greedily closing his fist around the meat. These two dignified capitalists, along with the U.S. government and much of the business community, were likely to experience blunder instead of plunder, was the Georgian's not-very-polite warning.

But it was a wholesome warning. It was a small clap of thunder which momentarily cleared the stuffy atmosphere of economic jargon and wishful generalities. Sure, everybody wants to do business with the Russians, and everybody wants to believe that the dove of peace has come to roost on the Ark of *Détente*.

Both nations "stand to gain," declared Rockefeller, Kenna said that if we don't loosen up on trade restraints, "the real loser . . . will increasingly be the U.S. producer and worker, not the Soviet consumer or the Soviet economy." The two witnesses declared that Russia could buy whatever was needed in free world nations other than the U.S.A.

"I question that premise," said Blackburn. "They came here last year to buy wheat. They couldn't get it in Australia, Canada or anywhere except here. Revolution grows out of empty stomachs, and there were empty stomachs in the Soviet Union."

This was a still louder thunderclap, perhaps loud enough to be heard around the country, clearing the miasmic atmosphere of *détente* still further.

Blackburn wasn't proposing a made-in-America famine to drive the Russian peoples into rebellion, but he was calling for hard bargaining. If we foolishly play the greedy monkey, we are passing up the chance to force "basic political reforms" on the Soviet dictatorship, he said. These reforms would do more than anything else to ease the tensions and reduce the need for expensive armament in the hostile camps.

In our appetite for profits, we have forgotten that our chief export to the Soviet Union will be capital, and the chief result will be to strengthen a hostile economy. How can we recover these investments, if the bargains go sour? Has anybody asked what price the Kremlin will charge for petroleum products? Can we be sure of repayment for the extended credits?

Rockefeller and Kenna did not have very good answers. Well, Russia had always lived up to its contracts. Well, it was a matter of believing that the benefits outweighed the risks. Well, American trade restrictions in the past hadn't prevented the USSR from making a remarkable economic expansion and reaching technological parity. And of course, said Kenna, there ought to be "proper safeguards for industrial rights and national security."

None of the other committee members—Proxmire, Humphrey, Reuss, Javits, Widnall—was as outspoken as Blackburn, and yet several voiced uneasiness.

There was no denying that American dollars would bolster the Soviet economy and

> dictatorship. There was no provision in the trade pacts for reducing the military burdens of either country.
>
> Probably the monkey would go right on reaching inside the coconut. He is not a reasoning animal. Blackburn's questioning seemed to ask, "Is man?"

Mr. HUBER. Mr. Speaker, the question of East-West trade is more than that of whether we make a few dollars or not. When we deal with the U.S.S.R., we are negotiating with a "cause" not a nation. This particular cause has as its goal the demise of our system. True, the Soviet Union and the United States are sworn to "peaceful coexistence," but the Soviet definition of this term does not rule out assistance to fraternal Socialist movements in their efforts to "liberate" or overthrow "repressive" or non-Socialist governments. Such action merely furthers the class struggle in the Soviet view. Thus, the Soviets do not hesitate to fan the flames of war in the current Middle East conflict with a massive airlift of arms to certain of the Arab states. So, trade with the Soviets will not stop confrontation around the world, all the talk of détente notwithstanding.

There is another argument that is raised time and time again. The argument goes that trade increases contacts and understanding and thus lessens the chances of conflict. However, history tells us otherwise. We have fought our major wars with England, Germany, and Japan—all our major trade partners.

And what of the warnings of Sakharov and Solzhenitsyn? Are we to completely ignore the internal structure of the Soviet Union? We have not done so in the case of South Africa or Rhodesia. The Soviet dissidents recently informed us that the Soviet defense budget is in excess of $80 billion—more than ours and growing. Are we now to rescue their faltering economy so they can continue to maintain the world's largest defense budget, be the world's largest arms supplier and still expand the civilian sector of their ecomony? To cite just one instance, the Kama River truck plant, when complete, will give the Soviets the overland capability to attack Communist China in speedy fashion. One need only recall that the Soviet Army had to call up collective farm truck drivers in order to have sufficient vehicles with which to invade Czechoslovakia.

Aside from the "systemic conflict" is there any money to be made from this trade? We have the great example of the wheat deal in which nearly everyone in America lost except a few grain dealers. Is this what we want? The whole arrangement almost completely dislocated our marketing and transportation system for food products.

Although no one is proclaiming it from the housetops, our people are encountering great difficulties in the Soviet Union on their business ventures. Translation of blueprints has proved to be major headache at the Kama River project, as has the handcrafting of parts of the Soviets that have no American equivalent. Rents in Moscow have been doubled for American office space. No one that I am aware of has claimed to have shown any profits to date.

A major project is that of bringing natural gas from Siberia to the east coast of the U.S.S.R. at Nakhodka. This will require a $1.5 billion credit from our Export-Import Bank. It should be pointed out that this terrain and climate is among the worst in the world. It is also an area containing some of the best collections of slave labor camps in the world. Western observers, moreover, have been unable to confirm the amount of natural gas in the fields that the Soviets contend is there. The Japanese took a long look at the project and, evidently, decided it is not profitable. So we should take an even longer look in my view.

Pending before the Congress is legislation granting the Soviet Union certain credit arrangements and perhaps most-favored-Nixon status. MFN is a matter of prestige to the U.S.S.R. and will not have an appreciable effect on the volume of trade between the two nations. But what of credits? We are constantly told by high administration officials that no large, long-term credits will be granted without Soviet disclosure of their hard currency holdings and gold reserves. We are still waiting to hear from the Soviets. However, signs are appearing that the Soviets are not quite the solid credit risk they are touted to be. Moscow has advised one American firm it would not be paid until next year. Soviet agencies which earn hard currencies are already sending out bills for services to be rendered in 1974. But the overall question is are we going to require anything of the Soivet Union in return for these credits? Is it unreasonable to require that their citizens be free to emigrate if they wish to? Or should we merely echo Senator FULBRIGHT when he recently said:

> The Russian people have lived under dictatorship throughout their history. It is not for us, at this late date, to try to change that by external pressure, especially at a time when there is a better chance than ever to build a cooperative relationship between the Soviet Union and the United States.

In sum, Soviet-United States trade is full of pitfalls, not proven profitable, risky to our national security and not necessarily in the best interests of the United States. If, however, we are to take this course, is it too much to ask the Soviet Union to make a humanitarian gesture and make detente more than just a word?

Mr. SCHERLE. Mr. Speaker, I have been overcome by an extraordinary sense of "deja vue" during the past few weeks listening to editorials on television, reading them in newspapers, all of them, seemingly, in support of increased trade, most-favored-nation status, détente with the U.S.S.R. I seem, Mr. Speaker, to have heard it all somewhere before. Fifty years ago a similar thesis was being sounded: "If we support the Soviet Government, we will insure stability and the democratization of Russia" After 50 years of existence it should be apparent that the economy of the Soviet Union is far from being a human and humane one. Its paramount objective is the economic generation of military power, rather than the peacetime production of goods for its people. In the last few months news articles point out the effect of trade, specifically U.S. wheat sales, has had on the United States. At this point, we need to stop and ask the question, "What price détente?" Détente has been extremely costly for the United States and very profitable for the U.S.S.R. I am interested in what the Soviets have given up for world peace.

We hear over and over again about the "shift in policy" presently occurring within the Soviet Union, we hear how we should "reach out with a hand of friendship and thus insure a generation of peace." Mr. Speaker, I believe that we should bide our time and carefully reconsider these proposals. We need to examine more closely what results will come of our actions and what the U.S.S.R. has done in response.

No man wishes for a generation of peace more than I. I would do anything to accomplish that end, but one need not look any farther than the Soviet Union itself to see what designs it has for the future. It is a nation with half the economy of the United States, and yet sustains with equal total expenditure a sophisticated military force and research and development program. In overt propaganda alone it spends well over $5 billion annually.

Clearly, Mr. Speaker, the Soviet Union wants détente on its own terms, terms that I feel could prove harmful to the economic and moral interests of our own country. The Washington Post in an editorial on October 11, 1973, provides a good example that the Soviet-American détente may not be as sturdy as its builders proclaim. In order for the easing of tensions to be durable, each side must have contributed equally to it, and the actions of the Soviet Union in the Middle East speak for themselves:

First. The Russians unquestionably knew Egypt and Syria were planning to attack Israel yet they did not inform the United States as they are obligated to do under recent agreement.

Second. Since the war opened, Moscow has begun a military supply airlift and publicly urged other Arab States to give the combatants the "greatest possible support."

These actions run directly counter to the specific promise of General Secretary Brezhnev to work for international order and, indeed, counter to the promise of détente. The editorial goes on to say, and I might add, reflects my own feelings exactly—

> Detente cannot work if Moscow is permitted to believe that it can encourage warmaking by the Arabs while piously giving lip service to its interest in building a durable peace in the world.

In conclusion, Mr. Speaker, we need to be wary of granting most favored nation status to the Soviet Union until we are sure of their intent. Events of the past 2 weeks indicate that the U.S.S.R. does not feel the need to show good faith through its actions. Most-favored-nation status ought to be granted only when it has been clearly demonstrated that the Russians are seeking to build that same "durable peace" throughout the world. The echo of the spirit of peace must begin in the Soviet Union. It must come from the voice of the Soviet Government to its own people. And that voice of peace and good faith would be a signal that the price of peace was not borne just by the United States, but by both parties to détente.

Mr. CRANE. Mr. Speaker, the proposed extension of most-favored-nation status to the Soviet Union must be carefully scrutinized by this body, especially in light of recent actions taken by the Kremlin leadership. MFN status most assuredly represents the granting of tremendous economic assistance to the Soviets and thereby strengthens the rule of those currently in power and better enables them to carry out their program.

What we must seriously consider is whether or not the Soviet Union genuinely merits such treatment at the present time, or whether recent evidence suggests that the current drift of affairs within the U.S.S.R. indicates that some reciprocal action on their part must accompany further trade concessions. Rather than dealing with all aspects of this complicated problem, I wish to focus my attention on the problems of emigration and internal dissent in the Soviet Union and their relationship to any trade concessions by the United States.

Almost all of the Members of this body should be quite familiar with the restrictive emigration policy of the Soviet Government. Thus I do not feel that it is necessary to present any detailed exposition of this extremely restrictive measure. However, several comments on the policy need to be made so that it can be placed in the much broader framework of domestic suppression that still characterizes Soviet society.

Just 14 months ago the Soviet Government reimposed the emigration "education" tax on individuals seeking to leave the country in order to allegedly compensate the government for both the investment made in them through education and also for the loss of their talents. No argument ever quite so strikingly acknowledged publicly the Communist notion that the individual is simply the ward of the state and consequently all the fruits of his labor belong to the state. The tax itself consists of a multiple of the individual's total income.

Obviously the real motivation for the imposition of the tax was designed to reduce the emigration of the better educated citizens, particularly Jews, and at the same time raise funds with which to buy foreign goods which the Soviet system could not produce. The willingness of the Soviet authorities then to exchange people for goods contrasts sharply with their current position that their emigration policy is an internal affair which ought not to be related to any trade agreements with the United States.

As we know, only pressure brought about by Members of the U.S. Congress during the past year led to the reluctant suspension by the Soviets of the education ransom. Nonetheless, a not insubstantial 900-ruble fee still remains for every departing emigrant. Moreover, it must be noted that the "education tax" was not abolished but only suspended. The past record of the Soviet rulers indicates that the tax quite likely will be reimposed once they have secured the concessions they desire. For example, last year prior to the West German general elections, Russian-born ethnic Germans were released from the Soviet Union, but once the authors of "Ostpolitik" secured reelection to power the restrictions returned. Thus, only by firmly attaching any trade agreement to free emigration can one guarantee any permanence to what might be but another simple Soviet tactical ploy.

The education tax only represents a small part of a broad policy of restrictive emigration and internal persecution that characterizes contemporary Soviet society. If anything, too much of our attention became diverted by the tax and thus its subsequent suspension caused unwarranted optimism about the direction of Soviet policy. Even without the emigration tax those seeking to escape from the Soviet Union find themselves constantly thwarted by endless bureaucratic delays, rejections, harassment, and often dismissal from jobs or arrest.

A basic question that must concern us is what precisely has been happening in Soviet society in recent months that has intensified the demands by so many people to leave the country or to criticize publicly the Communist government even at possibly grave personal risk. Our best information concerning internal developments in the Soviet Union continues to come from either emigrants or the "internal political emigrees" as one Communist commentator has referred to dissidents such as Solzhenitsyn. From the Russian dissidents a much less sanguine portrait of contemporary Soviet society emerges than that drawn by many Westerners so anxiously attracted to anything that seemingly vindicates preconceived notions of some "convergence theory" or détente.

Instead real horror stories have appeared such as those related earlier this year to the Senate Subcommittee on Internal Security by Mr. Avaham Shifrin. One of the fortunate Russian Jews able to emigrate to Israel this year, Shifrin recounted his own experiences imprisoned in the Soviet Union and testified:

> That there are millions of prisoners in the concentration camps and prisons of the Soviet Union today; that the camps, far from having disappeared number into the thousands; and that the conditions are just as bestial as they were in the days of Stalin.

Stalin himself has made something of a comeback in recent years. In 1969 the 90th anniversary of his birth was celebrated by party leaders and since then the emphasis has been upon his contributions to the economic progress of Russia and her victory in World War II. Just this past year a modest bust of Stalin joined the urn with his ashes in the Kremlin wall. More frightening than the personal rehabilitation of Stalin is the reappearance of some of the characteristics of his era.

Just last month, for the first time since the 1930's, the leaders of the Kremlin put on a show trail with two penitent confessors. Both Pyotr Yakir and Viktor Krasin disavowed their previous activities circulating and editing and underground publication, and pleaded guilty to Government charges of working for foreign organizations attempting to overthrow the Soviet Government. Yakir thus frighteningly fulfilled his own prophecy of June 1972, when he told several Western correspondents that such a confession may be extracted from him if he was eventually arrested:

> If they beat me, I will say anything. I know this from my former experience in the camps. But you'll know it will not be me speaking.

For their cooperation with the Government they received relatively light sentences of 3 years in prison and 3 years in exile. Mostly the show trial served as a very pointed threat to other Soviet dissidents; but it should also serve as a warning to the rest of world to reexamine their heretofore lofty evaluations of the leadership of the Kremlin.

This trial, together with so many other disconcerting actions taken by the government, led Russian novelist, Lydia Chukovskaya, to conclude recently, "Stalin is dead, but his business goes on." She specifically cited Andrei D. Sakharov, noted physicist and current chairman of the unofficial committee on human right, for bravely speaking out publicly against the denial of civil rights by the Soviet Government. By doing this she maintains that Sakharov committed—"the one crime for which the authorities never forgive anyone: Every person must be severely punished for the slightest attempt to think independently."

The man who preceded Sakharov and founded the committee on human rights, Gen. Pyotr Grigorenko, currently languishes in a mental institution. Unable to extract a confession from him for wrongdoing, the KGB used an increasingly popular device of eliminating dissidents—having them declared insane—the assumption being that no sane person would criticize the government. A well-rehearsed board of psychiatrists examined Gregorenko and ordered confinement after finding that he was suffering from "paranoid reformist ideas that have taken on an obstinate character."

Sakharov has lately released specific examples of other Russian dissidents who have similarly been confined to institutions on bizarre psychiatric charges. The campaign of suppression by the government has become particularly intense in recent months. Out of the original 15 members of the committee on human rights formed in 1969, 10 have either been arrested or forced to go underground. Numerous other writers have recently followed the path of so many famous authors, such as Sinyavski and Daniel, to prison.

Upon the conclusion of the Krasin and Yakir trial, Soviet Deputy State Prosecutor, Mikhail Malyarov, threatened Russia's most famous novelist, Alexander I. Solzhenitsyn by referring to him as "a malicious anti-Sovieteer who hates the Soviet Union." He proceeded to warn both Sakharov and Solzhenitsyn that they could be "held responsible for criminal activity against the Soviet state." About the same time a Leningrad woman hanged herself after suffering under 5 days of uninterrupted interrogation by Soviet police forced her to reveal the location of a hidden manuscript by Solzhenitsyn dealing with concentration camps. The author now fears that the more than 200 individuals whose individual names appear in his nonfiction work may now similarly suffer police harassment. Besides a press campaign launched against him personally, Solzhenitsyn has been denied a usually routine request in August for permission to live with his wife in Moscow. In a bitter letter of protest to the Ministry of Internal Affairs, he castigated the entire residence system:

> The insulting and corcive passport system under which one's place of habitation is not chosen by oneself but is decided by the authorities, and under which the right to travel from town to town, and especially from the countryside to the city, must be earned like a kindness—this hardly exists even in the colonial countries in today's world.

One prominent novelist, Vladimir Maximov, imprisoned several times already, has just recently been threatened with "psychiatric reexamination" because of the publication in the West of "Seven Days of Creation." In a letter attacking the Soviet Writers Union, Maximov praised dissident authors who he felt may not be able—

> to change the sorrowful face of reality, but . . . they will not permit their country to be buried secretly, no matter what the spiritual undertakers of all colors and shades try to do to achieve this end.

Any actual changes in the direction of liberalization sought by the dissidents and hoped for by many Westerners can only come about through continued pressure by those of us outside the Soviet Union. It must be made clear to the Kremlin leadership that evidence of détente at home is a necessary correlative to further expansion of concessionary détente with the United States.

Quite legitimate questions have been raised that by relating the granting of most-favored-nation status to free emigration from the Soviet Union and the recognition of civil rights of Soviet citizens, we interfere in essentially internal political affairs of another country. It must be noted, however, that the demand for free emigration and civil rights from the Soviet Union does not simply reflect the imposition of Western political ideals upon them. Instead we are only demanding that they themselves adhere to numerous agreements made by them over the years.

The International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the U.S.S.R., guarantees the right to leave any country, including one's own, and to return to his country. Both the emigration and numerous internal repressive policies indicated in my earlier comments blatantly contravene the Universal Declaration of Human Rights sponsored by the United Nations which the Soviet Union also publicly supports. And, reflecting an almost grotesque cynicism, just this past month the Soviets announced their ratification of two additional United Nations Conventions on the rights of man which assert basic freedoms, including the rights of expression and emigration.

Even more important than our concern with the Soviet Union adhering to these international agreements is the relationship of internal changes with the policy of détente. For this policy to have meaning some concrete evidence must exist of a relaxation of repression in the Soviet Union. As Andrei Sakharov himself has stated in a public letter to Senator JACKSON last month:

> The Jackson amendment is made even more significant by the fact that the world is only just entering on a new course of détente. And it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond any the question of emigration. . . .

In an article in this month's issue of the New Leader, Hans J. Morganthau considers the problem of authentic détente and similarly warns against any expectations of any viable agreements emerging from the negotiations with the Soviet Union given their current domestic policies. It is not Wilsonian idealism that makes Morganthau skeptical of the Soviet Union, but simply that—

> A government that cuts itself and its people off from objective contact with the outside world, that becomes a prisoner of its own propaganda . . . cannot pursue a foreign policy one can rely on to recognize, let alone respect, those self-imposed moral limitations that are a basis of a viable balance of power policy.

For the past 10 years we have supposedly been increasing cultural, business, and diplomatic contacts with the Soviet Union on the assumption that their society would liberalize as a consequence. If anything the record of the past year rather dramatically belies such an assumption. The Soviet Union obviously only makes concessions, such as the temporary suspension of the emigration tax, if pressured into doing so.

We do not seek any public confession of errors as the Kremlin rulers recently demanded from Krasin and Yakir, but only that they adhere to agreements solemnly signed by them and give us the hope that the necessary moral foundation is established so that the real détente we all desire can become a reality.

TRIBUTE TO THE LATE JAMES STROHN COPLEY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 60 minutes.

Mr. VAN DEERLIN. Mr. Speaker, the most thoroughly automated, computerized printing plant in the Nation—and therefore, perhaps, in the world—began operations in my home town of San Diego just 2 weeks ago.

Understandably, this was an event of considerable pride for our community. But it was not an occasion for joy. The man who should have been taking a desk in the building's top managerial office—the man whose talents and inspiration and wealth had prepared the way—lay dead of cancer.

James Strohn Copley was chairman of the Copley Press newspaper group, with a string of dailies in California and Illinois. The San Diego Union and Evening Tribune often were referred to as his "flagship"—Mr. Copley was a devoted Navy man. If he had a corresponding flagship city in Illinois, it would probably be Springfield—whose Congressman, our colleague Mr. FINDLEY, is joining me in sponsorship of this evening's special order.

Jim Copley's mark is everywhere in San Diego. His most obvious monument is the $25 million Mission Valley plant to which I have referred—a newspaper complex so highly automated that it blurs the old distinctions between print and electronic media.

He was unstinting in his generosity, through his support of organizations such as the Scripps Clinic and Research Foundation, the Fine Arts Society of San Diego, the Boy Scouts of America and the San Diego Zoological Society. Mr. Copley also was a major backer of the private funded center city project, which contributed to the revitalization of downtown San Diego in the early 1960's.

Politically, he was a conservative Republican, and never tried to conceal the fact.

For a time, Democrats—particularly those seeking or holding public office—had reason to view the Copley newspapers with misgivings. But in recent years, political coverage has been both fair and full. In my nearly 11 years in Congress, I have never had cause for complaint about the way my own activities were reported in the Union and its sister publication, the Evening Tribune.

Two of Mr. Copley's finest writers, columnists Jack Murphy and Neil Morgan, have gone behind the formal obituary notices to discuss the human side of Mr. Copley, an aspect perhaps neglected in the run of tributes to a departed figure of such civic and corporate importance.

Murphy and Morgan offer new insight on the kindliness and consideration which were typical of Mr. Copley in his contacts with friends and associates, and the courage he showed in his final battles against a terminal cancer.

The items follow:

A REMEMBRANCE

(By Neil Morgan)

Now that he is gone he can't stop me from sharing the Jim Copley that I knew. He often passed on stories for this column, but in his passion for personal privacy he demanded always to be left out. He shied away from every effort to make him a public figure. His newspapers spoke for him.

The nation and much of the world knew the thoughtful man who contended with vigor for God and country, the Republican Party, and freedom of the Press.

Only a few knew the sly, puckish wit, the five-way punster, the man whose memory for detail was stunning, whose thoughtfulness of friends was legendary. He was boyish in his enthusiasm as an amateur photographer and a collector of foxes that lined shelves at his La Jolla home, Foxhill. But he was one who passed too quickly through youth and went too early to death.

It soothes the hurt to remember him lifting his highball of Black and White Scotch with his traditional toast, "Happy Days!" Or dancing with his wife Helen to "Mack the Knife" and wondering what went wrong with dance music after Freddy Martin. Or complaining how Helen had blitzed him in gin rummy through a weekend at their Borrego desert hideaway.

For him these last were the happy years, even though his first skirmish with cancer had cast the long shadow just as Helen brought him tender calm.

Through the screen of his privacy only close friends sensed the high drama of his life, and it is probable that he himself never saw it that way. He demurred when I began to describe that drama to a fellow journalist. "I am just doing a job," he said. But to him the job was a trust that came to him in an orphanage, and became his obsession.

Frail and ill as a baby, he was adopted by a strong-willed tycoon who reveled in casting the boy in his own mold. Pushed and driven by that knowledge, Jim followed the stern dicta of his father and gave his life to repaying the favor of fate—at Andover and Yale, in Navy service, in the church, and in the newspaper chain that he inherited, rescued, enlarged, and strengthened.

Still in his thirties, he turned gray during a crucial legal battle launched by his foster brother. In the midst of those years, during a large party at Foxhill, I found him sitting alone on a kitchen stool, his chin on his hand. He managed a smile as we sat and talked about loneliness. He was struggling to hold together the newspapers in his father's trust; he won that fight and became sole owner of one of the world's largest privately-held groups of newspapers. In one way he was very much like the man who adopted him; he did not care to lose.

Along the way he and I had become friends. But we met in a most awkward fashion. In 1950, he was the new young publisher in town and I was the kid with the new column who came over from the opposition newspaper. On my lunch hour one day I did television narration of a civic parade. Jim Copley rode by in an open convertible and I made certain that he heard me giving the Copley Newspapers some kind words.

After lunch there was a summons to go upstairs and meet my new boss. He was gentle and kind, but something was wrong.

"If you're going to be moonlighting on television," he said, "you ought to know how to pronounce Copley."

We did not always agree, but nothing shook the trust and loyalty which grew between us.

He called me in just after that tragic Democratic presidential convention at Chicago in 1968. We were alone in his La Jolla offices on a Saturday morning, but he closed his door before he spoke. His sense of history was strong, and he was grim.

"I have all morning," he said. "Tell me what happened."

While I had been in Chicago reporting those brutal clashes between Mayor Daley's police and thousands of American young people, some of Jim's newspapers had given Daley editorial support. My own reports were critical of Daley and his police. But it was Jim's decision to run my stories on Page 1. Now he wanted to hear it the way I had seen it. No reporter can ask more than that of his publisher.

By then he knew the long odds of his illness. Inseparable, he and Helen husbanded their time and vigor. Big and small goals assumed poignancy; his service on newspaper boards and committees, his charities and endowments, his insistence on state-of-the-art technology for new publishing plants in Sacramento and San Diego and elsewhere in the group, his travel, and his relations with the men and women in his organization.

He longed for more casual contact with those people, and on one afternoon when he was still weak from a relapse, he and Helen appeared at the Press Room bar across from the Union-Tribune offices. They sat over highballs with a stunned coterie of reporters and editors that swelled as word of the visit spread through the plant.

"I want to shake hands with every one of you and talk to you," he said. "Will you forgive me for not standing?"

From there the Copleys went back of Broadway and danced to rinky-dink piano at Bob Johnston's old Palace Buffet.

"I haven't been back in this part of town," Jim said, his eyes alight, "since I was 14."

Among my debts to him is an incomparable one that grew out of his keen interest in good reporters. He was about to become president of the Inter-American Press Association when he met a tall, brilliant Oklahoma blonde who had received the IAPA's fellowship for a year of study in Latin America. He was impressed with her and persuaded her to come to work for him when she returned. I managed to meet her too, and married her as soon as she would have me.

That led Jim into collusions with my mother-in-law, a Tulsa newspaperwoman who is almost his peer as a practical joker. Last summer Jim wrote me a letter in which he said that he had hired my mother-in-law and wondered, under the circumstances, whether I should continue in his employ. But he telephoned soon after the letter reached me, anxious to make certain that I did not believe him.

As he was about to receive the City of Paris medal this summer, we cabled him that we had learned the medal was awarded only to the world's great lovers. His cable came back with the last word: "You wouldn't believe the final exam."

That was his last journey, and on the last time that we sat in the Foxhill library he was reminiscing about the return stop in Keflavik, Iceland. By then he had been in a wheelchair. As companions browsed for souvenirs, he grew weary. "I've had enough shopping," he said. "Just shove me down to the bar."

Near the end he was still joking, rousing up from comas with puns, managing a hand salute for a dear military friend. And to the end he was concerned primarily with others. Once he opened his eyes and saw Helen and tried to squeeze her hand.

"Are you all right, Honeybunch?" he whispered.

She will be all right, Jim, and we will all help her to keep it going ahead. You did the old man proud.

EVEN WHEEL CHAIR COULDN'T HOLD JIM WHEN ANTHEM WAS PLAYING

(By Jack Murphy)

So often in 21 years of service to Jim Copley I have written tributes to departed friends, but now I am especially desolate because the time has come to say farewell to Jim himself.

I will leave it to others to assess his contributions to newspaper publishing, his philanthropies, his devotion to the cause of freedom, his tireless efforts in behalf of a community he loved with a pure heart. I think of him in more personal terms. I don't recall the first time we met, but there is a vivid memory of our last encounter. He was in a wheel chair at San Diego Stadium; he was determined in spite of his failing strength to see his football team, the San Diego Chargers.

Arrangements had been made for him to see the game in Arnholt Smith's box on the press level of the stadium because it provides easier access for a wheel chair.

As usual, the crowd rose as the band began playing "The Star Spangled Banner" and Jim began struggling to his feet.

"Stay where you are," his wife, Helen, protested, "Everyone will understand."

Jim continued to rise. "But that's our national anthem," he said.

I think back to a pleasant morning when I shared the companionship of Jim Copley and Armistead Carter in a duck blind.

This was at a hunting club near Del Mar, the Pintail Hilton we called it, which has since been consumed by urban development. It wasn't much of a shoot. We were wearing short-sleeve shirts in blue-bird weather. Only one bird passed the blind all morning. Three guns fired and the duck collapsed into the water.

"Great shot, Jim," said Armistead Carter.

"Fine shot, Jim," I echoed.

He shook with laughter. "You two are alike," he said. "The truth is not in you."

HUMAN SIDE OF A KINDLY MAN

I think that was probably the day I began to appreciate the humanness of Jim Copley. There is a great distance between the publisher of a newspaper and one who labors in the toy department but it shrank in Jim's presence. He didn't know how to be stuffy.

Early on in our relationship he stopped me from addressing him as "Mr. Copley."

"My name is Jim," he said gently.

In 1963 my family experienced a week of anguish while police and the military searched for a beloved grandson, Jaimie. Finally he was returned to us by the ocean. But, meanwhile, police had theorized about a kidnapping.

Reading of this, Jim sent a message to our home. He stood ready to pay the ransom, whatever the amount. One does not forget such generosity of spirit.

In 1965 I was part of a citizens' campaign to provide a more suitable facility for the Chargers and the Aztecs, and, with luck, a major league baseball team. I had taken up this cause without knowing whether the publisher approved, and thus I was apprehensive when we met at an Aardvark luncheon at the San Diego Zoo.

"Are we going to build that stadium?" asked Jim by way of greeting.

"We've got a big chance if I can count on your support," I told him.

The answer came in the ensuing months when Jim made available the considerable resources of his two newspapers, The San Diego Union and Evening Tribune, to the stadium campaign. The electorate appeared to agree with Jim: a $27-million bond issue was approved by a smashing 73 per cent vote.

Jim never mentioned the stadium again in my presence, but that was typical of the man. It is equally true that I never heard him speak of his financial interest (5 per cent) in the Chargers.

He never sought to influence the department's coverage of the Chargers and, indeed, I doubt the thought ever occurred to him. He was interested in the team, intensely so. But he had no ambition to coach his sports writers.

I wish Jim could have been listening last winter during the editors' conference with Gene Klein, the president of the Chargers. Klein made the observation that he was generally pleased with this publication's coverage of his football team, despite occasional disagreements.

"I have never complained to my partner, Jim Copley," he said.

FIRST, HE WAS A NEWSPAPERMAN

Knowing how Jim would react, it was on my tongue to say, "Please be my guest." But I suppressed the urge. In times past I have experienced remorse because I waited too long to express my admiration for a friend. This is not such an occasion. Jim knew of my regard because I made no effort to conceal the happiness his generosity and concern have meant to one man and his family. I am happy for Jim because he found Helen, the girl he deserved, but I am saddened because he will not have an opportunity to work in the splendid new plant in Mission Valley where we soon will produce his San Diego publications.

When I think of Jim Copley I will remember him as a good man, a gentle man, and how laughter would suddenly lighten his face. I doubt he would disagree if I said above all he was a newspaperman, a professional. I treasure his integrity, his compassion.

In February he tricked me into giving a speech at the annual Copley publishers conference in Borrego Springs. But that was a ruse. I was in my room packing after the speech when he sent for me. He had an award for me, something about the Munich Olympics.

"We wanted to do something for you," he said softly.

Jim, if you only knew how much.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, the purpose of the news media is not to be popular, secure, and uncontroversial. Rather, it has a responsbiliity to inform, inspire, and report the news fully, accurately, and fairly.

By following this credo, individuals who express controversial opinions leave themselves open for verbal attack, scorn and unpopularity.

The late James Copley—who understood that morality was more important than popularity—operated his newspaper in this manner, to his everlasting credit, and to the credit of the industry.

He believed in America and in the philosophy and principles that established this great country of ours. And he did not hesitate to defend that philosophy and those principles.

In so doing, James Copley did not parrot a line that might bring fleeting popularity; he did not reflect an opinion simply because it was espoused by a governmental official. Instead, Jim Copley chartered a course following reason, honesty, and moral integrity as his guide.

Above all, he loved America and his opinions and views were designed to bring even more greatness to our country.

By reporting the facts fairly, objectively, and accurately, Mr. Copley had confidence that the public's wisdom would sustain the correct course of action and, therefore, keep our Nation free. As a newsman, and as a person, he gained the respect and admiration of his readers and those in public office.

Mr. Speaker, we have lost a giant of a man, but the country today is a better place because of his dedication to principle, his honest reporting and his unswerving faith in the American dream.

My wife Lee joins me in sending our heartfelt condolences to his wife Helen and the family.

Mr. BOB WILSON. Mr. Speaker, in many testimonials since his untimely death, Jim Copley has been praised for his qualities as an American patriot, as a newspaper publisher who dedicated his life to the principles of a free press, as a benefactor of institutions devoted to the arts and sciences and the social advances of mankind and as a true friend of nations whose interests are in harmony with those of America.

But there were other facets of this remarkable man's character, a man whom I had the good fortune of knowing as a personal friend as well as a constituent for over 20 years.

I wish I were able to illuminate fully Jim Copley's devotion to the basic principle of loyalty in everything he did. He was loyal to his ideals, of course, and especially loyal to his political ideals.

He believed convincingly in the integrity of the political process. It is true that he showed a partisanship in his political philosophy, but this merely illustrates the basic premise of his loyalty. Loyalty was a Jim Copley hallmark. He was loyal to his God, his country, his profession, his family and his friends.

There was no subject of more compelling interest in Jim Copley's professional role as a newspaper publisher, than that of establishing a strong communications link between the Nation's Capitol where Government presides and to the constituency at home where it is initiated by the will of the people. He wanted government better understood by the people, and the people better understood by the politicians. I think he was singularly successful in this regard.

His consuming passion for democracy as served by the first amendment to our Constitution was manifest in his firm management of the Copley newspaper complex.

In my 21 years as U.S. Representative, I came to appreciate fully the priority of attention directed to the vital link of communications that Jim Copley established between my work in Washington and my constituents in San Diego. I consider this effort by Jim to be one of the greatest contributions ever made to my political service here in Washington.

On a personal note, Jim was just my age. His father had been a Congressman from Illinois many years earlier and Jim occasionally reminded me of that fact. Jim knew Congress and knew how it worked. That was one of the most precious links of a friendship that I shall always remember and revere. I have lost a great friend and loyal ally, and America has lost a patriot whose good works will not soon be forgotten.

I join in paying my personal respects to his lovely wife, Helen, who takes over the leadership of the chain of newspapers Jim so admired. With a strength and inspiration derived from their closeness during the long desperate struggle for Jim's life, she will carry on as Jim would want her to, and the "Ring of Truth" will continue to be heard throughout the land.

Mr. VAN DEERLIN. Mr. Speaker, among Mr. Copley's loyalties were, until the very end, loyalty to the San Diego professional football team, the Chargers. Mr. Copley, of course, took on as a member of the staff a very brilliant quarterback of the Chargers whose 3 years of employment in the Copley newspapers, I think, may have contributed to bringing him to Congress.

Mr. Speaker, I yield with great pleasure to our New York State colleague (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I appreciate the gentleman yielding to me, and I appreciate very much his remarks and his taking this time to focus the attention of the House and our country on the great career of Jim Copley.

The gentleman mentioned in his brief words, and I will not take my full time, but I would like to comment on one thing that was said by my good friend from California (Mr. VAN DEERLIN). In some ways, working for Mr. Copley and working for the Union Tribune Publishing Co., of San Diego, contributed to my being in the Congress.

I feel very strongly about that time, because it was there that I had the opportunity to develop, I think, some of the qualities that are necessary for serving in a responsible position such as the House, as well as meeting people such as Herb Klein, who meant a great deal in my career.

I am very grateful for the opportunity to know Mr. Copley, to work with him and now to be in the Congress to work with the gentleman in the well to express the love and gratitude of a grateful country, as I know the gentleman is expressing the love of a grateful community, for a great American in his efforts on behalf of all of us and those who come after us.

Mr. Speaker, the conscience of America, the fourth estate, and I, personally are the richer, because of the heritage bequeathed by James Strohn Copley.

His death, at only 57, has produced a deep sense of loss among us who had the privilege of his friendship and acquaintance. This loss cannot be replaced for us or the wider audience of his fellow human beings touched by the impact of this giant of a man.

But our sadness is tempered by the joy of his many achievements throughout his career of service to his community and to our country.

Jim Copley's uncompromising dedication to communicating the truth about events and their meanings has enlightened generations of Americans. His achievements as a leader of free journalists have left indelible marks on contemporary and future history, for the betterment of man.

His genius first touched my life when I went to San Diego to play quarterback for the Chargers.

As I said, it was my good fortune to work for his Union-Tribune Publishing Co.

Under Jim Copley and the tutelage of Herb Klein, then editor of the San Diego Union, I found direction toward a career of public service. Their enduring inspiration convinced me that one citizen can make a contribution to the cause of individual freedom and free government, at the local, State, and national levels.

Mr. Speaker, Jim Copley could have chosen a less demanding life. But to the enduring benefits of our Nation, he was endowed with an extraordinarily high order of personal conviction, determination, and leadership.

Born in St. Johnsville, N.Y., on August 12, 1916, he lost his parents, John and Flora Lodwell during the World War I influenza epidemic.

In 1920, he was adopted by the late Col. Ira C. Copley and his wife, Edith Strohn Copley.

Educated at Phillips Academy in Andover, Mass., and Yale University, and later destined to receive an honorary doctorate of laws degree by Chapman College, Jim Copley began his newspaper career in 1939 on the advice of his father, an Illinois utility executive, Member of Congress, and publisher.

He literally began his journalistic career at the ground level with the Culver City, Calif., Star News by sweeping floors after press runs, soliciting circulation, and performing other basic chores while studying and quickly gaining expertise in the editorial aspects of his profession.

After 2 years at Culver City, Jim Copley briefly continued his apprenticeship at the Alhambra, Calif., Post Advocate and the Glendale News Press before going to the San Diego Union and Evening Tribune in 1941.

His rising career was interrupted by the bombing of Pearl Harbor and his entering the Navy.

Jim Copley served his country throughout the conflict and was discharged as a full lieutenant in 1946. Later, in the Navy Reserve, he rose to the rank of captain. And throughout his life, he was active in the Navy League.

After the war, he rose rapidly in the executive ranks of Copley Press, Inc., and went on to become chairman of that corporation and Copley News Service. Today, the Copley Corp. owns nine daily newspapers in California, six in Illinois, and 32 weekly publications.

Jim Copley's other holdings included Copley International Corp.; Copley Computer Services, Inc.; Communications Hawaii, Inc., which operates Honolulu radio station KGU; Seminar, the Quarterly journalism review; Copley Productions which develops documentary films of civic and cultural interests and a typography consultng division.

These are impressive operations, providing for the economic well being of thousands of loyal and talented employees. They also are the tools of communication which Jim Copley employed with exceptional skill as an outspoken, forthright champion of the America he loved so dearly.

His vigorous, clear editorial words rang out across our Nation, urging the preservation and perfection of our Founding Fathers' constitutional principles, prudent fiscal policies, responsive government for all the people, a strong national deterrent for peace and integrity for the political system and those trusted with public office.

Jim Copley was a newspaperman's newsman, adamant in his insistence that his publications and his news service report all the news, truthfully and impartially.

His creed, widely known, will serve as an enduring inspiration to those journalists who survive him and will follow in generations ahead.

He declared:

> The newspaper is a bulwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness.

These noble words compel me to observe that one of the responsibilities of the Congress "is to enhance the integrity of the individual" through the timeless principles espoused by Jim Copley.

Mr. Speaker, Jim Copley was more than a giant of a journalist. He was an astonishing human being.

In his beloved San Diego, and across our country, he was noted for philanthropy and concern for people and worthy causes.

The Copley Center of Scripps Clinic and Research Foundation, where he fought his last battle against cancer, is a memorial to his personal interest in the advancement of health and medical care. Numerous other hospitals and medical study centers benefited from his contributions including the Scripps Memorial Hospital, where he was a director for 14 years, and the Copley Tower, a product of his generosity. He was a lifetime member of the Aurora, Ill., association which supervises the Copley Memorial Hospital in that community.

His devotion to the arts and sciences were numerous. His memberships and honors are legend.

Jim Copley was a friend of Presidents, great statesmen, and all Americans.

He had a deep affection for his wife, Helen, for his family, his friends, and the members of his great corporate team.

Mr. Speaker, it was an uncommon privilege to have known Jim Copley and to count this rare man as a friend.

We shall miss him. We shall rejoice at his eternal spirit in his beloved America.

Mr. VAN DEERLIN. Mr. Speaker, I am sure we can all subscribe fully to those thoughts of Mr. KEMP.

Mr. Speaker, I yield next to one of our San Diego colleagues, another personal friend of the deceased, Mr. BURGENER.

Mr. BURGENER. Mr. Speaker, the untimely death of James Copley at the age of 57, who directed a great chain of newspapers, the Copley Press, leaves a great void in the world of public information. While his death, from the ravages of cancer, came as no real surprise, it still shocked and saddened his legion of friends and admirers who hoped against hope, that maybe, just maybe—this one time the miracle of cure would occur.

How like Jim Copley, in his personal choice of priorities, to spend the bulk of his last years with us building and improving a great medical research institute and a good hospital—so that others might live. One is the Copley Center at the Scripps Clinic and Research Foundation and the other is the Copley Tower at Scripps Memorial Hospital. He wanted to give to others what he could not have for himself.

Beyond the almost endless list of personal involvement in projects, causes, and organizations that benefited his community, State, and Nation stands a large and healthy chain of newspapers to which he gave firm and perceptive leadership. And because of his vision, his foresight, and his immense capacity of organizational skill, this great American chain of newspapers will continue to deliver, without interruption, "The Ring of Truth."

Mr. VAN DEERLIN. Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I did not know James Copley as closely as many of my fine associates from San Diego, but on the several occasions where I did have a chance to chat with him, I often mentioned how grateful we all were that he made sure that, as publisher of many papers in California—and there are four in my district, Copley papers—he always made such a strong effort to make sure that the news reporting was clear and objective.

Mr. Speaker, there are other papers in my area and especially downtown papers, that do not always achieve this sense of excellence and objectivity. I think that one of the main reasons that I am very grateful that James Copley went into the publishing business is that he brought a standard of objectivity to the field of reporting and made sure that all those who worked for him did the same.

It is not found always today.

For that reason, alone, I am most grateful that the Copley papers did exist in many parts of California, as well as the rest of the Nation, and that they were able to give us truly objective reporting on most of the key issues of the day.

I am grateful that my colleague from San Diego has taken this time so that we can inform our other colleagues of what I am sure is an excellent policy of objectivity which will be continued, because Mr. Copley insured that everyone who worked for him would be carrying on this kind and this concept of reporting. So I am most grateful to my colleague from San Diego not only for yielding to me, but for taking this time so that those of us who knew of these fine publications and this publisher who has been there for so many years can express our gratitude and appreciation for the tremendous job he did through the years.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman.

Next on our list of southern California colleagues is the gentleman from California (Mr. VEYSEY), whose district, or a great deal of it, extends into the area served by the San Diego Union and Evening Tribune.

Mr. VEYSEY. Mr. Speaker, the passing on October 6 of James Strohn Copley took from us a cornerstone of the institution of journalism and an individual who represented for the past two generations, the ultimate in objective, yet incisive, news coverage.

Jim Copley, as he insisted on being called by all who met him, brought to the business of reporting the news, a determination to print the truth, which earned him the unfailing respect of friend and foe and a reputation for integrity unsurpassed in the journalism field.

While his newspaper work won him fame and international accolades, Jim Copley's burning and unyielding love for his country was the driving force behind his indomitable spirit and his inspirational editorial efforts.

Jim Copley was a patriot in the finest sense, and he implemented his patriotism every day of his life.

He worked tirelessly to make the world, the country, and his hometown a better place for all. And few men have had or will have such a profound positive effect on the lives of so many.

He learned his business of journalism the hard way, but the best way. He started in 1939 at the Culver City, Calif., Star News where he was a clean-up boy.

He earned his pay by sweeping the floors after each press run, while he studied the editorial aspects of journalism with a passion during his off-duty hours.

Soon he graduated to newswriting and reporting, and he moved on to the Alhambra, Calif., Post Advocate, and the Glendale, Calif., Press before taking roots in San Diego in 1941.

From that time until his death, Jim Copley pursued and attained journalistic excellence throughout the growing Copley chain of newspapers, and in other related endeavors. Today that chain numbers 16 daily newspapers, including 10 in California and 6 in Illinois. Also the Copley chain includes 32 weekly newspapers, and the highly regarded Copely News Service, as well as various communications related enterprises.

The San Diego Union, the San Diego Evening Tribune, and the Sacramento Union, three of the daily Copley papers with which I have worked closely throughout my career in public service, are prime examples of Jim Copley's formula for truth in reporting. "The Ring of Truth," as Jim Copley labeled his annual awards given to Copley reporters for outstanding journalistic effort, fittingly characterizes Jim Copley's lifelong effort.

Jim Copley has fallen, but thanks to him, the "ring of truth" will continue.

Mr. Speaker, the measure of the man, James Strohn Copley is graphically illustrated in the following superb editorial which appeared in the San Diego Union on the day following his death. He was indeed, a noble man:

A Noble Man

Most men are destined to pass their brief moment on this planet without lasting impact. They come, they go and they are forgotten.

A smaller number are enabled by chance or by talent to make some mark—for good or ill—on the affairs of the world; and the smallest number of all are those whose impact is great, good and enduring.

James Strohn Copley, publisher of this newspaper and Chairman of the Corporation publishing Copley Newspapers, taken summarily from this life at age 57, had an effect upon the conscience, the conduct and the well being of our nation that has been surpassed by few men in private life.

With a heritage of wealth and security, it would not have been remarkable had he chosen a tranquil and less demanding life.

However, armed with a high order of personal conviction and the leadership of a dynamic father, Jim Copley moved aggressively into the newspaper business, determined that the obligation to print all of the facts honestly and without bias—"The Ring of Truth" as he called it—is no less than a sacred trust.

This determination always to print the truth earned him, from friend and foe alike, the precious respect that only unfailing integrity can bring.

His newspaper achievements brought him pyramids of national and international honors. However, apart from all of this busy professional life he was tireless in his efforts on behalf of the United States of America and all the things for which it stands.

Distinguished service in uniform, where he earned the rank of captain in the Reserve of the U.S. Navy, dedicated service as a Trustee of the Freedoms Foundation at Valley Forge, Federal service as a member of the President's American Revolution BiCentennial Commission—all were welcome labors of a patriotic love that burned deep in his heart.

And, somewhere among his few remaining scraps of time, Jim Copley was able to create opportunities to work tirelessly on behalf of health institutions, to support the arts and education—in short to put both his shoulder and his resources behind any project that promised to enhance the opportunities of Americans, young and old. His personal generosity and his consideration for others were legendary but, when brought all together, they simply portrayed the desire of a grateful and loyal American to do his full share to nourish and support the land he loved.

As everyone knows, the best and truest measure of a man is found in the judgment of his peers. Jim Copley's peers—the fraternity of this generation's great from every walk of life—will make their judgment today and it will resound with the Ring of Truth that he so cherished.

They will declare him a patriot and, with pride, will say that his beloved country is a better place in which to live because of his efforts on its behalf.

They will declare him a wise and humane philanthropist, and will give a score of reasons why our American society will be happier, stronger and healthier because of his unfailing generosity.

But most of all—above everything else—they will adjudge him a noble, a compassionate, a gentle and a considerate man and, with love, pride and eternal gratitude, will declare that all of the thousands whose lives Jim Copley touched will be better for his having trod this earth.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, testimonials to the integrity and public service of Mr. Copley have been expressed by persons representing the full spectrum of American life. I offer two of these for the Record:

President Nixon—"The untimely death of James S. Copley takes from us an able American whose distinguished career in journalism and public affairs placed him in the direct line of descent from this country's great printer-patriots of the past—from Zenger to Pulitzer.

"His contribution to international peace and understanding was felt beyond our nation's borders through his selfless work with newspapers of other countries.

"The same courage and heart which characterize Jim Copley's family of newspapers, serving communities from the Illinois prairies to the California coast, shone through in his long brave fight against illness over the final year of his life.

"And it is a measure of the man's quiet humanitarianism that the room where he finally lost that fight was part of a hospital and clinic that his generosity had built.

"Jim Copley has been a close friend and adviser to me for more than a quarter of a century.

"Thus it is with a special sadness that Mrs. Nixon and I join his family, friends and countless admirers in mourning his death. But we also are grateful today that the message of liberty he most wanted to spread in this country and throughout the Americas will continue to be heard through his newspapers' 'ring of truth.' "

Ronald Reagan, Governor of California—"It is with great sorrow and grief that Nancy and I learned of the death of Jim Copley. His passing is a loss for all Californians and freedom loving people throughout the world.

"Jim Copley was an outstanding journalist, loyal friend and great American. His leadership and counsel will be missed by all of us. Jim Copley devoted his entire life to keeping the American public informed of events and the world's needs. He was in the forefront in espousing those views that portrayed Americans' love of freedom and of the free enterprise system. Our world is a better place because of Jim Copley.

"Our deepest sympathy and devout prayers go to his family in its hour of grief. All of our lives have been enriched by the generous talents of Jim Copley.

Spiro Agnew, former Vice President—"It has commonly been remarked that our greatest newspapers are inevitably a reflection of the personality of one strong leader. Such has been the case with the Copley newspapers.

"James Copley was a strong, independent and individualistic publisher, and his newspapers have consistently reflected these characteristics.

"He was a great newsman, a credit to his profession and he will be sorely missed."

Mr. JOHNSON of California. Mr. Speaker, it is difficult to put into words the impact that James S. Copley, chairman of the corporation publishing Copley newspapers, had on the communities in which his newspapers were published, on the newspaper business to which he dedicated tireless devotion and on the Nation which he served and loved.

His passing at the age of 57 was most untimely, and yet his contributions will be enduring.

As the chief executive of a chain of newspapers and the Copley News Service, Mr. Copley insisted that his newspapers print all the facts honestly and without bias—"the ring of truth" as he called it, which to him was an article of faith. He pursued a dynamic program of growth and expansion and accomplished many innovations in his chosen profession.

He also tirelessly served many national and international press organizations, winning countless national and international honors in the field.

As an American, Mr. Copley served his Nation in time of war and continued to serve in the Naval Reserve for many years after. He was a patriot who insisted the country he loved must remain strong and thus free. He was a director of the Freedom Foundation at Valley Forge and a member of the President's American Revolution Bicentennial Commission.

As a humanitarian, he gave unstintingly of his time and resources to support health institutions, the arts, education—any project he believed would enhance the opportunities of Americans.

As a man, he was compassionate, gentle, humble, and devoted to making this world a better place for his having walked on it. He will be sorely missed but not forgotten.

Mrs. Johnson joins me in extending deepest sympathy to his loved ones.

Mr. ANDERSON of Illinois. Mr. Speaker, today we set aside a few moments to pay tribute to James Strohn Copley, chairman of the Copley Publishing Corp., and a giant voice in American journalism, who died of cancer last week.

Under his quarter-century of leadership, the Copley Press, which includes 15 daily newspapers in California and Illinois, plus 32 weekly papers, has grown to be among the most admired and respected among medium-sized papers. The Copley World News Service has taken its place along with the other major wires which daily provide the vital information and analysis of events throughout the globe.

We in Illinois are particularly fortunate to count six Copley newspapers in Illinois, including the Aurora Beacon-

News, the Elgin Courier-News and the Wheaton Journal, near my district, the Joliet Herald-News, and the State Journal and State Register in Springfield.

All are outstanding examples of vibrant newspapers, providing news, analysis and leadership in the communities they serve.

But, Jim Copley's accomplishments and contributions extended far beyond the confines of the newsroom, as witness the numerous awards from civic, patriotic, community, and health groups. In Illinois, we are especially grateful for the Copley Memorial Hospital in Aurora.

In a way, this small town, just west of Chicago, holds a special place for those of us who so admired Jim Copley. It was here that the foundations for his tremendous career were laid, when Col. Ira C. Copley, an Illinois Congressman and utility executive, who was to become Jim's adoptive father, bought the Aurora Beacon in 1905.

Jim was born in St. Johnsville, N.Y., in 1916, but was taken in by Col. Copley when his parents died in the great influenza epidemic of 1917.

And thus was Jim Copley started upon a career of service to his Nation, to his profession and to his fellowmen, which ended so tragically last week. His departure is our loss.

Mr. BELL. Mr. Speaker, James Copley was one of the great American publishers. He was not the kind of man who can be replaced.

His major contributions in the areas of education, medical research, and the profession of journalism will continue to enhance the quality of American life for years to come.

But the primary force of his vigor was felt in the press. Through the editorials of his 15 daily papers in California and Illinois, he consistently adhered to such values as the preservation of constitutional principles, prudent fiscal policies, efficiency in government, and integrity in our elected representation.

Perhaps the spirit of the man was best summarized by the creed he established for his newspapers:

> The newspaper is a bulwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness.

Mr. DANIELSON. Mr. Speaker, I would like to join with my colleagues in honoring the late Mr. James S. Copley, a great journalist, a great philanthropist, and a great patriot. People in many walks of life will feel the loss of this fine man, who died on Saturday, October 6, in San Diego.

In a time when we are all being reminded of the importance of superior news reporting, we can readily see that James Copley stood among the best of this Nation's newsmen. Publisher of the San Diego Union and Evening Tribune since 1950, Copley was also chairman of the corporation publishing the Copley newspapers, a chain of 15 dailies in California and Illinois plus a group of eight associated weeklies and one biweekly in southern California. I feel privileged that one of the Copley newspapers, the Alhambra Post-Advocate, is published in my own district.

The Copley newspapers are among the strongest and best known groups in journalism today, thanks to the untiring efforts of Jim Copley to modernize his facilities and innovate the services offered by his publications. His activity in the field of journalism extended beyond his own papers. Among other things, he served as a president of the Inter-American Press Association, a director of the Associated Press, a member of the board of the American Newspaper Publishers Association, and director of the American Newspaper Publishers Association Bureau of Advertising. He received several awards for his achievements, including the Americas Foundation award, the Maria Moors Cabot award from Columbia University, the Distinguished American Citizens award from the National Education Program, and the Ohio Newspaper Association award for distinguished service to journalism. James Copley's dedicated service to his profession will not soon be forgotten.

Jim Copley's patriotism and love for his country were expressed not only in his newspapers, but also through his actions, both in military and civilian life. During World War II he served our Nation in the U.S. Navy, and after the war he continued his service through lifelong participation on the Navy League. As a civilian, he was an active member of and a generous contributor to life in his community and in his country, as indicated by his membership in the San Diego Symphony Orchestra Association, the San Diego Zoological Society, the Boy Scouts of America, the San Diego Fine Arts Society, the California Historical Society, the Aurora Historical Museum, and several other history associations. He contributed a great deal of energy and money to numerous hospitals and medical centers, including the Copley Memorial Hospital in Aurora, Ill., and the Copley Center of Scripps Clinic and Research Foundation. He also donated generously to the arts and comissioned an 11-volume study of the "History of the Southwest."

James S. Copley is certainly a man whose passing is a cause of sorrow for all Americans. We can be grateful, however, knowing that the accomplishments of his lifetime are a permanent contribution to American society.

Mr. McCLORY. Mr. Speaker, I am privileged to join in this final tribute to one of our Nation's outstanding journalists and patriots, James S. Copley, chairman of the board of Copley News Service, publisher of the Courier News, Elgin, and the Aurora Beacon in Kane County, as well as other Copley newspapers including the San Diego Union and Evening Tribune.

Mr. Speaker, as a native son of Illinois, James Copley gave most of his life to furthering the progress of the press in Illinois and the Nation. The Courier News is the principal daily newspaper circulating throughout a large part of my 13th Illinois Congressional District. Jim Copley never lost sight of the fact that his Illinois newspapers were essentially agriculturally and people oriented, and on this basis, he was proud to refer to them as family newspapers. He exercised singular responsibility in the quality of news deemed worthy of reporting. He was a dedicated and highly respected journalist.

Mr. Speaker, I shall treasure the contacts I enjoyed with Mr. Copley while serving the people of Illinois, and will always be grateful to him for his kindness and graciousness in enabling me to communicate with many thousands of my constituents in Kane, Lake, and McHenry Counties who are readers of the Elgin Courier News and Aurora Beacon.

Mr. Speaker, I am proud to join my distinguished colleague, the gentleman from California, (Mr. VAN DEERLIN) in this eulogy. I extend my deepest sympathy and respect to his wife, Helen, and their three children, David, Janice, and Michael—and to his many close associates in the Copley organization who came to love Jim Copley as a colleague and friend.

Mr. FINDLEY. Mr. Speaker, on Monday, October 8, all of the Copley newspapers in Illinois and California ran an editorial which began:

> Most men are destined to pass their brief moment on this planet without lasting impact. They come, they go and they are forgotten.
>
> A smaller number are enabled by chance or by talent to make some mark—for good or ill—on the affairs of the world; and the smallest number of all are those whose impact is great, good and enduring.
>
> James Strohn Copley . . . had an effect upon the conscience, the conduct and the well-being of our nation that has been surpassed by few men in private life.

Springfield, Ill., is indeed fortunate to have two of the great Copley newspapers serving the State capital. In that sense, Springfield has something special. With San Diego, it is one of the few cities in the country where both the morning and evening papers are jointly owned, but where editorial policy is strictly separated and independent.

To be sure, Jim Copley was something special. He strongly believed in the separation of publishing from editorial policy among all his papers so that they could better serve the individual needs of their communities.

In the case of Springfield, his policy and leadership has meant that we have two of the finest papers in the Nation. Both provide the essential balance so important to the political life which thrives in a capital city.

I knew Jim Copley well. He was an immensely likable man. We had a natural affinity for each other, too. As the publisher of a small weekly newspaper myself, we had a great commonality of interest.

Jim Copley was a forceful journalist who believed that newspapers have a mission. He was a strong defender of the first amendment's guarantee of a free press. He would not compromise his reporters' writings, even though he at times deplored the story's content and editorialized against it in the same issue of the paper. Such was the case during the 1968 Democrat Convention. Jim Copley felt that the Chicago police should be supported in dealing with the demonstrators. He so editorialized. Yet, he also put his reporters' stories of police brutality on page 1 of his papers. He would not compromise his papers' mission to report the facts for the sake of his own personal opinions.

Jim Copley called in "the ring of truth." It was the guiding light of his publishing career, and the one thing he tried most to instill in those who worked for him. His creed was this:

> The newspaper is a bulwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness.

Jim Copley believed in America. He never shrank from the facts, be they kind or cruel to the country he loved. But he also told the positive side of a story. He told what was good about America.

Jim Copley will be sorely missed by the publishing world, and indirectly by all Americans. But he leaves behind him the only memorial to which a newsman will even account much worth—living, breathing newspapers which daily make a constructive impact upon the communities they serve and the world around them.

Addressing Sigma Delta Chi's 1961 convention in Miami, Mr. Copley said:

> By choosing journalism, a young man chooses a field that shapes all national and local policies and decisions. The written word ultimately finds out all venality, all inefficiency, all phonies, all mistakes. The greatest tyrant, in capital city or county seat, looks with dread upon the honest reporter.
>
> The young man choosing journalism as a career becomes the protector of our constitutional rights. . . . Sometimes—just as our soldiers and sailors do—he protects these rights even with his life. He is a soldier of the press.

Jim Copley could have been talking about himself. Indeed, he was a soldier of the press. He fought the battle well and we are all better off because he lived.

Once Jim Copley was asked what his challenge in life was. His answer, a quote from Col. Ira C. Copley, his father, could make no better epitaph, for he lived up to it so well:

> Wealth, position and power are not the measure of the man. It is the disposition he has to do the right thing, his dependability, the conscience that is his, and the desire he has to serve.

He met his challenge well. Few men ever have this opportunity, and fewer still take advantage of it when offered. Jim Copley did, and the world is stronger and freer for it.

Mr. DERWINSKI. Mr. Speaker, James S. Copley, publisher of the Copley Press, was a giant in American journalism. His passing takes from the scene one of the most innovative, influential, and dedicated journalists in our land.

Developing his newspaper chain in grass roots communities in Illinois, Jim Copley expanded his publishing operations until the Copley Press became the leading news service in the State of California.

James Copley was a dedicated American. The editorial policies of his newspapers gave dramatic evidence of this. He was a positive thinking individual, tremendously proud of our country; and under his leadership, the Copley Press never indulged in muckraking journalism.

Jim Copley served in World War II as a naval officer and continued to serve in the Naval Reserves after the war had ended. He was instrumental in developing and supporting facilities and programs which a grateful nation provides for their veterans.

He believed in a strong national defense as a true deterrent to aggression, and he had great faith in our governmental structure and the American free enterprise system.

Jim Copley made an enormous contribution to legitimate journalism in the United States. He will long be remembered as one of the truly great and influential publishers in the United States.

Mr. ARENDS. Mr. Speaker, the Aurora Beacon-News continues to come to my office daily—and Les Bell of the Washington Bureau still drops in for a morning chat. I read news reports filed from around the country by the Copley News Service, and somehow it is impossible to realize that my good friend, Jim Copley, has gone. His untimely passing saddens me greatly. Our Nation has lost one of its most devoted patriots.

James S. Copley was a unique individual. I recall his warm friendship, his quiet wit, his devotion to his family, and the principles by which he lived. Educated in the best schools, Jim could have bypassed apprenticeship; but he preferred to learn his profession from the ground up. He set for himself high standards of quality and decency in journalism and rose to be one of the outstanding publishers of our time. He held to those standards to the end.

Jim took as his creed the philosophy that the newspaper is a bulwark against regimented thinking. The journalist, he said, has a duty to enhance the integrity of the individual. He spoke out in a strong editorial voice. He was concerned for the preservation of the constitutional principles on which our Nation was founded. He believed that our freedom should be protected by a strong national defense; and as a member of the Committee on Armed Services we discussed this many times.

Jim was concerned, too, that America not be weakened in other ways—that we promote wise and prudent fiscal policies—keep the Federal structure in good repair—that we preserve the moral integrity of our land. He had a keen sense of history and an awareness of our Nation's destiny as a leader in the free world.

Although he was a student of government, he had many other interests beyond the political system. He championed the advancement of education and the arts and sciences. His philanthropies and charities were wide-ranging. So were the awards and citations he received for leadership and distinguished service—all richly deserved.

Jim Copley rests at Aurora, Ill., in the beautiful Fox River Valley in my district. But he will live on in the memory of countless friends throughout the world who loved and admired him. Mrs. Arends joins me in expressing our heartfelt sympathy to Mrs. Copley and all members of the family.

GENERAL LEAVE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPEAL OF ECONOMIC CONTROLS

The SPEAKER pro tempore. Under a special order of the House, the gentleman from Ohio (Mr. KEATING) is recognized for 60 minutes.

Mr. KEATING. Mr. Speaker, I would like to urge that the Committee on Banking and Currency immediately consider legislation to repeal the Economic Stabilization Act of 1970. This is the legislation that President Nixon has used to implement his economic policies.

HISTORY OF CONTROLS

First, let us look at the record of the current economic program.

The period of "phases" started on August 15, 1971, when the President made his surprise announcement of the phase I freeze.

At the time the economy was still slow after the recession of 1969–70 and prices were rising at an annual rate of around 5 percent. During the period before the freeze economists believed that a temporary control measure would be effective because the inflation was being fueled by a cost-push in prices. What this means is that higher wage settlements resulted in higher prices rather than our current situation of a heavy demand for scarce goods.

The initial freeze stopped both price and wage increases and produced few shortages. During the last 6 months of 1971, the cost of living increase was only 2.9 percent. If this had been the end of controls we might have been able to reduce the rate of inflation; but instead, what many thought would be a short period of economic controls has spread out over 25 months.

In fact, not only have the various phases since the initial freeze been ineffective, they have aggravated the economic situation. The record since 1971 shows that each successive control program has created a situation which made another control program likely to follow. Controls do not lead to fewer controls, but rather create a demand for another control program to deal with the problems which its predecessor either caused or could not cure. It would very easy for such a succession of control programs to lead to some type of permanent controls. It is for this reason that we must move toward repeal.

POST FREEZE COST BULGE

The following chart shows how the rate of inflation was decreasing before the freeze was imposed and then continued to decrease in the initial freeze. But then as pressures built inflation increased and, with the realease from long extended controls, rose to record heights.

[In percent]

Jan.–June, 1970	5.5
July–Dec., 1970	4.9
Jan.–June, 1971	3.8
July–Dec., 1971	2.9
Jan.–June, 1972	3.2
July–Dec., 1972	4.1

Jan.-June, 1973	7.4
Feb.-Aug., 1973	10.0

The chart shows how the period of controls has built up severe pressures on the economy that cause more harm to the fight against inflation than would have occurred without the controls. At the end of 1971, we no longer had a cost-push factor effecting the economy but slowly the demand was increasing and the market was unable to adjust. In the open marketplace the price will increase with demand; but under tight controls as the demand increased business was unable to raise prices to slow demand. This caused a scarcity in some sectors of the economy.

Perhaps no one figure demonstrates the problems caused by the postfreeze price bulge better than the increase in the wholesale price index in August.

As controls were released from the latest freeze imposed during a period of excess demand, the indexes rose at an unbelievable rate. The wholesale price index rose at a rate of 6.2 percent from July to August, or at an annual rate of 74.4 percent. Since the Bureau of Labor Statistics began keeping these figures in 1947, there has never been an increase this high. The 22.8 percent annual rate increase during August of the Consumer Price Index is also the highest ever recorded since 1947.

Not only does the price increase reflect the market pressures that have been held back by a freeze but many businesses will use the relaxation of the freeze as an excuse to raise prices in anticipation of the next period of rigid controls.

INTERNATIONAL PROBLEMS

Controls are also very difficult in the international economy of today. While the prices were frozen or controlled in the United States, other countries were offering higher prices for American goods. Therefore, producers decided to sell their products abroad at the higher prices unrestricted by controls.

The sale of products abroad further aggravates the shortages at home. This occurred with soybeans and other agricultural products and a point was reached where the President was forced to place export controls on American products.

While the placing of export controls can help relieve pressures of shortages at home, they play havoc with international markets that have been built up over the years. When the other countries feel they cannot depend on U.S. supplies they will search elsewhere for their needed commodities. This can have both short-term and long-range implications on our balance of trade. In short, we simply cannot afford export controls to curb inflation.

MINDS CHANGING

While almost everyone hailed the initial decision to impose controls, slowly their failure has changed people's minds.

The AFL-CIO was the first major group to urge removal of controls and now they have been joined by the business community including the U.S. Chamber of Commerce and the National Association of Manufacturers.

Mr. Burt F. Raynes, chairman of the National Association of Manufacturers, states that:

> Wage and price controls have failed to check inflation, have caused shortages of consumer goods and services, and should be completely terminated.

George Meany, AFL-CIO president, has been a strong critic of the program stating that:

> The so-called stabilization program, with its two-year record of persistent inequities, unfairness and imbalance, should be phased out as rapidly as possible.

Dr. C. Jackson Grayson who was chairman of the now defunct Price Commission has stated that:

> In December of 1972, he recommended to Secretary of the Treasury Shultz that "we get rid of phase two of the economic program.

Mr. William Fellner, who is the newest member of the President's Council of Economic Advisers, said he favors a rapid lifting of controls and that the controls were bad economics.

This varied list shows the wide support that repeal of the Economic Stabilization Act has. If we do not act, shortages are bound to increase.

SHORTAGES

At the present time, the Cost of Living Council is being called upon to make individual product judgments. While some segments of the economy are allowed virtually unlimited price rises, others are being rolled back.

The price controls are causing companies to drop low profit items which further aggravates the shortage problem.

At the present time, paper producers are operating at capacity; but see no reason to risk investment in new plants while their profit margins are severely restricted. The plants they now have are producing the most profitable higher grade paper and this is causing the shortage of newsprint.

The steel industry which is so important to our overall economy is currently 40th out of 41 major fields in its profit margin and, therefore, it is unable to make new investments in needed modern equipment.

The tightly controlled fuel oil market is having acute shortages due to the economic controls and many independent dealers are being faced with closing because of the controls.

REPEAL NECESSARY

Our economy works at its best when uninhibited by controls. What was initially started as a short freeze has now extended to over 2 years of rigid controls. Once one phase is ended, a new phase follows which is more complicated than the previous one.

It is time we stop using ineffective controls to tinker with the economy. As long as a controls program remains in existence or even so long as standby authority for such a program is on the book, it will be all too easy for Congress and the Executive to delude themselves into believing that they are doing something to check inflation by using controls. This can only hinder us from really coming to grips with the problem through the use of fiscal and monetary restaint.

The only way to leave controls is to completely stop through the removal of the authority. I, therefore, urge the Congress to repeal the Economic Stabilization Act of 1970.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KEMP. I very much appreciate the gentleman yielding to me.

Mr. Speaker, I wish to extend to the gentleman from Ohio (Mr. KEATING) my gratitude for his taking of this special order today, allowing Members an opportunity to express jointly their respective—yet mutual—concerns over the administration's continued reliance upon Government regulation of the economy as the answer to our Nation's economic problems, real or imagined. The gentleman is to be congratulated for the lead which he has taken within this House in the introduction of legislation to repeal the Economic Stabilization Act—which I cosponsored with him and other Members, to terminate the present authority to impose wage and price controls, and to curtail other varied forms of Government interference in the workings of an essentially free market economy. If we are to succeed, however, the gentleman's efforts must be reinforced by the collective efforts of all Members who support him and his goals in this subject area. This is an issue from which there can be no relaxation of effort.

At this point, when many people say what should the President have done. I would like to read one paragraph from the report by the distinguished economist from the University of Chicago, Milton Friedman, who, in Newsweek magazine of July 16, 1973, said as follows:

> Accordingly, I am today asking Congress to enact an emergency across-the-board reduction of 5 per cent in every item of government spending that is not mandated by contractual arrangements already entered into. I am today requesting the independent Federal Reserve System to hold the growth in the quantity of money to not more than 5 per cent a year for the next two years. I am today abolishing all controls over prices, wages, interest rates, dividends and rents that were imposed under phase three and its predecessors.

WAGE AND PRICE CONTROLS SHOULD BE REPEALED

I feel strongly that government policies constitute the largest single source of our Nation's economic ills. Government policies constitute more than cause of our problems than their solutions. In no instance is this more apparent—factually and demonstrably—than in the area of wage and price controls. In an address to this House of last Friday, October 12, I spoke at some length on the necessity of the Congress repealing the Economic Stabilization Act, as amended and as extended. In that adddress, I stated, in part:

> Mr. Speaker, on August 15, the Nation passed the second anniversary of the original 1971 imposition of wage and price controls under the authority of the Economic Stabilization Act, as amended and as extended.

It is appropriate, therefore, to pause and to examine the impact and effects of the various wage and price control policies and regulations during the past 2 years.

The rationale behind the enactment of the Economic Stabilization Act was that by abandoning the traditional free market consumer control over wages and prices and turning this function over to the Federal Government, we would be able to better protect the consumer from the rising costs of living. As has often been the case over the past 40 years, the imposition of these Government regulations was justified as a temporary measure to allow the free enterprise system to function more effectively.

I voted in the past to give the President the authority to impose wage and price controls, but that was when we were operating under a virtual wartime economy. In April of this year, I announced to this body that I would vote against the then-pending extension of the act. I did so vote, believing that wage and price controls were not the most effective answer to controlling inflation during peacetime and believing that the controls which the Congress ought to impose related more to Federal spending and to the Federal Reserve Board's ability to expand the dollar supply beyond a 4-percent increase per year.

* * * * *

Inasmuch as wage and price controls were instituted to curtail inflation, it is appropriate to examine in detail the nature and causes of inflation. The causes of inflation are severalfold and are interrelated.

Federal spending has caused deficits in the Federal budget year after year. Not only does the rate of Federal spending and the manner in which funds are spent contribute to inflation, but the necessity of paying for these deficits, of honoring the debt commitments of the Federal Government, has engendered the Federal Reserve Board to expand the dollar supply—by simply printing additional money without increasing the gold reserves which support that money—beyond the reasonable 4-percent increase per annum.

Soaring prices for which price controls are intended are the results, not the causes, of inflation. When Government spends recklessly, when it runs chronic deficits, when it expands credit, when it prints more money, prices are compelled to increase. When the rate of these factors increases, the rate of price increases soars. The rising of nearly all prices is the result of the monetary policies of the Government itself.

* * * * *

Government action has contributed mightily to the erosion of the purchasing power of the dollar. If the economic boom of the sixties was obtained by simply putting more money into circulation—by printing more—it temporarily made some people richer only at the cost of making other people, in real earning power, poorer. When the supply of money is increased, the purchasing power of each unit must correspondingly fall. In the long run, everyone's economic status is eroded.

Where can all of this lead? It can lead to disastrous consequences for the Nation. We are not here talking about a minor problem which can be easily corrected. We are talking about the necessity of backtracking on a decided direction of government within the past 2 years—to regulate specific wages and prices virtually across the whole board of economic action and of backtracking on nearly half a century of bemuddled and befuddled economic theory. We have but to look to the example of Chile to see clearly what the consequences of runaway inflation—produced by government policy—can be. When Dr. Salvadore Allende came to power, he increased sharply the wages of workers in nationalized industries. He did not do this by increasing production and profit margin, he did it simply by printing more money. The ramped inflation which resulted soon became the highest inflation rate in the world. This brought about strikes, demonstrations, riots: collectively these brought down the government. I am not here to assert today that "Caesar had his Brutus, Charles his Cromwell"—but I am here to assert that our President may profit by the example of Allende and his economic policies. Our economic policies are not that dissimilar of late.

* * * * *

Our Government continues to overissue paper money to stimulate employment and economic growth and then vainly tries to prevent the inevitable soaring prices, ordering everybody to hold down prices. The Government is, to paraphrase the 16th century English proverbist, John Heywood, trying to have its cake and eat it too—for political advantages perceived to be gained?

The said facts, though predictable when wage and price controls were imposed, combine to show clearly that wage and price controls have been a terrible failure. I cite these examples:

When wage-price controls were announced on August 15, 1971, the Consumer Price Index, measured in annual percentage rate terms, was 3.0. In the 6-months period ending in July, 1973, the index was rising at a seasonally adjusted annual rate of 7.4.

The money supply expanded between the fourth quarters of 1971 and 1972 at a rate of 7.4 percent, nearly double the generally accepted level. All signs point toward a money growth rate between the fourth quarters of 1972 and 1973, of as much as 8.0 percent. Government itself is adding fuel to the inflation it is trying to control.

On August 30 the Department of Agriculture reported that the average costs of all raw farm products had soared by an all-time record of 20 percent for the 1-month period ending August 15. A decline in September did not start to even make a dent in the long-range projections on farm product costs on the charts.

Most economists are today predicting a 5 percent or more inflation rate for the next year. Even the administration has abandoned its own predictions for a 1973 inflation rate of 3 percent.

In June and July 1971, immediately preceding the wage-price impositions, wholesale prices rose at an annual rate of 6.5 percent; in February and March 1973, they rose at a rate of 13.5 percent.

By the middle of this year, wholesale prices were increasing at a rate of inflation, per year, of nearly 23 percent.

* * * * *

Mr. Speaker, the statistics which I have cited—the hard facts and cold evidence—on the failures of wage and price controls point inescapably to the dispassionate observer to an urgent need to retreat from the present policies and programs. I am fully aware of the ramifications of such a change in the administration's policies—political, procedural, even ego. But if this administration does not now retreat on wage and price controls it may—

Further jeopardize the strength of the economy, including the purchasing power of the dollar;

Proceed further into the quagmire, the abyss, of endless and intricate regulations, leaving future administrations little recourse but to continue to act in reliance upon Government regulation;

Further undermine the people's faith in the effectiveness of Government;

Continue to undermine the philosophical and historically demonstrable truths of capitalism and the market economy, by the espousal of misrepresentation and untruths.

I recommend, first, the rescision by the President of the wage and price controls currently in effect under phase IV.

I recommend, secondly, the repeal by this Congress of the Economic Stabilization Act, and I have cosponsored legislation to achieve that purpose. That legislation has now been introduced in both Houses of the Congress.

I recommend, thirdly, that this Nation take a fresh look at the capabilities of the market economy to resolve perceived economic maladjustments.

* * * * *

A retreat from wage and price controls must be accompanied by a realistic policy to attack the actual causes of inflation. In order to restore a stable price structure, we must alleviate those conditions which have required the high rates of monetary expansion, namely, the growth of government spending. Government spending must be curtailed, and that is the responsibility of this Congress.

Writing in the Federalist Papers, Alexander Hamilton, who was to become Secretary of the Treasury himself, wrote these poignant words:

> A power over a man's subsistence amounts to a power over his will.

Mr. Speaker, it is immoral, in my opinion, for one man or men, through the powers of coercion given them through the force of law, to have such a power over another man's subsistence and, ultimately over the exercise of his free will.

Wage and price controls must be repealed.

ACTIONS MUST MATCH WORDS

Mr. Speaker, if there is any single, pressing issue on which the actions of this House must match our words, it is this subject of Government interference in the market place and the adverse impacts which naturally—and virtually always—arise from it.

We cannot stand in the well of this hall and urge an end to inflation, yet vote for increases in Federal spending, increases which can be paid for only through increases in the supply of money or through greater and greater Government borrowing.

We cannot stand in the well of this hall and urge a sharp decrease in Government interference in the free market economy, yet simultaneously vote for measures which would allow greater governmental interference and regulation.

We must, also, insure the maximum amount of effort to enact laws which will aright this problem, such as the repeal of the Economic Stabilization Act itself.

To take these actions is to carry out the wishes of the people themselves. As I indicated in my remarks of last Friday:

> The people themselves—the intended beneficiaries of Government wages and price controls—do not want them. In a recent Harris survey, published in the Washington Post during the week the price ceilings on beef were lifted, a decisive mood among the people was reflected:
>
> By a lopsided 68 to 10 percent most Americans are convinced that the Nixon administration's Phase IV economic controls program will not be successful.
>
> [M]oreover, people have changed their previous position [which was] in favor of across-the-board price freezes.
>
> The prevailing view on the beef problem, supported by a thumping 64–22 percent, is that "all price controls on beef should be dropped so that farmers will produce more beef and that will bring the price of beef down." Thus the American people are opting to try the free market approach.

For those of us who are members of the minority party within the Congress, we have additional reasons for opposing the continuation of wage and price controls. In the 1968 Republican platform, we stated to the American people:

> Inflation has eroded confidence in the dollar at home and abroad. It has severely cut into the incomes of all families, the jobless, the farmers, the retired and those living on fixed incomes and pensions.
>
> * * * * *
>
> We must re-establish fiscal responsibility and put an end to increases in the cost of living.
>
> * * * * *
>
> In recent years an increasingly impersonal national government has tended to submerge the individual. An entrenched, burgeoning bureaucracy has increasingly usurped powers, unauthorized by Congress. Decentralization of power, as well as strict Congressional oversight of administrative and regulatory agency compliance with the letter and spirit of the law, are urgently needed to preserve personal liberty, improve efficiency, and provide a swifter response to human problems.
>
> * * * * *
>
> The dynamism of our economy is produced by millions of individuals who have the incentive to participate in decision-making that advances themselves and society as a whole. Government can reinforce these incentives, but its over-involvement in individual decisions distorts the system and intrudes inefficiency and waste.
>
> Under the Johnson-Humphrey Administration we have had economic mismanagement of the highest order. Inflation robs our pay checks at a present rate of 4½ percent per year. In the past three years the real purchasing power of the average wage and salary worker has actually declined. Crippling interest rates, some the highest in a century, prevent millions of Americans from buying homes and small businessmen, farmers and other citizens from obtaining the loans they need. Americans must work longer today than ever before to pay their taxes.
>
> New Republican leadership can and will restore fiscal integrity and sound monetary policies, encourage sustained economic vitality, and avoid such economic distortions as wage and price controls. We favor strengthend Congressional control over federal expenditures by scheduled Congressional reviews of, or reasonable time limits on, unobligated appropriations. By responsibly applying federal expenditure controls to priority needs, we can in time live both within our means and up to our aspirations. Such funds as become available with the termination of the Vietnam war and upon recovery from its impact on our national defense will be applied in a balanced way to critical domestic needs and to reduce the heavy tax burden. Our objective is not an endless expansion of federal programs and expenditures financed by heavier taxations. The imperative need for tax reform and simplication will have our priority attention. We will also improve the management of the national debt, reduce its heavy interest burden, and seek amendment of the law to make reasonable price stability an explicit objective of government policy.
>
> The Executive Branch needs urgently to be made a more efficient and economical instrument of public policy. Low priority activities must be eliminated and conflicting missions and functions simplified. We pledge to establish a new Efficiency Commission to root out the unnecessary and overlapping, as well as a Presidential Office of Executive Management to assure a vigorous follow-through.
>
> A new Republican Administration will undertake an intensive program to aid small business, including economic incentives and technical assistance, with increased emphasis in rural and urban poverty areas.
>
> In addition to vigorous enforcement of the antitrust statutes, we pledge a thorough analysis of the structure and operation of these laws at home and abroad in the light of changes in the economy, in order to update our antitrust policy and enable it to serve us well in the future.
>
> We are determined to eliminate and prevent improper federal competition with private enterprise.
>
> * * * * *
>
> Beyond freedom we emphasize trust and credibility. We have pledged only what we honestly believe we can perform. In a world where broken promises become a way of life, we submit that a nation progresses not on promises broken but on pledges kept.

The incumbent President was elected on that platform. There was to be new direction for U.S. economic policies so hoped the American people, particularly those who placed their trust in the party and its platform.

On August 15, 1971, however, the President imposed wage and price controls. In his address, the President, nonetheless, stated:

> I am today ordering a freeze on all prices and wages throughout the United States for a period of 90 days.
>
> * * * * *
>
> Let me emphasize two characteristics of this action: First, it is temporary. To put the strong, vigorous American economy into a permanent straightjacket would lock in unfairness; it would stifle the expansion of our free enterprise system. And second, while the wage-price freeze will be backed by Government sanctions, if necessary, it will not be accompanied by the establishment of a huge price control bureaucracy.
>
> * * * * *
>
> Working together, we will break the back of inflation, and we will do it without the mandatory wage and price controls that crush economic and personal freedom.

It is not surprising that the pledges of the 1968 platform were not highlighted in the 1972 platform, but the people did rely on the President's pledge in the foregoing statement that wage and price controls would be only of a temporary nature and without a large bureaucratic structure to sustain them and to perpetuate them.

But in the fall of 1973, 1 full year after the 1972 elections, we still have wage and price controls, the administration has not established or announced a time table for their repeal, and the Cost of Living Council continues in full force and effect.

It is almost inconceivable to me that our Nation could have moved toward the degree of state control of the means of production and distribution that we have over the past 3 years—under a President of the political party which has espoused—as the Republican Party has—the principles of the free market economy and the free enterprise system manifested through it. We are, unless we move quickly to decrease sharply the state regulation of the economy, going to be painted into the proverbial corner of the political party which brought about the greatest degree of state regulation of the economy yet known by our Nation and its people.

Mr. Speaker, if the administration is unable to extricate itself from the morass of wage and price controls, as well as the other less desirable features of the Economic Stabilization Act, it is the Congress which should aggressively restore the economic stability of this Nation and of our dollar. I am convinced that unless there is prompt and decisive action to remove the burdens of wage and price controls, to allow the free balances of supply and demand to function unfettered within a free market economy, to allow prices to readjust to their natural levels, which, from the lessons of history will be generally downward—then I am convinced that we are jeopardizing the economy, the dollar upon which it rests, and the belief in government essential to its support from the people.

Mr. KEATING. I want to congratulate the gentleman and thank him for taking this time to participate in this particular special order, which I think is of such vital importance to the people of this Nation.

I now yield to the distinguished gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I rise to support legislation now in the Banking and Currency Committee to eliminate wage and price controls. My colleague Mr. KEATING and I along with several other Members have introduced such legislation.

Last April, during our consideration of wage-and-price-control legislation, several of my colleagues and I warned that—

> The demand-pull inflationary pressures that we are now experiencing in such vital commodities as food, lumber, and fuel cannot be solved by controls; continued controls can only aggravate the shortages.

We reported to the House then and reemphasize now:

> I. INABILITY OF CONTROLS TO REDUCE INFLATION
>
> We have consistently opposed the imposition of wage-price controls both in theory and in practice. These controls attack only the results of inflation, and cannot effectively deal with the causes. Until the Congress is willing to directly face-up to these causes, we cannot hope for economic stability.
>
> Inflation is generated by the Federal government and it, therefore, compounds the problem when the government intervenes in the private sector of the economy with imposed controls to remedy a situation for which it is primarily responsible. The Federal budget is completely out of control. The Congressional budgetary process includes no procedure to consider the total budget (i.e., the total amount appropriated as compared with the total revenue). Under the current system, Federal commitments to programs are expanding more rapidly than sources of revenue, and at a rate faster than the economy can accommodate. It is clear that the Congress should be more concerned with fiscal discipline of its spending of tax dollars rather than imposing controls on the private sector.
>
> Most economists generally agree that the continued trend of the government to increase spending for goods and services financed through heavy deficits, coupled with the Federal Reserve Board's creation of new money, is a primary inflationary pressure. The supply of money in the economy has increased more rapidly than the supply of food, or any other commodity. Based on the simple principle of supply and demand, if the demand for a good increases, and there is no change in the supply of this good, the price of the good goes up. However, in recent years the supply of dollars has so multiplied that money has actually decreased in value relative to the goods we purchase, and prices have logically increased to compensate for this imbalance. (House Report No. 93-114, accompanying H.R. 6168, pages 70-71.)

The Congress has played a "dirty trick" on the American people by imposing controls upon them when the real causes of inflation are the uncontrolled spending and printing of money by the Federal Government itself. Therefore, the only way we are ever going to control inflation is to take the controls off of the people and put them on the Government, where they belong. I have sponsored and cosponsored a number of bills which are designed to achieve this objective, and I should like to list them and describe them briefly at this time:

H.R. 10230, to repeal the Economic Stabilization Act of 1970.

House Joint Resolution 142, to provide for a House-authorized Federal budget. This resolution would restore to the House of Representatives the initiative in formulating the Federal budget.

H.R. 10119 and H.R. 10384, to make the Federal Reserve Board an agency of the Congress and to provide for annual audits of the Federal Reserve System by the General Accounting Office so that Congress can effectively monitor the Fed's activities.

H.R. 9803, to provide for annual GAO audits of the Federal Reserve System.

House Joint Resolution 332 and House Joint Resolution 374, proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt.

H.R. 98, to provide for a balanced Federal budget, regular reports by a Taxpayers' Advocate to the Congress and American people on the status of the public debt, and the reduction of that debt on an annual basis.

I have also testified before the Joint Committee on Budget Control in support of its efforts to improve congressional control over the budget and have testified before the Rules Committee in support of H.R. 7130, which is the legislative product of the Joint Committee's work.

Throughout the debate on the relative merits of a controlled versus a free economy I have contended that we can restore our Nation's economic health, but we can do so only by controlling the process by which the Federal Government spends more than it receives in taxes and then expands the money supply and the public debt to make up the difference. It is the Government, not the public, which needs to have restraints placed upon its economic activities. In addition, it is essential that we return at once to a free market system of determining the allocation of our national resources. I have warned all along that controls could only result in the rigidities, inequities, and shortages which are inevitable in a regimented economy.

The following articles, which appeared in the October 8 and October 22, 1973, issues of U.S. News & World Report, respectively, indicate that the message that controls are unworkable and must be eliminated is finally getting across to the American people, and I strongly commend both articles to the attention of my colleagues:

Controls: Coming Apart at Seams

Sharp and growing opposition to the Phase 4 controls program is beginning to show up at top levels of the Administration.

From the Cabinet on down to Government economists, the criticism is coming into the open. Says one official: "The whole thing is coming apart at the seams. It's just not working."

This "in-house" opposition comes about on top of a build-up of complaints from housewives, businessmen and labor leaders.

Suggestions range all the way from lifting controls for a few key industries to dismantling the entire setup.

RANGE OF COMMENT

Just in the past few days—

Agriculture Secretary Earl L. Butz said of the price ceilings on meat: "The results have been disastrous."

Assistant Secretary of the Treasury Edgar R. Fiedler declared that officials "are vexed by the difficulties of administering the controls, especially in the face of a strong economy." He added that "rarely has there been a more unpopular program."

Gary L. Seevers, a member of President Nixon's Council of Economic Advisors, told Congress on September 25, "We cannot mandate a solution to inflation." He added:

"Many of the forces that influence the rate of inflation now are outside the direct and immediate control of Government."

William J. Fellner, newest member of the economic council, predicted failure for the Phase 4 program, charging it with being both bad economics and bad politics. He warned, in a newly released study, against "any large-scale interference with the price structure beyond a very limited period."

President Nixon himself gave an indication of the problems facing the Phase 4 program when he yielded to pressure from thousands of small gasoline dealers—many of whom shut down their stations temporarily—and ordered the Cost of Living Council to raise retail gasoline prices promptly.

MOUNTING CRITICISM

Meanwhile, businessmen and economists across the U.S. were taking an increasingly critical view of Phase 4.

A survey of professional business analysts, disclosed in mid-September by the National Association of Business Economists, showed that 70 per cent would recommend an end to all wage-price controls in 1974.

A growing number of firms—and many entire industries—were asking the Council to be let out from under provisions of Phase 4 controls. As one example, Director John Dunlop reported on September 26 that he had been petitioned to exempt the whole fertilizer industry, in view of pending shortages.

Manufacturers were starting to grumble openly. Said Burt F. Raynes, chairman of the National Association of Manufacturers, in mid-September:

"Wage and price controls have failed to check inflation, have caused shortages of consumer goods and services, and should be completely terminated."

BIGGEST CONCERN: PRICES

The feeling of frustration about the Government's inability to turn around the steady rise in inflation since controls began two years ago appears to be shared by most Americans.

For instance, a nationwide Gallup Poll released on September 27, showed that the public's concern over rising prices far outshadows all other worries.

The survey indicated, moreover, that 46 per cent of the public blamed the Federal Government for today's inflation, while only 25 per cent placed the blame on labor and 19 per cent blamed business.

Just why current controls are turning out to be so unpopular is spelled out by Treasury Assistant Secretary Fiedler in this way:

"The public is unhappy because Phase 4 fails to suppress the numerous price increases, particularly for food, that are working their way through the system.

"Businessmen and labor leaders are disgruntled because controls limit their freedom, create inefficiences in production and marketing, and generate a new layer of Government paper work with which they must wrestle.

"Economists are troubled by the potential distortions and disincentives that controls can produce."

Prices, meanwhile, are continuing to rise. By September 23, the Cost of Living Council had received more than 1,900 notifications of pending price increases by major U.S. firms. These price boosts are to take effect within 30 days if not vetoed, postponed or reduced by Council action. That total covers the period since Phase 4 regulations took effect on August 13—and the daily average of notifications is still rising.

Council Director Dunlop, reporting these further price increases, had one bit of optimism by late September: a major decline in the wholesale prices of meat since their August peaks.

Beef cattle on the hoof, he said, are down in price from $56.76 a hundred pounds on August 14 to $38.50 on September 26—a 32 per cent decline. Hogs have dropped in price from $61.88 to $41.38, or by 33 percent. And broilers are down by an even greater percentage—from 74 cents a pound at peak to 41 cents—a drop of 45 per cent.

These declines are expected to work their way through the system and result in lower retail prices later—but not to the full extent of the wholesale decline, Mr. Dunlap explained.

BLAMED FOR SCARCITY

Shortages of many kinds, meantime, are being blamed on present restrictive controls, some of them as the long-time result of the recent price freeze.

What happened is explained by the official who ran the freeze, Deputy Council Director James W. McLane, in these words:

"You can eliminate the peaks and valleys and spread increases over time, but not halt all price increases if you want supply growth in the future. A good example of this was the recent freeze.

"The back pressure of this very inflexible price-controls mechanism led to actual production cutbacks—in broilers, eggs, hogs, soybean oil, margarine, potato chips and many other of our basic needs. And it only took two to three weeks for this result to show after Freeze 2 started."

Among the growing list of products now in scarce supply: furniture, bottled gas, bricks, paper, newsprint, farmers' bailing wire, food freezers, with other items expected to be added soon.

THE FUTURE FOR PHASE 4

How much longer the Phase 4 controls will go on is still anybody's guess. The authorizing law expires next April, and a number of high Administration officials now talk openly about ending most—or all—controls by the end of this year, with or without a caretaking agency to continue a residual program.

C. Jackson Grayson, Jr., who headed the Price Commission for the 15 months of its existence, appeared to reflect a spreading official view when he told "U.S. News & World Report" in an interview earlier this year:

"The operation of our price system—the allocator of resources. It is far better than any control system ever could be. Controls can work—and they did work—over the short run. But in the long run, they never can substitute for the price mechanism as a way to get goods and services where they are needed."

Rising Clamor To End Controls

Pressure is building up from leaders of both industry and labor to get the Government out of the controls business—and they say the sooner the better.

Top officials in Washington disagree. They show no signs that they expect to dismantle the stabilization setup any time soon.

According to Director John T. Dunlop of the Cost of Living Council, the grumbling about economic restraints, particularly by businessmen, is a good omen, because controls were designed "for the best interests of consumers, not producers."

These were among latest developments on the controls front—

The nation's two biggest organizations of businessmen—the Chamber of Commerce of the United States and the National Association of Manufacturers—joined in an appeal to President Nixon on October 8 to "end the entire wage-price control program promptly, without prior notice, and without sector-by-sector phase out."

America's top labor spokesman, AFL–CIO President George Meany, in a speech in Florida the next day, also called for an immediate end to all wage-price controls. And he continued to hammer on that theme as the week went on.

EVEN ON THE FARM

Other voices demanded a lifting of current controls from key parts of the economy—despite a continued upward thrust of prices for many goods and services.

Agriculture Secretary Earl Butz indicated that he wants price controls removed now from farm products and from fertilizer. If they stay on, he says, many farmers will be forced out of business and prices eventually will go higher.

The Secretary reiterated this stand at a news conference in Atlanta on October 9, declaring: "The best way to get food prices down is to get more food [to the table] and you don't get the stuff there by artificially rolling back prices."

Hospitals are starting to speak out for exemption from the special controls on health services. Johns Hopkins Hospital in Baltimore, for one, disclosed that it has filed suit against the Cost of Living Council for 1.1 million dollars—the amount of its operating loss for the past year—blaming "arbitrary" and "capricious" control regulations.

Two major efforts were under way to get controls lifted from natural gas—one by an organization of 3,100 Texas petroleum firms, the other by six Republican Senators who contend that the Mideast war is certain to create a big shortage of this fuel and that price ceilings should be lifted as an incentive for more gas-field exploration.

Open defiance of controls on retail gasoline sales, in turn, was reported for the first time on the part of a growing number of dealers. Internal Revenue agents said they were investigating cases in several States in which the dealers are allegedly ignoring controls and raising gasoline prices as much as 6 cents a gallon above the officially permitted ceilings. In scattered parts of the U.S., service stations were still closing down to protest what dealers termed inadequate profit margins.

BILL OF COMPLAINTS

Businessmen in other fields were becoming increasingly vocal in their complaints about the "fallout" resulting from the Phase 4 curbs. These frequently focused on growing shortages of key items, disaffected customers and imbalances of many kinds in the normal supply lines.

Some firms with operations overseas were threatening to shift more of their production and sales abroad—where controls are less of a problem.

A new Phase 4 salary rule is drawing more and more fire. According to the president of one big firm:

"My greatest worry right now is about losing several of my key executives because of the new controls on executive pay. I'd be willing to settle for the same sort of percentage-increase arrangement that labor is getting under its current contracts."

OUTLIVED USEFULNESS?

The Chamber of Commerce of the United States, in its appeal to Mr. Nixon, said that most businessmen now believe "the wage and price control program has far outlived whatever usefulness it had, and that the best way to end it is on an all-at-once basis." This theme was repeated by Mr. Meany at a metalworkers' convention on October 11, in these words:

"We've got to get rid of inequitable controls. . . . We have got to depend on ourselves. If we don't take the controls off, labor has got to stand up and say, 'We've got to have more than 5½ per cent, considerably more than 5½ per cent, in order to break even.' "

Faced with all this fast-growing opposition to Phase 4 controls, Council Director Dunlop said: "I am not surprised by these developments."

If controls work as they are supposed to, in Mr. Dunlop's view, they are bound to cause unhappiness after a time "on the part of those whose planned price increases are held down, postponed, or spread out."

END DATE: UNCERTAIN

As to when the present controls will be lifted, he believes it is still "premature" to say. The authorizing statute, the Director points out, will expire next April 30, and the President "has not set a date" for an earlier end to controls.

The pressure to end controls was rising at a time when a wave of new price increases was threatening from several sides. As of early October, more than 1,500 major price increases were officially pending at the Cost of Living Council—nearly twice the 800 that have been permitted in whole or part since Phase 4 began on August 13.

More increases on a national scale seem certain in many fields—milk, bakery products, new cars, fuel oil, gasoline, paper, among others—with major hikes looming in some areas where shortages are appearing.

CLIMAX TO DEBATE

All signs, however, indicate that debate over controls is coming to a head. George Hagedorn, chief economist of the NAM, says:

"The wage-price stabilization program has reached a juncture where the economic signals all indicate that it will go in one direction—toward a loosening and gradual phasing-out of controls—but the political signals all point in the opposite direction—toward a tightening of controls and steps to establish them permanently."

Mr. KEATING. I thank the gentleman from California (Mr. ROUSSELOT). I would like to recognize the fact that the gentleman from California had more foresight than many of us in this area, and did warn us in ample time, and I only wish a majority of the Members of the House had followed the lead of the gentleman, which has proved to be so accurate.

Mr. Speaker, at this time I yield to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, I think it is particularly apropos that the gentleman from Ohio (Mr. KEATING) has selected today of all days to bring this particular subject matter to the attention of the House when we had just concluded a marathon session in getting ready to declare yet another mandatory control which in my own personal opinion will lead to more disaster.

Mr. Speaker, I wish to commend the gentleman from Ohio for introducing this timely and sorely needed piece of legislation. Since President Nixon first introduced wage and price controls in 1971, I have consistently said that no governmental controls could cure inflation, but would only serve to make matters worse for all concerned. That was not a popular position 2 years ago. In 1971, there was a considerable chorus in Congress singing the praises of controls and demanding their implementation. Now, after 4½ phases and massive government tinkering with the economy, we are actually worse off than we were in 1971. A new chorus has arisen, composed of businessmen and laborers, consumers, and economists, all demanding that the cumbersome and destructive policy of government controls come to an immediate end. The best way to secure that termination is to repeal the Economic Stabilization Act and remove from the President the power to wreak havoc with the economy.

The United States, like other industrialized nations, is currently experiencing an inflation caused by a demand-pull economy. In such a situation, controls simply aggravate inflation by causing misallocation, shortages, and disincentives to producers. One perfect example of the deleterious effects of a short-term price freeze was the beef situation this past summer. Here the Government's action resulted in a massive resistance on the part of cattlemen and caused beef availability to plummet. The result was a nationwide beef shortage—precisely the opposite effect the Government had intended. We are finally seeing a decrease in retail beef prices, due primarily to the increased sales that occurred when these disastrous controls were lifted.

Throughout the economy, we have also seen the phenomenon of "riding out the freeze." Producers simply wait until such time as the freeze is lifted to raise prices. This post-freeze bulge simply aggravates the inflation. With no certainty as to when another freeze or phase is coming, it is only natural to raise prices when one can, regardless of the demand conditions. This is another example of the controls failing.

Finally, the cumbersome and arbitrary nature of the Government's actions cause untold damage to the economy. We recently experienced the absurd gasoline policy imposed by the Cost of Living Council where retailers were forbidden to pass on their increased costs. The refiners could raise their prices, but the Council simply did not realize that this would badly injure the small retailer. Only the strongest pressure from the Congress forced the Council to reevaluate its position.

This is what is happening throughout the economy, where businesses are only allowed to pass on higher costs, not to maintain profit margins. The result is a dampening of capital investment and business incentive.

The only way to restore some sanity to this Alice-in-Wonderland world is to take away the President's power to impose controls. The power to step in and regulate the economy should not be granted except in most extraordinary situations. Political demands make it far too easy to exercise this power unwisely. Once the decision to start controls is made, it is overwhelmingly difficult to reverse the process and return to an uncontrolled economy. Therefore, I urge my colleagues to support the repeal of the Economic Stabilization Act and return to a free, unfettered economy.

Mr. STEELMAN. Mr. Speaker, the economic policies of this country since early 1973 have been largely failures. Today, prices are going out of sight, interest rates are at all time highs, and shortages prevail in many vital industries. The greatest contributing factor to this failure is governmental interference in the marketplace.

Price controls are the prime example of this interference. They have been unfair to both working people and management. They have stifled initiative and created shortages.

I strongly believe that the law of supply and demand should be allowed to set prices and wages in the marketplace; continued governmental efforts at controls only weaken, rather than strengthen, the system. I have therefore joined my colleagues in cosponsoring legislation that would repeal the Economic Stabilization Act of 1970.

Perhaps the most unfair feature of controls in the last few weeks has been in the area of gasoline prices. Large companies could raise their prices but the small service station operator could not. I have received much mail from concerned citizens about this unjustice. Probably the most telling correspondence was from a Dallas lawyer who is a close friend of a gasoline station owner. As the attorney stated:

> So far as I can determine, this man has never requested anything from his Government, other than to be left alone. At the present time, he employs five people and works a ten-hour day himself. Because of the combination of the Price Freeze on the retailer and the rise in wholesale price of gasoline (which is caused by an absolute increase [$00.01] and also a decrease in discount by the majors [$00.01]), my friend will probably close his business on Monday, September 24, 1973. This action will result in his losing his station, which he purchased this year. It will probably also result in severe hardship to him, due to probable lawsuits for borrowed money, which he would not be able to pay back. It will also result in the loss of jobs of five people. An application for an exemption was considered but rejected after discussing the matter with the IRS because my friend could not at this time afford the legal and accounting fees which would be involved nor the time lag due to "processing" of the application.

While the Cost of Living Council yesterday revised its rules to allow gasoline station operators to pass through increased costs—a move that I heartily applaud—the kind of thinking that went into the original regulations is an indication of how alien a system of controls is to the U.S. free enterprise system. Controls must be lifted and the sooner, the better. The marketplace governed by supply and demand, not the planners and fine-tuners, should set wages and prices. Let us resist the temptation and false security of controls and repeal the Economic Stabilization Act of 1970 which fathered all of these recent dislocations.

Mr. SYMMS. Mr. Speaker, I would like to thank my colleague from Ohio for taking this special order to discuss this most serious problem of too much Government interference in the economy.

Mr. Speaker, since the imposition of controls inflation has turned not better but worse. The 6-month moving average of the Consumer Price Index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" phase II controls. Since then it has ascended to heights far above those reached in any recent noncontrols atmosphere. Little wonder that almost all groups in America—including the AFL-CIO—have called for the complete elimination of wage and price controls and a return to the free market.

Purely on the basis of record, one would have to conclude that far from extinguishing inflation, price controls fuel it. They simply augment the actions of the Federal Reserve System's expansion of the paper money supply—which has averaged 7.5 percent in the late 1971–72 period. All of this points to the real fact that controls do not "stop" inflation for the simple reason that individual price and wage decisions do not create it. Inflation is expansion of the money supply, which is the prerogative of Government and its central bank—the Federal Reserve. Price increases merely reflect this type of monetary management.

Finally, Mr. Speaker, the recent experiences of shortages should convince us that a controlled economy cannot sustain the standard of living that Americans are accustomed to, only the free market can do this. It is high time that we in the Congress realize that the only way inflation is going to be stopped is for the Federal Government to end all controls and balance its budget so that the printing press can be turned off. Consequently, I strongly urge my colleagues in the Congress to support the Keating bill to repeal the Economic Stabilization Act.

Mr. STEIGER of Arizona. Mr. Speaker, I commend the gentleman from Ohio for taking the initiative in requesting a special order for the purpose of discussing the need to repeal the Economic Stabilization Act of 1970.

The original purpose behind passage of this act was to protect the consumer from the rising cost of living through tight, temporary Federal Government control over the traditional free enterprise system of determining wages and prices. At the time the act was first passed, it was justified on the grounds that Federal Government regulation of wages and prices for a temporary period of time would allow the free enterprise system to work more effectively.

A look at the records shows that this has not happened. Wage and price controls have not curbed inflation; they have spurred it on. When firm controls are forced on the economy, the natural result is shortage. When, because of the shortage, the controls have to be relaxed, all the price increases which would have occurred without the controls catch up. In addition, shortage induced by the controls themselves adds to the already spiralling costs.

In April I voted against extending the Economic Stabilization Act. I believe that not only are Federal Government controls of wages and prices not the solution to our economic problems, they have added to our economic woes.

We have heard a lot of rhetoric from the country's leaders on reasons for inflation, and on solutions to the economic dilemma which has gripped the country. But no one says it better, and in simpler terms, than Mark Shepard in an editorial in the Buckeye Valley News, Buckeye, Ariz. I think my fellow Members will find of interest Mr. Shepard's solution to our present economic situation:

MARK MY WORD

(By Mark Shepard)

Prices keep going up and shortages of everything seem to prevail at every level in almost all types of iems. There is no need to go into detail concerning the increase in prices—you already are well aware of that.

There is likewise little need to list the many shortages since you already know how difficult it can be to obtain certain items.

The big question is what can be done about it? And every day more and more experts are telling us how to cope with the problems. Cut down on your driving; look for specials; buy grocery items by the case . . . you've heard all sorts of timely tips, most of which you already knew about anyway.

This country functions by the law of supply and demand. Right now most people have a great deal of money and are buying up everything in sight, from high priced steals to new cars, boats and swimming pools. Demand for most everything is greater than ever before. Thus supplies are short because of it.

And when supplies are short, the prices go up and will continue to go up. Then along comes the government which doesn't seem to understand the law of supply and demand any better than a kid in the third grade. The politicians hear people complaining about high prices. So the politician decides to do something about it.

Of course, the answer to the problem is price controls. Many people are elated over price controls because now they can continue to make big money and at the same time purchase more than ever before. Utopia is almost here.

But, as you have just witnessed, price controls simply do not work. Because when the manufacturer or producer is told that he cannot raise prices as demands continue to soar out of sight, he responds to the prolem.

He refuses to expand his ability to produce more goods or products. He also stops producing low-profit items. And while your demands rise, production goes down.

The law of supply and demand has been abused. And tinkering with that law only invites problems and trouble.

The same people who only a year or so ago demanded more price controls are now feeling the effects of their lack of wisdom. The politicians are trying to straddle the fence as most politicians always do, and they don't want to make any decisions which would even temporarily hurt anyone.

So today we have soaring prices and a shortage of products—much of which can be blamed on price controls.

People seem to believe that the big manufactures only exist to gain enormous amounts of wealth as quickly as possible without regard to anyone. But the fact is that all industries in a free country are governed by the same law of supply and demand.

When supplies are too great for the demand, prices come down. When demands are too great for supplies, prices go up and up and keep going up. This is where we are right now.

This leads to a situation of vast inflation because as prices go up, workers demand more money. So the workers get a dollar an hour raise and prices jump again. It's an endless circle up until something drastic happens, such as a collapse of the economy in a recession or depression.

Meanwhile, the government, which is

largely responsible for the spiriling inflation in the first place, attempts to prevent a recession or depression. In come more prices controls or "Phases" as they are called today. And as we have seen, price controls don't work.

Business and industry respond to the challenge as they are now doing. They may not be able to raise prices anymore, but they can hold back production. So they stop producing low-profit items altogether. This leads to shortages. Or they stockpile items which are not put up for sale. This also creates artificial, but very real, shortages.

Price controls cannot be maintained forever because this country is not totally self-sufficient. We must trade with other countries. Those other countries are willing to gobble up the market at the fixed prices imposed by the politicians.

And we cannot, in many cases, refuse to sell goods to foreign countries. They not only need our products, but, as in the case of oil, they have supplies which we need too. They also have our dollars which promise purchasing power in their hands.

There is only one solution to meet the problem. That is return to the law of supply and demand.

Today there is more demand than supplies can meet. So you and I must cut back on our demands if we want prices to go down. We must stop spending so much money. In spite of the fact that we may have considerable amounts of cash available, we must withhold it from the market until prices go down.

The government has gotten the entire country in trouble through uncontrolled spending. And, we, the people must not only cut back ourselves, we must demand that the government do the same.

If you want prices to go down, stop buying so much. Get along without the extras. Stop purchasing all of those luxury items. Purchase only necessary things and get along without some of those. You can exist on hamburgers (even as high priced as they are now) so you really don't need steak.

If union leaders really wanted to help their members, they wouldn't keep demanding pay increases. They would begin simple courses in economics and encourage members to slow down their buying. Increased wages only lead to higher prices and inflation. However, a slow down in spending would make each dollar worth more.

In any event, if you really want to see prices go down, stop spending so much money. Of course, there is more to it than that, such as a fair day's work for a fair day's pay, but at this point in time, you can do something about high costs—slow down the demand, the supplies will increase and you will find that shortages will disappear and prices will decrease.

Mr. ARMSTRONG. Mr. Speaker, I commend my colleague from Ohio for bringing this matter to the attention of the House. Hopefully, the discussion this evening will be the prelude to decisive action by Congress to repeal the illogical wage-price controls under which our Nation has suffered the past 2 years.

Surely no one can doubt that price controls have failed miserably in their intended purpose. Homemakers and wage earners have been well aware of the futility of these controls for a long time; recently, even the economists—including many who staunchly advocated controls at the outset—have descended from their ivory towers long enough to discover that once again economic controls have failed to curb inflation.

Such repressive measures have repeatedly failed throughout history. In fact, I cannot recall a single instance in which such controls have succeeded in any free country during a time of peace.

The reason is very simple: If prices are frozen above the market price, such controls are ineffective; but if they are artificially held below the going price, incentives to produce are undermined and shortages inevitably develop. This most elementary lesson of economic history has been clearly demonstrated during recent months.

Surely the futility of such controls is ample reason to call for their repeal. But wage-price controls are worse than useless, for while failing to control inflation, such controls have succeeded conspicuously in creating shortages, causing product quality deterioration, black markets, and other distortions in the market economy.

The longer controls are continued, the worse the situation is sure to become. So I say let us get rid of these controls and act now to eliminate the basic cause of inflation—excessive Government spending.

Congress has been on a spending spree for years. And surely we all know by now that an economic catastrophe is inevitable if Congress fails to restrain spending.

This decision, one which Congressmen are loathe to make, has been put off over and over again. Despite lip service to fiscal responsibility, Congress has repeatedly put partisan considerations, squabbling with the President and special interest appropriations ahead of balancing the budget a step which is essential to bank the fires of inflation.

In conclusion, Mr. Speaker, let me point out that it is not only economic considerations which prompt me to join with the gentleman from Ohio in urging an end to economic controls. In my mind, economic concerns are serious, but human considerations are paramount.

What we are controlling are not inanimate objects nor abstract transactions—we are controlling people—and doing so in a manner which is contrary to the basic tenets of American justice and freedom.

It may be tolerable to accept such limitations temporarily, as we have done in times of war. But to accept such repressions permanently is unworthy of a free people.

Of course we are told that the present emergency justifies "temporary" controls. But let us not kid ourselves. Who really believes that kicking the wage-price control habit will be any easier next week, next month or a year from now than it is today?

Let us repeal these controls now before it is too late.

Mr. FRENZEL. Mr. Speaker, I welcome the opportunity today to speak on the problems which economic controls are causing this country. Although I was one Member of Congress who voted to extend the President's authority under the Economic Stabilization Act last April, I have since become convinced that to continue controls on the economy would be unwise and cause more additional problems than it would solve. The fact that both labor and business leaders have recently voiced renewed opposition is also something which this body, and the President, should take note of.

The most disturbing aspect of controls to me is that they have created an atmosphere where business and industry have a negative productivity incentive and no incentive to increase supply.

The best thing we ever did for food prices was not the economic stabilization program. The stabilization program did not hold down food prices. This year's farm bill, a production oriented piece of legislation, will do more to hold down prices and hold up living standards than anything Congress has done. We have given the farmers their opportunity to produce. Now it is time to remove the yoke of controls from the rest of our producers.

We should also recognize that since phase III and IV were implemented, prices have not been contained. Consumers have not benefited throughout this experience. The continuation of the program and its dampening influence on production is a real disservice to the cause of the consumer.

The additional problem of administering controls should also be a cause for concern. Increasingly, the frustration with controls has not been with their effect, so much as it has been with the manner in which they are administered. With all due respect to the COLC and Dr. Dunlop, the control program has been almost unadministrable. The inequities and aberrations which controls are causing are underscored and increased by delays and ambiguities of COLC decisions and procedures. The reaction to the phase IV monster has been frustration, disillusionment, and distrust.

One answer to our present dilemma is simply one of admitting the failure of controls. I think that those Members who voted for extending the President's authority, including myself, must accept a share of the blame for this failure. However, we now ought to be willing to quit controls, before any further damage is done.

Mr. Speaker, I especially appreciate Mr. KEATING's leadership in the discussion of this matter. He is to be congratulated for his initiative.

Mr. DERWINSKI. Mr. Speaker, I would like to commend our distinguished colleague from Ohio on holding a special order on the issue of repeal of the Economic Stabilization Act of 1970 and take this opportunity to express my basic concurrence with his views.

The United States has passed through a decade of failure to discipline money management, Federal spending and the regulation of farm and petroleum production. Both the legislative and executive branches of the U.S. Government and the U.S. monetary authorities have ignored the warnings of economists, analysts, and business leaders to effect these disciplines. Controls are the culmination of this neglect.

Price controls have created unsettled conditions in the meat industry with record stocks being withheld or diverted from their natural domestic market, processing plants being shut down and meat uncertainty developing regarding future beef supply. Other commodity shortages have also developed.

At best the controls prolong the period of price adjustments but do not avoid eventual price increases. They divert attention of policymakers from monetary and fiscal management which would work if tried. Beyond the short run, or unaccompanied by patriotic fervor, price, or wage controls have never succeeded in history. The experience of the Office of Price Stabilization is a recent reminder of their failure to control prices during the Korean war.

Mr. Speaker, at the risk of giving the classic "I told you so," may I remind the Members that I voted against the original bill which Congress gave the President power to impose economic controls. The record will show that I voted against the continuance of economic controls and if Congress does not act to repeal the law, I will certainly be against continuance when the present law expires.

Mrs. HOLT. Mr. Speaker, I rise to speak for the repeal of the Economic Stabilization Act of 1970. Since August 15, 1971, the U.S. economy has been subjected to a series of economic controls administered by the Cost of Living Council. I supported phase I of the new economic policy as a temporary measure to cure obvious economic ills prevailing at that time. Its objectives—curbing the excessive rate of inflation, increasing the rate of expansion, and protecting the dollar by making American goods more competitive—were commendable. Its specific provisions—a wage price freeze, import surcharge, and removal of the excise tax—comprised the type of shock treatment that was needed to stabilize the economy.

However, our national experience with economic regulations during World War II, the Korean war, and the post-Vietnam era have indicated that while controls may be effective during the short run, bureaucracy cannot manage a complex economic system efficiently for long periods of time. At some point, controls begin to do a disservice to consumers, business, and government.

I maintain that we are rapidly approaching that point in America. After more than 2 years of various phases and freezes, public confidence and support are being eroded by frequent and confusing changes in guidelines and regulations and by recurring shortages in petroleum products, some food items and paper stock. And, of course, rising prices are still with us.

I think the time has come to seriously consider the dissolution of the Cost of Living Council and the lifting of economic controls. These controls have outlived their usefulness. Historically, the rapid economic growth of the United States has been accomplished by reliance on the forces of supply and demand, not bureaucratic decisionmaking to determine the proper levels of wages and prices.

The time has come to return to a free economy. I would hope that in the near future, the administration will see fit to initiate an orderly abolition of the Cost of Living Council and all economic controls.

Mr. CRANE. Mr. Speaker, by this time it should be clear to all Americans that the policy of compulsory wage and price controls has failed to stem the tide of inflation.

The fact is that since the imposition of compulsory controls, inflation has become significantly worse, and not better.

This point is made clearly in a Wall Street Journal editorial of October 10, 1973. The Journal notes that—

> The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August, 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent non-controls atmosphere . . . Purely on the basis of the record, one would have to conclude that far from extinguishing inflation, price controls fuel it.

This unfortunate situation should come as no surprise. It should also be no surprise to the President. In 1968, he declared quite properly that—

> The imposition of price and wage controls during peacetime is an abdication of fiscal responsibility. Such controls treat symptoms and not causes. Experience has indicated that they do not work, can never be administered equitably and are not compatible with a free economy.

Why the policy controls was ever embarked upon, given the President's proper understanding of their futility, is difficult to understand. That they must now be abandoned should be abundantly clear to all.

To think that controls can solve the problem of inflation is to completely misunderstand the cause of inflation. Inflation, in simple terms, is the depreciation of money. Economist Hans Senholz notes that—

> Inflation is the creation of new money by monetary authorities. In more traditional terminology, it is the creation of money that visibly raises goods prices and lowers the purchasing power of money . . .

The fact is that Government alone is strictly accountable for inflation because Government alone determines the money supply. If government continues to spend more money than it has, no amount of controls on wages and prices within the economy can solve the inflation problem.

The policy of controls is an old one, and has never worked in the past. Consider, for example, the case of Nazi Germany.

On March 23, 1933, Hitler secured passage of an Enabling Act, which gave the government the power to issue decrees independently of the Reichstag and the President. In May 1933, trade unions were suppressed and merged into a German labor front. On January 20, 1934, the Law Regulating National Labor, known as the Charter of Labor, was enacted. Paragraph 2 of the law set down that—

> The leader of the enterprise makes the decision for the employees and laborers in all matters concerning the enterprise.

Wages were set by the so-called labor trustees, appointed by the labor front. In practice, they set the rates according to the wishes of the employer. There was no provision for the workers even to be consulted in such matters. Hitler was quite frank about keeping wages low. He declared that—

> It has been the iron principle of the National Socialist leadership—not to permit any rise in the hourly wage rates but to raise income solely by an increase in performance.

In his important work, "The Rise and Fall of the Third Reich," historian William Shirer points out that during the 1930's wages were reduced despite a 25-percent increase in the cost of living. In the case of Germany, compulsory wage and price controls were simply a component part of the march toward dictatorship. In the case of Mussolini's Italy, Peron's Argentina, and Hitler's Germany—wage and price controls did not solve any economic problems, but did result in the end not only of economic freedom, but of religious, political, and intellectual freedom as well.

Discussing the inevitable failure of controls Prof. Murray Rothbard gives this brief description of why controls cannot work:

> The controls won't work. The prime reason why they won't work is that they do not tackle the cause of inflation, but only lash out at the symptoms . . . Every price is simply the terms of an exchange on the market . . . When I buy a newspaper for a dime, ten cents of money is being exchanged for one newspaper—And so the key to what makes prices high or low is the relationship between the supply of goods available and the supply of money. . . . Suppose that by some magic process, the quantity of money in the country doubles overnight. The supply of goods remains the same, for nothing has really happened to raise or lower them. But then we will all enter the market with twice as many dollars burning a hole in our pocket as compared to yesterday . . . we will all have to pay twenty cents for the same newspaper.

At the same time that controls have been imposed upon the American economy we find that between the fourth quarters of 1971 and 1972, the money supply has been expanding rapidly—7.4 percent. The Government's budget has been in deficit, and economic growth has been straining the capacity of the economy.

Thus, while the Government has controlled the wages and prices of private citizens, it has not controlled itself. The result, of course, is an ever increasing rate of inflation.

It is now time to end the futile policy of wage and price controls and to return to an economy based upon the imperatives of a free and open marketplace. It is equally important that the artificial increase in the money supply be halted, and that Government spending be controlled. Only then will we see the current inflation brought to a halt.

Mr. ASHBROOK. Mr. Speaker, I have always been a sharp critic of wage and price controls. I opposed wage and price controls when they were introduced. In April of this year, I joined with over 100 of my colleagues in opposing a continuation of these controls. I rise today to ask your support in repealing the President's legal authority to impose wage and price controls, the Economic Stabilization Act of 1970.

This misnamed act should be called the Economic Instability Act of 1970. Phases I through IV have brought chaos to our economy—shortages, business closures, and high interest rates. Yet the problem of inflation continues to plague our Nation.

The administration still does not seem to realize that the only effective way of dealing with inflation is to reduce Government spending. Our economic problems cannot be solved by wage and price controls or other gimmick devices. The only solution is to make meaningful cuts in the Federal budget and get Government out of the business of trying to control every facet of our economy.

Governmental planners who thought that the Government was able to control the economy to everyone's benefit have been proven wrong. We have been paying the price ever since with higher prices and growing shortages. Wage and price controls do not work. It is time that they were ended.

Mr. KEATING. I should like to thank the gentleman from California and all the others who have participated this evening for their very perceptive statement, one which I think recognizes and very succinctly states the difficulties that come from controls, particularly in peacetime, the distortions that take place, the shortages that take place, the freezing policies that we have just experienced, and I think it is something that the American people should have brought to their attention. Certainly it requires the immediate action by the appropriate committee of this Congress to see that it is repealed.

EPILOG TO AGNEW CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, last night former Vice President Spiro Agnew told the Nation his version of the events that led to his resignation from office. To many, myself included, the facts remain clouded and uncertain. We will never know what a jury would have found the facts to be had it been given the chance. Federal prosecutors, the Vice President, and a Federal judge agreed that a plea of nolo contendere was sufficient to dispose of this case.

Much has been lost in the handling of the Agnew case—to Mr. Agnew, if you believe his story; to the prosecutors, if you believe theirs; and to the criminal justice system, no matter which side you believe.

More has been lost, I suggest, by our constitutional system, however, and in a way which unfortunately has received little attention. In the personal tragedy surrounding Mr. Agnew's decision to step down, a constitutional tragedy has gone unnoticed.

Throughout the weeks which preceded the resignation, the American people were subjected to florid revelations about the conduct of the second highest officer of our land, yet the House of Representatives refused even to look at the facts which were readily available to determine whether Mr. Agnew should be removed from office.

At the first suggestion of impeachment proceedings, the Speaker of the House stated:

> The Vice President's letter relates to matters before the courts. In view of that fact, I, as Speaker, will not take any action on the letter at this time.

In a letter to the Speaker, the text of which is located on page 32096 of the CONGRESSIONAL RECORD for October 1, I stated that the duty of the House in impeachment proceedings is derived solely from the Constitution, not from any other source. In my view, our duty was to the Constitution and the American people, and to no one else.

There was no thought on my part that the initiation of impeachment proceedings would slow down the grand jury investigation already in progress.

The Speaker's reply to my letter only served to lock more tightly the door of the House against the ogre of impeachment. On October 3, the Speaker wrote:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1973.

Hon. PAUL FINDLEY,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FINDLEY: Thank you for your letter of September 28, 1973 in which you express your views on my decision not to take any action on the Vice-President's request of September 25, 1973.

I assure you that my decision was reached only after very serious study of the legal and constitutional issues involved, and only after extensive consultation, not only with other Members of the House, but with eminent legal scholars as well, of all the alternatives available to us. The House, of course, does have the opportunity, under the Rules, to work its will on this matter if it desires to do so.

I might add that the "at this time" phrase used in my statement was merely to guard against a future change in circumstances. It was not used with any specific change in mind.

Your letter shows much study on your part, and I appreciate your sharing the benefit of your research with me.

Very best wishes.

Sincerely,

CARL ALBERT,
The Speaker.

Faced with a solid wall of opposition to fulfillment by the House of its constitutional duty to impeach, I introduced House Resolution 572, a resolution of inquiry directing the Attorney General of the United States "to inform the House of all the facts within the knowledge of the Department of Justice that the Vice President of the United States, Spiro T. Agnew, accepted bribes or received consideration for services rendered or promised in the performance of his official responsibilities as a public official in the State of Maryland or Vice President of the United States, or failed to declare his income for tax purposes."

This resolution was referred to the Judiciary Committee, which under the rules of the House had seven legislative days to report the measure. The opposition among Democrats and Republicans alike even to having the facts placed before them was overwhelming. On the entire Judiciary Committee, I am not certain that there was even one sure vote of support.

I wrote to Chairman PETER RODINO to ask for an opportunity to meet with the members of the committee, informally or otherwise, to explain why I thought the resolution should be approved. My letter stated:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 4, 1973.

Hon. PETER W. RODINO, JR.,
Chairman, Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR PETER: At whatever stage and in whatever manner you deem appropriate, I would appreciate the opportunity to meet with the members of the Judiciary Committee to discuss the effect and implications of my privileged resolution of inquiry concerning the Vice President. I am also conveying to the other members of the committee my willingness and desire to meet with the full committee.

The resolution deals with a vital, serious matter and, I think, one of compelling urgency.

Clearly, the Vice President is under investigation for accepting bribes, an impeachable offense. The President has said the action is "not frivolous" and has expressed approval of the Justice Department handling of the matter.

On page 32888 of the October 3 Record I have placed the results of research showing that approval of my resolution and subsequent investigation by the House need not impede criminal proceedings in the courts, and further that facts furnished under my resolution can be handled in a confidential manner by the Judiciary Committee or such other committee as might receive the documents. I believe secrecy can be maintained if it is deemed desirable.

My resolution is an effort to cause the House to start the process of investigating the charges made against the Vice President. I believe that the paramount duty of the House is to determine as quickly as possible whether the charges justify articles of impeachment. To protect the integrity of the Office of the Vice President and the line of Presidential succession, these deliberations should go forward at the earliest possible date, even if a court may subsequently decide to hold its own proceedings in abeyance during formal impeachment proceedings. I must add that in my view impeachment proceedings need not impede criminal proceedings.

I am at your disposal.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

Shortly thereafter the attorneys for the Justice Department confirmed to me the wisdom of my insistence upon impeachment proceedings. In their brief filed with Judge Hoffman, the attorneys promised "to offer the House of Representatives an opportunity to consider the desirability of impeachment proceedings" if an indictment of the Vice President were obtained. Still the House stood mute.

In a letter to Attorney General Elliot Richardson, I asked for a clarification of the Department's position on the availability of the Agnew facts to the House. I asked for an opportunity to meet with as soon as possible. My letter stated:

OCTOBER 8, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR ELLIOT: The brief of the Department of Justice filed before Judge Hoffman Friday contained the statement that "should the grand jury return an indictment, the department will hold the proceedings in abeyance for a reasonable time, if the President consents to the delay, in order to offer the House of Representatives an opportunity to consider the desirability of impeachment proceedings."

I welcome this statement, together with the Department's expressed belief that "this deference to the House . . . is an appropriate accommodation of the respective interests involved." I commend the Department for putting the ball in the court of the House of Representatives.

One of the chief interests of the House will be to assemble, as quickly as possible, all of the pertinent facts surrounding this case. Many of these facts are currently in the possession of the Department of Justice.

In at least three instances involving impeachment, the President of the United States or cabinet officials have on their own initiatives volunteered relevant facts and information to the Congress. On July 3, 1797, President Washington sent a confidential message to the House stating that U.S. Senator William Blount of Tennessee had written a letter which, according to government law officers, was evidence of crime. The House then considered that evidence and impeached Senator Blount.

On February 4, 1803, President Jefferson sent a message to the House transmitting a letter from Secretary of the Treasury Albert Gallatin stating that U.S. Judge John Pickering, in a suit involving revenue, had "acted in a manner which showed unfitness for the office" and which showed "some legislative interference absolutely necessary." The message also contained a letter from the United States District Attorney for New Hampshire transmitting affidavits and making a statement as to the conduct of the judge. On the basis of this information, the House proceeded to impeach Judge Pickering.

On February 21, 1868, during the House proceedings concerning the impeachment of President Johnson, Secretary of War Stanton sent to the Speaker a copy of the President's letter removing Stanton from office and ordering him to turn over all records, papers, and public property to the Adjutant General. This information was referred to the Committee on Reconstruction, already considering the question of impeachment of the President.

Finally, when the House considered whether to impeach U.S. Judge Harry B. Anderson in 1930, the precedents of the House indicate that the subcommittee handling the inquiry "had the advantage of a report by the Department of Justice which had made an extensive investigation of the handling of bankruptcy proceedings in Judge Anderson's court." In this case, the House decided that impeachment was not warranted.

My reason for writing is to ask whether you will follow these precedents by volunteering to make available to the House, or such committee as shall be accorded the responsibility, all of the facts within the knowledge of the Department of Justice that tend to show that the Vice President of the United States, Spiro T. Agnew, accepted bribes or received consideration for services rendered or promised in the performance of his official responsibilities as a public official in the State of Maryland or Vice President of the United States; that Mr. Agnew failed to declare his income for tax purposes; or that Mr. Agnew has committed any other breach of law.

In view of your Department's appropriate concern for comity between the House and the judicial system, I feel certain that you will willingly make such information available to the Congress; however, the brief filed by the Department leaves this question unsettled.

I shall look forward to your response at your earliest convenience.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

Although events were moving too swiftly for a meeting, the next day I did receive the following letter from the Attorney General, together with a copy of his letter to Chairman RODINO, reporting the Department's position on my resolution of inquiry:

THE ATTORNEY GENERAL,
Washington, D.C., October 9, 1973.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR PAUL: Thank you for your letter of yesterday. The enclosed letter to Chairman Rodino should answer some of the concerns you raise. I am sorry that a meeting was not possible between us.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., October 9, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 4 requesting the Department of Justice's views on House Resolution 572 (the "Findley Resolution"), which would, if enacted, direct the Attorney General to give the House of Representatives all information held by the Department of Justice relating to possible criminal conduct by the Vice President of the United States.

The Department of Justice does not support the Findley Resolution in its present form. Our stance, however, should not be construed as a denial of congresional jurisdiction over the allegations made concerning the Vice President. Indeed, in our brief submitted to Judge Hoffman on October 5 we state our belief that Congress and the Judiciary have concurrent jurisdiction over these allegations. Also, we outline a course of action designed to accommodate this concurrent jurisdiction:

"The United States Attorney will . . . complete the presentation of evidence to the grand jury and await that body's determination of whether an indictment is proper. Should an indictment issue, the Department will hold the proceedings in abeyance for a reasonable time, if the Vice President consents to a delay, in order to offer the House of Representatives an opportunity to consider the desirability of impeachment proceedings."

It is our strong belief that orderly, fair, and expeditious resolution of the issues presented by the investigation of the Vice President can best be accomplished if the grand jury proceeding already under way completes its course without the interruptions that any House action at this point would necessarily entail. This approach has the additional merit of allowing the process of justice to go forward uninterruptedly with regard to other potential defendants in this case. Likewise, should an indictment be forthcoming, it will have the effect of tolling the statute of limitations, which is of significance in this investigation.

At the time the grand jury has completed its work, it will be appropriate for the Justice Department and the leadership of the House to jointly determine a number of questions which the Findley Resolution raises. These include procedures for the turning over of Justice Department and grand jury information to the Congress, safeguards to be provided this information, and whether and in what forum the Vice President should be afforded an opportunity to submit evidence in his own behalf.

I hope these views will assist your Committee in its consideration of the Findley Resolution.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Attorney General.

The Attorney General's letter is a study unto itself.

First, he does not deny "congressional jurisdiction over the allegations made concerning the Vice President."

He does, however, state that any House action would necessarily entail interruptions in court proceedings. Mr. Richardson does not state how the court proceedings would be interrupted if the Justice Department turned over to the House copies of documents and other facts which led Federal attorneys to convene the grand jury. I do not believe there would have been any interruption. Such need not have occurred in my view. And, of course, the events of the next few days would seem to show that virtually nothing was capable of stopping the Justice Department from administering the coup de grace. Only 1 day after the Attorney General reported unfavorably upon my resolution, Mr. Agnew resigned his office.

The last paragraph of the Attorney General's letter is perhaps the most remarkable assertion ever propounded of Executive control over the future of a Vice President. It bears repeating and close examination:

> At the time the grand jury has completed its work, it will be appropriate for the Justice Department and the leadership of the House to jointly determine a number of questions which the Findley Resolution raises. These include procedures for the turning over of Justice Department and grand jury information to the Congress, safeguards to be provided this information, and whether and in what forum the Vice President should be afforded an opportunity to submit evidence in his own behalf.

Such an unvarnished attempt to control the impeachment proceedings of the House of Representatives cannot be permitted to go unchallenged. The appropriate response of the Attorney General to passage of the resolution of inquiry would have been immediately to turn over to the House all relevant facts within his possession.

The Attorney General could have suggested that certain documents be closely held if their revelation might have unjustly prejudiced the Vice President's case. However, Mr. Richardson could in no way specify safeguards to be provided for this information. That is a matter for the Congress alone to decide.

Finally, it would have been quite inappropriate "for the Justice Department and the leadership of the House to jointly determine—whether and in what forum the Vice President should be afforded an opportunity to submit evidence in his own behalf."

The mere suggestion of such executive department interference in the purely legislative function of impeachment is as appalling as the willingness of the House to yield to such domination by the Justice Department.

In the final analysis, it may be the Congress, particularly the House of Representatives, which lost the most as a result of the Agnew affair.

The House failed utterly even to respond to its constitutional obligation to protect the Nation from a Vice President who violated his oath of office.

The House refused even to look at the facts which indicated corruption at the highest levels of our Government.

The House instead accepted the absolute domination of the Justice Department and encouraged a constitutionality coequal branch of Government to determine what the facts were and whether a Vice President should continue to hold office.

There are other countries in the world where power concentrated in a few hands, usually the military, is sufficient to force a change in the top leadership of that nation. But it has never been so in the United States, not even during the dark days of the Civil War.

There may be little to be said in defense of the conduct of the Vice President.

There is also little to be said in defense of the response of the Attorney General to Chairman RODINO.

And certainly there is little to be said in defense of the response made by the House of Representatives to the crisis posed by the charges against the Vice President.

FIVE-YEAR-COST PROJECTIONS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 10 minutes.

Mr. MARTIN of North Carolina. Mr. Speaker, the number one concern of the people in my district is inflation. The number one cause of inflation is excessive Federal spending and budget deficits which have totalled $63 billion over the last 5 years.

Clearly, the Congress of the United States is overdue in giving to the people an extensive reform of federal budget policies. As I have discussed previously, we need to establish annually firm spending ceilings that take into account a study of estimated revenues, spending needs and economic conditions at the start of each year. All departmental appropriations need to be considered in light of their combined impact on the tax rate. New spending programs should be introduced only when they have been pilot tested, and then, only as substitutes for any existing programs that do not get the job done.

Decisions regarding authorizations and appropriations are deficient enough for lack of adequate consideration as to how each separate decision piles up the total. Not enough attention is given to the relative priorities of different departments. This antiquated approach makes it easier to produce majorities to increase every popular and emotion-packed spending bill, and works against efforts to restrain overall spending and deficits. This must be rectified.

Let me address my remarks today to a different but related question: the need for 5-year cost projections. Not only is insufficient attention given to each spending bill in relation to the year's total, but even less is given to an understanding of the expected costs 5 years hence. Consider the consequences of this approach.

First. This means that we end up making commitments to new programs and expansions of old ones without due regard for what that commitment will mean when the program "matures" to full size. New agencies invariably require staff increases and we need to be able to project some reasonable limits for them. This is done now only for the span of the authorizing legislation.

Second. It means that we build in commitments for future years that can lock in future budget decisions. We do so without knowing now what the future impact will be, and leave future Congresses to contend with establishments of new self-perpetuating bureaucracies.

Third. It means—worst of all—that we base our decision to start a new program on incomplete and misleading information. Our judgment now is not made on whether we can afford the full cost of the program, but on whether we can afford the start-up cost. How many times have we been sold a bill of goods with the argument that "it will only cost $100 million in the first 3 years" or "only $15 million in the initial year?" Would our decision have been the same if we had learned that by the fifth year it would surely be sapping $150 million annually?

If we are going to weigh the total of all spending bills on this year's budget in order to fairly judge the merit and priority of each component part, how much more important it is to take account of the drain each program will cause when it is full-blown.

It is urgent then that the 93d Congress establish long-needed reforms in the procedures for decisions on fiscal budgeting and authorizations and appropriations. The time is over-ripe.

Included among those reforms must be an insistence on fiscal forecasts into the near future. This will enable us to make our judgments not only on the basis of the initial impact of each program upon the total, but also on its projected cost 5 years hence.

CONSIDERATION OF NOMINATION OF MR. FORD SHOULD BE EXPEDITIOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 5 minutes.

Mr. TALCOTT. Mr. Speaker, I urge the House to consider promptly the nomination by the President of GERALD R. FORD as Vice President of the United States.

The President has acted expeditiously to fill the vacancy. The House and the Senate should act with equal expediency. Our Nation and our political system cannot risk being without a Vice President during these times.

Of course, both the House and Senate should be reasonably assured that Mr. Gerald R. FORD has no "skeletons in his closet." This assurance must be weighted against the imperative of an early filling of the vacancy.

Of course there should be hearings and both the House and Senate should do their duty.

The 25th amendment to the Constitution provides that the President shall nominate, and a majority of the House and Senate shall "confirm." A wisely simple procedure. The procedure for filling a vacancy in the Vice Presidency is explicitly different from the procedure for filling vacancies in the Cabinet or the Supreme Court where article II for the Constitution requires the President to nominate and two-thirds of the Senate, alone, to "advise and consent." In the latter instances the duty of the Senate is not only different, but greater. A more thorough and comprehensive investigation of the nominee is required when one must "advise and consent." It has always been the perogative of the President, regardless of party, to select his Vice President. The reason is clear. The President and Vice President must see "eye to eye" and work closely and cooperatively on a daily basis.

Actually, unless there is a reason for finding the nominee guilty of charges presentable for impeachment, the nominee should be confirmed.

Delay and procrastination in the consideration of Mr. GERALD R. FORD's nomination could be risky, contribute to national uncertainty, degrade the Office of the Vice President, and also greatly tarnish the image of the Committee on the Judiciary and the House of Representatives.

No one knows when a heart will stop. Our Nation should not be subject to the trauma of being without a Vice President.

I am convinced that the House would today, if given the opportunity, approve Mr. GERALD R. FORD's nomination by acclamation. Delay and procrastination can only be detrimental. I urge that consideration of the nomination of Mr. GERALD R. FORD be expedited.

STATEMENT IN OPPOSITION TO GRANTING TRADE CONCESSIONS TO THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 30 minutes.

Mr. DUNCAN. Mr. Speaker, the House of Representatives is being asked to approve the Trade Reform Act of 1973. Approval by the Congress would give the President authority to grant most-favored-nation status to nonmarket-economy countries. This measure is a part of the administration's foreign policy strategy of expanding U.S. commercial ties with the Soviet Union and pursuing a general policy of East-West détente. Soviet leaders have indicated that passage of this bill, along with a continuation of the policy of granting U.S. Government commercial credits to Soviet importers, would provide mutual political and economic benefits to the people of our two countries.

On both sides, the rhetoric about détente has been imposing. "Quiet diplomacy" is said to have laid the basis for a new international order of peace and prosperity. In substance, however, détente has brought few benefits to either the American or Russian people. Let us review the record since the May 1972 summit meeting between President Nixon and Soviet Party Leader Leonid Brezhnev.

Supporters of the administration's rapprochement with the Soviet leadership claim that improved relations with the Soviet Union create an opportunity to relax international tensions and divert scarce resources from military to civilian programs. Yet the administration has asked for more, not less, military spending, in order to defend us against the very government which stands to benefit from expanded commercial relations. Nor have Soviet leaders demonstrated any willingness to reduce their massive military budget.

It has also been claimed that the political détente which accompanies improved economic ties will have a moderating influence on the domestic policies of the Soviet leadership. Yet, in the past few months we have witnessed the harshest Soviet crackdown on intellectual dissidents since the Stalin era. Moreover, Soviet authorities continue to harass and restrain those Soviet citizens who wish to emigrate. All but a few have been forbidden to leave their country.

The claims that Americans will benefit economically may seem ironic to American housewives who have watched the rapid rise of food prices since last year's sales of huge amounts of wheat and feed grains to the Soviet Union. The Soviets bought wheat for $1.65 per bushel; it now sells for over $4.80 in Chicago. The American taxpayer also lost, because the Department of Agriculture paid $300 million in needless subsidies to facilitate the grain sales.

The supporters of "quiet diplomacy" also claim that détente will have a moderating influence on Soviet foreign policy in other parts of the world. One goal of the current policy is to induce the Soviet leadership to accept the world political system and to play a positive role in the peaceful settlement of international disputes. The most recent Middle East crisis suggest that limited progress has been achieved on this front. The massive export of Soviet armaments to the Arab countries has contributed directly to the outbreak of hostilities.

Mr. Speaker, the recent record indicates that the United States has not maximized its benefits in commercial relations with the Soviet Union. The power to grant or withhold trade concessions—particularly most-favored-nation status and Government credits—offers an opportunity to extract some of the political and economic benefits of détente which we have been promised. Why not require that Soviet leaders moderate their domestic and foreign policies before granting trade concessions to them? Since the Soviets stand to reap substantial economic benefits from these concessions, I believe that the Congress would be well advised to attach conditions to them. Our economic leverage provides us with an effective, usable means of persuading the Soviet leadership to abandon its repressive internal policies and its hostile foreign policy.

LEGISLATION TO AMEND THE SECURITIES EXCHANGE ACT OF 1934

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Illinois. Mr. Speaker, I would like to call to the attention of my colleagues a bill which I have introduced today amending the Securities Exchange Act of 1934.

The Commerce and Finance Subcommittee of the Interstate and Foreign Commerce Committee has been conducting hearings on H.R. 5050 under the chairmanship of our distinguished colleague, Mr. Moss, of California.

The bill that I have introduced today is based on H.R. 5050.

The major provisions of both bills involve the development of a national market system and the speeding up of the processing of the paperwork in handling securities transfers. There is generally widespread agreement on the need for statutory enactment on these provisions.

The most controversial aspects of H.R. 5050 have been the proposals to open up the membership of stock exchanges to any dealer registered with the SEC, to secure a mandatory elimination of "fixed commissions," and to eliminate the requirement of most exchanges that members execute their transactions on an exchange. In the background of this proposed securities legislation is a changing securities market. The volume of securities transactions handled by "institutional investors" has been rapidly increasing over the past 10 years. For the last 2 years or more, individuals have not been investing in the stock market as compared to former years. There have been a large number of securities firms which have gone out of business, and many of them have been insolvent. During the year 1973, most brokerage firms have sustained losses in their operations. Interest rates are at an all-time high in the short-term market, and they are very high for long-term funds. The number of underwritings of corporate securities has been down over 35 percent this year as compared to last year.

Testimony before our subcommittee indicates that since the SEC required negotiated commissions on transactions on exchanges involving over $300,000, institutions are "dictating" commission charges rather than negotiating commission charges. The testimony is that in many cases, the commissions are determined "after" the transaction is completed.

The testimony also indicates that in all probability, if negotiated rates are mandated by Congress, two or three of the large securities firms will set commission rates which are now set by the exchanges.

The securities firms are highly vulnerable to economic pressure from banks, insurance companies and pension funds, and other large institutions. To contend that we would have "free and open competition" when we pit such large institutions against brokerage firms is to shy away from reality.

The Justice Department Division of Antitrust has for many years attempted to claim that fixed commissions are unlawful and anticompetitive. It seems to me that they are not sufficiently familiar with the securities markets. They are attempting to impose traditional theories of competition on a unique industry.

In very few markets do you have an "auction" market. In an auction market or exchange, buyers and sellers meet daily and securities are sold to the highest bidder. Such a situation exists in very few areas of our economy. Commissions paid in connection with securities transactions are minimal compared to commission paid in connection with the sale of competing investments, such as real estate and insurance.

The Justice Department completely overlooks the economic disparities between the institutional purchasers and the securities firms.

Many regional securities firms are convinced that if negotiated commissions are put into effect, the large institutions will force commissions down to the point where many regional firms will have to go out of business, and the individual investors who do not have economic bargaining power, will be forced to pay higher rates. While I cannot say that these fears will be realized, neither can I say that they are without justification.

Another matter which concerns me greatly is the need to keep exchanges with their auction market viable. If every SEC-registered dealer can be a member, if there are no fixed commissions, and if members can handle trades in any market they desire, the economic value of an exchange membership will be gone.

If we want an auction market that gives the best price for the stock, it is a small price to pay to permit exchanges to fix minimum commissions.

Accordingly, the bill that I have introduced will permit exchanges to continue to fix commission rates subject to SEC oversight. The SEC can protect the public interest to see that commissions are not excessive and that they are reasonably set, so that we maintain a healthy securities industry and commissions charged to individual investors are not excessive. It seems to me that such provisions are in the interest of the small dealers and the small investors, and, therefore, in the best public interest.

SOCIAL SERVICE AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 5 minutes.

Mr. CORMAN. Mr. Speaker, today, I am introducing—on behalf of myself and six other members of the Ways and Means Committee: Mr. BURKE of Massachusetts, Mr. CAREY of New York, Mr. GREEN of Pennsylvania, Mrs. GRIFFITHS, Mr. KARTH, and Mr. ROSTENKOWSKI—the Social Service Amendments of 1973.

This legislation has been introduced in the Senate by Senator MONDALE with Senators BENTSEN, JAVITS, and PACKWOOD and 34 other Democratic and Republican cosponsors. Its purpose is to provide workable administrative procedures which, within the $2.5 billion ceiling on Federal funds enacted last year, will regulate the scope and delivery of the social service programs in a manner consistent with the objectives and intent of the social service legislation.

During the 1971 floor debate on President Nixon's welfare reform proposal, the distinguished chairman of the Ways and Means Committee, WILBUR MILLS, appropriately identified the "assisting of its poorer citizens to a better life" as a "very basic function of this Government." For over 15 years, social services, including child care and family planning programs, foster care for children, treatment of drug addicts and alcoholics, and services for the mentally retarded, have been an essential component of our efforts to help the poor, elderly, and disabled lead more productive, meaningful, and and independent lives.

In order for State and local administrators to effectively provide and deliver social services, there must be workable regulations which take into account the need for Federal direction, fiscal restraint, and accountability, and State and local flexibility to deal with the special problems poor and disabled persons face in their communities. The regulations issued by HEW, which are to go into effect November 1, 1973, even after extensive modification in response to the outpouring of complaints from Governors, mayors, State and local administrators and recipients, do not meet these requirements.

There are four major objections to the HEW regulations which have been repeated in the many communications I have received since they were first announced. First, the regulations would reduce the range of social service programs for which States can spend their share of the $2.5 billion Federal funds, and thereby reduce State discretion and the flexibility necessary to provide local solutions for local problems. For example, the proposed HEW regulations would eliminate Federal funds for an existing preschool education program in California presently serving approximately 19,000 welfare children.

Second, the regulations would establish unnecessarily restrictive and inappropriate eligibility requirements which will operate to disqualify many current recipients of services for the mentally and physically disabled and in general, limit social services to public assistance recipients. The effect of this will be to create a disincentive to leave welfare which is a total and disastrous contradiction of the objectives of the social service programs. Many low-income, intact families, who are eligible for day care and other services under the current law, will not be eligible for these services under the regulation HEW has proposed—unless the father reduces his work efforts and, in many States, leaves his family so his wife and children are eligible for AFDC.

By reducing the range of social services eligible for Federal funds and establishing unnecessarily restrictive eligibility requirements, the HEW regulations will make it impossible for many States to use their allocated portion of the $2.5 billion Federal funds. In other words, the effect—and possibly the intention—of the regulations is to reduce Federal expenditures for these programs below the $2.5 billion approved by the Congress and the President last year. I agree with the Washington Post's characterization of this as "impoundment by redtape."

Finally, the cumbersome and time-consuming eligibility determination procedures which the HEW regulations would establish cannot help but increase the administrative costs of the programs. It is most likely that increased administration costs will force a reduction in the benefits provided.

Mr. Speaker, because of the increasing cost of the social service programs, last year the Congress enacted a $2.5 billion ceiling on Federal expenditures for these programs. The legislation we are introducing today leaves unchanged that ceiling. It does not propose that we spend any more money on social services. What I firmly believe the legislation will do is provide the States with the necessary direction, encouragement, resources, and flexibility to assist the poor, and disabled within their communities—through counseling, training, rehabilitation, day care, and other services—to become as self-sufficient and productive as possible.

The necessary direction is provided in this legislation through the identification of four general goals of the social service programs:

First. Self-support goal: To achieve and maintain the maximum feasible level of employment and economic self-sufficiency.

Second. Self-care or family-care goal: To strengthen family life and to maintain maximum personal independence, self-determination, and security in the home, including, for children, the achievement of maximum potential for eventual independent living, and to prevent or remedy neglect, abuse, or exploitation of children.

Third. Community-based care goal: To secure and maintain community-based care which approximates a home environment, when living at home is not feasible and institutional care is inappropriate.

Fourth. Institutional care goal: To secure appropriate institutitonal care when other forms of care are not feasible.

Within the guidelines established by these four objectives, this legislation assures the States maximum freedom to determine which services they will make available, and the persons eligible for the services provided.

Twenty-three services, as they were defined and developed by Governors' representatives through regional meetings, are specified in the bill. They are specified in a manner that, to the satisfaction of most State, and local leaders, will preserve the full flexibility of States to define and develop services appropriate for local conditions.

Under the legislation we are introducing, the Secretary of Health, Education, and Welfare is prohibited from limiting the discretion of a State in determining those aged, blind, and disabled individuals eligible for free or partially subsidized social services as former or potential recipients. In the case of families under title IV A, he is prohibited from limiting the States' discretion so long as the incomes of such families are at or below the lower budget determined by the Bureau of Labor Statistics of the Department of Labor, adjusted regionally and for family size, or, with respect to the provision of child care services, at or below 150 percent of such figure.

Mr. Speaker, there are two objectives of this legislation about which I feel most strongly. First, it returns to the approach of the existing regulations, allowing States the discretion to serve past recipients who have been on welfare within 2 years, and potential recipients likely to be on welfare within 5 years. And, most important, it allows and encourages States to serve low-income intact families so that our social service programs promote family stability and encourage these families to get off and/or stay off welfare.

Our bill has the support of Governor Evans, chairman of the National Governors Conference. It was unanimously endorsed by the Southern Governors at their meeting a few weeks ago. It is endorsed by organizations including the AFL-CIO, National Council of State Public Welfare Administrators, Child Welfare League of America, Council on Social Work Education, League of Women Voters, National Council of Community Mental Health Centers, National Association for Retarded Children, National Association of Counties, National Association of Social Workers, United Auto Workers, United Methodist Church, and United Methodist Church Women's Division, and Washington Research Project Action Council, American Parents Committee.

The bill provides workable regulations which will allow those who administer these programs to do so in a manner consistent with the objectives of this crucial part of our efforts to combat poverty, disability, and dependency in the United States.

CONGRESSMAN DANIELS WARNS OF CHEMICAL CONTAMINANTS—ASKS LABOR SECRETARY TO PROD NIOSH INTO ACTION AND SET PERMANENT STANDARDS TO PROTECT WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Comptroller General of the

United States, has just completed at the request of Senator Harrison A. Williams, of New Jersey, the second of a series of reports on the selected activities being carried out under the Occupational Safety and Health Act of 1970. This report specifically concerns the problems and progress of the Occupational Safety and Health Institute in developing and recommending health and safety standards to the Secretary of Labor for toxic substances and harmful physical agents in various occupational environments.

The act requires the Secretary of Health, Education, and Welfare to determine—upon request of any employer or employees' "representatives" the toxicity of substances in a workplace. In most cases, however, HEW has not researched new substances and physical agents suspected of being harmful to employees. This is ironic when one considers the fact that from 1,000 to 2,000 substances and agents could have serious harmful effects on large numbers of workers and require comprehensive permanent standards. One explanation for this apparent failure, is the restrictions that HEW places upon the Institute in hiring professional staff and maintaining a high average grade level. Funding, as always, is also a problem that contributes to the slow development of comprehensive standards. To give an example of just how slow the progress has been, from June 30, 1971, through March 31, 1973, the Institute developed and forwarded only six comprehensive standards.

Emergency temporary standards could be used to provide protection for workers exposed to toxic substances and harmful physical agents. It is doubtful, however, that such standards will be used extensively because the act requires that a permanent standard be established within 6 months after publication of the emergency standard. It has been recommended however, that the Congress should consider amending section 6(c) (3) of the act to allow the Secretary of Labor more time to promulgate a permanent standard after issuing an emergency standard. I suggest, however, that we should not lower our standards of performance, but rather improve the staff and facilities needed to create permanent standards in 6 months or less. National Institute of Occupational Safety and Health faces some formidable tasks in fulfilling its duties and responsibilities under the act yet like many other potentially worthwhile programs, it has not received the necessary funding. In order to reap the overwhelming benefits possible from a successful program of safety and health regulation, we must back it with the funds needed to properly carry out the job.

A very vivid example of the problems arising from the Institute's lack of an efficient operating system of standard development, is the number of workers who are daily being harmed by industrial poisons. As many as 138 men and women out of 950 production workers at Borden's Inc.'s vinyl-materials plant in Columbus, Ohio, may suffer from some degree of poisoning. These workers have contracted a nervous disease called peripheral neuropathy which attacks the nerves that control arm and leg muscles. Its victims grow weak, limp, and eventually lose control of their limbs.

Unfortunately, for all, there is no known medical treatment for this disease. Doctors believe that workers with milder cases will recover within a few months, but for the more seriously impaired, they say complete recovery could take many months or even years.

Inspections by the Occupational Safety and Health Administration in April and June uncovered 34 health and safety violations including some involving chemical contaminants in the air. An official of the agency, however, says all the violations were considered "nonserious." I fail to see how anyone could view this situation as "nonserious"! Would not this very instance dramatically require the issuance by OSHA of an emergency standard?

I have written to the Secretary of Labor, in order to ascertain exactly what the National Institute of Occupational Safety and Health is doing as far as protecting these workers, finding the toxic substance involved, and creating a permanent standard concerning its harmful effects.

As chairman of the Select Subcommittee on Labor, I plan to hold oversight hearings either later this session or early next session to bring before the Congress the facts dealing with this case and many like it, as well as the setbacks and successes OSHA has incurred.

Mr. Speaker, I have included for the information of all Members an article published in the Wall Street Journal, Friday, October 5, regarding the situation at the Borden, Inc., plant in Columbus, Ohio:

Mystery Ailment: Industrial Poisoning Plagues Borden Plant in Ohio; Workers Left Weak, Even Crippled; Cause Unknown

(By Jeffrey A. Tannenbaum)

Columbus, Ohio.—Two years ago, Thomas F. Meade considered himself a lucky man when he landed a job tending machines at Borden Inc.'s vinyl-materials plant here. After all, the economy was in a slump, and six months earlier he had been laid off his previous job at an air-conditioner factory.

"I thought I was getting a good break—a good job that paid well," the 22-year-old Mr. Meade says. But these days, Mr. Meade figures that getting the job at the Borden unit was the most unfortunate thing that ever happened to him. The reason is that he is crippled—he fears permanently—an apparent victim of industrial poisoning. To walk, he must wear knee-to-heel braces on his legs.

Mr. Meade may be more severely affected than anyone else in the plant. But in recent days, tests have shown that as many as 100 men and women out of about 950 production workers may suffer some degree of poisoning. At least seven of the cases are already considered serious, and it is feared that the number could grow.

The affliction, called peripheral neuropathy by medical authorities, attacks the nerves that control muscles in human limbs, causing weakness, limpness and lack of coordination. Many important aspects of the disease remain a mystery.

As yet, no one has been able to isolate or identify the cause, although a certain solvent is the prime suspect. Nor do authorities yet know how the workers were poisoned—whether through ingestion, inhalation, absorption or a combination. Nor is it known whether disabilities may show up in the future among workers who were exposed weeks or even months ago.

A GROWING PROBLEM?

About all that is certain is that industrial workers can be poisoned in a manner that wasn't previously recognized. Dr. John W. Cashman, director of the Ohio Department of Health, which is investigating, says the situation at the Borden plant may be indicative of the type of industrial difficulties that will arise with increasing frequency in the future.

"When you've got American industry using a quarter of a million chemicals in various odd manners and combinations—and when you don't know the effects of those chemicals—sooner or later you're going to find out that you've got a hazard to human health," Dr. Cashman says. Says Dr. Samuel S. Epstein, an environmental-health specialist at Case Western Reserve University and a consultant to the AFL–CIO: "When it comes to the consumer population, we require that food additives, for example, be tested. But when it comes to the worker population, we have a different morality"—in that tests aren't required on most products they come in contact with daily.

Until fairly recently, there wasn't any reason for either workers or officials at Columbus Coated Fabrics, the Borden unit involved, even to suspect that they might be dealing with industrial poisoning. In 1961 Borden acquired the company, which dates back to about 1900 and is some three miles northeast of downtown Columbus. Since then, it has become a leading producer of coated wall coverings and other vinyl products.

The first signs of difficulty, which weren't obvious at the time, came in March and April. At about that time, workers recall, several employes in printing operations, where fabrics are dyed and designs are applied, began to experience strange sensations. Richard D. Staneart, a 27-year-old machine operator, remembers that in March he noticed that his legs seemed weak. "I'd just walk up some steps, and my legs would feel like I'd been through football practice," he says.

At first, Mr. Staneart ignored the weakness. But it grew worse. The first physician he saw found nothing amiss. Thinking that the problem might be flat feet, Mr. Staneart says he bought a new pair of work shoes. In April, he consulted an orthopedic surgeon who hospitalized him for tests. Both Mr. Staneart and the orthopedic surgeon, say the company was told that peripheral neuropathy was suspected. The tentative diagnosis was confirmed in August by a neurologist.

OTHERS NOTICE SYMPTOMS

Soon after Mr. Staneart noticed his first symptoms, other workers in the print department began to experience mystifying problems. James G. Osborne, a 43-year-old service helper, says he was bewildered when in May he first noticed weakness in his arms and legs. He says a physician treated him for arthritis. In June, Mr. Osborne underwent six days of testing by a second doctor, who found nothing wrong. Two months later, a neurologist diagnosed the disease as peripheral neuropathy and informed state health officials that he suspected it was related to Mr. Osborne's work.

Reports conflict about precisely when the company was informed that it was dealing with industrial poisoning. But it is clear that word hit officials at the Borden unit like a thunderclap. "We were upset and distressed," says Joseph S. Recchi, director of employe relations at the plant. "We had never had an inkling of a health problem of this magnitude existing in the plant."

With numerous workers compaining of weakness and other things, investigations were quickly begun by the company. Ohio state health officials and Local 487 of the Textile Workers Union, which represents workers at Columbus Coated Fabrics. So far, the cause of the illness hasn't been determined.

Some of the efforts have concentrated on the hundreds of chemicals and chemical combinations used in the plant. An early suspect as the toxic agent was methyl butyl ketone, or MBK, a solvent used in making printing inks. The chemical's introduction to the plant in August 1972 is considered the only major process change in recent memory. For a time, investigators dropped the chemical as the prime suspect, but they now say it once again tops their list. Meanwhile, the plant has stopped using the chemical.

(Eastman Chemical Products Inc., a subsidiary of Eastman Kodak Co. that markets MBK, says that during the past two years the chemical has become "widely used in the chemical coating industries," largely as a replacement for a potential pollutant. To date, Eastman Chemical says, "nothing in industrial experience" or medical literature suggests a connection between exposure to the chemical and peripheral neuropathy. The company adds, however, that it is giving "serious consideration" to reports involving the Borden plant, and it reiterates previous routine warnings that "contact with the skin and eyes should be avoided.")

HEALTH VIOLATIONS

Whatever the poisonous substance, workers contend that the plant has never been known as the cleanest and most comfortable place in town to work. Inspections by the Occupational Safety and Health Administration in April and June uncovered 34 health and safety violations, including some involving chemical contaminants in the air. An official of the agency says all the violations were considered "non-serious." But Corwin Smith, president of Local 487, calls health precautions in the plant "terrible—the place is filthy, the ventilation is poor and the sewers stop up." The company's Mr. Recchi says "it's not an unclean place—it's maintained by the bargaining-unit people and I'm sure they do a fine job."

Since last month, Columbus Coated Fabrics has moved to improve working conditions. The union has discouraged workers from continuing their old practice of eating lunch near the work stations. "Their sandwiches were right out there, absorbing whatever was in the air," says Dr. Cashman, the public-health official. Ventilation in parts of the plant has been improved, and further improvements are promised by November. The company has also begun issuing vapor respirators to all print-department employes.

Meanwhile, the search for the toxic agent goes on, and workers who fear for their health are staying off the job. Mr. Recchi, the company's employe-relations man says about 300 employes without any sign of the illness have been remaining away from work in recent days, along with the 100 or so employes believed to have some degree of nerve damage. The union claims that about 600 workers are refusing to show up. With supervisors filling in, the plant is continuing to operate, but the company says it fears "total cessation" if large numbers of workers stay off the job much longer.

Those workers who are still showing up are doing so with misgivings. One reason is that reports from their coworkers who have been stricken are sometimes terrifying. Oakley Dinges, a 39-year-old print operator, who was one of the first to be hit, tells how he "can hardly turn the key to the trunk of my car" and how he has "trouble with lamp switches you have to twist." Mr. Meade, the man who has to wear braces on his legs, says he wonders "whether I'll ever be able to get to work again, and I worry that I may have to stay like this for the rest of my life." William B. Moore, a 22-year-old print operator with aching knees, says: "The doctors don't know if I'll get crippled up like those other guys or get better. It's a frightening thing."

A particularly frustrating aspect of the affliction is the absence of any known medical treatment. Physicians tell victims that about all they can do is take it easy and not work too hard. Doctors believe that workers with milder cases will recover within a few months. But for the more seriously impaired, they say complete recovery could take months or even years. Medical men don't rule out the possibility that some workers may be impaired for life, but they consider that prospect doubtful.

Equally troubling for both the company and its workers is that tests at a finished-products warehouse—10 miles away from the Columbus Coated Fabrics plant—have shown that some workers are suffering nerve damage. Employes in a wall-coverings plant in California operated by Borden also tested positive, but some of the equipment used in the tests now is believed to have been faulty. Despite the recent improvement in ventilation and other working conditions at the Columbus plant, it isn't known whether the toxic agent—whatever it is or was—is still present. The company says there now isn't any "undue hazard."

Whatever the extent of the problem, it is clear that all the facts aren't likely to be known for some time. Investigators in Columbus say the search for the toxic agent possibly could take years because they might have to analyze hundreds of chemicals and thousands of ways they can combine and react with one another. Says Dr. Cashman of the Ohio Department of Health: "It's just like you're looking for a murderer, you know. Sometimes it takes a good cop 10 years, but he'll bring in somebody."

THE 40TH ANNIVERSARY OF THE MANMADE FAMINE IN UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Sunday, October 21, several thousand Americans of Ukrainian origin will gather to commemorate the 40th anniversary of the manmade famine of 1932–33 and to protest the current persecution and oppression in Ukraine by the Soviet Russian regime. I was honored to be invited to speak at this anniversary observance but regretfully declined, because on that date I shall be in Ankara, Turkey, at the meeting of NATO parliamentarians.

This year's NATO meeting is crucial, because we will be considering the issue of NATO troop strength. I shall insist that Soviet promises not be accepted unless accompanied by progress toward extending basic human justice to the ethnic minorities in their colonial empire. The peoples of Eastern Europe have long since learned that the concept of "good faith" does not exist under the tyrannous Communist system.

The members of the Ukrainian American Committee of Metropolitan Chicago, which includes 94 civic and religious organizations, are active in alerting their fellow Americans to the dangers of Soviet communism and are powerful advocates of freedom and independence for Ukraine. I commend the members of this fine organization, the members of their executive committee, as well as its chairman, Roman I. Smook, for their leadership in the cause of international freedom. The executive committee members are as follows:

Chairman: R. I. Smook.

Cochairmen: U. Celevych, W. Rostun, T. Shpikula, W. Nychay, O. Pleshkevych, P. Pytel, and A. Iwaniuk.

Secretaries: M. Olshansky and M. Shpikula.

Treasurer: W. Braznyk.

Fin. Secretary: M. Marchuk.

Org. & Prog. Comm. Chairman: S. Golash.

Publicity Comm. Chairman: M. Semchyshyn.

Financial Comm. Chairman: M. Hrynevych.

Auditors: R. Mycyk, T. Churma, P. Turula, M. Lashenko, and J. Zahorodnyj.

It was in 1932–33 that Stalin sent troops to Ukrainian rural areas to forcibly put down peasant resistance to the communization of agriculture. The army plundered villages confiscating grain and killing people. They burned the crops rather than leave any food for the farmers.

The estimates of Ukrainians who died in battle, from starvation, or in forced labor camps vary from 6 to 10 million souls; 25 million peasants were forcibly moved and 25 million privately owned rural holdings that existed in 1929 became 100,000 large collectives. The Ukraine has never recovered from this terrible crime, and the Soviets themselves have suffered because per capita agricultural production for the entire Soviet nation remains today below that of 1913.

Ukraine remains a submerged and captive nation and it is for this reason I introduced House Concurrent Resolution 46 calling upon our Ambassador at the United Nations to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of that organization.

It is also for this reason that I cosponsored the Mills-Vanik bill to deny "most-favored nation" status to the Soviet Union until substantive progress is made in the treatment of the various ethnic groups within the U.S.S.R. and basic human rights are extended to these oppressed peoples.

It is an honor for me to join Americans of Ukrainian descent in my own city of Chicago and all over this country as they commemorate this tragic event in the history of the Ukrainian nation and as they call attention to the continuing plight of Ukraine under Soviet occupation.

Mr. Speaker, I insert the following appeal received earlier this year from Ukraine in the RECORD:

AN APPEAL TO THE CONSCIENCE OF HUMANITY AT LARGE

(The following "Appeal" to the conscience of the world was sent from Ukraine in July, 1973, and received by Svoboda, the oldest Ukrainan newspaper in the world, appearing in Jersey City, N.J., and was printed in its September 15, 1973 issue. The "Appeal" describes the current unbridled terror of the KGB and Soviet courts in Ukraine, and calls on the peoples of the free world to stand up in defense of the Ukrainian people, persecuted and oppressed by Soviet Russian despotism—Ukrainnian Congress Committee of America.)

TO FREE MEN EVERY WHERE

Our Front is forced to work illegally and underground, and for this reason we are distributing this appeal anonymously.

We are appealing to world public opinion to stand up in defense of the Ukrainian people against Russian despotism. The United Nations Charter and the Universal Declaration of Human Rights, to which the governments of the USSR and the Ukrainian SSR are signatories, guarantee each nation the right for national independence, as well as basic human rights. Nevertheless, both of these rights are disregarded by the parties and governments of the USSR and the Ukrainian SSR, the latter merely a colonial administration of Ukraine controlled by Moscow.

The government of the Ukrainian SSR has not even reached a level of independence that would permit Ukrainian prisoners to serve their sentences in prisons in Ukraine, of which they are citizens and where they could avail themselves of some assistance from their families.

For efforts to implement these rights in Ukraine, many Ukrainian intellectuals were imprisoned and some were sentenced to death, for instance, L. Luklanenko and I. Kandyba (later their sentences were commuted to 15 years at hard labor);

For advocating intellectual freedom and for resisting Russification: V. Moroz, E. Sverstiuk, V. Chornovil, I. Svitylchny, Ihor and Iryna Kalynets, V. Stus, Iryna Senyk, M. Osadchy and I. Hel—just to mention a few, were given sentences of up to 15 years in prison and exile;

For protesting the illegal trial and for advocating human rights Prof. Leonid Pliushch, A. Lupynis and Gen. Petro Hryhorenko, and others were confined indefinitely to special KGB psychiatric wards;

I. Moislev and Mykola Khmara were murdered for their religious beliefs, and others, like Rev. V. Romaniuk (10 years), were sentenced to long prison terms;

For refusing to denounce his father, Yurly Shukhevych was sentenced to 15 years in prison after already serving 20 years;

For defending her husband, S. Karavansky, microbiologist Nina Strokata-Karavansky was sentenced to four years.

Executed for defending the national rights of Ukraine were A. Oliynyk, P. Kovalchuk, I. Chayka, and others;

Murdered while in prison were Mykhailo Soroka, Vasyl Malchuk, and others;

Severely punished for defending the national rights of Ukrainians, Tartars, Jews, and other national minorities in the USSR were S. Karavansky, Gen. P. Hryhorenko and Ivan Dzyuba;

Pyotr Yakir and others were rearrested for speaking out in defense of discriminated Soviet Jewry;

In order to break the will of the imprisoned, the KGB uses new chemical and medical drugs with methodic cruelty to poison the food of such political prisoners as P. Starchyk, I. Dzyuba, V. Moroz, L. Lukianenko, I. Kandyba and others.

The terror of Brezhnev-Andropov exceeds in its sophisticated cruelty even that of Stalin and Beria.

The government of the United States and other capitalist countries share responsibility for the increased terror against us and the new wave of Stalinism in Ukraine and other Soviet republics, because at the time of mass persecution by the KGB, they are making deals with Moscow without demanding that the Soviet government observe national and human rights. By means of these deals, Moscow seeks to cement its total domination over the captive nations. The Conference in Helsinki has aided and abetted Moscow's reign of terror by not insisting that the USSR abide by the United Nations Charter and the Universal Declaration of Human Rights. Heed our warning—if human and national rights, freedom of thought and religious worship are not defended, not only by us who are already suffering persecution, but by all the civilized world, then total terror will spread throughout the world, because the Russian chauvinists and Communists will not be satisfied with what they already have.

We are calling on workers, writers, artists, scholars, students and the youth, women's and church organizations, and honest people of all nations to demand an immediate end to the use of chemical and mind-twisting drugs on prisoners, release of all political and religious prisoners, liquidation of concentration camps, an end to the policy of Russification, and the establishment of national independence for the peoples held captive by the USSR, in accordance with the U.N. Charter and the Universal Declaration of Human Rights.

THE MIDDLE EAST CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the growing intensity of the war in the Middle East is a tragedy which is shared by the world as a whole.

The odds which the tiny nation of Israel faces are lopsided and could mean that her very survival is again threatened. Israel was attacked. She apparently chose not to strike preemptively and is now faced with a protracted and growing conflict.

Among the many tragedies of this new war is the stark fact that the framework of peace purportedly agreed to by the Soviets and our Government has failed miserably in avoiding the present conflict. As might be recalled by many of us who have supported détente, it was exactly this kind of conflagration which was to be avoided because of the new American-Soviet agreements. At the very time that the Soviets were consulting privately with Dr. Kissinger and others, they were apparently committed to shipping unlimited supplies to the Egyptians and the Syrians, in complete violation of the spirit and apparently the letter of those now infamous agreements.

This tragedy for mankind has been developing at the very time that we all had hoped and prayed for a genuine détente among the superpowers.

It is my sincere hope that the Soviets will begin to understand that our Nation cannot develop détente in a climate of dishonesty and distrust. By their actions in the Middle East, as in their actions against their own citizens who wish to emigrate, the Soviets have demonstrated those very traits which we hoped would be erased for détente. Their cruel deeds have belied their words. It is time for them to stop meddling in the Middle East or elsewhere, and turn their attentions to helping the nations involved to commence face-to-face negotiations as the hostilities are brought to a swift conclusion.

Otherwise, the Soviets must bear the onerous burden of a widening conflagration and all of its consequences.

SEPARATION PROGRAM NUMBERS PREJUDICE VIETNAM VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation that would prohibit the military departments from placing on discharge certificates any codes or other indicators which disclose any reason why members of the Armed Forces are discharged or separated from service. This bill would also allow any former member of the Armed Forces to be issued a new discharge certificate without such information.

The Vietnam veteran has been plagued by many problems since his return, and the main one has been the humiliation of postwar unemployment. But yet another matter is developing into as serious a problem as unemployment, and perhaps it has contributed to this high rate of unemployment among veterans, and that is the separation program numbers.

These numbers are included by each military service on the discharge papers which travel with the veteran, for better or worse, for the rest of his life. These numbers give the reasons for separation from the service, and are in addition to the type of discharge awarded to the serviceman, such as honorable, bad conduct, and so forth.

These numbers are attached to a man's discharge certificate without any form of hearing to establish the validity of the evidence or of a procedure of appeal if the serviceman objects to the designation. Unnecessary harm can come to the veteran because the code numbers and what they designate, while intended to be confidential, have become publicly known. For a veteran with a prejudicial SPN this invasion of privacy may never end.

My bill would require that information of this type be treated confidentially and retained in the veteran's file but not placed on his discharge paper, and, thus would not be available to employers who could be unduly influenced by this information.

The veterans of the Vietnam conflict have been plagued by many problems. They were involved in a war that was not popular, they were faced with debilitating drug addiction, and they are now faced with an unemployment situation that is humiliating. Congress cannot eliminate all of these problems, but we can rectify one intolerable situation and I believe it is time to take steps to do just that.

THE WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, the eyes of the world are riveted in the current conflict in the Middle East and the tense struggle of the Israeli people to preserve their independence. I share the dismay and deep concern of many Americans over the premeditated act of aggression launched against Israel by Egypt and Syria in their move across the cease-fire lines. The United States has a special responsibility to support Israel in her fight for existence, even beyond the clearly moral duty of attending upon a nation which shares our commitment to freedom, self-determination and human liberty.

Some years ago, the new Vice President-designate, GERALD R. FORD, stated that the "security of the United States is tied to the security of Israel." It is important to keep that statement in mind with the current clamor surrounding the question of U.S. security and our dependency on Arab oil. If Israel is overrun by the Arab world, the way is paved for Soviet domination over the whole of the Middle East, for Soviet control over the Middle East's rich oil reserves, and the possibility of Soviet control extending over other oil-producing countries like Iran and the emirates of the Persian Gulf which have consistently been friendly to the United States.

Strictly from the viewpoint of our own ultimate national security, it is far wiser for this country to do everything possible to insure the survival of Israel than give way to Arab threats of blackmail through temporary cutoff, particularly when there are energy sources within our own perimeters which we can develop and upon which we can begin to rely.

I might just note, too, that less than 3 percent of oil consumption by the United States, about 620,00 barrels a day, comes from Arab producers who are involved in plans to cut off oil supplies to the United States. The Treasury Department just this week stated that if the American public took steps to cut back on energy waste, "savings could amount to the equivalent of about 3 million barrels of oil a day."

What in effect we can balance here is the question of whether to submit to blackmail and save 620,000 barrels of oil a day, or make an all out effort to conserve the energy we have and save 3 million barrels a day. The answer to that question seems crystal clear to me. Besides the clear fact that we cannot allow our foreign policy to be dictated by blackmail, we would be placing ourselves in a far more tenuous position if we allowed Israel to fall and the Soviet Union gain further control over Arabian oil policy.

Mr. Speaker, for a long time up to the outset of the current conflict, the Soviet Union has been airlifting large quantities of arms and ammunition to its allies, Egypt and Syria. When the Soviets began deploying missiles on the Suez Canal, missiles that were taking the lives of Israeli pilots, it took U.S. intelligence almost 10 days to confirm the Israelis' reports. Either our intelligence is that bad, or we simply were looking the other way. I am heartened by the fact that the administration has now announced it will airlift arms and ammunition to Israel; this is vital if we are to balance the enormous amount of missiles, aircraft, and other materiel which the Soviet Union has supplied to the Arab world.

It is no secret that the Israelis knew of the impending Arab attack before it happened; Israel informed our own Nation of the buildup by Syria and Egypt, and there was ample reason for Israel to implement a preemptive strike to counter the coming Arab assault. Because it is doubtful if the world could ever really be convinced of the impending Arab attack, the Israelis did not initiate a preemptive strike. This immunity from attack gave greater impetus to the Arab aggression. The Israelis have paid dearly with blood for their decision not to launch a preemptive strike, a decision which in effect was made in the interests of peace for the world at large. It seems to me we have a responsibility to share in the consequences of that decision by reaffirming our support for Israel in her current hour of need.

We should note that Israel is asking the United States only for the ability to purchase aircraft, tanks, and other military equipment, not outright grants of military aid which we supply to many other nations of the world. I and several of my colleagues have introduced a resolution requiring the U.S. Government to immediately release all aircraft, tanks, and other equipment which have been contracted for but not yet delivered, and I am happy to note that the administration has begun to move along these lines. In addition, we must continue to offer our services to help the parties get together at a peace table to find a solution to the current strife, working always for the goal of an immediate cease-fire.

I feel the administration has been moving to maintain the balance that has existed in the Middle East, and I feel confident it will continue with the policy we have upheld regarding the survival of Israel. This policy, which recognizes the importance of Israel as the only truly democratic nation in the Mideast, is crucial not only to the survival of Israel, but to our own peace and security in world geopolitics as well. I urge continued American support for Israel and our persistent efforts in working for a cease-fire.

Mr. Speaker, at this point in the RECORD, I would like to share with my colleagues the resolution that was adopted by the United Federation of Teachers urging continued U.S. support for Israel. A text of the resolution follows:

[Telegram]

RESOLUTION

Hon. LESTER L. WOLFF,
House Office Building,
Capitol Hill, D.C.

The following resolution was adopted by the delegate assembly of the 76,000-member United Federation of Teachers AFL-CIO on Wednesday, October 10, 1973:

Whereas, Egypt and Syria launched an unprovoked attack against Israel, confirmed by U.N. observers on the scene, and

Whereas, as trade unionists we have a profound admiration for the democracy that has been built in Israel, despite adverse conditions and continuous military threats by the surrounding countries, and

Whereas, UFT's fraternal relations with Histadrut, Israel's great labor movement, are based on comon trade union values and a shared commitment to a just world, and

Whereas Israel is the most progressive and humane country in a region of feudal and military dictatorships, and its institutions are models for humanitarians in countries throughout the world, and

Whereas the Egyptian and Syrian attacks against Israel constitute a grave threat not only to Israel but to the cause of world peace, and

Whereas peace will only come to the Middle East when the Arab states cease their belligerency and enter into direct negotiations with Israel. Therefore be it

Resolved, That the UFT condemns the unprovoked aggression launched by Egypt and Syria against Israel, and be it

Further resolved, That the UFT calls upon our Government to condemn the Arab aggression and to continue to provide Israel with the materiel necessary to maintain its security and be it finally resolved that the UFT support Israel in its struggle to maintain its integrity and security and we urge all members to give full support to ensure the continued existence of the democratic state of Israel.

ALBERT SHANKER,
President, United Federation of Teachers.

THE AGNEW CASE: IMPORTANCE OF CROSS-EXAMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I have written today to U.S. District Judge Walter E. Hoffman, strongly urging him to set aside the plea entered in his courtroom last week by Spiro T. Agnew, in view of the statements made by the former Vice President of the United States in a nationwide broadcast last night.

Mr. Agnew would have us believe that his plea of nolo contendere, which the judge described at the time as fully equivalent to a plea of guilty, had been coerced. If this assertion by Mr. Agnew is true, then obviously justice was not done in Judge Hoffman's courtroom.

Mr. Agnew is either guilty or not guilty. The public ought to know which. While there may have been good reason to accept his in-between plea under the circumstances that existed last week, I submit that we are confronted with a new situation—one in which Mr. Agnew now appears to be denying the validity of his own voluntary statements last week in open court.

It seems to me that in a case so profoundly important, any questions that the American people might have ought to be answered fully in a courtroom rather than in a television studio. As you know, Mr. Speaker, pleas of guilty and nolo contendere are not invariably accepted by our Nation's judges. In fact, they are never accepted whenever there is the slightest suspicion that the defendant's rights have been trampled on.

In the interests of justice—and for the sake of the American people, whose confidence in their judicial system must not be shaken—it is not too late to resolve these doubts. I have respectfully recommended to Judge Hoffman that he reopen the case of United States against Spiro T. Agnew, and that he set it down for public trial.

Let Mr. Agnew's accusers come forward and be cross-examined. Let Mr. Agnew himself submit to cross-examination, if he and his attorneys are willing to risk this course. Let the trial judge, whoever he is, be free—in the event that Mr. Agnew is convicted—to impose a new sentence in light of all the facts developed and tested in open court.

For your information, Mr. Speaker, I am writing also to the Attorney General of the United States, urging him to petition for a reopening of the case on the grounds I have cited here.

It would be unwholesome for our democracy if the citizenry were to come to believe that this matter had been left in limbo.

MAINTAIN FULL SUPPORT FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 5 minutes.

Mr. PODELL. Mr. Speaker, I was gratified to see that the Nixon administration has finally realized that we must begin resupplying Israel with aircraft, tanks, and other weapons she needs to win the war which the Arabs started.

However, it is readily becoming apparent that resupply alone is not enough. Today's news reports carried stories of Soviet advisers fighting in Syria. I fervently hope that this is not true. But the fact that it is even likely raises some serious questions which this Nation must consider immediately.

For the last 2 years, President Nixon and Dr. Kissinger have been working heroically to create a state of détente with the Soviet Union. All indications we have received from Russia, until the outbreak of fighting in the Middle East, led us to believe that the Soviet Government was genuinely interested in forging a lasting peace with the United States. But Russia's current activities in Egypt and Syria, in beginning to resupply those states almost immediately, in encouraging them to continue fighting, must demonstrate to concerned Americans that they no longer care about détente.

Why should this be, when they have so much to gain? Perhaps it is because they feel that the United States is simply not the kind of nation with which they want to do business. I have in mind particularly the conflict over the trade bill, especially the provisions for free emigration from the Soviet Union. The Russians may have lost all hope for winning trade concessions with the United States without making certain concessions on their own part. If that is the case, then I must frankly say that the United States has not lost so very much.

I have long felt that détente and any new trade or cultural relations arising therefrom cannot be a one-sided proposition, and I have said this many times. The Russians' current actions are bearing me out. Were the Russians genuinely interested in détente, they would not have sprung to the aid of the Arab agressors so quickly. I cannot accept Secretary Kissinger's opinion that the Russians did not act irresponsibly. What would it take for them to be acting irresponsibly—the visible presence of Russian troops in Sinai? Is it not irresponsible enough that their firm and swift support of the Arabs is prolonging the war?

In addition to resupplying Israel this nation must now face the fact that détente with the Soviet Union is all but irretrievably shattered. What, then, is the United States to do? Do we have enough leverage on the leaders of the Soviet Union to get them to ease their support of the Arabs? What can we offer them that we have not already? There are certain things that we must not compromise on, among them being the principle of free emigration and an end to repression of dissident intellectuals. We have thrown every trade concession their way and have made many deals that have since been to the great disadvantage of the American consumer. How much more should we do?

These are hard questions, and questions that the President and his advisors must answer if the fighting continues much longer. The State Department has reported that diplomatic efforts at ending the fighting have met with no success. I for one do not think we should abandon all efforts at reaching a diplomatic settlement. But, Mr. Speaker, we should realize that this has become a far-fetched goal, primarily because of the Russians' actions in the past week.

The prospect of the presence of Soviet advisors in Syria and Egypt raises even grimmer spectres. It is difficult for me to say that such actions by the Soviet Union would justify a similar action by the United States. Already, too many people are raising parallels to our Vietnam involvement. They are fearful that any United States assistance to Israel would embroil us in another endless war. History has placed some powerful arguments on their side. But is this true?

Before we consider sending advisers over to Israel, we must consider whether they are really needed. Frankly, the last thing the Israelis would want is to have American advisers. Israel is a nation of gallant, determined fighters. They need no one who is not an Israeli fighting alongside them. So I would not expect the United States to become involved to this extent.

The prospect of American fighters is ephemeral at best. But there is looming another threat to America's support of Israel that cannot be so easily dismissed. I am speaking of the threats now coming from Saudi Arabia, Kuwait and other Persian Gulf States to cut off oil shipments to the United States and to curtail production. In other words, Mr. Speaker, the noncombatant Arab states have threatened to freeze us out if we commit the unpardonable offense of supporting our ally, Israel.

I do not think this is merely a threat. I fully expect the Arabs to curtail production, and to prevent shipments from reaching the United States. Oil as a weapon has long been theorized, and now we see theory well on the way to becoming reality. As we deliberate here today, President Nixon is meeting with the U.N. ambassadors of Saudi Arabia, Kuwait, Libya, and Algeria, and they are presenting him with their threats.

This more than anything may undermine America's traditional support for Israel. Are we willing to put up with the discomfort of cold homes and the inconvenience of slower driving and higher fuel prices for what is essentially a question of principle? I hope I am not overestimating the strength of the American people when I say yes. Furthermore, I do not think that a cutoff of Arab oil supplies will wreak havoc with the Nation's well-being. The major oil companies export more oil to Japan than we import from the Middle East. Other nations are curbing fuel exports because of shortages. It would be in the best interests of the United States, not only as a means of getting through the next few months of Arab blackmail, but as a means of conserving our resources in the future, if we were to do the same.

I doubt that anyone expected the Middle East conflict to last this long, or to raise as many difficult questions for this Nation as it has. But one thing remains clear despite all attempts at obfuscation. The United States has a commitment to support Israel. This is a commitment which we must honor. Not to do so would be inconsistent with everything this Nation professes to believe. The parallels with Vietnam, the threats of fuel shortages of major proportions, should not be used to turn our eyes from the promises we have made. It is only by supporting Israel as fully and as strongly as the Soviet Union has been backing its Arab clients, that we can make it clear to them how important a Middle East settlement is to us. For ultimately, if we are to have genuine peace there, we will have to deal with Russia. And we must do so from a position of unmistakable strength and commitment.

PROCLAIMED INDEPENDENCE OF GUINEA BISSAU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, I call on this Congress, the United Nations, and the State Department to give recognition to the newly established independent Republic of Guinea Bissau as an independent nation. Independence was proclaimed by the National People's Assembly, Monday, September 24, 1973. In so doing, a 15-member council of state was elected.

As some of you might know, Guinea Bissau has been struggling for many years against the colonial oppressors from Portugal. During this long struggle there have been demonstrable acts carried out by Portuguese insurgents against the noble people of Guinea Bissau. The attempts by Portugal to colonize other countries, namely Angola and Mozambique, have motivated the peoples of these countries to continue the struggle for total liberation.

At this point, I will attempt to give insight as to the historical evolution which led to Guinea Bissau's proclamation of independence. It is also important to examine key questions which directly relate to the right of a people to control its own destiny as an independent nation.

Clearly, throughout five centuries of Portuguese colonial rule, the people of Guinea Bissau never accepted foreign domination. Countless and unending wars of resistance met the foreign invaders. The intensity of this resistance was particularly strong from 1886 to 1936 when European powers attempted to consolidate their African holdings.

In 1956, however, after two decades of relatively successful Portuguese repression, a group of patriotic Guineans met secretly in Bissau, the capital, to form the African Party for the Independence of Guinea—Bissau—and the Cape Verde Islands—PAIGC. The PAIGC initially concentrated on urban organizing and was also willing to try to achieve independence peacefully. In August 1959, however, when Bissau dock workers went on strike for higher wages, 50 were killed by the Portuguese police. After this setback, the PAIGC began to organize and mobilize revolutionary cadres in an armed struggle for national liberation. This required a move into rural areas.

Mr. Speaker, at this juncture one might ask whether military struggle by the PAIGC was necessary in view of the destruction of lives which would result therefrom. Those of you, who might ask such a question, must also ask the question, would all of the presently existing independent governments really be independent, if an armed struggle against their oppressors had not existed to bring about such a change. To go one step further, armed struggle was a major factor in winning America independence from the British Government.

On January 1, 1963, the armed struggle began in the southern front. Military successes came relatively quickly as the rural peasants began to shift their allegiance to the PAIGC and the Popular Revolutionary Armed Forces—FARP. By 1964, the politico-military struggle was sufficiently advanced for the PAIGC to hold the first national congress inside liberated Guinea, after only a year of actual combat. In August 1972, the first general elections were held in liberated areas, and a national assembly was set up. Members were also chosen for those areas still under Portuguese occupation. Such efforts were instrumental in establishing the Independent Republic of Guinea Bissau. Today about 80 percent of the country is controlled by the PAIGC with only pockets of colonial resistance remaining in fortified posts and in the capital.

Mr. Speaker, a logical argument aginst recognizing the government of Guinea Bissau as an independent state would stem from Portugal's nonrecognition of Guinea Bissau as an independent state. Many of you would say we have established treaties with Portugal, who has in the past, represented the interests of Guinea Bissau. If this line of thinking is adhered to, there would in fact be a problem. Furthermore, when this argument is considered in a vacuum, any logical thinking man would be apt to agree. In my opinion, however, a more plausible and correct argument centers around the question, who has the right to control and govern the people of Guinea Bissau? More importantly, should such a right be based upon a history of past colonization, or should such a right be based upon the will of the people of Guinea Bissau, to elect their own government?

It should be noted that all democratic forms of government come into existence by the will of the people. It is unnatural and against all principles of democracy, that colonial governments be recognized as the true representatives of the people. Democracy mandates that governments, which represent the true desires of the people, must evolve out of an electoral process. Such a mandate purports to establish a structure which will render adequate representation for all. The newly proclaimed Independent Republic of Guinea Bissau is such a government. America, of all nations, should be aware of the necessity for the existence of this form of government.

We must now view the contrast in relation to Portuguese colonial rule and the government established by the PAIGC. Initially, when Portugal claimed Guinea as a colony, the inhabitants were subjected to slavery. As its inhabitants assumed greater self-determination in the form of armed struggle, the Portuguese intensified their repression. The Portuguese system in Guinea Bissau, has always been a repressive one. However, when PAIGC was formed and even up to the present in some areas, Portugal committed deplorable and unspeakable acts of aggression against the inhabitants of Guinea Bissau. They have used napalm on people and crops. They have murdered and beheaded numerous inhabitants of Guinea Bissau. Yet, in view of these atrocities, Portugal claims to be the representative government of Guinea Bissau.

A different picture arises when we view the control by PAIGC, who are essentially one and the same as the recently established Republic of Guinea Bissau. Through the efforts of PAIGC meaningful reforms have taken place. A new marketing system has been created which has resulted in the formation of numerous people's stores for the distribution of needed items. In the past, Portugal enforced 99 percent illiteracy by denying the children of Guinea Bissau a right to an education. There have been however, under the leadership of the PAIGC and the People's National Assembly, significant changes in the field of education. By 1971 for example, 159 primary schools and two large secondary schools have been established.

Mr. Speaker, the area of health is also promising. There are now around 10 PAIGC hospitals, 140 clinics, and 23 mobile medical teams. Considering the aforementioned facts, there should be no doubt that the Independent Republic of Guinea Bissau is the sole, legal, and truly representative government.

Lastly, it is important to note that Portugal is one of the poorest of European nations. How is she able to carry out aggressive acts against Guinea Bissau? How can she equip her troops inside Guinea Bissau, and how is she able to finance an air force which includes not only planes but helicopters similar to those used by the United States in Vietnam? When put in its proper perspective, such assistance can only come from the United States and European allies of Portugal.

It is disturbing and paradoxical for the United States and other so-called democratic European countries on the one hand, to project such concepts as law and order, and democracy, and on the other hand to support Portugal's illegal existence in Guinea Bissau.

Thus, Mr. Speaker, I ask no more than what is fundamental to our own constitutional system, that the Congress, the United Nations, and the State Department recognize the newly proclaimed Independent Republic of Guinea Bissau as an independent state.

PRESENT SITUATION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, I am pleased to be a cosponsor of the O'Neill resolution expressing House support for strengthening Israel's defense in its efforts to repel the recent Arab attacks. I urge the support of my colleagues, because immediate and overwhelming passage of this resolution is of vital importance not simply to Israel, but to the United States.

In assuring the survival of Israel, we are not only helping a small and valiant friend, but we are acting in the best interests of our Nation. Israel is a strong and vital democracy. Abandoning Israel now would mean the loss of world belief in our desire to protect such governments from destruction. It would cost us our only reliable ally in the Middle East, and leave that region entirely to forces hostile to American interests. It might leave us open to unlimited Arab blackmail over oil.

With our interests so clearly at stake, we must recognize the gravity of the present situation in the Middle East.

Since the treacherous attacks launched by Egypt and Syria on the holiest day of the Jewish year, Israel has been fighting for its life. In the days that followed, eight more Arab countries joined the fighting.

Now Israel faces 10 nations with combined armed forces that outnumber its own by nearly 3 to 1. These forces are supplied, and resupplied daily, with the most advanced Russian weapons.

In the first 8 days of fighting, Israel suffered the death of 656 soldiers. In this time when we are, sadly, used to massive casualty lists, this number seems small. But with Israel's population of 3 million, this loss is equivalent to the deaths of 45,000 American soldiers—more men than the United States lost in 10 years of armed combat in Vietnam.

In the face of this suffering, which is increasing every day, the Israelis are prepared to continue fighting. They have asked for help, not with the fighting, but in the supplies and equipment they need to continue.

I believe it is the responsibility of the United States to provide this support. At the beginning of the war, the Arabs had more than three times as many tanks and war planes as the Israelis. Now, with daily massive shipments of material from the Soviet Union, the Arabs may have an even greater advantage. We cannot afford to let this imbalance become larger.

By replacing Israeli losses, we will allow them to carry on their fight for existence. Our efforts in this area would not be necessary if the Soviet Union had acted responsibly. But in the face of a Soviet attempt to destroy the balance of power in the Middle East, I believe it is our duty to maintain that balance, and preserve Israel's ability to protect itself.

We should not be dissuaded by false Russian promises of détente, for they have shown their intentions in their actions. We need not give in to Arab oil threats, for we can more easily survive such a stoppage than they. The United States has long recognized the necessity of Israel's survival, both in our own self-interest and as human responsibility. Today's resolution will insure that survival.

Mr. Speaker, I would like to conclude with a statement of my personal feelings about this war, feelings which I believe are shared by most of my constituents and many other Americans. I mourn Israel's human suffering. I regret bitterly the need for Israel to fight for its right to exist, as it has done and will continue to do. But I do not fear for Israel's future. I believe that, if we give the Israelis the equipment they need, they will prevail, and then we can work for a true peace in the Middle East—a peace based on respect for the independence of all nations.

CPA AT CLC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, subcommittees of the Government Operations Committees of both Chambers of Congress are now preparing what perhaps is the most important consumer protection legislation ever to be considered seriously by Congress: The proposal for an independent Consumer Protection Agency.

It is my fervent hope that a CPA bill will be passed by Congress and signed into law during this Congress. Quite frankly, however, we are having problems in subcommittee determining the scope of the bills before us.

All of the three House bills before us would allow a CPA to advocate strongly the interests of consumers in virtually all the formalized proceedings and unstructured activities of all Federal agencies. Two of the three bills before us, in addition, would grant a CPA an unprecedented right for a nonregulatory agency—the right to appeal to the courts the final agency decisions arising out of such proceedings and activities, including decisions not to take requested authorized actions.

The scope of such proposed powers is, obviously, vast; it covers millions if not billions of formal and informal Federal decisions annually. Our problem in the subcommittee is that we cannot possibly be aware of all of the proceedings and activities proposed to be covered. And, not knowing this, we must speculate on the effect of the various proposed CPA powers on such decisionmaking.

Consequently, when we soon report a CPA bill to the floor, as we did last year, there is a high risk of concerned confusion which is inflamed by debate between Members who are intimately knowledgeable about the operations of certain agencies and Members who are not quite as knowledgeable on these specific matters. One need only review the turmoil of our CPA debate in October of 1971 to see this risk realized.

In order to minimize this risk, I have requested detailed information from those Federal agencies most cited in the CPA bill hearings as being prime targets for CPA advocacy. I intend to share this information with all Members to avoid as much as possible a recurrence of the confusing debate that we experienced during the last Congress.

Prior surveys of agencies on this subject attempted to get responses as to what types of future proceedings and activities might be affected by a CPA. To gain more perspective, I have asked the agencies to give me lists of their 1972 proceedings and activities which would have been subject to CPA advocacy if a CPA had been in existence as authorized by the three House bills.

The first agency that will be covered is a very small one compared to some of the Departments and independent agencies that I have surveyed. But, according to the Consumer Federation of America witness at our recent hearings, it should be the No. 1 target of the CPA. This agency is the Cost of Living Council.

The CLC's response is divided into the various categories of proceedings and activities covered by the CPA bills before us, H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

In notice and comment rulemaking, all of the bills would allow full advocacy equal to or greater than other participants in such proceedings.

All bills would also allow at least amicus curiae status in the least formal unstructured, so-called "informal activities" of other agencies and in their most formal proceedings conducted on the record.

The major difference between the bills lies in the judicial review area. H.R. 14 and 21 would allow the CPA to appeal to the courts the actions of other agencies—including a decision not to act. The Fuqua-Brown bill would not allow the CPA to appeal the final actions or refusals to act of other agencies.

On this last point, it is worthy to note that the small CLC's estimate of actual 1972 decisions subject to appeal by the CPA under all except the Fuqua-Brown bill is "between 40,000 to 60,000." By definition, all decisions of CLC affect consumers. Of course, not counted in this estimate are the many thousands of areas where the CLC, Pay Board, or Price Commission refused to act, areas subject to CPA court appeal under all except the Fuqua-Brown bill.

Another area of the CLC response is its list of 30 representative informal activities. The CLC notes that, in its opinion, some of these should not be considered within the scope of CPA advocacy authority. However, under all of the bills, the CLC can not make such a judgment to exclude the CPA. If the CPA determines that such an activity might result in a substantial impact upon consumers, it may participate as of right in such an activity—and no agency may keep it out.

Mr. Speaker, for the important purposes already stated, I include the Cost of Living Council's outline of its 1972 proceedings and activities that fall within the advocacy of the pending CPA bills in the RECORD:

WASHINGTON, D.C.,
October 2, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: We have reviewed your letter dated September 7, 1973, regarding H.R. 14, 21, and 564, three bills to create an independent Consumer Protection Agency (CPA). It should be noted at the outset that your request for information relates to the year 1972. At that time, the Cost of Living Council, Pay Board, Price Commission jointly participated in formulating stabilization policy. Consequently, we will attempt to provide you with combined answers to your questions with respect to the three principal stabilization agencies which functioned during 1972. For the sake of clarity, we have adopted the format contained in your letter.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: The following regulations were published as proposed rulemaking by the three principal stabilization agencies:

Pay: 1. Deferred & Merit Increases: 6 CFR Part 201. 37 F.R. 5833, March 22, 1972.

2. Treatment of Certain Productivity Incentive Programs: 6 CFR Part 201, 37 F.R. 7715, April 19, 1972.

3. Pay Board Procedural Regulations: 6 CFR Part 205, 37 F.R. 8463, April 27, 1972.

4. Revision of Regulations Relating to Pay Stabilization, Prenotification & Reporting: 6 CFR Parts 201, 202, 37 F.R. 14531, July 20, 1972.

Price:

5. Cooperative Associations & Certain Marketing-Risk-Sharing Arrangements: 6 CFR Part 200, 37 F.R. 11352, June 7, 1972.

6. Lumber & Wood Products—Notice of Public Hearing Regarding Price Stabilization: 6 CFR Part 300, 37 F.R. 15523, August 3, 1972.

7. Profit Margin Calculation for Lumber Firms Formerly Exempted from control: 6 CFR Part 300, 37 F.R. 18745, September 15, 1972.

8. Profit Margin Calculation for Lumber Firms Formerly exempted from control, withdrawal of Notice of Proposed Rulemaking: 6 CFR Part 300, 37 F.R. 24837, November 22, 1972.

9. Purchasing Cooperatives—Allowable Costs or Initial Percentage Markups: 6 CFR Part 300, 37 F.R. 25054, November 25, 1972.

10. Public Utilities: Regulatory Agencies—Reporting Procedures: 6 CFR Part 300, 37 F.R. 28080, December 20, 1972.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: None. Section 207(a) of the Economic Stabilization Act of 1970, as amended, provides that:

"The functions exercised under this title are excluded from the operation of subchapter II of Chapter 5, and 7 of title 5, United States Code, except as to the requirements of sections 552, 553, and 555(e) of title 5, United States Code.

Consequently, no agency proceedings were conducted under 5 U.S.C. 556 and 557.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None. See, answer to question #2, above.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: None. See, answer to question #2, above.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: None. However, a number of formal public hearings were conducted by the stabilization agencies under section 207(c) of the Economic Stabilization Act of 1970, as amended. Section 207(c) provides that:

"To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interest rates, or corporate dividends or similar transfers, which have or may have a significantly large impact upon the national economy and such hearings shall open to the public except that a private formal hearing may be conducted to receive information considered confidential under Section 205 of this title."

Although the above paragraph does not technically require proceedings on the record after opportunity for hearing, public hearings were held in a number of cases which involved significant economic impact to the national economy. Consequently, in accordance with section 207(c) and for the purpose of obtaining public participation with respect to certain matters, including the gathering of information and rulemaking, public hearings were conducted in 1972, as follows:

Re pay matters:

1. State of Ohio (Washington, D.C., Feb. 24 and March 12, 1972).

2. West Coast Longshore (Washington, D.C., March 14, 1972).

3. East Coast and Gulf Longshore, Washington, D.C., May 2, 1972).

4. Professional Sports* (Washington, D.C., May 9, 1972).

5. New York City Employees (Washington, D.C., June 27, 1972).

6. New York Printers (Washington, D.C., October 13, 1972.)

7. Recodification hearings* on Pay Board regulations—4 cities (Chicago, San Francisco, Atlanta, Washington, D.C.; Aug. 17, 21, 24 and 28, 1972 respectively).

Re price matters:

1. Public Utlities* (Washington, D.C., Feb. 22, 24, 25 and 26, 1972).

2. Review of General Price Policy*—4 cities (Chicago, Washington, D.C., San Francisco and Boston; March 24, March 28 and 29, April 6, and April 21, 1972 respectively).

3. Food Policy* (Washington, D.C., April 12, 1972).

4. Rent Policy* (Washington, D.C., April 14, 1972).

5. Lumber* (Portland and Atlanta; August 8 and October 19, 1972 respectively).

6. Cement* (Houston, Oct. 6, 1972).

7. Auto (Washington, D.C., Sept. 12, 1972).

Question 6. Will you please furnish me with a list of representative public and non-public activities proposed or initiated by your agency during calendar year 1972?

Answer: Some representative kinds of activities, public and non-public, which are essential to the proper over-all functioning of the agency, are as follows:

1. Policy recommendations by staff to the Council;

2. Recommendations to Attorney General with respect to criminal and civil prosecutions;

3. Directions to IRS to conduct investigations;

4. Issuance of subpoenas;

5. Approvals of modified and new executive compensation plans;

6. Denials of requests for information and reconsideration of such decisions;

7. Oral interpretations on telephone;

8. Written interpretations or reglations;

9. Decisions granting or denying exceptions;

10. Actions taken with respect to prenotifications and reports;

11. Actions taken with respect to requests for reclassification;

12. Actions taken with respect to requests for exemption;

13. Meetings with industry representatives to solicit information preliminary to the Council's formulating policy changes;

14. Meetings with parties to discuss their particular wage or price case;

15. Requests for additional information;

16. Actions taken with respect to requests to reopen a case or stay decision and order pending reconsideration;

17. Review and consideration of comments submitted in connection with proposed rulemaking;

18. Actions taken with respect to profit margin limitations and repurification;

19. Actions taken with respect to applications for volatile pricing authorization;

20. Actions taken with respect to reports supporting minimum profit margin treatment;

21. Actions taken with respect to pay challenges by parties at interest or the Council;

22. Actions taken with respect to requests for retroactive pay adjustments;

23. Notices of probable violation, remedial orders, and compromise of civil penalties;

24. Procurement actions;

25. Decisions to employ personnel;

26. Decisions to give promotions, quality increases, or cash awards to meritorious employees;

27. Reassignments of personnel;

28. Decisions to expend appropriated funds for authorized purposes;

29. Budgeting decisions; and

30. Coordination with other Federal agencies in connection with matters affecting stabilization efforts.

We are of the opinion that some of the activities listed above are matters of agency prerogative (i.e., not generally subject to judicial review) and not within the scope of proposed CPA authority.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

We estimate that during calendar year 1972, there were between 40,000 and 60,000 cases handled by the three stabilization agencies. These were comprised principally of pre-notifications, reports required by the regulations which had to be approved or reviewed, and requests for exceptions and exemptions. An adverse action with respect to any of these cases could have resulted in a request for reconsideration. Any person aggrieved by a decision on reconsideration could have sought review in the courts.

I hope that this information is responsive to your inquiry.

Sincerely,

Robert E. Bradford,
Associate Director for Congressional Affairs.

CLARENCE E. KLAUS, SR.—40 YEARS OF DEDICATED SERVICE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I take this time to join in the tributes being paid to Clarence E. Klaus, Sr., of Belleville, Ill., who is being honored for his 40 years of service to the members of the St. Clair County, Ill., Farm Bureau.

For 38 of those 40 years, Clarence Klaus has served as the agency manager of the Country Companies in St. Clair County. In addition, Clarence Klaus has been an active, dedicated community leader whose contributions have left rich legacy to those who follow him.

Mr. Speaker, at this point in the Record, I include the tribute to Clarence Klaus, Sr., which appeared in the October 1 edition of the Farm Bureau Notes of St. Clair County. Also, I include the letter Clarence Klaus has written upon his retirement.

[Farm Bureau Notes of St. Clair County, Belleville, Ill., October 1, 1973]

A Tribute to Clarence E. Klaus, Sr.

Clarence E. Klaus, Sr. will be long remembered as a leader whose work on behalf of agriculture and its people has played a major role in the growth and strength of the St. Clair County Farm Bureau for the past 38 years.

This month, Clearance completes 40 years of service to the Country Companies and its many rural policyholders. For 38 of those 40 years he has served the people of this county not only as agency manager but as a dedicated community leader in many projects and a loyal friend and worker for Farm Bureau and all of its affiliated companies.

As Clarence takes his well-deserved retirement, it is particularly appropriate that the St. Clair County Farm Bureau Board of Directors presents this tribute of commendation and recognition of his distinguished service.

Thank you! Well done!

St. Clair County Farm Bureau Board of Directors, Howard Mueller, President.

Open Letter to all Farm Bureau Members, Country Companies Customers and Friends in St. Clair County

The time comes only too fast when the older person must step aside and yield to the younger and more alert individuals. As of September 30, 1973, I am no longer Agency Manager for the Country Companies in St. Clair County. There is a rule that the company enforces that when an individual reaches age 65, he can no longer remain on as Agency Manager.

Mr. William H. Holman has been chosen by the Country Companies and your local Farm Bureau Board of Directors to be the new Agency Manager in St. Clair County. He comes to us with an outstanding record. I am sure that he is well qualified to lead the Agency to even higher attainments.

I consider myself to be extremely fortunate to have been able to serve the people of St. Clair County since April 1st, 1936. I wish to thank everyone that I have had the pleasure of doing business with in any way, and for their wonderful cooperation. I wish also to solicit the same for my successor.

Even though I have several plans for the future, one of them is to remain active as an agent for Country Companies on a part time basis.

I wish I could express myself in the proper words how much I have appreciated being your Agency Manager for the past 37 years.

Clarence E. Klaus, Sr.

SELECTION OF A VICE PRESIDENT

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, my office

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* In connection with rulemaking.

issued a news release last week concerning the selection of a Vice-Presidential nominee that has left an erroneous impression in the minds of many people.

In my release, I tried to express a strong feeling—a feeling that was shared by many Members of the House of both parties—that if a potential Presidential candidate were to be named, it would split the Nation at a time when unity was needed.

Several newspapers edited out portions of the press release, causing many readers—and some newspapers—to interpret my statement as a slap at Governor Connally and an abdication of responsibility for partisan purposes. These observations are entirely wrong.

My objection to the selection of a candidate to replace Mr. Agnew had nothing to do with the qualifications of those hoping to run for President. Any one of them would be highly qualified. Neither was I abdicating my responsibilities for partisan purposes. Since only a Republican was likely to be nominated, no partisan issue was at stake.

My objection centered on the fact that, if any one of the candidates had been named, it would have created serious controversy—in both parties—and served to dangerously split our Nation at a time when unity was needed.

The tragic events, brought on by the criminal conviction of the man occupying our Nation's second highest public office, shocked every citizen. Coupling that event with months of hearings of alleged improper acts in political campaigns, our people are weary and tired of these traumas.

Any candidate always has a group "for him" and a number "against him." Therefore, his tenure would begin with a split within his own party. Many, in the opposite party, would view such a nomination as a "platform stepping stone" to the Presidency in 1976, rather than a genuine interest in the job. Therefore, a split in the other party. In either case, the Nation would remain in turmoil when we so desperately need to begin pulling together.

The Presidential candidates were not the only men in this Nation who would make good Presidents. There were others available with equal or higher qualifications. By selecting a man from the latter group—as the President did—we could avoid turmoil and fulfill our responsibilities of picking a qualified individual to be Vice President.

I was very happy to see that the President viewed the situation in a like manner and picked such a man as his nominee.

THE PRESIDENT'S INTEGRITY

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the New York Times in last Friday's—October 12—issue published on the op ed page an article by former Senator Burton K. Wheeler. It will, I believe, be of considerable interest to my colleagues and particularly those lawyers who concern themselves with the legal issues revolving around the release or nonrelease of the President's tapes.

It was my good fortune not only to be a staff assistant in the Senate during a large part of Senator Wheeler's tenure there, but also to know him rather intimately then and now. He was, as all students of the affair know, deeply involved in the famous Supreme Court packing proposal by President Franklin D. Roosevelt. Senator Wheeler is himself an eminent lawyer and raises a point in the question of the President's constitutional right to withhold the tapes that I have not heretofore read. Whether it is a legal point that the Supreme Court will want to consider when and if it reviews the Court of Appeals decision will be significant in light of Senator Wheeler's reporting of Justice Brandeis' view.

Mr. Speaker, I include the New York Times article by Senator Burton K. Wheeler in the RECORD, as follows:

THE PRESIDENT'S INTEGRITY

(By Burton K. Wheeler)

WASHINGTON.—In the course of the consideration by the United States Senate in 1937 of President Roosevelt's proposal to increase the number of justices he could appoint to the United States Supreme Court (the Court-packing plan), an incident arose which may shed some light on the present efforts of Congress and the special prosecutor to obtain the tapes of private conversations held by the President in the White House.

I had been requested by a number of Democratic and Republican Senators to spearhead the opposition to the Court-packing bill. The proponents had alleged that the Supreme Court was delinquent in its consideration of cases. These charges of delinquency had to be answered.

Prior to my testimony before the Senate Judiciary Committee I went to see Justice Brandeis. I told him that an authoritative response to the charges being levied at the Court by the Roosevelt Administration was imperative and that I wanted him and Chief Justice Hughes to testify before the Senate Judiciary Committee. The Justice responded that under no circumstances would he testify or recommend that the Chief Justice testify.

He quickly added, "Not because he would not be an outstanding witness fully capable of responding to any question, but it just would not be the right thing to do. It might establish an unfortunate precedent." Brandeis added, "In lieu of such testimony, ask the Chief Justice to give you a letter which will set the record straight."

Brandeis called Chief Justice Hughes and asked if he would see me on a vitally important matter. I went immediately to the Chief Justice's house. I told him of my conversation with Justice Brandeis and that Brandeis had finally suggested that he write a letter. Chief Justice Hughes said, "Did Brandeis say that?" I reassured him that he had. The Chief Justice then said, "I will see what I can do."

He called me on Sunday evening and suggested that I come to his house. I drove there immediately. He greeted me saying, "Well, the baby is born." He handed me a letter which was a complete answer to all of the charges. I thanked him and started to leave. He asked me to stay. In the course of a rather lengthy discussion he said the proposed legislation would destroy the Court as an institution.

The letter, which I presented during the course of my testimony before the committee, was so devastating in effect that Vice President Garner told President Roosevelt that the Court-packing proposal was dead.

The Chief Justice's letter specifically avoided argument on the questions of policy raised by the proposed legislation and thereby avoided a demand that he appear for questioning before the Senate committee. Justice Brandeis and Chief Justice Hughes, in my view, rejected my plea to testify before Congress because they thought it improper for a justice of the Supreme Court to submit himself to questioning by the legislative branch, even though they believed that passage of the pending legislation would destroy the Court.

While I do not remember the precise words said to me by Justice Brandeis, implicit in our conversation was the thought that Congressional questioning of a member of the Supreme Court would be a serious invasion of the independence of the judiciary and would jeopardize the integrity of its decision-making processes.

It appears to me that the request of Congress for the White House tapes may constitute a similar threat to the integrity of the decisional process of the President. If Congress, other than in an impeachment proceeding can subpoena the documents revealing the deliberations of the President in the execution of his functions as Chief Executive, it could with equal justification subpoena the records of the justices of the Supreme Court to determine the manner and bases upon which the justices arrived at decisions in controversial cases. In my view also, the special procecutor is no more entitled to the tapes than is Congress. If he argues that the grand jury, as part of the judicial system, is entitled to the tapes, then he is asserting the right of the judiciary to examine in an area which Brandeis and Hughes thought would be an improper invasion of the separation of powers doctrine, if exercised by Congress.

The Supreme Court, if it holds that Congress, in other than an impeachment proceeding can obtain the records of Presidential conferences, will set a precedent for Congress to obtain records or other evidence of Court deliberations.

It seems highly unfortunate that a constitutional confrontation of this magnitude should arise over tapes when, in all likelihood, they will shed little, if any, light on the Watergate controversy. Pursuit of the tapes may result in a precedent-setting decision by the Supreme Court which will ill serve the future democracy and our form of government.

THE NEWS MEDIA AND SOURCE DISCLOSURE

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, there is a great deal of current interest in the controversy on whether news people, those representing the press and the broadcast media, should be placed in an exempt class that would permit them to withhold revealing news sources in court actions where such disclosure might be useful or meaningful to prosecution of the case at bar.

Some States are considering so-called "shield" laws and others have passed such laws. Bills have been introduced in Congress to grant exemptions to news people. It is significant, I believe, that the news media is not of one mind on the propriety or worth of such a law.

The current issue of the Kansas Bar Journal features an analysis of this issue by one of the State's most eminent jurists, now retired, Hon. Spencer A.

Gard. Judge Gard has rather positive views that those in the news profession are not entitled to exemption and states those views most eloquently. I ask, Mr. Speaker, that the article from the Kansas Bar Journal be reprinted in the CONGRESSIONAL RECORD.

I ask also, Mr. Speaker, that an editorial that appeared in the October 10 issue of the Iola, Kans., Register, commenting on Judge Gard's article, be printed following. The editorial was written by Emerson Lynn, Jr., a widely known Kansas newspaperman and one of the most respected and widely quoted editors in the State. Mr. Lynn does not agree entirely with Judge Gard. Together the viewpoints expressed by these two outstanding citizens present a useful and balanced comment on this controversial question.

The Newsman's Privilege

(By Hon. Spencer A. Gard)

Freedom of speech, including the right to criticize the government and public officials, is probably the most important of all the guaranties of freedom under the United States Constitution.

One application of the right of free speech is the right of freedom of the press. This means that when an individual or group of individuals decides to become a publisher of news in written or pictorial form, using either the printing press or the television screen as a medium of communication, he or they become members of a special class of claimants of the right of free speech.

Most ordinary individuals must be content with purveying news or gossip, and with expressing their opinions and views on political or personal matters, by word of mouth or by the letters they write to their friends or enemies. Those in the "press" class really have no greater right of free speech than these ordinary individuals.

Being free to say what one thinks, or to pass on factual information or gossip, carries no liabilities or sanctions except that in certain situations one can be sued for slander or libel by those whose characters or reputations are injured by his published falsehoods.

Beyond this, however, there is the obligation of all persons when called upon, to testify to what they have learned or said, if those things are relevant or important to a matter in the judicial process or in such authorized inquiries as congressional investigations. This includes the obligation to reveal the names of their "informants."

Traditionally this duty to reveal the sources of information in court has been equally imposed on all persons, whether they are involved with the news media or not. The news reporter, in other words, has never had any common-law privilege or immunity against being subpoenaed and being compelled to tell in court or other legitimate factfinding tribunal where or from whom he got his information. But a few states have passed statutes giving reporters some privileges of this kind, not enjoyed by the rest of the people who also enjoy the right of free speech.

After centuries of freedom in the common-law world to publish what they wish the newsmen are now clamoring for immunity from subpoena (compulsory process) and for legal privilege to keep their sources of information secret, even in court where important rights are involved, or where the public interest is at stake. The pressure on legislatures and Congress for the passage of such legislation is tremendous—and the press is in a position to impose sanctions by way of adverse publicity (or withholding favorable publicity) on those who oppose them. So we have a real threat to freedom here.

When the background is considered, it is difficult to escape the conclusion that the demand for such a privilege now is an effort to exploit the emotional demand for changes which have no basis in reason or logic and which the press itself has had a large hand in creating.

The press is "free" to lift itself by its bootstraps and the evidence of its doing so is all too apparent in the pages of the newspapers today as we are urged to "trust the press" and question the integrity of all others. The ethical restraints on the press are insignificant because so long as we recognize freedom of the press the means of imposing legal sanctions simply does not exist. What a day it would be for the lawyers and the doctors if they were also "free" to praise their virtues in the public forums; and their professional responsibilities to the public are no higher than those of the media, if as high.

Yes, the press has a duty to inform the public, but so long as it is free to be selective in the choice of news emphasis, free to slant news reports, free to screen what information it accepts or rejects, free to support or oppose by editorial comment, the public has the right to be informed as to the facts, not just what the media choose to tell them. This right the public cannot enjoy without the right to explore and test the sources of information.

Also, we cannot escape the fact that the primary aim of the press is to sell newspapers and advertising, and the duty to inform must necessarily be relegated to a very secondary place in the order of things.

The power of the press is the power to serve the public interest. It is also the power to ruin individuals, the people and their government. The press, even without those special privileges now demanded, is potentially a powerful propaganda machine. Its objective now seems to be to gain an immunity of monopoly from having propaganda or gossip appearing in its columns or on its screens exposed for what it really is. It is frightening to contemplate what the result might be from insulating to the least degree the propagandists and others with a revolution to promote, an axe to grind, a political goal to achieve, or a criminal syndicate to entrench, with complete immunity from having their identities revealed. How much easier it would then become to feed false information to the newsmen, who already must depend on hearsay, gossip and their own speculations to furnish material for the headlines.

In their demands for privilege the media self-righteously extoll their public service and their usefulness in exposing crime and irresponsibility or corruption in public office. These splendid services are indeed important, but not nearly so much so as they claim. The exposure of an occasional scandal, which makes news so necessary to the needs of the press, is played up usually to proportions many times out of keeping with its importance. The thousands of instances where information is furnished to the prosecutors and the impeachers by ordinary individuals who enjoy only the freedom of speech (not the dressed up freedom of the press) go unnoticed. It is the exposé of the news reporter that draws the headlines.

We need not worry for the time being about the constitutional aspects of the newsman's privilege. The Supreme Court by a five to four decision has taken care of that, in the case of *Branzburg* v. *Hayes*, 408 U.S. 665.

There is no testimonial privilege known to the law like that demanded by the press, except the limited privilege of law enforcement officers not to reveal the names of their informers. Even that privilege must yield in criminal prosecutions where a fair trial demands it.

Contrary to popular belief the lawyers, doctor or clergyman has no privilege from testifying. The law grants the privilege to the client, the patient and the communicant who can waive it at will and require the lawyer, doctor or priest to testify. It is the confidential communication that is protected by those testimonial privileges.

In the case of the newsman the communication is not given in confidence. It is given with the expectation, and usually with the wish, and often with the demand, that it be published. When it is published, it is no longer clothed with confidence, even though it may have had an aspect of confidence before publication. But even unpublished information does not fall within the protection of any privilege known to the common law, or justified by modern public interest, despite any expressed or secret intent that it be treated in confidence.

The newsman does not want to protect the confidence of the communicated matter. He wants just the opposite of that—the right to publish it if it meets his standards and needs for news. He demands the right to publish (which freedom of the press gives him) and at the same time insists that he should be secure from divulging the sources of his information. In the case of the lawyer, the doctor, or the priest, the identify of the parties is known from the very nature of things.

There is no constitutional concept, as the Supreme Court has held, which gives the news reporter or anyone else in the exercise of free speech a privilege or immunity from making the identity of informants known, or from testifying to relevant facts (or facts that may lead to relevant evidence), though unpublished, which he knows or which have been reported to him, whether it is hearsay, propaganda, or purportedly eye-witness narrative, and whatever the motive or intent to keep it confidential.

Legislation which would grant such a privilege to the press is much against the public interest and an indirect grant of power that must not be treated lightly. The sources of "information" have not yet dried up, despite the lack of such a privilege during all of common law history. They are not likely to dry now if it isn't granted. But even if they did, to some extent, perhaps the public would be better off. The press may still publish what it wants if it can get it, and that is all that freedom of the press contemplates.

The Press Versus Authority

Judge Spencer Gard of Iola is an acknowledged authority on the rules of evidence, a disciple of free speech, a believer in democracy well leavened by the representative process—and a fervent partisan. His article on page one of this edition thus testifies.

I do not intend to argue law with him. I join him in his concern for our beloved republic. And, alas, I have retreated from partisanship on the question of the so-called Newsman's Privilege Law and so cannot summon up the passion to answer his arguments in kind.

There are some comments that should be made, however, to help public understanding of an issue that has been much confused by emotion.

First off, you should understand that newsmen are by no means unanimous in seeking passage of a law that would permit reporters to keep their sources of information secret. Congressmen backing such legislation have been dismayed to discover that many highly regarded publishers, like John McKnight, are flatly opposed. Each news organization has come up with its own proposed law—and the proposals are contradictory to each other in many important ways.

Newsmen, like justices of the Supreme Court, disagree on the question. The difference is that the profession does not recognize majority rule and the individual members persist in their separate opinions.

The argument for granting reporters the right to preserve the anonymity of news sources springs from the assumption that the right of a free press predicates support for an effective press and that the press can be most effective if it can protect its sources. It has also been considered necessary to preserve the press against regulation by any arm of government. (As someone has noted, there are many instances throughout history where governments have suppressed free speech and muzzled the press. But never has the press suppressed government.)

These viewpoints have wide support, as evidenced by the fact that in the case cited by Judge Gard, Branzburg v. Hayes, four of the nine justices voted in favor of establishing the principle Gard finds so abhorrent. The majority opinion in the case contained the suggestion that laws could be passed in the states and by Congress to establish the right to protect newsmen's sources, if it were deemed wise.

So let us agree that both sides of the matter have merit and that neither set of proponents has anything but the good of the commonwealth in mind in pursuing their convictions.

Both the courts and the press seek the truth. There can be no just enforcement of the law unless all of the facts available about a case at hand can be ascertained during a court procedure. The press considers the presentation of a full and accurate picture of the happenings of society to be its main—though unreachable—goal.

(Judge Gard suggests that making money is the main purpose of the press. It is, indeed, an essential purpose. There would be no press, free or slave, if it hadn't the means to perform. It may well be true, come to think of it, that few would study law or accept judgeships if there were no legal fees or salaries paid to that estate. But I will accept that the legal profession is interested in justice if he will grant that newsmen are interested in informing the public.)

Historically, the role of the press in this nation and in other English speaking nations—and, as a matter of interest, it should be noted that only the English speaking peoples have any lengthy tradition of a free press—has been to serve as gadfly.

Newspaper editors have been urged to afflict the comfortable and comfort the afflicted. It is no wonder, then, that the press has not enjoyed popularity and that it has been least popular with those who possessed the most power.

Thoughtful editors and reporters will recognize that they exist by suffrance, as a necessary evil. Most societies do not tolerate such continual impertinences and move quickly to quash any editorial voice that dares challenge the established order.

Only a few nations have dared to accept Milton's belief that truth will triumph over falsehood and that freedom must be permitted so that truth has its opportunity to speak. The more secure that freedom is, the more opportunity will exist to require authority to justify its actions and explain its purposes to the people.

Central to the entire question of freedom of information is the erection of a barrier between the government and the press. They are natural enemies. Every government will do its best to put its actions in the best possible light. It will emphasize its accomplishments. It will minimize its faults and hide its errors if it can.

Every good editor and reporter is a skeptic and will cast a suspicious eye on officialdom, forever seeking to uncover mistakes and read the deeper motives behind the rhetoric.

The men who wrote the Constitution recognized this fact and forbade Congress from making any law which would abridge freedom of the press. They saw from too many examples in their own time that governments had a low tolerance for unpleasant facts and would not hesitate to gag those who sought to challenge authority.

This protection, by the way, extends to those who write articles for law reviews, to authors of pamphlets, to speakers in the public square, to university professors and to all who make their views known. And the purpose is to make facts and ideas available to the public, not for the private benefit of author, reporter, broadcaster or pamphleteer.

So I think the major concern among newsmen today is that an arm of the government—namely, the courts—is reaching around the First Amendment to establish some degree of official control of information that might somehow expand and destroy our cherished freedoms.

It is a fear that I have come to discount both because I have great respect for the tradition that lies behind our system of justice and because I despair of finding any way to amplify the First Amendment without harming the cause of truth.

Any right given by the legislatures or the courts can be taken away by them. To admit that any arm of government has the right to spell out just how free our press shall be is to agree that they have the right to shut it down if they choose.

Are we to ask Congress to define who is qualified to report news? That would result in disbarring the maverick, the dissenter, the man who is out of step with his time—an intolerable thought.

Reporters, as Judge Gard suggests, are a mangy lot. Some have all of the scraps of paper required to designate them as certified scholars, while others schooled themselves and have only their work to recommend them. It is a most undisciplined fraternity that has steadfastly refused to wear the yokes other professionals gladly bear.

Still, quite a few of them have been willing to go to jail to establish the right of the public to information and it may well be that the current case in the Agnew matter will see another batch locked safely behind bars.

These individual, but highly visible, demands on behalf of the public's right to know may sometime persuade the courts that a free press—however inept, malicious, biased, and cantankerous it may be—is preferable to a press emasculated by officialdom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McKay (at his own request), for October 17 through October 24, on account of official business.

Mr. Veysey (at the request of Mr. Arends), from tomorrow, for 1 week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roncallo of New York) and to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 30 minutes, today.

Mr. Young of South Carolina, for 1 hour on October 23.

Mr. Findley, for 10 minutes, today.

Mr. Martin of North Carolina, for 10 minutes, today.

Mr. Talcott, for 5 minutes, today.

Mr. Burgener, for 3 minutes, today.

Mr. Duncan, for 30 minutes, today.

Mr. Crane, for 5 minutes, today.

Mr. Young of Illinois, for 10 minutes, today.

(The following Members (at the request of Mr. Studds) and to revise and extend their remarks and include extraneous matter:)

Mr. Corman, for 5 minutes, today.

Mr. Dominick V. Daniels, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. James V. Stanton, for 5 minutes, today.

Mr. Podell, for 15 minutes, today.

Mr. Stokes, for 10 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Preyer, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sarasin, during general debate on the oil allocation bill, at the conclusion of the remarks of Mr. Conte.

Mr. Cohen, during general debate on the Oil Allocation Act.

Mr. Froehlich. To include the full text of the note dated July 9, 1973, from the Library of Congress regarding a section that there is a dispute amend as a part of the remarks he made today on the bill, H.R. 10717.

Mr. Lent, immediately following the remarks of Mr. Young of Florida in the Committee of the Whole today.

(The following Members (at the request of Mr. Roncallo of New York) and to include extraneous material:)

Mr. McCloskey.

Mr. Duncan.

Mr. Quillen in two instances.

Mr. Hosmer in two instances.

Mr. Zwach.

Mr. Powell of Ohio.

Mr. Wyman in two instances.

Mr. Walsh.

Mr. Gilman.

Mr. Railsback in two instances.

Mr. McKinney.

Mr. Roncallo of New York in two instances.

Mr. Symms.

Mr. Hanrahan in two instances.

Mr. Esch.

Mr. Young of Florida in five instances.

Mr. Hogan.

Mr. Derwinski in two instances.

Mr. Pritchard.

Mr. Carter in two instances.

Mr. Eshleman.

Mr. Dellenback.

Mr. Hudnut.

Mr. Veysey in two instances.

Mr. Keating.

Mr. Frelinghuysen.

(The following Members (at the request of Mr. Studds) and to include extraneous matter:)

Mrs. Griffiths in two instances.

Mr. McKay.

Mr. Dan Daniel.

Mr. Andrews of North Carolina in three instances.

Mr. Gonzalez in three instances.

Mr. Brademas in six instances.

Mr. Pickle in 10 instances.

Mr. Rarick in three instances.

Mr. Mahon.

Mr. Evins of Tennessee.

Mr. Edwards of California.

Mrs. Collins of Illinois.

Mr. Drinan in five instances.

Mr. O'Neill in two instances.

Mr. Annunzio in six instances.

Mr. James V. Stanton.

Mr. Harrington in four instances.

Mr. Waldie in four instances.

Mr. Bergland in three instances.

Mr. Brown of California.

Mr. Lehman in three instances.

Mr. Vanik in two instances.

Mrs. Hansen of Washington.

Mr. Taylor of North Carolina in three instances.

Mr. Anderson of California in three instances.

Mr. Dominick V. Daniels.

Mr. Badillo in three instances.

Mr. Flowers.

Mr. Zablocki in two instances.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974;

S. 2282. An act to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes;

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions and corporations for the fiscal year ending June 30, 1974, and for other purposes; and

H.J. Res. 748. A joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes.

ADJOURNMENT

Mr. ECKHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 17, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1452. A letter from the Administrator of General Services, transmitting the statistical supplement to the stockpile report for the 6 months ended June 30, 1973, pursuant to section 4 of Public Law 79–520; to the Committee on Armed Services.

1453. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the Commission's annual report for calendar year 1972, pursuant to 50 U.S.C. App. 2008 and 22 U.S.C. 1622(c), together with the first annual report of the Micronesian Claims Commission, pursuant to Public Law 92–39; to the Committee on Foreign Affairs.

1454. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on budgetary reserves in effect as of September 30, 1973, pursuant to the Federal Impoundment and Information Act, as amended; to the Committee on Government Operations.

1455. A letter from the Under Secretary of Agriculture, transmitting a report recommending the designation of the Chattooga River and its immediate environs as an addition to the National Wild and Scenic Rivers System, pursuant to 82 Stat. 906; to the Committee on Interior and Insular Affairs.

1456. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BENNETT: Committee on Armed Services. H.R. 10369. A bill to amend title 37, United States Code, to provide entitlement to round trip transportation to the homeport for a member of the uniformed services on permanent duty aboard a ship being ina tivated away from homeport whose dependents are residing at the homeport (Rept. No. 93–590). Referred to the Committee of the Whole, House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 600. Resolution providing for the consideration of H.R. 3927. A bill to extend the Environmental Education Act for 3 years (Rept. No. 93–591). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 601. Resolution providing for the consideration of the conference report on H.R. 9286. A bill to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and the military training student loads, and for other purposes (Rept. No. 93–592). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 602. Resolution providing for the consideration of H.R. 10397. A bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes (Rept. No. 93–593). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 603. Resolution providing for the consideration of H.R. 10586. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care (Rept. No. 93–594). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 10915. A bill to provide for competitive bidding on Federal contracts and federally funded contracts; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 10916. A bill to amend the Federal Food, Drug, and Cosmetic Act requiring the public dissemination of information related to seizures and recalls made under the act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10917. A bill to extend daylight saving time to the entire calendar year for a 2-year period, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOGGS (for herself, Mr. Breaux, and Mr. Long of Louisiana):

H.R. 10918. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. COCHRAN:

H.R. 10919. A bill to provide for the approval by concurrent resolution of the Congress of all proposed changes in postal rates and classes before such changes become effective, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN (for himself, Mr. Burke of Massachusetts, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Karth, Mr. Rostenkowski, and Mr. Carey of New York):

H.R. 10920. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. du PONT:

H.R. 10921. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 10922. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 10923. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. GOODLING (for himself, Mr. Dingell, and Mr. Karth):

H.R. 10924. A bill to delay for 1 year the taking effect of certain measures to provide additional funds for certain wildlife restoration projects; to the Committee on Merchant Marine and Fisheries.

By Mr. HANLEY (for himself, Ms. Abzug, Mr. Addabbo, Mr. Burgener, Mrs. Chisholm, Mr. Davis of Georgia, Mr. Fisher, Mr. Hogan, Mr. McCloskey, Mr. Minish, Mr. Murphy of Illinois, Mr. Podell, Mr. Walsh, Mr. Wolff, and Mr. Won Pat):

H.R. 10925. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mrs. HOLT (for herself, Ms. Abzug, Mr. Baker, Mrs. Chisholm, Mr. Cronin, Mr. Derwinski, Mr. Hogan, Mr. Huber, Mr. Ketchum, Mr. O'Brien, Mr. O'Hara, Mr. Pepper, Mr. Pettis, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Rousselot, Mrs. Schroeder, Mr. Towell of Nevada, Mr. Ware, and Mr. Wolff):

H.R. 10926. A bill to establish a national homestead program under which single-family dwellings owned by the Secretary of Housing and Urban Development may be conveyed at nominal cost to individuals and families who will occupy and rehabilitate them; to the Committee on Banking and Currency.

By Mr. JOHNSON of Pennsylvania:

H.R. 10927. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

H.R. 10928. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10929. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. KEATING (for himself and Mr. Steiger of Wisconsin):

H.R. 10930. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. KING:

H.R. 10931. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. Beard, Mr. Hudnut, Mr. Leggett, Mr. Steelman, Mr. Teague of Texas, and Mr. Charles H. Wilson of California):

H.R. 10932. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust fund; to the Committee on Public Works.

By Mr. PEPPER:

H.R. 10933. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. POWELL of Ohio:

H.R. 10934. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps (ROTC) program at the institutions; to the Committee on Armed Services.

By Mr. RHODES:

H.R. 10935. A bill relating to the administration of manpower training programs for persons whose primary language is not English; to the Committee on Education and Labor.

H.R. 10936. A bill to provide for a national bilingual manpower training system to assist disadvantaged Spanish-speaking individuals; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 10937. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself, Mr. Bergland, Mr. Bingham, Mr. Brown of California, Ms. Chisholm, Mr. Danielson, Mr. Derwinski, Mr. Edwards of California, Mr. Fraser, Ms. Griffiths, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. Leggett, Mr. Moakley, Mr. Nix, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Stark, Mr. Thone, Mr. Charles Wilson of Texas, Mr. Mitchell of Maryland, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 10938. A bill to regulate expenditures of appropriated funds with respect to private property used as residences by the President and Vice President of the United States; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 10939. A bill to amend the Internal Revenue Code of 1954 to allow 3-year amortization for pollution-control facilities; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Brown of California, Mr. Walsh, Mr. Cronin, Mr. St Germain, Mr. Thone, Mr. Nix, Mr. de Lugo, Mr. Clark, Mr. Froehlich, Mrs. Boggs, Mr. Mollohan, Mr. Danielson, Mr. Ketchum, Mr. Gude, Mr. Alexander, Mr. Yatron, Mr. Ware, Mr. Annunzio, Mr. Bevill, and Mr. Won Pat):

H.R. 10940. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements: to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, Mr. Milford, Mr. Keating, Mr. Eckhardt, Mr. Kemp, Mr. Helstoski, Mr. Rangel, Mr. Hanley, Mr. Murphy of New York, Mr. Runnels, Mr. Cohen, Mr. Johnson of Pennsylvania, Mrs. Collins of Illinois, Mr. Mitchell of Maryland, Mr. Corman, and Mr. Biester):

H.R. 10941. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mrs. SULLIVAN (for herself, Mr. Grover, Mr. Dingell, Mr. Mailliard, Mr. Biaggi, Mr. Ruppe, Mr. Breaux, Mr. Forsythe, Mr. Studds, Mr. Cohen, Mr. Bowen, and Mr. Pritchard):

H.R. 10942. A bill to amend the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended, to extend and adapt its provisions to the convention between the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment, concluded at the city of Tokyo, March 4, 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. WAGGONNER:

H.R. 10943. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. Ryan, Mr. Rinaldo, and Mr. Anderson of California):

H.R. 10944. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WINN:

H.R. 10945. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. WYMAN (for himself, Mr. Henderson, Mr. Davis of Georgia, Mr. Rhodes, Mr. Forsythe, Mr. Chamberlain, and Mr. Evins of Tennessee):

H.R. 10946. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of South Carolina:

H.R. 10947. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BREAUX (for himself and Mr. Cohen):

H.R. 10948. A bill to amend the Emergency School Aid Act to extend to French-Americans the same benefits afforded other minority groups under that act; to the Committee on Education and Labor.

By Mr. BREAUX (for himself, Mr. Bergland, Mr. Bevill, Mrs. Boggs, Mr. Bowen, Mrs. Collins of Illinois, Mr. de Lugo, Mr. Eckhardt, Mr. Fauntroy, Mr. Hébert, Mr. Hosmer, Mr. Hungate, Mr. Johnson of Pennsylvania, Mr. Rarick, Mr. Roe, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Won Pat, and Mr. Yatron):

H.R. 10949. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster evacuation expenses; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 10950. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. CLANCY:

H.R. 10951. A bill to amend title XVIII of the Social Security Act to provide medicare coverage in all possible cases involving hospital or skilled nursing home care for U.S. citizens outside the United States; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, and Mr. Goldwater):

H.R. 10952. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. PRITCHARD:

H.R. 10953. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H.R. 10954. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, Mr. Hudnut, and Mr. Robison of New York):

H.R. 10955. A bill to amend the Public Health Service Act to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Staggers, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 10956. A bill: Emergency Medical Services Systems Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 10957. A bill to consolidate and revise the laws relating to public health; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 10958. A bill exempting State lotteries from certain Federal prohibitions, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Stuckey, and Mr. Fraser):

H.R. 10959. A bill to establish an agency for the prevention of child abuse in the District of Columbia and for other purposes; to the Committee on District of Columbia.

By Mr. TIERNAN:

H.R. 10960. A bill to prohibit discriminatory employment practices with respect to physically handicapped persons; to the Committee on Education and Labor.

By Mr. WHITTEN:

H.R. 10961. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes; to the Committee on Rules.

By Mr. YOUNG of Illinois:

H.R. 10962. A bill to amend the Securities Exchange Act of 1934, to facilitate the development of a national securities market system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.J. Res. 774. Joint resolution proposing an amendment to the Constitution of the United States with respect to grand juries; to the Committee on the Judiciary.

By Mr. HILLIS:

H.J. Res. 775. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. FISH (for himself, Ms. Holtzman, Mr. Gunter, Mr. Long of Maryland, and Mr. Murphy of New York):

H. Con. Res. 351. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. Hastings, Mr. Walsh, Mr. Smith of New York, Ms. Holt, Mr. Hudnut, Mr. Bafalis, and Mr. Cronin):

H. Con. Res. 352. Concurrent resolution providing for peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. Brown of California, Mrs. Burke of California, Mr. Conte, Mr. Murphy of New York, Mr. O'Brien, and Mr. Bob Wilson):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. MOAKLEY (for himself, Mr. Burton, Mrs. Chisholm, and Mr. Mitchell of Maryland):

H. Res. 598. Resolution that it is the sense of the House that there be no action on confirmation of the Vice-Presidential nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Res. 599. Resolution to investigate the involvement, if any, of the U.S. Government in the overthrow of the Allende government in Chile; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 10963. A bill for the relief of Kwok Tung Leung; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 10964. A bill for the relief of Clarence S. Lyons; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

322. By the SPEAKER: Petition of the Knesset, Tel Aviv, Israel, relative to the decision of the Government of Austria to halt services provided to Soviet Jewish emigrants en route to Israel; to the Committee on Foreign Affairs.

323. Also, petition of Jo Hindman, Powell Butte, Oreg., and others, relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

324. Also, petition of the Amarillo College Student Senate, Amarillo, Tex., relative to prompt confirmation of a new Vice President of the United States; to the Committee on the Judiciary.

325. Also, petition of the Board of Commissioners, Salt Lake City, Utah, relative to benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

326. Also, petition of Herman Howlery, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

327. Also, petition of Sonni and Timbuk Pyles, Dannemora, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PROGRESS IN CANCER RESEARCH AND TREATMENT PROVIDES HOPE FOR 50 MILLION AMERICANS DOOMED TO CONTRACT THE DISEASE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 16, 1973

Mr. RANDOLPH. Mr. President, since passage of the National Cancer Act of 1971, there has been increased interest and awareness of this second greatest killer of human beings. Much of what is written or spoken about cancer is either too technical for the average understanding, or consists of superficial "scare stories" that give only partial enlightenment.

On September 29, at the annual meeting of the West Virginia Division, American Cancer Society, in Charleston, the president of ACS gave a balanced and informative summary of the progress in cancer control. Dr. Arthur G. James of Columbus, Ohio, states that through early detection and treatment, 50 percent of all cancer cases can be cured. Further, he predicts that more than 50 million Americans now living will develop this disease sometime throughout their lives unless we do more to control it. He states in unequivocal terms that smoking causes one-fifth of all cancer deaths.

Mr. President, I was privileged to serve as West Virginia's chairman of the 1973 Cancer Crusade, and I am gratified to report that the thousands of West Virginia volunteers succeeded in collecting 5.7 percent above their challenge goal. Because of the necessity to broadly disseminate factual information about this killer disease, I ask unanimous consent that excerpts from the presentation by Dr. James be printed in the Record.

There being no objection, the presentation was ordered to be printed in the Record, as follows:

Presentation by Arthur G. James, M.D.

Cancer is a disease that is older than recorded history. There has actually been evidence of cancer on earth in the bones of prehistoric animals. If cancer has been with us this length of time, aren't we out of line to think that we could ever control it. Actually, there has been a lot of progress made in the field of cancer. Most of this has been in the past 100 years. We are not exactly sure just why. Possibly, there wasn't so much cancer in years gone by. We read very little about it in the Bible for example. There are many mentions made to . . . the disease leprosy and it is possible that sometimes when they referred to leprosy, they really meant cancer. In the English textbooks, for example, we see reference to cancer of the tongue after Columbus had been to the Americas and introduced the use of tobacco to the Continent. There has been quite a change in the public attitude towards cancer and this has been brought about primarily through the public education programs of the American Cancer Society. In 1900, cancer was considered a completely hopeless disease. People were loathe to talk about it. This was not considered a polite topic of conversation. This attitude has certainly changed, and people talk openly about it. Patients want to know about their cancer and especially what the prognosis is. This is a much healthier attitude. About 1930, we could save or cure about 20% of all cancers, which is 1 in 5. Now, we talk about curing 33% or 1 of 3, so you see that progress is steadily being made.

This is not an unusual disease. In fact, it occurs rather frequently. Statistically, 1 in 4 living Americans will develop this disease throughout their lifetime. It is second only to heart disease in the U.S. in the number of deaths that are produced. Over 50,000,000 Americans now living will develop this disease some time throughout their lives unless something is done to control it in the meantime. Practically, every family has had some connection with it personally. This would include approximately 500,000 West Virgians developing cancer during the course of their lives. Each year, there are roughly 2800 new cases of cancer diagnosed in Franklin County. When we talk about cancer, we don't talk about one disease. There are approximately 100 different types of cancers that have been described. This is the reason that when the cure comes, it will come for one specific type and not for all cancers, at one time.

There are many things that we do not know about cancer, but there are also a lot of things that we do know. For example, we don't know what the exact cause of it is. We certainly know that it is not contagious. It is not possible to transmit cancer from one human to another. Some of you may remember, the work that was done among the Ohio Penitentiary inmates in the mid 1950s, in this regard. Live cancer cells were injected into the arms of volunteers. The cancers grew up to a certain size, and then they disappeared. No one developed permanent cancers as a result of these injections. Doctors and nurses take no special precautions in the handling of cancer patients and the incidence of cancer isn't any greater among doctors and nurses than it is among the general population. We know that irritation has something to do with the development of cancer. This has to be chronic and over a long period of time. A single blow certainly cannot produce it. Viruses are being more and more implicated as a possible cause. Heredity has been discussed and, in general, we say that cancer is not an inherited disease and yet, I believe that cancer of the breast is familial. In any event, we see many situations of cancer of the breast where there has been a positive history in the immediate family, and we do not see this in cancer in general. Various chemicals also are being implicated as being possibly carcinogenic or possessing the ability to initiate cancer. Asbestos is being incriminated more and more.

We know too that the incidence of this disease increased up until about 1930, and then leveled off. This varies with different groups of people and also with individual types of cancer. For example, there has been a steady decline in deaths among white women in the past 35 years. This has dropped to about 8%. At the same time, deaths among black females from cancer have increased. During this same period, male deaths increased about 40% and this has been about twice as great in the black male as compared to the white. In the U.S., lung cancer is the most serious one affecting males. Cancer of the breast in the females. Cancer of the lung has increased in the U.S. and is also increasing in females. One of the popular, long cigarettes in this country tries to appeal to women by saying. "You've come a long way, Baby or Sister or some other dignified term", and they have progressed in this area. Last year, there were 58,000 deaths in males and 14,000 deaths in women, and if women keep on smoking at the same rate, they are now, in the next 10 to 15 years, I don't think there is any question but that they will achieve equality with men in this regard, and they will have approximately the same number of deaths as the males. Stomach cancer is on the decrease, and this has been occurring since 1930, and we don't know exactly why. Cancer of the uterus is also on the decrease which we feel is due to the combined increased use of the Papanicolaou smear and the public education programs. Cancer of the pancreas on the other hand, is increasing steadily and indications are that this will become one of our most serious cancers within just a few years unless something is done to check it. The number of deaths from cancer of the breast has remained about the same during the last 30 to 40 years, and the number of people developing cancer of the prostate has been decreasing. We don't know why these changes occur with these various types of cancers. In Japan, cancer of the stomach is the most common cancer. In India, cancer of the liver is very common and someone has suggested that there may be some connection with the parasites that very frequently involve livers in India. In the U.S., this particular type of cancer is practically unknown. In Russia, cancer of the esophagus is very common, much more common than we experience here. In Africa, there are some tribes in which cancer of the stomach is unheard of and cancer of the colon practically never occurs. It is interesting that if a group of Japanese were to migrate to the U.S., in a couple of generations, the incidence of cancer of the stomach would be about the same as ours and if a group of Africans were to come here, their offspring, in time, would develop cancer of the stomach and cancer of the colon at about the same incidence that Americans do. This indicates that environment is extremely important in the causation of cancer. In fact, some have indicated that 80% of all of our cancers are due to environmental causes.

We know that many cancers can be cured. And when I say cured, I mean that they remain free of cancer and go on to die of something else. Approximately 1½ million Americans are now living as cured cancer patients. Medically speaking, we are not pleased with our batting average as far as the number of cancers that we can cure. I mentioned earlier, that at present, we cure 33% of all cancers. This figure, of course, varies with the type of cancer and with the stage at which the patient is treated for his cancer. Breast cancer, for instance, overall, we can cure roughly 50% of those who are subjected to surgery for it. If a group of breast cancer patients were seen early, it would be possible to cure over 80% of them. Skin cancers can be cured in about 95% of the time. Mouth cancers when seen early can be cured in about 70% of the time and, overall, we can cure only about ½ of this amount. Deeper cancers like those originating in the kidney, liver, stomach and pancreas, do not have as good an outlook. The outlook of cancer of the lung is horrible, and this is one reason why we hate to see people smoke. It wouldn't be so bad if when one developed cancer of the lung, we could offer him something worthwhile, but when an individual develops cancer of the lung, it is hardly worthwhile treating it because, overall, we can cure only 5% of these people, which means that 95% of them are palliated only. The outlook of cancer of the colon is much better. This is good because, considering both male and females, cancer of the intestinal tract is the most common one that we have, in the U.S. Overall, it is possible to cure approximately 33% of the people who develop cancer of the colon. If these are seen early, it would be possible to cure about twice that many, and those that are found on sigmoidoscopic examination when the patient has this done as part of a routine exam, are practically all cured. This emphasizes the importance of having a sigmoidoscopy regularly. If everyone in this country paid attention to the early signs of cancer and reported them to their doctor early, it would be possible to cure 50% of all cancers that occur. In Franklin County, where there are 1,500 deaths annually from cancer, it should be possible to save another 600 to 800 yearly if everyone cooperated. This is the main reason to have annual checkups and why the Columbus Cancer Clinic urges people to have frequent detection examinations for cancer.

Now, supposing everyone in this country knew the danger signals and did something about them. We could cure about 50% of all cancer.

Let's say that we are going to get really serious about controlling this cancer. We are going to do everything that is expected of us. Everyone is going to see his doctor early and in addition to that, everyone of us who smoke, is going to give up cigarette smoking. Unfortunately in this country, cigarette smoking accounts for 20% of all cancer deaths. Can you imagine that! A habit that is acquired innocently as a youngster, can cause one-fifth of all cancer deaths in this country. All right, now we are all going to give up smoking. That means then that we are going to prevent 20% of all cancer deaths. In addition, we are curing 50%. Now, we are controlling 70% of all cancer, and we are relegating cancer to the group of innocuous diseases that occur in the U.S. Wouldn't that be wonderful if we could do this. Unfortunately, we have to be realistic. We know that people don't always come in with early cancers. We know that many people will continue to smoke, so that for a group of roughly 35 to 50% of all our cancer patients, the main thing that we have to offer them is what is being developed through cancer research.

Just what is cancer research? It isn't some mystical powder that we have to pour over a disease and make it disappear. It represents expensive laboratories, many, many well trained researchers at all levels, much laboratory equipment, and many research animals. Overall, this is a very costly item. More importantly, we need ideas. Men and women with ideas. Last year, the American Cancer Society supported these ideas of cancer research to roughly $25,000,000.

I must say that I become provoked each time I see a certain tobacco company advertising small cigars on TV. These are about the same size and shape as cigarettes except that they are brown. They are even packaged 20 to each container. If one were color-blind, he could not tell the difference, and they make the commercial very sexy to attract the younger people. My thinking is not very charitable of a company that would do this knowing that this may cause young people to start to smoke realizing full well of the harmful effects that this can eventually have.

There is research going on in the field of virology. Viruses have actually been isolated as a causative agent for several animal tumors.

The Cancer Prevention Study of the ACS is an important piece of research in this area. In the mid-fifties, one million individuals were studied. Cancer volunteers all over the country each year obtained follow-up information about this million individuals. It was from this study that it was learned that heavy cigarette smoking caused cancer of the lung. This study has been resumed in the past few years and approximately 70,000 volunteers are taking part in it. It is hoped that many other bits of information may come from this study. For example, have the cigarette filters reduced or have they been effective at all in helping to prevent cancer of the lung? Does drinking excessive coffee or tea have anything to do with cancer of the esophagus or stomach? Do birth control pills have anything to do with cancer? These are examples of some of the questions that may be answered. Another area that is important in prevention is the field of immunology. We have indicated that one person in four will develop cancer in his lifetime, and this means that three in four will not. Now what do those three have in their body that the fourth does not have? This is where intensive research is going on to try to find out what factors may be introduced into people so that they will not develop cancer, and it is hoped that eventually a vaccine can be made that will protect people from cancer. Anytime a disease is caused by a virus, it should be possible to develop a vaccine against that particular virus. This has been done, as you know, against measles, whooping cough and poliomyelitis.

A National Chemotherapy Conference was sponsored by the ACS in November, 1972, and some of the results that were reported are very encouraging. The story of the leukemias is a very exciting one. Before the use of the chemicals, a child who developed an acute leukemia was dead within a period of three months. Now, at this Conference, some of the reports indicated that up to 50% of children with acute leukemias, were living at the end of five years. Whether some of these can be expected to be cured only time will tell. Hodgkin's disease is also exciting. This disease used to be considered uniformly fatal and we talked about palliation only. Recent figures from that Conference indicated that 70% of the patients with disseminated Hodgkin's are living at the end of 5 years. This is by the use of radiation therapy, surgery and multiple chemotherapeutic agents. Forty percent of these patients are found to be without disease at the end of five years so how many of them may be considered cured again only time will tell.

In certain sarcomas of children, the same story is being reported. For example, rhabdomyosarcoma, which is a muscle tumor occurring in children, used to be highly fatal to children just a few years ago. Now with the use of multiple chemicals and combined with other treatment, the report from this Conference indicated that 70% are living at the end of five years. This is one of the most encouraging areas of cancer research. Of course, the ideal will be to find the drug that kills all cancer cells in an individual without producing too much harm to the normal remaining cells of the body. Cancer research is a very expensive item. The ACS hopes to raise one billion dollars in the 1970s and a sizable portion of this will be used for cancer research.

What part does the Federal government have in this program? We are happy to say that the Government is playing a much greater part in it than ever before. The National Cancer Act came into being in December, 1971. This is the first time in our history that the control of a disease was made a national priority. People throughout our country have finally become aroused enough that they convinced their Congressmen that more should be done to combat this disease. This law called for a total of $1.6 billion to be used over the next three years. It also called for the setting up of 15 cancer research centers throughout this country. Seven or eight of these will be set up before the end of 1973, and it is hoped that the rest of them will come into being in 1974. Many parts of the country, of course, have applied for these. Columbus is one of the areas that has applied. We have been given a planning grant and the people here are hopeful that eventually a cancer research center will be located in Columbus.

The ACS has roughly 2½ million volunteers. These volunteers can carry out many projects at no cost for their services. If the Federal government had to pay the cost of these services, there wouldn't be enough to pay for these, let alone money for research. This law also provided for an Advisory Committee of three which reported directly to the President, and the funding of this project will be primarily directly from the President to the program without having to go through much of the red tape that it had to do in the past. The Program is being directed primarily through the NCI. Task Forces are being set up in most of the major areas of cancer. These Task Forces will outline research programs and correlate them throughout the country. The cooperation between the ACS and NCI could not be better. The first fruits of this cooperation is in the development of twenty breast cancer demonstration centers throughout the country. These are centers that will examine women without lumps in their breast. Mammography and thermography will be used and it will be interesting to see how many early cancers of the breast will be detected in this manner. Many other conjoined projects are being discussed at this time and we'll hear more about them in the future.

We should each pay attention to early warning signals and do something about them. We should avoid carcinogens as much as possible which includes asbestos, too much sun, smoking, etc. I know it is difficult for one to stop smoking once he is addicted, but it can be done. I think we as doctors are not as positive in advising our patients as we should be and I'm afraid many times the patient thinks that the doctor is joking. I have seen many patients quit smoking and it can be done. There is no question in my mind that the most important investment that a heavy smoker could make would be to quit smoking. Regardless of how much money people have, 95% of the ones who develop cancer die from their disease and no amount of money can restore their health. I am not too sympathetic with the heavy smoker. He knows better—being exposed to all the evidence that is available. Patients often quit smoking after they develop cancer. If they want to do this badly enough, they can. It should be reassuring to the heavy smoker that regardless of how long he has smoked, if he stops completely before he develops lung cancer, he has a good chance of not developing the disease. I believe doctors should be more definite about advising against smoking. I'm afraid many times patients feel this advice just doesn't apply to them. We should each influence our Congressmen. We should be alert as to what is going on legislatively and stimulate our Congressmen to vote for heavier appropriations against cancer. We should also be willing to stimulate our legislators to vote against the use of tobacco promotion in any way that they see fit. Finally, we should all support the ACS. We need much more money in the ACS than we are raising at present if we are going to see this job to a successful conclusion.

Finally, what about a cure of cancer? Is it just talk? Will a break-through take place? I don't know how long it will take but a cure will come. It could come most anytime. For example, a blood test could be developed that would be very helpful in the diagnosing of cancer in a much earlier stage. The ideal chemical could be developed that would be effective in killing cancer cells or a vaccine could be developed at any time that would actually prevent cancer. Not many of you here remember when yellow fever or smallpox were important diseases in the U.S. Some of you may remember typhoid fever or tuberculosis perhaps, and certainly, all of you, are fairly familiar with polio and what was done with that. Now, why should cancer be an exception? How soon depends on how badly you and I want it and how much effort we are willing to make and how much support we are willing to give!

FEDERAL CIVILIAN EMPLOYMENT AUGUST 1973

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the August 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures.

The release follows:

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in August was 2,810,942 as compared with 2,821,856 in the preceding month of July—a net decrease of 10,914. Total pay for July 1973, the latest month for which actual expenditures are available, was $2,888,745,000. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in August, as compared with the preceding month of July and with August a year ago, follows:

	Full time in permanent positions	Change	Temporary, part time, etc.	Change	Total employment	Change
Current change:						
July 1973	2, 395, 000		383, 299		2, 778, 299	
August 1973	2, 396, 610	+1, 610	370, 833	−12, 466	2, 767, 443	−10, 856
12-month change:						
August 1972	2, 469, 542		336, 238		2, 805, 780	
August 1973	2, 396, 610	−72, 932	370, 833	+34, 595	2, 767, 443	−38, 337

Some highlights with respect to Executive Branch employment for the month of August are:

Full-time permanent employment in the month of August showed major increases in Postal Service with 3,663 and HEW with 1,503, offset by a decrease in Defense with 3,811. During the year major decreases were in Defense and Postal Service offset by increases in HEW and Veterans Administration.

Temporary, part-time employment in August showed major decreases in Defense with 4,165, Veterans Administration with 2,404, Treasury with 1,816 and Postal Service with 1,075. These decreases are largely due to a reduction of temporary summer aids employed in federal opportunity programs for the disadvantaged. During the year there was in increase in temporary, part-time employment primarily in Postal Service, HEW and Veterans Administration, partially offset by decreases in Agriculture, Defense and Commerce.

TOTAL EMPLOYMENT

Total civilian employment in the Executive Branch in August, as compared with July, is shown for civilian and military agencies, as follows:

	August	July	Change
Civilian agencies	1, 728, 160	1, 731, 040	−2, 880
Military agencies	1, 039, 283	1, 047, 259	−7, 976
Total, civilian employment	2, 767, 443	2, 778, 299	−10, 856

Significant changes among the civilian agencies were:

Major decreases in Veterans Administration with 2,385, Treasury with 993 and Transportation with 861.

Major increases in Postal Service with 2,588, Agriculture with 1,123 and HEW with 998.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in August totaled 34,761, an increase of 25 as compared with the preceding month of July. Employment in the Judicial Branch in August totaled 8,738, a decrease of 83 as compared with July.

UNIFORMED MILITARY PERSONNEL

Uniformed military personnel in the Department of Defense has decreased 446,836 during the past ten years since 1963, while civilian employment has increased 2,649 during the same period. Annual military costs in fiscal year 1973 were $22 billion and civilian pay costs were $12 billion.

NATIONAL CHAMPIONSHIP MARCHING BAND SHOW

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. EILBERG. Mr. Speaker, the National Championship Marching Band Show will be held in Philadelphia on Saturday, October 20.

The Cardinal Dougherty High School Band from my district in northeast Philadelphia will be one of the participating bands in this National Championship event. Cardinal Dougherty has been awarded numerous trophies and prizes including the World Championship at the World Music Festival in the Netherlands, three national championships at the National Cherry Blossom Festival in Washington, D.C., and six prizes at the annual Macy's Thanksgiving Day Parade.

At this time I enter into the RECORD an announcement by the city of Philadelphia describing this event:

Some of the finest high school bands in the country will be marching in Philadelphia on the 20th of October. The parade of bands includes championship musical units from Nebraska, California, Florida and Illinois as well as the cream of the East.

The Cardinal Dougherty World Championship Band will be appearing as well as Archbishop Wood from Warminster and the Marching Colonials of Plymouth-Whitemarsh. The parade will promote the National Championship Marching Band Show being held at Veterans Stadium starting later in the afternoon, pitting the best bands of the Delaware Valley against the best of the nation.

Scheduled to start at 1 p.m., the mid-city parade will march down the Benjamin Franklin Parkway to 17th st., south on 17th to Chestnut, and east on Chestnut to Independence Hall.

Cardinal Dougherty has long been one of the premier bands in the country, and has won more prizes and trophies in their existence than any band short of Sousa's. Their laurels include victories at such prestigious events as the World Music Festival in the Netherlands, three-time national champion at the National Cherry Blossom Festival in Washington, D.C., and six-time winner of the Macy's Day Parade. They are currently rated as one of the top bands in the country.

The Dundee Scots, resplendent in full scottish regalia of kilts of the royal stewart plaid, will be arriving from Chicago to take part in this band spectacle. This fine band was undefeated in 1971 and won five out of six field shows in 1972. This past year was the year of the Scot as they captured first place in the National Field Show of the Festival of States in St. Petersburg, Florida and the Midwest Championship in Crown Point, Indiana.

Defending National Champion, Wilson Sr. High from West Lawn near Reading, will be appearing as well as 1972 National Champion, Governor Livingston from Berkeley Heights, New Jersey. Other top of the line Delaware Valley bands participating include Marple-Newton, Hammonton, Sun Valley, Oakcrest from Mays Landing, and Mainland from Linwood, New Jersey.

Band aficionados will not want to miss this marching band extravaganza which will bring together more of the top musical units in the country than ever before gathered in one place.

L. KEITH BULEN OF INDIANA HONORED FOR ACHIEVEMENTS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BRAY. Mr. Speaker, my good friend, L. Keith Bulen, Indianapolis attorney and Republican National Committeeman from Indiana, recently served as a delegate to the 55th Economic and Social Council in Geneva.

His work was praised in letters to Hon. John Scali, our Ambassador to the U.N., and to Hon. Richard G. Lugar, mayor of Indianapolis. It is a pleasure to insert them into the RECORD at this time:

U.S. MISSION TO
INTERNATIONAL ORGANIZATIONS,
Geneva, Switzerland, August 16, 1973.

Hon. JOHN A. SCALI,
U.S. Representative to the U.N.,
New York, N.Y.

DEAR JOHN: I am pleased to have this opportunity to call to your attention the exceptional performance of Mr. L. Keith Bulen of Indiana as a public member of the United States Delegation to the 55th ECOSOC in Geneva.

Mr. Bulen was a full working member of the delegation in all senses. He served as advisor, drafting officer, reporting officer and negotiator on many agenda items. In addition he was the officer-in-charge of handling the most important and sensitive item on "Public Information". His formal intervention on this item, a copy of which is enclosed, contributed heavily to the overall success of the delegation at the just concluded session.

I should also like to call to your attention his contribution to the work of the delegation on the explosive matter of the establishment of a West Asian Economic Commission as proposed by the Arab States. Mr. Bulen, a lawyer, worked through two consecutive days and nights with me researching the constitutional issues involved and co-drafting our final statement.

I cannot close without noting that Mr. Bulen, at his own expense, shared the onerous burden of representation at a time when our dollar was in a severe crisis.

Mr. Bulen's service was a model for citizen participation in foreign affairs. He certainly has the thanks and deep appreciation of myself and the U.S. Delegation to the 55th ECOSOC.

Yours very truly,
CLARENCE CLYDE FERGUSON, Jr.,
Ambassador.

Enclosure: As stated.

THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,
August 28, 1973.

Hon. RICHARD G. LUGAR,
Mayor of Indianapolis,
Indianapolis, Ind.

DEAR MAYOR LUGAR: I wish to commend and praise the magnificent performance of Keith Bulen as a volunteer American Republican of substantial merit during the recent Economic and Social Council Session in Geneva. As one who was in the precincts when Keith was laboring well, I wish many American citizens could have seen how magnificently Americans who care for their country can perform in difficult international environments.

Keith is a rare combination of qualities, and I salute him, his fine bride, and Indianapolis for serving as the springboard for Keith's activities in the international arena.

Sincerely,
JOHN SCALI.

INTERSTATE SYSTEM NEARS COMPLETION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ZWACH. Mr. Speaker, I have consistently opposed the transfer of money from the highway trust fund to mass transit use because, especially in rural America, we have so much need for additional highway funds.

Gordon E. Duenow, editor of the St. Cloud Daily Times in our Minnesota Sixth Congressional District, in a recent editorial, pointed out that while our Interstate Highway System is now 81 percent complete, 88,000 obsolete and unsafe bridges and tens of thousands of miles of inadequate highways can absorb all the highway trust fund money that might be available.

Mr. Speaker, with your permission, I would like to share Mr. Duenow's thoughts with my colleagues by inserting his editorial in the CONGRESSIONAL RECORD.

INTERSTATE SYSTEM NEARS COMPLETION

For 17 years we've been building our interstate highway system at a cost of $33 billions of federal dollars, matched by $4.6 billions of state dollars. Today this ambitious program, started during the Dwight D. Eisenhower administration, is more than 81 per cent completed, although only two-thirds paid for. And many St. Cloud area residents undoubtedly believe that a big portion of the unfinished portion is right in this section of the country.

The program has been hailed as a tremendous success, particularly from a safety standpoint. Safety experts claim this interstate highway system already has saved more than 30,000 lives and this year another 6,000 lives are expected to be saved.

If such a federal system is to be continued where do we look in the future? Congress already has seen fit to allocate some of the money for mass transit and this probably will be expanded. That's the way it usually is when a leak is started.

But the Highway Users Federation in Washington, D.C., points out that these interstate routes involve only one per cent of our nationwide highway system. Most of us know from experience that the remaining 99 per cent, in many instances, are far below standards for modern transportation needs. These same officials also note that the highways not included in the interstate system carry about 80 per cent of the traffic.

Besides that, they report that engineers point to 88,000 obsolete and unsafe bridges with more than 70 per cent built before 1935.

So if there are any motorists anticipating an end to the federal gasoline, tire and auto supplies tax they can just as well forget it. We'll find many new uses for this kind of highway cash even though our interstate system may be completed in a few years.

It's up to us, however, to determine where this money will be spent. It won't do us much good if much of the money is spent for mass transit in such places as New York City or Los Angeles.

DRUG ABUSE PROBLEMS IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WALDIE. Mr. Speaker, work of the Select Committee on Crime has shown that there is a direct relationship between the overproduction of harmful drugs by drug manufacturers and drug abuse among young people. It was learned that legitimate companies manufacture 90 percent of the drugs in the illegal drug market. Naturally, control of the overproduction of harmful drugs was an important recommendation of the Committee.

Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views of the committee's recommendations. Their letters relate, as well, the independent efforts they are making to fight the drug abuse problem. Their evaluation and experiences should be of great interest to all Members of Congress.

Mr. Speaker, a selection of their letters follows:

LETTER FROM JOHN SESSUMS, PRINCIPAL, WESTMINISTER, CALIF.

I heartily concur with the findings. However, unless there is quick follow-up action by your committee, the results will be the same as many others that have preceded you—little or nothing.

May I suggest you become knowledgeable of the Value-Oriented/Drug Abuse Prevention Program directed by Dr. Herb Brayer of the Orange County Department of Education. This school has, and is devoting many hours of work to implement the program for our students. In my experience it is the only approach I have found that can reach the root cause of drug abuse.

LETTER FROM WILLIAM W. MONAHAN, SUPERINTENDENT OF SCHOOLS, SUNNYVALE, CALIF.

Specifically, I refer to alcohol. Kids are not stupid, and they can soon see the contradiction of an alcoholically oriented society piously disclaiming the deleterious effects of other drugs. I have recently watched two of my close relatives die of alcoholism, so I know of what I speak.

If Congress is really serious about doing something regarding drugs, it will have to take some pretty tough steps that will not be too popular politically. I am not asking congressmen to play the role of Carrie Nation, but it does seem to me that a country which allows all kinds of advertising for alcohol on the other, is hard to understand. We know that at least 50% of all automobile accidents have some relationship to drinking, but we still allow roadside taverns. We know that at a conservative estimate, there are over 20 million people in the United States who have alcoholic problems, yet we allow billboard and magazine advertising to seduce people into thinking that drinking is linked with manliness, sexuality, and success.

You asked me what you can do regarding the drug problem. I will say from a legislative standpoint, get tough on all drugs. From a personal standpoint, set an example which you would want all young people to follow themselves.

LETTER FROM GORDON R. PICKERING, PRINCIPAL, CARMICHAEL, CALIF.

Your letter further suggested that you would be interested in receiving additional suggestions and/or proposals. I do not feel that drug education, while important, is not in and of itself a deterrent to abuse. I submit the education as to effects of alcohol seldom if ever cures the alcoholic. It is my feeling that if the United States Government wishes to have an impact on this problem, they need to really back and finance programs to deal with the human problems that necessitate the need for escape to the extent of abuse.

I believe that it is past time for the Federal Government to accept its financial and moral responsibility for education of the entire nation. We need to recognize that our population is a mobile one. Both privately and federally connected families are constantly being moved from state to state. Therefore, the education, for example, in Oklahoma is important to the people of California, since the students of one state may well be the adults of another. For our federal government to continue its program of intermittent intervention is to sustain ignoring our greatest natural resource, the human mind and body.

LETTER FROM ROBERT L. FORBES, PRINCIPAL, CASTRO VALLEY, CALIF.

May I make some further suggestions? All of us who have been working with young people for many years are concerned with drug abuse and our efforts do need additional funding and they do need additional counselling assistance. However, it seems to me that in the long run we are overlooking the problem of alcoholism and the appeal that is made by many of our mass media to young people to drink, I think, is underestimated in its effect. I am glad that the Congress plans to oversee the effectiveness of the voluntary guidelines adopted for the radio and TV industries on drug abuse.

A cursory look at the various TV programs reveals a cavalier attitude toward alcohol which is matched only by the extravagant advertising budgets used by the national distilleries in nationwide magazines and newspapers. In short, I feel that we are missing something here that needs some attention.

Further, I am certain that you have had eloquent testimony that drug and alcohol abuse is a symptom and not a cause. There is a limited gain to be made, in my mind, in treating symptoms only and not causes. Abuse of drugs and alcohol (not social use) is usaully a symptom of an unhappy, dissatisfied, alienated, depressed, asocial kind of individual. There are many forces at work in the American society which minimize rather than maximize the positive side of the human potential. We really have not come to grips successfully or forcefully with the depersonalization of the post industrialized society or with the lack of serious dialogue concerning a frank discussion of the moral posture of our society.

Schools, in turn, very often contribute to the alienation by being places where regimentation and order take precedence over learning and growing. Our own profession has some soul searching to do which is long overdue.

At no time in your deliberations ever underestimate the contribution to alienation made when government officials at the highest level show a lack of perspective relative to their obligations to the body politic.

LETTER FROM MARILYNN LAIRD CARRUTHERS, R.N., COORDINATOR SCHOOL HEALTH AND HEALTH EDUCATION, PLACERVILLE, CALIF.

Nowhere in your statement did I find any reference to alcohol as a drug, yet it is well accepted that it is by far the most "abused" drug of *all* age groups. The separation of alcohol from other "drugs" creates expensive duplication of research and education since basically the causes of experimentation and abuse are similar, if not identical.

TEACHER EDUCATION AND DRUG COUNSELING STAFFS

Seven years ago, while on the staff of the Roseville High School District, I helped develop such a program for teachers. Experience has shown us that this approach is completely ineffective. I believe you will discover that the majority of California schools have tried and abandoned this method at least two years ago. It was determined that there was no reduction in drug use; in fact, there were increases in some areas as a result of this approach.

For the past two years, many California schools, under the guidance of the State Department of Education's Drug Education Task Force, directed by Don McCune and aided by Jim Lindberg, have approached the problem from the "Values Clarification" point of view. Briefly, this involves personal examination of what one believes in, willingness to publicly affirm this belief, knowledge of the alternatives, and acceptance of the consequences of one's own behavior. This problem solving approach to education is not confined to alcohol, other drugs and tobacco. It can be applied to all the curriculum with very positive results. We are working toward this in the El Dorado High School District with in-service programs and college extension classes for teachers. Mr. Robert Newell, of the Oakland City Schools, is recognized as a leader in this field. As for drug counseling, personally I have found the "street clinics" like "Aquarian Effort" in Sacramento and "New Morning" here in Placerville *far* more effective than any educator's attempts. The fact is, "kids relate to kids". These groups should have funding to carry one, and should not have to spend half of their time scrounging for dollars. They also help with counseling regarding V.D., pregnancy, abortion, etc.

FEDERAL GOVERNMENT FUNDING

Unfortunately this always has strings to meet specifications, or elaborate and worthless programs are written and funded, or the money is suddenly stopped after program is started. If we, here in California, had waited for federal direction and funding, we would be so far behind the problem we would never catch up. My thoughts here, for federal help, would be to assist those successful programs and leaders to "spread the word". Obviously, all states are not as progressive and do need assistance, but *not* just in terms of *money*. They should be helped to recognize and develop their own strengths.

FEDERAL CONTROL OF PRODUCTION OF DRUGS

Obviously a needed step, however, this should also include *strict* control on distribution. Pharmaceutical warehouses, pharmacies, and doctor's offices are closely inventoried and controlled. Where is the breakdown, and how do the legal supplies get to illegal outlets?

MEDIA CONTROL

As long as we are bombarded with "the good life" that all drugs are going to bring us: freedom from headache, tension, arthritic pain, constipation, etc. and the benefit of one beer over another, or one toothpaste or whatever, we had better be certain that the youth of today have been taught to know how to make a discriminating choice; to know the alternatives open to them, and to be able to accept responsibility for their actions. Very often these points get lost in the frantic attempts to get academic facts and concepts into the classroom. These are important only as they lead to the third step, the "value centered level". This is the step that asks, "How do you feel and what would you do about it?"

LETTER FROM EUGENE BALLOCK, PRINCIPAL, LAFAYETTE, CALIF.

I read with great interest your communication of September 10, 1973, regarding the drug problem and the role of the Select Committee on Crime. Interestingly enough, in our particular area, I have seen a decrease in the use of drugs as a vehicle for abuse; however, alcohol is beginning to climb again, with its related problems to all age groups. We are not completely devoid of the problem, however, and it still troubles many schools in our area including, on occasion, mine.

I think that the strongest program can be created on a local basis, with funds going directly to the local school boards. Perhaps this can be accomplished by allocating monies to the states, which they, in turn, could dispense to programs that have been designed by local school districts to meet their particular problems in a way that seems to be effective.

LETTER FROM ROBERT R. ROYLE, ACTING PRINCIPAL, SAN RAFAEL, CALIF.

I would suggest that members of your staff, and members of committees studying effective ways to prevent drug abuse consider the recommendations given in this book. They are thoughtful; they are based upon a wide study of the problem, and furnish a consistent set of guidelines for trying worthwhile methods of control. I particularly call to your attention the six caveats, beginning on p. 521, which are:

1. Stop emphasizing measures designed to keep drugs away from people.
2. Stop publicizing the horrors of the "drug menace."
3. Stop increasing the damage done by drugs.
4. Stop misclassifying drugs.
5. Stop viewing the drug problem as primarily a national problem, to be solved on a national scale.
6. Stop pursuing the goal of stamping out illicit drug use.

Finally, I would suggest serious consideration of the detailed recommendations beginning on p. 530 as a basis for legislative programs.

It's becoming more evident, on the high school level, that effective programs rely less upon legalistic methods and more upon a type of education revolving around clarification of individual values.

LETTER FROM SANDRA NEILSEN, COUNSELOR, BAKERSFIELD, CALIF.

In addition, a colleague and I planned and organized a drug program for South High. We had the help of interested members of several community agencies who devoted many hours of their free time in planning sessions during the school year of 1970–71.

The project which we called TRIAD required funding of some kind, and the Kern County High School District administration requested this funding in January 1971 and February 1972. Because the funding could not be secured we were not able to put the program into practice.

I feel that there are many aspects of project TRIAD that are worthwhile and that with the proper personnel, it could be very successful in at least partially solving the drug abuse problem on campus.

Enclosed you will find a copy of the original statement of purpose, objectives and activities of project TRIAD. I have also included excerpts of the document requesting funds under ESEA Title III in 1972, which will further explain the project. The project title of this document was "From Fear to Care."

LETTER FROM JOHN W. NICOLL, SUPERINTENDENT OF SCHOOLS, NEWPORT BEACH, CALIF.

Here in Orange County, and in particular our school district, the program that has evolved includes the community and the parents. We have developed a comprehensive in-service program with teachers. We also have had a team attend workshops conducted by the California State Department of Education. The team included a parent, an instructional staff member, a student, and a district-level person.

Specifically, then, in answer to your question, my recommendation would be that the Committee's guidelines should include a provision for involving the community and the parents in any drug abuse preventive program. It would also be helpful if the responsibilities of other agencies, community and governmental, were described.

LETTER FROM KENNETH D. PERKINS, PRINCIPAL, FAIRFIELD, CALIF.

You cannot establish a very effective program in any school unless you can get community involvement. What will work in one community may or may not work in another. Effective resource people can be very helpful by supplying up to date data within the community, enforcement practices, medical statistics, etc. I have found outside speakers to be much more impressive to the students than the teaching staff. This is not to say that my teaching staff is not involved in drug education programs with the students.

I do not believe that the drug problem is as serious in our community as it has been in the past. I hope that this is a universal tendency and not just unique to our area.

WAR POWERS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ZABLOCKI. Mr. Speaker, the President has before him House Joint Resolution 542, the war powers resolution, a nonpartisan landmark measure which has been passed by large majorities in both Houses of Congress.

The President now has the opportunity—by signing this legislation instead of vetoing it—to carry out his expressed desire for balanced government and a healthy cooperative relationship with Congress on nonpartisan matters.

I include in the RECORD a New York Times editorial of October 15, which so ably points this out:

FOREIGN POLICY TEST

Ever since he was sworn in as Secretary of State last month, Henry Kissinger has stressed what he says is the Administration's desire to achieve closer cooperation with Congress in a "nonpartisan" foreign policy enjoying broad public support. "No foreign policy—no matter how ingenious—has any chance of success if it is born in the minds of a few and carried in the hearts of none," Mr. Kissinger has said.

President Nixon spoke in similar vein in announcing his choice of Representative Gerald R. Ford of Michigan to be Vice President. Mr. Nixon said the country could meet its challenges and seize its opportunities to advance world peace "only if we have bipartisan support in the Congress of the United States in matters in which no partisanship should ever enter." The nomination of Mr. Ford, a legislative wheelhorse who is well-liked in both houses, was clearly made with the aim of averting a fresh confrontation of the White House with Capitol Hill.

The War Powers bill adopted by large majorities in both houses of Congress last week poses a crucial test of this spirit and of the fresh approach to foreign policymaking which the Secretary of State has attempted to introduce: The bill represents a responsible effort by Congress to restore in the critical area of decisions on war and peace the essential partnership between the President and Congress which the Administration professes to seek and which the Constitution, in fact mandates.

By promptly signing this important measure, President Nixon could give solid meaning to his own words and signal his own support for his Secretary of State's new approach in laying the cornerstone for a new era of Executive-Congressional relations in the foreign policy field. If, however, the President carries out his threat to veto the bill he will set the stage for a new bitter confrontation with Conrgess, perilously prolonging the period of dissension that has already proved so damaging to his Administration, to the country and to America's foreign policy objectives.

EXTEND DAYLIGHT SAVING TIME TO CONSERVE ENERGY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BINGHAM. Mr. Speaker, I am introducing today a bill to extend daylight saving time to the entire calendar year for a 2-year period as a symbol of American determination not to knuckle under to Arab threats of an oil boycott.

Such threats are being heard with increasing frequency since the Arab assault on Israel began on October 6 and oil-producing Arab countries have been pressured into demonstrating their support for the Arab cause.

It is intolerable that the United States should be vulnerable to threats of an Arab boycott of oil shipments. Any such attempt at blackmail must be rejected out of hand. I am encouraged to note that U.S. officials have recently indicated that contingency plans to cope with a cutoff of Arab oil do exist. In any case, the Nation could cope with such a cutoff and would not be forced to change our policies in the Middle East.

Even looking beyond the present crisis, it is imperative that the United States not be dependent on oil from the Arab States. We must embark on massive programs to develop alternative sources of energy and on serious programs of energy conservation. One such conservation measure would be year-round daylight saving time.

During World War I and World War II this step was taken as an energy conservation measure. With war raging in the Sinai desert and the Syrian plains it is just as appropriate as a conservation measure now.

While it is not possible to state exactly how much electricity would be conserved by year-round daylight saving time, it could be substantial. Providing an additional hour of daylight in the evening would also help in the war against crime and would reduce highway accidents.

Most importantly it would demonstrate that the United States is determined not to be dependent on unreliable foreign sources of oil. I commend this legislation to the attention of my colleagues and urge their support.

REPRESENTATIVE ZABLOCKI AND THE WAR POWERS LEGISLATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. REUSS. Mr. Speaker, I wish to commend my colleague, the Honorable CLEMENT J. ZABLOCKI, for his outstanding efforts over the last 2 years to develop historic legislation reasserting the balance of power between the Executive and the Legislature in the area of war powers. The following editorials from the October 8, 1973 Washington Post; October 9, 1973 Milwaukee Journal; and October 15, 1973 New York Times describe his excellent work:

[From the Washington Post, Oct. 8, 1973]

A CONGRESSIONAL CONSENSUS ON HOW WE GO TO WAR

Agreement by House and Senate conferees on war-powers legislation puts the Congress within reach of reclaiming its constitutionally and politically appropriate role in a critical area of national policy-making; the conference report goes to the floor of both houses this week. A succession of Presidents have taken to themselves authority to commit the country to war, most recently and painfully, of course, in Vietnam. Finally, after more than a decade of warmaking in Indochina, the Congress has managed to assemble a consensus on the position it should take in future conflicts. The delay, not to speak of Congress' general reluctance to grapple with assertive Presidents on this issue, does not exactly enhance confidence in the legislature's capacity to play the role it has now staked out for itself. Still, it is a considerable achievement that, on an issue at once so elusive and charged, the Congress has produced a bill. Rep. Clement Zablocki (D-Wis.) and Sen. Jacob Javits (R-N.Y.), the two principal sponsors, have done outstanding work.

The President has long threatened to veto this bill; it was drafted under that shadow. But here it is noteworthy that Mr. Nixon's objections do not seem to go principally to one or another of the specific features of this bill—these features add up to a requirement that the President truly inform Congress and seek its consent before committing the nation to hostilities, except under stipulated, limited emergency conditions. Rather, Mr. Nixon simply does not wish legislative restraints to be placed on Executive warmaking. Whether his view is constitutional is arguable—these days, just about everything is. It is, at any rate, a claim entirely consistent with Mr. Nixon's general and well-known views on the amplitude of presidential power.

Estimates vary on whether the Congress can override the expected veto; the answer will shortly be available. We would suggest, however, that Mr. Nixon weigh the political benefits to himself and to his office of war-powers legislation. What he dismisses as a curb on presidential power is in fact a guarantee that, in a war, the occupant of the Oval Office would have the support of the legislative branch. A President who had complied with the provisions of this bill would not have to fear dissipating his and the country's energies in a duel with the Congress over the terms of entry into war or of its subsequent conduct. Anyone who, reviewing the last 10 years, cannot understand how much this would serve the national interest has missed one of the chief lessons of the Vietnam war. The administration now regularly advertises the advantages of foreign-policy cooperation between the executive and legislative branches. This bill poses the issue nicely; does the administration mean it or does it not?

We are aware that no war-powers bill can be stronger than the determination of Congress to apply it in a particular set of circumstances. The President would still retain the possibility of going to the country in an emergency and sweeping the Congress along. The congressional record is not reassuring on this score. Nonetheless, by this bill, the Congress has jacked itself up to a standing position on an issue on which it had previously been suppine. This is an achievement which not even an upheld veto can take away. In this sense, the significance of this bill lies not only on its specific provisions for information, consultation and review but in the expanded congressional awareness and self-respect which it denotes. This may yet offer the best hope that, whatever the fate of the bill, the Congress will accept its share of national war-making responsibility in any crisis that may come.

[From the Milwaukee Journal, Oct. 9, 1973]

VITAL AIM TO CURB WAR POWER

The Senate and House are about to act on a conference committee bill aimed at defining the president's unilateral authority to commit this country to war. The compromise measure, drawing substantially from the preferable House bill sponsored by Wisconsin's Rep. Zablocki, is worthy of passage even though it faces a promised veto by President Nixon. It may be just as important now to set a precedent by passing the legislation as an expression by Congress—a clear sign to the executive to step more warily in the future—as it would be to have the measure actually on the statute books.

The 20th century, particularly the last 25 years, has seen the American presidency assume more and more power over the vital question of committing troops to combat. This has occurred partly from force of circumstances, as the threat of nuclear weapons makes declared, total war unthinkable, and partly as a result of congressional abdication to the executive. The Founding Fathers, in granting Congress the power to raise armies and declare war, meant the responsibility to be shared.

Under the conference committee bill, the president would have to end a combat operation after 60 days unless Congress ratified the action or formally declared war. The president could ask for an additional 30 days' grace if he deemed it essential. Congress could terminate the commitment of troops sooner by passing a concurrent resolution.

The bill has weaknesses. Establishing time limits essentially means the fighting would probably continue during that period even though Congress would have power to act in the interim. The bill tries to define broad categories of situations in which the president could commit troops. This would better be left unsaid. Let the president use his wisdom in each specific instance and then allow Congress to pass judgment on it.

If the measure passes, as expected, and is vetoed, the issue should not be dropped there. A better balance must eventually be established somehow between the executive and legislative branches on this elementary issue.

[From the New York Times, Oct. 15, 1973]

FOREIGN POLICY TEST

Ever since he was sworn in as Secretary of State last month, Henry Kissinger has stressed what he says is the Administration's desire to achieve closer cooperation with Congress in a "nonpartisan" foreign policy enjoying broad public support. "No foreign policy—no matter how ingenious—has any chance of success if it is born in the minds of a few and carried in the hearts of none," Mr. Kissinger has said.

President Nixon spoke in a similar vein in announcing his choice of Representative Gerald R. Ford of Michigan to be Vice President. Mr. Nixon said the country could meet its challenges and seize its opportunities to advance world peace "only if we have bipartisan support in the Congress of the United States in matters in which no partisanship should ever enter." The nomination of Mr. Ford, a legislative wheelhorse who is well-liked in both houses, was clearly made with the aim of averting a fresh confrontation of the White House with Capitol Hill.

The War Powers bill adopted by large majorities in both houses of Congress last week poses a crucial test of this spirit and of the fresh approach to foreign policymaking which the Secretary of State has attempted to introduce. The bill represents a responsible effort by Congress to restore in the critical area of decisions on war and peace the essential partnership between the President and Congress which the Administration professes to seek and which the Constitution, in fact mandates.

By promptly signing this important measure, President Nixon could give solid meaning to his own words and signal his own support for his Secretary of State's new approach in laying the cornerstone for a new era of Executive-Congressional relations in the foreign policy field. If, however, the President carries out his threat to veto the bill he will set the stage for a new bitter confrontation with Congress, perilously prolonging the period of dissension that has already proved so damaging to his Administration, to the country and to America's foreign policy objectives.

THE REPUBLIC OF CHINA SHOULD BE ADMITTED TO THE U.N.

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. McKAY. Mr. Speaker, recently East Germany was admitted to the United Nations. The United Nations took this action, in recognition that East Germany was an independent sovereign nation which represents a portion of the population of the world which therefore should have a voice in world affairs. It is with this thought in mind that I have placed a resolution before the House of Representatives recommending that the President direct the U.S. delegation to the U.N. to follow prescribed U.N. procedures to support the admission of the Republic of China as a member of the U.N.

Admission of the Republic of China to the U.N. is merited because if the U.N. is to make any progress toward its objective, all nations should have a voice in its operation. The Republic of China represents 15 million people and is the second largest military power in Asia. Surely such an important power representing so many people should be included.

In proposing this recommendation, I do not intend to give the impression that the U.N. can solve all of our problems. I am aware of the foibles and weaknesses which are attached to the U.N. But so long as the U.N. remains an operating international organization, there is no justification for the continued exclusion of the Republic of China from the U.N.

CONCERNS OF CITIZENS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WOLFF. Mr. Speaker, I have received from a group of citizens in my district a letter which speaks about problems that most Americans face today. Mr. Allen and his friends are feeling the effect of increased agricultural exports. But, besides being concerned about higher food prices, they feel that there is a dangerously low level of respect of Government by most citizens of the country. Because I feel their letter is indicative of the concerns of most people around the country, I would like to insert the following excerpts from their letter for the information of my colleagues:

CONCERNS OF CITIZENS

DEAR SIR: I write to you as a member of one of the groups of citizenry from whom you rarely hear; namely the Middle Class. Also, let me assure you now that I seek no personal favor. I have been asked to write to you as a "spokesman" of a small group of neighbors.

Surely "the times are out of joint," in the words of Shakespeare of the most highly industrialized Nation on earth, with the greatest area of arable land in the North Temperate Zone is unable—or unwilling—to formulate a price structure under which the citizens can purchase the means to sustain themselves without courting bankruptcy in the process. If we were in a state of war with a major power as we were thirty years ago, or if there had been "an act of God" (e.g., floods, earthquakes, massive crop failures or the like) we could understand this and bear our share of the sacrifice willingly. However, none of these conditions exist.

Instead, we have an administration which has sold untold millions of tons of grain to the Soviet Union on terms which were to the disadvantage of our own Nation and hence to the prices of food and to the great financial advantage of a few huge grain companies. We now have the Secretary of Agriculture stating that he would be "extremely reluctant" to cancel any Certificates of Export for any firm who still is exporting foods of any type abroad.

I don't know whether you men in office are aware of the dangerously low level of respect all functions of government are held by most of the hitherto docile Middle Class. To define terms, I mean that segment of the populace who earn $15,000.00 per year and over, who either are in the professions, or various echelons of management in large firms, or who have small businesses of their own. This has nothing to do with Party.

As of this time, none of the Middle Class are "hurting". However, we know of the feelings of those in the lower income brackets—and I must tell you that desperation is growing among those people. When and if they begin to raid the supermarkets, we won't engage in that sort of thing—but I don't know of anyone who would run to call the Police.

Again, we'd like to know how you propose to help the people in this crisis.

Very truly yours,

CHARLES B. ALLEN,
and Committee of Concerned Citizens.

THE IMPORTANCE AND NEED FOR NATO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. CRANE. Mr. Speaker, when representatives of the United States and the Soviet Union speak of "détente" and of "arms agreements," many wonder whether our traditional alliances, such as the North Atlantic Treaty Organization, are as important to us and to the nations of Western Europe as they previously were.

To argue that NATO is no longer vital to Western defense is to ignore the reality of what has been happening in Europe during the past period. Despite Soviet rhetoric of "peaceful coexistence," the facts remain far different.

Speaking before the Military Committee of a recent NATO conference, Gen. Sir Walter Walker, former British commander in chief of Allied Forces, Northern Europe, issued a solemn warning on Soviet capabilities and NATO weaknesses. He said:

> The brutal truth is that Soviet forces have gone from strength to strength, while NATO has tended to stagnate. At present, certainly on the northern flank, the Russians can neutralize all our efforts. The Soviet northern fleet alone has more submarines than any single NATO navy, including the United States, and about 60 of them are nuclear.

It is also important to consider a report issued by a Dutch commission of 15 civilian and military experts who proclaimed that the defense of Europe is unthinkable without U.S. participation. This report sketched three main tasks of the NATO alliance: To prevent war, to give an appropriate response to aggression without immediate resort to nuclear weapons, and finally, "in extremity" to maintain or restore the integrity of NATO territory.

These three tasks cannot be fulfilled without the United States, the commission said. The report stated that:

> The nuclear power and the conventional presence of the United States on the European continent are the core and decisive fact in fulfilling these three tasks of the alliance.

In an article in the Chicago Tribune of September 30, 1973, Arthur Veysey reports the details of a lengthy interview with Gen. Andrew Goodpaster, NATO's present commander in chief.

Mr. Veysey reports the gist of what General Goodpaster said. The general noted, he writes, that:

> The Soviet leaders preach detente but continue to improve their military forces. The Soviet military budget has gone up each year for five years. The research budget is up 60 per cent. The Soviet Union today spends as much on its forces or perhaps a little more than the U.S. even though its total income, its gross national product, is only half that of the United States.

Mr. Veysey points out:

> NATO has served the West well. Europe has gone more than a quarter of a century without war. The Soviet Union has been unable to pick off more European nations one by one. NATO has encouraged the West to work together and make the best use of men, money. and supplies.

At a time when many call for less defense spending, for an alteration in our traditional alliance, and for a retreat from world leadership, it is essential that we understand the real stakes in today's complex world.

I wish to share with my colleagues the article, "The Importance of and Need for NATO," by Arthur Veysey as it appeared in the Chicago Tribune of September 30, 1973, and insert it into the RECORD at this time:

THE IMPORTANCE OF AND NEED FOR NATO

(By Arthur Veysey)

CASTEAU, BELGIUM.—Is the North Atlantic Alliance still important? Is there still any need for its military command set up by General Eisenhower 23 years ago when the Soviet Union was blockading Berlin?

Yes, declares the present commander in chief. He is Gen. Andrew Goodpaster, an American. NATO and its military arm, SHAPE, will be vital, he says, until Western Europe unites or until the Soviet Union and its allies cease to be a threat. Neither, he says, is in sight.

Why keep NATO? Why keep American forces in Europe?

For three hours, I sat in on a private briefing at which Goodpaster, his chief of staff, and his directors of intelligence, planning, and supplies, made their pitch. Here is the gist of what they said.

The Soviet leaders preach detente but continue to improve their military forces.

The Soviet military budget has gone up each year for five years. The research budget is up 60 per cent. The Soviet Union today spends as much on its forces or perhaps a little more than the United States even tho its total income, its gross national product, is only half that of the United States.

The army keeps its 24-month draft. In Central Europe, the Soviet Union and its allies have more tanks, planes, and guns than NATO and enough short-range nuclear missiles to smash Western Europe.

The Soviet Union has developed multiple warheads for its big, long-range missiles, adding to the number of American cities it can wipe out in an instant. It is putting missiles into stronger underground silos. Its newest submarines carry missiles capable of reaching 4,000 miles, letting the subs attack every part of America without leaving the Arctic Ocean. Eight such subs were built last year. Yards now turn out one a month.

The Soviet air force has a new faster-than-sound bomber and a new fighter.

The Soviet navy has grown fastest of all. Its nuclear submarines can attack shipping in any ocean. Its newest destroyers and cruisers carry missiles to attack other ships, sonar to seek submarines, and a double defense against planes. The first Soviet aircraft carrier is afloat. Old cruisers have been converted to communication and command ships. Supply ships let a fleet operate indefinitely in any ocean. Research ships probe the seas.

Why does the Soviet Union devote so many men, so much money, supplies, and effort to its military forces?

The Soviet Union, unlike the United States or, more so, Western Europe, has within its borders almost everything it needs in wartime. Thus it has little need for a defensive navy.

But the Kremlin leaders apparently learned from the Cuban missile crisis the power of a navy in peacetime. Today the Soviet navy, backed by land, air, and space forces have turned the world military balical, or military strategy thruout the world.

The improved land, sea, air, and space

forces have turned the world military balance to favor the Soviet Union. An even bigger shift may come from the Soviet's policy of detente.

By preaching peace, the Soviet Union stimulates Western euphoria and wishful thinking that the Cold War is over.

Negotiations for mutual balanced force reductions in central Europe will be a false road to peace if they further disturb the military balance. How can withdrawal of American troops across the Atlantic be matched against the movement of any number of Soviet forces a few hundred miles to the east, where they could be placed against the NATO flank or, in emergency, quickly sent back into central Europe?

NATO and SHAPE have served the West well. Europe has gone more than a quarter of a century without war. The Soviet Union has been unable to pick off more European nations one by one. NATO has encouraged the West to work together and make the best use of men, money, and supplies.

All NATO governments are under strong public pressure to cut military spending. Heavy cuts will come, unless people who still believe in NATO speak up loud and clear.

THE NOMINATION OF CONGRESSMAN GERALD R. FORD AS VICE PRESIDENT OF THE UNITED STATES

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. POWELL of Ohio. Mr. Speaker, I would like to add my voice to the great chorus of approval to the nomination of my distinguished colleague from Michigan, Gerald R. Ford, to the Office of Vice President of the United States.

Congressman Ford is uniquely qualified by experience, temperament, and training to fulfill the important responsibilities and duties of the Vice Presidency, and his conscientious performance of these duties will prove to be an inspiration to all the citizens of this great country, who have every right, to expect the highest possible standard of performance of our Nation's leadership.

Mr. Speaker, during my tenure of service here in Congress, I have come to recognize and respect the leadership qualities of Gerald R. Ford. He is a man of great vitality, integrity, and industry and he complements those attributes with compassion and an unswerving dedication to the principles of good government.

The public record of Gerald R. Ford is recognized. His character has been tested in the melting pot of debate and negotiation which characterize this legislative Chamber. His opinions and viewpoints are solicited and respected. In short, Jerry Ford has a proven "track record."

Mr. Speaker, given these considerations, I urge my distinguished colleagues on the Judiciary Committee to act expeditiously on the confirmation of Jerry Ford as Vice President of these United States.

The citizens of Michigan's Fifth Congressional District will, unfortunately, be losing a gifted and dedicated public servant, but they, in addition to all the Nation's citizens, can be confident in their knowledge that a man of exceptional, indeed, unparalleled, qualifications stands ready to assume the Republic's second highest office.

MILITARY RETIREES LOSE AGAIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to protest the House-Senate conferees' decision to ignore the needs and, indeed, the rights of retired military personnel by dropping the Senate-adopted provision which would recompute retired pay.

Under the Senate provision, which was adopted by a vote of 71 to 14, military personnel who retired prior to January 1, 1972, would have their retired pay recomputed on January 1, 1972 pay scales at age 60 except that those who are retired with 30 percent or greater disability would be allowed to recompute immediately.

This is only fair and just, but the conferees—for the second year in a row—have allowed this broken promise to remain unmended.

The principle of recomputing retired military personnel pay based on active duty pay was incorporated in the American Military Retired Pay System from the time of the Civil War to 1958, with short exceptions. All military personnel who served before June 1, 1958, did so with the expectation that this principle would continue to be followed. It is quite likely that the recomputation feature of the retiriment system was largely responsible for the decision of many to make the military a career.

Although there was no signed contract with the U.S. Government promising that this system would be continued after service was completed, there certainly was a moral obligation on the part of the Government not to reduce the entitlement after it was earned.

The hundreds of thousands of retired career personnel, both Regular and Reserve, who served in several wars believed that their Government would continue to honor that obligation by preserving their entitlement to those rights earned under laws existing during their active service. Repeated governmental statements concerning the matter strengthened this belief.

However, in 1958, Congress abandoned the recomputation principle and substituted an across-the-board 6-percent increase for retired personnel. In 1963, Congress offered a one-time recomputation to those who were retired prior to the 1958 changes, or a 5-percent cost-of-living increase, whichever was greater. The cost-of-living system of adjusting retired pay is in effect today.

Although changes have been made in the system in an effort to protect the retiree from the rapid rate of inflation, they have not done so. The average retiree's pay has incerased by 58.6 percent since 1958 while active duty pay has increased by 108.1 percent during the same period. A tremendous gap in retired pay has grown between the retirees of the same grade and years of service. This inequality will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

Many of the lower grade retirees who served their country well for 20 or 30 years through two or three wars are in dire straits. They served at times when pay scales were very low and raises few and far between. Their retired pay is small, they pay taxes on it, and end up with less than many people get who never did anything for their country, who will not work, who pay no taxes, and who live off other people's money.

The many retired military men and women who have served our country and who have given of their minds, bodies, and years—none of which can be replaced—certainly deserve no less than equity in their retired pay.

CORDELL HULL LOCK AND DAM ON CUMBERLAND RIVER DEDICATED IN TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. EVINS of Tennessee. Mr. Speaker, Saturday last, along with Gov. Winfield Dunn, of Tennessee, and Mrs. Tricia Cox, the lovely daughter of President and Mrs. Nixon, and other distinguished guests and citizens in my State of Tennessee, I was pleased to join in dedicating the new $75 million Cordell Hull Lock and Dam on the Cumberland River in Smith County, near Carthage, Tenn.

The dam was built by the U.S. Corps of Engineers and was dedicated in appropriate ceremonies to the memory of the late Secretary of State Cordell Hull, my distinguished predecessor in the Congress.

The dedication was most appropriate, because of Secretary Hull's lifetime goal and objective of providing water resource development access to the Upper Cumberland Area of Tennessee.

Because of the interest of my colleagues and the American people in water resource development and progress, I place a copy of my dedicatory remarks in the Record, as follows:

Remarks by Joe L. Evins, Member of Congress, at Cordell Hull Lock and Dam Dedication Ceremonies, October 13, 1973

Thank you, Chairman Joe Carr, Governor Dunn, Mrs. Tricia Cox, the lovely daughter of President and Mrs. Nixon, General Kelley, General Nichols, and Colonel Brandes, of the Corps of Engineers, other distinguished platform guests, ladies and gentlemen and friends: Certainly I am pleased and delighted to be here today to join with you in these historic dedication ceremonies.

I join with others in welcoming all of you to Tennessee—and the great Fourth Congressional District of Tennessee.

Senator Baker—our State's Senior Senator—called me and indicated that he was detained in Washington and expressed regrets that he could not be here today.

Senator Baker asked that I extend greetings to all in attendance.

This is an important occasion.

This is a significant occasion.

THE UPPER CUMBERLAND

Today marks a milestone in the history, growth and progress of the storied Upper Cumberland area.

The Upper Cumberland area is often called Cordell Hull Country because it was here that my distinguished predecessor was born and reared—and began his illustrious career in public life as a State Representative and Circuit Judge that ultimately carried him to Washington as Congressman, Senator, Secretary of State and world statesman.

Cordell Hull loved the Cumberland River—he worked with his father in the logging business and rode down the river on huge rafts of logs to Nashville.

Some historian has reported that as the big rafts moved down the river Cordell Hull could be seen perched on the raft, deeply absorbed in a book.

He was said to be the best young logger and best young debater in this area.

During Judge Hull's time, this area was known as the Mountain District—famous for its fabled history—strong men—beautiful women—scenic wonders—good environment—and, above all, the Cumberland River.

I am reminded of Victor Hugo's writing about great rivers which captures the romance of the Cumberland.

Hugo wrote:

"I love rivers, they do more than bear merchandise—dreams float along their surface. Rivers, like clarions, sing of the beauty of the earth, the fertility of the plains and the splendor of the mountains."

Carl Sandburg said: "Nothing happens unless it was first a dream."

Certainly the development of the Cumberland River and the construction of the Cordell Hull Dam and Lock has long been a dream of the people of the Upper Cumberland—they have worked hard to make this dream become a reality and I commend and congratulate them for their great work.

Many years ago, Cordell Hull said:

"Should the Government of the United States discontinue improvement of the fertile Cumberland Valley waterway and isolate its hundreds of thousands of people, an injury and loss would be worked that could not be estimated."

Well, we all know now that the Government has not failed to open up our waterways. But—to the contrary—we are developing the full potential of the Upper Cumberland to greatly expanded economic opportunities so that hundreds of thousands of people in this and future generations will benefit.

Indeed, the future for this area is bright.

APPROPRIATIONS

Knowing of the dreams and aspirations of the people of the Upper Cumberland area, and as a member of the Subcommittee on Public Works Appropriations, I have encouraged an effort to revive this project—and make the dream of our people come true.

First, our Committee provided funds for a re-study and re-evaluation of the project.

Following the study and up-dating of the project, the Corps again made a favorable recommendation. They reported that the project was sound, feasible and desirable.

Although the Dam was not initially budgeted—in 1963 an appropriation of $1 million was provided by our Committee and the Congress to begin construction.

The project seemed, at last, underway. However, some further delays occurred as meetings were held in Cookeville, Gainesboro, and other Upper Cumberland towns concerning the project—not because the people opposed the dam—but because they wanted a navigation lock added to the project as then planned and proposed.

They took the position—as did Cordell Hull, earlier—that nothing should restrict the access to the Upper Cumberland.

They did not want to be isolated—they wanted to open up the Upper Cumberland to greater commerce and navigation for our people. Many people, interested in the full development of the Cumberland, were concerned. I could mention many citizens—but will mention only one—the late J. Mack Draper of Gainesboro—as representative of many public-spirited citizens of this area who wanted a navigation lock added to the project.

Following a further study by the Corps concerning the desirability of the lock feature, it was determined that the lock was justified and an additional appropriation of $10 million was provided to finance the construction of the navigation lock.

Today, we witness the completed project.

Today, we recognize this lock as a water gateway to the Upper Cumberland. A nine-foot channel for another 75 miles has been created—a year-round channel that assures access at all times to the Upper Cumberland, extending to the Kentucky line and beyond.

It was my privilege to be present at groundbreaking ceremonies several years ago in an open field, where the lock is now located. It was my pleasure to turn the first spade of dirt for this project.

A few weeks ago, I was pleased to stand in the power house of the dam and throw the switch, activating the first of three powerful generators that will provide another 100,000 kilowatts of electricity, urgently needed, because of the Nation's current energy crisis.

BENEFITS TO AREA

As we envision the benefits that will flow from this project—I predict that this dam—this reservoir—and this lock—will bring a new golden era of progress and prosperity to the Upper Cumberland.

New commercial horizons and vistas will be opened—new industries will locate here—jobs and employment will be provided—new commerce will flourish.

Power production—flood control—navigation—water supplies—recreation—all of these and other benefits will flow from this great water resource project.

The Corps, in its reports on this project, have repeatedly predicted that the project will provide a substantial boost to the economy of the area.

A "significant, positive impact" will result, the report suggests—resulting from the shipment of timber, coal, asphalt, cement, petroleum, gasoline, wood and steel products.

The next century will bring a significant change—for economic growth, progress, and development.

Indeed, the future of this area is bright and promising.

What we say here will not be long remembered—but what has been accomplished here—by the Corps of Engineers with the people—will be long remembered—as this project will long stand as an enduring monument to the memory of a great statesman who came from our midst, Cordell Hull.

My friends, I am sure many of you have heard of Uncle Billy Hull, the father of Cordell Hull.

Uncle Billy Hull once described his distinguished son—Cordell Hull—this way:

"Cord wasn't set enough to be a school teacher—wasn't rough enough to be a lumberman—wasn't sociable enough to be a doctor—and couldn't holler loud enough to be a preacher. But, Cord was a right thorough thinker."

In my view, this completed project represents some "right thorough thinking"—as well as some "right thorough planning" and work on the part of the Corps of Engineers, our people, and all concerned.

We have, in our area today, a great partnership of progress among the cities, counties, and communities in the Upper Cumberland—and, this great project is a product of this fine spirit of cooperation and working together for growth and development.

This project represents "the wave of the future"—my congratulations to all.

Let me say, that whatever small part I may have had in the completion of this great project—I can assure you—has been a labor of love.

CONCLUSION—DEDICATION

And so, my friends, again, I want to congratulate the U.S. Corps of Engineers for their great work. And, I congratulate the people of this District in having this great facility.

And now—may I say that it is a pleasure to join with the distinguished Governor of our State—Governor Dunn—and all of you—in dedicating this great project to the benefit of all the people of America—and especially to the people of this District and Tennessee. . . . And to the eternal memory of my distinguished predecessor—a truly great American—Cordell Hull.

Thank you—thank you very much.

THE GREAT PROTEIN ROBBERY: NO. 9

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. STUDDS. Mr. Speaker, the International Commission for the Northwest Atlantic Fisheries—ICNAF—is the international organization charged with protecting and conserving the marine resources in the Northwest Atlantic. To date, ICNAF has failed to conserve the fish stocks in New England coastal waters, thereby allowing the depletion of a valuable source of protein by massive foreign fishing fleets.

This week, a special meeting of ICNAF is being held in Ottawa, Canada, to discuss the U.S. proposal to impose a total reduction of fishing effort on all nations in the once fertile fishing grounds of the Northwest Atlantic. Should this meeting fail to reach agreement on a total reduction of fishing effort, and should the United States withdraw as threatened from the Commission because of the lack of agreement, it will become more necessary than ever before to establish conservation measures to protect the fish from overexploitation by foreign fleets. My bill, H.R. 8665, to extend U.S. fisheries jurisdiction out to 200 miles from our coast, would protect this valuable source of protein from depletion, and would allow us to guarantee a continued supply of fish for years to come.

I believe we must pass this bill to end the great protein robbery occurring off our shores.

I would like to insert in the RECORD at this point an excellent article by Ken Botwright in yesterday's Boston Globe that deals very well with this subject:

BROWNELL SEES 200-MILE U.S. LIMIT IF GEORGES BANK OVERFISHING NOT HALTED

(By Ken Botwright)

OTTAWA.—The United States soon may have to extend its territorial offshore limit from 12 to 200 miles if the Soviet Union and other nations don't stop over-fishing Georges Bank, Arthur W. Brownell, Massachusetts natural resources commissioner, said yesterday.

Brownell predicted this decision could be prompted by the breakdown of a crucial five-day meeting of the International Commission for Northwest Atlantic Fisheries (ICNAF), which opens today here.

Brownell, a member of the US delegation, is pessimistic about the outcome of the talks, and so are some of the sizeable contingent of New England legislators, government officials and fishing industry representatives also attending.

Brownell, a member of the US delegation, is pessimistic about the outcome of the talks, and so are some of the sizeable contingent of New England legislators, government officials and fishing industry representatives also attending.

They pointed out that the annual ICNAF conference in Copenhagen during the summer ended in a deadlock. Russia and other European nations refused to accept US proposals to curtail over-fishing on Georges Bank—90 miles off the tip of Cape Cod—by allotting each of the 19 member nations a certain number of vessel-days, or by setting fish species quotas. This week's extraordinary session, called at the suggestion of Canada, will try to resolve the impasse.

"Something has to be done this time," Brownell said in an interview.

"The United States is pushing for total reduction of the fishing pressure on Georges Bank. And the United States has already made it clear to the Russians that if we don't get satisfaction, we'll drop out of ICNAF and take unilateral action to end overfishing.

"I believe that unilateral action would be extending the off-shore limit to 200 miles."

Brownell said Massachusetts fishermen are suffering because they can't compete with the Russian, East German, Polish and other European fleets, which take massive catches from the 10,000-square-mile Georges Bank—one of the world's richest fishing grounds. "Cod and haddock are facing extinction and if something isn't done the lobsters will go, too," he said.

The United Nations Law of the Sea Conference scheduled to be held in Chile next spring is due to hear claims of at least 15 nations seeking a 200-mile limit. Canada even wants to push her limit 400 miles into the Atlantic. Peru, Eucador and other nations already have unilaterally set 200-mile limits. And Iceland's insistence on a 50-mile limit provoked the "Cod War" with Britain last spring.

Up to now, the United States officially has supported the 12-mile limit. But Brownell believes Washington would change its policy if the Ottawa talks failed. He said he is convinced Congress would promptly pass legislation for a 200-mile limit, recently introduced in both houses by Representative Gerry E. Studds (D-Mass) and Sen. Warren Magnuson (D-Wash.).

"We can't wait for the Law of the Sea Conference," Brownell said. "It would take them two or three years to approve the 200-mile limit."

And during that time, said Brownell and other New Englanders at the ICNAF meeting here, there could be an accelerated, unrestricted free-for-all among fishing nations as they plunder Georges Bank.

After the Copenhagen meeting, Howard W. Pollock, deputy administrator of the US National Oceanic and Atmospheric Administration (NOAA), sent a sharply worded note to Alexis A. Bolkov, a top official in the Soviet fisheries ministry.

Pollock condemned over-fishing as "a crisis situation" and emphasized that the executive branch of the US government "is receiving very considerable pressure from Congress and our domestic fishing industry for an immediate solution through unilateral action."

"Let there be no mistake, my friend, if the special fall meeting fails, the US government will deposit its note of withdrawal from ICNAF . . .," Pollock said in his letter, which was recently published in a Fishing industry magazine.

Brownell was accompanied to Ottawa by Frank Grice, director of the Massachusetts Marine Fisheries; state Rep. Steve Chmura (D-Ludlow), chairman of the Joint Legislative Committee on Natural Resources and Agriculture; and Rep. William Q. MacLean Jr. (D-Fairhaven), House majority whip.

STATEMENT OF HON. O. C. FISHER BEFORE THE RULES COMMITTEE ON H.R. 10586

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. FISHER. Mr. Speaker, I include in the RECORD, the statement I made before the Rules Committee on the bill H.R. 10586, as well as a copy of that bill:

It is a pleasure for me to appear before you and the other members of this distinguished committee. I appear to request a rule on H.R. 10586 which is a bill to authorize the use of health maintenance organizations to those entitled to such care under Chapter 55 of Title 10, United States Code.

First, let me describe what the bill will not do. It will not change any of the benefits provided under the Civilian Health and Medical Program of the Uniformed Services, better known by its acronym of CHAMPUS. It will merely provide an alternative to this program for those who desire such an alternative. Despite the contention of those who signed the Minority Report, it will not result in any increased cost to the Government. Let me briefly explain the current laws relating to the CHAMPUS Program.

In 1956 legislation was enacted (Public Law 84-569) which authorized the establishment of a civilian health care program for the spouses and children of active duty members of the uniformed services. Public Law 84-569 was intended to equalize health benefits as between those dependents who had access to uniformed services medical facilities and the estimated 40 percent who did not have such access. The original program was essentially limited to inpatient hospital care. In 1966, however, new legislation was enacted (Public Law 89-614) which added outpatient benefits and extended the program to include retired members and their dependents and the survivors of deceased retired and active duty members. The new program also authorized the establishment of a special program (limited to the spouses and children of active duty members) covering training, rehabilitation, special education and institutional care for the moderately or severely mentally retarded and those with a serious physical handicap. Approximately six million persons are now covered by the program, which is more commonly known as CHAMPUS, current estimated costs of the program for fiscal year 1973 are $522 million.

The CHAMPUS law is written in such a manner as to limit the operation of the program to traditional health insurance concepts and methods, particularly from the standpoint of included and excluded benefits and cost-sharing arrangements. Under this legislation, the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare, could utilize so-called health maintenance organizations in providing benefits under the CHAMPUS.

The Department of Defense and the majority of the members of this committee are extremely concerned about the ever-rising cost of providing medical benefits to those military personnel and their dependents having an entitlement to them. We recognize that the ever-rising costs are primarily occasioned by the cost of inpatient hospital care.

Health maintenance organizations, or HMO's as they are now commonly called, are organized systems of health care providing comprehensive services for enrolled members for a fixed-prepaid annual fee. While they are organized in various ways, they all provide a mix of outpatient and hospital services through a single organization and a single payment mechanism. Because their revenues are fixed, their incentives are to keep patients well for they benefit from patient well-days, not sickness. Their cost structure is geared to prevent illness and, failing that, to promoting prompt recovery through the least costly services, consistent with maintaining quality. HMO's are not wholly new and more than seven million Americans now receive comprehensive health care from HMO-type organizations and about 20 percent of the U.S. population lives within their service areas. HMO's place great emphasis on preventive services, rehabilitation services, and diagnostic services on an ambulatory basis as opposed to the traditional system under which the emphasis is on restoring health once illness occurs rather than on maintaining it and thereby preventing costly illnesses.

The Federal employees health benefits program has already demonstrated the potential value of the new types of programs in reducing the expenses for hospitalization while furnishing a broad array of health benefits. For example, per capita hospitalization costs for medicare beneficiaries by the Group Health Cooperative of Puget Sound, compared with the national average under the medicare program, demonstrate advantages for the HMO approach, with nationwide medicare average costs per hospital admission of $594 versus a Group Health Cooperative annual cost of $387.

If we can significantly reduce the number of hospital admissions and if we can reduce the number of days a patient spends in the hospital, we believe that this can cause a significant reduction in the medical cost under the CHAMPUS Program. Unlike the bill the House passed a few weeks ago, this bill does not provide any subsidies to HMO's. It merely enables those who desire to choose an alternative to make that choice by utilizing a qualified health maintenance organization rather than the CHAMPUS Program.

I have talked to my colleague, David Treen, who led the opposition in our committee to this bill, and he has stated that he did not desire to appear before the Rules Committee because he saw no reason to oppose a rule. He said he wanted the matter debated on its merits on the Floor of the House.

I feel a one-hour open rule is sufficient for the merits of this matter to be discussed.

I would be happy to try and answer any questions you might have.

H.R. 10586

A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care

America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1089. USE OF HEALTH MAINTENANCE ORGANIZATIONS

"In carrying out the provisions of section 1079 and 1086 of this title, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, may contract, under the authority of this section, with health maintenance organizations as identified by the Secretary of Health, Education, and Welfare. The provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086 of this title when the Secretary of Defense determines that such a deviation would serve the purpose of sections 1071 through 1089 of this title. Such a contract, however, may not provide for annual payments per beneficiary, by the Government and a beneficiary, of any amount greater than the estimated average annual cost for comparable amounts of care of similar quality provided under the cost-sharing arrangements prescribed in sections 1079 and 1086 of this title.".

(2) The analysis is amended by adding the following item:

"1089. Use of health maintenance organizations.".

SOLVING THE FERTILIZER SHORTAGE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. SYMMS. Mr. Speaker, I enclose the following article to point out the blatant misunderstanding of economics demonstrated by the Cost of Living Council—not only should Congressman LITTON's amendment be accepted, we should move now to abolish the Cost of Living Council. Three cheers for Mr. Paarlberg and the USDA's sane, responsible, realistic position to solve the fertilizer shortage.

The article follows:

[From the Packer, Oct. 13, 1973]

SOLVING THE FERTILIZER SHORTAGE

While we continue to shake our heads in utter disbelief at the bungling of one governmental agency. The Cost of Living Council, we must not forget to applaud the outstanding efforts of another, The U.S. Department of Agriculture. A recent case in point is the on-coming fertilizer shortage situation.

The Cost of Living Council has frozen wholesale levels at $75 a ton for phosphorus. $40 for potash and $71 for nitrogen. Overseas the going prices for phosphates and nitrogen mixes is $20 to $30 a ton greater.

The consequences, of course, is a siphoning of available supplies to meet export demand expected to increase 26 per cent for nitrogen and 19 per cent for phosphate.

USDA is carefully monitoring the situation and a recent statement before the Subcommittee on Departmental Operations. Committees on Agriculture, House of Representatives, Don Paarlberg, director of Agricultural Economics, urged Congress to remove the price ceiling on fertilizer and to assure adequate supplies of natural gas to nitrogen producers.

Dr. Paarlberg stated that in fiscal 1974 nitrogen and phosphate supplies in the U.S. could be short of total demand by 1 million tons of nitrogen and 700,000 tons of phosphate.

If domestic agriculture must absorb all of the projected supply-demand deficit, average fertilizer application rates and yields will decline. The substantial increases in crop production that would accompany an adequate supply of fertilizer, increased application rates, and enlarged crop acreages could simply not be achieved—increases that are so desperately needed at home and abroad, Dr. Paarlberg said.

The USDA's Director of Agricultural Economics noted that removing ceilings on fertilizer prices would increase domestic fertilizer supply in four different ways:

1. As domestic prices rise, the price differential between domestic and world prices, which is currently over $30 a ton for several products, will lessen. The economic incentive to export fertilizer will be greatly reduced, redirecting fertilizer to U.S. farmers.

2. Higher prices will encourage fertilizer producers to operate their plants at the highest possible rates. While plants are likely to operate at high rates of utilization in any event in 1974, higher prices for domestic sales would help to take up whatever slack there may be in the system from this past year.

3. Removal of ceilings and higher domestic prices would keep in operation those plants now producing fertilizer, some of which might otherwise close at the ceiling prices now applied to domestic sales. In addition, some idle plants may be drawn back into production. Since the industry overexpanded in the 1960's, numerous plants that became obsolete were, and are still being retired. Higher prices would keep these plants operating and may draw a few back into production.

4. Higher prices may draw some nitrogen and phosphate currently used for nonfertilizer purposes into fertilizer uses. In 1973, approximately 25 per cent of the nitrogen produced in the U.S. was used to manufacture fibers and plastics, explosives, feed and many other products. Retaining even a small portion of this amount for producing fertilizer could be important in the next year.

If domestic prices become competitive with world price, wholesale prices might increase $25 to $30 per ton. But this would increase farmers' total expenditures for agriculture inputs by only 2 per cent. With current and projected 1974 crop prices and the yield response to fertilizer applications, farmers can economically justify paying higher prices for fertilizer, Dr. Paarlberg believes.

Most importantly, USDA believes the market system, if given the opportunity to function freely, will provide adequate supplies in 1974 while encouraging in-plant capacity to meet long-run needs.

To this end every encouragement should be given to the passing of the bill introduced last week by Congressman Jerry Litton, from Missouri's Sixth Congressional District. The bill, to "Amend the Economic Stabilization Act of 1970, to exempt stabilization of price of fertilizer from its provisions," will allow the grower to bid for fertilizer on the world market.

DANGER: WORLD WAR III

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. RONCALLO of New York. Mr. Speaker, lest we think we can buy our way out of the energy crisis by allowing Israel to be sacrificed upon the altar of Arab appeasement, I commend to my colleagues the excellent editorial which appeared in last week's Massapequa, N.Y., Post. We should have learned our lesson at Munich: both in 1939, when we found out that appeasement only escalates the demands of the blackmailers, and in 1972, when the inhuman character of the Arab commands was revealed at the Olympics for all the world to see.

A diplomatic solution is imperative. The United States and the Soviet Union must act to diffuse the Mideast and prevent it from turning into a proving ground for world war III. In the meantime, we cannot abandon our ally and allow the only voice of democracy in that part of the world to be stilled.

The editorial follows:

DANGER: WORLD WAR III

Make no mistake—the danger of World War III is very real at this moment and every effort must be made by this nation, the Soviet Union, and the entire world to stop the Middle East shooting as soon as possible.

Complicating the extremely tight situation is Arab control of oil and the willingness of the fabulously wealthy oil emirs to use it as a weapon against the industrialized west.

Wars have been fought over raw materials in the past and don't think the world has become so civilized that it couldn't happen again, If the pressure gets strong enough, the United States and the Soviet Union could be drawn into a shooting war against one another over oil against their will.

In case anyone is thinking that this easily could be avoided by abandoning Israel to its Arab enemies, forget it. No aggressor with a taste for world domination, willing to use terror as an ordinary tactic and who lacks elementary human compassion, will be satisfied with the annihilation of a mere two million Israelis or with the takeover of the strip of mostly inhospitable land that comprises the sovereign State of Israel.

The destruction of the Israelis would do nothing for the Arabs and they have no real use for Israeli territory. They could have settled the so-called Palestinian refugees in Arab lands years ago had they wanted to.

No—sacrificing Israel on the altar of appeasement won't do any good. Sooner or later we would have to face up to the oil blackmailers and sooner or later we would be compelled to use force to keep our economy alive.

The only acceptable answer from both a pragmatic and a moral point of view is to make a superhuman effort, using every diplomatic means at our disposal, to get the Israelis and the Arabs off the battlefield and around the conference table. A quick Israeli victory would be one way to make this at least possible. Israel would be anxious for a permanent settlement because it is in no position to sustain many more repetitions of the Yom Kippur sneak attack and loss of its limited materiel and manpower. Another defeat might make the Arabs willing to talk; they certainly are not known for generosity in victory.

The latest word is that the Russians are resupplying the Arabs with arms. Unless we are willing to become an eventual Russian satellite, we must resupply the Israelis, particularly with planes already on order. Admittedly there are dangers in such maneuvers, and this often is how such things escalate.

Time is running out on the oil-hungry western world. We cannot repeat the mistakes of the 1930's when Hitler was allowed to devour Europe bit by bit in the hope that he would become satiated on somebody else's blood. We must come to grips with the Middle East problem now, if we are to avoid the hell of a third world war.

LINDA CLAYTON, OF INDIANAPOLIS: A VOICE OF CONFIDENCE, AMBITION, AND FAITH

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BRAY. Mr. Speaker, Miss Linda Clayton, of Indianapolis, was a participant in 1973 Hoosier Girls' State. I had written each one from my district a brief note, as I believe these programs, run by the American Legion, do much to encourage political participation and interest on the part of our youth.

Linda Clayton wrote back to me; I was touched, impressed, and encouraged by her first letter. I insert it into the CONGRESSIONAL RECORD; she agreed, and I think her second letter belongs there, too. The letters follow; this girl represents the very best of American youth and insures us that the country will be in good hands:

JULY 25, 1973.

WILLIAM G. BRAY,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. BRAY: Thank you so very much for your letter concerning my attendance at the 1973 Hoosier Girls' State. I thoroughly enjoyed myself, but more important perhaps, I learned more about our government.

The experience of true competition taught me the most. I made friends who I shall remember for the rest of my life. The knowledge gained of the "behind the scenes" side of politics made the losing worthwhile. Yet I do not honestly feel that anyone of us lost a thing.

My own personal interests in politics has been quite stimulated by Girls' State. I feel that this new hunger for involvement can only be satisfied by involvement. Girls' State has provided for me the first step.

Once again I would like to thank you and all of the members of our Congress and House for giving me the chance to be proud of being involved with our government. Someday you just might see me sitting in a Senator's seat!

Sincerely,

LINDA CLAYTON.

AUGUST 4, 1973.

WILLIAM BRAY,
Congress of the United States,
Washington, D.C.

DEAR SIR: I was very much surprised, to say the least, to receive your letter. I was even more astonished at your request. I would feel honored, Mr. Bray, to have my previous letter put into the Congressional Record.

I feel very proud that you should want to use my ideas and thoughts. I want very much to share my feelings about our country with others who perhaps cannot see how truly fortunate we are. After attending Hoosier Girls' State, I feel proud to feel the tears in my eyes as I salute the American flag. Girls' State was an experience I truly do wish that every American citizen could participate in. It is true that lasting friendships were made, yet the newly developed friendship with our government will last forever.

Thank you so very much, Mr. Bray, for taking your time to listen to my thoughts. And thank you ever so much for forwarding my previous letter to your wife. She was a lot of help at Girls' State, and I am grateful that I had the opportunity of working with her.

Once again, thank you for everything. Mr. Bray, you and Indianapolis Mayor Richard Lugar have made me feel like a proud, important American citizen. Thank you so kindly.

Please send me a copy of the Congressional Record, along with any information you have available.

Sincerely,

LINDA CLAYTON.

FREEDOM FLIES ON THE WINGS OF PHANTOMS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BRASCO. Mr. Speaker, those who cherish the ideals of liberty and freedom have watched in surprise and apprehension as the Arab assault upon Israel gained momentum. For the fourth time in 28 years, military forces, armed, trained, and exhorted by the Soviet Union, seeks the annihilation of a significant portion of the Jewish people. The Pearl Harbor-style attack came because Israel refrained from a preemptive first strike. As a result, she has sustained losses in life and material. What she has gained in terms of moral and political credit, she has sacrificed in blood and treasure.

A bitter struggle continues against Syria and Egypt even as we meet here today. The most merciless kind of war is being waged against Israel by the Arabs. The Jews are fighting for their existence against a foe overwhelmingly superior in numbers and equipment. The United Nations offers no solution, merging as a conglomeration of political name calling. All Israel can expect from that international cave of winds by the East River is condemnation of her insistence of self-defense and hopes for the goals of her enemies.

Some Western European powers, once staunch friends of the Jews, now eagerly do the bidding of the Arab states. Eager for the profits of Arab arms sales and desirous of protecting their oil investments in Arab lands, they grovel at the feet of Arab despots and Soviet arms suppliers. The Jews can only obtain assistance from one source: The United States of America.

There have been other times when a hard-pressed band of brave people has struggled valiantly against a circle of foes sworn to their annihilation. Who can forget brave little Czechoslovakia before World War II, and how the world watched while France and England sold her people and her hopes to Adolf Hitler? Who can forget Republican Spain during the Spanish Civil War, overwhelmed by Franco's Fascists armed by the Nazis.

There have been many incidents in recent history when men could either ignore the plight of an honest man beset by assassins or come to his assistance. That decision is now before this country.

Israel does not ask for American troops. Israel asks only for the means with which to finish the job of defending herself. In the battle thus far, she has sustained significant losses in aircraft, that crucial "flying artillery" which makes the difference between victory and defeat. The Arabs have massive inventories of Russian planes, Israel has few reserves. It is utterly essential that the United States make available to Israel additional planes with which to defend herself. Furthermore, such aircraft must be made available immediately.

Therefore, I have joined with a number of Members of the House in sponsoring a concurrent resolution with the Senate, which calls for those planes already contracted for to be delivered to Israel forthwith. We have the planes in our inventories. No requirements exist demanding our use of them on behalf of U.S. interests. It is within the power of the President and Congress to act.

I realize there are geopolitical considerations militating against such an initiative. Major U.S. oil companies, eyes fixed firmly on their profits, bemoan such an act by our country on behalf of Israel. Those few people who act as apologists for Arab surprise attacks while people are at prayer will also beat their breast and bemoan loudly if we act correctly. Some who have always misunderstood Israel will call upon us to do nothing to "fan the flames of conflict." All of this will have one effect: destruction of the Jewish State and success for Arab aggression.

The Jews are an ancient people, perhaps the oldest on the face of the Earth. Their commitment to the ancient ideals of God, liberty, and human dignity has never waivered throughout their long history of oppression. Many tyrants have tried to extinguish the flame of freedom that they have tended so devotedly through the centuries. Sometimes they have guarded it with their minds; other times with their emotions; still other times by their sacrifice. Now, they defend such concepts with their lives and very nationhood. Now, once again, we are faced with a choice. If Israel fails to crush the Arab thrust, then all those who cherish the high ideal of men will be the losers. Such a stake is worth a few Phantoms. Rarely will the high ideals of men fly so high or soar so nobly than on the wings of the Israeli Air Force at such a time.

MIDDLE EAST CRISIS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. EILBERG. Mr. Speaker, the latest Middle East crisis is a tragic situation not only for Israel, but for every peace-seeking nation throughout the world.

In this country support for the Israelis comes from every sector of the community and at various levels of Government.

The mayor of Philadelphia has committed the city to purchase $1 million of Israeli bonds through its pension plan, and the city council has gone on record as supporting our efforts to supply Israel with the arms it needs to defend itself.

At this time I enter into the RECORD a resolution adopted by the Council of the City of Philadelphia on October 11 asking that the United States continue to supply the State of Israel with arms:

RESOLUTION

Memorializing the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril

Whereas, the overt and vicious attack of aggression by Egypt and Syria upon the State of Israel on the most solemn Jewish holy day Yom Kippur, was an outrage against all men of conscience; and

Whereas, Israel's right to exist within secure boundaries is now manifestly the cornerstone of peace in the Middle East, and since a negotiated peace is the only practical way for Israel to gain the peaceful recognition long sought from its neighbors; and

Whereas, A most earnest appeal must be directed to the governments of Syria and Egypt to forsake the paths of war and violence and to enter into face-to-face negotiations with Israel for peaceful settlement of Middle East problems; and

Whereas, We laud and support the sentiments of the Senate of the United States expressed in Senate Resolution 179 "deploring the outbreak of hostilities in the Middle East and supporting the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied prior to the outbreak of current hostilities," leading, hopefully for a more stable condition leading to peace in that region; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril until there is an Israeli-Arab negotiated settlement based on recognition of Israel's right to exist as a sovereign nation with secure borders.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Secretary of State, the U.N. Secretary General and the U.S. Ambassador to the United Nations.

STATEMENT BY THE CHAIRMAN OF THE CDU-CSU PARTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. DERWINSKI. Mr. Speaker, there has been a natural preoccupation in the American press and among our citizens with the political debate involving leading public figures in the United States, the Middle East war and the energy crisis. Therefore, it is only natural that little attention has been paid to some of the less dramatic but nevertheless important developments in the news.

I refer specifically to the recent ruling by the West German Supreme Court on the constitutionality of the basic treaty between East and West Germany. The verdict of the Court is, of course, of great interest to Americans because the interpretation placed on the treaty by the Court directly affects our involvement in Berlin. In short, the German Court rejected Moscow's view that East Germany is a separate State and based the constitutionality of the Treaty on such an interpretation. Despite what is a decision of monumental importance to the United States, West Germany, and the entire free world vis-a-vis its relations with the Soviet Union, there was very little coverage of this Court decision in the American press; therefore, Mr Speaker, I am introducing in the RECORD a statement regarding this decision which has been made available to me reflecting the view of the CDU/CSU Parties on the Court decision. The statement is made by the new Caucus Leader of the Parties, Dr. Karl Carstens. I believe that this statement is an accurate reflection of the implications of the decision of the Court. Therefore, I insert it as a part of the RECORD at this point:

[Translation from German—Comments from West and East on the Verdict of the Federal Constitutional Court of July 7, 1973 on the Constitutionality of the Basic Treaty]

STATEMENT BY THE CHAIRMAN OF THE CDU/CSU PARLIAMENTARY PARTY, KARL CARSTENS

The CDU/CSU Party welcomes the authentic interpretation of the treaty contained in the verdict of Karlsruhe as it strictly abides by the provisions of the basic law and of the past jurisdiction of the Federal Constitutional Court. These provisions are expressly declared binding in the verdict.

Thus the supreme court of the Federal Republic of Germany has obviated the justly feared danger that the basic treaty with the GRD could undermine the basic law of the FRG and the constitutional obligation contained therein "to achieve unity and freedom for Germany in a free climate of self-determination".

The verdict imposes binding limitations on every federal government in the application of the basic treaty and in the negotiation of successor agreements. That applies in particular to the problem of nationality. Inclusion of the Land of Berlin in every successor treaty is now mandatory.

The Federal Constitutional Court states expressly: The GDR is a part of Germany. It is not a foreign state in regard to the Federal Republic of Germany. The border between both parts of Germany is not an international border.

The verdict holds the present federal government to its own pronouncements. The court based its verdict on the interpretation employed by the federal government and has thus declared the basic treaty constitutional only within the boundaries of this strict and restricting interpretation.

The federal government is therefore now obliged to represent this authentic interpretation within and without. Above all, it will no longer be able to accept the interpretation by East Berlin and Moscow—which is opposite to its own interpretation—without contradiction. The CDU/CSU is especially satisfied to note that the constitutional court agrees with its repeatedly and publicly stated opinion by declaring: "The present realities at the border between the Federal Republic and the GDR, such as wall, barbed wire, death-strip and shooting order, are incompatible with the treaty.

The claim submitted by the Bavarian government to examine the constitutionality of the basic treaty has achieved an important goal. As a result of this verdict the "Deutschland-politik" (policy with regard to Germany) is freed of the constitutional ambiguities caused and accepted by the federal government.

All democratic forces in Germany should be grateful to the Bavarian government for its clarifying initiative.

SOLAR ENERGY: ANSWERS FOR TODAY AND POTENTIALS FOR TOMORROW—PART III

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. VANIK. Mr. Speaker, despite the seriousness of our present energy shortages, we are not the only ones facing an energy dilemma. Until recently, our Nation was self-sufficient in fuel resources. This luxury has not been enjoyed by most other nations of the world, including most notably, the countries of Western Europe and Japan. In short, the "energy crisis" is a worldwide phenomenon. For this reason, many countries are looking harder at the potential of solar energy for meeting their economies future energy demands. Developing countries, to a growing extent, are seeing solar power as a way to distribute energy resources to the countryside.

Last July more than 600 scientists from around the world met in Paris to discuss the potential for solar applications. The following article by Kenneth Kenward is excerpted from the magazine, "New Scientist" of July 12, 1973. Mr. Kenward outlines the wide range of topics discussed at the conference. In viewing solar energy from this broader perspective, the need for the United States to demonstrate active leadership in this vital field becomes even more compelling.

The article follows:

HERE COMES THE SUN

(By Michael Kenward)

With the energy crisis throwing even the United States into a tizzy, solar power is now an R&D "growth stock". The Sun has long been recognized as a possible answer to man's energy needs, but many previous bouts of enthusiasm have come to nothing as the promises of scientists have proved groundless, and as even more revolutionary energy sources (such as oil at the beginning of the century) have come along. The only alternative to fossil and fissile fuels—thermonuclear fusion—is still far from guaranteed, so scientists and engineers are busily showing that even if fusion power proves disappointing we will not be plunged into darkness as the oil wells run dry, the coal mines are exhausted, and uranium supplies run out.

There are many technological possibilities for solar energy. Most of them are well enough understood to convince all but the most skeptical that the Sun can contribute significantly to man's energy supplies. The question is, can we develop these technologies so that the energy is available at a price we can afford? The fuel for a solar power plant is free, but the capital cost can be very high. It does not matter how efficiently we can turn the Sun's radiation into electricity, hot water, distilled water, cold air, or what have you, but the cost of these "products" is very important. This was a continuously recurring theme at the international congress on The Sun in the Service of Mankind, held in Paris last week.

Unlike thermonuclear fusion, the feasibility of harnessing solar radiation is not in doubt; but before we can plug into the Sun many technical questions still have to be answered. Indeed, George Lof, professor of civil engineering at Colorado State University, believes that there are many questions that the solar energy community has not even considered.

TWO VIEWS OF THE SUN

One question that is basic to the direction of solar energy R&D in different countries is the use to which solar power is to be put. In the United States, scientists such as Aden Meinels talk of "photo-thermal solar power farms, covering many square kilometres of land (New Scientist, vol. 58, p 337). At first, these would be simply added on to existing power stations—a concept dreamed up by electricity utilities.

In the developing countries ambitions are more modest. Delegates from different parts of the world last week described similiar progress with units such as Sun powered desalination units, cookers, engines, and heaters. In these countries the idea is not to use solar radiation as a substitute for other fuels, but to help many millions of people achieve a standard of living they cannot hope to achieve with conventional energy systems.

H. P. Garg and A. Krishman from the Central Arid Zone Research Institute, Jodhpur, India, told the congress that "In a developing country like India the utilisation of solar radiation . . . is extremely important in view of the chronic shortage of conventional sources of power. Though much emphasis has been made in many national and international conferences on the utilisation of solar energy for various domestic applications like waterheaters, room heaters, agricultural drying, desalination, and so on, not much progress has ben made in the actual use of solar energy."

Unesco, which was a co-sponsor, with the French government, of last weeks congress, realises that something has to be done if all countries are to benefit from the development of solar energy. During the week before the 600 congress delegates got down to the hard work of ploughing through hundreds of papers, a select band of experts was brought together "to advise Unesco on a possible future programme in solar energy". This 13-man working group feels that the state of solar energy is such that a small effort could dramatically increase international understanding of solar power technology, and of the problems facing its introduction.

The Working Party came up with a series of conclusions and recommendations. One conclusion was that "an international solar energy programme would bring economic and social benefits to many countries, developed as well as developing. Such a programme might help to prevent the gap between these countries from becoming wider." The Working Party also concluded that for a change, "there is a remarkable absence of negative factors which would tend to inhibit international cooperation". And Unesco is ready to take on the job of coordinator. The level of Unesco's effort will depend upon how much pressure member countries bring to bear. The most ambitious of the programmes discussed by the working party (for an international solar energy decade) would call for significant international agreement. The Working Party of solar energy experts suggested that such a "massive internationally funded and directed research and development programme for the attainment of specific objectives, should receive wide discussion among scientists in member states".

HIGH TECHNOLOGY

While electricity generation by solar power may be the most interesting technical problem, the United States also sees other possibilities. William Cherry and Frederick Morse, in a paper describing the conclusions of the US solar energy panel (New Scientist, vol 58, p 36), told the congress that "three broad applications areas have been identified by the panel as most promising from technical, economic, and energy standpoints. These are: heating and cooling of buildings; production of clear renewable fuels; and the generation of electrical power." Something like a half of the $12 million that the National Science Foundation is spending on solar energy this year will go to the first of these three areas.

Just as the delegates to the congress were traveling to their Paris meeting place, President Nixon was adding to his previous energy message (New Scientist, vol 59, p 2). The solar energy community cannot expect to gain any of the extra $100 million that Nixon wants to spend on energy R&D next year. According to Dr Paul Donovan, chairman of the NSF energy task force, and a co-chairman of the NSF/NASA solar energy panel, the solar energy community is already stretched to the limit of its R&D capabilities. And to a certain extent, any further spending will have to await the results of the studies that are now under way.

The sudden increase in solar energy R&D funds has not all gone into hardware, as it might have done in earlier days. The NSF is spending money in an attempt to find out how it should channel its future solar energy programmes. So to begin with it is spending money on assessment studies—of both the technology and its social and environmental impacts.

A QUESTION OF SIZE

The need for this spending is immediately apparent when you talk to some of the advocates of solar energy. There is considerable argument within the community as to which is the right direction for solar energy research to take. What is the right size for a solar powered electric generator, for example? As Professor George Lof says, power plant size "is a very important variable which perhaps hasn't been given the attention it deserves, and which we feel is not at all clear as to the direction in which we should be working. Assumptions have been made that a solar power plant has to be large to be useful. Fossil fuel and nuclear plants are made large and they seem to be getting bigger all the time; but solar energy is a different type of energy. It isn't a concentrated form, so we need to spread a power plant over a large area. Based upon the knowledge we now have, this means replication of many small units. And economies of scale do not operate nearly as effectively when you are just replicating small units as when you make units progressively larger."

Lof says that he is not "making a plea for tiny solar power plants, but let's not assume that they are going to be really big unless we find that this is an economic power plant size."

Aden Meinels also warns against sticking to preconceived notions. "We are not after maximum efficiency, we are after the maximum number of kilowatt hours per dollar. You may have the option of operating at 200° C at about 12 per cent conversion efficiency. If you go to a higher temperature you may have 25 per cent efficiency.

"But you can only spend twice as many dollars if you are to have equal payoff. If the higher temperature and efficiency mean going to concentrating systems that only work half of the time, you cannot afford to spend any more money than you would spend operating at 12 per cent efficiency. It took us a long while to learn that." Meinels said that his team is now "tending to concentrate on inexpensive collector systems operating at low temperatures".

COLLECTING PROBLEMS

Other major technical problems facing solar energy advocates concern the collectors: should they be flat plates with no concentration, or should they be optically focussing systems? Or will it be possible to employ both types of collectors in the same plant; And should electricity generation be photoelectric or thermal, as Meinels and Lof believe?

A more significant question is the weather. Aden Meinels's team soon discovered that the Sun does not shine as much as we think, and the weather records do not give a true guide to the amount of time the weather is suitable for solar energy generation. If the need for energy is linked to its availability, all is well—and here solar energy advocates look to air conditioning as a natural home for their wares—but if you want a solar power plant to provide base load, then all is not well. What happens at night or when clouds are around?

Peter Glaser, of Arthur D. Little, has been a long time advocate of satellite systems. These would collect solar energy with huge arrays of photoelectric devices, and convert this into microwave radiation that would be beamed to Earth-bound collectors. Satellites would not suffer from "night starvation" and ground stations could be built anywhere. The reception accorded to this idea was surprisingly hostile. One satellite engineer with considerable microwave experience thought that the whole idea was totally unnecessary. Environmentalists complained that such a system was adding more heat to the world's ecosystem, by reducing atmospheric losses.

Less controversial ideas were suggested for coping with the storage problem. These ranged from sophisticated systems with molten salts, to the suggestion that perhaps a solar energy plant should be linked to a hydrogen generating plant. The hydrogen could then be burned as a replacement for solar heat during the night and when the weather was bad; or the hydrogen could be a contribution to the fuel cycle.

Solar energy scientists are working at a time when there are far more problems to be considered than there were when, for example, nuclear energy was getting under way. The development of solar power is not just a case of producing a new furnace and offering it in the market place. Solar energy has to slot into a complex energy situation—it has become fashionable only because of this growing complexity—and it has to satisfy strict environmental constraints. The questions that have to be answered before solar energy begins to make its presence felt go beyond science and technology.

THE STATE OF THE UNION AS VIEWED BY A CONSTITUENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Ms. COLLINS of Illinois. Mr. Speaker, a couple of months ago I sent a questionnaire to all of the residents of the Seventh Congressional District of Illinois to ascertain their feelings about several of the issues now before the Congress. One of my constituents, Ms. Burnesse Roberson, returned the questionnaire and enclosed a poem that I would like to share with my colleagues. I think that all who read it will find it descriptive of the feelings of many:

THE NIXON PSALM, BY BURNESSE ROBERSON

Nixon is my shepard, Shall I not want?
He maketh me lie down on park benches.
He leadeth me beside still factories.
He restoreth my faith in my union.
He leadth me in the paths of unemployment for his party's sake.

Yea, though I walk through the Valley of
the Soup Kitchen, I am hungry.
I do not fear evil for thou art against me.
Thou anointeth my income with taxes, and
my expenses over-runneth my salary.
Surely poverty and hard living shall follow
me through all the days of the current
Administration.
And I shall live in a rented shack forever.

THE MIDEAST CONFLICT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. KEATING. Mr. Speaker, the outbreak of war in the Middle East is a tragic and dangerous event in the history of our times.

It is now apparent that Egypt and Syria attacked Israel in what promises to be a bloody and costly war for all sides. Jordanian troops have also been reported to be committed to battle against the Israelis. Other Arab nations are said to be ready to join in the fight.

The reaction of the United States to the situation should be the result of a clear-cut policy for a permanent peace involving Israel and all the Arab nations.

First, the United States should exercise restraint by speaking and acting in a firm manner without the rhetoric of bombast and recrimination that only feed the appetites of those forces seeking to intensify or expand the war.

With this in mind, our reaction to news that the U.S.S.R. is supplying war missiles and materials to Syria and Egypt should be swift and precise.

The United States strongly disapproves of any Soviet resupply or material reinforcement that fuels the fighting in the war. The Soviet leadership should see and hear our collective voice condemning their war supply shipments for Arab nations. We shall not wink at this serious Soviet transgression because of our natural desire to preserve a status of détente.

Second, we should announce a firm U.S. policy of maintaining a balance of power in the Mideast. If Israel needs military equipment and supplies to maintain a position of parity with the Arab nation, it is incumbent upon us to insure that flow of supply.

By this policy we will signal directly to the Soviet Union that massive buildup of Arab military capacity with Soviet arms will be proportionately matched by U.S. supply of Israeli potential. The Soviet Union must be convinced of our firm determination in this area so that their efforts to gain superiority appear to be what they in fact are—fruitless.

Third, U.S. policy toward the existence of Israel as a sovereign nation should be reiterated at a itme when Israel existence is under attack.

Twenty-five years ago Israel became a sovereign State. The United States was the first country in the world to recognize its independence. Our commitment to Israel's right to exist is not revocable.

It is certainly true that the Arab concerns regarding the loss of territory and the displacement of Arab nationals are legitimate.

I submit that these real grievances are not alleviated by a state of warfare but instead they are exacerbated. More territories won and lost, more villages burned or destroyed, more refugees, more death, more smoldering hatred.

Israeli leaders do not pretend that this war will settle the issue involved. After the fires die down, after the sound of battle is gone, after the dead are buried, the parties will be faced with the complicated task of trying to resolve their seemingly irreconcilable differences.

The United States should state clearly that we will do all we can do to assist the parties to reach an agreement through negotiation. This is a simple position even if the issues themselves are quite complicated. Nevertheless, we need to emphasize that the U.S. stands ready to work with all parties in trying to find an accord in a forum other than the battlefield.

Finally, I believe there are many who want a definitive pro-Israeli or pro-Arab or noninvolvement position staked out by our Government and by those of us who are the people's elected Representatives.

Let me say that the Middle East war is not a subject where a simple pro-Arab or pro-Israeli statement suffices.

This is a war where neither side will win unless both sides can reach a permanent agreement long after the fighting stops.

FOREIGN INVESTMENTS POSE FUTURE PROBLEMS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. GAYDOS. Mr. Speaker, the Pittsburgh Press recently carried an article written by Robert Dietsch, the Scripps-Howard staff writer, concerning the increase of foreign investments in our country.

Mr. Dietsch cited specific instances where foreign corporations have deviated from their past policy of setting up sales companies in the United States to concentrate on establishing full production facilities here. Furthermore, he notes our Government has encouraged the increase in foreign investments as a means of improving our balance-of-payments deficit and to appease foreign critics of U.S. investments overseas. Mr. Dietsch points out $14.4 billion was invested here last year by foreign interests. That was a record but, as he also notes, that total is expected to be eclipsed this year.

I can understand the Government wanting to improve our balance of payments. It has had a pretty dismal record in that area lately. But I question the wisdom of making our key strategic industries and our natural resources vulnerable to foreign ownership or control. I am extremely uneasy over the possibility of becoming dependent on a foreign-owned/controlled industry which is vital to our national security and defense. Could we count on that industry to supply our needs in times of emergency? What if we were forced into a confrontation with the parent nation of that industry's owners? On which side would they stand?

I do not want to see our Government backed into such a corner. That is why I have cosponsored H.R. 8951. It permits investors to come here and turn a profit, which may help our balance of payments, but it also leaves the control of our business and industries in American hands.

Mr. Speaker, I am inserting Mr. Dietsch's article into the RECORD for the consideration of my colleagues:

U.S. RIPE FOR FOREIGN INVESTMENT—"CHEAPER" DOLLARS LURE JAPANESE, EUROPEAN INDUSTRIES

(By Robert Dietsch)

WASHINGTON.—The Japanese are coming, the Japanese are coming!

And so are the Swedes, the French and the Germans—all with money in hand and eager to invest it in the United States.

Lured by a "cheaper" dollar and by the greatest consumer market in the world, these foreigners today are hunting for sites on which to build factories.

INVESTMENT BOOM

In 1972, direct foreign investments in this country rose $708 million, about twice as much as in 1971. At the end of 1972, direct foreign investment here was a record $14.4 billion. Most observers think the rate of increase will be much greater in 1973.

Direct investment by foreign corporations has doubled in the last decade.

There have been these recent developments:

Volvo, the Swedish automaker, said it would build a $100-million production plant near Norfolk, Va.

The Michelin Tire Co. of France will build a $200-million plant in the Greenville, S.C. area.

Auburn Steel Industries of Japan is building a steel plant near Auburn, N.Y.

A JAPANESE FIRST

It will employ 200 persons and be the first Japanese-owned steel mill in the country.

Kikkoman Shoyu of Japan is producing soy and teriyaki sauce in a new $6-million plant near Walworth, Wis.

Sony Corp. of America, owned by the Sony firm in Japan, is planning to produce TV picture tubes in San Diego.

Eleven Japanese companies and several German firms have built production plants at a new industrial park in Newport Beach, Calif.

SHIFT IN INTEREST

The Commerce Department says foreign corporations in years past were primarily interested in setting up trading or sales companies in the United States.

But today, the department's experts say, the foreigners are increasingly interested in establishing full production facilities.

Direct foreign investment in manufacturing grew from $2.8 billion in 1962 to almost $8 billion today.

These reasons figure in the trend:

The dollar has been devalued twice, thus increasing the buying power of foreign currencies in this country. On a relative basis, it's becoming cheaper to produce here than export goods from abroad.

The U.S. stock market has been depressed, and foreigners have taken advantage of bargains.

GIMBEL DEAL

For example, the British-American Tobacco Co. bid for the stock of Gimbel Brothers, Inc., the department store. The deal was worth $195 million.

Foreign corporations have gone through a wave of mergers in recent years. The resultant companies have enough assets to afford the considerable price of U.S. investments and take the risk those investments will succeed.

Japanese firms are under pressure from their government to invest and export their huge dollar surpluses built up in recent years.

Wages abroad have been rising rapidly; the gap between them and American wages has been narrowing.

The government has been encouraging foreign investments, because they help the nation's chronic balance-of-payments deficits.

Moreover, by allowing free foreign investment here, the government offsets foreign criticism of heavy American investment overseas.

DON KENNEDY: GOVERNMENT NEEDS YOUNG PEOPLE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. REUSS. Mr. Speaker, despite the Nation's revulsion from politics because of Watergate, it is imperative that young people continue working in all levels of government. Twenty-three-year-old Donald H. Kennedy, the youngest person ever to serve on the Milwaukee County Board of Supervisors, wrote the following opinion column in the October 9, 1973, Milwaukee Journal:

OUR YOUNG PEOPLE MUST GET INVOLVED IF SELF-GOVERNMENT IS TO SURVIVE

In the summer of 1966 a young United States senator made these remarks to an assemblage of South African youths: "The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects; rather it will belong to those who can blend vision, reason and courage in a personal commitment to the ideals and great enterprises of American society."

And then in the summer of 1973, these words from a young White House staff person to a nationwide television and radio audience: "My advice to young people is to stay away from politics and government."

Which advice should the young people of our nation follow?

The vision, reason and courage that young people need to bring into government tend to get lost amid the scandal, lies, wiretapping and corruption surrounding the Watergate affair. And unfortunately it does not end there.

The cliches abound: "All politicians are crooks"; "why bother voting, I'm just one individual"; "once they're elected they forget who put them in office"; "the politicians just do as they please anyway so why bother trying to influence their decisions"—phrases that are used almost constantly by citizens young and old. Is it any wonder, then, that so many young people come to believe that there is no place in government for individuals with high ideals and a strong feeling of conscience?

Yet it is precisely these qualities that are essential in any person who wishes to dedicate his or her life to public service through our political and governmental system.

For government can be summed up in this single phrase: "Making decisions about peoples' futures." That is precisely why government must have young people who are interested and involved. Because the decisions made in government today will profoundly affect the young people of this generation and succeeding generations for many years to come. And it is because of this far reaching effect that qualities such as idealism, vision, courage and reason are needed in those individuals who will be making the decisions.

Our government frequently fails because of its overly pragmatic nature, shortsightedness and timidity.

What our government desperately needs is young people who can combine a realistic outlook while not betraying high ideals; individuals who can look beyond the horizon and recognize those pitfalls that might confront us in the future; the type of person who has the moral courage to abide by high principles. For if we are to make the right decisions regarding the future, it is those qualities that must lead us.

Many of the problems we face confront us on a massive scale. But we need not turn away from the challenge if we can convince young people with the vision to see what type of reforms need to be implemented, the reason to come up with the proper solutions, and the courage to accomplish needed change to come forward now in this time of crisis.

Young people can decide upon the quality of their lives in the future by campaigning, working in government service and by seeking elected office. This is a formidable challenge; the need for good government has never been greater. But it is an extremely worthwhile challenge because the outcome can produce a better life for all mankind. So worthwhile, in fact, that it easily deserves the investment of talent and energy that our young people possess.

Hence, my advice to young people: Reject the call to "stay away from government and politics" and get involved. For in the balance hangs more than the mere preservation of a particular system of government. At stake is the very question of whether or not man can enjoy the freedoms and responsibilities of self-government. And it is a question the young people of this nation can and must answer.

WORLD FOOD SHORTAGE

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. PRITCHARD. Mr. Speaker, the United Nations Food and Agriculture Organization has called for international cooperation in creating a stockpile of grains to help relieve world food shortages. I endorse this concept, and feel it would be a significant approach to the potential threat of a world famine. The overall problem, however, is threefold. One, there will be a shortage of food supplies which an international stockpile would greatly reduce. Two, the nations which will need the food are the poorest, and are rapidly being priced out of the market. Adequate provisions must be made so that the countries which need grain can purchase it. Third, population control is essential, especially in those countries which simply cannot feed their inhabitants. There have been two excellent recent statements on this subject, and I ask unanimous consent that the article by Lester R. Brown from the October 10 edition of the Wall Street Journal and the article by Dr. Roy L. Prosterman in the September 14 edition of the same newspaper be printed in the RECORD:

THE NEED FOR A WORLD FOOD RESERVE

(By Lester R. Brown)

Throughout most of the period since World War II the world has had two major food reserves to draw upon in the event of major crop failures due to drought, flood or crop disease. One was in the form of grain reserves in the principal exporting countries and the other in the form of reserve cropland, virtually all of which was land idled under farm programs in the United States.

World grain reserves are currently at the lowest level in 20 years. But this situation is far more precarious than it sounds, for world population and consumption have increased by nearly half during this period.

Within the United States, roughly 50 million acres out of 350 million acres were idled under farm programs from 1961 through 1972. In recent years, the need to tap the reserve of idled land has occurred with increasing frequency. This first happened during the food crisis years of 1966 and 1967 when world grain reserves were reduced to a dangerously low level by the Indian food crisis. Again in 1971, a small portion of the idled acreage was returned to production as a result of the corn blight threat in the United States. In 1973, in response to growing food scarcities, the U.S. Department of Agriculture permitted most of the idled cropland to come back into production. All acreage restrictions will be removed in 1974.

Projections for the coming year indicate that, even with record crops of wheat and feedgrains in the United States, a good to very good grain harvest in the Soviet Union and the prospects of average or better crops in India and China that world grain reserves will be further depleted between now and the next harvest in late 1974. With reserves depleted and idled cropland fast disappearing, this leaves the world in an extremely vulnerable position.

The extent of global vulnerability is dramatically underlined by examining the degree of global dependence on North America for exportable food supplies. Over the past generation the United States has achieved a unique position as a supplier of food to the rest of the world. Before World War II both Latin America, importantly Argentina, and North America (United States and Canada) were major exporters of grain. During the late '30s, net grain exports from Latin America were substantially above those of North America. Since then, however, the failure of most Latin American governments to make family planning services available and to reform and modernize agriculture have eliminated the net export surplus. With few exceptions Latin American countries are now food importers.

THE STATISTICS

As the accompanying table illustrates, over the past three decades North America, particularly the United States, which accounts for three-fourths of the continent's grain exports, has emerged as the world's breadbasket. Exports of Australia, the only other net exporter of importance, are only a fraction of North America's. The United States not only is the world's major exporter of wheat and feedgrains, it is also now the world's leading exporter of rice. North America today controls a larger share of the world's exportable supplies of grains than the Middle East does of oil.

Exportable supplies of the crucial soybean are even more concentrated than those of grains. Although as late as the 1930s China supplied nearly all the soybeans entering world markets, continuing population growth pressing against a fixed land base during the ensuing decades has gradually absorbed the exportable surplus. As of 1973 China is importing small quantities from the United States. The United States is now the principal supplier, providing over 90% of world soybean exports in the '60s and early '70s. With world demand for high-quality protein surging upward, Brazil—virtually the only other nation capable of producing soybeans for export on a significant scale in the foreseeable future—has rapidly boosted its soybean production and exports. However, the United States is likely to continue supplying three-fourths or more of the world's soybean exports for many years to come.

At a time when dependence of the rest of the world on North American food exports is increasing so dramatically, there is also a growing awareness that this extreme dependence leaves the world with nowhere to turn in the event of adverse crop years in North America. Both the U.S. and Canada are affected by the same climatic cycles.

Considerable evidence has now been accumulated indicating that North America has been subject to recurrent clusters of drought years roughly every 20 years. The cyclical drought phenomenon has now been established as far back as the Civil War when data were first collected on rainfall. The most recent drought, occurring in the early '50s, was rather modest. The preceding one occurring in the early '30s was particularly severe, giving rise to the dust bowl era.

THE CHANGING PATTERN OF WORLD GRAIN TRADE

[Millions of metric tons]

Region	1934–38	1948–52	1960	1966	[1]1972
North America	+5	+23	+39	+59	+84
Latin America	+9	+1	0	+5	−4
Western Europe	−24	−22	−25	−27	−21
East Europe and U.S.S.R.	+5	--------	0	−4	−27
Africa	+1	0	−2	−7	−5
Asia	+2	−6	−17	−34	−35
Australia	+3	+3	+6	+8	+8

[1] Preliminary.

Note: Plus equals annual net exports; minus equals annual net imports.

Most meteorologists who have studied the problem will say, without hesitation, that another stretch of drought years in the near future is virtually inevitable. It could very well begin next year. The impact on production will not likely be as severe as during the '30s due to improved soil management and water conservation practices. But even a modest decline in production, given the rapid growth in global demand and extreme world dependence on North America's exportable margin of food, would create a very dangerous situation. It would send shock waves throughout the world triggering intense competition for available food supplies.

The probable nature and results of global competition for tight food supplies have been foreshadowed this year. Bangladesh, threatened with famine, pressed with limited success for a diversion of Soviet-purchased grain to help feed its population. India, confronted with an unanticipated need to import several million tons of grain, is finding that the extremely high prices resulting from international bidding for available supplies has put serious constraints on the amount it can buy—even assuming it can find any grain for sale. Like Bangladesh it too is now hoping for a diversion of Soviet grain to help make it to the December rice harvest. In the coming year, it appears likely that massive rice purchases by the increasingly affluent oil-rich nations of the Middle East and North Africa will help drive international rice prices beyond the reach of many poorer African and Asian nations who badly need rice imports.

As prices are driven up, seriously limiting the ability of the poor to buy needed food, sources of concessionary food aid are drying up as well. Since the American food aid program under Public Law 480 is predicated upon the existence of commercial surpluses, aid programs are now being cut severely in this time of commercial scarcity.

When one spends about 80% of one's income on food, as does much of mankind, a doubling in the price of wheat or rice cannot be offset by increased expenditures. It can only drive a subsistence diet below the subsistence level. Today's wheat prices of $5 per bushel will, of necessity, be reflected in rising death rates in many poor nations in the months ahead.

One reason it is possible for the world's affluent to ignore such tragedies is the changes which have occurred in the way that famine manifests itself. In earlier historical periods, famine was largely a geographic phenomenon. Whole nations or regions, whether Ireland or West Bengal, experienced dramatically high rates of starvation and death. Today, the advancements in national and global distribution and transportation systems have insured that famine is more evenly spread among the world's poor rather than concentrated in specific locales. The modern version of famine does not permit the dramatic photographs, such as the ritual of collecting bodies each morning in Calcutta during the Bengal famine of 1943, but it is no less real in the human toll it exacts.

The global food outlook dramatizes the need for an internationally managed world food reserve. Just as the U.S. dollar can no longer serve as the foundation of the international monetary system, so U.S. agriculture may no longer have sufficient excess capacity to ensure reasonable stability in the world food economy.

An adequate world food reserve would be built up in times of relative abundance and drawn down in times of acute scarcity, thereby helping to stabilize prices for both producers and consumers. In effect, the cushion that surplus American agricultural capacity has provided for a generation would be provided at least partially by a world food reserve system. Such a reserve would provide a measure of stability in the world food economy that would be in the self-interest of all nations. The world community of course also has a basic humanitarian interest in ensuring that death rates do not rise among the world's poorest groups, an assurance the affluent nations may be less able to provide in the future if the current system of autonomous, nationally oriented food planning is allowed to continue without modification.

An important first step would be international adoption of the concept of "minimum world food security" proposed in early 1973 by Dr. A. H. Boerma of the UN Food and Agriculture Organization. Under the FAO plan, all governments—exporters and importers—would be asked to hold certain minimum levels of food stocks to meet international emergencies. The governments of participating countries would consult regularly to review the food situation, judge the adequacy of existing stocks, and recommend necessary actions. International agencies such as the World Bank, the International Monetary Fund, and the FAO would help poor countries to establish and maintain the reserve stocks necessary for self-protection against crop failures. World Bank President Robert McNamara has recently pledged the bank's support for the FAO plan. Strong political support from the United States is now necessary if the proposals are to be adopted and implemented.

THE U.S. POSITION

In the face of this year's food crisis and the prospects of added vulnerability in the years to come, the American government has assumed a curious posture of complacency. Secretary of State Kissinger's recent recognition of the world's dangerous food situation in the United Nations was a welcome exception to more frequent Department of Agriculture and State Department views, but remains unlinked with actual governmental policies and actions.

The unprecedented early release of crop forecasts for 1974 by the Department of Agriculture was an apparent effort to assure the world community that no crisis exists, that no extraordinary new measures are necessary. The poor, who can tighten their belts no further, and the wealthier importing nations, who have already witnessed American readiness to cut off exports when supplies get tight, are not consoled by this argument.

Rather than continuing to provide paper assurances to a justly insecure world, the U.S. government might begin thinking of immediate steps to build a more genuine confidence in the future. The U.S. government could give its full political and economic support to the FAO reserve proposals at the crucial FAO conference next month. Given the precariousness of the world food balance at present it might be wise to reduce consumption of meat a few pounds per capita within affluent, overnourished societies such as the United States in order to accumulate some food reserves now to lessen the chaos which will result a year hence if the drought cycle should return to North America next year.

A RISKY BUSINESS

Continued American callousness in the food area will inevitably have repercussions in our relations with the rest of the world in other domains. With large-scale investments abroad and a growing need for outside raw materials, the United States would be wise to build an atmosphere of international cooperation rather than conflict and competition in an area like food, where we hold the key to a more stable and equitable world system. Playing politics with food is risky indeed.

There is also a moral imperative to take action to reduce the impact of the present food scarcity and reduce the likelihood of future disaster. The point was forcefully articulated by Chancellor Willy Brandt of West Germany in his first address before the UN General Assembly: "Morally it makes no difference whether a man is killed in war or is condemned to starve to death by the indifference of others."

The Growing Threat of World Famine

(By Roy L. Prosterman)

A disaster that could cost as many lives as World War II currently threatens the world. The disaster stems directly and indirectly from the severe food shortage in the less-developed countries. Over the next 12 months, there may be from 10 million to 30 million incremental deaths in these countries as a result of starvation and of diseases rendered fatal by malnutrition. Only a large effort by the fortunate minority of developed, well-fed nations can prevent this disaster.

The enormous scope of the pending disaster has been obscured until very recent weeks by several factors—the difficulty of collecting and analyzing farm production data, the reluctance of governments in the affected poor countries to set off a panic or hoarding reaction, and the hard-dying hope in each government that it, at least, would somehow be able to buy the needed grain. But even for the most determined optimist, the signs are now clear that the situation is desperate.

World surplus grain stocks are at a 20-year low. A series of floods, droughts and crop disasters in the past year have hit the Philippines, India, Bangladesh, and particularly Pakistan and six West African countries. The UN Food and Agriculture Organization has just called an urgent meeting of the great grain-exporting nations in Rome next Thursday to develop coordinated measures to deal with an anticipated nine million ton wheat shortage in the less developed nations.

Meanwhile, reflecting the drastic shortage of exportable wheat, the Kansas City price for a basic grade, for September delivery, has shot up from $2.06 a bushel in April to an unheard of $5.05. There is also a multi-million ton shortage of rice in Asia.

In considering the massive grain deficit, it should be kept in mind that one million tons of grain represents a year's minimum food supply for between four million and five million people in a less-developed country, and the total grain shortage will probably add up to between 10 million and 15 million tons. Minimum estimates of the shortage in the worst hit countries are:

	Tons
India	4,500,000
Pakistan	1,500,000
Bangladesh	1,000,000
African drought belt	+1,000,000
Philippines	500,000

Substantial shortages also are likely in Indonesia and Sri Lanka (Ceylon) and perhaps in several other countries as well.

Moreover, the shortage will not be "spread out" over the whole population, which would be bad enough. For tens of millions of Asians whose crops have been destroyed or who live in cities whose supply sources have dried up, and for millions of African herdsmen who have lost the cattle which are their sole means of support, the dependence on imported foodstuffs over the next year will be *almost total.*

PESTILENCE AND FLOODS

Already, widespread food riots have occurred in India. And malaria, largely dormant since the 1950s, is showing signs of an unwelcome resurgence among the undernourished population. In Pakistan, the floods have hit hardest at the nation's two most populous provinces, Punjab and Sind, destroying a million tons of stored food grains and inundating 5 million acres under cultivation. In the Philippines, the government has had to call on the army to supervise rice distribution.

If nothing is done to head off the impending disaster, the starvation of millions could be accompanied by a widespread breakdown of social and political order that would bring chaos to Asia and invite a series of great power clashes. The destruction of central government control and the "balkanization" of India, for example, could well be the signal for a catacylsmic Sino-Soviet conflict as the two powers struggled for areas of domination or influence. Neither from a humanitarian, nor a religious, nor a pragmatic viewpoint can Americans stand aside as starvation engulfs large parts of the Asian and African continents.

Distressingly, however, press reports in the past few days have indicated that America's humanitarian food shipments under the Food for Peace program—instead of being *increased,* which is the clear need—may actually be *decreased* 40% from last year's rice quantities, and 66% from last year's wheat quantities. Even this may be optimistic under the current approaches at the Department of Agriculture. The volume of food available for distribution through the voluntary agencies (such as CARE) that have administered a good part of America's longstanding antifamine programs is now expected to be the equivalent of only 25% of last year's $197 million volume. The current year's $80 million available appropriation will buy only about what $50 million would buy last year.

If the public and its leaders understand the historic gravity of the issues, this disaster need not occur. Despite the low level of world surplus stocks, most of the famine can still be avoided. World consumption estimates are artificially inflated not only to allow for overeating and waste in the affluent societies but for their hard currency grain acquisitions from one another. The expected nine million ton shortfall of wheat in certain less developed countries compares with anticipated total world production this year of 300 million tons, up 20 million tons from last year. None of the industrialized countries is in the slightest, danger of going hungry, and there is in fact ample grain.

But the problem is to find mechanisms insuring that enough of it will be shared with the dozen or so less developed countries where it is urgently needed, and this is a problem of profound difficulty. To solve it will require a maximum effort by the wealthy countries to help, an effort which will almost certainly have to be led and galvanized by the moral authority of the United States in order to be successful, and which would have to mobilize public cooperation and international technical resources on a scale virtually unmatched since the food-saving and food-transporting efforts of World War II.

To deal with the grim prospects of the next 12 months, a series of specific steps will be needed:

(1) The U.S. should send a delegation of highest stature and prestige to the Rome conference called by the FAO for next week. Given the fact that one of the great calamities of the century is almost upon us, it would not be out of line if Secretary of State-designate Henry Kissinger were to attend personally. Paradoxically, however, at mid-week some officials at the Department of Agriculture were working actively to boycott the conference. Apparently bureaucratic feathers were ruffled when the FAO failed to consult with them in advance before the call for the conference went out two weeks ago.

(2) If the five-nation conference (U.S., Canada, Australia, France and Argentina) confirms the full gravity of the situation, as it is expected to do, a series of deliberate emergency measures should then be taken:

First, to bring home the urgency of the problems, it might be appropriate to have a two-part television presentation, in which a statement by the President was followed by a statement by leaders of Congress. This would be a dramatic means of sounding the alarm and of emphasizing that this was a matter transcending all personal differences.

One major emphasis of all public announcements and appeals should be a World War II-type message: Don't waste food. It is hardly an exaggeration to say that America's garbage cans over the next year will contain a large enough amount of thrown-away food to prevent a significant proportion of the famine deaths that will otherwise occur in Asia and Africa. But in all probability, without a conscious, grassroots effort to prevent waste of food, the surpluses needed to feed the hungry of Asia and Africa simply will not exist. Restaurants offering "two-thirds" or "four-fifths" portions on all their dishes; dieters starting their diets now rather than later; diners having only one appetite-stimulating drink before dinner instead of two, thus achieving a double saving of grain—all will help.

(A saving of about 100 calories a day, or around 3% in the food that Americans buy would be equivalent to what is needed to provide a supplemental and probably life-saving 1,000 calories a day to 21 million people in the less-developed countries.)

VOLUNTARY COOPERATION

In all these efforts, the emphasis should be on voluntary public cooperation. At no time should the attempt be made to "take away" food that the buying public wants, even if they want it only to overeat or to throw away into their garbage cans. There is no way that the individual or collective buying power of Indians, Africans or Filipinos making $20 to $30 a month can bid it away—even to fend off starvation—from Americans or Canadians making $20 to $50 a day. Only the voluntary withholding of the bid, conscious of the moral choices to be made, can free that food so that the Indian or African or Filipino will not die.

As soon as it became clear that even 1% or 2% was being saved in food consumption through the elimination of waste, action by the Department of Agriculture would be needed to declare corresponding amounts available for famine relief. It is almost certain that certain clarifying changes—changes already in the legislative hopper—by Congress in Public Law 480 or other existing law would be needed to expedite this process. Additional appropriations to acquire the surplus grain would be necessary in the several hundred million dollar range.

Two other measures might add to available surpluses for export to the less-developed nations. One would be the identification of present grain delivery contracts for affluent importing nations, including Russia and Western Europe. The latest Agriculture Department figures show at least nine million tons of wheat firmly committed for shipment to these countries over the balance of the fiscal year. Where such grain has only marginal or future benefits for the importing nation—to raise consumption from 2,800 to 3,000 calories per day, for example, or for use many months from now—there should be strong representations from the U.S. government asking these relatively rich nations to accept *deferred delivery,* so that the grain intended for them can be diverted for immediate delivery to the desperately hungry nations. A second measure would be to work out exchange arrangements, under which nations geographically close to the most needy nations would be urged to send immediate supplies out of their existing stockpiles, with the U.S. and other grain exporting nations making good the loss in later months as transportation becomes available.

Transportation, of course, is a related urgent need. To transport the surplus food that is found would require a large-scale coordinated effort to mobilize world merchant fleets for the shipment of food to the needy countries on a highest priority basis.

(3) Over the longer run, the present crisis underlines the need for vastly improved and increased assistance to agriculture in the less-developed world. Deep-rooted problems such as land tenancy and smallholder credit must be solved if we are not simply to move from crisis to crisis. (The Asian nations that have already made progress in these matters are precisely the nations that are *not* caught up in the present disaster.)

THE MORAL REQUIREMENT

If astronomers told us that a comet would crash into the earth one year from today, probably killing 30 million or more people and possibly spinning the whole planet out of its orbit, the whole world would mobilize its technical resources to try to deflect the comet from its path and avoid the disaster. It remains to be seen whether this less tangible but equally certain threat, of massive starvation and political upheaval, can be dealt with in time. The technical resources to avoid the disaster certainly exist on this planet. The crucial question is whether the *moral* resources exist to practice the degree of self-discipline and pulling together which will be needed to mobilize those technical resources in time.

PROTECTION FOR HUMAN RESEARCH SUBJECTS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. MOAKLEY. Mr. Speaker, I would like to share with my colleagues and the public the speech of Mary McKinnon, executive director, Fort Hill Mental Health Association, Roxbury, Mass. regarding the protection of the rights of research subjects from the researcher's over zealous pursuit of scientific knowledge. While the furtherance of scientific research is an aim which certainly must be supported, we must take special care to insure that the rights of human research subjects are protected.

The speech follows:

REMARKS OF MARY MCKINNON TO THE NATIONAL ADVISORY COUNCIL, NATIONAL INSTITUTE OF MENTAL HEALTH, WASHINGTON, D.C.

Mr. Chairman and Distinguished Members of the Council:

I am here representing the Fort Hill Mental Health Association which is one of the grass roots affiliates of the National Association for Mental Health. The Fort Hill Mental Health Association is located in the Inner City of Boston and acts as the advocate for mental health services to the largely Black and Latino populations that reside in the area.

In 1972, the people of our catchment area became aware of some research projects, funded by NIMH, that were being conducted in the Inner City area and which utilized human subjects from the Core City population. One full year was spent in trying to obtain accurate information about the nature of these projects, seeking discussion with the principal investigators for the purpose of clarifying what we felt might be misconceptions about the projects, and then in actively opposing these projects which appeared to be detrimental to the persons being used as human subjects and detrimental to the general welfare of the Inner City community. This activity of community residents and agencies (of which we were but one) taught us several things:

1. Accurate information about research projects was hard, if not impossible to get. Protocols and proposals were treated as top secret documents.

2. Researchers felt that they were not obliged to respond to requests for open discussion about their specific projects. In fact, we often emerged with the feeling that the researchers considered themselves so elite that they were insulted by requests to give time to responsible community organizations who wished to understand what the projects were about and to discuss concerns which reflected a desire to protect the well being of the general population. In some instances, the representative community group composed of respected community leaders was openly insulted and degraded.

3. Sheer frustration and resentment toward the researcher's arrogance and secrecy created an atmosphere which could only lead to confrontation and opposition. It is to the credit of the community organizations involved that copies of the protocol were obtained, a lengthy process of self education around the contents of the protocol was completed, and the determination made, as much as the circumstances permitted, that the projects were detrimental not only to the human subjects involved, but to the total Inner City community.

It was under these circumstances that a letter was written to Dr. Bertram Brown of NIMH which spelled out the concerns and objections this community had toward the Boston City Hospital Drug Antagonist Research Project. This letter led to a meeting with Dr. Brown and members of his staff in June of this year which, in turn brought me here before you today as a representative of the Fort Hill Mental Health Association and other community organizations. I do regret that Mr. Hubert Jones, who accompanied me to visit Dr. Brown in June, is not able to be here today but his concerns are reflected and expressed in this presentation to you.

Poor and minority populations are well aware that they have been the human subjects for research purposes for a very long time. The struggle for equality and self determination of the 1960's created a mass sensitivity toward human exploitation that is intense in its depth and scope. The revelation of the Tuskegee syphilis experiment has left a lasting resolve that such exploitation will never happen again.

The relationship between rapidly advancing scientific technology and human ethics is receiving an ever increasing amount of attention. It is reassuring that some professional groups (geneticists, psychiatrists, biochemists) are beginning to address this issue. It is hoped that this presentation before you today is an indication that a period of cooperative problem solving between responsible community organizations and the scientific community is now upon us.

We all know that man now possesses the ability to alter his own species. He has developed the technology by which individuals can be created with predetermined characteristics. Not only can man alter the species through genetic means, but he has developed and is continuing to develop more and more efficient means of behavioral control. Small groups of men can now substantially alter the behavior and manipulate larger groups of human beings. It is frightening to realize that we may be very close, if we aren't already there, to the era when one man may control and manipulate the behavior of a large group of people. I am referring to the implications of the work of Jose Delgado in the physical control of the mind in what he calls a psycho-civilized society. Are we really ready for this when we have not yet satisfactorily defined from the mental health point of view concepts such as "normal", "abnormal", "health", "illness" and "improvement"? More and more socially "undesirable" or "disruptive" behavior is being interpreted and treated as illness. Shouldn't we spend time in first determining what we mean by "socially undesirable"? Who will make that determination? Who will decide what alterations are necessary to result in "socially desirable" behavior? and, What are the broad societal implications of specific therapeutic treatment techniques? With these factors in mind it becomes mandatory that a recommendation be made that we do some intensive homework at the most elementary level. Mental health practitioners, researchers and policy making bodies must join the concerned community organizations in the public market place of ideas and engage in active and public dialogue and debate to delineate ethical guidelines which reflect the interests and life styles of our pluralistic society and then clearly define what we mean by "normality", "abnormality", "health" and "illness" within a social-ethical framework. Only then can a valid determination be made of the use to which current mental health technology will be put and what further study or research is needed to better the human condition.

Dr. Sanford Cohen addressed the issue of technology advancing faster than man's ability to utilize that technology beneficially. I would like to quote from his remarks made to the Chicago Medical School Alumni Association in 1972:

"The explosive nature of the knowledge being gathered makes us insist that the scientist and clinician unravelling the * * * which is the symbol of man's evolution, called the brain, stop and define his responsibility as a citizen. The development of controls for thinking, behavior and feeling may be possible through the use of electrodes, radio signals, chemical, controlled environmental input, but who or what will direct the controllers? If we could be assured that those who conduct research and who determine the utilization of research in health care were motivated by their commitment to improving the human existence, then we could approach the future with confidence. However, it is sometimes incomprehensible how much effort we devote to destructive wars, international intrigue, inter-racial and religious bigotry, interpersonal violence and intrapersonal degradation. It is equally hard to believe how little effort we devote to international and mutually beneficial cooperative efforts to solve problems of education, poverty, food, space, disease or to efforts, laborious as they may be to develop understanding of the forces which split open our communities. Likewise, it is astounding how little time we spend in positive self-appraisal and in an effort to strengthen our potentials rather than defend against our weaknesses."

Our experience has shown us that even the most sensitive of mental health researchers cannot accept the premise that he must be as concerned with the social-ethical context in which he works as much as he is concerned with inquiry, methodology, funding and results. The reaction to our suggestion that the consideration of societal implications of research findings be added to the list of responsibilities is not appropriate for public discussion!

Ethical considerations are the foundation of meaningful research which could be a cooperative venture between scientists and non-scientists. They are also the considerations which form the values that get translated into public policy. Public policy, or politics, affects the total group of citizens and not all in a positive manner. We need to add a few more questions to our public forum agenda:

What is informed consent?
When is an act voluntary?
What is coercion?
What is freedom?

Should scientific possibilities be actuated? Who will make that determination?

Pratt and Tooley (1967) best express our basic concern in the following quotation:

"Sanctioned by master-symbols and public mandate, professional vested interests interlock with society's need for segregation and incarceration of troublesome people—all popularized and sanctified via propaganda of the mislabeled "mental health movement; eventuating in the next to the biggest hoax of the 20th century."

As consumer and advocates for other consumers we have a vested interest in the mental health movement too. We are fearful that without the firm commitment on the part of concerned policy makers of the movement to produce open and honest answers to the questions thus far presented that it may well turn into the "biggest hoax of the 20th century" to the consumer. We are concerned that it may become a most effective means of attaining control over large masses of people who may be troublesome to a few select individuals.

The opposition of people in our catchment area to a current research program which investigates the effects of three drugs and a placebo on young children in the Boston Public Schools illustrates our concern that "troublesome" children, as defined by a public institution will be incarcerated within drug-induced behavioral restrictions that are not determined by the child, his family nor his social community. Our people do not agree that the modality of a specific research project such as this will stop when the project is concluded. The project gives implicit permission to a public institution to incorporate the specfic methods of behavioral control that this project demonstrates within that institution's policies and practices. The implicit permission is all the stronger because not only has the state of Massachusetts indicated approval by conducting the research, but NIMH has approved and provided the funding.

The emotionally charged opposition to psychosurgery at Boston City Hospital is a result of the concern that an individual subjected to psychosurgery will be permanently incarcerated within a restricted emotional world which has been determined by someone other than himself or by chance. We believe, as do many distinguished medical and psychiatric professionals, that the incidence on uncontrollable violence suffered by some epileptics is so small that the practice and research in psychosurgery should be minimal and unnoticeable. We are not convinced that even a person in extreme distress can give informed consent when immediate discomfort is the major psychological and physical dynamic working at the time of decision. We have not yet heard a convincing definition of "violence". The appearance of an action may meet the description of being violent, but the underlying causes of this act are what we believe should be observed and interpreted just as carefully as the more obvious act itself. We have been instrumental in preventing a psychosurgical procedure from being done on an alert, intelligent, vocal young man who happened to be incarcerated in a penal institution for a non-violent crime. This young man suffered from a stiff little finger on the right hand. He was subjected to pressure to undergo psychosurgery for the relief of nonexistent pain. Luckily, the young man was a minor and his mother's permission for the operation was sought. She quickly sensed that the pressures brought upon her son were unusual and subsequently refused permission for the procedure. The young man was denied his impending parole. We call this social control!

Not only must mental health professionals emerge from their isolation to address ethical and social implications of their work, but they must also be concerned with legal and constitutional issues. The human experimental subject is a complex being with a physical and psychic life—either of which may be the primary interest of the mental health researcher. The human subject is also a representation of a value system which is the result of his social, cultural and personal experimential background. This person, as a member of American society, is imbued with "certain inalienable rights". The Fourth Amendment safeguards the freedom from search and seizure. Computerized research information available in an ad hoc way from data banks places this protection in serious jeopardy. The Ninth amendment guarantees the right to privacy. The question of psychic and emotional privacy has yet to be addressed. The Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life, liberty or property without due process of law. Does behavioral control, in whatever mental health treatment modality chosen, violate the emotional life, the physical and emotional liberty and the property of one's person and mind? Courts have historically utilized the approach of requiring the government to show a more compelling governmental need when curtailment of individual freedom is involved. Wouldn't this argument prove embarrassing if the occasion arises where research must be defended on these grounds?

As mentioned earlier in my presentation, there have been times when secrecy and lack of availability of information was the response to queries centering around specific projects. We do not believe that the premise of "what you don't know may hurt you" may be the most responsible way of dealing with an issue—but we have forced into situations where this reaction was the only mechanism left. It is our firm conviction that if projects are funded from public funds, then the public is entitled to know what it is supporting. We recommend that strong, enforceable policies be established at all levels of mental health research whereby open easy public access to information is guaranteed.

Issues raised here are large and not about to be resolved in a short time. The following points are some general suggestions for concrete action which could be implemented within a shorter span of time and which would insure substantial community organization and non-scientific involvement and support. This involvement can lay the corner stone for successfully addressing the larger issues.

1. Issue enforceable guidelines that will insure public access to information on research projects at the national, state and local levels.

2. Require that all (national, state and local) Research Review Committees :nake their membership a matter of public knowledge and record.

3. Require that non-scientific members serve on all mental health review, advisory and policy making bodies in numbers sufficient to insure effective input. Adaptation of the current mental health regional and catchment area boards could be a possible mechanism by which lay community participation can be built in at local levels.

4. Require that each research protocol under funding consideration contains provision for lay community consultation and approval, lay community monitoring of projects involving human subjects, and lay community receipt of findings and results of studies under their attention.

In times of social change, such as we are in now, it is all too easy for those who could be misused or injured to oppose all technological advances in the belief that this is the way for self and group preservation. Knowledge and technology, which are the results of research, in themselves need not be detrimental but the uses to which they are put can be. With the future of the human condition at stake those who can benefit as well as those who can be injured must enter into dialogue and positive collective action.

TEXAS BANK HAS BEEN MAKING STUDENT LOANS SINCE 1930's

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. TEAGUE of Texas. Mr. Speaker, over the years this body has, through legislation, made incentives to financial institutions so they would loan money to young people for an education. This has been particularly important in the past few years, because a higher education is so vital. I am proud to point out to you the activities of a financial institution in my congressional district that has been allowing students to borrow money for 40 years. The First National Bank of Corsicana, Tex. has served the younger people of their area by allowing them to obtain student loans without discrimination since the 1930's.

The following article refers to an article in the Wall Street Journal that described how banks in the United States have declined to participate in the federally insured loan program, because of the high interest rates. I would like to point out that "this is not—and has never been—the situation at the First National Bank in Corsicana."

I recommend the article to my fellow Members of Congress, the general public, and executives in financial institutions across the United States:

THE FIRST NATIONAL BANK, CORSICANA, TEX.

While college students across the country are often finding bank doors closed to them when they try to borrow money to finance their education, students in the Central Texas county of Navarro are finding a means to finance their schooling—as they have for the past 40 years.

A front-page story in the Oct. 4 issue of the Wall Street Journal described how many banks across the country have declined to participate in the federally insured loan program for college students because of the mandatory 7 per cent interest rate.

This is not—and has never been—the situation at the First National Bank in Corsicana.

We feel that any child who wants an education deserves our help," said President W. D. Wyatt of First National.

"We have taken care of every applicant who was eligible, who met requirements set by the Department of Health, Education and Welfare," said Mrs. Floy N. Smith, student loan officer.

Student loans are nothing new to First National, however. The first one was made almost 40 years ago, through the Bessie I. Hofstetter Trust, of which the bank is trustee.

Mrs. Hofstetter, who died Nov. 4, 1936, specified in her will that a portion of her trust be used "to make loans to ambitious and worthy boys and girls, who are financially unable to secure an education and would otherwise be deprived thereof. Such loans shall be in amounts and upon terms and conditions, and to such boys and girls that may be determined worthy thereof in the discretion of the Trustee."

Soon after Mrs. Hofstetter's death, the First National Bank began granting these loans. Since that time, it has assisted in the education of literally countless students. One of the first students to receive help through these loans was Jerry Roe, now one of the city's most prominent attorneys.

Even as long ago as the 1930's, the First National Bank in no way discriminated against any student in the granting of the loans, according to Wyatt and Mrs. Smith.

"We were sending minority students to school before the government even thought about it," said Wyatt.

The Hofstetter Loans, as they came to be known, were made at an interest rate of 4 per cent. Even at the time these loans were discontinued in 1969, the interest rate had not risen above the original 4 per cent, with interest collected going back into the trust. The 97 students who still have Hofstetter Loans are paying this remarkably low interest rate.

The Hofstetter Loans were discontinued, according to Mrs. Smith, because of complications which arose following the Tax Reform Act of 1969. However, she said, the bank at that time had begun providing aid to students through federally insured loans, so money was available even without the Hofstetter funds. At this time, there is $115,000 outstanding on the Hofstetter Loans, said Mrs. Smith.

In 1966, the First National Bank began making student loans through the United Student Aid Funds, Inc. student loan program. The bank continued with this program until Jan. 20, 1969, when it signed a contract with the Department of Health, Education and Welfare to make loans through the Federally Insured Loan Program.

The balance outstanding on these loans as of Sept. 28, 1973 is $351,741.11, said Mrs. Smith, with 165 students having interim notes and 55 having pay-out notes. Since the beginning of the program in 1966, she said, 31 students have paid off their notes and the bank has filed 13 claims with the government for default.

The Wall Street Journal article pointed out that with the loan program requiring banks to charge only 7 per cent interest, and with the prime rate at 10 per cent, "not many banks find the student loans attractive."

Despite this, Wyatt continues to help local students. "Through some of these loans we have made a friend for life," he said. "We have some people who started doing business with us through these loans, and now, wherever they go, they do business with us."

The Journal article reported that, on a national average, loans to students in academic schools are down more than 35 per cent from last year. Mrs. Smith emphasized that this is definitely not so at First National. "We have new students," she said, "and we are continuing with students who have had accounts before."

Commenting on the Journal article, Mrs. Smith said she agreed there was an "unusual amount of paperwork" involved in the loans, but added, "Despite that, we have continued to take care of our applicants."

The article told of a new provision of the loans in which a family must prove in a "needs" test that it is eligible for government subsidies. "We do not agree with the Department (HEW) as to how they arrive at family contribution to the student," said Mrs. Smith. This new provision, said Wall Street Journal, "makes some of the loans more of a risk than in the past."

Mrs. Smith said that, in granting the loans, the bank does not discriminate as to whether students attend state or private colleges, and loans are also granted for technical schools.

"It is a pleasure to work with the students," said Mrs. Smith. "Most of them are grateful—they couldn't have gone to school without the loan."

To qualify for a loan from the First National Bank, it is not required that a student or his parents be customers of the bank. Wyatt's goal is to help young people, and the only stipulation, besides those set by HEW, is that the student be a resident of the bank's trade area.

"We have to limit our loans to the county," said Wyatt. "We just aren't big enough to take on the whole state."

THE OIL MONOPOLISTS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. O'NEILL. Mr. Speaker, the oil interests of this country have succeeded beyond their earliest expectations in creating a national atmosphere of "crisis" and "shortage" with regard to their various products. Unfortunately for them, many of the tactics which they have employed to bring about this result are now coming to light.

One such device which has recently been uncovered by the Federal Trade Commission involves anticompetitive practices vis-a-vis the independent gasoline retailers. The FTC's findings and other industry practices were the subject of a recent editorial by Leonard L. Sanders, editor of the Consumer Affairs Foundation Tribune. I insert it in the RECORD at this time:

New England consumers have paid higher oil and gasoline prices for years because of the monopolistic and anti-consumer attitudes of the eight largest oil companies in America. If ever one region of the country has suffered because of the predatory actions of a small number of corporations, the Northeast has.

The Federal Trade Commission, after several years to study, has taken the lid off one of the most flagrant abuses of American business, the oil monopolists. For years, New England consumerists, businessmen and political leaders have complained to Washington of the high prices of petroleum products for the New England region. Perhaps we shall at last receive relief from our annual fuel oil shortages and outrageous prices.

According to the FTC, eight companies have combined or agreed to monopolize oil refining, maintained monopoly power over distribution and maintained a non-competitive market structure. The companies cited by the Commission's complaint, in order of industry ranking, are: Exxon Corp., Texaco, Inc., Gulf Oil Corp., Mobil Oil Corp., Standard Oil Company of California, Standard Oil Company (Indiana), Shell Oil Corp., and the Atlantic Richfield Co.

The complaint charges that since 1950 these firms have conspired to control and limit the supply of crude oil to independent refiners and potential entrants into the refining business. The results can be seen in headlines proclaiming gasoline shortages and our annual New England fuel oil crisis.

In addition, it is further alleged that these companies have exercised monopoly power in refining by refusing to sell gasoline and other petroleum products to independent marketers; participated in restrictive and exclusionary exchanges and sales of these products among themselves, and with petroleum companies, and have avoided price competition through their marketing practices.

It is, in the opinion of the Consumer Affairs Foundation, a disgrace that this situation has been allowed to continue for so long. These companies have consistently through practices of the sort listed by the Federal Trade Commission, forced the independent fuel oil dealers and gasoline stations practically to the wall by controlling their access to the product.

By discouraging and actively thwarting new entrants into the refinery business through their political muscle and control over petroleum transportation facilities, they have obviously been one of the major contributors to the shortages now afflicting New England consumers and businesses.

The CAF therefore suggests that perhaps one of the best ways to begin to redress these grievances is to forbid these large oil companies from engaging in the direct retail sale of their products to the public. Further, that the government force these firms to deal with independent fuel and gasoline distributors on an equitable basis.

Secondly, the Foundation believes that the government should make every effort to break the stranglehold these firms hold on the refinery business in the Eastern United States.

We firmly believe that what this industry needs is a little free enterprise and competition for a change. Then, perhaps, New England and the rest of the East Coast will at least get a shot at lower prices.

JONATHAN DANIELS

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, this past weekend, while at home in North Carolina, I read a feature article in the Greensboro Daily News that brought back many memories to me.

This article was about Jonathan Daniels—a native of Raleigh, a distinguished journalist, an unabashed Democrat, a former administrative assistant to the late President Franklin D. Roosevelt.

Most of all, I suppose, Mr. Daniels is a man whose penetrating insights into public issues over the past five decades have influenced and guided countless thousands, including several of us in this Chamber.

Mr. Daniels' influences upon me date back to my boyhood when I became a faithful reader of his editorials and of the news stories of his Raleigh newspaper, the News and Observer.

His writings—usually partisan and witty, often generous and sensitive, at times stinging and controversial, always illuminating and interesting—provided a focus that caused one to think and to see that most issues are complex and have, not just two sides, but many.

The progress that North Carolina has made over the years and the stature it has achieved as a progressive State are due in large measure to Jonathan Daniels and others like him who were not content with the status quo. They wanted something better, much better, and largely because of their prodding and dedication, North Carolina has indeed moved forward.

In recognition of Mr. Daniels' service to North Carolina and to the Nation, and in gratitude to him for his beneficial influences upon me, I am pleased to share the feature article on him with my colleagues:

DANIELS' CIGARETTE, HUMOR STILL THERE

(By Ed Rowland)

HILTON HEAD ISLAND, S.C.—The spring is gone from his step but the twinkle remains in his eye. He says, "I'm having a very satisfactory old age."

Jonathan Daniels at age 71 no longer writes bitingly partisan editorials for The News and Observer at Raleigh, N.C. He is no longer a counsel to presidents and observes that age is a state of the joints and muscles as well as of the mind.

Retired for three years and living at the plush resort of Hilton Head Island on the South Carolina coast, Daniels keeps busy writing best-selling nonfiction books, a weekly column for the Hilton Head "Island Packet" newspaper which he help found, and observes the world of politics from afar.

He's one of the few surviving members of President Franklin D. Roosevelt's staff. He was FDR's administrative assistant from 1943–45, and the last of the liberal Southern newspaper editors of the old school. "I feel like an exhibit," Daniels said in a recent interview, noting that two graduate students have just finished theses on his newspaper career.

Two of the trademarks his associates remember are still evident to visitors in his home: an ever-present cigarette and his sense of humor.

He recounted an incident involving one of his children, who had told him she wanted him to make a codicil to his will in order to leave her a small item. "I've got news for you," he told her. "I've decided not to die."

Daniels said the remark was later brought up at a cocktail party where a guest noted, "I wouldn't put it past the so and so."

He also tells of being introduced to his wife's relatives in South Carolina about the time he married "Miss Lucy" and then telling her, "There are only two kinds of South Carolinians: One kind has never worn shoes, and the other kind makes you feel like you never wore any."

Daniels' father was Woodrow Wilson's secretary of the Navy and the young Raleigh native grew to adulthood in the Washington where Josephus Daniels and his assistant, Franklin D. Roosevelt, were powerful figures. Later he earned undergraduate and master's degrees from the University of North Carolina, attended law school at Columbia University and began a lifetime career as a journalist.

"I'm known to your generation as an editor," he said. "Actually I'm a reporter. I still think the greatest art on earth is reporting."

It was his reporting of the romance between FDR and Lucy Mercer between World Wars I and II that earned Daniels new national attention five years ago.

His last book was "The Randolphs of Virginia" early this year.

Current projects are a collection of his "Island Packet" columns and a book taken from his White House diary during World War II.

Today's Washington, in comparison to the capital of the 1940s, is far different. "There's been tremendous change in the White House since I was there. It's amazing the change in the presidential office," he said.

Then the immediate staff of the president was six people, plus secretaries; now it's in the hundreds, he said. "In the old days the president dealt directly with his Cabinet. Now he's got a tremendous staff between him and the Cabinet. There's an old saying: The devil will find work for idle hands to do," Daniels added.

Still as loyal to the Democratic party as ever, Daniels has no patience with Republican Richard Nixon. Noting this is Nixon's last term, Daniels said the President "is running not for office but for history. He's definitely lost the race for history."

Here are some other Daniels observations on current affairs:

Watergate: "The Watergate hearings are the biggest whodunnit in history."

On dirty tricks in campaigns: "When Jimmy Byrnes (the late secretary of state, U.S. senator and South Carolina governor) first ran for office—he was born a Catholic in Charleston and converted to Protestantism, and there was a terrible prejudice in those days—opponents took out a newspaper ad that said, 'We who were choir boys with Byrnes in the Catholic Church at Charleston urge you to vote for him,' he survived that."

On presidential assistants: "The two secretaries to Washington and Jefferson were both listed as suicides. I feel no inclination toward it myself."

On age: "When I was at the White House I was the youngest man on the President's immediate staff. I was 40. While I'm not an old man griping at the young, it's better to have maturity."

On reporting: "There isn't any such thing as objectivity. Personality should be injected into stories."

In the days when throughout eastern North Carolina Daniels was often referred to as "Jonathan," The News and Observer traditionally printed a rooster in red ink on its front page when Democrats won national elections.

Daniels recalled returning to Raleigh in 1948 after being on the campaign train of Harry Truman and asking if the rooster were ready. "They told me Dewey was going to win. I said get the rooster out.

"We ran the rooster late that election night and about 4 a.m. I got a call from Independence. It was Truman and he said, 'Jonathan, we're in.' "

Now, at Hilton Head, Daniels says he's "a token Democrat. All my friends are good Yankee Republicans."

THE PURLOINED PAPERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. DERWINSKI. Mr. Speaker, an editorial comment by Radio Station WBBM in Chicago, concerns a matter of regional domain but also involves the jurisdiction of the Federal Government. The instance described involves a stolen employee roster from an Army arsenal at Joliet, Ill., that was made available to a local real estate firm.

This editorial, aired on October 1, gives direct public attention to the broad questions involved in this illegal release of Government records. The editorial follows:

The Purloined Papers

Stealing—or tampering—with governmental records appears to be the "in" thing to do these days. The latest discovery of foul play was revealed last Friday by WBBM Radio, the Better Government Association and *Chicago Today*.

It seems that a man who worked in the Data Processing section of the Army Arsenal at Joliet passed along a computer print-out containing the names of Army personnel to a Quad Cities realtor. That may not strike you as harmful but you see the Joliet Arsenal announced early in the year that it was closing down and relocating in the Quad Cities area. And the names on the stolen roster were the names of 1400 federal employees who didn't even know they were eligible for transfer to the new post.

To a real estate firm, a confidential list like that is a gold mine. In fact, one man in the business said it was worth more than $40,000. What it was worth to the Mel Foster Company was the sale of at least 75 homes. And that's no mean trick because the housing shortage in the Quad Cities is unbelievable.

Mr. Foster admitted that he had used the list but claims he didn't realize he was doing anything wrong. He also returned the list at the request of the Chief of Staff of the Joliet Arsenal. Nonetheless, the damage was done.

No action has been taken against the Foster real estate agency. And the Army only slapped a three-day suspension on the computer operator who took the list. Which is to say that nothing is being done about this small but sordid situation.

We think something should be done. The Federal government should make a thorough investigation of the realty company that used the stolen list for contacting potential customers. It should see whether there was, in fact, any financial gain on the part of the guy who stole the goods. And while it's at it, the government should raise some questions about security arrangements. Next time the print-out might contain much more than just classified personnel records.

THE 50TH ANNIVERSARY OF ST. MARTIN'S PARISH

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. RONCALLO of New York. Mr. Speaker, I wish to share with my colleagues my reverence and happiness on the 50th anniversary of St. Martin of Tours Parish of Bethpage, Long Island. I insert for the benefit of all, an excerpt from the Long Island Catholic which details some of the rich heritage and outstanding services that St. Martin's Parish has constantly given to my community over the past years. I know that all my colleagues join with me in extending to St. Martin of Tours Parish our veneration and best wishes on this jubilant occasion and look forward to the future growth of St. Martin's fine tradition and activities which have continually served to build and strengthen the moral fiber of our community and country.

The excerpt follows:

Jubilee Is Set for Bethpage Parish

St. Martin's parish has grown from humble beginnings to be one of the most active parishes on Long Lsland.

In 1917, when a group of men from Bethpage (known until 1937 as Central Park) petitioned Bishop McDonnell to establish a parish in the area, the bishop denied their request. The bishop felt that the sparsely populated agricultural region would be unable to support another parish. But the Catholics of the area were persistent, gathering pledges of financial support as evidence of their sincere desire to have a parish of their own.

In 1923, Bishop Molloy appointed the Rev. Daniel A. Dwyer as founding pastor. Father Dwyer offered the first Mass in Bethpage at the Roosevelt Republican Club on Sunday, Oct. 14, 1923.

St. Martin's parish today is the kind of community where people help each other. One example is the Christian Mothers Rosary Confraternity (known before 1971 as the Confraternity of Christian Mothers). This group of parish mothers gives emergency help (housekeeping, child care, etc.) when the woman of a household is ill, convalescent, or otherwise temporarily unable to care for her family. They also provide a babysitting service during three of the Masses each Sunday.

Last year, the people of St. Martin's elected Jeff Peck, 18, president of the Parish Council. His active involvement in parish affairs is indicative of the emphasis which St. Martin's has always placed on the parish youth.

The parish family is rich in memories. For example, the first couple to be joined in marriage in St. Martin's parish were Stella Ruggiero and Antonio Finamore. They were married Nov. 18, 1923, in Father Dwyer's rented house on Herman Avenue. Mr. and Mrs. Finamore are still parishioners at St. Martin of

Tours, and they plan to attend the jubilee dinner dance.

The people of St. Martin's have benefited from the leadership of many pastors and assistants. The current pastor, the Rev. Thomas D. Helfrick, came to St. Martin of Tours in 1967. His predecessor, Rev. Valentine J. Stortz, now pastor of Our Lady of Lourdes in Malverne, was pastor of St. Martin of Tours from 1961–1966.

Other pastors, now deceased, were the Revs. Daniel A. Dwyer, founding pastor (1923–'28), Philip A. Brady ('28–'31), Charles H. Sennett ('31–'33), Terence C. Sharkey ('33–'35), John F. Cusak ('35–'40), and Michael J. Hartigan ('40–'55).

For two short periods, the parish was administered by priests who were not pastors: Rev. Joseph A. Murphy (summer, 1929) and Rev. Richard H. J. Hanley (end of 1955 to February, 1956) were parish administrators. Father (later Monsignor) Hanley was the founding editor of "The Long Island Catholic."

Much of St. Martin's growth came during the periods immediately before and after World War II. Grumman's moved from Baldwin to Bethpage in 1936, bringing new jobs and new residents and speeding Bethpage's transition from a rural, agricultural community to a residential/industrial one. The postwar baby boom of the late 40's and early 50's brought many new members to the parish.

These new young parishioners severely strained the parish's facilities for religious education. In 1951 a Mother's Club was formed which undertook regular graded religious instruction. The parish school was opened in 1955; the continued growth of the parish necessitated the construction of a ten-classroom addition which opened in 1960.

The parishioners and clergy of St. Martin of Tours parish have planned this anniversary year as a time for rejoicing in their community with each other and as a time of thanksgiving and renewal. The first anniversary event in 1973 was a mission-renewal week conducted by the Passionist Fathers Sept. 24–28. The second will be the Oct. 6 parish picnic. The chronology is fitting. The people of St. Martin's have always turned, in times of joy or sorrow, first to God, and then to God in each other.

VIETNAM VETERANS RECOGNIZED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I am pleased to note the unanimous House action today on Senate Concurrent Resolution 51 which expresses a special recognition of the magnificent service and sacrifices of our Vietnam veterans during the longest continuous period of hostilities in American history.

We have taken this action to coincide with the first Veterans Day observance since the cessation of hostilities in Vietnam. As our chairman has pointed out, this resolution acknowledges the trying circumstances that marked the period of hostilities and commends these brave young veterans for performing their duties with courage and stamina consistent with that shown by their brother veterans of previous wars.

I think it particularly significant to remind ourselves that today there are over 6,557,000 Vietnam era veterans of which over 2,406,000 actually served on Vietnam soil—in fact, some 46,000 men lost their lives there, and over 354,000 such veterans are receiving compensation for their service-connected injuries. In addition, approximately 47,500 widows, orphans, and dependent parents of deceased Vietnam era veterans are receiving dependency and indemnity compensation as a result of the service-connected death of their husband, father, or son who served so valiantly and gave his life for the cause.

As the Members are aware, I have worked for almost a quarter of a century toward assuring that the Nation recognizes the service and sacrifices of the members of the Armed Forces. As a result, I share with many of my coworkers a satisfaction that we have tried our best to translate the Nation's obligation into meaningful and fully deserved programs. I am particularly pleased for this opportunity to pay a special tribute to those young and brave soldiers who have suffered the hardships of this most difficult and prolonged period of frustrating hostilities.

I join with all Members in concurring wholeheartedly in the objective of Senate Concurrent Resolution 51 and am proud of the immediate and unanimous action taken by the House on this worthwhile measure today.

RESOLUTION IN SUPPORT OF ISRAEL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. VANIK. Mr. Speaker, I enter in the RECORD at this point the full text of a resolution which I am cosponsoring in support of maintaining the deterrent strength of the State of Israel:

RESOLUTION TO CONTINUE TO SUPPORT ISRAEL'S DETERRENT STRENGTH THROUGH TRANSFER OF PHANTOM AIRCRAFT AND OTHER MILITARY SUPPLIES

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441 authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself. Therefore be it

Resolved, that it is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment furnished to the Arab states by the Soviet Union.

CALIFORNIA EFFORTS AT COMBATING DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WALDIE. Mr. Speaker, I have received many letters from principals and superintendents of schools in my State of California asking that the Federal Government aid local officials in their fight against the drug abuse problems.

The Select Committee on Crime which has recently disbanded has recommended that the Federal Government provide money so that local communities can develop their own drug education and counseling programs.

Mr. Speaker, these letters from principals and superintendents of schools in California should be of great interest to all Members of Congress who are concerned about this problem.

Selections from these letters follows:

LETTER FROM RUSSELL CHIMENTO, PRINCIPAL, AMERICAN LEGION HIGH SCHOOL, SACRAMENTO, CALIF.

I agree with all four recommendations but feel as you do, that the recommendations could be more specific. Our district presently employs former drug users as consultants in our schools. It is my feeling that this program, the Aquarian Effort, has failed to achieve its objectives. The drug abuse counselors are poorly trained. Many of them have little respect for work ethics. It is a tremendous waste of manpower since these people are only functional when a drug problem appears in the school. They otherwise wait, and make themselves inconspicuous as possible. They do not have the professional skill required to organize an effective drug information program in the school.

LETTER FROM ROBERT HELLUMS, DIRECTOR OF DRUG EDUCATION, WILLITS UNIFIED SCHOOL DISTRICT

Thank you for your letter and report concerning drug abuse. In addition to a copy of your committee's report on drug abuse, would you please send me more information on the following recommendations:

1. Local school boards initiate programs of drug abuse instruction for teachers and that they establish professional drug counseling staffs for the schools.

2. The federal government aid school boards in this effort by providing adequate funding.

LETTER FROM WILLIAM PLUTTE, PRINCIPAL, SAMUEL GOMPERS HIGH SCHOOL, RICHMOND, CALIF.

First: we big people are still of the opinion teenagers are in cocoons awaiting the chrysallis date of emergence into "adulthood."

Second: since we have this theorem we know what is good for them and we merely have to tell them how to follow the path to some future happy land of Oz.

Third: we don't listen.

A major problem is the undisclosed amount of money spent on "studies" to categorize drug users, or potential users. Very simply, the range of users are from religious, closely-knit, well-adjusted families to the lowest of socio-economic and intellectual levels.

We do not substitute God, country, mother or clean recreation for drugs; albeit this is wonderful philosophizing.

The answer is so simple it is awesome in its enormity.

There are two factors:

1. The user must want to stop being one and,
2. He must not take dope *today*.

Referring boxed-out users, to parents, dropped from a minimum of several a week two years ago to six all last school year.

Letter From R. H. Peterson, Principal, Lemoore High School

I would suggest a series of steps to take if any progress is to be made:

1. Utilize some of our military men to patrol the areas where drugs are entering the U.S.
2. Authorize personal search without a warrant whenever there is drug suspicion.
3. Set punishments that are strict and consistent—i.e.

(a) Drug use penalty—Mandatory rehabilitation with complete cost paid by family. Subsequent arrests would consist of one week jail sentences, the full cost paid by fine.

(b) Possession—$500 fines, plus 5 days in jail.

(c) Pushing—1 year jail sentences.

We are so interested in protecting our constitutional rights that we are in danger of ruining millions of our people with drugs.

Letter From Clara C. Eddie, Superintendent of Schools, Modoc County

I would only suggest that many proposals from the field may not be sound, as most of us do not have the opportunity to field test our ideas to determine their soundness. For instance, I am reminded of the "scare tactics" used several years ago, and how ineffective this strategy really was. Since then, I have read that a National Council determined that most films used were actually detrimental and unfit teaching aids.

Letter From C. R. Hoberg, Director, Grossmont Continuation High School, Santee, Calif.

I would like to see stiffer penalties imposed on drug peddlers who frequent high school campuses and dispense their wares to our high school students. I don't know if this would come within the jurisdiction of your committee, but it is something that is sorely needed to stop drugs in our schools.

Letter From Clark O'Dell, Associate Superintendent, Siskiyou County Schools

First, I look upon drug abuse as a symptom rather than a problem. The basic problem as I see it is not that drugs are used, but that they are needed. Please remember that drugs make us all *feel good* or we wouldn't use them. If drugs made us feel bad, there would be no drug users.

Secondly, it is imperative that we provide some information to children as to how to live in a world increasingly dominated by chemicals. To this end, item 3 in your letter relative to cutting back the production of certain harmful drugs is certainly a step in the right direction.

Third, it is my feeling, and I have said so on numerous occasions, that all children who attend public or private school, sometime during their school careers, will be exposed to an illegal, illicit or harmful drug or substance. At that time, they must make a value decision regarding whether they will indulge in abusing both the drug and their bodies through ingestion, injection or inhalation. It is this value judgment which I feel is the key to reducing drug abuse among children and youth.

Letter From Richard L. Foster, Superintendent, Berkeley Unified School District, Berkeley, Calif.

I have been responsible for managing a national health program that is now involved in 70 school districts in the United States. I am enclosing copies of our materials that you can look at and do have a film available that I would be delighted to show you at a mutually acceptable time. In this particular program we are concerned about a phase of the body, i.e., heart and circulatory system, at the sixth grade. We move from an understanding and appreciation of the heart through structure and function, through malfunction, toward prevention of heart attacks and similar disasters. In this particular area we make an intensive study on drugs, ranging all the way from cigarette smoking, glue-sniffing, hard drugs, etc., and give the youngsters the opportunity to make reasonable and sound choices on the base of understanding the functions of their body. In your particular area the training center nearest to Washington is at Charleston, West Virginia, or at Del Mar, New York. The Charleston one is in the process of training six school districts in Appalachia and two in Maryland, while the New York center is at the present time training eight school districts in New York State, one in Massachusetts, and one in Maine.

I have a belief that it's this kind of a program that is more productive than the usual method which singles out drug abuse for separate instruction and has relatively low effect on students.

Jerry, I just use this letter as an introduction to our program. I would be happy to meet with you when you come home or for you to follow up with it in Washington. Do keep in contact.

Letter From Virgil W. Jensen, Administrative Assistant, Folson Cordova Unified School District

In my opinion there are several other ways to combat drugs that you and your Committee may wish to consider:

1. Widespread use of T.V. commercials as have been used against cigarette smoking. This may be particularly effective in establishing early attitudes and values.
2. An all out effort to provide selected teachers and counselors the kind of in-service training needed to set up meaningful programs in the schools. Perhaps something like the NDEA Programs of the past. Most teachers, counselors, and school administrators don't really know much about drugs or effective drug programs.
3. The establishment of exemplary drug education programs for schools that could be used as models for training and implementing by others.
4. The requirement that drug education be offered throughout the educational program at all levels, with emphasis in the early grades to build sound values and attitudes.
5. Somehow get the courts and law enforcement officials to be more forceful in their handling of young drug offenders. The attitude of many teenagers after going to court for a drug offense is that it is no "big deal". Often all they receive is a lecture or informal probation. Many teenagers see this as a status symbol rather than punishment. Obviously, I believe that appropriate punishment can be a deterrent.

Letter From Howard Wigell, Assistant Superintendent of Schools, San Dimas, Calif.

Throughout the report the implication is that this is a newly discovered problem. Although we are a small school district of 7700, I am sure that many other districts have tried to do as much as we have done. During the school year 1967–68 a parent committee was organized by our District to investigate the growing problem of drug abuse among our high school students. It functioned until they established a local "Open Door" facility in 1970. At the suggestion of educators, in the spring of 1970, the physicians of the Los Angeles County Medical Association (San Gabriel Valley Chapter) agreed to underwrite the development of a drug abuse curriculum for the Bonita, Claremont and Pomona School Districts. The resulting K–12 curriculum guide was adopted for use in our schools in 1971. I merely quote these dates to indicate that not all administrators were as insensitive to their responsibilities as the Select Committee on Crime reported.

I would suggest the following which can be done by redirecting the present financial support:

1. Establish a small full-time committee to do complete and thorough research on the best possible teaching strategies. These experts could then write curriculum guides for all grade levels. We are also in need of better drug education films. These, along with the guides, should then be provided for every school district in the country free of charge.
2. Schools need not only direction but facilities for professional rehabilitative follow-up for their students who have been identified as drug abusers. Every county has public health facilities which could be expanded to include a school department.

This is a complex and important subject that needs proper research by the best minds. We don't pretend to have the answer but we certainly do not have our heads in the sand.

The goverment has spent large sums on the drug abuse problem in the Armed Forces. What have they learned? Can their research be of benefit to educators? Can this be shared with schools?

HIGHEST TRIBUTE PAID TO DISTRICT OF COLUMBIA POLICEMAN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. QUILLEN. Mr. Speaker, one of the highest tributes in the Nation's Capital was paid a policeman from my district in Tennessee when he was selected Policeman of the Year as a member of the Capitol Police force.

Officer Floyd E. Hensley, Erwin, Tenn., was presented the award at the U.S. House of Representatives Doormen's Society's Fifth Annual Picnic by Capitol Police Chief James M. Powell in early September.

This award is but a small token of appreciation and recognition for the commendable job Officer Hensley is doing. To be chosen from so prominent a group of officers is a great distinction.

It is refreshing to find a law enforcement officer who, despite being more harassed than praised these days, takes such pride in his job that he is honored with this award.

After graduating from Unicoi County High School in Erwin, Tenn., in 1962, Hensley worked with the FBI in Washington, D.C., as a fingerprint clerk.

He served his country with honor in the U.S. Army and was with the 14th Aviation Battalion in Vietnam for 1 year. He has worked tirelessly and effectively as a member of the Capitol Police for almost 5 years.

Hensley's loyalty, selflessness, and devotion to his country and to the performance of his duty have made him an inspiration to all who know him. He has made a significant contribution to the Capitol Police force and is a real credit to his profession.

The following is a brief account of the annual picnic:

The U.S. House of Representatives Doormen's Society held its Fifth Annual Picnic September 8, 1973, at the Indian Head, Md., Officer's Club of the Naval Ordnance Station. Warren H. Jernigan, the society's president, opened the ceremonies by introducing honored guests and welcoming all the members of the society and their friends.

Honored as House Floor Doorman of the Year was Charles E. Baine. Charles F. Pawlik was similarly honored as House Gallery Doorman. These awards were presented by long-term Democratic Congressman Bob Jones of Alabama.

Capitol Police Chief James M. Powell presented the award as Policeman of the Year to Officer Floyd E. Hensley.

Members of the society, their families and guests were greeted by Congresswoman Marjorie S. Holt of the Fourth District of Maryland. Other distinguished guests who spoke briefly were former Congressman John McMillan of South Carolina and Congressman Alan Steelman of Texas.

Other features of the afternoon in addition to the delicious picnic fare were the award of several door prizes.

INTRODUCTION OF LEGISLATION TO PROHIBIT SECRET FDA RECALLS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BINGHAM. Mr. Speaker, on September 18, 1973, the FDA's heretofore secret plans not to tell the public about recalls of defective and potentially deadly medical devices and drugs were revealed in the Washington Post by John Stowell.

In what may be characterized as the outstanding example of bureaucratic upside-down logic of the year 1973, the FDA justified this action on the ground that public warnings may literally "frighten people to death." What the FDA seems to ignore is the question of how many people might succumb to the very dangers the FDA is supposedly protecting the public against by failing to issue warnings. I submit that it is much more likely that the device or drug involved would present the greater danger, and there is no comfort in knowing that eventually the recall would show up in a public announcement. The true effectiveness of a public announcement is the immediate warning to the consuming public before the item is lost in the stream of commerce.

In one startling example, the FDA said that cardiac pacemakers implanted in a patient's chest would be recalled without public discloseure if found to be defective, tnd therefore potentially deadly. If that be the case how would those devices already implanted be recalled without the patient's knowledge? The sooner the patient in such a predicament is notified the sooner that patient can have the potentially fatal device replaced with a reliable instrument. The FDA has no right to deny cardiac patients the right to longer life because it decides to withhold vital information. Moreover, in testimony before Senator Kennedy's Senate Health Subcommittee, Dr. Sidney M. Wolfe of the Health Research Group, a public interest organization located in Washington, D.C., warned that despite the benefits bestowed upon mankind by the medical device industry, that industry tends to "operate more as an unaccountable business than a part of a humanized health services system."

The secrecy favored by the FDA is inconsistent with the stated policy of its own Commissioner to seek out and assure the prompt removal of hazardous products from the market. Surely, the consuming public, with adequate and speedy warning, can be an effective agent in limiting the distribution of dangerous products.

Today, in order to make sure that the FDA does not again try to install a protective curtain around the food and drug industries, I am introducing an amendment to the Federal Food, Drug, and Cosmetic Act that would prohibit the FDA from withholding from the public information regarding the trade name or mark, manufacturer, area of distribution, and name of any product that is seized or recalled.

This legislation will insure that the recall and seizure powers of the FDA are exercised properly—with full public disclosure.

SOUR GRAPES FROM CALIFORNIA?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WOLFF. Mr. Speaker, as we might have expected, the California delegation is beginning to panic. The handwriting is on the left field wall, and a number of my west coast colleagues are already offering us one of their pitiful products for consumption—sour grapes.

As we have already seen in the first two games of this series, the Oakland A's have had hard times as they face the game's finest pitching staff—the Mets hurlers. Confronted with the towering talents of our fine Mets, the A's are reduced to babbling batters and retiring runners. Pity the poor A's, for they must face the Amazin's at home for the next three games, and victory cannot be denied the Mets at Shea.

Right now, I believe, is an excellent time to make our specific promises about the booty. I am anxiously looking forward to testing the taste of a California wine which President Nixon took with him to the People's Republic of China—an obscure liquid called Schramsberg Blanc de Blanc Natur. However, since we are justifiably unsure about the quality of this California wine, Vintage magazine has recommended that we keep in reserve four outstanding wines from Vinifera Wine Cellars in Hammondsport, N.Y., which is represented by my esteemed colleague. James F. Hastings.

It is going to be a great day as we toast the New York Mets and the sweetness of victory with New York wine while our overwhelmed Oakland colleagues look on.

LEE HAMILTON'S WASHINGTON REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. HAMILTON. Mr. Speaker, I insert at this point in the Record my recent Washington report entitled "The Middle East and the Middle West":

THE MIDDLE EAST AND THE MIDDLE WEST

The importance of the Middle East in meeting the energy needs of the nation is becoming increasingly apparent.

1. For the near future—perhaps the next two decades—the U.S. will have to import significant quantities of fuel from the Middle East, even assuming that everything is done to increase domestic oil production. By 1980, the U.S. will import about 50% of its fuel needs, with a vast majority of these imports coming from the Middle East, the one area in the world today with surplus production capacity. This situation is not changed by the discoveries in Alaska or the North Sea.

2. About three-fourths of the free world's proven reserves are in the Middle East. Saudi Arabia's proven reserves alone are almost four times those of the U.S.

Several implications of these startling statistics should be noted. The U.S., wealthy and powerful as it is, finds itself in the uncomfortable position of being dependent upon small, independent and potentially unstable states, which have the quantities of oil our gargantuan appetite requires. The annual cost of these oil imports in 1980 could be in the order of $70 billion, some of which may flow back to the U.S. through the purchase of goods and services. The prospects of huge additional cash outlays of this magnitude, at a time when the U.S. already has trade deficits, raise potentially serious economic and political problems.

Obviously, then, American policy in the Middle East is profoundly important to all Americans. In my view, our policy toward the Middle East should emphasize several features:

1. A peace settlement of the Arab-Israeli conflict is an urgent national interest. A thorny linkage exists between our policy toward this conflict and our access to Middle East oil, as President Nixon recently acknowledged. A quick permanent settlement of the conflict is probably not likely, but some movement toward a settlement may be possible. Peace cannot be imposed from the outside, and can only be achieved by the Arabs and Israelis themselves, but we must impress upon them our deep desire for peace. The U.S. should give the Middle East priority attention and press all parties to start direct or indirect talks. The proposals for a time-related, phased withdrawal peace plan and the idea of big power guarantees of any agreement need concerted attention.

2. We must develop a vigorous domestic energy strategy. Because of the lead time necessary to develop new energy sources, action today will not meet our needs for another 5 to 10 years. Such a strategy will make less difficult our problems in the Middle East. It must aim at self sufficiency as a nation as

soon as feasible with a faster search for alternative sources of energy and expanded efforts in exploration, research and conservation.

3. We must pay more attention to the Arab world, learning more about it, demonstrating a concern for its economic development and acknowledging its place in the international economy. The oil rich Arab states can buy our technical assistance and technology to help them diversify and strengthen their economies. Effective economic, political and security policies toward the Arab states are our best guarantees that they will be willing to help us with our energy problem. Our present policy toward the Persian Gulf has a strong military flavor, emphasizing arms sales to Iran and Saudi Arabia, but our policy should be more comprehensive with equal emphasis on economic and social development.

These policies will allow us to remain committed to Israel's survival, and her deterrent strength. They will offer acceptable alternatives to the distasteful choice between an adequate oil supply or support of Israel.

And they will help allow oil to come to the Middle West and peace to the Middle East.

DISTRICT OF COLUMBIA CENTER FOR THE PREVENTION OF CHILD ABUSE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. STARK. Mr. Speaker, today, along with Congressman FRASER and Congressman STUCKEY, I am introducing a comprehensive child abuse reporting and treatment bill for the District of Columbia. The bill provides for the establishment of a Center for the Prevention of Child Abuse whose Director will be responsible for coordinating the investigation and treatment of child abuse and neglect cases. The treatment will be coordinated by the staff of the Center, but will include a multidisciplinary team of experts to assist on each case. Emphasis will be on the medical and social services which can be offered to the children and members of the home environment to prevent and eliminate the causes of abuse.

The Center will work with all the public and private resources of the District who can assist in their task. This would include the Department of Human Resources, the District of Columbia courts, the Metropolitan Police Force, Children's Hospital, or any individual or organization whose knowledge and expertise can help eliminate this dreadful and frightening sickness.

The need for this legislation is well known and documented. Only recently are we beginning to record and evaluate the tremendous impact and effect of the thousands of child abuse cases which occur in this country.

The first child abuse case was reported in New York in the late 1800's and it was discovered that the only statute protecting the safety of the child was an anti-cruelty to animals act. Yet legislatures and professionals have only recently been attempting to write and enact effective programs to meet this crisis.

I believe we have come up with a good approach in this bill. This is not a partisan issue. It is not a controversial issue. It is, however, an issue that needs our sincere and immediate attention. It is not enough to say we are against child abuse, everyone's against child abuse. We must show our commitment with swift consideration and approval of measures to get the necessary programs for the people who need help; to the children who are physically and mentally battered, to their parents and guardians who often could be helped if only they receive assistance soon enough, and ultimately to our society. If we hesitate any longer, we must all share blame for each case of child abuse in the District—over 150 this year alone.

The abused children cannot vote. They cannot come and lobby for their cause. We must act for them, we must speak for them, and we must help them.

Recently Congressman BRADEMAS' Select Subcommittee on Education heard testimony from some of the leading experts in this field. I sat in on those hearings and listened to frightening stories of cruelty and torture. There was some hope given for the future, if we will act now. Particularly noteworthy was a statement submitted by Dr. Brandt Steele, Director of the National Center for the Prevention and Treatment of Child Abuse and Neglect, and a leading authority on treating cases of abuse. I recommend Dr. Steele's remarks to my colleagues.

Dr. Steele's statement follows:

STATEMENT OF BRANDT STEELE, M.D.

Various forms of maltreatment of children are known to have existed since the earliest recordings of human history, but it is only in the past century and especially in the last two decades that we have considered parental abuse and neglect of infants and children a serious problem which warrants significant social, medical and legal attention. For a hundred years, public welfare and private social agencies have struggled faithfully and remarkably well to cope with problems of case finding and management which were far too great for the limited resources available to them. In more recent years, there has been a great increase in a much needed involvement of the medical specialties of pediatrics, radiology and psychiatry, as well as increased interest among members of the legal profession and law enforcement units. The result has been an upsurge of public awareness and concern over the extent of maltreatment of children, and significant contributions to our knowledge about the problem have been made through studies done by multi-disciplinary groups.

During the past dozen years, we have had at the University of Colorado Medical Center what now is called a "Child Protection Team." This hospital-based team, originally composed of pediatricians, psychiatrists and social workers, has also grown to include or utilize the skills of hospital nurses, public health nurses, psychologists and carefully selected lay persons with special aptitudes for human understanding and relationships. Members of this team have evaluated hundreds of families in which child neglect and abuse have occurred. Many of these families have been studied in great depth and followed for several years by psychiatrists, social workers and others who have thereby gained great understanding of the whys, hows and wherefores of this distorted, unhappy pattern of child rearing.

It is now well recognized that parents who show the pattern of neglect and abuse of their own offspring suffer from the residual effects of their own background of being excessively punished and insufficiently cared about in their own early childhood. Their past life experiences have also led them to have a very low sense of self-esteem and a marked inability to seek help from the environment. As a consequence, when faced with the difficulties and crises of normal living, they have inadequate methods of coping. Their normal parenting desires break down and they resort to the pattern of neglect or abuse which they learned from their own parents in early life.

Knowledge of the interaction between the remote and the immediate causes for abusive behavior has enabled us to develop rational, effective methods of treatment. In addition to measures taken for the protection of the child from further injury, the parents, too, can be helped. Such treatment is based primarily on correcting through insight and new reality experience the devastating lacks in the parents' own past life of being cared about, and also teaching them how better to use their own strengths to gain help and make progress. Under such a regime, parents can become much better parents, with more rewarding lives, and a chance to maintain family units intact.

Such a treatment program must of necessity be elastic and able to adapt to the needs of people from many different socio-economic levels and with many different problems. Consultative support, as well as direct input from persons of many different disciplines, are essential in such a program.

Familiarity with the emotional problems and behavioral life styles of the abusive parents has enabled us to recognize that the pattern of child care exhibited by the abusive parent has its roots very early in the parents' own childhood. The way one behaves as a parent bears a very close relationship to the way one was cared for in the first few years of life, although the basic core of parenting behavior can be somewhat modified by events of later childhood and adolescence.

Inasmuch as this fundamental character of the parenting pattern exists in latent form throughout life before the adult ever has children, it should be possible to determine by appropriate testing or interviewing parents' potentiality for neglect and abuse before a child is born. We have instituted extensive studies in this area and preliminary results indicate we can predict "high risk" parents with considerable accuracy. This opens up the way for significant preventive intervention before trouble occurs.

It is clear that the problem of child abuse is a self-perpetuating one. From each generation of abused and neglected children comes the next group of abusing parents, who repeat with their children the pattern which caused their own tragic problems.

Abused and neglected children often show long-term effects of their injuries and deprivations. Brain damage evidenced by neurological abnormalities, intellectual deficits, slow language development and learning problems are some of the late results which place increased burdens on families and on society. Some abused children doubtless grow up to be essentially healthy, normal adults. In other instances, the experience of being subjected to violence in the earliest formative years of life seems to provide the seeds for aggressive and violent behavior in later years. There is an increasing accumulation of evidence that from the great pool of neglected and battered children come the majority of juvenile delinquents and adult murderers, including political assassins.

When the full spectrum and ramifications of child neglect and abuse are recognized, it becomes obvious we are dealing with the impact that deleterious parenting behavior has on many facets of society. Our goals are much more complex than merely protecting unfortunate children from further injury. We must study the effect which the abusive pattern of child rearing has on the development of violence in the total fabric of our society. This will require the cooperative effort of people from many disciplines.

SAMOA

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mrs. HANSEN of Washington. Mr. Speaker, the citizens of the seven Pacific Islands which constitute American Samoa and their government leaders are to be congratulated on the occasion of the 25th anniversary session of their legislature and the dedication of the new legislative Fono building. These events will take place during the period from October 19 to 25.

Equally significant is the fact that the people of American Samoa on this occasion will be hosts for the annual convention of the Pacific Conference of Legislators.

History recalls it was in 1839 that an American exploration ship commanded by Lt. John Wilkes visited Samoa, but no formal relationship with the United States was established until 1872. That came as the result of the need for a coaling station in the South Pacific by the U.S. Navy. However, it was not until 1889 that a general pact of agreement for the security of the islands was entered into by the United States, Great Britain, and Germany. This pact was not successful and in 1899 Germany and Great Britain dropped all claims to these islands.

A new treaty was ratified by the United States in 1900 and President McKinley directed the Navy to establish U.S. authority in what is now American Samoa. The Navy government remained in effect until June 30, 1951, when administration of the territory was transferred to the Department of the Interior.

Through the years steady progress has been made in developing self-government for the people of American Samoa and they have shown a growing interest and pride in achieving self-reliance in governmental affairs.

Representatives of the Samoan legislature have traveled to the Nation's Capital in recent years to participate in congressional hearings relating to improving the conditions of their people through the development of health facilities, schools, roads, bridges, and other public services.

American Samoa no longer is a group of isolated islands in the vast Pacific Ocean. Today it is on scheduled airline routes and is served by numerous steamship lines.

Through the efforts of the people and their elected leaders the economy of the islands has been improved. There is no doubt that in the years to come even greater economic achievements will be recorded.

Food processing, principally tuna, is the most significant of all economic activities. Tourism and various industrial enterprises are expanding and thriving in the islands.

The ties of American Samoa with mainland United States are growing stronger through communications services that keep people in close contact with the United States and other parts of the world.

An extensive program in vocational and special skills training is currently under way with government sponsorship. And there is the new community college where young people are being educated in a way that will equip them to take their place in modern society.

The leadership in the Samoan legislature has consistently maintained an intense interest in working for the betterment of the people and achieving good administration in all phases of government. They are aware of the needs of the people in the island territory and are particularly concerned with providing them with higher income and better living conditions.

The dedication of the new legislative building, in itself, is an occasion of significance for all the people in American Samoa. It establishes a center for local government in which all of the citizens can be proud.

Since 1967, when it became my privilege to serve as chairman of the House Appropriations Subcommittee on the Interior Department and Related Agencies, I have initiated a change in committee policy. I suggested that representatives of the South Pacific areas meet with the committee at the appropriations hearing time. This has developed into a most satisfying experience with the opportunity to discuss with them in detail the problems of the island people and to hear reports on the steady improvement of living conditions there.

At the same time I wish to strongly commend the Legislature of American Samoa for its efforts in building a strong, stable island community.

To the people of American Samoa I wish to express my sincere congratulations on this auspicious occasion and only regret that I cannot be present to participate in the formal opening of the new legislative building.

ACHIEVE RANK OF EAGLE SCOUT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize before my colleagues three fine young men from Blount County in Tennessee who recently achieved the rank of Eagle Scout. In reaching the highest goal of the Scouting program, these young people displayed the courage and leadership which will prepare them to take on the responsibility of guiding our great Nation in the future. My own sons were in Scouting, and I personally know of the great value of this organization to young men. I have listed their names below. Mr. Wayne Bunker, Alcoa, Tenn., Mr. Steve Spitzer, Maryville, Tenn., Mr. Chuck Webb, Alcoa, Tenn.

NEW YORK TRADE UNIONS BACK ISRAEL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BADILLO. Mr. Speaker, support for Israel in her fight for survival in the face of Arab aggression is gaining momentum throughout our Nation. It becomes more apparent by the hour that the overwhelming majority of Americans are appalled at the vicious and unprovoked attack by Syria and Egypt and stand fully behind efforts to assure Israel's ability to defend herself.

Yesterday, I was privileged to address a mass rally of trade unionists in New York City and present herewith for inclusion in the RECORD, the text of a resolution adopted by the unions involved—the Amalgamated Clothing Workers of America in behalf of itself and the New York Joint Board, Local 4, Local 1, Local 8; Neckwear Workers Joint Board, Local 169, Cleaners and Dyers Joint Board and Service and Allied Workers Joint Board:

RESOLUTION ON ISRAEL ADOPTED MONDAY, OCTOBER 15

The vicious and unprovoked attack on the State of Israel by Egypt and Syria is an act of violence that ranks with the most brutal in the world's history. This aggression by the Arab forces has but one aim—to destroy Israel and its people.

Israel is a domocratic state, the only one in the Mideast, and the most loyal the United States and the American people have. Since its birth in 1948, Israel has sought peace with its neighbors so that it might provide a home for the survivors of the Nazi holocaust which exterminated six million innocent souls, and be a haven for all those who desire to live in a Jewish homeland.

The surprise attacks on the Golan Heights and along the Suez Canal are clear manifestations of the Arab refusal to seek a peaceful way of life with Israel. It is evident that internal political troubles are at the root of the Arab offensives, but Israel's security and the stability of the Mideast cannot rest on the political frustrations of the Arab leaders.

Israel must not be permitted to fall the victim of military might or oil diplomacy. She deserves and must have the support of those nations who cherish democracy and who value a stable Mideast.

As trade unionists, we strongly support Israel in which Histadrut—a free trade union movement—has played such a mighty role in establishing and sustaining that tiny nation. And as trade unionists we must see to it that Israel and Histadrut receive our total support.

Therefore, be it resolved:

(1) We call upon President Nixon and the Congress of the United States to take immediate steps to send to Israel all armaments and other necessities so that it can defend itself and fight back the Arab attackers.

(2) We call on the United Nations to impose a cease-fire at the 1967 boundaries and to use its authority to bring about face-to-face negotiations between Israel and the Arab nations to settle their differences.

(3) We urge Americans all over the nation to contribute generously to Israel and to do this without delay. Every dollar is urgently needed to sustain that nation so that it can throw back the agressors.

(4) We urge all Americans to voluntarily cut down on their use of gasoline and oil so as to dry up the source of funds to the Arab aggressors. This will not harm American oil workers who are unionized since they work in the United States, and the oil and gasoline produced here will find a ready market.

GOLDEN JUBILEE OF MSGR. JOSEPH A. KRISPINSKY, V.F., ST. CYRIL AND ST. METHODIUS CHURCH, WARREN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, October 14, 1973, I had the pleasure and the privilege of attending the golden jubilee celebration in honor of Rev. Msgr. Joseph A. Krispinsky, pastor of St. Cyril and St. Methodius Church in Warren, Ohio.

The celebration began with a mass of thanksgiving at St. Cyril and St. Methodius Church and was followed by a 50th anniversary dinner at the Mahoning Country Club. The mass and dinner in honor of Monsignor Krispinsky were attended by more than a thousand of his friends and well-wishers, including nearly a hundred clergymen.

During Monsignor Krispinsky's 50 years of dedicated service in the priesthood, he has helped many people find spiritual enrichment, and he has demonstrated great compassion for his fellow men of all faiths. We are most fortunate to have this good and decent man as a member of our community. I am delighted that he has received the recognition he so richly deserves.

Mr. Speaker, I would like to take this opportunity to extend my congratulations and best wishes to Monsignor Krispinsky, and to commend the chairman and members of the Jubilee Committee for the outstanding work they did in making the monsignor's 50th anniversary celebration a great success.

Mr. Speaker, I insert in the Record excerpts from the Jubilee Mass Bulletin and two newspaper articles concerning the occasion:

1923–73—Golden Jubilee of Monsignor Joseph A. Krispinsky, V.F., St. Cyril and St. Methodius Church, Warren, Ohio, Sunday, October 14, 1973—4:00 P.M.

MASS OF THANKSGIVING

Celebrant: Rt. Rev. Monsignor Joseph A. Krispinsky, V.F.

Homilist: Rev. William A. Petrunak.

Commentator: Jerome C. Kriss.

Music: St. Cyril's Men's Choir.

Organist: Mary Kathryn David.

JUBILEE COMMITTEE

Chairman: Mr. Stephen J. Sinchak.

Administrative Chairman: Mr. George Roscoe.

Treasurer: Mrs. Mary Tomochek.

Secretary Mr. Raymond Sinchak.

Joseph Lesko, Max Krempasky, Charles Roscoe, Joseph A. Matey, Mrs. Louise Logan, Mrs. Bertha Mink, Mrs. Mary Petrilla, Mrs. Mary Siska, and Mrs. Theresa Verbosky.

Many thanks to these organizations for their financial support of Monsignor's Golden Jubilee celebration: Prince Pribina Society, Rosary Society, Ladies of the C and M Guild, and Ladies Slovak Catholic Association, Branch 422.

The 50th Anniversary Cake is the work of the Marvel Pastry Shoppe—Mr. and Mrs. Andrew Zofko.

MONSIGNOR JOSEPH A. KRISPINSKY, 50TH ANNIVERSARY DINNER, MAHONING COUNTRY CLUB, SUNDAY, OCTOBER 14, 1973

Chairman: Mr. Stephen J. Sinchak, Golden Jubilee Chairman.

Toastmaster: Mr. Theodore T. Macejko Sr., Supreme Legal Counsel for Jednota.

Invocation: Rev. Joseph A. Malik, Pastor, St. Mary's, Warren, Ohio.

Speakers: Honorable Arthur J. Richards, Mayor of Warren, Ohio; Mrs. Louise Logan, President: The C and M Guild; and Rev. Arthur B. DeCrane, Pastor: St. Bernadette's, Masury, Ohio, Trumbull County.

Introduction of Guests, Toastmaster.

Mrs. Mary Piroch, Supreme President: Ladies Auxiliary of the Slovak Catholic Federation of America.

Rev. Msgr. Joseph A. Altany, Past President: Slovak Catholic Federation of America.

Mr. Craig H. Neuman, Executive Secretary: Trumbull County Children Services Board.

Most Rev. James W. Malone, Bishop of Youngstown.

Response, Monsignor Joseph A. Krispinsky V.F.

Music by Ted Csiky and his "Society Notes."

OUR JUBILARIAN

The Rev. Monsignor Joseph Aloysius Krispinsky was born on Thursday, August 11, 1900, to Andrew Krispinsky and Mary Bodnovich, Lowellville, Ohio. He has five brothers, the Rev. John Krispinsky, George, Stanley, Theodore and Jerome, and two sisters, Sister Mary Dominic, OSC., and Amelia Andrisek.

The Monsignor attended St. Cyril and St. Methodius Elementary School, Youngstown, Ohio. He studied high school and the Classics at St. Procopius College, Lisle, Illinois; Philosophy at St. Bernard's Seminary, Rochester, N.Y., and Theology at St. Mary's Seminary, Cleveland, Ohio. Ordained to the priesthood October 14, 1923, at St. John's Cathedral Chapel October 14, 1923, by the Most Rev. Joseph Schrembs, Bishop of Cleveland, the Monsignor offered his First Solemn Mass at St. Cyril and St. Methodius Church, Youngstown, Ohio, on Sunday, October 21, 1923.

Following ordination, he served as an assistant pastor in these parishes in Ohio: St. Clement's, Lakewood; St. Mary's, Warren. He was appointed to his first pastorate October 1, 1927, to Sacred Heart Church, Canton. Then after serving as pastor at Holy Trinity, Struthers, and Holy Trinity, Lorain, he came to Warren, February 21, 1941, to be the pastor of St. Cyril and St. Methodius Parish. He arrived just in time to be a participant in the growth and expansion which changed Warren into a thriving metropolis of Trumbull County.

This spirit of development became evident in the progress of the parish. The parish consisted of an L shaped building composed of two portable used school rooms, one part was the church, the other a meeting hall. This was to give way to a new church and a new school. In the summer of 1948, work started on the new church, which was dedicated May 20, 1950, at a cost of $185,000. In July of 1958, work was started on the new school, convent and auditorium which was dedicated October 16, 1960, at a cost of $310,000.

This day is celebrated in gratitude to Almighty God most of all and in appreciation of the splendid cooperation of the people of the parish. In honoring Monsignor Krispinsky today, we, his friends are paying tribute to many things: to an Anniversary, yes; but also to Christ's Holy Priesthood, to our own Pastor, to an outstanding spiritual leader in our community and to a true personal friend—all embodied in our Golden Jubilarian of today.

Besides the usual pastoral duties of spiritual ministration to the people of the parish, the Monsignor has a versatile scale of multiple facets of activity in ecclesiastical and civic life, in Warren and Trumbull County, in the Diocese of Youngstown, on a national level and also international level pertaining to the spiritual needs of the oppressed people of Slovakia.

Since 1960 he has been Dean of the Trumbull County Catholic Clergy. During his directorship of All Souls Catholic Cemetery the stone office building was erected and the entrance embellished. He is a member of Diocesan Consultors and a Diocesan Parish Priest Consultor; was a member of the first Diocesan Liturgical Commission and Diocesan Ecumenical Commission.

Participating in civic and community life, he is a member of the Trumbull County Children's Services Board, the Community Chest Board, Junior Achievement Board and was a three term member of the Red Cross Board of Directors. He is a 27 year member of the Kiwanis Club, formerly served on the advisory committee of Mental Health Association and RIAL and Faithful Friar of Fourth Degree Knights of Columbus. In 1962 he was coordinator for the campaign among 18 parishes of Trumbull County for new John F. Kennedy High School, which realized $900,000.

While on the Diocesan Music Commission he was director of music for diocesan priests' funerals and Liturgy Days held for clergy and religious.

Monsignor Krispinsky has worked for the Slovak people in the United States and those oppressed in Czecho-Slovakia. Proud of his Slovak ancestry, he has served on the national executive committee of the Slovak League of America, and is Supreme Executive Vice-President of the Slovak Catholic Federation of America and was on the fund campaign committee for the Slovak Institute of St. Cyril and St. Methodius in Rome, a seminary for refugee students.

The Dignity of Domestic Prelate with the title of Right Reverend Monsignor was conferred upon him by His Holiness, Pope John XXIII, on March 10, 1961, in recognition of his distinguished service of the Church and her Apostolate.

By his gentleness and understanding he has engendered a parish spirit and a popular response believed by many to be unique. They are tangibly manifest in the warm parishioner cooperation, in the deep liturgical participation and in the effective ecumenicity that characterize his parish. The personality behind all this is first of all a genuine Priest—devout, loyal, gently firm and full of love for his fellow men of all faiths, at the same time that he moves along the intellectual frontiers of his Faith. His fine taste is as evident in the simple, bright, traditional beauty of our parish church as in the warmth of his greeting to each of us when we meet him. But the personal quality that most endears him to us all is his particular mixture of gaiety and dignity—the twinkle in eyes touched with sad understanding.

Lacordaire had men like Monsignor Joseph A. Krispinsky in mind when he wrote: "To teach and to pardon, console and to bless always; O God, What a glorious Life; and it is yours, O Priest of Jesus Christ!"

Monsignor Krispinsky—50th Jubilee Mass for Warren Pastor

Warren—Msgr. Joseph Krispinsky, pastor of SS. Cyril and Methodius, for more than 32 years, will mark the 50th anniversary of his ordination, with a Mass at 4 p m. Sunday in the parish church. A banquet will follow at the Mahoning Country Club.

Concelebrating with Msgr. Krispinsky will be Father William Petrunak, faculty member at Ursuline High School, who will also be homilist and Pauline Father Francis Parella, of Queen of Apostles High School, Derby, who assisted at SS. Cyril and Methodius when he was stationed at St. Paul, Canfield.

Father Petrunak was baptized by Msgr. Krispinsky, when the jubilarian was pastor at Holy Trinity, Struthers.

Other taking part in the liturgy are: Mary Kathryn David, organist; Jerome Kriss, commentator and the Men's Choir.

At the banquet, Bishop James W. Malone will be among the speakers. Others are Mayor Arthur Richards; Mrs. Louise Logan, C–M Guild president; Father Arthur DeCrane, pastor St. Bernadette, Masury. Guests will include: Mrs. Mary Piroch, president Slovak Catholic Federation of America Ladies Auxiliary; Msgr. Joseph Altany, past president, Slovak Catholic Federation of America and Craig Neuman, Trumbull County Children's Service Board executive secretary.

Ted Csiky and his "Society Notes" will provide music.

Msgr. Krispinsky will be honored by school children and their parents at a social, 7 p.m. Oct. 26, at the parish hall.

Msgr. Krispinsky was born, Aug. 11, 1900 in Lowellville to Andrew and Mary Bodnovich Krispinsky. His brothers and sisters include: Father John, of Cleveland; George, Stanley, Theodore, Jerome, Sister Mary Dominic and Amelia Andrisek.

The jubiliarian attended SS. Cyril and Methodius School, Youngstown; studied at St. Procopius, Lisle, Ill.: St. Bernard, Rochester; and St Mary Seminary, Cleveland. He was ordained Oct. 14, 1923 at St. John Cathedral, Cleveland. He offered his first Mass at SS. Cyril and Methodius, Youngstown Oct. 21, 1923.

Msgr. Krispinsky served as an assistant at St. Clement, Lakewood and St. Mary, Warren, before being named pastor in 1927 at Sacred Heart, Canton. He also headed Holy Trinity, Struthers, Holy Trinity, Lorain before coming to Warren as SS. Cyril and Methodius pastor in 1941.

During his pastorate, the parish built a new church, school, convent and auditorium from 1950 to 1960.

He has served in several diocesan and community posts. Since 1960, dean of Trumbull County; director of All Souls Cemetery; a diocesan consultor; member of the first liturgy commission and the ecumenical commission. He was director of music for several years at diocesan priests funerals and other special liturgies. In 1961 Pope John named him a domestic prelate.

Msgr. Krispinsky is on the county Children's Services Board; Community Chest, Junior Achievement; and the Red Cross. He is a 27-year member of the Kiwanis; chaplain for the fourth degree Knights of Columbus; and coordinated the Trumbull high school campaign which helped raise $900 thousand for John F. Kennedy High School construction.

Active in Slovak organizations, Msgr. Krispinsky served on the Slovak League of America executive committee; and is supreme executive vice-president of the Slovak Catholic Federation of America.

Priest Will Mark 50 Years

(By Dennis Mangan)

Warren.—A lot of things change in 50 years, but to the Rt. Rev. Msgr. Joseph A. Krispinsky—a priest for 50 years this Sunday—the myriad changes of a half-century can't begin to affect the "essential values of life."

"There are many types of innovation today, and some innovation just for innovation's sake," says Msgr. Krispinsky. "But the fundamental principles of God's law remain the same. You can't change the basics."

Msgr. Krispinsky was ordained on Oct. 14, 1923, by the Most Rev. Joseph Schrembs, Bishop of Cleveland. This Sunday at 4 p.m. in Sts. Cyril and Methodius Church on Laird NE, where Msgr. Krispinsky has served since 1941, a Mass of Thanksgiving will be celebrated to commemorate his golden jubilee.

SEE REVERSAL

Msgr. Krispinsky entered the priesthood during the "Roarding Twenties," and has served through the depression, a world war end the counter-cultural revolution of the sixties. As he approaches his 51st year in the priesthood, he predicts a reversal of some of the "innovative" trends of recent years.

Msgr. Krispinsky was born Aug. 11, 1900, in Lowellville, a son of Andrew and Mary Bodnovich Krispinsky, and attended Sts. Cyril and Methodius Elementary School in Youngstown. He studied for the priesthood in Illinois and New York and completed his seminary training at St. Mary's Seminary in Cleveland. He offered his first mass at the Youngstown church on Sunday, Oct. 21, 1923.

Before coming to Sts. Cyril and Methodius in Warren as pastor in February, 1941, he was assistant pastor in St. Clements, Lakewood, and St. Mary, Warren. He was pastor at Sacred Heart Church in Canton, Holy Trinity in Struthers and Holy Trinity in Lorain.

"PRIME MOVER"

He is credited as the prime mover behind a program of expansion and improvement during his 32 years at his present church. The past three decades and have seen Sts. Cyril and Methodius grow from a single L-shaped building—half school rooms, half church—to a complex including a new church built in 1950 and new school, convent and auditorium completed in 1960.

In addition to his pastoral duties, Msgr. Krispinsky has been active in ecclesiastical and civic life in Warren, Trumbull County and the Youngstown Diocese.

Msgr. Krispinsky has five brothers and two sisters. They are the Rev. John W. Krispinsky, George, Stanley, Theodore and Jerome; and Sister Mary Dominic, OSC, and Mrs. Amelia Andrisek.

The cover of the Jubilee Mass booklet to be used this Sunday shows a reproduction of a wood carving bust of the Monsignor done by his brother George of Cleveland, 12 years ago.

Concelebrants in Sunday's Mass will be the Rev. Willian A. Petrunak and the Rev. Francis J. Parella, Jerome Kriss will be the commentator and Miss Mary K. David will be the organist. The church's Men's Choir will sing.

WILDLIFE IN JEOPARDY

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WALSH. Mr. Speaker, one of the strange side effects of the high cost of living is the threat that the meat shortage and the resulting high prices pose for the wildlife in this country.

In the 33d Congressional District, in the heart of New York State, one of the finest deer herds in the country continues to develop due to careful management by the State Conservation Department and strict enforcement of the conservation laws of the State of New York.

Unfortunately, in recent weeks because of the meat shortage and the high cost of food, poaching began to develop to an alarming degree. Many groups and organizations in the area became extremely concerned, and various programs of action were developed in an effort to protect the deer herd. One of the finest gestures that I have come across is that of the Martisco Lions Club of R.D. No. 1, Marietta, N.Y. This group is offering a $100 reward to anyone who provides information to the proper authorities leading to the arrest and conviction of poachers or anyone involved in the taking of an illegal deer from the area in and around Otisco Lake.

I call this thoughtful action to the attention of my colleagues so that such efforts may become known and encouraged and, hopefully, emulated.

DOCTOR IN JERSEY AIDS THE ELDERLY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, Mr. James Wilkinson, chaplain of the senior citizens of Greenville in Jersey City, N.J., recently brought to my attention the tremendous success of a novel medical project begun by Dr. Huerta Neals of Jersey City. Dr. Neals, an internist, has been operating a mobile doctor's office bringing urgently needed medical facilities to patients who otherwise could not see a doctor either for medical or financial reasons.

I am extraordinarily proud of the reports I have received concerning Dr. Neals and include in the Record two articles from the Medical Tribune and the New York Times. Considering the tremendous need for such mobile services in urban as well as rural areas, I am sure that Dr. Neals' project will be of interest to my colleagues. The articles follow:

Internist Launches Land Yacht on Medical Outreach Program

Jersey City, N.J.—Dr. Huerta Neals, a 55-year-old internist, has embarked upon his own medical outreach program here, visiting elderly and semi-invalid patients in his new 4-ton, 19-foot mobile home, or motorized office.

Dr. Neals' land yacht is a striking vehicle, carpeted, air-conditioned, equipped as it was originally with seats that adjust into bunks, water, refrigerator, and toilet. He has added a portable electrocardiograph, blood autoanalyzer, a scale, and medical supplies.

"I've been concerned about the struggles of some of my patients to get back and forth to my office," Dr. Neals said. "They live alone. They have no friends. They can't get a taxi. Most of these people cannot wait for a bus, competing for seats and getting jostled."

One recent afternoon he visited patients at two housing projects. When he drove up to Montgomery Gardens, six 10-story apartment buildings situated opposite the Jersey City Medical Center, a man and a woman were already waiting for him. Both were elderly and both were amputees, one with a prosthetic leg, the other on crutches.

They were cardiac patients. Each was helped into the vehicle, through a back door that has one step about 8 inches from the ground, by Mrs. Neals, who accompanies her husband as an assistant on these stops. As the patients were examined, children played about the vehicle.

"That's a doctor's office," one of the children said, opening the door.

"What's up, doc?" others called.

As he went to the second housing project along the Holland Tunnel extension of the New Jersey Turnpike, the skyscrapers of Manhattan and then the Statue of Liberty could be seen in the distance. Dr. Neals paid a toll coming off the turnpike.

"That's 15 cents—same as the automobile," he said.

STOPS AT HOUSING PROJECT

The second stop was at the Curry Woods housing project, six 14-story buildings about 4 miles from Newark Airport. The jets roared over the project low and loud.

Dr. Neals parked near the Curry Woods Health Clinic, a city children's clinic that is open one day a week for one hour.

He saw four elderly black patients. One woman was brought over in a car by Mrs. Marion Singleton, of Operation Service, a government-supported project for senior citizens. "It is difficult to get a doctor who's been practicing any length of time to make house calls," Mrs. Singleton said. "I don't mind being quoted on that because it's true."

"I think it's all right," a 77-year-old patient said. "It's very convenient. This is the third time the machine has been up here. Before I used to go to the office once a month. I'd get a taxicab and come back in a taxicab, $1.25 each way."

"If I live to the 25th of October I'll be 78," he said.

Driving back to his home, where he parks the vehicle, Dr. Neals said that he can see about nine patients in an afternoon.

"It is much more efficient than making house calls," he said. "Still, I have to make some. Some physicians fear for their own safety in the big cities, in the ghettos. I've never stopped serving the public as I feel they need to be served."

He estimated that he makes 10 to 14 house calls a week in the winter, fewer in the summer.

The vehicle operation is a means of making medical care available in the ghettos, Dr. Neals suggested, or "wherever you have the need for mobile medicine."

"There's no limit to what you can do in these things," he said. "I'm thinking about vehicles of various sizes. You can carry all you need in them if you set them up properly."

The idea for this kind of operation had struck him back in April, Dr. Neals said, and after looking at a number of vehicles, he decided on a 1967 Clark Cortez that cost $6,250. He started going out in it in June.

Dr. Neals was graduated from the Howard University College of Medicine in 1942 and later studied cardiovascular disease on a graduate fellowship at the Harvard Medical School. He is a member of the executive board of the Jersey City Medical Center and president of the Hudson County Heart Association.

DOCTOR IN JERSEY AIDS THE ELDERLY—DRIVES TRUCK WITH MEDICAL EQUIPMENT TO HIS PATIENTS

(By Barbara Campbell)

JERSEY CITY.—It used to be an ordeal for Mrs. Rosa Shamberger, a frail 80-year-old, to visit her doctor regularly, a plight shared by thousands of old people who live virtually isolated and friendless.

Many times she was too ill or too afraid to venture out alone from her small apartment in the Montgomery Gardens housing project and it was difficult for her to get transportation back home without help. But now Mrs. Shamberger has only to step out of her front door into the doctor's office because it has come to her.

Recently she waited with several other elderly persons in the Montgomery Gardens lobby until a small brown and white truck wheeled into the driveway.

The vehicle was driven by Dr. Huerta Neals, a cardiovascular specialist who takes his mobile office from one low-income housing project to another every Tuesday.

In a time when many doctors refuse to make house calls, Dr. Neals asserts that doctors are going to have to extend their methods of giving medical care in order to reach many needy and sick people.

"Doctors," he said recently, "are frozen in their mobility. We have in this country some of the finest in the world, but the problem is getting them to all of the patients who need them."

It takes Dr. Neals four hours to make his Tuesday rounds.

Dr. Neals, who is 56, has practiced privately in Jersey City for 23 years. He said he was concerned particularly with old people, adding that they are "lost in the shuffle" many times because few people are interested in them.

"Many old people die needlessly because they give up the idea of trying to get to the doctor." he said. "Depression sets in because they feel helpless."

"It was disheartening to me to see older patients who have trouble with their breathing waiting for long periods of time at clinics," said Dr. Neals, who is associated with the Jersey City Medical Center and the Newark City Hospital.

"Often," he said, "I would end up taking them home myself."

To meet this problem the doctor bought a used truck, which was equipped as a camper with a bathroom, stove and refrigerator, for $6,500 in April. He added an electrocardiograph, a unit for blood analysis and othre medical tools. By June he was making his first visits.

"What I bring that is needed most is myself," said Dr. Neals, who also makes house calls and conducts night office hours several days a week.

Seeing his patients regularly, on a "non-crisis" basis, has prolonged their lives, he said, adding, "Most old people wait until they are very ill and they are forced to go to the doctor".

VULNERABLE TO SETBACKS

At the Montgomery Gardens parking lot on a recent day, Mrs. Shamberger and several other of Dr. Neal's elderly patients waited, some on crutches, at the rear of the camper while the doctor and his wife, Antoinette, quickly converted the vehicle into an examing office.

Folding plastic curtains were drawn across the windows, two seats facing each other were collapsed into an examining couch and a scale was taken from a cabinet. It took 10 minutes and Dr. Neals was ready for his first patients.

Mrs. Shamberger was examined first and, like many of Dr. Neal's elderly cardiac patients, the old woman had several other illnesses. She had suffered a stroke, kidney failure, and a coronary and had gallstones.

"These patients are vulnerable to a major reversal in their health with the slightest neglect from doctors," said Dr. Neals.

The doctor wrote prescriptions and promised Mrs. Shamberger he would call her the night before he was scheduled to visit her next. He phones all of his patients a day in advance.

Dr. Neals is critical of the housing projects where many elderly people in Jersey City are housed because, he said, they "are not equipped for old people." When elevators break down his patients are too feeble to use the stairs.

"Many old people stay in their rooms for days without food when they are disabled and afraid to come out," said the doctor, who suggested that the housing projects sponsor roving doctors' offices to care for tenants.

He said that the mobile doctors' offices also could be used to give methadone maintenance treatment to narcotics addicts, prenatal care to low-income mothers, and medical care to residents of rural areas where one doctor services several towns.

RECLASSIFICATION OF SECURITY POLICE POSITIONS AT CHINA LAKE NAVAL WEAPONS CENTER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing a bill which would provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, Calif.

I find it necessary to sponsor this legislation, which will in effect raise the salaries of all nonsupervisory police personnel at China Lake Naval Weapons Center, in order that individuals in these security positions be paid salaries comparable to those paid in the private sector for work with commensurate responsibilities.

Mr. Speaker, the Federal Government must pay for the services it expects from its employees, and I suggest that this is not being done at China Lake Naval Weapons Center.

Mr. Speaker, the full text of the bill follows:

A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that personnel discharging law enforcement responsibilities be adequately paid, in amounts commensurate with the degree of danger and stress incident to these responsibilities, that Federal salary rates be comparable with private enterprise salary rates for the same levels of work as stated as the policy of the Congress in section 5301(a)(3) of title 5, United States Code; and that, to this end, members of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, shall be paid at rates not less than the rates at which other law enforcement personnel are paid.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Each position of policeman in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS-5, GS-6, GS-7, and GS-8.

"(2) Each position of detective in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS-6, GS-7, and GS-8."

SEC. 2. (a) Effective on the effective date of this Act, a policeman who is a member of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, on such date to whom the amendment made by the first section of this Act applies, shall have his rate of basic pay initially adjusted, as follows:

(1) A policeman in GS–2 immediately before the effective date of this section shall be advanced to that step of GS–5 which corresponds numerically to that step of GS–2 which he had attained immediately before such effective date.

(2) A policeman in GS–3 immediately before the effective date of this section shall be advanced to that step in GS–6 which corresponds numerically to that step of GS–3 which he had attained immediately before such effective date.

(3) A policeman at GS–4 immediately before the effective date of this section shall be advanced to that step of GS–7 which corresponds numerically to that step of GS–4 which he had attained immediately before such effective date.

(4) A policeman at GS–5 immediately before the effective date of this section shall be advanced to that step of GS–8 which corresponds numerically to that step of GS–5 which he had attained immediately before such effective date.

(b) An increase in pay by reason of an initial adjustment of pay under subsection (a) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step increases. For purposes of periodic step increases, an employee shall be credited, as of the effective date of this section, with all service since his last periodic step increase before such effective date.

(c) No rate of basic pay in effect immediately before the effective date of this section shall be reduced by reason of the enactment of this Act.

SEC. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

JAMES COPLEY: RING OF TRUTH

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. RAILSBACK. Mr. Speaker, the death of James Copley, publisher of the Copley Press, is a deep loss to journalism. He, for many years, published the facts honestly and without bias. He won the precious respect of the vast public he served, by making the "Ring of Truth" his hallmark. Jim was from the old school, and he strongly believed that the people have a right to the truth, and the newsman's duty is to get those facts before the people. As he himself so well said:

> The newspaper is a bullwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness.

He won numerous national and international honors. Jim Copley was director of the Associated Press, director of the American Society of Newspaper Editors, director of the American Newspaper Publishers Association. He was truly one of the giant voices of American journalism, and he leaves behind him one of the most highly respected news services in the country.

We will all miss Jim Copley's leadership, and I know I speak for many people when I extend my heartfelt sympathy to Mrs. Copley and the rest of the family.

SCHUYLKILL COUNTY DRUG ABUSE COUNCIL OUTSTANDING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. YATRON. Mr. Speaker, the problems of drug abuse are all too apparent in our great Nation today. Rarely does a day go by that a drug-related crime or tragedy does not find its way into the lives of someone in America. Regrettably, the age of drug abusers in the United States has declined alarmingly in recent years to the point that, in many of our cities and towns, evidence of drug abuse is being discovered by elementary schoolchildren in addition to secondary and college-age young adults.

No one has recognized the consequences of this development more than Mrs. Essie V. Amos, executive director, Schuylkill County Council on Alcoholism and Drug Abuse, Inc., Pottsville, Pa. Mrs. Amos, who has been active for many years in her efforts to educate the young about the dangers of drug use, has been extremely effective in accomplishing this most worthwhile task. In fact, her efforts to educate schoolchildren has taken her over 6,000 miles of Schuylkill County roads to present the council's antidrug program to 11,000 pupils.

Accordingly, Mr. Speaker, I insert the following article, which appeared in the September issue of Scene, a newspaper published by a nonprofit educational organization dedicated to drug abuse prevention, to be printed in the RECORD.

It is clear from this article that Mrs. Amos has been exceedingly effective in making 11,000 pupils in kindergarten through fourth grade aware of the dangers involved with drug use. The Council on Alcoholism and Drug Abuse conducted a contest among these youngsters in its effort to stop drug use before it starts and emerged with the following winners: Master Stephen Stroble of Jefferson Elementary School in Shenandoah, Pa., was first place winner in the kindergarten; Miss Heather Ann McDaniel of North Ward School in Tamaqua, Pa., was top first grade winner; Master Frank Wierzalis, second grade winner of Shenandoah Heights Elementary School; Miss Maureen Gorman won top honors in the third grade at St. John the Baptist School in Pottsville, Pa., and Miss Rose Mary Matalonis of Barry Elementary School, Hegins, Pa., won first place in the fourth grade contest.

Mr. Speaker, I would like to congratulate Mrs. Amos on her untiring efforts in behalf of Schuylkill County's school children, to commend the following article to the attention of all of my colleagues, and to pledge my continuing efforts to be of assistance to the Schuylkill County Council on Alcoholism and Drug Abuse in assuring its future success.

The article from Scene follows:

SCHUYLKILL COUNTY DRUG-ALCOHOLISM GROUP PUTS SOS PREVENTION PROGRAM INTO ACTION—GRADE SCHOOLERS ALERTED IN PENNSYLVANIA PROJECT

Some 11,000 pupils in kindergarten through fourth grade have been exposed to the Smart Set anti-drug program and the idea of "Youth Action For A Better Tomorrow", thanks to the efforts of the Schuylkill County, Pennsylvania, Council on Alcoholism and Drug Abuse, Inc.

Mrs. Essie V. Amos heads the non-profit, non-partisan organization headquartered in Pottsville. The Council is a member agency of the Southern Schuylkill United Fund, with a 24-hour answering service and a medical director available for emergency and hospital procedures, and is dedicated "to serving those with drug or drug-related problems."

The newest wrinkle in the Council's antidrug effort is a program of drug awareness and prevention for children in the lower grades, with such SOS materials as bumper stickers and Happy Toes being utilized to help get the message across to young people before they acquire drug—or drug-related—problems. The program was the first of its kind in the state to be implemented on a wide scale. The in depth presentation, utilizing a film, "Drugs Are Like That," and emphasizing how easy it is to get into the drug habit and how hard to get out of it, was given at all public and private elementary schools in the country.

Pupils were asked to express their feelings about drugs and the prevention program through poems, essays, posters, pictures or slogans in a county-wide contest, with prizes awarded for the most original and thought-provoking contributions from each grade level.

"The thoughts of these pupils, from kindergarten to fourth grade, should really give us something to think about," said Mrs. Amos. Bronze Happy Toes plaques were given to each winner.

Stephen Stroble of Jefferson Elementary School in Shenandoah Valley was first place winner in the kindergarten category. His entry was a poster entitled "Drugs Kill," with pills plus a needle equalling a grave with a cross above it.

Heather Ann McDaniel of North Ward School in the Tamaqua Area district, top first grade winner, used highway markers to spell out the message, "Stop! Dope is the Dead End!"

Frank Wierzalis, second grade winner of Shenandoah Heights Elementary School, had this thought: "Don't take dope! You have no hope. It's a sliding slope!"

For her poem entitled "Fading Rainbow," in which she pointed out that "if you're smart you won't try dope," Maureen Gorman won top honors. Maureen is in the third grade at St. John the Baptist School in Pottsville.

Rose Mary Matalonis of Barry Elementary School, Tri-Valley, capped top place among fourth graders for a story entitled "Dope Kills," picturing a child being given a piece of candy containing dope.

The program drew praise from students, teachers and parents. One of the letters, concerned about the drug problem, said: "This problem is present, and the children are never too young to learn the dangers of drugs."

Mrs. Amos said, "In the future, we hope to deal with changing attitudes about drugs, rather than presenting a strict and graphic hard sell against drugs. We hope to continue the reinforcement process that we have begun with all the children."

Funding for this experimental, county-wide program was provided by the county commissioners and the Governor's Justice Commission.

PHILLIPS BEATS ODDS IN MAKING VARSITY

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. FLOWERS. Mr. Speaker, not too long ago, freshmen college athletes were prohibited from playing on varsity teams. Since the lifting of that rule a couple of years back, several first-year players have been the subject of news articles because of their outstanding performances on the playing fields. Even more rare, however, is a story about an athlete who makes a varsity squad for the first time in his senior year.

Such an athlete is Mike Phillips from Gilbertown, Ala., which is in my district. Mike is a defensive back for the Naval Academy football team and will be a strong-side corner back and the No. 1 punt returner when the middies entertain the Air Force Academy this weekend.

I invite my colleagues to read about Mike's remarkable achievement in an article which appeared in Tuesday's Washington Star-News, which I insert at this time:

PHILLIPS BEATS ODDS IN MAKING VARSITY

(By Merrell Whittlesey)

Not many 165-pound defensive backs make a major college varsity for the first time in their senior year under a new coach. That's what makes the Mike Phillips' story an appealing one at Navy.

The slender 21-year-old from Gilbertown, Ala., has been the route at Navy. He was the leading pass receiver on the Plebe team, played on the Jayvees as a sophomore, was named to the All-Eastern Intercollegiate Lightweight League team as a junior and finally made the varisity as a senior.

Phillips had to diet to gain weight to make the varsity. Last year he had to weigh no more than 158 pounds to retain his eligibility on the Navy 150s. He already had been elected captain of this year's 150-pound team when he made a pitch for the varsity.

Len Fontes, one of George Welsh's new assistants at Navy, admitted he lost a little enthusiasm for Phillips when he learned he was a senior. New coaches like to build for the future. Seniors without varsity experience do not fit.

"He didn't catch my eye at first," Fontes said, "but Jack Cloud, coach of the 150s, sold me, and after Phillips intercepted five passes in two game-condition scrimmages, I forgot he was a senior, even though it disturbed me."

Phillips will be Navy's No. 1 man on punt returns and a strong-side cornerback Saturday when the Midshipmen entertain Air Force Academy in the last of the three home games in Annapolis.

Phillips does not have the great speed that is preferable for punt returns, but he has an asset that Welsh likes—good hands. He hasn't dropped a punt this season, and didn't have a fumble with the 150s last year.

"We tried all our backs and ends on punt returns and settled on Phillips as our most likely player to catch the ball, and to go for a touchdown," Fontes said. "He has excellent judgment."

Statistically, Phillips still doesn't have the breakaway run. He was off for 27 yards against Syracuse last week, but the run was called back for a clip. He made 14 yards on his best effort, and apologizes. "I thought I was away, but somebody tripped me up," he said.

Phillips went to Navy with his heart set on making the varsity, but with more academic honors than football background. He was No. 1 in his high school graduating class, a member of the National Honor Society. At Navy he is a Merits List student in Analytical Management.

HAILING PASSAGE OF H.R. 7582, TERRITORIAL SERVICE ACADEMY APPOINTMENTS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. WON PAT. Mr. Speaker, yesterday the House passed H.R. 7582, a bill authorizing the Delegates from Guam and the Virgin Islands to each nominate one resident of their islands to each of the three service academies. As a cosponsor of this legislation with my friend and colleague from the Virgin Islands, Congressman RON DE LUGO, I am pleased that the House agreed to change the existing law so as to increase the number of territorial residents who may attend the service academies and to also vest nominating power with their congressional delegates.

At this time in our political development, such action thus removes another barrier to bringing the territories closer to fuller participation in the American way of life. Such action is additionally an appropriate manner in which to honor the outstanding service that residents of the American territories have given to this country in time of peace and war.

On behalf of my fellow Americans in Guam and myself, I therefore offer our sincere appreciation to the chairman and his fellow members of the Armed Forces Commitee and to my colleagues in the House of Representatives for their support of H.R. 7582.

At this time, Mr. Speaker, I insert the text of my statement before the House Subcommitee on Military Personnel supporting H.R. 7582 on September 26, 1973 at this point:

IN SUPPORT OF H.R. 7582, A BILL TO ENTITLE THE DELEGATES IN CONGRESS FROM GUAM AND THE VIRGIN ISLANDS TO MAKE APPOINTMENTS TO THE SERVICE ACADEMIES

Mr. Chairman and members of this Subcommittee, on behalf of the more than 100,000 citizens of the Territory of Guam, America's foremost bastion of defense in the Western Pacific, I appreciate this apportunity to testify in support of H.R. 7582, a bill which I have cosponsored with my colleague, Mr. Ron de Lugo, and which would entitle the Delegates to Congress from the Virgin Islands and Guam and the Governor of American Samoa to each make appointments to the service academies.

Passage of this legislation would change existing statutes which provide that only "one cadet from American Samoa, Guam, or the Virgin Islands may be nominated by either the Secretary of the Army, Navy, or the Air Force to each academy upon recommendation of their respective Territorial governors."

In light of Guam's intense devotion to the American way of life, we feel that the latter formula is hardly an equitable one. Nor is it one that serves the best interests of either the Territories or the United States as a whole by encouraging our finest young men to pursue an education at one of the service academies.

H.R. 7582 would correct the deficiencies in the present law by amending Title 10, Sections 4343, 6954 and 9342, of the United States Code to delete the present method of allocating Territorial academy nominations and substitute one which vests nominating authority with the officials equivalent to those empowered for the State—their Members of Congress; and, in lieu of such Congressional representation, the Governor of American Samoa.

As presently drafted, H.R. 7582 would increase the number of appointments per academy to three for each Territory. This figure was derived by taking the number of academy appointments allocated to the Resident Commissioner from Puerto Rico and former Territorial Delegates, which is five each, and dividing that number by sixty percent, which is the percentage of benefits given under PL 93–222 to the Guam and Virgin Islands Delegates. The resulting number is three. Officials of the Air Force, however, have recommended on behalf of the Department of Defense that this number be decreased from three to one per Territory at each academy. While the latter figure is somewhat below that which we had originally considered, it will still be a significant improvement over the number of Guamanians who may now attend the service academies of their choice.

Whatever the decision of this Subcommittee and, subsequently, of the Congress as a whole, I firmly believe that permitting more young men from Guam to enter the service academies will prove to be a valuable contribution to America's defense interests.

From the first day of Guam's association with great military powers, our Island's unique strategic value has played an important role in our history. Lying at the crossroads of the Pacific, Guam has enjoyed, and also suffered from, the attention of nations who wish to occupy a pivotal position in that area. Spain was the first to take advantage of Guam's location, over three-hundred years ago. In 1898 the Treaty of Paris ceded control of Guam to the United States, and for the next forty years, with the assistance of the U.S. Navy, Guam began to grow and prosper as never before.

In 1941, however, our days of happiness turned to horror as the Japanese forces waded ashore, not leaving until the United States Marines returned in June, 1944, to drive them out after one of the bitterest battles of World War II. During those years, when our people were subjected to some of the worst conditions possible, I am extremely proud of state that not one Guamanian was ever accused of collaborating with the enemy.

Since that time, both Guam and the United States have continued to grow and prosper together. We would have it no other way. The people of Guam know what it is like to live under tyranny, and we also know what it is to live under the protective umbrella of the freedom-loving United States.

Your fellow Americans on Guam also understand that freedom must be defended. Since the end of World War I, Guamanians have joined the military services in numbers far out of proportion to our limited population. According to the best available estimates, there are now about 4,000 Guamanians serving in the military and many thousands working in military facilities on Guam and elsewhere.

This expression of loyalty is further exemplified by the statistics of Vietnam, which show that 71 Guamanian boys died in combat. That figure, according to Department of Defense records, is proportionately higher per capita than for any other Territory or State.

In recent years, the Department of Defense has indicated its awareness of the intense interest many Guamanians have in pursuing military careers. It has instituted both a junior high and senior high school Reserve Officers Training program, and it is also my understanding that the Department of the Navy is eager to begin an ROTC course at the University of Guam next year.

With all this interest in the military expressed by our youth on Guam, I was not surprised by the number of applications for entrance to the service academies that I have received since taking office last January. Thus far, six applications have been sent to me and I understand that many times that number have been forwarded to the Governor.

I have also received inquiries from young people whose parents are stationed with the military or who work for the military on Guam. Since military and civilian Federal personnel constitute a large percentage of our population, I expect this problem to continue.

Nor do I anticipate any decline in the number of Guamanians who aspire to military careers. Given the important role which the military plays in Guam's social and economic milieu, I believe that our young people will not only continue to serve their country in great numbers, but will increasingly wish to serve as officers.

It is a recognized sociological phenomenon that developing ethnic groups seek to improve their status in our society by joining the miiltary. With progress, however, come increased aspirations. This is evident in our own Guamanian youth, who are turning in ever greater numbers to the officer corps. We on Guam are particularly pleased about this development, and we point with pride at those who have already achieved field grade ranks.

As the father of three children who are presenty serving in the military, two of whom are officers, I want to do all within my power to ensure that more of our young people will desire to become officers—for the good of our Island and of our country.

I believe that the legislation we have before us today will contribute towards that goal. I therefore urge your support. And I thank you for your attention.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. HARRINGTON. Mr. Speaker, the title of Donald Singleton's article in the Daily News is, "Our City; Here are the Grim Facts." The tragedy, Mr. Speaker, is that these "grim facts" are human lives.

Handguns are responsible for more than half of the homicides committed in our country; one out of every 90 handguns produced yearly is used to commit a murder. And these victims are more than figures in a crime report; they are parents, friends, and children; they are the newspaper boy and the guy next door.

I am asking you, the Members of Congress, to save these lives; the lives of the people you have pledged to help and represent. Let us work now to ban handguns, and give the people of our country a fighting chance for their lives.

I include the September 4 article from the New York Daily News and today's murder from the New Jersey Courier News of September 20.

The article follows:

ROBBERY RULED OUT IN DEATHS

EDISON, NEW JERSEY—A police official said Wednesday robbery has been practically ruled out in the case of twin brothers found shot to death in an auto near the Ford Motor Co. plant.

Lt. James Caffrey of the Middlesex County prosecutor's office said a small amount of money, their watches and other valuables were found on Roger Bankston of East Orange and his 25-year-old twin, Ralph of New York City.

The brothers, each with a bullet in the head, were found about 9:30 a.m. Monday by two policemen on patrol.

Caffrey said some Black Muslim literature was found in the car. But Caffrey and Chief Prosecutor's Detective Silvio Donatelli said no motive had been developed for the slaying.

They gave no endorsement to speculation that the killing of the black brothers might be linked to the murder in Newark earlier this month of Black Muslim leader James Shabazz.

Shabazz was gunned down in an ambush in the driveway of his home. Witnesses told police two young men did the shooting.

The Bankston brothers were assembly-line workers on the 4 p.m.-to-midnight shift at the Ford plant.

Caffrey said Ralph has worked at the plant for a year and Roger since August.

The motor of the car and its lights were on when the bodies were discovered.

OUR VIOLENT CITY: HERE ARE THE GRIM FACTS

(By Donald Singleton)

Last year in New York City, 434,303 serious crimes were reported; of them, 120,360 were crimes of violence—murders, rapes, robberies and vicious assaults. More than 329 violent crimes every day. Nearly one every four minutes.

In 1942, there were 265 murders in New York City. Last year, there were 1,691—an increase of more than 600%. For the first six months of 1973, the number of murders was 842; at the same point last year, there had been only 734 homicides. Ten years ago, in 1963, the number of homicides for the first six months was only 241.

Take another category of violent crime—assault. As of June 30, the halfway point of 1973, there had been 14,642 third degree assaults and 10,520 unclassified felonious assaults. The corresponding figures for one year ago were 12,314 and 9,508, respectively.

Or take still another violent crime—rape. During the year 1971, there were a total of 2,415 reports of forcible rape in the city. Last year the total was 3,271. During the first six months of this year, 1,759 rapes were reported; the corresponding figure for last year was 1,477. (Although rape is not generally considered statistically reliable because of the reluctance of many victims to report it, the actual increase in reports would seem to indicate an actual, and not merely a statistical, rise.)

HUMAN RECORDS

These are the cold figures, but each entry on the police blotter records a human life that has been violently ended or deeply wounded.

Reporting and writing this series of articles was no fun. I find it difficult to grapple with the grimly frightening, pessimistic, nearly hopeless dimensions of the problem. I would prefer to be able to call the rising number of crimes merely statistical increases, resulting from more sophisticated reporting techniques.

But I spent evenings working with homicide squads which deal with so many human killings each week that the deaths seem practically reduced to routine paperwork.

I sat in the emergency rooms of hospitals in Harlem and watched the stream of gunshot and stabbing victims arrive, in ambulances, in taxis, on foot, until there were no more seats in the waiting room and people had to lie on the floor.

I interviewed families of murder victims only to find that the homicide was not the first murder, or shooting, or stabbing in the family.

I saw people refuse to give vital information to police because they do not believe the police can offer them protection from the violence on the streets; they know that if they give information to police, they stand an excellent chance of becoming crime statistics themselves.

Crime statistics show many interesting, if not necessarily frightening, facts about violent crimes.

For example, your chance of being a victim of a homicide is slightly greater inside the building in which you live than it is on the streets—last year, 728 homicides took place in residences, as compared with 677 in public streets.

For example, your chance of being a murder victim is greatest if you are black—last year of the victims of homicides, 959 were black, 397 were white, 318 were Hispanic and 6 were members of other racial groups.

For example, the people to be most worried about are people you know, not strangers—last year, 70% of all homicides involved victims who knew their killers, and 121 homicides, or 7.1%, involved a victim and a killer who were members of the same family.

Not surprisingly, the most common murder weapon was a firearm, and specifically a handgun. Last year, 870, or 51.4%, of all homicides in New York City were by firearms, as compared to 569, or 33.6%, by knives and other sharp instruments. In 1960, there were only 97 homicides by firearms; in the same 13-year period, the number of homicides involving handguns rose from 75 to 834, or an increase of 1,012%.

KNIVES LEADING WEAPONS

Guns are not the leading weapons in assault cases, however. Of the 10,520 unclassified felonious assaults listed during the first six months of this year, cutting instruments were used in 4,645 of them, as compared with only 1,747 cases involving handguns, three involving alleged (concealed and unseen) guns, four involving zip guns, 16 involving toy guns and 94 involving machineguns, shotguns and rifles. A reported 1,660 of the assaults involved blunt instruments, while 1,017 involved simple physical force.

Those, then, are some of the statistics. But statistics are only numbers. The real story is best told in more human terms, by those involved in more human ways.

The story is told by the criminals, those who take up guns and knives and bludgeons to get the things they want.

It is told by the cops, those who face the truly impossible task of preventing crimes from happening in the first place, and the more possible job of apprehending criminals in the second place.

The story is told best of all by the victims, those who are robbed of their property, their peace, their physical or mental health—and even their lives.

And it can be told by others, too. By the doctors, who spend Friday and Saturday and Sunday evenings pulling knives and bullets out of bleeding bodies. By the storekeepers, who are forced to keep their doors locked during the day and who must close down altogether during the night. By the locksmiths, who try to devise ever more secure equipment to keep out criminals.

WHOLE CITY INVOLVED

No area of the city is free from this infestation of violence.

It bubbles up from the rooftop of a Lower East Side tenement, where a seven-year-old boy is slashed to death, a grotesque letter X carved across his small boy's chest; and it rises from the Bronx apartment where a 23-year-old man is found murdered with a samurai sword.

It comes up from the ghetto areas of the city, some of which have become such armed camps that logic and experience force police to presume that on certain streets, at certain times of day, every man and teenage boy is carrying a gun. In areas like those, fear of crime is so rampant that innocent people who must go into the streets routinely carry baseball bats, golf clubs or thick walking canes to be used as crude defensive weapons.

It also invades the middle-class parts of the city, and even the upper-income areas, where residents are forced to take drastic steps to protect their lives and property; where people have come to be afraid to walk to a neighborhood store after dinner for a pack of cigarets or an early edition of a morning newspaper.

Yes, in reporting this story I saw enough to send shivers through by body; when I drove home from the 25th Precinct house on E. 119th St. after a night that ended at 3 a.m., I locked the car doors and kept the windows rolled up.

VICTIMS OF INFLATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. McKINNEY. Mr. Speaker, today I introduce legislation to make a 7-percent cost-of-living increase in social security benefits effective immediately. While we all feel the effects of these inflationary times, it is obvious our older Americans who live on limited incomes are among those most severely victimized. Already the rising financial requirements for the basics—food, shelter, and health care—have practically obliterated last year's 20-percent social security increase. While a 5.9-percent increase is scheduled for June, our elderly simply cannot wait until that time for their need is desperate now. Moreover, the cost of living continues to rise, thus necessitating a higher increase than that scheduled in order to begin to make ends meet.

Let's look at some of the facts. Property taxes have risen 39 percent on a national average over the past 4 years. A large majority of our elderly own their homes and a home represents security, memories, a sense of belonging to a community. Naturally, any rise in property taxes cuts deeply into the already tight budgets of our older citizens. Each property tax increase brings closer the specter of having to sell their homes, move away from friends, and become part of the transient society.

Public transportation costs over this same 4-year period have risen by 32.3 percent. Because many of our elderly have no other means of transportation, they naturally rely on public transit systems. Again this rise in prices cuts into their budget, necessitating fewer outings, thus increasing their isolation and sense of alienation from society.

I do not need to dwell on the rising costs of health care, but it is essential to remember that it is our older population who feel the impact the most, skipping that doctor's visit which may be vital to their health. Symptoms will be ignored because of the fear of medical bills, often meaning only additional cost in the future as the illness progresses to the point where hospitalization is required. Regular medical checkups are preventive in nature, but too often our elderly forego that practice in order to have the necessary funds to keep that roof over their head and their stomachs full.

The classic example, of course, is surging food costs. It is heartbreaking to read letters from constituents who write of having to cut down their food intake to two meals a day or one and a half meals. Yet what alternative do they have if they must pay the rent. Their luxuries are few, if any, so nutrition is sacrificed for other necessities of life. Instead of meat, more macaroni. A balanced diet is an unknown for too many of our elderly today and, of course, this can only lead to a deterioration in their health.

Our aging are caught in a vicious bind, one which they themselves cannot break since as a rule they cannot work or, if they are willing and able, they cannot find employment.

The facts speak for themselves and more than justify immediate enactment of a 7-percent cost-of-living social security increase. It would be the height of irresponsibility and cruelty were we not to legislate for the health and well-being of our older Americans. I realize we cannot continue to rely on social security increases to meet all the needs of our older citizens, but until we get down to the task of legislating solutions to the problems of our aging in a truly comprehensive manner, then we have no alternative but to ease their plight by this piecemeal method of increasing social security benefits. I urge my colleagues to press for swift enactment of this measure.

THE 1973 SUMMER INTERN PROGRAM

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, there were some 1,500 interns on Capitol Hill this past summer from over 300 colleges and universities. Besides working in our offices and committees these students took part in a program sponsored by the leadership and run by a group of staff members from the Congress. My administration assistant, William Kendall served as cochairman with Donald Robinson, Representative REUSS, and Edward Beach—Senate Republican Policy Committee, and Charles Fenis—Senate Democratic Policy Committee. Special credit should be given to our Speaker, Mr. ALBERT, and Minority Leader FORD for their interest in this program and for their sponsorship of the intern committee. The report of the Bipartisan Intern Committee follows:

THE 1973 INTERN PROGRAM

A major innovation in the intern program of 1973 was the organization of the committee staff. Three summer staff people joined the Bi-partisan Intern Committee to operate the Intern Office which was newly established in the Cannon House Office Building. James E. Vandelly, a high school government teacher at Arlington County's Wakefield High School, joined the committee as program director. Barbara Hoffman, a Syracuse University sophomore, was the committee secretary, and Peter Crouch, a Princeton University sophomore, was the office assistant.

The new Intern Office set up a double file system with all congressional interns filed alphabetically as well as cross-filed by congressional Member or Senator. The office issued Bi-partisan Intern identification cards which served as permanent invitations to the speaker and seminar programs. Peter Crouch and Barbara Hoffman kept the routine office work up to date, mimeographed the weekly bulletins of upcoming speakers, manned the phones, and helped interns with housing problems; additionally, they checked identification cards at the speaker and forum programs and did a number of other important tasks.

James Vandelly began preliminary planning of the summer program with William Kendall and Dr. Robinson in mid-May, a month before the end of the school year. Initial mailings were planned (such as the "Memo to Congressional Offices on Summer Interns," a help sheet for Congressmen on how to utilize interns effectively, prepared by Bette Welch of Congressman Mosher's office) as well as a tentative speaker schedule for the summer. Most of the organizational planning was completed before Mr. Vandelly reported for full-time directorship in June. His responsibilities were to administer the Intern Office, invite the program speakers, arrange for serving the physical facilities for each program, introduce a majority of the speakers and maintain control and order at each session, as well as to develop good public relations between the Bi-partisan Intern Committee and the Congress in general.

The summer program was organized into three divisions: The Wednesday Address series, the Forums, and the Seminars. Wednesday addresses were held at noon in the Coolidge Auditorium. The time was convenient for interns who could only attend programs during their lunch hours. Wednesday speakers were well-known personalities who were asked to give general addresses to the interns, but were not asked to face a specific legislative issue. The Forum speakers, on the other hand, were asked to address their presentations to the specific legislative topic of the week. Forum speakers were a mix of well-known personalities as well as experts on a legislative issue who may have been less well known to the interns. The purpose of the Forums was to acquaint the interns with the bank of expertise present on Capitol Hill, for the most part. The Forums were scheduled twice a week, on the average, and were designed to air both sides of an issue. One departure from this format took place during a two week block of time during which the Forums presented "liberal" and "conservative" congressmen in an attempt to present to the interns the view of this ideological issue from the Hill perspective. The interns who attended the small seminars were individually invited on the basis of a topic-interest survey which was sent out to all interns at the beginning of the summer. Lists of interns were made up and categorized by legislative issue. As a particular issue came up for scheduling as a seminar topic, only those interns who had expressed an interest in the topic were invited. Experts in the legislative issues covered by the seminars were invited to be seminar panelists. This program was run by Allan Rosskamm of University of Chicago Law School.

In addition to the Bi-partisan Intern Committee's own program, the committee also provided the manpower for administering White House invitations to congressional interns for several White House functions. Several hundred interns were invited to the arrival ceremonies of the Shahanshah of Iran and the Prime Minister of Japan. Tickets to these functions were distributed by the Bi-partisan Committee, and lists of participating interns were compiled and submitted to the White House by the Committee. The White House also arranged two guided tours for congressional interns, and the Bi-partisan Committee acted as liaison for these functions by compiling the lists of interns to attend the tours, and by providing the Committee director's presence at the White House for both occasions.

Although the Bi-partisan Intern Committee did not officially sponsor any social activities, it did cooperate with those who planned events for the interns. In addition to the Committee's close cooperation with the White House, the Committee worked closely with the Embassy of the Republic of China on one occasion to assist that embassy with a reception given by Ambassador James C. H. Shen for the congressional interns. The Committee disbursed invitations for the ambassador, and also assisted at the embassy in admitting invited guests. Mr. Vandelly, Mr. Kendall, Dr. Robinson, Barbara Hoffman, and Peter Crouch were present at the reception on the evening of July 25.

It should be mentioned that the Intern Committee worked very diligently to accomplish two goals over and above the basic tasks of setting up a speaker program. The goals were 1) to distinguish officially-sponsored Bi-partisan Intern Committee functions from other functions on the Hill to which interns may have been invited, and 2) to build better relations with the Congress by centralizing the process of running an intern program.

1973 was a successful year for the intern program. It is hoped that future programs will continue to build good relations between the young and enthusiastic interns, and the Members and staffs on Capitol Hill who are often somewhat disrupted by the rapid influx of interns every summer.

The following is a complete list of the Wednesday address and Forum speakers for the summer of 1973:

June 15, the Speaker of the House, Congressman Carl Albert, and the House Minority leader, Congressman Gerald R. Ford addressed the interns on the House Floor. Senator Strom Thurmond representing the Senate Republican leadership, followed with a short address to the interns. This was an orientation session for all congressional interns.

June 20, Senator Birch Bayh, General Address.

June 21, Mark Talisman (A. A. to Congressman Vanik), "Legislative Process."

June 25, Peter Lakeland (Exec. Ass't to Sen. Javits), "War Powers Legislation."

June 27, Congressman John B. Anderson, General Address.

June 28, Ronald Stowe, Ass't to the Acting Legal Advisor, Dept. of State, "War Powers."

July 5, Richard Scammon, co-author of *The Real Majority* and polling expert, General Address.

July 9, Sen. Lowell Weicker, General Address stressing work of Senate Select Committee on Campaign Activities.

July 10, Congressman Barber B. Conable, Jr., "Trade Bill."

July 11, Senator Marlow M. Cook, General Address.

July 12, Peter M. Flanigan, Ass't to President on Int'l Econ. Affairs, "Trade Bill."

July 17, Senator Lee Metcalf, "Energy Crisis/Environment," stressed strip mining.

July 18, Admiral Thomas H. Moorer, Chairman Joint Chiefs of Staff, General Address.

July 19, Senator Mike Gravel (represented by his L. A. Howard Hickman), "Energy Crisis/Environment," stressed Alaska oil pipeline.

July 23, Congressman Philip M. Crane, "Conservative View in Congress."

July 25, Earl L. Butz, Secretary of Agriculture, General Address.

July 26, Congressman John R. Rarick, "Conservative View in Congress."

July 30, Congressman Paul McCloskey, "Liberal View in Congress."

July 31, Senator Edward M. Kennedy, General Address.

August 1, Robert Novak, syndicated columnist, General Address.

August 2, Congressman John C. Culver, Chairman DSG, "Liberal View in Congress."

August 6, Dale R. McOmber, Ass't Dir. for Budget Review, OMB, "Budgetary Problems."

August 8, Elmer Staats, Comptroller General, U.S., General Address.

August 9, John King. A. A. Joint Committee on the Budget, "Budgetary Problems."

August 10, Hon. Fred Schwengel: (President U.S. Capitol Historical Society) tour of Capitol for interns.

August 14, Representatives from both Republican and Democratic congressional and senatorial campaign committees presented a panel discussion on the role of each of the four committees in congressional elections. Jack Calkins represented the Republican Cong. Committee, Frank Hoffman represented the Democratic Sen. Committee, Buehl Berentson represented the Republican Sen. Committee, and Edmund Henshaw, representative of the Democratic Cong. Committee, Bob Keefe, Exec. Dir. of Democratic National Committee.

August 16, Ms. Mary Lou Burg, Deputy Chairman, DNC.

NEED OF BETTER SYSTEM TO SELECT VICE PRESIDENT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ESCH. Mr. Speaker, recent events point up the overriding national need for review of the system used to select nominees for Vice President.

Last week I wrote the national chairmen of the Republican and Democratic parties urging that special committees be created to examine the current nomination process. Hopefully, these committees could propose alternatives that would result in careful scrutiny of Vice-Presidential candidates before they are nominated in 1976.

There are a number of possible alternatives. For example, a candidate for Vice President could compete for delegate votes. This would open his record to public view and test electorate response in the primaries to his positions. Perhaps the Presidential and Vice-Presidential candidates could campaign as a team. At the very least, there should be a reasonable period at national conventions for selection of Vice-Presidential nominees. It is absurd that we select men for such an important post in a 24-hour period on a political and regional basis.

Paul Hope summed up the situation in the lead paragraph of his Washington Star-News column on Monday. He said,

> The woe that befell the Republican and Democratic parties this year and last should be ample evidence that something needs to be done about the way vice presidents are selected.

I agree. I hope action is taken by 1976 and I offer for the RECORD a Washington Star-News editorial that was printed Monday and Mr. Hope's column:

[From the Washington Star-News, October 15, 1973]

THE VICE PRESIDENCY

Now that Gerald R. Ford's nomination is in the mill, another aspect of this matter commands our attention. Given the slipshod method by which vice presidential candidates are selected, the United States is lucky that it hasn't had more "Agnew" and "Eagleton" affairs.

The resignation of Vice President Agnew and the dumping of Sen. Thomas F. Eagleton from the Democratic ticket only a year ago dramatically point up the need for a better system of choosing nominees for the nation's second highest office.

The voters deserve the best man available, for the main reason the office was established was to have a person ready to take over the presidency on a moment's notice. Too often, the presidential candidate does not look for the best person but for someone who either has a constituency of his own and can bring votes to the ticket, or for someone who is such an unknown that he won't be a drag on the ticket.

President Nixon barely knew Agnew when he picked him in 1968. Some of Nixon's critics, who resent the heights to which he has climbed, would point out also that Dwight Eisenhower scarcely knew the then-California senator when he chose him in 1952.

Mr. Nixon apparently selected Agnew for the principal reason that he was relatively unknown and, hopefully, would not lose him votes. There is little evidence that Mr. Nixon knew anything about Agnew's character, or that he made any substantial investigation into implications made during the 1966 Maryland gubernatorial campaign that some of Agnew's private business dealings had elements of conflict of interest.

Senator George S. McGovern was equally in the dark as to Eagleton's qualifications, his health or his character. McGovern was so pressed for time at the convention, in fact, that his selection of Eagleton had an element of desperation.

One suggestion has been made that vice presidential candidates compete in primaries, just as the presidential candidates do. Another is that presidential and vice presidential candidates run as a team, so that voters could have a chance to look both over.

Some would abolish the office altogether. But that would not really solve the problem of having the most qualified man available to step into the presidency.

The Republican and Democratic parties should give serious consideration to the matter before the 1976 conventions. At the very least, more time for investigation and contemplation should be given between the time the presidential nominee is selected and the deadline for his choosing a running mate.

One would hope, also, that men who are asked to become vice presidential candidates would be decent enough, and be public spirited enough, to level with the presidential nominee about anything in their backgrounds that would in the least bit disqualify them to be president of the United States.

PICKING A CANDIDATE CLEAN

(By Paul Hope)

The woe that befell the Republican and Democratic parties this year and last should be ample evidence that something needs to be done about the way vice presidents are selected.

Spiro T. Agnew's resignation under a cloud last week is an embarrassing and damaging event to the Nixon administration and the Republican party, already staggering under the Watergate scandal.

The dumping of Sen. Thomas P. Eagleton from the Democratic ticket last year was equally embarrassing and distressing to the party's nominee, Sen. George S. McGovern. Some McGovern supporters contend that he might have won the presidency had he not become entangled in the Eagleton affair. That is a contention without much basis in fact, but at the very least it was debilitating to a candidate who had many other problems to cope with.

Eagleton was picked by McGovern with only the most cursory examination. There was no evidence, in fact, that McGovern had even thought about Eagleton until just hours before the deadline for selecting his running mate.

Having been turned down by several persons he would have preferred and having rejected several others for one reason or another, McGovern came to Eagleton's name on a list of possible candidates handed him by advisers.

Part of the reason that Eagleton was selected was because he was Catholic, whereas McGovern was Protestant; Eagleton was in good with labor leaders, whereas McGovern was on the outs. Potential votes, not qualifications for the presidency which he might some day have been called upon to take over, were the main consideration.

There were some rumors about Eagleton's health but the only check made of them was with homestate newspaper reporters who said the paper had never been able to pin down anything on Eagleton. With that, plus some endorsements from Senate colleagues, McGovern asked Eagleton to run and Eagleton jumped at the chance, never telling McGovern that he had been hospitalized for nervous exhaustion three times and been given electric shock treatments twice. When it finally was revealed a few weeks after the convention McGovern dumped him from the ticket and replaced him with Sargent Shriver.

In Nixon's case, the apparent major reason for picking Agnew was that he would not be a drag on the ticket. Agnew was largely unknown to voters and in Nixon's mind, picking an unknown was better than picking someone who had been around long enough to make enemies.

If there was any real investigation of Agnew's background, other than looking over his public stands while a county executive and governor of Maryland, it has not been acknowledged by Nixon.

Possible conflicts of interest in his private business dealings were raised when Agnew ran for governor in 1966. Nixon apparently either discounted them or took Agnew's word that he was clean as a hound's tooth.

Most other presidential candidates probably have used equally slipshod procedures in selecting their running mates, but the cases of Eagleton and Agnew make a pressing case for finding a better way.

The lot of a vice president is not exactly a happy one and sometimes it is a demeaning job. Despite that, the nation is entitled to have the best-qualified men in the second highest office, for they are there mainly to become president if the President dies or is unable to fulfill his duties. Eight presidents have died while in office, four of them in the 20th century.

After the Eagleton episode the Democratic party appointed a commission to study vice presidential selection procedures. The Republican party, after the Agnew affair, should consider doing likewise.

KEEP PUBLIC HEALTH SERVICE HOSPITALS OPEN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. HOGAN. Mr. Speaker, within the next few days the House will vote on the conference report on the military procurement authorization of 1974. The Senate has attached an amendment to this bill which would require that the eight Public Health Service hospitals which had been scheduled for closing by the administration continue in operation.

I wish to commend the conferees for insisting on this provision to the bill and I urge the Members of the House to pass this legislation when it comes to the floor of the House for a vote in the next few days.

Mr. Speaker, I would like to include in the RECORD at this point an article that appeared in the News American which gives one of the many reasons why we should continue the operation of the Public Health Service hospitals.

[From the Baltimore News-American, Sept. 30, 1973]

SAILOR-PATIENT LAMENTS HOSPITAL'S CLOSING

(By Judith Kreiner)

The city will lose an outstanding medical-care facility if the administration succeeds in closing the U.S. Public Health Service Hospital in the 3100 block Wyman Park Drive, a recent patient maintains.

"First I thought I was getting preferential treatment. Then I thought, 'No, I couldn't be.' But finally I realized that everybody was getting the same care and it couldn't have been better if each of us had been the President of the United States," said Mike Rowley.

Rowley is known to thousands of area residents as the operator of the "Port Retriever" harbor cleanup boat. On Aug. 30 he suffered severe chest pains shortly after reporting for work at Pier Seven.

Because he holds Coast Guard papers to operate the "Port Retriever," Rowley is eligible for care at public health hospitals.

An EKG confirmed that the pains were the result of a serious heart attack and Rowley ended up in the hospital's Intensive-Care Unit.

"When they say 'intensive care' they mean 'intensive care.' " Rowley said.

"They don't take their eyes off you for 24 hours a day," he explained.

In addition to nurses at bedside, the unit contains an electronic monitoring system for each patient. An offshoot of the technology that put men on the moon, the system lets a nurse in a central station monitor the heart action of each patient.

"They even knew when I moved my hand," Rowley said.

After he began to recover and was moved into another part of the hospital, Rowley began to see the effect of uncertainty about the hospital's future.

"One day all the nurses gave a party for one little girl who was leaving for the Social Security Administration. She said she was leaving because she had no security at the hospital.

"But it's not the professional people who are hard hit—it's people like the man who brings in the dinner tray. He's too old to find another job and too young for Social Security and you know he's got no savings because he never earned that much and you wonder what's going to happen to him.

"He wonders, too," Rowley said.

"There's a lot of discontentment among the nurses, who don't know how long they are going to be working at the hospital, but you can't see it in the way they treat their patients."

Rowley praised the care he received at the hospital, which is also the home of the Baltimore Cancer Research Center, a part of the National Cancer Institute.

"I saw the way my 80-year-old mother was treated in the Intensive-Care Unit of another area hospital—it was cold, impersonal.

"Up on Wyman Park, everybody knew me. Well, they knew everybody," Rowley said.

While he was in the hospital, Rowley met patients from as far away as San Francisco and New Orleans. Most patients were members of the Merchant Marine or their families.

"Despite the disease and suffering there, the hospital is a cheerful place and most patients and almost all the staff members are cheerful.

"But the day the Senate voted to close it, the nurses walked slower. And everybody knew who voted to shut it down," he said.

"What a way to save money! We could cut out two or three Congressional reports and save enough to run this hospital for a year," he exclaimed.

"Oh, the patients will go somewhere else and so will the staff, but they'll never assemble another group of people who work together the way these people do. It will be a real loss," he said.

REPORT FROM YOUR CONGRESSMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ESHLEMAN. Mr. Speaker, I will be sending my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

WASHINGTON SPOTLIGHT

[Report From Your Congressman ED ESHLEMAN]

STRONG-ARMING THE SPENDING SPREE

Already, Congress has increased the President's budget request for fiscal 1974 by $1.4 billion and the fiscal 1973 budget by over $6 billion. This means that the Federal Government will spend an estimated $1,271 per person in fiscal 1974, up from $613 in 1965.

These figures are proof enough of the spending spree Congress has been on for the past decade. What we badly need is reform of the legislative appropriations process.

There is a bill before the House Rules Committee which would give Congress a way of matching Federal income and outgo. As it now stands, there are 19 legislative committees all authorizing expenditures completely independent of appropriations considerations. Therefore, Federal revenues for a given fiscal year don't figure into the congressional spending picture. As one of my colleagues put it: "It's like giving each member of a family his own checkbook so that everybody can write checks without paying attention to the family bank balance."

Obviously, the legislative spending spree is not going to be stopped until we devise a way to keep checking the national balance. That reform can't come too soon.

APPEALING PLAN

Those of us who would like to see our justice system reformed to provide for speedier trials got some backing from the National Advisory Commission on Criminal Justice Standards and Goals. In its 358-page "Report on Courts" they recommended restructuring of the entire process of criminal appeals. Basically, the plan would limit persons convicted of a crime to a single appeal.

Today, nearly 90 percent of all cases are appealed and there are eleven appeals available including three to the Supreme Court. According to the Commission, this appeals process buys several years of freedom for the criminal and "erodes the finality of convictions."

The recommendation was to set up a new appeals court at the State level to review all facets of a criminal case. Appeals beyond the reviewing State court would be permitted only in "exceptional circumstances" such as the discovery of substantial new evidence not covered at the trial.

SHORT SUPPLIES

Though we've been hearing most about food and energy shortages, there are also serious scarcities of newsprint, baling wire, tallow, sawdust, blue jeans and toilets. Machinery backlogs are up thirty percent over last year, and supply bottlenecks have become commonplace in industry.

Many of these shortages are surprisingly interrelated. The beef price-freeze not only meant diminishing supplies of hamburger, but also cut back the amounts of available tallow used in making candles, soap, and rubber. Rubber belts and grommets are used in machinery, which helps explain why machinery orders are not being filled as quickly as before. And, since machines are used in making things like blue jeans, maybe we won't get more jeans until the machinery problems are straightened out.

The Soviet grain deal not only ended up costing Americans as taxpayers and consumers, but it tied up ships and boxcars, making it very difficult to ship lumber. The temporary shortage of lumber was followed by a shortage of lumber by-products such as sawdust and pulp for paper.

There is one flower among the thorns, however. The shortages have led to one printer turning down a government contract because he couldn't get paper enough—the contract was for next year's Federal income tax forms.

BILL-SIGNING CEREMONY

A few of us from Capitol Hill joined President Nixon in the oval office the other day for the signing of the Vocational Rehabilitation Act. This legislation, which was considered first by the Select Education Subcommittee where I'm the ranking Republican member, provides programs to help handicapped Americans.

HOUSEWIVES' FRIEND

Congress sometimes shows that when it wants to it can move legislation along very quickly. The latest example was the bill to prevent television blackouts of home football games.

That piece of legislation was introduced and cleared both the House and Senate in a matter of days. The main reason for this speed was that there was practically no controversy about the bill, and it was felt from the outset that it would pass with an overwhelming vote. I, for one, want to watch the Eagles when they're at home.

Therefore, as we filed into the House chamber to cast our votes on the blackout legislation, we were amused when a smiling House aide met us at the door with the advice, "the housewives want a 'no' vote".

NO NEW TAX

With good reason, there was a loud public outcry when a Presidential advisor mentioned the possibility of a tax increase. Not only did the public make it clear that they wanted no new taxes, but Congress reacted unfavorably to the suggestion, too.

This is not the time to be raising taxes. Quite the contrary. We have enough money coming into Washington. What we should be doing is reducing the amount of it we're spending.

INSIDE INFORMATION

Jeb Magruder, one of those who has pleaded guilty to charges stemming from the Watergate incident, sums up the significance of this political disaster in an interview with *Harper's Magazine*. Magruder said, "Well, I think it would be a greater tragedy than the Watergate affair itself if people didn't learn from our experience."

CHANGING PRIORITIES

Those who advocate different priorities for our Nation ought to be encouraged by the shift that has taken place in the last four years.

Four years ago defense expenditures accounted for almost half the Federal budget. Today, they are down to 30 percent, and we are beginning to see real evidence that to cut any more will seriously jeopardize our national security.

Four years ago social spending made up about 30 percent of the budget. That spending has gone up to nearly 50 percent today, a fact that shows that our Nation can change gears and can move from a wartime to a peacetime set of priorities when the times will allow.

VETO VERSUS VETO

With all of the talk about presidential vetoes, some people are getting the idea that President Nixon must be setting some kind of record in vetoing congressionally-passed legislation.

Since he took office, Mr. Nixon has vetoed 38 bills, but that's way behind Franklin Roosevelt's record of 635. It's even a trifle compared to Cleveland's total of 414, Truman's 250 and Eisenhower's 181.

I think we can assume that the Nixon vetoes are not another "constitutional crisis."

SATISFACTION GUARANTEED

The House will soon be considering legislation to give us better warranties. There is general concern among consumers about appliances, autos and gadgets that stop working or start giving trouble as soon as they're put into use. This concern has led to a call for more effective warranties, and Congress is beginning to respond.

A Senate-passed bill expands the Federal Trade Commission's power to deal with warranties. Any maker of a product worth more than $5 could decide whether or not to issue a warranty. If he does guarantee the product, the minimum requirement would be that it must be repaired or replaced within a reasonable time at no charge. A large number of defects would entitle the buyer to a free replacement.

Used car dealers would be included under the regulatory provisions of the legislation. A non-warranted car would have to bear a sign saying: "All repairs are the responsibility of the buyer."

The bill also protects consumers from "implied" warranties that sound genuine but are disclaimed in the fine print.

Such action by Congress should help clarify the warranty situation and give consumers a little faith that a product with a warranty is something to believe in.

POSSIBLE RADICAL INVOLVEMENT IN THE 1972 PRESIDENTIAL CAMPAIGN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ASHBROOK. Mr. Speaker, the October 4 issue of the Scott Report, the nationally syndicated column authored by investigative reporter Paul Scott, comments on possible left-wing activities in the 1972 Presidential campaign. Mr. Scott reports on correspondence sent to the Senate Watergate Committee by Mr. Wilson C. Lucom, chairman of a national citizens organization, Concerned Voters, suggesting that a closer look be given to the possible involvement of the Communist Party of the USA and other radicals in the 1972 campaign. According to the Scott column, the Justice Department has been contacted for any available information on this aspect of the Senate investigation.

The Scott column of October 4 follows:

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, October 4.—A political bombshell has been dropped into the lap of Senator Sam J. Ervin, Jr., (D. NC.), chairman of the Select Senate Committee investigating the Watergate bugging scandal and political espionage in the 1972 Presidential election—and he doesn't quite know what to do with it.

The bombshell is a statement by the General Secretary of the Communist Party, Gus Hall, that his party has been operational in the liberal wing of the Democratic party for the past 25 years.

The statement of Hall, along with other connecting information, was furnished to Senator Ervin by Wilson C. Lucom, a long time Democrat and presently chairman of "Concerned Voters," a national Citizens organization with members throughout the country.

In his explosive communication to Ervin, Lucom challenged the Senate probers to expand their present investigation to include "The Communist Party's activities within the liberal wing of the Democratic Party and its Orbit" in 1972 and previous campaigns.

Noting that Senator Lowell Weicker (R. Conn.), one of the vocal members of the Committee, had publicly promised that the Select Committee would investigate Communist participation in the Campaign, Lucom wrote:

"I bring to your personal attention the fact that Mr. Gus Hall, General Secretary of Communist Party, USA, on January 27, 1973, openly confirmed that the Communist Party has been operational in the liberal wing of the Democratic Party for the past 25 years."

In furnishing the Committee with copies of Hall's little-noticed statement about the party's political activities, Lucom suggested that the veteran head of the Communist Party be called as a witness so members could question him about his startling admission.

Specifically, Lucom believes the Committee has a duty to quiz Hall about this following statement:

"Our electoral policy has for some 25 years been expressed in the phrase 'the three prongs of a stool' or 'the three legs of a fork'. . . . The flexibility was contained in the idea that no one leg of the stool was the main leg or legs. In fact, the concept was built in the idea that when the other two legs, namely, the Communist party and the forces of political independence gets strong enough, then and only then would the stool sit on three legs. But until that day comes the one operating leg would be the liberal wing of the Democratic Party. And thus in practice the only operational leg was the movement around the liberal Democratic Party Candidates."

THE M'GOVERN TIES

Pointing out that the Committee had requested the Justice Department to turn over any evidence and information it may have linking Democratic candidates or campaign staffs with violent-prone radical groups, Lucom suggested the Committee question James Rowan, McGovern's son-in-law, and one of his campaign aides in 1972: Lucom wrote:

"We bring to your attention the fact that there very definitely was a connection between the Democratic Candidate Senator George McGovern and a socialist revolutionary which you should investigate.

"Senator McGovern had such personal knowledge . . . his very own son-in-law, James Rowan, a self-proclaimed 'socialist revolutionary', according to the candidate's authorized biography, 'McGovern' by Robert Sam Anson. . . . Rowan not only worked on the 1972 Presidential campaign, but also had 'much access to the candidate's ear' . . ."

Lucom proposed that the committee look into newspaper reports that Rowan "helped set off the movement that led to the bombing of the Army's Mathematics Research Center in Madison, Wis., in 1970."

With McGovern's liberal forces still deeply embedded in national Democratic party organization and in control of the important delegate selection Commission, Lucom believes the Committee has the responsibility of determining the Communist penetration of the liberal wing of the party. He also believes the Committee should expose the influence, if any, of Communists within the Republican party.

What Chairman Ervin and the Committee plans to do about the Lucom bombshell is still undecided and will probably depend on the amount of public pressure brought on them to widen their investigation to call Hall.

At this point, all Senator Ervin will say is his staff is studying Lucom's letter. He also is waiting for the Justice Department to make its report on the information requested by the Committee.

WHITE HOUSE UNDECIDED

While the discovery of Hall's statement has caused a big stir at the White House, there has been no decision by President Nixon and his advisers on what the Nixon Administration should do about it.

A White House move to pressure the Ervin Committee to expand its inquiry would mean a reversal of Administration policy to try to end the Senate hearings as soon as possible.

Several of President Nixon's political advisers believe such a move should be made even at the risk of prolonging the Senate hearings. They want the President to try to turn the tables on the Democrats by forcing the Committee to spotlight Hall's admission.

It is the belief of these advisers that the Democrats on the Committee are using the Watergate investigation to try to mortally wound not only the President but the entire Republican party. They contend that the President has no choice but to counter attack.

By playing up and documenting Hall's statement, these political advisers claim, the covert security operations undertaken by Administration officials during the 1972 campaign would be cast in a much better light.

President Nixon's foreign policy advisers headed by Secretary of State Henry Kissinger are vigorously opposed to the Administration doing anything. They are concerned that any move would upset the President's policy of accommodating Moscow and Peking, and could touch off a bitter new battle in Congress between the Administration and the Democratic leadership there.

All Lucom and his "Concerned Voters" want is for the Committee to expose the depths of the Communist penetration now that Gus Hall has let the cat out of the bag.

THE 1,300 VIETNAM MIA'S MUST NOT BE FORGOTTEN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ZABLOCKI. Mr. Speaker, at the time the Paris Peace Conference Agreement was signed on January 27, 1973, almost 2,000 Americans, 1,925 servicemen and 52 civilians, were missing in action or being held as prisoners-of-war in Southeast Asia.

Today, some 8 months later, more than two-thirds of these men are still missing and their fate remains unknown. Despite detailed assurances written into the agreement, North Vietnam has refused to comply with those commitments.

While we all take great satisfaction over the return of the 591 Americans who have been released nevertheless it is vital we not forget our debt to the more than 1,300 men who remain unaccounted for. Our obligation to them and their families and loved ones must not be permitted to fade with time.

The reassuring knowledge that they are not being forgotten was recently conveyed to me by a San Diego, Calif., organization known as Concern for Missing in Action, Inc.

A questionnaire recently distributed nationwide by Concern for MIA's revealed an abiding public interest in and concern over our MIA's. Most significant in the questionnaire results was the response to the question: "Do you believe that all prisoners-of-war are home?" Slightly more than 98 percent of the respondents replied with a resounding "no."

Equally significant was the response to the question of whether the United States should provide financial aid to rebuild North Vietnam before a full MIA accounting is complete. In addition to the 99 percent who answered "no" were several who added the word "never."

Nearly all of the responses contained additional personal comments. A representative cross section of those comments and the tabulated results of the entire questionnaire follow. I recommend them to the careful reading of my colleagues.

The material follows:

COMMENTS WHICH REFLECT MAJORITY OPINION

"Our elected officials should forget about the Watergate mess and get down to the more important things."

"Secure an appointment with the Congressional Senators and Representatives and get them to make an affirmation what they should do in order to live up to their obligations to the U.S. citizens when they took their oath of office. Make them act on this affirmation positively or else you will seek their dismissal from their office at the next election of Congress."

"Such letters are virtually ignored! We are also concerned about the status of three missionaries who were taken prisoners by the Viet Cong in May 1962. They have never been heard from. Their names are: Dr. Ardel Vietti, Rev. Archie Mitchell, and Mr. Dan Gerger. We would ask you to include them on your list of missing ones and use whatever pressure is available to aid in their release as well as all other POW's and MIA's."

"I believe the President is satisfied as to our POW's now that he got the 'honor' of getting *some out*. I believe it would be better for Congress to proceed with this."

"Unfortunately, I feel the American Public was pacified by the homecoming of the P.O.W.'s and I feel they have now lost much of their enthusiasm concerning any other P.O.W.'s or M.I.A.'s. I would like to see some campaigning (sic), for at least more information on the M.I.A.'s who I believe may still be alive in Viet Nam. Make the Public a little more aware that these men need our attentions and that the war in Cambodia still exists. We should and could do more to find these M.I.A.'s or P.O.W.'s still held."

QUESTIONNAIRE BY CONCERN FOR MISSING IN ACTION, INC.

DEAR FRIENDS: Our records show that you have indicated an interest in the POW/MIA cause. May we ask you to take a moment of your time to help us obtain a sampling of public opinion on this issue?

Our organization is still vitally involved and we would appreciate your assistance. A self-addressed envelope is enclosed for your convenience.

Do you believe that all of the prisoners of war are home? No: 98 percent.

Dr. Kissinger has said "North Vietnam has made itself responsible for an accounting of our prisoners and missing in action throughout Indochina, and for the repatriation of American prisoners throughout Indochina".

Do you feel that the United States should provide financial aid to rebuild North Vietnam before that accounting is complete? No: 99 percent.

Do you know how many Americans are listed as missing in action in Laos? Yes: 83 percent.

In Cambodia? Yes: 74 percent.

Do you think that the accounting of the missing in action should have any bearing on our negotiations? Yes: 85 percent.

If you are a bracelet wearer:

Are you aware of the status of that man?

From what source did you learn his status?

Are you still wearing the bracelet? Yes: 50 percent.

Are you satisfied that "all that can be done is being done"? No: 94 percent.

Do you believe that public opinion (letters to Congress/the President) would have any effect on the present situation? Yes: 71 percent.

Comments:

Thank you,

PATRICIA G. NELLIST,
Executive Director.

A LOOK AT NO-FAULT DIVORCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mrs. GRIFFITHS. Mr. Speaker, at this time, I place in the RECORD the final article of a series of five, written by Vera Glaser of Knight newspapers, on No-Fault divorce This most interesting and informative series appeared in the Miami Herald. The articles follow:

Law and Profits: No-Fault Faulted By NOW

Washington.—A band of gung-ho feminists like the National Organization for Women might be expected to favor fast, easy "no-fault" divorce.

Not so.

In its drive against what it views as inequities in family law, NOW opposes "no-fault" unless economic safeguards for women and children are included in the law.

"Judges make plenty of mistakes. 'No-fault' leaves women in worse shape than before," says Betty Spalding, a member of the Greenwich, Conn., Town Council and head of NOW's marriage and family task force.

In recent years feminist pressure has wiped out much of the discrimination against women in federal laws relating to jobs.

NOW's next major offensive will be in the complex area of family law, which affects an even greater number of people.

BETTER MARRIAGES, FEWER DIVORCES

For the long term, it plans to educate for better marriages and fewer divorces.

For the short term, NOW lobbies to improve divorce laws. Connecticut's new law, which goes into effect Oct. 1, is an example.

NOW worked successfully for language limiting "no-fault" divorces to situations where both the husband and wife want to end the marriage.

In contested divorces, it is still necessary to prove one party guilty of a charge such as cruelty, adultery or desertion—thus giving the husband or wife more bargaining power in the financial settlement.

Only four state laws specifically direct the judges, in deciding the settlement, to consider the constribution of the homemaker to the marriage.

Spalding and her colleagues are waiting to see how—or if—judges interpret that. They have been critical of the predominantly male legal establishment for divorce decisions they say discriminate against women.

And they doubt the situation will improve until more women sit on the bench.

Meanwhile, NOW is publicizing the pros and cons of "no-fault" divorce.

On the pro side, they see the new concept as "the most amicable means" of settling husband-wife disputes.

It cuts down perjury and fraud, helps people end hopeless marriages, and may eliminate costly, time-consuming litigation.

On the con side, they say "no-fault" too often conveys the idea of "no responsibility," permitting a person guilty of wrong-doing to profit from it.

FINANCIALLY DEPENDENT

More than half of America's 48 million married women are financially dependent on their husbands.

As long as the marriage is working tolerably well, NOW points out, the housewife has a sense of security.

Only when she faces divorce does she awaken to the fact that she can "lose her livelihood, her capital, her credit rating, and all fringe benefits, possibly winding up as the sole support of the children."

To make up for what it sees as deficiencies in liberalized divorce laws, NOW has drafted a model marriage and divorce bill, working with Hofstra University's Associate Dean Judith Younger, her law students, and NOW members who have experienced divorce.

Describing marriage as an "equal partnership," it calls for equal division of property, and individual control of his and her property in marriage.

In divorce there would be "equitable" alimony and child support, with cost-of-living increases, "no-fault" or not.

Before the trial, the dependent spouse would get a legal fee, so that each party could retain a lawyer of comparable ability.

A security bond equal to one year's projected payments of child support and maintenance would be required.

Financial disclosure would be compulsory and payroll deductions could be made for support payments.

INVESTIGATION ENFORCEMENT

A financial investigation and enforcement bureau would be set up.

Training and vocational guidance would be offered for separated and divorced persons, and a widow or widower would be guaranteed half the assets of the marriage.

Foes of the equal rights amendments, which needs ratification by eight more states to become law, claim the ERA would diminish support rights for women and children.

In many states, however, alimony and support laws already are in accord with the ERA. At least 27 states, for example, award alimony to both sexes.

An argument can be made that the ERA would require courts to decree settlements. Such a situation would keep the living standards of the two spouses about equal, according to an analysis published by the Citizens Advisory Council on the Status of Women.

Getting Married Too Easy?

(By Vera Glaser)

Washington.—The revolution in divorce laws has reached into almost every state.

Some have adopted sweeping "no-fault" laws, wiping out the old grounds for divorce which made one party "guilty" or "innocent," and permitting marriages to be dissolved without "blame."

Other states have added "no-fault" to the list of old grounds such as desertion, cruelty, and adultery.

Still others have tinkered with language, cutting a word here, inserting a comma there.

But experts know that the real problem, America's shocking divorce rate, is not likely to be cured by rewriting laws.

It goes much deeper.

Should it be tougher to get married?

Preparing and educating one's self for a major undertaking makes sense—yet many people back off in horror from discussing anything other than the romantic aspects of marriage.

Woven into the hopes and dreams of lovers are responsibilities, money problems, and legal booby traps—any of which can strain or break the relationship.

Controversial as they may be, divorce insurance, marriage contracts and efforts to make "housewife" a bona fide occupation are attempts to smooth sexing areas of family life and chart a happier future course.

But first and foremost, for a sound lifetime partnership, husband and wife must be able to communicate honest feelings, says marriage counselor Elma K. Wolf.

THE NO. 1 KILLER

No matter how many divorces are triggered by sex and money, she regards "inability to communicate" as the No. 1 marriage killer.

Real regard for the other person's feelings means straight talk.

"You won't annihilate anybody and you'll survive," she predicted.

Years of experience as a psychiatric social worker have taught Mrs. Wolf that marriage problems eventually boil down to each partner's basic inner difficulties.

Unless there is therapy or counseling before a second marriage, she expects the mistakes of the first to be repeated.

The United Presbyterian Church, as part of its permarital counseling program, is distributing a series of state-law pamphlets, compiled by Betty B. Berry and other family law specialists, to acquaint couples with the legal realities they face.

The New York pamphlet, first to be issued, explains the rights of both partners and alerts them to at least one possible hazard.

From it the wife-to-be may learn for the first time that she will have no rights in property acquired by her husband before or after the marriage unless he makes a gift of it or sells it to her.

On another front, interest in divorce insurance is increasing as a means of avoiding the financial blow of marriage breakup.

The Metropolitan Life Insurance Company has worked out a pilot plan designed to cover married workers between 20 and 59. For a $28 annual premium, a benefit of $100 a month could be paid for three years to a dependent divorced spouse, unless he or she remarried.

If still unmarried at age 60, the dependent spouse would receive a benefit comparable to that paid to widows under social security.

IMPORTANT ELEMENT

The self-respect and security of the housewife is recognized as an important element in a successful marriage. The National Organization for Women proposes social security, health insurance, retirement benefits, and employment training in case of divorce for the homemaker.

In general, authorities are coming around to the view that more effort should be put into making marriage work than into reforming divorce laws.

Those who use permissive divorce laws to shed spouses sometimes discover too late that the relationship may have been worth salvaging.

"You'd be surprised how many men, coming for a second divorce, say, 'I should never have left my first wife,'" says lawyer Elizabeth Guhring.

What really needs to be toughened, Miss Guhring believes, is "the idea of responsibility to family and to other people. Frustration, dissatisfaction, and refusal to accept responsibility are what lie behind the divorce rate."

Another distinguished lawyer, Professor Herma Hill Kay of the University of California at Berkeley, takes a somewhat different view.

She believes that "freer marriages"—in which both partners retain independence and personal identity—will in the long run lead to "less punitive" divorces.

CONGRESSMAN NEAL SMITH'S STATEMENT ON COMMODITIES MARKET

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. BERGLAND. Mr. Speaker, yesterday the House Committee on Agriculture began public hearings on the commodity exchange authority and today our colleague from Iowa, Congressman Neal Smith presented testimony which merits the attention of all Members of Congress. It is an excellent statement and I commend it to those of you who feel as I do that there is a need to strengthen the laws relating to the commodities market. The statement follows:

STATEMENT BY CONGRESSMAN NEAL SMITH OF IOWA

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before the Committee as you begin your hearings to review the Commodity Exchange Act with a view toward strengthening and revising laws relating to the commodities markets. A Subcommittee of the Small Business Committee which I am privileged to Chair has just held a series of hearings on grain marketing problems. As members of this Committee are aware, the purpose of the Small Business Committee is to provide a vehicle for small businessmen throughout the country to communicate their problems to Congress, especially when those problems cover matters which lie within the legislative jurisdiction of more than one committee. Investigations and hearings by the Small Business Committee are designed to and have succeeded in encouraging government agencies to do a better job under existing laws. But also, after developing a good hearing record and considering the problems presented, our Committee then makes available the information we have developed, together with our own recommendations, to the various committees with the legislative jurisdiction so that those committees may take whatever action they, in their wisdom, deem appropriate.

While transportation and some of the other problems come within the jurisdiction of other committees, this is the Committee with the legislative jurisdiction covering the major portions of the problems presented to us. I am, therefore, thankful to have the opportunity to appear before you and to present to you for whatever use you may desire a summary of the impressions we developed and to offer the full cooperation of my staff in every way possible to make available to the Committee any other information which has developed during the course of the investigation.

You have outlined in your announcement of these hearings some 25 subjects to be covered. I would like at this time to pinpoint my remarks toward a few of these problem areas which I think need the most immediate attention. This is not to say that all of the areas should not be dealt with but I think the commodity marketing situation is so bad right now that immediate attention is needed on some of the areas you mentioned and in a few other areas not mentioned in your announcement.

Before proceeding wtih the subject matter, I want to stress that I have tried very hard to present this subject in simple language. I may have oversimplified some of the matters; however, while members of this Committee would understand this complex subject, I believe most citizens have not understood either how the commodity markets work or how important they are to every citizen. Thus, it is necessary for the public generally to understand the need to restore, preserve and improve the system.

To fully appreciate the urgency to be attached to this situation, it might be well to review briefly the changes in the basic economic forces in this country which have in turn caused the need for so many changes in the rules, regulations, attitudes and the law.

There probably has been no industry in the United States which has grown faster in the past few years than has our commodity marketing system. The volume of grain produced has doubled and quadrupled in many cases and, in addition to that, a larger percentage of the grain is moving interstate and over international transportation systems rather than moving merely from one farm to an adjoining farm. Today 25 percent of all the corn raised is shipped overseas and more than 50 percent of all soybeans are exported. No longer do our grain marketing facilities consist only of several thousand local elevators; they now also include a very few, huge international grain marketing companies.

As late as 20 years ago, there were a relatively few large cash grain producers and most of their product was sold for cash after they had harvested the crop and determined how much they would not need for livestock feeding. The relatively small amounts that were shipped by rail to some other market were usually in turn sold for cash or hedged by such a large number of small merchandisers that there was really little opportunity to manipulate the market in most years. That was the situation which existed when the last major legislative actions were undertaken which legalized and regulated contracts for future delivery and, therefore, that law was tailored to a much different situation than we have today.

It is now common practice for producers to contract with a local elevator in advance of the time the grain or fibers are harvested for the delivery of a certain number of units at a fixed price. Many creditors demand that they do this in order to reduce the risk they would have in the market place and others do it on part of their crop in order to assure themselves of cost of production. These local grain merchandisers either directly or through another medium almost always immediately sell the same volume of grain on the futures market by purchasing a short contract for a future month. In other words, they agree to either deliver the grain or buy the contract back at a specified time. Under this arrangement they have been able to offset any losses or gains in the market which would occur on their inventory with an equal loss or gain on their futures contracts. By using this system, elevators in the corn belt prior to this year have been able to reduce the spread they keep for themselves for handling the transactions to around 3 cents per bushel and still make a reasonable profit. Without a place to hedge, these commodity merchants would have had to deduct a much larger spread for themselves.

The demand for such a system has increased so much that last year the commodity exchanges handled $268 billion in contracts of regulated commodities, compared to trading of $60 billion per year 10 years ago. This compares to a total of only $200 billion for all stocks handled on the Stock Exchanges.

It should be obvious that this system has been, on an overall basis, a very good thing for producers, processors, consumers and the nation as a whole. In fact the system worked so good that people within the system itself could not believe how near it was to collapsing and how vulnerable it was to manipulation and abuses. One of the reasons that the vulnerability was not apparent for the last several years was that there was always a surplus of most commodities and also an abundance of transportation to shift those commodities around so that if need be a commodity could be delivered in lieu of buying back a futures contract. This situation has changed. We not only do not have a surplus but we also do not have an insulated reserve which could be used to reduce the height of the peaks and the depth of the valleys.

I would like to briefly set forth three examples of how the changes in the transportation or supply situation can produce an artificial futures market price and provide the conditions conducive to a squeeze or manipulation.

THE JULY 1973 CORN CONTRACT

A large volume of corn had been hedged last year on the July futures contract. When local elevators made those contracts, they agreed to either buy back the contract or deliver the grain between July 20th and the 10 days following. Under the terms of the corn contract, the delivery point must be one of several delivery points, all of which are in Chicago. The elevator or the seller of the contract, who is described as being on the short side of the market, must either deliver the grain within that time or pay whatever is necessary to buy the contract back. Speculators or exporters or others who have bought such contracts are described as being on the long side of the market and they may demand delivery of the corn or agree on a price at which they will sell back the contract.

At the time the July contract expired, corn was readily available in Iowa at about $2.25 per bushel but *there simply was no transportation available to deliver that volume of grain to Chicago* within a few days and the delivery points named in the contract could not have handled that volume anyway. Since the shorts could not deliver corn in fulfillment of the contract, the holders of the long side of the futures contracts were able to demand as much as $1.30 per bushel more for their contracts than the corn would have cost if it could have been delivered. This is a case where transportation alone caused the problem. Later in this statement, I will specifically suggest a remedy to this situation.

SOYBEAN CONTRACTS

The loan rate on soybeans was $2.25 per bushel at the beginning of the last marketing year. At that time, the market price was about $3.25 and that was enough in excess of the loan rate so that farmers were encouraged to sell rather than secure loans. Under these circumstances most of the soybeans were sold early in the marketing year and by March were largely concentrated in the hands of a relatively small number of processors and traders. The number of traders who held most of the soybeans were so few that unless they sold big volumes of cash soybeans, there was little danger that enough could be delivered to satisfy the long contracts. Also the holders of much of this inventory also held long contracts demanding delivery.

On one day last summer more than 90 percent of all the long contracts (the ones which could demand delivery of the product) on the Chicago Board of Trade were held by only 4 traders. There simply were not enough soybeans available even if transportation had been available, to fulfill long contracts by delivering soybeans in lieu of buying back those long contracts. Therefore, those who had hedged by selling short were at the mercy of those who held the long contracts.

Even if they had accepted soybeans at points other than those called for, it would not have cured this situation. As this situation developed, the response of the Board of Trade was to increase margins or deposits required by those in the market. At the end of May, I suggested that the whole soybean futures market be suspended for three days pending a full revelation of all the facts and figuring out a way to deal with it. I admit this was not in and of itself an adequate answer, but the fact that the idea was met with ridicule and that no alternative solution was offered, indicates that those in charge were not prepared to deal with the changed situation we have in the commodity markets today. Finally three weeks later after many more businessmen became trapped, at the urging of the CEA, the trading in the old crop soybeans contracts was suspended—not just for three days but for the balance of the marketing year except for liquidation purposes.

RECENT COTTON CONTRACTS

Although there are an abundance of alternate delivery points for cotton, cotton is in fact in short supply. When a commodity is in short supply, toward the end of the contract month a holder of the long contracts may end up holding a large percentage of the total long contracts. About three weeks ago one trader on the New York Cotton Exchange held 67 percent of all the long contracts for the month of October. In this case he was increasing his percentage by making new purchases but it could have happened merely because others sold and caused his percentage to increase. When the Commodity Exchange Act was originally passed, I feel sure no one envisioned a situation where one trader would ever control that high a percentage of any contract.

HOW TO MEET THESE CHANGES

Members of our Small Business Subcommittee who heard the evidence are in agreement that the businessman's need for a mechanism where he can hedge his risk is as great or greater today than it ever was. We must make the changes that are necessary to meet such situations before something happens such as happened with the onion contract a few years ago.

Some of you may recall that the futures contract on onions was being manipulated by a relatively few individuals. To their surprise, instead of the sellers buying contracts back, almost over night carloads of onions were dumped in Chicago. Onions became so cheap in Chicago that they sold for less than the cost of the bag in which they were contained. While it may have taught some few traders a lesson, the price was extremely high. In addition to the terrible waste of the onions which resulted in the product becoming scarce in other areas of the country, it caused a deplorable waste of valuable transportation facilities needed to bring the onions to Chicago. As a result of this experience, an amendment was passed in Congress which prohibited any trading of onions on the Board of Trade in the future. That prohibition still stands.

I am convinced that the grain marketing situation today for soybeans, corn and wheat is so subject to abuses that unless some positive action is taken in the very near future there is danger that a situation will develop which might very well result in outlawing futures trading in these commodities just as it happened to onions. It is with this background that I have set forth some proposals to deal with the particular problems which have developed and can be anticipated.

ALTERNATE DELIVERY POINTS

The July corn situation which I outlined above could have been avoided simply by the futures contract permitting delivery at some alternate delivery points in the grain surplus area such as Des Moines and Peoria, that is, permitting delivery to be made by truck where corn was available, instead of requiring that delivery be made in Chicago. In answer to a question by me, the President of the Chicago Board of Trade, Fred Uhlmann, agreed that had alternate delivery points been permisible at Peoria, Illinois, Des Moines, Iowa, and one place on the Mississippi River, the squeeze on the July corn option would not have been possible. He flatly stated that the Board had been in error and that they will take some action to establish alternate delivery points for corn and soybeans. I think some preliminary work is under way but the Board has not yet announced any corrective action.

If the boards of trade will do so, I think it is best for alternate delivery points and some other matters to be set by the exchanges on a periodic basis, before trading in the futures month commences. I believe this to be true because the Board would have more flexibility and less difficulty in changing something when circumstances change than would be the case if alternate delivery points were set by government regulation. However, I think it has been demonstrated clearly that some government agency needs to have the authority to order such delivery points set in the event that the Exchanges do not do so. The availability of this authority is, in and of itself, probably enough to get the Exchange to move when the need is called to their attention. I urge that a new, beefed up agency be given the authority to order, if need be, that alternate delivery points be established for particular commodities.

MARGIN REQUIREMENTS

A matter which I will subsequently discuss in detail is the tremendous increases in margin and maintenance requirements prior to the closing of some contracts during the last few months. The Board required elevators and others to make larger deposits per bushel. The unexpected huge increases in margins and the huge sums it cost the local elevators and other hedgers will cause them to deduct a larger spread for themselves for years to come. For example, any elevator operator who found himself paying an additional 6 cents per bushel in interest charges due to increases in margin requirements is going to in future years allow himself a similar larger amount because of the possibility that such a thing will occur again. This is already reflecting itself in the amount that grain merchandisers subtract from a futures contract in dealing with the customer. For example, Iowa elevators which have in previous years engaged in forward contracting at about 19 cents per bushel less than the Chicago price now are subtracting from 30 to 60 cents per bushel. Some of this may be due to other problems but they will not forget for a long time to come what happened to them in the summer of 1973 with regard to the cost of margin requirements and meeting maintenance calls. The result of this is undoubtedly to decrease the amount farmers receive for a product and also to increase the cost to the ultimate consumer.

It seems to me that decisions as important as this should either be made by a government agency or in cooperation with a government agency. I also think they should not change the margin requirements on a particular contract after it had been made and that other methods should be used to cool off the market. In my judgment, it hurts legitimate hedgers more than speculators. This was especially true last summer when the big profits were made on the long side of the market and longs did not have to meet additional maintenance calls because the market was going up. It was the elevators which had contracted for farmers grain and which had to put up the extra money.

DOUBLE HEDGING

Another problem involves limiting huge speculation by any one trader. Supposedly, a trader cannot buy and sell nor may he own at the end of the day contracts in excess of 3 million bushels of soybeans or corn unless he is a bona fide hedger. (For wheat, oats, barley and flaxseed, the limit is 2 million bushels; and the limit for cotton is 30,000 bales.)

In other words there is no limit on hedging but there is a limit on speculating. However, the definition which is being applied to hedging allows large traders under certain conditions to speculate far in excess of the limits. The definition of hedging allows a trader who has inventories, purchase commitments and/or sales commitments to hedge all of these on both sides or any combination of these cash positions in the future market.

For example, a grain company may have contracted with farmers for the delivery of 50 million bushels of soybeans at a fixed price and also have contracted with a foreign company to sell them 50 million bushels at a fixed price sufficient to lock in the desired profit. At that point, that company has offset its risks so that it will not lose or gain by changes in market price.

Under the rules of the CEA, that company could also buy futures contracts totaling 50 million bushels short to offset the purchase contracts from farmers and they could also hold 50 million bushels in long contracts to offset the export sales. If they did both, they would still be in a fully hedged position.

However, in this situation, the CEA also permits that company to sell its short positions and hold the 50 million bushels long. Thus he would have 50 million more bushels contracted for than he had sold.

The net effect of this is to permit a company with the purchase contracts or export sales contracts to speculate far in excess of the 3 million bushel limit.

An investigation of the records shows that the net effect of one company's position was that of a speculator to the extent of about 25 million bushels of soybeans for much of June, 1973. However, under current interpretations as to the definition of hedging, the company was never in excess of the 3 million bushel speculative limit. This gives large traders the ability to legally speculate with what is carried in CEA records as hedged positions and in a great enough volume to exert considerable pressure on futures prices.

This situation makes it easy for a company which had made a big foreign sale which is not yet known to others and may not be known for two weeks under current reporting requirements, to speculate to the full extent of the outstanding reported sales positions which were not covered on the futures market rather than the 3 million limit even though the company may have sufficient inventory to cover all or most of its sales commitment. Combined with the fact that export sales are often made in huge quantities, the possibilities for advantages over farmers and others in the market are enormous.

Although some CEA management personnel believe the practice could be prohibited under existing law, CEA Administrator Caldwell takes the position that the law does not clearly prohibit this practice and he is not likely to change that position unless there is some clear congressional directive to that effect.

I believe this type of buying and selling in the futures market without regard to economic risk and based purely upon one bookkeeping entry without regard to another bookkeeping entry (that is, the buying and selling without considering the net risk to the trader), is not hedging but is speculating and should be subject to the trading limitations imposed on a speculator.

I urge this committee to exercise some oversight in that regard and redefine hedging in whatever way is necessary to prevent any trader who uses the commodity markets from in effect speculating with hedged positions in a volume in excess of the speculative limits.

TRADING CLUBS

Trading clubs are now springing up around the country. Brokerage houses give specific advice or recommendations regarding trading in specific commodities to certain customers. These customer participants are not required to follow these recommendations. However, the plans are designed for the best results when all recommendations are followed. With a uniform movement of various members of a club, the net effect is that speculative limits which would have been exceeded if the market position had been taken by an individual may be avoided.

The inherent dangers of such clubs are obvious. If a broker had enough people moving the same direction with each holding a substantial number of speculative positions, it is obvious that they could substantially distort the market under certain circumstances. The Kansas City Board of Trade officials favored prohibiting trading for managed accounts while many others viewed it as a new problem they had not fully considered.

The CEA recognizes that speculative limits do apply to a trading plan and that customers' accounts included in a trading plan should be combined for the purposes of determining the limit. However, the CEA has very limited information on the identity of such plans and in my judgment, when the club is not tightly enough organized to be easily detected, the CEA does not have the ability at the present time to effectively detect and move against such plans. Injunctive authority would be important because CEA could then enjoin persons acting in concert instead of only punishing them after they had developed the proof and held lengthly administrative hearings. A beefed up surveillance mechanism both in terms of personnel and hardware is probably needed to detect and check the tremendous number of abuses that are almost sure to occur in this area.

TRADING FOR CUSTOMERS AND THEIR OWN ACCOUNT

Another matter of serious concern involves trading by floor traders and by futures commission merchants for their own account in the same contracts they are handling for customers. When this is permitted, the opportunities for accommodations between traders, for scalping, for three-cornered deals, and for any number of abuses are so great as to stagger the imagination. CEA Administrator Caldwell and other witnesses agreed that in most cases it is almost impossible to secure the evidence necessary to prove that such traders have violated the rules. Other than some of the members of the exchanges, almost everyone who was contacted by members of my staff have disapproved of this practice. There is a split of opinion within members of the exchanges and this is understandable because a substantial percentage of those members engage in this business, but even a substantial number of the members of the exchanges want it prohibited.

More examples of how these abuses can occur have been related to us than it would be possible to present here—such as when one trader comes on the floor with a deck of cards representing a substantial volume of purchases or sales he is about to make, a mere wink of the eye, a tug at an ear, scratching the back of his head, or any other such movement known to some other floor trader is all that would be necessary for that trader to know he should buy or sell in competition with his friend at the beginning and get out while his friend is still filling his orders in a matter of a few seconds or minutes. Tens of thousands of dollars can be made and an artificial supply and demand provided at the wrong time for the best interest of the market. Also, merchants who have buy and sell orders with a margin in between can offer an opportunity for a floor trader to pick up that profit rather than the ultimate customer.

Actually there need not even be the kind of collusion referred to above but merely a knowledge as to the habits of certain traders and their usual actions when they have large orders to fill on one side or the other or what customers they are likely to be dealing for. Defenders of this "scalping" practice call this "skill" but whatever it is called it can result in distortions of the market and a cost to legitimate hedgers. This practice in the stock market was outlawed in 1964. There have been a number of cases where abuses have been proven by the CEA but there is a general feeling that the number that have or can be proven is such a small percentage of the total that trading by floor traders for both customers' accounts and their own account should be outlawed on the commodity markets.

TRADING BY COMPUTER

I am intrigued by a suggestion which has been made by a number of people to the effect that a good many abuses could be avoided, or at least there would be more confidence that no abuses occur, if computers were used to match buying orders with selling orders. There can be no question that it would be beneficial to the whole process if some of the turmoil and emotionalism in the pit could be avoided.

One scalper said that he pays no attention whatever to supply and demand, government reports and so forth, but instead he simply detects the feeling that other speculators have as to the change in the market. If he detects a belief in the pit on the part of most of the traders that the market will go up, he said it is bound to go up for at least a short period of time. Under those circumstances he buys and helps to feed the belief it will go up, and he then gets out the second the run slows down or before the market reverses itself, which may be only a few minutes later. He said he almost never holds any contracts over night and usually he holds them for only a small portion of the day.

Many futures customers would also feel more certain they are getting the best price available if they or their agent, far removed from the pit, could place the order by electronic device and see it matched the same way. In effect, he would bid by computer until his bid is accepted.

I think every encouragement should be given to the development of such mechanical devices.

REGULATING ALL FUTURES

It seems to me that trading in all futures should be under Federal regulation. In our vast expanded and complex economic society the need for reducing risk and for providing a place where risk can be reduced applies just as much to those contracts which are nonregulated as it does to the regulated contracts. Under the Act, commodities are specifically listed and those not listed are excluded from regulation. When speculators are prevented from manipulating the regulated commodities, they are sure to concentrate on the unregulated futures. Last year the commodity investing public lost over $100 million in a scheme of selling puts and calls in nonregulated commodities. This activity, while known to the CEA, was not under its control.

Understandably, the exchanges are responding to the opportunities presented and adding contracts. They now offer contracts in such important unregulated commodities as iced broilers, plywood, silver, lumber, copper, sugar, coffee, and cocoa.

There was unanimous agreement from both regulators and industry witnesses that all futures contracts which have an economic purpose should be regulated.

SELF-REGULATION

In the past, the CEA has largely relied upon the exchanges to regulate themselves and there has been opposition to the establishment of a surveillance agency with the ability to constantly monitor the operations of the exchanges. In the years before some traders dealt in such large volumes and when there were surpluses of most commodities, the opportunities for manipulations and squeezes were not as prevalent; but, it seems obvious now that we neither can nor should rely on the markets to police themselves.

The following case is an example and the facts set forth are as reported by the Committee investigators and confirmed by Mr. Caldwell:

1. On July 28, 1972, Mr. Caldwell received a complaint alleging manipulation of the Kansas City September wheat future.

2. On the same day, Caldwell referred it to the CEA regional office in Kansas City with a directive to start an investigation and give it "the highest priority."

3. On August 15, 1972, the CEA regional office communicated with the Kansas City Board of Trade and asked them to make an investigation of the matter.

4. On September 27, 1972, the CEA regional office was advised by the Kansas City Exchange that their investigation showed that the market had functioned properly and there were no indications of price manipulation.

5. On April 30, 1973, the CEA finally 9 months later completed its own investigation and found that the market had been manipulated on the close for several days resulting in the payment of millions of dollars more in export subsidies.

6. On May 23, 1973, the matter was referred to the Justice Department.

It seems to me that this example proves both that the CEA does not move fast enough (at least partially because they lack sufficient staff) and it also demonstrates that we should not depend upon self-regulation at a time when conditions make manipulation possible. Both the authority to exercise surveillance and the ability to do so are urgently needed.

PRACTICAL SANCTIONS

In many instances, the CEA at the present time must, as a practical matter, either impose or threaten severe sanctions or nothing at all. The authority to impose civil money penalties or more modest sanctions would, in all likelihood, be used more and be a greater deterrent toward preventing some of the abuses than under the present situation. I urge the Committee to provide such authority with the appropriate administrative proceedings and I believe there is fairly common agreement among the various interests that this should be done.

INJUNCTIVE AUTHORITY

Even when the CEA does detect marketing practices which frustrate the purposes for which the commodity market exists, they are, in too many cases, not securing injunctions to stop such practices. For example, during the past marketing year, the prices of soybean contracts were rising rapidly at the same time that a small number of traders dominated the long side of the market requiring delivery. The number of longs clearly exceeded the ability of shorts to deliver or offset. Toward the end of May, three traders controlled over 50 percent of the July long positions and by the second week in June, three traders controlled 60 percent of the same positions.

During this period, the Chicago Board of Trade was trying to meet the situation by raising margin and maintenance deposits. The margin deposit on soybeans was increased from 40 cents per bushel earlier to $1.50 on June 22nd. This increased the requirements for borrowing and the interest cost for genuine hedgers. In some cases the interest cost to hedgers to maintain margins and meet calls jumped to double the total amount the country elevators had reserved for their total gross profit.

People in the trade know that the Department will not move decisively on any of these matters and therefore will ignore the CEA officials when they do seek to stop abuses. One situation was described to us where a CEA official stood beside a trader who was doing something he should not do and asked him to stop, but he ignored the CEA employee's request.

Injunctive authority in the hands of the CEA would encourage the exchanges to make a more diligent effort to find an appropriate response to such circumstances and could have provided a decisive course of action without the legitimate hedger paying such a high price.

Under many Supreme Court cases arising out of the legislation of the 1930's, it has been held that an agency such as CEA has the authority to seek injunctions in fulfillment of the purposes of the law which they are administering. Our staff reports that the General Counsel's office in the Department of Agriculture agrees that the CEA could, without any change in the law, seek injunctions. However, the CEA takes the position that Congress has never specifically authorized injunctions and therefore they will not apply to a court for an injunction in any case unless legislation is passed specifically establishing such authority. In view of this, I think specific authority should be given to the CEA to seek injunctions where necessary to fulfill the purposes of the Act.

CONTINGENCY PLANS AND FOREIGN COMPANIES AND GOVERNMENTS

I think there is a very real and very great danger that futures markets will be distorted and manipulated by foreign companies, some of which have access to the huge resources of foreign governments. If a big grain trading company sells to a foreign government, the grain company can hedge on our commodity markets by buying contracts on the long side. The CEA records will show them as hedging a sale but it is not known for two weeks or longer who contracted for the grain. The records do not then show whether the foreign customer is really using it for speculation or for consumption. By dealing with four or five big companies simultaneously the way the Russians did, they could buy at a fixed price almost an entire wheat crop. They could have purchased more than they did last year and the grain companies who sell to them would not know at the time they signed their contracts at a fixed price, the extent to which other companies were obligating themselves on fixed contracts. Indeed this happened in the Russian grain deal and Cargill said before our Committee that although they assumed the Russians were negotiating with others, they had no idea that they were buying the quantity of wheat which they bought.

These large grain companies which have sold the wheat to the foreign governments would usually move simultaneously into the futures market to hedge their positions. Since these long contracts will show up as hedges it will appear that the demand for the commodity has increased tremendously and a boom market will soon be underway. Under the present reporting practices, as included in this year's agricultural bill, it may be as much as two to three weeks before the extent of sales are known and an opportunity is had to compare those sales against probable needs of that country or foreign companies. This is enough time to wreak havoc upon our commodity markets.

If the foreign companies want to they could hold and demand delivery of the huge amount at the fixed price or they could wait until a later date and dump part of it. One can easily see how they could take delivery of as little as one-fourth of a big purchase and secure enough profit from the resale of the rest to pay for the grain they receive.

When it is so easy for foreign customers with huge resources to do this and when large export companies under certain circumstances can legally share in the gain by double hedging as described above far in excess of the usual limits, I think it is inevitable that such a huge manipulation or distortion in some commodity will occur if steps are not taken soon to prevent it.

When this happens there will be a strong demand to abolish commodity markets and impose export controls. Export controls would be dealing with a situation after the damage had mostly been done and in a very bad way. The better way is to prevent such a thing from happening.

If companies which use our commodity markets were required to report sales they have made and expect to hedge on our commodity markets within 24 hours of the sale, then in the event a foreign company is setting up a manipulation, the surveillance agency could move rapidly enough to protect against such severe damages. Our government officials could compare total sales made to a particular company or to a company buying for a particular country's use with our official estimates for demand in that country. If it appeared that their purchases were far in excess of demand, then our appropriate officials would inquire and determine if our estimates were in line. If it appeared they were in fact moving into a position to manipulate the world market with the help of a fixed price which private grain companies would not give them but for the fact that they were able to hedge on our commodity markets, hedging further sales to that country could be stopped.

This would not prevent any foreign country or foreign company from buying commodities for delivery at a flexible price and the net effect would be to cause big companies selling to those countries to sell the additional quantities on a flexible price basis rather than on a fixed price basis. That would eliminate the possibility of making huge profits and negate the reason for huge overbuying or overselling. Preventing these big foreign customers from buying far more than their needs at a fixed price by indirectly hedging it on our commodity markets, when the buying would result in manipulation, would be far preferable to export controls and would not disrupt the whole market mechanism the way export control would.

I do not claim this is the only answer but what I am trying to point out is that a tremendous risk exists today that our market will be manipulated indirectly by foreign companies with huge resources available and that a contingency plan should be developed and ready for use on any day when this occurs. I also want to emphasize that in order to put any contingency plan into effect it is necessary to know within a matter of two or three days rather than in two or three weeks as is the case under existing law, the identity of the country and the size of the sales.

When I questioned Mr. Caldwell about this he said they had not even thought of the problem and had no contingency plans available. In view of the experiences we have had the past year with sales to foreign governments. I think contingency plans should have been developed. In view of the fact they do not have any such contingency plans for something as important as this, it appears clear to me that the agency needs some specialists who are constantly looking for possible ways that the market can be manipulated and to develop plans for dealing with such cases in the same way our Defense Department constantly anticipates all possible actions against our best interests and develops contingency plans to deal with them.

To protect against manipulations of this nature which could easily occur in wheat, corn, soybeans or cotton during the coming year, specialists need to be assigned this mission and begin working immediately.

NEW AGENCY

It is obvious from all of the above that an agency which could fully provide the surveillance necessary and the protection desired to assure businessmen that they will continue to have an efficient and economic place to reduce the risk on futures contracts will have to have a much greater capacity than does the present CEA. The commodities futures industry in FY 1973 operated at a level in excess of $268 billion in regulated commodities only and is growing rapidly. This compares with the total value of stock traded of $200 billion.

The CEA has a total of 160 personnel and the SEC has 1700 personnel. I do not say that the CEA would necessarily need the same number as the SEC because there are differences in their functions. However, the difference is not as great as the difference in personnel numbers. A considerable number of SEC employees are engaged in examining prospectuses and this duty will not be necessary for CEA employees. However, the commodity markets have expiring contracts for each commodity several times per year and this is where a tremendous amount of surveillance is necessary to avoid squeezes and manipulations. The SEC has no such comparable demand on their time.

The top man in the CEA is now a GS 17 at a salary of $36,000 and the average GS level is 7.66. CEA Administrator Caldwell stated before our Committee that he has difficulty recruiting the right kind of personnel and that too often they leave after being with the Agency because the average GS grade is lower and some will not stay with the Agency because more lucrative jobs become available in other agencies. In addition, there are lucrative jobs in the industry available to many of those with the requisite expertise we would most like to have stay with the CEA.

It seems clear to me that a new beefed up agency which can carry out the additional powers I have outlined above must have the stature to attract a high level of personnel. I think the CEA should be reorganized into an agency which has a stature and capability comparable to the SEC.

CONCLUSION

I apologize for the length of this statement before this busy Committee; however, it is very short in comparison to the amount of material accumulated through 3 man years of work in our investigation and the problems presented to the Subcommittee by various people in the industry—producers, processors, board of trade representatives, regulators, grain companies and others. I believe I can safely say that the vast majority in the industry feel that something needs to be done soon in order to save what is left of the system which has in previous years worked so well and to restore, to the extent that we can, the ability of producers, merchants and other businessmen to hedge their risk at a reasonable cost and without the fear that the futures contract they purchase may get them into some bad situation they could not have foreseen.

I am sure your Committee should and will want to look into areas other than those I have covered in this brief summary of my Subcommittee investigation and hearings; but I particularly urge that you (1) encourage existing agencies to do a better job under existing law and; (2) develop legislation which at a very minimum covers all the items I have pinpointed above.

Again, I want to emphasize that the hearing record compiled by my Subcommittee, any investigative reports and material or any information whatever which my staff can provide to your Committee, will be readily available to you.

Mr. Chairman, I thank you again for providing the opportunity for me to present this statement to your full Committee.

CHANGE OF VOTE ON H.R. 9281

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. HANRAHAN. Mr. Speaker, on September 20, the House passed H.R. 9281, a bill providing improved retirement benefits and incentives for Federal law enforcement and fire-fighting personnel. My vote was recorded in opposition to the legislation, and my desire now is to publicly state that I intended to vote in the affirmative. I regret this error, but was pleased to know that this legislation providing benefits for these very dedicated public servants, passed the House by a wide margin.

SECRETARY OF INTERIOR MORTON COMMENTS ON MINE SAFETY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. CARTER. Mr. Speaker, at this time, I offer for the consideration of my colleagues the remarks delivered by the Honorable Rogers C. B. Morton at the 24th National Mine Rescue and First Aid Awards Banquet held in Louisville, Ky., on September 7, 1973.

The Mine Rescue Contest, first held in 1911, draws participants from mining areas across the Nation. Its program has proven not only an entertaining event, but also an effective demonstration of mine safety techniques and an educational experience for both government and industry.

I believe Secretary Morton's comments reflect the tremendous strides made in the field of mine safety, and emphasize the need for continued cooperation between mine operators and the Federal Government. Each must work to insure a safer life for the American miner.

REMARKS OF THE HONORABLE ROGERS C. B. MORTON

On behalf of the Interior Department, and as a native Kentuckian, it is a great pleasure to welcome the participants, judges, and distinguished guests to the 24th National Mine Rescue and First-Aid Awards Banquet.

I can think of no more appropriate setting for this year's contest than Louisville. Since the coal fields in the eastern part of the State were opened in the early 19th century, Kentucky has had a great mining heritage.

The National Mine Rescue Contest was originated by Joseph Holmes, the first Director of the Bureau of Mines in 1911.

While mining techniques have changed since President Taft attended the opening ceremonies in 1911, the spirit and purpose of the competition has not.

As you know this year's event was the best and largest yet. It was the second contest since our two most recent Federal Mine Health and Safety Laws were enacted. Today, the life of every miner, in every mine in America is safeguarded by Federal law, and spirited enforcement. I would like to add, incidentally, that the events this week included for the first time teams from noncoal mining operations. All of us welcome you.

Hopefully, none of the rescue teams here in Louisville will ever be called upon to use their skills.

In the three and one-half years since the passage of the Federal Coal Mine Health and Safety Act of 1969 there have been three coal mine disasters resulting in death for 52 of our Nation's coal miners. Because of the tremendous improvement in mining conditions as a result of the Act, I hope that we will no longer be plagued with repetitions of this grim history. The number of lives lost in coal miles has significantly decreased in the last three years. Last year 156 men lost their lives mining coal, compared with 311 in 1968—a reduction of 50 percent in four years. Last year was also the second consecutive year in which the least number of men lost their lives in the coal mines. At the end of the first seven months of this year, there was a 33 percent reduction in fatalities from that of 1972. A 33 percent improvement in a seven-month period on top of two record setting years in reducing coal mine fatalities suggests that we may be doing something right.

Enforcement of the provisions of the Federal Coal Mine Health and Safety Act of 1969 was recently transferred to the Mining Enforcement and Safety Administration (MESA). Creation of MESA will insure that decisions relating to the interests of mine workers will be totally insulated from decisions relating to mineral development. I can assure you the Mined Safety Administration is committed to nothing short of a goal to protect the mining industry's most valuable resource—the miner.

The Federal Metal and Nonmetallic Mine Safety Act empowers the Mined Safety Administration to promote safe and healthful working conditions throughout all noncoal mines within the United States and territories. The inspection program covers more than 12,000 noncoal mines and mills across the Nation, and involves observations and measurements of conditions and practices to determine compliance with mandatory health and safety standards. Particular concern is directed to identifying conditions which might result in loss of life. The Mined Safety Administration is concerned with the development and promulgation of more comprehensive and effective health and safety standards.

Unfortunately, the human cost of mining or any other industry is not limited to those persons killed on the job. Disabling injuries and illness are still a major problem. And mining industry personnel have suffered more than others because of the inherent dangers associated with structural conditions, and respiratory ailments like black lung. Thousands of men have been disabled by these two factors as well as accidents resulting from haulage of materials, faulty machinery, and human error. In the past, primary attention has been directed to the more severe type accidents which result in death. However, we simply cannot afford to minimize the impact of those accidents which do not result in death. I personally am committed to ensuring that we meet our legal and moral responsibility to every miner, to protect him from *all* types of injuries—fatal and nonfatal.

A new and more accurate accident reporting system introduced in the coal mining industry indicates a rise in disabling injuries. Although the total increase in injuries may be due to the greater accuracy of this system. Regardless of that, however, there will be more than 10,000 disabling injuries in coal mines this year. This is far too many—more than twice as high as any other industry.

Because of this, a new accident reduction program has been put into effect in our Nation's coal mines. This program, in effect, will attempt to reduce the number of disabling injuries by monitoring those coal mines which have disabling injury frequency rates higher than the National average. Initial attention will be directed to those mines employing more than 200 men. Although evaluation of the safety practices used in all mining activities will be made and subsequent studies of the evaluation will hopefully result in the initiation of safer mining practices. Similar unsafe practices in other mines will then be more easily recognized and corrected. If the new nonfatal disabling injury reduction programs meet with the success similar to our various fatality reduction programs we may be able to make mining one of our safest industries by the end of the decade.

Because of the changes, the improvements, and the success which I have described above, we cannot rely on past history to predict the future. What we can do is look at the efforts made in the past and, based on the results of those efforts, make an estimate as to the probability for similar results in the future. The efforts since the passage of the Federal Coal Mine Health and Safety Act have been as herculean as the statistics have indicated. Unfortunately, we still cannot point to a declining fatality rate in the Nation's noncoal mining industry.

Enforcement of mandatory health and safety standards was upgraded substantially in the past year. Recent program changes in the administration of the Metal and Nonmetallic Mine Safety Act have resulted in increased inspection and enforcement activities since the last half of 1972 and into 1973:

More than 13,000 inspections were conducted in 1972, an increase of 54 percent over 1971.

Notices of Violation increased from 45,600 in 1971 to 54,800 in 1972.

Withdrawal Orders increased from 56 in 1971 to 216 in 1972.

And during the first six months of 1973 nearly 84,000 inspections were conducted, resulting in the issuance of more than 32,000 Notices and over 200 Orders. State Plan Agreements have also been amended to increase State inspection activity.

This drastic increase in enforcement activities is expected to have a profound and dramatic decrease in the number of fatalities and injuries in the noncoal mining industry.

The quest for mining safety, like our quest for clean energy and secure mineral supplies presents us with a great challenge—and an even greater opportunity.

We're going to do all we can, but the responsibility for working conditions in the mines lies with the mine operators. The responsibility for working habits must be shared by the miner and the mine operator.

The fact remains, however, all the rules, inspections, and Federal laws in the world will not overcome human carelessness. The Federal Government, and our mining inspectors are there to help mine operators and the miners themselves—to comply with the law. Without your cooperation and commitment to achieving mine safety, none of this will be possible.

For years now our domestic mineral and energy base has become increasingly more dependent on foreign imports. We also have recognized, and sought to meet our Nation's emerging environmental needs by reducing pollution, and wedding the environmental and energy ethic through Land Use Planning and Mined Land Reclamation. At the same time we're seeking to streamline government, by creating agencies like The Department of Energy and Natural Resources (DENR) that will make government more responsive to America's energy, environmental and human needs.

The mining industry, and America's miners have a great share of these challenges, and these opportunities. I say we can meet them, if we work together, for a viable mining industry that is environmentally sound and—most important—safe.

JAMES ZIATS OF PARMA, OHIO, TO BE HONORED

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. JAMES V. STANTON. Mr. Speaker, on October 19 the friends and neighbors of James Ziats will gather in Parma, Ohio, to honor this respected and recognized community leader at a testimonial dinner. I take this opportunity to commend Jim on this most-deserved tribute.

Jim, a lifelong resident of Parma, is presently serving his eighth term as commander of the American Legion Joseph J. Jacubic Post 572, and he is in addition serving his sixth year as lay vice president of Holy Spirit Church. The list of Jim's activities for the betterment of his community is endless, and it includes his work in the American Legion Buckeye Boys State, the Veterans of Foreign Wars, and other charitable, civic, and political endeavors.

In this difficult time in our Nation's history, when serious questions about the quality of our leadership have been raised, many people have begun to wonder if this land has lost the greatness it once held. To these people I would say that we need look no further than the boundaries of our own community to find men of service and character such as Jim Ziats, and so long as this is true, we need not fear for the future of our country.

INDIANAPOLIS SBA OFFICE NAMED "DISTRICT OFFICE OF THE YEAR"

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. HUDNUT. Mr. Speaker, this morning it was my pleasure to attend the annual small business awards ceremony at the departmental auditorium where the Indianapolis office of SBA was named "District Office of the Year."

This was the 8th year that this award has been given, but it is the first time an office from the Midwest region has been selected. As a Representative in Congress from Indianapolis, I am proud of the honor accorded this office which deems it to be the very best of SBA's 89 nationwide offices.

Mr. William F. Miller, who received the award, has been district director in Indianapolis since October 1971. During this time the office productivity has nearly tripled—with the addition of only 5 employees—from 29 to 34 people. The Indianapolis office achieved the best overall performance record in the country. Some 1,100 small business loans were made totaling $73 million.

Since becoming director, Bill Miller has taken what had been a good SBA office and made it an outstanding one. His slogan "Public Servants Should Serve" summarizes his true feelings.

It is also very significant that this award was made at this time when we are observing the 20th anniversary of the Small Business Administration. The contributions this agency has made to our private enterprise system in the short time is has been in existence are well known. Former Senator Homer E. Capehart of Indiana was the chairman of the Senate Banking and Currency Committee in the 83d Congress and he authored the Small Business Act. He recently made this statement with reference to the SBA's anniversary:

> I'm very proud of the part I played in passage of the Small Business Act and I think that the performance of the Small Business Administration over the past twenty years has demonstrated that a viable small business community assisted by, but not controlled by, government, is the best possible answer to those critics of our system who say we are heading downhill.

In my view the performance of the Indianapolis office and of the Small Business Administration in general is a fine example of the cooperation between Government and business that can best promote and maintain our free enterprise system which has made America great.

FEDERAL CONTROL OF SCHOOLS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. LANDGREBE. Mr. Speaker, the House Committee on Education and Labor is presently marking up a bill, H.R. 69, which would extend the Elementary and Secondary Act of 1965 (ESEA) for another 5 years.

On October 2, 1973, 11 Members of Congress participated in a special order regarding Federal involvement in education. Discussed in detail was the ominous degree of Federal control of education that has resulted from the great amount of power granted to the Federal Government by ESEA. Not only was the means of this control explained, but numerous examples of irrational programs actually implemented under the authority of ESEA were detailed—involving such things as behavior modification, sensitivity training, and gross invasions of student's rights to privacy.

Since then I have come across an amazing article written by Meldrim Thomson, Jr., Governor of New Hampshire, entitled "Federal Control of Schools." It is an amazing article because it warns of and accurately predicts the Federal control and dangerous programs that have resulted from passage of ESEA. It was written in 1966 shortly after the enactment of ESEA.

Governor Thomson did not, I am sure, have a crystal ball with which to look into the future. He obviously understood that basic issues involved in ESEA and merely predicted the natural consequences of granting such power to the Federal Government.

Governor Thomson's article makes it clear that the goals of those who support Government programs such as ESEA are Federal control and a centralized, uniform national school system, and not quality education. For those who doubt that this is the case, they need merely look at the programs fostered by ESEA. The evidence is unmistakeable.

Since we shall soon be voting on the extension of ESEA, I commend Governor Thomson's article to the attention of my colleagues.

The article follows.

FEDERAL CONTROL OF SCHOOLS

(By Meldrim Thomson, Jr.)

"The true purpose of this bill [The Elementary and Secondary Education Act of 1965] is to authorize general aid without regard to need, and the clear intent is to radically change our historic structure of education by a dramatic shift of power to the Federal level."

"In terms of our structure of educational control, to say nothing of public policy, this progression of Federal influence in the sciences to Federal influence in the social sciences is a quantum leap toward a centralized, standardized, uniform national school system."—From Minority Views on Elementary and Secondary Education Act of 1965, House Report No. 143, 89th Congress, 1st Session.

IF

If you believe that local control of your schools is vital to an independent and vibrant educational system;

If you wonder whether there is another side to the story of Federal control of our schools, other than the one of innocence and rich gifts told by the professional educator;

And, if you oppose Federal scheming for the minds of your children;

Then you might find that a few minutes spent in reading this pamphlet could alert you to some unbelievable truths about the dangers confronting your local school.

Permission is gladly given to anyone wishing to quote any part of this pamphlet.—The Author.

1. DANGER AHEAD

Few voters in New Hampshire realize the speed with which Federal controls are invading their schools. The invasion is not confined to public schools; a snare of controls awaits the unwary private school lured by the bait of Federal aid. Even fewer persons recognize the revolutionary changes in policy structure of which these controls are but the outward manifestations.

Fortunately, for those who believe that one of the supporting pillars of our Republic rests on the bedrock of local control of public schools, a fresh breeze of independence is blowing out of the north country.[1]

From Colebrook southward voters in six school districts had, as of January 1, 1966, rejected more than $80,000 in Federal funds for fear of Federal control.[2] Since very little has been written or said about the entrapments behind these Federal gifts, most of these rejections were prompted by an inherent fear on the part of the voter of Federal controls.

So lethargic has been the voter interest that in some school districts in New Hampshire these so-called entitlements have been accepted by voters where school board members constituted a majority of the persons voting.

The passage on April 11, 1965, of the Elementary and Secondary Education Act of 1965, Public Law 89–10, signalled a dramatic shift of power to the Federal level of our historic concept of local control of education.[3]

This Act was described in Congress as full of loopholes. "It presents a virtual bulldozer for Federal bureaucracy to overrun our long-established policy regarding local control of our schools."[4]

Even one Congressman who voted for P.L 89–10 expressed, with many witnesses, a real concern over the possibility that this Act might be administered in an unconstitutional manner in some local programs.[5]

Under this Act vast power has been placed in the Office of Education in the Department

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Footnotes at end of article.

of Health, Education, and Welfare. There are $1.06 billion available to implement the Act. Of this huge sum $2.5 million are allocated to New Hampshire for the current fiscal year. That is about equivalent to the state aid our school districts receive in one year. And out of this $2.5 million more than $100,000 will be used to administer the program in our state.

Jubilant bureaucrats in the Office of Education were recently reported as saying their office now has a life of its own. "It has billions to disburse, and the commissioner is in charge. The Federal commitment can not help but get bigger." [6]

With this enormous fund it should be easy to shackle Federal controls on local schools, reasons the Washington bureaucraft. Thus, money becomes the weaponry in the battle to shift control over our public schools to Washington.

2. EXPANDING FEDERAL CONTROLS

a. The issue. Like the forked tongue of a snake, the issue is twofold. Is the Federal government really reaching into our communities to run our schools; and if so, would Federal control be good or bad for us?

The issue under Title III of the Act is "between (1) our historic pattern of local public education controlled locally under state law and (2) the establishment of a separate public education system financed and administered by a Federal agency." [7]

Recently an official of our State Department of Education was quoted as saying "There's no particular measure of control" under Title 1 of the Elementary and Secondary Education Act of 1965.[8]

School boards that have been in touch with the offices of their school superintendents know that all through the recent fall months their superintendents experienced a very real measure of control in the long hours of tedious labor exacted to prepare the mountain of forms required under Title 1 of the Act.

We can understand the position of the professional educator even if we do not sympathize with it. "Unfortunately, all too many educators take the position that as long as some money is being spent, they are for it and will accept it regardless of any erosive effect it may have on the future of education." [9]

b. Controls under prior acts. We have accepted Federal funds under such prior Federal acts as the National School Lunch Act, the National Defense Education Act, and various vocational education acts. Because of this fact, educators are prone to equate Public Law 89-10 as just another grant of Federal funds to our schools.

Inevitably, whenever Federal funds were given to schools, the money carries with it controls. In the beginning controls were gentle, subtle and quiescent. Under these earlier acts the threat of control was ever present, but gloved; and so we lived with it while large and less palatable doses of control were quietly being prepared for us. The stinger was there but generally sheathed. Occasionally, a school district was stung.

Our Department of Education has admitted that even under the National School Lunch Program there was a little red tape or control.[10]

Department of Education officials, with Federal funds available to implement the vo-ag program, recently indicated to the Orford School Board that about three thousand dollars would not be forthcoming this year, because among other things, the vo-ag curriculum was not changed as directed.[11]

c. Battle plan for the big grab. The shadow that we see clearly today often portends the substance of the reality of tomorrow. So it was with a 56-page booklet entitled "A Federal Education Agency for the Future," issued in 1961 by the Department of Health, Education, and Welfare.[12] This was the Federal blueprint for control of our local schools. This plan for the big grab of our schools stressed Federal participation and control in formulating educational policies. It urged Federal review of teacher preparation, curriculum and textbooks. It even proposed to have the Office of Education implement international educational projects in cooperation with UNESCO in the United Nations.

One important new role which the Washington educational bureaucrats planned to add to the Office of Education was designated in the 56-page report as "extensive involvement in formulation of national policy."

According to this battle plan, the Office of Education "must also prepare itself to assume larger responsibilities in carrying out Federal policy through the administration of operating programs. It must assume a new role, speaking within the Federal government for the long-term interests of education. And it must render assistance in the development of public educational policy."

This revealing report stated that "curriculum will have to undergo continual reshaping and upgrading, and new techniques and tools of instruction will have to be developed;" also, "teacher preparation, textbooks, and the curriculum in the subject fields must be improved in the decade ahead."

Judged by their own words, these Federal educators are ambitious men. In the area of international education, their report provided that, "the responsibilities of the Federal government in this effort are marked. Not only is it the constitutional responsibility of the Federal government to conduct the foreign affairs of the nation: it is almost equally evident that national observers are especially well qualified to assess the international deficiencies of our domestic educational system."

Certainly enough has been said in the Office of Education's own blueprint about the future role of that power-hungry agency to demonstrate conclusively that Federal aid without controls is a myth.

If there is any lingering doubt that Federal control of our public schools is just around the corner of Capitol Hill, then bear constantly in mind this ominous warning from the report: "The Committee foresees an extension of the active Federal role in education."

d. The ruthless grab. It took the Federal educators only four years to implement their grandiose battle plan. In 1965 it was made effective, in large measure, by Public Law 89-10, and particularly by Title 1 of that Act.

Seldom has a law been so ruthlessly steamrolled through the Congress.

When Public Law 89-10 was before the House for consideration it was pushed through quickly by the raw power of the majority. One Congressman stated, "I have seen debate cut off with no opportunity to present views on vital amendments. In one instance the Chairman of the Education and Labor Committee moved that debate close in 5 minutes. He then took the entire 5 minutes himself!

"On one occasion he even flouted custom and refused to allow the minority leader to speak for an additional 5 minutes. On one occasion, he moved to close debate before it had even started, but fortunately the longstanding rules of the House required at least one speaker address himself to the matter before the motion could be made.

"It is only appropriate that these tactics brought the American people a bill so badly drafted and so tied together by sealing wax that no amendment could be accepted regardless of merit, lest the political support for the bill by various groups who put the coalition together be withdrawn." [13]

e. In battle array. The high command in the camp of the Federal educators has been expanded and strengthened.

Harold Howe II, described as an "eager innovator" was recently made U.S. Commissioner of Education. The former commissioner, Francis Keppel, was promoted to Assistant Secretary for education in the Department of Health, Education, and Welfare. With the Secretary of the Department, John W. Gardner, a specialist in education, this "triumvirate provides the strongest educational leadership ever exerted from Washington—for the political battles that lie ahead." [14]

Thus, equipped with some of the best command talent in the nation, loaded with three billions of taxpayers' dollars, and with a battle plan designed to take over the operation of our local schools, the Federal educators have begun the fight in thousands of school yards all over the country. Initially, the battle will be waged through the exercise of Federal controls funneled through state agencies.

f. Some examples of controls. To qualify for an entitlement, that is to say, Federal monies, a school board makes application through the State Department of Education for a "basic grant or a special incentive grant" under Title 1 of the Act. It must make several determinations, under section 205 of the Act, which, in the language of the statute, must be "consistent with such basic criteria as the Commissioner may establish." It would be difficult to imagine any better language to effectuate controls than that used in the statute.

"At first reading, this bill appears to leave approval of local programs to the State education agency, where the power belongs. However, there is inserted (hidden, almost) a power in the U.S. Commissioner of Education to require that such approval be consistent with basic criteria formulated by him. This effectively robs the State agency, or the local schools for that matter, of any real authority to shape the programs. This centralization of power in the U.S. Office of Education runs throughout the bill." [15]

There are eight determinations a school board must make under section 205 of Public Law 89-10. Citation of two of these should be sufficient to illustrate the type of controls the Act establishes.

Under par. (5) of section 205, a school board must find "that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs."

And under par. (8) a school board must determine that "effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, *promising educational practices* developed through such projects." [16]

Under paragraph (5) we open the school door to the administration of all kinds of tests on the nod of a Federal educator. These could include the obnoxious personality questionnaires in which the pupil must check out such prying statements as—

My father is a tyrant.

I wonder if I am normal in my sexual development.

Pupils in grades 4 through 7 could be required to take one of the so-called Wishing Well tests in which they check off such statements as—

I wish my parents did things that would make me feel more love toward them.

Under paragraph (8) we throw open our schools to the wildest forms of pedagogical experimentation. Conceivably, we could be required to give sex education, instructions in how to overthrow the United States Gov-

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Footnotes at end of article.

ernment, or a course in some Chinese dialect if the Federal educator found them to be "promising educational practices."

These possibilities may sound far fetched. But it has been said that under Title II of the Act, "if a text used in a single school district should depict one racial or national group as inferior, or leave the clear inference that a President or other public figure was a traitor, or covertly adopt a Marxist interpretation of history, Federal funds could be used to supply that text to every child in the State." [17]

g. Controls in action. According to the administrator of the Title I program in New Hampshire, "Washington is not doing anything but allocating the funds and providing the mechanics of how they are administered to the districts." [18]

This sounds quite innocent. No evidence of control here; but does this statement square with the facts?

Following complaints last fall of racial discrimination in the schools of Chicago, $30 million in Federal funds were summarily withheld on orders from Washington. Later the funds were released upon direction from the White House.[19]

Last November Dr. Carl Hansen, superintendent of schools in Washington, D.C., admitted that controls did exist. He said, "despite soothing assurances that local schools are to remain fully independent in their management of Federal funds, the evidence is that controls are being imposed even at the early stages of the new programs." [20]

3. VANISHING LOCAL SCHOOL POWERS

For decades the strength of our nation was taprooted in the soil of local institutions. On the anvil of local public forums, with the issue at cherry heat, were hammered out the decisions that fashioned our nation's greatness.

Through their locally elected school trustees, New Hampshire voters control the education and thus the destiny of their children. They have the last word in such vital areas as hiring teachers, approving curriculum, purchasing textbooks, and determining discipline.[21]

Curriculum and textbooks are the arteries to our educational system. Expose these to the Federal educators and the transfusion to a centralized, national school system will be swift and certain.

We have seen by their own battle plan published in 1961 that Federal educators would gain control over curriculum and textbooks. We have noted that the Office of Education is equipped with superior talent in the struggle to establish supremacy over local schools. And we have observed that the supply depots of the Federal educators are bursting with taxpayers' dollars with which to assert their ascendancy.

If our state laws on education can be circumvented through the administration of Public Law 89-10, and they can be; and if our voters and their representative school board members lose control over curriculum and textboks, then local authority will be reduced to a caretaking role of the schoolhouses. Centralization will then be complete, and possibly some computer monster in Washington will even issue the report cards to our children.

4. LATE IS THE HOUR

The hour is late, but not too late! You can reverse the onward sweep of Federal control over our schools.

If your school district has not yet voted to accept current Federal funds under Title I of Public Law 89-10, you can work to decisively reject these funds. A strong demonstration at the grass-root level that local voters want no part of Federal control, would show our representatives in Congress, more emphatically than words or letters, that we do not want our tax dollars spent on further appropriations under Public Law 89-10. Instead, let us keep these dollars at home and controls on Washington.

Unless amended, Public Law 89-10 will remain effective until 1968. To keep it operative, Congress will have to appropriate new funds each year. If your school district is one of many which accepted Federal funds under this Act, possibly because voters were unaware that control did accompany the funds, then you will have an opportunity to vote against accepting this aid at your next annual school district meeting. To avoid special school district meetings, convened by court order, school boards in New Hampshire will probably include a Federal aid item under Public Law 89-10 in their 1966-67 school budget.

If you are alarmed about Federal control of your school, then by all means attend your next school district meeting and vote against accepting Federal funds under the Elementary and Secondary Education Act of 1965.

FOOTNOTES

[1] *The New Hampshire Sunday News*, January 2, 1966. The arguments used by those opposed to accepting Federal school funds were described as "typical New England arguments" by Commissioner of Education, Paul E. Farnum.

[2] Ibid.

[3] Minority Views, House Report No. 143, 89th Congress, 1st Session.

[4] Congressman Ashbrook, *Congressional Record*, March 25, 1965, p. 5918. "Its pitfalls will trouble educators, boards of education, and, indeed, communities for years to come."

[5] Congressman Scheuer, House Report No. 143, Ibid., p. 80.

[6] *National Observer*, December 27, 1965.

[7] House Report No. 143, Ibid., p. 76.

[8] The *Valley News*, December 29, 1965.

[9] Congressman Ashbrook, Ibid.

[10] "We are confident that new Federal programs have as little 'red tape' or 'controls' as this program exercises for the benefits received." Letter to all New Hampshire School Board Chairmen, dated December 22, 1965.

[11] Letter September 21, 1965, from New Hampshire Division Vocational-Technical Education.

[12] *Congressional Record*, July 18, 1961.

[13] Congressman Ashbrook, *Congressional Record*, March 26, 1965, p. 5918.

[14] *National Observer*, Ibid.

[15] House Report No. 143, Ibid.

[16] Italics supplied.

[17] House Report No. 143, Ibid, p. 74.

[18] *New Hampshire Sunday News*, Ibid.

[19] *U.S. News & World Report*, Oct. 18, 1965.

[20] *U.S. News & World Report*, Nov. 8, 1965.

[21] N.H. RSA sections 189: 10, 189: 15, 189: 16, 189: 39.

VOTES ON OCTOBER 12

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, on Friday, October 12, I was in North Carolina meeting with constituents in my district and therefore was unable to be present for the two quorum calls and the two rollcall votes.

Although I voted "yea" earlier this session when we considered the war powers legislation, and although I was paired "for" the conference report, I would like to state that I would have voted "yea" had I been present for rollcall No. 520. I would also have voted "yea" on rollcall No. 521, the Water Resources Development Act. I might add, however, that my vote would not have affected the outcome of either piece of legislation.

DEFENSE DEPARTMENT TOLD TO OPEN ADVISORY COMMITTEE MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. OBEY. Mr. Speaker, U.S. District Court Judge Aubrey E. Robinson, Jr., has ordered officials of the Defense Department to open to the public a meeting of the Defense Advisory Committee on Women in the Services—DACOWITS.

The Institute for Public Interest Representation at the Georgetown University Law Center has sent me a copy of Judge Robinson's order and memorandum of October 10, in which he notes:

> The Court finds no injury to Defendants in being obliged to conform to the open meeting requirement imposed by statute. Further, the public interest will be best served by requiring strict compliance with the letter and spirit of the Federal Advisory Committee Act.

And further:

> This Court is distressed, however, that the penchant for unjustified Government secrecy repeatedly evidenced in cases under the Freedom of Information Act seems to be present here.

The order and memorandum follow:

[In the U.S. District Court for the District of Columbia: Civil Action No. 1864-73]

ORDER

Margaret Gates, et al. v. James R. Schlesinger, et al.

Upon consideration of the Complaint, the Motion of Plaintiffs for a preliminary injunction, the memoranda and affidavit in support thereof and Defendants' opposition thereto, it is by the Court this 10th day of October, 1973,

Ordered, that Plaintiffs Motion for Preliminary Injunction be and hereby is granted, and it is

Further ordered, that Defendants admit Plaintiffs and other members of the public to all sessions of the October 14-18, 1973 meeting of DACOWITS including subcommittee sessions for the purpose of observing such sessions; and it is

Further ordered, that should Defendants postpone, reschedule or cancel the October 14-18, 1973 meeting for purposes of appealing this Order or for any other reason, Plaintiffs and other members of the public shall not be prohibited from observing any session of the rescheduled DACOWITS meeting.

AUBREY E. ROBINSON, Jr.,
Judge.

October 10, 1973.

[In the U.S. District Court for the District of Columbia: Civil Action No. 1864-73]

MEMORANDUM

Margaret Gates, et al. v. James R. Schlesinger, et al.

Plaintiffs herein seek a Preliminary Injunction requiring Defendant officials of the Department of Defense to open to the public a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) now scheduled to be held October 14-18, 1973 in Orlando, Florida. Plaintiffs contend that the Federal Advisory Committee Act (5 U.S.C. App. I, P.L. 92-463) (the Act) requires that the DACOWITS meeting be open to the public. The Court agrees that Plaintiffs have made the requisite showing at this stage of the proceedings to warrant the issuance of a Preliminary Injunction.

The Act, Section 10(a)(1), expressly requires that "each advisory committee meeting shall be open to the public." Defendants have based their decision to close the working sessions of the DACOWITS meeting on the exception to this open meeting requirement contained in Section 10(d) of the Act. That exception, as relevant here, provides that meetings may be closed when an appropriate authority determines that the meeting is "concerned with matters listed in Section 552(b) of Title 5." 5 U.S.C. § 552(b) lists the matters exempted from disclosure under the Freedom of Information Act. The specific exemption claimed as applicable here is § 552(b)(5) for "inter-agency or intra-agency memorandums or letters. . . ."

The Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that:

"These working sessions involve the exchange of verbal information and proposals between the Directors of the women's military components which, if written, would fall within the exemption in clause (5) of Section 552(b) of Title 5, United States Code."

In a supporting affidavit opposing the present motion for Preliminary Injunction, the Assistant Secretary has elaborated on the above determination.

"These sessions involve debate and an exchange of views on policies affecting women in the services. . . . (T)he women Directors of each of the women's military components are present as a source of information to the Committee members. The women directors are asked many questions by the Committee members as to what real problems currently are for women in the military. In answering those questions, the women Directors discuss with the Committee internal views and proposals which, if written, would fall within the exception clause (5) of section 552(b) of Title 5, United States Code. . . ."

The Court has several difficulties with Defendants' position. First of all, the question arises whether exemption 5 of the Freedom of Information Act is available for matters discussed by or before an advisory committee. The exemption applies only to *inter-agency* or *intra-agency* letters or memoranda. Essential to Defendants' case, then, is a finding either that the Advisory Committee is itself an "agency" or that it is within an "agency" of the Defense Department for purposes of the Federal Advisory Committee Act and the Freedom of Information Act. The Court cannot make such a finding, indeed, its present conclusion is to the contrary.

The Federal Advisory Committee Act utilizes the definition of agency contained in the Administrative Procedure Act, 5 U.S.C. § 551(1), which is applicable also to the Freedom of Information Act. It is significant that the Federal Advisory Committee Act contains a separate and distinct definition of an "advisory committee", thus supporting the proposition that an advisory committee is not an "agency". Further support for this proposition is found in *Soucie* v. *David*, 448 F. 2d 1067, 1073 (D.C. Cir. 1971), a Freedom of Information Act case wherein the Court of Appeals said:

"(T)he Administrative Procedure Act apparently confers agency status on any administrative unit with substantial independent authority in the exercise of specific functions."

It is clear on the present record that the role of DACOWITS in the Department of Defense is advisory only and that it possesses no "substantial independent authority." The Court concludes that DACOWITS is not an "agency" and that matters before it are, therefore, not "inter-agency" affairs within the meaning of the applicable statutes.

Defendants contend that DACOWITS "is functioning as a part of the Department of Defense . . ." This argument, of course, can be made for any advisory committee, for by its very nature an advisory committee is considering matters and offering recommendations which will ultimately be presented to government officials for final policy decisions. Defendants claim DACOWITS is "unique" from other advisory committees" because of "the presence of the women Directors, who exchange policies and proposals internal to the Department of Defense with Committee members." The Court finds nothing unique in this. Indeed, it would be surprising if the situation were otherwise, with an agency allowing its advisory committee to meet in a vacuum, with little or no information or dialogue to guide its deliberations. Yet the exchange of information does not make an advisory committee "part of" its government agency. The committee is not an internal organ, but again by its very nature, is a group of "outsiders" called upon because of their expertise to offer views and comments unavailable within the agency. Defendants would liken advisory committees to professional consultants. Yet consultants generally operate by contract in a subordinate and confidential role. Whatever may be the status of consultants' reports under the Freedom of Information Act, Congress has expressly determined in the Federal Advisory Committee Act that Advisory Committee reports and functions are *not* generally confidential. The Court is not persuaded, therefore, that the analogy to professional consultants is sound. Thus Defendants' argument that the Advisory Committee is within the Defense Department, and that matters before it are therefore "intra-agency" cannot be accepted here. If the matters coming before an advisory committee are neither inter-agency nor intra-agency affairs, exemption 5 of the Freedom of Information Act is by its terms unavailable as justification for the closing of the DACOWITS meetings here in question.

It might well be argued that the statute requires only that the Advisory Committee meeting be "concerned with" exempt matters. Yet it is hard to imagine an advisory committee that would not be concerned with some aspects of inter-agency or intra-agency affairs. To allow the "concerned with" language to be so broadly construed would allow the sponsoring agencies to close all advisory committees to the public by placing some "internal" matters on the agenda. Such an approach would clearly fly in the face of Congressional intent.

Congressional intent and the policy of the Federal Advisory Committee Act underlie the result thus reached. Congress was concerned with the proliferation of unknown and sometimes secret "interest groups" or "tools" employed to promote or endorse agency policies. Congress established openness to public scrutiny as the keystone of the Advisory Committee Act. Arguments that public participation and disclosure would inhibit debate and the frank expression of views were heard and rejected by Congress. An exception was created, however, for matters truly confidential by incorporating by reference the protection offered by the Freedom of Information Act for military and trade secrets, personal data on individuals, and the like. The availability of each exemption in the Freedom of Information Act must be measured by its own terms, however. In the circumstances of this case, the Court finds exemption 5 inapplicable by its terms and irreconcilable by result with the very purpose of the Federal Advisory Committee Act.

Beyond this major barrier, the Court notes several other difficulties with Defendants position. Assuming for the moment the availability of exemption 5 of the Freedom of Information Act, it is now well established that a claimed exemption under the Freedom of Information Act must be supported by substantial justification and explanation of the basis for the claim, not merely by conclusory assertions. While the Advisory Committee Act does not contain the same express provision of the Freedom of Information Act placing the burden of proof on the agency to sustain its action, this Court is of the view that the underlying policy considerations are identical and that the burden of proof should be comparable. In this present case the Government has offered only conclusory statements to justify its position.

Further, cases under the Freedom of Information Act also require that where portions of some documents may be exempt from disclosure, the non-exempt portions are to be disclosed where feasible. The burden of showing unfeasibility is also on the Government. Again, by like reasoning, the Government should bear the burden of showing specifically that all sessions of an advisory committee meeting should be closed.

Lastly, the matters before the upcoming DACOWITS meeting will apparently be mostly oral in presentation and discussion. The Freedom of Information Act was originally designed to refer to written records rather than oral discussions. Some reconciliation is necessary with the substantially oral nature of the advisory committee function. It may well be that oral discussions may be construed as written documents for the purposes of applying the Freedom of Information Act exemptions to the Advisory Committee Act. Even if that is assumed, however, the subject matter of the discussions must still be shown to fall within one of the specific classes of information exempted from disclosure. Upon all of these legal considerations, the Court finds that Plaintiffs have demonstrated the required likelihood of success on the merits.

With regard to the injury to be suffered by the Plaintiffs, it is well-established that acts by Government agencies in derogation of statutory rights of the public or certain individual members of the public can constitute irreparable injury. In the circumstances of this case, attendance at the upcoming meeting of DACOWITS, found above to be their right under the Advisory Committee Act, will be permanently lost to Plaintiffs if an injunction is not issued. The Court finds no injury to Defendants in being obliged to conform to the open meeting requirement imposed by statute. Further, the public interest will be best served by requiring strict compliance with the letter and spirit of the Federal Advisory Committee Act. Plaintiffs have requested an injunction requiring that they be allowed to "participate" in the DACOWITS meeting as well as to attend as observers. Plaintiffs have not pointed out, however, any statutory language creating a right of public participation in advisory committees, and the Court can find none. The Court will order that the meeting be open to the public as observers. Under § 10(a)(3) of the Advisory Committee Act, interested persons may "attend, appear before, or file statements with" an advisory committee, subject to reasonable regulations. The proposed regulations of the Office of Management and Budget on Advisory Committee Management (38 F.R. 2306, et seq., January 23, 1973) seem reasonable in this regard. The Court will not order more at this stage of the proceedings. Neither will the Court enter Orders proposed by Plaintiffs which speak in terms of future meetings or future claims of exemption 5 for DACOWITS meetings. Such provisions are inappropriate at this preliminary stage of the proceedings.

This is apparently a case of first impression under the Federal Advisory Committee Act. Because of this, although the written record herein sparse, the Court has devoted substantial effort in the time available to exploring the issues herein. The Court finds that the policy of the Advisory Committee Act is reflected clearly in its legislative history although the mechanics of implementing the exemptions therein does require exploration in this and undoubtedly, later cases. This Court is distressed, however, that the penchant for unjustified Government secrecy repeatedly evidenced in cases under the Freedom of Information Act seems to be present here. This proceeding, of course, remains in the preliminary stages, and Defendants will have the opportunity should this case come on for full disposition on the merits to convince the Court that the claims of exemption here proffered are in fact justified. An appropriate Order will be entered.

AUBREY E. ROBINSON, Jr.,
Judge.

October 10, 1973.

GOOD THINGS ARE HAPPENING IN BEREA

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 1973

Mr. CARTER. Mr. Speaker, it is my pleasure to share with my colleagues an article which appeared recently in the Kentucky Banker magazine. This article pays tribute to the great economic growth of Berea, Ky., a community I am honored to represent in the 93d Congress.

In this time of industrial expansion, companies across the Nation look to communities, such as Berea, offering a central location, accessibility, and an abundant work force, as a possible site for operation. I feel this article emphasizes the inportance of cooperation in achieving community development:

GOOD THINGS ARE HAPPENING IN BEREA

Down "where the Bluegrass kisses the foothills of the mountains", a new and exciting growth story is unfolding. It's a story featuring a town that has increased its business community more than 100% in the past three years . . . *and* . . . has accomplished what is thought to be the nation's first triple industrial ground-breaking ceremony. It's the story of Berea.

Golden shovels that broke the ground for Suburban Homes, Inc., Keller Industries and Goodyear, made up the greatest gold strike in Berea's history, according to members of its Industrial Development Corporation. It would seem, however, that the area has been ready for major industrial discovery for a long time.

From the economic framework to the romance of life at the edge of the beautiful Cumberlands, it's all there. Berea's proximity to major cities (120 miles from both Louisville and Cincinnati and 40 from Lexington), a major highway artery and rail service, natural gas, a particularly inviting abundance of both male and female labor in all categories, plus hundreds of acres of good industrial sites provide all the right ingredients. And there's more. There's nationally famous Berea College incorporated in 1855 . . . a community school system representing a national "first" in educational cooperation . . . a multiplicity of colleges (in addition to Berea) within a 50-mile radius . . . cultural opportunities . . . historic lore . . . and most of all, hometown people who welcome newcomers interested in adopting their area.

Morris Todd, chairman and president of Berea National Bank, and William Finnel, president of the Industrial Development Corporation of Berea, recall setting up the groundwork to "sell Berea" some fourteen years ago when the industrial development committee of the Chamber of Commerce was first formed. Stock was sold at $100 a share in a successful effort to raise funds to promote industrial development under the new Berea Industrial Development Corporation.

"At this time", Bill Finnel recalls, "Berea had three industries . . . the Berea College, Churchill Weavers which was actually the first industry in the area, and Parker Seal—a rubber product plant."

Two years following the organization of the new Industrial Development Corporation, they were successful in bringing Manning, Maxwell and Moore (now Dresser, Inc., Industrial Valve and Instrument Division). Then, about seven years ago, Gibson Greeting Cards chose Berea for their plant.

Berea's industrial boom of the seventies, however, is the result of a new major thrust by the Berea Industrial Development Corporation. Now nine in number, the board includes long-time Berea booster Morris Todd of Berea National Bank . . . and . . . a new face in Berea, that of J. D. Hiles, president of Peoples Bank.

Hiles might well be used as a prime example of how a banker, as a relative newcomer to a community, can assume a position which compliments not only his own bank but the promotion of the banking industry as a whole. He's a walking Chamber of Commerce, enthusiastic about opportunities which have come his way to work with the Department of Commerce and Blue Grass RECC in obtaining industrial leads, plans for raising funds to further develop a local airport just outside of Berea, work with the State in getting aid such as road upgrading in the industrial areas . . . just genuinely enthusiastic about his adopted home in general.

Townspeople, as well as new-industry personnel, are quick to credit Hiles and his reorganized bank with being a major spark in the new industrial flare. Now, through the strength of the Kentucky Group, of which Peoples Bank is a member, major financial assistance is available to industries locating in this and other areas.

William Finnel, president of the Industrial Development Corporation, recalls that when Parker Seal came to Berea, 35 to 40¢ an hour was the average wage rate, and if a small business averaged $500 to $800 a week gross sales, it was considered a really good week. "Now," he says, "with the new growth, $4,000 is considered a small week." Finnel estimates that the standard of living in the Madison County area in the last few years has risen 500%, and he's quick to give the bankers credit for their action.

"For example," says Finnel, "Morris Todd was active in obtaining plant sites, and J. D. Hiles worked closely with those involved in developing leads and in obtaining financing to insure their ability to locate." He pointed out that the cooperation between businesses, the Development Corporation, and the city government with Mayor C. C. Hensley had been outstanding.

Berea City Council first approved the issuance of industrial revenue bonds for Suburban Homes in the amount of $945,000. Bonds were purchased by Peoples Bank. Next, the Council authorized the issuance of $2,200,000 worth of bonds for Keller Industries, Inc., and although Peoples Bank did not buy all of the bonds, it handled financing through the Kentucky Group. The bank is the trustee of the bondholders.

Both Morris Todd and Don Hensley indicate strong feelings that this is only the beginning. Peoples Bank is already looking toward plans for a new main office banking facility in the not too distant future, with the present office retained as a branch. The new industries, according to Hiles, will provide jobs for at least 1,000 people in the very near future, and that's just the beginning. "Berea's growing," he says, "and we want to make sure the people have the banking services they need."

A tour of the beautiful town of Berea quickly bears out the enthusiasm of its leaders. Where not so long ago a sleepy country road turned off the highway, motels, restaurants and other businesses now form a continuous pattern. Apartments and subdivisions are springing up. An organized plan for cooperative store-front remodeling is underway in the center part of town.

In every respect, good things are happening, and Kentucky bankers are helping to make them happen.

STATEMENT ON NOMINATION OF GERALD R. FORD AS VICE PRESIDENT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. MIZELL. Mr. Speaker, the announcement by President Nixon last Friday night that the distinguished minority leader, Mr. GERALD R. FORD, is the President's choice for nomination to the Office of Vice President came as welcome news to me, as it did to so many of my colleagues on both sides of this aisle and both sides of the Capitol.

Following the President's announcement, I issued a statement to the news media, praising his selection. The statement follows:

STATEMENT

President Nixon's nomination of Gerald Ford to the office of Vice President represents a timely demonstration of the statesmanship, and the confident and competent leadership, that have been the mark of both these men through long and distinguished careers in public service.

I have worked with Gerald Ford for almost five years in the House of Representatives, and I believe he can perform the duties of the Vice Presidency with great distinction and achievement.

I applaud the President's choice and his wisdom, and I congratulate Jerry Ford on this well-deserved and well-advised nomination.

HOUSE OF REPRESENTATIVES—*Wednesday, October 17, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

When you pray, say, Our Father.—Luke 11: 2.

Responding to the call of our President proclaiming this day a National Day of Prayer, we bow our heads in Thy presence, our Father God, acknowledging our dependence upon Thee and offering unto Thee the devotion of our hearts.

We pray for the coming of Thy kingdom of peace on Earth and good will among men. In the midst of swiftly moving scenes, may our trust in Thee and our faithful observance of Thy laws move in us as we seek to usher in a new era of human brotherhood.

Strengthen us to meet each day with the realization that Thou art with us, and may we prove true to every task committed to our care.

We ask in the spirit of Him for whose kingdom we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9590) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2013. An act to amend the act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions.

OFFSHORE DRILLING IN GULF OF MEXICO

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, it appears that the Department of the Interior is going to blatantly disregard the wishes of the Florida congressional delegation and public hearings held in Florida regarding drilling for offshore oil in the Gulf of Mexico.

Many environmental questions need to be answered before drilling should even be considered on more than 800,000 offshore acres in the Gulf of Mexico.

It is anticipated and projected by the U.S. Geological Survey that there is only between 2 and 3 billion barrels of petroleum in these 800,000 acres of land. This is a drop in the bucket.

This oil is not going anywhere. It can be claimed at a later date should circumstances warrant. I hope that the Interior Department will reconsider its arbitrary decision to proceed with this until we have better technical information as to whether our beaches, seafood industry, sport fishing, and military installations will be adversely affected. In my opinion, all of the facts are on the side of not drilling.

RACETRACK OWNER HEADS GROUP BIDDING FOR PADRES

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I saw what today was a rather startling story on the sports page of the Washington Post this morning, that Marje Everett is going to buy the baseball team in San Diego.

This Marje Everett is the one who made $30 million on a stock deal on a racetrack in Illinois for which Governor Kerner, former Governor Kerner is under sentence for making $100,000.

I am curious to know how much she has contributed over the years to political campaigns, and if the Justice Department does not want to go into that matter, maybe we will go into it in the Subcommittee on Elections. We have had enough of these disagreeable types in baseball now, such as Charlie Finley, without having any more.

U.S. MILITARY INVOLVEMENT IN THE MIDDLE EAST

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, today I have sent to the President of the United States the following telegram:

October 17, 1973.

Dear Mr. President: I have read news reports that United States Marines in full battle gear have boarded the helicopter carrier Iwo Jima at Morehead City, North Carolina, to join the Sixth Fleet in the Mediterranean and that the Spanish Government has protested the sending of one hundred United States pilots from its soil to Israel. These actions, when taken with Dr. Kissinger's statement that our troops will not be used in the Middle East unless Soviet troops are first introduced, is most disturbing to me. I am certain they are also most disturbing to the American people who wish no U.S. troop involvement therein.

Mr. President, I cannot urge you too strongly to reconsider any decision which may contain the remotest possible risk of involvement of our troops in this conflict and I further urge you to press on in continuous 24-hour-a-day sessions, if necessary, with your unrelenting efforts to bring about an immediate cease-fire. I am certain all Americans wish you success in these peace-making efforts.

Respectfully,

Delbert L. Latta,
Representative to Congress.

Mr. Speaker, in view of the gravity of this matter, I have today introduced the following resolution:

Resolution

Resolved, That it is the sense of the House of Representatives that United States combat troops not be introduced, committed, or involved, in any way or manner, directly or indirectly, in the present armed conflict in the Middle East without prior Congressional authorization.

Mr. WYLIE. Mr. Speaker, I wish to be associated with the remarks by my distinguished colleague from Ohio, the Honorable Delbert L. Latta.

It seems to me that if we have learned anything from our recent involvement in Vietnam, it is the fact that we cannot be the policemen for the entire world. The American people do not want American boys sent into the Mideast war and I join with Mr. Latta in suggesting to the executive branch that it would be a serious mistake to imply that U.S. troops might become involved in the Mideast war.

My mail since the outbreak of this war overwhelmingly reflects the sentiment expressed in this resolution which I have cosponsored with Congressman Latta today.

I also think it is important that as soon as feasible the U.S. Congress should be provided with a complete report by the administration on the volume and nature of arms and military equipment furnished to any Mideast nation.

STATE DEPARTMENT COURTESY TO MEMBERS OF CONGRESS

(Mr. HUBER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HUBER. Mr. Speaker, last week I put into the Congressional Record some objections I had to the briefing which we had received from the Assistant Secretary of State in regard to the Middle East situation. Since it was put into the Congressional Record, Mr. Sisco, Assistant Secretary, visited me this morning with a member of his staff to discuss the situation and to apologize for the tone of the presentation to me and to the Congress.

Mr. Speaker, I would like to say that he explained that he only had a few hours sleep. which I could understand, accounted for the shortness of his answers, and I appreciated the fact that he was willing to come over and assure the Members of Congress and myself that we will receive the cooperation from the State Department we are accustomed to, and the consideration and courtesy we should expect.

Therefore, I will not be circulating my "Dear Colleague" letter which I had mentioned, which would have further explored this briefing.

AUTUMNAL SPLENDOR OF THE BLUE RIDGE PARKWAY

(Mr. BUTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTLER. Mr. Speaker, the Blue Ridge Parkway begins at the southern terminus of the Skyline Drive on Afton Mountain in Virginia and extends over the mountaintops 469 miles into western North Carolina. I am pleased to report that on this Saturday, October 20, at 1:54 p.m., the Blue Ridge Parkway will be at the peak of its autumnal splendor. I suggest that a trip along the Blue Ridge Parkway would be a most appropriate way for Members to enjoy themselves on this long weekend.

EMIGRATION FROM THE SOVIET UNION

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, emigration from the Soviet Union is not free. Although emigration appears to have increased in the last few years, the movement is still very limited. Multitudes who want to emigrate dare not apply for they fear the consequences of making a formal application. OVIR—the Soviet Emigration Bureau—treats the average applicant in a very callous manner, but harshest treatment is reserved for a small group of brave activists.

A case in point relates to 42-year-old Yuly Brint. Brint was born in Kharkov in the Ukraine where he graduated from a technical institute and worked as a machine builder and milling machine operator.

In 1967, Brint wrote and spoke out in defense of Israel's policy in the six day war. He disagreed publicly and in writing with Soviet policy at that time. As a result, he was detained by the KGB and warned not to repeat this kind of behavior.

Nearly, 5 years later, in early 1972, he applied for an exit permit to Israel, however, Brint was arrested in the spring for his public rejection of Soviet policy in 1967.

Brint was brought to trial on June 1, 1972, and charged under article 187–1 of the Criminal Code, with "slandering the Soviet system." The charge was based on his 1967 activities, even though the Soviet statute of limitations for crime is 5 years.

At the trial, which his friends were barred from attending, Brint was sentenced to 3 years in prison.

Mr. Speaker, the right to emigrate is a universal human right. The Mills-Vanik amendment offers a practical method to attain it for the multitudes deprived of this right and I urge Congress to pass this bill without further delay.

(Mr. CAREY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAREY of New York. Mr. Speaker, I cannot help but respond to the comments of my colleague from Ohio (Mr. LATTA) with regard to what may happen in the Middle East, as to the utilization of American troops.

This is a time, I believe, for cool heads and counsel. The Secretary of State of the United States yesterday became the recipient of the Nobel Peace Prize. He is going to do all in his power, and I have confidence in his capacity, to achieve peace with honor in the Middle East.

I must give to this House the express policy of the Government of Israel as I heard it from Prime Minister Golda Meir in her office, and Ambassador Rabin, and Moshe Dayan. That policy is that the soil of Israel is too sacred to be defended by any but the citizens and loyal sons and daughters of Israel. Israel is not seeking U.S. troops, boys to fight there. But let me suggest that the best way to bring this war to a halt and to shorten its duration to save the lives of the Israelis, Arabs, and any involved people, is to live up to our commitments to give to Israel the defensive weaponry she needs to offset the aggressive weaponry supplied to her enemies by the Soviet Union.

I am sure Secretary Kissinger is doing everything in his power to end this war on a dignified and decent basis, consistent with our national interest. When the war ends it will not require a single American soldier to go anywhere.

PERSONAL EXPLANATION

Ms. ABZUG. Mr. Speaker, I was present in the House yesterday and voted on the conference report on H.R. 6691, the legislative branch appropriations. My vote was not recorded. Had my vote been recorded, it would have been "yea."

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 535]

Ashley
Biaggi
Blackburn
Boggs
Buchanan
Carney, Ohio
Chisholm
Clark
Collins, Ill.
Conlan
Conyers
Davis, Ga.
Dellums
Denholm
Dennis
Dorn
Eckhardt
Evins, Tenn.
Fulton
Giaimo
Gray
Guyer
Hansen, Idaho
Hastings
Jarman
Johnson, Pa.
McClory
McEwen
McKay
Metcalfe
Mills, Ark.
Minish
Passman
Pepper
Price, Ill.
Rarick
Rees
Reid
Rooney, N.Y.
Rose
Rousselot
Sandman
Tiernan
Veysey
Wampler

The SPEAKER. On this rollcall 389 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SEVENTEENTH ANNUAL REPORT OF THE PRESIDENT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–166)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 402(a) of the Trade Expansion Act of 1962 (TEA), I transmit herewith the Seventeenth Annual Report of the President on the Trade Agreements Program. This report covers developments in the year ending December 31, 1972.

In the period since I last reported to the Congress on our trade agreements program, we have taken major new initiatives to give strong momentum to closer multilateral cooperation and to develop a fairer and more efficient framework for the conduct of international economic relations. As a result of intense preparatory work throughout 1972, nations accounting for the bulk of world trade, meeting in Tokyo last month, opened a major round of new negotiations to reduce tariff and nontariff barriers to trade and to reform the rules by which all can gain from expanded trade. In the related field of monetary affairs, encouraging progress has been achieved on reform of the international monetary system to provide sound underpinnings for a fairer, more open trading system.

Concurrently with work on these basic longer term objectives, U.S. negotiators also pressed actively in bilateral consultations for the early removal of foreign nontariff barriers which have distorted normal trade patterns and restricted U.S. exports. The success of these efforts has, in some cases, opened markets where U.S. exporters have competed at a disadvantage for over two decades. In other instances, prompt U.S. assertion of our rights under the General Agreement on Tariffs and Trade has either deterred the institution of proposed restrictions or resulted in their early termination.

As a result of U.S. representations, our traders are already realizing tangible benefits from the major liberalization of quotas and licensing by Japan and the virtual elimination of Japanese export incentives. Compensatory taxes affecting some $40 million of U.S. agricultural exports were terminated on 98 percent of the products involved. The reduction or removal of these and other trade distortions demonstrates that sound trade policy and vigorous negotiation can create new and better opportunities for American businesses, farms, and workers.

Consistent with our efforts to strengthen the fabric of common interests between this country and the Soviet Union, we concluded a major agreement last year which lays the basis for the normalization of relations in the trade field. Important initial steps also have been taken to reduce barriers to commercial relations with the People's Republic of China. These developments open vast opportunities for long-term mutual economic benefit and for the advancement of world peace through the reduction of political tensions. I again urge the Congress, in considering my request for authority to grant normal tariff treatment to these countries, to work with me in framing an authority which preserves these gains.

While we may justifiably be encouraged by our achievements in trade and monetary negotiations since 1971 and by the reversal of the downward trend in our merchandise trade balance, we must not underestimate the magnitude and complexity of the tasks ahead. The multilateral trade negotiations which have just been opened are a fundamental building block in the foundation of a new world politico-economic structure. The stakes are thus high and the bargaining will be intense.

To realize our objectives in the trade field, I sent to the Congress last April proposals for new legislation entitled the Trade Reform Act of 1973. In my statement of October 4, I expressed my views on the bill which was approved by the House Ways and Means Committee. As legislative deliberation continues, I look forward to working with the Congress on this bill in a spirit of constructive partnership.

The profound changes which have taken place in the world economy and the impact of growing economic interdependence on political relations among nations is now clearly recognized. While formidable problems exist in the trade area and while countries still differ widely on some of the important issues, the will now exists to negotiate the necessary far-reaching changes instead of resorting to confrontation or retaliatory measures which generate political frictions. We, like other nations, will be hard bargainers, but with a shared spirit of mutual commitment to a more open and equitable trading system, the entire world can progress toward a new era of economic well-being and peaceful international relations.

Richard Nixon.

The White House, *October 17, 1973.*

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 601 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 601

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, and all points of order against the said conference report are hereby waived.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. Anderson) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 601 provides for an open rule waiving all points of order against the conference report on military procurement, H.R. 9286.

This is the rule requested by the Armed Services Committee because there are so many gray areas, parliamentarily speaking, because there are innumerable additions resulting from the conference with the Senate, the disapproval of any of which would vitiate the action taken by the House and prolong indefinitely progress on this legislation.

Mr. Speaker, I urge adoption of House Resolution 601 in order that we may discuss and debate H.R. 9286.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Why are points of order waived?

Mr. YOUNG of Texas. Points of order are waived because the Armed Services Subcommittee requested a general waiver of points of order. The Armed Services Subcommittee in its letter presented more than a page of additions which were added in the conference with the Senate in order to get agreement, and if any of these are disapproved, it would vitiate the entire proceedings.

I will say to the gentleman from Iowa, it is just a matter of expediting approval of this legislation. Without it, the Armed Services Committee tells us there is no determination as to when or how long the conference would go on.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. YOUNG of Texas. I yield.

Mr. GROSS. Is the Committee on Rules asking the House to accept a rule that would waive points of order on some 11 items in this conference report, that may be subject to points of order?

Mr. YOUNG of Texas. The gentleman is correct.

Mr. GROSS. We are asked to set aside the regular and orderly procedure of the House of Representatives for the sake of expediency?

Mr. YOUNG of Texas. Yes, sir. I believe that is substantially correct.

Mr. GROSS. I do not like to ask this question, but does the Rules Committee ever blush when it brings out a rule of this type?

Mr. YOUNG of Texas. Yes, sir; that is correct.

Mr. GROSS. Sometimes they do?

Mr. YOUNG of Texas. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, I am not one of those who was obliged to blush when this rule was voted out of the Rules Committee, because I voted against it.

I take this opportunity to suggest that the Members of this House this afternoon should join the members of the Rules Committee, who were, unfortunately, in the minority who voted against a general waiver of all points of order on this military procurement authorization conference report.

Let me say at the outset, some will characterize the opposition to this rule as being concerned exclusively with a controversy around section 817 that would mandate the continued operation of some public service hospitals, eight in number.

While I do support the Administration's position which, of course, resulted in the veto of the Emergency Medical Services Act, on the basis of inclusion of the continued operation of those hospitals which was mandated in that bill, and while the resurrection of that issue in this conference report in the form of a nongermane Senate amendment is a factor in my opposition, it is by no means the sole reason why I oppose the rule.

When the bill was acted on in the other body, the House bill which originally consisted of 17 pages was replaced by a Senate amendment that added 55 pages to the bill. As the letter of the distinguished chairman of the House Armed Services Committee indicated, there were at least 11 possible instances in which those additions constituted the addition of nongermane material to the House-passed bill.

Therefore, the basic reason why I urge the Members of the House to defeat this rule is that unless we do that, we are not protecting the prerogatives, the rights of this body, as they were outlined in the 1970 Legislative Reorganization Act.

It was also in some further rules changes that came at the end of last Congress. What we did, by way of very quick review, was to provide a procedure for acting on nongermane Senate amendments, a procedure under a new clause 4, rule XXVIII, which would make it possible for this body to vote separately after 40 minutes of debate on each of these nongermane Senate amendments. A point of order is made, and if that point of order is sustained, then the right accrues to any Member of this body to demand a recorded vote, a separate vote on those nongermane amendments.

We had a very recent illustration of how that rule operates. The Members may recall in connection with the conference report on the State Department authorization bill that this body, by separate vote, rejected two nongermane Senate amendments. Then, that report went back to conference, and the other body eventually acceded to the position of the House in rejecting those amendments.

Let me suggest that if we adopt this rule today with a general waiver, we might as well repeal clause 4, rule XXVIII. We are transmitting a message to the other side of the Capitol that we have given them a green light, "Go ahead, adorn any House passed bill, go into conference, adorn it as you would a Christmas tree with any of these decorative objects that the other body is so fond of attaching to House bills, and we will simply have our conferees come back, go upstairs to the Rules Committee, get a rule waiving points of order against that nongermane matter and everything is going to go through."

That, I would suggest, completely

vitiates the rule I have referred to, and I think it does violence to the right of this body to act separately on nongermane material.

Finally, and not the least of the reasons why I would urge that the Members defeat the rule, and I speak now specifically to some of my friends who supported the amendment that would have reduced by some $950 million the amount contained in the committee bill, the committee bill on military authorization that came to the floor—let me point out that the total amount that is authorized in this conference report of $21.3 billion is in excess—is in excess of the amounts authorized by either the House bill or the Senate bill.

The conference approved amount is some $854 million over the amount approved by this body, and some $351 million over the amount that was originally approved by the other body, by the Senate.

The amendment offered, of course, by the gentleman from Wisconsin (Mr. Aspin) was to hold the authorization at last year's level plus 4.5 percent for inflation.

Unless this rule is defeated we have no opportunity of registering our objections to that fact along with the other points that I have just made. It pains me to have to urge the Members to vote down the rule requested by the distinguished chairman of the House Armed Service Committee, because, as he indicated in his testimony before the Rules Committee, he and his fellow House conferees did try very hard to eliminate some of the nongermane matter that was contained in that 55-page Senate amendment that took the place of the House bill, but they did not succeed in at least 11 instances in eliminating that nongermane matter.

Mr. Speaker, I suggest that this in itself is reason enough why we should turn down this rule today. This distinguished committee can bring the conference report on the military authorization bill to this floor without a rule. We are not obstructing the ability of this House to act on this matter by denying it a rule, because I repeat, the only function of that rule is to waive all points of order, to wipe out the effect of the rule heretofore adopted by this House that would make it possible for us to register by a separate recorded vote on separate or nongermane matter added by the other body.

Mr. Speaker, I urge Members on both sides of the aisle to join me in defeating, not the previous question—the issue will not be drawn on the previous question—the issue will come on the rule itself. I would ask that the Members vote down the rule.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Can the gentleman shed any light on the possibility that the bill which is the subject of this resolution would in fact be a war supply bill and provide the wherewithal for the United States to resupply the State of Israel?

Mr. ANDERSON of Illinois. The only provision that comes to my mind which would deal with that is perhaps section 814, a section that would extend until December 31, 1975, authority for military credits to Israel as authorized by the Defense Procurement Act of 1970. This is material which the committee concedes is nongermane.

Without getting into a discussion of the substantive merit of the issue of resupply, it is certainly so fundamentally important a question that this body ought to have the right to vote on it and not simply by a general waiver of points of order accept what the other body has done.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 1 additional minute.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished chairman of the committee, the gentleman from Louisiana.

Mr. HÉBERT. I appreciate the gentleman's yielding. I merely want to point out the fact that the gentleman made a correct statement of his position; however, inadvertently I believe he left out the fact that when I appeared before the Rules Committee on yesterday I said it was my opinion that these 11 subjects were germane. They are in a gray area, and others may challenge their germaneness.

In order to avoid that delay, of voting on 11 separate and different subjects, in order to expedite consideration of the bill, I made the request.

Mr. ANDERSON of Illinois. I certainly did not intend to misstate the gentleman's position.

Mr. HÉBERT. I know the gentleman did not.

Mr. ANDERSON of Illinois. The gentleman did indeed make that position known before the committee.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois, Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Del Clawson).

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am opposed to this rule. It provides a total waiver of all points of order against the conference report. According to the testimony presented yesterday in the Rules Committee, there are some 11 possible points in which nongermane matter was added in the conference.

Mr. Speaker, the effect of this rule is to deny the House a separate vote on any of these nongermane additions.

Mr. Speaker, in the Legislative Reorganization Act of 1970 the House adopted what has come to be known as the Colmer amendment to provide a procedure whereby the House could get a separate vote on nongermane matter in a conference report. This procedure was strengthened by additional rules changes added at the end of the 92d Congress. The procedure is presently included as a part of the House Rules, under clause 4, of rule XXVIII.

In summary, this House rule provides that any Member can raise a point of order against a particular nongermane Senate provision which has been included in the conference report. If the Chair sustains the point of order, it is then in order for a Member to move that the House reject the nongermane matter covered by the point of order. Such a motion would be debated for 40 minutes, with 20 minutes on each side, followed by a vote.

Such a procedure would allow the House to decide whether it wants the nongermane items added by the Senate in the conference. This is the procedure I would propose to follow when this rule is voted down.

On the other hand, if the House should adopt this rule waiving all points of order, the House would be denied an opportunity for a separate vote on these nongermane items added in the conference.

Mr. Speaker, these are not insignificant items that have been tacked on by the Senate. One of the amendments would require the administration to keep open eight Public Health Service Hospitals. This is an issue which was a major factor in causing the President to veto the emergency medical services bill recently. Mr. Speaker, I personally am opposed to this provision, but whichever side of that question a Member may be on, at least I think the House should be given a chance to deal openly with this issue, instead of having it buried in a package which Members are reluctant to vote against.

Mr. Speaker, I ask that the House have an opportunity for a separate vote on each of these items and urge a no vote on passage of this rule.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Aspin).

Mr. ASPIN. Mr. Speaker, I rise in support of the position of the gentleman from Illinois (Mr. Anderson). I believe that we should vote down the rule on this conference report.

Mr. Speaker, the conferees on the Defense authorization bill that we are voting on this afternoon have brought forth a bill that is higher than that passed by either House of Congress. The House voted an authorization bill of $20.4 billion; the Senate voted an authorization bill of $20.9 billion. The conferees, meeting to iron out the differences between these two versions, have come up with a compromise of $21.3 billion.

Mr. Speaker, very few of the Members of either House voted for or wanted a Defense authorization bill which is as high as $21.3 billion. As far as I can tell, all of those Members who did want it ended up as conferees.

By a vote of 242 to 163, the House passed an amendment which would limit the House authorization bill to $20.4 billion. The Senate passed the bill of $20.9 billion, but several amendments came very near to passing, which would have cut it below that figure.

It seems clear to me, Mr. Speaker, that the sense of both Houses was that the conference report on the authorization bill should be well under $21 billion, but the conferees voted $21.3 billion.

I understand, Mr. Speaker, that what they did was not illegal, although it certainly is immoral. I do not think there is anything we can do about those numbers, but I do believe we ought to protest this procedure.

To protest is, of course, a bit difficult. Conference reports come back on a take-it-or-leave-it basis, and to vote against the entire conference report is to be voting for zero defense.

I urge the Members instead to vote against this rule. It is a way of protesting what the conferees have done, without voting against the entire bill.

Some of the Members will be able to see their way clear to voting against the entire conference report, but if they cannot do this, I understand their position.

However, whether they can or cannot vote against the entire conference report, I urge all the Members to vote against the rule as a protest against the conference report, which is higher than the amount which was passed by either House of Congress.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, the gentleman from Wisconsin (Mr. ASPIN) has just commented that the action taken by the conferees was immoral. Apparently the gentleman takes the position that if the Senate does not accept all of the House amendments, that is immoral.

The gentleman from Wisconsin, I am afraid, is just not familiar with the conference procedure. It is a matter of give and take.

While the gentleman from Wisconsin is certainly dedicated to his amendment, the fact of the matter is that very early in our conference the Senate made it clear that they are not going to accept the Aspin amendment. They were adamant on the Aspin amendment and refused to recede. In that event, the confereees had no guide for proceeding with the bill but to take the specific figures for each individual line item. And when you add up the totals for the line items in the House bill the Aspin amendment, of course was not addressed to any specific line item—we come up with $21,394,997,000. The conference figure was $21,299,520,000. So the conference figure is about $100 million below the total of the line items in the House bill.

There was not any other way humanly possible in view of the adamant position of the Senate, for us to handle this bill. The problem of the gentleman from Wisconsin is that his amendment did not deal with any specific line item.

I submit, Mr. Speaker, that the conferees did stay below the House figure.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in opposition to the rule.

I think there comes a time when each Member of this House has to make a very basic policy decision. Will we, regardless of prestige and power of committee, prestige and power of those in charge of the committee, simply roll over and play dead?

I would urge the House, because of that basic overriding reason, to reject this request for a waiver of points of order.

It makes mockery of the rules. It does a disservice to each individual Member of this House, and it does not allow the House to work its will.

Mr. Speaker, what is the issue on which we argue? There are 11, as the chairman of the Committee on Armed Services indicated, potential points of order than can be lodged against this conference report. I frankly think some of them are not subject to a point of order, but nevertheless, in the letter to the Committee on Rules, the distinguished chairman of the Committee on Armed Services outlined those 11 areas in which a potential point of order could be lodged.

I think it is important that the House be able to make a determination about this business of the other body simply adding on nongermane amendments. That is the reason why rule XXVIII, clause 4, was adopted by this House. It does not kill the conference report or prevent the House from considering it, but what it does is say that a Member may raise a point of order against a single section, and the Chair sustains the point of order or overrules it. If it is sustained, we have a separate vote on it and we debate 20 minutes on each side in order to make a decision as to whether to accept or reject that particular amendment that is nongermane.
Member's view is about any one of those

I do not care what the individual 11 potential items. I do care about the ability of an individual Member of this House to use the rules in order to raise a point of order to try to make sure that this House does not simply play follow-the-leader with the other body.

This rule, the request by the Committee on Armed Services, is a matter of that kind of fundamental principle. Will we simply allow the other body to continue to use the technique that enables them to have nongermane amendments added and by the use of this back-door technique prevent the House from acting individually, point by point, on matters that would not have been germane had they been offered in this House? I suggest to the Members that there is a simple manner by which we can handle this matter.

Let us vote down the rule and allow the conference report to be brought up and allow the distinguished chairman of the Committee on Armed Services to take his chances just like the Committee on Education and Labor would have to take its chances.

I can see the Committee on Education and Labor coming to the Committee on Rules requesting this waiver of points of order. We would be laughed out, and for good reason, and I would be there laughing, too.

Mr. STRATTON. Will the gentleman yield to me?

Mr. STEIGER of Wisconsin. No, I will not at this point.

Mr. Speaker, the answer, in my judgment, is that in fact we simply make sure that rule XXVIII, clause 4, is used. It has been and it will continue to be used and I believe it should be used to help this House make its own judgment and to help each of us to work our will and to enable a majority of this House to reject or to accept nongermane amendments of the other body. To adopt this rule makes a mockery of the processes that we use in this House and the beliefs that we have about our standing as an equal body.

I believe it would be a serious mistake to accept this rule. Let us vote the rule down and take up the conference report and have the points of order raised and have them rejected or sustained and then go on about our business. I urge that the rule be rejected.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, the committee itself dislikes the necessity of accepting any of these amendments which could be subject to a point of order.

During our period of discussion with the other body we pointed out the fact that we would have to take this bill to the Committee on Rules to get permission to bring it to the floor with these items that were subject to a point of order.

Some of them we put in the bill ourselves during the House consideration of the measure. The buy-American amendment was put in by the House itself. The House itself already passed legislation in a separate bill to provide medical emergency helicopter transportation for civilians.

This was one of the items that was subject to a point of order. We tried to uphold the position of the House that we would not accept any amendment that was subject to a point of order, but when you are in a conference you have to give and take, and we took some of these amendments because we thought the House had already acted favorably upon them.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois (Mr. PRICE).

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Wisconsin (Mr. STEIGER) who declined to yield to me, said a moment ago that we ought to work our will on the conference report in each of these nongermane amendments. What the gentleman from Wisconsin neglected to say was that if any one of these nongermane amendments is turned down we have to go back to conference again, and nobody knows what is going to happen in another conference. We had a very delicate conference as it was. Most of the matters here involved, the whole picture in fact, would of course, be up again for consideration, and that means it will be an even longer time before we can get a defense appropriation bill out. We might be here until New Year's.

Mr. PRICE of Illinois. Most of these nongermane amendments are technical in effect. One of them, for instance, has to do with extending the time during which military retirees can participate in the Survivor Benefits Act.

Then there is one to provide Congress opportunity to deny proposed advance payments in excess of $25 million to industry under the Defense Production Act.

Each one of these items, if offered in the House, would have been accepted in the House.

The SPEAKER. The time of the gentleman has again expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, as an old judge before whom I practiced used to say, "It is a condition, not a theory, that confronts us." This is what we are confronted with today, a condition. This legislation should have been out a long time ago. The Senate had failed to act on the military authorization bill. The minute the Senate finally passed the bill we immediately asked for a conference.

I can assure the Members that everything was done in this conference to carry out the House version of this legislation.

I have often wished that there was no such thing as the House Committee on Rules having authority to waive points of order on a conference report, but as long as points of order can be waived by the Rules Committee, the Senate is aware of this and we are confronted by this in every conference.

This was one of the roughest conferences that I have ever been through. I will not go into details. I will say that in almost every instance the version of the House was carried out. In fact, several of the matters against which a point of order could be made as the gentleman from Illinois (Mr. PRICE) just explained, had already passed by the House, but the Senate had not acted on it, so when we did accept the Senate amendment we were merely carrying out the views already expressed by the House.

There is one matter in the report to which I was very reluctant to agree to, and that was the forced retaining opening of the public health hospitals, but frankly we could not get an agreement with the Senate to accept that amendment.

What is going to happen if this rule is turned down, and if one of the Senate amendments is voted down, then we will be right back in a conference with the Senate, and in all fairness I think that we will have serious difficulty in arriving at a bill, at least one that is as favorable to the House as is this bill.

So, here we are, back in the House, months after this bill should have been passed, and we will be forced into another conference with the Senate.

Everything was done, I can assure the Members, by your conferees, to bring back a bill that would be agreeable to the House.

I would say that the best thing we can do is to pass this rule. I believe that this conference agreement is as good as we will ever get.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, time after time I have heard this body lament the fact that the Senate will hang some idea onto a bill that we necessarily must pass. Today is no exception, but of much greater concern to me is the fact that our Committee on Interstate and Foreign Commerce that deals with the Public Health Service hospital issue—our subcommittee never reviewed it; our full committee never reviewed it; yet one of our members went to the Committee on Rules and got a rule that permitted nongermane amendments to be adopted, and the measure came out here on the floor and was passed with the emergency medical bill.

This House wanted an emergency medical bill and this gave some strength to the Public Health Service hospital issue. As a result, the bill passed. It was vetoed. It went to the President, came back, and the veto was sustained. Seventy-nine of us have introduced an emergency medical bill which will pass easily when it is back up here as a separate issue. Many of us have introduced a bill dealing with the Public Health Service hospital, and that also will be back up here to be dealt with as a separate issue.

May I point out that it seems to me that when this body considers a piece of legislation as we have already done, if we cannot win it one way, bring it back another. The statement that is made repeatedly that the HEW is going to close down the Public Service hospitals is not an accurate statement. HEW will cut back on the inpatient care. The outpatient care, which is the important part of it, will continue. But the population of inpatients in the hospitals has been going down year after year. The intended purpose of the Public Health Service hospitals is now being violated in many different ways.

Some of them will stay open, and others will find their inpatients transferred to another hospital closer to home. The expenses will be paid. We find that many of our Public Health Service hospitals no longer are in a state of repair and no longer meet required standards.

I visited the Galveston hospital myself, and there was a line of people waiting to be served, waiting to have medical attention. I want them to continue to have it, and they will have it. Even if we pass a bill that would support the administration, this hospital will continue to take care of the outpatients. The inpatients would be transferred to a more modern hospital where better care could be given them, and their expenses would be paid.

I hope the rule is voted down, because the practice that we are following, in my judgment, is wrong. It does not give us the opportunity to consider things as they ought to be considered. Bringing a measure which has already been handled by the House and subject to an upheld veto back here, tied like the tail on a kite, to a bill having no possible connection with the issue, and bringing it here under a waiver of points of order is an obvious perversion of the legislative process.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Speaker, I wish to speak just to the point that was spoken to by the gentleman from Minnesota and in opposition to his position and in support of the rule.

Mr. Speaker, I think the gentleman has misstated the fact about the House's position with regard to the Public Health Service hospitals. We have three times voted overwhelmingly in support of this. There is no assurance the bill the gentleman refers to will come out of the Interstate and Foreign Commerce Committee.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for one question?

Mr. ADAMS. I yield to the gentleman from Illinois for a question.

Mr. ANDERSON of Illinois. My question is, Does not the gentleman, therefore, believe that even though we do not adopt this rule, and the matter has to come up, and a point of order is made, and a separate vote then is demanded and is held, that the House would again overwhelmingly vote, just as he has so accurately described, in favor of his position? Why not, then, follow the rules of the House?

Mr. ADAMS. The position of the gentleman is this, that when that comes up, we have no assurance as to what the gentleman intends to do, or the Members of this body, on your side of the aisle regarding any part of this bill.

I have examined the figures on the military involvement in the Public Health Service hospital in the area which I represent and in the Pacific Northwest. What will occur if we do not have these hospitals available for the military is that, for example, the Department of Defense CHAMPUS program is going to cost them an additional $1,739,000,000 a year in order to receive the services that they have now.

An additional $1,213,000 is going to have to be paid out of the pocket of the military retirees to receive the service they have now.

We have been assured there is going to be some kind of action sometime, some place, with the Public Health Service hospitals but those of us that have been involved with these for years and years don't believe it and I advocate that be adopted, so that we can continue the hospitals.

Actually this goes directly to the heart of what the military expenses are going to be. The major portion of the military budget at the present time, as I know the chairman has stated to the Members before and will again, is involved in personnel costs. The costs we have to pay for people. The costs we have to pay for military people are going to be directly increased if we shut down these hospitals. These hospitals are deeply involved with the military.

I would just close my remarks by saying this, and I thank the gentleman from Texas for yielding, that we have had proposals that they transfer these people to the veterans hospitals. There is no room in the veterans hospitals in our area.

We have had propositions presented to us that they be shifted to the community. There is no room in the community area hospitals to take these people, except at enormous cost.

We have been told by the University of Washington, who is training people both for doctors and for paramedical pursuits, that there is no place for them to place these people.

So we have involved the entire complex of veterans and military dependents in the community who are going to have to pay for medical service in some other fashion.

We will save money as a Federal Government if we leave this where it is.

I hope the rule will be adopted.

The reason that so many of us in this Congress have tried very hard to make sure that HEW is not allowed to close the Public Health Service hospitals is that we are extremely worried about the people who are now receiving medical care at these hospitals.

HEW tells us that 26.4 percent of the inpatient care at the hospitals is given to active military personnel and their dependents, retired military personnel and their dependents and the dependents of deceased members of the armed services. Yet it is these people who are not even mentioned in HEW's plan for the beneficiaries—they are not even covered by HEW's spurious assurances that they intend to see that their "primary beneficiaries" receive alternate medical care in the community. In fact, HEW has not even evaluated the situation to see if there are alternative medical facilities in the affected communities to take care of these people who are eligible for PHS care by virtue of their participation in the armed services.

They have been able to tell us, however, that if these people can find alternate sources of care, and assuming that only 7 of the 8 hospitals actually close, it will cost DOD CHAMPUS an additional $1,739,000 per year and that DOD retirees themselves will have to reach into their pockets and find an additional $1,213,000. This means that the retired servicemen and their dependents will be forced to pay for medical services which they have already earned—if they can afford to. Even the deductible amounts under CHAMPUS and social security medicare are prohibitive for these people as the cost of medical care skyrockets and outstrips their pension increases. Especially the older military retirees, because of their low retired pay, and many military widows who have incomes of less than $100 per month, find social security medicare and CHAMPUS out of reach cost wise. What happens to these people who have been assured by our Government of medical care in return for services already rendered if the hospitals close? They will be denied medical care because HEW insists on closing the Public Health Service hospitals despite the fact that closing the hospitals will cost the Government at least $8 million more in fiscal year 1974 operating costs than maintaining them would.

The amendment which has been added to the military procurement authorization bill would insure that the PHS hospitals inpatient facilities are maintained at a reasonable level of service until HEW can come to us with hard facts proving that they have a better, more efficient method of providing care to all of the hospitals beneficiaries. The question at hand is—"It is proper that such an amendment be considered as part of the military procurement authorization bill?"

My answer is—and the answer of the thousands of the hospitals' "secondary beneficiaries" is "Yes—of course it is." The answer must be yes when you consider that we have already pointed out and include the following facts:

Manpower costs are now 56 percent of the defense budget—closing these hospitals would mean CHAMPUS costs would increase more than $1 million—and the total Federal budget would increase by at least $8 million in fiscal year 1974;

In Baltimore, New Orleans, and Staten Island, N.Y., the Public Health Service hospitals are the primary facility for medical services to Federal beneficiaries—there are no visible alternative sources of care.

In New Orleans, alone, almost 40 percent of their inpatient caseload is active military and their dependents, retired military and their dependents and the dependents of deceased members of the Armed Forces;

Preventive services like physical examinations, and immunizations are not available through CHAMPUS—but are available through the PHS hospital program; and

Especially important to veterans is that the PHS hospitals provide direct patient care to veterans, particularly in areas where VA facilities cannot meet special needs. If the PHS hospitals close, retirees will be forced to fall back on the VA system for health care and in some areas of the country this would significantly increase the demand on VA facilities which are already operating at full capacity.

The Congress has heard all of the arguments for and against maintaining the PHS hospitals until a better plan can be devised by HEW. We have voted on this issue no less than three times before—first when it was an amendment to the EMS bill and the vote was 261 in favor and 96 against; then it came up as a part of the conference report on the EMS bill and the vote was 306 in favor and 111 against; finally when we voted 273 to 144 on the question of overriding the Presidential veto of the EMS bill—and failed to override by only 5 votes. It is clear from the record that a majority of the members of this Congress believe that the hospitals should be maintained and believe that this is the only way available to us at this time to meet the obligation that we, as a nation, have to the military beneficiaries of the hospitals as well as to the other groups served there. I urge this amendment in that we remain consistent to our past commitments and vote to maintain the conference report on the military procurement authorization bill.

Mr. PRITCHARD. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Washington.

I am wholeheartedly supporting his position. I think many of these facts have not been brought to light and it is time that they are brought to light.

Mr. ADAMS. I thank the gentleman for his comments.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 2 minutes.

The distinguished gentleman from Illinois (Mr. PRICE), earlier in the debate made the statement that all of the 11 items which would possibly be subject to a point of order, had not this rule been requested, would have passed in the House.

I agree with that and, therefore, why not respect the rules of this body and proceed to ratify by separate vote the action that he is so confident this House would take?

I think it is unfortunate that we have gotten off into a discussion of the substantive merits of whether or not we should close Public Health Service hospitals.

I understand that some Members are concerned about the fact that section 814 that would establish authority for military credits to Israel may be defeated if we defeat this rule.

I cannot believe, given the military situation that exists in the Middle East today, that when we have a separate vote on that situation, that this House will not overwhelmingly agree that we should extend until December 31 of 1975 the authority for military credits to Israel.

I cannot believe, as I said to the gentleman from Washington, that having three times overwhelmingly voted in favor, that is, a majority voting in favor of the Public Health Service hospitals, this House would not likewise vote again in that same fashion.

The point that we have to keep in mind is that this is a question of voting on whether or not we want to maintain clause 4 of rule XXVIII, whether we want to say to the other body any time they want to ship over a conference report loaded with nongermane material, we are just willy-nilly going to accept it without insisting on the rights that we have given ourselves under our own rules of voting separately on those items.

I hope that Members will not be confused on what is really the basic issue involved in the vote on this rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman for yielding me some time. I have sat and listened very carefully to all the arguments against the rule. I have heard such statements made as, "Does the Rules Committee blush when it brings out a rule in this fashion?"

Well, I do not think the Rules Committee should blush. I think the administration that has acted in a callous manner toward the health needs of the people should blush, not the Rules Committee.

I have heard all the talk about the implications of this rule, but let us not kid ourselves; the one main issue in this rule is the survival of the Public Health Service hospitals.

We have had extensive debate on this, and we know full well that by virtue of closing those hospitals, we deny essential health services to literally hundreds of thousands of people who desperately need them. I have spoken on this matter several times, and now all I can do is reemphasize that on this issue. I would hope that the House would vote its humanity, not the whim and caprice of those in the administration who do not care about the health needs of hundreds of thosuands of American people.

Mr. Speaker, I support the rule and I urge that my colleagues also join me in that support.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished chairman of the committee (Mr. HÉBERT).

Mr. HÉBERT. Mr. Speaker, let me say this one thing: The facts of life are that we all agree with the principles enunciated by the distinguished gentleman from Illinois (Mr. ANDERSON).

I was one of the basic supporters of this concept, but we found out that it just does not work the way he wants it to work. Now, we are confronted with the realities. We either have to take this rule as it is and get a bill so that we can get the appropriations out of here, and if we do not want that and vote the rule down, there will be, for practical purposes, nothing before this body for its consideration.

We will have no rule and therefore a single point of order can prevent consideration of the conference report. As I say, let us not kid ourselves. The U.S. Public Health Service hospitals, I admit it, is the issue. The House on three occasions by overwhelming majority votes wanted the Public Health hospitals retained. And on one occasion missed, forcing their retention, by a scant five votes. Five votes, which probably would have been different if the hospital in New York had been ordered closed, but it was not.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the speaker announced that the noes appeared to have it.

Mr. YOUNG of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 216, not voting 25, as follows:

[Roll No. 536]

YEAS—193

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Arends
Badillo
Bafalis
Barrett
Beard
Bennett
Bevill
Blatnik
Boggs
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byron
Carey, N.Y.
Carter
Casey, Tex.
Chappell
Chisholm
Clancy
Clay
Collins, Ill.
Corman
Cotter
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Dickinson
Diggs
Donohue
Downing
Drinan
Eilberg
Evins, Tenn.
Fisher
Flood
Foley
Fountain
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gubser
Gunter
Haley
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hébert
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hudnut
Hunt
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kazen
King
Kluczynski
Koch
Lehman
Long, La.
Lott
McFall
McSpadden
Macdonald
Madden
Mahon
Mathis, Ga.
Matsunaga
Mazzoli
Metcalfe
Milford
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
O'Brien
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Randall
Rangel
Rees
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Runnels
Ryan
Sarbanes
Satterfield
Saylor
Sikes
Sisk
Slack
Spence
Staggers
Steed
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Teague, Tex.
Thornton
Treen
Vanik
Vigorito
Waggonner
White
Whitehurst
Widnall
Williams
Wilson, Charles H., Calif.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zablocki

NAYS—216

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Armstrong
Ashbrook
Ashley
Aspin
Baker
Bauman
Bell
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burlison, Mo.
Butler
Camp
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Culver
Davis, Wis.
Dellenback
Dellums
Dennis
Derwinski
Devine
Dingell
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Goldwater
Goodling
Green, Pa.
Gross
Grover
Gude
Hamilton
Hammerschmidt
Hanna
Hanrahan
Harrington
Harvey
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Hosmer
Huber
Hungate
Hutchinson
Jarman
Johnson, Colo.
Jones, Okla.
Kastenmeier
Keating
Kemp
Ketchum
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Litton
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDade
McKinney
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Meeds
Melcher
Mezvinsky
Michel
Miller
Mizell
Moakley
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Nedzi
Nelsen
Obey
O'Hara
Owens
Parris
Pettis
Pike
Quie
Quillen
Railsback
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sarasin
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Studds
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Waldie
Walsh
Wampler
Ware
Whalen
Wiggins
Wilson, Charles, Tex.
Winn
Wydler
Wylie
Wyman
Young, Ga.
Young, Ill.
Zion
Zwach

NOT VOTING—25

Biaggi
Blackburn
Carney, Ohio
Clark
Conyers
Davis, Ga.
Dorn
Fulton
Giaimo
Guyer
Hastings
Johnson, Pa.
McClory
McEwen
McKay
Mills, Ark.
Minish
Passman
Reid
Rooney, N.Y.
Rose
Sandman
Veysey
Whitten
Wilson, Bob

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Bob Wilson for, with Mr. Guyer against.

Mr. Rooney of New York for, with Mr. Johnson of Pennsylvania against.

Mr. Whitten for, with Mr. Blackburn against.

Mr. Minish for, with Mr. McClory against

Until further notice:

Mr. Biaggi with Mr. Mills of Arkanasas.
Mr. Passman with Mr. Rose.
Mr. Reid with Mr. Davis of Georgia.
Mr. Giaimo with Mr. McEwen.
Mr. Conyers with Mr. Clark.
Mr. Dorn with Mr. Sandman.
Mr. Fulton with Mr. Hastings.
Mr. Carney of Ohio with Mr. McKay.

The result of the vote was announced as above recorded.

Mr. HÉBERT. Mr. Speaker, we will not call up the conference report at this time.

EMERGENCY PETROLEUM ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 9681) to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 9681, with Mr. Charles H. Wilson of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the committee amendment in the nature of a substitute printed in the reported bill as an original bill was before the Committee of the Whole for the purpose of amendment at any point.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are back where we left off last night. This bill, as I said when we started the discussion yesterday, is a very important bill to America. I think we need to resolve it today. There are some amendments at the desk. I hope that we can get through with the bill in a relatively short time.

There are five amendments at the desk, as I understand. I think that we can dispose of those in a short time.

Last night, I had to ask for a time limit on the bill. I would like to today—I am not going to do it right now—ask for a time limit on debate on the amendments that are before the House, and I will try to ascertain how many are going to be presented and see if in the time ahead of us we cannot look ahead and, say, in a couple of hours, or whatever the House thinks, set a time limit so that we can finish the debate on the bill. I do not think we need to stay here all afternoon and all evening.

I made one statement yesterday that was incorrect, and I want to apologize to the House. When Mr. Waggonner, of Louisiana, was in the well here at this microphone, he mentioned the fact that I had glassware in my State and that perhaps I was interested in protecting their interests, and I replied that no glassware manufacturer had appealed to me in any way.

At the time of our colloquy I believed that he was talking about handmade glassware, which is about the only thing we have, in my district, so I responded that none had contacted me. But we have a new plant in my district now called the Chattanooga Glass Co., and I just want to state to the House that they did tell me that if they are not allowed to have a certain ratio of propane gas, they will have to stop operation, and perhaps 300 or 400 people whom they have employed will be out of work.

In the President's allocation they are not taken into consideration. We have taken this into consideration in our bill. I do know that several other people from other States have come to me and said that this same situation exists in their States. I had taken that into consideration. I explained just briefly why I wanted everyone to have his say on the bill. I hope that we can come to some conclusion about the time limit, and I would suggest 2 hours, which would seem to me to be sufficient to dispose of the bill and all of the amendments thereto, because we had quite a debate on them yesterday.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding. Could the gentleman in the well or the Chair inform us how many amendments are pending at the desk?

The CHAIRMAN. There are five amendments remaining, the same five that we had last night.

Mr. STAGGERS. I want to say to the gentelman from Ohio that I want to congratulate him and thank him for his cooperation yesterday and for his work on the bill. I want to also congratulate his colleagues on that side and my colleagues on my side, because I believe we are working for common cause.

Mr. BROWN of Ohio. I thank the gentleman. We are not working for Common Cause, but at least we are working for a common interest.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from West Virginia.

Mr. SLACK. I thank the gentleman for yielding.

Is there language in this bill that will take care of gasoline and diesel fuel?

Mr. STAGGERS. Yes, there is.

Mr. SLACK. It is covered by language in this bill?

Mr. STAGGERS. Yes, it is.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. There has been some concern expressed on making allotments for this year compared to the use of oil last year in the case of home heating oil.

For instance, in my area as in every area, the use of home heating oil is based on the weather, and they measure it in "degree days." In January 1973, there were 1,688-degree days; in January 1972, there were 1,938-degree days; in February 1973, there were 1,363-degree days; in February 1972, there were 1,764-degree days. This is a 20-percent difference between these 2 years reflecting the mild winter last year. If the allotments are based on just last year if we have a normal winter there will be great negatives.

Does the Chairman feel this bill gives sufficient flexibility so it will not be based just on 1 year, but in the case of abnormalities in weather, that this can be taken into account?

Mr. STAGGERS. We have considered that in the bill. I want to assure the gentleman of that and I will talk to my counsel further. It is correct.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

(On request of Mr. Andrews of North Dakota, and by unanimous consent, Mr. Staggers was allowed to proceed for 1 additional minute.)

Mr. STAGGERS. We are giving the President flexibility in this and also for the areas which are growing.

Mr. ANDREWS of North Dakota. So in extremely cold winters, the average will not be based on just 1 year, but may be based on 3 years, and the degree days will be taken into account?

Mr. STAGGERS. That is the intention of the committee, I assure the gentleman.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, just as a followup question, I would ask the distinguished chairman, is there flexibility within this bill, so that the administrators can make decisions where a supplier during the base period may have gone out of business, so that the consumer, be it a school district, or school bus company or whatever, will be able to get a new allocation based on his use, even though his supplier is no longer in business or he may have changed suppliers?

Mr. STAGGERS. That is the intention of the committee.

Mr. FRENZEL. So that the Oil Policy Committee or Administrator will have authority to transfer the total amount of consumption to a new supplier?

Mr. STAGGERS. Yes. They will have this flexibility.

Mr. FRENZEL. I thank the gentleman from West Virginia.

AMENDMENT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Collins of Texas: Page 11, section 4(a), line 2, delete "the President shall", and add "United States House of Representatives and the United States Senate shall concurrently."

Mr. COLLINS of Texas. The purpose of this amendment is to clearly define and place the responsibility where the Members of Congress would like to have it, and that is within the Congress itself.

The subject has come up many times about whether Congress is giving the President of the United States too much power. Time and again Members of Congress have said the President's office is becoming too powerful. Never in the history of peacetime have we ever conveyed as much power as we are right now with this bill by making the President a complete energy czar.

I want to add this, too; the President did not ask for this power. We have never had a request from the White House for this bill; because we Representatives are in touch with the grassroots and understand the energy shortage problem.

I have sat through this entire debate. Over and over we have heard different Members discuss the shortage problems they have. One asked about the matter of how do we get enough fuel to take care of drying the crops when they come in?

What do we do about a public utility where the public utility is short of gas and needs more power?

What about the situation we have in my home State of Texas, where we are closing schools, because they do not have enough power to operate utilities.

What about the factories that have to shut down completely because they do not have enough power?

What about the tire plants, what about school buses?

We could go on and on about shortages; but one thing that keeps coming up in debate is the fact that we here in Congress are responsive. We know what happens throughout the country. We know where these shortages exist.

Therefore, in this very short, very concise amendment, I have stated it is not the President, but we in Congress who should take over this responsibility and we in Congress should stand up with legislation to retain authority for determining the major affairs of the country.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, the way I read the gentleman's amendment, he really strikes out all regulations except those having to do with the distribution of fuel oil to homes and with respect to distribution of gasoline to filling stations. With respect to, for instance, the problem that the gentleman from Texas (Mr. PICKLE) raised the other day about getting oil to his generating plants in Austin, all we would say under the Collins amendment is that Congress is invited to act again in this area.

The gentleman just wastes that first section, does he not, by this amendment?

Mr. COLLINS of Texas. Mr. Chairman, the distinguished gentleman has a brilliant legal mind, but my language in the amendment is very simple and not in lawyers four syllable words. I am saying that instead of the President managing this program, Congress shall be the authority that runs it. We, as members, should retain this responsibility in Congress. Congress should be the responsible authority for carrying out the actions of this bill.

Perhaps the gentleman has been one of those who has said that Congress is giving too much Executive power to the President. What I am asking is to have an expression of the House today on whether or not we want to delegate this power to the President or retain it here in the wells of Congress.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. COLLINS of Texas. Yes, I yield.

Mr. ECKHARDT. Mr. Chairman, how in the world can we tell Congress that it is going to have to act in 10 days in one congressional act, tell Congress now that in some subsequent act it has got to take this action within 10 days? I just do not understand how we can do that.

Is the gentleman really serious about this amendment?

Mr. COLLINS of Texas. Mr. Chairman, I could not be more serious. I would ask the gentleman if he has been one who has raised this question about whether we are delegating too much power to the executive department of the President.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield to me further, I have, and that is precisely the reason I offered an amendment in committee that set certain standards in this bill and made these standards feasible. I think it is a good bill, and this I think would destroy half of it.

Mr. COLLINS of Texas. This is typical of what we run into when we discuss this bill. Many people are critical in saying the Executive is receiving too much power, the President has too much power—but we have never had a bill such as this. We are creating an energy czar with complete control of every energy source in America from the time it comes out in the form of crude oil until it is delivered at a filling station.

What I am asking is to give every Member a chance to stand up and be counted. Does he really mean it when he says that he believes the Executive has too much power, or is he trying to weasel out and get off a tough one, because this is a tough issue?

I just want to know, do the Members wish to stand up and allocate the oil shortages themselves?

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, this amendment was raised in committee and was soundly defeated. If it had more than one vote, I would be surprised. I think the reason it came about is twofold. It seems peculiar on its face, since we have wrestled now for this many hours trying to put a bill together. We have 435 Members, and 435 different interests on the floor of the House. That is as it should be, so it seems patently a step out of balance in one way to have this House concurrently act with the Senate to come out with a detailed plan to set into motion mandatory allocations for energy in this country.

I do not doubt the gentleman's sincerity, and I agree with him that the President does have considerable power in very many areas, but in this instance we need experts. He has already been working on this problem for more months than he likes to remember, and certainly more months than I would like to remember.

To start all over again at this juncture, it seems to me, would be foolish. Obviously, I oppose the amendment and hope the amendment is voted down.

Administration officials have recently stated that this bill will somehow delay implementation of a mandatory allocation program for home heating oil. Last Friday, the administration's own allocation program for this product—long overdue—was finally issued, under the authority of the Economic Stabilization Act. I have reviewed the regulations issued last week and find no conflict with the provisions of H.R. 9681, as they relate to middle distillates. The base period is the same; the allocation formula is consistent with the standards in our bill; the objectives of the regulation conform to the objectives of our bill. The fact that no priorities are established is not troubling; the objectives set forth in H.R. 9681 can be met under the framework established in the regulations. Therefore, as sponsor of H.R. 9681, I wish to state that if this measure becomes law, there will be no reason necessarily to change the administration's program to conform with the law. In brief, the administration's program should be promptly and fully implemented now and it is not necessary to republish it for comment or reimplement it under the terms of the bill now before us.

Section 6(a) provides that allocation programs established under the Economic Stabilization Act of 1970 "shall continue in effect until modified or rescinded pursuant to this act." As indicated, based on my analysis of the regulations issued last Friday, there will be no need to rescind this program and only minor modifications will be required; therefore, it can and must continue into effect as promulgated, and will be fully authorized under the provisions of H.R. 9681.

Some aspects of the administration program may require minor modification. One involves clarification of the role of the States and the State reserve; it must be made clear that the State governments cannot interfere with the flow of oil in interstate commerce and can only ask for fuel oil for diversion or set-aside with the full review and approval of the Department of Interior in Washington. Disruptions could be caused by unwise and extensive use of the State reserve and it is our intention that this not take place.

Further, under H.R. 9681, the refinery operating in the Virgin Islands will come under the jurisdiction of the mandatory allocation program. It is essential that this facility and its substantial output of No. 2 fuel oil and gasoline be available for American consumers. There is no conflict with the existing laws; the refinery in the Virgin Islands is considered a domestic refinery for purposes of the oil import program.

In addition, when the residual fuel oil program is established as required by H.R. 9681, provision will have to be made for extending authority to the output of refineries, especially in the Caribbean, that are wholly owned subsidiaries of American companies. These refineries produce the major quantity of No. 5 and 6—residual fuel oil consumed in the United States; domestic refinery production of this product is minimal.

In addition, sales of refined products, other than residual oil, made by U.S. companies operating abroad, directly or through wholly owned subsidiaries, must be covered in order to assure that shipments to the United States and sales to U.S. companies made by these overseas facilities and affiliates during the base period are continued.

The administrators of the allocation program, particularly for middle distillates, must make a major effort to use their authority under that program and under the oil import program to require major U.S. refining companies with overseas facilities to import the substantial quantities of No. 2 fuel oil needed to meet U.S. demands over the coming winter. There is a gap in the regulations issued by the administration last Friday; they made no attempt to encourage and require such additional importation. This must be an essential feature of any program established under H.R. 9681.

I might add another word about implementation. We are establishing a complicated and controversial program, but it will work if there is sufficient commitment from the administration to make it work. A clear test of the seriousness of this commitment will be the caliber of persons assigned to the job, the speed with which the administrative apparatus is established, and the continuing public commitment provided by Governor Love and Secretary Morton.

Mr. BROWN of Ohio. Mr. Chairman, I

move to strike the last word and to speak in opposition to the amendment.

Mr. Chairman, I am not sure what the purpose of the amendment is really, but if it is, in effect, to make the House of Representatives responsible for the allocation program, let me just observe that the House of Representatives has now been involved for 2 days on the legislation itself, and the thought that we could come up with an allocation in 10 days I think is illusory at the very best.

The reason that the administration is obliged under this legislation to come up with an allocation plan within 10 days is because, with the best of the knowledge we have been able to obtain from the administration regarding this legislation, such a plan already exists, or at least is nearly ready for application. The committee has not seen any plan of a specific nature, but the reason we have not, I am sure, is because the plan is the subject of debate within the administration itself.

There are so-called hard liners who would like to see a comprehensive plan brought forth for dealing with all oil products, distillates, crude oil, et cetera.

There are others who would like to see almost a totally voluntary plan, so that the industry, in effect, could regulate itself in this instance.

I believe the Congress on the final vote on this legislation is going to be obliged to make that decision as to whether or not we have a mandatory plan. I should like to see it done not 10 days from now, 10 days from passage of the legislation in the Congress, but rather I should like to see us mandate the administration to develop its own plan after the legislation is passed by the House and the Senate and has the differences resolved.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Collins).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COLLINS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Seiberling: On page 12, line 25, strike the words "classes of".

Mr. SEIBERLING. Mr. Chairman, I can explain this amendment very briefly.

The chairman of the full committee and the chairman of the subcommittee and I had a colloquy yesterday on the record in which the chairman explained it was not the intent of the language at the bottom of page 12 to limit the requirement of equitable distribution only to classes of users, but that it was intended also to insure equitable distribution within each class of users.

This is not an academic question. Many homeowners who have built homes in recent months, and some whose fuel oil suppliers have discontinued their business, have found it difficult to get new suppliers to supply them with home heating oil. Obviously it is essential that all home users of heating oil get at least a minimum allocation. Therefore, it is important that we make it clear that distribution must be equitable within all classes of users.

The simple way to do this, it seems to me, is to clarify the language of the bill so that it will be unmistakable and there will be no misunderstanding. My amendment does this by simply striking out the words "classes of" at the bottom of page 12, so that it clearly requires equitable distribution among all users.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from West Virginia.

Mr. STAGGERS. This does make clear it includes everyone. I would have no objection to the amendment on this side, at all.

Mr. SEIBERLING. I thank the distinguished chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Seiberling).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook: On page 20, line 18, after "Monitoring by" strike out "Federal Trade Commission" and insert in lieu thereof "General Accounting Office", and on line 21, after "section 4, the" strike out "Federal Trade Commission" and insert in lieu thereof "General Accounting Office".

On page 21, strike out all of line 2 and insert in lieu thereof "statutory authority of the General Accounting Office shall include the authority contained in sections 6,".

Renumber accordingly.

Mr. ASHBROOK. Mr. Chairman, this amendment is an easily understood amendment.

Mr. Chairman, I rise to urge support of this amendment to the mandatory allocation bill. Mr. Chairman, I feel that it is the height of foolhardiness for this body to assume that the Federal Trade Commission can perform the monitoring provisions of this piece of legislation in the unbiased, equitable manner that is an absolute necessity if it is to work.

The concerns that I feel for the inclusion of the Federal Trade Commission as the monitoring agency under the guidelines of this bill rather than the General Accounting Office fall into three specific areas: First, this bill is a mandate by the Congress for the President to implement allocation of petroleum products. It is not at his discretion, he is required to implement this program within 10 days.

It is important to understand that what is required in section 7 is a program audit not an enforcement or other administrative function. A program audit is an analysis of the record, the performance record, of an agency to determine whether the administration of the program is really in accord with the legislative goal intent.

A program audit is really designed to measure goal-oriented achievement.

The inclusion of the monitoring provisions indicates that Congress has a vested interest in the conduct of the program. It follows, then, that an arm of the Congress, an arm that is qualified to perform such a monitoring function, should be charged with these auditing responsibilities. Such an agency is the General Accounting Office. It was set up by the Congress to do exactly that.

Which brings me to my second concern: The Federal Trade Commission has no background in "program, goal achievement" audits. It was organized, principally, to handle consumer problems and investigate antitrust law violations. This bill does not concern itself with either function.

Thirdly, Mr. Chairman, and I believe most importantly, the Federal Trade Commission is currently involved in proceedings against the very industry it is supposed to monitor under this bill. Given the sensitive nature of such proceedings are we to believe that the Federal Trade Commission can wear two hats, one as the beneficent overseer of the mandatory allocation of petroleum and the other as the aggressive adversary in antitrust proceedings. I feel that it is too much to ask of mere mortals, much less an independent agency of the Federal Government. If for no other reason than fairness both to the oil industry and the Federal Trade Commission we should adopt this amendment.

In conclusion, this amendment is a logical step for us to take. I urge, Mr. Chairman, that we all join in support for its inclusion in the mandatory allocation bill.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the gentleman is amending this act, not only with respect to the monitoring section on page 20, but also with respect to the notification provision on page 18?

Mr. ASHBROOK. It would be monitoring, accounting and notification, yes.

Mr. ECKHARDT. Mr. Chairman, let me ask the gentleman if he recognizes that on page 18 the regulation is required to be reported to the Attorney General and the Federal Trade Commission in order that these agencies which have authority and the duty to enforce the Antitrust Act know what exceptions are made.

In other words, this is not a monitoring provision on page 18, but, rather, a necessary notification provision, because the Federal Trade Commission has the same responsibility under the act to enforce the antitrust laws as the Attorney General.

Now, how can he enforce those laws unless that kind of a report is sent to him?

Mr. ASHBROOK. Mr. Chairman, let me say in answer to the gentleman from Texas that the FTC, by its mandate and under its legal authority, would be doing this whether or not this is written in the bill. They are already in monitoring proceedings, whether or not this amendment is agreed to. They will still take cognizance of what is transpiring in the oil industry and would take action under the antitrust laws if they deem it feasible, in cooperation with the Justice Department.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, would the gentleman not be accomplishing his purpose if his second amendment, not dealing with the provisions on page 18, but only his amendments dealing with the Federal Trade Commission, were included?

Mr. ASHBROOK. I would have no objection to that. I think the gentleman makes a good point. I do not think the inclusion of that amendment in that section would negate any action by the FTC, but I do not think it would do any harm to what I am trying to accomplish if it were not included in that particular section, in answer to the inquiry by the gentleman from Texas.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio.

Mr. Chairman, the Ashbrook amendment is conceptually an excellent idea. Its adoption will assure congressional oversight as no other approach will.

However, I support it for an additional reason. It removes from this allocation plan an agency that has a proved anti-industry bias. The FTC is now engaged in an antitrust action against the Nation's eight largest oil firms. It is important to note that by legal litmus tests long accepted by the Commission, the eight defendants are not monopolizers of their industry. None of them has market dominance anywhere near the offensive level, and together the eight fall far short of the oligopoly test.

The FTC staff, moreover, admits in a confidential memo made public by Senator JACKSON that there is no basis in fact or law for the action. They admit further that they cannot prove conspiracy.

To bring such a suit at this time only illuminates the motives of the FTC staff and the willingness of the Commissioners to go along.

To bring such an action at this time, when the oil industry needs help rather than obstruction, demonstrates a callous disregard for the national interest with respect to the supply of abundant energy.

The very fact that the FTC has embarked upon this course of action demonstrates that it should not play any part in the monitoring of this allocation program.

Retention of the FTC in this role would create a cruel and inequitable conflict of interest. We must bear in mind that regardless of the effectiveness of bureaucratic controls, it is the oil industry that has the expertise and is in the business of producing energy.

GAO will be able to do the job foreseen in this section and will do it better because it has no axe to grind. FTC, moreover, is already engaged in substantial disagreement with the Office of Oil and Gas, a problem in effective administration that would be intensified by the bill's present language.

For these reasons, I urge support for Mr. ASHBROOK's amendment.

I include the following:

[From the Chicago Tribune, Sept. 13, 1973]

THE TREASURY VERSUS THE FTC

Once an accusation is lodged, it usually sticks, whatever the facts. In this stubborn spirit the Federal Trade Commission has announced that it will persist in its complaint against eight leading oil companies despite a Treasury Department analysis demolishing the FTC's charges. The FTC accuses the companies of unlawfully monopolizing the refining and marketing of crude oil products. With the energy squeeze, the allegations received wide attention.

In a 63-page staff analysis, the Treasury calls the FTC charges wholly untrue, inaccurate, biased, and misleading. It deals with them in each particular and says, because of the FTC's manifest bias against the largest integrated oil companies, the FTC report is incorrect or misleading in concluding that the majors have engaged in exclusionary practices and that they control the output of independent crude producers.

Urging that the FTC withdraw its complaint, the Treasury analysis states that the "implication that the current shortages of petroleum are deliberately contrived by the major oil companies is incorrect" as the companies "have merely been responsive to government laws and policies and these laws and policies are the real culprits." If the FTC's complaint were upheld, the Treasury states, it would cause considerable adverse impact on future domestic energy supplies.

While the FTC contends that concentration in the industry by the major oil companies has increased markedly since 1960, the Treasury says that this is untrue and the facts are just the reverse, with the independents realizing a greater share of the market in that period. The majors' share of crude has not risen 7 percentage points since 1960, as the FTC maintained, but has actually declined by 5 percentage points.

Similarly, the charge that noncompetitive practices by the majors in offshore lease sales have tended to shut out the independents is not sustained by the facts. Independents have bid $1.1 billion on such leases, while majors bidding alone totaled $785 million. It is the same with a contention that exclusionary practices and processing arrangements by the majors have tended to control independent refinery capacity, while the facts show that the majors' market share has declined in the last decade between 1 and 2.5 per cent, showing that the majors' concentration in the refinery industry has lessened, not increased.

It is always simple to try to explain problems by fingering a scapegoat, but this time it will not work. The Treasury correctly says that federal laws and policies are the real villians in the energy crunch—one more good reason why government controls work imperfectly, if at all.

[From the Wall Street Journal, July 26, 1973]

THE FTC'S LOADED RHETORIC

The FTC's complaint against the eight largest oil companies must be one of the most novel monopoly suits of recent years.

Here we have an industry in which, measured by gasoline sales, the largest competitor controls 8% of the market. Neither the FTC complaint nor the two-year staff study that underlies it makes any allegation of collusion among the eight largest firms. Yet it asks us to believe that while Texaco, Shell, Standard Oil and so on do not consider each other as competitors, they are jointly consumed by a desire to do in Uncle Fred's cut-rate corner gas station. And the eight companies and others as well have been engaged in anti-competitive practices for at least 23 years which suddenly caused a gasoline shortage in the summer of 1973.

The FTC talks a lot about "the structure of the industry" resulting in a "common course of action." Translated, all this means the FTC is against vertical integration, regardless of intense competition in the ultimate marketplace. The major oil companies do everything from production to transportation to refining to marketing. Would-be competitors are at a disavantage if they do not have the resources to compete in the whole range of these activities. In particular, when there are shortages the lack of production facilities makes life tough for independent refiners and retailers.

The FTC has decided, however, that "the pivotal point" in the industry is refining, and it alleges that the eight companies "have exercised monopoly power in the refining of petroleum products." They have, it alleges, "behaved in a similar fashion as would a classical monopolist: They have attempted to increase profits by restricting output."

Again, there is no allegation of collusion on this course of action. The allegation simply means that the major oil companies have not found it profitable to build refineries, at $250 million each, fast enough to insure the independent jobbers and refiners all the cut-rate gasoline they could use.

In the past, independent marketers made the entry because the spot market assured them an ample supply of gasoline, which they could often buy at rates lower than those charged on standing contracts. Potential investors veered away from refining because the biggest share of profits in the industry came from production. The majors themselves only expanded refinery capacity in order to insure themselves a market for their crude oil.

The FTC staff contends, again without the least allegation of collusion, that the major companies juggled their books to keep profits high on production and low on refining. But it never explains how this is possible when their refining subsidiaries pay the same price for crude they get from their parents' production subsidiary that they pay for the substantial amounts of crude they typically get from outside the company.

In fact, the present bartering between subsidiaries of different companies itself looks fishy to the FTC. As it is, Mobil might have more than enough product to meet its contract needs in New York, but not in California. Shell might be in the reverse situation. They exchange, and Mobil avoids having to send a fleet of tankers from New York to California at the same time Shell is going in the opposite direction. The process goes on among the independent producers and refiners as well, but is obviously limited to those who have something to barter.

This may look like monopoly to the FTC, but to us it looks like efficiency. It is the consumer, after all, who would ultimately pay for both Shell's tankers steaming East and Mobil's tankers steaming West. More generally, it is the consumer that anti-monopoly laws are intended to protect; they are not designed for the benefit of competitors who aren't quite big enough to play in the game they have chosen. And poring over all of the practices cited in the FTC complaint and staff study, it's hard to discern anything that increases the prices the consumer pays for gasoline or fuel oil.

When prices for the end products are already set in highly competitive markets, indeed, the consumer stands to lose if the efficiencies of vertical integration are lost. The logical remedy for the FTC's concerns is to force major companies out of the refining business, adding another middle-man. Perhaps recognition that this is unlikely to lower ultimate costs is the reason the FTC has yet to spell out the remedy it seeks. Indeed, the very threat of divestiture action is a disincentive for the companies to start building refinery capacity that is needed.

Our own reading of the whole matter is that the FTC is playing games with us, that it has taken two years to discover there is really no conspiracy among the major oil companies, but that it hates to admit it. Pressed by Congress and others to find a scapegoat for the present shortages, it has come up with a report and complaint in which loaded rhetoric is used to describe inexorable economic forces at work.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will say, very briefly, that we must oppose the amendment. As we have stated in the report, the FTC, the Federal Trade Commission, has been chosen, because the Commission staff has been involved in a continuing examination of the marketing practices in the petroleum industry for the past 50 years.

If we changed this over to the GAO, which has had no experience in this field they would have to find and employ experts or borrow them from the FTC or some other agency in order to do the job, and this would involve a lot more money and a lot more time. It could not possibly be done. What we are asking for them to do is, within 60 days, to report to the Congress as to how the program is working.

You could not do this with people who did not know anything about the organization and the structure of the industry. It would be impossible.

Mr. ASHBROOK. Will the gentleman yield?

Mr. STAGGERS. Not at this time.

The GAO is an arm of the Congress and does do a lot of investigating. Our committee calls on them for many reports. But that is where they go in and examine books. The monitor assignment under this bill involves a lot more than that. To properly monitor this program you will have to have men out in the field who know what to do and who know what to look for and can see what is going on. The GAO is mostly for auditing purposes, it does not have field offices—also a proper monitor requires expertise on the part of men who know something about the petroleum industry, how it is working, and who know where to find the information they need in order to promptly report back to the Congress on what is happening in the field. They cannot do it with their personnel in the GAO.

The Members of Congress know that. It is like picking out four or five or six Members of Congress and saying, "Because you gentlemen have been certified public accountants, you can go down and check on the petroleum industry." Well, they would not have any idea what to do.

Mr. ASHBROOK. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. ASHBROOK. I appreciate the gentleman yielding.

I would say only to the gentleman in answer and maybe to ask one question that I know of no area where the GAO has not done a very efficient job. I am speaking about accounting now. They have run audits on the Department of Defense and the school lunch program and the recent wheat deal with Russia. We are talking about an auditing and a monitoring function here, and this is their particular expertise.

Does the gentleman know of any area where they have not done an expert job? And I mention in particular the fields of the wheat deal with Russia, the school lunch program, and so on.

Mr. STAGGERS. I agree with the gentleman. They have done an excellent job. But they do not have the men who can go out in the field and see what is happening and what is being done there and realize what is being done. They have to hire these men. This bill calls for a report within a period of 60 days. This report simply could not be made in that period of time if we give it to the GAO. It would be impossible. If it were an auditing function, they could do it, because they are the best, I will say, in that.

Mr. ASHBROOK. Will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman.

Mr. ASHBROOK. Is the gentleman telling the committee that in his judgment the Federal Power Commission does have this proficiency?

Mr. STAGGERS. Yes. For 50 years, they have been monitoring and watching over the petroleum industry. So why would they not? They have been out in the field and everywhere else.

Mr. ASHBROOK. I say that I question whether or not they have had a responsibility in the area that we are now designating in this legislation.

Mr. STAGGERS. Completely. They have conducted over 300 investigations during the past 50 years.

Mr. EVANS of Colorado. Will the gentleman yield to me?

Mr. STAGGERS. I am happy to yield.

Mr. EVANS of Colorado. I think the point made by the distinguished gentleman from Ohio is most interesting. I would hate to disturb the language of the bill in order to accomplish it, though. Why can we not do both and retain the provisions of the bill, and then, if the committee wishes to ask the General Accounting Office to make an audit, the committee or any individual Member of Congress has the right to make that request of them.

Mr. STAGGERS. That could be done later. That is true. We could ask them and they would do it immediately for the Congress. They have always been very agreeable to do any job that we ask them to do. But we are asking for a report within a period of 60 days, and they just cannot assemble the men within that period of time who have the expertise.

Mr. CRANE. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. CRANE. I do not share the gentleman's confidence in the FTC's capability, particularly in the light of their recent buckling under on the oil industry and accusing some of the larger firms of oligopoly and then within a span of less than a week an in-depth 65-page study comes from the Treasury Department which wholly repudiates all of these studies.

I think, under the circumstances, the gentleman from Ohio is on more sound ground in trying to give this to the GAO.

Mr. STAGGERS. I will say this to the gentleman. We have contacted the FPC and asked them if there would be any conflict in their getting into this area, and they said positively no. They said that they are willing to do the job. This is only a reporting job and it has nothing to do with making them do something that would conflict with their adjudicatory functions. They just report back to the Congress as to how the program is working.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

Mr. Chairman, I got only serve on the Committee on Interstate and Foreign Commerce, but also I chair a Subcommittee on Small Business, the Subcommittee on Regulatory Agencies.

The Federal Trade Commission was set up as an arm of Congress years ago. It was established as a commission composed of a number of different people who would bring to the commission their diversified views. The original debate of the Congress setting up the Federal Trade Commission indicated that they wanted a panel to carry out broad investigational responsibilities and that such a panel would be far better than having one man or a traditional governmental agency do that.

The people involved are appointed by the President, and they are confirmed by the Senate. It was expressly understood when the Federal Trade Commission was set up that its function would be to engage on behalf of the Congress in broad economic studies, and studies affecting the whole of the American economy, and how the different practices within the American economy affect the well-being of the society at large. It was understood that a group set up of men of divergent views carrying out the broad congressional polices could best serve the public interest, and could best carry forward and best carry out the economc studies and the kind of policymaking decisions that the Federal Trade Commission was set up to handle.

So, subsequently, the Federal Trade Commission did carry out these studies. They made a milestone study on resale price maintenance. They have maintained a continuing review of trade practices not only in the petroleum industry, but throughout our economy. And this body has done more than that; they have established themselves as experts and they have fine staffs in the fields of law, antitrust, economics, and they have one of the best economic divisions or departments in the whole of the Federal Government. They have a long record of expertise in terms of carrying forward studies mandated by Congress, studies mandated by Congress under its broad legislative responsibilities.

They have, in addition to this, rulemaking authority, so that once they have completed a study they may work out rules for the guidance and protection of the industries and for the protection of the American consumers and the public at large.

The GAO has no such authority. And I would point out here, at this time, that I yield to no man in my respect and high regard for the GAO. But the fact of the matter is that this is not the function of the GAO, and has never been the function of the GAO. The GAO does not have the broad expertise or the broad responsibility, or the record of accomplishment in the fields of broad economic studies.

It is possible, as one of my colleagues did, to disagree with the study which came forth as the result of the action of the Federal Trade Commission with regard to the petroleum industry. But I would also point out to the Members of the House that all of us here have from time to time reasons to differ with the different governmental agencies insofar as their actions are concerned. But certainly no one can impugn or attack the integrity of the Federal Trade Commission.

Certainly the Commission has been appointed in large part by President Nixon. It is chaired by President Nixon's appointee, a former member of the White House staff, so my Republican colleagues can infer that the Commission will proceed judiciously and carefully.

It is fair to say that the study about which the gentleman complains was never ratified as a Commission study, it simply was put forward as a staff study. If the gentleman wishes to know how it got before the public, it got before the public because I had as much to do with it as anybody, and I thought it was important that it be put before the public.

We are deciding whether or not we are going to have an arm of Congress, carefully constituted, operating under clear, well established rules, to assure fairness, protection, and due process for all, to carry out very important studies and surveillance under this statute.

I hope for that reason we reject the amendment offered.

Mr. PICKLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during the committee meeting I offered an amendment which would have removed the Federal Trade Commission as the monitoring agency over the President's allocation program. That is section 7 of this legislation. Specifically, I would restore the House and the Senate Commerce Committees as the proper oversight bodies for the President's actions in implementing this legislation. That was not adopted. I still think that would have been a better approach.

In lieu thereof, I do support the gentleman from Ohio's amendment. I want to point out two or three things to the Members of this House.

First, section 7 as written in the bill, could limit the Federal Trade Commission in its efforts to bring a successful legal action against certain oil companies. To those who are in strong support of the FTC's anticompetitiveness action against certain integrated oil companies, I would point out that letting section 7 stand as the committee reported it actually hurts the FTC's legal position. Section 7 would make the FTC involve itself with an industry while the Federal Trade Commission is supposed to be treating that industry as an arm's-length adversary. I do not think that a court would view favorably an FTC with two hats—one hat being the adversary hat and the other hat being the watchdog-helper hat.

Secondly, in my opinion, the Federal Trade Commission would be a very poor monitor. The agency has taken an adversary role against the oil and gas industry. To pick out a prejudiced monitor violates fair play in my books. This would be the same thing as turning over a man's right to a "hanging judge."

Finally, it is questionable legislation to put an independent agency in the role of being a watchdog over the President. This is not the role for an independent agency. An independent agency is independent—and I emphasize independent of both the President and the Congress.

The whole governmental concept of using an independent agency as a watchdog for Congress bothers me very much. The House Commerce Committee's Subcommittee on Investigations, of which I am a member, has dug deeply into the question of whether or not the Executive has been using the independent agencies as a political and policy arm of the President. Unfortunately, we have found such a policy to exist in recent years as shown in our SEC–ITT investigation.

Now, today, this same committee that has worked so hard to protect the independence of regulatory agencies, is asked to accept a provision to make the FTC a watchdog for the Congress.

I do not think we should set this precedent. Instead, I hope we wisely choose the proven path and leave oversight duties to congressional committees or to the General Accounting Office.

Admittedly, the FTC might have more expertise, but certainly the GAO is not without expertise, and, in my opinion, the GAO is without prejudice.

The chairman of the subcommittee invited to our full committee the enforcement officer of the Federal Trade Commission who admitted that his agency or his arm had set out literally to dismember the oil and gas industry. They were recommending a complete breakup of both the refinery and the distribution level. That will be a long, drawn out legal controversy I presume. Whether that can be substantiated with facts remains to be seen, but at least that is the allegation. That is the definite admitted prejudice on the part of the Federal Trade Commission.

I think it is somewhat reprehensible that the FTC Commissioner himself would permit this gentleman to come to our committee, when they would not take a position themselves.

Really they were less than courageous in allowing this to take place, but it did take place, and that is the announced policy enforcement officer of the Federal Trade Commission.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding and I appreciate the several points he has made.

It is difficult for me to understand why Members of Congress would hesitate to turn over to an arm of the Congress the monitoring responsibility. That is what the General Accounting Office is all about.

I find it very difficult to understand how we would turn down our own arm that we control and have some supervision over and be assured they would do a proper auditing job and program review.

Mr. Staats appeared before our Banking and Currency Committee just the other day. The GAO is better equipped than they have ever been to do this total job. I recommend they do the job.

Mr. PICKLE. I thank the gentleman.

Mr. MACDONALD. I move to strike the requisite number of words.

Mr. Chairman, I would like to clear up on the RECORD a point on which I heard the gentleman from Texas speak. I think the gentleman from Texas misspoke himself inadvertently.

It is true the FTC did testify before us in these hearings, but they specifically asked not to go into the subject that led later to an investigation which recommended the divestiture of the integrated companies.

I do not believe the gentleman would be quite fair in drawing a picture to this committee that the gentleman from the FTC, was invited up to talk against the oil industry.

As a matter of fact, the questioning, as the gentleman remembers, was controlled carefully by this Member of Congress. We avoided going into the merits of that discussion at all.

Mr. PICKLE. Will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Texas.

Mr. PICKLE. The gentleman is partially correct. I had nothing to do with that invitation, I assure the gentleman. The witness was invited to speak about the bill that was before the committee; but he had announced a few days prior, perhaps only a day or two before, that he was taking the position, indeed, that we ought to break up the production from the refining from the distribution systems of the oil and gas companies in the United States.

Mr. MACDONALD. The gentleman is not correct when he makes that statement. The gentleman is just simply incorrect.

Mr. PICKLE. I am a member of that committee, too. I am correct—at least in clear intent.

Mr. MACDONALD. The gentleman from the FTC did not release any report at all. It had been leaked by a Senator to the press. It had not been released by the FTC, and the gentleman knows that, because the witness from the FTC indicated that was the case. I questioned him about it in the presence of the gentleman and he said he had not released any such report.

Mr. PICKLE. Yes; he had released it. At least it was on page 1 of the newspapers here.

Mr. MACDONALD. I do not yield any further.

I point out to the gentleman from California that, obviously, he is correct about GAO being an arm of the Congress; but so is the FTC, and the FTC has experience in this field. The executive branch has called on them and they say they are geared to go to work instantaneously, as soon as this bill is signed.

The GAO, very good as they are, and they have done a number of competent reports for the subcommittee which I chair, and I share the gentleman's opinion, is not equipped to go into this highly technical field of energy and fuel allocation.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from California.

Mr. ROUSSELOT. The FTC is not prevented in this amendment from handling their legal authority in any respect. All this does is to assure that the GAO will be monitoring for the Congress.

Mr. MACDONALD. I point out the FTC is an arm of the Congress and it is controlled by the Congress.

Mr. GROSS. Mr. Chairman, this bill is known as the Emergency Petroleum Allocation Act of 1973. I stress the word "emergency," and to meet the "emergency" the title of the bill contains these words: "to provide for the delegation of authority."

I have listened to 2 days of debate on this subject. I think I have heard 99½ percent of all that has been spoken. The question that occurs to me and upon which there has been no discussions, is how did we get into such a situation in this country that Congress is now called upon to pass legislation entitled "Emergency Petroleum Allocation Act" in which dictatorial power is handed over to the President?

In this country, blessed with the vast resources that we have and all our so-called intellect and expertise, what brings us to this sorry situation? I have not heard this discussed. I will try to give the Members my views as briefly as I can.

The answer, it seems to me, has been improvident, incompetent Government of the United States of America for far too many years, and that includes the Congress. That is why we are here today. That is why we are facing an emergency, a shortage of fuel, a delegating unholy power to the President of the United States to write contracts to regulate business and wield a heavy hand over every living soul in this country.

I do not know what is going to happen; you do not know what is going to happen. I do not know whether industries are going to be closed or whether they are going to be dealt with evenhandedly through the power delegating to the President. I can only hope he exercises it wisely and fairly.

Now, we are about to compound this fuel shortage situation by intruding and intervening in the Middle East war. Two months ago, we ended a war. This President and this Government is back intervening in another war.

To compound the fuel shortage situation, the producers of Middle Eastern oil are meeting in Kuwait today, and I predict that our supplies of fuel from the Middle East, whether it comes through the refineries of Europe or direct from the Middle East, are going to be reduced and we are going to pay right through the nose for every gallon and every barrel of oil or the product thereof which comes to this country. Why? Because we cannot keep our big, long noses out of the affairs of other people around the world.

I do not know who is going to win the war in the Middle East, but I do know one thing for dead sure and certain—that I can name the loser. That will be the common, garden variety citizen and taxpayer of the United States of America. He and she will be the losers, and mark that well. It is time this Government tended to its own business and that is the welfare of the American people. It is time we stopped intervening in the affairs of others all over the world. It is these interventions and lack of attention to our own problems that have brought us to this sad and sorry situation.

Mr. Chairman, if production and service in this country are to be curtailed for lack of fuel; if schools, churches and homes are to be only partially heated and lighted for lack of fuel, let those who have intervened in the Middle East war, and made enemies out of friends, bear the responsibility.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and my colleagues, I should like to come back to this bill. What we are doing here, in effect, is marking up the bill in the whole House. If we are going to do that, let us understand what we are marking up.

We are dealing here, first, with a section that says, "Effect on other laws and action taken thereunder." Those other laws we are dealing with in this section are the antitrust laws of the United States. The antitrust laws of the United States that are pertinent to this act are two: one, the Clayton Act; and two, the Federal Trade Commission Act.

These two laws cover the same area. There are two groups which administer these acts: the Justice Department administers the antitrust laws.

The Federal Trade Commission administers the Federal Trade Commission Act.

Both of these laws were passed in 1914, and they are overlapping. For instance, an antitrust action may be brought by the Attorney General or the action may be brought through the Federal Trade Commission.

So we say on page 17, section 6:

> Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

Then we list these laws on page 18.

(A) Refers to the Sherman Act.

Then there is (B) which refers to the Clayton Act.

Then (C) refers to the Federal Trade Commission Act.

Then in this same section we say that the regulations promulgated under section 4(a) of this act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission.

Why do we do this? Because we want the Federal Trade Commission to know at the same time the Attorney General knows that some act has been passed which may or may not trench on antitrust legislation.

That is why the FTC monitors the act. What does the GAO have to do with antitrust laws?

That is the trouble with trying to mark up a complex bill before the whole House without knowing precisely what the full purpose of the bill is.

Yet if we take the Federal Trade Commission out of an effective monitoring position we would in effect be permitting the President to act without the Federal Trade Commission ever having an opportunity to know well in advance and to reconcile the President's acts with antitrust legislation.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to my friend from Ohio.

Mr. ASHBROOK. Is the gentleman implying that if this amendment were to pass the FTC would not be in a position to know, using the gentleman's words, what is going on under this act? They have a continuing responsibility in that area, as they are operating now.

Mr. ECKHARDT. Let me say to my friend that there is no effective way for the Federal Trade Commission to anticipate what the President might do which might trench or might protect or might immunize under the antitrust law as provided in the Federal Trade Commission Act unless notice is given well in advance or at least currently with the action by the President.

It seems to me if the gentleman wants to make some amendment later, going to the mere question of monitoring, what we should do at the present time is vote down this amendment and then let him approach it with more precision.

I urge a vote against the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I do not want to confuse the House by taking sides as between my two good friends from Texas, who apparently are on opposite sides of this proposed amendment, nor do I want to confuse it further by having a difference between my good friend from Ohio (Mr. ASHBROOK) and myself.

But, Mr. Chairman, I am afraid I must speak in opposition to the amendment.

The gentleman from Texas (Mr. ECKHARDT) referred to the problem of the possible infringement upon Federal antitrust laws by the necessary combinations of producers or purveyors of petroleum products which will be encouraged by this legislation. We tried to deal with that in section 6 of this legislation, on pages 18 and 19, where it is provided that the Attorney General and the Federal Trade Commission shall "report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices."

And then, in section 6(c)(4), on page 19, the language says as follows:

> Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws.

They may do so only upon order of the President, which in effect is reported to the Antitrust Division of the Department of Justice and also to the Federal Trade Commission.

It seems to me that has considerable merit, because one of the objectives of the legislation is to provide for—and I go back to page 12, section 4(b) (1) (E) of the legislation which we have before us for consideration—the following:

> equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all classes of users;

The responsibility of undertaking this is tied together with the kind of regulations which the President will promulgate. In order to accomplish those regulations, it stands to reason that there will be some exchange of views within the industry itself, which would tend to violate the antitrust legislation which is already on the books, and it is the responsibility of the Federal Trade Commission to monitor that kind of activity.

Therefore, I think it follows that it ought also to be the responsibility of the Federal Trade Commission to monitor the effectiveness of this in serving not only all the citizens of the country with reference to their need for oil and oil products, but also with reference to whether or not we are setting up a pattern which will destroy the competitiveness within the industry. We charge the President not to do that in his regulations.

So, Mr. Chairman, it seems to me that it is appropriate for the Federal Trade Commission to be the operation that performs that function.

The gentleman from Texas (Mr. PICKLE) suggests that we are in some way abdicating our responsibility within the Committee on Interstate and Foreign Commerce to add oversight to this legislation.

I do not think that is right at all, because the Committee on Interstate and Foreign Commerce also has legislative jurisdiction over the Federal Trade Commission. It has less jurisdiction over the GAO, as a matter of fact. That agency falls under the Committee on Government Operations; it is under their purview, and it is their responsibility.

So it seems to me that we have the opportunity in the Congress enhanced by this becoming the responsibility of the Federal Trade Commission rather than the GAO.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, under normal circumstances it may have been a proper course of action to have the review of this program, as questionable as it is, under the Federal Trade Commission. But when that Commission said publicly that they are in favor of breaking up the oil and gas companies, when they think that this type of bill must be passed, and when they are prejudiced, then there is no way to get a fair hearing. The program is already before a hanging jury, and a hanging judge.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. BROWN) has expired.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding. I do not know what the reference is that the gentleman from Texas has made, that the Federal Trade Commission has said they will break up the oil and gas industry, but I would hope that the Federal Trade Commission would exercise its statutory responsibility to maintain competitive practices within the oil and gas industry insofar as possible, and within any industry in the United States.

Now, that is one of the things which we have had occur in this particular crisis which we find ourselves in where there is a shortage of gasoline and other petroleum products. We have lost some of the competitiveness within the industry because some of the independents have been squeezed out by a diversity of causes. I am not suggesting this was done by covert or overt action by the industry but because of the very nature of the crisis we have had some of the independents squeezed out of business in this situation, and I think we ought to guard against that. I think the distribution patterns of the industry ought to be maintained, because that is the best way in which the customers will be served, whether we have a shortage or a surplus or a normal supply of crude oil and oil products.

Mr. GOLDWATER. Mr. Chairman, I rise in support of the Ashbrook amendment. One question has passed through my mind, but on careful reflection I have resolved it to my own satisfaction and I want to share those thoughts with my colleagues.

It occurred to me that this might place on GAO an imposition in terms of staff availability. There are, of course, several ways in which we could assist in relieving this impact, but on further consideration it seemed to me that it was a small problem when compared to the advantages inherent in Mr. ASHBROOK's proposal. It is true, moreover, that FTC would be placed under the same imposition were the change not made. It seems to me that the impact would be even more severe at FTC because the present language would require of their staff a function that is foreign to their experience. Quite the opposite is true of the GAO staff. Program audits are their "bag," if I may borrow a contemporary expression.

The role of FTC vis-a-vis the oil industry is another excellent reason why that agency should not be placed in the monitoring role. It would create a dire conflict of interest to have FTC looking over the shoulder of the very firms they are currently charging with antitrust violations—charges which are apparently specious at best.

We should not forget the tension which has been created recently between FTC and other agencies that have been, and will likely continue to be associated with allocation. Can we risk, under the public pressure that will surely follow the failure of this program, a divisive fight among the agencies to whom the responsibility is being delegated?

The answer cannot be merely that that is the President's problem, because while he may share in the public reaction to a breakdown of allocation, it is we here in Congress that will have mandated a program containing the seed of failure. I want to see those seeds of division and failure reviewed. Thus, I feel that support of the Ashbrook amendment will clear up one of the most potentially dangerous aspects of this legislation.

I urge you all to support this amendment.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it has been my privilege for a period of approximately 8 years to chair the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, which has the general legislative jurisdiction over the Federal Trade Commission. I have also for a period of at least 20 years served on the Committee on Government Operations, which deals very closely and very intimately with the General Accounting Office and the Office of the Comptroller General of the United States. So I have a very great degree of familiarity with these two agencies.

Looking to the text of the bill in the area which is proposed to be amended, monitoring by the Federal Trade Commission. This bill would propose to impose on the Federal Trade Commission a job that they are well equipped to perform, namely, to monitor for a period of 45 days the regulations promulgated under the provisions of this law.

Now, I have had experience as chairman where I found it desirable to call upon the GAO to examine the actions of an agency to determine whether they had performed properly the assignment given to them.

That is why we created the General Accounting Office in the Office of the Comptroller General back in the Budget and Accounting Act of 1920 and 1921. We wanted it to be able to take on special audits in the broadest sense of the word, assignments for the appropriate committees of the Congress.

All in the world this amendment does is to take away any effective monitoring of the Federal Trade Commission and leave us exactly where we are without any amendment where we could direct the General Accounting Office to report on their evaluation of an agency's performance.

If it is desired to render this section totally meaningless, then the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) should be adopted. But if some improvement in accountability, if some better deal on a continuing surveillance is anticipated, as I hope it will be, then we should reject the amendment and leave the bill as it is. It makes a much more rational legislative product.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, it is my understanding that the Federal

Trade Commission has not recommended that the eight major oil companies or any part of the oil companies be broken up. The staff of the Federal Trade Commission has merely prepared a staff report which has never been formally implemented by the Commission, and does not necessarily represent the viewpoint of the Commission. Is that correct?

Mr. MOSS. I can say to the gentleman from Ohio that they have no power without full recourse to due process through the courts to break up anything. They would have to proceed under the antitrust laws, and there would be adequate opportunity for hearings. There would certainly be adequate opportunity, knowing the relative financial strength of most of the groups being dealt with in this legislation, for almost endless and exhausting, as well as exhaustive review.

Mr. SEIBERLING. But the point is that they have not gone even that far.

Mr. MOSS. They have not, to my knowledge. They have staff recommendations that are not necessarily concurred in by the Commission. That is the situation at the moment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Of course; I will be happy to yield to my friend, the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the gentleman will remember that during the committee hearings I offered an amendment asking that this matter of the monitoring be turned over to Committees of the Congress. Our committee would not accept that. They want the bill to be monitored by the Federal Trade Commission.

The gentleman also will remember, and I think will say to the House, that the enforcement officer of the Federal Trade Commission has already said publicly and has admitted to our committee that he thought all of these companies should be broken up, so he admits to a very prejudicial view. How are we going to have a fair and impartial review of the monitoring, even though the commission itself has not acted on it, when the enforcement officer appointed by the Federal Trade Commission says it ought to be broken up. I say that is not fair.

Mr. MOSS. The enforcement officer may be saying many things ought not to be done, but the Federal Trade Commission has not said it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 1 additional minute.)

Mr. MOSS. The Commission has not said it, and if we were to look at all of the staff reports from committees of the Congress, from commissions, from departments and agencies, and take them as being policy, we would be working in a perpetual state of confusion.

The gentleman from Texas has served for a long time on the Commerce Committee. He knows that we are extremely busy, and he knows that we are not equipped, at this moment, to undertake, in connection with the already far too crowded calendar of the committee, the assignment of monitoring anything except the report from the agencies, far better equipped, with more expertise to do it.

Mr. PICKLE. I am surprised the gentleman would say that.

Mr. MOSS. I will yield no further to the gentleman from Texas, because when he says that he is surprised that I say it, I know that he jests; he does not speak in that instance in accord with his true conviction.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not a member of this committee and do not have the background to draw from, as do the members of the committee. Consequently, I have had to form what judgment I have on this amendment based on the arguments presented here on the floor. I must say that both of the gentlemen from Texas (Mr. ECKHARDT and Mr. PICKLE) have been most persuasive and have put forward very substantial reasons why their opposing views should prevail.

If I understood the very distinguished chairman of the committee, he opposed it because he felt there was insufficient expertise on the part of GAO to handle the job that was being thrust on it.

I should just like to say, Mr. Chairman, that in reviewing the remarks made here, and the thinking of what we are trying to accomplish, if we look at what GAO is and what it is designed to do and what it is capable of doing, I think we would inevitably come to the conclusion that, first, they are certainly capable. If we look at the whole spectrum that they have in fact audited in the past, whether it is a C5-A airplane, the F-111, or whether it is an intricate weapons system that comes out of the Department of Defense, whether it is OEO, or various programs under HEW, there is hardly any area of any facet of our technological experience that GAO is not capable of auditing and monitoring.

First, they are an arm of the Congress. That is the reason they were created. Second, and I think no less important than the first, there is no agency, in my opinion, that has higher respect and is held in better esteem for objectivity and being fair, as well as being competent, than the General Accounting Office.

For that reason, Mr. Chairman, I rise in support of the amendment. I think it makes sense. I think that it should be passed, and I am going to support it.

Mr. SYMMS. Mr. Chairman, I rise in support of monitoring provisions amendment to the mandatory allocation bill (H.R. 9681). Historically the Federal Trade Commission is charged with the obligation of monitoring consumer affairs in the areas merchantability and antitrust. I point out that H.R. 9681 is in the nature of availability and not marketability. The Federal Trade Commission has no experience in the area "program audit" which is required under this bill. Further, this bill is a mandate by the Congress to the executive branch and therefore any overseeing should necessarily be conducted and supervised by the Congress and not by an agency of the executive branch.

Congress saw fit to establish the GAO with direct responsibility to it. Even though I have serious reservations about any one running a successful rationing program—I think the GAO certainly has more expertise than the antimarket mentality in the FTC.

Mr. Chairman, it is apparent to me that the nature of the provisions of this bill require that the GAO, the appropriate arm of Congress, monitor the operations mandated by the Congress and not by the Federal Trade Commission which is an independent executive agency lacking in ability and not answerable to the Congress. Therefore Mr. Chairman, I offer my support of the monitoring provisions amendment.

Mr. CAREY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. CAREY of New York. Mr. Chairman, I hesitate to get into this quarrel, if I may call it that, between Members as to who is going to referee this game. In effect we do not need a referee; we need a coach or director or a high commissioner.

I hope my colleague, the gentleman from Massachusetts, will agree that this bill alone will not solve the problem. In fact, the jurisdiction of this committee extends only to those products in petroleum which are domestically produced. It will not extend to the imports, the level of imports is really the answer as to whether we are going to have cold homes and lack light and power in the country this year. The level of imports and the placement of those imports up to 1 million barrels per day is the shortage we face.

The control of imports rests with the Ways and Means Committee, of which I am a member. I bring this up at this time just to say that we need some kind of a czar, if you will, who is going to straighten out what is going on in the country, because the Federal Trade Commission, the GAO and even the OEO all together could not work this out at the moment.

Just look at what has happened in the country at this time. Here are the people involved trying to cope with the problem. No one has overall authority, but here they are.

Mr. DiBono at the White House, who is a special consultant for the President and speaks for the White House; Governor Love, who speaks for the President on allocation.

Then we have a newly appointed Under Secretary of State for Security Assistance, a nominee, Mr. Donaldson of New York, who is going to work under the Secretary of State for Security Affairs, and Energy.

Then we have the overall authority in the Interior Department under Secretary Morton, who has to a degree delegated the authority down to Mr. Wakefield, who came out of the White House.

If anyone is not satisfied with that coterie of team players, we have various other agencies, such as the Oil and Gas Office, the AEC, the EPA, et cetera.

Beyond all that, we have the negotiations of the Special Trade Representative around the world dealing with imports, who told the Ways and Means Committee that he has no competency or capacity to deal with the oil problem.

That is where the program is today, and I say that before a trade bill comes to the floor, I hope we all look at this program and look at what is happening. Unless we have a comprehensive policy of domestic allocation and international intake, nothing is going to help the people of the United States survive this shortage without severe impact.

Mr. Paul McCracken, the former Chairman of the Council of Economic Advisers, said before the Joint Economic Committee today in response to my question that he long ago, long ago, recommended that there be appointed one central head, a czar, if you will, a Commissioner, who would look at the energy problem, look at the import of petroleum and other products, look at the overall energy shortages, and begin to dictate policy.

Until we get that, what we are haggling over here is an empty basket, because nothing is going to solve this central energy problem otherwise.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, what the gentleman is trying to tell us is that we are going to have two different standards, one to allocate domestic production, and Lord only knows what is going to happen with our imported production, and as a result of this confusion this country is going to be in terrible shape.

Mr. CAREY of New York. All the hosts of Heaven together may know what is going to happen as far as our oil policy is concerned, but right now it is beyond the reach of mortal man to understand. For the United States private parties are trying to negotiate the future price of oil and if Members are thinking of $5 or $7 oil, they can discard such levels. We are talking about $10 oil, $1 gasoline and 50-cent heating oil. Beyond the reach of this bill and the factors which govern these prices.

Mr. KAZEN. So this bill will not solve even the distribution problem.

Mr. CAREY of New York. It would go as far as the gentleman from Massachusetts and this great committee can go within their jurisdiction. But I warn the Members, there is a further problem on the control of imports. Inadvertently in 1957 we let the President act by proclamation and call oil imports a matter of national security. That is the history of the program. As long as we leave it there, that will be the situation a simple whim of the White House. If it is under national security in this country then the President has free say so on what to do about it under his own concept. As far as our needs overseas are concerned however, they are being negotiated by private individuals. This is the first time I know of that the matter within the national security are being conducted by private individual organizations.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman from New York, who has been with me for a long time, is absolutely right in what he is saying here now, but he missed out in mentioning Bill Simon, the Assistant Secretary.

Mr. CAREY of New York. I do not want to leave out Bill Simon. He is really trying very hard.

Mr. CONTE. And Mr. Dunlop of the Cost of Living Council. We had him before us the other day and he told us about the same thing. We had Mr. Love before us the other day and he told us the same thing. He has no power. He is like Samson shorn of his locks. Pardon me for the pun, but they are doing nothing but a labor of love up here. They have no power at all.

Mr. CAREY of New York. If they lower the thermostats 4 or 5 degrees in their own offices, then everyone of the individuals who is trying to solve the energy crisis we might end up with enough oil to heat a school or a hospital.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 32, noes 34.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 256, answered "present" 3, not voting 23, as follows:

[Roll No. 537]

AYES—152

Abdnor
Alexander
Andrews, N.C.
Archer
Armstrong
Ashbrook
Baker
Bauman
Beard
Bevill
Blackburn
Bray
Breaux
Brinkley
Broomfield
Brotzman
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
de la Garza
Dennis
Dickinson
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, William D.
Forsythe
Fountain
Frey
Froehlich
Fuqua
Gettys
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gross
Gunter
Haley
Hammerschmidt
Hanrahan
Hays
Henderson
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Jarman
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Litton
Lott
Lujan
McCollister
McDade
McSpadden
Madigan
Mahon
Maraziti
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
O'Brien
Pettis
Pickle
Poage
Powell, Ohio
Price, Tex.
Quie
Railsback
Randall
Rarick
Roberts
Robinson, Va.
Rousselot
Runnels
Ruppe
Ryan
Sarasin
Satterfield
Saylor
Scherle
Shuster
Sikes
Smith, N.Y.
Snyder
Spence
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Waggonner
Walsh
White
Whitehurst
Widnall
Wilson, Bob
Wilson, Charles, Tex.
Wright
Wylie
Young, Alaska
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—256

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Bafalis
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carter
Chamberlain
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Frenzel
Gaydos
Giaimo
Gilman
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Holifield
Holtzman
Horton
Howard
Hungate
Hutchinson
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Koch
Kyros
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McEwen
McFall
McKinney
Macdonald
Madden
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quillen
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
St Germain
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Teague, Calif.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
Whitten
Wiggins
Williams
Wilson, Charles H., Calif.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki

ANSWERED "PRESENT"—3

Bell
Smith, Iowa
Ware

NOT VOTING—23

Carney, Ohio
Clark
Conyers
Davis, Ga.
Derwinski
Dorn
Esch
Fulton
Gubser
Guyer
Hastings
Hébert
Ichord
Johnson, Pa.
Kluczynski
Landrum
McKay
Mills, Ark.
Minish
Rooney, N.Y.
Rose
Sandman
Veysey

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. BURLISON of Missouri asked and was given permission to extend his remarks at this point.)

Mr. BURLISON of Missouri. Mr. Chairman, I rise in support of this legislation requiring a mandatory allocation program.

As has been pointed out in debate of yesterday and today, this bill is not a panacea for the energy crisis. It is simply a measure designed to solve an immediate problem and protect the business rights of the small, independent fuel operators and to insure an adequate and equitable supply of petroleum products throughout the country.

The independent gasoline dealers of America have been hurt in two ways through the administration's incompetent handling of its voluntary program. First, many have had supply contracts either terminated or severely cutback. This has resulted in less income for many operators, and forced closings for over 2,000 such dealers around the country. Second, the administration's Cost of Living Council regulations have patently discriminated against the service station owners in not allowing cost pass through at the retail level.

It has been interesting to observe the administration's response to this problem. Since the first of May the President has had the congressional authority to implement a mandatory program. By the end of June it became obvious that his voluntary approach was simply ineffective. At that time, many of the Members of Congress, including myself, were led to believe that the President would take our advice and respond favorably to our urgent pleas to impose a tougher allocation system to protect the retailer. But this information proved incorrect and now we see the administration's true colors in opposing our legislation on the floor today.

Mr. Chairman, I submit the administration approach simply does not go far enough in protecting all sectors of the petroleum industry. The language in the bill before this body today will relieve the supply and cost problems of the independent service station operator. The bill will accomplish this by including all petroleum products including gasoline in the new mandatory system. With this provision we will hopefully see an end to the forced shutdowns of many of our smaller independent businessmen. Another vital section of this legislation will permit a straight dollar-for-dollar across-the-board passthrough of costs to the retail level. In the past, this has been piecemeal pursuant to congressional pressure. It will now be established as general policy.

I strongly urge passage of H.R. 9681.

Mr. DULSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I am happy to yield to the gentleman.

Mr. MILFORD. Mr. Chairman, I sincerely hope that this bill does not pass today.

The bill was ill-conceived and unnecessary to start with. Legislation is already on the books for mandatory allocation of oil products.

Attempts were made to amend this bill so that it would be liveable. Those attempts were defeated.

The way the legislation has shaped up, I believe it would be best to defeat it.

It raises a question, for example, about the rights of powerplants which have converted from natural gas to fuel oil to receive sufficient allocations of fuel oil to continue operations with adequate fuel supplies.

Another problem in the bill is the allocation or control of crude oil from the well-head.

We have 350,000 so-called "stripper" wells which produce an average of 3½ barrels a day. How are we going to allocate that 3½ barrels? It will take darned near as many allocators as we have wells. We need every drop of oil we can find, but I cannot imagine operating one of these small wells if it requires a bunch of paperwork. The involved cost will simply force them to shut down. We lose that oil entirely.

This is emergency, temporary legislation which deals in an area where there is already administrative authority to act.

The bill, in its title, professes to "allocate" petroleum. It certainly does. It mandatorily allocates to everyone from people who produce food to people who make hula hoops.

Or, to put it another way, it does not do a whole lot which is not being done right now, without regulation, and without a new bureaucracy, in the open marketplace.

If we are going to write an allocation program into law, let us do it right. This bill is not right. Every Member has agreed that we are facing a fuel shortage. There will not be enough fuel to go around, therefore, we must make a decision to allocate fuel to those industries that are vital. In other words, we must establish priorities. This bill does not spell out priorities.

I urge you to vote against the bill.

Mr. DULSKI. Mr. Chairman, I take this time to ask the chairman of the committee a question in connection with an inquiry I have received from my district.

A small company in Buffalo, employing less than 50 people, makes a variety of consumer products using plastics.

This small business has been informed by its supplier that a serious shortage is in prospect for many of the raw materials he uses since they are petroleum derivatives. Since plastic products are his entire line, this could put him out of business.

My question, Mr. Chairman, is whether any provision is being made to insure a fair allocation of short supplies to small businessmen, in this case a small businessman whose output depends on materials which are petroleum derivatives?

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I am very happy to yield to the gentleman.

Mr. MACDONALD. I would like to assure the gentleman that the committee had this in mind at the time of the drafting of the bill. It was included in the bill.

Yesterday there was a colloquy on the floor and much discussion by other people worried by the same set of affairs as the gentleman is worried about for his constituents.

I can assure the gentleman there will be competition preserved in the area in which he is interested under this bill when it is passed.

Mr. DULSKI. I thank the gentleman and yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just a few minutes ago this House was asked why this country is now faced by a shortage of natural gas, gasoline and petroleum products. I submit that we have consumed great amounts of gas, gasoline, and petroleum products in ill-advised wars in the past. I submit further that large cars using unnecessary amounts of gasoline contribute to these shortages. In a sense, we have spent large amounts of our natural wealth ill-advisedly.

Mr. Chairman, with the threat of a loss of our gas, gasoline, and petroleum supplies from Arabian nations, and with the depletion of our own oil reserves, it behooves this House to immediately launch massive programs for the extraction of oil, distillates and petroleum products from the oil shales in the western States, of which the Federal Government owns 50 percent.

At the present time, it is true that we have one pitiful project conducted by the U.S. Navy, and from my briefing from these gentlemen, I understand the total production of distillates amounts to 5 barrels a day, which is not enough to turn the turbine of a destroyer. We must immediately launch a program in conjunction with private enterprise into the gasification of our huge coal reserves, which will last from 400 to 600 years. One distinguished gentleman from the other body has recently introduced such legislation. If we are to be dependent upon ourselves, these are steps which we must take immediately.

If the land lying fallow in the United States today were planted in grain, from this, alcohol could be distilled amounting to 3 million barrels per year. Further, this House should initiate immediately programs for the development of solar and thermal energy. If we take these steps in a determined and diligent manner, with adequate thought for the environment, we can continue as the great Nation we are today. Without these steps, we may well become a second-rate nation. Let us be part of the solution to continuing as a great and free nation—not part of the problem.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would like to associate myself with the views expressed by the gentleman from Kentucky (Mr. CARTER). The gentleman from Kentucky has given us a challenge to try to meet the problems of our energy crisis which we face, and which admittedly this legislation will not do.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the bill before us today, H.R. 9681, which directs the President to establish a mandatory program for the allocation of crude oil, residual fuel oil, and refined petroleum products.

It is difficult for me to support a mandatory program such as we are voting on today. This country has always had a plentiful supply of oil products and Government controls have not been necessary to provide for equitable distribution throughout the Nation. Now, however, we are faced with a dire fuel shortage which is assuming emergency proportions.

The Nation's demand for energy is growing at an annual rate of about 4 percent, and by 1990, our energy needs will be double that of 1970. Within the total energy picture, the consumption of gasoline is rising at the higher rate of 7 percent. At the same time, U.S. production of crude oil has declined since 1970, and our refinery capacity has diminished. All this adds up to the fact that U.S. oil supplies have not increased with our demand, and significant shortages are predicted for the next 18 months.

The legislation before us today is designed to meet this emergency situation. Experience has shown that, in a shortage situation, certain areas of the country can be much more seriously affected than others, with resulting economic dislocation.

In North Carolina, for example, tobacco farmers were unable to obtain the fuel necessary to harvest the tobacco crop this summer. It was necessary for the Federal Government to arrange a last-minute diversion of fuel to the State to save the harvest.

Another area of seriousness to the important North Carolina textile industry is the shortage of certain petroleum products, including petrochemicals. It is not generally realized that propane, a petrochemical, is a basic raw ingredient in producing polyester fibers. Because of the present price inflation and shortage of cotton fibers and the allocation system now in effect for nylon, any decline in polyester production would have disastrous effects on the textile industry and the regions dependent on it. A loss of propane would mean an unacceptable loss of jobs and a new round of inflationary price increases for textiles and apparel.

This bill would not ration fuel to the consumer. Its purpose is to provide that during times of shortage, limited supplies are equitably distributed throughout the Nation to meet regional needs. Regulation and enforcement would occur at the distributor level.

For the past several months, the United States has been operating under a voluntary oil products allocation program. When this plan was adopted by the administration, I think everyone was optimistic that it would accomplish its goals of seeing that gasoline and oil supplies would reach areas of critical importance. Unfortunately, the system has not worked as well as anticipated. There have been severe problems in obtaining fuel oil for use in regional and local areas such as farming communities.

The possibility of a mandatory fuel allocation program has been under discussion for some time. At the end of April, when Congress passed the Economic Stabilization Act of 1973, the President was given authority to institute a mandatory program. In August, the President's adviser on energy matters, former Gov. John Love, announced a proposed mandatory plan and invited public comment. It is expected that the program provided by this legislation, with certain revisions, will be the mandatory program adopted if this legislation is enacted.

I would like to emphasize several points about this legislation which I feel will contribute to the success of the mandatory allocation program. First, the bill does not establish an allocation program in inflexible statutory terms. It provides for continued administrative flexibility by directing the President to set up the program following certain congressional objectives stated in the bill.

The President is directed to promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and refined petroleum products within 10 days of enactment and to make that regulation effective 15 days thereafter. Fortunately, most of the work in drafting such a regulation has already been accomplished. The administration has had several months experience under the voluntary program, and a mandatory program has been drafted and published for comment. Thus, the complex and usually time-consuming task of formulating regulations to implement the law is well underway.

The need for a mandatory petroleum allocation program is urgent, and this legislation provides what I feel is a reasonable and effective approach. I urge my colleagues to join me in supporting this measure.

Also, I urge all Members of this body to get on with the job of passing legislation that could add to the total energy resources available. This bill would not add to those supplies, but action on other legislation pending would have a material effect.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: Page 16, line 2, strike out "February 28, 1975" and insert in lieu thereof "April 30, 1974".

Page 16, beginning on line 7, strike out "February 28, 1975" and insert in lieu thereof "April 30, 1974".

Page 16, line 11, strike out "February 28, 1975" and insert in lieu thereof "April 30, 1974".

Page 16, line 20, strike out the semicolon and all that follows down through line 24 and insert in lieu thereof a period.

Mr. SYMMS. Mr. Chairman, I will be very brief.

The reason for offering my amendment is simply to have the termination of this rationing of oil and petroleum products bill, which is no more than what it is, come to an end on the same date as the expiration of the Economic Stabilization Act which would be April 30 of 1974.

Mr. Chairman, we have heard a lot of debate on this whole problem, and on all of the reasons why we have an energy shortage. The facts are we are not allowing the marketplace to work. The independent oil dealers in my section of the country say that if they can just be allowed to purchase and bid on their oil, that there will be no problem, and that they could bid high enough and establish a price to sell it which would allow the free market to work.

We work so hard in this country to make socialism work instead of letting free enterprise work that we have created so much chaos—that Members of Congress are asking for this legislation.

Mr. Chairman, very simply my amendment would make the termination date coincide with that of the Economic Stabilization Act so that if we can get rid of the wage and price controls then we will not have to have rationing. And that is what this is—an oil rationing bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, the gentleman stated that if this amendment is to be adopted, the entire length of time that this mandatory allocation would be in effect would be just about 6 months. The gentleman indicates that he is not concerned with the gasoline shortage next summer. But, I point out to the gentleman that in many parts of the country at the beginning of April, May, June, July, and August, the tourist months, there will be a great demand for gasoline. I can also point out if, indeed, his independent gasoline stations are operating successfully, then it is the only State in the Union in which that is the case. And there is expected to be an given greater gasoline shortage predicted next summer than we had this past summer.

The most important sections of the bill affect each and every Member of this House—those dealing with crude oil, home heating oil, and gasoline. To cut off mandatory allocation for gasoline stations beginning just 6 months from now would be a great blow to any chance of having this program work as it is intended to.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

What the independent oil dealers are trying for is an opportunity to purchase and bid on their oil in the marketplace.

My position is if we did not have wage and price controls, we could allow people to bid on the oil in the market and watch the wonderful price system work—the only even-handed method for the allocation of resources. This is what the independent oil producers would like. They would like to get rid of the Cost of Living Council and get back to the free market.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

If this amendment is adopted, it would make the Emergency Petroleum Allocation Act expire in just 195 days. This would give the Federal Government just 6 months to take over the distribution system for the entire oil industry, clean up the crisis, and dismantle itself. This is unrealistic.

This amendment would also demoralize the staff at the Office of Oil and Gas that will be charged with enforcing the Federal mandatory allocation program. This office is now beefing up its staff from 300 to 1,000 to meet the expected new workload. Even this number will not be sufficient to do the job. But we should not handicap the task of the Office of Oil and Gas any further by cutting off its authorization in 6 months—just when it will have gained the experience and competence to do the job.

The end of the energy crisis is not 195 days away. It is a lot longer—at least 3 to 5 years. So if we are to establish a Federal office to deal with fuel shortage problems, it must have the opportunity to plan past the next 6 months. Otherwise, we will create a Federal eunuch, a bureaucracy powerless to deal with an overpowering crisis.

The current shortage of oil products will not be relieved until the United States adopts stringent energy conservation measures, builds many new refineries, and resolves the many questions about where our future sources of energy will come from.

In New England, we are trying to do our part. In every way possible, I have been beating the drum about conservation of energy. Cities and towns, including my home of Pittsfield, throughout my district are adopting "fuel austerity" programs to cut consumption of heating fuels in public buildings.

And about the shortage of refineries in the Northeast, I have encouraging news.

Tomorrow, one of the largest independent petroleum dealers in New England will announce plans to build a major oil refinery in Maine.

This will be the first major oil refinery in New England. It will produce 250,000 barrels a day of heating oils and gasoline to help meet the demand in New England. It will be constructed and operated so it will not damage the environment.

I hope that this refinery will be just the first of several clean refineries in New England. I have inspected modern refineries, including ARCO's Cherry Point refinery at Bellingham, Wash., and I know that it is possible to construct a refinery that does not pollute the air or water and is a good neighbor.

But until this refinery and at least three others are operating in New England, my region will have to continue to rely on imports from the Gulf coast and abroad. This will be several years.

To get us through at least the first year and a half of this fuel shortage crisis, we will need a vigorous Federal office to coordinate and enforce the mandatory petroleum allocation program. This cannot happen if the Office of Oil and Gas is deflated 195 days from today.

For these reasons, I ask my colleagues to defeat this amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I want to associate myself with the eloquent and spontaneous remarks of the gentleman in the well and join with him in the enthusiasm he shares with the gentleman from Ohio, that there will be a refinery built in Maine to take care of the problems of New England.

I commend the gentleman from Massachusetts (Mr. MACDONALD), the chairman of the subcommittee, for his efforts to resolve the energy crisis. I join him in his concern about any effort to shorten the impact of this legislation, because clearly they are going to have the problem exist, not just throughout this winter, but also through next winter and we must continue to deal with that problem until it is resolved. So with him, I would oppose the amendment as it has been offered.

Mr. CONTE. I want to thank the gentleman from Ohio.

Let me tell him in regard to his remarks that I am plumping for a refinery in Massachusetts. I hope we get one in Massachusetts.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Idaho.

It seems that the gentleman who immediately preceded me in the well made a remark about somebody being demoralized. I can guarantee that if this bad bill passes, the demoralization will be affecting the entire petroleum industry and not just the FTC.

The gentleman's amendment is particularly apropos in view of the incidents of recent weeks.

We have seen the Cost of Living Council under the Economic Stabilization Act running a crazy course of reversing its field, making a decision, and putting everybody in bad shape.

I have heard comments from the floor and in the corridors recently of the incredibly bad job the Cost of Living Council has done in the field of gasoline pricing.

It seems now that many of the people that voted for the extension of the Economic Stabilization Act now are saying the Economic Stabilization Act is bad and wish it could be repealed, but at the same time saying let us pass this mandatory fuel allocation bill, because it is going to solve all the problems of the world.

I submit to you that in just a very few months we will be sitting back in the same seats wondering what in the world we have done to upset the economy of the United States further.

I submit that each and every time the Government of the United States attempts to tinker with the economy, they foul it up and they are going to foul it up this time, too.

I ask for an aye vote on the amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from California.

Mr. ROUSSELOT. Is it not true that if this program works out all that well and there is that much great support for it throughout the country we can merely extend it further next year? It does not really create any great problem to put a termination date on it. As a matter of fact, that will probably force a review of it to see if it is all as great as the Members have told it will be.

Mr. KETCHUM. I submit the gentleman is entirely correct. This bill has been put forward as a temporary measure, but so has the Economic Stabilization Act and it has been renewed and renewed.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, as one who has repeatedly called for the implementation of a mandatory oil allocation system during the past few months, I feel I owe my colleagues and constituents an explanation of my vote against H.R. 9681.

Let me state my continued strong belief that a mandatory system is necessary for the equitable distribution of refined petroleum products in short supply. Representing a rural area in the upper Midwest region of the United States, I know only too well that some areas are being harder hit by propane, natural gas, and fuel oil shortages than others. Already this fall my office has been contacted by individual homeowners, oil and gas distributors, school systems, and electric utilities about serious shortages in northern Michigan that could affect thousands of people. A mandatory system—while not increasing the amount of available petroleum products to U.S. consumers—will at least insure that all areas of the Nation have a fair share of the limited supply.

The key question raised by H.R. 9681 is not whether we should have a mandatory system, but how this system should be implemented. The administration has initiated by Executive order a mandatory program for fuel oil and propane gas that will go into effect on November 1. While I regret that this action has come so late, the administration has nevertheless moved more quickly than the Congress. This is my first objection against H.R. 9681. We cannot afford one additional day of delay in implementing a mandatory allocation system for fuel oil and propane. If H.R. 9681 were finally enacted, the administration would be forced to redraw its guidelines for this program, stalling an operational system for at least an additional 10 to 30 days. With cold weather fast coming upon the northern region and the understandable reluctance of the oil companies to redistribute their limited supply before the final mandatory guidelines are drawn up, 10 to 30 days' delay would be nothing short of disastrous for hundreds of thousands of Americans.

Second, by creating a mandatory system for all petroleum products, H.R. 9681 takes on more oversight responsibility than the Federal Government can effectively handle. From my discussions with the Office of Oil and Gas, the Federal office administering the propane allocation system, it is obvious that the shortage problems are too widespread and the oil industry too complex to attempt to spread Federal administration over the allocation of all petroleum products. Since the guidelines for the mandatory allocation of propane gas were published on October 2, the Office of Oil and Gas has been swamped with hundreds of complex propane shortage cases that affect the jobs and welfare of thousands of citizens. The 80 or so personnel assigned just to propane in the Office of Oil and Gas, although cooperative and dedicated, are hardly able to sort out and resolve all of the propane problems pouring in from around the Nation. Yet propane gas adds up to a mere 2 percent of the total supply of petroleum products used in this Nation. Needless to say, it would take a bureaucratic army to effectively deal with the allocation of all petroleum products.

I believe that the administration plan takes a more practical and effective approach to this problem by restricting for the moment the allocation program to propane gas and fuel oil. These two products make up the part of the petroleum industry which require the most urgent and critical attention as the winter approaches. When the warmer weather returns and vacationing Americans flock to the highways, it may be necessary to redirect Federal resources to the problem of gasoline shortages. For the time being, however, the heating of homes, schools, and industries must be given the fullest possible Federal consideration. In sum, the administration program better allows us to target our attack on shortages in different and particular areas of the petroleum industry as the need arises, while H.R. 9681 spreads the Federal effort far too thinly.

Finally, H.R. 9681 suggests that crude oil be allocated by the administration at the wellhead rather than at the refinery level. Controlling the producers rather than the refiners would also create a bureaucratic nightmare, since there are at least 10,000 crude oil producers in this Nation. This is not to deny the good intentions of the Interstate and Foreign Commerce Committee, which in writing the legislation was concerned that the small independent refiner might not be assured of an adequate crude oil supply unless allocations were controlled at the producer level. I have shared this concern about the need to protect the independents and believe that we should guard against the under-utilization of any available refining facility. However, attempting to control the allocation of the crude oil supply to refiners will tie the hands of the major and independent producers as to which refiners they can supply. If these producers are not free to seek out the more attractive refinery markets, they are unlikely to boost their production of the crude supply. The administration not only avoids this possible producer disincentive, but also substantially narrows the Federal oversight responsibility by concentrating the allocation efforts at the refinery level.

In summary, Mr. Chairman, my vote against H.R. 9681 reflects my support for the administration's mandatory allocation program. At a time when we cannot afford delay, the administration program promises faster action. It also zeroes in on the area and level of the petroleum industry that require the most immediate Federal attention.

On the other hand, H.R. 9681 invites a bureaucratic fiasco which at best would result in an overextended and confusing allocation program and at worst would paralyze the petroleum industry to the point of destroying its incentive to provide an increased oil supply. The goal of the mandatory allocation program should be to keep Federal controls at a minimum and Federal flexibility at a maximum so that the productivity of the private sector will not be shackled. I strongly believe that the administration proposal is better suited to provide a faster, fairer, more flexible mandatory allocation system.

Mr. COLLINS of Texas. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Chairman, I would like to commend the gentleman. As he knows, we never had hearings on this bill. There simply was a markup session in the general committee. For that reason the bill was called an emergency bill. Since it is named an emergency, it seems very appropriate that within 6 months the Congress should reconvene and in the meantime the committee would have a chance to have full and extensive hearings, so we can perfect it.

Mr. KETCHUM. I would agree with the gentleman that it is important for this body to get busy and start to direct itself to the energy crisis, which we are not doing with this bill and there is no other bill before Congress at this point which will do this. We have not identified the problem and we have not approached the problem and until we do the United States is going to have to suffer under an energy shortage aggravated by Government control.

Mr. STAGGERS. Mr. Chairman, I rise to say that I oppose the amendment.

Mr. Chairman, I had in the office two men from Massachusetts today. One of them said that he had a system of 45 gasoline stations, and 33 of them were closed today, because he could not get gasoline.

All this bill does is see that there is equal distribution. It tries to be fair with all America. I think if it is just given the 6 months' life, we might just as well not have any bill at all.

Therefore, I recommend to the committee that it oppose this amendment. It is a temporary bill, and if it does not do the job, we can get rid of it, but let us give it the fair trial of 18 months that we have talked about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. DINGELL. Mr. Chairman, I rise for the purpose of creating legislative history, and I move to strike the requisite number of words.

Mr. Chairman, I would recall to my colleagues at this time that I offered an amendment which appears on page 15 of the bill, line 8, beginning at subsection (d), as follows:

> (d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

My colleagues will note that the language there is prohibition against exports, not absolute but affording the President a measure of discretion. This has been done for the particular purpose of assuring that a vessel docking at our shores will be able to procure fuel; aircraft landing in the United States belonging to the United States or other countries will be able to procure fuel.

We have established a rule under which the President's regulations prohibiting export of petroleum products covered by the legislation will have intelligent utilization of those powers. The amendment will in fact see to it that fueling of vessels, aircraft, and similar transactions may continue. What the amendment aims at is exports of petroleum products as a part of commercial activities. These are no longer permitted.

Mr. Chairman, I hope with that, with the interpretation of the language, that we will not see any problems with regard to airliners and ships stopping at our shores being able to take aboard fuel to travel abroad to other countries.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here just long enough to realize that this House is going to do something which I consider to be ill advised. It is only because I personally believe that the action the House will soon take is ill advised that I, like my predecessor, Mr. DINGELL, want to make a little legislative history. It is not for the purpose of saying, "I told you so," but so that those Members who make the mistake of supporting this legislation will have the opportunity of trying to apologize later for the mistake they are going to make. I have no prepared statement but want to voice a few general thoughts.

There is no way that the Congress can pass this legislation today and not make the situation with regard to the distribution of petroleum products, making those products available to the ultimate consumer, worse. The situation is going to get worse.

The Government has destroyed the railroad industry in this country by overregulation, but we do not seem to have learned anything from it. We are going to destroy this industry with overregulation.

Now, it might be politically good for some of the Members at the moment to say, "Let us provide for equity," but this is being shortsighted. Their politics are better than their economics and their concern for the welfare of the fuel and energy needs of this country.

Just as Mr. Nixon has been criticized for phase IV, for having employed good politics and bad economics, if Members vote for this bill today they may say it was good politics, but if they wait 3 or 4 years, if they wait until the expiration date in 1975 and make that statement again, they will be laughed out of their congressional districts. Do not make any mistake about it.

Do you know what is going to happen? Things are going to get worse, and then the President will say, "Congress made me do it. Go pinpoint those people who asked for it and ask them why they made me do it. I am only doing what the Congress said to do."

This is going to disrupt the supply. Any time we disrupt the allocation of the crude feed stocks in the petroleum industry we are disrupting the supply, because it all begins there. When we take from one we disrupt another. There is nothing else we can possibly do.

I want the Members to look at the bill for a minute, to look at some of the aspects of the bill that are totally impossible, to say nothing about being impractical.

Section 4(a) says:

> Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation

And do all of these things.

Who here would believe that the bureaucracy, headed by the President, could possibly promulgate within 10 days a regulation to do everything that this act proposes?

Then look on to section 4(b)(B). It says that the regulations shall provide for:

> (B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

That is a rather all-inclusive statement, that they shall provide for all public services.

Those who are environmentalists, and really to a point we all are, should listen, because they are going to have to eat this, too. What will they do if he comes back and says, "Look. Natural gas is gone. Heating oil is gone. There is no more energy of that sort. We are going to have to go to burning some of that sulfur polluting coal we have left in the ground."

What will they do then, because if he complies with this directive he can do exactly that.

I submit that subparagraphs (D) and (E) say that he is going to provide for the "preservation of an economically sound and competitive petroleum industry," and he is going to provide for equitable distribution of crude oil. This is totally inconsistent with the mandate of the bill. It cannot be done.

I know the Members are well intentioned. I just say they do not know what they are talking about. None of them know about the petroleum industry. The gentleman from West Virginia (Mr. STAGGERS) knows something about coal, but he does not know a thing about oil. The gentleman from Massachusetts (Mr. CONTE) knows some things about some things, but he does not know anything about oil.

It is that simple. Listen to subparagraph (F). It says that we are going to provide for planning "economic efficiency." We are going to provide for economic efficiency? We are going to provide for planned economic disaster, because the price to the consumer of the products is going up and up and up, believe me.

Last year, for the year 1972, the average cost to produce a gallon of refined gasoline ready for the market—to find the oil, to produce the oil, to move the oil to the refinery, to refine it into gasoline ready for marketing, on the average in this country—was 16 cents a gallon.

And these oil companies have been taking advantage of the people, some say.

Mr. Chairman, how many of us pay more than that for bottled water? One cannot even bottle water and market it for that. I am speaking the truth. These people have done a pretty good job. So the price is going up and up, and the cost of gasoline is going up.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. WAGGONNER) has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, they say we are going to provide for dollar-for-dollar passthrough by legislation. We are going to take just gasoline and petroleum products, and we are going to establish—not the Cost of Living Council—but we are here going to by legislation establish the price. Because it says that he will either establish the price or the formula for establishing the price in that regulation which he has to produce within 10 days. What about beef and all our other commodities if we start this?

Let me tell the Members this: They say it is all for equity. It is not for equity to be sure that people get what they got in 1972, these so-called independents. We provide that they are going to get a pro rata share of any increased production or, I will readily admit, a pro rata share of reduction of some diminished products. And there is a likelihood of that, in view of what is going on in the Middle East right now.

In an effort to be fair and to be equitable, we are saying to that man we identify as a "total independent"—"Mr. Independent, we are going to insure that you will never have to invest another dollar. You will never have to go out and drill a well and find crude."

Mr. Chairman, I know something about these independents. They are my friends.

We will say to them, "We will just let you independent refiners get yours. We are going to see that the Government allocates yours to you." But what are we going to do to be sure every consumer gets his allocation?

Mr. Chairman, I will say to my friends that we are making a big mistake which we are going to pay for down the road with less energy, because the supply of energy is related to the price of crude, and when we reduce the price of crude and take away the incentive, we are going to get less of it.

Not only are we going to reduce the potential for new supplies of energy, but we are going to guarantee that the price of every consumer product goes up and up.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be happy to yield to my distinguished friend, the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, as a point of general information for the Members of the House, I have here a United Press release from Kuwait, which I will read for the benefit of the Members:

> KUWAIT.—Eleven Arab oil-producing nations announced Wednesday they would reduce oil production by five per cent every month until Israel withdraws from occupied Arab territories and the rights of Palestinians are restored.

Mr. WAGGONNER. Mr. Chairman, I will say to the gentleman from New Jersey (Mr. WIDNALL) if I resort to the vernacular: "You ain't seen nothing yet."

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last evening I voted against limitation of time, because I had prepared an amendment, but because I am not a member of the committee I could not get a word in edgewise in support of my amendment. Now today I note that we are proceeding more orderly and I am glad that Members are in a better disposition. I have also had a chance to study the printed record and I find that the amendment which I had intended to propose had in fact been offered by the chairman of the committee, the gentleman from West Virginia.

I represent a lot of farmers who desperately need supplies of diesel fuel. There are documented instances where the product has been available but someone higher up in the oil business has told the distributor not to sell to our farmers at the very time they were trying to cut silage in their fields. As I said we have these facts documented in several instances.

Also in our district there are some smaller cities that have already been told they are going to be restricted or completely denied natural gas this winter. This is another reason I so strongly support H.R. 9681.

Now if I may, I hope to make some legislative history for a moment. I find that the chairman of our Commerce Committee did yesterday offer an amendment, which is recited at page H9129 of the RECORD, being an amendment identical to both line 8 and line 11 of page 13 of the bill, as follows:

> Strike out "gasoline and refined lubricating oils" and insert in lieu thereof "refined petroleum products."

Then I note at page 11 of the bill, there is a definition of "refined petroleum products." Which includes distillates, and home fuel oil known as No. 2 fuel oil and diesel fuel.

Mr. Chairman, I now ask the chairman of the committee, Mr. STAGGERS, the floor manager, or the author of the bill, the gentleman from Massachusetts (Mr. MACDONALD), if this amendment which pertains to passthrough of costs will serve to prevent the refiners from refining only the more profitable fuels such as gasoline which are provided for in the dollar-for-dollar passthrough to the neglect of No. 2 fuel oil for our homes and diesel fuel for the tractors of our farmers.

Were it not for this amendment refiners could say, "We will make only gasoline and the more profitable products. Now this passthrough amendment will cover heating oil and diesel fuel. Is that correct?

Mr. STAGGERS. That is correct.

Mr. RANDALL. I thank the gentleman.

Mr. Chairman, I strongly support H.R. 9681. As a nation we face a critical shortage of petroleum products. My farmers have been unable to obtain fuel either to get their crops from the fields or to dry their crops. Some school districts have been unable to secure enough gasoline for their buses. The need for a mandatory allocation program is well established.

Yet the President until very recently has failed to use the authority which Congress gave him last April to implement such a program. Instead, he has relied on voluntary controls. These simply have not worked. I daresay every one of my colleagues has recent mail from his constituents which tell him that the voluntary controls do not work.

Late in September starting on Monday, September 24, every day that the House met I took the floor to call the attention of my colleagues to the failure of a voluntary allocation program. One day I asked, "How much longer?" The next day, I asked the rhetorical question "Where were the investigators that Governor Love promises to send into my congressional district?" On succeeding days I charged the administration with "passing the buck" when they said that the House of Representatives could not agree on an allocation plan. All the while it was clear to many of us that Public Law 93-28 carried the language that the President "may allocate." Today by H.R. 9681 in section 4 entitled "mandatory allocation" we have used the words "The President shall provide for the mandatory allocation of refined petroleum products." If this bill should pass there will henceforth be no doubt about the responsibilities of the President.

Mr. Chairman, my only regret is that this measure did not come before us much sooner. The farmers of my congressional district have already sustained heavy losses. However, we should all commend the work of the distinguished gentleman from Massachusetts (Mr. MACDONALD) for laboring to bring this bill to the floor as quickly as possible.

I would hope that today we would not engage in any emotional debate which would array the so-called producing States against the consuming States. We are one Nation. We are working to pass this bill today to give all of the people of the United States a fair share of fuels. Because of existing shortages we must adopt a procedure for mandatory allocation.

Now, Mr. Chairman, the formal title of this bill is the Emergency Petroleum Allocation Act of 1973. Perhaps a better title would be "Share the Shortage" Act. All of us would prefer that we did not have to have mandatory controls. There are those who predict that the passage of this bill will come back and haunt those of us who support it. That is a risk that I am willing to assume, because of what I have seen happen since Governor Love came to town about July 1. I have repeatedly charged that he had done nothing to improve the procedure for voluntary controls. Today the Congress has no choice but to act on this bill. I have seen the rigs of the farmers in my congressional district set idle in the field for want of diesel fuel. I have listened to the continuous appeals of my independent oil dealers complain against the failures of voluntary allocation.

Mr. Chairman, we all believe in free enterprise. We all believe in the operation of the law of supply and demand, but voluntary action has not worked. This bill will provide for a continuous uninterrupted system of controls until February 28, 1975. Any inquiry as to who is to blame for the existance of a so-called energy crisis is not an area of discussion today. That is water over the dam. Today we must try to do something to alleviate these shortages.

There may be a lot of ways that we can conserve energy. We must put any good proposals into practice but the time is passed for more talk. Now is the time for action.

If there is one overriding reason above all others why I support this bill, it is my memory of the remarks repeated again and again by my farmers to me personally during the August recess just passed, when they said to me "voluntary controls won't work in our farm tractors."

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope I do not take 5 minutes, because I believe we have reached the point where we are going to have a vote on the bill, but I do want to make one or two observations on it.

I want to remind the House again that the President has the authority now to put into force his kind of a program. There is no question about it, and nobody challenges that. I want that to be clearly understood.

Secondly, the President has already announced a program on this allocation matter with respect to propane and distillates and kerosene and jet fuel and heating oil. He has indicated it might be necessary to include gasoline. He has the authority to do the above, and he has announced such a program.

All you are doing is rushing into it and saying, "We will make you do that which you have announced that you have already done or that you are going to do."

The people in the administration at the White House level have said to those on the Committee, and many of you, that they are not going to take a position on this, because in the last analysis they do not want to take the heat. They say, "Let us make the Congress force us to do it, because we do not want that responsibility." That is exactly what they have done.

Congress swallowed this bait. Congress will pass this bill, and the administration is off the hook. In effect at this point they are ahead on that score, and they prophesied exactly what we would do. They have won that battle.

But I think they have really lost the war. All through this debate different Members have arisen and said to the chairman, "Mr. Chairman, I want to ask you about home fuels, the petrochemical industry," and a whole host of other things. The good chairman has said that they have broad guidelines, broad enough to take care of the problem. Twenty-five or thirty Members at least have been assured that their problems will be taken care of in this bill.

I say in a light manner, but somewhat seriously, that if somebody said, "Mr. Chairman, will this take care of salad oil for my home," the chairman would say, "Yes, it is taken care of in this bill."

What you are really doing is saying you are favoring one group over another. The major oil companies have not taken any position on this. Most of them are in favor of this bill. Only two or three of the oil companies are not net purchasers of crude oil. They want this bill because it removes the contractual obligations that they have. When you force them to break a contract so that the Government can control the oil, then they are relieved from any legal responsibility.

They do not want to do this on their own. They have not made the decision because there is a scarcity, and they have been quiet in this regard. So, the oil companies are ahead at this point.

I say to the oil companies, however, that they will rue the day that they did not give more leadership to this matter, because they have not made their position clear, and did not announce their position.

The Members know that I have offered an amendment which would relieve producers. The members of the committee know that allocating crude oil at the wellhead is an absolute administrative nightmare. Allocation should not go back to the wellhead. Once oil is severed and there is a waiver of it at the wellhead, then oil can be controlled. Although I do not like that approach, I would accept it.

The committee would like to be off the hook, but they do not know how—because under any analysis this bill does not provide one more barrel of oil.

It does not go to the heart of the problem at all, and that is the lack of an ample supply of energy; all it does is try to redistribute a shortage. The bill is a source of some amusement. Now we have gentlemen, like the gentleman from Massachusetts, saying that he wishes to have a refinery in the Northeast. I thought lightening would strike the Capitol that I would ever hear a statement like that, because the gentleman wants a refinery in his area. They have never wanted a refinery, never wanted a superport, never wanted any kind of oil and gas production, but at least we have this new joiner of the church.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I will not yield to the gentleman at this time.

The gentleman asked me to yield yesterday and then cut me off. I seriously tried to answer the gentleman's question, and the gentleman cut me off like a saw through a two-by-four. So naturally I will not yield at this point. I will yield to the distinguished chairman, and then I will come back to the gentleman.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for yielding.

The gentleman in the well made a statement a few moments ago which. if I understood the gentleman correctly, I resent very much.

Mr. PICKLE. Would the gentleman repeat the statement?

Mr. STAGGERS. The gentleman said that Members had asked me if their particular situations were taken care of in the bill, and I said yes.

I think the gentleman who is speaking in the well knows better than that.

Mr. PICKLE. What was the statement, Mr. Chairman? I do not know the point the gentleman is making.

Mr. STAGGERS. The gentleman made the statement that Members had asked me, "Does this take care of my situation?" And I just said, "Yes."

The gentleman knows I would not make that statement unless the bill actually provided for the situation. I think the gentleman knows me well enough to know that.

Mr. PICKLE. I said that at least 25 Members have arisen to ask questions about buses, Hawaii, the glass industry, petrochemical industries. They asked about some 25 industries, and the gentleman said, "Yes, that is taken care of in the bill."

Mr. STAGGERS. And was it not taken care of?

Mr. PICKLE. Well, in 25 different instances the gentleman has given assurances that bill provides that coverage.

Mr. STAGGERS. And I would not have said that if it did not, and the gentleman knows that.

Mr. PICKLE. Please read the record for the past 2 days. The Committee been promised all things to all questioning Members.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas, a very dear friend of mine, has made another one of his unfounded charges here, somewhat like the lecture we received from the gentleman from Louisiana who spoke just before the gentleman.

The gentleman said, "You know, my colleague from Massachusetts, in asking for a refinery here today for New England, was like a bolt of lightening." And why did I not do it before?

Let me give the gentleman a lecture, and the gentleman ought to know the lesson because the gentleman represented the district of the late President Lyndon Johnson.

We went down to the Department of the Interior—I do not know how many times I went down to the Department of the Interior to see Secretary Udall—and asked for a refinery in Machiasport, Maine. I said that Dr. Hammer of Occidental Petroleum wanted to build that refinery. And do you know who opposed us? People from Texas, Oklahoma, Louisiana, and Arkansas, and even Governor Love. I never said this before. Governor Love came up there and made a personal trip to Maine to oppose that refinery in Machiasport.

The man does not know what he is talking about.

Let me tell you about the lecture we got here from the gentleman from Louisiana. Fifteen years ago President Eisenhower put in the mandatory oil import quota system on crude, residual oil and oil products. I gave the very first speech in the House 15 years ago against that. At that time I went to a high official and I said, "You know, this is disastrous. Do you know what you are doing to New England and the eastern seaboard?" I said, "One of these days we will be out of gasoline and heating oil by putting these restrictions on the amount of oil we can import." At that time we did not have the crisis in the Middle East. We could have bought oil from the Persians, from the sheiks, and from the Arabs, dirt cheap.

But the selfish interests of Texas and the selfish interests of Oklahoma and Louisiana said no. I said, "Under what rhyme or reason can you do a thing like this?" And they said, "It is the only way that the President can get his program through the Senate."

Do the Members know who was the leader of the Senate at that time? The late President Lyndon Johnson. Do the Members know who was the other leader in the Senate at that time? U.S. Senator Kerr of Oklahoma. That is how the mandatory import quotas on crude oil and residual oil came about.

For 15 years my people have suffered. They have paid over $5 billion a year in additional costs in oil. Today we find ourselves in a predicament. We could have more oil underneath the ground in Texas, Louisiana, and Oklahoma now—more than we have on the Alaskan Slope—if we had been allowed to import oil from the Persian Gulf and Venezuela. We did not have any ecology laws in those days. We could burn heavy bunker C oil; we could burn heavy sulfur oil; and we could get that oil from Venezuela.

Go back and look at the records on foreign aid in the House Appropriations Committee. Every Secretary of State from John Foster Dulles on that came up I asked: "How do you feel about mandatory oil import quotas?" They agreed with me that it was bad for our foreign policy, but what could we do about it? Our hands are tied.

So today we find ourselves with our backs to the wall. We are going to have homes, schools, and hospitals going cold this winter. We are going to see brownouts and blackouts.

The gentleman from Louisiana stands up and condemns us for coming up here and saying, "Look, we know we are not going to get any extra oil; all we are saying is, give us enough oil to get through the winter. Give us a share of the shortage."

Give us a share of the shortage. That should be the title of this bill.

Mr. COLLINS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we talk about Texas, we are not talking about members of either party. This gentleman, who is objecting, happens to be on my side of the aisle. I think it would be well for him to get his facts straight on this issue. There is no fuel oil quota system in Massachusetts today. Massachusetts can import all of the fuel oil that they want to.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Massachusetts.

Mr. CONTE. But when we wanted it and when we could get it, they would not let us import the oil. They finally took it off the quota when we could not get the oil. It is worthless.

Mr. COLLINS of Texas. The gentleman from Massachusetts knows that they had whale oil up there at one time. I have never heard of these Massachusetts traders ever sending any whale oil to Texas, and you all controlled the whale oil market.

Let me tell the Members something about the price of gas in Boston today. Today in Boston they are receiving gas up there. Besides natural gas they are receiving what we call LNG. Those who are students of this particular subject know that they are turning gas into liquified gas, and importing it from Algeria. They will tell you LNG costs 70 cents more in Boston than it does to take that natural gas up from the Southwest.

In other words, Boston is paying a premium for importing all of the gas they are bringing in. When they talk about the shortage—and they are right about the fact we face a serious oil and gas national shortage—New England has not come up with one positive suggestion in 100 years on how to eliminate the shortage. What we ought to be working on today is how to stop the shortage instead of how to perpetuate it forever.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. I should like to point out to the gentleman, to the gentleman from Louisiana and the gentleman from Texas, one does not have to be born in an oil-producing State to understand the problems. It seems to me that after 20 years of studying the situation, the major oil companies have gotten so big that they do not care about the average American, whether he be in the Northeast or in Texas for that matter.

I should like to point out to the gentleman the substance of what the gentleman from Massachusetts (Mr. CONTE) indicated, that not only did they not give us what we wanted, they closed down the only refinery in New England that serviced from the Canadian border to New York, which happened to be in my district, 11 years ago.

Like the gentleman from Massachusetts (Mr. CONTE) I begged them not to close it. I said, "What are we going to do for oil?"

They said, "We owe it to our stockholders. We have to go ahead with this.

I know it is unpleasant. You will never have any trouble here anyway."

And that is an approximate quotation.

So if we were to say that all the experts in the energy area have to come from Texas, Louisiana, or other oil-producing States, we would stay in the sorry situation in which we find ourselves today.

Mr. COLLINS of Texas. Let me add one more thing here, and then I will close. Who owns these major oil companies? I have heard them kicked from one side of the aisle to the other. The major oil companies stock is listed on the New York Stock Exchange, and the principal stockholders live in New York City, Cleveland, Boston, and Chicago, Ill. Let us get down to where the major oil company ownership is. Frankly, these companies are owned by Americans throughout our entire country. They just operate down in the Southwest.

Mr. BAUMAN. Mr. Chairman, I rise to state my very reluctant support of H.R. 9681, the emergency petroleum allocation bill. I support the bill only because it offers the only vehicle for congressional action this year, however imperfect that vehicle may be.

Incredibly, the preamble in this bill states that "hardships and dislocations—can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government." Mr. Chairman, I submit that the only two things which the Government can do "most efficiently and effectively" are waging war and inflating the currency. And in recent years, severe doubt has been cast upon its ability in the former category.

When are we ever going to learn the oft-taught lesson that the Federal Government is not the repository of all wisdom; that among the things that the Government does least efficiently is meddle in the workings of the free market; and that the surest way to insure that we will have shortages and malapportionment of available fuel resources this winter is to place the decisions relating to fuel allocation in the hands of the executive branch of the Federal Government?

Since the administration's announcement of mandatory fuel allocation in the areas of home heating oil and propane gas, there have been a number of reports of individuals hoarding available supplies of each, and of a burgeoning black market. Such responses are the inevitable result of governmental regulation. This bill proposes that we go even further: That we require the executive branch to exercise mandatory control over all distribution of crude oil, fuel oil, and all refined petroleum products. A need for regulation and manatory controls over every aspect of the petroleum industry, required by this bill, has not necessarily been shown. The committee report accompanying the bill states that—

> Whatever their origins, the committee finds that these shortages are real, severe, and cannot be dealt with through reliance on a free market structure or voluntary programs.

That I seriously question.

Shortages would never have developed if the free market had been left alone. It was the Federal Government which set quotas on imports of crude oil, thus creating an artificial shortage of refining capacity within the United States. It was the Federal Government which held, and is still holding, the price of natural gas at an artificially low level, thus at once creating excess demand and discouraging new exploration and development. It was the Federal Government which required a hurry-up, crash program for the development of pollution-free auto exhaust systems, thus in effect mandating the installation of grossly inefficient pollution control devices, which have increased fuel consumption on new cars up to 50 percent. It was the Federal Government which delayed the construction of the Alaska pipeline until the energy crisis became so apparent that voter-conscious Members of Congress could delay its construction no longer. And it was the Federal Government which set sulfur requirements for the burning of coal so low that vast reserves of our most abundant fuel commodity lie unused in the earth while homeowners face the prospect of cold homes and even electrical shortages this winter.

And now, on top of this sterling record of Federal Government involvement in the energy-producing sector of the free market, we are offered the solution to the problems which this involvement has created: More Federal Government involvement in the economy.

This may well be a solution akin to the practice some centuries ago of bleeding a sick patient in order to cure him. There is no surer way to insure that the patient, our economy and especially that segment engaged in fuel production, will become even more ill.

The oil companies involved in supplying our Nation's energy needs are at least as capable as the Federal bureaucracy of determining a fair and equitable distribution of the available oil resources this winter. I had hoped we could let them do so. There is nothing magic or special about the Government's sense of fairness in determining fair distribution, and as I said earlier, there is more than ample historical and current evidence that Government involvement may only cause hoarding and a thriving black market.

Many, particularly those from farm and water areas, will vote for this bill because it provides that "to the maximum extent practicable" farmers, ranchers, and fishermen will receive petroleum supplies. But the bill goes on to say that there shall be "equitable distribution—at equitable prices among all regions and areas of the United States." I hope that is true but if ever there was a bill which promised all things to all people, this is it!

In truth, there is no promise anywhere in this bill that fuel allocation will be any more "equitable" under governmental control than if no such controls are implemented or that farmers and watermen will receive priority treatment. It merely insures that the Federal Government will decide what is "equitable" and what is not. That is little assurance, to farmer or fisherman, to homeowner, to the businessman, that his concept of "equitable" distribution will be the result.

I do not have to remind you that this bill does not manufacture oil out of thin air. It merely says that we will spread around the suffering "equitably." Instead of wasting its time on a scheme which pretends to take "action" on the fuel shortage problem, we in the Congress should be concentrating on the removal of the measures which caused the problem in the first place. I suggest that we get on with that task, and stop trying to give the impression that we are going to make things better when we are not.

Mr. Chairman, I seriously doubt that this legislation will accomplish the objectives its sponsors claim, but we are left with no alternative but to act. I pray that my apprehension is unfounded and that this bill might succeed, but the history of the Federal Government's activity in the energy field makes this likelihood remote. I reluctantly vote to give this bill a trial knowing that the authority granted in the bill is for a limited time only and that Congress will have a chance to reassess its effectiveness at its expiration.

Mr. SHRIVER. Mr. Chairman, I wish to take only a brief time to commend the committee, and particularly my colleague from Kansas (Mr. SKUBITZ) who assumed the leadership in the committee to exempt from the mandatory allocation program crude oil production from stripper wells producing less than 10 barrels of oil daily.

This is absolutely essential if the independent producer in Kansas and other oil-producing States in the Midwest are to stay in business. Forced allocation of stripper oil coupled with price controls now in effect would definitely inhibit, if not close down production in my State which is so acutely dependent upon such stripper production.

Stripper wells compose 97 percent of the wells in Kansas, and they produce 69 percent of the oil. As we continue to deal with the energy crisis, the stripper well segment constitutes a valuable resource during this crucial time.

Mr. Chairman, while I have doubts about the effectiveness of creating more bureaucratic controls through mandatory allocation, we must insure equitable and adequate distribution of our fuel supplies and resources to make certain that homes, hospitals, emergency services, and agricultural operations are fairly served.

Allocation may be a short-term remedy. The Congress should dedicate its time and efforts toward encouraging methods for increasing the supply of oil.

Since I have been in the House, those of us from oil-producing States have time and again emphasized the need to strengthen our domestic industry. The outbreak of hostilities once again in the Middle East underscores the importance of domestic exploration.

Perhaps instead of finding ways to hamstring the small independent producer and others in the oil industry, we should consider immediate steps to remove price controls making domestic oil as profitable as imported oil; and, action taken to reestablish the incentive of 27.5 percent for oil and gas depletion.

Our colleague from Texas (Mr. COLLINS) cited in his minority views included in the committee report on the bill some illuminating statistics regarding the impact of the reduced tax incentive now in effect. He stated:

> Back in 1962 when they had 27.5% depletion, there were 43,779 drilled. In 1972, there were only 27,291 wells drilled on a 22% depletion basis. We're not collecting more taxes, we are actually collecting less tax. We have fewer people working; we have less exploration. This 27.5% depletion was an incentive that encouraged people to go out looking for oil.

Mr. McSPADDEN. Mr. Chairman, although crude oil supplies are relatively tight, problems of equitable distribution of crude oil are confined to smaller refineries. The limited nature of this problem does not justify the application of an allocation program to all producers and all producing leases throughout the United States. In fact, such a program would be ineffective, cumbersome, and counterproductive for many reasons including:

One, independent producers generally have little or no control over the distribution of their oil once it leaves the lease tanks and is comingled in the pipelines;

Two, the collection of basic information and the subsequent allocation and enforcement involving many thousands of producers in 32 States would be a staggering administrative task at enormous cost to Government and producers; and

Three, it should be kept in mind that the basic long range solution to the problems that now exist depends on a substantial expansion of domestic oil and gas supplied through greatly increased exploratory and development activities.

There is an urgent need for greater economic incentives and greatly increased flow of capital into oil and gas exploration and development. All allocation problem applicable to all producers would impede and discourage such activities. It is urged, therefore, that the government allocation program not be applied to crude oil producers. If crude oil is to be allocated in the interest of equitable distribution, such allocations should apply to crude after it leaves the producing lease. To be specific, under the import program, exchanges of import tickets among refiners were permitted to accomplish a limited distribution of crude oil supplies.

It would seem that a system, no broader in application, could be instituted to handle today's problems of equity.

In conclusion, I would like to reemphasize the need to increase supplies of crude oil in the lower 48 States by encouraging exploration, development and production. More freedom of action and more incentives are needed in this area, not less.

For example, the life of producing wells should be prolonged in every way possible. Such actions would add to reserves by postponing or delaying abandonment of producing wells. In addition, improved economic incentives would encourage the start of improved recovery programs which are not economic today.

The allocation program is not getting to the root causes of the shortage problems. The pressing need is to expand domestic oil and gas supplies and I respectfully urge that Government policies be directed to that end. These are my reasons for opposing H.R. 9681. No mandatory law will produce one more barrel of crude oil, one more gallon of gasoline but would create a bureaucratic monster.

Mr. STEIGER of Arizona. Mr. Chairman, I supported the amendment of the gentleman from Ohio (Mr. ASHBROOK). There are at least three reasons why it is a good idea to turn over the monitoring function in section 7 to GAO.

The General Accounting Office is an arm of the Congress and this substitution would preserve to the Congress more direct oversight of the program we are proposing to mandate.

The General Accounting Office is experienced in performing program audits of the kind required in this bill, where as the FTC by comparison is not experienced in this activity.

The General Accounting Office is not an antagonist of the industry which is a part, at least, of the audit subject, whereas the FTC by contrast is such an antagonist.

It is important that we be provided highly objective reports on this matter because this is a complicated legislative attempt to solve a potentially explosive problem: shortage of heat this winter. We do not need reports which include a determined anti-industry bias.

If anyone should believe that the FTC has a special consumer interest in this legislation, let me point out that the mandatory allocation bill is not consumer protection legislation in the sense in which that phrase is customarily used. This bill does not deal with fraud or merchantability which are the usual subjects of consumer legislation. In other words, there is no positive reason to have FTC associated with this monitoring function. Bear in mind that this function is entirely different from the review of proposed regulations for possible antitrust conflicts. That is a proper function for the FTC. Moreover, the monitoring does not go to operationally antitrust problems inherent in this program. That is covered in this bill by the Attorney General who must have a representative present at all intercompany meetings. I cannot see any reason for not making this change, and I can see several positive reasons in favor of this change.

I urge your support of the Ashbrook amendment.

Mrs. GRASSO. Mr. Chairman, the heating oil situation in this Nation has reached critical proportions. On October 5, the stockpiles of heating oil along the east coast were 84.5 percent of their 1971 levels. This is less than the reserves in 1972 when we experienced a mild winter. At the same time, demand is growing by as much as 10 percent annually.

Independent terminal operators have been hardest hit in the New England area. On October 5, their stocks were only 77 percent of their average stocks during the past 2 years, and even in that period they experienced shortages. Because of greater demand now, the current stocks are only 57 percent of the amount the independents believe they need to carry them through this winter. To further complicate the situation, these independent terminal operators supply a substantial portion of the heating oil sold by independent distributors in New England. The independent distributors, in turn, supply the oil for 82 percent of the oil-heated homes in New England, and many have been unable to buy heating oil from major distributors who were willing to sell in the past.

These facts lead to one conclusion: The 71 percent of the homes and businesses and the 75 percent of the people of New England who rely on oil heat face potential economic chaos if a major heating oil shortage should occur this winter, especially if severe weather strikes the Northeast.

Mr. Chairman, on numerous occasions during the past 5 months, I have publicly called for the imposition of a strong, effective mandatory allocation program for refined oil products to assure continued supplies for the independent distributors—and the people they serve—in my State and across the Nation.

The bill before us today—H.R. 9681—establishes the type of program I have been advocating.

We must approve this bill today because the administration has refused to take the action needed to protect our citizens from a possible disruption of heating oil supplies during the coming months. The October 12 announcement of an allocation plan for the "middle distillates"—heating oil, jet and diesel fuel, and kerosene—deals with only part of the problem and attempts to placate the American consumer while catering to the major oil companies.

In brief, the administration's program contains too many loopholes which could render it ineffective. By failing to include crude oil, the program does not assure the independent refineries of the product they need for distilling heating oil. By failing to include gasoline, the program could lead to a production of gasoline by the oil majors at the expense of heating oil.

Only the Emergency Petroleum Allocation Act of 1973 offers the people of the Northeast, upper Midwest and Northwest the assurances that they will not be denied their fair share of heating oil this winter.

I urge my colleagues to join me in supporting this important legislation.

Mr. CLEVELAND. Mr. Chairman, as a Representative from a State highly dependent on oil for home heating—and on independent dealers for supplies—I support the Emergency Petroleum Allocation Act of 1973. It seeks an objective I have worked toward as a member of the New England Congressional Caucus and as a cosponsor of the Trans-Alaska pipeline bill.

I fully recognize the potential for difficulties in administering the allocation program, based on our recent experience with price controls. Yet voluntary allocations, which I would greatly prefer, have not worked. The administration has delayed too long in instituting a mandatory program of its own under existing authority. And New England has too long suffered from misconceived energy policies. We already face the threat of severe shortages, which may be aggravated if imports of Arab oil are reduced.

I wish to emphasize that this is emergency legislation, as implied by the title. At best it can spread around the misery in case of severe shortage, but by itself it does nothing to conserve existing resources or expand supply. If the situation we face warrants as distasteful a measure as this—and I have reluctantly concluded that it does—we should with an equal sense of urgency get about the task of meeting our overall energy needs.

This will demand massive efforts in research and demonstration in ways to conserve energy throughout the chain from extraction to end use, and development of ways to reduce the environmental impact of energy production and use. I shall address this at some length in a statement to be inserted in tomorrow's RECORD. Finally, the public at large must meet its share of the responsibility by reducing consumption to the maximum extent possible.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will resoundingly approve this bill before us, H.R. 9681, the Emergency Petroleum Allocation Act of 1973, because it is designed to effectively deal with a matter of critical national interest.

The authoritative evidence and testimony, with which we are all familiar, conclusively demonstrates that we are now experiencing and can expect to experience for an undetermined future period significant shortages in crude oil, residual fuel oil and refined petroleum products.

This same authoritative testimony also and conclusively shows that the administration's voluntary allocation program has been a complete and unhappy failure. It has not at all been able to establish equitable pricing and an adequate consumer supply nor was it able to prevent the chaotic economic developments that forced some 2,000 independent dealers out of business.

Very clearly, an immediate correction of this disastrous situation must be made and an adequate remedy applied. I believe that the correction and remedy is contained in this bill before us which, in substance, directs the President of the United States to devise and project a system of national manadtory allocation of crude oil, residual fuel oil and refined petroleum products. Under the provisions of this proposal the President is granted flexibility to avoid any unforeseen adverse effects by authorization to accomplish the urgent allocation objectives as mandated by the Congress "to the extent practicable."

In effect, Mr. Chairman, this proposal is a short-term, emergency measure that is intended to insure that available oil and petroleum product supplies are shared equitably among all sectors of the economy and to make certain that the home residents and public and private health, educational and other essential service institutions in the colder climates of the country, like my own home area and State, in the New England region, are not visited with extreme and unusual winter hardships. Because this is projected as an interim emergency bill it is obvious, Mr. Chairman, that the basic causes of the fuel shortages that are currently and seriously plaguing our people must be discovered and cured. On this score, the Federal Trade Commission has recently released a 2-year study of the operations of the major oil firms in this country which impressively indicates that the apparent lack of competition among these firms will require the attention and appropriate legislative projection of the Congress at the earliest possible date and I urge the leadership initiation of such pertinent congressional review, in the public interest, with all deliberate speed.

In the meantime, it is my sincere conviction that this Emergency Petroleum Allocation Act of 1973 will provide the effective mechanism to more fairly allocate fuel resources for regional and national consumer supply with strengthened independent dealer protection and I again advocate the adoption, in the national interest, of this measure by an overwhelming vote.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of H.R. 9681, which requires the implementation of a mandatory program for crude oil and refined petroleum products.

I applaud the administration's decision last Friday in adopting at least a limited mandatory allocation program. However, I seriously fear that it may be too late to offer any substantial relief in the fast-approaching winter.

For 7 years, since coming to the Congress, every autumn I have warned of the impending oil crisis. Every winter people in the Northeast, and especially in New England, live in fear of being without heat, because every year there are shortages. Last year, only the grace of God and unusually mild weather saved New England from the specter of cold homes, shutdown factories, and interrupted school classes.

This autumn, we in New England are joined by people across the country after all the publicity, all the discussion and rhetoric of the past months, the administration still has not faced up to the reality of the situation. They have proposed a limited program where only a comprehensive program will work.

This legislation has one major purpose—to make the executive branch face up to the hard decisions it must make—now—if we who must face the ravages of winter will make it through. Crude oil and gasoline supplies cannot be left to the whim of the major oil companies in this crisis.

The lack of decisive action has left the responsibility to Congress to take care of the basic needs of Americans. This bill represents our response to that challenge, and I urge we approve it.

The administration's misplaced reliance on a voluntary allocation program was a real mystery.

All government and private estimates are predicting a shortage of home heating oil for New England, based on the assumption that we will have a normal winter. Seventy-five percent of the homes in New England are heated by oil—the highest concentration in the Nation. If we have a cold winter in New England the shortage would not only affect the livelihood of New Englanders but, indeed, their health and welfare. There are elderly housing developments in my district that if heating oil supplies are cut off it could be disastrous.

Therefore, I think it is important, Mr. Chairman, that we make the language in 4(b) A and B clear that residential heating oil is a high priority. I just want to make the legislative history clear on that point.

The latest figures supplied to my office by the terminal operators indicate that their net inventories of No. 2 heating oil are about 40 percent below last year and less than 50 percent of their supply is assured from domestic producers for the rest of the winter. A mandatory allocation program would result in both assured increased supplies and lower prices for New England homeowners in that they would be less dependent on higher priced imports.

Also, the Northeast Petroleum Industries, Inc., of Boston recently warned that the Northeastern part of the United States faces a fuel oil catastrophe this winter unless refined products are allocated on a mandatory basis. Even the major oil companies say they need a mandatory program. The independents' survival requires a mandatory program. State and local governments support a mandatory program. The administration officials who ran the voluntary program admit that it was a complete failure. Even Governor Love admitted recently that there has been "a noticeable deterioration in the compliance of most oil companies in the past 2 or 3 weeks—some companies have given formal notice that they do not intend to comply further with the voluntary petroleum allocation program." He was also quoted as saying that Phillips is pulling out of New England in violation of your voluntary program unless mandatory provisions are imposed.

Mr. Chairman, in the face of the uncontested failure of the voluntary program and in view of the admitted disaster recent policies hold for the American consumer, for vital public services, for competition and for the independent sector of the petroleum industry, this bill must be passed without delay.

Mr. FASCELL. Mr. Chairman, I rise in support of H.R. 9681, the Emergency Petroleum Allocations Act.

The need for a mandatory allocation program has become clearly evident. With the short supply that apparently exists, we can no longer rely on jawboning and luck to insure that priority needs are met, that the petroleum industry remains competitive, and that no area of the country is forced to bear a disproportionate share of the shortfall.

As the pending bill states, failure to meet energy needs could create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reductions of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods.

The specific objectives outlined in the bill, and which the mandatory program should be designed to achieve, provide—I would hope—adequate guidelines for the administration. They include:

Protection of public health, safety, and welfare, and the national defense;

Maintenance of all public services;

Maintenance of agricultural operations;

Preservation of an economically sound and competitive petroleum industry;

Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry;

Economic efficiency; and

Minimization of economic distortion.

The need for an effective distribution system became clear some 6 months ago with increasing reports of local governments, school districts, agricultural and industrial interests unable to find suppliers willing and/or able to renew contracts; and of increasing incidents where distributors were unable to get supplies sufficient to meet their commitments. At that time, the Congress enacted statutory authority in the Economic Stabilization Act extension for the administration to implement a mandatory allocation program.

Instead, the administration instituted a voluntary plan. Under the voluntary plan suppliers were to make available to customers at least as much as had been delivered during a selected "base period." Failure to do so resulted in a phone call from the Office of Oil and Gas, Department of Interior. The weight of the Government was successful, I understand, in slightly less than half of the cases which found their way to the Office of Oil and Gas.

The administration has acknowledged the failure of the voluntary program by its action of October 2 to institute mandatory allocation of heating oil, kerosene, jet fuel, diesel fuel, and other middle distillates was announced, effective November 1.

This leaves only gasoline, residual oil and crude oil among the petroleum and petroleum products not under at least a proposed allocation program. H.R. 9681 would require extension of a mandatory program to these products as well.

The provision in the pending bill calling for equitable price determination guidelines—to include a dollar-for-dollar passthrough of increased product costs and use of the same base date for determining price ceilings at all levels of the petroleum industry—has already served its purpose. The Cost of Living Council announced on Monday, October 15, that product cost increases since September 28 would be allowed to be passed through at the retail level, and that all prices, wholesale and retail, would be frozen at the new ceiling until November 1. New regulations will go into effect on November 1. As issued for public comment, the new regulations would not force the retail level to absorb the increased product cost passed to them by refiners.

This action should serve to remedy the gross inequities and hardships forced on retail gasoline dealers under the phase IV economic stabilization regulations which allowed refiners to increase their prices, but prohibited retail sellers from increasing their prices to reflect increased product costs passed to them by the refiner. I was pleased that the Cost of Living Council finally acted to end that discrimination. Why these inequitable regulations were ever promulgated remains unanswered.

While I am in agreement with the basic need to establish an orderly system for the distribution of petroleum products in light of anticipated and existing shortages, I feel strongly that we must focus our efforts on other issues more basic to the "energy crisis."

The realization that our energy resources are finite is one which we seem reluctant to accept. In my judgment, one of the most vital tasks facing the Congress and the executive branch is to convince the American people that we cannot continue to expand our energy consumption at the alarming rate we have experienced in the recent past.

We are a nation of voracious consumers. The consumer psychology is reinforced hourly—solve your latest household problem with the acquisition of yet another energy consuming gadget. The talent which is applied not only to the development of those items but to the selling of them as well—if applied to a campaign aimed at the conservation of resources—could, I am convinced, easily reverse that pattern.

Energy conservation programs deserve priority consideration. An Office of Energy Conservation has been established in the Department of the Interior. Legislation to give that office statutory authority is languishing in the House and Senate, however, and deserves the highest priority consideration.

Progress in efforts to promote conservation of energy could, I believe, solve to a great extent the current shortage. We have, in fact, extensive resources. If we, as 6 percent of the world's population, insist on consuming nearly one-third of the world's energy consumption, it is a wonder we have not experienced more severe shortages before now.

Conservation efforts and increased research and development of alternative energy sources demand immediate attention by the Congress. Until action in these areas eases the dependence on petroleum and petroleum products, however, we must insure orderly distribution of available resources through a mandatory allocation program as proposed in H.R. 9681.

Mr. ROBISON of New York. Mr. Chairman, I have not participated in this debate, these past 2 days, over whether or not we should—through passage of this legislation—mandate on the President a system of allocation of crude oil and petroleum products because, and I readily confess this, much of the questions and issues we have struggled with have been over my head. If truth were to be told, after listening—with but a few exceptions—to those others who have expounded on those difficult and complex questions and issues, it would be altogether possible to conclude that they were, in the main, over all our heads.

However that may be, it appears necessary—indeed, urgent—that someone institute, at least for this coming winter season, the best possible mandatory allocation system of crude oil, residual fuel oil, and refined petroleum products that same "someone" can come up with to the end that, as the bill before us is supposedly designed to do, we minimize dislocations in the distribution of such products, meet as best we can priority needs, and reduce to the extent possible the impact of such shortages on the American people and the domestic economy.

Those three goals are appropriate ones and, certainly, all of us support them as so stated even though, privately at least, most of us understand that they are as apt to be more competitive, one to the other, than mutually supportive when it comes time to try to apply them—that last being a task that we are quite anxious to have the President undertake, both in our behalf and that of the Nation.

Indeed, Mr. Chairman, the sparring that has gone on for months now, as between President and Congress, over who should act, first, in this regard, and over what the form of that action should be, reminds me for all the world of that cartoon I recently saw, depicting a Nero-like character gazing at a violin reposing in a glass-fronted box bearing the sign: "Break glass in case of fire."

During all this time, all of us have known that the short-term outlook for fuel supplies has been grim, even if no one could say how grim. There have been plenty of forecasts available to guide us as to the situation by the year 2,000—because no one could prove any such long-range forecast wrong—but hardly anyone has wanted to forecast what is going to happen this winter. As Secretary of the Interior Morton said, at the White House on October 2:

> The philosophy here is to manage a projected shortage. The severity of that shortage will depend on Old Man Winter.

Certainly, we all ought to pray, now, for a "normal" winter—whatever that means—or pray even harder for a mild winter if for no other reason than these statistics, as provided by Mr. Morton's Department: If we have a normal winter, the United States will need 650,000 barrels per day of No. 2 fuel oil imports, for home-heating purposes; last year we averaged only 400,000 barrels per day of such winter imports, and the most optimistic import guess for this winter—laid down before the Middle East conflict, with all its complicating uncertainties, broke out again—is a maximum projected figure of 550,000 barrels a day as available from all world markets. This leaves a 100,000 barrel a day shortfall in needed imports—even assuming "normal" winter weather and the ability of our own refineries to sustain operations at 91.7 percent of capacity, which is about the optimum. So, the problem we face is really one of trying to "manage scarcity"—no happy task under any circumstances, and there are bound to be local shortages and an awful lot of jockeying for "priority" position, along with the prospect that nearly everyone will be unhappy with the result and the President, who will have to try to manage all this, will get the lion's share of the blame for failing to succeed at what is plainly an impossible task to begin with.

The President's response, up to now, has been to try to rely in the main on voluntary allocation "guidelines"—under the authority given him by this Congress months ago, which is broad enough really, to do most everything this bill would now mandate—although, on October 2, the administration did announce, through Governor Love, that it would "enforce" an allocation program for heating oil and other distillate fuels, with the details of that program yet to be forthcoming although, on the same date, it moved to institute a mandatory allocation program for propane covering a list of priority customers which, in essence, amounts to rationing at the consumer level.

It would thus appear, Mr. Chairman, that both administration and Congress have been moving—in their own ways and in their own time frames—toward the same position, which leads me to believe that, despite reports to the contrary, this bill may not be subjected to the test of a Presidential veto.

Hence, I have decided to vote for it—even though all of us should recognize that is, at best, a stop-gap measure that will, in no wise, ease the shortages we face all across the Nation, but face with especial emphasis in my part of the country where dependence on fuel for home-heating is of paramount importance.

I am voting for the bill even though I know it will open up, in its application, a veritable Pandora's box of troubles and complaints and, in the end, one may be as open to criticism for having supported this kind of a "solution"—which, of course, is no solution—as for having voted against it. This is, in part, why I regret that the Symms amendment—the last one we voted on, and which would have limited this program to next April 30, instead of to February 28, 1975—was not adopted because, perforce, we know not quite what it is that we do and it would, indeed, have been well for us, once we had gotten through the forthcoming winter, to have been required to take a formal look, next spring, at how matters were working out.

In any event, the inclusion in the bill of gasoline along with crude oil, has the advantage of moving the administration farther and faster along a necessary road than it has heretofore seemed to want to go, and the prohibition against export of these fuels, while they are in short supply and needed to fill priority needs here at home, gives added reason for my vote.

But where the bill is deficient—though it is not, really, an appropriate vehicle to use for such purposes—is in its failure to address itself, as eventually we all must, to such related questions of equal magnitude as, the need to formulate, now, a national fuel and energy policy worthy of the name, and to take such actions as may be available and appropriate to encourage conservation of energy, and to curtail fuel and energy demand.

The handwriting has been on the wall for some time, and it is of no value to point the finger of blame at whosoever's fault it is that we got into such a box. There are some long-range answers to our supply problems, but for the moment there has got to be some belt-tightening and some forbearance, no matter how demanding and unpleasant. Everyone should understand that a serious national effort, based on voluntarism, at fuel conservation of all kinds is essential, running the range from reducing indoor heating temperatures by just two degrees this winter which, if everyone did it, would save about 210,000 barrels of heating oil a day, through such less onerous chores as arranging carpools with people in your commuting neighborhoods or putting in insulation or buying and installing those storm-windows we have all meant to do, get around to, someday, anyhow.

The doing of these simple things would help, Mr. Chairman, if only we would all do them. Without them, this legislation is of doubtful value; with them, it might just do the trick, at least through this winter. So I encourage all my constituents, through these remarks, to help me do what I, alone, cannot do merely by my vote for this bill.

Mr. MILLER. Mr. Chairman, I reluctantly oppose H.R. 9681 no matter how politically expedient it may be to enthusiastically embrace it as a panacea to the energy crisis we have created for ourselves.

In my mind, there are several important reasons to be alarmed about this bill.

First, allocating crude oil at the producer level rather than refinery level would, as the gentleman from Texas (Mr. PICKLE) has pointed out, be an administrative nightmare. Requiring that 10,000 to 12,000 producers channel their oil into a pipeline for particular refiners would be sheer folly and take an army of bureaucrats to monitor. It would adversely affect small producers, independent refiners, and discourage needed exploration.

Second, empowering FTC to monitor the allocation program raises a serious conflict of interest question and removes the rightful role of congressional oversight. FTC cannot possibly discharge its adversary role and at the same time be the watchdog over parties with which it is engaged in litigation. Its pending antitrust action against certain integrated oil companies could compromise its objectivity in monitoring allocation compliance. GAO with its vast auditing expertise and more importantly, its accountability to the Congress, would be a more logical and preferable choice.

Third, the committee report states that H.R. 9681 "gives the best opportunity in the short term for meeting our energy requirement." This is a misleading statement with the implication that everybody is going to be taken care of under this bill. It should be pointed out that the bill will produce not one additional barrel of oil or a single Btu. All it does is share the shortage and even in that, it is reasonable to expect that its all-inclusive nature will subvert its very intent, leaving many consumers who expect help standing in the cold. The program is to remain in effect until February 28, 1975, and while there may be some euphoric expectations in the short run, the longer controls remain in effect, the greater the risk of black markets, profiteering, sectionalism, and production cutbacks.

Fourth, this Nation's 3-year dosage of wage and price controls has been like a medicine that has far worse effects than the ailment it is intended to cure. When this happens, you stop buying the prescription and administer more traditional treatments. Admittedly, the present energy situation differs from our general economic maladies in that there is a finite supply of oil available with little prospect of improvement in the near future. Therefore, some mechanism of distributing what is available is unavoidable if economic dislocation and hardship are to be minimized.

The administration's announced mandatory distillate and propane allocation programs are the lesser of two evils in that they offer a manageable way to make the best out of a bad situation. What the President has proposed with regard to distillates, propane, kerosene, jet fuel and heating oil, even though deficient in several important respects, nevertheless affords the administrative flexibility needed to make allocations work, allocates at the refiner rather than producer level, and most importantly, can be implemented by November 1.

At best the committee bill will take an additional month to put into effect, thus placing us well into the cold weather season. Changing horses in midstream can only cause serious delay and unnecessary confusion in meeting this winter's fuel problems.

Mr. Chairman, years of self-indulgence, procrastination, and general disinterest have finally caught up with us. The energy crisis many of us forewarned is upon us, threatening our very survival as a world economic power. The symptoms which portend disaster have been with us for a long time, but the Nation has been so accustomed to having abundant energy, the thought of running short of fuel was too remote. But it is here. We have no choice now but to face up to our shortsightedness and look now to the future. What we do here today in the way of sharing the shortage is after the fact and treats only the symptoms not the malady. If we are fortunate enough to see our way through the Middle East crisis and possibly a mild winter, we will have been granted a mere reprieve. We must now look ahead to the future. I am convinced that the only way **out of this terrible problem is commit-**

ting the Nation to an all-out crash program of finding and developing new and additional fuel supplies. If we can put men on the moon on a crash basis, we can marshal the technology and resources to make this Nation self-sufficient in its energy requirements.

Last week the President announced he will ask for a $115 million supplemental appropriation for energy R. & D. bringing the total Federal outlay in this fiscal year to $1 billion. I applaud the President's action, but we can and should spend more—and now—on such energy forms as solar, geothermal, shale oil, coal gasification, and liquefaction.

In addition to accelerated research and development, we must become a more energy efficient nation. Technology to improve energy conversion in production of goods and services must be perfected. A national effort of energy conservation can eliminate waste and produce savings that can lessen shortages.

If there is ever a case for Capitol Hill and White House cooperation, it is in avoiding the economic stagnation and human hardship resulting from a nation that runs short of energy.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose and the Speaker having resumed the chair, Mr. CHARLES H. WILSON of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9681) to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes, pursuant to House Resolution 593, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLLINS of Texas moves to recommit the bill H.R. 9681 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. COLLINS of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 72, answered "present" 3, not voting 22, as follows:

[Roll No. 538]

YEAS—337

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKinney
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Walsh
Wampler
Whalen
Whitehurst
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—72

Archer
Armstrong
Blackburn
Bray
Breaux
Burgener
Burleson, Tex.
Camp
Casey, Tex.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
de la Garza
Dennis
Edwards, Ala.
Fisher
Gibbons
Goldwater
Gonzalez
Gross
Hammerschmidt
Hébert
Hinshaw
Hosmer
Jarman
Jones, Okla.
Kazen
Kemp
Ketchum
Landgrebe
Lott
Lujan
McCloskey
McSpadden
Mahon
Martin, Nebr.
Mathis, Ga.
Milford
Miller
Moorhead, Calif.
Passman
Pickle
Poage
Powell, Ohio
Price, Tex.
Rarick
Roberts
Rousselot
Runnels
Ruppe
Ruth
Smith, N.Y.
Steed
Steelman
Steiger, Wis.
Symms
Teague, Calif.
Teague, Tex.
Thornton
Treen
Waggonner
White
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Young, Alaska
Young, S.C.
Zion

ANSWERED "PRESENT"—3

Bell
Schneebeli
Ware

NOT VOTING—22

Carney, Ohio
Clark
Conyers
Davis, Ga.
Derwinski
Dorn
Fulton
Griffiths
Guyer
Hastings
Hays
Johnson, Calif.
Johnson, Pa.
McKay
Mills, Ark.
Minish
Murphy, Ill.
Robison, N.Y.

Rooney, N.Y.
Rooney, Pa.
Sandman
Veysey

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Clark.

Mr. Rooney of New York with Mr. Johnson of California.

Mr. Carney of Ohio with Mr. Conyers.

Mr. Rooney of Pennsylvania with Mr. Mills of Arkansas.

Mr. Fulton with Mr. McKay.

Mrs. Griffiths with Mr. Robison of New York.

Mr. Dorn with Mr. Derwinski.

Mr. Minish with Mr. Guyer.

Mr. Davis of Georgia with Mr. Johnson of Pennsylvania.

Mr. Murphy of Illinois with Mr. Hastings.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 593, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill, S. 1570.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill, S. 1570, and to insert in lieu thereof the provisions of H.R. 9681, as passed, as follows:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

(4) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(5) The term "LPG" means propane and butane, but not ethane.

MANDATORY ALLOCATION

SEC. 4. (a) Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation. Such regulation shall take effect not later than fifteen days after its promulgation.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers;

(E) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(F) economic efficiency; and

(G) minimization of economic distortion, with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same data in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with a rule or order of a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation during each period during which the regulation applies of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and

(B) a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year 1962, or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972. (2) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of this section is attained.

(3) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(e) No regulation under this section may provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

(f) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulation and any such order expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a) or order under section 4(c)(2) and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; except that the expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

SEC. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified or rescinded pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purposes of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of a person to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

SEC. 7. (a) During the forty-five-day period beginning on the effective date of the regulation first promulgated under section 4, the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

Amend the title so as to read: "An Act to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9681) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1435, PROVIDING FOR ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none and appoints the following conferees: Messrs. DIGGS, FRASER, REES, ADAMS, MANN, BRECKINRIDGE, NELSEN, HARSHA, BROYHILL of Virginia, and LANDGREBE.

CONFERENCE REPORT ON S. 2016, AMTRAK IMPROVEMENT ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 12, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the committee of conference on the Amtrak authorization for fiscal year 1974 met October 10 and 11 and I feel we have reached a good compromise.

As my colleagues will recall, the Senate passed their bill on June 28 of this year, by voice vote. The House passed H.R. 8351 on September 6 by a vote of 357 to 37.

I will briefly highlight the action of the conference committee and urge that my colleagues adopt the report.

The House bill restructured the Board of Directors by adding two new consumer representatives; requiring a bipartisan board; prohibiting conflict of interests, and requiring the President to fill vacancies within 120 days. The Senate bill did not contain any provision on this matter. The conferees adopted the House provision.

The House bill extended the right of eminent domain for Amtrak, but the Senate bill allowed Amtrak to condemn Government property as well. The conferees adopted the House provision.

The House bill limited the right of any person to compete with Amtrak on Amtrak basic system routes in the providing of auto-ferry service. The Senate provision opened the door for anyone to compete with Amtrak in auto-ferry service, regardless of the basic system routes. The House prevailed in conference.

The House bill contained a provision which would direct the Interstate Commerce Commission—in fixing the just and reasonable compensation Amtrak must pay to railroads providing it with passenger service—that the quality of service those railroads provide must be considered. This is important if we are to hold down the annual subsidies Congress grants to Amtrak. The Senate bill contained no such provision. The House prevailed.

The House agreed to accept Senate provisions which would assure that no handicapped or elderly passenger is denied equal accessibility to Amtrak trains, and to the deletion of the 1970 act requirement that in all instances, Amtrak must rely on railroad company employees for operation and maintenance. The House agreed to accept a Senate provision which would prohibit the interference by State or local law with Amtrak providing auto-ferry, mail or express service.

The conferees substituted new language in regard to a Senate provision providing for a change in Amtrak's annual report date to Congress. The Senate changed the report date from January 15 to March 15, and the House had no such provision. We compromised on a February 15 date.

The House bill contained a provision for Amtrak passenger trains to have a preference over freight trains. The House language prevailed.

The House bill had a provision which allows Amtrak to apply to the Secretary of Transportation for orders granting them permission to increase speeds over tracks where safety permits. The Senate had no such provision, and the conferees agreed to the House language.

The House bill provided for a 1-year extension of the entire Amtrak basic system and experimental trains. The Senate bill had no such provision. The conferees adopted the House language.

The House bill provided for an authorization for fiscal year 1974 of $107.3 million. The Senate bill contained an authorization of $185 million. The conferees compromised by authorizing $107.3 million, plus $47 million in previous authorization since 1970 which remain unappropriated.

The House bill increased Amtrak's maximum permissible loan guarantee authority from $200 to $250 million. The Senate bill increased the authorization to $500 million. The conferees adopted the Senate provision.

The House bill contained a provision which made clear that the ICC has no safety related jurisdiction, that such jurisdiction goes to the Department of Transportation. The Senate bill gives the ICC complete jurisdiction over quality of service beyond the minimum requirements established by the Secretary of Transportation. The conferees wrote a new compromise provision which gives DOT all safety functions, but mandates the ICC to regulate with respect to adequacy and quality of service provided by Amtrak.

The Senate bill contained a provision prohibiting impoundment of funds by the President, and the House bill contained no such language. The conferees agreed only to prohibit the use of grant agreements to manage the disposition of funds between the Secretary of Transportation and Amtrak. Amtrak would expend such sums in accordance with spending plans approved by Congress at the time of appropriation and with general guidelines to be issued annually by the Secretary.

I believe the report represents basically a fine bill, and very similar to the bill this House passed in September. I congratulate my colleagues on the conference committee from the House, Congressmen JARMAN, DINGELL, ADAMS, PODELL, METCALFE, HARVEY, KUYKENDALL, SKUBITZ, and SHOUP.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, do I understand that the Government guaranty loan program was doubled?

Mr. STAGGERS. No, it was increased from $300 to $500 million. After the bill was passed in the House, Amtrak came and said that the additional loan guaranty would be needed, but that it would not be used unless it was necessary. The law is now $250 million, and we raise this to $500 million. I am sorry, the gentleman from Iowa is correct; it was doubled.

Mr. GROSS. What is it now? $250 million?

Mr. STAGGERS. That is correct.

Mr. GROSS. And it was raised to $500 million?

Mr. STAGGERS. That is right; on the loan guaranty.

Mr. GROSS. Does the gentleman from West Virginia expect that money to be drawn down?

Mr. STAGGERS. The additional money is for the maintenance of way and other items, but it has to have the approval of the Secretary before it can be used.

Mr. GROSS. I thank the gentleman.

Mr. HARVEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the conference agreement on S. 2016, the Amtrak Improvement Act of 1973. I support this measure because, with respect to the bill's major provisions, the Senate conferees agreed for the most part to accept the House version which passed this body on September 6 by a vote of 357 to 37.

First, the Senate conferees yielded and accepted the authorization level of $107.3 million proposed in the House bill in lieu of the $185 million provided for in the Senate bill.

Second, very important House provisions which specifically limited the amounts to be paid by Amtrak to the railroads for their providing service to Amtrak were accepted in full by the Senate conferees.

Third, the House provisions for permitting accelerated speeds by passenger trains and preference for such trains over lines shared with freight service were accepted by the Senate representatives.

Finally, the Senate conferees accepted in full the House bill changes in the Board of Directors of Amtrak which would increase the number of consumer representatives from one to three.

All in all, the conference agreement goes a long way to help Amtrak solve many of the problems that have plagued it during its first 3 years, without increasing the Federal expenditure that is required. The agreement will assist in the alleviation of such difficulties as poor track quality that requires slow speeds, and priority of freight service over passenger service on shared lines. Therefore, it is a positive step toward the improvement of the passenger rail system that serves the vital transportation needs of our Nation's citizens.

I urge adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise to create legislative history.

As a member of the managers on the part of the House, I would refer my colleagues particularly to page 16 of the conference report, and to the bottom of page 15, referring to facility and service agreements. And I would refer my colleagues particularly to the Interstate Commerce Commission docket referred to, in the middle of page 16, as Finance Docket 27353 (Sub-No. 1) "Determination of Compensation under section 402 (a) of the Rail Passenger Service Act, as amended."

Mr. Speaker, the Committee on Interstate and Foreign Commerce in its wisdom has sought to see to it first that Amtrak paid for only the avoidable costs of passenger service to the railroads. We have had some difficulty with the ICC understanding our intentions for passenger service. Recently the ICC in the proceedings referred to took from Amtrak something like $40 million to pay to the ICC largely over the objections of the ICC staff.

The function of the language referred to is set out clearly, and that is that the conferees intend, that the railroads shall be paid above avoidable costs only on the basis of the quality of service afforded. I would point out that the quality of service afforded by Penn Central is uniquely poor. Indeed, I would point out that Penn Central, in securing recently an exemption from the relative Federal Railroad Safety Statutes, has been required by the ICC at this point in the proceedings to upgrade the quality of their service to Class 1, which means that they must be able to operate a passenger train at 10 miles an hour over its entire trackage.

The ICC staff has informed the committee staff in connection with this matter that if this language is adopted, it totally vitiates the purposes of the proceedings referred to earlier and assures that the $40 million assessment against Amtrak—and indirectly against the taxpayers who are subsidizing this creature—will not go into being, and it is the intention of myself as the author of the amendment, a member of the conferees, and I now express also the same intention of the conferees, that the proceedings referred to would be vacated thereby, and it is the intent of the conferees to so vitiate that particular unwise action of the ICC.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I thank the gentleman for yielding.

Mr. Speaker, I should like to as a matter of record remind the gentleman from Michigan that in colloquy in committee, the subcommittee hearings with the ICC, we asked him if this was not an indirect subsidy of Penn Central, using Amtrak as a conduit, and he admitted that it was.

Mr. DINGELL. That is correct.

Mr. KUYKENDALL. And I believe the subcommittee was unanimous in this back-door financing to an outfit that, frankly, has disgraced the entire railroad industry.

Mr. DINGELL. I thank my good friend, the gentleman from Tennessee, for his valuable contribution to legislative history.

Mr. Speaker, I should now like to turn to another matter which I think merits the careful attention of the House. I am sure all of my colleagues recall that Amtrak was an attempt to set up a private profitable rail passenger corporation which would be viable in character. I am sorry to report that it appears to be, at least in the mind of one individual, namely, Mr. John Barnum, who holds office in the Department of Transportation, an attempt to nationalize Amtrak, because I note for the benefit of my colleagues that Mr. Barnum has been participating in board of directors meetings at Amtrak, where he serves in that capacity as representative of the Secretary, not as an ordinary member of the board of directors, but as one who later chooses to withhold funds and to influence the decision-making process through the mechanisms of the Department of Transportation and the Bureau of the Budget.

This is at wide variance with the intention of the committee and at wide variance with the intention of the Congress as expressed in the earlier legislative history of this particular piece of legislation.

I would point out, Mr. Speaker, that the conference report deals with this particular behavior, and I wish to bring to Mr. Barnum's attention and to the attention of the Department of Transportation that his behavior is again at variance, not only with the intention of Congress but with the public interest.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. I yield 3 additional minutes to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from West Virginia.

And to accomplish the end of the subcommittee, of the conferees, and of the Congress, as expressed in our earlier pronouncements, language appears at the bottom of page 20 of the conference report and I quote:

> The conference substitute also assures that appropriated funds will remain available until expended. It also prohibits the use of grant agreements to manage the disposition of funds between the Secretary of Transportation and Amtrak. Amtrak would expend such sums in accordance with spending plans approved by Congress at the time of appropriation and with general guidelines established annually by the Secretary.

It is our intention that Amtrak should function as much as possible as a private corporation and not be dictated to by DOT or by the Bureau of the Budget.

(Mr. DINGELL asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. DINGELL. Mr. Speaker, I would point out that I insert in the RECORD at this point a memorandum by the staff of the Commerce Committee on this point, minutes of the agenda of Amtrak, together with correspondence by Mr. Barnum, which, I sadly reflect, does him small credit, and which reflects a very clear intent and attempt on his part to unduly intrude into and interfere in the affairs of Amtrak in defiance of the earlier intent of Congress, and in defiance of the intent of Congress as expressed in the report of the managers submitted to the Congress today.

The material follows:

DOT Dictates Amtrak Line Item Expenditures

Attached is documentation supporting the fact that through its position of being on the board of directors on AMTRAK and the DOT/AMTRAK grant agreement, DOT dictates line item authority over AMTRAK expenditures.

In the AMTRAK board of directors meeting on Septembr 27, AMTRAK presented documentation to support its plan for capital expenditures for the acquisition of 57 passenger cars and 11 electric locomotives for use in the Northeast Corridor in the amount of $32 million. Mr. John W. Barnum voted "no" to this proposal. AMTRAK officials indicated that this vote was tantamount to a veto of the proposal of the acquisition of this equipment. The AMTRAK position is documented by a letter from the Department of Transportation dated October 15 stating that the acquisition of this equipment could not be approved.

The DOT objection explained in its letters to AMTRAK dated September 17 and 25 is that capital expenditures of this nature cannot be approved unless a comprehensive plan is submitted by AMTRAK as to its five-year capital program including expenditures for equipment and stations. AMTRAK officials stated that a plan of this nature is not germane to the subject of the necessity for passenger cars and locomotives.

Agenda, Regular Meeting of the Board of Directors, September 27, 1973

(1) Approval of Minutes of Meeting Held August 30, 1973.

(2) Operations Reports:
a. On-Time Performance.
b. Ridership.
c. Government and Consumer Mail.

(3) Financial Reports:
a. Profit and Loss Statement for the Months of July and August 1973 and for the Two Months Ended August 31, 1973.
b. Comments on Results of Operations for the Two Months Ended August 31, 1973.
c. Statement of Cash Sources and Uses for the Months of July and August 1973 and for the Two Months Ended August 31, 1973.
d. Balance Sheet as of August 31, 1973 and 1972.
e. Contract Audit Findings as of August 31, 1973.

(4) Other Reports:
a. Legislation.
b. Operating Contract/Cost Reimbursement and Service Issues.
c. Auto Train.

(5) Approval to Initiate Service on the Little Rock and San Joachin Routes.

(6) Five-Year Passenger Car and Locomotive Overhaul and Acquisition Program.

(7) Authorization for Capital Expenditures:
a. Acquisition of 57 High-Performance Cars and 11 Electric Locomotives for Northeast Corridor Service, $32,035,000.
b. Acquisition of 70 Diesel Electric Locomotives, $35,650,000.

(8) Employment Authorizations, Frank D. Abate—Manager of Cars (Replacement), $30,000.

(9) New Business, Dates for November and December Meetings.

(10) Adjournment.

MINUTES OF MEETING OF THE BOARD OF DIRECTORS OF NATIONAL RAILROAD PASSENGER CORPORATION

A regular meeting of the Board of Directors of National Railroad Passenger Corporation was held at the Chicago Club, Van Buren and Michigan Avenue, Chicago, Illinois, on September 27, 1973, at 11:00 p.m.

There were present:

Messrs. John W. Barnum, Frank S. Besson, David E. Bradshaw, John J. Gilhooley, David W. Kendall, Charles Luna, Louis W. Menk, William H. Moore and William J. Quinn, constituting a quorum of the Directors.

Also present by invitation were J. Richard Tomlinson, Executive Vice President of the Corporation; Harold L. Graham, Vice President-Marketing; F. S. King, Vice President-Operations; Robert C. Moot, Vice President-Finance; and Gerald D. Morgan, Vice President-Public and Government Affairs.

Mr. Kendall acted as Chairman of the meeting; Mr. Medvecky acted as Secretary of the meeting.

APPROVAL OF MINUTES

The minutes of the regular meeting of the Board of Directors held on August 30, 1973, had been previously distributed to all Directors. Mr. Luna stated that the language of the minutes pertaining to the approval of the consulting contract with Burns International Security Services did not accurately reflect the agreement that had been reached at the meeting that the contract with Burns would be changed to exclude from the services to be performed by Burns any study with respect to the handling of cash by on-train personnel. This was discussed. Mr. Moore referred to a letter which he had written on the same subject. It was agreed that this portion of the minutes relating to the approval of the contract with Burns International Services would be discussed at the next meeting of the Board.

Mr. Barnum stated that the minutes relating to the route discontinuance cases, particularly relating to the action with respect to the New York/Washington to Kansas City route, while not inconsistent with the statement that he had made at the meeting, did not fully reflect the position which he had stated. On motion duly made and seconded, the minutes of the August 30, 1973, meeting were unanimously approved except as to the statement approving the consulting agreement wtih the Burns International Security Services.

OPERATIONS REPORTS

Mr. King reported to the Board on the on-time performance for the month of August 1973. Mr. Moore reiterated his position that the 5 minute criteria for measuring the on-time performance was unrealistic and should be changed to 15 minutes to make the Corporation's reporting of on-time performance compatible with such reporting in the airline industry. Mr. Bradshaw expressed agreement with the position of Mr. Moore. This was discussed. It was agreed that the Board, at the next regular meeting, would take formal action with respect to the 5 minute criteria used to measure on-time performance.

Mr. Graham reported to the Board on ridership for the month of August 1973. Mr. Kendall presented the government and consumer mail report. The Board discussed these reports.

FINANCIAL REPORTS

Mr. Moot presented financial statements consisting of the following: Profit and Loss Statement for the Months of July and August 1973 and for the Two Months Ended August 31, 1973; Comments on Results of Operations for the Two Months Ended August 31, 1974; Statement of Cash Sources and Uses for the Months of July and August 1973 and for the Two Months Ended August 31, 1973; Balance Sheet as of August 31, 1973 and 1972; and Contarct Audit Findings as of August 31, 1973. The Board discussed these reports.

LEGISLATION

Mr. Morgan reported to the Board on the status of the legislation pending in Congress to authorize funds for the Corporation for fiscal year 1974. Mr. Morgan stated that the conference committees for the respective Houses are scheduled to meet soon to consider this legislation.

AUTO FERRY SERVICE

Mr. Morgan reported to the Board concerning the letter which he had sent to members of Congress stating that the Corporation would operate auto ferry service on the route between Chicago, Illinois, and Florida commencing sometime during the winter. Mr. Morgan advised the Board that one of the matters of concern in the pending legislation are conflicting provisions with respect to the authority outside parties have to operate auto ferry services on the Corporation's routes in competition with the Corporation for intercity passengers. Mr. Morgan stated that the Corporation favors the provisions in the House bill and that in order to hold the House conferees to the House position in the conference it was necessary for the Corporation to make a commitment to run auto ferry service if others were to be excluded from running such service on the Corporation's routes. This was discussed.

OPERATING CONTRACT/COST REIMBURSEMENT ARRANGEMENTS

Mr. Tomlinson reported to the Board that the ICC had issued its decision in the Penn Central/Amtrak compensation case. Mr. Tomlinson reviewed the decision for the Board. Mr. Tomlinson stated that the Corporation had delivered specific proposals for a new contract to six railroads and would be delivering four more specific proposals to the remaining railroads before the end of the week.

LITTLE ROCK, ARKANSAS, AND SAN JOACHIN VALLEY ROUTES

Mr. Tomlinson reviewed for the Board the provisions in the recently-enacted appropriations bill relating to the Corporation's provdiing new services on a St. Louis/Dallas/Fort Worth route and on the San Joachin Valley route. He proposed that the Corporation be authorized to take the necessary steps to obtain the release of funds to provide service on these two new routes. On motion by Mr. Luna, seconded by Mr. Bradshaw, Mr. Barnum not voting, the proposal to take the necessary steps to secure the release of funding was approved.

AUTHORIZATION FOR CAPITAL EXPENDITURES

Mr. Tomlinson proposed that the Corporation be authorized to acquire 57 high-performance cars and 11 electric locomotives for Northeast Corridor service at a cost of approximately $32,035,000 and further that the Corporation be authorized to acquire 70 new diesel electric locomotives at a cost of approximately $35,650,000. This was discussed by the Board. On motion of Mr. Moore, seconded by Mr. Menk, the Corporation was authorized to acquire 57 high-performance cars and 11 electric locomotives for Northeast Corridor service and 70 new diesel electric locomotives. Mr. Barnum voted "no" on these proposals.

Mr. Tomlinson proposed that the Corporation be authorized to expend approximately $100,000 to make improvements to three stations in the State of Illinois at Springfield, Champaign and Bloomington in conjunction with the expenditure by the State of Illinois of $200,000 to improve these stations. On motion of Mr. Bradshaw, seconded by Mr. Gilhooley, this expenditure was approved.

EMPLOYMENT AUTHORIZATION

The Chairman requested approval to employ the following individual at the annual rate shown:

Frank D. Abate—Manager of Cars, $30,000

On motion duly made and seconded, the employment of this individual at the annual rate shown was unanimously approved.

NOVEMBER AND DECEMBER BOARD MEETINGS

The Chairman proposed that there be one meeting to be held in late November or early December to take the place of the two scheduled meetings in the months of November and December because of the holidays. Mr. Gilhooley expressed opposition to this proposal. It was agreed to reconsider the proposal at the next regularly scheduled meeting.

DATE AND PLACE OF NEXT MEETING

The next meeting of the Board will take place on Thursday, October 25, 1973, at Amtrak headquarters at 1:00 p.m.

ADJOURNMENT

There being no further business, on motion duly made, seconded and passed, the meeting was adjourned at 1:00 p.m.

THE UNDER SECRETARY OF TRANSPORTATION,
Washington, D.C., September 17, 1973.

Mr. ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR ROGER: I am writing you with regard to the FY 1975 budget. I am sure you recall that this is the time of the year when the Department is preparing its FY 1975 budget and legislative program for submission to the Office of Management and Budget. We are scheduled to submit the Department's budget to OMB on October 1.

It is with this in mind that I request that you present to me your recommendations for your FY 1975 program by no later than September 28. Your recommendations should include both your budget and legislative requirements with a detailed justification explaining the basis of your recommendations.

It would be helpful if the material would be presented in the format contained in your September 20, 1972 submission on the FY 1974 budget including route-by-route operating and capital projections for FY 1976 and FY 1977. In addition, you should supply us with actual FY 1973 revenue and cost data on a route-by-route basis, any required revision in your current FY 1974 approved operating and capital programs contained in the President's budget, along with a detailed explanation of the reason therefore, and an explanation of all changes for both FY 1974 and FY 1975 from your September 20, 1972 submission. In addition, OMB has requested that in submitting your recommendations and justification material you specifically provide the information contained in Attachment A.

I recognize that there are a number of major uncertainties confronting Amtrak—the 1973 legislation, the cost reimbursement dispute with Penn Central, and the recovery of funds from the audit program. For each of these items, and any others of similar nature, your submission should indicate the likely budget impact and the assumptions used in making your estimates.

In presenting me with your FY 1975 plans, I request that you give me as a supplement your views on the long term right-of-way and equipment needs in the Northeast Corridor, your views on how these needs should be met and the fiscal impact thereof.

While at this time I am asking only for a program and financial plan for the current and forthcoming year, it is essential, as we discussed at the last Board of Directors meeting, that the Corporation develop a detailed, long term operating and capital plan. Toward that end, I hope that you will be able to present a preliminary draft at an early Board of Directors meeting.

If you have any questions on this, please contact me or my staff.

Sincerely,

JOHN W. BARNUM.

FISCAL YEAR 1975 BUDGET ESTIMATE DATA, AMTRAK

When supplying the information requested below, indicate all relevant assumptions used (e.g., on ridership increases, fare changes, management cost reductions, labor contract increases) which significantly impact the projections made.

1. Provide an update of Exhibits I, II, III, IV and VI of the 12/4/72 tables submitted for the FY 1974 request, including actual 1972 and 1973 results. Exhibit VI should include as much comparative ridership data as is available, but is not required on a per month basis.[1]

2. Using the latest available data, provide a table which displays the projected operating profit/loss in FY 1977 by route on a cents per passenger mile basis.

3. Provide a chart displaying the total cost per passenger mile for the years 1972–1976 under the following route structures: (1) Route structure as of May 1, 1973, (2) Route structure of October 1, 1973, (3) Route structure proposed for July 1, 1974, (4) Route structure which includes only those routes which would be profitable in 1977.

4. Show the impact of any proposed changes in the route structure for 1975 by contrasting the proposed system with the 10/1/73 system in the following categories (totals): States served, SMSA's served, population served, estimated passengers in 1976, estimated 1975 and 1976 deficits.

5. Provide a breakdown of the contributions made by any State toward the operation of any trains under section 403.

6. Submit a source and application of funds table for the years 1972–1975.

THE UNDER SECRETARY
OF TRANSPORTATION,
Washington, D.C., September 25, 1973.

Mr. ROGER LEWIS,
President, National Railroad Passenger Corporation,
Washington, D.C.

DEAR ROGER: I have reviewed the agenda prepared for the Board of Directors meeting scheduled for September 27, 1973, in Chicago and I am concerned that the material sent to the Board does not provide us with a basis for studying and evaluating in advance the two major items being presented to the Board for decision; namely, the initiation of service over new routes and the acquisition of new equipment. Adequate planning and supporting data needs to be provided by management to the Board in advance of the meeting, if the Board is to properly discharge its responsibilities.

On the issue of new service routes—Little Rock and San oJaquin—we are all aware of the statements and actions of the congressional committees in favor of such service. However, management should present to the Board data on alternate routes, cost/revenue projections, and equipment and facility requirements.

The two specific requests for approval of capital expenditures and Mr. Tomlinson's outline for a five-year capital program suggests to me that the Board cannot really focus on these critical aspects of Amtrak's activities without a great deal more knowledge of the Corporation's capital, marketing, and operating strategies. On September 17 I wrote you on the need to develop detailed and specific operating, marketing, capital, and financial plans for FY 1974 and FY 1975. The equipment program must be fully integrated into these plans. Furthermore, the 1974 equipment plan deviates from the previous estimates that were incorporated in the Secretary's March 15 report to Congress. These deviations need to be reconciled and discussed with OMB. Finally, with regard to the two items before the Board, I have several specific questions.

I have enclosed a series of questions dealing with the problems of new routes and the capital program which I hope will further explain the type and nature of the information I believe the Board should have on Thursday when considering these requests for approval.

Sincerely,

JOHN W. BARNUM.

CAPITAL PLANS

1. An agreement was reached in February between OMB, DOT and Amtrak that no loan authority would be approved prior to the presentation of a complete capital program. (See attached memorandum from Roy Ash—Point 6). It is impossible to pass on a partial budget for rolling stock without (1) far greater detail and justification than is presented and (2) access to the entire capital plan including terminals, maintenance facilities and other capital improvements. Does the Corporation have an integrated capital plan that includes all capital plans? When will it be presented to the Board? Will it be done in conjunction with an overall strategic marketing plan?

2. The Department's Report to Congress and Amtrak's testimony supported FY '74 capital expenditures of $150 million. Amtrak now appears to be proposing a budget of $260.9 million for rolling stock alone. How is this justified?

3. The current capital requests before the Board include the acquisition of 70 new diesel-electric locomotives. Although this appears to be a good investment for Amtrak the Board requires a clear operating plan regarding:

(a) The use of current new locomotives.

(b) The use to be made of new locomotives already on order.

(c) The use of older locomotives.

(d) The use and need for power over a period of years.

4. Also included for Board action is new equipment for the Northeast Corridor. Several specific questions occur:

(a) How does this purchase fit in with the Corporation in overall long-term plans on the Northeast Corridor?

(b) Does the removal of conventional trains at conventional fares imply a major corridor marketing policy shift within Amtrak?

(c) How does this strategy apply to other corridors?

(d) Have foreign sources, i.e., less expensive, been examined?

(e) In regard to track improvement, what is the current status of commiting the $50 million allocated for this purpose in the FY '74 capital program?

ROUTE PLANS

1. How does this proposed new service fit within the Amtrack service network?

2. Will the services be experimental?

3. What alternate routes are available for this service? What are their strengths and drawbacks?

4. What are the specific costs and revenues attached to to each alternative route (including loss per passenger mile)?

5. What capital requirements are implied by each alternative? How will this impact on current service or other routes?

OFFICE OF THE SECRETARY OF
TRANSPORTATION,
Washington, D.C.

Mr. ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. LEWIS: Enclosed is a letter from Roy Ash, Director of the Office of Management and Budget, outlining the Administration's decisions on policy and budgetary matters relative to the AMTRAK system in the post July 1, 1973 period.

I understand these policy and budgetary decisions were made after full consultation with AMTRAK and we in the Department trust that they have your full support.

Sincerely,

THEODORE C. LUTZ, *Designate.*

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 7, 1973.

Hon. CLAUDE S. BRINEGAR,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: Cooperative consultations among DOT, AMTRAK and OMB have culminated in fundamental policy and budgetary agreements on the nature of the rail passenger system that should be operated as of July 1, 1973. The salient points of these agreements are contained in the enclosure.

The decisions were in large part mutually arrived at with AMTRAK and we assume the program has their full support.

Sincerely,

ROY L. ASH,
Director.

DOT, AMTRAK AND OMB AGREEMENTS ON RAIL PASSENGER SYSTEM TO BE OPERATED AS OF JULY 1, 1973

1. The Administration will request a one-year appropriation of $93M, but an open-ended authorization request that is unrestricted as to year or amounts. The 1974 funding level is:

[In millions]

	1974
Direct operating grants	$93.0
Capital improvement loan guarantees	100.0
Railroad entry fees for NEC Right-of-Way and principal repayment	54.7
	247.7

2. Amtrak and DOT will continue to analyze the *remaining* routes on the Basic System. If at the end of any year of route operation, the loss per passenger mile exceeds 2 cents, and will not be able to meet the 2 cents loss by 1975, Amtrak will take immediate steps to discontinue the route. This is not to suggest that the Administration or Amtrak is committed to keeping routes which do not break even, but rather to make clear that any route which does not continue to meet at least this minimum test is immediately a candidate for discontinuance.

Because the 2 cents per passenger mile is the minimum criterion, DOT and Amtrak will develop a more inclusive set of criteria to be used in judging additions or deletions to the basic system that has been agreed to by all parties.

3. Amtrak, through the Department, should present to OMB as soon as possible a recommended program of legislative changes in the existing Amtrak law.

One of the major recommendations will be specific language to eliminate the role of the Interstate Commerce Commission in determining service discontinuance or any other operating policy. The policy position is to stress the necessity for Amtrak to have flexibility to operate without inefficient and costly regulatory delays.

4. The Department's March 15, 1973, Report to Congress will discuss in detail the revised system, budget and legislative recommendations. The Department's Report should be submitted to OMB as early as possible for clearance.

5. No later than July 1, 1973, Amtrak will file with the ICC or take other appropriate steps to discontinue the following routes:

Chicago—Florida; New York/D.C.—Kansas City; Richmond-Newport News.

Amtrak should take immediate steps to discontinue experimental service on the Washington-Parkersburg route. Amtrak will take steps to provide the Chicago-Houston service by combining the Chicago-Newton, Kansas, service of the Houston route with the Chicago-Los Angeles service to meet the 2 cents criteria.

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[1] NOTE: These exhibits were provided by AMTRAK in a December 8 letter from Richard Tomlinson to John Olsson.

6. $100M of Federal loan guarantees are not to be used until Amtrak, through DOT, submit to OMB a program and financial plan for the acquisition of passenger cars, locomotives and other facilities and equipment.

7. The 1974 railroad entry fee payments of $54.7M will be used as follows— $4.7M for initiation of payback of principal on loan guarantees, and $50M for right-of-way improvements in the Northeast Corridor. The $50M is not to be used to offset operating deficits without DOT and OMB consultation.

8. Amtrak will not initiate any new routes, or major addition in the remainder of FY 1973 without full consultation of DOT and OMB.

9. The $9.1M supplemental appropriation requested in 1973 will continue to be reserved.

NATIONAL RAILROAD PASSENGER CORP.,
September 20, 1973.

To: Roger Lewis.
From: J. Richard Tomlinson.
Subject: Equipment Capital Program.

This memorandum summarizes the proposed equipment capital program as detailed on the attached exhibits.

PROGRAM OBJECTIVES

The objectives of the program are:

1. Complete the initial overhaul of all cars with an expected useful life of 10 years or more and rebuild used locomotives for use on low density routes where new locomotives cannot be economically justified.

2. Replace all other used locomotives with new high horsepower locomotives.

3. Commence upgrading corridor services by replacing conventional equipment with new equipment capable of operating at 125 miles per hour or better. This includes electric locomotive-drawn cars with Metroliner type interiors in the New York-Washington corridor and turbo-trains in the New York-Boston and Chicago corridors.

4. Replace used equipment with less than 10 years useful life (aluminum or aluminum and steel construction) with newly designed bi-level cars. These cars would have head-end power, standard components and provide maximum floor space for revenue production.

5. Provide added capacity to handle reasonable growth which is assumed to be about 15 percent annually on the basic system.

6. Develop a manufacturing supply capability that will enable Amtrak to achieve maximum standardization of cars, locomotives and sub-system components. Commitments would be scheduled with due regard to lead time necessary to procure parts and to permit additional purchases if circumstances warrant.

PROGRAM TOTAL COMMITMENTS

	Total commitment [1]	Number of new units	
		Cars	Locomotives
Fiscal year:			
1974	$261	257	121
1975	34		28
Subtotal	[2] 295	257	149
1976	143	200	40
Total	438	457	189

[1] Includes balance of car overhaul and locomotive rebuild requirements.

[2] Excludes funds required to purchase 49 Metroliners from Penn Central and 12 Metroliners from Budd Co., now under lease.

Based on the assumption that we can commit for 11 new electric locomotives and 57 high-performance cars immediately and are able to order new turbo-trains and bi-level cars next year, we will not have any new cars until the spring of 1975 and will not have sufficient cars until the summer of 1976.

If authority is granted to proceed with the 70 additional diesel-electric locomotives immediately, deliveries will begin in the early spring of 1975 and they will all be available for service by summer of that year.

OTHER CONSIDERATIONS

We have capitalized the initial overhaul of used cars as such expenditures were required to put them in fully serviceable conditions. Subsequent periodic overhauls would normally be charged to operating expense. If these costs are excluded from the equipment program, they will increase future operating losses.

The program excludes funds for overhaul and replacement of cars used in the "200" and "600" series for which jurisdiction has not been determined.

There will be a car shortage in the summer of 1974 and to a lesser degree in the summer of 1975. We will attempt to cover the requirements with short-term leases of usable equipment, where such can be found. At this time, however, the possibilities appear quite limited.

DEPARTMENT OF TRANSPORTATION,
FEDERAL RAILROAD ADMINISTRATION,
Washington, D.C., October 15, 1973.

Mr. RICHARD TOMLINSON,
Executive Vice President,
National Railroad Passenger Corp.,
Washington, D.C.

DEAR MR. TOMLINSON: This letter is with reference to Amtrak's requisition of September 27, 1973, requesting that I guarantee notes 29–31 in an aggregate amount of $16,000,000. As it is important that Amtrak be able to meet its payments to the railroads on the 15th, I am executing the notes as requested by Mr. Sterns. This action is taken despite my intense dissatisfaction and disappointment at the refusal of Amtrak to furnish the Department and my administration with meaningful data concerning Amtrak's programs.

As you are undoubtedly aware, neither the Department or this agency has yet received an answer to Mr. Barnum's letter of September 17 and 25 requesting your plans for the expenditures of funds the Department will make available to Amtrak this year and in the years to come. As a matter of law the Federal Railroad Administration is responsible for seeing that Amtrak expends these funds for the purposes for which they were intended and we cannot do this unless we have a detailed plan. It is also impossible for us to support your needs before the Office of Management and Budget without this information, a process which must be completed by October 25.

Despite the importance of a detailed plan, I have been informed that Amtrak has no intention of submitting the requested information in writing to the Department, and instead we have received several oral, and high generalized, briefings, the content of which changes from briefing to briefing. This is a ridiculous situation as it deprives the Department and my agency of any ability to anticipate Amtrak's needs and to assure that funds released by the Department are spent for purposes authorized by law.

Congress has stated that we should know the purposes for which Federal financial assistance is to be spent. In a three and one half page colloquy between Mr. Lewis and Senator Hartke on May 18, 1973, at the Amtrak Oversight and Authorization hearings, the Senator made several barbed remarks about the lack of planning on the part of Amtrak and concluded:

"I am not going to be a pocketbook pincher on you. You know that. But I think that even DOT has a right to know if you ask for $50 million or $100 million or $200 million what you are going to use it for. That is only good procedure. I think it is a procedure which is commendable."

The colloquy is contained at pages 155–158 of the Hearings before the Surface Transportation Subcommittee of the Committee on Commerce, United States Senate, 93rd Congress, First Session Permit No. 93–25, and I am including copies of the pertinent materials for your reference. In light of this Congressional mandate and my obligations to the public, I will not release any further funds unless the information requested by Mr. Barnum's two letters is forthcoming in a manner satisfactory to the Department and this agency.

Sincerely,

JOHN W. INGRAM,
Administrator.

Mr. HARVEY. Mr. Speaker, we have no further request for time.

Mr. STAGGERS. We have no further request for time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 346, nays 51, not voting 37, as follows:

[Roll No. 539]

YEAS—346

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Bafalis
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Harvey

Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Rogers
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zion

NAYS—51

Abdnor
Alexander
Armstrong
Ashbrook
Baker
Bauman
Brooks
Butler
Byron
Camp
Collins, Tex.
Conlan
Crane
Daniel, Dan
de la Garza
Denholm
Dennis
Duncan
Flowers
Flynt
Fuqua
Gross
Hansen, Idaho
Huber
Landgrebe
Long, Md.
Lujan
Michel
Miller
Montgomery
Nichols
Price, Tex.
Quillen
Rarick
Riegle
Roberts
Robinson, Va.
Roncalio, Wyo.
Rousselot
Runnels
Satterfield
Schroeder
Snyder
Spence
Steed
Symms
Taylor, Mo.
Vanik
Wampler
Young, Alaska
Young, Tex.

NOT VOTING—37

Anderson, Ill.
Broomfield
Carney, Ohio
Clark
Conyers
Culver
Davis, Ga.
Derwinski
Dingell
Dorn
Ford, Gerald R.
Forsythe
Fulton
Goldwater
Gray
Griffiths
Guyer
Hastings
Hays
Hébert
Hogan
Johnson, Pa.
Landrum
Leggett
McKay
Mills, Ark.
Minish
Minshall, Ohio
Murphy, Ill.
Patman
Roe
Rooney, N.Y.
Rooney, Pa.
Sandman
Steiger, Wis.
Veysey
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of Pennsylvania for, with Mr. Carney of Ohio against.

Until further notice:

Mr. Hays with Mr. Gerald R. Ford.
Mr. Hébert with Mr. Dingell.
Mr. Rooney of New York with Mr. Patman.
Mr. Davis of Georgia with Mr. McKay.
Mr. Culver with Mr. Anderson of Illinois.
Mr. Dorn with Mr. Zwach.
Mr. Fulton with Mr. Broomfield.
Mrs. Griffiths with Mr. Hastings.
Mr. Gray with Mr. Steiger of Wisconsin.
Mr. Leggett with Mr. Conyers.
Mr. Mills of Arkansas with Mr. Minshall of Ohio.
Mr. Murphy of Illinois with Mr. Goldwater.
Mr. Roe with Mr. Derwinski.
Mr. Minish with Mr. Hogan.
Mr. Clark with Mr. Guyer.
Mr. Landrum with Mr. Johnson of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HEARINGS AVAILABLE ON AIRCRAFT CARRIER INCIDENTS

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, on January 22, 1973, I called to the attention of the House the report of the Armed Services Committee's Special Subcommittee on Disciplinary Problems in the U.S. Navy (H.A.S.C. No. 92–81). I had the honor of chairing that subcommittee and the pleasure of working with two distinguished Members of the House, our former colleague, the Honorable DAN DANIEL of Virginia, and our former colleague, the Honorable Alexander Pirnie of New York.

We were gratified by the overwhelmingly favorable comments which the report received. Its relatively few critics, however, believed that the subcommittee had commenced its investigation with preconceived notions as to the nature, causes and effects of the incidents. Denials of this charge would have been of little use, so my response was "When the hearings are published our critics can read them and form their own conclusions."

The delay in publishing the hearings, all of which were held in executive session, was necessary in order to protect the legal rights of various individuals. Some of them were scheduled to be witnesses at courts-martial proceedings and other were defendants. The subcommittee determined that all hearings would be in executive session and that nothing would be released until after judicial proceedings following from incidents aboard the aircraft carriers *Kitty Hawk* and *Constellation,* including all appeals and reviews, had been completed.

I am very proud to say, Mr. Speaker, that in marked contrast to some of the happenings since that time—in the Senate, in the Department of Justice, and in various grand jury proceedings—we suffered no leaks. This is particularly satisfying since I am given to understand that certain of the news media had designated this to be an enterprise story—a designation I am told given to events in which reporters are given extra encouragement to ferret out closely held information.

Mr. Speaker, we are advised that the judicial processes have been completed and the printed hearings of the subcommittee will be made available to the public on Monday. The hearings are published as House Armed Services Committee Document 93–13 and cover over 1,100 printed pages. They have been edited as little as possible in order that the reader might gain as much of the flavor of the testimony as possible as well as all the facts involved. Only the names of those men involved who did not appear before the subcommittee have been expunged. On this point I will say that many of the accused crewmembers of the U.S.S. *Kitty Hawk* refused the subcommittee's invitation to testify. They did so on the advice of their civilian and military counsel and on the advice of those other organizations which participated in their defense before the courts. The subcommittee honored their desires in this matter and chose not to use its subpena powers.

The matter is now open to public scrutiny and I am satisfied that any objective reading of the hearings will substantiate the findings, opinions, and recommendations of the subcommittee's report.

USING THE PRINCELY PAST

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, a recent article in the Christian Science Monitor concerning the restoration of the old Pioneer Court House in Portland reaffirms my belief that the old and the new can often be combined to the advantage of both.

The old court house, built in 1875, has survived a number of determined drives to destroy it. In 1967, spurred by a controversial new Federal building proposed for the site, the judges of the Ninth Circuit Court of Appeals, supported by the Oregon Historical Society, successfully persuaded the GSA to study the feasibility of restoring and using the stately old building. The result—a lovely historic landmark which will yield the needed amount of new space and do so for much less money. At the same time, it will give to future generations a link to their history and an appreciation for the people and events that have gone before them.

Because I believe there is something to be learned from this successful experiment, I would like to include the full article in the RECORD at this point:

USING THE PRINCELY PAST

(By William Marlin)

Portland, Oregon, didn't think it could do it.

The U.S. Court of Appeals for the ninth circuit didn't.

Neither did the General Services Administration (GSA) back in Washington.

Despite the doubts and debate, Portland's neoclassic, cupolated Pioneer Courthouse, designed by architect A. B. Mullett (1875), has a permanent reprieve—part of this city's efforts to reinstate and *use* the evidence of its past.

One of the most princely buildings of the Pacific Northwest, it has seen many a trial, the most agonizing being the one it went through in 1967. Four years earlier, GSA had revealed plans for a new federal building to replace the landmark which, since losing the courts in the early 1930's, had become an unkempt dovecot for assorted federal agencies. The GSA plan mobilized the Oregon Historical Society which, in turn, mobilized forgotten data and faded daguerreotypes to explain the reasons for preservation—an appeal which fell, typically, on deaf ears.

What didn't fall on deaf ears, however, was the hassle which the ninth circut judges were having with GSA over office space in the proposed new building. Senior Circuit Judge John F. Kilkenny, having known Pioneer Courthouse from the 1920's, persuaded his fellow jurists to take a hard look at it. Following suit (possibly to prevent one), so did GSA. Its 1967 feasibility study bore out what the Historical Society, the judges and many local architects had been saying all along: restoration of the landmark would yield the amount of space needed by the judges in any new building, and more inexpensively.

There is, of course, nothing more American pie than a knock-down, drag-out haggle over cost—and, increasingly, nothing more convincing. GSA officials used to cringe if you called them culturally enlightened—after all, local commercial interests might get the wrong idea. But nowadays, call them economically enlightened, or give them some options to be so, and you just might find GSA beating you to the preservation punch.

This altering of attitude has begun in government, and GSA has launched a program to encourage adaptive use of its surplus properties by local agencies and private groups, beefed up by enabling legislation a year ago. GSA, not to mention Portland, is particularly proud of the Pioneer Courthouse victory because, among other things, it was carried out by concerned (if seemingly conflicting) interests—and done so voluntarily after the alternatives to demolition had been looked into. Need it be said, old daguerreotypes aren't enough.

GSA approval and federal funding, hard won, have returned Pioneer Courthouse to a place of orientation and enjoyment in downtown Portland, given the sensitive work of architects Allen, McMath, Hawkins. Young people rest in the shade of its restored sandstone exterior. The main post office, housed in the building from World War II on, has kept a branch on the first floor, next to offices for the Interstate Commerce Commission. The Court of Appeals is ensconced on the second floor with its walls of oak and fixtures of brass. Upstairs is the Bankruptcy Court. And above that, back the way it was when President Rutherford B. Hayes looked out over this then remote fringe of his country, is the cupola.

A new entrance and lobby have been created, but they are subdued and in character. No other structural changes were required. Heating, lighting, plumbing, air-conditioning, fire codes—these needs were met, without violence to Mullett's design. An old, open-cage elevator, regilded and encased in a new cab, enhances the elegance and excitement of being in the building. Touches of Tiffany-like glass, old barrister benches, heavy chairs are set off by contemporary elements—posters by Corita Kent, guitar music floating in from outside, law students in levis and tweed jackets. You get the feeling that the past is very, very present—right down to the "historic preservation" commemorative stamps which sell like hotcakes in that first-floor postal branch.

One of the more reassuring things about the time we're in now is that increasing numbers of small and medium-size cities are at least trying (if not always successfully) to keep a grip on the evidence of their past at the same time they are grappling with the temptations of growth. People are on the move, as never before. And in more than a figurative sense, so are cities.

Portland, for one, has decided not to pull itself up by the roots to make sure it's growing. Its youngish, professional population—schooled, like so many of us, in the idea of growth and gain at all costs—seems bent on balancing permanence with progress, hoping to regain some of the elemental qualities which their parents either skipped over or relinquished. It is a hope which Judge Kilkenny, remembering back, must have understood a few years ago. With Pioneer Courthouse intact, it is a hope that Portland will not easily forget.

SCHOOL INTEGRATION AND GOOD EDUCATION

(Mr. PREYER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PREYER. Mr. Speaker, the vast majority of Americans believe in the ideals of an integrated society and equal educational opportunities. While a small number of parents may be diehard segregationists, most are conscientious and sincere and are concerned for the welfare of their children. They accept integration as right and just.

It is also a fundamental drive of all Americans to give their children the best education possible. Many parents are heartsick to see the deterioration in the quality of education in our schools and what this means for the future of their children. They view massive busing as a major threat to educational quality.

A grave challenge to the political center today is to harmonize the belief in school integration with parents' desires for the best education possible for their children.

The courts have responded to this dilemma by ordering busing to achieve approximate racial balance, thereby emphasizing the values of integration and largely ignoring educational values. Legislative responses to the dilemma have sought to maintain the neighborhood school by restricting the remedies that a court could order, thus emphasizing educational values over integration. This legislative response is not very effective because under our constitutional system the legislature cannot restrict the remedies a court may employ to enforce constitutional rights.

The distinguished gentleman from Arizona (Mr. UDALL) and I believe that Congress can help bring about desegregated schools and an integrated society by some means other than massive busing on the one hand, or constitutionally questionable methods of restricting court remedies on the other.

The noted constitutional scholar Alexander Bickel at Yale has been working with us for several years to develop legislation which poses a constructive alternative to the serious current dilemma. This approach represents a solution that we believe can be supported by all men and women of good will, whatever their political persuasion and whatever their race.

We believe many people in this country are searching for a constructive response to the dilemma posed by busing. We believe they want a remedy that acts affirmatively to alleviate racial segregation and unequal educational opportunities, but that minimizes busing and emphasizes educational quality.

Last year, the gentleman from Arizona (Mr. UDALL) and I introduced a bill, H.R. 13552, designated to give Congress a realistic opportunity to help our educational institutions achieve these goals. Today we are reintroducing that bill, the National Education Opportunities Act, in substantially identical form. A further explanation of it will appear at a later point in today's RECORD.

U.S. POLICY IN THE MIDDLE EAST

(Mr. JOHNSON of Colorado asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSON of Colorado. Mr. Speaker, once again, the inflamed rhetoric of war is being heard in the Chambers of the Congress. Talk of sustaining freedom and stopping aggression is more frequent. Those old cliches of which we never seem to tire, but which are the slogans behind which we hide our own penchant for intervention. I suppose it is time for it—after all, we have not been in a war for 2 months now.

Mr. Speaker, who can tell what the policy of this country is with respect to war in the Mideast? Is our policy one of supplying Israel with enough arms support to maintain the fighting indefinitely? There is evidence of it.

Or is our policy one of gradual escalation? There is evidence of that, too.

Or is our policy one of reaction to whatever the Russians do? They resupply the Arabs—we resupply the Jews. They provide troops—we provide troops. The Secretary of State indicated that may be our policy in a statement the other day.

Whatever the Nation's policy may be, one thing is certain. Congress will not insist on participating in the decisionmaking process. We have just approved and sent to the President the war powers bill. Section 2(c) says the President can only involve us in war through a declaration of war, specific statutory authorization, or armed attack. But no declaration of war has been made. No treaty with Israel provides for our military support. No attack has been made upon us. Yet we, in the Congress, are acquiescing in our aggressive acts against the Arabs.

Our traditional posture of support for the State of Israel created in 1948 has been expanded to encompass an area from the Golan Heights to the Suez Canal. Did anyone in this body cast a vote for that expansion? Did anyone in this body have an opportunity to vote on that expansion?

Why are we making war on the Arabs? Make no mistake about it—to provide arms support for one side during a war is an act of war. Churchill said in his memoirs that once the U.S. provided arms aid to England in World War II, that U.S. policy was no longer one of neutrality and that our entrance formally into the war was just a matter of time.

Mr. Speaker, we have ships and troops in the area of the war. We are sending more. We are supplying arms by flying them into Israel in our own airplanes. These are not just acts of friendship toward Israel—they are also acts of war toward Egypt and Syria and the other Arab countries now involved in the war. Why does friendship with Israel mean enmity with the Arabs? There are those in this country who are exploiting the situation for political or religious reasons, but why are we as a nation making war upon the Arabs?

Mr. Speaker, on Tuesday, October 16, the Christian Science Monitor printed an editorial entitled "Some Middle East Facts." It is a sober, calm analysis of the situation. I urge my colleagues to read and consider this superior article before we rush into an irrevocable dangerous position, and lest we become victims of our own inflammatory rhetoric:

SOME MIDDLE EAST FACTS

The reopening of fighting in the Middle East is for many a highly emotional event in which rumor easily replaces fact and assumptions can run far ahead of events.

An example of how easily responsible statesmen can lose control of events came in the middle of last week when it was learned that flights of Soviet freighter planes were landing cargoes in Syria. It was instantly and widely assumed in the halls of Congress in Washington that this represented a violation of the Nixon-Brezhnev agreements, that it constituted a threat to the survival of Israel, that it reflected "irresponsibility" on the part of the Kremlin and that it justified an immediate and massive resupply of American arms to Israel.

Secretary of State Henry Kissinger foresaw from the moment the fighting started how difficult it would be to keep perspectives in hand. He promptly laid out a formula to cover the behavior of the two superpowers—the United States and the Soviet Union. It read:

"We shall resist aggressive foreign policies. Detente cannot survive irresponsibility in any area, including the Middle East."

Where does "irresponsibility" begin?

At the end of the first week Mr. Kissinger was fighting a holding action. He applied the word "moderate" to the Russian resupply operation which had already been characterized from the Pentagon, and in Congress, as "massive." By Monday of the second week State Department spokesman Robert McCloskey accepted the word "massive" for the Soviet shipments to Egypt and Syria and confirmed that the United States had "begun some resupply of Israel to an appreciable extent."

The danger is very real that present resupply operations by both sides will escalate into an arms race which could ruin the Nixon-Brezhnev detente.

In the interest of keeping emotions down, reason up, and detente alive we offer the following observations.

There is nothing in the Nixon-Brezhnev contracts which prohibits some resupply to the warring sides in the Middle East. Every act must be tested against the Kissinger formula. What is "aggressive" and at what point does "irresponsibility" begin?

It is fully understood between Moscow and Washington that the United States will not allow the State of Israel to be wiped out. If the essential survival of Israel were at stake Washington would certainly take emergency measures.

The corollary of this is that Moscow is entitled to see to it that neither Syria, nor Egypt, is wiped out or overrun. Detente is a two-way affair. If Israel is to survive, so too must Syria and Egypt. Last week the Syrians took such heavy losses in the battles for the Golan Heights that a total military collapse for a while appeared possible. Also, the Israelis bombed a Soviet cultural center in Damascus. Under the circumstances some Soviet resupply was highly expectable.

A common assumption during last week was that Egypt and Syria had attacked Israel. We ourselves, in this space, referred to "the Egyptian-Syrian attack on Israel." That was a mistake. There was an Egyptian-Syrian offensive against Israel armed forces. But those Israel armed forces were in occupation of Egyptian and Syrian territories. Israel has not annexed the Golan Heights, the west bank of Jordan or the Sinai Peninsula. Those are all legally Arab territories under Israeli occupation. Last week's Arab attacks were attempts to reclaim Arab territories taken by armed force in 1967 and held in defiance of a UN resolution and, indeed, of the official policies of the United States.

Secretary Kissinger said that "we shall resist aggressive foreign policies." It would indeed be "aggressive" for the Arabs to attack Israel itself. It would be aggressive for Israel to invade Egypt or try to capture Damascus. It is not "aggressive" for the Egyptians and Syrians to try to recapture their own lost lands.

It would be highly irresponsible for the Soviets to encourage any Arab country to try to invade Israel. But it is not irresponsible for the Soviets to give the Syrians the means to try to defend their own capital city. Washington would do the same for Israel. An interesting point bearing on this matter is that Washington has allowed Israel to purchase American Phantoms, but the Soviets have never given Egyptians or Syrians warplanes of comparable range and attack power.

Sometimes overlooked is the fact that the United States has no treaty commitment to Israel. True, there are commitments. But they take the form of executive declarations. Every American president beginning with Harry Truman has personally pledged himself to sustain the State of Israel. Both Republican and Democratic Party platforms have consistently had pro-Israel planks in them, from 1948. But there is no treaty commitment.

The United States itself has no quarrel with the Arab countries. On the contrary it seeks best possible relations with all of them for many reasons, including oil. The United States supplies arms to Jordan and Saudi Arabia as well as to Israel. American national interests would best be served by a peaceful settlement between Israel and her Arab neighbors. There is no American advantage in war among them, or in the conquest of one by another.

Under the "Nixon doctrine" the United States seeks to avoid direct involvement in local and regional quarrels. It has withdrawn from combat in Southeast Asia. It refused to supply arms to Pakistan during the Bangladesh war even though President Nixon favored Pakistan over India.

Ideally, both Moscow and Washington would ban all arms shipments to Arabs and Israelis during the present fighting. As a practical matter both will resupply whatever is deemed necessary to prevent a military disaster on either side. We profoundly hope that Moscow and Washington will keep in closest touch and be extremely careful to ship only within the meaning of the word "responsible."

This is a war over the spoils of another war which means negotiating positions for the future. The United States has no commitment to help Israel retain the spoils of the 1967 war, most of which Washington officially thinks should be handed back to their Arab owners. We urge Mr. Nixon to apply the "Nixon Doctrine" to the present Middle East war. We urge those who favored America staying out of Vietnam, Cambodia, and Bangladesh to follow suit in this instance. We urge all Americans to keep in mind the fact that the issue is not the survival of Israel (which is not in question) but only the spoils of the 1967 war.

THE LATE JAMES STROHN COPLEY

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'BRIEN. Mr. Speaker, James Strohn Copley was a major figure in the field of contemporary journalism. He headed a publishing empire of 15 daily newspapers in Illinois and California, including the Joliet Herald-News in my hometown; 32 weekly newspapers; and the Copley News Service, whose 1,340 subscribers make it the largest supplemental news service in the world.

Although I could not claim close friendship with Mr. Copley, I have had the pleasure of talking with him on several occasions and always have been impressed by his generous spirit, his candor, and the strength of his convictions.

Mr. Copley's untimely passing is a great loss to the Nation, particularly in the areas served by his newspapers.

In extension of my remarks I include Mr. Copley's obituary and an editorial which appeared on Sunday, October 7, in the Joliet Herald-News:

[From the Joliet (Ill.) Herald-News, Oct. 7, 1973]

JAMES COPLEY DIES AT 57

LA JOLLA, CALIF.—James Strohn Copley, a giant voice of American journalism, died of cancer Saturday at the Scripps Clinic and Research Foundation here at the age of 57.

He died at 3:50 p.m. Joliet time.

Copley was chairman of the corporation publishing a group of daily and weekly newspapers in California and Illinois. He also was chairman of the board of Copley News Service, publisher of the San Diego Union and Evening Tribune and editorial page editor of the Union, the "flagship" of his publishing empire.

Services will be at the Immaculata at the University of San Diego at 3:30 P.M. Joliet time Tuesday. Interment will be in Aurora.

Survivors include his widow, the former Helen Kinney whom he married in 1965, three adopted children, David C. (son of Helen), Janice and Michael, and a brother, John Satterlee, who is associated with Illinois Copley newspapers.

Mrs. James S. Copley, who succeeds her husband in direction of corporate affairs, assured executives and employes that the "ring of truth" legacy, a hallmark established by the fallen publisher, will be carried forward without a break in stride.

Robert Letts Jones, president of Copley

newspapers, directed all member newspapers to display the corporate flag, a Copley blue ensign with a town crier's bell, at half mast for 30 days.

Copley was born in St. Johnsville, N.Y., on Aug. 12, 1916. His parents, John and Flora Lodwell, died during the influenza epidemic that swept through the U.S. in 1917 and 1918. Young Copley was adopted by the late Colonel Ira C. Copley and his first wife, Edith Strohn Copley, in 1920.

After attending Phillips Academy at Andover, Mass., from 1930 to 1935, James Copley was graduated from Yale University in 1939 with a bachelor of arts degree. He subsequently was awarded an honorary doctor of laws degree by Chapman College in 1966.

Copley began his newspaper career in 1939, joining the Culver City, Calif., Star-News on the advice of his father, an Illinois utility executive, congressman and publisher. The elder Copley had entered the newspaper business by acquiring the Aurora Beacon in 1905. He purchased a group of Southern California newspapers in 1928, including the San Diego Union and Evening Tribune. Also in the group was the Culver City Star-News. The Culver City paper, Colonel Copley told his son, "is small enough so that you can see the trunk and all of the branches."

Young Copley inaugurated his career literally at ground level, sweeping floors after press runs, soliciting circulation and performing other chores when he was not understudying the editorial aspects of the profession, to which he was always particularly attracted.

After two years at Culver City, Copley continued his apprenticeship briefly at the Alhambra, Calif. Post-Advocate and the Glendale News-Press before going to San Diego in 1941.

Copley's blossoming newspaper career was interrupted by Pearl Harbor, following which tragedy he entered the U.S. Naval Reserve.

He served throughout the conflict and returned to inactive duty in 1946 as a lieutenant. He was promoted to lieutenant commander in 1954, to commander in 1957 and to captain in 1965. For the remainder of his life Copley remained active in The Navy League. In the meantime, he was named to the board of directors of Copley Press in 1942 and vice-president Sept. 3, 1946 upon his return from wartime service.

Colonel Ira C. Copley died Nov. 2, 1947. Each of his adopted sons, James and William, inherited four-ninths of his estate. Mrs. Chloe D. Copley, who inherited the remaining one-ninth followed her husband in death Aug. 1, 1949. In 1959, James Copley assumed sole interest in Copley Press, Inc., by buying the interests of William and that of the estate of his stepmother.

As the chief executive officer of the corporation, Copley pursued a dynamic program of growth and expansion. Additionally, he took an active and personal interest in both the editorial quality and technical character of each newspaper. Through his great interest in technical progress, the Sacramento Union, which he purchased in 1966, within months became the largest U.S. daily utilizing the offset printing process and many other technological innovations. In the same vein, at the time of his death Copley had completed one of the most modern and technologically advanced newspaper plants in the world to publish his two San Diego dailies.

In editorial terms, Copley was an outspoken, forthright champion of the United States of America. His vigorous editorial voice, projected by 15 daily and 32 weekly newspapers, urged preservation of constitutional principles, a strong national defense policy, efficiency in government, prudent fiscal policies, a Republican federal structure and integrity in elected representatives.

He was adamant in his insistence that news offered by Copley Newspapers and Copley News Service be chronicled truthfully, impartially and thoroughly.

To assist in reaching these goals, Copley inaugurated the "Ring of Truth" annual awards for excellence in reporting, editing and news photography. A complementary post college career training program for young journalists was another of his pioneering efforts which has been frequently emulated.

Copley's philosophy is succinctly stated in his widely distributed creed:

"The newspaper is a bulwark against regimented thinking. One of its duties is to enhance the integrity of the individual which is the core of American greatness."

Copley insisted that his publishers must be autonomous so that each of his newspapers could develop a distinctive personality to best serve their community. He believed that the function of the larger corporation was to improve the quality, service and efficiency of individual publications by offering them greater resources and talent.

His dedication to his profession, his services to his country and his involvement in the affairs of his hometown earned him broad recognition.

He was a past president of the Inter-American Press Association, a director of the Associated Press, a director of the American Newspaper Publishers Association Bureau of Advertising, a past member of the board of the American Newspaper Publishers Association, past president of The ANPA Research Institute, member of The American Society of Newspaper Editors, The National Press Club, and Sigma Delta Chi, the national professional journalism society.

Copley, his newspapers and his employes were awarded many medals by the Freedoms Foundation at Valley Forge for their contributions to a strong America.

In his home community of San Diego, Copley was noted for his leadership, philanthropy and charity. His memberships included the San Diego Symphony Orchestra Assn.; the San Diego Zoological Society, the Boy Scouts of America and the San Diego Fine Arts Society.

The Copley Center of Scripps Clinic and Research Foundation, which he served as a director, commemorated his personal interest in the advancement of health and medical facilities. Numerous other hospitals and medical study centers have benefitted from his contributions—including the Scripps Memorial Hospital which he served as a director for 14 years and whose Copley Tower is a product of his philanthropy. He also was a lifetime member of the Aurora, Ill., Association which supervises the Copley Memorial Hospital there. In California, his contributions to his home community earned him the title of Mr. San Diego in 1958.

The many other honors received by Copley include the Golden Plate Award presented by the Academy of Achievement, National American Legion Fourth Estate Award, The Order of St. Brigitte, presented by the Americanism Education League, the National Patriotism Award of the Catholic War Veterans, The Gold Medal of the City of Paris, The Silver Beaver Award of the Boy Scouts of America, The National Service Award of The Navy League of the United States, The Ohio Newspaper Association Award for distinguished service to journalism, and The Order of Commander of The Lion of Finland. He was also a recipient of the Maria Moors Cabot Award from Columbia University and the Tom Wallace Award from the Inter-American Press Association for his "long-standing campaign to keep the United States public better informed of developments in Latin America" and for his assistance in helping to improve Latin American newspaper technology.

Among other recognitions conferred upon Copley were the U.S. Navy Distinguished Public Service Award, Veterans of Foreign Wars Gold Medal of Merit, Distinguished American Citizens Award from The National Education Program, The American Foundation Award, a Special National Gold Medal Award and Distingushed Service Award from the Military Order of World Wars, the Naval Sea Cadet Corps School of Honor, The Disabled American Veterans President's Award and two Captive Nations Eisenhower Medals.

Copley's devotion to arts and sciences included membership in Addison Gallery of American Art, American Association of Museums, American Forestry Assn., Cal Tech Science for Mankind Development program, the National Society for Historical Preservation and The American Revolution Bicentennial Commission. The Copley corporate offices in La Jolla house one of the outstanding national collections of art relating to newspapers.

Most of Copley's charitable endeavors were conducted through his own foundations—Union-Tribune Charities, Copley Charities and Southern California Associated Newspapers Charities.

Copley's interest in history was furthered by his memberships in the Aurora Historical Museum, California Historical Society, Sons of American Revolution, Naval Historical Foundation, San Diego Historical Society and Western History Association. Eleven volumes of history commissioned by Copley, relating principally to the Southwest, have won wide acclaim and the James S. Copley Library in La Jolla houses many treasures of literary composition.

Copley's abiding interest in education was underscored by his significant support of three foundations. These were a matching gift scholarship program available to employes, a newspaper scholarship program, major capital gifts to numerous colleges and annual support to more than 50 various education scholarships.

Adjuncts to his newspapers are a department of education that promotes use of newspapers as an educational tool and the Copley career program.

Daily newspapers owned by Copley at the time of his death were: The San Diego Union, founded in 1868; The Evening Tribune, dating from 1895; The Sacramento Union, the oldest daily in the West, founded in 1851; Alhambra Post-Advocate, 1887; Burbank Daily Review, 1886; Glendale News-Press, 1905; Monrovia Daily News-Post, 1903; South Bay Daily Breeze, Torrance, 1894; San Pedro News-Pilot, 1901. All of these are in California.

Copley Illinois daily newspapers and the year of their founding are: The Beacon News (Aurora), 1846; Daily Courier-News (Elgin), 1876; Herald-News (Joliet), 1877; Illinois State Journal (Springfield), 1831: Illinois State Register (Springfield), 1836; Wheaton Journal, 1933.

Additionally the Copley Corporation includes 32 weekly newspapers.

Copley served as chairman of the board of the Copley News Service, the largest supplemental news service in the world, with 1,340 current client outlets.

Copley also owned The Copley International Corporation; Copley Computer Services, Inc. in San Diego; Communications Hawaii, Inc. which operates Radio station KGU in Honolulu; Seminar, a quarterly journalism review, and Copley Productions, which develops documentary films of civic and cultural interest. He also maintained a typography consulting division in the La Jolla corporation general offices.

Copley's residence was "Foxhill" on the La Jolla highlands, a home he deeply loved and whose construction he supervised personally. He had a second home in Borrego Springs, a desert community to which he devoted special interest and energies.

Mrs. Copley will continue to reside at Foxhill.

[From Joliet (Ill.) Herald-News, Oct. 7, 1973]

A NOBLE MAN

Most men are destined to pass their brief moment on this planet without lasting impact. They come, they go and they are forgotten.

A smaller number are enabled by chance or by talent to make some mark—for good or ill—on the affairs of the world; and the smallest number of all are those whose impact is great, good and enduring.

James Strohn Copley, chairman of the corporation publishing Copley Newspapers, taken summarily from his life at age 57, had an effect upon the conscience, the conduct and the well-being of our nation that has been surpassed by few men in private life.

With a heritage of wealth and security, it would not have been remarkable had he chosen a tranquil and less demanding life.

Armed however, with a high order of personal conviction and the leadership of a dynamic father, Jim Copley moved aggressively into the newspaper business, determined that the obligation to print all of the facts honestly and without bias—"the ring of truth" as he called it—is no less than a sacred trust.

His newspapers, basically Republican in their editorial viewpoint, reflected his own dedication to that article of faith, and his determination always to print the truth earned for him, from friend and foe alike, the precious respect that only unfailing integrity can bring.

His newspaper achievements brought him pyramids of national and international honors—director of the Associated Press, director of the American Society of Newspaper Editors, director of the American Newspaper Publishers Association, president of the Inter-American Press Association, and many others. However, apart from all of this busy professional life he was tireless in his efforts on behalf of the United States of America and all the things for which it stands.

Distinguished service in uniform, where he earned the rank of captain in the reserve of the U.S. Navy, dedicated service as a trustee of the Freedoms Foundation at Valley Forge, federal service as a member of the president's American Revolution Bicentennial Commission—all of these were welcome labors of a patriotic love that burned deep in his heart.

And, somewhere among his few remaining scraps of time, Jim Copley was able to create opportunities to work tirelessly on behalf of health institutions, to support the arts and education—in short to put both his shoulder and his resources behind any project that promised to enhance the opportunities of Americans, young and old. His personal generosity and his consideration for others were legendary but, when brought all together, they simply portrayed the desire of a grateful and loyal American to do his full share to nourish and support the land he loved.

As everyone knows, the best and truest measure of a man is found in the judgment of his peers. Jim Copley's peers—the fraternity of this generation's great from every walk of life and every corner of the world—will make their judgment today and it will resound with the ring of truth that he so cherished himself.

They will declare him a patriot and, with pride, will say that his beloved country is a better place in which to live because of his selfless efforts on its behalf.

They will declare him a wise and humane philanthropist, and will give a score of reasons why our American society will be happier, stronger and healthier because of his unfailing generosity.

But most of all—above everything else—they will adjudge him a noble, a compassionate, a gentle and a considerate man and, with love, pride and eternal gratitude, will declare that all of the thousands whose lives Jim Copley touched will be better for his having trod this earth.

Mr. Speaker, it is a great honor for me to participate in honoring the late James Strohn Copley, an unparalleled American patriot and a giant in American journalism. Although I was not an intimate friend of Mr. Copley, I did have the precious opportunity to talk with him on several occasions. I was impressed and awed by his generous spirit, his candid honesty, and the overwhelming magnitude of his personality. His relentless pursuit of truth, his personal conviction, and his legacy of benevolent deeds will long be remembered by this Nation and by me. Mr. Copley's untimely demise will be felt by all Americans, and particularly great will be the loss felt by his colleagues and contemporaries.

I shall not recite his unending list of awards and honors that were justly bestowed upon Mr. Copley during his life, those can be found in the Copley News Service obituary.

Today, I wish briefly to comment on one aspect of Mr. Copley's character that made him an institution, a legend in his own life—his integrity and his never-ending quest for the truth. Integrity—a word so often used and a concept so blatantly abused in the political life of our Nation's Capital today—was the very foundation of James S. Copley's life—his success, respect, admiration and his influence were all based on his uncompromising integrity. I need not remind those of us joining in this special order today that integrity cannot be bought or sold—it must be lived.

James Copley was a living embodiment of this ideal, an example for all of us to follow. It is especially important to accentuate this aspect of his life at this time when we are witnessing a large erosion of faith and confidence of our citizens in the integrity of our governmental institutions and its leaders. The desperate need to restore this faith can perhaps be augmented in large measure by the exemplary life of James Copley.

The review of Mr. Copley's life helps to reinstill the feeling of integrity and greatness which are the direct products of our constitutional form of government, with its attendant basic principle of freedom of the press. To the disgruntled, discouraged and frustrated citizens of this Nation, I say—

> Look upon the life of James S. Copley for a renewal of your spirit and faith, here was a living example of the greatness which this Nation is capable of producing, thru hard work, dedication and integrity.

Preceding were the expressions of those persons who worked and lived closely with James Copley, from the Copley News Service and an editorial from the Joliet Herald News, a member of the Illinois chain of Copley newspapers. To these sentiments I can only add my wholehearted agreement. James S. Copley was a giant of a man in every sense and he shall be sorely missed by this Nation.

STATEMENT ON INTRODUCTION OF BILL TO ELIMINATE EMPLOYMENT DISCRIMINATION ON BASIS OF MILITARY DISCHARGE STATUS

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, today I have introduced a bill to amend the 1964 Civil Rights Act to eliminate employment discrimination on the basis of military discharge status.

Last November, the Department of Defense's Task Force on the Administration of Military Justice in the Armed Forces concluded that the military—like all other institutions in our society—is permeated with racial discrimination, especially within the military justice system.

A major conclusion of the Task Force was:

> The Task Force believes that the military system does discriminate against its members on the basis of race and ethnic background. The discrimination is sometimes purposive; more often, it is not. Indeed, it often occurs against the dictates not only of policy but in the face of determined efforts of commanders, staff personnel and dedicated service men and women.
>
> The answer is not as neat as we might wish it. Part of it is, in our judgment, that the military in its own right continues to pursue certain policies and practices which have the effect of disproportionately impacting on racial and ethnic minorities.

The report studied the military discharges of 919,349 enlisted males who were released from the armed forces during fiscal year 1971. Approximately 21 percent were black. The report found that, first, in all services, blacks received a lower proportion of honorable discharges, and second, a higher proportion of general and undesirable discharges than whites with similar education levels and test scores on aptitude tests.

However the problem finding employment with the burden of any unfavorable discharge is not limited to members of racial minorities. We have all received letters from constituents concerning their inability to obtain employment because of their discharge status. We are all aware of servicemen who receive less than honorable discharges for certain offenses peculiar to the military, and have little—if any—relationship to potential civilian jobs. However, ex-servicemen are refused employment simply because of the type of discharge received, not on account of the offense which brought about the discharge.

The legislation I have introduced today addresses itself to this dilemma. It eliminates use of the "discharge status" as a basis for denying employment. This distinction must not be allowed, and we should act quickly to end this unneeded discrimination and prejudice.

JOINT COMMITTEE ON THE BUDGET

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, I have been pleased to serve as cochairman of the Joint Committee of the House and Senate of 32 members to prepare and plan and introduce a bill to regain control of the budget, the so-called congressional budget.

It has been a pleasure to work with my colleague, the cochairman (Mr. ULLMAN) as well as the other 32 members of the committee. I am highly gratified that all 32 of us were able to agree upon a report and that the 32 of us joined in introducing a bill.

Since that time, numerous bills have been introduced. We have had studied those bills prepared by members of the Rules Committee and various of our colleagues. We have had time to think about some of the provisions we had.

On yesterday, I introduced a bill H.R. 10961, which in my judgment brings together the best parts of the various bills that we have. I am unable to present the bill at this time because it is at the Printing Office. It should be available tomorrow. However, in connection with my remarks, I shall give a brief summary of the provisions of the bill. I commend it to the study of the Members of Congress and to those others who are interested.

Mr. Speaker, I think it will answer many of the problems we have in many ways, and in my extension of remarks I shall go into them in greater detail.

The major provisions of the budget control bill which I have introduced are as follows:

1. Changes the fiscal year to October 1st to allow more adequate time for consideration of the budget;

2. Provides that annual bills authorizing budget authority must be passed by March 31, and in the event such authorizations are not passed, provision is made for an automatic one-year extension of the existing authorization;

3. Provides that the members of the Budget committee, to be selected from the Appropriations Committee, the Ways and Means Committee, and the legislative committees, shall be rotated among the members of their committee. The chairmanship shall also rotate among the three groups.

4. Provides that back-door obligational authority, except trust funds, shall be available only as prescribed in the annual appropriation bills;

5. Provides for two budget resolutions as follows:

a. *The first resolution*, to be passed by May 1, will establish tentative targets on total budget outlays, total budget authority, total revenues, the overall level of the public debt, and the amount of surplus or deficit considered appropriate in the light of economic conditions and such other factors as may be relevant.

Although these targets shall serve as guidelines, compliance with the totals will not be required in the subsequent passage of the appropriation bills;

b. *A final budget resolution*, to be enacted after passage of the appropriation bills, providing a final determination of the legislative budget totals with direction to the Appropriations Committee to take such action, in the form of a budget reconciliation bill, as may be necessary to conform the appropriation bills with the revised totals and the Ways and Means Committee to report such tax measures as may be necessary to conform to the revenue total.

6. Timetable and procedure for processing of appropriation and revenue bills:

a. Prior to the reporting of the first appropriation bill the Committee on Appropriations shall complete its subcommittee markups and Full Committee action on all of the annual appropriation bills and report to the House a summary of its recommendations in comparison with the target figures contained in the first budget resolution;

b. By August 1 action shall be completed by Congress on all of the annual appropriation bills which shall then be held by the Congress pending conformity with the second budget resolution and enactment of the budget reconciliation bill;

c. Upon passage of the second concurrent resolution:

(1) the Committee on Appropriations shall report, if necessary, a budget reconciliation bill providing such rescissions and amendments as may be necessary to conform the appropriation bills to the totals approved in the second budget resolution; and

(2) to the extent required, the Ways and Means Committee shall report, as a separate chapter of the budget reconciliation bill, a tax measure which will raise the amount of additional revenue required to provide the revenue total established in the resolution.

7. In the event Congress fails to enact a budget reconciliation bill, or enacts a bill which is not in conformity with the totals on budget outlays and revenues approved in the second concurrent resolution, the Budget committee shall, in order to maintain the spending priorities set by Congress, report legislation providing for a proportionate reduction, by line item, in appropriations and other obligational authority available to provide such amounts as may be necessary to keep expenditures during the fiscal year within the level of budget outlays and the appropriate level of surplus or deficit established in the resolution.

POLITICAL CLOUT AND BANK CHARTERING

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, the recent disclosures by press and television pertaining to a charter application for a national bank in Florida, which, among other things, implicates the close personal friend of the President, Mr. C. G. Rebozo, and by inference casts doubt upon the integrity of reviewing officials charged with the duty of reaching such decisions solely based upon the general public's need for additional services in a free and competitive environment.

Mr. Speaker, these questions being raised at a time when public confidence is at its lowest ebb concerning Government and its officials at the highest levels must not be left unanswered. Accordingly, as chairman of the Subcommittee on Bank Supervision and Insurance of the House Committee on Banking and Currency, with the fullest support and cooperation of our committee chairman, WRIGHT PATMAN, I hereby advise the House that our subcommittee intends to investigate this matter and related questions to the fullest. All books, records, and documents related to this matter have been requested and will be received shortly. I have every reason to believe that the agencies involved will be fully cooperative and I wish to assure the House that agency officials will be given every opportunity to justify decisions made in this instance.

As we all know, charters for financial institutions are to be granted based on the public needs and necessity of the community and the economic viability of the institutions in question and on no other basis, be it political pressure or otherwise. The question which we have to answer is whether or not the refusal to grant a charter in this instance was based on these two inviolate criteria or whether other factors were involved.

Mr. Speaker, the House may expect a thorough probing investigation with a report of our findings as expeditiously as possible. I approach this task with a sincere desire to avoid prejudging the case in any manner—but our duty compels us to bring all the facts to light lest public confidence be diminished in the soundness of our banking system and in the integrity of those supervisory officials charged by law with protection of the public interest.

MASS TRANSIT URGED

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the urgency to develop a mass transportation system is becoming increasingly evident. Pollution, congested highways, not to mention the wear and tear on individuals as they crawl through traffic to their employment, all combine and cogently make the case for steps and for action now to help alleviate the present situation.

This summer the Washington and Baltimore areas again have experienced a number of serious pollution alerts. While no one would wish upon us the misery caused by these pollution alerts, at least we can be grateful that they have created the kind of public attention needed to force the improvement of our mass transportation systems and reduce automobile traffic.

It should be noted that the clean air law, now scheduled to take full effect in 1975, will result in various restrictions on the use of the automobile and in a drastic alteration in commuting habits. Many communities are considering action to boost the cost of downtown parking, prohibit further construction of parking facilities, impose special auto-use taxes, and in extreme cases, ban the auto from downtown areas altogether. The current national concern over petroleum products further emphasizes the need for more and better mass transportation.

In an effort to solve the commuting problem, I introduced a bill on June 23, which would authorize the Secretary of Transportation to conduct a feasibility study for an experimental high-speed ground transportation system between Washington and Annapolis and a high-speed marine vessel system between the Baltimore-Annapolis area and the Yorktown-Williamsburg-Norfolk area.

As part of the study, the Secretary of Transportation would be required to consider questions of social advisability, environmental impact and economic practicability. The study must include such factors as possible growth patterns resulting from the system, anticipated effects on competing modes of transportation and the advisability of placing it in another location.

Mr. Speaker, I believe the need is clearly evident that we need a balanced transportation system if we are to combat the effects of air pollution and efficiently move commuters.

I am today introducing a bill designed to encourage the use of rail commuter services for the Washington-Baltimore metropolitan area. Our rails have the potential of helping us to solve the difficult pollution and transportation problems we are facing. This legislation would amend the Washington Metropolitan Area Transit Authority Compact by requiring the inclusion of rail commuter service in mass transit plans. Specifically, the bill directs that within 180 days, after enactment, the board of directors of the authority "shall adopt a program for the development of rail commuter service" as part of its mass transit plan.

I would point out that the State of Maryland is very interested in the potential of railways in helping to solve our transportation and pollution problems. The State, for example, has expressed its willingness to help defray some of the cost of the Amtrak run to Cumberland. Unfortunately, the same forward-looking attitude has not existed at the Washington Metropolitan Transit Authority. Metro is on the way and I am sure that the citizens of this area look forward to its completion, but the urgency of our transportation and pollution problems make it essential that we move as quickly as we can, particularly when our actions will complement the Metro system when it becomes operational.

Mr. Speaker, I hope that my colleagues will join with me in pushing for a balanced transportation system in the Washington-metropolitan area so that we will be ready to meet the influx of visitors expected for the bicentennial celebration in 1976. The text of the bills follows:

H.R. 10935

A bill to amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby gives its consent to and adopts and enacts for the District of Columbia an amendment, as set forth in section 2 of this act, to the Washington Metropolitan Area Transit Authority Compact (D.C. Code sec. 1–1431) for which Congress has heretofore granted its consent (Public Law 89–774; 80 Stat. 1324).

SEC. 2. Paragraph 13 of article VI of the Washington Metropolitan Area Transit Authority Compact is amended—

(1) by redesignating subparagraph (b) as subparagraph (c); and

(2) by adding immediately following subparagraph (a) a new subparagraph (b) as follows:

"(b) Within one hundred and eighty days from the enactment of this subparagraph, the Board shall adopt a program for the development of rail commuter service as a part of the mass transportation plan referred to in this paragraph. Upon adoption of such program, the Board shall immediately take appropriate steps to secure the implementation thereof including the seeking of funds therefor as appropriate under the provisions of the Urban Mass Transportation Act of 1964 (Public Law 88–365; 78 Stat. 302)."

SEC. 3. The Commissioner of the District of Columbia is authorized and directed to enter into and execute an amendment to the Washington Metropolitan Area Transit Authority Compact substantially as set forth in section 2 of this Act with the States of Virginia and Maryland.

AS YE SOW, SO SHALL YE REAP IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, the situation the United States finds itself in today with respect to the Middle East is ironic and quite dangerous.

It is ironic for two reasons. For one, President Nixon now has on his desk a war powers resolution which he has been threatening to veto ever since Congress first began considering it. News reports Monday indicate that Americans are now flying military supplies, and even new fighter aircraft, directly into Israel. Under section 4(a) (1) and (2) of the war powers resolution, President Nixon would be required to report these actions to the Congress within 48 hours.

News reports also indicate that Secretary Kissinger stated Monday night that although the United States does not now plan to send troops into the Middle East, if the Russians send in troops, it will be a different matter. Even such an intimation that the United States might send troops into the Middle East requires prior consultation with the Congress.

There is currently no authority whatsoever for the President to send troops to the Middle East. The 1957 Middle East Resolution has been declared inoperative by Secretary Rogers on a number of occasions. No other authority exists.

The position of the United States is ironic for yet another reason. There was a time not too long ago when, by one simple word, the United States might have forestalled this latest outbreak of violence. In July of this year the United States cast its fifth veto at the United Nations. On that occasion, the United States stood alone in objecting to a rather mild statement by the Security Council on Middle East policy, a statement which our NATO allies were willing to accept.

Had the United States voted for the resolution, or even abstained, perhaps today there would be peace in the Middle East. By vetoing the resolution, the United States may have scuttled the Arabs' final effort to settle the Middle East controversy peacefully. It is regrettable and tragic if it caused the Arabs to see as their only alternative the violent fighting which has ensued.

Surely no one, least of all the Israelis, now feels that our veto at the United Nations could justify the blood which has been shed in the last week.

This time, unlike 1967, the Arabs launched the first attack. And though it may have seemed inevitable to them, it is also nonetheless inexcusable.

The danger is that as a result of these renewed hostilities, a new wave of anti-Israeli sentiment may develop in the United States. Already I have received several letters urging that our Government not resupply Israel for war losses. I have yet to hear from anyone who wants the United States actually to threaten military intervention in the Middle East, and Sunday President Nixon was quick to retract his reference to President Eisenhower's landing of marines in Lebanon in 1957.

The point is that one of the truly great accomplishments of President Nixon in the field of foreign policy is about to come tumbling down. The carefully balanced policy which the President charted and has pursued in the Middle East for the past 5 years is fast being destroyed.

For years, the United States has insisted on full adherence to the U.N. Security Council's Resolution 242, calling for a return of occupied lands, and at most, insubstantial alterations of boundaries which predated the 1967 war. The United States cannot now call for any less adherence to that position, when the lack of adherence is the very reason there is fighting in the Middle East today.

To be sure, it is in everyone's interest to bring about a cease-fire. However, at the same time, it is essential that the provisions of the United Nations' resolution be observed by all parties.

For Israel that means the right to live within secure and recognized boundaries. For the Arabs, it means the right to have occupied lands returned.

These goals bear repeating during these troubled times. They should be the signal beacon, the ultimate object of the cease-fire for which we all long.

In this critical hour, the United States should reaffirm clearly its support for U.N. Resolution 242.

TRIUMPH OF ARENA STAGE CO.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, this city has reason to be proud that its first resident theater—The Arena Stage Co.—has become the first such group of actors to travel to the Soviet Union, presenting important American drama. There have been musical groups, musical plays, touring ballet companies, and other artists, but Arena Stage is the breakthrough in presenting serious drama. The group traveled under the aegis of the State Department, which paid for the tour as part of the cultural exchange program.

The Arena Stage Co. chose to present the Russians with a highly dramatic play, "Inherit the Wind," written by Jerome Lawrence and Robert E. Lee, which cannot fail to have made an imprint on the capital of a country which is wracked with internal tension caused by the challenge of dissident intellectuals. Its theme is freedom of speech, a freedom denied citizens of the U.S.S.R.

The Russian writer, Alexander Solzhenitsyn, and the scientist, Andrei D. Sakharov, and others have been harassed and threatened. Solzhenitsyn also spent time in prison, and he used the experience in writing books which were subsequently smuggled to the West, such as "One Day in the Life of Ivan Denisovitch." "The First Circle" is, in my opinion, one of the best novels written on the struggle of man to be free and the indomitability of the human spirit. Choosing this play for Russian consumption was perhaps a risky thing for Zelda Fichandler, the producing director of Arena, and Alan Schneider, Arena's director.

"Inherit the Wind" is, of course, the story of the struggle for the freedom of a young man to teach a controversial subject—evolution. The time is the 1920's and the protagonists are—names are disguised—William Jennings Bryan, representing the reaction of fundamentalist religionists to the concept of evolution, and Clarence Darrow, the great liberal lawyer and defender of the poor and the controversial, who argued the case for freedom of speech.

Taking risks, however, is part of Mrs. Fichandler's genius; for she is responsible as much as anyone for making Arena the mecca for new playwrights and superior plays.

The Russian audiences cheered this production of "Inherit the Wind" even more than the second play, "Our Town" by Thornton Wilder. In order to facilitate understanding of the English, headsets were used for simultaneous translation of the dialog.

The Russian people have been overwhelmingly hospitable to the troupe, a spokesman told me. The company will return October 17, today, and all of us should join in a warm, enthusiastic welcome. They have performed a service in representing the American people by carrying in their persons and in the words of the American plays, a message of good will from the citizens of the United States.

The history of Arena Stage Co. and what it has accomplished is one that gives me hope. I believe in a vital, living theater, a theater which speaks to the condition of man. That message may be one of inspiration, of hope or despair, or of deep, biting criticisms of conditions within the society.

Our great playwrights, no less so than the ancients such as Aeschylus, Euripides, Sophocles, and Aristophanes, probe deeply into the soul of man and his society, and lay it bare in words which provide a challenge for man to change, to evolve into a higher being, and to recognize the oneness of all mankind. The best of our playwrights provide this insight and challenge.

It has been a mission of Zelda Fichandler, who has long been the guiding genius of Arena Stage Co. to seek out new playwrights who have something to say and who say it well. Arena also discovers new talent and provides a training ground for actors who have gone on to other areas. George Gizzard, who is currently starring on Broadway, got his start at Arena, as did Pernell Roberts, who was a University of Maryland student and actor at Arena before traveling to Hollywood and "Bonanza." John Voight was a Catholic University student and Arena actor. He has made a name for himself as a good actor in "Midnight Cowboy" and in his latest, "Deliverance." Frances Sternhagen started at Arena. Ronny Cox, Melinda Dillon, Nicholas Coster, Alan Openheimer are others whose names come to mind.

Alan Schneider, Arena's gifted director, was also a Catholic University student who started at Arena as an actor. Robert Prosky, the fine character actor, has been with Arena for years as a strong part of its resident company.

Mrs. Fichandler has sought and found excellence, and Arena Stage productions are honored countrywide. I can think of several plays which have been produced during the past decade which perhaps could not have found an outlet had she not been willing to take a chance and risk money for their production—plays such as "The Great White Hope." This play made a star of James Earl Jones because of his magnificent performance. Howard Sackler wrote the story of the deliberate emotional destruction of James Johnson, the black man who had the temerity to win the heavyweight boxing title and marry a white woman. While the time was the 1920's, the message was today.

Mrs. Fichandler produced the critically acclaimed "Indians" by Arthur Kopit which, again, had a racial theme, treating the physical destruction of the American Indians, and the cynical reneging on treaty rights of the Great Plains tribes. The play was a popular and critical success in Washington, but failed in New York, as did "Moonchildren" by Michael Weller, which was a contemporary work about the younger generation, a story poignantly and sensitively told. It deserved better on Broadway, as did "Indians."

In her latest attempt at bringing a new play into being Mrs. Fichandler has produced a brilliant musical adaptation of Lorraine Hansberry's "Raisin in the Sun" written by the late playwright's husband, Robert Nemiroff, which was a critical and popular success in Washington.

I saw my first Arena Stage play about 23 years ago at the Old Hippodrome Theater in downtown Washington. The setting was seedy, but the acting was first rate. I also remember veteran actor Robert Prosky from the early years, too, in the Old Vat, the second home of Arena in an old brewery which has since been obliterated by the freeway near the JFK Center. It was not until 1961 that Arena had a home of its own, built on a site in Southwest, at 6th and M, in a redevelopment area. Then 10 years later the Kreeger Theater was built, and we now have two showcases for new plays, or old plays of merit.

Another, smaller reading theater is contemplated, where new talent and new plays can be developed. Mrs. Fichandler has a standard of excellence in choosing plays and hers is the final choice on what is produced. She has received and read literally hundreds and hundreds of scripts, many of which are not producible.

I am a member of the Select Subcommittee on Education, which drafts legislation in this area, such as the bill to provide funding for the National Foundation on the Arts and Humanities. The Arts Endowment has been helpful in aiding struggling theater groups such as Arena. The endowment has since 1969 contributed $972,500 to Arena Stage, dollars which must be matched. The Ford Foundation has sustained them through the years—$800,000 since their beginning. Now, however, they are offering what they call a challenge grant for the next 4 years. They will receive a total of $617,000 if they can raise that amount; and they have a specific quota to raise for each of the 4 years.

Their deficit, I understand, is about $1,450,000. They have raised $950,000 from the box office, leaving approximately $500,000 to be raised.

Arena is not an experimental theater, but it does stress the production of new plays—it calls itself a theater for the people—for they do not stray too much from the mainstream.

We are indeed fortunate in Washington that new playwrights and actors—three out of four are unemployed—do have such an outlet and that Arena has such a fine resident company.

We welcome them back, in triumph, from Russia. We know from reports that they have done a splendid job representing America. Because of this, and because I have been the beneficiary for so many years in the past of so much excellent theater at Arena, I wanted to take this opportunity to pay tribute to a very fine organization.

ONE MAN'S SOVIET TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, the Washington Post reported that Armand Hammer was offered the position of Ambassador to the Soviet Union but turned the position down. Let us take an indepth look at this Armand Hammer and his deals with the Soviets to see how incredible this offer was.

On April 12 of this year Occidental Petroleum Corp. signed the largest commercial agreement in the history of Soviet-American trade. Armand Hammer is the chairman of Occidental Petroleum Corp. Before the announcements of the recent deal, Occidental Petroleum was enjoying less than an encouraging business reputation.

Armand Hammer was born May 21, 1898, in New York City, to Julius and Rose Robinson Hammer. He graduated from Columbia University in 1919 and received an M.D. degree from the College of Physicians and Surgeons, Columbia University, in 1921.

His father, Julius Hammer, was a longtime member of the Socialist Party. In 1919 when the Socialist Party split and two Communist Parties were formed from the left wing faction—the Communist Party of America and the Communist Labor Party—Julius Hammer joined the Communist Labor Party.

Benjamin Gitlow, who served as a national Communist Party leader until 1929, identified Julius Hammer as a member of the New York City committee of the Left Wing of the Socialist Party which later formed the CLP. In January 1919, the Soviet Government appointed Ludwig C. A. K. Martens as its official representative. He opened an office in New York at 110 West 40th Street. According to Gitlow the establishment of this Soviet pseudo-Embassy was made possible by the "generous financial assistance" of Julius Hammer. Gitlow further stated that Hammer was an adviser to Martens.

After the formation of the Communist Labor Party during the summer of 1919 Gitlow reported:

> The Communist Labor Party first established its national headquarters in Cleveland, but soon afterwards moved to New York, where its headquarters were established at 108 East 12th Street, in a house rented for us by Dr. Julius Hammer, who not only paid the rent but later bought the house and turned it over to our Party.

While this was going on Armand Hammer was a student at Columbia University. However, he was closely involved with his father's political and business activities. Julius Hammer, a physician, had invested all of his savings in a small company that sold shampoos, mouthwashes, and pharmaceutical chemicals. During Armand's sophomore year his father told him that the business was in such bad financial shape that unless something could be done to revive it Armand would be compelled to leave school. As a result, Armand and his older brother Harry began working in the business. Armand continued to attend Columbia while working. In 1919, the firm invested money in antiseptics et cetera, and when prices rose, made a good deal of money.

On August 16, 1919, the New York World reported that Dr. Julius Hammer was being held on $5,000 bail after being indicted for first degree manslaughter as a result of the death of a woman upon whom he was performing a criminal operation—an abortion.

On June 24, 1920, during the course of Hammer's trial the New York Tribune and the New York World both reported that a juror on the case had reported to the judge that a man had offered him a $10,000 bribe for a favorable verdict in the Hammer case.

The judge continued the case after hearing the juror, Joseph L. Maher, state that a man had approached him and told him that he knew where there would be $1,000—note, not $10,000 as originally reported—waiting for him if he would hold out and prevent an agreement on the jury in the case. The juror later stated that it was his belief that the man who attempted to bribe him was interested in another case similar to Dr. Hammer's and believed that a favorable verdict in one would influence the other.

The New York Tribune and New York Sun of June 27, 1920, reported the arrest of Thomas Sheehan in the bribery charge. The Tribune also reported a group of doctors coming to the defense of Hammer.

Julius Hammer was convicted of manslaughter, first degree, and sentenced to State Prison for 3½ to 15 years.

After Hammer's conviction, a number of doctors who purportedly had made statements defending Hammer denied that the statements attributed to them were authentic. District Attorney Martin of Bronx County stated that he was investigating this matter.

The New York Tribune of July 24, 1920, reported that District Attorney Francis Martin of Bronx County sought to have William Cope committed for contempt of court for refusing to answer questions of the grand jury. Cope, a former newspaperman, had refused to answer questions concerning his work as public relations man for Julius Hammer during the abortion trial. Among the questions he refused to answer were, "Who paid you the $100 a day in the Hammer case?" and, "Who employed you as publicity man in the Hammer case?"

In the meanwhile, leaders of the Communist Labor Party including Benjamin Gitlow were arrested on criminal anarchy charges. Gitlow tells in his book, "I Confess," how he was released on bail after Dr. Julius Hammer supplied $10,000 worth of liberty bonds.

Gitlow was eventually convicted and was sent to Sing Sing after a famous case that went up to the Supreme Court. In his book Gitlow describes the situation he found after being transferred back to Sing Sing at one point during his term in jail.

Gitlow wrote:

> Back in Sing Sing life was more pleasant. There we found Dr. Julius Hammer, serving a sentence for an illegal abortion, having been betrayed to the authorities by political enemies, presumably. Dr. Hammer financed Martens' Soviet Bureau, had joined the Communist Labor Party and had generously helped to finance its activities. In addition to Hammer, there were also Isaac E. Ferguson and Charles E. Ruthenberg, who had both been sent to Sing Sing for five to ten years. These three had arrived in Sing Sing while we were in Dannemora. But soon after our return a fourth Communist newcomer came, a Russian comrade named Paul Manko, the last Communist prisoner to arrive in Sing Sing during our stay there. Manko, an ordinary rank and file member of one of the Russian branches, was arrested for distributing leaflets, indicted and convicted as a dangerous Red leader and sent to Sing Sing. He was obviously a psychopath and probably a paranoic. He had delusions that there was a cosmic plot afoot to poison him, and hence refused all food and drink. The keepers treated him gently and with consideration. We politicals delegated Dr. Hammer, who as a physician understood his mental condition better than any of us who moreover spoke Russian, to persuade Manko that no one was plotting against him. But that proved the most unfortunate choice we could have made, for Manko detested Hammer as the alleged seducer of his wife. That was apparently another of his phobias. Instead of listening to Hammer, he threatened to settle scores with him in Russia, as one Bolshevik to another. Moreover, the very next time his wife came to visit him, he created a scene, scolded her in voluble Russian at the top of his voice, and the poor woman left dumbfounded and in tears. We were quite sure that she was perfectly innocent of her husband's charges and that Manko having improvised the seduction charge against Hammer to protect himself from the doctor's intervention, played the irate cuckold to the bitter end with the consistency of a maniac.

As late as 1929, Gitlow collected Communist Party dues from Julius Hammer who was at that time in Moscow.

In 1929, Benjamin Gitlow, Jay Lovestone, and hundreds of their followers were expelled from the Communist Party for not supporting the position taken by Joseph Stalin. An examination of the first volume of the Lovestoneite magazine, Revolutionary Age, November 1, 1929, to March 15, 1930—10 issues—which listed hundreds of Lovestoneites expelled from the CPUSA did not list Julius Hammer among them. Had Hammer been expelled from the party his name would undoubtedly have been listed because of his prominence in the movement.

In later years, Julius Hammer turned up in some Communist fronts. In December 1944 he was listed as a member of the Committee for the Celebration of the 20th Anniversary of the Icor Association. This group, which has been officially cited as a Communist front by California and Massachusetts State committees, had the responsibility of raising funds for the Soviet Jewish Autonomous Republic of Biro Bidjan. Hammer was listed in the December 1944 issue of its official magazine, Nailebn, which means new life. In 1945, he appeared as a stockholder for the People Radio Foundation Inc., which was cited as a Communist front by Attorney General Tom Clark. This group which was controlled by the International Workers Order had as its purpose the establishment of a pro-Communist FM radio station in New York City.

In February 1946, Julius Hammer was listed as a member of the National Board of the American Committee of Jewish Artists, Writers, and Scientists, a Communist front which has been officially cited by the California committee. On February 25, 1946, he also served as a sponsor of a testimonial dinner given by this organization for Communist Party member Albert Kahn.

Julius Hammer died in 1948 at age 74 according to the New York Herald Tribune of October 20, 1948. His wife Rose Robinson Hammer died in 1960 according to the New York Times of February 18, 1960.

While his father was in prison Armand Hammer went to the Soviet Union. He arrived there in 1921. Although we know from the confidential financial report cited above that he was fairly wealthy, he was definitely not a millionaire but appears to have indicated to the Soviet authorities that he was. Boris Reinstein, an American Communist, brought Armand Hammer in contact with Lenin. On October 14, 1921, Lenin wrote a memorandum to all members of the Central Committee of the Russian Communist Party—Bolsheviks—in which he stated:

> Attention, all members of the C.C. Reinstein informed me yesterday that the American millionaire Hammer, who is Russian-born (is in prison on a charge of illegally procuring an abortion; actually, it is said, in revenge for his communism), is prepared to give the Urals workers 1,000,000 poods of grain on very easy terms (5 per cent) and to take Urals valuables on commission for sale in America.
>
> This Hammer's son (and partner), a doctor, is in Russia, and has brought Semashko $60,000 worth of surgical instruments as a gift. The son has visited the Urals with

Martens and has decided to help rehabilitate the Urals industry.

An official report will soon be made by Martens.

LENIN.

On October 15, 1921, Lenin wrote a letter to Martens who had been the Soviet representative in the United States asking him:

Can you get Hammer to take an interest in a scheme to electrify the Urals, so that Hammer should provide not only the grain, but also the electrical equipment (naturally on a loan basis)?

At the 11th Congress of the Russian Communist Party held in March and April 1922, Lenin explained the necessity to use non-Communists to "build communism with the hands of non-Communists." To Lenin, the Hammers, although they were Communists, could be portrayed as American capitalists who had found it expedient to work with the Soviets. They would in turn attract other Americans. In a letter to Martens dated October 19, 1921, Lenin wrote:

COMRADE MARTENS: If Hammer is in earnest about his plan to supply 1 million poods of grain to the Urals (and it is my impression from your letter that your written confirmation of Reinstein's words makes one believe that he is, and that the plan is not just so much hot air), you must try and give the whole matter the precise juridical form of a contract or concession.

Let it be a concession, even if a fictitious one (asbestos or any other Urals valuables or what have you). What we want to show and have in print (later, when performance begins) is that the Americans have gone in for concessions. This is important politically. Let me have your reply.

With Communist greetings,

LENIN.

In a letter, written October 22, 1921, to Soviet Foreign Minister Chicherin, Lenin said:

Agreements and concessions with the *Americans* are of *exceptional importance* to us.

On October 27, 1939, Lenin wrote to a member of the People's Commissariat for Foreign Trade, Radchenko, concerning a contract with Hammer. He said:

Comrade Martens has sent me the contract with the American company (Hammer and Mishell) signed by you. I believe this contract to be of enormous importance, as marking the beginning of trade. It is absolutely necessary that you should give special attention to the actual fulfillment of our obligations.

On October 28, 1921, Lenin wrote a note to V. M. Mikhailov, the secretary of the Central Committee of the Russian Communist Party. He spoke of the importance to the Soviets that—

American capital should take an interest in our oil. We believe it to be vastly important to attract American capital for the construction of a paraffin separation plant and an oil pipeline in Grozny.

On November 3, 1921, Lenin wrote a letter to Armand Hammer in which he asked him to greet his father and other Communists then in jail in the United States. He also made reference to the deal that had been made where the Soviets had exchanged a concession in the Ural mountains for flour supplied by Hammer.

On May 11, 1922, Lenin wrote another letter to Hammer in which he thanked him for a letter Hammer had given him "from American comrades and friends who are in prison." Lenin also gave Hammer a letter to the Soviet official Grigory Zinoviev who was instructed to help Hammer. Lenin later phoned Zinoviev to make sure that Hammer did not run into any redtape. Copies of Lenin's letters and a memo on telephone conversations are as follows:

DEAR COMRADE HAMMER: Excuse me please; I have been very ill; now I am very much better. Many thanks for Your present—a very kind letter from American comrades and friends who are in prison. I enclose for You my letter to Comrade Zinoviev or for other comrades in Petrograd if Zinoviev has left Petrograd. My best wishes for the full success of Your first concession; such success would be of great importance also for trade relations between our Republic & United States. Thanking You once more. I beg to apologize for my bad English. Please address letters & telegrams to my secretary (Fotieva or Smolianinoff). I shall instruct them.

Yours truly,

LENIN.

To Lydia Fotieva and V. A. Smolyaninov (Fotieva was Lenin's Secretary):

Have this translated for you both, read it; make note of Armand Hammer and *in every way help him* on my behalf if he applies.

11/V. LENIN.
11/V. 1922.

To Comrade Zinoviev (to Comrade Zinoviev or his deputy):

I beg You to help the comrade Armand Hammer; it is extremely important for us that his first concession would be a full success.

Yours,

LENIN.

I beg you to give every assistance to the the bearer, Comrade Armand Hammer, an American comrade, who has taken out the first concession. It is extremely, extremely important that his whole undertaking should be a complete success.

With communist greetings,

V. ULYANOV (LENIN).

(The first section is in English, the second part was in Russian, in the original).

11.V. 1922.

Telephone message to Zinoviev and his deputy in Petrograd (Make sure this is not lost in the event of Zinoviev's departure or absence):

Today I wrote a letter of reference to you and your deputy for the American Comrade Armand Hammer. His father is a millionaire and a Communist (he is in prison in America). He has taken out our first concession, which is very advantageous for us. He is going to Petrograd to be present at the discharge of the first wheat ship and to arrange for the receipt of machinery for his concession (asbestos mines).

It is my earnest request that you issue orders at once to see that there is no red tape and that reliable comrades should personally keep an eye on the progress and speed of all operations for this concession. This is of the utmost importance. Armand Hammer is travelling with the director of his company, Mr. Mishell.

LENIN.

When Hammer returned to the United States some months later pursuant to Lenin's wishes he publicized the mining concession in an interview published by the New York Times on June 14, 1922. He showed the Times reporter the second Lenin letter quoted above and claimed that he had received a 20-year concession from the Soviets. He pretended that he was simply an American capitalist and told the Times:

When I conferred with officials of the Government I told them I was a capitalist; that I was out to make money but entertained no idea of grabbing their land or their empire. They said in effect, "we understand you did not come here for love. As long as you do not mix in our politics we will give you our help." And that is the basis on which I conducted negotiations.

Hammer, of course, did not show the New York Times reporter the first Lenin letter, or the enclosures to the second letter which would have made it clear that he was not a capitalist but at least a Communist sympathizer and that his father was at that time in an American jail.

An article from the New York World dated June 1922—the exact date has been obliterated from the original copy—reports that a private dinner was held at the Hotel Commodore by Hammer to promote his Soviet American business deals.

According to the article:

A rich slice of the prospective trade with Russia which the financial centres of the world have been looking forward to for the last two years is within the grasp of American interests.

Lenin continued to issue instructions to aid Hammer. A letter written on November 17, 1921, to Martens marked "urgent" ordered "a triple checkup" to insure cooperation with Hammer, and a footnote in the Lenin collected works shows that this related to the wheat deal.

When the goods sent to America by the Soviets turned out to be of bad quality Lenin complained in a letter to Soviet official Alexei Rykov.

Lenin saw the deals with Hammer as a path to American business. He expressed this view in a letter dated May 24, 1923, to Joseph Stalin with the request that he circulate it to all members of the Politbureau—a footnote shows that Lenin's proposal was adopted on June 2, 1922. Lenin's letter to Stalin follows:

URGENT, SECRET

To Comrade Stalin with a request to circulate to all Politbureau members (being sure to include Comrade Zinoviev). On the strength of this information from Comrade Reinstein, I am giving both Armand Hammer and B. Mishell a special recommendation on my own behalf and request all C.C. members to give these persons and their enterprise particular support. This is a small path leading to the American "business" world, and this path should be made use of in every way. If there are any objections, please telephone them to my secretary (Fotieva or Lepeshinskaya), to enable me to clear up the matter (and take a final decision through the Politbureau) before I leave, that is, within the next few days.

24/V. LENIN.

Hammer was later to put an altruistic facade on his Russian adventures. In the August 1945 issue of Spirits, a magazine of the liquor industry, Hammer had a puff piece describing his life. He claimed that he went to Russia to do medical relief work. The article said:

Graduating from Columbia in 1921 and anxious to begin practicing medicine, Hammer decided that this ambition could wait a year or so and volunteered for medical relief work. He was sent to Russia. The Soviet was then still in its infancy and Hammer quickly saw that the chief need of Russia was good food and plenty of it, so, at the age of 23, he performed the difficult task of persuading the young government that it should allow him to organize his own American export company. This device was a necessity, be-

> cause the country had no gold and it was imperative that Russian materials be exchanged for food with other nations.
>
> Carrying out the duties of his company, Hammer obtained the Russian agencies for Ford Motor, U.S. Rubber and other leading companies' products. One of his export items was white oak staves, used in the United Kingdom for aging Scotch and in Germany for beer barrels.

The Soviets were in fact not short of gold. As Lenin explained in an article in Pravda, November 6–7, 1921, entitled, "The Importance of Gold Now and After Complete Victory of Socialism":

> We must save the gold in the R.S.F.S.R., (Russian Soviet Federated Socialist Republic) sell it at the highest price, buy goods with it at the lowest price. When you live among wolves you must howl like a wolf, while as for exterminating all the wolves, as should be done in a rational human society, we shall act up to the wise Russian proverb: "Boast not before but after the battle."

In late 1922 Hammer was back in Moscow. A member of the American Communist Party, Charles Recht, writing in the Communist Party magazine Soviet Russia Pictorial for March 1923 told of attending the celebration for the anniversary of the Russian Revolution, November 1922. Dr. Armand Hammer and his brother, Victor Hammer, were with Recht and other American Communists on that date.

Armand's brother Victor left a son in the Soviet Union. The New York Times of July 23, 1956, reported that Victor Hammer had just returned from the Soviet Union "after a reunion here with his Soviet citizen son whom he had not seen for 30 years." The Times Dispatch dateline Moscow reported that Victor Hammer's son was also named Armand and that Victor was a prominent art dealer in New York and operated the Hammer Galleries with his brother Armand.

Armand Hammer has had two public relations type pieces in the New Yorker magazine. The first on December 23, 1933, described his version of his life in Russia and promoted the sale of the Czarist crown jewels which Hammer had brought back. Other promotion articles for the sale of the Romanoff jewels appeared in most newspapers and magazines. Some samples are included here as exhibits 16 A, B, and C, from the Washington Post, February 13, 1932; the New York Post, January 3, 1933, and Time magazine, August 21, 1933. A similar promotion piece was printed in the New York Daily News on February 16 1941, when Hammer was selling the Hearst collection in cooperation with Gimbels Department Store.

Despite the public relations hoopla promoted by Hammer on the value to American business of his Soviet deals, there is some indication that he had difficulties. The New York Times of August 18, 1927, reported that his asbestos concession had suffered from competition with Soviet-owned deposits of superior quality and that Hammer had gone into the pencil manufacturing business.

On November 22, 1927, the New York Times reported that Dr. Julius Hammer, head of A. Hammer, Inc., was in the United States seeking a half-a-million-dollar loan for the pencil factory.

The Chicago Daily News of March 6, 1929, reported that Armand Hammer had been attacked in the Soviet Press for attempting to share $4,000 of his million-and-a-quarter-dollar turnover with employees of the pencil factory. Apparently, profit-sharing was not considered appropriate by the Communists.

Other financial information on Armand Hammer shows a number of interesting items. In exchange for his efforts in behalf of the Soviet Union, Hammer received favors from the Soviets including in 1925 a virtual monopoly on the manufacture of lead pencils from wood obtained in America through the medium of his Allied American Corp. Profits in 1 year amounted to more than $1 million. Hammer's pencil manufacturing business was sold to the Soviet Union in 1930. Hammer lived in Russia for 10 years and allegedly had profited by some $9 million when he gave up his concessions.

After returning to the United States, Hammer's activities included an interest in an original A. Hammer & Co., Inc., in New York City, which along with importing staves used in the manufacture of barrels, and other Russian goods, acted as an investment house, and had been known to operate in the stock market. Late in 1935, that company discontinued activity under the original name and for a while did business as Hortense Galleries. He also had a number of other interests in this country.

To protect themselves against inflation, Armand and a younger brother Victor had been investing part of their profits in art objects, mainly jewelry, silverware, and other items that had once belonged to the Russian royal family. When the Hammer's left Russia they took all this treasure with them. Some of this merchandise was disposed of through Hammer Galleries, Inc., of New York City, of which Armand Hammer was president.

In 1944, it appears Hammer saw a new opportunity when he learned that the American Distilling Co. was about to declare a dividend of one barrel of whisky per share. He bought 5,000 shares on margin—and to make his 5,000-barrel dividend go further, he mixed the whisky with alcohol made from potatoes purchased from Government surpluses. It was reported that the blend was sold to the wartime whisky-parched public, and to other distillers. To produce the alcohol, he began buying distilleries. In 1956 he sold the nine distilleries he had purchased for over $10 million.

Also, Hammer bought a farm in Red Bank, N.J., and began breeding Aberdeen Angus cattle. The cattle business turned out to be a bonanza. A giant champion bull named Prince Eric in 3 years sired 2,000 calves and earned $2 million for Hammer. In 1953, most of his cattle were auctioned off at a 3-day sale that brought more than $1 million.

After taking over Occidental Petroleum in 1957, he headed a syndicate that bought the Mutual Radio Network, becoming president and chairman of the board. He sold his interest in Mutual in September 1958, to give his full attention to Occidental Petroleum.

In 1956 Hammer had moved from New York to California where he swiftly spotted a new opportunity. This was Occidental Petroleum, which was a 33-year-old petroleum producer, whose shares had plunged to a value of 20 cents each. A friend approached him and asked him to finance two wildcat wells in Bakersfield, Calif., for $120,000.

Dr. Hammer was told of the tax advantages in oil and he decided to take a chance. Both wells came in much to his surprise. The management of Occidental then asked him for $1 million to obtain 11 oil leases in Los Angeles and in 1957, asked him to be president of the company. Hammer received a major interest in the company, and later merged it with Gene Read Drilling Inc. In 1963 Occidental expanded into fertilizers, and has since added chemicals, coal, plastic, and other products. The company's activities are world-wide, with activities extending into such areas as Canada, Alaska, Libya, Mexico, Belgium, Venezuela, Ghana, and Peru.

Recently, Hooker Chemical Corp., a leading chemical company, became a wholly-owned subsidiary of Occidental Petroleum Corp. through an exchange of Occidental securities with a market value of $800 million.

The only incident of Hammer publicly taking a political position at variance with a Soviet position was in 1940 when he advocated the lend-lease program where American destroyers were exchanged for British bases. This was during the Soviet-Nazi Pact when the Soviets were opposed to our giving Britain any military aid. The Washington News of November 29, 1940 reported a meeting between Armand Hammer and President Roosevelt, at which time, Hammer promoted the lend-lease deal.

Hammer has frequently been accused of at least shady if not illegal activities. The New York Times of October 12, 1968 reported that the late Hale Boggs of Louisiana had accused three executives of the Occidental Petroleum Corp. of attempting to bribe him. Hammer answered that the charges were "false and outrageous."

The Los Angeles Times of April 18, 1968 reports a $50 million lawsuit against Hammer by an Occidental Petroleum shareholder which charged him with "various violations of Federal Securities laws".

The Los Angeles Times of March 6, 1971, reported that Occidental Petroleum had announced that:

> A New York Federal District Court has formally entered a consent decree permanently enjoining the company and its Board chairman, Armand Hammer, from violation of Federal antifraud regulations. Hammer and Occidental consented to the injunction but denied any wrong doings or rule violations in the past.

The Wall Street Journal of November 27, 1967, carried a lengthy report accusing Hammer and Occidental Petroleum of fraudulent publicity in promoting the company's stock. The newspaper stated:

> The critics make these charges: Quarterly earnings reports sometimes have made it appear the company's operating income was rising faster than was actually the case; a blizzard of press releases has excitedly reported the same goods news items twice or

> more on some occasions; not-so-favorable items haven't always been disclosed as fully or as promptly; some public statements haven't been entirely accurate.

The Wall Street Journal report indicated a number of instances where Hammer had manipulated publicity on his own behalf.

An insight into Hammer's personal finances was provided by his 1941 to 1952 income tax return which he submitted to the court in connection with his 1956 divorce. During this period of time he was certainly worth millions of dollars and admitted in court on May 5, 1954, a net worth of $2 million. However, in 1949 he showed a total income of $25,000 from United Distillers of America, Inc., a corporation owned by him. In 1950 his income from the same source was again $25,000. In 1951, he showed an income from United Distillers of America of $25,000 but also showed $1,038 in dividends and interest and $80 in wages from the First Bank and Trust Co. of Perth Amboy, N.J. In 1952, he showed his income as $25,000 from United Distillers of America plus $3,600 in wages as a self-employed person.

Although Hammer is Jewish he has had close business relationships with the Arab oil interests. Stories concerning this appeared in the Oil and Gas Journal, August 14, 1967, Fortune magazine, July 28, 1968, and Los Angeles Times, July 19, 1970. Additionally, John Connally was reported to be negotiating for Occidental Petroleum with Saudi Arabia in December of 1972.

A lengthy article entitled, "Who Is Armand Hammer?" appeared in the Los Angeles Times of November 9, 1969. It is not an unflattering article but it does indicate some of his wheeling and dealing.

The Los Angeles Examiner of March 8, 1961, reported on Hammer's meeting with Nikita Khrushchev. The story which apparently came from Hammer said that the meeting was arranged by "mutual acquaintance" Soviet Deputy Premier Anastas Mikoyan. According to Hammer he gave Khrushchev good advice about how to improve the Soviet image in the United States and promote trade.

On December 1, 1962, the New Yorker magazine carried an interview with Hammer in which he promoted his close association with Soviet officials and he boasted that Khrushchev had mentioned him in a speech some months before.

The Soviet propaganda magazine Soviet Life for April 1965 published a friendly interview with Hammer that he had given to a Soviet correspondent at a 5-day conference in Moscow of businessmen held November 1964.

Armand Hammer's whole life has been one of wheeling and dealing and using every opportunity to make a profit. He has certainly utilized his close relationship with the Soviets that dates back to his early Communist connections.

In the 1920's Armand Hammer's Soviet concessions were very fortunate to receive meaningful compensation. While other concessions were expropriated, the Hammer debts, internal and external, were paid by the Soviet Government. Adding to the uniqueness of the Hammer involvement with the Soviet Union was the Soviet's allowing Armand Hammer to export profits out of that country.

In 1926 the following remark was made by a Soviet spokesman on the topic of foreign concessions in the Soviet Union:

> On the one hand, we admit capitalist elements, we condescend to collaborate with them; on the other hand our objective is to eliminate completely, to conquer them, to squash them economically as well as socially. It is a furious battle, in which blood may necessarily be spilled.

Once again many American businessmen see possibilities for great profits coming from trade with the Soviets. Is there any proof that the situation will be different now than in the 1920's and 1930's? Then, a very few like Armand Hammer, who seemed to have a special relationship with Communist leaders, profited while others were expropriated. All served Communist interests in building up the Soviet industrial base. The Soviet dependence on Western technology is a subject that needs more exposure.

DR. ELBURT F. OSBORNE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, Dr. Elburt F. Osborne has just announced his retirement from the Office of Director of the Federal Bureau of Mines. His retirement is a very real loss to the Federal Government, because his work at the Bureau clearly made him one of the finest Directors the Bureau has known.

He came to the Bureau as one of the most distinguished professors at Pennsylvania State University, a recognized authority in the field of mines and mineralogy. I came to know him immediately, because there was proposed a remarkable new technique to fill mine voids which was under consideration at the time, and Dr. Osborne initiated an immediate study of this technique, and directed the establishment of a demonstration of this technique in the anthracite region. In this demonstration project, a single borehole injection system was used to backfill mine voids in the Greenridge section of the city of Scranton. The whole of a coal mine refuse bank was crushed and was pumped into the underground mine voids. More than 450,000 cubic yards of this waste bank material was flushed underground, using only five boreholes. Through one borehole alone, nearly 200,000 cubic yards were spread through 30 underground acres to support the surface. The injection of this material was done both in dry beds and in beds inundated with mine water. In this one process, the mine beds were filled and the surface stabilized, the unsightly mine refuse bank was erased, and the land on which the bank stood was reclaimed for future use.

For that one program, Doctor Osborne would have been remembered as an outstanding Director of the Bureau, but there were many other significant things attained during his tenure. I will touch only a few.

In the mineral intelligence field, the Bureau's outstanding statistical and economic analysis work has become even more important to Government and industry as an aid in planning, and the data provided by this program have become the foundation for a new annual report to the Congress, through the new Office of the Assistant Director for Mineral Position Analysis.

The Administration of the Coal Mine Health and Safety Act, and the Metal and Nonmetallic Mine Safety Act became his responsibility. Mine inspections were greatly increased, and mine health and safety research was expanded.

The Bureau also pioneered work on recycling urban refuse. The Bureau's citrate process for removing sulfur dioxide from stack gases is presently undergoing its first field trials. A synthane pilot plan for converting coal to pipeline gas is under construction. A promising new experiment on in-situ coal gasification has begun. A new plant at Tilden, Mich., will soon go on stream with a Bureau flotation system for processing nonmagnetic taconite.

In many fields, this remarkable man, Dr. Osborne has distinguished himself as an outstanding public servant and has helped push the boundaries of knowledge back further in the whole field of mineral research. Doctor Osborne has now taken the position of distinguished professor at the Carnegie Institute of Washington here in the Nation's Capital. I know my colleagues here in the Congress wish him well in this new position. He is a distinguished professor, indeed.

FIFTY-FIFTH ANNIVERSARY OF CZECHOSLOVAKIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, October 28 is the anniversary of the declaration of independence for Czechoslovakia for it was on this date in 1918 that the first law was passed by the Czechoslovakian National Council. The Council had been established somewhat earlier, with Tomas Masaryk, Josef Durich, and Eduard Benes, as president, vice president, and general secretary respectively. Gen. Milan Stefanik, a Slovak aviator who had fought for France during World War I, also served on the council.

Prior to the declaration of independence, Czechoslovakia had been part of the huge Austro-Hungarian empire. Its collapse began when it became obvious that the central powers were doomed to defeat as the first global conflict hastened toward its end.

Austria fell during the night of October 27 and 28 and several new countries came into being as the conglomeration of territories that had been ruled for centuries by the Hapsburgs disintegrated. One of the new nations was Czechoslovakia.

On October 30 a manifesto of the Slovak National Council declared that Slovakia would unite with the Czechs. Masaryk, Benes, and Stefanik proclaimed the Republic of Czechoslovakia the same day.

From 1918 to 1935, Masaryk served as

president and Benes as foreign minister of the infant republic, the latter becoming president in 1935. National Socialism, a force that had gained power in neighboring Germany 2 years earlier, soon took over Czechoslovakia, along with other nations that had emerged from the ashes of World War I. While allied success in the Second World War brought about the annihilation of nazism, a brief interval of freedom ended with the communization of Czechoslovakia.

The oppression and the monumental failure of the Soviet-imposed Communist government was so great that a pragmatic group of Communists attempted to readjust the economy and government structures of Czechoslovakia from within, recognizing that only by disposing of the dogmatic Marxist structures and returning to a Western-oriented economy could they improve the living standards of the people. This limited attempt to institute non-Communist reforms was unacceptable to the Soviet Union, and on August 20, 1968, the Russians and the troops of the German, Polish, Hungarian, and Bulgarian puppet regimes forcibly occupied Czechoslovakia and reinstalled Moscow Communist loyalists in the government and the Communist Party in Czechoslovakia.

Mr. Speaker, the spirit of Masaryk, Benes, Stefanik, and other great defenders of liberty lives on in Czechoslovakia, even though the nation that they established has become one of the numerous colonies of the imperialists in Moscow.

The Czechoslovakian National Council of America and the Czechoslovak-American and exile organizations in Washington, D.C., are sponsoring a reception on October 25 commemorating the 55th anniversary of the restoration of Czechoslovak independence. On that date I shall be in Ankara, Turkey, to represent the U.S. Congress on the Economic Committee of the North Atlantic Assembly.

The NATO meeting this year is crucial for we will be considering the issue of cutting troop strength in Europe. I shall stand firm, because the freedom-loving peoples of the world, particularly in Eastern Europe, have already learned the bitter lesson that the Soviets cannot be trusted on their word alone. We must insist the Soviets show us some evidence of human justice before we make economic or military concessions of any kind.

I am proud to join Chicagoans and all Americans of Czechoslovak descent in their hopes and their prayers that on some October 28 in the near future the people of Czechoslovakia will again celebrate October 28 in freedom and true independence. The forces that labor in the cause of human freedom will not be denied forever.

WE MUST STAND FIRM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, yesterday's announcement of the winners of the 1973 Nobel Peace Prize was, to be blunt, a shock to me. I must say, however, that I am pleased to see Secretary of State Kissinger honored for his valiant efforts at ending the fighting in Vietnam. He did something which many people once believed was impossible.

In a way, the timing of the Nobel Prize announcement is ironic, coming as it does while the war in the Middle East rages on. The longer this war goes on, the closer the United States comes to what may be the final confrontation with the Soviet Union. Every ship in the Mediterranean, every plane airlifting materials into the war zone, exacerbates the tensions. The United States exercised admirable, although not easily justifiable restraint in waiting a full 4 days to begin resupplying Israel after the Soviets began sending more weapons to Egypt and Syria. That wait will, hopefully, not hamper the Israelis in their fight for survival. But it did indicate to the world the real interests of both the United States and Russia in maintaining peace.

How strange it is, Mr. Speaker, that a nation who has so much to gain from peace and détente should be literally pouring gasoline on a burning fire. Could it be that the Soviet Government is deliberately inciting the Arabs in this war, so that Russia and not the United States will derive the ultimate benefit of Middle Eastern oil? I do not think this is so far-fetched as it may seem. It is something we must consider as we are assaulted by the barrage of Arab oil blackmail. The major oil-producing states, Saudi Arabia and Kuwait, are among the most conservative in the Arab bloc, and have consistently been anti-Soviet, if not fully pro-American. What sort of pressures have been put on these nations to make them use oil as a weapon against the United States? They are surely able to withstand the pressures coming from their fellow Arabs. But could they easily withstand pressures coming from the Soviet Union?

It is so easy to become paranoid about this new war, to see the Soviet Union as a Machiavellian mentality orchestrating the whole sordid mess. But we must realize that big-power politics has a lot to do, perhaps more than we are willing to admit, in the state of affairs in the Middle East. Who has been supplying Egypt and Syria with weapons? Who has been training their fighter pilots? Who has been helping them raise their armies to a reasonable level of competence, if not the Soviet Union?

Earlier this year, and all last year, we saw great strides taken toward reaching a new working arrangement with the Soviet Union. The two nations seemed closer, and it seemed that the cold war was truly over. True, it turned out that as a result the American consumer became a sucker in the great "grain robbery," but the fact of the matter is that channels with the Soviet Union were opened could now prove invaluable.

Secretary Kissinger was instrumental in developing these new channels. If the Secretary wants to show the world that he really deserves the prize he was awarded yesterday, I can think of no better way than to arrange face to face negotiations with the Russians, in order to get them to stop resupplying the Arabs. For without weapons this war will come to an end.

However, until we see a definitive response from Russia that shows they are genuinely interested in preserving world peace, this Nation must do everything possible to support Israel. We must not continue to resupply that beleaguered little nation, but we must make sure that she has military superiority over her enemies. Prime Minister Golda Meir said that the war will not end until Israel's enemies are destroyed. This war has taught us the common sense of what she said. For unless the Arab States are shown that it is consummate folly, if not outright insanity, to continue warring against Israel, they will never be willing to negotiate a peace settlement, and we will be treated to the spectacle of another outbreak of fighting every few years.

We must be ready to make sacrifices for our support of Israel. I do not mean men or lives, but material comfort, for I do not for a minute doubt that the Arabs will at the very least curtail our supplies of petroleum. But such sacrifices will in the long run be worth it, if, by maintaining our support of Israel, we help her to defeat those who have tried to destroy her. Israel must make a show of strength now as never before, in order to end Arab threats to her existence.

I cannot reiterate strongly enough how important it is for us to support Israel. The United States was instrumental in creating that nation, we have supported her for the last 25 years, often when she had no other friend in the world community. It would be an abomination in the eyes of God and man were we now to support her less than fully, for fear of being blackmailed. In these next few crucial days, we must make it absolutely clear to Saudi Arabia, Russia, and every one else who is interested, that we have a commitment which we intend to honor fully. In the long run, the United States can only benefit from such a position.

ON LEGISLATION TO DECRIMINALIZE MARIHUANA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the national movement toward removing or substantially reducing the criminal penalties against the possession for personal use of marihuana has taken a major step forward as a result of two recently enacted Oregon statutes.

The statutes, passed in the 1973 session of the Oregon State Legislature and signed by Governor McCall, have as their aim the substantial reduction of penalties for private possession and use of marihuana. The statutes provide that possession of less than 1 ounce of marihuana be classed as a violation—that is neither a felony nor a misdemeanor—and punishable by a maximum of a $100 fine. Possession of more than 1 ounce of marihuana may be treated by the court, at its discretion, as a misdemeanor—which in Oregon is punishable by no more than 1-year imprisonment and/or user may be expunged upon a successful petition to the court by the individual, 3 years after the person's conviction.

A civil lawsuit has been filed in Federal district court in Washington, D.C., by the National Organization for the Reform of Marihuana Laws—NORML—to have prohibitions against personal marihuana use presently in existence on the Federal, State, and local levels declared unconstitutional as "an unwarranted intrusion into the private lives of millions of Americans." In addition, the suit seeks to establish the position that current penalties for marihuana use constitute cruel and inhuman punishment, and that the present laws deny "equal protection of the laws" since the use of potentially more harmful substances such as alcohol and cigarettes have no penalty attached.

The National Commission on Marihuana and Drug Abuse—the Shafer Commission—appointed by President Nixon has stated as its first recommendation that possession of marihuana for personal use no longer should be considered as a criminal offense, though it does urge that marihuana possessed in public remain contraband, subject to seizure and forfeiture.

Such prestigious and conservative organizations as the American Bar Association and the National Education Association have urged that marihuana possession for personal use be decriminalized. The ABA even supports the dropping of penalties for "casual distribution of small amounts not for profit." Texas has made the possession of 2 ounces or less of marihuana a misdemeanor punishable with a maximum of a 6-month jail sentence and a $1,000 fine. The new penalty is in sharp contrast to the previous situation in Texas where the average sentence served for marihuana violators was 9½ years, and one defendant received the incredible sentence of 30 years for the use, not sale of marihuana.

It is clear that a profound rethinking on this subject is occurring and in light of these developments I am surprised that my bill, H.R. 6570, which would decriminalize—not legalize—personal possession of marihuana, has garnered only eight sponsors.

The Javits-Koch bill has three straightforward provisions: First, possession of marihuana for personal use, whether in public or private, of 3 or less ounces would no longer be a crime; second, marihuana in an individual's lawful possession would no longer be considered contraband subject to seizure and forfeiture; third, marihuana intoxication would not be a valid defense to any violation of Federal law; and fourth, that the sale, distribution, or transfer for profit would continue to be a crime.

My bill, I believe, would put into legislation what is now accepted as the reasonable attitude of the medical, legal, and sociological professions—and most importantly, the bill reflects the attitude of the people of this country.

The Shafer Commission in its original report found that 24 million Americans have tried marihuana at least once, that 8,300,000 still use the drug occasionally, and that 500,000 are heavy users. The Shafer Commission's most recent figures as of February 1973 showed that 26 million Americans, or 16 percent of the adult population, have used drugs at least once, and that 13 million Americans smoked marihuana on a regular basis. The number of potential felons under present law that thus exist is simply staggering. This wholesale disregard for the marihuana statutes by a substantial segment of our population can only serve to bring law in general into disrepute and public contempt. We must remove the present savage penalties that apply to the mere possession of marihuana. And, remember, my bill does not in the least affect the current criminal penalties against sale for profit of marihuana, which will continue.

Let us not try to enforce the unenforceable. Let us bring our laws in line with reality. Let us change the law by decriminalizing possession for personal use of marihuana.

The following are two articles from the Washington, D.C., Star-News and Time magazine which deal with the Oregon and other governmental actions to reduce penalties for marihuana possession. I have also included the Congressional Research Service summary of the Federal legal recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission:

GRASS GROWS MORE ACCEPTABLE

It could be written off to the kids last year when the city council of Ann Arbor, Mich., voted to make marijuana use a misdemeanor subject to a maximum fine of $5, payable by mail. And this spring the radicals were apparently responsible as 60% of Berkeley, Calif., voters passed the "marijuana initiative," which ordered police to give marijuana laws "their lowest priority" and required authorization of the city council for any "arrest for possession, use or cultivation" of the weed. Both cities' policies were later knocked out. But last month in Washington, D.C., a still more revolutionary idea came from an unxpected source: the American Bar Association proposed the total removal of criminal laws against marijuana possession in small amounts.

POPULAR DRUG

With the A.B.A. behind decriminalization of pot, can the rest of the nation be far behind? Perhaps not. Since 1971 state legislatures across the nation, with the notable exception of Rhode Island, have reduced possession of small amounts of grass from a felony to a misdemeanor. Supporting the trend are prestigious organizations like the National Conference of Commissioners on Uniform State Laws (lawyers, judges, law professors and state officials who draft model legislation). The American Medical Association favors the misdemeanor penality for poession in "insignificant" amounts, though it advocates more research on the drug. A National Commission on Marijuana and Drug Abuse survey shows that 26 million Americans have tried grass, and 13 million are regular users.

Just how far the weed has come with the middle class since the first furtive puffs in college dormitories in the 1960s was evident at the A.B.A. convention. A year ago, Whitney North Seymour Sr., past president of the A.B.A., helped water down a decriminalization motion. This year Seymour was the first speaker in favor of the revised resolution. Says he: "Reflecting on the consequences of criminal penalties to the 20-odd million young people using marijuana, I decided that we ought to concentrate on trying to stop sales and start removing penalties for possession." Seymour was joined by a host of law-and-order spokesmen, and the motion even received personal endorsement from a representative of the hard-line National District Attorneys Association. When the votes were counted, the A.B.A. was solidly behind dropping penalties for both possession of limited quantities and "casual distribution of small amounts not for profit." The "lawyers" vote showed concern that police and courts have been busy with pot cases at the expense of more serious crime. The A.B.A. was also distressed over the dangerous legal precedent of open disregard for marijuana laws. Concluded Frank Fioramonti, legislative counsel to NORML (National Organization for the Reform of Marijuana Laws): "When the A.B.A. delegates get around to advocating a progressive step, you know it's an idea whose time has come."

The idea has arrived in some other surprising places:

Until this year Texas was known as a dangerous place indeed to smoke. Eight hundred marijuana offenders were in jail, serving an average sentence of 9½ years for possession. Thirteen were in for life and Lee Otis Johnson, a black activist arrested in 1968, was sentenced to 30 years for having passed a marijuana joint to an undercover agent. Last May the Texas legislature voted to make possession of two ounces or less of marijuana a misdemeanor punishable with a maximum six-month jail sentence and $1,000 fine.

In 1968 pot-smoking hippies were a key target of Atlanta police. Virtually all of Georgia drug-law enforcement resources were directed against pot. Then last year the state legislature reduced first-offense possession of one ounce or less to a misdemeanor. Today only 20% of the state's anti-drug campaign is aimed at marijuana.

On Oct. 5, Oregon will become the first state to remove completely criminal penalties for the private possession and use of grass. The new law reclassifies possession of up to one ounce as a "violation," with a maximum penalty of a $100 fine. Offenders will receive no criminal record, in effect making pot smoking no more criminal in Oregon than illegal parking.

Elsewhere in the country, resistance to softer pot laws continues. Though possession of marijuana in small quantities is now just a misdemeanor in Maine, police around Baxter State Park this summer are conducting a campaign to arrest campers who light more than camp fires. So far, raiders have busted more than 150 vacationers and slapped them with a total of $40,000 in fines. In Massachusetts, despite reduced penalties for marijuana use, 47% of all drug arrests in the state are still for pot. Florida Circuit Court Judge Edward Cowart declares: "The thing that bothers me most is that authorities say they have yet to find someone on the hard stuff who didn't start with marijuana." Says Albert Le Bas, chief of the civil division of the Los Angeles County sheriff's office: "Our concern is that there is still conflicting medical testimony on how harmful it is to the body."

California legislators voted last year to reduce marijuana possession to a misdemeanor, but Governor Ronald Reagan vetoed the bill. State law now offers a range of penalties for first offense pot possession from probation to a ten-year jail term. The nation's harshest drug law is New York's making life sentences mandatory for some hard-drug offenses but leaving marijuana possession punishable as either a misdemeanor or a felony. State police officials say that enforcement will be minimal against pot smokers. Prosecution of pushers in New York, as in all other states, will remain a top priority.

It was not long ago that Keith Stroup, head of NORML, appeared to be a rather improbable lobbyist, but now he and his Washington based organization believe that they are at the threshold of success. Former Attorney General Ramsey Clark will soon file a NORML suit in Washington federal district court arguing that the capital's pot-possession laws are unconstitutional. A favorable decision there would add credence to Stroup's prediction that marijuana may be legal nationwide by 1976.

Oregon Pot Penalty Now Just a Ticket

(By William Hines)

For the next several months at least, the state of Oregon is likely to be happy land for members of the drug subculture.

In a move unparalleled on the state level in this country, the Oregon legislature passed—and Gov. Tom McCall late last month signed—a measure removing nearly all penalties for simple possession and use of marijuana.

As a result, since July 23, under Oregon law, possession of up to an ounce of pot has been not a felony or even a misdemeanor but a mere "violation," similar to a traffic ticket, punishable only by a fine of no more than $100 and not carrying with it the stigma of a permanent criminal record.

The purpose of the law, as perceived by McCall and the majority of the state legislators, was not to foster the drug habit, but to remove a lifelong blot from the records of youngsters guilty of nothing more than smoking a disapproved but not very dangerous weed. Trafficking in marijuana remains a felony, in Oregon as elsewhere.

Owing to a technicality unintended by the law's framers, criminal penalties for possession of up to an ounce of hashish or "hash oil" also were eliminated. As any "head" will testify, an ounce of either of these marijuana derivatives is a substantial amount.

McCall said upon signing the measure that he was aware of the hashish loophole but was reluctant to veto the bill because of it, lest a death blow be dealt to the worthwhile objective of decriminalizing marijuana. He urged the legislature to close the loophole when it meets early next year.

Congressional Research Service Summary

RECOMMENDATIONS

"The Commission is of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose, should be subject to criminal procedures. On the other hand, we have also rejected the regulatory or legalization scheme because it would institutionalize availability of a drug which has uncertain long-term effects and which may be of transient social interest.

"In general, we recommend only a decriminalization of possession of marihana for personal use on both the State and Federal levels. The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially; marihuana would be contraband subject to confiscation in public places; and criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the State level, fines would be imposed for use in public."

RECOMMENDATIONS FOR FEDERAL LAW

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to seizure and forfeiture.

Casual distribution of marihuana for no remuneration or insignificant remuneration not involving profit would no longer be an offense.

A plea of marihuana intoxication shall not be defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

THE NUTRITION PROGRAM FOR THE ELDERLY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I recently introduced H.R. 10551, a bill to amend title VII of the Older Americans Act of 1965 relating to the nutrition program for the elderly, which was approved on my initiative in the last Congress. The bill provides for the extension of this program and the authorization of appropriations of $150 million for fiscal year 1975, $175 million for fiscal year 1976, and $200 million for fiscal year 1977.

My able and distinguished colleague John Brademas, chairman of the House Select Education Subcommittee of the Education and Labor Committee, has joined me in the introduction of this legislation. He was a strong and effective advocate of the original bill I introduced in 1970, and I am pleased to have his cosponsorship and support of the extension.

In the other body, Senator Edward M. Kennedy of Massachusetts, who sponsored my original bill in the Senate in 1971, has introduced identical extension legislation, joined by Senator Charles Percy of Illinois. Senator Kennedy, with the support of 21 cosponsors, won Senate passage of this legislation in December 1971 by a vote of 88 to 0. This overwhelming endorsement of the bill in the Senate occurred during the 1971 sessions of the White House Conference on Aging and the support which the conference delegates gave to the proposal was a key element in the adoption by the Congress of this significant legislation.

The House approved the bill on a 350 to 23 rollcall vote early in 1972 and the President signed the bill into law in March of that year. He then requested funding at the authorized level—$100 million—for the fiscal year 1973. This was voted by the Congress but implementation of the program was delayed until late this spring by the controversy over the HEW appropriations bill—as you know, we are still operating on a continuing resolution with regard to HEW programs.

We did, nevertheless, obtain the first $100 million for the program in the 1973 supplemental appropriation, with a provision that the money remain available through the end of calendar 1973. For fiscal 1974 the House recommended $100 million and the Senate recommended $110 million in the Labor-HEW appropriations bill currently in conference.

Now we are asking a modest expansion of the program for fiscal 1975, to $150 million, and authorizations for further growth to $175 million for fiscal 1976, and $200 million in fiscal 1977. These figures, of course, may have to be increased significantly if inflation continues to raise food prices and other costs in providing these nutritious meals for our older citizens.

Mr. Speaker, when I introduced the original bill on May 28, 1970, during Senior Citizens Month, millions of older Americans already were feeling the effects of food shortages and rising prices. Many of these elderly men and women also were isolated and lonely and lacked the ability to purchase raw foods and prepare meals for themselves. The White House Conference on Food Nutrition and Health in May of 1969 had recognized their plight and had expressed it in one of the conference's final recommendations which stated:

> The U.S. Government, having acknowledged the right of every resident to adequate health and nutrition, must now accept its obligation to provide the opportunity for adequate nutrition to every aged resident.

My original bill recognized the acute need for a national program aimed at providing the elderly with low-cost, nutritionally sound hot meals served in strategically located centers such as community centers, senior citizens centers, schools, and other public or private nonprofit institutions. The bill directed itself to the maintenance of both the physical and mental health of the elderly through provision for balanced meals, through education in nutrition, through various social and rehabilitative services, and through the encouragement of greater physical and mental activities.

The original bill contemplated the utilization of the most modern technology in meal preparation, delivery and service. Today, all Americans are becoming more and more aware of the need to learn ways to eat better for less money. Bulk buying, freezing techniques, and the proper purchase and preparation of raw foods to preserve their nutritional values, may all be utilized to the fullest extent in the nutrition program for the elderly to accelerate the implementation of the program and provide for the greatest number of meals possible.

It provided that the Federal Government underwrite the cost of equipment, labor, management, supporting services, and food under a 90 to 10 percent matching formula with the States. The elderly participants would pay a low cost for the meals, or in accordance with policy determined by the local sponsors of the programs, the balance of the cost of the program would be provided from other local public or private sources of financial and volunteer support for the program.

It is one thing to pass a law, it is another to fulfill all the objectives of that law. In the nutrition program for the elderly, our Nation has an expression of a national commitment to a better life for the aged. The $100 million funding which has just been released for the first year of implementation would have provided 250,000 hot meals a day for at least 5 days a week, according to original Administration on Aging estimates. I am informed that this estimate now will decrease substantially because of the continuing inflation.

I understand State agencies responsible for the implementation of the program have received over the past year more requests for grant applications from church, synagogue, senior center, community, county and city groups and organizations than can be handled initially. Potential sponsors representing minority groups, which have a specific priority under the original bill, have indicated their strong support and interest in the program to me personally over the past few months.

The National Council of Senior Citizens and the American Association of Retired Persons, National Retired Teachers Association continue their most effective and dedicated support for the program.

Mr. Speaker, the continuing interest and support in the nutrition program for the elderly is to be contrasted with the support of the elderly's needs through our general revenue sharing plan. I understand very few community groups or organizations concerned with the welfare of the older American have been successful in securing general revenue sharing funds. I have requested a detailed report of allocations under general revenue sharing to programs designed specifically and exclusively to provide for older Americans 60 years of age and over.

In this year of the first implementation of the original bill, we know that 40 percent of all older Americans 65 and over are poor or near poor; among blacks the proportion of elderly poor is almost 50 percent; and nearly 33⅓ percent of the elderly of Spanish heritage fall at or below the poverty level. We cannot deny that the unabated rise in inflation will intensify this poverty among the elderly.

The proportion of our elderly to the total population is increasing. Current predictions indicate that, in the next 25 years, 45 million Americans will reach the age of 65 and the population of older people will nearly double, rising from 20 million to 35 or 40 million. With improvement in health services, millions of people may live to be 80 and 90 years of age.

Today, millions of our elderly are suffering from hunger and malnutrition. Millions have a very low expectation of services and they make only minimal demands. But each of these older Americans contributed his fair share to our Nation's strength and wealth during his working years and he has the right to expect the Nation to contribute to his need for dignity, self-reliance, independence and health in his old age.

Mr. Speaker, I urge that we renew our national commitment to the elderly by acting quickly and favorably on the extension and expansion of our support for the nutrition program.

I ask unanimous consent that the current allotments under Public Law 92-258 be printed in the RECORD at this time.

THE CURRENT ALLOTMENTS UNDER PUBLIC LAW 92-258—ALLOTMENTS UNDER NUTRITION PROGRAM FOR THE ELDERLY

State	60 plus population	$100, 000, 000 appropriated
Total	28, 936, 791	$100, 000, 000
1. Alabama	475, 203	1, 570, 652
2. Alaska	12, 197	500, 000
3. Arizona	233, 729	775, 748
4. Arkansas	334, 603	1, 110, 948
5. California	2, 571, 747	8, 514, 078
6. Colorado	266, 890	881, 096
7. Connecticut	414, 991	1, 379, 108
8. Delaware	63, 815	500, 000
9. District of Columbia	103, 713	500, 000
10. Florida	1, 344, 185	4, 453, 370
11. Georgia	543, 299	1, 800, 052
12. Hawaii	67, 488	500, 000
13. Idaho	97, 963	500, 000
14. Illinois	1, 571, 497	5, 200, 388
15. Indiana	701, 393	2, 317, 668
16. Iowa	477, 392	1, 580, 228
17. Kansas	367, 545	1, 216, 296
18. Kentucky	476, 224	1, 580, 228
19. Louisiana	449, 386	$1, 484, 456
20. Maine	165, 124	526, 742
21. Maryland	443, 561	1, 465, 302
22. Massachusetts	888, 972	2, 940, 182
23. Michigan	1, 089, 225	3, 601, 004
24. Minnesota	564, 373	1, 867, 542
25. Mississippi	320, 336	1, 063, 062
26. Missouri	783, 632	2, 595, 406
27. Montana	97, 171	500, 000
28. Nebraska	250, 396	833, 212
29. Nevada	48, 844	500, 000
30. New Hampshire	110, 272	500, 000
31. New Jersey	1, 011, 034	3, 342, 422
32. New Mexico	105, 158	500, 000
33. New York	2, 813, 580	9, 308, 986
34. North Carolina	614, 180	2, 030, 353
35. North Dakota	93, 813	500, 000
36. Ohio	1, 426, 582	4, 721, 530
37. Oklahoma	421, 310	1, 398, 262
38. Oregon	321, 207	1, 063, 062
39. Pennsylvania	1, 831, 564	6, 062, 330
40. Rhode Island	147, 164	500, 000
41. South Carolina	286, 272	948, 136
42. South Dakota	109, 740	500, 000
43. Tennessee	555, 977	1, 838, 810
44. Texas	1, 436, 955	4, 579, 838
45. Utah	112, 540	500, 000
46. Vermont	66, 453	500, 000
47. Virginia	538, 034	1, 781, 348
48. Washington	460, 089	1, 522, 766
49. West Virginia	278, 969	919, 406
50. Wisconsin	661, 349	2, 193, 166
51. Wyoming	43, 730	500, 000
52. American Samoa	1, 029	250, 000
53. Guam	2, 550	250, 000
54. Puerto Rico	258, 661	852, 366
55. Trust Territory	5, 045	250, 000
56. Virgin Islands	3, 630	250, 000

THE C-5A SHOWS ITS MUSCLE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I would like to invite the attention of my colleagues to an article in this morning's Washington Post by Joseph Alsop. This article reports on U.S. efforts to airlift aid to Israel. Let me quote the specific items I would like to bring to your attention concerning our efforts to airlift materials to Israel:

> Fears of a similar winter further caused at least two American allies, Britain and Spain, to deny the U.S. landing rights for planes employed in the airlift to Israel.
>
> It is ironical, but it is a fact, that the job really could not be done in time without the huge C-5A transports—the very airplanes that have been somehow transformed into a scandal by the hyper-active antidefense lobby.

This is again a testimonial to those of vision who persisted in the efforts to develop the C-5A. The Nation owes a vote of thanks to them and those in Congress who recognized the need for an aircraft with the capabilities of the C-5A.

I include the entire article at this point:

[From the Washington Post, Oct. 17, 1973]

THE BELATED U.S. AIRLIFT TO ISRAEL

(By Joseph Alsop)

Late last Friday night, the Israeli ambassador, Simca Dinitz, delivered an almost despairing personal message from Prime Minister Golda Meir. The message informed President Nixon and Secretary of State Henry A. Kissinger that without immediate, massive resupply, growing shortages in critical military areas would end by driving Israel out of the war.

The specter of Israel's eventual defeat—no less—in truth precipitated the American decision to organize the airlift to Israel announced at the State Department on Monday. It was a belated decision. Partly this was because of overly high hopes of diplomatic arrangements with the Soviet Union. But above all the delay was caused by the frantic warnings of the big oil companies that serious aid for Israel would impair if not entirely stop the flow of Arab Oil to the U.S.

The chances are, in truth, that we have a mighty cold winter ahead of us. Fears of a similar winter further caused at least two American allies, Britain and Spain, to deny the U.S. landing rights for planes employed in the airlift to Israel.

Hence our C-140 and C-5A transports are having to go out with far less than capacity loads, because of the need to carry extra gasoline in place of the ammunition and many other things that Israel needs so urgently. It is ironical, but it is a fact, that the job really could not be done in time without the huge C-5A transports—the very airplanes that have been somehow transformed into a scandal by the hyper-active antidefense lobby.

Because of the C-5As, even Skyhawk planes are being airlifted to Israel, along with the more normal airlift cargo like ammunition of all types, already mentioned, of which the Israelis were getting horribly short. Phantom fighters are being flown to Israel direct, with air-refueling, and flown, thank God, in considerable numbers. Tank replacements are the great difficulty, but are going by sea from Europe.

At the moment when the U.S. decision was taken, the Israelis had in fact lost about one third of their entire inventory of 488 military aircraft. They had lost over a third of their 1,800 tanks. In certain ammunition categories, only a few days of supply were still in hand. In short, there was no exaggeration in Prime Minister Meir's message.

All the foregoing facts point to the inescapable conclusion that for several different reasons, including concealment in both Jerusalem and Tel Aviv, far too optimistic a view of the course of the war has been propagated in this country. This reporter was among the over-optimists. Now that the real situation has been uncovered at last, another general review of that situation is thus in order.

The worst of Israel's supply problems will be eliminated by the crucial U.S. decision taken in response to the Golda Meir message. But that does not insure Israel's eventual success. Instead, it only eliminates a factor that might soon have led to Israel's being literally overwhelmed by weight of Soviet arms and Arab numbers.

In the North, the Syrian army has been decisively defeated. Yet as these words are written, the problem for Israel in the North still remains to be solved. This is mainly because of the Iraquis and the Jordanians, who look like they will keep the Northern front active for a while, when Israel really desperately needs to turn toward the Sinai front.

On the Sinai front, meanwhile, the need for military miracles by the Israelis is even more pressing. They have already performed one, to be sure. When the Egyptians made their attempted break-out aimed towards the strategically vital Mitla and other passes in the Sinai, they had above 70,000 men on the east bank of the canal, with about 800 tanks. The Israeli containing force was no more than 30,000 men, with the rest in proportion. But the major Egyptian break-out attempt was brilliantly frustrated.

For the Israelis, however, going over to the offensive on the Sinai front will be a far harsher problem. All along the canal, the Egyptians have organized themselves in "phalanxes"—the word used by the Israeli staff for bristling, mutually protective formations of infantry, tanks and missiles. Along the canal, moreover, the Egyptians are also under the umbrella of the great numbers of Soviet anti-aircraft missiles on the Suez Canal's west bank.

No one can tell, of course, whether or not the Israelis will manage to find another of their magnificently bold and original solutions for the problem of those "phalanxes."

But despite the U.S. airlift, it is still too early a day to allow optimism to set in.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McClory (at the request of Mr. Gerald R. Ford), until 2:30 p.m. today, on account of official business.

Mr. Carney of Ohio (at the request of Mr. O'Neill), for today and October 18, on account of official business.

Mr. Guyer (at the request of Mr. Gerald R. Ford), for October 17–18, on account of official business.

Mrs. Hansen of Washington, for October 23 through October 29, on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mallary) to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 10 minutes, on October 17.

Mr. Findley, for 5 minutes, today.

Mr. Hansen of Idaho, for 15 minutes, today.

Mr. Talcott, for 5 minutes, today.

Mr. Ashbrook, for 60 minutes, today.

Mr. McDade, for 5 minutes, today.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Podell, for 15 minutes, today.

Mr. Fuqua, for 10 minutes, today.

Mr. Rostenkowski, for 10 minutes, on October 18.

Mr. Podell, for 15 minutes, on October 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Wylie following the remarks of Mr. Latta.

Mr. Reid notwithstanding the fact it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $574.

(The following Members (at the request of Mr. Mallary) and to include extraneous matter:)

Mr. Bell.

Mr. Archer.

Mr. Baker.

Mr. Wyman in two instances.

Mr. Hosmer in three instances.

Mr. Shoup in two instances.

Mr. Bob Wilson in two instances.

Mr. Goldwater.

Mr. Erlenborn.

Mr. Findley.

Mr. Harsha.

Mr. Hansen of Idaho.

Mr. Cohen.

Mr. Esch.

Mr. Derwinski.

Mr. Hogan.

Mr. Hanrahan in two instances.

Mr. Shriver.

Mr. Ashbrook in two instances.

Mr. McKinney.

Mr. Grover in two instances.

Mr. Steele.

Mr. Landgrebe.

Mr. Dellenback.

Mr. Gilman.

Mr. Camp.

Mr. Kuykendall.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mrs. Sullivan in two instances.

Mr. Diggs.

Mr. Fraser in five instances.

Mr. Gonzalez in three instances.

Mr. Badillo in two instances.

Mr. Flood in two instances.

Mr. Rarick in three instances.

Mr. Riegle in two instances.

Mr. Dominick V. Daniels.

Mr. Harrington in four instances.

Mr. Hanna in five instances.

Mr. Fascell in three instances.

Mr. Edwards of California in two instances.

Mr. Waldie in five instances.

Mr. Symington.

Mr. Mann in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2013. An act to amend the act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions, to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, October 18, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1457. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on activities under the export expansion facility program during the quarter ended March 31, 1973, pursuant to Public Law 90–390; to the Committee on Banking and Currency.

1458. A letter from the Director, District of Columbia Bail Agency, transmitting the 1971 and 1972 annual reports of the Agency, pursuant to 23 District of Columbia Code 1307; to the Committee on the District of Columbia.

1459. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report listing all employees of the Commission by name, title, grade, and salary, as of June 30, 1973, pursuant to section 705(e) of Public Law 88–352; to the Committee on Education and Labor.

1460. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of health insurance for the aged and disabled; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 10366. A bill to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution. (Rept. No. 93–595). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 10367. A bill to amend section 269 (d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes. (Rept. No. 93–596). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 10965. A bill to increase the number of fuel-economy automobiles purchased by the Federal Government; to the Committee on Government Operations.

By Mr. ASPIN:

H.R. 10966. A bill to amend title 10 of the United States Code to place certain limitations on the space available transportation system operating within the armed services; to the Committee on Armed Services.

By Mr. BELL:

H.R. 10967. A bill to establish in the State of California, the Channel Islands Marine National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 10968. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 10969. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.R. 10970. A bill to amend the Civil Rights

Act of 1964 to eliminate employment discrimination on the basis of military discharge status; to the Committee on Education and Labor.

By Mr. du PONT:

H.R. 10971. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every automobile, to provide funding to develop more efficient automobile engines, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. Dingell, and Mr. Karth):

H.R. 10972. A bill to delay for 6 months the taking effect of certain measures to provide additional funds for certain wildlife restoration projects; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho:

H.R. 10973. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ:

H.R. 10974. A bill to provide for a 7-percent cost-of-living increase in social security benefits, effective immediately; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 10975. A bill to amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUNGATE:

H.R. 10976. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON:

H.R. 10977. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Burlison of Missouri, Mr. Cohen, Mr. Harsha, Mr. Landgrebe, Mr. Madigan, Mr. Quie, Mr. Sisk, Mr. Vigorito, and Mr. Won Pat):

H.R. 10978. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

By Mr. McCLOSKEY:

H.R. 10979. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed, or refused induction into the Armed Forces of the United States, or have deserted the Armed Forces, and for other purposes; to the Committee on the Judiciary.

H.R. 10980. A bill to offer amnesty to persons who have failed or refused to register for the draft or who have failed, or refused induction into the Armed Forces of the United States, or have deserted the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 10981. A bill to provide that compensation received by a veteran for service-connected wartime disability shall not be taken into account in determining his eligibility for Federal housing assistance or the amount or extent of such assistance; to the Committee on Banking and Currency.

H.R. 10982. A bill to amend the National Housing Act to provide further assistance to public and private nonprofit corporations for the conversion of existing single family housing for occupancy by elderly persons of low or moderate income; to the Committee on Banking and Currency.

H.R. 10983. A bill to provide for the direct financing of low- and moderate-income housing programs under sections 235 and 236 of the National Housing Act; to the Committee on Banking and Currency.

H.R. 10984. A bill to transfer to the Department of Commerce responsibility for carrying out special impact programs heretofore carried out by the Office of Economic Opportunity; to the Committee on Education and Labor.

H.R. 10985. A bill to provide for the continued operation of the Public Health Service hospitals which are located in Seattle, Wash., Boston, Mass., San Francisco, Calif., Galveston, Tex., New Orleans, La., Baltimore, Md., Staten Island, N.Y., and Norfolk, Va.; to the Committee on Interstate and Foreign Commerce.

H.R. 10986. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10987. A bill to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing to additional group of severely disabled veterans; to the Committee on Veterans' Affairs.

H.R. 10988. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for security device expenses; to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 10989. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. PATMAN (by request):

H.R. 10990. A bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing; to the Committee on Banking and Currency.

By Mr. PREYER (for himself and Mr. Udall):

H.R. 10991. A bill to provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools; to the Committee on Education and Labor.

By Mr. RIEGLE (for himself, Mr. Breaux, Mr. Cleveland, Mr. Davis of Georgia, and Mr. Stokes):

H.R. 10992. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H.R. 10993. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000; to the Committee on Banking and Currency.

By Mr. SATTERFIELD:

H.R. 10994. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the authority of the Secretary of Health, Education, and Welfare with respect to foods for special dietary use; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 10995. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every automobile, to provide funding to develop more efficient automobile engines, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. Moakley):

H.R. 10996. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 10997. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assit in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself and Mr. Reuss):

H.R. 10998. A bill to authorize the Administrator of the General Services Administration to provide technical assistance to units of local government to implement programs which are designed to increase the use of carpools by commuters; to the Committee on Government Operations.

By Mr. VANIK (for himself, Mr. Matsunaga, Mr. James V. Stanton, Mr. Corman, Mr. Riegle, Mr. Wolff, and Ms. Abzug):

H.R. 10999. A bill to authorize and direct the Secretary of Commerce to study applications of solar energy, to establish a system of grants for solar energy research, and to establish the solar energy data bank; to the Committee on Science and Astronautics.

By Mr. VANIK (for himself, Mr. Metcalfe, Mr. Fraser, Mr. Wyatt, Mr. Stokes, and Mr. du Pont):

H.R. 11000. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every automobile, to provide funding to develop more efficient automobile engines, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11001. A bill to promote public confidence in the integrity of Congress by providing for public disclosure of Federal income tax returns by the President and Vice President and Members of Congress and candidates for each such office, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California (for himself, Mr. Dominick V. Daniels, Mr. Nix, Mr. Waldie, Mr. William D. Ford, Mr. Brasco, Mr. Clay, Mrs. Schroeder, and Mr. Moakley):

H.R. 11002. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.J. Res. 776. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 777. Joint resolution authorizing the President to designate the first week in March, of each year, as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. Quie):

H. Con. Res. 354. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Comimttee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. McFall, Mr. Sikes, Mr. Harrington, Mr. Veysey, Mr. Eilberg, Mr. Anderson of California, Mr. Dominick V. Daniels, Mr. Hanley, Mr. Rangel, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Helstoski, Mr. Rodino, Mr. Waldie, Mr. Fraser, Mr. Brasco, Mr. Drinan, Mr. Bell, Mr. Hays, Mr. Bingham, Mr. Koch, Mr. Won Pat, Mr. Hechler of West Virginia, and Mr. Staggers):

H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress with respect to possible curtailment of oil supplies from Arab producers; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself, Ms. Abzug, Mr. Nix, Mr. Kyros, Mr. Boland, Mr. Podell, Mr. O'Hara, Mr. Charles Wilson of Texas, Mr. Badillo, Mr. Biaggi, and Mr. Sarbanes):

H. Con. Res. 356. Concurrent resolution expressing the sense of the Congress with respect to possible curtailment of oil supplies from Arab producers; to the Committee on Ways and Means.

By Mr. FINDLEY:

H. Res. 604. Resolution to authorize a feasibility study for locks along the Mississippi River; to the Committee on Public Works.

By Mr. FINDLEY (for himself, Mr. Beard, Mr. Downing, Mr. Eshelman, Mr. Kemp, Mr. Madigan, Mr. Michel, Mr. Moakley, and Mr. Studds):

H. Res. 605. Resolution to authorize markers in Statuary Hall for the location of the desks of nine former Members of Congress who became President; to the Committee on House Administration.

By Mr. GOLDWATER:

H. Res. 606. Resolution to create a Select Committee on Privacy; to the Committee on Rules.

By Mr. LATTA:

H. Res. 607. Resolution expressing the sense of the House with respect to prohibiting combat by U.S. troops in the present conflict in the Middle East; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. Wylie, and Mr. Symms):

H. Res. 608. Resolution expressing the sense of the House with respect to prohibiting combat by U.S. troops in the present armed conflict in the Middle East; to the Committee on Foreign Affairs.

By Mr. MARAZITI:

H. Res. 609. Resolution preventing U.S. troops from being introduced in the Middle East conflict without prior congressional authorization; to the Committee on Foreign Affairs.

By Mr. MOAKLEY (for himself, Mr. Lehman, and Mr. Stark):

H. Res. 610. Resolution that it is the sense of the House that there be no action on confirmation of the Vice-Presidential nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself and Mr. Clay):

H. Res. 611. Resolution expressing the sense of the House that there be no action on confirmation of the Vice Presidential nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. SIKES (for himself, Mr. Lehman, Mr. Gunter, Mr. Fascell, Mr. Pepper, Mr. Haley, Mr. Rogers, Mr. Chappell, Mr. Fuqua, Mr. Bafalis, and Mr. Burke of Florida):

H. Res. 612. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of military supplies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ST GERMAIN:

H.R. 11003. A bill for the relief of Charles William Thomas, deceased; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 11004. A bill for the relief of Jorge Mario Bell; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER:

328. Petition of the Kentucky State Council, Junior Order United American Mechanics, Edgewood, Ky., relative to aid to North Vietnam; to the Committee on Foreign Affairs.

329. Also, petition of Leonard H. Davis, Vandalia, Ohio, and others, relative to inequities in the National Guard Technician Act of 1968; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

EDUCATION IN THE 1970'S

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. WALDIE. Mr. Speaker, there are few today who do not realize that we are living in an era of rapid social and technological change. These changes extend to all aspects of our society, affecting the very foundation of our culture. Everyday we can see more of our basic values and ethics being brought into question, and can witness the effects of the acceleration of technological and scientific acumen on our institutions and society.

Change breeds apprehension, and conjures up the futuristic worlds envisioned by George Orwell and Aldous Huxley in their classic books.

However, change need not be our enemy, for we do have some controls over our destiny.

With this perspective in mind an important and relevant consideration should be our educational system, and the alterations in it which may be needed to keep abreast of the new ideas and innovations.

Mr. Don Moore, a member of the California Task Force on Early Education, discussed in a recent speech to the Contra Costa County Teachers Conference the importance of how we educate the children now entering the educational system to cope with change, and how the system itself should be modified to reflect the changes in our world.

What and how we teach our children today will be a critical contribution to the world of tomorrow. His speech follows:

Task Force on Early Education

I hope to accomplish two objectives in the time allotted to me today.

First, to profile the child as he is today—as he comes to us in the schools.

And second, to assess his future needs in terms of the society into which he is apt to graduate.

Let's take a look at the 5-year-old we'll be seeing for the first time next September.

He has already learned a complete language system, including vocabulary, syntax, phonology, morphology, and semantics.

If he has been confronted with two language systems, he has learned two language systems between ages 2 and 4.

He apparently has done this with relative ease whether the language was Chinese, Greek, Hungarian or Swahili.

He can imagine things that do not exist and create them with tools without having been taught to imagine, to create, or to work.

He can laugh at himself and at others. He can cry when he is hurt physically and cry when he is fed.

He can hate selfishly enough to place his baby sister in the electric dryer and turn it on.

He can love unselfishly enough to risk his own life to help another who is in danger.

He can be physically punished with little damaging effect so long as he is completely convinced that the hand on his bare bottom belongs to someone who really cares about him personally.

On the other hand, he can be irreparably damaged by one parent withholding an invisible, unmeasurable and largely indefinable feeling called love.

Left alone he will figure out by experimentation the secret of reproduction and will by some strange chemistry reproduce his specie, love, nurture and educate his offspring.

On the other hand, led to believe that the same strange chemistry is wrong or evil or dangerous, he can become impotent, frigid, neurotic, suicidal and/or insane.

He can create music, dance, poetry and epic literature without understanding harmony or counterpoint, rhythm or melody, iambic pentameter or rhyme and without spending 10 weeks analyzing Silas Marner.

In fact, he does all this and more—without trained, credentialed teachers—without instructional materials or curriculum—without principals, superintendents, school boards, special buildings and equipment, an Educational Code or a State Legislature.

He does it all without Freud, Dewey, Piaget, Bruner, Skinner, Jensen or any other in-vogue educational high priest to sprinkle holy water on the process.

And there he is at age 5 for good or bad—knowing more already than all we teach him in the next 13 years of his life.

And here we are confronted by two demanding groups.

Neither recognizing that the child is half educated before the schools get him. *And* that his learning pattern and potential are already largely structured.

One group, the adult society for the most part, want the schools to be accountable to them for educating children as they believe children should be educated.

The other, the younger generation mainly, are telling us that what society wants is irrelevant to children's real needs and that the schools are obsolete anyway.

Okay, there's the first dilemma. *But,* that's only half the story.

Let's now take a look at the future of our society. The world this five year old will graduate into in 1986!

A few months back a young man who works with me at the Times Mirror Company came to me holding a letter in his hand.

He had worked for the company for three years and the letter was from the Vice President of Personnel.

His question to me was: "Do you think I should join the company retirement plan?"

(It's an excellent plan and I had never considered not joining it myself.)

We sat down and "reasoned together."

The young man showed me the letter which stated how much his monthly contribution would be; how much he would get at retirement (75% of his salary); and the date of his retirement—2011 A.D.!

His reasoning went like this:

By 2011, and probably far sooner, we would have total Social Security in the U.S.

Medical care would be free to everyone.

His wife could get a job (probably with Women's Lib and the drive for token women) even easier than he, and could earn as much as he.

His children would be 18 in 1990 and 1991 respectively, and free education at all levels would be available then.

Finally, he was not at all sure he'd still be on this planet in 2011. Nor was he sure the company would be.

And he, in fact, did not join the very excellent retirement plan.

You see we are now seeing in the marketplace what we began to see in the schools 15 years ago—the first generation of what scholars are calling "The Post Industrial Society." This society is predicted to differ as radically from what we have today as we now differ from the Middle Ages.

(Moore then drew an analogy between the Industrial Age—Post Industrial Age dilemma and two large tapestries mounted one over the other on a wall.

(He stated that after World War II the top tapestry—the one we can see, the Industrial Age—began to develop holes in its fabrics due to rot.

(At first, we did not realize that what we saw through the holes was woven into the second tapestry—the Post Industrial Age.

(As the holes got more numerous and larger and resisted all our attempts to patch them up, we became alarmed at the problems we saw on the second tapestry.

(Moore suggested that the primary reason we see the post industrial society as a problem is that we are looking at it through the industrial age whose fabric is rotting away before our eyes.

(Moore continued stating that we must now take a new tack and look at the Post Industrial Age in relation to its own entire societal fabric and disregard the Industrial Age except as we must manage it in its dying hours.

(This will take courage and capital, but it is necessary if we are to make the *great transition* from one age to another.

(Moore said this will not be easy and pointed out that no other civilization in history made the *great transition*.

(On the other hand no other civilization ever realized what was happening because the changing of other ages took place over centuries of time.

(We are the first civilization to see it happen in one generation. We are, thus, the first generation to stand some small chance of controlling our destiny.

(To make it we must do three things:

(1) Intelligently foresee the lead indicators of the new age so we will know what kind of *new* institutions are called for.

(2) Have the courage to carefully and humanistically dismantle the old institutions before they crumble and fall and take us with them.

(3) Reorient our view of change—seeing it not as an enemy, but as a friend.)

Let's discuss these three challenges.

First, what are the lead indicators already apparent in the Post Industrial Society?

(1) It is crystal clear in 1973 that we are midway into an incredible knowledge explosion and a concurrent communications revolution.

Knowledge is doubling every ten years. This means that by 1983 there will be twice as much to know and twice as much to teach. By 1993 there will be 4 times as much.

It will be humanly impossible for the average teacher to keep up with this explosion even in one field. How then can we accomplish the multidisciplinary approaches necessary in the future without bringing computer assisted teaching technology into the classroom?

The incredible speed of modern news reporting enables the reporter to affect the news story he is reporting. That was not anticipated by the writers of the Constitution.

Can we really find an impartial jury of 12 men and women to try Watergate cover-up defendants if they are indicted? The founding fathers, far-seeing as they were, could not foresee TV coverage of government.

By the time the young children now entering our elementary schools become adults, we will have machines which can reason better than the brightest person alive. Machines which can be multidisciplinary "specialist-generalists" if you will. And all our kids need to gain access to this information is a knowledge of typing and calculating machine operation.

(2) A second major trend is that problems are no longer unilateral but multilateral. Problems are interrelated so that solutions must be made by multi-institutional cooperation. All of our problems today are at least national in scope. Many are international and tomorrow they may well become interplanetary.

(3) A third lead indicator is the clear emergence of a Biological Revolution.

Its implications are frightening.

We are anticipating: genetic surgery by 1995; animal cloning by 2005; and human cloning by 2020.

We will soon know the answer to the mystery question which keeps education an art rather than a science:

What happens in the human brain, electro-chemically, at the moment of insight?

We'll soon know, and soon thereafter we'll learn how to measure it.

And then we'll have electro-chemical accountability.

Are your states' school systems ready for that?

(4) A final lead indicator is that many of the ethics of the Industrial Age will not fit the Post Industrial society.

The Work Ethic—the concept that a person is more worthy simply because at a given moment in time he has a salable skill won't make it into the Post Industrial Age.

It will be replaced perhaps by a *Craftsmanship Ethic*. An ethic which says the worth of work is in the quality of the workmanship and the personal satisfaction and social responsibility of the workman or workwoman.

The Poverty Ethic—the concept that we will always have poor people and that it's O.K. to be "poor but honest" won't make it in the future. Hundreds of billions of dollars have been spent in television and newspaper advertising convincing all of American society that the upper-middle class lifestyle is a must. The "dignity of poverty" is an absolete euphemism in tomorrow's world. There will be a leveling of society.

The Expansion-Consumption Ethic—the concept that it is good to expand and good to consume won't make it. It must be replaced by a conservation ethic. An ethic which says we don't have to do everything we can do just because it's profitable or fun.

Six percent of the world's 3½–4 billion people live in the U.S. We consume 45 percent of the GNP of the planet.

That can't go on without serious international repercussions.

The Success Ethic—the concept that it is *very* important to be successful in the eyes of others won't hold up either.

What you do.

How much you earn.

Your lifestyle.

Where you were educated.

These things will give way to a value structure which will stress:

Are you responsible to other people?

If so, are you enjoying your life?

Does it satisfy you and those in your immediate family?

If you are a responsible and satisfied and happy person, it really doesn't matter whether other people think you're successful.

And that changes motivation radically—does it not?

Finally, *The Educated Ethic*—the concept that you can and should get educated—will give way to a *Learning Ethic*.

If knowledge doubles each decade, no one will ever again be *Educated* as we once thought we were.

All diplomas should be printed on paper that self-destructs every 5 years.

The concept of tenure is ridiculous and civil rights of teachers must be protected by some new mechanism.

Curriculum as a body of facts and concepts is obsolete if knowledge doubles each ten years.

Curriculum becomes a process of learning to be a relearner.

The teacher becomes a process facilitator and guidance specialist.

The school ceases to be a place and becomes a concept. I defy the most creative architect to design a building in 1973 which will be relevant in 1990. *But* society will still be paying for that building in 1990!

Let's view this educational change in terms of what it may mean for early education.

First, the structure of the schools (particularly K–4) must change.

(1) We must make contact with parents during the child's infancy and pre-K years with an effective and comprehensive parent education program.

(2) We must involve the parent in the K–4 school experience so that parents will understand the learning process in these critical years.

(3) We must ungrade K–4 to provide the kind of structural flexibility necessary to implement a non-competitive, diagnostic/prescriptive approach to early education.

(4) We must reduce the adult-child ratio to at least (1–10) by the inclusion of paraprofessionals, parent and student aides and perhaps retirees into the program.

(5) We must maximize the master teachers skills and experience by creating clearly stated objectives and instructional materials specifically designed for use by non-professionals under a teacher's supervision.

Having changed the structure of the schools what should the young child be taught?

I'd like to share with you the recommendations of those of us on the California Task Force on Early Education.

We believe every effort should be made to help children to acquire the basic learning and communications skills. And we would like to see added to the traditional three R's, effective listening and viewing, since we do live in an increasingly audio-visual world. We believe children should be taught to manipulate a typewriter keyboard and a ten-key calculator, since it is by these devices that our children will work with machines.

We hope that every child will learn how to *retrieve* and *process* data. Memorization of facts in a world where knowledge doubles each decade and in a world where we will have electronic access to information banks is obsolete.

We hope that each child will leave his early education experience with a strong desire to continue learning. We live in an intellectual age in which the desire to learn and the joy of learning are vital concepts for effective and happy people.

We hope that the preservation of individual creativity will be a key goal for all children. Much creativity is smashed in the first five years of life. Regrettably, a great deal is also crushed by repressive grade-oriented, highly competitive school programs.

We hope that every child will emerge from his early education experience with the feelings of self-esteem so important to effective living and to happiness.

We hope that every child will have learned to love and to receive love. We do not see this becoming obsolete.

Finally, we hope that each child will have learned to be reasonably secure in a world which he knows he can never control, never really completely understand, and never predict the future of with confidence.

Let's conclude with what I referred to as the *Friendship of Change*.

We face a new age which in many respects is distinct from all previous human experience.

History gives us no guidelines for changing ages in one generation.

Rapid and radical change threatens our power, our security, our adjustment.

We, therefore, see change as the enemy.

Let's find a new perspective.

Let's assume that change is our challenge and our hope for continuity as a civilization.

Let's assume that power, security and adjustment are the real enemies.

I do *not* believe mankind was ever intended to have great power.

It is often in moments of great power that people and nations become their most corrupt, their most arrogant and, finally, their cruelest.

It is when we find ourselves without force that we very often become our most creative, ingenious and humane.

I do *not* believe mankind was ever intended to be secure.

Soon after we sense great security, we become weak, alienated and unhappy.

It is in moments of insecurity when we recognize how frail we really are—lost in space on a small planet—that something in us makes us strong, tolerant, and even, in some strange way, hopeful.

I don't believe that we were intended to be well adjusted.

Often when we think we're well adjusted we quickly decide we are also bored to tears, unchallenged and soon we're dead.

In facing great problems which frighten us mankind is magnificent.

In coping with change we become *alive*.

We were created to solve problems. In the instant of solution or resolution we are our happiest and proudest.

We are the leaders of the most exciting age which ever was. We are where it is. And no one, ever, has been where we are before.

What we perhaps have forgotten and must now remember is that we were not created to be static or problemless.

It is easier for me to say this than for us to do it.

But we must learn to love the problems because mankind is beautiful in adversity.

THE ISSUE OF THE PRESIDENTIAL TAPES

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. SHOUP. Mr. Speaker, in the present controversy over the Presidential tapes it is most unfortunate that many take a political position and permit their views to be shaped by the politics of the present administration. However, the fact that a basic constitutional question has been raised to issue and is being carried to the Supreme Court should impel us all to examine the matter with a view to its long range consequences.

In times past a deep and fundamental wisdom has prevailed over the conflicts of personalities and parties. Instructive in this regard is an article in the New York Times of October 12, 1973. In that article former Senator of Montana, Burton K. Wheeler recalls a bitter and divisive struggle in our recent past which also raised the basic constitutional question of separation of powers. The right of the Congress to the Presidential tapes raises the issue again, and I accordingly submit for your consideration the very thoughtful and incisive comments of Senator Wheeler:

THE PRESIDENT'S INTEGRITY

(By Burton K. Wheeler)

WASHINGTON.—In the course of the consideration by the United States Senate in 1937 of President Roosevelt's proposal to increase the number of justices he could appoint to the United States Supreme Court (the Court-packing plan), an incident arose which may shed some light on the present efforts of Congress and the special prosecutor to obtain the tapes of private conversations held by the President in the White House.

I had been requested by a number of Democratic and Republican Senators to spearhead the opposition to the Court-packing bill. The proponents had alleged that the Supreme Court was delinquent in its consideration of cases. These charges of delinquency had to be answered.

Prior to my testimony before the Senate Judiciary Committee I went to see Justice Brandeis. I told him that an authorative response to the charges being levied at the Court by the Roosevelt Administration was imperative and that I wanted him and Chief Justice Hughes to testify before the Senate Judiciary Committee. The Justice responded that under no circumstances would he testify or recommend that the Chief Justice testify.

He quickly added, "Not because he would not be an outstanding witness fully capable of responding to any question, but it just would not be the right thing to do. It might establish an unfortunate precedent." Brandeis added, "In lieu of such testimony ask the Chief Justice to give you a letter which will set the record straight."

Brandeis called Chief Justice Hughes and asked if he would see me on a vitally important matter. I went immediately to the Chief Justice's house. I told him of my conversation with Justice Brandeis and that Brandeis had finally suggested that he write a letter. Chief Justice Hughes said, "Did Brandeis say that?" I reassured him that he had. The Chief Justice then said, "I will see what I can do."

He called me on Sunday evening and suggested that I come to his house. I drove there immediately. He greeted me saying. "Well, the baby is born." He handed me a letter which was a complete answer to all of the charges. I thanked him and started to leave. He asked me to stay. In the course of a rather lengthy discussion he said the proposed legislation would destroy the Court as an institution.

The letter, which I presented during the course of my testimony before the committee, was so devastating in effect that Vice President Garner told President Roosevelt that the Court-packing proposal was dead.

The Chief Justice's letter specifically avoided argument on the questions of policy raised by the proposed legislation and thereby avoided a demand that he appear for questioning before the Senate committee. Justice Brandeis and Chief Justice Hughes, in my view, rejected my plea to testify before Congress because they thought it improper for a justice of the Supreme Court to submit himself to questioning by the legislative branch, even though they believed that passage of the pending legislation would destroy the Court.

While I do not remember the precise words said to me by Justice Brandeis, implicit in our conversation was the thought that Congressional questioning of a member of the Supreme Court would be a serious invasion of the independence of the judiciary and would jeopardize the integrity of its decision-making processes.

It appears to me that the request of Congress for the White House tapes may constitute a similar threat to the integrity of the decisional processes of the President. If Congress, other than in an impeachment proceeding, can subpoena the documents revealing the deliberations of the President in the execution of his functions as Chief Executive, it could with equal justification subpoena the records of the justices of the Supreme Court to determine the manner and bases upon which the justices arrived at decisions in controversial cases. In my view also, the special prosecutor is no more entitled to the tapes than is Congress. If he argues that the grand jury, as part of the judicial system, is entitled to the tapes, then he is asserting the right of the judiciary to examine in an area which Brandeis and Hughes thought would be an improper invasion of the separation of powers doctrine, if exercised by Congress.

The Supreme Court, if it holds that Congress, in other than an impeachment proceeding can obtain the records of Presidential conferences, will set a precedent for Congress to obtain records or other evidence of Court deliberations.

It seems highly unfortunate that a constitutional confrontation of this magnitude should arise over tapes when, in all likelihood, they will shed little, if any, light on the Watergate controversy. Pursuit of the tapes may result in a precedent-setting decision by the Supreme Court which will ill serve the future of democracy and our form of government.

THE NAVY'S NEW F-14 TOMCAT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BOB WILSON. Mr. Speaker, with approval today of the conference report on the military procurement bill, I am pleased that we are giving substantial funding for the Navy's new F-14 Tomcat. I recently had the opportunity to go aboard the Tomcat and get a feel of its great performance characteristics. In talking with the men why fly this new version of a long line of Grumman "Cats," I am convinced this is perhaps the best aircraft the Navy has ever procured. Certainly the performance and maintenance superiority is obvious and I believe the future will prove this to be one of the finest weapons systems this Nation has yet to devise.

I include as a portion of my remarks an article from the San Diego Union of October 8, 1973, written by Dave Polis:

NAVY'S NEW F-14 TOMCAT DRAWS HIGH PRAISE HERE

(By Dave Polis)

In an unprecedented feat in this day of complex aircraft and weapons systems, the men flying and maintaining the Navy's newest fighter, the Grumman F-14 Tomcat, are averaging a full 30 hours of flight time a month per aircraft.

The man in charge of the program at Miramar Naval Air Station, Capt. Lewis (Scotty) Lamoreaux, said the Tomcat "has already met and exceeded expectations. It's better than we ever dreamed."

The Tomcat, latest in a long line of "cats" Grumman has built for the Navy, is especially designed to outmaneuver enemy fighters in aerial dogfights, while giving the fleet the added capability of launching the most sophisticated air-to-air missile system in existence.

INITIAL CONCEPT

Cmdr. Sam Leeds, who heads the reactivated Fighter Squadron 1 at Miramar, said the F-14 is proving to be a highly dependable, high performance airlift.

Its dependability, Lamoreaux said, can be traced to the initial concept for the twin-engine sweep wing aircraft, and that was to combine already proven engines and weaponry systems with a new airframe or structure.

The Navy was originally scheduled to receive F-111 sweep wing aircraft, but they proved too heavy for carrier operations.

Lamoreaux directed the F-14 program in Washington for the chief of naval operations before coming to Miramar last year.

TRAINING AIDS

Lamoreaux, who helped introduce the F-4 Phantom to the Navy 14 years ago, recalls "We were lucky to get in four or five hours of flying time a month with anything working."

The F-14, by contrast, is averaging three times the planned number of flying hours after two months of operation. Lamoreaux credits the fliers and maintenance personnel at the base for this record.

The training center at Miramar utilizes the latest computer technology and visual aids to train personnel connected with the base program. He said the base had people fully prepared for the F-14 when it first arrived.

Fighter squadrons 1 and 2, which advanced from readiness to operational status in record time, are scheduled to be deployed aboard the nuclear-powered carrier Enterprise early next year.

Appropriately, it was the old Squadron 1 that was first assigned to a carrier role in 1925 and later distinguished itself during World War II before being deactivated.

While Congress continues to debate the merits of the Tomcat, Vice Adm. Robert B. Baldwin, commander of the Naval Air Force, Pacific Fleet, leaves no question about his wishes:

"We've got them and we want as many as we can get as quickly as we can get them."

The Tomcat carries six Phoenix missiles, each weighing 1,000 pounds, and other less sophisticated air-to-air and air-to-ground missiles.

SMALL BOAT LOCKS NEEDED AT QUINCY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FINDLEY. Mr. Speaker, today, I am introducing a resolution that would enable the Corps of Engineers to make a study of the need for separate locks to handle the increasing small boat recreation traffic on the Upper Mississippi River.

The existing Federal navigation project, constructed during the 1930's and placed in operation in 1940, consists of a series of dams and locks and channel dredging designed to provide a minimum channel depth of 9 feet for commercial barge traffic on the Upper Mississippi River. Most of the locks in the system are single locks; however, some were built roughing out space for what were termed auxiliary locks, locks intended for the use of small boatowners.

Barge traffic and recreational boating has more than doubled since the project was placed in operation. At the present time, boaters frequently experience long delays in attempting to pass through the locks, because of the need to accommodate commercial traffic first.

Figures show that the tonnage passing through the locks a Quincy, Ill., has more than doubled in the past 10 years. Also the number of small recreational craft owners has multiplied.

Since first priority is given to commercial traffic, if a major boat is expected any time within a half hour, small boats are not allowed to pass through the locks. On a peak weekend, the lock may handle 250 boats; due to lock congestion small boaters are greatly inconvenienced and boater safety is sometimes threatened.

I, therefore, believe that a study appears to be justified to determine the feasibility of completing the locks partially begun at Quincy.

Text of resolution follows:

RESOLUTION

Resolved, by the House of Representatives, That the Public Works Committee shall request the Board of Engineers for Rivers and Harbors to review the reports of the Chief of Engineers on the Mississippi River between the mouth of the Missouri River and Minneapolis, Minnesota, printed in House Document No. 137, 72nd Congress, First Session, and other pertinent reports with the view to determining whether it is advisable in the interest of navigation to modify the existing navigation project on the Upper Mississippi River to provide for separate locks or other means to permit independent passage of recreational craft in view of the needs and safety of the present and anticipated heavy volume of small craft utilizing this waterway.

THE SUCCESS OF THE 1973 CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FLOOD. Mr. Speaker, for the past few months the National Captive Nations Committee, led by Dr. Lev E. Dobriansky of Georgetown University, has collated reports received from all sections of our country and abroad on the recent 15th observance of Captive Nations Week. These reports reflect a vivid moral conscience among our people toward the 1 billion captives in the Red empire, which truly augurs well for our own future.

Greatly encouraged by this development and the success of the recent observance, I should like to introduce into the RECORD several additional examples of the successful week:

The proclamation by Gov. Thomas J. Meskill of Connecticut;

A report "Rally Sounds Freedom Call" and President Chiang Kai-shek's message in the Free China Weekly;

A report in America on "Captive Nations Week Commemoration in Cleveland"; and

The Detroit program, "Captive Nations Week—1973":

OFFICIAL STATEMENT OF THOMAS J. MESKILL, OF CONNECTICUT

CAPTIVE NATIONS WEEK, JULY 15–21, 1973

In 1959 the Congress of the United States approved the annual observance of Captive Nations Week. The dates for the 1973 observance are July 15 through July 21.

The purpose of Captive Nations Week is to call public attention to the plight of numerous countries in Eastern and Central Europe, and elsewhere, whose people are forced to live today, as they have for many years, under oppressive Communist rule.

For us in the United States, Captive Nations Week serves to emphasize anew the value of the liberty and independence we are privileged to enjoy. It is fitting, therefore, that we reaffirm, in connection with Captive Nations Week, our support of the just aspirations of the millions of people in captive nations throughout the world.

I am pleased to call public attention to the observance of Captive Nations Week in Connecticut and I urge our citizens to be mindful of its objectives.

RALLY SOUNDS FREEDOM CALL

Vice President C. K. Yen said July 17 that the Republic of China will never change its basic anti-Communist policy.

In a speech at a Captive Nations Week rally, Yen said the Republic of China has suffered a series of diplomatic setbacks but changes in the international situation will never affect its firm anti-Communist stand.

"Our country has never been discouraged by adversity," Yen said, adding: "It will never change its course or allow itself to be influenced by unfavorable aspects of the objective situation."

On the contrary, he said, the Republic of China has become more resilient and is working hard to raise the standard of living of its people.

He said the Republic of China has to make it clear to the world that it always identifies itself with the free world.

"We must let the world know where we stand in order to assure peace for the world," he added.

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, presided at the mass rally, which was held at the Sun Yat-sen Memorial Hall in Taipei July 17.

A message sent by President Chiang Kai-shek was read at the meeting, which was attended by more than 3,000 representatives of the people from all walks of life.

In an opening speech, Ku said all freedom-loving people should continue to expose Communist peace plots and join all the forces of freedom, both behind and outside the Iron Curtain.

He called upon the captive nations to launch allout struggles against their Communist rulers.

U.S. Representative Jack F. Kemp (Republican—New York) told the meeting, which highlighted the Republic of China's observance of Captive Nations Week July 15–21, that the American people are convinced that "Communism is the major threat to world peace and stability."

He said the strident forces of isolationism and retreat in the United States do not speak "for those who understand the lessons of our recent history in dealing with Communists."

"Nowhere can man be totally free until everywhere men are free," the American lawmaker said.

Also present at the rally were members of the foreign diplomatic corps.

American Ambassador Walter P. McConaughy said freedom and the rights of man are the universal aspirations of mankind and cardinal principles of the U.S. Declaration of Independence.

A declaration was adopted at the rally. Also passed were messages addressed to President Richard Nixon of the United States, President Nguyen Van Thieu of the Republic of Vietnam, President Lon Nol of the Khmer Republic and the people of captive nations.

PRESIDENT CHIANG KAI-SHEK'S MESSAGE TO THE MASS RALLY SUPPORTING CAPTIVE NATIONS WEEK

Support of the captive nations and peoples in their struggle against Communist tyranny and persecution and for freedom demonstrates the moral force of humankind and constitutes the mainstream of the world anti-Communist movement. Universal human freedom can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule.

Influenced by Communist smiling diplomacy, bluffing and temptations, appeasers of the world have lost their ability to distinguishd right from wrong and no longer have the conscience to promote the good and punish the wicked. Perverse theory is prevailing. Justic is giving ground to the forces of evil. These developments have confused the camp of freedom and abetted the growth of Communism. Even so, the fierce struggle for freedom of the people shut behind the Iron Curtain and the support for their emancipation provided by peaceloving people outside the Iron Curtain have never ceased despite the buffeting from waves of appeasement. To the contrary, captive peoples and their supporters are marching forward with firm steps along a brightly illuminated road and showing matchless courage as they overcome tens of thousands of difficulties.

The three virtues of wisdom, benevolence and courage, as cherished and passed down by our ancient sages, make up the essence of our cultural tradition. Throughout our history, whenever evil forces prevailed, the altruistic and upright people have always shown their great wisdom by adhering to the right against the wrong, renouncing wrongful gain for justice, displaying their great benevolence in national salvation and summoning their great courage to surmount the crisis and turn back the perverse tide. At this moment of world turbulence and turmoil, all of us in the Republic of China should burnish bright this tradition and demonstrate a spirit of surpassing wisdom, benevolence and courage. We should take our stand determinedly and undauntedly and dedicate ourselves to the great task of national and world salvation. We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering. In other words, we should take up the difficult task of reshaping the world's destiny by destroying the tyrannical Communist rule now afflicting the earth and by delivering humankind from the Red holacaust.

We believe that true world peace can be brought into existence only after the triumph of human freedom and that this triumph can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain. I should like to take this opportunity to express my wish for success and victory in our struggle against Communism and enslavement and for freedom and peace.

CAPTIVE NATIONS WEEK COMMEMORATION IN CLEVELAND

Every year since 1959, by an act of the United States Congress (HL 86–90) the President of the United States is directed to designate the third week in July as "Captive Nations Week" until such time that all nations are free again.

This year, as previously, Captive Nations Week in Cleveland as commemorated under the auspices of the American Nationalities Movement of Ohio.

Captive Nations Week commemorates the long-standing desire for freedom and independence by more than 20 nations ruled directly or indirectly by the Soviet Union.

All nationalities, patriotic groups, veterans and civic organizations took part in ceremonies emphasizing human rights and religious freedom.

The program consisting of "Interfaith services" conducted by representatives of the Jewish, Catholic, Protestant and Orthodox faith took place on Monday, July 23, 1973, in the Rotunda of Cleveland City Hall, 601 Lakeside Avenue, at 7:30 p.m. The Honorable Ralph J. Perk, Mayor of Cleveland, founder and chairman of the American Nationalities Movement gave the main address.

Participating in the program were: The Cleveland German Choir, The Luthuanian Choir and the Ukrainian Chorus "Dnipro."

The Chairman of the Captive Nations Week commemoration Nicholas A. Buvur and Bohdan Futey was the program Chairman.

INTERDENOMINATIONAL PRAYER SERVICE, CAPTIVE NATIONS WEEK, JULY 15, 1973

The following format has been established for 1973 Captive Nations Week Commemoration:

1. Mass gathering at the Kennedy Square at 2:30 p.m. on Sunday, July 15, 1973.

2. Commence official program at 3:00 p.m. with a Interdenominational Prayer Service and a proper address from clergy on behalf of the Captive Nations.

3. All present will then march south on Woodward Avenue and west on the Riverside Road to the Ethnic Festival ground where a Commemorative Program will take place at 4:00 p.m. consisting of:

a. Presentation of the flags.

b. American National Anthem.

c. Reading of the Captive Nations Week proclamation by:

President R. M. Nixon.
Governor W. Milliken.
Mayor R. Gribbs.

d. Main address—Congressman Charles Diggs.

e. Remarks of a Vietnam POW and laying of the wreath for those who died in defense of freedom.

f. Adoption of Resolutions.

g. Closing remarks.

4. Other activities planned in conjunction with Captive Nations Week are:

a. A cancellation stamp will be used at the Detroit main Post Office throughout July reading: "Observe Captive Nations Week Third Week of July".

b. As in the past, proper radio and television programs will preceed Captive Nations Week Commemoration.

c. All nationalities represented in captive Nations Week Commemoration will participate in the Captive Nations Festival as part of the City of Detroit Ethnic Festivals on July 13, 14, and 15.

ARTICLE PAYS TRIBUTE TO CONGRESSMAN WHALEN'S VIEWS ON CUBA

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. DELLENBACK. Mr. Speaker, last February I joined with 10 of my colleagues in issuing a paper entitled "A Détente with Cuba," recommending a review of and positive changes in our policy of isolating Cuba. Congressman CHARLES WHALEN of Ohio was the principal spokesman for our group and, as the following article from the Miami, Fla. News makes clear, he remains an articulate advocate of the need for lessening tensions between the United States and Cuba.

The article follows:

TIME TO REVIEW OUR FAILING POLICY TOWARD CUBA

(By Clarke Ash)

So far there is no reason to believe that newly nominated Secretary of State Henry Kissinger will change this country's attitude toward Cuba.

Merwin Sigale, Miami News Latin America writer, reports that the administration's hard line on Castro reflects the basic wishes of President Nixon. It is unlikely that the secretary of state will change it.

Still, Kissinger's influence with the President is considerable, and as one professional Latin observer remarked: "Henry is liable to leap out of bed one morning and say, 'Let's review our Cuba policy.' "

Whatever Dr. Kissinger's thoughts upon arising, the administration will come under increasing pressure to normalize relations with our key neighbor in the Caribbean.

Our policy of isolation is slipping badly in the rest of the hemisphere and a growing number of congressmen are wondering how we can profess to hate Cuba while cozying up to its chief sponsors, Russia and China.

Typical of the congressional critics, but perhaps more articulate than most, is Rep. Charles W. Whalen of Ohio. Whalen was one of 11 Republican House members who published a paper in January on the fallacies of our Cuba policy. Last month Whalen enlarged the case in a special article for the Washington Post.

Whalen regards our Cuban policy as ". . . clearly outdated and inconsistent with the international detente which the President himself has so effectively fostered." He says recent authoritative articles in the Soviet press suggest that the Russians are interested in a U.S.-Cuba rapprochement. "These reports stem, perhaps, from Russian frustration with the limited returns on their $1.5 million per day investment in Cuba. Or perhaps they reflect a growing disenchantment with Castro.

"Regardless of the Soviet's view of Cuba, one thing is clear: a reduction of the Soviet military presence on that island is not in the best interests of the American nations. Further, a triangular U.S.-Cuba-Soviet dialogue could lead to positive negotiations on this issue."

Mr. Whalen might have applied the same argument to the political prisoner issue which stirs such bitter emotion in Miami. Under the present arrangement, or nonarrangement, the refugees and the U.S. government are totally without pressure to assist Castro's political victims.

Rep. Whalen wrote his article before the recent OAS meeting in Lima, but he correctly predicted that the U.S. would find itself in an increasingly weak posture as it tried to maintain its quarantine against the Cuban government. The upshot of the Lima meetings was the appointment of a committee to study a complete realignment of the Inter-American system, with special emphasis on how the U.S. should relate to other nations.

Meanwhile, seven OAS members now recognize Cuba: Argentina, Barbados, Chile, Jamaica, Mexico, Peru and Trinidad-Tobago. Others expected to join the list soon are Panama, Venezuela, Ecuador, Costa Rica and Columbia. Canada has been doing business there for years.

Whalen says State Department experts are being pressured to search out new reasons for our policy since the old ones—the Soviet military presence and the obligations of the OAS ban—no longer make sense. Like Sigale, he reports that our present policy is based on the President's personal wishes, and he suggests the President may be influenced by an unfavorable meeting with Castro in 1959 and "by his Cuban-American neighbors in Florida."

Why should we consider normalization? An obvious reason is to improve the inter-American system.

"Eliminating the Cuban issue," Rep. Whalen says, ". . . will enable the OAS to focus attention in more urgent priorities such as trade, economic development and regional integration. A significant contribution toward the realization of these objectives will occur if the United States conforms its Cuban attitudes to our new pragmatic approach to China and Russia."

FORMER IDAHO SENATOR LEN B. JORDAN SPEAKS ON ENERGY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HANSEN of Idaho. Mr. Speaker, a very good friend and distinguished colleague, former Idaho Senator Len B. Jordan, recently brought his considerable experience and insight to bear on the subject of our current energy crisis in an address before the Idaho Petroleum Council.

As the ranking minority member of the Subcommittee on Minerals, Materials and Fuels of the Senate Interior and Insular Affairs Committee and from his vantage point on the Senate Finance Committee, Senator Jordan was well recognized for his understanding of energy matters, both in terms of the Nation's trade and economic picture and in terms of the environment.

Since leaving Washington in January, by his own choice, he has been involved in the kind of in-depth research he never felt he had time for during his demanding and often hectic years of Senate service. A thorough scholar, Len Jordan's brand of careful, thoughtful analysis is the substance of his recent address entitled "Energy—Today and Tomorrow." I am inserting it in the RECORD today so that my colleagues and others may have the opportunity to read this most timely and important message.

The address follows:

ENERGY—TODAY AND TOMORROW

I was pleased to accept the invitation to speak today at the annual meeting of the Idaho Petroleum Council.

Since my retirement from the United States Senate, where among other duties was my service on the Fuels and Energy Subcommittee, I have devoted much time in examining the general subject of energy in this nation—where it comes from today, sources for the future, the sudden surge in demand, and the causes of the current shortages especially in oil and natural gas. My remarks will be based on my experience and on my studies and research.

The subject for discussion is "Energy—Today and Tomorrow."

The cold, blunt fact is that this country is running short on energy today. Unless we launch an immediate and intensified crash program to develop new energy sources, to maintain and expand our present sources, to adopt firm energy conservation measures, to get back on the road to being self-sufficient in energy, then the outlook for tomorrow and coming years is full of peril and danger to the security of this nation.

I want to stress the importance of self-sufficiency because I think it is not only possible of achievement, but absolutely essential for our economic stability and our national security.

At the present time we must import about 33% of our oil. By 1985 imports will increase to 50% which would create an intolerable situation.

About 60% of the free world's known petroleum reserves are in the Persian Gulf area of the Middle East. Japan, Europe and the United States all compete for foreign oil. The result is twofold—prices escalate, creating for the U.S. at least, greater problems in our balance of payments, and secondly, dependence on foreign oil makes our nation extremely vulnerable from a national security standpoint. Dependence on foreign oil would reduce our nation to a second or third rate world power.

The real crisis staring us in the face is time. We're dragging our feet and wasting time, while shortages of energy become more widespread.

I would describe today's situation as precarious and tense, but not desperate. I repeat—the crisis is in time. The crunch we find ourselves in today no doubt is going to grow more severe for the next two or three years, and we might as well face up to that harsh fact.

Time therefore becomes precious, and obviously the time for action is now. We must clear the decks, launch the crash program mentioned previously, and place solution of the energy problems at the top of the national priority list where it belongs.

A moment ago I mentioned potential danger to the national security. Continued neglect and stalling will result in a very real threat to our national defense security; national economic security; and consumer, or "people" security.

Now, let's place this energy picture in its proper perspective. Oil and natural gas furnish about 78% of our energy; coal about 17%; hydroelectric power 4% and nuclear power 1%. About 40% of the electric power is generated by oil and gas.

In this country, we have 6% of the world's population and use 33% of all energy. There is no cosmic law that guarantees us such a disproportionate share in the future. Growth in demand has been staggering, and is expected to double by 1985. We are using about 17 million barrels of oil a day, and at least a third of that has to be imported.

Ominous headlines have been in the news since the Labor Day weekend regarding Middle East oil producing countries. That's the area of the world we have to look to more and more for foreign imports. Supplies from Canada and Venezuela have peaked out, and now we face what one writer in the July Reader's Digest called "excruciating international blackmail."

The writer was a prophet, because just 10 days ago, Libya completed its nationalization of western oil companies by seizing 51% ownership of the firms. Libya's premier announced that the price of crude oil will be nearly doubled—and get this, he also said Libya would no longer accept American dollars as payment for its oil.

Other Arab nations backed Libya 100%. Saudi Arabia advised American oil company officials that if the United States does not adjust its Middle East pro-Israel policy in the next six months, it will reduce its oil production by one million barrels a day, which would add to the growing worldwide shortage of petroleum.

Oil has become the most potent diplomatic weapon of all, and the oil-rich nations of the Middle East are in a position to call the shots. Watch the headlines in coming weeks and months. There will be a lot of news—most of it bad—affecting this country.

Oil is the lifeblood of America. We simply can't run without it. A vivid illustration takes place in southern Idaho each year. Many of you will recall that I have often referred to the Snake River as Idaho's main artery. But the Snake would not be a working river without oil. That's what fuels the tractors and combines and other farm equipment and machinery—oil—to plant crops in the spring and harvest them in the fall.

The basic question now is what are we doing and what further should be done to meet the emerging energy crisis.

Back in 1971, President Nixon delivered his "clean energy" message to Congress. The President noted then that prices of oil, coal, natural gas and electricity had been increasing at a slower rate than consumer prices as a whole. He said energy had been a bargain in the United States. The price, he indicated, must go up.

In February of this year, President Nixon told Congress:

"We must face up to the stark fact in America that we are consuming more energy than we produce."

As recently as last weekend, the President again stressed the importance of action now on energy legislation.

The President is trying to set a new national course that will "insure necessary supplies of energy at acceptable economic and environmental costs."

In one of his previous messages to Congress, he said: "One reason we use energy so lavishly today is that the price of energy does not include all the social costs of producing it."

In times of crisis, the universal practice is to look for someone to blame. Rather than trying to pin any blame, let's just take a look at what has caused gasoline and heating oil shortages.

Let me list 10 major factors which, combined, are the primary underlying causes. I don't hold the petroleum industry entirely blameless, but in fairness to oil companies, I simply point out that they had no control whatsoever over these ten factors:

1. New automobiles, coming on the road about 200,000 a *week*, are all equipped with emission control devices, and most have power steering and brakes, automatic transmission and air conditioning. With all that equipment, most of the vehicles have enormous appetites for gasoline and their miles per gallon performance is drastically cut.

2. There is a shortage of refineries in this country. Attempts have been made for the past several years to build new refineries, especially on the eastern seabord, where 40 per cent of the consumption takes place but which has only 12% of the refining capacity. Opposition from environmental groups was a major obstacle, plus uncertainty of the quality and quantity of crude oil which might be available.

Refineries, which cost from $200 to $300 million, have to be built to handle the type of crude oil available. Most of the crude in this country is low sulfur sweet crude. Most of the mid-east oil is high sulfur sour crude. Numerous refineries in this country have launched expansion projects, and new refinery units will be built when and where sites become available.

3. In many parts of the country—but not in Idaho—electric power companies had to turn to light distillate oils to generate power. Coal and the heavy residual oils, with their high sulfur content, were banned under tough anti-pollution laws. The power companies had two choices—use oil or close up shop. Power companies are using about 200,000 barrels of these light oils a day, and their use to generate power is 50 per cent wasteful. These oils are refined to heat home and small office buildings, and to fuel farm equipment and trucks. This is a major reason for the scarcity of heating fuels.

There were 40 million acres of additional farm land opened for production this year, being removed from the set-aside program by the U.S. Department of Agriculture. Another 19 million acres will be added next year. Exact figures on how many of the 40 million acres actually were planted are not available yet, but estimates are well over 50%. Demand for gasoline and diesel on the farm was up sharply as a result.

5. Nuclear energy to share the energy load is not available in much quantity yet. For the last 10 or 15 years, expectations were that nuclear power would be in much greater abundance than it actually is.

6. The greatest discovery of oil ever made in the Western Hemisphere occurred in 1968 on Alaska North Slope area. There's a proved reserve of about 10 billion barrels of oil there—still underground five years after discovery. The people of this country need that oil urgently. It's low sulfur, the kind that most U.S. refineries are designed for, and there may be additional staggering billions of barrels of oil there yet to be found. Alaska's vast petroleum potential could enable this country to escape the increasing blackmail from the Middle East. And it makes sense to me to import oil from one of our own states rather than the volatile mid-east nations. The proposed trans-Alaskan pipeline, which has been blocked for five years, would require about eight square miles of territory. Alaska has something like 586,000 square miles. Congress realizes the urgency of having the Alaskan oil available as quickly as possible, after all the delay. Both houses passed the pipeline bill before the August recess. The differences in the two bills should be ironed out quickly now that Congress is back in session, and the final version sent to the President soon.

7. The Outer Continental shelf—30 to 200 miles off the Atlantic coast, off the California coast and in the Gulf of Mexico—offers another vast potential for new oil and natural gas reserves. No exploration has been allowed off the Atlantic coast, and drilling was halted off California after the unfortunate Santa Barbara oil spill a few years ago. Only a small fraction of the leases in the Gulf of Mexico have been made available for exploration.

8. This country has a supply of coal that would last several hundred years, but the use of coal is dwindling, throwing added burden on oil and gas.

9. As with oil, we are using natural gas in this country far more rapidly than it is being found. In 1954, the Federal Power Commission fixed the price of gas at the well-head at a rate only one-third to one-half the comparable consumer cost of other energy sources. Natural gas, which is clean-burning and non-polluting, quickly became in great demand. The artificially low price was like being able to buy a T-bone steak for the price of a hamburger. Several dozen million homes and hundreds of thousands of industries converted to gas. Exploration, production and distribution costs, meanwhile, skyrocketed-and the low price remained constant. Incentive in this high risk business to look for additional reserves dried up. Exploration dwindled sharply—and our natural gas reserves continue to be eroded. Experts claim that there are trillions of cubic feet of natural gas under the North Slope in Alaska, and in all likelihood additional trillions under the coastal seabeds. But thus far, oil and gas companies have not been allowed to produce and deliver it.

10. The subject of natural gas leads to the 10th and final point to mention—and that's the weather. Last winter, a severe early cold spell caused natural gas companies to suspend service to hundreds of thousands of industrial customers on interruptible contracts. The industries had to switch to their fall-back system—heating oils—and that is another major reason why the fuel oil situation last winter was so critical.

As we approach fall and winter this year, the weather again will be the prime factor.

Faced with the knowledge that the non-renewable resources of planet Earth are being consumed at an alarming rate, we must move at once on a two-pronged effort:

First, conservation of energy at all levels, and secondly, a thorough and dedicated program to research and develop alternate sources of energy. Each should have immediate high priority.

Let us consider each of these goals.

First, conservation.

What can we do to conserve present inventories of known reserves?

Here are a few suggestions.

Let us start with energy used in industry, since this is the segment of greatest use, constituting two thirds of total energy usage. To list a few:

1. Reverse the trend which in recent years has been away from coal to oil and gas.
2. Eliminate waste.
3. Recycle metals.
4. Higher utilization of both renewable and non-renewable resources.
5. Conversion of solid wastes to energy.

Conservation of energy for non-business purposes, which constitutes the other third of total energy use, brings us into the picture as individuals. Here are a few things we can do:

1. Turn out the lights when not in use, and if possible, use less heat in the winter and less cooling in summer. Just a very few degrees will make a lot of difference.

2. Have experts check your home for better insulation, double windows, and weather stripping at all openings.

3. Use public transportation more, or car pools, for commuting to work.

4. Drive slower. Speed limits of 60 miles an hour on interstate and 55 miles on primary and secondary highways would save gasoline and lives, too.

5. Plan your driving to accomplish several errands with each trip.

6. Insist on local government cooperation in recycling reusable solid wastes and conversion of non-reusable solid wastes into energy. Land fill disposal is costly and wasteful. The technology is available to convert solid waste into energy by a clean burning process.

What must we expect from government?

Congress and state legislatures must work together to conserve energy resources and to provide for proper land and water use planning, reclamation of strip mined areas, strict regulation of off-shore drilling pipeline transportation and ocean shipping, in order to provide the least possible impact to the environment.

Congress must take the lead in providing funds and encouragement to industry in joint ventures for research and development of alternate sources of energy such as coal gasification and liquification, geothermal, shale oil production and others. For most of these the technology is already known. What is needed now are pilot plants to bring the cost-benefit ratio into the range of practicality.

Looking into the future where the technology is less advanced are nuclear fusion, solar energy and hydrogen research and development. These are the "clean" sources for the future. We have spent $25 billion to put men on the moon. Surely the development of a clean source of energy is no less important.

Idaho has no fossil fuels.

Until we know the sources of future energy for Idaho, Congress should not designate anymore of our valuable and renewable river resources as wild or scenic rivers. The moratorium concept is still preferable to a permanent commitment. Sponsors of new Middle Snake legislation have yet to tell us what the trade-off might be in terms of imported oil from the Middle East or elsewhere, to replace development forever foreclosed.

What we can to conserve present resources and what we must do to find alternate sources of energy still leaves us with critical problems. I have mentioned previously that oil and natural gas now provide about 78% of our energy. At our present rate of consumption and unless relief comes from other sources, the world's supply of non-renewable oil and gas may be reduced to dangerous levels by the year 2000—just 27 years from now. In fact, some experts claim that the year 2000 will mark the end of the oil era.

This era of scarcity is not confined to Idaho or any other single state or all 50 states collectively.

The dilemma of oil shortages is global. This country, once self-sufficient, now has to compete with Japan, Western Europe and other areas of the world for foreign oil.

Neglect of our own oil and gas potential seems to be not only incredibly foolish, but a threat to the national security. Oil and gas companies, with full and equal attention to the environment, should be allowed to search for, produce and deliver these energy fuels which are so urgently needed by the people of America. The paramount fact to be remembered is that the country practically runs on oil and gas, and until new energy sources are developed people of the country must continue to rely on oil and gas, for most of their energy requirements.

There are alternative sources of energy that must be developed under the crash program I mentioned. I would frankly like to see more of a sense of urgency at the national level. I think that all attitudes of complacency have disappeared, but just a lukewarm approach is not going to be sufficient.

Mankind in the last 30 years consumed more energy than in *all* the years of history before 1940—and by the end of this century, the world's rate of energy consumption likely will quadruple.

On a permanent basis, it is unlikely that the United States can expect to keep on pre-empting one third of the world's energy, with only 6% of the world's population. Under present projections, the population of the world will be 50% greater by the year 2000, and per capita use of energy will probably double, especially if the presently undeveloped nations claim a more proportionate share of world resources.

Present energy sources will have to be joined by other sources to share such a staggering demand that is growing every day.

Fuels for the future will include not only oil and natural gas and hydroelectric power, but additional nuclear power, solar power, ocean power, geothermal power, the gasification and liquification of coal, synthetic fuels, fuel from oil shale and tar sands, tertiary recovery of petroleum from previously abandoned wells, hydrogen and perhaps other more sophisticated sources.

We'll need them all to share the load—and the crash program that I strongly recommend means to start immediately, with the full resources of government and private industry assigned to the job.

Looking at this entire energy dilemma calmly but soberly, I would say it is no time to try to pin the blame on anybody or any group. The nation has a gigantic task ahead, and we should be united in the undertaking. The country should not be divided into environmentalists and anti-environmentalists, because no group and no individual has a monopoly on the desire for clean air, water and land. I believe we are well on the road to winning the fight against pollution—but losing ground thus far in efforts to restore adequate energy supplies for the people of this country.

The environment does not—and cannot—stand alone as our only national priority. It should share equal billing and attention at the top of the list, but not to the exclusion of all else. Energy companies have other vital responsibilities in addition to eliminating dirty air and water.

Look at it this way. The treasures beneath the earth's surface are there for the benefit of mankind. The earth's surface must be disturbed in the extractive process, but not ravaged or devastated beyond restoration. I grow deeply concerned and worried when so many million acres of our lands are proposed for permanent lock-up. If our uncommitted public lands have more than one use, then this country is going to have to take advantage of all those uses. The multiple use concept is sound public policy.

Surely there is enough of everything for everybody, if we use our resources wisely and thoughtfully—and that includes land, water and sub-surface treasures.

Energy is going to cost more. There's no doubt about that.

The day of cheap energy is gone—forever. The public must be willing to pay the cost for whatever energy is required—and the requirements are massive, indeed. A free market is historically a better mechanism for allocating resources than mandatory rationing.

This nation has the highest standard of living in the history of the world. I want to see it remain that way, and to include all our people. I want to see other nations increase their own standards, not have the United States sink back to lower levels. It is unthinkable to me to have this wonderful country become a have-not nation, or to become second-rate in any way. Yet we are no longer self-sufficient in oil.

I would like to see a restoration of national pride, of self-reliance for people as individuals and the nation as a whole, of self-sufficiency insofar as possible in critical areas such as energy supplies.

Common sense tells us that we have to restore balance between environmental and energy goals. The two are compatible, because without energy, we cannot continue to clean up the environment. There has to be a meeting of the minds just for the sake of the people of this country.

Let me leave you with this final thought. The one overriding point I want to stress is that we don't have to make a choice between a clean environment and enough energy to provide for our individual and national needs. We can have both—but shouldn't have one at the expense of the other.

Let a clean environment and ample energy sources be our National goal.

NOMINATION OF HON. GERALD R. FORD AS VICE PRESIDENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. GILMAN. Mr. Speaker, I commend the President on his nomination of our distinguished minority leader, GERALD R. FORD, as Vice-President-designate.

Mr. FORD has earned the respect of Members on both sides of the aisle. His experience, hard won in dealing with the most difficult issues of our times, will be influential in closing the gap between the executive department and the Congress.

What is needed most at this crucial time in our history is a leader who can unite our Nation; a man so outstandingly qualified that his selection would help to heal the wounds of divisiveness. I believe the President has made such a choice in Mr. FORD.

Hopefully, Mr. FORD's nomination signals an era of new understanding and cooperation in congressional Executive relations.

I urge my colleagues on both sides of the aisle to seize upon this opportunity for bringing about a new beginning. GERRY FORD has not only been a dedicated public servant and a competent legislator, but has also been an outstanding congressional leader. It is in the best interests of our Nation that Mr. FORD's nomination for Vice President be promptly confirmed so that we can get on with our Nation's urgent business.

CALIFORNIA EFFORTS AT FIGHTING DRUG ABUSE IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. WALDIE. Mr. Speaker, the Select Committee on Crime issued a report over the summer concerning the drug abuse problem in the schools.

The committee has called on Congress to provide funds for both student and teacher drug education programs, to force manufacturers to cut back their production of harmful drugs, and to monitor the effectiveness of the radio and television industry's regulation of drug advertisements.

Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views of the committee's recommendations. Their letters relate, as well, the independent efforts they are making to fight the drug abuse problem. Their evaluation and experiences should be of great interest to all Members of Congress.

Mr. Speaker, selections from these letters follow:

EXCERPTS FROM LETTERS

LETTER FROM JOE MERLO, PRINCIPAL, LA HABRA, CALIF.

You stated that you would be interested in additional suggestions. One that comes quickly to mind is that doctors should somehow be held responsible for the indiscriminate renewing of drug prescriptions for patients they have not seen recently and for the renewing of drug prescriptions without checking to see when the last renewal was allowed. The home medicine cabinet is probably the best source of supply for amphetamines and barbiturates that our young people have.

LETTER FROM W. ODIE WRIGHT, SUPERINTENDENT OF SCHOOLS, LONG BEACH, CALIF.

At the present time drug abuse prevention in the Long Beach Unified School District includes classroom instruction, inservice education for teachers, forums planned and scheduled for Adults/Evening High School and programs sponsored by school-community committees and/or parent teacher associations. A bulletin is enclosed to explain our program in more detail. In addition, we would suggest that communities be encouraged to develop or expand existing programs which emphasize the importance of values and self concepts in an effort to counteract the pressures on young people to misuse drugs. One very important aspect of this approach would be increased opportunities for involvement in volunteer activities in which meaningful contributions can be made to the well-being of others. Red Cross Youth activities would be an example of the type of involvement which should be encouraged (enclosure No. 2).

LETTER FROM JACK W. JOLLEY, ASSISTANT SUPERINTENDENT OF SCHOOLS, WALNUT, CALIF.

The first recommendation is all well and good but where do we get the funds? I realize recommendation number two says the federal government will aid school boards to secure adequate financing but that does not give us the dollars to do the job. Many of us in education have assumed as much as can be done for the money being spent for education. Several very worthwhile things have been given to the schools to do without any financial aid with them. We have just worked longer and harder to do the job. There is, however, a limit. We have arrived at that point.

If the committee would like to see their recommendations implemented we must talk about finance and specifically what type of program we are to design. How extensive will the program be in our district? A drug counseling staff could be one or more. Would each district develop their own program or is it to be standardized to some degree?

LETTER FROM A. HUGH LIVINGSTON, SUPERINTENDENT OF SCHOOLS, SAN MATEO, CALIF.

While this school district is not in your congressional district, you may be interested in our long standing efforts to combat the drug problem. Six years ago the district initiated the development of two of the most successful films in the area of drug abuse. These films, "Escape to Nowhere" and "LSD–25," have been used throughout the nation. In addition, the district developed teaching materials including materials for parents and students to discuss together which complemented the films.

Two years ago the district initiated the development of a drug counselor position on each of our eight campuses. These individuals were selected for their background in understanding the drug scene and serve pretty much on call around the clock seven days a week. This program is now funded in its entirety by the district.

Due to the distressingly low level of federal support and the very serious restrictions on financing recently enacted in California, the district now faces a crucial decision. It can be argued that drug abuse counseling and prevention activities are essentially community mental health and public health matters. Consequently, funding should come from those sources at the local, state, and federal levels. Regrettably, this district faces the prospect of abandoning this important community activity in order that it may direct its ever-limited funds to its primary mission of education of children. This is not an easy decision to reach.

In my judgment, such federal funds as are available through the President's Commission on Criminal Justice could be spent far more meaningfully by helping institutes such as this provide services to people rather than to assist police departments with computerizing of their criminal information statistics.

LETTER FROM H. D. LOVIK, SUPERINTENDENT OF SCHOOLS, VISALIA, CALIF.

Thank you for the information on drug abuse. One area that is having some success in our vicinity is a program between juvenile officers and school people that has a goal to assist students concerning value clarification. Students who have developed a strong system of personal values tend not to get involved with drugs. This is a pilot program covering several elementary and high schools in Kings and Tulare Counties. The plan first requires in-service training for teachers, and then is presented to students.

LETTER FROM JAMES C. HARRISON, SUPERINTENDENT OF SCHOOLS, MONTEREY, CALIF.

I am pleased with the recommendations of the committee. The problem of drug abuse by youngsters in school is a family and community problem. We've taken a two-pronged approach in trying to solve the problem in Monterey. (1) School Community Counselors who are "street people", who work in the schools on both a preventative and an identification basis. These people also work in the community with parents and young adults. (2) The Use of Peer Counselors—well trained high school students who are going into the elementary schools to relate with students at that level on a preventative basis and also on an identification basis. These students are not only trained in drug abuse information but also in group techniques, techniques of working with students and their parents.

LETTER FROM RAFAEL ESTUPINIAN, PRINCIPAL, POMONA, CALIF.

As principal of an inner-city Junior High School, I have been increasingly aware of the drug abuse problem in my community. Fremont Jr. High, student population approximately 840 students, is about 35% black, 40% Chicano and the rest white students from lower socio-economic homes. About 85% of our students are on the free lunch program. There are practically no recreational facilities in the immediate vicinity and the occurrence of vandalism is high.

Curiously enough, the students do very little experimenting with hard drugs. Marijuana and "pill-popping" are also a rarity. However, the inhalation of intoxicating fumes from spray cans of various types is rampant and our major problem.

This is primarily a problem among the Mexican-American student population. We have had many parent meetings but can make no progress because of lack of funds. We need:

1. A detoxification center (medical)—Even though the students do not use heroin or other hard drugs, there are over 4,000 adult addicts in this valley.
2. Youth recreational facilities.
3. Jobs for youths.
4. Money to start a bilingual adult drug education program.

LETTER FROM RICHARD E. MILES, PRINCIPAL, SYLMAR, CALIF.

It is interesting to note that we also received a letter with the same date as yours from the Drug Abuse and Opportunity Education Section of the Los Angeles Unified School District announcing training available from the Los Angeles Center for Group Psychotherapy for a total of 30 school people (15 each semester) from the hundreds of schools in this district.

The letter went on to say that the program is funded by the U.S. Department of Health, Education and Welfare, but that there would be no funds available to the school for substitutes to cover the person chosen to attend the 12 all day sessions in the training program. This would make it difficult to release a teacher to the program.

We commend your efforts in dealing with this problem. It appears to us, however, that anything done for the individual pupil in the individual school will continue to depend on the staff of the individual school and on the available resources from the school's community. If you can find a way to give additional support at this specific level, I am sure it would be most helpful and effective.

LETTER FROM LOUIS KAPLAN, ASSISTANT SUPERINTENDENT OF INTRUCTIONAL SERVICE

You must be aware that nowhere in the program of teacher training in colleges and universities is emphasis placed on providing teachers with a background for conducting an instructional program on drugs in the public schools. Few districts have specialists in this area. If we are to provide effective teacher training on the job, there must be some leadership and expertise provided by some agency outside of the schools; whether this be the public health department or some other department in the local community, county, or state is a matter which will have to be worked out. What is required is that specialists in this area provide instruction for teachers, that funds be made available to school districts to release teachers to participate in the instructional program, that efforts be made to develop learning materials including films, filmstrips, books and other publications that are technically accurate and educationally sound, and that support be provided to school districts to procure and utilize these materials.

LETTER FROM WESLEY STEWART, DIRECTOR OF INSTRUCTION, EXETER PUBLIC SCHOOLS

Value clarification through education in the classroom based upon the grade of the local communities. I believe that once people can break the barrier of fear surrounding the unknown in dealing with others, that people want to do what is right. Doing what is right we just could be incorporated in a value clarification course or curriculum—this is where drug abuse instruction begins.

LETTER FROM STANLEY ONDERDONK, PRINCIPAL, NOVATO HIGH SCHOOL

Active drug traffic and its attendant related promotional activities on campus appears to be inhibited in relation to the degree of direct observation by school staff members.

In view of the above, the recommendation is made that any drug abuse oriented Federal Funding to schools during the current phase of Drug Abuse be directed primarily at increasing campus supervisory/security personnel.

TRIBUTE TO JERRY FORD

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. KUYKENDALL. Mr. Speaker, from time to time this body pauses to remember a deceased colleague or former Member, to pay tribute to a life of service that has ended.

How refreshing, and how gratifying it is to me, and to these other friends of JERRY FORD, to be able to pay tribute to his life of service, not at its end, but at the beginning of its pinnacle, as he is about to accept his most important assignment.

That he will carry out this assignment in a manner reflecting credit on him and on those who had such confidence in him, we in this House can have no doubt. From both sides of the aisle, comments about our friend from Michigan have flowed like a mighty river, ever since the President grinned at him over our applause in the East Room last week. And all of those comments have had one central theme: A man whose word is his bond, whose verbal commitment is a sacred promise, who is, in a word, trustworthy.

Trustworthy. Worthy, that is, of trust. Worthy of the trust that our President placed in his hands last Friday night. Worthy of the trust that the Constitution of our great Nation places in the office to which he will soon be confirmed. Worthy to exercise the even higher responsibility that the Constitution places on him, should, God forbid, he be required to step in and assume it.

We will miss you, JERRY. But we know you will not be far away from this House that you love and that loves you.

THE STATUS OF H.R. 4200

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BAKER. Mr. Speaker, I have been receiving many inquiries concerning the status of pension reform in the Congress, particularly the status of H.R. 4200, a House bill with Senate amendments containing pension provisions. The House Ways and Means Committee is now considering the various pension proposals before it. I personally am hopeful that some good legislation on this subject will come out this year.

These people writing to me are particularly concerned about the effect of section 706(f) of H.R. 4200 which would in effect limit the corporate contributions to an employee pension plan. Mr. Randolf H. Aires, of Sears, Roebuck & Co. recently communicated with me on this and I recommend his remarks to my colleagues:

THE STATUS OF H.R. 4200

The inquiries and alarms expressed by Sears employes concerning the impact of Senate floor amendments to HR 4200 seem to be understandably justified. Our research people have run several sample applications of the rather complex formulae set forth in these amendments which would limit future company contributions to employe profit sharing accounts (by limiting the deductibility of such contributions)—and this impact is truly formidable. Samplings were taken among profit sharing accounts of employes now earning from $7,000 to $11,000 per annum, who do not participate in Sears Supplemental pension plan. These samplings demonstrate that a great many employes whose earnings are less than $11,000 per annum now have profit sharing accounts which, under the formulae would "fund" annual "pensions" upon their retirement in excess of 75% of their highest annual wages.

The amendments would therefore prohibit the deductibility of any further employer contributions to these accounts, and severely limit the amount of company contributions to other employe profit sharing accounts now and in the future.

Another effect of the amendments would be to require cumbersome annual computations as to each of the accounts of 225,000 Sears profit sharing participants and to open and close the door to further company contributions erratically, depending on the fluctuations in the market value of Sears stock in their accounts.

I didn't think we had come to the point where Congress would deem it necessary or wise to exercise such strict concern over the quantum of corporate profits channeled toward the retirement security of rank and file employes. After all, there are plenty of other "calls" on company profits for debt payment, dividends, modernization, expansion, etc., which would serve generally to keep this particular use of such funds within reasonable bounds.

Over the past ten years, Sears has contributed the following amounts to Sears employees' profit sharing accounts:

	million
1963	$59
1964	66
1965	70
1966	75
1967	75
1968	87
1969	101
1970	99

1971	116
1972	129

These amounts presently are based on 11% of profits before taxes. Obviously, to the extent that any portion of the company contributions is not deductible, the net amount going to our employes would have to be decreased. The impact on our plan would be substantial.

Yours very truly,
RANDOLF H. AIRES,
Assistant Director, Governmental Affairs.

KAREN KUPCINET FOUNDATION FOR INTERNATIONAL RELATIONS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HANRAHAN. Mr. Speaker, I would like to take a brief moment to share with my colleagues the outstanding achievements of Mr. Irv Kupcinet, the noted columnist for the Chicago Sun Times. Mr. Kupcinet, or "Kup" as he is known to all those who follow his daily prose, is being honored this weekend in Chicago by his friends and the Weizmann Institute of Science, for his and his family's continual service to the community.

The testimonial to "Kup" is in the form of an innovative and invaluable student exchange program, called the Karen Kupcinet Foundation for International Relations, named for his daughter, whose young life ended tragically while she, herself, was still a student.

The foundation will sponsor an exchange program involving all countries of the free world, in which post graduate students will attend, in Israel, once a year, a seminar toward peaceful relations. At a time when world peace is of primary concern to all people, and is the vocalized main objective of so many of our students, what better way to further this goal than to let the students themselves—our leaders of tomorrow—participate in an exchange seminar of this type.

I salute the Weizmann Institute and Mr. Irv Kupcinet for creating such an educational and beneficial living memorial to Karen, and hope my colleagues will join with me in wishes for much success for Kup and the Karen Kupcinet Foundation for International Relations.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ERLENBORN. Mr. Speaker, certain things and people are legend in this House. John Dent is one, a legend of drive and of spirit. But now, when we need his drive and spirit to get a new minimum wage bill, they are nowhere to be found.

If you can hear me, John, I would like to dedicate a poem to you:

There once was a man named John Dent,
Whose time was very well spent,
Writing bills that defy,
Schemes for pie in the sky.
Oh, where has John Dent's spirit went.

CONGRESSMAN HAILS CHRIST HOSPITAL ON 100TH ANNIVERSARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, this year Christ Hospital in Jersey City, N.J., is 100 years old. For a century this fine institution, an affiliate of the Episcopal Diocese of Newark, has been serving the people of our community.

Small as hospitals go in this metropolitan area, Christ Hospital has some unique qualities. It has attracted the support of the great and the small, literally. Two Governors led fund raising campaigns long ago while two others sent dinners for the patients.

The illustrious Stevens family of Castle Point, Hoboken, and the president of the old Lackawanna Railroad bailed it out of many financial crises—and there were many for a hospital where the first 60 years, more than one-half of the patients were charity cases.

Gifts in the six numbers can be listed on one hand including one of $500,000 from the Federal Government which allowed the hospital to replace the old barn and ambulance house with an extremely modern power and laundry plant 5 years ago. But, it has always had the nickel, dime and "in kind" support of the "little" people of the area. And thousands of children across the country read "The Daisy," a little paper about child patients in the hospital's pediatrics ward, called the Daisy Ward. Their 50-cent subscriptions amounted to more than $60,000 by 1911.

The hospital has quite a few "firsts" and some "onlys." When Daisy Ward opened in 1876 it was the only all-children ward in the locality. Hospital people came "from the four corners" to see the only photomicrography magic lantern slides "in color by the French method" in 1915, and again in the 1920's to see the one of two known hospital convalescent homes established because "it was not like the good old days when people took care of their own old folks."

There was also a Social Service Guild of over 100 women who went into the homes, "caring for mothers, rehabilitating wage earners, giving babies the proper start in life with food and clothing and sending children and old people to the country for summer vacations."

A new air-conditioning system, innovative bookkeeping method, and the only and biggest 200,000-volt deep therapy X-ray unit in the vicinity attracted attention in the 1930's. The famous Dr. Kessler maintained a rehabilitation unit for men crippled in mine accidents until the 1950's in the 1888 building which is still in use.

Today, architects and steel engineers come to see the "radical new steel structural framework" of the radiology building which defers obsolescence, the plague of all hospital planners. A column-free span of 54 feet is the key to the expandable, flexible design and walk-in floors sandwiched between regular floors, houses all pipes, conduits and wiring allowing repairs and alterations without disturbing hospital routine.

Christ Hospital today is a rare combination of the old and the new—in many ways the best of both—with old buildings and new, but with the same old spirit. Hospital records dating back to the beginning show the determination and desperate struggle of the community general hospital to survive and maintain standards through world depressions and wars, interspersed with local crises.

Mr. Speaker, on this great occasion I join with all the people, great and small, of Hudson County and wish Christ Hospital well as she begins another hundred years of service.

MR. AGNEW'S FAREWELL

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. RIEGLE. Mr. Speaker, the New York Times today pubilshed a most perceptive editorial which addresses former Vice President Spiro Agnew's televised farewell remarks. I insert it in the RECORD for the interest of all readers:

MR. AGNEW'S FAREWELL

There would be greater pathos in the fate of Spiro Agnew if his had been a fall from grace rather than from arrogance. Many Americans, after witnessing the incongruous White House festivities in celebration of the nomination of Mr. Agnew's successor, might have found it possible to sympathize with any forthright statement by the former Vice President.

Instead, they got, via television, the self-serving tale of a man who maintains that he was the innocent victim of a conspiracy. Mr. Agnew did not content himself with denying that he had done anything beyond living by what he maintained was the customary Golden Rule of American politics—the now nauseating familiar "everybody does it" line of defense. He rolled out a blunderbuss with which to defame all his detractors—the witnesses against him, the prosecutors and, of course, the news media. The forty pages of sworn charges against him, carefully documented by the Justice Department, were brushed aside as a mere compendium of malice—the work of "self-confessed bribe brokers"—even though they showed kickbacks still being made to him four years after he became Vice President.

In a manner unhappily all too characteristic of this master of doubletalk, Mr. Agnew had prefaced his TV speech by letting the word go out—through an interview with a journalistic confidant—that his resignation had been forced by pressure from the highest levels of the Nixon Administration.

The contrast between that imputation of intra-Administration betrayal—similar to many Mr. Agnew had made earlier when he was accusing Justice Department officials of knifing him—and his subsequent extravagant televised praise of Mr. Nixon suggests that the whole Agnew speech was merely another concession to image-building, aimed at earning him points for loyalty and magnanimity. The public will not so easily be deceived by this latest transparent application of the Nixon-Agnew doctrine that previous "facts" can be rendered inoperative by the projection of a new message.

Mr. Agnew cannot expect to be judged in a vacuum that eliminates from memory his own earlier views and statements. In 1970 he urged Federal prosecutors to "focus the spotlight of publicity" on "criminal elements," including "the tax cheat." In 1969, while taunting those who engaged in the "politics of protest," he mocked: "Thou shalt not ask forgiveness for thy transgressions, rather thou shalt demand amnesty for them."

In his farewell address, a new measuring rod emerged as he attested to his own purity, except "perhaps, judged by the new post-Watergate political morality." That yardstick implies an astonishing view of the pre-Watergate state of law and morals on the part of this law-and-order Administration's erstwhile chief moralist. The most charitable interpretation of his parting message is that it reflected faithfully the plastic ethics of the Nixon White House. Spiro Agnew remained, until the end, the echo of his master's voice.

ABUSE OF MILITARY TRANSPORT BY SENIOR OFFICERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ASPIN. Mr. Speaker, I am introducing legislation today to stop the pervasive abuse of military transport by senior officers to junket around the world.

At present senior officers—colonels and above—whether retired or active duty can travel absolutely free anywhere in the world—to top it all off, can make advance reservations 30 days before their trip for a five-destination jaunt.

In addition, senior officers are provided special VIP lounges and ground transportation anywhere in the world.

This worldwide free junket service for senior officers must and can be stopped by Congress.

In addition, the legislation that I am proposing today provides a graduated fee schedule for space available transportation by various officers and enlisted men. Officers and enlisted men would be permitted to travel on a space available basis while paying a regular DOD tariff. It should be noted that the regular DOD tariff is extremely low and equivalent to charter flight costs. In effect, all military personnel will be able to fly space available at an extremely low fee. Officers in the rank of major and above will pay a full 100 percent regular DOD tariff. Captains 75 percent, 1st lieutenants and 2d lieutenants 50 percent and all warrant officers and enlisted men 50 percent. In addition, warrant officers and enlisted men on emergency leave may travel for free.

The purpose of this bill is twofold: one, to stop the abuses of the system by senior officers and two, to establish a reasonable fare schedule for all military personnel.

INTERNATIONAL CIVIL AVIATION ORGANIZATION CONFERENCE

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. SHOUP. Mr. Speaker, I would like to share with my colleagues the report I submitted to you following my attendance at the International Civil Aviation Organization Conference:

The Honorable CARL ALBERT,
Speaker of the House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. SPEAKER: Recently I was honored to be selected as a delegate from this body to attend the International Civil Aviation Organization's conference on skyjacking. Accordingly, I spent the 13th, 14th, and 15th of September in Rome, the "eternal city", which was the location of the conference. I would now like to submit a report to the House containing my observations and impressions of that meeting.

As one of the first orders of business a rule was adopted requiring a ⅔ majority vote for the passage of matters proposed to the conference. This proved to be a major stumbling block to significant progress by the delegates. The multitude of smaller nations, which were strongly represented, especially those in the mid-east and Northern Africa voted as a block against those resolutions which contained any meaningful note of firmness and purpose. Indeed, most of my experiences in the working sessions support the conclusion that in many of the Mid-east nations a hijacker is looked upon as something of a hero and, "unofficially" admired.

This attitude was directly responsible for the defeat of a proposal to eliminate sanctuaries for air pirates. Also attendant to the defeat of this concept was what I could characterize as a hyper-sensitivity to sovereignty to the degree that many of these nations were unable to accept any idea of an elimination of national havens for these criminals. To do so seemed to them to be a surrender of their national identity to the will of an international body.

Considering the range and speed of today's commercial aircraft, it is obvious that skyjacking can be effectively controlled and curtailed only through international cooperation.

The absence to agreement by even a few small nations, who have little or nothing to lose, can be disruptive of all the efforts of other countries who have much to lose. All this became even more clear as I observed the series of negative responses to sound and thoughtful proposals.

The only solution to this difficulty which comports with our history and traditions is to vigorously pursue negotiations and constantly emphasize the positive benefits of mutual cooperation. In this regard I would offer for your consideration a brief passage from the book entitled *International Law* written by the distinguished Dr. Charles S. Rhyne who among other positions has served as President of the World Peace Through Law Center, American Bar Association. "The effectiveness of international law depends on the willingness of states to abide by it. Since the decision to follow international law precepts is left to the discretion of individual states subject to their international law obligations, it would seem that international law would be, on occasion, hopelessly ineffective to control the action of states who could follow, or breach the law, depending upon whether or not it served their interests at the time. While this is possible, powerful forces nevertheless exist in the international community which might lead states to discover more often than not that it is in their best interest to follow international law. These forces can best be termed *sanctions*." Dr. Rhyne goes on to identify *world opinion* as the most effective such sanction. I would therefore conclude my report by urging the administration and this Congress to make every effort consistent with our foreign policy to increase world awareness of the need to eliminate skyjacking and educate other nations that this can be done through full cooperation among nations, all the time emphasizing in every way possible that the overwhelming weight of world opinion is that this is an immediate and desirable goal.

This report would be unacceptably incomplete if I failed to comment on the very high degree of competence exhibited at all times by Ambassador William Rountree. I was accorded every consideration by him and his staff and their efforts added immeasurably to the sessions of the conference and again, Mr. Speaker, I thank you and the Minority Leader, Mr. Ford, for making possible my attendance at the conference.

Sincerely,

DICK SHOUP,
Member of Congress.

UNFAIR CHARGES AGAINST HOUSE PARLIAMENTARIAN LEWIS DESCHLER

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HARSHA. Mr. Speaker, in the grim atmosphere of accusations and recriminations that presently prevails in our Nation and, most particularly, our Capital City, it was perhaps not surprising that Ralph Nader, who apparently considers himself omniscient on all subjects, has chosen to make unfair and unwarranted accusations about one of the most respected and most effective employees of the Congress—Lewis Deschler, the House Parliamentarian.

Mr. Nader's comments, as well as certain cryptic statements that appeared in a national news magazine, are completely without foundation. I have had the privilege of knowing Lew Deschler for a number of years and can personally vouch for his fairness, his good judgment, and his expertise in a most complicated and difficult position.

Mr. Deschler has held his present position as House Parliamentarian since 1928 and has served the House of Representatives well for almost 50 years. During this time he has unquestionably made many decisions, always based upon constitutional and parliamentary considerations, that have been of tremendous importance to our Nation. In doing so, he has understandably made some determinations that were not popular with all Members. However, I know of no instance when Mr. Deschler was not willing to assist anyone who sought his help and offer fair and wise counsel regardless of that individual's politics or position on the issue under consideration.

We are now faced with one of the gravest crises in our Nation's history, and it is essential that we work together without rancor and dissension if we are to resolve the difficult questions which face us as a nation. The Congress in the next few weeks must make a decision of enormous importance to the future of our country, and during these deliberations the leadership of the House will rely heavily upon the wisdom and knowledge of this outstanding and dedicated public servant.

I believe the following quotation from an editorial by James A. Eldridge concerning Chillicothe's native son which appeared in the Chillicothe Gazette, the oldest newspaper west of the Alleghany, of October 12, 1973, expresses not only my feelings but those of a great many of my colleagues:

> It gives me a high sense of confidence in this grave hour to know that such a man as Deschler brings to those who must lead us now a sense of continuity, devotion to our Country and the much-abused system which governs us, and the maturity and wisdom that come only from experience.

Following is this excellent and thought-provoking editorial in its entirety which I would like to share with my colleagues:

CHILLICOTHEAN IN EYE OF THE STORM

(By James A. Eldridge)

"The hidden despot" is what consumer advocate Ralph Nader recently called Lewis Deschler, parliamentarian of the U.S. House of Representatives and a native Chillicothean.

The phrase is, perhaps reflective of some accuracy in measuring the influence wielded by the large, genial 1922 graduate of Chillicothe High School on all legislation that has been passed by the house since Deschler was named parliamentarian in 1928 by Speaker Nicholas Longworth.

Today, Deschler after nearly 50 years as a member of the staff of the House of Representatives stands at the elbow of House Speaker Carl Albert as this country writes a unique and traumatic chapter in our history in the wake of Watergate, the Agnew resignation and the selection of a new vice president.

Two recent issues of Time magazine have made cryptic reference to Deschler's backstage role as Agnew sought to escape the loss of his high office and a jail term by appealing to the House for impeachment proceedings that he hoped would block court action against him.

When Agnew went to the office of Speaker Albert to request that action by the House, Albert immediately sent for Democratic majority leader Congressman Thomas O'Neill and Republican minority leader Gerald Ford—and Deschler.

Deschler's role was to counsel the Speaker and House leadership on Constitutional precedents—if any, and proper parliamentary procedures.

After several hours of consultations the Speaker denied the Agnew plea and ploy and the rest is current history.

Late last week I telephoned Deschler's office to request a telephone interview. A very courteous aide informed me that in view of the gravity of the situation the parliamentarian had laid down a strict ruling against talking to any member of the news media.

However, in view of the hometown connection the aide promised to lay the Gazette's request before Deschler—a few hours later he telephoned to say that Deschler would talk to me on Wednesday of this week.

What follows is an account of that conversation—an exclusive interview—and a profile of Deschler. Gazette readers will understand the restraints under which Deschler and I talked—in a time of crisis for the government in which all the constitutional forces of the Republic are being called into play, frequently in unprecedented areas.

"Early on in this job I established a passion for anonymity. My first loyalty is to the House and the Speaker. I am here to serve the members of the House of Representatives," Deschler began.

"As far back as the time when radio interviews first began I laid down the rule that I was not available. I am not running for public office. I do not need the public exposure. In fact, such exposure would damage my bipartisan role and my ability to help the members do their jobs."

But in a sense he is the man who lays down the law to the lawmakers. It has been said that he acts as constitutional lawyer, historian, adviser and confessor to the always independent, sometimes rambunctious members of the House.

By keeping the rules of the House at his fingertips Deschler's opinions can—and have decided the course of the nation's history.

Alaska and Hawaii came into the Union when they did because Deschler searched a century of House precedents to find a rule allowing the statehood bills to bypass the Rules Committee, where they had been blocked.

And in the Depression days, he thumbed back through 15,000 pages of House rulings to find in President Andrew Jackson's era the legislative key that opened the door for President Franklin D. Roosevelt's "Hundred Days" of high speed reform legislation.

But at the same time, Deschler gave impartial parliamentary advice to FDR's political opposition who sought rules to block Roosevelt's program.

Some years back Newsweek magazine pointed out that some of Deschler's rulings are almost of world-shaking consequences. Immediately after World War II when the British loan came to the House for approval the question rose as to whether it would have to be referred to the hostile Ways and Means Committee or would go to the sympathetic Banking Committee.

Speaker Sam Rayburn sent it to the Banking Committee—armed with the precedents Deschler gave him on the subject. But neither of them ever discussed the advice the parliamentarian gave the Speaker.

But together they moved history because Britain's fate—and the course of world economics—might have taken a fatal turn if the House had not approved the loan.

Deschler's opinions have ranged from such solemn matters as the procedure for declaring World War II, to deciding how soon Americans could buy a drink after the repeal of Prohibition.

After a mixup in timing between the House and the Senate, Deschler advised that April 7, 1933, was the earliest date thirsty citizens could hoist a highball. The ruling stood.

Perhaps that's why Nader called Deschler a "hidden despot" some 41 years later.

Deschler has served Speakers Longworth, Garner, Rainey, Byrns, Bankhead, Rayburn, Martin and presently Speaker Albert.

He was born in Chillicothe in 1905, the son of the late Mr. and Mrs. Joseph Deschler. The family home was at 143 E. Fifth St.

After graduating from CHS he attended Miami University where he played varsity football. It was in 1925 that he went to Capitol Hill as a messenger after a friend introduced him to Speaker Longworth of Cincinnati who gave him the job.

Incidentally, it is Longworth's widow, the celebrated Alice Roosevelt Longworth, who is presently the tartar-tongued grand dame of Washington society.

Deschler completed his college and law education at night. And it was in 1928 that Longworth named him parliamentarian after he had served as assistant parliamentarian for a year.

Our conversation took place on Wednesday of this week—just hours before Agnew's resignation and while the question of his impeachment by the House was germane.

Deschler's comments to me were a combination of restraint, forcefulness and frankness.

He made clear to me, with great courtesy, the delicacy of his position and the historic necessity to refrain from pre-judgments and forecasts of things to come.

Three hours later the situation on Capitol Hill abruptly changed as Agnew stepped down from the vice presidency.

Now the House and the Senate must work with President Nixon to fill the vacant vice presidency and there are no constitutional precedents as to how to proceed in evaluating Nixon's nominee.

So as we watch Speaker Albert's limousine move from high level conferences at the White House back to Capitol Hill we can be certain that Deschler stands nearby to advise the Speaker on matters parliamentary and matters constitutional.

A traditionalist who has served the House of Representatives nearly 50 years, Deschler put it quite simply, "This is my life, my love."

It gives me a high sense of confidence in this grave hour to know that such a man as Deschler brings to those who must lead us now, a sense of continuity, devotion to the country and the much-abused system which governs us—and the maturity and wisdom that come only from experience.

And Lewis Deschler is a "professional" of the first order. Had Nixon and Agnew depended upon such men—instead of the sleazy hacks they elevated to powers, the ship of state might be sailing in calmer waters today.

WOMEN ENCOURAGED TO ENTER CONTEST ON THE POLITICAL PARTICIPATION OF WOMEN IN THE AMERICAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FRASER. Mr. Speaker, I would like to recognize a contest whose theme is "The Political Participation of Women in the Americas—Means to Promote More Political Participation by Women."

Sponsored by the Organization of American States' Commission on Women, this contest is an excellent way to contribute to the sadly deficient literature on women in society. It should increase our knowledge of women in all the Americas and encourage much needed research on the topic of women's political participation.

The contest is open to women applicants—though unfortunately limited to those up to 35 years—and I would encourage any woman with an interest in women's participation in the political process to submit her unpublished work no later than May 1, 1974. The prize is $2,000 and publication by the Inter-American Commission of Women, all rights retained by the author.

For further information, write to: Contest Award Information, Inter-American Commission of Women, Organization of American States, Washington, D.C. 20006.

WHY DO WE NEED A STRONG NAVY?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BOB WILSON. Mr. Speaker, with our action today on the conference report of the military procurement bill. I feel it is important to remind my colleagues of the somewhat precarious position the Navy finds itself in today. I recently obtained a copy of a memorandum entitled "Why Do We Need a Strong Navy?" and I include it in the RECORD as a portion of my remarks:

WHY DO WE NEED A STRONG NAVY?

At the close of World War II, the U.S. Navy had 5,718 ships and 37,735 aircraft. As recently as 1968, there were 976 ships and 8,491 aircraft. At the end of this budget year (30 June 1974) there will be only 523 ships and 6,603 aircraft in the Navy's inventory.

While our Navy was shrinking the Soviet Navy has undertaken a dramatic period of fleet modernization and expansion. A major Soviet shipbuilding program has increased both the numbers and capabilities of their major warships—but more importantly, the character of the Soviet fleet has changed from a Navy committed to the defense of home waters to an ocean-ranging naval force capable of carrying the Soviet flag to all the seas of the world.

The high costs of the war in Vietnam and the heavy commitment of Navy ships to the Western Pacific prevented the investment of money in new ship construction needed to keep our fleet modern. Because of limited budgets it has been necessary to retire large numbers of aging hulls in favor of a smaller but younger fleet of ships equipped with modern weapons.

There are two major areas of concern for the Navy of the future. We must maintain a fully capable and credible nuclear deterrent, and we must have a naval force capable of facing the new Soviet fleet in a conventional war at sea wherever vital U.S. interests might be threatened.

On the side of strategic nuclear deterrence, we have to look to the day when our Polaris/Poseidon submarine fleet runs out of useful service life. The earliest Polaris subs built in the 1950's will reach the end of their service life in the late 1970's, and the entire Polaris fleet will eventually require replacement through the 1980's as the later subs exceed their twenty year life span. Why twenty years? Because a Polaris submarine hull operating at ocean depths almost continuously for twenty years is subjected to stresses and operating conditions far beyond those experienced by surface ship hulls. The high demands for hull strength under heavy sea pressures and crew safety do not allow the greater margin for failures that can be tolerated in surface ships.

Aside from the hull-life aspects, we have to consider the state of Soviet anti-submarine technology at the time these Polaris subs need replacement. We have no sure way of knowing just how fast the Soviets are progressing in their ability to locate and attack submarines. Our calculations on this progress are estimates based on what they are putting in their anti-submarine ships now, and our best guesses as to what they have coming and where they are placing their emphasis in anti-submarine research and development work.

It takes about ten years from the beginning of a major advance in technology to putting actual equipment in the fleet—for both of us. Since we have very little precise knowledge about the work underway in Soviet research and development until finished hardware gets to their fleet, there is almost a ten-year time lag in our ability to react to any major technological breakthrough. We are left, therefore, with a very difficult prediction process in designing operating and survival capabilities into our new submarines—in an area where we can never afford to be second best.

Thus, the Trident system is a necessary technological advance to be sure we complicate the Soviet anti-submarine problem adequately to ensure this nation maintains a fully effective capability to react to a nuclear strike. At the same time we provide for the orderly replacement of our Polaris/Poseidon subs as they become overage.

Turning now to the problem of conventional war at sea, we are faced with the need to do much more with a lot less. In a world still far from stable, where the political and economic forces bring us in direct competition with the interests of other nations, there is no guarantee that all the influential players will limit their actions to honorable and peaceful measures. For the foreseeable future, ambitious nations will exercise some restraint in their pursuit of vital interests only when the penalties exceed the profits. Although such a world is not of our choosing, it will be tempered largely by the capabilities of the major nations to back up what they say or do.

To provide some added choices between nuclear response or submission, it will be of vital concern that we maintain the capacity for a range of actions appropriate to the size and nature of international problems, and that this capacity be visible, before the fact, so we are less apt to have to use it. In designing a Navy to safeguard our vital national interests we must not only have the capability to protect those interests, but that capability must be visible to others if we are to avoid being called out to prove it.

Thus, a leaner and more capable fleet that can live within the constraints of our national defense budget must have both the toughness and visible presence to discourage any potential troublemaker. With a Soviet fleet testing its deep sea legs on, under and above the oceans of the world, we must have the ability to meet them in each of these environments.

The high-low mix concept of U.S. naval forces was designed to fulfill these dual requirements of *real* and *visible* naval power. The high portion of this mix is to be made up of highly capable and more costly ships and aircraft that can project great striking power into an area where the full range of enemy threats (submarines, surface ships, aircraft and missiles) may be concentrated. These conditions dictate the carrier task force with the ability to move rapidly, strike with overpowering force and defend itself against enemy threat concentrations. The carrier, with its surface escorts and anti-submarine protection, is the only naval force in the world today that can bring this combination of striking power and survivable defense to bear in a high threat ocean area. Concerted Soviet reactions to the movements of our carrier forces are the best testimony of their high regard for the carrier's power.

At the low end of the mix are the less capable, lower cost naval ships needed in larger numbers to protect the sea lanes where the enemy threat is spread more thinly. These vital arteries of commerce in peacetime, and military support in wartime, carry the lifeblood of our nation. The economic vitality of the U.S. is dependent on the flow of energy and other raw materials to our shores, and finished products and food to the rest of the world. Ninety-nine percent of these materials must move in ships over the vast network of ocean trade routes. Largely beyond the range of effective shorebased attack or defense, these widespread shipping arteries necessarily thin out the naval forces of both friend and enemy requiring greater numbers of smaller escorts to provide protection. If the enemy ever were to concentrate major forces in a selected open ocean area, our high threat task force would then be required to move in quickly to destroy or disperse his units.

The very basic and essential task of escorting maritime shipping, where the enemy would find it difficult to concentrate his forces effectively, is the job of the new family of Navy ships—the Sea Control Ship (or mini-carrier), and the smaller destroyer escorts. With the capability to fend off submarines, surface raiders, aircraft and missiles in smaller numbers, this new generation of escort ship give reasonable assurance that the flow of seaborne materials will get through.

The final major segment of needed naval capabilities is the ability to project military forces ashore. While our recent Vietnam experience has made this prospect rather sensitive with many Americans, it would be a serious over-sight to ignore the important role it has played in many areas of the world over our history, and the importance it can have in the future. The proximate ability to put U.S. troops ashore in a troubled area has prevented many tense situations from developing into full blown hostilities in the past (e.g. Lebanon, Jordan, Dominican Republic and Suez crises). Modern 20-knot amphibious assault forces, to be augmented by the new LHA helo assault ships now under construction, are prime elements of this essential capability to exert persuasive U.S. presence and influence in distant trouble spots.

An important secondary role of these smaller but numerous amphibious and escort ships is to contribute to the worldwide visibility, or presence of U.S. seapower—the visible strength mentioned earlier. The Soviet Navy has shown a great awareness of the importance of naval presence around the world; a lesson we should heed and understand, and indeed one which we taught them.

As naval warfare has always been an arena where mobility—or rapid movement—is at a premium, the longer range future of our fleet will require greater speeds and faster reactions. The technology of hydrofoil and surface effects ships is here—only the applications require development. A significant part of the U.S. Navy research and development effort is being directed toward the refinement of hydrofoil and surface effects concepts and designs. It is entirely feasible that major warships of this century will be able to make ocean transits and fight at speeds above 80 miles per hour traveling on the cushion—or "surface effect"—of a bubble of air.

The U.S. Navy of the next decade and beyond is planned for world conditions that are not hypothetical—they are present and real. Both the capabilities and expressed intentions of the Soviets to extend their naval influence across the oceans of the world are present and real. Our political and economic dependence on the seas are also present and real. The question facing us is not *if* we must cope with these factors, but rather *how* we must cope with these factors!

The Trident submarine, nuclear carrier, carrier escorts, sea control and ocean escort shipbuilding programs are vital elements of the Navy's plan to cope with these factors, as the F-14 air superiority fighter was planned to give our carrier forces the ability to fight and survive in an area of high air missile threats.

THE GATEWAY CARGO CONFERENCE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. COHEN. Mr. Speaker, on June 19, 1973, the Civil Aeronautics Board issued an invitation to U.S. and foreign airlines to inaugurate international air cargo service on a "flag-stop" basis at Bangor, Maine. In order to hasten the day when Maine area shippers and industry will enjoy direct air cargo service to Europe and the Orient, the Gateway Cargo Conference was held recently in Bangor, Maine. The conference, under the sponsorship of Gov. Kenneth M. Curtis, promoted the magnificent Bangor International Airport as an international air cargo terminal. It was attended by representatives of airlines from all over the world. The featured speaker was the Honorable Robert T. Murphy, member of the Civil Aeronautics Board, who has long been a strong supporter of improved air service in the New England States, and whose expertise has been of great assistance to our State. I wish to place Mr. Murphy's remarks in the RECORD:

CITY OF BANGOR, MAINE—CERTIFICATE OF APPRECIATION

This certificate awarded to the Honorable Robert T. Murphy, member of the Civil Aeronautics Board, in recognition of and appreciation for his leadership and concern for the preservation and development of Bangor International Airport.

Recognizing that additional airport facilities are necessary on the East Coast, he has consistently with his national responsibilities as a member of the Civil Aeronautics Board, encouraged and advised the City in its efforts to bring Bangor International Airport into the main stream of the national air transportation program.

JOHN J. MOONEY,
Chairman of the Council.
MERLE F. GOFF,
City Manager.

REMARKS BY HON. ROBERT T. MURPHY, MEMBER, CIVIL AERONAUTICS BOARD, BANGOR INTERNATIONAL AIRPORT, GATEWAY CARGO CONFERENCE LUNCHEON, BANGOR, MAINE, SEPTEMBER 20, 1973

It is a true privilege to be here again among my friends in Maine on the occasion of this important Gateway Cargo Conference. I want you to know that it is not a sense of duty that compels my appearance before you today. Rather, I come willingly, prompted by a sense of pleasure at being invited by Governor Ken Curtis, to help in something in which I firmly believe. I believe in this airport and in you, the people who are making it go. In my view, Bangor International Airport is a national air transportation asset and anything we can do to properly enhance its utilization is truly a contribution to the national interest.

I have been up here several times in the past few years. As we meet today I cannot help but recall the pleasure of my participation in the dedication of your impressive and functional new terminal building in April 1972. Among those present and sharing in the ceremonies that happy day was the late Chester M. Wiggin of New Hampshire who was then the Federal Co-Chairman of the New England Regional Commission and who was destined later to become a Member of the Interstate Commerce Commission. It was Chet Wiggin who, more than any single individual in the Federal Government, was responsible for the appropriate grants of federal funds that made this terminal building a reality. His untimely and tragic death has deprived us of the potential benefits of his continued guidance and valued contribution to the solutions of New England's manifold transportation problems. I know that I speak for all of you when I say that so long as this airport continues to exist and prosper, his memory will ever remain green in this, his neighboring State of Maine.

Before saying any more, I want to congratulate you, Governor Curtis, and all the Maine officials present here, especially Peter D'Errico, the competent Manager of BIA and Merle Goff, your energetic and competent City Manager, for scheduling this event. It seems to me that this Gateway Cargo Conference was a stroke of promotional genius both in its timing and in its execution. I trust that it will succeed in focusing appropriate attention of transportation experts on the excellence of the product which you have to sell, namely, the superb facilities and unique location of Bangor International Airport. You have endeavored to bring together in one place many of the people and the companies most likely to benefit from the special advantages found here. Scheduling this conference is just another manifestation of the type of self-starting, aggressive and cooperative effort which you, Governor Curtis, Congressman Bill Cohen (your former Mayor), and the people in this part of Maine have exercised in promoting this airport from the day in 1968 when it was deactivated as an Air Force Base.

Since that time you have literally moved heaven and earth in your single-minded determination to exploit the facility not only for the benefit of the people of Bangor and the economy of Maine but also, in the final analysis, for the benefit of this nation's trade and commerce generally. No chronology of your effort is needed here but I recall the first visit of Governor Curtis to the Board which brought forth the study by our staff on the feasibility of establishing Bangor International Airport as an international gateway. As you know, that study concluded that the establishment of a flag-stop cargo service at Bangor would be a sensible beginning and could enable Maine area shippers and consignees to receive the first true North Atlantic cargo service. Subsequently, in March 1973, the whole Board and many of our staff heard the forceful plea by your Governor for Board action. In this endeavor he was joined by Mayor John Mooney, City Manager Merle Goff, Congressman Bill Cohen and representatives of both Senator Muskie and Senator Hathaway.

Following this effective presentation, at my urging and with the complete cooperation of my colleague, Chairman Bob Timm, Vice Chairman Whitney Gillilland and Member Joe Minetti, the Board issued a press release inviting U.S. and foreign airlines to apply to the Board for authority to operate flag-stop cargo service at Bangor. To facilitate and encourage such applications from foreign carriers, it was emphasized that no reciprocal rights would be required from foreign governments for U.S. airlines in exchange.

Seaboard World Airlines, to its everlasting credit, came forth on August 23 with the first application for cargo authority. That application was promptly supported by persuasive briefs filed on behalf of Bangor by your able Washington counsel, Cecil A. Beasley, Jr., and on behalf of the State of Maine by our former distinguished General Counsel, Joe Goldman. In that connection I am pleased to announce that today, in Washington, the Board has issued a formal order directing all interested persons to show cause why Seaboard should not be granted this authority. Pursuant to this expedited proceeding, therefore, and in the absence of any unforeseen impediment, this outstanding cargo carrier should soon be authorized by the Board to serve your city.

It is fitting that Seaboard World Airlines should be the first to request this special authority and it is in the interest of Bangor and the United States transportation industry alike that they have initiated this forward step. Seaboard enjoys an enviable reputation. It is our first and only scheduled all-cargo flag carrier on the North Atlantic and we at the Board know them as efficient, hard working specialists in the area of air cargo and freight operations. They carry the U.S. flag with pride and ability into every major cargo terminal in Europe. Their certificated routes extend to numerous cargo centers in the United States. Some time ago, as evidence of their commitment to aggressively develop air cargo, Seaboard chose to operate independently of the IATA rate conferences and with great courage has been able to maintain its position of pre-eminence on the North Atlantic with consequent benefits for shippers and users of its special services. If the cargo traffic is there, Seaboard will find it. You can count on that. Perhaps there will be others, both U.S. and foreign flag carriers, who will respond to the Board's initiative.

An important aspect of the Board's Press Release which I am not certain has been fully appreciated is that the offer of Bangor is not limited to all-cargo flights. Rather U.S. and foreign carriers will be permitted to operate combination aircraft (that is, aircraft carrying both passengers and cargo) into and out of Bangor for the purpose of enplaning or deplaning cargo (they could not of course originate or terminate passengers at Bangor). It is very possible, therefore, that a number of carriers may wish to take advantage of your excellent customs clearance procedures for passengers (available on a 24-hour a day basis) while they are loading or unloading cargo traffic at Bangor. The point I want to make is that not only the cargo carriers but also the far more numerous combination carriers can put down at Bangor for cargo. It is these carriers with their cavernous belly spaces ready for containers who carry a large share of the cargo moving by air. I expect that as time goes on Bangor will be able to tap this additional source of traffic.

I am convinced that reasonable traffic is available to support cargo operations at Bangor. It remains only to be developed. I truly believe that the accessibility of this new direct service, plus the resources at hand in the fields and factories and waters of Maine, plus the strong will of Maine's people, will generate new traffic opportunities for this deserving area.

Bangor has another significant advantage in attracting cargo which has received little attention. I refer to the potential rate advantage. It is possible that Bangor may in the future be able to offer the lowest rates of any point in the United States for cargo to and from Europe. Bangor is only 3,079 air miles from London. New York is 3,452 air miles or 12 percent further than Bangor. The IATA ratemaking system currently in effect does not fully recognize the advantage resulting from Bangor's favorable location. Under this system, I am informed by our staff that a 250 pound shipment moving from Bangor to London under the general commodity rates would cost the shipper $203.25. In our decision on February 6 of this year in the *IATA North Atlantic Cargo Rates Case,* the Board concluded that the present rate system unduly prefers New York and unduly prejudices certain other named gateway cities in the United States. In that case we directed the carriers to file tariffs with the Board which were based upon the operated mileage between U.S. gateway points and points in Europe computed at the New York-European point-to-point rate per mile. Under the principles of this decision, if applied to Bangor and if the mileage used is the actual nonstop mileage between Bangor and London of 3,079 miles (assuming Seaboard or some other carrier begins nonstop operations in the market) the rate for the same general commodity shipment of 250 pounds, I am informed, would drop from $203.25 to $165.80. This would compare with a rate of $185 for the same shipment from New York to London—giving Bangor a rate advantage of nearly $20 over New York. In addition, the application of the principles of this case to Bangor would make available to Bangor all specific commodity rates applicable to New York, but upon this same rate per-mile basis.

I cannot promise you that these rates will necessarily occur. The tariffs filed to implement our February decision have not yet been evaluated by the Board and as yet no nonstop cargo flights are in operation between Bangor and Europe. In my view, however, a rate differential such as I have described would reasonably reflect the superiority enjoyed by Bangor as a result of its fortunate location geographically closer to Europe than any other major U.S. point.

I want to tell you also about a recent development in our aviation negotiations with Canada that could be good news for Bangor International Airport. Some time ago representatives of the State of Maine and the City of Bangor, ever vigilant for new opportunities for the airport, came to the Board with the suggestion for a new air route between the Maritime Provinces of Canada via Montreal and Bangor. This was later expanded to include Portland. This was not an illogical proposal since a Canadian carrier serves between these Canadian points and regularly transits the air space over the State of Maine. We requested the State Department to put the idea before the Canadians pointing out that there was some Bangor-Canada air traffic which must now travel circuitously via Boston or by air taxi or surface modes. While it was thought that the volume of traffic would not warrant scheduled services by a U.S. carrier, it was believed that it might be sufficient to warrant a traffic stop by a Canadian carrier which is engaged in transporting cabotage traffic between its provinces while transiting the airways in close proximity to these two points in Maine. Thus, besides traffic between Montreal and Bangor and between the Maritime Provinces and Bangor, such a carrier could also transport internal Canadian traffic which has both its origin and destination in Canada. The State Department agreed with the Board's request and eventually so did the Canadians.

Accordingly, within the past few weeks, as a part of a much larger exchange of traffic rights between our two governments, this country granted the immediate right to designate a Canadian airline to serve Bangor on a Halifax-Bangor-Portland-Montreal route. If good fortune prevails, and with some promotion of the type you have displayed here, we may soon see the Canadian Maple Leaf of the empennage of aircraft flying in and out of Bangor International Airport on a regular basis. While I would be proud to claim credit for bringing this new service opportunity to Bangor, I must defer in this case to our team of able negotiators and the Canadian representatives who perceived the merits of the idea and acted promptly upon it.

In conclusion, let me say that the past few years have witnessed the achievement of notable milestones in aviation progress in Bangor. First, your new terminal building, a most modern and efficient building, is a reality; in due course the International Arrivals Building will likewise follow. Second, new service authority for flag-stop cargo service has been achieved and an outstanding U.S. carrier is ready to devote its efforts to developing it. Third, there are potential benefits of an advantageous competitive cargo rate flowing from the principles of the Board's decision in the *IATA North Atlantic Cargo Rates Case* and finally, there is the availability of a new route opportunity for a Canadian carrier to link Bangor with Montreal and Halifax.

That is a record in which you can take great pride. I am glad to have had the opportunity to be around long enough to be of some assistance in its formulation and realization. I know that as far as you are concerned, and I am sure that as far as the Civil Aeronautics Board is concerned, this represents nothing more than a solid beginning of new and greater horizons for air transportation in this part of the country. May success and good fortune continue to attend your ongoing efforts.

SPIRO T. AGNEW

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. RIEGLE. Mr. Speaker, today's Washington Star contains two editorials that are particularly thought provoking. I insert them for the interest of those who read the RECORD:

AGNEW: DAMNED LIES AND ENVELOPES

(By Smith Hempstone)

In the end, his name did indeed become a household word.

Spiro T. Agnew, who once helped his immigrant father peddle vegetables in the streets of Baltimore and rose to become the vice president of the United States, who had branded the charges "a pack of damned lies," ended up, after a sordid plea-bargaining session in a motel room, admitting to having cheated on his income taxes.

That lantern jaw, that distinguished grey hair, that erect carriage . . . and all those hundred-dollar bills in plain envelopes delivered by gently sweating contractors expecting just a bit of quid—a bridge here, a tunnel there—for all that greenbacked quo.

Of course, as he put it to the court, his acceptance of money "was part of a long-established pattern of political fund-raising" in Maryland. Everybody does it. Well, everybody does not do it and those who get caught doing it seldom get off as lightly as Agnew. They go to prison.

Sure, it is easy to say that he had not had the advantages of Elliot Richardson, the man who nailed his political hide to the wall. Agnew never got to the Milton Academy, let alone Harvard, and when Felix Frankfurter was looking for a law clerk, it was not Agnew he chose.

Agnew's name and church were wrong (his father shortened the first, Spiro changed the second). He went to all the wrong schools. As Richardson was leaving Frankfurter to join a prestigious Boston law firm, Agnew who had failed as a lawyer and insurance adjuster, was working in a supermarket.

Sure, Baltimore County politics are Byzantine and greasy-palmed and the name of the game is to get yours while you can. Sure, he had money problems—who doesn't?—but did his palm itch so furiously that he just had to scratch all the way into the vice president's office? While he was extolling all the old virtues, was it really necessary for him to indulge in the oldest of all political vices?

The blow is the more severe because, amidst the stench and ugliness of Watergate, Agnew at least appeared to be clean, if only because nobody in the administration ever told him anything about anything.

The public—or at least a considerable portion of it—loved Agnew in a way that it could never love his introverted President. While on occasion he could be unkind or unfair, more frequently he told it like it was, giving hell to people (including the press) who on occasion very much deserved just that. He was, to the Silent Majority which worshipped him, an alliterative hero who, like them, bounced tennis serves off his partner's head, watched football on television, worried about POWs. And still those plain brown envelopes kept piling up.

In private, Agnew was likable, thoughtful, articulate and far more moderate than in his public sallies. And you remembered that this was the man who in 1966, when it was not easy in a border state, supported open housing and fair employment practices and a heavy investment in the public school system. And all the time, regular as sin, those plain brown envelopes kept coming.

There are those among his supporters who claim that Agnew was hounded out of office by a hostile press, or that he fell victim to some nefarious White House plot. This is not true. No newspaper reporter urged him to cheat on his income tax. No White House aide suggested that there should be something off the top for the boys when contractors did business with the State of Maryland. He may not, as he claimed on television Monday night, have "initiated" the practice. But he participated in it, and those he described as "bribe-brokers" were for many years his closest associates.

Agnew, in short, was the sole author of his own venality. And so the dream becomes a nightmare, for him, for his family, for the supporters he let down. The shades are drawn at the big fieldstone house at the corner of Sunset and Shadow, a house that cost $190,000, which is a lot of "term papers," as the "bribe-brokers" called those plain brown envelopes stuffed with cash.

And the shades are drawn, too, on the career of Spiro Agnew, the Greek who did not beware of those who came bearing gifts. He is left with Frank Sinatra, a "Dear Ted" letter from the President and his freedom. Those who believed in him have less: their sorrow and a gut-knotting sense of betrayal.

MONEY PLAYER DROPS OUT

(By Frank Getlein)

An awful lot of the public comment on the former vice president's copping a plea and beating the rap last week left the listener with a curious feeling that the people making the comment were talking about someone else.

The words "tragedy" and "tragic" were bandied about rather freely, for instance. The only apparent grounds for this application of those noble words are that Spiro Agnew is of Greek descent and the Greeks invented tragedy as a form of dramatic literature.

The Agnew Story—which might well be made into a movie of that name by Frank Sinatra Enterprises, Inc.—is the story of a hopelessly venal local politician whose small-time shakedowns of government contractors eventually became known and drove him from a public office he never was remotely qualified to occupy.

Tragedy as invented by those other Greeks had to do with a great and good man brought to ruin by a tragic flaw in his character. Presumably even Sinatra would not seriously describe Agnew as a great and good man. Being on the take as a contract-letting politician is not a tragic flaw; it's just being a crook.

Even more baffling was the effort on the part of right-wing commentators to salvage the attacks on the press by which Agnew so rapidly and raffishly made his name a household word.

Of these right-wingers, the most extreme has been former Agnew speech-writer William Safire, of the once-hated New York Times, who so lost contact with the daily news as to describe Agnew—even now—as a man who "stood for principle." By that standard, Al Capone and Jimmy Walker stood for principle, too, the principle being the same in all three cases: Get it while the getting is good, it may not be there tomorrow.

Agnew was no more conservative than he was liberal. In fact, he was elected as a liberal to the governorship of Maryland and thus to both the boodle bonanza that has now brought him down and the launching pad to the vice presidency.

As between liberalism and conservatism, he made no choice at all. He went where the money was. On the record, if Joseph Stalin had shown up looking for a state contract, Joseph Stalin would have gotten the state contract, provided only that he reported to the governor's office—and later the vice president's—to drop off the requisite number of "papers," a "paper" in this special usage being one thousand smackers.

The issue of the press is particularly subject to revisionism following the fall of Agnew.

In spite of Safire's fond recollection, the Agnew message on the press never was very clear at the time he was making it. He rarely named names, which is what you do if you are serious about things. Still less did he cite chapter and verse, which is what you do if you hope to indict, as the Justice Department has recently reminded him.

Agnew could have said, this story, published in this newspaper on this date, falsely reported this news and unjustifiably drew these false inferences from its false report.

Right up to the day of his fall, he never did that. He merely wandered on about the nattering nabobs of negativism and the hopeless, hysterical hypochondriacs of history, phrases of which Safire seems proud, for some reason, as their coauthor.

No one even mildly familiar with the American press and American television would maintain for a moment that they are without fault. Indeed, both press and television stand high on the list of American institutions in need of critical examination—though perhaps not quite as high, one may venture to suggest, as the system by which vice presidents are chosen, the system by which state contracts are awarded, and the system by which presidential campaigns for re-election are financed. Since there never was any substance to Agnew's campaign against the press, never any chapter and verse, the message of that campaign does not survive the exposure of its author as a crook.

On the contrary, in view of the total lack of substance, the resolute refusal of Agnew ever to say specifically what he was talking about in the press, the reasonable assumption has to be that he really was talking about his own constant fear that the press might at any moment find out and print what he had been up to in Maryland contract-letting and his consequent prudent determination to discredit that testimony in advance.

THE SALE OF WHEAT TO THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks, I include the following Washington Report to my constituents:

THE SALE OF WHEAT TO THE SOVIET UNION

Last year's sale of one quarter of the U.S. wheat crop to the Soviet Union was widely hailed as a trading and diplomatic achievement. It was to be a bonanza for the hard-pressed American farmer, a boost for the nation's sagging balance of payments, and a giant step toward improving Soviet-American relations.

The perspective of several months has changed that rosy assessment. The wheat sale may have been a boon for half a dozen U.S. grain dealers and the Soviets, but it was not much of a deal for the U.S. taxpayer or the farmer. Even Secretary of Treasury George Schultz, the President's top economic advisor, has acknowledged that the U.S. was "burned" in the sale.

The large sale of wheat to the Russians caused a dramatic rise in the price of wheat, cost the U.S. government over $300 million in subsidies, tied up transportation facilities, left the U.S. with a tight supply of wheat, and drove up prices for bread, meat, poultry and dairy products. The sale did have some beneficial impact on the balance of trade, farm income, and relations with the Soviet Union.

Nonetheless, the Agriculture Department badly mismanaged the sale, converting a potentially good deal into a bad one. Officials ignored early signs that the Soviets would have to purchase massive amounts of U.S. grain. They failed to monitor the purchases of grain by the Soviets from several U.S. grain companies. They failed to move quickly to stop U.S. export subsidies for the grain companies. And, even when the size of the purchase became known, they failed to put more U.S. farm land into production to increase supplies.

The Congress is now trying to determine how a Soviet team of trade experts could buy up 11 million tons of the U.S. wheat crop from several grain companies without the Department of Agriculture, or anyone else, knowing what they were doing, or what impact the sale would have on the cost and supply of the nation's food.

Several conclusions are already apparent:

1. Department of Agriculture officials knew, or should have known, of the amount of grain being sold.

2. The $300 million subsidy was not necessary to promote the sale because the U.S. was the only source of supply for the Soviet Union.

3. The Russians bought the wheat for an unreasonably low price in view of world conditions, and the probability is that they would have paid a lot more for it.

4. Farmers were not provided timely information, available to others, to help them make market decisions and the denial was costly to them.

5. Consumers have paid higher prices because of the sale.

The question now is what can be done to prevent similar mistakes in the future. The wheat export subsidy program must be comprehensively evaluated, revised and monitored to prohibit excess profits and to assure reasonable subsidy levels. Procedures must be developed for transactions involving huge purchases by other countries. The Congress has recently enacted a law to require grain exporters to file weekly reports of their sales. Farmers must be given accurate and timely information, with appropriate interpretations, to help them with marketing decisions. And, the advantage of agricultural exports must be weighed against their impact on the price and supply of the commodity at home.

At a time of major change in U.S. trade patterns and high prices and limited supplies of food, the wheat sale has made many Americans skeptical toward exports of American agricultural products. In my view, the unfavorable experience of the Soviet wheat sale should not turn us away from foreign trade, but only make us more wary. Trade in agricultural products is a bright spot in the U.S. economy, and, if properly managed, can help us combat inflation, increase jobs, encourage the best use of resources, and promote a peaceful and prosperous world.

THE NEED TO RETURN TO A FREE ENTERPRISE ECONOMY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ARCHER. Mr. Speaker, it is becoming more obvious every day that economic controls have been a failure. These controls have shackled our economy and have distorted the operation of our marketplace. We need to get back to a supply and demand economy. I was pleased to join as a cosponsor of a bill to repeal the Economic Stabilization Act of 1970. This repeal would be an important step in returning to a free enterprise economy.

I would like to enter into the CONGRESSIONAL RECORD an article entitled "Down With National Priorities" by Arthur S. Mode which appeared in the September 1973, issue of The Freeman. It states the important lesson of a free enterprise economy based on individual choice over that of a government controlled economy.

The article follows:

DOWN WITH NATIONAL PRIORITIES

(By Arthur S. Mode)

There is a great deal of talk about "reordering our national priorities," and insistence that the public must speak up and be heard. Seldom identified is the fact that the concept of "national priorities" refers to objects of *government* spending. Seldom noted is the fact that consumers, acting privately in a free market place, always have had a choice of priorities. Whenever a person chooses product A over product B, he is ordering his priorities. Only busybodies try to tell their friends what the latter's priorities—tastes, values, preferences—should be. Therefore, the whole notion of setting "national priorities" reduces us, in effect, to a nation of busybodies.

The concept of "national priorities" implies that a choice exists between governmental functions of *unequal* importance. When government is restricted to its proper functions—the police function, the judicial function, and providing for the defense of the country—there can be no question of "priorities." Each of these functions is equally necessary if the preservation of individual rights is to be more than a slogan. The army, the police, and the courts are all equally indispensable for such protection. To ask citizens to compare in importance these three functions with other government activities—for example, the police function versus the development of a mass transit system—is to miss the difference between the essential and the nonessential, between jobs that *must* be done by government to carry out its purpose and jobs that could just as well be done by private enterprise, with no loss of individual rights (with a gain in fact).

Note that the need for police, judicial, and military services is, by the nature of the adversary, limited. But when the government is funding a whole raft of economic, social, educative, and health programs, where the goals are always, by their nature, unlimited and nebulous (for example, "a decent life for every American"), there can never be enough resources available to fund all of them as much as their backers would like, so some have to be funded less than others. But by what standard should the "mores" be selected? Answer: there can be no reasonable standard for selecting one over the other, because there is no common denominator by which to measure the relative values of such diverse endeavors as, say, cancer research and the Tennessee Valley Authority. So, arbitrary standards must be used.

One way of picking priorities is to have an autocratic leader, but Americans have traditionally shunned overt totalitarians. A variation of autocracy is unlimited majority rule—democracy—with dictatorial powers wielded by "the 51 per cent" rather than by the individual leader. Again, Americans traditionally have had too much respect for the rights of the minority to permit unlimited majority rule. Another way of selecting is by continual tests of strength between vying special interest groups. This is what we have now. Less politely, we have gang warfare between different groups, each with a vested interest in government funds. Medical researchers lament when "their" funds are threatened. Welfare rights groups lament any diminution of "their" funds. And so it goes. Of course, they do more than lament: they issue frightening forecasts, demonstrate, occupy buildings, start legal suits, and the like. In time, the politically strongest groups get their desires met first. This necessarily leaves many other groups (or nonorganized individuals) with their desires for public funds unmet. Therefore, the initial idea of giving the entire public a voice in setting "national priorities" is doomed to defeat. Some voices will be heeded, others will not. This is inevitable under our present system.

Therefore, I say: down with "national priorities"; up with individual priorities! In the free and competitive market place, *all* voices can be heard. Each citizen arranges his own preferences, but not his neighbor's. No one has his choices overridden by stronger political pressure groups. For instance, a worker who wants to buy an automobile doesn't have to cancel his order because the mass transit lobby convinced legislators to make mass transit a "national priority," resulting in higher taxes that left the worker with insufficient funds to buy the car.

In that case, the government can devote itself wholly to its three essential functions. It can serve simply as an umbrella, protecting us from the reign of force and fraud, as each of us pursues his own brand of happiness.

FULL FINANCIAL DISCLOSURE FOR ALL FEDERALLY ELECTED OFFICIALS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. WALDIE. Mr. Speaker, it does not take a great deal of imagination to understand the position in which the Nation's elected officials and political leaders find themselves today. All of us—from the President, to Members of the Congress, and even to the mayor of the smallest American town—are under a deep and dark cloud of suspicion because of the seemingly unending series of events beginning with the Watergate break-in. Simply put, Mr. Speaker, the American people do not trust us any more.

This is not surprising. Have we forgotten the results of a poll conducted a few years ago which showed that out of 20 major professions and occupations, the only group trusted by the American people less than politicians was used car salesmen. Recently, the same poll was taken again, and the results are not too difficult to understand. Politicians now are trusted the least. We are 20th in the poll.

Regardless of whether or not the public's lack of confidence and trust in us is unwarranted, the fact is that it is there. It goes without saying, therefore, that we have a long road back to regain this lost trust and respect. So I am introducing legislation today which I believe will start us on this tortuous but necessary trip. The bill is designed to promote new and desperately needed trust in the office of the President, that of the Vice President and in the Congress.

Essentially, the bill would require Members of the Congress, the President, the Vice President, and candidates for these offices to make an annual public disclosure of their personal Federal income tax returns for the preceding 3 years. This would be required by the end of April, well before any election. In addition these officeholders and candidates for office would be required to file a sworn statement outlining all other income they received, including the source, nature, and amount of such income. They would also be required to file an annual statement describing the value of all their tangible real and personal property, the amount and source of their outstanding loans, and the extent of their participation in any business venture.

Mr. Speaker, it has always been my view that one of the primary reasons we now find ourselves so deeply distrusted by the people is the influence large campaign contributors have on elections and on elected officials themselves. My bill would seek to lessen this influence. I feel we must insist on the type of disclosure required under this bill if we are to regain the public's trust and confidence. Voters are entitled to know not only who finances the campaign but from whom the candidate receives income and to whom the candidate owes money.

I realize that these requirements are a major and disconcerting intrusion on the privacy of candidates and elected officials. But elected officials do the business of the public. They are public people and if the burdens and obligations of public office are too burdensome and irritating, they should remain private citizens and not seek or hold public office.

Earlier I mentioned that as Members of the Congress and as part of the political community in general, we have a great deal to do and a great distance to travel in rebuilding America's confidence in us. The bill I am introducing today will not do this by itself. But it is a beginning and I hope that the several States will also enact similar legislation in an effort to build the credibility of elected officials and the political process at the local level.

Mr. Speaker, I firmly believe that it is up to the Congress to establish leadership in the area of campaign and political reform. I believe it up to the Congress to lead us back. I believe that in enacting this bill, the Congress will be taking the necessary first step in what promises to be a journey of a thousand miles.

Mr. Speaker, the full text of the bill follows:

H.R. 11001

A bill to promote public confidence in the integrity of Congress by providing for public disclosure of Federal income tax returns by the President and Vice President and Members of Congress and candidates for each such office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elective Officeholders Disclosure of Income and Assets Act".

SEC. 2. (a) Each Member of Congress who reports his income to the Federal Government for income tax purposes on a calendar year basis shall file with the Secretary of the Senate of the United States or the Clerk of the House of Representatives of the United States, as the case may be, by the 30th day of April of each year, a certified copy of his Federal income tax return for the preceding three calendar years. If he does not report his income to the Federal Government for income tax purposes on a calendar year basis, but rather on the basis of a different taxable year he shall file said certified copy of his Federal income tax return with said officials within fifteen days of the time he files said return with the Internal Revenue Service. Each candidate for Congress of the United States shall file his Federal income tax return for the preceding three years with the same official of the appropriate House within 15 days of his qualifying as a candidate for such office.

(b) Each President and Vice President of the United States who reports his income to the Federal Government for income tax purposes on a calendar year basis shall file with the Secretary of the Treasury by the 30th day of April of each year, a certified copy of his Federal income tax return for the preceding three calendar years. If the President or Vice President does not report his income to the Federal Government for income tax purposes on a calendar year basis, but rather on the basis of a different taxable year, he shall file such certified copy of his Federal income tax return with the Secretary of the Treasury within fifteen days of the time he files such return with the Internal Revenue Service. Each candidate for the office of President and Vice President shall file his Federal income tax return for the preceding three years with the Secretary of the Treasury within fifteen days of his qualifying as a candidate for such office.

SEC. 3. If any such Member of Congress or the President or Vice President has received any additional income from any source during said calendar year or other taxable year which is not reported on said Federal income tax return, he shall file a separate sworn statement of such additional income at the same time and in the same manner as he files the certified copy of his income tax return provided for in section 2. Such separate sworn statement shall identify the source, nature, and amount of such additional income received, listing each source and the amount received from such source separately.

SEC. 4. (a) (1) Each Member of Congress shall file with the Secretary of the Senate or the Clerk of the House of Representatives of the United States, as the case may be, by the sixtieth day beginning after the date of enactment of this Act and at one year intervals thereafter, a statement containing the information described in subsection (b). Each candidate for Congress shall file the same information with the same official of the appropriate House within fifteen days of his qualifying as a candidate for such office.

(2) Each President and Vice President of the United States shall file, by the sixtieth day beginning after the date of enactment

of this Act and at one year intervals thereafter, a statement containing the information described in subsection (b). Each candidate for the office of President and Vice President shall file the same information with the Secretary of the Treasury within fifteen days of his qualifying as a candidate for such office.

(b) Each individual referred to in subsection (a) shall include the following information in any statement filed under such subsection:

(1) the value of his home or homes;

(2) the value of any other real property of his;

(3) the value of any motor vehicle of his

(4) the value of any life insurance policy he holds and the name of the insurer;

(5) the amount of money he has invested in any retirement fund and an identification of the fund;

(6) the amount of money he holds in any account or deposit with any bank, mutual savings bank, savings and loan company, or credit union, or any other financial institution; and the name of any such institution;

(7) the current market value of any stocks and bonds he holds and the name of the company issuing any such stocks and bonds, and the name of the broker from whom they were purchased;

(8) the current market value of any funds invested in any regulated investment company, and the name of the company;

(9) participation of any kind by him in any regulated investment company, business partnership, real estate investment trust, or other company;

(10) the amount and terms of any loans he has outstanding;

(11) any other miscellaneous tangible property owned by him;

(12) and any other financial information about him which the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, or the Secretary of the Treasury, as the case may be, considers necessary in order to carry out this Act.

(c) The Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the Secretary of the Treasury may promulgate rules in order to carry out this Act.

SEC. 5. The Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the Secretary of the Treasury shall—

(a) maintain documents filed under sections 2 and 4 in such manner that they shall be available for public inspection and copying during regular business hours; and

(b) preserve such documents for public inspection during the term or terms of office and during the period of his candidacy, for such office, of the individual filing the same and for two years thereafter.

SEC. 6. Whoever knowingly and willfully violates any of the provisions of section 2, 3, or 4 of this Act shall be fined not more than $1,000 or imprisoned not more than one year, or both.

DANGERS FACE CHILDREN ON HALLOWEEN NIGHT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. SYMINGTON. Mr. Speaker, 2 weeks from tonight on Halloween, millions of children across America will venture forth for the traditional tricks and treats. Unfortunately, a number of these children will be injured in accidents that could possibly be avoided. The Consumer Product Safety Commission has just issued some very sound advice to parents as to precautions that can be taken to protect their children.

I intend to send the Commission's warnings to the media in my district so that my constituents can be alerted to the possible dangers awaiting their children. I would also like to share them with my colleagues at this point by inserting them in the RECORD.

CONSUMER PRODUCT SAFETY COMMISSION ADVISES PARENTS TO TAKE CARE ON HALLOWEEN

WASHINGTON, D.C. (October 19).—Little goblins and witches, pirates and princesses may be interested only in Halloween tricks and treats, but the Consumer Product Safety Commission urges parents to follow special precautions to insure a safe Halloween.

Costumes are a major concern. Whether purchased or made at home, they should be fire resistant. In stores, look for "Flameproof" labels on costumes, masks, beards and wigs. If making a costume, avoid flimsy materials and outfits with big, baggy sleeves or billowing skirts.

Costumes should be short enough so that children won't trip on them. Also, they should be light or bright enough to make them clearly visible to motorists on dimly lighted residential streets. Even witches can wear reflective tape sewn onto their gowns or carry flashlights.

Masks or other disguises should not restrict vision or breathing. Plastic bags over faces can cause suffocation. A natural mask of cosmetics or charcoal applied directly to the skin is usually safest.

Halloween wouldn't be right without pumpkins, but don't set a candle-lighted pumpkin on a doorstep where children's costumes might brush against it. Indoors, be sure it is not near curtains or other furnishings that could burn.

Children should never be allowed to carry candles or any other open flame, even if it is inside a pumpkin.

The Commission also advises parents to follow these safety guidelines:

Young children out trick-or-treating should always be accompanied by a responsible older person and should be kept in constant sight;

Tell youngsters to avoid running across lawns or backyards because they can trip over lawn ornaments or run into clotheslines that are almost invisible in the dark;

Remind children of everyday safety rules, such as not dashing out between parked cars;

Children should not eat any of the treats they collect until they have been carefully examined by an adult. Pins, razor blades, slivers of glass, drugs, and poison have been found in treats passed out by real life ghouls.

Finally, if you are driving on Halloween, take special care. Watch out for trick-or-treaters who will be too busy to watch out for you.

The Consumer Product Safety Commission is an independent Federal regulatory agency created by Congress to reduce unreasonable risks of injury associated with consumer products.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. GUNTER. Mr. Speaker, in my remarks before the House on January 29 of this year, I strongly urged the passage of H.R. 2107, a bill to reinstate the rural environmental assistance program. As you know, this program had been arbitrarily terminated by the administration late last December.

Now, both the House and Senate have funded a new rural environmental assistance program for 1974 as part of the agriculture, environmental and consumer protection appropriations. I have reason to believe the Secretary of Agriculture is fully prepared to field a REAP program for 1974. But the question is, what kind of program will it be? Under the current administration, various restrictions initiated by the Agriculture Department have seriously hindered the implementation of the program as Congress intended. Much of the local county ASCS committees' authority has been eroded by dictums from Washington. Mr. Speaker, it is time to let this program do its work by untying the hands of the local farmer-elected committeemen and county ASCS officials. The conferees report on H.R. 8619 clearly states that the county committees are to maintain the authority to determine local practices under REAP and that they should not be dismissed "arbitrarily" in the due course of discharging their duties. In this regard, I have sent a letter to the Secretary of Agriculture urging that the intent of this Congress be carried out. I would like permission to include the text of that letter in the RECORD at this time.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The present Administration has firmly committed itself to the job of cleaning up our nation's environment. Great progress is being made. There is, of course, much more to be done. The Rural Environmental Assistance Program (REAP) represents a truly economical and time-tested conservation program. I know of no other program in which the tax payers' dollar is better spent to clean up the environment since it is the only pollution abatement program in which the federal dollar is matched at a 50–50, or higher, ratio by participating farmers.

REAP can significantly reduce the problems of deteriorating water quality at the major source—our agricultural areas. We all know that soil is the greatest single pollutant of our nation's waters. According to USDA estimates, we lose some 4 billion tons of soil each year to the waterways. This cannot continue. Proven practices in REAP can curb these losses but only if the farmers have the authority and the adequate funds to do the job.

There is no one better qualified to clean up the rural environment than the farmer. He was an ecologist even before the word became popular. The farmer is close to the soil and the water and can recognize the measures that are needed to conserve them. Elected farmers at the county level serve as the local administrators for REAP. They determine the needs for various environmental controls in the local areas.

In support of this system, the House and Senate Conference Report of H.R. 8619, The Agriculture, Environmental and Consumer Protection Appropriations, again reiterated Congress' intent that practices carried out under REAP should be decided at the local level and without undue pressure from other governmental agencies. The following language from the Conference Report is included as reference: "County ASCS committees shall retain the authority to select and approve cost sharing practices, including the application of minerals or other materials where such committees find such practices essential to land development or preservation. The Conferees direct that state and county ASCS committeemen should not be arbitrarily dismissed."

Mr. Secretary, we are only stewards of the land keeping it in trust for future generations. I urge you to do everything in your power to make the full amount of appropriated REAP funds available to the county committees as soon as possible so that they can get on with the business of conserving our soil and cleaning up our environment as necessary in each county throughout the country.

Respectfully yours,
BILL GUNTER,
Member of Congress.

RARICK REPORTS TO HIS PEOPLE: PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS AND THE POLITICAL DOCTORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. RARICK. Mr. Speaker, the Federal Government has been playing an increasing role in health care for Americans in recent years. This has at least in part contributed to the sharp rise in medical costs. Today, we will look at yet another Federal program that seriously endangers the traditional doctor-patient relationship, and one which will undoubtedly help drive the cost of medical treatment even higher.

Beginning the first day of January 1974, a new Federal bureaucracy dealing with medical care will begin operation. The program that these new health, education, and welfare employees will administer was enacted into law on the last day of the 92d Congress last October. The law, a part of the Social Security Act, establishes a network of Professional Standards Review Organizations which were originally sold to Congress on the idea that they would save the taxpayers money by having a Federal agency check on doctors to make sure that they do not charge too much for the medical services they give to patients under medicare or medicaid. This also includes patients whose medical bills are paid by social security funds. This covers millions of patients and gives PSRO control over a high percentage of all doctors.

By setting up the criteria by which doctors could bill the Government for medical services to poor and old people, Congress was told, PSRO would save the taxpayers money. I have never seen a Federal program ever undertaken that actually saved the taxpayers money. Any money that is saved by the various programs, especially those of the Department of Health, Education, and Welfare, goes to pay the salaries of Federal bureaucrats to administer the programs. Since the Government got into medical health care delivery with medicare and medicaid and other Federal health programs, the costs of medical care have skyrocketed. These costs may not have been paid directly by the patients receiving the treatment, but the taxpayer has picked up the tab in higher taxes. The private patient pays a double tax—once in taxes and once in higher medical costs.

This year alone, federally funded medical programs will cost the U.S. taxpayer more than $24 billion. By 1975, the PSRO program will cost you and me, and all the millions of other taxpayers, an additional $66 million a year. Unfortunately, none of these millions of dollars go toward making more and better health care available to the people. The sole purpose of this vast new Federal spending program is to fund the operations of the new bureaucracy established by PSRO.

These funds are to be used to ration and restrict the amount of health care you and your family can receive.

Let us look at some of the restrictions this new law places upon health care delivery by doctors.

PSRO inspectors are supposed to keep doctors from prescribing medical care and services which the Government agents consider medically unnecessary. In the past, the doctor in charge of the case has always decided what medicines, in what amounts would be given his patient. It was the doctor who decided, based on his years of training and experience, whether a patient would need to go to the hospital for treatment. The doctor decided whether his patient required surgery or some other form of treatment in order to correct his ailment. And, of course, the doctor should be the one to make final decisions affecting the health of the patients in his care, because he alone knows the full confidential medical history of the patient he is treating.

Under the proposed PSRO regulations going into effect in January, all this is changed.

The PSRO examiner—who may not be a medical doctor—can second-guess a doctor's profesional judgment in a case. The doctor can be penalized for making what the examiner considers to be an unnecessary treatment decision by denying him payment for the services rendered. PSRO bureaucrats can actually overrule a doctor's decision—ordering him not to perform an operation he feels is necesary, to change the medicines he has prescribed, or to hospitalize or not hospitalize a patient, in fact, to even change doctors. These are broad and sweeping new powers that the Government has never had in the past, and should never have.

Doctors will be forced to practice medicine under regulations established by the Secretary of Health, Education, and Welfare. In order to see that the—quote—"appropriate professional standards" are followed by the doctors, the Secretary of Health, Education, and Welfare will establish the rules and regulations to determine what procedures are suitable. Once these "norms" are established for all medical treatment, then fixed rates to be charged for the treatment will follow. It is rather evident that the whole idea would be unenforceable under today's system of protecting the privacy of medical records. Without complete access to your medical records, a PSRO inspector could not determine if your doctor had performed unnecessary medical treatment. So, under the new law, a PSRO examiner is authorized to inspect your traditionally privileged and confidential medical records.

The principle of private and confidential medical records will be totally destroyed. Your doctor will be forced to reveal these records to the inspectors. If he is to be paid for the services he performs, then he will have to abide by the guidelines set by HEW. In effect, your doctor will be working for the Government, not necessarily for the best interest of you, the patient. Medical doctors will become essentially political doctors.

If you do not receive medical care under some form of governmental assistance, your medical records can still be invaded for inspection by the PSRO. The Secretary of Health, Education, and Welfare must secure medical information from existing records in order to establish the "norms." This simply means that the medical records of every individual in the United States must be made available to the Government. At the present time, your rights of privacy are protected by law and established tradition. If the new law goes into effect, the PSRO examiner can search through a doctor's files and records without needing a search warrant, court order, or other authority to make such a search.

It suggests computerizing the names of patients receiving treatment under Federal health programs, in order to catalog their ailments and prescribed treatment so that HEW officials in Washington would have a convenient, permanent reference for future followup. The social experimentation of the HEW crowd would be greatly facilitated by such records.

The overall result can only be a destruction of the time honored patient-doctor relationship. Our physicians will be forced into working for the bureaucrats at HEW, rather than for the full health benefit of their patients. So another field of our daily lives is threatened with Federal control.

We should not think that once your records are computerized by HEW that they will still have the same privacy of protection that your doctor now gives them. The new law clearly tells us otherwise. Disclosures can be made in accordance with regulations established by the Secretary. We read in section 1106 of the Social Security Act at paragraph B:

> Requests for information, disclosure of which is authorized by regulations prescribed pursuant to sub-section (a) of this section and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his function under this act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amounts.

The law has already made provisions for disclosures of the information to agencies, organizations, and individuals as long as they agree to pay for the information. It is highly possible that any citizen could have some fact in his or her medical history that they would not want to become a matter of public record. Few Americans knowingly like to serve as guinea pigs.

Treating medical disorders by a HEW

regulation book, rather than by a medical textbook, is in itself a dangerous situation. It is impossible to establish "norms" for equal medical treatment that will be applicable to all individuals. This is a system that will force physicians to practice medicine by the law of averages. It will force doctors to practice in a climate of fear. Rather than prescribing tests, diagnosis, and treatment they feel necessary on individual patients as exceptions to the general rule they will be forced to follow HEW guidelines and conform to estabilshed "norms."

PSRO establishes a virtual bureaucratic dictatorship over the medical profession. It not only denies the individual citizen the right to select his own private physician, it infringes if not prohibits the medical professionals from practicing medicine in accordance with their training and experience.

I am so concerned about the effects of PSRO on both doctors and patients alike, that I have introduced my bill, H.R. 9375. This bill actually provides for the repeal of the PSRO provisions in the social security law. Big government has already gotten too far into the field of medicine.

Once PSRO starts operating, it will be beyond the control of the people it victimized, as well as the Congress that created it. It must be stopped now, before it is too late to undo the damage it will cause.

When I go to the doctor, I want him to treat me without some HEW politician looking over his shoulder. Do you not?

GARDNER, MASS., AND THE NORTHEAST RAIL CRISIS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. DRINAN. Mr. Speaker, on a number of previous occasions I have addressed the House of Representatives on the critical importance of legislative measures to restructure the six bankrupt Northeast railroads. The need for congressional action grows more urgent, as on October 12 the bankruptcy judge in the railroad proceedings, Judge Fullam, stated that by the end of this month he would reach a decision on proposals to liquidate Penn Central and terminate its service.

It is quite possible that the judge may decide to allow Penn Central to continue operations for a short while, but Members of Congress should not mistake such a decision as being a solution to the deep-seated problems that afflict the ailing railroads. Without substantial congressional action in the very near future there will be little recourse for the bankrupt railroads other than to terminate service. The result will be economic havoc, from which no part of the country will escape.

The House Interstate and Foreign Commerce Committee is now working its way through H.R. 9142, the rail legislation authored by my distinguished colleagues, DICK SHOUP and BROCK ADAMS. I am hopeful that the committee will complete its deliberations on this bill within the very near future so that the full House will have an opportunity to endorse it before the middle of November.

I have spoken before on the pervasive economic impact of termination of rail service. On this occasion I would like to demonstrate another example of the importance of rail service to the New England communities, and by extension to the rest of the Nation.

I have recently received the results of a study on rail service conducted by the Chamber of Commerce in Gardner, Mass. I wish to commend the Gardner Chamber of Commerce, its executive vice president, Nick Rudziak, and the many other individuals and firms who participated in the preparation of this significant study.

Of the 30 firms in the Gardner area which responded to the study, 27 use rail service, principally from the bankrupt Boston & Maine Railroad, and also from Penn Central. Only four of the firms use piggy-back service, although the study indicates a higher potential usage if facilities were more readily available. Figures obtained by the study show that the 27 firms using rail service utilize about 3,060 inbound and 3,340 outbound freight cars annually, for a total annual freight car traffic of more than 6,440. Sixteen of the firms have total freight usage of 50 cars a year or more, eight firms use over 200 cars a year, and seven firms use more than 400 cars a year.

Eighty-five percent of the firms using rail service must use it for over one-quarter of their annual freight volume. Nineteen firms depend exclusively on rail service for moving more than half their volume, and seven firms require rail service for 90 percent or more of their freight, according to the study.

The study suggests that termination of rail service would result in a loss of at least 1,722 jobs among the firms responding, possibly many more. Eight firms stated that cessation of rail service would probably cause them to shut down or relocate. Gardner, Mass., can hardly afford an economic disaster of the proportions that would be caused by rail shutdown. One company wrote in response to the survey:

> Gardner would become a ghost town without freight service. We are constantly being wooed by other areas offering freight service plus sidings. What a he-- of a situation here in central Massachusetts.

Significantly, 63 percent of the firms stated that they expected increases in rail freight volume of 10 percent or more within the next 5 years. Eleven firms anticipated growth in rail freight volume of 25 percent or more, and eight firms expected their freight volume to jump by more than 50 percent.

But many of these same firms criticized the poor service offered by the bankrupt railroads. Twelve firms specifically singled out poor service, and more than one firm had dropped rail service entirely as a result of service problems. This survey demonstrates that freight service needs substantial improvement.

But it is not possible to expect the bankrupt railroads to make these necessary improvements on their own. They simply do not have the necessary resources. But this study shows that there is cause for hope that a restructured rail system can be economically viable. But successful Northeast railroads will depend on an infusion of at least $600 million over the next few years so as to improve facilities and better service. This $600 million will not be secured without Government guarantees of the sort included in H.R. 9142.

Continued and improved rail service is vital to our Nation. The example of Gardner, Mass., is one that is doubtless duplicated in other cities and towns across the Nation. Can we afford to make a "ghost town" out of the hundreds and hundreds of communities that, like Gardner, depend on rail service for their economic health? We cannot. We must enact comprehensive legislation to breathe a new life into the troubled Northeast railroads. We must enact H.R. 9142.

PROPOSALS FOR CHANGE IN INCOME AND TAX-SHELTER INVESTMENTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FASCELL. Mr. Speaker, the dialogue for tax reform in this country continues unabated. And well it should, because there is little doubt that tax reform is a continuing necessity.

But as the country struggles for a solution, perspective and a full airing of views is essential. In a pragmatic, no-nonsense manner Edward S. Abbott, young and eminently successful president of Western Pacific Corp., of San Francisco, deals with reforms which may affect income and tax-shelter real estates investments. He is eminently qualified since he knows the business intimately; has had Capitol Hill experience; has dealt with corporate mergers and acquisitions; is a lawyer; and has also received his masters degree in business from Stanford University Graduate School of Business. I am sure our colleagues will be interested in his views.

THE LIMITATION ON ARTIFICIAL ACCOUNTING LOSSES: ITS ECONOMIC IMPACT ON REAL ESTATE CONSTRUCTION

On April 30th of this year Secretary of the Treasury George Shultz came before the House Ways and Means Committee and presented the Administration's Proposals for Tax Change. Although these are only proposals which, of course, will be amended and rewritten during the legislative process, shouts of protest were heard from the many quarters where such legislation would have a negative impact.

The proposals were made in three categories: Minimum Tax, Limitation of Artificial Accounting Losses, and Tax Simplifications. This article will concentrate its analysis on the Limitation of Artificial Accounting Losses (LAL) provision and the economic impact of such a provision upon the construction market should it be enacted. Neither the minimum tax provision nor the tax simplification ideas will be dealt with here.

The initial departure point for the analysis of any section or proposed section of the tax law is the realization that tax law, like all legislation, is a child of its time and place. Usually there are very sound political and economic reasons for the passage of a law, should one look beneath the surface. The second realization that one must take note of is that the trend in our society, and therefore in the law, has been to move away from so-called property rights and privileges toward equality and fairness.

Discussions about the meaning of the words "equality" and "fairness" go on endlessly. Such an exercise by us would be academic, since the legislature and judiciary are continually in the process of redefining these terms. It is enough to say that in the civil rights movement, in the trend toward corporate democracy, and in the neo-populist stance of many politicians (who merely try to reflect what they believe to be their constituents' attitudes), fairness and equality are the watchwords. This general trend has acted as a backdrop for the denunciation of tax privilege every election year. Not intending to be cynical, it is understandable that politicians find it easy in such a milieu to lambaste the few rich individuals who have been given tax privilege as a product of other times and places . . . especially so, since siding with the working man who has no tax privilege and is bearing his full tax burden (while the rich pay few taxes or none at all) can result in more votes. This reality causes concern, consternation and the resulting statements each election year denouncing those 200 millionaires who are said to have paid no income taxes.

What all this indicates is that the tax proposals of April 30, 1973 were also a product of their time and place. More specifically, the proposals state: "Enactment of the proposed limitation on artificial accounting losses will eliminate abuses associated with tax shelters, while preserving the basic tax accounting and accelerated deduction provisions now in the law, of which some are necessary to reflect income clearly in normal situations and others are intended tax incentives which should be preserved." What this means is that it is time to close some of those loopholes which have helped the rich avoid taxes.

The term "artificial loss" would be a new concept in the code. On a preliminary basis, one has trouble dealing with what an artificial loss is, since the definition of "artificial" is: "1. made by human work of art; opposed to natural. 2. made in imitation of something natural; simulated: as, artificial teeth. 3. unnatural or affected: as, an artificial smile."

However, the LAL proposal comes to our aid by defining what an "artificial loss" is. In the case of real estate, other than HUD 236 projects, the following are considered artificial losses: accelerated depreciation in excess of straight line, the amount of amortization for rehabilitation housing in excess of straight line depreciation, and the amount of deductible construction period (pre-opening) costs. These costs include interest; state, local and foreign taxes; other management, brokerage and legal fees; insurance; advertising; and transfer and recording fees. According to the proposal, limitation of such losses will be instituted when ". . . (i) the accelerated deductions for the taxable year exceed, (ii) the associated net related income for the taxable year".

The result this will have is that a so-called " 'artificial loss' will not be allowed as a deduction against ordinary income in the taxable year and will be required to be deferred. The amount of a deferred artificial accounting loss will be added to a Deferred Loss Account to be taken as a deduction in a succeeding taxable year against the first net related income (in excess of that year's accelerated deductions) or to be taken into account upon sale or other disposition of the property to which the deferred loss is attributable."

Thus, this proviso against "artificial losses" would prohibit all losses in excess of related income from being applied against an investor's (usually limited partner's) outside ordinary income. There should be little doubt, then, that should this proposal pass, the 200 millionaires would be unable to take many of those deductions which were previously taken and (unless they come up with a better idea) they will have to pay their fair share of taxes. If this is the goal of society, then the legislation should be passed and the body politic can breathe a sigh of relief, since it will have righted another wrong and brought the "bad guys" to justice.

However, quite obviously the framers of the code as it now stands did have some reasons for the tax privileges which were granted. The code is indeed a child of its time and place. The same neopopulist voices, of course, will be raised and state that the privileged bought these favored tax results, and to some extent this is true. The rich—those who could benefit most from such provisions—had the resources and self-interest to petition, lobby, and cajole Congress to grant tax privileges. Yet, perhaps there were some less tainted reasons for Congress to act in this seemingly biased manner.

It seems to us that there may in fact be such reasons, and these reasons must be viewed as part of the realities of our economic system. Congress must have realized that people develop and construct buildings not in order to house people and to provide office space for them but rather because these builders believe they can make a profit by doing so. Now, there are many ways in which an individual can make a profit; putting up buildings is only one of those ways. It would appear that, given a free market (that is, without Congressional interference), the resources of time, talent, labor and capital would flow into the construction of buildings only if those people who might wish to become involved felt this area provided the best comparative rewards for the lowest related risks. It can hardly be said that real estate construction is low on the risk scale, especially when one is cognizant of real property's relatively low liquidity, its traditionally high leverage, and the enormity of the problems during construction and rent-up. This being so, resources would not flow into this area unless the rewards were correspondingly high.

The initial question then becomes: "Would resources flow into this area in a free market?" The answer is undoubtedly "Yes", but only at a level at which the anticipated profits corresponded to the risks absorbed. Without tax benefits, construction and ownership profits can come from only one source—the difference between total rents and total expenses. It would then appear that resources would not flow into this area unless rents were high enough to offset all expenses and still yield a return in cash which would be considered high enough to compensate for the expenditure of needed resources and provide a profit. Thus, should rents be too low, new construction would not take place and this would cause, over time, lower new supply and, assuming a growing demand, over time, higher rents. An example of this was the housing market in New York City when rent control was in effect. Rents were held down and therefore new construction was limited and there was a shortage of housing. Rents of course rose when the controls were lifted. The higher rents would, over time, induce some new construction. To repeat, construction would only take place when rents grew to a level high enough to compensate the builder for resources used and risk absorbed. Again, this is so because builders build for profit, not because people need housing at a particular time and at a particular price.

With this as background, another reality of the construction business should be understood. During the construction period there are no rents and therefore no income. This means that in an entirely free market (without Congressional intervention), a builder would have to charge high enough rents when the building is completed and rentable to compensate him for his loss of returns during the construction phase.

It can now be seen that tax incentives have a meaningful place economically. The tax law as it is now written provides that certain costs of putting up a structure can be deducted immediately. Further, the law provides that some future profits in the form of cash can be tax-free—or virtually so—since depreciation deductions can cover those profits.

From the investor's point of view this means that during the construction phase, when there is no cash return, he still receives a benefit in the form of tax deductions which save him taxes, and he therefore does have a return on his investment. No rational investor would commit the dollars necessary to build a building unless he either received some market rate of return immediately (either in the form of cash or tax deductions) or he felt quite certain that future returns would be high enough to offset any initial construction-phase lack of cash returns.

In future years the investor always wants the highest cash return. Under the present law he is willing to take a lower cash return (which means he charges lower than potential market rents) since his cash return (covered by depreciation) is virtually tax-free.

What this results in is that the tenant, whether he is a working man renting an apartment or a business tycoon in a giant highrise, benefits from lower than potential rents. The rents are lower since the owner's returns (including tax benefits) are adequate compensation for his risk absorbtion. Further, the rents are lower since other builders will be willing to come into the market with their products at this rent and return level if they see a demand. The tenant, then, is getting a flow-through benefit from the investor's tax advantage.

With all this behind us, Congressional thinking begins to become economically more understandable. It appears that Congress wished to induce construction and therefore push resources into this area. This was done because it was felt that housing and office space at a subsidized rental was needed. We say "subsidized" here because, as we can see from the above analysis, without the tax incentives builders would have to charge higher rents in both the short- and long-run and the resulting rental prices would be higher than they are with the extra benefit of tax deductions.

These, then, are the economic ramifications of the present tax system. Capital and other resources move into real estate because the returns in tax savings, cash, and growth induce them to do so. It is apparent that should other areas offer higher rewards with equal risks, these resources would flow to those areas, since resources move toward where they can yield the highest relative rate of return after taxes, not to where some in society think they should.

What is Congress to do? On the one hand, the time and place call loudly for reform and equality. His constituents write him letters complaining about the rich man on the hill who doesn't pay any taxes because of his "tax shelter." On the other hand, the Congressman must realize that a curtailment of the tax deduction incentives in this area will cause at least some resources to go into other areas. This must result in higher rents for his constituents, both as a product of the need for higher cash return (since there would do no tax incentives) and a lower new supply of rentable property in the market.

It would appear that the goal of tax policy should be to induce exactly that much building so that market availability and rents will be at some particular level. There are two problems here: the first is deciding at what level the rents and availability should be pegged. Is it public policy that there should be lower or higher rents, more or less availability of space? Is more construction or less needed? The second problem is that building a model to differentiate what tax moves will induce what level of rents and availabilities is a very difficult task, since tax consequences are only one variable; some others include interest rates, short-run land costs, and micro-factors such as local growth.

At any rate, Congress would be opening itself up to short-run mass satisfaction and possible long-run voter rebellion if it merely did away with the tax inducements without a thorough understanding of the results such an action would have in terms of short- and long-run economics.

Rather than dealing in pell mell fashion with this issue, Congress should determine its objectives, both economically and socially, and then institute a study to determine how various changes in the law will affect these objectives.

SOFTNESS OF KISSINGER EMERGES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ASHBROOK. Mr. Speaker, last week the Washington Post headlined an article "Kissinger Sees Threat to Détente if Moscow Is Prodded." Unfortunately, the headline tells most of the story in Kissinger's approach to the Soviet Union. This view has as a basic assumption that if we are nice enough to the Soviets they will be so delighted that they will act responsible in world affairs and become a partner with the United States in seeking a more peaceful world. This theory prescribes the United States giving various concessions to the Soviet Union—most-favored-nation status, more credits subsidized by the American taxpayer, and others.

Concessions do not buy peace, not prodding the Soviet Union does not buy peace. Only one thing buys the respect necessary from the Soviet Union for a better and more secure world. And that one thing is strength. American strength has been and will continue to be the only guarantor of our own freedoms and any chance of a world freer from war.

On October 9, Henry Kissinger asked the following question:

> How hard can we press without provoking the Soviet leadership into returning to practices in its foreign policy that increase international tension?

We must ask where the Soviet Union has retreated from positions that have increased international tension. Have the Soviets stopped supplying North Vietnam in its war of aggression against South Vietnam? Has the Soviet Union stopped supplying the most advanced weapons to countries in the Middle East? Have the Soviets stopped fanning the flames of war in the Middle East? Have the Soviets stopped supplying military hardware and building military installations in Cuba? The answer to all these questions is no. Sometimes it is easier to engage in self-delusion. But very seldom is it wise. Sometimes it is easier to mistake wishes for facts. But very seldom is it useful.

Kissinger's policy seems to be that either the Soviet Union negotiate with us or we will give in anyway. It is time to recognize something that Kissinger and others seem to be forgetting—the wise course for the United States is not to seek to buy the Soviet Union with concessions. Too often the Soviet Communists, like the German Nazis, have viewed such a policy as weakness.

The headline that I mentioned at the beginning was mistaken, as are Kissinger's views. Détente will never have a chance until the Soviet Union is prodded. There is no détente until the Soviet Union starts making some meaningful concessions to the United States and to the free world.

HOW MANY TIMES?

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BELL. Mr. Speaker, George Putman is a distinguished Los Angeles news commentator who has had some important comments this month about the Middle East. These are views which I believe should be considered by all Members of Congress and, accordingly, I have asked that they be reprinted in the CONGRESSIONAL RECORD.

How Many Times?

(By George Putman)

It is this reporter's opinion that the freedom loving people of the world can learn much from the brave people of Israel. The behavior of that nation, its leaders, and its people, in the face of overwhelming odds, has gained the awe and respect of all men; and most of all, Israel's enemies. If Israel is to survive, it will be because of the resolution, courage, determination, pride, and the will of its people to risk all, including their very lives, to guarantee that survival.

After coming into being on the fourteenth of May, 1948, Israel was all but abandoned by the United Nations, which helped to give it being. Israel, left alone to defend itself against the armed forces of six Arab countries. Again and again, the borders of Israel have been invaded. But Israel is determined to live, and any nation that is determined to live, and will pay the necessary price, will live.

Israel was attacked in 1948. She forced Egypt to sign an armistice on the twenty-fourth of February, 1949. The cost to Israel was very heavy. But she kept her freedom.

1956 brought another crisis, in which the Egyptians committed nearly two hundred acts of aggression. The Israeli forces battled fiercely, and again her precious freedom was secured.

And then in June, 1967, Israel was again forced to fight with her back to the wall. And in six days, achieved a fantastic victory over the Arabs, against overwhelming odds.

But the most vicious blow came on the holiest of Jewish Holy Days, Yom Kippur. And again, tiny Israel was forced to fight for her very survival; a renewal of the story of David and Goliath. And again, Israel, threatened thousands of times since she became a state, has learned that she can rely upon only her own people to defend herself against an enemy that is determined to destroy her.

The Arabs can lose hundreds of battles and yet survive. Tiny Israel cannot lose even a single battle, or she will die.

It is a miracle that the tiny State of Israel, surrounded by enemies, has managed to survive for twenty-five years. It will be a miracle indeed if she is able to survive another twenty-five years.

But it is this reporter's firm conviction that the miracle of Israel, born in pain and torture, tried by unceasing fire and bloodshed—that the great miracle of Israel will continue to live.

Who is the Real Enemy?

(By George Putnam)

Israeli Premier Golda Meir told this reporter that in evaluating the continuing struggle in the Middle East, one must keep in mind the fact that the Soviet Union constantly serves as attorney, adviser, and manipulator of the Arabs; that one should be constantly aware that the Kremlin is selfishly concerned with control of the Mediterranean and the Middle East oil; that Russia is constantly fishing in troubled waters and will urge peaceful solutions only when and where it serves Mother Russia's cause.

It is a fact that whenever violence has come to the Middle East, the Kremlin has quickly accused the Israelis of being singularly guilty of aggression. But instead of exposing the Soviet Union as the world's trouble maker, our government chooses instead, to straddle the fence; or it would appear to play both ends against the middle. We supply both warring factions with weapons of war, and then, as in 1967, when the trouble comes, our State Department issues a wishy-washy statement that, and I quote, "We will maintain strict neutrality in thought, word, and deed;" thus, inviting the Kremlin to indulge in unrestricted, self-serving adventure.

My friend, let's face it; the United States has one true friend in all of the Middle East, and that friend asks very little from us. That friend standing alone, surrounded on all sides by enemies, her back to the sea—that friend is Israel. Her enemies have threatened again and again to push her into the sea and to commit a genocide on every man, woman, and child.

Now the point I make is this—that with Russia's help, with the Communists' help, this could happen if the United States refuses to take firm, strong action to guarantee the very survival of the brave people of Israel.

Russia needs us desperately; her economy is sagging; her food supplies are in a desperate state. Russia needs us. Therefore, we have an advantage, if only we will use it properly.

Now, the Russians understand one word; America once showed it. Israel now has it. It was part of our heritage and our tradition. It may not be a pleasant word, but it is damned meaningful.

And that word is—guts!

Judge Them by What They Do, Not What They Say

(By George Putman)

It is this reporter's opinion that as we travel hand in hand with the Soviet Union, down the primrose path to détente, that we judge them, not by what they say, but what they do.

And listen, as example, to this statement by Nixon and Brezhnev following their meeting in the Kremlin in May of 1972: "The USA and the USSR need to make every effort to remove the threat of war, with a special responsibility to do everything in their power so that conflicts or situations will not arise which would increase international tensions."

Well, let's look at the record. In the tragic crisis in the Middle East, the Soviet Union has exhorted Algeria, Lebanon, Jordan, and Iraq to join the battle agains Israel, and to drive the Israelis into the sea. Now I ask you, is this an example of the Soviet inclination to reduce international tensions, as professed in the May, 1972, declaration?

No! And this again is a vicious, bald-faced escalation of war through Soviet chicanery, deceit, conspiracy, and fraud. And to compound this deceit, the Soviet Union is rushing planeloads of the weapons of war with which to carry out their promise to destroy Israel for all time.

The United States and its leaders, instead of pussyfooting and lightly warning the Soviets that their warlike actions might interfere with the ongoing détente, should now stand tall as leader of the free world. I think the United States should tell the Kremlin we know their game, and we are determined to put a stop to it.

It is time to tell the Soviets and the world that the Kremlin couldn't care less about any of the people involved, and least of all, the Arabs. It is time to tell the world that we know Russia wants control of the Mediterranean passage through the Suez Canal and control of the Middle East oil.

It is time to tell the world that Communism, be it that spawned in Moscow or Peking, is at the very root of most of the world's troubles, and that there can never be peace in the world until Communist Russia and Communist China bring to a halt their never ending worldwide aggression.

It's time the United States and our leaders begin to emulate the roughest, toughest, bravest nation in the Middle East, if not the world—and I mean the State of Israel.

And it is time our leaders show the same strength of courage and purpose as does the American born Jewish grandmother from Milwaukee, Golda Meir, who says, "If America does not remain strong, then we will all go down together."

She knows, as you and I should know, that only the strong survive, and that therein lies the survival of the whole free world.

ANTI-ISRAEL UNITED NATIONS

(By George Putnam)

It is this reporter's opinion that the brave State of Israel took a terrible gamble in order to prove to the world, once and for all, that they are not the aggressors in the Middle East.

Israeli intelligence reported a large buildup of Arab troops, tanks, mechanized units, ground-to-ground and ground-to-air missiles, along Israel's borders with Syria and Egypt. But Israel, recognizing this threat to her very survival, went about observance of the holiest of Jewish Holy Days. And then, it came. Israel suffered her own Pearl Harbor, stabbed in the back while at prayer.

Israel knew the terrible risk and the cost in lives and weapons of war. Israel knew that the damage could be irreparable, yet Israel determined to take that chance.

The reaction at the United Nations—predictable. As always, the twelve members of the Soviet bloc—the eighteen in the Arab bloc; the forty-one in the African bloc; and the seventy-five so-called non-aligned bloc members, adopted their consistent anti-Israel position, and the resulting hostility has fed on itself.

One Western delegate, commenting on the atmosphere in the packed Security Council chamber, said, "At times I felt I was in the middle of a lynch mob. Almost everybody sitting there wanted to hear bad things about Israel. There was no one present who would identify the Arabs as the aggressors."

Nor was there any resolution ever, at any time, adopted, condemning the Arab nations for their transgressions. Except for the United States and Israel, no one—no one has even mentioned the reports of the United Nations observer team as evidence that Egypt and Syria initiated the fighting.

And the Soviet Union could not restrain itself, having tasted Israeli blood in the Middle East, to call upon all of the Arab nations to join Syria and Egypt in the total destruction of Israel.

And underlying this entire farce is the anti-Jewishness of the Soviet Union. It was Yakob Milik who sarcastically referred to the Jews as "the chosen people," and the size of Jewish noses. He could not contain himself when he shouted, "The Israelis are like savage, barbaric tribes, annihilating, destroying, and trying to remove from the surface of the earth cities, villages, cultural heritage, and entire civilizations."

It is well that all this be put on the record at this time, and remembered. Because whenever the uneven contest shifts in favor of Israel, as it has; as it does; as it always will, it is the gangsters in the Kremlin who then run to the United Nations, with their tail between their legs, to cry for peace and a return to the status quo—the status quo they are so determined to destroy.

Remember, Israel—remember your friends, and remember your enemies. Never forget those who preach detente, peace, understanding; meanwhile, plunging the dagger deep in your heart.

FBI DIRECTOR KELLEY SPEAKS TO NATIONAL NEWSPAPER ASSOCIATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, all ages of civilization have had to contend with the imperfections of man, and because of these human frailties, societies have had to devise systems of laws to protect the growth and development of mankind.

In our country, founded on the cherished and tested principles of individual rights and freedoms, it is always encouraging to me when those charged with enforcing the laws under which we live take an open stance for truth and justice. For instance, the forthright statements and actions of the new FBI Director, Clarence M. Kelley, as he charts the course the FBI will pursue under his leadership are noteworthy as well as reassuring.

In this regard, I commend to my colleague a recent address, "An Alliance for Truth," by Mr. Kelley before the National Newspaper Association at Hot Springs, Ark. Mr. Kelley's remarks outline some of the progressive steps the FBI will take to strengthen its relationship with the press to better serve the country.

Mr. Speaker, I include Mr. Kelley's address in the CONGRESSIONAL RECORD at this point:

AN ALLIANCE FOR TRUTH

(Speech by Hon. Clarence M. Kelley)

I am indeed honored to be your guest today and most appreciative of this opportunity to speak to you in behalf of the men and women of the FBI.

The news media and law enforcement are kindred professions, allied in a compelling mutual endeavor—to serve the American people by seeking out and revealing the truth.

Our two professions serve the people best when our relationship is complementary rather than conflicting.

You have a legitimate need for information about crime and law enforcement activities. We operate more effectively against crime when we are able, through the media, to inform the public about our objectives, our problems and our accomplishments.

Truthfully, I can say my relationship with the press during the 33 years I have served in law enforcement has been congenial and gratifying.

Perhaps this is because our relationship always has been completely honest.

I have never deliberately misled a representative of the news media, and I have never been victimized by distorted reporting.

My press policy always has been one of "open stance"—one of complete candidness and willingness to answer press inquiries, recognizing the right of the press in our democratic society to obtain information for the enlightenment of the public.

This shall continue to be my policy as Director of the FBI.

Now I am aware that in the past the FBI has had something less than a wide open press policy. I intend no criticism of that policy in my remarks today.

But times change. And I wish to assure you that as a matter of policy, henceforth, the FBI will respond openly to news media inquiries insofar as we are permitted to do so by mandates of law and ethics.

There is, I believe, much misinformation abroad today regarding the FBI.

I have been astonished by the impression some people have that the FBI is engaged in elaborate clandestine operations infringing on constitutional rights of the citizenry.

I am dismayed by allegations that cloak and dagger tactics of the FBI threaten to make it a Gestapo—a menace to American freedom.

I feel we must convey to the American people the truth about what the FBI does, and by what authority the FBI does it.

It is time to raise the shade so that the public may judge what motivates the men and women of the FBI . . . so that the public may appraise our work.

We hope the news media will be our ally in this endeavor.

We must recognize that there are bounds to what we can disclose—bounds prescribed by law, judicial procedure and propriety.

The U.S. Supreme Court held in a 1966 decision that prejudicial pretrial publicity in the form of extrajudicial statements by witnesses, police and other criminal justice practitioners may prevent a fair trial.

We will not abridge a person's right to due process of law. We will not capriciously lay waste a person's reputation. We cannot damage an investigation or jeopardize a case to be tried in court. Nor can we compromise confidential relationships vital to our investigative mission.

Also, we must observe restrictions imposed by the Department of Justice.

These are considerations we cannot ignore.

But let me add emphatically that we will not take sanctuary in a self-serving "no comment" when we err and the heat is on.

Obviously, in a democracy a government agency such as the FBI has an obligation to account to the public in the discharge of its responsibilities.

And we shall do so.

We are an organization of human beings, and human beings are notoriously imperfect. We will make mistakes, though we try our utmost to avoid them.

But when we are wrong, we shall admit it. And we shall expect to take our lumps in the press. We ask only for objectiveness and accuracy, and the opportunity to tell our side of the story.

I believe that lack of communication between an agency such as ours and the press can result in relatively minor incidents being blown all out of proportion.

An unfortunate example of this occurred last August in Little Rock.

One of our Agents killed a large dog while participating in the arrest of a bank robbery suspect for whom a warrant had been issued.

The Agent had been assigned a position at the rear of a residence in which the suspect was thought to be located. A vehicle believed to have been in the suspect's possession was parked in front of the residence, and the Agents had obtained information that the suspect was in the residence.

The dog suddenly emerged from a shed and lunged at the Agent, who having no avenue to retreat, fired two shots, killing the dog to protect himself from injury. The dog was chained, but the Agent was well within the dog's range with no opportunity to elude the animal.

As it turned out, the bank robbery suspect was arrested in the driveway of a residence directly across the street.

Perhaps we were too guarded in our initial response to local press inquiries. At any rate, the incident made the wire services. I saw a two-column headline in a metropolitan newspaper that proclaimed:

"FBI Agent Slays Dog."

The fact that we had arrested a potentially dangerous bank robbery fugitive became incidental. We were cast in the role of callous dog killers.

I believe that unfortunate incident points up the necessity for dialogue between a law enforcement agency such as the FBI and the press—at the local level as well as the national level.

And we are taking initiatives to establish this dialogue.

Our intention is to make the FBI more responsive to news media inquiries. Our aim is to facilitate your work, not to impede it.

What steps are we taking to accomplish this?

We have been in touch with the Special Agents in Charge of our field offices and we are working out the details of a more relaxed press policy.

Special Agents in Charge of FBI field offices now have more freedom to respond to news media questions.

Beginning next month, these field executives and other Bureau officials will be undergoing management training courses that will include suggestions for developing closer working relationships with the news media.

We shall make an effort to admit representatives of the press to crime scene areas as quickly as possible for photographs and interviews.

But we must insure that processing of crime scenes for evidence is completed. And we must reserve the right to interview witnesses first.

Often a problem during aircraft hijackings is answering press inquiries while trying to insure the safety of passengers and apprehend the hijackers.

We must always give passenger safety highest priority, and I am sure that is the way you would want it.

But we propose to set aside an area for newsmen at the airport in such cases and to assign an FBI skyjacking expert to brief them. Reporters will be kept abreast of developments or will be advised where they can go to obtain the latest and most accurate information.

I am certain there are other ways in which we can make information more accessible to the news media in given situations. Whenever possible, we shall do so.

We would encourage you to contact us when you need information.

If a critic tosses a harpoon in our direction and you wish to know whether it has hit its mark, we will give you a factual answer—within the bounds I have mentioned.

Ordinarily, we will welcome the opportunity to show you the other side of the coin.

Occasionally, a salvo of criticism directed at the FBI is utterly groundless, yet the initial barrage lights up the skies so spectacularly the public may be indelibly impressed by the display.

A case in point is the allegation that the FBI uses agents provocateurs as a clandestine investigative expedient. As the British statesman Benjamin Disraeli once said, "This shows how much easier it is to be critical than to be correct."

Permit me to state emphatically that under no circumstances does the FBI use provocateurs.

Do we have informants? Certainly. We would be remiss as an investigative agency if we shunned them. But we keep check on them. We do everything within our power to assure that they don't develop into agents provocateurs. The services of informants are terminated if they display a tendency toward over-zealousness.

How do we determine the reliability of informants?

Our Agents are held strictly accountable for supervision of informants assigned to them. Any dereliction in this respect could lead to discontinuing the informant's services and disciplinary action against the Agent.

One of the primary measures of an informant's reliability is the quality of his information. This is subject to constant evaluation and cross-checking.

If an informant says that stolen property is being fenced out of a certain warehouse, or that a certain individual transports heroin in the spare tire of his automobile, these are facts easily verified or discounted.

Field supervisors regularly review informants' files to evaluate their performance. Additionally, supervisors at FBI Headquarters in Washington review their efforts. During inspections of field offices, supervisory personnel from FBI Headquarters evaluate each informant.

In periodic reports of contacts with informants assigned to him, the Agent must certify as to the informants' reliability and make recommendations as to retaining them.

I hope that clears up the myth of FBI agents provocateurs.

Occasionally, there are times when a bit of misinformation will find its way into print because of a simple misunderstanding between lawman and reporter.

I can recall one such instance in which a rural residence had been extensively damaged by vandals while the occupants were away on vacation.

A young reporter from the local newspaper eagerly tagged after the veteran undersheriff as he made his crime scene examination. Occasionally, the lawman would make a cryptic observation and the reporter would scribble it in his notebook.

The undersheriff paused outside a window, stooped and scrutinized some peculiar impressions in the dirt. "Look's like the varmints were a 'draggin' something," the lawman muttered.

The next edition of the reporter's newspaper carried a story quoting the undersheriff as saying the terrible damage at the residence was caused by "a dragon-like varmint."

Those things happen.

But obviously the more open the channels of communication are between newsmen and law enforcement officers the less possibility there is for misunderstanding.

In the event disclosure of certain information would obviously be contrary to the public interest—or an abridgement of the constitutional rights of an individual—we intend to explain to the inquiring journalist the reasons we must decline to disclose this information.

Certainly a reporter is entitled to more than a terse "no comment" in such instances, and we hope such instances will be rare.

I might mention briefly the FBI position regarding leaked information. I would be less than candid if I did not state that we abhor leaks. Not because leaked information might embarrass the FBI, but because when information is made public outside of channels, we have no way of protecting individuals' reputations or constitutional rights. Also, an important investigation may be damaged.

Now I am referring to the leaking of secret or sensitive data, as opposed to background briefings for newsmen, which I consider a matter of courtesy.

We would not presume to counsel you regarding your use of leaked information. Ours is not a censorship role. Your judgment should, and must, prevail.

Unquestionably, the news media serve their communities by publishing crime news. An atmosphere of public ignorance and misinformation is an ideal atmosphere for crime and corruption.

The criminal justice system—indeed the public—owes a debt of gratitude to responsible journalists for their coverage of crime.

News accounts of speedy solutions of crime and the apprehension of criminals may well act as deterrents to crime.

But, perhaps even more importantly, when good police work is chronicled for your subscribers, it surely enhances police-community relations.

The effectiveness of law enforcement agencies is most certainly affected by community support. And the value of effective law enforcement to the community is self evident.

When an FBI Agent or a policeman knocks upon a citizen's door seeking information relating to a crime in your community, how will the lawman be received?

Will the citizen slam the door in the lawman's face?

Will the citizen merely be wary and suspicious?

Or will the citizen cooperate fully, realizing the vital responsibility the lawman has to try to keep the community a safe place in which to live? Realizing, too, the lawman may forfeit his life in the effort?

The articles and editorials you publish are a contributing factor.

The days have long since passed when the legendary marshal of the Old West strode the streets of a wild cowtown—a tall, solitary man of formidable prowess with a six-shooter—keeping the peace through intimidating reputation.

Keeping the peace has become somewhat more complicated.

No law enforcement agency, no matter how well trained, no matter how well motivated and dedicated, can unilaterally conquer crime. It's a community project.

We in law enforcement bear the primary responsibility to be sure, but our effectiveness is certain to be strengthened if the press is our ally.

We in law enforcement cannot expect to have editorial roses strewn in our path for simply doing our job. Neither can we expect the press to look the other way when we blunder.

All we can legitimately expect is objectivity, accuracy and an opportunity for explanation.

In your profession, I know you must believe, as I do, that there is great power in truth . . . that truth is capable of action . . . that truth can make things happen.

Because of our overriding responsibility to the American people to discover and reveal the truth, it is vital that both the press and law enforcement perform with integrity, thoroughness and impartiality.

When we compromise our integrity to achieve a goal, when we sacrifice thoroughness for experience, when we permit personal bias to sully our work, then we break faith with the American people.

And sooner or later we will be discovered.

We of the FBI recognize and wholeheartedly uphold the right and need of the people to be fully and accurately informed of our performance and policies.

We uphold the First Amendment right of the news media.

And we pledge ourselves to truth . . . truth regarding our operations . . . truth in reporting our investigations.

We are prepared to accept the people's verdict.

CONGRESSIONAL PHONE POLL RESULTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. GAYDOS. Mr. Speaker, as in the past, I would like to call the attention of my colleagues to the results of the latest "congressional telephone poll" conducted among more that 3,400 residents of the 20th District of Pennsylvania.

I have used this poll several times in the past 2 years to obtain a quick cross-section of opinion among our people on topical issues of the day. It is impartial and completely voluntary. The participants have given us written authorization to call them on any question. Because of their cooperation and interest in their Government, the poll has proven to be remarkably accurate when compared to the results of national polls taken by professionals over a longer period of time and among a greater number of people.

In the most recent survey, I sought to obtain the opinion of our people on the question of forced busing of students to achieve racial balance in school districts. The returns left no doubt about the majority's opinion. Of 3,438 people contacted, 5.9 percent approved of forced busing in this respect; 78.6 percent did not approve of it; and 15.5 percent indicated no opinion or interest in the question.

I would like to emphasize that many participants took the time to explain the reason for their position on the issue, as they did not want their opinion to be misconstrued—to be labeled racists because they objected to forced busing. Instead, these people felt the money spent on busing was being wasted; that it could be put to better use by improving the quality of the educational staff, neighborhood school building, and equipment. Others pointed out they made financial sacrifices and assumed long-term mortgages, in order to enroll their children in a better school.

Accordingly, if their children were to be bused to another district—perhaps the very one from which the family moved—their attempts to provide their children with a good education would be defeated.

Mr. Speaker, I would like to insert into the RECORD at this time the results of this "phone poll."

THE RESULTS

For, 202.

Against, 2,704.

No opinion, 532.

Contacted, 3,438.

THE BENEFITS OF COMPUTERS VERSUS INVASION OF PRIVACY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HARRINGTON. Mr. Speaker, the great wave of technological advances in recent years moved us into an age of computers. Computers are of known beneficial use to mankind by providing instant information with maximum efficiency.

Unfortunately, the benefits of the computer in data storage and research can be used, under the guise of efficiency, against the common good. The area of crime control is one area where maximum efficiency can, if not checked, replace civil liberties and basic human privacy.

I am referring, specifically, to crime files that register names and actions of persons who have had any kind of contact with law enforcement officials. One such example is the National Crime Information Center which is run by the Federal Bureau of Investigation. I feel that it is important that the FBI compile pertinent data that makes for effective crime control. However, when people without criminal records are recorded for noncriminal acts, suspicion, or for political beliefs, it then becomes a direct violation of privacy and civil liberties.

In Massachusetts, we are fortunate to have members of the State legislature and a Governor who recognize the problem and are willing to stand up and fight impending, although subtle, invasion of privacy.

On October 4, 1973, Gov. Francis W. Sargent addressed a gathering at the Boston University Student Union Building Conference Auditorium on the subject of the computer and civil liberties. I would like to insert into the CONGRESSIONAL RECORD the text of his remarks:

ADDRESS BY GOV. FRANCIS W. SARGENT

I think we can all agree that in the last two decades a new force has swept across our society till today it dominates every phase of our lives.

I speak, of course, of the computer.

The effects of this new technology reach everywhere. . . . into business . . . into industry . . . and most importantly into government.

Now let me be clear on one thing. I do not oppose this new technology by itself. What I do fear is the computer run wild . . . a technology which instead of serving, ends up controlling.

And further, I fear the new ethic which has arrived with the computer. Technical efficiency now reigns supreme in our society. The greatest value for the dollar.

Yet efficiency cannot be our only goal. We must also seek to protect individual liberties and rights . . . we must continue to deal with citizens as individuals, not as numbers on a card.

Some may say that the danger is hypothetical . . . that the computer presents little, if any, threat to the right of a citizen to be considered and treated as an individual.

Well, as the Governor of this state, I can assure you that such confidence is misplaced. For we in Massachusetts have felt the edge of technology's sword . . . we know what it's like to try to curb the computer . . . and we have seen the depersonalization that so easily can occur.

For the last few months, Massachusetts has been battling the federal government to limit the extent to which the computer invades the privacy of our citizens. Specifically, this state has refused to join a national system for the collection and dissemination of personal criminal records.

Administered by the FBI, this National Crime Information Center is designed to include the criminal history systems of each state.

The Massachusetts system has been ready for some time. Yet we have refused to link up with the federal NCIC.

We have taken this position because it has become clear that although we have established important safeguards on our criminal history system, the FBI has left its own system virtually uncontrolled.

We have said that only convictions would be recorded. But the federal system also includes arrests *not* followed by conviction.

We have said that access would be limited essentially to law enforcement agencies. But the federal system allows much wider access. Agencies not connected to law enforcement—even private credit companies—are permitted to see and use these confidential records.

We have established an independent watchdog committee to protect the privacy of the individual. But the federal government has no similar body.

And *we* have given the individual the right to see his file and correct it if it is wrong. But the federal government permits no such privilege. In fact, they have not even developed the means.

When the vast deficiencies of the federal system became clear, this state had only one legitimate option.

The moment we joined the national system, our information would flow into their data bank and our safeguards would be rendered meaningless.

Therefore, on June 13th, I refused to allow Massachusetts to join with the federal system.

And the sword fell.

The Justice Department brought suit against us in federal court to force our hand.

Washington threatened to freeze thirty million dollars in Small Business Administration loans if we did not yield.

The Defense Department announced that they would hold back twenty-four hundred jobs unless it had access to our files.

Still I refused.

In fact, I joined a counter suit to force the federal government to establish safeguards similar to our own.

A week ago, Massachusetts emerged victorious from this confrontation. At that time, the Justice Department announced that it was dropping its suit against us.

And so for the moment the privacy of the citizens of this state is protected—at least when it concerns criminal records.

Unfortunately, however, the federal government has not limited its computer operations to criminal histories. It has also attempted to employ this new technology in the battle against drug abuse.

In 1972, the federal government set about to create a national information system to gather data on drug abuse. It came to be known as CODAP.

Theoretically, the idea of CODAP was and is sound. For better information is vital for the effective management, research and evaluation of programs.

In practice, however, the government failed to create the necessary safeguards. It asked each drug treatment facility to provide identifying information on each person receiving treatment for drug problems . . . information to be fed into the CODAP computers.

The patient's name was not requested. Rather an identity code was devised that included the patient's sex, race, date of birth, zip code, and the first two letters of his mother's maiden and surname.

We were told that through this code, the patient's confidentiality could be protected.

On the surface this sounded excellent. But then Massachusetts investigated, and we quickly learned that when CODAP records are combined with other computer records, identities are very quickly discovered.

In fact, we found that the CODAP code was actually more exact than an individual's name.

In a given geographical area, for example, individual clients could be determined with up to ninety-eight percent accuracy.

So once again, I refused to let this state join a national information system.

As with NCIC, the federal government has backed down in CODAP. Massachusetts can continue to receive federal funds, even though we will not deliver the requested information.

These then are the two major battles that we have fought to protect the individual . . . to curb the advance of the computer and of its ethic: efficiency over everything else.

But though we have won two significant victories, the basic dangers remain. If we are to meet them, we must learn the lessons of NCIC and of CODAP.

To begin with, we must understand that NCIC's and CODAP's occur because too often public officials overlook the social implications of their programs.

Too often they are blinded by technical advancements . . . new designs . . . greater capabilities. Too often officials lose sight of the true purpose of social technology . . . aid to the individual.

We must understand that we do not protect the public safety by depriving individuals of their rights as citizens.

And we do not help a drug abuser by branding him for life . . . by undermining his faith in our treatment facilities.

Yet that is what NCIC threatens . . . that is what CODAP threatens. These programs are still two more examples of how the technology of computers can change the very meaning of man as an individual.

NCICs and CODAPs can let us consider a person—not as a unique individual with potentials for good and evil—but as the sum total of printouts supplied by interlocking personal data banks.

This is efficiency with all it can mean. Machine over man . . . system over individual.

Let us be clear though, the computer itself is not the danger . . . it is the ethic of the computer . . . the idea that man can be dealt with in the aggregate . . . that there are only groups out there . . . not individuals, men and women who need society's help.

The computer itself cannot do damage. But it leads too easily to dehumanized solutions to social problems.

Consider for example the new approaches we are witnessing in several states to deal with drug abuse . . . programs that consider the abuser not as one who needs help but as one who is a public enemy . . . one who is to be labeled and then forgotten.

However, drug abusers cannot be wished away. They must be dealt with one way or the other. If we choose to ignore their individuality . . . if we choose to toss them into the criminal justice system, we will not solve the problem.

In fact, all we will do is overburden our criminal justice system.

The dehumanized approach, the efficient approach cannot work. The regressive legislation we have seen in several states can only compound the problem.

Recent experience has shown that pushers are not becoming less common, they are only becoming more careful. In one state, for example, arrests have actually fallen seventy-five percent. Additionally, because of this regressive approach, the police are facing increased dangers when making an arrest. The reason is clear. A drug offender will not hesitate to shoot an officer if he has already earned mandatory life imprisonment for the abuse alone.

Further, the courts, already backlogged, will soon become truly jammed. Flexibility in the handling of cases will end as all defendants demand long, expensive jury trials.

And finally, our prisons will overflow with inmates having little at stake in maintaining order. Attica will be endlessly multiplied.

Such is and will always be the result of a dehumanized approach to the drug abuse problem. Such is the inevitable result of an ethnic that ranks efficiency over the individuality of man.

These then are my concerns. We embark upon a dangerous course when we rush head long into programs like NCIC or CADAP which threaten to undermine the rights of privacy of the individual.

Once we allow ourselves, for whatever reasons, to look beyond the individual as the measure of our social programs, we risk the development of so-called "solutions" . . . solutions which can only corrupt our society.

This is the real challenge we face as we attempt to use technology to solve our social problems. We can no longer abdicate our responsibilities. We can no longer let our desire for efficiency so overwhelm us that we forget that the goal of technology is to help man, not to enslave him.

In Masschusetts, we have discovered that the danger is not imaginery . . . but that it is real. And we have discovered how difficult it is to do battle against it.

It is a knowledge not limited to those in government. The citizens, too, realize the threat.

I'd like to read a letter I received from one frightened citizen.

"A scary thing happened to me last Spring.

"A relative of mine got a job as a deputy sheriff. One bored night on dispatcher duty, he ran his entire family through the National Crime Information Center. Ten out of eleven of us were listed.

"His mother was listed because when she was 18, neighbors complained of a noisy sorority party. (No arrests.)

"His stepfather, a respected businessman, was listed because he complained to the police that he had *received* a bad check.

"Ten out of eleven of us! No criminal record. But we are on the files of the NCIC!

"P.S., I'll probably be listed again for writing this letter."

This is the danger we must confront. It is danger we cannot afford to overlook.

THE 100TH ANNIVERSARY OF MAYBEE, MICH.

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ESCH. Mr. Speaker, it is a pleasure for me to join in celebrating the 100th anniversary of Maybee, Mich., a village with a proud history of accomplishment. The earliest settlers maintained a fierce independence and passion for achievement that is readily evident in the modern-day residents of Maybee.

Named after Abram Maybee—a prominent local businessman and farmer—who was one of the founders of this town. The village prospered and grew as its residents passed along their spirit of enthusiasm, determination, and cooperation. Those qualities were cited by President Nixon who said in a message to Maybee, "America needs these qualities as it looks to the future."

Maybee is today proudly looking to its past. Its history is detailed in an extraordinary 112-page book with pictures and text that show how it was transformed from a pioneer type existence to a thriving village strengthened by German immigrants and their descendants. An industrious people, they came from Baden, Mecklenburg Scherin, Alsace Lorraine and other parts of Germany.

As has occurred in so many American towns and cities, their village grew with the arrival of the railroad. By the early 1900's cattle were being shipped by rail along with cheese, milk, tomatoes, grain, and probably brick and tile. Commerce meant progress and new businesses, but the village has retained the qualities that attracted the first settlers.

I am proud to represent the citizens of Maybee and I congratulate them on their 100th anniversary. I know that the village of Maybee will continue to play a vital role in the growth and development of southeastern Michigan. The people of Maybee deserve to be commended on their past accomplishments and achievements and I give them my best wishes as they strive toward new goals.

PUBLIC SAFETY OFFICERS BENEFIT ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mrs. SCHROEDER. Mr. Speaker, I would like to bring to the attention of my colleagues the tragic case of Ted Buckley, a 26-year-old prison guard with a non-English-speaking wife and three young children, who was brutally murdered in the line of duty. The plight of this man's family exemplifies the need for prompt enactment of the Public Safety Officers Benefit Act of 1973 (H.R. 12), which would provide relief for the families of those who have given their lives to protect ours.

H.R. 12, introduced by Congressman Peter Rodino, narrowly failed enactment by the 92d Congress. Conferees had agreed to a compromise version of the bill on October 17, 1972. However, passage was prevented by the final adjournment of the Congress 2 days after the conference agreement. The Senate version of the Public Safety Officers Benefit Act of 1973 (S. 15) would make the legislation retroactive to the original October 17, 1972, date, but the House bill does not so provide. I feel that it would be grossly unjust to let the fortuitous circumstances preventing the earlier passage of this legislation deprive the families of persons like Ted Buckley of desparately needed survivor benefits. I sincerely hope that the House Judiciary Committee will see fit to make H.R. 12 retroactive to the original October 17, 1972, date.

Following is a copy of a letter I received from Ted Buckley's brother, Mr. William P. Buckley, deputy district attorney of Denver, Colo., written on behalf of his sister-in-law:

OFFICE OF THE DISTRICT ATTORNEY,
Denver, August 6, 1973.

MRS. PAT SCHROEDER,
Representative, Longworth House Office Building, Washington, D.C.

DEAR MRS. SCHROEDER: On June 22, 1973, my younger brother, Theodore J. Buckley, aged 26, was murdered while on duty as a prison guard at the Arizona State Prison, Florence, Arizona. This event occurred during an inmate uprising in Cellblock 3 and resulted in the death of Ted and one other guard.

Ted suffered a brutal, painful and pointless death at a time when he had many personal plans for the future. Ted was stabbed countless times and beaten with a pipe wrench. His body was then stripped of all personal possessions including his wedding band, watch, wallet and car keys—none of which was ever recovered.

I am writing on behalf of his widow, Sun Cha Buckley, who speaks very little English—and cannot read or write the language—and his three children, aged two, three and four. Ted met his Korean wife while serving with the United States Army. He joined the Army in June, 1966 and served in Korea, Germany and Yuma, Arizona. He spent six and one-half years as a military policeman and was discharged in December, 1972. He had hoped to contiue a career in law enforcement and joined the staff of the Arizona State Prison in January, 1973.

His family is entitled to Social Security and Industrial Commission benefits; however, these allowances are insufficient to meet more than minimal needs and the benefits will be drastically reduced when each of the children attains the age of 18. Since the widow's income will be reduced drastically in less than 18 years, no lending institution will finance the purpose of a house for her without collateral. With her language barrier and three small dependents, she is hardly employable.

I am therefore deeply concerned with the status and eventual outcome of the Public Safety Officers' Benefits Act of 1973. Senate Bill 15 provides a retroactive date of October 17, 1972; however, the House version of the same Bill—H.R. 12—does not so provide. If passed, with a retroactive date prior to June 22, 1973, this grant would allow for educational planning for both the widow and children and would also provide her with needed income after the children have reached majority.

I believe that Ted's case brings to realization the dire need for the passage of the Public Safety Officers' Benefits Act of 1973 and hope the plight of his family will provide for the members of Congress sufficient personalization and incentive to vote for passage, with a retroactive date as provided in Senate Bill 15.

Sincerely yours,
WILLIAM P. BUCKLEY,
Deputy District Attorney.

A MAN WHO CARED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. RANGEL. Mr. Speaker, in early August we suffered a great loss when Dr. George Wiley died in a tragic boating accident. Those of us who knew him could not believe the cruelty of fate that would snuff out the life of a man of such power, vision, and energy. George in many ways seemed larger than life, a man who lived to struggle for the principles in which he believed and who seemed to derive strength from the process of overcoming the many obstacles he faced.

In many ways George was an anomaly, or at least a contradiction. A Ph. D. in chemistry, a former college professor and a male, he nonetheless became the leader of the National Welfare Rights Organization, which was and is predominantly composed of poor, uneducated, female welfare recipients. He was able to represent the National Welfare Rights Organization as ably in the foundation board rooms and in the Halls of Congress as he was able to lead its demonstrations in the streets. He could appear at the height of his charismatic powers at a street rally, then move into sophisticated policy discussions within the corridors of power, once again becoming the professor in total command of his subject.

It is, however, not as welfare rights activist and leader that George is most missed. He is missed most by those of us who knew him. We know him as a friend, as a man on whom we could depend, and as a man whose dedicated commitment to his principles challenged us to be more committed and dedicated to our own.

A column by James Wechsler in the New York Post captured, I think, the essence of George Wiley's impact upon us. The article follows:

A MAN WHO CARED

(By James A. Wechsler)

It was early in August, a few days after my vacation had begun, that a radio newscast brought the report that Dr. George Wiley had vanished after falling off a boat from which he was fishing with his two young sons in Chesapeake Bay. His body was recovered three days later.

Although I cannot pretend any prolonged or intimate association with him, I had the sense of losing someone I had known very well. The circumstances of his death, of course, were peculiary ghastly because one can imagine this gentle crusader torn by thoughts of the anguish of his kids as he vainly battled the tides.

I thought sadly, too, of a meeting we were supposed to have had in late spring when he felt obligated to postpone and our agreement to get together immediately after Labor Day. Even when one differed with him, Wiley was invariably a reasonable, gracious and inspiring figure, and our few long conversations were warm, valued interludes.

Perhaps I have too readily assumed that George Wiley's name will be familiar to all who read. The gifted son of a lower-middle-class black family, he was graduated with honors from Rhode Island University and received a doctorate in organic chemistry at Cornell in 1957.

Soon thereafter he began a teaching career at UCLT and then moved on to Syracuse. But he soon became involved in the civil rights upsurge and served for several years as associate director of the Congress of Racial Equality under Jim Farmer. Then, in 1966 he moved into the area to which he devoted nearly all the years that remained to him—the enlisting of welfare recipients into the National Welfare Rights Organization.

In an era when the stereotype of "welfare bums and chiselers" was becoming a bipartisan political war-cry, Wiley was seeking to affirm the dignity and self-respect of those multitudes to whom relief was not a chosen way of life. Commenting on the start of his movement, The Daily News derisively observed that "most people assumed this was some kind of joke."

But Wiley was neither clown nor exhibitionist. He did forsake conventional academic dress for a dashiki and jeans, as if to underline his commitment to a missionary existence, and at times his public utterances were deemed "extreme"— especially when he later challenged the Nixon-Moynihan Family Assistance Plan as inadequate and in some aspects regressive.

Nevertheless his persistence and dedication were an important measure responsible for NWRO's successes in winning minimal protection for welfare clients whose valid grievances were obscured by anti-welfare agitation.

Throughout these endeavors Wiley was striving not only to organize the friendless and defenseless but to project them to the rest of the country as human beings—neither all saints nor sinners—rather than as a faceless mass.

By late last year, however, he became convinced that the hostile political climate required a broader base of operation; in effect he felt that those on welfare and the "working poor" were being fatally polarized despite a common stake in economic reform.

So he stepped down as executive director of NWRO and announced the creation of a Movement for Economic Justice that would strive to build a new coalition including senior citizens along with consumer health and housing groups. He could not know how little time was left for him.

This tardy retrospect can offer only a glimpse of this burly, decent man who so ardently embraced the causes of people indiscriminately maligned.

But late as the words are, they have some local timeliness in view of the memorial service and march scheduled for tomorrow. Those to whom his life meant much will assemble at noon at Mariners Temple (at Oliver and Henry Sts. on the Lower East Side) and, after a ceremony there, parade past the federal and state buildings to 250 Church St., where the city's Social Services agency is housed.

Shortly before writing these lines, I read an essay by Pat Moynihan in the current Saturday Review/World called "A Country in Need of Praise." In it Moynihan clings to the thesis that the Nixon years have been harshly underestimated; after all, "mass violence" came to an end. Without reviving an awkward phrase, he seems to be saying that "benign neglect" has been richly vindicated.

George Wiley would have cried out in anger at such commentary of complacency. While it is possible to debate the wisdom of his strategy in opposing the limited FAP plan, one recalls with pain how Moynihan subsequently sought to blame Wiley—rather than Richard Nixon's lack of leadership and conviction—for the total debacle that ensued.

To Moynihan, the large Nixon triumph has been "to bring to a close a particular unappreciated period of disorder." To George Wiley, those would have been fighting words. He had no patience for those who rationalize the torment of others, and he cast his lot with the loneliest. Such a man does not pass our way very often.

OPPOSITION TO THE NOMINATION OF GERALD FORD AS VICE PRESIDENT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. MOAKLEY. Mr. Speaker, pursuant to its constitutional responsibilities, the

Congress will soon begin proceedings for the confirmation of the Vice-Presidential nomination of President Nixon. The events which have made them necessary, and the proceedings themselves, are unprecedented in our Nation's history. The task of selecting a new Vice President requires our most exacting consideration.

Among those who have recently given a great deal of their attention to the matter of selecting a new Vice President is my colleague from Massachusetts, Congressman Michael J. Harrington. At this time I would like to share with you some of his thoughts about the President's recent nomination for that high office:

In Opposition to the Nomination of Gerald Ford as Vice President

(Statement by the Honorable Michael J. Harrington)

The President, in nominating Gerald Ford as Vice President, has lost a unique opportunity to restore some of the confidence of the American people in government. Mr. Nixon could have and should have nominated a person of greater stature, and broader experience, who is free of the onus of narrow partisanship.

While I fully recognize and have said that a President should be given broad leeway in his choice of a Vice President, it seems to me that the events of this year culminating in the resignation of Vice President Agnew should have prompted the President to choose a man of the highest quality. He did not.

Given events of the 20th Century, there is a greater probability that our new Vice President may become President than has been the case with other nominees and the new Vice President must be a man with the statesmanship needed to lead the nation should it become necessary. Congressman Ford simply does not come up to these standards.

My objections to the choice of the House Republican leader are based in large measure on my observations of him during my four years in Congress.

These negative feelings are not based on personal animosity, but on my observation of Mr. Ford's limited intellectual qualities; his total and active support of the Nixon foreign policy of the Vietnam war; his staunch defense of the President's domestic program which has resulted in 35 to 40 vetoes in such areas as health, social security, education and housing; and his blanket defense—regardless of merit—of Administration figures involved in the Watergate inquiry. In all these areas, Mr. Ford has shown that he is not the kind of person who should serve as Vice President.

These factors demonstrate that President Nixon made the selection based on the narrowest of considerations—to appease the Congress, to appease Republican Party interests, and to find a person who is not a threat because of future political ambitions.

In these times, the American people deserve something more than the rather dreary selections which have so often characterized the President's appointments to sensitive judicial and executive branch posts.

With 210 million people in this nation and the immense reservoir of talent they offer, the President, by selecting Gerald Ford, has demonstrated the major flaw in his character and Presidency—his inability to find and promote excellence. Instead, the President has preferred to surround himself with a collection of people best noted for their mediocrity.

The President owed it to the people, his party and himself to make a better choice for Vice President.

The American people have no direct voice in the Vice Presidential selection process. This lack of a referendum gives Congress an added responsibility at this time. Members of Congress must give the people their best and most candid assessment of the nominee for Vice President.

In the exercise of those responsibilities, I intend to vote against Gerald Ford for Vice President.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 34

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HARRINGTON. Mr. Speaker, I would like to include in the Record the complete text of a letter Mr. William Baker wrote in response to my gun control inserts:

Southbridge, Mass.,
October 1, 1973.

Hon. Michael Harrington,
Washington, D.C.

Dear Sir: I know you must be a busy man, and I know I may be wasting your time and mine, but being 71 yrs. old and retired and reading the Congressional Record a lot and knowing your fight against hand guns I thought I would at least get it off my mind.

I don't own a hand gun and never did, but I think you're wasting your time fighting for "Cloud 13"—to-night is a beautiful night as I write to you and I don't dare go for a walk which I would like to do because it's not safe anymore after dark, and it's not because of *hand-guns*, but of what we have walking the streets and nothing is done about it. I am attaching some news items from to-night's Worcester Evening Gazette—you will notice that by far it's not "Guns" so on the basis of your apparent thinking don't you think we should "Outlaw #1—Knives, 2, Matches—10 people died a few weeks ago by a fire set. 3, Stones man killed in Spencer hit over the head with a Rock., 4, Ax. 5, Sticks & Clubs, 6—cut off arms so they can't choke or strangle and beat you up. Frankly, I could go on for hours but this is just ridiculous. Why don't you do something about getting some laws through with teeth and get these people, like drug peddlers, in jail for life or better still do like Russia and send them to Siberia or San Clemente, where they can just disappear, why don't you do something about the situation in Northern Ireland for instance and last but not least the enclosed article about the "Destitute Hospital Boarders found Dead in Wheelchairs" and fellows like you worry about hand guns.

Get some real "Laws" to Protect the Innocent People and not Protection for the Misfits at the expense of the Old and helpless. Thanks for hearing me out, I'll now go back to my living room window and look out at "No Mans Land" where the S.O.B. have taken over.

Yours truly,

William A. Baker, Sr.

Although I disagree with Mr. Baker on the need for gun control in our society, I would like to stress the validity of the other points he raised. Mr. Baker's basic concerns are certainly legitimate and the issues cannot be ignored. At the same time, gun control cannot be excluded from the list of policies essential to solving many of the fundamental problems we face as a Nation.

After handguns, knives are responsible for the second largest percent of murders; matches were responsible for the fire that decimated 30 blocks of Chelsea, Mass.; 8 percent of the homicides in the United States are caused by hands, fists, and feet. In addition, unfortunately, Mr. Baker is correct in saying that old people are only negligently protected by the laws of this country.

Letters from concerned citizens do not usually solve our problems. But if Congress has the guts to make laws to protect our citizens, the problem will be half solved. The first step we can take is to implement gun control legislation. Handguns kill more than 10,000 people every year. Joan Marie Nevitt was one of them. The following article is from the New Jersey Courier News of September 25, 1973:

Dad of Four Gets Life for Wife's Murder

Mount Holly, N.J.—A father of four children has been convicted for the first degree murder of his wife, whose body was found buried under their Marlton home three months after her death last Oct. 19.

A jury of six men and six women deliberated four hours before finding Arthur P. Nevitt Jr. guilty of shooting his wife, Joan Marie, 40.

Superior Court Judge W. Thomas McGann immediately sentenced Nevitt to life imprisonment.

Nevitt had maintained during the two-week trial that he accidentally shot his wife and couldn't remember burying her.

Nevitt's 16-year-old daughter Barbara wept openly when the verdict was read, and a woman who had custody of three of his children cried out "Oh, God."

John L. Madden, first assistant Burlington County prosecutor, said the verdict was "just."

A motion by Andrew J. Rodnite, county public defender, for a delay in sentencing was denied by Judge McGann, who pointed out that a life sentence was mandatory.

THE HISTORY AND TRADITION OF THE NAVAL RESERVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HOSMER. Mr. Speaker, the U.S. Naval Reserve has a long and loyal tradition of service to the cause of American seapower. In the September issue of the Naval publication "All Hands," Jerry Wolff writes interesting and informatively of that tradition as follows:

The History and Tradition of the Naval Reserve

(By Jerry Wolff)

Back in World War II, they called them "90-day wonders"—young Naval Reservists like Ensigns Herbert C. Jones and Francis C. Flaherty. They had earned their commissions through wartime three-month training programs.

Herb Jones had been in the Naval Reserve since 1935, when he enlisted at the age of 17. He was 22 when he reported for active duty in the summer of 1940. Francis Flaherty enlisted in the Reserves in July 1940, at the age of 21.

Jones graduated with the first V–7 midshipman class to complete training on board the old USS *Illinois* (later renamed *Prairie State*), a floating armory long used for Reserve training at New York City. He was commissioned in November 1940 and assigned to USS *California* (BB 44). Flaherty took his midshipman training at Northwestern University; he was appointed an ensign in December 1940 and assigned to USS *Oklahoma* (BB 37).

When Pearl Harbor was attacked on 7 Dec. 1941, *California* and *Oklahoma* were both in battleship row. Ensign Jones was just about to relieve the officer of the deck as the first wave of Japanese planes swooped in, hitting *California* with a torpedo and a bomb. Fuel spurted from the ship's ruptured tanks and burst into flame. Jones dived into a hatchway and slipped and slid along the oily decks to rescue an injured man before being temporarily overcome by smoke and fumes. When he came to, he saw an antiaircraft battery without a leader, staggered to his feet and took command, firing the guns at the second wave of Japanese planes until all the ammunition was gone. The ammunition hoist had been knocked out, so he ordered some volunteers to pass ammunition by hand up to the battery.

The shells had just begun to reach the guns when a bomb hit *California* amidships and Ensign Jones was mortally wounded. Two of his men started to carry him to safety but he ordered them to leave him so they could save themselves before the magazines went off. He died shortly afterward.

On *Oklahoma*, Ensign Flaherty's battle station was in one of the forward gun turrets. His ship took three torpedo hits almost immediately after the first Japanese bombs fell and, as *Oklahoma* began to capsize, two more torpedoes struck home. The word was passed to "Abandon ship," but the emergency lights had been knocked out and the men in Flaherty's turret crew were losing their way in the darkness as water poured into the turret and their world turned upside down. Flaherty grabbed a flashlight and kept it pointed at the ladder while his crew scrambled to safety. They made it, but he didn't have time to get out. He went down with the ship.

Naval Reservists Jones and Flaherty, both of whom were posthumously awarded Medals of Honor, represent an American tradition that goes back to colonial times. They were ordinary citizens who became extraordinary Navymen when their country needed them.

That tradition goes back nearly 300 years. Even before the United States became a nation, fishermen and merchant seamen from the English colonies in America played an important part in the long series of wars that England and France fought with each other in North America in the century preceding the Revolution. These early "naval reservists" participated in several large, combined military-naval operations against French settlements in Canada, including expeditions against Quebec in 1690 and 1759, and against Louisburg in 1745 and 1757–58.

Although America had no Navy of its own when the Revolution began, all 13 of the original colonies had strong maritime ties and there were many men in our then small population who followed the sea for a living. There were also several thousand American-owned ships, many of them already armed for protection against pirates.

Many of these ships were taken over by the various state navies or the Continental Navy, but far the greater number were commissioned by the states or the Continental Congress to operate as privateers—privately owned ships, manned by civilian crews, which were authorized to cruise against British shipping.

Since the crews of the privateers shared in the prize money from the ships and cargoes they captured, most experienced seamen preferred privateering to service in the low-paying Continental or state navies. As a result, more than 2000 ships and over 70,000 men were engaged in privateering, while the peak strength of the Continental Navy was probably never more than 3000 men. The cargoes the privateers captured were an important source of arms and supplies for the American Army, and the effectiveness of the privateers was soon reflected in soaring insurance rates on British shipping and supply problems for the British Army.

In the war of 1812, many American seafaring men again went to war as civilians in the crews of privateers and, once again, the privateers caused serious problems for Great Britain. One good example was the action fought by Captain Samuel Chester Reid and the 90-man crew of his brig *General Armstrong* at Fayal in the Azores.

Captain Reid, who had first gone to sea at the age of 11, had served for a while in the U.S. Navy as an acting midshipman under Commodore Thomas Truxtun in the West Indies during the naval war with France. As a privateer, he was on his fifth cruise in *General Armstrong* when he put in at Fayal on 26 Sep 1814.

About sunset of the same day, three large British warships arrived—the 18-gun *Carnation*, the 74-gun *Plantagenet* and the 38-gun *Rota*. On board they carried some 2000 troops who were supposed to become part of an invasion force then being assembled in the West Indies to attack New Orleans.

Captain Reid, whose guns consisted of just six nine-pounders and an old 42-pounder named "Long Tom," sensed trouble, even though Fayal was a neutral port. He moved his ship in close to shore, where the big British ships would not be able to come alongside, and he made preparations for repelling boarders.

Before long the British ships began lowering armed boats, and at about dusk, four of them, filled with men, drew within hailing distance. Reid warned them to stand off, but they kept coming, and the American ship loosed a storm of grapeshot. The British answered with small arms and swivel guns mounted on two of the boats, then withdrew.

Around midnight the British attacked again—but with more heavily armed craft and a much larger force. Reid figured they had at least 12 boats and some 400 men. This time the battle lasted 40 minutes before the would-be boarders were again driven off.

Next morning, one of the British ships got within range and opened up with her big guns. Reid returned her fire, but he knew further resistance would be useless, so he attempted to scuttle his ship and took his men ashore. As soon as he and his men were gone, British boarding parties took over and set fire to the troublesome little American ship, but they had paid dearly for their victory—120 British dead and another 180 wounded. Reid's losses were only two dead and seven wounded.

Incidentally, Captain Reid's service to his country did not end there. In 1818 he came up with a plan for the system we now follow to represent new states on the American flag. At that time, the U.S. flag had 15 stars and 15 stripes, a design which had been in use since 1795, after the 14th and 15th states had joined the Union. It was Captain Reid's idea to go back to the present 13 stripes, honoring the 13 original colonies, but to add a new star to the blue field whenever a new state entered the union.

By the time the Civil War began, 34 states had been admitted to the Union, and the nation had spanned the continent. As more and more settlers moved inland and westward from the original 13 seaboard states, the percentage of seafaring men in the total population became smaller and smaller, which presented a real manpower problem when the Union Navy began expanding in 1861. Although President Thomas Jefferson had suggested the establishment of a naval militia as early as 1805 nothing had come of the idea, and when war broke out there was no naval reserve of any sort. Many men who did have experience at sea had been lured into the Army by enlistment bonuses.

To meet the need for officers, a sort of Naval Reserve—the Volunteer Navy of the United States—was established by an Act of 24 Jul 1861, which authorized the temporary appointment of acting lieutenants, paymasters, assistant surgeons, masters and master's mates to serve during the "insurrection," as officers on "such vessels as may be deemed necessary for the temporary increase of the Navy." A total of about 7500 volunteer officers served during that war.

Most of these officers came from the merchant service, but there were others who were sadly lacking in seagoing experience. As one naval historian puts it:

"Many of the inexperienced officers acquainted themselves with credit, zeal and fidelity, but unfortunately not all of them were fitted for the naval service. This was especially true of the engineer corps. One of the acting engineers, for instance, was a village schoolmaster from the up-country of New Hampshire, whose knowledge of marine engineering had been gained from a picture of a condensing engine in a textbook on natural philosophy common in the schools of New England. He introduced into the service one of his favorite pupils, whose knowledge of engineering was, if possible, even more rudimentary."

The need for enlisted men was so great that Admiral David D. Porter later referred to the early years of the Civil War as a time "when there was no naval militia to draw from, and Union ships lay unmanned while Confederate ships were sweeping Northern commerce from the oceans." Congress finally tried to meet the situation by authorizing the Navy to draft all seamen who had entered the land service.

Despite the lessons of the Civil War, the Navy saw little need for a Naval Militia or Naval Reserve in the peacetime postwar years. However, in 1873 a group of former naval officers got together to advance a plan for a Reserve Corps composed of ex-naval officers from the Civil War who could be called to active duty in the event of war. Gradually, through the 1870s and '80s, the interest in forming some sort of naval reserve grew and, finally, on 17 May 1888, the governor of Massachusetts approved an act establishing a naval battalion as part of the state militia. New York, Pennsylvania and Rhode Island followed in 1889, and before long other seacoast and Great Lakes states also saw the need for such units. By 1897, 16 states had a naval militia in one form or another.

The first Federal financial aid to the movement came in 1891, when Congress passed a Naval Appropriation Act including $25,000 earmarked for arming and equipping naval militia. The Office of Naval Militia was set up in the Navy Department to administer the program and ships, material and equipment were lent to the units.

By 1894, the movement had reached the point where the Secretary of the Navy was given authority to lend each state having a naval militia one of the Navy's older ships, as well as equipment, to "promote drills and instructions."

In 1898, the year of the Spanish-American War, the militiamen proved themselves an important body of trained personnel. Governors of the various states granted officers and enlisted men leaves of absence so they could serve with the Regular Navy.

Within six hours after it received notification, the First Naval Battalion of New York reported for duty—fully armed and equipped—on the auxiliary cruiser USS *Yankee*. Twenty hours after it was called, the Massachusetts unit arrived on board the auxiliary cruiser USS *Prairie* at New York.

The militia units were able to furnish 4216 of the 10,375 additional men taken into the Navy at the war's outbreak. By the time the Spanish-American War was over, 19 states were maintaining militia organizations, with a total strength of 492 officers and 6300 enlisted men.

The value and efficiency of the members of the naval militia had been so thoroughly demonstrated during the war that the Navy Department recommended the creation of a national Naval Reserve, but it took a while to iron out the details. The first major step was not taken until the Naval Militia Act of February 1914, which required all naval militia states to organize their units to conform to a plan prescribed by the Navy Department. A Division of Militia Affairs was established in the Navy Department in April 1914 to assume the work of the old Office of Naval Militia. Then, on 3 Mar 1915, Congress passed the legislation which first established a Federal Naval Reserve—to be composed of enlisted men who had seen service in the Regular Navy. The response was limited, and on 29 Aug 1916, with World War I already underway in Europe, Congress passed an act establishing a new Naval Reserve Force and federalizing the Naval Militia.

During the First World War, about 30,000 Reserve officers and 300,000 enlisted Reservists served on active duty. Among them were 12,000 women Reservists who worked as "yeomanettes" in Navy and Marine Corps offices and a group of flying enthusiasts from Yale University who had bought their own plane, learned to fly at their own expense and volunteered their services to the Navy before the United States had entered the war. This First Yale Unit pioneered the modern Naval Air Reserve.

The World War I Naval Reserve also produced four recipients of the Medal of Honor, 315 officers and enlisted men who earned the Navy Cross for extraordinary heroism in combat, the Navy's only air ace of the war, the first naval aviator to be credited with the destruction of a German submarine and the first Navy pilot to shoot down an enemy aircraft.

Following the war, the Naval Reserve began to move closer to its present form of organization during the late 1920s and the 1930s.

By 1938 the drilling Naval Reserve numbered about 11,380 officers and enlisted men. About 19,500 others had signed up for the Volunteer Reserve, which was not required to drill, and the Merchant Marine Reserve had about 6000 officers and enlisted members.

The World War II mobilization of the Naval Reserve on a voluntary basis began the following year, and by 12 June 1941, all members not in a deferred status had been called to active duty. By the end of the war, there were some 300,000 officers and 2.5 million enlisted men on active duty. More than three-fourths of them were Reservists.

When the war ended in 1945, many of these veterans joined Naval Reserve units back home. Hundreds of Naval Reserve training centers and other, smaller facilities were established to provide training in almost every phase of naval activity. Quarters were found in private, public and municipal buildings of every description—universities, city halls, fire stations and, in some cases, even jails. The World War II veterans were joined by younger, nonrated men who wanted to learn something about the Navy before they received orders to active duty.

In the nearly three decades which have passed since 1945, the Naval Reserve has continued to serve with distinction in times of crisis. During the Korea conflict over 130,000 Reservists from air and surface units answered the call to arms, and better than one out of four of the Navymen on active duty were Reserves. In one typical month of air operations in Korea, three-fourths of the 8000 combat sorties flown were by Naval Reserve aviators. Again, during the Berlin Crisis of 1961, 40 Naval Reserve ships were called to active duty along with their crews, and 18 Air Reserve squadrons were activated.

Although there was no large-scale mobilization of the Naval Reserve during the conflict in Vietnam, six Naval Air Reserve squadrons and two Reserve Seabee battalions were mobilized in 1968 to serve for a year on active duty. In addition, many of the Navymen on active duty in Vietnam have been young Reservists in various officer programs or the 2x6 enlisted program, which calls for two years of active duty during a six-year Reserve enlistment. As of 1967, almost one out of seven Navymen on active duty were Reservists, and today the figure is about one out of 10.

The first naval officer to be awarded the Medal of Honor for action in Vietnam was a Naval Reservist—Lieutenant Vincent R. Capodanno of the Chaplain Corps. He was killed on 4 Sep 1967 while trying to help a wounded hospital corpsman directly in the line of fire of an enemy machinegun only 15 yards away.

In the 1970s more and more emphasis is being placed on the Naval Reserve as a key element in national defense under the Total Force Concept and, with the elimination of the draft and reductions in the size of the active duty Navy, America is banking heavily on a strong and effective Naval Reserve as a readily available back-up force for the full-time Navy. Judging from past performances, if that back-up force is ever needed in an emergency, you can safely bet that many of the "ordinary" citizens in our part-time Navy will turn out to be extraordinary full-time Navymen when the chips are really down.

PENDING CONSIDERATION OF THE TRADE BILL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ASHBROOK. Mr. Speaker, in considering proposed changes in our trade policy with the Soviet Union, we must keep foremost in our minds the vital strategic interests of the United States and actual changes in Soviet society.

The most-favored-nation principle is not a right that ought to be lightly extended to any nation in the world simply as a manifestation of their existence. Instead, the opportunity to trade with the United States under the most favorable arrangements should only be granted when it can clearly be demonstrated that certain basic presuppositions of the most-favored-nation status are fulfilled and, moreover, that no conflict exists with the vital interest of this country. In short, a nation must adhere to all the basic requirements of international economic exchange in order to qualify for MFN status and also, it must be clearly demonstrated that no further transfer of American technical expertise is exported that may return, as in Vietnam, in the form of American casualties.

Quite clearly the argument presented by the administration supporting the granting of MFN status to the Soviet Union is but a part, though a vitally important part, of the general policy of détente pursued in recent years. One may find echoes of this policy in former President Johnson's efforts to "build bridges of understanding" to the Communist nations. With the expansion of contact and agreements under President Nixon with the Soviet Union and particularly with the beginning of diplomatic communication with Red China, the policy of what was previously called "peaceful coexistence" has proceeded at an extraordinarily rapid pace.

But if recent events are any indication, then it appears that an inverse relationship apparently exists between the euphoric rhetoric surrounding détente and the concrete actions transpiring in the real world. Soviet dissidents have cautioned Americans about the fraudulent nature of the current negotiations with the Soviets, while even Kremlin leaders themselves have admitted the totally pragmatic character of their desire for trade with the United States.

The famous Russian nuclear physicist, Andrei Sakharov, after specifically being told not to talk to Western journalists, warned them that détente would become "very dangerous" if democratization did not take place within Soviet society to free the leadership from their isolation. "What is necessary is to liquidate society's ideological obsession." That obsession is apparent in the pronouncements of many party leaders.

Just last month, as reported by the New York Times on September 17, Leonid Brezhnev informed Communist Party leaders from Eastern Europe that détente only represented a tactical maneuver to permit the Soviet bloc to use Western technological assistance in order to establish superior strength in the next 12 to 15 years. Being much more blunt, Vladimir N. Yagodkin, Moscow city party official in charge of propaganda, has analogized that there is nothing wrong with signing a pact with the devil "if you are certain you can cheat the devil."

The United States has already bailed the Soviet Union out of one of their worst annual agricultural disasters with the huge shipment of wheat this past year. While American grain, general foodstuffs, transportation, and other prices have skyrocketed as a consequence of the deal, Russians are purchasing bread for as little as 16 kopeks—23 cents—for a 2-pound loaf.

Absolutely no justification exists for an American extension of credit and trade privileges to the Soviet Union, especially when, as they readily admit, they will only purchase materials and copy techniques in order to more effectively struggle against us in the future. There is even less justification for present U.S. credits to the Soviet Union—credits ican taxpayer.

Without even waiting for the future, the Kremlin leadership has clearly demonstrated in the past year their truly selfish and cynical attitudes toward détente. While the United States withdrew which are being subsidized by the Amer-
all of her forces from Vietnam and made extraordinary concessions to bring about a peace settlement, the Soviets continued supplying their Asian allies with the means of conducting further warfare. In the days preceding this discussion, the

same actions have appeared in the Middle East.

Yesterday, the State Department announced that the Soviet Union has thus far sent 280 flights from Moscow to Cairo and Damascus carrying 4,000 tons of military hardware since the beginning of the latest Middle East war. Just last night, CBS, reported positive identification of Soviet advisors serving with the Syrian army, and also noted increasing indications that Russian pilots are manning some of the Syrian Mig fighters. Even prior to these revelations, the general conduct of the Russians in the coming of the war contain many ominous signs that agreements supposedly made last year in Moscow with President Nixon are not being fulfilled. The Kremlin has issued a statement that they will cooperate in order to limit the current fighting—by that they may mean limiting it at the moment to the crushing of Israel with Russian arms.

The current actions speak much more eloquently than any official pronouncements do on the real attitude of the Soviet Union toward cooperating with the United States in order to bring about a "generation of peace." While the Soviets have consistently placed their own self-interest and revolutionary ideology in the position of primary consideration in governing their decisionmaking, we have often ignored our own vital interests in order not to upset an allegedly existing détente.

With the trade measure currently under discussion, we must begin once again to concern ourselves with our own wellbeing, both now and in the distant future. Even the proponents of the measure agree that the principle benefits accrue to the Soviet Union. As Harvard professor, Abram Bergson, a specialist on the Soviet economy, testified in July before the Senate-House Economic Committee:

> It is fairly evident, I think, that the U.S.S.R. has more to gain than we from the new commercial relationship.

If the past is any indication, the Soviets will receive vitally needed foodstuffs and modern machinery from us; we will receive additional IOU's and promises of natural gas supplies in another decade.

We do not fear competition from the Russians, but as long as they remain in an adversary position to civilized conduct throughout the world, no possible reasons exist for strengthening them as they pursue their malevolent designs, both at home and abroad.

THE NATIONAL URBAN LEAGUE SUPPORTS THE COMMUNITY ANTICRIME ASSISTANCE ACT OF 1973

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. RANGEL. Mr. Speaker, last Wednesday, the National Urban League, represented by the able and articulate new director of its Washington Bureau, Ronald H. Brown, strongly supported the Community Anticrime Act of 1973, H.R. 9175, in testimony before the Subcommittee on Crime of the House Judiciary Committee.

Because this bill, which was introduced by my brother from Detroit, Congressman JOHN CONYERS, is such an important effort to provide a vehicle by which the Federal Government can assist communities in obtaining citizen involvement in the effort to fight the causes of crime, and because Mr. Brown's testimony was so impressive in support of this measure, I place his testimony in the RECORD for the information of my colleagues:

TESTIMONY BY RONALD H. BROWN

Mr. Chairman, on behalf of the National Urban League, I wish to express our appreciation for the opportunity to address this subcommittee on the vital issue of participation of the community in crime prevention.

The National Urban League is an interracial non-profit, non-partisan community service organization which uses the tools of social work, economics, law, and other disciplines to secure equal opportunities in all sectors of our society for black Americans and other minorities. We have a 63-year history of service.

On the local level, the National Urban League has 101 affiliates located in 34 states and the District of Columbia.

Local affiliates serve as advocates of black and other minorities within their own localities, implementing programs determined by local communities to meet their needs. The National Office of the Urban League movement channels funds to the affiliates for operation of national demonstration projects designed to find unique solutions and answers to critical issues of national concern.

The skilled professional staff of more than 2,000 persons of the National Urban League and affiliates offices are supplemented by a cadre of some 25,000 volunteers.

The National Urban League has a particular interest in the issue of community participation in crime prevention because of the impact of crime on the black community. Black people are four times as likely as white people to be robbed, twice as likely to be assaulted, and four times as likely to be raped. Crime is a deadly reality that drains the energies and vitality of our neighborhoods and fills its streets with dread.

While the basic causes of crime, namely poverty, racism and economic exploitation need to be resolved before meaningful change can occur, some effort has to be directed toward providing symptomatic relief for the victims of crime. People must feel safe to be in or leave their houses and to develop and maintain their own economic security, i.e., traveling to and from jobs or to participate in training and/or social programs.

The criminal justice system is intended to be the bulwark against crime. Yet suspicion, fear and disrespect of that system abounds within the ghettos of this nation. We must ask ourselves why these attitudes and feelings get acted out against the policeman who represents the first line of defense against crime. A young black facing the uncertainty of arrest often prefers to conduct "court" on the streets with the arresting officer than face the uncertainty of arrest. Then other citizens may choose to relegate their role to that of indifferent observer. The policeman's job is thus made more difficult as he is often viewed with contempt by those he is sworn to protect.

The conflict between police and community is further exacerbated by the fact that the policeman is compelled to enforce private morality that masquerades as law; these are called victimless crimes. The black community is acutely aware of the inherent contradiction of the criminal justice system acting as moral arbitrator, when they view the sentencing patterns of poor people as compared to the affluent. Three out of four car thieves are commited to prison for an average of three years; of those convicted of securities fraud, only 16% are sentenced to jail, and then for an average term of one year.

We recognize that too often the black community has not participated in any signficant degree in the design, development and implementation of Criminal Justice Programs. This fact is illustrated in the very limited participation of blacks and other minorities in the National Commission of Criminal Justice Standards and Goals. If the federal government through this proposed legislation is going to require as in Section 103 Subheading (b)1 satisfactory assurances that applicants for grants involve the disadvantaged and black, it must first demonstrate its willingness to so involve minorities on such prestigious and important planning bodies.

In designing programs to deal with the problems of crime, the National Urban League has sought through its Administration of Justice Programs the direct participation of the black community in a broad range of activities within the criminal justice field.

In the area of increased minority participation in the various police departments, over the past year our Law Enforcement Recruitment Project in cooperation with the Law Enforcement Assistance Administration (LEAA) was responsible for the recruitment of 3,600 minority police officers in three major impact cities. That program has expanded to three additional cities this year.

In the area of Corrections—the National Urban League conducted a pilot demonstration project at Rikers Island, a New York City Detention Center, in cooperation with the New York City Department of Corrections. Using ex-offenders in concert with minority professionals the League was responsible for providing over 1,800 man hours of in-service training for correctional officers, including the high ranking officers within that system. The result has been the establishment of the first Correction Officers Academy.

At the community level, National Urban League's Community Assistance Project is a pilot project in Chester, Pennsylvania. The Project has realized successes in pre-trial diversion. The community-based staff, including ex-offenders resolves family disputes and neighborhood conflicts through arbitration. Thus, local police are removed from the moral arbiter role.

Since 50% of all police homicides occur as a result of such intervention this activity is of utmost importance.

The Community Assistance Project also sponsors parolees, offers bail and investigative service for defendants as well as victims of crimes to insure that justice will be served for both parties.

These experiences of working cooperatively with the Criminal Justice System provides a background against which we make the following recommendations on House Bill 9175.

We heartedly endorse the intent of this Bill and applaud the efforts to render technical and financial support for the community's efforts to help themselves. For too many years the pathology within the poor and black community has been stressed, as opposed to offering support to the strengths that we of the National Urban League know exist.

We believe that the establishment of a community structure to coordinate all citizen programs should offer the necessary information and technical assistance including fiscal management aid and evaluation of program results to citizen groups. Such services can better be offered by established nonprofit agencies (minority organizations where appropriate) who along with proven management capability have also a demonstrated sensitivity to the particular circumstances faced by citizen groups.

Therefore, the National Urban League recommends the following:

(1) Title I—Section 102—Sub-heading (b) 8 provides for "the establishment of community structures to coordinate all citizen programs." This responsibility should be removed from that of local government and be placed under the auspice of non-profit organizations—under Title II, Grants to Nonprofit Private Agencies.

(2) On the issue of consumer participation: (Section 103—Sub-heading (b) paragraph (1) that provides for assurance of the involvement of disadvantaged and minority groups in the justice system. This section should be strengthened to make participation mandatory with the details of this requirement specifically stated.

(3) Under Title II, Grants to Non-profit Private Agencies:

(a) This section should also include grants to communities to conduct pre-trial diversion to resolve . . .

(b) Programs that directly involve youth in the planning, development, and implementation of activities geared to reduce juvenile crime and discouraging and/or preventing delinquent behavior must be included. This is of particular importance when we consider in that 1971, 45% of all arrest for major crimes were of youngsters under 18 years of age. Youth must be involved. The National Urban League has demonstrated its commitment to this principle when instituting a policy requiring all boards of directors of of its affiliates, as well as the National board to be composed of 25% of youth.

Although the National Urban League is a well established non-profit agency with a 63-year history of service, it recognizes that many neighborhood groups who are performing well, but who lack a formal organizational structure may be excluded from participation in this program. We, therefore recommend in:

Section 203—Sub-heading (a), that such groups that lack a formal structure with proven record, be allowed to apply for a grant with the provision that they have a sponsor who is a private, non-profit organization. This non-profit sponsor will have administrative responsibility for no more than one year, or until such time that the citizen group is able to satisfy the director that they meet the minimum standard outlined within the legislation for non-profit organization.

Mr. Chairman—We feel that House Bill 9175, is one of the most significant pieces of legislation in the fight against crime, for it holds the promise of not only providing financial assistance for citizen involvement, but it can also lend credence to the necessity of that involvement.

We urge your support of this legislation and pledge the National Urban League's commitment in carrying its purpose.

I thank you again for your attention.

THE ARENA STAGE CO.

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. PEYSER. Mr. Speaker, as a cosponsor of the recently passed legislation to authorize the extension of the National Foundation for the Arts and the Humanities, I take great pleasure in welcoming back to the United States the Arena Stage Co. of Washington, D.C.

This group, founded and directed by Zelda Fichandler and her husband, Tom, has just completed an international good will tour of several European cities presenting performances of the American classics, "Our Town" and "Inherit the Wind."

As a recipient of support from the endowment, this organization has given the Washington public the benefit of creative contemporary theater at reasonable prices. I applaud the members of the Arena Stage Co. and thank them for giving thousands of foreign citizens a view of the best of American theater.

CONSUMER CREDIT HEARINGS RESUMING OCTOBER 29 WILL COVER AGRICULTURAL CREDIT, SEX DISCRIMINATION AND NUMEROUS OTHER ISSUES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mrs. SULLIVAN. Mr. Speaker, from the numbers of calls the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency has been receiving from the offices of Members of Congress seeking information in order to respond to constituents' correspondence on consumer credit matters, it is clear that there is widespread public interest in the operations of the Consumer Credit Protection Act of 1968 and in many pending proposals for changes and improvements in truth in lending and other titles of that landmark law.

Many Members have received letters urging elimination of agricultural credit from the coverage of the Truth in Lending Act. There is also particular interest in the subject of discrimination in the extension of credit by reason of sex or marital status. The discrimination issue was brought to national attention for the first time in May 1972, when the National Commission on Consumer Finance, created by title IV of the 1968 act, held hearings on the problems encountered by women in obtaining credit in their own names or in having their earnings taken into consideration by real estate lending institutions in determining a family's financial eligibility for a mortgage in buying a home.

EFFECTS OF SOME STATE LAWS

As the member of the National Commission who proposed the sex discrimination hearings in 1972, and as the only one of the six congressional Members of the nine-member Commission who heard all of the testimony during the 2 full days of the hearings, I found that a thoroughly convincing case was made by the witnesses that discrimination against women was at that time widespread throughout the credit industry. Much of it was based on plain, ordinary stupidity by credit office personnel rigidly applying standards of creditworthiness based on outmoded concepts of women's role in the economy. But it was also established that some of the discriminatory practices were based, whether legitimately or not, on State laws still in effect, or recently repealed or modified, which, as the Commission later reported, "hinder the admission of creditworthy women to the credit society."

Mentioned particularly were State laws dealing with alimony, support, dower, and curtesy, community property, and, in the case of usury laws in many States, provisions which prohibit a creditor from establishing separate accounts for husbands and wives if the State has a graduated ceiling on maximum finance rates with the rate decreasing as the credit balance increases.

As a result of the hearings of the National Commission on Consumer Finance, many major creditors who had been identified in our hearings as maintaining archaic and indefensible policies in refusing credit to women in their own names, not taking into account a woman's own creditworthiness in rejecting her application, immediately began to restudy and revise their policies. Noting this quick reversal of position on the part of many banks, finance companies, department stores, credit card companies, et cetera, the Commission recommended immediate action in the State legislatures to analyze any of their still-remaining laws which led creditors to believe they assumed special risks in extending credit to married or previously married women in their own names.

CONGRESSIONAL ACTIVITY ON SEX DISCRIMINATION

In the meantime, however, many bills have been introduced in the Congress calling for a Federal prohibition against discrimination in the extension of credit by reason of sex and marital status. Such a provision recently passed the Senate without hearings as title III of S. 2101, a bill dealing also with credit billing practices and with technical changes in truth in lending.

My Subcommittee on Consumer Affairs began hearings in July on the general subject of consumer credit regulation, including the 85 recommendations of the National Commission on Consumer Finance for far-reaching changes in the consumer credit industry and in Federal and State regulatory practices. We are also covering in our hearings the operations of the various titles of the Consumer Credit Protection Act: Title I, Truth in Lending; Title II, Extortion; Title III, Garnishment; and Title VI, the Fair Credit Reporting Act—Title IV created the National Commission whose work ended at the start of this year; title V is a miscellaneous title dealing primarily with grammatical usages, severability, and effective dates.

In all of our consumer credit hearings so far this year—with the Federal Trade Commission on the operations of and needed changes in the Fair Credit Reporting Act; with the FTC and the Federal Reserve on the operations of and needed changes in truth in lending; and with former Chairman of the National Commission on Consumer Finance, Ira M. Millstein, on the recommendations of that panel—we have been going into the sex and marital status discrimination issue with all witnesses. We will continue to do so in further hearings to begin later on this month, on October 29.

DEVELOPMENT OF COMPREHENSIVE LEGISLATION

Out of our hearings, I hope we can come forward with effective and workable legislation which deals with all of the significant problems consumers face in the informed and effective utilization of credit, and which meets and solves legitimate problems the credit industry has encountered under existing laws.

As I said, Mr. Speaker, many Members are receiving complaints from lenders and credit sellers in the rural areas about the agricultural coverage of truth in lending. We intend to hear both sides of that issue, too, along with all other issues in the consumer credit field.

For the information of Members of the House, and to assist them further in answering constituents' inquiries about consumer credit issues, I submit as part of my remarks the press release issued by the subcommittee yesterday on the nature and scope of the next series of hearings beginning October 29.

The press release referred to is as follows:

CONSUMER CREDIT HEARINGS RESUME OCTOBER 29

Chairman Leonor K. Sullivan of the Subcommittee on Consumer Affairs, House Committee on Banking and Currency, announced today the resumption beginning October 29, 1973, of Subcommittee hearings on consumer credit issues, including the question of discrimination against women in extensions of credit, coverage of agricultural transactions under the Truth in Lending Act, the recommendations of the National Commission on Consumer Finance, proposed changes in the Fair Credit Reporting Act, and related subjects.

Both morning and afternoon sessions have been scheduled so far for Monday, Tuesday, and Wednesday, October 29, 30, and 31, and Tuesday, November 6, in the main hearing room of the Committee on Banking and Currency, Room 2128 Rayburn House Office Building. Further hearings are contemplated later in November.

"There is tremendous interest in the subject of prohibiting discrimination in credit by reason of sex or marital status," Mrs. Sullivan declared, "and this is an issue we will go into with all of our witnesses from Federal regulatory agencies having jurisdiction over Truth in Lending enforcement, as well as with all witnesses from the private sector.

"As the member of the National Commission on Consumer Finance who instigated the two days of hearings on sex and marital status discrimination by that Commission in May, 1972, which led in turn to the introduction of scores of bills on this subject, I am anxious to develop the feasibility of a Federal anti-discrimination law, such as has been passed by the Senate, in view of the Commission's findings that state laws dealing with alimony, support, dower and curtesy, community property, and certain aspects of usury statutes 'hinder admission of creditworthy women to the credit society'."

Mrs. Sullivan added that the Subcommittee will also be covering the whole range of issues involving creditor remedies and debtor defenses—such as garnishment, confession of judgment notes, repossession, deficiency judgments, security interest in property, default, holder-in-due course, wage assignments, balloon payments, cosigner agreements, etc.—cited as often abusive by the National Commission; also it will go into unfair collection practices, including harassment, inconvenient venue, and "sewer service"; and into such issues raised by the National Commission as door-to-door sales "cooling off periods", rebates for pre-payment of installment contracts, credit insurance, and others. Class action suits and agriculture credit will also be discussed.

"A major purpose of the hearings will be to develop information looking toward the introduction this year or early next year of an omnibus bill to carry out many of the 85 recommendations of the National Commission and to resolve many technical issues which have arisen through the operations of the Consumer Credit Protection Act of 1968," the Chairman said.

"We began this series of hearings in July with testimony from the Federal Trade Commission on the Fair Credit Reporting Act of 1970 (which became Title VI of the Consumer Credit Protection Act); from the FTC and the Federal Reserve Board on Truth in Lending issues; and from the former Chairman of the National Commission on Consumer Finance, Ira M. Millstein. These three hearings provided us with many significant proposals for improvements in the basic consumer credit laws from the standpoint of protection of consumers as well as fairness to the credit industry.

"The new series of hearings beginning October 29 will build on that foundation. While we are not as yet taking up specific bills, we will be covering all of the issues contained in S. 2101 as passed by the Senate and in the many bills introduced in the House dealing with many different aspects of consumer credit regulation."

The list of witnesses for each of the four days of hearings so far scheduled will be announced later.

VETERANS DAY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HELSTOSKI. Mr. Speaker, on Monday, October 22, this Nation will celebrate Veterans Day—a day set aside to honor the many men and women who have served loyally and bravely in our Armed Forces.

This year, Veterans Day is particularly meaningful. We have concluded our involvement in Vietnam, and people throughout our Nation and the world are starting to believe that the notion of a world without war can be transformed into reality. Hence, today we pay special tribute to our veterans. The men and women of this Nation, I am proud to say, have been willing to go anywhere in the world to defend the fundamental concepts of human dignity and decency during the history of our Nation.

Today, we the Congress of the United States, must make a pledge—a promise to those who have served our country that we in turn will give them our total support. The Congress must continue to help veterans find jobs, to provide housing and adequate educational benefits, and to guarantee hospital and disability benefits.

We must do our best to assure these individuals that their benefits will not be curtailed by inflation or undercut by increases in social security or other benefits.

As a member of the House Veterans Affairs Committee, and as chairman of the Subcommittee on Education and Training, I will continue to assist our veterans in any way I can. Personally, I feel fortunate to be in a position whereby I can help this Nation say thank you to this special group of citizens.

I am well aware of the fact that many of our veterans and veterans' organizations wish that the day of celebration be returned to its original date of November 11. As a result, I have introduced legislation to this effect. However, in reality, the celebration of Veterans Day is only symbolic at best—the real challenge, and obligation of each Member of Congress, is to work hard and to work together to see that our veterans are remembered thru our legislative efforts.

SAVINGS AND LOAN CONVERSION: THE FEDERAL HOME LOAN BANK BOARD INDICATES DIRECTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HANNA. Mr. Speaker, recently the Federal Home Loan Bank Board issued interim regulations on mutual to stock conversions of Savings and Loans. The new rules are intended to govern until the conversion moratorium we mandated earlier this year expires on June 30, 1974.

The regulations signal a significant shift in the Board's policy on conversions. The Board has apparently abandoned the "windfall" conversion formula which it had previously advanced and which might well have caused significant fund shifts. The Board has decided to instead explore the use of conversions as a means of significantly strengthening their capital position. Given the financial pressure they are experiencing at this juncture and may well face in the future, I think it well that the use of stock conversions as a means to the end of a stronger home mortgage lending industry warrant our careful study. In furtherence of that objective, I wish to include the comments and reference to regulations appearing in the Federal Register of September 6, 1973, at this point:

Since December 5, 1963, the Board has maintained a moratorium on conversions of all FSLIC-insured institutions, both Federally chartered and State chartered, from the mutual to stock form. Hence, since that date § § 546.6 and 563.22-1 have been without substantive effect. In addition, the Board has long been of the view that § § 546.5 and 563.22-1 are totally inadequate to govern mutual to stock conversions and prescribe standards for such conversions, which, if generally followed, would produce seriously improper results. On January 3, 1973 the Board proposed to revoke § § 546.5 and 563.22-1 and to adopt a new Part 563b of the rules and regulations for Insurance of Accounts, designed to govern mutual to stock conversions by both Federally chartered and State chartered FSLIC-insured associations. On March 9, 1973, the Board briefly extended the comment period on its January 3 proposals and announced that the Board intended to issue revised proposed regulations.

On August 16, 1973, the President signed into law Pub. L. 93-100, section 4 of which added a new subsection (j) to section 402 of the National Housing Act, as amended (12 U.S.C. 1725). New subsection (j) provides as follows:

"(j) (1) Except as provided in paragraph (2), until June 30, 1974, the Corporation shall not approve, under regulations adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933, by order or otherwise, a conversion from the mutual to the stock form of organization involving or to involve an insured institution, including approval of any application for such conversion pending on the date of enactment of this subsection, except that this sentence shall not be deemed to limit now or hereafter the authority of the Corporation to approve conversions in supervisory cases. The Corporation may by rule, regulation, or otherwise and under such civil penalties (which shall be cumulative to any other remedies) as it may prescribe, take whatever action it deems necessary or appropriate to implement or enforce this subsection.

"(2) After December 31, 1973, the Corporation may approve any study application filed prior to May 22, 1973, pursuant to regulations in effect and adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933."

In a companion resolution, Resolution No. 73-1243, dated August 27, 1973, the Board revises § 546.5 so that it is a temporary regulation designed to implement said section 402(j). For the same purpose, the Board hereby revises said § 563.22-1 to read as set forth below, effective August 27, 1973.

The purpose of this preamble is two-fold: to explain in greater detail the nature of the Board's actions as described in the previous paragraph and to state in general terms the Board's future plans with respect to further revisions of, and final adoption of, proposed Part 563b. The preamble to the companion resolution will consist of a cross-reference to this preamble.

In general terms, section 402(j) imposes two statutory moratoria on mutual to stock conversions involving or to involve any institution whose accounts are insured by the FSLIC (with the exception of supervisory cases). The one moratorium extends through December 31, 1973, and applies to certain study applications. The other moratorium extends until June 30, 1974, and applies to all other mutual to stock conversions within the Board's jurisdiction, Section 402(j) explicitly recognizes the Board's jurisdiction, as operating head of the FSLIC, over all mutual to stock conversions involving or to involve any insured institution.

The longer moratorium contained in section 402(j)(1) is implemented by paragraph (a) in both new § 546.5 and new § 563.22-1. The shorter moratorium contained in section 402(j)(3) is implemented by paragraph (b) in both new § 546.5 and new § 563.22-1.

The authority to impose civil penalties, which was granted to the Corporation by the second sentence of section 402(j)(1), is implemented by paragraph (c) in both new § 546.5 and new § 563.22-1. The full meaning of the former paragraph (c) is specified by reference to the latter paragraph (c).

Paragraph (d) of § 546.5 and paragraphs (d) and (e) of § 563.22-1 contain definitions of terms. Such paragraphs are adopted pursuant to the grant of implementing and enforcement authority contained in the second sentence of section 402(j)(1) and pursuant to existing authority under section 5(a) of the Home Owners' Loan Act of 1933 and section 402(a) of Title IV of the National Housing Act. The term "study application" is defined by paragraph (c) of § 563.22-1 to refer solely to the five study applications filed with the Board and the Corporaton between July 26, 1972, and September 22, 1972. The term "convert" is defined by paragraph (d) of § 563.22-1. However, certain prohibited activities included within the term may occur if authorized in writing by the Corporation.

The Board received a very heavy volume of public comment on its January 3, 1973, proposals during and following the comment period thereon. On March 12 and 13, 1973, two days of public hearings were held on the proposals, resulting in an 800 page transcript. During May 1973 extensive testimony on the subject of conversions was taken by the Subcommittee on Bank Supervision and Insurance of the House Committee on Banking and Currency. Then Acting Board Chairman Kamp testified at those hearings and the Board presented lengthy written materials to the Subcommittee both during and following the hearings.

Following a review of the views and information obtained and produced as a result of the activities described above and otherwise available, the Board directed the preparation of a comprehensive, in-depth analysis of the basic issues involved in mutual to stock conversion plans, along with a full description of the advantages and disadvantages of all options open to the Board.. This further analysis was designed to ensure that all significant aspects of the information available to the Board were taken into full account. Following careful consideration of the analysis presented, the Board has reached a number of determinations. With respect to the timing of the Board's future actions in the area of mutual to stock conversions, the Board presently intends to adhere to the following schedule.

1. By the latter part of October 1973 the staff is to present to the Board a draft of revised proposed conversion regulations.

2. By mid-November 1973 revised proposed conversion regulations are to be published in the FEDERAL REGISTER with a comment period ending December 31, 1973.

3. Subsequent to such publication the five study applicants will be able to revise their applications on the basis of the revised proposed regulations and to file such revised applications with the Board which will process them to the extent practicable consistent with preparation of final conversion regulations.

4. By approximately January 31, 1974, final conversion regulations are expected to be adopted.

5. Between the date of adoption of final conversion regulations and June 30, 1974, preliminary and final approval may be given to any revised conversion applications received from study applicants, if appropriate.

6. During such period, other applicants may file conversion applications which may, in the Board's discretion and subject to the limitations of its resources, be processed and to which preliminary approval may be given, if appropriate. Following June 30, 1974, final approval may be given to these other applications, if appropriate.

7. Following June 30, 1974, further applications received will be processed in accordance with regulations then in effect.

With respect to the substance of the revised proposed regulations, the Board's principal determination is that they must contain substantially greater disincentives to shifts of funds among associations and other financial institutions than were contained in the January 3, 1973, proposals. The Board has come to the view that, in today's economic, technological and social environment, the financial and managerial stability of the system of FSLIC insured institutions will be unacceptably threatened unless the so-called "windfall" aspect of mutual to stock conversions is virtually eliminated. The Board acts as the exclusive chartering, supervisory and insuring authority for all Federal savings and loan associations and as the exclusive insuring authority for State chartered associations holding most of the assets of such associations. In those capacities the Board has a weighty statutory responsibility regarding the stability, safety and soundness of the system of FSLIC insured institutions and must give great emphasis to these factors in determining the equity of conversion standards, controls and procedures to be effective on a national basis.

Further, the Board is concerned that a conversion involving a "windfall" distribution of capital stock to accountholders without payment would subject associations preferring to remain mutual to executive pressure to convert without proper regard to whether a conversion of a particular association will better able it to serve the thrift and home financing needs of its community. It is of major concern to the Board that the act of conversion be a matter of free choice and that any conversion regulation not contain provisions whose effect might be to force an association to convert regardless of considerations of public or economic benefit.

In order to avoid these and other problems, the Board presently intends to issue revised proposed regulations requiring that all eligible accountholders as of a distribution record date have an opportunity on a pro rata basis to purchase all the capital stock of the converting institution at its full pro forma market value (less any underwriting discounts or commissions); that those eligible accountholders who do not purchase will not receive any distribution of capital stock or cash; and that the capital stock not purchased must be sold to the public, who may include accountholders, borrowers and management of the converting association. The requirement that the converting association receive the proceeds from the sale of its stock will not be altered in the case of conversion by way of merger or holding company acquisition.

Further, the Board presently intends that the revised proposed regulations will require that the net worth of the converting association as of the date of conversion will be reserved on its books (with no subsequent additions thereto) for the benefit of its accountholders as of the date of conversion payable only in the event of a subsequent full liquidation of the converted association. As those accountholders close their accounts subsequent to conversion, the amount of this reserve account will be reduced pro tanto on the books of the converted association until the reserve account eventually terminates. Such interests in this reserve account would not be affected by any subsequent merger involving the converted association.

It is also intended that the system of time averaging and the treatment of predecessor accounts in the January 3, 1973, proposals will be substantially simplified. An additional intended change would permit plans of conversion to be approved by a vote of a majority of the eligible outstanding votes, unless State law requires a higher percentage.

A further advantage of the above described provisions is that they would directly foster a significant influx of capital into savings and loan associations. This will strengthen the converted associations and will also provide them with an additional source of future capital which can be used to help satisfy the pressing home financing needs of the Nation.

Since the above amendment consists of a temporary regulation to implement the provisions of the new section 402(j) of the National Housing Act, as amended, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). The Board hereby finds, for the same reason, that publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary. Accordingly, the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

CONGRESS AND WAR

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. McKINNEY. Mr. Speaker, there is little doubt that the 93d Congress took a historic step when it enacted the War Powers bill. In a commendable display of bipartisanship, members of both Houses worked long and hard to draft legislation which would speak fairly and bring balance to this most volatile issue.

I feel their efforts bore fruit for the result is a workable law which this Nation needs and its citizens want. I have been dismayed. however, with the persistent reports that the President will veto this bill. Following, Mr. Speaker, is an editorial from the Bridgeport, Conn. Post which I believe to be reflective of the views held by a vast majority of our fellow citizens. In its commentary, the Post notes: "We hope Mr. Nixon changes his mind." Mr. Speaker, I hope so, too.

The editorial follow:

CONGRESS AND WAR

The War Powers Act forged by compromise between committees of the House and Senate is the kind of measure necessary to redress the imbalance that has developed between the executive and legislative branches in a most crucial matter.

The Constitution, although it makes the President the commander-in-chief of the armed forces, gives Congress the power to declare war. That congressional prerogative has been largely ignored by recent presidents during our Vietnam involvement. Because Congress never passed an official declaration authorizing our military actions in Indochina, they seemed of doubtful legitimacy to many Americans.

The War Powers bill, if passed in its present form, would guard against a recurrence of this situation in the future. The President would have to end the commitment of American troops to foreign combat within 60 days unless Congress authorized the action or issued a declaration of war. The only exception would be if Congress was unable to meet because of an attack on the United States.

The President could request a 30-day extension only if he certified that continued military action was necessary to protect troops during their withdrawal.

During the 60-day time-limit or the 30-day extension, Congress could order the termination of hostilities by passing a concurrent resolution, not subject to presidential veto.

President Richard M. Nixon has stated he would veto any war powers act, like the present one, which causes his power to commit our armed forces to simply expire after a certain date. The President has indicated the only kind of bill he could live with would require Congress to pass cut-off legislation if it wants to bring hostilities to a halt.

We hope Mr. Nixon changes his mind.

When a president sets the war machinery of the United States in motion, the burden of proof should be on him. If he cannot convince Congress his action is right, the conflict ought to be terminated. It should be noted that the bill does not tie the commander-in-chief's hands in the event of an attack on our country. There is no reason why the President cannot consult Congress within 60 days, except in truly exceptional circumstances for which the bill makes provision.

What the bill would do is prevent another prolonged war without the authorization of the people's representatives.

HE'S REPAYING DEBT BY HELPING OTHERS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. LEHMAN. Mr. Speaker, having known John Winters since he was a teenager, it is a privilege to share the knowledge of John's award with my colleagues. The story of the award in the following article speaks for itself. But no story can really tell of this unusual young man and his spirit that far transcends his handicap.

John has long been an inspiration to those other young people, also handicapped, with whom he grew up and associated with—the muscular dystrophy victims, those with cerebral palsy like himself, and those afflicted in other ways.

Let us who are more fortunate look to John Winters when we are troubled by our anxieties and hardships and our personal crises. Our problems come and go. John Winters must face his crisis every single day. He has overcome much of his physical handicap. He was never afflicted with the most terrible handicap of all—the handicap of the spirit, and he never shall. Let us learn and take heart from those like John Winters.

The article follows:

HE'S REPAYING DEBT BY HELPING OTHERS

(By Joan Bucks Hansen)

John Winters says he helps those less fortunate than himself because it's the only way to repay those who have helped him over the years.

Winters is a victim of cerebral palsy.

Wednesday, he received the Edward Axlrod Memorial Award for Dade's Employ the Handicapped Committee which spotlights handicapped people "whose accomplishments outweigh their physical limitations."

When the award was announced at the annual Salute to Achievement luncheon, Winters says, "I couldn't believe it."

"I just felt I was doing the work the Lord put me here to—and that's all," Winters said.

Winters, now 28, has been a familiar sight around North Miami for the last seven years, bouncing along in the electric golf cart provided to him by the Miami Shores Kiwanis Club when he was 21.

The golf cart, topped by a yellow striped canopy, orange flags and plexiglass siding to keep the rain out, carries Winters from the southern boundaries of Miami Shores to the north end of North Miami Beach on his daily rounds to work with the handicapped.

His full-time project is GOAL (Get Out And Live), a program which operates out of his home.

His work aims to inspire the cerebral palsied to climb out of their wheelchairs, go places and do things—and find useful work.

"I tell them that life is too precious to sit and do nothing, and that God has a purpose for them."

Winters' electric cart helps provide incentive. When the step is made from wheelchair to crutches, a ride in the cart comes next.

GOAL also gets jobs for severely handicapped people, raises funds and trains them to do clerical work.

GOAL will be two years old Nov. 24 and Winters hopes it soon will be moving into its own office.

The nomination that led to Winters receiving the award this week said, "John Winters has GO-power. Cerebral palsy limits him but little . . . He started working, as a teenager, part-time and invested the rest of his time aiding all good community causes as a volunteer.

"John founded Achievers, bringing new social and recreational opportunities to disabled young people. Recently he established GOAL to bring work, encouragement and services to homebound people.

"John is a leader, the epitome of courage, inspiration and initiative—A man who, in doing for others, proves his own worth and the value of disabled people to a community."

The plaque that Winters received says, "Commendation for meritorious service awarded to John Winters for exceptional accomplishments which have contributed to the public understanding of the employment capabilities of the physically handicapped, this commendation for meritorious service is awarded."

Winters studied psychology and business administration at Miami-Dade Community College. The Miami Shores Kiwanis Club helped.

"They put me through school, bought the golf cart, provided me with what I needed," says Winters.

And two years ago, when his old cart wore out, Kiwanis provided him with a new one.

"I feel that the only way I can ever repay that is to turn around and help those less fortunate than I," John says.

THE FULL EMPLOYMENT "MYTH"

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BADILLO. Mr. Speaker, for many years there has been a great deal of talk about full employment. In fact, some claim that this was the objective of the Employment Act of 1946. However, the elusive goal of full employment has not been achieved because it has not been actively or meaningfully pursued, particularly as the majority of this Nation may be adversely affected. Almost a year ago, the Chairman of the President's Council of Economic Advisers declared that the idea of a maximum unemployment rate of 4 percent as a national goal had been abandoned and stated that it would be counterproductive to establish any specific unemployment target.

It is becoming increasingly apparent that there is no real desire to attempt to solve the unemployment crisis or to undertake meaningful economic development efforts because to do so, the "experts" claim, would be inflationary. Last winter, for example, Ms. Juanita Kreps, economics professor at Duke and a public member of the New York Stock Exchange's board of directors, wrote that "full employmment and wage-price stability seem not to be compatible." She further declared, in a New York Times article, that prices have risen much faster in low unemployment periods than in high ones.

I am sure that the employed majority of this country would be willing to accept high unemployment—regardless of the damaging affects on blacks, the Spanish-speaking, Indians and other minorities who are out of work—as an irritant or minor annoyance rather than endure high prices. I imagine this attitude would be shared by Mr. Nixon and many of his advisers. Thus, I am beginning to suspect that, while many politicians may talk about full employment, the administration simply dismisses such sentiments as another liberal shibboleth which should not be taken seriously.

My pessimistic attitude, unfortunately, is not unfounded as, from time to time the geniuses in Washington and New York give clear indications they have no intention of resolving the seemingly endless unemployment crisis. Two articles—one appearing in the New York Times last December and the other in a recent issue of the Christian Science Monitor—reinforce my suspicions and I submit them herewith:

FACING UP TO THE UNEMPLOYMENT PROBLEM

(By Juanita M. Kreps)

The call for a reconsideration of the 4 per cent unemployment goal should come as no surprise, given our inability to achieve that objective even in periods of sustained growth and prosperity.

Still, the change in thinking has been swift. A decade ago public policy reluctantly endorsed a 4 per cent interim level as "excessively high," no more than 3 per cent was acceptable as a long-run objective, and the 2 per cent records of Western Europe and Japan were cited as models.

A major reason for the current re-examination lies in the apparent conflict between the goal of full employment and that of price stability. When an increase in wages accompanies a decline in unemployment, economists tend to the gloomy conclusion that inflation is necessary to the maintenance of low unemployment rates; or alternatively that price stability can be maintained only at the cost of significant unemployment.

One is reminded of John Kenneth Galbraith's observation that economics has not quite escaped the name of the dismal science because the name has not been entirely undeserved.

In the first attempt to quantify the wage-unemployment relationship, Prof. A. W. Phillips of the London School of Economics found a fairly consistent inverse relation between wage changes and the percentage of the labor force unemployed in Britain from 1861 to 1957.

More specifically, he found that an annual increase in wages equal to the general increase in productivity, with prices remaining stable, was associated with an unemployment rate of about 2½ per cent. Or stated differently, unemployment rates below 2½ per cent would cause wages to rise faster than productivity and presumably would be accompanied by rising prices.

Since the wage level is both a cause and an effect of the price level, the Phillips relationship does not indicate whether wages push up prices or prices pull up wages. To keep money wages stable, Professor Phillips suggested that the unemployment rate would have to rise to approximately 5½ per cent.

Similar studies of other countries have confirmed the general conclusions reached by Professor Phillips.

For the United States, a 1960 analysis by Paul Samuelson and Robert Solow estimated that an annual price rise of about 4½ per cent would likely accompany the maintenance of a 97 per cent employment rate. Subsequently, others have thought the price rise would be as high as 5½ per cent with 3 per cent unemployment; or that stable prices and a productivity and wage increase of 2½ per cent would be accompanied by substantial unemployment—up to 8½ per cent.

Although estimates of the precise ratio vary, there is clear agreement that some tradeoff exists; full employment and wage-price stability seem not to be compatible.

During the last 25 years in which the United States has witnessed severe unemployment along with serious price inflation, prices have risen much faster in low unemployment periods than in high. Tracking the record from 1946 through 1970, the only periods in which unemployment stayed under 4½ per cent for any length of time (1946 to 1948; 1951 to 1953; 1955 to 1957; and 1965 to 1969) were times of higher-than-average price rises; in fact, the rate of price increase was about four times as fast in years of low unemployment.

Since price stability is also a major objective, the conflict of goals makes today's economic policy decisions more difficult than was envisioned when Congress committed the Federal Government to full employment with the passage of the Employment Act of 1946.

Recent analysis suggests that the full employment objective may be frustrated by still other barriers.

Clearly, the demand for labor depends on the rate of economic growth and job formation and, subject to considerations of price inflation, the growth rate can be accelerated through fiscal policy. But the number of persons seeking jobs depends on the population, its age composition and the propensity of different age-sex groups to enter the labor force. There is now some evidence that the size of the labor force in the nineteen-seventies may be larger than was anticipated and larger than even an accelerated growth rate can be expected to absorb.

Projections of the labor force made by Prof. T. Aldrich Finegan indicate a larger labor force in the immediate future than is generally forecast, the higher growth being due to the fact that favorable employment opportunities induce more persons (particularly women and teenagers) to enter the work force. His high-growth projection shows a labor force increase of 2.5 per cent annually from 1969 to 1974 (his low-growth estimate is 2.2 per cent), in contrast to the recent actual labor force growth of 2.1 per cent.

The upward trend, resulting primarily from his expectation of a continued rise in the labor force activity of women, is explained by a rise in the age at which women marry, a decline in the birth rate and a fall in the proportion of women with young children; improvements in child care facilities; a rise in women's educational attainment and in their earnings; a growth in the service sector, which offers women jobs; a decline in length of the workweek, and a growth of part-time jobs.

The growth in jobs necessary to absorb the larger labor force and hold unemployment at 4.5 per cent is quite high: 7.5 per cent in the period from mid-1971 through the end of 1973, even on the low-growth labor force assumption.

Such employment gains are unprecedented during the last 25 years. Moreover, Professor Finegan notes that structural imbalances will likely aggravate the unemployment problem. Cuts in the ordnance and aerospace industries will continue; employment in the educational field will remain soft; the rate of job growth in state and local governments has slowed; big increases in manufacturing employment are not expected because of present unemployment and unused capacity in that sector.

The difficulties of attaining full employment notwithstanding, any reconsideration of the acceptable level of joblessness must take careful count of the range of unemployment rates already in effect and the impact of these rates on different groups of workers.

The 1971 unemployment rate of 5.9 per cent (the highest annual rate since 1961) obscured much higher rates for teen-agers, for 20-24 year olds and for blacks of all ages. The following rates are reported by the Bureau of Labor Statistics:

	White	Negro and other races
Both sexes, 16 and over	5.4	9.9
Men, 20 and over	4.0	7.2
Women, 20 and over	5.3	8.7
Both sexes, 16 to 19	15.1	31.8

The year's average of 5 million people without jobs was 900,000 higher than in 1970 and the duration of employment increased significantly, with the long-term unemployed accounting for 24 percent of the total in 1971. Perhaps the most disturbing aspect of last year's unemployment was the sharp rise in the Negro rate—from 8.2 percent in 1970 to 9.9 percent in 1971.

The disproportionate burden of joblessness suggests that attention be directed toward the employment problems of those groups which, even in periods of strong growth, fail to find jobs. Recognizing the special needs of disadvantaged workers, the nation's manpower efforts in recent years have concentrated on the hard-to-employ.

In a series of programs designed to improve the employability of blacks and other minorities, teenagers and the relatively immobile job seeker, manpower policy has aimed at raising educational and skill levels and at broadening the work experience or shifting the geographical location of the jobless. In addition to training efforts, manpower programs have provided part-time jobs to low-income youth both in and out of school and assistance to disadvantaged adults who were on welfare or who were living in areas of heavy unemployment.

Of special importance during the last year, the Emergency Employment Act sought to place unemployed persons in public service jobs which were, in turn, to provide transition to permanent positions. Passed in July, 1971, the act allowed state and local governments maximum freedom in hiring and by the end of that year 140,000 E.E.A. workers were employed.

Since different manpower programs were designed to meet the needs of different groups of persons, the test of their worth varies from one project to the next. Institutional manpower training programs, evaluated on the basis of whether the trainees' subsequent earnings more than offset training costs, have proved their worth with favorable benefit-cost ratios.

The evaluators agree that job training is a socially profitable endeavor. Generally favorable benefit-cost ratios have also been found from evaluation of other training programs, although some unfavorable reports have been made on JOBS (Job Opportunities in the Business Sector), in which private businesses were paid to train disadvantaged workers, and the Work Incentive Program, whose function was to move welfare mothers into paying jobs. It is clear that the greater the educational and skill disadvantage suffered by the trainee, the greater the difficulty of offsetting that disadvantage in the course of a relatively short training program.

But the trainee's chances of finding a job depend ultimately on the state of the job market. Training can upgrade workers and thus enable them to compete for jobs formerly out of their reach; improved market operation can provide better information on jobs; workers can be relocated and the length of the job search shortened.

Nevertheless, one premise of the manpower legislation was that jobs did exist; the problem lay, we then reasoned, not so much in aggregate unemployment as in a need to improve the competitive position of certain groups of workers and the quality of the over-all labor force. Training programs were recognized as being more facilitative when jobs were expanding and skills were in short supply; witness Western Europe's reliance on manpower measures throughout the postwar era of tight labor markets.

The growth of unemployment in the United States, generated by forces acting on both the demand for and supply of workers, has shifted attention to the primary problem of finding jobs for workers—the trained as well as the untrained. As result, the role of manpower programs in this country has evolved quite differently from the European pattern.

In Western Europe and in Japan unemployment rates have been extremely low throughout the last decade, reflecting not only high rates of growth but also an elaborate system of manpower activities; retraining, relocation and apprenticeship arrangements.

In the United States, the problem of the severely disadvantaged worker in an otherwise highly productive labor force is aggravated by a shortage of jobs and much more diffused and geographically scattered labor markets. Lacking both an apprentice system to phase youth into the labor force, and much of the subsequent job protection afforded by European and Japanese employers, American workers are much less homogeneous and far more vulnerable to job loss.

In our setting, manpower policy ought to aim for training that provides a smoother transition from school to work, since our highest unemployment rates are among youth, and for systematic arrangements that offer re-education and retraining throughout worklife.

Only by the first measure can we help to fill some of the gaps in education and training that exist at the point of entry to the labor force. Only through the second program can the gains of growth be translated, in part, into education and training that will insure confirmed employability.

Manpower goals of this magnitude would call for a greater commitment of resources than we have yet been willing to make. But without programs in education and job training, and in job development, unemployment will surely worsen even as prosperity continues.

The high levels of unemployment that have persisted in recent years can be reduced through fiscal and monetary measures that stimulate job formation. When such measures result in an excessive price rise, public officials must choose the actual tradeoff that is to prevail.

The unemployment rate that we must accept, given the alternatives, may be higher now than a decade ago. Meanwhile, it is the function of manpower programs to improve the terms of the tradeoff—that is, shift the Phillips Curve to the left—by eliminating structural impediments that further weaken job prospects.

HOW TO HAMMER DOWN 5 PERCENT UNEMPLOYMENT RATE?

(By Philip W. McKinsey)

WASHINGTON.—President Nixon's latest appointee to the Council of Economic Advisers, William J. Fellner, raised some political eyebrows recently in asserting that unemployment could not be forced below 5 percent through fiscal and monetary policy without risking greater inflation.

But a group of leading economists has agreed with that conclusion in a newly released study by the Joint Economic Committee.

If unemployment is to be brought below the 4.5 percent average of the past 25 years, they agreed, it will have to be done by attacking specific unemployment problems. They suggested such remedies as more job training for teen-agers and cash subsidies for handicapped workers who cannot get the better-paid jobs.

WORD OF CAUTION

Actually, Dr. Fellner did not endorse a 5 percent unemployment rate as unavoidable. He said only that fiscal and monetary policy should not be stretched too tight in the vain hope of getting unemployment below that.

Somewhat surprisingly for a leader of the conservative school, he advocates getting unemployment down by subsidizing employment and training programs. Specifically he supports hiring the unemployed in public-service jobs, a favorite proposal of Democrats in Congress but usually opposed by Republicans.

The difference between 5 percent and 4 percent unemployment as a goal is substantial. Each percentage on the unemployment rate means about one million jobs.

In the study for the congressional committee, Prof. Martin S. Feldstein of Harvard University concluded that reducing unemployment to 3 percent or less is "a feasible target for economic policy" if done through a series of pinpointed job programs.

CONTROVERSIAL SUGGESTION

His most controversial suggestion is making unemployment compensation less attractive so that laid-off workers would have more incentive to take the kind of undesirable jobs that are often unfilled even during times of high unemployment. Most state pay benefits average 50 percent of previous earnings, up to an average $65 a week. For many workers, he argues, this is comfortable enough to discourage them from getting back into dreary jobs any sooner than they have to. Making jobless pay less attractive could reduce unemployment by more than one percent, he argued.

Five other professors commenting on the Feldstein study disagree with that, however. They point out that only half the unemployed are even covered by unemployment compensation, and assert that most of the unemployed would rather be working than drawing benefits.

COUNSELING INCLUDED

There was more agreement with three other Feldstein proposals:

A special youth-employment service, linked to the schools and designed to help youngsters move into permanent employment. It would include counseling and vocational programs, modeled after a successful British program.

Youth-employment scholarships, temporarily supplementing young workers' earnings in low-paid jobs that include on-the-job training, so that youngsters would avoid the temptation to take jobs that pay better at the start but lead nowhere. This would be combined with a reduced minimum wage for teen-agers (something labor unions fight adamantly) and tax incentives to employers to provide training.

Wage subsidies for workers physically or mentally unable to advance to better jobs. A similar idea has just been approved by the Senate Finance Committee. It voted 11 to 1 in favor of a 10-percent "work bonus" for families earning less than $4,000 a year. Some 5 million families would be expected to qualify, at a cost to the Treasury of about $500 million a year.

Prof. Bennett Harrison of Massachusetts Institute of Technology criticizes Professor Feldstein's study for "hardly mentioning" race and sex discrimination as a major cause of high unemployment. Considering that unemployment is much higher among young, unmarried nonwhites, he suggests that increased government penalties for discrimination in hiring would help, too.

NOMINEES FOR MIDDLE EAST PEACE AWARDS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BRASCO. Mr. Speaker, as the latest Middle East conflict continues its bloody course, we should take a moment to hail those nations and individuals whose efforts have done so much to make the present situation a reality. Without their unstinting endeavors, matters would not be as serious as they are at this moment in history. So let us tip our hats to the following lovers of peace and advancers of civilization in that particular area of the world.

To Anwar Sadat and his Syrian cohorts, who turned their backs on promising signs of Israeli compromise on the captured territories, choosing instead to start a war while the Jews were at prayer on Yom Kippur.

To the Soviet Union, which armed these nations, allowing them to dash through the powder magazine waving lighted torches. Again to the Soviet Union, for disregarding American requests to soft-pedal rearming the warring Arab States, and instead pouring more weapons in so that more might die and hatreds grow hotter.

To the major oil companies, whose greed and callousness stand in a class by themselves. Obsessed by a desire to squeeze more profits out of their concessions, they have acted increasingly as Arab surrogates here in the United States, seeking by propaganda to portray the Israelis as the real obstacle to compromise.

To the United Nations, which has consistently maintained a double standard toward Israel, looking the other way as Arab terrorists violate all rules of civilized behavior and condemning Israel for her contrary habit of self-defense.

Let us do further honor to the U.N. for electing Iraq to the Security Council on the same night her army was attempting to butcher more Israelis; unsuccessfully. By its recent activities, it has forfeited whatever remaining pretensions to international respect it might have had left in its possession.

To Britain and France, those once respected and strong nations, who now place oil interests and Arab arms purchases ahead of principle, compassion and elementary decency. Surely France must enjoy spending the Libyan oil money that purchased the Mirages now being used against Israel. She is also to be honored for sending a freighter load of modern tanks to Libya and Saudi Arabia on the night of October 11 from the port of Marseilles. And again for training Egyptian pilots carrying Libyan papers, who have since been shot down and captured by the Israelis.

Britain will hold its head high by dint of its recently announced embargo on British arms to all Middle East nations, knowing that Israel above all has need of such British hardware.

To Libya, which freed the terrorists who perpetrated the Austrian kidnapping of several Russian Jews, precipitating Chancellor Kreisky's craven surrender on the maintenance of the Schoenau Castle facilities.

To Sudan, which has freed the terrorists who butchered the American Ambassador to that country in cold blood, so they, too, could participate in the conflict.

To those African nations which have taken this opportunity to sever relations with Israel because she was the victim of a surprise attack while at prayer. Especially to the nation of Zaire, whose President and his bodyguard were trained by Israel, and who, despite being openly derided by the Arabs, came to the U.N. to do his anti-Israel best, taking out a full-page ad in the New York Times to whoop the news from the housetops.

To Idi Amin, President of Uganda, a special peace prize, for his praise of Hitler's acts of genocide toward the Jews, and loud cries of aggression against Israel.

To Yugoslavia, which is a major staging, refueling, and stopover point for the nonstop Russian airlift of fresh supplies of modern weapons to the Arabs. Tito's love of neutralism and world peace are only exceeded by his consistent attempts to harm the Jewish State, in keeping with his hostility toward the Jewish people dating from World War II.

To Norway and Greece, both of whom felt Nazi oppression and should know better, which have announced that no aid to Israel can be sent from or through use of their facilities or territories. Democracy dies yet another death because of such unexpected blows.

To those men and women of perception who know better, yet are standing aside today doing nothing while a tiny Jewish nation of less than 3 million battles heroically against the Arab world, armed to the teeth by the Russians, aided by the U.N. and the oil companies and boycotted by once-proud powers.

Let us now praise and honor these noble individuals, groups, institutions, and nations, who, oblivious to the lessons of 20 centuries, are joining hands today in an international effort to destroy the people who built a little democracy on the ruins of Hitler's ovens and gas chambers.

Surely history will honor them greatly, so let us today hasten to anticipate such laurels. Let it take the form of a plaque with the following symbols: A dagger, a white feather, a jester's hat, a dollar bill, a set of earplugs, a blindfold, and a piece of adhesive tape.

These symbols accurately describe those who will not see, those who will not speak, those obsessed by greed, fools, cowards, and those who strike from behind in stealth.

As for when and how the awards may be presented, I have no suggestion. History, events, plus the Almighty, certainly will insure that they reach their recipients.

CHILD ABUSE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. STUCKEY. Mr. Speaker, several months ago I was approached by members of the social work staff of Children's Hospital of the District of Columbia and first acquainted with the phenomenon of child abuse.

I was shown slides I could hardly imagine to be real examples of parental, or any other caretaker's, brutality.

Then I became aware of incredible headlines:

> Child Dies; Father is Charged . : . Father, Stepmother Held in Girl's Death . . . Man, 22, Guilty of Child Abuse . . . Police Report Southeast Child Was Beaten to Death . . . Slain Baby Bears Two Human Bites . . . Couple Held in Slaying of Baby . . . Boy, 7, Dies of Beating . . . Father Held for Murder . . . Girl Dies, Father Charged.

In 1971, 100 battered children were admitted—and most importantly, diagnosed—at Children's Hospital alone. Five died. In 1972, 90 were admitted and diagnosed; two died. An average of three severely brain damaged children—victims of their caretakers—are institutionalized in the District of Columbia annually. In addition to the tragic human loss, these pathetic babes are maintained at a minimum cost of $200,000 lifetime care, plus loss of production of income. The medical bills of the injured total hundreds of thousands of dollars each year.

According to the District of Columbia Corporation Counsel, 525 cases of abuse and neglect have been reported in the District between January 1 and September 1 of this year. By year's end, the figure will reach nearly a thousand.

Reliable research has shown that only 1 out of 10 who inflicts physical, emotional, or sexual injury on a child is psychotic or schizophrenic. The other nine are able to be rehabilitated in varying degrees, many successfully. The injuring parties are generally very troubled people who are isolated from society either geographically, economically, or emotionally. They often have little self-esteem, low frustration tolerance, and unrealistic expectations of their children. Child abusers often suffer from the effects of their own background of being excessively punished and insufficiently cared about in their own childhood. They have a marked inability to seek help from others. When faced with difficulties and crises of normal living, they have inadequate methods of coping. Their normal parenting or caretaking instincts break down and they resort to the pattern of abuse or neglect learned from their own parents in early life. And the cycle repeats.

Should we not take a look at those who abuse and neglect children, these often otherwise normal people who, unable to express their frustration in any other manner, wreck the life of a child? And see if we can help?

It is my great hope that H.R. 10959, introduced yesterday by two of my colleagues on the District of Columbia Committee, FORTNEY H. (PETE) STARK, DONALD M. FRASER and myself will be a solid first step toward the treatment and prevention of child abuse. The Center for the Prevention of Child Abuse, which the bill establishes, has as its principal purpose to provide a multidisciplinary approach to the problem. The center will utilize a team, for each case, composed of at least a physician, an attorney, and a social worker, and possibly a mental health specialist, an appropriate person from the Department of Human Resources, the Metropolitan Police Department, the courts, the schools, and other lay or professional experts trained in the area of child abuse and neglect. The team will evaluate each child, his brothers and sisters, his parents or caretakers, and prescribe for them the kind of treatment needed to rehabilitate those in need of the special care to be provided with the end goal of creating and maintaining a safe home.

Ambitious? To be sure. Reasonable? I think so. Many of the dollars and human resources now going to patching up broken bodies and ruined minds plus that now being expended on institutional care could better be spent on the prevention and treatment of the causes of child abuse and neglect and rehabilitation of offenders. I believe abused and neglected children need our advocacy.

AMERICA'S FIRST BLACK DIPLOMAT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. DIGGS. Mr. Speaker, in this age of enlightenment regarding the contributions of black Americans in our two century-long history, more and more information is being unearthed about the critical roles played by black statesmen, physicians, scientists, artists, businessmen, and others in shaping our lives. I would like to call the attention of my colleagues to the article in the August, 1973, Foreign Service Journal, by Nancy Gordon Heinl, on "America's First Black Diplomat," American Minister to Haiti, Ebenezer Don Carlos Bassett. An educator and a diplomat with a wide range of interests, Bassett served with grace in a difficult time and brought honor to his country.

The article follows:

AMERICA'S FIRST BLACK DIPLOMAT

(By Nancy Gordon Heinl)

The first black Chief of Mission in US diplomatic history was appointed on April 29, '69. 1969? Wrong by 100 years—it was 1869.

Nominated by President Grant as American Minister to Haiti, Ebenezer Don Carlos Bassett (once a student at Yale College and in 1869 principal of Philadelphia's prestigious Colored High School) is not only America's first negro diplomat but appears to have been the first black presidential civil appointee in the federal government.

Second oldest republic in the western hemisphere, Haiti in 1869 was nonetheless a land of endless turmoil. Winning control over their third of Hispaniola in 1804 (the only successful slave insurrection in history), the Haitians had slaughtered virtually every

French man, woman, or child remaining in the country. Yet 1804 was but a curtain-raiser to the blood that was to flow. Over fifty plots, coups and revolutions were recorded between 1804 and 1869.

Although Haiti's freedom had been uncontested (and incontestable) since 1804, her independence was not recognized by the great powers of Europe until 1825, while, under the adamant veto of slave-holding southerners on the Senate Foreign Relations Committee, the United States (despite thriving profits on Haitian coffee, logwood, sugar, rum and molasses) withheld recognition until the outbreak of our Civil War.

On December 3, 1861 Abraham Lincoln recommended recognition of Haiti and Liberia. Senator Charles Sumner of Massachusetts triumphed over border-state opposition in the Senate on April 23, 1862. On June 5th Lincoln signed a bill for the appointment of commissioners to Haiti and Liberia. Six weeks later Benjamin F. Whidden of New Hampshire became the first US diplomatic representative accredited to Port-au-Prince.

No one knows what inspired Ebenezer Bassett's interest in Haiti. It could well have been pride of race. Whatever prompted him, from the eight tumultuous years Bassett and his family spent there (1969–1877) he clearly gained more understanding for the love of Haiti than many of his successors.

His letters to the Department often refer in frustration to "this peculiar people" or despairingly plead "send a man-of-war" (the security blanket of the diplomats of that gunboat era); but when, in 1877, he leaves Haiti for what he is convinced will be the last time, sadness suffuses his farewell to his friend, President Boisrond-Canal, as he expresses regret that he will probably never again see the President, his many Haitian friends, ". . . or indeed this beautiful Haiti on whose soil and among whose people I have passed so many happy days."

A surviving picture shows Bassett as a handsome, square-cut man with a receding hairline, and twirling mustaches that would be envied today. Born in Litchfield, Connecticut, on October 16, 1833, he was the son of Ebenezer and Susan Bassett, his father a mulatto and his mother a Pequot Indian. He attended Wesleyan Academy at Wilbraham, Mass., and graduated with honors from Connecticut State Normal School. Later he studied at Yale College where he seems to have been held in wide respect. No less than 12 Yale professors supported his application for the nomination to Haiti. French was one of his languages, later to be perfected in Haiti where he also mastered Creole—essential to a real understanding of that country and its people.

From 1857 to 1869, Bassett was principal of "The Institute for Colored Youth" in Philadelphia—a Quaker school for "the Education of Colored Youth in School Learning and to prepare them to become teachers." The then mayor of Philadelphia refers to it, under Bassett's management, as "widely known and unquestionably the foremost institution of its kind in the country." In addition to his duties as principal, Bassett taught mathematics, natural sciences and classics.

In 1855, while still in New Haven, Bassett maried Eliza Park. Some of his five children, two daughters and three sons, were born in Philadelphia, though it would be pleasant to think that there was at least one Haitian in the family—perhaps the youngest, Frederick Douglass's namesake, who died in childhood.

In 1868 the new administration of U.S. Grant showed itself amenable to opening government service to qualified negroes. Surviving correspondence between Bassett and his friend, Frederick Douglass, discloses that Bassett suggested in 1867 that a negro should represent the United States as American Minister to Haiti. Bassett so proposed to Douglass who in effect rejoined—why not you? and thereupon proceeded to back him for the post.

The quality of the candidate appears in letters of recommendation to the White House in support of Bassett and still in the National Archives. As a result of these efforts and evidently of the national reputation he already enjoyed as an educator, Bassett was appointed American Minister and sailed for Port-au-Prince, to be joined later by his family.

When Bassett reached Port-au-Prince in June 1869, Sylvian Salnave was fulfilling the often fatal but still much sought-after role of President of the Republic. A New York Herald editorial of that year had called him ". . . the blackest, ugliest and bravest African of the lot . . . the Richard the Third of Hayti, remorseless, cunning, warlike."

In fact Salnave was not black (he was a mulatto), nor for that matter was he ugly, but in manner and appearance to the contrary, handsome. Brave, remorseless, cunning and warlike, however, he surely was—all, unfortunately, essential characteristics for gaining and holding power in 19th century Haiti.

In the summer of 1869 the President was in the field doing just that, and the new American Minister could not present his credentials until September.

For Bassett, after a miserable ten days at sea, the sight of the green *mornes* of Haiti was a welcome one. Among many on the landing to greet the new, and first black, American Minister, was an Episcopal missionary and old friend, the Reverend J. T. Holly, only five years later to become the first black American bishop in the Anglican Church. The sights and sounds of Port-au-Prince were overwhelming and the heat staggering, and Bassett was dismayed to find his first night as Reverend Holly's guest spent "in a hand-to-hand contest with an army of mosquitoes, bedbugs and little gnats."

Yet the next day, riding up to call on his predecessor, Gideon Hollister, he was overwhelmed by the beauty around him—"This is truly a wonderful country," he wrote. "From the mounain tops to the sea the island is one great paradise of flowers and fruits which perfume the air and meet the eye everywhere."

The American Minister's residence was on the Chemin Lalue in Turgeau, uphill from the center of the city. Bassett must have been enchanted by the rambling, many-galleried house that had been built as a summer palace for Haiti's former Emperor Faustin Soulouque. Samuel Hazard, traveller and writer of the day who was to spend some time as the Bassetts' guest, describes it as having superb views in every direction, ". . . charming in its luxuriant vegetation and with fresh breezes from the neighboring mountains." In the garden there "was a marble bath large enough for swimming with water fresh and cold from the mountain stream" (a luxury which as late as 1963 the American Ambassador to Haiti did not enjoy).[1] Hazard also mentions delightful mountain rides with "Mr. Bassett and his lady."

After assuming charge, under political conditions in a regime that Bassett's British colleague later characterized as "one long revolution," the new Minister was soon to voice, and often repeat, the plea for "a ship," and was always pleased to see an American man-of-war on the horizon (though British, French or Spanish colors were a more frequent sight).

Salnave, first of Bassett's four Haitian presidents and one with whom Bassett mentions being on intimate terms, was not destined long to survive.

In December 1869 Salnave, finally overthrown, fled Port-au-Prince stopping breathlessly at the US residence en route. Eventually captured "well into Dominican territory," Salnave was dragged back to the capital and Bassett had his first glimpse of a justice far different from that advocated by the Society of Friends. In a dispatch he reported: "Salnave was brought to the city today. His grave was dug in the Salines, a kind of Potter's field, two days ago . . . he was subjected to some sort of drumhead court-martial, lasting a couple of hours, and of course sentenced to be shot immediately. This sentence was carried out amid jeers and insults of the rabble. He faced death in a bold and manly manner. The principal officers who followed him in his flight were put to death in the plains before reaching the city."

After the execution of Salnave, Nissage-Saget (once a barracks tailor) became president, and Bassett was to learn much more about executions, imprisonments, refugees, to say nothing of plots and counterplots, which he came to accept if never approve as the way of life of "this peculiar people."

Haitian politics, polarized then and always on lines of race—elite mulattoes (*mulatres*) exploiting resentful blacks (*noirs*)—dismayed Bassett. Colored, and proud of it and of his own achievements, Bassett recognized the futile and destructive character of a political tradition which substituted race for party, coups d'etat for elections, and relied on betrayal, conspiracy, and racial malevolence as moving forces. Yet he accepted Haiti as it was and pursued the interests of the United States with realism and understanding.

If there ever can be ordinary days in Haiti, what were the everyday concerns of the American Minister in the 1870s?

Grant persistently sought to annex Santo Domingo or at least to obtain a naval base there. With this went diplomatic probes for a coaling station at Haiti's Mole St. Nicolas. Both ideas affronted Haitian nationalism, which left Grant unperturbed but gave his minister endless difficulty.

Claims by American citizens against the Haitian government were tedious, time-consuming and usually to little avail. The great game of "What is my *'cher collègue'* up to?" was, of course a constant factor.[2]

Perhaps most troublesome was the stream of political refugees seeking asylum, to which Bassett was introduced in 1869 when the legation, in November, was filled with refugees including a Minister of State and his entire family and several generals. A month later Bassett writes Washington that there are more than a thousand (sic) refugees in his residence, ". . . mostly women and children all in a state of terror and confusion that beggars description." This was when Port-au-Prince was under siege and being bombarded by rebel forces and when, not for the first time nor the last, the National Palace was ultimately blown skyhigh by random detonation of ammunition and explosives in the President's basement.

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[1] The bureaucratic struggle to obtain a swimming pool for the American Embassy residence in Port-au-Prince (a city of notoriously temperamental water-supply where every home of any consequence has its "bassin") frustrated four ambassadors unable to overcome adamant resistance in Washington until, in 1963, the US Marine Corps engineer advisor in the Naval Mission drew official attention to the grave fire hazards and lack of fire protection in the city and designed a suitable reservoir, complete with diving board and filtration plant (as it later developed), to protect the Residence against conflagration.

[2] What the chers collègues were up to, in Bassett's time, amounted to roughly the following. Britain (ably represented by the imperious, condescending and often Machiavellian Sir Spenser St. John) was trying to frustrate extension of US influence in Haiti and Santo Domingo. France was continuing to collect (or try to collect) the crushing indemnities resulting from the Haitian War of Independence and its sequelae of slaughter and confiscation. Spain was hostile because of Haitian support for the Dominican rebellion in the 1860s, while Germany, new-born after 1870, was politically supporting aggressive commercial penetration of Haiti by German merchants and traders. There were hardly any Latin American chers collègues as of 1870.

Bassett's most distinguished and longest-term uninvited guest was General, later President, Boisrond-Canal. Target of incumbent President Domingue's wrath in May 1875, Boisrond-Canal arrived wounded, in the middle of the night for a five month stay. Under intense pressure to hand over Boisrond-Canal and his younger brother, Bassett had also to cope with a Secretary of State and a Department unenthusiastic, when not outright unsympathetic, to the question of asylum. In one dispatch justifying his action, Bassett speaks of the government as "men maddened by passion, inflamed by rum, and elated by the consciousness of armed power," and adds ". . . for me to close the door upon the men pursued, would have been for me to deny them their last chance to escape from being brutally put to death before my eyes."

During this period the residence was surrounded by hundreds of government troops with orders to keep up a constant clamor night and day. Rumors circulated on the *telediol* (Haiti's grapevine telegraph) that Bassett had been disavowed by the US government, that the residence no longer enjoyed diplomatic immunity, that the soldiers surrounding it were so excited they were beyond control, and that the government could no longer guarantee the safety of the Bassett family. Yet all ended happily. When he had heard that a US warship was on the way, Domingue relented and the Canals were allowed to embark for Jamaica. After receiving a fervent embrace from his departing guests, Bassett notes: "A rather disagreeable French custom."

For some time Dean of the Diplomatic Corps, Bassett enjoyed the respect and friendship of his colleagues. That his popularity was indeed widespread is evidenced by his election, in 1875, to the presidency of the exclusive "Cercle de Port-au-Prince."

Bassett's health was frequently bad. He complains of aches, fever and biliousness—of what the Haitians called *"La mauvaise fièvre"*—perhaps malaria, or dengue, or both. In July 1876 ill health prevented him from attending the inaugural of his former houseguest, now President Boisrond-Canal. In the National Archives there remains a dashing photo of the President wearing a large fedora, inscribed: "A mon ami E. D. Bassett."

Maybe it was ill health (or possibly a new administration in Washington) that caused Bassett to submit his resignation in 1877. That the family returned to New Haven with nostalgia is certain. Like many yet unborn Americans who were to love Haiti in their turn, the Bassetts probably felt that they had been cast out of the Garden of Eden.

Succeeding years never recaptured the magic. From 1879 to 1888, Bassett was Consul-General of Haiti in New York—the Haitian Consulate was then at 22 State Street. He did manage one trip back to Haiti on consultation but his dream to return again as American Minister was never realized.

In 1889 Bassett was back in New Haven and things were not going well. To Frederick Douglass he wrote that circumstances impelled him to seek a Foreign Service appointment and that his preference would be Haiti. Alas, the post had already been offered to and accepted by Douglass himself. The chagrin seeps between the lines of Bassett's generous congratulations. Nevertheless he swallowed his pride and offered his services as Douglass's secretary, at $850 per annum.

Douglass was over 70, a national figure and a prima donna. In his definitive "Diplomatic Relations of the United States with Haiti" Dr. Rayford Logan states that Bassett was to all intents and purposes again the American Minister. His position must have been difficult. Intrigue over possible US acquisition of Môle St. Nicolas was again at peak and the American press in uproar. Douglass resigned on July 30, 1891.

Bassett never received his Foreign Service appointment and his last years seem to have been sad ones. The family moved from New Haven to 2121 N. 29th Street, Philadelphia, where America's first black diplomat died poor and obscure. His last letter to Douglass, January 18, 1894, speaks of a heart condition and "an annoying affection of my eyes which are never in good trim." The letter is unhappy for it replies to a dunning note from Douglass asking payment on a loan, but worse, stating that he had "learned" that, while in Haiti, Bassett accepted $6000 from President Hyppolite to influence Douglass's decisions as minister.

Besides credulity and naiveté in believing any such accusations, Douglass was cruelly unfair to an old and loyal friend. He could not know that the *telediol* would circulate, and many Haitians would credit, the identical rumor about every American chief of mission to this day.

By 1961 the figure named had risen to $100,000!

CARDINAL MINDSZENTY VISITS UNITED STATES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. HOGAN. Mr. Speaker, on May 31 of this year, I introduced a concurrent resolution proposing that the United States retain in safekeeping the Holy Crown of St. Stephen until Hungary is a free nation again.

During the past few years there have been recurring reports that the United States might return the crown to the Communist government of Hungary in an effort to encourage better diplomatic and commercial relations between the two countries. Only recently the Hungarian Government requested that the United States return the crown. On April 28, the Hungarian Prime Minister Jeno Fock appealed to a group of U.S. Senators visiting Hungary to urge the American Government to relinquish the Holy Crown of St. Stephen.

Mr. Speaker, to return the holy crown to the Communist regime in Hungary would only serve to dash the hopes of the oppressed people in Hungary and the hopes of their brothers and sisters, the American-Hungarians in this country, and break trust with them.

I insert in the Record at this point, an article expressing the sentiments of Jozsef Cardinal Mindszenty, an exiled primate of Hungary, on the Holy Crown of St. Stephen.

The article follows:

Cardinal Mindszenty Visits United States

(By Jerry Filteau)

North Brunswick, New Jersey.—Jozsef Cardinal Mindszenty, exiled primate of Hungary, in an exclusive interview with NC News here, spoke of his memoirs, his imprisonment in Hungary, and his wish that St. Stephen's crown, the symbol of authority in Hungary, be preserved for "all Hungarians."

The aging prelate was bent with his 81 years, many in prison or exile, but his voice was strong and lively, and his piercing blue eyes commanded attention as he spoke.

When asked about the "amnesty" granted by the current "Hungarian government" shortly after his departure to Rome in September, 1971, the Cardinal interrupted the question and, switching from his native Hungarian, he bypassed the interpreter and spoke vehemently in English: "Hungarian 'government' does not exist! There is no constitution, and government is belonging to the constitution!"

The Cardinal spoke of his seven years in solitary confinement before he was freed in the 1956 uprising as "not just imprisonment, but the worst kind of imprisonment, the very worst kind."

The greatest need for Catholics in Hungary today, he said, is "human rights and religious freedom."

Of the need for priests in Hungary, he said, "This is the internal affair of the priests and of the Church. And we do not ask this from the authorities, because they are diminishing rather than increasing the number of priests."

He described the situation in Hungary since he has left as "deteriorated," and said this was also true of the "outside world."

Talking about St. Stephen's crown, the aging prelate spoke passionately of the "one-and-a-half million Hungarians" who for one reason or another live outside the present borders of Hungary.

The crown, which dates back to the year 1000, in the reign of St. Stephen, first king of Hungary, has been held in the United States, reportedly in a military fort, since the end of World War II.

Cardinal Mindszenty confirmed reports that he has written to President Nixon asking the United States not to return the crown to the present Hungarian regime.

The Cardinal thanked "both houses of Congress . . . for what they have done on behalf of Hungary with respect to the crown." a reference to numerous statements by congressmen opposing the return of the crown to Hungary at this time.

He said he has "received several assurances from persons, high officials who were writing on behalf of the President, at his authorization—they may have been from the White House or the State Department—which have expressed the sense that the United States position has not changed as regards the crown.

Originally scheduled to make an extensive tour through the United States this year, the Hungarian primate later cancelled the trip but kept a promise he had made to visit New Brunswick, N.J., for the dedication of St. Ladislaus Roman Catholic Church, a church for Hungarians.

SKYLAB READY TO STUDY COMET

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. TEAGUE of Texas. Mr. Speaker, science includes studying what is known to understand that which is unknown, but oftentimes along the way unexpected opportunities occur which create a new understanding on the part of man as to his place in the universe and his knowledge of the world in which he lives. John Noble Wilford in a special article to the New York Times of September 28, 1973, describes the Comet Kohoutek's visit in the vicinity of Earth and the opportunity which this presents to the next and last of the Skylab space missions. In addition to the Earth Resources Survey and scientific experiments which Skylab 3 will undertake, an unexpected opportunity to understand better the role of comets in our solar system will occur. We have received an unusual and important dividend in our Skylab program which is well described in Mr. Wilford's article which follows:

Skylab 3 Ready To Study Comet Returning to View

(By John Noble Wilford)

Houston, September 27.—A comet that could outshine Halley's Comet of 1910 moved into telescopic view this week, following a predicted course that should give the Skylab 3 astronauts an unprecedented opportunity to gather data on such brilliant objects in the sky.

The Kohoutek Comet, named for the astronomer who discovered it last March, had been hidden by the sun since May. But now that the earth has moved along in its orbit, an expert comet observer in Japan was able to begin tracking the fuzzy star-like object Sunday and last night as it came in from somewhere beyond the planet Pluto.

Dr. Brian Marsden of the Smithsonian Astrophysical Observatory at Cambridge, Mass., reported the comet's reacquisition in a telephone interview today, saying:

"It was where we predicted it should be. It is coming in at the right place and is going to pass close to the sun. We should get a pretty spectacular show."

OPTIMUM VIEWING TIME

According to Dr. Marsden, Kohoutek should reach its closest approach to the sun—about 13 million miles—on Dec. 28. At that time the comet would be about 75 million miles from the earth.

But the comet should put on its most brilliant display for observers in the northern hemisphere between Jan. 10 and 15. At that time, Dr. Marsden said, the sky will be dark and moonless right after sunset, the comet will be high in the sky and its fiery tail should have reached its greatest length, stretching a million miles or more behind the head.

Kohoutek should be visible to the unaided eye by Dec. 1.

Observation of the comet will be a primary scientific objective of the Skylab 3 crew. The astronauts are expected to take along a special camera, new filters designed for the comet and an extra amount of film. Most of their observations will be made with the solar telescopes already on the orbiting laboratory.

Skylab is now scheduled for launching Nov. 11 and for a splashdown on Jan. 6. Scientists are urging the National Aeronautics and Space Administration to either delay the launching until Nov. 21 or extend the mission to Jan. 19 to permit more extensive observations.

William C. Schneider, the Skylab program director, said that the matter would be reviewed in the next few weeks.

ASTRONOMERS NOTIFIED

The comet was discovered by Dr. Loboe Kohoutek, a Czech-born astronomer working at the observatory in Hamburg, West Germany. It was reacquired this week by Tsutomu Seki of Kochi, Japan, a guitar instructor by day and comet observer by night—the discoverer of six comets in the last decade.

Dr. Marsden, who runs a clearing house for reports of new phenomena for the International Astronomical Union, sent cables and telegrams notifying astronomers around the world of the comet's reappearance. The most interested were the astronomers who are making plans for coordinated ground and space observations—Operation Kohoutek, they call it.

Dr. Stephen P. Maran, an astronomer at the Goddard Space Flight Center at Greenbelt, Md., manager of the effort, said today that observations would be made from high-altitude research airplanes and balloons, five sounding rockets, numerous telescopes, four unmanned spacecraft and the Skylab space station.

Meanwhile, the Skylab 2 astronauts—Capt. Alan L. Bean of the Navy, Maj. Jack R. Lousma of the Marines and Dr. Ow K. Garriott, a civilian scientist—returned to their homes in Houston tonight. Doctors at the Johnson Space Center continue to report their elation over the good physical condition of the three men who spent a record 59½ days in earth orbit.

WHAT A MOTHER'S FAITH CAN DO

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FASCELL. Mr. Speaker, in these troubled times with struggles throughout the world and at home, we sometimes tend to forget the very personal struggles that occur hour by hour, day by day, in all of our lives. Those struggles that confront individuals sometimes seem beyond human capacity. And yet, because of faith and courage, devotion, and love, the effort is made and obstacles overcome.

One of the most poignant and dramatic examples is the story of 10-year-old Philip Dwyer and his mother, Lisa D. Dwyer of Perrine, Fla. Philip suffered severe brain damage in an auto accident in July of last year. His mother was told by doctors that her son would never walk, talk or move again. Yet Mrs. Dwyer's faith and love and dedicated efforts prevailed, and today Philip is walking and talking.

The attached article which tells the Dwyers' story will serve all of us as a reminder that faith and love, devotion, and personal sacrifice, can accomplish miracles.

The article follows:

What a Mother's Faith Can Do

(By Bob Pratt)

A year ago doctors said 10-year-old Philip Dwyer would be a hopeless "vegetable" for the rest of his life, but today he can walk, talk and play—thanks to his mother's love, courage and tireless efforts.

"Philip was definitely a hopeless case as far as his ever becoming a useful citizen again," said Dr. Donald Dooley, a neurosurgeon who operated on the boy in Miami, Fla. "If Philip's mother hadn't had faith in his recovery, he'd be dead or lying in a bed unable to see or hear or talk."

Philip suffered severe brain damage in an auto accident in July 1972 and was unconscious for weeks.

"A pediatrician told me he would never walk, talk or move and should be put in an institution," said Lisa Dwyer, Philip's mother. "But I just knew he would someday be well again.

"I love Philip very, very much. There was no one who could tell me he wouldn't come through. It is so hard to explain these things—you just know."

For weeks after the accident Mrs. Dwyer was allowed to see Philip in the hospital for only five minutes at a time, four times a day. But she spent every second of those minutes working with him.

"I just couldn't let him lie there. I talked to him and moved his bandaged head around. People thought I was crazy working with him while he was still in a coma.

"I kept a radio on near his bed thinking that if he began to hear again it would be better for him to hear music than the frightening sounds of the machines that were keeping him alive.

"Two months after the accident he began to come out of the coma, ever so slowly. But he still couldn't talk or see or swallow or anything. All he could do was grunt."

She taught him to swallow. "We worked every night for weeks, with me touching his throat and him mine as I put crushed ice in his mouth, let it melt and trickle down his throat until he got the idea he could swallow."

Soon Mrs. Dwyer was able to start massaging Philip's paralyzed left side and hospital aides began giving him physical therapy.

"It was about this time that Philip began seeing again," she said. "I lit a cigarette one night and discovered that his eyes looked toward the flame. I moved the match around and his eyes would follow it.

His hearing improved too. The sound of my voice as I wàlked around the room helping him find me with his eyes."

He was allowed to go home in October—and then the real work began.

Mrs. Dwyer massaged his muscles daily and took him back to the hospital regularly for therapy. In January, an institute that specializes in helping brain-damaged children examined Philip and gave Mrs. Dwyer a strenuous schedule for him—plus hope that he would be well enough to go to school in two years.

Every day since then Mrs. Dwyer has given Philip treatments and exercises that take up the entire morning. Then four times each afternoon and evening she and five volunteer helpers give him "patterning exercises" designed to help the undamaged cells in his brain take over the work of the cells that were destroyed.

Today Philip is walking and talking and can play with other children, feed himself and even throw a basketball.

"He still has a long way to go," Mrs. Dwyer said "He can't dress himself and he gets tired easily, but he is alert and is constantly asking questions . . . If I had let them put him in an institution they would have just put a tube down his stomach to feed him and he would have died."

NIXON HOUSING PLANS FOR THE POOR—THE HIDDEN FALLACIES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. BADILLO. Mr. Speaker, 3 weeks ago President Nixon sent to Congress his housing message. In it he indicated a departure from existing approaches to the housing problems of the poor. While the message was singularly lacking in specific details or commitments, it nevertheless signaled the administration's intent to switch to housing allowances payable directly to the poor in place of the current numerous programs purporting to serve their needs. On the surface of it, the proposal is attractive through its very simplicity. It would remedy the recipients' inability to obtain decent housing by furnishing, by direct cash grants, the difference between what they can afford to pay and what is needed in the open market to obtain suitable housing. The approach, however, has many pitfalls as those of us with New York City constituents can attest. Since the practice of the New York City Welfare Department has been for some time to add money for rent to individuals' welfare checks, it can be asserted that the administration's proposal is already operative in New York.

In a perceptive article for the New York Times Mr. Lewis H. Spence analyzes the failings of the proposal. For the information of my colleagues, I would like to insert that article here in its entirety. For their consideration I am also inserting the text of two letters presenting the pros and cons, as popularly perceived, of direct housing payments to welfare recipients.

Failings Abound in Nixon Plan for Housing Aid

(By Lewis H. Spence)

Three weeks ago, President Nixon announced a new direction for the nation's housing programs for the poor: the housing-allowance concept. Since then, the Department of Housing and Urban Development has hedged its commitment to the program with a variety of additions, conditions and exceptions. But the future is clear. Housing allowances will provide the rhetoric, if not the substance, of HUD's policy on low-income housing for what remains of this administration.

The housing-allowance concept is disarmingly simple. The poor will receive a cash grant, amounting to the difference between the local market price of appropriate housing and what the family can afford to pay for housing. The grant is accompanied by some limited consumer counseling and follow-up. The rest, according to the time-honored formula that underlies all such notions, will be taken care of by the guilding hand of the free-market system.

While scuttling the whole range of existing low-income housing programs, the Nixon Administration offers this inchoate proposal as an improvement. But even in such rudimentary stages of formulation, the housing-allowance concept presents several serious failings.

What is to insure that units rented under the program are decent, safe and sanitary?

Without safeguards to maintain the quality of units rented by housing-allowance recipients, the funds will prove a windfall to slumlords, and the recipients will become a conduit for subsidies to substandard housing. The problem is particularly acute because of the strong economic and cultural pressures on recipients to lease substandard housing. The dollars saved out of the cash allowance by renting a substandard home can go to food, clothing, entertainment and other family needs.

Compare this to the present Federal Leased Housing Program, which is marked for eventual termination by the Administration. Leased housing allows a local housing authority to rent a private unit at a market rent, and, in essence, sublease it to a low-income person at a reduced rent. All units subsidized under the program are to be inspected annually to insure compliance with local health codes. Without such a mechanism, the housing-allowance program can only perpetuate the slums that public housing was intended to eliminate.

What is to prevent the program from simply speeding rental inflation?

Beyond the normal market pitfalls of rent-gouging and profiteering by select landlords, the program raises the specter of a general rise in rent levels. Especially in the often-tight housing markets of the cities, where so many of the poor live, the housing-allowance program will increase the competition for scarce units of low-income and moderate-income housing.

Families with incomes just above the level eligible for housing assistance will be especially squeezed. New construction of moderate-income housing, to reduce the inflationary effect, depends on Federal subsidies. The administration has curtailed these.

Under the Leased Housing Program, in contrast, rents for subsidized private units are set with the concurrence of the local housing authority. This protects against both rent-gouging and the inflationary effect that would vitiate all benefit to anyone but the landlord.

What assistance can the housing-allowance program offer to increase the production of new or rehabilitated units?

The older Leased Housing Program allows local housing authorities to enter into long-term leases with landlords and potential builders. The obligation then rests with the housing authority to find a suitable low-income tenant for each unit under lease; the landlord is assured of uninterrupted rental income.

This provision has proven a useful incentive and support to new construction and rehabilitation. Some 15 per cent of the 175,000 leased-housing units in the nation are in rehabilitated buildings—a very respectable record for a program that started in 1968.

In contrast, housing-allowance recipients can provide no more long-term assurance to landlords than conventional tenants. The likelihood of improvements or substantial rehabilitation, maintaining the existing housing stock, is proportionately reduced.

What possible improvement can a housing-allowance program offer over the existing Leased Housing Program?

Both programs place low-income persons in private housing, minimizing stigma and fostering an income mix. Both greatly increase the housing choices available to the poor. The housing-allowance approach is, in fact, little more than a leased housing program stripped of its guarantee of standard housing at reasonable rents and devoid of inducements to housing production—an interesting idea, perhaps, but hardly a national program.

Why, then, is the Nixon Administration committed to phasing down existing programs in favor of this ill-defined and ill-conceived proposal?

The administration is responding to all such questions by promising that they will be answered through several experiments under way across the country. First reports are not encouraging, however. Indications are that the initial experiment, conducted in Kansas City and now in the final stages of data analysis, will show a failure to achieve all of these purported objectives of the housing allowance approach.

The President's announcement raises serious and disturbing questions about the criteria being used by the Government in determining its housing policies. Most inexplicable, perhaps, is the President's indication that the first target for implementation of the housing-allowance concept will be the elderly. Why, when the housing construction program for the elderly has been the sole unassailable success in the public-housing field?

Since 1968, when authorizations for housing for the elderly were greatly expanded, HUD has developed considerable expertise in designing housing for the elderly poor that is efficient, attractive, inexpensive and meets the special physical and social needs of the elderly. Rather than resisting this form of public housing, many communities are clamoring for it. Yet this is the program that is first to be scrapped. And the elderly, who are least equipped to deal with the harsh competitive realities of the housing market, are to be the first to be entrusted to the benign hand of the free-market system.

One hopes that some rationale other than naked political cynicism underlies this peculiar priority. But the Department of Housing and Urban Development has come forward with so little of substance to explain its sudden commitment to housing allowances that it is difficult not to perceive political calculations in every aspect of the administration's approach to the housing problems of the poor. While the promise of housing allowances supplies the rhetoric, the substance of Federal housing policies is the throttling of existing programs, whether successful or not.

We should, perhaps, concentrate on the substance, and not be distracted by the rhetoric.

Welfare Tenants: Two Views

(The following letters are in response to a Point of View article published Sept. 2 and entitled, "Needed: City Policy on Housing Welfare Recipients." The article, by Martin Hochbaum, a staff member of the American Jewish Congress, argued that the city uses an almost entirely short-term approach in housing welfare tenants. It contended that such tenants should not be concentrated in poverty areas and that the substitution of flat housing grants for the rental payments now included in welfare checks would encourage thrift and flexibility and curb the inflation of rents. Clara Fox is director of the Housing Department of United Neighborhood Houses. Edward Sulzberger is president of the Metropolitan Fair Rent Committee.)

By Clara Fox

The Point of View article was long overdue, and several of its recommendations are sound and should receive serious consideration.

Unfortunately, one main recommendation—the institution of flat-grant rent payments—would only intensify the problems described in the article.

The rationale for the imposition of flat-grant rent payments is that welfare recipients would be able to use their rent allowances more effectively in the private market to find a place to live.

The fallacy of such thinking is self-evident. Welfare recipients have little or no choices for housing outside the ghettoes or impacted poverty areas. If some were fortunate enough to find landlords willing to accept them in decent housing, the restrictiveness of the flat grant would make negotiation impossible.

In fact, the Department of Social Services, anticipating the imposition of a flat grant, is refusing to approve rent levels in some of the newer federally subsidized projects. Thus welfare recipients are being eliminated from opportunities to live in new publicly assisted housing. Without flexibility in rental allowances, private landlords will not rent to welfare recipients or will rent only substandard units.

United Neighborhood Houses has repeatedly recommended that the Department of Social Services utilize the economic impact of the "welfare rent dollar" to force landlords to upgrade the housing they rent to welfare recipients.

Any agency that pours a half billion rental dollars into the housing market must be concerned with the living conditions those payments produce for their clients. The Department of Social Services and the city must assume responsibility for seeing that their clients obtain safe, decent housing.

Most of the city's social and civic agencies oppose the flat grant and have so testified at city and state hearings on the subject. We do need a city policy on welfare housing. But let us not institute a punitive, discriminatory policy that will perpetuate ghettoization and slum living.

By Edward Sulzberger

Several actions could readily be taken to reverse some of the problems of welfare tenancy.

Soon after checks that include a rent allowance are mailed to welfare recipients, a telephone inquiry should be made with the property owner to determine whether the rent has been paid. As an alternative, the Department of Social Services could require presentation of a valid rent receipt for a given period before it would make any rent allowance for a succeeding period.

Next, rent payments should be made directly to the property owner after the very first instance of nonpayment by a tenant.

When a welfare tenant assumes possession of an apartment, the agency should guarantee to the owner prompt rent payments and reimbursement for vandalism of an apartment.

In addition, there should be verification in every instance of the reason for a change in residence. This should be done before any part of the client's moving cost or any finder's fee is paid.

Welfare recipients are generally unable to obtain open credit from ordinary legitimate business. The single exception is the real estate owner. Since rent is the largest single lump-sum payment to be made on a regular basis, where there is no urgency to make that payment promptly it seems logical to too many tenants to delay it to a point where ultimately it cannot be made.

There is no established system to verify that basic payment is made. There is no penalty extracted for nonpayment, and if eviction is an ultimate result, the system disregards it after delaying as long as possible, and starts over with no one's wrist so much as slapped and with no concern for the client's new landlord.

Nowhere else in the world's economy is such a lax, irresponsible expenditure of public funds recorded, unless it is in the national defense budget. The proportion of the social service agencies budgets that goes to shelter is impossible to establish. But there can be no doubt that it is an area in which major savings could be achieved without harm to anyone while abating the recipients' sense of social responsibility.

GOLDA MEIR'S ADDRESS TO THE NATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. REID. Mr. Speaker, I insert in the RECORD the full text of Israel Prime Minister Golda Meir's statement to the nation and press conference of October 13, 1973.

Mrs. Meir expresses the hopes and sadness of Israel with clarity and simplicity:

> We did everything possible during six years to try to convince our neighbors that bloodshed has never solved any problem between neighbors. Another war only means more dead, bloodshed, destruction, and no solution. And after all is over, there is still only one way—to negotiate . . .
>
> We don't want dead on our side, we have no joy in causing the death of others. But this people, small, surrounded by enemies, has decided to live. This is not a people that can give in . . . We know that giving up means death, destruction of our sovereignty and physical destruction of our entire people. Against that, we will fight with everything we have within us.

Mr. Speaker, I commend this speech and press conference to the attention of my colleagues, not alone for its content but also for its quality, its honesty, and its spirit:

TEXT OF PRIME MINISTER GOLDA MEIR'S ADDRESS TO THE NATION AND PRESS CONFERENCE, OCTOBER 13, 1973.

Citizens of Israel: When I spoke to you a few days ago I said that our situation was far better than it had been on the day I had to inform the nation that we had once again been attacked by our neighbors.

I am sorry to say that I cannot inform the people today that the war is over and that victory is ours.

Now as then, I have no doubt that victory shall be ours, even though the war is not yet over, even though our sons and daughters, soldiers and officers, both on the northern and the southern fronts are still fighting, are fighting with devotion, courage, ability, with a spirit words cannot describe. I am also happy to be able to say that the people in the rear are not falling behind our sons on the front lines. This nation's spirit is strong and ready to volunteer for any task to a far greater extent than anyone could have foreseen. We are a small people surrounded by hostile neighbors. In this war not only the armies of Egypt and Syria are fighting us, they are supported in various ways, with tanks and airplanes, by countries farther off, like Iraq and Algeria. Jordan too, has joined in with a tank force; other Arab countries are also providing support. Above all, there has been massive aid support by the Soviet Union to Syria and to Egypt by means of airlift.

THE FACTS

We are advancing. Our road is not easy and clear. Our forces were obliged to wage a battle this morning against a tank division that arrived from Iraq. We destroyed the great majority of their tanks and our forces are pushing forward.

These are the facts. I can say our situation is better. There is no doubt in our hearts that we shall be the victors at the end of the War.

Not we started this war—but since we have been attacked, we shall fight until victory. Let us hope not too much time passes before the war ends in Israel's victory.

PRIME MINISTER'S PRESS CONFERENCE, OCTOBER 13, 1973

Israel has again been attacked by its neighbors, and Arab countries far away, including help from Iraq, Algeria, Tunis, and others. Above all, one of the two great powers not only provided Syria, Egypt and Iraq with all war material they could possibly integrate into their armies, but for over six years, they have been training officers and men, teaching them the theory of war, and of attack. The U.S.S.R. did not come to Egypt and Syria to teach them to prepare against attack. They knew very well Israel was not going to attack Egypt or Syria or anyone. Their thoughts, efforts, and billions of dollars worth of tanks, planes, guns, ammunition and teaching were for one purpose only: to prepare for a massive attack on Israel.

We did everything possible during six years to try to convince our neighbors that bloodshed has never solved any problem between neighbors. Another war only means more dead, bloodshed, destruction, and no solution. And after all is over, there is still only one way—to negotiate. Decide there is a sincere will to live in peace, then sit down and negotiate an honorable peace. As in previous wars, this war was forced upon us. We are a very small people. There is no comparison between numbers in our army and the numbers in any of the countries fighting us, certainly no comparison with the massive armies of men of all those that joined in this war against us. We do not have the wealth of ammunition they have. But two things we have that give us an advantage over our neighbors: Hatred for war and death. That we have. Maybe it's essential that the Heads of States in the neighboring countries begin to feel that. When Sadat said war must go on, and that he is prepared to sacrifice a million men, one shudders not only at the thought of a million men giving their lives, but that the Head of a people can make this statement. We don't want dead on our side, we have no joy in causing the death of others. But this people, small, surrounded by enemies, has decided to live. This is not a people that can give in. This people does not fear tanks and it has no fear of reality. We know that giving up means death, destruction of our sovereignty and physical destruction of our entire people. Against that, we will fight with everything we have within us.

We are confident despite difficulties. We are in a different position today than we were last Saturday or last Sunday. We have known bitter hours. But just as we go to our people and tell them that, so they believe us that there isn't a sign of doubt in our hearts that as bitter as this war is, the end again will be the same as that of other wars. We will win because we must live. Our neighbors are fighting not for their lives, nor for their sovereignty. They are fighting to destroy us. We will not be destroyed. Therefore, the spirit of our men on the front, the spirit of our people in every home, is a spirit of a people that hates war but knows that to live it must win the war that has been forced upon it.

QUESTIONS BY NEWSMEN AND ANSWERS BY THE PRIME MINISTER

Q. Does Israel intend to take Damascus, and if so, how long to occupy it?

A. You don't expect me to bring you the operative plan of what we are going to take, when, how long we stay and what will happen. I cannot do that.

Q. Would Israel agree to a cease-fire on the basis of lines that existed on the 5th of October?

A. There is no sense in speculating on what Israel will agree to or not as long as our neighbors—to this moment to the best of my knowledge, not our neighbor to the south nor our neighbor to the north has indicated any desire whatsoever to stop fighting. When we come to a proposition of a cease-fire we will consider it very, very seriously and decide, because our desire is, under possible conditions to stop the war as quickly as possible.

Q. Is it possible the super-powers are getting more involved in the war?

A. I know of one super-power that has sent in the last two days over 120 planes, carrying ammunition and I suppose rockets and I don't know what else to Syria, Iraq and to Egypt. That is rather some kind of an involvement I would say, but I don't know what else they want to do.

Q. Do you consider the fact that King Hussein is sending troops to defend Damascus as an act of war on his part?

A. Well, I don't think that King Hussein's troops have reached Damascus. They are quite a long distance away, but the fact that King Hussein has seen fit, after what happened in 1967, again to send in tanks and to have his army as he himself, or his government said today, on the Syrian front, I can only say I am sorry, because my predecessor, on the 5th of June 1967, sent a message to King Hussein through General Bull telling him that if he stays out nothing will happen to him. He did not stay out, and I am sure that the King must have the memory, rather a very unpleasant memory of what happened due to the fact that he came in. I am sorry that he has done that. But if any tank stands in our way, we cannot ask for identification whose tank it is. Any tank in our way will be hit.

Q. Have you asked for any material aid from the U.S., and can you reveal what kind?

A. If you people read the statement of Dr. Kissinger yesterday in answer to a question of this kind, he said that there is an ongoing relationship between the U.S. and Israel as far as military material is concerned. So it's ongoing.

Q. Has the possibility been considered or been brought up of renewing the government of national unity in the near future?

A. I have not heard about this, and I do not know why a government should have to be changed in war time.

Q. In view of the events of last week do you consider the 1967 cease-fire lines as a viable frontier and a safe boundary for Israel?

A. The 1967 cease-fire lines are certainly the best lines that we could have. Every line can be attacked, naturally. But can you imagine what would have happened to us had we moved back to the June 4, 1967 lines, had this attack on us took place, not when we are on the Canal but on those lines? Maybe—I hope at any rate—that people throughout the world that did not exactly go along with us when we said we will not go back to the pre-67 borders, that we must have borders that are safer, more defensible—I hope that they will now realize it is not that we wanted more sand in the Sinai desert, or more land anywhere else, but that we wanted borders that will prevent war. And even if these borders did not prevent war, how much more terrible it would have been for Israel had we consented, at the advice of some of our best friends, to go back where we came from.

Q. Do you regret not having launched a pre-emptive strike?

A. Yes and No. Yes, because had we done that, no doubt that position would have been much better and I can say frankly that probably quite a few lives would have been saved. No, because at least we don't have that argument with the world. It is a sad comment, but the truth. We took that decision with our eyes open. And we hoped to the last minute that maybe, despite what happened to us in 1967 when we tried to get people to prevent that war—we thought maybe this time it would succeed. So it isn't by chance we took this decision. We knew what we were doing. We knew even that we would have to pay for it. But I do not regret, despite all this, that we took that decision.

Q. You said that your forces had been through very bitter hours since Saturday or Sunday. Could you outline a bit more specifically exactly what the military situation is on the two fronts and what progress your forces have made during the weekend.

A. On the Syrian border, the Golan Heights is back, every inch of it, in our hands. The people of the various settlements are back in their settlements. Our forces are across the border and on the road that leads to Damascus. That is quite a change, to be on the Golan Heights or to be on the other side of the border. Of course, there is a battle going on all the time in the north. In the south, there is fighting now, and there probably will be for a few days to come. I wouldn't like to say anything more about the southern front.

Q. Can you tell us more about the implications of Hussein's decision to send his troops into Syria, the implications on your present eastern frontier; the bridges across the Jordan, are they open now? We were told early in the week there wasn't a full mobilization of Jordan coming into the war. Today anybody listening to the radio knows that more troops were mobilized. Was it for this contingency today?

A. We would have been more foolish than we are, if a neighbor so close geographically to us sends part of his troops, even if not too many, to aid a country fighting us, that we shouldn't take into account a possibility that if he does something more from across the borders we should be prepared to meet him. As far as the bridges are concerned, if King Hussein hasn't closed them yet, they are closed today because on the Sabbath they are always closed. On Yom Kippur too.

Q. Your reaction to the British decision to cut off arms to fighting nations?

A. I must say people, decent people, and decent governments, when they come to a point where, if you say it bluntly "A plague on both of your houses" or when you say it more gently, "We are neutral", that is, the one that attacks and the victim of the attack are exactly in the same position. Somehow, maybe I am not sensitive enough to the feeling of justice and equality, when a government like Great Britain adopts a position of this kind—in addition to being bad for us, it is painful to think that a government can do something of that kind.

Q. Would you say that to them?

A. Maybe I will meet them someday and then I will say it to them.

Q. There is a considerable ghetto of Jews in Syria. What is your knowledge of the situation concerning these Jews, and your intentions?

A. There is no doubt that the Jews in the ghetto in Syria are treated in the most terrible, miserable way. And we certainly will see to it, try at any rate, that when the war is over and whether there is a cease-fire agreement or some other kind of agreement, we will ask these Jews be taken out the same way as we will ask for an exchange of prisoners. *These Jews are prisoners that didn't even fight in the war and we will do everything in our power to see that these Jews are brought out from Syria.*

Q. I know Israel's enemies have been counting on the assumption that supplies are going to run out and that Israel cannot fight a long war. I also know that Israel's friends abroad are concerned about the possibility that supplies may not be sufficient. Could you explain whether these problems are real or imagined.

A. If our neighbors dealt with realities, instead of dreams, maybe there would be peace a long time ago. Israel does not face the danger of lack of supplies. Israel is going to fight this war to the very end as long as our neighbors insist upon it. We can take everything necessary to fight this war until the war is ended with the victory of Israel. There are difficulties, difficulties in supplies, in many other things, but our people can take it. They have been tried before, they are wonderful today more than they ever were before, and we can take all the difficulties and all the hardships. If our neighbors built on that then they have lost the war before they start it.

Q. Assuming a favorable outcome, is there any way you can see now to convert this fighting into the negotiated settlement or any political settlement of the dispute that eluded you in 1967?

A. I am sorry we canot come out every day or every week with something new. That we have to repeat the same formula which I suppose sounds monotonous to many of you. Yet this is the truth. We didn't ask for the war of 1967. It was forced upon us and we won it. No sooner was the war over than the Israeli government asked the heads of Arab States: Now, let's sit down, as equals, and negotiate a peace treaty. And the answer came back from Khartoum. No recognition, no negotiations, no peace. For six years, like parrots we have been repeating the same thing. We want to live in peace, in cooperation and in friendship. Therefore we say let's sit down, as equals, let's negotiate without any pre-conditions. We have ideas of what the borders should be, you have ideas of what the borders should be. We don't ask you to accept our ideas before we sit down to negotiate, and you can't ask us to accept your ideas before we sit down to negotiate. Now let's sit down and talk. You know what the answer was for 6 years: No negotiations, go back to the 67 borders and then maybe we will negotiate. No real cooperation and recognition of Israel, which means, practically, go back to the 67 borders then or any other borders. That, of course, we couldn't agree to. We have nothing new after this war is over. If we sit down and negotiate we can sign a treaty which will open a new era for the entire area but that depends upon them.

Q. The fact that you have been waiting for the Arab troops to attack, was that a political decision? If so, is that not in contradiction to what the Israel government earlier said that not one soldier's life would be offered for a political decision? And thirdly, will this political decision have any impact or implications on the situation internally in Israel?

A. It was a political decision, I don't think it has any relevance to what you say is the Israel government's policy not to sacrifice lives for political decisions. During a war, several times a day various political decisions have to be taken. In a war, to my great sorrow, people lose lives. Sometimes you take one decision, and you think maybe you can save lives in that way, and it turns out the other way. So there is no guarantee for political decisions to save lives. No, I don't see any implications whatsoever.

Q. Is the immigration of Soviet Jews continuing?

A. Do you mind if I don't answer that?

Q. What do you think of the project of the French mediation?

A. That is because France is very neutral, I suppose. France has even overstepped the claim for neutrality. I want to make myself clear. Mediation that we are prepared to accept and will be ready to accept at any time is either by an individual or a government that decides its aid should be limited to one thing and one thing only, which is a very important step, and that is to help the parties get together. Therefore, it is not arbitration, and no mediator who thinks he knows better than the parties what is good for them. Therefore, when this was attempted in the past, it failed. If it will be attempted in the future, it will fail. It is these two peoples whose sons met in battle over and over and over again, the governments of these two peoples must meet at the negotiating table and not have somebody from faraway whose life and independence and sovereignty are not at stake—it is these peoples in this area that have everything to win and everything to lose. Therefore it is these peoples that must do it. Nothing can save the leaders of the Arab countries from taking this responsibility for the fate of their people in their own hands and not to build ideas and castles in the air—someday Brezhnev can save them, the next day President Nixon before elections or after elections, before the summit meeting, after the summit meeting—all these are gimmicks that did not work in the past, will not work in the future. President Sadat, President Assad, King Hussein and all the others who have so much courage, why do they not have the courage to meet us at the negotiating table? If they are not satisfied they can always get up from the table and leave, but not even to try to sit down with us, in order to come to a peace treaty which will end all wars—that courage they are lacking, that somebody must do for them. Therefore, not France nor any other country can do that for them, and should not take it upon themselves to do it for them. Every country, every government that encourages them not to meet us at the negotiating table, everyone that encourages them in their intransigence and in their hope that somebody, somehow will solve their problems for them, is I think doing a disservice not only to Israel but to the Arabs and to peace.

Q. Do I detect a slightly different tone in your remarks about the events on the southern front? Does Israel categorically rule out a cease-fire which includes Egyptian troops on this side of the Canal?

A. I don't know what tone you have heard before. But what I said is when we hear a suggestion for a cease-fire, the government of Israel, believe me, very seriously and with great responsibility for everything that is concerned, will sit down and deal with it. So far, I don't hear anything about our neighbors being prepared for a cease-fire. We have so many problems on our hands that we don't want to think up problems. When a suggestion for a cease-fire will be a reality, believe me the government of Israel will not lose many minutes before it will be in session and deal with this problem.

Q. Would you be prepared that the Israel government agrees to return territories seized in 1967 for the price of stopping the bloodshed and for peace?

A. Somebody coming into this room from another planet would think that in 1967 Israel forced a war upon its neighbors in order to take the Sinai Desert, the Western Bank and the Golan Heights. But since we are all from the same planet and you not only write newspapers, you also read newspapers, this wasn't exactly the description of what happened in 1967. Israel refused to go back to the borders of 1967 because these borders were washed away in blood exactly as the 1947 borders were washed away in blood by attack by our neighbors. Exactly as now, in 1967 they washed away the lines in Syria and Jordan and the others and now they have washed away borders. I don't think that will happen after this. Our neighbors cannot take a walk of this kind, with tens of thousands of men, with thousands of tanks, with bombers, kill, destroy, and then say: Well, all right, we didn't do it this time, we will try it again next time, but please give us borders that will be easier for us to cross; so good, we are not.

Q. Do you think the United States can do anything affirmative to hasten the end of this crisis?

A. I believe the United States and the policy it has adopted, for the last two or three years, saying that the U.S. is prepared to give its services to help the parties get together and find a solution for the problem ... the U.S. was prepared to aid the parties get together on the Suez arrangement. I think the U.S. has done, probably is doing also this moment, everything possible, and God Bless the U.S. for what it does not do and that is to try and force a solution upon any one of the parties. Therefore, I think the U.S. has certainly done everything for peace.

Q. There has been much speculation in the country about the scale of the casualties. Could you comment on them at all?

A. No, I don't wish to comment on it, but I am sure it won't take long and the figures will be known. I want to tell you one thing. The other day on T.V. I was asked "What is the price for victory that you are talking about?" I said, "I don't know". To me one man dead is a terrible price. This man has a mother, a father, a wife, sisters, brothers, maybe children. I am not ashamed to stand before you, a Prime Minister that, if you wish, is emotional—if you wish, sentimental. With all my heart, for the sake of the Egyptian people, I wish that Sadat would become emotional and sentimental over one dead man. When that moment comes there is peace automatically. There will be more than one man. And it is a terrible price for nothing. Just to satisfy ambitions of leaders who have no hearts. And may I say one more thing. I spoke before about the aid of the Soviet Union to Syria, Egypt and Iraq. As bad and dangerous as it is for Israel, if I at least believed for one moment that this aid the Soviet Union is giving to the Arab countries is because of its love for the Arab people, I would say, it's too bad, they don't like the Jews, but they like the Arabs. But that isn't true. It is for callous interests of the Soviet Union. Therefore, thousands upon thousands of Egyptians and Syrians can be killed and numbers of Israelis can be killed and they don't care. That is the most terrible aspect of the entire situation.

Q. It has been said that the Syrians and the Egyptians are fighting this time with a higher morale and better, among other reasons because they are fighting to get back territories which were theirs before 1967. Do you think this is correct?

A. In the first place, one has to prove that their morale is higher. Maybe it is. In the second place, whether it is for this or for other reasons one guess is as good as another. Again, you assume that these territories were taken away by a war.

In conclusion, whether they are justified, whether they are good fighters, or bad fighters, to have a war instead of negotiating. . . . Usually peace treaties after wars are concluded in the following way: A war is won, one side wins, the other loses. If the loser is also the attacker, then certainly the winner writes a paper of conditions and asks the other parties to sign on the dotted line. I would like to know if there is a case in history that can be quoted when there was a war, one side attacked, lost, and the other side said "Well. All right, come on, take everything. Nothing happened, only people are dead and there's destruction." I think one of the greatest things that happened after the Second World War is that Chancellor Willy Brandt told his people and then went to Poland and recognized the new border, because—he didn't fight, he was not a Nazi—he said, the German people twice have attacked. They must pay a price.

Q. A few days ago Mr. Yariv said it would not be a short war. You talked about Sinai and said it would last another few days. Is that different . . .

A. No, I didn't say another few days. With all that has happened to us, we are accustomed to short wars. Believe me, I wouldn't care a bit and neither would Yariv if we were proven wrong. If both say this will not be a short war as the others we have known—I'm not thinking of the War of Liberation . . . I did not say a couple of days, I don't know. We have been fighting for a week. How many more days I wouldn't dare prophesy.

Q. Would Israel accept a cease-fire while the Egyptians are on this side of the Canal?

A. I have already answered this question. I said when anyone proposes a cease-fire and any of our neighbors, preferably both, are prepared to enter into discussion of a cease-fire agreement, Israel will not lag behind. Within a few minutes we will be at the conference table and making our decision. There is no sense in speculating now, since we have no indication whatsoever that our neighbors are prepared for a cease-fire.

Q. You are obviously confident of victory, How confident? Are you disappointed that it has taken more than Six Days?

A. No, I am not disappointed. I am sorry, but I can't say I am disappointed. Israel has been involved in many wars. It never fought a war under similar conditions. When we have to fight on two fronts, when we have not taken the pre-emptive step, when we knew exactly what a wealth of armament the Arab armies had; from the very beginning, we didn't fool ourselves and we didn't see this as a short war. I am sorry. I wish we had been proven wrong, but this is it.

THE 1973 CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. DERWINSKI. Mr. Speaker, since this past July, when the 15th observance of Captive Nations Week was celebrated both here and abroad, reports on the annual event have clearly indicated that broad sections of our citizenry have not forgotten the captive nations. In the euphoric circumstances of tenuous détente the observance proved to be a relatively thumping success.

As further indications of this success, I include in the RECORD the following: First, a proclamation by Governor Docking of Kansas; second, a commentary, "The Captive Nations: Still a Vital Issue" in the GOP Nationalities News; third, an editorial "America's Generosity and Conscience" in America; and fourth, a report in the China Post "Three Thousand Mark Captive Nations Week":

PROCLAMATION BY THE GOVERNOR

To the People of Kansas, Greetings:

Whereas, Captive Nations Week was inaugurated in 1959 by a Joint Resolution of the United States Congress; and

Whereas, each year, Captive Nations Week has provided a fitting opportunity for the American people to show their solidity with their captive brethren in East and Central Europe; and

Whereas, twenty-eight years ago, the war in Europe came to an end, but the hopes and expectations that came in the wake of the hard-won victory over the Nazi military machine have yet to be realized, and for the millions of people in Eastern Europe Nazi domination, as well as the USSR, Asia and Cuba have been replaced by Communist rule:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim the week of July 15th through July 21, 1973, as "Captive Nations Week" in Kansas, and urge all people of the free world to support the aspirations of the people of East-Central Europe, USSR, Asia and Cuba to freedom.

Done at the Capitol in Topeka Under the Great Seal of the State this 5th day of July, A.D., 1973.

By the Governor:

ROBERT B. DOCKING.

[From the GOP Nationalities News, August 1973]

THE CAPTIVE NATIONS: STILL A VITAL ISSUE

As we go to press, it has been almost a month since Captive Nations Week 1973 has come and gone, and little fanfare was given the traditional event in the national media. However, states and localities—especially those high in ethnic population—continue their reverent observance of the spirit of the original proclamation. Many governors and mayors across the country joined President Nixon in officially proclaiming the week and asking all to reflect upon the freedoms and liberties that should be every man's birthright but which are denied to millions of people throughout the world.

Let us not fall into the trap of thinking the captive nations is that group of 20-plus Eastern and Central European nations commonly referred to as "behind the Iron Curtain." To be sure, the peoples of these nations are still very much captives in their own land, living without so much as freedom of speech and thought, e.g., Alexander I. Solzhenitzyn; freedom of the press, e.g., the need for Radio Free Europe and Radio Liberty; freedom to worship, e.g., Soviet Jewry; and all the other civil rights we enjoy daily and consider automatic to the human condition. Let us remember, however, the peoples of Cuba and of China, North Korea and North Vietnam. What is it that is happening in Southeast Asia if it is not an armed struggle against having Hanoi smother the area with Communism. Are not the Southeast Asian countries in danger of being included on the list of captive nations? Will not the proposed unilateral disarmament of NATO, especially in these times of European economic and social disorder, only give Communism the green light to swallow up parts of Western Europe one by one? A manifestation of U.S. strength throughout the world is needed now more than ever.

We must continue our moves in the areas of cultural and economic policies to assure the peoples of the world of our determination to pursue our commitments to world peace and understanding. At the same time, however, and certainly more importantly, we must maintain our world military strength to demonstrate our deeper commitment to freedom and justice for all peoples and nations.

[From America, June 28, 1973]

America's Generosity and Conscience

Leonid I. Brezhnev, Communist boss and dictator of the USSR, has left America with what seems to be considerable gains for both his totalitarian rule in the USSR and his image abroad. A number of U.S.-Soviet agreements, in the areas of cultural exchange, oceanography, nuclear arms limitation, air travel, were signed and sealed. All these augur well for the future of mankind.

But Sen. Henry M. Jackson of Washington, almost the sole voice of American conscience, described Brezhnev as a foreign lobbyist in search of American economic aid. He arrived here armed with statistics, facts and other data prepared for him in Moscow. He wined and dined a group of U.S. Senators and lied to them about the internal situation in his country by denying that a "Jewish problem" exists in the Soviet Union and that there are any "restrictions" on emigration from the USSR!

Brezhnev also met with a group of American businessmen who seemed only too eager to hear about the economic advantages that our nation would derive in exchange for U.S. credits and technological equipment and other political considerations. The size or merits of these "benefits" to our economy are not the issues here. Nevertheless, a series of agreements were signed, most of which were arranged during Dr. Henry A. Kissinger's most recent visit to Moscow. These would tie the American economy for decades to Soviet fuel and other deliveries from Siberia, which would give the United States an economic interest in continued Soviet hegemony and domination of Siberia vis-a-vis China.

GENEROSITY WITHOUT CONSCIENCE

For decades the American leadership has displayed boundless generosity to foreign powers for short-lived expediency and material advantages. In the 1930's, the U.S. traded freely with such totalitarian powers as Nazi Germany and Imperial Japan. These nations were strengthened militarily by U.S. economic aid and trade to the point that they nearly defeated the Western allies, including the United States.

History has seen that the United States has saved the USSR from destruction by Nazi Germany. But what did we get in return? The "cold war," the enslavement of Central and Eastern Europe, the division of Europe, the invasion by Moscow-supported Communists of South Korea and South Vietnam and the takeover of Cuba.

So, while our generosity was overabundant, perhaps our conscience has not been as strong as it should be, despite the fact that this country, by virtue of its founding principles and its great economic, industrial and military power, is still regarded by the world as a bastion of freedom.

Both President Nixon and Brezhnev may claim that they have improved significantly U.S.-Soviet relations. But what price has been paid? The USSR has gained tremendously in prestige and in whatever economic benefits that will result from the new agreements. Morally, the United States might have lost in terms of its leadership and world significance, something that cannot be purchased by dollars and economic advantage.

THE ISSUE: FREEDOM VS. SLAVERY

Our myopia with regard to the USSR is somewhat appalling, as every keen Kremlinologist must sense. The issue is much larger than the problem of Jewish emigration from the USSR. Even if the Soviet leadership were to allow some 60,000 Jews to leave the USSR, this would not solve the problem of Soviet Jewry, as there still will remain some 3 million Jews who will be subjected to continuous persecution and oppression.

But how about the Ukrainians, Latvians, Lithuanians, Estonians, Armenians, Byelorussians, Georgians and others, who have large segments of American descendants, greatly concerned over the genocide of their countries of origin, perpetrated by Brezhnev and his totalitarian government?

Why was Brezhnev carefully shielded from contact with the American people and from the American press? The Nixon Administration well knew that hundreds of thousands of Americans would demonstrate against this "guest" to protest his barbarous policies.

Ths larger issue was aptly pointed out in "The New York Times" editorial of Sunday, June 24, 1973:

". . . In the Soviet Union, the recent change in the tone of official propaganda about this country has been sufficient to make Soviet conservatives worry whether Mr. Brezhnev has forgotten about the 'menace' of American capitalism. But against that positive development must be set the fact that the controls over domestic Soviet dissenters are now the tightest in years, that the persecution of prominent would-be emigres among Soviet Jews continues along with the persecution of Ukrainian and other independent-minded Soviet minority intellectuals. And there is certainly no sign of any intention to weaken the controlling Soviet hand over most of Eastern Surope. . . ."

PLEAS FOR UKRAINIAN, OTHER CAPTIVES FELL ON DEAF EARS

For almost two years, the Ukrainian community has been pleading with President Nixon, the State Department and the U.S. Congress for intervention on behalf of Ukrainian intellectuals who had been arrested and sentenced in secret trials to severe terms of incarceration. But these pleas remained largely unanswered for fear of offending the Soviet Russian dictator and genocidist. Nor has the Nixon Administration even so much as hinted at its concern over the oppression of the nations held captive by Moscow.

With the exception of Senator Jacob K. Javits and George Meany, President of the AFL-CIO, and such Congressmen as Edward J. Derwinski and Daniel J. Flood, who possess the courage and wisdom to speak for freedom and against the oppression by Brezhnev and Co., we didn't hear from any other legislators (Republicans or Democrats) during Brezhnev's stay in our country. Yet, many of them have consistently pledged themselves, to support the cause of the captive nations. Apparently, they were overawed and overwhelmed by the charismatic charm of the Nixon-Brezhnev summit meeting.

So Leonid I. Brezhnev returns to Moscow as a victor, supplied with gifts at the expense of the American taxpayer, and ebullient and content that the issues of Ukrainian intellectuals and the captive nations were not raised by President Nixon.

Therefore, the persecution of Ukrainians and others can be expected to continue and to increase. Even as Brezhnev was in the U.S., the "Voice of America" and "Radio Liberty" broadcasts to the USSR were heavily jammed, while the Soviet press warned Soviet citizens to regard foreign visitors with caution and not to disseminate any information about the USSR. This is Soviet reality, which no amount of "cultural exchange" will ever alter.

The struggle for freedom and independence of the captive nations will continue and will never cease until its objective is attained. But some of our leaders might have to live with a less than clear conscience for having wittingly or unwittingly strengthened Brezhnev's despotic hold over these countries.

[From the China Post, July 18, 1973]

Three Thousand Mark Captive Nations' Week

More than 3,000 people from all walks of life yesterday morning attended a rally at the Sun Yat-sen Memorial Hall in Taipei to mark Captive Nations' Week.

Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, presided over the rally which was also attended by U.S. Representative Jack F. Kemp, Chinese government officials and foreign diplomats.

Speaking at the rally, he pointed out that Communism, which is incompatible with human needs, is doomed to failure.

Dr. Ku stressed that nations of the Free World should not sit idly by to wait until the natural collapse of Communist tyranny. Instead, he added, they should intensify their struggle to bring about elimination earlier.

Dr. Ku said the common aspiration of human beings is peace. However, peace as seen by the Communists is another word for "warfare" in its united front campaign.

President Chiang's message was read after Dr. Ku's speech.

Vice President C. K. Yen said the Chinese Communists will never change their expansion policy although they have put on their "peaceful overcoats."

He called on all freedom and justice loving people the world over to work shoulder to shoulder so as to bring hope of peace to the world.

Rep. Kemp said people in the free world will never forget the enslaved people. They will, he added, continue struggling until the enslaved people are freed.

Lee Min, an anti-Communist fighter who fled to freedom from the Communist-controlled mainland of China said people on the mainland who are under the persecution of Communist tyranny have no freedom at all.

Walter P. McConaughy, U.S. ambassador to the Republic of China, also spoke at the rally.

Four messages read at the rally will be sent to President Richard Nixon, President Nguyen Van Thieu, General Non Nol and peoples of Captive Nations.

DRUG ABUSE IN THE SCHOOLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. WALDIE. Mr. Speaker, the investigations of the Select Committee on Crime have shown that every major section of the country has a serious drug problem among its youth. From 1968 to 1971, over 432,000 teenagers were arrested for crimes involving drugs.

The Select Committee has also recommended the Federal Government provide funds for drug education programs, force manufacturers to cut back their production of harmful drugs, and monitor the effectiveness of the radio and television industry's regulation of drug advertisements.

Mr. Speaker, I have written principals and superintendents of schools in my State of California about their views of the committee's recommendations. Their letters relate, as well, the independent efforts they are making to fight the drug abuse problem. Their evaluation and experiences should be of great interest to all Members of Congress.

Mr. Speaker, selections from these letters follow:

Letter from Claude Retherford, Principal, Lindsay Jr. H. S., Lindsay, Calif.

It is my policy to work very closely with our local police department and John Beene (chief of police), to try preventative means to prevent drug problems. I shared your letter with Chief Beene and we both concur strongly with item number one of your recommendation for help at our local level.

It is our recommendation that the local police department in-service the teachers who in turn will instruct the students. Another problem that is of great concern to us is parent involvement to help detect drug abuse by their children.

Letter From Joe Riedel, Principal, Garden Grove Unified School District, Garden Grove, Calif.

Thank you for your letter and material on drugs in our schools. I have always been alarmed at the quantity of drugs our pharmaceutical firms have been permitted to produce, and congratulate you on having reduced the amount. I would urge a further reduction as the most effective means of reducing drug use.

Letter From Edward Cereghino, Principal, Rio Vista H. S.

You asked for a thought or two about drug abuse prevention; I have a few thoughts, some rambling, a few specific. I've asked myself: "Would I need to take drugs?" Unequivocally, no! But why? Because, at base, I have avenues for successful pursuit open to me; there are few experiences I cannot have—things are generally open to me, where they are not to many others. To Blacks, Chicanos, Women, Youth. Sure, I know we are making progress, but in an *instant* world the concepts of progress and future do not exist; now, Congressman, now is when I want access. To jobs, to homes, to better learning, and so on. And no amount of waiting is a substitute for now; no amount of drug ingestion is a substitute for meaningful and earned now. Some, I suppose, take drugs to make *now* more important than what it is. We live by an ethic—slowly changing, some believe—that says, "Earn it!" And, damned if. I won't, if you will but let me.

Look at these young Americans in high school today: Child Labor Laws, once designed to protect, deny youthful access; instead of lowering the compulsory age of education in California, for example, we raised it. We keep them longer to better prepare for God knows what. We know that during the 18th century a boy's voice changed about the age of eighteen; today, at 13.3 years. We know that the age of menarche is being driven down, generation after generation. Yet, we treat young Americans as "old children, not as "young adults".

Letter From Keith Lawson, Assistant Superintendent, Westminster School District

In response to your letter of September 10, 1973, regarding suggestions or proposals to combat the drug problem, I wish to offer these comments:

1. Drug abuse instruction for teachers results in knowledgeable drug users, not less drug abusers.
2. Better control of harmful drugs sounds good if it is economically possible.

I suggest that drug abuse is a result and not the problem. My experience has proven to me that young people will try drugs even though they know full well of the harmful effects of them. More "scare" education is not the answer. What can and has worked to prevent young people from trying the "bad things" in our society is a values approach to education.

Letter From Lesly Meyer, Superintendent, Petaluma City Schools

I would hope the federal government would also find ways to support agencies that work closely with school districts in this problem. As an example, I mention the Sonoma County Drug Abuse Council, 1625 Franklin Avenue, Santa Rosa, California. This agency, although limited in personnel, has worked in all areas of the drug abuse program. Of special interest to us in the school districts in Sonoma County is that they have worked closely with our schools in developing instructional units for students and have assisted in inservice education for our teachers to improve the implementation of these programs.

Letter From Dennis Daggett, Principal, Moreland School District, San Jose, Calif.

I agree that the four recommendations cited in your letter are not specific enough and suggest the following:

1. Government recognition of the fact that recommended programs frequently fail for lack of funds in the so-called inpoverished school districts—such as the one containing Castro Junior High.
2. Recognition that while schools remain the best supplier of drug abuse information to students and parents, the greatest abuse of drugs occurs after school is out and in the community. In spite of our efforts (and they are effective and extensive) students may walk in any direction from this campus and every other one in the San Jose area to purchase dangerous drugs.
3. Realization that while drug use on school campuses and/or by students has diminished, the problem remains as long as drug supplies (either illegally produced or illegally procured from ethical sources) remain available on the streets.
4. Assistance to overworked local police agencies—specifically narcotics divisions.
5. Assistance to juvenile departments to aid counseling programs.

I welcome your comments and hope for your continued attention to this problem. We feel we are winning more than we are losing but just one drug incident (alcohol, barbiturates, etc.) scares the *?!!. out of the community and they tend to over react.

Letter From Mr. Lowell Jackson, Superintendent, Centinela Valley Union High School District, Hawthorne, Calif.

Centinela Valley Union High School District has been working under a Federal Grant, Omnibus Crime Bill, for the past three years. Its primary concern was drug abuse education for our staff. In order to be effective, we found it necessary to offer inservice training to our entire staff—administrators, counselors, teachers, custodians, clerks, cafeteria workers, and any aides. Just as it is going to take the cooperation of federal, state, and local efforts in helping to alleviate drug abuse, we felt it necessary to educate our entire staff and even community leaders to help us with our drug abuse problem. Our school district found a decrease in the use of drugs and fewer arrests. Without a federal grant, this program would not have been possible. So, federal assistance aided our district greatly.

Letter From Mr. James Riewer, Superintendent, South Bay Union High School District, Hermosa Beach, Calif.

Training teachers and installing drug education programs are essential steps, *but* that is not enough!

In my opinion, there are three other critical facets to this problem, only one of which is touched on in your committee's recommendations. You did advocate cutting back on the production of certain drugs. That is fine, but it only solves part of the problem. Controls on the distribution of what is manufactured are equally important. Simply cutting production will be meaningless unless you can control distribution.

Secondly, we must go to work on clarification of harmful drugs and the nightmare of ambiguities that are written into the various State laws. School age children find it difficult to understand why something that is "harmful" or "dangerous" in one state is not equally harmful or dangerous in another state.

Thirdly, the lack of uniformity in apprehension and enforcement by both the police and the courts has created a game in which the kids are beating "the system."

Letter From Omer Weston, Principal, Bohannon Junior High School, San Lorenzo, Calif.

In addition to the stated recommendations, I certainly feel that your attention should be given to an additional one.

I am speaking of the decriminalization of marijuana use and possession. We are not, in my opinion, helping youth with their drug problems by categorizing them as criminals for experimenting with this relatively minor drug.

Letter From Garth Hanchett, Principal, Parkway Junior High School, La Mesa, Calif.

I have felt for a long time that young people have a perfect set-up for the distribution of drugs in such places as local drive-in restaurants and places of business located near school grounds where youngsters gather before and after school. Seldom ever do the business people supervise these gatherings nor do they try to discourage them from gathering.

Young people have great strength in numbers. Drugs can pass among them when they gather in such groups and the older people who are supposedly responsible seem to do little about it.

How many people with cigarette vending machines prevent young children from purchasing from the machine? State laws are constantly being broken.

What can the congress do to help establish a more responsible business group especially in areas located near schools?

FREE CHINA: "NO" TO APPEASEMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. ASHBROOK. Mr. Speaker, on October 9 Chiang Kai-shek, President of the Republic of China, released a speech in commemoration of the founding of that Republic on October 10, 1911. In part, he stated:

> In celebrating this 62nd anniversary of our national day, we are demonstrating to the world that we can surmount any tests of the times. We are also displaying the Chinese people's great spirit of self-reliance and dedication.

His words are true. The Free Chinese have not given in to despair although their international position has been weakened by American moves and those of other countries. The Free Chinese have remained dedicated to the struggle against communism, having experienced first-hand the Communist threat. The Free Chinese have continued to be an example for other developing countries throughout the world. They stand as proof of what a free enterprise system can produce in drastic contrast to the totalitarian system on the Chinese mainland.

In his speech, Chiang Kai-shek further warned about the dangers that the world faces from various movements toward appeasement of the Communist. Unfortunately, it seems that many in the world do not learn from the lessons of history.

At this point, I wish to include in the Record the full text of President Chiang Kai-shek's message:

My fellow countrymen:

Erratic and deceptive changes in the world situation have so confused the minds of many people that they do not know where they are going or what they are doing. Our own people, military and civilian alike, have nevertheless always had firm confidence in our revolutionary causes. We have not budged from our stand. We have been angered but not frightened by developments. In celebrating this 62nd anniversary of our national day, we are demonstrating to the world that we can surmount any tests of the times. We are also displaying the Chinese people's great spirit of self-reliance and dedication.

The battle of 1911 brought to realization for the first time in Asia the ideals of national independence and democracy. Subsequently, in the last 50 years of bitter struggle, we have consistently taken a stand as the anti-Communist vanguard of all mankind. In taking this stand, we have been inspired by the spirit of the 1911 Revolution and have persisted in carrying out the ideals of national independence, democracy and social well-being.

History and fact verify that since the founding of the republic and onward through the Northern Expedition and the War of Resistance Against Japan we have won every battle of the national revolution by persevering in the face of mounting difficulties and amidst the international appeasement of our enemies. The international force of appeasement has at times gone all out to divide and attack us. We have rolled back the tides of adversity by fearlessly sticking to our own way, even when some of the international forces rejoiced in our predicament and encouraged our enemies to isolate and blockade us. We have opened up new vistas, reversed the tides and won through although outnumbered by enemies. Many people believed the enemies were stronger, that our situation was hopeless, that our resources were insufficient, that our hinterland was limited and that our position was so precarious that we could not hold out for another day.

Our monetary setbacks of today have led these people to the further conclusion that our national revolution is on the brink of isolation. In actuality, resistance to communism and brutal force is an innate reaction of human nature and conscience, so we are not isolated spiritually and morally. To the contrary, we may say that we have plenty of help. This is exemplified in the 700 million people of the mainland, who are turning their hearts to us. We command an absolute and overwhelming advantage, we know that while our situation looks bad externally, it is good internally. Even the external adversity is a temporary phenomenon. For the Communists, the situation appears to be good on the surface but is bad at the heart. Their superficial advantage is temporary. The exacerbation of their internal crisis will crack and destroy the false front of their advantage.

Did we have any land under our control at the start of the 1911 Revolution before the establishment of our republic? Before the Northern Expedition, we controlled only a small corner of the Whampoa District. During the War of Resistance, we were beleaguered and encircled again and again as traitors and Chinese Communists attacked and closed in upon us from all sides. Although our present bastion of freedom is limited to Taiwan, Penghu, Kinmen and Matsu, we are far stronger than we were during the periods when we were establishing the republic, carrying out the Northern Expedition and fighting the War of Resistance. Consequently, our confidence and determination will never change, no matter how great our adversity or how precarious the situation.

I know you will remember that before the 1911 Revolution not only San Min Chu I (Dr. Sun Yat-sen's Three Principles of the People) but also the Hsing Chung Hui and Tung Meng Hui revolutionary organizations were besmirched as illusions and myths. These insults and slanders were refuted by Dr. Sun Yat-sen and the revolutionary martyrs as they wrote a new page in the book of history with iron and their blood. Today, our undaunted determination to sustain the ambitions, careers, fortitude and perseverance of Dr. Sun Yat-sen and the revolutionary martyrs will never be undermined by dark and ambiguous developments on the international front. We shall not be discouraged nor lose our way, even though justice wears a shroud and the atmosphere is temporarily contaminated and polluted by appeasement. We shall eventually answer the insults and slanders of illusion and myth with courageous action in our revolution against communism, for the suppression of Mao and for national recovery.

Peiping's internal crisis, which is also its internal adversity, is correctly expressed in the word "disorder." Mao Tse-tung borrowed Lin Piao's hand to struggle down Liu Shao-chi in the "disorder" of the Red Guards. Now he has presented the hodgepodge false front of the "10th National Congress" in order to borrow the hands of Chou En-lai and Wang Hung-wen to liquidate Lin Piao. The Chinese Communists have rantingly maintained that "the great disorder will continue" and that "all monsters and demons" will "jump out themselves." Additionally, they have urged the Communist military and cadres to "dare to go against the tide, fearing neither removal from his post, expulsion from the party, imprisonment, divorce nor guillotine." This indicates that on the one hand the influence of Liu Shao-chi and Lin Piao is being uprooted, and that on the other the supporters of Liu and Lin are being grappled with and struggled against jointly by Chou En-lai and Mao's wife, Chiang Ching. These developments will bring removal from posts, expulsion from the party, imprisonment, divorce and death for group after group of Communist chieftains and cadres. Like Lin Piao, they will be tracked down, killed, drummed out of the party and subjected to posthumous attack. Even after ten, twenty and thirty times as many massacres on this scale, the Chinese Communists still cannot prevent themselves from "changing their color." Nor can they prevent our mainland compatriots from sudden uprising to topple Mao Tse-tung and his tyrannical regime.

Most of the appeasers in today's world believe that if only they can herd the alligator into a pond, they can coexist with it peacefully. They do not understand that the ferocious alligator will fatten itself at the expense of the fish in the pond. Chou En-lai pointedly remarked at the "10th National Congress" that the "present international situation is one characterized by great disorder on the earth." He said that "such great disorder is a good thing for the people, not a bad thing." Why is it good? It is because this great disorder wrought by the Peiping regime "throws the enemies into confusion and causes division among them." This is especially true in the pond of international appeasement. When the alligator has eaten all the fish and fattened itself, it will crawl out of the pond and become more ferocious. To appease the Chinese Communists is nothing less than to connive in crime. To appease them is tantamount to the indirect murder of our mainland compatriots. To the appeasers, appeasement is rather like seeing themselves slowly poisoned as they sit there unconcerned.

My fellow countrymen: Our present struggle against communism and appeasement and our national recovery is the common responsibility of our government and people to the people of the world and to history. We must:

—Assure popular and modern rule in the service of the people by establishing a responsible, honest and competent government.

—Build a harmonious, balanced, developing economy based on Dr. Sun Yat-sen's principle of social well-being.

—Dedicate ourselves and fulfill our responsibilities in the struggle against communism and for national recovery by coming to a real understanding of the revolutionary situation.

—Augment our positive program of pursuing construction through renovation and renovation during construction in endeavors of continuing renovation and continued construction.

To summarize, the stronger we become, the more important will be our bastion of national recovery to the world and the greater our anti-Communist responsibility to the people of the world. Consequently, we must persevere in revolutionary action, work harder with every passing minute and exert the potential of our strength to the full in order to strengthen the roots of our social welfare economy and increase our anti-Communist and revolutionary combat capability.

As an old saying has it, "historically, the great events of national revival have always hinged on the necessity of one heart and one will among the people at the top and at the bottom and at home and abroad." Today's struggle for national recovery is a life-or-death struggle. It is a decisive and sacred task. Our people and government have only one will; the people at home and abroad share one heart. Our unity has never been firmer or stronger. Our people, military and civilian alike, have been tested in the crucible; their calm confidence and courage have never been greater. Our "wholehearted loyalty to the country and the people" is the best assurance of overcoming adversity and opening up a new vista.

My fellow countrymen: We must join together in pursuing renovation and construction and in launching another Northern Expedition to accomplish national reunification. The destiny of China is in our hands. The power of decision for victory and national recovery is in the hands of the revolutionary and benevolent warriors who fight together with common will.